

THE STATE PRESIDENT

Chapter I

GENERAL PROVISIONS

ORDER No. 23/2003/L-CTN OF DECEMBER 10, 2003 ON LAW PROMULGATION

THE STATE PRESIDENT OF THE SOCIALIST REPUBLIC OF VIETNAM

Pursuant to Articles 103 and 106 of the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No.51/2001/QH10 of December 25, 2001 of the Xth National Assembly, the 10th session;

Pursuant to Article 91 of the Law on Organization of the National Assembly;

Pursuant to Article 50 of the Law on Promulgation of Legal Documents,

PROMULGATES:

The Land Law,

which was passed on November 26, 2003 by the XIth National Assembly of the Socialist Republic of Vietnam at its 4th session.

**State President
of the Socialist Republic of Vietnam
TRAN DUC LUONG**

LAND LAW

(No. 13/2003/QH11)

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No.51/2001-QH10 of December 25, 2001 of the Xth National Assembly, the 10th session;

This Law prescribes land management and use.

Article 1.- Regulation scope

This Law prescribes the powers and responsibilities of the State which represents the entire-people owner of land and uniformly manages land; the regime of land management and use; the rights and obligations of land users.

Article 2.- Subjects of application

The subjects of application of this Law include:

1. The State agencies which exercise the powers and perform the responsibilities of the representative of the entire-people owner of land, performing the task of uniform State management over land;
2. The land users;
3. Other subjects involving in land management and/or use.

Article 3.- Law application

1. The land management and use must comply with the provisions of this Law. In cases where this Law does not provide therefor, the provisions of relevant law shall apply.

2. Where the international treaties which the Socialist Republic of Vietnam has signed or acceded to contain provisions different from the provisions of this Law, the provisions of such international treaties shall apply.

Article 4.- Interpretation of terms and phrases

In this Law, the terms and phrases below shall be construed as follows:

1. Land assignment by the State means the State assigns the land use rights with administrative decisions to subjects having land use demand.
2. Land lease by the State means the State assigns the land use rights under contracts to subjects having land use demand.
3. The State's recognition of the land use right for current stable land users means the granting for the first time by the State of the land use right certificates to those persons.
4. Reception of land use right transfer means the establishment of the land use rights transferred by other persons under the provisions of law through various forms of exchange, transfer, inheritance, donation of

land use rights or capital contribution with land use rights, which results in the emergence of new legal persons.

5. Land recovery means that the State issues administrative decisions to retrieve land use rights or recover land already assigned to organizations, commune, ward or township People's Committees for management according to the provisions of this Law.

6. Compensation upon land recovery by the State means the State returns the land use right value of the recovered land areas to persons having land recovered.

7. Support upon land recovery by the State means the State renders assistance to persons having land recovered through providing them with training in new jobs, with new jobs, funding for their movement to new locations.

8. Administrative boundary dossiers mean the dossiers in service of the State management over administrative boundaries.

9. Administrative boundary maps are the maps showing the administrative boundary markers and geographical and terrain elements related to administrative boundary markers.

10. Administrative maps are the maps showing the boundaries of administrative units enclosed with place names and a number of major natural, economic and social elements.

11. Land plots mean the land areas delimited by boundaries determined on the field or described on the dossiers.

12. Cadastral dossiers mean the dossiers in service of the State management over the land use.

13. Cadastral maps are the maps showing land plots and relevant geographical elements, made according to commune, ward or township administrative units, certified by competent State agencies.

14. Cadastral books mean the books for every commune, ward or township units to record the land users and information on land use by such persons.

15. Land-itemizing books mean the books compiled for every commune, ward or township unit to record land plots and the information thereon.

16. Land change-monitoring books mean the books compiled to monitor cases of change in land use, including changes in land plot sizes and shapes, land users, land use purposes, land use duration, rights and obligations of land users.

17. Land use status quo maps are the maps expressing the disposition of land of various categories at a given time, which are drawn according to administrative units.

18. Land use-planning maps are the maps drawn up at the beginning of the planning period, expressing the disposition of land of various categories at the end of the planning period.

19. Land use right registration means the acknowledgement of the lawful land use rights over a determined land plot in the cadastral dossiers, aiming to establish the rights and obligations of the land users.

20. Land use right certificates mean the certificates granted by competent State agencies to land users in order to protect their legitimate rights and interests.

21. Land statistics means the State sums up and evaluates on the cadastral dossiers the present land use situation at the time of statistics and the situation of land changes between two statistical times.

22. Land inventory means the State sums up and evaluates on the cadastral dossiers and on the field the present land use situation at the time of inventory and the situation of land changes between two inventories.

23. Land use right price (hereinafter called land price) means the money amount calculated on a land acreage unit prescribed by the State or formulated in land use right transaction.

24. Land use right value means the pecuniary value of the land use rights over a determined land acreage in a determined land use duration.

25. Land use levy means the money amount which must be paid by land users in cases where the State assigns land with the collection of land use levy on a determined land acreage.

26. Land disputes mean the disputes over the rights and obligations of land users between two or more parties in the land relations.

27. Land destruction means acts of topographically deforming land, reducing land quality, polluting land thus causing the loss or reduction of capability to use land according to the set purposes.

28. Public non-business organizations mean those organized by competent State agencies, political organizations or socio-political organizations and having the function of carrying out public-service activities financed by the State budget.

Article 5.- Land ownership

1. Land belongs to the entire-people ownership with the State acting as the owner's representative.

2. The State exercises the right to dispose land as follows:

a) To decide on the land use purposes through deciding on, considering and approving land use plannings, land use plans (hereinafter referred collectively to as land use plannings, plans);

b) To stipulate the land assignment norms and land use duration;

c) To decide on land assignment, land lease, land recovery, to permit the change of land use purposes;

d) To set the land prices.

3. The State performs the regulation of benefit sources from land through land-related financial policies as follows:

a) Collection of land use levies, land rents;

b) Collection of land use tax, tax on income from land use right transfer;

c) Regulation of the land value increase not due to investment by land users.

4. The State assigns the land use rights to land users in forms of land assignment, land lease, recognition of land use rights for current stable land users; prescribes the rights and obligations of the land users.

Article 6.- State management over land

1. The State performs the uniform management over land.

2. The contents of the State management over land include:

a) Promulgating legal documents on land management and use and organizing the implementation thereof;

b) Determining administrative boundaries, compiling and managing the administrative boundary dossiers, drawing administrative maps;

c) Surveying, measuring, evaluating and categorizing land; drawing cadastral maps, land use status quo maps and land use planning maps;

d) Managing land use plannings and plans;

e) Managing the land use assignment, land lease, land recovery, change of land use purposes;

f) Registering the land use rights, compiling and managing cadastral dossiers, granting land use right certificates;

g) Making land statistics, inventories;

h) Managing land-related finance;

i) Managing and developing the land use right transfer market in the real estate market;

j) Managing and supervising the performance of rights and obligations of land users;

k) Inspecting and examining the observance of law provisions on land and handling violations of land legislation;

l) Settling land disputes; settling complaints and denunciations against violations in land management and use;

m) Managing land-related public service activities.

3. The State adopts policies on investment in the performance of tasks of State management over land, builds up a modern and fully capable land management system, ensuring the effective and efficient management of land.

Article 7.- The State exercises the right of representing the entire-people owner of land and performs the uniform State management over land

1. The National Assembly promulgates land law, decides on land use plannings and plans of the whole country; exercises the supreme right to supervise the land management and use nationwide.

2. The Government decides on land use plannings and plans of the provinces and centrally-run cities and the plannings and plans on the use of land for defense and/or security purposes; exercises the uniform State management over land throughout the country.

The Ministry of Natural Resources and Environment is answerable to the Government for the State management over land.

3. The People's Councils of all levels exercise the right to supervise the land management and use in their respective localities.

4. The People's Committees of all levels exercise the right to represent the land owner and perform the State management over land in their respective localities according to competence prescribed in this Law.

Article 8.- Rights and responsibilities of Vietnam Fatherland Front, the Front's member organizations and citizens

Vietnam Fatherland Front, the Front's member organizations and citizens have the rights and

responsibility to supervise the land management and use, coordinate with State agencies in ensuring the strict observance of the State's regulations on land management and use.

Article 9.- Land users

The land users defined in this Law include:

1. Domestic organizations, including State agencies, political organizations, socio-political organizations, socio-political and professional organizations, social organizations, socio-professional organizations, economic organizations, socio-economic organizations, public-non-business organizations, people's armed force units and other organizations, which, according to the Government's regulations (hereinafter referred collectively to as organizations) shall be assigned or leased land or have their land use rights recognized, by the State; and economic organizations receiving land use right transfer;

2. Domestic households and individuals (hereinafter called households, individuals), that are assigned or leased land, or have land use rights recognized, by the State, or receive the land use right transfer.

3. Population communities, including communities of Vietnamese living in the same villages, hamlets or similar population quarters having the same customs and practices or the same descents, that are assigned land or have the land use rights recognized, by the State;

4. Religious establishments, including pagodas, churches, oratories, sanctuaries, monasteries, religious training schools, head-offices of religious organizations and other religious establishments, which have the land use rights recognized or are assigned land, by the State;

5. Foreign organizations with diplomatic functions, including diplomatic representation offices, consulates, other foreign representation offices with diplomatic functions recognized by the Vietnamese Government; representation offices of organizations within the United Nations, inter-governmental agencies or organizations, representative offices of inter-governmental organizations, which are leased land by the State;

6. Overseas Vietnamese who return to the country for investment, regular cultural or scientific activities or return for stable settlement in the country, who are assigned or leased land by the State, or are entitled to buy dwelling houses closely associated with the rights to use residential land;

7. Foreign organizations and individuals investing

in Vietnam under the legislation on investment, that are leased land by the State.

Article 10.- Guarantees for land users

1. The State grants land use right certificates to land users.

2. The State does not recognize the reclaim of land already assigned under the State's regulations to other people for use in the course of implementing 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.

3. The State adopts policies to create conditions for persons directly engaged in agricultural production, forestry, aquaculture, salt-making to have land for production; at the same time adopts policies on preferences for investment, job training, production and business development, job creation for rural labor, suitable to the process of restructuring the land use and restructuring the rural economy along the direction of industrialization and modernization.

Article 11.- Land-using principles

The land use must ensure the following principles:

1. Being in strict accordance with the land use plans and plans, and for the right land use purposes;

2. Being economical, efficient, protecting environment and not harming the legitimate interests of land users around;

3. The land users exercise their rights and perform their obligations in the land use duration according to the provisions of this Law and other relevant laws.

Article 12.- Encouraging investment in land

The State adopts policies to encourage land users to invest their labor, supplies, capital in, and to apply scientific and technological achievements to, the following works:

1. Protecting, improving, increasing the fertility of, land;

2. Virgin land reclamation, re-cultivation on unused land, sea encroachment, putting areas of waste land, bare hills and mountains and land with waste water surface to use;

3. Developing infrastructure to increase the value of land.

Article 13.- Land categorization

Depending on the use purposes, land is categorized as follows:

1. Agricultural land, including land of the following categories:

a) Land for cultivation of annual crops, including land for rice cultivation, pasture land for husbandry, land for growing other annual crops;

b) Land for growing perennial trees;

c) Production forest land;

d) Protective forest land;

e) Special-use forest land;

f) Aquaculture land;

g) Salt-making land;

h) Other agricultural land as prescribed by the Government;

2. Non-agricultural land, including land of the following categories:

a) Residential land, including rural residential land and urban residential land;

b) Land for construction of offices, non-business facilities;

c) Land used for defense and/or security purposes;

d) Land for non-agricultural production or business, including land for construction of industrial parks; land used as ground for construction of production and/or business establishments; land for mineral activities; land for production of construction materials, pottery articles;

e) Land used for public-utility purposes, including land for communications, irrigation; land for construction of cultural, medical, educational and training, sport and physical training works in service of public interests; land with historical and cultural relics, scenic places; land for construction of other public works under the Government's regulations;

f) Land used by religious establishments;

g) Land with works being communal houses, temples, shrines, small pagodas, worship halls, ancestral worship houses;

h) Land for cemeteries, grave-yards;

i) River, arroyo, canal, trench, stream and special-use water surface land;

j) Other non-agricultural land as prescribed by the Government;

3. Unused land, including assorted land with use

purposes not yet identified.

Article 14.- Grounds for determination of land categories on the field

The determination of land categories on the field is based on the following grounds:

1. The present land use situation compatible with the land use plans approved by competent State agencies;

2. The competent State agencies' decisions to assign land, lease land, permit the change of land use purposes;

3. The registration for changes of land use purposes, for cases where permission for change of land use purposes is not required.

Article 15.- Strictly prohibited acts

The State strictly prohibits acts of encroaching upon land; not using land, using land not for the right purposes; violating land use plans and/or plans already publicized; destroying land; failing to strictly comply with law provisions when applying land users' rights; failing to perform or performing inadequately the obligations and responsibilities of land users.

The State strictly prohibits acts of abusing positions and powers, acting ultra vires or showing irresponsibility by competent persons to act against the regulations on land management.

Chapter II

THE STATE'S RIGHTS TO LAND AND STATE MANAGEMENT OVER LAND

Section 1. COMPILATION AND MANAGEMENT OF ADMINISTRATIVE BOUNDARY DOSSIERS AND ASSORTED LAND-RELATED MAPS

Article 16.- Administrative boundaries

1. The Government directs the delimitation of administrative boundaries, the compilation and management of administrative boundary dossiers at all levels throughout the country.

The Ministry of Home Affairs provides for the order and procedures of delimiting the administrative boundaries, managing administrative boundary markers and dossiers.

The Ministry of Natural Resources and Environment

provides for the techniques and economic norms in implanting administrative boundary markers and compiling administrative boundary dossiers at all levels.

2. The People's Committees at all levels organize the delimitation of administrative boundaries on the field and the compilation of administrative boundary dossiers within their respective localities.

Article 17.- Administrative boundary dossiers

1. An administrative boundary dossier includes:

a) The competent State agency's decision on the establishment of the administrative unit or the administrative boundary adjustment (if any);

b) The administrative boundary map;

c) The diagram on locations of administrative boundary markers;

d) The table of coordinates of administrative boundary markers, typical points on the administrative boundary line;

e) The description of the general administrative boundary situation;

f) The record certifying the description of the administrative boundary line;

g) The statistical ticket on geographical elements related to the administrative boundary;

h) The record on the hand-over of administrative boundary markers;

i) The statistics of documents on administrative boundaries of the subordinate administrative units.

2. The administrative boundary dossiers of any levels are archived at the People's Committees of such levels, the People's Committees of higher levels, the Ministry of Home Affairs, the Ministry of Natural Resources and Environment.

3. The administrative boundary dossiers of the subordinate levels are certified by the immediate-superior People's Committees; the administrative boundary dossiers of the provinces and centrally-run cities are certified by the Ministry of Home Affairs.

4. The commune/ward/township People's Committees have the responsibility to manage the administrative boundary markers on the fields in their respective localities; in cases where administrative boundary markers are removed or damaged, they must report such in time to the People's Committees of rural districts, urban districts, provincial capitals or towns.

Article 18.- Administrative maps

1. The administrative maps of any localities are drawn up on the basis of the administrative boundary maps of such localities.

2. The drawing up of administrative maps is stipulated as follows:

a) The Ministry of Natural Resources and Environment directs the drawing of the administrative maps of all levels throughout the country and organizes the drawing of national, provincial and municipal administrative maps;

b) The provincial/municipal People's Committees organize the drawing of administrative maps of rural districts, urban districts, provincial capitals and towns.

Article 19.- Cadastral maps

1. The cadastral maps are components of the cadastral dossiers in service of the uniform State management over the land.

2. The Ministry of Natural Resources and Environment directs the surveys, measurement, drawing and management of cadastral maps nationwide.

3. The provincial/municipal People's Committees organize the surveys, measurement, drawing and management of cadastral maps in their respective localities.

4. The cadastral maps are managed and archived at the land management agencies of the provinces, centrally-run cities, rural districts, urban districts, provincial capitals, towns and the People's Committees of the communes, wards, townships.

Article 20.- Land use status quo maps and land use planning maps

1. The land use status quo maps are drawn up once every five years in association with the land inventory prescribed in Article 53 of this Law to serve the management of land use plannings and plans.

2. The land use planning maps are drawn up once every 10 years in association with the land use planning periods prescribed in Article 24 of this Law.

The land use planning maps of communes, wards or townships, drawn up on the cadastral maps, are called the detailed land use planning maps.

3. The Ministry of Natural Resources and Environment directs the surveys, measurement, drawing and management of land use status quo maps, the land use planning maps nationwide and organize the drawing of land use status quo maps and land use planning maps.

of the whole country.

4. The People's Committees having the responsibility to conduct land inventories in any localities shall have the responsibility to organize the drawing of land use status quo maps of such localities.

The People's Committees having the responsibility to organize the elaboration of land use plannings of any localities shall have the responsibility to organize the drawing of the land use planning maps of such localities.

Section 2. LAND USE PLANNINGS, PLANS

Article 21.- The principles for elaboration of land use plannings and plans

The elaboration of land use plannings and plans must ensure the following principles:

1. Being compatible with the strategies, overall plannings, plans on socio-economic development, defense and security;

2. Being elaborated from the whole to details; the land use plannings and plans of the subordinate levels must be compatible with the land use plannings and plans of the superior levels; the land use plans must conform to the land use plannings already decided on and approved by competent State agencies;

3. The land use plannings and plans of the superior levels must express the land use demands of the subordinate levels;

4. Thrifty and efficient use of land;

5. Rational exploitation of natural resources and environmental protection;

6. Protection and renovation of historical and cultural relics, scenic places;

7. Democracy and publicity;

8. The land use plannings and plans of each period must be decided, approved in the last year of the previous period.

Article 22.- Grounds for elaboration of land use plannings, plans

1. Grounds for elaboration of land use plannings include:

a) The strategies and overall plannings on socio-economic development, defense and security of the whole country; plannings on development of branches and localities;

b) The State's socio-economic development plans;

c) The natural, economic and social conditions and the market demands;

d) The land use status quo and land use demands;

e) The land use norms;

f) The scientific and technological advances related to land use;

g) The results of implementation of the land use plannings of the previous period.

2. Grounds for elaboration of land use plans include:

a) The land use plannings already decided on and approved by competent State agencies;

b) The five-year and annual socio-economic development plans of the State;

c) The land use demands of organizations, households, individuals, population communities;

d) The results of implementation of the previous period's land use plans;

e) Investment capability for implementation of projects, works using land.

Article 23.- Contents of land use plannings, plans

1. The contents of a land use planning include:

a) Survey, studies, analysis and sum up of the natural, economic and social conditions and the land use status quo; the evaluation of land potential;

b) Identification of land use orientations and objectives in the planning period;

c) Determination of areas of assorted land distributed for socio-economic development, defense and security demands;

d) Determination of areas of land to be recovered for the implementation of works, projects;

e) Determination of measures for land use, protection and improvement and environmental protection;

f) Solutions to organize the implementation of land use plannings.

