

Part I. LEGAL DOCUMENTS

THE GOVERNMENT

Decree No. 105/2009/ND-CP of November 11, 2009, on the sanctioning of administrative violations in the land domain

THE GOVERNMENT

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

Pursuant to the November 26, 2003 Land Law;

Pursuant to the July 2, 2002 Ordinance on Handling of Administrative Violations; the March 8, 2007 Ordinance Amending a Number of Articles of the Ordinance on Handling of Administrative Violations; and the April 2, 2008 Ordinance Amending and Supplementing a Number of Articles of the Ordinance on Handling of Administrative Violations;

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

DECREES:

Chapter 1

GENERAL PROVISIONS

Article 1. Scope of regulation

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

2. Administrative violations in the land domain specified in this Decree are acts in violation of the land law intentionally or unintentionally committed by land users, concerned organizations and individuals or land-related service providers, which, however, are not serious enough for penal liability examination under law.

Article 2. Subjects of application

1. This Decree applies to domestic and foreign individuals and overseas Vietnamese (collectively referred to as individuals) domestic agencies and organizations and foreign organizations (collectively referred to as organizations); households; and religious institutions that commit acts of administrative violation in using land or providing land-related services.

2. Cadres and civil servants on duty who commit acts of violating the law on land management shall be disciplined under the law on cadres and civil servants and the Government's Decree No. 181/2004/ND-CP of October 29, 2004, on enforcement of the Land Law. If their acts show criminal signs, they shall be examined for penal liability under law.

Article 3. Interpretation of terms

In this Decree, the terms below are construed as follows:

1. Use of land for improper purposes means an act of using land not according to the use purposes or the categories of land indicated in land use right certificates; house ownership and residential land use right certificates; land use right and house and land-attached asset ownership certificates; land allocation or land lease decisions; decisions permitting the change

of land use purposes; or other land use right papers specified in Clauses 1, 2 and 5, Article 50 of the Land Law.

2. Land encroachment means the land user's removal without permission of the landmarks or boundary markers of his/her land lot to expand the land area.

3. Land appropriation means the use of land without permission of a competent state agency or the land user, or the use of land temporarily allocated by the State or borrowed without returning such land upon the expiration of the duration of land allocation or borrowing.

4. Obstructing other's land use means an act of discharging construction materials, wastes, hazardous substances or other things on one's own or another's land lot, or digging land, building walls or fences, or other acts that obstruct or harm other person's land use or reduce his/her capacity to use land.

5. Supply of land-related data in contravention of law means an act of providing data or documents on land, including number, size, shape, area, location, land user, origin, land use purposes and duration, land price, land-attached assets, land-related financial obligations already fulfilled or not yet fulfilled; land use right certificate, house ownership and residential land use right certificate; land use right and house and land-attached asset ownership certificate; rights of land users and restrictions thereon, change in the land use process, and other relevant information, in contravention of the law on collection, management, exploitation and use of land-related data.

6. Delayed provision of land-related data means an act of providing inspection or examination-related information, papers or

documents after ten (10) days from the date of announcement of the inspection decision or receipt of a written request from a competent person or state agency under law.

Article 4. Statute of limitations for sanctioning administrative violations

1. The statute of limitations for sanctioning administrative violations in the land domain is two (2) years counting from the date an act of administrative violation is committed.

2. For an individual against whom a criminal case has been instituted or who has been prosecuted or against whom a decision to bring him/her to trial according to criminal procedures has been issued and, later a decision to cease investigation or his/her case has been issued but his/her act shows signs of administrative violation, the statute of limitations for sanctioning administrative violations is three (3) months from the date the person with sanctioning competence receives the cessation decision and the case dossier.

3. If an act of administrative violation is not sanctioned after the statute of limitations for sanctioning administrative violations expires, the competent person will not sanction the administrative violation but apply remedies provided for in Clause 3, Article 5 of this Decree.

4. Within the time limit prescribed in Clause 1 or 2 of this Article, if a violator commits a new act of administrative violation prescribed in this Decree or intentionally shirks or obstructs the sanctioning, the statute of limitations for sanctioning shall be re-counted from the time such new act is committed or from the time the shirking or obstructing act terminates.

Article 5. Sanctions and remedies

1. Principal sanctions include:

a/ Caution;

b/ Fine.

2. Additional sanctions include confiscation of material evidences and means used for commission of administrative violations; deprivation of price appraisal practice permits or certificates; and ban from practicing consultancy on the formulation of land use plannings or plans.

