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# EXECUTIVE SUMMARY

## REVIEW OF LOCAL GOVERNMENTS' PERFORMANCE IN THE ONLINE DISCLOSURE OF DISTRICT-LEVEL LAND USE PLANS AND PROVINCIAL LAND PRICING FRAMEWORKS IN 2023

IN THE SERIES "ANNUAL ACTION RESEARCH TO ENHANCE CITIZENS' ACCESS TO LAND INFORMATION"  
JOINTLY CONDUCTED BY

THE UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP)

REAL-TIME ANALYTICS (RTA)

AND THE CENTER FOR EDUCATION PROMOTION AND EMPOWERMENT OF WOMEN (CEPEW)

Hanoi, March 2024

## Introduction

In the context of land disputes continuing to be a heated issue in Viet Nam, since July 2021, the United Nations Development Programme (UNDP) in Viet Nam, the Center for Education Promotion and Empowerment of Women (CEPEW), and Real-Time Analytics (RTA) have jointly implemented the initiative "Action Research to Enhance Citizens' Access to Land Information."<sup>1</sup> The results of the two previous reviews show that the disclosure of land information, including provincial land pricing frameworks, district-level land use master plans for the period of 2021-2030, and district-level annual land use plans, has gradually improved, yet at a rather slow rate. Comparing the results of the two reviews, the disclosure rate increased by only 22.2% for provincial land pricing frameworks, and 7.3% for district-level land use plans, while the rate of non-response to requests for information remained high, 71.7% in the first review and 74% in the second review. The slow improvement of land information disclosure on local government' e-portals may be one of the contributing factors to the low percentage of citizens aware of local land use plans, corresponding to 28.5%.<sup>2</sup>

Following the first and second reviews, the Research Group carried out the third review in the context of the draft revised Land Law being discussed and revised for adoption by the National Assembly and the 2022 Law on the Implementation of Grassroots Democracy officially coming into effect from July 1, 2023. In addition, following the digital transformation trend, the third review continues to aim at supporting provinces and municipalities across the country to increase citizens' ability to access land information in the digital environment, thereby contributing to mitigating conflicts and improving land governance.

## Research Objectives

This study aims to achieve four specific objectives, which are as follows: (i) Review the disclosure of district-level land use master plans, district-level annual land use plans, and provincial land pricing frameworks in 63 provinces and municipalities nationwide; (ii) Develop and maintain a portal compiling and systematizing links to information on 10-year land use master plans, annual land use plans and land pricing frameworks officially disclosed by state agencies at the provincial and district levels across the country; (iii) Experiment on sending requests for land information in accordance with the 2016 Law on Access to Information (LAI) and the 2013 Land Law; (iv) Propose recommendations to improve citizens' access to land information both online and offline.

## Research Methods

***Review of the disclosure of information on district-level land use master plans for the period of 2021-2030, district-level annual land use plans in 2023, and the provincial land pricing frameworks for the period of 2020-2024 on local governments' e-portals***

The review of the disclosure of land information was carried out as follows: 10 research collaborators simultaneously searched for information on provincial land pricing frameworks for the period of 2020-2024 on the e-portals of all 63 provincial People's Committees (PPCs) (the agencies that create information<sup>3</sup> and are obliged to disclose information on land pricing frameworks<sup>4</sup>) as well as district-level land use master plans for the period of 2021-2030 and district-level annual land use plans in 2023 on the e-portals of all 705 district-level People's Committees (DPCs) nationwide (the agencies responsible for disclosing these types of information<sup>5</sup>).

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<sup>1</sup> This series of research has been jointly funded by the Australian Department of Foreign Affairs and Trade and the Embassy of Ireland in Viet Nam through the United Nations Development Programme in Viet Nam since 2021.

<sup>2</sup> CECODES, CFF-CRT, RTA & UNDP (2023). The 2022 Viet Nam Provincial Governance and Public Administration Performance Index (PAPI 2022): Measuring Citizens' Experiences, <<https://papi.org.vn/bao-cao/>>

<sup>3</sup> Clause 2, Article 2 of the 2016 Law on Access to Information stipulates: "Information created by state agencies refers to news and data generated during the execution of functions, tasks, and powers by a state agency as prescribed by law, signed, stamped, or certified in writing by the competent officials of such state agencies."

<sup>4</sup> Clause 1, Article 114 of the 2013 Land Law

<sup>5</sup> Point a, Clause 2, Article 48 of the 2013 Land Law

The step at which information is found is the recorded search step. To ensure continuity with the first and second reviews, the Research Group only reviewed and recorded documents disclosed on the e-portals of these agencies as of **October 6, 2023**.

To evaluate the disclosure of the three types of information above, the Research Group applied 05 criteria developed from the first review, including (i) *Information disclosure*, (ii) *The ability to search for information*, (iii) *The timeliness of the information*; (iv) *The completeness of the information (for district-level land use master plans and annual plans)*; and (v) *The ability to use information (easy to read and understand, readable by popular software and viewable online)*.

### ***Experiment with sending letters requesting information on district-level annual land use plans***

Using the same methods of the first and second reviews, the Research Group sent 561 letters requesting information to 561 selected DPC Offices. Specifically, 705 districts across the country were randomly divided into 05 groups, including Group 1 (control group, not receiving requests for information), Group 2 (receiving requests for information from a citizen), Group 3 (receiving requests for information from a real estate agent), Group 4 (receiving requests for information from a researcher), Group 5 (receiving requests for information from a lawyer).

For each group of agencies receiving requests for information, the Research Group continued to divide into 02 subgroups: Group 1 receiving requests with citation of the 2016 LAI and Group 2 receiving requests with citation of the 2013 Land Law. The experiment was conducted from **October 31, 2023** to **December 31, 2023**.

### ***Design and maintain a land information web portal***

The webpage at <https://congkhaithongtindatdai.info>, developed in the first review and completed in the second review, continues to be maintained as a place to share annual research results with policymakers, researchers as well as a bridge for citizens wishing to find land information disclosed by local governments within the scope of the study. Site visitors can leave reviews about the level of information disclosure of local governments' e-portals and file a report in case the links of the disclosure posts no longer work.

## **Key research findings**

### **Legal provisions relating to the disclosure and provision of land information upon request**

#### ***- Access to land information under the 2016 Law on Access to Information***

This Law<sup>6</sup> stipulates that state agencies shall provide the information they create, except for cases where such information is inaccessible to the public<sup>7</sup> or is accessible under certain conditions.<sup>8</sup> In parallel with the responsibility of state agencies to provide information, the LAI also stipulates the right of citizens to access information of state agencies, except for inaccessible information (specified in Article 6 of the LAI) and conditionally accessible information (specified in Article 7 of the LAI).<sup>9</sup>

In addition, citizens have the right to request information of certain types<sup>10</sup> following the procedures specified in Chapter III of the LAI by going directly to the agencies' head offices<sup>11</sup> or sending requests for information via

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<sup>6</sup> The full text of the 2016 LAI is published at <https://thuvienphapluat.vn/van-ban/Bo-may-hanh-chinh/Luat-tiep-can-thong-tin-2016-280116.aspx>

<sup>7</sup> Information inaccessible to citizens is stipulated in Article 6 of the 2016 LAI

<sup>8</sup> Clause 1, Article 9 of the 2016 LAI

<sup>9</sup> Article 5 of the 2016 LAI

<sup>10</sup> (a) Information is not yet disclosed within its disclosure period; (b) Information whose disclosure period expires as prescribed by law; (c) Information which is being disclosed but the requester fails to access it due to force majeure; (d) Conditionally accessible information if the conditions are met; (e) Information concerning the life, activities, production and business of the person requesting information but not falling into the types of information specified in Articles 17 and Clause 2, Article 23 of the 2016 LAI

<sup>11</sup> Point a, Clause 2, Article 24 of the 2016 LAI

email, postal service, or fax to the responsible agencies.<sup>12</sup> Regarding the cost of accessing information, the LAI stipulates that citizens are provided with information without any fees or charges unless otherwise provided for by law.<sup>13</sup> However, the person requesting information may have to pay the actual cost of printing, copying, capturing, and sending information;<sup>14</sup> this cost is detailed in Circular No. 46/2018/TT-BTC.<sup>15</sup>

- ***Access to land information in accordance with legislations on land***

The right to access land information is also specified in legal documents on land. According to the 2013 Land Law and related legal documents, citizens have the right to access land information through (i) land information systems in which information is proactively and promptly disclosed by state agencies to organizations and individuals<sup>16</sup> and (ii) the Internet, land portals, SMS<sup>17</sup> as well as through the procedures for requesting information specified in Circular No. 34/2014/TT-BTNMT.<sup>18</sup>

In particular, citizens' right to access land information is regulated explicitly in Article 24 of the 2024 Land Law. Specifically, land use master plans, annual plans, and other master plans related to land use that have been issued by state agencies<sup>19</sup>, as well as published land pricing frameworks,<sup>20</sup> are all information citizens have the right to access. Article 24 also directly references the laws on access to information and other related legal provisions as grounds for access to land information.<sup>21</sup>

The first provincial land pricing framework applicable under the 2024 Land Law will be published on January 1, 2026. Every year, PPCs shall submit the revised, amended and supplemented land pricing frameworks to the Provincial People's Councils for approval and application from January 1 of the following year.