2. The contents of a land use plan include:

a) The analysis and evaluation of the results of implementation of the previous period's land use plans;

b) The plans on recovery of assorted land areas for distribution to infrastructure construction demands; industrial and service development; urban and rural residential quarter development; defense, security;

c) The plans on transfer of land areas under wet

rice and forest land to other use purposes, the restructure of the use of land within the agricultural land;

d) The land reclamation plans to expand land areas to be used for various purposes;

e) Details of the five-year land use plan to every year;

f) Solutions to organize the implementation of land use plans.

Article 24.- Land use planning, plan periods

1. The period of land use planning of the whole country, provinces, centrally-run cities, rural districts, urban districts, provincial capitals, towns, communes, wards or townships is ten years.

2. The period of land use plan of the whole country, the provinces, centrally-run cities, rural districts, urban districts, provincial capitals, towns, communes, wards or townships is five years.

Article 25.- Elaboration of land use plannings, plans

1. The Government organizes the elaboration of land use plannings and plans of the whole country.

2. The provincial/municipal People's Committees organize the elaboration of their respective local land use plannings and plans.

3. The People's Committees of the rural districts of the provinces organize the elaboration of the land use plannings and plans of their respective localities as well as the land use plannings and plans of townships in their respective districts.

The People's Committees of rural and urban districts of the centrally-run cities and the People's Committees of the provincial capitals or towns organize the elaboration of land use plannings and plans of their respective localities as well as land use plannings and plans of their subordinate administrative units, except for cases prescribed in Clause 4 of this Article.

4. The People's Committees of the communes not lying in the urban development planning areas in the land use planning period organize the elaboration of land use plannings and plans of their respective localities.

5. The land use plannings of communes, wards or townships are elaborated in details associated to land plots (hereinafter called the detailed land use plannings); in the course of elaborating the detailed land use plannings, the agencies which organize the elaboration of land use plannings must gather comments of people.

The land use plans of communes, wards or townships are elaborated in details associated to land

plots (hereinafter called the detailed land use plans).

6. The People's Committees have the responsibility to organize the elaboration of land use plannings and plans and submit them to the People's Councils of the same level for adoption before submitting such land use plannings and plans to competent State agencies for consideration and approval.

7. The land use plannings and plans must be submitted simultaneously with the socio-economic development plans.

Article 26.- Competence to decide on, consider and approve the land use plannings and plans

1. The National Assembly decides on the land use plannings and plans of the whole country, which are submitted by the Government.

2. The Government considers and approves the land use plannings and plans of the provinces and centrally-run cities.

3. The provincial/municipal People's Committees consider and approve the land use plannings and plans of their immediate subordinate administrative units.

4. The People's Committees of the rural districts, provincial capitals or towns consider and approve the commune land use plannings and plans prescribed in Clause 4, Article 25 of this Law.

Article 27.- Adjustment of land use plannings, plans

1. The adjustment of land use plannings shall be made only in the following cases:

a) There is the adjustment of socio-economic development, defense or security objectives, which has been decided and approved by competent State agencies, and such adjustment alters the land use structure;

b) The land use purposes, structure, position and/or acreage have changed due to the impacts of natural calamities or war;

c) There is the adjustment of land use planning by the superior authorities, which directly affects the land use planning of their own level;

d) There is the adjustment of administrative boundaries of the localities.

2. The adjustment of land use plans shall be made only when there appears the adjustment of land use planning or there appears a change in the capability to implement the land use plans.

3. The contents of land use planning adjustment

constitute a part of the contents of the land use planning. The contents of land use plan adjustment constitute a part of the contents of the land use plan.

4. The State agencies competent to decide, approve the land use plannings and plans of any levels shall be competent to decide and approve the adjustment of the land use plannings, plans of such levels.

Article 28.- Announcement of land use plannings, plans

Within no more than thirty working days as from the date they are decided on or approved by competent State agencies, the land use plannings and/or plans must be publicized according to the following regulations:

1. The People's Committees of communes, wards or townships have the responsibility to publicize the detailed land use plannings, the detailed land use plans of their respective localities at their offices;

2. The land management agencies at all levels have the responsibility to publicize the land use plannings, plans of their respective localities at their offices and on the mass media;

3. The publicization of land use plannings and plans at the offices of the People's Committees and the offices of the land management agencies shall be effected throughout the effective land use planning, plans periods.

Article 29.- Implementation of land use plannings, plans

1. The Government shall organize and direct the implementation of land use plannings and plans of the whole country; examine the implementation of land use plannings and plans of the provinces and centrally-run cities.

The People's Committees of the provinces, centrally-run cities, rural districts, urban districts, provincial capitals, provincial towns shall organize and direct the implementation of land use plannings and plans of their respective localities; examine the implementation of the land use plannings and plans of their immediate subordinate localities.

The People's Committees of the communes, wards or townships shall organize and direct the implementation of land use plannings and plans of their respective localities; detect and stop acts of using land in contravention of the publicized land use plannings and/or plans.

2. In cases where the publicized land use plannings and/or plans cover land areas to be recovered but the State has not yet recovered the land, paid the compensations and cleared the ground, the land users may continue using such land for the purposes already determined before the announcement of the land use plannings and/or plans; if the land users no longer have the use demands, the State shall recover the land and pay the compensations or provide supports according to the provisions of law.

The State strictly prohibits all activities of building or investing on one's own will immoveables in land areas to be recovered for the implementation of land use plannings and/or plans. In cases where there are demands to renovate, repair dwelling houses and/or constructions affixed to the to-be-recovered land, which change the sizes and/or grades of the existing works, the permission of the competent State agencies is required.

3. For land areas inscribed in the publicized land use plans, which must be recovered for the execution of projects, works or must be subject to land use purpose change and the plans therefor have not been realized within three years, the State agencies competent to approve the land use plans must adjust or cancel such plans and make the announcement thereon.

Article 30.- Plannings, plans on use of land for defense, security purposes

1. The Ministry of Defense, the Ministry of Public Security shall elaborate plannings and plans on the use of land for defense or security purposes and submit them to the Government for consideration and approval.

2. The Government shall specify the elaboration, consideration and approval, adjustment and implementation of the plannings and plans on the use of land for defense or security purposes.

Section 3. LAND ASSIGNMENT, LAND LEASE, CHANGE OF LAND USE PURPOSES

Article 31.- Grounds for land assignment, land lease, change of land use purposes

Grounds for deciding to assign land, lease land or permit the change of land use purposes include:

1. Land use plannings and/or plans or urban construction plannings, rural population quarter construction plannings, which have already been considered and approved by competent State agencies;

2. Land use demands reflected in investment projects, written applications for land assignment, land lease or land use purpose change.

Article 32.- Assigning or leasing land being used by some one to other persons

The decisions to assign or lease land being used by some one to other persons shall be executed only after the issuance of decisions to recover such land.

Article 33.- Assigning land without collecting the land use levies

The State shall assign land without collecting the land use levies in the following cases where:

1. Households and/or individuals are directly engaged in agricultural labor, forestry, aquaculture, salt making and assigned agricultural land within the quotas prescribed in Article 70 of this Law;

2. Organizations use land for purposes of research, testing, experimentation in agriculture, forestry, aquaculture or salt making;

3. People's armed force units are assigned land by the State for agricultural production, forestry, aquaculture, salt making or production in combination with defense or security tasks;

4. Organizations use land for construction of dwelling houses in service of resettlement under the State's projects;

5. Agricultural cooperatives use land as grounds for construction of the cooperatives' offices, drying yards, warehouses; the construction of service establishments in direct service of agricultural production, forestry, aquaculture, salt making;

6. People use protective forest land; special-use forest land; land for construction of working offices, construction of non-business facilities prescribed in Article 88 of this Law; land used for defense or security purposes; traffic or irrigation land; land for construction of cultural, medical, education and training, physical training and sport projects in service of public interests and other public works not for business purposes; land used for cemeteries and graveyards;

7. Population communities use agricultural land; religious establishments use non-agricultural land as prescribed in Article 99 of this Law.

Article 34.- Assigning land with the collection of land use levies

The State shall assign land with the collection of land

use levies in the following cases where:

1. Households and individuals are assigned residential land;

2. Economic organizations are assigned land for use for purposes of investment in the construction of dwelling houses for sale or lease;

3. Economic organizations are assigned land for use for purposes of investment in the construction of infrastructures for transfer or lease;

4. Economic organizations, households and individuals are assigned land for use as ground for construction of production and/or business establishments;

5. Economic organizations, households and individuals use land for the construction of public works for business purposes;

6. Economic organizations are assigned land for agricultural production, forestry, aquaculture, salt making;

7. Overseas Vietnamese are assigned land for execution of investment projects.

Article 35.- Land lease

1. The State leases land with the collection of annual land rents in the following cases:

a) Households and individuals rent land for agricultural production, forestry, aquaculture, salt making;

b) Households and individuals have the demands to continue using the agricultural land areas assigned in excess of quotas before January 1, 1999 while the land use duration has expired under the provisions in Clause 2, Article 67 of this Law;

c) Households and individuals have used agricultural land in excess of land assignment quotas from January 1, 1999 to before the date this Law takes effect, excluding land areas acquired due to the transfer of land use rights;

d) Households and individuals rent land for use as ground for construction of production and/or business establishments, mineral activities, production of building materials, making pottery articles;

e) Households and individuals use land for construction of public works for business purposes;

f) Economic organizations, overseas Vietnamese, foreign organizations and individuals rent land for execution of investment projects for agricultural

production, forestry, aquaculture, salt making; for use as ground for construction of production and/or business establishments; construction of public works for business purposes; construction of infrastructures for transfer or lease; for mineral activities, production of building materials, making pottery articles;

g) Foreign organizations with diplomatic functions rent land for construction of working offices.

2. The State leases land with the collection of land rents in lump sum for the whole leasing terms in the following cases:

a) Overseas Vietnamese, foreign organizations and individuals rent land for execution of investment projects on agricultural production, forestry, aquaculture, salt making; for use as ground for construction of production and/or business establishments; construction of public works for business purposes; construction of infrastructures for transfer or lease; for mineral activities, production of building materials, making pottery articles; construction of dwelling houses for sale or lease;

b) Foreign organizations with diplomatic functions rent land for construction of working offices.

Article 36.- Change of land use purposes

The change of land use purposes among different land categories prescribed in Article 13 of this Law shall be effected as follows:

1. Cases where the land use purpose change requires permission of competent State agencies include:

a) Changes from land under wet rice cultivation to land under perennial trees, forestation land, aquaculture land;

b) Changes from special-use forest land, protective forest land to land used for other purposes;

c) Changes from agricultural land to non-agricultural land;

d) Changes from non-agricultural land assigned by the State without the collection of land use levies to non-agricultural land assigned by the State with the collection of land use levies or leased by the State;

e) Changes from non-agricultural land other than residential land to residential land;

2. For cases of land use purpose change other than the cases prescribed in Clause 1 of this Article, the land users must not apply for permission of competent State agencies, but have to register it with the offices of

organizations competent to register the land use rights (hereinafter called collectively the land use registries) of the People's Committees of the communes where exists the land;

3. Upon the change of land use purposes as provided for in Clauses 1 and 2 of this Article, the land use regimes, the rights and obligations of land users shall comply with the land categories after the change of use purposes; the land use duration shall comply with the provisions in Article 68 of this Law;

4. Upon the change of land use purposes in the cases prescribed at Points c, d and e of Clause 1, this Article, the land users must fulfill their financial obligations according to the following regulations:

a) Paying land use levies according to land categories after the change of use purposes, for cases of change from protective forest land, special-use forest land, non-agricultural land without the collection of land use levies to non-agricultural land with the collection of land use levies;

b) Paying land use levies according to land categories after the change of use purposes, subtracting the land use right values of the land categories before the change of use purposes, which are calculated at the land prices set by the State at the time of being allowed to change the land use purposes, for cases of change from land under annual crops, land under perennial trees, production forest land, aquaculture land, salt-making land to non-agricultural land with the collection of land use levies;

c) Paying land use levies according to land categories after the change of use purposes, subtracting the land use levies paid according to the land categories before the change of use purposes, for cases of change from non-agricultural land other than residential land to residential land;

d) Paying land rents according to the land categories after the change of use purposes for cases where the land users select forms of land renting;

e) The calculation of the land use right values shall apply to the regime of land use levy exemption and reduction according to the Government's regulations.

Article 37.- Competence to assign land, to lease land, to permit the change of land use purposes

1. The People's Committees of the provinces and centrally-run cities shall decide to assign land, to lease, land and permit the change of land use purposes for

organizations; assign land to religious establishments assign land, lease land to overseas Vietnamese; lease land to foreign organizations and individuals.

2. The People's Committees of the rural districts, urban districts, provincial capitals or towns shall decide on land assignment, land lease and permit the change of land use purposes for households, individuals; assign land to population communities.

3. The People's Committees of the communes, wards or townships shall lease land in the agricultural land funds for use for purposes of public utility of communes, wards or townships.

4. Agencies competent to decide to assign land, lease land and permit the change of land use purposes, defined in Clauses 1, 2 and 3 of this Article must not authorize others to do so.

Section 4. LAND RECOVERY

Article 38.- Cases of land recovery

The State shall recover land in the following cases:

1. The State uses land for the purposes of defense, security, national interests, public interests, economic development;

2. Organizations, which are assigned land by the State without the collection of land use levies, are assigned land by the State with the collection of land use levies which originate from the State budget, or are leased land with the collection of annual land rents, are dissolved, go bankrupt, move to other locations, reduce or no longer have land use demands;

3. Land is used not for the right purposes, is used inefficiently;

4. The land users deliberately destroy land;

5. Land is assigned not to the right subjects or ultra vires;

6. Land is encroached upon, occupied in the following cases:

a) Unused land is encroached upon, occupied;

b) Land not entitled to use purpose change under the provisions of this Law and the land users, due to their irresponsibility, let the land be encroached upon, occupied;

7. Individual land users die without any heirs;

8. Land users voluntarily return the land;

9. Land users deliberately refuse to fulfill their obligations towards the State;

10. Land, which is assigned or leased by the State for definite terms, is not entitled to the extension of its use duration upon the expiry thereof;

11. Land under annual crops is not used for twelve months in a row; land under perennial trees is not used for eighteen months in a row; land for forestation is not used for twenty four months in a row;

12. Land assigned or leased by the State for execution of investment projects is not used for twelve months in a row or the use tempo is twenty four months slower than the tempo inscribed in the investment projects, as from the time of receiving of the land on the field, without the permission of the agencies competent to assign or lease such land.

Article 39.- Recovering land for use for purposes of defense, security, national interests, public interests

1. The State shall recover land, pay compensations, clear ground after the land use plannings and/or plans are publicized or when the investment projects with the land use demands being in line with the land use plannings and/or plans are considered and approved by competent State agencies.

2. At least ninety days before land recovery, for agricultural land, and one hundred and eighty days, for non-agricultural land, the competent State agencies shall have to notify the persons with land to be recovered of the reasons for recovery, time and plan for evacuation, the overall schemes for compensations, ground clearance and resettlement.

3. After the availability of decisions on land recovery and schemes for compensations, ground clearance and resettlement, which have already been considered and approved by competent State agencies, publicized and have come into force, the persons with land to be recovered must abide by the decisions on land recovery.

In cases where the persons with land to be recovered refuse to abide by the land recovery decisions, the People's Committees competent to recover land shall issue decisions on coercive execution of the decisions. The persons subject to coercive land recovery must abide by the decisions on coercion and have the right to lodge their complaints.

Article 40.- Recovering land for use for purposes of economic development

1. The State shall recover land for use for purposes of economic development in case of investment in the construction of industrial parks, high-tech parks,

economic zones and big investment projects as provided for by the Government.

The land recovery shall comply with the provisions in Article 39 of this Law.

2. For production and/or business projects which are compatible with the approved land use plannings, the investors are entitled to receive the transfer of, to rent the land use rights, to receive capital contributed with the land use rights of economic organizations, households and/or individuals without having to carry out the procedures for land recovery.

Article 41.- Recovery of land and management of recovered land funds

1. The State shall decide to recover land and assign land to land fund development organizations set up by the People's Committees of provinces or centrally-run cities for the recovery of land, compensations, ground clearance and direct management of the recovered land funds, for cases where after the land use plannings and/or plans are publicized but no investment projects are available.

2. The State shall recover land, pay compensations, clear the ground and assign land to investors for execution of projects, for cases where there have been investment projects already considered and approved by competent State agencies.

3. The agencies competent to recover land shall conduct the land recovery for cases prescribed in Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Article 38 of this Law and assign the recovered land in rural areas to the commune People's Committees for management, assign the recovered land in urban areas and regions already planned for urban development to land fund development organizations for management.

Article 42.- Compensations, resettlement for people with land to be recovered

1. The State shall recover land from land users who have the land use right certificates or are eligible to be granted the land use right certificates as provided for in Article 50 of this Law, the persons with land to be recovered shall be compensated therefor, except for cases prescribed in Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Article 38 and Points b, c, d, e and g, Clause 1, Article 43 of this Law.

2. The persons with land to be recovered shall be compensated with the assignment of new land of the same use purposes; if having no land for compensations, shall

be compensated with the land use right value at the time of issuance of the recovery decisions.

3. The People's Committees of the provinces and centrally-run cities shall elaborate and execute resettlement projects before the land recovery for compensations with dwelling houses, residential land for persons having residential land recovered and having to move their places of residence. The resettlement zones shall be planned generally for many projects in the same geographical areas and must have development conditions being equal to or better than the conditions in the former places of residence.

In cases of having no resettlement zones, the persons having land recovered shall be compensated with money and given priority to purchase or lease dwelling houses under the State's ownership, for urban areas; be compensated with residential land, for rural areas; in cases where the use right value of the recovered residential land is larger than that of the compensation land, the persons having land recovered shall be compensated with money for such differences.

4. In case of recovering land of households and/or individuals, that are directly engaged in production, but having no land for compensation for continued production, apart from pecuniary compensations, the persons having land recovered shall be supported by the State to stabilize their lives, with training for change of their production and/or business lines, with the arrangement of new jobs.

5. In cases where land users who are compensated by the State upon the recovery of their land have not yet fulfilled their land-related financial obligations according to law provisions, the value of the unfulfilled financial obligations must be subtracted from the value of compensation and support.

6. The Government shall stipulate the compensations and resettlement for the persons having land recovered and the support for implementation of land recovery.

Article 43.- Cases of land recovery without compensations

1. The State shall recover land without making land compensation in the following cases:

a) The land is recovered in cases prescribed in Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Article 38 of this Law;

b) Protective forest land; special-use forest land; land for construction of working offices, non-business

projects; land used for defense or security purposes; traffic or irrigation land; land for construction of cultural, medical, educational and training, physical training and sport projects as well as other public works not for business purposes; land for cemeteries, graveyards;

c) Agricultural land used by population communities;

d) Land assigned by the State with the collection of land use levies, acquired by the land use right transfer and the land use levies or land use right transfer money originate from the State budget;

e) Land rented from the State;

f) Cases ineligible for the granting of land use right certificates as prescribed in Article 50 of this Law;

g) Agricultural land used for purposes of public utility of communes, wards or townships.

