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Know Your Truth in Real-Time



TỌA ĐÀM CHUYÊN ĐỀ | THEMATIC DISCUSSION

RÀ SOÁT VIỆC CÔNG KHAI THÔNG TIN QUY HOẠCH, KẾ HOẠCH SỬ DỤNG ĐẤT CẤP HUYỆN VÀ BẢNG GIÁ ĐẤT CẤP TỈNH TRÊN MÔI TRƯỜNG ĐIỆN TỬ NĂM 2023

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

Hà Nội, 12/03/2024



Ireland



Australian Aid



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Review of Local Governments' Performance in Online Disclosure of District Land Use Plans and Provincial Land Pricing Frameworks in 2023

12/3/2023 8:30 am - 11:00 am



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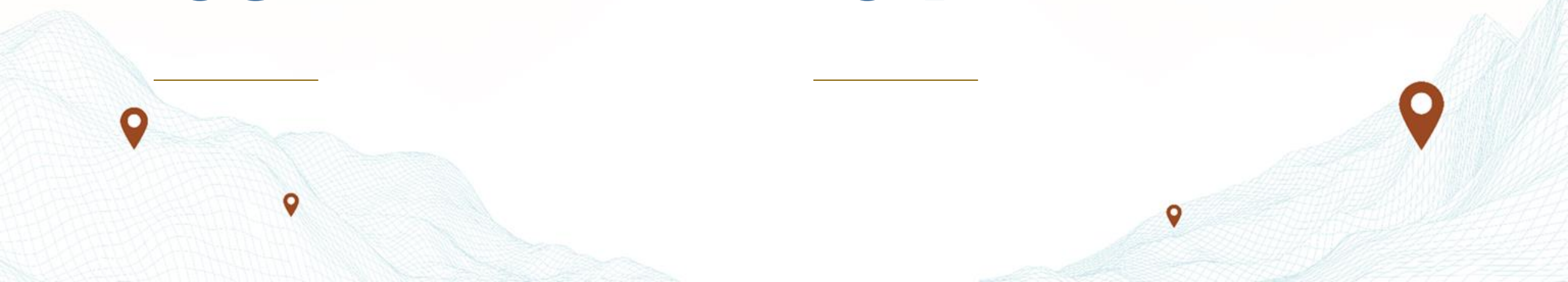
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1. Review Objectives

Objective 1

To review the online disclosure of (i) 2021-2030 land use master plans; (ii) 2023 annual plans at the district level and (iii) 2020-2024 provincial land pricing frameworks issued by district and provincial governments in all 63 provinces

Objective 2

To develop and maintain a landing page to serve as a bridge to district-level land use master plans and annual plans, and provincial land pricing frameworks publicized on official portals of government agencies in all 63 provinces

Objective 3

To conduct experimental research on sending requests for land information in accordance with the 2016 Law on Access to Information and the 2013 Land Law

Objective 4

To propose policy and action recommendations for improving public access to land information

2. Review Methods

- ✓ Review legal documents on the disclosure of land information
- ✓ Review the disclosure of the 10-year land use master plans and annual plans at the district level; and, land pricing frameworks at the provincial level on local governments' websites/portals
- ✓ Experiment with sending requests for land information to local government agencies under review to assess their responses
- ✓ Develop and update the land information portal at <https://congkhaithongtindatdai.info/>

Review Methods:

Website/Portal review

3 types of information

2020-2024 provincial land pricing frameworks

- 63 provinces

2021-2030 land use master plans at the district level

- 705 districts

2023 annual land use plans at the district level

- 705 districts

5 criteria

Disclosure

Searchability

Timeliness

Completeness

Usability



Website/Portal review

➤ Evaluation criteria:

Information	Disclosure	Searchability	Timeliness	Completeness	Usability
10-year land use master plans (2021-2030) at the district level	Disclosing/ not disclosing information on the portal/ website of the local authority	Is the location of the information convenient for searching? The number of search steps to take?	Date of disclosure vs Date of document issuance	✓Approval Decision ✓Explanatory/ synthesis report ✓Map of land use master plan/ annual plan	Readability, Comprehensibility, Document Format
Annual land use plans (2023) at the district level			✓Approved before December 31 of the previous year ✓Date of disclosure vs Date of document issuance		
2020-2024 provincial land pricing frameworks			✓Disclosed on Jan 1 of the first year	Not evaluated	

Website/Portal Review

➤ Implementation method

The process of searching for information on the websites/portals of state agencies responsible for information disclosure:

Step 1

Search for information on sections/categories directly related to land information

Step 2

Search for information on other sections/categories

Step 3

Search by using the search bar on the homepage

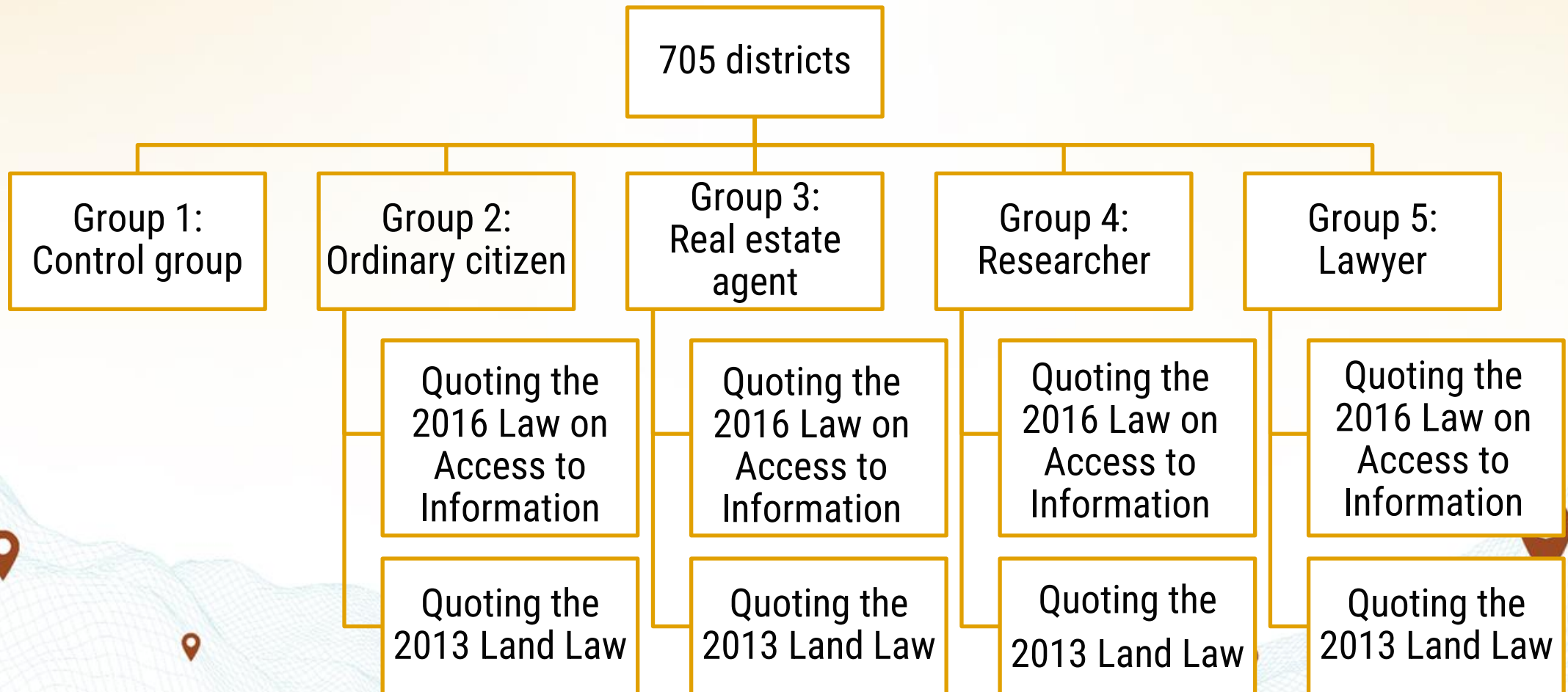
Step 4

Google search

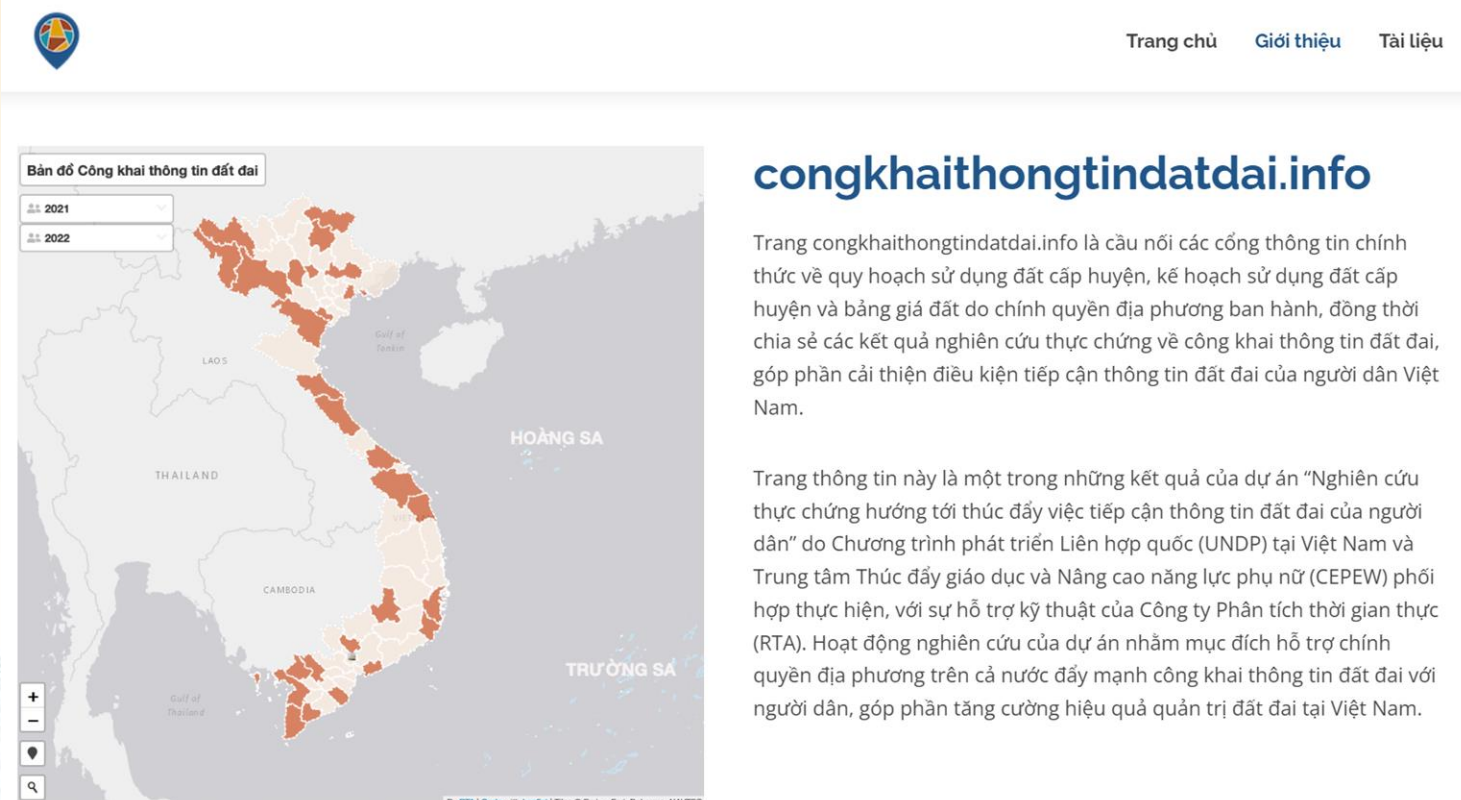
Sending requests for information

➤ Implementation method

705 district units were divided into 5 random groups with 4 different sender roles:



Develop and update the land information portal



The screenshot shows the website interface for congkhaithongtindatdai.info. It features a navigation menu with 'Trang chủ', 'Giới thiệu', and 'Tài liệu'. The main content area displays a map of Vietnam titled 'Bản đồ Công khai thông tin đất đai' (Land Information Disclosure Map). The map shows land use data for the years 2021 and 2022, with different colors representing various land use categories. The map includes labels for neighboring countries (LAOS, THAILAND, CAMBODIA) and bodies of water (Gulf of Tonkin, HOÀNG SA, TRƯỜNG SA, Gulf of Thailand). A search bar and navigation controls are visible on the left side of the map.

congkhaithongtindatdai.info

Trang congkhaithongtindatdai.info là cầu nối các cổng thông tin chính thức về quy hoạch sử dụng đất cấp huyện, kế hoạch sử dụng đất cấp huyện và bảng giá đất do chính quyền địa phương ban hành, đồng thời chia sẻ các kết quả nghiên cứu thực chứng về công khai thông tin đất đai, góp phần cải thiện điều kiện tiếp cận thông tin đất đai của người dân Việt Nam.