District-level land use master plans and annual land use plans must be disclosed after being approved by competent state agencies. DPCs shall disclose district-level land use master plans and annual plans at the DPCs' headquarters and on the DPCs' e-portals, and disclose contents of district-level land use master plans and annual plans related to communes, wards, and townships at the headquarters of commune-level People's Committees.<sup>22</sup> The disclosure of land use master plans and annual plans must be at least 15 days from the date of approval by competent state agencies.<sup>23</sup>

Regarding the disclosure period, these documents must be made public throughout the planning period.<sup>24</sup> However, this regulation on the time limit for disclosure is not suitable in the context of digital transformation when digital infrastructure is capable of storing published information for a long period of time. Accordingly, people can search for information that has been disclosed at any time in the past instead of having to carry out procedures to request information that has expired.

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<sup>12</sup> Point b, Clause 1, Article 24 of the 2016 LAI

<sup>13</sup> Clause 1, Article 12 of the 2016 LAI

<sup>14</sup> Clause 2, Article 12 of the 2016 LAI

<sup>15</sup> Circular No. 46/2018/TT-BTC detailing the actual cost of printing, copying, capturing, and sending information as prescribed in Clause 2, Article 12 of the 2016 LAI

<sup>16</sup> Clause 2, Article 28 of the 2013 Land Law

<sup>17</sup> Clause 1, Article 9 of Circular No. 34/2014/TT-BTNMT

<sup>18</sup> Clause 2, Article 9 of Circular No. 34/2014/TT-BTNMT

<sup>19</sup> Point a, Clause 1, Article 24 of the 2024 Land Law

<sup>20</sup> Point d, Clause 1, Article 24 of the 2024 Land Law

<sup>21</sup> Clause 2, Article 24 of the 2024 Land Law

<sup>22</sup> Point c, Clause 3, Article 75 of the 2024 Land Law

<sup>23</sup> Point a, Clause 4, Article 75 of the 2024 Land Law

<sup>24</sup> Point b, Clause 4, Article 75 of the 2024 Land Law

## Current status of land information disclosure on state agencies' e-portals

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

Figure 1 shows that the disclosure of provincial land pricing frameworks for the period of 2020-2024 on PPCs' websites/portals has improved, as evident in the increase in the number of disclosure posts through the three reviews. In the first review, the information was found on only 27 e-portals (42.9%), but in the second and third reviews, the numbers were 41 (65.1%) and 46 (73%), respectively. Among the 46 provincial land pricing frameworks found disclosed in the third review, 44 included the decisions of the provincial People's Committees to issue the land pricing frameworks (95.7%),<sup>25</sup> and 2 included the resolutions approving the land pricing frameworks of the provincial People's Councils (4.3%).

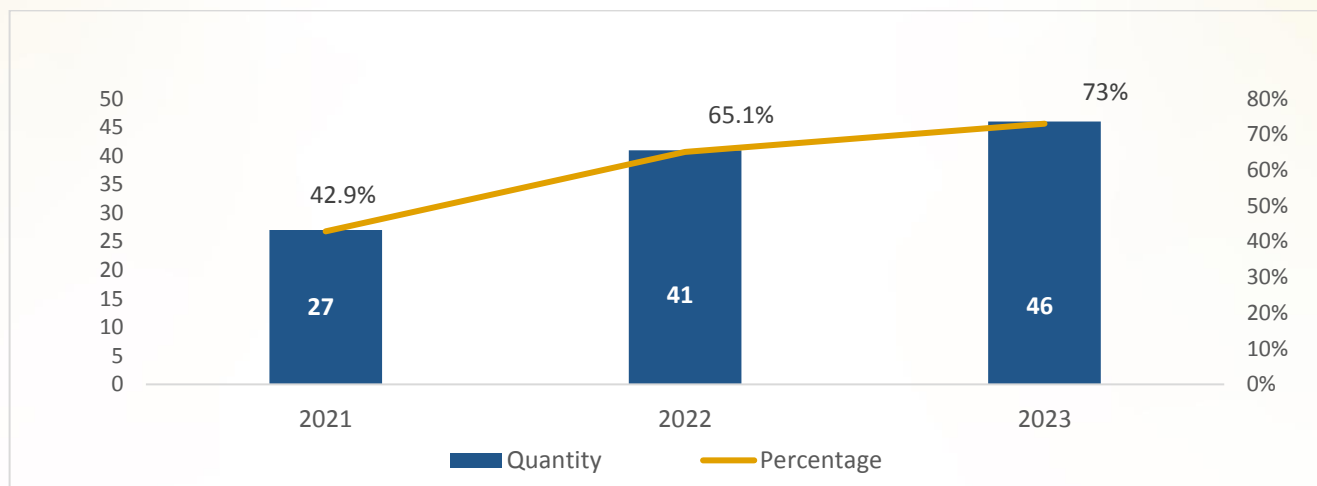


Figure 1: Comparison of the disclosure of provincial land pricing frameworks between three reviews

In addition, the Research Group found that technical limitations may be attributed to the slow increase in the disclosure rate between the two reviews in 2022 and 2023. Specifically, some provincial land pricing frameworks were recorded as having been disclosed in the second review (2022) but were no longer recorded in the third review (2023) as the posts no longer existed and/or the links to the documents no longer worked.

However, it is worth noting that the provincial land pricing framework for 2020-2024 has been applied for nearly four years and, according to current regulations, will be applied until December 31, 2024. Meanwhile, as of October 6, 2023, the disclosure rate of this information on PPCs' e-portals was only 73%. This shows that the disclosure of land pricing frameworks on provincial governments' e-portals has not met the timeliness requirement in accordance with regulations on land. Specifically, the 2013 Land Law requires the disclosure of provincial land pricing frameworks to be made on January 1 of the first year of the period, which is January 1, 2020.

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

The review of district-level land use master plans has been conducted since the second review. Figure 2 shows that the disclosure of district-level land use master plans for the period of 2021-2030 has also improved. Accordingly, in

<sup>25</sup> Bac Kan Province, Tuyen Quang Province, Lao Cai Province, Dien Bien Province, Lai Chau Province, Son La Province, Yen Bai Province, Thai Nguyen Province, Lang Son Province, Bac Giang Province, Vinh Phuc Province, Bac Ninh Province, Hai Phong City, Hung Yen Province, Thai Binh Province, Nam Dinh Province, Ninh Binh Province, Thanh Hoa Province, Ha Tinh Province, Quang Binh Province, Quang Tri Province, Thua Thien Hue Province, Da Nang City, Quang Nam Province, Quang Ngai Province, Binh Dinh Province, Khanh Hoa Province, Ninh Thuan Province, Binh Thuan Province, Kon Tum Province, Dak Nong Province, Binh Phuoc Province, Tay Ninh Province, Binh Duong Province, Long An Province, Tra Vinh Province, Vinh Long Province, Dong Thap Province, An Giang Province, Kien Giang Province, Hau Giang Province, Soc Trang Province, Bac Lieu Province, Ca Mau Province.

2022, the Research Group only found land use master plan documents on the web portals of 345 out of 705 DPCs nationwide (48.9%). However, in the third review in 2023, the team found this information on the web portals of 461 out of 705 DPCs (65.4%), corresponding to an increase of 16.5% (116 additional districts).

