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# Governance and Participation

## A Series of Policy Discussions Papers

### A REVIEW OF LOCAL GOVERNMENTS' PERFORMANCE IN DISCLOSURE OF DISTRICT LAND USE PLANS AND PROVINCIAL LAND PRICING FRAMEWORKS

July 2022



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These studies analyze trends of the process and measures to implement public administration reform in specific areas of Vietnam's public administration. To address the economic, social, political, and environmental challenges facing Vietnam, policymakers need empirical evidence. These studies aim to provide some context for current discussions on policy reform, thereby contributing to further promoting Vietnam's development efforts.

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## List of acronyms

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CEPEW	Center for Education Promotion and Empowerment of Women
CPC	Commune People’s Committee
DFAT	Australian Department of Foreign Affairs and Trade
DONRE	Provincial Department of Natural Resources and Environment
DPC	District People’s Committee
MONRE	Ministry of Natural Resources and Environment
PAPI	Provincial Governance and Public Administration Performance Index
PPC	Provincial People’s Committee
UN	United Nations
UN Women	United Nations Agency for Gender Equality and Women's Empowerment
UNDP	United Nations Development Program

## Acknowledgements

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The initiative "Action Research to Enhance Citizens' Access to Land Information" was carried out during the period when the whole country strictly implemented social distancing during the fourth wave of COVID-19 pandemic in Vietnam. In particular, letters requesting information on the land use plan were sent immediately after the regulations on social distancing were lifted nationwide.

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## Executive summary

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Under the Land Law 2013 and Law on Access to Information 2016, local land use master plans and annual land use plans must be publicised for public view in various forms, including online platforms. However, access to local land plans remains limited. At the national level, only about 20% of respondents in the Viet Nam Provincial Public Administration and Governance Performance Index (PAPI) surveys said that they were aware of local land plans since 2011.

Information asymmetry about local land plans is an important cause of land conflicts. This shows that more efforts should be made by stakeholders to enhance citizens' access to land information because citizens play an important role in good land governance in Vietnam. Therefore, UNDP in Vietnam in collaboration with CEPEW implemented the initiative "**Action Research to Enhance Citizens' Access to Land Information**" during the period from July 2021 to July 2022. This initiative focuses on assessing the disclosure and accessibility of provincial land pricing frameworks and district land use plans on the e-portals/websites of state agencies in 63 provinces and municipalities nationwide and their response to citizens' requests for information on district land use plans.

From the research perspective of the responsibility of state agencies to publicise land pricing frameworks and land use plans, the Research Team has designed a 4-step process to search for the information on the local authorities' e-portals/websites. The four research steps are: (i) search for noticeable and relevant categories on the homepage/navigation bars; (ii) search for other less relevant categories on the homepage/navigation bars; (iii) search using the page's search bar; and (iv) search using the Google search tool.

For the assessment of the level of disclosure of land information by local authorities, the Research Team sets out five criteria for access to information. The five criteria are: (i) disclosure or non-disclosure; (ii) the ease of finding information; (iii) the timeliness of the information; (iv) the completeness of the information (for district land use plans); and (v) the usability of the information (easy to read, easy to understand, readable by common software).

The results of the search for information on district land use plans and provincial land pricing frameworks were also compiled and publicised on <https://congkhaithongtindatdai.info> – a landing page showcasing information about land information disclosure which acts as a "one-stop shop" for citizens to search for the two types of land information. Through this landing page, land management agencies and researchers would also have an overview of access to land information that is created and subject to disclosure by provincial and district-level state agencies.

The Research Team has also tested sending requests for information according to the form attached to Decree No. 13/2018/ND-CP to request the district People's Committee office to provide information related to the district land use plan.

### **Results of the review of e-portals/websites of local state agencies**

The Research Team employed the 4-step process to search for information on the e-portals/websites of the People's Committees of 63 provinces and 704 districts nationwide. The results showed that, until October 6, 2021, only 27 out of 63 provinces had publicised provincial land pricing frameworks and only 338 out of 704 district-level agencies have publicised district land use plans on their e-portals/websites. However, there was a lack of consistency in the posting of information by state agencies, especially with district land use plans, as the documents to be disclosed listed in the announcement of publicisation are often scattered in a number of different categories on these e-portals/websites, which makes it difficult for citizens to find information in full.



The review result shows that the level of completeness in the disclosure of the required documents in land use plans by DPCs (agency) varies among districts nationwide. Overall, only 17% of agencies publicised a complete set of land use plan documents which includes four types of documents: (i) announcement of publicisation of land use plans, (ii) decision on the approval of district land use plans, (iii) explanatory report, and (iv) map of land use plans; or publicise the three most important documents except for the announcement of publicisation of land use plans. Specifically, 75 agencies publicised all four types of documents (accounting for 10.7%); 44 agencies publicised decisions on approval, explanatory reports, and maps of land use plans (accounting for 6.3%); 47 agencies publicised decisions on approval and maps of land use plans (accounting for 6.7%); 21 agencies posted decisions on approval and explanatory reports (3%); and 14 agencies posted explanatory reports and maps of land use plans (accounting for 2%). Among the agencies that have publicised the above two types of information, there are many agencies that publicise them in ZIP files, which makes access difficult for information users.

### **Results of experimenting with requests for information**

Based on random sampling, members of the Research Team sent out requests for information on district land use plans to the offices of 561 out of 704 DPCs nationwide with five members assuming four different roles, including an ordinary citizen, a real estate agent, a lawyer, and a researcher. On average, 140-141 request letters corresponding to each role were sent by the research team members, of which 70 letters cited Law on Access to Information 2016 and the other 70 letters did not cite any legal provisions.

The results of experimenting with requests for information show that, out of the 561 offices of DPCs where requests for information were sent, 98 agencies provided the requested information (accounting for 17.5%), 15 refused to provide the requested information (accounting for 2.7%), and 46 responded but did not provide the requested information (accounting for 8.2%). There were an overwhelming number of 402 agencies, which made no response (accounting for 71.7%). Regarding the four roles of the research team members, the rate of response is highest for ordinary citizens (22.9% of the 140 requests submitted), followed by researchers (19.3%), lawyers (14.9%), and real estate traders (12.9%). Law on Access to Information 2016 stipulates that state agencies are responsible for providing information created by themselves, and this provision may be a barrier to the provision of information by the Office of the DPC regarding the information requested by the research team members.

In addition, there is a difference in the rate of response to land use plan information request letters with and without citation of Law on Access to Information 2016 for each research team member. Overall, the rate of information provision for requests with citation was higher (20.7%) than that of requests without citation (14.2%). The same goes for the rate of responding but not providing information, which was 9.6% for requests with citation compared to 6.8% for requests without citation. The rate of refusal of information provision for requests without citation was 2.8% and for requests with citation was 2.5%. The rate of unresponsiveness to requests with citation was lower (67.1%) than that of requests without citation (76.2%).

The communication between the Research Team members and the civil servants assigned to respond to citizens' requests for information showed that most civil servants had a polite attitude during the interaction. However, there seems to be confusion or ambiguity about the agencies with the responsibility to provide information even though land information is at least held by the DPC Office and district-level Department of Natural Resources and Environment (DONRE).

Regarding means of communication, many civil servants preferred to communicate with citizens via Zalo. One even advised the requester to directly contact him/her through Zalo in case he/she needs any help and there is no need for a complicated letter (request for information form). Regarding the content of the information provided, most agencies responded by providing only decisions on the approval of land use plans

without other documents. Regarding fees, the Research Team did not have to pay any fees for the letters sent back by government agencies by post or email to provide information or to refuse to provide information. However, there is a case where a civil servant of Cu M'gar district (Dak Lak province) requested to collect a fee for accessing information in accordance with Article 11 of Resolution No. 03/2020/NQ-HDND of the People's Council of Dak Lak province promulgating regulations on the rate of fees and charges in Dak Lak province. However, the Research Team found that this provision was not consistent with the provisions of the Law on Access to Information 2016, so they did not continue to request this district to provide information.

### **Landing page on disclosure of land information**

The Research Team compiled and shared the results of the search for information on district land use plans and provincial land pricing frameworks on <https://congkhaithongtindatdai.info>. In addition, the page gives an overview of the disclosure situation of the provincial land-pricing framework during the 2020-2024 period of the provinces and municipalities and the results of synthesizing information about the districts that have or have not publicised the land use plan for 2021 on the e-portals of the DPCs.

Due to technical difficulties in linking the original pages on the e-portals/websites of the state agencies with the survey tool on the landing page, the Research Team has not completed the feature to enable page visitors to evaluate the level of accessibility and comprehensibility of the two types of land information as originally designed. We hope that in the second phase of the study, this feature will be improved so that page users can leave evaluations of the original pages providing information on land pricing frameworks of provincial governments and land use plans of district governments.

### **Recommendations**

In order to ensure the effective implementation of citizens' right to land information, contributing to the promotion of good land governance and mitigation of land conflicts, the Research Team proposes some recommendations regarding policy amendment/promulgation and policy implementation as follows:

#### **Amendment and promulgation of laws and policies**

1. It is necessary to integrate the process of providing information at the request of citizens into the current set of administrative procedures as all state agencies are entities that create and hold information. Meanwhile, Law on Access to Information 2016 has clearly defined the responsibilities, procedures, and deadlines for information disclosure and information provision at the request of citizens.
2. At the same time, it is necessary to add specific regulations on forms and channels for publicising provincial land pricing frameworks in relevant legal documents.

#### **More effective enforcement of existing laws and policies**

1. The People Committees at all levels should train information providing focal points and relevant departments on the Law on Access to Information 2016, including the emphasis on the nine tasks each state agency needs to perform as specified in the Law on Access to Information 2016 and Decree No. 13/2018/ND-CP. In addition, they should organize trainings on regulations and procedures related to disclosure of land information and provision of information at the request of citizens.
2. The People's Committees at all levels should implement more effectively the Law on Access to Information 2016, thereby contributing to better implementation of land information disclosure in accordance with the Land Law 2013. Accordingly, state agencies need to quickly perform the following tasks specified in the Law on Access to Information 2016: (i) issue and publicise internal regulations on providing information within the scope of their responsibilities; (ii) assign and publicise the information

of the focal point for information provision; and, (iii) set up a section on access to information on the agency's e-portal/website and create a list of information to be disclosed, including information on land use master plans, land use plans and land pricing frameworks.

