

LAW ON LAND NO. 45-2013-QH13

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Ha Noi, 29 November 2013

LAW ON LAND

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly hereby promulgates the Law on Land.

CHAPTER 1

General Provisions

Article 1 *Governing scope*

This Law regulates the regime for ownership of land, the powers and responsibilities of the State as representative of the ownership of land by the entire people, uniform administration of land, the regime for administration and use of land, and the rights and obligations of land users in respect of land within the territory of the Socialist Republic of Vietnam.

Article 2 *Applicable entities*

1. State agencies¹ 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 *Interpretation of terms*

In this Law, the following terms are construed as follows:

1. *Parcel of land* means a part of a land area the boundary of which is determined on site or described in the file.
2. *Land use zoning* means distributing and designating land in accordance with spaces used for objectives of socio-economic development, national defence and security, environmental protection and climate change adaption on the basis of such land's potential and land use requirements of industries and sectors with respect to each socio-economic area and in accordance with each administrative unit during any one specified period.
3. *Land use planning* means dividing land use zoning on a periodic basis for implementation in a

¹ Allens footnote: An alternative translation of "agencies" throughout is "bodies".

periodic cycle for land use zoning.

4. *Cadastral [administrative boundary] map* means 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 the competent State agency.
5. *Map of land use status* means a map which shows the distribution of various types of land at a defined time and is drawn on the basis of each administrative unit.
6. *Map of land use zoning* means a map which is drawn at the beginning of the periodic cycle for zoning and shows the distribution of various types of land at the end of the periodic cycle for zoning.
7. *Land use right allocation by the State (hereinafter referred to as land allocation by the State)* means the State issues a decision allocating land in order to grant the land use right to an entity with requirements for land use.
8. *Land use right lease by the State (hereinafter referred to as land lease by the State)* means the State makes a decision granting the land use right, via a contract for lease of the land use right, to an entity with requirements for land use.
9. *Recognition by the State of land use right* means the State grants the land use right to a person currently using land stably, which did not originate from land allocation or land lease by the State, via the issuance of an initial certificate of land use right and ownership of house and other assets on the land ["*single land Certificate*"] in respect of the specified parcel of land.
10. *Transfer of land use right* means transfer of a land use right from one person to another in the form of exchange, assignment, inheritance or giving as a gift or donation of land use right or capital contribution by [using] the land use right.
11. *Land resumption by the State* means the State makes a decision resuming the land use right from the person to whom the State granted the land use right or resuming land from the land user who committed a breach of the law on land.
12. *Compensation for land* means the return by the State of the value of land use right in respect of the resumed land area to the land user.
13. *Remaining investment costs for land* comprise site levelling costs and other directly related costs which have a basis for proving that such costs have been invested in land and have not yet been resumed as at the time of land resumption by the State.
14. *Assistance upon land resumption by the State* means the State provides assistance to the person from whom land is resumed in order to stabilize living conditions, production and development.
15. *Registration of land, residential house and other assets attached to the land* means the declaration and recording into the cadastral file of the legal status of the land use right, ownership of residential house and other assets attached to the land and the land administration right in respect of any one parcel of land.
16. *Certificate of land use right and ownership of residential house and other assets on land [literally attached to the land] ["single land Certificate"]* means a legal certificate [or deed] on which the State certifies the lawful land use right and ownership of residential house and other assets attached to the land of the person who has such land use right and ownership of residential house and other assets attached to the land.
17. *Land statistics* means the review and evaluation based on cadastral files by the State of the land use

status at the time of taking statistics and of changes to land in between two occasions of taking statistics.

18. *Land stocktaking* means the investigation, review and evaluation based on cadastral files and on site by the State of the land use status at the time of stocktaking and of changes to land in between two stocktakes.
19. *Land price* means the value of a land use right calculated on one land area unit.
20. *Value of land use right* means the monetary value of a land use right with respect to a fixed land area for a fixed duration of land use.
21. *Land use fee* means the amount of money payable by the land user to the State when the State allocates the land with collection of land use fees [or] permits conversion of land use purpose [or] recognizes the land use right.
22. *Land information system* means a system gathering information technology infrastructure features, software, data and sequence and procedures which is set up in order to collect, store, update, process, analyse, gather and access information about land.
23. *Land database* means a compilation of land data arranged and organized for access, exploitation, management and updating via electronic means.
24. *Land dispute* means a dispute involving the rights and/or obligations of land users between two or more parties in a land relationship.
25. *Land destruction* means an act to deform the topography, to decrease land quality or to pollute land, thereby causing loss or reduction of the ability to use the land for determined purposes.
26. *Public service organization* means an organization established by a competent State agency, a political organization or a socio-political organization and having the function of providing public services in accordance with law.
27. *Economic organizations* comprise enterprises, co-operatives and other economic organizations prescribed in the civil law, excluding enterprises with foreign investment capital.
28. *Land for construction of underground facilities* means a portion of land [reserved] for construction of underground works which are not the underground section of works built on land.
29. *Family household using land* comprises the persons who have a marital relationship, blood relationship or rearing relationship as stipulated in the law on marriage and families, currently living in the same house and having the joint land use right at the time of land allocation, land lease or recognition by the State of the land use right, or [at the time of] receipt of transfer of the land use right.
30. *Family household or individual directly engaged in agricultural production* means a family household or individual to whom the State allocated or leased land or for whom the State recognized the agricultural land use right, or who receives transfer of the agricultural land use right and has stable income from agricultural production on such land.

Article 4 *Ownership of land*

Land belongs to the entire people with the State as the representative owner and is under uniform management by the State. The State grants land use rights to land users in accordance with this Law.

Article 5 *Land users*

Land users to whom the State allocates or leases land or for whom the State recognizes land use rights, or who receive transfers of land use rights in accordance with this Law, comprise:

1. Domestic organizations comprising State agencies, units of people's armed forces, political and socio-political organizations, economic organizations, socio-political-professional organizations, social organizations and socio-professional organizations, public service organizations and other organizations prescribed in the civil law (hereinafter referred to as *organizations*);
2. Domestic family households and individuals (hereinafter referred to as *family households and individuals*);
3. Communities of citizens comprising communities of Vietnamese living in the same hamlet, village, mountainous village or highland village, residential group and similar residential areas with the same habits and customs or of the same [family] line;
4. Religious establishments comprising pagodas, churches, chapels, oratories, chancels, Buddhist reciting halls, abbeys, religious training schools, headquarters of religious organizations and other religious establishments;
5. Foreign organizations with diplomatic functions comprising diplomatic representative agencies, consulates and other foreign representative agencies with diplomatic functions recognized by the Government of Vietnam; representative agencies of United Nations organizations; inter-governmental agencies and organizations, and representative agencies of inter-governmental organizations;
6. Vietnamese residing overseas prescribed in the law on nationalities;
7. Enterprises with foreign investment capital comprising enterprises with 100% foreign owned capital, joint venture enterprises, and Vietnamese enterprises in which a foreign investor purchases shares or [with which it] merges or which it acquires in accordance with the law on investment.

Article 6 *Principles of land use*

1. It must be correct in terms of land use zoning and land use 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 legitimate 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 7 *People responsible to the State for land use*

1. Persons heading organizations, foreign organizations with diplomatic functions and enterprises with foreign investment capital are responsible for the use of land by their organizations.

2. Chairmen of people's committees of communes, wards or townships are responsible for the use of agricultural land for public purposes; and for the use of non-agricultural land allocated to people's committees of communes, wards or townships (hereinafter referred to as *commune people's committee*) for use to construct the headquarters of the people's committee, public works serving cultural, educational, health, sporting, physical recreational and entertainment activities, markets, cemeteries and other local public works.
3. Representatives of communities of citizens being heads of hamlets, villages, mountainous villages or highland villages or residential groups or persons appointed by communities of citizens are responsible for use of land allocated to such communities or recognized for such communities.
4. Heads of religious establishments are responsible for use of land allocated to such establishments.
5. Heads of family households are responsible for use of land by such family households.
6. Individuals and Vietnamese residing overseas are responsible for their land use.
7. Persons sharing a land use right or persons representing groups of persons sharing a land use right are responsible for the land use.

Article 8 *People responsible to the State for land assigned for administration*

1. The head of an organization is responsible for administration of land in the following cases:
 - (a) The organization is assigned to administer public works comprising traffic road works, bridges, drains [sewers], footpaths, water supply and water discharge systems, systems of irrigation works, dykes and dams; city squares, statues and memorials;
 - (b) The economic organization is assigned to administer a land area for implementing an investment project in the form of build-transfer (BT) and other forms in accordance with the law on investment;
 - (c) The organization is assigned to administer land containing water surface of rivers and land containing specialized use water surface;
 - (d) The organization is assigned to administer a fund of resumed land pursuant to decisions of competent State agencies.
2. Chairmen of commune people's committees are responsible for administration of land used for public purposes which was allocated for administration, and of unallocated land and un-leased land in their localities.
3. Chairmen of people's committees in provinces or cities under central authority are responsible for administration of unused land on unpopulated islands within their localities.
4. Representatives of communities of citizens are responsible for land allocated to such communities for administration.

Article 9 *Encouragement to invest in land*

The State has 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, and reclamation from the sea; cultivation of wasteland, bare hills and land with fallow water surface for use in accordance with the land use zoning and/or land use planning;
3. Development of infrastructure to add value to land.

Article 10 *Classification of land*

Depending on the use purpose, land is 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 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 comprising land used for building glasshouses and other buildings serving plant cultivation, including indirect forms of plant cultivation on land; and for building sheds and pens for raising cattle, poultry and other types of animals permitted by law; land used for plant growing, husbandry and aquaculture for purposes of study and testing; and land used for growing seeds and saplings, and flowers and pot [ornamental] plants.
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 headquarters [offices] of agencies;
 - (c) Land used for national defence and security purposes;
 - (d) Land for construction of works² of professional institutions including land for construction of headquarters of such professional institutions; and land for construction of cultural, social, health, education and training, sporting and physical recreational, science and technology establishments, and diplomatic establishments and other works;
 - (dd) Land for non-agricultural production [farming] and business comprising land for industrial zones and industrial groups; for export processing zones; for commerce and services; land with establishments of non-agricultural producers; land used for mineral operations, and land used for production of building materials and ceramics;
 - (e) Land used for public purposes comprising land for traffic routes (including airports, inland

² Allens footnote: "works" includes buildings and other engineering works.

waterways, marine ports, railway systems, road systems and other traffic works); irrigation works; land containing historical-cultural and scenic beauty sites; land for community events; public entertainment areas; land for energy works; land for post and telecom works; land for markets, dumping grounds, waste treatment areas and land for construction of other public works;

- (g) Land of religious establishments, sacred land [for temples and shrines];
- (h) Land used for cemeteries, for graves, funeral homes and crematoria;
- (i) Land containing specialized rivers, canals, channels, ditches, streams, and water surfaces;
- (k) Other non-agricultural land comprising land for the construction of rest houses and sheds for protection of workers at production establishments; land for the construction of warehouses and storage facilities for agricultural products, for plant protection agents, for fertilizer, machinery and tools servicing agricultural production [farming], and land for the construction of other works of land users not for business purposes where such works are not attached to residential land.

3. Unused land category comprising land for which a use purpose has not yet been determined.

Article 11 *Grounds for determining types of land*

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

- 1. Certificate of land use right, Certificate of ownership of residential house and right to use the residential land issued prior to 10 December 2009; and Certificate of land use right, ownership of residential house and of other assets on the land [*single land Certificate*];
- 2. Documents on land use right stipulated in clauses 1, 2 and 3 of article 100 of this Law in a case where one of the certificates stipulated in clause 1 of this article has not yet been issued;
- 3. Decision of a competent State agency allocating or leasing land or permitting to convert land use purpose in a case where one of the certificates stipulated in clause 1 of this article has not yet been issued;
- 4. In a case where there are none of the documents prescribed in clauses 1, 2 and 3 of this article, a determination of the type of land shall be made in accordance with Government regulations.

Article 12 *Prohibited conduct*

[The State strictly prohibits the following acts:]

- 1. Encroaching on, illegally occupying or destroying land.
- 2. Breaching proclaimed land use zoning or planning.
- 3. Failing to use land [for the correct purpose] or using land for an incorrect purpose.
- 4. Failing to comply with the law when exercising the rights of a land user.
- 5. Receiving transfer of an agricultural land use right in excess of the quota applicable to family households and individuals prescribed in this Law.
- 6. Using land or conducting any transaction regarding a land use right without registering with a

competent State agency.

7. Failing to perform or failing to perform fully financial obligations to the State.
8. Abusing position or power with the objective of breaching provisions on administration of land.
9. Failing to provide information about land in accordance with law or providing incorrect information about land.
10. Interfering or causing difficulties for the exercise of rights of a land user as stipulated by law.

CHAPTER 2

Rights And Responsibilities Of The State With Respect To Land

Section 1

Rights of State With Respect to Land

Article 13 *Right of representative owner of land*

[The State has the right as representative owner of land to:]

1. Decide land use zoning and land use planning.
2. Decide land use purpose.
3. Fix limits on land use and fix duration [term] of land use.
4. Decide on land resumption or requisition of land.
5. Decide on land prices.
6. Decide on handing over land use rights to land users.
7. Decide financial policies on land.
8. Stipulate rights and obligations of land users.

Article 14 *Decision by State on land use purpose*

The State shall decide land use purpose via land use zoning, land use planning and permission to convert land use purpose.

Article 15 *Decision by State on limits on land use and land use duration*

1. The State shall fix limits on land use comprising the quota on allocation of agricultural land, the quota on allocation of residential land, the quota on recognition of residential land use rights, and the quota on receipt of transfer of agricultural land use rights.
2. The State shall fix the duration of land use in the following forms:
 - (a) Land used on a stable and long term basis;

- (b) Land used for a definite period [term].

Article 16 *Decision by State on land resumption and requisition of land*

1. The State shall make decisions on land resumption in the following circumstances:
 - (a) Resume land for purposes being national defence and security and socio-economic development for the national interest and the public interest;
 - (b) Resume land due to a breach of the law on land;
 - (c) Resume land due to termination of the land use in accordance with law, or voluntary return of land, or resumption due to a threat of human life.
2. The State shall make decisions on requisition of land where really necessary in order to perform national defence and security duties or in case of war, emergency or prevention or fighting against natural disasters.

Article 17 *Handover by State of land use rights to land users*

The State shall handover land use rights to land users in the following forms:

1. Decision allocating land without collection of land use fees or allocating land with collection of land use fees;
2. Decision leasing land with collection of annual land rent or leasing land with collection of a one-off [lump sum] payment of rent for the entire lease term;
3. Recognition of land use right.

Article 18 *Decision by the State on land prices*

1. The State shall regulate the principles and methods for fixing land prices.
2. The State shall promulgate a land price framework and land price lists, and shall decide specific land prices.

Article 19 *Decision by State on financial policies on land*

1. The State shall make decisions on financial revenue and expenses policies on land.
2. The State shall regulate added value of land not accruing from investment by land users via policies on taxes, land use fees, land rent, investment in infrastructure and policies of providing assistance to people whose land is resumed.

Article 20 *Stipulation by State of rights and obligations of land users*

The State shall stipulate the rights and obligations of land users in conformity with the forms of allocation or lease of land and recognition of land use rights, the origin of land and financial obligations of land users.

Article 21 *Exercise of rights to represent ownership of land*

1. The National Assembly shall promulgate laws and resolutions on land; issue decisions on land use zoning and planning at the national level; and exercise the supreme right to supervise the administration and use of land nationwide.
2. People's councils at all levels shall exercise the right to approve land use zoning and planning in their localities before submitting same to competent agencies for approval; approve land price lists and land resumption for implementation of projects on socio-economic development for the national interest and the public interest in their localities within their authority prescribed in this Law; and supervise the implementation of the law on land in their localities.
3. The Government and people's committees at all levels shall exercise the right to represent ownership of land in accordance with authority conferred by this Law.

Section 2

Responsibilities of the State for Land

Article 22 *Contents of State administration of land*

1. Promulgating legal instruments on administration and use of land, and organizing their implementation.
2. Fixing administrative boundaries; formulating and managing administrative boundary files, and drawing administrative maps.
3. Implementing survey, measurement and drawing of cadastral maps, maps of land use status and land use zoning maps; investigating and assessing land resources; and investigating formulation of land prices.
4. Administering land use zoning and planning;
5. Administering allocation of land, lease of land, land resumption and conversion of land use purpose.
6. Administering payment of compensation, assistance [support], and resettlement after land resumption.
7. Registering land, formulating and managing cadastral files and issuing single land Certificates.
8. Taking statistics and conducting land stocktaking.
9. Formulating a land information system.
10. Financially administering land and land prices.
11. Administering and supervising exercise of rights and performance of obligations by land users.
12. Inspecting, examining, supervising, monitoring and evaluating compliance with provisions of the law on land and dealing with breaches of the law on land.
13. Disseminating and educating the law on land.
14. Resolving land disputes; resolving complaints and denunciations during administration and use of land.

15. Administering service operations concerning land.

Article 23 *Responsibilities for State administration of land*

1. The Government shall uniformly exercise State administration of land throughout the entire country.
2. The Ministry of Natural Resources and Environment is responsible before the Government for uniformly exercising State administration of land.

Ministries and ministerial equivalent agencies concerned shall, within the scope of their respective duties and powers, assist the Government to exercise State administration of land.

3. People's committees at all levels are responsible to exercise State administration of land in their localities in accordance with authority conferred by this Law.

Article 24 *Administrative agencies for land*

1. An organizational system of administrative agencies for land shall be uniformly organized from the central to the local level.
2. The administrative agency for land at the central level is the Ministry of Natural Resources and Environment.

Administrative agencies for land in localities are established in provinces and cities under central authority and in districts, towns and cities of provinces; public service organizations for land are established and operate in accordance with Government regulations.

Article 25 *Land administration officials of communes, wards and townships*

1. Communes, wards and townships have officials carrying out land administration work in accordance with the Law on State Cadres and Officers.
2. Land administration officials of communes, wards and townships are responsible to assist the commune people's committees to administer land in their localities.

Article 26 *Guarantees of the State to land users*

1. [The State guarantees] to protect the legitimate use right of land and assets attached to land of land users.
2. [The State guarantees] issuance of single land Certificates to land users who satisfy the conditions for issuance of same prescribed by law.
3. When the State resumes land for national defence and security purposes and/or socio-economic development purposes for the national interest and the public interest, then the land user is entitled to be paid compensation by or to receive assistance from the State and to be resettled in accordance with law.
4. The State has policies to facilitate direct producers in agriculture, forestry, aquaculture and salt production who do not have land for production as a result of conversion of the land use structure and of the economic structure, to be trained. to transfer trades and to seek jobs.

5. The State does 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 State of the Socialist Republic of Vietnam.

Article 27 *Responsibilities owed by the State regarding residential land and agricultural production [farming] land of ethnic minorities*

1. The State has policies on residential land and land for community events being provided to ethnic minorities in conformity with their habits, customs and culture and in accordance with the actual conditions in each area.
2. The State has policies to facilitate ethnic minorities directly engaged in agricultural production [farming] in rural areas to have land for such agricultural production.

Article 28 *Responsibilities of the State for formulating and providing information about land*

[The State has the following responsibilities to provide information about land:]

1. To formulate and administer a land information system and to ensure that organizations and individuals are able to access the system.
2. To promptly proclaim and publicly provide information within the land information system to organizations and individuals, except for information deemed by law to be secret.
3. To notify administrative decisions and/or administrative acts in the land administration sector to any organization or individual whose lawful rights and interests are affected.
4. State agencies and persons authorized to administer and/or use land are responsible to create favourable conditions for and provide information about land to organizations and individuals in accordance with law.

CHAPTER 3

Administrative Boundaries And Basic Land Surveys

Section 1

Administrative Boundaries

Article 29 *Administrative boundaries*

1. The Government shall direct the fixing of administrative boundaries and the formulation and administration of administrative boundary files at all levels on a nationwide basis.

The Minister of Home Affairs shall regulate the order and procedures for fixing administrative boundaries and for administering boundary markers and administrative boundary files at all levels.

The Minister of Natural Resources and Environment shall provide regulations on technical issues and economic-technical quotas [norms] 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 in their respective localities.

Commune people's committees are responsible to manage administrative boundary markers on site in their respective localities; and if any administrative boundary marker is lost, displaced or damaged, it must be promptly reported to the people's committee of the district, town or provincial city (hereinafter referred to as *district people's committee*).

3. Administrative boundary files shall comprise data in both documentary and digital form expressing information about the establishment and regulation of administrative units and of their boundary markers and boundary roads.

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 Home Affairs.

Administrative boundary files shall be retained at the people's committee of the same level and at the people's committee at the higher level, at the Ministry of Home Affairs, and at the Ministry of Natural Resources and Environment.

4. Administrative boundary disputes between administrative units shall be resolved by co-ordination between the people's committees responsible for such administrative units. If agreement on fixing of an administrative boundary is unable to be reached or if resolution of a dispute changes an administrative boundary, then jurisdiction is regulated as follows:
 - (a) In the case of a dispute relating to the boundary of an administrative unit in a province or city under central authority, the Government shall submit it to the National Assembly for decision;
 - (b) In the case of a dispute relating to the boundary of an administrative unit in a district, town or city of a province, commune, ward or township, the Government shall submit it to the Standing Committee of the National Assembly for decision.

The Ministry of Natural Resources and Environment and the administrative agencies for land of provinces and cities under central authority, of districts, towns and provincial cities are responsible to provide the necessary data and to co-operate with competent State agencies to resolve administrative boundary disputes.

Article 30 *Administrative maps*

1. Administrative maps of any one locality are formulated on the basis of the administrative boundary maps of the same locality.
2. Drawing administrative maps is regulated as follows:
 - (a) The Ministry of Natural Resources and Environment shall direct and guide the drawing of administrative maps at all levels nationwide, and shall 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 (hereinafter referred to as *provincial people's committees*) shall organize the drawing of administrative maps of districts, towns and provincial cities.

Section 2

Basic Land Surveys

Article 31 *Drawing and adjusting cadastral maps*

1. Measurement and drawing of cadastral maps shall be conducted in detail for each parcel of land on the basis of administrative units being communes, wards or townships.
2. A cadastral map shall be adjusted when there is any change in the form, measurement, area of the relevant parcel of land and other factors relating to the contents of the cadastral map.
3. The Minister of Natural Resources and Environment shall regulate the formulation [drawing], adjustment and administration of cadastral maps nationwide, and conditions for practising cadastral measurement.
4. Provincial people's committees shall organize the drawing, adjustment and administration of cadastral maps in their localities.

Article 32 *Activities of survey and assessment of land*

1. Activities of survey and assessment of land comprise:
 - (a) Survey and assessment of land quality and land potential;
 - (b) Survey and assessment of land degradation and land pollution;
 - (c) Survey and classification of agricultural land;
 - (d) Taking statistics and conducting stocktaking of land;
 - (dd) Survey and taking statistics of land prices; monitoring changes in land prices;
 - (e) Formulation and maintenance of a system on measuring and supervising land resources.
2. Survey and assessment of land comprise the following contents:
 - (a) Taking samples and analysing them, and taking statistics of data on land measurement;
 - (b) Formulating maps of land quality, land potential, land degradation, land pollution, agricultural land classification and land prices;
 - (c) Formulating reports assessing land quality, land potential, land degradation, land pollution, agricultural land classification and land prices;
 - (d) Formulating reports with statistics and stocktaking of land, and on preparation of maps of land use status and reports on land prices and changes in land prices.

Article 33 *Organization of implementation of surveys and assessments of land*

1. The Ministry of Natural Resources and Environment has the following responsibilities:
 - (a) To organize the conduct of survey and assessment of land throughout the entire country and to announce the results thereof on an area basis once every 5 years, and in accordance with particular themes;

- (b) To direct the conduct of surveys and assessments of land in central provinces and cities;
 - (c) To collate and announce the results of surveys and assessments of land throughout the entire country.
2. Provincial people's committees are responsible to arrange the conduct of survey and assessment of land in their localities and to announce the results thereof, and to send the results to the Ministry of Natural Resources and Environment for collation.
 3. The Minister of Natural Resources and Environment shall provide regulations on surveys and assessments of land, and on the capability [manpower] of units to conduct same.

Article 34 *Statistics and stock taking and drawing of maps of land use status*

1. Taking statistics and conducting stocktaking of land shall comprise such activities conducted on a periodical basis, and taking stocktaking of land in accordance with particular themes.
2. Taking statistics and conducting stocktaking on a periodical basis is regulated as follows:
 - (a) Taking statistics and conducting stocktaking shall be implemented on the basis of administrative units being communes, wards and townships;
 - (b) Statistics of land shall be taken once every year, except in a year in which stocktaking of land is conducted;
 - (c) Stocktaking of land shall be conducted once every 5 years.
3. Maps of land use status shall be drawn once every 5 years in conjunction with the conduct of the stocktaking as prescribed in clause 2 of this article.
4. The conduct of stocktaking of land in accordance with a particular theme in order to serve State administrative requirements shall be implemented in accordance with a decision thereon made by the Prime Minister and/or the Minister of Natural Resources and Environment.
5. Responsibility for taking statistics and for conducting stocktaking of land, and for drawing maps of land use status is regulated as follows:
 - (a) People's committees at all levels shall organize the taking of statistics and conduct of stocktaking of land and the drawing of maps of land use status in their respective localities;
 - (b) Commune and district people's committees shall report to the next higher level people's committee, and provincial people's committees shall report to the Ministry of Natural Resources and Environment the results of taking statistics, conducting stocktaking of land and the drawing of maps of land use status in their localities;
 - (c) The Ministry of Defence and the Ministry of Public Security are responsible to preside over co-ordination with provincial people's committees to take statistics and conduct stocktaking of national defence and security land and to send result reports thereon to the Ministry of Natural Resources and Environment;
 - (d) The Ministry of Natural Resources and Environment shall provide an overall report to the Prime Minister and announce the nationwide results of annual land statistics and results of five-year land stocktaking.

6. The Minister of Natural Resources and Environment shall provide detailed regulations on the taking of land statistics, the conduct of land stocktaking and the drawing of maps of land use status.

CHAPTER 4

Land Use Zoning And Planning

Article 35 *Principles for formulating land use zoning and land use planning*

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

1. It must conform with the strategy, overall master plan and plans for socio-economic development, national defence and security.
2. It must be prepared from overall to detailed planning; land use zoning of any one level must conform with the land use zoning of the higher level; and land use planning must conform with the land use zoning which the competent State agency has already approved. Land use zoning at the national level must contain special characteristics and linking of socio-economic regions; and land use zoning at the district level must represent the contents of land use at the commune level.
3. Land use must be economical and effective.
4. Natural resources must be exploited reasonably and the environment must be protected; and there must be adaption to climate changes.
5. Historical-cultural and scenic beauty sites must be protected and maintained.
6. Formulation must be democratic and it must be disclosed publicly.
7. Land funds must be given priority for national defence and security purposes, for the national interest, public interest, the safety of food supply and protection of the environment.
8. Zoning and planning of trades, sectors and localities using land must be consistent with land use zoning and land use planning decided and approved by the competent State agency.

Article 36 *System of land use zoning and land use planning*

[The system of land use zoning and land use planning is as follows:]

1. Land use zoning and land use planning at the national level.
2. Land use zoning and land use planning at the provincial level.
3. Land use zoning and land use planning at the district level.
4. Land use zoning and land use planning for national defence purposes.
5. Land use zoning and land use planning for security purposes.

Article 37 *Periodical cycles for formulating land use zoning and land use planning*

1. The periodical cycle for formulating land use zoning is ten (10) years.

2. The periodical cycle for formulating land use planning at the national and provincial levels and for national defence purposes and for security purposes is five years; and land use planning at the district level shall be formulated annually.

Article 38 *Land use zoning and land use planning at the national level*

1. The grounds for formulating land use zoning at the national level comprise:
 - (a) [National] strategy for socio-economic development, national defence and security of the country; overall master plan on development of socio-economic zones; and strategies and master plans for development of [various] industries and sectors;
 - (b) Natural, economic and social conditions;
 - (c) Current status of land use, land potential, and results of implementing land use zoning of the previous period at the national level;
 - (d) Land use requirements of industries and sectors;
 - (dd) Scientific and technological progress relevant to land use.
2. The contents of land use zoning at the national level shall comprise:
 - (a) Orientation for land use for a period of ten (10) years;
 - (b) Fixing of land use criteria applicable to the agricultural land category, to the non-agricultural land category and to the unused land category; including a determination of the areas of a number of different types of land namely land for rice cultivation, land for wet rice cultivation, protective forest land, specialized use forest land and forest productive land, land used for aquaculture, land used for salt production, national defence and security land, land of industrial zones, land of export processing zones, land of hi-tech zones, land of economic zones, land for development of infrastructure at the national level, land containing historical-cultural and scenic beauty sites, urban land and land being dumping grounds and waste treatment areas;
 - (c) Determination of the areas of the various types of land stipulated in sub-clause (b) above in the zoning cycle to each provincial administrative unit and socio-economic zone;
 - (d) Formulation of maps of land use zoning at the national level and for socio-economic zones;
 - (dd) Solutions on implementation of land use zoning.
3. The grounds for formulating land use planning at the national level comprise:
 - (a) Land use zoning at the national level;
 - (b) Five year and annual plans for socio-economic development of the entire country;
 - (c) Land use requirements of industries and sectors for five years;
 - (d) Results of implementing land use planning of the previous period at the national level;
 - (dd) Ability to invest and/or mobilize resources for implementing the land use planning.
4. The contents of land use planning at the national level shall comprise:

- (a) Analysing and evaluating results of implementing the land use planning of the previous period at the national level;
- (b) Fixing the areas of the various types of land prescribed in clause 2(b) of this article for the five year land use planning period;
- (c) Five year land use plan for each provincial administrative unit and socio-economic zone;
- (d) Solutions on implementation of the land use planning.

