

Significant points of the Land Law 2013

By Tran Quang



It has been over ten years since the promulgation of Land Law No. 13/2003/QH11, dated November 26th, 2003 (Land Law 2003). Since then, Land Law 2003 has attracted attention from the public due to its important status. With the objective of improving the legal framework as well as cutting down lengthy procedures for ensuring the efficiency of land usage, the National Assembly approved the draft of a new land law on November 29th, 2013 which will be effective from July 1st, 2014 (Land Law 2013). Land Law 2013 promises to reinforce the participation of the citizens in the management of land and increases responsibilities of the State authorities as to educating the population to understand the new land regulations.

The structure of the new law includes 14 chapters with 212 articles, an increase of seven chapters and 66 articles from the Land Law 2003. Land ownership still belongs to the Vietnamese people, represented and consistently managed by the State of Vietnam. In particular, the State has powers to give guidance and instruction in detail for the implementation of the new land law. It is also required to assure the interest of land users, especially ethnic minorities, peoples directly using land for agriculture, carrying out responsibilities of the State on residential land, land for production and the maintenance of a national database to provide information of land use for citizens.

The new law establishes the equality in right to approach land between the domestic investors and foreign ones. In certain situations the State allocates and leases land to implement investment projects according to capability and resources rather than simply between a native and foreign passport.

In terms of land taking by the government, compensation and relocation assistance, the Land Law 2013 has tightened provisions on the circumstances permitting land taking. Such taking must be actually necessary, such as for defense, security,

national interests in accordance with Article 54 of the newly approved Constitution Law 2013. For the purpose of transparency, publicity and democracy, land taking under Land Law 2013 may only proceed if there is an investment plan determined by the National Assembly, projects with the prior consent of the Prime Minister in several cases or land recovery scheme approved by the provincial People's Councils with the recovery price decided by the People's Committee at the time of land taking. In addition, the local authorities have responsibilities to communicate with citizens in the event that there is no mutual consent on land recovery, compensation and relocation assistance, i.e., giving information on the amount of compensation and allowance for people having recovered lands, explaining statutory provisions on the responsibility of relevant authorities in late payment of compensation or dealing with late ground clearance due to the fault of peoples having recovered lands so as to ensure the prompt progress of land recovery as well as foster people's awareness in the compliance with laws.

The new law reserves one chapter on building an information system of land utilising a database to guarantee the right of information access of each citizen. The information publicity plays an important role

for the people having desire to be transferred land from land users. The database is designed to reduce illegal land assignment transactions, facilitate state agents in land use right registration and provide accurate and reliable information for notarisation offices in notarising real property deals.

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