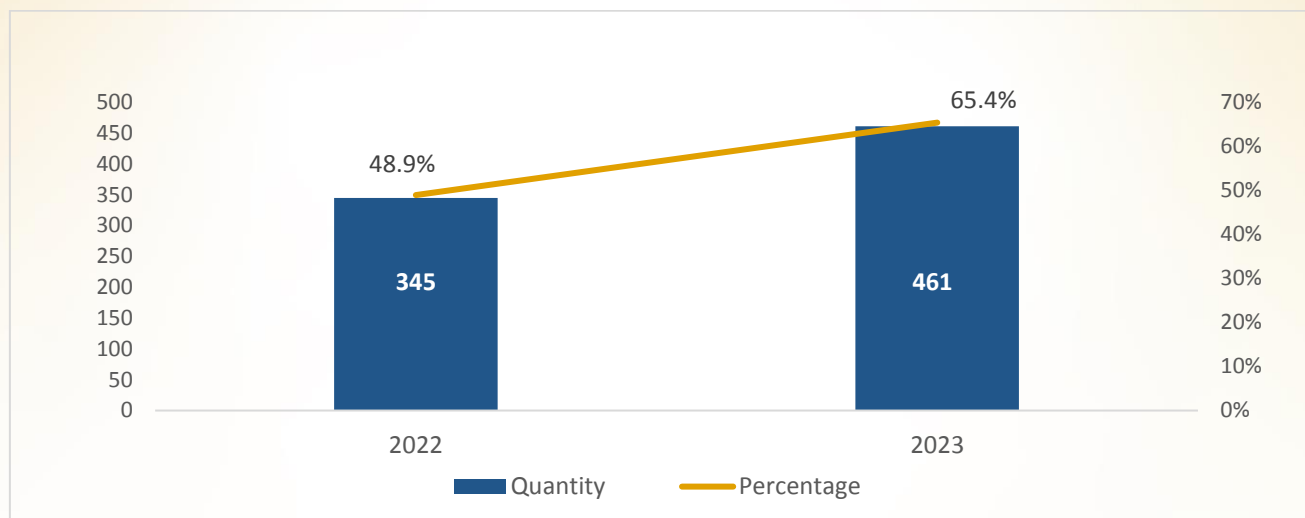


Figure 2: The disclosure of district-level land use master plans for the period of 2021-2030 on the websites/portals of DPCs across the country in two reviews

Figure 3 compares the proportion of DPCs in 63 provinces and municipalities nationwide that had disclosed district-level land use master plans for the period of 2021-2030. Accordingly, 100% of DPCs in the provinces of Dong Nai, Kon Tum, Binh Thuan, Ha Nam, Bac Ninh, and Bac Giang disclosed this information on their web portals. Meanwhile, all five municipalities have low rates of information disclosure among their district units. In particular, the Research Group did not find this information on all the DPC web portals in Da Nang City.

*Regarding information searchability*, 289 out of 461 district-level land use master plans were found at Step 1 (62.7%), 107 out of 461 were found at Step 2 (23.2%), 45 out of 461 were found at Step 3 (9.8%) and 20 out of 461 were found at Step 4 (4.3%). These results correspond to an increase of 96 document sets found in Step 1 and 37 in Step 2 and a decrease of 8 and 9 in Step 3 and Step 4, respectively. This shows that searching for land use master plan documents has become more convenient as many documents were posted in directly related categories (Step 1).

*Regarding the timeliness of information*, 147 out of 461 document sets were disclosed within 15 days from the date of issuance (31.9%), 166 out of 461 were disclosed after 15 days from the date of issuance (36%), and 148 out of 461 had an unknown date of issuance or disclosure (32.1%). Compared to the results of the 2022 review, there was an increase of 42 document sets recorded as being disclosed on time, an increase of 50 document sets recorded as not being disclosed on time, and an increase of 24 document sets whose issuance or disclosure date could not be determined.

*Regarding the completeness of information*, among the 461 DPCs that had disclosed information, 250 had fully disclosed all of the three required documents, including approval decisions, explanatory reports and land use master plan maps (54.2%), while 19 had only disclosed approval decisions and explanatory reports (4.1%), 70 had only disclosed approval decisions and maps (15.2%), 26 had only disclosed explanatory reports and maps (5.6%), and 96 had only disclosed one of the three mandatory documents (20.8%). Compared to the second review, there was an increase of 79 DPCs fully disclosed land use master plans with all three required documents.

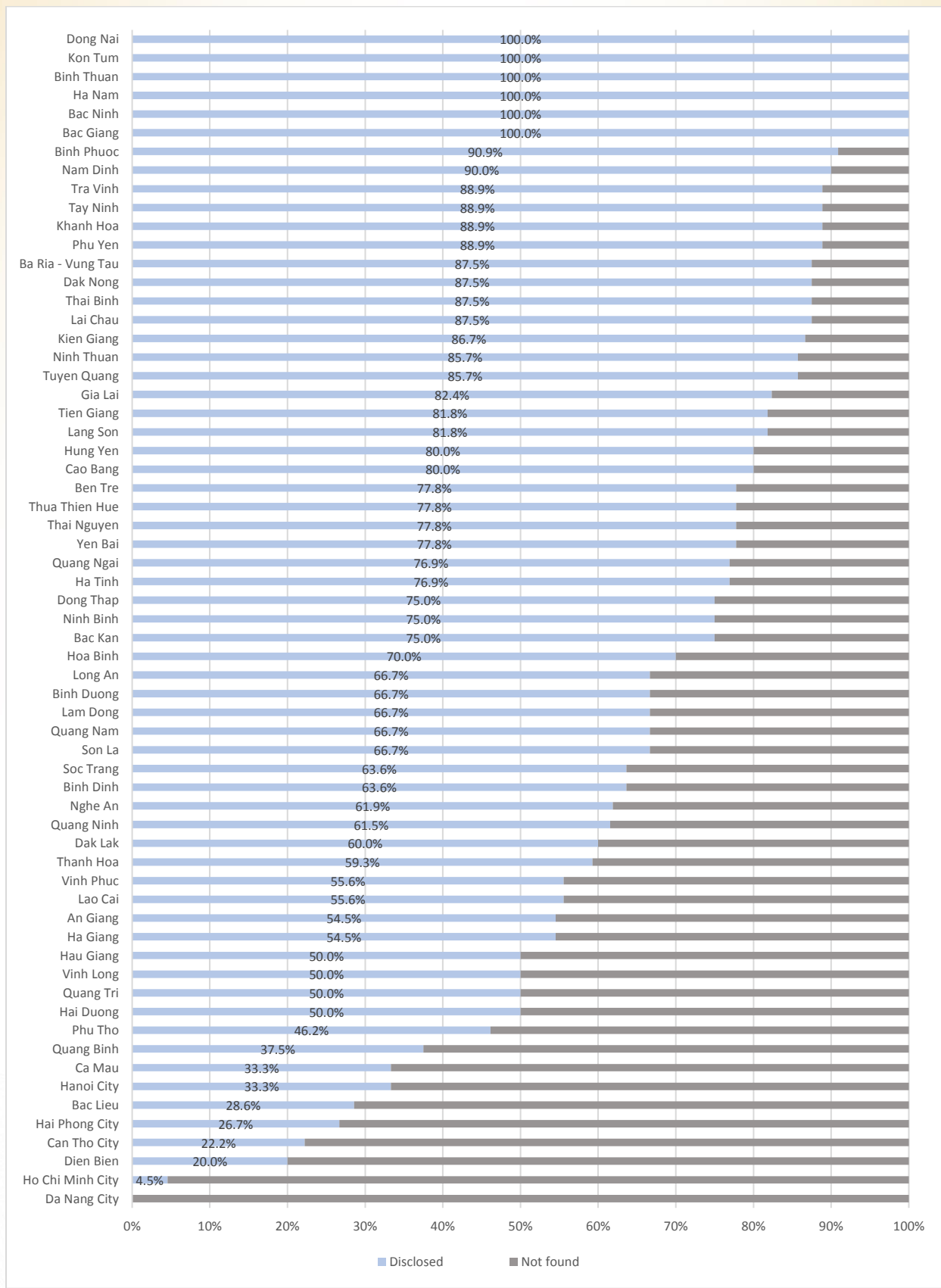


Figure 3: Proportion of DPCs in a province that have disclosed district-level land use master plans on their web portals

Regarding information usability, the documents were primarily disclosed in soft or scanned copies, and are clear and usable. However, similar to the second review, some documents were still posted as compressed files that must be downloaded to a device to view<sup>26</sup>, or in many cases, the explanatory reports were in doc or pdf format but without official stamps and signatures.<sup>27</sup> Maps in dng format that is unfamiliar to general users were still found.

