

**DECREE No. 182/2004/ND-CP OF OCTOBER
29, 2004 ON SANCTIONING OF
ADMINISTRATIVE VIOLATIONS IN THE LAND
DOMAIN**

THE GOVERNMENT

*Pursuant to the December 25, 2001 Law on
Organization of the Government;*

Pursuant to the November 26, 2003 Land Law;

Pursuant to the July 2, 2002 Ordinance on

Handling of Administrative Violations;

At the proposal of the Minister of Natural Resources and Environment,

DECREES:**Chapter I****GENERAL PROVISIONS****Article 1.-** Scope of regulation

1. This Decree prescribes the administrative sanctioning of acts of administrative violation in the land domain.

Administrative violations in the land domain specified in this Decree are intentional or unintentional acts committed by individuals and organizations violating provisions of the land legislation, which, however, are not crimes and shall be administratively sanctioned according to law provisions.

2. Acts of violation in topographical and cartographical activities shall be handled according to law provisions on handling of administrative violations in the domain of topography and cartography.

Article 2.- Objects of application

1. Subject to the application of this Decree are Vietnamese individuals, agencies and organizations (hereinafter referred collectively to as individuals and organizations) as well as foreign organizations and individuals, that commit acts of administrative violation in the use of land, the provision of land-related services in the Vietnamese territory. In cases where international agreements which the Socialist Republic of Vietnam has signed or acceded to otherwise provide for, such international agreements shall apply.

2. State officials and employees who commit acts of violating the legislation on land management

while performing official duties shall be disciplined according to law provisions on State officials and employees and the Decree on implementation of the Land Law. In cases where their acts show signs of crimes, they shall be examined for penal liability according to law provisions.

Article 3.- Acts of administrative violation

1. Acts of administrative violation in the use of land include:

- a/ Using land not for right purposes;
- b/ Encroaching upon or appropriating land;
- c/ Destroying land;
- d/ Obstructing the use of land by others;
- e/ Converting, transferring, leasing, sub-leasing, inheriting, donating or giving as gifts the land use rights or mortgaging, guaranteeing or making capital contribution with the land use rights without strictly complying with the administrative procedures prescribed by the land legislation;
- f/ Converting, transferring, donating or giving as gifts land ineligible for land use right transfer without permission;
- g/ Intentionally registering wrong land categories, or failing to make registrations when changing the land use purposes;
- h/ Delaying the payment of compensations;
- i/ Delaying the payment of land use levies and/or land rents without permission of State agencies competent to assign land or lease land;
- j/ Intentionally obstructing the land assignment, lease or recovery by the State;
- k/ Failing to return land within the time limit prescribed in land recovery decisions of competent State agencies;
- l/ Arbitrarily moving or slanting landmarks put up under land use planning; landmarks showing safety corridors of works;
- m/ Falsifying papers and documents involved

in the land use.

2. Acts of administrative violation in land-related service activities include:

a/ Acts of administrative violation in practicing the profession of providing consultancy on land prices without permission of competent State agencies;

b/ Acts of administrative violation in practicing the profession of providing consultancy on formulation of land use plans and plans without fully satisfying the conditions for practice registration;

c/ Acts of administrative violation in practicing the profession of providing land information services, topographical services and services of drawing cadastral maps.

Article 4.- Interpretation of terms

In this Decree, the following terms shall be construed as follows:

1. *Use of land not for right purposes* means acts of using land not for right purposes or of right categories stated in land use right certificates or land assignment decisions, land lease decisions, decisions permitting the change of land use right purposes or other papers on land use rights prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law.

2. *Land encroachment* means the removal without competent State bodies' permission by current land users of landmarks of their land plots' boundaries in order to expand their land acreages.

3. *Land appropriation* means the use of land without permission of competent State agencies or land users, or the use of land temporarily assigned or lent by the State without returning such land upon the expiry of land assignment or borrowing duration.

4. *Obstructing the land use by others* means acts of placing construction materials, waste matters or other things on other people's land plots or acts of digging or excavating, which obstruct or

reduce other people's capability to use land or cause harm to other people's land use.