2. Upon the land recovery by the State, the persons having land recovered shall not be compensated for the assets affixed to the land in the following cases:

a) The assets affixed to land are created in the recovered land areas after the land use planning and/or plans, urban construction plannings and/or rural population quarter construction plannings have already been publicized, without the permission of the competent State agencies;

b) The assets affixed to land are created before the issuance of land recovery decisions, in contravention of the land use purposes already determined in the land use plannings and/or plans at the time of building such works;

c) The land is recovered in the cases prescribed in Clauses 4, 6, 7 and 10 of Article 38 of this Law.

3. Persons having land recovered, who are defined in Clause 1 but do not fall under Clause 2 of this Article, shall be compensated for the losses of assets affixed to the recovered land.

4. The Government shall stipulate the handling of land use levies, land rents and assets already invested on the land in cases of land recovery prescribed in Clause 2, 3, 5, 8, 9, 11 and 12 of Article 38 of this Law.

Article 44.- Competence to recover land

1. The People's Committees of the provinces or centrally-run cities shall decide to recover land from organizations, religious establishments, overseas Vietnamese, foreign organizations and individuals, excluding cases prescribed in Clause 2 of this Article.

2. The People's Committees of rural districts, urban districts, provincial capitals or provincial towns shall

decide to recover land from households, individuals, population communities or overseas Vietnamese being subjects entitled to buy dwelling houses closely associated with the rights to use residential land in Vietnam.

3. The State agencies competent to recover land as defined in Clauses 1 and 2 of this Article must not authorize others to do so.

Article 45.- Acquisition of land for a given duration

1. The State shall effect definite acquisition of land in cases of urgent demands of wars, natural calamities or in other emergency circumstances.

Upon the expiry of the land acquisition duration or the attainment of the acquisition purposes, the State shall return land and pay compensations for damage caused by the land acquisition to persons subject thereto.

2. The Government shall specify the land acquisition.

Section 5. REGISTRATION OF LAND USE RIGHTS, COMPILATION AND MANAGEMENT OF CADASTRAL DOSSIERS, GRANTING OF LAND USE RIGHT CERTIFICATES, LAND STATISTICS AND INVENTORY

Article 46.- Registration of land use rights

The registration of land use rights shall be effected at land use right registries in the following cases:

1. The current land users have not yet been granted land use right certificates;

2. The land users exchange, transfer, inherit, donate, lease, sublease the land use rights; mortgage, provide guarantee or contribute capital with the land use right under the provisions of this Law;

3. The land use right transferees;

4. The land users who have been already granted the land use right certificates and are permitted by competent State agencies to change their names, change the land use purposes, change the land use duration or the boundaries of land plots alter;

5. The persons who are entitled to use land under judgements or decisions of People's Courts, judgement execution decisions of judgement execution bodies, land dispute settlement decisions of competent State agencies, which have already been executed.

Article 47.- Compilation and management of cadastral dossiers

1. The cadastral dossiers shall include:

- a) Cadastral maps;
- b) Cadastral books;
- c) Land-itemizing books;
- d) Land change-monitoring books.

2. The contents of cadastral dossiers shall contain the following information on land plots:

- a) Serial numbers, sizes, shapes, acreage, locations;
- b) Land plot users;
- c) Origin, use purposes and duration;
- d) Land prices, assets affixed to land, land-related financial obligations already performed and not yet performed;
- e) Land use right certificates, rights of, and restrictions on the rights of land users;
- f) Fluctuations in the land use courses and other relevant information.

3. The Ministry of Natural Resources and Environment shall prescribe the cadastral dossiers and guide the compilation, adjustment and management thereof.

Article 48.- Land use right certificates

1. Land use right certificates shall be granted to land users in a unified form applicable nationwide for all land categories.

In cases where there exist assets affixed to land, such assets shall be acknowledged in the land use right certificates; the asset owners must register their property ownership according to law provisions on real estate registration.

2. The land use right certificates shall be issued by the Ministry of Natural Resources and Environment.

3. Land use right certificates shall be issued for every land plots.

In cases where the land use rights constitute the common property of the husband and the wife, the land use right certificates must be inscribed clearly with the full names of both the husband and the wife.

In cases where a land plot is used jointly by many individuals, households and/or organizations, the land use right certificate shall be issued to each co-user being individual, household and/or organization.

In cases where a land plot is under the common use right of a population community, the land use right certificate shall be granted to the population community

and handed to the lawful representative of such population community.

In cases where a land plot is under the common use right of a religious establishment, the land use right certificate shall be granted to such religious establishment and handed to the top responsible person of such religious establishment.

The Government shall specify the granting of land use right certificates for condominiums and agencies' lodgements.

4. In cases where the land users have already been granted land use right certificates or certificates of the rights to own dwelling houses and to use land in urban centers, they shall not have to change such certificates for the land use right certificates under the provisions of this Law. Upon land use right transfer, the land use right transferees shall be granted the land use right certificates according to the provisions of this Law.

Article 49.- Cases where land use right certificates are granted

The State shall grant land use right certificates to the following cases:

1. The persons who are assigned or leased land by the State, except for case of renting agricultural land for use for purposes of public utility of communes, wards or townships;

2. The persons who are assigned or leased land by the State from October 15, 1993 to before the date this Law takes implementation effect but have not yet been granted the land use right certificates;

3. The persons who are using land under the provisions in Articles 50 and 51 of this Law and have not yet been granted the land use right certificates;

4. The persons who are entitled to exchange, to be transferred, to inherit, to be presented or donated with, the land use rights; the persons who are transferred the land use right upon the handling of contracts on mortgage or guarantee with the land use rights to recover debts; land-using organizations which are legal persons newly formulated through capital contribution with the land use rights by the parties;

5. The persons who are entitled to use land under judgements or decisions of People's Courts, judgement execution decisions of judgement execution bodies or land dispute settlement decisions of competent State agencies, which have been already executed;

6. The winners at auctions on the land use rights or bidding for projects involving land use;

7. The land users defined in Articles 90, 91 and 92 of this Law;

8. The purchasers of dwelling houses affixed to residential land;

9. The persons who are sold by the State dwelling houses affixed to residential land at liquidation or discount prices.

Article 50.- Granting land use right certificates to households, individuals or population communities, that are currently using land

1. Households and individuals, that are using land in a stable manner, with certification by commune/ward/township People's Committees that it is free from disputes, and have one of the following papers shall be granted land use right certificate and must not pay the land use levies:

a) The papers on the right to use land before October 15, 1993, issued by competent agencies in the course of implementing the land policies of the Democratic Republic of Vietnam State, the Provisional Revolutionary Government of the Republic of South Vietnam or the Socialist Republic of Vietnam State;

b) The temporary land use right certificates issued by competent State agencies or having one's names in the land registers, cadastral books;

c) The lawful papers on inheritance, presentation or donation of land use right or assets affixed to land; papers on hand-over of gratitude houses affixed to land;

d) Papers on transfer of land use rights, on purchase and sale of dwelling houses affixed to residential land before October 15, 1993, and now being certified by commune/ward/township People's Committees as having been used before October 15, 1993;

e) Papers on sale at liquidation or discount prices of dwelling houses affixed to residential land according to law provisions;

f) Papers granted by competent agencies of former regimes to land users.

2. Households and individuals, that are using land and have one of the papers prescribed in Clause 1 of this Article, which are inscribed with the names of other persons, and papers on the land use right transfer, which are signed by the involved parties, but that, before the date this Law takes implementation effect, have not yet carried out the procedures for the land use right transfer

under the provisions of law and now get the certification of the commune/ward/or township People's Committee that such land is free from disputes, shall be granted the land use right certificates and must not pay the land use levies.

3. Households and individuals, that are using land and have permanent residence registration in localities and are directly engaged in agricultural production, forestry, aquaculture or salt-making in mountainous or island regions under difficult socio-economic conditions, and now certified by the commune People's Committees of the localities where exists the land that they are stable land users without any disputes, shall be granted land use right certificates and must not pay the land use levies.

4. Households and individuals, that are using land without any papers prescribed in Clause 1 of this Article but the land has been used in a stable manner before October 15, 1993, is now certified by commune/ward/district township People's Committees as being free from disputes and compatible with the approved land use plans for areas where the land use plans are available, shall be granted the land use right certificates and must not pay the land use levies.

5. Households and individuals, that are entitled to use land under judgements or decisions of People's Courts, judgement execution decisions of judgement execution bodies or land dispute settlement decisions of competent State agencies, which have been already executed, shall be granted the land use right certificates after they fulfill the financial obligations as provided for by law.

6. Households and individuals, that are using land without any papers prescribed in Clause 1 of this Article but the land has been used from October 15, 1993 to before the date this Law takes implementation effect and is now certified by commune/ward/ township People's Committees as being free from disputes and compatible with the approved land plans, for areas where the land use plans are available, shall be granted the land use right certificates and must pay the land use levies according to the Government's regulations.

7. Households and individuals currently using land, that have been assigned or leased land by the State from October 15, 1993 to before the date this Law takes implementation effect and have not yet been granted the land use right certificates, shall be granted the land use right certificates; in cases where they have not yet

fulfilled the financial obligations, they must fulfill them as provided for by law.

8. The population communities which are using land with works being communal houses, temples, shrines, secluded huts, ancestral worshipping houses shall be granted the land use right certificates when the following conditions are met:

a) They file written applications for the granting of land use right certificates;

b) They are given certification by commune/ward/township People's Committees that the land is used commonly for the communities and free from disputes.

Article 51.- Granting land use right certificates to organizations, religious institutions, which are using land

1. Organizations which are using land shall be granted the land use right certificates for the land areas used for the right purposes and with efficiency.

2. The land areas being used by organizations but not granted the land use right certificates shall be settled as follows:

a) The State shall recover the land areas left unused, used not for the right purposes or used inefficiently;

b) Organizations must hand over the land areas already used as residential land to the People's Committees of rural districts, urban districts, provincial capitals or provincial towns for management; in cases where the State enterprises engaged in agricultural production, forestry, aquaculture or salt making and assigned land by the State but such enterprises have permitted households and/or individuals to use part of the land fund as residential land, they must rearrange the residential land areas into population quarters and submit them to the People's Committees of provinces or centrally-run cities where exist the land for consideration and approval before they are handed over to the localities for management.

3. For economic organizations which select form of land rent, the provincial/municipal land-management agencies shall carry out procedures for signing land-renting contracts before granting the land use right certificates.

4. Religious establishments which are using land shall be granted land use right certificates when the following conditions are met:

a) The religious establishments are permitted to operate by the State;

b) There are written requests of the religious

organizations, which possess such religious establishments;

c) There are certifications of the land use demands of such religious establishments by the People's Committees of the communes, wards or township where exists the land.

Article 52.- Competence to grant land use right certificates

1. The People's Committees of the provinces or centrally-run cities shall grant land use right certificates to organizations, religious establishments, overseas Vietnamese, foreign organizations and individuals, except for the cases prescribed in Clause 2 of this Article.

2. The People's Committees of the rural districts, urban districts, provincial capitals or provincial towns shall grant land use right certificates to households, individuals, population communities, overseas Vietnamese who buy dwelling houses associated to the residential-land use rights.

3. The agencies competent to grant land use right certificates, defined in Clause 1 of this Article, may authorize the land management agencies of the same level to do so.

The Government shall prescribe the conditions for authorization of the granting of land use right certificates.

Article 53.- Land statistics and inventories

1. Land statistics and inventories shall be carried out according to the following regulations:

a) Units conducting land statistics and inventories shall be communes, wards and townships;

b) The land statistics shall be carried out once a year;

c) The land inventories shall be carried out once every five years.

2. Responsibilities to conduct land statistics and inventories are prescribed as follows:

a) The People's Committees at all levels shall organize the land statistics and inventories in their respective localities;

b) The People's Committees of the rural districts, urban districts, provincial capitals, provincial towns, communes, wards or townships shall report on the land statistics and inventory results in their respective localities to the immediate superior People's Committees; the People's Committees of the provinces and centrally-run cities shall report on their land statistics and inventory results to the Ministry of Natural

Resources and Environment;

c) The Ministry of Natural Resources and Environment shall send sum-up reports to the Government on the results of annual land statistics, the results of five-year land inventories of the whole country;

d) The Government shall report to the National Assembly on the five-year land inventory results simultaneously with the five-year land use plans of the whole country.

3. The Ministry of Natural Resources and Environment shall prescribe the statistical and inventory forms and guide the methods of land statistics and inventories.

Section 6. LAND-RELATED FINANCE AND LAND PRICES

Article 54.- Sources of State budget revenues from land

1. The sources of State budget revenues from land shall include:

a) Land use levies in cases of land assignment with the collection of land use levies, change of land use purposes from the land assigned by the State without the collection of land use levies to the land assigned by the State with the collection of land use levies, change from the form of land lease to the form of land assignment by the State with the collection of land use levies;

b) Land rents, for land leased by the State;

c) Land use tax;

d) Tax on income from land use right transfer;

e) Money collected from sanctioning of violations of land legislation;

f) Compensations paid to the State when damage is caused in land management and use;

g) Land management and use charges and fees.

2. The Government shall stipulate the collection of land use levies, land rents, fines on violations of land legislation, compensations paid to the State when damage is caused in land management and use.

Article 55.- Land prices

Land prices shall be formed in the following cases:

1. They are set by the provincial/municipal People's Committees as provided for in Clauses 3 and 4 of Article 56 of this Law;

2. The land use rights are put up for auction or the projects involving land use are open to bidding;

3. The land prices are agreed upon between the land users and the involved persons upon the exercise of the right to transfer, lease or sublease the land use rights; to contribute capital with the land use rights.

Article 56.- Land prices prescribed by the State

1. The setting of land prices by the State must ensure the following principles:

a) They are close to the actual prices of land use right transfer on the market under normal conditions; in case of big differences as compared to the actual prices of land use right transfer in the market, appropriate adjustment must be made;

b) Land plots which are adjacent to each other, share the same natural, economic, social, infrastructural conditions, have the same current use purposes, the same use purposes according to plannings shall have the same price levels;

c) Land in areas bordering on provinces and/or centrally-run cities, which share the natural and infrastructural conditions, has the same current use purposes, the same use purposes under plannings shall have the same price levels.

2. The Government shall stipulate the methods of determining the land prices; the price frames for various land categories in each region and each period; cases where the land prices must be adjusted and the handling of adjacent-land price differences between provinces and/or centrally-run cities.

3. Basing themselves on the land price-determining principles prescribed in Clause 1 of this Article, the land price-determining methods and assorted-land price brackets prescribed by the Government, the provincial/municipal People's Committees shall formulate the specific land prices in their respective localities and submit them to the People's Councils of the same level for comments before making decisions thereon.

4. The land prices prescribed by the provincial/municipal People's Committees shall be publicized on January 1 every year and used as basis for calculation of land use tax, income tax on land use right transfer; calculation of land use levies and land rents when land is assigned or leased without going through auctions of land use rights or bidding for projects involving the land use; calculation of land use right value when land is assigned without the collection of land use levies,

registration fees, compensations upon land recovery by the State; calculation of compensations by people who have committed acts of violating land legislation and causing damage to the State.

Article 57.- Land price consultancy

1. Organizations which are fully qualified, capable and permitted to provide services on land prices may provide land price consultancy.

2. The determination of consulted land prices must comply with the land price-determining principles and land price-determining methods prescribed by the Government.

3. The consulted land prices shall be used for reference in the State management over land-related finance and in the land use right-related transaction activities.

Article 58.- Auction on land use rights, bidding for projects involving land use

1. The State shall assign land with the collection of land use levies, lease land in forms of land use right auction or bidding for projects involving the land use in the following cases:

- a) Investment in the construction of dwelling houses for sale or lease;
- b) Investment in the construction of infrastructures for transfer or lease;
- c) Use of land funds to create capital for investment in the construction of production and/or business establishments;
- d) Lease of land in the agricultural land funds, which is used for public-utility purposes, for agricultural production, forestry, aquaculture or salt making;
- e) Other cases prescribed by the Government.

2. Conducting auctions of land use rights for execution of judgements, handling of contracts on mortgage of, or guarantee with, the land use rights, for debt recovery.

3. The winning prices of the land use right value auctions or bid winning prices of projects involving land use must not be lower than the land prices set by the provincial/municipal People's Committees.

4. The auctions of the land use rights or bidding for projects involving land use, which are prescribed in Clauses 1 and 2 of this Article shall comply with the law provisions on auctions and bidding.

Article 59.- The land use right value in the property of the organizations assigned land by the State without the collection of land use levies and in the property of State enterprises

1. For organizations assigned land by the State without the collection of land use levies, the land use right value shall be calculated into the value of property assigned to such organizations; the organizations assigned land have the responsibility to preserve the land funds.

2. The State enterprises which are assigned land by the State with the collection of land use levies or transferred the land use rights and the paid land use levies or land use right transfer money have originated from the State budget, such money amounts shall be inscribed in the value of the State's capital at the enterprises; the enterprises have the responsibility to preserve the land funds.

3. Upon the equitization of State enterprises for cases prescribed in Clause 2 of this Article where the equitized enterprises select the form of land assignment with the collection of land use levies, the value of the rights to use such land must be determined to be close to the actual land use right transfer prices on the market.

4. The Government shall specify the calculation of the land use right value for the cases prescribed in Clauses 1, 2 and 3 of this Article.

Article 60.- Exemption, reduction of land use levies, land rents

1. Land users who are assigned land by the State with the collection of land use levies or leased land, shall be entitled to exemption or reduction of land use levies or land rents in the following cases:

- a) Land is used for the purposes of production and/or business in domains or geographical areas entitled to investment preferences;
- b) Land is used for construction of public works for business purposes;
- c) The policies on dwelling houses and/or residential land are implemented for people with meritorious services to the revolution, poor households, ethnic minority people in regions being under exceptionally difficult socio-economic conditions;
- d) Factories, enterprises must be relocated under plannings;
- e) Land is used for construction of condominiums for workers in industrial parks, students' dormitories,

dwelling houses for people who must be relocated due to natural calamities;

f) Other cases prescribed by the Government.

2. The Government shall specify the exemption and reduction of land use levies and/or land rents.

Section 7. LAND USE RIGHTS IN THE REAL ESTATE MARKET

Article 61.- Land is entitled to participate in the real estate market

Land entitled to participate in the real estate market shall cover:

1. The land for which this Law permits the land users to have one of the rights to exchange, transfer, lease, sublease, inherit, present or donate the land use rights; to mortgage, provide guarantee or to contribute capital with, the land use rights;

2. The leased land on which exist assets which are permitted by law for participation in the real estate market.

Article 62.- Conditions for land to participate in the real estate market

Land shall be entitled to participate in the real estate market if the users of such land satisfy all the conditions prescribed in Clause 1, Article 106 of this Law.

