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# Governance and Participation

A Series of Policy Discussion Papers

## 2022 REVIEW OF LOCAL GOVERNMENTS' PERFORMANCE IN DISCLOSURE OF 10-YEAR LAND USE MASTER PLANS, ANNUAL LAND USE PLANS AND PROVINCIAL LAND PRICING FRAMEWORKS

The second report in the series of "Annual action research  
to enhance citizens' access to land information in Viet Nam"  
jointly conducted by  
the United Nations Development Programme (UNDP) in Viet Nam  
and the Center for Education Promotion and Empowerment of Women (CEPEW)

Ha Noi, June 2023

The series of Governance and Participation Policy Discussion Papers is commissioned by the Governance and Participation Team at UNDP Viet Nam.

The series aims to analyse trends in Viet Nam regarding the implementation processes and options in specific public administration reform areas. To confront the social, economic, political and environmental challenges facing Viet Nam, policymakers need to adopt evidence-based decision-making. These policy papers aim to contribute to current policy debate by providing discussion inputs on policy reforms – thereby helping to improve Viet Nam’s development efforts.

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## TABLE OF CONTENTS

<b>ACKNOWLEDGEMENTS .....</b>	<b>7</b>
<b>EXECUTIVE SUMMARY .....</b>	<b>8</b>
<b>INTRODUCTION .....</b>	<b>12</b>
<b>RESEARCH OBJECTIVES AND METHODS.....</b>	<b>13</b>
<b>MAIN FINDINGS .....</b>	<b>15</b>
Legal provisions related to the disclosure and provision of land information upon requests .....	15
Disclosing provincial-level land pricing frameworks for the period of 2020 - 2024 .....	16
Disclosing district-level land use master plans for the period of 2021 - 2030.....	19
Disclosing district-level land use plans of 2022 .....	23
Difficulties in finding information on PLLPFs, DLLUMPs and DLLUPs .....	29
Results of experimenting the request for land information .....	30
<b>DESIGN AND MAINTENANCE OF LAND INFORMATION DISCLOSURE WEBSITE .....</b>	<b>37</b>
<b>CONCLUSIONS AND POLICY IMPLICATIONS .....</b>	<b>38</b>
Conclusions .....	38
Policy implications .....	38
<b>APPENDIX: 05 CRITERIA FOR ASSESSING THE LEVEL OF LAND INFORMATION DISCLOSURE BY PPCs     AND DPCs .....</b>	<b>40</b>



## LIST OF FIGURES AND TABLES

Figure 1: Comparison of the findings from the reviews of land pricing frameworks on the provincial web portals in 2021 and 2022	17
Figure 2: The interface of the land price information section on the web portal of the Da Nang CPC	17
Figure 3: Disclosure of DLLUMP map of Thanh Chuong district, Nghe An province	20
Figure 4: Information searchability	21
Figure 5: Information timeliness	21
Figure 6: The completeness of DLLUMPs for the period of 2021-2030	22
Figure 7: The date of approval and disclosure of 2022 DLLUPs	25
Figure 8: The completeness of the 2022 DLLUPs	26
Figure 9: Web portals are reported unsafe for users	29
Figure 10: Notice of refusal to information request from the Office of the People's Council and People's Committee of Yen The district in 2021 and 2022	32
Figure 11: Invitation letter to Vung Tau City DONRE	33
Figure 12: Comparison of responses for the group citing the Law on Access to Information and the group citing the Land Law	33
Figure 13: Instruction sheet of the Office of the People's Council and People's Committee of Thai Binh city (Thai Binh province)	34
Figure 14: Comparison of 2021 and 2022 response findings based on the requester's role	36
Figure 15: The interface of the land information disclosure map on the land information website	37
Table 1: Comparison of DLLUP disclosure in 2021 and 2022	27
Table 2: Comparison of the results of testing information requests in 2021 and 2022	35



## LIST OF ACRONYMS

DONRE	Department of Natural Resources and Environment
CEPEW	Center for Education Promotion and Empowerment of Women
CPC	City People’s Committee
DFAT	Australian Department of Foreign Affairs and Trade
DLLUMP	District-level 10-year Land Use Master Plan
DLLUP	District-level Land Use Plan
DPC	District People's Committee
MONRE	Ministry of Natural Resources and Environment
PAPI	Provincial Governance and Public Administration Performance Index
PC	People’s Committee
PLLPF	Provincial-level Land Pricing Framework
PPC	Provincial People’s Committee
UNDP	United Nations Development Program



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## EXECUTIVE SUMMARY

Since July 2021, UNDP Viet Nam has cooperated with CEPEW and RTA to implement the initiative "**Action research to enhance citizens' access to land information**". The initiative focuses on studying the accessibility of provincial-level land pricing frameworks (PLLPF) and annual district-level land use plans (DLLUP) which are disclosed on the web portals of provincial people's committees (PPCs) and district people's committees (DPCs), and at the same time studying the response to the request for DLLUPs in 63 provinces and municipalities (herein below called provinces) across the country. The review findings have partly reflected inadequacies in the disclosure of land information by State agencies at provincial and district levels.

Based on the action research findings in 2021, UNDP in collaboration with CEPEW and RTA continued to implement the second-year initiative (from August 2022 to May 2023). In order to obtain more extensive action research findings on citizens' access to land information in general, in addition to focusing on reviewing the disclosure of information on PLLPFs, DLLUPs and the provision of land information at the request of citizens, the initiative has included the review of the disclosure of the 10-year district-level land use master plans (DLLUMP) by all districts nationwide. Below are key review findings:

### Disclosure of provincial - level land pricing frameworks of the period 2020 - 2024 on PPCs' web portals

- **Information disclosure:** The number of PPCs disclosing PLLPFs on their web portals increased compared to the review findings in 2021. As of October 6, 2022, out of 63 provinces, 41 disclosed the PLLPFs on their web portals (65.1%). Compared to the 2021 review, 14 more provinces disclosed land pricing frameworks for the period of 2020 - 2024 (increasing by 22.2%) in 2022.
- **Information searchability:** Of the 41 PLLPFs that were disclosed online, 22 were found in sections related to land information such as "Land price", "Land price information" and "Land information"; but 7 PLLPFs were disclosed in unrelated sections such as the "Document system".

### Disclosure of district - level land use master plans of the period 2021 - 2030 on DPC's web portals

- **Information disclosure:** By October 6, 2022, 48.9% (n=345) of the 705 DPCs were reported to have disclosed the 2021-2030 district- level land use master plans. Of the 360 DPCs that were recorded not to have disclosed the DLLUMPs, 52 disclosed a written notice of publicizing the DLLUMPs; 01 district-level web portal was inaccessible during the review process; and 32 DPCs disclosed DLLUMPs after October 6, 2022, the date when the review team finished reviewing all the web portals of PPCs and DPCs within the framework of the second-year review.
- **Information searchability:** Out of the 345 DPCs that are recorded to have disclosed DLLUMPs for the 2021-2030 period on their web portals, 56.2% (n=194) of DLLUMPs had been found in the sections directly related to land administration; 20% (n=69) of DLLUMPs had been found in sections not directly related to land administration; 15.4% (n=53) of DLLUMPs had been found through the search bars in the homepages of the district web portals; and 8.4% (n=29) of DLLUMPs had been found through Google search. A few cases disclosed maps in an uncommon format (DGN) that makes it more difficult for people to find the information.
- **Information disclosure timeliness:** Out of the 345 DPCs that disclosed the 2021-2030 district - level land use master plans, 105 DPCs (30.4%) publicized DLLUMPs on time as required; 116 DPCs (33.7%) did not disclose DLLUMPs on time and 124 DPCs (35.9%) did not indicate clearly whether their DLLUMPs were disclosed on their web portals on time or not.



- **Information completeness:** 171 out of 345 DPCs (49.6%) fully disclosed 03 documents, including an approval decision, an explanatory report and a map; 4 DPCs (1.2%) only publicized approval decisions and explanatory reports; 33 DPCs (9.6%) only disclosed approval decisions and maps; and 11 DPCs (3.2%) only disclosed explanatory reports and maps.
- **Information usability:** The documents were found mostly in clear and usable scanned soft copies. However, some districts compressed DLLUMP files into a folder and posted them on their web portals, making it more difficult for users to access the files. In this case, users must download the files to their computers and decompress them, and this is difficult for those who use phones to access the files.

#### Disclosure of district - level annual land use plans in 2022 on DPCs' web portals

- **Information disclosure:** 389 out of 705 DPCs (55.2%) publicized their DLLUPs in 2022. A comparison of the findings of the 2021 review of DLLUP disclosure shows that the percentage of DPCs publicizing DLLUPs increased from 47.9% in 2021 to 55.2% in 2022.
- **Information searchability:** Of the 389 DPCs that publicized their DLLUPs, 250 DPCs (64.3%) shared the DLLUPs in sections related to land administration; 68 DPCs (17.5%) disclosed the DLLUPs in unrelated sections; 40 DLLUPs (10.3%) were found by using the search toolbar on DPCs' web portals and 31 ones (8%) were found by Google search.
- **Issuance and disclosure timeliness:** Applying the regulations on the due date of issuance, Decree No. 148/2020/ND-CP stipulates that DLLUPs must be approved before December 31 every year. The review findings show that, out of the 389 DLLUPs that were publicized in 2022, 19 DLLUPs (4.9%) were issued on time; 348 DLLUPs (89.5%) were issued from December 31, 2021 and 22 DLLUPs (5.7%) were issued with unspecified issuance dates.

When comparing the regulations on the due date for disclosing DLLUPs online, out of 19 among 389 DLLUPs that were issued on time, 4 DLLUPs (1%) were disclosed on time; 9 DLLUPs (2.3%) were disclosed later than prescribed; 6 DLLUPs (1.5%) were uploaded with **unknown dates of disclosure on DPCs' web portals**. Out of 348 DLLUPs that were issued from December 31, 2021, 145 DLLUPs (37.3%) were disclosed on time as prescribed; 118 DLLUPs (30.3%) were disclosed after 15 days from the date of issuance and 85 DLLUPs (21.9%) were uploaded with unknown disclosing dates on web portals.

- **Information completeness:** Out of 389 DLLUPs that were made public, 155 DLLUPs (39.8%) were fully disclosed with three required documents of approval decisions, explanatory reports and maps; 10 DLLUPs (2.6%) only with approval decisions and explanatory reports; 33 DLLUPs (8.5%) only with approval decisions and maps; and 14 DLLUPs (3.6%) with explanatory reports and maps.
- **Information usability:** Like DLLUMPs for the period of 2021-2030, the 2022 review findings show that most of the disclosed documents were clear and usable scanned soft copies. However, many DLLUPs were disclosed as compressed files and must be downloaded and decompressed to be accessible.

#### Results of experimenting with requests for information

As of February 21, 2023, 146 out of 561 DPCs had responded to information requests from four members of the review team (as citizens, researchers, lawyers and real estate traders). In particular, **108** DPCs (19.3%) provided information, **six** DPCs (1.1%) **refused** to provide information, and **32** DPCs (5.7%) provided indirect responses but did not provide the requested information. Among 108 DPCs responding to information requests, seven DPCs responded using form No. 03 of Decree 13/2018/ND-CP and 45 DPCs attached official letters to their responses. Among the four roles of information requesters, the response rate to citizens as requesters was the highest (22.1%), then to real estate traders (20%), to lawyers (19.3%) and to researchers (15.6%).

A comparison of the responses to requests for DLLUPs between the two reviews in 2021 and 2022 shows that the number and proportion of DPCs providing the requested information increased slightly in the 2022 review. Meanwhile, the number of DPCs refusing to provide information decreased. However, the number and percentage of DPCs not responding in the 2022 review were higher than those in the 2021 review. In addition, comparing the level of feedback according to each role of information requesters in the two reviews shows that the percentage of DPCs providing information to remained almost unchanged for citizens, increased by about 7% for real estate traders and by 4.4% for lawyers, but decreased by 3.7% for researchers. The majority of DPCs did not respond regardless of who the requesters were.

### HIGHLIGHTED GOOD PRACTICES

**Bac Giang, Phu Yen:** 100% of DPCs disclosed the DLLUMPs for the period of 2021-2030.

**Ninh Thuan and Kon Tum:** 100% of DPCs disclosed the 2022 DLLUPs.

**Soc Trang, Quang Tri and Tra Vinh:** Disclosed the PLLPFs on the provincial web portals on time.

**Ba Ria - Vung Tau:** Has a systematized Land Information Access category that makes the search for land information more convenient on the provincial web portal.

**Tan Chau district (Tay Ninh province):** Satisfied all five criteria for disclosing the 2021-2030 DLLUMP and the 2022 DLLUP.

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

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



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

**Ba Be district (Bac Kan province), Duc Co district (Gia Lai province), Nghia Lo town (Yen Bai province), and Krong No district (Dak Nong province):** Used many ways to support and assure information requestors received the requested information.

## Policy recommendations

### Development and improvement in legal regulations and policies

- Include the procedures on information provision upon request as stipulated in the 2016 Law on Access to Information in the administrative procedures of all sectors and fields (including land administration) and issue specific guidance documents to avoid the assumption that all requests for land information must comply with the procedures for providing land data currently applied under Circular No. 34/2014/TT-BTNMT on development, management and use of the land information system.
- Consider clearly defining the responsibility of the information-holding agency in providing information at the request of citizens in several specific cases. This is also consistent with Clause 4, Article 23 of the 2016 Law on Access to Information 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 actual capabilities, State agencies may provide other information that they create or hold”*. However, this needs to be



adjusted because this provision gives information holders the authorization to choose whether or not to provide information even when their information holding is intended to fulfil their responsibility to disclose information.

- Specify the time limit for making and promulgating land use master plans at each government level consistently to ensure that the planning implemented by the lower-level government is not behind the planning issued by the higher-level government as well as to ensure the timeliness of information for the people.
- Issue regulations on long-term maintenance of land information on the web portals of State agencies in the context of digital transformation. This also helps reduce the burden of administrative procedures on State agencies when people need to access information, of which the disclosure has expired according to current regulations.
- Retain the deadline for disclosing land information (within 15 days) as currently stipulated (2013 Land Law) instead of 30 days as put in the draft revised Land Law.
- Issue requirements on developing interfaces, sections and ways of disclosing information on the governments' web portals in a uniform and synchronous manner across the country to make it easier to find information regardless of any web portals of any State agency.