5. *Delayed payment of compensations* means acts of failing by organizations or individuals to comply with the time limit for paying compensations to persons whose land are recovered under the provisions of the Decree on compensations in support of resettlement when the State recovers land.

Article 5.- Statute of limitations for sanctioning administrative violations

1. The statute of limitations for sanctioning administrative violations in the land domain is two (02) years counting from the date such administrative violations are committed.

2. For individuals who have already been sued or prosecuted or who are, by already issued decisions, to be brought to trial according to criminal procedures and, later decisions to suspend the investigation or their cases are issued but their violation acts show signs of administrative violation, the statute of limitations for sanctioning administrative violations shall be three (03) months after the persons with sanctioning competence receive suspension decisions and dossiers of violation cases.

3. In cases where the statute of limitations for sanctioning administrative violations have expired but acts of administrative violation are not yet sanctioned, competent persons shall not sanction the administrative violations but apply remedial measures provided for in Clause 3, Article 6 of this Decree.

4. Within the time limit prescribed in Clauses 1 and 2 of this Article, if persons who have committed acts of violation commit new acts of administrative violation prescribed in this Decree or intentionally shirk or obstruct the sanctioning, the statute of limitations for sanctioning must be recalculated from the time of committing new acts of administrative

violation or the time of terminating acts of shirking or obstructing the sanctioning.

Article 6.- Sanctioning forms and remedial measures

1. Principal sanctioning forms include:

a/ Caution;

b/ Fine.

2. Additional sanctioning forms include confiscation of material evidences and means used for committing administrative violations.

3. Remedial measures to be applied in sanctioning of land-related administrative violations mean compelled restoration of original state of land before violation commission.

Article 7.- Principles for sanctioning administrative violations in the land domain

1. All acts of administrative violation must be promptly detected, stopped and handled in association with the performance of responsibilities of local administrations and the land inspection and examination. The sanctioning of administrative violations must be conducted in a quick, just and thorough manner. All consequences caused by acts of administrative violation must be overcome according to the provisions of this Decree and relevant law provisions.

2. Individuals and organizations shall be administratively sanctioned when committing administrative violations prescribed in this Decree.

3. The sanctioning of administrative violations must be conducted by competent persons defined in Articles 25, 26 and 27 of this Decree.

4. One act of administrative violation shall be administratively sanctioned only once.

If many persons jointly commit one act of administrative violation, each of them shall be sanctioned.

One person who commits many acts of

administrative violation shall be sanctioned for each violation act.

5. Administrative violations shall not be handled in cases of emergency circumstances, legitimate self-defense, unexpected events or administrative violations committed by persons suffering from mental diseases or other illnesses which deprive them of the capacity to cognize or control their acts.

6. Principal sanctioning forms shall be applied independently, additional sanctioning forms and remedial measures shall only be applied together with principal sanctioning forms against acts of administrative violation for which additional sanctioning form and remedial measures are prescribed in this Decree, except for the cases prescribed in Clause 3, Article 35 of this Decree.

7. Sanctioning forms and levels shall be determined on the basis of nature and seriousness of violations, consequences of administrative violation acts, personal record of administrative violation act committers, extenuating as well as aggravating circumstances.

Extenuating circumstances and aggravating circumstances shall be applied according to the provisions of Articles 7 and 8 of the Ordinance on Handling of Administrative Violations.

8. Specific sanctioning level against a violation act shall be the average level of the sanctioning bracket prescribed for such act. If a violation involves extenuating circumstance(s), the applicable fine level may be lowered but must not be lower than the minimum level of the sanctioning bracket. If a violation act involves aggravating circumstance(s), the applicable fine level may be higher but must not exceed the maximum level of the sanctioning bracket.

