

**GOVERNMENT**

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**SOCIALIST REPUBLIC OF VIETNAM**

**Independence – Freedom – Happiness**

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No. 91/2019/ND-CP

*Hanoi, November 19, 2019*

## **DECREE**

### **ADMINISTRATIVE SANCTIONS RELATING TO LAND**

*Pursuant to the Law on Government Organization dated June 19, 2015;*

*Pursuant to the Law on Handling of administrative violations dated June 20, 2012;*

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

*Pursuant to Law on Housing dated November 25, 2014;*

*Pursuant to Law on Real Estate Trading dated November 25, 2014;*

*At the request of Minister of Natural Resources and Environment;*

*The Government promulgates Decree on administrative sanctions relating to land.*

## **Chapter I**

### **GENERAL PROVISIONS**

#### **Article 1. Scope**

This Decree prescribes administrative violations, forms of sanctions, amount of sanctions, rectifying measures, authority to make records of the violations and authority to impose administrative sanctions on violations related to land including land use violations and violations in operation of land services.

#### **Article 2. Regulated entities**

1. This Decree applies to entities subject to administrative sanctions including entities below committing administrative violations specified in this Decree on territory of the Socialist Republic of Vietnam, unless otherwise specified by international agreements to which Vietnam is a signatory:

a) Households, community, domestic individuals, foreign individuals, Vietnamese living abroad (hereinafter referred to as “individuals”);

b) Domestic and foreign organizations, foreign-invested enterprises and religious establishments to administrative (hereinafter referred to as “organizations”).

2. Competent agencies and persons imposing sanctions, and organizations and individuals related sanctions according to this Decree.

### **Article 3. Term interpretation**

1. “Land invasion” refers to displacement of markers or boundary of a plot by a land user to expand his/her land area without permission of a land regulatory authority or legal user of that invaded stretch of land.

2. “*Land appropriation*” refers to one of following cases:

a) Deliberately use land without permission of land regulatory authorities; or

b) Deliberately use land legally owned by other organizations or individuals without permission thereof; or

c) Use land allocated or leased by the Government whose use period has expired without being extended by the Government (except for cases in which households or individuals directly conducting agricultural activities use agricultural land); or

d) Use land on the spot without completing procedures of land allocation or lease as per the law.

3. “*Land destruction*” refers to the deformation or degradation of land or pollution of land which takes away or reduces land use capacity according to defined land use purpose, in which:

a) Land deformation refers to: changes to slope of land surface; lowering of land level due to land being taken to be used for other purpose or lowering of land level relative to adjacent plots; leveling land containing water sources with defined purposes, canals, irrigation channels or leveling to increase level of agricultural land relative to adjacent plots; except cases of improvement of agricultural land to turn into terraced paddy fields and other forms of improvement in conformity with use purpose of allocated or leased land, or in conformity with investment projects approved by competent People’s Committees which allocate or lease the land;

b) Land degradation refers to: loss or reduction of thickness of the soil layer that is being cultivated; changes to the topsoil of agricultural land caused by materials, wastes or soil mixed with gravel, rocks or soil with components different from the type of soil that is being used; erosion or water erosion of agricultural land;

c) Land pollution refers to contamination of soil with toxic substances, microorganism or parasites that harm plants, domestic animals and humans;

d) Loss of land use capacity according to defined use purposes refers to inability to use land with its use purposes which are designated when the land is allocated, leased, permitted to repurpose or recognized by the Government after committing any of the violations specified in Points a, b and c of this Clause;

dd) Reduction of land use capacity according to defined use purposes refers to cases where soil improvement must be invested in order for the land to be used with its use purposes which are designated when the land is allocated, leased, permitted to repurpose or recognized by the Government after any of the violations specified in Points a, b and c of this Clause is committed;

4. *“Trade relating to land use rights”* refers to an agreement between relevant parties to transfer, sale, purchase, gift, grant, lease, sublet, inherit, contribute as capital or mortgage land use rights according to land laws.

#### **Article 4. Prescriptive period of administrative sanctions**

1. Prescriptive period of administrative sanctions relating to land shall be 2 years.

2. The prescriptive period shall be determined from:

a) With respect to concluded administrative violations as specified in Clause 3 of this Article, prescriptive period thereof shall start from the date on which the violations concluded;

b) With respect to ongoing administrative violations as specified in Clause 4 of this Article, prescriptive thereof shall start from the date on which competent individuals discover the violations while on duty;

c) With respect to administrative sanctions to be imposed on organizations and individuals who are transferred by competent individuals making records of administrative sanctions, prescriptive period thereof shall comply with provisions under Clause 1 of this Article, Points a and b of this Clause and decision to impose the administrative sanctions must be made within the prescriptive period.

3. Violations considered to have been concluded and conclusion dates of violations are as follows:

a) Acts of transferring, trading, gifting, leasing land via lump-sum payment, inheriting, contributing as capital or mortgaging land use rights or receiving the transfer, purchasing, receiving as gift, lease land via lump-sum payment, inherit, contribute as capital or mortgage land use rights with respect to land use rights of land that is prohibited from being traded or ineligible to be traded as set forth under trade contracts or documents signed by relevant parties satisfying obligations thereof; conclusion date of trade regarding land use rights is determined to be the date on which obligations of relevant parties specified under signed contracts or documents are satisfied;

b) Acts of trading land use rights in form of dividing lots, selling vacant land in investment projects to build houses for sale or a combination of for sale and for rent which are ineligible as per the law or eligible but yet to be permitted by People's Committees of provinces and central-affiliated cities (hereinafter referred to as "provincial People's Committees") and performed according to transfer agreements or documents signed by relevant parties already satisfying obligations under the transfer agreements or documents; conclusion date of transferring land use rights is determined to be the date on which obligations of relevant parties specified under signed agreements or documents are satisfied;

c) Acts of overseas Vietnamese permitted to own houses in Vietnam receiving the transfer of land use rights of residential land which houses have not yet been built on and is not included in residential development projects or receiving the trade of land use rights of land that is not situated outside of industrial parks, industrial clusters, export-processing zones, hi-tech zones and economic zones; foreign invested enterprises agreeing to transfer investment capital in the form of land use rights of agricultural land, forest land or hiring land for non-agricultural production and business of households and individuals that is situated outside of industrial parks, industrial clusters, export-processing zones, hi-tech zones and economic zones according to transfer agreements or documents signed by relevant parties already satisfying obligations under the transfer agreements or documents; conclusion date of transferring land use rights is determined to be the date on which obligations of relevant parties specified under signed agreements or documents are satisfied;

d) Acts of trading or receiving the trade of land use rights accompanied by trade of partial or entire completed investment projects according to trade contracts or documents regarding land use rights signed by relevant parties already satisfying obligations under the trade contracts or documents despite the fact the land use rights are not permitted to be transferred or ineligible to be transferred; conclusion date of transferring or agreeing to transfer land use rights is determined to be the date on which obligations of relevant parties specified under signed contracts or documents are satisfied;

dd) Acts of buying or trading assets attached to land leased by the State with annual rental payment according to agreements or contracts to sell or buy the assets signed by relevant parties already satisfying obligations under the agreements or contracts without fulfilling conditions set forth under Article 189 of Land Law; conclusion date of selling or purchasing assets is determined to be the date on which obligations of relevant parties specified under signed contracts or documents are satisfied;

e) Acts of destroying land; moving, moving, dislocating or damaging land use markers, administrative division markers; erasing, changing or falsifying papers and documents regarding land use that have concluded before the date on which the violations are discovered. The date of conclusion of the violations specified in this Article refers to the date on which all activities included in the violations are finished;

g) Acts of violating conditions for provision of services regarding land which has been completed according to service agreements or documents signed by relevant parties already satisfying obligations under the agreements or documents; conclusion date of the violations specified in this Point is determined to be the date of signing contract completion records or service provision documents;

h) Acts of providing inaccurate information serving inspection and/or settlement of disputes regarding land; conclusion date of the violations specified in this Point is determined to be the date on which the provision of inaccurate information for organizations and individuals inspecting and/or settling disputes regarding land is completed as per the law;

i) Acts of developers of real estate projects failing to submit applications to proceed with procedures for issuance of Certificates for house and construction buyers or lease purchasers, persons receiving the transfer of land use rights or failing to provide or fully provide paper and documents for house or construction buyers or lease purchasers, persons receiving the transfer of land use rights submitting application for issuance of the Certificates by themselves as specified in Clause 7 Article 26 of Law on Housing and Clause 4 Article 13 of Law on Real Estate Trading; despite rectification made by the project developers after the conclusion date. Conclusion date of the violations specified in this point is determined to the date on which complete applications are submitted or documents and papers are fully provided for the house or construction buyers or lease purchasers, persons receiving the transfer of land use rights to enable them to submit applications for the Certificates by themselves as per the law;

k) In case persons committing administrative violations specified in Points a, b, c, d, dd, e, g, h and i of this Clause fail to prove conclusion date of the violations, the violations are determined to be within prescriptive period for administrative sanctions.

4. Administrative violations regarding land specified in this Decree that are not listed under Clause 3 of this Article are determined to be ongoing violations.

5. During the period specified in Clause 1 of this Article, if organizations and individuals committing administrative violations deliberately evade and/or obstruct sanctions imposed by competent authorities or persons, the prescriptive period for administrative sanctions shall restart from the date on which the sanctions evasion or obstruction is finished.

## **Article 5. Forms of sanctions, recitification measures**

1. Primary forms of sanctions include:

a) Warnings;

b) Fine.

2. Additional forms of sanctions:

- a) Confiscation of erased, changed or falsified documents; fabricated documents used regarding land use;
- b) Revocation of consulting license regarding land from 6 months to 9 months or suspension of consulting services regarding land from 9 months to 12 months.

3. Rectification measures specified in this Decree include:

- a) Oblige to recover land to its conditions prior to the violations, provincial People's Committees based on facts of each division shall specify level of recovery applicable to each violation specified in this Decree;
- b) Oblige to submit the revenue illegally generated by committing violations as specified in this Decree;
- c) Oblige to follow administrative procedures regarding land;
- d) Oblige to return land that is used in a manner that is against regulations and law;
- dd) Oblige to terminate contracts for mortgage on land use rights;
- e) Oblige to return revenue generated from land sale, lease and sublease that are against regulations and law during remaining land use period;
- g) Oblige to satisfy financial obligations relating to land;
- h) Oblige to finish construction investment as per the law;
- i) Oblige to terminate contracts for sale, purchase and lease of assets attached to land that are ineligible as per the law;
- k) Oblige to use land with the correct purposes when land use rights are assigned, leased or recognized by the State;
- l) Oblige to recover land use markers and administrative division markers to their original conditions prior to the violations;
- m) Oblige to provide or provide again information, papers and documents at request of competent agencies and individuals inspecting and/or settling disputes regarding land;
- n) Oblige to fully satisfy conditions as per the law regarding real estate trades with respect to the case specified in Article 24 of this Decree.

o) Oblige to submit the issued Certificates with respect to the case specified in Article 35 of this Decree;

p) Cancel results of administrative procedures regarding land that have been adopted in case of using fabricated documents to follow administrative procedures and other affairs relating to land that are not liable to criminal prosecutions;

q) Dispose assets created illegally as specified in Clause 2 Article 23 of this Decree;

r) Expropriate land according to Land Law with respect to cases requiring land expropriation specified in Articles 15, 18, 19, 22, 26, 29, 30 and 32 of this Decree.