Article 39 *Land use zoning and land use planning at the provincial level*

1. The grounds for formulating land use zoning at the provincial level comprise:
 - (a) National land use zoning;
 - (b) Overall master plan on socio-economic development of socio-economic zones, and of provinces and cities under central authority; and the strategies and master plans on development of [various] industries and sectors;
 - (c) Natural, economic and social conditions in provinces and cities under central authority;
 - (d) Current status of land use, land potential, and results of implementing land use zoning of the previous period at the provincial level;
 - (dd) Land use requirements of industries and sectors and at the provincial level;
 - (e) Land use quotas [norms];
 - (dd) Scientific and technological progress relevant to land use.
2. The contents of land use zoning at the provincial level comprise:
 - (a) Orientation for land use for a period of ten (10) years;
 - (b) Fixing the areas of the various types of land already allocated in the national land use zoning and areas of various types of land in accordance with land use requirements at the provincial level;
 - (c) Determination of areas of land to be used in accordance with usage functions;
 - (d) Determination of the areas of the various types of land stipulated in sub-clause (b) above to each district administrative unit;
 - (dd) Formulation of maps of land use zoning at the provincial level;
 - (e) Solutions on arranging implementation of land use zoning.
3. The grounds for formulating land use planning at the provincial level comprise:
 - (a) National land use plan for the five year period; and provincial land use zoning;
 - (b) Five year and annual plan on socio-economic development at the provincial level;
 - (c) Land use requirements of industries and sectors and at the provincial level for five years;

- (d) Results of implementing the land use planning of the previous period at the provincial level;
- (dd) Ability to invest and/or mobilize resources for implementing the land use planning.

4. The contents of land use planning at the provincial level comprise:

- (a) Analysing and evaluating results of implementing the land use planning of the previous period at the provincial level;
- (b) Fixing the areas of the various types of land prescribed in clause 2(b) of this article in the land use planning cycle for each year and for each district administrative unit;
- (c) Fixing the areas of the various types of land for which land use purpose needs to be converted pursuant to sub-clauses (a), (b), (c), (d) and (e) of article 57.1 of this Law in the land use planning cycle for each year and for each district administrative unit;
- (d) Fixing the scale and location of both national and provincial level works and projects using land for the purposes prescribed in articles 61 and 62 of this Law to be implemented in the land use planning cycle for each year and for each district administrative unit;

In the case of projects on infrastructure, construction or embellishment of urban areas or rural residential zones, it is also required to determine the location and area of land to be resumed in adjacent areas to organize auction of the right to use land for implementation of residential housing, trade, service or production and business projects;

- (dd) Formulating maps of provincial land use planning;
- (e) Solutions on implementation of land use planning.

Article 40 *Land use zoning and land use planning at the district level*

1. The grounds for formulating land use zoning at the district level comprise:

- (a) Provincial land use zoning;
- (b) Overall master plans on socio-economic development at the provincial and district levels;
- (c) Natural, economic and social conditions in districts, towns and cities of provinces;
- (d) Current status of land use, land potential, and results of implementing land use zoning of the previous period at the district level;
- (dd) Land use requirements of industries and sectors and at the district and commune levels;
- (e) Land use quotas [norms];
- (dd) Scientific and technological progress relevant to land use.

2. The contents of land use zoning at the district level comprise:

- (a) Orientation for land use for a period of ten (10) years;
- (b) Fixing the areas of the various types of land already allocated in the provincial land use zoning and areas of various types of land required for use at the district and commune levels;

- (c) Fixing areas of land to be used in accordance with usage functions to each commune administrative unit;
 - (d) Fixing areas of various types of land fixed in accordance with sub-clause (b) above to each commune administrative unit ;
 - (dd) Formulating maps of land use zoning at the district level; a detailed land use zoning map must be prepared for each commune administrative unit in respect of the land zoning area for rice cultivation and the zoning area for which the land use purpose shall be converted in accordance with sub-clauses (a), (b), (c), (d) and (e) of article 57.1 of this Law;
 - (e) Solutions on arranging implementation of the land use zoning.
3. The grounds for formulating annual land use planning at the district level comprise:
- (a) Provincial land use planning;
 - (b) District land use zoning;
 - (c) Land use requirements within the planning year of industries and sectors and at all levels;
 - (d) Ability to invest and/or mobilize resources for implementing such land use planning.
4. The contents of annual land use planning at the district level comprise:
- (a) Analysing and evaluating the results of implementing the land use planning of the previous year;
 - (b) Fixing the areas of the various types of land already allocated in the provincial land use planning and areas of various types of land required for use at the district and commune levels in the planning year;
 - (c) Fixing the locations and areas of land to be resumed to implement works and projects using land for the purposes prescribed in articles 61 and 62 of this Law in the planning year for each commune administrative unit.
- In the case of projects on infrastructure, construction or embellishment of urban areas or rural residential zones, it is also required to determine the location and area of land to be resumed in adjacent areas to organize auction of the right to use land for implementation of residential housing, trade, service or production and business projects.
- (d) Fixing the areas of the various types of land for which the use purpose must be converted in the case of the types of land for which permission for conversion is required by sub-clauses (a), (b), (c), (d) and (e) of article 57.1 of this Law in the planning year for each commune administrative unit;
 - (dd) Formulating maps of annual land use planning at the district level;
 - (g) Solutions on implementation of the land use planning.

5. In the case of any district where the urban master plan has been approved by the competent State agency, then land use zoning need not be prepared but there must be annual land use planning; in a case where the district's urban master plan is inconsistent with the area of land already allocated in the provincial land use zoning, then the urban master plan must be amended for compliance with the provincial land use zoning.

Article 41 *Land use zoning and land use planning for national defence and security purposes*

1. The grounds for formulating land use zoning for national defence and security purposes comprise:
 - (a) National land use zoning;
 - (b) National strategy for socio-economic development, national defence and security [of the entire country]; and overall master plan on development of socio-economic zones;
 - (c) Natural, economic and social conditions;
 - (d) Current status of land use, land potential, and results of implementing national defence and security land use zoning of the previous period;
 - (dd) Land use requirements for national defence and security purposes;
 - (e) Land use quotas [norms];
 - (g) Scientific and technological progress relevant to land use.
2. The contents of land use zoning for national defence and security purposes comprise:
 - (a) Orientation of land use for national defence and security purposes;
 - (b) Fixing land use requirements for national defence and security purposes within the land use zoning cycle in compliance with the overall master plan on socio-economic development, national defence and security, and with the national socio-economic development plan;
 - (c) Fixing the position and area of land for national defence and security purposes in order to re-assign it to localities for administration and/or use for purposes of socio-economic development;
 - (d) Solutions on implementation of such land use zoning for national defence and security purposes.
3. The grounds for formulating land use planning for national defence and security purposes comprise:
 - (a) Five year national land use planning, and land use zoning for national defence and security purposes;
 - (b) Five year land use requirements for national defence and security purposes;
 - (c) Results of implementing the land use planning for national defence and security purposes in the previous period;
 - (d) Ability to invest and/or mobilize resources for implementing such land use planning for national defence and security purposes.
4. The contents of land use planning for national defence and security purposes comprise:

- (a) Analysing and evaluating the results of implementing the land use plan for national defence and security purposes of the previous period;
- (b) Fixing the locality and areas of land to be used for national defence and security purposes within the five year land use planning period and in detail for each year;
- (c) Fixing the specific area and location of land for national defence and security purposes to be re-assigned to localities to administer within the five year land use planning period;
- (d) Solutions on implementation of such land use plan for national defence and security purposes.

Article 42 *Responsibility for organization of formulation of land use zoning and land use planning*

1. The Government shall organize the formulation of national land use zoning and national land use planning. The Ministry of Natural Resources and Environment shall preside over providing assistance to the Government to formulate national land use zoning and national land use planning.
2. Provincial people's committees shall organize the formulation of provincial land use zoning and land use planning; and district people's committees shall organize the formulation of district land use zoning and land use planning.

The administrative agencies for land at the provincial and district levels shall preside over providing assistance to the people's committees at the same level to formulate such zoning and planning.

3. The Ministry of Defence shall organize the formulation of land use zoning and land use planning for national defence purposes; and the Ministry of Public Security shall organize the formulation of land use zoning and land use planning for security purposes.
4. The Government shall provide detailed regulations on this article.

Article 43 *Collection of opinions on land use zoning and land use planning*

1. The agencies organizing the formulation of land use zoning and land use planning as stipulated in articles 42.1 and 42.2 of this Law shall organize the collection of opinions of the citizens on the land use zoning and land use planning.
2. Form, contents and period of collecting opinions of the citizens on land use zoning and land use planning are regulated as follows:
 - (a) The collection of opinions of the citizens on the land use zoning and land use planning at the national level and the provincial level shall be implemented in the form of publishing information about the contents of the land use zoning and land use planning on the website of the Ministry of Natural Resources and Environment and of the provincial people's committee; the collection of opinions of the citizens on the land use zoning and land use planning at the district level shall be implemented in the form of organizing conferences or collecting opinions directly and publicizing information about contents of the land use zoning and land use planning on the website of the provincial people's committee and of the district people's committee;
 - (b) The contents of collection of opinions of the citizens on the land use zoning and land use planning shall comprise criteria for land use zoning and land use planning and projects on works to be implemented in a land use zoning or land use planning cycle;

- (c) The period of collecting opinions on land use zoning and land use planning shall be thirty (30) days from the date on which the competent State agencies make a decision to collect opinions.
- 3. The agencies responsible to collect opinions on land use zoning and land use planning as stipulated in clause 1 of this article shall prepare overall reports, accept and explain opinions of the citizens, and finalize plans on land use zoning and land use planning before submitting same to the evaluation councils of land use zoning and land use planning.
- 4. In respect of land use zoning and land use planning for national defence and security purposes, the Ministry of Defence and the Ministry of Public Security are responsible to collect opinions of provincial people's committees during organization of formulation of land use zoning and land use planning.
- 5. The Government shall provide detailed regulations on this article.

Article 44 *Evaluation of land use zoning and land use planning*

- 1. Authority to establish evaluation councils of land use zoning and land use planning is regulated as follows:
 - (a) The Prime Minister shall establish an evaluation council for national land use zoning and land use planning.

The Ministry of Natural Resources and Environment shall assist the evaluation council to evaluate land use zoning and land use planning;
 - (b) The Minister of Natural Resources and Environment shall establish an evaluation council of land use zoning and land use planning for national defence and security purposes, and of provincial land use zoning and land use planning.

The administrative agency for land at the central level shall assist the evaluation council to evaluate land use zoning and land use planning;
 - (c) The chairmen of provincial people's committees shall establish evaluation councils of district land use zoning and land use planning.

The administrative agencies for land at the provincial level and at the district level shall assist the evaluation council to evaluate land use zoning and land use planning.
- 2. Evaluation councils of land use zoning and land use planning at all levels are responsible to evaluate and send the results of evaluating land use zoning and land use planning to the agencies organizing the formulation of land use zoning and land use plans as stipulated in article 42 of this Law; the agencies organizing the formulation of land use zoning and land use planning are responsible to accept and explain in accordance with the notice of the results of evaluation of land use zoning and land use planning.

In necessary cases, evaluation councils of land use zoning and land use planning may arrange an on-site inspection or survey of areas in which conversion of land use purpose is proposed, in particular conversion of use purpose of land for rice cultivation, protective forest land, and specialized use forest land.
- 3. Contents of evaluation of land use zoning comprise:
 - (a) The legal basis and scientific grounds for formulating such zoning;

- (b) The level of compliance of the [initial] plan on such zoning with the strategy and overall master plan on socio-economic development and national defence and security at the national and local levels, and with the master plans on development of industries and sectors;
 - (c) Economic, social and environmental effectiveness;
 - (d) Feasibility of the plan on such zoning.
4. Contents of evaluation of land use planning comprise:
- (a) Level of compliance of the land use planning with the land use zoning;
 - (b) Level of compliance of the land use planning with the socio-economic developmental plan;
 - (c) Feasibility of the land use planning.
5. Expenses of evaluation of land use zoning and land use planning shall be fixed as a separate item in the funding for formulation of such zoning and planning.

Article 45 *Authority to make decisions on and approve land use zoning and land use planning*

- 1. The National Assembly shall make decisions on national land use zoning and on national land use planning.
- 2. The Government shall approve provincial land use zoning and provincial land use planning; land use zoning and land use planning for national defence purposes; and land use zoning and land use planning for security purposes.

Provincial people's committees shall submit provincial land use zoning and land use planning to the people's councils at the same level for approval prior to submitting same to the Government for approval.

- 3. Provincial people's committees shall approve district land use zoning and district land use planning.

District people's committees shall submit district land use zoning to the people's councils at the same level for approval prior to submitting same to the provincial people's committees for approval.

District people's committees shall submit annual land use planning at the district level to the provincial people's committees for approval. The provincial people's committees shall submit to the provincial people's councils to pass lists of projects requiring land recovery as stipulated in article 62.3 of this Law prior to approving the annual land use planning at the district level.

Article 46 *Adjustment of land use zoning and land use planning*

- 1. Land use zoning may only be adjusted in the following circumstances:
 - (a) When there is an adjustment to the strategy for socio-economic development, national defence and security; and/or to the overall master plan on development of socio-economic zones and such adjustment results in a change to the land use structure;
 - (b) Where the impact of a natural disaster or war 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;
 - (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 the land use zoning or when there is a change in the ability to implement the land use planning.
 3. The contents of adjustments to land use zoning shall be part of the decided or approved land use zoning. The contents of adjustments to land use planning shall be part of the decided or approved land use planning.

The adjustment of land use zoning and land use planning shall be implemented in accordance with articles 42, 43, 44 and 48 of this Law.

4. State agencies authorized to make decisions on and approve land use zoning and land use planning at any one level are authorized to make decisions on and approve adjustments to land use zoning and land use planning at that same level.

Article 47 *Consultancy on formulation of land use zoning and land use planning*

1. During the process of formulating land use zoning and land use planning, the agency responsible to preside over such formulation is permitted to hire consultants to formulate such land use zoning and land use planning.
2. The Government shall provide regulations on the conditions applicable to organizations and individuals providing consultancy on formulation of land use zoning and land use planning.

Article 48 *Public proclamation of land use zoning and land use planning*

1. Land use zoning and land use planning at the national, provincial and district levels which have been decided or approved by the competent State agencies must be publicly proclaimed.
2. The responsibility for public proclamation of land use zoning and land use planning is regulated as follows:
 - (a) The Ministry of Natural Resources and Environment is responsible to publicly proclaim land use zoning and land use planning at the national level at its office and on its website;
 - (b) Provincial people's committees are responsible to publicly proclaim land use zoning and land use planning at the provincial level at their offices and on their websites;
 - (c) District people's committees are responsible to publicly proclaim land use zoning and land use planning at the district level at their offices and on their websites, and to publicly proclaim the contents of land use zoning and land use planning in relation to communes, wards and townships at the offices of the commune people's committees.
3. The timing and time-limit for public proclamation of land use zoning and land use planning are regulated as follows:
 - (a) Public proclamation shall be implemented with a time-limit of thirty (30) days from the date of decision or approval by the competent State agencies;
 - (b) Proclamation shall be implemented throughout the land use zoning and planning cycle.

Article 49 *Implementation of land use zoning and land use planning*

1. The Government shall organize and direct implementation of national land use zoning and of national land use planning.

The Prime Minister shall allocate land use criteria to central provinces and cities and to the Ministry of Defence and to the Ministry of Public Security on the basis of the land use criteria at the national level as decided by the National Assembly.

Provincial and district people's committees are responsible to implement local land use zoning and local land use planning.

Commune people's committees are responsible to implement land use zoning and land use planning in their localities.

The Ministry of Defence and the Ministry of Public Security are responsible to implement land use zoning and land use planning for national defence and security purposes respectively.

2. In a case where land use zoning has been publicly proclaimed but annual land use planning at the district level has not yet been formulated, then land users are permitted to continue to use the land and exercise their rights as stipulated by law.

In a case where the annual land use planning at the district level has been formulated, land users in an area in which conversion of land use purpose and land resumption are required in accordance with the planning are permitted to continue to exercise their rights but not permitted to implement new construction of residential houses, works or plant perennial crops; permission from the competent State agency is required if a land user needs to improve or repair his or her existing residential house or works.

3. Where a land area is identified in proclaimed land use planning for resumption for implementation of a project or conversion to other use purposes but after three (3) years there is still no decision on resumption of the land or on permission for conversion of the use purpose, then the State agency which is authorized to approve such planning must adjust and/or rescind resumption or conversion of purpose of the land area identified in the land use planning and must also proclaim such adjustment and/or rescission.

If the State agency which is authorized to approve the land use planning fails to implement adjustment and/or rescission, or implements adjustment and/or rescission without proclaiming such adjustment or rescission, then the rights of the land user shall not be restricted pursuant to clause 2 of this article.

4. Upon expiry of a land use zoning cycle the land use zoning criteria have not yet been fully used up, they shall continue to be used until the land use zoning of the following periodic cycle is decided or approved by the competent State agency.
5. The Government shall provide detailed regulations on the organization of implementation of land use zoning and land use planning.

Article 50 *Report on implementation of land use zoning and land use planning*

1. The responsibility to make annual reports on the results of implementing land use zoning and land use planning is regulated as follows:

- (a) Commune and district people's committees are responsible to send reports on the results of implementation of land use zoning and land use planning to the next higher level people's committee; and provincial people's committees are responsible to send such reports to the Ministry of Natural Resources and Environment;
 - (b) The Ministry of Defence and the Ministry of Public Security are responsible to send reports on the results of implementation of land use zoning and land use planning for national defence and security purposes to the Ministry of Natural Resources and Environment;
 - (c) The Ministry of Natural Resources and Environment is responsible to annually collate the results of implementation of land use zoning and land use planning throughout the entire country and report same to the Government for submission to the National Assembly at its final meeting of the year.
2. A report on the results of implementing annual land use planning in the last year of the initial land use planning cycle must be accompanied with an overall report on implementation for the entire land use planning cycle.

A report on the results of implementing annual land use planning in the last year of a land use zoning cycle must be accompanied with an overall report on implementation of land use planning for the last periodic cycle and an overall report on implementation for the entire land use zoning cycle.

Article 51 *Resolution of issues arising regarding land use zoning and land use planning after the effective date of this Law*

1. In respect of land use zoning and land use planning decided or approved by competent State agencies before the effective date of this Law, it is required to carry out review and additional investigations in order to amend the land use zoning and land use planning for compliance with this Law when the five year land use planning for the period 2016 - 2020 is formulated.
2. In a case where this Law has taken effect and the district land use zoning and district land use planning remain unapproved by the competent State agency, then land resumption, land allocation, land lease, recognition of land use rights and conversion of land use purpose shall be based on the provincial land use planning and list of projects serving socio-economic development at the district level as collated by the district people's committee for submission to the provincial people's committee for decision.

The approval of land use zoning and land use planning at the district level must be completed no later than one (1) year from the effective date of this Law.

CHAPTER 5

Land Allocation, Land Lease And Conversion Of Land Use Purpose

Article 52 *Grounds for land allocation, land lease and permission to convert land use purpose*

1. Annual land use planning at the district level as approved by the competent State agencies.
2. Land use requirements as expressed in investment projects or applications for land allocation, for land lease or for conversion of land use purpose.

Article 53 *Allocation or lease of land with respect to currently used land to another person*

A decision of the State on allocation or lease of land with respect to currently used land to another person shall only be made after the competent State agency makes a decision resuming land in accordance with this Law and compensation, assistance and resettlement must be completed in accordance with law in a case where site clearance is required.

Article 54 *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 involved in agricultural production, forestry, aquaculture or salt production and allocated with agricultural land within the quota prescribed in article 129 of this Law.
2. Persons using protective forest land; specialized use forest land; natural forest land for production; land for construction of offices [headquarters]; land used for national defence and security purposes; land used for public purposes but for non-business purposes, and land used for cemeteries and graves which do not fall into the cases stipulated in article 55.4 of this Law;
3. Public service organizations not yet having financial autonomy and using land for construction of professional works;
4. Organizations using land to construct housing for resettlement in accordance with State projects;
5. Communities of citizens using agricultural land; and religious establishments using non-agricultural land as prescribed in article 159.1 of this Law.

Article 55 *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 allocated with residential land.
2. Economic organizations to which land is allocated to implement investment projects for construction of residential housing for purposes of sale or for sale in association with leasing out.
3. Vietnamese residing overseas and foreign invested enterprises to which land is allocated to implement investment projects for construction of residential housing for purposes of sale or for sale in association with leasing out.
4. Economic organizations to which land is allocated to implement projects on investment in infrastructure of cemeteries and graves for the purposes of transfer of the land use rights attached to the infrastructure.

Article 56 *Lease of land*

1. The State shall lease land with collection of annual rent or with collection of a one-off [lump sum] payment of rent for the entire lease term ["*lump sum rent*"] in the following cases:
 - (a) Family households and individuals using land for agricultural production, forestry, aquaculture or salt production;
 - (b) Family households and individuals wishing to continue using agricultural land areas exceeding the quota allocated in accordance with article 129 of this Law;

- (c) Family households and individuals using commercial and/or services land; land used for conducting mineral activities; land for the production of building materials or ceramics; or land for a non-agricultural production [farming] establishment;
 - (d) Family households and individuals using land to construct community [public utility] buildings for business purposes;
 - (dd) Economic organizations, Vietnamese residing overseas and foreign invested enterprises using land to implement investment projects in agricultural production, forestry, aquaculture or salt production; land for non-agricultural business and production; land for construction of community [public utility] buildings for business purposes; and land to implement investment projects for residential housing for the purposes of leasing out;
 - (e) Economic organizations and public service organizations having financial autonomy, and Vietnamese residing overseas and foreign invested enterprises using land for construction of works of professional institutions;
 - (g) Foreign organizations with diplomatic functions using land to construct their offices.
2. The State shall lease land with collection of annual rent with respect to units of the people's armed forces using land for agricultural production, forestry, aquaculture or salt production; or for any of the afore-mentioned forms of production in association with conduct of their national defence and security tasks.

Article 57 *Conversion of land use purpose*

1. Cases of conversion of land use purpose requiring permission from the competent State agency comprise:
- (a) Conversion of land for wet rice cultivation to land for planting perennial crops, to land for planting forests, or to land for aquaculture production or salt production;
 - (b) Conversion of other land for planting annual crops to marine aquaculture land, land for salt production and land for aquaculture in the form of ponds, lakes and marshes;
 - (c) Conversion of specialized use forest land, protective forest land or forest land for production to another purpose in the agricultural land category;
 - (d) Conversion of agricultural land to non-agricultural land;
 - (dd) 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;
 - (e) Conversion of non-agricultural land which is non-residential to residential land;
 - (g) Conversion of land for construction of professional works, land used for public purposes and for business purposes or land for non-agricultural production or business which is not land for commerce and services to land for commerce and services; conversion of land for commerce and services or land for construction of works of professional institutions to land for non-agricultural production establishment.

2. Upon conversion of land use purpose in accordance with clause 1 of this article, land users must discharge financial obligations prescribed by law; the regime for land use and the rights and obligations of the land users shall be those applicable to types of land after conversion of land use purpose.

Article 58 *Conditions for land allocation, land lease or permission to convert land use purpose for implementation of investment projects*

1. In the case of a project using land for rice cultivation, protective forest land or specialised use forest land for other purposes which does not fall into the category of projects for which the investment policy is decided by the National Assembly and approved by the Prime Minister, then the competent State agency is only permitted to make a decision on land allocation, land lease or permission to convert land use purpose when one of the following documents is obtained:
 - (a) Written approval of the Prime Minister in the case of conversion of use purpose of land for rice cultivation with an area of ten (10) hectares or more, and of protective forest land or specialised use forest land with an area of twenty (20) hectares or more;
 - (b) Resolution of the provincial people's council in the case of conversion of use purpose of land for rice cultivation with an area of less than ten (10) hectares, and of protective forest land or specialised use forest land with an area of less than twenty (20) hectares;
2. In the case of a project using land on an island and in a border or coastal commune, ward and township, the competent State agency is only permitted to make a decision on land allocation, land lease or permission to convert land use purpose upon receipt of written approval from related ministries and branches.
3. Any person to whom the State allocates or leases land or whom the State permits to convert land use purpose to implement an investment project must satisfy the following conditions:
 - (a) Have the financial capability to guarantee the land use in accordance with the schedule of the investment project;
 - (b) Pay a deposit in accordance with the law on investment;
 - (c) Not commit any breach of the law on land in a case where such person currently uses land allocated or leased by the State to implement another investment project.
4. The Government shall provide detailed regulations on this article.

Article 59 *Authority to allocate land, lease land and permit to convert land use purpose*

1. The provincial people's committee shall issue a decision allocating or leasing land or permitting to convert land use purpose in the following cases:
 - (a) Allocation or lease of land or permission to convert land use purpose granted to an organization;
 - (b) Allocation of land to a religious establishment;
 - (c) Allocation of land to a Vietnamese residing overseas or a foreign invested enterprise in accordance with article 55.3 of this Law;
 - (d) Lease of land to a Vietnamese residing overseas or a foreign invested enterprise in accordance with articles 56.1(dd) and 56.1(e) of this Law;

- (dd) Lease of land to a diplomatic foreign organization.
2. The district people's committee shall issue a decision allocating or leasing land or permitting to convert land use purpose in the following cases:
 - (a) Allocation or lease of land or permission to convert land use purpose granted to a family household or individual. In the case of lease of land to a family household or individual or permission to convert land use purpose granted to a family household or individual with an area of 0.5 hectares or more for use for commerce and service purposes, written approval from the provincial people's committee is required before issuing such decision;
 - (b) Allocation of land to a community of citizens.
 3. The commune people's committee shall lease land belonging to the agricultural land fund for use for public purposes in the commune, ward or township.
 4. Agencies authorized to make decisions allocating land, leasing land or permitting to convert land use purpose as stipulated in clauses 1 and 2 of this article are not permitted to delegate such authority.

Article 60 *Dealing with cases of land allocation and land lease prior to the effective date of this Law*

1. Economic organizations, family households, individuals, and Vietnamese residing overseas who lease land pursuant to this Law and to whom the State allocated land with collection of land use fees before the effective date of this Law are permitted to continue to use the land for the residual use term without having to transfer to leasing land. If upon expiry of such term the competent State agency provides an extension, they must transfer to land lease in accordance with the provisions of this Law.
2. Organizations, family households, individuals, and Vietnamese residing overseas who lease land pursuant to this Law and to whom the State allocated land without collection of land use fees prior to the effective date of this Law must transfer to leasing land as from the effective date of this Law and must pay land rent.
3. Economic organizations, family households, individuals, and Vietnamese residing overseas in the category of leasing land pursuant to this Law and who received a transfer of a legal land use right prior to the effective date of this Law are permitted to continue to use the land for the residual use term without having to transfer to leasing land pursuant to this Law.
4. Economic organizations in the category of leasing land pursuant to this Law which received a transfer of agricultural land use right from family households or individuals to whom the State had allocated land without collection of land use fees for implementation of investment projects in agricultural production [farming] prior to the effective date of this Law are permitted to continue to use the land for the residual duration of their project without having to transfer to leasing land in accordance with this Law.
5. Vietnamese residing overseas and foreign invested enterprises to whom the State leased land with collection of a one-off [lump sum] payment of rent for the entire lease term in order to implement investment projects for construction of residential housing for sale or for sale in association with leasing out prior to the effective date of this Law are permitted to continue to lease the land for the residual use term or may transfer to allocation of land with collection of land use fees pursuant to this Law if they need.

CHAPTER 6

Land Resumption, Land Requisition, Payment Of Compensation, Assistance [Support], And Resettlement

Section 1

Land Resumption and Requisition

Article 61 *Land resumption for national defence and security purposes*

The State shall resume land for national defence and security purposes in the following circumstances:

1. Land for billeting military units and offices;
2. Land used for military bases;
3. Land used for national defence works, battlegrounds and special works for national defence and security purposes;
4. Land used for military stations and ports;
5. Land for construction of industrial works, scientific and technological works, and cultural and sporting facilities directly servicing national defence and security;
6. Land for construction of warehouses of the people's armed forces;
7. Land with gun ranges, military training grounds and weapons testing or destruction areas;
8. Land for construction of training establishments, training centres, hospitals and convalescent homes of the people's armed forces;
9. Land with official buildings of the people's armed forces;
10. Land for construction of detention centres and educational establishments administered by the Ministry of Defence and the Ministry of Public Security.

