

THE STATE PRESIDENT

ORDER No. 06/2001/L-CTN OF JULY 12, 2001 ON THE PROMULGATION OF LAW

THE STATE PRESIDENT OF THE SOCIALIST REPUBLIC OF VIETNAM

*Pursuant to Articles 103 and 106 of the 1992
Constitution of the Socialist Republic of Vietnam;*

*Pursuant to Article 78 of the Law on Organization
of the National Assembly;*

*Pursuant to Article 50 of the Law on the
Promulgation of Legal Documents.*

HEREBY PROMULGATES:

The Law Amending and Supplementing a Number
of Articles of the Land Law,

which was passed by the Xth National Assembly of
the Socialist Republic of Vietnam at its 9th session on
June 29, 2001.

*State President of
the Socialist Republic of Vietnam*
TRẦN ĐỨC LUONG

LAW AMENDING AND SUPPLEMENTING A NUMBER OF ARTICLES OF THE LAND LAW

(No. 25/2001/QH10 of June 29, 2001)

*Pursuant to the 1992 Constitution of the Socialist
Republic of Vietnam;*

*This Law amends and supplements a number of
articles of the Land Law which was passed by the
National Assembly of the Socialist Republic of Vietnam
on July 14, 1993 and already amended and
supplemented by the Law Amending and Supplementing
a Number of Articles of the Land Law passed by the
National Assembly of the Socialist Republic of Vietnam*

on December 2, 1998.

Article 1.- To amend, supplement a number of articles
of the Land Law:

1. Article 12 is amended and supplemented as
follows:

"Article 12.-

1. The Government shall prescribe the price bracket
for land of different categories for each region in each
period, as well as the principles and method for
determination of land prices.

2. Based on the Government's stipulations on the
price bracket as well as the principles and method for
determining prices of land of different categories, the
People's Committees of the provinces or centrally-run
cities shall prescribe land prices suited to the practical
situation of their respective localities for calculation of
land use right transfer tax; collect money upon the land
assignment or the change of land-use purposes as well
as the land rents and registration fee; determine the
property's value upon the land assignment and pay
compensation when land is recovered by the State."

2. Article 16 is amended and supplemented as
follows:

"Article 16.-

1. The Government shall elaborate planning and plans
for the use of land throughout the country and submit
them to the National Assembly for decision.

2. The People's Committees of all levels shall
elaborate plannings and plans for the use of land in their
respective localities and submit them to the People's
Councils of the same level for adoption before they are
submitted to the competent State bodies for approval.

3. The Ministry of Defense and the Ministry of Public
Security shall base themselves on their tasks and powers
to elaborate plannings and plans on the use of land
respectively under their management and submit them
to the Government for approval.

4. The land management bodies at the central level
and in localities shall coordinate with the concerned
agencies in assisting the Government and People's
Committees of all levels to elaborate land-use plannings
and plans."

3. Article 18 is amended and supplemented as follows:

“Article 18.- Competence to decide, consider and approve land-use planning and plans:

1. The National Assembly shall decide long-term planning and plans on the use of land in the whole country once every 5 years in accordance with the State’s 5-year plans, which are submitted by the Government;

2. The Government shall consider and approve land-use plannings of the People’s Committees of the provinces or centrally-run cities; the latter’s 5-year plans for land use and annual plans on adjustments and supplements thereto; as well as the planning and plans on the use of land for defense and/or security purposes;

3. The superior People’s Committees shall consider and approve the annual land-use plannings and plans of the immediate subordinate People’s Committees;

4. The State body competent to decide, consider and approve a land-use planning or plan shall also be competent to permit the supplement or adjustment thereto.”

4. Article 19 is amended and supplemented as follows:

“Article 19.- Bases for deciding land assignment and land lease:

1. The land-use plannings and plans already approved by the competent State bodies;

2. The land-use requirement inscribed in the investment projects and designs already ratified or approved in writing by the competent State bodies regarding the location, land area or application for land assignment or land lease.”

5. Article 23 is amended and supplemented as follows:

“Article 23.- The competence to assign or lease land for use for purposes other than agricultural production, forestry or salt-making is prescribed as follows:

1. The Government shall decide land assignment in the following cases:

a/ Land assignment with the collection of land use levy for the creation of capital for infrastructure construction under projects;

b/ Land assignment for use for defense and/or security purposes.

2. The People’s Committees of the provinces and centrally-run cities shall decide the assignment or lease of land to the following subjects:

a/ Organizations using land;

b/ Households and individuals using land in urban centers and inner provincial towns.

3. The People’s Committees of rural districts, provincial towns or cities shall decide the assignment or lease of land to households and individuals, except for cases defined at Point b, Clause 2 of this Article.”

6. Article 24 is amended and supplemented as follows:

“Article 24.- The competence to assign or lease land for use for the purposes of agricultural production, forestry or salt-making is prescribed as follows:

1. The People’s Committees of the provinces or centrally-run cities shall decide the assignment or lease of land to economic organizations using land;

2. The People’s Committees of rural districts, urban districts, provincial towns or cities shall decide the assignment or lease of land to households and individuals;

3. The People’s Committees of communes, wards or district towns shall lease land belonging to the public land fund of such communes, wards or district towns.”

7. To supplement Article 24a as follows:

“Article 24a:

1. The decision to allow current land users to change the use purposes of agricultural, forestial, salt-making, residential or special-use land to other use purposes must be based on land-use plannings and plans already approved by the competent State bodies.