4. Adoption of forms of administrative sanctions and rectification measures in case of trades regarding land use rights is as follows:

a) In case the administrative violations take place before the land use rights are transferred, the parties transferring the land use rights shall be face administrative sanctions and must submit the revenue illegally generated by committing the violations, the transferring parties are obliged to recover the land to its original conditions (in case of violations involving transfer of land use rights, the parties receiving the transfer must return the land to the transferring party) as per the law. The parties receiving the transfer must adopt measures to rectify remaining consequences with respect to each violation as per the law;

b) In case of handing over of land use rights without change registration, impose administrative sanctions on both parties handing over land use rights. In case of sale, inheritance, gift or contributed capital in form of land use rights without change registration, impose administrative sanctions on parties receiving the transfer of land use rights. In case of lease or mortgage on land use rights without change registration, impose administrative sanctions on persons using that land.

Apart from administrative sanctions specified in this Point, the transferring and receiving parties must also adopt measures to rectify consequences on a case-by-case basis specified in this Decree.

## **Article 6. Adoption of fine**

1. Adoption of fine on entities committing administrative violations is as follows:

a) Fine amounts specified in Chapter II of this Decree apply to individuals except those mentioned in Point b of this Clause; fine amounts imposed on organizations shall equal twice the fine amounts imposed on individuals for the same administrative violation;

b) Fine amounts specified in Clause 4 Article 19, Article 20, Article 21, Article 22, Clause 4 Article 26, Article 27, Article 28, Clause 2 Article 30, Article 31 and Article 37 of this Decree apply to organizations.

2. Fine amounts imposed with authorization specified in Articles 38 and 39 of this Decree apply to individuals. Fine amounts imposed on organizations shall equal twice the fine amounts imposed on individuals for the same administrative violation.

**Article 7. Determination of illegal revenue**

Illegal revenue generated by committing administrative violations regarding land shall be determined as follows:

1. In case of using land for other purpose without permission of competent authorities as specified in Articles 9, 10, 11, 12 and 13 of this Decree, amount of illegal revenue generated by committing the violations is determined to be the difference between prices of types of land before and after the violations calculated on the area of repurposed land during the violation period (from the date of repurposing to the date of making records of administrative violations). Land prices before and after the violations shall equal land price listed under land price schedules specified by People’s Committees of provinces multiplies (x) land pricing coefficient at the time of repurposing (applicable to price of land before the violations) and at the time of making records of administrative violations (applicable to price of land after the violations). Revenues generated by repurposing land shall be calculated using formula below:

$$\text{Revenue generated by violations} = \frac{\text{Price of land are after repurposing (G2)} - \text{Price of land area before repurposing (G1)}}{\text{Total land use period according to land price schedules of land type of definite use term after repurposing; in case of long use term, the period shall be 70 years}} \times \text{Years of violation}$$

$$G (1,2) = \text{Area of land of violation} \times \text{Specific land price determined by using land pricing coefficient method}$$

Type of land before the violations shall be determined according to Article 3 of Decree No. 43/2014/ND-CP and has been revised in Clause 1 Article 2 of decree No. 01/2017/ND-CP; type of land after the violations shall be determined according to factual conditions at the time of making records of administrative violations.

2. In case of using land gained by invading or appropriating as specified in Article 14 of this Decree, illegal revenues generated by committing the violations shall be determined by price of the invaded or appropriated area during the violation period (from the date on which the invaded or appropriated land is used to the date of making records of administrative sanctions) calculated based on specific land price according to land pricing coefficient for each land type that is being used after being invaded and appropriated at the time of making records of administrative sanctions using formular below:

$$\text{Revenue} = \underline{\text{Area of land of}} \times \underline{\text{Specific land price determined by}} \times \text{Years of}$$

generated by violations  $\frac{\text{violation using land pricing coefficient method}}{\text{Total land use period according to land price schedules of land type of definite use term being used; in case of long use term, the period shall be 70 years}}$  violation

3. In case of trading or contributing capital in form of land use rights that are considered ineligible in cases specified in Clause 3 Article 18, Clause 3 Article 19, Clause 1 Article 22, Article 25, Clause 3 Article 27 of this Decree, illegal revenues generated by violations shall be determined by price of actual transferred land use rights according to signed contracts, period of transfer but no less than value calculated based on specific land price by using land pricing coefficient at the time of making records of administrative sanctions using formula below:

$$\text{Revenue generated by violations} = \frac{\text{Area of land of violation} \times \text{Land price} \times \text{Years of violation}}{\text{Total land use period according to land price schedules of land type of definite use term that is transferred; in case of long use term, the period shall be 70 years}}$$

4. In case of leasing or subletting land use rights of land that is ineligible in cases specified in Clause 3 Article 18, Clauses 2 and 4 Article 19, Article 20, Clause 2 Article 27 of this Decree, illegal revenues generated by violations shall equal actual lease value or sublet value according to signed contract, calculated during lease or sublet period but no less than land rents according to unit price of land rent for annual payment as per the law at the time of making records of administrative violations multiplies (x) area of leased or sublet land (x) years of leasing or subletting (in which land price shall be specifically determined using land pricing coefficient).

5. In case of trading land use rights in form of diving plots or selling vacant land in investment projects to build houses for sale as specified in Article 21 of this Decree shall equal the difference between land levy submitted project developers to the State when granted the land (with respect to area of land that is divided into plots or sold as vacant land) and price of actual transferred land use rights of the project developers according to signed contracts after excluding infrastructure construction expenses (if any).

6. In case of selling assets attached to land leased by the State for annual rental payment that is ineligible as specified in Article 23 of this Decree, illegal revenues generated by committing violations shall equal depreciation value of assets during the trade period (according to value of assets specified in signed trade agreements). Use period of assets in order to determine depreciation value shall be determined according to regulations and law on types of traded assets.

7. In case of leasing assets attached to land leased by the State for annual rental payment that is ineligible as specified in Article 24 of this Decree, illegal revenues generated by committing violations shall equal value of leased assets according to signed contracts

during lease period (from the date of leasing to the date of making records of administrative violations).

8. In case of income taxes of the revenues generated by transferring land use rights, leasing or subletting land, selling or leasing assets attached to land specified in this Decree have been submitted, illegal revenues shall equal the revenues specified in Clauses 3, 4, 5, 6 and 7 of this Article subtract (-) amount of submitted tax.

9. With respect to year of violations specified in Clauses 1, 2, 3 and 4 of this Article, if additional days or months are present, a day shall equal 0.0028 year.

### **Article 8. Determination of area of land of violations and amount of administrative sanctions**

1. Area of land of violations in cases specified in this Decree shall be determined as follows:

a) In case of violation on the entire plot area, determine according to area specified on documents regarding land use rights as specified in Clauses 1, 2 and 3 Article 11 of Lan Law;

b) In case of violation on the entire area of plots having no documents regarding land use rights except for cadastral maps, use the cadastral maps to determine; in case of no cadastral maps except for other maps have been and are being used for local land management, use such maps to determine;

c) In case of violation on the entire plot area without having documents specified in Points a and b of this Clause or violation on a portion of the plot, individuals conducting inspections are responsible for determining area and boundary of the land of violations; identifying area of the land of violations or requesting surveying bodies (in cases where land covers large area, plot alignment proves complicated that cannot be measured with basic methods) to measure area of the land of violations in order to record in records of administrative violations. In case of disagreement between individuals committing the violations and the surveying bodies appointed by inspecting agencies, the committing individuals may hire other surveying entities to determine area of the land of violation. Expenses for requesting surveying to determine area of land of violation shall be covered by the committing individuals.

2. Determination of specific fine amounts for each case shall depend of fine range specified in this Decree and mitigating and aggravating circumstances specified in Articles 9 and 10 of Law on administrative sanctions.

## **Chapter II**

### **ADMINISTRATIVE VIOLATIONS, FORM AND AMOUNT OF SANCTIONS, AND RECTIFICATION MEASURES**

**Article 9. Use of paddy land for other purposes without permission of regulatory authorities as specified in Points a and d Clause 1 Article 57 of Land Law**

1. Conversion of paddy land to land for perennial plants, land for forests (except for cases specified in Clause 7 Article 14 of Decree No. 43/2014/ND-CP and amendments thereto at Clause 11 Article 2 of Decree 01/2017/ND-CP) shall be sanctioned as follows:

- a) A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed if area of land illegally repurposed is less than 0.5 hectare;
- b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if area of land illegally repurposed is from 0.5 hectare to less than 1 hectare;
- c) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if area of land illegally repurposed is from 1 hectare to less than 3 hectare;
- d) A fine ranging from VND 20,000,000 to VND 50,000,000 shall be imposed if area of land illegally repurposed is 03 hectare or more.

2. Conversion of paddy land to land for aquaculture or salt production shall be sanctioned as follows:

- a) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed if area of land illegally repurposed is less than 0.1 hectare;
- b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if area of land illegally repurposed is from 0.1 hectare to less than 0.5 hectare;
- c) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if area of land illegally repurposed is from 0.5 hectare to less than 1 hectare;
- c) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed if area of land illegally repurposed is from 1 hectare to less than 3 hectare;
- dd) A fine ranging from VND 30,000,000 to VND 70,000,000 shall be imposed if area of land illegally repurposed is 03 hectare or more.

3. Conversion of paddy land to non-agricultural land in rural area shall be sanctioned as follows:

- a) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed if area of land illegally repurposed is less than 0,01 hectare;
- b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if area of land illegally repurposed is from 0,01 hectare to less than 0,02 hectare;

- c) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed if area of land illegally repurposed is from 0.02 hectare to less than 0.05 hectare;
- c) A fine ranging from VND 15,000,000 to VND 30,000,000 shall be imposed if area of land illegally repurposed is from 0.05 hectare to less than 1 hectare;
- dd) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed if area of land illegally repurposed is from 0.1 hectare to less than 0.5 hectare;
- e) A fine ranging from VND 50,000,000 to VND 80,000,000 shall be imposed if area of land illegally repurposed is from 0.5 hectare to less than 01 hectare;
- g) A fine ranging from VND 80,000,000 to VND 120,000,000 shall be imposed if area of land illegally repurposed is from 01 hectare to less than 03 hectare;
- h) A fine ranging from VND 120,000,000 to VND 250,000,000 shall be imposed if area of land illegally repurposed is 03 hectare or more.