### Disclosing the 2023 district-level annual land use plans

Similar to the disclosure of provincial land pricing frameworks and district-level land use master plans, the proportion of district-level annual land use plans found on DPCs' e-portals has also increased through the three reviews (Figure 4). Specifically, the Research Group only found the 2021 district annual land use plans on 337 DPCs' e-portals in the first review (47.9%). In the second review, the 2022 district land use plans were found on 389 DPCs' web portals (55.2%). In the third review, the 2023 district land use plans were found on 460 DPCs' e-portals (65.2%), representing an increase of 17.3% compared to the first review and 10% compared to the second review.

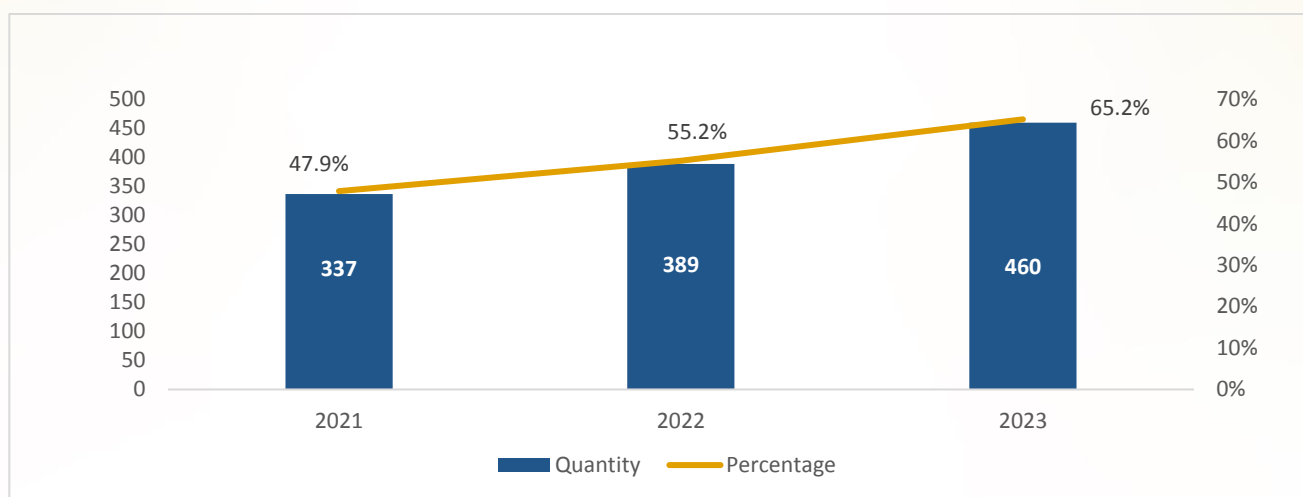


Figure 4: Annual disclosure of district-level annual land use plans on DPCs' web portals

Figure 5 compares the proportion of DPCs in 63 provinces and municipalities nationwide that had disclosed the 2023 district-level annual land use plans on their websites/portals. Accordingly, 100% of DPCs in 7 provinces, including Dong Thap, Tra Vinh, Tay Ninh, Binh Phuoc, Binh Thuan, Ninh Thuan and Phu Yen, had disclosed this information on their web portals. Hoa Binh and Dien Bien provinces are the localities with the lowest DPCs' information disclosure rate, at only 20%.

26 For example: Van Lam District People's Committee (<https://vanlam.hungyen.gov.vn/portal/Pages/2022-6-28/Thong-bao-cong-bo-cong-khai-quy-hoach-su-dung-dat-fsjxvk.aspx>), retrieved on November 02, 2023; Ha Trung District People's Committee <https://hatrung.thanhhoa.gov.vn/portal/pages/van-ban/v.aspx?uid=302>), retrieved on October 30, 2023; Thuong Xuan District People's Committee (<https://thuonxuan.thanhhoa.gov.vn/portal/Pages/2021-9-16/Cong-khai-Quy-hoach-su-dung-dat-den-nam-2030-va-Kehzd8vx.aspx>), retrieved on November 02, 2023; Ky Son District People's Committee (<https://kyson.nghean.gov.vn/thong-bao/tb-cong-bo-cong-khai-quy-hoach-su-dung-den-nam-2030-va-ke-hoach-su-dung-dat-nam-dau-cua-quy-hoac-538395>), retrieved on November 13, 2023; Hue City People's Committee (<https://huecity.gov.vn/Quan-ly-su-dung-dat/pid/28846/cid/44?tid=THONG-BAO-Cong-bo-cong-khai-quy-hoach-su-dung-dat-giai-doan-2021-2030-va-tam-nhin-den-nam-2050-cua-thanh-pho-Hue-tinh-Thua-Thien-Hue.html>), retrieved on November 04, 2023; Phu Vang District People's Committee (<https://phuvang.thuathienhue.gov.vn/?gd=12&cn=766&tc=12953>), retrieved on October 26, 2023

27 For example: Go Dau District People's Committee (<https://godau.tayninh.gov.vn/vi/news/dat-dai/quyet-dinh-ve-viec-phe-duy-et-quy-ho-ch-sir-dung-tat-den-nom-2030-huyen-go-diu-tinh-tay-ninh-2240.html>), retrieved on October 30, 2023; Ninh Son District People's Committee (<https://ninhson.ninhthuan.gov.vn/portal/Pages/2023-10-12/cong-bo-cong-khai-Quy-hoach-su-dung-dat-thoi-ky-2053qjtr.aspx>), retrieved on October 30, 2023; An Duong District People's Committee (<http://www.haiphong.gov.vn:8888/Portal/Detail.aspx?Organization=HAD&MenuID=19944&ContentID=238312>), retrieved on October 29, 2023



