

THE GOVERNMENT

DECREE No. 181/2004/ND-CP OF OCTOBER 29, 2004 ON THE IMPLEMENTATION OF THE LAND LAW

THE GOVERNMENT

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

Pursuant to the November 26, 2003 Land Law;

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

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.- Scope of regulation and subjects of application

1. This Decree prescribes the implementation of the Land Law, which was passed on November 26, 2003 by the XIth National Assembly at its 4th session.

2. The prescription of land price-determining methods, price brackets for assorted land categories; land use levy and land rent collection; compensation, support, resettlement when the State recovers land for use for defense or security purposes, for national interests, public interests, economic development; land inspection; sanctioning of administrative violations in the field of land shall comply with the provisions of other decrees of the Government.

3. Subjects of application of this Decree shall include:

a) State agencies, which exercise the powers and perform the responsibilities of representatives of the entire-people owners of land, perform the task of

uniform State management over land;

b) Land users, as provided for in Article 9 of the Land Law;

c) Other subjects involved in land management and use.

Article 2.- Persons answerable to the State for the use of land

The persons answerable to the State for the use of land are stipulated as follows:

1. The Heads of Vietnamese organizations, foreign organizations are the persons answerable to the State for the use of land by their respective organizations.

2. The Presidents of the People's Committees of communes, wards, district townships are answerable to the State for the use of agricultural land for public-utility purposes; non-agricultural land assigned to the commune, ward or township People's Committees for use for the purpose of constructing the offices of the People's Committees as well as public works in service of cultural, educational, medical, physical exercise, sport, entertainment or recreation activities, market places, cemeteries, graveyards or other public works of the localities.

3. The representatives of the population communities are the persons answerable to the State for the use of land assigned to such population communities.

4. The Heads of religious establishments are the persons answerable to the State for the use of land assigned to their religious establishments.

5. Household masters are the persons answerable to the State for the use of land by their households.

6. Vietnamese individuals, overseas Vietnamese, foreign individuals are answerable to the State for their land use.

7. The representatives of land users who share the land use rights over their common land plots are

the persons answerable to the State for the use of such land.

Article 3.- Persons answerable to the State for land assigned for management

1. The Heads of organizations are answerable to the State for land management in the following cases:

a) Organizations are assigned to manage public works defined in Clause 3, Article 91 of this Decree;

b) Economic organizations are assigned to manage land areas for execution of investment projects in form of build-transfer (BT) under the provisions of Clause 1, Article 87 of this Decree;

c) Organizations are assigned to manage land with surface water of big rivers and land with special-use water surface;

d) Land fund development organizations are assigned to manage funds of land recovered under decisions of competent State bodies.

2. The Presidents of the People's Committees of communes, wards or townships are answerable to the State for the management of assigned land used for public purposes, and recovered in rural areas for cases prescribed in Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Article 38 of the Land Law, land not yet assigned and land not yet leased in the localities.

3. The provincial/municipal People's Committee presidents are answerable to the State for the management of unused land in uninhabited islands of the localities.

4. The representatives of population communities are answerable to the State for forestry land assigned to the population communities for forest protection and development according to the provisions of the Law on Forest Protection and Development.

Article 4.- Guarantees for land users

1. The State shall not recognize land reclaim and shall not consider and settle complaints for reclaim of land already assigned by the State to other persons for use under land policies before October 15, 1993

in the following cases:

a) Land was confiscated, requisitioned or compulsorily purchased upon the implementation of land reforms in the North; the policy of completely abolishing the vestiges of land possession and forms of colonial and feudal exploitation in the South;

b) Land was donated or presented to the State, cooperatives or other organizations, to households, individuals;

c) Land was contributed to agricultural cooperatives under the provisions of high-grade agricultural cooperatives' statutes;

d) Inhabited land was assigned by the State to other persons for use as residential land; residential land and garden land was returned to cooperatives before leaving for virgin land reclamation; land was recovered for assignment to other persons or readjusted to other persons upon the settlement of land disputes;

e) Land was divided to other persons in response to the campaign of sharing land to landless people or land-deficient people in the South following the liberation.

2. The settlement of land-related complaints and disputes must be based on the land legislation at the time when the land relations arose, leading to complaints or disputes, which include the following land-related documents:

a) The Land Reform Law promulgated on December 4, 1953 of the Democratic Republic of Vietnam;

b) Circular No. 73/TTg of July 7, 1962 of the Prime Minister of the Democratic Republic of Vietnam on the management of private land, which was leased, left ownerless, left unused in inner cities, towns;

c) The high-grade agricultural cooperatives' statute promulgated on May 1, 1969;

d) Resolution No. 125/CP of June 28, 1971 of the Government Council of the Democratic Republic of Vietnam on enhancement of land management;

e) Decree No. 47/CP of March 15, 1972 of the Government Council of the Democratic Republic of Vietnam promulgating the Provisional Regulation on selection of project locations and management of construction land;

f) Resolution No. 28/CP of December 16, 1973 of the Government Council of the Democratic Republic of Vietnam on population relocation for river-bed clearance;

g) Decision No. 129/CP of May 25, 1974 of the Government Council of the Democratic Republic of Vietnam promulgating policies towards cooperatives which expand areas for agricultural or forestry development in midland and mountainous areas;

h) Decree No. 01/ND/75 of March 5, 1975 of the Provisional Revolutionary Government of the Republic of South Vietnam on land policies;

i) Directive No. 235-CT/TW of August 20, 1976 of the Central Committee of Vietnam Labor Party on the realization of the Political Bureau's Resolution on the issue of land in the South;

j) Decision No. 188/CP of September 25, 1976 of the Government Council of the Socialist Republic of Vietnam on the policy of absolutely abolishing the vestiges of land possession and forms of colonial and feudal exploitation in the South;

k) Decision No. 318/CP of December 14, 1978 of the Government Council of the Socialist Republic of Vietnam on abolishing the forms of capitalist exploitation in terms of land and promoting the land adjustment in rural areas in the South;

l) Decision No. 201/CP of July 1, 1980 of the Government Council of the Socialist Republic of Vietnam on the uniform management of land and enhancement of land management nationwide;

m) The 1987 Land Law and Decree No. 30/HDBT of March 23, 1989 of the Council of Ministers on the implementation of the 1987 Land Law;

n) Decision No. 13/HDBT of February 1, 1989 of the Council of Ministers of the Socialist Republic of

Vietnam on settlement of a number of urgent issues on land.

3. The settlement of residential land, non-agricultural production and business land with constructions thereon under the State's management, which have been arranged for use in the process of implementing policies on house and land management and policies on socialist transformation before July 1, 1991 shall comply with the provisions of Resolution No. 23/2003/QH11 of November 26, 2003 of the National Assembly and legal documents guiding the implementation of this Resolution.

Article 5.- Funding for State management over land

1. The State budget ensures funding for activities of State management over land and investment in cadastral non-business activities (including land survey, measurement, cadastral mapping; land evaluation and categorization; land use planning and plan elaboration, appraisal, publicization and adjustment; cadastral dossier compilation, land use right certificate granting; land statistics and inventory and other cadastral non-business activities) under law provisions.

2. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with the concerned ministries and agencies in, formulating regimes, standards, techno-economic norms for cadastral non-business activities for use as basis for allocation and management of funding.

3. The central budget shall ensure the spending tasks for land-State management work at the central level. The local budgets shall ensure the spending tasks for land-State management work in localities according to management decentralization regulations.

Article 6.- Land categorization

1. Land categories, land use purposes of each

land plot shall be determined on one of the following grounds:

a) Decisions on land assignment, land lease, land use purpose change permission, issued by competent State agencies;

b) Land use right certificates already granted to current land users with their land use rights recognized by the State;

c) Registration of land use purpose changes suitable to land use plannings, plans, for cases requiring no permission for land use purpose change;

d) Land being stably used in conformity with land use plannings already approved by competent State agencies;

e) For cases where the grounds prescribed at Points a, b, c and d of this Clause are not available, the People's Committees of rural districts, urban districts, provincial capitals or towns shall base themselves on the stable land use situation to determine land categories and land use purposes.

2. Apart from the principal land use purposes determined under the provisions of Clause 1 of this Article, land users may use land for other combined purposes without affecting the principal use purposes and without contravening the law provisions on land.

3. Land is categorized into the following groups:

a) Agricultural land group;

b) Non-agricultural land group;

c) Unused land group.

4. The agricultural land group is divided into the following subgroups:

a) Agricultural production land, including land under annual crops, land under perennial trees. The land under annual crops includes rice-cultivated land; pasture land for cattle rearing, land for other annual crops;

b) Forestry land, including production forest land, protective forest land, special-use forest land;

c) Aquaculture land;

d) Salt-making land;

e) Other agricultural land.

Other agricultural land means rural land used for construction of greenhouses and houses of other types in service of cultivation, including forms of cultivation not directly on land; construction of sheds, stables and farms for rearing of cattle, poultry and other animals permitted by law; construction of agricultural, forestry, salt-making or aquaculture research or experiment stations or farms, construction of plant nurseries or animal breeding establishments; construction of storehouses, houses of households or individuals to store agricultural products, plant protection drugs, fertilizers, farm machinery and tools.

5. The non-agricultural land group is divided into the following subgroups:

a) Residential land, including rural residential land and urban residential land;

b) Special-use land, including land for construction of working offices, non-business works; land used for defense or security purposes; non-agricultural production, business land; land used for public purposes.

Land used for public purposes means land used for the purposes of building traffic works, bridges, sluices, pavements, waterway ports, ferries, car terminals, car parks, railways stations, airports; water supply system, water drainage system, system of irrigation works, dykes, dams; electricity transmission line system, communication network system; petrol, oil or gas pipe systems; land used for construction of crèches, schools, hospitals, market places, parks, flower gardens, children's playgrounds, public squares, stadiums, sanatoria, elderly and disadvantaged children-homes, physical training-sport establishments, cultural works, commune cultural-postal spots, monuments, memorials, funeral houses, clubs, theatres, museums, exhibition centers, cinemas, circus theatres, functional rehabilitation establishments for the disabled, job-training

establishments, drug detoxication establishments, reformatories, dignity rehabilitation camps; land with historical-cultural relics, scenic places, which have been classified or protected under decisions of provincial/municipal People's Committees; waste dumping sites, garbage sites, waste-treating zones;

c) Land with rivers, arroyos, canals, ditches, streams and special-use water surface;

d) Religious, belief land, including land used by religious establishments; land with constructions being communal houses, temples, shrines, small pagodas, worship halls, ancestral worship houses;

e) Land for cemeteries, graveyards;

f) Other non-agricultural land.

Other non-agricultural land means land where exist worshipping works, museums, conservatories, art work display houses, cultural and artistic creation establishments and other private works constructed not for business purposes and not affixed to residential land; land for construction of rest houses, hut, makeshifts for laborers; urban land used for construction of glasshouses and other types of houses in service of cultivation including forms of cultivation not directly on land, construction of sheds, stables and farms for rearing cattle, poultry and other animals permitted by law, construction of agricultural, forestry, aquaculture research and/or experiment stations and/or farms, construction of plant nurseries, animal breeding establishments, construction of warehouses, houses of households, individuals for storage of agricultural products, plant protection drugs, fertilizers, farm machinery and tools.

6. The unused land group is divided into the following categories:

- a) Unused delta land;
- b) Unused hilly and mountain land;
- c) Rock mountains without forests.

Article 7.- Determination of land plots

1. Land plots with a single land use purpose shall

be determined in the following cases:

a) The land plots with boundaries determined in the land use process;

b) The land plots with boundaries determined when the State assigns land, leases land, recognizes land use rights;

c) The land plots with boundaries determined when many land plots are consolidated into one (called plot consolidation) or when a land plot is separated into many plots (called plot separation) for management requirements or at requests of land users in accordance with provisions of land legislation.

2. Land plots with many land use purposes shall be determined in the following cases:

a) Where the boundaries can be determined for different land use purposes, the land plots shall be determined according to separate use purposes;

b) Where there exist a principal use purpose and auxiliary use purposes for which land is used according to seasons in the year or used simultaneously, the land plots shall be determined as provided for in Clause 1 of this Article and the principal use purpose and auxiliary use purposes must be determined, except for cases prescribed in Clauses 2 and 3, Article 45 of this Decree.

Chapter II

SYSTEM OF LAND MANAGEMENT ORGANIZATIONS AND LAND MANAGEMENT AND USE SERVICE ORGANIZATIONS

Article 8.- Land management agencies

1. The organizational system of land management agencies is set up uniformly from the central to grassroots level in association with natural resource and environment management, with the following specific organizational apparatus:

a) The central land-State management agency shall be the Ministry of Natural Resources and

Environment;

b) The provincial/municipal land management agencies shall be the provincial/municipal Services of Natural Resources and Environment;

c) The land management agencies in rural districts, urban districts, provincial capitals or towns shall be the district-level Sections of Natural Resources and Environment.

2. Communes, wards, district townships shall be staffed with cadastral personnel.

3. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with the Ministry of Home Affairs in, guiding in detail the organizational apparatuses of provincial/municipal Services of Natural Resources and Environment and district-level Sections of Natural Resources and Environment; guiding the appointment and dismissal of commune, ward or township cadastral personnel; prescribing the tasks and criteria of commune, ward or township cadastral personnel.

4. The People's Committees of provinces or centrally-run cities, the People's Committees of rural districts, urban districts, provincial capitals or towns shall have to build the organizational apparatuses for land management in localities and arrange commune, ward, township cadastral personnel to ensure the fulfillment of tasks.

Article 9.- Land use right registration offices

1. Land use right registration offices are public-service agencies functioning to register land use and land use-related evolutions, manage cadastral dossiers and assist the natural resource and environment offices in carrying out the administrative procedures for land management and use.

2. The provincial/municipal People's Committees shall decide on the establishment of land use right registration offices under the provincial/municipal Services of Natural Resources and Environment and the setting up of branches of such offices in

necessary localities.

The People's Committees of rural districts, urban districts, provincial capitals or towns shall base themselves on the local demands for land use right registration to decide on the setting up of land use right registration offices under the district-level Sections of Natural Resources and Environment.

3. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with the Ministry of Home Affairs in, guiding the organization and operation of land use right registration offices.

Article 10.- Land fund development organizations

1. Land fund development organizations shall operate in form of non-business units with revenues or State enterprises performing public-utility tasks, and be established under decisions of provincial/municipal People's Committees to carry out the compensation and ground clearance in case of land recovery after the land use plannings or plans are publicized while investment projects are not yet available; to accept the transfer of the rights to use land in planned areas where land must be recovered but the land users wish to move elsewhere before the State decides to recover the land; to manage the recovered land funds and organize land use right auctions under decisions of competent State agencies for land areas assigned for management.

2. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with the Ministry of Home Affairs in, guiding the organization and operation of land fund development organizations.

Article 11.- Land management and use service organizations

1. Non-business organizations with revenues, enterprises of all economic sectors, which fully satisfy the conditions prescribed in Clause 3 of this Article shall be licensed to provide or entitled to register land management and use services.

2. Domains of land management and use services shall include:

- a) Land price consultancy;
- b) Land use planning, plan elaboration consultancy;
- c) Cadastral measuring and mapping services;
- d) Land information services.

3. Responsibilities for prescribing the conditions and procedures for licensing, registering land management and use services are as follows:

a) The Finance Ministry shall prescribe the conditions and procedures for licensing, registering land price consultancy activities;

b) The Ministry of Natural Resources and Environment shall prescribe the conditions for activities, registration of activities of providing land use planning and plan elaboration consultancy, land information services; the conditions and procedures for licensing, registering cadastral measurement and mapping services.

and special-use water surface; religious and belief land; cemetery and graveyard land; unused delta land, unused hilly and mountainous land, rock mountains without forests.

3. Evaluation of land potentials and the present land use's suitability to land potentials, to socio-economic, scientific-technological development trends according to the following regulations:

a) For land currently in use, to evaluate the current use's compatibility and incompatibility with land potentials, with socio-economic development strategies, overall plans and plans, the possibility of the application of scientific and technological advances to land use;

b) For unused land, to evaluate the possibility of putting such land in use for various purposes.

4. Evaluation of the achievement of the land use planning targets already decided and approved in the preceding planning period.

5. Determination of land use orientations and objectives in the planning period and orientations for the subsequent period in conformity with socio-economic development strategies and overall plans of the whole country, branches and localities.

6. Formulation of plans on distribution of areas of assorted land for socio-economic development, defense and security demands in the planning period, which shall be carried out as follows:

a) Marking off on maps the current land use in agricultural land areas according to land use purposes, land categories for which the use purpose changes must be permitted by competent State agencies; the current land use in non-agricultural land areas according to their functions as urban population quarter, rural population quarter, administrative quarter, industrial zone, hi-tech park, economic zone, service zone, historical-cultural relics zone, scenic places, defense and/or security areas and other works or projects involving large-scale land use;

Chapter III

LAND USE PLANNINGS, PLANS

Article 12.- Contents of land use plans

1. Survey, research, analysis, synthesis of natural, economic and social conditions in the geographical areas where the plans are to be executed.

2. Evaluation of the present land use situation and changes in the preceding planning period based on the use purposes, including land under wet rice, land under other annual crops, land under perennial trees; production forest land, protective forest land, special-use forest land; aquaculture land; salt-making land; other agricultural land; rural residential land, urban residential land; land for construction of working offices and non-business works; land used for defense or security purposes; non-agricultural production and business land; land used for public purposes; land with rivers, canals, ditches, streams

areas of unused land.

The zoning off shall be effected for land areas with acreages reflectible on land use planning maps;

b) Determination of land areas with unchanged use purposes; land areas with use purposes to be compulsorily changed, including land areas expected to be recovered for execution of works, projects.

7. Analysis of economic, social and environmental efficiency of each land fund-distributing plan according to the following contents:

a) Analysis of economic efficiency, covering the projection of revenue sources from land assignment, land lease and land use purpose change, assorted land-related taxes and expenses for compensations, ground clearance, resettlement;

b) Analysis of social impacts, covering the projection of the number of households to be removed, the number of laborers losing their jobs due to land recovery, the number of jobs to be created from land use restructuring;

c) Evaluation of environmental impacts of land use according to new land use purposes of the land fund-distributing plans.

8. Selection of rational land fund-distributing plans, based on the results of the economic, social and environmental efficiency analysis prescribed in Clause 7 of this Article.

9. Presentation of the selected land use plannings on the land use planning maps.

10. Determination of measures for land use, protection and improvement as well as environmental protection, which must be applied to each land category, suitable to the planned areas.

11. Determination of measures to organize the implementation of land use plannings, suitable to the characteristics of the planned areas.

Article 13.- Contents of land use plans

1. Evaluation and analysis of results of

implementation of the land use plan of the preceding period, including:

a) Results of achievement of land use targets for each land category;

b) Results of achievement of targets of conversion between land categories;

c) Results of virgin land reclamation for expansion of land areas for various purposes;

d) The quality of the achievement of targets in the land use plans;

e) The collection of revenues from land assignment, land lease, land use purpose change, assorted land-related taxes and expenses for compensations, supports, resettlement;

f) Causes of shortcomings and weaknesses in the implementation of land use plans.

2. Elaboration of plans for recovery of assorted land for distribution for infrastructure construction demands; industrial and service development; development of urban centers, rural population quarters; defense, security; for works and projects with identified investors, to make their lists enclosed with land use scale, locations, projected implementation schedule and land recovery schedule.

3. Elaboration of plans on conversion of land areas specialized in wet rice farming and forest land into those used for other purposes, determination of areas of agricultural land entitled to land use restructuring according to the following contents:

a) Determination of locations, acreages and schedule for conversion of wet rice land, protective-forest land, special-use forest land, production-forest land into those used for other purposes;

b) Determination of land areas registered for restructuring the use of assorted land within the agricultural land group.

4. Elaboration of plans on putting unused land to use for various purposes, covering the determination of locations, acreages and reclamation schedule to put unused land to use for agricultural or non-

agricultural purposes.

5. Detailing of the distribution of assorted land in land use plans by year.

6. Projection of revenue sources from land assignment, land lease, land use purpose change, assorted land-related taxes and expenses for compensations, supports, resettlement.

7. Determination of measures for implementation of land use plans, ensuring the planned schedule.

Article 14.- Contents of detailed land use plannings, detailed land use plans of communes, wards, district townships, hi-tech parks, economic zones

1. A detailed land use planning covers the contents prescribed in Article 12 of this Decree; the selected land use planning must be reflected on cadastral maps; where the detailed urban construction planning, rural population quarter construction planning have been already approved, they must be reflected on the cadastral maps.

2. A detailed land use plan covers the contents prescribed in Article 13 of this Decree and is associated with the land plot.

Article 15.- Responsibilities for elaboration of land use plannings, plans

1. The Ministry of Natural Resources and Environment shall have the responsibility to assist the Government in organizing the elaboration of land use plannings and plans of the whole country.

The ministries, ministerial-level agencies, Government-attached agencies, the provincial/municipal People's Committees shall have the responsibility to coordinate with the Ministry of Natural Resources and Environment in determining their respective land use demands.

2. The Ministry of Defense shall elaborate plannings, plans on the use of land for defense purposes.

The Ministry of Defense shall have to coordinate

with the provincial/municipal People's Committees in determining the demands for land use for defense purposes in the localities.

3. The Ministry of Public Security shall elaborate plannings and plans on the use of land for security purposes.

The Ministry of Public Security shall have to coordinate with the provincial/municipal People's Committees in determining the demands for land use for security purposes in the localities.

4. The provincial/municipal People's Committees shall organize the elaboration of land use plannings and plans of their respective provinces or centrally run cities. The provincial/municipal Services of Natural Resources and Environment shall have to assist the People's Committees of the same level in performing the task of elaborating land use plannings, plans.

The provincial/municipal Services, Departments, Sectors and the People's Committees of rural districts, urban districts, provincial capitals or towns shall have to coordinate with the provincial/municipal Services of Natural Resources and Environment in determining the land use demands of branches, localities.

5. The People's Committees of rural districts, urban districts, provincial capitals or towns shall organize the elaboration of land use plannings and plans of their respective localities, the detailed land use plannings and detailed land use plans of wards, townships and communes in the urban development planning areas. The district-level Sections of Natural Resources and Environment shall have to assist the People's Committees of the same level in performing the task of elaborating land use plannings, plans.

The Sections and Boards of rural districts, urban districts, provincial capitals or towns and the People's Committees of wards or townships, People's Committees of communes covered by the urban development plannings shall have to coordinate with the district-level Sections of Natural Resources and

Environment in determining the land use demands of branches, localities.

6. The People's Committees of communes not covered by the urban development plannings shall have to organize the elaboration of detailed land use plannings, detailed land use plans of communes.

7. The hi-tech management boards shall have to organize the elaboration of detailed land use plannings, detailed land use plans for their entire hi-tech parks.

8. The economic zone management boards shall have the responsibility to organize the elaboration of detailed land use plannings, detailed land use plans for the land areas assigned to the economic zone management boards, which are determined in the land use plannings of provinces or centrally run cities; the elaboration of plannings and plans on the use of the remaining land areas shall be reflected in the land use plannings, plans of rural districts, urban districts, provincial capitals or towns and the detailed land use plannings, detailed land use plans of communes, wards, townships.

9. Agencies and organizations tasked to elaborate land use plannings, land use plans, detailed land use plannings, detailed land use plans may hire organizations licensed to operate in the field of land use planning, plan elaboration to provide consultancy on the elaboration of land use plannings, plans.

10. Land use plannings, land use plans of rural districts, urban districts, provincial capitals or towns as well as detailed land use plannings, detailed land use plans of communes, wards or townships must not be drawn up if the land use in the subsequent land use planning period sees no change; in case of land use purpose change between land categories in the same land group and the acreages of the land subject to use purpose change being less than ten per cent (10%) as compared with the preceding planning period, only the decisions on adjustment of land areas subject to use purpose change are needed.

The detailed land use plannings of hi-tech parks shall be made once for the entire parks; in case of change in land use demands, the adjustment of the detailed land use plannings should be drawn up.

Article 16.- Elaboration and adjustment of the national land use planning

1. The national land use planning shall be elaborated on the basis of the provisions of Clause 1, Article 22 of the Land Law.

2. Before the end of the 18-month land use planning periods, the ministries, ministerial-level agencies, Government-attached agencies and the provincial/municipal People's Committees shall have to send their written proposals on land use demands of their respective branches or localities in the subsequent land use planning period to the Ministry of Natural Resources and Environment.

3. Within five (5) months after the receipt of land use demand proposals of branches and localities, the Ministry of Natural Resources and Environment shall have to draw up the national land use planning according to the following regulations:

a) Verifying the land use demands of the branches and localities in the subsequent land use planning period;

b) Drawing up schemes on distribution of land funds for the subsequent land use planning period, ensuring the implementation of the national overall socio-economic development, defense, security strategies and plannings;

c) Sending the drafts report explaining the national land use planning to the ministries, ministerial-level agencies and Government-attached agencies for comments.

4. Within thirty (30) working days counting from the date of receiving the draft report, the ministries, ministerial-level agencies and Government-attached agencies shall have to send their written comments to the Ministry of Natural Resources and Environment.

5. Within two (2) months counting from the date of receiving the written comments, the Ministry of Natural Resources and Environment shall have to sum up the opinions and finalize the report explaining the national land use planning for submission to the Government.

6. The national land use planning dossier shall comprise:

a) The Natural Resources and Environment Ministry's report to the Government on the national land use planning;

b) The report explaining the national land use planning;

c) The current national land use map;

d) The national land use planning map.

7. The national land use planning shall be adjusted in cases where the socio-economic development plannings, the targets of socio-economic development, defense or security programs or projects, the regional construction plannings or urban construction plannings are adjusted, thus altering the land use structure or in cases where natural disasters or wars occur, thus altering the land use structure. The Ministry of Natural Resources and Environment shall have to compile dossiers of adjustment of the national land use planning for submission to the Government. When compiling the dossiers of adjustment of the land use planning, the Ministry of Natural Resources and Environment shall gather comments of the ministries, ministerial-level agencies, Government-attached agencies which are related to the to be-adjusted land categories. The dossier of adjustment of the national land use planning shall include:

a) The Natural Resources and Environment Ministry's report to the Government on the adjustment of the national land use planning;

b) The report explaining the adjustment of the national land use planning;

c) The map of the adjustment of the national land

use planning.

Article 17.- Elaboration and adjustment of national land use plans

1. The national land use plans shall be formulated on the bases prescribed in Clause 2, Article 22 of the Land Law.

2. The formulation of the national land use plan for the first five (5) years of a land use planning period (called the first-period land use plan) shall be carried out simultaneously with the formulation of the national land use planning prescribed in Article 16 of this Decree. The dossier of the first-period land use plan shall be compiled together with the land use planning dossier. The contents of a land use plan shall be the schedule of materializing the contents of the land use planning for the first five (5) years of the planning period and detailed by year, ensuring the implementation of five-year or annual socio-economic development plans of the State.

3. The formulation of the national land use plan for the last five (5) years of the land use planning period (called the last-period land use plan) is stipulated as follows:

a) Before commencing the twelve-month last-period land use plan, the Ministry of Natural Resources and Environment shall base itself on the national land use planning and the provisions of Clause 1 of this Article to formulate the schemes on distribution of land funds to the last-period land use plan, ensuring the implementation of the five-year and annual socio-economic development plans of the State and draft the report explaining the land use plan; send the draft report to the ministries, ministerial-level agencies and Government-attached agencies for comments;

b) Within thirty (30) working days counting from the date of receiving the draft report, the ministries, ministerial-level agencies and Government-attached agencies shall have to send their written comments to the Ministry of Natural Resources and

Environment;

c) Within two (2) months as from the date of receiving the written comments, the Ministry of Natural Resources and Environment shall have to sum them up and finalize the report explaining the land use plan for submission to the Government.

4. The last-period land use plan dossier shall comprise:

a) The Natural Resources and Environment Ministry's report on the national land use plan;

b) The report explaining the national land use plan;

c) The current national land use map.

5. The adjustment of the national land use plan shall be made in cases where appears the adjustment of the national land use planning, the adjustment of the socio-economic development planning or the adjustment of the regional construction planning, urban construction planning or when there appear changes in the possibility of implementation of the land use plan. The Ministry of Natural Resources and Environment shall have to compile dossiers on adjustment of the national land use plan for submission to the Government. When compiling the adjustment dossiers, the Ministry of Natural Resources and Environment shall gather comments of the Ministries, ministerial-level agencies and Government-attached agencies on the to be-adjusted land categories. The national land use plan adjustment dossier shall comprise:

a) The Natural Resources and Environment Ministry's report to the Government on the adjustment of the national land use plan;

b) The report explaining the adjustment of the national land use plan.

Article 18.- Organizing the gathering of people's comments on detailed land use plans

1. The gathering of people's comments in the process of elaborating the detailed land use plans of communes, wards or townships as

provided for in Clause 5, Article 25 of the Land Law shall be effected as follows:

a) The draft detailed land use plans must be introduced to every urban population group, village, hamlet and other population quarters; and at the same time must be posted up at the offices of the People's Committees of the communes, wards or townships where exists the land;

b) To organize the receipt of opinions contributed directly by people or through representatives of population quarters, Vietnam Fatherland Front and/or local mass organizations; to gather comments of the Standing Offices of the People's Councils of the communes, wards or townships where exists the land.

2. The time limit for gathering people's comments under the provisions of Clause 1 of this Article shall be thirty (30) days.

3. The agencies which elaborate the detailed land use plans of communes, wards or townships shall have to sum up and accept people's comments for finalization of the draft detailed land use planning.

Article 19.- Consideration and approval of provincial/municipal land use plans, plans

1. The dossiers for consideration and approval of provincial/municipal land use plans and plans shall each be made in fifteen (15) sets to be submitted at the Ministry of Natural Resources and Environment for appraisal; such a dossier shall comprise:

a) The provincial/municipal People's Committee's report to the Government for consideration and approval of the land use planning, plan;

b) The report explaining the land use planning, plan;

c) The current land use map;

d) The land use planning map for case of considering and approving the land use planning.

2. Order of considering and approving land use plans, plans is prescribed as follows:

a) Within three (3) working days as from the date of receiving the complete and valid dossiers, the Ministry of Natural Resources and Environment shall have to send dossiers for consideration and approval of land use plannings, plans to the concerned ministries and agencies for comments.

Within fifteen (15) working days as from the date of receiving the dossiers, the ministries and agencies shall have to send their written comments to the Ministry of Natural Resources and Environment.

Within ten (10) working days as from the end of the time limit for comments, the Ministry of Natural Resources and Environment shall have to sum up and send its appraisal to the provincial/municipal People's Committees for finalization of the dossiers;

b) The provincial/municipal People's Committees shall finalize the dossiers and submit them to the People's Councils of the same level for approval of the land use plannings, plans; send five (5) sets of dossiers already approved by the People's Councils together with the People's Councils' resolutions to the Ministry of Natural Resources and Environment;

c) Within ten (10) working days as from the date of receiving the dossiers for consideration and approval of the land use plannings, plans as provided for at Point b of this Clause, the Ministry of Natural Resources and Environment shall have to submit them to the Government for consideration and approval.

Article 20.- Consideration and approval of land use plannings, plans of rural districts, urban districts, provincial capitals or towns

1. The dossiers for consideration and approval of land use plannings, plans of rural districts, urban districts, provincial capitals or towns shall each be made in ten (10) sets to be submitted to the provincial/municipal Services of Natural Resources and Environment for appraisal; such a dossier shall comprise:

a) The report of the People's Committee of the

rural district, urban district, provincial capital or town to the provincial/municipal People's Committee for consideration and approval of the land use planning, plan;

b) The report explaining the land use planning, plan;

c) The current land use map;

d) The land use planning map, for the case of considering and approving the land use planning.

2. The order of considering and approving land use plannings, plans is prescribed as follows:

a) Within three (3) working days as from the date of receiving the complete and valid dossiers, the provincial/municipal Services of Natural Resources and Environment shall have to send the dossiers of consideration and approval of land use plannings, plans to relevant agencies for their comments.

Within fifteen (15) working days as from the date of receiving the complete and valid dossiers, the agencies shall have to send their written comments to the provincial/municipal Services of Natural Resources and Environment.

Within ten (10) working days as from the end of the time limit for comments, the provincial/municipal Services of Natural Resources and Environment shall have to sum up the comments and send their appraisals to the People's Committees of rural districts, urban districts, provincial capitals or towns for finalization of the dossiers;

b) The People's Committees of rural districts, urban districts, provincial capitals or towns shall finalize the dossiers and submit them to the People's Councils of the same level for approving the land use plannings, plans; send three (3) sets of dossiers already approved by the People's Councils together with the latter's resolutions to the provincial/municipal Services of Natural Resources and Environment;

c) Within ten (10) working days as from the date of receiving the dossiers of consideration and

approval of land use plannings, plans as provided for at Point b of this Clause, the provincial/municipal Services of Natural Resources and Environment shall have to submit them to the provincial/municipal People's Committees for consideration and approval.

Article 21.- Consideration and approval of detailed land use plannings, detailed land use plans of wards, townships and communes covered by the urban development plannings

1. The dossiers for consideration and approval of detailed land use plannings; detailed land use plans of wards, townships and communes covered by the urban development plannings shall each be made in ten (10) sets to be submitted at the provincial/municipal Services of Natural Resources and Environment for appraisal; such a dossier shall comprise:

a) The report of the People's Committee of the rural district, urban district, provincial capital or town to the provincial/municipal People's Committee for consideration and approval of the detailed land use planning, detailed land use plan;

b) The report explaining the detailed land use planning, detailed land use plan;

c) The current land use map;

d) The detailed land use planning map for the case of considering and approving the detailed land use planning.

2. The order of considering and approving the detailed land use plannings, detailed land use plans is prescribed as follows:

a) Within three (3) working days as from the date of receiving the complete and valid dossiers, the provincial/municipal Services of Natural Resources and Environment shall have to send the dossiers of consideration and approval of the detailed land use plannings, detailed land use plans to relevant agencies for their comments.

Within fifteen (15) working days as from the date of receiving the dossiers, the agencies shall have to

send their written comments to the provincial/municipal Services of Natural Resources and Environment.

Within ten (10) working days as from the end of the time limit for comments, the provincial/municipal Services of Natural Resources and Environment shall have to sum up and send their appraisals to the People's Committees of rural districts, urban districts, provincial capitals or towns for finalization of the dossiers;

b) After finalizing the dossiers, the People's Committees of rural districts, urban districts, provincial capitals or towns shall submit them to the People's Councils of the same level for approval of the detailed land use plannings, detailed land use plans; send four (4) sets of dossiers already approved by the People's Councils of the same level together with the latter's resolutions to the provincial/municipal Services of Natural Resources and Environment;

c) Within ten (10) working days as from the date of receiving the dossiers of consideration and approval of detailed land use plannings, detailed land use plans as prescribed at Point b of this Clause, the provincial/municipal Services of Natural Resources and Environment shall have to submit them to the provincial/municipal People's Committees for consideration and approval.

3. The dossiers for consideration and approval of detailed land use plannings, detailed land use plans of wards, townships or communes covered by the urban development plannings shall be submitted simultaneously together with the dossiers for consideration and approval of land use plannings, land use plans of rural districts, urban districts, provincial capitals or towns as provided for in Article 20 of this Decree or submitted later but must be considered and approved in the last year of the preceding land use planning, land use plan period.

