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Governance and Participation

A Series of Policy Discussion Papers

2023 REVIEW OF LOCAL GOVERNMENTS' PERFORMANCE IN DISCLOSURE OF 10-YEAR LAND USE MASTER PLANS, ANNUAL LAND USE PLANS AND PROVINCIAL LAND PRICING FRAMEWORKS

The third report in the series of “Annual action research
to enhance citizen’s access to land information in Viet Nam”
jointly conducted by

the United Nations Development Programme (UNDP) in Viet Nam,
the Center for Education Promotion and Empowerment of Women (CEPEW)
and Real-Time Analytics (RTA)

Ha Noi, June 2024

The series of Governance and Participation Policy Discussion Papers is commissioned by the Governance and Participation Team at the United Nations Development Programme (UNDP) in Viet Nam.

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

Three principles that guide the production of these policy discussion papers involve (i) empirical research, (ii) academic rigor and independence of analysis, and (iii) social legitimacy and a participatory process. This involves a substantive research approach with a rigorous and systematic identification of policy options on key public administration reforms and anti-corruption issues.

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United Nations
Development Programme

304 Kim Ma, Ba Dinh, Ha Noi, Viet Nam

Tel: +84 4 38500 100

Fax: +84 4 3726 5520

Email: registry.vn@undp.org

Center for Education Promotion &
Empowerment of Women (CEPEW)

2nd Floor, No. 1, Lane 7, Nguyen Hong, Ba Dinh,
Hanoi, Vietnam

Tel: +8424 3574 5999

Email: info@cepew.org.vn

Real-Time Analytics
(RTA)

Unit 1101-02, 11th Fl., Citilight Tower,
45 Vo Thi Sau, Ho Chi Minh City

Tel: 028 6684 6530

Email: info@rta.vn

RESEARCHERS

Ngo Thi Thu Ha

Tong Khanh Linh

Lai Thi Lan Vy

Ho Nguyen Kieu Mai

(Center for Education Promotion & Empowerment of Women)

Nguyen Thanh Phuong

Nguyen Thi Thu Huong

Pham Hai Binh

Khuat Hanh Mai

Pham Nguyen Hang Van

Nguyen Thi Thuy Dung

Nguyen Dieu Linh

Vo Thi Quynh Tram

Pham Thi Thuy Lan

Pham Vu Quynh Anh

Nguyen Kieu Minh

Nguyen Thi Huyen Trang

(Research collaborators)

Tran Dai Lam

Le Dang Trung

(Real-Time Analytics RTA)

and

Do Thanh Huyen

(United Nations Development Programme, Vietnam)

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LIST OF ACRONYMS

ATI	Access to Information
CEPEW	Centre for Education Promotion and Empowerment of Women
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 Committees
EI	Electronic information
PAPI	Provincial Governance and Public Administration Performance Index
PLLPF	Provincial-level Land Pricing Framework
POL	Provision of Information
RFI	Request for information
RTA	Real-Time Analytics
UN	United Nations
UNDP	United Nations Development Programme

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The third Review of Local Governments' Performance in the Disclosure of Land Information is jointly conducted by the Centre for Education Promotion and Empowerment of Women (CEPEW) and Real-Time Analytics (RTA) under the technical oversight of the United Nations Development Programme (UNDP) in Viet Nam. The report aims to assess and analyze the practice of disclosing provincial land pricing frameworks, district-level land use master plans, and annual land use plans on the web portals of the government authorities which are responsible for disclosing this information.

We sincerely thank a visually impaired person who participated in the experiment of searching for Hanoi's land information with digital technology. The experiment results provide valuable insights for the research team to expand the scope of participants in future evaluations. For confidentiality reasons, we do not disclose the name of the visually impaired participant here.

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EXECUTIVE SUMMARY

The initiative “Empirical Research to Enhance Citizens’ Access to Land Information” has been jointly conducted by CEPEW, RTA and UNDP in Viet Nam since July 2021 in the context of land disputes continuing to be a heated issue in Viet Nam. The results of the two previous reviews suggest that the disclosure of land information, including provincial-level land pricing frameworks (PLLPFs), district-level land use master plans (DLLUMPs) for the period of 2021- 2030, and district-level annual land use plans (DLLUPs) has shown gradual improvement, yet at a slow pace. Comparing the results of the two reviews shows that the disclosure rate increased by only 22.2% for provincial land pricing frameworks, and 7.3% for DLLUPs, while the rate of non-response to requests for information (RFI) remained high at 74% in the second review versus 71.7% recorded in the first review. The slow improvement of land information disclosure on local governments’ e-portals may be one of the contributing factors to the low rate of citizens’ awareness of local land use plans, which stands at only 28.5%.

Following the first and second reviews, the research team carried out the third one 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, the third review continues to aim at supporting provinces across the country to increase citizens' ability to access land information in the digital environment, thereby contributing to mitigating land-related conflicts and improving land governance.

This study aims to achieve four specific objectives: (i) to review the disclosure of DLLUMPs, DLLUPs and PLLPFs in 63 provinces and centrally-run cities across the country (hereinafter referred to as provinces); (ii) to develop and maintain a portal compiling and systematizing public links to information on 10-year DLLUMPs, annual DLLUPs and PLLPFs officially published by local authorities at the provincial and district levels across the country; (iii) to experiment with sending requests for land information in line with the 2016 Law on Access to Information (LAI) and the 2013 Land Law; and (iv) to make recommendations on how to improve citizens’ access to land information in the digital environment.

The research team adopted three methods, including (i) searching for information on provincial-level land pricing frameworks for the period of 2020-2024 on the e-portals of all 63 provincial People’s Committees (PPC), 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 DLLUMPs up to October 6, 2023; (ii) experimenting with sending letters requesting information on 2023 DLLUPs to 561 among 705 offices of district People’s Committees (DPC) nationwide; and (iii) developing and maintaining a land information web portal at <https://congkhaithongtindatdai.info> as a place to share annual research results with policymakers and researchers systematically, as well as a bridge for citizens wishing to find the types of land information covered by this research.

The following are selected key research findings:

- The right of citizens to access land-related information and the processes for the government to publish land information is prescribed in the 2016 Law on Access to Information (LAI), the 2013 Land Law and related legal normative documents (LNDs). In particular, the timing and period for disclosure of the PLLPFs as well as DLLUMPs and DLLUPs are specified in Article 24 of the 2024 Land Law.

- The disclosure of PLLPFs for the period 2020-2024 on PPCs' e-portals has improved, as evident in the increase in the number of posts disclosing land information 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. Of the 46 PLLPF records found disclosed in the third review, 44 included the decisions of the PPCs issuing the PLLPFs (95.7%) and 2 included the resolutions of the provincial People's Councils approving the PLLPFs (4.3%).

However, while PLLPFs for 2020-2024 have been in place for almost four years, the disclosure rate of this information on PPCs' e-portals was only 73% as of October 06, 2023. This suggests that the disclosure of the land pricing framework has not met the timeliness requirement under the 2013 Land Law, which requires the disclosure of PLLPFs to be made on January 01 of the first year of the period, which is January 1, 2020.

- The disclosure of DLLUMPs for the period of 2021 - 2030 has also improved since the second review. In the second review, the research team only found this information 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 reviewed DPCs (65.4%). Compared to the second review, the rate improved by 16.5% (116 additional records). 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 e-portals.
- The rate of DLLUPs found on DPCs' web portals has continuously increased through the three reviews. In the first review, the research team only found the 2021 DLLUPs on 337 PPCs' e-portals (47.9%). In the second review, the 2022 DLLUPs were found on 389 DPCs' web portals (55.2%). In the third review, the 2023 DLLUPs 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.

100% of DPCs in seven provinces, including Dong Thap, Tra Vinh, Tay Ninh, Binh Phuoc, Binh Thuan, Ninh Thuan and Phu Yen disclosed this information on their web portals. DPCs of Hoa Binh and Dien Bien provinces showed the lowest information disclosure rate at only 20%.

- The provision of DLLUPs 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 shown improvements after three reviews. The rate of information provision tends to increase, while the denial rate decreases. In the third review, the proportion of government authorities providing information increased by 6.2% compared to that of the first review. Meanwhile, the refusal rate decreased from 2.7% in the first review to 1.1% in both the second and third reviews. Besides, while refusing to provide information, the government authorities did use the forms provided in legal documents on access to information to respond to the requesters. This suggests that there has been a positive change in the mindset and approach of civil servants in charge of information provision compared to the previous two reviews. However, the rate of unanswered requests remained high, suggesting that additional efforts are needed to promote people's access to information.
- Visually impaired individuals face numerous difficulties in accessing land information in their localities. These difficulties do not stem from the individuals themselves but from the ineffective search tools on electronic portals/websites or the documents being uploaded in scanned format rather than Word format, making it impossible for visually impaired individuals to read the information using assistive software.

Following are some key implications for law and policy improvements, as well as for more effective enforcement of the existing legislation:

- Include the procedure for information provision at the request of citizens in the current set of administrative procedures for all relevant areas (including land-related areas) and issue-specific guidance documents.
- Develop a mechanism for assessing the disclosure of information and sanctions for handling violations in cases where the relevant authorities fail to properly and fully fulfill their responsibilities for the disclosure of information, including land information.
- Develop specific guidelines to avoid the misuse of Article 13 of Circular 34/2014/TT-BTNMT to deny access to information. Article 13 of this Circular stipulates cases of non-provision of data, including cases where "the purpose of data usage is not suitable as prescribed by law." Given the wide variety of land information, setting requirements to use the information may be appropriate, but only in cases of conditional access. Nevertheless, the purpose of use should not be used as grounds to reject a request for information where such information is required to be disclosed, such as land pricing frameworks, land use master plans, and annual land use plans.
- Stipulate that government agencies are obliged to provide upon request the information for which they are responsible for disclosing.
- Stipulate that the interfaces, structure of information sections, and modes of information disclosure be developed in a standardized and consistent manner across all state agencies' e-portals. Consider building standardized e-portals for People's Committees at all levels. Additionally, it is necessary to introduce mandatory regulations for upgrading these portals/websites to WCAG 2.2 standards (Web Content Accessibility Guidelines 2.2)¹ instead of the current WCAG 1.0 standards.
- Supplement mandatory provisions regarding accessibility of information and communication products and services during public procurement activities, including portals/websites. Accessibility for vulnerable groups, including persons with disabilities, must be considered from the design phase of these portals/websites and continually improved during their upgrading processes.
- Continue to disseminate and provide training on the 2016 LAI, Decree No. 13/2018/NĐ-CP and Decree No. 42/2022/NĐ-CP to public officials and civil servants as well as to citizens, especially regarding regulations on the processes 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 in accordance with the provisions of Article 19 of the 2016 LAI to facilitate citizens' ease of access. Formulate and publicize regulations on access to information; assign and publicize contact details of focal points for information provision.
- Develop web portals to ensure efficiency in searching and accessing information, adopting user-friendly, user-centered approaches. *Firstly*, it is important to adopt necessary technical measures to ensure that the disclosed information remains constantly 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.