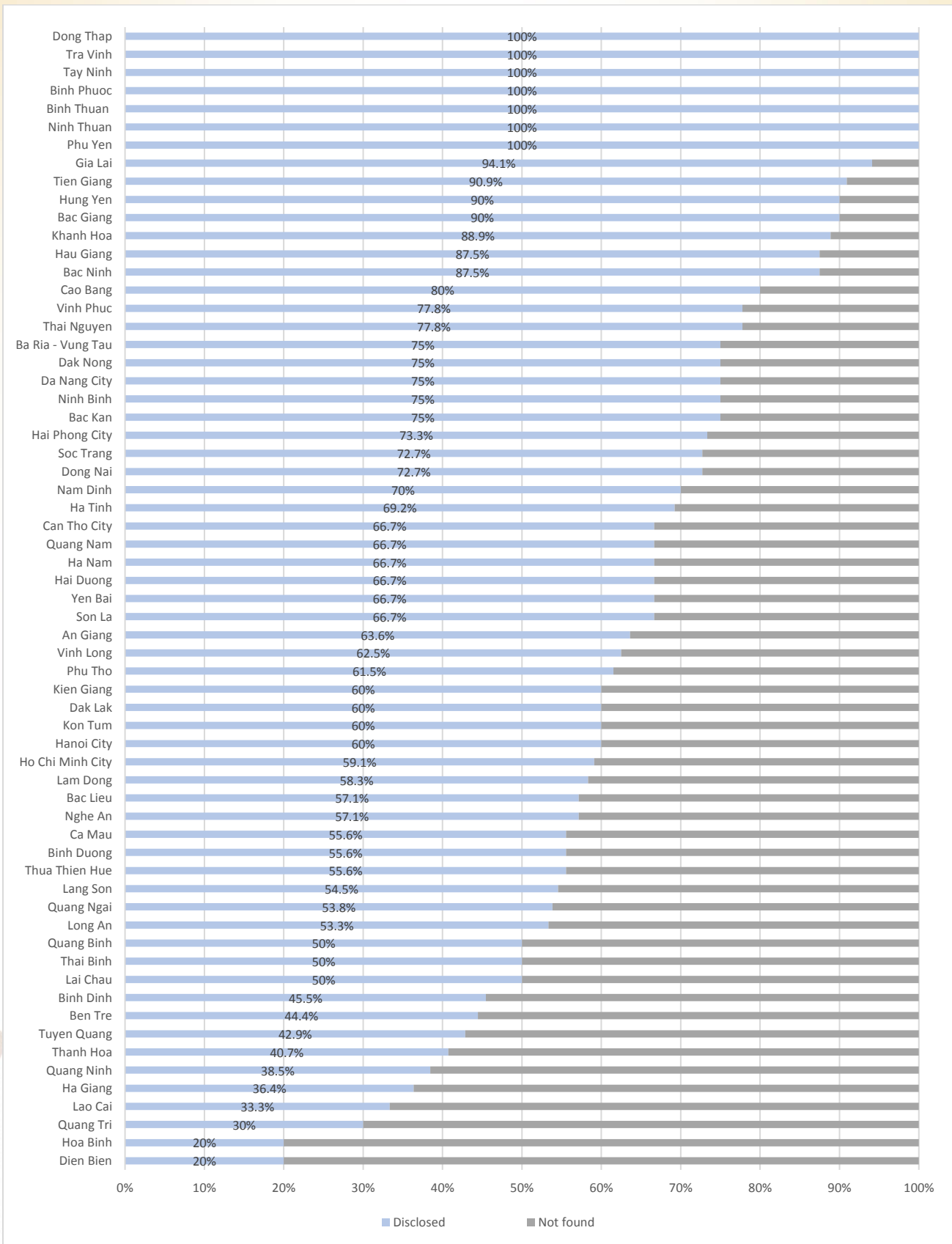


Figure 5: Proportion of DPCs in a province that have disclosed district-level annual land use plan in 2023 on their web portals

Regarding information searchability, there were 305 out of 460 district annual land use plans found in Step 1 (66.3%), 120 found in Step 2 (26.1%), 23 found in Step 3 (5%), and 12 found in Step 4 (2.6%). Compared to the results of the 2022 review, the ability to find information has also improved, with an increase of 55 and 52 document sets found in Step 1 and Step 2, respectively, and a decrease of 17 and 19 document sets found in Step 3 and Step 4, respectively.

Regarding the timeliness of information, among the 460 district annual land use plans that were found, 105 were approved on time before December 31, 2022, of which, 32 were disclosed on time (7%), 48 were disclosed after 15 days from the date of issuance (10.4%), and 25 were disclosed at an unknown date (5.4%). There were 343 out of 460 documents approved from December 31, 2022 onwards, of which 169 were disclosed within 15 days from the date of issuance (36.7%), 93 were disclosed after 15 days from the date of issuance (20.2%), and 81 had no specified posting date (17.6%). In particular, there were 12 out of 460 district annual land use plans whose issuance date could not be determined.

Regarding the completeness of information, among the 460 DPCs that had disclosed information, 233 had fully disclosed all of the three required documents, including approval decisions, explanatory reports, and land use plan maps (50.7%), while 23 had only disclosed approval decisions and explanatory reports (5%), 70 had only disclosed approval decisions and maps (15.2%), 14 had only disclosed explanatory reports and maps (3%) and 120 had only disclosed one of the three mandatory documents (26.1%). Compared to the 2022 review, there was an increase of 172 DPCs fully disclosing the annual land use plan documents, an increase of 13 DPCs disclosing approval decisions and explanatory reports, an increase of 37 DPCs disclosing approval decisions and maps, and one more DPCs disclosing explanatory reports and maps.

Regarding information usability, similar to district-level land use master plans, the district annual land use plan documents were primarily disclosed in soft or scanned copies, and are clear and usable. However, the practice of posting multiple documents in compressed files that need to be downloaded to be viewed on personal devices was still common, causing inconvenience for phone users to access information.<sup>28</sup> In addition, some issues still existed, such as explanatory reports posted in doc format without official stamps and signatures of authorized persons,<sup>29</sup> land use maps posted in formats unfamiliar to ordinary users (dng)<sup>30</sup>, or documents divided into two sets that make it difficult to read and follow.<sup>31</sup>

28 For example: Thach Thanh District People's Committee, <https://thachthanh.thanhhoa.gov.vn/portal/Pages/2023-8-3/Thong-bao-cong-bo-dieu-chinh-quy-hoach-su-dung-dat6y7knm.aspx>, retrieved on October 30, 2023; Ninh Binh City People's Committee, <https://tpninhbinh.ninhbinh.gov.vn/thong-tin-chi-dao/ve-viec-cong-bo-cong-khai-ke-hoach-su-dung-dat-nam-2023-cua-thanh-pho-ninh-binh-tinh-ninh-binh-306869>, retrieved on October 28, 2023; Cam Khe District People's Committee, <https://camkhe.phutho.gov.vn/Chuyen-muc-tin/Chi-tiet-tin/v/cac-van-ban-lien-quan-den-ke-hoach-su-dung-dat-2023/title/15961/ctitle/3>, retrieved on October 22, 2023; Mai Chau District People's Committee, [https://maichau.hoabinh.gov.vn/index.php?option=com\\_content&view=article&id=2496:quya-t-a-nh-va-via-c-pha-duya-t-ka-hoa-ch-sa-da-ng-a-t-n-m-2023-ca-a-huya-n-mai-cha-u&catid=112&Itemid=654&lang=vi](https://maichau.hoabinh.gov.vn/index.php?option=com_content&view=article&id=2496:quya-t-a-nh-va-via-c-pha-duya-t-ka-hoa-ch-sa-da-ng-a-t-n-m-2023-ca-a-huya-n-mai-cha-u&catid=112&Itemid=654&lang=vi), retrieved on October 23, 2023; Mai Son District People's Committee, <https://maison.sonla.gov.vn/thong-bao-moi-hop/thong-bao-cong-bo-cong-khai-su-dung-dat-nam-2023-huyen-mai-son-tinh-son-la-665129>, retrieved on November 30, 2023; Si Ma Cai District People's Committee, <https://simacai.laocai.gov.vn/tin-tuc/thong-bao-ve-viec-cong-bo-cong-khai-ke-hoach-su-dung-dat-nam-2023-1173823>, retrieved on November 30, 2023; Hon Dat District People's Committee, <https://hondat.kien Giang.gov.vn/trang/TinTuc/112/2784/Cong-bo-cong-khai-Ke-hoach-su-dung-dat-nam-2023-cua-huyen-Hon-Dat-tinh-Kien-Giang.html>, retrieved on October 21, 2023

29 For example: U Minh Thuong District People's Committee, <https://vbdh.camau.gov.vn/CNTVIC/UJMINH/vbdh.nsf>, retrieved on November 1, 2023; My Tu District People's Committee, <https://mytu.soc Trang.gov.vn/huyenmytu/1304/33055/62395/361095/Quy%20ho%E1%BA%A1ch,%20k%E1%BA%BF%20ho%E1%BA%A1ch%20s%E1%BB%AD%20d%E1%BB%A5ng%20C4%91%E1%BA%A5t/cong-bo-ke-hoach-su-dung-dat-nam-2023.aspx>, retrieved on October 28, 2023; Tan Chau District People's Committee, <https://tan Chau.tayninh.gov.vn/vi/news/thong-bao/cong-bo-cong-khai-ke-hoach-su-dung-dat-nam-2023-huyen-tan-chau-tinh-tay-ninh-3673.html>, retrieved on October 24, 2023; Chau Thanh District People's Committee, <https://chauthanh.tien Giang.gov.vn/chi-tiet-tin/7/ke-hoach-ve-viec-phe-duyet-ke-hoach-su-dung-at-nam-2023-cua-huyen-chau-thanh/49355566>, retrieved on October 24, 2023; Ben Cat District People's Committee, <https://bencat.binhduong.gov.vn/cong-khai-thong-tin/ke-hoach-su-dung-dat-nam-2023-thi-xa-ben-cat>, retrieved on October 30, 2023; Ba Don Town People's Committee, <https://badon.quangbinh.gov.vn/chi-tiet-tin/-/view-article/1/441011402277495019/1682407267559>, retrieved on November 1, 2023; Yen My District People's Committee, <https://yenmy.hungyen.gov.vn/portal/Pages/2023-4-19/Thong-bao-cong-bo-cong-khai-noi-dung-ke-hoach-su-d0d6m96.aspx>, retrieved on October 23, 2023; Ngan Son District People's Committee, [https://nganson.backan.gov.vn/index.php?com=tintuc\\_ct&id\\_news=1673](https://nganson.backan.gov.vn/index.php?com=tintuc_ct&id_news=1673), retrieved on October 29, 2023