Trang thông tin này là một trong những kết quả của dự án "Nghiên cứu thực chứng hướng tới thúc đẩy việc tiếp cận thông tin đất đai của người dân" do Chương trình phát triển Liên hợp quốc (UNDP) tại Việt Nam và Trung tâm Thúc đẩy giáo dục và Nâng cao năng lực phụ nữ (CEPEW) phối hợp thực hiện, với sự hỗ trợ kỹ thuật của Công ty Phân tích thời gian thực (RTA). Hoạt động nghiên cứu của dự án nhằm mục đích hỗ trợ chính quyền địa phương trên cả nước đẩy mạnh công khai thông tin đất đai với người dân, góp phần tăng cường hiệu quả quản trị đất đai tại Việt Nam.



3. Key findings



Regulations on land information disclosure and provision

2016 LAW ON ACCESS TO INFORMATION

Information disclosure (Chapter 2)

Information provision at requests (Chapter 3)

2013 LAND LAW

Promptly publicize available information in the land information system (Article 28)

Request land information through the information request procedures specified in Circular 34/2014/TT-BTNMT (Article 9)

2024 LAND LAW (effective from 1 Jan 2025)

Citizens have rights to access information on land use master plans, annual land plans, other plans related to land use, and annual land pricing frameworks (Article 24)

Date of disclosure for land use master plans/annual plans: within 15 days after the approval date (Article 74)

Provincial land pricing frameworks disclosed on Jan 1, 2026, to be revised every year and updated on Jan 1 of the following year.(Article 159)

Regulations on land information disclosure (2013 Land Law)

No.	Type of information	Compiling & Disclosing Agency	Issuing/ Approving Agency	Provisions on disclosure	Online disclosure	Date of disclosure	Disclosure period	Applicable period	Period reviewed
1	10-year land use master plans at the district level	District People's Committee (DPC)	Provincial People's Committee (PPC)	Compulsory disclosure	Yes	Within 15 days after the issuance date	During the land use master plans' period	10 year	2021-2030
2	Annual land use plans at the district level	DPC	PPC	Compulsory disclosure	Yes	Within 15 days after the issuance date (by 31 December)	During the land use plans' period	Annual	2021
3	Provincial land pricing frameworks	PPC	PPC	Compulsory disclosure	Not specified	January 1 of the first year	Not specified	Every 05 years	2020-2024

Website/Portal review

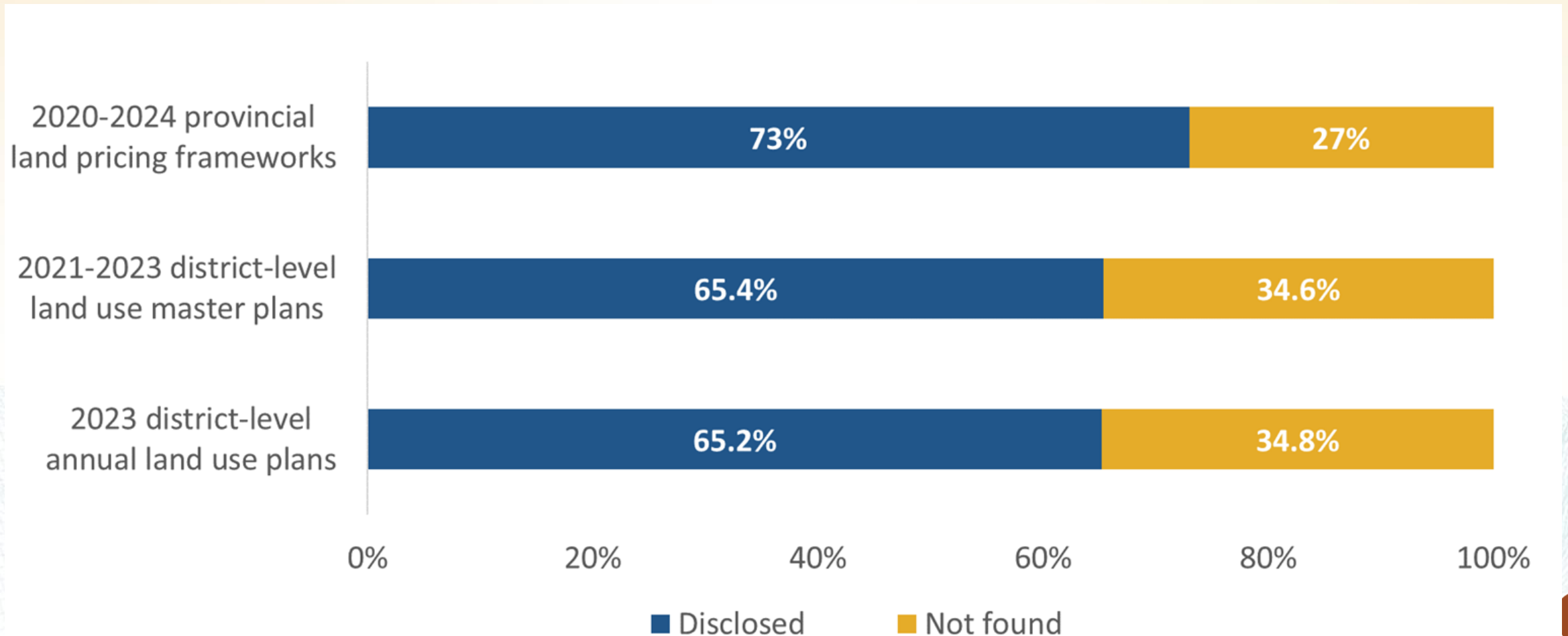
Implementation method

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

No.	Type of Information	Agencies to be reviewed	No. of agencies
1	10-year land use master plans at the district level for the period of 2021-2030	DPC	705
2	Annual land use plans at the district level in 2023	DPC	705
3	Provincial land pricing frameworks for the period of 2020-2024	PPC	63

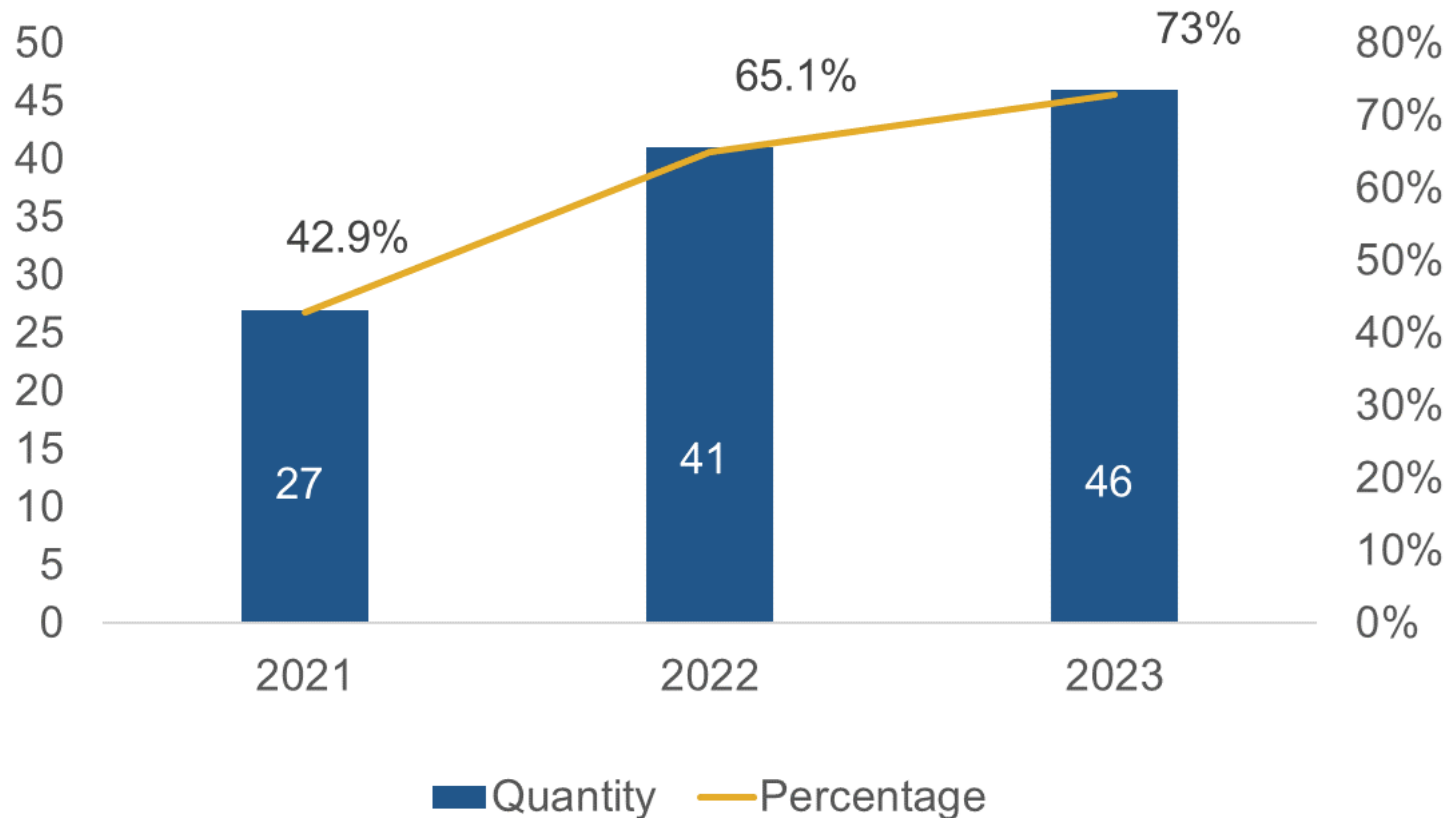
Disclosure of land information on local governments' websites/portals

➤ *Results of the 2023 review (as of October 6, 2023)*



Disclosure of land information on local governments' websites/portals

□ 2020-2024 provincial land pricing framework

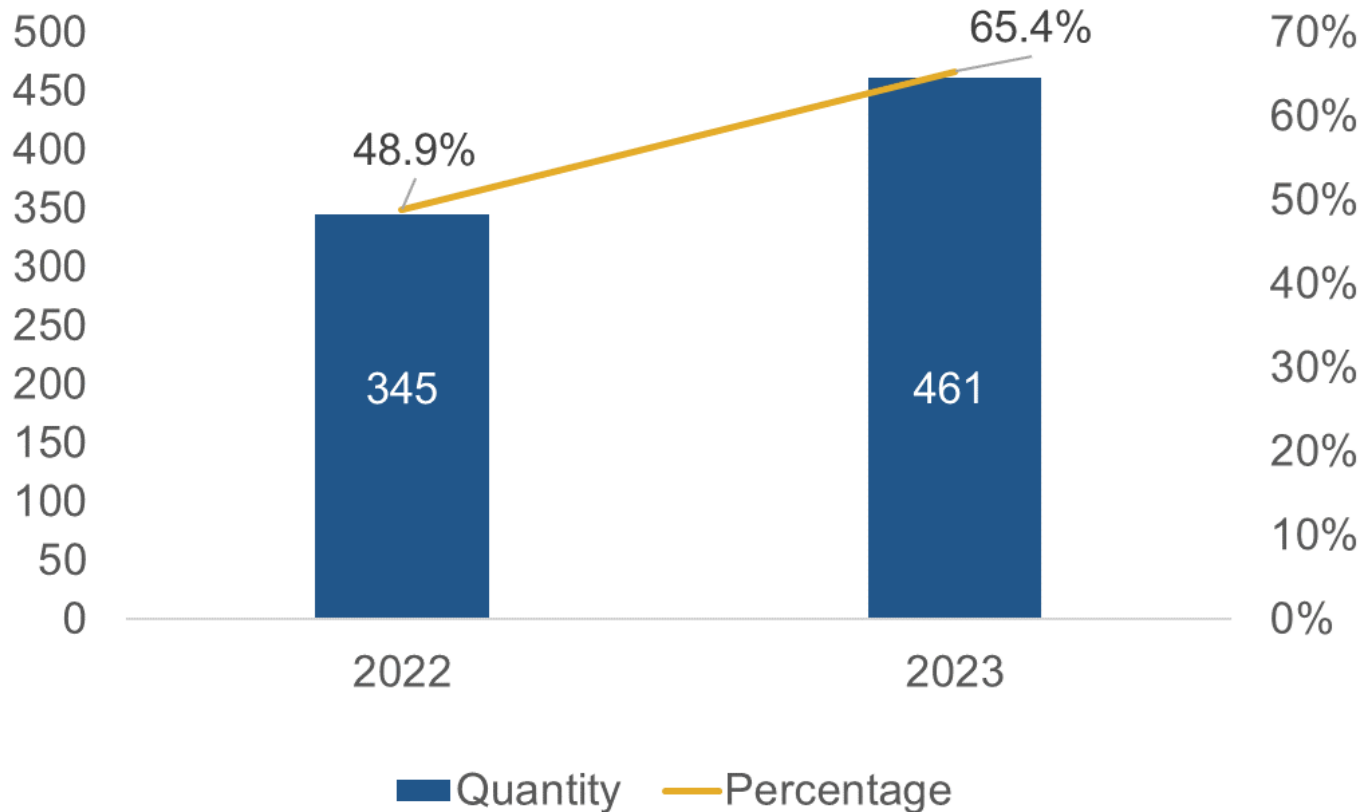


- 3rd review: 44 posts disclosing the approval decision, 2 posts disclosing the approval resolution of the provincial People's Council
- Many provinces incorporated a tool for land price lookup on their websites/portals
- Many provinces had their 2020-2024 land pricing frameworks disclosed during the whole period of the 3 reviews, while a separate section had also been built for land information/land price lookup