3. State agencies should publicise land information in the direction of fully posting documents related to a set of land use master plans, land use plans or land pricing frameworks into a specific category according to the regulations of Law on Access to Information 2016. For example, for a set of land use plan dossiers, it is necessary to publicise the announcement of publicisation of the land use plan, the decision on the approval of the district land use plan, the explanatory report, and the map of the land use plan.
4. State agencies should also comply with the provisions of Circular No. 26/2020/TT-BTTTT to publicise information in a way that ensures accessibility and usability to people with disabilities, the elderly, and other people without posting in ZIP files as in current practice.
5. Improve the search function on the e-portals/websites of state agencies and issue specific instructions on document publicisation for state agencies at the district level.

## Introduction

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According to the Land Law 2013 and Law on Access to Information 2016, local land planning and land use plans must be publicised in various forms, including online, for the public's information. However, access to local land plans and land use plans is still limited. At the national level, only about one-fifth of respondents said they had known about local land planning since 2011.<sup>1</sup> The survey results in 2021 show that most people do not know about district land use plans. The number of people who know about district land use plans decreased from 18.4% in 2018 to 13.9% in 2021.<sup>2</sup>

Land has become a hot issue in Vietnam since the country embarked on drastic economic reforms in the early 1990s. Action and policy studies<sup>3</sup> show that land conflicts began to take place in 2004 when the first Land Law came into effect and are becoming more serious today as land becomes increasingly scarce and valuable due to population growth and growing industrialisation and modernisation in Vietnam. According to the Government's report, complaints and lawsuits related to land account for 70% of the annual complaints to the Government. The results<sup>4</sup> of analyzing the Provincial Governance and Public Administration Performance Index in Vietnam (PAPI)<sup>5</sup> and Provincial Competitiveness Index (PCI)<sup>6</sup> related to land governance show that the lack of transparency in the formulation and implementation of land acquisition plans and the Government's low land compensation framework can be the main causes of land conflicts, especially in urban areas, in Vietnam.

The limited publicity and transparency of information in planning, management, and use of land in urban areas, especially information on land allocation, land lease, and land use purpose change in the management and use of land has been concluded by the National Assembly (Term XIV). Since then, the National Assembly has decided to assign the Government to strengthen information, ensure publicity, transparency, and easy access to information in planning, management, and use of land in urban areas. The National Assembly has also decided the Government needs to encourage and create conditions for organisations, individuals, and socio-professional organisations to participate in social criticism towards the implementation of policies and laws on land planning, management, and use.<sup>7</sup>

This shows that stakeholders need to enhance land information disclosure to promote access to land information for citizens, who play an important role in good land governance in Vietnam. For that reason, UNDP in Vietnam in collaboration with CEPEW and RTA implemented the initiative “**Action Research to Enhance Citizens' Access to Land Information**” during the period from July 2021 to July 2022. The initiative focuses on assessing the disclosure and accessibility of provincial land pricing frameworks and district land use plans on the e-portals/websites of state agencies in 63 provinces and municipalities nationwide and their response to citizens' requests for information on district land use plans.

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<sup>1</sup> For more information, see <https://papi.org.vn/>

<sup>2</sup> For more information, see <https://papi.org.vn/>

<sup>3</sup> See: “Land conflicts in the emerging suburbs of Vietnam: causes and effects” at [https://vietnamlawmagazine.vn/land-conflicts-in-emerging-suburban-areas-in-vietnam-causes-and-effects-27258.html#\\_ftn3](https://vietnamlawmagazine.vn/land-conflicts-in-emerging-suburban-areas-in-vietnam-causes-and-effects-27258.html#_ftn3)

<sup>4</sup> See: “Land conflicts in the emerging suburbs of Vietnam: causes and effects” at [https://vietnamlawmagazine.vn/land-conflicts-in-emerging-suburban-areas-in-vietnam-causes-and-effects-27258.html#\\_ftn3](https://vietnamlawmagazine.vn/land-conflicts-in-emerging-suburban-areas-in-vietnam-causes-and-effects-27258.html#_ftn3)

<sup>5</sup> For more information about PAPI, see <https://papi.org.vn/>

<sup>6</sup> For more information about PCI, see [www.pcivietnam.org](http://www.pcivietnam.org)

<sup>7</sup> See: Resolution 82/2019/QH14 dated June 14, 2019 of the National Assembly on continuing to improve the effectiveness and efficiency of the implementation of policies and laws on urban land planning, management and use

## Research goal and methods

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### Research goal and objectives

This research aims to support provinces and municipalities across the country to improve the ability of access to land information of citizens, contributing to reducing conflicts and improving land governance with the following four specific objectives:

- i) Review the disclosure of information on district land use plans and provincial land pricing frameworks in 63 provinces and municipalities across the country;
- ii) Build a landing page connecting with land use plans and land pricing frameworks of the reviewed provinces and districts;
- iii) Send letters of request on land information in accordance with the provisions of the Law on Access to Information 2016 and the Land Law 2013; and
- iv) Develop recommendations to improve people's access to land information.

### Research methods

#### Reviewing the disclosure of information on district land use plans and provincial land pricing frameworks

The Research Team conducted a review of legal provisions related to the process and authority of issuing and publicising information on district land use plans and provincial land pricing frameworks (hereinafter referred to as land information) stipulated in Vietnam's system of legal documents on land and access to information. This is also the legal basis for the Research Team to locate information that needs to be publicised by state agencies and that people need to access.

To review the disclosure of land information as mentioned above, 05 members of the Research Team reviewed the e-portals/websites of 63 Provincial People's Committees (PPCs) and 704 District People's Committees (DPCs) in 63 provinces and municipalities across the country as well as how to search for documents related to the district land use plans in 2021 and the provincial land pricing frameworks for the period of 2020-2024 on these e-portals/websites. In addition, the Research Team members also reviewed the disclosure of the regulations on information provision, the focal point for providing information, the section on information access, and the list of information that must be disclosed in accordance with the provisions of the Law on Access to Information and addresses of these agencies as a basis for sending requests for district land use plans. These Research Team members did an information search and cross-review to verify the information. Each Research Team member searched and reviewed relevant information on 307 portals/websites. An access-to-information specialist examined all of the Research Team members' work.

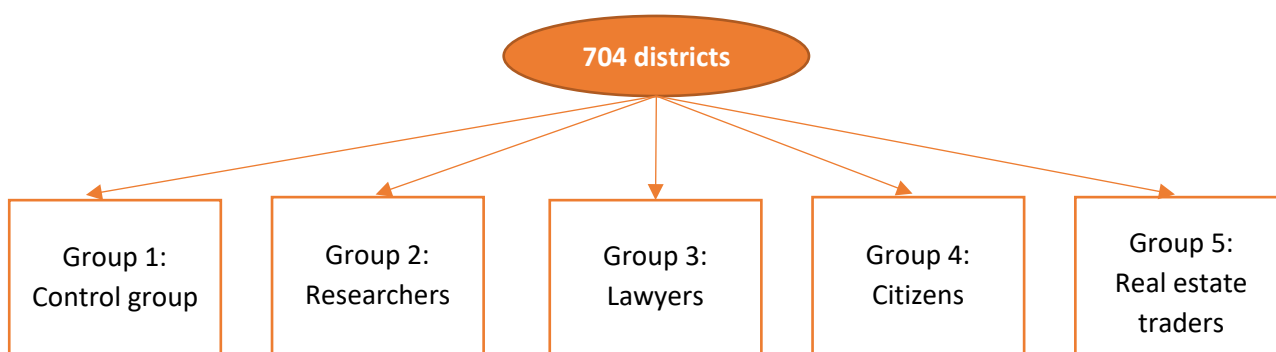
To assess the extent of land information disclosure by local authorities, the Research Team proposed five criteria on access to information for assessment. The five criteria are: (i) disclosure or non-disclosure; (ii) the ease of finding information; (iii) the timeliness of the information; (iv) the completeness of the information (for district land use plans); and (v) the usability of the information (easy to read, easy to understand, readable by common software). See Appendix for more details on the five assessment criteria.

## Experimenting with requests for information about district land use plans

Five members of the Research Team in the roles of citizens, researchers, lawyers, and real estate traders based on random sample groups were assigned to send requests for information. Accordingly, a member of the Research Team as an econometrician evenly divided 704 districts across the country into 5 groups of 141 districts. The groups were randomly divided so that they are proportional to the six geographic regions across the country as well as the districts covered in the PAPI survey. One control group did not receive requests for land information while the other four groups received requests for information about the district land use plans in 2021 from different subjects. Figure 1 indicates the role of each Research Team member for the district groups.

- Group 1: control group, not receiving requests for information
- Group 2: receiving requests for information from researchers
- Group 3: receiving requests for information from lawyers
- Group 4: receiving requests for information from civilians
- Group 5: receiving requests for information from real estate traders

*Figure 1: Role of the Research Team members for each district group*



The respective members of the Research Team submitted requests for information on the 2021 district land use plans in groups 2-5. The submission of information requests was expected to be done in 2 phases (October 2021 for information that is issued and must be made public in 2021 and March 2022 for information that is issued and must be made public in 2022). However, due to the complicated development of the COVID-19 pandemic in all provinces and municipalities across the country in the fourth quarter of 2021 affecting the operation of the postal industry, the submission of requests could only be made in one phase in March 2022 to ensure objectivity and fairness for all districts.

The research team recorded the responses of the relevant agencies (including the percentage of agencies providing or refusing to provide information and other responses as well as the response time and attitude of the agencies).

## Designing and maintaining a landing page on land information

The results of the search for information on district land use plans and provincial land pricing frameworks were compiled by the Research Team into a landing page at <https://congkhaithongtindatdai.info> as a "one-stop shop" for citizens to find the above two groups of information. Through this landing page, land administration agencies and researchers also have an overview of the accessibility of land information provincial and district government agencies create and are responsible for disclosing.

Accordingly, the link to the official documents on the district land use plans from 2021 and the provincial land pricing frameworks from the period from 2020 to 2024 issued by the competent state agencies will be connected to the landing page. People can search this information by province, district, and year. In addition, the landing page also contains fields for users to search for legal information on access to information and land information disclosure, good examples in land information disclosure, action research results within the framework of the project, and to comment on the land information they can access and provide contact details in case of having questions, comments or providing information.

### **Limitations of the study**

Technically, administrators of e-portals/websites can edit the posting dates on these sites/e-portals. Meanwhile, the Research Team only took screenshots of specific posts in case information is found, but did not take screenshots of the information posting section or cases of search and access errors at the time of the survey. Therefore, it may affect survey data in case the information posted is not timely, and hence the survey findings may not accurately reflect this situation.

In addition, the study was conducted during the fourth wave of the COVID-19 pandemic in Vietnam, when people, as well as agencies, organisations, and businesses were strictly implementing regulations on social distancing. Therefore, the Research Team was only able to send letters requesting information on the district land use plans in 2021 in one phase instead of two phases. Because of this, there is no basis for a comparative assessment between the districts to which we did not send requests and the districts to which we sent letters requesting information.