¹ Refer to: <https://www.w3.org/TR/WCAG22/>

INTRODUCTION

Backgrounds

The initiative “Empirical Research to Enhance Citizens’ Access to Land Information” has been jointly conducted by CEPEW, RTA and UNDP since July 2021 in the context of land disputes continuing to be a heated issue in Viet Nam. Complaints, denunciations, petitions and requests in relation to land management, including land acquisition, compensation, resettlement and site clearance under development projects accounted for over 69.5% of all administrative complaints.² The initiative was launched to assess the citizens’ ability to access land-related information posted on web portals of government authorities across 63 provinces, in the context of strong efforts being made by the Government of Viet Nam to promote the process of digital transformation.

After the first review (in 2021-2022) and the second review (in 2022-2023), the performance in disclosing land information, including PLLPFs for the period 2020 - 2024, DLLUMPs for the period of 2021- 2030, and annual DLLUPs have shown gradual improvement, yet at a slow pace. Comparing the results of the two reviews shows that the disclosure rate increased by only 22.2% for PLLPFs, and 7.3% for DLLUPs, while the rate of non-response to requests for information remained high at 74% in the second review versus 71.7% in the first review. The slow improvement of land information disclosure on local governments’ e-portals may be one of the contributing factors to the low rate of citizens’ awareness of local land use plans, which stands at only 28.5%.³

Following the results of the first two reviews, the three implementing partners jointly conducted the third review (in 2023 - 2024) in the context of the draft revised Land Law being under discussion and revision, and the 2022 Law on the Implementation of Grassroots Democracy officially coming into effect from July 1, 2023. In addition, the Government adopted an Action Plan for implementation of Resolution No. 18-NQ/TW of the 5th Plenum of the 13th Party’s Central Committee on “*Continued reforms and improvements of institutions and policies to enhance the effectiveness of land management and use, creating needed drivers to turn Viet Nam into a high-income, advanced economy*”.⁴ The Resolution specifies a task of “*promoting digital transformation in land management and use; timely development of national land information systems and database; ensuring management, operations, connection and sharing of information in a centralized and consistent manner across all levels; and ensuring that all citizens have access to information on management, planning and use of land*”.⁵

Research Objectives

The research assessing the performance of land information disclosure on web portals of government authorities has been conducted on an annual basis since 2021 to support provinces across Viet Nam to enhance citizens’ access to official land information in the digital environment, thereby contributing to mitigating land disputes and improving land governance. To this purpose, the research team identifies four specific objectives of the research, namely:

- Reviewing the disclosure of information on DLLUMPs, DLLUPs and PLLPFs in 63 provinces across Viet Nam;

² 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-tang-tranh-chap-kinh-te-705290>,

³ CECODES, CFF-CRT, RTA & UNDP (2023). The 2022 Provincial Governance and Public Administration Performance Index (PAPI): Measuring Citizens’ Experiences, <<https://papi.org.vn/bao-cao/>>

⁴ Action Plan adopted together with Resolution No.37/NQ-CP dated March 17, 2023.

⁵ See: <https://xaydungchinh sach.chinhphu.vn/toan-van-nghi-quyet-so-37-nq-cp-ve-quan-ly-su-dung-dat-11923031718275916.htm>

- Establishing and maintaining an information landing page connecting the public links to DLLUMPs, DLLUPs and PLLPFs published by government authorities at provincial and district levels on their web portals;
- Experimenting with sending requests for land information in accordance with the provisions of the 2016 Law on Access to Information and the 2013 Land Law; and
- Providing recommendations to improve citizens' access to official land information through governments' web portals.

Research Methods

Reviewing the disclosure of DLLUMPs for the periods of 2021 -2030, DLLUPs for 2023 and PLLPFs for 2020-2024 on local government web portals

The research team conducted a review of all regulations on processes and authority of issuing and publicizing DLLUMPs for the period of 2021-2030, 2023 DLLUPs and PLLPFs for the period of 2020-2024 (hereinafter referred to as land information) as provided in the legal normative documents on land and access to information to formulate appropriate assessment criteria.

As the result of this exercise, five criteria have been developed and applied throughout the reviews to evaluate the performance of land information disclosure by local authorities on their web portals, including *(i) information disclosure, (ii) information searchability, (iii) information timeliness; (iv) information completeness (for DLLUMPs and DLLUPs); and (v) information usability (readable, understandable, legible by using popular software and viewable online)*. See the Appendix for more details about these criteria.

Using the five criteria, the research team reviewed the web portals of government authorities responsible for disclosing each type of information. To gather data and conduct the review, ten research collaborators searched for PLLPFs for 2020-2024 on the e-portals of all 63 PPCs (the agencies responsible for generating land information⁶ and disclosing land pricing frameworks⁷) as well as DLLUMPs for 2021-2030 and 2023 DLLUPs on the e-portals of 705 DPCs across the country (the agencies responsible for disclosing land information⁸). 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 (last step).

⁶ Clause 2 Article 2 of the 2016 Law on Access to Information provides: "Information generated by the state agency refers to news and data which are generated during the execution of functions, tasks and powers by a state agency as regulated by the law. The instrument containing such information must be **signed, sealed or certified** by the competent official of such state agency."

⁷ Clause 1, Article 114 2013 Land Law

⁸ Point a, Clause 2, Article 48 of 2013 Land Law

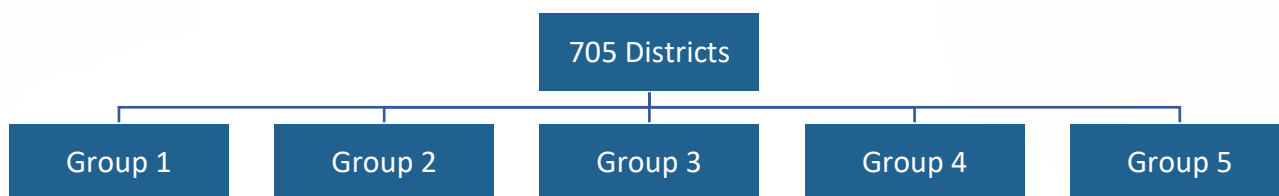
The search step recorded was the last step where documents could be found. To ensure continuity with the first two reviews, the team only reviewed and recorded the documents disclosed on the web portals of these PPCs and DPCs until **October 6, 2023**.

Experimenting with sending information requests for 2023 DLLUPs

Following the first- and second-year reviews, the experiment of sending information requests for DLLUPs was randomly conducted with 705 districts across the country. Specifically, 705 districts were randomly divided into 05 groups as follows:

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

For each group of DPCs that received information requests, the review team divided 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 research team started to send requests for land information on **October 31, 2023** and recorded responses from relevant authorities up to **December 31, 2023**. Responses received after December 31, 2023 were regarded by the Team as non-responses.

Designing and maintaining a website on disclosure of land-related information

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, and researchers as well as a bridge connecting with citizens wishing to find land information disclosed by local governments within the scope of the study in a systematic manner. 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.

Limitations of the Research

In recent years, the Government has promoted efforts to upgrade the web portals of state agencies. The maintenance and upgrade of the government web portals may affect the access to the links to the posts already recorded as disclosed in the first two reviews by the research team. In many cases, the team recorded that the links no longer worked. Besides, the maintenance and upgrade of web portals or reposting of PLLPFs for the period 2020-2204 and DLLUMPs for 2021-2030 resulting in changes in the posting date or the number of disclosed documents may also affect the results between the reviews.

KEY RESEARCH FINDINGS

Legal provisions related to the disclosure and provision of land information upon request

Accessing to information under the law on access to information

As the main body of legislation on access to information, the 2016 Law on Access to Information stipulates that state agencies are responsible for providing the information they create, except for cases where such information is inaccessible to the public⁹ or is only accessible under certain conditions.¹⁰ In addition to 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 and conditionally accessible information specified in Article 7 of this law.¹¹ The 2016 LAI also provides a specific list of information subject to disclosure, in which master plans and annual plans of economic sectors and areas belong to the category of information subject to mandatory disclosure, including on the government web portals.¹² As such, with regard to land-related information, DLLUMPs and DLLUPs belong to the category of information required to be published on the web portals of relevant government agencies.

Citizens also have the right to request information in accordance with the information request procedure specified in Chapter III of the 2016 Law on Access to Information in the following cases: (a) Information is not yet released within its disclosure period as regulated; (b) Information whose disclosure period expires as regulated by the law; (c) Information which is being disclosed publicly but the applicant for such information fails to access it due to force majeure; (d) Conditionally accessible information if conditions are satisfied; and (e) Information concerning the life, activities, production and business of the applicant for such information if it is not classified in types of information regulated in Article 17 and Clause 2, Article 23 of the LAI.¹³ Regarding the form of request, the applicant can go directly to the office of the government authority¹⁴ or send a request for information via email, postal service,¹⁵ or fax to the responsible agencies.¹⁵

Regarding the cost of accessing to information, the 2016 LAI stipulates that citizens are provided with information without any fees or charges unless otherwise provided in other laws.¹⁶ However, the applicant for the provision of information must pay the fees incurred from printing, duplicating, photocopying, and sending information.¹⁷ The levels of fees are detailed in Circular No. 46/2018/TT-BTC of the Ministry of Finance.¹⁸

For persons with disabilities, Circular No. 26/2020/TT-BTTTT issued by the Ministry of Information and Communications stipulates that state agencies, including People's Committees at various levels, use the state budget to design and construct portals¹⁹ and apply standards and assistive technologies for persons with disabilities to access and use information and communication

⁹ Inaccessible information is provided in Article 6 of 2016 Law on Access to Information

¹⁰ Clause 1 Article 9 2016 Law on Access to Information

¹¹ Article 5, 2016 Law on Access to Information

¹² Article 19, 2016 Law on Access to Information

¹³ Article 23, 2016 Law on Access to Information

¹⁴ Point a, Clause 2, Article 24, 2016 Law on Access to Information

¹⁵ Point b, Clause 1 Article 24, 2016 Law on Access to Information

¹⁶ Clause 1 Article 12, 2016 Law on Access to Information

¹⁷ Clause 2, Article 12, 2016 Law on Access to Information

¹⁸ Circular No. 46/2018/TT-BTC stipulating in detail the actual fees of printing, duplicating, copying, and sending information as regulated in Clause 2, Article 12 of the 2016 Law on Access to Information

¹⁹ Clause 2, Article 2, Circular No. 26/2020/TT-BTTTT

products and services²⁰. Accordingly, this Circular mandates that portals of state agencies must provide accessibility guidelines for using and accessing content of the website version 1.0. Additionally, the Circular recommends that these portals provide accessibility guidelines for using and accessing content of website versions 2.0 and 2.1, as well as guidelines for evaluating accessibility of website content²¹.