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

- Continue to propagate, disseminate and provide trainings on the 2016 Law on Access to Information, Decree No. 13/2018/ND-CP guiding the implementation of the Law on Access to Information and Decree No. 42/2022/ND-CP prescribing provision of online information and online public services by regulatory bodies to all officials and civil servants in State agencies and people, especially regulations related to the process and procedures for disclosing and providing information at the request of citizens.
- Localities need to develop a section on Access to Information and systematize public information in this section according to the provisions of Article 19 of the 2016 Law on Access to Information so that people can use it anywhere and anytime; Formulate and publicize regulations on access to information, arrange and disclose information about the focal point of information supply.
- Design the interface of web portals of State agencies in a synchronous manner and improve the functions of these web portals. Specifically, the interface needs to be designed in a uniform way among State agencies and it is necessary to ensure that the search toolbar on the homepage or the document system works effectively. In addition, it is necessary to study and apply the provisions of Circular No. 26/2020/TT-BTTTT on the application of standards and technology assisting persons with disabilities to access and use information and communications products and services to support access to information for all users, including people with disabilities and ethnic minorities with limited command of the official Vietnamese language.



## INTRODUCTION

Land disputes have remained a heated issue in Viet Nam since the economic reform in 1990. According to the thematic monitoring report “The implementation of the law on receiving citizens and settling complaints and denunciations from July 1, 2016 to July 1, 2021”, complaints, denunciations and requests are mainly related to land management and acquisition, compensation, resettlement, site clearance (over 69.5%).<sup>1</sup> Land disputes, which have been a problem for many years in Viet Nam, continue to be forecasted as a heated issue, especially concentrated in provinces with a high urbanization rate and a large number of projects requiring land acquisition and compensation.

Research findings including analysis findings of the Viet Nam Provincial Governance and Public Administration Performance Index (PAPI)<sup>2</sup> and the Provincial Competitiveness Index (PCI)<sup>3</sup> related to land governance show that land conflicts can come from the lack of transparency in the formulation and implementation of plans for land acquisition and land compensation pricing frameworks. The 14th National Assembly also concludes that the disclosure and transparency of information on land planning, management and land use in urban areas remain limited, especially information on land allocation, land lease, and land use purpose conversion. From this reality, the National Assembly has decided to assign the Government to strengthen the disclosure, transparency and easy access to information in land planning, management and use in urban areas, and at the same time, encourage and create conditions for organizations, individuals and socio-professional organizations to participate in public criticism on the implementation of policies and laws on land planning, management and use.<sup>4</sup>

With pertaining problems in land management in general, Resolution No. 17/2021/QH15 has approved the plan to bring the draft amended Land Law to the National Assembly for the first time in 2022.<sup>5</sup> On December 23, 2022, the National Assembly Standing Committee issued Resolution No. 671/NQ-UBTVQH on organizing the collection of people's opinions on the draft amended Land Law.<sup>6</sup>

In that context, from July 2021 to July 2022, UNDP in Viet Nam cooperated with CEPEW and RTA to implement the initiative "**Action research to enhance citizens' access to land information in Viet Nam**" for the first year. The initiative focuses on studying the accessibility of provincial-level land pricing frameworks (PLLPFs) and district-level land use plans (DLLUPs) which are disclosed on the State agencies' web portals and State agencies' response to requests for DLLUPs in 63 provinces across the country. Research findings show that, as of October 6, 2021, 27 out of 63 provinces had disclosed PLLPFs on their web portals and 337 out of 704 district-level agencies had disclosed DLLUPs on their web portals. The findings of the test on sending information requests for DLLUPs show that 98 out of the sampled 561 offices of the District People's Committees responded to the information requests (17.5%); 15 refused to provide information (2.7%); 46 responded but did not provide information (8.2%) and 402 did not respond

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<sup>1</sup> 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-xu-huong-gia-mourning-chapter-king-te-705290>, accessed February 23, 2023



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

<sup>3</sup> For more information about PCI, see [www.pciViet Nam.org](http://www.pciViet Nam.org)

<sup>4</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 land planning, management and use in urban areas

<sup>5</sup> See: Resolution 17/2021/QH15 on law and ordinance making program 2022; adjustment of law and ordinance making program 2021

<sup>6</sup> The collection of comments started on January 3, 2023, and ended on March 15, 2023



(71.7%). The research findings also show that, although some DPCs publicized information on PLLPFs and DLLUPs in 2021, they were incompletely disclosed or disclosed in a scattered manner on their web portals, making it difficult for information searchers to find. Thus, the initiative has partly reflected inadequacies in the disclosure and provision of land information by State agencies at provincial and district levels.

In the context of the revision of the 2013 Land Law and based on the findings of the action research in 2021, UNDP in collaboration with CEPEW and RTA continued to conduct the study for the second year. To obtain more comprehensive action research findings on citizens' access to land information online in general, besides focusing on reviewing the disclosure of PLLPFs, DLLUPs and land information at the request of citizens, in 2022 the initiative has included the review of the disclosure of district-level land use master plans (DLLUMPs) of the period 2021 - 2030.

## RESEARCH OBJECTIVES AND METHODS

### Objectives of the research

Following the findings of the first-year study in 2021, the second-year study in 2022 was conducted to continue supporting provinces across Viet Nam to enhance citizens' access to official land information through governments' web portals, contributing to reducing land conflicts and improving land governance. The 2022 review aims to:



- i) Review the disclosure of information on DLLUMPs, DLLUPs and PLLPFs in 63 provinces across Viet Nam;
- ii) Establish and maintain an information landing page connecting the public links of DLLUMPs, DLLUPs and PLLPFs of State agencies at provincial and district levels;
- iii) Experimenting the requests for land information in accordance with the provisions of the 2016 Law on Access to Information and the 2013 Land Law; and,
- iv) Formulate recommendations to improve citizens' access to official land information through governments' web portals.

### Research method and sample size

#### *Reviewing the disclosure of DLLUMPs for the period of 2021-2030, DLLUPs for 2022 and PLLPFs for the period of 2020-2024 on the web portals*

Following the research findings of the first year, the review team continued to assess the legal provisions related to the process and authority of issuing and publicizing DLLUMPs for the period of 2021-2030, DLLUPs of 2022 and PLLPFs for the period of 2020-2024 (hereinafter referred to as land information) as prescribed in the system of legal documents on land and access to information in Viet Nam. These are important legal bases for the review team to assess the level of land information disclosure by State agencies and the accessibility of information to the citizens.

Within the framework of the second-year study, seven researchers searched for PLLPFs for 2020-2024 on the web portals of all **63 Provincial People's Committee (PPCs)**, the agency responsible for generating land information) as well as DLLUMPs for 2021-2030 and 2022 DLLUPs on the web portals of **all 705 District People's Committees (DPCs)**, the agency responsible for disclosing land information).



The review process was conducted with 04 search steps specifically designed as follows:

- Step 1: Search in sections related to land information on the homepage/navigation bar of PPCs' web portals (for PLLPFs) and DPCs' web portals (for DLLUMPs and DLLUPs).
- Step 2: Search in other sections on the homepage/navigation bar of PPCs' web portals (for PLLPFs) and DPCs' web portals (for DLLUMPs and DLLUPs).
- Step 3: Search by using the search bar on PPCs' web portals (for PLLPFs) and DPCs' web portals (for DLLUMPs and DLLUPs).
- Step 4: Search on Google.

The search step recorded was the last step where documents could be found. To ensure continuity with the first-year study, the review team only reviewed the documents disclosed on the web portals of these DPCs until October 6, 2022.

In addition, the review team maintained the same 05 criteria used to review the level of land information disclosure by local authorities, including: (i) *Information disclosure*; (ii) *Information searchability*; (iii) *Information timeliness*; (iv) *Information completeness (for DLLUMPs and DLLUPs)*; and (v) *Information usability (readable, understandable, readable by using common software)*. See the Appendix for more details on the 05 review criteria.

#### ***Experimenting the information request for DLLUPs***

Like the method used in the first-year study, 705 districts were randomly divided into 5 groups, each group consists of 140-141 districts, in which 01 control group did not receive requests for land information and 04 groups received requests for 2022 DLLUPs. To send information requests to the 04 groups above, 04 researchers were assigned 04 distinct roles as follows:

- Group 1: Control group; not receiving information requests
- Group 2: Receiving information requests from a researcher
- Group 3: Receiving information requests from a lawyer
- Group 4: Receiving information requests from a citizen
- Group 5: Receiving information requests from a real estate agent

For each group of DPCs that received information requests, the review team continued to divide it into two subgroups: (1) The group with requests citing the 2016 Law on Access to Information and (2) The group with requests citing the 2013 Land Law.

The request for information was sent in December 2022 and we received responses from relevant State agencies up to February 21, 2023.

#### ***Designing and maintaining a website on disclosure of land information***

The findings of the first-year review on disclosing PLLPFs for the period of 2020-2024 and DLLUPs of 2021 on the web portals of PPCs and DPCs have been shared on the website <https://congkhaithongtindatdai.info>. With the second-year review, the land information disclosure page is still being upgraded, improved and maintained to become a website of systematically sharing the annual research findings of the initiative.

In addition, new features have been introduced that allow page visitors to evaluate the disclosure of three types of information (DLLUMPs for 2021-2030, DLLUPs of 2022 and PLLPFs for 2020-2024), and can report to the system in case the links to access such documents are no longer working.



### *Limitations of the study*

Like the first-year study, the technical capacities of web portals allow the date of information disclosure shown on them to be revised to any date. Meanwhile, the review team only took screenshots of cases where information was found but did not take screenshots of the sections where information was posted or cases of search errors and access errors at the time of the survey. This may affect the survey data if the information is not disclosed in a timely manner but what was recorded on the web portals suggests otherwise. In addition, the maintenance and upgrade of web portals may affect the post links, causing the links that the review team has recorded to be no longer working.

## MAIN FINDINGS

### **Legal provisions related to the disclosure and provision of land information upon requests**

The current legal regulations on disclosure and provision of land information upon request are stipulated in the 2013 Land Law, the 2016 Law on Access to Information and other relevant legal documents such as Decree No. 148/2020/ND-CP,<sup>7</sup> Decree No. 13/2018/ND-CP<sup>8</sup> and Circular No. 29/2014/TT-BTNMT,<sup>9</sup> Circular No. 46/2018/TT-BTC.<sup>10</sup>

According to the 2013 Land Law, PLLPFs are prepared by PPCs every five years and submitted to the People's Councils of the same level for approval before promulgation and disclosure on January 1 of the first year of the planned period.<sup>11</sup>

Land use master plan is the allocation and zoning of land according to space of use for the purposes of socio-economic development, national defence, security, environmental protection and climate change adaptation based on land potential and land use demands of all sectors and fields, for each socio-economic region or administrative unit in a given time period.<sup>12</sup> DLLUMPs have a 10-year cycle with a vision of 20 to 30 years,<sup>13</sup> are prepared by DPCs,<sup>14</sup> approved by the People's Councils of the same level and issued by PPCs.<sup>15</sup>

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<sup>7</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>8</sup> Decree No. 13/2018/ND-CP dated January 23, 2018 of the Government detailing and implementing the Law on Access to Information

<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> Circular No. 46/2018/TT-BTC dated May 14, 2018 of MOF 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>11</sup> Clause 1, Article 114 of the 2013 Land Law

<sup>12</sup> Clause 2, Article 3 of the 2013 Land Law

<sup>13</sup> Clause 1, Article 37 of the 2013 Land Law

<sup>14</sup> Clause 2, Article 42 of the 2013 Land Law

<sup>15</sup> Point b, Clause 1, Article 45 of the 2013 Land Law

A land use plan is the division of a land use master plan over time for implementation in the land use master plan period.<sup>16</sup> The DLLUPs are prepared annually<sup>17</sup> by DPCs<sup>18</sup> and approved by PPCs<sup>19</sup>.

Regarding the disclosure of land information, Article 48 of the 2013 Land Law stipulates that the DPCs are responsible for publicizing all contents of DLLUMPs, DLLUPs at DPCs' office and on the web portals within 15 days from the date of approval by PPCs.<sup>20</sup> The disclosure of DLLUPs and PLLPFs is also specified in Point g, Clause 1, Article 17 of the 2016 Law on Access to Information.

Regarding the provision of information upon request, the 2016 Law on Access to Information stipulates that the information that must be disclosed in Article 17 is provided at the request of citizens if it falls into one of the following cases: (a) Information within its disclosure period but not yet made public; (b) Information whose disclosure period has expired as prescribed by law; (c) Information which has been disclosed, but due to force majeure, the requester fails to access.<sup>21</sup> State agencies may, within the ambit of their functions, tasks and powers, and depending on their actual conditions, may provide other information that they create or hold.<sup>22</sup>

In addition, Article 12 of the 2016 Law on Access to Information and Article 3 of Circular 46/2018/TT-BTC<sup>23</sup> also stipulate the fees that information requesters must pay when conducting the procedures for requesting information under the provisions of the 2016 Law on Access to Information.

#### **Disclosing provincial-level land pricing frameworks for the period of 2020 - 2024**

Within the scope of this action research, each PPC was recorded to have publicized its PLLPF on its web portal when one of the following two conditions was met: (i) The review team finds a PPC's decision on the issuance of a land pricing framework for the period of 2020-2024 on its web portal, or (ii) The review team finds an application for looking up land prices on the web portal and this application gives the results of land prices in the province by year from 2020 to present.

