



Regulations of land use plans and plans in the Land Law 2024

MSc. LÊ GIA CHINH

*Center for Development and Application
of Land Science and Technology,
Institute of Strategy and Policy
on Natural Resources and Environment*

The Land Law 2024 has regulated a number of new contents for land use plans and plans, creating a legal basis to improve the efficiency of land use plans and plans. However, in order to implement effectively land use plans and plans, it is necessary to specify a number of legal regulations as well as have effective organizational solutions.

1. THE MAIN CONTENTS IN REGULATIONS ON LAND USE PLANS AND PLANS

The Land Law 2024 has regulated many new contents to meet the country's socio-economic development needs in the current period; including important innovations in the field of land use plans and plans. Compared to previous regulations on land use plans and plans, the Land Law 2024 has regulated important and new contents to improve the effectiveness and efficiency of land use plans and plans. Some outstanding innovations in land use plans and plans are as follows:

1.1. Regarding the principles of land use plans and plans:

(1) Must ensure principles and relationships between types of planning according to the provisions of the Planning Law; land use plans and plans are implemented not only according to the provisions of the Land Law but also according to the provisions of the Planning Law; (2) National land use planning must ensure specificity and regional connection; ensure balance between land use needs of industries, fields, and localities and in accordance with the country's land potential to use land economically and effectively; (3) Ensure consistency and synchronization in land use planning; land use plans of the higher-level level ensures land use needs of the lower level; lower level's land use plans must be consistent with higher-level's land use plans; (4) The

content of land use plans must combine land use criteria associated with space, land use zone and natural ecosystems; (5) Land use plans at all levels is prepared simultaneously; higher-level of land use plans must be decided and approved before lower level of land use plans.

1.2. Regarding the system of land use plans and plans:

When the Planning Law No. 21/2017/QH14 dated November 24, 2017 was promulgated, in the land use planning system, there was no longer a separation of "provincial land use plans" but it has been integrated into the provincial plan. The Land Law 2024 has regulated a system of national land use plans and plans including: National land use plans and plans; provincial land use plans and plans; district-level land use plans, annual district-level land use plans; national defense land use plans; security land use plans. Thus, land use plans at administrative levels includes levels: national, provincial, district; in particular, district-level land use plans and plans have detailed contents to the commune level.

A completed system of land use plans and plans will ensure uniformity in both content and organization of implementing planning and land use plans. National land use plans and plans must ensure suitability, consistency for land's sectors and fields, synchronization, close connection, and mutual promotion for development. The land use planning system is established at the national, provincial and district levels, defense land use plans, and security land use plans will meet the requirements of implementing the Economic Development Strategy - fast, sustainable society; ensure national defense and security; protect the environment and adapt to climate change in the spirit of Resolution No. 18-NQ/TW.

Regarding land use plans and plans at the provincial and district levels, it is necessary to note a number of regulations: (i) Provinces that are not centrally run cities do not have to prepare provincial land use plans but must phase land use planning for each 5-year planning period; (ii) If a centrally run city has an approved general plan according to the law on urban plans, it is not required to prepare a provincial-level land use plans, but based on the general plan to prepare plan for provincial-level land



use; (iii) districts, cities, towns under centrally run cities, cities and towns under provinces that have a general planning or zoning planning approved in accordance with the law on urban planning, then it is not necessary to prepare district-level land use planning but based on the general planning or zoning planning and land use norms that have been allocated from the provincial land use planning and local land use norms to prepare annual land use plans at district level.

1.3. Regarding the period of planning and land use plans:

If the 2013 Land Law was only regulated that the land use planning period is 10 years and the land use plan period is 5 years, the Land Law 2024 has more specific and complete regulations on the period and vision of land use planning and plans at all levels. Specifically: the period and vision of national land use planning, defense land use planning and security land use planning shall comply with the provisions of the Planning Law (planning period is 10 years, planning horizon is from 30 to 50 years); the period and vision of the provincial land use planning are consistent with the period and vision of the provincial planning (10 years and 20 to 30 years, respectively); the district-level land use planning period is 10 years and the vision is 20 years. Specific regulations on the period and vision of land use planning create conditions for planning to be more stable and long-term oriented.

1.4. Regarding the content and methods of planning:

The Land Law 2024 has regulations to innovate the process, content, and methods of land use planning and plans. These include regulations to enhance publicity, transparency, and people's participation in land use planning through organizing consultation; supplement and complete regulations on the exercise of land users' rights in planning areas. Regarding planning content, the law specifically regulates the content of land use planning at administrative levels and national defense and security land use planning. In particular, it is worth noting that the law regulates "The content of national land use planning shall comply with the provisions of law on planning" and "The content of national defense land use planning and security land use planning shall comply

with the provisions of law on planning"; at the same time, the contents of national land use planning, defense land use planning, and security land use planning according to the law on planning have also been amended and supplemented in the Land Law 2024 (Article 243) to ensure uniformity in the content of land use planning.