4. In case of conversion of paddy land to non-agricultural land in urban areas, amount of sanctions to be imposed shall equal twice (02) the amounts specified in Clause 3 of this Article.

5. Rectification measures:

- a) Enforced restoration of land to its original conditions before the violations with respect to cases specified in Clauses 1, 2, 3 and 4 of this Article, except cases specified in Point b of this Clause;
- b) Enforced land registration as per the law in case of eligible to be recognized for land use rights according to Article 22 of Decree No. 43/2014/ND-CP;
- c) Enforced submission of illegal revenues generated by committing violations in cases specified in Clauses 1, 2, 3 and 4 of this Article, the illegal revenues shall be determined according to Clause 1 Article 7 of this Decree.

**Article 10. Use of land for protection forests, reserve forests or production forest for other purposes without permission of regulatory authorities as specified in Points c and d Clause 1 Article 57 of Land Law**

1. Conversion of land for cultivated reserve forests, cultivated protection forests or cultivated production forests to other purposes mentioned in agricultural land category shall be sanctioned as follows:

- a) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed if area of land illegally repurposed is less than 0,5 hectare;

- b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if area of land illegally repurposed is from 0.5 hectare to less than 1 hectare;
- c) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if area of land illegally repurposed is from 01 hectare to less than 05 hectare;
- d) A fine ranging from VND 20,000,000 to VND 50,000,000 shall be imposed if area of land illegally repurposed is 05 hectare or more.

2. Conversion of land for cultivated reserve forests, cultivated protection forests or cultivated production forests to non-agricultural land shall be sanctioned as follows:

- a) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed if area of land illegally repurposed is less than 0.02 hectare;
- b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if area of land illegally repurposed is from 0.02 hectare to less than 0.05 hectare;
- c) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed if area of land illegally repurposed is from 0.05 hectare to less than 0.1 hectare;
- d) A fine ranging from VND 15,000,000 to VND 30,000,000 shall be imposed if area of land illegally repurposed is from 0.1 hectare to less than 0.5 hectare;
- dd) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed if area of land illegally repurposed is from 0.5 hectare to less than 01 hectare;
- e) A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed if area of land illegally repurposed is from 01 hectare to less than 05 hectare;
- g) A fine ranging from VND 100,000,000 to VND 250,000,000 shall be imposed if area of land illegally repurposed is 05 hectare or more.

3. Conversion of natural reserve forests, natural protection forests or natural production forests to other purposes shall be met with twice the fine corresponding to each case of repurposing specified in Clauses 1 and 2 of this Article.

4. Rectification measures:

- a) Enforced restoration of land to its original conditions before the violations with respect to cases specified in Clauses 1, 2 and 3 of this Article, except cases specified in Point b of this Clause;
- b) Enforced land registration as per the law in case of eligible to be recognized for land use rights according to Article 22 of Decree No. 43/2014/ND-CP;

c) Enforced submission of illegal revenues generated by committing the violations specified in Clauses 1, 2 and 3 of this Article; the illegal revenues shall be determined according to Clause 1 Article 7 of this Decree.

**Article 11. Use of agricultural land other than paddy land, land for protection forests, reserve forests or production forest for other purposes without permission of regulatory authorities as specified in Points b and d Clause 1 Article 57 of Land Law**

1. Conversion of land for other annual crops to land for saltwater aquaculture, salt production or aquaculture in forms of ponds, lakes or lagoons shall be sanctioned as follows:

a) A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed if area of land illegally repurposed is less than 0.5 hectare;

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if area of land illegally repurposed is from 0.5 hectare to less than 1 hectare;

c) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if area of land illegally repurposed is from 1 hectare to less than 3 hectare;

d) A fine ranging from VND 20,000,000 to VND 50,000,000 shall be imposed if area of land illegally repurposed is 03 hectare or more.

2. Conversion of land for other annual crops, perennial plants, aquaculture, salt production or other agriculture to non-agricultural land in rural areas shall be sanctioned as follows:

a) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed if area of land illegally repurposed is less than 0.02 hectare;

b) A fine ranging from VND 5,000,000 to VND 8,000,000 shall be imposed if area of land illegally repurposed is from 0.02 hectare to less than 0.05 hectare;

c) A fine ranging from VND 8,000,000 to VND 15,000,000 shall be imposed if area of land illegally repurposed is from 0.05 hectare to less than 0,1 hectare;

d) A fine ranging from VND 15,000,000 to VND 30,000,000 shall be imposed if area of land illegally repurposed is from 0.1 hectare to less than 0.5 hectare;

dd) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed if area of land illegally repurposed is from 0.5 hectare to less than 01 hectare;

e) A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed if area of land illegally repurposed is from 01 hectare to less than 03 hectare;

g) A fine ranging from VND 100,000,000 to VND 200,000,000 shall be imposed if area of land illegally repurposed is 03 hectare or more.

3. Conversion of land for other annual crops, perennial plants, aquaculture, salt production or other agriculture to non-agricultural land in urban areas shall be sanctioned for twice as much as the amounts specified in Clause 2 of this Article.

4. Rectification measures:

a) Enforced restoration of land to its original conditions before the violations with respect to cases specified in Clauses 1, 2 and 3 of this Article, except cases specified in Point b of this Clause;

b) Enforced land registration as per the law in case of eligible to be recognized for land use rights according to Article 22 of Decree No. 43/2014/ND-CP;

c) Enforced submission of illegal revenues generated by committing the violations specified in Clauses 1, 2 and 3 of this Article; the illegal revenues shall be determined according to Clause 1 Article 7 of this Decree.

**Article 12. Use of non-agricultural lands without permission of regulatory authorities as specified in Points dd, e and g Clause 1 Article 57 of Land Law**

1. Conversion of non-agricultural land other than residential land allocated and collected by the State for land lease or leased for lump-sum payment to residential land in rural areas shall be sanctioned as follows:

a) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed if area of land of violation is less than 0.05 hectare;

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if area of land of violation is from 0.05 hectare to less than 0.1 hectare;

c) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if area of land of violation is from 0.1 hectare to less than 0.5 hectare;

d) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed if area of land of violation is from 0.5 hectare to less than 01 hectare;

dd) A fine ranging from VND 40,000,000 to VND 80,000,000 shall be imposed if area of land of violation is from 01 hectare to less than 03 hectare;

e) A fine ranging from VND 80,000,000 to VND 160,000,000 shall be imposed if area of land of violation is 03 hectare or more.

2. Conversion of non-agricultural land other than residential land allocated without being collected by the State for land levy or leased by the State for annual payment to residential land; conversion of non-agricultural land other than residential land allocated without being collected by the State for land levy to agricultural land which will be allocated with levy or leased by the State in rural areas shall be sanctioned as follows:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if area of land of violation is less than 0.1 hectare;

b) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed if area of land of violation is from 0.1 hectare to less than 0.5 hectare;

c) A fine ranging from VND 40,000,000 to VND 80,000,000 shall be imposed if area of land of violation is from 0.5 hectare to less than 01 hectare;

d) A fine ranging from VND 80,000,000 to VND 160,000,000 shall be imposed if area of land of violation is from 01 hectare to less than 03 hectare;

dd) A fine ranging from VND 160,000,000 to VND 300,000,000 shall be imposed if area of land of violation is 03 hectare or more.

3. Conversion of land for construction of non-business facilities, public purposes including business and non-agricultural production and business other than for commercial and services to land for commercial and services; conversion of land for commercial and services, land for construction of non-business facilities to land for construction of non-agricultural production facilities in rural areas shall be sanctioned as follows:

a) A fine ranging from VND 7,000,000 to VND 15,000,000 shall be imposed if area of land of violation is less than 0.1 hectare;

b) A fine ranging from VND 15,000,000 to VND 30,000,000 shall be imposed if area of land of violation is from 0.1 hectare to less than 0.5 hectare;

c) A fine ranging from VND 30,000,000 to VND 60,000,000 shall be imposed if area of land of violation is from 0.5 hectare to less than 01 hectare;

d) A fine ranging from VND 60,000,000 to VND 120,000,000 shall be imposed if area of land of violation is from 01 hectare to less than 03 hectare;

dd) A fine ranging from VND 120,000,000 to VND 250,000,000 shall be imposed if area of land of violation is 03 hectare or more.

4. In case of using non-agricultural lands for other purposes without permission regulatory authorities in urban areas, sanctions amounts shall equal twice the sanctions amounts imposed on each land type respectively specified in Clauses 1, 2 and 3 of this

Article and an individual may be sanctioned for up to VND 500,000,000 while an organization may be sanctioned for up to VND 1,000,000,000.

5. Rectification measures:

a) Enforced restoration of land to its original conditions before the violations with respect to cases specified in Clauses 1, 2, 3 and 4 of this Article, except cases specified in Point b of this Clause;

b) Enforced land registration as per the law in case of eligible to be recognized for land use rights according to Article 22 of Decree No. 43/2014/ND-CP;

c) Enforced submission of illegal revenues generated by committing the violations specified in Clauses 1, 2, 3 and 4 of this Article; the illegal revenues shall be determined according to Clause 1 Article 7 of this Decree.

**Article 13. Conversion of crops mechanism on paddy land against regulations and law; unregistered use of land for other purposes requiring registration as per the law**

1. Eligible conversion of crops mechanism on paddy land according to Clause 1 Article 4 of Decree No. 35/2015/ND-CP (and amendments thereto at Clause 1 Article 1 of Decree No. 62/2019/ND-CP) without registering with Commune-level People's Committees shall be sanctioned as follows:

a) A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed if area of land of crop conversion is less than 0.5 hectare;

b) A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed if area of land of crop conversion is from 0.5 hectare to less than 01 hectare;

c) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if area of land of crop conversion is less than 01 hectare;

2. Conversion of crops mechanism on paddy land violating conditions under Clause 1 Article 4 of Decree No. 35/2015/ND-CP (and amendments thereto at Clause 1 Article 1 of Decree No. 62/2019/ND-CP) shall be sanctioned as follows:

a) A fine ranging from VND 2,000,000 to VND 4,000,000 shall be imposed if area of land of crop conversion is less than 0.5 hectare;

b) A fine ranging from VND 4,000,000 to VND 8,000,000 shall be imposed if area of land of crop conversion is from 0.5 hectare to less than 01 hectare;

c) A fine ranging from VND 8,000,000 to VND 15,000,000 shall be imposed if area of land of crop conversion is less than 01 hectare;

3. Unregistered repurposing of land among land types in agricultural lands requiring registration as per the law shall be sanctioned as follows:

- a) A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed if area of land illegally repurposed is less than 0.5 hectare;
- b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if area of land illegally repurposed is from 0.5 hectare to less than 01 hectare;
- c) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if area of land illegally repurposed is from 01 hectare to less than 03 hectare;
- d) A fine ranging from VND 20,000,000 to VND 50,000,000 shall be imposed if area of land illegally repurposed is 03 hectare or more.

