

EXECUTIVE SUMMARY

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

IN THE SERIES OF "ANNUAL ACTION RESEARCH TO ENHANCE CITIZENS' ACCESS TO LAND INFORMATION"
JOINTLY CONDUCTED BY THE UNITED NATIONS DEVELOPMENT PROGRAM (UNDP)
AND THE CENTER FOR EDUCATION PROMOTION AND EMPOWERMENT OF WOMEN (CEPEW)

Hanoi, March 2023

1. REASONS FOR CONDUCTING THE REVIEW AND REVIEW METHOD

The government report "The implementation of the law on citizen reception and settlement of complaints and denunciations from July 1, 2016, to July 1, 2021" shows that, in the administrative field, complaints, denunciations, recommendations and reflections arise mainly related to the field of land use planning and the implementation of land acquisition, compensation, resettlement and site clearance account for over 69.5%¹. Land disputes have been a problem in Viet Nam for many years and are considered to continue to be a hot issue particularly in localities with high urbanization rates, with many projects requiring land acquisition and compensation. In addition, the analysis of the Viet Nam Provincial Governance and Public Administration Performance Index (PAPI)² and Provincial Competitiveness Index (PCI)³ related to land governance shows that land conflicts can come from the lack of transparency in the formulation and implementation of land acquisition plans and land compensation framework.

With many problems in land use planning in general, Resolution 17/2021/QH15 has approved a plan to incorporate the Land Law amendment project in consultation with the National Assembly for the first time in the Law and Ordinance Development Program in 2022⁴. On December 23, 2022, the National Assembly Standing Committee issued Resolution 671/NQ-UBTVQH on organizing the collection of people's inputs on the draft new Land Law. The consultation begins on 03/01/2023 and ends on 15/03/2023.

In this context, from July 2021, the United Nations Development Program (UNDP) in Viet Nam in collaboration with the Center for Education Promotion and Empowerment of Women (CEPEW) and Real-Time Analytics (RTA) implemented the initiative "Action Research to Enhance Citizens' Access to Land Information". The initiative focuses on assessing the accessibility of provincial land pricing frameworks and district-level land use plans on portals/websites of provincial People's Committees and district People's Committees. Additionally, it assesses the responses of governmental agencies in 63 provinces and centrally run cities to information-providing requests. The review findings partly reflect the inadequacies in the disclosure and transparency of land information of governmental agencies at all levels.

Based on the action research results in 2021, UNDP in collaboration with CEPEW and RTA continues to implement the initiative in the second year (from August 2022 to May 2023). In order to obtain more comprehensive empirical review findings on citizens' access to land information in general, besides focusing on evaluating the disclosure of provincial land pricing framework information, district-level land use plans, and the provision of land information at the request of citizens, the initiative supplemented the evaluation of the disclosure of district-level land use master plans nationwide.

Similar to the first action research, the second one applied some of the following methods:

- ***Search for land information on the portals/websites of provincial and district-level governmental agencies.*** Following the first-year review findings, the study team continues to review the legal regulations on information disclosure, including i) Process and authority to issue and disclose information on 10-year land use master plans at the district level for the period from 2021-2030 period, ii) Annual land use plans at the district level in 2022 and iii) Provincial land pricing framework for the period from 2020-2024. The review process is carried out with 4 steps to search for information on the

¹ People's Army Newspaper, <https://www.qdnd.vn/chinh-tri/tin-tuc/tinh-hinh-khieu-nai-to-cao-chu-yeu-o-linh-vuc-dat-dai-huong-gia-tang-tranh-chap-kinh-te-705290>, accessed February 23, 2023

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

³ For more information about PCI, visit www.pciVietNam.org

⁴ See: Resolution 17/2021/QH15 on THE LAW and ORDINANCE DEVELOPMENT PROGRAM IN 2022, ADJUSTING THE LAW & ORDINANCE DEVELOPMENT PROGRAM IN 2021

portals/websites of governmental agencies⁵. The 05 criteria used to evaluate the level of local authorities' land information disclosure continued to be applied.⁶ The second-year review findings are summarized and updated at the webpage <https://congkhaithongtindatdai.info>. This web page continues to be maintained, upgraded, and supplemented with information and review findings for the second time to help management agencies and researchers get a general picture of the current status of access to the land information that provincial and district-level governmental agencies are obliged to disclose.

- **Testing the request for district-level land use plan information.** The review team sent the request for information according to the form attached to Decree 13/2018/ND-CP to request the District People's Committees (DPCs)' offices to provide information about district-level land use plans in 2022 according to the procedures prescribed in the Law on Access to Information 2016.

2. MAIN FINDINGS

Legal basis for disclosure and provision of land information upon citizen request

Legislation on land information disclosure and provision can be found in the Land Law 2013, the Law on Access to Information 2016 and relevant legal documents such as Decree No. 148/2020/ND-CP⁷, Decree No. 13/2018/ND-CP⁸, Circular No. 01/2021/TT-BTNMT⁹ and Circular No. 46/2018/TT-BTC¹⁰. Details are as follows:

- The land pricing framework is developed by the Provincial People's Committees (PPCs) every 05 years and submitted to the People's Council of the same level for approval before being promulgated and publicly announced on January 1 of the first year.¹¹
- The validity of district-level land use master plans is 10 years with a vision of 20 to 30 years¹², prepared by the DPCs, approved by the People's Council¹³ of the same level, and approved by the PPC.¹⁴
- The district-level land use plans are prepared annually¹⁵, organized by the DPC¹⁶ and approved by the PPC¹⁷.
- Regarding the disclosure of land information, DPCs are responsible for disclosing the entire content of 10-year land use master plans at the district level and annual land use plans at the district level on the DPCs' portals/websites no longer than 15 days from the date of approval by the PPC¹⁸. In addition, 10-year land use master plans documents must be saved including approval documents, explanatory

⁵Step 1: Search for categories related to visual land information on the homepage/navigation bar; Step 2: Search in other categories on the homepage/navigation bar; Step 3: Search with the search toolbar of the homepage; Step 4: Search with the Google tool.