3. Remedies applicable in the sanctioning of land-related administrative violations include compelled restoration of the original state of land; compelled remedying of land degradation and remedying of the discharge of hazardous substances into land; compelled return of the land received from transfer, donation or contribution as capital; confiscation of benefits obtained from violations; compelled completion of administrative procedures under the land law; and compelled provision of information, papers and documents and compliance with inspection or examination requests.

Article 6. Principles for sanctioning administrative violations in the land domain

1. All acts of administrative violation must be promptly detected, stopped and handled. Administrative violations must be sanctioned in a quick, public and thorough manner. All consequences caused by administrative violations must be remedied under this Decree and relevant laws.

2. Administrative violations must be sanctioned by competent persons defined in Articles 25, 26 and 27 of this Decree.

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

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

A person who commits more than one act of administrative violation shall be sanctioned for each act.

4. Principal sanctions shall be applied independently; additional sanctions and remedies shall only be applied together with principal sanctions for acts of administrative violation for which additional sanctions and remedies are prescribed in this Decree, except the case specified in Clause 3, Article 4 of this Decree.

5. Sanctioning forms and levels shall be determined based on the characteristics, severity and consequences of acts of administrative violation, personal records of violators, and extenuating circumstances and aggravating circumstances.

Extenuating circumstances and aggravating circumstances shall be applied under Articles 8 and 9 of the National Assembly Standing Committee's Ordinance No. 44/2002/PL-UBTVQH10 of July 2, 2002, on Handling of Administrative Violations (below referred to as Ordinance No. 44/2002/PL-UBTVQH10).

6. The specific level of fine for an act of violation is the average level of the fine bracket prescribed for such act. If an act of violation involves extenuating circumstance(s), the applicable fine may be reduced but must not be lower than the minimum level. If an act of violation involves aggravating circumstance(s), the applicable fine may be increased but must not exceed the maximum level.

Article 7. Determination of the extent of consequence of acts of administrative violation

1. The extent of consequence of an act of administrative violation shall be determined by converting the value of the rights to use the violated land area into a monetary value at the land price set at the time of sanctioning by the People's Committee of the province or centrally run city where exists such land. The extent of consequence is divided into the following four (4) levels:

a/ **Level one (1):** The monetary value of the rights to use the violated land area is below VND thirty million (30,000,000), for agricultural land, or below VND one hundred and fifty million (150,000,000), for non-agricultural land;

b/ **Level two (2):** The monetary value of the rights to use the violated land area is between VND thirty million (30,000,000) and under VND eighty million (80,000,000), for agricultural land, or between VND one hundred and fifty million (150,000,000) and under VND four hundred million (400,000,000), for non-agricultural land;

c/ **Level three (3):** The monetary value of the rights to use the violated land area is between VND eighty million (80,000,000) and under VND two hundred million (200,000,000), for agricultural land, or between VND four hundred million (400,000,000) and under VND one billion (1,000,000,000), for non-agricultural land;

d/ **Level four (4):** The monetary value of the rights to use the violated land area is VND two hundred million (200,000,000) or more, for agricultural land, or VND one billion (1,000,000,000) or more, for non-agricultural land.

2. For land of the categories the prices of which are not yet and must be determined for identifying the extent of consequence of acts of administrative violation, their prices shall be

determined under Clause 5, Article 1 of the Government's Decree No. 123/2007/ND-CP of July 27, 2007, amending and supplementing a number of articles of the Government's Decree No. 188/2004/ND-CP of November 16, 2004, on methods of determining land prices and price brackets of land of different categories.

Chapter II

ACTS OF ADMINISTRATIVE VIOLATION, SANCTIONING FORMS AND LEVELS

Article 8. Use of land for improper purposes

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

a/ Caution, or a fine of between VND two hundred thousand (200,000) and VND five hundred thousand (500,000), for an act of violation causing a consequence of level one (1);

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

c/ A fine of between VND two million (2,000,000) and VND ten million (10,000,000), for an act of violation causing a consequence of level three (3);

d/ A fine of between VND ten million (10,000,000) and VND thirty million (30,000,000), for an act of violation causing a consequence of level four (4).

2. Acts of converting wet-rice cultivation land into non-agricultural land or converting land for perennials into ponds or lakes or land for aquaculture using sea water without permission of competent People's Committees are subject

to the following sanctioning forms and levels:

a/ A fine of between VND two million (2.000.000) and VND ten million (10.000.000), for an act of violation causing a consequence of level one (1);

b/ A fine of between VND ten million (10.000.000) and VND fifty million (50.000.000), for an act of violation causing a consequence of level two (2);

c/ A fine of between VND fifty million (50.000.000) and VND two hundred million (200.000.000), for an act of violation causing a consequence of level three (3);

d/ A fine of between VND two hundred million (200.000.000) and VND five hundred million (500.000.000), for an act of violation causing a consequence of level four (4).

