

LAND LAW

*Approved by the National Assembly on
14 July 1993*

PREAMBLE

Land is a valuable and irreplaceable national resource and a special means of production. It is the most important part of the environment and the resource for residential, economic, cultural and social security, and national defence establishments.

Over generations our people have devoted an enormous amount of effort and labour and sacrificed their lives to form and protect the land that we possess today.

Pursuant to Articles 17, 18 and 84 of the 1992 Constitution of the Socialist Republic of Vietnam:

This Law stipulates provisions for the management and use of land, and the rights and obligations of land users.

CHAPTER I

GENERAL PROVISIONS

Article 1

Land is the property of the people, and is subject to administration by the State.

The State shall allocate land to economic organizations, units of the people's armed forces, State bodies, political and social organizations (hereinafter generally called *organizations*), family households, and individuals for use on a stable and long term basis. The State shall also allocate land to organizations, family households, and individuals (hereinafter referred to as *land users* on a rental basis).

The State allows foreign organizations and individuals to rent land.

Article 2

1. Those who are using land on a stable basis, as certified by the people's committees of villages, wards and townships, shall be assessed by an authorised State body and issued with a land use right certificate.

2. The State shall not recover land already allocated to other land users during the implementation of the land policies of the Democratic Republic of Vietnam, the provisional Revolutionary Government of the Republic of South Vietnam, and the Socialist Republic of Vietnam.

3. The State shall promulgate policies which guarantee the allocation of land for production to those who work in the agriculture, aquaculture, and forestry industries.

Article 3

1. The State shall protect the legal rights and interests of land users.

2. Any households or individuals shall have the right to exchange, transfer, rent, inherit, or mortgage the right to use land allocated by the State.

The above-mentioned rights may only be exercised during the period for which the land is allocated, and in accordance with the purpose for which the land is allocated, pursuant to the provisions of this Law and other laws.

3. The rights and obligations of a domestic organization which was allocated land which it rents from the State shall be stipulated by the Standing Committee of the National Assembly.

Article 4

All land users shall be responsible for the protection, improvement, and nourishment of the land, and use it rationally and effectively. They shall be responsible for the observance of all procedures relating to the zoning of land, and payment of tax levied on the transfer of the right to use land and on other revenue received in accordance with the provisions of the law.

Article 5

The State shall encourage all land users to invest labour, materials, capital, and scientific and technological know-how for the following purposes:

- increase in the utilization value of the land;
- intensive cultivation and propagation of crops and for the increased efficiency of land use;
- reclamation of waste and unused land and of land from the sea, cultivation of waste land, bare hills, and coastal sand dunes in order to expand the land available for farming, forestry, aquaculture, and salt production;
- land protection, improvement, and fertilization;

- economical land use.

Article 6

All forms of land appropriation, illegal transfer of the right to use land, improper use of the land allocated, and destruction of the land shall be prohibited.

Article 7

The National Assembly shall exercise the ultimate powers of decision and supervision regarding national land administration and land use.

The people's councils at all levels shall, on behalf of the State, exercise ultimate powers of decision and supervision regarding land management and land use in their localities.

Article 8

The Government shall, on behalf of the State, uniformly administer land.

The people's committees at all levels shall, on behalf of the State, administer land within their respective local areas and within the scope of their respective authority, as stated in this Law.

Heads of agencies responsible for land administration at central level shall be responsible to the Government, and heads of local agencies responsible for land administration shall be responsible to the people's committees of the same level in respect of the administration of land by the State.

Article 9

Ministers, heads of bodies at ministerial level, and heads of departments of the Government shall, to the extent of their respective duties and powers, be responsible for ensuring the correct and effective use of the land which has been allocated to bodies and departments under their authority.

Article 10

The Fatherland Front of Vietnam and its member organizations, other social and economic organizations, units of the people's armed forces, and all citizens shall support the State authorities in their implementation of measures aimed at protecting the land and ensuring its rational and economic use in accordance with planning and the law.

State bodies shall, within the scope of their respective duties and powers, consider and resolve petitions presented by other State bodies, economic organizations, units of the people's armed forces, and citizens for successful implementation of measures for land protection and use.

Article 11

Land is categorized, depending on the main purpose for which it is intended to be used, as follows:

1. Farm land;
2. Forestry land;
3. Land for residential areas;
4. Urban land;
5. Specialized land;
6. Unused land.

Article 12

The State shall determine prices applicable to each category of land for the purpose of tax calculation (in respect of transfer of the right to use land), revenue collection (in respect of land allocation and rent), valuation of property (in respect of land allocation), and compensation for damages when land is recovered. The Government shall provide a price list for each category of land for each different area and for each period of time.