## Key research findings

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### Legal basis for publicising and providing land information at the request of the citizens

#### Legal provisions related to publicising and providing land information upon request

The disclosure and provision of information on provincial land pricing frameworks and district land use plans at the request of the people are stipulated in the Land Law 2013 and the Law on Access to Information 2016 as well as decrees and circulars related to these two laws such as Decree No. 148/2020/ND-CP<sup>8</sup>, Circular No. 29/2014/TT-BTNMT<sup>9</sup>, Decree No. 13/2018/ND-CP<sup>10</sup>, and Circular No. 46/2018/TT-BTC<sup>11</sup>. Providing land information/data, information on land use right markets, and other information on land is one of the service activities in the land sector.<sup>12</sup>

The land pricing frameworks are developed by PPCs and submitted to the Provincial People's Council for approval before promulgation. The land pricing frameworks are developed every five years and publicly announced on January 1 of the first year of the cycle.<sup>13</sup> During the implementation of the land pricing frameworks, when the Government adjusts the land pricing frameworks or when the common land prices in the market fluctuate, the PPCs shall adjust the land pricing frameworks accordingly. However, there is a lack of regulations on the form and channels for publicising the provincial land pricing frameworks.

District land use plans are prepared annually.<sup>14</sup> Based on the completed district-level annual land use plans and the Provincial People's Council's Resolution, the provincial Department of Natural Resources and Environment (DONRE) submits the district-level annual land use plans to the PPC for approval by December 31.<sup>15</sup> After being approved by a competent state agency, the district land use plans must be publicly announced.<sup>16</sup>

The DPCs are responsible for publicising the district-level land use plans at their offices and on their e-portals/websites, and publicising the content of the district land use plans related to communes, wards, and townships at the offices of the Commune People's Committees (CPCs).<sup>17</sup> The publicisation shall be made within 15 days from the date on which the land use plans are decided and approved by a competent state agency.<sup>18</sup> Documents disclosing land use plans include resolutions or approval decisions, synthesis reports, and land use plan maps.<sup>19</sup> The publicity is carried out during the land use planning period.

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<sup>8</sup> Decree No. 148/2020/ND-CP dated December 18, 2020 of the Government amending some detailed regulations on the implementation of the land law.

<sup>9</sup> Circular No. 29/2014/TT-BTNMT dated June 2, 2014 of MONRE detailing the formulation and adjustment of land use plans

<sup>10</sup> Decree No. 13/2018/ND-CP dated January 23, 2018 of the Government detailing and implementing the Law on Access to Information

<sup>11</sup> Circular No. 46/2018/TT-BTC dated May 14, 2018 of the Ministry of Finance detailing the actual costs for printing, copying, photographing and sending information as prescribed in Clause 2, Article 12 of the Law on Access to Information

<sup>12</sup> Article 1, Clause 2 of Decree No. 148/2020/ND-CP dated December 18, 2020 of the Government amending some detailed regulations on the implementation of the Land Law.

<sup>13</sup> Article 114, Clause 1, Land Law 2013

<sup>14</sup> Article 37, Clause 2, Land Law 2013

<sup>15</sup> Article 1, Clause 6 of Decree No. 148/2020/ND-CP dated December 18, 2020 of the Government amending and supplementing some decrees detailing the implementation of the Land Law

<sup>16</sup> Article 48, Clause 1, Land Law 2013

<sup>17</sup> Article 48, Clause 2, Point c of the Land Law 2013

<sup>18</sup> Article 6 Law amending 37 laws related to planning in 2018

<sup>19</sup> Article 6, Clause 2 of Circular No. 29/2014/TT-BTNMT dated June 2, 2014 of MONRE detailing the formulation and adjustment of land use plans



Law on Access to Information 2016 is considered the most comprehensive law stipulating the responsibilities of state agencies in exercising citizens' right to access information. The law also stipulates the process of disclosing information and providing information upon request. This law does not have specific regulations on the disclosure of land information, as it only stipulates that other information must be disclosed as prescribed by law.

According to the spirit of the Law on Access to Information, land information, in addition to being disclosed according to the provisions of other legal documents, must be provided at the request of citizens based on the provisions of this law. Accordingly, people have the right to request [land] information if the information is still within the disclosure period but not yet disclosed,<sup>20</sup> if the information disclosure expires as prescribed by law<sup>21</sup>, or if the information is still being made public but the requester cannot access it due to force majeure<sup>22</sup>.

The requester can request information directly or authorize another person to come to the office of a state agency to request information<sup>23</sup> or send the request electronically, via postal service, or fax to the information-providing agency<sup>24</sup>. The request for information must be presented in Vietnamese with the main contents including full name; place of residence, address; identity card number, citizen identification card or passport number of the requester; fax number, telephone, email address (if any); information requested to be provided, specifying the name of the documents; form of information provision; reason and purpose of requesting information.<sup>25</sup> In case the requester for information is illiterate or is unable to write a request, the person receiving the request for information shall be responsible for helping to fill in the contents of the information request form.<sup>26</sup> If the request form for information is incomplete or unclear, the information-providing agency shall guide the requester to provide additional information.<sup>27</sup>

When receiving a valid request for information supply, the state agency responsible for providing information shall notify about the deadline, location, and form of information provision; actual expenses for printing, copying, photographing, and sending information via postal and fax services (if any) and payment methods and terms; and provide information according to the order and procedures specified in the Law on Access to Information.<sup>28</sup> State agencies provide information either directly at their office<sup>29</sup>, electronically<sup>30</sup>, or by post or fax<sup>31</sup>

For complicated and unavailable information that needs to be gathered from various units of an agency or information that requires opinions of other agencies, organisations or units, within 10 working days from the date of receipt of a valid request, the requested agency must notify the requester to come to the office to read, view, listen to, take notes, copy, take photos of documents or receive copies, photocopies of documents or must have written notice of refusal to provide information<sup>32</sup>. In case the requested agency

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<sup>20</sup> Point a, Clause 1, Article 23 of Law on Access to Information 2016

<sup>21</sup> Point b, Clause 1, Article 23 of Law on Access to Information 2016

<sup>22</sup> Point c, Clause 1, Article 23 of Law on Access to Information 2016

<sup>23</sup> Point a, Clause 1, Article 24 of Law on Access to Information 2016

<sup>24</sup> Point b, Clause 1, Article 24 of Law on Access to Information 2016

<sup>25</sup> Clause 2, Article 24 of Law on Access to Information 2016

<sup>26</sup> Point a, Clause 1, Article 24 of Law on Access to Information 2016

<sup>27</sup> Clause 3, Article 26 of Law on Access to Information 2016

<sup>28</sup> Article 27 Law on Access to Information 2016

<sup>29</sup> The order and procedures for providing information directly at the office of the information-providing agency shall comply with the provisions of Article 29 of the Law on Access to Information.

<sup>30</sup> The order and procedures for providing information electronically shall comply with the provisions of Article 30 of the Law on Access to Information

<sup>31</sup> The order and procedures for providing information via postal and fax services shall comply with the provisions of Article 31 of the Law on Access to Information 2016.

<sup>32</sup> Notice of refusal to provide information follows form 05 attached to Decree 13/2018/ND-CP

needs more time to consider, search, gather, copy, and process the request for information supply, it may extend the deadline but not exceed 10 working days and must have a written notice of extension of the deadline for providing information<sup>33, 34</sup>.

In case the requested information is not under their responsibility to provide, the request-receiving agency must notify and guide the requester to the agency responsible for providing that information. <sup>35</sup>State agencies may refuse to provide information in cases where information is not accessible<sup>36</sup>; or the access to that information is conditional, i.e., the owner of the trade secret or the individual or family member<sup>37</sup> does not agree to provide that information; or that information has been made public<sup>38</sup>, or the requested information is not under the agency's provision responsibility<sup>39</sup>; or the information has been provided twice to the requester, unless the requester has a good reason<sup>40</sup>; or the requested information exceeds the agency's capacity to meet or interferes with the normal operation of the state agency<sup>41</sup>. In case of refusal to provide information, the state agency must notify in writing and clearly state the reason<sup>42, 43</sup>.

### **Regulations related to land law implementation supervision**

The 2013 Constitution stipulates the right to access information<sup>44</sup> and the right to participate in state and social management, to participate in discussions with and recommendations to state agencies on local and national issues<sup>45</sup>. The State creates conditions for citizens to participate in the management of the state and society; publicity and transparency in receiving and responding to citizens' opinions and recommendations.<sup>46</sup>

The 14<sup>th</sup> National Assembly also decided that the Government should raise the awareness and sense of observance of the law on land and urban planning by organisations and citizens; and encourage and create conditions for organisations, individuals, and socio-professional organisations to participate in social criticism on the implementation of policies and laws on planning, management and use of land.<sup>47</sup>

### **Results of reviewing e-portals/websites of provincial and district People's Committees**

The research team decided to search for information related to the provincial land pricing frameworks for the period of 2020 - 2024 and the land use plan for 2021 on the e-portals/websites of 63 PPCs (as the agency creating the information) and 704 DPCs (who are responsible for disclosing information) within the framework of this study. In order to ensure fairness and objectivity for all reviewed government agencies, the Research Team only examined documents posted on the e-portals/websites of these agencies up to June 6 October 2021.

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<sup>33</sup> Clause 2, Article 29 of Law on Access to Information 2016

<sup>34</sup> Notice of extension of information supply is made according to form No. 04 attached to Decree 13/2018/ND-CP

<sup>35</sup> Clause 3, Article 26 of Law on Access to Information

<sup>36</sup> Information specified in Article 6 of the Law on Access to Information

<sup>37</sup> Information specified in Article 7 of the Law on Access to Information

<sup>38</sup> Point b, Clause 1, Article 29 of the Law on Access to Information

<sup>39</sup> Point c, Clause 1, Article 29 of the Law on Access to Information

<sup>40</sup> Point d, Clause 1, Article 29 of the Law on Access to Information

<sup>41</sup> Point e, Clause 1, Article 29 of the Law on Access to Information

<sup>42</sup> Clause 2, Article 28 of the Law on Access to Information

<sup>43</sup> Notice of refusal to provide information follows form 05 attached to Decree 13/2018/ND-CP

<sup>44</sup> Article 25 of the 2013 Constitution stipulates that "Citizens have the right to freedom of speech, freedom of the press, access to information, assembly, association, and demonstration. The exercise of these rights is prescribed by law."

