



Ireland



TỌA ĐÀM CHUYÊN ĐỀ | THEMATIC DISCUSSION

**ĐÁNH GIÁ VÒNG 2 VIỆC CÔNG KHAI THÔNG TIN KẾ HOẠCH SỬ DỤNG ĐẤT CẤP HUYỆN
VÀ BẢNG GIÁ ĐẤT CẤP TỈNH TRÊN MÔI TRƯỜNG ĐIỆN TỬ NĂM 2022**

**REVIEW OF LOCAL GOVERNMENTS' PERFORMANCE IN DISCLOSURE OF DISTRICT LAND USE
PLANS AND PROVINCIAL LAND PRICING FRAMEWORKS ONLINE IN 2022**

Hà Nội, 09/03/2023



Content

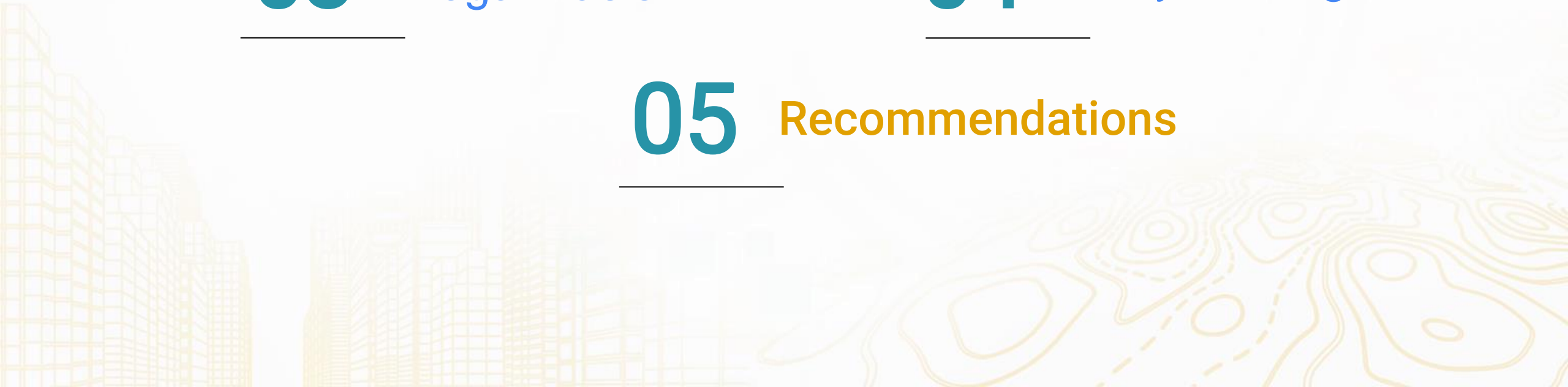
01 Review Rationales

02 Review methods

03 Legal Basis

04 Key Findings

05 Recommendations



Rationales for the 2nd review

- Complaints, denunciations, petitions and reflections related to the land sector account for over 69.5%

(The thematic monitoring report "The implementation of the law on citizen reception and settlement of complaints and denunciations from July 1, 2016 to July 1, 2021")

- Lack of transparency in land use planning and implementation of land use planning is one of the main reasons

- Findings of the 1st review:

- Only **337/704** districts have disclosed the 2021 Land Use Plan on the website of the District People's Committee
- Only **27/63** provinces and centrally-run cities have disclosed the land pricing framework for the period 2020-2024 on the portal of their Provincial People's Committee

Review Objectives

Objective 1

To review citizen access to information on land pricing framework issued by provincial governments and 10-year land master plans and annual district-level land use plans for districts in all 63 provinces;

Objective 2

To develop a landing page to serve as a bridge to official portals on land use plans and land pricing framework issued by state agencies at all levels and publicize it in all 63 provinces;

Objective 3

To conduct empirical research on the requirements for land information provision in accordance with the Law on Access to Information 2016 and the Law on Land 2013;

Objective 4

To propose policy and action recommendations on improving access to land information.

Methodology

- ✓ Review legal documents on the disclosure of land information
- ✓ Review practices of disclosing 10-year land use master plans and annual land use plans at the district level and practices of disclosing land pricing frameworks at the provincial level on local governments' portals/websites
- ✓ Experiment requesting for land information by sending letters for information to district People's Committees to review local governments' responses to the requests
- ✓ Develop and update the land information portal at <https://congkhaithongtindatdai.info/>

Legal Basis for the Review

- Land Law 2013 (*Articles 37, 42, 45, 48, 114.1*)
- Law amending and supplementing a number of articles of 37 Laws related to planning in 2018 (*Article 6*)
- Decree No. 43/2014/ND-CP detailing the implementation of an article of the Land Law (*Article 9.4*)
- Decree No. 148/2020/ND-CP amending and supplementing a decree detailing the implementation of the Land Law (*Article 1.5*)
- Decree No. 44/2014/ND-CP regulating land prices (*Article 12.5*)
- Circular No. 01/2021/TT-BTNMT providing technical regulation on formulation and adjustment of land use planning (*Article 50*)
- Law on Access to Information 2016 (*Article 17.1, Article 18, Article 23, 24, 25, Article 19.1.i*)
- Decree No. 13/2018/ND-CP detailing the measures of implementing the Law on Access to Information

Regulations on land information disclosure

No.	Type of information	Agencies compiling & responsible for disclosing land information	Issuing/ approving agency	Provisions on disclosure	Online disclosure	Date of publication	Disclosure period	Applicable period	Period under review
1	10-year land use master plans at the district level	District People's Committee (DPC)	Provincial People's Committee (PPC)	Compulsory disclosure	Yes	Within 15 days after the issuance date	During the land use master plans' period	10 years	2021 - 2030
2	Annual land use plans at district level	DPC	PPC	Compulsory disclosure	Yes	Within 15 days after the date of issuance (December 31)	During the land use plans' period	Annual	2022
3	Provincial land pricing frameworks	PPC	PPC	Compulsory disclosure	Not specified	On 01 Jan of the first year	Not specified	Every 5 years	2020-2024