Article 62 *Land resumption for socio-economic development in the national interest and in the public interest*

The State shall resume land for socio-economic development in the national interest and in the public interest in the following circumstances:

1. To implement nationally important projects for which the National Assembly makes a decision on the investment policy and which require land resumption;
2. To implement projects for which the Prime Minister approves or makes a decision on investment and which require land resumption, comprising:
 - (a) Projects on construction of industrial zones, export processing zones, high tech zones, economic zones and new urban areas; and investment projects funded by official development aid (ODA);

- (b) Projects on construction of headquarters of State agencies, of political organizations, of socio-political organizations at the central level, and of foreign organizations with diplomatic functions; construction of historical-cultural and scenic beauty works which are classified, parks, squares, statues, monuments and public service works at the national level;
 - (c) Projects on construction of technical infrastructure at the national level comprising traffic, irrigation, water supply, water drainage, electricity, communication; systems of petroleum and natural gas pipelines and storage; national reserves, and works for waste gathering and waste treatment;
3. To implement projects which the provincial people's council approves and which require land resumption, comprising:
- (a) Projects on construction of headquarters of State agencies, political organizations and socio-political organizations; historical-cultural and scenic beauty works which are classified, parks, squares, statues, monuments and public service works at the local level;
 - (b) Projects on construction of technical infrastructure at the local level comprising traffic, irrigation, water supply, water drainage, electricity, communication, urban lighting; and works for waste gathering and waste treatment;
 - (c) Projects on construction of works serving common activities of communities of citizens; projects on resettlement, student hostels, social residential housing or public service [State employees'] residential housing; [projects on] construction of works being religious establishments, public cultural and entertainment areas for public purposes, markets, cemeteries, graves, funeral homes and crematoria;
 - (d) Projects and construction works of new urban areas, new rural residential zones; embellishment of urban areas, rural residential areas; industrial groups; centralized processing and production areas of agricultural, forestry and aquaculture products; projects on development of protective forests and specialised use forests;
 - (dd) Projects on mineral exploitation as licensed by competent agencies, except for exploitation of minerals for use as normal building materials and peat or [exploitation of] minerals in areas where minerals are dispersed or scattered and [in areas of] individual mining.

Article 63 *Grounds for land resumption for national defence and security purposes and for socio-economic developmental purposes in the national interest and in the public interest*

Land resumption for national defence and security purposes and for socio-economic developmental purposes in the national interest and in the public interest must be implemented on the following bases:

1. Projects falling into the cases of land resumption stipulated in articles 61 and 62 of this Law;
2. Annual district land use planning approved by the competent State agency;
3. Schedule for use of land for implementation of projects.

Article 64 *Land resumption as a result of breach of the law on land*

1. Cases of land resumption as a result of breach of the law on land comprise:
 - (a) The land was used for the incorrect purpose, is land the State allocated or leased or for which the State recognized the land use right, and a penalty for administrative breach was imposed upon use of land for the incorrect purpose and such breach was repeated;

- (b) The land user deliberately destroyed the land;
 - (c) The land was allocated or leased to an ineligible entity or incorrectly in terms of authority to so allocate or lease out;
 - (d) The land was ineligible for assignment or donation pursuant to this Law but the land user accepted an assignment or donation;
 - (dd) The land was allocated by the State for management and was illegally appropriated;
 - (e) The land use right is ineligible for assignment pursuant to this Law and the land was illegally appropriated due to negligence of the land user;
 - (g) The land user was subject to an administrative penalty for failure to discharge obligations to the State and failed to comply with the [penalty decision];
 - (h) Land for planting annual crops was not used for a consecutive 12 month period; or land for planting perennial crops was not used for a consecutive 18 month period; or land for planting a forest was not used for a consecutive 24 month period;
 - (i) Where the State allocated or leased land for implementation of an investment project but the land was not used within a consecutive 12 month period or the land use schedule was 24 months later than the schedule recorded in the investment project as from on-site receipt of handover of the land, then land must be put into use; where the land is not put into use, the investor is entitled to an extension of the term of use for a period of twenty four (24) months and must pay to the State an amount of money corresponding to the land use fee or land rent applicable to the period of delay within the [extended] period; if upon expiry of the extended period the investor has not yet put the land into use, the State shall resume the land without compensating for land and assets on the land, except for force majeure.
2. Land resumption as a result of breach of the law on land must be based on documents or decisions from the competent State agencies identifying the breach of the law on land.
 3. The Government shall provide detailed regulations on this article.

Article 65 *Land resumption as a result of termination of land use in accordance with law or due to voluntary return of land or due to a threat to human life*

1. Cases of land resumption as a result of termination of land use in accordance with law or due to voluntary return of land or due to a threat to human life comprise:
 - (a) An organization to which the State allocated land without collection of land use fees, or with collection of land use fees which are paid from the State budget, is dissolved, becomes bankrupt, moves to another place, reduces its land use requirement or no longer needs to use the land; or a land user leasing land from the State with payment of annual rent is dissolved, becomes bankrupt, moves to another place, reduces its land use requirement or no longer needs to use the land;
 - (b) An individual using land dies and there is no heir;
 - (c) A land user voluntarily returns the land;
 - (d) The State allocates or leases land for a definite term which is not extended;

- (dd) Residential land is located in an area where the environment is polluted, threatening human life;
 - (e) Residential land is likely to suffer landslide or subsidence or to be affected by some other natural disaster, causing a threat to human life.
2. Land resumption stipulated in clause 1 of this article must be implemented on the following bases:
- (a) Document of the competent agency which is legally valid in the case of land resumption prescribed in clause 1(a) of this article;
 - (b) Certificate or decision declaring the individual is deceased in accordance with law and certificate certifying that there is no heir from the commune people's committee of the locality where the deceased inheritor permanently resided, in the case of land resumption prescribed in clause 1(b) of this article;
 - (c) Document of the land user regarding land return in the case prescribed in clause 1(c) of this article;
 - (d) Decision allocating or leasing the land in the case prescribed in clause 1(d) of this article;
 - (dd) Document of the competent agency determining the level of environmental pollution, landslide, subsidence or effect of any other natural disaster causing a threat to human life in the cases prescribed in clauses 1(dd) and 1(e) of this article.
3. The Government shall provide detailed regulations on this article.

Article 66 *Authority to resume land*

1. Provincial people's committees shall make decisions on land resumption in the following cases:
- (a) To resume land from organizations, religious establishments, Vietnamese residing overseas, diplomatic foreign organizations or foreign invested enterprises, except for the case stipulated in clause 2(b) of this article;
 - (b) To recover agricultural land belonging to public interest land funds of communes, wards or townships.
2. District people's committees shall make decisions on land resumption in the following cases:
- (a) To resume land from family households, individuals or communities of citizens;
 - (b) To resume residential land from Vietnamese residing overseas who are entitled to own residential houses in Vietnam.
3. In a case where there are entities stipulated in clauses 1 and 2 of this article in the areas of land to be resumed, the provincial people's committees shall make decisions on land resumption or authorize the district people's committees to make such decisions.

Article 67 *Notification of land resumption and compliance with decisions resuming land for purposes of national defence and security and socio-economic development in the national interest and in the public interest*

1. The competent State agency must provide a notice of land resumption to the person whose land is to be resumed no later than 90 days applicable to agricultural land and 180 days applicable to non-agricultural land prior to issuing a decision on land resumption. The contents of the notice of land resumption must contain the plan on land resumption, on investigation, survey, measurement and stocktaking.
2. If the land user in the area of land to be resumed agrees with the land resumption by the competent State agency prior to the period stipulated in clause 1 of this article, then the authorized people's committee shall make a decision resuming the land without waiting until expiry of the period of notification of land resumption .
3. The person whose land is to be resumed is responsible to coordinate with the agency or organization in charge of compensation and site clearance during the process of investigation, survey, measurement, stocktaking and formulation of the plan on compensation, assistance and resettlement.
4. When the decision resuming land takes effect and the plan on compensation, assistance and resettlement which has been approved by the competent State agency is publicly proclaimed, the person whose land is to be resumed must comply with such decision.

Article 68 *Organizations in charge of compensation and site clearance; and administration of resumed land*

1. Organizations in charge of compensation and site clearance shall comprise public service organizations for land and councils for compensation, assistance and resettlement.
2. Resumed land shall be assigned for administration and use as follows:
 - (a) Land resumed in accordance with articles 61 and 62 of this Law shall be allocated to investors to implement investment projects, or allocated to public service organizations for land for administration;
 - (b) Land resumed in accordance with articles 64.1, 65.1(a), 65.1(b), 65.1(c) and 65.1(d) of this Law shall be allocated to public service organizations for land for administration and for auction of land use rights.

Where land resumed in accordance with articles 64.1, 65.1(a), 65.1(b), 65.1(c) and 65.1(d) of this Law is agricultural land of family households or individuals in rural areas, such land shall be allocated to the commune people's committees for administration. Such land fund shall be allocated or leased to family households or individuals with no land or a lack of land for production in accordance with law.

3. The Government shall provide detailed regulations on this article.

Article 69 *Sequence and procedures for resumption of land for purposes of national defence and security and socio-economic development in the national interest and in the public interest*

1. The formulation and implementation of a plan on land resumption, investigation, survey, measurement and stocktaking shall be regulated as follows:

- (a) The people's committee authorized to resume land shall issue a notice of land resumption.

The notice of land resumption shall be sent to each person whose land is to be resumed, disseminated at meetings of citizens in the area where land is to be resumed, published on the mass media, and listed at the headquarters of the commune people's committee and/or at the communal areas of the residential zone where the land is resumed;

- (b) The commune people's committee is responsible to coordinate with the organization in charge of compensation and site clearance to commence implementation of the plan on land resumption, investigation, survey, measurement and stocktaking;
- (c) The land users are responsible to coordinate with the organization in charge of compensation and site clearance to implement the investigation, survey and measurement for the purpose of determining the area of land and statistics about residential housing and other assets attached to land in order to formulate the plan on compensation, assistance and resettlement;
- (d) Where any land user in the area of land to be resumed does not coordinate with the organization in charge of compensation and site clearance during the investigation, survey, measurement and stocktaking, the commune people's committee, the Vietnamese Fatherland Front at the commune level in the locality where the land is to be resumed, and the organization in charge of compensation and site clearance shall organize canvass and persuasion in order for the land user to coordinate.

If within ten (10) days from the date of canvass and persuasion the land user still fails to coordinate with the organization in charge of compensation and site clearance, the chairman of the district people's committee shall issue a decision on compulsory stocktaking. The person whose land is to be resumed is responsible to implement such decision. Where the person whose land is to be resumed does not comply with such decision, the chairman of the district people's committee shall make a decision on coercive enforcement of the decision on compulsory stocktaking and organize coercive enforcement in accordance with article 70 of this Law.

2. The formulation and evaluation of the plan on compensation, assistance and resettlement is regulated as follows:

- (a) The organization in charge of compensation and site clearance is responsible to prepare the plan on compensation, assistance and resettlement and to co-ordinate with the commune people's committee in the locality where the land is to be resumed to obtain opinions on such plan by holding direct meetings with citizens in the area of land to be resumed and by publicly displaying such plan at the headquarters of the commune people's committee and/or at the communal areas of the residential zone where the land is to be resumed.

Obtaining opinions must be recorded in minutes certified by the representative of the commune people's committee, by the representative of Vietnam Fatherland Front, and by the representative of people whose land is to be resumed.

The organization in charge of compensation and site clearance is responsible to collate written opinions, specify the number of opinions in favour, against, and which offer a different opinion about the plan on compensation, assistance and resettlement; to co-ordinate with the commune people's committee in the locality where the land is resumed to organize dialogue if there are still many opinions disagreeing with the plan; and to finalize the plan and submit same to the competent agency.

- (b) The competent agency shall evaluate the plan on compensation, assistance and resettlement before submitting it to the people's committee authorized to make decisions on land resumption.
3. The issuance of a decision on land resumption, and the organization of implementation of the plan on compensation, assistance and resettlement is regulated as follows:
- (a) The authorized people's committee prescribed in article 66 of this Law shall make a decision resuming the land and a decision approving the plan on compensation, assistance and resettlement on the same day;
 - (b) The organization in charge of compensation and site clearance is responsible to coordinate with the commune people's committee to disseminate and publicly display the decision approving the plan on compensation, assistance and resettlement at the headquarters of the commune people's committee and at the communal areas of the residential zone where the land is to be resumed; and to send the decision on compensation, assistance and resettlement to each person whose land is to be resumed, which specifies the amounts of compensation and/or assistance, the arrangement of resettlement houses or land (if any), the time and venue of payment of the compensation and/or assistance, the time for arranging housing or resettlement land (if any) and the time for handing over the resumed land to the organization in charge of compensation and site clearance;
 - (c) The compensation and assistance and the arrangement of resettlement must be implemented in accordance with the approved plan on compensation, assistance and resettlement;
 - (d) Where the person whose land is to be resumed does not hand over the land to the organization in charge of compensation and site clearance, the commune people's committee, Vietnam Fatherland Front at the commune level in the locality where the land is resumed and the organization in charge of compensation and site clearance shall organize canvass and persuasion in order for such person to implement the hand-over.
- If the person whose land is to be resumed has been canvassed or persuaded but does not actually hand-over the land to the organization in charge of compensation and site clearance, the chairman of the district people's committee shall issue a decision on coercive enforcement of land resumption and organize such coercive enforcement in accordance with article 71 of this Law.
4. The organization in charge of compensation and site clearance is responsible to administer land on which site clearance has been conducted.

Article 70 *Coercive enforcement of decision on compulsory stocktaking*

1. The principles of coercive enforcement of a decision on compulsory stocktaking are as follows:
- (a) Enforcement must be implemented publicly, democratically, objectively, ensuring order and safety, and in accordance with law;
 - (b) The time for commencement of enforcement shall be within office hours.
2. The coercive enforcement of a decision on compulsory stocktaking shall be conducted when the following conditions are satisfied:

- (a) The person whose land is to be resumed failed to comply with the decision on compulsory stocktaking after the commune people's committee, Vietnam Fatherland Front at the commune level in the locality where the land is to be resumed and the organization in charge of compensation and site clearance organized canvass and persuasion;
- (b) The decision on coercive enforcement of the decision on compulsory stocktaking was publicly displayed at the headquarters of the commune people's committee and at the communal areas of the residential zone where the land is to be resumed;
- (c) The decision on coercive enforcement of decision on compulsory stocktaking has become effective;
- (d) The coerced person has received the effective decision on coercive enforcement.

In a case where the coerced person refuses to receive the decision on coercive enforcement or is absent when the decision on coercive enforcement is delivered, the commune people's committee shall prepare minutes.

- 3. The chairman of the district people's committee shall issue decisions on coercive enforcement of decisions on compulsory stocktaking and organize their implementation.
- 4. The sequence and procedures for implementation of a decision on coercive enforcement of compulsory stocktaking is regulated as follows:
 - (a) The organization assigned to implement coercive enforcement shall organize canvass, persuasion and dialogue with the coerced person;
 - (b) Once the coerced person complies with the decision on coercive enforcement, the organization assigned to implement the coercive enforcement shall prepare minutes acknowledging the compliance and shall implement investigation, survey, measurement and stocktaking;

If the coerced person fails to comply with the decision on coercive enforcement, the organization assigned to implement coercive enforcement shall implement such decision.

Article 71 *Coercive enforcement of decision on land resumption*

- 1. The principles for coercive enforcement of decisions on land resumption are stipulated in article 70.1 of this Law.
- 2. The coercive enforcement of a decision on land resumption shall be implemented when the following conditions are satisfied:
 - (a) The person whose land is to be resumed does not comply with the decision on land resumption after the commune people's committee, Vietnam Fatherland Front at the commune level in the locality where the land is to be resumed and the organization in charge of compensation and site clearance have organized canvass and persuasion;
 - (b) The decision on coercive enforcement of the decision on land resumption has been publicly displayed at the headquarters of the commune people's committee and at the communal areas of the residential zone where the land is to be resumed ;
 - (c) The decision on coercive enforcement of the decision on land resumption has become effective;

- (d) The coerced person has received the decision on coercive enforcement of the effective decision on land resumption.

In a case where the coerced person refuses to receive the decision on coercive enforcement or is absent when the decision on coercive enforcement is delivered, the commune people's committee shall prepare minutes.

- 3. The chairman of the district people's committee shall issue decisions on coercive enforcement of decisions on land resumption and organize their implementation.
- 4. The sequence and procedures for implementation of coercive enforcement of land recovery is as follows:
 - (a) Prior to implementing coercive enforcement, the chairman of the district people's committee shall make a decision on establishment of a coercive enforcement committee;
 - (b) The coercive enforcement committee shall organize canvass, persuasion and dialogue with the coerced person; if the coerced person complies, the coercive enforcement committee shall prepare minutes acknowledging the compliance. The handover of land shall be implemented no later than thirty (30) days from the date of preparation of the minutes.

Where the coerced person does not comply with the decision on coercive enforcement, the coercive enforcement committee shall organize implementation of coercive enforcement;

- (c) The coercive enforcement committee has the right to force the coerced person and related persons to leave the coerced land and to move their assets out of the coerced land by themselves; if they fail to do so, the coercive enforcement committee shall be responsible to move the coerced person and such related persons with their assets out of the coerced land.

Where the coerced person refuses to receive assets, the coercive enforcement committee must prepare minutes, organize the preservation of assets in accordance with law, and notify the person possessing such assets in order for such person to receive the assets.

- 5. The responsibilities of organizations and individuals for implementation of a decision on coercive enforcement of land resumption are as follows:
 - (a) The district people's committee is responsible to organize implementation of coercive enforcement and the resolution of claims relating to the coercive enforcement in accordance with the law on complaints; to implement the plan on resettlement prior to implementing coercive enforcement; to ensure conditions and facilities required to serve the coercive enforcement; and to arrange financing sources for coercive enforcement of land resumption;
 - (b) The coercive enforcement committee is responsible to preside over preparation of a plan on coercive enforcement and estimated budget for the coercive enforcement and submit same to the authorized people's committee for approval; to implement the coercive enforcement in accordance with the approved plan; and to handover the land to the organization in charge of compensation and site clearance;

If there are assets on the resumed land, the coercive enforcement committee must preserve such assets; any costs for preservation of such assets shall be paid by the owner;

- (c) The police force is responsible to secure order and safety during organization of implementation of a decision on coercive enforcement of land resumption;

- (d) The commune people's committee in the locality where the land is resumed is responsible to coordinate with related agencies and entities to organize service or public display of the decision on coercive enforcement of land resumption, to participate in the coercive enforcement, and to coordinate with the organization in charge of compensation and site clearance to seal up or move assets of the person subject to coercive enforcement of land resumption;
- (dd) Other related agencies, organizations and individuals are responsible to coordinate with the coercive enforcement committee to implement coercive enforcement of land resumption at the request of such committee.

6. The Government shall provide detailed regulations on this article.

Article 72 *Requisition of land*

1. The State shall requisition land in really necessary cases to perform national defence and security duties or in case of war, emergency, and prevention and fighting against natural disasters.
2. Decisions on requisition of land must be made in writing; in emergency circumstances where a written decision cannot be made, the authorized person is permitted to make an oral decision on requisition of land but must prepare a certificate certifying that the decision on requisition of land was made at the time of requisition. The decision on requisition of land shall be effective as from the time of issuance.

No later than forty eight (48) hours from the time the oral decision on requisition of land is made, the agency of the person making the oral decision on requisition of land is responsible to certify the requisition of land in writing and send such certificate to the person whose land is requisitioned.

3. The Minister of Defence, the Minister of Public Security, the Minister of Transport, the Minister of Agriculture and Rural Development, the Minister of Health, the Minister of Industry and Trade, the Minister of Natural Resources and Environment, chairmen of provincial people's committees and chairmen of district people's committees are authorized to make decisions on requisition of land and decisions extending the period of requisition of land. Any person authorized to requisition land is not permitted to delegate his/her authority to another person.
4. The period of land requisition shall not exceed thirty (30) days from the date on which a decision on land requisition takes effect. In a case of war or emergency, the period of land requisition shall be calculated from the date of issuance of the decision until expiry of a period of no more than thirty (30) days after the date of annulment of war or emergency circumstances.

Where upon expiry of the period of land requisition the objective of the requisition has not yet been completed, such period shall be extended but not to exceed thirty (30) days. The decision on extension of the period of land requisition must be made in writing and shall be sent to the person whose land is requisitioned before expiry of the [original] period of requisition.

5. The person whose land is requisitioned must comply with the decision on requisition. Where the decision on requisition of land has been made in accordance with law but the person whose land is requisitioned does not comply, the person making the decision on requisition of land shall issue a decision on coercive enforcement and organize same or assign the chairman of the provincial or district people's committee in the locality where the land is to be requisitioned to organize coercive enforcement.

6. The person authorized to requisition land is responsible to assign an organization or individual to manage and use requisitioned land for correct purposes and in an effective manner; to return the land upon expiry of the period of requisition; and to compensate for loss and damage caused by the requisition of land.
7. Payment of compensation for loss and damage caused by the requisition of land shall be implemented as follows:
 - (a) The person whose land is requisitioned is entitled to compensation for loss and damage in a case where the requisitioned land deteriorated; or in a case where the person whose land is requisitioned suffers a loss of income directly resulting from the requisition of land;
 - (b) Where the requisitioned land deteriorated, monetary compensation shall be paid on the basis of the market price of transfer of the land use right at the time of payment;
 - (c) Where the person whose land is requisitioned suffers a loss of income directly resulting from the requisition of land, the amount of compensation shall be determined on the basis of the actual income loss calculated from the date of allocation of requisitioned land until the date of return of the requisitioned land as stated in the decision on return of requisitioned land.

The actual income loss must match the income earned from the requisitioned land in normal conditions prior to the time of requisition of land;
 - (d) The chairman of the provincial or district people's committee in the locality where the land is requisitioned shall establish a council to determine the amount of compensation for loss and damage caused by the requisition of land on the basis of a written declaration made by the land user and the cadastral file. Based on the amount of compensation for loss and damage as determined by the council, the chairman of the provincial or district people's committee shall decide the amount of compensation.
 - (dd) The amount of compensation for loss and damage caused by the requisition of land shall be paid from the State budget in one instalment and directly to the person whose land is requisitioned within a period of no more than thirty (30) days after the date of return of the land.
8. The Government shall provide detailed regulations on this article.

Article 73 *Use of land in the form of receipt of transfer, lease of land use right or receipt of capital contribution in the form of land use right for production and business*

1. If the use of land for implementation of a production and business project and/or works which does not fall into the cases of land resumption by the State as stipulated in articles 61 and 62 of this Law complies with the land use zoning and land use planning approved by the competent State agency, the investor is entitled to receive a transfer of or to lease the land use right or to receive capital contribution in the form of the land use right in accordance with law.
2. The State has policies for encouraging the lease of land use rights and the receipt of capital contribution in the form of land use rights by economic organizations, family households and individuals for the purpose of implementing projects and works of production and business.
3. The Government shall provide detailed regulations on this article.

Section 2

Payment of Compensation for Land, Assistance and Resettlement

Article 74 *Principles for payment of compensation for land when the State resumes land*

1. Land users are entitled to receive payment when the State resumes land if they satisfy the conditions for entitlement to compensation stipulated in article 75 of this Law.
2. The compensation shall be implemented by allocation of land of the same use purpose as the type of land resumed, or if land is unavailable for compensation then the land user shall be paid monetary compensation on the basis of the specific price of the type of land resumed as decided by the provincial people's committee at the time of deciding land resumption.
3. Payment of compensation when the State resumes land must be conducted democratically, objectively, fairly, publicly, promptly and in accordance with law.

Article 75 *Conditions for receipt of compensation for land when the State resumes land for purposes of national security and defence and socio-economic development in the national interest and in the public interest*

[Eligible entities are as follows:]

1. Family households and individuals currently using land which is not leased land with payment of annual rent, and who have a certificate of land use right, a certificate of right to own residential housing and right to use residential land or a certificate of land use right and ownership of residential house and other assets on the land (hereinafter referred to as *certificate*) or who satisfy the conditions for issuance of a single land certificate in accordance with this Law but have not yet been issued with such a certificate except for the case prescribed in article 77.2 of this Law; and Vietnamese residing overseas in the category entitled to own residential housing attached to residential land use rights in Vietnam and who have a certificate or who satisfy the conditions for issuance of a single land certificate in accordance with this Law but have not yet been issued with such a certificate.
2. Communities of citizens and religious establishments currently using land other than land allocated or leased by the State, and which have a certificate or satisfy the conditions for issuance of a single land certificate in accordance with this Law but have not yet been issued with such a certificate.
3. Vietnamese residing overseas to whom the State has allocated land with collection of land use fees or leased land with collection of one-off (lump sum) payment of rent for the entire lease term [or] who received an assignment of a land use right in an industrial zone, an industrial group, an export processing zone, a high tech zone or an economic zone, and who have a certificate or who satisfy the conditions for issuance of a single land certificate in accordance with this Law but have not yet been issued with such a certificate.
4. Organizations to which the State has allocated land with collection of land use fees or leased land with collection of lump sum payment of rent for the entire lease term [or] who received an inheritance of a land use right or received an assignment of a land use right and made payment of land use fees and payment for receipt of assignment not sourced from the State budget, and which have a certificate or which satisfy the conditions for issuance of a single land certificate in accordance with this Law but have not yet been issued with such a certificate.

5. Diplomatic foreign organizations to which the State has leased land with collection of lump sum payment of rent for the entire lease term and which have a certificate or which satisfy the conditions for issuance of a single land certificate in accordance with this Law but have not yet been issued with such a certificate.
6. Economic organizations, Vietnamese residing overseas and foreign invested enterprises to which the State has allocated land with collection of land use fees for implementation of an investment project for construction of residential housing for sale or for sale in association with leasing out [or] to which the State has leased land with collection of lump sum payment of rent for the entire lease term and which have a certificate or which satisfy the conditions for issuance of a single land certificate in accordance with this Law but have not yet been issued with such a certificate.

Article 76 *Compensation for remaining investment costs in land when the State resumes land for purposes of national defence and security and socio-economic development in the national interest and in the public interest*

1. Cases of non-entitlement to compensation for land but entitlement to compensation for remaining investment costs in land when the State resumes the land comprise:
 - (a) Land which is allocated by the State without collection of land use fees, except for agricultural land allocated by the State to family households and individuals as prescribed in article 54.1 of this Law;
 - (b) Land which is allocated by the State to organizations with collection of land use fees but such organizations are entitled to an exemption of land use fees;
 - (c) Land which is leased by the State with collection of annual rent; leased land with one-off payment of land rent for the entire lease term but such rent is exempt, except where family households and individuals use leased land as a result of implementation of policies applicable to people who have contributed to the revolutionary cause;
 - (d) Agricultural land in public interest land funds of communes, wards or townships;
 - (dd) Land received under contracts for the purpose of agricultural production, forestry, aquaculture or salt production.
2. The Government shall provide detailed regulations on this article.

Article 77 *Compensation for land, and for remaining investment costs in the land when the State resumes agricultural land from family households and individuals*

1. Family households or individuals currently using agricultural land shall be paid compensation for land and/or for remaining investment costs in land when the State resumes the land in accordance with the following provisions:
 - (a) The area of agricultural land eligible for compensation comprises the area within the quota as prescribed in articles 129 and 130 of this Law and the area of land which was inherited;
 - (b) With respect to any area of agricultural land which exceeds the quota prescribed in article 129 of this Law, the family household or individual shall not be entitled to receive compensation for land but shall receive compensation for remaining investment costs in the land;
 - (c) In a case where any area of agricultural land received by way of transfer of land use right exceeds the quota prior to the effective date of this Law, compensation and assistance shall be implemented in accordance with regulations of the Government.

2. In the case of agricultural land used prior to 1 July 2004 and the land user is a family household or individual directly involved in agricultural production [farming] but does not have a certificate or does not satisfy the conditions for issuance of a single land certificate in accordance with this Law, then the land user is entitled to receive compensation in respect of the actual area of land currently being used, and the area of land eligible for compensation shall not exceed the quota on allocation of agricultural land prescribed in article 129 of this Law.

Article 78 *Compensation for land and for remaining investment costs in land when the State resumes agricultural land from economic organizations, public service organizations having financial autonomy, communities of citizens and religious establishments*

1. Economic organizations currently using agricultural land which the State allocated with collection of land use fees or leased with collection of one-off payment of rent for the entire lease term; or which received an assignment of a land use right when the State resumed the land shall be paid compensation if they satisfy the conditions for receipt of compensation stipulated in article 75 of this Law. The amount of compensation for land shall be determined in accordance with the residual land use term.
2. Economic organizations or public service organizations with financial autonomy and currently using agricultural land which was leased by the State with collection of annual land rent, shall, when the State resumes the land, not be paid compensation for land but shall be paid compensation for the remaining investment costs in the land if such costs were not sourced from the State budget.