Disclosure of land information on local governments' websites/portals

➤ 2021-2030 district-level land use master plan



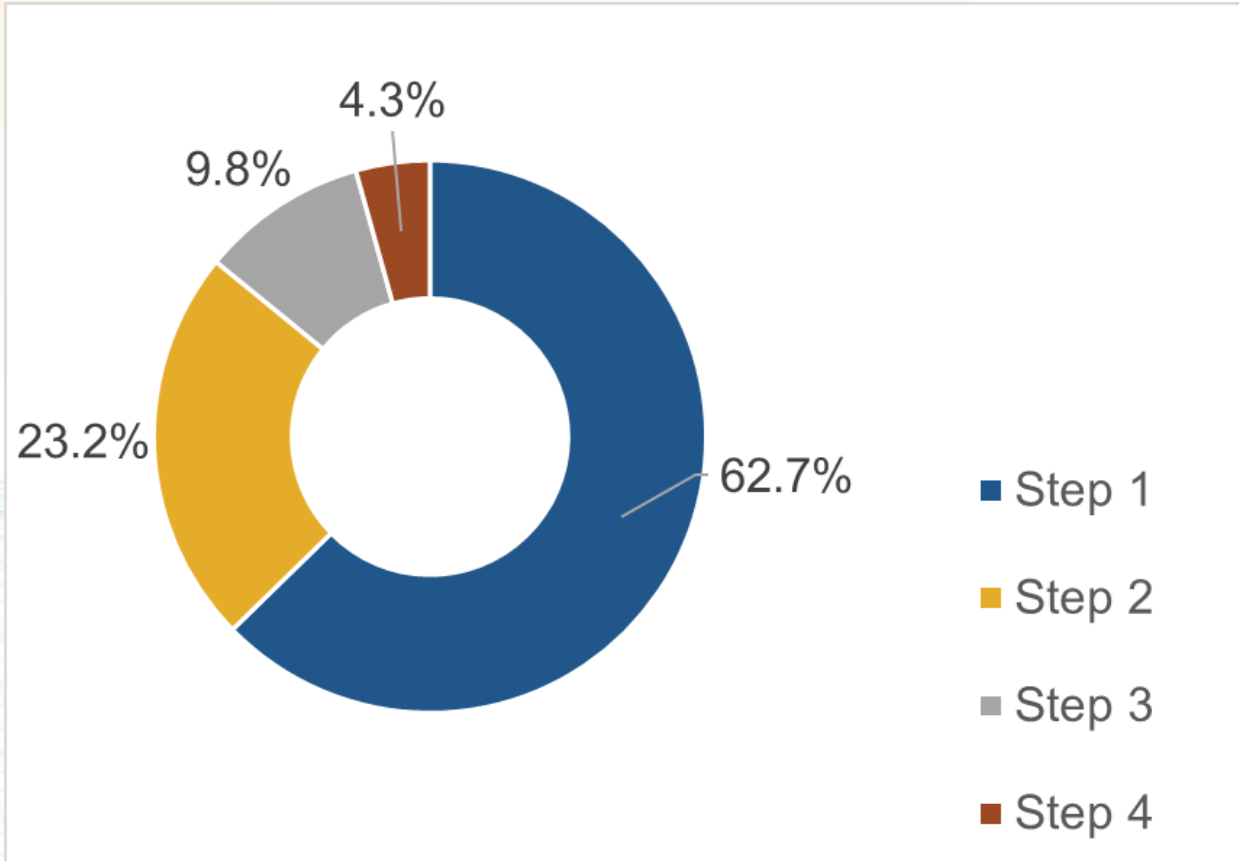
- 244/705 agencies have not disclosed the 2021-2030 land use master plans on their websites/portals:
 - 36 had posted an announcement of disclosure, but the documents were not found
 - 04 dossiers were not recorded as they were disclosed after Oct 6, 2023
 - Some disclosure posts available but inaccessible
- 21/345 posts disclosing land use master plans recorded in 2022 no longer existed, or the new posts that replaced them (if any) were not found.



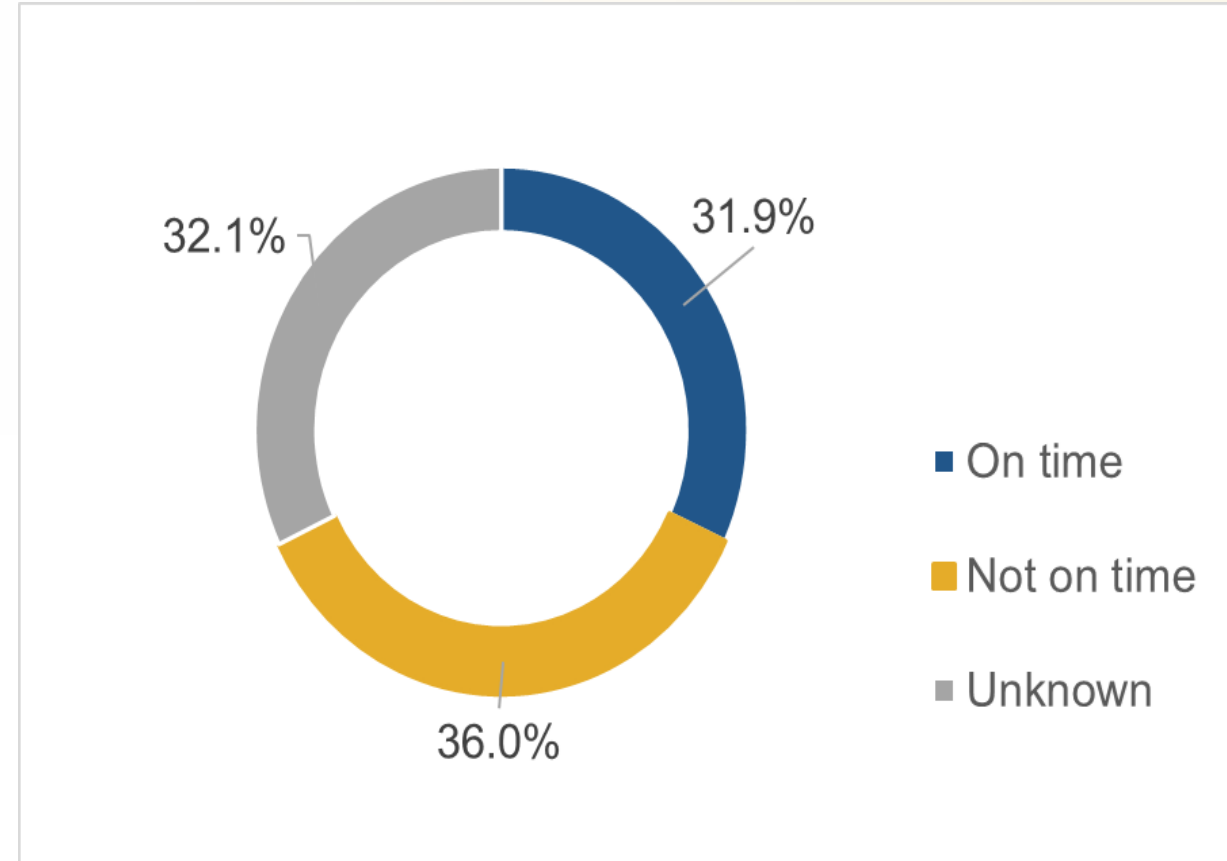
Disclosure of land information on local governments' websites/portals