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

a/ A fine of between VND one million (1.000.000) and VND five million (5.000.000), for an act of violation causing a consequence of level one (1);

b/ A fine of between VND five million (5.000.000) and VND twenty million (20.000.000), for an act of violation causing a consequence of level two (2);

c/ A fine of between VND twenty million (20.000.000) and VND one hundred million (100.000.000), for an act of violation causing a consequence of level three (3);

d/ A fine of between VND one hundred million (100.000.000) and VND four hundred million (400.000.000), for an act of violation causing a consequence of level four (4).

4. Acts of converting non-agricultural land allocated by the State without land use levy payment into non-agricultural land liable to land use levy under regulations, or converting non-agricultural land other than residential land into residential land without permission of competent People's Committees are subject to the following sanctioning forms and levels:

a/ A fine of between VND two million (2.000.000) and VND ten million (10.000.000), for an act of violation causing a consequence of level one (1);

b/ A fine of between VND ten million (10.000.000) and VND thirty million (30.000.000), for an act of violation causing a consequence of level two (2);

c/ A fine of between VND thirty million (30.000.000) and VND one hundred million (100.000.000), for an act of violation causing a consequence of level three (3);

d/ A fine of between VND one hundred million (100.000.000) and VND three hundred million (300.000.000), for an act of violation causing a consequence of level four (4).

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

a/ A fine of between VND two million (2.000.000) and VND ten million (10.000.000), for an act of violation causing a consequence of level one (1);

b/ A fine of between VND ten million (10.000.000) and VND thirty million (30.000.000), for an act of violation causing a consequence of level two (2);

c/ A fine of between VND thirty million (30,000,000) and VND one hundred million (100,000,000), for an act of violation causing a consequence of level three (3);

d/ A fine of between VND one hundred million (100,000,000) and VND three hundred million (300,000,000), for an act of violation causing a consequence of level four (4).

6. The acts of violation specified in Clauses 1 thru 5 of this Article are subject to compelled restoration of the original state of land.

Article 9. Land encroachment or appropriation

1. Acts of encroaching or appropriating land which do not fall into the cases defined in Clauses 2 and 3 of this Article are subject to the following sanctioning forms and levels:

a/ A fine of between VND five hundred thousand (500,000) and VND two million (2,000,000) for an act of violation causing a consequence of level one (1);

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

c/ A fine of between VND ten million (10,000,000) and VND thirty million (30,000,000), for an act of violation causing a consequence of level three (3);

d/ A fine of between VND thirty million (30,000,000) and VND one hundred million (100,000,000), for an act of violation causing a consequence of level four (4).

2. Acts of encroaching upon or appropriating land within the safety protection corridors of works, land within urban areas, land with historical-cultural vestiges, scenic places already

ranked by, or protected under decisions of, provincial-level People's Committees are subject to the sanctioning forms and levels specified in the Decree on the sanctioning of administrative violations in specialized domains related to safety protection corridors of works, urban areas, land with historical-cultural vestiges, spots of beauty or scenic places. Sanctioning forms and levels which are not yet provided in relevant laws are specified as follows:

a/ A fine of between VND two million (2,000,000) and VND ten million (10,000,000) shall be imposed for an act of violation causing a consequence of level one (1);

b/ A fine of between VND ten million (10,000,000) and VND fifty million (50,000,000) shall be imposed for an act of violation causing a consequence of level two (2);

c/ A fine of between VND fifty million (50,000,000) and VND two hundred million (200,000,000) shall be imposed for an act of violation causing a consequence of level three (3);

d/ A fine of between VND two hundred million (200,000,000) and VND five hundred million (500,000,000) shall be imposed for an act of violation causing a consequence of level four (4).

3. Acts of encroaching or appropriating land used for security and defense purposes are subject to the sanctioning forms and levels specified in the law on the sanctioning of administrative violations in the security and defense domain.

4. The acts of violation specified in Clauses 1 and 2 of this Article are subject to compelled restoration of the original state of land.

Article 10. Destruction of land

1. Acts of degrading land quality or deforming terrain, causing land utility decline or loss according to the land use purposes determined under Clause 1, Article 6 of the Government's Decree No. 181/2004/ND-CP of October 29, 2004, on enforcement of the Land Law, are subject to the following sanctioning forms and levels:

a/ A fine of between VND five hundred thousand (500,000) and VND two million (2,000,000), for an act of violation causing a consequence of level one (1);

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

c/ A fine of between VND ten million (10,000,000) and VND thirty million (30,000,000), for an act of violation causing a consequence of level three (3);

d/ A fine of between VND thirty million (30,000,000) and VND one hundred million (100,000,000), for an act of violation causing a consequence of level four (4).