Article 22.- Consideration and approval of detailed land use plannings, detailed land use plans of communes not covered by the urban development

plannings

1. The dossiers for consideration and approval of detailed land use planning, detailed land use plans of communes not covered by the urban development plannings shall each be made in ten (10) sets to be submitted to the district-level Sections of Natural Resources and Environment for appraisal; such a dossier shall comprise:

a) The commune People's Committee's report to the district/provincial capital or town People's Committee for consideration and approval of the detailed land use planning, detailed land use plan;

b) The general report explaining the detailed land use planning, detailed land use plan;

c) The current land use map;

d) The detailed land use planning map, for the case of considering and approving the detailed land use planning.

2. The order of considering and approving detailed land use plannings, detailed land use plans is prescribed as follows:

a) Within three (3) working days as from the date of receiving the complete and valid dossiers, the district-level Natural Resources and Environment Sections shall have to send the dossiers of consideration and approval of detailed land use plannings, detailed land use plans to the relevant agencies for their comments.

Within fifteen (15) working days as from the date of receiving the dossiers, the agencies shall have to send their written comments to the Natural Resources and Environment Sections.

Within ten (10) days as from the end of the time limit for comments, the Natural Resources and Environment Sections shall have to sum up and send their appraisals to the commune People's Committees for finalization of dossiers;

b) After finalizing the dossiers, the commune People's Committees shall submit them to the commune People's Councils for approval of the

detailed land use plannings, detailed land use plans; send three (3) sets of dossiers already approved by the commune People's Councils, enclosed with the People's Councils' resolutions to the Natural Resources and Environment Sections;

c) Within ten (10) working days as from the date of receiving the dossiers of consideration and approval of detailed land use plannings, detailed land use plans as prescribed at Point b of this Clause, the Natural Resources and Environment Sections shall have to submit them to the district, provincial capital or town People's Committees for consideration and approval.

Article 23.- Consideration and approval of detailed land use plannings, detailed land use plans of hi-tech parks, economic zones

1. The dossiers for consideration and approval of detailed land use plannings, detailed land use plans of hi-tech parks, economic zones shall each be made in ten (10) sets to be submitted to the provincial/municipal Services of Natural Resources and Environment of the localities where the land exists for appraisal; such a dossier shall comprise:

a) The report of the hi-tech park management board, the economic zone management board to the provincial/municipal People's Committee for consideration and approval of the detailed land use planning, detailed land use plan;

b) The general report explaining the detailed land use planning, detailed land use plan;

c) The current land use map;

d) The detailed land use planning map, for the case of considering and approving the detailed land use planning.

2. The order of considering and approving detailed land use plannings, detailed land use plans of hi-tech parks, economic zones is prescribed as follows:

a) Within three (3) working days as from the date of receiving the complete and valid dossiers, the provincial/municipal Services of Natural Resources

and Environment shall have to send the dossiers for consideration and approval of detailed land use plannings, detailed land use plans of hi-tech parks, economic zones to the relevant agencies for comments.

Within fifteen (15) working days as from the date of receiving the dossiers, the said agencies shall have to send their written comments to the provincial/municipal Services of Natural Resources and Environment.

Within ten (10) working days as from the end of the time limit for comments, the provincial/municipal Services of Natural Resources and Environment shall have to sum them up and send their appraisals to the hi-tech or economic zone management board for finalization of dossiers;

b) After finalizing the dossiers, the hi-tech park or economic zone management boards shall send four (4) sets of dossiers to the provincial/municipal Services of Natural Resources and Environment;

c) Within ten (10) working days as from the date of receiving the finalized dossiers, the provincial/municipal Services of Natural Resources and Environment shall have to submit them to the provincial/municipal People's Committees for consideration and approval.

Article 24.- Plannings and plans on use of land for defense, security purposes

1. The period of planning, plan on the use of land for defense or security purposes is prescribed as follows:

a) The period of planning on the use of land for defense or security purposes shall be ten (10) years, corresponding to the local and national land use planning periods;

b) The period of plan on the use of land for defense or security purposes shall be five (5) years, corresponding to the local and national land use plan periods.

2. The contents of plannings on the use of land

for defense, security purposes shall include:

a) Assessment of the management and use of land for defense, security purposes;

b) Determination of demands for land used for defense or security purposes in the land use planning period, compatible with the overall planning on socio-economic development, defense as well as security and the socio-economic development plans of the State;

c) Determination of locations and acreages of defense or security land returned to localities for use for socio-economic development purposes;

d) Solutions to organizing the implementation of plannings on the use of land for defense, security purposes.

3. The contents of plans on the use of land for defense, security purposes shall include:

a) Assessment of the management and use of defense, security land of the preceding plan period;

b) Clear determination of locations, acreages of land used for defense or security purposes in the five-year plan and detailed to each year;

c) Specific determination of locations and acreages of defense or security land returned to localities for management in five (5) years;

d) Solutions to organizing the implementation of plans on the use of land for defense, security purposes.

Article 25.- Consideration and approval of plannings, plans on the use of land for defense, security purposes

1. The dossiers for consideration and approval of plannings, plans on use of land for defense or security purposes shall each be made in fifteen (15) sets to be submitted at the Ministry of Natural Resources and Environment for appraisal; such a dossier shall comprise:

a) The report of the Ministry of Defense or the Ministry of Public Security, submitted to the

Government for consideration and approval of a planning or plan on the use of land for defense or security purposes;

b) The provincial/municipal People's Committee's written opinions on the demand for land used for defense or security purposes in the locality;

c) The general report explaining the planning, plan on the use of land for defense, security purposes.

2. The order of considering and approval of plannings, plans on the use of land for defense or security purposes is as follows:

a) Within three (3) working days as from the date of receiving the complete and valid dossiers, the Ministry of Natural Resources and Environment shall have to send the dossiers for consideration and approval of plannings, plans on the use of land for defense, security purposes to the relevant ministries and branches for their comments.

Within fifteen (15) working days as from the date of receiving the dossiers, the ministries and branches shall have to send their written comments to the Ministry of Natural Resources and Environment.

Within ten (10) working days as from the date of fully receiving the comments, the Ministry of Natural Resources and Environment shall have to sum them up and send its appraisal to the Ministry of Defense or the Ministry of Public Security for finalization of dossiers;

b) After finalizing the dossiers, the Ministry of Defense or the Ministry of Public Security shall send five (5) dossier sets to the Ministry of Natural Resources and Environment;

c) Within ten (10) working days as from the date of receiving the finalized dossiers, the Ministry of Natural Resources and Environment shall have to submit them to the Government for consideration and approval.

Article 26.- Adjustment of land use plannings, land use plans, detailed land use plannings, detailed land use plans

1. Contents of adjustment of land use plannings, land use plans, detailed land use plannings, detailed land use plans shall include:

a) Addition, adjustment or cancellation of works, projects in the planning, plan periods;

b) Restructuring of assorted land in the agricultural land group; change of locations, acreages of functionally zoned off-land areas in the non-agricultural land group; change of targets of putting unused land to use;

c) Change of the schedule for plan implementation, which is three (3) years faster or slower than the land use plan, the detailed land use plan, which have been already approved;

d) Solutions to organizing the adjustment of land use plannings, plans.

2. The adjustment of land use plannings, land use plans, detailed land use plannings, detailed land use plans shall be made in cases where there appears the adjustment of socio-economic development plannings, the adjustment of objectives of socio-economic development, defense or security programs, projects, the adjustment of regional construction plannings or urban construction plannings and such adjustment alters the land use structure or in cases where natural disasters or wars cause the change in land use structure.

3. The dossiers for consideration and approval of adjustment of land use plannings, plans of provinces or centrally run cities shall each be made in fifteen (15) sets to be submitted at the Ministry of Natural Resources and Environment for appraisal; or rural districts, urban districts, provincial capitals or towns and of wards, district townships or communes in urban development planning regions shall be made in ten (10) sets to be submitted to the provincial/municipal Services of Natural Resources and Environment for appraisal; of communes outside the urban development planning regions shall be made in ten (10) sets to be submitted at the district-level Natural Resources and Environment Sections for

appraisal; such a dossier shall include:

a) The report of the People's Committee of the level which formulates the land use planning, land use plan or detailed land use planning, detailed land use plan, submitted to the competent State agency for consideration and approval;

b) The report explaining the adjustment of the land use planning, land use plan or detailed land use planning, detailed land use plan;

c) The land use planning map of the to be-adjusted area, for the case of adjusting land use plannings or detailed land use plannings.

4. Dossiers for consideration and approval of adjustment of detailed land use plannings, detailed land use plans of hi-tech parks, economic zones shall each be made in ten (10) sets to be submitted at the provincial/municipal Services of Natural Resources and Environment for appraisal; such a dossier shall comprise:

a) The report of the hi-tech park or economic zone management board to be submitted to the provincial/municipal People's Committee for consideration and approval of the adjustment of the detailed land use planning, detailed land use plan;

b) The report explaining the adjustment of detailed land use planning, detailed land use plan;

c) The detailed land use planning map of the to be-adjusted area, for the case of adjusting detailed land use planning.

5. The dossiers for consideration and approval of plannings, plans on the use of land for defense or security purposes shall each be made in fifteen (15) sets to be submitted at the Ministry of Natural Resources and Environment for appraisal; such a dossier shall comprise:

a) The report of the Ministry of Defense or the Ministry of Public Security to be submitted to the Government for consideration and approval of planning or plan on the use of land for defense or security purposes;

b) The provincial/municipal People's Committee's written opinions on the adjustment of demands for land used for defense or security purposes in the locality;

c) The report explaining the adjustment of the planning, plan on the use of land for defense or security purpose.

6. The order of considering and approving the adjustment of land use plannings, land use plans, detailed land use plannings, detailed land use plans is as follows:

a) The order of considering and approving the adjustment of land use plannings, plans of provinces or centrally-run cities shall be the same as that prescribed in Clause 2, Article 19 of this Decree;

b) The order of considering and approving the adjustment of land use plannings, plans of rural districts, urban districts, provincial capitals or towns shall be the same as that prescribed in Clause 2, Article 20 of this Decree;

c) The order of considering and approving the adjustment of detailed land use plannings, detailed land use plans of wards, townships and communes in the urban development planning regions shall be the same as that prescribed in Clause 2, Article 21 of this Decree;

d) The order of considering and approving the adjustment of detailed land use plannings, detailed land use plans of communes outside the urban development planning regions shall be the same as that prescribed in Clause 2, Article 22 of this Decree;

e) The order of considering and approving the detailed land use plannings, detailed land use plans of hi-tech parks or economic zones shall be the same as that prescribed in Clause 2, Article 23 of this Decree;

f) The order of considering and approving the plannings, plans on the use of land for defense or security purposes shall be the same as that prescribed in Clause 2, Article 25 of this Decree;

g) The gathering of comments when appraising the adjustment of land use plannings, land use plans, detailed land use plannings, detailed land use plans shall be conducted only with agencies related to areas of assorted land to be adjusted.

Article 27.- Announcement of land use plannings, plans

1. The Ministry of Natural Resources and Environment shall have to publicize all documents on national land use plannings and plans, which have been decided by the National Assembly, at its office throughout the land use planning or plan period; to publish on the Official Gazette; to publicize on the Government's State management information network and publish their excerpts on a central daily.

2. The provincial/municipal Services of Natural Resources and Environment and the district-level Sections of Natural Resources and Environment shall have to publicize all documents on their respective local land use plannings and plans, which have already been approved, at their respective offices throughout the land use planning or plan periods; to publicize them on State management information networks of the provinces or centrally-run cities and publish their excerpts on local newspapers.

3. The commune, ward, township People's Committees shall have to publicize all documents on detailed land use plannings, detailed land use plans and investment projects as well as works, which have been already approved, at their offices throughout the land use planning, plan periods.

4. The hi-tech park management boards, the economic zone management boards shall have to publicize all documents on detailed land use plannings, detailed land use plans, which have been already approved, at their headquarters throughout the land use planning, plan periods; publicize on the electronic information networks of the hi-tech parks or economic zones and publish their excerpts on branch newspapers or local newspapers in localities where exist such plannings.

5. All the documents on adjustment of land use plannings, land use plans, detailed land use plannings, detailed land use plans, which have been already approved, must be publicized like the land use plannings, land use plans, detailed land use plannings, detailed land use plans prescribed in Clauses 1, 2, 3 and 4 of this Article.

6. The dossiers of plannings, plans on the use of land and the dossiers of adjustment of plannings, plans on the use of land for defense and security purposes shall be managed according to the confidentiality regime.

Article 28.- Management of land use plannings, plans

1. The People's Committees of the provinces or centrally-run cities, the People's Committees of rural districts, urban districts, provincial capitals or towns, which decide on land assignment, land lease, land recovery or land use purpose changes must strictly comply with the approved land use plannings, plans.

The presidents of the People's Committees of provinces or centrally-run cities, the presidents of the People's Committees of rural districts, urban districts, provincial capitals or towns shall have to detect and handle in time cases of violating land use plannings, plans in their respective localities.

2. The People's Committees of communes, wards, townships shall have to monitor the implementation of land use plannings, plans in their localities. Upon the detection of cases of using land in contravention of the publicized plannings or plans, they shall handle such cases according to their competence or request competent State agencies to handle them.

The presidents of the commune, ward or district township People's Committees shall bear the prime responsibility for failure to prevent and handle in time cases of using land in contravention of the approved land use plannings or plans in the localities.

3. The provincial/municipal Services of Natural Resources and Environment, the district-level

Sections of Natural Resources and Environment and the commune, ward or township cadastral personnel shall organize the examination and inspection of the implementation of land use plannings, plans in the localities; detect and handle according to their competence or request competent State bodies to handle violations of land use plannings, plans; in case of detecting violations in the implementation of plannings or plans on the use of land for defense or security purposes, the provincial/municipal Services of Natural Resources and Environment shall send reports to the Ministry of Defense or the Ministry of Public Security for consideration and handling.

In case of discovering the practical demands for adjustment of land use plannings or plans, they shall report to the People's Committees of the same levels on such demands.

4. Annually, the People's Committees of all levels shall have to report on results of implementation of their local land use plans up to December 31; the time limits for submission of their reports are prescribed as follows:

a) The commune, ward or township People's Committees shall submit their reports to the People's Committees of rural districts, urban districts, provincial capitals or towns before January 15 of the following year;

b) The People's Committees of rural districts, urban districts, provincial capitals or towns shall submit their reports to the provincial/municipal People's Committees before January 31 of the following year;

c) The provincial/municipal People's Committees shall submit their reports to the Ministry of Natural Resources and Environment before February 15 of the following year.

5. The Minister of Defense and the Minister of Public Security shall have to direct the implementation and examine, inspect the implementation of plannings and plans on the use of

land for defense or security purposes throughout the country.

Annually, the Ministry of Defense and the Ministry of Public Security shall have to report to the Government on the results of implementation of plans on the use of land for defense, security purposes by December 31 and at the same time send one copy to the Ministry of Natural Resources and Environment for synthesis; the deadline for submitting reports shall be before January 31 of the following year.

6. The Ministry of Natural Resources and Environment shall have to sum up the results of implementation of annual land use plans of the whole country for report thereon to the Government; the deadline for report submission shall be before March 15 of the following year.

7. The report on results of implementation of annual land use plans for the last year of the first-period land use plan must be enclosed with the general report on the implementation of the whole land use plan period.

The report on results of implementation of annual land use plans for the last year of the land use planning period must be enclosed with a general report on the implementation of the last-period land use plan and a general report on the implementation of the whole land use planning period.

Article 29. - Handling of land areas determined to be recovered or subject to use purpose change in the approved land use plans, which, however, after three (3) years, have not been materialized

1. State agencies competent to consider and approve land use plannings, plans may adjust the land use plannings or plans of the current period or the next period with regard to the land areas already determined to be recovered or subject to use purpose change in the publicized land use plans which, however, after three (3) years have not yet been materialized in the following cases:

a) The land areas for execution of works,

investment projects in service of defense, security, national interests or public interests but there are not enough fundings for the execution thereof;

b) The land areas for execution of works, investment projects in service of economic development with investors being identified in the first year of the three-year time limit, which require the announcement of adjustment or cancellation of land use plans under the provisions of Clause 3, Article 29 of the Land Law.

2. For cases not prescribed in Clause 1 of this Article, the State agencies competent to consider and approve land use plannings, plans must publicize the cancellation of land use plans regarding the land areas already determined as being recovered or subject to use purpose change.

Chapter IV

LAND ASSIGNMENT, LAND LEASE, LAND USE PURPOSE CHANGE, LAND RECOVERY, LAND REQUISITION

Article 30.- Grounds for land assignment, land lease, land use purpose change

Grounds for deciding on land assignment, land lease, permission for land use purpose change shall include:

1. The land use demands reflected in the following documents:

a) Investment projects of organizations using investment capital sources from the State budget, which have been approved by competent State agencies, or foreign-invested projects already granted investment licenses by competent State agencies;

b) Documents appraising the demands for land use for execution of investment projects of economic organizations which do not use State budget capital sources or which are not foreign-invested projects. The provincial/municipal Services of Natural Resources and Environment shall assume the prime

responsibility for, and coordinate with the concerned Services, departments and branches in, appraising the land use demands on the basis of examining the investment project dossiers according to law provisions on investment;

c) The projects on construction of religious establishments, already approved by the provincial/municipal People's Committees;

d) The applications of households or individuals for land assignment, land use purpose change with certifications by the People's Committees of the communes, wards or townships where exists the land demanded for use, for case of applying for assignment of agricultural land within the land assignment limits or assignment of land for construction of dwelling houses;

e) The population communities' applications for land assignment with certifications by the People's Committees of the communes, wards or townships where exists the land demanded for use.

2. The good observance of the land legislation by applicants for land assignment or land lease for cases where the land assignment or land lease applicants have been previously assigned or leased land by the State for execution of production, business or service investment projects. On the basis of the self-declarations by the land assignment or land lease applicants about the entire acreages, the use of land previously assigned or leased by the State and their self-remarks on their observance of the land legislation, the provincial/ municipal Services of Natural Resources and Environment of the localities where exists the land, for which the land assignment or land lease procedures are being carried out, shall have to contact the provincial/municipal Services of Natural Resources and Environment of the localities where exists the land which was previously assigned or leased in order to verify the land users' observance of the land legislation in the course of execution of projects to which the State assigned or leased land.

3. The detailed land use plannings or detailed land use plans, the urban construction plannings or rural population quarter construction plannings, which have been already approved by competent State agencies.

In cases where the detailed land use plannings or the detailed land use plans are not yet available, the land use plannings or land use plans already approved by competent State agencies shall serve as bases therefor.

Article 31.- Competence to assign land, lease land, permit land use purpose change and recover land

1. The competence to assign land, to lease land, to permit land use purpose change shall comply with the provisions of Article 37 of the Land Law.

The provincial/ municipal People's Committees shall assign land to the land fund development organizations for management.

2. The competence to recover land shall comply with the provisions of Article 44 of the Land Law.

Where land is recovered for assignment or lease to religious organizations or establishments, overseas Vietnamese, foreign organizations or foreign individuals and the to be-recovered land is being used by households, individuals or jointly by organizations, households and individuals, the provincial/ municipal People's Committees shall decide to recover the entire land areas. Basing themselves on the provincial/municipal People's Committees' decisions on recovery of the entire land areas, the People's Committees of rural districts, urban districts, provincial capitals or towns shall decide on the recovery of specific land area from each household, individual.

3. Where overseas Vietnamese, foreign organizations and/or foreigners use land for execution of investment projects but have to change the land use purposes due to the adjustment of the investment projects already approved by competent State

agencies, the provincial/ municipal People's Committees shall permit the land use purpose change.

Article 32.- Competence to adjust land assignment, land lease decisions with regard to the land assigned or leased before the Land Law took implementation effect

The State agencies competent to assign land, lease land, defined in Article 37 of the Land Law, shall be the agencies competent to decide on adjustment for cases where the land users had been given land assignment or land lease decisions before the Land Law took implementation effect (July 1, 2004).

Article 33.- The durations of using the land assigned or leased by the State

1. The durations of using the land assigned or leased by the State shall be calculated from the dates of issuance of the land assignment or lease decisions by competent state agencies.

Where the land had been assigned or leased before October 15, 1993 but the land assignment decisions or the land lease contracts failed to clearly state the land assignment or lease duration, the land assignment or land lease duration shall comply with the provisions of Clauses 2 and 3 of Article 68, Article 71, Article 78, Clause 5 of Article 84, Clause 3 of Article 86, Clause 1 of Article 87, of this Decree and be calculated from October 15, 1993.

2. The land users may continue using the land for the remaining duration of the time limits stated in the land assignment decisions or land lease contracts.

Article 34.- Continuing to assign land, lease agricultural land; extending the land use duration or recovering land upon the expiry of land use time limits

1. Upon the expiry of land use durations, the households and individuals directly involved in agricultural production, forestry, aquaculture or salt

making, that have used the agricultural land assigned or leased by the State, have their use rights recognized by the State or have been transferred the land use rights, may continue using the land with the land use durations prescribed in Clause 1, Article 67 of the Land Law, except for cases where the State issues land recovery decisions as provided for in Clauses 1, 4, 7, 8 and 11 of Article 38 of the Land Law.

2. The extension of the use duration for land categories with definite use durations not falling within the cases prescribed in Clause 1 of this Article shall comply with the following regulations:

a) Within six (6) months before the expiry of the use duration, if having demand to continue using the land, the land users shall file their applications to the State agencies competent to assign or lease land for consideration and settlement under the provisions of Clauses 1, 3 and 4, Article 67 of the Land Law;

b) The extension duration for cases where households, individuals lease agricultural land shall be determined in accordance with the provisions in Clause 1, Article 67 of the Land Law;

c) The extension duration for cases where economic organizations use land for the purposes of agricultural production, forestry, aquaculture, salt making; economic organizations, households, individuals use land as ground for construction of production and/or business establishments; economic organizations use land for execution of investment projects; overseas Vietnamese, foreign organizations and/or individuals use land for execution of investment projects in Vietnam shall be determined according to the supplementary projects already approved by competent State agencies, but must not exceed the duration of land assignment or land lease by the State.

3. Where the land users do not wish to continue using the land or apply for use duration extension as provided for in Clause 2 of this Article or are not permitted by competent State agencies for land use

extension, the State shall recover the land under the provisions of Clause 10, Article 38 of the Land Law.

4. Annually, the People's Committees of the level competent to recover land shall direct the natural resource and environment agencies to review the land use duration in order to decide on land recovery applicable to cases prescribed in Clause 3 of this Article.

Article 35.- Handling of land use levies, land rents, assets already invested in land, for cases of land recovery prescribed in Clauses 2, 3, 5, 8, 9, 11 and 12, Article 38 of the Land Law

1. The People's Committees of the level competent to recover land shall set up Valuation Councils to determine the remaining values of the land use levies, land rents, assets already invested in the land, for cases where the land use levies, land rents, asset money invested in the land have not originated from the State budget; the remaining values belong to the ownership of the persons with their land recovered.

Where the land is assigned by the State without the collection of land use levies or the land is leased by the State with land rents being paid annually, or the land is assigned by the State with the collection of land use levies or leased by the State with land rents paid for the whole lease term or the land is leased by the State with land rents being paid for many years and the paid land use levies and/or land rents have originated from the State budget, only the remaining value portions invested in the land and not originating from the State budget shall belong to the ownership of the persons with their land recovered.

2. The remaining values of land use levies, land rents, assets already invested in land, which belong to the ownership of the persons with their land recovered shall be handled according to the following regulations:

a) Where the recovered land lies in urban areas

or urban development planning regions, which is assigned to the land fund development organizations, the land fund development organizations shall have to pay the remaining values to the persons with their land recovered; in places where the land fund development organizations are not available, the payment to the persons with their land recovered shall be made by the budget of the level managing the recovered land;

b) Where the recovered land lies in rural areas and is assigned to the commune, district township People's Committees for management or for addition to the public land funds, such commune or district township People's Committees shall have to make payment to the persons with their land recovered;

c) Where the recovered land is assigned or leased to other persons by the State, the land assignees or lessees shall have to make payment to the persons with land recovered.

3. Where the recovered land belongs to the non-agricultural land group eligible for participation in the real estates market, the People's Committees of the level competent to recover the land shall apply form of auctioning the land use right and assets already invested in the land and handle the remaining values of the land use levies, land rents, assets already invested in the land, which belong to the ownership of the persons with land recovered according to the following regulations:

a) If the proceeds from auctions, after subtracting expenses for organization of the auctions, are lower than the remaining values belonging to the ownership of the persons with land recovered, such persons shall be entitled to receive the whole sums of such money;

b) If the proceeds from auctions, after subtracting the expenses for organization of the auctions, are higher than or equal to the remaining values belonging to the ownership of the persons with land recovered, such persons shall be entitled to receive the remaining values belonging to their ownership;

the differences shall be remitted into the State budget.

4. Where the land is recovered due to acceptance of the land use right transfer, the transfer money, the remaining value of the assets already invested in land shall be settled like in the case of recovering land assigned by the State with the collection of land use levies as provided for in Clauses 1, 2 and 3 of this Article.

5. Where the to be-recovered land has been leased, mortgaged, guaranteed or contributed as capital with the land use right by the persons with land to be recovered, the interests of the land lessees, mortgagees, guarantees or receivers of capital contributed with the land use right shall be settled under the provisions of Article 65 of this Decree.

Article 36.- Recovery of land and management of recovered land funds

1. The State shall recover land for use for defense, security purposes, for national interests, public interests in the following cases:

a) Using the land for defense or security purposes;

b) Using the land for construction of working offices, non-business works with land assigned by the State without the collection of land use levies;

c) Using the land for construction of offices of foreign organizations with diplomatic functions;

d) Using the land for construction of public works not for business purposes;

e) Using the land for renovation, development of urban centers and rural population quarters;

f) Using the land for development of protective forests, special-use forests;

g) Using the land for religious establishments;

h) Using the land for construction of cemeteries, graveyards.

2. The State shall recover land for use for economic development purposes in the following cases:

a) Using the land for investment in construction

of industrial parks defined in Article 90 of the Land Law, hi-tech parks defined in Article 91 of the Land Law, economic zones defined in Article 92 of the Land Law;

b) Using the land for execution of investment production, business, service or tourist projects of Group A under the provisions of the legislation on investment, which have been approved or permitted for investment by competent State agencies but cannot be invested in industrial parks, hi-tech parks or economic zones;

c) Using the land for execution of investment projects with sources of official development assistance (ODA) capital;

d) Using the land for execution of projects with 100% foreign investment capital, which have already been approved or permitted for investment by competent State agencies but cannot be invested in industrial parks, hi-tech parks or economic zones.

3. All cases of land recovery prescribed in Clauses 1 and 2 of this Article must be included in detailed land use plannings, plans; detailed urban construction plannings or rural population quarter construction plannings, which have been already approved by competent State agencies.

4. The recovered land areas prescribed at Points d and e of Clause 1 and Clause 2 of this Article shall be assigned to the land fund development organizations for management, for cases where the land use plannings or plans have been publicized but the investment projects are not available yet; assigned or leased to investors, for cases where the investment projects are available, but the investors must use the land for the right assignment or lease purposes.

5. The State shall recover land in the cases prescribed in Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Article 38 of the Land Law and assign the land to the commune People's Committees for management if the recovered land lies in rural areas, or to the land fund development organizations for

management if the recovered land lies in urban areas and regions with urban development planning.

6. The State shall not recover land for use for economic development purposes for projects not prescribed in Clause 2 of this Article or in cases where investors are transferred or leased the land use rights, or receive capital contributed with the land use rights of the current land users.

In case of receiving the land use right transfer or capital contributed with the land use rights for use of land for production and/or business purposes, which entails the land use purpose change, the land use right transferees must be allowed to change the land use purposes under the provisions of Clause 1, Article 36 of the Land Law or to register the land use purpose changes under the provisions of Clause 2, Article 36 of the Land Law.

In cases of renting land of the current land users, the land lessees must not change the land use purposes.

7. The use purposes must not be changed for the land already assigned for use for defense or security purposes, for national interests, public interests, construction of industrial parks, for use as ground for non-agricultural production and/or business into the purpose of building dwelling houses for business.

8. The settlement of complaints about land recovery in the cases prescribed in Clauses 1 and 2 of this Article shall comply with the provisions of Articles 162, 163 and 164 of this Decree.

The settlement of disputes over land use right in the cases prescribed in Clause 6 of this Article shall comply with the civil law provisions.

Article 37.- Land requisition for definite terms

1. Where the State declares the state of emergency under law provisions on emergency state, war emergency state, natural disasters, fire or other emergency cases, which seriously threaten the properties of the State and/or organizations, the properties and lives of people and require land use,

the Government, the provincial/municipal People's Committees and the rural district, urban district, provincial capital or town People's Committees are competent to requisition land.

The land requisition decisions must clearly state the land requisition purposes and duration.

2. If the land requisition duration expires while the land requisition purposes have not yet been attained, the State agencies which have requisitioned the land shall decide to extend the land requisition duration; the extension duration shall not exceed the land requisition duration.

3. The State agencies which have requisitioned the land shall have the responsibility to return the land and pay compensations for damage, if any, caused to the persons with land requisitioned, upon the attainment of the land requisition purposes or upon the expiry of the land requisition duration; the damage compensations shall be made within six (6) months after the expiry of the land requisition duration.

Where the land requisition affects the life-ensuring incomes of the persons with land requisitioned, the compensations must be made within three (3) months in lump sum for the damage caused by the requisition.

Chapter V

LAND USE RIGHT REGISTRATION, CADASTRAL DOSSIER COMPILATION AND MANAGEMENT, LAND USE RIGHT CERTIFICATE GRANTING, LAND STATISTICS AND INVENTORY

Article 38.- Land use right registration

1. The land use right registration shall cover the first-time registration of land use right and the registration of land use-related changes.

2. The first-time registration of land use right shall be made in the following cases:

a) Being assigned or leased land by the State for

use;

b) The current land users have not been granted the land use right certificates for their land plots.

3. Registration of land use-related changes shall be applicable to persons who use the land plots to which the land use right certificates have been already issued but changes have been seen in the land use in the following cases:

a) The land users exercise the rights to exchange, transfer, lease, sublease, inherit, donate, mortgage the land use rights or provide guarantee or contribute capital with the land use rights;

b) The land users are allowed to change their names;

c) There appear changes in shapes, sizes, acreages of the land plots;

d) Land use purposes change;

e) There appear changes in land use duration;

f) There is the shift from the form of land lease by the State to the form of land assignment by the State with the collection of land use levies;

g) There appear changes in the restriction of land users' rights;

h) The State recovers land.

Article 39.- Persons responsible for land use right registration

1. The persons responsible for land use right registration are the persons who take responsibility before the State for the land use prescribed in Article 2 of this Decree.

For armed force units which use land, the persons responsible for land use right registration shall be the heads of such armed force units determined as land users under the provisions of Clause 3, Article 83 of this Decree.

2. The persons responsible for land use right registration, defined in Clause 1 of this Article, may authorize other persons to register the land use rights according to civil law provisions.

Article 40.- Cadastral dossiers

1. The cadastral dossiers shall be detailed to every land plot according to the administrative units of commune, ward and district township.

Each land plot must bear a separate code which is not identical with the codes of other land plots throughout the country.

2. The cadastral dossier contents must be fully, accurately and timely reflected and must be adjusted regularly with changes under law provisions in the course of land use.

3. The cadastral dossiers shall each be compiled with one original and two duplicates; the original shall be archived at the land use right registration office of the provincial/municipal Service of Natural Resources and Environment, one duplicate shall be kept at the land use right registration office of the district-level Natural Resources and Environment Section, and one duplicate shall be archived at the commune, ward, district township People's Committee.

The originals of the cadastral dossiers must be adjusted in time upon any changes in land use, the duplicates of the cadastral dossiers must be properly adjusted in accordance with the originals.

4. The cadastral dossiers shall be compiled according to the following regulations:

a) The cadastral dossiers shall be compiled according to the uniform technical standards on the State coordinate system;

b) The cadastral dossier contents reflect land plots; hydrological, irrigation systems; traffic road systems; administrative boundary markers and lines of all levels, work safety corridor boundary markers; cadastral coordinates; place names and explanatory annotations;

c) Land plots must be represented accurately with boundaries; the plot tops must have accurate coordinates. Each plot must be accompanied with information on the plot code, plot acreages and land category code;

d) Cadastral maps must be made by units licensed for topographical practice or entitled to register for topographical practice.

5. The cadastral dossiers shall be archived and managed in form of documents on papers and be gradually digitalized for management on computers. The provincial/municipal People's Committees shall have to invest in the computerization of the cadastral dossier system.

6. The Ministry of Natural Resources and Environment shall promulgate regulations, technical standards, economic norms for compilation of cadastral dossiers on papers and digitalized cadastral dossiers; guide the compilation, adjustment and management of cadastral dossiers on papers and digitalized cadastral dossiers; prescribe the process of replacing the paper cadastral dossier system with the digitalized cadastral dossier system.

Article 41.- Land use right certificates

1. The land use right certificates are made in a unified form applicable nationwide to all land categories, issued by the Ministry of Natural Resources and Environment.

All land users shall be granted land use right certificates except for the cases prescribed in Clause 2 of this Article.

2. The State shall not grant land use right certificates in the following cases:

a) The land is assigned by the State for management prescribed in Article 3 of this Decree;

b) The agricultural land belongs to public land funds managed for use by commune, ward, township People's Committees;

c) The land users lease or sublease land of other persons, which is not leased or subleased land in industrial parks prescribed at Point d, Clause 5 of this Article;

d) The current land users fail to fully meet the conditions for being granted land use right certificates as provided for in Articles 50 and 51 of the Land

Law.

e) Persons who are contracted land in State-run agricultural farms or forestry camps.

3. The land use right certificates are issued according to every land plot, each in two copies, of which one copy shall be granted to the land user and one shall be archived at the land use right registration office. In cases where certificates of the right to use land affixed with condominiums, the provisions of Clauses 2, 3, 4 and 5, Article 46 of this Decree shall apply.

4. In the course of land use, the following changes must be inscribed in the land use right certificates:

a) When the land users exchange, transfer, inherit, donate the land use rights or contribute capital with the land use rights, thus formulating new legal persons for the whole land plots; lease, sublease the land use rights (except for cases of leasing, subleasing the right to use land in industrial parks prescribed at Point d, Clause 5 of this Article) or mortgage, provide guarantee with, the land use rights or contribute capital with the land use rights but without formulating new legal persons for the whole or part of the land plot;

b) Changes in the whole land plots upon the successful land dispute conciliations recognized by competent People's Committees; the execution of competent agencies' or organizations' decisions on division, separation or merger of organizations; the realization of documents on division, separation or merger of economic organizations in accordance with law; the remission of debts under agreement in mortgage or guarantee contracts; the execution of administrative decisions on settlement of land-related complaints, denunciations, execution of judgments or decisions of people's courts, judgment execution decisions of judgment enforcement bodies; the realization of documents recognizing the results of land use right auctions in accordance with law; implementation of division or separation of land use rights according to lawful documents for households

or groups of people sharing the land use right;

c) Land users are allowed to change their names;

d) The land plot areas increase or decrease due to natural erosion or slides;

e) The land plot areas increase or decrease due to measuring errors;

f) There appear changes in information on code of the land plots, names of the administrative units where exist the land plots;

g) Land use purposes change;

h) There is a change in the land use duration;

i) There is a shift from the form of land lease by the State to the form of land assignment by the State with the collection of land use levies;

j) There is a change in restriction of land users' rights;

k) There is a change in financial obligations to be performed by land users.