➤ Disclosure of land information on local governments' websites/portals

- Searchability



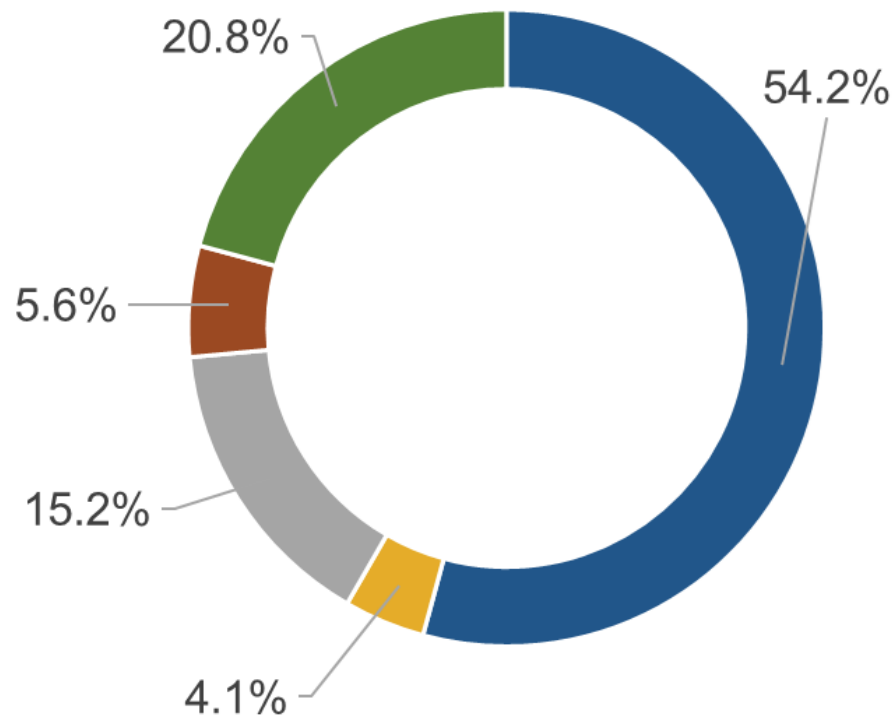
- Timeliness



Disclosure of land information on local governments' websites/portals

➤ 2021-2030 district-level land use master plan

- Completeness



■ 3 documents

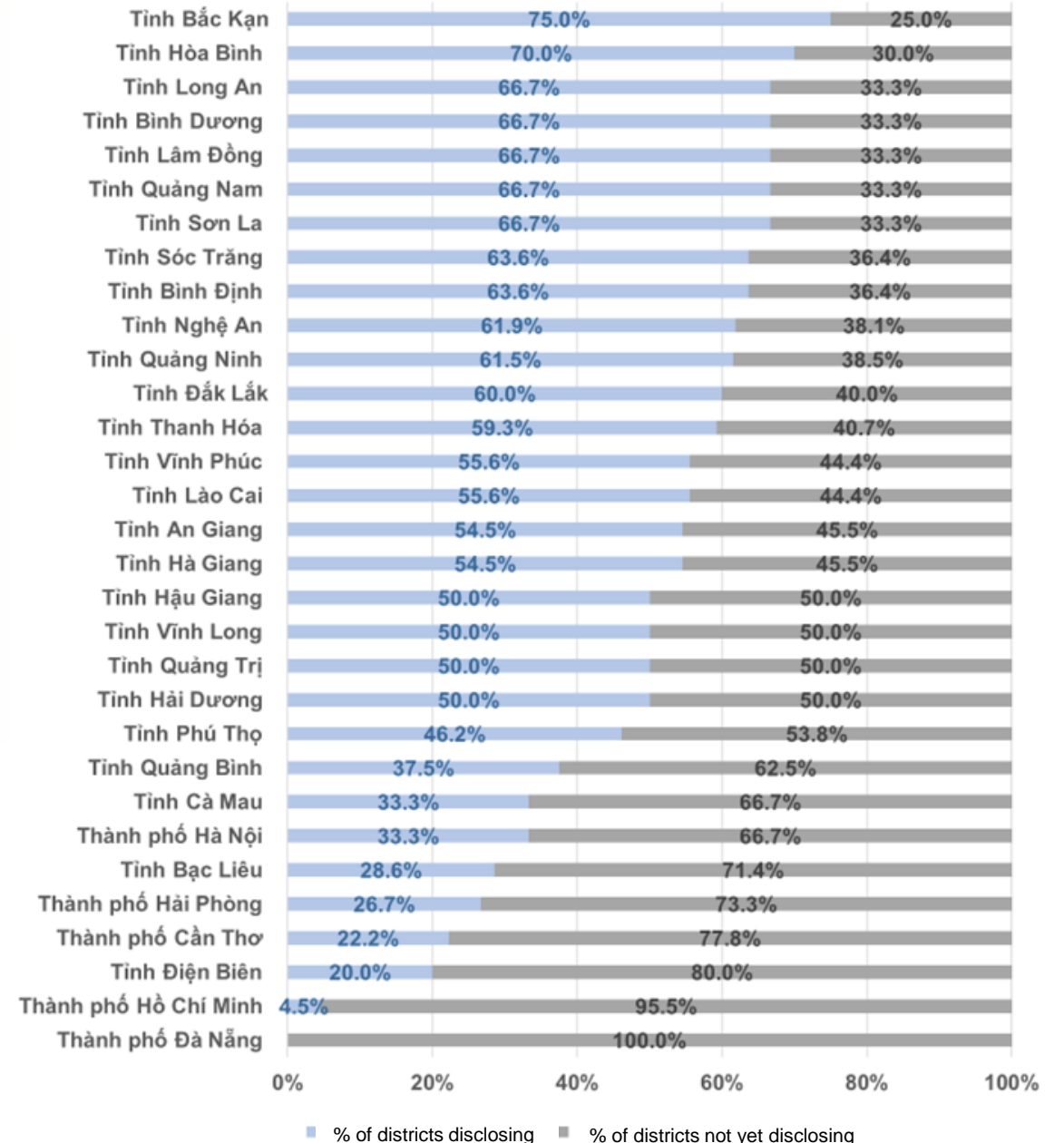
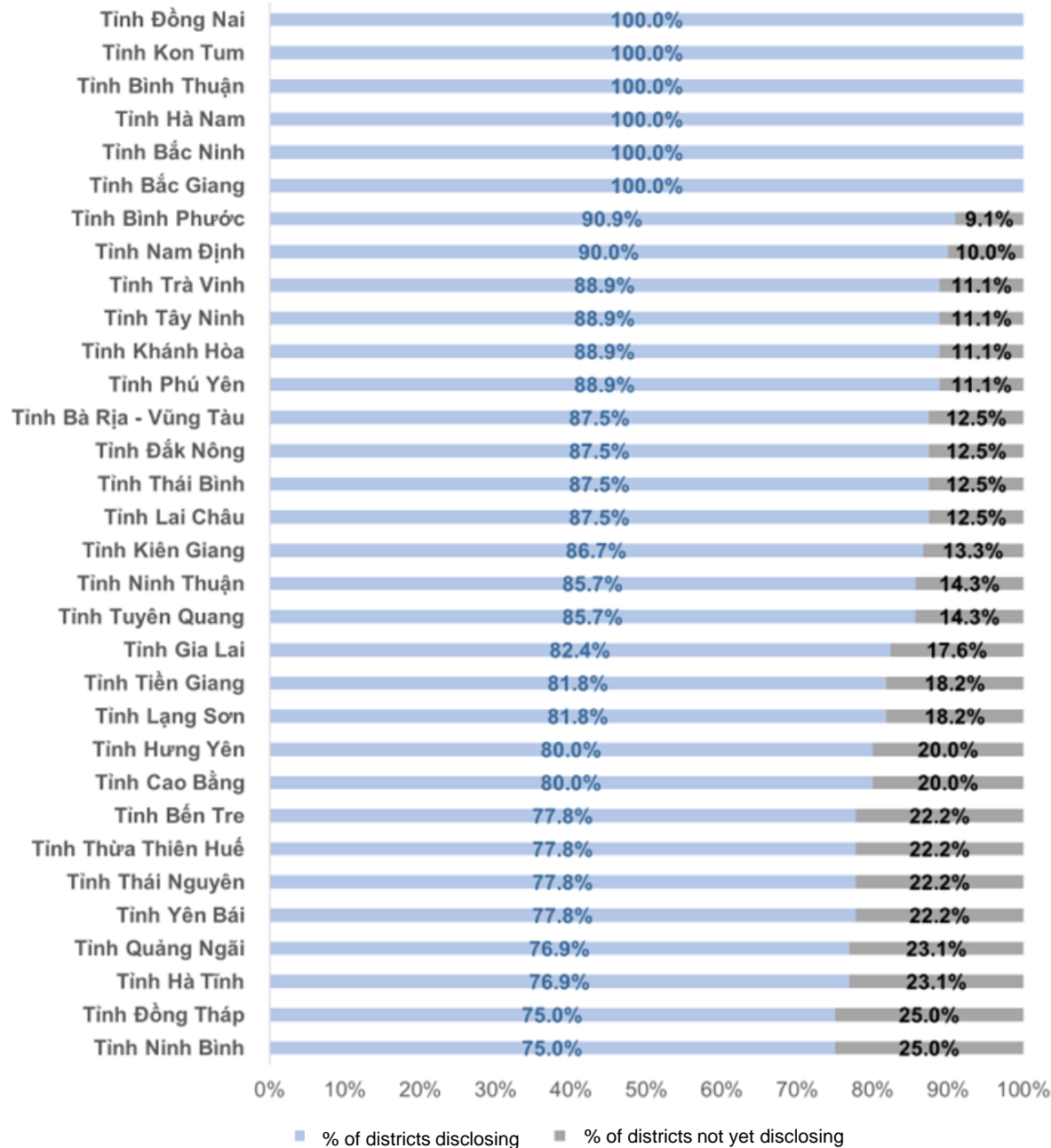
■ Approval decision and Synthesis report

■ Approval decision and Map of land use master plan

■ Synthesis report and Map of land use master plan

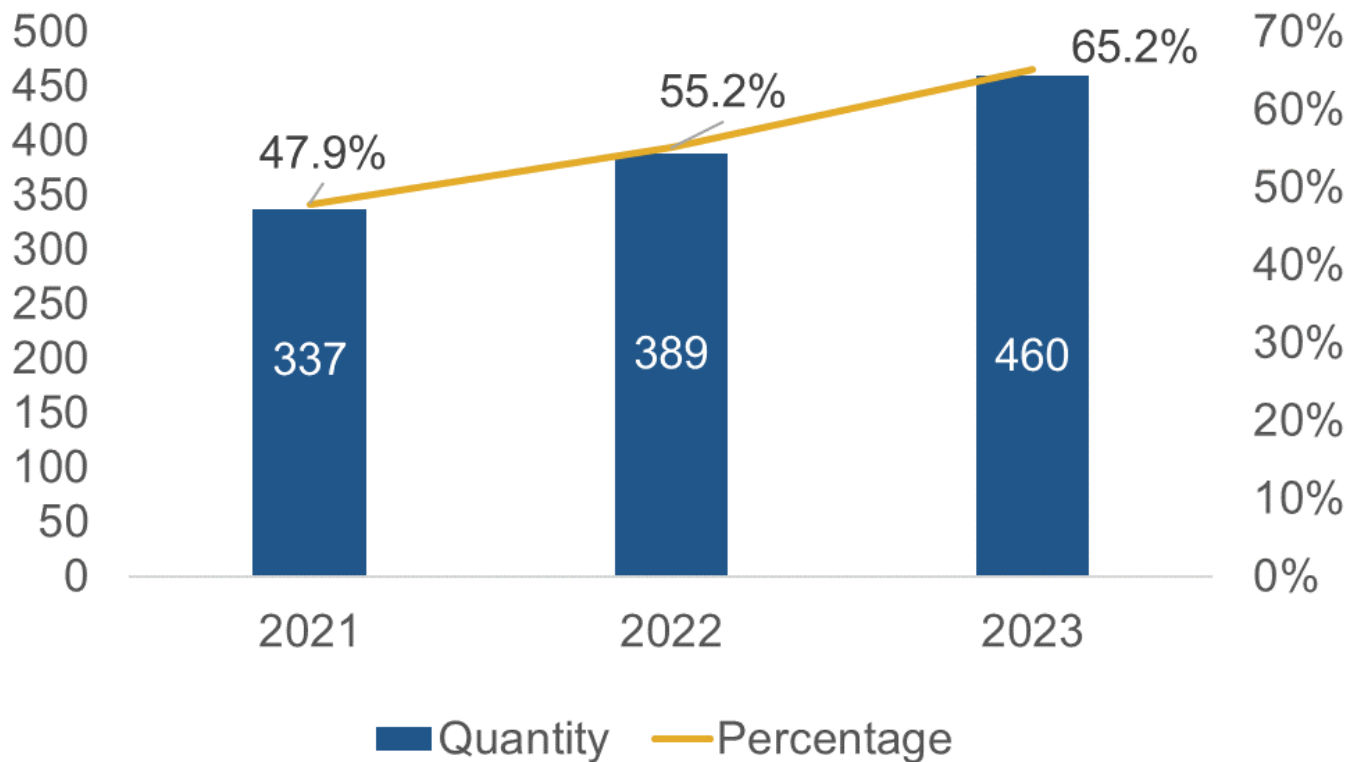
■ 1 document

➤ Percentage of districts that have disclosed the 2021-2030 district-level land use master plan



Disclosure of land information on local governments' websites/portals

➤ 2023 district-level annual land use plans

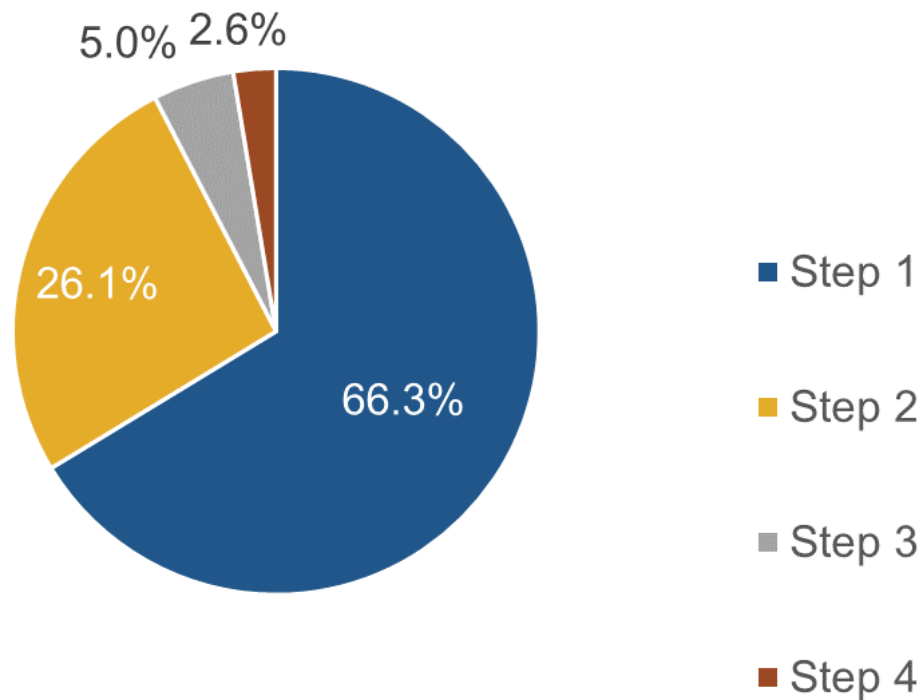


- 245/705 agencies were recorded as having not disclosed the 2023 land use plans on their portals/websites
- 06 dossiers were not recorded as they were disclosed after Oct 6, 2023