2. Acts of polluting land, causing land utility decline or loss according to the determined land use purposes are subject to the following sanctioning forms and levels:

a/ A fine of between VND two million (2,000,000) and VND ten million (10,000,000), for an act of violation causing a consequence of level one (1);

b/ A fine of between VND ten million (10,000,000) and VND fifty million (50,000,000), for an act of violation causing a consequence of level two (2);

c/ A fine of between VND fifty million (50,000,000) and VND two hundred million (200,000,000), for an act of violation causing a

consequence of level three (3):

d/ A fine of between VND two hundred million (200,000,000) and VND five hundred million (500,000,000), for an act of violation causing a consequence of level four (4).

3. The acts specified in Clauses 1 and 2 of this Article are subject to confiscation of material evidences and means used for committing acts of administrative violation; compelled remedying of land quality deterioration; remedying of polluted land in which hazardous substances are discharged; or restoration of the original state of land.

Article 11. Obstructing others' land use

1. A household or an individual that commits an act of obstructing or damaging other's land use is subject to the following sanctioning forms and levels:

a/ Caution, or a fine of between VND two hundred thousand (200,000) and VND one million (1,000,000) in rural areas or between VND five hundred thousand (500,000) and VND two million (2,000,000) in urban areas, for discharging wastes, hazardous substances, construction materials or other things on one's or other's land lot, thus obstructing other's land use;

b/ A fine of between VND two million (2,000,000) and VND ten million (10,000,000) in rural areas or between VND five million (5,000,000) and VND thirty million (30,000,000) in urban areas, for digging land or building walls or fences, thus obstructing or damaging other's land use.

2. A religious institution obstructing other's land use is subject to the following sanctioning forms and levels:

a/ A fine of between VND one million (1,000,000) and VND five million (5,000,000)

in rural areas or between VND two million (2,000,000) and VND ten million (10,000,000) in urban areas, for discharging construction materials, wastes, hazardous substances or other things on one's own or other's land lot, thus causing land utility decline or damaging others' land use;

b/ A fine of between VND five million (5,000,000) and VND twenty million (20,000,000) in rural areas or between VND ten million (10,000,000) and VND fifty million (50,000,000) in urban areas, for digging land or building walls or fences, thus obstructing or damaging other's land use.

3. In addition to the sanctions specified in Clauses 1 and 2 of this Article, the following measures may be applied:

a/ Confiscation of material evidences and means used for commission of acts of administrative violation;

b/ Compelled restoration of the original state of land.

Article 12. Conversion, transfer, lease, sublease, inheritance or donation of land use rights or mortgage, guarantee or contribution of land use rights as capital without carrying out administrative procedures under the land law

1. A fine of between VND two hundred thousand (200,000) and VND two million (2,000,000) in rural areas or between VND five hundred thousand (500,000) and VND five million (5,000,000) in urban areas shall be imposed for converting, transferring, leasing, subleasing, inheriting or donating agricultural land use rights or mortgaging, providing guarantee or contributing agricultural land use rights as capital without carrying out administrative procedures under the land law.

2. A fine of between VND five hundred thousand (500,000) and VND five million (5,000,000) in rural areas or between VND one million (1,000,000) and VND ten million (10,000,000) in urban areas shall be imposed for converting, transferring, leasing, subleasing, inheriting or donating non-agricultural land use rights or mortgaging, providing guarantee or contributing non-agricultural land use rights as capital without carrying out administrative procedures under the land law.

3. In addition to the sanctions specified in Clauses 1 and 2 of this Article, violators shall also carry out administrative procedures under the land law.

Article 13. Arbitrary conversion, transfer, donation, lease, sublease, inheritance, mortgage, guarantee or contribution of land use rights as capital with regard to land failing to satisfy the prescribed conditions

1. A fine of between VND five hundred thousand (500,000) and VND two million (2,000,000) in rural areas or between VND two million (2,000,000) and VND ten million (10,000,000) in urban areas shall be imposed for arbitrarily converting, transferring, donating, leasing, subleasing, inheriting, mortgaging, providing guarantee or contributing land use rights as capital with regard to agricultural land failing to satisfy the conditions specified in Article 106 of the Land Law.