5. In the course of land use, the following cases must be granted the land use right certificates:

a) New land plots are created thanks to land assignment, land lease by the State;

b) New land plots are created due to consolidation of many plots into one plot;

c) New land plots are created in case of transferring part of the right to the land plot, changing the use purpose for part of the land plot, recovering by the State part of the land plot, separating a land plot into many plots at the proposal of the land users and permitted by law;

d) When land users lease or sublease the right to use land in industrial parks; lease or sublease the right to use land already acquired or for construction of workshops, establishments for hi-tech services, hi-tech product manufacture and business in hi-tech parks; lease or sublease the right to use land in non-tariff zones and industrial parks, special entertainment zones, tourist resorts in the tariff areas of the economic zones (called leasing or subleasing

the right to use land in industrial parks);

e) The land plot boundaries are altered upon the successful land dispute conciliations recognized by competent People's Committees; the execution of competent agencies' or organizations' decisions on division, separation or merger of organizations; the realization of documents on division, separation or merger of economic organizations in accordance with law; the handling of debts under the agreement in mortgage or guarantee contracts; the execution of administrative decisions on settlement of land-related complaints, denunciations, execution of judgments or decisions of people's courts, judgment execution decisions of judgment enforcement bodies; realization of documents recognizing results of land use right auctions in accordance with law; division or separation of land use rights under lawful documents for households or groups of persons sharing the land use rights;

f) Land users' land use right certificates are discolored, blurred, torn, damaged or lost.

6. The land use right certificates granted under the provisions of the 1987 Land Law, the 1993 Land Law; the dwelling house ownership and the residential land use right certificates as prescribed by the Government's Decree No.60/CP of July 5, 1994 on the right to own dwelling houses and to use land in urban areas are legally valid as the land use right certificates granted under the provisions of the Land Law and referred collectively to as land use right certificates. Upon any changes in land use, as prescribed in Clause 5 of this Article, the natural resources and environment offices of the People's Committees competent to grant land use right certificates shall have to recover the granted land use right certificates and carry out procedures for granting new land use right certificates to land users according to the provisions of the Land Law.

7. For cases of having certificates related to land use right, which were issued before this Decree takes implementation effect, which do not fall in the cases

prescribed in Clause 6 of this Article, the land users must carry out the procedures to apply for land use right certificates as provided for in Articles 135, 136, 137, 138, 139 and 140 of this Decree.

8. Where the land use right certificates are granted while the land users are permitted to delay the performance of their financial obligations as provided for by law, the unperformed financial obligations must be inscribed on the land use right certificates and in the cadastral dossiers.

Article 42.- Correction, withdrawal of land use right certificates

1. Upon detection of erroneous contents inscribed in land use right certificates, the provincial/municipal Services of Natural Resources and Environment shall have to make corrections for the land use right certificates granted by provincial/municipal People's Committees; the district-level Sections of Natural Resources and Environment shall have to make corrections for the land use right certificates granted by the People's Committees of rural districts, urban districts, provincial capitals or towns.

2. The withdrawal of granted land use right certificates shall comply with the following regulations:

a) Withdrawal of land use right certificates in cases of change of land use right certificates; natural erosion and slide of the whole land plots; change of land plots' boundaries, which require the granting of new land use right certificates;

b) Withdrawal of land use right certificates in case of land recovery under the provisions of Article 38 of the Land Law;

c) In case of failure to withdraw land use right certificates, the land use right registration offices and the People's Committees of the communes, wards or district townships where exists the land shall be notified thereof;

d) The provincial/municipal Services of Natural Resources and Environment shall have the

responsibility to withdraw land use right certificates falling under the granting competence of the provincial/municipal People's Committees; the district-level Sections of Natural Resources and Environment shall have to withdraw the land use right certificates falling under the granting competence of the People's Committees of rural districts, urban districts, provincial capitals or towns, for the cases prescribed at Points a and b of this Clause.

3. Where the land use right certificates have been already granted to stable current land users whose land use rights are recognized by the State, the withdrawal of such land use right certificates shall be effected only when judgments or decisions of people's courts have been executed except for the cases prescribed in Clause 2 of this Article.

Article 43.- Inscription of land users' names on land use right certificates

1. For organizations and foreign organizations using land, the organizations' names shall be inscribed in accordance with their establishment decisions, business registration papers, investment licenses.

For armed force units using land for defense or security purposes, the names of the land-using units defined in Clause 3, Article 83 of this Decree shall be inscribed thereon.

2. For land using-religious establishments, the names of such religious establishments shall be inscribed.

3. For land using-households, the name inscription shall comply with the following regulations:

a) Where the households use agricultural land assigned by the State without the collection of land use levies or whose land use rights are common property of the husbands and wives, the full names of both the husbands and the wives shall be inscribed; where households propose the inscription of full names of only the husbands or the wives, there must be the written agreements of the husbands and

the wives with certification by the commune, ward of township People's Committees.

b) Where households use the land being the common property of the whole households, which do not fall into the cases prescribed at Point a of this Clause, the household masters' full names shall be inscribed.

c) Where land-using households with the husbands or wives being foreigners or overseas Vietnamese, that do not fall into the cases prescribed in Article 121 of the Land Law, only the full names of the husbands or the wives being domestic individuals shall be inscribed.

For land-using households with the husbands or wives being overseas Vietnamese, that fall into the cases prescribed in Article 121 of the Land Law, the inscription of names on the land use right certificates shall comply with the provisions of Points a and b of this Clause.

4. For land-using population communities, the names of such population communities shall be inscribed.

5. For land-using individuals, overseas Vietnamese, foreign individuals, the full names of such individuals shall be inscribed.

6. For cases where many land users share the rights to use their common land plots, the names of all these land users shall be inscribed, except for cases of condominium.

For condominiums, the inscription of names on the land use right certificates shall comply with the provisions of Article 46 of this Decree.

7. Where land users had been granted the land use right certificates before July 1, 2004 and the inscription of names thereon failed to comply with the provisions of Clauses 1, 2, 3, 4, 5 and 6 of this Article, the procedures shall be carried out to make adjustments on the granted land use right certificates, if it is so wished.

Article 44.- Land use right certificates in cases

where assets are affixed to land

1. For cases where dwelling houses, other architectural works, forest trees and/or perennial trees are affixed to land, such dwelling houses, architectural works, forest trees and/or perennial trees shall also be inscribed on the land use right certificates and the cadastral dossiers. The registration of ownership over the assets affixed to land shall comply with law provisions on fixed asset registration.

2. In cases where the land is used for defense or security purposes, on which exist constructions, such land plots shall only be measured and drawn up with their boundaries represented on the land use right certificates.

Article 45.- Granting of residential-land use right certificates to households, individuals in cases where exist on land plots gardens, ponds

1. The residential-land areas for households or individuals, that were already granted land use right certificates before this Decree takes implementation effect shall be determined according to the following regulations:

a) The residential-land areas are the areas inscribed on the granted land use right certificates;

b) In cases where the land users wish to change the land use purposes from garden or pond land to residential land, the residential-land areas shall be re-determined according to the provisions of Clauses 2, 3 and 4, Article 87 of the Land Law, Clauses 2 and 3, Article 80 of this Decree; households and individuals shall not have to pay the land use levies for the acreage difference between the re-determined residential-land area and the residential-land area inscribed on the land use right certificate;

c) Where the State recovers land for use for defense or security purposes, for national interests, public interests or economic development, the residential-land areas shall be re-determined under the provisions of Point b of this Clause and the

persons having their land recovered shall be compensated at the residential-land prices for the re-determined residential-land areas.

2. Where the residential land affixed with gardens, ponds within the same land plots where exist dwelling houses in the population quarters is used before December 18, 1980 and the boundaries of the residential (or inhabited) land plots have been recognized in the cadastral dossiers or assorted papers on the land use rights prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law, such total land areas shall be determined as residential land as provided for in Clause 2, Article 87 of the Land Law; where the boundaries of the land plots have not yet been determined in the cadastral dossiers or land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law, the residential-land areas shall be determined as not exceeding five (5) times the assigned residential land areas set by provinces or centrally-run cities as provided for in Clause 2, Article 83 and Clause 5, Article 84 of the Land Law, but the total land areas shall not exceed the land areas being used by households, individuals; the remaining land areas after the determination of the residential land plots shall be determined according to the current use status.

3. Where the residential land affixed with gardens, ponds on the same land plots where exist dwelling houses in population quarters is used from December 18, 1980 to before July 1, 2004, the residential land areas shall be determined according to the provisions of Clauses 3, 4 and 5, Article 87 of the Land Law.

Article 46.- Land use right certificates for land used for construction of condominiums, collective lodging houses

1. Land used for construction of condominiums and works in direct service of condominiums belong to the co-use rights of condominium apartment owners; where condominiums and works in direct service of the condominiums are leased, the land use rights belong to the condominium owners.

2. The issuance of land use right certificates to condominiums shall comply with the following regulations:

a) Investors using land for execution of projects on condominium construction and business shall be granted the land use right certificates;

b) Where the entire condominiums belong to the ownership of individual owners or groups of owners being economic organizations, households, individuals, overseas Vietnamese, foreign organizations or foreign individuals, the land use right certificates shall be granted anew or adjusted for handing to owners or groups of owners of such condominiums;

c) Where investors or condominium owners sell condominium apartments, the condominium apartment buyers shall be granted the land use right certificates in form of using the common land; the land use right certificates already granted to investors or condominium owners shall be adjusted to suit the form of common land use.

3. For residential land used for construction of works in direct service of one or many condominiums, the land use right certificates shall be granted separately for works owners or works-managing organizations; where there are no works owners or works-managing organizations, they shall be assigned to the People's Committees of the communes, wards or district townships where exists such land for management.

4. The issuance of land use right certificates to land with constructed collective lodging houses is stipulated as follows:

a) The land used for construction of collective lodging houses shall include the land for construction of the collective lodging houses, yard land, garden land and land for construction of works in direct service of daily life of dwellers in the collective lodging houses;

b) For collective lodging houses owned by economic organizations to arrange lodgings for

laborers or collective lodging houses of training or research organizations, used for arrangement of trainees' lodgings, the land use right certificates shall be granted to such organizations;

c) For official-duty buildings of the Party or State agencies or organizations, which are used to arrange lodgings for public servants, the land use right certificates shall be granted to such agencies or organizations.

5. Land use right certificates shall not be issued to land used for yards, gardens, public play or entertainment grounds or other public works in service of many condominiums, collective lodging houses or official-duty buildings, but shall be assigned to the People's Committees of communes, wards or district townships where exists the land for management.

Article 47.- Granting land use right certificates to owners of commonly owned houses

1. For houses under common ownership, where co-owners themselves agree to divide the whole land areas into separate plots for separate use, the land use right certificates shall be issued to each of such land plots.

2. For houses under common ownership, where co-owners themselves agree to divide the land areas for separate use and keep different land areas for common use, the land use right certificate shall be granted to every house owner; the land use right certificates must be inscribed with the common-use land areas and the separate-use land areas.

3. For houses under common ownership, where co-owners fail to agree by themselves to divide the land areas into separate-use plots, the land use right certificate shall be granted to every house owner; the land use right certificates must state that the land areas are for common use.

Article 48.- Granting land use right certificates to households, individuals currently using land

The granting of land use right certificates to

households, individuals currently using land shall be effected according to the following regulations:

1. Households or individuals that are currently using land with the entire land plots or parts thereof being evidenced with one of the land use right papers prescribed in Clause 1, 2 and 5, Article 50 of the Land Law without disputes, shall be granted the land use right certificates for land areas with land use right papers, except for cases where the land lies in to be-recovered areas under plannings and the land recovery decisions have been already issued by competent State bodies.

2. Households or individuals that are currently using land with the entire land plots or parts thereof having none of the land use right papers prescribed in Clauses 1, 2 and 5 of Article 50 of the Land Law shall be granted the land use right certificates for the land areas without papers when the following conditions are fully met:

a) The land is dispute-free;

b) The land has been used before the time the land use plannings or plans or the detailed urban construction plannings or rural population quarter construction plannings are approved; where the land is used after the land use plannings or plans, or the detailed urban construction plannings or rural population quarter construction plannings are approved, it must be in line with such plannings or plans. The land-using time shall be certified by the People's Committees of communes, wards or district townships where exists such land;

c) In cases where land is used from October 15, 1993 to before Junly 1, 2004, land use levies must be paid according to the Government's regulations on collection of land use levies.

3. Households or individuals currently using the land for which the State previously issued management decisions in the course of implementing the State's land policies, but in fact the State has not yet managed the land, such households or individuals may continue using it and shall be granted the land

use right certificates without having to pay the land use levies.

Article 49.- Granting land use right certificates to non-business organizations, State enterprises, which are currently using agricultural land

1. Non-business organizations and State enterprises (in this Article referred collectively to as organizations) shall themselves review and declare their land use and report to the People's Committees of the provinces or centrally run cities where exist the land and their superior agencies being ministries, ministerial-level agencies, Government-attached agencies or State corporations.

2. Non-business organizations, State enterprises shall have to draw up the detailed land use plannings based on the results of review of the current land use situation; the schemes on reorganization, renewal and development of State enterprises according to the Government's regulations; the approved local land use plannings, plans; branch development plannings.

The contents of the detailed land use plannings must clearly determine the acreage of each land category retained for use, the land use plan, the land use duration, the land areas handed over to localities.

3. The provincial/municipal People's Committees shall consider and approve the detailed land use plannings of organizations using land in the localities.

4. Basing themselves on the approved detailed land use plannings, the provincial/ municipal People's Committees shall decide on land assignment, land lease under law provisions on land regarding the land areas retained for use by organizations.

5. For encroaching, occupying; encroached upon or occupied land areas; land areas being in dispute, the provincial/municipal People's Committees shall definitely settle them in order to determine the land users.

6. The provincial/ municipal People's Committees shall have to direct the determination of specific land

use boundaries, marker posts, the measurement and making of cadastral maps, the granting of land use right certificates to land-using organizations.

7. The handling of land not covered by detailed land use plannings of non-business organizations or State enterprises, which use agricultural land, and agricultural land of the dissolved organizations, shall comply with the Government's regulations.

Article 50.- Issuing land use right certificates to land used for farm economy

1. The commune, ward or township People's Committees shall review the current land use situation and report to the People's Committees of rural districts, urban districts, provincial capitals or towns on the land used for farm economy, to which land use right certificates have not been issued, according to the following contents:

a) The current land use situation as compared with the cadastral dossiers and the approved detailed land use plannings;

b) Results of investment in production, business and services directly serving agricultural production, forestry, aquaculture or salt-making of farms;

c) The land areas assigned or leased by the State; transferred from others, inherited, donated, received as capital contributions from other households or individuals; contracted by organizations.

2. On the basis of the reports of commune, ward or township People's Committees and the approved detailed land use plannings, the People's Committees of rural districts, urban districts, provincial capitals or towns shall decide to handle or issue land use right certificates according to the following regulations:

a) Households and individuals, that use agricultural land for farm economy but fail to use the land for the right purpose; build dwelling houses or works used for non-agricultural business purposes or other architectural works without permission, shall themselves have to address the situation, dismantle

the works in order to use land for the right set purposes; in cases where they fail to address the situation and to dismantle the works at their own will, the People's Committees of rural districts, urban districts, provincial capitals or towns shall apply coercive measures or recover the land;

b) Households and individuals, that are directly engaged in agricultural production, forestry, aquaculture or salt-making and assigned land by the State and have used such land for practice of farm economy, shall be allowed to continue using the land for the remaining duration for the land areas in excess of the limits prescribed in Article 70 of the Land Law; the land areas exceeding the limits shall be handled in accordance with the provisions of Article 67 of the Land Law;

c) Households and individuals, that are not directly involved in agricultural production, forestry, aquaculture or salt-making but have been assigned land by the State and have used such land for farm economy, must shift to lease land; the land leasing term shall be the remaining duration of the land assignment duration;

d) Households and individuals, that have practiced farm economy on the land leased by the State, contracted by organizations or received as capital contribution of other households and/or individuals, may continue to use the land under the signed contracts;

e) Households and individuals, that have practiced farm economy on land transferred from others, inherited or donated, shall comply with the provisions of Clause 3, Article 71 of the Land Law.

3. The land areas prescribed at Points b, c, d and e, Clause 2 of this Article (except for cases of being contracted by organizations), which are certified by commune, ward or township People's Committees as dispute-free, shall be issued the land use right certificates.

Article 51.- Issuing land use right certificates to land used for construction of agencies' offices, non-

business works

1. Organizations currently using land assigned by the State for construction of working offices or non-business works but having not yet been granted land use right certificates must review and declare the land use and report thereon to the People's Committees of the provinces or centrally run cities where exists the land and to their immediate superior agencies.

2. On the basis of organizations' reports, the People's Committees of the provinces or centrally run cities where exists the land inspect the actual land use and decide to handle, grant land use right certificates on a case-by-case basis according to the following regulations:

a) The land areas, which have been assigned by the State and used for the right purposes, shall be permitted for continued use and issued land use right certificates;

b) The land areas, which have been left unused, have been used for wrong purposes, or have been encroached upon, occupied or lost due to the lack of responsibility; the land areas, which have been leased or lent to other organizations, households or individuals for use; and the land areas, which have been illegally put into joint ventures or cooperation, shall be recovered under decisions of provincial/municipal People's Committees;

c) The residential land shall be assigned to the People's Committees of rural districts, urban districts, provincial capitals or towns where exists the land for management; in cases where the residential land is used in conformity with the approved land use right plannings or plans, the land users shall be granted land use right certificates and must fulfill the financial obligations under the Government's regulations on collection of land use levies;

d) The encroaching, occupying, encroached upon or occupied land areas; the land areas being in dispute shall be definitely settled by provincial/municipal People's Committees in order to determine

the land users.

Article 52. - Issuing land use right certificates for land being used by enterprises as ground for construction of production and/or business establishments

1. Enterprises using land as ground for construction of production and/or business establishments and having not yet been granted the land use right certificates must review and declare their land use and report thereon to the People's Committees of the provinces or centrally run cities where exists the land.

2. On the basis of enterprises' reports, the People's Committees of the provinces or centrally run cities where exists the land shall conduct field inspection and decide to handle, grant the land use right certificates on a case-by-case basis according to the following regulations:

a) The land areas, which have been leased by the State, transferred with lawful land use rights from others or assigned by the State with the collection of land use levies and the money already paid for being transferred the land use rights or the land use levies already paid to the State have not originated from the State budget and the land areas are being used for the right purposes, shall be permitted for continued use and issued the land use right certificates;

b) The land areas, which have been assigned by the State without the collection of land use levies, been transferred with lawful land use right from others or assigned by the State with the collection of land use levies and the money already paid for being transferred with the land use rights or the land use levies paid to the State have originated from the State budget and the land areas are being used for the right purposes, but have not yet been shifted to land lease, must be shifted to land lease; in cases where the form of land assignment with the collection of land use levies is opted for, the land use levies must be paid;

c) The land areas which have been left unused, have been used for wrong purposes, the land areas which have been illegally encroached upon, occupied or lost; the land areas which have been leased, lent to other organizations or individuals for use, put into joint ventures or cooperation in contravention of law, shall be recovered under decisions of the provincial/ municipal People's Committees;

d) The residential land shall be assigned to the People's Committees of rural districts, urban districts, provincial capitals or towns for management; where the residential land conforms with the approved land use plannings, the land users shall be granted the land use right certificates and must fulfill the financial obligations under the Government's regulations on land use levy collection;

e) The encroaching, occupying, encroached upon or occupied land areas; the land areas being in dispute shall be definitely settled by the provincial/ municipal People's Committees in order to determine the land users.

3. For the land areas prescribed at Point b, Clause 2 of this Article, enterprises must draw up production and/or business schemes to be submitted to the provincial/ municipal People's Committees for consideration and approval; the land use purposes and duration must be determined in the production and/or business schemes. After the production and/or business schemes are approved, the enterprises shall be granted the land use right certificates.

Article 53. - Issuing land use right certificates for land being used by cooperatives

1. Cooperatives which are using land but have not yet been granted land use right certificates must themselves review and declare their land use and report thereon to the People's Committees of the provinces or centrally run cities where exists the land.

2. On the basis of cooperatives' reports, the People's Committees of the provinces or centrally run cities shall conduct field inspections and decide

to handle, grant land use right certificates on a case-by-case basis according to the following regulations:

a) The land areas, which have been leased by the State, transferred with the lawful land use rights from other persons or assigned by the State with the collection of land use levies and the money already paid for being transferred the land use rights or the land use levies already paid to the State have not originated from the State budget, the land contributed to cooperatives by their members, which have been used for the right purposes, shall be permitted for continued use and issued the land use right certificates;

b) The land areas, which have been assigned by the State without the collection of land use levies, been transferred with lawful land use rights from other persons or assigned by the State with the collection of land use levies, and the money already paid for being transferred the land use rights or the land use levies already paid to the State have originated from the State budget while the land is being used for the right purposes but has not yet been shifted to land lease, must be shifted to land lease; in cases where the form of land assignment with the collection of land use levies is opted for, the land use levies must be paid.

For agricultural cooperatives' land areas used for construction of working offices, storehouses, drying yards, construction of service facilities in direct service of agricultural production, forestry, aquaculture or salt making, they shall be assigned by the State without the collection of land use levies;

c) The land areas which have been left unused, have been used for wrong purposes, land areas which have been encroached upon, occupied or lost due to lack of responsibility; the land areas which have been leased or lent to other organizations or individuals, put into joint ventures or cooperation in contravention of law, shall be recovered under decisions of the provincial/municipal People's Committees;

d) The residential land shall be handed over to the People's Committees of rural districts, urban districts, provincial capitals or towns for management; where the residential land conforms with the approved land use plannings, the land users shall be granted the land use right certificates and must fulfill the financial obligations under the Government's regulations on land use levy collection;

e) The encroaching, occupying, encroached upon or occupied land areas; the land areas being in dispute shall be definitely settled by the provincial/municipal People's Committees in order to determine the land users.

3. For the land areas prescribed at Point b, Clause 2 of this Article, the cooperatives must draw up their land use schemes to be sent to provincial/municipal Services of Natural Resources and Environment for appraisal before being submitted to the provincial/municipal People's Committees which shall decide on the land use purposes, land use duration and grant the land use right certificates.

Article 54.- Issuing land use right certificates for land with historical-cultural relics, scenic places

The issuance of land use right certificates for land where exist historical-cultural relics, scenic places, which have already been classified or have been protected under decisions of the provincial/municipal People's Committees, shall comply with the following regulations:

1. For land where exist independent historical-cultural relics, scenic places, the land use right certificates shall be granted to the organizations directly managing the historical-cultural relics, scenic places.

2. For land where exist historical-cultural relics which belong to private ownership, the land use right certificates shall be granted to the private owners.

3. For land where exist historical-cultural relics of population communities, the land use right certificates shall be granted to such population

communities.

4. In cases where historical-cultural relics or scenic places cover vast areas of land of different categories, the land use right certificates shall not be issued for the entire historical-cultural relic or scenic place areas but to different users of the assorted land in the areas.

The land users must comply with the regulations on protection of historical-cultural relics, scenic places.

Article 55.- Issuing land use right certificates for land being used by religious establishments

1. The religious establishments, which are using land where exist pagodas, churches, oratories, sanctuaries, monasteries, religious schools, offices of religious organizations and other religious establishments, are permitted by the State for operation but have not been granted land use right certificates, must review and declare their land use and report to the provincial/municipal People's Committees the following contents:

a) The total land areas being used and the land plot boundaries under the current land use situation;

b) The land areas lent or leased to organizations, households or individuals by the religious establishments;

c) The land areas, which the religious establishments have borrowed or received as donation from organizations, households or individuals;

d) The land areas encroached upon or occupied by other persons;

e) The land areas assigned to the religious establishments by competent State bodies for expansion of the religious organizations;

f) The land areas for expansion of the religious establishments without permission of competent State bodies.

2. The People's Committees of the provinces or

centrally run cities shall conduct field inspections, determine specific boundaries of land plots and decide to handle according to the following regulations:

a) For the land areas which had been used stably by organizations, households or individuals before October 15, 1993, to base on the land use demands of religious establishments as well as such organizations, households or individuals for settlement, aiming to ensure that the land use interests of the parties are suitable to reality;

b) For the land areas which were used by organizations, households or individuals from October 15, 1993 to before July 1, 2004, to settle them like the cases where households or individuals borrow or lease land of other households or individuals, prescribed in Article 113 of this Decree;

c) The land areas expanded by religious establishments without permission of competent State bodies; encroached upon, occupied; being in dispute, to settle them definitely in order to determine the land users.

3. For the land areas of religious establishments, after they are handled according to the provisions of Clause 2 of this Article and the conditions prescribed in Clause 4, Article 51 of the Land Law are fully met, such religious establishments shall be granted the land use right certificates.

Article 56.- Authorization of granting of land use right certificates

The provincial/municipal People's Committees shall authorize the provincial/ municipal Services of Natural Resources and Environment to grant land use right certificates to organizations, religious establishments, overseas Vietnamese, foreign organizations and individuals in the following cases:

1. The land users have obtained the land assignment or land lease decisions of competent State agencies but have not yet been granted the land use right certificates; have obtained the land

sub-assignment decisions or land lease contracts of hi-tech management boards or economic zone management boards; have obtained the written recognition of results of lawful land use right auctions, the land dispute conciliation results recognized by provincial/municipal People's Committees; have obtained decisions of competent agencies or organizations on division, separation or merger of organizations; have obtained written documents on division, separation or merger of economic organizations in accordance with law; have got agreement on handling of mortgaged land use rights as security for debt recovery according to law provisions; have obtained administrative decisions on settlement of land disputes, land related-complaints or denunciations, judgments or decisions of people's courts, decisions of judgment enforcement agencies, which have been executed.

2. The land users have registered changes in land use upon consolidation or separation of land plots according to the provisions of Point c, Clause 1, Article 7 of this Decree and the land plots, before being consolidated or separated, were given the land use right certificates.

3. The land users have been re-granted the land use right certificates or have had their land use right certificate changed under the cases prescribed at Point f, Clause 5, Article 41 of this Decree.

4. Granting of new land use right certificates in replacement of assorted land use right certificates granted under the land legislation before July 1, 2004 as provided for in Clause 6, Article 41 of this Decree.

Article 57.- Competence to adjust land use changes on land use right certificates

The competence to adjust land use changes prescribed in Clause 4, Article 41 of this Decree is prescribed as follows:

1. The provincial/municipal Services of Natural Resources and Environment shall adjust land use changes on the granted land use right certificates

for the cases prescribed at Points b, c, d, e, f, g, h, i, j and k of Clause 4, Article 41 of this Decree, where the post-adjustment land users are organizations, religious establishments, overseas Vietnamese, foreign organizations or foreign individuals.

2. The district-level Sections of Natural Resources and Environment shall adjust land use changes on the granted land use right certificates for the cases prescribed at Points b, c, d, e, f, g, h, i, j and k of Clause 4, Article 41 of this Decree, where the post-adjustment land users are households, individuals, population communities or overseas Vietnamese entitled to buy dwelling houses closely associated with the residential-land use rights.

3. The land use right registration offices of the provincial/municipal Services of Natural Resources and Environment shall adjust land use changes on the granted land use right certificates for the cases prescribed at Point a, Clause 4, Article 41 of this Decree, where the post-adjustment land users are organizations, religious establishments, overseas Vietnamese, foreign organizations or foreigners.

4. The land use right registration offices of the district-level Sections of Natural Resources and Environment shall adjust land use changes on the granted land use right certificates for the cases prescribed at Point a, Clause 4, Article 41 of this Decree, where the post-adjustment land users are households, individuals, population communities, overseas Vietnamese entitled to buy dwelling houses closely associated with residential-land use rights.

Article 58.- Land statistics and inventories

1. The land statistics and inventory figures shall be used for the following purposes:

a) Evaluating the current land use situation, being used as bases for elaboration of land use plannings and plans, as bases for examination of implementation of land use plannings, plans;

b) Being used as documents for natural resource basic surveys in service of the formulation of socio-

economic development, defense, security strategies, overall plannings, plans of the whole country, of branches and localities;

c) Publication in yearly books on national statistics;

d) Serving the demands for use of land data in scientific research, training and other demands.

2. Land statistics and inventories shall comply with the provisions of Clause 1, Article 53 of the Land Law; land statistics shall not be carried out in the land-inventorying year.

3. The Ministry of Natural Resources and Environment shall define the contents of land statistics and inventories; forms and tables used for land statistics and inventories; contents of current land use maps demonstrating land inventory figures.

4. The land statistic and inventory time is stipulated as follows:

a) The time for annual land statistics shall be January 1 of the following year;

b) The time for land inventory shall be January 1 of the last year of the land use plan period.

5. The time for completion and submission of land statistical figure reports is prescribed as follows:

a) The commune, ward, district township People's Committees shall complete and submit their local reports on land statistical results to their immediate superior People's Committees before January 15 of the following year;

b) The People's Committees of rural districts, urban districts, provincial capitals or towns shall complete and submit their local reports on land statistical results to their immediate superior People's Committees before January 31 of the following year;

c) The provincial / municipal People's Committees shall complete and submit their local reports on land statistical results to the Ministry of Natural Resources and Environment before February 15 of the following year;

d) The Ministry of Natural Resources and Environment shall complete and submit the national report on land statistical results to the Government before March 15 of the following year.

6. The time for completion and submission of land inventory figures is prescribed as follows:

a) The commune, ward, township People's Committees shall complete and submit their local reports on land inventory results to their immediate superior People's Committees before April 30;

b) The People's Committees of rural districts, urban districts, provincial capitals or towns shall complete and submit their local reports on land inventory results to their immediate superior People's Committees before June 30;

c) The provincial/ municipal People's Committees shall complete and submit their local reports on land inventory results to the Ministry of Natural Resources and Environment before August 15;

d) The Ministry of Natural Resources and Environment shall complete and submit the national report on land inventory results to the Government before October 31.

Chapter VI

LAND USE RIGHTS IN REAL ESTATE MARKET

Article 59.- Land is allowed for participation in the real estate market

1. Land with assets affixed thereto and the land use rights, permitted for participation in the real estate market, shall include:

a) Land for agricultural production, land with production forests other than natural forests, which are assigned by the State without the collection of land use levies to households, individuals;

b) Agricultural land being used stably by households, individuals for purposes of agricultural production, forestry, aquaculture or salt-making, with the land use rights being already recognized by the

State;

c) Agricultural land being assigned by the State with the collection of land use levies to economic organizations, overseas Vietnamese;

d) Agricultural land leased by the State to overseas Vietnamese, foreign organizations or foreign individuals with the land rents paid in lump sum for the whole leasing term;

e) Residential land assigned by the State to households, individuals for construction of dwelling houses; residential land assigned by the State to economic organizations, overseas Vietnamese for investment in dwelling house construction and business; residential land leased by the State to overseas Vietnamese, foreign organizations or foreign individuals for investment in dwelling house construction and business with land rents paid in lump sum for the whole leasing term;

f) Residential land being used by households, individuals for the purposes of building dwelling houses, with their land use rights being already recognized by the State;

g) Non-agricultural production and/or business land, land used for public business purposes, assigned by the State with the collection of land use levies to economic organizations, households, individuals, overseas Vietnamese;

h) Non-agricultural production and/or business land, land used for public business purposes, leased by the State to overseas Vietnamese, foreign organizations or foreigners, with the land rents paid in lump sum for the whole leasing term;

i) Non-agricultural production and/or business land, land used for public business purposes, being used by households, individuals or economic organizations, with the land use rights being already recognized by the State.

2. Land leased from the State with land rents paid annually and with the assets affixed thereto being permitted for participation in the real estate market

shall include:

a) Perennial-tree land with tree gardens thereon, production-forest land with forests thereon, salt-making land and aquaculture land where infrastructures have been invested;

b) Non-agricultural production and/or business land, land used for public business purposes, where infrastructures have been invested or where exist constructions affixed to land.

3. The recipients of assets affixed to land in the cases prescribed in Clause 2 of this Article shall be permitted by the State to continue leasing the land for the remaining duration of the signed land lease contracts.

4. Upon the expiry of the land use duration, the persons assigned or leased land and with their land use rights recognized by the State; persons being transferred the land use rights from other persons as provided for in Clause 1 of this Article; the recipients of assets affixed to land leased by the State from other persons, prescribed in Clause 2 of this Article, if wishing to extend the land use duration, shall all be considered for extension under the provisions of Clause 2, Article 34 of this Decree.

Article 60.- Contents of operations of land use right market in the real estate market

Contents of operations of land use right market in the real estate market shall include:

1. The State assigns agricultural land to households, individuals without the collection of land use levies.

2. The State assigns land with the collection of land use levies, leases land through auctions or at prices set by the State.

3. Households, individuals exchange, transfer, lease, sublease, inherit or donate the land use rights; mortgage, provide guarantee or contribute capital with the land use rights.

4. Economic organizations, overseas Vietnamese transfer, lease or sublease the land use rights;

mortgage, provide guarantee or contribute capital with the land use rights.

5. Foreign organizations, foreign individuals lease, sublease the land use rights; mortgage, provide guarantee or contribute capital with the land use rights

6. Economic organizations, overseas Vietnamese, foreign organizations, foreigners invest in the construction of dwelling houses for business production and/or business establishments infrastructures.

7. Households, individuals, economic organizations, overseas Vietnamese, foreign organizations, foreigners sell, lease, donate assets affixed to land; mortgage, provide guarantee or contribute capital with assets affixed to land; individuals, overseas Vietnamese, foreigners bequeath assets affixed to land.

8. Overseas Vietnamese defined in Clause 1, Article 121 of the Land Law buy dwelling houses associated with the residential land use rights; are donated or bequeathed the land use rights and assets affixed to land.

9. Non-business organizations, economic organizations are licensed to provide services in support of real estate market regarding land use right registration, secured transaction registration, measurement for cadastral map making; provide information on land, recommendation of investment locations; valuation and appraisal of land, real estate prices; receive mortgage or guarantee with the land, real estate use rights; organize land, real estate use right transaction floor; auction land, real estate use rights, biddings for projects with the use of land; real estate securities.

Article 61.- Cases of auction and non-auction of land use rights

1. The auction of land use rights shall apply when the State assigns land with the collection of land use levies, leases land or when land use right-related judgments or debt recoveries are executed, except for the cases prescribed in Clause 2 of this Article.

2. The non-auction of land use rights shall apply when the State assigns land with the collection of land use levies, leases land or when land use right-related judgments or debt recoveries are executed in the following cases:

- a) Where the land is used under the provisions of Clause 1, Article 60 of the Land Law;
- b) Where economic organizations shift from land lease to land assignment with the collection of land use levies;
- c) Where the land users are permitted by competent State agencies to change the land use purposes;
- d) Where the land is put on auction but no one participate therein or the auction fails.