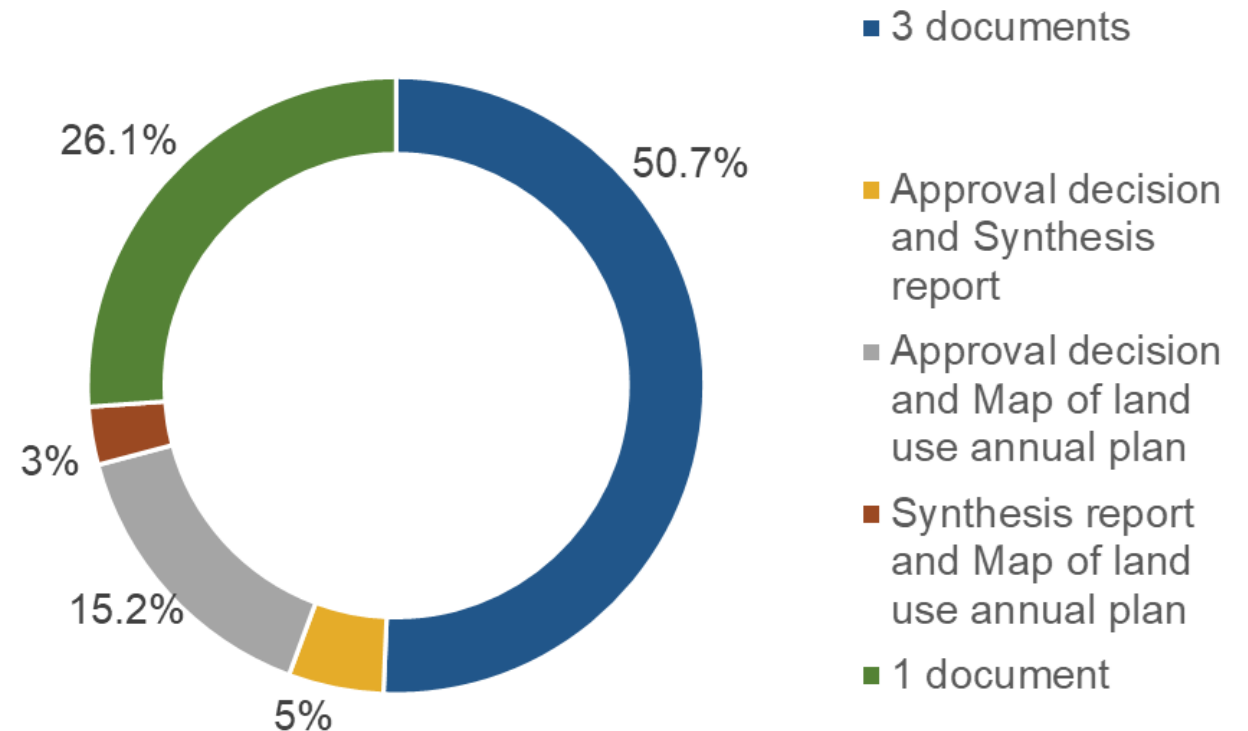
Disclosure of land information on local governments' websites/portals

➤ 2023 district-level annual land use plans

• Searchability



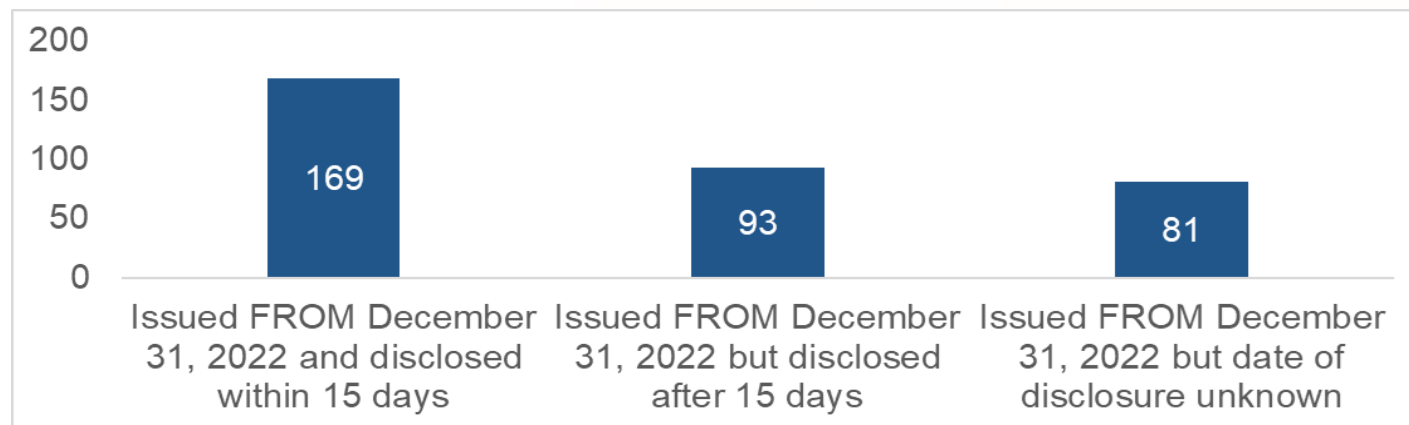
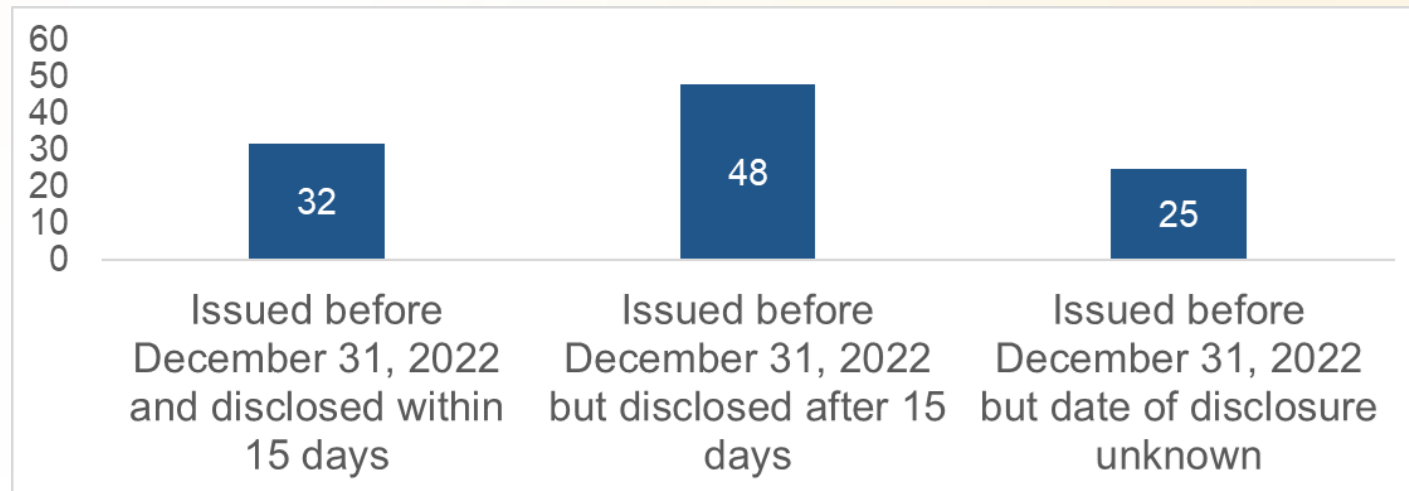
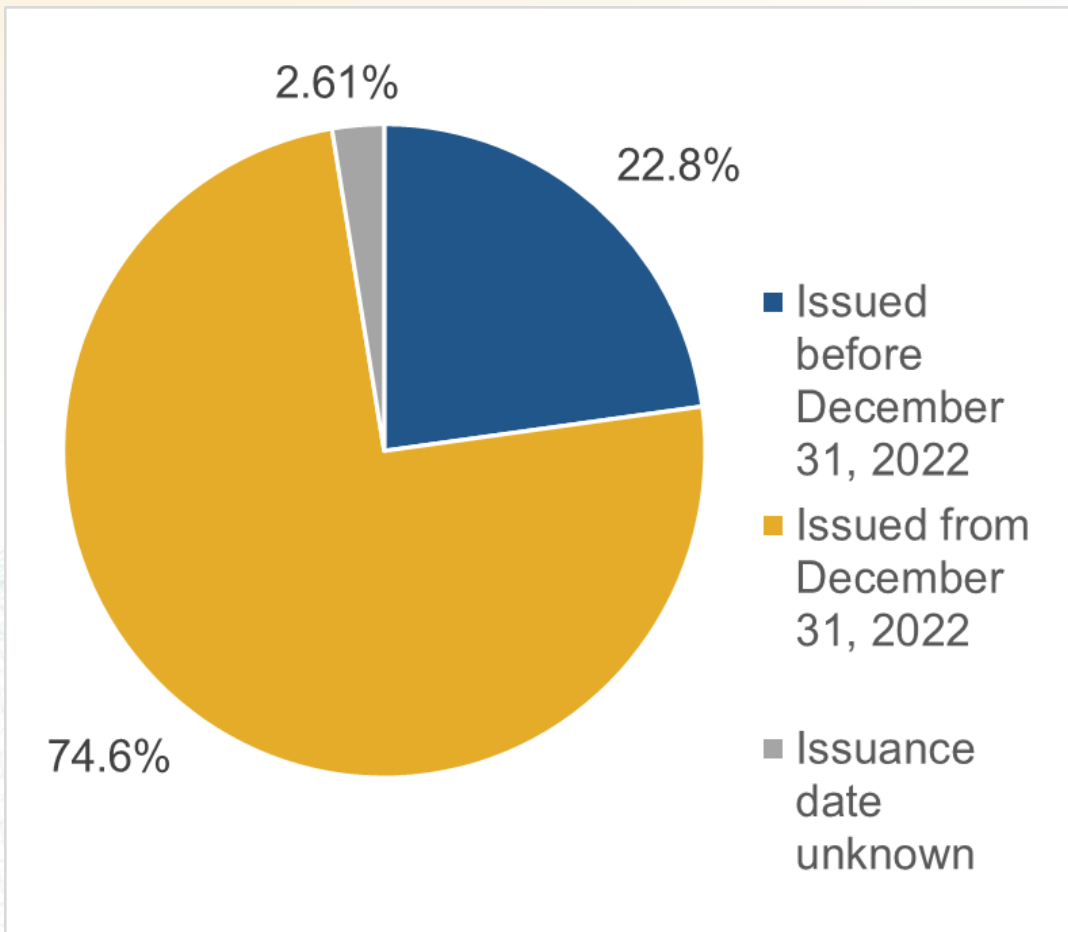
• Completeness



Disclosure of land information on local governments' websites/portals

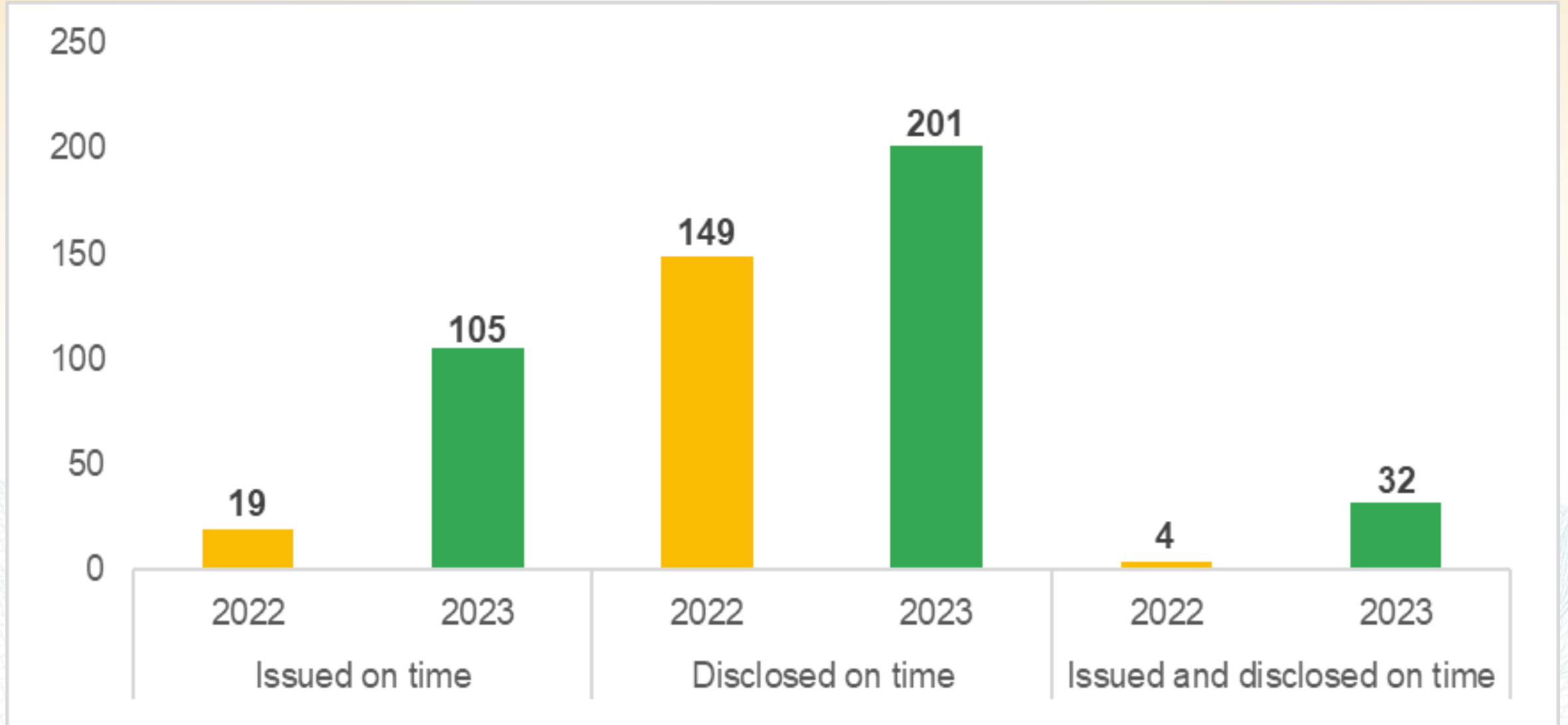
➤ 2023 district-level annual land use plans

