

**Regulations on allocation of land to households and individuals for stable and long term use for the purpose of agricultural production  
(issued with decree no. 64-cp of the government dated 27 september 1993)**

• Article 1

The State shall allocate land to households and individuals for the stable and long term use for the purpose of agricultural production.

All of the agricultural land currently in use are to be completely allocated to households and individuals for agricultural production, except for land to be allocated to organizations or land used for the public demands of the communes in accordance with these regulations.

• Article 2

Land to be allocated to households and individuals for the purpose of agricultural production shall consist of:

- - agricultural land for planting annual trees;
- - agricultural land for planting long life trees;
- - land with water surface for aquacultural production.

These types of land shall include:

- - land which was previously allocated by the co-operative, for family's economic use;
- - garden land;
- - cultivated land;
- - unoccupied land;
- - bare hills and mountains;
- - uncultivated land reserved for agricultural production.

Agricultural land which cannot be allocated to households and individuals shall be rented to organizations, households and individuals for the purpose of agricultural production.

• Article 3

The allocation of land to households and individuals for the purpose of agricultural production shall be in accordance with the following principles:

- 1.The policy of guaranteeing the agricultural and aquacultural producers with the availability of land shall be implemented on the basis of the actual situation, the guarantee of unity, the stabilization of rural areas and the encouragement of production development.

- 2.Receivers of land must use the land for the agreed purpose and within the stipulated time limit. The receivers must:
  - - Protect;
  - - Improve;
  - - Nourish and use the land sparingly and rationally as to increase its beneficial value;
  - - Abide by the Law on Land.
- 3.Land allocated to households and individuals under this Regulation shall be official and shall be accompanied by the issuance of a certificate of the right to stable and long term use of land.
- 4.The people's committee of the districts, towns and cities of the provinces shall consider the issuance of the certificate of the right to use land upon the proposal of the people's committee of the communes, precincts and burghs.
- Article 4
  - 1.The duration of agricultural land allocation for planting annual trees and for aquacultural production shall be twenty (20) years and long-life crops shall be fifty (50) years.
  - 2.The duration of land allocation shall be calculated as follows:
    - - In respect of land which was allocated to the households and individuals prior to and on 15 October 1993, the duration of land allocation shall be calculated as from 15 October 1993;
    - - In respect of land which was allocated to the households and individuals after 15 October 1993, the duration of land allocation shall be calculated as from the date of allocation.

- Article 5

The limit of agricultural land allocated to each household in each specific region shall be regulated as follows:

- 1.In respect of agricultural land for planting annual trees:
  - (a)In Minh Hai, Kien Giang, Soc Trang, Can Tho, An Giang, Vinh Long, Tra Vinh, Dong Thap, Tien Giang, Long An, Ben Tre, Tay Ninh, Song Be, Dong Nai, Ba Ria and Vung Tau provinces and Ho Chi Minh City, the area shall not exceed three hectares.
  - (b)The limit for other provinces and cities under central authority shall not exceed two hectares.
- 2. In respect of agricultural land for planting long-life crops:
  - (a) In communes with flat field, the limit shall not exceed ten (10) hectares.

- (b) In midland or mountainous communes, the limit shall not exceed thirty (30) hectares.
  - 3. The people's committee of provinces and cities under central authority shall determine the limits of land allocated to each household and individual in relation to unoccupied land, bare hilly land and mountainous land, waste land and sea grabbing land. The people's committee shall, on the basis of the locally reserved land and its production capacity, implement policies encouraging and creating favorable conditions for the use of the above types of land for the purpose of agricultural production.

- Article 6

Persons who are entitled to the allocation of agricultural land for stable and long term use shall be the local permanent residents, including those currently serving military duties.

- Article 7

If the following parties are in need for the use of land for agricultural production then the people's committee of the communes, precincts and burghs shall, on the basis of the locally reserved land, consider and propose to the people's committee of districts, towns and cities of the provinces on the allocation of land to these parties:

- 1. Local residents who rely on agricultural farming as the principal means of survival and who do not have the permanent residence status but are acknowledged by the people's committee of the communes, precincts and burghs.
- 2. Ex-members of agricultural co-operatives who have transferred to small industry co-operatives or co-operatives of different fields and who are now unemployed and have decided to return to agriculture farming.
- 3. Children of local cadres, workers and State officers who are of working age but are unemployed.
- 4. Cadres, workers, State officers and military personnel who are on sick leave or retrenched due to the restructuring of production or staff-cutting shall be entitled to one lump sum allowance or allowances over a number of years while living as local permanent residents.

- Article 8

On the basis of the locally reserved land and depending on the specific circumstances of each case, the people's committee of the communes, precincts and burghs shall rent land on a fixed period for the purpose of production to local cadres, workers, State officers and military personnel who are either retired or on a regular sick leave allowance but who still have the capacity to be involved in production and who are in need for the use of land.