Article 62.- Auction of land use rights, biddings for projects involving land use with regard to land funds used for creation of investment capital for construction of infrastructure

1. The use of land funds for creation of investment capital for construction of infrastructures shall be effected in either of the two following forms:

- a) Auction of the land use rights to create capital sources in money for direct use for investment in infrastructure construction;
- b) Bidding for construction of works and auction of land use rights for creation of capital for construction of such works in the same bidding packages.

2. Where the form of land use right auction is applied for creation of capital sources in money for direct use for investment in infrastructure construction, the following principles shall be complied with:

- a) The auction of land use rights and the biddings for construction of works shall be carried out independently;
- b) The provincial/municipal People's Committees shall have to clearly identify the land use purposes and structure for the land put on auction.

3. Where the form of bidding for construction of works and auction of land use rights for creation of capital for construction of such works in the same bidding packages is applied, the following principles shall be complied with:

- a) The point scale for marking the bids for construction of works and the point scale for marking the land use right auction shall be drawn up separately;
- b) The provincial/municipal People's Committees must clearly identify the land use purposes and structure for land put to auction;
- c) When using the bid-winning land, the bid winners must draw up land use schemes to be considered and approved by provincial/municipal People's Committees.

4. The order and procedures for auction of land use rights, biddings for works involving land use shall comply with the regulations promulgated by the Prime Minister.

5. Annually, the provincial/municipal People's Committees shall formulate and submit to the People's Councils of the same level for adoption the lists of investment projects for infrastructure construction eligible for use of land funds to create capital and the land areas used for creation of capital for execution of such projects.

Article 63.- Land use rights of State enterprises when being equitized

1. The State enterprises' land use rights acquired from land assignment or land lease by the State, from land use right reception, which constitute the State's property at the enterprises, must be calculated into the value of the enterprises' assets upon their equitization.

2. The land use right value determined for inclusion in the value of enterprises' assets upon their equitization must be close to the actual prices of land use right transfer on the market but shall not be lower than the land prices set by the provincial/municipal

People's Committees at the time of equitization.

3. Upon the equitization of State enterprises, the provincial/municipal People's Committees shall have to review the land funds being used by the enterprises, handle and grant land use right certificates according to the provisions of Articles 49 and 52 of this Decree.

Article 64.- Registration of secured transactions on land use rights

1. The registration of secured transactions on land use rights shall cover the following cases:

a) Registration of mortgage of or guarantee with the land use rights;

b) Registration of changes in contents already registered for mortgage of or guarantee with land use rights;

c) Registration of correction of errors in the contents of registration for mortgage of, guarantee with land use rights;

d) Registration of cancellation of or deletion of results of registration of mortgage of or guarantee with land use rights;

e) Registration of results of handling the assets mortgaged or guaranteed with the land use rights.

2. The registration requesters shall be one of the following subjects:

a) The land use right mortgagor or mortgagee;

b) The land use right guarantor or guarantee;

c) The new mortgagor or the new mortgagee in case of changing either of the parties prescribed at Point a of this Clause;

d) The new guarantor or the new guarantee in case of changing either of the parties prescribed at Point b of this Clause;

e) The persons authorized by one of the parties to the mortgage or guarantee contracts under civil law provisions.

3. Agencies performing the registration of secured transactions of land use rights shall be land use right

registration offices.

4. Principles for registration of secured transactions on land use rights are prescribed as follows:

a) The secured transactions of land use rights shall be registered according to the contents of the applications and the mortgage or guarantee contracts.

The parties to the mortgage or guarantee contracts must bear responsibility for the registered contents.

b) The registration offices must make accurate registrations according to the contents of the applications and the mortgage or guarantee contracts;

c) The registration of secured transactions of land use rights shall be acknowledged in the cadastral dossiers and the land use right certificates without granting other certificates of secured transaction registration;

d) Information on registration of secured transactions of land use rights shall be supplied to all organizations and individuals that have demands therefor;

e) The registration of secured transactions of land use rights shall be legally valid under civil law provisions.

5. The land use right value in secured transactions shall be determined according to the following regulations:

a) The land use right value in cases where households, individuals are assigned agricultural land by the State without the collection of land use levies shall be determined according to land prices set by the provincial/municipal People's Committees without subtracting the land use right value for the duration when the land was used;

b) The land use right value for other cases than those prescribed at Point a of this Clause shall be agreed upon by the parties engaged in the secured

transaction.

6. The registration requesters, the requesters for information on secured transactions of land use rights must pay charges and fees according to law provisions.

Article 65.- Handling of the rights to use the land being leased, mortgaged, provided as guarantee, contributed as capital when the State recovers land

1. For land being leased, mortgaged, provided as guarantee or contributed as capital, which is recovered by the State under the provisions of Clause 1, Article 38 of the Land Law, the land lease contracts, the contracts on mortgage of, provision of guarantee or contribution of capital with, the land use rights shall terminate. The land lessees, the mortgagees, the guarantees or the contributed capital receivers shall be compensated according to civil law provisions by the persons whose land was recovered.

2. For land being leased or contributed with land use rights as capital without formulating new legal persons but falling into the cases of land recovery as prescribed in Clauses 3, 4, 9, 11 and 12 of Article 38 of the Land Law, the land lease contracts, the contracts on capital contribution with the land use rights shall terminate and the land recovery shall be carried out under the following regulations:

a) Where the land lessors or capital contributors with the land use rights commit acts of violating land legislation, the State shall recover the land. The land lessors or the capital contributors with the land use rights must pay damages to the land lessees, the receivers of capital contributed with the land use rights according to civil law provisions;

b) Where the land lessees or the receivers of capital contributed with the land use rights commit acts of violating land legislation, the State shall not recover the land but recover the land use right value. The land lessees, the receivers of capital contributed with the land use rights must pay to the State money amounts equivalent to the land use right values calculated at the land prices set by the provincial/

municipal People's Committees at the time of money payment and must pay damages to the land lessors or capital contributors with the land use rights according to civil law provisions.

3. For land being mortgaged, provided as guarantee with the land use rights and falling into the cases of land recovery under the provisions of Clauses 3, 4, 9, 11 and 12 of Article 38 of the Land Law, the State shall recover the land; the contracts on mortgage or guarantee with the land use rights shall terminate and the repayment of loans shall be handled according to the following regulations:

a) In case of mortgage, the mortgagors must repay the loans to the mortgagees according to civil law provisions;

b) In case of guarantee, the guaranteed must repay the loans to the guarantees according to the signed credit contracts; if the guaranteed is incapable of repaying the loans, the guarantors must repay loans to the guarantees according to civil law provisions.

4. For land being leased, mortgaged, provided as guarantee or capital contribution with the land use rights by land users being individuals without formulating new legal persons and such individuals die without any heirs, the State shall recover the land; the land lease contracts, the mortgage contracts, the guarantee contracts, the contracts on capital contribution with the land use rights shall terminate and the land use rights shall be handled as follows:

a) In case of land lease, the land lessees shall be leased land by the State for the remaining duration of the signed land lease contracts;

b) In case of capital contribution with the land use rights, the contributed capital receivers may continue using the land for the remaining duration of the signed capital contribution contracts;

c) In case of mortgage with the land use right, the People's Committees which have granted the land use right certificates shall organize land use right auction in order to pay loans to the mortgagees

according to the signed mortgage contracts; if the mortgaged land use right value determined through auctions is smaller than loans, the mortgagees can only receive the money amounts equivalent to the mortgaged land use right value;

d) In case of guarantee with the land use rights, the guaranteed must repay loans to the guarantors under the signed credit contracts; if the guaranteed is incapable of repaying the loans, the People's Committees which granted the land use right certificates shall organize land use right auctions for repayment of loans to the guarantors under the signed guarantee contracts; if the guaranteed land use right value determined through auctions is smaller than the loans, the guarantors can receive only money amounts equivalent to the guaranteed land use right value.

Article 66.- Floors for transaction of land use rights, assets affixed to land

1. The transaction floor on land use rights, assets affixed to land are the places where the following activities are carried out:

a) Recommending persons who have the demands to transfer or to be transferred, the land use rights, assets affixed to land;

b) Recommending persons who have the demands to rent, to lease, sublease the land use rights, assets affixed to land; to mortgage, provide guarantee or contribute capital with the land use rights, assets affixed to land;

c) Recommending places for investment, provision of information on land use plans, plans, land prices, legal status of land use rights and assets affixed to land, other information on land and assets affixed to land;

d) Organizing sessions of transaction on land use rights, assets affixed to land;

e) Organizing auctions of land use rights, assets affixed to land at requests.

2. Enterprises of all economic sectors with

business; registration in the domains of real estate business; provision of services of consultancy on land management and use, services on real estate auctions may organize floors for transactions on land use rights, assets affixed to land

Article 67.- Management of land information provision services

1. Land information shall include information on land plots, land use rights, assets affixed to land and the exercise of land users' rights shall be publicly provided for requesters.

2. The land use right registration offices are the sole bodies permitted to provide legally valid information on land plots and land users.

3. The Ministry of Natural Resources and Environment shall guide the management of land information provision services.

Chapter VII

AGRICULTURAL LAND USE REGIME

Article 68.- Regime on use of other agricultural land

1. Other agricultural land prescribed at Point e, Clause 4, Article 6 of this Decree shall be leased by the State to households, individuals; assigned by the State without land use levy collection to households, individuals directly engaged in agricultural productions in communes, wards or district townships where exists the land; assigned by the State with land use levy collection or leased to economic organizations engaged in agricultural production.

Users of land cultivated with annual crops other than land specialized in water rice, perennial trees, production forest land may register to change the purposes of using the land into other agricultural land, enclosed with schemes for production on other agricultural land. In case of changing from water rice land to other agricultural land, the permission of a competent State body is required.

2. Duration of assignment or lease of other agricultural land is prescribed as follows:

a) The land assignment duration for households, individuals shall be fifty (50) years;

b) The land lease duration for households, individuals shall not exceed fifty (50) years;

c) The land assignment or lease duration for economic organizations shall be the duration determined in projects but shall not exceed the duration prescribed in Clause 3 of Article 67 of the Land Law.

3. The other agricultural land use duration for cases of changing the use purposes from annual-crop land, perennial tree land or production-forest land shall be the land use duration of the land categories before the land use purpose changes.

4. The quotas of other agricultural land assignment to households, individuals shall be calculated in the land assignment quotas prescribed in Clause 4, Article 70 of the Land Law and Article 69 of this Decree.

Article 69.- Agricultural land assignment quotas

1. The annual-crop land, aquaculture land, salt-making land assignment quotas for each household or individual shall not exceed three (3) hectares for each land category for the provinces and centrally run cities in the Eastern South Vietnam and the Mekong river delta region; and shall not exceed two (2) hectares for each land category for other provinces and centrally run cities.

2. The assignment quotas of annual-crop land, perennial-tree land, forest land, aquaculture land, salt-making land in buffer zones of special-use forests for each household or individual shall comply with the provisions of Article 70 of the Land Law and Clause 1 of this Article.

3. For agricultural land areas being currently used by households, individuals, which are located outside the communes, wards or district townships of their permanent residence registration, such households

or individuals may continue using such land; if it is the land assigned without the collection of land use levies, it may be calculated into the agricultural land assignment quotas of each household or individual.

The district-level Sections of Natural Resources and Environment which have assigned agricultural land without the collection of land use levies to households, individuals shall send notices to the People's Committees of the communes, wards or townships where such households or individuals register their permanent residence registration for calculation of agricultural land assignment quotas.

4. The provincial/ municipal People's Committees shall prescribe the quotas of assignment of unused land, bare hill and mountain land, unused water surface land to households, individuals for putting to use under plannings, which, however, must not exceed the land assignment quotas prescribed in Clause 5, Article 70 of the Land Law.

5. Agricultural land areas of households, individuals, which have been acquired due to transfer, lease, sublease, bequeathal, donation of land use right, reception of capital contribution with the land use rights from other persons, land contracted or leased by the State shall not be calculated into agricultural land assignment quotas prescribed in Clauses 1 and 2 of this Article.

Article 70.- Assignment of land for agricultural production, forestry, aquaculture, salt making to households, individuals

1. Households, individuals that had been assigned agricultural land before July 1, 2004 may continue using the land for the remaining land assignment duration.

2. For localities where land has not been assigned for agricultural production, forestry, aquaculture, salt making to households, individuals according to the provisions of land legislation, the People's Committees of communes, wards or townships where exists the land shall draw up schemes

proposing the People's Committees of rural districts, urban districts, provincial capitals or towns to assign agricultural land to household members living mainly on agricultural production, forestry, aquaculture, salt making and permanently residing in the localities, including people who are performing the military service obligations.

The commune, ward, township People's Committees shall consider and include in the schemes on land assignment to households, individuals having demands to use agricultural land for production the following subjects:

a) Persons with main subsistence sources coming from agricultural production, forestry, aquaculture and/or salt making, who are certified by commune, ward or district township People's Committees as permanent residents in the localities but having not yet had their permanent residence registration;

b) Households and individuals, that were previously engaged in non-agricultural production and business lines and have had permanent residence registration in the localities but are now unemployed;

c) State officials and employees, workers and army men, who leave their jobs due to working capacity loss or to production reorganization, staff streamlining, enjoy lump-sum allowances or allowances for several years and return to reside in the localities;

d) Children of State officials or employees, public servants, workers living in the localities, who reach the working ages but haven't got jobs.

3. The assignment of land for agricultural production, forestry, aquaculture, salt making to households, individuals shall be carried out under the following principles:

a) Boosting production development and rural stability on the basis of the current situation;

b) Right subjects, fairness and avoidance of land field division.

Article 71.- Settlement of cases of excessive assignment of agricultural land

Basing themselves on the agricultural land assignment quotas prescribed in Article 70 of the Land Law and the provisions of Article 69 of this Decree, the commune, ward or township People's Committees shall revise and list the households and individuals with agricultural land areas assigned in excess of the prescribed quotas and report thereon to the People's Committees of rural districts, urban districts, provincial capitals or towns for land lease according to the following regulations:

1. Households using agricultural land areas assigned in excess of the prescribed quotas before January 1, 1999 shall be allowed to continue using such land for a duration being equal to half of the land assignment duration prescribed in Clause 1, Article 67 of the Land Law, then shift to lease the land.

2. Households using agricultural land areas assigned in excess of the prescribed quotas between January 1, 1999 and before July 1, 2004 and having already shifted to lease land shall be allowed to continue leasing such land for the remaining duration of the land lease terms inscribed in the land lease contracts; in cases where they have not yet shifted to lease land, they must shift to lease land as from July 1, 2004 and the land lease term shall be the remaining duration of such land assignment duration.

3. Individuals using agricultural land areas assigned in excess of the prescribed quotas before July 1, 2004 must shift to lease land as from July 1, 2004; the land lease term shall be the remaining duration of such land assignment duration.

Article 72.- Use of protective forest land, special-use forest land

1. Protective forest-managing organizations, special-use forest-managing organizations shall be assigned land by the State without the collection of

land use levies for forest management, protection, zoning off for regeneration or forestation under the land use plannings or plans already approved by competent State bodies.

The protective forest-managing organizations and special-use forest-managing organizations shall contract protective-forest land or special-use forest land for forest protection, zoning off for regeneration according to the Government's regulations.

2. The protective forest-managing organizations and the special-use forest-managing organizations shall have the following rights and obligations:

a) The rights and obligations prescribed in Articles 105 and 107 of the Land Law;

b) To use land in combination with other purposes according to law provisions on forest protection and development.

3. Organizations, households and individuals, that are assigned protective forest land in areas where the protective forest-managing organizations are not yet available and land planned for protective forest planting for forest protection and development shall have the rights and obligations prescribed in Clause 2 of this Article.

4. Organizations, households and individuals, that are assigned or leased land in buffer zones of special-use forests for use for the purposes of forestry production, research, experiment or for use in combination with defense, security according to the regulations on protection and development of forests of buffer zones, shall have the rights and obligations prescribed in Clause 2 of this Article.

5. Population communities which are assigned by the State protective forests according to the provisions of the Law on Forest Protection and Development, shall be assigned protective-forest land for forest protection and development; and have the rights and obligations as provided for by the Law on Forest Protection and Development.

Article 73.- Contracting of land used for purposes

of agricultural production, forestry, aquaculture, salt making in State enterprises

The contracting of land used for purposes of agricultural production, forestry, aquaculture, salt making is stipulated as follows:

1. The contracting parties shall be State enterprises assigned or leased agricultural land by the State for use for purposes of agricultural production, forestry, aquaculture and/or salt making.

2. The contracted parties shall be organizations, households and individuals, that are contracted land for the purposes of agricultural production, forestry, aquaculture and/or salt making.

3. The rights and obligations of the contracting parties and the contracted parties shall comply with the Government's regulations.

Article 74.- Agricultural land used for public-utility purposes of communes, wards or district townships

1. The agricultural land funds used for public-utility purposes of communes, wards or townships shall be used for the following purposes:

a) Construction of public facilities of communes, wards or townships, including cultural works, physical training, sport, entertainment, public recreation, medical, educational works, marketplaces, cemeteries, graveyards and other public works as provided for by the provincial/municipal People's Committees;

b) Compensation to persons who possess land used for construction of public works prescribed at Point a of this Clause;

c) Construction of gratitude houses.

2. For land areas not yet used for the purposes defined in Clause 1 of this Article, the commune, ward or township People's Committees shall lease them to households and individuals in the localities for agricultural production, aquaculture in form of auction for contracts. The land use duration for each lease shall not exceed five (5) years.

Article 75.- Land used for farm economy

1. Land used for farm economy of households, individuals, as provided for in Article 82 of the Land Law shall include:

a) Land for cultivation of annual crops, perennial trees, production forest land, aquaculture land, salt making land, land for construction of cattle, poultry and other law-permitted animal shelters and farms; land for construction of greenhouses and other types of house in service of cultivation including forms of cultivation not directly on land; plant nursery and animal breeding land;

b) Land for construction of intra-farm passages, canals and ditches;

c) Land for construction of establishments for animal feeds processing, agricultural, forestry, fishery, salt product processing; land for construction of drying yards, storehouses; land for construction of service establishments in direct service of agricultural production, forestry, aquaculture, salt making; land for construction of lodging houses for laborers and farm guards.

2. Households and individuals using land for farm economy must use land for the right set purposes; in case of changing the purposes of using assorted land, they must work out schemes on production and/or business in association with land use and submit them to the People's Committees of rural districts, urban districts, provincial capitals or towns for consideration and approval, must register the land use purpose changes and pay land use levies according to law provisions.

Article 76.- Agricultural land used by population communities

1. Ethnic minority population communities that are using agricultural land in accordance with their customs and practices shall be allowed to continue using the land.

2. Ethnic minority population communities wishing to use agricultural land for the conservation of their

respective ethnic traits shall be considered for land assignment without land use levy collection by People's Committees of rural districts, urban districts provincial capitals or towns.

3. The agricultural land assignment duration shall comply with the provisions of Clause 1, Article 67 of the Land Law.

4. The agricultural land-using population communities defined in Clauses 1 and 2 of this Article shall be granted the land use right certificates.

5. Ethnic minority population communities using agricultural land shall have to protect the assigned land, may use the land for agricultural production in combination with forestry, aquaculture; and must not use such land for other purposes.

Article 77.- Land with inland water surfaces covering areas of many provinces, centrally-run cities

1. Ministry of Fisheries shall decide to set up the Management Boards for management and exploitation of lakes, lagoons covering areas of many provinces, centrally-run cities.

2. The provincial/municipal People's Committees shall decide on assignment of land with lake, lagoon water surfaces in their respective localities to the Management Boards.

3. The Management Boards may contract the water surfaces to economic organizations, households and individuals for use for aquaculture, exploitation of aquatic resources or in combination with ecological tourism.

4. Persons using water surfaces for aquaculture and aquatic resource exploitation must protect the environment and landscapes.

Chapter VIII

NON-AGRICULTURAL LAND USE REGIME

Article 78.- Other non-agricultural land use duration

The duration for use of other non-agricultural land

defined at Point f, Clause 5, Article 6 of this Decree is stipulated as follows:

1. The long-term stable use duration for the following cases:

a) Land where exist worshipping works, museums, conservatories, art works display houses, cultural and art creation establishments and other private non-business constructions and those works are not affixed to residential land;

b) Land prescribed at Point b, Clause 2 of this Article, which is assigned by the State to public non-business units.

2. The duration prescribed at Clause 3, Article 67 of the Land Law shall apply to the following cases:

a) Land for construction of makeshifts, huts and camps for rural farm laborers;

b) Land for construction of greenhouses and houses of other types in service of cultivation including forms of cultivation not directly on land, construction of cattle, poultry and other law-permitted animal shelters and farms, construction of agricultural, forestry, fishery research stations, construction of plant nurseries and animal breeding establishments, construction of warehouses and/or depots of farm products, plant protection drugs, fertilizers, machinery, production tools in rural areas other than the land assigned to public non-business units.

Article 79.- Quotas of residential land assigned to households, individuals

The quotas of residential land assigned to households, individuals, prescribed in Clause 2, Article 83 and Clause 5, Article 84 of the Land Law shall apply only when the State assigns residential land to households and individuals as from July 1, 2004 and the cases where the State grants the land use right certificates, prescribed in Clause 5, Article 87 of the Land Law.

Article 80.- Residential land with gardens, ponds and agricultural land with gardens, ponds in population areas

1. Persons who use land where exist gardens, ponds, falling into the cases prescribed in Clause 5, Article 87 of the Land Law, when being granted the land use right certificates, must pay the land use levies as provided for in Clause 6, Article 50 of the Land Law for the land areas determined as residential land.

2. For land areas exceeding the acreages determined as residential land under the quotas prescribed in Clauses 4 and 5, Article 87 of the Land Law, on which dwelling houses have been built, the areas exceeding the prescribed quotas shall be determined as residential land and subject to land use levy payment, and issued the land use right certificates.

3. Where residential-land users have been granted the certificates of the rights to use land or residential land already determined under the provisions of Article 87 of the Land Law and wish to expand their residential land areas, they must ask for permission to change land use purposes and pay land use levies, except for the case prescribed of Clause 1, Article 45 of this Decree.

In case of expanding the residential land areas in urban population quarters, apart from the application for permission to change land use purposes and payment of land use levies, such expansion must also be compliant with the provisions of Clause 5 of this Article.

4. After the residential land areas are determined under the provisions of Clauses 1, 2 and 3 of this Article, the remaining land areas shall be determined according to the present land use situation.

5. Basing themselves on the approved urban construction plannings, the provincial/municipal People's Committees shall prescribe the land areas permitted for construction of dwelling houses on the land plots where exist gardens, ponds in compatibility with urban landscape.

Persons using agricultural land with gardens, ponds for construction of dwelling houses must apply

for permission to change the land use purposes and pay the land use levies.

The People's Committees of rural districts, urban districts, provincial capitals or towns shall base on the urban construction plannings or rural population quarter construction plannings, the portions of land areas permitted for construction of dwelling houses as provided for in this Clause and the practical demands of land users to consider and permit the land use purpose changes.

6. Agricultural land with gardens, ponds in population quarters, prescribed in Clause 4 of this Article constitutes sources of supplement for residential land.

Article 81.- Land with projects on construction of dwelling houses for sale, which are executed by overseas Vietnamese, foreign organizations, foreigners

1. Purchasers of dwelling houses associated with the right to use residential land under investment projects on construction of dwelling houses for sale, which are executed by overseas Vietnamese, foreign organizations or foreigners shall be granted the long-term stable land use right certificates.

2. The investors shall pay to the State the differences between the land use levies and the land rents already paid to the State according to the following regulations:

a) The land use levies are calculated at the land prices set by the provincial/ municipal People's Committees at the time of payment of the differences;

b) For villas, the difference amounts must be paid at the time of selling the houses;

c) For condominiums, the difference amounts must be paid at the time of project completion at the latest.

Article 82.- Land used for urban renovation, development and rural population quarters

1. The land areas to be recovered for urban

renovation or development and rural population quarters must be reflected in the detailed land use plannings, detailed land use plans, must be specifically determined and publicized at the population quarters where land shall be recovered at the time and within the time limit for announcement of the detailed land use plannings, prescribed in Article 27 of this Decree.

For the plannings on expansion or construction of urban traffic roads and rural population quarters, the land areas used for road construction and the land areas along road sides, which shall be recovered for land fund exploitation, landscape creation and environmental protection.

2. For the land areas to be recovered for execution of plannings on urban renovation or development, rural population quarters but the recovery decisions have not yet been issued, the current land users may continue using such land for the right set purposes, must not change the land use purposes and must not build new works or expand the existing ones; in cases where they have the demands for repairs, they must strictly abide by the law provisions on construction regarding the planned areas.

Article 83.- Land used for defense, security purposes

1. Land used for defense, security purposes is the land of categories specified at Points a, b, c, d, e, f, g, h, i and j, Clause 1, Article 89 of the Land Law and land in the areas exclusively assigned by the Government to the Ministry of Defense or the Ministry of Public Security for management, protection and use.

2. The land which is managed and/or used by people's armed force units but does not belong to the land categories prescribed in Clause 1 of this Article shall not be classified as land used for defense or security purposes.

3. The defense or security land users are defined as follows:

a) Units attached to the Ministry of Defense or the Ministry of Public Security shall be the land users with regard to land where the units are stationed, except for the case prescribed at Point c of this Clause; land used as military bases; land for construction of national defensive works, battle fields and special defense or security works; official-duty building of the people's armed forces; land in the areas exclusively assigned by the Government to the Ministry of Defense or the Ministry of Public Security for management, protection and use;

b) Direct land-using units are land users with regard to land used for construction of military stations or ports; land used for construction of industrial, scientific and technological works in direct service of defense or security; land used for construction of storehouses of the people' armed forces; land used as shooting fields, drill fields, weapon-testing grounds, weapon-destroying grounds; land used for construction of schools, hospitals, sanatoriums of the people's armed forces; land used for construction of detention camps, education camps, reformatories, which are managed by the Ministry of Defense or the Ministry of Public Security;

c) The Military Commands of the provinces or centrally run cities; the Military Commands of rural districts, urban districts, provincial capitals or towns; the Police Departments of the provinces or centrally run cities; the Police Offices of the rural districts, urban districts, provincial capitals or towns; the Police Offices of wards, townships, the border posts shall be the land users with regard to the land used for construction of their working offices.

4. Land used for defense or security purposes must be used for the right set purposes. For land areas left unused or used for wrong purposes, the provincial/municipal People's Committees shall notify the land-using units to put the land to use for the right purposes; 12 months after being notified, if the land-using units fail to address the situation in order to put the land to use for the right purposes, the

provincial/municipal People's Committees shall recover the land for assignment to other persons for use.

5. In case of changing the use purposes within the defense or security land according to the approved plannings, plans on the use of land for defense or security purposes, the land-using units must file their applications for land use purpose changes at the provincial/municipal Services of Natural Resources and Environment, enclosed with the written comments of the Ministry of Defense or the Ministry of Public Security.

6. Land which is being used by people's armed force units but is not covered by the approved plannings on land use for defense or security purposes must be handed over to localities for management.

For the land areas used by families of officers or combatants of people's armed force units for construction of dwelling houses in conformity with the approved land use plannings or plans, the residential land users shall be granted the land use right certificates and must fulfill the financial obligations according to law provisions.

For the land used for the purposes of non-agricultural production and/or business, it must be used by defense or security enterprises and must be shifted to form of land assignment with the collection of land use levies according to production and/or business plans already approved by the Ministry of Defense or the Ministry of Public Security; the land use purposes and durations must be determined in the production and/or business plans; the defense or security enterprises shall be granted the land use right certificates.

7. The competent State agencies shall definitely settle the disputed land areas for determination of the land users.

Article 84.- Industrial park land

1. For industrial parks established on the land

which was previously assigned or leased by the State for production and/or business, the land users may opt for the following use forms:

a) Continuing to retain the form of land assignment or land lease by the State; economic organizations, overseas Vietnamese, that have been leased land by the State, may shift to form of land assignment with the collection of land use levies if they so wish;

b) Subleasing land from enterprises, which have invested in the industrial park infrastructure construction and business. The land use levy amounts or the land rents paid in advance to the State by land users shall be calculated into the money amounts payable to the State by the enterprises investing in the industrial park infrastructure construction and business and subtracted from the land rents, rentals of industrial park infrastructures of investors in industrial park infrastructure construction and business according to their mutual agreement.

2. Persons having the need to use land in industrial parks may be transferred the land use rights, leased or subleased industrial park land of enterprises which invest in industrial park infrastructure construction and business according to the following regulations:

a) Economic organizations, households and individuals may be transferred the rights to use land or lease land of enterprises which have invested in industrial park infrastructure construction and business and been assigned land by the State with the collection of land use levies;

b) Overseas Vietnamese, foreign organizations, foreigners may lease land of enterprises which have invested in industrial park infrastructure construction and business and been assigned land by the State with the collection of land use levies;

c) Economic organizations, households, individuals, overseas Vietnamese, foreign organizations, foreigners may sublease land of enterprises which have invested in industrial park

infrastructure construction and business and been leased land by the State.

3. People having the need to use land in industrial parks invested with capital from the State budget sources shall be assigned land by the State with the collection of land use levies or be leased land according to the following regulations:

a) Economic organizations, households, individuals, overseas Vietnamese shall be assigned land by the State with the collection of land use levies or be leased land;

b) Foreign organizations, foreigners shall be leased land by the State.

4. Users of industrial park land, including the case of land sublease, shall be granted the land use right certificates.

5. The industrial park land use duration shall comply with the investment project duration already approved by competent State agencies.

Where the investment project duration is longer than the remaining industrial park land use duration, the enterprises which invest in industrial park infrastructure construction and business must apply for competent State agencies' permission to adjust the land use duration properly but the total land use duration shall not exceed seventy (70) years and must pay land use levies or land rents for the land areas permitted for extension of use duration.

6. When elaborating detailed plannings or construction of industrial parks, the provincial/municipal People's Committees shall base on the present conditions of population quarters in the localities, the housing demands of laborers working in industrial parks to arrange land funds for condominiums, cultural, social or service works outside the industrial parks in service of the daily life of laborers working in the industrial parks in conformity with the local general plannings.

Article 85.- Hi-tech park land

1. The hi-tech park management boards shall

formulate the general detailed land use plannings, the general detailed land use plans for the entire hi-tech parks and submit them to the provincial/municipal People's Committees of the localities where exists the land for consideration and approval.

The provincial/municipal People's Committees shall assign land once to hi-tech park management boards for hi-tech park construction and development according to the approved plannings. The hi-tech park management boards may re-assign land in form of land assignment without the collection of land use levies, land assignment with the collection of land use levies or land lease according to the provisions of Clause 2 of this Article.

2. The hi-tech park management boards shall re-assign or lease land according to the following regulations:

a) Assigning land without the collection of land use levies, for organizations, individuals, overseas Vietnamese; leasing land with the exemption of land rent payment, for foreign organizations or foreigners using hi-tech park land for construction of the common technical infrastructures of the hi-tech parks; for construction of training areas, hi-tech research and development areas; construction of hi-tech enterprise nurseries in order to provide support for activities of research, trial production, formulation of enterprises manufacturing hi-tech products.

Persons assigned land without the collection of land use levies, land lessees exempt from land rent payment are entitled to sell, lease, mortgage, provide guarantee or contribute capital with assets invested on land; must not transfer, lease or sublease, mortgage, provide guarantee or contribute capital with the land use rights;

b) Assigning land with the collection of land use levies or leasing land, for organizations, individuals, overseas Vietnamese; leasing land, for foreign organizations, foreigners for business-construction of hi-tech park infrastructures, workshops, establishments providing hi-tech services,

manufacturing and trading in hi-tech products, welfare services, construction of dwelling houses for rent.

3. Hi-tech park land users may be transferred the land use rights, leased land, subleased land by hi-tech park development enterprises or infrastructure development enterprises according to the following regulations:

a) Where hi-tech park development enterprises or infrastructure development enterprises are assigned land with land use levy collection, the economic organizations, individuals, overseas Vietnamese may be transferred the land use rights, leased land; foreign organizations, foreign individuals may be leased land;

b) Where hi-tech park development enterprises or infrastructure development enterprises are leased land by hi-tech park management boards, persons having the demands to use land in hi-tech parks may sublease land of hi-tech park development enterprises or infrastructure development enterprises.

4. Hi-tech park land users must use the land for the right purposes inscribed in the land assignment decisions or land lease contracts.

5. Organizations and individuals, that are re-assigned or leased land by hi-tech park management boards for investment in the construction of dwelling houses, shall only have the right to lease the constructed dwelling houses.

Article 86.- Economic zone land

1. The economic zone management boards shall elaborate detailed land use plannings, detailed land use plans as provided for in Clause 8, Article 15 of this Decree, which must clearly determine the land use boundaries between non-tariff areas and tariff areas and submit them to the provincial/municipal People's Committees of the localities where exists the land for consideration and approval.

After the economic zones' detailed land use

plannings or detailed land use plans are approved, the provincial/municipal People's Committees shall direct the recovery of land areas planned for construction of non-tariff areas and industrial parks in the tariff areas; recover land under the approved detailed land use plans with regard to the remaining land areas in the tariff areas.

2. The provincial/municipal People's Committees shall assign land to economic zone management boards for construction of economic zones according to the following regulations:

a) Assigning land once to economic zone management boards for construction of non-tariff areas; industrial parks in tariff areas of the economic zones;

b) Assigning land under the approved detailed land use plans of economic zones for the to be-recovered remaining land acreages of the tariff areas.

3. The economic zone management boards shall have effect the compensations and ground clearance for the land areas recovered by competent State bodies for assignment to them before re-assignment or lease of land. The economic zone management boards may assign land with the collection of land use levies, assign land without the collection of land use levies or lease land to persons having the demand to use land according to the provisions of land legislation.

The duration of land use for production and/or business in economic zones shall not exceed seventy (70) years.

4. The economic zone management boards shall decide on the land use levy levels, land rents, land use levy or land rent exemption or reduction levels according to each project in order to ensure investment promotion on the basis of land prices decided by provincial/municipal People's Committees, for cases of land re-assignment, land lease without going through land use right auction or biddings for projects involving land use.

5. Economic zone land users may invest in the

commercial construction of dwelling houses, infrastructure, may conduct production, business, service activities and have the rights and obligations corresponding to form of land assignment or land lease under the provisions of land legislation.

6. The economic zone management boards shall perform the task of formulating detailed land use plannings, detailed land use plans, re-assign or lease the recovered land; other tasks on management of land in economic zones, performed by administrative agencies of all levels according to the provisions of land legislation.

Article 87.- Land for execution of build-transfer (BT) projects and build-operate-transfer (BOT) projects

1. The State shall assign the investors for management the land areas for execution of build-transfer (BT) projects; the investors shall not have to pay land use levies or land rents during the construction of works under the approved projects and have to preserve the land areas assigned for management and use for the right purposes inscribed in the projects.

The project transfer time limit must strictly comply with the time limits inscribed in the investment projects already considered and approved by competent State bodies or the time limit permitted by competent State agencies for extension. Where past the transfer time limit the investors still fail to transfer the projects, they must rent land of the State and the land lease time shall be counted from the time of ending the duration of construction of works under the approved projects.