- Timeliness

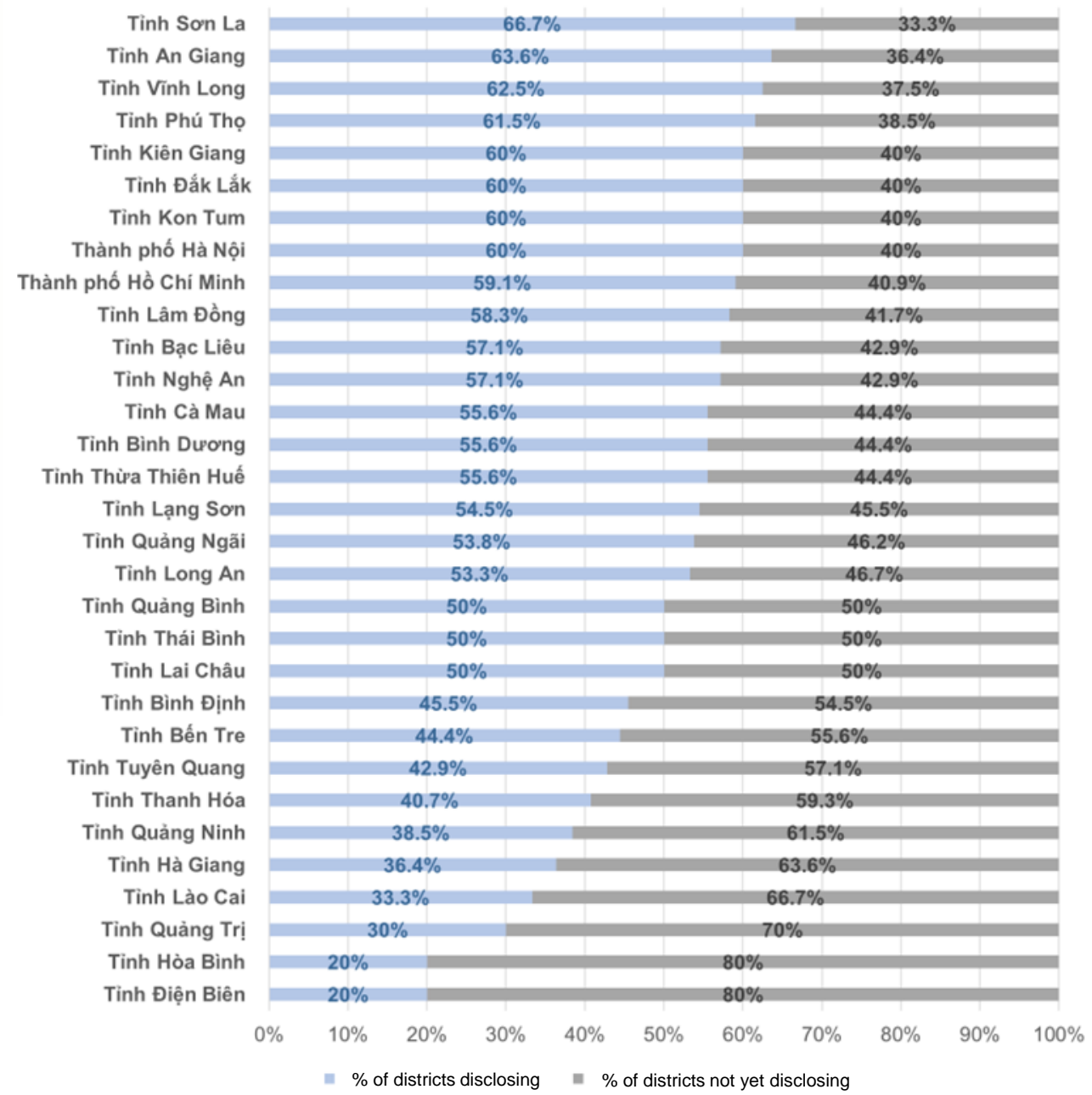
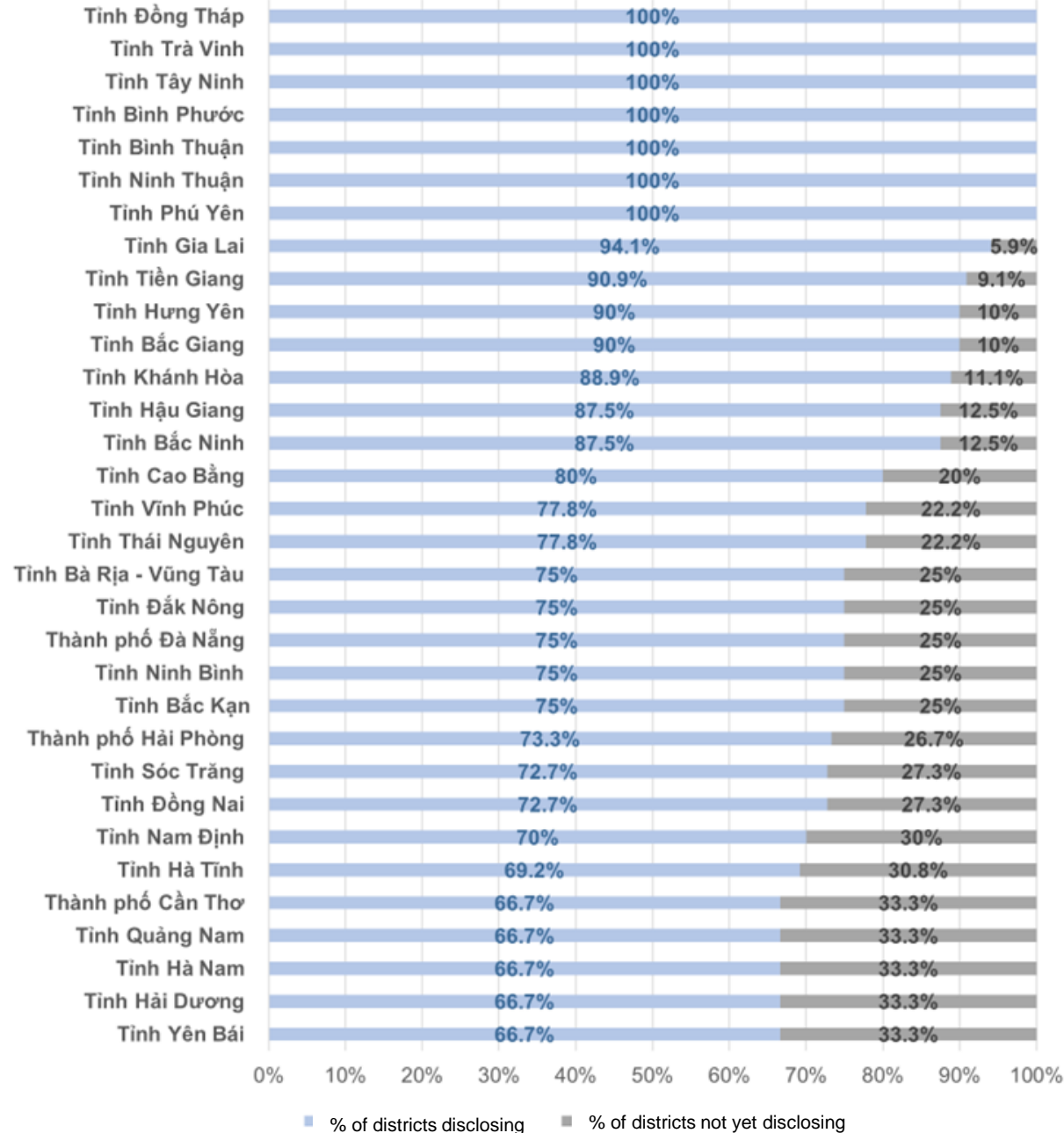


➤ *2023 district-level annual land use plans*

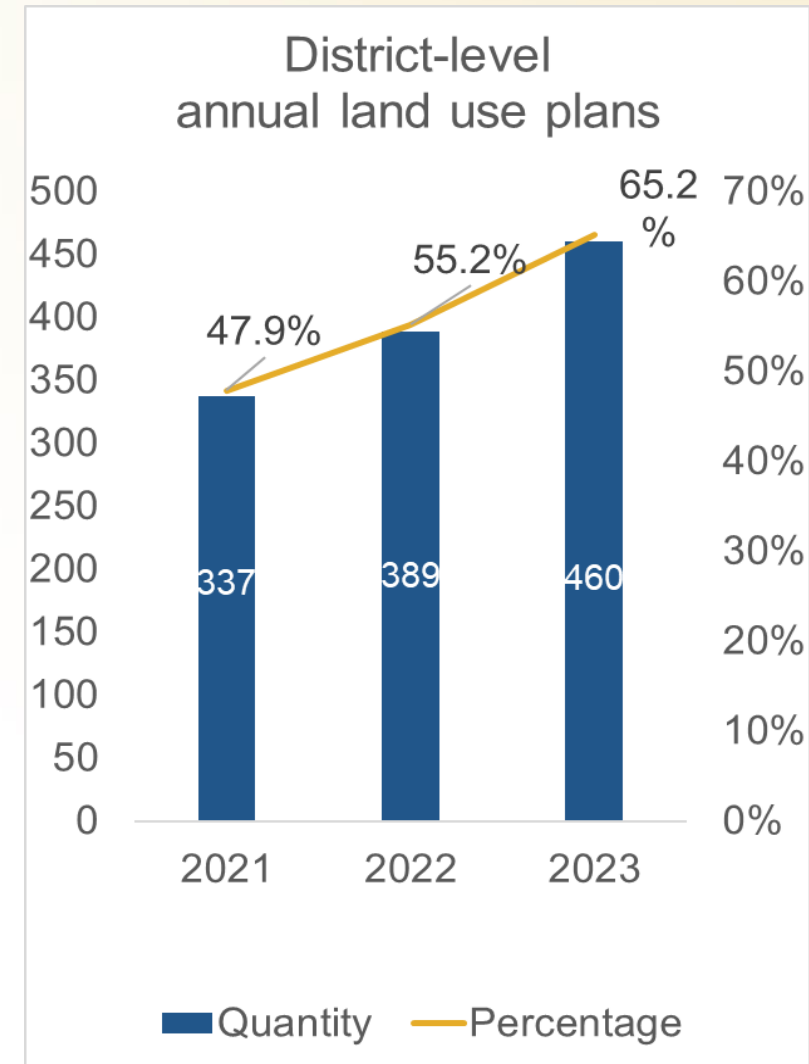
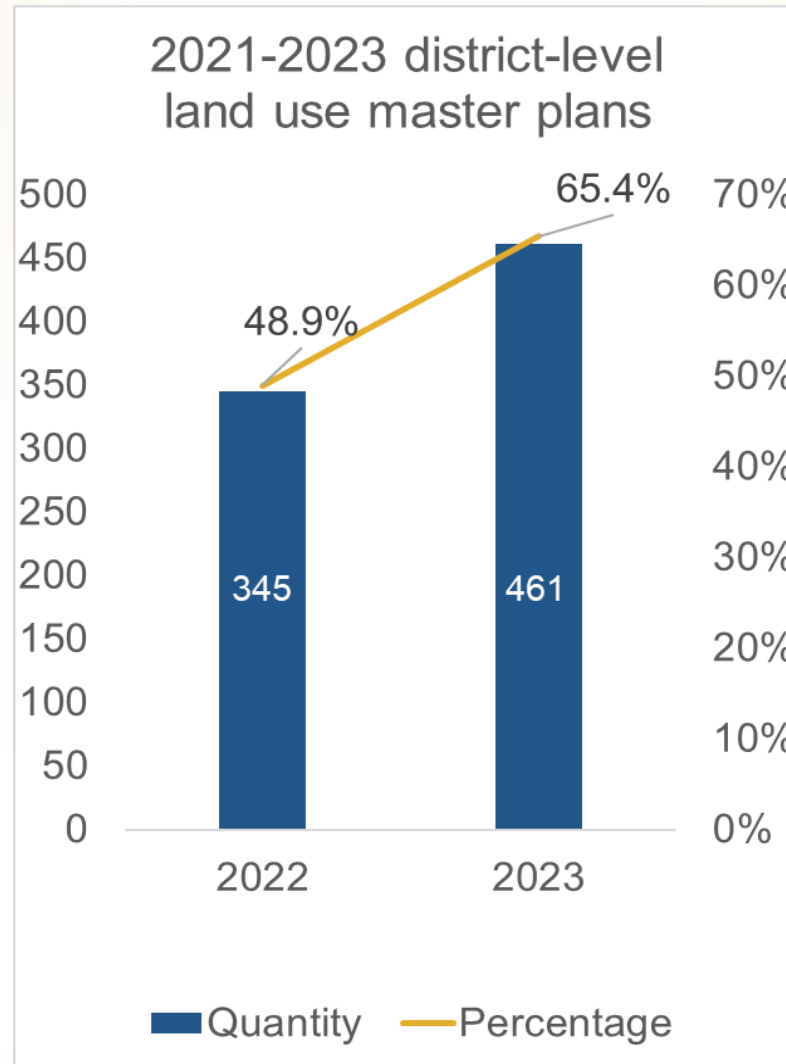
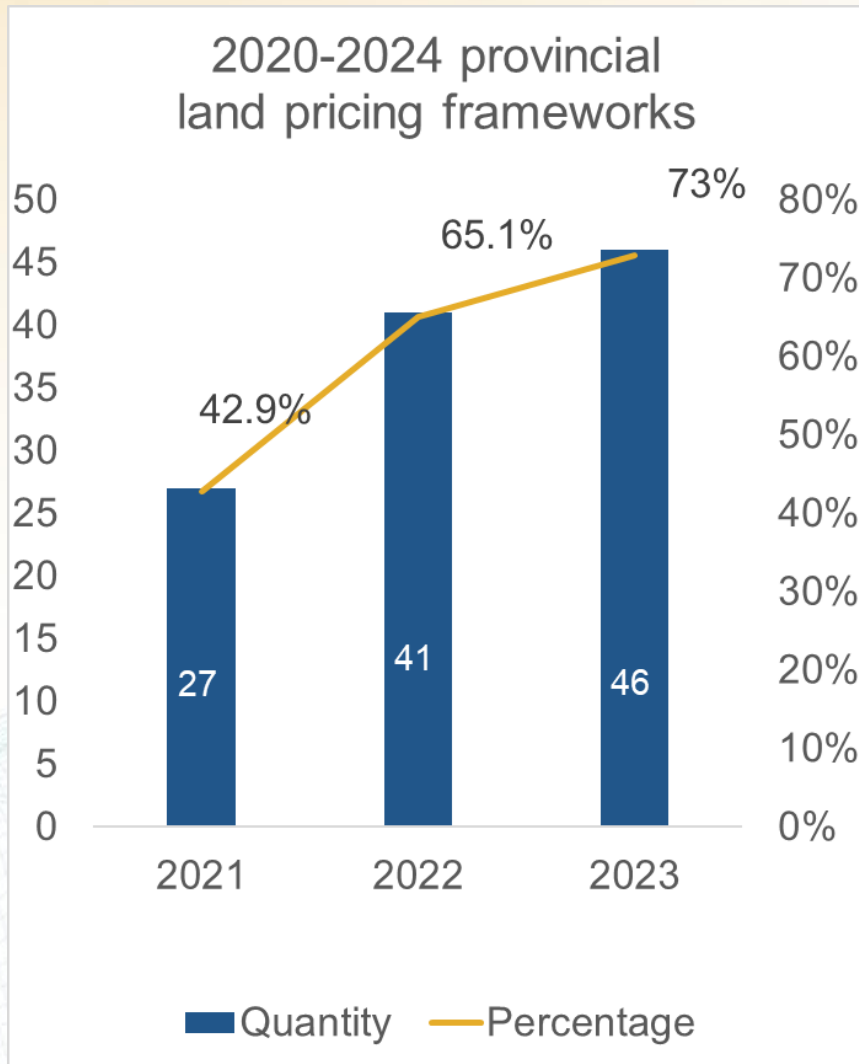
- Timeliness