In a case where agricultural land of an economic organization which is not specialized use forest land, protective forest land or natural forest land for production has already been contracted out to a family household or individual in accordance with law, then such family household or individual shall not be paid compensation for the land but shall be paid compensation for the remaining investment costs in the land when the State resumes the land.

3. Communities of citizens and religious establishments currently using agricultural land shall be paid compensation for land in accordance with Government regulations when the State resumes the land, if they satisfy the conditions for receipt of compensation prescribed in article 75 of this Law.

Article 79 *Compensation for land when the State resumes residential land*

1. A family household or individual currently using residential land, or a Vietnamese residing overseas and owning a residential house attached to the land use right in Vietnam shall be paid compensation as follows when the State resumes the land if such family household, individual or Vietnamese residing overseas satisfies the conditions for receipt of compensation prescribed in article 75 of this Law:
 - (a) Where the family household, individual or Vietnamese residing overseas ["*eligible entity*"] does not have any other residential land or residential house within the commune, ward or township where land is resumed, then such eligible entity shall be compensated by way of residential land [or] a residential house; where such eligible entity does not wish to receive compensation by way of residential land or residential house, the State shall pay monetary compensation;
 - (b) Where such eligible entity has another residential land [or] house within the commune, ward or township where land is resumed, then such eligible entity shall be entitled to monetary compensation. Where the locality has [adequate] conditions [namely a] residential land fund, compensation by way of residential land shall be considered.

2. In a case where family households and individuals who must relocate when the State resumes land attached to a residential house and who do not satisfy the conditions for receipt of compensation for residential land and do not have any other place of residence, then the State shall sell, lease or hire purchase residential houses to them or allocate residential land to them with collection of land use fees.
3. Economic organizations, Vietnamese residing overseas and foreign invested enterprises currently using land for implementation of projects for the construction of residential housing shall be entitled to receive compensation for land when the State resumes land if they satisfy the conditions for receipt of compensation prescribed in article 75 of this Law.
4. The Government shall provide detailed regulations on this article.

Article 80 *Compensation for land and for remaining investment costs in the land when the State resumes non-residential non-agricultural land from family households and individuals*

1. Family households and individuals currently using non-residential non-agricultural land shall be compensated by way of land for the same use purpose when the State resumes the land if they satisfy the conditions for receipt of compensation prescribed in article 75 of this Law; where there is no land available for compensation, monetary compensation shall be paid in accordance with the residual land use term in respect of land used for a definite term.
2. Family households and individuals currently using non-residential non-agricultural land which was leased by the State with collection of annual land rent, or which was leased by the State with collection of one-off payment of land rent for the entire lease term but they are entitled to an exemption of land rent shall not be entitled to receive compensation for the land but shall receive compensation of the remaining investment costs when the State resumes such land, except where the family households and individuals use leased land as a result of implementation of policies applicable to people having contributed to the revolutionary cause.
3. The Government shall provide detailed regulations on this article.

Article 81 *Compensation for land and for the remaining investment costs in the land when the State resumes non-residential non-agricultural land from economic organizations, public service organizations having financial autonomy, communities of citizens, religious establishments, Vietnamese residing overseas, diplomatic foreign organizations or foreign invested enterprises*

1. Economic organizations and Vietnamese residing overseas currently using non-residential non-agricultural land or land for cemeteries and graves shall be compensated by way of land for the same use purpose when the State resumes the land if they satisfy the conditions for receipt of compensation prescribed in article 75 of this Law; where there is no land available for compensation, monetary compensation shall be paid in accordance with the residual land use term.
2. Economic organizations currently using land allocated by the State for cemeteries or graves as prescribed in article 55.4 of this Law, and joint venture enterprises using non-residential non-agricultural land as a result of receipt of capital contribution in the form of a land use right as prescribed in article 184 of this Law shall be entitled to receive compensation for land in accordance with Government regulations when the State resumes land.
3. Economic organizations, public service organizations having financial autonomy, Vietnamese residing overseas, diplomatic foreign organizations and foreign invested enterprises currently using non-agricultural land which was leased by the State with one-off payment of land rent for the entire lease term shall be entitled to receive compensation for land in accordance with the residual land use term when the State resumes land, if they satisfy the conditions for receipt of compensation prescribed in article 75 of this Law.

4. Economic organizations, public service organizations having financial autonomy, Vietnamese residing overseas, diplomatic foreign organizations and foreign invested enterprises currently using non-agricultural land which was leased by the State with payment of annual land rent shall be entitled to receive compensation for the remaining investment costs in the land when the State resumes the land.
5. Communities of citizens and religious establishments currently using non-agricultural land shall be entitled to receive compensation for land in accordance with Government regulations when the State resumes the land, if they satisfy the conditions for receipt of compensation prescribed in article 75 of this Law.

Article 82 *Cases of non-entitlement to compensation for land when the State resumes the land*

The State resumes land without compensation for the land in the following cases:

1. Cases prescribed in article 76.1 of this Law;
2. Land allocated by the State for administration;
3. Land resumed in the cases stipulated in articles 64, 65.1(a), 65.1(b), 65.1(c) and 65.1(d) of this Law;
4. The conditions for issuance of a single land certificate as stipulated in this Law are not satisfied, except for the case stipulated in article 77.2 of this Law.

Article 83 *Assistance upon land resumption by the State*

1. The principles for assistance³ upon land resumption by the State are as follows:
 - (a) Land users shall also be considered for assistance by the State when the State resumes such land, in addition to receipt of compensation in accordance with this Law;
 - (b) The assistance must be provided objectively, fairly, promptly, publicly and correctly in accordance with law.
2. Assistance upon land resumption by the State comprises:
 - (a) Assistance for stabilizing life and production;
 - (b) Assistance for training, change of occupation and for looking for new employment in the case of recovery of agricultural land from family households or individuals directly engaged in agricultural production [farming] or recovery of residential land in association with business of services from family households or individuals who must relocate;
 - (c) Assistance for resettlement in the case of resumption of residential land from family households, individuals or Vietnamese residing overseas who must relocate;
 - (d) Other assistance.
3. The Government shall provide detailed regulations on this article.

Article 84 *Assistance for training, change of occupation and for looking for new employment for family*

³ Allens footnote: See the definition of assistance in article 3.14.

households and individuals when the State resumes land

1. Family households and individual directly engaged in agricultural production [farming] shall not only be entitled to receive monetary compensation but shall also be provided with assistance for training, change of occupation and for looking for new employment when the State resumes agricultural land and where there is no agricultural land for compensation.

A working-age person entitled to assistance for training, change of occupation and for looking for new employment who wishes to receive vocational training shall be admitted to a vocational training establishment and shall be advised on assistance for looking for new employment or obtaining soft credit facilities for development of production and business.

2. Family households and individuals using residential land in association with business of services and having their main income from such business of services shall be permitted to obtain soft credit facilities for development of production and business when the State resumes their land requiring them to relocate; a person whose land is resumed and who is of working age shall be entitled to receive assistance for training, change of occupation and for looking for new employment.
3. On the basis of the annual land use planning at the district level, provincial people's committees and/or district people's committees are responsible to organize the preparation and implementation of a plan for training, change of occupation and assistance for looking for new employment for persons whose agricultural land or residential land in association with business of services is resumed. The plan for training, change of occupation and assistance for looking for new employment shall be prepared and approved at the same time as the plan for compensation, assistance and resettlement.

During the preparation of the plan for training, change of occupation and assistance for looking for new employment, the provincial people's committees or the district people's committees must obtain opinions and must be responsible to accept and explain opinions from the persons whose land is resumed.

Article 85 *Formulation and implementation of resettlement projects*

1. Provincial people's committees and district people's committees are responsible to arrange formulation and implementation of resettlement projects prior to resuming land.
2. A centralized resettlement zone must be constructed with complete infrastructure ensuring [satisfaction of] construction standards and criteria and compliance with conditions, customs and practices of each region and area.
3. Residential land is only permitted to be resumed after residential houses or infrastructure of a resettlement zone has been constructed.
4. The Government shall provide detailed regulations on this article.

Article 86 *Arrangement of resettlement for persons whose residential land is resumed and who must relocate*

1. The organization in charge of compensation and site clearance which is assigned by the provincial people's committee or the district people's committee to arrange resettlement must provide persons whose residential land is to be resumed and who must relocate with a notice of the proposed plan on arrangement of resettlement and must publicly display such plan within at least fifteen (15) days at the headquarters of the commune people's committee and at the communal areas of the residential zone in the locality where land is to be resumed and also in the resettlement locality prior to the competent State agency approving such plan on arrangement of resettlement.

The notice must contain the location and scale of the land fund and of the resettlement housing fund,

the design and area of each land lot and apartment, the land price and the resettlement housing price; and the forecast [or proposed] arrangement of resettlement for persons whose land is to be resumed.

2. On the spot resettlement for persons whose land is to be resumed shall be implemented if there is a resettlement project or an ability to arrange resettlement in the locality where land is resumed, giving priority to reserving advantageous positions for persons whose land is resumed and who are early in handing over their sites and for persons having contributed to the revolutionary cause.

The approved plan for arrangement of resettlement must be publicly proclaimed at the headquarters of the commune people's committee and the communal areas of the residential zone in the locality where land is resumed and also in the resettlement locality.

3. The specific land price for calculation of land use fees in the resettlement locality and also the selling price of resettlement housing shall be decided by the provincial people's committee.
4. If a person whose land is to be resumed is entitled to arrangement of resettlement but the amount of compensation and assistance is insufficient to purchase a minimum resettlement land parcel then the State shall provide sufficient funding for purchase of such minimum resettlement land parcel.

The Government shall provide specific regulations on minimum resettlement land parcels in conformity with conditions in each region, area and locality.

Article 87 *Compensation and assistance, and resettlement in special cases*

1. In the case of investment projects for which the National Assembly makes the decision on the investment policy and the Prime Minister approves the investment policy, and which require relocation of the entire community of citizens thereby affecting living conditions, socio-economic conditions, the tradition and the culture of such community, or in the case of land resumption projects involving multiple provinces and cities under central authority, the Prime Minister shall decide a policy framework on compensation, assistance and resettlement.
2. In the case of projects using loans from international or foreign organizations with which the State of Vietnam has provided an undertaking on the policy framework for compensation, assistance and resettlement, then such policy framework shall apply.
3. In the case of resumption prescribed in articles 65.1(dd) and 65.1(e) of this Law, persons whose land is to be resumed shall be entitled to compensation, assistance and resettlement in order to stabilize living conditions and production activities in accordance with Government regulations.

Section 3

Compensation for Loss and Damage to Assets, Production and Business

Article 88 *Principles for compensation for loss and damage to assets and for suspension of production and business when the State resumes land*

1. When the State resumes land and lawful owners of assets attached to the land suffer loss and damage, such owners shall be compensated.

2. When the State resumes land and organizations, family households, individuals, Vietnamese residing overseas and foreign invested enterprises must suspend their production and business and suffer loss and damage, such entities shall be compensated for loss and damage.

Article 89 *Compensation for loss and damage to houses and construction works built on land when the State resumes the land*

1. Where residential houses or works serving domestic use attached to land of family households, individuals or Vietnamese residing overseas must be dismantled totally or in part when the State resumes the land, and the residual part of such houses or works do not satisfy technical standards as stipulated by law, then owners of such houses or works shall be compensated equal to the value of new construction of residential houses and works of equivalent technical standard.

If the residual part of such houses or works still satisfy technical standards as stipulated by law, then compensation shall be paid on the basis of actual loss and damage.

2. In respect of other houses and works on land which do not fall into the category stipulated in clause 1 of this article and are dismantled totally or in part when the State resumes the land and where the residual part of such houses or works do not satisfy technical standards as stipulated by law, then compensation for loss and damage shall be paid in accordance with Government regulations.
3. In respect of technical and social infrastructure facilities on land currently being used which do not fall into the categories stipulated in clauses 1 and 2 of this article, the amount of compensation shall equal the value of new construction of works with similar technical standards in accordance with specialized branch law.

Article 90 *Compensation payable for crops, and for reared animals*

1. When the State resumes land causing loss and damage to crops, compensation shall be paid in accordance with the following provisions:
 - (a) In the case of annual crops, the amount of compensation shall equal the value of the harvested volume [or quantity]. The value of the harvested volume shall be calculated on the basis of the volume of the best harvest in the three (3) previous consecutive years of the main crop in the locality and the average price at the time of resumption of the land;
 - (b) In the case of perennial crops, the amount of compensation shall equal the current value of the orchard in accordance with prices in the locality at the time of resumption of the land, excluding the value of the land use right;
 - (c) In the case of crops which have not yet been harvested but which are able to be transferred to another location, compensation shall be paid for the costs of such transfer and actual loss and damage as a result of the transfer and the necessity to replant the crops;
 - (d) In the case of forest trees planted using capital from the State budget [and] natural forest trees which are assigned to family households or individuals to plant, manage, care for and protect, compensation shall be paid at the actual value of loss and damage to the orchard [or forest]; and compensation monies shall be allocated amongst people managing, caring and protecting such trees in accordance with the law on protection of forest development.
2. When the State resumes land causing loss and damage to creatures raised being aquatic organisms, then compensation shall be paid in accordance with the following provisions:
 - (a) In the case of creatures raised being aquatic organisms and where at the time of resumption of the land harvesting time had already arrived, compensation shall not be paid;

- (b) In the case of creatures raised being aquatic organisms and where at the time of resumption of the land harvesting time had not arrived, compensation shall be paid for actual loss and damage resulting from early harvesting; in a case where it is possible to transfer the creatures then compensation shall be paid for the costs of transfer and for loss and damage resulting from the transfer; and the specific amount of compensation shall be decided by the provincial people's committee.

Article 91 *Compensation being costs of transfer when the State resumes land*

1. When the State resumes land requiring transfer of assets, then the State shall pay compensation for costs of dismantling, transferring and reinstalling such assets; in a case where it is necessary to transfer systems of machinery or production lines, compensation shall also be paid for any loss and damage caused during such processes.
2. Provincial people's committees shall decide amounts of compensation prescribed in clause 1 of this article.

Article 92 *Cases of non-entitlement to compensation for assets attached to land when the State resumes land*

1. Assets attached to land which fall into the cases of land resumption prescribed in articles 64.1(a), 64.1(b), 64.1(d), 64.1(dd), 64.1(e) and 64.1(i) and in articles 65.1(b) and 65.1(d) of this Law.
2. Assets attached to land which were created illegally or which were created after there was a notice of resumption of the land from the competent State agency.
3. Technical and social infrastructure facilities and other construction works which are no longer being used.

Article 93 *Payment of amounts for compensation, assistance and resettlement*

1. Within thirty (30) days after the effective date of the decision on land resumption from the competent State agency, the agency or organization in charge of compensation must pay the amount of compensation and assistance to persons whose land is resumed.
2. If the agency or organization in charge of compensation makes late payment, then upon payment of the amount of compensation and assistance to the persons whose land is resumed, in addition to the amount of compensation and assistance as stipulated in the plan for compensation, assistance and resettlement approved by the competent authority, such persons shall also be entitled to an additional amount equal to the late payment rate stipulated in the Law on Tax Management on the amount paid late for the period of delay.
3. If any person whose land is resumed does not receive the amount of compensation and assistance in accordance with the plan for compensation, assistance and resettlement approved by the competent authority, then such amount shall be deposited in an escrow account at the State Treasury.
4. Where any land user is compensated upon land resumption by the State but has not completed his or her financial obligations with respect to the land to the State as provided by law, the amount of financial obligations which have not been completed shall be deducted from the amount of compensation and returned to the State budget.
5. The Government shall provide detailed regulations on this article.

Article 94 *Compensation for loss and damage to land belonging to safety corridors upon construction of works with safety corridors*

When the State builds public works and national defence and security works with safety corridors and does not resume land located within such safety corridors, land users shall be compensated for loss and damage resulting from limited ability to use land and for loss and damage to assets attached to land in accordance with Government regulations.

CHAPTER 7

Registration Of Land, And Issuance Of Certificates Of Land Use Right And Ownership Of Residential House And Other Assets Attached To Land

Section 1

Registration of Land, Residential Housing and Other Assets Attached to Land

Article 95 *Registration of land, residential housing and other assets attached to land*

1. Registration of land is compulsory for land users or persons to whom land is allocated for administration; whereas registration of ownership of residential housing and assets attached to land depends on a request from owners.
2. Registration of land, residential housing and other assets attached to land comprises initial registration and registration of changes, to be conducted at land registration organizations belonging to administrative bodies for land, either in paper form or electronically and both of which shall have equal legal validity.
3. Initial registration shall be conducted in the following cases:
 - (a) When a parcel of land is allocated or leased in order to be used;
 - (b) When a parcel of land is currently being used but has not yet been registered;
 - (c) When a parcel of land is allocated for administration purposes but has not yet been registered;
 - (d) When the residential house and other assets attached to land have not yet been registered.
4. Registration of changes shall be conducted where a certificate has been issued or the registration has been conducted and there are the following changes:
 - (a) The land user or owner of assets attached to the land exercises the right to exchange, assign, lease or sub-lease, bequeath or donate the land use right or assets attached to the land; or to mortgage or contribute capital using the land use right or assets attached to the land;
 - (b) The land user or owner of assets attached to the land is permitted to change his/her/its name;
 - (c) There is a change in the configuration, measurements, area, number or address of the parcel of land;
 - (d) There is a change in the assets attached to the land as compared to the items already registered;
 - (dd) There is a conversion of the land use purpose;

- (e) There is a change in the land use term;
 - (g) There is conversion from the form of the State leasing land with collection of annual rent to the form of land lease with collection of one-off payment of rent for the entire lease term; or from the form of the State allocating land without collection of land use fees to the form of land lease; or from land lease to land allocation with collection of land use fees in accordance with this Law;
 - (h) There is a conversion of the land use right and ownership of residential house and assets attached to the land of the husband or of the wife to the mutual land use right and mutual ownership of assets of both husband and wife;
 - (i) There is a division or split of the land use right and ownership of residential house and other assets attached to the land of an organization, family household or of both husband and wife, or of a group of joint land users or a group of joint owners of assets attached to the land;
 - (k) There is a change in the land use right and ownership of assets attached to the land as a result of successful mediation in respect of a land dispute as recognized by the competent people's committee; there is an agreement in a mortgage contract for dealing with debts; there is a decision of the State agency authorized to resolve land disputes and complaints and denunciations in respect of land, or a decision or judgement of a people's court or a judgement enforcement decision of a body enforcing court judgments which has been enforced; or a document recognizing the results of auction of the land use right in compliance with law;
 - (l) There is establishment, change or termination of limited land use in respect of the adjacent parcel or parcels of land;
 - (m) There is a change to the restrictions on the rights of the land user.
5. The land user or owner of assets attached to the land who has conducted declaration and registration shall be recorded in the Cadastral Register, and shall be issued with a single land certificate if the land user so requests and satisfies the conditions prescribed by this Law and other related laws; in the case of registration of changes in land, the land user shall be issued with a single land certificate or [shall be entitled to] receive certification of changes recorded in the issued certificate.
- In a case of initial registration without satisfying the conditions for issuance of a single land certificate, the person currently using land shall be permitted to temporarily use the land until the State issues a decision thereon in accordance with Government regulations.
6. In cases of registration of changes stipulated in clauses 4(a), 4(b), 4(h), 4(i), 4(k) and 4(l) of this article, within no more than thirty (30) days after the date of a change, the land user must carry out the procedures for registration of such change; in the case of inheritance of the land use right, the period for registration of the change shall be calculated from the date of completion of distribution of the land use right being the estate.
7. The registration of land and assets attached to the land shall take effect from the time of registration in the Cadastral Register.

Article 96 *Cadastral files*

1. Cadastral files shall comprise data in paper form or in digital form representing detailed information about each parcel of land, about persons assigned to administer land, about land users, about owners of assets attached to land, about land use rights and about changes to land use rights and ownership of assets attached to land.
2. The Minister of Natural Resources and Environment shall provide regulations on cadastral files, on their formulation, revision and management, and on the schedule for converting cadastral files in paper form to cadastral files in digital form.

Section 2

Issuance of Certificates of Land Use Right, Ownership of Residential Housing and Other Assets Attached to Land

Article 97 *Certificates of land use right and ownership of residential housing and other assets attached to land*

1. Certificates of land use right and ownership of residential house and other assets attached to land [*"single land certificates"*] shall be issued to persons with a land use right, ownership of a residential house and/or ownership of other assets attached to the land, on a standard form used throughout the country.

The Minister of Natural Resources and Environment shall provide specific regulations on single land certificates.

2. Certificates of land use right, certificates of ownership of residential house and residential land use right, certificates of ownership of residential house, and certificates of ownership of construction works which were issued in accordance with the law on land, the law on residential housing and the law on construction prior to 10 December 2009 shall remain legally valid and shall not be required to be replaced by single land certificates; if any person who was issued with a certificate prior to 10 December 2009 so requests, such person shall be permitted to change such Certificate into a single land certificate in accordance with this Law.

Article 98 *Principles of issuance of certificates of land use right and ownership of residential housing and other assets attached to land*

1. Certificates of land use right and ownership of residential house and other assets attached to land [*"single land certificates"*] shall be issued in accordance with each parcel of land. Where any person currently using multiple parcels of agriculture land in the same commune, ward or township so requests, such person shall be issued with one single land certificate for such parcels.
2. Where one parcel of land is subject to the mutual land use right of a number of people and there are joint owners of the residential house and other assets attached to the land, then the single land certificate must specify the full names of people having the mutual land use right and joint owners of the residential house and other assets attached to the land, and each person shall be issued with one certificate; if the users or owners so request, a mutual certificate shall be issued and granted to the representative.
3. Land users and/or owners of a residential house and other assets attached to land are entitled to receive a single land certificate after having discharged financial obligations stipulated by law.

If the land users and/or owners of residential houses and other assets attached to land are not in the category of people who are required to discharge financial obligations, or who are entitled to an exemption of or are entitled to debit financial obligations, and where they lease land with payment of annual land rent, then they shall be entitled to receive a single land certificate immediately after it is issued by the competent agency.

4. Where the land use right, or the land use right and ownership of the residential house and other assets attached to land, or the ownership of the residential house and other assets attached to land is the mutual asset of both husband and wife, then the single land certificate must state the full name of the husband and the full name of the wife, except where the husband and wife agree to state the name of either of them.

Where the land use right or the land use right and ownership of the residential house and other assets attached to land or the ownership of the residential house and other assets attached to land is the mutual asset of both husband and wife and the issued certificate only states the full name of either husband or wife, then such issued certificate shall be replaced by a single land certificate in order to state the full name of both husband and wife if they so request.

5. If there is a difference in the area between the actual measurement data and the data stated in the documents stipulated in article 100 of this Law or in the issued certificate but the land boundaries of the currently used parcel of land do not change as compared to the land boundaries of the parcel of land at the time of obtaining the document on land use right, and there is no dispute with users of adjacent parcels of land, then the area of land shall be determined on the basis of the actual measurement data upon issuance of or replacement with a single land certificate. The land user shall not be required to pay land use fees in respect of the excess area of land if any.

If upon re-measurement, the land boundaries of the parcel of land have changed as compared to the land boundaries of the parcel of land at the time of obtaining the document on land use right and the area of land actually measured is more than the area stated in the document on land use right, then the excess area of land (if any) shall be considered for issuance of a single land certificate in accordance with article 99 of this Law.

Article 99 *Cases of use of land for which certificates of land use right and ownership of residential house and other assets attached to land are issued*

1. The State shall issue single land certificates in the following cases:
 - (a) Persons currently using land and satisfying all conditions for issuance of a single land certificate as prescribed in articles 100, 101 and 102 of this Law;
 - (b) Persons being allocated land by the State or who lease land from the State as from the effective date of this Law;
 - (c) Persons being permitted to exchange; being assignees, legatees and domes of a land use right or recipients of capital contribution in the form of a land use right; or recipients of a land use right upon realization of a contract of mortgage using the land use right for debt recovery;
 - (d) Persons using land pursuant to the results of successful mediation in respect of a land dispute; pursuant to a judgment or decision of a people's court, a judgement enforcement decision of a body which enforces court judgments, or a decision resolving a land dispute, land complaint or land denunciation by a competent State agency which has been enforced;
 - (dd) Persons winning an auction of a land use right;

- (e) Land users in industrial zones, industrial groups, export processing zones, high-tech zones or economic zones;
- (g) Purchasers of residential housing and/or other assets attached to land;
- (h) Purchasers of residential housing attached to residential land pursuant to a State liquidation or disposal sale; purchasers of residential housing owned by the State;
- (i) Land users dividing or consolidating parcels of land; groups of land users or members of a family household, husbands and wives or organizations using land and separating or consolidating their current land use right;
- (k) Land users requesting a replacement or reissuance of their lost certificate.

2. The Government shall provide detailed regulations on this article.

Article 100 *Issuance of certificates of land use right and ownership of residential house and other assets attached to land to family households, individuals and communities of citizens currently using land and possessing documents on land use right*

1. Family households and individuals currently using land stably and having one of the following documents shall be issued with a single land certificate and shall not be required to pay land use fees:
 - (a) Documents on the right to use land prior to 15 October 1993 issued by the competent agency during implementation 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 prior to 15 October 1993;
 - (c) Legitimate document on inheritance or gift of land use right or assets attached to land; document on allocation of a charity house or a house of compassion attached to land;
 - (d) Document on assignment of land use right or purchase and sale of residential housing attached to residential land prior to 15 October 1993, which is certified by the commune people's committee as having been used [*since*] before 15 October 1993;
 - (dd) Document on liquidation or disposal sale of residential housing attached to residential land; document on purchase of residential housing owned by the State in accordance with law;
 - (e) Document on land use right issued to the land user by a competent agency under a former regime;
 - (g) Other types of documents formulated prior to 15 October 1993, in accordance with Government regulations.
2. If a family household or individual currently using land has one of the documents prescribed in clause 1 of this article which states the name of another person, accompanied by a document on assignment of the land use right which is signed by the related parties, but the procedures for assignment of land use rights have not been performed in accordance with the law prior to the effective date of this Law and the land is not the subject of any dispute, then [*such family household or individual*] shall be issued with a single land certificate and shall not be required to pay land use fees.

3. 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, pursuant to a document recognizing the results of successful mediation, or pursuant to a decision of a State agency resolving a land dispute, complaint or denunciation which has been enforced, then such family household or individual shall be issued with a single land certificate; where the financial obligations have not been discharged, such financial obligations must be discharged in accordance with law.
4. If a family household or individual was allocated land by or leased land from the State from 15 October 1993 to the effective date of this Law and has not been issued with a certificate, such family household or individual shall be issued with a single land certificate ; and where the financial obligations have not been discharged, such financial obligations must be discharged in accordance with law.
5. If a community of citizens currently using land containing a building being a communal house, temple, shrine, pagoda, worship hall or family shrine [or] agricultural land as prescribed in article 131.3 of this Law, and the land is not the subject of any dispute, which is certified by the commune people's committee in the locality where the land is located as land jointly used by the community, then such community shall be issued with a single land certificate.

Article 101 *Issuance of certificates of land use right and ownership of residential house and other assets attached to land to family households and individuals currently using land but without documents on land use right*

1. If a family household or individual currently using land prior to the effective date of this Law does not have any of the documents stipulated in article 100 of this Law but has registered permanent residence in the locality and is directly engaged in agricultural production, forestry, aquaculture and salt production in a region with difficult socio-economic conditions or in a region with specially difficult socio-economic conditions, and if the people's committee of the commune where the land is situated now certifies that such family household or individual has used the land stably and that the land is not the subject of any dispute, then such family household or individual shall be issued with a single land certificate and shall not be required to pay land use fees.
2. If a family household or individual currently using land does not have any of the documents prescribed in article 100 of this Law but the land has been used stably since before 1 July 2004 and is not in breach of the law on land, and if the commune people's committee now certifies that the land is not the subject of any dispute, and it is consistent with the land use zoning, detailed urban construction zoning [and/or] construction zoning for rural residential zones as approved by the competent State agency with respect to areas for which land use zoning is available, then such family household or individual shall be issued with a single land certificate.
3. The Government shall provide detailed regulations on this article.