Figure 1 shows that, as of October 6, 2022, 41 out of 63 provinces had disclosed PLLPFs on their web portals (65.1%). Comparing this with the review findings in 2021, the review team found that the PLLPFs of 27 provinces<sup>24</sup> that were recorded for their disclosure can still be found on the web portals of the relevant PPCs. Thus, 14 more provinces have disclosed PLLPF on the web portals of PPCs.<sup>25</sup>

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<sup>16</sup> Clause 3, Article 3 of the 2013 Land Law

<sup>17</sup> Clause 2, Article 37 of the 2013 Land Law

<sup>18</sup> Clause 2, Article 42 of the 2013 Land Law

<sup>19</sup> Point c, Clause 2, Article 45 of the 2013 Land Law

<sup>20</sup> Clause 2, Clause 3, Article 48 of the 2013 Land Law

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

<sup>22</sup> Clause 4, Article 23 of the 2016 Law on Access to Information

<sup>23</sup> Circular 46/2018/TT-BTC dated May 14, 2018 detailing the actual costs of printing, copying, photocopying and sending information as prescribed in Clause 2, Article 12 of the Law on Access to Information

<sup>24</sup> 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

<sup>25</sup> 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



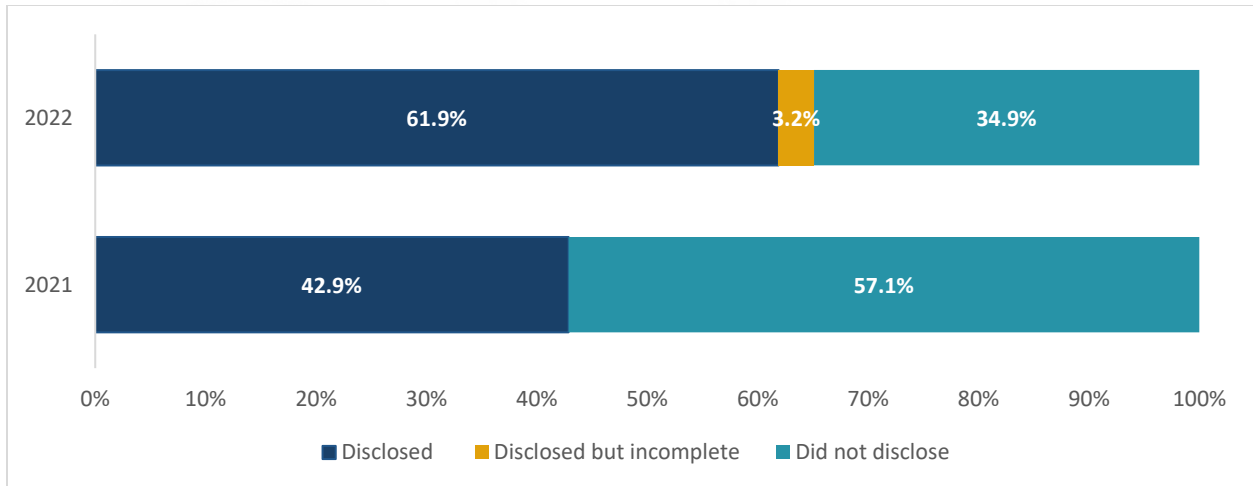


Figure 1: Comparison of the findings from the reviews of land pricing frameworks on the provincial web portals in 2021 and 2022

Among the provinces that have publicized PLLPFs for the period of 2020-2024, Da Nang City People's Committee (CPC) disclosed its PLLPF in the "Land price information" section on its portal. This section has an application for users to enter the name of the geographic area they wish to find the land price information and look it up directly, while at the same time clearly shows the legal basis for applying such land prices. Da Nang CPC also systematically built a sub-section "Access to land information" in the "Access to information" section.<sup>26</sup>

TRANG CHỦ
CHÍNH QUYỀN
CÔNG DÂN
DOANH NGHIỆP
DU KHÁCH
ĐA PHƯƠNG TIỆN

📅 Thứ Bảy, ngày 11 tháng 2 năm 2023 | 14:43 GMT+7

Bảng giá đất theo Quyết định số 07/2021/QĐ-UBND ngày 27 tháng 03 năm 2021 của UBND thành phố Đà Nẵng về việc Sửa đổi, bổ sung một số điều của Quy định ban hành kèm theo Quyết định số 09/QĐ-UBND ngày 07/4/2020 của UBND TP Quy định Bảng giá các loại đất trên địa bàn TP Đà Nẵng giai đoạn 2020-2024.

GIÁ ĐẤT TẠI ĐÔ THỊ

GIÁ ĐẤT TẠI NÔNG THÔN

GIÁ ĐẤT ĐỐI VỚI CÁC ĐƯỜNG CHƯA ĐẶT TÊN TRONG CÁC KHU DÂN CƯ

**Thông tin giá đất**

Tên đường/Địa bàn Mức giá từ (ngàn đồng/m<sup>2</sup>) Đến (ngàn đồng/m<sup>2</sup>)

🔍 Tìm kiếm

Giá đất tại đô thị
Giá đất tại nông thôn
Giá đất tại đường chưa có tên
Giá đất tại khu công nghệ cao
Giá đất nông nghiệp

TT	Tên đường phố	Rộng1	Rộng2	VH1	VH2	Mặt đường	Địa bàn	Phường	Vị trí	
									Vị trí 1	Vị trí 2
1	2 Tháng 9						HC	BH-BT-HTĐ-HCB-HCN		
	- Đoạn từ Bảo tàng Chăm đến Nguyễn Văn Trỗi	11	11	5	5	bê tông nhựa	HC	BH-BT-HTĐ	98,800	36,8

Figure 2: The interface of the land price information section on the web portals of the Da Nang CPC

<sup>26</sup> According to the provisions of the 2016 Law on Access to Information and Decree 13/2018/ND-CP, DPCs are obliged to build a section "Access to information" on their e-portal/website.

In addition, two agencies including Yen Bai PPC and Ba Ria – Vung Tau PPC were recorded as performing incomplete disclosure as the review team did not find the decisions to issue PLLPFs by these two provinces. Instead, the review team found the Resolutions approving PLLPFs for the period of 2020-2024 by the Provincial People's Councils on the web portals of these two provinces. According to the provisions of the 2013 Land Law, before issuing the decision on a PLLPF, PPC must submit it to the Provincial People's Council for approval.<sup>27</sup> Therefore, in terms of content, a PLLPF adopted in the Resolution of the Provincial People's Council is also the PLLPF that will be applied. However, in terms of procedures, the decision to issue a PLLPF by PPC is a mandatory document. Therefore, the case of publicizing a resolution approving a PLLPF by the Provincial People's Council without a decision of the PPC is considered by the review team as having already disclosed the PLLPF but the disclosure is incomplete.

**Information searchability**, reviewing 27 provinces that have publicized land pricing frameworks according to the 2021 study, the review team found that the majority of these provinces PLLPFs in the sections directly related to land and these PLLPFs are still recognized as easy to find (step 1).<sup>28</sup> For provinces that publicized land information in unrelated sections such as "Documents", "Notices", the search is more difficult as the posting time may be far into the past, therefore, searchers had to use the search tool of the web portals (step 3).<sup>29</sup> Among 14 new provinces that have just been recorded as having disclosed PLLPFs according to the findings of the second-year review, 06 provinces have disclosed PLLPFs in the directly related sections such as "Land price", "Land pricing framework", "Land price lookup", "Land information"<sup>30</sup>, while PLLPFs for the period of 2020-2024 of 03 provinces<sup>31</sup> were found in related directories such as "Information on Executive Instructions", "Documentation System", "Legal Documents" (Step 2). Four out of 14 provinces<sup>32</sup> were recorded to have PLLPFs found through the Google search (Step 4).

**In addition, regarding the form of disclosing**, most of the disclosed documents were available for viewing online. However, many provinces<sup>33</sup> posted the documents in compressed files, and users must download the files to a computer to view them, which is inconvenient.

***Good practices in disclosing the land pricing frameworks for the period of 2020-2024 on provincial governments' web portals***

**Soc Trang, Quang Tri and Tra Vinh** publicized PLLPFs on their web portals in a timely manner. In addition, the Access to Land Information section of **Ba Ria-Vung Tau province** is systematized, easy to look up information and convenient for users.

<sup>27</sup> Clause 1, Article 144 of the 2013 Land Law

<sup>28</sup> Including Dien Bien, Son La, Bac Giang, Phu Tho, Ninh Binh, Thanh Hoa, Binh Duong, Dak Nong, Ba Ria - Vung Tau, Tra Vinh, Kien Giang and Hai Phong city

<sup>29</sup> Including Vinh Phuc and Bac Kan provinces

<sup>30</sup> Including provinces Lao Cai, Thai Nguyen, Nam Dinh, Quang Tri, Long An and Da Nang city

<sup>31</sup> Including Bac Kan, Lai Chau, Vinh Long provinces

<sup>32</sup> Including Cao Bang province, Vinh Phuc province, Quang Nam province, Binh Thuan province, Soc Trang province

<sup>33</sup> Such as: Yen Bai Province, Thua Thien Hue, Long An

## Disclosing district-level land use master plans for the period of 2021 - 2030

The review of the disclosure of DLLUMPs for the 2021-2030 period began in the second year (2022). According to the 2013 Land Law, each district-level land use master plan (DLLUMP) has a planning period of 10 years<sup>34</sup>, is prepared by the district-level land management agency,<sup>35</sup> and shall be submitted by the DPC to the People's Council of the same level for approval before submitting to the PPC for promulgation.<sup>36</sup> After receiving the PPC's approval, the DPC is responsible for disclosing the DLLUMP, including disclosing it on the DPC's web portal. The disclosure must be made within 15 days from the date of approval by the competent state agency and made public throughout the land use planning period.<sup>37</sup>

Evaluated based on the five criteria for reviewing the disclosure of land information, 53 agencies<sup>38</sup> met all these criteria. However, among these 53 agencies, some disclosed DLLUMPs in the form of compressed files,<sup>39</sup> making it more difficult for people to access land information. Although the current legal regulations on land do not specify the time to issue DLLUMPs, the review team found that, out of 53 DLLUMPs that were found satisfied all five criteria, 29 DLLUMPs<sup>40</sup> were approved in 2021 and 24

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<sup>34</sup> Clause 1, Article 37 of the 2013 Land Law

<sup>35</sup> Clause 2, Article 42 of the 2013 Land Law

<sup>36</sup> Point b, Clause 1, Article 45 of the 2013 Land Law

<sup>37</sup> Clause 2, Article 48 of the 2013 Land Law

<sup>38</sup> My Duc District (Hanoi City), Quang Hoa District (Cao Bang Province), Hoa An District (Cao Bang Province), Si Ma Cai District (Lao Cai Province), Sin 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 Province) Yen), 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), Khanh Hoa District Ninh Phuoc (Ninh Thuan Province), Dak Glei District (Kon Tum Province), Pleiku City (Gia Lai Province), Kong Chro District (Gia Lai Province), Chu Se District (Gia Lai Province), Chu Prong District (Gia Province) Lai), 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 commune (Ba Ria Vung Tau province), Cau Ke district (Tra Vinh province), Cau Ngang district (Tra Vinh province), Chau Thanh district (Dong Thap province), 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)

<sup>39</sup> For example: Van Ninh district (Khanh Hoa province), Vinh Loc district (Thanh Hoa province), Yen Thanh district (Nghe An province), Song Hinh district (Phu Yen province), Krong A Na district (Dak Lak province), Tan Chau (Tay Ninh); Thong Nhat district (Dong Nai province), Duyen Hai town (Tra Vinh province), Thanh Binh district (Dong Thap province), Lap Vo district (Dong Thap province), Kien Luong district (Kien Giang province), Thoi Lai district (Dong Thap province). Can Tho city), Vinh Thanh district (Can Tho city), Long My town (Hau Giang province), An Khe town (Gia Lai province)

<sup>40</sup> My Duc District (Hanoi City), Quang Hoa District (Cao Bang Province), Hoa An District (Cao Bang Province), Si Ma Cai District (Lao Cai Province), Sin Ho District (Lai Chau Province), Than Uyen District (Lai Chau Province), Lai Chau City (Lai Chau Province), Cat Hai District (Hai Phong City), Gia Vien District (Ninh Binh Province), Khanh Son District (Khanh Hoa Province), Go Dau District (Western Province) Ninh), Cam My District (Dong Nai 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), Dong Van (Ha Giang province), Lang Giang district (Bac Giang province), Hiep Hoa district (Bac Giang province), Tam Duong district (Vinh Phuc province), Phuoc Long town (Binh Phuoc province),

DLLUMPs<sup>41</sup> were approved in 2022 for the planning period of 2021-2030. The review findings for each specific criterion are detailed below:

**Information disclosure**, by the end of October 6, 2022, 345 out of 705 DPCs across the country had disclosed the district-level land use master plan for the period of 2021-2030, accounting for 48.9%. Notably, Thanh Chuong DPC (Nghe An province), instead of directly disclosing the DLLUMP for the period of 2021-2030<sup>42</sup> on its web portal, had a related post containing a link to the DLLUMP map disclosed on the website <http://duan24h.net> – a website of a commercial nature that is not run by a government agency (See Figure 3). This makes users hesitant to use the information on the link. Firstly, documents disclosed on the web portals of people’s committees can be interpreted as official information that has been authenticated by competent state agencies. Therefore, a reference to a website that is not operated by a government agency may affect the referencing agency because it does not exclude the possibility that the information disclosed on that page may be modified or edited out of the control of the referencing state agency. Secondly, this reference can make information seekers, especially those with limited understanding of the digital environment, form a mindset that the site referred to is an official website that has been authenticated by a competent state agency and thus the referenced information disclosed on that site is official and reliable.