<sup>45</sup> Clause 1, Article 28 of the 2013 Constitution

<sup>46</sup> Clause 2, Article 28 of the 2013 Constitution

<sup>47</sup> Resolution 82/2019/QH14 dated June 14, 2019 of the National Assembly on continuing to improve the effectiveness and efficiency of the implementation of policies and laws on planning, management and use of land in urban areas

## Results of reviewing PPCs' e-portals or websites

By the end of October 6, 2021, the Research Team found only 27 provinces and municipalities disclosing provincial land pricing frameworks on their e-portals/websites out of 63 provinces and municipalities across the country (accounting for 42.9%). However, because there is no regulation on publicising provincial land pricing frameworks in the relevant legal documents, the Research Team could not evaluate the completeness of the documents found.

On the basis of comparing with the regulations that the date of publicising provincial land pricing frameworks is January 1 of the first year of the cycle, it is found out that Tra Vinh is the only province out of the 27 provinces to disclose such information on time<sup>48</sup>. Besides, 15 out of 27 provinces do not disclose provincial land pricing frameworks on time<sup>49, 50</sup> and 11 out of 27 provinces could not determine the time for publicisation<sup>51</sup>. Some provinces publicise provincial land pricing frameworks no more than 5 days later than regulations such as Son La<sup>52</sup>, Bac Giang<sup>53</sup>, Binh Duong<sup>54</sup>, and Ha Tinh<sup>55</sup> while some provinces like Cao Bang<sup>56</sup>, Dien Bien<sup>57</sup>, Phu-Tho<sup>58</sup>, Hai Phong<sup>59</sup>, and Dong Thap<sup>60</sup> had delays of about 1 month to more than 8 months in disclosing provincial land pricing frameworks. Meanwhile, Bac Lieu<sup>61</sup>, Kien Giang<sup>62</sup>, Dak Nong<sup>63</sup>, Ninh Thuan<sup>64</sup>, Khanh Hoa<sup>65</sup>, Quang Ngai<sup>66</sup>, and Bac Kan<sup>67</sup> are the ones promulgating the provincial land pricing frameworks later than the regulations, so even if they publicised provincial land pricing frameworks right after the promulgation of the land pricing frameworks, they are still considered to have publicised it slowly by the Research Team.

In terms of searchability, the research team found that it is easy to search for provincial land pricing frameworks of Dien Bien, Son La, Bac Giang, Phu Tho, Hai Phong, Ninh Binh, Thanh Hoa, Thua Thien Hue, Binh Duong, Dak Nong, Ba Ria - Vung Tau, Tra Vinh and Kien Giang. Accordingly, the land pricing frameworks of these provinces are posted in the land-related section on the homepage of the PPCs' e-portals/websites, thus the Research Team members could stop at Step 1 with these provinces and municipalities. The Research Team members could also stop at Step 2 with two provinces and municipalities<sup>68</sup>, as well as stop at Step 3 with three provinces and municipalities<sup>69</sup>. For the remaining provinces and municipalities, the Research Team

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<sup>48</sup> Promulgated on December 20, 2019 and publicised on December 28, 2019

<sup>49</sup> Cao Bang, Dien Bien, Son La, Bac Giang, Phu Tho, Vinh Phuc, Hai Phong, Ha Tinh, Quang Binh, Binh Duong, Dong Thap, An Giang, Kien Giang and Ca Mau provinces

<sup>50</sup> Bac Kan province posted it immediately after the promulgation, but the province was slow to promulgate it (promulgating it on July 1, 2020 and publicising it on July 3, 2020).

<sup>51</sup> Lai Chau, Ninh Binh, Thanh Hoa, Thua Thien Hue, Quang Nam, Quang Ngai, Khanh Hoa, Ninh Thuan, Dak Nong, Ba Ria - Vung Tau and Bac Lieu provinces

<sup>52</sup> Promulgated on December 31, 2019 and publicised on January 3, 2020

<sup>53</sup> Promulgated on December 30, 2019 and publicised on January 3, 2020

<sup>54</sup> Promulgated on December 20, 2019 and publicised on January 2, 2020

<sup>55</sup> Promulgated on December 19, 2019 and publicised on January 2, 2020

<sup>56</sup> Promulgated on December 20, 2019 and posted on February 13, 2020

<sup>57</sup> Promulgated on December 31, 2010 and publicised on September 10, 2020

<sup>58</sup> Promulgated on December 18, 2019 and promulgated on January 15, 2020

<sup>59</sup> Promulgated on December 31, 2019 and publicised on March 6, 2020

<sup>60</sup> Promulgated on December 19, 2019 and publicised on March 14, 2020

<sup>61</sup> Promulgated on 26/7/2021 and posted on 5/8/2021

<sup>62</sup> Promulgated on January 13, 2020 and publicised on March 2, 2020

<sup>63</sup> Promulgated on May 8, 2020 and publicised on May 11, 2020

<sup>64</sup> Promulgated on May 10, 2020 and publicised on May 20, 2020

<sup>65</sup> Promulgated on February 18, 2020 and publicised on February 28, 2020

<sup>66</sup> Promulgated on June 8, 2020 but the posting date is not displayed

<sup>67</sup> Promulgated on 1/7/2020 and posted on 3/7/2020

<sup>68</sup> Quang Ngai and Ca Mau

<sup>69</sup> Ninh Thuan, Dong Thap and An Giang

had to search in Step 4. However, the Research Team members only found information on land pricing frameworks for 6 provinces and municipalities out of 42 provinces and municipalities to be searched in this step. This means that the Research Team only found information about the land pricing frameworks of 27 provinces and municipalities when applying all 4-search steps mentioned above.

Tra Vinh is considered the only province that publicises on-time and easy-to-find land pricing frameworks, which are posted in full in scanned copies but with low-quality and blurry text. Meanwhile, Bac Giang is considered a good example of publicising clear and easy-to-search land pricing frameworks with updated and revised documents of annual land pricing adjustment coefficient. In addition, Bac Giang PPC has created a centralized database management system to provide applications for many different target groups such as citizens, businesses, investors, and authorities in the province to look up easily.

Figure 2 and Figure 3 show the ease of searching for the provincial land pricing frameworks of Bac Giang PPC. However, some provinces such as Quang Nam and Dak Nong still publicise land-pricing frameworks in ZIP compressed files, which makes it difficult for people to find and use information.

Figure 2: Land pricing frameworks section on the e-portal of Bac Giang PPC



Figure 3: Documents related to the provincial land pricing frameworks in the land pricing frameworks section



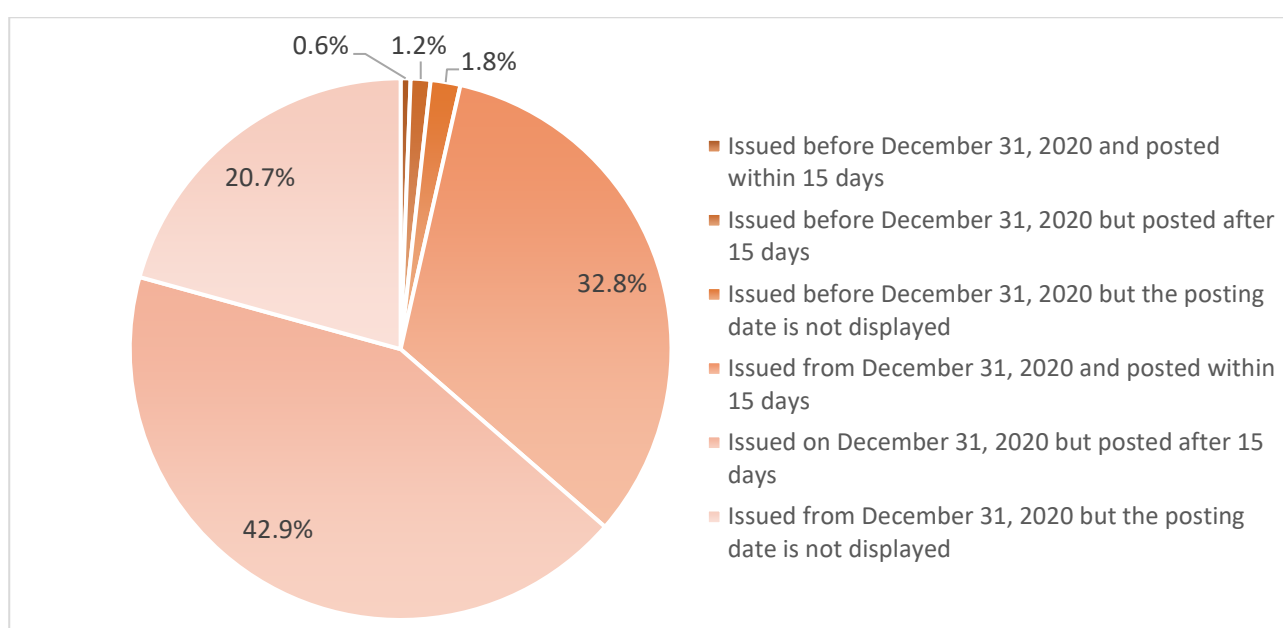
From the above information, it can be seen that although 27 out of 63 provinces and municipalities across the country have publicised provincial land pricing frameworks in the 2020-2024 period, the Research Team believes that no province has comprehensively met the criteria for disclosing provincial land pricing frameworks. Although Bac Giang and Tra Vinh are considered two good examples among these 27 provinces and municipalities, Bac Giang publishes information later than the prescribed time limit and Tra Vinh publishes scanned but blurred documents.

## Results of reviewing DPC's e-portals or websites

By the end of October 6, 2021, the Research Team found only 338 out of 704 DPCs nationwide that had posted district land use plans for 2021 on their website (accounting for 48%). Among them, the Research Team members can stop at Step 1 with 179 DPCs, stop at Step 2 with 51 DPCs, and stop at Step 3 with 130 DPCs. The Research Team members continued to search at Step 4 with 344 DPCs, but only found information for 18 DPCs and did not find information for the remaining 326 DPCs.

Figure 4 assesses the time of approval and disclosure of district land use plans in 2021 of 338 DPCs that have posted information. Accordingly, only two DPCs (accounting for 0.6%) which are Dinh Hoa DPC (Thai Nguyen province)<sup>70</sup> and Ky Anh Town People's Committee (Ha Tinh province)<sup>71</sup> approve and publicise district land use plans on time in accordance with the land law (approved before December 31, 2020 and publicised no later than January 13, 2021). However, out of the three documents required to be made public, these two DPCs only decided to disclose the PPC's approval decision, but not the synthesis report and the land use plan map.