⁶Including (i) Whether or not to disclose information; (ii) The ability to find the information to be sought; (iii) The timeliness of the information; (iv) The completeness of the information (for district-level master plan and district-level plan); and (v) The ability to use the information (easy to read, easy to understand, readable by common software)

⁷Decree No. 148/2020/ND-CP dated December 18, 2020 of the Government amending a number of detailed regulations on the implementation of land law.

⁸ Decree No. 13/2018/ND-CP dated January 23, 2018 of the Government detailing and implementing measures of the Law on Access to Information

⁹ Circular 01/2021/TT-BTNMT specifying the formulation and adjustment of land use master plans and plans

¹⁰ Circular No. 46/2018/TT-BTC dated May 14, 2018 of the Ministry of Finance detailing the actual costs for printing, copying, capturing and sending information as prescribed in Clause 2, Article 12 of the TCTT Law

¹¹Clause 1 Article 16 of the Land Law 2013

¹²Clause 1 Article 16 of the Land Law 2013

¹³Clause 2 Article 42 of the Land Law 2013

¹⁴ Point b, Clause 1, Article 45 of the Land Law 2013

¹⁵ Clause 2, Article 37 of the Land Law 2013

¹⁶ Clause 2 Article 42 of the Land Law 2013

¹⁷ Point c, Clause 2, Article 45 of the Land Law 2013

¹⁸ Clause 2, Clause 3, Article 48 of the Land Law 2013

reports, current land use maps, district-level land use master plan maps and thematic maps¹⁹. Annual land use plans at district-level documents include approval documents, explanatory reports, district-level annual land use maps and thematic maps²⁰. The disclosure of information on 10-year land use master plans and annual land use plans and land pricing frameworks is also regulated in the Law on Access to Information.²¹

- Regarding the information provision at the request of citizens, the Law on Information Access 2016 stipulates that the information that must be made public in Article 17 has to be provided upon request if it falls into one of the following cases: (a) Information within the disclosure period but has not been made public; (b) Information that expires for disclosure in accordance with the law; (c) Information is being disclosed, but the information requester cannot access it due to force majeure²².

State of disclosure of provincial land pricing frameworks for the period of 2020 - 2024 on PPCs' websites

Within the scope of this study, People's Committees of provinces and centrally-run cities (PPCs) are determined to have disclosed the land pricing framework on the portals/websites when meeting one of the following two conditions: (i) The review team finds that PPCs' decision on the issuance of the land pricing framework for the period 2020 - 2024 or (ii) The review team finds the application for looking up land prices on the portals/websites and this application produces land price results for locations in the provinces by year from 2020 to present. Details are as follows:

- **The number of PPCs disclosing the provincial land pricing framework increased compared to the 2021 review findings.** As of October 6, 2022, 41/63 provinces and centrally run cities have disclosed land pricing frameworks on their portals/websites (65.1%). Compared to the first review, 14 more provinces/cities^{23, 24} have disclosed land pricing frameworks for the period of 2020-2024 (an increase of 22.2%). Among the provinces that have disclosed land pricing frameworks for the period of 2020-2024, the review team assessed that two localities²⁵ have disclosed land pricing frameworks, but not fully due to not disclosing the decision on promulgating land pricing frameworks, instead only disclosing the Provincial People's Councils' Resolution on land pricing frameworks for the period of 2020-2024.
- **Regarding the searchability,** 22/41 land pricing frameworks were found in sections directly related to land information such as "Land price", "Land price information", and "Land information" (Step 1). 7/41 localities posted the land pricing framework 2020 - 2024 in sections not directly related to land such as "Document system". 4/41 cases were found in step 3 - search through the search toolbar on the home

¹⁹ Point a, Clause 3, Article 50 of Circular 01/2021/TT-BTNMT specifying the formulation and adjustment of land use master plans and plans

²⁰ Point b, Clause 3, Article 50 of Circular 01/2021/TT-BTNMT specifying the formulation and adjustment of land use master plans and plans

²¹ Point g, Clause 1, Article 17 of the Law on Information Access 2016

²² Clause 1, Article 23 of the Law on Information Access 2016

²³ Cao Bang, Bac Kan, Dien Bien, Lai Chau, Son La, Bac Giang, Phu Tho, Vinh Phuc, Hai Phong City, Ha Tinh, Quang Nam, Ninh Binh, Thanh Hoa, Quang Binh, Thua Thien Hue, Quang Ngai, Khanh Hoa, Ninh Thuan, Dak Nong, Binh Duong, Ba Ria Vung Tau, Tra Vinh, Dong Thap, An Giang, Kien Giang, Bac Lieu, Ca Mau were recognized to have publicized provincial land pricing frameworks at the second review

²⁴ The provinces of Lao Cai, Thai Nguyen, Nam Dinh, Quang Tri, Da Nang, Binh Thuan, Kon Tum, Tay Ninh, Long An, Vinh Long, Hau Giang, Soc Trang, Tuyen Quang, Yen Bai were recognized to have publicized provincial land pricing frameworks at the second review.

²⁵ Including Yen Bai and Ba Ria - Vung Tau

page, and 8/41 cases were found through Google instead of the sections or tools of the portals/websites (Step 4).

- **In terms of the timeliness of the information**, 4/41 localities publicized in accordance with the timeline in relevant regulations (9,8%). 21/41 localities did not disclose the land pricing framework in a timely manner (51,2%), and 16/41 land pricing frameworks could not be determined by the date of posting (39%).
- **In terms of the format of posting**, some localities publicized land pricing frameworks in the form of compressed files that²⁶ must be downloaded to view it, causing inconvenience to users.