KEY FINDINGS



Portal/website review

Implementation method

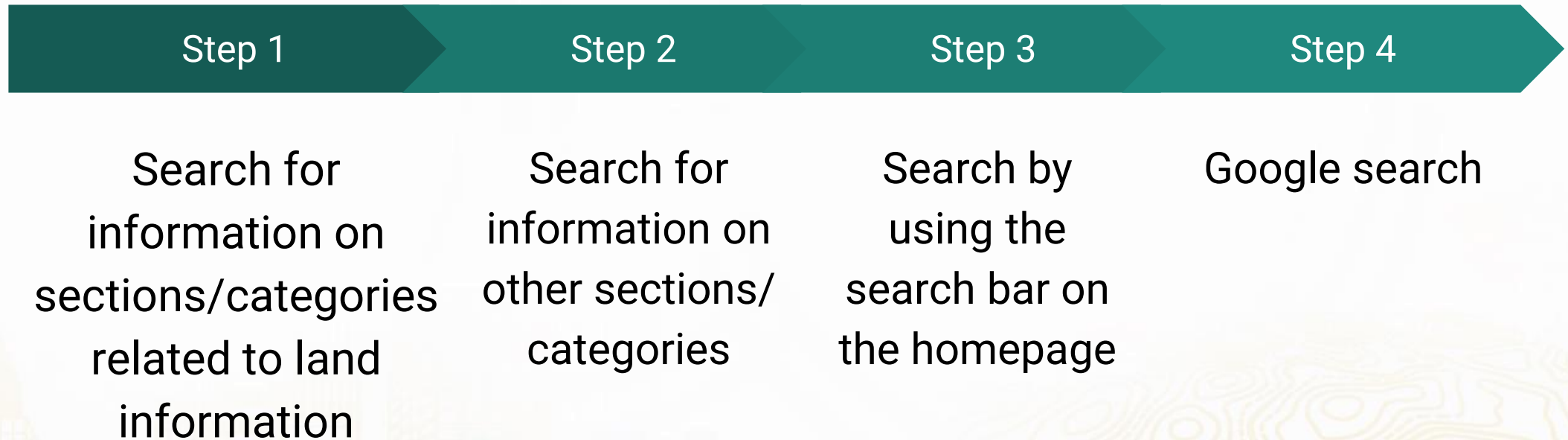
- Search for the following **information on the portals /websites** of agencies with disclosure responsibilities:

No.	Type of information	Agencies to be reviewed	No. of agencies reviewed
1	10-year land use master plans at the district level for the period from 2021-2030	DPC	705
2	Annual land use plans at the district level in 2022	DPC	705
3	Provincial land pricing frameworks for the period from 2020-2024	PPC	63

Portal/website review

Implementation method

- The process of searching for the following information on ***the portals/websites*** of state agencies who are responsible for information disclosure:



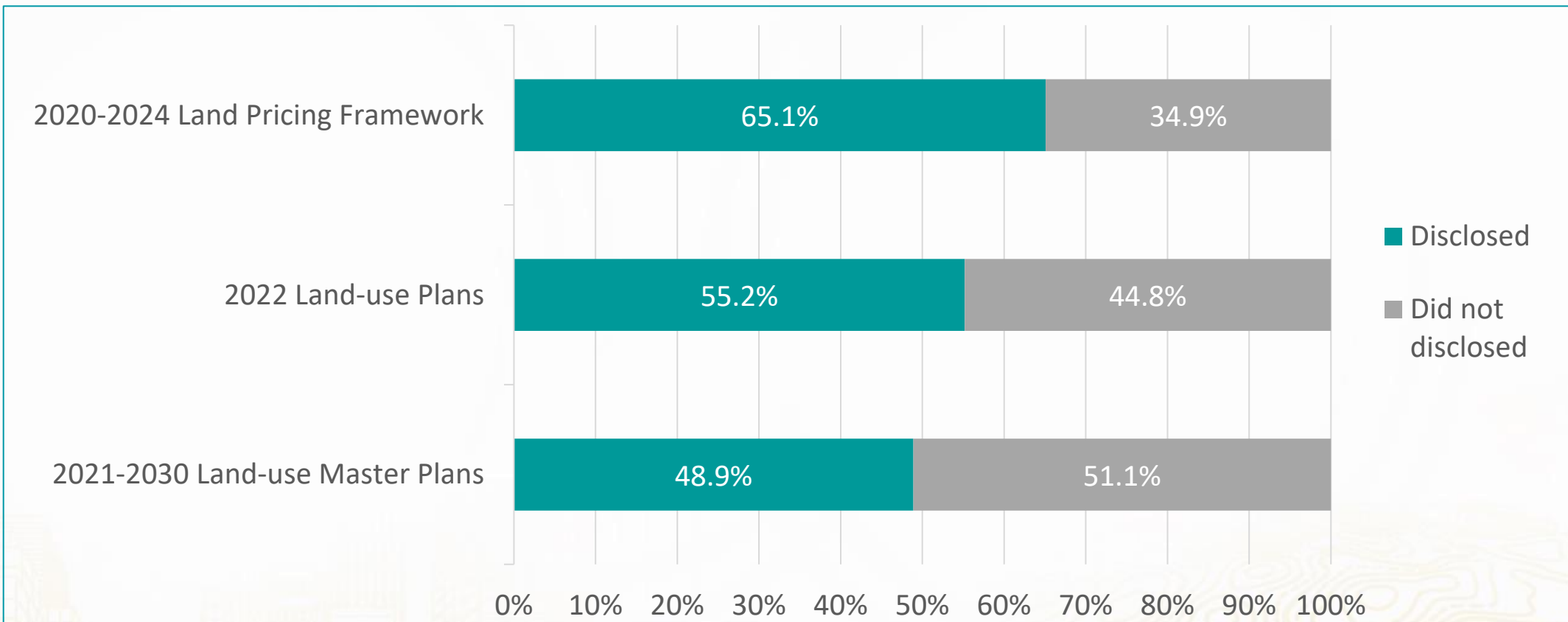
Portal/website review

➤ Evaluation criteria:

	Disclosure	Searchability	Timeliness	Completeness	Usability
10-year land use master plans (2021-2030) at the district level	Disclosing/not disclosing information on the portal/website of the local authority	Is the location of the information convenient for searching? The number of search steps to take?	Date of Disclosure compared to date of issuance of documents	<ul style="list-style-type: none"> ✓ The approval decision ✓ Explanation/synthesis report ✓ Land use planning/plan map 	Easy to read, easy to understand, formats of the attachments
Annual land use plans (2022) at the district level			<ul style="list-style-type: none"> ✓ Approval before 31 December ✓ Date of Disclosure compared to date of issuance of documents 		
Provincial land pricing frameworks for the period from 2020-2024			<ul style="list-style-type: none"> ✓ Disclosure on the 1st Jan of the first year 		

Portal/website review

➤ State of disclosure of land information on the local government portal (as of October 6, 2022*)



* To ensure continuity and comparison with the results of the 1st review in 2021, the disclosure of documents related to the searched land information is only taken into account until this date in 2022.)

Portal/website review

➤ Comparing the disclosure of District Land Use Plans in 2021 and 2022

Review Round	Information	No. of districts disclosing land use plans on their portals	Percentage of districts	Timely Disclosure		
				Yes	No	Unknown
1 st review	2021 District Land Use Plans	337/704	47.9%	123/337	135/337	79/337
2 nd review	2022 District Land Use Plans	389/705	55.2%	149/389	127/389	113/389

Portal/website review

➤ Comparison of the disclosure of provincial land pricing framework in 2021 and 2022

Review	Information	No. of Provinces Publicising the Land Pricing Frameworks	Percentage of Provinces	Timely disclosure		
				Yes	No	Unknown
1 st review	Provincial land pricing framework for the period of 2020-2024	27/63	42.9%	2/27	14:27	11/27
2 nd review	Provincial land pricing framework for the period of 2020-2024	41/63	65.1%	4/41	21/41	16/41

Portal/website review

➤ State of disclosure of 2021-2030 land use master plans by districts

Disclosure

345/705 districts

have disclosed
land use master plans
for the period of 2021-
2030 on
their gov portals/
websites