2. A fine of between VND two million (2,000,000) and VND ten million (10,000,000) in rural areas or between VND five million (5,000,000) and VND twenty million (20,000,000) in urban areas shall be imposed for arbitrarily converting, transferring, donating, leasing, subleasing, inheriting, mortgaging,

providing guarantee or contributing land use rights as capital with regard to non-agricultural land failing to satisfy the conditions specified in Article 106 of the Land Law.

3. A fine of between VND two million (2,000,000) and VND ten million (10,000,000) in rural areas or between VND five million (5,000,000) and VND thirty million (30,000,000) in urban areas shall be imposed for using, encroaching or appropriating agricultural land for converting, transferring, donating, leasing, subleasing, inheriting, mortgaging, providing guarantee or contributing land use rights as capital.

4. A fine of between VND five million (5,000,000) and VND thirty million (30,000,000) in rural areas or between VND ten million (10,000,000) and VND fifty million (50,000,000) in urban areas shall be imposed for using, encroaching or appropriating non-agricultural land for converting, transferring, donating, leasing, subleasing, mortgaging, providing guarantee or contributing land use rights as capital.

5. In addition to the sanctions specified in Clauses 1, 2, 3 and 4 of this Article, violators shall also have benefits obtained from their violations confiscated and are compelled to restore the original state of land.

Article 14. Receipt of transferred land use rights without satisfying all conditions prescribed by the land law

1. A household or an individual that receives land use rights from transfer, donation, inheritance or contribution as capital while failing to fully satisfy the prescribed conditions shall be imposed a fine of between VND one million (1,000,000) and VND five million (5,000,000) in rural areas or between VND two million (2,000,000) and VND ten million (10,000,000) in urban areas.

2. A religious institution which receives land use rights from transfer, donation, inheritance or contribution as capital while failing to fully satisfy the prescribed conditions is subject to the following sanctioning forms and levels:

a/ A fine of between VND five million (5,000,000) and VND twenty million (20,000,000), if the act of violation causes a consequence of level one (1);

b/ A fine of between VND ten million (10,000,000) and VND fifty million (50,000,000), if the act of violation causes a consequence of level two (2);

c/ A fine of between VND fifty million (50,000,000) and VND two hundred million (200,000,000), if the act of violation causes a consequence of level three (3);

d/ A fine of between VND two hundred million (200,000,000) and VND five hundred million (500,000,000), if the act of violation causes a consequence of level four (4).

3. In addition to the sanctions specified in Clauses 1 and 2 of this Article, violators are also compelled to return the area of the received land.

Article 15. Failure to make first-time registration of land use rights; failure to register changes in land use rights; registration of land not according to its categories; failure to make registration upon change of land use purposes; or failure to register extension of the land use duration upon its expiration for land currently in use

1. Caution shall be served or a fine of between VND two hundred thousand (200,000) and VND one million (1,000,000) in rural areas or a fine of between VND five hundred thousand (500,000) and VND two million (2,000,000) in urban areas shall be imposed on households and

individuals that fail to make first-time registration of land use rights; fail to register changes in land use rights; register land not according to its categories; fail to make registration upon change of land use purposes; or fail to register extension of the land use duration upon its expiration while they are using such land.

2. A fine of between VND two million (2,000,000) and VND ten million (10,000,000) shall be imposed on religious institutions which fail to make first-time registration of land use rights; fail to register changes in land use rights; register land not according to its categories; fail to make registration upon change of land use purposes; or fail to register extension of the land use duration upon its expiration while they are using such land.

3. In addition to the sanctions specified in Clauses 1 and 2 of this Article, violators shall also carry out administrative procedures (i.e., to make registration) under the land law.

Article 16. Obstructing land allocation, lease or recovery, or compensation or ground clearance by the State

1. A fine of between VND five hundred thousand (500,000) and VND two million (2,000,000) shall be imposed on persons who, without plausible reasons, fail to appear at sites for land handover at the request of competent state agencies.

2. A fine of between VND one million (1,000,000) and VND five million (5,000,000) shall be imposed for hindering officers of competent state agencies from determining landmarks, handing over, leasing or recovering land at sites or from conducting compensation and ground clearance.

Article 17. Failure to return land within the

time limit specified in land recovery decisions of competent state agencies

1. A fine of between VND five hundred thousand (500,000) and VND two million (2,000,000) shall be imposed on households and individuals that fail to return land within the time limit specified in land recovery decisions of competent state agencies.

2. A fine of between VND one million (1,000,000) and VND ten million (10,000,000) shall be imposed on religious institutions which fail to return land within the time limit specified in land recovery decisions of competent state agencies.