CHAPTER II

ADMINISTRATION OF LAND

Article 13

State administration of land use shall include:

1. Investigation, survey, measure, assessment and classification of land, and drawing of land maps;
2. Zoning of land and planning for its use;
3. Promulgation of rules and regulations for land administration and use, and organization of the implementation of these rules and regulation;
4. Allocation, rental and recovery of land;
5. Land registration, establishing and maintaining land registers, management of land use contracts, recording land statistics and inventories of land, and granting certificates of rights to use land;
6. Inspection to ensure compliance with rules and regulations on land administration and land use;
7. Resolution of land disputes and complaints, and denouncement of breaches of provisions on land administration and land use.

Article 14

1. The Government shall provide necessary guidance to the people's committees of the provinces and cities under central authority in their investigation, survey, measure, assessment and classification of land.

2. The higher people's committees shall provide necessary guidance to land administration bodies and the immediately subordinate people's committees on the monitoring of changes in

land areas, categories of land, and land users, and the timely adjustment of land records so that they are in accordance with the actual use of land within their localities.

Article 15

1. The Government shall provide necessary guidance and organize the preparation of land maps nationally.

Land administration bodies at central level shall promulgate technical regulations and standards for the preparation of land maps.

2. The people's committees of provinces and cities under central authority shall provide necessary guidance and organize the preparation of land maps in their localities.

3. The original land maps shall be kept at the central land administration body, and copies of these shall be kept at the land administration offices of the provinces and cities under central authority, in districts, towns and cities of provinces, and at people's committees of communes, precincts, and wards. All copies shall be as equally valid as the original ones.

Article 16

1. The Government shall be in charge of national zoning and land use planning.

2. The people's committees at all levels shall be responsible for zoning and planning the use of land within their respective local areas, and shall submit these to the people's councils for approval, prior to their submission to an authorized State body for approval.

3. Ministries, bodies at ministerial level, and Government bodies shall, on the basis of their respective duties and powers, be responsible for zoning and planning the use of land within their jurisdiction, and shall submit these to the Government for approval.

4. Land administration bodies at central and local levels shall, in conjunction with the relevant bodies, assist the Government and the people's committees at all levels in zoning and land use planning.

Article 17

1. Land use zoning shall include:

- (a) Zoning different categories of land such as farm land, forestry land, residential land, urban land, specialized land, and unused land for each different locality and nationally;
- (b) Adjustment of the abovementioned zoning so that it is in accordance with each phase of social and economic development for each locality and nationally.

2. Land use planning shall include:

- (a) Zoning the use of each category of land in each planning period.
- (b) Adjusting the plans for land use so that they may be appropriate to the zones.

Article 18

Authority to approve and examine zoning and land use planning:

1. The National Assembly shall approve national zoning and land planning.

2. The Government shall examine and approve the zoning and land use planning by Ministries, bodies at ministerial level, Government bodies, and people's committees of the provinces and cities under central authority.

3. The people's committees at each level shall examine and approve the zoning and land use planning by the immediately subordinate people's committees.

4. An authorised State body shall be permitted to amend any zoning or planning approved by it.

Article 19

All decisions regarding the allocation of land shall be subject to the following requirements:

- 1. They must be made in accordance with the zoning or land use planning approved by authorised State bodies;
- 2. They must accord with the demand for land use stated in the

feasibility study and in the original scheme approved by authorised State bodies, or in the application for land allocation.

Article 20

The State shall allocate land to organizations, households, and individuals for use on a stable and long term basis.

The duration of land allocation for use on a stable and long-term basis for planting annual trees and for aquaculture shall be twenty (20) years, and fifty (50) years for perennial trees. At the expiry of the duration, if the land user wishes to continue using the land the State shall comply with that wish, provided that the land user has strictly observed all laws relating to land during his period of occupancy.

The State shall allocate land to households and individuals for long-term use for the purpose of building residential houses, and shall only recover the land from them in circumstances stated in Articles 26 and 27 of this Law.

The duration of the allocation of land in other categories for long term and stable use shall be stipulated by the Government.

Article 21

Any decision in respect of the allocation to another user of land which is currently in use shall not be made until a decision on the recovery of that land has been issued.

Article 22

Organizations and households which, and individuals who were allocated with land for use in agriculture, forestry, aquaculture, and salt production shall not have to pay rent for that land. Payment of rent shall be required if land is allocated for other uses except where there is a reduction in or an exemption from rent as stipulated by the Government.