Accessing to information under the legislation on land

The right to access land information is also specified in the legal normative documents on land. The 2013 Land Law specifically stipulates the responsibility of disclosing three types of land information covered by this research as follows:

Type of information	Issuing agency	Disclosing agency	Form of disclosure	Time of disclosure	Disclosure period
Provincial - level land pricing frameworks (PLLPFs)	PPC ²²	PPC ²³		January 1 st of the first year of the plan period ²⁴	
District-level land use master plans (DLLUMPs)	PPC	DPC ²⁵	At the DPC Office or on DPC's e-portals; publication of contents of DLLUMPs related to communes, wards & towns at the respective commune-level people's committees ²⁶	Within 15 days from the date of approval of DLLUMPs ²⁷	Throughout the land use master plan period ²⁸
District-level annual land use plans (DLLUPs)	PPC	DPC ²⁹	At the DPC Office or on DPC's e-portals; publication of contents of DLLUPs related to communes, wards & towns at the respective commune-level people's committees ³⁰	Within 15 days from the date of approval of DLLUPs ³¹	Throughout the (annual) land use plan period ³²

Table 1: Summary of the 2013 Land Law stipulations on disclosure of PLLPFs, DLLUMPs and DLLUPs

²⁰ Clause 1, Article 5, Circular No. 26/2020/TT-BTTTT

²¹ Appendix: List of standards supporting persons with disabilities in accessing and using information and communication products and services (issued together with Circular No. 26/2020/TT-BTTTT)

²² Clause 1, Article 114, 2013 Land Law

²³ Clause 1, Article 114, 2013 Land Law

²⁴ Clause 1, Article 114, 2013 Land Law

²⁵ Point a, Clause 2, Article 48, 2013 Land Law

²⁶ Point a, Clause 2, Article 48, 2013 Land Law

²⁷ Point b, Clause 2, Article 48, 2013 Land Law

²⁸ Point c, Clause 2, Article 48, 2013 Land Law

²⁹ Point a, Clause 3, Article 48, 2013 Land Law

³⁰ Point a, Clause 3, Article 48, 2013 Land Law

³¹ Point b, Clause 3, Article 48, 2013 Land Law

³² Point c, Clause 3, Article 48, 2013 Land Law

Circular No. 34/2014/TT-BTNMT of the Ministry of Natural Resources and Environment stipulates: (i) the responsibility of state agencies in proactive and timely disclosure of land-related information to organizations and individuals³³; and (ii) the right of organizations and individuals to access land-related information through the internet, land e-portals,³⁴ as well as through prescribed procedures for requesting information.³⁵

Circular No.34/2014/TT-BTNMT also specifies fees and charges that requesters may be required to pay for the land information provided, including fees for using land information, printing, copying, and sending information (if applicable).³⁶ Clause 3, Article 9 of this Circular (amended in line with Clause 3, Article 1 of Circular No. 24/2019/TT-BTNMT)³⁷ specifies the list of land-related documents subject to mandatory disclosure, including land use master plans and annual land use plans that have been approved by competent state authorities.

It is therefore understood that PLLPFs, DDLUMPs and DLLUPs are the types of document subject to mandatory disclosure under the 2013 Land Law and other related legal regulations.

Citizens accessing this information via the internet, land portals, SMS or information request forms at the office of state agencies with the authority of providing land information are not subject to paying fees for exploitation and use of information.

In addition, the responsibility of disclosing and publicizing information on the internet is also stipulated in Decree No. 42/2022/NĐ-CP of the Government.³⁸ Article 4 of Decree No.42/2022/NĐ-CP requires PPCs and DPCs to disclose their strategies, long-term and annual plans for socio-economic development via the internet. In this regard, government agencies' e-portals are regarded as the centralized and integrated information channels of the government on the internet.³⁹

Most recently, the right to access to information of citizens is stipulated 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 agencies⁴⁰, as well as published land pricing frameworks⁴¹ are all information citizens have the right to access. Article 24 also explicitly references the law on access to information and other related legal provisions as grounds for access to land information.⁴²

The first provincial-level land pricing framework in line with the 2024 Land Law will be published on January 1, 2026. On an annual basis, 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 government authorities. DPCs shall disclose district-level land use master

³³ Clause 2, Article 28 of the 2013 Land Law

³⁴ Clause 1 Article 9 Circular No.34/2014/TT-BTNMT of the Ministry of Natural Resources and Environment

³⁵ Clause 2 Article 9 Circular No.34/2014/TT-BTNMT of the Ministry of Natural Resources and Environment

³⁶ Clause 1 Article 16 Circular No.34/2014/TT-BTNMT

³⁷ Point a Clause 3, Article 1 Circular No. 24/2019/TT-BTNMT amending Clause 3 Article 9 Circular No.34/2014/TT-BTNMT: “3. Land information to be disclosed includes: a) List of data contained in the land database; b) land use master plans and annual land use plans as approved by competent state agencies; c) Land pricing frameworks and tables that have been published; d) Information on land-related administrative procedures; d) land-related legal normative documents”

³⁸ Decree No. 42/2022/NĐ-CP of the Government regulating the provision of information and online public services by state agencies in the digital environment

³⁹ Clause 1, Article 5 Decree No.42/2022/NĐ-CP

⁴⁰ Point a Clause 1 Article 24 of the 2024 Land Law

⁴¹ Point d Clause 1 Article 24 of the 2024 Land Law

⁴² Clause 2 Article 24 2024 Land Law

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 office of commune-level People's Committees.⁴³ The disclosure of land use master plans and annual land use plans must be made within 15 days from the date of approval by competent government authorities.⁴⁴

Regarding the disclosure period, these documents are required to be made public throughout the planned period.⁴⁵ However, the requirement of a disclosure period prescribed in the 2024 Land Law may not be suitable in the context of digital transformation, where digital technology infrastructure can allow long-term storage of public information, rather than keeping it for a limited period of time only. With that, citizens can search for information that has been made public at any time instead of having to carry out procedures to request information that has expired. This can help reduce the burden of administrative procedures regarding information provision upon request for both citizens and state agencies.

Status of land information disclosure on state agencies' e-portals

From October 6 to December 05, 2023, the research team searched for PLLPFs for 2020-2024 on the e-portals of 63 PPCs, as well as DLLUMPs for 2021-2030 and 2023 DLLUPs on 705 DPCs' e-portals. By the end of the review, the team found 46 provincial land pricing frameworks (73.0%), 461 DLLUMPs (65.4%) and 460 DLLUPs (65.2%) (See Figure 1).

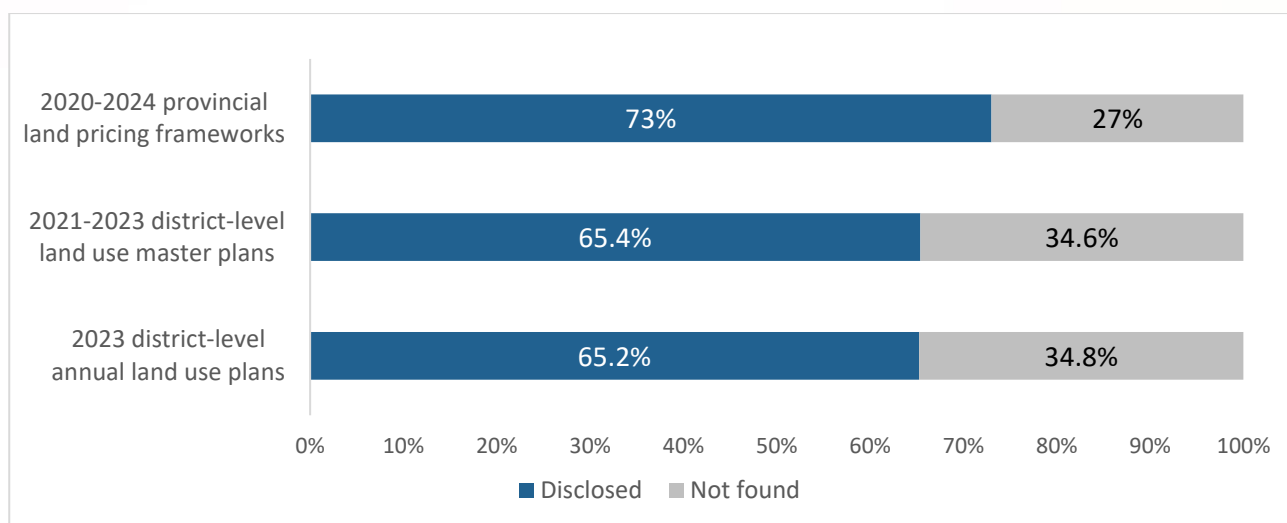


Figure 1: Search results of 03 types of land information on e-portals of state agencies

However, throughout the review process, the team could not access the e-portal of Muong Lay DPC (Dien Bien province) at <https://muonglay.dienbien.gov.vn/>.⁴⁶ Therefore, the team recorded the result for Muong Lay as non-disclosure of DLLUMP for 2021-2030 and 2023 DLLUPs in this third review.

Disclosure of provincial land pricing frameworks for the period of 2020 - 2024

Figure 2 shows that the disclosure of provincial-level land pricing frameworks for the period of 2020-2024 on PPCs' 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

⁴³ Point c Clause 3 Article 75 2024 Land Law

⁴⁴ Point a Clause 4 Article 75 2024 Land Law

⁴⁵ Point b Clause 4 Article 75 2024 Land Law

⁴⁶ <https://muonglay.dienbien.gov.vn/>, retrieved on 29/10/2023, 05/11/2023, 09/11/2023, 28/11/2023 and 05/12/2023.

(42.9%), but in the second and third reviews, the numbers were 41 (65.1%) and 46 (73%), respectively. Of the 46 provincial land pricing frameworks found disclosed in the third review, 44 included the decisions of the provincial People's Committees issuing the respective land pricing frameworks (95.7%),⁴⁷ and two included the resolutions approving the land pricing frameworks of the provincial People's Councils (4.3%).