State of disclosure of 10-year land use master plans at the district level for the period of 2021 – 2030 on DPCs' websites

The study did not review the disclosure of district-level land use plans for the 2021-2030 period in the first year, but only in the second year. The specific findings are as follows:

- **Regarding the disclosure:** by the end of October 6, 2022, 48.9% (n=345) of DPCs were recorded to have disclosed the 10-year land use master plans for the period of 2021-2030. Of the 360 DPCs that were recorded not yet having disclosed their land use master plans, 52 DPCs disclosed a written notice of disclosure of the district-level land use master plans; 01 district-level website was²⁷ inaccessible during the review process and 32 DPCs disclosed the district-level land use master plans after October 6, 2022, or the district-level land use master plans were issued after October 6, 2022. Therefore, their disclosure was not recorded.
- **Regarding the searchability**, out of 345 DPCs recorded to have disclosed district-level land use master plans for the period of 2021-2030 on their portals/websites, 56.2% (n = 194) were recorded to have land use master plans documents searchable in directly related sections (step 1)²⁸. 20% of DPCs (n =69) were recorded to have land use master plans documents found in step 2, which means that the documents were found in the sections not directly related to land planning²⁹. 15.4% of DPCs (n=53) were recorded to have land use master plans found via the search bar on the home page of the portal (step 3). And 8.4% of DPCs (n=29) were recorded to have land use master plans found through Google's search (step 4). For maps, some DPCs disclosed maps in an unusual format (i.e. DGN), making it more difficult for searchers to find information.
- **Regarding the timeliness of the information.** To assess the disclosure, the review team based this on the time of publicizing land use master plan documents on the websites of the DPCs. According to the review findings, 105/345 DPCs were recorded to have disclosed district-level land use master plans in accordance with the timeline in the applicable regulations. 116/345 DPCs did not disclose land master use plans in a timely manner and 124/345 DPCs could not be determined whether their disclosure on the portals/websites was on time or not because of two reasons: (1) The disclosure on the portal/website does not show the date of posting, (2) The disclosed files did not have a written notice and approval decision, but only maps and explanatory reports.
- **Regarding the completeness:** Figure 1 shows that 171/345 DPCs (49.6%) fully posted 03 documents: approval decisions, explanatory reports, and maps; 4/345 DPCs (1.2%) only posted approval decisions

²⁶ Including Yen Bai, Thua Thien Hue and Long An

²⁷ People's Committee of Dien Bien Dong district, Dien Bien province

²⁸ Keywords such as "Land information", "Planning information", "Land use plan, planning", "Socio-economic development plan, planning"

²⁹ Unrelated keywords such as "Notice", "Document system", "directing/executing document", "directing/executing information."

and explanatory reports; 33/345 DPCs (9.6%) only posted approval decisions and maps; and 11/345 DPCs (3.2%) only posted explanatory reports and maps.

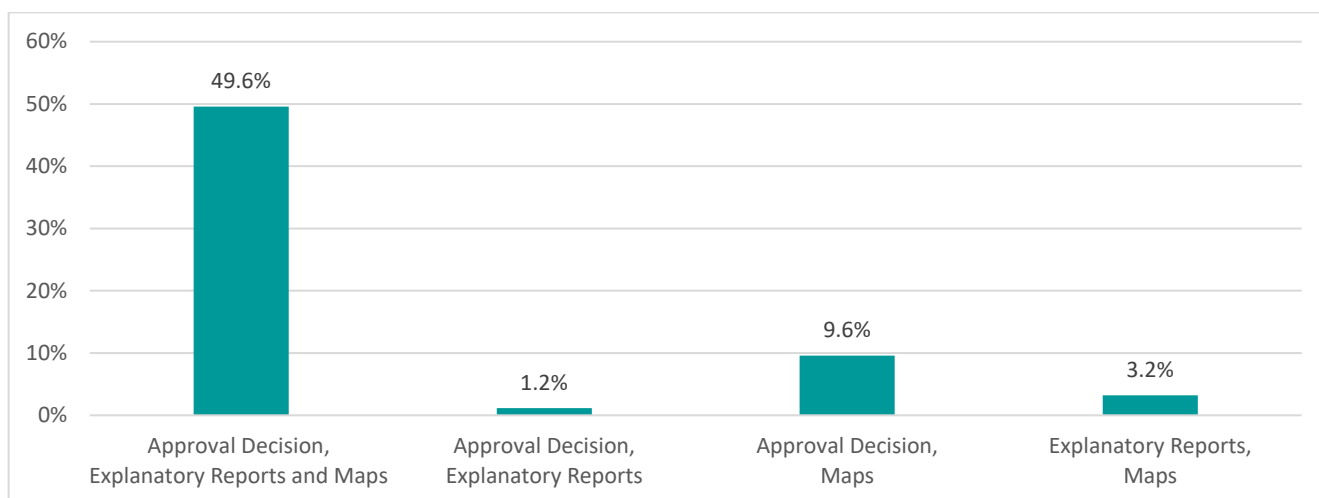


Figure 1: The level of completeness in the disclosure of the district-level land use master plans documents for the period of 2021 - 2030

- **Regarding the usability of the information:** The documents found were mostly scanned and usable versions. However, some localities compressed district-level land use master plans into one folder³⁰ and posted it directly to the portal/website, making it more difficult for users to access because they had to download the folder to their computers for decompressing. This is especially difficult for phone users. In addition, the review team found that some explanatory documents did not have the seal and signature of competent individuals and organizations.