Article 23

The authority to allocate land for use other than in agriculture and forestry shall be stipulated as follows:

1. The Standing Committee of the National Assembly shall approve the annual plans submitted by the Government, for the allocation of farm and forest land to other uses.

2. The Government shall examine and approve the annual plans submitted by the people's committees of the provinces and cities under central authority in respect of the allocation of farm land and forest land to other uses.

Where necessary, the Government shall approve the allocation of land for all other purposes in accordance with the overall zoning and land use planning approved by the National Assembly and the annual plans for changes in the purpose of the use of farm land and forest land as approved by the Standing Committee of the National Assembly.

3. The people's committees of the provinces and cities under central authority shall decide the allocation of land for uses other than agricultural production and forestry subject to the following limits:

- (a) In respect of projects which are not referred to in point (b) of clause 3 of this article; up to one hectare of farm land, forest land, land for residential areas, or urban land, and up to two hectares of waste land or bare hills and mountains;
- (b) In respect of projects dealing with the construction of roads, railways, water, oil, and gas pipelines, power lines, and dykes; up to three hectares of farm land, forest land, land for residential areas, or urban land, and up to five hectares of waste land and bare hills and mountains; and in respect of projects dealing with the construction of dams up to ten (10) hectares of waste land or bare hills and mountains;
- (c) The allocation of farm land and forest land to households and individuals for the purpose of building houses; the allocation of specialized land for use for another specialized purpose or for housing construction; and the allocation of urban land shall be in accordance with the limits stipulated by the Government;

- (d) The plan for allocation of rural residential land to households and individuals for housing construction shall be carried out by the people's committees of provincial districts, district capitals and provincial cities.

Article 24

The authority to allocate land for use in agriculture and forestry shall be as follows:

1. The people's committees of provinces and cities under central authority shall allocate land to organizations;
2. The people's committees of urban districts, district capitals and provincial cities shall allocate land to households and individuals.

Article 25

The State bodies with authority to allocate land as stated in Articles 23 and 24 of this Law shall be prohibited from delegating this authority to their subordinate bodies.

Article 26

Possession of the whole or part of any land which has been allocated to a land user shall revert to the State in the following cases:

1. Where the organization which has been allocated land dissolves, becomes bankrupt, moves elsewhere, or reduces its requirements for land in circumstances not referred to in Article 30 of this Law. Where the individual who has been allocated land has died and there is no successor who has the right to continue using the land.
2. Where the land user voluntarily gives up the right to possession of the land allocated.
3. Where the land user leaves the land unused for twelve (12) consecutive months without the authorization of the competent State body which allocated the land.
4. Where the land user does not have the intention to carry out its obligations to the State.

5. Where the land is used for a purpose other than for which it was allocated.

6. Where the land has been allocated beyond the authority of the relevant body as stated in Articles 23 and 24 of this Law.

Article 27

Where necessary, the State shall, for the purposes of national defence, security, national or public interest, recover possession of land which is currently being used. In such cases the land user shall be entitled to payment of compensation in respect of the recovery of possession by the State.

Article 28

Any State body which is authorized to determine the allocation of specified land shall also be authorized to regain possession of that land from its user.

Where the land is recovered for other uses, the purposes must be in accordance with the zoning and planning approved by the competent State bodies.

Prior to recovery of possession of the land, the land user shall be notified of the reasons for which the land is to be recovered; the time; the plan for transfer; and the methods of compensation.

In the event that an urgent need arises as a result of war or natural disasters, or during a state of emergency, the recovery of possession of land shall be determined by the people's committees at the level of, or superior to those of, districts, provincial districts, provincial capitals or provincial cities. At the end of the period for which possession of the land is recovered, the land shall be returned to its former user and compensation shall be paid for any losses incurred as a result of the recovery of possession in accordance with the provisions of the law.

Article 29

The Government and people's committees at all levels shall allocate land for rental to organizations, households, and individuals

for production and business purposes in accordance with the provisions of this Law and other laws.

Article 30

The transfer of the right to use land shall be prohibited in the following cases:

1. Where the land is used without any legal documents.
2. Where the land is allocated to organizations which are prohibited from exercising the right to use land, as stipulated by the law.
3. Where the land is the subject of a dispute.

Article 31

1. Transfer of the right to use land shall, in the case of rural areas, be determined by the people's committees of the village and, in the case of urban areas, by the people's committees of provincial districts, provincial capitals and provincial cities.

2. Transfer of the right to use land shall, in the case of rural areas, be determined by the people's committees of districts and, in the case of urban areas, by the people's committees of provinces and cities under central authority.