Figure 4: Assessment of the timing of approval and disclosure of district land use plans



Four district land use plans were issued on time but publicised later than the regulations (accounting for 1.2%). Examples of this are the People's Committees of Bac Me district<sup>72</sup> and Ha Giang city<sup>73</sup> (Ha Giang province), Hoa Binh district (Bac Lieu province)<sup>74</sup>, and Hong Linh town (Ha Tinh province)<sup>75</sup>. All four districts have fully publicised all kinds of documents according to regulations. Six land use plans of Dong Van, Meo Vac, and Bac Quang districts (Ha Giang province), Phu Luong and Dai Tu districts (Thai Nguyen province), and Con Dao district (Ba Ria - Vung Tau province)<sup>76</sup> were approved on time as prescribed by law but without the postage date (accounting for 1.8%). 111 plans were approved after December 30, 2020 and posted within 15 days (accounting for 32.8%), of which 47 plans were issued only one day late, i.e., December 31, 2021, and one plan was approved no later than October 4, 2021.

<sup>70</sup> Approved on December 30, 2020 and publicised on January 10, 2021

<sup>71</sup> Approved on December 20, 2020 and publicised on January 4, 2021

<sup>72</sup> Approved on December 30, 2020 and publicised on January 14, 2021

<sup>73</sup> Approved on December 30, 2020 and publicised on January 24, 2021

<sup>74</sup> Approved on December 29, 2020 and publicised on August 9, 2021

<sup>75</sup> Approved on December 25, 2020 and publicised on January 12, 2021

<sup>76</sup> All 6 of these plans were approved on December 30, 2020

In addition, 145 plans were approved after December 30, 2020 and posted later than regulations (accounting for 42.9%), and 70 plans were approved after December 30, 2020 and did not display the posting date (accounting for 20.7%). And out of 338 publicised plans, only 12 were approved in accordance with regulations before December 31, 2020 (accounting for 3.6%) and 113 plans were publicised within 15 days from the date of approval (accounting for 33.4%).

Figure 5 shows that 366 district-level agencies were assessed as having not yet publicised their land use plans. Accordingly, three land use plans were issued before December 31, 2020 but only posted announcements on the publicisation (accounting for 0.8%), and 36 land use plans were issued after December 31, 2020 but only posted announcements on publicisation (accounting for 9.8%) without attaching other required documents. The Research Team did not find any documents out of the four related documents on the websites of the remaining 327 agencies (accounting for 89.3%).

*Figure 5: Evaluation of the non-disclosure of district land use plans*

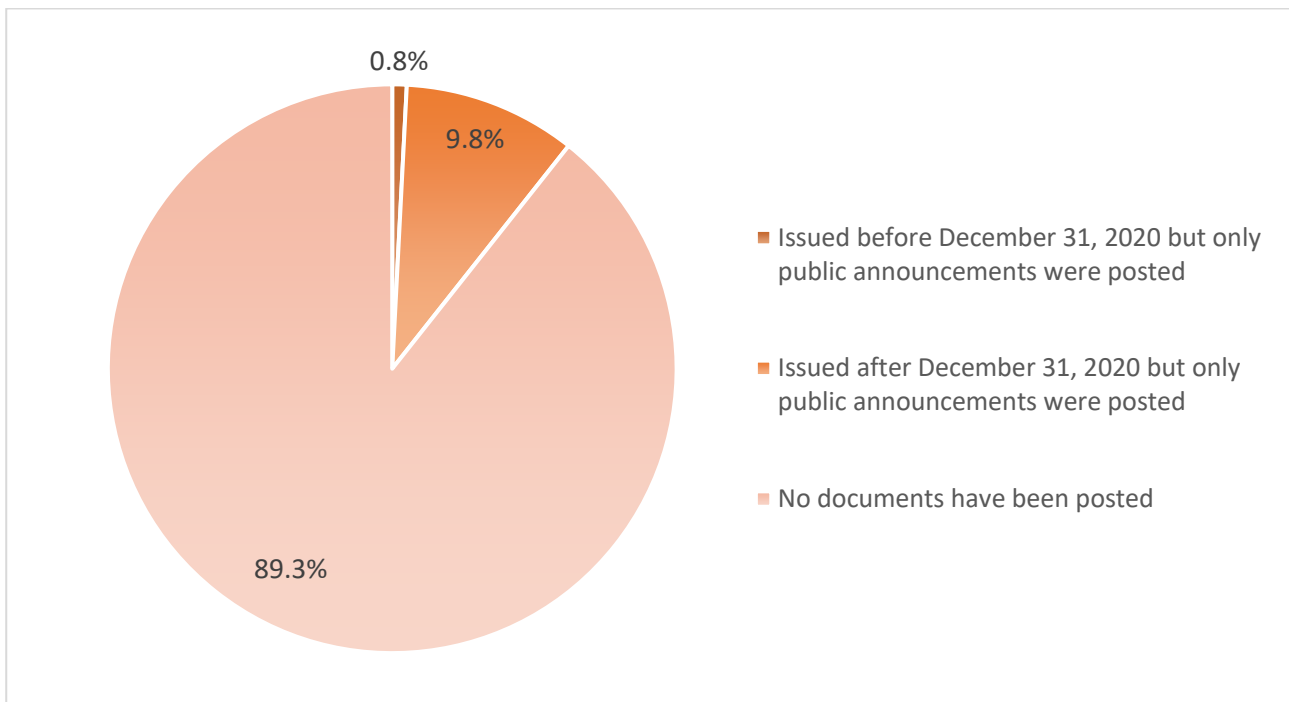
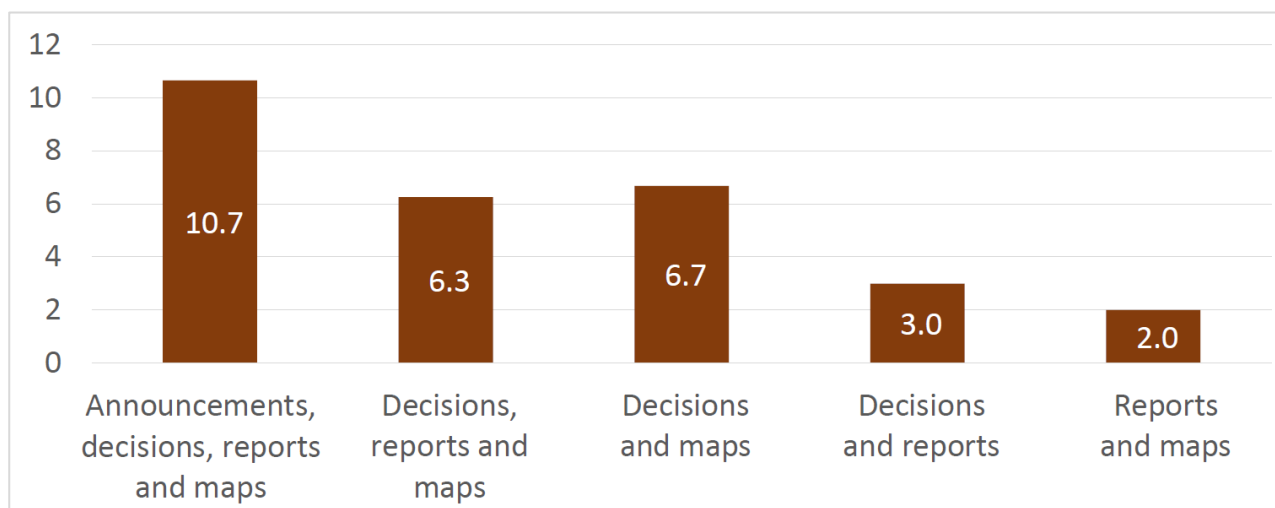


Figure 6 shows that the posting of all types of documents in the land use plan dossiers by the DPCs varies from district to district. Accordingly, only 17% of DPCs fully publicise land use plans in the direction of publicising all four types of documents: (i) public announcement of land use plans, (ii) decision to approve the district land use plan, (iii) explanatory report, and (iv) land use plan map; or publicise the three most important types of documents with the exception of public announcements of land use plans. Specifically, 75 agencies publicise all four types of documents (accounting for 10.7%); 44 agencies publicise approval decisions, explanatory reports and plan maps (accounting for 6.3%); 47 agencies publicise decisions and maps (accounting for 6.7%); 21 agencies publicise decisions and reports (3%); and 14 agencies publicise reports and maps (accounting for 2%).

Figure 6: Level of disclosing information on district land use plans (%)



Twelve (12) out of 63 provinces and municipalities (Bac Kan, Son La, Nam Dinh, Da Nang, Phu Yen, Gia Lai, Tien Giang, Tra Vinh, Dong Thap, Hau Giang, Soc Trang, and Ca Mau) do the best at publicising information on land use plans on district-level websites. The three provinces of Gia Lai, Tien Giang, and Tra Vinh have all districts that perform well in information disclosure.

From the above data, it is shown that none of the reviewed 704 districts fully comply with the land law provisions on the deadline for approving and publicising district land use plans on the e-portal/website of DPCs.

#### Difficulties in finding information on provincial land pricing frameworks and district land use plans

In the process of reviewing the e-portals of the People's Committees of 63 provinces and municipalities and the website of the People's Committees of 704 districts across the country, the Research Team encountered certain difficulties that need to be overcome by the Provincial and District People's Committees to ensure that this and other information is posted in a complete, timely, accurate and easy-to-use manner.

First, the posting of information by state agencies is not synchronized; documents attached to public announcements of district land use plans are often scattered in a number of different sections on these e-portals. This makes it difficult for people to find complete information. Second, the search function on some e-portals/websites is not effective, so the Research Team members cannot press the search icon due to an error and instead had to use the Enter key on the keyboard. Third, the general search engine does not return the search results, so the Research Team had to use the search engine in the "Executive and directive document" section or other sections, which is easy for ordinary users to miss information. Fourth, the title of the article/information is not in accordance with the textual standards, such as the use of the acronyms "QH, KH sđđ". Therefore, it is easy for searchers to miss the article and not be able to find it using the search engine on the e-portal/website or the Google search engine<sup>77</sup>.

Fifth, related documents are posted in compressed files or are not clearly annotated; the file format (land use plan map) is not common and not convenient for searching, especially search with smartphones. Sixth, most of the land use plan documents are not fully posted but scattered or posted inconsistently by section. Some agencies publicize information on land pricing frameworks and land use plans in the sections such as "Enterprises", "Investment promotional information", "Press", "Anti-corruption", "Advertisement" or

<sup>77</sup> The acronyms "QH, KH sđđ" are used on the website of the People's Committee of Than Uyen district, Lai Chau province



"Technical Guide", thus it is not convenient for people to search. Finally, the document categorization makes it difficult to find. For example, the decision to approve the land use plan is posted in the "Documents" section on the e-portal of the PPC while the Public Notice is posted in the "Documents" section on the website of the DPC. Meanwhile, not all people know the authority to issue these types of documents.