With 05 assessment criteria as mentioned in the review method³¹, 53 DPCs³² met these criteria. The review team also found that among 53 DPCs that met all five criteria, 29 had 10-year land use master plans

³⁰ Vinh Thach district (Can Tho city), Long My town (Hau Giang province), Kien Luong district (Kien Giang province), Thanh Binh district (Dong Thap province), Tam Binh district (Vinh Long province), Duyen Hai town (Tra Vinh province), Tan Chau district (Tay Ninh province), Dak Song district (Dak Nong province), Krong Na district (Dak Lak province), Van Ninh district (Khanh Hoa province), Dong Hoi city (Quang Binh province), Ky Son district (Nghe An province), Vinh Loc district (Thanh Hoa province), Yen Dung district (Bac Giang province)

³¹ 05 assessment criteria: (i) The disclosure of land use master plans information for the period of 2021-2030; (ii) The searchability of the information; (iii) The timeliness of information; (iv) The completeness of information and (v) The usability of the information (easy to read, easy to understand, readable by using common softwares)

³² My Duc District (Hanoi City), Quang Hoa District (Cao Bang Province), Hoa An District (Cao Bang Province), Si Ma Cai District (Lao Cai Province), Si Ho District (Lai Chau Province), Than Uyen District (Lai Chau Province), Lai Chau City (Lai Chau Province), Bac Yen District (Son La Province), Song Ma District (Son La Province), Cat Hai District (Hai Phong City), Van Lam District (Hung Yen Province), Gia Vien District (Ninh Binh Province), Nghia Dan District (Nghe An Province), Ky Anh Town (Ha Tinh Province), Khanh Vinh District (Khanh Hoa Province), Khanh Son District (Khanh Hoa Province), Ninh Phuoc District (Ninh Thuan Province), Dak Glei District (Kon Tum Province), Pleiku City (Gia Lai Province), Kong Chro District (Gia Lai Province), Chu Sê District (Gia Lai Province), Chu Prong District (Gia Lai Province), Buon Ho Town (Dak Lak Province), Go Dau District (Tay Ninh Province), Cam My District (Dong Nai Province), Long Dien District (Ba Ria – Vung Tau Province), Tra Cu District (Tra Vinh Province), Duyen Hai town (Tra Vinh province), Chau Thanh district (Tra Vinh province), Tieu Can district (Tra Vinh province), U Minh Thuong district (Kien Giang province), Chau Thanh district (Kien Giang province), Giong Rieng district (Kien Giang province), Vinh Thanh district (Can Tho city), Dong Van district (Ha Giang province), Lang Giang district (Bac Giang province), Hiep Hoa district (Bac Giang province), Tam Duong district (Vinh Phuc province), Cam Lam district (Khanh Hoa province), Phuoc Long town (Binh Phuoc province), Tan Chau district (Tay Ninh province), Bien Hoa city (Dong Nai province), Phu My town (Ba Ria Vung Tau province), Cau Ke district (Tra Vinh province), Cau Ngang district (Tra Vinh province), Chau Thanh district (Dong Thap province),

documents approved in 2021 and 24 had 10-year land use master plans documents approved in 2022. Because the 2013 Land Law did not specify the time of promulgation of 10-year land use master plans at the district level, the review team did not use the time of promulgation of land use master plans to assess the timeliness of information disclosure.

State of disclosure of annual land use plans at the district level in 2022 on DPCs' websites

- **Regarding the disclosure:** By October 6, 2022, the review team found the 2022 district-level land use plans on the portals/websites of 389 DPCs (55.2%). The comparison of the review findings between the review 2021 and the review 2022 shows that the percentage of DPCs disclosing land use plans increased slightly from 47.9% to 55.2%.

Of the DPCs that were recognized as not having disclosed the land use plans, 48/316 DPCs only publicly posted the disclosure notice. In addition, 31/316 DPCs were recorded as not disclosing land use plans because their decision to approve the district-level land use plans for 2022 was promulgated or disclosed after October 6, 2022. The latest date of the decision approving the district-level land use plans for 2022 found by the review team is December 15, 2022³³. The latest time for disclosing the decision approving the 2022 district-level land use plans dated January 14, 2022 is June 8, 2022, but the disclosure on the portal/website displayed January 31, 2023³⁴.

- **Searchability:** 250/389 disclosed land use planning documents (64.3%) were easily found (step 1) because these documents were put in directly related sections³⁵. 68 out of 389 documents (17.5%) were found in sections that were not directly related (step 2)³⁶. 40 out of 389 documents (10.3%) were found using the search bar on the portal/website, and 31 out of 389 documents (8%) were found by using Google keyword search (step 4). For maps, some cases used an uncommon format (DGN), making it more difficult for people to access information.
- **Timeliness:** According to the provisions of the Land Law 2013, the annual district-level land use plans must be promulgated and approved before December 31 every year.³⁷ The review findings show that, out of 389 DPCs that disclosed their annual land use plans, 19 DPCs issued 2022 district-level land use plans on time (4.9%). Figure 1 shows that 04/389 district-level land use plans for 2022 were issued before December 31, 2021 and disclosed in accordance with the deadline regulations (1%). 348/389 land use plans were issued after December 31, 2021 (89.5%) and 22 land use plans did not specify issuance dates (5.7%).

Nine of of 389 district-level land use plans for 2022 were issued on time but disclosed late compared to regulations (2.3%). 06/389 district-level land use plans for 2022 were issued on time but the date of posting on the portals/websites of the DPCs (1.5%) was unknown. 145/389 district-level land use plans for 2022 were issued from December 31, 2021 and posted on time according to regulations (37.3%). 118/389 district-level land use plans for 2022 were issued from December 31, 2021 but posted after 15

Cao Lanh district (Dong Thap province), Kien Luong district (Kien Giang province), Vi Thanh city (Hau Giang province), Nga Bay City (Hau Giang province), Long My town (Hau Giang province); Chau Thanh A district (Hau Giang province), Phuoc Long district (Bac Lieu province)

³³ Dak Glong District (Dak Nong Province), Gia Nghia Town (Dak Nong Province), Krong No District (Dak Nong Province), Dak Song District (Dak Nong Province)

³⁴ http://phuxuyen.hanoi.gov.vn/quy-hoach-xay-dung-do-thi/-/view_content/7690179-thong-bao-v-cong-bo-ke-hoach-su-dung-dat-nam-2022-cua-huyen-phu-xuyen.html, accessed 0h35 on 21/02/2023.

³⁵ Directly related keywords: "Land use plan", "Land information", "Land use plan for 2022", "disclosed information", "Economic and social development plan and planning"

³⁶ Keywords that are not directly related: "Documents", "Executing document system", "Notice", "News, events"

³⁷ Article 1, Clause 5, Decree No. 148/2020/ND-CP

days from the date of issuance (30.3%). 85/389 land use plans in 2022 were issued from December 31, 2021, but the **dates of posting on the portals/websites of the DPCs were unknown (21.9%)**, and 22/389 land use plans for 2022 **did not have information about the date of issuance (5.7%)**.