4. Unregistered repurposing of land among land types in non-agricultural lands requiring registration as per the law shall be sanctioned as follows:

- a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if area of land illegally repurposed is less than 0.5 hectare;
- b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if area of land illegally repurposed is from 0.5 hectare to less than 01 hectare;
- c) A fine ranging from VND 20,000,000 to VND 50,000,000 shall be imposed if area of land illegally repurposed is from 01 hectare to less than 03 hectare;
- d) A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed if area of land illegally repurposed is 03 hectare or more.

5. Rectification measures:

- a) Enforced restoration of land to its original conditions before the violations, except cases specified in Points b, c and d of this Clause;
- b) Enforced registration for crops conversion with Commune-level People's Committees with respect to cases specified in Clause 1 of this Article;
- c) Enforced adoption of procedures to convert land use purposes as per the law for land plots granted the Certificate in cases specified in Clauses 3 and 4 of this Article;
- d) Enforced adoption of procedures to register land as per the law for land plots that have not been granted the Certificate in cases specified in Clauses 3 and 4 of this Article;

dd) Enforced submission of illegal revenues generated by committing the violations specified in Clauses 3 and 4 of this Article; the illegal revenues shall be determined according to Clause 1 Article 7 of this Decree.

#### **Article 14. Land invasion and appropriation**

1. Invasion or appropriation of unused land in rural areas shall be sanctioned as follows:

a) A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed if invaded or appropriated land area is less than 0.05 hectare;

b) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed if invaded or appropriated land area is from 0.05 hectare to less than 0.1 hectare;

c) A fine ranging from VND 5,000,000 to VND 15,000,000 shall be imposed if invaded or appropriated land area is from 0.1 hectare to less than 0.5 hectare;

d) A fine ranging from VND 15,000,000 to VND 30,000,000 shall be imposed if invaded or appropriated land area is from 0.5 hectare to less than 01 hectare;

dd) A fine ranging from VND 30,000,000 to VND 70,000,000 shall be imposed if invaded or appropriated land area is 01 hectare or more;

2. Invasion or appropriation of agricultural land other than paddy land, land for reserve forests, protection forests or production forests in rural areas shall be sanctioned as follows:

a) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed if invaded or appropriated land area is less than 0.05 hectare;

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if invaded or appropriated land area is from 0.05 hectare to less than 0.1 hectare;

c) A fine ranging from VND 10,000,000 to VND 30,000,000 shall be imposed if invaded or appropriated land area is from 0.1 hectare to less than 0.5 hectare;

d) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed if invaded or appropriated land area is from 0.5 hectare to less than 01 hectare;

dd) A fine ranging from VND 50,000,000 to VND 120,000,000 shall be imposed if invaded or appropriated land area is 01 hectare or more;

3. Invasion or appropriation of agricultural land that is paddy land, land for reserve forests, protection forests or production forests in rural areas shall be sanctioned as follows:

a) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed if invaded or appropriated land area is less than 0.02 hectare;

b) A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed if invaded or appropriated land area is from 0.02 hectare to less than 0.05 hectare;

c) A fine ranging from VND 7,000,000 to VND 15,000,000 shall be imposed if invaded or appropriated land area is from 0.05 hectare to less than 0.1 hectare;

d) A fine ranging from VND 15,000,000 to VND 40,000,000 shall be imposed if invaded or appropriated land area is from 0.1 hectare to less than 0.5 hectare;

dd) A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed if invaded or appropriated land area is from 0.5 hectare to less than 01 hectare;

e) A fine ranging from VND 60,000,000 to VND 150,000,000 shall be imposed if invaded or appropriated land area is 01 hectare or more;

4. Invasion or appropriation of non-agricultural land, except cases specified in Clause 6 of this Article in rural areas shall be sanctioned as follows:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if invaded or appropriated land area is less than 0.05 hectare;

b) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed if invaded or appropriated land area is from 0.05 hectare to less than 0.1 hectare;

c) A fine ranging from VND 40,000,000 to VND 100,000,000 shall be imposed if invaded or appropriated land area is from 0.1 hectare to less than 0.5 hectare;

d) A fine ranging from VND 100,000,000 to VND 200,000,000 shall be imposed if invaded or appropriated land area is from 0.5 hectare to less than 01 hectare;

dd) A fine ranging from VND 200,000,000 to VND 500,000,000 shall be imposed if invaded or appropriated land area is 01 hectare or more.

5. Invasion or appropriation of unused land, agricultural land, non-agricultural land (except for cases specified in Clause 6 of this Article) in urban areas shall be met with twice the fine amounts imposed on corresponding land types specified in Clauses 1, 2, 3 and 4 of this Article and an individual shall face a fine up to VND 500,000,000 and up to VND 1,000,000,000 for organization.

6. Invasion and appropriation of land belonging to construction security perimeter, land for construction surrounded by security perimeter, and land for base offices and business operation offices of agencies and organizations according to regulations and law on management and use of state assets shall be sanctioned in accordance with regulations

and law on administrative sanctions regarding construction investment; extraction, process and trade of minerals as construction materials, business operation regarding construction materials; management of technical infrastructural constructions; real estate trade, housing development, house and office management and use; road and railway traffic; culture, sports, tourism, and advertising; extraction and protection of hydropower structures; flood control systems; storm prevention and counter; management and use of state assets and other specialized fields.

7. Rectification measures:

- a) Enforced restoration of land to its original conditions before the violations with respect to cases specified in Clauses 1, 2, 3, 4 and 5 of this Article and enforced return of invaded and appropriated land; except cases specified in Points b and c of this Clause;
- b) Enforced land registration as per the law in case of eligible to be recognized for land use rights according to Article 22 of Decree No. 43/2014/ND-CP;
- c) Enforced continued adoption of procedures to allocate and lease land as per the law in case of using land before completing procedures to allocate and lease land;
- d) Enforced submission of illegal revenues generated by committing the violations specified in Clauses 1, 2, 3, 4 and 5 of this Article; the illegal revenues shall be determined according to Clause 2 Article 7 of this Decree.

**Article 15. Land destruction**

1. Deformation or degradation of soil shall be sanctioned as follows:

- a) A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed if destroyed land area is less than 0.05 hectare;
- b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if destroyed land area is from 0.05 hectare to less than 0.1 hectare;
- c) A fine ranging from VND 10,000,000 to VND 30,000,000 shall be imposed if destroyed land area is from 0,1 hectare to less than 0.5 hectare;
- d) A fine ranging from VND 30,000,000 to VND 60,000,000 shall be imposed if destroyed land area is from 0,5 hectare to less than 01 hectare;
- dd) A fine ranging from VND 60,000,000 to VND 150,000,000 shall be imposed if destroyed land area is 01 hectare or more.

2. Pollution of the land shall be sanctioned in accordance with regulations and law on environmental protection.

3. Rectification measures to be adopted for violations specified in Clause 1 of this Article:

Enforced restoration of land to its original conditions before the violations. In case of failure to comply by persons committing the violations, the State shall revoke their land use rights as specified in Point b Clause 1 Article 64 of Land Law.

#### **Article 16. Obstruction or damage to land use of other individuals**

1. Placement of construction materials or other objects on land plots of other individuals or on self's land plots causing obstruction or damage to the use of land of other individuals shall be met with a fine ranging from VND 1,000,000 to VND 3,000,000.

2. Placement of wastes or toxic substances on land plots of other individuals or self's land plots causing obstruction or damage to the use of land of other individuals shall be met with a fine ranging from VND 3,000,000 to VND 5,000,000.

3. Digging, constructing walls or erecting fences causing obstruction or damage to the use of land of other individuals shall be met with a fine ranging from VND 5,000,000 to VND 10,000,000.

4. Rectification measures:

Enforced restoration of land to its original conditions before the violations with respect to cases specified in Clauses 1, 2 and 3 of this Article.

#### **Article 17. Failure to conduct land registration**

1. Failing to conduct first-time land registration as specified in Point b Clause 3 Article 95 of Land Law in rural areas shall be sanctioned as follows:

a) Sanctioned in forms of warnings or a fine ranging from VND 500,000 to VND 1,000,000 in case of failing to conduct first-time land registration within 24 months from the effective date hereof;

b) Sanctioned in form of a fine ranging from VND 1,000,000 to VND 2,000,000 in case of failing to conduct first-time land registration after 24 months from the effective date hereof.

2. Failing to conduct land change registration as specified in Points a, b, h, i, k and l Clause 4 Article 95 of Land Law in rural areas shall be sanctioned as follows:

a) A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed if land change registration is not conducted within 24 months from the deadline specified in Clause 6 Article 95 of Land Law;

b) A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed if land change registration is not conducted after 24 months from the deadline specified in Clause 6 Article 95 of Land Law.

3. Failing to conduct first-time land registration or land change registration in urban areas shall be met with twice the fine amounts of each case specified in Clauses 1 and 2 of this Article.

4. Rectification measures:

Request persons using land in cases of failing to conduct first-time land registration or land change registration to follow procedures of land registration as per the law.

**Article 18. Transfer, lease and mortgage of land use rights without satisfaction with Clause 1 Article 188 of Land Law**

1. Transfer of land use rights of agricultural land of a household or individual to another household or individual shall be sanctioned as follows:

a) A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed in case of transfer of land use rights of agricultural land between households and individuals without satisfying any of conditions set forth under Clause 1 Article 188 and Article 190 of Land Law;

b) A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed in case of failure to satisfy 2 or more conditions set forth under Clause 1 Article 188 and Article 190 of Land Law.

2. Mortgage in form of land use rights without satisfying following conditions shall be sanctioned as follows:

a) A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed in case of failure to satisfy any of conditions set forth under Clause 1 Article 188 of Land Law;

b) A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed in case of failure to satisfy 2 or more conditions set forth under Clause 1 Article 188 of Land Law.

3. Trading, gifting, leasing, contributing as capital or subletting land use rights without satisfying following conditions shall be sanctioned as follows:

a) A fine ranging from VND 3,000,000 to VND 5,000,000 for rural areas and from VND 5,000,000 to 10,000,000 for urban areas shall be imposed in case of failure to satisfy any of conditions set forth under Clause 1 Article 188 of Land Law;

b) A fine ranging from VND 5,000,000 to VND 10,000,000 for rural areas and from VND 10,000,000 to 20,000,000 for urban areas shall be imposed in case of failure to satisfy 2 or more conditions set forth under Clause 1 Article 188 of Land Law.