Article 18. Removal, deformation without permission or damaging of landmarks of land use plannings, landmarks of works' safety corridors or landmarks of administrative boundaries

1. A fine of between VND five hundred thousand (500,000) and VND two million (2,000,000) shall be imposed for removing or deforming without permission landmarks of land use plannings, landmarks of works' safety corridors or landmarks of administrative boundaries.

2. A fine of between VND one million (1,000,000) and VND five million (5,000,000) shall be imposed for damaging landmarks of land use plannings, landmarks of works' safety corridors or landmarks of administrative boundaries

3. In addition to the sanctions specified in Clauses 1 and 2 of this Article, violators shall also have material evidences or means used for committing administrative violations confiscated.

Article 19. Falsifying land use papers or documents

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

2. A fine of between VND two million (2,000,000) and VND ten million (10,000,000) shall be imposed for erasing or modifying land use papers or documents, thus falsifying the issuance of land use right certificates, house ownership and residential land use right certificates, or land use right and house and land-attached asset ownership certificates; or the conversion, transfer, lease, inheritance, donation, mortgage, guarantee or contribution of land use rights as capital, which, however, are not serious enough for penal liability examination.

Article 20. Delayed putting of land into use under the land law

1. A fine of between VND five hundred thousand (500,000) and VND two million (2,000,000) shall be imposed for failing to use land for annuals for over twelve (12) consecutive months; failing to use land for perennials for over eighteen (18) consecutive months; or failing to use land for forestation for over twenty four (24) consecutive months without permission of competent state agencies that have decided to allocate or lease such land.

2. A fine of between VND two million (2,000,000) and VND ten million (10,000,000) shall be imposed for failing to use land allocated or leased by the State for implementing investment projects for over twelve (12) consecutive months, or when the land use progress is over twenty four (24) months behind the schedule indicated in investment projects,

counting from the date of handover of land in the field, without permission of competent state agencies that have decided to allocate or lease such land.

Article 21. Delayed provision of, or failure to provide, inspection or examination-related information, papers or documents; obstructing land-related inspection or examination

1. Households and individuals that delay the provision of, or fail to provide, inspection or examination-related information, papers or documents; or obstruct land-related inspection or examination are subject to the following sanctioning forms and levels:

a/ Caution, or a fine of between VND two hundred thousand (200,000) and VND one million (1,000,000), for acts of delaying the provision of information, papers or documents concerning land-related inspection or examination;

b/ A fine of between VND five hundred thousand (500,000) and VND two million (2,000,000), for acts of failing to provide information, papers or documents concerning land-related inspection or examination;

c/ A fine of between VND one million (1,000,000) and VND five million (5,000,000), for acts of obstructing land-related inspection or examination.

2. Religious institutions which delay the provision of, or fail to provide, inspection or examination-related information papers or documents; or obstruct land-related inspection or examination are subject to the following sanctioning forms and levels:

a/ A fine of between VND one million (1,000,000) and VND five million (5,000,000), for acts of delaying the provision of information,

papers or documents concerning land-related inspection or examination;

b/ A fine of between VND two million (2,000,000) and VND ten million (10,000,000), for acts of failing to provide information, papers or documents concerning land-related inspection or examination;

c/ A fine of between VND five million (5,000,000) and VND twenty million (20,000,000), for acts of obstructing land-related inspection or examination.

3. In addition to the sanctions specified in Clauses 1 and 2 of this Article, violators shall also provide information, papers and documents and comply with inspection or examination requests.

Article 22. Practicing land price-related consultancy without adhering to principles and methods of determining land prices under law or without permission of competent state agencies;

1. A fine of between VND one million (1,000,000) and VND five million (5,000,000) shall be imposed for practicing land price-related consultancy with permission of competent state agencies but failing to adhere to the principles and methods of determining land prices under law.

2. A fine of between VND two million (2,000,000) and VND ten million (10,000,000) shall be imposed for practicing land price-related consultancy without permission of competent state agencies.

3. In addition to the sanctions specified in Clause 1 of this Article, violators will also have their price appraisal practice permits or certificates deprived of.

Article 23. Practicing consultancy on the formulation of land use plannings or plans without registering practice activities

1. A fine of between VND five million (5,000,000) and VND twenty million (20,000,000) shall be imposed for practicing consultancy on the formulation of land use plannings or plans without registering relevant practice activities under the land law.

2. In addition to the sanction specified in Clause 1 of this Article, violators will also be banned from practicing consultancy on the formulation of land use plannings or plans.

Article 24. Supply of land-related data in contravention of law

1. A fine of between VND five hundred thousand (500,000) and VND two million (2,000,000) shall be imposed for supplying land-related data in contravention of the law on collection, management, exploitation and use of land-related data.