Article 8.- Determination of extent of consequences of administrative violation acts

1. Extent of consequence of an administrative violation act shall be determined on the principle

that value of the right to use the target land area shall be monetized at the land price set by the People's Committee of the province or centrally-run city where such land is located and divided into the following four levels:

a/ Level (1): Cases where the value of the right to use the target land area is monetized at below two million dong (VND 2,000,000) for agricultural land, or below ten million dong (VND 10,000,000) for non-agricultural land;

b/ Level (2): Cases where the value of the right to use the target land area is monetized at between two million dong (VND 2,000,000) and under five million dong (VND 5,000,000) for agricultural land, or between ten million dong (VND 10,000,000) and under twenty five million dong (VND 25,000,000) for non-agricultural land;

c/ Level (3): Cases where the value of the right to use the target land area is monetized at between five million dong (VND 5,000,000) and under ten million dong (VND 10,000,000) for agricultural land, or between twenty five million dong (VND 25,000,000) and fifty million dong (VND 50,000,000) for non-agricultural land;

d/ Level (4): Cases where the value of the right to use the target land area is monetized at ten million dong (VND 10,000,000) or more for agricultural land, or fifty million dong (VND 50,000,000) or more for non-agricultural land.

2. For unused land areas being target of violations, the lowest agricultural land price of the province or centrally-run city at the time of sanctioning shall apply.

Chapter II

ADMINISTRATIVE VIOLATION ACTS, SANCTIONING FORMS AND LEVELS

Section 1. ADMINISTRATIVE VIOLATION ACTS IN THE LAND USE, SANCTIONING FORMS AND LEVELS

Article 9.- Use of land not for right purposes

1. Acts of using land not for right purposes, which do not fall into the cases prescribed in Clauses 2, 3, 4 and 5 of this Article, shall be subject to the following sanctioning forms and levels:

a/ Caution or a fine of between one hundred thousand dong (VND 100,000) and two hundred thousand dong (VND 200,000) shall be imposed for a violation act causing the consequence of level (1);

b/ A fine of between two hundred thousand dong (VND 200,000) and five hundred thousand dong (VND 500,000) shall be imposed for a violation act causing the consequence of level (2);

c/ A fine of between five hundred thousand dong (VND 500,000) and two million dong (VND 2,000,000) shall be imposed for a violation act causing the consequence of level (3);

d/ A fine of between two million dong (VND 2,000,000) and ten million dong (VND 10,000,000) shall be imposed for a violation act causing the consequence of level (4).

2. Acts of converting land for wet-rice farming with controllable irrigation and drainage systems and high yields into land for planting perennial trees, digging ponds or lakes or conducting salt water into rice fields for aquaculture without permission of competent People's Committees shall be subject to the following sanctioning forms and levels:

a/ A fine of between one hundred thousand dong (VND 100,000) and five hundred thousand dong (VND 500,000) shall be imposed for a violation act causing the consequence of level (1);

b/ A fine of between five hundred thousand dong (VND 500,000) and three million dong (VND 3,000,000) shall be imposed for a violation act causing the consequence of level (2);

c/ A fine of between three million dong (VND 3,000,000) and five million dong (VND 5,000,000) shall be imposed for a violation act causing the

consequence of level (3);

d/ A fine of between five million dong (VND 5,000,000) and twenty million dong (VND 20,000,000) shall be imposed for a violation act causing the consequence of level (4).

3. Acts of using land under special-use or protective forests for other purposes without permission of competent People's Committees shall be subject to the following sanctioning forms and levels:

a/ A fine of between two hundred thousand dong (VND 200,000) and five hundred thousand dong (VND 500,000) shall be imposed for a violation act causing the consequence of level (1);

b/ A fine of between five hundred thousand dong (VND 500,000) and three million dong (VND 3,000,000) shall be imposed for a violation act causing the consequence of level (2);

c/ A fine of between three million dong (VND 3,000,000) and fifteen million dong (VND 15,000,000) shall be imposed for a violation act causing the consequence of level (3);

d/ A fine of between fifteen million dong (VND 15,000,000) and thirty million dong (VND 30,000,000) shall be imposed for a violation act causing the consequence of level (4).