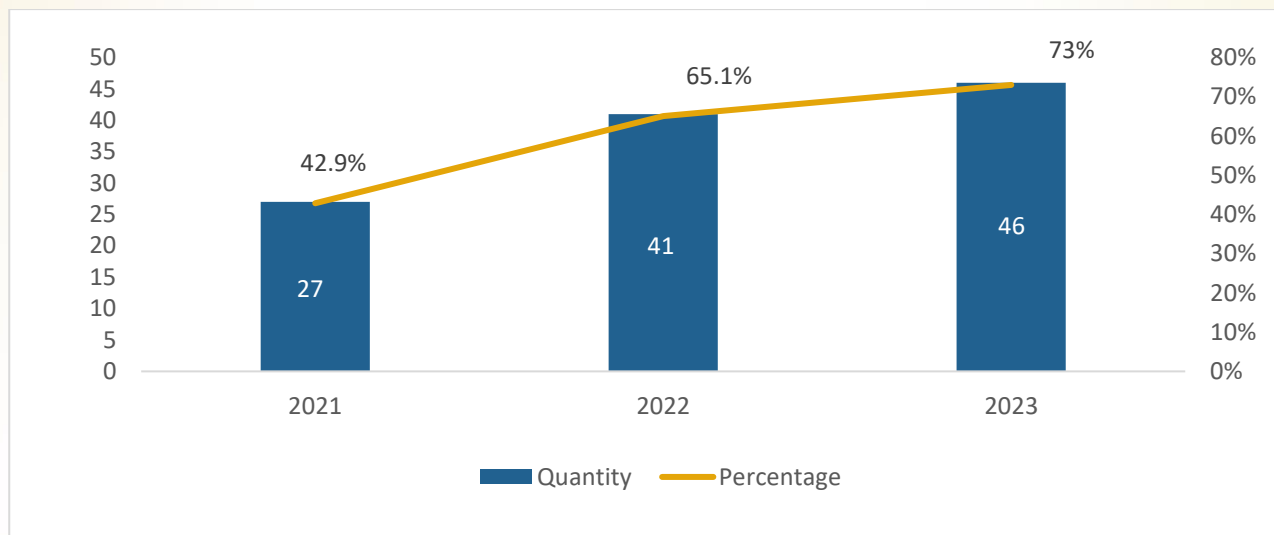


Figure 2: Comparison of the disclosure of provincial land pricing frameworks between three reviews

By 2023, a number of provinces had already adopted amendments and revisions to their land pricing frameworks and disclosed their decisions, including Lai Chau,⁴⁸ Son La,⁴⁹ Yen Bai,⁵⁰ Bac Giang,⁵¹ Thai Binh,⁵² Nam Dinh,⁵³ Thanh Hoa,⁵⁴ Quang Binh,⁵⁵ Quang Ngai,⁵⁶ Binh Dinh,⁵⁷ Binh Thuan,⁵⁸ Dong Nai,⁵⁹ Ba Ria-Vung Tau,⁶⁰ and Kien Giang.⁶¹

⁴⁷ Including the provinces of Bac Kan, Tuyen Quang, Lao Cai, Dien Bien, Lai Chau, Son La, Yen Bao, Thai Nguyen, Lang Son, Bac Giang, Vinh Phuc, Bac Ninh, Hung Yen, Thai Binh, Nam Dinh, Ninh Binh, Thanh Hoa, Ha tinh, Quang Binh, Quang Tri, Thua Thien Hue, Quang Nam, Quang Ngai, Binh Dinh, Khanh Hoa, Ninh Thuan, Binh Thuan, Kon Tum, Dak Nong, Binh Phuoc, Tay Ninh, Binh Duong, Long An, Tra Vinh, Vinh Long, Dong Thap, An Giang, Kien Giang, Hau Giang, Soc Trang, Bac Lieu, Ca Mau and the cities of Da Nang and Hai Phong.

⁴⁸ <https://laichau.gov.vn/he-thong-van-ban/van-ban-quy-pham-phap-luat/quyet-dinh-dieu-chinh-bo-sung-bang-gia-dat-giai-doan-2020-20.html>, retrieved on 05/11/2023

⁴⁹ <https://sonla.gov.vn/bang-gia-dat/dieu-chinh-bo-sung-bang-gia-dat-tren-dia-ban-tinh-son-la-giai-doan-2020-2024-662862>, retrieved on 26/10/2023

⁵⁰ <https://www.yenbai.gov.vn/noidung/vanban/Pages/van-ban-dieu-hanh.aspx?ItemID=2685>, retrieved on 05/11/2023

⁵¹ https://bacgiang.gov.vn/chi-tiet-tin-tuc/-/asset_publisher/St1DaeZNSp94/content/quyet-inh-sua-oi-bo-sung-bang-gia-at-giai-oan-2020-2024-ban-hanh-kem-theo-quyet-inh-so-1025-q-ubnd-ngay-30-12-2019-cua-ubnd-tinh, retrieved on 05/11/2023

⁵² <https://thaibinh.gov.vn/van-ban-phap-luat/van-ban-phap-luat/ve-viec-sua-doi-bo-sung-mot-so-noi-dung-cua-quy-dinh-ve-bang.html>, retrieved on 05/11/2023

⁵³ <https://namdinh.gov.vn/portal/pages/van-ban/v.aspx?uid=1835>, retrieved on 05/11/2023

⁵⁴ <https://thanhhoa.gov.vn/portal/VanBan/2022-09/6f0b573efd064edBang%20gia%20dat.pdf>, retrieved on 05/11/2023

⁵⁵ [https://quangbinh.gov.vn/3cms/upload/qbportal/File/VanBanMoi/2020/29\(30.12.2020_14h41p53\)_signed.pdf](https://quangbinh.gov.vn/3cms/upload/qbportal/File/VanBanMoi/2020/29(30.12.2020_14h41p53)_signed.pdf), retrieved on 05/11/2023

⁵⁶ <https://quangngai.gov.vn/documents/249877/260081/47-2022.signed.pdf/b9a89672-0149-4f10-b6e8-7feabff987cb>, retrieved on 05/11/2023

⁵⁷ <https://binhdinh.gov.vn/tra-cuu-gia-dat/bang-gia-dat-nam-2020-2024/sua-doi-bo-sung-bang-gia-cac-loai-dat-dinh-ky-05-nam-2020-2024-tren-dia-ban-tinh-binh-dinh-quyet-dinh-so-88-2020-qd-ubnd.html#iframe12>, retrieved on 05/11/2023

⁵⁸ <http://vanban.binhthuan.gov.vn/thongtin/vanban/detail?id=70497>, retrieved on 05/11/2023

⁵⁹ <https://www.dongnai.gov.vn/Pages/newsdetail.aspx?NewsId=31659&CatId=107>, retrieved on 05/11/2023

⁶⁰ <https://baria-vungtau.gov.vn/sphere/baria/cms/asset/download.cpx?code=24235e19-b2af-4073-a5ff-614a70ff4eee&view=true>, retrieved on 05/11/2023

⁶¹ <https://kiengiang.gov.vn/trang/TinTuc/274/33528/Sua-doi--bo-sung-mot-so-noi-dung-cua-Quy-dinh-Bang-gia-dat-giai-doan-2020---2024-tren-dia-ban-tinh-Kien-Giang-ban-hanh-kem-theo-Quy-dinh-so-03-2020-QD-UBND-ngay-13-01-2020-cua-Uy-ban-nhan-dan-tinh.html>, retrieved on 05/11/2023

Web portals of selected provinces integrate a feature that allows citizens to inquire about land prices, such as Lao Cai,⁶² Lang Son,⁶³ Vinh Long,⁶⁴ Dong Thap,⁶⁵ Hau Giang⁶⁶ and Da Nang⁶⁷. However, the research team found that technical limitations may be an explanation for the slow increase in the disclosure rate between the second and third reviews. Specifically, some PLLPFs 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 recorded in 2022 no longer worked, such as in Cao Bang⁶⁸ and Phu Tho⁶⁹.

It is important to note that the provincial-level land pricing frameworks for 2020-2024 have been in place for nearly four years, and according to current regulations, will be effective until December 31, 2024. Meanwhile, as many as 27% of PLLPFs could not be found on PPCs' e-portals as of October 6, 2023. This means that the disclosure of land pricing frameworks on provincial governments' e-portals has not met the timeliness requirement in accordance with the regulations on land. Specifically, the 2013 Land Law requires the disclosure of provincial-level land pricing frameworks to be made on January 1 of the first year of the period, which is January 1, 2020.

Good practices in disclosing provincial land pricing frameworks

The People's Committees of 18 provinces, 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-level 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 have also introduced land information/land price 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 have built a tool for land price look-up on their web portals and attached the corresponding approvals to assure the legal validity and reliability of the information.

62 See: <https://www.laocai.gov.vn/tra-cuu-gia-dat>

63 See: <https://datdai.langson.gov.vn/tra-cuu-gia-dat>

64 See: <https://vinhlong.gov.vn/gia-%C4%91at>

65 See: <https://dongthap.gov.vn/tra-cuu>

66 See: <https://haugiang.gov.vn/tra-cuu-gia-dat>

67 See: <https://www.danang.gov.vn/web/thong-tin-dat-dai/gia-dat>

68 See: <https://caobang.gov.vn/Errors/404/40x.html?aspxerrorpath=/tpcaobang/1297/31378/66203/655434/thong-bao-huong-dan/thong-bao-cong-khai-bang-gia-cac-loai-dat-tren-dia-ban-tinh-cao-bang.aspx>, retrieved on 05/11/2023

69 See: <https://phutho.gov.vn/vi/quy-dinh-ve-gia-cac-loai-dat-tren-dia-ban-tinh-phu-tho-5-nam-giai-doan-2020-2024>, retrieved on 05/11/2023

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

The review of DLLUMPs disclosure has been conducted since the second review. Figure 3 shows that the disclosure of DLLUMPs for the period of 2021-2030 has also improved. In 2022, out of 705 DPCs nationwide, the research team only found land use master plan documents on the web portals of 345 DPCs (48.9%). However, in the third review in 2023, the team found this information on 461 DPCs' e-portals (65.4%). Compared to the second review, the disclosure rate of this information in the third review increased by 16.5% (116 documents).

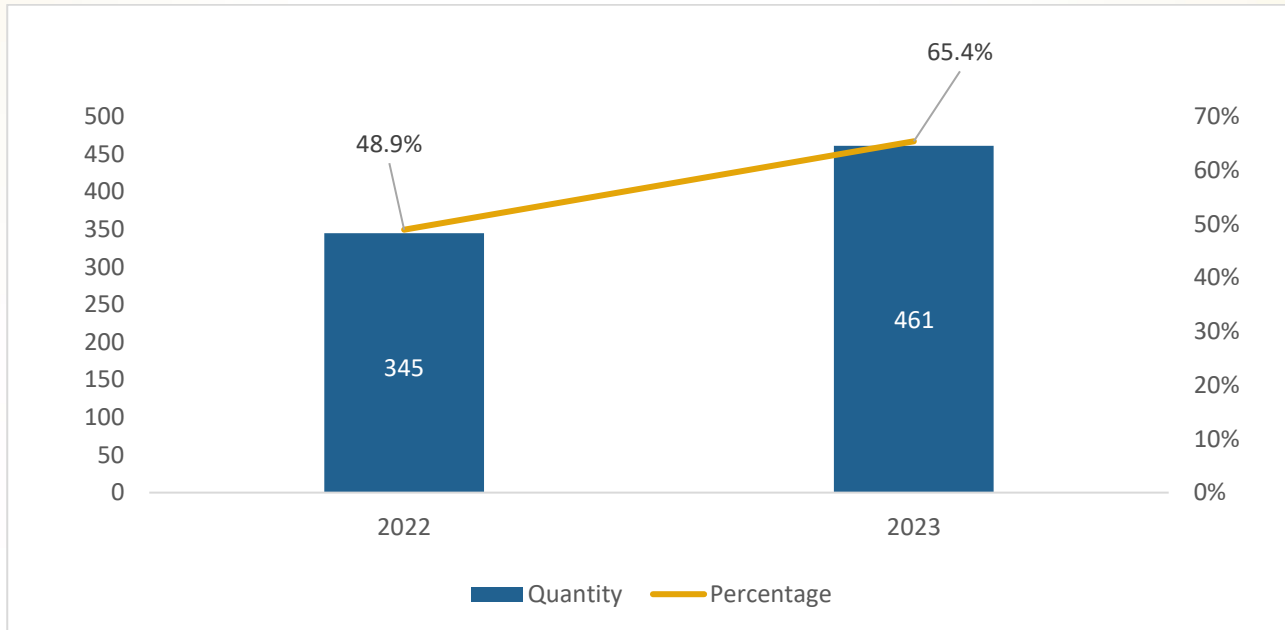


Figure 3: The disclosure of DLLUMPs for the period of 2021-2030 on the websites/portals of DPCs across the country in two reviews

Figure 4 compares the proportion of DPCs that had disclosed DLLUMPs for the period of 2021-2030 across all 63 provinces. 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 centrally-run cities had low rates of information disclosure among their district units. In particular, the research team did not find this information on any of the DPC web portals in Da Nang City.

