

the formulation of plans to use the top soil and offset the area of wet-rice farm land used for another purpose.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Circular guides the formulation and approval of plans to use the top soil of wet-rice farm land when it is used for another purpose, to improve poor-quality rice farm land and other arable land; and plans to reclaim, restore and improve other rice farm land to offset the area of wet-rice farm land used for another purpose under competent authorities' land allocation or lease decisions (below referred to as plans).

Article 2. Subjects of application

1. Domestic and foreign organizations and persons (investors) allocated or leased by the State wet-rice farm land for non-agricultural use as stipulated at Point c, Clause 1, Article 5 of the Government's Decree No. 42/2012/ND-CP of May 11, 2012, on management and use of rice farm land.

2. Other agencies, organizations and individuals involved in the appraisal, approval and examination of the implementation of the plans.

Article 3. Interpretation of terms

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

1. Plough layer means the top layer of wet-rice farm land having physical and chemical properties suitable for growing rice. Various kinds of soil have different thicknesses according to the Ministry of Natural

Circular No. 30/2013/TT-BNNPTNT of June 11, 2013, guiding the formulation of plans to use the top soil and offset the area of wet-rice farm land used for another purpose

Pursuant to the Government's Decree No. 01/2008/ND-CP of January 3, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development; the Government's Decree No. 75/2009/ND-CP of September 10, 2009, amending Article 3 of the Government's Decree No. 01/2008/ND-CP of January 3, 2008;

Pursuant to the 2003 Land Law;

Pursuant to the Government's Decree No. 42/2012/ND-CP of May 11, 2012, on management and use of rice farm land;

At the proposal of the director of the Cultivation Department,

The Minister of Agriculture and Rural Development promulgates the Circular to guide

Resources and Environment's regulation on the classification of rice farm land.

2. Top soil of the plough layer (below referred to as the top soil) means the upper layer of the plough layer of wet-rice farm land that needs to be stripped when the land is used for another purpose to improve poor-quality rice farm land and other arable land.

3. Use of the top soil means the use of the amount of soil which is stripped from the top soil of wet-rice farm land when it is used for another purpose, to improve poor-quality rice farm land and other arable land, or to reclaim, restore and improve other rice farm land into wet-rice farm land.

4. Poor-quality rice farm land means rice farm land having one or several of the following characteristics unsuitable for the growth and development of rice:

a/ The plough layer being the least thick according to the Ministry of Natural Resources and Environment's regulation on classification of rice farm land;

b/ Possessing physical and chemical properties which are less suitable for the growth and development of rice such as acid, alkaline, saline, infertile, gray, sandy or boggy soil, etc.;

c/ The uneven terrain of rice fields;

d/ The hollow and low terrain of rice fields.

5. Other arable land means the land for cultivation of crops other than rice.

Chapter II

PLAN FORMULATION, APPRAISAL AND APPROVAL

Article 4. Use of the topsoil to improve poor-quality rice farm land and other arable land

Methods of using the top soil to improve poor-quality rice farm land and other arable land include:

1. Using the top soil to improve poor-quality rice farm land:

a/ To increase the thickness of the plough layer and improve the physical and chemical properties of rice farm land with a thin plough layer or physical and chemical properties which are less suitable for the growth and development of rice such as infertile, gray or sandy soil;

b/ To improve hollow, low or uneven rice farm land by elevating the terrain of rice fields and increasing the flatness of the terrain with the top soil.

2. Using the top soil to improve other arable land:

a/ To raise the terrain of farm land to prevent water logging;

b/ To increase the thickness and improve the quality of the plough layer;

c/ To add to farm land areas and gardens currently under industrial plants, fruit trees and other agricultural crops.

3. Using the top soil to carry out plans under the guidance in Article 5 of this Circular or other plans suitable to local conditions.

Article 5. Reclamation, restoration and improvement of other rice farm land into wet-rice farm land

Methods to offset the area of wet-rice farm land used for another purpose include:

1. Reclamation and restoration:

a/ To build, improve and upgrade the inner-field irrigation and road systems to ensure conditions for growing two or more rice crops a year;

b/ To restore the land surface and create a suitable top soil or improve the physical and chemical properties of land to grow two or more rice crops a year.

2. Improvement of other arable land:

a/ To elevate the low and hollow rice farm land where only one rice crop can be grown a year due to difficult water drainage for growing two rice crops a year;

b/ To build and improve the irrigation system and raise the height of the terrain of wet-rice farm land that depends on rainwater or cannot be easily irrigated where only one rice crop can be grown a year, for growing two rice crops a year;

c/ To build and restore upland rice land into terraced field land for growing two rice crops a year.

3. Implementation of other plans suitable to local conditions to reclaim, restore and improve other rice farm land into wet-rice farm land.

Article 6. Formulation and approval of master plans on reclamation, restoration and improvement of local rice farm land and other arable land.

1. Based on approved local rice farm land use plans and master plans for each period, provincial-level People's Committees shall instruct district-level People's Committees to formulate local plans (for the whole period or each year) and send them to provincial-level Agriculture and Rural Development Departments for summarization and reporting to provincial-level People's Committees for approval.