4. Rectification measures:

a) Enforce parties receiving the transfer of land use rights or leasing land to return land to land owners prior to the land transfer or lease; except cases specified in Point b and c of this Clause;

b) Enforce parties receiving the transfer of land use rights to adopt land registration procedures as per the law in case of receiving land use rights without Certificate but eligible for one as specified in Clause 1 Article 82 of Decree No. 43/2014/ND-CP and amendments thereto under Clause 54, Article 2 of Decree No. 01/2017/ND-CP;

c) Enforce parties receiving the transfer of land use rights to adopt land registration procedures as per the law in case parties transferring land use rights are organizations that have dissolved or gone bankrupt, or individuals moving to other locations confirmed by Commune-level People's Committee where the land is located at the time of discovering the violations whose address cannot be identified, deceased individuals or presumed death by the court without legal heirs;

d) Enforced return of money generated from the sale, lease and sublet of land collected during remaining use period;

dd) Enforce parties trading, leasing, contributing as capital, subletting land use rights to submit illegal revenues generated from transferring land use rights and leasing land without satisfying conditions during violation period; the illegal revenue shall be determined according to Clause 3 and 4 Article 7 of this Decree;

e) Revoke land in case of expired transfer of land use rights or lease of land allocated, lease and recognized by government for land use rights that are not extended as specified in Point d Clause 1 Article 65 of Land Law;

g) Enforced termination of contracts for mortgage in form of land use rights with respect to cases specified in Clause 2 of this Article.

**Article 19. Transfer, lease, sublet and mortgage of land prohibited from being transferred, leased and mortgaged according to Land Law**

1. Transfer and mortgage of land allocated or recognized for land use rights by government in form of land allocation without collection of land levy (except for agricultural land of households and individuals), land leased by government for annual rent, land leased or recognized for land use rights by government in form of land allocation with land levy or land leased with lump-sum payment without completing

financial obligations or making payment originating from state budget shall be sanctioned as follows:

- a) A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed if area of land of violation is less than 0.05 hectare;
- b) A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed if area of land of violation is from 0.05 hectare to less than 0.1 hectare;
- c) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if area of land of violation is from 0.1 hectare to less than 0.5 hectare;
- d) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if area of land of violation is from 0.5 hectare to less than 01 hectare;
- dd) A fine ranging from VND 20,000,000 to VND 50,000,000 shall be imposed if area of land of violation is 01 hectare or more.

2. Lease and sublet of land use rights of land allocated by government without collection of land levy or recognized for land use rights by government in form of land allocation without collection of land levy (except for agricultural land of households and individuals), land leased by government for annual rent, land leased or recognized for land use rights by government in form of land allocation with land levy or land leased with lump-sum payment without completing financial obligations or making payment originating from state budget and gift of land use rights to wrong entities in rural areas shall be sanctioned as follows:

- a) A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed if area of land of violation is less than 0.05 hectare;
- b) A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed if area of land of violation is from 0.05 hectare to less than 0.1 hectare;
- c) A fine ranging from VND 7,000,000 to VND 15,000,000 shall be imposed if area of land of violation is from 0.1 hectare to less than 0.5 hectare;
- d) A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed if area of land of violation is from 0.5 hectare to less than 01 hectare;
- dd) A fine ranging from VND 20,000,000 to VND 50,000,000 shall be imposed if area of land of violation is 01 hectare or more.

3. Contribution for capital, sale and gift in form of land use rights of land allocated by government without collection of land levy or recognized for land use rights by government in form of land allocation without collection of land levy (except for agricultural land of households and individuals), land leased by government for annual

rent, land leased or recognized for land use rights by government in form of land allocation with land levy or land leased with lump-sum payment without completing financial obligations or making payment originating from state budget and gift of land use rights to wrong entities in rural areas shall be sanctioned as follows:

- a) A fine ranging from VND 3,000,000 to VND 7,000,000 shall be imposed if area of land of violation is less than 0.05 hectare;
- b) A fine ranging from VND 7,000,000 to VND 10,000,000 shall be imposed if area of land of violation is from 0.05 hectare to less than 0.1 hectare;
- c) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if area of land of violation is from 0.1 hectare to less than 0.5 hectare;
- d) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed if area of land of violation is from 0.5 hectare to less than 01 hectare;
- dd) A fine ranging from VND 30,000,000 to VND 100,000,000 shall be imposed if area of land of violation is 01 hectare or more.

4. Public service providers leased land by the government with lump-sum payment for the whole lease period and the payment does not originate from state budget trading in, subletting land, gifting, contributing as capital or mortgaging land use rights without written consensus of regulatory authorities in rural areas shall be sanctioned as follows:

- a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if area of land of violation is less than 0.1 hectare;
- b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if area of land of violation is from 0.1 hectare to less than 0.5 hectare;
- c) A fine ranging from VND 20,000,000 to VND 50,000,000 shall be imposed if area of land of violation is from 0.5 hectare to less than 01 hectare;
- d) A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed if area of land of violation is 01 hectare or more.

5. Trade, gift, contribution as capital of land use rights, lease and sublet of land not specified as permissible for transfer, lease and sublet according to land laws in urban areas shall be met with twice the fine amount specified in Clauses 2, 3 and 4 of this Article respectively for each case.

6. Rectification measures:

- a) Enforce parties receiving the transfer of land use rights or leasing land specified in Clauses 1, 2, 3, 4 and 5 of this Article to return land to land owners prior to the land

transfer or lease. In case of trading or gifting land use rights, the government shall revoke the land as specified in Point d Clause 1 Article 64 of Land Law;

b) Enforce parties trading, contributing as capital or leasing land use rights to submit illegal revenues generated from handing over, leasing and subletting land use rights during violation period; the illegal revenue shall be determined according to Clause 3 and 4 Article 7 of this Decree;

c) Enforced return of money generated from the trading, leasing and subletting of land (in case of land lease for lump-sum payment during lease period) for remaining land use period according to civil laws;

d) Enforced termination of contracts for mortgage in form of land use rights with respect to cases specified in Clause 1 of this Article.

**Article 20. Land users leased land by the government for annual land rents to invest in infrastructural construction of industrial park, industrial clusters, export-processing zones and to sublet the land already subletting the land in form of lump-sum land rent payment from effective date of Land Law 2013**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if area of land of violation is less than 0.5 hectare.

2. A fine ranging from VND 20,000,000 to VND 50,000,000 shall be imposed if area of land of violation from 0.5 hectare to less than 1 hectare.

3. A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed if area of land of violation from 1 hectare to less than 5 hectare.

4. A fine ranging from VND 100,000,000 to VND 200,000,000 shall be imposed if area of land of violation is 5 hectare or more.

5. Rectification measures:

a) Enforce individuals using land for infrastructural construction of industrial parks, industrial clusters or export-processing zones to sign other contracts for land lease with the government in form of land lease with lump-sum payment for the area of land of violation in remaining period; the land rents to be paid once shall comply with land laws;

b) Enforce individuals using land for infrastructural construction of industrial parks, industrial clusters or export-processing zones to submit illegal revenues generated by leasing land for lump-sum payment during violation period; the illegal revenues shall be determined according to Clause 4 Article 7 of this Decree.

**Article 21. Trade of land use rights in forms of dividing into parcels and selling vacant land in investment projects for house construction**

1. Trading of land use rights in form of dividing into parcels and selling vacant land in projects for construction investment of houses for sale or a combination of for sale and for rent without satisfying any of conditions specified in Clause 1 Article 41 of Decree No. 43/2014/ND-CP or satisfying all conditions specified in Clause 1 Article 41 of Decree No. 43/2014/ND-CP without permission of provincial People's Committees as specified in Point a Clause 1 Article 194 of Land Law shall be sanctioned as follows:

a) A fine ranging from VND 20,000,000 to VND 50,000,000 shall be imposed if area of land traded is less than 0.5 hectare;

b) A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed if area of land traded is from 0.5 hectare to less than 01 hectare;

c) A fine ranging from VND 100,000,000 to VND 200,000,000 shall be imposed if area of land traded is from 01 hectare to less than 03 hectare;

d) A fine ranging from VND 200,000,000 to VND 500,000,000 shall be imposed if area of land traded is 03 hectare or more.

2. Trade of land use rights in form of dividing into parcels and selling vacant land in projects for construction investment of houses for sale or a combination of for sale and for rent without satisfying 2 or more conditions specified in Clause 1 Article 41 of Decree No. 43/2014/ND-CP shall be sanctioned as follows:

a) A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed if area of land traded is less than 0.5 hectare;

b) A fine ranging from VND 100,000,000 to VND 200,000,000 shall be imposed if area of land traded is from 0.5 hectare to less than 01 hectare;

c) A fine ranging from VND 200,000,000 to VND 500,000,000 shall be imposed if area of land traded is from 01 hectare to less than 03 hectare;

d) A fine ranging from VND 500,000,000 to VND 1,000,000,000 shall be imposed if area of land traded is 03 hectare or more.

3. Trade of land use rights in form of dividing into parcels and selling vacant land without setting up projects for construction investment of houses for sale or a combination of for sale and for rent shall be sanctioned in accordance to Decree No. 139/2017/ND-CP dated November 27, 2017 of Government on administrative sanctions in investment and construction; extraction, processing and trading of minerals used in construction, production and trading of building materials; management of infrastructural constructions; real estate business, housing development, management and operation of apartment buildings and office buildings.

4. Rectification measures:

- a) Enforced adoption of procedures to request provincial People's Committees to permit division into parcels and sale of vacant land in case of no permission of provincial People's Committees as specified in Clause 1 Article 194 of Land Law;
- b) Enforce project developers to complete infrastructural constructions according to the approved 1/500 detailed planning map; satisfy financial obligations relating to land in case of unsatisfactory to conditions specified in Points b and c Clause 1 Article 41 of Decree No. 43/2014/ND-CP;
- c) Enforce project developers to take responsibility in completing house construction in accordance with the approved design in case of unsatisfactory to conditions specified in Point d Clause 1 Article 41 of Decree No. 43/2014/ND-CP;
- d) Enforced project developers to submit illegal revenues generated by committing the violations; the illegal revenues shall be determined according to Clause 5 Article 7 of this Decree.

**Article 22. Trade of land use rights accompanied by trade of partial or total completed investment projects without satisfactory to conditions according to Article 42 and Article 42a of Decree No. 43/2014/ND-CP and amendments thereto under Clause 26 Article 2 of Decree No. 01/2017/ND-CP**

1. Trading of land use rights accompanied by trading of partial or total completed investment projects without the Certificate, on land with conflict, land that is being distrained to ensure judgment enforcement, land that is expired without being extended by regulatory authorities or failure to complete financial obligations relating to land with respect to the area of traded land shall be sanctioned as follows:

- a) A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed if area of land traded is less than 01 hectare;
- b) A fine ranging from VND 100,000,000 to VND 200,000,000 shall be imposed if area of land traded is from 01 hectare to less than 03 hectare;
- c) A fine ranging from VND 200,000,000 to VND 500,000,000 shall be imposed if area of land traded is from 03 hectare to less than 05 hectare;
- d) A fine ranging from VND 500,000,000 to VND 1,000,000,000 shall be imposed if area of land traded is 05 hectare or more.