Article 32

Land administration bodies at central level, of provinces and cities under the central authority, of district, provincial districts, provincial capitals, and provincial cities and cadastral officials of villages, wards and townships shall, on the basis of the powers and ties stipulated in this Law, submit proposals to the Government (people's committees of an equivalent level for decisions on the location, rental, and recovery of land.

Article 33

After an authorized State body has allocated land, or has authorized any change in the purpose of land use, or where land currently in use has not been registered, the land user must apply for

registration of the land with the State bodies referred to in clause 2 of this article.

The land user must also register at the village, ward or township in which his land is located.

2. The people's committees of villages, wards, and townships shall establish and maintain land registers, recording any unused land or changes in respect of land use.

Article 34

The land register shall be established in accordance with the sample forms of the central land administration body.

The land register shall be in accordance with the land maps and the current land use.

Article 35

Statistics and inventories, in relation to the qualitative and quantitative aspects of land shall be maintained as follows:

1. The body responsible for obtaining statistics and inventories, in relation to the qualitative and quantitative aspects of land shall be the body which establishes the land registered as stipulated in clause 2 of Article 33 of this Law.

2. The statistics regarding land shall be yearly.

3. The inventories of land shall be on a five-year basis.

4. People's committees at all levels shall be responsible for organizing and carrying out the collection of land statistics and the inventorying of land within their localities.

5. Land administration bodies shall be responsible for reporting the statistics in relation to the quantitative and qualitative aspects of land to an immediately superior land administration body.

Article 36

The issuing of certificates of the right to use land shall be as follows:

1. The certificate of the right to use land shall be issued by a land administration body under central authority.

2. State bodies which are authorised to allocate land shall also have the authority to issue certificates of the right to use land. In cases where the Government decides the allocation of land, the people's committees of the provinces and cities under central authority shall issue certificates of the right to use land.

3. Where a parcel of land is used by individuals who are not from the same household or organization, a certificate of the right to use land shall be issued to each organization, household and individual.

Article 37

1. The Government and the people's committees at all levels shall conduct land inspections within the areas under their respective authority.

Land administration bodies at central and local levels shall assist the Government and the people's committees at the equivalent levels conducting land inspections.

2. Land inspections shall include the following:

- (a) Inspection of the State administration of land carried out by the people's committees at all levels;
- (b) Inspection of the observance of the *Land Law* by land users, and other organizations and individuals;
- (c) Resolution of complaints and denouncements of breaches of the *Land Law*.

3. While conducting land inspections, the inspection team or individual inspectors shall be authorized to:

- (a) Request that the relevant organizations, households, and individuals supply necessary documents for the purposes of inspection;
- (b) Suspend temporarily the use of any land or part thereof which is unlawful and take responsibility before the law in respect of this decision, and at the same time report immediately to a State body which is authorized to deal with the matter;

- (c) Deal with breaches of provisions on land administration and land use in accordance with the delegated powers, or petition authorized State bodies to resolve the same.

Article 38

1. The State shall encourage the resolution of all land disputes through conciliation.

The people's committees of villages, wards and townships shall coordinate with the Fatherland Front of Vietnam and its member organizations, the Peasants' Association, social and economic organizations, and all citizens, to resolve land disputes through conciliation.

2. All disputes regarding land use rights (where the land user does not have a certificate issued by an authorized State body) shall be resolved by the people's committees in accordance with the following provisions:

- (a) The people's committees of districts, provincial districts and provincial cities shall resolve disputes between individuals and households, between individuals or households and organizations, and between organizations under their authority;
- (b) The people's committees of the provinces and cities under central authority shall resolve disputes between organizations, or between organizations and households or individuals which are under their own authority or under central authority;
- (c) Where any party disagrees with the decision of the people's committees, it may appeal to higher State administration bodies. The decision at the higher State administration body level shall be final.

3. Disputes in relation to land use rights (where land users have a certificate granted by the authorized State body), and in relation to structures which are closely connected to the use of that land shall be resolved by a court of law.

Article 39

Disputes between administrative units in relation to land use rights (in respect of boundaries) shall be resolved jointly by the people's committees and the administrative units concerned. In the event that a unanimous decision cannot be reached, or the decision leads to a change of the land boundaries of the administrative units, the determination of the dispute shall be as follows:

1. Where the land dispute relates to the land boundaries of an administrative unit under provincial authority, the dispute shall be decided by the Government.

2. Where the land dispute relates to the land boundaries of an administrative unit of provinces and cities under central authority, the dispute shall be resolved by the National Assembly.

Article 40

Land administration bodies at central and local levels shall assist the Government and people's committees at the equivalent level respectively in resolving land disputes.