2. The State shall assign land or lease land to investors for execution of build-operate-transfer (BOT) projects; the investors shall enjoy land use levy or land rent exemption or reduction according to the Government's regulations.

3. Persons being transferred the works for use and exploitation shall be assigned or leased land or assigned for management the land areas where exist

such works under the provisions of land legislation.

Article 88.- Land of small industrial clusters, craft villages

1. The People's Committees of rural districts, urban districts, provincial capitals or towns shall direct the elaboration of, and consider and approve detailed land use plannings or plans together with plannings on construction of rural population quarters, small industrial clusters and/or craft villages in conformity with production development and environmental protection requirements.

2. Land in traditional craft villages shall be prioritized for use for purposes of expanding non-agricultural production and/or business establishments and waste treatment establishments; the land use purpose changes, if any, must be permitted by the People's Committees of rural districts, urban districts, provincial capitals or towns, the land users shall enjoy land use levy exemption or reduction according to the Government's regulations.

3. The regime of using land in small industrial clusters shall be the same as the regime of using land in industrial parks, provided for in Article 90 of the Land Law and Article 84 of this Decree.

Article 89.- Land used for mineral activities

1. Organizations and individuals licensed to explore and/or exploit minerals shall be leased land by the State; where the mineral exploration does not affect the land use or the mineral exploitation does not affect the surface soil layers or does not affect land surface, they shall not have to lease land.

2. Organizations and individuals wishing to use land as ground for mineral processing may opt for the form of land assignment by the State with the collection of land use levies or land lease; being transferred the land use rights or land lease by other economic organizations, households or individuals.

3. The People's Committees of the levels competent to lease land and to license the mineral

exploration and/or exploitation shall grant licenses simultaneously with decisions on the land lease.

In cases where People's Committees are competent to lease land but not competent to license the mineral exploration and/or exploitation, the decisions on land lease shall be made after the persons wishing to use land have been already licensed to explore and/or exploit minerals.

4. Persons using land for mineral activities must apply measures to protect the environment, treat wastes and other measures so as not to cause damage to land users in the regions and vicinities; upon the completion of mineral exploration and/or exploitation, the land users shall have to return the land in the state prescribed in the land lease contracts.

Article 90.- Land used for exploitation of raw materials for production of bricks, tiles, pottery articles

1. Uncultivated hilly land, mounds, waste land stretches, land in the beds of rivers, ponds or lakes which need to be dredged, riparian land, land by canal banks not used for agricultural production, land of unused levees, thrown-away earth from field improvement must be made full use of for exploitation of raw materials for production of bricks, tiles, pottery articles.

2. It is strictly forbidden to exploit land of the following categories for use as raw materials for production of bricks, tiles, pottery articles:

a) Land with historical-cultural relics, scenic places, which have been classified or protected under decisions of provincial/municipal People's Committees;

b) Land lying within works safety protection corridors.

3. Grounds for competent State agencies to decide on lease of land for exploitation of raw materials for production of bricks, tiles or pottery articles shall include:

a) The business registration papers for production

of bricks, tiles or pottery articles or licenses for investment in the production of bricks, tiles or pottery articles, granted by competent State agencies;

b) Land use demands compatible with investment projects or production capacity of establishments manufacturing bricks, tiles or pottery articles;

c) The approved land use plans, plans.

4. In the course of using land for exploitation of raw materials for production of bricks, tiles or pottery articles, the land users must apply appropriate technological measures to rationally exploit and economically use land; apply necessary measures so as not to cause damage to production and life of nearby land users and not adversely affect the environment.

Article 91.- Land used for public purposes

1. Persons using land for construction of public works for business purposes shall be assigned land by the State with the collection of land use levies or leased land, be entitled to land use levy or land rent exemption or reduction according to the Government's regulations.

2. Persons using land for construction of public works for non-business purposes shall be assigned land by the State without the collection of land use levies.

3. The State shall assign land for management without granting the land use right certificates in the following cases:

a) Land for construction of traffic works, bridges, sluices, pavements, ferries; water supply systems, water drainage systems, irrigation work, dike and dam systems; public squares, monuments, memorials;

b) Land used for public purposes, assigned to commune, ward, township People's Committees for management.

4. For cases of using land for purposes of building public works not prescribed in Clause 3 of this Article, the land users shall be granted the land use right

certificates.

Article 92.- Land for construction of public works with safety protection corridors

1. For land of public work safety protection corridors already decided by competent State agencies, of which the surface is not used by such works, the land shall only be rented during the construction of the works.

2. Based on the regulations on work protection corridor scope, promulgated by competent State agencies, the organizations directly managing the works with safety protection corridors shall have to assume the prime responsibility for, and coordinate with the People's Committees of the localities where exist the works in, elaborating plans on implanting boundary markers identifying the specific safety protection corridors and submit them to the provincial/municipal People's Committees of the localities where exist the works for approval; and at the same time notify the People's Committees at various levels in localities where exist the works thereof for coordination in protection of the work safety corridor.

3. Within thirty (30) working days as from the date the provincial/municipal People's Committees approve the plans on implanting boundary markers to determine the safety protection corridors, the organizations directly managing the works with safety protection corridors shall have to assume the prime responsibility for, and coordinate with the People's Committees of rural districts, urban districts, provincial capitals or towns, the People's Committees of the communes, wards or townships, where exist the works, in, publicizing the boundaries of work safety protection corridors and implanting boundary markers on the field, handing over boundary markers to the People's Committees of communes, wards or townships where exist the works for management.

4. The organizations directly managing works with safety protection corridors shall have to assume the prime responsibility for, and coordinate with the

commune, ward or township People's Committees and the Natural Resources and Environment Sections of the localities where exist the works in, revising the current land use situation within the work safety protection corridors in order to propose competent State agencies to settle according to the following regulations:

a) In cases where the land use affects the works safety protection or where the works' operations directly affect the lives and health of land users, the agencies functioning to perform the State management over the works shall appraise the impact extents and if the land must be recovered, propose the competent *People's Committees* to decide to recover such land. Persons having land recovered shall be compensated, and supported with land and assets affixed to land, which had existed before the publicization of work safety corridors according to law provisions.

In cases where the land use affects the work safety protection, the work owners and land users must apply remedial measures. The work owners must take responsibility for such remedy; if it cannot be remedied, the State shall recover the land and the persons having their land recovered shall be compensated, supported and resettled according to law provisions;

b) Where the land use is not prescribed at Point a of this Clause, the current land users may continue using the land for the right set purposes and must comply with the regulations on work safety protection;

c) Land in the work safety corridors shall be issued the land use right certificates according to the provisions of Articles 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54 and 55 of this Decree, except for case of relocation or recovery with the decisions thereon having been already issued.

The land use right certificate grantees may only use land according to the provisions at Point b of this Clause.

5. Agencies or organizations directly managing

works with safety protection corridors shall take the prime responsibility for the work safety protection. Where the work safety protection corridors are illegally encroached upon, occupied or used, they must promptly report thereon to, and request the *People's Committees* of communes, wards, district townships, where exist the work safety protection corridors, to handle such cases.

6. The presidents of the *People's Committees* at all levels in the localities where exist works with safety protection corridors have the following responsibilities:

a) To detect and handle in time cases of illegally encroaching upon, occupying and using land areas in the work safety protection corridors; prevent in time the illegal construction of works on work safety protection corridor land; compel the violators to restore the pre-violation status of land;

b) To coordinate with agencies or organizations which directly manage the works in propagating and disseminating legislation on work safety protection; coordinate with such agencies or organizations in publicizing boundaries of work safety protection corridors;

c) In case of letting the illegal encroachment, occupation or use of land in the work safety protection corridors occur in their localities, the presidents of the *People's Committees* must jointly bear the responsibility therefor according to law provisions.

Article 93.- Land with historical-cultural relics, scenic places

1. Land with historical-cultural relics and/or scenic places, which have been classified or protected under decisions of provincial/municipal *People's Committees*, must be strictly managed according to the following regulations:

a) For historical-cultural relics, scenic places directly managed by organizations, households, individuals or population communities, the managers shall take the prime responsibility for the management of land on which exist the historical-

cultural relics, scenic places according to law provisions on cultural heritages.

Where such land is encroached upon or occupied or the relics owners use the land not for the right purposes and in contravention of law, the People's Committees of the communes, wards or townships where exists the land shall have to detect, prevent and handle such in time;

b) For other historical-cultural relics and/or scenic places than those prescribed at Point a of this Clause, the People's Committees of communes, wards or townships, where exist the historical-cultural relics or scenic places, shall take the prime responsibility for the management of the areas of land on which exist the historical-cultural relics and/or scenic places.

Where the land is encroached upon, occupied or used not for the right purposes, used in contravention of law, the presidents of the People's Committees of the communes, wards or townships where exist such land shall have to detect, prevent and handle such in time.

2. For historical-cultural relic, scenic place land, which had been encroached upon, occupied or used not for the right purposes before July 1, 2004, the relic owners, the organizations or the commune, ward or township People's Committees, that have been assigned to manage the relics must report thereon to the People's Committees of rural districts, urban districts, provincial capitals or towns for definite handling.

3. The change of purposes of using historical-cultural relic or scenic place land to other purposes must conform to the approved land use plannings or plans and comply with the following regulations:

a) For land with historical-cultural relics, scenic places classified by the Ministry of Culture and Information, before the competent People's Committees decide to permit the land use purpose changes, there must be written approval of the Minister of Culture and Information:

b) For land with historical-cultural relics, scenic places protected under decisions of provincial/ municipal People's Committees, before the competent People's Committees decide to permit the land use purpose changes, there must be written approval of the presidents of provincial/ municipal People's Committees.

Article 94.- Land for construction of cemeteries, graveyards

1. Land arranged for construction of cemeteries or graveyards must be in line with local land use plannings, plans.

2. The provincial/municipal People's Committees shall prescribe criteria and quotas of land used for burial, ensuring thrifty use of land; organize and adopt policies to encourage the funerals of the deceased without using land.

3. It is strictly forbidden to build separate cemeteries, graveyards in contravention of the approved land use plannings or plans.

Chapter IX

MANAGEMENT AND PUTTING OF UNUSED LAND TO USE

Article 95.- Management of unused land

The People's Committees of all levels shall have to strictly manage the unused land funds and the putting of unused land to use in their respective localities according to the following regulations:

1. When land statistics, inventories are conducted, the unused land shall be divided into three (3) categories, including unused delta land, unused hilly and mountain land and forestless rock mountain.

For each land category, it is necessary to clearly determine the land area not yet put to use by the State but being illegally occupied.

2. Upon land statistics and inventories, it is necessary to determine the land areas, which have been already assigned, leased, recognized with the

land use rights by the State but are being left uncultivated, for recovery and addition to the local unused land funds.

3. When land use plans are drawn up, it is necessary to clearly determine the funds of unused land to be put to use in that planning period; when land use plans are elaborated, it is necessary to clearly determine the annual tempo of putting unused land to use.

Article 96.- Measures of putting unused land to use according to the approved land use plans

1. Assigning without the collection of land use levies unused land in border regions, islands, deep-lying, remote, high-land or large but thinly-populated regions to people's armed force units, youth volunteers' units or economic organizations for reclamation and putting of land to use.

2. Assigning without the collection of land use levies unused land to households or individuals directly engaged in agricultural production in the localities, that have not yet been assigned land or lack production land in order to improve and use such land for the purposes of agricultural production, forestry, aquaculture, salt making according to the land assignment quotas prescribed in Article 70 of the Land Law and Clause 4, Article 69 of this Decree.

In case of excess of the land assignment quotas as provided for in Clause 4, Article 69 of this Decree, the households or individuals must lease land with regard to the land areas in excess of the prescribed quotas.

3. Leasing unused land to households or individuals not directly engaged in agricultural production in the localities and other localities for improving and using such land for the purposes of agricultural production, forestry, aquaculture, salt making.

4. Assigning with the collection of land use levies or leasing unused land to economic organizations, overseas Vietnamese; leasing unused land to foreign

organizations, foreigners for execution of investment projects on agricultural or non-agricultural production and business.

5. The State adopts policies for investment in infrastructures in border regions, islands, deep-lying, remote, high-land or large but thinly-populated regions and regions under difficult natural conditions in order to realize the plans of putting unused land to use for agricultural production purposes.

The State adopts policies on land use levy and/or land rent exemption or reduction in cases where unused land is assigned or leased for improvement and putting to use.

Article 97.- Self-reclaimed land, unused land being occupied

1. Households and individuals using agricultural land which has been reclaimed by themselves and conformed with the approved land use plans, is dispute-free and used efficiently shall have their land use rights recognized by the State for the land areas within the agricultural land assignment quotas prescribed in Clauses 1, 2, 3 and 4, Article 70 of the Land Law; in case of excess of the prescribed quotas; the quotas prescribed in Clause 5, Article 70 of the Land Law and Clause 4, Article 69 of this Decree, shall be added; in case of excess of the added quotas, they must shift to lease land for the land areas exceeding the prescribed quotas. All cases mentioned in this Clause shall be granted the land use right certificates.

2. For households and individuals using non-agricultural land reclaimed by themselves, the land use right recognition and the granting of land use right certificates shall comply with the provisions of Clause 6, Article 50 of the Land Law.

3. For organizations using agricultural land reclaimed by themselves, the land use right recognition and the granting of land use right certificates shall comply with the provisions of Article 49 of this Decree.

4. For organizations using non-agricultural land reclaimed by themselves, the land use right recognition and the granting of land use right certificates shall comply with the provisions of Articles 51, 52 and 53 of this Decree.

5. Where unused land is occupied without investment in the improvement thereof for putting to use, the State shall recover the land.

Chapter X

RIGHTS AND OBLIGATIONS OF LAND USERS

Article 98.- The time for land users to exercise their rights

1. The time for land users to exercise the rights to transfer, lease, sublease, inherit or donate their land use rights, to mortgage, provide guarantee or contribute capital with the land use rights under the provisions of land legislation with regard to the land assigned by the State with the collection of land use levies, leased or permitted for land use purpose changes subject to land use levy payment is stipulated as follows:

a) Where land users are not allowed to delay the performance of financial obligations or to debit the financial obligations, they may exercise the land users' rights only after they have fulfilled their financial obligations according to law provisions;

b) Where land users are permitted by competent State agencies' decisions to delay the performance of their financial obligations or to debit their financial obligations, they may exercise the land users' rights after such decisions are issued;

c) Where land users are allowed to delay the performance of their financial obligations or to debit the financial obligations according to law provisions, they may exercise the land users' rights after the issuance of land assignment decisions, decisions permitting the change of land use purposes, the signing of land lease contracts.

2. The time for households and individuals to

exercise the rights to exchange, transfer, lease, inherit or donate the land use rights, to mortgage, provide guarantee or contribute capital with the land use rights according to provisions of land legislation with regard to land assigned by the State without the collection of land use levies shall be determined as from the time the land assignment decisions take implementation effect.

3. The time for land users to exercise their rights to transfer, lease, inherit or donate the land use rights, to mortgage, provide guarantee or contribute capital with the land use rights under the provisions of land legislation with regard to land shifted from the form of land lease to the form of land assignment shall be determined as from the time of fulfilling the financial obligations according to law provisions.

4. The time for land users to exercise their rights to transfer, lease, sublease, inherit or donate the land use rights, to mortgage, provide guarantee or contribute capital with the land use rights according to provisions of the land legislation with regard to land eligible for financial obligation exemption or reduction according to law provisions shall be determined as from the time of issuing the land assignment decisions or signing the land lease contracts.

5. The time for the executors of projects or construction of dwelling houses for sale or lease to transfer the land use rights shall comply with the provisions of Clause 1, Article 101 of this Decree.

Article 99.- Reception of land use rights

1. The land use right receivers shall be prescribed as follows:

a) Households and individuals may receive the agricultural-land use rights through land use right exchange prescribed in Clause 2, Article 113 of the Land Law and Article 102 of this Decree;

b) Economic organizations, households and individuals may receive the land use rights through being transferred the land use rights, except for the

cases prescribed in Article 103 of this Decree; overseas Vietnamese may receive the land use rights through being transferred the rights to use land in industrial parks, hi-tech parks, economic zones;

c) Organizations, households, individuals and population communities may receive the land use rights through being donated the land use rights under the provisions of Point c, Clause 2, Article 110 and Clause 6, Article 113 of the Land Law, except for the cases prescribed in Article 103 of this Decree;

d) Organizations, households, individuals, population communities may receive the land use rights through their inheritance of the land use rights;

e) Overseas Vietnamese falling into the cases prescribed in Article 121 of the Land Law may receive the residential-land use rights through their purchase of dwelling houses, their inheritance of dwelling houses, being donated dwelling houses associated with the residential-land use rights;

f) Economic organizations being legal persons newly formulated through capital contribution with the land use rights may receive the land use rights from capital contributors;

g) Organizations, households, individuals, population communities, religious establishments, overseas Vietnamese may receive the land use rights through land assignment by the State;

h) Economic organizations, households, individuals, overseas Vietnamese, foreign organizations, foreigners may receive the land use rights through land lease by the State;

i) Organizations, households, individuals, population communities, religious establishments may receive the land use rights through the State's recognition of the land use rights with regard to land being stably used;

j) Organizations, households, individuals, population communities, religious establishments, overseas Vietnamese, foreign organizations, foreigners may receive the land use rights through the results of successful conciliation of land disputes,

recognized by competent People's Committees; agreement in contracts on mortgage or guarantee for debt handling; administrative decisions of competent State agencies on settlement of land disputes, land-related complaints or denunciations; decisions or judgments of people's courts, judgment execution decisions of judgment enforcement agencies; written recognition of results of land use right auctions in accordance with law; documents on division of land use rights in accordance with law for households or groups of people sharing the common land use rights;

k) Organizations being legal persons newly set up through division, separation, merger under decisions of competent agencies or organizations or documents on division, separation or merger of economic organizations in accordance with law may receive the land use rights from organizations being divided, separated or merged legal persons.

2. The land use right transferees must use land for the right set purposes during the land use term.

3. Households, individuals may be transferred the land use rights at the places of their permanent residence registration or other localities, except for the cases prescribed in Clauses 3 and 4 of Article 103 and Article 104 of this Decree.

Economic organizations wishing to use land for production and/or business may be transferred the land use rights at places of their business registrations or other localities, except for the cases prescribed in Clauses 1 and 2 of Article 103 of this Decree.

The land use right transferees defined in this Clause shall be granted the land use right certificates regardless of their permanent residence registration places or business registration places.

Article 100.- Conditions for being transferred the agricultural-land use rights for execution of investment projects, non-agricultural production and/or business schemes

1. Economic organizations, households,

individuals may be transferred the rights to use agricultural land for execution of investment projects, non-agricultural production and/or business schemes when the following conditions are met:

a) The purposes of using the transferred land areas must conform with the land use plannings or plans already considered and approved by competent State agencies;

b) The competent People's Committees have permitted the land use purpose changes, determined the land use duration simultaneously with the approval of the land use demands on the grounds prescribed in Article 30 of this Decree;

c) The financial obligations must be fulfilled for the land use purpose changes according to the provisions of Article 36 of the Land Law and the Government's regulations on land use levy collection.

2. For investment projects, non-agricultural productions and/or business schemes, where the land users have been transferred the agricultural-land use rights before the effective date of this Decree while the land use terms have not yet been identified in the decisions approving the projects or the decisions permitting the land use purpose changes, the land use term shall be 50 years counting from the date the decisions permitting the land use purpose changes take implementation effect.

Article 101.- Conditions for land use right transfer in execution of investment projects on construction of dwelling houses for sale or lease

1. Economic organizations, overseas Vietnamese, foreign organizations, foreigners, that use land for execution of investment projects on construction of dwelling houses for sale or lease shall only be allowed to transfer the land use rights over the land areas on which the investment in construction of dwelling houses under the approved projects has been completed; where the investment projects on construction of dwelling houses comprise component projects, they shall be allowed to transfer

the land use rights after completing the investment under the component projects of the approved investment projects; they are not allowed to transfer the land use rights in form of selling house foundations while houses have not yet been constructed.

2. Where executors of investment projects cannot continue executing the projects, the State shall recover the land; the remainder of the land use levies, land rents, the values already invested on the land, which are under the ownership of the persons having the land recovered, shall be settled according to the provisions in Article 35 of this Decree.

Article 102.- Cases of eligibility for exchange of the agricultural-land use rights

Households, individuals using the agricultural land assigned by the State or exchanged, transferred, bequeathed or donated with the land use rights from other persons may exchange such agricultural-land use rights with other households or individuals in the same communes, wards or district townships to facilitate their agricultural production.

Households and individuals exchanging the agricultural-land use rights under the common policy on "land plot swap for field consolidation" shall not have to pay tax on incomes earned from the land use right transfer, registration fees as well as cadastral fees.

Article 103.- Cases of ineligibility for land use right transfer, donation

1. Organizations, households and individuals must not be transferred or donated the land use rights in the cases not permitted by law.

2. Economic organizations must not be transferred the rights to use wet-rice land, protective forest land, special-use forest land, except for case of land use purpose changes under the approved land use plannings, plans.

3. Households and individuals not directly

engaged in agricultural production must not be transferred or donated the rights to use wet rice land.

4. Households and individuals must not be transferred or donated the rights to use residential land, agricultural land in strictly protected sub-zones, ecological regeneration sub-zones of special-use forests; in protective forest areas if they do not live in such special-use forests or protective forests.

Article 104.- Cases of conditional land use right transfer or donation by households, individuals

1. Households and individuals that were assigned for the first time the agricultural land without the collection of land use levies and the residential land with the exemption of land use levies then transferred such land and have had no more production land and/or residential land, if being assigned for the second time the agricultural land without the collection of land use levies and/or the residential land with the exemption of land use levies, must not transfer or donate the land use rights within 10 years as from the date of being assigned land for the second time.

2. Households and individuals that are living mingledly in strictly protected sub-zones, ecological regeneration sub-zones of special-use forests but have had no conditions yet to move out of such sub-zones, may only transfer or donate the rights to use residential land, forest land in combination with agricultural production, forestry, aquaculture to households and individuals living in such sub-zones.

3. Households and individuals that are assigned by the State residential land, agricultural production land in protective forest areas may transfer or donate the rights to use residential land, agricultural production land to households, individuals living in such protective forest areas.

Article 105.- Cases of agricultural land in excess of land use right transfer limits

The handling of agricultural land areas transferred to households or individuals in excess of the limits

prescribed by the National Assembly Standing Committee shall comply with the following regulations:

1. The district-level Natural Resources and Environment Sections of the localities where households or individuals are transferred the land use rights but have no permanent residence registration shall have to notify the district-level Natural Resources and Environment Sections of the localities where the households or individuals register their permanent residences of the agricultural land areas with the use rights being transferred in the localities.

2. The district-level Natural Resources and Environment Sections of the localities where households and individuals register their permanent residence shall have to sum up the agricultural land areas with use rights being transferred in order to determine the agricultural land areas in excess of the land use right transfer limits and report thereon to the People's Committees of rural districts, urban districts, provincial capitals or towns for decisions.

3. For agricultural land areas received in excess of the land use right transfer limits prescribed by the National Assembly Standing Committee, the shift to land lease shall comply with the regulations of the National Assembly Standing Committee.

When the National Assembly Standing Committee has not yet prescribed the land use right transfer limits, the agricultural land areas received by households or individuals through land use right transfer must not be shifted to land lease.

4. For agricultural land areas being transferred or bequeathed to households in excess of the land use quotas prescribed by the 1993 Land Law and being shifted to land lease but not in excess of the land use right transfer limits prescribed by the National Assembly Standing Committee, they shall not be shifted to land lease as from July 1, 2004; the land use duration shall be the remaining duration of the land assignment duration.

While the National Assembly Standing Committee

has not yet prescribed the land use right transfer limits, the agricultural land areas transferred or bequeathed to households must not be shifted to land lease.

5. The district-level Natural Resources and Environment Sections of the localities of permanent residence registration of the transferees of the land use rights in excess of the prescribed limits shall have to notify such transferees of the agricultural land areas to be shifted to land lease; such transferees are entitled to select the land plots to be shifted to lease.

Article 106.- Rights and obligations of economic organizations being the land use right transferees

1. The transfer of lawful non-agricultural land use rights to economic organizations from other economic organizations, households or individuals that were assigned land by the State with the collection of land use levies or from households or individuals with their land use rights recognized by the State is stipulated as follows:

a) Where the money paid for the transfer of the land use rights does not originate from the state budget, the land use right transferees must not pay the land use levies, must not shift to lease land, and shall have the rights and obligations prescribed in Clause 2, Article 110 of the Land Law;

b) Where the money paid for the transfer of the land use rights originates from the state budget, the economic organizations being land use right transferees must shift to lease land, and shall have the rights and obligations prescribed in Clause 1, Article 111 of the Land Law; if the economic organizations choose the form of land assignment with the collection of land use levies, they must pay the land use levies according to land prices set by provincial/municipal People's Committees and shall have the rights and obligations prescribed in Clause 2, Article 110 of the Land Law;

c) The land use term shall be the remaining

duration of the land use term before the transfer for cases where the land, before being transferred, was used for definite terms; the land use duration shall be stable and long for cases where land, before being transferred, was used stably for a long term.

2. The transfer of agricultural-land use rights to economic organizations together with land use purpose changes under the provisions of land legislation before July 1, 2004 is stipulated as follows:

a) Where the money paid for the transfer and land use purpose changes does not originate from the state budget, the land use right transferees must not pay the land use levies, must not shift to lease the land, and shall have the rights and obligations prescribed in Clause 2, Article 110 of the Land Law;

b) Where the money paid for the transfer and land use purpose changes originates from the state budget, the economic organizations must shift to land lease, and shall have the rights and obligations prescribed in Clause 1, Article 111 of the Land Law; if the economic organizations choose the form of land assignment with the collection of land use levies, they must pay the land use levies for the land categories with land use purpose change according to land prices set by provincial/municipal People's Committees, and shall have the rights and obligations prescribed in Clause 2, Article 110 of the Land Law,

c) The land use term shall be the term of the projects already approved by competent state agencies.

Article 107.- Rights and obligations of enterprises being legal persons newly formed through capital contribution with the land use rights

1. Enterprises being formed through capital contribution with the land use rights by parties being domestic organizations, households or individuals must not shift to lease the land and shall have the rights and obligations prescribed in Clause 2, Article 110 of the Land Law in the following cases:

a) The capital contributing-economic

organizations' land has been assigned by the State with the collection of land use levies and the paid land use levies do not originate from the state budget;

b) The capital contributing-economic organizations' land acquired due to land use right transfer is not the State-leased land and the money paid for the transfer does not originate from the state budget;

c) The capital-contributing households' or -individuals' land is other than the State-leased land.

2. If enterprises are formed through joint ventures between foreign organizations, foreign individuals, overseas Vietnamese and domestic economic organizations that contribute capital with the land use rights in the cases prescribed at Points a and b, Clause 1 of this Article, the joint-venture enterprises must not shift to lease the land and shall have the rights and obligations prescribed in Clause 2, Article 110 of the Land Law.

3. If the State enterprises leased land by the State before July 1, 2004 and entitled to use the land use right value like state budget allocated to the enterprises must not debit and must not refund the land rents according to the provisions of land legislation to contribute capital to joint ventures with foreign organizations, foreign individuals, the joint-venture enterprises must not lease land and shall have the rights and obligations prescribed in Clause 2, Article 110 of the Land Law. The land use right value shall be the State's capital portions contributed to the joint-venture enterprises.

4. If overseas Vietnamese assigned land by the State with the collection of land use levies contribute capital with the land use rights in their capacity as domestic economic organizations to joint ventures with foreign organizations or foreign individuals, the joint-venture enterprises must not shift to lease land and shall have the rights and obligations prescribed in Clause 2, Article 110 of the Land Law.

5. If joint-venture enterprises to which the Vietnamese parties have contributed capital with the land use rights now change into enterprises with

100% foreign capital, the enterprises with 100% foreign capital must lease land from the State and have the rights and obligations prescribed in Clauses 2 and 3, Article 119 of the Land Law.

Article 108.- Rights of joint-venture enterprises with foreign investment capital, which have leased land of households and/or individuals and now change into enterprises with 100% foreign capital

1. If joint-venture enterprises with foreign investment capital, which have leased land of households and/or individuals and now change into enterprises with 100% foreign capital, they may continue performing the signed land lease contracts and must use the land for the right set purposes.

2. The Ministry of Natural Resources and Environment shall have to monitor the land use efficiency in cases where enterprises with 100% foreign capital lease land of households and/or individuals as an experimental model and send sum-up reports thereon to the Government.

Article 109.- Rights to use land of cooperatives upon dissolution, bankruptcy

The settlement of cooperatives' land upon their dissolution or bankruptcy shall comply with the following regulations:

1. For land assigned by the State without the collection of land use levies; leased by the State; assigned by the State with the collection of land use levies; or acquired through purchase of assets associated with the land use rights or through lawful land use right transfer from other persons, while the land use levy, asset purchase money or money paid for land use right transfer originates from the state budget, the State shall recover the land;

2. For land assigned by the State with the collection of land use levies, acquired through purchase of assets associated with the land use rights or the lawful land use right transfer from other persons while the land use levies, the asset purchase money or the money paid for land use right transfer

does not originate from the State budget; land which the rights to use were contributed by cooperative members to the cooperatives, the State shall not recover such land, the land use rights shall be the assets of the cooperatives and handled according to the cooperatives' statutes or resolutions of the cooperative members' congresses.

Article 110.- Rights of persons using land for construction of condominiums

1. Economic organizations using land assigned by the State without the collection of land use levies or assigned by the State with the collection of land use levies, or acquired through being transferred the land use rights while the land use levies, the money already paid for the transfer of land use rights originates from the state budget for investment in the construction of condominiums under projects approved by competent State agencies shall have the following rights and obligations:

a) The rights and obligations prescribed in Articles 105 and 107 of the Land Law;

b) To sell, donate, lease apartments of the condominiums;

c) To mortgage, provide guarantee with, apartments of the condominiums, which do not fall into the cases prescribed at Point b of this Clause;

d) The value of the rights to use land for construction of condominium must not be included in the prices of condominium apartments once they are sold or leased; the land use rights must not be used for mortgage, guarantee or capital contribution.

2. Economic organizations using land assigned by the State with the collection of land use levies or being transferred with the land use rights while the land use levies, the money already paid for land use right transfer do not originate from the state budget; overseas Vietnamese assigned land by the State with the collection of land use levies for investment in the construction of condominiums under projects already approved by competent state agencies, shall have

the following rights and obligations:

a) The rights and obligations prescribed in Articles 105 and 107 of the Land Law;

b) The rights and obligations prescribed in Clause 2, Article 110 of the Land Law;

c) The value of the rights to use land for construction of condominiums shall be included in the prices of condominium apartments once they are sold or leased.

3. Households, individuals receiving the land use rights through transfer of the rights to use land for investment in commercial construction of condominiums under investment projects in accordance with the approved urban construction plans or rural population quarter construction plans shall have the rights and obligations prescribed in Clause 2 of this Article.

4. Overseas Vietnamese, foreign organizations, foreign individuals that use land leased by the State with land rents being paid in lump sum for the whole leasing term for investment in commercial construction of condominiums under investment projects already approved by competent State agencies shall have the following rights and obligations:

a) The rights and obligations prescribed in Clause 3, Article 119 of the Land Law;

b) The rights and obligations prescribed in Article 81 of this Decree.

Article 111.- Rights and obligations of groups of land users sharing their common property being the land use rights

1. Groups of land users comprising many members being economic organizations, households and individuals sharing their common property being the land use rights shall have the following rights and obligations:

a) Where their members are only households and/or individuals, the land users' groups shall have the

rights and obligations like those of households or individuals prescribed in Article 113 of the Land Law;

b) Where the groups comprise members being economic organizations, the land users' groups shall have the rights and obligations like those of economic organizations, prescribed in Article 112 of the Land Law.

2. The exercise of the rights and the performance of the obligations of land users' groups, prescribed in Clause 1 of this Article are stipulated as follows:

a) Where the groups' land use rights can be divided into parts, every member of the groups may exercise their respective rights and perform their respective obligations with regard to the land areas under their respective use rights.

b) Where the groups' land use rights cannot be divided into parts, the groups' representatives shall exercise the rights and perform the obligations.

Every member of the groups may authorize the groups' representatives to exercise the rights and perform the tasks prescribed at Point a of this Clause under civil law provisions;

c) When exercising the rights and performing the obligations of the groups, which are prescribed at Point b of this Clause, the representatives must obtain the written consents of all group members, enclosed with the land use right certificates already granted to the members of the groups.

Article 112.- Settlement of cases where the State has borrowed land of households, individuals

1. State agencies which have borrowed land of households, individuals as stipulated in Clause 1, Article 116 of the Land Law are agencies, units, organizations of the State, the Communist Party of Vietnam, Vietnam Fatherland Front and socio-political organizations.

2. Where households or individuals have lent their land to State agencies with papers on the land use rights and papers on lending land being kept only at the state agencies, such State agencies must supply

those papers for the households or individuals to complete the dossiers according to the provisions of Clause 1, Article 116 of the Land Law.

3. Cases where State agencies had borrowed land affixed with households' or individuals' dwelling houses before July 1, 1991 shall be settled according to the provisions of Resolution No. 58/1998/NQ-UBTVQH10 of August 20, 1998 of the National Assembly Standing Committee.

4. The compensations in cash or in new land shall be calculated at the land prices set by provincial/municipal People's Committees.

5. The return of land borrowed by the State from households, individuals shall be carried out till the end of December 31, 2010.

Article 113.- Settlement of cases where households, individuals borrow or lease land of other households, individuals

1. Cases where households or individuals borrow or lease residential land affixed with dwelling houses of other households or individuals while such dwelling houses now still exist or no longer exist on such land; where households or individuals borrow or lease land as production and/or business grounds where exist or no longer exist workshops of other households or individuals shall be settled when the following conditions are met:

a) The land-lending or - leasing households or individuals must possess land use right certificates or one of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law;

b) There are written agreements on land borrowing or leasing.

2. The settlement of cases where households or individuals borrow or lease land of other households or individuals, prescribed in Clause 1 of this Article shall apply as follows:

a) The land use rights constitute the property of land lenders or lessors;

b) Production and/or business workshops affixed

to land are the properties of the workshop lenders or lessors;

c) The land use rights; the production and/or business workshops affixed to land; dwelling houses closely affixed to land do not fall on the list of cases where the State's transformation policies regarding land, dwelling houses, workshops were implemented.

d) The settlement of the land use rights, production and/or business workshops affixed to land shall be the same as for dwelling houses affixed to land, prescribed in Resolution No.58/1998/NQ-UBTVQH10 of August 20, 1998 of the National Assembly Standing Committee on civil transactions regarding dwelling houses, which had been established before July 1, 1991.

3. Where households, individuals have borrowed or leased land of other households or individuals without any written agreements on land borrowing or leasing prescribed at Point b, Clause 1 of this Article, and now voluntarily return the borrowed or leased land, the land return must be recognized under decisions of the People's Committees of rural districts, urban districts, provincial capitals or towns.

Article 114.- Settlement of cases where organizations borrow, rent land or lend, lease land

1. Where the land borrowers or lessees are other organizations than those prescribed in Clause 1, Article 112 of this Decree, the settlement shall be the same as the settlement of cases where households or individuals borrow or rent land of other households or individuals prescribed in Article 113 of this Decree.