30 For example: Tien Du District People's Committee, <https://tiendu.bacninh.gov.vn/news/-/details/22328/thong-bao-ve-viec-cong-khai-ke-hoach-su-dung-at-nam-2023-huyen-tien-du-44778258>, retrieved on October 29, 2023; Khoai Chau District People's Committee, <https://khoaichau.hungyen.gov.vn/portal/Pages/2023-4-24/Cong-bo-cong-khai-Ke-hoach-su-dung-dat-nam-2023-huynddc8.aspx>, retrieved on October 30, 2023

31 For example: Thang Binh District People's Committee, [https://thangbinh.quangnam.gov.vn/webcenter/portal/thangbinh/pages\\_van-ban/chi-tiet?dDocName=PORTAL524133](https://thangbinh.quangnam.gov.vn/webcenter/portal/thangbinh/pages_van-ban/chi-tiet?dDocName=PORTAL524133), retrieved on October 20, 2023; Tam Diep City People's Committee, <https://tamdiep.ninhbinh.gov.vn/van-ban/van-ban-chi-dao-dieu-hanh/ve-viec-cong-bo-cong-khai-ke-hoach-su-dung-dat-nam-2023-thanh-pho-tam-diep-677.html>, retrieved on October 23, 2023

### Disclosure of provincial land pricing frameworks

The People's Committees of 18 provinces/municipalities, including Bac Kan, Dien Bien, Son La, Bac Giang, Ninh Binh, Thanh Hoa, Ha Tinh, Quang Binh, Thua Thien Hue, Quang Ngai, Binh Duong, Tra Vinh, Dong Thap, An Giang, Kien Giang, Bac Lieu, Ca Mau and Hai Phong had their provincial land pricing frameworks for the period of 2020-2024 published during the whole period of the three reviews. At the same time, the People's Committees of these provinces/ municipalities have also developed land information sections on their web portals that allow fast and convenient information lookup.

In addition, the People's Committees of Da Nang city and Vinh Long province are the two agencies that have built a tool for land price look-up on their web portals and attached the corresponding approval decisions to ensure the legal validity and reliability of the information.

### Disclosure of district-level land use master plans

100% of DPCs in 6 provinces, including Binh Thuan, Bac Ninh, Bac Giang, Dong Nai, Ha Nam, and Kon Tum, had disclosed district-level land use master plans for the period of 2021-2030 on their web portals.

In addition, the DPCs of 36 districts and towns in 26 provinces nationwide had met all the criteria for online disclosure of district-level land use master plans for the period of 2021-2030, including disclosing the information on time, posting in categories directly related to land/planning information (information found at step 1), publishing all of the three required documents, and all documents are clear, viewable online (not required to be downloaded to a device). These district units include Quang Hoa district (Cao Bang province), Lai Chau city (Lai Chau province), Mai Son district (Son La province), Hiep Hoa district (Bac Giang province), Tam Duong and Song Lo districts (Vinh Phuc province), An Thi and Phu Cu districts (Hung Yen province), Quang Xuong district (Thanh Hoa province), Ky Anh district (Ha Tinh province), Huong Tra town (Thua Thien Hue province), Hoai Nhon town (Binh Dinh province), Cam Lam district (Khanh Hoa province), Ninh Phuoc district (Ninh Thuan province), Phan Thiet city and districts of Tanh Linh, Ham Tan (Binh Thuan province), Dak Glei district (Kon Tum province), Chu Se district (Gia Lai province), Buon Ho town (Dak Lak province), Cu Jut district (Dak Nong province), Tan Chau district (Tay Ninh province), Long Dien district (Ba Ria Vung Tau province), Tan Thanh district (Long An province), My Tho city and Cai Loy district (Tien Giang province), the districts of Tieu Can, Chau Thanh and Cau Ngang (Tra Vinh province), Chau Thanh and U Minh Thuong districts (Kien Giang province), Vi Thanh city and Chau Thanh A and Vi Thuy districts (Hau Giang province), Cu Lao Dung district (Soc Trang province), and Phuoc Long district (Bac Lieu province).

Among those, the People's Committees of Ninh Phuoc district (Ninh Thuan province), Chu Se district (Gia Lai province) and Vi Thuy district (Hau Giang province) are the agencies that had posted the explanatory reports and maps of land use plans with official stamps and signatures.

### Disclose of district-level annual land use plans

100% of DPCs in 7 provinces, including Dong Thap, Tra Vinh, Tay Ninh, Binh Phuoc, Binh Thuan, Ninh Thuan, and Phu Yen, had disclosed the 2023 district-level land use plans on their websites/portals.

The People's Committees of several districts and towns, including Ha Giang city (Ha Giang province), Van Ho, Thu Thua districts and My Tho city (Tien Giang province), the districts of Cai Be, Cai Lay and Chau Thanh (Tien Giang province), Cau Long and Tra Cu districts (Tra Vinh province), the cities of Vi Thanh, Nga Bay and districts of Phung Hiep, Chau Thanh A (Hau Giang province), are districts that had met all the review criteria, including issuing and disclosing the 2023 district land use plans on their web portals on time, posting in categories directly related to land/planning information (information found at step 1), publishing all of the three required documents, and the documents are generally clear and usable.

Among the above agencies, the People's Committees of Tra Cu district (Tra Vinh province) and Chau Thanh A district (Hau Giang province) are the two agencies that posted all the documents in one single post. These documents can all be viewed online, and the explanatory reports and maps of land use plans are both signed by authorized persons.

## Experiment with sending requests for information

In general, the provision of district-level annual land use plans at citizens' request by the Offices of District People's Committees and People's Councils in accordance with the 2016 LAI and the 2013 Land Law has improved after three reviews. Firstly, the rate of information provision tends to increase, while the rejection rate tends to decrease. In the third review, the proportion of state agencies providing information increased by 6.2% compared to the first review. Meanwhile, the refusal rate decreased from 2.7% in the first review to 1.1% in the second and third reviews. Secondly, despite refusing to provide information, state agencies had used the forms specified in law to respond to the requesters. Accordingly, of 6 DPCs refusing to provide information, 3 agencies used the forms specified in Decree No. 13/2018/NĐ-CP to notify the requesters. This shows that there has been a positive change in the approach of civil servants in charge of information provision compared to the previous two reviews. However, the rate of unresponsiveness still remained high, indicating that additional efforts are needed to promote people's access to information.

By the end of December 31, 2023, 133 out of 561 DPC Offices had provided the requested information (23.7%), 6 DPCs rejected (1.1%), 30 DPCs responded but did not provide information (5.3%), 381 DPCs had made no response (67.9%), and 11 out of 561 request letters were returned (2%).

Figure 6 shows that, of the 133 agencies that provided the information requested by the Research Group members, 57 provided all 3 documents required for disclosure (42.9%), 24 provided 2 of the 3 documents (18%), and 52 provided only 1 of 3 documents (39.1%).