Searchability

Step 1: **56.2%**

Step 2: 20%

Step 3: 15.4%

Step 4: 8.4%

Timeliness

On time: **30,4%**

Not on time: 33,7%

Unknown: 35,9%

Usability

100% clear and usable
texts

Disclosed documents

49.6% of documents in
full set as required

Portal/website review

53/705 district government agencies met all **05** criteria under review

29 dossiers of 2021-2030 land-use master plans were approved **in 2021**

24 dossiers of 2021-2030 land-use master plans were approved **in 2022**

Portal/website review

➤ State of disclosure of 2022 land use plans by districts

Disclosure

389/705 districts

have disclosed
2022 land-use plans
on their' portals/
websites

Searchability

Step 1: **64.3%**

Step 2: 17.5%

Step 3: 10.3%

Step 4: 8.0%

Disclosed documents

155 documents in full
set as required

Usability

100% clear and usable
texts

Timeliness

19 dossiers issued on
time **4** dossiers issued +
disclosed on time

Portal/website review

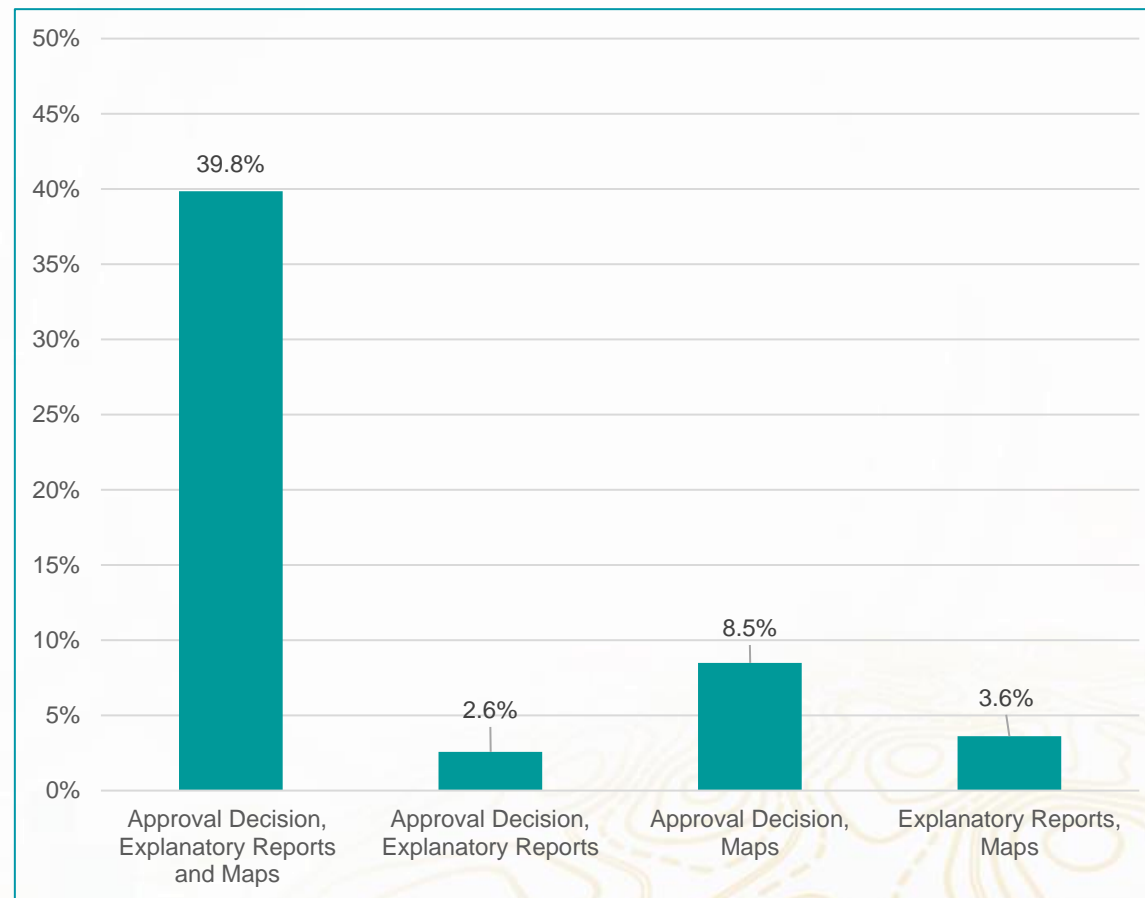
➤ Level of disclosure of 2022 land use plans by districts

115 district agencies have disclosed approval decisions, explanatory reports and maps

33 district agencies have disclosed approval decisions and maps

14 district agencies have disclosed explanatory reports and maps

10 district agencies have disclosed the approval decision and general explanatory report



Portal/website review

389/705

district
agencies
have
disclosed
information

01/705

district
agencies have
met the **05**
criteria



Disclosed information



Found the disclosed
documents in Step 1



Land-use plans approved and
disclosed on time



Disclosed approval decisions,
explanatory reports and maps



Usability of the disclosed
documents

Portal/website review

➤ Disclosure of 2022 land use plans by districts

316/705

district agencies have not been recognized as having disclosed the 2022 land-use plans on their portals/websites

31/316 district agencies have not been recognized as having disclosed the 2022 land-use plan because their ***approval or disclosure date was after October 6, 2022***

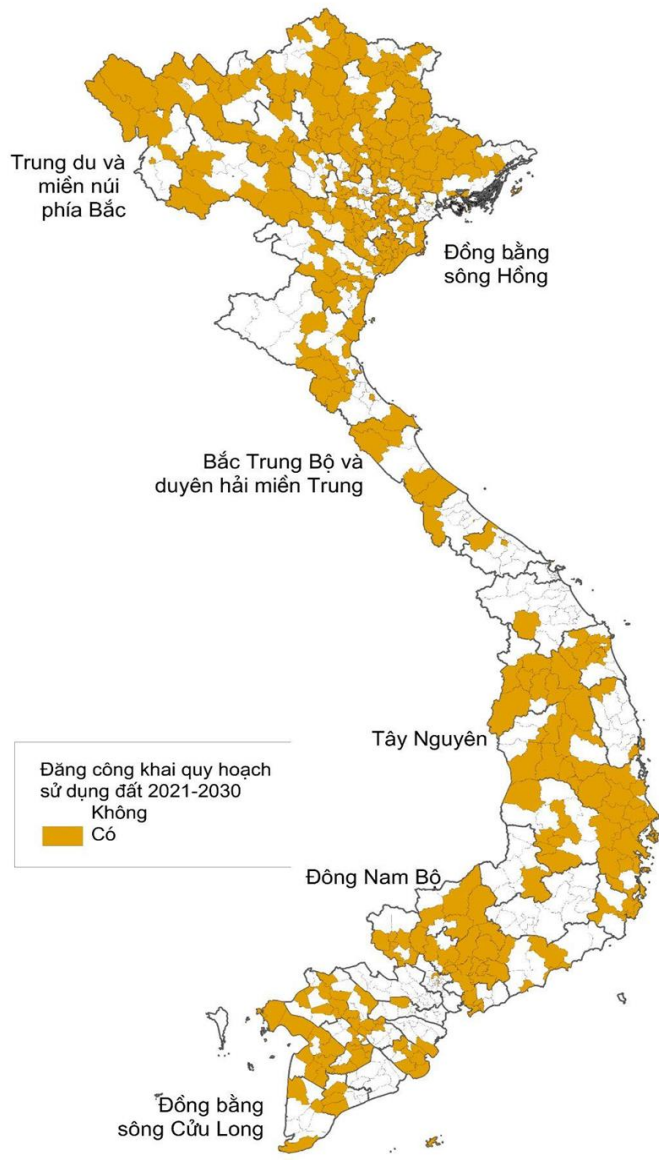
The *latest date when a 2022 Land Use Plan was actually approved* is **December 15, 2022**