For cases where land is assigned or leased by the State for execution of investment projects, investment must be made in the land in strict accordance with the projects already approved by competent State agencies.

Article 63.- Land management in the development of real estate market

The State shall manage land in the development of real estate market through the following measures:

1. Organizing the registration of land use right transaction activities;

2. Organizing the registration of activities of land fund development, investment in the construction of real property for business;

3. Organizing the registration of activities of providing services in support of the real estate market;

4. Protecting the legitimate rights and interests of the people participating in land use right transactions in the real estate market;

5. Applying measures to stabilize the land prices and

combat land speculation.

Section 8. ORGANIZING LAND MANAGEMENT AGENCIES

Article 64.- Land management agencies

1. The organizational system of the land management agencies is established uniformly from the central to grassroots levels.

2. The agency exercising the State management over the land at the central level is the Ministry of Natural Resources and Environment.

The local land management agencies are set up in the provinces, centrally-run cities; rural districts, urban districts, provincial capitals and provincial towns.

The land management agencies at any level are attached to the State administrative agencies at such level.

The local land management agencies have offices for land use right registration, which are public-service agencies performing the function of managing the original cadastral dossiers, uniformly correcting and editing the cadastral dossiers, serving the land users in exercising their rights and performing their obligations.

Article 65.- Cadastral officials of communes, wards and townships

1. Communes, wards and townships have their land administration officials.

2. The commune/ward/district township cadastral officials have the responsibility to assist the commune/ward/township People's Committees in the management of land in the localities.

3. The commune/ward/district township cadastral officials are appointed and dismissed by the People's Committees of rural districts, urban districts, provincial capitals, provincial towns.

Chapter III

REGIME OF USING LAND OF ASSORTED CATEGORIES

Section 1. LAND USE DURATION

Article 66.- Land for long-term stable use

Land users may use land for stable long terms in the following cases:

1. Protective forest land, special-use forest land;
2. Agricultural land used by population communities prescribed in Clause 4, Article 71 of this Law;
3. Residential land;
4. Land used as ground for construction of production and/or business establishments of households or individuals, that are using such land in a stable manner and have their land use rights recognized by the State;
5. Land for construction of working offices, non-business works prescribed in Article 88 of this Law;
6. Land used for defense, security purposes;
7. Land used by religious establishments prescribed in Article 99 of this Law;
8. Land with works being communal houses, temples, shrines, secluded huts, ancestral worshipping houses thereon;
9. Traffic and irrigation land; land for construction of cultural, medical, education and training, physical training and sport facilities in service of public interests and other public works not for business purposes; land with historical- cultural relics, scenic places;
10. Land for cemeteries, graveyards.

Article 67.- Land with definite use durations

Land users may use land for definite terms in the following cases:

1. The duration of assignment of annual crop land, aquaculture land, salt- making land to households or individuals for use as prescribed in Clauses 1 and 4, Article 70 of this Law is twenty years; the duration of assignment of perennial- tree land, production forest land to households or individuals for use as prescribed in Clauses 2, 3 and 4, Article 70 of this Law is fifty year.

The duration of leasing annual crop land, aquaculture land, salt-making land to households or individuals for use shall not exceed twenty years; the duration for leasing perennial tree land, production forest land to households or individuals for use shall not exceed fifty years.

The duration of land assignment or land lease is counted from the date of issuance of land assignment or land lease decisions of competent State agencies; in cases where land had been assigned or leased before October 15, 1993, the land assignment or lease duration is counted from October 15, 1993.

Upon the expiry of such duration, the land users shall continue to be assigned or leased land by the State if

they have the demands for the continued use thereof, strictly observe the land legislation in the course of land use and the use of such land is in line with the approved land use plannings;

2. The use duration for the agricultural land areas in excess of the assigned norms before January 1, 1999 is equal to half of the duration prescribed in Clause 1 of this Article, then later the users must shift to lease the land;

3. The land assignment or lease duration for economic organizations for use for the purposes of agricultural production, forestry, aquaculture, salt-making; for economic organizations, households and/or individuals for use as ground for construction of production and/or business establishments; for economic organizations to execute investment projects; overseas Vietnamese and foreign organizations and individuals for execution of investment projects in Vietnam, shall be considered and decided on the basis of investment projects or the written applications for land assignment or lease, but shall not exceed fifty years; for projects with large investment capital but slow capital recovery, projects on investment in geographical areas being under difficult socio-economic conditions or geographical areas being under exceptionally difficult socio-economic conditions, which require longer duration, the land assignment or lease duration shall not exceed seventy years.

Upon the expiry of such duration, the land users shall be considered by the State for extension of land use duration if they have demands for the continued use thereof, strictly observe the land legislation in the course of land use and the use of such land is in line with the approved land use plannings;

4. The land lease duration for construction of working offices of foreign organizations with diplomatic functions as provided for in Clause 5, Article 9 of this Law shall not exceed ninety nine years.

Upon the expiry of such duration, the foreign organizations with diplomatic functions shall be considered by the Vietnamese State for the extension thereof or for lease of other land areas if they have land use demands;

5. The duration of leasing land in the agricultural land fund for use for purposes of public utility of communes, wards or district townships does not exceed five years; in cases where land had been leased before January 1, 1999, the land lease duration is determined according to the land lease contracts.

Article 68.- Land use duration upon change of land use purposes

1. The land use duration for households, individuals upon the change of land use purposes is prescribed as follows:

a) In case of changing protective forest land, special-use forest land for other use purposes, the duration shall be determined according to the duration of the land category after the change of land use purposes. The land use duration is counted from the time the land use purposes are changed;

b) In case of change from land under annual crops, land under perennial trees, production forest land, aquaculture land or salt-making land to land for planting of protection forests, special-use forests, households and individuals may use such land for stable long terms;

c) In case of changing use purposes between land categories including annual crop land, perennial tree land, production forest land, aquaculture land, salt-making land, the land-using households and individuals may continue using such land according to the duration of land assignment or lease.

Upon the expiry of the duration, the land-using households and individuals shall continued to be assigned or leased land by the State if they have the demands for the continued use thereof, strictly observe the land legislation in the course of land use and such land use is in line with the approved land use plannings;

d) In case of changing agricultural land for use for non-agricultural purposes, the land use duration shall be determined according to the duration of the land categories after the use purpose change. The land use duration is counted from the time the land use purpose is changed;

e) In case of changing the use purpose from non-agricultural land with stable long-term use into non-agricultural land with definite use terms or from non-agricultural land with definite use terms into non-agricultural land with stable long-term use, the households and individuals are entitled to use such land for stable long terms.

2. The land use duration for economic organizations, overseas Vietnamese, foreign organizations and individuals, that execute investment projects outside the industrial parks or high-tech parks, when changing land use purposes, shall be determined according to the investment projects prescribed in Clause 3, Article 67 of this Law.

3. Economic organizations changing the use purpose from non-agricultural land with stable long-term use into non-agricultural land with definite use terms or from non-agricultural land with definite use terms into non-agricultural land with stable long-term use are entitled to use such land for stable long terms.

Article 69.- Land use duration upon the receipt of land use right transfer

1. The land use duration upon the receipt of land use right transfer for land categories with prescribed duration shall be the remainder of the land use duration before the land use right transfer.

2. The transferees of land use right for types of land entitled to stable long-term use are entitled to use such land for stable long terms.

Section 2. AGRICULTURAL LAND

Article 70.- Assignment quotas of agricultural land

1. The assignment quota of annual crop land, aquaculture land, salt-making land for each household or individual shall not exceed three hectares for each land category.

2 The assignment quota of perennial tree land for each household or individual shall not exceed ten hectares for delta communes, wards and townships; not exceed thirty hectares for midland and mountainous communes, wards and townships.

3. The assignment quota of protection forest land, production foreign land for each household or individual shall not exceed thirty hectares for each land category.

4. In cases where households and/or individuals are assigned land of different categories, including annual crop land, aquaculture land, salt-making land, the total land assignment quota shall not exceed five hectares.

In cases where households or individuals are additionally assigned perennial tree land, the perennial tree land quota shall not exceed five hectares for delta communes, wards or townships; not exceed twenty five hectares for mid-land, mountainous communes, wards or district towns.

In cases where households or individuals are additionally assigned protection forest land, the total production forest land assignment quota shall not exceed twenty five hectares.

5. Assignment quotas of unused land, bare hills and mountains, surface water land in the group of unused

land for households and individuals for use according to plans for agricultural production, forestry, aquaculture, salt making shall not exceed the land assignment quotas prescribed in Clauses 1, 2 and 3 of this Article and not be calculated into the agricultural land assignment quotas to households and individuals, prescribed in Clauses 1, 2 and 3 of this Article.

6. The Government shall specify land assignment quotas for each land category in each region.

Article 71.- Agricultural land used by households, individuals and/or population communities

1. The agricultural land used by households or individuals includes the agricultural land assigned or leased by the State; agricultural land acquired through the rent of land use rights of organizations, other households and/or individuals; land with the land use rights transferred, inherited, presented or donated under the provisions of law.

2. The use of agricultural land assigned by the State to households, individuals is prescribed as follows:

a) Households and individuals, that have been assigned land before this Law takes implementation effect are entitled to continue using the land for the remaining land assignment duration;

b) For localities where land has not yet been assigned to households and individuals under the provisions of land legislation, the People's Committees of the communes, wards or townships where land exists shall elaborate land assignment schemes and propose the People's Committees of rural districts, urban districts, provincial capitals or towns to decide on the land assignment;

c) For localities where the People's Committees of all levels have guided households and individuals to negotiate land adjustment for one another in the course of implementing the land policies and legislation before October 15, 1993, that have, so far, used the land in a stable manner, such households and individuals shall continue using such land;

d) The land use duration for cases prescribed at Points a, b and c of this Clause shall be determined in accordance with the provisions in Clause 1, Article 66 and Article 67 of this Law.

3. The limits for reception of transfer of the agricultural land use rights of households and individuals shall be submitted by the Government to the National Assembly Standing Committee for decision.

4. The agricultural land used by population communities is prescribed as follows:

a) Land assigned by the State to population communities for use to conserve the national identities in association with the customs and practices of various ethnic minority groups;

b) The population communities assigned agricultural land have the responsibility to protect the assigned land areas, may use land for agricultural production in combination with aquaculture and must not use such land for other purposes.

Article 72.- Agricultural land used for public-utility purposes

1. Based on the land fund, characteristics and demands of the locality, each commune, ward or township may set up its own agricultural land fund for use for public-utility purposes, which must not exceed 5% of the total land areas under annual crops, perennial trees or aquaculture, in service of the public-utility demands of the locality.

Agricultural land with the land use rights returned, presented or donated to the State by organizations, households and/or individuals, reclaimed land and recovered agricultural land constitute sources for formation or supplementation of the agricultural land funds for use for purposes of public utility of communes, wards or townships.

For localities where the agricultural land funds used for public-utility purposes exceed 5%, the excessive land areas shall be used for construction or for compensation when other land areas are used for construction of public works of the localities; or be assigned to households and individuals directly engaged in agricultural production and/or aquaculture in the localities, that have not yet been assigned land or have lacked land for production.

2. The agricultural land funds used for public-utility purposes of communes, wards or townships shall be used for construction or compensation when other land areas are used for construction of public works of the localities; be leased to households and individuals in the localities for agricultural production and/or aquaculture and shall be used for other purposes according to the Government's regulations.

Proceeds from leasing land in the agricultural land funds used for public-utility purposes must be remitted into the State budget managed by the commune/ward/

township People's Committees, and shall be used only for the public-utility demands of the communes, wards or townships according to law provisions.

3. The use of agricultural land funds for public-utility purposes of communes, wards or townships shall be managed by the People's Committees of the communes, wards or townships where the land exists.

Article 73.- Agricultural land used by organizations, overseas Vietnamese, foreign organizations and/or individuals

1. Economic organizations which have demands to use land for agricultural production, forestry, aquaculture and/or salt making shall be considered by the State for land assignment with the collection of land use levies or land lease with the collection of annual land rents.

Overseas Vietnamese who have projects of investment in the fields of agriculture, forestry, aquaculture and/or salt making, which have already been examined and approved by competent State agencies, shall be assigned land by the State with the collection of land use levies or leased land with land rents collected in lump sum for the whole leasing terms or leased land with the land rents collected annually, for execution of investment projects.

Foreign organizations and/or individuals that have projects of investment in the fields of agriculture, forestry, aquaculture, salt making, which have been already examined and approved by competent State agencies shall be leased land by the State with land rents collected in lump sum for the whole leasing terms or collected annually, for the execution of their investment projects.

2. The State enterprises which had been assigned land by the State without the collection of land use levies for use for the purposes of agricultural production, forestry, aquaculture and/or salt making before January 1, 1999 must shift to lease land or shall be assigned land with the collection of land use levies.

3. For organizations which have been assigned land for use for purposes of agricultural production, forestry, aquaculture and/or salt making, but have not used such land or have used the land not for the right purposes or inefficiently, the State shall recover the land for assignment to localities for use as provided for by this Law.

Article 74.- Land used exclusively for wet rice cultivation

1. The State shall adopt policies to protect the land

used exclusively for wet rice cultivation, restricting the change of wet rice land for use for non-agricultural purposes. In case of necessity to change part of the land areas under wet rice for other use purposes, the State shall take measures to supplement the land areas or increase the use efficiency of wet rice land.

The State shall adopt policies to support and/or invest in the infrastructure construction, the application of modern science and technologies to regions planned for wet rice cultivation with high productivity and quality.

2. Wet rice land users have the responsibility to transform and increase the fertility of the land; must not change to use the land for the purposes of perennial tree planting, forestation, aquaculture and non-agricultural purposes, if not so permitted by competent State agencies.

Article 75.- Production forest land

1. Production forest land shall be assigned or leased with land rents collected annually by the State to economic organizations, households and individuals for use for purposes of forestry production.

Production forest land shall be assigned or leased with land rents collected in lump sum for the whole leasing terms or collected annually to overseas Vietnamese for execution of investment projects for forestry production.

Production forest land shall be leased by the State with land rents collected in lump sum for the whole leasing terms or collected annually to foreign organizations and individuals for execution of investment projects for forestry production.

2. Economic organizations, households and individuals, that have been assigned or leased production forest land, may use the land areas not yet covered with forests for planting forests or perennial trees.

3. Economic organizations, overseas Vietnamese, foreign organizations and individuals, that use production forest land, may combine the use with business in sight-seeing and ecological-environmental tourism under forest coverage.

4. Concentrated-production forest land in areas far from population quarters, which cannot be assigned directly to households and individuals, shall be assigned by the State to organizations for protection and development of forests in combination with agricultural production, forestry and/or aquaculture.

Article 76.- Protection forest land

1. The protection forest land shall include:
 - a) Head-water protection forest land;
 - b) Wind-shield, sand-shield protection forest land;
 - c) Anti- sea tide, sea encroachment protection forest land;
 - d) Ecological environment protection forest land.

2. The State shall assign the head-water protection forest land to protection forest- managing organizations for management, protection and development of forests.

3. The protection forest- managing organizations shall contract head-water protection forest land to households and/or individuals living there for protection and development of the forests. The People's Committees of districts, provincial capitals or provincial towns shall assign residential land, agricultural production land to such households and individuals for use.

4. Protection forest land which has not yet been managed by any organizations and land planned for protection forest planting shall be assigned to organizations, households and individuals therein, that have demands and capability to protect and develop the forests.

5. The provincial/municipal People's Committees shall decide to permit economic organizations which are leased protection forest land in the regions to combine the use thereof with business in sight-seeing, ecological environment tourism under forest coverage.

6. The Government shall specify the assignment and contracting of protection forest land; the rights, obligations and interests of organizations, households and individuals, that are assigned or contracted the protection forest land.

Article 77.- Special-use forest land

1. The State shall assign special-use forest land to the special-use forest-managing organizations for management and protection according to land use plannings and plans, already approved by competent State agencies.

2. The special-use forest-managing organizations shall contract for short terms the special-use forest land in strictly protected areas to households and/or individuals, that have had no conditions to move out of those areas, for forest protection.

3. The special-use forest- managing organizations

shall contract special-use forest land in ecological rehabilitation areas to households and/or individuals, that lead a stable life therein, for protection and development of forests.

4. The People's Committees which are competent to assign and/or lease land shall decide on the assignment and/or lease of land in the buffer zones of the special-use forests to organizations, households and individuals for use for the purposes of forestry production, research or experimentation or combination thereof with defense and/or security according to plannings on development of forests in the buffer zones.

5. The provincial/municipal People's Committees shall decide to permit the economic organizations which are leased special- use forest land in their respective regions to combine such with business in sight-seeing, ecological environment tourism under forest coverage.

6. The Government shall specify the contracting of special-use forest land; the rights, obligations and interests of organizations, households and/or individuals, that are contracted special-use forest land; the assignment and lease of land in buffer zones of special-use forests; the lease of special-use forest land for combination with business in sight-seeing, ecological environment tourism under forest coverage.

Article 78.- Land with inland water surface

The use of land with inland water surface for aquaculture, agricultural production is stipulated as follows:

1. Ponds, lakes and lagoons shall be assigned or leased by the State with land rents collected annually to economic organizations, households and/or individuals for use for purposes of aquaculture and/or agricultural production.

Ponds, lakes and lagoons shall be assigned or leased by the State with land rents collected in lump sum for the whole leasing terms or collected annually to overseas Vietnamese for execution of investment projects on aquaculture and/or agricultural production.

Ponds, lakes and lagoons shall be leased by the State with land rents collected in lump sum for the whole leasing terms or collected annually to foreign organizations and/or individuals for execution of investment projects on aquaculture and/or agricultural production;

2. For lakes or lagoons, which lie in geographical areas stretching over many communes, wards and/or

district towns, the use thereof shall be decided by the People's Committees of rural districts, urban districts, provincial capitals or provincial towns. For lakes or lagoons, which lie in geographical areas stretching over many rural districts, urban districts, provincial capitals or provincial towns, the use thereof shall be decided by the People's Committees of the provinces or centrally-run cities. For lakes or lagoons, which lie in geographical areas stretching over various provinces or centrally-run cities, the use thereof shall be stipulated by the Government.

Article 79.- Coastal water surface land

1. Coastal water surface land shall be leased by the State with land rents collected annually to economic organizations, households and individuals for use for purposes of aquaculture, agricultural production, forestry and/or salt making.

Coastal water surface land shall be leased by the State with land rents collected annually to overseas Vietnamese, foreign organizations and individuals for execution of investment projects on aquaculture, agricultural production, forestry and/or salt making.

2. The use of coastal water surface land for aquaculture, agricultural production, forestry and/or salt making shall comply with the following regulations:

- a) Being strictly in accordance with the approved land use plannings, plans;
- b) Protecting land, increasing the coastal land deposit;
- c) Protecting the ecological system, environment and landscapes;
- d) Not impeding the protection of national security and marine navigation.