4. Acts of converting non-agricultural land assigned by the State without land use levy collection into non-agricultural land liable to payment of land use levies as prescribed, or converting non-agricultural land other than residential land into residential land without permission of competent People's Committees shall be subject to the following sanctioning forms and levels:

a/ A fine of between five hundred thousand dong (VND 500,000) and two million dong (VND 2,000,000) shall be imposed for a violation act causing the consequence of level (1);

b/ A fine of between two million dong (VND 2,000,000) and ten million dong (VND 10,000,000)

shall be imposed for a violation act causing the consequence of level (2);

c/ A fine of between ten million dong (VND 10,000,000) and twenty million dong (VND 20,000,000) shall be imposed for a violation act causing the consequence of level (3);

d/ A fine of between twenty million dong (VND 20,000,000) and thirty million dong (VND 30,000,000) shall be imposed for a violation act causing the consequence of level (4).

5. Acts of using land for constructing works, investing in real estate within urban areas, industrial parks, hi-tech parks or economic zones in contravention of the already publicized detailed land use plannings or plans shall be subject to the following sanctioning forms and levels:

a/ A fine of between five hundred thousand dong (VND 500,000) and two million dong (VND 2,000,000) shall be imposed for a violation act causing the consequence of level (1);

b/ A fine of between two million dong (VND 2,000,000) and ten million dong (VND 10,000,000) shall be imposed for a violation act causing the consequence of level (2);

c/ A fine of between ten million dong (VND 10,000,000) and twenty million dong (VND 20,000,000) shall be imposed for a violation act causing the consequence of level (3);

d/ A fine of between twenty million dong (VND 20,000,000) and thirty million dong (VND 30,000,000) shall be imposed for a violation act causing the consequence of level (4).

6. Compelled restoration of original state of land before the violation commission shall be imposed for violations prescribed in Clauses 1, 2, 3, 4 and 5 of this Article.

Article 10.- Land encroachment and appropriation

1. Acts of encroaching or appropriating land,

which do not fall into the cases prescribed in Clauses 2 and 3 of this Article, shall be subject to the following sanctioning forms and levels:

a/ A fine of between one hundred thousand dong (VND 100,000) and five hundred thousand dong (VND 500,000) shall be imposed for a violation act causing the consequence of level (1);

b/ A fine of between five hundred thousand dong (VND 500,000) and two million dong (VND 2,000,000) shall be imposed for a violation act causing the consequence of level (2);

c/ A fine of between two million dong (VND 2,000,000) and ten million dong (VND 10,000,000) shall be imposed for a violation act causing the consequence of level (3);

d/ A fine of between ten million dong (VND 10,000,000) and twenty million dong (VND 20,000,000) shall be imposed for a violation act causing the consequence of level (4).

2. Acts of encroaching or appropriating land within the safety protection corridors of works, land in urban areas, land with historical-cultural relics, beauty landscapes or scenic places already classified or protected under decisions of the People's Committees of the provinces or centrally-run cities shall be subject to the sanctioning forms and levels prescribed in the Decree on sanctioning of administrative violations in specialized domains related to safety protection corridors of works, urban areas, land with historical-cultural relics, beauty landscapes or scenic places. In cases where relevant law provisions do not exist, the sanctioning forms and levels shall be as follows:

a/ A fine of between two hundred thousand dong (VND 200,000) and five hundred thousand dong (VND 500,000) shall be imposed for a violation act causing the consequence of level (1);

b/ A fine of between five hundred thousand dong (VND 500,000) and three million dong (VND 3,000,000) shall be imposed for a violation act

causing the consequence of level (2);

c/ A fine of between three million dong (VND 3,000,000) and ten million dong (VND 10,000,000) shall be imposed for a violation act causing the consequence of level (3);

d/ A fine of between ten million dong (VND 10,000,000) and thirty million dong (VND 30,000,000) shall be imposed for a violation act causing the consequence of level (4).

3. For acts of encroaching or appropriating land being used for defense purposes, the applicable sanctioning forms and levels shall comply with the provisions of the Decree on sanctioning of administrative violations in the defense domain.

4. Compelled restoration of original state of land before the violation commission shall be imposed for violations prescribed in Clauses 1 and 2 of this Article.