2. A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed on persons receiving the trade of land use rights accompanied by partial or total trade of completed investment projects if they do not operate within the business lines appropriate to intended use of the land or aim of the investment projects, make deposit margin according to investment laws, have financial capacity as specified in Clause 2 Article 14 of Decree No. 43/2014/ND-CP, nor violate any regulations and law on land in case of

using land and land tax allocated by the government for implementation of other investment projects.

3. Trade of land use rights accompanied by trade of partial or total investment projects whose technical infrastructural constructions have not been completed according to progress specified in the approved projects (with respect to investment projects for housing and investment projects to construct infrastructural structures for trade or rent) shall be sanctioned according to Decree No. 139/2017/ND-CP.

4. Rectification measures:

a) Enforced submission of illegal revenues generated by committing the violations specified in Clause 1 of this Article during the violation period; the illegal revenues shall be determined according to Clause 3 Article 7 of this Decree;

b) Enforce parties receiving the trade to return the area of land they have received due to the violations specified in Clauses 1 and 2 of this Article, except for cases in Point c of this Clause. The refund of trade payments between parties shall comply with civil regulations and law.

c) Revoke land according to Point d Clause 1 Article 65 of Land Law if the land subject to the transfer specified in Clause 1 of this Article is expired without being extended prior to being received.

**Article 23. Sale and purchase of assets attached to land leased by government for annual rent without satisfying conditions specified in Article 189 of Land Law**

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed on persons buying assets attached to land leased by the government for annual rent payment who do not operate in business lines appropriate to investment projects, do not have financial capacity to implement investment project or violate regulations and law on land in case of allocated or leased the land by the government for implementation of previous project.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if assets attached to land leased by the government for annual rent are sold when such assets are illegally established or incomplete in terms of construction according to approved and accepted detailed construction planning and investment projects.

3. Rectification measures:

a) Enforced completion of construction in case constructions are traded without being completed according to approved and accepted detailed construction planning and investment projects as specified in Clause 2 of this Article;

b) Forced termination of sale contracts for assets attached to land with respect to cases specified in Clause 1 of this Article and cases in which sold or purchased assets are

illegally established as specified in Clause 2 of this Article; settlement of rights of parties relating to the termination of sale contracts for assets shall comply with civil regulations and law;

c) Enforced parties selling the assets to submit illegal revenues generated by committing the violations specified in Clauses 1 and 2 of this Article; the illegal revenues shall be determined according to Clause 6 Article 7 of this Decree;

d) Dispose assets illegally established attached to leased land with respect to cases specified in Clause 2 of this Article according to regulations and law on constructions.

**Article 24. Lease of assets attached to land leased by government for annual rent without satisfying conditions specified in Article 38a of Decree No. 43/2014/ND-CP and amendments thereto in Clause 24 Article 2 of Decree No. 01/2017/ND-CP**

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed in case of failure to satisfy one of the conditions according to regulations and law on real estate trading.

2. A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed in case of failure to satisfy 2 or more conditions according to regulations and law on real estate trading.

3. Rectification measures:

a) Enforced complete satisfaction of conditions according to regulations and law on real estate trading;

b) Enforced termination of contract for lease of assets attached to land in case of failure to fully satisfy the condition according to regulations and law on real estate trading;

c) Enforced submission of illegal revenues generated by committing the violations specified in Clauses 1 and 2 of this Article; the illegal revenues shall be determined according to Clause 7 Article 7 of this Decree.

**Article 25. Trade and gift of land use rights under certain conditions of households and individuals without satisfying conditions specified in Article 192 of Land Law**

1. Warnings or a fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed on:

a) Households and individuals who live in the strictly protected zones or ecological rehabilitation zones in special-use forests and cannot move out of these areas trading or gifting land use rights of residential land or forest land in combination with agricultural, forestry and aquaculture production purposes to households and individuals living outside of these areas;

b) Households and individuals that are allocated residential land or agricultural land in protection forests by the State trading or gifting land use rights of residential or agricultural land to households and individuals not living in these areas;

c) Households and individuals of ethnic minorities using allocated land under the support policies of the State trading or gifting land use rights 10 years earlier from the date of issuance of the decisions on land allocation or after 10 years from the date of issuance of the decisions on land allocation without confirmation of Commune-level People's Committees in terms of no longer having the need to use due to relocation out of communes to live other places, shift in professions or inability to work.

2. Rectification measures:

Enforced submission of illegal revenues generated by committing the violations specified in Clause 1 of this Article; the illegal revenues shall be determined according to Clause 3 Article 7 of this Decree;

**Article 26. Receipt of trade and gift of land use rights under certain conditions of households and individuals without satisfying conditions specified in Articles 191 and 192 of Land Law**

1. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed on households and individuals receiving trade or gifts in form of land use rights of residential or agricultural land in protection forests, strictly protected zones or ecological rehabilitation zones in reserve forests without living in the protection forests or reserve forests.

2. A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed on households and individuals receiving trade or gifts in form of land use rights of paddy land without directly participate in agricultural activities.

3. A fine ranging from VND 3,000,000 to VND 6,000,000 shall be imposed on households and individuals receiving trade or gifts in form of land use rights of land allocated by the government to households and individuals of ethnic minorities under support policies within 10 years from the date of issue of decision on land allocation.

4. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed on organizations receiving trade in form of land use rights of paddy lands, land for protection forests or land for reserve forests of households and individuals; except cases of repurposing land according to planning or land use schemes approved by regulatory authorities.

5. Rectification measures:

a) Enforce return of the area of land subject to the trade caused by the violations specified in Clauses 1, 2, 3 and 4 of this Article; except for cases in Point b of this Clause;

b) In case parties transferring land use rights in cases specified in Clause 1 of this Article no longer live in the protection forests or reserve forests, the government shall revoke the land as per the law.

**Article 27. Trade and trade receipt with respect to religious establishments against regulations of Land Law**

1. Transfer and mortgage in form of land use rights shall be sanctioned as follows:

a) A fine ranging from VND 3,000,000 to VND 10,000,000 shall be imposed if area of land of violation is less than 0.1 hectare;

b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if area of land of violation is from 0.1 hectare to less than 0.5 hectare;

c) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed if area of land of violation is from 0.5 hectare to less than 01 hectare;

d) A fine ranging from VND 40,000,000 to VND 100,000,000 shall be imposed if area of land of violation is 01 hectare or more.

2. Lease of land use rights shall be sanctioned as follows:

a) A fine ranging from VND 5,000,000 to VND 15,000,000 shall be imposed if area of land of violation is less than 0.1 hectare;

b) A fine ranging from VND 15,000,000 to VND 30,000,000 shall be imposed if area of land of violation is from 0.1 hectare to less than 0.5 hectare;

c) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed if area of land of violation is from 0.5 hectare to less than 01 hectare;

d) A fine ranging from VND 50,000,000 to VND 120,000,000 shall be imposed if area of land of violation is 01 hectare or more.

3. Trading, gifting, leasing, contributing as capital or subletting land use rights shall be sanctioned as follows:

a) A fine ranging from VND 10,000,000 to VND 25,000,000 shall be imposed if area of land of violation is less than 0.1 hectare;

b) A fine ranging from VND 25,000,000 to VND 50,000,000 shall be imposed if area of land of violation is from 0.1 hectare to less than 0.5 hectare;

c) A fine ranging from VND 50,000,000 to VND 80,000,000 shall be imposed if area of land of violation is from 0.5 hectare to less than 01 hectare;

d) A fine ranging from VND 80,000,000 to VND 200,000,000 shall be imposed if area of land of violation is 01 hectare or more.

4. Renting of land shall be met with 70% of the fine amounts specified in Clause 2 of this Article. Receiving the trade or gift in form of land use rights shall be met with 70% of the fine amounts specified in Clause 3 of this Article.

5. Rectification measures:

a) Enforce parties receiving transfer of land use rights or renting land specified in Clauses 1, 2, 3 and 4 of this Article to return land to transferring parties or leasing parties;

b) Enforce parties making the trade, parties leasing the land to submit the illegal revenues generated by transferring land use rights or leasing the land as specified in Clauses 2 and 3 of this Article; the illegal revenues shall be determined according to Clauses 3 and 4 Article 7 of this Decree;

c) Enforced return of collected money generated from the trade or lease (in case of single collection for the whole lease period) for remaining land use period according to civil laws;

d) Enforced termination of contracts for mortgage in form of land use rights with respect to cases specified in Clause 1 of this Article.

**Article 28. Receipt of trade, capital contribution and lease of land use rights of agricultural land for implementation of investment projects for non-agricultural business operation without satisfying conditions specified in Article 193 of Land Law**

1. Receiving trade, capital contribution or lease of land use rights of agricultural land for implementation of investment projects for non-agricultural business operation without written agreement of regulatory authorities or when use purpose of area of land to be transferred, contributed as capital or rented for land use rights according to the projects is not suitable with planning and land use schemes approved by regulatory authorities shall be sanctioned as follows:

a) A fine ranging from VND 5,000,000 to VND 15,000,000 shall be imposed if area of land of violation is less than 0.1 hectare;

b) A fine ranging from VND 15,000,000 to VND 30,000,000 shall be imposed if area of land of violation is from 0.1 hectare to less than 0.5 hectare;

c) A fine ranging from VND 30,000,000 to VND 60,000,000 shall be imposed if area of land of violation is from 0.5 hectare to less than 01 hectare;

d) A fine ranging from VND 60,000,000 to VND 150,000,000 shall be imposed if area of land of violation is from 01 hectare to less than 03 hectare;

dd) A fine ranging from VND 150,000,000 to VND 300,000,000 shall be imposed if area of land of violation is 03 hectare or more.

2. Receiving of trade, capital contribution or lease of land use rights of agricultural land for implementation of investment projects for non-agricultural business operation without fully completing 2 conditions specified in Clause 1 of this Article shall be met with the fine amounts specified in Clause 1 of this Article multiplied by 1.5.

3. Receiving of trade, capital contribution or lease of land use rights of paddy land for implementation of investment projects for non-agricultural business operation without submitting a payment as specified in Clause 3 Article 134 of Land Law shall be sanctioned according to Article 106 of Law on Tax Administration and Decree No. 129/2013/ND-CP dated October 16, 2013 of the Government on administrative sanctions regarding taxation and enforce implementation of administrative decision on taxation.

4. Rectification measures:

a) Enforced adoption of procedures to be issued with written agreement of regulatory authorities in case of receiving the trade, capital contribution or lease of agricultural land for project implementation;

b) Enforced return of the land in case of already received the trade, capital contribution or lease of land use rights against the approved land use schemes.