2. Contents of specific master plans:

a/ Stipulating the thickness of the top soil of wet-rice farm land that needs to be stripped

when it is used for another purpose to be suitable to each kind of soil for wet-rice farming in the provincial area.

b/ Determining the locations and areas of lots or plots of poor-quality rice farm land and other arable land that need to be improved by using the top soil stripped wet-rice farm land when it is used for another purpose;

c/ Determining the locations and areas of land lots that need to be reclaimed, restored and other rice farm land lots that need to be improved into wet-rice farm land to substitute the rice farm land areas used for another purpose.

3. The master plans must be formulated and approved simultaneously with or within six (06) months after the approval of the local master plans or plans on rice farm land use.

4. The master plans must be publicly announced at the headquarters of People's Committees at all levels and on local mass media.

Article 7. Formulation and approval of investors' specific plans

1. Investors shall, based on local master plans or plans on rice farm land use and general schemes, coordinate with local authorities in and negotiate with land users to formulate specific plans for each project, selecting suitable methods as prescribed in Articles 4 and 5 of this Circular.

2. In case land users suffer losses of either plants and constructions or late or missed season crops due to the implementation of the plan, investors shall discuss with land users support and compensation amounts current

regulations and may include such expenses in the overall cost for implementing the plan.

3. In case the locality has not yet approved the master plan as prescribed in Article 6 of this Circular, the provincial-level People's Committee shall guide specialized agencies and district- and commune-level People's Committees to coordinate with investors in reaching agreement with land users on the locations and areas of land lots and plots that need to be improved or reclaimed or restored by using the top soil, and shall approve the thickness of the top soil to be stripped in order to serve as a basis for investors to formulate plans.

4. Appraisal dossiers

Investors shall send directly or by post two (2) dossier sets and fees according to regulations to provincial-level Agriculture and Rural Development Departments of locality where investors have projects. A dossier comprises:

a/ A plan appraisal report, made according to the form provided in the Appendix to this Circular;

b/ Certified copies of legal documents relating to investment policies and locations;

c/ The plan including explanation and a base design survey formulated under the current regulation on capital construction investment together with extracts of cadastral maps or cadastral measurements of the land lot that needs to have its topsoil stripped and the land lot that needs to be improved, reclaimed and restored;

d/ The support and compensation plan for users of land lots that need to be improved, reclaimed and restored (if any).

5. Order and time limit for settlement:

a/ The provincial-level Agriculture and Rural Development Department shall examine the adequacy of a dossier immediately after receiving it directly or within five (5) working days after receiving the dossier sent by post. The provincial-level Agriculture and Rural Development Department shall accept the dossier if it is valid and request the investor to supplement the dossier when necessary:

b/ The provincial-level Agriculture and Rural Development Department shall assume the prime responsibility for, and coordinate with the provincial-level Natural Resources and Environment Department in appraising the dossier and inspecting the field if necessary to make an appraisal report. The time for appraisal after receiving a valid dossier is ten (10) working days or twenty (20) working days for inspecting the field. If the dossier fails to meet requirements, the provincial-level Agriculture and Rural Development Department shall send its written request to the investor to supplement and clarify. The time required for reply depends on the content to be supplemented and clarified, and is not included in the appraisal time.

c/ Plan approval

For a project that must have an investment registration certificates or investment licences, the provincial-level Agriculture and Rural Development Department shall hand over the plan appraisal report to the investor for submission together with its dossier according to regulations to competent agencies for appraisal of the project. Based on the project dossier appraisal result and appraisal reports of the provincial-level Agriculture and Rural Development Department, the project appraisal agency shall submit the plan to the provincial-level People's

Committee for approval according to regulations on approval of investment projects.

For other projects, the provincial-level Agriculture and Rural Development Department shall submit appraised plans to provincial-level People's Committees for approval.

Chapter III

ORGANIZATION OF IMPLEMENTATION

Article 8. Responsibility assignment

1. Provincial-level People's Committees shall:

a/ Instruct specialized agencies and district- and commune-level People's Committees to formulate local master plans; guide and coordinate with investors in reaching agreement with land users to formulate specific plans for each project; examine and take over the implementation of the approved plan in accordance with law;

b/ Approve local master plans and investors' specific plans according to regulations;

c/ Summarize and report to the Ministry of Agriculture and Rural Development and the Ministry of Natural Resources and Environment according to regulations.

2. Provincial-level Agriculture and Rural Development Departments shall:

a/ Summarize and submit the local master plans to provincial-level People's Committees for approval;

b/ Coordinate with provincial-level Natural Resources and Environment Departments in appraising investors' specific plans;

c/ Examine the implementation of approved plans in accordance with the law on capital

construction investment and under the assignment of provincial-level People's Committees;

d/ To make an annual review and report on the results of the use of the topsoil and reclamation, restoration and improvement of rice farm land and other arable land in the localities to provincial-level People's Committees.

3. The Cultivation Department shall:

a/ Guide and examine localities' implementation of this Circular:

b/ Summarize and report the implementation of this Circular to the Ministry of Agriculture and Rural Development according to regulations.

Article 9. Implementation provisions

1. This Decree takes effect on July 26, 2013.

2. Any problems arising in the course of implementation should be reported to the Ministry of Agriculture and Rural Development for consideration and settlement.-

For the Minister of
Agriculture and Rural Development
Deputy Minister
VU VAN TAM