The law regulated that national land use planning only controls the main land use criteria: protective forest lands, special-use forest lands, production forest lands that are natural forest, defense land, security land...; assign localities to determine land use criteria in their local land use planning; integrate the content of provincial land use plan into the content of provincial land use planning; land use plan for defense and security will be regulated and integrated into the content of land use planning for defense and security; continue to regulate district-level annual land use planning, but the content of the district-level annual land use plan are simpler (compared to the old regulations), not require inclusion in the annual land use plan at the district level, the need to change the purpose of land use associated with residential land plots of households and individuals, and at the same time specify some cases that do not have to be added to the annual district-level land use plan.

1.5. Regarding the authority to approve land use planning and plans:

The Land Law 2024 has regulated the authority to appraise and approve land use planning and plans at all levels, national defense and security land use planning. Compared to corresponding regulations in previous periods, the law has decentralized the authority to approve national land use plan to the government, and to approve provincial land use planning to the Prime Minister. The innovation of these regulations is to ensure consistency in planning approval authority in general (in accordance with the corresponding planning approval authority under the Planning Law); at the same time, create more favorable conditions for organizing and implementing the preparation, appraisal and approval of land use planning and plans.

1.6. Regarding reviewing and adjusting land use planning and plans:

The Land Law 2024 specifically regulated principles for adjusting land use planning. The competent planning agency is responsible for organizing the review of land use planning periodically every 05 years to make adjustments in accordance with the socio-economic development situation in each period; more specifically regulate the bases for adjusting land use planning at all levels. These regulations create conditions for adjusting land use planning and plans to ensure that they are based on regulations and are decided by competent authorities; at the same time, improve the efficiency of reviewing and adjusting land use planning and plans.



The innovative content of regulations on land use plans and plans will be the foundation for making land as truly an input resource for the socio-economic development process; create a complete and strict legal basis to properly implement land use plans and plans, improve the effectiveness and efficiency of land management and use, create the driving force for our country to quickly become a developed country with high income.

2. THE ISSUES IN IMPLEMENTING REGULATIONS ON LAND USE PLANNINGS AND PLANS

From the period of the Land Law 1987 until now, regulations on land use plans and plans have been increasingly innovated and supplemented to suit the socio-economic development requirements of each period. Land use plans and plans are increasingly becoming an indispensable tool, playing a great role and an important position in concretizing the socio-economic development guidelines, policies and strategies of Party and Government. However, with the complex nature of land use plans and plans, these are likely a method for spatial organization of socio-economic activities, including territorial spatial organization and infrastructure system, distribution of urban and rural residential areas, arrangement of industrial zones and key projects, land use allocation, urban system development, industry development... these are also the activities comprehensive political, economic, cultural, social, legal and technical aspects. Therefore, organizing the implementation of legal regulations in the field of land use plans and plans according to the Land Law 2024 requires direction, guidance, and organization of strict and consistent implementation with the full participation of relevant entities including competent state agencies, organizations, individuals and the participation of the people according to the provisions of the Law.

Although the Land Law 2024 has relatively comprehensive and innovative regulations on land use plans and plans, create a legal framework to improve the quality and efficiency of land use plans and plans. However, besides the specific regulations, there are also principled regulations that need to be concretized in guiding documents as well as appropriate implementation measures to enter into the life. Therefore,

in order to properly implement regulations on land use plans and plans according to the Land Law 2024, in our opinion, we need to solve the following issues well:

2.1. Fully promulgate regulations specifying and guiding the implementation of the Law:

The Land Law 2024 has Chapter V including 18 articles (from Article 60 to Article 77) regulated land use plans and plans; excluding some regulations in other articles and clauses related to land use plans and plans (such as Article 243, Article 253). In particular, in Article 65 on provincial land use planning, there is a regulation "The Government shall detail this Article" and in Article 76 on organizing the implementation of land use plans and plans, there is a regulation "The Government shall detail this Article and the preparation, appraisal, adjustment, consultation, approval, and announcement of national land use plans, provincial land use plans, district land use plans, district annual land use plans.

Thus, in addition to detailed regulations on the content of land use plans and plans at all levels, documents guiding the implementation of the laws need to specifically regulate and guide issues related to many contents such as the preparation, consultation, appraisal, approval, adjustment, and public announcement of land use plans and plans at all levels. These regulations need to be issued by decrees that implement the Law of the Government and guiding documents of Ministry of Natural Resources and Environment

2.2. Ensuring the consistency and synchronization in land use plans:

The law regulated the principle of "ensuring consistency and synchronization; the land use plans of the higher-level ensures the land use needs of the lower level; land use plans of lower levels must be consistent with land use plans of higher-level levels. To implement this principle, the Law also regulated a method for determining land use targets in land use plans at all levels: the higher-level plans allocates land use targets to lower-level plans, and at the same time, the lower-level plans are determined additional land use criteria in their own level plans in addition to the targets allocated by higher-level plans.