Figure 3: Disclosure of DLLUMP map of Thanh Chuong district, Nghe An province

Tan Chau district (Binh Phuoc province) Tay Ninh), Cau Ke district (Tra Vinh province), Cau Ngang district (Tra Vinh 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)

<sup>41</sup> Bac Yen District (Son La Province), Song Ma District (Son La Province), Van Lam District (Hung Yen Province), Nghia Dan District (Nghe An Province), Ky Anh Town (Ha Tinh Province), Khanh Vinh 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 Se District (Gia Lai Province), Chu Prong District (Gia Lai Province), Buon Ho Town (Dak Lak Province), Long Dien District (Ba Ria - Vung Tau 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), Cam Lam district (Khanh Hoa province), Bien Hoa city (Dong Nai province), Phu My town (Ba Ria Vung Tau province), Chau Thanh district (Dong Thap province), Cao Lanh district (Dong Thap province), Kien Luong district (Kien Giang province)

<sup>42</sup> See: <http://thanhchuong.nghean.gov.vn/danh-muc-du-an/ban-do-quy-hoach-su-dung-dat-huyen-thanh-chuong-moi-nhat-362211>, accessed at 11:38 am on 22/2/2023

**Information searchability,** Figure 4 shows that among the DPCs that are recorded to have publicized DLLUMPs for the 2021-2030 period on their web portals, 194 DPCs (56.2%) are recorded to have disclosed master plan documents in sections directly related to land (step 1) such as “Land information”, “Planning information”, “Land use master plans and annual plans”, “Socio-economic development master plans and plans”. 69 DPCs (20%) are recorded to have disclosed information in step 2, which means that the documents were found in unrelated sections such as "Notice", "Document system", " Executive directive document", "Information on executive direction". 53 DPCs (15.4%) are recorded to have the information found through the search tool bar in the homepages of their web portals (step 3) and 29 agencies (8.4%) have DLLUMPs only found via Google search (step 4).

**Information disclosure timeliness,** the current legal regulations on land do not specify the time limit for promulgating DLLUMPs. Therefore, the review team could not evaluate the timeliness in the issuance of DLLUMPs of the provinces. However, the 2013 Land Law stipulates that the disclosure of DLLUMPs must be made within 15 days from the date of approval by the competent authority.<sup>43</sup> To determine the timeliness of information disclosure, the review team based on the date that the DLLUMP documents were disclosed on the DPCs' web portals. The review findings (Figure 5) show that, out of 345 DPCs that are recorded to have publicized DLLUMPs for the 2021-2030 period, 105 DPCs (30.4%) have publicized DLLUMPs within 15 days from the date of approval, 116 DPCs (33.7%) were identified as not disclosing the information on time according to the law and 124 DPCs (35.9%) could not be determined whether or not the disclosure on their web portals was on time. There are such cases where the date of disclosure could not be determined because either there was no date shown on the post, or the information found by the review team did not include a disclosure notification and/or approval decision (the two documents showing the date of issuance), but only include a map and/or an explanatory report.

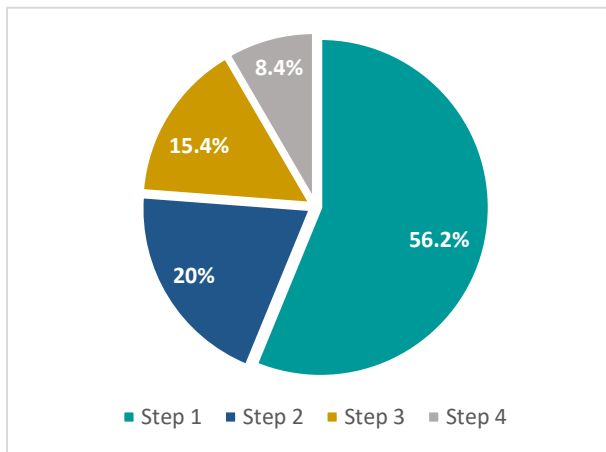


Figure 4: Information searchability

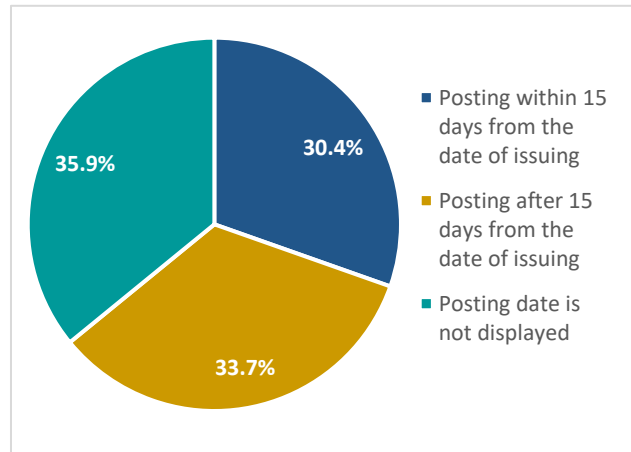


Figure 5: Information timeliness

<sup>43</sup> Point b, Clause 2, Article 48 of the 2013 Land Law

**Information completeness**, the review findings (Figure 6) show that 171 DPCs (49.6%) fully disclosed the 03 mandatory documents including the approval decision, the explanatory report and the map. Only 04 DPCs (1.2%) publicized approval decisions and explanatory reports; 33 DPCs (9.6%) only publicized approval decisions and maps; and 11 DPCs (3.2%) only publicized explanatory reports and maps.

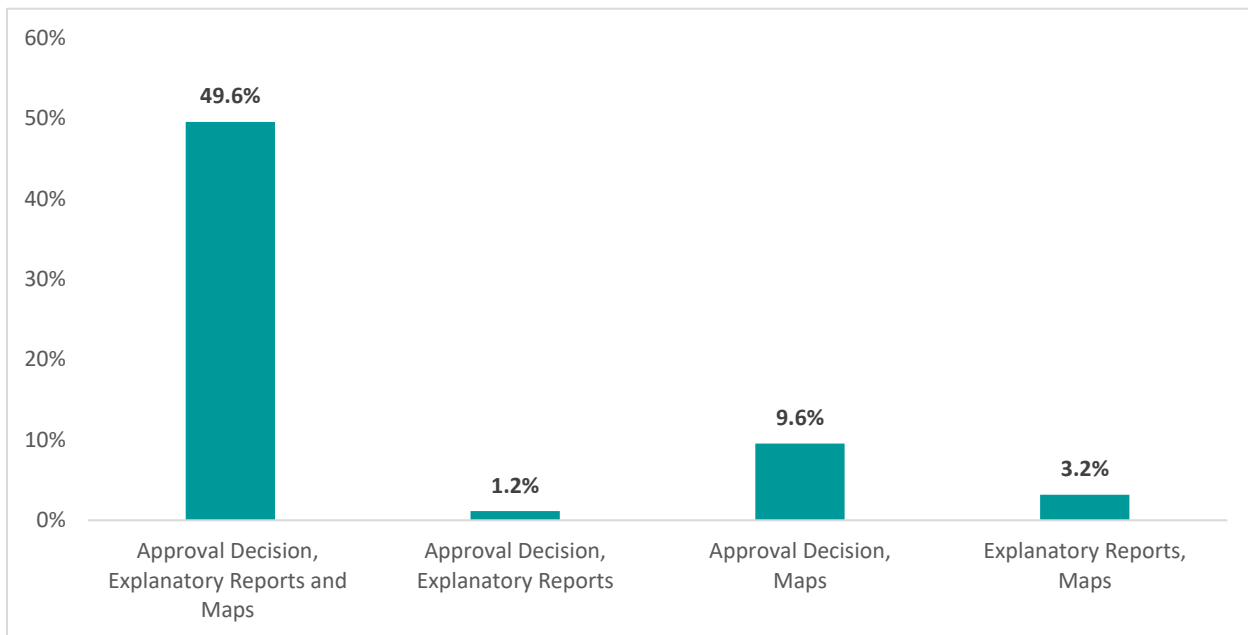


Figure 6: The completeness of DLLUMPs for the period of 2021-2030

**Information usability**, the documents found are mostly clear and usable scanned soft copies. However, many provinces<sup>44</sup> compressed the 2021-2030 DLLUMP files into one folder and uploaded them directly to the web portals making it more difficult to view because users then must download the folders to their computers and decompress them. In addition, during the review process, the review team found that the explanatory reports often do not have the signatures and seals of the competent individuals or agencies. For maps, there are several cases where the maps were uploaded in a format that was not popular with the public (DGN), which makes it more difficult for information seekers.

In addition, out of 360 agencies that are noted to have not publicized DLLUMPs, 52 agencies disclosed a notice of disclosure of the 2021-2030 DLLUMP without attaching compulsory documents to be disclosed. Notably, the People's Committee of Dien Bien Dong district (Dien Bien province) is noted as a non-disclosure case as during the whole review process, its website at <http://dienbiendong.gov.vn/> was inaccessible. In addition, the review team did not record the disclosure of DLLUMPs by 32 agencies because the documents were made public after October 6, 2022, or the 2021-2030 DLLUMPs were issued after October 6, 2022.

<sup>44</sup> For example: Vinh Thach district (Can Tho city), Long My town (Hau Giang province), Thoi Lai district (Can Tho city), Giong Rieng district (Kien Giang province), Kien Luong district (Kien Giang province), An Phu District (Kien Giang Province), Thanh Binh District (Dong Thap Province), Lap Vo 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), Yen Thanh district (Nghe An province), Ky Son District (Nghe An Province), Vinh Loc District (Thanh Hoa Province), Yen Dung District (Bac Giang Province)

### *Good practices in disclosing the 10-year land use master plans for the period of 2021-2030 at the district level on web portals*

**Bac Giang** and **Phu Yen** are two provinces with 100% of districts disclosing their land use master plans for the period of 2021-2030 on DPCs' websites.

Bac Giang is the first province in the country with the provincial master plan for the period of 2021-2030 approved by the Prime Minister.<sup>45,46</sup> However, in order to ensure quick and timely approval of DLLUMPs, Bac Giang PPC proactively had developed and approved DLLUMPs for the period of 2021-2030 and then adjusted them according to the provincial master plan. This practice has helped Bac Giang province's disclosure rate of DLLUMPs for the period of 2021-2030 reach 100%. In addition, the approval decisions themselves stipulate that relevant agencies are obliged to disclose DLLUMPs immediately after approval. Regarding information disclosure activities, the approval decisions of DLLUMPs and DLLUPs in all the districts clearly stipulate the obligation to disclose information of relevant agencies. Besides, to ensure people's access to land information, the land information is also disclosed synchronously in various forms at the DPCs' offices, on the web portals, at conferences, at the new rural cultural houses and at meetings with businesses across the province.

#### **Disclosing district-level land use plans of 2022**

**Information disclosure**, up to October 6, 2022, the review team had found the 2022 DLLUPs on the web portals of 389 DPCs (55.2%). Compared to the findings of the first-year review of the disclosure of the 2021 DLLUPs, the percentage of DPCs that have disclosed DLLUPs increased slightly from 47.9% to 55.2%.

Like the first-year review, the review findings were only recorded up to October 6, 2022. Therefore, the 2022 DLLUPs that were approved or disclosed after this time would not be counted in this review. Notably, among the DPCs that have disclosed DLLUPs for 2022, the review team found that the 2022 DLLUP of Phu Tan district (An Giang province) has the issuance date indicated on the decision issued by An Giang PPC as December 31, 2022. However, this district's notice of disclosure of the 2022 DLLUP was issued on January 28, 2022 and disclosed on its web portal on February 9, 2022.<sup>47</sup> When reviewing the document system on the web portal of An Giang PPC, the review team found that the approval decision of the 2022 DLLUP of Phu Tan district was disclosed on January 27, 2022.<sup>48</sup> Realizing that there may be a text error, the review team still recognized that the 2022 DLLUP of Phu Tan district has been made public.

<sup>45</sup> Decision No. 219/QĐ-TTg dated February 17, 2022

<sup>46</sup> <<https://dangcongsan.vn/bac-giang-khat-vong-doi-moi-phat-trien/chi-dao-dieu-hanh/bac-giang-cong-bo-va-trien-khai-guy-hoach-Tinh-thoi-ky-2021-2030-tam-nhin-nam-2050-605004.html#:~:text=B%E1%BA%Afc%20Gi%C3%A0%20t%E1%BB%89nh%20%C4%91%E1%BA%A7u,t%E1%BA%A7m%20nh%C3%ACn%20%C4%91%E1%BA%BFn%20n%C4%83m%202050>>, accessed on April 26, 2023, at 14:01

<sup>47</sup> Website of Phu Tan province (An Giang province), <https://phutan.angiang.gov.vn/wps/portal/Home/chi-tiet/ghpt/hn/qhsdd2022#gsc.tab=0>, accessed at 17:36 on 20/2/2023

<sup>48</sup> Website of Phu Tan district (An Giang province), <https://www.angiang.gov.vn/wps/portal/Home/trang-chu/chi-tiet/sa-chuong+trinh+chinh+sach+phat+trien+Kinh+te+xa+hoi/sa-Quy+hoach+xd+quy+hoach+dt+quy+hoach+ke+hoach+sd+dat/quyet-dinh-so3260-qd-ubnd-ve-viec-phe-duyet-ke-hoach-su-dung-dat-nam-2022-huyen-ph>, accessed at 17:38 on 20/02/2023

**Information searchability**, 250 DLLUPs (64.3%) were easily found (step 1) because they were located in sections related to land, such as "Land use plan", "Land information", "Land use plan in 2022", "Public information", "Social and economic development plans". 68 DLLUPs (17.5%) were found in unrelated sections (step 2) such as "Documents", "Executive document systems", "Notices", "News, events". 40 DLLUPs (10.3%) were found through the search toolbar on the DPCs' web portals and 31 (8%) were found through keyword searches on Google (Step 4).

**Regarding information timeliness**, according to the provisions of the 2013 Land Law, DLLUPs must be issued annually and approved before December 31.<sup>49</sup> Figure 7 shows the findings of the timeliness review of DLLUP disclosure. Accordingly, out of 389 agencies that have disclosed DLLUPs, 19 agencies issued the 2022 DLLUPs on time (4.9%); 348 agencies issued the 2022 DLLUPs after December 31, 2021 (89.5%) and 22 agencies have the issuance date unidentified because the disclosed documents do not include a notice of disclosure and/or approval decision (5.7%).