**Article 29. Receipt of transfer of land use rights of agricultural land exceeding quotas set forth under Article 130 of Land Law and Article 44 of Decree No. 43/2014/ND-CP**

1. Receiving transfer of land use rights of agricultural land exceeding the quotas according to regulations and law on land shall be sanctioned as follows:

a) Warnings or a fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed if transferred area of land received exceeding the quotas is less than 1 hectare;

b) A fine ranging from VND 3,000,000 to VND 10,000,000 shall be imposed if transferred area of land received exceeding the quotas is from 1 hectare to 3 hectare;

c) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if transferred area of land received exceeding the quotas is from 3 hectare to 5 hectare;

d) A fine ranging from VND 20,000,000 to VND 50,000,000 shall be imposed if transferred area of land received exceeding the quotas is 5 hectare or more;

2. Rectification measures:

Enforced return of transferred area land received exceeding the quotas due to committing violations specified in Clause 1 of this Article. In case of failure to return the received land, the government shall revoke the land as specified in Point d Clause 1 Article 64 of Land Law.

**Article 30. Receipt of transfer or lease of land use rights against regulations under Articles 153 and 169 of Land Law and Article 39 of Decree No. 43/2014/ND-CP**

1. Overseas Vietnamese permitted to own houses in Vietnam receiving trade of land use rights of land which no houses have been built on and does not belong to residential development projects or receiving trade of land use rights of land that is not situated outside of industrial parks, industrial clusters, export-processing zones, hi-tech zones or economic zones shall be sanctioned as follows:

- a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if area of land of violation is less than 0.1 hectare;
- b) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed if area of land of violation is from 0.1 hectare to less than 0.5 hectare;
- c) A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed if area of land of violation is from 0.5 hectare to less than 01 hectare;
- d) A fine ranging from VND 60,000,000 to VND 100,000,000 shall be imposed if area of land of violation is from 01 hectare to less than 03 hectare;
- dd) A fine ranging from VND 100,000,000 to VND 200,000,000 shall be imposed if area of land of violation is 03 hectare or more.

2. Foreign invested enterprises receiving trade of capital in form of land use rights of agricultural land, forest lands or foreign invested enterprises renting land for non-agricultural business operation of households and individuals outside of industrial parks, industrial clusters, export-processing zones, hi-tech zones or economic zones shall be sanctioned as follows:

- a) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed if area of land of violation is less than 0.1 hectare;
- b) A fine ranging from VND 30,000,000 to VND 60,000,000 shall be imposed if area of land of violation is from 0.1 hectare to less than 0.5 hectare;
- c) A fine ranging from VND 60,000,000 to VND 90,000,000 shall be imposed if area of land of violation is from 0.5 hectare to less than 01 hectare;
- d) A fine ranging from VND 90,000,000 to VND 150,000,000 shall be imposed if area of land of violation is from 01 hectare to less than 03 hectare;

dd) A fine ranging from VND 150,000,000 to VND 300,000,000 shall be imposed if area of land of violation is 03 hectare or more.

### 3. Rectification measures:

Enforced return of transferred or leased land area received in cases specified in Clauses 1 and 2 of this Article. In case of failure to return the received land, the government shall revoke the land as specified in Point d Clause 1 Article 64 of Land Law.

### **Article 31. Failure to submit application, failure to provide or fully provide documents for adoption of procedures to issue the Certificate to persons purchasing, leasing for purchasing of houses and constructions or receiving transfer of land use rights under real estate trading projects**

Organizations executing real estate projects failing to submit applications to adopt procedures for issuance of certificates for house and construction buyers or lease purchasers, persons receiving the transfer of land use rights or failing to provide or fully provide paper and documents for house or construction buyers or lease purchasers, persons receiving the transfer of land use rights submitting application for issuance of the certificates by themselves as specified in Clause 7 Article 26 of Law on Housing and Clause 4 Article 13 of Law on Real Estate Trading shall be sanctioned as follows:

#### 1. From 50 days exclusively to 6 months:

- a) A fine ranging from VND 10,000,000 to VND 30,000,000 shall be imposed if less than 30 buildings, constructions and land plots are involved in the violation;
- b) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed if from 30 to less than 100 buildings, constructions and land plots are involved in the violation;
- c) A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed if 100 or more buildings, constructions and land plots are involved in the violation.

#### 2. From exceeding 6 months to 9 months:

- a) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed if less than 30 buildings, constructions and land plots are involved in the violation;
- b) A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed if from 30 to less than 100 buildings, constructions and land plots are involved in the violation;
- c) A fine ranging from VND 100,000,000 to VND 300,000,000 shall be imposed if 100 or more buildings, constructions and land plots are involved in the violation.

#### 3. From exceeding 9 months to 12 months:

- a) A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed if less than 30 buildings, constructions and land plots are involved in the violation;
- b) A fine ranging from VND 100,000,000 to VND 300,000,000 shall be imposed if from 30 to less than 100 buildings, constructions and land plots are involved in the violation;
- c) A fine ranging from VND 300,000,000 to VND 500,000,000 shall be imposed if 100 or more buildings, constructions and land plots are involved in the violation.

4. From exceeding 12 months:

- a) A fine ranging from VND 100,000,000 to VND 300,000,000 shall be imposed if less than 30 buildings, constructions and land plots are involved in the violation;
- b) A fine ranging from VND 300,000,000 to VND 500,000,000 shall be imposed if from 30 to less than 100 buildings, constructions and land plots are involved in the violation;
- c) A fine ranging from VND 500,000,000 to VND 1,000,000,000 shall be imposed if 100 or more buildings, constructions and land plots are involved in the violation.

5. Period of the violations specified in Clauses 1, 2, 3 and 4 of this Article shall begin from the date on which project developers hand over buildings, constructions or land plots to buyers or from the date on which buyer has finished payment according to agreements to the date on which records of administrative sanctions are made; in case the project developers have rectified the violations after the period specified in Clause 7 Article 26 of Law on Housing and Clause 4 Article 13 of Law on Real Estate Trading, the violation period shall conclude on the date on which the project developers rectify the violations.

6. In case a project developer violates at many different points in time within the same project with respect to buildings, constructions and land plots as specified in Clauses 1, 2, 3 and 4 of this Article, calculate fine amount according to each violation specified in Clauses 1, 2, 3 and 4 of this Article but total fine amount must not exceed VND 1,000,000,000.

7. Rectification measures:

Enforced application submission or fully provision of documents for the house or construction buyers or lease purchasers, persons receiving the transfer of land use rights to enable them to submit applications for the Certificates by themselves as per the law.

**Article 32. Failure to use land for annual crop in 12 consecutive months, land for perennial plants in 18 consecutive months, land for afforestation in 24 consecutive months**

1. Failure to use land for annual crop in 12 consecutive months, land for perennial plants in 18 consecutive months, land for afforestation in 24 consecutive months for reasons other than force majeure events specified in Article 15 of Decree No. 43/2014/ND-CP shall be sanctioned as follows:

a) A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed if unused area of land is less than 0.5 hectare;

b) A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed if unused area of land is from 0.5 hectare to less than 03 hectare;

c) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed if unused area of land is from 03 hectare to less than 10 hectare;

d) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if unused area of land is 10 hectare or more.

2. Rectification measures:

Enforced use of land according to its purposes when allocated, leased and recognized for land use rights by the government; failure to bring the land into use after being sanctioned shall result in land revocation by the government as specified in Point h Clause 1 Article 64 of Land Law.

**Article 33. Failure to adopt procedures to shift to land lease with respect to cases specified in Clause 2 Article 60 of Land Law**

1. Persons using land allocated by the government without land levy before July 01, 2014 that are now required to rent the land according to Land Law failing to submit applications to shift to land lease shall be sanctioned as follows:

a) A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed if area of land requiring a shift to lease is less than 0.1 hectare;

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if area of land requiring a shift to lease is from 0.1 hectare to less than 0.5 hectare;

c) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if area of land requiring a shift to lease is from 0.5 hectare to less than 01 hectare;

d) A fine ranging from VND 20,000,000 to VND 50,000,000 shall be imposed if area of land requiring a shift to lease is from 01 hectare to less than 05 hectare;

dd) A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed if area of land requiring shift to lease is 05 hectare or more.

2. Rectification measures:

Enforced adoption of procedures to shift to land lease according to regulations and law regarding land.

**Article 34. Violations regarding management of land use markers, administrative division markers**

1. A fine ranging from VND 1,000,000 to VND 5,000,000 shall be imposed on displacement or dislocation of administrative division markers or land use markers that is not considered as land invasion for use specified in Clause 1 Article 3 of this Decree.

2. A fine ranging from VND 2,000,000 to VND 10,000,000 shall be imposed on damaging administrative division markers or land use markers.

3. Rectification measures:

Enforced restoration of land use markers or administrative division markers to their original conditions with respect to violations specified in Clauses 1 and 2 of this Article.

**Article 35. Violations regarding documents and certificates relating land use**

1. A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed on erasing, changing or falsifying documents or certificates in land use other than cases specified in Clauses 2 and 3 of this Article.

2. A fine ranging from VND 4,000,000 to VND 10,000,000 shall be imposed on falsely declaring land use or erasing, changing or falsifying contents of documents or certificates in land use resulting in discrepancies in issuance of the Certificate and transfer, trade, lease, inherit, gift, mortgage and contribute to capital in form of land use rights but not liable to criminal prosecutions.

3. A fine ranging from VND 10,000,000 to VND 30,000,000 shall be imposed on using fabricated or falsified documents while following administrative procedures and other affairs relating to land but not liable to criminal prosecutions.

4. Additional forms of sanctions:

Confiscation of erased, changed or falsified documents; fabricated or falsified documents specified in Clauses 1, 2 and 3 of this Article.

5. Rectification measures:

a) Enforced submission of granted Certificate and adoption of administrative procedures relating land as per the law with respect to cases specified in Clause 2 of this Article;

b) Cancellation of results of administrative procedures relating land that have been adopted as per the law with respect to cases specified in Clause 3 of this Article.

**Article 36. Violations regarding provision of land information relating to inspection and evidence collection for settlement of land disputes**

1. Warnings or a fine ranging from VND 500,000 to VND 1,000,000 shall be imposed on delayed provision of information, documents and papers relating to land inspection after 7 days from the date on which inspection decision is issued or at written request of competent agencies, individuals inspecting and collecting evidence to settle land disputes of People's Courts and administrative agencies at all levels.

2. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed on inaccurate or partial provision of information at (written) request of persons assuming responsibilities related to the inspection and collection of evidence to settle land disputes of People's Courts and administrative agencies at all levels.

3. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed on failure to provide information, documents and paper related to the inspection and collection of evidence to settle land disputes of People's Courts and administrative agencies at all levels before the deadline.

4. Rectification measures:

Enforced provision of information, documents and paper with respect to cases specified in Clauses 1, 2 and 3 of this Article.