2. Where the land lenders or lessors are organizations, the settlement shall comply with the provisions at Point b, Clause 2, Article 51, Point c, Clause 2, Article 52 and Point c, Clause 2, Article 53 of this Decree.

Article 115.- Representatives exercising the rights and performing the obligations of land users

1. Representatives exercising the rights and

perform the obligations of land users shall be the persons answerable to the State for the land use prescribed in Article 2 of this Decree.

2. Representatives exercising the rights and performing the obligations of land users, prescribed in Clause 1 of this Article may authorize other persons to do so under civil law provisions.

3. Representatives exercising the rights and performing the obligations of land users must be the persons having full civil act capacity as provided for by civil legislation. The authorization of the representatives to exercise the rights and perform the obligations of land users, prescribed in Clause 2 of this Article, must be made in writing.

For households, individuals, the authorization documents must be authenticated by the People's Committees of the communes, wards or townships of their residence or notarized by public notaries.

Chapter XI

LAND MANAGEMENT AND USE ORDER AND ADMINISTRATIVE PROCEDURES

Section 1. ADMINISTRATIVE PROCEDURES GENERALLY APPLIED WHEN LAND USERS EXERCISE THEIR RIGHTS AND PERFORM THEIR OBLIGATIONS

Article 116.- Carrying out administrative procedures in cases where land users have not yet been granted the land use right certificates

Land users who possess one of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law shall carry out land-related administrative procedures according to the following regulations:

1. In case of recovering the whole land plots, the competent State agencies shall decide to recover the land plots and withdraw the land use right papers prescribed Clauses 1, 2 and 5, Article 50 of the Land Law.

2. In case of carrying out the administrative procedures for the whole land plots, except for cases prescribed in Clause 1 of this Article, the competent State agencies shall withdraw the land use right papers prescribed of Clause 1, 2 and 5, Article 50 of the Land Law and issue the land use right certificates according to the provisions of Articles 135, 136 and 137 of this Decree when carrying out the first step of the administrative procedures related to the land use right certificates.

3. In case of carrying out the administrative procedures for part of a land plot, the competent State agency shall effect the separation of the land plot according to the provisions of Article 145 of this Decree; follow the order and administrative procedures for every land plots and issue the land use right certificates to users of the post-separation land plots.

Article 117.- Carrying out administrative procedures for land use right exchange, transfer, lease, sublease, inheritance or donation, mortgage, guarantee provision or capital contribution with the land use rights for part of the land plots

1. Where the land plots have been issued the land use right certificates, they shall be carried out as follows:

a) If land users exercise their rights to exchange, transfer, inherit, donate or contribute capital with the land use rights, thus giving rise to new legal persons and lease, sublease the rights to use land in industrial parks, the dossiers for exercise of such rights must clearly state the areas to be separated from the land plots:

b) If land users' exercise of the rights to lease the land use rights does not fall into the case of leasing land in industrial parks, to mortgage, provide guarantee with the land use right or contribute capital with the land use rights without formulating new legal persons, and wish to separate land plots, they shall compile the land plot separation dossiers before exercising the rights prescribed in Clause 1, Article

145 of this Decree;

c) The Natural Resources and Environment offices shall carry out the administrative procedures for plot separation under the provisions of Clause 2, Article 145 of this Decree before carrying out administrative procedures for the exercise of the rights to exchange, transfer, lease, sublease, inherit or donate the land use rights, to mortgage, provide guarantee or contribute capital with the land use rights for the land plots' parts needed by the land users and issue the land use right certificates to the users of the remaining areas of the land plots.

Where the land users exercise the rights prescribed at Point b, Clause 1 of this Article and have no need for plot separation, the land use right registration offices shall register such in the cadastral dossiers and adjust the land use right certificates.

2. Where land plots have not yet been issued the land use right certificates, the provisions of Clause 3, Article 116 of this Decree shall apply.

Article 118.- Withdrawal of land use right certificates or land use right papers in case of land recovery by the State

1. Within five (5) working days as from the date of completing the compensation and ground clearance, for the cases prescribed in Clause 1, Article 38 of the Land Law or from the effective dates of the land recovery decisions of the competent People's Committees, for the cases prescribed in Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Article 38 of the Land Law, the attached natural resources and environment offices shall have to notify the persons with land to be recovered to submit the land use right certificates or one of the land use right papers prescribed in Clause 1, 2 and 5, Article 50 of the Land Law (if any).

2. Within ten (10) working days as from the date of receiving the notifications prescribed in Clause 1 of this Article, the persons with land to be recovered must submit the land use right certificates or one of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law (if any) to the natural

resources and environment offices which sent the notifications.

3. In cases where the time limit prescribed in Clause 2 of this Article has expired while the persons with land to be recovered fail to comply with the provisions of Clause 2 of this Article, the natural resources and environment offices shall have to notify the land use right registration offices and the People's Committees of communes, wards or district townships where exists the land of the cases where the land use right certificates have not yet been withdrawn.

Article 119.- Certification by public notaries and authentication by commune, ward or township People's Committees of contracts or documents when land users exercise their rights

1. Contracts or papers upon the land users' exercise of their rights to exchange, transfer, lease, sublease, inherit or donate the land use rights, to mortgage, provide guarantee or contribute capital with the land use rights must be certified by public notaries or authenticated by commune, ward or township People's Committees according to the following regulations:

a) For organizations, overseas Vietnamese, foreign organizations, foreigners, the public notaries' certification is required;

b) For households, individuals, the certification by public notaries or the authentication by commune, ward or township People's Committees of the localities where exists the land is required;

c) In cases where the land users' rights are exercised, involving one party being subjects defined at Point a of this Clause and the other party being the subjects defined at Point b of this Clause, the certification by public notaries or the authentication by commune, ward or township People's Committees of the localities where exists the land is required.

2. In cases where the land users' rights are

exercised with the parties demanding the authentication by commune, ward or township People's Committees, within three (3) working days after the receipt of complete and valid dossiers, the commune, ward or township People's Committees of the localities where exists the land shall have to authenticate the contracts or papers.

3. The Ministry of Justice shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, guiding the certification by public notaries and the authentication by commune, ward or township People's Committees of contracts or documents when land users exercise their rights to exchange, transfer, lease, sublease, inherit or donate the land use rights, mortgage, provide guarantee or contribute capital with the land use rights.

Article 120.- The performance of financial obligations of land users while carrying out the land management and use order and administrative procedures

1. The financial obligations regarding land use levies, land rents, land-related taxes shall be determined by tax offices, based on cadastral figures supplied by land use right registration offices.

Within three (3) working days as from the date of receiving the cadastral figures from the land use right registration offices, the tax offices shall have to notify the land use right registration offices of the financial obligation levels to be fulfilled by the land users; the land use right registration offices shall have to notify the financial obligation levels directly to the financial obligation performers or through the natural resources and environment offices, for cases where the dossiers are filed at the natural resources and environment offices, or through the People's Committees of communes or townships where exists the land, for cases where the dossiers are filed at the commune or township People's Committees. Within three (3) working days as from the date of receiving the notices on financial obligations, the land

use right registration offices, the natural resources and environment offices or the commune, township People's Committees shall have to notify the financial obligation performers to pay money into State treasuries according to law provisions.

2. Charges and fees related to land management and use to be paid by land users when carrying out the administrative procedures for land management and use shall be determined by land use right registration offices according to law provisions, which shall notify and guide the land users to pay them while carrying out the administrative procedures.

Article 121.- Time for carrying out the administrative procedures

1. The provincial/municipal People's Committees shall have to prescribe the specific time limit for carrying out various steps of the administrative procedures in land management and use, which have not yet been prescribed by this Decree for each procedural step.

The provincial/municipal People's Committees, the People's Committees of rural districts, urban districts, provincial capitals or towns are entitled to prescribe the time limits for carrying steps shorter than the time limits prescribed in this Decree.

2. For localities in mountainous, island, deep-lying or remote regions, the time limits for carrying out the administrative procedures in land management and use can be longer but shall not exceed fifteen (15) working days for each case.

3. In cases where extracted cadastral measurement must be made in areas where cadastral maps are not available when the administrative procedures in land management and use are carried out, the time limit for carrying out the administrative procedures can be longer but shall not exceed twenty (20) working days for each case.

Article 122.- Submission of dossiers and return of settlement results when the administrative procedures in land management and use are carried

out

1. The submission of dossiers and return of settlement results with regard to cases of applying for land assignment, land lease, land use purpose changes, land use duration extension, which are prescribed in Articles 123, 124, 125, 126, 127, 134, 135 and 141 of this Decree, shall be effected as follows:

a) The dossier submission shall comply with the specific provisions of each Article;

b) In cases where conditions are fully met and applications have been settled, within no more than three (3) working days as from the date the competent People's Committees issue decisions, the natural resources and environment offices shall have to hand over the decisions enclosed with the originals of the land use right certificates already signed or adjusted to the land users who filed the dossiers at the natural resources and environment offices or send them to the commune, ward or township People's Committees for hand-over to the land users who filed the dossiers at the commune, ward or township People's Committees; send the copies of the land use right certificates already signed or adjusted, one of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law, which was recovered (if any) to the attached land use right registration offices; send the notices on land use changes to the land use right registration offices of the provincial/municipal Services of Natural Resources and Environment for adjustment of the original cadastral dossiers.

Within three (3) working days as from the date of receiving the land use right certificates, the commune, ward or township People's Committees shall have to hand over the land use right certificates;

c) In cases where settlement conditions are not fully met, within three (3) working days as from the date the non-settlement conclusions are made by competent agencies, the natural resources and environment offices shall have to return the dossiers

and notify the reasons therefor to the persons who filed dossiers at the natural resources and environment offices or send them to the commune, ward or township People's Committees for return to the persons who submitted the dossiers at the commune, ward or township People's Committees.

Within three (3) working days as from the date of receiving back the dossiers, the commune, ward or township People's Committees shall have to return them to the dossier submitters and notify the reasons therefor.

2. The submission of dossiers and return of settlement results regarding cases of using land in hi-tech parks, economic zones prescribed in Articles 128 and 142 of this Decree shall be carried out according to the following regulations:

a) The dossiers shall be submitted at the hi-tech park management boards, the economic zone management boards;

b) In case of full satisfaction of settlement conditions under decisions of the hi-tech park management boards, the economic management boards, within three (3) working days, the natural resources and environment offices of the localities where exists the land shall have to send the signed or adjusted land use right certificates to the hi-tech park management boards, the economic zone management boards; send the copies of the signed or adjusted land use right certificates, one of the land use right papers prescribed in Clauses 1, 2 and 5 of Article 50 of the Land Law, which was withdrawn (if any) to the attached land use right registration offices; send notices on land use changes to the land use right registration offices of the provincial/municipal Services of Natural Resources and Environment for adjustment of the original cadastral dossiers;

c) In case of non-satisfaction of all settlement conditions, within three (3) working days, the hi-tech park management boards or the economic zone management boards shall have to return the dossiers and notify the reasons therefor to the dossier

submitters.

3. The submission of dossiers and return of settlement results regarding the cases of application for land use right certificates and land use change registration prescribed in Articles 129, 133, 136, 137, 138, 139, 140, 143, 144, 148, 149, 150, 151, 152, 153, 154, 155, 156 and 157 of this Decree shall be carried out according to the following regulations::

a) Submission at the land use right registration offices of the provincial/municipal Services of Natural Resources and Environment, for organizations, religious establishments, overseas Vietnamese executing investment projects, foreign organizations, foreign individuals; submission at the land use right registration offices of the district-level Sections of Natural Resources and Environment, for households, individuals, population communities using land in wards and overseas Vietnamese buying dwelling houses closely associated to the residential-land use rights; submission at commune, township People's Committees, for households, individuals and population communities using land in the communes or townships.

Within three (3) working days as from the date of receiving the complete and valid dossiers, the commune or township People's Committees shall have to transfer the dossiers to the land use right registration offices of the district-level Sections of Natural Resources and Environment;

b) In case of full satisfaction of the settlement conditions, within three (3) working days as from the time the competent agencies make decisions or approvals, the natural resources and environment offices shall have to send the originals of the signed or adjusted land use right certificates to the land use right registration offices which receive the dossiers or send via the land use right registration offices of the district-level Sections of Natural Resources and Environment to the commune or township People's Committees, for case of submitting dossiers at the commune, township People's Committees; send the

copies of the signed or adjusted land use right certificates, the withdrawn land use right certificates or one of the land use right papers prescribed in Clause 1, 2 and 5, Article 50 of the Land Law, which was withdrawn (if any) to the land use right registration offices of the provincial/municipal Services of Natural Resources and Environment, for cases where land users are organizations, religious establishments, overseas Vietnamese executing investment projects, foreign organizations, foreigners, or to the land use right registration offices of the district- level Sections of Natural Resources and Environment, for cases where the land users are households, individuals or population communities, overseas Vietnamese buying dwelling houses closely associated to the residential-land use rights; send notices on land use changes to the land use right registration offices of the provincial/municipal Services of Natural Resources and Environment for adjustment of original cadastral dossiers.

Within three (3) working days as from the date of receiving the land use right certificates, the land use right registration offices or the commune or township People's Committees shall have to hand or return the land use right certificates;

c) In case of non-satisfaction of all settlement conditions prescribed by law, within three (3) working days as from the date the competent agencies make non-settlement conclusions, the land use right registration offices shall have to return the dossiers and notify the reasons therefor to the persons who submitted the dossiers at the land use right registration offices or send to the commune or township People's Committees for return to the persons who submitted the dossiers at the commune or township People's Committees.

Within three (3) working days after receiving back the dossiers, the commune or township People's Committees shall have to return them to the dossier submitters and clearly notify them of the reasons

therefor.

4. In case of land recovery provided in Articles 130, 131 and 132 of this Decree, within seven (7) working days after the complete withdrawal of land use right certificates under the provisions of Article 118 of this Decree, the natural resources and environment offices shall have to send the copies of the land recovery decisions, the originals of the withdrawn land use right certificates or one of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law (if any), the written notices on list of cases of non-withdrawal of land use right certificates to their attached land use right registration offices and send notices on land use changes to the land use right registration offices of the provincial/municipal Services of Natural Resources and Environment for adjustment of original cadastral dossiers.

5. The submission of dossiers and the return of settlement results for cases of change of agricultural land use purposes provided for in Article 147 of this Decree shall be carried out according to the following regulations:

a) The dossiers shall be submitted at the People's Committees of communes, ward or townships where exists the land;

b) In case of full satisfaction of the settlement conditions, within two (2) working days, the district-level Sections of Natural Resources and Environment shall have to send the originals of the land use right certificates regarding the land plots with land use purpose change to the People's Committees of the communes, wards or townships where exists the land; send the copies of the land use right certificates regarding the land plots with use purpose changes and the withdrawn land use right certificates or one of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law, which was withdrawn (if any), to the attached land use right registration offices; send notices on land use changes to the land use right registration offices of the

provincial/municipal Services of Natural Resources and Environment for adjustment of the original cadastral dossiers;

c) In case of failure to fully satisfy the settlement conditions, within two (2) working days, the commune, ward or township People's Committees shall have to return the dossiers.

Section 2. ORDER AND ADMINISTRATIVE PROCEDURES IN LAND MANAGEMENT

Article 123.- Order and administrative procedures for assignment or lease of agricultural land to households, individuals

1. The assignment of annual crop land, salt-making land to households and/or individuals directly engaged in agricultural production or salt making shall be carried out under the schemes elaborated and submitted by the People's Committees of communes, wards or townships where exists the land to the People's Committees of rural districts, urban districts, provincial capitals or towns for approval. The land assignment order and procedures shall be carried out as follows:

a) The scheme-elaborating People's Committees of communes, wards or townships shall settle collectively all cases of eligibility for land assignment in the localities; set up the local land assignment advisory councils comprising presidents or vice-presidents of the People's Committees as council chairmen, representatives of Vietnam Fatherland Front, representatives of Peasants' Association, heads of population quarters in the localities and cadastral officers (hereinafter called the land assignment advisory councils) to consider and propose cases eligible for land assignment;

b) Basing themselves on the opinions of the land assignment advisory councils, the commune, ward or township People's Committees shall finalize the schemes on land assignment, post up the lists of land assignment-eligible cases at the offices of the commune, ward or township People's Committees

for fifteen (15) working days and organize the reception of people's comments; finalize the land assignment schemes and submit them to the People's Councils of the same level for adoption before submitting them to the People's Committees of rural districts, urban districts, provincial capitals or towns (via the district-level Natural Resources and Environment Sections) for consideration and approval;

c) The district-level Natural Resources and Environment Sections shall have to appraise the land assignment schemes; direct the attached land use right registration offices to complete the measurement for making cadastral maps, compile the cadastral dossiers; submit them to the People's Committees of the same level for deciding on the land assignment and granting of land use right certificates.

The time for performing the jobs prescribed at this Point shall not exceed fifty (50) working days as from the date the Natural Resources and Environment Sections receive the complete and valid dossiers to the date the land users receive the land use right certificates.

2. The assignment or lease of perennial tree land, production-forest land, protective-forest land, special-use forest buffer zone land, aquaculture land, other agricultural land to households, individuals shall be carried out according to the following regulations:

a) Households, individuals shall file their land assignment or land lease applications at the People's Committees of communes, wards or townships where exists the land, clearly stating the land area demands for use.

For cases of application for land assignment, land lease for aquaculture, there must be aquaculture projects appraised by fisheries management offices of rural districts, urban districts, provincial capitals or towns and there must be reports on assessment of environmental impacts according to law provisions on environment;

b) The commune, ward or township People's Committees shall have to verify and certify in the land assignment or land lease applications the land use demands of households, individuals for eligible cases and send them to the land use right registration offices of the Natural Resources and Environment Sections.

c) The land use right registration offices shall have to reexamine the dossiers; in case of eligibility, they shall extract the cadastral maps or measure the land areas, for places where the cadastral maps are not available, extract the cadastral dossiers and send them to the district-level Natural Resources and Environment Sections;

d) The district-level Natural Resources and Environment Sections shall have to verify cases of application for land assignment or land lease, conduct field verification when necessary, submit them to the People's Committees of rural districts, urban districts, provincial capitals or towns for deciding to assign land or lease land and grant land use right certificates; sign land lease contracts for cases of land lease.

3. The time for performing the jobs prescribed at Points b, c and d, Clause 2 of this Article shall not exceed fifty (50) working days as from the date the commune, ward or township People's Committees receive complete and valid dossiers to the date the land users receive the land use right certificates.

Article 124. - Order and procedures of assigning land for construction of dwelling houses to rural households or individuals not falling into cases subject to land use right auctions

1. Households and individuals having the demands to use land for construction of dwelling houses shall file their land assignment applications at the commune People's Committees of the localities where exist the land.

2. The land assignment shall be carried out as follows:

a) The commune People's Committees shall base

themselves on the local detailed land use plans, detailed land use plans, which have been approved, to draw up schemes on assignment of land for construction of dwelling houses and send them to the commune land assignment advisory councils prescribed at Point a, Clause 1, Article 123 of this Decree for consideration and comments on the land assignment schemes; publicly post up the lists of land assignment-eligible cases at the offices of the commune People's Committees for fifteen (15) working days and organize the reception of people's comments; finalize the land assignment schemes, compile dossiers of application for land assignment and send them to the land use right registration offices of the district-level Natural Resources and Environment Sections. Such a dossier shall be made in two (2) sets, each comprising the commune People's Committee's report on the assignment of land for construction of dwelling houses; the application- enclosed list of households, individuals; the opinions of the commune land assignment advisory councils;

b) The land use right registration offices shall have to reexamine the dossiers; in case of eligibility, they shall make extracts of cadastral maps or extracted cadastral measurement of the land areas, for localities where cadastral maps are not available, make extracts of cadastral dossiers and send them together with the dossiers prescribed at Point a of this Clause to the Natural Resources and Environment Sections; send cadastral figures to tax offices for determination of financial obligations;

c) The district-level Natural Resources and Environment Sections shall have to verify the cadastral dossiers; make field verifications; submit them to the People's Committees of rural districts, urban districts, provincial capitals or towns for deciding on land assignment and granting of land use right certificates;

d) Basing themselves on land assignment decisions, the People's Committees of communes where exists the land shall have to organize the field

hand-over of land.

3. The time for performing the jobs prescribed at Points b, c and d, Clause 2 of this Article shall not exceed forty (40) working days (excluding the time for compensation and ground clearance and the land users' performance of financial obligations) as from the date the land use right registration offices receive complete and valid dossiers to the date the land users receive the land use right certificates.

Article 125.- Order and procedures of assigning, leasing land with completed ground clearance or without ground clearance to organizations, religious establishments, overseas Vietnamese, foreign organizations, foreigners

1. Persons applying for land assignment or land lease shall contact the agencies tasked by provincial/municipal People's Committees to reach agreement on locations or the land fund development organizations of the localities where exists land in order to be recommended the land use locations.

2. After obtaining the written agreement on locations, or the investment licenses or the permit for construction of works on the determined locations from competent State agencies, the land assignment or land lease applicants shall submit two sets of dossiers at the provincial/municipal Services of Natural Resources and Environment of the localities where exists the land; such a dossier shall comprise:

- a) The land assignment or land lease application;
- b) The written agreement on the location or the investment license or the permit for work construction on the determined location of competent State agency;
- c) The investment project decision or the copy of investment license, certified by the public notary; where organizations' investment projects are not financed with State budget capital or are not foreign-invested projects, there must be the written appraisal of land use demands by the provincial/municipal Service of Natural Resources and Environment of

the locality where exists the land as provided for at Point b, Clause 1, Article 30 of this Decree;

d) For mineral exploration and/or exploitation projects, there must be licenses enclosed with mineral exploration and/or exploitation maps; in case of using land for the purposes of manufacturing bricks, tile or pottery articles, there must be decisions or business registration of brick, tile production or investment project approved by the competent State agency;

e) The written certification by the Service of Natural Resources and Environment of the locality where exists the land of the observance of the land legislation for projects previously assigned or leased land.

3. The land assignment, land lease is provided for as follows:

a) The provincial/municipal Services of Natural Resources and Environment shall have to verify and direct the land use right registration offices to make extracts of cadastral maps or conduct extracted cadastral measurement of the land areas, for localities where cadastral maps are not available (for projects using land for construction of works on vast areas such as dikes, hydro-electric power stations, power lines, land roads, railways, water pipes, petroleum pipes, gas pipes, the latest cadastral maps with scale not smaller than 1/25,000 shall be used instead of the cadastral maps), extracts of cadastral dossiers;

b) The land use right registration offices shall have to forward the cadastral figures to tax offices for determination of financial obligations;

c) The provincial/municipal Services of Natural Resources and Environment shall have to examine the cadastral dossiers, make field verifications; submit them to the provincial/municipal People's Committees for deciding on land assignment, land lease and granting of land use right certificates; sign land lease contracts, for case of land lease; direct the district-level Natural Resources and Environment

Sections, the People's Committees of communes, wards or townships where exists the land to organize field handover of land.

4. The time for performing the jobs prescribed in Clause 3 of this Article shall not exceed twenty (20) working days (excluding the time for land users to perform the financial obligations) as from the date the provincial/municipal Services of Natural Resources and Environment receive the complete and valid dossiers to the date the land users receive the land use right certificates.

Article 126.- Order and procedures of assigning land or leasing land with uncompleted ground clearance to organizations, overseas Vietnamese, foreign organizations, foreigners

1. Persons applying for land assignment or land lease shall contact the agencies tasked by provincial/municipal People's Committees to reach agreement on locations in order to be recommended the land use locations.

2. The land assignment or land lease applicants shall file dossiers according to the provisions of Clause 2, Article 125 of this Decree.

3. The land recovery, compensation, ground clearance shall comply with the order prescribed in Clauses 1,3, 4, 5, 6 and 7, Article 130 of this Decree and the Government's regulations on compensation, support, resettlement.

4. Land assignment and land lease after ground clearance shall comply with the provisions of Clause 3, Article 125 of this Decree.

5. The time for performing the jobs prescribed in Clause 4 of this Article shall not exceed twenty (20) working days (excluding the time for the land users to perform the financial obligations) as from the date of ground clearance completion and the provincial/municipal Services of Natural Resources and Environment receive the complete and valid dossiers to the date the land users receive the land use right certificates.

Article 127.- Order and procedures of assigning land for use for defense, security purposes

1. The people's armed force units defined in Clause 3, Article 83 of this Decree, which apply for assignment of land for use for defense, security purposes shall submit two sets of dossiers at the provincial/municipal Services of Natural Resources and Environment of the localities where exists the land; such a dossier shall comprise:

a) The land assignment application;

b) The extract of decision on investment in the construction of defense or security work of competent State agency, comprising contents related to the land use or the decision approving the army station location planning of the Ministry of Defense or the Ministry of Public Security;

c) The written land assignment request of the Ministry of Defense, the Ministry of Public Security or heads of the units authorized by the Ministry of Defense or the Ministry of Public Security.

2. The land assignment is stipulated as follows:

a) Within five (5) working days as from the date of receiving the complete and valid dossiers, the provincial/municipal Services of Natural Resources and Environment shall have to verify and send one set of dossier to their attached land use right registration offices; guide the People's Committees of rural districts, urban districts, provincial capitals or towns to draw up plans on compensations and ground clearance;

b) Within five (5) working days as from the date of receiving the dossiers, the land use right registration offices shall have to make cadastral map extracts or extracted cadastral measurement of the land areas, for localities where cadastral maps are not available, extract cadastral dossiers and send them together with the dossiers of land assignment application to the provincial/municipal Services of Natural Resources and Environment;

c) Within ten (10) working days as from the date

of receiving the cadastral map extracts, cadastral dossier extracts, the provincial/municipal Services of Natural Resources and Environment shall have to report thereon to the provincial/municipal People's Committees for deciding on the land assignment and granting the land use right certificates;

d) Within ten (10) working days as from the date of receiving the dossiers, the provincial/municipal People's Committees shall have to examine, sign and send to the provincial/municipal Services of Natural Resources and Environment the land assignment or land lease decisions, land use right certificates for eligible cases; notify the People's Committees of rural districts, urban districts, provincial capitals or towns for implementation of compensation and ground clearance.

e) The land recovery, compensation and ground clearance shall comply with the order prescribed in Clauses 1, 3, 4, 5, 6 and 7 of Article 130, this Decree, and the Government's regulations on compensation, support, resettlement;

f) Within three working days as from the date of completing the compensation and ground clearance, the provincial/municipal Services of Natural Resources and Environment shall direct the Natural Resources and Environment Sections, the People's Committees of the communes, wards or townships, where exists the land, to make field handover of land.

Article 128.- Order and procedures of re-assigning, leasing land in hi-tech parks, economic zones

1. The land re-assignment, land lease applicants shall submit two dossier sets each; such a dossier set shall comprise:

- a) The land re-assignment, land lease application;
- b) The investment project, for organizations according to law provisions on investment;
- c) The investment license, investment project, for overseas Vietnamese, foreign organizations and foreigners according to law provisions on investment.

2. The land re-assignment or land lease is provided for as follows:

a) Within nine (9) working days as from the date of receiving the dossiers, the hi-tech park management boards, the economic zone park management boards shall have to examine the dossiers; for eligible cases, make cadastral map extracts or extracted cadastral measurement of the land areas, for localities where the cadastral maps are not available; decide on land re-assignment or sign land lease contracts; notify the land users to pay land use levies or land rents according to law provisions; send the land re-assignment decisions or land lease contracts enclosed with cadastral map extracts or extract of cadastral measurement to the natural resources and environment offices of the People's Committees competent to grant the land use right certificates;

b) Within five (5) working days as from the date of receiving the land re-assignment decisions or land lease contracts, the provincial/municipal Services of Natural Resources and Environment shall have to sign the land use right certificates or the Natural Resources and Environment Sections shall have to submit to the People's Committees of the same level for signing the land use right certificates; send the land use right certificates to the hi-tech park management boards, the economic zone management boards;

c) Within three (3) working days as from the date the land users fulfill the financial obligations, the hi-tech park management boards or the economic zone management boards shall have to conduct field handover of land and hand the land use right certificates.

Article 129.- Order and procedures applicable to cases of shifting from land lease to land assignment with the collection of land use levies

1. The land lessees who wish to shift from the form of land lease to the form of land assignment with the collection of land use levies shall each submit one dossier set, comprising:

- a) The registration application for shift from the

land lease form to the levied land assignment form;

b) The land lease contract and the land use right certificate.

2. The shift from the land lease form to the levied land assignment form is provided for as follows:

a) Within five (5) working days as from the date of receiving the complete and valid dossiers, the land use right registration offices shall have to verify them; for eligible cases, they shall make cadastral dossier extracts and send them together with the dossiers to the natural resources and environment offices of the same level; send the cadastral figures to tax offices for determination of financial obligations;

b) Within three (3) working days as from the date the land users fulfill their financial obligations, the natural resources and environment offices shall have to adjust the land use right certificates.

3. Where land users wish to shift from the land lease form to the levied land assignment form in combination with land use purpose change, the procedures for land use purpose change must be carried before the procedures for shift from the land lease form to the levied land assignment form.

Article 130.- Land-recovering order applicable to the cases prescribed in Clause 1, Article 38 of the Land Law

1. Basing themselves on the land use plans already approved by competent State agencies, the competent People's Committees shall have to assign the attached natural resources and environment offices to direct the land use right registration offices in making cadastral map extracts or extracted cadastral measurement of the to be-recovered land areas, for localities where cadastral maps are not available, and cadastral dossier extracts to send them to responsible agencies or organizations for drawing up plans for compensations and ground clearance as provided for in Clauses 2 and 3 of this Article.

2. Where the land is recovered after the land use

plannings or plans are publicized but investment projects are not available, the provincial/municipal People's Committees shall assign the land fund development organizations to draw up the overall plans on compensations and ground clearance and submit them to the provincial/municipal People's Committees for consideration and approval.

3. Where land is recovered for execution of investment projects, the People's Committees of rural districts, urban districts, provincial capitals or towns shall have to elaborate overall plans on compensations and ground clearance and submit them to the provincial/municipal People's Committees for consideration and approval.

4. After the overall plans on compensations and ground clearance are approved, the People's Committees of the rural districts, urban districts, provincial capitals or towns where exists the to be-recovered land shall notify the land users at least ninety (90) days in advance, for cases of recovering agricultural land, or 180 days in advance, for cases of recovering non-agricultural land, of the reasons for recovery, the time and plan for removal, the compensation and ground clearance plans.

5. At least twenty (20) days before the expiry of the notification duration, the land fund development organizations or the People's Committees of rural districts, urban districts, provincial capitals or towns shall have to present the compensation and ground clearance plans and the provincial/municipal Services of Natural Resources and Environment shall have to submit the land recovery decisions to the provincial/municipal People's Committees for decision. The land recovery decisions must include the contents on recovery of specific land areas, applicable to land plots used by organizations, religious establishments, overseas Vietnamese, foreign organizations, foreigners and the contents on land recovery applicable collectively to all land plots used by households, individuals or population communities.

6. Within fifteen (15) working days after receiving the reports, the provincial/municipal People's

Committees shall have to examine, sign and send to the provincial/municipal Services of Natural Resources and Environment, the People's Committees of rural districts, urban district, provincial capitals or towns or land fund development organizations the land recovery decisions, the compensation and ground clearance plan-approving decisions.

In cases where exist on the to be-recovered land the areas being used by households or individuals, within thirty (30) working days as from the date of receiving the land recovery decisions of provincial/municipal People's Committees, the People's Committees of rural districts, urban districts, provincial capitals or towns shall have to issue decisions to recover specific areas of every land plots being used by households, individuals or population communities.

7. The land fund development organizations shall have to carry out the compensation and ground clearance for cases of land recovery after the land use plannings or plans are publicized but investment projects are not available yet; the People's Committees of rural districts, urban districts, provincial capitals or towns shall have to organize the compensation and ground clearance for cases of recovering land for assignment or lease for execution of investment projects.

8. After the completion of compensation and ground clearance, the provincial/municipal People's Committees shall decide to assign land to the land fund development organizations for management or assign or lease land to investors for project execution.

Article 131. - Land-recovering order applicable to the cases prescribed in Clauses 2 and 8, Article 38 of the Land Law

1. The recovery of land assigned by the State to organizations without the collection of land use levies or with the collection of land use levies while the paid land use levies have originated from the State budget or land leased by the State with land rents

paid annually but now the land users move to other places, have less or no land use demand, or voluntarily return the land shall be effected as follows:

a) Where the land users are organizations, religious establishments, overseas Vietnamese, foreign organizations or foreigners, they must send documents requesting the return of land and land use right certificates or one of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law (if any) to the provincial/municipal Services of Natural Resources and Environment of the localities where exists the land; where the land users are households, individuals or population communities, such documents shall be sent to the district-level Natural Resources and Environment Sections of the localities where exists the land;

b) Within twenty (20) working days as from the date of receiving the land return documents, the natural resources and environment offices shall have to examine them and conduct field verification in case of deeming it necessary; report thereon to the People's Committees of the same level for decision on the land recovery;

c) Within fifteen (15) working days as from the date of receiving the report, the competent People's Committees shall have to examine, sign and send to the attached natural resources and environment offices the land recovery decisions.

2. The recovery of land assigned to organizations by the State without the collection of land use levies or with the collection of land use levies while the paid land use levies have originated from the State budget, or land leased with land rents paid annually and now such organizations dissolve or go bankrupt shall be effected as follows:

a) Within twenty (20) working days after receiving the dissolution or bankruptcy decisions of competent State agencies, the provincial/municipal Services of Natural Resources and Environment of the localities where exists the land shall conduct examination and field verification in case of deeming if necessary; and report thereon to the People's Committees of the

same level for decision on land recovery;

b) Within fifteen (15) working days after receiving the reports, the provincial/municipal People's Committees shall have to consider, sign and send to the provincial/municipal Services of Natural Resources and Environment the land recovery decisions.

Article 132.- Land-recovering order applicable to the cases prescribed in Clauses 3, 4, 5, 6, 7, 9, 10, 11 and 12 of Article 38 of the Land Law

1. The land recovery applicable to the cases prescribed in Clauses 3, 4, 5, 6, 9, 11 and 12 of Article 38 of the Land Law shall be effected as follows:

a) Within fifteen (15) working days after receiving the inspection conclusions, the natural resources and environment offices shall have to conduct examination and field verifications when necessary; report thereon to the People's Committees of the same level for decision on the land recovery;

b) Within fifteen (15) working days after receiving the reports, the competent People's Committees shall have to consider, sign and send to their attached natural resources and environment offices the land recovery decisions; direct the handling for determination of the remaining value of the investments in the land or the assets affixed to land (if any) according to law provisions.

2. The land recovery applicable to the cases prescribed in Clause 7, Article 38 of the Land Law shall be carried out as follows:

a) Within fifteen (15) working days after receiving the death certificates or missing declaration decisions of competent State agencies and written certification of having no heirs by the People's Committees of communes, wards or townships where exists the land, the district-level Natural Resources and Environment Sections shall have to conduct examinations and field verifications and report thereon to the People's Committees of the same level for decision on the land recovery;

b) Within ten (10) working days after receiving the reports, the People's Committees of rural districts, urban districts, provincial capitals or towns shall have to consider, sign and send to the district-level Natural Resources and Environment Sections the land recovery decisions.