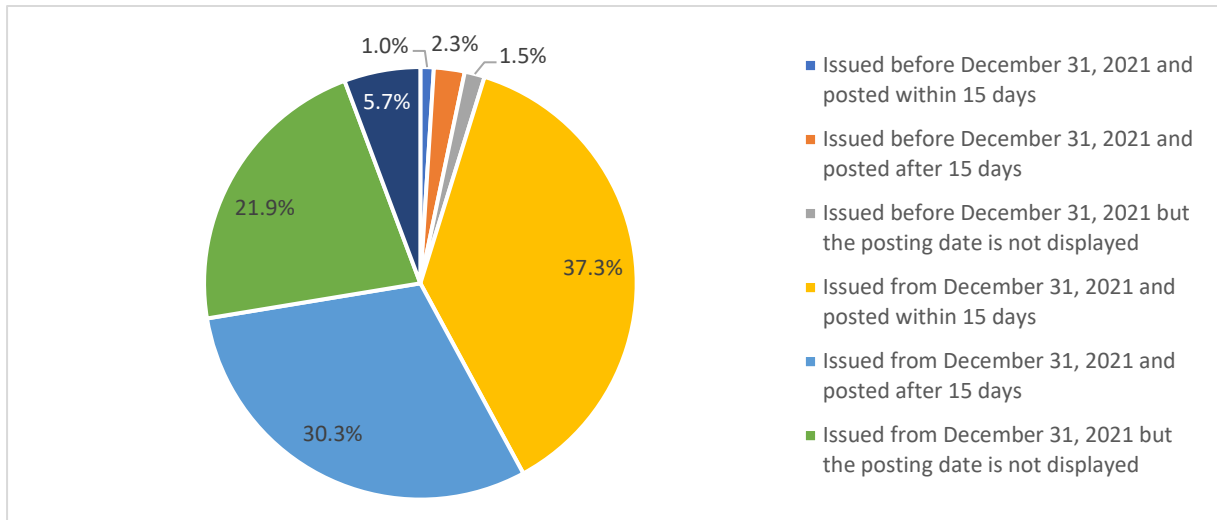


Figure 2: The time of promulgating and disclosing 2022 district-level land use plans

The failure to determine the promulgation date is mainly because notices on disclosing annual land use plans and approval decisions were not disclosed on the website/portal. There are two main reasons for not being able to identify the posting date on the portals/websites: (i) the disclosure of district-level land use plans for 2022 did not show the posting date, or (ii) the disclosure of district-level land use plans showed the posting date earlier than the date of issuance of the PPCs’ decision approving the annual district-level land use plans³⁸.

- **The completeness of the disclosed documents:** Of the 389 dossiers that have been made public, 155 dossiers were fully posted with 03 documents (39.8%): approval decisions, explanatory reports and maps. 10 DPCs (2.6%) disclosed their approval decisions and explanatory reports. 33 DPCs (8.5%) disclosed approval decisions and maps. 14 DPCs (3.6%) disclosed explanatory reports and maps.

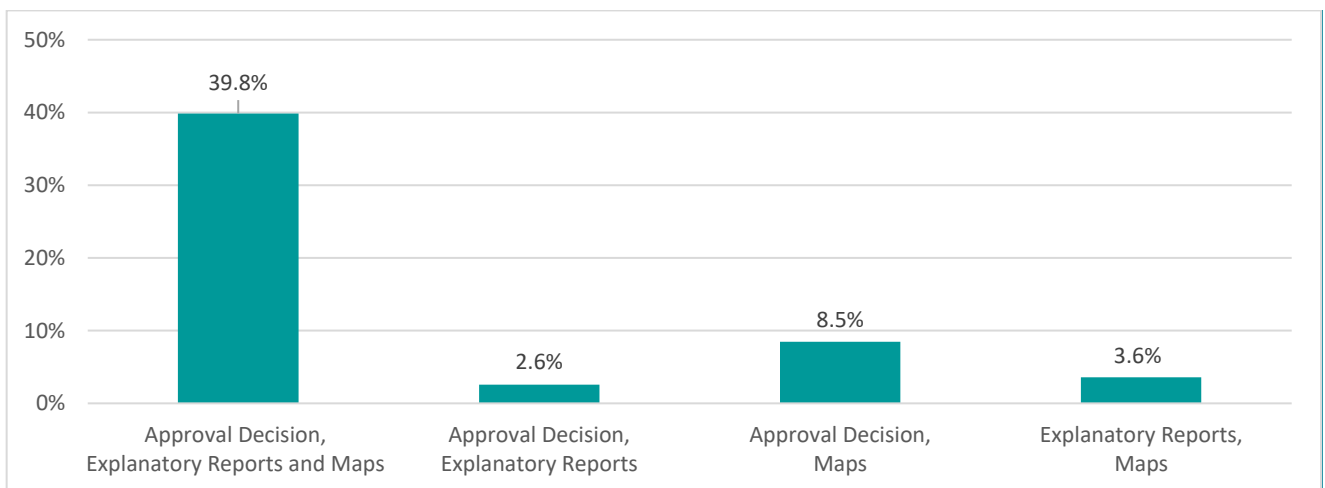


Figure 3: The level of completeness in the disclosure of 2022 district-level land use plans

³⁸ For example, there are localities that promulgated district-level land use in 2022 on August 10, 2022, but the date of disclosing the posts is January 1, 2022, or another locality promulgated a district-level land use plan in 2022, but the document on the district portal/website shows November 28, 2017 as the date of posting.

- **Usability:** Similar to the findings from the review of district-level land use master plans for the 2021-2030 period, the findings of the annual district-level land use plan review in 2022 show that most of the documents in the disclosed dossiers are scanned and readable versions. However, many dossiers are disclosed as compressed data and must be downloaded to be accessible³⁹. In addition, during the review process, the review team found that the explanatory reports did not have the seal and signature of the competent individuals and organizations.