Article 11.- Destruction of land

1. Acts of degrading land quality or deforming land terrain, thus causing land utility decline or loss according to the already determined land use purposes shall be subject to the following sanctioning forms and levels:

a/ A fine of between two hundred thousand dong (VND 200,000) and five hundred thousand dong (VND 500,000) shall be imposed for a violation act causing the consequence of level (1);

b/ A fine of between five hundred thousand dong (VND 500,000) and two million dong (VND 2,000,000) shall be imposed for a violation act causing the consequence of level (2);

c/ A fine of between two million dong (VND 2,000,000) and ten million dong (VND 10,000,000) shall be imposed for a violation act causing the consequence of level (3);

d/ A fine of between ten million dong (VND 10,000,000) and twenty million dong (VND 20,000,000) shall be imposed for a violation act

causing the consequence of level (4).

2. Acts of polluting land with consequences being loss of land utility according to already determined purposes shall be subject to the following sanctioning forms and levels:

a/ A fine of between five hundred thousand dong (VND 500,000) and two million dong (VND 2,000,000) shall be imposed for a violation act causing the consequence of level (1);

b/ A fine of between two million dong (VND 2,000,000) and ten million dong (VND 10,000,000) shall be imposed for a violation act causing the consequence of level (2);

c/ A fine of between ten million dong (VND 10,000,000) and twenty million dong (VND 20,000,000) shall be imposed for a violation act causing the consequence of level (3);

d/ A fine of between twenty million dong (VND 20,000,000) and thirty million dong (VND 30,000,000) shall be imposed for a violation act causing the consequence of level (4).

3. Confiscation of material evidences and means used for committing administrative violation acts or compelled application of measures to address the polluting activities or compelled restoration of original land terrain before violation commission shall be imposed for acts prescribed in Clauses 1 and 2 of this Article.

Article 12.- Obstructing the land use by others

1. A fine of between one hundred thousand dong (VND 100,000) and five hundred thousand dong (VND 500,000) shall be imposed for an act of placing without permission construction materials, waste matters or other things on land plots of others, thus obstructing the latter's land use.

2. A fine of between five hundred thousand dong (VND 500,000) and three million dong (VND 3,000,000) shall be imposed for an act of bringing without permission construction materials, waste

matters or other things onto land plots of others, thus reducing the land utility or harming the latter's land use.

3. A fine of between one million dong (VND 1,000,000) and five million dong (VND 5,000,000) shall be imposed for an act of digging or excavating land without permission, thus obstructing or harming the land use by others.

4. Confiscation of material evidences and means used for committing administrative violation acts, compelled restoration of original state of land before the violation commission shall be imposed for acts prescribed in Clauses 1, 2 and 3 of this Article.

Article 13.- Conversion, transfer, lease, sub-lease, inheritance or donation of land use rights or mortgage of, guarantee or capital contribution with land use right without strictly complying with the administrative procedures prescribed by the land legislation

A fine of between two hundred thousand dong (VND 200,000) and five hundred thousand dong (VND 500,000) shall be imposed for every act of converting, transferring, leasing, sub-leasing, inheriting or donating land use rights or mortgaging, providing guarantees or contributing capital with land use rights without strictly complying with the administrative procedures prescribed by the land legislation.

Article 14.- Conversion, transfer or donation without permission of land ineligible for land use right transfer

1. A fine of between five million dong (VND 5,000,000) and ten million dong (VND 10,000,000) shall be imposed for an act of converting, transferring or donating without permission land ineligible for land use right transfer prescribed in Article 106 of the Land Law.

2. A fine of between ten million dong (VND

10,000,000) and twenty million dong (VND 20,000,000) shall be imposed for an act of converting, transferring or donating encroached or appropriated land.

3. Compelled restoration of original state of land before violation commission or compelled return of encroached or appropriated land areas.

Article 15.- Intentional registration of wrong land categories, failure to make registration upon change of land use purposes

Caution or a fine of between one hundred thousand dong (VND 100,000) and two hundred thousand dong (VND 200,000) shall be imposed for an act of intentionally registering wrong land categories or failing to make registration upon change of land use purposes.