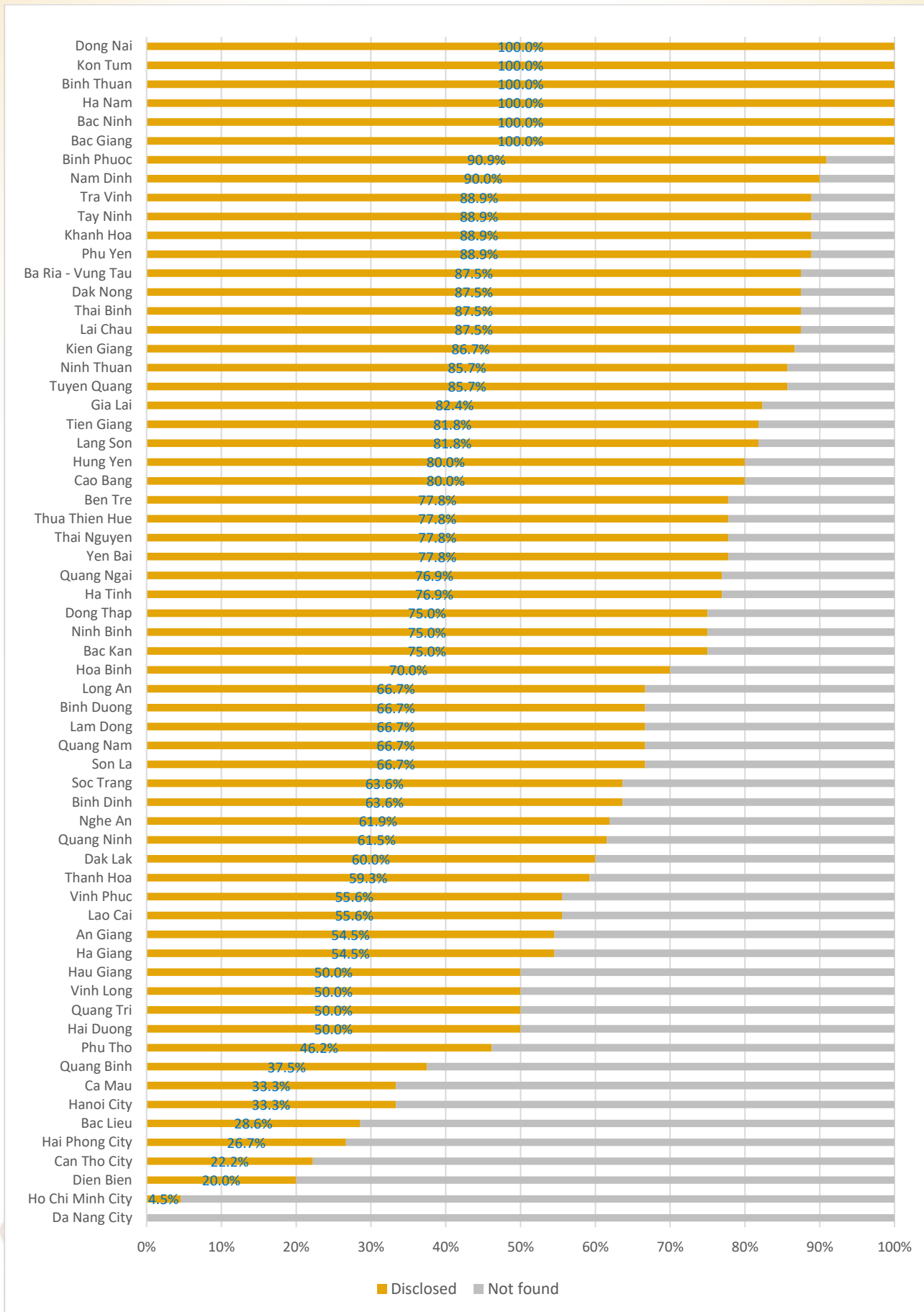


Figure 4: Proportion of DPCs in a province that have DLLUMPs on their web portals

In the meantime, of the 345 DPCs' web portals with DLLUMPs disclosure recorded in the second review, 21 posts no longer worked or could not be retrieved, or attachments no longer existed or were not usable in the third review. The team also could not find new disclosure posts, which rendered these web portals not recorded as having disclosed information in the third review. This includes e-portals of the DPCs of Bac Quang (Ha Giang province),⁷⁰ Na Ri (Bac Kan province),⁷¹ Bac Yen (Son La province),⁷² Song Ma (Son La province),⁷³ Lap Thach⁷⁴ and Vinh Tuong⁷⁵ (Vinh Phuc province), Nam Sach (Hai Duong province),⁷⁶ Cam Giang (Hai Duong province),⁷⁷ Dong Hoi (Quang Binh province),⁷⁸ Hong Linh (Ha Tinh province),⁷⁹ Dong Hoa (Phu Yen province),⁸⁰ Thuan Bac (Ninh Thuan province),⁸¹ Bu Dop (Binh Phuoc province),⁸² Thap Muoi (Dong Thap province),⁸³

70 See:

https://bacquang.hagiang.gov.vn/documents/portlet_file_entry/44701/1.+2899_QD_UBND_Phe+duyet+quy+hoach+su+dung+dat+n+am+2030+va+ke+hoach+su+dung+dat+n+am+dau+huyen+Bac+Quang.pdf/76fc64c8-007b-086c-f990-6b9832167283?status=0, retrieved on 05/11/2023 and 05/12/2023

71 See: <https://nari.gov.vn/thong-bao-cong-khai-quy-hoach-su-dung-dat-giai-doan-2021-2030-ke-hoach-su-dung-dat-nam-2021-huyen-na-ri/>, retrieved on 04/11/2023, ngày05/12/2023

72 See: <https://bacyen.sonla.gov.vn/1304/31707/65628/657153/chien-luoc-dinh-huong-quy-hoach-ke-hoach-phat-trien/thong-bao-ve-viec-cong-bo-cong-khai-quy-hoach-su-dung-dat-den-nam-2030-va-ke-hoach-su-dung-dat-n>, the whole set of records including Approval Decision, Explanatory Report and Map were not viewable online and could not be downloaded; retrieved on 30/10/2023 and 05/12/2023

73 See: <https://songma.sonla.gov.vn/quy-hoach-ke-hoach-dau-tu/huyen-song-ma-cong-bo-cong-khai-quy-hoach-su-dung-dat-den-nam-2030-va-ke-hoach-su-dung-dat-nam-2-649762>, the whole set of records including Approval Decision, Explanatory Report and Map were not viewable online and could not be downloaded; retrieved on 02/11/2023, 05/12/2023

74 See: https://lapthach.vinhphuc.gov.vn/ct/cms/tintuc/Lists/THNG2/View_Detail.aspx?ItemID=197, the whole set of records including Approval Decision, Explanatory Report and Map were not viewable online and could not be downloaded; retrieved on 04/11/2023 and 05/12/2023.

75 See: https://vinhtuong.vinhphuc.gov.vn/ct/cms/tintuc/Lists/QuyHoach/View_Detail.aspx?ItemID=1, the whole set of records including Approval Decision, Explanatory Report and Map were not viewable online and could not be downloaded; retrieved on 27/10/2023, 05/11/2023 and 05/12/2023

76 See: <http://namsach.haiduong.gov.vn/ViewDetail/3651.aspx>, the whole set of records including Approval Decision, Explanatory Report and Map were not viewable online and could not be downloaded; retrieved on 29/10/2023, 03/11/2023 and 05/12/2023

77 See: <http://camgiang.haiduong.gov.vn/ViewDetail/4372.aspx>, the records including Approval Decision <http://camgiang.haiduong.gov.vn/uploads/N%4%83m%202022/V%4%82N%20B%E1%BA%A2N/QD%20H.%20Cam%20Giang.pdf> and Map http://camgiang.haiduong.gov.vn/uploads/N%4%83m%202022/H%3%8CNH%20%E1%BA%A2NH/1e5ac559c379a700bf763a954c97fd43_IMG20220120144451.jpg were not viewable online and could not be downloaded; retrieved on 04/11/2023 and 05/12/2023

78 See: <https://donghoi.quangbinh.gov.vn/chi-tiet-tin/-/view-article/1/1405127435656/1597731033281>, the master plan records could not be viewed online or downloaded; retrieved on 01/11/2023 and 05/12/2023

79 See: <https://honglinh.hatinh.gov.vn/portal/pages/2021-06-16/THONG-BAO-ve-viec-cong-khai-thong-tin-ve-Quy-hoach740vy6khnpv.aspx>, retrieved on 30/10/2023

80 See: <https://donghoa.phuyen.gov.vn/page/404>, retrieved on 05/11/2023 and 05/12/2023

81 See: <https://thuanbac.ninhthuan.gov.vn/portal/Pages/2022-7-13/Quy-dinh-phe-duyet-quy-hoach-su-dung-dat-den-nam121gm.aspx> <https://thuanbac.ninhthuan.gov.vn/uploads/N%4%83m%202022/%20Ng%3%A0y%201/2/2022:%20Khi%20r%3%A0%20so%3%A1t%20l%E1%BA%A1i,%20website%20C%4%91%3%A3%20b%E1%BA%A3o%20tr%3%AC%20d%E1%BA%ABn%20C%4%91%E1%BA%BFn%20vi%E1%BB%87c%20link%20truy%20c%E1%BA%ADp%20quy%E1%BA%BFt%20C%4%91%E1%BB%8Bnh%20ph%3%AA%20duy%E1%BB%87t%20kh%3%B4ng%20c%3%B2n%20s%E1%BB%AD%20d%E1%BB%A5ng%20C%4%91%20C%6%B0%E1%BB%A3c>, retrieved on 04/11/2023 and 05/12/2023

82 See: <https://budop.binhphuoc.gov.vn/vi/laws/Thong-bao-ve-viec-cong-khai-quy-hoach-su-dung-dat-den-nam-2030-cua-huyen-Bu-Dop-tinh-Binh-Phuoc-25-25/>, retrieved on 04/11/2023 and 05/11/2023.

83 See: https://thapmuoi.dongthap.gov.vn/web/htm/chi-tiet-bai-viet/-/asset_publisher/1mOzUrGkrDAE/content/id/11415096?plidlayout=6575, attachments could not be viewed online or downloaded; retrieved on 04/11/2023 and 05/12/2023

Cho Moi (An Giang province),⁸⁴ Phung Hiep⁸⁵ and Long My⁸⁶ (Hau Giang province), Bac Lieu⁸⁷, Vinh Loi⁸⁸ and Hoa Binh⁸⁹ (Bac Lieu province), and Muong Lay (Dien Bien province)⁹⁰. The disclosure and maintenance of these documents as retrievable throughout the planned period is regulated in Clause 2, Article 48 of the 2013 Land Law. Therefore, the state agencies that have disclosed the information as regulated also need to make sure that the information is available on their web portals throughout the required period. With 21 documents disclosed in 2022 no longer recognized as active, the number of DPCs having disclosed their DLLUMPs in the third review was 137.