➤ Percentage of districts that have disclosed the 2024 district-level annual land use plan online



Overview of the disclosure of land information on local governments' websites/portals – 3 rounds of review



Experiment with sending requests for information

561 letters sent to the Offices of People's Committee/Council at the district level

(the rest 144 in control group)

133 provided information (23.7%)

06 rejected the requests (1.1%)

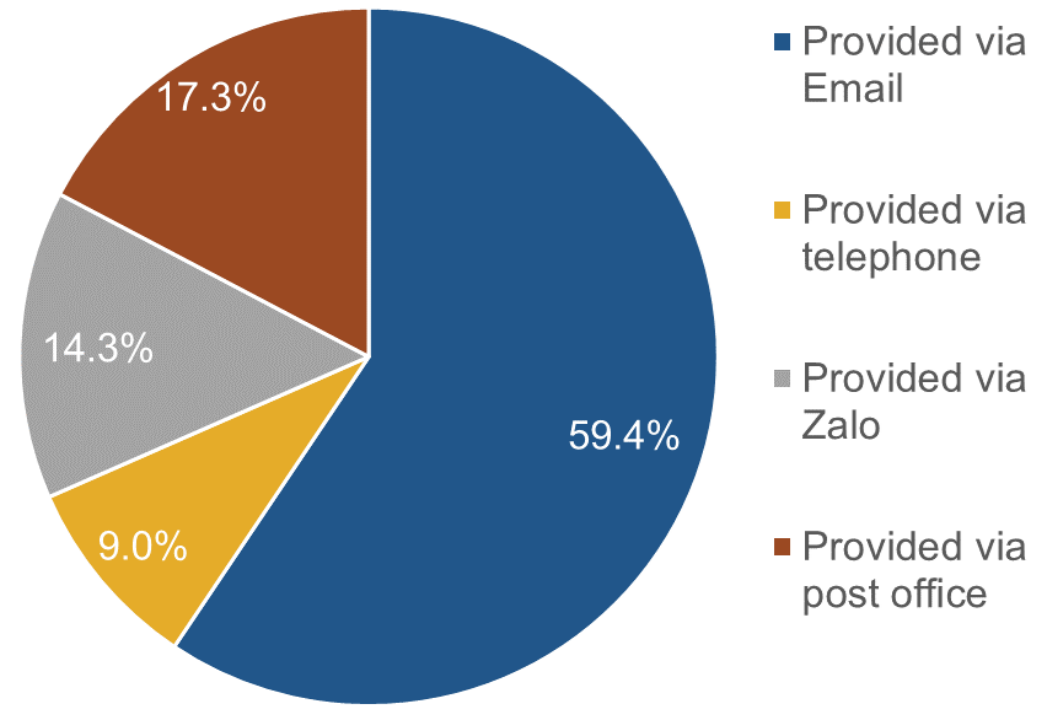
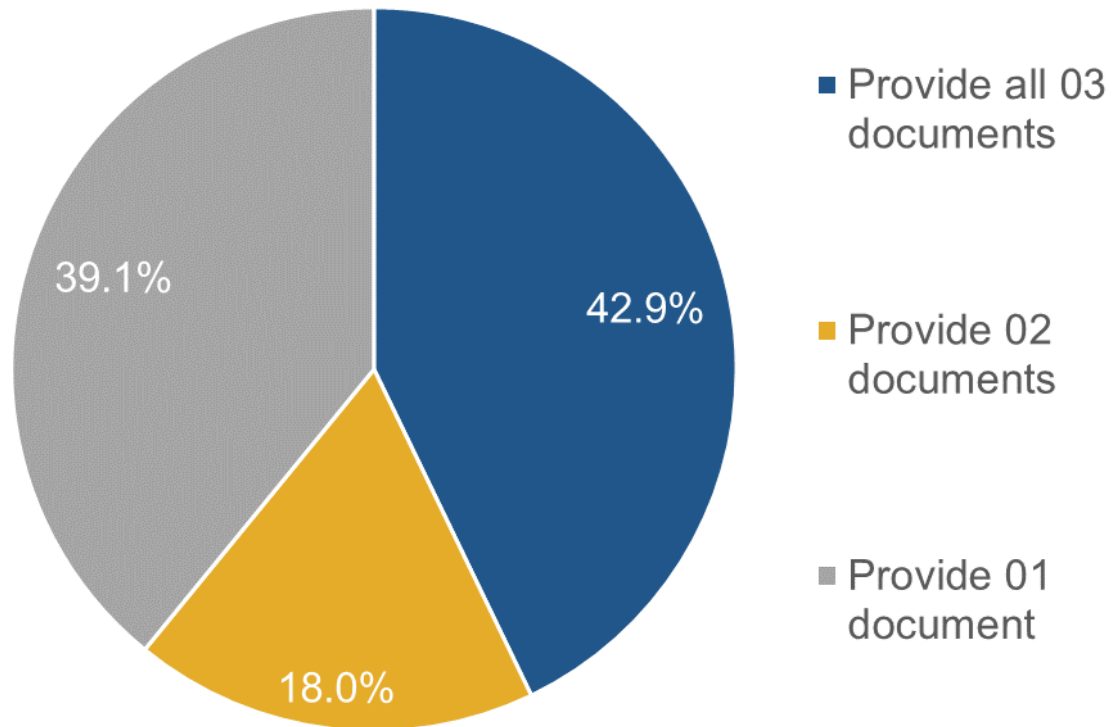
30 responded but did not provide information (5.3%)

381 were unresponsive (67.9%)

11 letters returned (2%)

Experiment with sending requests for information

133/561 agencies provided information



Experiment with sending requests for information

06 agencies rejected the requests

Reasons provided

- The information requested has already been disclosed according to Point 1. b, Article 28, 2016 Law on Access to Information
- The purpose of the information request is unclear, and an official letter is required
- The form and content of the request letter for information did not follow the regulations in Circular 34/2014/TT-BTNMT of the Ministry of Natural Resources and Environment

Forms of rejection

- 05 written responses:
 - 03 responded with the form of Notice of Rejection to provide information (Form 05 Decree 13/2018/NĐ-CP)
 - 02 responded with official letters
- 01 responded via telephone

Experiment with sending requests for information

30 responses of other types

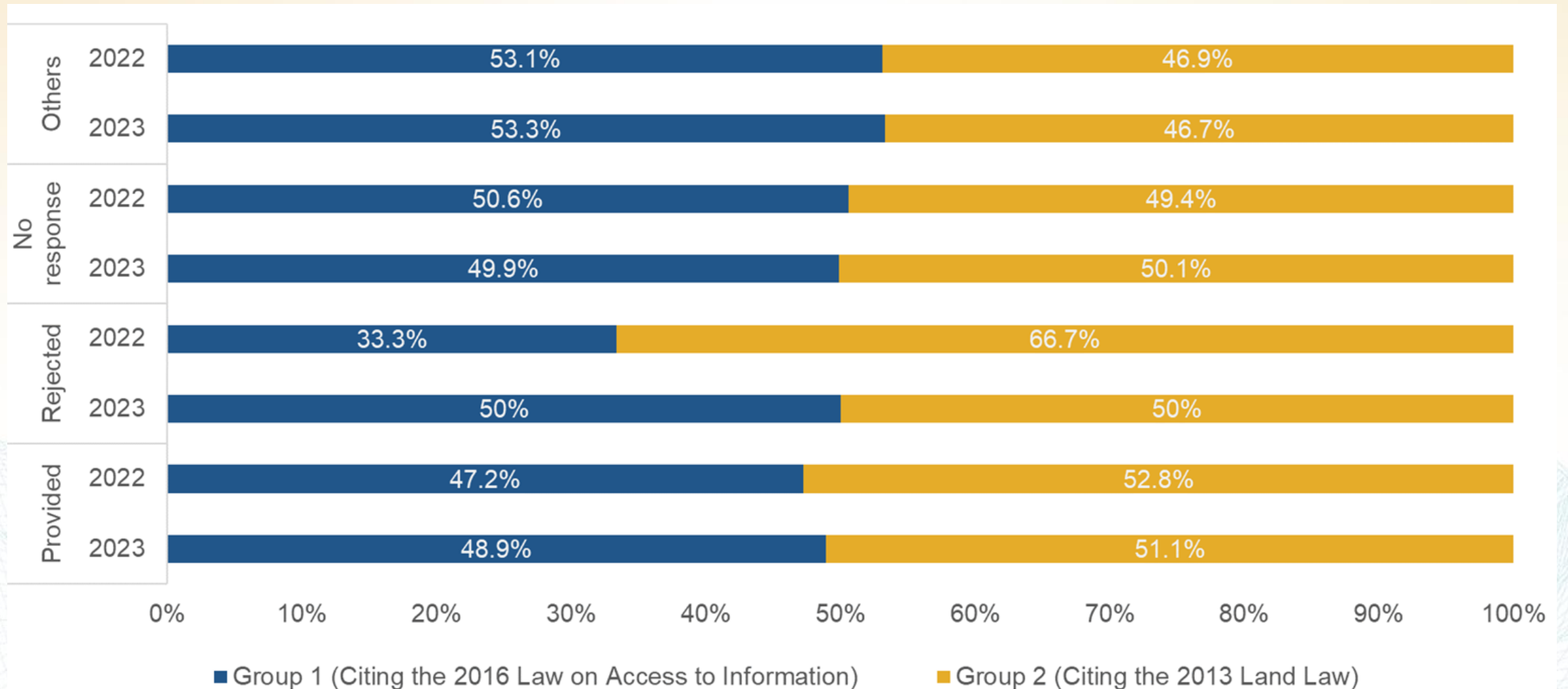
- Notice of forwarding the request to other responsible agencies for follow-ups
- Confirmation of providing the requested information (but no responses were received)
- Request for further information from the requesters
- Notifying that the information requested has already been disclosed on the portal (but no documents were found)
- Invitation to an official meeting with representatives from the agency
- Request the requesters to contact competent authorities according to Circular No. 34/2014/TT- BTNMT

11 letters returned

- Reason: The District People's Committee security guard refused to receive the letter because there was no specific recipient's name.