2. A fine of between VND twenty million (20,000,000) and VND fifty million (50,000,000) shall be imposed for the acts specified in Clause 1 of this Article which harm the State or other persons.

Chapter III

COMPETENCE TO SANCTION ADMINISTRATIVE VIOLATIONS

Article 25. Competence of chairpersons of People's Committees at all levels to sanction administrative violations

1. Chairpersons of People's Committees of communes, wards or townships may;

a/ Serve caution;

b/ Impose fines of up to VND two million (2,000,000);

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

d/ Compel the restoration of the original state of land; compel the remedying of land degradation or discharge of hazardous wastes into land; confiscate benefits obtained from violations which are valued at up to VND two million (2,000,000); compel the completion of administrative procedures under the land law; and compel the provision of information, papers or documents and compliance with inspection or examination requests.

2. Chairpersons of People's Committees of rural districts, urban districts, towns or provincial cities may:

a/ Serve caution;

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

c/ Confiscate material evidences and means used for commission of administrative violations; deprive of price appraisal practice permits or certificates; or ban the practice of consultancy on the formulation of land use plannings or plans;

d/ Compel the restoration of the original state of land; compel the remedying of land degradation or discharge of hazardous wastes into land; compel the return of the area of land already transferred, donated or contributed as capital; confiscate benefits obtained from violations; compel the completion of administrative procedures under the land law; and compel the provision of information, papers or documents and compliance with

inspection or examination requests.

3. Chairpersons of provincial-level People's Committees may:

a/ Serve caution;

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

c/ Confiscate material evidences and means used for commission of administrative violations; deprive of price appraisal practice permits or certificates; and ban the practice of consultancy on the formulation of land use plannings or plans;

d/ Compel the restoration of the original state of land; compel the remedying of land degradation or discharge of hazardous wastes into land; compel the return of the area of land already transferred, donated or contributed as capital; confiscate benefits obtained from violations; compel the completion of administrative procedures under the land law; and compel the provision of information, papers or documents and compliance with inspection or examination requests.

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

1. Land inspectors on duty may:

a/ Serve caution;

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

c/ Confiscate material evidences and means used for commission of administrative violations; and confiscate earnings from violations which are valued at up to VND two million (2,000,000);

d/ Compel the restoration of the original state of land.

2. Chief inspectors of provincial-level Natural Resources and Environment Departments may:

a/ Serve caution;

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

c/ Confiscate material evidences and means used for commission of administrative violations; deprive of price appraisal practice permits or certificates; and ban the practice of consultancy on the formulation of land use plannings or plans;

d/ Compel the restoration of the original state of land; compel the remedying of land degradation or discharge of hazardous wastes into land; compel the return of the area of land already transferred, donated or contributed as capital; confiscate benefits obtained from violations; compel the completion of administrative procedures under the land law; and compel the provision of information, papers or documents and compliance with inspection or examination requests.

3. The Chief Inspector of the Land Administration may:

a/ Serve caution;

b/ Impose fines of up to VND one hundred million (100,000,000);

c/ Confiscate material evidences and means used for commission of administrative violations; deprive of price appraisal practice permits or certificates; and ban the practice of consultancy on the formulation of land use plannings or plans;

d/ Compel the restoration of the original state of land; compel the remedying of land degradation or discharge of hazardous wastes into land; compel the return of the area of land already transferred, donated or contributed as capital; confiscate benefits obtained from violations; compel the completion of administrative procedures under the land law; and compel the provision of information,

papers or documents and compliance with inspection or examination requests.

4. The Chief Inspector of the Ministry of Natural Resources and Environment may:

a/ Serve caution;

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

c/ Confiscate material evidences and means used for commission of administrative violations; deprive of price appraisal practice permits or certificates; and ban the practice of consultancy on the formulation of land use plannings or plans;

d/ Compel the restoration of the original state of land; compel the remedying of land degradation or discharge of hazardous wastes into land; compel the return of the area of land already transferred, donated or contributed as capital; confiscate benefits obtained from violations; compel the completion of administrative procedures under the land law; and compel the provision of information, papers or documents and compliance with inspection or examination requests.

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

The authorized sanctioning of administrative violations and principles for determining the competence to sanction administrative violations comply with Clauses 16 and 17, Article 1 of the National Assembly Standing Committee's Ordinance No. 04/2008/UBTVQH12 of April 2, 2008, Amending and Supplementing a Number of Articles of the Ordinance on Handling of Administrative Violations (below referred to as Ordinance No. 04/2008/UBTVQH12), and relevant laws.