The *latest date for the disclosure of the 2022 land use plans* is **January 31, 2023**

Portal/website review

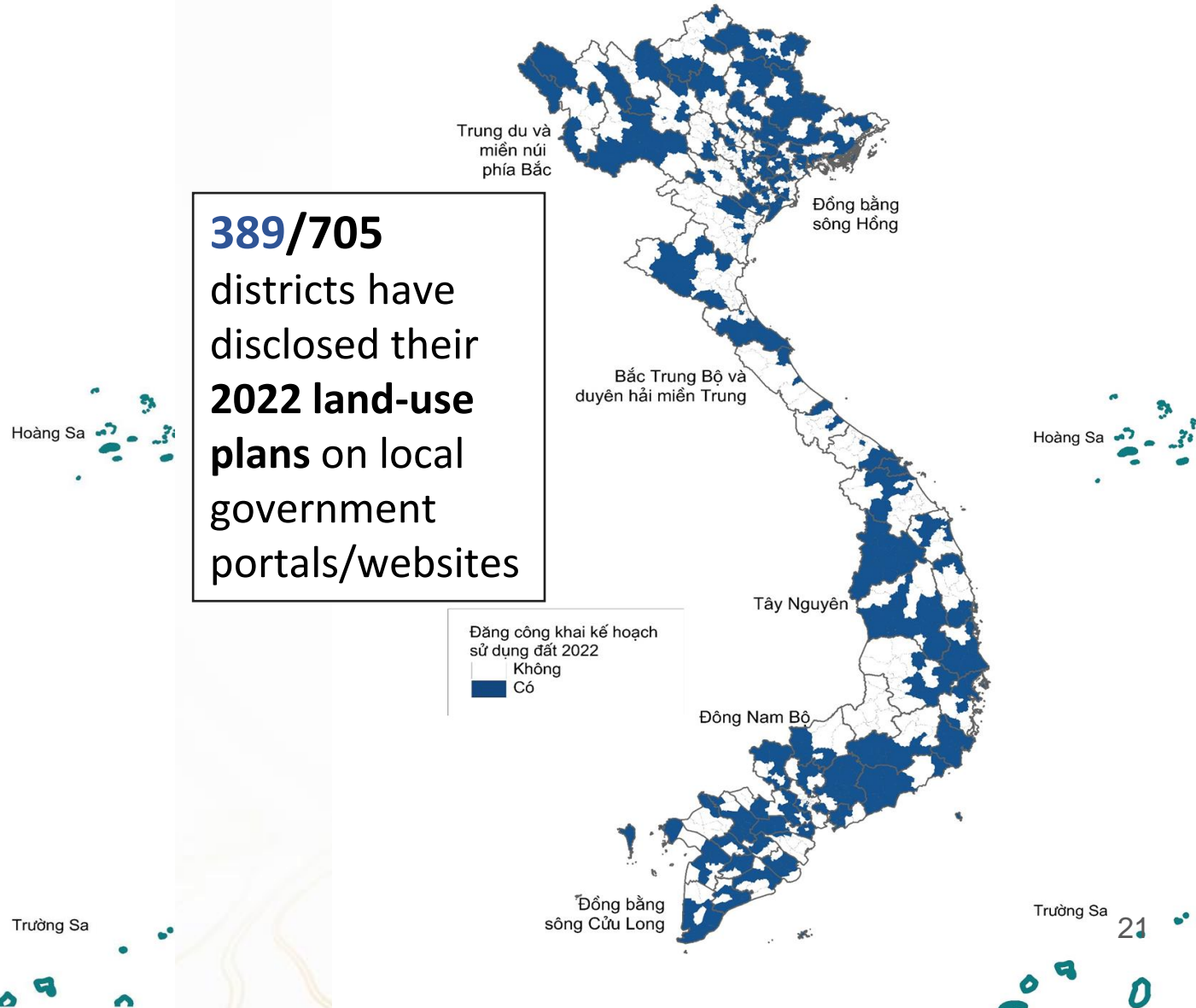
345/705

districts have disclosed their 2021-2030 **land-use master plans** on local government portals/websites



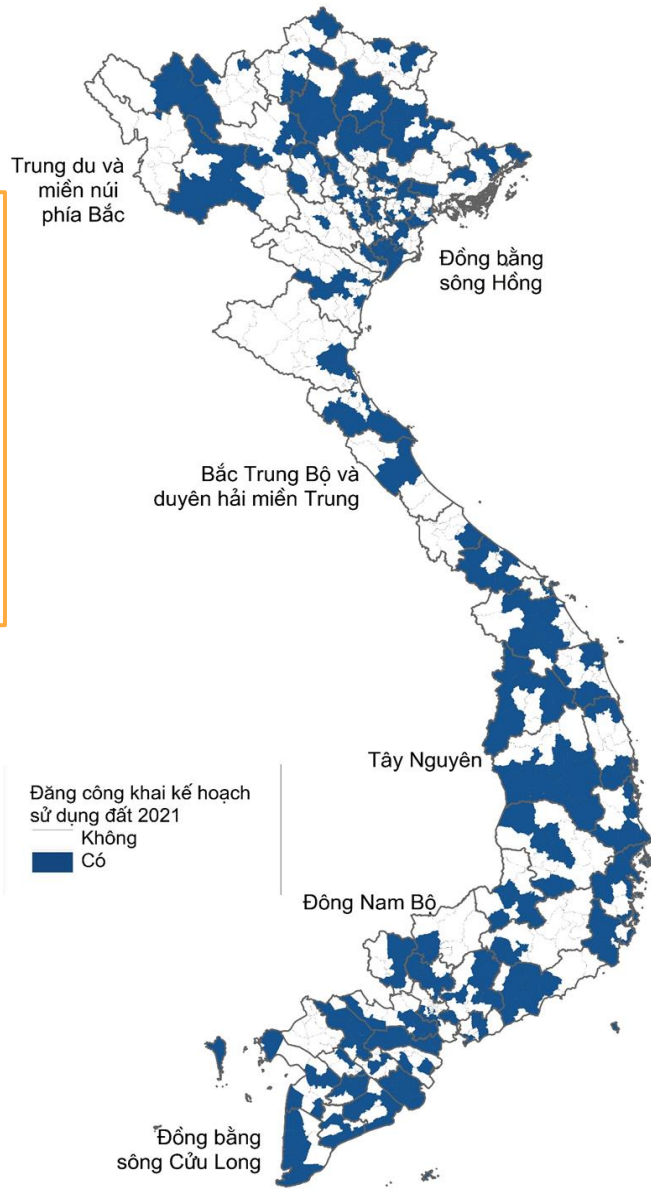
389/705

districts have disclosed their **2022 land-use plans** on local government portals/websites

