

**DECREE No. 68/2001/ND-CP OF OCTOBER 1,
2001 ON LAND USE PLANNING AND PLAN**

THE GOVERNMENT

Pursuant to the Law on Organization of the Government of September 30, 1992:

Pursuant to the July 14, 1993 Land Law and the December 2, 1998 Law Amending and Supplementing a Number of Articles of the Land Law; the June 29, 2001 Law Amending and Supplementing a Number of Articles of the Land Law:

At the proposal of the General Director of the General Land Administration.

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.- Scope of regulation

This Decree provides for the elaboration, consideration, approval and management of land use plannings and plans.

Article 2.- Elaborating the land use plannings and plans

1. The Government assigns the General Land Administration to assume the prime responsibility and coordinate with the concerned ministries and branches in drawing up national land use planning and plans.

2. The People's Committees of the provinces and centrally-run cities, the People's Committees of the districts, provincial towns and cities, the People's Committees of the communes, wards and townships shall elaborate the plannings and plans for land use in their respective localities.

3. The Ministry of Defense and the Ministry of Public Security shall elaborate the planning and plan for land use for defense and security purposes.

Article 3.- Competence to approve the land use plannings and plans

1. The Government shall examine and approve the land use plannings and plans of the People's Committees of the provinces and centrally-run cities, the annually adjusted and supplemented plans and the five-year land use plans of the People's Committees of the provinces and centrally-run cities; the planning and plan of land use for defense and security purposes.

2. The higher-level People's Committees shall examine and approve the annual land use plannings and plans of the immediate lower-level People's Committees.

Article 4.- Competence to adjust and supplement the land use plannings and plans.

The State bodies competent to examine and approve the land use plannings and plans defined in Article 3 of this Decree shall have the competence to decide on the adjustment of and supplements to, the land use plannings and plans under their ratification competence.

Article 5.- Implementation of the land use plannings and plans

1. The land use plannings and plans already decided and approved by the competent State agencies shall serve as basis for land use arrangement, land assignment, land base, conversion of land-use purposes, or conversion of wet rice farming land into aquaculture or perennial tree-planting land, or conversion of perennial tree-planting land into annual crop-planting land.

2. The levels, branches, organizations and individuals using land must observe the land use plannings and plan already decided and approved by the competent State agencies.

Chapter II

LAND USE PLANNING

Article 6.- Bases for elaborating the land use planning

1. The orientation for socio-economic development, defense and security.

2. The urban development planning.

3. The need to protect the environment, protect, embellish and restore the historical, cultural relics and

beautiful landscapes.

4. The actual state of the land fund and the land use needs.

5. The land use norms.

6. Scientific and technological advances.

7. The results of the implementation of land use planning and plans in the previous stage.

Article 7.- Duration of land use planning

The land use planning is for 10 years corresponding to the national socio-economic development strategy.

Article 8.- Contents of a land use planning

1. The delimitation of various types of land shall be done as follows:

a/ To survey, study, analyze and integrate the natural and socio-economic conditions and the actual situation of land use, and evaluation of the land potentials;

b/ To determine the orientation and objective of land use in the planning duration;

c/ To rationally distribute the land fund for the needs of socio-economic development, national defense and security;

d/ To propose measures for use, protection and transformation of land and protection of the ecological environment in order to ensure sustainable development.

2. In each period, any change in the socio-economic development objectives shall require appropriate readjustment of the delimitation of the land types.

3. Measures to organize the implementation of the land use planning.

Article 9.- Responsibility for elaborating land use plans

1. The General Land Administration shall assume the prime responsibility and coordinate with the Ministry of Planning and Investment, the Ministry of Finance, the Ministry of Construction, the Ministry of Industry, the Ministry of Communications and Transport, the Ministry of Agriculture and Rural Development, the Ministry of Aquatic Products, and the other concerned ministries and branches in

elaborating the national land use planning for submission to the Government.

2. The Ministry of Defense and the Ministry of Public Security shall assume the prime responsibility and coordinate with the relevant ministries and branches and the People's Committees of the provinces and centrally-run cities in elaborating the planning for land use for defense and security purposes for submission to the Government.