Regarding information searchability, Figure 5 shows that out of 461 DLLUMPs, 289 DLLUMPs were found at Step 1 (62.7%), 107 were found at Step 2 (23.2%), 45 were found at Step 3 (9.8%) and 20 were found at Step 4 (4.3%). Compared to the second review, these results correspond to an increase of 96 document sets found in Step 1 and 37 in Step 2, and a decrease of eight and nine in Step 3 and Step 4, respectively. This suggests that searching for land use master plan documents has become more convenient as many documents were posted in explicitly land-related sections (Step 1).

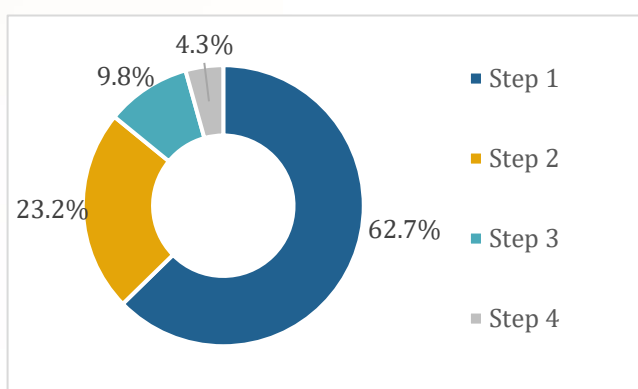


Figure 5: Searchability of DLLUMPs through designed steps

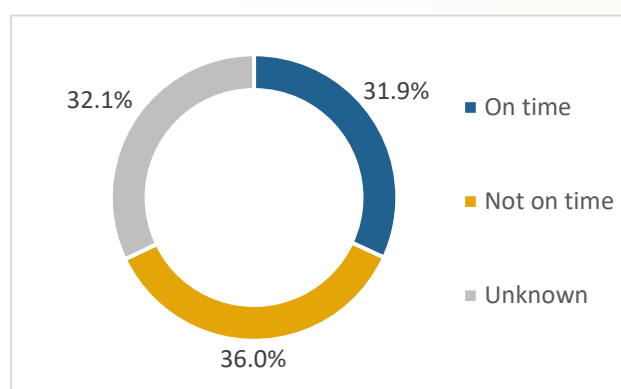


Figure 6: The timeliness of DLLUMPs information found

Regarding the timeliness of information, Figure 6 shows that out of 461 document sets were disclosed, 147 were disclosed within 15 days from the date of issuance (31.9%), 166 were disclosed after 15 days from the date of issuance (36%), and 148 with unknown date of issuance or disclosure (32.1%). Compared to the results of the 2022 review, there was an increase of 42 document sets

84 See: https://chomoi.angiang.gov.vn/wps/portal/Home/thong-tin-quy-hoach/!ut/p/z1/04_iUIDg4tKPAFJABpSA0fpReYllmemJJZn5eYk5-hH6kVfM8ZaWLP4G3iaGPv6BIYYGgd4eRuYWFqbGZgam-uH4FFg4GelHEaPFAAU4GigFGTKZGxi4-5OIH9kkQvq9CFsQhU8J2ltgBfj8gEUBiiOBkrjPyU-CBLhjXpKxRbp-VFFqWmpRapFeaRFQOKOkpKDYStVA1aC8vFwvPT8_PsDvLzk_V9UAm5aM_OIS_QhUlfoFuaGhEZXBnrpRSZljoqKADj0nkk!/dz/d5/L2_dJQSEvUUt3QS80TmxFL1o2Zxk5REkwSvQxTE82MTAwUUI4Rig3N0owNkww/?cID=Z6_99DI0K41LOQT10QKH278853605&nID=Z6_99DI0K41LOQT10QKH278853605, attachments could not be viewed online or downloaded; retrieved on 30/10/2023 and 05/12/2023

85 See: <https://phunghiep.haugiang.gov.vn/v%20C4%83n-b%E1%BA%A3n-c%E1%BB%A7a-huy%E1%BB%87n/th%20C3%B4ng-tin-quy-ho%E1%BA%A1ch/1-quy-ho%E1%BA%A1ch-s%E1%BB%AD-d%E1%BB%A5ng-%20C4%91%E1%BA%A5t/>, retrieved on 03/11/2023 and 05/12/2023

86 See: <https://thixalongmy.haugiang.gov.vn/th%20C3%B4ng-b%20C3%A1o-ch%E1%BA%A1y-ngang-tr%20C3%AA-n-header/danh-s%20C3%A1ch-th%20C3%B4ng-b%20C3%A1o/th%20C3%B4ng-b%20C3%A1o-c%20C3%B4ng-b%E1%BB%91-c%20C3%B4ng-khai-quy-ho%E1%BA%A1ch-s%E1%BB%AD-d%E1%BB%A5ng-%20C4%91%E1%BA%A5t-th%E1%BB%9Di-k%E1%BB%B3-2021-2030-v%20C3%A0-k%E1%BA%BF-ho%E1%BA%A1ch-s%E1%BB%AD-d%E1%BB%A5ng-%20C4%91%E1%BA%A5t-n%20C4%83m-2021-th%E1%BB%8B-x%20C3%A3-long-m%E1%BB%B9/#begin>, retrieved on 28/10/2023 and 05/12/2023

87 See: <https://tpbl.baclieu.gov.vn/vi/-/quy%E1%BA%BFt-%20C4%91%E1%BB%8Bnh-v%E1%BB%81-vi%E1%BB%87c-ph%20C3%AA-duy%E1%BB%87t-quy-ho%E1%BA%A1ch-s%E1%BB%AD-d%E1%BB%A5ng-%20C4%91%E1%BA%A5t-%20C4%91%E1%BA%BFn-n%20C4%83m-2030-th%20C3%A0nh-ph%E1%BB%91-b%E1%BA%A1c-li%20C3%AAu>, retrieved on 05/11/2023 and 05/12/2023

88 See: <https://vinhloi.baclieu.gov.vn/vi/vanbanquatinh>, retrieved on 05/11/2023 và 05/12/2023

89 See: <https://hoabinh.baclieu.gov.vn/-/quy-ho%E1%BA%A1ch-s%E1%BB%AD-d%E1%BB%A5ng-%20C4%91%E1%BA%A5t-%20C4%91%E1%BA%BFn-n%20C4%83m-2030-c%E1%BB%A7a-huy%E1%BB%87n-h%20C3%B2a-b%20C3%ACnh>, retrieved on 04/11/2023 and 05/12/2023

90 See: <https://muonglay.dienbien.gov.vn/>, inaccessible throughout the review process; retrieved on 29/10/2023, 05/11/2023, 09/11/2023, 28/11/2023 and 05/12/2023

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, Figure 7 shows that 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 disclosed only one of the three required 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.

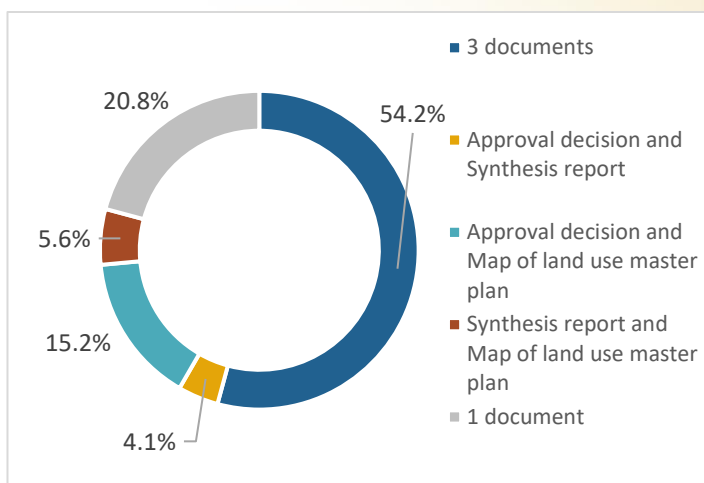


Figure 7: The completeness of DLLUMPs found on web portals

Regarding information usability, the documents were primarily disclosed in soft or scanned copies, which were 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 view⁹¹, or in many cases, the explanatory reports were in .doc or .pdf format but without official stamps and signatures.⁹² Maps in .dng format that is unfamiliar to general users were still found.

On 244 e-portals recorded as not disclosing the required information, 36 agencies did post notices of disclosure of their DLLUMPs for the period of 2021-2030. However, the research team did not find any of the documents subject to mandatory disclosure attached to these notices.⁹³ There were four posts that were not recognized as eligible disclosure by the research team because they were posted after October 6, 2023.⁹⁴ The research team also did not recognize eligible posts with

⁹¹ For example: DPCs of Van Lam - Hung Yen province (<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 02/11/2023; Ha Trung - Thanh Hoa province (<https://hatrung.thanhhoa.gov.vn/portal/pages/van-ban/v.aspx?uid=302>), retrieved on 30/10/2023; Thuong Xuan - Thanh Hoa province (<https://thuongxuan.thanhhoa.gov.vn/portal/Pages/2021-9-16/Cong-khai-Quy-hoach-su-dung-dat-den-nam-2030-va-Kehzd8vx.aspx>) retrieved on 02/11/2023; Ky Son - Nghe An province (<https://kyson.nghean.gov.vn/thong-bao/tb-cong-bo-cong-khai-quy-hoach-su-dung-dat-den-nam-2030-va-ke-hoach-su-dung-dat-nam-dau-cua-quy-hoac-538395>), retrieved on 13/11/2023; Hue City - Thua Thien – Hue province (<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 04/11/2023; Phu Vang - Thua Thien – Hue province (<https://phuvang.thuathienhue.gov.vn/?gd=12&cn=766&tc=12953>), retrieved on 26/10/2023

⁹² For example: DPCs of Go Dau - Tay Ninh province (<https://godau.tayninh.gov.vn/vi/news/dat-dai/quyet-dinh-ve-viec-phe-duy-et-quy-hoach-sir-dung-tat-den-nom-2030-huyen-go-diu-tinh-tay-ninh-2240.html>), retrieved on 30/10/2023; Ninh Son - Ninh Thuan province (<https://ninhson.ninhthuan.gov.vn/portal/Pages/2023-10-12/cong-bo-cong-khai-Quy-hoach-su-dung-dat-thoi-ky-2053gijhr.aspx>), retrieved on 30/10/2023; An Duong - Hai Phong (<http://www.haiphong.gov.vn:8888/Portal/Detail.aspx?Organization=HAD&MenuID=19944&ContentID=238312>), retrieved on 29/10/2023

⁹³ Including DPCs of Me Linh (Ha Noi), Na Hang (Tuyen Quang), Lao Cai and Bat Xat (Lao Cai), Muong Ang (Dien Bien), Kim Boi and Tan Lac (Hoa Binh), Van Don (Quang Ninh), Thanh Thuy (Phu Tho), Vinh Yen, Lap Thach and Vinh Tuong (Vinh Phuc), Hai Duong (Hai Duong), Giao Thuy (Nam Dinh), Cam Thuy (Thanh Hoa), Do Luong (Nghe An), Can Loc (Ha tinh), Dong Ha and Cam Lo (Quang Tri), Nam Dong (Thua Thien – Hue), Minh Long and Nghia Hanh (Quang Ngai), Phu My and Tay Son (Binh Dinh), Dong Hoa (Phu Yen) Ia Grai and Mang Yang (Gia Lai), Ea H'leo (Dak Lak), Dak Mil (Dak Nong), Ben Cau (Tay Ninh), Vinh Hung (Long An) Cai Lay (Tien Giang) Vung Liem and Binh Minh (Vinh Long), Tan Hong and Thap Muoi (Dong Thap).