Article 102 *Issuance of certificates of land use right and ownership of residential house and other assets attached to land to organizations and to religious establishments currently using land*

1. Any organization currently using land shall be issued with a single land certificate applicable to that part of the land surface area which is being used for the correct purpose.
2. The part of the land surface area which an organization is currently using, but in respect of which a single land certificate shall not be issued, shall be resolved as follows:
 - (a) The State shall resume the part of the land which is not used, or which is used for the incorrect purpose, or which has been illegally lent or leased out or illegally appropriated;

- (b) The organization must hand over that part of the land surface area which it has used as residential land to the district people's committee to manage; if the residential land is consistent with the land use zoning approved by the competent State agency then the residential land user shall be issued with a single land certificate ; where any State owned enterprise engaged in agricultural production, 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 land prior to 1 July 2004, such enterprise must formulate a plan for re-arrangement of the residential land areas into a residential zone and submit it for approval to the provincial people's committee where the land is situated prior to its hand-over to the locality for management.
3. With respect to organizations currently using land which fall into the category of entities leasing land from the State as prescribed in article 56 of this Law, the provincial administrative body for land shall conduct procedures to sign a land lease contract prior to issuance of a single land certificate.
 4. A religious establishment currently using land shall be issued with a single land certificate upon satisfying the following conditions:
 - (a) The State permits such religious establishment to operate;
 - (b) The land is not subject to dispute;
 - (c) It is not land resulting from receipt of an assignment or donation after 1 July 2004.
 5. The Government shall provide detailed regulations on this article.

Article 103 *Determination of areas of residential land containing gardens and ponds*

1. Land of family households and individuals containing gardens and ponds determined as residential land must be located in the same parcel of land which currently has residential housing.
2. Where a parcel of residential land containing a garden or pond which was formed prior to 18 December 1980 and the current land user has one of the documents on land use right stipulated in articles 100.1, 100.2 and 100.3 of this Law, then the area of residential land shall be determined on the basis of such document.

If the area of residential land is not specified in the documents on land use right stipulated in articles 100.1, 100.2 and 100.3 of this Law, then the recognized area of residential land for which land use fees are not payable shall equal no more than five times the quota on allocation of residential land prescribed in articles 143.2 and 144.4 of this Law.

3. Where a parcel of residential land contains a garden or pond formed after 18 December 1980 and prior to 1 July 2004 and the land user has one of the documents on land use right stipulated in article 100 of this Law and the area of residential land is specified in such document, then the area of residential land shall be determined on the basis of such document.
4. Where a parcel of residential land containing a garden or pond was formed after 18 December 1980 and prior to 1 July 2004 and the land user has one of the documents on land use right stipulated in article 100 of this Law and the area of residential land is not specified in such document, then the area of residential land shall be determined as follows:
 - (a) Provincial people's committees shall, on the basis of local conditions and customs, provide a quota on residential land to be recognized for each family household consistent with the local customs and 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 residential land to be recognized in the locality, the area of residential land shall be determined as being equal to the quota on residential land to be recognized in the locality;
 - (c) Where the area of the parcel of land is less than the quota on residential 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 on land use right as stipulated in article 100 of this Law and the land was used stably since before 15 October 1993, the area of residential land shall be determined on the basis of the quota stipulated in clause 4 of this article; where the land has been used stably from 15 October 1993, the area of residential land shall be determined on the basis of the quota on land to be allocated to each family household or individual as stipulated in articles 143.2 and 144.4 of this Law.
 6. Upon determination of the area of residential land in accordance with clauses 2 to 5 of this article, the residual area of the land containing a garden or pond shall be used for the current use purposes prescribed in article 10.1 of this Law.
 7. The Government shall provide detailed regulations on this article.

Article 104 *Issuance of certificates in respect of assets attached to land*

1. A single land certificate shall be issued for assets attached to the land comprising a house [residential housing], other construction works [buildings or structures], production forests being planted forests and forests in which perennial crops have been planted, all of which are existing at the time of issuance of such single land certificate .
2. The issuance of single land certificate shall be implemented in accordance with Government regulations.

Article 105 *Authority to issue certificates of land use right and ownership of residential house and other assets attached to land*

1. Provincial people's committees shall issue certificates of land use right and ownership of residential house and other assets attached to land [single land certificates] to organizations, to religious establishments, to Vietnamese residing overseas, to foreign invested enterprises implementing investment projects, and to diplomatic foreign organizations.

Provincial people's committees are permitted to authorize the natural resources and environment agency at the same level to issue single land certificates.

2. District people's committees shall issue single land certificates to family households, individuals, communities of citizens, and Vietnamese residing overseas who are permitted to own houses associated with residential land use right in Vietnam.
3. In a case where a certificate, or a certificate of ownership of residential house, or a certificate of ownership of construction works was issued and the land user or owner of assets attached to land exercises his or her right or [requests] replacement or re-issuance of such certificate or certificate of ownership of residential house or certificate of ownership of construction works, then the natural resources and environment agency shall implement same in accordance with Government regulations.

Article 106 *Correction and withdrawal of issued certificates*

1. Agencies authorized to issue certificates are responsible to correct issued certificates which have errors in the following cases:
 - (a) There is wrong information about the name, legal entity or personal documents, address of land user or owner of assets attached to land as compared to the legal entity or personal documents at the time of issuance of the certificate of such person;
 - (b) There is wrong information about the parcel of land and assets attached to land as compared to the file for declaration for registration of land and assets attached to land which was checked and certified by the land registration agency.
2. The State shall withdraw an issued certificate in the following circumstances:
 - (a) The State resumes the entire area of land stated in the issued certificate;
 - (b) The issued certificate is replaced;
 - (c) The land user or owner of assets on the land registers a change to the land or assets on the land, which requires new issuance of a single land certificate;
 - (d) The certificate was issued not in accordance with authority, to the incorrect land user or with an incorrect area of land, was not eligible for issuance, or was issued with the incorrect land use purpose or land use term or land use origin in accordance with the law on land, except where the person who was issued with such certificate has transferred the land use right and ownership of assets attached to land in accordance with the law on land.
3. The agencies authorized to issue single land certificates as stipulated in article 105 of this Law shall make a decision withdrawing issued certificates which are described in clause 2(d) of this article after receiving the conclusions of the inspectorate at the same level and/or effective documents of the State agencies authorized to resolve land disputes.

CHAPTER 8

Financial Issues With Respect To Land, Land Prices And Auctions Of Land Use Rights

Section 1

Financial Issues With Respect to Land

Article 107 *Financial revenue items from land*

1. Financial revenue items from land comprise:
 - (a) Land use fees in the cases of allocation of land with collection of land use fees, permission to convert land use purpose, and recognition of land use right by the State requiring payment of land use fees;
 - (b) Land rent from land leased by the State;
 - (c) Land use taxes;
 - (d) Income tax payable on assignment of land use rights;

- (dd) Fines collected after dealing with breaches of the law 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 detailed regulations on the collection of land use fees, land rent, fines after dealing with breaches of the law on land, and compensation payable to the State for loss caused during land administration and land use.

Article 108 *Bases and timing for calculating land use fees and land rent*

1. The bases for calculating land use fees are as follows:
- (a) Area of the land which is allocated, of which the use purpose is converted, or for which the land use right is recognized;
 - (b) Land use purpose;
 - (c) Land price prescribed in article 114 of this Law; in the case of an auction of a land use right, the land price shall be the winning auction price.
2. The bases for calculating land rent are as follows:
- (a) Area of land leased;
 - (b) Land lease term;
 - (c) Land rent unit price; in the case of an auction of a land use right, the leased land price shall be the winning auction price unit;
 - (d) Form of land lease by the State with collection of annual land rent, or land lease by the State with collection of a lump sum payment of land rent for the entire lease term.
3. The timing for calculating land use fees and land rent to be collected shall be the time when the State makes a decision allocating land, leasing land, permitting to convert land use purpose or recognizing the land use right.

Article 109 *Payment of land use fees and land rent upon conversion of land use purpose or extension of land use term*

1. Upon conversion of land use purpose stipulated in clauses 1(d), 1(dd), 1(e) and 1(g) of article 57 of this Law, the land user must pay land use fees or land rent in accordance with the following provisions:
- (a) Payment of land use fees [or] lump sum rent being the difference between the land use fees or land rent on the basis of the type of land after conversion and the land use fees or land rent on the basis of the type of land prior to conversion of land use purpose;
 - (b) Payment of annual land rent on the basis of the type of land after conversion of land use purpose.
2. If the land use term is extended and the land user is required to pay land use fees or land rent, then the land user must discharge financial obligations within the extended period.

3. The Government shall provide detailed regulations on this article.

Article 110 *Exemption from and reduction of land use fees and land rent*

1. Land use fees and land rent shall be exempt or reduced in the following circumstances:
 - (a) Land use for the purpose of production and business in sectors or geographical areas entitled to investment incentives in accordance with the law on investment, except for investment projects for construction of commercial residential housing;
 - (b) Land use for implementation of the policy on residential housing and residential land for persons who contributed to the revolution, poor family households, family households and individuals being ethnic minorities in areas with specially difficult socio-economic conditions [and] in border areas and on islands; land use for construction of social residential housing in accordance with the law on residential housing, and residential land for persons who must relocate when the State recovers the land due to a threat to human life;
 - (c) Use of agricultural production [farming] land by family households and individuals being ethnic minorities;
 - (d) Land use for construction of public works of public service organizations;
 - (dd) Land for construction of infrastructure of airports; land for construction of establishments and facilities providing aviation services;
 - (e) Use of land as a site for construction of headquarters, drying grounds and warehouses, or for construction of service establishments directly serving agricultural production, forestry, aquaculture and salt production by agriculture co-operatives;
 - (g) Other circumstances as regulated by the Government.
2. The Government shall provide detailed regulations on this article.

Article 111 *Land development funds*

1. Provincial people's committees shall establish a land development fund in their localities or authorize other development investment funds or financial funds in their localities to provide advance of funds for compensation and site clearance and creation of land funds in accordance with the land use zoning or planning approved by the competent State agencies.
2. Financial sources of the land development fund are allocated from the State budget and raised from other sources in accordance with law.
3. The Government shall provide detailed regulations on this article.

Section 2

Land Prices

Article 112 *Principles and methods for fixing land prices*

1. The fixing of land prices must comply with the following principles:
 - (a) Accord with the legal land use purpose at the time of fixing the price;

- (b) Accord with the land use term;
- (c) Consistent with the common [ordinary] market land price of the type of land with the same use purpose as the land which has been assigned⁴ or with the winning auction price of the land use right in the place where an auction of land use right is held or with income received from land use;
- (d) The same price level shall apply to different parcels of land adjoining each other which at the same point of time have the same use purpose, and the same profitability and income from use of the land.

2. The Government shall regulate the methods for fixing land prices.

Article 113 *Price framework for land*

The Government shall promulgate price frameworks for land every five years with respect to each type of land and in each region. If during implementation of a price framework for land, the common [ordinary] market land price increases by twenty (20) per cent or more compared with the maximum price or decreases by twenty (20%) or more compared with the minimum price specified in the price framework for land, then the Government shall amend the price framework for land for consistency.

Article 114 *Land price lists and specific land prices*

1. Provincial people's committees shall, based on the principles and methods for fixing land prices and on the price framework for land, formulate a land price list and submit same to the people's council at the same level for passing prior to issuance. The land price list shall be formulated every five years and publicly proclaimed on 1 January of the first year of each five year period.

Where during implementation of the land price list, the Government amends the land price framework or the common [ordinary] market land price changes, then the provincial people's committee shall amend the land price list for consistency.

At least sixty (60) days prior to submitting the land price list to the people's council at the same level for passing, the provincial people's committee shall send the draft land price list to the agency with the function of formulating land price frameworks for its consideration. If there is a significant difference in land prices for areas bordering provinces and cities under central authority, it must be reported to the Prime Minister of the Government for his decision.

2. The land price list shall be used to provide a basis [for calculations] in the following circumstances:
- (a) Calculating land use fees when the State recognizes the residential land use right of family households and individuals in respect of the area of land within the quota or permits conversion of land use purpose from agricultural land or non-residential non-agricultural land into residential land in respect of the area of land within the quota on allocation of residential land to family households and individuals;
 - (b) Calculating land use taxes;
 - (c) Calculating fees and charges payable during land management and land use;
 - (d) Calculating fines for administrative breaches in the land sector;

⁴ Allens footnote: This is a literal translation.

- (dd) Calculating compensation payable to the State for loss caused during land management and land use;
 - (e) Calculating the value of the land use right payable to persons who voluntarily return land to the State in a case where the returned land is land allocated by the State with collection of land use fees or for which the land use right was recognized by the State with collection of land use fees or land which was leased with one-off payment of land rent for the entire lease term.
3. Provincial people's committees shall make a decision on specific land prices. The provincial administrative agency for land is responsible to assist the provincial people's committee to organize a determination of specific land prices. During implementation, the provincial administrative agency for land is permitted to hire an organization with the function of providing consultancy on determination of land prices in order to provide consultancy on determining specific land prices.

The determination of specific land prices must be based on the investigation and collection of information about parcels of land and market land prices and information about land prices in the land database, and the appropriate methods for fixing land prices must be applied. On the basis of the results of consultancy on determination of land prices, the provincial administrative agency for land shall submit to the land price evaluation council for consideration before submitting to the same level people's committee for decision.

The land price evaluation council shall comprise the chairman of the provincial people's committee who acts as the chairman [of the council] and representatives of related agencies and organizations and of the organization with the function of providing consultancy on determination of land prices.

4. Specific land prices shall be used to provide a basis [for calculation] in the following circumstances:
- (a) Calculating land use fees when the State recognizes the land use right of family households and individuals in respect of the area of residential land exceeding the quota or permits conversion of land use purpose from agricultural land or non-residential non-agricultural land into residential land in respect of the area of land exceeding the quota on allocation of residential land to family households and individuals; calculating land rent in respect of [the area of] agricultural land exceeding the quota on allocation of land or exceeding the quota on allocation of land or the quota on receipt of assignment of agricultural land use rights of family households and individuals;
 - (b) Calculating land use fees when the State allocates land with collection of land use fees not in the form of auction of the land use right, or recognizes a land use right or permits conversion of a land use purpose with respect to organizations required to pay land use fees;
 - (c) Calculating land rent in a case where the State leases land not in the form of auction of the land use right;
 - (d) Calculating the value of a land use right where a State owned enterprise is equitized and the equitized enterprise uses land which is allocated by the State with collection of land use fees or is leased by the State with one-off payment of land rent for the entire lease term; calculating land rent where an equitized State owned enterprise is leased land by the State with payment of annual land rent;
 - (dd) Calculating compensation when the State resumes land.
5. The Government shall provide detailed regulations on this article.

Article 115 *Consultancy on determination of land prices*

1. Consultancy on determination of land prices shall be provided in the following circumstances:
 - (a) When formulating and amending price frameworks for land; and when formulating and amending land price lists and fixing specific land prices at the request of competent State agencies;
 - (b) When resolving complaints about land prices at the request of competent State agencies or of parties involved;
 - (c) When conducting civil transactions relevant to specific land prices as requested by the parties.
2. Conditions for providing consultancy on determination of land prices and for practice of consultancy on determination of land prices shall accord with Government regulations.
3. Land valuation consultants must determine land prices in an independent, objective and honest manner and must comply with the principles and methods for fixing land prices prescribed in article 112 of this Law.
4. Land prices determined by consultants shall be one of the bases for competent State agencies to regulate and decide land prices.

Article 116 *Rights and obligations of organizations with function of providing consultancy on determination of land prices*

1. An organization with the function of providing consultancy on determination of land prices has the following rights:
 - (a) To provide consultancy on determination of land prices in accordance with this Law, the Law on Prices and other related laws;
 - (b) To require the party hiring consultancy [services] to provide information and data relevant to provision of consultancy on determination of land prices; and to have the right to receive service fees as agreed in the contract;
 - (c) To unilaterally terminate or cancel the contract for consultancy on determination of land prices when the party hiring such consultancy [services] breaches the conditions agreed by the two parties in the contract or prescribed by law;
 - (d) To have other rights prescribed by law.
2. An organization with the function of providing consultancy on determination of land prices has the following obligations:
 - (a) To be liable before the law for the accuracy, truthfulness and objectivity of results of consultancy on determination of land prices;
 - (b) To implement the agreements reached in the contract for consultancy on determination of land prices signed with the party hiring such consultancy [services];
 - (c) To be subject to checks and inspection by competent State agencies; and to make a report to such agencies on the organization and results of provision of consultancy on determination of land prices on an annual or one-off basis;

- (d) To discharge tax and other related financial obligations as prescribed by law;
- (dd) To register the list of valuers and any amendments and additions to such list with the competent State agency in the locality where the land price consultancy organization has its headquarters;
- (e) To archive files and data on results of provision of consultancy on determination of land prices;
- (g) To have other obligations prescribed by law.

Section 3

Auctions of Land Use Rights

Article 117 *Principles for auctions of land use rights*

1. Auctions of land use rights must be conducted publically and must ensure continuity, objectivity, truthfulness, fairness and protection of the lawful rights and interests of the participating parties.
2. Auctions of land use rights must be conducted correctly in accordance with the sequence and procedures stipulated by the law on land and the law on auction of assets.

Article 118 *Circumstances in which auctions of land use rights shall be conducted and circumstances in which they shall not be conducted*

1. The State shall allocate land with collection of land use fees [or] lease land in the form of an auction of land use right in the following cases, except for the cases stipulated in clause 2 of this article:
 - (a) Investment in construction of residential housing for sale or lease out or hire-purchase;
 - (b) Investment in construction of infrastructure for assignment or lease out;
 - (c) Use of the land fund to create capital for investment in construction of infrastructure;
 - (d) Use of commercial and services land; land with non-agricultural production facilities;
 - (dd) Lease of land belonging to an agricultural land fund to be used for objectives of public interest for agricultural production, forestry, aquaculture or salt production;
 - (e) Allocation or lease of land which was resumed by the State as a result of restructure or realization of headquarters, professional establishments or production and business establishments where assets attached to the land are owned by the State;
 - (g) Allocation of residential land in urban areas and rural areas to family households and individuals;
 - (h) Land allocation or land lease in the case of entitlement to reduction of land use fees or land rent.
2. Circumstances in which an auction of land use right shall not be conducted when the State allocates land or leases land shall comprise:
 - (a) Allocation of land without collection of land use fees;
 - (b) Use of land with exemption of land use fees or land rent in accordance with article 110 of this

Law;

- (c) Use of land as stipulated in clauses 1(b), 1(g) and 2 of article 56 of this Law;
 - (d) Use of land for mineral activities;
 - (dd) Use of land for implementation of investment projects for construction of residential resettlement houses, social residential houses and professional [State employees'] residential houses;
 - (e) Allocation of residential land to State officials and employees who must change their workplace in accordance with secondment decisions of competent agencies;
 - (g) Allocation of residential land to family households and individuals who have permanent residential addresses in communes where residential land is unavailable and who have not yet been allocated residential land by the State;
 - (h) Allocation of residential land to family households and individuals who have permanent residential addresses in townships within areas with difficult socio-economic conditions or specially difficult socio-economic conditions and where residential land is unavailable and who have not yet been allocated residential land by the State;
 - (i) Other circumstances as decided by the Prime Minister.
3. Where land is put up for auction of the land use right in accordance with clause 1 of this article but no-one participates in the auction or where only one person registers to participate in the auction or where an auction is held at least twice without success, the State shall allocate land or lease land without conducting auction of the land use right.

Article 119 *Conducting auctions of land use rights*

1. The conditions for holding an auction of land use right when the State allocates or leases land are as follows:
 - (a) There is already annual land use planning at the district level which has been approved by the competent State agency;
 - (b) Site clearance has been conducted on the land concerned, [and/or] there are assets attached to the land which are owned by the State;
 - (c) There is a plan on auction of the land use right which has been approved by the competent State agency.
2. Organizations and individuals participating in an auction of a land use right must satisfy all the following conditions:
 - (a) They must belong to the category eligible for allocation of land by or lease of land from the State prescribed in articles 55 and 56 of this Law;
 - (b) They must satisfy the conditions for implementing investment projects described in article 58 of this Law in the case of allocation or lease of land for implementation of investment projects.

CHAPTER 9

Land Information System And Land Database

Article 120 *Land information system*

1. The land information system shall be designed on an all-embracing basis and formulated in the form of a system which uniformly applies throughout the entire country and which services multiple objectives; and shall be formulated on the basis of national standards and regulations and on the basis of international standards and regulations recognized in Vietnam.
2. The land information system shall comprise the following basic components:
 - (a) Technical and technological infrastructure for land information;
 - (b) System of software for operating systems, system software and application software;
 - (c) National land database.

Article 121 *National land database*

1. The national land database shall be formulated for uniform application throughout the entire country.
2. The national land database shall comprise the following components:
 - (a) Database of legal instruments on land;
 - (b) Cadastral database;
 - (c) Database of basic surveys of land;
 - (d) Database of land use zoning and land use planning;
 - (dd) Database of land prices;
 - (e) Database of land statistics and land stocktaking;
 - (g) Database of inspection, monitoring and resolution of disputes, complaints and denunciations on land;
 - (h) Database of other items relevant to land.
3. The contents, structure and types of information in the land database shall be in accordance with regulations of the Minister of Natural Resources and Environment.

Article 122 *Management and exploitation of the land database*

1. Information in the land database provided by competent State agencies shall have the same legal validity as in paper files.
2. The land database shall be a State asset which must be safe and secure; and it shall be strictly prohibited to conduct any act of illegal access to, destruction or disruption of information in the land database.

3. Organizations and individuals who require [to access] land information and the land database shall be permitted to exploit and use such information and database via central and local information portals and shall be required to pay fees, and must correctly comply with law when exploiting such information and land database.

Article 123 *Electronic public services in the land sector*

1. Electronic public services to be provided shall comprise registration of land and assets attached to land, implementation of transactions regarding land and assets attached to land, and provision of information and data about land.
2. Administrative bodies for land are responsible to provide the public services referred to in clause 1 of this article, and provide services in a convenient, simple and safe manner to organizations and individuals within a network environment.

Article 124 *Responsibility to formulate the land information system*

1. The State has policies to invest in formulation of the land information system and the land database, and to ensure funding for operation and maintenance of such system and database.
2. The Ministry of Natural Resources and Environment is responsible to formulate, manage and exploit the land information system and the national land database, and to provide electronic public services in the land sector in accordance with Government regulations.
3. Other ministries, branches and agencies concerned are responsible to provide results of basic surveys, data and information regarding land to the Ministry of Natural Resources and Environment for the latter to update same into the national land database and the land information system.
4. Provincial people's committees are responsible to formulate, manage and exploit a land information system and a land database in their localities, and to provide land data to the Ministry of Natural Resources and Environment for the latter to include same in the national land database.
5. The Minister of Natural Resources and Environment shall provide detailed regulations on formulation, management and exploitation of the land information system and conditions for organizations and individuals to provide consultancy on formulation of databases and land information systems.

CHAPTER 10

Regime For Use Of Various Types Of Land

SECTION 1

Land Use Term

Article 125 *Land used on stable and long term basis*

Land users are permitted to use land on a stable and long term basis in the following circumstances:

1. Residential land used by family households and individuals;
2. Agricultural land used by communities of citizens as provided for in article 131.3 of this Law;
3. Protective forest land, specialized use forest land and natural forest land for production;

4. Commercial and services land, land with non-agricultural production facilities which is currently used stably by family households and individuals other than land allocated by the State for a definite term or land leased by the State;
5. Land used for the purpose of construction of headquarters of agencies prescribed in article 147.1 of this Law; land used for the purpose of construction of professional works of public service organizations which do not have financial autonomy as prescribed in article 147.2 of this Law;
6. Land used for national defence and security purposes;
7. Land used by religious establishments as stipulated in article 159 of this Law;
8. Sacred land [for temples and shrines];
9. Land for traffic routes and irrigation works; land containing historical-cultural and scenic beauty sites; and land for construction of other community buildings for non-business purposes;
10. Land used as cemeteries and for graves;
11. Land used by economic organizations as prescribed in articles 127.3 and 128.2 of this Law.

Article 126 *Land used for a definite duration [term]*

1. The duration of allocation of land and recognition of agricultural land use right in respect of family households and individuals directly engaged in agricultural production as stipulated in clauses 1, 2, 3(b), 4 and 5 of article 129 of this Law shall be fifty (50) years. If upon expiry of the duration, the family households and individuals directly engaged in agricultural production wish [to continue using the land], they shall be entitled to continue to use the land for the term stipulated in this clause.
2. The duration of lease of agricultural land to family households and individuals shall not exceed fifty (50) years. If upon expiry of the duration of land lease, the family households and individual wish [to continue using the land], the State shall consider continuing to lease the land.
3. The duration of allocation or lease of land to organizations to use for purposes of agricultural production, forestry, aquaculture or salt production; to organizations, family households and individuals to use for commercial and services purposes and/or use for non-agricultural production establishments; to organizations to implement investment projects; and to Vietnamese residing overseas and foreign invested enterprises 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 investment capital but a slow capital recovery rate and investment projects in areas with difficult or specially difficult socio-economic conditions which require a longer period, the duration of allocation or lease of land shall not exceed seventy (70) years.

With respect to projects on business of residential housing for sale or for sale in association with leasing out or for hire-purchase, the duration of allocation of land to investors shall be determined on the basis of the duration of such project, and purchasers of residential housing associated with land use rights shall be permitted to use the land on a stable and long term basis.

If upon expiry of the duration, the land users wish to continue using the land, then the State shall consider extension of the land use term but not exceeding the duration prescribed in this clause.

4. The duration of lease of land for construction of headquarters of foreign organizations with diplomatic functions shall not exceed ninety nine (99) years. If upon expiry of the duration the diplomatic foreign organization wishes to use the land, the State shall consider extension or shall lease other land but each extension shall not be in excess of the duration prescribed in this clause.
5. The duration of lease of land belonging to agricultural land funds for use for objectives of public interest of communes, wards and townships shall not exceed five years.
6. Land for construction of professional works of public service organizations which are financially autonomous as prescribed in article 147.2 of this Law and for public works with business purposes shall not exceed seventy (70) years.

If upon expiry of the duration, the land users wish to continue using the land, then the State shall consider extension of the land use term but not to exceed the duration prescribed in this clause.

7. In the case of parcels of land used for multiple purposes, the duration of land use shall be determined on the basis of the duration applicable to the type of land used for the main purpose.
8. The duration of land allocation or land lease stipulated in this article shall be calculated from the date of the decision of the competent State agency on land allocation or land lease.

Article 127 *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 is regulated as follows:
 - (a) In the case of conversion of protective forest land or specialized use forest land to another use purpose, 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 the decision permitting to convert land use purpose;
 - (b) In the case of conversion of land for planting rice, land for planting other annual crops, land for planting perennial crops, forest land for production, land for aquaculture or salt production to planting protective forest land or specialized use forest land, 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.

If upon expiry of the duration, the family household or individual wishes to continue using the land, then the State shall consider extension of the duration of land use but not to exceed the duration stipulated in article 126.1 of this Law;

- (d) In the case of conversion of agricultural land to 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 the decision permitting to convert 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 organizations, Vietnamese residing overseas, and foreign invested enterprises implementing investment projects which are not located in an industrial zone, an industrial group, an export processing zone or a high-tech zone, upon conversion of land use purpose shall be determined on the basis of the investment project in accordance with article 126.3 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 128 *Duration of land use upon receipt of assignment of land use right*

1. The duration of land use upon receipt of assignment of a 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 receipt of assignment of land use right.
2. A person assigned a land use right in the case of types of land used on a stable and long term basis shall be permitted to use the land on a stable and long term basis.

Section 2

Agricultural Land

Article 129 *Quota on allocation of agricultural land*

1. The quota on allocation of land for planting annual crops, land for aquaculture and land for salt production to each family household or individual directly engaged in agricultural production is as follows:
 - (a) No more than three (3) hectares of each type of land applicable to central provinces and cities in the regions of Southeast Vietnam and the Mekong Delta;
 - (b) No more than two (2) hectares of each type of land applicable to other central provinces and cities.
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 shall be no more than thirty (30) hectares of each type of land:
 - (a) Protective forest land;
 - (b) Forest land for production.
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 (5) hectares.

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 (5) 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 agricultural production, 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.

Provincial people's committees shall stipulate the quota on allocation of wasteland, bare hills and water surfaces in the category of unused land to family households and individuals to bring into use in accordance with land use zoning and planning approved by competent State agencies.

6. The quota on allocation of agricultural land for planting annual crops, for planting perennial crops, for planting forests, for aquaculture and for salt production in buffer zones of specialized use forests to each family household and individual shall be in accordance with clauses 1 to 5 inclusive of this article.
7. With respect to the area of agricultural land currently used by a family household or individual and located outside the commune, ward or township in which such family household or individual has permanent residential address, such family household or individual shall be permitted to continue using the land; if the land is allocated without collection of land use fees, then such land shall be included in the quota on allocation of agricultural land to each family household and individual.

The administrative body for land which allocated agricultural land to the family household or individual without collection of land use fees shall send a notice to the commune people's committee in the locality where such family household or individual registered permanent residential address for the commune people's committee to calculate the quota on allocation of agricultural land.

8. With respect to the area of agricultural land of a family household or individual resulting from assignment, lease or sub-lease, inheritance or donation of the land use right, or capital contribution using the land use right from other persons, or [the area of agricultural land] contracted or leased by the State, then such area of agricultural land shall not be included in the quota on allocation of agricultural land prescribed in this article.