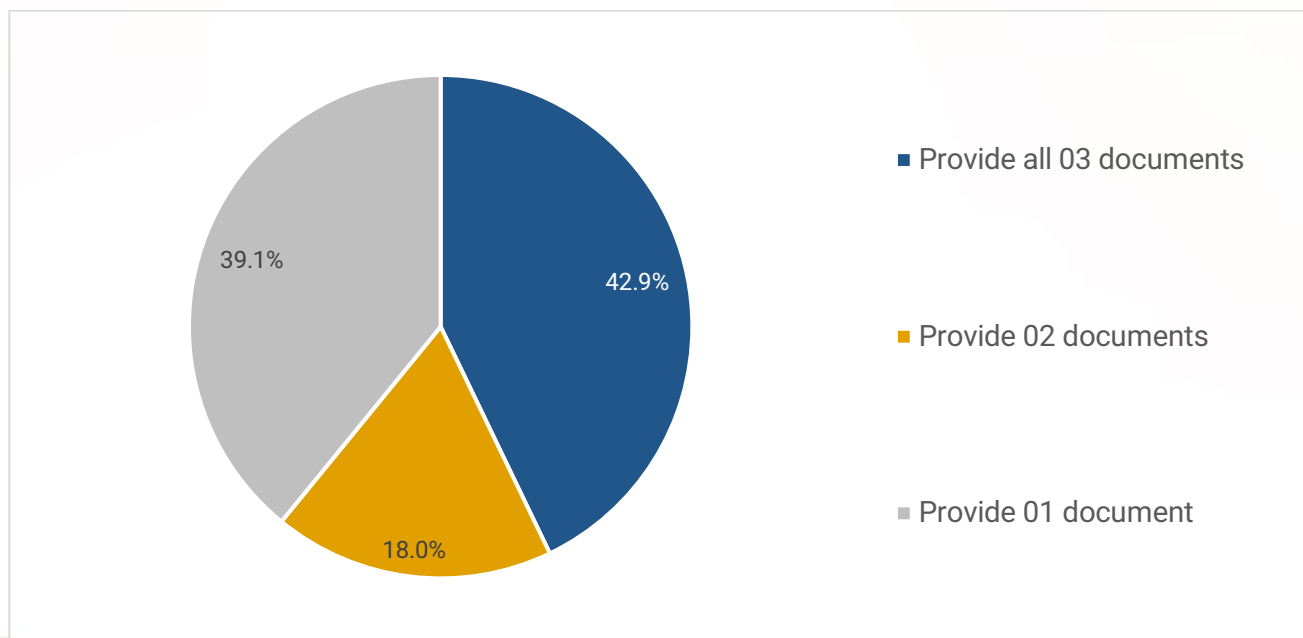


Figure 6: The completeness of the documents received

Figure 7 shows the modes of response for the 133 agencies mentioned above. Accordingly, 79 agencies provided information via email (59.4%), 12 agencies provided by telephone exchange (9%),<sup>32</sup> 19 agencies provided via Zalo (14.3%), and 23 agencies sent documents by post (17.3%).

<sup>32</sup> The officials gave specific instructions on how to find information about the 2023 district land use plans on the DPCs' e-portals or the e-portals of the Departments of Natural Resources and Environment.

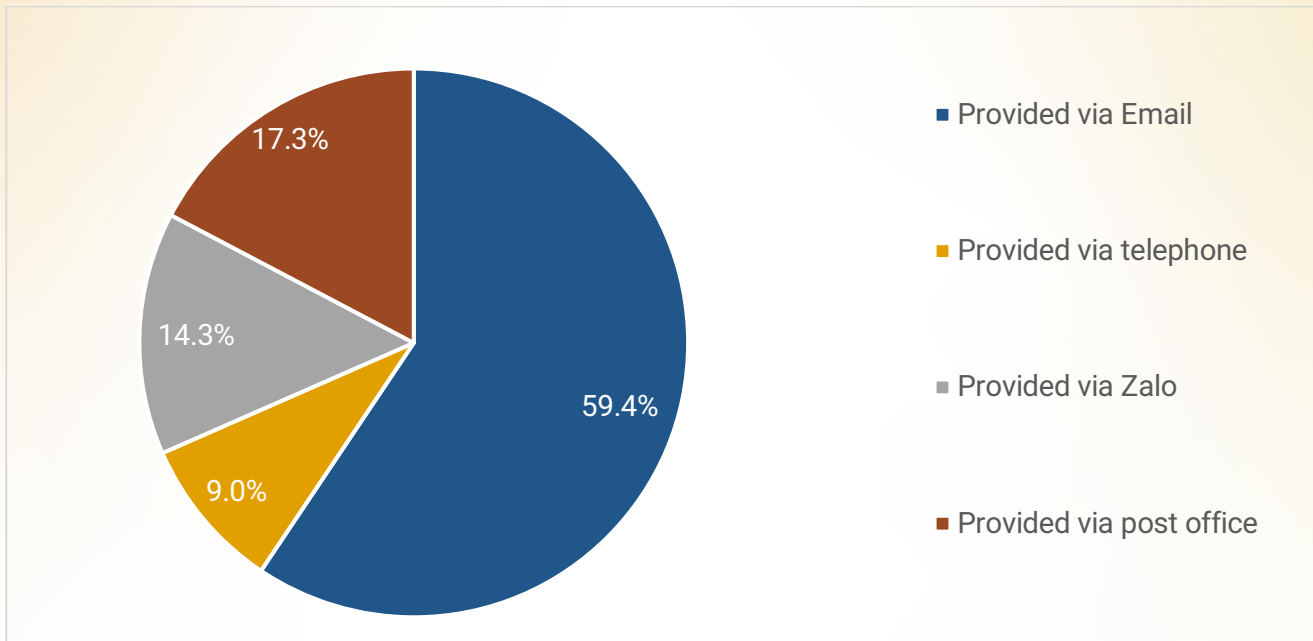


Figure 7: Modes of response to requests for the 2023 district land use plans

For 6 out of 561 agencies refusing to provide information, 4 agencies refused on the grounds that they had disclosed the requested information as prescribed at Point b, Clause 1, Article 28 of the LAI.<sup>33</sup> Of those, 3 agencies<sup>34</sup> used the form Notice of refusal to provide information<sup>35</sup> and one responded with an official letter.<sup>36</sup> In particular, although all four agencies announced their refusal to provide information, they still provided a link to the post disclosing the 2023 district land use plan to help requesters directly access the information.<sup>37</sup> Only 1 agency responded by telephone, stating that the information request was unclear and requesting an official letter from a competent agency. 1 agency refused to provide information in a written response on the grounds that: 1) the request letter does not comply with Form 01/PYC specified in Circular No. 34/2014/TT-BTNMT dated June 30, 2014 of the Minister of Natural Resources and Environment; 2) The contents of the request letter are inappropriate and hence, not provided according to Article 13 of Circular 34/2014/BTNMT stipulating that State agencies will not provide land data if it falls into one of the following cases: (1) The data request forms are not clear and specific, and (2) The data requested falls within the scope of state secrets and is not in accordance with data provision regulations.

30 out of 561 agencies had responses of different types, including (1) notifying that the request for information has been forwarded to another department/agency for follow-ups, however as of December 31, 2023 the Research Group had not received any further response; (2) confirming that the requested information will be provided in the form specified by the requester, however as of December 31, 2023 the Research Group had not received the requested information; (3) asking the requester to provide further information on the place of residence and purpose of using the information but having no further response afterward; (4) notifying that the requested information has been disclosed on their web portals but providing no further guidance and the Research Group could not find the information as per the notification; (5) inviting the requester to the Office of the People's Council and People's

<sup>33</sup> Point b, Clause 1, Article 28 of the 2016 LAI stipulates the refusal of a request for information in the case that "Information is disclosed according to the provisions of Article 17 of this Law, except for the cases provided in Clause 1, Article 23 of this Law"

<sup>34</sup> Yen The District (Bac Giang Province), Van Ho District (Son La Province), Ca Mau City (Ca Mau Province)

<sup>35</sup> Form No. 05 attached to Decree No. 13/2018/NĐ-CP

<sup>36</sup> Hoai Duc District (Hanoi City)

<sup>37</sup> Ca Mau City (Ca Mau Province), Yen The District (Bac Giang Province), Van Ho District (Son La Province), Hoai Duc District (Hanoi City)

Committee to attend an official meeting; (6) requesting the requester to contact competent agencies specified in Article 15, Circular No. 34/2014/TT-BTNMT dated June 30, 2014 of the Ministry of Natural Resources and Environment.