Article 16.- Delayed payment of compensations

A fine equal to 0.04% of payable compensation amount shall be imposed for each day of delayed compensation payment as from the date the competent State agency rules that compensations must be made, for acts of delaying compensation payment.

Article 17.- Delayed payment of land use levies or land rents without permission of State agencies competent to assign or lease land

Caution or a fine equal to 0.02% of the payable amount for each day of delayed payment as from the date competent State agencies rule that land use levies or land rents must be paid, shall be imposed for acts of delaying the payment of land use levies or land rents.

Article 18.- Intentional obstruction of land assignment, land lease or land recovery

1. Caution or a fine of between one hundred thousand dong (VND 100,000) and two hundred thousand dong (VND 200,000) shall be imposed for an act of failing to show up at locations for land

handover at requests of competent State agencies without plausible reasons.

2. A fine of between two hundred thousand dong (VND 200,000) and five hundred thousand dong (VND 500,000) shall be imposed for an act of obstructing State officials and/or employees of competent State agencies from determining landmarks, handing over land, leasing or recovering land on the field.

Article 19.- Failure to return land within the time limits prescribed in land recovery decisions of competent State agencies

A fine of between five hundred thousand dong (VND 500,000) and three million dong (VND 3,000,000) shall be imposed for an act of intentionally shirking or delaying the return of land within the time limits prescribed in land recovery decisions of competent State agencies, for which the compensation plans have already been implemented according to law provisions.

Article 20.- Removal without permission, slanting or damaging of landmarks put up under land use plannings; landmarks showing works' safety corridors

1. Caution or a fine of between one hundred thousand dong (VND 100,000) and two hundred thousand dong (VND 200,000) shall be imposed for an act of removing without permission or slanting landmarks put up under land use plannings or landmarks showing works' safety corridors.

2. A fine of between one million dong (VND 1,000,000) and five million dong (VND 5,000,000) shall be imposed for an act of intentionally damaging landmarks put up under land use plannings or landmarks showing works' safety corridors.

3. Confiscation of material evidences or means used for committing administrative violation acts shall be imposed for acts prescribed in Clauses 1

and 2 of this Article.

Article 21.- Falsification of papers and documents in the land use

1. A fine of between five hundred thousand dong (VND 500,000) and one million dong (VND 1,000,000) shall be imposed for an act of erasing or modifying papers or documents in the land use, which do not fall into the cases prescribed in Clause 2 of this Article.

2. A fine of between five hundred thousand dong (VND 500,000) and two million dong (VND 2,000,000) shall be imposed for an act of erasing or modifying papers or documents in the land use, which deviate the issuance of land use right certificates; conversion, transfer, lease, inheritance, donation, mortgage of, guarantee or capital contribution with land use rights but not seriously enough for penal liability examination.

Section 2. ACTS OF ADMINISTRATIVE VIOLATION IN LAND-RELATED SERVICE ACTIVITIES, AND SANCTIONING FORMS AND LEVELS, REMEDIAL MEASURES

Article 22.- Professional practice of consultancy on land prices without being licensed by competent State agencies

1. Caution or a fine of between one hundred thousand dong (VND 100,000) and two hundred thousand dong (VND 200,000) shall be imposed for an act of practicing the consultancy on land prices without being licensed by competent State agencies.

2. A fine of between ten million dong (VND 10,000,000) and twenty million dong (VND 20,000,000) shall be imposed for each of the acts prescribed in Clause 1 of this Article, which causes damage to the State or other people.

3. Caution or a fine of between one hundred thousand dong (VND 100,000) and two hundred

thousand dong (VND 200,000) shall be imposed for an act of failing to strictly comply with the law-prescribed principles and methods of determining land prices in practicing the land price consultancy licensed by competent State agencies.

4. A fine of between five million dong (VND 5,000,000) and ten million dong (VND 10,000,000) shall be imposed for an act prescribed in Clause 3 of this Article, which causes damage to the State or other people.