Article 130 *Quota on receipt of transfer of agricultural land use right applicable to family households or individuals*

1. The quota on receipt of transfer of agricultural land use rights applicable to family households and individuals shall not exceed ten times the quota on allocation of agricultural land to family households and individuals in respect of each type of land as prescribed in articles 1 to 3 inclusive of article 129 of this Law.
2. The Government shall regulate the quota on receipt of transfer of agricultural land use right applicable to family households and individuals in conformity with specific conditions of each area in each period of time.

Article 131 *Agricultural land used by family households, individuals and communities of citizens*

1. Agricultural land used by family households and individuals shall comprise agricultural land which is allocated or leased by the State or the land use right recognized by the State; the land use right leased from other organizations, family households or individuals; and the land use right received by way of an exchange, assignment, inheritance or donation 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 are entitled to continue to use the land in accordance with this Law;
 - (b) With respect to localities which have not yet allocated land to family households and individuals in accordance with the law on land, the people's committees of communes where the land is situated shall formulate a plan on land allocation and submit it to the people's committee of the district 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 and the land is being used stably, then such family households and individuals are entitled to continue to use the land.
3. Agricultural land used by a community of citizens is regulated as follows:
 - (a) A community of citizens to which the State allocates land or recognizes the land use right shall use [the land] to preserve the national identity associated with habits and customs of ethnic groups;
 - (b) A community of citizens to which the State allocates land or recognizes the land use right is responsible to protect the land allocated and is permitted to use the land in combination with the objectives of agricultural production [farming] and aquaculture, and is not permitted to convert to use for other purposes.

Article 132 *Agricultural land used for public interest objectives*

1. Based on the land fund and the special characteristics and requirements in a locality, each commune, ward and township shall 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 resumed, 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 having insufficient land for production.

2. The agricultural land fund to be used for public interest objectives of a commune, ward or township shall be used for the following objectives:
 - (a) Construction of public works of the commune, ward or township including cultural, sporting, public entertainment, medical health, educational works or facilities and for markets, cemeteries and other public buildings as regulated by the provincial people's committee;
 - (b) Compensation to people whose land is used to construct the public facilities prescribed in sub-clause (a) above;
 - (c) Construction of charity homes.
3. Any land areas not yet used for the purposes prescribed in clause 2 of this article shall be leased by the commune people's committee to local family households and individuals for agricultural production or for aquaculture by way of auction for lease. The duration of land use in respect of each occasion of a lease shall not exceed five years.

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 and may only be used for the public interest of the commune, ward or township in accordance with law.

4. The agricultural land fund to be used for public interest objectives of a commune, ward or township shall be administered and used by the commune people's committee where the land is situated in accordance with the land use zoning and planning approved by the competent State agency.

Article 133 *Agricultural land used by organizations, Vietnamese residing overseas and foreign invested enterprises*

1. The State shall give consideration to leasing land for implementation of investment projects to economic organizations, Vietnamese residing overseas and foreign invested enterprises with a requirement to use land for agricultural production, forestry, aquaculture or salt production.
2. Economic organizations and public service organizations to which the State allocated or leased land prior to the effective date of this Law to use for production in agriculture or forestry must review the current status of the land use and prepare a land use plan. The contents of the land use plan must specify the area of land used and its boundaries, the area of each type of land retained for use, the duration of land use and the area of land to be handed over to the locality.

The provincial people's committee is responsible to direct such review and to approve the land use plan; to allocate and lease land in accordance with the approved land use plan; to resume land not being used or being used for the incorrect objective, land which was illegally contracted, leased out or lent, and land which was illegally appropriated to form a land fund allocated or leased to organizations, family households or individuals. Allocation and lease of land must be prioritized for family households and individuals being ethnic minorities without land or having insufficient land for production in the locality.

3. Economic organizations to which the State allocated land without collection of land use fees to use for production in agriculture, forestry, aquaculture or salt production prior to the effective date of this Law must convert to the form of land lease.

Article 134 *Land for rice cultivation*

1. The State has a policy of protection of land for 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 rice cultivation areas to other use purposes, the State shall take measures to supplement rice cultivation areas or to increase the effectiveness of existing rice cultivation areas.

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

2. Land users of land for rice cultivation are responsible to improve and fertilize the land and not to convert it to use for planting perennial crops or forests, aquaculture, salt production and non-agricultural purposes, unless the competent State agency provides permission.
3. Any person to whom the State allocates or leases land to use for non-agricultural purposes [converted] from specialized land for wet rice cultivation must pay an amount of money in order for the State to supplement areas of specialized land for rice cultivation which were lost or to increase the effectiveness of existing rice cultivation areas in accordance with Government regulations.

Article 135 *Forest land for production*

1. The State shall allocate forest land for production being [classified as] natural forest to organizations in charge of forests for the purpose of forest management, protection and development.
2. The State shall allocate or lease forest land for production being [classified as] planted forest as follows:
 - (a) It shall allocate land to family households and individuals directly engaged in agricultural production in accordance with the quota prescribed in article 129.3(b) of this Law to use for forestry production purposes. In the case of the area of forest land for production used by family households or individuals which exceeds the quota, this form must be converted to the land lease form;
 - (b) It shall lease land to economic organizations, family households, individuals, Vietnamese residing overseas and foreign invested enterprises to implement their investment projects for planting forests;
 - (c) Economic organizations, family households, individuals, Vietnamese residing overseas and foreign invested enterprises which are allocated or leased forest land for production pursuant to sub-clauses (a) and (b) above are permitted to 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 invested enterprises using land being forest land for production are 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 agricultural production, forestry and aquaculture.

Article 136 *Protective [upstream] forest land*

1. The State shall allocate protective [upstream] forest land to organizations in charge of protective forests for forest management, protection, reforestation and afforestation in accordance with land use zoning and planning approved by competent State agencies, and it is permitted to use the land in combination with other purposes in accordance with the law on forest protection and development.
2. Organizations in charge of managing protective forests shall contract out parcels of protective forest land to family households and individuals living in such areas for the purpose of forest protection and development. District people's committees shall allocate residential land and land for agricultural production to such family households and individuals to use.
3. Organizations, family households and individuals with a requirement and the ability to protect and develop forests currently living in areas containing protective forest land in respect of which there is no organization in charge and in areas which have been zoned for planting protective forests shall be allocated protective forest land for the purpose of forest protection and development and shall be permitted to combine [the forest protection and development] with use of land for other purposes in accordance with the law on forest protection and development.
4. Provincial people's committees shall decide to lease to economic organizations protective forest land in areas where joint landscape and ecological-environmental tourism businesses under the forest canopy are permitted.
5. Communities of citizens to which the State allocates protective forest land in accordance with the *Law on Forest Protection and Development*⁵ shall be allocated such land for the purpose of forest protection and development; and shall have the rights and obligations prescribed in the *Law on Forest Protection and Development*.

Article 137 *Specialized use forest land*

1. The State shall allocate specialized use forest land to organizations in charge of specialized use forests for the purpose of management and protection in accordance with land use zoning and planning approved by competent State agencies, and it is permitted to use the land in combination with other purposes in accordance with the law on forest protection and development.
2. Organizations in charge of specialized use forests 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 who have been unable to move out of the area, for the purpose of protecting the forest.
3. Organizations in charge of specialized use forests 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. Competent people's committees shall make decisions on allocating or leasing land in buffer zones of specialized use forests to organizations, family households and individuals for use for the purposes of production, 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, and it is permitted to use the land in combination with other purposes in accordance with the law on forest protection and development.

⁵ Allens footnote: See Law 29 on Forest Protection and Development dated 3 December 2004.

5. People's committees of provinces 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.

Article 138 *Land for salt production*

1. The State shall allocate land for salt production within the quota on allocation of land in the locality to family households and individuals for salt production. In a case of use exceeding the quota, [the form of allocation] must be converted to the land lease form.

The State shall lease land for salt production to economic organizations, Vietnamese residing overseas and foreign invested enterprises 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 139 *Inland water surfaces*

1. The State shall allocate in accordance with the quota, ponds, lakes and marshes to family households and individuals to use for the purposes of aquaculture or agricultural production.

The State shall lease ponds, lakes and marshes to economic organizations, family households, individuals, Vietnamese residing overseas and foreign invested enterprises to implement investment projects in aquaculture or agricultural production or in agriculture in combination with non-agricultural objectives.

2. Where a pond, lake or marsh belongs to more than one commune, ward or township, the district people's committee shall make a decision on its use. Where a pond, lake or marsh belongs to more than one district, town or provincial city, the provincial people's committee 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 140 *Coastal water surfaces*

1. The State shall lease land being coastal water surfaces to economic organizations, family households, individuals, Vietnamese residing overseas and foreign invested enterprises to use for the purposes of aquaculture, agricultural production, forestry and salt production and for non-agricultural purposes.
2. The use of land being coastal water surfaces shall comply with the following provisions:
 - (a) It must be correct in terms of the land use zoning and planning approved by the competent State agency;
 - (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 and maritime traffic.

Article 141 *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.

The people's committee of the district shall administer and protect any riverside and coastal accretion which is regularly accreted or regularly eroded.

3. The State shall lease riverside and coastal accretions to economic organizations, family households, individuals, Vietnamese residing overseas and foreign invested enterprises to implement investment projects in agricultural and non-agricultural production and business.
4. Where the State has already allocated a riverside or coastal accretion to a family household or individual prior to the effective date of this Law to use for agricultural purposes, such land user is permitted to continue to use it for the remainder of the term of the land allocation. If upon expiry of such term the land user has a requirement to use the land and such use is consistent with the land use zoning and planning approved by the competent State agency and is not in breach of the law on land, then the State shall consider leasing the land.
5. The State encourages economic organizations, family households and individuals to invest in bringing riverside and coastal accretions into use.
6. The Government shall provide detailed regulations on this article.

Article 142 *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 agricultural production, 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 agricultural production, forestry, aquaculture, and salt production as provided in article 129 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 are permitted to convert the use purposes of types of land in accordance with law.
4. Family households and individuals currently using land for farm businesses in conformity with the land use zoning and planning approved by the competent State agency, and which land is not subject to dispute, are permitted to continue to use the land in accordance with the following provisions:
 - (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 directly engaged in agricultural production, forestry, aquaculture and salt production as prescribed in article 54.1 of this Law, such land users are permitted to continue to use the land in accordance with article 126.1 of this Law;

- (b) In the case of land which has been allocated without collection of land use fees to family households and individuals not directly engaged in agricultural production, forestry, aquaculture, and salt production, this form must be converted to the land lease form upon expiry of the duration of allocation;
 - (c) In the case of use of land which the State leases or which is assigned, inherited, donated or contracted from organizations, or which is contributed as capital by family households and individuals, such land users are permitted to continue to use the land in accordance with 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 143 *Residential land in rural areas*

1. Residential land currently used by family households and individuals in rural areas shall comprise land for the construction of residential housing and construction works servicing their lives, and gardens and ponds located in the same parcel of land in rural residential zones in conformity with the land use zoning and/or the construction zoning for rural residential zones approved by the competent State agency.
2. Based on the local land fund and the zoning for rural development approved by the competent State agency, the provincial people's committee shall make decisions on the quota on land to be allocated to each family household and individual for residential housing in such rural area, and on the minimum area into which parcels of land are permitted to be divided in conformity 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 has 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.

Article 144 *Residential land in urban areas*

1. Residential land in urban areas shall comprise land for the construction of residential housing and construction works servicing the lives [of family households and individuals], and gardens and ponds located in the same parcel of land in urban residential zones in conformity with the land use zoning and/or the construction zoning for urban residential zones approved by the competent State agency.
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 professional works 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 has a policy of facilitating housing of persons living in urban areas.

4. People's committees of provinces shall, by relying on the land use zoning, the zoning for urban construction and the local land fund, make decisions on the quota on residential land to be allocated to each family household and individual to build their own houses where it is not yet possible to allocate land under projects for investment in and construction of residential housing, and on the minimum area into which parcels of residential land are permitted to be divided.
5. The conversion of residential land to a land area for construction of production or business establishments must comply with the land use zoning and planning and the zoning for urban construction approved by the competent State agency and the regulations on urban order, safety and environmental protection.

Article 145 *Land for construction of apartment blocks*

1. Land for construction of apartment blocks shall comprise land for the construction of apartment buildings and construction works directly servicing the lives of family households living in the apartment buildings and other works serving communities [of citizens] in accordance with the construction zoning approved by the competent State agency.
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 detailed regulations on the regime of land use for construction of apartment blocks.

Article 146 *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, land of agricultural land funds to be used for public purposes, as well as land zoned for extension of rural residential areas.

2. Land use for embellishment and development of urban areas or rural residential zones must be consistent with the land use zoning and planning, urban construction zoning and construction zoning for rural residential zones approved by the competent State agency, and must be consistent with construction standards and regulations promulgated by the competent State agency.
3. Provincial people's committees shall organize the preparation of, and shall assign [land] to economic organizations, Vietnamese residing overseas and foreign invested enterprises to implement projects for embellishment or construction of new urban areas or new rural residential zones in accordance with law. Land for such projects must be distributed integrally 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 professional works, commercial and services land, and land on which non-agricultural production establishments are built.

On implementation of projects on technical infrastructure or construction and embellishment of urban areas or rural residential zones, the State shall on its own initiative resume land comprising land for the construction of infrastructure facilities and land in adjacent areas in accordance with land use zoning and planning.

4. Where a community of citizens constructs or embellishes works servicing the community interest 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 147 *Land used for purposes of construction of offices of agencies and professional works*

1. Land used for the purpose of construction of offices of agencies shall comprise land for construction of offices of State agencies, political organizations and socio-political organizations.
2. Land used for the purpose of construction of professional works [construction of works of professional institutions] shall comprise land for construction of professional works in economic, cultural, social, health, education and training, sports and physical education, scientific and technological, environmental and diplomatic sectors and other professional works.
3. Land use for the purposes prescribed in clauses 1 and 2 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 agency.
4. The head of an agency or organization to which land is allocated or leased is responsible for preserving the allocated or leased area of land and for using it for correct purposes.

It is strictly prohibited to use land for construction of offices of agencies and professional works for other purposes.

5. The State encourages the use of land for development of culture, health care, education and training, sports and physical education, science and technology and environment.

Article 148 *Land used for purposes of national defence and security*

1. Land used for purposes of national defence and security shall comprise land used for the purposes prescribed in article 61 of this Law.
2. Provincial people's committees shall exercise State administration of land used for purposes of national defence and security within the geographical areas under their administration.

The Ministry of National Defence and the Ministry of Public Security are responsible to co-ordinate with provincial people's committees to formulate land use zoning and planning for purposes of national defence and security in conformity with the requirements for socio-economic development and for bolstering national defence and security; to review and fix boundaries of the land to be used for purposes of national defence and security; to determine positions and areas of national defence and security land which is not required to be used or is used for incorrect purposes in order to hand over such land to the localities for administration and use.

3. Persons currently using land which lies within the land use zoning for national defence and security purposes but which is not yet required to be used for national defence and security purposes are entitled to continue to use the land until there is a decision on resumption by the competent State agency, but such persons may not change the natural terrain of the land.
4. The Government shall provide detailed regulations on this article.

Article 149 *Land being industrial zones, export processing zones, industrial complexes or handcraft villages*

1. Land use for the purpose of construction of industrial zones, export processing zones, industrial complexes or handcraft villages must be consistent with the land use zoning and planning and with the detailed construction zoning approved by the competent State agency.

When formulating zoning or when establishing an industrial zone or export processing zone, it is required to concurrently formulate zoning of or build residential areas and public works outside such industrial zone or export processing zone to serve the lives of employees working in such zone.

2. The State shall lease land to economic organizations, Vietnamese residing overseas and foreign invested enterprises to invest, construct and commercially operate infrastructure in industrial zones, industrial complexes and export processing zones. With respect to that area of land which is leased with payment of annual rent, the person to whom the State leases land shall have the right to sub-lease the land in the form of payment of annual rent; and with respect to that area of land which is leased with one-off payment of rent for the entire lease term, the person to whom the State leases land shall have the right to sub-lease the land either in the form of one-off payment of rent for the entire lease term or in the form of payment of annual rent.

Investors are entitled to an exemption of land rent for the areas of land on which they have constructed common infrastructure for industrial zones, industrial complexes or export processing zones.

3. Economic organizations, family households, individuals, Vietnamese residing overseas and foreign invested enterprises investing in production or business in industrial zones, industrial complexes or export processing zones are entitled to sub-lease land attached to infrastructure from another economic organization, Vietnamese residing overseas or foreign invested enterprise investing in, constructing and commercially operating infrastructure, and shall have the following rights and obligations:

- (a) In the case of a sub-lease of the land with one-off payment of land rent for the entire lease term, they shall have the rights and obligations prescribed in article 174 of this Law;
- (b) In the case of a sub-lease of the land with payment of annual land rent, they shall have the rights and obligations prescribed in article 175 of this Law.

4. Users of land in industrial zones, industrial complexes and export processing zones must use land for the determined purpose, and shall be issued with a certificate of land use right and ownership of residential house and other assets attached to land [*single land certificate*] and shall have the rights and obligations prescribed in this Law.

5. Economic organizations, family households, individuals and Vietnamese residing overseas investing in production or business in industrial zones, industrial complexes or export processing zones who were allocated land by the State or received, prior to the effective date of this Law, a transfer of a land use right attached to infrastructure from another economic organization or Vietnamese residing overseas investing in, constructing and commercially operating infrastructure in the industrial zone, industrial complex or export processing zone, are permitted to continue using the land for the residual term of the project without converting to the form of land lease. If upon expiry of the duration of implementation of the project [the land user] has a requirement [to use the land], then the State shall give consideration to leasing the land in accordance with the provisions of this Law.

6. The Government shall provide detailed regulations on this article.

Article 150 *Land used for high-tech zones*

1. Land used for high-tech zones in accordance with establishment decisions of the Prime Minister 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.

When formulating zoning for or when establishing a high-tech zone, it is required to concurrently formulate zoning for or build residential areas and public works outside such high-tech zone to service the lives of employees working in such zone.

2. Provincial people's committees shall allocate land being high-tech zones to management committees of high-tech zones. Management committees of high-tech zones are permitted to lease land to organizations, individuals, Vietnamese residing overseas and foreign invested enterprises to use land within the high-tech zones in accordance with the provisions of this Law.
3. The management committee of a high-tech zone shall formulate detailed construction zoning for the high-tech zone and submit same to the provincial people's committee in the locality where the land is situated for approval.

The provincial people's committee shall allocate land to the management committee of the high-tech zone to arrange construction and development of the zone in accordance with the approved zoning.

4. Land users to which the management committee of a high-tech zone leases land within the high-tech zone shall have the same rights and obligations as if they were leased land by the State pursuant to this Law.
5. The management committee of a high-tech zone shall lease land to enterprises developing high-tech zones and to enterprises developing infrastructure; persons having a requirement to use land in the high-tech zone are permitted to sub-lease land from the enterprises developing high-tech zones and enterprise developing infrastructure.
6. Users of land in high-tech zones must use land for the correct purpose as stated in the land lease contract, shall be issued with a single land certificate and shall have the rights and obligations prescribed in this Law.

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

7. The State encourages organizations, Vietnamese residing overseas and foreign invested enterprises to invest in, construct and operate infrastructure in high-tech zones and encourages organizations, individuals, Vietnamese residing overseas and foreign invested enterprises to use land for the development of science and technology.
8. The determination of land rental prices and the calculation of land rental to be collected in high-tech zones shall be implemented in accordance with the provisions of this Law.

Article 151 *Land used for economic zones*

1. Land used for economic zones shall comprise land for the construction of economic zones and of border gate economic zones established in accordance with decisions of the Prime Minister. Land used for economic zones means all areas of land used for functional zones and comprising non-tariff zones, import duty bonded areas, export processing zones, industrial zones, entertainment and tourism zones, urban zones, residential zones, administrative zones and other functional zones consistent with the special characteristics of each economic zone aimed at creating an environment for investment and business which will be particularly advantageous for investors.

The construction and opening of any new economic zone must comply with the overall master planning on the system of economic zones throughout the whole country.

2. The provincial people's committee shall allocate land to the management committee of the economic zone in order to arrange construction of the economic zone in accordance with the approved land use planning within the detailed construction zoning of the economic zone.
3. The management committee of an economic zone is responsible to arrange payment of compensation and site clearance of the area of land which has been resumed by the competent State agency for allocation to such management committee, prior to reallocating or leasing the land. The management committee of an economic zone is permitted to reallocate land with collection of land use fees, reallocate land without collection of land use fees, or lease land to persons having a requirement to use the land within functional areas of the economic zone as prescribed in articles 54, 55 and 56 of this Law.

The duration of land use for production or business purposes in an economic zone shall not exceed seventy (70) years.

4. Land users in an economic zone are permitted to invest in, construct and commercially operate residential housing and infrastructure, and are permitted to conduct production and business and provide services, and shall have the following rights and obligations:
 - (a) Land users to which the management committee of the economic zone re-allocates land in the economic zone shall have the same rights and obligations as if they were allocated land by the State in accordance with this Law;
 - (b) Land users to which the management committee of the economic zone leases land in the economic zone shall have the same rights and obligations as if they were leased land by the State in accordance with this Law.
5. The State encourages investment in and construction and commercial operation of infrastructure in economic zones and encourages the use of land for economic development.
6. 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.
7. Economic organizations, family households, individuals and Vietnamese residing overseas investing in production or business in industrial zones who were allocated land by the State or received, prior to the effective date of this Law, the transfer of a land use right from another economic organization or Vietnamese residing overseas are permitted to continue using the land for the residual term of the project and are not required to convert to the form of land lease. If upon expiry of the duration of implementation of the project [the land user] has a requirement [to use the land], the management committee of the economic zone shall give consideration to leasing the land in accordance with the provisions of this Law.
8. The Government shall provide detailed regulations on this article.

Article 152 *Land used for mineral activities*

1. Land used for mineral activities shall comprise land for mineral exploration, exploitation and processing, areas with any works assisting mineral activities, and safety corridors in mineral activities.

2. The State shall lease land for mineral exploration and exploitation to organizations, individuals, Vietnamese residing overseas and foreign invested enterprises permitted [licensed] to implement mineral exploration and exploitation projects.

Land to be provided as a surface area for mineral processing shall be the category of land for non-agricultural production and business and shall be subject to the same land use regime as commercial and services land and land on which non-agricultural production establishments are built as prescribed in article 153 of this Law.

3. Land use for mineral activities must comply with the following provisions:
 - (a) There must be a licence for mineral activities and a decision on lease of land for mineral exploration or exploitation or a decision on lease of land on which mineral processing will be conducted of the competent State agency in accordance with Government regulations;
 - (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; the land user is responsible to return the land [on completion of exploration and exploitation] according to the schedule and in the same land surface condition as 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 the land surface.

Article 153 *Commerce and services land; land on which non-agricultural production establishments are built*

1. Commerce and services land shall comprise land on which commercial and services business establishments and other works serving business and commercial [activities] and services are built.

Land on which non-agricultural production establishments are built shall comprise land for the construction of non-agricultural production establishments located outside industrial zones, industrial complexes and export processing zones.

2. Commerce and services land and land on which non-agricultural production establishments are built must be used in compliance with the land use zoning, land use planning, construction zoning for urban areas and construction zoning for rural residential zones approved by the competent State agencies and in compliance with the regulations on environmental protection.
3. Economic organizations, family households and individuals shall use commerce and services land and land on which non-agricultural production establishments are built in the form of land lease by the State or receipt of transfer of a land use right, land lease or sub-lease or receipt of capital contribution using the land use right from another economic organization, family household or individual or [another] Vietnamese residing overseas; or in the form of sub-lease of land attached to infrastructure from a foreign invested enterprise.

Vietnamese residing overseas shall use commerce and services land and land on which non-agricultural production establishments are built in the form of land lease by the State, or land lease or sub-lease from another economic organization, family household, individual or Vietnamese residing overseas; or in the form of sub-lease of land attached to infrastructure from a foreign invested enterprise. Vietnamese residing overseas in the category prescribed in article 186.1 of this Law are also entitled to receive an inheritance or donation of a land use right as the site for construction of a non-agricultural production establishment or a commerce and services [establishment].

Foreign invested enterprises shall use commerce and services land and land on which

non-agricultural production establishments are built in the form of land lease by the State, or land lease or sub-lease from economic organizations or Vietnamese residing overseas, or sub-lease of land attached to infrastructure from [another] foreign invested enterprise.

Article 154 *Land for production of construction materials or ceramics*

1. Land for production of construction materials or ceramics shall comprise land or land with water surfaces for exploitation of raw materials and land on which processing or production of construction materials or ceramics is conducted.

In the case of use of land for exploitation of raw materials for the production of bricks and tiles and ceramics, the following types of land must be availed of, namely uncultivated hills and hillocks, wilderness areas, riverbeds or ponds and lakes which need to be deepened, land adjoining rivers and streams which is non-agricultural production land, land with raised river embankments which is no longer used and land formed as a result of reconstruction of [agricultural] fields.

2. The State shall lease land and land with water surfaces for exploitation of raw materials to family households and individuals permitted [licensed] to exploit raw materials for the production of construction materials and ceramics; and to economic organizations, Vietnamese residing overseas and foreign invested enterprises permitted [licensed] to implement investment projects for exploitation of raw materials for production of construction materials and ceramics.

Land on which production of construction materials or ceramics is conducted shall be the category of non-agricultural production and business land and shall be subject to the same land use regime as applicable to commerce and services land and land on which non-agricultural production establishments are built as prescribed in article 153 of this Law.

3. Land use for production of construction materials or ceramics must comply with the following provisions:
 - (a) There must be a decision on lease of land for exploitation of raw materials or for processing or production of construction materials or ceramics of the competent State agency;
 - (b) Necessary measures must be taken not to cause loss and damage to production or to lives and not to affect adversely the environment, the natural current [water run-off] and traffic;
 - (c) [Upon completion], the land user is responsible to return the land in accordance with the schedule for exploitation of the raw materials and in the same land surface condition as stipulated in the land lease contract.
4. It is strictly prohibited to use the following types of land for exploitation of raw materials for the production of bricks, tiles or ceramics:
 - (a) Land being an historical-cultural and scenic beauty site classified by or in respect of which the people's committee of a province or city under central authority has made a protection decision;
 - (b) Land within the area of safety corridors of works.

5. During the process of use of land for exploitation of raw materials for the production of bricks and tiles and ceramics, land users must apply appropriate technological measures for reasonable and economic exploitation and utilization of land, and must take necessary measures to cause no loss and damage to the production activities and the lives of surrounding land users and must not cause a bad impact on the environment.

Article 155 *Land used for public purposes and land for implementation of build – transfer projects and build – operate – transfer projects*

1. Land use for public purposes must be consistent with the land use zoning and planning, urban construction zoning and construction zoning for rural residential zones approved by the competent State agencies.
2. With respect to land used for public purposes, detailed construction zoning must be formulated, clearly determining functional areas to be used for non-business and public purposes and functional areas to be used for business and public purposes.

With respect to land in the functional areas with non-business purposes, the State shall allocate land without collection of land use fees in accordance with article 54 of this Law; and with respect to land in the functional areas with business purposes, the State shall lease land in accordance with article 56 of this Law.

3. The State shall assign investors to administer areas of land for implementation of build – transfer (BT) projects, and shall allocate or lease land to investors to implement build – operate – transfer (BOT) projects and projects in other forms in accordance with the law on investment.
4. The Government shall provide detailed regulations on this article.

Article 156 *Land used for civil airports*

1. Land used for civil aviation activities at airports shall comprise:
 - (a) Land for construction of headquarters of State agencies regularly operating at airports;
 - (b) Land used for construction of items of infrastructure of airports including land used for construction of runways, roller paths, aprons, establishments ensuring safety of aircrafts, aviation security and airport emergency, fences, service roads, internal airport traffic roads and other auxiliary works and areas of airports;
 - (c) Land for construction of facilities and works serving the business of aviation services at airports;
 - (d) Land for construction of works serving the business of non-aviation services.
2. The provincial people's committee shall allocate land to the airport authority in accordance with the land use zoning and planning and airport zoning approved by the competent State agencies. The airport authority shall be issued with a single land certificate serving civil aviation activities at the airport.
3. Based on the land use zoning and planning approved by the State administrative agency for civil aviation, the airport authority shall allocate land without collection of land use fees or lease land in accordance with the following provisions:
 - (a) Allocation of land without collection of land use fees in respect of land stipulated in clauses 1(a) and 1(b) of this article;

- (b) Lease of land with payment of annual land rent in respect of land stipulated in clauses 1(c) and 1(d) of this article. The calculation and collection of land rent shall be implemented in accordance with this Law.
4. Organizations and individuals using land at airports have the following rights and obligations:
- (a) To use land for correct purposes; not to convert, transfer, give, donate or lease land use rights or mortgage or contribute capital using land use rights;
 - (b) To be permitted to use their own assets attached to the leased land to mortgage same at credit institutions licensed to operate in Vietnam; to be permitted to sell and lease assets or contribute capital using their own assets attached to the leased land.
5. The Government shall provide detailed regulations on this article.