3. The land recovery applicable to the cases prescribed in Clause 10, Article 38 of the Land Law shall be carried out as follows:

a) Within thirty (30) working days after the expiry of the land use terms, the natural resources and environment offices shall have to report thereon to the People's Committees of the same level for decision on land recovery;

b) Within ten (10) working days after receiving the reports, the competent People's Committees shall have to consider, sign and send to their attached natural resources and environment offices the land recovery decisions.

Article 133.- Order and procedures of registration for land use purpose change, applicable to cases requiring no permission

1. Land users wishing to change the land use purposes shall submit one dossier set, comprising:

a) The land use purpose change registration declaration made according to a form set by the Ministry of Natural Resources and Environment;

b) The land use right certificate or one of the land use right papers prescribed in Clauses 1, 2 and 5 of Article 50 of the Land Law (if any).

2. The land users may change the land use purposes after 20 days counting from the date of dossier submission, except for cases where the land use right registration offices have notified the non-permission for land use purpose change as such is incompatible with the provisions of Clause 2, Article 36 of the Land Law.

3. The land use purpose change registration shall be effected as follows:

a) The land use right registration offices shall have

to examine the dossiers; where the land use purpose change registration is incompatible with the provisions of Clause 2, Article 26 of the Land Law, they shall return the dossiers and clearly notify the reasons therefor; where the land use purpose change registration is compatible with the provisions of Clause 2, Article 36 of the Land Law, they shall inscribe certification on the registration declarations and transfer the dossiers to the natural resources and environment offices of the same level for adjustment of the land use right certificates;

b) The natural resources and environment offices shall have to adjust the land use right certificates.

4. The time for performing the jobs prescribed in Clause 3 of this Article shall not exceed eighteen (18) working days as from the date the land use right registration offices receive the complete and valid dossiers to the date the land users receive the adjusted land use right certificates.

Article 134.- Land use purpose - changing order and procedures applicable to cases requiring permission

1. The land use purpose change applicants shall each submit one dossier set at the provincial/ municipal Services of Natural Resources and Environment of the localities where exists the land, for organizations, overseas Vietnamese, foreign organizations, foreigners; at the district-level Natural Resources and Environment Sections of the localities where exists the land, for households and individuals; such a dossier set comprises:

a) The land use purpose change application;

b) The land use right certificate or one of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law (if any);

c) The investment project as prescribed by the investment legislation, for cases where the land use purpose change applicants are organizations, overseas Vietnamese, foreign organizations or foreigners.

2. The natural resources and environment offices shall have to examine the dossiers and conduct field verifications; check the compatibility with detailed land use plans or plans or land use plans or plans in case of unavailability of detailed land use plans or plans; direct the attached land use right registration offices to make cadastral dossier extracts.

3. The land use right registration offices shall have to make cadastral dossier extracts and send them to the natural resources and environment offices of the same level and send the cadastral figures to tax offices for determination of financial obligations.

4. The natural resources and environment offices shall have to report thereon to the People's Committees of the same level for decision to permit the land use purpose change; adjust the land use right certificates; re-sign the land lease contracts for cases of land lease.

5. The time for performing the jobs prescribed in Clause 2, 3 and 4 of this Article shall not exceed thirty (30) working days (excluding the time for land users to perform their financial obligations) as from the date the natural resources and environment offices receive the complete and valid dossiers to the date the land users receive the adjusted land use right certificates.

Article 135.- Order and procedures of granting land use right certificates to households, individuals using land in communes, townships

1. Households and individuals shall each submit at the People's Committees of the communes or townships where exists the land one dossier set, comprising:

a) The land use right certificate application;

b) One of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law (if any);

c) The written authorization of application for land use right certificate (if any).

2. The granting of land use right certificates is provided for as follows:

a) The commune or township People's Committees shall have to make verifications and certifications in the land use right certificate applications of the situation of disputes over the land plots; where the current land users do not have the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law, they shall verify and certify the origins and time of using the land, the situation of disputes over the land plots, the compatibility with the approved land use plans; publicize the list of cases of eligibility and ineligibility for granting of land use right certificates at the offices of the commune or township People's Committees for fifteen (15) days; scrutinize comments on cases of application for land use right certificates; send the dossiers to the land use right registration offices of the district-level Natural Resources and Environment Sections;

b) The land use right registration offices shall have to examine the dossiers; make certifications in the land use right certificate applications, for cases of eligibility for land use right certificate granting and write comments on cases of ineligibility; in cases of eligibility for granting of land use right certificates, make cadastral map extracts or extracted cadastral measurement of the land plots, for localities where cadastral maps are unavailable, make cadastral dossier extracts; send cadastral figures to tax offices for determination of financial obligations for cases where land users must perform the financial obligations according to law provisions; send dossiers of cases of eligibility and ineligibility for land use right certificate granting together with cadastral map extracts, cadastral dossier extracts to the district-level Natural Resources and Environment Sections;

c) The district-level Natural Resources and Environment Sections shall have to examine the dossiers and submit them to the People's Committees of the same level for deciding to grant the land use right certificates; sign land lease

contracts for cases of land lease by the State;

d) The time for performing the jobs prescribed at Points a, b and c of this Clause shall not exceed fifty five (55) working days (excluding the time for publicizing the lists of cases of application for land use right certificates and the time for land users to perform their financial obligations) from the date the commune or township People's Committees receive the complete and valid dossiers to the date the land users are granted the land use right certificates.

3. For cases of granting land use right certificates to farms, before the land use right certificates are granted under the provisions of Clauses 1 and 2 of this Article, the current land use situation must be examined under the provisions in Article 50 of this Decree.

Article 136.- Order and procedures of granting land use right certificates to households, individuals currently using land in wards

1. Households and individuals shall each submit one dossier set, comprising:

- a) The land use right certificate application;
- b) One of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law (if any);
- c) The written authorization of application for land use right certificate (if any).

2. The granting of land use right certificates is provided for as follows:

a) The land use right registration offices shall have to examine the dossiers, conduct field verifications when necessary; gather certifications by the ward People's Committees of the situation of land disputes over the land plots; where the current land users do not have the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law, they must gather opinions of the ward People's Committees on the origin and time of using the land, the situation of disputes over the land plots, the compatibility with the approved land use planning;

publicize the lists of cases of eligibility and ineligibility for land use right certificate granting at the land use right registration offices for fifteen (15) days; consider the comments on cases of application for land use right certificates; write certifications in the land use right certificate applications for cases of eligibility for land use right certificate granting or write comments on cases of ineligibility; for cases of eligibility for land use right certificate granting, make cadastral map extracts of extracted cadastral measurement of the land plots, for localities where cadastral maps are unavailable, make cadastral dossier extracts; send the cadastral figures to tax offices for determination of the financial obligations according to law provisions; send dossiers on cases of eligibility or ineligibility for land use right certificate granting together with the cadastral map extracts, cadastral dossier extracts to the district-level Natural Resources and Environment Sections;

b) The Natural Resources and Environment Sections shall have to examine the dossiers and submit them to the People's Committees of the same level for deciding to grant the land use right certificates; sign land lease contracts for cases of land lease by the State;

c) The time for performing the jobs prescribed at Points a and b of this Clause shall not exceed fifty five (55) working days (excluding the time for publicizing the lists of cases of application for land use right certificates and the time for land users to perform the financial obligations) from the date the land use right registration offices receive the complete and valid dossiers to the date the land users receive the land use right certificates.

Article 137.- Order and procedures of granting land use right certificates to organizations currently using land

1. The current land-using organizations shall each submit one dossier set, comprising:

a) The land use right certificate application;

b) One of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law (if any);

c) The written authorization of application for land use right certificate (if any);

d) The report on self-examination of current land situation as provided for in Articles 49, 51, 52, 53 and 55 of this Decree.

Where the current land using organizations have not yet examined by themselves the current land use situation, the provincial/municipal Services of Natural Resources and Environment shall direct the implementation organization under the provisions of Articles 49, 51, 52, 53 and 55 of this Decree;

e) The decision of the provincial/municipal People's Committee on handling of land of such organization (if any).

2. The granting of land use right certificates is provided for as follows:

a) Basing themselves on decisions of the provincial/municipal People's Committees on determination of the land areas the organizations may continue to use, the land use right registration offices shall have to make the cadastral map extracts or extracted cadastral measurement of the land plots, for localities where cadastral maps are unavailable, the cadastral dossier extracts; send cadastral figures to tax offices for determination of the financial obligations, for cases where the land-using organizations must perform the financial obligations according to law provisions; send the cadastral map extracts, the cadastral dossier extracts together with the dossiers of application for land use right certificates to the provincial/municipal Services of Natural Resources and Environment;

b) The provincial/municipal Services of Natural Resources and Environment shall have to sign the land use right certificates if so authorized; propose the People's Committees of the same level to sign the land use right certificates, if they are not

authorized to sign; sign land lease contracts for cases of land lease by the State;

c) The time for performing the jobs prescribed at Points a and b of this Clause shall not exceed fifty five (55) working days (excluding the time for land users to perform the financial obligations) from the date the land use right registration offices receive the complete and valid dossiers to the date the land users receive the land use right certificates.

Article 138.- Order and procedures of granting the land use right certificates to people's armed force units currently using land for defense, security purposes

1. The land-using people's armed force units shall each submit one dossier set, comprising:

- a) The land use right certificate application;
- b) The decision of the Defense Minister or the Public Security Minister on the army stationing position or work location;
- c) The written authorization of application for land use right certificate (if any);
- d) The copy of the Prime Minister's decision approving the planning on use of land for defense or security purposes in the areas of military zones, the areas of units under the Border Guard Command, the areas of provinces or centrally run cities with the names of units applying for land use right certificates or the land assignment decision of a competent State agency or papers certifying that the land is overtaken land or named in the cadastral books of communes, wards, townships with the certification by the commune, ward or township People's Committee of having been stably used and dispute-free.

2. The granting of land use right certificates is provided for as follows:

a) Within thirty (30) working days as from the date of receiving the complete and valid dossiers, the land use right registration offices shall have to make cadastral map extracts or extracted cadastral measurement of the land plots, for localities where

cadastral maps are unavailable (only measuring around the boundaries of the land plots, not measuring defense or security works, architectural works on the land plots), make cadastral dossier extracts; send the cadastral map extracts, cadastral dossier extracts together with the dossiers of application for land use right certificates to provincial/municipal Services of Natural Resources and Environment;

b) Within seven (7) working days after receiving the dossiers, the provincial/municipal Services of Natural Resources and Environment shall have to sign the land use right certificates in cases they are authorized to do so; propose the People's Committees of the same level to sign the land use right certificates in cases they are not authorized to do so;

c) Within seven (7) working days after receiving the reports, the provincial/municipal People's Committees shall have to consider, sign and send to the provincial/municipal Services of Natural Resources and Environment the land use right certificates;

d) Within six (6) working days after receiving the certificates, the provincial/municipal Services of Natural Resources and Environment shall have to send the land use right certificates to their attached land use right registration offices for handing them to the units being granted the land use right certificates.

Article 139.- Order and procedures of granting land use right certificates to land use right auction winners, winners of bidding for projects involving land use

1. Organizations conducting land use right auctions or biddings for projects involving land use shall have to submit on behalf of each auction winner or bid winner one dossier set, comprising:

a) The document recognizing the land use right auction winning results or land- using project bidding results according to law provisions on land use right auctions;

b) The cadastral map extracts or the extracted cadastral measurement of the land plot, for localities where cadastral maps are unavailable;

c) Documents on fulfillment of financial obligations (if any).

2. Within five (5) working days after receiving the complete and valid dossiers, the land use right registration offices shall have to examine the dossiers; make cadastral map extracts or extracted cadastral measurement of the land plots, for localities where cadastral maps are unavailable, cadastral dossier extracts and send them together with the dossiers to the natural resources and environment offices of the same level.

3. Within ten (10) working days after receiving the dossiers, the provincial/municipal Services of Natural Resources and Environment shall have to sign the land use right certificates as authorized; the district-level Natural Resources and Environment Sections shall have to propose the People's Committees of the same level to sign the land use right certificates; the natural resources and environment offices shall send the signed land use right certificates to their attached land use right registration offices for handing them to the auction winners or bid winners.

Article 140.- Order and procedures of granting the land use right certificates to land use right transferees falling into the cases prescribed at Point j and k of Clause 1, Article 99 of this Decree

1. The land use right transferees shall each submit a dossier set, comprising:

a) One of the papers such as the minutes on the results of successful conciliation of land disputes, recognized by competent People's Committees; agreement on debt handling under mortgage or guarantee contracts; administrative decisions on settlement of land-related complaints or denunciations, extracts of judgments or decisions of people's courts, judgment execution decisions of judgment executing bodies; written recognitions of

lawful land use right auctions; the documents on lawful division or separation of land use rights by households or groups of persons sharing the land use rights; decisions of competent agencies or organizations on division, separation or merger of organizations; documents on lawful division, separation or merger of economic organizations;

b) Documents on fulfillment of financial obligations (if any).

2. Within five (5) working days after receiving the complete and valid dossiers, the land use right registration offices shall have to examine the dossiers, make cadastral map extracts or extracted cadastral measurement of the land plots, for localities where cadastral maps are unavailable, the cadastral dossier extracts and send them together with the dossiers to the natural resources and environment offices of the same level.

3. Within ten (10) working days after receiving the dossiers, the provincial/municipal Services of Natural Resources and Environment shall have to sign the land use right certificates as authorized; the district-level Natural Resources and Environment Sections shall have to propose the People's Committees of the same level to sign the land use right certificates.

Article 141.- Order and procedures of extending land use duration for land-using economic organizations, overseas Vietnamese, foreign organizations, foreigners; non-agricultural land-using households and individuals; households and individuals not directly engaged in agricultural production and leased agricultural land by the State

1. Six (6) months before the land use duration expires, the land users wishing to extend land use duration shall each submit one dossier set at the provincial/municipal Services of Natural Resources and Environment, for economic organizations, overseas Vietnamese, foreign organizations, foreigners; at the district-level Natural Resources and Environment Sections, for households and

individuals; such a dossier set shall comprise:

a) The application for land use duration extension, for households, individuals or economic organizations, overseas Vietnamese, foreign organizations, foreigners that apply for the land use duration extension of not more than twelve (12) months;

b) The production and/or project supplementation project already approved, for economic organizations, overseas Vietnamese, foreign organizations, foreigners that apply for the use duration extension of over twelve (12) months.

The State agencies competent to approve investment projects shall consider and approve the supplementation, for cases where the projects are financed by the State budget or projects are invested with foreign capital. The provincial/municipal Planning and Investment Services shall consider and approve the supplementation for non-agricultural production and/or business projects not financed by the State budget capital and being not foreign-invested projects. The provincial/municipal Agriculture and Rural Development Services shall consider and approve the supplementation for agricultural production projects not financed by the State budget capital and being not foreign-invested projects.

2. The extension is provided for as follows:

a) The natural resources and environment offices shall have to examine the dossiers, certify land use demands in compatibility with the extension applications or the approved production and/or business supplementation projects; submit them to the People's Committees of the same level for decision on the extension; direct their attached land use right registration offices to make cadastral dossier extracts;

b) The land use right registration offices shall have to make cadastral dossier extracts and send them to the natural resources and environment offices of the same level and send the cadastral figures to tax offices for determination of financial obligations;

c) The land users shall have to submit the expired land use right certificates, documents on fulfillment of financial obligations, for cases of eligibility for land use duration extension, to the natural resources and environment offices;

d) The natural resources and environment offices shall have to adjust the land use duration on the land use right certificates for cases of eligibility for land use duration extension;

e) The time for performing the jobs prescribed at Points a, b, c and d of this Clause shall not exceed twenty (20) working days (excluding the time for land users to perform their financial obligations) from the date the natural resources and environment offices receive complete and valid dossiers to the date the land users receive the land use right certificates.

3. For cases of ineligibility for land use duration extension, the natural resources and environment offices shall carry out the land recovery according to the provisions of Clause 3, Article 132 of this Decree.

Article 142.- Order and procedures of extending the duration for use of land in hi-tech parks, economic zones

1. Six (6) months before the land use duration expires, the land users wishing to continue the land use shall each submit one dossier set, comprising:

a) The land use duration extension application;

b) The production and/or business supplementation project already approved, for cases of applying for the land use duration extension of over twelve (12) months.

In case of state budget-financed projects and foreign-invested projects, the supplementation projects shall be considered and approved by the state agencies competent to approve investment projects.

In cases where projects are financed neither by the state budget capital nor foreign investment capital, the supplementation projects shall be considered and approved by hi-tech park

management boards or economic zone management boards.

2. The extension is provided for as follows:

a) Within seven (7) working days after receiving the dossiers of application for land use duration extension, the hi-tech park management boards or the economic zone management boards shall have to consider and decide on the land re-assignment duration extension, land lease contract extension; notify the land use duration extension applicants thereof for performance of financial obligations;

b) Within five (5) working days after the expiry of the land use duration, the land users shall have to submit the expired land use certificates, the documents on financial obligation fulfillment, for cases of eligibility for land use right duration extension, to the hi-tech park management boards or the economic zone management boards;

c) Within five (5) working days after receiving the certificates and financial vouchers, the hi-tech park management boards or the economic zone management boards shall have to submit the land use right certificates to the competent natural resources and environment offices for adjustment;

d) Within seven (7) working days after receiving the certificates and financial vouchers, the natural resources and environment offices shall have to adjust the land use duration on the land use right certificates and send them to the hi-tech park management boards or the economic zone management boards;

e) Within five (5) working days after receiving the certificates, the hi-tech park management boards or the economic zone management boards shall have to hand the adjusted land use right certificates to land users entitled to land use duration extension.

3. For cases of ineligibility for land use duration extension, the natural resources and environment offices shall cover the land according to the provisions of Clause 3, Article 132 of this Decree.

Article 143.- Order and procedures of registering

land use changes due to name changes, land area shrinkage because of natural erosion or slides, changes in rights, changes in financial obligations

1. Land users wishing to register land use changes shall each submit one dossier set, comprising:

a) The application for registration of land use changes;

b) The land use right certificate or one of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law (if any);

c) Other legal papers related to registration of changes in land use.

2. The land use change registration is stipulated as follows:

a) Within ten (10) working days after receiving the complete and valid dossiers, the land use right registration offices shall have to examine the dossiers, make certifications in the change registration applications; if making extracted cadastral measurement of the land plots, for cases of land area shrinkage due to natural erosion or slide, they must conduct extracted cadastral measurement of the land plots, make cadastral dossier extracts and send them together with the dossiers of application for change registration to the natural resources and environment offices of the same level;

b) Within seven (7) working days after receiving the dossiers, the natural resources and environment offices shall have to adjust the land use right certificates.

Article 144.- Order and procedures of re-granting, changing land use right certificates

1. Land users wishing for re-granting, changing the land use right certificates shall each submit one dossier set, comprising:

a) The application for re-granting, changing the land use right certificate;

b) The land use right certificate, in cases of granting for change thereof.

2. The re-granting and changing of the land use right certificates are stipulated as follows:

a) The land use right registration offices shall have to examine the dossiers; make cadastral map extracts or extracted cadastral measurement of the land plots, for localities where cadastral maps are unavailable, cadastral dossier extracts; write certifications on the applications for re-granting, changing land use right certificates; send cadastral map extracts, cadastral dossier extracts together with the dossiers of application for re-granting, changing the land use right certificates to the natural resources and environment offices of the same level;

b) The provincial/municipal Services of Natural Resources and Environment shall sign the land use right certificates as authorized; the district-level Natural Resources and Environment Sections shall have to propose the People's Committees of the same level to sign for granting the land use right certificates;

c) The time for performing the jobs prescribed at Points a and b of this Clause shall not exceed twenty eight (28) working days from the date the land use right registration offices receive the complete and valid dossiers to the date the land users receive the land use right certificates.

In case of applying for re-granting due to the loss of land use right certificates, the land use right registration offices shall have a longer duration of no more than forty (40) working days, including ten (10) days for verification of the contents of the lost land use right certificates and thirty (30) days for posting up the announcement on the lost land use right certificates at the land use right registration offices and at the offices of the People's Committees of communes, wards or townships where exists the land.

Article 145.- Order and procedures of land plot separation or consolidation

1. The land plot separation or consolidation dossiers shall each comprise:

a) The land plot separation or consolidation application of the land user, for cases where land users so wish when exercising the rights over parts of the land plots or land recovery decisions of competent State agencies when recovering parts of the land plots or one of the documents prescribed at Point a, Clause 1, Article 140 of this Decree upon the exercise of rights over parts of the land plots;

b) The land use right certificate or one of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law (if any).

2. The land plot separation or consolidation at land users' requests shall be carried out as follows:

a) The land plot separation or consolidation applicants shall each compile a dossier set for submission at the provincial/municipal Services of Natural Resources and Environment, for organizations, religious establishments, overseas Vietnamese, foreign organizations, foreigners; at the district-level Natural Resources and Environment Sections, for households, individuals;

b) Within seven (7) working days after receiving the complete and valid dossiers, the natural resources and environment offices shall have to send the dossiers to their attached land use right registration offices for preparation of cadastral dossiers;

c) Within ten (10) working days after receiving the dossiers, the land use right registration offices shall have to make cadastral map extracts or extracted cadastral measurement, for localities where the cadastral maps are unavailable, make cadastral dossier extracts and send them to the natural resources and environment offices of the same level;

d) Within ten (10) working days after receiving the cadastral map extracts, the cadastral dossier extracts, the district-level Natural Resources and Environment Sections shall have to withdraw the granted land use right certificates or one of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law, propose the People's Committees of the same level to consider and sign

the land use right certificates for the new land plots; the provincial/municipal Services of Natural Resources and Environment shall have to withdraw the granted land use right certificates or one of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law and sign the land use right certificates for the new land plots if being so authorized, or propose the People's Committees of the same level to consider and sign the land use right certificates for the new land plots in case of being not authorized;

e) Within seven (7) working days after receiving the reports, the competent People's Committees shall consider, sign and send to their attached natural resources and environment offices the land use right certificates for the new land plots, except for cases where the provincial/municipal Services of Natural Resources and Environment are authorized;

f) Within five (5) working days after the land use right certificates are signed, the natural resources and environment offices shall have to hand the originals of the land use right certificates over the new land plots to the land users; send the copies of the signed land use right certificates, the originals of the withdrawn land use right certificates or one of the land use right papers prescribed in Clause 1, 2 and 5, Article 50 of the Land Law, which was withdrawn, to their attached land use right registration offices; send the notices on land use changes to the land use right registration offices under the provincial/municipal Services of Natural Resources and Environment for adjustment of the original cadastral dossiers.

3. The land plot separation or consolidation in cases where the State recovers parts of land plots or in the cases prescribed at Point e, Clause 5, Article 41 of this Decree shall be carried out as follows:

a) Basing themselves on the land recovery decisions or one of the documents prescribed at Point a, Clause 1, Article 140 of this Decree, the natural resources and environment offices shall have to compile the dossiers on land plot separation or

consolidation prescribed in Clause 1 of this Article;

b) To effect the land plot separation or consolidation according to the provisions of Points b, c, d, e and f, Clause 2 of this Article.

Section 3. ORDER AND ADMINISTRATIVE PROCEDURES IN THE EXERCISE OF LAND USERS' RIGHTS

Article 146.- Contracts on land use rights

1. The contracts on land use right exchange, transfer, lease, sublease; the contracts or documents on land use right donation; the contracts on mortgage, guarantee, capital contribution with the land use rights; the documents on land use right inheritance shall be made by the involved parties but not contrary to civil law provisions.

2. The contracts on land use right exchange, transfer, lease or sublease; the contracts or documents on land use right donation; the contracts on mortgage, guarantee or capital contribution with the rights to use the land under common use by the households must be agreed upon and signed by all members of such households, who have full civil act capacity, or their written authorization according to civil law provisions.

3. The contracts on land use right transfer, lease, sublease; the contracts or written documents on land use right donation; the contracts on mortgage, guarantee or capital contribution with the rights to use the land under the common use by groups of land users must be agreed upon and signed or authorized in writing by all members of the groups according to civil law provisions.

4. The contracts on land use right exchange, transfer, lease, sublease; the contracts or written documents on land use right donation; the contracts on mortgage, guarantee or capital contribution with the land use rights shall take effect as from the time of registration at the land use right registration offices. The priority order of payment for obligations related to the land use rights shall be determined according

to the order of registration at the land use right registration offices.

The effect of testaments or inheritance division records, written commitments to land use right donation shall comply with civil law provisions.

Article 147.- Order and procedures of exchanging the agricultural land use rights of households, individuals

1. Cases of exchange under the common policy of "land plot swap for field consolidation" shall comply with the following regulations:

a) Agricultural land-using households and individuals shall themselves reach mutual agreement in writing on exchange of agricultural land use rights; submit the written agreements enclosed with the land use right certificates or one of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law (if any);

b) The commune, ward or township People's Committees shall draw up general plans on agricultural land use right exchanges for the whole communes, wards or townships (including the schedule for implementation of exchanges) and send such plans to the district-level Natural Resources and Environment Sections;

c) The district-level Natural Resources and Environment Sections shall have to examine the plans and direct their attached land use right registration offices to prepare the cadastral dossiers;

d) The land use right registration offices shall have to make cadastral map extracts or extracted cadastral measurement of the land plots, for localities where cadastral maps are unavailable, make cadastral dossier extracts and send them to the district-level Natural Resources and Environment Sections;

e) The district-level Natural Resources and Environment Sections shall have to examine the dossiers and submit them to the People's Committees of the same level for decision;

f) The People's Committees of rural districts,

urban districts, provincial capitals or towns shall have to examine and sign the land use right certificates for exchanged land plots and send them to the district-level Natural Resources and Environment Sections.

2. The agricultural-land use right exchange between two households, two individuals shall be carried out as follows:

a) Households or individuals wishing to exchange their agricultural land use rights shall each submit one dossier set comprising the land use right exchange contract; the land use right certificates or one of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law (if any);

b) Within two (2) working days after receiving the complete and valid dossiers, the commune, ward or township People's Committees shall have to send the dossiers to the land use right registration offices of the district-level Natural Resources and Environment Sections;

c) Within three (3) working days after receiving the complete and valid dossiers, the land use right registration offices shall have to make cadastral dossier extracts and adjust the land use right certificates or carry out procedures for granting the land use right certificates, for cases of granting new land use right certificates.

Article 148.- Land use right transfer order and procedures

1. The land use transferees shall each submit one dossier set, comprising:

a) The land use right transfer contract;

b) The land use right certificate or one of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law (if any).

2. The land use right transfer shall be carried out as follows:

a) Within three (3) working days after receiving the complete and valid dossiers, the land use right registration offices shall have to examine the

dossiers, extract the cadastral maps; send cadastral figures to tax offices for determination of financial obligations; adjust the granted land use right certificates or carry out procedures to grant land use right certificates for cases of granting new certificates;

b) Within three (3) working days as from the date of receiving the notices on financial obligations, the land use right registration offices or the commune, township People's Committees shall have to notify the transferors and the transferees of the financial obligations they have to perform;

c) Within three (3) working days as from the date the transferors and the transferees fulfill their financial obligations, the land use right registration offices or the commune or township People's Committees of the localities where exists the land shall have to hand the land use right certificates to the land use right transferees.

Article 149.- Order, procedures of registering land use right lease, sublease

1. The land use right lessors or sublessors shall each submit one dossier set, comprising:

a) The land use right-leasing or sub-leasing contract;

b) The land use right certificate or one of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law (if any).

2. Within five (5) working days after receiving the complete and valid dossiers, the land use right registration offices shall have to carry out the procedures for land use right lease or sublease registration into the cadastral dossiers and adjust the granted land use right certificates or carry out the procedures to grant the land use right certificates for cases of granting new certificates.

3. The land lease or sublease order and procedures prescribed in this Article shall not apply to cases of leasing or subleasing land in industrial parks.

Article 150.- Order and procedures of deleting

land use right lease or sublease registration

1. After the land use right-leasing or subleasing contracts expire, the land use right lessors or sublessors shall each submit one dossier set, comprising:

a) The certification of liquidation of land lease contract in the signed land lease contract, or the written land lease contract liquidation;

b) The land use right certificate.

2. Within five (5) working days after receiving the complete and valid dossiers, the land use right registration offices shall have to delete the lease or sublease registration in the cadastral dossiers and adjust the land use right certificates.

Article 151.- Land use right-inheriting order and procedures

1. The heirs shall each submit one dossier set, comprising:

a) The testament; the inheritance division records; the people's court's legally effective judgment or decision on settlement of dispute over land use right inheritance; the heir's written request, for cases where she/he is the only heir;

b) The land use right certificate or one of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law (if any).

2. The inheritance registration shall be carried out as follows:

a) Within four (4) working days after receiving the complete and valid dossiers, the land use right registration offices shall have to examine the dossiers, extract the cadastral dossiers; send the cadastral figures to tax offices for determination of the financial obligations (if any); adjust the granted land use right certificates or carry out procedures to grant the land use right certificates for cases of having to grant new certificates;

b) Within three (3) working days after receiving the notices on financial obligations, the land use right

registration offices or the commune or township People's Committees of the localities where exists the land shall have to notify the land use right heirs of the financial obligations they have to perform under law provisions;

c) Within three (3) working days after the land use right heirs fulfill the financial obligations, the land use right registration offices or the commune or township People's Committees of the localities where exists the land shall have to hand the land use right certificates to them.

Article 152.- Land use right donation order and procedures

1. The land use right donees shall each submit one dossier set, comprising:

a) The land use donation written commitment, contract or decision of organizations;

b) The land use right certificate or one of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law (if any).

2. The land use right donation shall be carried out as follows:

a) Within four (4) working days as from the date of receiving the complete and valid dossiers, the land use right registration offices shall have to examine the dossiers, extract the cadastral dossiers; send the cadastral figures to tax offices for determination of financial obligations (if any); adjust the granted land use right certificates or carry out procedures for granting the land use right certificates for cases of having to grant new certificates;

b) Within three (3) working days after receiving the notices on financial obligations, the land use right registration offices or the commune or township People's Committees of the localities where exists the land shall have to notify the land use right donees of the financial obligations they have to perform;

c) Within three (3) working days after the donees fulfill their financial obligations, the land use right registration offices or the commune or township

People's Committees shall have to hand the land use right certificates to them.

Article 153.- Order and procedures of registering the mortgage or guarantee with the land use rights

1. Within five (5) working days after the credit contracts are signed, the parties involved in the land use right mortgage or guarantee shall each have to submit one dossier set, comprising:

a) The land use right mortgage or guarantee contract;

b) The land use right certificate or one of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law (if any).

2. Within five (5) working days after receiving the complete and valid dossiers, the land use right registration offices shall register the land use right mortgage or guarantee into the cadastral dossiers and adjust the granted land use right certificates or carry out procedures for granting the land use right certificates in cases of having to grant new certificates.

3. The registration for changes in the land use right mortgage or guarantee contents; the correction of errors in the registered land use right mortgage or guarantee contents shall comply with the order and procedures for land use right mortgage or guarantee registration prescribed in Clause 2 of this Article.

Article 154.- Order and procedures of registering the deletion of land use right mortgage or guarantee registration

1. After fulfilling their debt repayment obligations, the land use right mortgagors or the land use right guarantors shall each submit one dossier set comprising:

a) The certification by the mortgagees or the guarantees of the fulfillment of debt repayment obligations in the land use right mortgage or guarantee contract or the written certifications by the mortgagees or the guarantees of the fulfillment of debt repayment obligations;

b) The land use right certificate.

2. Within five (5) working days after receiving the complete and valid dossiers, the land use right registration offices shall examine the fulfillment of debt repayment obligations of the applicants for deletion of mortgage or guarantee registration; carry out the deletion of mortgage or guarantee registration in the cadastral dossiers and adjust the land use right certificates.

3. The order and procedures for registering the deletion of land use right mortgage or guarantee registration; registering the results of handling of the mortgaged land use right property, registering the results of handling of the guaranteed land use right property shall comply with the order and procedures prescribed for deletion of land use right mortgage or guarantee registration provided for in Clauses 1 and 2 of this Article.

Article 155.- Order and procedures of registering capital contribution with the land use rights

1. The contributors of capital with the land use rights shall each have to submit one dossier set comprising:

a) The contract on contribution of capital with the land use rights;

b) The land use right certificates or one of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law (if any).

2. Within ten (10) working days after receiving the complete and valid dossiers, the land use right registration offices shall have to examine the dossiers, register the capital contribution in the cadastral dossiers, adjust the land use right certificates or carry out procedures for granting of land use right certificates, for cases of having to grant new certificates.

Article 156.- The order and procedures for deleting the registration of capital contribution with the land use rights

1. The contributors of capital or the receivers of

capital contributed with the land use rights or both parties shall each submit one dossier set comprising:

a) The contract on termination of capital contribution;

b) The land use right certificate.

2. In case of deleting the capital contribution registration and having previously, upon the capital contribution, only adjusted the land use right certificates (due to non-change in the land plots), within five (5) working days after receiving the complete and valid dossiers, the land use right registration offices shall have to examine the dossiers, delete the capital contribution registration in the cadastral dossiers and adjust the land use right certificates.

3. In case of deleting the capital contribution registration and having previously, upon the capital contribution, granted the land use right certificates to new legal persons (due to changes in the land plots), the order and procedures are as follows:

a) Within three (3) working days after receiving the complete and valid dossiers, the land use right registration offices shall have to make cadastral dossier extracts and send them together with the dossiers to the provincial/municipal Services of *Natural Resources and Environment*;

b) Within five (5) working days after receiving the dossiers, the provincial/municipal Services of *Natural Resources and Environment* shall adjust the land use right certificates, for cases of non-changes in land plots, or withdraw the granted land use right certificates, for cases of changes in land plots; where the capital contributors are economic organizations, overseas Vietnamese, foreign organizations, foreign individuals whose land use terms have not yet expired after termination of capital contribution, they shall sign the land use right certificates for granting to the capital contributors and send them to the attached land use right registration offices; where the capital contributors are households, individuals whose land use terms have not yet expired after termination of capital contribution, the land use right

certificates withdrawn from new legal persons shall be sent to the Natural Resources and Environment Sections of the localities where exists the land;

c) Within three (3) working days after receiving the dossiers, the district-level Natural Resources and Environment Sections shall have to examine the dossiers and submit them to the People's Committees of the same level for deciding on the granting of land use right certificates to households or individuals that have contributed capital and whose land use terms have not yet expired after termination of capital contribution;

d) Within three (3) working days after receiving the reports, the People's Committees of rural districts, urban districts, provincial capitals or towns shall have to consider and sign the land use right certificates.

4. Where the land use term expires simultaneously with the termination of capital contribution, if the capital contributors wish to continue using the land, they shall carry out the procedures to apply for extension of land use duration under the provisions in Articles 141 and 142 of this Decree; if the capital contributors do not apply for such extension or are not allowed for land use duration extension, the natural resources and environment offices shall carry out procedures for recovering the land according to the provisions of Clause 3, Article 132 of this Decree.