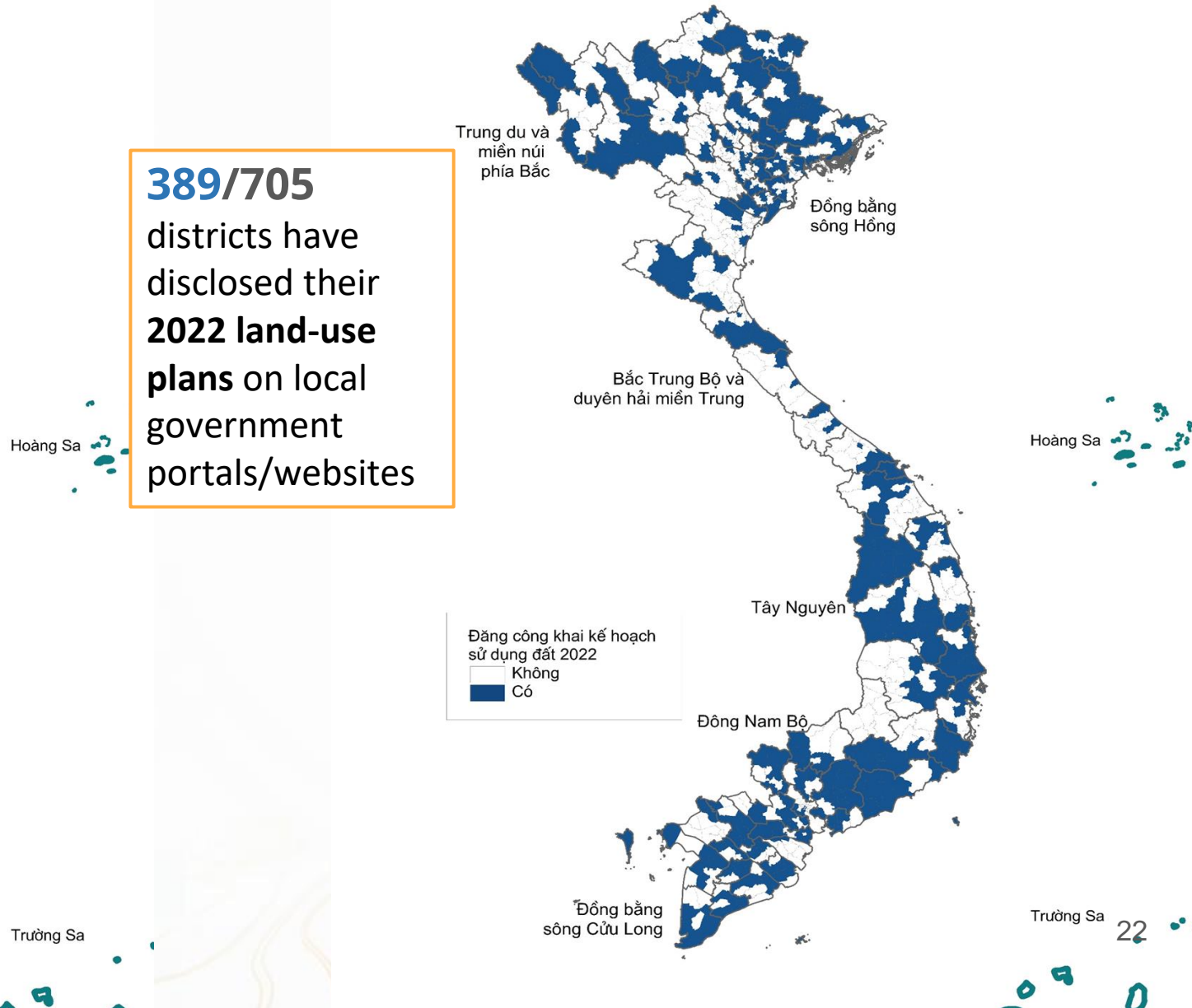


Portal/website review

337/704 districts have disclosed their **2021 land-use plans** on local government portals/websites.



389/705 districts have disclosed their **2022 land-use plans** on local government portals/websites.



Portal/website review

➤ Provincial land pricing framework for the period of 2020-2024

Disclosure

41/63 provinces have disclosed their 2020-2024 land pricing framework on their provincial government portals/websites.

Searchability

Step 1: **53.7%**

Step 2: 17.1%

Step 3: 9.8%

Step 4: 19.5%

Usability

100% clear and usable texts

Timeliness

On time: **9,8%**

Not on time: 51,2%

Unknown: 39%

Portal/website review

Disclosure Status (as of 06/10/2022*)

No.	Information	No. of Agencies	Percentage	Timely Disclosure		
				Yes	No	Unknown
1	2021-2030 land-use master plan at district level for the period	345	48.9%	105/345	116/345	124/345
2	Annual land use plans at district level in 2022	389	55.2%	149/389	127/389	113/389
3	Provincial land pricing framework for the period of 2020-2024	41	65.1%	4/41	21/41	16/41

** To ensure continuity and comparison with the results of the 1st review in 2021, the 2nd review of the disclosure of documents related to the searched land information is only considered until this date.)*

Portal/website review

➤ Some observations

- Documents on provincial land pricing framework and district land-use plans were usually issued more slowly than regulated
- Land-use plans were largely not fully disclosed, or disclosed in a scattered manner or posted in many sections/categories and lack consistency
- Using non-standard acronyms, compressed files, inefficient search functions; search engines do not return the needed results

Portal/website review

➤ Some observations

- Many localities have software integrated with planning, but not displaying legal basis.
- Seals can be separated from text, zoomed out/zoomed in, or deleted
- The availability of a QR code that links to the public document directory
- 01 agency had 02 versions of portals/websites
- Users are required to log in to see the attached text or the text posted on Google Drive, but the access for the public is not granted
- Date of approval of the decision contradicts the date of disclosure and the date of issuance of the notice of public disclosure

Experiment: sending randomized requests for information

Request information: District-level land use plan in 2022

Sampling design

- 705 district units were divided into 5 random groups with 5 different sender roles. Letters from each group are further divided into two subgroups:

Group 1 (50%)