**Article 37. Violations regarding conditions for service provisions relating land**

1. Organizations violating conditions for land price determination consulting services shall be sanctioned as follows:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed on consulting and determining land price without being certified for consulting and determining land price, appraising price, consulting and determining real estate price or not having 3 personnels eligible for operation in consulting and determining land price specified in Clause 2 Article 20 of Decree No. 44/2014/ND-CP dated May 15, 2014 of Government on land price (hereinafter referred to as "Decree No. 44/2014/ND-CP") and amendments thereto in Clause 1 Article 2 of Decree No. 136/2018/ND-CP dated October 05, 2018 of Government on amendments to a number of Articles of Decrees relating to conditions for investment and operation in natural resources and environmental sector (hereinafter referred to as "Decree No. 136/2018/ND-CP");

b) A fine ranging from 10,000,000 to VND 20,000,000 shall be imposed on consulting and determining land price without being certified for consulting and determining land price, appraising price, consulting and determining real estate price and not having 3

personnels eligible for operation in consulting and determining land price specified in Clause 2 Article 20 of Decree No. 44/2014/ND-CP and amendments thereto in Clause 1 Article 2 of Decree No. 136/2018/ND-CP.

2. Organizations violating conditions for consulting services for planning and land use schemes production shall be sanctioned as follows:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed on consulting for production of planning and land use schemes without being certified for consulting services for production of planning and land use schemes or not having 2 personnels operating in consulting services for production of planning and land use schemes specified in Clause 2 Article 10 of Decree No. 43/2014/ND-CP and amendments thereto in Clause 3 Article 1 of Decree No. 136/2018/ND-CP;

b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on consulting for production of planning and land use schemes without being certified for consulting services for production of planning and land use schemes and not having 2 personnels operating in consulting services for production of planning and land use schemes specified in Clause 2 Article 10 of Decree No. 43/2014/ND-CP and amendments thereto in Clause 3 Article 1 of Decree No. 136/2018/ND-CP.

3. Organizations providing other services relating land such as land investigation and assessment; land development, surveying and making cadastral map, cadastral profile, construction of land database, preparation of application for the Certificate; bidding on land use rights; compensation, assistance and relocation that violate conditions for provision of consulting services relating land specified in Clause 3 Article 25 of Law on Asset Bidding; Articles 5a and 5b of Decree 43/2014/ND-CP and amendments thereto in Clauses 1 and 2 Article 1 of Decree No. 136/2018/ND-CP and Clause 1 Article 9 of Decree No. 45/2015/ND-CP dated May 06, 2015 of Government on surveying and mapping shall be sanctioned as follows:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed in case of lack of 1 operation condition as per the law;

b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed in case of lack of 2 or more operation conditions as per the law.

4. Additional forms of sanctions:

a) Revocation of operation license from 6 to 9 months for organizations issued with operation license from the date on which decision on administrative sanctions enters into force as specified in Clause 3 Article 25 of Law on Administrative Sanctions;

b) Suspension of operation from 9 to 12 months for organizations that are not issued with operation license from the date on which decision on administrative sanctions enters into force as specified in Clause 3 Article 25 of Law on Administrative Sanctions.

## **Chapter III**

### **AUTHORIZATION FOR ADMINISTRATIVE SANCTION**

#### **Article 38. Adoption of administrative sanctions by Chairpersons of People's Committees of all levels**

1. Chairpersons of People's Committees of communes hold rights to:

- a) Impose warnings;
- b) Impose a fine up to VND 5,000,000;
- c) Confiscate erased, changed or falsified documents; fabricated documents used regarding land use;
- d) Adopt rectification measures:

Enforced restoration of land to its original conditions before the violations.

2. Chairpersons of People's Committees of districts hold rights to:

- a) Impose warnings;
- b) Impose a fine up to VND 50,000,000;
- c) Confiscate erased, changed or falsified documents; fabricated documents used regarding land use;
- d) Revoke license for operation in consulting services regarding land in definite period or suspend operation of consulting services regarding land in definite period;
- dd) Adopt rectification measures specified in Clause 3 Article 5 of this Decree.

3. Chairpersons of People's Committees of provinces hold rights to:

- a) Impose warnings;
- b) Impose a fine up to VND 500,000,000;
- c) Confiscate erased, changed or falsified documents; fabricated documents used regarding land use;
- d) Revoke license for operation in consulting services regarding land in definite period or suspend operation of consulting services regarding land in definite period;

dd) Adopt rectification measures specified in Clause 3 Article 5 of this Decree.

4. In case persons of authorities specified in Clauses 1 and 2 of this Article discover violations that are not within or beyond their authorization for sanctions or adoption of rectification measures, comply with Clause 3 Article 58 of Law on Administrative Sanctions and Clause 2 Article 6 of Decree No. 81/2013/ND-CP dated July 19, 2013 of Government on elaborating to number of articles and guidelines for implementation of Law of Administrative Sanctions and amendments thereto in Clause 7 Article 1 of Decree No. 97/2017/ND-CP dated August 18, 2017 of Government.

### **Article 39. Adoption of administrative sanctions of specialized inspectors**

1. Inspectors, persons assigned to perform specialized inspection regarding land while on a mission hold rights to:

a) Impose warnings;

b) Impose a fine up to VND 500,000;

c) Confiscate erased, changed or falsified documents; fabricated documents used regarding land use;

d) Adopt rectification measures:

Enforced restoration of land to its original conditions before the violations.

2. Chief inspectors of departments, Chief inspectors of inspectorates specialized in land established by and operating at request of Director General of Land Administration, Directors and Chief Inspectors of Department of Natural Resources and Environment hold rights to:

a) Impose warnings;

b) Impose a fine up to VND 50,000,000;

c) Confiscate erased, changed or falsified documents; fabricated documents used regarding land use;

d) Revoke license for operation in consulting services regarding land in definite period or suspend operation of consulting services regarding land in definite period;

dd) Adopt rectification measures specified in Clause 3 Article 5 of this Decree.

3. Chief Inspector of inspectorate of Ministry of Natural Resources and Environment holds rights to:

- a) Impose warnings;
- b) Impose a fine up to VND 250,000,000;
- c) Confiscate erased, changed or falsified documents; fabricated documents used regarding land use;
- d) Revoke license for operation in consulting services regarding land in definite period or suspend operation of consulting services regarding land in definite period;
- dd) Adopt rectification measures specified in Clause 3 Article 5 of this Decree.

4. Chief Inspectors of Ministry of Natural Resources and Environment and Director General of Land Administration hold rights to:

- a) Impose warnings;
- b) Impose a fine up to VND 500,000,000;
- c) Confiscate erased, changed or falsified documents; fabricated documents used regarding land use;
- d) Revoke license for operation in consulting services regarding land in definite period or suspend operation of consulting services regarding land in definite period;
- dd) Adopt rectification measures specified in Clause 3 Article 5 of this Decree.

5. Inspectors specialized in construction sector are capable of imposing administrative sanctions on violations specified in Article 31 of this Decree.

Inspectors of Ministry of National Defense are capable of imposing sanctions on administrative violations regarding use of land for national defense, inspectors of Ministry of Public Security are capable of imposing sanctions on administrative violations regarding use of land for security purposes as specified in this Decree.

6. In case persons of authorities specified in Clauses 1, 2, 3 and 5 of this Article discover violations that are not within or beyond their authorization for sanctions or adoption of rectification measures, comply with Clause 3 Article 58 of Law on Administrative Sanctions and Clause 2 Article 6 of Decree No. 81/2013/ND-CP and amendments thereto in Clause 7 Article 1 of Decree No. 97/2017/ND-CP.

**Article 40. Record and authorization for making records of administrative violations**

1. Records of administrative violations regarding land administration shall be produced as specified in Article 58 of Law on Administrative Sanctions and Decree No. 81/2013/ND-CP and amendmens thereto in Decree No. 97/2017/ND-CP.

2. Competent persons capable of making records include:

a) Persons with authorities to impose administrative sanctions regarding land specified in Articles 38 and 39 of this Decree;

b) Officials assigned to conduct inspection on management and use of land, and provision of services related to land.

Forest rangers assigned to conduct inspection on management and use of forest shall make records of administrative violations with respect to invasion, appropriation and use of land for reserve forests, protection forests or production forests for other purposes. Officials of Airport Authorities shall be assigned to inspect use of land for airports and civil airports.

#### **Article 41. Responsibility of persons with authorities in imposing administrative sanctions in case of suspension or revocation of provision of services regarding land**

If an administrative violation is specified in Article 37 of this Decree, persons with authorities imposing sanctions on that administrative violation shall inform in written form to agency issuing license or agency for registering profession operation for joint solution as per the law.

### **Chapter IV**

## **IMPLEMENTATION**

#### **Article 42. Transition clauses**

1. With respect to administrative violations regarding land taking place before the effective date hereof, adopt regulations and law on administrative sanctions as follows:

a) In case a violation is made records of but prescriptive date thereof expires without any decision on sanctioning thereof before the effective date hereof or that violation does not fall into cases to be sanctioned according to this Decree, no sanctions shall be imposed on the violation;

b) In case a violation is made records of and prescriptive date thereof is still valid according to this Decree without any decision on sanctioning thereof before the effective date, sanctions shall be imposed on the violation.

Administrative sanctions in this case shall comply with regulations and law on administrative sanctions against violations regarding land applicable at the time of

making records of that administrative violation; in case adoption of this Decree will benefit persons committing the violation in terms of sanctions, impose sanctions according to this Decree;

c) In case a decision on imposing administrative sanctions has been made but not yet implemented or fully implemented, continue to implement in accordance with the decision on sanctions;

d) In case of repetitive violations after being sanctioned for administrative violations and cases other than those specified in Points a, b and c of this Clause, adopt this Decree to impose the sanctions.

2. In case a decision on imposing administrative sanctions regarding land has been made but not yet implemented or implemented before the effective date hereof and sanctioned organizations or individuals file complaints, comply with regulations and law on administrative sanctions applicable at the time on which the decision on imposing sanctions is made.

#### **Article 43. Entry into force**

1. This Decree comes into force from January 5, 2020.

2. This Decree supersedes Decree No. 102/2014/ND-CP dated November 10, 2014 of Government on administrative sanctions regarding land.

3. Annuls Point dd Clause 3 and Point I Clause 6 Article 57 of Decree No. 139/2017/ND-CP dated November 27, 2017 of Government.

#### **Article 44. Implementation and responsibility for implementation**

1. Minister of Natural Resources and Environment are responsible for implementation of this Decree.

2. Ministers, heads of ministerial agencies, heads of Governmental agencies, Chairpersons of People's Committees of provinces and central-affiliated cities, and relevant organizations and individuals are responsible for implementation of this Decree./.

**PP. GOVERNMENT  
PRIME MINISTER**

**Nguyen Xuan Phuc**

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