Article 80.- Riparian and coastal alluvial land

1. Riparian and coastal alluvial land includes riparian alluvial land, river isle land, coastal alluvial land and marine island land.

2. Riparian and coastal alluvial land in the areas of any communes, wards or townships shall be managed by the People's Committees of such communes, wards or townships.

Riparian and coastal alluvial land subject to frequent deposition or slides shall be managed and protected by the People's Committees of rural districts, urban districts, provincial capitals or provincial towns according to the Government's regulations.

3. Riparian and coastal alluvial land shall be leased

by the State with land rents collected annually to economic organizations, households and individuals for use for purposes of agricultural production, forestry, aquaculture, salt making.

Unused riparian and coastal alluvial land shall be assigned by the State to households and individuals in localities, that have not yet been assigned land or lack production land for use for purposes of agricultural production, forestry, aquaculture and/or salt making.

Riparian and coastal alluvial land shall be leased by the State with land rents collected annually to overseas Vietnamese and foreign organizations as well as individuals for execution of investment projects on agricultural production, forestry, aquaculture, salt making.

4. Households and individuals that have been assigned riparian or coastal alluvial land shall be entitled to continue using it for the remaining land use duration.

5. The State encourages economic organizations, households and individuals to invest in the use of riparian and coastal alluvial land.

Article 81.- Salt-making land

1. Salt-making land shall be assigned or leased by the State with land rents collected annually to economic organizations, households and individuals for salt production.

Salt-making land shall be assigned or leased by the State with land rents collected in lump sum for the whole leasing terms or collected annually to foreign organizations and individuals for execution of investment projects on salt making.

2. Regions with land for making salt with high productivity and high quality must be protected and prioritized for salt making.

3. The State encourages the use of potential salt-making land regions to produce salt in service of industrial and daily-life demands.

Article 82.- Land used for farm economy

1. The State encourages the form of farm economy practiced by households and individuals in order to efficiently exploit land for development of production, expansion and raising of the quality of land use in agricultural production, forestry, aquaculture, salt making in combination with services, processing and consumption of agricultural products.

2. Land used for farm economy includes land

assigned by the State without the collection of the land use levies within the limits of land assigned to households and individuals directly engaged in agricultural production, forestry, aquaculture and/or salt making, as prescribed in Article 70 of this Law; land leased by the State; land rented, transferred, bequeathed, presented or donated; land contracted by organizations; land contributed by households and/or individuals.

3. Households and individuals that use land for farm economy may take initiative in changing the use purposes of land of various categories according to production and/or business schemes already approved by the People's Committees of rural districts, urban districts, provincial capitals or provincial towns.

4. Households and individuals, that are using land for farm economy in accordance with the approved land use plannings and/or plans and obtain the certification by the commune/ward/township People's Committees that such land is free from disputes, shall be entitled to continue using the land according to the following regulations:

a) In cases where the land has been assigned without the collection of land use levies within the limits of land assigned to households and individuals directly engaged in agricultural production, forestry, aquaculture and/or salt making, such households and individuals shall be entitled to continue using the land for the remaining duration;

b) In cases where the land has been assigned without the collection of land use levies to households and individuals that are not directly engaged in agricultural production, forestry, aquaculture and/or salt making, such households and individuals must shift to rent land;

c) In cases where the land is leased by the State, transferred, bequeathed or contracted by organizations, contributed as capital by households and/or individuals, the land shall continue to be used under the provisions of this Law.

5. It is strictly prohibited to abuse the form of farm economy to appropriate and accumulate land not for production purposes.

Section 3. NON-AGRICULTURAL LAND

Article 83.- Rural residential land

1. Residential land of households, individuals in the

countryside includes land for construction of dwelling houses, construction of works in service of daily life, gardens, ponds within the same land plots in the rural population quarters, compatible with plannings on construction of rural population quarters, which have already been approved by competent State agencies.

2. Basing themselves on the local land funds and plannings for rural development, which have been already approved by competent State agencies, the provincial/municipal People's Committees shall prescribe the limit of land assigned to each household, each individual for construction of dwelling houses in rural areas, suitable to local conditions and practices.

3. The distribution of rural residential land in the land use plannings or plans must be in line with the plannings for public works, non-business works, ensure convenience for production and daily life of people, environmental sanitation and follow the direction of rural modernization.

4. The State shall adopt policies to create conditions for rural dwellers to have their residential places on the basis of making full use of land in the existing population quarters, restricting the expansion of population quarters on agricultural land; prohibit the construction of dwelling houses along traffic axes in contravention of population zone plannings already approved by competent State agencies.

Article 84.- Urban residential land

1. Urban residential land includes land for construction of dwelling houses, construction of works in service of daily life on the same land plots in urban population quarters, compatible with urban construction plannings already approved by competent State agencies.

2. Urban residential land must be arranged synchronously with land used for the construction of public works, non-business works, ensuring environmental sanitation and modern urban landscapes.

3. The State shall elaborate plannings on the use of land for construction of dwelling houses in urban centers, and adopt policies to create conditions for urban dwellers to have residential places.

4. The provincial/municipal People's Committees shall assign or lease urban residential land in the following cases:

a) Assigning residential land to economic organizations, overseas Vietnamese for the execution

of investment projects on construction of dwelling houses for sale or lease;

b) Leasing residential land with land rents collected annually to overseas Vietnamese, foreign organizations and individuals for execution of investment projects on construction of dwelling houses for lease;

c) Leasing residential land with land rents collected in lump sum for the whole leasing term to overseas Vietnamese, foreign organizations and individuals for execution of investment projects on construction of dwelling houses for sale or lease under the Government's regulations.

5. The provincial/municipal People's Committees shall base themselves on urban construction plannings and land funds of their respective localities to prescribe the limit of residential land assigned to each household, individual for self-construction of dwelling houses for cases of lacking conditions for land assignment under investment projects on construction of dwelling houses.

6. The conversion of residential land into one used as ground for construction of production and/or business establishments must ensure the compliance with the urban construction plannings and comply with the regulations on urban order, safety and environmental protection.

Article 85.- Land for construction of condominiums

1. Condominium land includes land for construction of condominiums, construction of works in direct service of daily life of the condominium households according to construction plannings already approved by competent State agencies.

2. The planning of land for construction of condominiums must ensure the compatibility with the plannings on public works, environmental protection.

3. The Government shall specify the condominium land use regime.

Article 86.- Land used for replenishment and development of urban centers and rural population quarters

1. Land used for urban replenishment and development includes land for replenishment of existing urban areas; land planned for urban expansion or development of new urban centers.

Land used for replenishment and development of rural population quarters includes land for replenishment within the existing population quarters, land in the

agricultural land funds used for public-utility purposes.

2. The use of land for replenishment and development of urban centers, rural population quarters must ensure the compatibility with the detailed land use plannings, detailed land use plans, urban construction plannings, rural population quarter construction plannings, which have already been approved, and with the construction standards and norms promulgated by competent State agencies.

3. The provincial/municipal People's Committees shall organize the elaboration of plans on land use and assignment to economic organizations, overseas Vietnamese, foreign organizations and/or individuals for execution of projects according to law provisions on investment for replenishment or construction of new urban centers, new rural population quarters. Land for these projects must be distributed synchronously in the land use plannings and/or plans of the whole regions, including land for construction of infrastructures, dwelling houses, land for construction of public works, non-business works, land used as ground for construction of production and/or business establishments. Land for projects on replenishment and/or construction of urban centers, new rural population quarters includes land for expansion and construction of roads and land along roads in compatibility with the requirements to ensure modern urban landscapes.

4. For population communities, which construct and/or replenish works in service of their common interests with sources of capital contributed by people or supported by the State, the voluntary contribution of land use rights, compensations or support shall be agreed upon between the population communities and the users of such land.

Article 87.- Determination of residential land areas where exist gardens, ponds

1. Garden and/or pond land determined as residential land must lie in the same land plots where exist dwelling houses in population areas.

2. For cases where land plots with gardens and/or ponds have been created between December 18, 1980 and the date this Law takes implementation effect and the current users possess one of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of this Law, such garden and/or pond land areas shall be determined as residential land.

3. For cases where land plots with gardens and/or

ponds have been created between December 18, 1980 and the date this Law takes implementation effect and the current users possess one of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of this Law and that paper clearly states the residential land areas, the land areas with gardens and/or ponds are determined according to such paper.

4. In cases where the land plots with gardens and/or ponds have been created between December 18, 1980 and the date this Law takes implementation effect and the current users possess one of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of this Law and that paper does not clearly state the residential land areas, the land areas with gardens and/or ponds shall be determined as follows:

a) The provincial/municipal People's Committees shall base themselves on the local conditions and practices to prescribe the residential land limits to be recognized according to the numbers of people in the households;

b) In cases where land plots cover areas larger than the recognized residential land limits in the localities, the residential land areas shall be determined as equal to the recognized residential land limits in the localities;

c) In cases where land plots cover areas smaller than the recognized residential land limits in the localities, the residential land areas shall be determined as the whole areas of such land plots.

5. For cases where the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of this Law are not available, the residential land areas where exist gardens and/or ponds shall be determined according to the limit of land assigned to each household, individual, as prescribed in Clause 2 of Article 83 and Clause 5 of Article 84 of this Law.

Article 88.- Land for construction of working offices, non-business works

1. Land for construction of working offices, construction of non-business works shall include:

a) Land for the construction of working offices of State agencies, political organizations, socio-political organizations, public non-business organizations;

b) Land for the construction of working offices of other organizations, which shall be decided by the Government, except for the cases prescribed at Point a of this Clause;

c) Land for the construction of non-business works

in the economic, cultural, social, scientific and technological or diplomatic sectors or domains of State agencies, political organizations, socio-political organizations, public non-business organizations.

2. The use of land prescribed in Clause 1 of this Article must be compatible with land use plannings and plans, urban construction plannings and/or rural population quarter construction plannings, which have been already approved by competent State agencies.

3. Heads of the agencies or organizations, which are assigned land, have the responsibility to keep whole the assigned land areas and use the land for the right purposes.

It is strictly forbidden to use land assigned for construction of working offices, construction of non-business works for other purposes.

Article 89.- Land used for defense and/or security purposes

1. Land used for defense and/or security purposes shall include:

a) Land for army units to station;

b) Land for construction of military bases;

c) Land for construction of national defense works, battlefields and/or special defense or security works;

d) Land for construction of military railways stations and/or ports;

e) Land for construction of industrial, scientific and technological works in direct service of defense and/or security;

f) Land for construction of warehouses of the people's armed forces;

g) Land for construction of shooting grounds, drill-grounds, weapon- testing grounds, weaponry-destroying grounds;

h) Land for construction of schools, hospitals or sanitariums of the people's armed forces;

i) Land for construction of official-duty buildings of the people's armed forces;

j) Land for construction of detention camps, education camps, reformatories, which are managed by the Ministry of Defense or the Ministry of Public Security;

k) Land for construction of other defense or security works, which shall be prescribed by the Government.

2. The provincial/municipal People's Committees

shall exercise the State management over the land used for defense or security purposes in their respective localities.

The Ministry of Defense and the Ministry of Public Security shall coordinate with the provincial/municipal People's Committees in elaborating plannings and plans on the use of land for defense or security purposes, ensuring their compatibility with the requirements of socio-economic development as well as defense and security consolidation.

3. For areas where land is planned for defense and/or security purposes, but has not been used yet, the current users may continue using such land until the competent State agencies issue decisions to recover the land, but must not change the natural terrain.

Article 90.- Land for industrial zones

1. The industrial-zone land shall include land for construction of industrial clusters, industrial parks, export-processing zones and other concentrated production and/or business zones under the same land use regime.

2. The use of land for construction of industrial zones must conform to the detailed land use plannings, detailed land use plans, detailed industrial-zone construction plannings, which have been already approved by competent State agencies. The elaboration of detailed industrial-zone construction plannings must ensure their synchronism with plannings on dwelling houses and public works in service of daily life of laborers working in the industrial zones.

3. The State shall assign land with the collection of land use levies or lease land with land rents collected annually to economic organizations, overseas Vietnamese; lease land with land rents collected in lump sum for the whole leasing terms or collected annually to overseas Vietnamese, foreign organizations and individuals for investment in the construction of, and dealing in, industrial-zone infrastructures.

For land areas used for construction of infrastructures for common use in industrial zones, the investors shall not have to pay land use levies or land rents.

4. Economic organizations, households and/or individuals investing in production and/or business in industrial zones may select forms of land assignment with the collection of land use levies or land lease from the State; be transferred, rent or re-rent, land affixed with infrastructures of other economic organizations or

overseas Vietnamese that invest in the construction of, and dealing in, industrial-zone infrastructures; re-rent land affixed with infrastructures of foreign organizations or individuals that invest in the construction of, and dealing in, industrial-zone infrastructures.

Overseas Vietnamese investing in production and/or business in industrial zones may select form of land assignment with the collection of land use levies, rent land from the State with lump-sum payment of land rents for the whole leasing terms or annual payment of land rents; rent land, or re-rent land affixed with infrastructures of economic organizations, other overseas Vietnamese investing in the construction of, and dealing in, the industrial-zone infrastructures; re-rent land affixed with infrastructures of foreign organizations and/or individuals that invest in the construction of, and dealing in, the industrial-zone infrastructures.

Foreign organizations and individuals investing in production and/or business in industrial zones may select form of land lease from the State with land rents paid in lump sum for the whole leasing terms or paid annually; rent or re-rent land affixed with infrastructures of economic organizations or overseas Vietnamese that invest in the construction of, and dealing in, the industrial-zone infrastructures; re-rent land affixed with infrastructures of other foreign organizations and/or individuals that invest in the construction of, and dealing in, the industrial-zone infrastructure.

5. Users of land in industrial zones must use land for the set right purposes, shall be granted land use right certificates and have the rights and obligations as prescribed by this Law.

In case of transfer of the right to use land in industrial zones, the transferees must continue using the land for the set right purposes.

6. Persons who re-rent land in industrial zones before this Law takes implementation effect and have already paid the land rents for the whole subleasing terms or paid the land rents in advance for many years while the paid remaining subleasing duration remains at least five years shall, for economic organizations, have the rights prescribed in Article 110 of this Law, or, for households and individuals, have the rights prescribed in Article 113 of this Law.

Article 91.- Land used for hi-tech parks

1. Land used for hi-tech parks under the Prime Minister's decisions on the establishments thereof shall

include assorted land under different use regimes in service of hi-tech product manufacture and/or trading; hi-tech research development and application; hi-tech human resource training.

2. Hi-tech park management boards shall be assigned land once for the entire hi-tech parks by provincial/municipal People's Committees, may re-assign land or lease land with land rents collected annually to organizations and individuals; re-assign or lease land with land rents collected in lump sum for the whole leasing terms or collected annually to overseas Vietnamese; lease land with land rents collected in lump sum for the whole leasing terms or collected annually to foreign organizations and individuals that use land in the hi-tech parks.

Land users that are re-assigned land in hi-tech parks by the hi-tech park management boards shall have the same rights and obligations as when they are assigned land by the State according to the provisions of this Law; the land users that are leased land in hi-tech parks by the hi-tech park management boards shall have the same rights and obligations as when they are leased land by the State according to the provisions of this Law.

3. Detailed land use planings and detailed land use plans shall be elaborated commonly for the whole hi-tech parks.

4. The State encourages organizations, overseas Vietnamese, foreign organizations and individuals to invest in the construction of, and dealing in, infrastructures in hi-tech parks and encourages organizations, individuals, overseas Vietnamese, foreign organizations and individuals to use land for the purposes of scientific and technological development.

5. *Persons who use land in hi-tech parks must use the land for the set right purposes, shall be granted land use right certificates and have the rights and obligations as prescribed by this Law.*

In case of transfer of the rights to use land in hi-tech parks, the transferees must continue to use the land for the set right purposes.

6. The Government shall specify the management and use of land in hi-tech parks.

Article 92.- Land used for economic zones

1. Land used for economic zones includes land for construction of open economic zones, border-gate economic zones and other economic zones set up under the Prime Minister's decisions. Land used for economic

zones includes assorted land with different use regimes in exclusive zones, aiming to provide special incentives for investment and export activities.

2. The provincial/municipal People's Committees shall assign land to the economic zone management boards with regard to the land areas recovered under the economic zone development planings already approved by competent State agencies.

The economic zone management boards may re-assign land or lease land with land rents collected annually to organizations, households and individuals; re-assign land or lease land with land rents collected in lump sum for the whole leasing term or collected annually to overseas Vietnamese; lease land with land rents collected in lump sum for the whole leasing term or collected annually to foreign organizations and individuals that use land in the economic zones.

Land users re-assigned land in economic zones by economic zone management boards shall have the same rights and obligations as when they are assigned land according to the provisions of this Law; land users leased land in economic zones by economic zone management boards shall have the same rights and obligations as when they are leased land by the State according to the provisions of this Law.

3. Detailed land use planings and detailed land use plans shall be elaborated commonly for the whole economic zones.

4. The State encourages investment in the construction of, and dealing in, infrastructures in economic zones and encourages the use of land for economic development purposes.

5. The land use regime, the rights and obligations of users of land in economic zones shall be applicable to each category of land under the provisions of this Law.

6. The Government shall specify the management and use of land in economic zones.

Article 93.- Land used as ground for construction of production and/or business establishments

1. Land used as ground for construction of production and/or business establishments includes land for construction of industrial, cottage-industrial or handicraft production establishments; construction of trade or service business establishments and other works in service of production and/or business.

2. The use of land as ground for construction of production and/or business establishments must be in

line with the detailed land use plans, detailed land use plans, urban construction plans and/or rural population quarter construction plans, which have been already approved, and comply with the regulations on environment protection.

3. Economic organizations, households and individuals, that use land as ground for construction of production and/or business establishments, may select form of receiving land assigned with the collection of land use levies or leasing land of the State; receiving the land use right transfer from, renting land or re-renting land of, or receiving the capital contribution with the land use right of, other economic organizations, households or individuals, overseas Vietnamese; re-renting land affixed with infrastructures of foreign organizations or individuals.

Overseas Vietnamese who use land as ground for construction of production and/or business establishments may select form of receiving land assigned with land use levy collection, renting land of the State with land rents paid in lump sum for the whole leasing term or paid annually; renting land, re-renting land of economic organizations, households, individuals or other overseas Vietnamese; re-renting land affixed with infrastructures of foreign organizations or individuals. Overseas Vietnamese being subjects prescribed in Clause 1, Article 121 of this Law may also be bequeathed, presented or donated the rights to use land as ground for construction of production and/or business establishments.

Foreign organizations and individuals, that use land as ground for construction of production and/or business establishments, may select form of leasing land of the State with land rents paid in lump sum for the whole leasing terms or paid annually; renting land or re-renting land of economic organizations, overseas Vietnamese; re-renting land affixed with infrastructure of other foreign organizations and/or individuals.