Article 41

Land administration bodies shall be established at central level, in provinces and cities under central authority, in districts, provincial districts, provincial capitals and provincial cities, and in villages, wards and townships which have land officials.

Land administration bodies at each level shall be under the authority of the State administrative body at the equivalent level. The land officials of villages, wards and townships shall be under the authority of the people's committees at the equivalent level.

CHAPTER III

RULES ON THE USE OF VARIOUS TYPES OF LAND

1. Farm Land and Forestry Land.

Article 42

Farm land is any land identified as being intended primarily for use in agricultural production, such as cultivation, animal husbandry and aquaculture, and including research and experimentation in agriculture:

Article 43

Forest land is any land identified as being intended primarily for production activity in forestry such as natural forest land, afforestation, timber production and land used for forest nurseries, improvement and transformation of forests and research on and experimentation in forestry.

Article 44

Each household shall only plant annual crops within an area not exceeding three hectares of farm land in accordance with the limit stipulated by the Government for each locality.

The Government shall make provisions on the rules for land administration and land use in cases where the area used by a household exceeds the limit referred to above.

The Government shall stipulate the area of farm land on which perennial crops may be planted, and the area of unused land, bare hills and mountains, waste land, and reclaimed land which households may use for agricultural production, afforestation, and aquaculture.

Article 45

Depending upon the availability and characteristics of, and demand for land in localities, the people's committees of the provinces and cities under central authority shall reserve an area not exceeding five per cent of the total land area of each village in order to meet the social requirements of each locality. The Government shall make basic provisions on the use of this category of land.

Article 46

The use of garden land is provided for as follows:

1. The State shall issue policies which include provisions for the encouragement and protection of organizations and households which and individuals who engage in intensive cultivation to increase the output from their garden lands, and in accordance with zoning schemes, to convert vacant land, bare hills and mountains.

2. Gardening on rice cultivation land shall be in accordance with land use zoning and planning, and shall be subject to the approval of the people's committees of the districts, provincial districts, provincial capitals and provincial cities concerned.

Article 47

The use of inland water surfaces for aquaculture and other purposes is provided for as follows:

1. Any ponds, lakes, or marshlands which cannot possibly be allocated to one household or one individual, shall be allocated to several households, individuals, or economic organizations for use;

2. Where lakes and marshlands are located within the areas of different villages, their use shall be stipulated by the people's committee of the provincial district. Where they are located within the areas of different provincial districts, their use shall be stipulated by the people's committee of the province. In respect of water reservoirs located within the areas of different provinces, the organization of aquaculture, and the protection, production, and exploitation of aquatic products shall be provided for by the Government.

3. Use of the water surface of lakes, marshlands, rivers and canals shall be in accordance with the regulations relating to environment protection, and shall not obstruct communication and transportation.

4. The use of inland water surfaces, as stipulated in this Article shall be in accordance with the provisions on technical criteria of the relevant departments.

Article 48

The use of coastal land for farming, aquaculture and forestry shall be in accordance with the following provisions:

1. It shall be in conformity with land use zoning and planning as approved by the competent State body;

2. It shall ensure the protection of land against increase in alluvium and sedimentation of coastal land;

3. It shall contribute to the protection of the ecosystem and the environment;

4. It shall not obstruct national security defence or ocean transportation.

Article 49

Any alluvium extracted from rivers shall be administered by the people's committee of the village where the river is located, and its use shall be decided by the people's committee of the district. In the event of disputes, the competent State bodies referred to in articles 38 and 39 of this Law shall make the final decision.

Article 50

The administration and use of recently reclaimed land along the sea coast shall be stipulated by the Government.

Article 51

The people's committees of the provinces and cities under central authority shall, in accordance with State policy regarding religion and depending on the availability of land in the locality,

determine the amount of land to be allocated to institutions for pagodas, churches and other places of religious worship on the basis of the current use of land by these institutions.

2. Land for Rural Residential Areas.

Article 52

Land for rural residential areas is any land identified as being intended for the building of houses and other supporting facilities for rural living.

Residential land for each household in rural areas includes land for building houses and other supporting facilities for family life.

Article 53

The use of residential land in rural areas shall comply with the relevant schemes and must be convenient for production, daily life, and social administration.

The State shall issue policies aimed at creating favourable conditions for the maximum use to be made of existing residential areas and restrictions imposed on the expansion of these areas at the expense of farm land.