3. The provincial/municipal Land Administration Services or the Land and Housing Administration Services (hereafter collectively called Land Administration Services) and the district-level land administration agencies shall assume the prime responsibility and coordinate with the other concerned agencies in elaborating the plans for land use within the territories under their respective management, and report to the People's Committees for submission to the People's Councils of the same level for approval before submission to the competent State agency for ratification.

4. The People's Committees of the communes, wards or townships shall elaborate the plans for land use in their localities, organize the consultation with the population and report to the People's Councils of the same level for approval before submission to the People's Committees of the districts, township or cities under the provinces for ratification.

Article 10.- Time for submitting the land use planning

The land use planning must be submitted to the competent State agency for ratification in the first year of the planning period.

Chapter III

LAND USE PLANS

Article 11.- Bases for elaborating the five-year and annual land use plans.

1. The land use planning already decided or approved by the competent State agency.

2. The five-year and annual socio-economic development plans of the State.

3. The land use needs of the organizations, households and individuals and the actual state of the

land fund.

4. The land use norms.
5. Scientific and technological advances.
6. The results of the implementation of the land use plans in the previous period.

Article 12.- Contents of a land use plan.

1. To evaluate and analyze the implementation of the land use plan in the previous period:

a/ Implementation of the land use plan for specialized and housing purposes;

b/ Conversion of agricultural and forested land for other purposes;

c/ Conversion of agricultural land planted with annual crops, and land under wet rice cultivation into land for aquaculture and planting perennial trees; or conversion of agricultural land planted with perennial trees into land for planting annual crops;

d/ The implementation of the plan for expansion of the land area for use in agriculture, forestry and other purposes.

2. Elaboration of five-year and annual plans for land use:

a/ The delimitation of various types of land in the five-year plan and annual plan for land use shall be done as follows:

- To determine the need of land use for specialized and housing purposes, in which there must be the list of key projects and the projects of using the land fund to create the capital for building the infrastructures.

- Projected area of agricultural land and forested land to be used for other purposes.

- Projected area of agricultural land planted with annual crops, land under wet rice cultivation to be converted into land for aquaculture or for planting perennial trees, and area planted with perennial trees to be converted into land for planting annual crops.

- The plan of land reclamation to expand the land area for use in agricultural production, forestry and other purposes.

b/ The five-year land use plan must be concretized for each year.

3. The readjustment of the five-year land use plan must conform with the land use planning; the readjustment of the annual land use plan must conform

with the five-year land use plan.

4. Organizational solutions for the implementation of the land use plan.

Article 13.- Responsibility for elaborating the land use plan

1. The General Land Administration shall assume prime responsibility and coordinate with the Ministry of Planning and Investment, the Ministry of Finance, the Ministry of Construction, the Ministry of Industry, the Ministry of Transport and Communications, the Ministry of Agriculture and Rural Development, the Ministry of Aquatic Products and other concerned ministries and branches in elaborating the five-year land use plan in the whole country, and integrate the annual readjustment and supplement plans of the provinces and centrally-run cities and report them to the Government.

2. The Ministry of Defense and the Ministry of Public Security shall elaborate the five-year land use plan for defense and security purposes for submission to the Government.

3. The Land Administration Services shall assume the prime responsibility and coordinate with the Services of Planning and Investment, Finance, Construction, Industry, Communications and Transport, Agriculture and Rural Development, Aquatic Products and other concerned agencies in elaborating the five-year land use plan, the annual plan of readjustment and supplement of the provinces and centrally-run cities, report to the Provincial People's Committees for submission to the People's Councils of the same level for approval before submission to the Government for ratification.

4. The district-level Land Administration agencies shall assume the prime responsibility and coordinate with the concerned agencies in elaborating the annual land use plans in the districts, provincial towns or cities and report to the district-level People's Committees for submission to the district People's Councils for approval before submission to the provincial-level People's Committees for ratification.

5. The People's Committees of the communes, wards or district townships shall elaborate the annual land use plans of their respective localities for submission to the People's Councils of the same level for approval before submission to the district-level People's Committees for ratification.