Article 94.- Land used for mineral activities

1. Land used for mineral activities includes land for mineral exploration, exploitation and processing.

2. Land for mineral exploration and/or exploitation shall be leased by the State with land rents collected annually to organizations, individuals, overseas Vietnamese, foreign organizations or individuals, that are allowed to execute projects on mineral exploration and/or exploitation.

Land used as ground for mineral processing shall

be categorized as non-agricultural production and/or business land subject to the land use regime prescribed for land used as ground for construction of production and/or business establishments, as provided for in Article 93 of this Law.

3. The use of land for mineral activities must comply with the following regulations:

a) Having permits for mineral activities and decisions on land lease for mineral exploration and/or exploitation or decisions on land assignment or land lease for use as ground for mineral processing, which are issued by competent State agencies;

b) Applying measures for environment protection, waste treatment and other measures so as not to cause damage to land users in the areas and nearby regions;

c) Using land in accordance with the tempo of mineral exploration and/or exploitation; upon the completion of mineral exploration or exploitation, the land users have the responsibility to return the land strictly in the state prescribed in the land lease contracts;

d) In cases where mineral exploration or exploitation does not require the use of surface land or does not affect the use of land surface, land must not be leased.

Article 95.- Land for production of building materials, pottery articles

1. Land for production of building materials or pottery articles includes land used for exploitation of raw materials for, and land used as ground for, processing or production of building materials or pottery articles.

2. Land for raw material exploitation shall be leased by the State with land rents collected annually to organizations, households and individuals, that are allowed to exploit raw materials for production of building materials or pottery articles; to overseas Vietnamese and foreign organizations or individuals, that are allowed to implement investment projects on exploitation of raw materials for production of building materials or pottery articles.

Land used as ground for production of building materials or pottery articles is categorized as non-agricultural production and/or business land subject to the land use regime prescribed for land used as ground for construction of production and/or business establishments, as provided for in Article 93 of this Law.

3. The use of land for production of building materials or pottery articles must comply with the following regulations:

a) Having decisions to lease land for use for the purpose of raw material exploitation or decisions to assign land or lease land for processing or production of building materials or pottery articles, which are issued by competent State agencies;

b) Applying necessary measures so as not to cause damage to production and daily life and not to adversely affect environment;

c) Upon the completion of raw material exploitation, the land users have the responsibility to return the land strictly in the state prescribed in the land lease contracts.

Article 96.- Land used for public purposes

1. The use of land for public purposes must be in line with the detailed land use plans, detailed land use plans, urban construction plans and/or rural population quarter construction plans, which have been already approved by competent State agencies.

2. The State encourages the use of land for the purposes of developing culture, healthcare, education and training, physical training and sports.

3. Land used as ground for construction of public works for business purposes shall be subject to the land use regime applicable to land used as ground for construction of production and/or business establishments as provided for in Article 93 of this Law.

Article 97.- Land used for construction of public works with safety protection corridors

1. Land for construction of public works with safety protection corridors includes land for construction of traffic, irrigation, dyke systems, water supply systems, water drainage systems, waste treatment systems, electricity transmission, petrol, oil or gas pipe lines, communications systems and land in the corridors for safety protection of these works.

2. The use of land for construction of public works with safety protection corridors must ensure the combination with the exploitation of the aerial spaces and underground areas, effecting the combined arrangement of assorted works in the same land plots for economical use of land and must comply with specialized law provisions related to the safety protection of works.

3. The law-recognized current users of land which lies within the works safety protection corridors may continue using such land for the set right purposes and must not impede the work's safety protection.

In cases where the land use affect the safety protection of works, the works owners and land users must apply remedial measures; if remedies cannot be achieved, the State shall recover the land and pay compensations according to law provisions.

4. Agencies or organizations directly managing works with safety protection corridors have the responsibility to publicize the boundaries of works safety protection corridors, take the prime responsibility for the safety protection of the works; in cases where works safety protection corridors are illegally encroached upon, occupied and/or used, they must promptly report such to, and request the People's Committees of the communes, wards or townships where the safety protection corridors are illegally encroached upon, occupied and/or used to handle the cases.

5. The People's Committees at all levels in localities where exist works with safety protection corridors have the responsibility to coordinate with agencies or organizations, which directly manage the works, in propagating and disseminating the legislation on works safety protection; publicizing boundaries for use of land in the works safety protection corridors; and in handling in time cases of illegally encroaching upon, occupying and/or using works safety protection corridors.

Article 98.- Land with historical- cultural relics, famous landscapes

1. Land with classified historical-cultural relics and/or famous landscapes or being protected under decisions of provincial/municipal People's Committees must be strictly managed.

2. In case of extreme necessity to use land with historical-cultural relics and/or famous landscapes for other purposes, the permission of competent State agencies is required.

Article 99.- Land used by religious establishments

1. Land used by religious establishments includes land, which belongs to pagodas, churches, shrines, chancels, monasteries, religious training schools, offices of religious organizations, or other religious establishments which are permitted by the State for operation.

2. The provincial/municipal People's Committees shall base themselves on the State's religious policies and their local land funds to decide on land areas assigned to religious establishments.

Article 100.- Land with works being communal houses, temples, shrines, small pagodas, worship halls, ancestral worship houses

1. The use of land where exist works being communal houses, temples, shrines, small pagodas, worship halls, ancestral worship houses must be for the right purposes, comply with the detailed land use plannings, detailed land use plans, urban construction plannings and/or rural population quarter construction plannings, which have been already approved by competent State agencies.

2. The construction or expansion of communal works must be permitted by competent State agencies.

Article 101.- Land for cemeteries, graveyards

1. Land for cemeteries or graveyards must be planned into concentrated areas, far from population quarters, convenient for burials and visits, hygienic and economical.

2. The provincial/municipal People's Committees shall prescribe the land limits and management regimes for the construction of tombs, monuments, steles in cemeteries, graveyards.

Article 102.- River, brook, canal, ditch, stream and special-use water surface land

1. On the basis of the determined primary use purposes, the river, brook, canal, ditch, stream and special-use water surface land shall be managed and used in according with the following regulations:

a) The State shall assign such land to organizations for management in combination with use, exploitation of special-use water surface land for non-agricultural purposes or non-agricultural production in combination with culture and exploitation of aquatic products;

b) The State shall lease river, brook, canal or stream land with land rents collected annually to economic organizations, households and individuals for aquaculture;

c) The State shall lease river, brook, canal, ditch and/or stream land with land rents collected annually to overseas Vietnamese and/or foreign organizations and individuals for execution of investment projects on aquaculture.

2. The exploitation and use of river, brook, canal, ditch, stream and special-use water surface land must not affect the set primary use purposes; must comply with technical regulations of the relevant branches or

sectors as well as regulations on protection of scenic places and environment; must not impede the natural flows; must not obstruct waterway navigation.

Section 4. UNUSED LAND

Article 103.- Management of unused land

1. The commune/ward/township People's Committees have the responsibility to manage and protect unused land in the localities and register such land into the cadastral dossiers.

2. The provincial/municipal People's Committees shall manage unused land on islands not yet inhabited by people.

Article 104.- Putting unused land into use

1. Basing themselves on the approved land use plannings and plans, the People's Committees of all levels shall work out plans on investment, land reclamation of virgin land, re-cultivation on unused land, soil improvement in order to put unused land into use.

2. The State encourages organizations, households and individuals to take and invest in unused land in order to put such land into use.

3. For land areas planned for agricultural use purposes, they shall be assigned with priority to households and individuals directly engaged in agricultural production, forestry, aquaculture, salt making in the localities, that have not yet been assigned land or lack production land.

Chapter IV

RIGHTS AND OBLIGATIONS OF LAND USERS

Section 1. GENERAL PROVISIONS ON RIGHTS AND OBLIGATIONS OF LAND USERS

Article 105.- Common rights of land users

The land users shall have the following common rights:

1. To be granted land use right certificates;

2. To enjoy yields of labor on, and results of investment in, land;

3. To benefit from the State's projects on agricultural land protection and improvement;

4. To be guided and assisted by the State in

improving and enriching agricultural land;

5. To be protected by the State when other people infringe upon their lawful land use rights;

6. To complain about, denounce, and initiate lawsuits against, acts of violating their lawful land use rights and other acts of violating the land legislation.

Article 106.- The rights to exchange, transfer, lease, sublease, inherit, present or donate the land use rights; the rights to mortgage, provide guarantee or contribute capital with, the land use rights; the rights to be compensated upon land recovery by the State

1. The land users are entitled to exercise their rights to exchange, transfer, lease, sublease, inherit, present or donate the land use rights; to mortgage, provide guarantee or contribute capital with, the land use rights as provided for in Clause 2, Article 110; Clauses 2 and 3 of Article 112; Clauses 2, 3, 4, 5, 6, 7 and 8 of Article 113; Clause 2 of Article 115; Point b of Clause 1, Points b, c, d, e and f of Clause 3, Article 119; Point b, Clause 1, Points b and c, Clause 2, Article 120 of this Law when the following conditions are met:

- a) They have land use right certificates;
- b) The land is free from disputes;
- c) Their land use rights are not inventoried to ensure the execution of judgements;
- d). Their land use duration has not yet expired.

2. Land users shall be compensated when the State recovers their land as provided for in Section 4, Chapter II of this Law.

Article 107.- Common obligations of land users

The land users shall have the following common obligations:

1. To use the land for the right purposes, strictly within the boundaries of their land plots, in strict accordance with the regulations on the use of underground depth and the aerial height, the protection of underground public works and in compliance with other law provisions;

2. To register their land use rights, to fully carry out procedures upon the exchange, transfer, lease, sublease, inheritance, presentation or donation of the land use rights; mortgage of, provision of guarantee or contribution of capital with, the land use rights according to the provisions of law;

3. To fulfill the financial obligations as prescribed by law;

4. To apply measures to protect land;

5. To comply with the regulations on environment protection, not to cause harms to the legitimate interests of relevant land users;

6. To comply with law provisions on the finding of underground objects;

7. To return land when the State issues land recovery decisions or upon the expiry of the land use duration.

Article 108.- The right to select forms of land assignment, land lease

1. Economic organizations, households and individuals, that use land as ground for construction of production and/or business establishments or use land for construction of public works for business purposes; economic organizations which use land for purposes of investment in the construction of infrastructures for transfer or lease, use land for agricultural production, forestry, aquaculture, salt making may select form of land assignment with the collection of land use levies or land lease.

2. Overseas Vietnamese who execute investment projects in Vietnam may select form of land assignment with the collection of land use levies or land lease with land rents paid annually or land lease with land rents paid in lump sum for the whole leasing terms.

3. Foreign organizations and individuals, that execute investment projects in Vietnam, and foreign organizations with diplomatic functions may select form of land lease with land rents paid annually or land lease with land rents paid in lump sum for the whole leasing terms.

4. Economic organizations, households, individuals or overseas Vietnamese, that have leased land from the State for use as ground for construction of production and/or business establishments, construction of public works for business purposes, construction of infrastructures for transfer or lease, may shift to form of land assignment with the collection of land use levies if they have such demand and must fulfill the financial obligations as provided for by law.

Section 2. RIGHTS AND OBLIGATIONS OF LAND-USING ORGANIZATIONS

Article 109.- Rights and obligations of the organizations assigned land by the State without the collection of land use levies

1. Organizations which are assigned land by the State

without the collection of land use levies shall have the rights and obligations prescribed in Articles 105 and 107 of this Law.

2. Organizations which are assigned land by the State without the collection of land use levies are not entitled to exchange, transfer, present, donate or lease their land use rights; mortgage, provide guarantee or contribute capital with, the land use rights.

3. Economic organizations which are assigned land by the State without the collection of land use levies for construction of works not with the State budget capital sources are not entitled to sell the assets under their ownership, which are affixed to land; to mortgage, provide guarantee or contribute capital with, their own assets affixed to land. The asset purchasers shall continue to be assigned land by the State without the collection of land use levies for the set purposes.

Article 110.- Rights and obligations of economic organizations assigned land by the State with the collection of land use levies

1. Economic organizations which are assigned land by the State with the collection of land use levies shall have the rights and obligations prescribed in Articles 105 and 107 of this Law.

2. Economic organizations which are assigned land by the State with the collection of land use levies paid not from the State budget sources shall have the following rights and obligations:

a) To transfer the land use rights and architectural works or infrastructures, which have been already constructed on the land;

b) To lease the land use rights and architectural works or infrastructures, which have been already built on the land;

c) To present as gift or donate the land use rights to the State, to present as gift or donate the land use rights to population communities for construction of works in service of the communities' common interests, to present as gift or donate gratitude houses affixed to land according to law provisions;

d) To mortgage, provide guarantee with, the land use rights and assets under their ownership, which are affixed to land, at credit institutions licensed to operate in Vietnam in order to borrow capital according to law provisions;

e) To contribute capital with the land use rights and assets under their ownership, which are affixed to land, for production and/or business cooperation with

organizations, individuals, overseas Vietnamese, foreign organizations and/or individuals according to law provisions.

3. Economic organizations which are assigned land by the State with the collection of land use levies paid from the State budget sources shall have the rights and obligations prescribed in Clauses 2 and 3, Article 109 of this Law.

Article 111.- Rights and obligations of economic organizations using leased land

1. Economic organizations which are leased land by the State shall have the following rights and obligations:

a) The rights and obligations prescribed in Articles 105 and 107 of this Law;

b) To mortgage, provide guarantee with, assets under their ownership, which are affixed to the leased land, at credit institutions licensed to operate in Vietnam in order to borrow capital for production and/business as provided for by law;

c) To sell assets, to contribute capital with assets under their ownership, which are affixed to the leased land; the asset purchasers shall continue to be leased land by the State for the set purposes;

d) To sublease land where infrastructures are completely built in case of being permitted to invest in the construction and deal in infrastructures in industrial parks, hi-tech parks or economic zones;

e) Economic organizations, which have been leased land by the State before this Law takes implementation effect and already paid the land rents for the whole leasing terms or have already paid in advance land rents for many years while the paid land leasing duration remains for at least five years, shall have the rights and obligations prescribed in Article 110 of this Law in the paid land leasing duration; in cases where they have the demand to shift to the form of land assignment with the collection of land use levies, they must pay the land use levies minus the paid land rents, and have the rights and obligations prescribed in Article 110 of this Law.

2. Economic organizations which re-rent land in industrial parks shall have the rights and obligations prescribed in Clause 1 of this Article.

3. Economic organizations which use leased land of organizations, households or individuals, which do not fall under the case prescribed in Clause 2 of this Article shall have the rights and obligations under the

provisions of civil legislation.

Article 112.- Rights and obligations of economic organizations which are transferred the land use rights, permitted to change land use purposes

1. Economic organizations which are transferred the land use rights, permitted to change land use purposes shall have the rights and obligations prescribed in Articles 105 and 107 of this Law.

2. Economic organizations, which are transferred the land use rights and the money paid for such transfer does not come from the State budget sources, shall have the rights and obligations prescribed in Clause 2, Article 110 of this Law.

In cases where they are transferred the land use right and the money paid for such transfer originates from the State budget, they shall have the rights and obligations prescribed in Clauses 2 and 3, Article 109 of this Law.

3. The rights and obligations of the economic organizations which use land and are permitted by competent State agencies to change the land use purposes from land without the collection of land use levies to land with the collection of land use levies are prescribed as follows:

a) Where the land use levies already paid for the change of land use purposes do not come from the State budget sources while the land-using economic organizations select form of land assignment with the collection of land use levies, they shall have the rights and obligations prescribed in Clause 2, Article 110 of this Law;

b) Where the land use levies already paid for the change of land use purposes do not come from the State budget sources while the land-using economic organizations select form of land lease, they shall have the rights and obligations prescribed at Points b, c and d, Clause 1, Article 111 of this Law;

c) Where the land use levies already paid for the change of land use purposes originate from the State budget, they shall have the rights and obligations prescribed in Clauses 2 and 3, Article 109 of this Law.

Section 3. RIGHTS AND OBLIGATIONS OF LAND- USING HOUSEHOLDS, INDIVIDUALS, POPULATION COMMUNITIES

Article 113.- Rights and obligations of households and individuals, that use land other than leased land

Household and individuals that use land other than leased land shall have the following rights and obligations:

1. The rights and obligations prescribed in Articles 105 and 107 of this Law;

2. To exchange the rights to use agricultural land in the same communes, wards or townships with other households and individuals;

3. To transfer the land use rights, except for cases of conditional transfer under the regulations of the Government;

4. To lease the land use rights to organizations, households, individuals or overseas Vietnamese investing in Vietnam;

5. Individuals may bequeath their land use rights under testaments or under law.

If a member of a household, which is assigned land by the State, dies, the land use rights of such member may be bequeathed under his/her testament or under law.

In cases where heirs are overseas Vietnamese who fall into the subjects prescribed in Clause 1, Article 121 of this Law, they are entitled to inherit the land use rights; if they do not fall into the subjects defined in Clause 1, Article 121 of this Law, they shall be entitled to enjoy the value of such inheritance;

6. To present as gift or donate the land use rights as provided for at Point c, Clause 2, Article 110 of this Law; to present as gift or donate the land use rights to households, individuals or overseas Vietnamese who fall into the subjects defined in Clause 1, Article 121 of this Law;

7. To mortgage, provide guarantee with, the land use rights at credit institutions licensed to operate in Vietnam, at economic organizations or individuals to borrow capital for production and/or business;

8. To contribute capital with the land use rights to organizations, households, individuals and/or overseas Vietnamese for production and/or business cooperation.

Article 114.- Rights and obligations of households and individuals, that use leased land

1. Households and individuals, that are leased land by the State, shall have the following rights and obligations:

a) The rights and obligations prescribed in Articles 105 and 107 of this Law;

b) To sell, bequeath, present or donate assets under their ownership, which are affixed to leased land; the persons who purchase, inherit, are presented with, or donated the assets shall continue be leased the land by the State for the set purposes;

c) To mortgage, provide guarantee with, the assets under their ownership, which are affixed to the leased land, at credit organizations licensed to operate in Vietnam, at economic organizations or individuals in order to borrow capital for production and business;

d) To contribute capital with the assets under their ownership, which are affixed to the leased land, during the leasing terms to organizations, households, individuals or overseas Vietnamese for production and/or business cooperation.

2. Households and individuals, that have been leased land by the State before this Law takes implementation effect and already paid the land rents for the whole leasing terms or paid the land rents in advance for many years, shall have the rights and obligations prescribed in Clauses 1, 3, 4, 5, 6, 7 and 8, Article 113 of this Law in the paid leasing duration; in cases where they have the demand to shift to the form of land assignment with the collection of land use levies, they must pay the land use levies minus the paid land rents and shall have the rights and obligations prescribed in Article 113 of this Law.

3. Households and individuals, that re-rent land in industrial parks, shall have the rights and obligations prescribed in Clause 1 of this Article.