Article 28. Responsibilities of persons competent to sanction administrative violations in case of land recovery, suspension or cessation of the provision of land-related services

1. The handling of administrative violations which fall into the cases of land recovery under Article 38 of the Land Law complies with the following provisions:

a/ Persons with sanctioning competence defined in Clauses 2 and 3, Article 25 of this Decree, who are also competent to recover land under Article 44 of the Land Law, shall simultaneously sanction administrative violations and recover land;

b/ Persons with sanctioning competence defined in Articles 25, 26 and 27 of this Decree, who are incompetent to recover land, shall sanction administrative violations and request in writing competent People's Committees to issue land recovery decisions. The competent People's Committees shall recover land if there are sufficient grounds for land recovery. In case there are insufficient grounds under the land law, they shall notify the reasons to the requesters, the sanctioned persons and the People's Committees of communes, wards or townships where exists the land;

c/ If the statute of limitations for sanctioning specified in Article 4 of this Decree has expired, persons with sanctioning competence shall make written records of administrative violations and issue land recovery decisions for cases falling within their competence or request competent People's Committees to recover land for cases falling beyond their competence.

2. When handling administrative violations which fall into the cases specified in Articles 22 and 23 of this Decree, persons competent to

sanction administrative violations shall notify them to the agencies which have issued practice permits, certificates or registration papers for further handling under law.

3. When examining cases for administrative sanctioning, if detecting that acts of violation show criminal signs, persons competent to sanction administrative violations shall immediately forward the dossiers of the cases to competent criminal procedure-conducting agencies rather than retaining such cases for administrative sanctioning.

In case sanctioning decisions have been issued but later acts of violation are detected to show criminal signs while the expiration of the statute of limitations for penal liability examination has not expired, the persons who have issued the sanctioning decisions shall cancel these decisions and transfer, within three (3) days from the date of such cancellation, the dossiers of the cases to competent criminal procedure-conducting agencies.

Chapter IV

PROCEDURES FOR SANCTIONING ADMINISTRATIVE VIOLATIONS AND COMPLIANCE WITH SANCTIONING DECISIONS

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

The procedures for sanctioning administrative violations in the land domain are specified in Ordinance No. 44/2002/PL-UBTVQH10, Ordinance No. 04/2008/UBTVQH12, and the Government's Decree No. 128/2008/ND-CP of December 16, 2008, detailing a number of articles of the 2002 Ordinance on Handling of Administrative Violations and the 2008

Ordinance Amending and Supplementing a Number of Articles of the Ordinance on Handling of Administrative Violations.

Article 30. Compliance with decisions to sanction administrative violations in the land domain

1. Persons sanctioned for administrative violations in the land domain shall comply with sanctioning decisions within ten (10) days after receiving these decisions, unless otherwise provided for by the law on handling of administrative violations.

2. Past the time limit specified in Clause 1 of this Article, if the sanctioned persons fail to voluntarily comply with the sanctioning decisions, enforcement shall be carried out through:

- a/ Deducting part of their salaries or incomes or deducting money from their bank accounts;
- b/ Seizing their assets with a value equivalent to the fine for auction;
- c/ Taking other coercive measures.

3. The postponed compliance with decisions to impose fines complies with Article 65 of Ordinance No. 44/2002/PL-UBTVQH10.

4. The competence and procedures for enforcement of decisions to sanction administrative violations comply with Article 66 of Ordinance No. 44/2002/PL-UBTVQH10, and Clauses 27 and 28, Article 1 of Ordinance No. 04/2008/UBTVQH12.

Chapter V

IMPLEMENTATION PROVISIONS

Article 31. Organization of implementation

1. When inspection decision-issuing persons

or chairpersons of People's Committees at all levels request in writing surveys to identify land areas and determination of land prices, provincial- and district-level Natural Resources and Environment agencies shall conduct such surveys and coordinate with finance agencies in determining land prices within twenty (20) days after receiving such requests.

2. Funds for surveys and determination of land prices specified in Clause 1 of this Article shall be covered by the state budget.

The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with the Ministry of Finance in, guiding the management and use of funds specified in this Clause.

Article 32. Effect

1. This Decree takes effect on January 1, 2010.

2. This Decree replaces the Government's Decree No. 182/2004/ND-CP of October 29, 2004, on sanctioning of administrative violations in the land domain.

Article 33. Implementation responsibilities

1. The Ministry of Natural Resources and Environment shall guide the order of and procedures for enforcing administrative sanctioning decisions and issue forms of papers used in the sanctioning of administrative violations in the land domain.

2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies and chairpersons of People's Committees of all levels shall implement this Decree.-

On behalf of the Government

Prime Minister

NGUYEN TAN DUNG