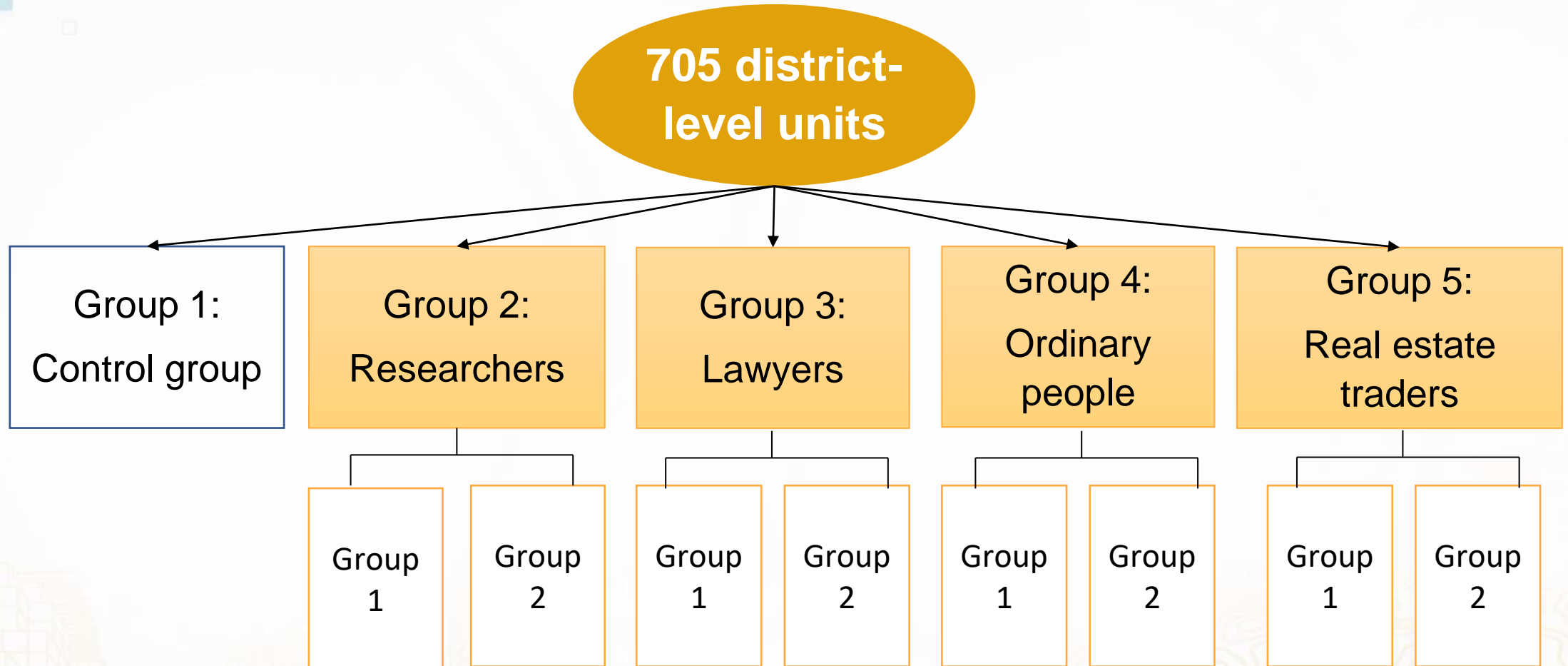
Letter of request according to Form 01a
of Decree 13/2018/ND-CP,
**Quoting the Law on Access to
Information 2016**

Group 2 (50%)

Letter of request according to Form 01a
of Decree 13/2018/ND-CP,
Quoting the Land Law 2013

- Investigators in each group sent letters requesting information to 140-141 district units (except for the control group that did not receive the letters).

Experiment: sending randomized requests for information



Experiment: sending randomized requests for information

➤ Comparing the 2021 test and the 2022 test

	2021		2022	
	Quantity	Proportion	Quantity	Proportion
Provided information	98	17.5%	108	19.3%
Rejected	15	2.7%	6	1.1%
No response	402	71.7%	415	73.9%
Others	46	8.2%	32	5.7%

Experiment: sending randomized requests for information

Received responses

146/561 letters
requesting information
received a response

108 responses providing information

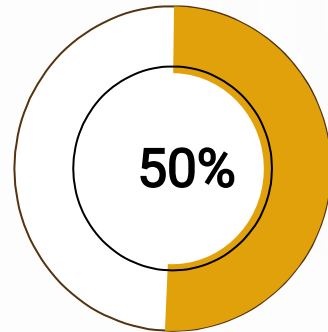
06 responses of rejection

32 responses of other types

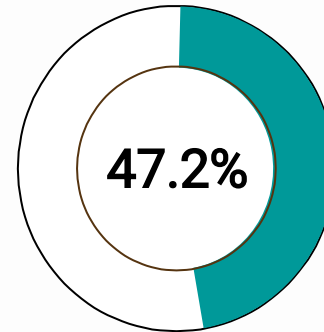
Experiment: sending randomized requests for information

- ❑ 07 district agencies responded to the Request for Information of the Form No. 03 of Decree No. 13/2018/ND-CP
- ❑ 45 district agencies attached letters of responses

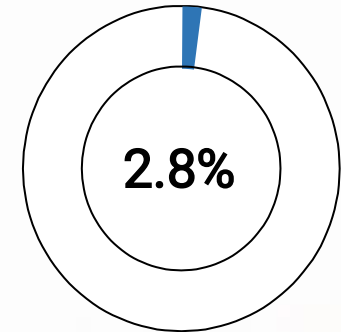
108
responses
providing
information



Agencies provided instructions on how to search for documents on their portals



Agencies provided documents/information



Agencies provided documents and instructions for searching information on their portals

Experiment: sending randomized requests for information

06 responses of rejection

- Because the information has been made public according to regulations
- Due to insufficient basis for consideration
- Because the request for information had wrong purposes/did not meet requirements
- Because the request letter for information did not follow the sample/form regulated in Circular 34/2014/TT-BTNMT of the Ministry of Natural Resources and Environment
- The requirement that the request letter for information has to go with a letter of introduction
- No specific reasons; referral to the district Department of Natural Resources and Environment for further information

- 02 written rejections:
 - 01 response in the form of Notice of Rejection to provide information – Form 05 ND 13/2018/ND-CP
 - 01 response of rejection to providing answers
- 04 rejections via telephone

Experiment: sending randomized requests for information

32
responses
of other
types

- Notice of referring the request to other agencies for follow-ups
- They responded that they would send the requested documents. However, no responses were received as of February 21, 2023.
- They had a general response that information has been disclosed at their office or on their portals
- They requested the information requester to come to attend a meeting to resolve the information request

Experiment: sending randomized requests for information

Mẫu số 05
UBND HUYỆN YÊN THẾ
VĂN PHÒNG¹
Số: 48/TB-VP

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập - Tự do - Hạnh phúc
Yên Thế, ngày 21 tháng 3 năm 2022

THÔNG BÁO TỪ CHỐI YÊU CẦU CUNG CẤP THÔNG TIN

Kính gửi: [REDACTED]

Số CMTND/Thẻ căn cước công dân/Hộ chiếu: [REDACTED] cấp ngày [REDACTED] tại Cục CSQLHC về TTXH

Nơi cư trú: [REDACTED]

Số điện thoại: [REDACTED] Email: [REDACTED]

Yêu cầu cung cấp văn bản/hồ sơ/tài liệu: Văn bản.

Hình thức cung cấp thông tin: Bản điện tử.

Ngày/tháng/năm nhận Phiếu yêu cầu: 21/3/2022.

Cơ quan/Đơn vị đầu mối cung cấp thông tin thông báo về việc từ chối cung cấp thông tin do Ông/Bà yêu cầu vì lý do:

Ngày 21/3/2022, UBND huyện Yên Thế nhận được phiếu yêu cầu cung cấp thông tin “Kế hoạch sử dụng đất năm 2021 huyện Yên Thế” của bà Lê Thị Nhung. Sau khi tra cứu Kế hoạch sử dụng đất năm 2021 của huyện Yên Thế do UBND tỉnh Bắc Giang ban hành Quyết định phê duyệt, do vậy UBND huyện Yên Thế không có thẩm quyền cung cấp thông tin về nội dung này.

Đề nghị công dân liên hệ với UBND tỉnh Bắc Giang để được xem xét, giải quyết.