4. Households and individuals, that use leased land of organizations, households or individuals not falling into the cases prescribed in Clause 3 of this Article, shall have the rights and obligations as provided for by civil legislation.

Article 115.- Rights and obligations of households and individuals that change the land use purpose from land without the collection of land use levies to land with the collection of land use levies or to land lease

1. Households and individuals that change the land use purpose from land without the collection of land use levies to land with the collection of land use levies or land lease shall have the rights and obligations prescribed in Articles 105 and 107 of this Law.

2. The rights and obligations of land-using households and individuals, that are permitted by competent State agencies to change the land use

purpose from land without the collection of land use levies to land with the collection of land use levies or land lease, are prescribed as follows:

a) In case of selecting the form of land assignment with the collection of land use levies, they shall have the rights and obligations prescribed in Clauses 2, 3, 4, 5, 6, 7 and 8, Article 113 of this Law;

b) In case of selecting the form of land lease, they shall have the rights and obligations prescribed at Points b, c and d, Clause 1, Article 114 of this Law.

Article 116.- Settlement of cases where the State has borrowed land of households or individuals

1. Households or individuals, that have previously let State agencies borrow land and now have land use demand, shall file their dossiers to the People's Committees of provinces or centrally-run cities where exists the borrowed land. Such a dossier shall include:

a) One of the papers on the land use rights as prescribed in Clauses 1, 2 and 5, Article 50 of this Law;

b) The land-borrowing paper signed by the involved parties at the time of borrowing land;

c) The written application requesting the return of land use rights.

2. The provincial/municipal People's Committees have the responsibility to consider and settle such cases. If the dossiers are valid, the cases shall be settled by the following modes:

a) Returning the rights to use the borrowed land if such land has not yet been assigned to other persons for use;

b) Making pecuniary compensations or assignment of new land, new residence places, if such land has been already assigned to other persons for use.

3. The Government shall specify the settlement of cases where the State has borrowed land of households or individuals.

Article 117.- Rights and obligations of religious establishments and population communities which use land

1. Religious establishments and population communities, that use land, shall have the rights and obligations prescribed in Articles 105 and 107 of this Law.

2. Religious establishments and population communities, that use land, must not exchange, transfer, lease, present or donate the land use rights; must not

mortgage, provide guarantee or contribute capital with, the land use rights.

**Section 4. RIGHTS AND OBLIGATIONS OF
OVERSEAS VIETNAMESE, FOREIGN
ORGANIZATIONS AND INDIVIDUALS,
THAT USE LAND**

Article 118.- Rights and obligations of foreign organizations with diplomatic functions

Foreign organizations that have diplomatic functions and use land in Vietnam shall have the following rights and obligations:

1. The rights and obligations prescribed in Article 105 and 107 of this Law;
2. To construct works on land under the permits issued by competent Vietnamese State agencies;
3. To own the works they have constructed on the leased land during the leasing terms;
4. Apart from the rights prescribed in Clauses 1, 2 and 3 of this Article, to enjoy the rights prescribed by international treaties which the Socialist Republic of Vietnam has signed or acceded to; to enjoy other rights inscribed in land lease contracts.

Article 119.- Rights and obligations of overseas Vietnamese, foreign organizations and individuals, that use land for execution of investment projects in Vietnam

1. Overseas Vietnamese who return for investment in Vietnam and are assigned land by the State with the collection of land use levies shall have the following rights and obligations:

- a) The rights and obligations prescribed in Articles 105 and 107 of this Law;
- b) The rights and obligations prescribed in Clause 2, Article 110 of this Law.

2. Overseas Vietnamese, foreign organizations and individuals, that invest in Vietnam and are leased land by the Vietnamese State with land rents collected annually, shall have the following rights and obligations:

- a) The rights and obligations prescribed in Articles 105 and 107 of this Law;
- b) To mortgage, provide guarantee or contribute capital with, assets under their ownership, which are affixed to the leased land, at credit organizations licensed to operate in Vietnam;
- c) To sell assets under their ownership, which are

affixed to the leased land; in cases where the asset purchasers are organizations or individuals, they shall be assigned land or leased land by the State with land rents collected annually; in cases where the asset purchasers are foreign organizations or individuals, they shall be leased land by the State with land rents collected in lump sum for the whole leasing terms or collected annually. The land assignees or lessees shall continue to use the land for the right set purposes in the remaining duration;

d) To lease dwelling houses in cases where they are permitted to invest in the construction of dwelling houses for business purposes.

3. Overseas Vietnamese and foreign organizations or individuals, that invest in Vietnam and are leased land by the Vietnamese State with land rents collected in lump sum for the whole leasing term, shall have the following rights and obligations:

a) The rights and obligations prescribed in Articles 105 and 107 of this Law;

b) To transfer the rights to use the leased land and their own assets affixed thereto during the land lease terms;

c) To sublease the land use rights and their own assets affixed thereto during the land lease terms;

d) To mortgage, provide guarantee with, the rights to use the leased land and their assets affixed thereto at credit organizations licensed to operate in Vietnam during the land lease terms;

e) To contribute capital with the rights to use the leased land and their own assets affixed thereto for production and/or business cooperation during the land lease term;

f) In cases where they are permitted to invest in the construction of dwelling houses for business purposes, they shall have the rights to sell or lease the dwelling houses according to the Government's regulations; the dwelling house purchasers shall be granted the land use right certificates according to the provisions of this Law.

Article 120.- Rights and obligations of overseas Vietnamese and foreign organizations and individuals, that use land in industrial parks, hi-tech parks or economic zones

1. Overseas Vietnamese who are transferred the rights to use land in industrial parks, hi-tech parks or economic zones shall have the following rights and

obligations:

a) The rights and obligations prescribed in Articles 105 and 107 of this Law;

b) The rights and obligations prescribed in Clause 2, Article 110 of this Law.

2. Overseas Vietnamese, foreign organizations and individuals, that rent land or re-rent land in industrial parks, hi-tech parks or economic zones, shall have the following rights and obligations:

a) The rights and obligations prescribed in Articles 105 and 107 of this Law;

b) To sell, mortgage, provide guarantee or contribute capital with, their own assets affixed to leased land or subleased land, for cases where land rents are paid annually;

c) To transfer the rights to use leased land or subleased land and their own assets affixed thereto; to mortgage or provide guarantee with, the rights to use the leased land, subleased land and their own assets affixed thereto at credit organizations licensed to operate in Vietnam; to contribute capital with the right to use the leased land or subleased land and their own assets affixed thereto for cooperation or joint venture with organizations, individuals, overseas Vietnamese, foreign organizations or individuals during the terms of land lease or sublease, for cases where land rents have been already paid in lump sum for the whole terms of land lease or sublease.

Article 121.- Rights and obligations of overseas Vietnamese who are allowed to buy dwelling houses associated to the rights to use residential land in Vietnam

1. Overseas Vietnamese being the following subjects shall be entitled to buy dwelling houses associated to the rights to use residential land in Vietnam:

a) Persons who return for long-term investment and have demands for dwelling houses during their investment in Vietnam;

b) Persons who have made meritorious contributions to the country;

c) Cultural activists and scientists, who have the demand to return for regular activities in Vietnam in order to serve the cause of national construction;

d) Persons who have demands to return for a stable life in Vietnam;

e) Other subjects as prescribed by the National Assembly Standing Committee.

2. Overseas Vietnamese who buy dwelling houses associated with the rights to use land in Vietnam shall have the following rights and obligations:

a) The rights and obligations prescribed in Articles 105 and 107 of this Law;

b) To sell dwelling houses affixed to residential land to organizations, households, individuals and/or overseas Vietnamese being the subjects defined in Clause 1 of this Article;

c) To mortgage dwelling houses affixed to residential land at credit organizations licensed to operate in Vietnam;

d) To bequeath dwelling houses associated with the rights to use residential land to households, individuals, overseas Vietnamese being the subjects defined in Clause 1 of this Article according to the provisions of civil law; in cases where the heirs are overseas Vietnamese other than the subjects defined in Clause 1 of this Article or foreign individuals, they shall be entitled to enjoy the values of such inheritances;

e) To present as gift or donate dwelling houses associated with the rights to use residential land to the State, population communities, to present or donate gratitude houses under the provisions at Point c, Clause 2, Article 110 of this Law; to present or donate dwelling houses associated with the rights to use residential land to households, individuals or overseas Vietnamese being the subjects defined in Clause 1 of this Article.

Chapter V

ADMINISTRATIVE PROCEDURES FOR LAND MANAGEMENT AND USE

Article 122.- Order and procedures for land assignment, land lease, granting of land use certificates to land assignees, land lessees

1. The dossiers of application for land assignment or land lease shall be submitted according to the following regulations:

a) Organizations, overseas Vietnamese, foreign organizations and individuals, that apply for land assignment or land lease, shall file two sets of dossiers at the land management offices of the provinces or centrally-run cities where exists the land.

Households and individuals, that apply for land assignment or land lease, shall file two sets of dossiers at the land management offices of rural districts, urban

districts, provincial capitals or towns where exists the land;

b) The dossiers of application for land assignment or land lease shall each comprise the application for land assignment or land lease; investment projects of organizations under the provisions of legislation on investment; for overseas Vietnamese, foreign organizations and individuals, there must be investment projects and copies of the investment licenses under the provisions of legislation on investment, with certification by State notary public.

2. Land assignment and land lease with regard to land with ground being already cleared are stipulated as follows:

a) Within no more than ten working days as from the date of receiving the complete and valid dossiers, the dossier-receiving agencies shall have to extract the cadastral maps or cadastral measurement of the land plots applied for assignment or lease; determine the amounts of land use levy or land rent; carry out procedures for land assignment, land lease, granting of land use right certificates according to regulations and hand decisions on land assignment or land lease to land assignees or land lessees;

b) Within no more than ten working days as from the dates when the land assignees or land lessees fulfill their financial obligations according to law provisions, the land management offices shall sign land lease contracts, for case of land lease, organize the hand over of land on the field and hand the land use right certificates to the land assignees or land lessees.

3. The land assignment and land lease with regard to land with ground being not yet cleared are stipulated as follows:

a) Within no more than thirty working days as from the date of receiving the complete and valid dossiers, the dossier-receiving agencies shall have to complete the recommendation of locations; extract cadastral maps or cadastral measurement of the land plots applied for assignment or lease; determine the land use levy or land rent amounts; carry out procedures for land assignment, land lease, the granting of land use right certificates according to regulations and hand land assignment or land lease decisions to land assignees or land lessees;

b) Basing themselves on the land assignment or land lease decisions of competent State agencies, the People's Committees of rural districts, urban districts,

provincial capitals or towns shall organize the compensations and ground clearance;

c) Within no more than ten working days as from the date of completing the ground clearance and the land assignees or land lessees have fulfilled their financial obligations according to law provisions, the land management agencies shall sign land lease contracts for case of land lease; organize the hand over of land on the field and hand the land use right certificates to land assignees or land lessees.

Article 123.- Order and procedures for granting of land use right certificates to current land users

1. The submission of dossiers of application for land use right certificates is stipulated as follows:

a) The applicants for land use right certificates shall file their dossiers at the land use right registries; in cases where rural households or individuals apply for land use right certificates, they shall file their dossiers at the People's Committees of the communes where exists the land for transfer to the land use right registries;

b) The dossiers of application for land use right certificates shall each comprise the written application for land use right certificate, the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of this Law (if any), letters of authorization of the application for land use right certificate (if any).

2. Within no more than fifty working days as from the date of receiving the complete and valid dossiers, the land use right registries shall have to transfer the dossiers to the land management offices of the People's Committees competent to grant the land use right certificates for carrying out the procedures for granting the land use right certificates; in cases where the financial obligations must be fulfilled while such financial obligations are determined according to the cadastral data, the land use right registries shall forward the cadastral data to the tax offices for determination of the financial obligation levels according to law provisions; notify the land use right certificate grantees to fulfill the financial obligations; in cases where conditions are not met, they shall return the dossiers and notify the reasons therefor to the land use right certificate applicants.

3. Within five working days as from the date of fulfilling their financial obligations, the land use right certificate grantees shall go to the places where they submitted their dossiers to receive the land use right certificates.

Article 124.- Order and procedures for registration of land use purpose changes for cases where permission is not required

1. Persons who wish to change the land use purposes shall file their land use purpose change declarations and land use right certificates at the land use right registries; for households and individuals in rural areas, such papers shall be filed at the People's Committees of the communes where exists the land for transfer to the land use right registries.

2. Within no more than seven working days as from the date of receiving the papers prescribed in Clause 1 of this Article, the land use right registries shall have to verify the registration declarations and transfer the land use right certificates to the land management offices of the People's Committees competent to grant the land use right certificates for adjustment and transfer the adjusted land use right certificates to the places where the dossiers were received for return to the land use purpose change registrants.

Article 125.- Order and procedures for land use purpose changes for cases where permission is required

1. The submission of dossiers of application for land use purpose changes for cases where permission is required is stipulated as follows:

a) Organizations, overseas Vietnamese and foreign organizations or individuals, that apply for land use purpose changes, shall file their dossiers at the land management offices of the provinces or centrally-run cities where exists the land.

Households and individuals, that apply for land use purpose changes, shall file their dossiers at the land management offices of rural districts, urban districts, provincial capitals or provincial towns, where exists the land;

b) The dossiers of application for land use purpose changes shall each comprise the written application for land use purpose change, the land use right certificate and the investment project of the organization as provided for by the legislation on investment.

2. Within no more than twenty working days as from the date of receiving the complete and valid dossiers, the dossier-receiving agencies shall have to carry out the administrative procedures to permit the land use purpose changes; determine the land use levy collection level for cases where the land use levies must be paid, notify the persons permitted to change the land use purposes to fulfill their financial obligations according to law provisions;

in cases where the conditions are not fully met, they shall return the dossiers and notify the reasons therefor to the land use purpose change applicants.

3. Within five working days as from the date the persons permitted to change the land use purposes fulfill their financial obligations according to law provisions, the dossier-receiving agencies shall hand the adjusted land use right certificates to the persons who have been permitted to change the land use purposes.

Article 126.- Order and procedures for exchange of land use rights of households, individuals

1. The submission of dossiers of land use right exchanges is stipulated as follows:

a) The dossiers of land use right exchanges shall be filed at the People's Committees of communes, wards or townships where exists the land for transfer to the land use right registries;

b) The dossiers of land use right exchanges shall each comprise the contract on land use right exchange and the land use right certificate.

The contracts for exchanges of land use right of households or individuals must be certified by the People's Committees of communes, wards or district townships where exists the land, or certified by the State notary public.

2. Within no more than ten working days as from the date of receiving the complete and valid dossiers, the land use right registries shall transfer the dossiers to the land management agencies of rural districts, urban districts, provincial capitals or provincial towns for carrying out the procedures for granting of land use right certificates.

Where the exchanging parties must fulfill their financial obligations while such financial obligations are determined according to the cadastral data, the land use right registries shall send the cadastral data to the tax offices for determination of the financial obligations according to law provisions; the land use right registries shall notify the exchanging parties to fulfill their financial obligations.

Within no more than five working days as from the date for fulfilling their financial obligations, the exchanging parties shall receive the land use right certificates at the places where they have submitted their dossiers.

Article 127.- Order and procedures for land use right transfer

1. The submission of dossiers of land use right

transfer is stipulated as follows:

a) The land use right transfer dossiers shall be filed at the land use right registries; for households and individuals in rural areas, such dossiers shall be filed at the People's Committees of communes where exists the land for transfer to the land use right registries;

b) The land use right transfer dossiers shall each comprise the land use right transfer contract and the land use right certificate.

The land use right transfer contracts must be certified by the State notary public; for land use right transfer contracts of households or individuals, the form of certification by the State notary public or authentication by the People's Committees of communes, wards or townships where exists the land may be opted for.

2. Within no more than fifteen working days as from the date of receiving the complete and valid dossiers, the land use right registries shall have to verify the dossiers, then transfer them to the land management agencies of the People's Committees competent to grant the land use right certificates for carrying out the procedures to grant the land use right certificates.

Where parties to the transfer must fulfill their financial obligations while such financial obligations are determined according to the cadastral data, the land use right registries shall send the cadastral data to the tax offices for determination of the financial obligations according to law provisions; the land use right certificate registries shall notify the parties to the transfer to fulfill their financial obligations.

Within no more than five working days as from the date of fulfilling their financial obligations, the parties engaged in the land use right transfer shall receive the land use right certificates at the places where they have submitted their dossiers.

Article 128.- Order and procedures for lease, sublease of land use rights

1. The submission of dossiers on land use right lease or sublease (hereinafter referred collectively to as land use right lease) is stipulated as follows:

a) The land use right lease dossiers shall be filed at the land use right registries; in cases where households and individuals use land in rural areas, such dossiers shall be filed at the People's Committees of communes where exists the land for transfer to the land use right registries;

b) The land use right lease dossiers shall each

comprise the contract on land use right lease and the land use right certificate.

The land use right lease contracts must be notarized; for land use right lease contracts of households or individuals, the form of certification by the State notary public or authentication by the People's Committees of communes, wards or townships where exists the land may be opted for.

2. Within no more than five working days as from the date of receiving complete and valid dossiers, the land use right registries shall carry out the procedures to register the land use right lease in the cadastral dossiers and the land use right certificates; return the land use right lease contracts and the land use right certificates to the land lessors at the places where they have submitted their dossiers.

Article 129.- Order and procedures for registration of inheritance, presentation or donation of land use rights

1. The submission of dossiers for inheritance, presentation or donation of land use rights is stipulated as follows:

a) The dossiers for inheritance, presentation or donation of land use right shall be filed at the land use right registries; in cases where households and individuals use land in rural areas, the dossiers shall be submitted at the People's Committees of the communes where exists the land for transfer to the land use right registries;

b) The dossiers for land use right inheritance shall each comprise the testament or record on division of inheritances or the people's court's judgement or decision on settlement of disputes over the inheritance of the land use right, which has already come into force, and the land use right certificate; in cases where there is only one heir, the inheritance dossier shall comprise the written application and the land use right certificate.

A dossier for land use right presentation or donation shall comprise the written commitments to presentation or donation or the contract on presentation or donation of the land use rights and the land use right certificate.

The written commitments to presentation or donation or the contracts on presentation or donation of the land use right of households, individuals or overseas Vietnamese must be authenticated by the People's Committees of communes, wards or townships where exists the land or certified by the State notary public.

2. Within no more than ten working days as from the

date of receiving the complete and valid dossiers, the land use right registries shall have to verify the dossiers, then transfer them to the land management agencies of the People's Committees competent to grant land use right certificates for carrying out the procedures to grant the land use right certificates.

In cases where the land use right transferees must fulfill their financial obligations which are determined according to the cadastral data, the land use right registries shall send the cadastral data to the tax offices for determination of the financial obligations according to law provisions; the land use right registries shall notify the land use right transferees to fulfill their financial obligations.

