



# The Draft Law on Land (amended) and new points

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The Draft Law on Land (amended) includes several new provisions to institutionalize the orientations presented in the Document of the 13<sup>th</sup> Party Congress, resolutions, and conclusions of the Party and the National Assembly. It aims to address practical issues and align with development trends.

## **The need for the amendment of the Law on Land**

Land is a precious and finite resource that plays a significant role in the country's development. Strengthening land management and enhancing the effectiveness and efficiency of land use are crucial policies directed by the Party and State leaders. Over the past ten years of implementing the 2013 Law on Land, important achievements have been made, creating a solid legal framework for efficient land exploitation and use in socio-economic development and driving urban growth. However, there have been shortcomings and limitations in the implementation of the Law on Land 2013. Sector-specific master plans have not been consistent and harmonized with the overall land use master plan, lacking a long-term vision and integration of economic development, social problem-solving, and environmental protection. Land resources have not been fully optimized as a vital internal resource for socio-economic development. Wasteful and inefficient land use, project delays, abandonment of agricultural land, and various violations of land legislation have complicated matters. Degradation, pollution, and landslides have also become increasingly serious. These shortcomings and limitations are attributed to the lack of uniformity in the legal system, which does not align with the socialist-oriented market economy and the country's development requirements. Furthermore, the existing land use master plans and related plans have not achieved sufficient consistency and coherence.

Therefore, the revision of the Law on Land is necessary to address these shortcomings and limitations, promote land resources, and meet the country's development requirements in line with the resolutions of the 13<sup>th</sup> National Party Congress and Resolution No. 18-NQ/TW of the 13<sup>th</sup> Central Committee. The revision aims to renovate and perfect institutional regimes and policies, enhance the effectiveness and efficiency of land management and use, and create driving forces for transforming the country into a high-income developed nation.

## **New contents of the Draft Law on Land (amended)**

As assigned by the Prime Minister, the Ministry of Natural Resources and Environment (MONRE) has led and coordinated with relevant agencies in developing the Draft Law on Land (amended). The Draft is developed in accordance with the viewpoints of the 13<sup>th</sup> National

Party Congress, Resolution No. 18-NQ/TW, and other relevant resolutions and conclusions. Its purpose is to fully and promptly institutionalize the Party's views and policies on land management and use, amend and supplement provisions, and overcome shortcomings and limitations in the implementation of the 2013 Law on Land.

The Draft Law consists of 16 chapters and 236 articles, with 28 articles remaining unchanged, 184 articles amended, 41 new articles added, and 8 articles abolished. It fully institutionalizes the orientations of the 13<sup>th</sup> Party Congress, resolutions, and conclusions of the Party and the National Assembly. Notably, it incorporates three general goals, six specific objectives, six groups of solutions, and eight groups of major policies outlined in Resolution No. 18-NQ/TW of the Central Committee. Moreover, it addresses practical problems and aligns with development trends. The Draft Law introduces several new contents, including:

1. Innovating and improving the quality of land use master plans and plans: National and sector-specific master plans, along with land use plans, must be consistent, unified, synchronous, closely linked, and mutually reinforcing for development. They should meet the requirements of rapid and sustainable socio-economic development, national defense and security, environmental protection, and climate change adaptation. The content of these plans defines land use zoning and arrangement in three areas, including strictly managed areas, restricted areas, and areas where land use purposes are changed. The plans also prescribe the combination of land use norms with land use space and determine the location, boundaries, and area of land to be recovered or changed in district-level land use master plans.

2. Completing regulations on land allocation, land lease, and land use purpose change: Land allocation and lease should primarily be conducted through the auction of land use rights and bidding for projects that require land. Cases where land allocation or lease can occur without an auction or bidding process should be strictly defined.



The form of land lease with annual payments should be implemented as the standard, while land lease with one-time payments should be specified based on the nature and purpose of land use. Conditions for land allocation, lease, and land use limits for religious organizations should be prescribed in accordance with the available land resources of the locality. Religious organizations that use land for purposes other than religious activities should pay land rentals to the State as required by Law.

3. Providing more specific guidelines on the authority, purpose, and scope of land recovery, as well as the specific conditions and criteria for land recovery to promote socio-economic development in the best interests of the nation and the public. Develop comprehensive regulations pertaining to compensation, support, resettlement, and land recovery for defense and security purposes, as well as socio-economic development in line with national and public interests. Ensure that compensation, support, and resettlement efforts surpass expectations by prioritizing transparency, publicity, and the harmonization of interests among the State, affected landowners, and investors. This will guarantee that individuals whose land is being recovered are provided with suitable housing options and an equal or improved quality of life. Additionally, specify effective methods for utilizing adjacent land resources to foster socio-economic development, including mechanisms for contributing land use rights, land adjustment, and the enhancement of urban and rural residential areas.

4. Establishing a comprehensive mechanism for determining land prices based on market principles, along with effective mechanisms for inspection and supervision by the Central Government and the People's Council during the development of land price tables. Furthermore, enhance regulations to ensure transparency and public awareness, such as the public disclosure of land prices and facilitating trading through dedicated platforms for residential, urban, and commercial housing projects.

5. Establishing financial mechanisms and policies for land to ensure a harmonious balance between the interests of the State, land users, and investors. This includes regulating revenue sharing mechanisms for land use fees and land rentals between the Central and local governments and setting higher tax rates for users of large land areas, multiple houses, land speculation, slow land use, and abandoned land. Appropriate institutional regimes and preferential policies, such as exemptions and reductions of land use fees and rentals, should be implemented based on eligible investment incentive areas and policy beneficiaries.

6. Completing legal regulations related to the real estate market, including the land use right market. Promoting the commercialization of land use rights, developing a real estate market information system integrated with land information, and encouraging the development of the land use right market, especially the agricultural land rental market. Establishing comprehensive regulations to ensure the healthy, safe, and sustainable development

of the real estate market, including compulsory registration of land use rights and land changes, along with specific and synchronized sanctions to prevent unregistered transactions.

7. Strengthening agricultural land management and use by expanding the subjects and limits for receiving the transfer of agricultural land use rights and regulations for converting agricultural land for other purposes in line with crop and livestock production. Enhancing soil quality management and overcoming soil degradation. Prescribing banks leasing agricultural land and promoting effective management and use of agricultural and forestry land, as well as the settlement of residential and production land for ethnic minorities.

8. Prescribing land management and use in combination with multi-purposes, such as combining residential land with trade and services, agricultural land with trade and services, land for national defense and security with economic activities, land for tourism projects with spiritual elements, and land for the construction of aerial and underground works and land formed through sea reclamation activities.

9. Promoting administrative reform and digital transformation in land management and use. Ensuring centralized and unified management, operation, connection, and sharing of information from central to local levels. Simultaneously, continuing to promote decentralization and empowerment alongside effective supervision and control measures.

10. Innovating and strengthening inspection, investigation, supervision, and enforcement measures to handle violations, settle disputes, complaints, and denunciations related to land issues.

The Draft Law on Land (amended) is an important and complex law that plays a fundamental role in the land legal system, influencing the implementation of policies and regulations in other laws. It affects various aspects of socio-economic life and all classes of people. To ensure the Draft Law meets practical requirements, solves local problems, and includes far-sighted regulations and policies with long-term vitality and feasibility, it is crucial to involve experts, scientists, and the public in its development. This participation and contribution will create unity and consensus among the people regarding the Party's guidelines, the State's policies and laws related to land ■