Table 1 shows the results of comparing the disclosure of district-level land use plans in 2021 and district-level land use plans in 2022 based on 5 review criteria. Accordingly, the number of DPCs disclosing this information in the second review is higher than that in the first review. In particular, the number of DPCs which posted land use plans in the related sections increased, making it easy for the review team to find information in step 1. The number of units posting 03 dossiers (approval documents, explanatory reports and maps) also increased.

Review Criteria	Content	2021 land use plans (704 districts)	2022 land use plans (705 districts)
(i) Disclosure	The number of DPCs recognized to have disclosed the information	338	389
(ii) Searchability	The number of DPCs with dossiers found right in step 1	169	250
	The number of DPCs with disclosed dossiers found in step 4	25	31
(iii) Timeliness	The number of DPCs approving and posting land use plans on time	2	4
	The number of DPCs approving land use plans on time but posting land use plans not on time	4	9
	The number of DPCs approving land use plans not on time, but posting land use plans on time	111	145
	The number of DPCs approving and posting land use plans not on time	145	118
(iv) Completeness	The number of DPCs posting enough 03 documents: approval documents, explanatory reports and maps	119	155

Table 1: Comparison of disclosure of annual district-level land use plans between 2021 and 2022

³⁹ For example: Cao Loc district (Lang Son province), Ngoc Hien district (Ca Mau province), My Tu district (Soc Trang province), Long My town (Hau Giang province), Vinh Thach district (Can Tho city), O Mon district (Can Tho province), Giong Rieng district (Kien Giang province), An Phu district (An Giang province), Lap Vo district (Dong Thap province), Tam Binh district (Vinh Long province), Duyen Hai town (Tra Vinh province), Tan Phuoc district (Tien Giang province), Van Ninh district (Khanh Hoa province)

Experiment: Sending requests for information

Similar to the first review, 04 researchers with the roles of citizens, real estate businesses, lawyers and researchers have experimented with sending letters requesting information on annual district land use plans in 2022 to 561 DPC offices nationwide. Each researcher sent 140-141 letters, divided into 02 groups. The first group is the letters of request for information quoting the 2016 Law on Access to Information and the second group is the letters of request for information quoting the 2013 Land Law. The request template for sending information was completed according to form No. 1a attached to Decree No. 13/2018/ND-CP.

As of February 21, 2023, 146/561 DPCs responded, including **108 DPCs providing information** (19.3%), **06 DPCs refusing to provide information** (1.1%), and **32 other DPCs with responses of other types** (5.7%). Among 108 responding DPCs, 07⁴⁰ agencies responded using the Form of Response to Request for Information according to Form No. 03 of Decree 13/2018/ND-CP, and 45 DPCs attached letters of answers to their response.

Regarding the method of providing information, 51 DPCs sent district-level land use plans for 2022 (25 DPCs only provided approval decisions or explanatory reports; 26 DPCs provided 02 or more documents as required in applicable regulations). 54 DPCs only sent links or instructions on how to access and download documents on the website. 03 DPCs directly⁴¹ attached 02 or more documents to the 2022 district-level land use plan dossier and at the same time provided instructions on how to download documents on their portal/website.

Regarding the role of the information requestor, the citizens got the highest response rate (22.1%), then real estate agents (20%), lawyers (19.3%) and researchers (15.6%).

Regarding the citation of the law, the Group citing the Law on Access to Information has fewer responses (Group 1) (responses from 51 DPCs) than the Group citing the Land Law (Group 2) (responses from 57 DPCs). The first group received two responses of rejection along with 17 other responses, and the second group received four responses of rejection and 15 other responses.

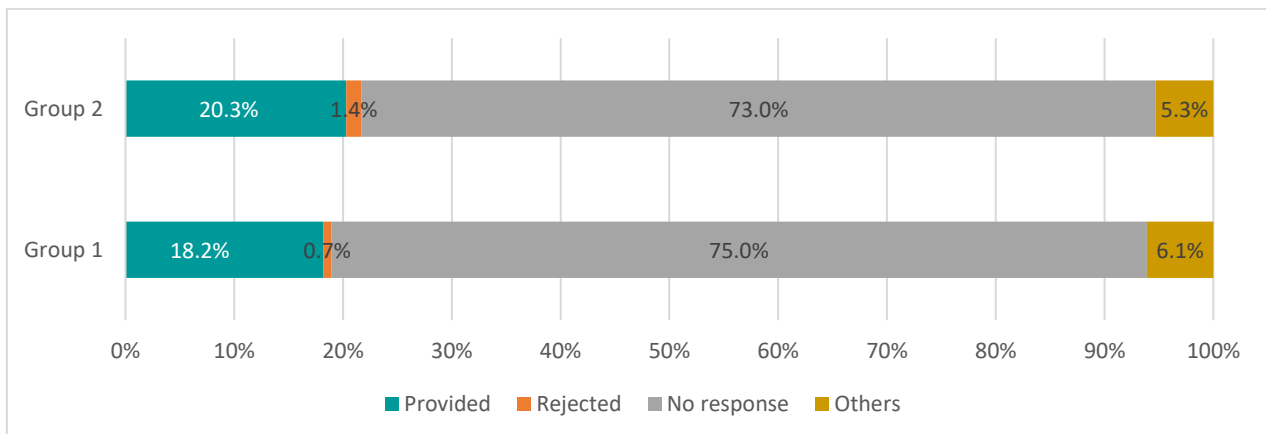


Figure 4: Comparison of response results for the group citing the Information Access Law and the group citing the Land Law

⁴⁰ People's Committee of Ba Be district (Bac Kan province), People's Committee of Dinh Hoa district (Thai Nguyen province), People's Committee of Quang Hoa district (Cao Bang province), People's Committee of Huu Lung district (Lang Son province), People's Committee of Phu Tan district (Ca Mau province), People's Committee of Cai Rang district (Can Tho city), People's Committee of Con Dao district (Ba Ria – Vung Tau province)