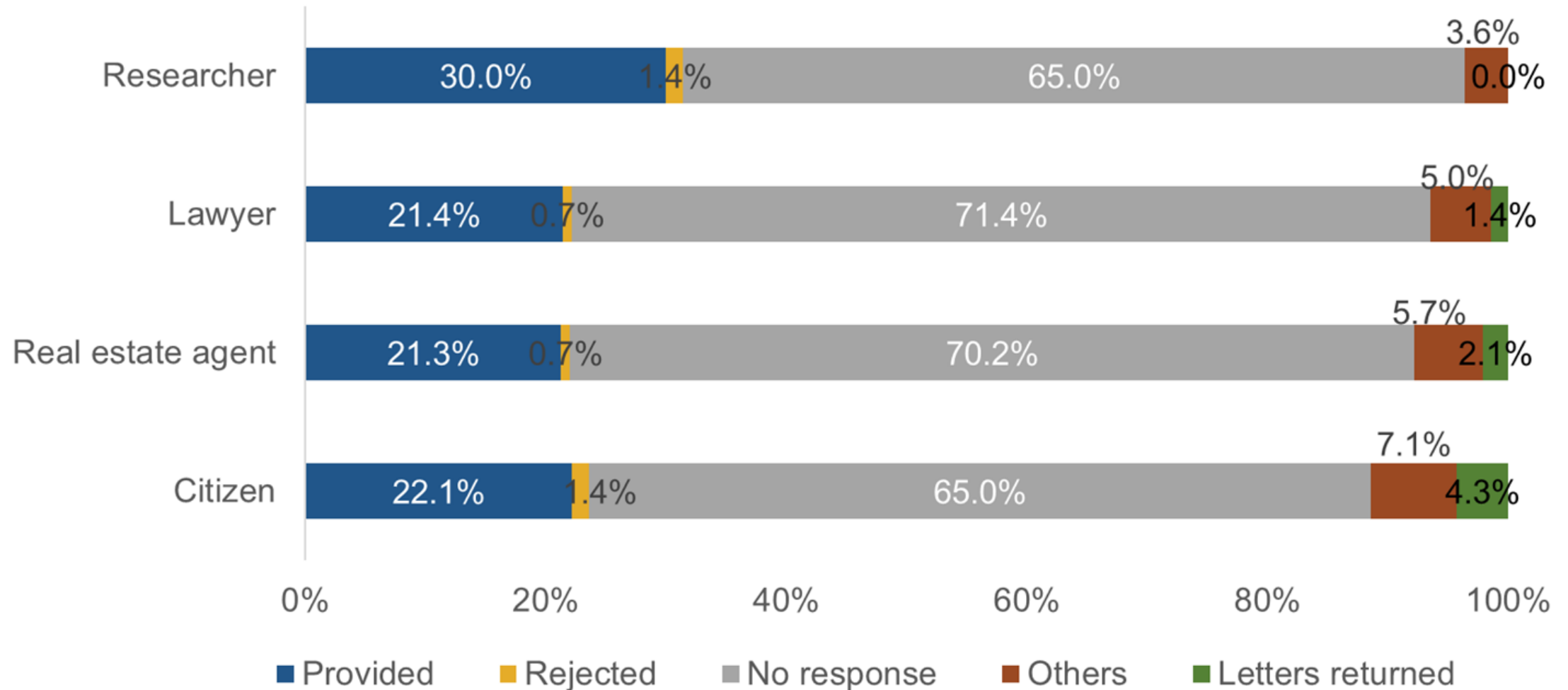
Experiment with sending requests for information

➤ Citing the 2016 Law on Access to Information vs Citing the 2013 Land Law



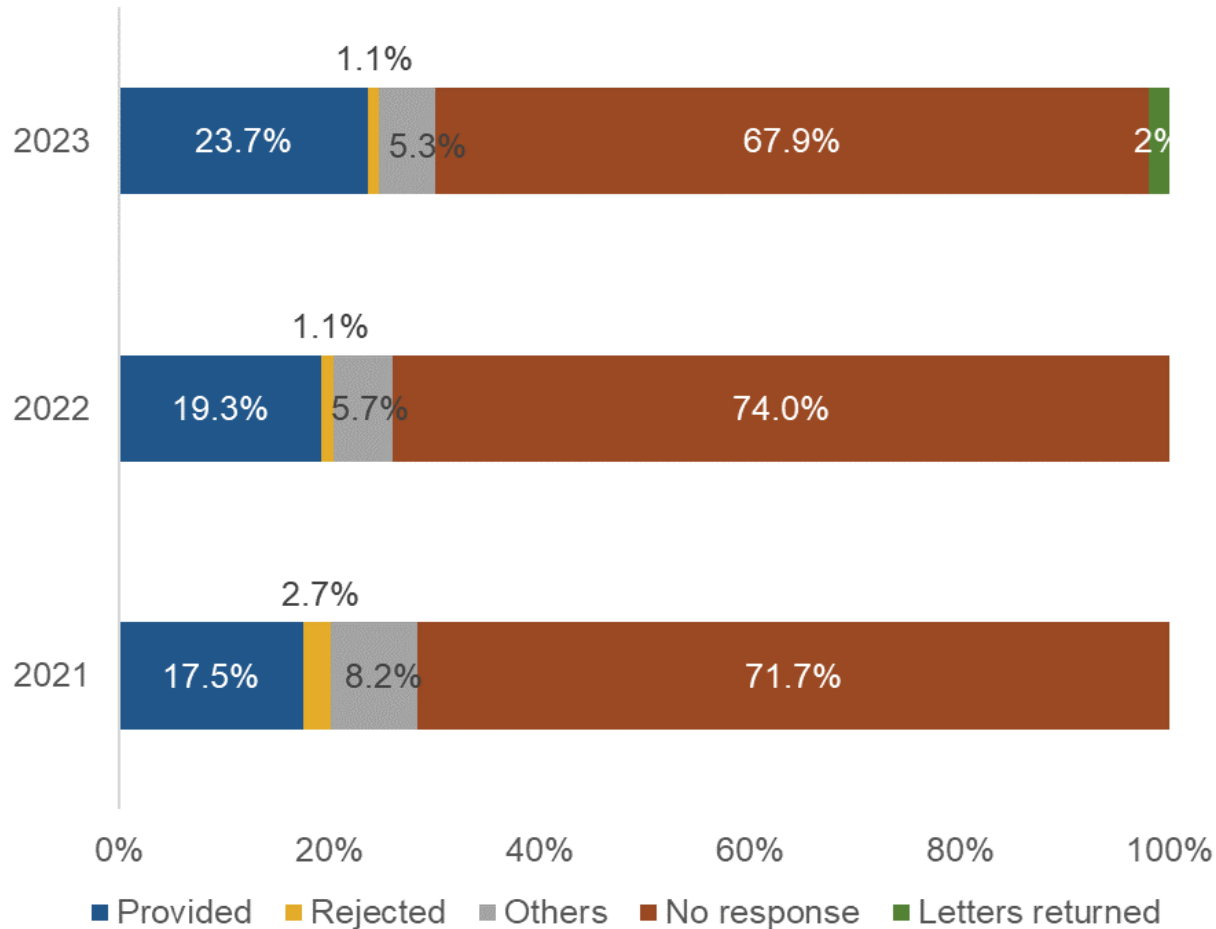
Experiment with sending requests for information

➤ Response rate according to sender roles



Experiment with sending requests for information

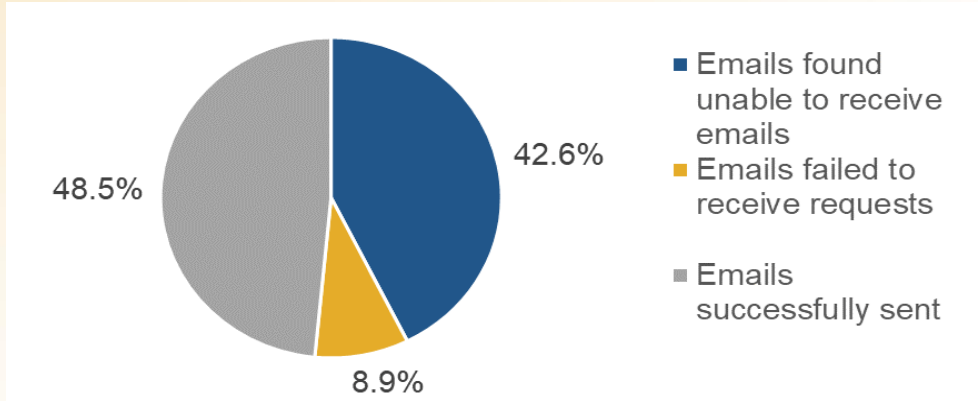
➤ Comparison of the results of the 3 reviews



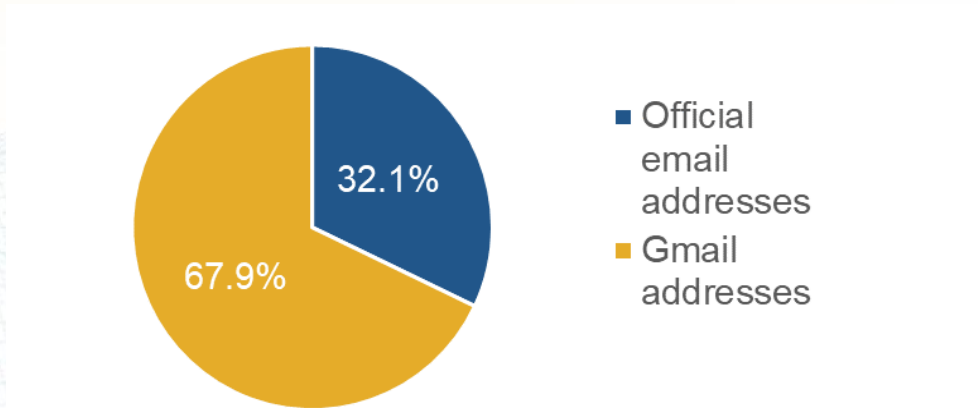
	Receipt of the request for information	Resolution of the request for information	Notice of Rejection	Notice of Extension	Response letters in forms other than forms provided in Decree 13/2018/NĐ-CP
2022	0	7	1	0	62
2023	2	8	3	1	71

Communication with state agencies via email

- Sharing the results of the second review via email to 705 district-level People's Committees whose websites/portals were reviewed:



Ability to communicate with district-level People's Committees via email addresses publicized on their websites/portals



Response rate divided by the use of official email addresses and Gmail addresses of civil servants

	Total number	Official email address	Gmail address
Emails found	685	625	60
Emails found unable to receive emails	292	285	7
Emails which an information request was sent to	393	340	53
Emails failed to receive requests	61	61	0

4. Recommendations



Develop and improve legal regulations

- Include the procedure for information provision upon request in the current set of administrative procedures of all sectors and fields (including land administration) and issue specific guidance documents.
- Impose sanctions to handle violations in cases where People's Committees at all levels do not properly and fully fulfill their responsibilities of information disclosure.
- Stipulate that the interfaces, sections, and information-disclosing approaches be developed systematically across all government web portals; Consider synchronizing websites/portals of government agencies at all levels.



More effective enforcement of current laws and policies

- Continue to disseminate the 2016 Law on Access to Information 2016, Decree 13/2018/NĐ-CP, and Decree 42/2022/NĐ-CP to and provide training on the law implementation for public officials and civil servants as well as for citizens, especially regulations related to the process and procedures for disclosing information and providing information upon 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.

More effective enforcement of current laws and policies

- Develop web portals that ensure efficiency in searching and accessing information and follow user-friendly and user-first approaches.
- 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.



5. Introduction of the land information portal



<https://congkhaithongtindatdai.info/>