In addition, evaluated based on the regulations on both the date of issuance and disclosure, the review team also found that only four DLLUPs of 2022 were issued before December 31, 2021 and disclosed within 15 days from the date of issuance by the responsible DPCs, including Than Uyen DPC (Lai Chau Province),<sup>50</sup> Dinh Hoa DPC (Thai Nguyen province),<sup>51</sup> My Loc DPC (Nam Dinh province)<sup>52</sup> and Tan Chau DPC (Tay Ninh province).<sup>53</sup> In particular, only Tan Chau DPC (Tay Ninh province) publicized all the three mandatory documents, namely the approval decision, the explanatory report and the map on its web portal. However, the map was in an uncommon format (i.e., dgn) that made it difficult to access. Meanwhile, Than Uyen DPC (Lai Chau province) disclosed three documents including the notice of disclosure, approval decision and map; Dinh Hoa DPC (Thai Nguyen province)<sup>54</sup> disclosed the notice of disclosure and approval decision; and My Loc DPC (Nam Dinh province)<sup>55</sup> disclosed the notice of disclosure and map on their web portals.

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<sup>49</sup> Clause 5, Article 1 of Decree No. 148/2020/ND-CP on amendments and supplements to some decrees detailing the implementation of the Land Law

<sup>50</sup> The district's land use plan for 2022 was approved on December 30, 2021 and disclosed on the e-portal/website of DPC on January 14, 2022.

<sup>51</sup> The district's land use plan for 2022 was approved on December 30, 2021 and disclosed on the e-portal/website of DPC on January 12, 2022.

<sup>52</sup> The district's land use plan for 2022 was approved on December 27, 2021 and disclosed on the e-portal/website of DPC on December 30, 2021.

<sup>53</sup> The district's land use plan for 2022 was approved on December 30, 2021 and disclosed on the e-portal/website of DPC on January 6, 2022.

<sup>54</sup> Website of Dinh Hoa district (Thai Nguyen province), [https://dinhhoa.thainguyen.gov.vn/cong-khai-guy-hoach-su-dung-dat/-/asset\\_publisher/qa66RUchMAqw/content/cong-bo-cong-khai-ke-hoach-su-dung-at-nam-2022-huyen-inh-hoa?redirect=%2Fcong-khai-guy-hoach-su-dung-dat&inheritRedirect=true](https://dinhhoa.thainguyen.gov.vn/cong-khai-guy-hoach-su-dung-dat/-/asset_publisher/qa66RUchMAqw/content/cong-bo-cong-khai-ke-hoach-su-dung-at-nam-2022-huyen-inh-hoa?redirect=%2Fcong-khai-guy-hoach-su-dung-dat&inheritRedirect=true), accessed at 6pm on 20/02/2023

<sup>55</sup> Website of My Loc district (Nam Dinh province), <https://myloc.namdinh.gov.vn/tai-nguyen-moi-truong/thong-bao-vv-cong-bo-cong-khai-ke-hoach-su-dung-dat-nam-2022-huyen-my-loc-191434>, accessed at 18:15 on 20/02/2023



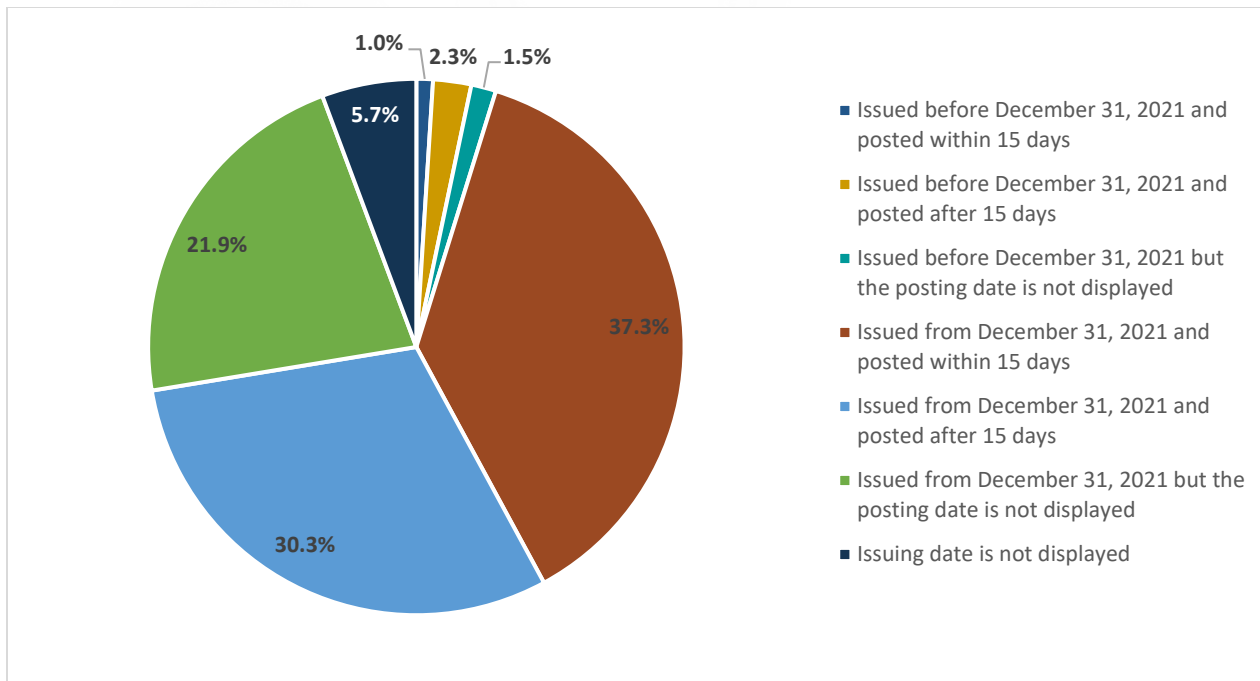


Figure 7: The date of approval and disclosure of the 2022 DLLUPs

Nine DLLUPs of 2022 were issued on time but disclosed later than the prescribed period. These are DLLUPs of Tan Uyen DPC (Lai Chau province),<sup>56</sup> Tam Duong DPC (Lai Chau province),<sup>57</sup> PC of Lai Chau City (Lai Chau province),<sup>58</sup> PC of Pho Yen town (Thai Nguyen province),<sup>59</sup> Tan Bien DPC (Tay Ninh province),<sup>60</sup> Duong Minh Chau DPC (Tay Ninh province),<sup>61</sup> Ben Cau DPC (Tay Ninh province),<sup>62</sup> PC of Hoa Thanh town (Tay Ninh province),<sup>63</sup> PC of Trang Bang town (Tay Ninh province).<sup>64</sup> Among these DPCs, the PC of Lai Chau city (Lai Chau province), Tan Bien DPC (Tay Ninh province) and Ben Cau DPC (Tay Ninh province) fully disclosed all the four documents including notice of disclosure, approval decision, explanatory report and map. In addition, Duong Minh Chau DPC (Tay Ninh province) and the PC of Trang Bang town (Tay Ninh province) also fully disclosed the three mandatory documents including the approval decision, the explanatory report and map.

Six DLLUPs of 2022 were issued on time, but the date of disclosure on the DPCs' web portals could not be identified. 145 DLLUPs of 2022 were issued from December 31, 2021 and disclosed on time as required by law. 118 DLLUPs of 2022 were issued from December 31, 2021 but disclosed after the 15-day period from the date of issuance. 85 DLLUPs of 2022 were issued from December 31, 2021, but the date of

<sup>56</sup> Approval decision issued on December 30, 2021 and publicized on DPC's website on March 30, 2022

<sup>57</sup> Approval decision issued on December 30, 2021 and publicized on DPC's website on July 4, 2022

<sup>58</sup> Decision approving issued on December 30, 2021 and publicized on DPC's website on May 18, 2022

<sup>59</sup> Decision approving issued on December 30, 2021 and publicized on DPC's website on February 15, 2022

<sup>60</sup> Approval decision issued on December 30, 2021 and publicized on DPC's website on February 11, 2022

<sup>61</sup> Decision approving issued on December 30, 2021 and publicized on DPC's website on February 14, 2022

<sup>62</sup> Decision approving issued on December 30, 2021 and publicized on DPC's website on January 19, 2022

<sup>63</sup> Decision approving issued on December 30, 2021 and publicized on DPC's website on January 25, 2022

<sup>64</sup> Approval decision issued on December 30, 2021 and publicized on DPC's website on January 28, 2022

disclosure on the DPCs' web portals was unknown, and the other 22 DLLUPs have the issuance date unidentifiable.

The failure to determine the date of issuance is due to the incomplete disclosure of DLLUP documents on the DPCs' web portals, more specifically, the lack of the two documents showing the date of issuance, i.e., the notice of disclosure and the approval decision. The failure to determine the date of disclosure on web portals is mainly because (i) the posts disclosing the 2022 DLLUPs did not show the disclosing date, or (ii) the posts disclosing the 2022 DLLUPs showed unreasonable disclosing date, for instance, the disclosing date being earlier than the date of issuance on the PPC's approval decision. For example, one province issued a 2022 DLLUP on August 10, 2022; however, the date displayed on the DLLUP disclosure's post is January 1, 2022.<sup>65</sup> In another case, the disclosing date of a 2022 DLLUP was shown as November 28, 2017 on the DPC's web portal.<sup>66</sup>

**Information completeness**, Figure 8 shows that, out of 389 DPCs that have made their DLLUPs public, 155 DPCs fully disclosed the three documents including approval decisions, explanatory reports and maps (39.8%); 10 DPCs (2.6%) disclosed approval decisions and explanatory reports; 33 DPCs (8.5%) disclosed approval decisions and maps; and 14 DPCs (3.6%) disclosed explanatory reports and maps.

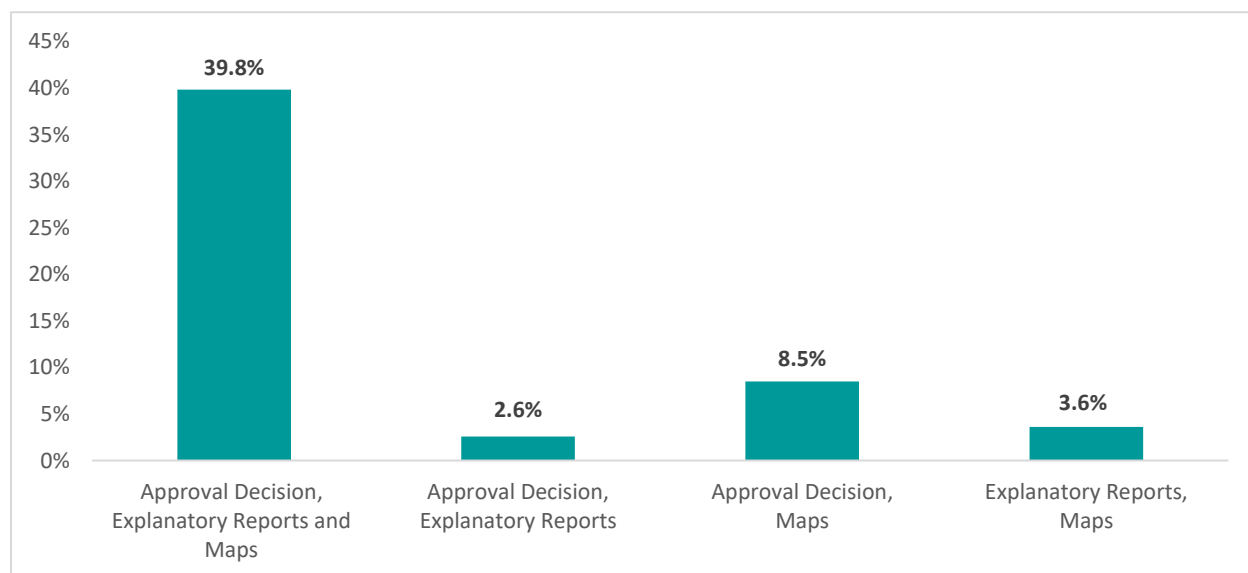


Figure 8: The completeness of 2022 DLLUPs

**Information usability**, like DLLUMPs for the period of 2021-2030, the findings of the review of DLLUPs show that most the disclosed documents were clear and usable scanned soft copies. However, many files were uploaded in a compressed form and must be downloaded to a computer to be accessible.<sup>67</sup> In

<sup>65</sup> People's Committee of An Khe town (Gia Lai province), <<https://ankhe.gialai.gov.vn/chuyen-muc/Quy-hoach-Ke-hoach/Quy-hoach,-KH-su-dung-%C4%91at/Cong-khai-Ke-hoach-su-dung-%C4%91at-thi-xa-An-Khe-nam-2.aspx>>, accessed November 9, 2022

<sup>66</sup> People's Committee of Phu My town (Ba Ria - Vung Tau province), <[http://phumy.baria-vungtau.gov.vn/linh-vuc-dat-dai/-/view\\_content/content/10949/quyet-%C4%91inh-ve-viec-phe-duyet-ke-hoach-su-dung-%C4%91at-nam-2022-thi-xa-phu-my](http://phumy.baria-vungtau.gov.vn/linh-vuc-dat-dai/-/view_content/content/10949/quyet-%C4%91inh-ve-viec-phe-duyet-ke-hoach-su-dung-%C4%91at-nam-2022-thi-xa-phu-my)>, accessed November 10, 2022

<sup>67</sup> 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),

addition, during the review of the disclosed documents, the review team found that the explanatory reports often do not have the seals and signatures of the authorized individuals or agencies. For maps, there were several cases where the maps were disclosed in a format that was not common for the public (DGN), which made it more difficult for people to access information.

Based on the five main criteria to evaluate the disclosure of information, the 2022 DLLUP of Than Uyen district (Lai Chau) was approved and disclosed on the DPC's web portal on time, searchable in the "Disclosure" section (step 1); the documents are clear and can be viewed online, but a comprehensive explanatory report was lacking. The 2022 DLLUP of Tan Chau district (Tay Ninh province) was also approved and disclosed on time, could be easily found in the "Development planning" section. However, Tan Chau district disclosed all the three required documents in a compressed folder, so they cannot be easily viewed on electronic devices. Although there were still certain limitations, Than Uyen district (Lai Chau province) and Tan Chau district (Tay Ninh province) are the two localities that almost meet the five criteria set forth in their disclosure of both the land use master plans for the period of 2021-2030 and the land use plans for 2022 on their web portals.