Vậy Văn phòng HĐND&UBND huyện thông báo để công dân được biết./

CHÁNH VĂN PHÒNG



Mẫu số 05
UBND HUYỆN YÊN THẾ
VĂN PHÒNG¹
Số: 2 /TB-VP

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập - Tự do - Hạnh phúc
Yên Thế, ngày 04. tháng 01 năm 2023

THÔNG BÁO TỪ CHỐI YÊU CẦU CUNG CẤP THÔNG TIN

Kính gửi: [REDACTED]

Tên cơ quan/đơn vị đầu mối cung cấp thông tin: Văn phòng HĐND&UBND huyện Yên Thế.

Nhận được Phiếu yêu cầu của Ông/Bà: [REDACTED]

Số CMTND/Thẻ căn cước công dân/Hộ chiếu: [REDACTED] cấp ngày [REDACTED] tại Cục Cảnh sát QLHC về TTXH.

Nơi cư trú: [REDACTED]

Số điện thoại: [REDACTED] Fax: không có; Email: [REDACTED]

Yêu cầu cung cấp văn bản/hồ sơ/tài liệu: Văn bản.

Ngày/tháng/năm nhận Phiếu yêu cầu: 03/01/2023.

Cơ quan/Đơn vị đầu mối cung cấp thông tin thông báo về việc từ chối cung cấp thông tin do Ông/Bà yêu cầu vì lý do:

Ông đã đề nghị Văn phòng HĐND&UBND huyện cung cấp văn bản, tài liệu: Kế hoạch sử dụng đất năm 2022 huyện Yên Thế.

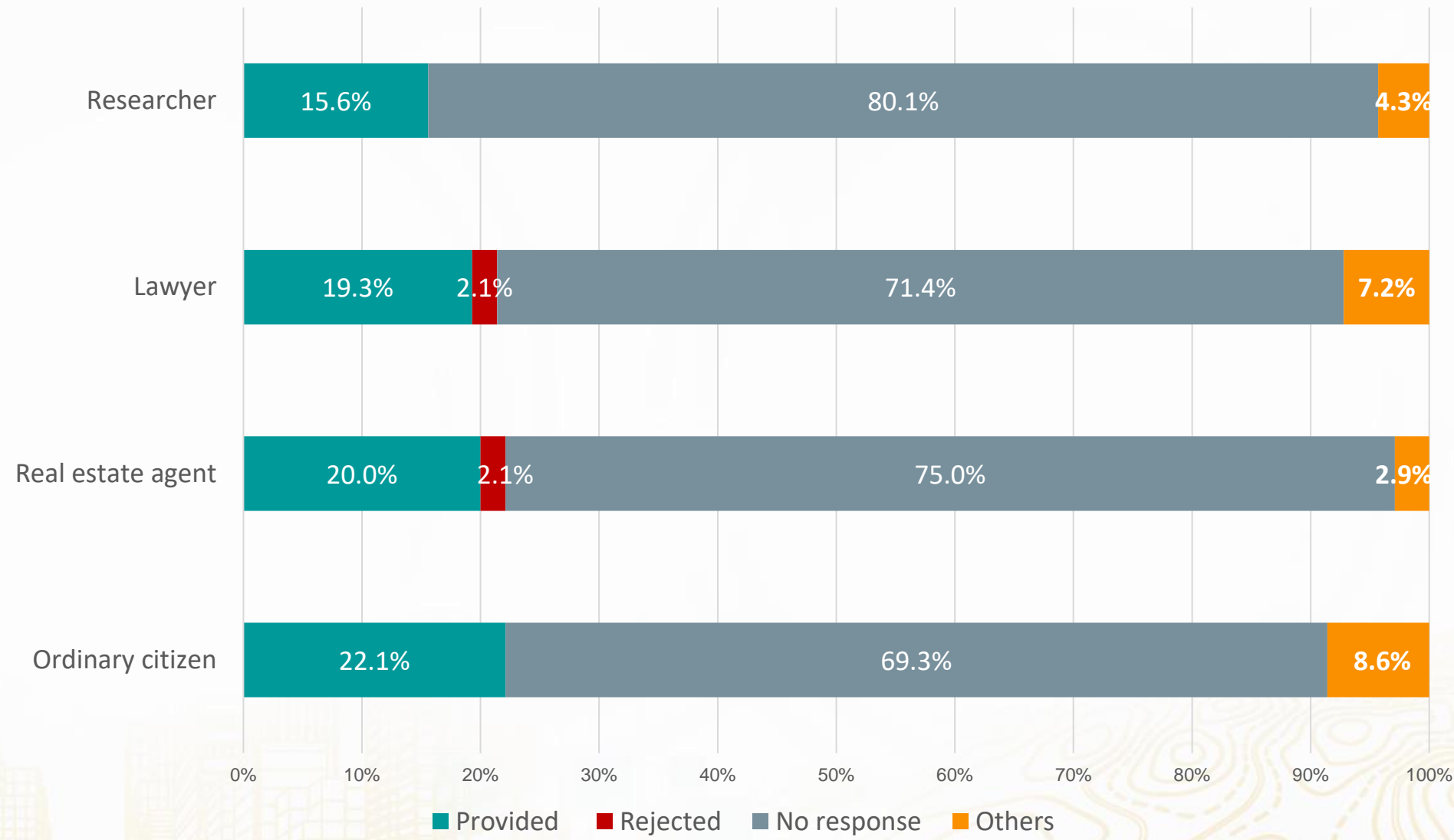
Tuy nhiên, Kế hoạch sử dụng đất năm 2022 của huyện Yên Thế đã được công khai (theo quy định tại điểm g khoản 1 Điều 17 Luật tiếp cận thông tin năm 2016) trên Cổng thông tin điện tử của huyện:

Tại đường link: https://yenthe.bacgiang.gov.vn/tai-nguyen-moi-truong?p_p_id=4_WAR_portalvbpqportlet_INSTANCE_wcKfEQAkngHC&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&p_p_col_id=column-2&p_p_col_count=2&4_WAR_portalvbpqportlet_INSTANCE_wcKfEQAkngHC_id=740337&4_WAR_portalvbpqportlet_INSTANCE_wcKfEQAkngHC_mvcPath=%2Fhtml%2Fportlet%2Flist%2Fview_detail.jsp.