In addition, the 2023 review recorded 11 request letters returned to senders by post offices because security guards of 11 DPCs refused to accept the mail due to the absence of a specific recipient's name.<sup>38</sup> Meanwhile, all the letters were addressed to the Office of the District People's Committee/Council based on Point g, Clause 2, Article 9 of the LAI.<sup>39</sup>

*Regarding legal citations in the request letters*, the number of agencies providing information for requests with citations of the LAI compared to those with citations of the Land Law are almost the same, 65 and 68 agencies, respectively. Similarly, the number of agencies that refused, had no response and responded but did not provide information for requests citing the LAI and those citing the Land Law are almost identical, 3, 190, and 16 respectively for requests citing the LAI compared to 3, 191, and 14 for requests citing the Land Law. These results reflect a change compared to the second review, in which the proportion of agencies that had a response of any type to requests with citations of the Land Law was higher than those with citations of the LAI. This suggests that DPCs' civil servants in charge of receiving requests from citizens have had a better understanding of the LAI's spirit.

*Regarding the role of senders*, the results of the third review showed that, of the four senders (each sending requests for information to 140-141 DPCs), the researcher was the one who received the most responses, 30% of the total requests sent. The rates of information provision response for the three other roles, the citizen, the lawyer, and the real estate agent, were roughly the same, 22.1%, 21.4% and 21.3% respectively. Meanwhile, the percentage of request letters that did not receive a response was highest for the lawyer (71.4%), the real estate agent (70.2%) and equally high for both the citizen and the researcher (together at 65%). All four senders received refusal responses, 1.4% for the citizen and researcher, and 0.7% for the lawyer and real estate agent.

*Regarding compliance with information provision procedures under the LAI*, in the third review, the Research Group received two Receipts for information request,<sup>40</sup> eight Settlements of information request,<sup>41</sup> three Notices of refusal to provide information<sup>42</sup> and 71 written responses in form of official letter. In particular, Tan Lac district (Hoa Binh province) and Thach An district (Cao Bang province) are the two agencies that processed the requests for information in accordance with the LAI when sending the receipt form and the settlement slip to the requesters, then providing the requested information via email.

*State agencies communicate with citizens via email*. The results of the third review showed that of the 81 DPCs that responded via email, only 26 DPCs used the official email address (32.1%) while 55 agencies used a personal Gmail email (67.9%).

*Citizens communicate with state agencies via email*. With the aim to support the improvement of land information disclosure, on October 31, 2023, the Research Group sent out the results of the second review via email to 705 DPCs whose websites/portals were reviewed. Of these, the Research Group only found email addresses on e-portals of 685 DPCs. To ensure efficient mail delivery, the team ran a technical test to check the validity and status of these email addresses. The test results indicated that 292 email addresses (accounting for 42.6% with n = 685), including

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<sup>38</sup> Chi Linh City (Hai Duong Province), Da Lat City (Lam Dong Province), Mang Thit District (Vinh Long Province), Nam Truc District (Nam Dinh Province), Vung Tau City (Ba Ria – Vung Tau Province), Binh Thanh District (Ho Chi Minh City), Moc Hoa District (Long An Province), Ba Don Town (Quang Binh Province), Truong Sa District (Khanh Hoa Province), Ben Luc District (Long An Province), Nga Nam Town (Soc Trang Province)

<sup>39</sup> Point g, Clause 2, Article 9 of the 2016 LAI: "Offices of district-level People's Councils and People's Committees shall provide information created by People's Councils, Standing Boards of People's Councils, agencies of People's Councils, People's Committees, Presidents of DPCs and information created by themselves"

<sup>40</sup> Form No. 02 specified in the annex attached to Decree No. 13/2018/NĐ-CP

<sup>41</sup> Form No. 03 specified in the annex attached to Decree No. 13/2018/NĐ-CP

<sup>42</sup> Form No. 05 specified in the annex attached to Decree No. 13/2018/NĐ-CP

285 official mail addresses and 7 personal email addresses (Gmail), were not capable of receiving emails. Therefore, the Research Group could only send the review results to the email addresses of 393 out of 705 DPCs nationwide with the number of successful mailings of 332 (accounting for 48.5% with n = 685). The system continued to send error notices that the messages weren't delivered to 61 official email addresses (accounting for 8.9% with n = 685). Among them, 18 messages were sent to an address that couldn't be found, 31 were blocked,<sup>43</sup> and 12 did not reach the recipients<sup>44</sup>.

The above results suggest that the ineffective operation of DPCs' official email boxes may be the reason for a large number of civil servants using personal email addresses (Gmail) to respond to requests for information. This also indicates that there are still many limitations in communicating with state agencies via email. The limited capacity of official mailboxes can also be the reason why civil servants use personal emails to communicate with citizens. However, this practice also raises questions about the transparency and accountability of state agencies in addressing citizens' requests for information.

### Good practices in providing information at the request of citizens

The People's Committees of Tan Lac (Hoa Binh province) and Thach An (Cao Bang province) districts were recognized as having complied with regulations on procedures for information provision in accordance with the 2016 LAI when sending a Receipt for information request and a Settlement of the request for information, using the forms provided in Decree No. 13/2018/NĐ-CP, within 03 days from the date the Research Group sent the requests for information.

Although the People's Committees of Ca Mau city (Ca Mau province), Yen The district (Bac Giang province), and Van Ho district (Son La province) invoked Point b, Clause 1, Article 28 of the LAI as grounds to send a notice of refusal to provide information using the form provided in Decree No. 13/2018/NĐ-CP, they still provided the links to the posts on their web portals where the 2023 district land use plans had been disclosed.

<sup>43</sup> Reasons for mail blocking: The email was rejected because it violated the organization's policies; Connection refused; Banned content;

<sup>44</sup> Including one message that could not be sent because the recipient's mailbox was full, unable to receive more mail.

## Policy implications

### *Develop and improve laws and policies*

- Include the procedure for information provision at the request of citizens in the current set of administrative procedures, and issue specific guidance documents.
- Develop a mechanism for assessing the disclosure of information and sanctions for handling violations in cases where People's Committees at all levels fail to properly and fully fulfill their responsibilities for disclosure of information, including land information.
- Develop specific guidelines to avoid the misuse of Article 13 of Circular 34/2014/TT-BTNMT to refuse to provide information. Article 13 of this Circular stipulates cases of non-provision of data<sup>45</sup>, including cases where "the purpose of data usage is not suitable as prescribed by law." However, as there is a wide variety of land information, setting requirements for the purpose of using the information may only be appropriate in cases of conditional access. Nevertheless, the purpose of use should not be grounds for refusing a request for information where such information is required to be disclosed, such as land pricing framework, land use master plan and annual plan.
- Stipulate that state agencies are obliged to provide upon request the information for which they are responsible for disclosing.
- Stipulate that the interfaces, section structures, and information-disclosing approaches be developed uniformly and systematically across all government web portals. Consider synchronizing e-portals of People's Committees at all levels.

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

- Continue to disseminate the 2016 Law on Access to Information, Decree No. 13/2018/NĐ-CP and Decree No. 42/2022/NĐ-CP to and provide training on law implementation for public officials and civil servants as well as for citizens, especially on regulations related to the process and procedures for disclosing information and providing information at citizens' request.
- Develop an 'Access to Information' section on local government web portals and organize information in this section according to the provisions of Article 19 of the 2016 Law on Access to Information to facilitate citizens' ease of access. Formulate and publicize regulations on access to information, as well as assign and publicize information about focal points for information provision.
- Develop web portals that ensure efficiency in searching and accessing information and follow user-friendly and user-first approaches.  
*Firstly*, it is necessary to implement technical measures to ensure that the disclosed information remains consistently accessible, at least for the duration of the prescribed disclosure. *Secondly*, ensure that the search bar on web portals works effectively so that users can easily search for information and do not miss the information disclosed in the distant past. *Thirdly*, ensure that the domain names of portals/websites are uniform in accordance with Decree No. 42/2022/NĐ-CP, and that PPCs' web portals have links to web portals of district-level and commune-level People's Committees.
- Study and apply the regulations of Circular No.26/2020/TT-BTTTT to support access to information for all users, including people with disabilities and ethnic minorities who are not proficient in the official language.

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<sup>45</sup> Article 13 of Circular No. 34/2014/TT-BTNMT stipulates cases of non-provision of data: "1) Documents and forms of request for data provision whose contents are not clear or specific; request the provision of data that falls within the scope of state secrets and is not in accordance with data provision regulations; 2) The written request is not signed by a competent person and stamped by an organization; The request form does not include the signature, name and specific address of the individual requesting the data; 3) The purpose of data use is not suitable as prescribed by law; 4) Failure to fulfill financial obligations."