Article 14.- Time for submission of land use plans

1. The time for submission of the five-year and annual land use plans shall coincide with the time for submission of the socio-economic development plans.

2. The annually readjusted and supplemented land use plans shall be submitted for approval in the last six months of each year.

*Chapter IV***RATIFICATION OF THE LAND USE PLANNINGS AND PLANS***Article 15.- Dossiers for ratification*

1. A dossier for ratification of the planning and five-year plan for land use includes:

a/ The report of the People's Committee and the Resolution of the People's Council of the same level approving the land use planning and the five-year land use plan;

b/ The report explaining the land use planning, the five-year land use plan and the attached appendices.

c/ The map of actual land use, the map of the land use planning, the map of five-year land use and specialized maps.

2. A dossier for ratification of the annual land use plan of the People's Committee of the commune, ward or district township or of the People's Committee of the district, provincial town or city includes:

a/ The report of the People's Committee and the resolution of the People's Council of the same level approving the annual land use plan;

b/ The report explaining the annual land use plan;

c/ The List of the projects planned for construction in the plan year.

3. The dossier for ratification of the plan of readjustment of and/or supplement to the annual land use plan of the People's Committee of the province or centrally-run city includes:

a/ The report of the People's Committee of the province or centrally-run city;

b/ The report explaining the readjustment and/or supplement plan, including the report on the implementation of the land use plan in the year, the

list of key projects proposed for readjustment and supplement, and measures to carry out the readjustment and/or supplement plan.

Article 16.- Publicization of land use planning and plan

Within 30 days after the land use planning and plan are ratified by the competent State agency, the land administration agency shall have to publicize the land use planning and plan and the land use of the investment projects at the land administration office of provincial and district level and at the office of the commune-level People's Committee.

Article 17.- Expenditures for elaboration of land use planning and plan

1. Expenditures for elaboration of the land use planning and plan shall be provided by the State budget and shall be assigned as follows:

a/ Expenditures for elaboration of the national land use planning and plan and land use planning and plan for defense and security shall be covered with the central budget.

b/ Expenditures for land use planning and plan in the provinces, districts and communes shall be covered with the provincial budget.

2. The Finance Ministry and the General Land Administration shall issue the norms of expenditures for the elaboration of land use planning and plan.

*Chapter V***MANAGEMENT OF THE IMPLEMENTATION OF LAND USE PLANNINGS AND PLANS***Article 18.- Responsibilities of the People's Councils and People's Committees at all levels*

1. The People's Councils at all levels shall have to supervise the implementation of the land use plannings and plans in their localities.

2. The People's Committees at all levels shall have to organize, direct, inspect and promote the implementation of the land use plannings and plans already ratified by the competent State agencies.

Article 19.- Responsibilities of the land administration agencies at all levels

1. To guide the implementation of and supply information related to, land use plannings and plans to the organizations, households and individuals.

2. To propose supplements to and readjustments of land use plannings and plans to make them suitable to each period of socio-economic development.

3. To inspect the implementation of land use planning and plans, to detect and handle according to their competence or to propose to the competent State agencies to handle violations of land use plannings and plans.

4. The provincial-level People's Committees shall have to report annually to the General Land Administration on the implementation of the land use plans in their respective localities.

Chapter VI

ORGANIZATION OF IMPLEMENTATION

Article 20.- Organization of implementation

1. The General Land Administration shall have to guide the implementation of this Decree.

2. The ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government and the Presidents of the People's Committees of the provinces and centrally-run cities shall have to guide the implementation of this Decree.

3. The Ministry of Defense and the Ministry of Public Security shall make concrete stipulations for the elaboration of land use plannings and plans for defense and security purposes in conformity with the provisions of this Decree and the Government Decree No. 09/CP of February 12, 1996 on the regime of management and use of land for defense and security purposes.

Article 21.- Implementation effect

This Decree takes effect from October 1, 2001. All earlier stipulations contrary to this Decree are hereby annulled.

On behalf of the Government

Prime Minister

PHAN VAN KHAI