Article 54

Depending on the availability of land within each locality, the people's committees of the provinces and cities under central authority shall determine the amount of land to be allocated to each household in rural areas for use for residential purposes in accordance with the stipulations of the Government, which amount shall not exceed four hundred (400) square metres. In respect of regions where prevailing traditions are such that members of different generations live together under the same roof, or where there are special natural conditions, a larger area of land for habitation may be designated provided that, in total, it shall not exceed twice the limit which applies to that region.

3. Urban Land.

Article 55

Urban land is any land located within cities, towns and townships which is used for the building of dwelling houses and offices of establishments, organizations and manufacturing and business establishments, and for the construction of infrastructure for the purposes of public interest, national defence and security, and other purposes.

Article 56

Whenever urban land is used, it is inevitable that there will be construction of infrastructure.

The administration and use of urban land shall be in accordance with approved urban zoning and land use planning, and other provisions of the Law.

Pursuant to articles 8, 23, 24 and 25 of this Law, the Government shall stipulate provisions relating to the allocation of urban land to organizations, households, and individuals.

Article 57

The State shall establish zones for the building of dwelling houses in urban areas and shall issue policies which create favourable conditions for the habitation of urban residents.

In respect of regions which are zoned for residential purposes, the people's committees of the provinces and cities under central authority shall decide the allocation of land in accordance with the provisions of the Government.

Article 58

Land used for public purposes is any land used for the construction of roads, bridges, sewers, pavements, water supply and drainage systems, rivers, lakes, dykes, dams, schools, hospitals, markets, parks, flower gardens, recreation facilities for children,

squares, sports grounds, airports, sea ports and other public facilities in accordance with the provisions of the Government.

The construction of projects on land used for public purposes shall be in accordance with the purposes for use of this category of land and shall be subject to the approval of the competent State body.

Article 59

Land allocated to organizations and individuals for the construction of projects in different fields and sectors such as the economy, culture, society, science, technology, foreign affairs, national defence and security, and for the construction of offices of organizations shall conform with the urban zoning schemes approved by the competent State body.

Article 60

The use of urban land for purposes of national defence and security shall be submitted by the Ministry of National Defence and the Ministry of the Interior to the Government for approval.

Article 61

1. The use of urban land for the purposes of agriculture and forestry shall be in accordance with the provisions on environment protection, urban beautification and urban zoning.

2. Park land, protected natural bushland and beauty spots shall be planned in accordance with the requirements of urban development and shall be managed in accordance with the provisions of the Government.

3. The use of land designated for urban development outside the edge of cities and towns shall be in strict accordance with the zoning and land use planning for that land.

4 Specialized Land

Article 62

Specialized land is any land identified as being destined for uses

other than agriculture, forestry, and habitation. It includes land to be used for the construction of projects in the areas of, *industry, science and technology, transport, irrigation, dykes, culture, social needs, education, public health, sports facilities, land for national security and defence, land to be used in the exploration and exploitation of mineral resources, rock and sand, salt marshes, ceramics, bricks, tiles and other building materials, land containing historical and cultural relics and places of interest, land used for cemeteries, and land with water surfaces used for purposes other than agriculture.*

Article 63

The use of land for the construction of projects in the fields of industry, science and technology, culture, education, public health, sport, social needs and services shall, in addition to complying with the provisions of this Law, comply with the feasibility study and design plan of each project.

Article 64

The use of land for the construction of transport, irrigation, dykes, hydroelectric stations, water pipelines, power lines, and oil and gas pipelines shall be in accordance with the following stipulations:

- 1. It shall be in strict accordance with the feasibility study and design. It shall be efficient, and shall not cause damage to adjacent land;*

- 2. It shall be in strict accordance with provisions on the use of land for the safe implementation of these types of projects;*

- 3. It may also be used for the purpose of aquaculture and other purposes provided that the main purpose of the use of specialized land is not prevented from being implemented;*

- 4. The people's committee of the villages, wards, and townships shall, in conjunction with the management body of the project, be responsible for the protection of land and safety in accordance with the technical requirements of the projects stated in this article.*

Article 65

1. Land used for national security and defence shall include:

- (a) Land used to accommodate armed forces units;
- (b) Land used for the construction of air force, naval and other military bases;
- (c) Land used for the construction of national defence projects; battle fields and special projects;
- (d) Land used for the construction of military railway stations and ports;
- (e) Land used for the construction of projects in the fields of industry, science and technology for the purpose of national defence, or for national defence projects combined with economic purposes;
- (f) Land used for the construction of store houses for the armed forces;
- (g) Land used for the construction of shooting grounds, training grounds and test sites;
- (h) Land used for the construction of schools, hospitals and sanatoriums of the armed forces;
- (i) Land used for the construction of other national security and defence projects shall be stipulated by the Government.