In addition, out of 316 DPCs whose DLLUPs could not be found on their web portals, 48 DPCs posted the notices of disclosure. In addition, 31 DPCs were recorded as not having disclosed the 2022 DLLUPs because the decisions on approving the 2022 DLLUPs were issued or disclosed after October 6, 2022. The latest approval date of the 2022 DLLUPs found by the review team is December 15, 2022.<sup>68</sup> The latest date of disclosing the 2022 DLLUPs on the DPC's web portals as noted by the review team is January 31, 2023.<sup>69</sup>

Table 1 shows a positive change in the disclosure of the 2021 and 2022 DLLUPs. The number of DPCs disclosing the 2022 DLLUPs on their web portals is higher than that of 2021. Comparing the two reviews, we can see that the number of DPCs meeting each review criteria has also increased, especially in terms of disclosing information in the most relevant and visible sections and the completeness of the documents to be disclosed.

*Table 1: Comparison of DLLUP disclosure in 2021 and 2022*

<b>Review criteria</b>	<b>Disclosure content</b>	<b>2021 land use plan (704 districts)</b>	<b>2022 land use plan (705 districts)</b>
(i) Information publicity	The number of DPCs recognized to have disclosed the information	337	389
(ii) Information searchability	The number of DPCs with dossiers found in step 1	169	250
	The number of DPCs with dossiers found in step 2	47	68

Giong Rieng district (Kien Giang province), An Phu district (An Giang province), Lap Vo district (Dong Thap province), Tam Binh district (Vinh Long province), Mang Thit district (province) Vinh Long), Duyen Hai town (Tra Vinh province), Cai Lay district (Tien Giang province), Tan Phuoc district (Tien Giang province), Van Ninh district (Khanh Hoa province)

<sup>68</sup> Dak Glong District (Dak Nong Province), Gia Nghia Town (Dak Nong Province), Krong No District (Dak Nong Province), Dak Song District (Dak Nong Province)

<sup>69</sup> [http://phuxuyen.hanoi.gov.vn/quy-hoach-xay-dung-do-thi/-/view\\_content/7690179-thong-bao-vv-cong-bo-ke-hoach-su-dung-dat-south-2022-cua-huyen-phu-xuyen.html](http://phuxuyen.hanoi.gov.vn/quy-hoach-xay-dung-do-thi/-/view_content/7690179-thong-bao-vv-cong-bo-ke-hoach-su-dung-dat-south-2022-cua-huyen-phu-xuyen.html), accessed at 0:35 on February 21, 2023.

Review criteria	Disclosure content	2021 land use plan (704 districts)	2022 land use plan (705 districts)
	The number of DPCs with dossiers found in step 3	96	40
	The number of DPCs with dossiers found in step 4	25	31
(iii) Information 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) Information completeness	The number of DPCs posting enough 03 documents: approval decision, explanatory reports and maps	119	155

### *Good practices in disclosing the 2022 district-level land use plan on DPCs' web portals*

100% of DPCs of **Ninh Thuan province** and **Kon Tum province** disclosed the 2022 DLLUPs. Besides, **Dien Ban town (Quang Nam province)** was the province that posted, disclosed and archived DLLUPs from 2015 to 2022 on its web portal. **Tay Hoa district (Phu Yen province)** pioneered a new way of disclosing information by inserting a QR code in the notice of DLLUP disclosure on its web portal to help users find disclosed documents quickly and efficiently.

In addition, in terms of land information disclosure and provision, **Thuan Nam DPC (Ninh Thuan province)** systematically disclosed the annual land use plans on its web portal, and at the same time provided land information at the request of the review team.

Discussing with the review team, a representative of Thuan Nam DPC shared that, after the 2016 Law on Access to Information was promulgated and took effect, the DPC organized training sessions on this law for officials and civil servants of all departments and divisions in the district. Leaders and civil servants of the District Department of Justice (DOJ) were responsible for developing the content and conducting training on the 2016 Law on Access to Information. Therefore, officials of the District's Department of Natural Resources and Environment (DONRE) were aware of the provisions and requirements of the Law on Access to Information regarding the obligations to disclose and provide information. All the information requests were all reported by DONRE and presented in the report to DOJ and served for annually reporting on the implementation of the 2016 Law on Access to Information in the district.

## Difficulties in finding information on PLLPFs, DLLUMPs and DLLUPs

Firstly, during the review process, several web portals were not accessible causing the review team to re-access them many times. Error feedbacks of “502 bad gateway” or “Invalid License Key” or “The website is under maintenance” or warning on security were received when accessing these web portals (see Figure 9 for instance). Although this instability did not happen frequently, it is unclear when the web portals would be available for access and information search.

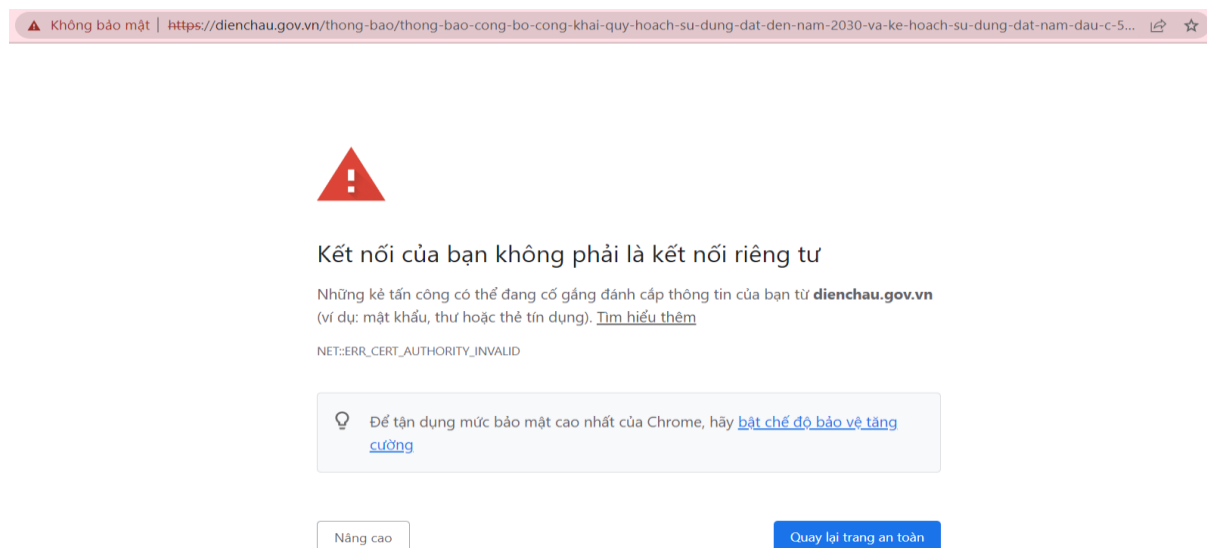


Figure 9: Web portals are reported unsafe for users

Secondly, several DPCs have up to two versions of the web portals and show no indication about which version is the official one. Examples of these include the web portals of Phuoc Son district (Quang Nam province),<sup>70</sup> Thuong Xuan DPC (Thanh Hoa province),<sup>71</sup> Trieu Son DPC (Thanh Hoa province),<sup>72</sup> Quy Hop DPC (Nghe An province),<sup>73</sup> Cam Pha city (Quang Ninh province).<sup>74</sup> Although some DPCs still updated information on both versions of the web portals or some only focused on updating information on one portal (the other portal no longer regularly updates information), the existence of the two versions increased the number of web portals that the review team had to review. At the same time, it is confusing for information searchers and users.

<sup>70</sup> 02 portal addresses/websites: (1) <http://www.phuocson.gov.vn/> and (2)

[https://phuocson.quangnam.gov.vn/webcenter/portal/phuocson/pages\\_trang-chu](https://phuocson.quangnam.gov.vn/webcenter/portal/phuocson/pages_trang-chu)

<sup>71</sup> 02 portal addresses/websites: (1) <https://thuongxuan.thanhhoa.gov.vn/portal/Pages/default.aspx> and (2) <http://thuongxuan.gov.vn/>

<sup>72</sup> 02 portal addresses/websites: (1) <http://trieuson.gov.vn/> and (2)

<https://trieuson.thanhhoa.gov.vn/portal/Pages/default.aspx>

<sup>73</sup> 02 portal addresses/websites: (1) <http://quyhop.nghean.gov.vn/> and (2) <http://quyhop.gov.vn/en/>

<sup>74</sup> 02 portal addresses/websites: (1) <http://campha.gov.vn/> and (2)

<https://www.quangninh.gov.vn/donvi/tpcampha/Trang/Default.aspx>

*Thirdly*, the information disclosure in many web portals was not systematic. Some provinces did not have a separate section to disclose land information. Meanwhile, some provinces had many land-related sections, such as "Planning - Construction - Plans", "Strategy, orientation, development plan", "Land use - site clearance", "Planning, projects, land access". These sections all disclosed similar information (i.e., no detailed classification), leading to overlap. Some provinces had a large volume of land information including land acquisition decisions. However, these decisions were not organized into specific folders, making it difficult to find information. Besides, some localities uploaded land information in unrelated sections such as "Anti-corruption",<sup>75</sup> "Documentation System -> Fields -> Health",<sup>76</sup> "Notice of selection of auction organization",<sup>77</sup> which made it difficult to find land disclosing posts, especially in cases where the search bar on the homepage was inactive or inefficient. In addition, some web portals disclosed the land use plan 2022, but users were required to log in and enter a password to view the attached documents,<sup>78</sup> or some agencies uploaded documents to Google Drive but did not grant access to citizens.<sup>79</sup>

*Fourthly*, the naming of documents also had some shortcomings. For example, a compressed file was named as "Documentation to be transferred to Mr. Thai for publicizing the Land Use Plan 2022",<sup>80</sup> or some attachments were not named, only links were available. Some provinces also did not display the "view" or "download" buttons for attached documents clearly, thus information searchers can easily miss the information. For example, a posting on the website of Phu My district (Ba Ria-Vung Tau province) only had a map image, users must click the map image for the compressed attachment to be automatically downloaded.<sup>81</sup>

In general, the interface, design, division and distribution of sections and information on web portals of State agencies were not systematic and consistent, making it difficult for people to search for land information. Usually, districts/towns in the same province or city have web portals of synchronously designed interfaces and sections. However, this does not necessarily mean that the way of disclosing information is also synchronized. Searching for the same type of [land] information in districts/towns in different provinces will be difficult due to the lack of synchronization in the interfaces and sections of web portals as well such as the lack of synchronization in the way information is disclosed.

### **Results of experimenting the request for land information**

Like the first-year study, four reviewers with the roles of a citizen, a real estate trader, a lawyer and a researcher, respectively, sent requests for information on the 2022 DLLUPs to 561 PC offices of districts/towns nationwide. On average, each researcher sent 140-141 letters, divided into 2 groups. The

<sup>75</sup> Ninh Hai DPC (Ninh Thuan province)

<sup>76</sup> Tuyen Quang City PC (Tuyen Quang province)



<sup>77</sup> Thieu Hoa DPC (Thanh Hoa province) <<https://thieuhoa.thanhhoa.gov.vn/portal/Pages/2022-10-28/Vv-cong-bo-cong-khai-va-thuc-hien-Ke-hoach-su-dunkfwl8b.aspx>>, access at 9:40 am on 22/02/2023

<sup>78</sup> Vo Nhai district (Thai Nguyen province), Ly Nhan district (Ha Nam province)

<sup>79</sup> Bac Binh district (Binh Thuan province) <https://bacbinh.binhthuan.gov.vn/1348/33980/65705/624143/quy-hoach-phat-trien/thong-bao-cong-bo-cong-khai-ke-hoach-su-dung-dat-male-2022-huyen-bac-binh.aspx>, accessed at 9:45 am on 22/02/2023

<sup>80</sup> Phu My DPC (Ba Ria - Vung Tau Province) [http://phumy.baria-vungtau.gov.vn/linh-vuc-dat-dai/-/view\\_content/content/10949/quyet-%C4%91inh-ve-viec-phe-duyet-ke-hoach-su-dung-%C4%91at-nam-2022-thi-xa-phu-my](http://phumy.baria-vungtau.gov.vn/linh-vuc-dat-dai/-/view_content/content/10949/quyet-%C4%91inh-ve-viec-phe-duyet-ke-hoach-su-dung-%C4%91at-nam-2022-thi-xa-phu-my)access at 9:50 am on 22/02/2023

<sup>81</sup> Phu My DPC (Ba Ria - Vung Tau Province), [http://phumy.baria-vungtau.gov.vn/linh-vuc-dat-dai/-/view\\_content/content/10949/quyet-%C4%91inh-ve-viec-phe-duyet-ke-hoach-su-dung-%C4%91at-nam-2022-thi-xa-phu-my](http://phumy.baria-vungtau.gov.vn/linh-vuc-dat-dai/-/view_content/content/10949/quyet-%C4%91inh-ve-viec-phe-duyet-ke-hoach-su-dung-%C4%91at-nam-2022-thi-xa-phu-my), accessed at 9:50 am on 22/02/2023



first group consisted of requests for land information citing the 2016 Law on Access to Information and the second group consisted of request for land information citing the 2013 Land Law. Form 1a attached to Decree 13/2018/ND-CP was used as the information request form.

As of February 21, 2023, out of 561 information requests sent to DPC Offices, 146 requests were responded. Specifically, 108 responses provided information (19.3%), 06 responses refused to provide information (1.1%) and 32 indirect responses (5.7%).

Out of 108 DPCs responding to information requests, 7 DPCs<sup>82</sup> responded using the Form No. 03 attached to the Decree No. 13/2018/ND-CP and 45 DPCs attached letters of answers. Regarding the method of providing information, 51 DPCs directly attached the 2022 DLLUPs (26 DPCs provided two or more required documents; 25 DPCs only provided decisions for the approval or explanatory report); 54 DPCs only provided the link to the documents on the web portals or provided instructions on how to access and retrieve documents on the district website. 3 DPCs<sup>83</sup> directly attached the 2022 DLLUPs and provided instructions on how to access the documents on the web portals.