2. The competence to decide permitting the current land users to change the use purposes of agricultural, forestial, salt-making, residential or special-use land to other use purposes is prescribed as follows:

a/ The People’s Committees of the provinces or centrally-run cities shall decide to change land-use purposes for economic organizations, households and individuals in urban centers and inner provincial towns;

b/ The People’s Committees of rural districts,

provincial towns or cities shall decide to change land-use purposes for households and individuals, except for cases defined at Point a of this Clause.”

8. To supplement Article 24b as follows:

“Article 24b:

1. The decision to allow current agricultural land users who are growing wet rice to switch to aquaculture or growing of perennial trees or who are growing perennial trees to switch to the growing of annual trees, must be based on land-use planings and plans already approved by the competent State bodies.

2. The competence to decide permitting the current agricultural land users who are growing rice to switch to aquaculture or growing of perennial trees or who are growing perennial trees to switch to the growing of annual trees is prescribed as follows:

a/ The People’s Committees of the provinces or centrally-run cities shall issue decisions for economic organizations using land.

b/ The People’s Committees of rural districts, urban districts, provincial towns or cities shall issue decisions for households and individuals using land.”

9. Article 27 is amended and supplemented as follows:

“Article 27:

1. In really necessary cases, where the State recovers land being used by land users for use for defense or security purposes, for national or public interests, the people having land recovered shall be entitled to compensation or support. The compensation or support shall comply with the Government’s stipulations.

2. The State shall adopt policies to stabilize the life of people having land recovered. Where people with land being recovered have to change their residential places, they may buy State-owned dwelling houses or be assigned land with the collection of land use levy for the construction of their houses.

Where the compensation plan has been approved by the competent State bodies, made public and come into force according to law provisions but people with land to be recovered do not execute the land-recovery decisions, the agencies issuing such decisions shall have the right to issue decisions on the coercive execution thereof. Where the Government issues decisions on land

recovery, the People’s Committees of the provinces and centrally-run cities shall issue decisions on the coercive execution thereof.

3. Where a population community builds projects in service of the community’s public interests under planning with capital contributed by people or supported by the State, the compensation or support for people with land used for the construction of projects shall be agreed upon by the population community and those people.”

10. Article 31 is amended and supplemented as follows:

“Article 31:-

1. Procedures for land use right conversion shall be carried out at the commune People’s Committees, for rural areas; and at the People’s Committees of rural districts, urban districts, provincial towns or cities, for urban areas.

2. Procedures for land use right transfer shall be carried out at the People’s Committees of rural districts, urban districts, provincial towns or cities.

3. The Government shall prescribe in detail procedures for the lease, sublease and inheritance of land use right as well as the mortgage of and capital contribution with the land use right value.”

11. Article 36 is amended and supplemented as follows:

“Article 36:- The granting of land use right certificates shall comply with the following provisions:

1. Land use right certificates shall be issued by the central-level land management agencies;

2. The People’s Committees of the provinces or centrally-run cities shall grant land use right certificates to organizations using land and subjects assigned land under the Government’s decisions. The People’s Committees of rural districts, urban districts, provincial towns or cities shall grant land use right certificates to households and individuals.

3. In cases where a land plot is used jointly by many individuals from different family households or different organizations, the land use right certificate shall be granted to each organization, each household or each individual.”

12. To supplement Article 78g as follows:*“Article 78g*

Economic organizations, households and individuals that use land and have the right to mortgage the land use right value according to the provisions of the Land Law may mortgage or guarantee the land use right value and their own assets affixed to such land at credit institutions licensed to operate in Vietnam.”

13.- Article 80 is amended and supplemented as follows:*“Article 80.-*

1. The People’s Committees of the provinces or centrally-run cities shall decide to lease land to the following subjects:

a/ Foreign diplomatic missions, consulates and other representative offices with diplomatic functions in Vietnam;

b/ Representative offices of the United Nations’ organizations, inter-governmental agencies and organizations, representative offices of inter-governmental organizations in Vietnam.

2. The competence to lease land to foreign organizations and individuals as well as overseas Vietnamese that make investment in Vietnam shall comply with the Government’s stipulations.

3. The rights and obligations of foreign organizations and individuals, international organizations and overseas Vietnamese that are leased land by the State shall comply with the National Assembly Standing Committee’s stipulations.

Overseas Vietnamese who return home to make long-term investment and have demand for dwelling houses during their investment in Vietnam; people with meritorious services to the country; cultural activists and scientists having demand for regular activities in Vietnam in service of the cause of national construction; and people having demand for a stable life in Vietnam may buy dwelling houses associated with residential land use right according to the Government’s regulations.”

14. The phrase “economic-technical study reports” in Article 63 and Clause 2 of Article 81 of the Land Law is replaced by the phrase “investment projects”; the phrases “compensation for damage” in Article 73, “redemption for damage” in Article 28 and “redemption”

in Article 79 of the Land Law are replaced by the phrase “compensation”.

Article 2.-

1. This Law takes effect as from October 1, 2001.

2. The Government shall amend and supplement legal documents detailing and guiding the implementation of the Land Law in compliance with this Law.

This Law was passed by the Xth National Assembly of the Socialist Republic of Vietnam at its 9th session on June 29, 2001.

National Assembly Chairman
NGUYEN VAN AN