

**DIRECTIVE No. 05/2004/CT-TTg OF
FEBRUARY 9, 2004 ON ORGANIZING THE
IMPLEMENTATION OF THE 2003 LAND LAW**

At its fourth session, the XIth National Assembly passed the Land Law, which shall take effect as from July 1, 2004. The 2003 Land Law (hereinafter called the Land Law) is one of great importance and significance in raising the management efficiency, encouraging the rational and efficient use of land resources, thus positively contributing to the process of stepping up the national industrialization and modernization.

The Prime Minister hereby requests the ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government and the presidents of the People's Committees of the provinces and centrally-run cities to seriously organize the implementation of the Land Law with the requirement of rapidly introducing the Law into life, creating marked improvement in land management and use, and putting the work of land management into order and discipline. In the immediate future, it is necessary to concentrate efforts on performing a number of the following tasks:

1. To expeditiously prepare conditions for the implementation of the Land Law.

From now till the Land Law takes effect, it is necessary to concentrate efforts on the all-sided preparation, focusing on the following:

a/ Elaboration of the system of legal documents related to the implementation of the Land Law.

The Ministry of Natural Resources and Environment shall submit to the Government a decree guiding the implementation of the Land Law and a decree on sanctioning administrative violations in land management and use; assume the prime responsibility for organizing investigation of the

present situation of agricultural-land accumulation and report thereon to the Government for further submission to the National Assembly Standing Committee, which shall prescribe the limits of reception of transferred agricultural land use right of households and individuals.

The Ministry of Finance shall submit to the Government a decree on methods of determining land prices and assorted land price brackets, a decree on collection of land-use levies, a decree on compensation, support and resettlement upon the land recovery by the State; assume the prime responsibility for elaborating and submitting to the Government for further submission to the National Assembly land-related tax laws; and submit to the Government decrees guiding the implementation of relevant tax laws.

b/ Performance of the work of land-law dissemination and education.

The Ministry of Natural Resources and Environment shall base itself on the Prime Minister's Decision No. 13/2003/QĐ-TTg of January 17, 2003 approving the program on law dissemination and education in the 2003-2007 period to assume the prime responsibility for, and coordinate with the concerned ministries, branches and agencies as well as the People's Committees of the provinces and centrally-run cities in, directing and organizing the land-law dissemination and education.

The Ministry of Culture and Information shall direct mass media agencies in propagating and disseminating the land legislation to each citizen; direct the publication and distribution of publications on the land legislation, including those in ethnic minority languages, for wide dissemination among people in all regions and areas nationwide.

The land-law dissemination and education must

be conducted regularly and continuously with practical contents and forms suitable to each subject. Firstly, to launch in the second quarter of 2004 a campaign on propagation and dissemination of the Land Law widely among people before it takes effect.

c/ Consolidation of organizational apparatuses and stepping up of administrative reforms in land management.

The People's Committees of the provinces and centrally-run cities shall have to consolidate their apparatuses and officials performing the work of land management to suit the management decentralization under the Land Law and meet the requirements of enhancing the work of land management.

The Ministry of Home Affairs shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, evaluating the situation on the district-level organizational apparatuses and officials performing the work of land management, and submit to the Government a scheme on consolidation of the district-level agencies in charge of land management associated with natural resource and environment management.

The Ministry of Natural Resources and Environment shall have to guide and examine the implementation of administrative procedure reforms in the work of land management; guide the establishment of land registration offices associated with "one-door" model of settling administrative procedures, first of all in localities where appear big demands for registration of land-use right transactions; guide the training, fostering and raising of qualifications and capabilities of the contingent of officials and public servants performing the work of land management.

2. To well organize the implementation of the Land Law, creating marked improvement in land management and use.

The organization of implementation of the Land Law is a process which must be carried out comprehensively and synchronously; firstly in 2004 and 2005, marked improvement must be made in the following aspects:

a/ To perfect the work of land-use plannings and plans, especially to redress the situation of "suspended" plannings.

The Ministry of Natural Resources and Environment shall guide the scrutiny in order to make necessary adjustment of localities' land-use plannings and plans; finalize the national land-use planning till 2010 and the land-use plan till 2005 and submit them to the Government for further submission to the National Assembly for decision.

The People's Committees of the provinces and centrally-run cities shall review the implementation of the approved land-use plannings and plans; organize the elaboration and approval thereof or submit them to competent agencies for approval according to the provisions of the Land Law, paying special attention to the renewal of the elaboration of land-use plannings and plans in urban centers in compatibility with the industrialization and modernization requirements as well as urbanization speed of each locality; immediately publicize land-use plannings and plans and take measures to examine and monitor the implementation thereof, timely adjust them to suit the actual land-use demands and capabilities, redress the situation of "suspended" plannings.

b/ To rectify the work of land assignment, lease and recovery

The People's Committees of the provinces and centrally-run cities shall direct the strict implementation of the land assignment and lease procedures, putting an end to the situation where land is assigned or leased in a casual and wasteful manner. The assignment of land for use for business and lodging purposes shall mainly take the form of auction of land use right or bidding of projects with land use right on the basis of the approved land use plannings and plans.