- Article 9

The problem of agriculturalists and aquaculturalists who are currently without land for production shall be resolved as follows:

- 1. If he/she has never been allocated with a piece of land then he/she shall be entitled to a consideration for the allocation of land.
  - 2. If he/she has already been allocated with a piece of land but due to causes beyond his/her control is now without land for production he/she shall also be entitled to a consideration for the allocation of new land.
  - 3. If he/she has already been allocated with a piece of land but has subsequently transferred it to another person and now has no principal means of survival other than agricultural production then, the people's committee of the communes, precincts and bu rghs shall, on the basis of the locally reserved land and depending on the circumstances of each particular case consider and recommend the people's committee of districts, towns and cities of the provinces to allocate the person with land for production.
- Article 10

Land reserved for households and individuals referred to article 9 of this Regulations shall include:

- 1.Land reclaimed under the circumstances as stipulated by article 26 of the Law on Land;
  - 2.Land reverted back by households who have land in excess of the stipulated limit;
  - 3.Land which is beyond the area reserved to the communes for public demands;
  - 4.Land which has not been used for the purpose of agricultural production now has been zoned for such purpose.
- Article 11

The allocation of land in cases of constructing new economic area or moving from one locality to another shall be as follows:

- 1.In cases of constructing new economic area or moving from one locality to another in accordance with the State zoning and planning or pursuant to an agreement between the people's committee of districts, towns and cities of the provinces of the place of departure and place of arrival, land shall be allocated for the purpose of agricultural production.
  - 2.Persons who move from one province to another under circumstances not referred to in point 1 of this article and who survive by means of agricultural production shall be considered for land allocation for the purpose of agricultural production.
- Article 12

Methods of land allocation and the issuance of the certificate of the right to use land.

- 1.In respect of the locality where agricultural land is under agricultural co-operatives administration, the following shall be implemented:

- (a) if the people's committee of the provinces and cities under central authority have written regulations and guidance on the allocation of land to households and individuals for stable and long term use which are in conformity with the regulations of the State at the relevant point of time, they shall issue the certificate of the right to use land to the relevant households and individuals.
- (b) in cases where the households and individuals have not been allocated with land, the people's committee of the communes, precincts and burgh shall, in conjunction with the co-operatives and the Association of Peasants plans to propose to the people's committee of districts, towns and cities of the provinces to allocate the relevant households and individuals with land and to issue them with the certificate of the right to use land.

The area of agricultural land after being deducted from the area of land reserved for the communes for public demands and calculated in accordance with the average agriculturist population of the communes or the co-operatives to be allocated to households and individuals shall be determined by the people's committee of the provinces and cities under central authority.

- 2. In respect of the localities where, during the process of implementing previous land policies the people's committee of all levels have provided supervision and guidance to the peasants on the negotiation of land adjustment amongst themselves and the matter has now been settled, the people's committee of districts, towns and cities of the provinces shall, on the basis of the actual situation, consider the allocation of land and the issuance of the certificate of the right to use land to those peasants.

The matter of households with land area exceeding the stipulated limit shall be dealt with in accordance with article 13 of these Regulations.

- 3. Households and individuals who are cultivating on land outside their place of permanent residence shall be permitted to use the land cultivated by them.

Land allocated to each household and individual shall consist of agricultural land located at their place of permanent residence and their cultivated land.

In respect of households and individuals who are cultivating on land outside their place of permanent residence, the people's committee of district, towns and cities of the provinces shall issue them with the certificate of the right to use land and shall forward a copy of the certificate to the people's committee of the communes, precincts and burghs of their place of permanent residence in order to enable the committee to carry out the calculation of the limit on land allocation. If the land allocated exceeds the stipulated limit then the provisions of article 13 of these Regulations shall be applicable.

- Article 13

Land which exceeds the stipulated limit for each household shall be resolved as follows:

- 1.If the land currently in use was legally allocated to the household or individual prior to 15 October 1993 or is ploughed land then it may continue to be used provided that additional tax is to be paid in respect of the area of land in excess of the stipulated limit.

The time limit on the use of the excess area of land by the household shall be half of the duration of land allocation as stipulated by point 1 of article 4 of these Regulations. After this time limit, if the relevant household proposes on the right to continue to use the excess area then the State may lease such area to the household on fixed term contract. If the State subsequently decided to reclaim the area then the relevant household shall be compensated in accordance with the regulations of the State.

- 2.In respect of illegally appropriated land, depending on the circumstances of each particular case, the people's committee of the provinces and cities under central authority shall consider the reclamation of or a fixed term lease on such land.

- Article 14

Land reserved for the public demands of the communes shall be regulated as follows:

- 1. On the basis of the reserved land, the characteristics and the needs of the relevant locality, the people's council of the provinces and cities under central authority shall determine the percentage of land to be allocated to each commune provided that it shall not exceed five per cent of the agricultural land of the commune.

In respect of communes with different types of land within the reserved agricultural land, the percentage of land available for the growing of wet rice as compared to the total area of land available for the same purpose which are reserved for the public demands shall only be equal to the percentage as stipulated by the people's committee of the provinces and cities under central authority.

- 2.Communes which have been allocated with land in excess of the percentage stipulated by the people's council of the provinces and cities under central authority as referred to in point 1 of this article shall revert the area of land in excess back in the reserved land for allocation to the households and individuals.

- Article 15

- 1.The people's committee of the communes shall organize for the administration and application of the land reserved for the public demands of the communes.
- 2.The administration and application of the land reserved for the public demands of the communes shall be as follows:
  - (a)the people's committee of the communes shall rent the land to the households and individuals for the purpose of agricultural and aquacultural production. The money received from the renting of the

land shall only be applied in satisfying the public demands of the communes in accordance with the laws.

- (b) the land shall be used for construction or for the purpose of making up the land used for public construction projects of the communes which have been authorized by the competent State body.
- (c) the land reserved for the public demands of the communes shall not be used to accommodate the annual increase in population of the communes.

- Article 16

The Minister of Agriculture and food Industry, the Minister of forestry, the Minister of Acquaculture, Head of the General Department of Land Administration, ministers and heads of related ministries and departments shall supervise and monitor the implementation of these Regulations.

The President of the people's committee of the provinces and cities under central authority shall, on the basis of these Regulations, organize and provide guidance for its implementation.

- for the Government
- The Prime Minister
- VO VAN KIET