⁹⁴ Including DPCs of Ea Sup (Dak Lak) published on 07/10/2023, <https://easup.daklak.gov.vn/quy-hoach-su-dung-dat-dai-2699.html>, retrieved on 29/10/2023;

attached documents which could not be viewed or downloaded, or which did not contain any of the three required documents.⁹⁵ Besides, there were also cases where the titles of the posts on the e-portals did not match the contents, causing difficulties in searching information. For example, the People's Committee of Chau Duc district (Ba Ria-Vung Tau province) posted a document titled "2022 Land Use Master Plan Map" while the attached document is the land use master plan map for the period of 2021 - 2030.⁹⁶

Good practices in disclosing the district-level land use plans on DPC's web portals

100% of DPCs in six provinces, namely Binh Thuan, Bac Ninh, Bac Giang, Dong Nai, Ha Nam, and Kon Tum, disclosed DLLUMPs for the period of 2021-2030 on their web portals.

Besides, the DPCs of 36 districts/towns in 26 provinces met all the criteria for online disclosure of DLLUMPs 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 the three required documents, and all documents are clear, viewable online (not required to be downloaded to a device). These district units included Quang Hoa (Cao Bang province), Lai Chau (Lai Chau province), Mai Son (Son La province), Hiep Hoa (Bac Giang province), Tam Duong and Song Lo (Vinh Phuc province), An Thi and Phu Cu (Hung Yen province), Quang Xuong (Thanh Hoa province), Ky Anh (Ha Tinh province), Huong Tra (Thua Thien Hue province), Hoai Nhon (Binh Dinh province), Cam Lam (Khanh Hoa province), Ninh Phuoc (Ninh Thuan province), Phan Thiet, Tanh Linh and Ham Tan (Binh Thuan province), Dak Gle (Kon Tum province), Chu Se (Gia Lai province), Buon Ho (Dak Lak province), Cu Jut (Dak Nong province), Tan Chau (Tay Ninh province), Long Dien (Ba Ria Vung Tau province), Tan Thanh (Long An province), My Tho and Cai Lay (Tien Giang province), Tieu Can, Chau Thanh and Cau Ngang (Tra Vinh province), Chau Thanh and U Minh Thuong (Kien Giang province), Vi Thanh, Chau Thanh A and Vi Thuy (Hau Giang province), Cu Lao Dung (Soc Trang province), and Phuoc Long (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) were the DPCs that posted the explanatory reports and maps of land use plans with official stamps and signatures.

Bao Loc City (Lam Dong) published on 10/10/2023, <https://lamdong.gov.vn/sites/baoloc/dau-tu/congboquyhoach/SitePages/BAO-CAO-THUYET-MINH-TONG-HOP-QUY-HOACH-SU-DUNG-DAT-DEN-NAM-2030-KE-HOACH-SU-DUNG-DAT-NAM-2021-THANH-PHO-BAO-LOC---TINH-LAM-DON.aspx>, retrieved on 30/10/2023;

Lac Duong (Lam Dong) published on 16/10/2023, <https://lamdong.gov.vn/sites/lacduong/th%C3%B4ng-tin-tuyen-dung-quy-hoach-su-dung-dat-den-nam-2030-huyen-Lac-Duong-tinh-Lam-Dong.aspx>, retrieved on 24/10/2023;

And Bao Lam (Lam Dong) posted on 10/11/2023, [https://lamdong.gov.vn/sites/baolam/quyhoachphattrien/SitePages/Cong-bo-cong-khai-Quy-hoach-su-dung-dat-den-nam-2030--huyen-Bao-Lam-tinh-Lam-Dong\(3\).aspx](https://lamdong.gov.vn/sites/baolam/quyhoachphattrien/SitePages/Cong-bo-cong-khai-Quy-hoach-su-dung-dat-den-nam-2030--huyen-Bao-Lam-tinh-Lam-Dong(3).aspx), retrieved on 15/11/2023

⁹⁵ For example, DPCs of Bac Yen (Son La), <https://bacyen.sonla.gov.vn/thong-tin-tuyen-truyen-huong-dan-thuc-hien-phap-luat-che-do-chinh-sach/uy-ban-nhan-dan-huyen-bac-yen-cong-bo-cong-khai-quy-hoach-su-dung-dat-den-nam-2030-va-ke-hoach-s-657223>, retrieved on 30/10/2023; Van Ban (Lao Cai), <https://vanban.laocai.gov.vn/thong-tin-tuyen-dung/quy-hoach-su-dung-dat-den-nam-2030-huyen-van-ban-820361>, retrieved on 30/10/2023; Lac Thuy (Hoa Binh), <https://lacthuy.hoabinh.gov.vn/index.php/tha-nghia-m-1/chuyen-ma-c-quy-hoa-ch-chia-n-l-a-c-ka-hoa-ch-da-i-ha-n/download/23-chuyen-ma-c-quy-hoa-ch-chia-n-l-a-c-ka-hoa-ch-da-i-ha-n/278-quy-hoa-ch-sa-da-ng-a-t-tha-i-ka-2021-2030-va-ka-hoa-ch-sa-da-ng-a-t-n-m-2021-ca-a-huyen-l-a-c-tha-y>, retrieved on 02/11/2023; Hai Duong (Hai Duong province), <http://tphaiduong.haiduong.gov.vn/Article/dbVWBoEGrU4@/4187.html>, retrieved on 19/10/2023; Que Phong (Nghe An province), <https://quephong.nghean.gov.vn/quy-hoach-xay-dung-quy-hoach-do-thi/cong-khai-quy-hoach-su-dung-dat-535080>, retrieved on 05/11/2023; Loc Ha (Ha Tinh province), <https://locha.hatinh.gov.vn/chi-tiet-tin-tuc/quyet-dinh-phe-duyet-quy-hoach-su-dung-dat-den-nam-2030-huyen-loc-haa>, retrieved on 30/10/2023; Gia Rai (Bac Lieu), <https://giarai.baclieu.gov.vn/-/c%C3%B4ng-b%E1%BB%91-c%C3%B4ng-khai-quy-ho%E1%BA%A1ch-s%E1%BB%AD-d%E1%BB%A5ng-%C4%91%E1%BA%A5t-%C4%91%E1%BA%BFn-n%C4%83m-2030-th%E1%BB%8B-x%C3%A3-gi%C3%A1-rai?inheritRedirect=true&redirect=%2Fsearchpage%3Fq%3DQuy%2Bho%25E1%25BA%25A1ch%2Bs%25E1%25BB%25AD%2Bd%25E1%25BB%25A5ng%2B%25C4%2591%25E1%25BA%25A5tG>, retrieved on 23/10/2023

⁹⁶ See: <https://chauduc.baria-vungtau.gov.vn/article/?item=c53aba9d4ce916db0be29aa1440cf21a>, retrieved on 25/10/2023

Disclosure of district-level land use plans in 2023

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 also increased through the three reviews (Figure 8). Specifically, the research team only found the 2021 DLLUPs on 337 DPCs' e-portals in the first review (47.9%). In the second review, the 2022 DLLUPs were found on 389 DPCs' web portals (55.2%). In the third review, the 2023 DLLUPs 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.

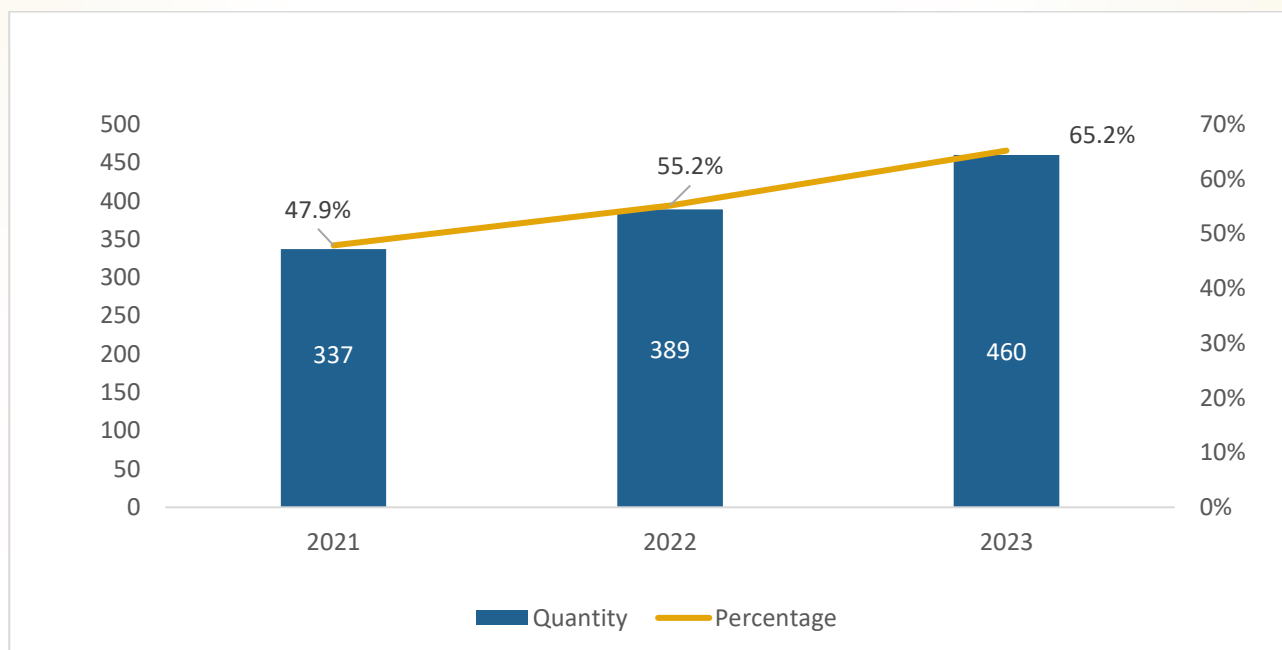


Figure 8: The disclosure of DLLUPs on DPCs web portals

Figure 9 shows the proportion of DPCs in 63 provinces nationwide that disclosed the 2023 district-level annual land use plans on their e-portals. Accordingly, seven provinces of Dong Thap, Tra Vinh, Tay Ninh, Binh Phuoc, Binh Thuan, Ninh Thuan and Phu Yen had 100% of DPCs 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%.