Article 157 *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 law 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 [to overcome same]; if no remedy is taken, the State shall resume the land and compensation shall be made in accordance with law.

4. Agencies and organizations directly managing works with safety corridors are 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, they must notify promptly the people's committee of the commune 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 agencies and organizations directly managing such works to disseminate and popularize the law on protection of the safety of the works; to publicly 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.
6. The Government shall provide detailed regulations on this article.

Article 158 *Land being historical-cultural and scenic beauty sites*

1. Land being historical-cultural and scenic beauty sites which have been classified or in respect of which the provincial people's committee has made a protection decision must be strictly managed in accordance with the following provisions:
 - (a) With respect to land being historical-cultural and scenic beauty sites directly managed by an organization, family household, individual or community of citizens in accordance with the law on cultural heritage, such entity shall be mainly responsible for use of such land;
 - (b) With respect to land being historical-cultural and scenic beauty sites not stipulated in sub-clause (a) above, the people's committee of the commune where the historical-cultural and scenic beauty sites are located shall be mainly responsible for management of such land;
 - (c) With respect to land being historical-cultural and scenic beauty sites which is encroached on or illegally occupied, used for incorrect purposes or illegally used, the chairman of the people's committee of the commune where such land is located shall be responsible for prompt discovery, prevention and resolution.
2. In special cases where it is necessary to use land being historical-cultural and scenic beauty sites for other purposes, the conversion of purpose must be consistent with the land use zoning and planning approved by the competent State agency and must be approved in writing by the State agency authorized to issue the decision on classification of such historical-cultural and scenic beauty site.

Article 159 *Land used by religious establishments*

1. Land used by religious establishments shall comprise land belonging to pagodas, churches, chapels, oratories, chancels, abbeys, Buddhist reciting halls, monasteries, 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 use zoning and planning approved by the competent State agency, the provincial people's committee shall make a decision on the land area to be allocated to religious establishments.

Article 160 *Sacred land*

1. Sacred land shall comprise land containing a building being a communal house, temple, shrine, pagoda, worship hall or family shrine.
2. The use of sacred land must be for the correct purpose and be consistent with the land use zoning and planning, urban construction zoning and construction zoning for rural residential zones approved by the competent State agencies.
3. The construction or expansion of community works being communal houses, temples, shrines, pagodas, worship halls and family shrines must be permitted by competent State agencies.

Article 161 *Land for construction of underground works*

1. The use of land for construction of underground works must be consistent with the construction zoning for underground works, the land use zoning and planning and other related zoning approved by the competent State agencies.
2. Provincial people's committees shall issue decisions allocating land or leasing land for construction of underground works in accordance with Government regulations.

Article 162 *Land used as cemeteries and for graves*

1. Land used as cemeteries and for graves must be zoned in concentrated areas in compliance with the land use zoning and far from residential zones, must be convenient for burials and convenient for persons paying their respects, in conformity with hygiene requirements, and must protect the environment and represent an economical use of land.
2. People's committees of provinces shall make decisions on the amount of land and regimes for management of construction of tombs, statues and memorials on graves and in cemeteries, representing an economic use, and shall formulate policies for encouragement of burial without use of land.
3. The construction of cemeteries and graves contrary to the land use zoning and land use planning approved by the competent State agency is strictly prohibited.

Article 163 *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 invested enterprises 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 164 *Management of unused land*

1. People's committees of communes are responsible to manage and protect unused land within their respective localities and to register same in cadastral files.
2. People's committees of provinces shall manage unused land on uninhabited islands.
3. The management of unused land shall be implemented in accordance with Government regulations.

Article 165 *Bringing unused land into use*

1. Based on the land use zoning and planning approved by competent State agencies, 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 conduct investment in order to bring unused land into use in accordance with the land use zoning and land use planning approved by competent State agencies.
3. Local family households and individuals directly engaged in forestry, aquaculture, agricultural and salt production and not yet having been allocated land or having insufficient land for production shall be given priority in allocation of land areas which are zoned for use for agricultural purposes.

CHAPTER 11

Rights and Obligations of Land Users

Section 1

General Provisions

Article 166 *General rights of land users*

1. To be issued certificates of land use right and ownership of residential house and other assets attached to land [single land certificates].
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 rights and interests in respect of land.
6. To be paid compensation when the State resumes land in accordance with this Law.
7. 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 law on land.

Article 167 *Right to exchange, assign, lease, sub-lease, bequeath, donate, mortgage and contribute capital using land use rights*

1. Land users may exercise the right to exchange, assign, lease, sub-lease, bequeath, donate, mortgage and contribute capital using land use rights in accordance with this Law.
2. A group of land users who have the joint land use right have the following rights and obligations:
 - (a) If such group comprises family households and individuals, it shall have the same rights and obligations as applicable to family households and individuals prescribed in this Law.

If a member of the group of land users is an economic organization, it shall have the same rights and obligations as applicable to economic organizations prescribed in this Law;

- (b) If the land use right of the group of land users can be divided into portions for each member in the group and each member wishes to exercise the rights in respect of his/her portion of land use right, then the procedures for separation of the parcel of land as stipulated and the procedures for issuance of a single land certificate must be carried out, and the rights and obligations of the land users shall be exercised and performed in accordance with this Law.

If the land use right of the land user group cannot be divided into portions, the representative [of the group] shall be authorized to exercise rights and perform obligations of the land user group.

- 3. The notarization and authentication of a contract or document regarding performance of rights of a land user shall be implemented as follows:
 - (a) The contract for transfer, donation, mortgage or capital contribution using the land use right or the right to use land and assets attached to land must be notarized or authenticated, except for the case of real estate business prescribed in sub-clause (b) below;
 - (b) The contract for lease or sub-lease of the land use right or the right to use land and assets attached to land, the contract for conversion of agricultural land use right or the contract for transfer of the land use right or the right to use land and assets attached to land in which one or more parties participating in the transaction are organizations conducting real estate business activities must be notarized or authenticated at the request of the parties;
 - (c) The document on inheritance of the land use right or the right to use land and assets attached to land shall be notarized or authenticated in accordance with the civil law;
 - (d) Notarization shall be implemented at notary practising organizations; and authentication shall be implemented at commune people's committees.

Article 168 *Time for exercise of rights by land users*

- 1. A land user is entitled to exercise the right to transfer, lease, sub-lease, give, donate, mortgage or contribute capital using the land use right after the land user obtains a certificate. In the case of conversion of agricultural land use right, the land user shall be entitled to exercise such right after a decision allocating land or leasing land is issued; in the case of receipt of inheritance of land use right, the land user shall be entitled to exercise such right when the land user obtains a certificate or satisfies the conditions for issuance of a single land certificate.
If the land user is entitled to late performance of financial obligations or financial obligations are debited to the land user, then the land user must fulfilled the financial obligations prior to exercising such right.
- 2. The time for the land user to transfer the land use right in a project on investment, construction and commercial operation of residential housing for sale or lease or transfer the land use right and transfer the entire project with respect to an investment project on construction of infrastructure at the same time for transfer or for lease, shall be the time after the land user has obtained a certificate and satisfied the conditions stipulated in article 194 of this Law.

Article 169 *Receipt of land use rights*

1. Persons receiving land use rights are regulated as follows:
 - (a) Family households and individuals are permitted to receive a transfer of agricultural land use rights via conversion of land use rights as stipulated in article 179.1(b) of this Law;
 - (b) Economic organizations, family households and individuals are permitted to receive a transfer of land use rights through receipt of assignment of land use rights except for the cases stipulated in article 191 of this Law; Vietnamese residing overseas are permitted to receive a transfer of land use rights via receipt of assignment of land use rights in industrial zones, industrial complexes, export processing zones, high-tech zones and economic zones. Foreign invested enterprises are permitted to receive an assignment of investment capital being the value of land use rights in accordance with Government regulations;
 - (c) Organizations, family households, individuals and communities of citizens are permitted to receive a transfer of land use rights via receipt of gifts being land use rights in accordance with article 174.2(c) and article 179.1(e) of this Law except for the cases stipulated in article 191 of this Law;
 - (d) Organizations, family households, individuals and communities of citizens are permitted to receive a transfer of land use rights via receipt of inheritance of land use rights;
 - (dd) Vietnamese residing overseas who are entitled to own a residential house in Vietnam in accordance with the law on residential housing are permitted to receive a transfer of residential land use rights in the form of purchase, hire-purchase, receipt of inheritance of or receipt of gifts being residential housing in association with residential land use rights, or are permitted to receive residential land use rights in projects on development of residential housing;
 - (e) Economic organizations and joint venture enterprises are permitted to receive a transfer of land use rights via receipt of capital contribution using land use rights;
 - (g) Organizations, family households, individuals, communities of citizens, religious establishments and Vietnamese residing overseas are permitted to receive land use rights via land allocation by the State; foreign invested enterprises are permitted to receive land use rights via land allocation by the State for implementation of investment projects on construction of residential housing for sale or for sale in association with leasing out;
 - (h) Economic organizations, public service organizations which are financially autonomous, family households, individuals, Vietnamese residing overseas, foreign invested enterprises and diplomatic foreign organizations are permitted to receive land use rights via land lease by the State;
 - (i) Organizations, family households, individuals, communities of citizens and religious establishments are permitted to receive land use rights via recognition of land use rights by the State in respect of land which is currently used stably;
 - (k) Organizations, family households, individuals, Vietnamese residing overseas and foreign invested enterprises are permitted to receive land use rights in accordance with results of successful mediation of land disputes recognized by the competent people's committee, agreements in mortgage contracts for dealing with debts, decisions of competent State agencies resolving land disputes, complaints and denunciations; decisions or judgements of people's courts, judgement enforcement decisions of agencies enforcing court judgements which have been enforced, documents recognizing results of auction of land use rights in

compliance with law, and documents on division or separation of land use rights in compliance with law with respect to family households or groups of persons who have joint land use rights;

(l) Communities of citizens and religious establishments are permitted to receive land use rights in accordance with results of successful mediation of land disputes recognized by the competent people's committee, decisions of competent State agencies resolving land disputes, complaints and denunciations; decisions or judgements of people's courts, and judgement enforcement decisions of agencies enforcing court judgements which have been enforced.

(m) Organizations which are legal entities formed from de-merger or merger in accordance with decisions of competent agencies or organizations or documents on de-merger or merger of economic organizations in compliance with law are permitted to receive land use rights from organizations being legal entities which are de-merged or merged.

2. Family households and individuals are permitted to receive assignment of land use rights regardless of residential addresses, except for the cases stipulated in articles 191.3, 191.4 and 192 of this Law.

Article 170 *General obligations of land users*

[Land users 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 related laws;
2. To implement a declaration for registration of land use right, to carry out all procedures upon exchange, assignment, lease, sub-lease, bequest or donation of land use right and upon mortgage or capital contribution using land use right 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 resumption or upon expiry of the land use term without an extension of the land use term by the competent State agency.

Article 171 *Restricted use rights with respect to adjoining parcels of land*

1. Restricted use rights with respect to adjoining parcels of land comprise rights in respect of easement; water supply and drainage; irrigation and water drainage in cultivation; gas supply; electric transmission cables, communication cables and other reasonably necessary needs on such adjoining parcels of land.
2. The creation of restricted use rights with respect to adjoining parcels of land shall be implemented in accordance with civil law and registration must be implemented in accordance with article 95 of this Law.

Article 172 *Right to select from forms of payment of land rent*

1. Economic organizations, public service organizations which are financially autonomous, family households, individuals, Vietnamese residing overseas and foreign invested enterprises stipulated in article 56.1 of this Law are entitled to select from the forms of land lease with payment of annual land rent or land lease with one-off payment of land rent for the entire lease term.
2. Economic organizations, public service organizations which are financially autonomous, family households, individuals, Vietnamese residing overseas and foreign invested enterprises currently leasing land from the State with payment of annual land rent are entitled to convert to the form of land lease with one-off payment of land rent for the entire lease term and must re-determine specific land prices to calculate the land rent at the time of the decision permitting to convert to the form of land lease with one-off payment of land rent for the entire lease term in accordance with this Law.

Section 2

Rights and Obligations of Organizations Using Land

Article 173 *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 have the general rights and obligations stipulated in articles 166 and 170 of this Law.
2. Organizations to which the State allocates land without collection of land use fees do not have the right to exchange, assign, donate or lease the land use right; to mortgage or contribute capital using the land use right; and are not entitled to compensation for land when the State resumes the land.

Article 174 *Rights and obligations of organizations to which the State allocates land with collection of land use fees or to which the State leases land with collection of one-off payment of land rent for the entire lease term*

1. Economic organizations to which the State allocates land with collection of land use fees or leases land with collection of one-off payment of land rent for the entire lease term have the general rights and obligations stipulated in articles 166 and 170 of this Law.
2. Economic organizations to which the State allocates land with collection of land use fees or leases land with collection of one-off payment of land rent for the entire lease term shall, in addition to the rights and obligations stipulated in clause 1 of this article, have the following rights:
 - (a) To assign the land use right and assets owned by them attached to the land;
 - (b) To lease the land use right and assets owned by them attached to the land in a case where the State allocates land with collection of land use fees; to sub-lease the land use right and assets owned by them attached to the land in a case where the State leases land with collection of one-off payment of land rent for the entire lease term;
 - (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 the land use right and assets owned by them attached to the land with credit institutions authorized to operate in Vietnam;

(dd) To contribute capital using the land use right and assets owned by them attached to the land in order to engage in business or production co-operation with organizations, individuals, Vietnamese residing overseas and foreign invested enterprises in accordance with law.

3. Public service organizations which are financially autonomous and to which the State leases land with one-off payment of land rent for the entire lease term which has been paid and is not sourced from the State budget, have the rights and obligations stipulated in clauses 1 and 2 of this article. The performance of the rights must be approved in writing by the competent State agency.

If a public service organization which is financially autonomous is leased land by the State with one-off payment of land rent for the entire lease term which has been paid and was sourced from the State budget, such public service organization has the rights and obligations stipulated in article 173 of this Law.

4. Where an organization is allocated land by the State with collection of land use fees or leased land by the State with one-off payment of land rent for the entire lease term and is entitled to an exemption or reduction of land use fees or land rent, such organizations has the following rights and obligations:

- (a) In a case where the organization is allocated land or leased land by the State to implement a project on construction and commercial operation of residential housing and is entitled to an exemption or reduction of land use fees or land rent, such organization has the rights and obligations in accordance with the law on land as applicable to the case of no entitlement to exemption or reduction of land use fees or land rent;

- (b) In a case where the organization is allocated land or leased land by the State to implement an investment project for profit-making purposes outside the category stipulated in sub-clause (a) above and is entitled to a reduction of land use fees or land rent, such organization has the rights and obligations stipulated by the law on land as applicable to the case of no entitlement to exemption or reduction of land use fees or land rent in respect of the type of land with corresponding use purposes;

- (c) In a case where the organization is allocated land or leased land by the State to implement an investment project for profit-making purposes outside the category stipulated in sub-clause (a) above and is entitled to an exemption of land use fees or land rent, such organization has the rights and obligations stipulated by the law on land as applicable to the case in which the State leases land with payment of annual rent being the type of land with corresponding use purposes.

Article 175 *Rights and obligations of economic organizations and public service organizations using leased land with payment of annual rent*

1. Economic organizations and public service organizations to which the State leases land with collection of annual land rent have the following rights and obligations:

- (a) The general rights and obligations stipulated in articles 166 and 170 of this Law;

- (b) To mortgage the assets owned by them attached to the leased land with credit institutions authorized to operate in Vietnam;

- (c) To sell assets owned by them attached to the leased land upon satisfaction of the conditions stipulated in article 189 of this Law; the State shall continue to lease the land for the determined purpose to purchasers of the assets;

- (d) To contribute capital using the assets owned by them attached to the leased land; the State shall continue to lease the land for the determined purpose to receivers of capital contribution using such assets;
 - (dd) To sub-lease the land use right in the form of payment of annual land rent in respect of land on which infrastructure has been completed in a case where they are permitted to invest in, construct and operate infrastructure with respect to land in industrial zones, industrial complexes, export processing zones, high-tech zones or economic zones.
2. Economic organizations and public service organizations using land leased from organizations, family households and individuals outside industrial zones, industrial complexes and export processing zones have the rights and obligations stipulated by civil law.

Article 176 *Rights and obligations of economic organizations receiving transfer of land use rights and upon conversion of land use purpose*

1. Economic organizations which receive a transfer of land use rights or which convert land use purpose have the rights and obligations stipulated in articles 166 and 170 of this Law.
2. Economic organizations which receive a transfer of land use rights in respect of land allocated by the State with collection of land use fees or leased by the State with one-off payment of rent for the entire lease term where the land use fees or land rent paid is not sourced from the State budget, have the rights and obligations stipulated in article 174.2 of this Law.
3. Economic organizations which receive a transfer of agricultural land use rights in accordance with law have the following rights and obligations:
 - (a) In the case of receipt of a transfer without conversion of the land use purpose, they have the rights and obligations stipulated in article 174.2 of this Law;
 - (b) In the case of receipt of a transfer with conversion of the land use purpose in respect of land allocated by the State with collection of land use fees or leased by the State with one-off collection of rent for the entire lease term, they have the rights and obligations stipulated in article 174.2 of this Law;
 - (c) In the case of receipt of a transfer with conversion of the land use purpose in respect of land leased by the State with collection of annual land rent, they have the rights and obligations stipulated in article 175 of this Law.
4. The rights and obligations of economic organizations which are permitted by the competent State agency to convert land use purpose from land without collection of land use fees to land with collection of land use fees or which are leased land by the competent State agency, are regulated as follows:
 - (a) In a case where an economic organization is allocated land by the State with collection of land use fees or leased land by the State with collection of one-off payment of land rent for the entire lease term, such organization has the rights and obligations stipulated in article 174.2 of this Law;
 - (b) In a case where an economic organization is leased land by the State with collection of annual land rent, such organization has the rights and obligations stipulated in article 175.1 of this Law.

Article 177 *Rights and obligations of economic organizations receiving capital contribution using land use rights; land use rights of economic organizations upon dissolution or bankruptcy*

1. Economic organizations receiving capital contribution using land use rights of family households, individuals and other economic organizations have the rights and obligations stipulated in article 174 of this Law in the following cases:
 - (a) Land of an economic organization contributing capital as allocated by the State with collection of land use fees or leased by the State with collection of one-off payment of land rent for the entire lease term, or as obtained by way of receiving transfer of the land use right;
 - (b) Land of a family household or individual contributing capital is not land leased by the State with payment of annual land rent.
2. Land use rights of co-operatives upon dissolution or bankruptcy is regulated as follows:
 - (a) In the case of land allocated by the State without collection of land use fees, allocated by the State with collection of land use fees, or leased by the State, or resulting from purchase of assets attached to the land or from receipt of a lawful transfer of the land use right from another person, and where land use fees, land rent, the amount of money for purchase of assets attached to the land or the amount of money for receipt of the transfer of land use right is not funded by the State budget, the State shall resume such land;
 - (b) In the case of land allocated by the State without collection of land use fees or leased by the State with one-off payment for the entire lease term, or resulting from purchase of assets attached to the land or receipt of a lawful transfer of the land use right from another person, and where land use fees, land rent, the amount of money for purchase of assets attached to the land or the amount of money for receipt of the transfer of land use right is not funded by the State budget, or in the case of land resulting from contribution of land use right by members to the co-operative, then the State shall not resume such land and such land use right shall belong to the co-operative and shall be dealt with in accordance with the charter of the co-operative or the resolution of the general meeting of members.
3. Land use rights of economic organizations being enterprises upon dissolution or bankruptcy shall be dealt with in accordance with law.

Article 178 *Rights and obligations of economic organizations entitled to lease land for construction of underground facilities*

Economic organizations to which the State leases land for investment in and construction of underground facilities have the following rights and obligations:

1. In the case of lease of land with one-off payment of land rent for the entire lease term, they have the same rights and obligations as applicable to economic organizations stipulated in articles 174.1, 174.2 and 174.4 of this Law;
2. In the case of lease of land with payment of annual land rent, they have the same rights and obligations as applicable to economic organizations stipulated in article 175.1 of this Law.

Section 3

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

Article 179 *Rights and obligations of family households and individuals using land*

1. Family households and individuals using agricultural land allocated by the State within the quota, or land allocated by the State with collection of land use fees or leased by the State with one-off payment of land rent for the entire lease term or land for which the State recognizes the land use right, or land resulting from receipt of conversion, receipt of assignment, receipt of donation or gift or inheritance, have the following rights and obligations:

- (a) The general rights and obligations stipulated in articles 166 and 170 of this Law;
- (b) To exchange the agricultural land use right with another family household or individual in the same commune, ward or township;
- (c) To assign the land use right in accordance with law;
- (d) To lease the land use right to organizations, other family households or individuals or to Vietnamese residing overseas investing in Vietnam;
- (dd) Individuals using land have the right 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 article 186.1 of this Law is entitled to inherit the land use right; and a Vietnamese residing overseas who is not in one of the categories prescribed in article 186.1 of this Law is entitled to the value of such legacy;

- (e) To donate the land use right in accordance with the provisions of article 174.2(c) 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 article 186.1 of this Law;
 - (g) To mortgage the land use right with credit institutions authorized to operate in Vietnam or with other economic organizations or individuals in accordance with law;
 - (h) 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;
 - (i) In the case of land to be resumed for implementation of a project, to conduct their own investment on the land or to lease the land use right to the project investor or to contribute capital using the land use right with the project investor to implement the project in accordance with Government regulations.
2. Family households and individuals to whom the State leases land with collection of annual land rent have the following rights and obligations:
- (a) The general rights and obligations stipulated in articles 166 and 170 of this Law;

- (b) To sell assets owned by them attached to the leased land; the State shall continue to lease land for the determined purpose to purchasers of the assets;
 - (c) To bequeath or donate assets owned by them attached to the leased land; the State shall continue to lease land for the determined purpose to receivers of inheritances of or gifts being assets;
 - (d) To lease assets owned by them attached to the leased land in accordance with civil law;
 - (dd) To mortgage assets owned by them attached to the leased land with credit institutions authorized to operate in Vietnam or with other economic organizations or individuals in accordance with law;
 - (e) To contribute capital using assets owned by them attached to the leased land during the term of land lease with an organization, family household, individual or Vietnamese person residing overseas to engage in business or production co-operation; the State shall continue to lease land for the determined purpose to receivers of capital contribution using such assets.
3. Family households and individuals who sub-lease land in industrial zones, industrial complexes and export processing zones have the following rights and obligations:
- (a) In the case of a lease or sub-lease of land with one-off payment of land rent for the entire lease term, they have the rights and obligations stipulated in clause 1 of this article;
 - (b) In the case of a lease or sub-lease of land with payment of annual land rent, they have the rights and obligations stipulated in clause 2 of this article.
4. Family households and individuals to whom the State allocates land or leases land and who are entitled to an exemption or reduction of land use fees or land rent, have the same rights and obligations as applicable to the case of no entitlement to exemption or reduction of land use fees or land rent.
5. Family households and individuals using leased land of organizations, family households and individuals other than those stipulated in clause 3 of this article have rights and obligations in accordance with civil law.

Article 180 *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, has the general rights and obligations stipulated in articles 166 and 170 of this Law.
2. The rights and obligations of family households and individuals using land who are permitted by the competent State agency to convert land use purpose from land without collection of land use fees to land with collection of land use fees or land lease are regulated as follows:
 - (a) In the case of land allocation by the State with collection of land use fees or land lease by the State with collection of one-off payment of land rent for the entire lease term, they have the rights and obligations stipulated in article 179.1 of this Law;
 - (b) In the case of land lease by the State with collection of annual land rent, they have the rights and obligations stipulated in article 179.2 of this Law.

Article 181 *Rights and obligations of religious establishments and communities of citizens using land*

1. Religious establishments and communities of citizens using land have the general rights and obligations stipulated in articles 166 and 170 of this Law.
2. Religious establishments and communities of citizens using land are not entitled to exchange, assign, lease or donate the land use right; or to mortgage or contribute capital using the land use right.

Section 4

Rights and Obligations of Vietnamese Residing Overseas, of Foreign Organizations with Diplomatic Functions and Foreign Invested Enterprises Using Land

Article 182 *Rights and obligations of foreign organizations with diplomatic functions*

1. Foreign organizations with diplomatic functions using land in Vietnam have the following rights and obligations:
 - (a) The general rights and obligations stipulated in articles 166 and 170 of this Law;
 - (b) To construct works on land in accordance with a permit issued by the competent agency of the State of Vietnam;
 - (c) To own the works they construct on leased land during the term of the lease.
2. Unless otherwise stipulated by an international treaty of which the Socialist Republic of Vietnam is a member, foreign organizations with diplomatic functions have rights and obligations in accordance with such international treaty.

Article 183 *Rights and obligations of Vietnamese residing overseas and foreign invested enterprises 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, have the following rights and obligations:
 - (a) The general rights and obligations stipulated in articles 166 and 170 of this Law;
 - (b) The rights and obligations stipulated in article 174.2 of this Law.
2. Vietnamese residing overseas and foreign invested enterprises being leased land by the State of Vietnam with collection of annual rent, have the following rights and obligations:
 - (a) The general rights and obligations stipulated in articles 166 and 170 of this Law;
 - (b) To mortgage assets owned by them attached to the leased land with credit institutions authorized to operate in Vietnam; to contribute capital using assets owned by them attached to the leased land, and the State shall lease land for the determined purpose to receivers of capital contribution using such assets for the remainder of the term;
 - (c) To sell assets owned by them attached to the leased land upon satisfaction of the conditions stipulated in article 189 of this Law;

- (d) To lease residential housing if licensed to invest in, construct and commercially operate residential housing.
3. Vietnamese residing overseas and foreign invested enterprises being leased land by the State of Vietnam with collection of one-off payment of land rent for the entire lease term and foreign invested enterprises being allocated land by the State of Vietnam with collection of land use fees for the purpose of implementation of projects, have the following rights and obligations:
- (a) The general rights and obligations stipulated in articles 166 and 170 of this Law;
 - (b) To assign the land use right and assets owned by them attached to the land during the land use term;
 - (c) To lease or sub-lease the land use right and assets owned by them attached to the land during the land use term;
 - (d) To mortgage the land use right and assets owned by them attached to the land with credit institutions authorized to operate in Vietnam during the land use term;
 - (dd) To make capital contribution using the land use right and assets owned by them attached to the land in order to engage in business or production co-operation during the land use term.
4. Foreign invested enterprises using land and established as a result of purchase of shares in Vietnamese enterprises by foreign investors, have the following rights and obligations:
- (a) Where a foreign invested enterprise established as a result of receipt of assignment of shares is an enterprise with 100% foreign owned capital or a foreign invested enterprise in which the foreign investor holds the controlling shareholding percentage in accordance with the law on enterprises, such enterprise has the rights and obligations stipulated in clauses 2 and 3 of this article corresponding to the method of payment of land use fees and land rent;
 - (b) Where a foreign invested enterprise established as a result of receipt of assignment of shares is an enterprise in which the Vietnamese party holds the controlling shareholding percentage in accordance with the law on enterprises, such enterprise has the same rights and obligations as applicable to economic organizations stipulated in articles 174 and 175 of this Law.
5. Vietnamese residing overseas and foreign invested enterprises using land to implement investment projects in Vietnam which are allocated land or leased land by the State with one-off payment of land rent for the entire lease term but are entitled to an exemption or reduction of land use fees or land rent, have the rights and obligations stipulated in article 174.4 of this Law.

Article 184 *Rights and obligations of joint venture enterprises using land resulting from receipt of capital contribution using land use rights; and of enterprises with 100% foreign owned capital converted from joint venture enterprises*

1. Joint venture enterprises between foreign organizations, foreign individuals or Vietnamese residing overseas on the one hand with economic organizations which contribute capital using the land use right on the other hand, have the rights and obligations stipulated in article 174 of this Law in the following circumstances:
- (a) Land of the economic organization contributing capital is allocated by the State with collection of land use fees or leased by the State with one-off payment of land rent for the entire lease term, and land use fees or land rent paid is not funded from the State budget;

- (b) Land of the economic organization contributing capital is derived from receipt of assignment of a land use right in respect of land which was not leased from the State with payment of annual land rent, and the amount of money paid for receipt of the assignment is not funded from the State budget.
2. In a case where a State owned enterprise was leased land by the State prior to 1 July 2004 and is entitled to use the value of the land use right as capital fund from the State budget to the enterprise and is not required to record debts and return land rent in accordance with the law on land in order to contribute capital to a joint venture with a foreign organization or individual, the joint venture enterprise has the rights and obligations stipulated in article 174 of this Law. The value of the land use right shall be the portion of capital of the State contributed to the joint venture enterprise.
 3. In a case where a Vietnamese person residing overseas being allocated land by the State with collection of land use fees or leased land by the State with one-off payment of land rent for the entire lease term contributes capital using the land use right as a domestic economic organization to a joint venture with a foreign organization or individual, the joint venture enterprise has the rights and obligations stipulated in article 174 of this Law.
 4. Joint venture enterprises to which Vietnamese parties contribute capital using land use rights and which are now converted into an enterprise with 100% foreign owned capital, have the following rights and obligations:
 - (a) To have the rights and obligations stipulated in article 183.2 of this Law in a case where the land use right obtained from receipt of capital contribution is not used for implementation of projects on investment in residential housing for sale and where the enterprise with 100% foreign owned capital is leased land by the State with collection of annual land rent in accordance with article 56.1 of this Law;
 - (b) To have the rights and obligations stipulated in article 183.3 of this Law in a case where the land use right obtained from receipt of capital contribution is not used for implementation of projects on investment in residential housing for sale and where the enterprise with 100% foreign owned capital is leased land by the State with collection of one-off payment of land rent for the entire lease term in accordance with article 56.1 of this Law;
 - (c) To have the rights and obligations stipulated in article 183.3 of this Law in a case where the land use right obtained from receipt of capital contribution is used for implementation of projects on investment in residential housing for sale and where the enterprise with 100% foreign owned capital is allocated land by the State in accordance with article 55.3 of this Law.