Article 23.- Professional practice of consultancy on formulation of land use plannings or plans without fully satisfying the conditions for practice registration

Caution or a fine of between two hundred thousand dong (VND 200,000) and five hundred thousand dong (VND 500,000) shall be imposed for an act of practicing the profession of providing consultancy on formulation of land use plannings or plans without fully satisfying the law-prescribed conditions for registering professional practice of providing consultancy on formulation of land use plannings or plans.

Article 24.- Professional practice of provision of land information services without fully satisfying the conditions for practice registration, professional practice of provision of cadastral measurement and mapping services without being licensed by competent State agencies

1. Caution or a fine of between one hundred thousand dong (VND 100,000) and two hundred thousand dong (VND 200,000) shall be imposed for an act of practicing the profession of providing land information services without fully satisfying the conditions for practice registration, or practicing the profession of providing topographical services and cadastral map-drawing services without being licensed by competent State agencies.

2. A fine of between five million dong (VND

5,000,000) and ten million dong (VND 10,000,000) shall be imposed for an act prescribed in Clause 1 of this Article, which causes damage to the State or other people.

Chapter III

COMPETENCE TO SANCTION ADMINISTRATIVE VIOLATIONS

Article 25.- Competence of presidents of People's Committees of all levels to sanction administrative violations

1. Presidents of People's Committees of communes, wards or district townships can:

a/ Impose a caution;

b/ Impose fines of up to five hundred thousand dong (VND 500,000);

c/ Confiscate material evidences and means used for committing administrative violations, which are valued at up to five hundred thousand dong (VND 500,000);

d/ Compel the restoration of original state of land before the violation commission.

2. Presidents of People's Committees of urban districts, rural districts, provincial capitals or towns can:

a/ Impose a caution;

b/ Impose fines of up to twenty million dong (VND 20,000,000);

c/ Confiscate material evidences and means used for committing administrative violations;

d/ Compel the restoration of original state of land before the violation commission.

3. Presidents of People's Committees of provinces or centrally-run cities can:

a/ Impose a caution;

b/ Impose fines of up to thirty million dong (VND 30,000,000);

c/ Confiscate material evidences and means used for committing administrative violations;

d/ Compel the restoration of original state of land before the violation commission.

Article 26.- Competence of specialized land inspectorates to sanction administrative violations

1. Land inspectors while performing official duties can:

a/ Impose a caution;

b/ Impose fines of up to two hundred thousand dong (VND 200,000);

c/ Confiscate material evidences and means used for committing administrative violations, which are valued at up to two million dong (VND 2,000,000);

2. Chief inspectors of provincial/municipal Services of Natural Resources and Environment can:

a/ Impose a caution;

b/ Impose fines of up to twenty million dong (VND 20,000,000);

c/ Confiscate material evidences and means used for committing administrative violations;

d/ Compel the restoration of original state of land before the violation commission.

3. Chief inspector of the Ministry of Natural Resources and Environment can:

a/ Impose a caution;

b/ Impose fines of up to thirty million dong (VND 30,000,000);

c/ Confiscate material evidences and means used for committing administrative violations;

d/ Compel the restoration of original state of land before the violation commission.

Article 27.- Authorized sanctioning of administrative violations and principles for determining competence to sanction administrative

violations

The authorized sanctioning of administrative violations and principles for determining competence to sanction administrative violations shall comply with the provisions of Articles 41 and 42 of the Ordinance on Handling of Administrative Violations and relevant law provisions.

Article 28.- Responsibilities of persons competent to sanction administrative violations for cases of land recovery, temporary suspension or cessation of land-related service activities

1. The handling of administrative violations falling into the cases where land must be recovered prescribed in Article 38 of the Land Law must comply with the following regulations:

a/ Persons with sanctioning competence defined in Articles 25, 26 and 27 of this Decree, who are concurrently competent to recover land as prescribed in Article 44 of the Land Law, shall simultaneously conduct the sanctioning of administrative violations and the land recovery.

b/ Persons with sanctioning competence defined in Articles 25, 26 and 27 of this Decree, who are not competent to recover land, shall conduct the sanctioning of administrative violations and have to request in writing the People's Committees of the competent levels to issue land recovery decisions. The People's Committees of the competent levels shall have to recover land in cases where they have enough grounds. In cases where the grounds prescribed by the land legislation for land recovery are not enough, they must notify the requesters, the sanctioned persons and the People's Committees of communes, wards and district townships where the land is located of the reasons therefor.

c/ Upon the expiry of the statute of limitations for sanctioning prescribed in Article 5 of this Decree, persons with sanctioning competence shall have

to make written records on administrative violations and issue land recovery decisions in cases where such recovery falls under their competence or request the People's Committees of competent levels to recover land in cases where such recovery falls beyond their competence.