2. The administration and use of land designated for national security and defence purposes shall be stipulated by the Government. The people's committees of the provinces and cities under central authority shall implement State administration of land used for national security and defence within their localities.

3. The State shall issue policies which ensure land for the habitation of officers, soldiers and national defence personnel in accordance with the provisions of articles 54 and 57 of this Law.

4. The transfer of land used for national defence and security purposes for use for other purposes shall be decided by the Government.

Article 66

Land to be used in the exploration for and exploitation of minerals, including stone, sand and other quarrying shall be allocated on the basis of the following:

1. A licence issued by the competent State body;
2. The use of land shall ensure measures for the protection of the environment, treatment of wastes, and other measures which ensure that no damage is caused to other land users of the surrounding regions;
3. At the termination of its use, the land must be returned to the State as stipulated in the land allocation decision.

Article 67

Land to be used for the purposes of making ceramics, bricks, tiles, and for the exploitation and production of other building materials, shall be allocated on the basis of the following provisions:

1. A licence issued by the competent State body;
2. The implementation of necessary measures to ensure that no damage is caused to production, livelihoods and the environment;
3. At the termination of its use, the land must be transformed so that it may be used again for other suitable purposes.

Article 68

Any land which sustains high productivity of high quality salt shall be protected and shall be the subject of priority for salt production.

The State shall encourage the use and development of those land areas with the potential for salt production in response to the needs of society.

Article 69

Land which is classified as containing historical and cultural relics and places of interest must be strictly protected in accordance with the provisions of the law.

In exceptional cases where land containing a historical or cultural relic or a place of interest is required for other purposes, the approval of the competent State body must be obtained.

Article 70

Land to be used as cemeteries must be planned for high density burials, located far from population centres, be convenient for burial services and visits, and satisfy health regulations and the rules regarding economical use of land.

Article 71

Depending on the primary purposes determined in respect of each geographical land area with water surfaces, the State shall allocate this land for use by appropriate organizations, households and individuals.

Rules on the administration and use of land with water surface shall be stipulated by the Government.

5. Unused Land

Article 72

Unused land is any land, the use of which, whether for agriculture, aquaculture, forestry, rural or urban residential areas or other specialized purposes, has not been determined, and in respect of which allocation has not been made by the State to any organization, household or individual for use on a stable and long-term basis.

The Government shall proceed with the appropriate zoning and planning and formulate policies aimed at encouraging, and creating favourable conditions for, organizations, households and individuals to use the unused land effectively in agricultural production, forestry and for other suitable purposes.

CHAPTER IV

RIGHTS AND OBLIGATIONS OF LAND USERS

Article 73

Land users shall be entitled to the following rights:

1. To be issued with a certificate of the right to use land;
2. To benefit from the results of their labour and their investment on the land allocated;
3. To transfer the right to use the land in accordance with the provisions of the law;
4. To enjoy the benefit derived from public projects of land protection and improvement;
5. To receive State guidance and assistance in the process of land improvement and fertilization;
6. To enjoy State protection against infringement of their legal land use rights; to be indemnified for actual losses incurred in the event that the land currently used by them is recovered;
7. To contribute their land for the purposes of production and business cooperation in accordance with the law and with the purposes for which the land was allocated;
8. To make complaints in respect of, or to denounce conduct which violates their legal rights to use land and other conduct which breaches the *Law on Land*.

Article 74

Any households which or individuals who use farm land or forest land for afforestation or habitation shall, on the basis of living and production requirements, be entitled to transfer the right to use land, provided that the land is used in accordance

with the purposes and during the period for which it was allocated.

Article 75

1. Households which or individuals who use farm land or forest land for afforestation shall be entitled to transfer their rights to use land in the event of the following:

- (a) Moving to another place;
- (b) Carrying on another profession;
- (c) No longer having the capacity to work.

2. Any households which or individuals who use land for habitation and move to another place or no longer require land for habitation shall be entitled to transfer the right to use land.

The transfer of land must be approved by the competent State body. The transferee must use the land for its intended purpose.

Article 76

1. Any individual who has been allocated farm land by the State for cultivation of annual crops or aquaculture shall, after his death, be entitled to bequeath the right to use land to his successors in accordance with the provisions of the *Law on Inheritance*.

2. If any member of a household which has been allocated farm land for cultivation of annual crops or aquaculture dies the other members of the household shall be entitled to continue to enjoy the use of the area of land previously allocated to them. Where there are no other members of the family the land shall revert to the State.