Article 185 *Rights and obligations of Vietnamese residing overseas and foreign invested enterprises using land in industrial zones, industrial complexes, export processing zones, high-tech zones and economic zones*

1. Vietnamese residing overseas are entitled to receive a transfer of land use rights in industrial zones, industrial complexes, export processing zones, high-tech zones and economic zones, and have the rights and obligations stipulated in article 174 of this Law.
2. Vietnamese residing overseas and foreign invested enterprises leasing or sub-leasing land in industrial zones, industrial complexes, export processing zones, high-tech zones and economic zones have the following rights and obligations:
 - (a) In the case of one-off payment of land rent for the entire term of the lease or sub-lease, they have the rights and obligations stipulated in article 174 of this Law ;

- (b) In the case of payment of annual land rent, they have the rights and obligations stipulated in article 175 of this Law.

Article 186 *Rights and obligations in respect of use of residential land of Vietnamese residing overseas entitled to own residential housing in Vietnam; foreigners and Vietnamese residing overseas who do not fall into the category of entities entitled to purchase residential housing attached to residential land use right in Vietnam*

1. Vietnamese residing overseas who fall into the category of entities entitled to own residential housing in accordance with the law on residential housing, are entitled to own residential housing attached to the right to use residential land in Vietnam.
2. Vietnamese residing overseas who are entitled to own residential housing attached to the right to use residential land in Vietnam have the following rights and obligations:
 - (a) The general rights and obligations stipulated in articles 166 and 170 of this Law;
 - (b) To transfer the residential land use right when selling, donating, bequeathing or exchanging residential housing to domestic organizations and individuals and to Vietnamese residing overseas who fall into the category of entities entitled to own residential housing in Vietnam for residential purposes; to donate residential housing attached to the right to use residential land to the State or a community of citizens or donate charity housing in accordance with article 174.2(c) of this Law. In the case of donation or bequeathing to entities not entitled to own residential housing in Vietnam, such entities are entitled to the value of the residential housing attached to the right to use residential land;
 - (c) To mortgage residential housing attached to the right to use residential land with credit institutions authorized to operate in Vietnam;
 - (d) To lease or authorize the management of residential housing during any period such residential housing is not used.
3. In a case where all the legatees of a land use right and ownership of residential house and other assets attached to land are foreigners or Vietnamese residing overseas ineligible to purchase residential housing attached to the residential land use right in Vietnam pursuant to clause 1 above, then the legatees shall not be issued with a single land certificate but shall have the right to assign or donate the land use right which they inherited in accordance with the following provisions:
 - (a) In the case of assignment of the land use right, the legatee shall be named as the assignor in a land use right assignment contract;
 - (b) In a case of donation of the land use right, the donee must be an eligible entity as stipulated in article 179.1(e) of this Law in accordance with the law on residential housing, and the legatee shall be named as the donor in a donation contract or written commitment on donation;
 - (c) In a case where the land use right has not yet been assigned or donated, the legatee or the proxy pursuant to a power of attorney in accordance with regulations shall lodge a file on receipt of inheritance with the land registration agency in order for the latter to update the cadastral register.
4. If one or more of the legatees are Vietnamese residing overseas who do not fall into the category of entities entitled to purchase residential housing attached to the residential land use right in Vietnam and the other legatees are entitled to receive the inheritance of the land use right in accordance with the law on land and if the land use right has not yet been divided amongst the legatees, then such legatees or their proxies pursuant to a power of attorney in accordance with regulations shall lodge a

file on receipt of inheritance with the land registration agency in order for the latter to update the cadastral register.

Upon completion of division of the estate, a single land certificate shall be issued to eligible legatees; in respect of Vietnamese residing overseas who are ineligible to purchase residential housing attached to residential land use right, then their portions of the estate shall be dealt with in accordance with clause 3 of this article.

5. Legatees stipulated in clauses 3(c) and 4 of this article are permitted to provide written authority to others to superintend or to temporarily use the land and to discharge the obligations owing under the law on land and other relevant laws.

Article 187 *Rights and obligations of Vietnamese residing overseas and foreign invested enterprises leasing land for construction of underground facilities*

Vietnamese residing overseas and foreign invested enterprises conducting investment in construction of underground facilities and being leased land by the State, have the following rights and obligations:

1. In the case of lease of land with one-off payment of land rent for the entire lease term, they have the rights and obligations stipulated in clauses 3 and 5 of article 183 of this Law;
2. In the case of lease of land with payment of annual land rent, they have the rights and obligations stipulated in clauses 2 and 5 of article 183 of this Law.

Section 5

Conditions for Exercise of Rights of Land Users

Article 188 *Conditions for exercise of rights to exchange, assign, lease, sub-lease, bequeath, donate and mortgage land use rights, and contribute capital using land use rights*

1. A land user is permitted to exercise the right to exchange, assign, lease, sub-lease, bequeath, donate or mortgage a land use right, or contribute capital using a land use right upon satisfaction of the following conditions:
 - (a) Having a certificate, except for the case stipulated in article 186.3 and the case of receipt of inheritance stipulated in article 168.1 of this Law;
 - (b) The land is not the subject of a dispute;
 - (c) The land use right is not seized in order to guarantee enforcement of a judgement;
 - (d) Such right is exercised during the land use term.
2. In addition to the conditions stipulated in clause 1 of this article, the land user must also satisfy the conditions stipulated in articles 189 to 194 of this Law when exercising the right to exchange, assign, lease, sub-lease, bequeath or donate the land use right, or to mortgage the land use right or to contribute capital using the land use right.
3. The exchange, assignment, lease, sub-lease, bequeathing, donation and mortgage of the land use right and contribution of capital using the land use right must be registered with the land registration agency and shall take effect as from the time of registration in the cadastral register.

Article 189 *Conditions for sale and purchase of assets attached to land leased by the State with collection of annual land rent*

1. Economic organizations, family households, individuals, Vietnamese residing overseas and foreign invested enterprises are entitled to sell assets attached to land leased from the State upon satisfaction of the following conditions:
 - (a) The assets attached to the leased land are legally formed in accordance with law;
 - (b) The construction is completed in accordance with the detailed construction zoning and the investment project which were approved and adopted.
2. Purchasers of assets attached to leased land must satisfy the following conditions:
 - (a) Have financial capability to implement the investment project;
 - (b) Have lines of business appropriate to the investment project;
 - (c) Commit no breach of the law on land in a case where the purchaser was allocated or leased land by the State to implement the previous project.
3. Purchasers of assets are permitted to continue to lease land from the State for the remainder of the land use term in accordance with the specific land prices and must use land for correct purposes as determined in the project.
4. In the case of lease of land for implementation of a project on construction and operation of infrastructure, article 194 of this Law shall apply.

Article 190 *Conditions for exchange of agricultural land use right*

A family household or individual using agricultural land allocated by the State, or obtained from an exchange, receipt of assignment, receipt of inheritance or receipt of donation of the lawful land use right from another person is only permitted to exchange the agricultural land use right with another family household or individual in the same commune, ward or township in order to facilitate agricultural production and is not required to pay income tax applicable to income from the exchange of the land use right and registration fees.

Article 191 *Cases of non-entitlement to receive assignment and receipt of donation of land use rights*

1. Organizations, family households, individuals, communities of citizens, religious establishments, Vietnamese residing overseas and foreign invested enterprises are not permitted to receive assignment or donation of land use rights in a case where the assignment or donation of land use rights is not permitted by law.
2. Economic organizations are not permitted to receive assignment of the right to use land for rice cultivation, protective forest land or specialised use forest land of family households or individuals, except for the case where the land use purpose is permitted to be converted in accordance with the land use zoning and land use planning approved by the competent State agencies.
3. Family households and individuals not directly engaged in agricultural production are not permitted to receive assignment or donation of the right to use land for rice cultivation.

4. Family households and individuals are not permitted to receive assignment or donation of the right to use residential land or agricultural land within the area of protective forest land or within the category of highly protected land or ecological restoration land belonging to a specialised use forest if they do not live in such area of protective forest land or specialized use forest land.

Article 192 *Cases of assignment and donation of land use rights with conditions by family households and individuals*

1. Family households and individuals who currently live alternately on highly protected land and ecological restoration land belonging to a specialized use forest and have not been able to move out of such category of land, are only permitted to assign or donate the right to use residential land or forest land in association with agricultural, forestry and aquaculture production to other family households and individuals living on such category of land.
2. Family households and individuals to whom the State allocates residential land or land for agricultural production in the area of a protective forest are only permitted to assign or donate the right to use residential land or land for agricultural production to other family households and individuals living in such area.
3. Family households and individuals being ethnic minorities and using land allocated by the State in accordance with the State's assistance policies are permitted to assign or donate the land use right after ten (10) years from the date of the decision on land allocation in accordance with Government regulations.

Article 193 *Conditions for receipt of assignment, receipt of capital contribution and lease of agricultural land use right to implement projects on investment in non-agricultural production and business*

Economic organizations, family households and individuals are permitted to receive assignment, receive capital contribution or lease the agricultural land use right to implement a project on investment in non-agricultural production and business when they satisfy the following conditions:

1. Have written approval from the competent State agency in a case where the economic organization receives assignment, receives capital contribution or leases the agricultural land use right to implement the project.
2. The purposes of use of assigned land, land received as capital contribution or land for which the land use right is leased must be consistent with the land use zoning and land use planning approved by the competent State agencies.
3. In the case of specialized land for wet rice cultivation, article 134.3 of this Law shall apply.

Article 194 *Conditions for assignment of land use rights during implementation of projects on investment in, construction and operation of residential housing and investment projects on construction of infrastructure for assignment or lease*

1. The assignment of the land use right in a project on investment in, construction and operation of residential housing shall be implemented as follows:
 - (a) The provincial people's committee shall rely on Government regulations on conditions and types of urban areas to permit the investor of the project on investment in, construction and operation of residential housing to assign the land use right in the form of allotment [dividing up the land] upon completion of investment in construction of infrastructure and fulfilment of financial obligations in respect of land;

- (b) In the case of a project on investment in, construction and operation of residential housing, the assignment of the land use right in association with the assignment of all or part of the project shall be permitted when a certificate is obtained. The assignee of the land use right must implement the investment project in accordance with the approved schedule.
2. The assignment of the land use right in association with the assignment of the entire investment project on construction of infrastructure for the purpose of assignment or lease must satisfy the following conditions:
 - (a) Satisfy the conditions stipulated in article 188.1 of this Law;
 - (b) The construction of respective technical infrastructure facilities of the project must be completed in accordance with the schedule stated in the approved project.
3. The Government shall provide detailed regulations on this article.

CHAPTER 12

Administrative Procedures regarding Land

Article 195 *Administrative procedures regarding land*

1. Administrative procedures regarding land comprise:
 - (a) Procedures for land resumption, land allocation, land lease and conversion of land use purpose;
 - (b) Procedures for registration of land and assets attached to land and issuance of certificates of land use right and ownership of residential house and other assets attached to land [single land certificates];
 - (c) Procedures for change, re-issuance, correction and withdrawal of certificates, certificates of ownership of residential housing and certificates of ownership of construction works;
 - (d) Procedures for performance of rights of land users;
 - (dd) Procedures for enforcement of implementation of decisions on compulsory stocktaking and enforcement of implementation of decisions on land resumption;
 - (e) Procedures for mediation of land disputes and procedures for resolution of land disputes at administrative agencies;
 - (g) Procedures for imposing administrative penalties in the land sector.
2. The Government shall provide detailed regulations on this article.

Article 196 *Public proclamation of administrative procedures regarding land*

1. Contents of public proclamation of administrative procedures regarding land comprise:
 - (a) Agency authorized to receive application files and return results;
 - (b) Period for resolution applicable to each category of administrative procedures;

- (c) Composition of an application file applicable to each category of administrative procedures;
 - (d) Process and responsibility for resolution applicable to each type of administrative procedures;
 - (dd) Financial obligations, fees and charges payable for each category of administrative procedures.
2. The public proclamation of the contents stipulated in clause 1 of this article must be implemented by way of regularly displaying same at the headquarters of the agency receiving application files and returning results, and publishing same on the website containing the national database of administrative procedures and on the website of the provincial and district people's committees.

Article 197 *Implementation of administrative procedures regarding land*

1. Ministries and branches, within the scope of their functions, duties and powers, are responsible to coordinate to instruct, guide and inspect the implementation of the administrative procedures regarding land, ensuring consistency between the administrative procedures regarding land and other related administrative procedures.
2. People's committees at all levels are responsible to instruct, guide, inspect and organize implementation of the administrative procedures in their localities, and provide regulations on coordination among related agencies in their localities to resolve administrative procedures regarding land and other related administrative procedures.
3. Agencies authorized to resolve the administrative procedures regarding land must implement same in accordance with the stipulated sequence and procedures.
4. Land users and other related persons are responsible to fully implement the sequence and administrative procedures regarding land and financial obligations in accordance with law.

CHAPTER 13

**Supervision, Inspection and Resolution of Disputes, Complaints and Denunciations,
and Dealing with Breaches of the Law on Land**

Section 1

Supervision, Monitoring and Assessment of Administration and Use of Land

Article 198 *Supervision of administration and use of land by the National Assembly, people's councils at all levels, the Vietnam Fatherland Front and its member organizations*

1. The National Assembly and the people's councils at all levels shall exercise the right to supervise the administration and use of land in accordance with the *Constitution* and the *Law on Supervision Activities of the National Assembly* and the *Law on Organization of People's Councils and People's Committees*.
2. The Vietnam Fatherland Front and its member organizations shall exercise the right to supervise the administration and use of land in accordance with the *Constitution*, the *Law on Vietnam Fatherland Front* and other related laws.

Article 199 *Supervision of administration and use of land by citizens*

1. Citizens may themselves or via representative organizations exercise the right to supervise the administration and use of land and report breaches during administration and use of land.
2. Supervision and report must be implemented objectively, truthfully and legally. The citizens are not permitted to abuse the supervision right to lodge a complaint or denunciation contrary to law, causing social disorder. The citizens are responsible before the law for the accuracy of information reported by them.
3. Contents of supervision of administration and use of land by the citizens:
 - (a) Formulation, adjustment, proclamation and implementation of land use zoning and planning;
 - (b) Land allocation, land lease and permission to convert land use purpose;
 - (c) Land resumption, compensation, assistance and resettlement;
 - (d) Registration of land and assets attached to land, and issuance of certificates of land use right and ownership of residential house and other assets attached to land;
 - (dd) Collection, exemption and reduction of land use fees, land rent and tax in relation to land, and determination of land prices;
 - (e) Implementation of administrative procedures relating to rights and obligations of land users.
4. Forms of supervision of administration and use of land by citizens:
 - (a) Directly exercise the supervision right via the report and lodgement of recommendations to competent agencies or authorized persons;
 - (b) Lodge recommendations to representative organizations recognized by law in order for such organizations to implement the supervision.
5. Responsibilities of competent State agencies upon receipt of recommendations from the citizens and organizations representing the citizens:
 - (a) Examine, deal with and reply in writing to such recommendations within their scope of authority;
 - (b) Forward the recommendations to competent State agencies for resolution in a case where it is beyond their scope of authority;
 - (c) Notify the results to the organizations and individuals making report.

Article 200 *System of monitoring and assessment of administration and use of land*

1. The system of monitoring and assessment of administration and use of land shall be used to assess implementation of the law on land, the efficiency of administration and use of land, and impact of the policies and the law on land on the economy, society and environment nationwide and locally.
2. The system of monitoring and assessment of administration and use of land shall be established on the basis of the land information system and the collection of other information during implementation of the law on land nationwide, comprising:

- (a) Information about land use zoning and planning; land statistics and stocktaking; land prices and land taxes; land allocation, land lease, land resumption, permission to convert land use purpose, and issuance of single land certificates; implementation of investment projects requiring to use land; compliance with the law on land; and examination, inspection and dealing with breaches in respect of land by administrative agencies;
 - (b) Information about resolution of disputes and claims in respect of land;
 - (c) Information obtained from the supervision of implementation of the law on land by the National Assembly, people's councils at all levels, the Vietnam Fatherland Front and its member organizations, and other related organizations and citizens;
 - (d) Necessary information required to be received by using technological solutions comprising photography of the ground surface from satellites, airplanes and other aircraft, by way of field investigation and by using other technical means;
 - (dd) Necessary information obtained from sociological investigation data in respect of administration and use of land as a result of various activities of research, investigation and survey; and additional sociological investigations shall be implemented where necessary.
3. Agencies of natural resources and environment are responsible to manage the system of monitoring and assessment, and organize assessment of implementation of law, efficiency of administration and use of land and impact of the policies and the law on land on the economy, society and environment nationwide and locally. The results of assessment shall be sent periodically to the Government and the National Assembly.
 4. State agencies keeping information stated in clause 2 of this article are responsible to provide complete, accurate and updated information to the agencies managing the system of monitoring and assessment. Agencies of natural resources and environment are responsible to include in the land information system information about monitoring and assessment.
 5. The system of monitoring and assessment of administration and use of land must be publicly available in order for organizations and individuals to access information in accordance with law.
 6. The Government shall provide detailed regulations on establishment and operation of the system of monitoring and assessment of administration and use of land.

Section 2

Inspectorate and Resolution of Land Disputes, Complaints and Denunciations and Dealing with Breaches of the Law on Land

Article 201 *Specialist inspectorate for land*

1. *Specialist inspectorate for land* means the inspection activities of competent State agencies with respect to compliance with the law on land and regulations on professional and technical matters and management in the land sector by agencies, organizations and individuals.

The Ministry of Natural Resources and Environment is responsible to direct and organize specialized inspections of land nationwide.

Local administrative agencies for land are responsible to organize specialized inspections of land within their respective localities.

2. The contents of specialized inspections of land shall comprise:

- (a) Inspections of compliance with the law on land by people's committees at all levels;
 - (b) Inspections of compliance with the law on land by land users and by other related organizations and individuals;
 - (c) Inspections of compliance with regulations on professional matters in the land sector.
3. The specialist inspectorate for land shall have the following duties:
- (a) To inspect compliance with law by State agencies and land users during administration and use of land;
 - (b) To detect and prevent breaches of the law on land; and to deal with such breaches in accordance with its authority or recommend that the competent State agency do so.
4. The rights and obligations of heads of inspection teams, inspectors and officers implementing specialized inspections of land, and the process of specialized inspections of land shall be in accordance with the law on inspectorate.

Article 202 *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 where the land is situated for conciliation.
3. Chairmen of people's committees of communes are responsible to organize conciliation of land disputes in their localities and must, during organization of implementation, co-ordinate with the Vietnam Fatherland Front at the commune level and its member organizations and other social organizations. The procedures for conciliation of land disputes at the commune people's committee shall be conducted within a period of no more than forty five (45) days from the date of receipt of a request for resolution of a land dispute.
4. The conciliation must be recorded in minutes signed by the parties and verified by the commune people's committee regarding whether it is a successful conciliation or not. The minutes of conciliation shall be sent to the parties to the dispute and kept at the people's committee of the commune where the land is situated.
5. In the case of successful conciliation and where there is a change to the status of the land boundaries or land users, the people's committee of the commune shall send the minutes of conciliation to the office of natural resources and environment if it is a land dispute among family households, individuals and communities of citizens, or shall send same to the department of natural resources and environment in other cases.

The office of natural resources and environment and the department of natural resources and environment shall submit to the people's committee at the same level a decision on recognition of change to boundaries of the parcel of land and on new issuance of a single land certificate.

Article 203 *Authority to resolve land disputes*

Where the conciliation of a land dispute at a commune people's committee is unsuccessful, the matter shall be resolved as follows:

1. With respect to a land dispute where a party concerned has a certificate or one of the types of documents stipulated in article 100 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 land dispute where the parties concerned do not have a certificate or one of the types of documents stipulated in article 100 of this Law, the parties concerned shall only be permitted to choose either of two forms of resolution of the land dispute as follows:
 - (a) To submit a request for resolution of the land dispute to the competent people's committee in accordance with clause 3 of this article;
 - (b) To initiate a legal action at the competent people's court in accordance with the law on civil proceedings;
3. Where the parties concerned choose to resolve the land dispute at the competent people's committee, the resolution of the land dispute shall be implemented as follows:
 - (a) If it is a dispute between family households, individuals and communities of citizens, the district people's committee shall resolve such dispute; if the parties concerned disagree with the decision on resolution, they shall have the right to lodge a complaint with the chairman of the provincial people's committee or initiate a legal action at the people's court in accordance with the law on administrative proceedings;
 - (b) In the case of a dispute where one party to the dispute is an organization, religious establishment, Vietnamese residing overseas or foreign invested enterprise, the chairman of the provincial people's committee shall resolve such dispute; if the parties concerned disagree with the decision on resolution, they shall have the right to lodge a complaint with the Minister of Natural Resources and Environment or initiate a legal action at the people's court in accordance with the law on administrative proceedings;
4. The persons authorized to resolve land disputes stipulated in clause 3 above must issue a decision on resolution of the dispute. The parties to the dispute must strictly comply with the decision on resolution of the dispute which is effective. If the parties do not comply with the decision, the enforcement of implementation shall apply.

Article 204 *Resolution of complaints and claims in respect of land*

1. Land users and persons with benefits and obligations relating to use of land shall have the right to lodge a complaint about or initiate a legal action against an administrative decision or administrative act in respect of administration of land.
2. The order and procedures for resolution of complaints about administrative decisions or about administrative acts in respect of land shall be in accordance with the law on complaints. The order and procedures for resolution of claims about administrative decisions or about administrative acts in respect of land shall be in accordance with the law on administrative proceedings.

Article 205 *Resolution of denunciations involving land*

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

Article 206 *Dealing with persons in breach of the law on land*

1. Any person who commits a breach of the law on land shall, depending on the nature and seriousness of the breach, be subject to an administrative penalty or be subject to criminal prosecution in accordance with law.
2. Any person who commits a breach of the law on land causing loss to the State or to others shall, in addition to being dealt with pursuant to law, be required to pay compensation for the amount of actual loss suffered by the State or others.

Article 207 *Dealing with persons in breach of the law on land during performance of public duties in the land sector*

1. Any person in breach of the law on land during performance of public duties shall, depending on the nature and seriousness of the breach, be subject to disciplinary action or be subject to criminal prosecution in accordance with law with respect to the following breaches:
 - (a) Such person abuses his or her position or power to breach the provisions of law with respect to allocation of land, lease of land, conversion of land use purpose, recovery of land, compensation, assistance and resettlement, transfer of land use rights, implementation of land use zoning or planning, determination of financial obligations regarding land, management of cadastral files, or issuance of administrative decisions relating to land administration;
 - (b) Such person does not exercise adequate responsibility during administration leading to a breach of the law on land or conducts other acts causing loss and damage to land resources or rights and obligations of land users;
 - (c) Such person acts in breach of the provisions on collection of opinions, public proclamation and disclosure of information; in breach of the provisions on administrative order and procedures; or in breach of the provisions on reporting during administration of land.
2. The Government shall provide detailed regulations on this article.

Article 208 *Responsibilities of chairmen of people's committees at all levels for detection, prevention and dealing with breaches of the law on administration and use of land*

1. Chairmen of people's committees at all levels are responsible to detect, prevent and deal with breaches of the law on land administration and land use within their respective localities in a timely manner.
2. Chairmen of people's committees of communes are responsible to detect, prevent and deal with 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 and deal with 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 209 *Receipt of and dealing with responsibilities of heads, State employees and officials of administrative agencies for land at all levels and land administration officers of communes 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 agency 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, land lease, for permission for conversion of land use purpose, land resumption, for exercise of rights of land users, or for issuance of certificates 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 at the commune level;
 - (b) A recommendation regarding a State employee or officer of any one administrative agency 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 agency for land shall be made to the chairman of the same level people's committee.
2. Within a time-limit of no more than thirty (30) days from the date of receipt of a recommendation, the chairman of the people's committee or the head of the administrative agency for land stipulated in clause 1 of this article is responsible to consider the recommendation and to resolve it, and to notify the person making the recommendation.

CHAPTER 14

Implementing Provisions

Article 210 *Transitional provisions*

1. With respect to entities to which the State leased land prior to 1 July 2004 and which paid rent for the entire term of the 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 and obligations stipulated in article 174 of this Law and, if the entity is a family household or individual, it shall have the rights and obligations stipulated in article 179 of this Law.
2. Where investors to which the State leased land with collection of annual land rent to invest in, construct and operate infrastructure in industrial zones, industrial complexes and export processing zones sub-leased land with infrastructure in the form of one-off payment of land rent for the entire lease term prior to the effective date of this Law, such investors shall be required to make payment to the State in accordance with regulations of the Government, and sub-lessees shall have the same rights and obligations as applicable to the case of land lease by the State with one-off payment of land rent for the entire lease term after the investors have paid in full land rent to the State budget.
3. With respect to family households and individuals directly engaged in agricultural production and who were allocated land, whose land use right was recognized, or who received a transfer of an agricultural land use right prior to the effective date of this Law, if upon expiry of the land use term they wish [to continue using the land], they shall be entitled to continue to use the land with the term stipulated in article 126.1 of this Law. The [new] land use term shall be calculated from 15 October 2013 in a case where the [initial] land use term expires on 15 October 2013 in accordance with the 2003 Law on Land; and shall be calculated from the date of expiry of the period of land allocation in a case where the [initial] land use term expires after 15 October 2013.

4. Where family households and individuals used agricultural land prior to the effective date of this Law and have not yet been issued with a certificate, then upon issuance of a certificate the land use term shall be calculated from the effective date of this Law.
5. With respect to land allocated by the State to economic organizations for the purpose of forming capital for construction of infrastructure in accordance with projects or land originated from winning an auction of land use right prior to 1 July 2004 and used by economic organizations without determination of the land use term, the land use term shall be in accordance with regulations of the Government.
6. With respect to projects and items for which compensation, assistance and resettlement have been completed prior to the effective date of this Law, the provisions of this Law shall not apply. In respect of projects or items the plan for compensation, assistance and resettlement of which has been approved, or the payment of compensation, assistance and resettlement for which is being made in accordance with a plan approved prior to the effective date of this Law, the approved plan shall be complied with and the provisions of this Law shall not apply.
7. In the case of land allocation, land lease, conversion of land use purpose or recognition of land use right prior to the effective date of this Law and where the land user has not fulfilled his or her financial obligations, the time for calculation of land use fees or land rent shall be in accordance with regulations of the Government.
8. Family households and individuals currently using an area of agricultural land allocated in excess of the quota prior to the effective date of this Law must transfer to the lease land form in accordance with this Law.
9. The Government shall provide regulations on dealing with specific cases of use of land in breach of the law on land and cases of guarantee using land use right prior to the effective date of this Law.

Article 211 *Effectiveness*

1. This Law shall take effect as from 1 July 2014.

The Law on Land 13-2003-QH13 and Resolution 49-2013-QH13 of the National Assembly dated 21 June 2013 on extension of the term of use of land for planting annual crops, for aquaculture or for salt production of family households and individuals shall no longer be effective as from the effective date of this Law.

2. Article 57 of the Law on Civil Aviation of Vietnam 66-2006-QH11; article 2 of Law 34-2009-QH12 on amendment of and addition to article 126 of the Law on Residential Housing and article 121 of the Law on Land; article 4 of Law 38-2009-QH12 on amendment of and addition to a number of articles of laws concerning investment in capital construction; article 264 of Law 64-2010-QH12 on Administrative Proceedings; and provisions on land requisition in Law 15-2008-QH12 on Purchase and Requisition of Assets are hereby repealed.

Article 212 *Detailed provisions*

The Government shall provide detailed regulations on the articles assigned in the Law.

This Law was passed by Legislature XIII of the National Assembly of the Socialist Republic of Vietnam at its 6th session on 29 November 2013.

The Chairman of the National Assembly
NGUYEN SINH HUNG