For six responses that refused to provide information, only the Office of the People's Council - People's Committee of Yen The district (Bac Giang province)<sup>84</sup> responded using the “Notice of refusal to provide information” form which is provided in Decree No. 13/2018/ND-CP. This Office refused to provide information on the grounds that the information had been made public according to Point g, Clause 1, Article 17 of the 2016 Law on Access to Information. In particular, in the notice of refusal to provide Information, the Office attached an online link to the public document of the 2022 DLLUP on its web portal. Thus, in term of the procedure, this is a notice of refusal to provide information, but the requesters still obtained the requested information. Especially, in the test for the 2021 DLLUPs, this Office also had the Notice of Refusal to provide information, but with the reason that it was not the information-generating agency (See Figure 10).

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<sup>82</sup> Ba Be DPC (Bac Kan Province), Dinh Hoa DPC (Thai Nguyen Province), Quang Hoa DPC (Cao Bang Province), Huu Lung DPC (Lang Son Province), Phu Tan DPC (Ca Mau Province), Cai Rang DPC (Can Tho City), Con Dao DPC (Ba Ria - Vung Tau Province)

<sup>83</sup> Huu Lung DPC (Lang Son Province), Dac Doa DPC (Gia Lai Province), Khanh Son DPC (Khanh Hoa Province)

<sup>84</sup> Information request quoting the Land Law

Among the remaining five cases of refusal to the request for information, one request was refused in writing due to insufficient grounds for consideration but provided an instruction on how to look up information on the web portal.<sup>85</sup> Four requests were refused via phone for the following reasons: (1) The information request had wrong purpose;<sup>86</sup> (2) The request was not in compliance with Circular 34 of MONRE. Accordingly, the DPC Office was not responsible for providing this information, but only the Land Management Center could provide this information;<sup>87</sup> (3) The requester was asked to have a referral/introduction letter in order to receive information;<sup>88</sup> and(4) No clear reasons; the requester was asked to send the request to the District Department of Natural Resources and Environment (DONRE) to find out more about the process.<sup>89</sup> This shows that leaders and civil servants handling the review team's requests for DLLUPs did not fully understand the provisions of the 2016 Law on Access to Information.

Mẫu số 05

UBND HUYỆN YÊN THẾ      CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM  
VĂN PHÒNG<sup>1</sup>      Độc lập - Tự do - Hạnh phúc

Số: 48/TB-VP      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] ngày [REDACTED] SQLHC về TTXH

Nơi cư trú: [REDACTED]

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

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**

  
Trần Thế Tùng

Mẫu số 05

UBND HUYỆN YÊN THẾ      CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM  
VĂN PHÒNG<sup>1</sup>      Độc lập - Tự do - Hạnh phúc  
Số: 2 /TB-VP      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\\_portalvbportallet\\_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\\_portalvbportallet\\_INSTANCE\\_wcKfEQAkngHC\\_id=740337&\\_4\\_WAR\\_portalvbportallet\\_INSTANCE\\_wcKfEQAkngHC\\_mvcPath=%2Fhtml%2Fportallet%2Flist%2Fview\\_detail.jsp](https://yenthe.bacgiang.gov.vn/tai-nguyen-moi-truong?p_p_id=4_WAR_portalvbportallet_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_portalvbportallet_INSTANCE_wcKfEQAkngHC_id=740337&_4_WAR_portalvbportallet_INSTANCE_wcKfEQAkngHC_mvcPath=%2Fhtml%2Fportallet%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

Figure 10: Notice of refusal to information request from the Office of the People's Council and People's Committee of Yen The district in 2021 and 2022

<sup>85</sup> Information request quoting the Law on Information Access  
<sup>86</sup> Information request quoting the Law on Information Access  
<sup>87</sup> Request form for information quoting the Land Law  
<sup>88</sup> Request form for information quoting the Land Law  
<sup>89</sup> Request form for information quoting the Land Law



As for the other 32 responses, most of them referred the request to another government agency for processing; or documents and links were said to be sent via email. However, as of February 21, 2023, the review team did not receive any further responses from these DPCs; or the DPCs only responded generally that the requested documents were already made public at the DPC Offices or on the web portals of DPCs; and the requesters were asked to search requested land information on the web portals. In addition, Vung Tau City DONRE requested the information requester to attend the meeting on January 19, 2023 at Vung Tau City DONRE Office for further steps (See Figure 11).

Furthermore, the information requests were also divided into two groups: Group 1 citing the 2016 Law on Access to Information and group 2 citing the 2013 Land Law. The findings show that Group 1 received fewer informative responses (51 responses) than group 2 (57 responses). Group 1 received two rejection responses and 17 other responses, and Group 2 received four rejection responses and 15 other responses. The response findings of the two groups are shown in Figure 12 below.

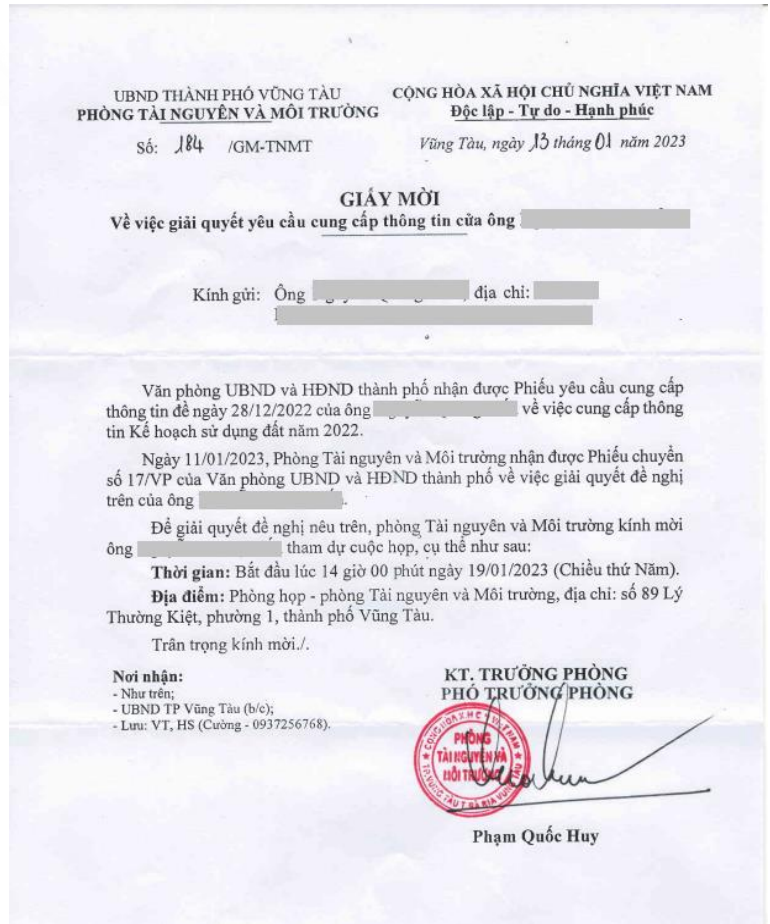


Figure 11: Invitation letter to Vung Tau City DONRE

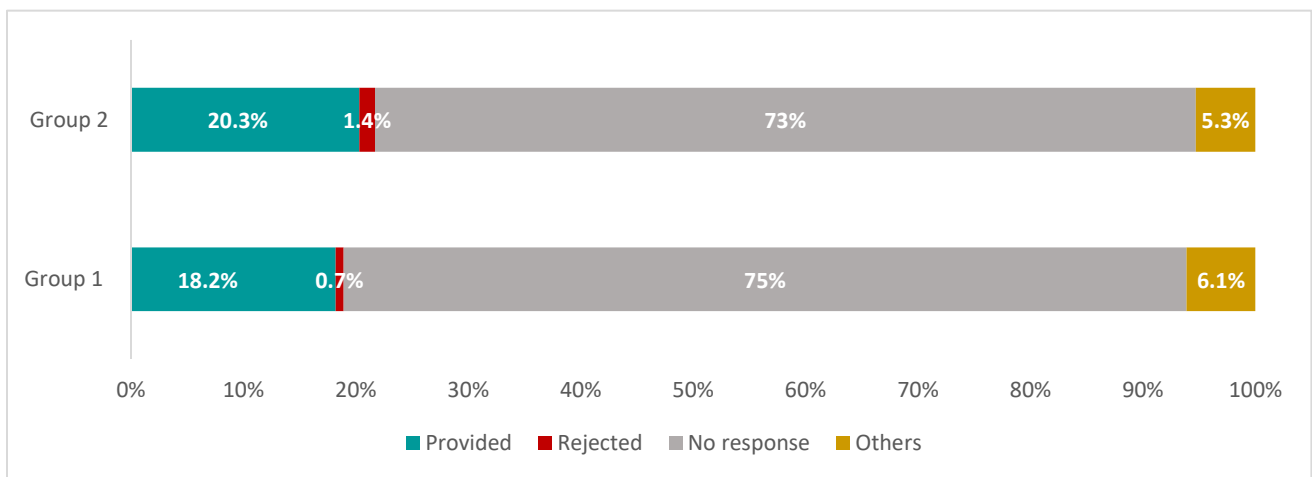


Figure 12: Comparison of responses for the group citing the Law on Information Access and the group citing the Land Law

With the experiment of 2 groups citing 2 different legal documents, the review team also received feedbacks reflecting the conflict/inconsistency of provisions in the related legal documents. Specifically, in terms of procedures, when citing the 2013 Land Law in the request for information, the review team received a negative response via phone with the reason that the information request form was not in

compliance with Circular 34/2014/TT-BTNMT of MONRE. Therefore, this request must be sent to the Land Management Center for processing. In another case, the civil servant instructed the requester to fulfil the "Procedure for providing land data" at level 4 on the Provincial Public Service Portal. For requests citing the 2013 Land Law, the review team also received a response applying Clause 1, Article 9 and Point g, Clause 2, Article 9 of the 2016 Law on Access to Information (see Figure 13). Accordingly, PPCs (the information - generating agency) has the authority to consider and process this information request and PPC Offices are responsible for providing such information. This provision (mentioned in the first-year review report) could become a barrier for DPC offices not to respond to information requests although, according to the provisions of the 2013 Land Law, these DPCs are obligated to disclose land information.

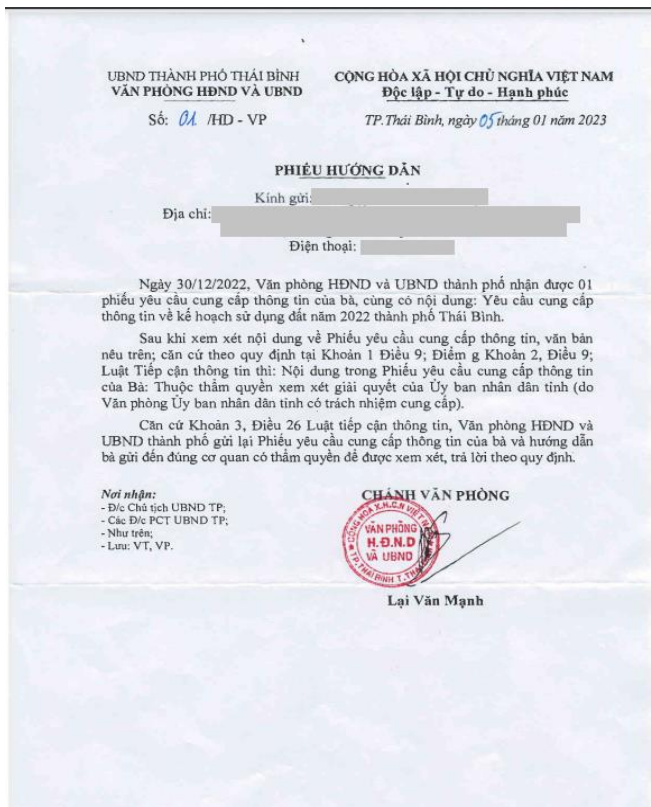


Figure 13: Instruction sheet from the Office of the People's Council and People's Committee of Thai Binh city (Thai Binh province)

**Regarding the response time**, out of a total of 146 responses, 66 responses provided information within 10 working days from the date of sending the requests (45.2%); 42 responses provided the land use plan after 10 working days from the request date (28.8%); 23

responses did not provided land information within 10 working days from the date of sending the request (15.8%); and 15 responses did not provide land information after 10 working days from the date of sending the request (10.3%).

**Regarding the attitude of responders**, civil servants responded politely; some civil servants expressed their understanding of the 2016 Law on Access to Information and supported people to access information.

**Regarding the means of communication**, most of responses were sent via emails (47.6%), followed by mail (25.9%) and phone (23.5%) and Zalo (2.9%). Some DPCs responded multiple times and used multiple means simultaneously.<sup>90</sup> The communication was done via phone or Zalo. Email was only used when

<sup>90</sup> Phu Xuyen district (Hanoi city), Dak 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

sending an official reply or providing documents on land use plan documents. However, most civil servants used personal emails to respond. In addition, there were also cases where civil servants responded that their mailboxes were full, so they suggested sending land use information via Zalo.<sup>91</sup>

**Regarding the cost**, the review team did not have to pay any fee for the mails or emails sent back from the government agencies. The review team also received feedback explaining specifically that scanned hard copies of DLLUPs would come with an additional fee of scanning the documents.

### Comparison of experiment findings in 2021 versus 2022

Regarding the overall response situation, Table 2 shows that although the change is not significant, the percentage of DPCs responding to information requests increased slightly from 17.5% to 19.3% and the percentage of DPCs rejecting to information requests decreased from 2.7% to 1.1%. However, the number of DPCs not responding to information requests also increased by 2.3%.