Since the previous period, land use plans was implemented the higher-level plans to allocate land use targets to lower-level plans, and the lower-level plans determine additional land use criteria in their planning plans. However, in addition to the achieved results, the allocation of land use criteria from higher-level plans to lower-level plans is sometimes not consistent with local conditions and potential land; the determination of land use criteria in the planning plans of each level does not have complete criteria, so there are still limitations, making the planning plan's feasibility is still low.

To ensure consistency and synchronization in land use plans at all levels, it is necessary to have appropriate organizational and implementation solutions in the process



of land use plans at all levels; strengthen the relationship between land use plans at higher-level and lower-level; higher-level land use plans must collect full information, requirements, and capabilities of lower-level; land use plans at lower-level is fully and promptly reflected to higher-level; while ensuring top-down planning principles, it is also necessary to refer to bottom-up factors, especially in allocating targets and determining land use criteria in planning plans.

2.3. Ensuring simultaneity in planning and approval time for land use plans at all levels:

Article 60 on principles of land use plans and plans in Clause 9 regulated: "Land use plans at all levels is prepared simultaneously; higher-level land use plans must be decided and approved before lower-level land use plans. Clause 4, Article 69 also stipulates; "Land use plans are approved in the first year of the planning period".

Thus, along with hierarchy and uniformity, land use plans at all levels is also regulated to be "made simultaneously" and must be approved in the first year of the planning period. This is a very difficult regulation to implement if there are no appropriate and effective implementation solutions. In fact, land use plans in recent times has showed that the majority of land use plans and plans in particular, and plans in general are prepared and approved late, even later 2-3 years than required. This situation reduces the feasibility and effectiveness of plans.

In order to simultaneously implement the principal requirements of land use plans that are unified, synchronous, prepared at the same time and approved in the first year of the planning period, it is necessary to have regulations, solutions that fit key requirements include:

- Specify the content, responsibilities, and deadlines for carrying out the work of each agency with planning authority at all levels; specify coordination to ensure consistency, synchronization, simultaneous preparation between planning levels;

- Each level of land use plans and plans needs to develop a plan to implement specific tasks, ensure on time and deadlines for implementing the stages: preparation, consultation, appraisal, and approval of the planning according to regulations;

- Have specific regulations and instructions on the content and methods of implementing land use plans and plans to ensure

consistent implementation and limit difficulties and problems that arise when performing.

- Regularly pay attention to and perform well the work of inspecting, urging and handling difficulties in the process of formulating, consulting, appraising and approving land use plans and plans at all levels.

2.4. Supplement transitional regulations for cases where there is no approved provincial plans:

In Clause 2, Article 253 of the Law, it regulated: "For localities that have had their provincial plans approved for the period 2021 - 2030 according to the provisions of law on plans before the effective date of this law, they may continue to use land allocation and zoning plans in provincial plans to carry out land management until the end of the planning period.

However, there are no specific regulations for cases where a locality does not have an approved provincial plans for the 2021 - 2030 period (if any), how to handle it, which needs to be researched, supplemented, and guided for local authorities to implement.

2.5. Regarding review and adjustment of land use plans and plans:

Article 73 of the Land Law 2024 regulates the main contents of principles and responsibilities for organizing the review of land use plans, basis for adjusting land use plans as a basis for reviewing and adjusting land use plans and plans. However, the basis for adjusting land use plans and plans is mainly only "qualitative" and not specifically "quantitative". Therefore, in our opinion, more specific regulations are needed, especially regulations on the basis for adjusting land use plans.

It is very important to regulate the bases with specific criteria to decide whether to adjust land use plans and plans and to what extent, avoiding arbitrariness in adjusting. Decisions to adjust land use plans and plans correctly will promptly meet the requirements of socio-economic development, ensuring national defense, security, and environmental protection; at the same time, limit unnecessary adjustments.

Thus, in order to properly implement the regulations on land use plans and plans that regulated in the Land Law 2024, to land use plans and plans can truly bring great efficiency to socio-economic development, ensure national defense, security and environmental protection, it is necessary to pay attention to synchronously implementing measures from specifying regulations to organizing implementation; create conditions to improve the feasibility and effectiveness of planning and land use plans at all levels ■

REFERENCES:

1. Land Law 2013.
2. Planning Law No. 21/2017/QH14 dated November 24, 2017.
3. Land Law No. 31/2024/QH15 dated January 18, 2024.
4. Some draft documents of Decrees implementing the Land Law 2024.