### Results of experimenting with requests for information

Based on a random sample, 05 members of the Research Team in the role of citizens, real estate traders, lawyers, and researchers sent letters requesting the provision of district land use plans for 2021 to 561 offices of DPCs nationwide. On average, 140-141 requests were sent for each role, 70 of which cited Law on Access to Information 2016, and 70 did not cite it. The request form was completed according to form No. 1a attached to Decree No. 13/2018/ND-CP.

Figure 7 shows the results of experimenting with requests for district land use plans. Out of the requests for information sent to 561 DPC offices, 98 DPC offices provided information (accounting for 17.5%); 15 DPC offices refused to provide information (accounting for 2.7%); 46 DPC offices responded to the Research Team members but did not provide information (accounting for 8.2%). Up to 402 DPC offices did not respond (accounting for 71.7%). For each research position (role), citizens were provided with information at the highest rate among the four positions (accounting for 22.9% out of 140 sent requests), followed by researchers (19, 3% of 140 outgoing requests), lawyers (14.9% of 141 outgoing requests) and real estate traders (12.9% of 140 outgoing requests).

It should be noted that the differences between two proportions can be due to sampling errors. With a sample of 140 observations in each group, the sampling error may range from 0 to 4 percentage points,<sup>78</sup> and as a result, the confidence intervals may reach an 8-percentage point maximum. In short, the two proportions are statistically significant if the difference in their point estimates is around 15 percentage point.

Although the researchers requested written refusal notices for refused requests for information, state agencies often gave reasons such as citizens accessing and searching for themselves, not being under their authority to provide citizens with that information or asking citizens to send the request to another agency.

For requests to which the state agencies did respond but did not provide information, the state agencies gave reasons such as it not being within the scope of their responsibility or authority to provide information and forward the request for information to other agencies; invited information requesters directly to the DPC offices; provided documents that were not as required; asked for the purpose of using information and instructed the use of information for the right purposes; requested the provision of a photo of citizen identification or identity card; sent a link to the website; or suggested/requested search on the website or Google.

The fact that the Law on Access to Information 2016 stipulates that state agencies are responsible for providing information they create<sup>79, 80</sup> may be a barrier for the DPC office not to respond to requests for information from the Research Team members.

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<sup>78</sup> The standard error of a binary variable is estimated by the following formula:  $se = \sqrt{p \cdot (1 - p) / n}$

<sup>79</sup> Article 9 Clause 1, 2016 Law on Access to Information

<sup>80</sup> Except for CPCs, which are responsible for providing citizens residing in the area with information created by them and by agencies at their level, information received by them for directly performing their functions, tasks and rights; providing other citizens with this information in cases that are directly related to their legitimate rights and interests (defined in Article 9 Clause 2 Point h of the Law on Access to Information 2016)



Figure 7: Responding to a request for land use plan information (%)

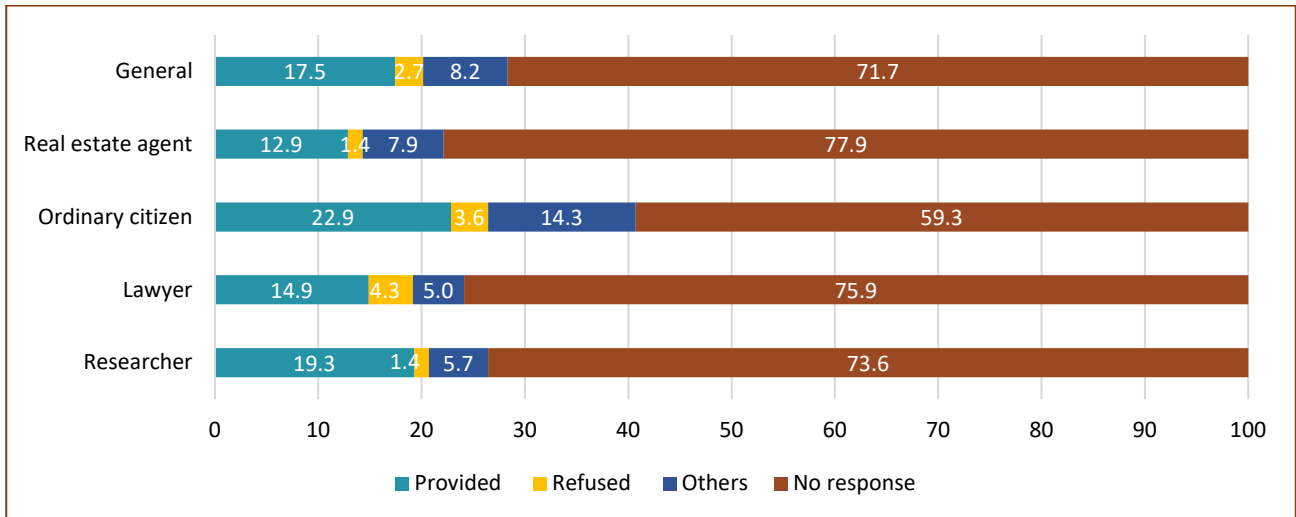


Figure 8 represents the deadlines for agencies to respond to information requests. Accordingly, 53.9% of agencies provided information within 10 days, 16.9% of agencies provided information after 10 days from the date of sending the request, and 29.2% responded but did not provide information or only provided information disclosure notices.

Figure 8: Deadline for responding to requests for information

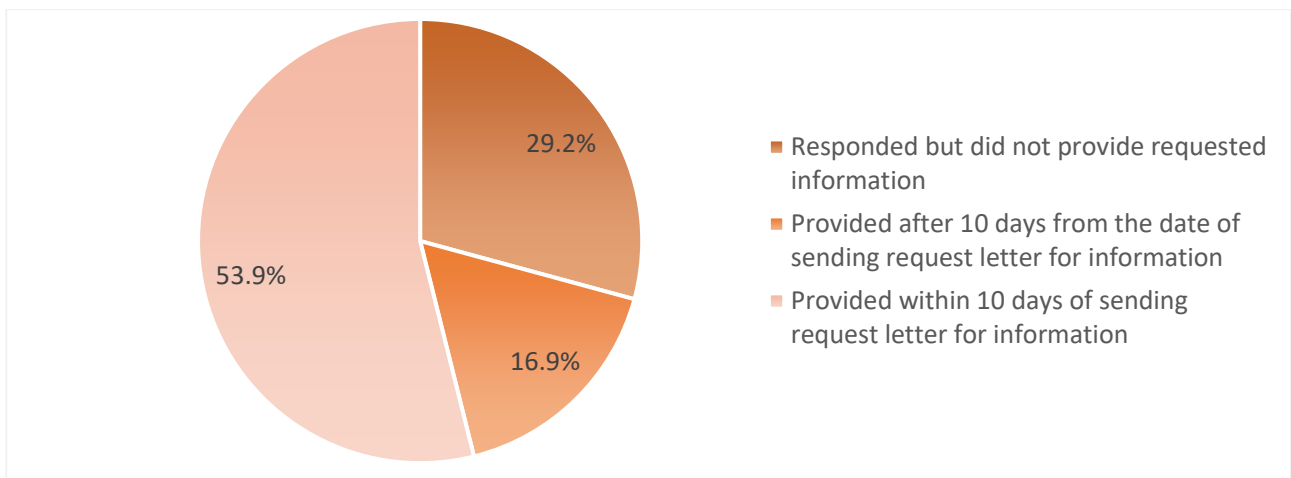


Figure 9 displays the content of the receipt of the request for information, Figure 10 shows the content of the information request settlement form, and Figure 11 shows the content of information processed by the Office of the People's Council and the People's Committee of Tan Lac district at the request of the Research Team members as citizens. Figure 12 shows the content of refusing the information request from the Office of the Yen The DPC (Bac Giang province) and instructing citizens to contact another state agency that generates the requested information (Bac Giang PPC is the authority to approve land use plans of the districts in the province). Figure 13 shows the refusal to provide information by the Office of the People's Council and the People's Committee of Duc Co district (Gia Lai province) with a link to the land use plan posted on the district's website. Whether refusing to provide or providing the exact information requested by the Research Team members, these are good practices in accordance with the provisions of the Law on Access to Information 2016 and Decree 13/2018/ND-CP. In particular, the Office of the People's Council and the People's Committee of Tan Lac district (Hoa Binh province) is assessed as the unit that fully implements the steps of receiving and providing information according to the provisions of these two legal documents.

Figure 9: Receipt of requests for information issued by the Office of the People's Council and the People's Committee of Tan Lac District


<b>TAN LAC DISTRICT PEOPLE'S COMMITTEE OFFICE OF PEOPLE'S COUNCIL AND COMMITTEE</b>	<b>SOCIALIST REPUBLIC OF VIETNAM Independence - Freedom – Happiness</b>
Number: 01/PTN	<i>Tan Lac, March 28, 2022</i>
<b>RECEIPT OF REQUEST FOR INFORMATION</b>	
Name of the information providing agency/unit: Office of the People's Council and People's Committee of Tan Lac district, Hoa Binh province.	
Has received request for information from Mr. [REDACTED]	
Citizen ID card/Passport: [REDACTED] issued [REDACTED] at the Department of Police on Social Order.	
Residence: [REDACTED]	
Phone number: [REDACTED]	Email: [REDACTED]
Type of documents requested by Mr. [REDACTED] District land use plan	
Type of information provision: Electronically	
Document attached to the request for information: None	
This request has been entered the monitoring book no: 01/2222	
Sequential number: 01	
<b>Request received by:</b>	
	
<b>Bùi Thị Thảo</b>	

Figure 10: Information request settlement form issued by the Office of the People's Council and the People's Committee of Tan Lac District

<p>People's Committee of Tan Lac District</p> <p>Number: 02 /PGQ</p>	<p><b>SOCIALIST REPUBLIC OF VIETNAM</b> <b>Independence - Freedom - Happiness</b></p> <p>Tan Lac, March 30, 2022</p>
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**RESPONSE TO THE REQUEST FOR INFORMATION**

To: Mr. [REDACTED]

Name of the agency/unit providing information: Office of the People's Council and People's Committee of Tan Lac district, Hoa Binh province.

Having received the information request from Mr. [REDACTED]

Citizen ID card/Passport: [REDACTED] issued [REDACTED] at the Department of Police on Social Order.