Table 2: Comparison of the results of testing information requests in 2021 and 2022

Feedback findings	In 2021 (704 districts)		In 2022 (705 districts)	
	Quantity	Percentage	Quantity	Percentage
Providing information	98	17.5%	108	19.3%
Refusal	15	2.7%	6	1.1%
No response	402	71.7%	415	74%
Other	46	8.2%	32	5.7%

**Regarding the level of response in relation to the roles of the requesters**, figure 14 shows the findings of comparing the response level according to each role of the requesters in the two studies. Accordingly, the percentage of DPCs providing information to the citizen remained almost unchanged; increasing by about 7% and 4.4% for the real estate trader and the lawyer respectively; and decreasing by 3.7% for the researcher. For all roles, the percentage of DPCs not responding to information requests remained high.

\_\_\_\_\_ Giang province), Lao Cai city (province). Lao Cai), Go Cong Dong (Tien Giang province), Krong No district (Dak Nong province), Huu Lung district (Lang Son province), District 1 (Ho Chi Minh city)

<sup>91</sup> Phu Xuyen DPC (Hanoi city)

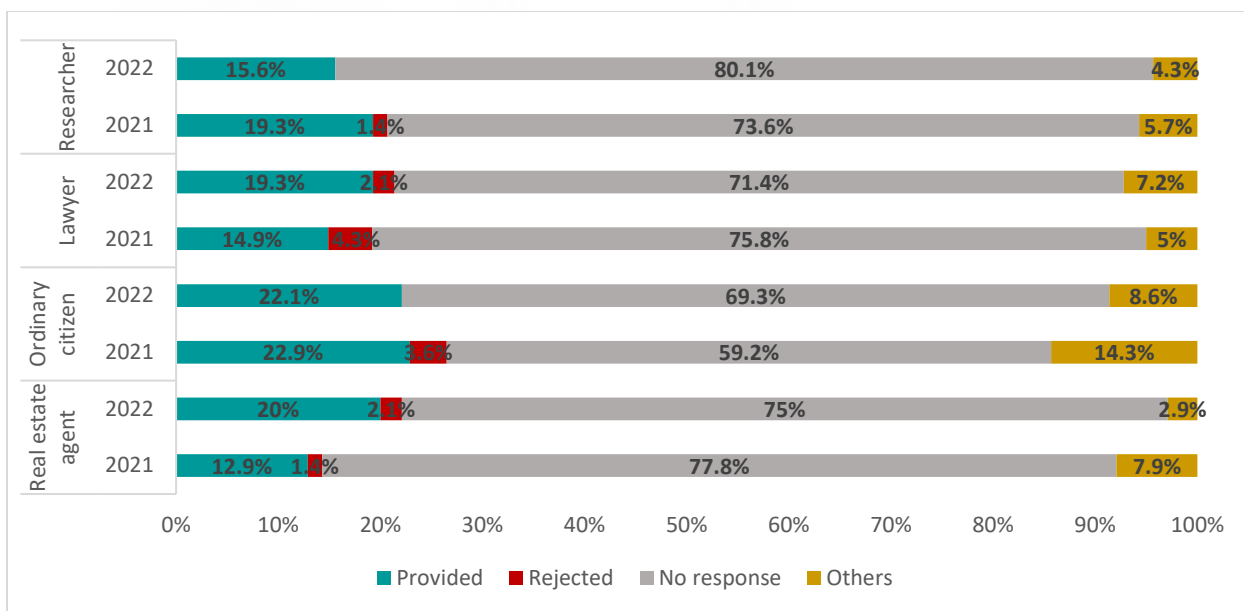


Figure 14: Comparison of 2021 and 2022 response findings based on the requester’s role

**Good practices in responding to land information request**

The review team highly appreciates the response from **Yen The DPC Office (Bac Giang province)** which refused to provide information in accordance with the provisions of the 2016 Law on Information Access but still supporting the information requester to obtain information (See Figure 10). This is due to the initiative in disseminating and implementing the 2016 Law on Information Access by leaders of DPC.

Specifically, after the 2016 Law on Information Access took effect, the DPC Office studied and advised the DPC to develop the Regulation on Providing Information in accordance with the 2016 Law on Information Access. According to this Regulation, the Office of the Yen The District People's Council & People's Committee is the focal point in providing information<sup>92</sup> and Yen The District Department of Culture and Information is responsible for developing the Information Access section on the web portal in coordination with the Office of the District People's Council & People's Committee.<sup>93</sup> The Regulation also stipulated the development, review, inspection, classification and updating of the list of information that must be publicized; information with conditional access;<sup>94</sup> process, order and procedures for providing information upon request<sup>95</sup> as well as making a logbook to track information requests.<sup>96</sup> This regulation was issued under Decision No. 884/QD-UBND dated December 20, 2019 of Yen The DPC and took effect from the date of signing.

Besides, some DPCs positively supported the requesters by actively using several contact channels to ensure that the requesters receive information. Examples of these DPCs include **Ba Be district (Bac Kan province), Duc Co district (Gia Lai province), Nghia Lo town (Yen Bai province) and Krong No district (Dak Nong province).**

<sup>92</sup> Clause 1, Article 4, Yen The DPC’s regulation on providing information to citizens

<sup>93</sup> Clause 1, Article 6 of Yen The DPC’s regulation on providing information to citizens

<sup>94</sup> Chapter III, Yen The DPC’s regulation on providing information to citizens

<sup>95</sup> Chapter V, Yen The DPC’s regulation on providing information to citizens

<sup>96</sup> Article 18, Yen The DPC’s regulation on providing information to citizens

## DESIGN AND MAINTENANCE OF LAND INFORMATION DISCLOSURE WEBSITE

The website <https://congkhaithongtindatdai.info> was developed to publicize the findings of the annual reviews, and at the same time, to provide links to PPCs and DPCs' web portals that publicized PLLPFs, DLLUMPs and DLLUPs across the country (see Figure 15). It has now been completed with a feature that allows users to access and review the level of disclosure as well as the accessibility of land information on the web portals of agencies that are obliged to disclose information. Simultaneously, it is expected to be completed with the feature that allows users to report/respond when the information disclosing links to the web portals of State agencies cannot be accessed or are no longer usable.

**The website showing the status of land information disclosure online at the provincial and district levels: <https://congkhaithongtindatdai.info>**

**Đánh giá thường niên hiện trạng công khai thông tin đất đai trên cổng thông tin điện tử của các cơ quan nhà nước**

**BẢNG GIÁ ĐẤT CẤP TỈNH**    **QUY HOẠCH SỬ DỤNG ĐẤT CẤP TỈNH**    **KẾ HOẠCH SỬ DỤNG ĐẤT CẤP HUYỆN**

**Bản đồ Công khai thông tin đất đai**

**Status of disclosing PLLPFs 2022**  
<https://tinh.congkhaithongtindatdai.info/>

**Bản đồ Công khai Kế hoạch sử dụng đất cấp huyện**

**Status of disclosing annual land use plans 2022**  
<https://khsdd.congkhaithongtindatdai.info/>

Figure 15: The interface of the land information disclosure map on the land information website



## CONCLUSIONS AND POLICY IMPLICATIONS

### Conclusions

Full and timely disclosure of PLLPFs, DLLUMPs and DLLUPs is one of the solutions contributing to reducing current land conflicts. With the growing trend of digital transformation and the high rate of internet users in Viet Nam, web portals of State agencies are gradually becoming common "places" for people to find information. If designed strategically and synchronously, web portals of State agencies can completely become an effective communication channel between the people and the government.

The disclosure of information in general and land information on web portals are regulated in the 2016 Law on Access to Information, the 2013 Land Law, and other relevant specialized legal documents. The survey findings on provincial and district web portals for two years show that the percentage of PPCs that disclosed PLLPFs as well as the percentage of DPCs that publicized DLLUPs have increased. In addition, the number of DPCs responding to information requests in the second-year experiment also increased compared to that of the first-year review.



However, the proportion of State agencies that did not disclose DLLUMPs and DLLUPs on DPCs' web portals remains high, 51.1% and 44.8% respectively. The percentage of DPCs not responding to information requests increased from 71.7% (in 2021) to 74% (in 2022). In addition, the lack of synchronization in the web portals interface and the diverse ways in which web portals are disclosing information also cause many difficulties for people in finding information.

During the second-year review, the review team had the opportunity to exchange and understand more about good practices in some provinces such as Bac Giang province, Bac Ninh province, Ninh Thuan province. These provinces have effective ways to improve transparency in land-related information that need to be spread and replicated in the future so that the disclosure of land information as well as the implementation of the 2016 Law on Access to Information will be further promoted.

### Policy implications

#### *Development and improvement in legal regulations and policies*

- Include the procedures on information provision upon request as stipulated in the 2016 Law on Access to Information in the administrative procedures of all sectors and fields (including land administration) and issue specific guidance documents to avoid the assumption that all requests for land information must comply with the procedures for providing land data currently applied under Circular No. 34/2014/TT-BTNMT on development, management and use of the land information system.
- Consider clearly defining the responsibility of the information-holding agencies in providing information at the request of citizens in some specific cases. The findings from the first and second - year experiments of information requests both show that DPCs can apply Clause 1, Article 9 of the 2016 Law on Information Access, which stipulates that the agencies that create information are obliged to provide that information (in this case, it is PPCs), to not provide information on the 2022 DLLUPs to requesters. Although requiring information-generating agencies to provide their generated information is entirely lawful, however, there is also a need for greater clarity on the obligations of information holders in some specific cases, particularly those that are obligated to disclose information generated by other agencies. This is also consistent with the provisions of



Clause 4, Article 23 of the 2016 Law on Access to Information 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 actual capabilities, State agencies may provide other information they create or hold”*. Nevertheless, this provision gives information holders the authority to choose whether or not to provide information even when their information holding is intended to fulfil its responsibilities to disclose information.

- Specify the time limit for making and promulgating land use master plans at each government level consistently to ensure that the planning implemented by the lower-level government is not behind the planning issued by the higher-level government as well as to ensure the timeliness of information for the people.
- Issue regulations on long-term maintenance of land information on the web portals of State agencies in the context of digital transformation. Currently, DLLUMPs are disclosed throughout the planning period (10 years) or plan (to the end of December 31 of the planning year). However, with the growing trend of digital transformation, it is possible to store and publicize land documents on the web portals for longer. This also helps to reduce the burden of administrative procedures on State agencies when people need to access information, of which the disclosure has expired according to current regulations.
- Retain the deadline for disclosing land information (within 15 days from the date of decision and approval by competent State agencies)<sup>97</sup> as currently stipulated (2013 Land Law) instead of 30 days as put in the draft revised Land Law.<sup>98</sup>
- Issue requirements on developing interfaces, sections and ways of disclosing information on governments’ web portals in a uniform and synchronous manner across the country. Consider building synchronous web portals of PCs at all levels. Decree 42/2022/ND-CP harmonized domain names of web portals to synchronize the domain name system of State administrative agencies. However, it is possible to consider regulating the synchronization of the diagram of web portals of State agencies to make it easier to find information regardless of any web portals.

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

- Continue to propagate, disseminate and provide training on the 2016 Law on Access to Information, Decree No. 13/2018/ND-CP and Decree No. 42/2022/ND-CP to officials and civil servants in the State agencies and the people, especially regulations related to the process and procedures for disclosing and providing information at the request of the people.
- Localities need to develop a section on Access to Information and systematize public information in this section according to the provisions of Article 19 of the 2016 Law on Access to Information so that people can use it anywhere and anytime. Formulate and publicize regulations on access to information; arrange and disclose information at the focal point for information supply.
- Improve the functions of the web portals. It is important to ensure that the search toolbar on the homepage or the document system works effectively. In addition, it is necessary to study and apply the provisions of Circular No. 26/2020/TT-BTTTT to support information access for all population groups, including people with disabilities and ethnic minorities with limited command of the Vietnamese language.

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<sup>97</sup> Clause 3, Article 48 of the 2013 Land Law

<sup>98</sup> Clause 3, Article 73 of the Draft Land Law (amended) – Second consultation.



## APPENDIX: 05 CRITERIA FOR ASSESSING THE LEVEL OF LAND INFORMATION DISCLOSURE BY PPCs AND DPCs

- 1. Information disclosure:** For PLLPFs, the disclosure of the decision issued together with PLLPF appendix or the availability of a tool to directly looking up the land price is considered as land information disclosure. For DLLUMPs and DLLUPs, the disclosure of one of three documents including the approval decision, explanatory report or map is considered as public availability. If the decision to approve DLLUMPs or DLLUPs is disclosed but there is no land-related information and no appendices or other documents such as the explanatory report and the map of the land use plan, it is considered no information disclosure. In addition, if web portals have access errors or related documents are inaccessible or unusable at the time of conducting the survey is also counted as no land information disclosure.
- 2. Information searchability:** Normally, people use Google to find the information they need. However, to assess the level of publicity of [land] information by State agencies, the review team has identified four search steps. Step 1: The researcher team members go to the web portals of PPCs and DPCs to search in visual sections on the homepage or in the navigation bar containing keywords such as "land pricing frameworks", "land use plan/planning", "land". Step 2: The researcher team members search other sections on the homepage/main navigation bar of the web portals of PPCs and DPCs. Step 2 is performed only if the team members cannot find the information in Step 1. Step 3: Search using the search bar of the web portals. Step 3 is only performed if the researcher continues to not find the information in Step 2. Step 4: Use Google to search. Step 4 is performed only when the researcher cannot find the information in Step 3. The number of search steps is recorded to the last step when the researcher can find latest information related to the PLLPFs, DLLUMPs and DLLUPs.
- 3. Information timeliness:** For PLLPFs, information must be disclosed on January 1 of the first year of the period. DLLUMPs must be disclosed on the web portals within 15 days from the date of issuance; and DLLUPs must be disclosed within 15 days from December 31 as the latest issuance date.
- 4. Information completeness:** A complete set of DLLUMPs or DLLUPs must have three types of documents: PPC's approval decision, the explanatory report and the map of the land use plan. Disclosing all three documents is considered fully public.
- 5. Information usability:** The disclosed documents should be easy to read, understand and in a file format that is accessible to the public. Scanned documents need to be clear and legible. Maps should be disclosed in a version that is easy to look up for people.