Article 157.- Order and procedures of registering the receipt of land use rights as the results of handling of contracts on mortgage, guarantee, capital contribution with, distraint for auction of, the land use rights

1. Organizations which have handled the land use rights mortgaged, used for guarantee or capital contribution, or have distrained for auction the land use rights for judgment execution according to law provisions shall have to submit for the land use right transferees one dossier set, comprising:

a) The contract on mortgage of, guarantee or capital contribution with, the land use rights or

decision of the judgment-executing body to distraint the land use rights for auction;

b) The land use right certificate or one of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law (if any);

c) Vouchers on performance of the financial obligations (if any);

d) Documents on auction results in case of auction of the land use right.

2. The land use right receipt registration shall be carried out as follows:

a) Within five (5) working days after receiving the complete and valid dossiers, the land use right registration offices shall have to examine the dossiers, make cadastral map extracts or extracted cadastral measurement of the land plots, for localities where cadastral maps are unavailable, copies of cadastral dossier extracts and send them together with the dossiers to the natural resources and environment offices of the same level;

b) Within five (5) working days after receiving the dossiers, the natural resources and environment offices shall have to adjust the granted land use right certificates or carry out procedures for granting the land use right certificates in case of having to grant new certificates.

Article 158.- Order and procedures for selling, purchasing, leasing, inheriting or donating assets affixed to land, mortgaging, providing guarantee or contributing capital with assets affixed to land

1. The procedural order of selling, purchasing, inheriting or donating dwelling houses, other architectural works, forest trees, perennial trees affixed to land, which belong to the land users' ownership; mortgaging, providing guarantee or contributing capital with dwelling houses, other architectural works, forest trees, perennial trees affixed to land, which belong to the land users' ownership shall comply with the order of land use right transfer, lease, sublease, inheritance or

donation, of mortgage, guarantee provision or capital contribution with the land use rights, prescribed in Articles 148, 149, 151, 152, 153 and 155 of this Decree.

2. The Ministry of Justice shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment as well as other concerned ministries, branches in, guiding in detail the exercise of the rights to buy, sell, lease, inherit, donate assets affixed to land, to mortgage, provide guarantee or contribute capital with assets affixed to land.

Chapter XII

SETTLEMENT OF LAND-RELATED DISPUTES, COMPLAINTS

Article 159.- Conciliation of land disputes

1. The land disputing parties must take initiative in meeting each other for conciliation among themselves; if failing to reach mutual agreement, they shall go through grassroots conciliation for settlement of their land disputes.

2. Where the disputing parties cannot make conciliation, they shall file applications to the People's Committees of the communes, wards or townships where exist the disputes for conciliation. The conciliation must be recorded in writing with signatures of the parties and certification of successful or unsuccessful conciliation by the commune, ward or township People's Committees.

The conciliation records shall be sent to the disputing parties and kept at the People's Committees of the communes, wards or townships where exists the disputed land.

3. For case of successful conciliation entailing the changes in the current land boundaries and/or land users, the commune, ward or township People's Committees shall send the conciliation records to the district-level Natural Resources and Environment Sections, for land disputes among households,

individuals, population communities; or to the provincial/municipal Services of Natural Resources and Environment for other cases.

The district-level Natural Resources and Environment Sections and the provincial/municipal Natural Resources and Environment Services shall report thereon to the People's Committees of the same level for decision on recognition of changes in the land plot boundaries and granting of new land use right certificates.

Article 160.- Competence to settle land disputes in cases where the disputing parties do not have papers on the land use rights

For land disputes where the disputing parties do not have the land use right certificates or any of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law, the disputing parties shall file their applications to administrative agencies for settlement. The administrative agencies of all levels shall settle land disputes according to the following regulations:

1. The presidents of the People's Committees of rural districts, urban districts, provincial capitals or towns shall settle land disputes among households, individuals or population communities.

In case of disagreeing with the settling decisions of the presidents of People's Committees of rural districts, urban districts, provincial capitals or towns, the disputing parties may file their applications for land dispute settlement to the presidents of provincial/municipal People's Committees; the land dispute-settling decisions of the provincial/municipal People's Committee presidents shall be the final ones.

2. The provincial/municipal People's Committee presidents shall settle land disputes among organizations, religious establishments, overseas Vietnamese, foreign organizations, foreigners or between organizations, religious establishments, overseas Vietnamese, foreign organizations or foreigners and households, individuals or population

communities.

In case of disagreeing with the settling decisions of presidents of provincial/municipal People's Committees, the disputing parties may file their applications for land dispute settlement to the Ministry of Natural Resources and Environment; the land dispute-settling decisions of the Minister of Natural Resources and Environment shall be the final ones.

Article 161.- Grounds for settling land disputes in cases where the disputing parties do not have land use right papers

The land disputes where the disputing parties do not have land use right certificates or any of the land use right papers prescribed in Clauses 1, 2 and 5, Article 50 of the Land Law shall be settled on the following grounds:

1. The evidences of land origin and land use course, presented by the disputing parties.

2. Opinions of the commune, ward or township land dispute settlement advisory councils set up by commune, ward or district People's Committees, each comprising:

a) The president or a vice president of the commune, ward or township People's Committee as its chairman;

b) The representative of the commune, ward or township Vietnam Fatherland Front Committee;

c) The leaders of population groups, for urban areas; chiefs of villages, hamlets, for rural areas;

d) Representatives of a number of households living for a long time in the commune, ward or district township, who know clearly the origins and course of using such land plots;

e) The commune, ward or township cadastral personnel and justice officials.

3. The actual land areas being used by the disputing parties outside the land areas being on dispute and the average land area for each family member in the locality.

4. The compatibility of the current use of the land plots being on dispute with the approved detailed land use planning.

5. The State's policies on preferential treatment of people with meritorious services to the country.

6. The law provisions on land assignment, land lease.

Article 162.- The complained administrative decisions or administrative acts

1. The complained administrative decisions in land management shall include:

a) Decisions on land assignment, land lease, land recovery or requisition, land use purpose change permission;

b) Decisions on compensation, support, ground clearance, resettlement;

c) Granting or withdrawal of land use right certificates;

d) Decisions on the land use duration extension.

2. The complained administrative acts in land management are acts committed by officials or State employees while settling matters within the scope prescribed in Clause 1 of this Article.

Article 163.- Order of settling complaints about administrative decisions of People's Committees of rural districts, urban districts, provincial capitals or towns; administrative acts of officials and employees of the commune, ward or township People's Committees, of district-level Natural Resources and Environment Sections, of the People's Committees of rural districts, urban districts, provincial capitals or towns.

1. Within thirty (30) days after the People's Committees of rural districts, urban districts, provincial capitals or towns issue administrative decisions in land management or officials and/or employees of commune, ward or township the People's Committees, district-level Natural Resources and Environment Sections or of People's Committees of rural districts,

urban districts, provincial capitals or towns commit administrative acts in handling matters related to land management, if the persons with related interests and obligations disagree with such administrative decisions or acts, they may file their complaints to the People's Committees of rural districts, urban districts, provincial capitals or towns.

2. The presidents of the People's Committees of rural districts, urban districts, provincial capitals or towns shall have to settle complaints within the time limits prescribed in the Law on Complaints and Denunciations.

The settling decisions of the presidents of the People's Committees of rural districts, urban districts, provincial capitals or towns must be publicized and sent to the complainants as well as other persons with related interests and obligations.

3. Within forty five (45) days as from the date of issuance of the settling decisions of the presidents of the People's Committees of rural districts, urban districts, provincial capitals or towns, if the complainants disagree with such settling decisions, they may initiate lawsuits at people's courts or lodge complaints to provincial/municipal People's Committees.

In cases where complaints are lodged to provincial/municipal People's Committees, the presidents of the provincial/municipal People's Committees shall have to settle the complaints within the time limits prescribed in the Law on Complaints and Denunciations. The complaint-settling decisions of the provincial/municipal People's Committee presidents shall be the final ones, which must be publicized and sent to the complainants and other persons with related interests and obligations.

4. The complaint-receiving agencies shall have to note them down in the complaint settlement-monitoring books.

Article 164.- Order of settling complaints about administrative decisions of Natural Resources and Environment Services or People's Committees of

provinces or centrally run cities; administrative acts of officials or employees of provincial/municipal Natural Resources and Environment Services or provincial/municipal People's Committees

1. Within thirty (30) days as from the date the Natural Resources and Environment Services or People's Committees of provinces or centrally run cities issue administrative decisions in land management or officials or employees of the Natural Resources and Environment Services or the People's Committees of provinces or centrally run cities commit administrative acts in handling matters related to land management, if the persons with related interests and obligations disagree with such administrative decisions or administrative acts, they may file their complaints to the provincial/municipal People's Committees.

2. The provincial/municipal People's Committee presidents shall have to settle the complaints within the time limits prescribed in the Law on Complaints and Denunciations.

The provincial/municipal People's Committee presidents' complaint-settling decisions must be publicized and sent to the complainants and other persons with related interests and obligations.

3. Within forty five (45) days as from the date of issuance of the settling decisions of the provincial/municipal People's Committee presidents, if the complainants disagree with such settling decisions, they may initiate lawsuits at people's courts.

4. The complaint-receiving agencies shall have to inscribe them in the complaint settlement-monitoring books.

Article 165.- Settlement of complaints about administrative decisions, administrative acts related to land management, which do not fall within the cases prescribed in Article 162 of this Decree

The settlement of complaints about administrative decisions, administrative acts related to land management, which do not fall within the cases

prescribed in Article 162 of this Decree, shall comply with law provisions on complaints and denunciations.

Chapter XIII

DETECTION AND HANDLING OF LAND-RELATED LAW VIOLATIONS BY MANAGERS

Section 1. PRINCIPLES FOR HANDLING OF VIOLATIONS, DISCIPLINARY FORMS AND MATERIAL LIABILITY-HANDLING MEASURES APPLICABLE TO MANAGERS

Article 166.- Subjects of violation handling

1. Heads of organizations, heads of agencies competent to decide on land management, who commit acts of violating land legislation.

2. Officials and employees of land management agencies at all levels and commune, ward or township cadastral officers, who commit acts of violating the regulations on administrative order and procedures in land management.

3. Heads, officials, employees, personnel of organizations assigned land by the State for management in the cases prescribed in Clause 1, Article 3 of this Decree, who commit acts of violating land legislation with regard to land assigned for management.

Article 167.- Violation-handling principles

1. All violations must be detected, stopped and handled in time. The disciplining and material liability handling must be conducted in a swift, fair and resolute manner; all consequences of violations must be addressed according to the provisions of this Decree and relevant law provisions.

2. Disciplinary forms shall be applied independently; the material liability-handling measures shall be applied together with disciplinary forms to violation acts for which the material liability handling measures are prescribed in this Decree.

The disciplinary forms and extents shall be

determined on the basis of the nature and extents of consequences of violation acts, personal records of violators.

3. Acts of violating land legislation committed by State officials or employees while performing the official duties related to land management, which do not fall within the cases prescribed in Section 2 of this Chapter shall be handled with discipline and material liability according to relevant law provisions.

4. The disciplinary and material liability handling must be decided by competent persons.

5. A violation act shall be subject to only one disciplinary form.

If many persons commit one violation act, each violators shall be handled.

If a person commits many violation acts at a time, he/she shall be handled for every violation act and subject to the disciplinary form one level higher than the disciplinary form corresponding to the most serious violation act.

6. The disciplinary time limit in the field of land management shall be three (3) months as from the date of detection of violation act; where violation acts involve complicated circumstances requiring more time for examination and verification, the consideration time limit may be prolonged but shall not exceed six (6) months, except for cases prescribed in Clause 4, Article 9 of the Government's Decree No. 97/1998/ND-CP of November 17, 1998 on disciplinary and material liability handling of public servants.

If within the disciplinary time limit the violating individuals commit new violation acts prescribed in this Decree or deliberately shirk or obstruct the disciplinary handling, the time limit shall be recalculated from the date of detecting the new violation acts or the date of stopping acts of deliberately shirking or obstructing the disciplinary handling.

7. Where violation acts show criminal signs, they

shall be examined for penal liability under the provisions of the Penal Code.

Article 168.- Disciplinary forms, material liability handling measures

1. The disciplinary forms shall include:

- a) Reprimand;
- b) Caution;
- c) Salary -grade lowering;
- d) Salary -rank lowering;
- e) Dismissal from office;
- f) Sacking.

2. Material liability handling measures shall include:

- a) Forcible compensations to the State, sufferers from damage caused by violation acts;
- b) Forcible reimbursement to agencies, organizations of money amounts paid by agencies or organizations as compensations to sufferers from damage caused by violation acts.

Section 2. VIOLATION ACTS, FORMS OF VIOLATION HANDLING APPLICABLE TO MANAGERS

Article 169.- Violations of regulations on administrative boundary dossiers and markers

1. The violations of regulations on administrative boundary dossiers and markers include the following acts:

- a) Distorting the plans on positions, the table of coordinates, records on handover of administrative boundary markers;
- b) Implanting administrative boundary markers at wrong places on the field.

2. Disciplinary forms are prescribed as follows:

- a) Those who commit acts prescribed at Point a, Clause 1 of this Article due to lack of responsibility shall be subject to reprimand, repeat such acts due to lack of responsibility shall be subject to caution,

deliberately commit them shall be subject to salary grade lowering; intentionally relapse into violations shall be subject to salary rank lowering;

b) Those who commit acts prescribed at Point b, Clause 1 of this Article due to lack of responsibility shall be subject to caution; repeat such acts due to lack of responsibility shall be subject to salary grade lowering; intentionally commit them shall be subject to salary rank lowering; intentionally relapse into violations shall be dismissed from office or sacked.

Article 170.- Violations of regulations on land use plannings, plans

1. Violations of regulations on land use plannings, plans include the following acts:

a) Failing to publicize or publicizing late detailed land use plannings, detailed land use plans, which have been already approved; failing to publicize or publicizing late the adjustment or cancellation of land use plans; losing, distorting detailed land use planning maps;

b) Implanting detailed land use planning boundary markers at wrong places on the field;

c) Letting the occurrence of construction, real estate investment in contravention of detailed land use plannings, detailed land use plans in the land areas to be recovered for execution of approved detailed land use plannings, detailed land use plans.

2. Disciplinary forms are prescribed as follows:

a) Those who commit acts prescribed at Point a, Clause 1 of this Article due to lack of responsibility shall be subject to reprimand; repeat the acts due to lack of responsibility shall be subject to caution; intentionally commit the acts shall be subject to salary grade lowering; intentionally repeat the acts shall be subject to salary rank lowering or dismissal from office;

b) Those who commit acts prescribed at Points b and c, Clause 1 of this Article due to lack of responsibility shall be subject to reprimand or caution, repeat the acts due to lack of responsibility shall be

subject to caution or salary grade lowering; intentionally commit the acts shall be subject to salary rank lowering or dismissal from office; intentionally repeat the acts shall be dismissed from office or sacked.

Article 171.- Violations of regulations on land assignment, land lease, land use purpose change

1. Violations of regulations on land assignment, land lease, land use purpose changes include the following acts:

a) Assigning land, re-assigning land or leasing land not at the right positions and not with the right land acreages on the field;

b) Assigning land, re-assigning land, leasing land, permitting land use purpose changes not according to competence, not to the right subjects, not in conformity with detailed land use plannings, detailed land use plans or urban construction planning, rural population quarter construction plannings, which have already been approved.

2. Disciplinary forms are prescribed as follows:

a) Those who commit acts prescribed at Point a, Clause 1 of this Article due to lack of responsibility shall be subject to caution; repeat the acts due to lack of responsibility shall be subject to salary grade lowering; intentionally commit the acts shall be subject to salary rank lowering or dismissal from office, intentionally repeat the acts shall be dismissed from office or sacked;

b) Those who commit acts prescribed at Point b, Clause 1 of this Article due to lack of responsibility shall be subject to caution or salary grade lowering; repeat the acts due to lack of responsibility shall be subject to salary rank lowering or dismissed from office; intentionally commit the acts shall be dismissed from office; intentionally relapse violations shall be sacked.

Article 172.- Violations of regulations on land recovery

1. Violations of regulations on land recovery include the following acts:

a) Failing to notify in advance the persons having land to be recovered according to the provisions in Article 39 of the Land Law; failing to publicize plans on compensations, resettlement;

b) Making compensations not to the right subjects, the right land acreage, not at the right levels to persons having land recovered; distorting land recovery dossiers; wrongly determining positions and acreages of recovered land on the field;

c) Recovering land not according to competence; not according to the right subjects, not according to the approved detailed land use plannings, detailed land use plans.

2. Disciplinary forms are prescribed as follows:

a) Those who commit acts prescribed at Point a, Clause 1 of this Article due to lack of responsibility shall be subject to reprimand, repeat the acts due to lack of responsibility shall be subject to caution, intentionally commit them shall be subject to salary grade lowering; intentionally relapse into violations shall be subject to salary rank lowering;

b) Those who commit acts prescribed at Point b, Clause 1 of this Article due to lack of responsibility shall be subject to reprimand or caution, repeat the acts due to the lack of responsibility shall be subject to caution or salary grade lowering; intentionally commit the acts shall be subject to salary rank lowering or dismissed from office, intentionally relapse into violations shall be dismissed from office or sacked;

c) Those who commit acts prescribed at Point c, Clause 1 of this Article due to lack of responsibility shall be subject to caution or salary grade lowering; repeat the acts due to lack of responsibility shall be subject to caution or salary rank lowering; intentionally commit the acts shall be subject to salary rank lowering or dismissed from office; intentionally relapse into violations shall be sacked.

Article 173.- Violations of regulations on land

requisition

1. Violations of regulations on land requisition include the following acts:

a) Making compensations not to the right subjects, the right land acreage, not at the right level, not within the prescribed time limit for persons having land requisitioned;

b) Requisitioning land at variance with the cases prescribed in Clause 1, Article 37 of this Decree.

2. Disciplinary forms are prescribed as follows:

a) Those who commit acts prescribed at Point a, Clause 1 of this Article due to lack of responsibility shall be subject to reprimand, repeat the acts due to lack of responsibility shall be subject to caution; intentionally commit the acts shall be subject to salary grade lowering; intentionally relapse into violations shall be subject to salary rank lowering or dismissal from office;

b) Those who commit acts prescribed at Point b, Clause 1 of this Article due to lack of responsibility shall be subject to caution; repeat the acts due to lack of responsibility shall be subject to salary grade lowering; intentionally commit the acts shall be subject to salary rank lowering; intentionally relapse into violations shall be dismissed from office or sacked.

Article 174.- Violations of regulations on management of land assigned by the State for management

1. Violations of regulations on management of land assigned by the State for management include the following acts:

a) Letting persons permitted by law for temporary use of land use the land for wrong purposes;

b) Using the land for wrong purposes;

c) Letting land be encroached upon, occupied, lost.

2. Disciplinary forms are prescribed as follows:

a) Those who commit acts prescribed at Point a,

Clause 1 of this Article shall be subject to reprimand or caution; repeat the acts shall be subject to salary grade lowering;

b) Those who commit acts prescribed at Point b, Clause 1 of this Article shall be subject to caution; repeat the acts shall be subject to salary rank lowering or dismissed from office;

c) Those who commit acts prescribed at Point c, Clause 1 of this Article shall be subject to caution or salary grade lowering; repeat the acts shall be subject to salary rank lowering or dismissed from office.

Article 175.- Violations of regulations on observance of order and administrative procedures in land management and use

1. Violations of regulations on observance of order and administrative procedures in land management and use include the following acts:

a) Refusing to receive complete and valid dossiers, refusing to provide detailed guidance upon receipt of dossiers, causing troubles for dossier submitters, receiving dossiers without making entries into monitoring books;

b) Setting at their own will administrative procedures outside the general regulations, causing troubles for applicants in carrying out the administrative procedures;

c) Settling the administrative procedures not in the prescribed order, delaying the delivery of assorted papers already signed by competent bodies to the applicants for carrying out the administrative procedures;

d) Settling the administrative procedures later than schedule;

e) Refusing to carry out or failing to carry out the administrative procedures which, according to law provisions, must be carried out eligibly;

f) Carrying out the administrative procedures not according to competence;

g) Deciding, inscribing opinions or certifications on dossiers in contravention of regulations, thus

causing damage or creating conditions for applicants for carrying out administrative procedures to cause damage to the State, organizations and citizens;

h) Losing, damaging, distorting contents of dossiers.

2. Disciplinary forms are prescribed as follows:

a) Those who commit acts prescribed at Points a and c, Clause 1 of this Article due to lack of responsibility shall be subject to reprimand; repeat the acts due to lack of responsibility shall be subject to caution; intentionally commit the acts shall be subject to salary grade lowering; intentionally relapse into violations shall be subject to salary rank lowering or dismissed from office;

b) Those who commit acts prescribed at Points b and e, Clause 1 of this Article due to lack of responsibility shall be subject to caution; repeat the acts due to lack of responsibility shall be subject to salary grade lowering; intentionally commit the acts shall be subject to salary rank lowering; intentionally relapse into violations shall be dismissed from office or sacked;

c) Those who commit acts prescribed at Point d, Clause 1 of this Article due to lack of responsibility shall be subject to reprimand; repeat the acts due to lack of responsibility shall be subject to caution; intentionally commit the acts shall be subject to salary grade lowering; intentionally relapse into violations shall be subject to salary rank lowering or dismissed from office;

d) Those who commit acts prescribed at Points f and g, Clause 1 of this Article shall be subject to caution or salary grade lowering; repeat the acts shall be dismissed from office or sacked;

e) Those who commit acts prescribed of Point h, Clause 1 of this Article due to lack of responsibility shall be subject to reprimand or caution; repeat the acts due to lack of responsibility shall be subject to caution or salary grade lowering; intentionally commit the acts shall be subject to salary rank lowering; intentionally relapse into violations shall be dismissed

from office or sacked.

Article 176.- Application of material liability handling measures

Apart from the disciplinary forms prescribed in Clause 2 of Articles 169, 170, 171, 172, 173, 174 and 175 of this Decree, the persons committing the violation acts prescribed in Clause 1 of Articles 169, 170, 171, 172, 173, 174 and 175 of this Decree shall also be subject to the application of material liability handling measures prescribed in Decree No. 97/1998/ND-CP of November 17, 1998 of the Government on disciplining and material-liability handling of public servants.

Section 3. COMPETENCE, ORDER FOR DISCIPLINING MANAGERS

Article 177.- Disciplinary competence, order

1. The competence to discipline officials, employees who commit violation acts shall comply with the general provisions on personnel management decentralization.

2. The order of disciplining and material liability handling shall comply with the provisions in the Government's Decree No. 96/1998/ND-CP of November 17, 1998 on severance regime for public servants and Decree No. 97/1998/ND-CP of November 17, 1998 on disciplining and material-liability handling of public servants.

3. Where public servants were disciplined but are deemed that their continued holding of the working positions from which they had committed violations is not beneficial, the competent agencies shall arrange them to other jobs.

4. If detecting criminal signs in the course of considering the disciplining of public servants, the persons with disciplining competence shall propose the competent bodies to examine the penal liability.

Article 178.- Rights of disciplined persons

1. Disciplined public servants may complain about

the disciplinary decisions; denounce acts of abusing positions and powers or acting ultra vires by persons with disciplinary competence prescribed in Clause 1, Article 177 of this Decree.

2. The settlement of complaints about disciplinary decisions and denunciations regarding cases prescribed in Clause 1 of this Article shall comply with the provisions of the Law on Complaints and Denunciations.

Article 179.- Handling of violations of land legislation committed by managers before the effective date of this Decree

1. Violation acts already handled before the effective date of this Decree shall not be subject to the application of provisions of this Decree.

2. Violation acts committed before the effective date of this Decree, which were detected and have not yet been handled, shall be handled according to the provisions of legislation on public servants.

Section 4. DETECTION AND HANDLING OF CASES OF VIOLATION OF LAND LEGISLATION

Article 180.- Organizing the reception of detections of, proposals on, cases of violation of land legislation, of organizations, citizens

1. The People's Committees and land management agencies at all levels shall have to publicize their exclusive telephone numbers, mail boxes and addresses for receiving of detections and proposals of organizations and citizens regarding cases of violating land legislation; the State agencies with conditions shall additionally organize the reception of detections and proposals of organizations and citizens by fax, electronic mails, websites or other forms of information.

2. The People's Committees and land management agencies at all levels shall have to arrange personnel to receive detections, proposals of organizations, citizens; the personnel receiving detections and proposals shall have to enter them

into books monitoring the settlement of detections and proposals.

3. State agencies receiving detections and/or proposals of organizations or citizens, which do not fall under their settling competence, shall have to transfer such detections and/or proposals to the State bodies with settling competence, defined in Clause 1, Article 144 of the Land Law.

4. Organizations and citizens detecting cases of violating land legislation shall have the right and responsibility to transfer their detections and proposals to the State bodies with settling competence, defined in Clause 1, Article 144 of the Land Law.

5. Organizations and citizens may send their detections, proposals to news and press agencies; the news and press agencies shall consider the publicization of such detections and/or proposals on the mass media and transfer them to the competent State bodies defined in Clause 1, Article 144 of the Land Law for settlement.

Article 181.- Settlement of detections and proposals of organizations, citizens regarding cases of violating land legislation

The State bodies defined in Clause 1, Article 144 of the Land Law shall have to settle detections and proposals of organizations, citizens regarding cases of violating land legislation according to the following regulations:

1. Disciplining according to competence public servants performing official duties related to land management according to the provisions of this Decree or sanctioning administrative violations according to competence regarding other cases according to the provisions of the Government's Decree on sanctioning of administrative violations in the field of land regarding cases of committing acts of violating land legislation and inform the detectors and/or proposal makers thereof.

2. Addressing the consequences of the violations.

Article 182.- Responsibilities of cadastral personnel and presidents of the commune, ward or township People's Committees in detecting, stopping and handling violations of legislation on land management and use

1. The commune, ward or township cadastral personnel shall have to regularly examine the land use situation in the localities for detecting in time cases of land encroachment, occupation, non-use of land, use of land for wrong purposes, illegal land use purpose change, performance of rights and obligations by land users in contravention of law provisions and other cases involving administrative violations in land management and use; within one day after detecting violations, they must report thereon in writing to the presidents of the commune, ward, township People's Committees of the localities where exists the land for handling, and concurrently to the Natural Resources and Environment Sections.

2. The presidents of the commune, ward or township People's Committees shall have to regularly direct the examination for detection of acts of encroaching upon land, using land for wrong purposes, illegally changing land use purposes, performing rights and obligations by land users in contravention of law provisions. Within one day after detecting the violations or being reported on the violations, they must organize the examinations, make records, issue decisions to stop the violation acts, administratively sanction violations according to competence and request the restoration of the initial state of land; if violators fail to abide by the stoppage decisions, they shall issue decisions to force the restoration of the initial state of land and report thereon in writing to the immediate superior People's Committees.

Chapter XIV

IMPLEMENTATION PROVISIONS

Article 183.- Responsibilities of ministries, ministerial-level agencies, Government-attached

agencies, People's Committees of all levels and land users

1. The Ministry of Natural Resources and Environment and the Ministry of Finance shall, within the scope of their respective functions, tasks and powers, have to guide the implementation of this Decree.

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

Article 184.- The time limits for uniform performance of land use right transactions with the land use right certificates

As from January 1, 2007, the land users must possess land use right certificates before exercising their rights of exchanging, transferring, leasing, subleasing or donating the land use rights, mortgaging, providing guarantee or contributing capital with the land use rights.

Article 185.- Establishment of land use right registration offices

1. The provincial/municipal People's Committees must complete the establishment of land use right registration offices fully capable of performing the tasks prescribed in this Decree before July 1, 2007.

2. The Ministry of Natural Resources and Environment shall guide the carrying out of administrative procedures in land management and use pending the establishment of land use right registration offices and in cases where the district-level Natural Resources and Environment Sections do not have the land use right registration offices.

Article 186.- Implementation effect

1. This Decree takes implementation effect fifteen (15) days after its publication in the Official Gazette.

2. This Decree replaces the following decrees:

the disciplinary decisions; denounce acts of abusing positions and powers or acting ultra vires by persons with disciplinary competence prescribed in Clause 1, Article 177 of this Decree.

2. The settlement of complaints about disciplinary decisions and denunciations regarding cases prescribed in Clause 1 of this Article shall comply with the provisions of the Law on Complaints and Denunciations.

Article 179.- Handling of violations of land legislation committed by managers before the effective date of this Decree

1. Violation acts already handled before the effective date of this Decree shall not be subject to the application of provisions of this Decree.

2. Violation acts committed before the effective date of this Decree, which were detected and have not yet been handled, shall be handled according to the provisions of legislation on public servants.

Section 4. DETECTION AND HANDLING OF CASES OF VIOLATION OF LAND LEGISLATION

Article 180.- Organizing the reception of detections of, proposals on, cases of violation of land legislation, of organizations, citizens

1. The People's Committees and land management agencies at all levels shall have to publicize their exclusive telephone numbers, mail boxes and addresses for receiving of detections and proposals of organizations and citizens regarding cases of violating land legislation; the State agencies with conditions shall additionally organize the reception of detections and proposals of organizations and citizens by fax, electronic mails, websites or other forms of information.

2. The People's Committees and land management agencies at all levels shall have to arrange personnel to receive detections, proposals of organizations, citizens; the personnel receiving detections and proposals shall have to enter them

into books monitoring the settlement of detections and proposals.

3. State agencies receiving detections and/or proposals of organizations or citizens, which do not fall under their settling competence, shall have to transfer such detections and/or proposals to the State bodies with settling competence, defined in Clause 1, Article 144 of the Land Law.

4. Organizations and citizens detecting cases of violating land legislation shall have the right and responsibility to transfer their detections and proposals to the State bodies with settling competence, defined in Clause 1, Article 144 of the Land Law.

5. Organizations and citizens may send their detections, proposals to news and press agencies; the news and press agencies shall consider the publicization of such detections and/or proposals on the mass media and transfer them to the competent State bodies defined in Clause 1, Article 144 of the Land Law for settlement.

Article 181.- Settlement of detections and proposals of organizations, citizens regarding cases of violating land legislation

The State bodies defined in Clause 1, Article 144 of the Land Law shall have to settle detections and proposals of organizations, citizens regarding cases of violating land legislation according to the following regulations:

1. Disciplining according to competence public servants performing official duties related to land management according to the provisions of this Decree or sanctioning administrative violations according to competence regarding other cases according to the provisions of the Government's Decree on sanctioning of administrative violations in the field of land regarding cases of committing acts of violating land legislation and inform the detectors and/or proposal makers thereof.

2. Addressing the consequences of the violations.

a) Decree No. 64/CP of September 27, 1993 promulgating the Regulation on assignment of agricultural land to households, individuals for long-term stable use for purpose of agricultural production;

b) Decree No. 88/CP of August 17, 1994 on management and use of urban land;

c) Decree No. 11/CP of January 24, 1995 detailing the implementation of the Ordinance on Rights and Obligations of Foreign Organizations and Individuals Leasing Land in Vietnam;

d) Decree No. 09/CP of February 12, 1996 on defense and security land management and use regime; Decree No. 69/2000/ND-CP of November 20, 2000 amending and supplementing a number of articles of Decree No. 09/CP of February 12, 1996 on defense and security land management and use regime;

e) Decree No. 17/1999/ND-CP of March 29, 1999 on procedures for land use right exchange, transfer, lease, sublease, inheritance and mortgage, guarantee provision or capital contribution with the land use rights; Decree No. 79/2001/ND-CP of November 1, 2001 amending and supplementing a number of articles of Decree No. 17/1999/ND-CP of March 29, 1999 on procedures for land use right exchange, transfer, lease, sublease, inheritance and mortgage, guarantee provision or capital contribution with the land use rights;

f) Decree No. 85/1999/ND-CP of August 28, 1999 amending and supplementing a number of articles of the Regulation on assignment of agricultural land to households, individuals for long-term stable use for agricultural production purposes and supplementing the assignment of salt-making land to households and individuals for long-term stable use;

g) Decree No. 163/1999/ND-CP of November 16, 1999 on assignment and lease of forestry land to organizations, households and individuals for long-term stable use for forestry purposes;

h) Decree No. 04/2000/ND-CP of February 11, 2000 on implementing the Law Amending and

Supplementing a Number of Articles of the Land Law; Decree No. 66/2001/ND-CP of September 28, 2001 amending and supplementing a number of articles of Decree No. 04/2000/ND-CP of February 11, 2000 on implementation of the Law Amending and Supplementing a Number of Articles of the Land Law;

i) Decree No. 68/2001/ND-CP of October 1, 2001 on land use planning and plans.

3. To annul the land management and use provisions of the following decrees, which are contrary to the provisions of this Decree:

a) Clause 2 of Article 1, Articles 3, 10, 11, 12, 13, 14, 15, 16, 17 and 20; provisions on residential land registration and registration forms in Article 8; the provisions on land registration obligations in Article 9 of Decree No. 60/CP of July 05, 1994 on the right to own dwelling houses and the right to use residential land in urban areas;

b) The provisions on granting of dwelling house ownership right and land use right certificates to house buyers in Article 10 of Decree No. 61/CP of July 5, 1994 on dwelling house buying, selling and dealing;

c) The provisions on land registration in Clause 1, article 9; the provisions on competence to recover land in Clause 2, Article 14 of Decree No. 14/1998/ND-CP of March 6, 1998 on State property management;

d) Articles 24, 25 and 26; the provisions on forms of application for dwelling house ownership right and residential land use right certificates in Clause 1 of Article 15, Clause 1 of Article 16, Clause 1 of Article 18, Clause 1 of Article 21 and Clause 1 of Article 23 of Decree No. 25/1999/ND-CP of April 19, 1999 on mode of returning dwelling houses, dwelling house leasing prices when the houses have not yet been returned and procedures for establishment of dwelling house ownership right prescribed in Resolution No. 58/1998/NQ-UBTVQH10 of August 20, 1998 on dwelling house-related civil transactions established before July 1, 1991;

e) The provisions on land assignment by the State for long-term stable use without the collection of land use levies to non-public establishments in Clause 1, Article 7 of Decree No. 73/1999/ND-CP of August 19, 1999 on policy of encouraging the socialization of activities in the domains of education, health, culture and sports;

f) Points d and e of Clause 1, Points d and e of Clause 2 of Article 8; Clauses 4 and 5 of Article 25 of Decree No. 08/2000/ND-CP of March 10, 2000 on secured transaction registration;

g) The provisions on retaining the land use right value inscribed in investment licenses upon equitization of joint-venture enterprises to which the Vietnamese parties contributed capital with the land use right value in Clause 3, Article 9 of Decree No. 38/2003/ND-CP of April 15, 2003 on transformation of a number of foreign-invested enterprises into ones operating in form of joint-stock companies.

4. The ministries, ministerial-level agencies, the provincial/municipal People's Committees shall have to revise the legal documents they have promulgated, which are contrary to the provisions of the 2003 Land Law, of this Decree and other decrees guiding the implementation of the 2003 Land Law for amendment, supplementation or cancellation.

The Government Office shall have to direct the Government-attached agencies to revise the legal documents they have promulgated, which are contrary to the provisions of the 2003 Land Law, of this Decree and other decrees guiding the implementation of the 2003 Land Law for the Government Office to amend, supplement or cancel them.

On behalf of the Government
Prime Minister
PHAN VAN KHAI