2. When handling administrative violations falling into the cases prescribed in Articles 22 and 24 of this Decree, persons competent to sanction administrative violations shall have to notify such to competent State agencies which have licensed the professional practice for further handling according to law provisions.

3. When considering violations cases to decide on administrative sanctions, if deeming that violation acts show signs of crimes, persons competent to sanction administrative violations, instead of retaining such cases for administrative sanctioning, shall have to immediately forward the dossiers thereof to competent criminal proceeding-conducting agencies.

In cases where sanctioning decisions have already been issued but later the decision issuers detect that the violation acts show signs of crimes before the statute of limitations for penal liability examination expires, they shall have to cancel such decisions and transfer, within three (03) days after canceling the sanctioning decisions, dossiers of violation cases to competent criminal proceeding-conducting agencies.

Chapter IV

PROCEDURES FOR SANCTIONING ADMINISTRATIVE VIOLATIONS AND EXECUTING SANCTIONING DECISIONS

Article 29.- Procedures for sanctioning administrative violations in the land domain

Procedures for sanctioning administrative violations in the land domain shall comply with the

provisions of the Ordinance on Handling of Administrative Violations and the Government's Decree No. 134/2003/ND-CP of November 14, 2003 detailing the implementation of a number of articles of the Ordinance on Handling of Administrative Violations.

Article 30.- Execution of decisions on sanctioning of administrative violations in the land domain

1. Persons sanctioned for administrative violations in the land domain must execute the sanctioning decisions within ten (10) days after receiving such sanctioning decisions.

2. Past the time limit prescribed in Clause 1 of this Article, if persons sanctioned for administrative violations fail to voluntarily execute the sanctioning decisions, they shall be coerced to do so with the following measures:

a/ Deduction of part of salary or income or deduction of bank deposits;

b/ Distrainment of assets with equal value for auctions;

c/ Other coercive measures for execution of sanctioning decisions.

3. Individuals imposed with fines of five hundred thousand dong (VND 500,000) or more each may be allowed to delay execution of sanctioning decisions according to the provisions of Article 65 of the Ordinance on Handling of Administrative Violations.

4. Competence, procedures for, and organization of coercive execution of decisions on sanctioning of administrative violations shall comply with the provisions of Articles 66 and 67 of the Ordinance on Handling of Administrative Violations.

Article 31.- Complaints, denunciations and initiation of lawsuits

1. Persons sanctioned for administrative violations in the land domain or their lawful representatives may lodge complaints about decisions on sanctioning of administrative violations.

2. Every citizen has the right to denounce illegal acts in handling of administrative violations.

3. Competence, procedures and time limit for settling complaints and denunciations shall comply with law provisions on complaints and denunciations.

4. The initiation of lawsuits against decisions on sanctioning of administrative violations in the land domain shall comply with law provisions on procedures for settlement of administrative cases.

Chapter V

IMPLEMENTATION PROVISIONS

Article 32.- Implementation effect

This Decree takes effect 15 days after its publication in the Official Gazette.

This Decree replaces the Government's Decree No. 04/CP of January 10, 1997 on sanctioning of administrative violations in the domain of land management and use.

To annul all previous stipulations which are contrary to the provisions of this Decree.

Article 33.- Implementation responsibilities

The ministers, the heads of the ministerial-level agencies, the heads of the Government-attached agencies and the presidents of the People's Committees of all levels shall have to implement this Decree.

On behalf of the Government

Prime Minister

PHAN VAN KHAI