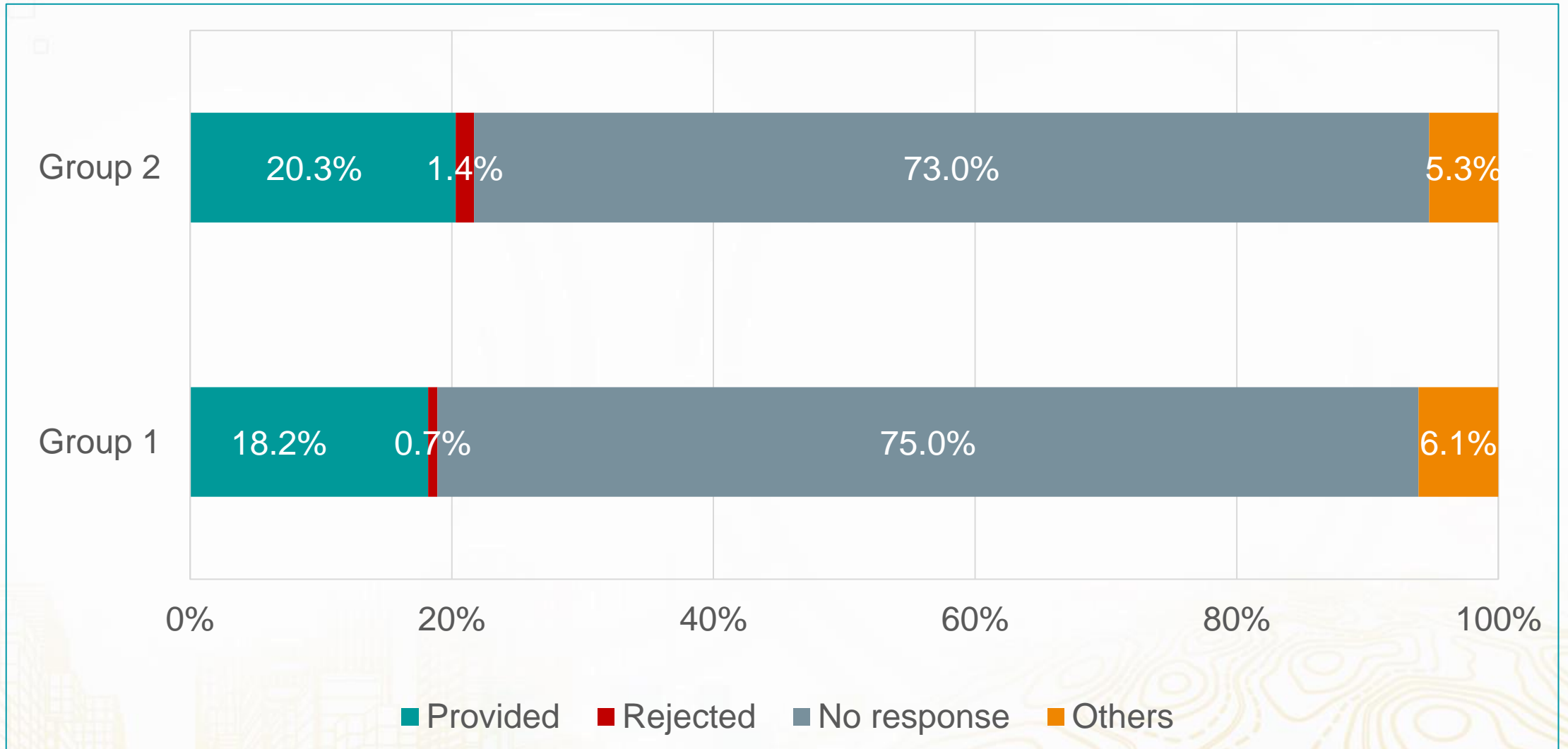
Hoặc đường link: <http://yenthe.bacgiang.gov.vn/chien-luoc-kehoach-phat-trien>.

Và công khai rộng rãi trên các phương tiện thông tin đại chúng, niêm yết tại các trụ sở theo quy định. Nền nội dung này Văn phòng HĐND&UBND huyện từ chối cung cấp thông tin cho ông theo quy định tại điểm b khoản 1 Điều

Experiment: sending randomized requests for information



Experiment: sending randomized requests for information



Experiment: sending randomized requests for information

➤ Some observations

- Most civil servants had a polite attitude, except for one who had an unfriendly attitude towards the researchers.
- The civil servant who sent the written response by mail (but the mail was returned) attempted to contact the requester via email to provide information
- Most agencies sent full documents instead of only sending a written approval decision of land-use plan in 2022.
- Some civil servants contacted and interacted with citizens through Zalo
- No requirements for any fees like in 2021 experiment. The civil servant explained about the cost in case the documents were scanned and sent to the requester in hard copies.
- Many civil servants did not use official e-mails to respond to citizens.

Good practices at the provincial level

Bac Giang and Phu Yen: 100% of their districts disclosed 2021-2030 land use master plans

Ninh Thuan and Kon Tum: 100% of their districts disclosed 2022 annual land use plans

Soc Trang, Quang Tri and Tra Vinh disclosed their provincial 2020-2024 land pricing frameworks on their provincial governments' portals on time

Ba Ria-Vung Tau has a systematized Land Information Access category that makes information searching more convenient on their provincial web portal

Good practices at the district level

**Tan Chau district
(Tay Ninh province)**
satisfies all 5 criteria in
disclosing 2021-2030
district-level land use
master plan and 2022
district-level land use
plan

**Dien Ban district
(Quang Nam province)**
disclosed systematically
district-level annual land
use plans from 2015
until 2022

**Tay Hoa district
(Phu Yen province)**
attached a QR code in
Disclosure
Announcement that
links to a folder of
disclosed documents

Good practices at the district level

Yen The district (Bac Giang province) sent their notice of rejection to provide information but abided by the regulations on rejection as provided in the 2016 Law on Information Access.

Ba Be district (Bac Kan province), Duc Co District (Gia Lai province), Nghia Lo district (Yen Bai province), and Krong No district (Dak Nong province) using various ways to support and assure information is provided to request sender



RECOMMENDATIONS

Policies and implementation of policies



Recommendations (1)

- Include the procedure on information provision upon request as provided in the 2016 Law on Access to Information in administrative procedures of all sectors and fields (including land administration);
- Adding a regulation on the date a land use master plan must be approved by provincial authorities in laws and regulations on land administration to ensure the timeliness and synchronism in sequencing of land planning;
- Stipulate that land information holding agencies are responsible for providing information when requested by citizens;
- Retain the deadline for disclosing land information (within 15 days) as currently stipulated instead of within 30 days as put in the draft amended Land Law;
- Stipulate that land information disclosed on government portals be permanently maintained as Viet Nam is promoting government digitalization;
- Stipulate that the interfaces, sections and information disclosing approaches be developed systematically across all government web portals;

Recommendations (2)

- Continue to disseminate the Law on Access to Information 2016 to and provide training on the law implementation for public officials and civil servants as well as for citizens;
- Develop a section called 'Access to Information' on local government web portals;
- Arrange publicized information on government web portals by the order as stipulated in Article 19 of the 2016 Law on Access to Information to facilitate citizen access anywhere, anytime;
- Add audio and visual search facilities on government portals/websites to ensure that the search function is friendly for all users, including ethnic minorities and people with disability.

Introduction of the land information portal



<https://congkhaithongtindatdai.info/>



THANK YOU!





Ireland



TỌA ĐÀM CHUYÊN ĐỀ | THEMATIC DISCUSSION

**ĐÁNH GIÁ VÒNG 2 VIỆC CÔNG KHAI THÔNG TIN
KẾ HOẠCH SỬ DỤNG ĐẤT CẤP HUYỆN VÀ BẢNG GIÁ ĐẤT CẤP TỈNH NĂM 2022**

**2022 REVIEW OF LOCAL GOVERNMENTS' PERFORMANCE
IN DISCLOSURE OF DISTRICT LAND USE PLANS AND PROVINCIAL LAND PRICING FRAMEWORKS**

Hà Nội, 09/03/2023