In 2004, the People's Committees of the provinces and centrally-run cities must complete the recovery of land areas which have been assigned or leased but left unused or used not as scheduled; the assigned or leased land which has been used for wrong purposes; agricultural land of administrative, non-business and armed force units, which has been used for production or life improvement. For agricultural- and forestry-farm land, the Prime Minister's Decision No. 264/2003/QĐ-TTg of December 16, 2003 shall apply.

c/ To speed up the granting of land-use right certificates

The People's Committees of the provinces and centrally-run cities shall direct to speed up the granting of land-use right certificates, especially for urban residential land and productive-forest land, striving to complete by 2005 the granting of assorted land-use right certificates. And at the same time, to expeditiously finalize the system of formal cadastral maps and dossiers, computerize the land management system so as to raise the effectiveness and efficiency of land management and create favorable conditions for development of the real-estate market.

The Ministry of Natural Resources and Environment shall have to direct and urge the

granting of land-use right certificates; uniformly guide the modernization of the work of land management nationwide.

The Ministry of Planning and Investment shall assume the prime responsibility for, and coordinate with the Ministry of Finance and the Ministry of Natural Resources and Environment in, seeking foreign ODA sources and apportioning adequate domestic reciprocal capital sources in order to formulate and implement the Project on "Perfection and modernization of the system of cadastral dossiers and granting of land-use right certificates nationwide."

d/ To renew the work of land price management, put an end to the situation of land price subsidy

The Ministry of Finance shall elaborate and submit to the Government a scheme on renewal of the work of land price management under the provisions of the Land Law; assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, directing the People's Committees of the provinces and centrally-run cities to investigate land prices for use as a basis for promulgating a decree on methods of determining land prices and assorted land price brackets in replacement of the Government's Decree No. 87/ND-CP of August 17, 1994.

The People's Committees of the provinces and centrally-run cities shall adjust right in the first six months of 2004 the land prices for localities where land prices are excessively unreasonable and at the same time, base themselves on the regulations on methods of determining land prices and assorted land price brackets set by the Government to decide on specific land prices in localities for application as from January 1, 2005; consolidate the land price-determining organizations and create conditions for development of land price-consulting organizations under the Government's regulations

and the Finance Ministry's guidance.

e/ To efficiently overcome weaknesses in the work of compensation and ground clearance as well as resettlement.

The People's Committees of the provinces and centrally-run cities shall specifically check the compensation and ground clearance in the recent past and efficiently overcome weaknesses in order to speed up the work of compensation and ground clearance, first of all focusing on key projects of the State and localities, for which decisions on land assignment or lease have been issued, and projects on production and service development investment of all economic sectors; widely apply the form where investors wishing to use land negotiate with land users through land use right transfer, capital contribution or lease with land use right.

Before the Land Law takes effect, the People's Committees of the provinces and centrally-run cities are permitted to set up organizations functioning to develop land fund and experimentally recover land immediately after the land use planning or plans are approved by competent State bodies and publicized without waiting for approved projects under the current regulations. From now, the ground clearance in to be-resettled localities shall be effected only after the resettlement conditions are fully met.

3. To well examine and inspect the observance of land legislation and settle complaints and denunciations about land management and use.

a/ To intensify the examination and inspection of the observance of land legislation

The People's Committees of the provinces and centrally-run cities shall have to regularly direct the examination and inspection of the observance of land legislation, considering it a specially important

task in the work of State management over land of the local administrations at all levels.

In 2004, the ministries, branches and the People's Committees of the provinces and centrally-run cities shall concentrate efforts on performing the examination and inspection task according to the Politburo's opinions in Notice No. 108-TB/TW of May 14, 2003 on examination of capital construction investment as well as land management and use and the Prime Minister's Decision No. 273/QĐ-TTg of April 12, 2002 on examination of capital construction investment as well as land management and use.

Through examination and inspection, it is necessary to resolutely handle, or even request the examination of penal liability for, violation acts, especially those committed by officials and public servants who abuse their positions and powers to take bribes, or assign or lease land in contravention of regulations, causing damage to the State.

b/ To definitely settle unsettled complaints and denunciations about land management and use

The ministries, branches and the People's Committees of all levels shall have to definitely settle according to the current regulations the complaints and denunciations related to land management and use, which have been left over from 2003 and before, first of all the complaints about compensation and ground clearance; prevent violation acts in land management and use, which cause disputes, complaints or denunciations.

The Ministry of Natural Resources and Environment shall coordinate with the Supreme People's Court in promulgating a joint circular which guides the settlement of land disputes for application after the Land Law takes effect.

The ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to

the Government and the presidents of the People's Committees of the provinces and centrally-run cities shall have to organize the implementation of this Directive. The Ministry of Natural Resources and Environment shall have to monitor and examine the implementation of this Directive by the ministries, branches and localities and report thereon to the Prime Minister.

Prime Minister
PHAN VAN KHAI