Within no more than five working days as from the date of fulfilling their financial obligations, the land use right transferees shall receive the land use right certificates at the places where they have submitted their dossiers.

Article 130.- Order and procedures of registering, deleting the registration of the mortgage of, or provision of guarantee with, land use rights and handling of the mortgaged or guaranteed land use rights to retrieve debts

1. The registration of the mortgage of, provision of guarantee with, the land use rights is stipulated as follows:

a) The dossiers for registration of the mortgage of, provision of guarantee with, the land use rights shall each comprise the contract on mortgage of, or provision of guarantee with, the land use right and the land use right certificate. The dossiers shall be filed at the land use right registries; in cases where the mortgagors or the guaranteed are households or individuals in rural areas, the dossiers shall be filed at the People's Committees of the communes where exists the land for transfer to the land use right registries.

The contracts on mortgage of, or provision of guarantee with, the land use rights must be certified by the State notary public; for land use right mortgage or guarantee contracts of households or individuals, the form of certification by the State notary public or authentication by the People's Committees of the communes, wards or townships where exists the land may be opted for;

b) Within no more than five working days as from the date of signing credit contracts, the land use right mortgagors or guaranteed shall submit the dossiers for registration of the mortgage or guarantee according to

the provisions at Point a of this Clause;

c) Within no more than five working days as from the date of receiving the complete and valid dossiers, the land use right registries shall register the mortgage or guarantee into the cadastral dossiers, the land use right certificates and return the land use right certificates to the guarantees or mortgagees.

2. The deletion of land use right mortgage or guarantee registration is stipulated as follows:

a) After fulfilling their debt repayment obligations, the land use right mortgagors or guaranteed shall send their written applications for deletion of mortgage or guarantee registration to the places where the mortgage or guarantee has been registered;

b) Within no more than five working days as from the date of receiving the written applications for deletion of mortgage or guarantee registration, the land use right registries shall check the performance of debt repayment obligations by the applicants for deletion of mortgage or guarantee registration and delete the mortgage or guarantee registration in the cadastral dossiers and the land use right certificates; in cases where it is necessary to withdraw or grant the land use right certificates when handling the mortgaged or guaranteed land use rights to retrieve debts, the land use right registries shall send the dossiers to the land management agencies of the competent People's Committees for carrying out the procedures to withdraw or grant the land use right certificates.

3. The handling of mortgaged or guaranteed land use rights to retrieve debts is stipulated as follows:

a) When the land use right mortgagors or the guaranteed fail to perform or have improperly performed the debt repayment obligations under the credit contracts, the mortgaged or guaranteed land use rights shall be handled according to the agreement in the mortgage or guarantee contracts; in cases where it cannot be handled under the agreement inscribed in the contracts, the mortgagees or the guarantees shall be entitled to transfer the mortgaged or guaranteed land use rights to other persons in order to retrieve debts or request competent State agencies to auction the land use rights or initiate lawsuits at people's courts according to law provisions.

b) The land use right transferees prescribed at Point a of this Clause shall be granted the land use right certificates, be entitled to use the land for the set purposes and have the rights and obligations prescribed by this Law in the remaining land use duration; for residential land, the land users shall be entitled to stable

long-term use.

Article 131.- Order and procedures for registering, deleting the registration of, capital contribution with the land use rights and handling of the land use rights upon the termination of capital contribution

1. The registration of capital contribution with the land use rights shall be effected as follows:

a) The dossiers of registration of capital contribution shall each comprise the contract on capital contribution with the land use rights and the land use right certificate. The dossiers shall be filed at the land use right registries; in cases where the capital contributors are households or individuals in rural areas, the dossiers shall be submitted at the People's Committees of the communes where exists the land for transfer to the land use right registries.

The contracts on capital contribution with the land use rights must be certified by the State notary public; for contracts on capital contribution with the land use rights of households or individuals, the form of certification by the State notary public or authentication by the People's Committees of communes, wards or townships where exists the land may be opted for;

b) Within no more than ten working days as from the date of receiving the complete and valid dossiers, the land use right registries shall have to verify the dossiers; for cases where capital contribution conditions are fully met, they shall register the capital contribution into the cadastral dossiers and the land use right certificates; in cases where the capital contributions give rise to new legal persons, the capital contribution registration dossiers shall be sent to the land management agencies of the People's Committees competent to grant the land use right certificates for granting the land use right certificates to such new legal persons.

2. The capital contribution with the land use rights shall terminate in the following cases:

a) The time limit for capital contribution with the land use rights has expired;

b) One party or all parties so propose as agreed upon in the capital contribution contracts; for case of joint ventures with overseas Vietnamese, foreign organizations and/or individuals, such must be approved by provincial/municipal People's Committees;

c) The land is recovered under the provisions in Article 38 of this Law;

d) The contributors of capital with the land use rights in the contracts for business cooperation or joint-venture enterprises are declared bankrupt or dissolve;

e) Individuals participating in the capital contribution contracts die; are declared missing; lose their civil act capacity or have the restricted civil act capacity; are banned from activities in the business cooperation domains, while the capital contribution contracts must be performed by such individuals;

f) Legal persons participating in capital contribution contracts terminate their operation while the capital contribution contracts must be performed by such legal persons.

3. The deletion of registration of capital contribution with the land use rights is stipulated as follows:

a) The land users who stop contributing capital with the land use rights as provided for in Clause 2 of this Article shall send the applications for deletion of capital contribution registration to the places where the capital contribution has been registered;

b) Within no more than five working days as from the date of receiving the written applications for deletion of capital contribution registration, the land use right registries shall delete the capital contribution registration in the cadastral dossiers and the land use right certificates; in cases where it is necessary to withdraw or grant the land use right certificates upon the termination of capital contribution, the land use right registries shall send dossiers to the land management agencies of the People's Committees competent to grant the land use right certificates for carrying out the procedures to withdraw or grant the land use right certificates.

4. The handling of the land use rights upon the termination of capital contribution is stipulated as follows:

a) In cases it is due to the expiry of the capital contribution time limit or to the parties' agreement on termination of capital contribution, the party that has contributed capital with the land use rights shall be entitled to continue using such land for the remaining duration.

In cases where the land use duration has expired or the contributor of capital with the land use rights no longer have demands to continue using the land, the State shall permit the joint-venture enterprises to continue the land lease; if the joint-venture enterprises terminate their operation, the State shall recover such land;

b) In cases where the capital contribution is terminated by decisions of competent State bodies due to violations of the land legislation, the State shall recover such land;

c) In cases where the joint-venture enterprises or

parties contributing capital with the land use rights go bankrupt, the land use rights used for capital contribution shall be handled in accordance with the people's courts' decisions declaring the bankruptcy.

If the persons, who are transferred the land use rights and assets affixed to land under the people's courts' decisions, are organizations, individuals or overseas Vietnamese, they shall be permitted to continue using the land for the set purposes in the remaining land use duration.

If the persons, who are transferred the land use rights and assets affixed to land under the people's courts' decisions are foreign organizations or individuals, they shall be leased land by the State and must use the land for the set purposes in the remaining land use duration.

In cases where no one receives the land use rights and assets affixed to land, the State shall recover such land and assets;

d) In cases where individuals participating in the capital contribution die, the land use rights used for capital contribution shall be bequeathed according to the provisions of civil legislation;

e) In cases where individuals participating in the capital contribution are declared missing, lose their civil act capacity or have restricted civil act capacity, it shall be settled according to the provisions of civil legislation;

f) In cases where joint-venture enterprises dissolve or the parties contributing capital with the land use rights are the dissolved organizations, the land use rights used for capital contribution shall be handled according to the agreement between the parties in accordance with the provisions of this Law and other relevant law provisions.

Chapter VI

INSPECTION, SETTLEMENT OF LAND DISPUTES, COMPLAINTS, DENUNCIATIONS AND HANDLING OF VIOLATIONS OF LAND LEGISLATION

Section 1. LAND INSPECTION

Article 132.- Land inspection

1. Land inspection is the specialized land inspection.

The Ministry of Natural Resources and Environment shall be responsible for directing and organizing the implementation of land inspection nationwide.

The land management agencies in localities shall be responsible for organizing the land inspection in the localities.

2. Land inspection contents shall cover:

a) Inspection of the State management over land by the People's Committees at all levels;

b) Inspection of the observance of land legislation by land users, other organizations and individuals.

3. The land inspectorate shall have the following tasks:

a) To inspect the law observance by State agencies and land users in the management and use of land;

b) To detect, check and handle according to competence or propose competent State agencies to handle violations of land legislation.

4. The Government shall provide for the organization and operation of the specialized land inspectorate.

Article 133.- Powers and responsibilities of land inspection teams and land inspectors

1. Land inspection teams and inspectors, when conducting inspections, shall have the following powers:

a) To request State agencies, land users and other relevant subjects to supply documents and explain matters, which are necessary for the inspections;

b) To decide to temporarily suspend the illegal use of land portions and take responsibility before law for such decisions, and at the same time promptly report such to competent State bodies for handling decisions;

c) To handle according to competence or propose the competent State agencies to handle violations of land legislation;

d) Other powers prescribed by the legislation on inspection.

2. Land inspection teams and inspectors, when conducting inspections, shall have the following responsibilities:

a) To produce the inspection decisions, inspector's cards to subjects being under inspection;

b) To perform the inspection functions, tasks, order and procedures according to law provisions;

c) To be accountable before law for their conclusions and decisions;

d) To perform other responsibilities prescribed by the legislation on inspection.

Article 134.- Rights and obligations of the subjects being under inspection

1. The inspected subjects shall have the following rights:

a) To request the inspection teams or inspectors performing the official duty to clearly explain the inspection requirements;

b) To give explanations in the inspection courses, to contribute opinions on inspection conclusions; in cases of disagreement with the inspection conclusions and/or law violation-handling decisions of land inspectors, to have the right to lodge complaints to competent agencies according to law provisions on complaints and denunciations;

c) To denounce to competent State agencies the inspection teams' or inspectors' infringements, if any, upon their legitimate interests, the interests of the State, the rights and legitimate interests of organizations or individuals;

d) Other rights as prescribed by the legislation on inspection.

2. The inspected subjects shall have the following obligations:

a) Not to obstruct, cause difficulties to, inspection teams or inspectors in the performance of their tasks;

b) To supply documents, explain necessary matters related to land inspection contents; to abide by decisions of inspection teams or inspectors in the course of inspection and competent State agencies after completion of the inspection;

c) To perform other obligations as prescribed by inspection legislation.

Section 2. SETTLEMENT OF LAND-RELATED DISPUTES, COMPLAINTS, DENUNCIATIONS

Article 135.- Conciliation of land disputes

1. The State encourages land-disputing parties to reconcile themselves or settle their land disputes through conciliation at the grassroots.

2. For land disputes which cannot be reconciled, the disputing parties shall file their written applications to the People's Committees of communes, wards or townships where exists the land in dispute.

The commune/ward/township People's Committees have the responsibility to coordinate with Vietnam Fatherland Front and its member organizations as well as other mass organizations in reconciling land disputes.

The reconciliation time limit shall be thirty working

days as from the date the commune/ward/township People's Committees receive the written applications.

The land dispute reconciliation results must be recorded in writing with the signatures of the disputing parties and the certification of the People's Committees of communes, wards or townships where exists the land. Where the reconciliation outcomes are different from the present land use status, the commune/ward/township People's Committees shall send the reconciliation results to competent State bodies for settlement according to regulations on land management.

Article 136.- Competence to settle land disputes

Land disputes, which were already reconciled at the commune/ward/township People's Committees but are disagreed with by one or all parties, shall be settled as follows:

1. Disputes over land use rights and the involved parties have the land use right certificates or one of the papers prescribed in Clauses 1, 2 and 5, Article 50 of this Law, and disputes over assets affixed to land shall be settled by people's courts;

2. Disputes on land use rights but the involved parties do not have the land use right certificates or any of the papers prescribed in Clauses 1, 2 and 5, Article 50 of this Law, shall be settled as follows:

a) Where the presidents of the People's Committees of rural districts, urban districts, provincial capitals or towns have made the first-time settlement but one or all of the involved parties disagree with the settlement decisions, they are entitled to lodge complaints to the presidents of provincial/municipal People's Committees for settlement; the settlement decisions of the provincial/municipal People's Committee presidents shall be the final ones;

b) Where the provincial/municipal People's Committee presidents make the first-time settlement but one or all of the involved parties disagree with the settlement decisions, they shall be entitled to lodge complaints to the Minister of Natural Resources and Environment; the settlement decisions of the Minister of Natural Resources and Environment shall be the final ones.

Article 137.- Settling land disputes related to administrative boundaries

1. Land disputes related to administrative boundaries between administrative units shall be settled jointly by

the People's Committees of such units. In cases where unanimity cannot be reached or the settlement alters the administrative boundaries, the settling competence shall be stipulated as follows:

a) Where disputes are related to the boundaries of provincial/municipal administrative units, they shall be decided by the National Assembly;

b) Where disputes are related to the boundaries of administrative units being rural districts, urban districts, provincial capitals, provincial towns, communes, wards or townships, they shall be decided by the Government.

2. The Ministry of Natural Resources and Environment and the land management agencies of the provinces, centrally-run cities, rural districts, urban districts, provincial capitals or provincial towns have the responsibility to supply necessary documents and coordinate with competent State agencies in settling land disputes related to administrative boundaries.

Article 138.- Settlement of land-related complaints

1. Land users are entitled to complain about administrative decisions or administrative acts regarding land management.

2. The settlement of complaints shall be effected as follows:

a) Where complaints about administrative decisions or administrative acts regarding land management are settled for the first time by the presidents of the People's Committees of rural districts, urban districts, provincial capitals or provincial towns, but the complainants disagree with the settlement decisions, they are entitled to initiate lawsuits at people's courts or continue to complain with presidents of the provincial/municipal People's Committees. In case of complaining with provincial/municipal People's Committee presidents, the decisions of the provincial/municipal People's Committee presidents shall be the final ones;

b) Where complaints about administrative decisions or administrative acts regarding land management are settled for the first time by provincial/municipal People's Committee presidents but the complainants disagree with the settlement decisions, they are entitled to initiate lawsuits at people's courts;

c) The statute of limitation for complaining about administrative decisions or administrative acts regarding land management shall be thirty days as from the date of receiving such administrative decisions or knowing about such administrative acts. Within forty five days as from the date of receiving the first-time complaint

settlement decisions, the complainants, if disagreeing therewith, shall be entitled to complain to competent State agencies or initiate lawsuits at people's courts.

3. The settlement of land-related complaints as provided for in Clause 2 of this Article shall not cover cases of complaint about decisions on settlement of land disputes prescribed in Clause 2, Article 136 of this Law.

Article 139.- Settlement of land-related denunciations

1. Individuals are entitled to denounce violations of legislation on land management and use.

2. The settlement of denunciations about violations of legislation on land management and use shall comply with the provisions of legislation on complaints and denunciations.

Section 3. HANDLING OF VIOLATIONS

Article 140.- Handling of violators of land legislation

Those who encroach upon or appropriate land, fail to use land or use land not for the right purposes, illegally change the land use purposes, destroy land, fail to perform or perform not in full the financial obligations, administrative procedures or the State's decisions in land management, illegally transfer the land use rights or commit other acts of violating the land legislation, shall, depending on the nature and seriousness of their violations, be administratively handled or examined for penal liability according to law provisions.

Organizations, which are assigned land without the collection of land use levies or are currently using land with the land use right recognized by the State and do not have to shift to lease land or do not have to pay the land use levies but let the land be encroached upon, appropriated or lost, shall have to compensate therefor and be handled according to law provisions regarding the land use value of the land areas encroached upon, appropriated or lost.

The Government shall specify acts of violating the land legislation and administrative handling measures.

Article 141.- Handling of managers who violate land legislation

Those who abuse their position and powers and act against law provisions on land assignment, land lease, land recovery, land use purpose change, land use right transfer, land use planning and plan implementation, land-related financial obligation determination, cadastral dossier management, issuance of administrative

decisions in land management; who show irresponsibility in management, thus leading to violations of land legislation or commit other acts which cause damage to land resources, rights and obligations of land users, shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liability according to law provisions.

Article 142.- Handling of land law violations which cause damage to the State and other persons

Those who commit acts of violating land legislation, causing damage to the State and/or other persons, shall, apart from being handled according to the provisions in Articles 140 and 141 of this Law, also have to compensate therefor according to extents of actual damage to the State or the persons suffering from the damage.

Article 143.- Responsibilities of the presidents of the People's Committees of all levels in detecting, preventing, stopping and handling violations of legislation on land management and use

1. The presidents of the People's Committees of all levels have the responsibilities to detect, prevent, stop and handle in time violations of legislation on land management and use in their respective localities.

2. The presidents of the People's Committees of communes, wards or townships have the responsibilities to detect, prevent and stop in time illegal land use right transfers, illegal land use purpose changes; to detect and apply measures to stop in time the construction of works on encroached, appropriated land, the use of land not for the right purposes in their respective localities and force the violators to restore the pre-violation land status.

Article 144.- Handling of heads, officials and employees of land management agencies of all levels and commune/ward/ district township cadastral officials for their responsibility for violations of order of carrying out administrative procedures

1. Organizations and individuals, when detecting that officials and/or employees of land management agencies of all levels or commune/ward/township cadastral officials have violated the regulations on order, procedures and/or time limits for land assignment, land lease, permission of land use purpose changes, time limits for land recovery, carrying out procedures for exercise of land users' rights, granting of land use right certificates, are entitled to send their written petitions to competent people according to the following regulations:

a) For violations committed by commune/ward/

district township cadastral officials, the petitions shall be addressed to the presidents of the commune/ward/ township People's Committees;

b) For violations committed by officials and/or employees of land management agencies of any level, the petitions shall be sent to the heads of the land management agencies of such level;

c) For violations committed by heads of land management agencies, the petitions shall be filed to the presidents of the People's Committees of the same level.

2. Within no more than fifteen working days as from the date of receiving the written petitions, the People's Committee presidents or the heads of the land management agencies prescribed in Clause 1 of this Article shall have to consider and settle the petitions and notify the petitioners thereof.

Chapter VII

IMPLEMENTATION PROVISIONS

Article 145.- This Law takes implementation effect as from July 1, 2004.

This Law shall replace the 1993 Land Law; the 1998 Law amending and supplementing a number of articles of the Land Law; the 2001 Law amending and supplementing a number of articles of the Land Law.

To abrogate the 1994 Ordinance on the rights and obligations of foreign organizations and individuals that lease land in Vietnam.

Article 146.- Implementation guidance

1. The Government shall prescribe the time limit for completion of the granting of land use right certificates to current land users throughout the country. During this time limit, the current land users, who have one of the land use right papers prescribed in Clause 1, 2 and 5, Article 50 of this Law and have not yet been granted land use right certificates, shall be entitled to exercise the land users' rights prescribed in this Law.

2. The Government shall specify and guide the implementation of this Law.

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

**National Assembly Chairman
NGUYEN VAN AN**