⁴¹ People's Committee of Huu Lung district (Lang Son province), People's Committee of Dak Doa district (Gia Lai province), People's Committee of Khanh Son district (Khanh Hoa province)

Testing the citation of 02 different legal documents, the review team also received feedback reflecting the conflict of legal regulations. Specifically, in terms of procedures, when citing the Land Law in the information request, the review team was rejected by phone on the grounds that the information request form was not in accordance with Circular 34/2014/TT-BTNMT42 of the Ministry of Natural Resources and Environment (MONRE). This request must be sent to the land use management bureau for a response. In another case, civil servants were assigned to guide the information requester to follow the "Procedures for provision of land data" at level 4 on the provincial Public Service Portal. When citing the Land Law in the information request, the review team also received a response based on Clause 1, Article 9 and Point g, Clause 2, Article 9 of the Law on Access to Information 2016. Accordingly, the authority to consider and resolve the request belongs to the PPC and the PPC Offices are responsible for providing information in response to a request of this type. This regulation was mentioned in the first-year report and may become a barrier for the DPC offices to not respond to requests for information submitted by researchers.

Regarding the deadline for responses, 66/146 DPCs provided information within 10 working days from the date of sending the request letter (45.2%); 42/146 DPCs provided information after 10 working days (28.8%); 23/146 DPCs responded but did not provide information within 10 working days (15.8%) and 15 DPCs responded but did not provide information after 10 working days (10.3%).

Regarding the attitude of civil servants when responding to information requests, in general, officials and civil servants had a polite attitude; some officials clearly showed their understanding of the Law on Access to Information and the willingness to provide support.

In terms **of the mode of responses**, email responses were recorded as the most common (47.6%), followed by written responses by post (25.9%) and telephone (23.5%), and finally Zalo (2.9%). The review team appreciated that some DPCs responded many times⁴³ and used multiple forms simultaneously, ensuring that the information reached the information requester. The communication was mainly done through phone or Zalo. Email was only used when sending a reply or providing an annual land use plan document. However, most officials and civil servants used personal emails to respond. **In terms of costs**, the review team did not have to pay for letters sent back by governmental agencies by mail or email. The review team also received a response that it would require costs to scan documents if hard copies of land use plan documents were needed.

Table 2 shows the comparison of the response to the request between the two studies. Accordingly, the number and percentage of DPCs providing requested information increased slightly in the second assessment compared to the first one. Meanwhile, the number of DPCs that refused to provide information decreased. However, the number and percentage of unresponsive agencies in the second study were higher than those in the first study.

⁴²See: Circular 34/2014/TT-BTNMT regulating the construction, management and exploitation of land information systems

⁴³Phu Xuyen district (Hanoi city), Dac Doa district (Gia Lai province), Ba Be district (Bac Kan province), Nghia Lo town (Yen Bai province), Duc Co district (Gia Lai province), Yen Dung district (Bac Giang province), Phu Tan district (Ca Mau province), Yen Mo district (Ninh Binh province), Son La city (Son La province), Go Cong Tay district (Tien Giang province), Lao Cai city (Lao Cai province), Go Cong Dong (Tien Giang province), Krong No district (Dak Nong province), Huu Lung district (Lang Son province), District 1 (Ho Chi Minh city)

Mode of responses	2021		2022	
	Quantity	Proportion	Quantity	Proportion
Provided information	98	17.5%	108	19.3%
Refused to provide information	15	2.7%	6	1.1%
No response	402	71.7%	415	74%
Others ⁴⁴	46	8.2%	32	5.7%

Table 2: Comparison of responses to information requests between 2021 and 2022

Figure 4 shows the results of comparing the level of response for each role of the investigator at two times of the study. Accordingly, the proportion of DPCs providing information to citizens was almost unchanged, increased nearly by 7% for real estate agents and 4.4% for lawyers, and decreased by 3.7% for researchers. Basically, it is observed from all roles that most DPCs did not respond.