3. Any individuals who, or members of households which have been allocated land for cultivation of perennial crops, afforestation or for habitation, may bequeath their right to use land to their successors after their death in accordance with the provisions of the *Law on Inheritance*.

Article 77

1. Any household which, or individuals who use farm land or forest land for afforestation shall be entitled to mortgage their right to use land to the State Bank of Vietnam, or to credit organizations in Vietnam

which are permitted by the State to provide loan capital for production.

2. Any households which, or individuals who use residential land shall, on the basis of living and production requirements, be entitled to mortgage their rights to use land to Vietnamese economic organizations and other individuals in Vietnam.

Article 78

Any household which, or individuals who use farm land for cultivation of perennial crops or aquaculture shall, in the event of a lack of manpower, difficulties or change of profession which is not stable, be entitled to rent the land previously allocated to them for a period which shall not exceed three years. In exceptional cases, the period may be extended as stipulated by the Government. Those who rent land must use it for the intended purpose.

Article 79

Land users shall be subject to the following obligations:

1. To ensure that land is used strictly in accordance with its intended purpose, that its use is confined within its allocated boundaries and complies with all other conditions stipulated at the time of allocation;
2. To ensure land protection and take necessary measures to increase the capacity for land use;
3. To comply with the regulations relating to environment protection and protect the legal interests of users of adjacent land;
4. To pay taxes for the right to use land and for the transfer of the right to use land; and to pay fees relating to cadastral mapping in accordance with the law;
5. To pay fees for land use when the land is allocated in accordance with the provisions of the law;
6. To compensate previous users from whom land is recovered for reallocation;
7. To return the land when a decision of the State is issued for the recovery of the land.

CHAPTER V

REGULATIONS ON LAND RENT BY FOREIGN ORGANIZATIONS AND INDIVIDUALS AND BY INTERNATIONAL ORGANIZATIONS

Article 80

Allocation of land for rent by foreign organization, international organizations (hereinafter referred to as foreigners), and Vietnamese nationals residing abroad shall be determined by the Government. The rights and obligations of those who rent the land shall be submitted by the Government to the Standing committee of the National Assembly for its decision.

Article 81

1. Those who rent land shall prepare and submit files in accordance with the provisions of the law of Vietnam.

2. Land shall be rented on the basis of the feasibility study which has been approved by the competent State body in accordance with the *Law on Foreign Investment in Vietnam*

Article 82

Foreign organizations and individuals, international organizations and Vietnamese nationals residing abroad who invest in Vietnam shall, as land recipients and users, abide by the provisions of this Law and other provisions of the law of Vietnam, unless otherwise provided in international treaties which the Socialist Republic of Vietnam is a signatory or participant.

Article 83

The period during which land shall be rented by foreign

organizations or individuals, and Vietnamese nationals residing abroad who invest in Vietnam shall correspond with the duration of the investment as stated in the *Law on Foreign Investment in Vietnam*.

The period during which land shall be rented for the construction of head offices of the diplomatic representative offices and, foreign consular offices in Vietnam shall not exceed ninety-nine (99) years.

Article 84

All foreigners who commit breaches of the *Law on Land* of Vietnam shall be dealt with in accordance with the law of Vietnam, unless otherwise provided in international treaties to which the Socialist Republic of Vietnam is a signatory or participant.

CHAPTER VI

DEALING WITH BREACHES

Article 85

Any person who appropriates land, damages land, illegally transfers the right to use land or commits other breaches of the *Land Law* shall, depending upon the seriousness of the breach, be subject to administrative punishment or criminal prosecution.

Article 86

Any person who abuses his office and authority, who acts beyond his authority in matters of land allocation and recovery, who authorizes the transfer of the right to use land or a change in purposes for which that land might be used and which are contrary to the provisions of the law, who shields with his authority any individual who breaches the *Land Law*, who behaves irresponsibly or causes damage to land resources or the rights and legal interests

of land users shall, depending upon the seriousness of the breaches, be subject to administrative punishment or criminal prosecution.

Article 87

Any person who breaches the Land Law and the breach causes damage to others, shall, in addition to the punishment referred to in articles 86 and 87 of this Law, be liable to a payment of compensation to those who suffered damage.

CHAPTER VII

PROVISIONS FOR IMPLEMENTATION

Article 88

This Law shall replace the Law on Land passed by Legislature VIII of the National Assembly of the Socialist Republic of Vietnam on 29 December 1987.

All provisions contrary to this Law are hereby repealed.

This Law shall be in full force and effect as of 15 October 1993.

Article 89

The Government shall make detailed provisions for the implementation of this Law.