Residence: [REDACTED]

Phone number: [REDACTED] Email: [REDACTED]

Type of documents requested by [REDACTED] Tan Lac District land use plan 2021SS


The Office of the People's Council and the People's Committee of Tan Lac district, Hoa Binh province announces the provision of information requested by Mr. [REDACTED] as follows:

Mode of providing information: Electronically

Date of providing information: 30/3/2022

**HEAD OF AGENCY/FOCAL POINT UNIT**

**FOR INFORMATION PROVISION**



**PHẠM NGỌC TÙNG**

Figure 11: Information provided by the Office of the People's Council  
and the People's Committee of Tan Lac District

PEOPLE'S COMMITTEE  
HOA BINH PROVINCE

Number: 509 /QD-UBND

**SOCIALIST REPUBLIC OF VIETNAM**  
**Independence - Freedom - Happiness**

*Hoa Binh, March 12, 2021*

**DECISION**

**About the approval of the land use plan 2021 of Tan Lac district**

**PEOPLE'S COMMITTEE OF HOA BINH PROVINCE**

*Pursuant to the June 19, 2015 Law on Organization of Local Government;*

*Pursuant to the November 29, 2013 Land Law;*

*Pursuant to the Government's Decree No. 43/2014/ND-CP dated May 15, 2014 detailing the implementation of a number of articles of the Land Law; Decree No. 148/ND-CP dated December 18, 2020 of the Government amending and supplementing some decrees detailing the implementation of the Land Law;*

*Pursuant to Circular No. 29/2014/TT-BTNMT dated June 2, 2014 of the Ministry of Natural Resources and Environment detailing the formulation and adjustment of land use plan;*

*At the request of the Department of Natural Resources and Environment at the Submission Letter No. 123/Tr- STNMT dated March 10, 2021*

**DECIDES**

**Article 1:** To approve the 2021 land use plan of Tan Lac district with the following main content:

1. Area of land types allocated in the planned year:

Land use plan 2021 of Tan Lac district 53,085.74 ha, including following land groups: Agricultural land 46,187.70 ha; non-agricultural land 6,263.70 ha; unused land 634.34 ha. *(Detailed distribution by land types and allocation to communes and townships is attached in Form 01)*

2. Plan to change land use purpose

The plan for land use purpose change in 2021 of Tan Lac district covers 738.55 ha, including: Agricultural land to be used for non-agricultural purposes 736.18 ha; change the structure of land use within the agricultural land 2.33 ha; non-agricultural land that is not residential land to be converted to residential land 0.04 ha *(Details on change of land use purpose in 2021 are presented in the attached Form 02).*

3. Land acquisition plan

Land acquisition plan in 2021 of Tan Lac district covers 561.43 ha, including: Agricultural land 540.52 ha; non-agricultural land 20.91 ha. *(Details of allocation by land types and allocation to communes and townships are presented in the attached Table 03).*

Figure 12: Notice of refusal to provide information issued by the Office of the People's Committee of Yen The District

<b>YEN THE DISTRICT PEOPLE'S OFFICE</b>	<b>SOCIALIST REPUBLIC OF VIETNAM</b> <b>Independence - Freedom – Happiness</b>
No. 48/TB-VP	<i>Yen The, March 21, 2022</i>
<b>NOTICE OF REFUSAL TO PROVIDE INFORMATION</b>	
To: Ms. [REDACTED]	
Citizen ID Card/Passport: [REDACTED] issued on [REDACTED] at the Department of Police on Social Order.	
Place of residence: [REDACTED]	
Phone number: [REDACTED] Fax: [REDACTED] Email: [REDACTED]	
Types of requested information: Document	
Mode of providing information: Electronically	
Date/month/year of receiving the request: March 21, 2022.	
We refuse to provide information requested to the following reasons:	
On March 21, 2022, Yen The District People's Committee received a request for "Land use plan in 2021 Yen The district" from Ms. [REDACTED]. After looking up the land use plan for 2021 of Yen The district, approved by the People's Committee of Bac Giang province, we realize that the People's Committee of Yen The district has no authority to provide this kind of information.	
Please contact the People's Committee of Bac Giang province for follow-up.	
<b>CHIEF OF YEN THE DISTRICT PEOPLE'S OFFICE</b>	
  <b>Trần Thế Tùng</b>	

Figure 13: Notice of refusal to provide information issued by the Office of the People's Council and the People's Committee of Duc Co District


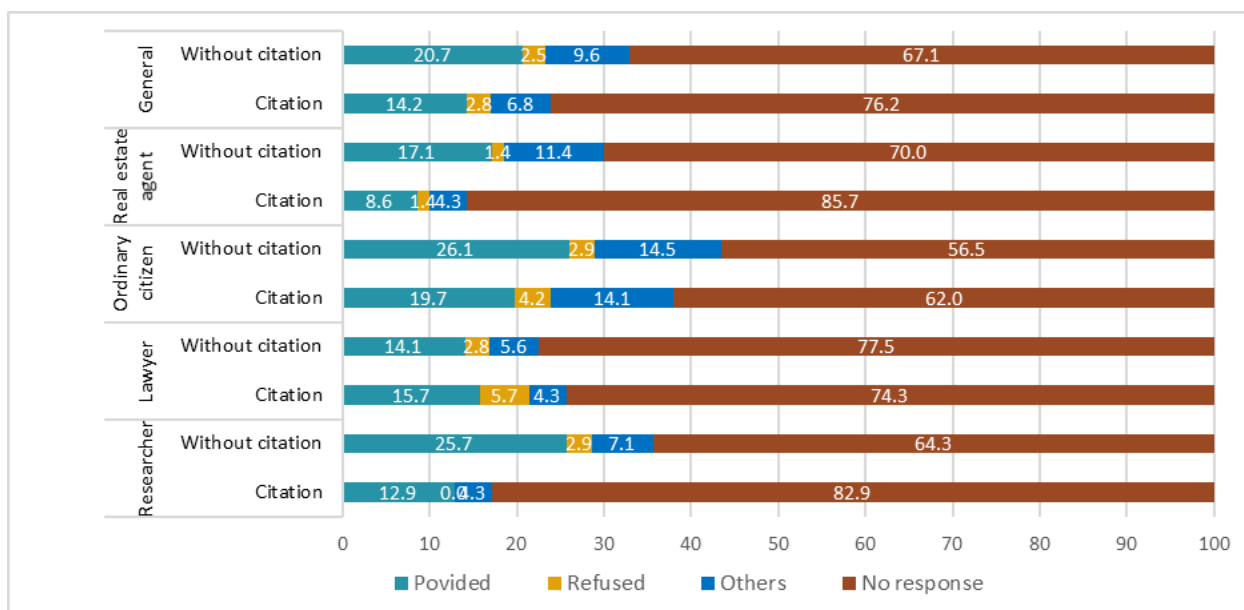
<b>DUC CO DISTRICT PEOPLE'S OFFICE</b>	<b>SOCIALIST REPUBLIC OF VIETNAM Independence - Freedom - Happiness</b>
No. 71 /TB-VP	Duc Co, April 8, 2022
<b>NOTIFICATION</b>	
<b>Refusal to requests for information</b>	
To: Mr. [REDACTED]	
Address: [REDACTED]	
Office of People's Council and People's Committee of Duc Co district, Gia Lai province received a request for information from Mr. [REDACTED]	
Citizen identification number: [REDACTED], issued on [REDACTED], at the Department of Police on Social Order.	
Place of residence: [REDACTED]	
Phone number: [REDACTED]; Fax: None; Email: [REDACTED]	
Type of requested information: Land use plan 2021 of Duc Co district.	
Date/month/year of receipt of request: 30/3/2022	
Pursuant to Article 28 of the Law on Access to Information dated April 6, 2016, the Office of the People's Council and People's Committee of Duc Co District, Gia Lai Province refuses to provide information requested by Mr. [REDACTED] for the following reasons: Land use plan in 2021 of Duc Co district has already publicly posted on the e-portal from Duc Co district, Gia Lai province at the address: <a href="https://ducco.gialai.gov.vn/chuyen-muc/Quy-hoach-Ke-hoach/Quy-hoach,-KH-su-dung-%c4%91at.aspx">https://ducco.gialai.gov.vn/chuyen-muc/Quy-hoach-Ke-hoach/Quy-hoach,-KH-su-dung-%c4%91at.aspx</a> .	
The Office of the People's Council and the People's Committee of Duc Co district, Gia Lai province would like to inform Mr. [REDACTED] about this so that he can access information on the above link./.	
<b><u>Recipients:</u></b> <ul style="list-style-type: none"><li>- As above.</li><li>- Leaders of District People's Committees; Office;</li><li>- Culture &amp; Sports Division</li><li>- For filing: Admin - Office</li></ul>	<b>CHIEF OF DUC CO DISTRICT PEOPLE'S OFFICE</b>  Nguyễn Văn Tuyển



Figure 14 shows differences in the rate of responses to requests for land use plans with and without citation of the Law on Access to Information 2016 for each Research Team member. In general, the rate of providing information in response to requests with citation is higher (20.7%) than that without citation of the Law on Access to Information 2016 (14.2%). Similar to the rate of requests with responses but no provision of the district land use plans, requests with the citation of the law are 9.6% compared to the request without citation of the law (6.8%). The rate of refusals to requests with and without citation of the law is 2.5% and 2.8%, respectively. The rate of non-responses to requests with citation of the law is lower (67.1%) than that without citation of the law (76.2%).

*Figure 14: Comparison of responses between requests with and without citations of the Law on Access to Information (%)*



The results of the communication between the Research Team members and the civil servants assigned to respond to citizens' information requests show that basically all civil servants have a polite attitude during the interaction. However, the communication content also shows that there is confusion or ambiguity about the responsibility to provide information, although professionally, land information is at least archived by DPC and DONRE.<sup>81</sup>

Regarding means of communication, many civil servants prefer to communicate with citizens via Zalo, including some who assert that there is no need for a complicated letter (letter of request for information); these civil servants said if there is anything that needs support, citizens just need to message them via Zalo. In terms of information, most DPCs that did provide information and only sent the decision to approve the land use plans without sending the rest of the documents. Regarding costs, the Research Team did not have to pay for most of the letters sent back by state agencies by post or email providing requested information or refusing to provide information. In particular, there was a case where a civil servant of Cu M'gar district (Dak Lak province) requested a fee of 200,000 VND for access to information according to Article 11 of Resolution No. 03/2020/NQ-HDND of the People's Council of Dak Lak province on the fees and charges in Dak Lak province. However, the Research Team found that this provision is not in line with the provisions of the Law on Access to Information 2016, and thus did not continue to request this district to provide information.