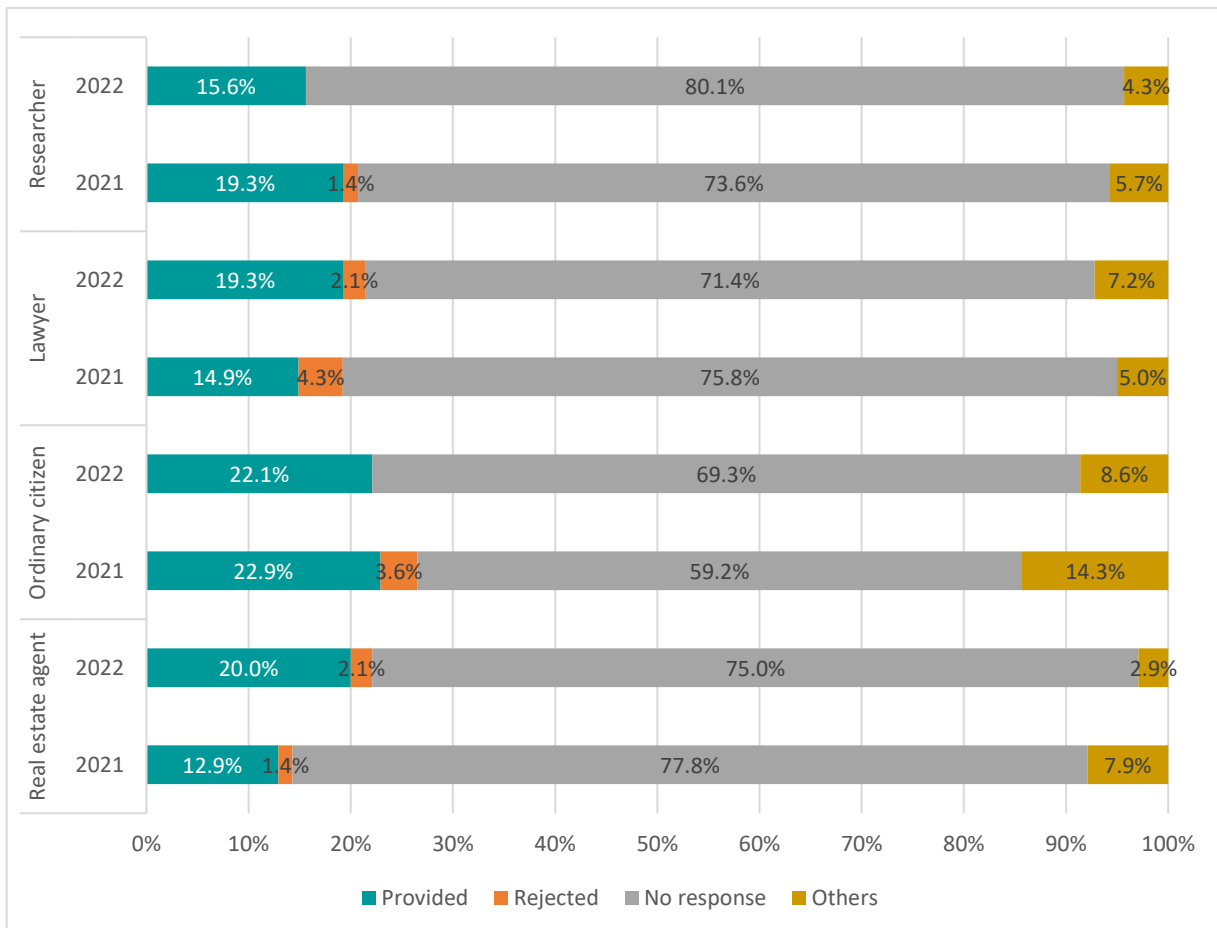


Figure 5: Comparison of 2021 and 2022 response results by the role of the requestors

⁴⁴ There were responses of other types, such as promise to provide information or refer the request to another agency for resolution, but as of February 28, 2022, there had not been any further responses.

Good practices

HIGHLIGHTED GOOD PRACTICES

- **Provinces of Bac Giang and Phu Yen:** 100% of their districts disclosed 2021-2030 land use master plans.
- **Provinces of Ninh Thuan and Kon Tum:** 100% of their districts disclosed 2022 annual land use plans.
- **Provinces of 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 province:** Has a systematized Land Information Access category that makes information searching more convenient on the provincial web portal.
- **Tan Chau district (Tay Ninh province):** Satisfied 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.
- **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):** Used various ways to support and assure information is provided to request sender.

3. POLICY RECOMMENDATIONS

Development and improvement in legal regulations and policies

- Include the procedures on information provision upon request as provided in the 2016 Law on Access to Information in the administrative procedure of all sectors and fields (including land administration) and issue specific guidance documents to avoid assuming that all requests for land information comply with the procedures for providing land data being applied under Circular 34/2014/TT-BTNMT.
- Consider clearly specifying the responsibilities of the information-holding agencies in some specific cases. The results of testing information requests in the first and second years show that the DPCs can base on Clause 1, Article 9 of the Law on Access to Information 2016 (stipulating that the agency creating the document is obliged to provide the document - in this case, it is the PPC) to not provide information on the 2022 land use plan to the requester. However, it is also necessary to specify the obligation to the information holding agencies in some specific cases, especially for agencies that are obliged to disclose information. This is also in accordance with Clause 4, Article 23 of the Law on Access to Information 2016, which stipulates that *"in addition to the information specified in Clauses 1, 2 and 3 of this Article, based on their tasks, powers, conditions and practical capabilities, governmental agencies may provide other information that they create or hold"*. However, this provision gives the right of the information-holding agencies to choose whether or not to provide information even when their information holding is intended to fulfil its responsibility to disclose the information.

- 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 the sequencing of land planning.
- Stipulate that land information disclosed on government portals be permanently maintained as Viet Nam is promoting government digitalization. Currently, district-level land use master plans and annual land use plans are required to be disclosed throughout the planning period (10 years) or the plan (until December 31 of the planning year). However, with the trend of digital transformation, it is possible to store and disclose land use master plans/plans documents on portals/websites for longer. This also helps reduce the burden of procedures on governmental agencies when people need to access information that has expired.
- 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.
- Consider building a synchronous portal/website for People's Committees at all levels. Decree 42/2022/ND-CP has regulations on domain names of portals/websites to synchronize the domain name system of state administrative agencies. However, it is possible to consider synchronizing the portal/website diagram to make it easier to find information even if you search at any portal/website.

More effective enforcement of existing laws and policies

- Continue to disseminate the Law on Information Access 2016 and Decree No. 13/2018/ND-CP and provide training on the law implementation to both officials and civil servants of the governmental agencies and citizens, especially regulations related to the process and procedures for information disclosure and provision of requested information.
- Localities need to develop a section called "Access to Information" on local government web portals and systematize public information in this section according to the provisions of Article 19 of the Law on Access to Information 2016. Develop and disclose regulations on access to information; appoint and disclose information about the focal points for providing information.
- Arrange publicized information on government web portals by the order as stipulated in Article 19 of the Law on Access to Information 2016 to facilitate citizens' access anywhere, anytime.
- Improve the functions of the portals/websites. Specifically, ensure the search bar on the homepage or document system works properly. In addition, it is necessary to study and apply the provisions of Circular No. 26/2020/TT-BTTTT to support all users, including ethnic minorities and people with disability.

Note: This is the Summary Report on the **"2022 Review of Local Governments' Performance in Disclosure of District Land Use Plans and Provincial Land Pricing Frameworks Online"** jointly commissioned by the United Nations Development Programme (UNDP) in Viet Nam and the Center for Education Promotion and Empowerment of Women (CEPEW) from October 2022 to June 2023. The Australian Department of Foreign Affairs and Trade and the Irish Embassy provided financial support for this study through the UNDP's Viet Nam Provincial Governance and Public Administration Performance Index (PAPI) programme.