<sup>81</sup> Article 7 Clause 1 Point c Circular No. 29/2014/TT-BTNMT

## Building a landing page to publicize land information and survey users' satisfaction

The research team synthesized the results of searching for information on the provincial land pricing frameworks and the district land use plan and shared the results on the Land Information Page <https://congkhaihongtindatdai.info>. This page will provide links to information on provincial land pricing frameworks and district land use plans for 63 provinces and municipalities and 704 districts/towns nationwide. Accordingly, users of the Land Information Page can search for provincial land price lists and district land use plans of the locality(s) they are interested in case the relevant state agencies publicly post such information and the Research Team can find them. The users can also get a complete picture of the publicity of these two types of information on the e-portals/websites of both 63 PPCs and 704 DPCs across the country and can assess their satisfaction with the information they want to look at. In addition, users can also learn some good practices in land information disclosure by state agencies and understand more about this Research Project.

Figure 15 shows the results of the disclosure of the land pricing frameworks for the 2020-2024 period of provinces and municipalities. Figure 16 presents the results of synthesizing information about the DPCs that have or have not publicized the land use plan for 2021 on the e-portals of DPCs.

Figure 15: Overview of the publicity of land pricing frameworks at the provincial level

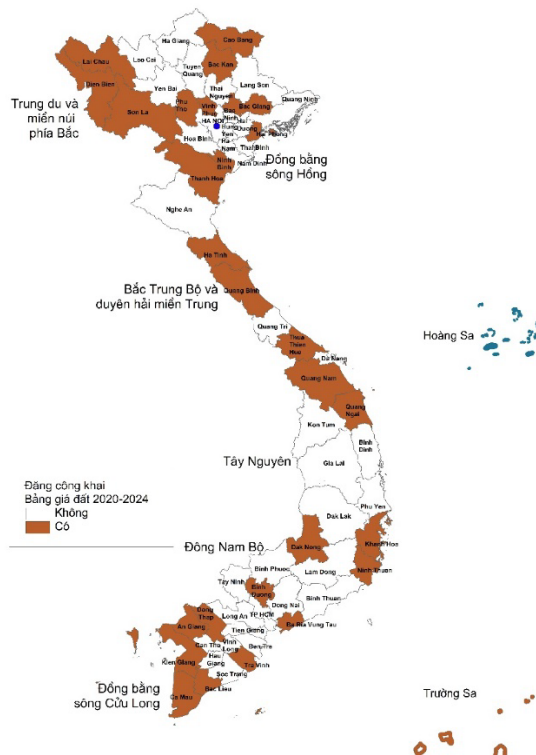
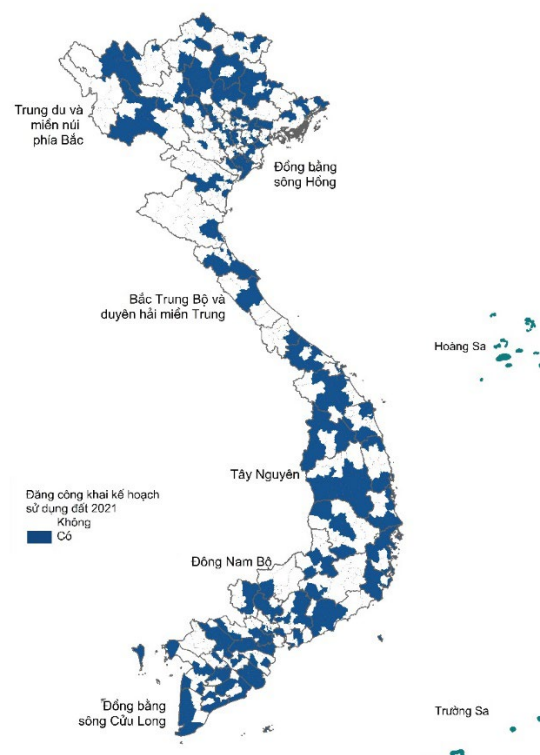


Figure 16: Overview of the publicity of land use plans at the district level



Given that the technical conditions did not enable easy link with the original information pages of state agencies that have publicized the provincial land pricing frameworks and district land use plan, the Research Team has not completed the feature of enabling users to assess the accessibility and comprehensibility of these two types of information. It is hoped that in the second phase of the study, this feature will be completed so that users can return to the landing page and review the websites providing information on provincial land pricing frameworks and district land use plans.



## Conclusion and policy implications

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### Conclusions

Disclosure of land information, including information on provincial land pricing frameworks and district land use plans, is one of the important solutions contributing to reducing land conflicts and improving resource governance in Vietnam.

The Land Law and Law on Access to Information of Vietnam have regulations on responsibilities as well as processes and procedures for publicizing land information and providing land information at the request of citizens in many different forms. The land law stipulates the types of documents regarding the district land use plans that need to be made public, but does not yet detail regulations for the publicity of the provincial land pricing frameworks.

With a high percentage of internet users in the population as well as a national digital transformation strategy and online public service provision, the systematic disclosure of easy-to-access-and-use land information is crucial to ensure citizens' access to land and other public services.

Reviewing e-portals/websites of PPCs and DPCs of 63 provinces and municipalities and 704 districts/towns nationwide, the Research Team found 27 out of 63 tables of provincial land pricings and 338 out of 704 district-land-use plans. However, the posting of information by state agencies is not synchronous; documents attached to public announcements of district land use plans are often scattered in a number of different sections on e-portals/websites, making it difficult for people to find complete information.

The results of sending requests for information on district land use plans to 561 offices of DPCs, which are responsible for publicizing this information, show that 98 DPC offices provided information (accounting for 17.5%); 15 DPC offices refused to provide information (accounting for 2.7%); 46 DPC offices responded to the Research Team members but did not provide information (accounting for 8.2%). Up to 402 DPC offices did not respond (accounting for 71.7%). Among the DPC offices that responded, 53.9% of them provided the requested information within 10 days from the date of sending the request letter.

### Policy implications

To ensure effective implementation of the people's right to access to land information, thereby contributing to promoting good land governance and minimizing land conflicts, the Research Team has made following recommendations from the perspective of promulgation, amendment, and implementation of laws and policies.

#### Promulgation and amendment of laws and policies

1. The process of providing information on request of citizens should be added to the current set of administrative procedures because all state agencies are information generators and holders, and the 2016 Law on Access to Information already clearly stipulates the responsibilities, processes, and deadlines for disclosing and providing information at the request of the citizens.
2. There should be specific regulations on the types of documents in the dossier of the provincial land pricing frameworks that need to be publicly disclosed and the forms and channels for publicizing the provincial land pricing frameworks in the relevant legal documents.

### More effective implementation of existing laws and policies

1. The People Committees at all levels should train information providing focal points and relevant departments on Law on Access to Information 2016, including the emphasis on the nine tasks each state agency needs to perform as specified in Law on Access to Information 2016 and Decree No. 13/2018/ND-CP. In addition, they should organize trainings on regulations and procedures related to disclosure of land information and provision of information at the request of citizens.
2. People's Committees at all levels should more effectively implement the Law on Access to Information 2016, thereby contributing to better publicising information according to the provisions of the Land Law 2013. Accordingly, agencies need to quickly carry out the work stipulated in the Law on Access to Information in 2016, including: (i) Promulgating and publicising internal regulations on providing information within their responsibilities, and (ii) Arranging staff to act as focal points in state agencies responsible for providing information; and, (iii) Making a section on information access and the list of information for provision must be made public, including information related to land use plans and land pricing frameworks.
3. State agencies should publicise land information in the orientation of fully posting documents related to land planning documents, land use plans, or land pricing frameworks into a specific section according to Law on Access to Information 2016. For example, for land use plan documents, it is necessary to publicise both the public announcement of information, the approval decision, the explanatory report, and the land use plan map.
4. State agencies should apply the provisions of Circular No. 26/2020/TT-BTTTT to post information in an accessible and usable way for people with disabilities, the elderly, and people instead of ZIP archives as currently.
5. State agencies should improve the search function on the e-portals/websites of government agencies and have specific guidelines on publicizing documents.

## References

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CECODES, VFF-CRT, RTA & UNDP (2022). The 2021 Viet Nam Governance and Public Administration Performance Index (PAPI): Measuring Citizens' Experiences. A Joint Policy Research Paper by the Centre for Community Support and Development Studies (CECODES), Centre for Research and Training of the Viet Nam Fatherland Front (VFF-CRT), Real-Time Analytics, and United Nations Development Programme (UNDP). Ha Noi, Viet Nam. Available at [www.papi.org.vn](http://www.papi.org.vn).

## Appendix: Criteria for assessing the level of land information disclosure by the People's Committees of provinces and districts

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- 1. Information is posted.** For the provincial land pricing frameworks, the posting of the decision issued together with the land pricing frameworks appendix or the availability of a tool to directly look up land prices is considered as information being posted. For land use plans, the posting of one of the three documents (i.e., the approval decision, the explanatory report, and the land use plan map) is assessed as publicisation. If the decision on issuance/approval of the land use plan is posted but there is no information and no annexes or other documents, such as the explanatory report and the land use plan map, then it is considered as no information posted. In addition, the tool has access errors or, at the time of access to conduct the survey, related documents are inaccessible or cannot be downloaded, it is also considered as no information posted.
- 2. Searchability.** Normally, people will use Google to find [land] information they need. However, in order to assess the level of publicity of [land] information by state agencies, the Research Team has identified four search steps. Step 1: The Research Team members go to the website/e-portal of PPCs and DPCs to search in visual sections on the homepage or in the navigation bar by using keywords such as "land pricing frameworks", "land use planning/plan", "development", "orientation", "strategy", "publicity", "land" and "need-to-know information". Step 2: The Research Team members search other sections on the homepage/main navigation bar of the website/e-portal of PPCs and DPCs. Step 2 is performed only if the Research Team members cannot find the information in Step 1. Step 3: Search using the search bar of websites/e-portals. Step 3 is only performed if the Research Team members continue to not find the information in Step 2. Step 4: use Google to search. Step 4 is performed only when the Research Team members cannot find the information in step 3. The number of search steps is recorded to the last step when the Research Team members can find new information related to the provincial land pricing frameworks and the district land use plan.
- 3. Timeliness** for the provincial land pricing frameworks means that the information is posted on January 1 of the first year of the cycle/period, and the district land use plan is posted within 15 days from December 31 at the latest.
- 4. Completeness.** A complete set of district land use plan documents consist of four types of documents: public announcement (announcement), PPC's approval decision (decision), explanatory report (report), and land use plan map (map). Posting only the public notice without attaching the other three types of documents is not considered publicisation. Posting a public announcement with at least one of the other three documents or posting only at least one of the remaining three documents without posting a public announcement is considered publicisation. However, only the agency that publicises all four types of documents or publicises the approval decision, explanatory report, and plan map will be considered as full publicisation.
- 5. Information usability.** The posted information needs to be easy to read, understand, nationwide, and in a file format that is universal to the public. Scanned documents need to be legible. For maps, it is necessary to publicise a version that is easy to look up for people.