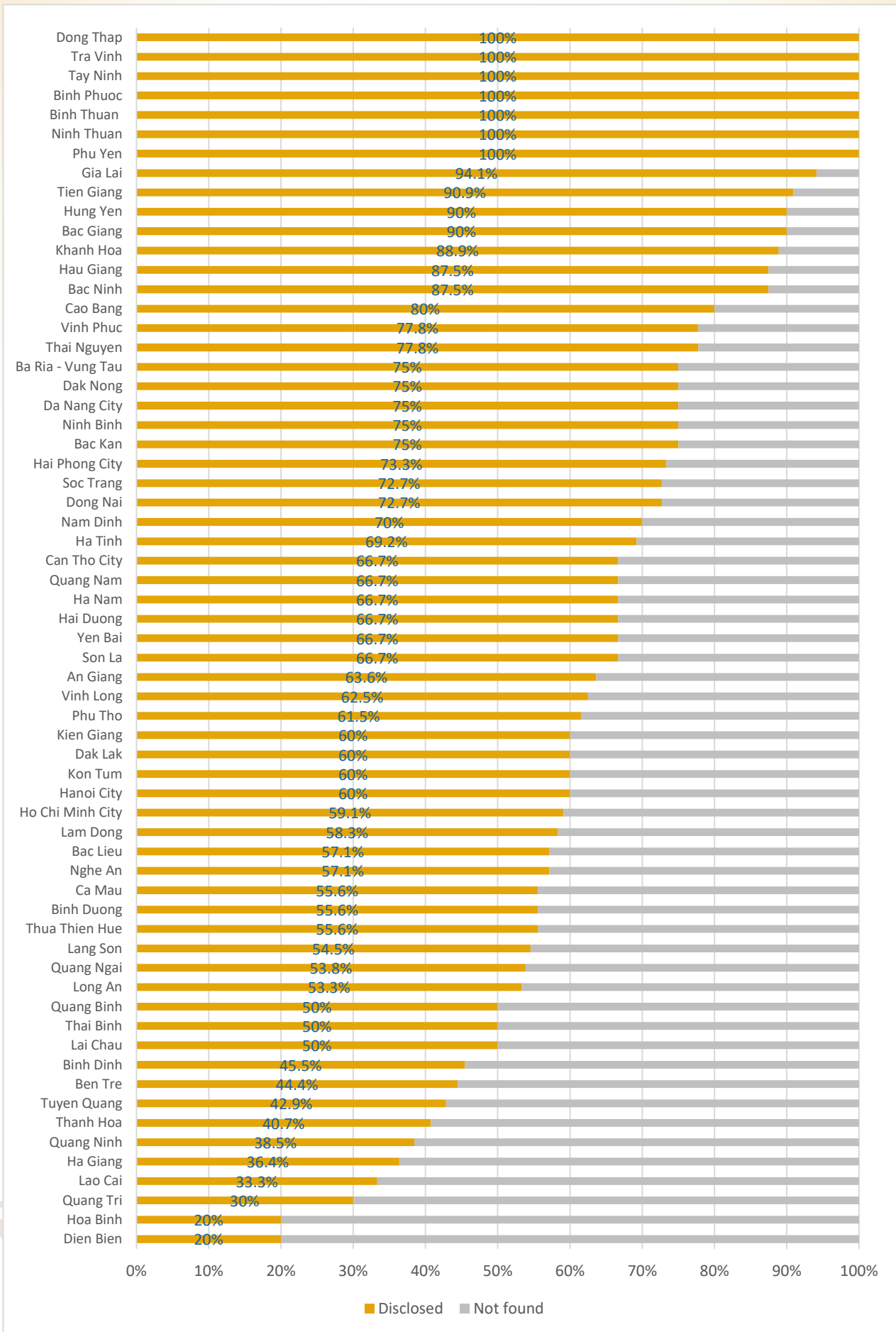


Figure 9: Proportion of DPCs in a province that have disclosed DLLUPs on their web portals

Regarding information searchability, Figure 10 shows that out of 460 DLLUPs were found, 305 DLLUPs were found in Step 1 (66.3%), 120 were found in Step 2 (26.1%), 23 were found in Step 3 (5%), and 12 were found in Step 4 (2.6%). Compared to the results of the 2022 review, the information searchability 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.

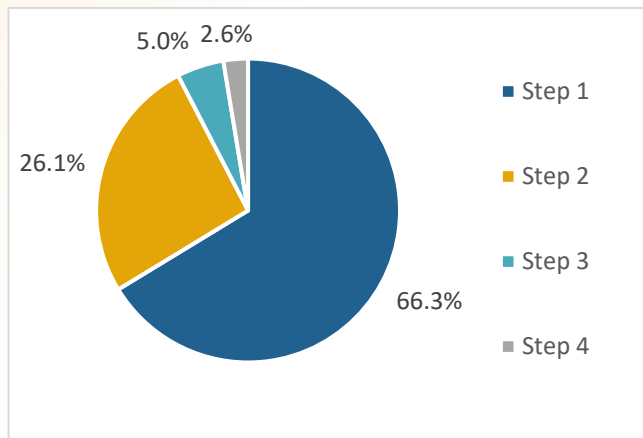


Figure 10: Searchability of 2023 DLLUPs

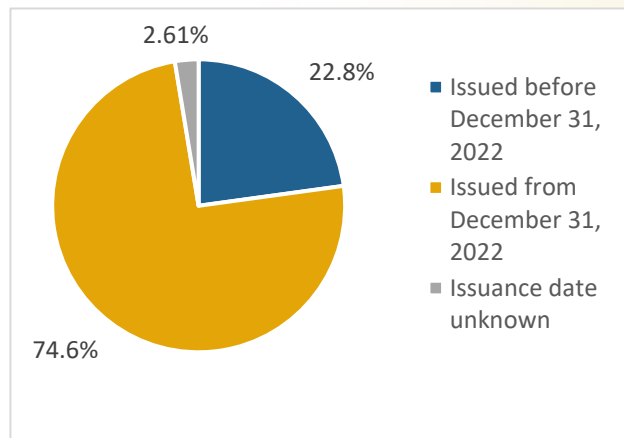


Figure 11: Timeliness of issuance of disclosed 2023 DLLUPs found on web portals

Regarding the timeliness of information, of the 460 DLLUPs 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%). 343 out of 460 documents were approved on or after December 31, 2022, 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%). Issuance date could not be determined for 12 out of 460 district annual land use plans (2.6%). In these cases, the research team only found explanatory reports or maps without posting dates, either because no date was shown on the post, or the claimed posting date conflicted with the date of issuance, resulting in the inability to determine the latter. For example, the supposed disclosing date of 2023 DLLUP of Ben Cat DPC (Binh Duong province)⁹⁷ was February 02, 2023 but the approval decision was dated February 22, 2023.

Table 2 compares the timeliness of issuance and disclosure of 2022 and 2023 DLLUPs, whereby the numbers of 2023 DLLUPs timely issued, versus timely issued and disclosed, and timely disclosed increased by 86, 28 and 52 sets compared to 2022, respectively. In the meantime, the number of DLLUPs documents issued on or after December 31 and the number of DLLUPs found disclosed after the 15-day deadline both reduced by 5 and 15, respectively, between the two reviews.

⁹⁷ See: <https://bencat.binhduong.gov.vn/cong-khai-thong-tin/ke-hoach-su-dung-dat-nam-2023-thi-xa-ben-cat>, retrieved on 30/10/2023

		2023 review		2022 review	
		Qty.	Rate	Qty.	Rate
Issued before December 31 of the preceding year	Disclosed within 15 days of issuance	32	7%	4	1%
	Disclosed after 15 days of issuance	48	10.4%	9	2.3%
	Date of disclosure could not be determined	25	5.4%	6	1.5%
Issued on or after December 31 of the preceding year	Disclosed within 15 days of issuance	169	36.7%	145	37.3%
	Disclosed after 15 days of issuance	93	20.2%	118	30.3%
	Date of disclosure could not be determined	81	17.6%	85	21.9%
Date of issuance could not be determined		12	2.6%	22	5.7%

Table 2: Comparison of the time of issuance and disclosure of DLLUPs in the last two reviews

Regarding the completeness of information, Figure 12 shows that among the 460 DPCs that disclosed information, 233 fully disclosed all of the three required documents, including approval decisions, explanatory reports, and land use plan maps (50.7%), while 23 only disclosed approval decisions and explanatory reports (5%), 70 only disclosed approval decisions and maps (15.2%), 14 only disclosed explanatory reports and maps (3%) and 120 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 DPC disclosing explanatory reports and maps.

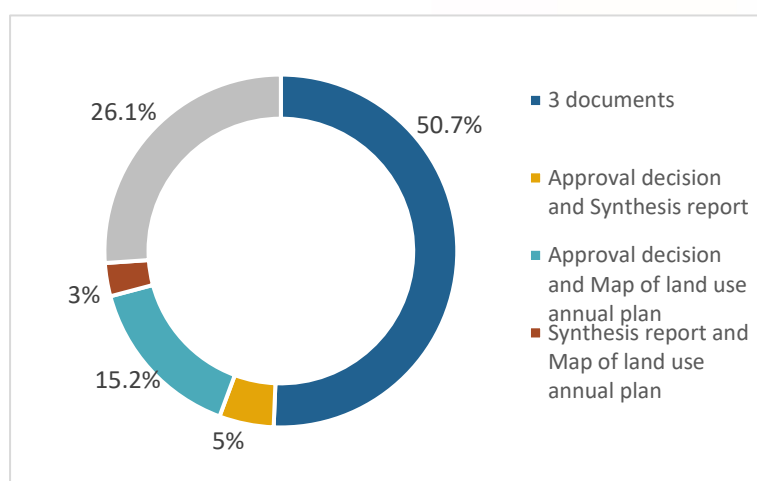


Figure 12: Completeness of 2023 DLLUPs disclosed on e-portals

Regarding information usability, similar to DLLUMPs, the DLLUPs 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.⁹⁸ Similarly, explanatory reports were

⁹⁸ For example: e-portal of Thach Thanh DPC at <https://thachthanh.thanhhoa.gov.vn/portal/Pages/2023-8-3/Thong-bao-cong-bo-dieu-chinh-quy-hoach-su-dung-dat6y7knm.aspx>, retrieved on 30/10/2023; Ninh Binh City DPC at <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 28/10/2023; Cam Khe DPC, <https://camkhe.phutho.gov.vn/Chuyen-muc-tin/Chi-tiet->

posted in .doc format without official stamps and signatures of authorized persons,⁹⁹ land use maps posted in formats unfamiliar to ordinary users (.dng),¹⁰⁰ or documents divided into two sets that made it difficult to read and follow.¹⁰¹

Of the 245 web portals of DPCs recorded as not having disclosed 2023 DLLUPs, there were six portals that posted these documents after 06/10/2023, hence not recognized by the research team. These include DPCs of Bac Yen (Son La),¹⁰² Hue (Thua Thien Hue),¹⁰³ Bao Loc¹⁰⁴ and Lac Duong¹⁰⁵ (Lam Dong), Chau Thanh¹⁰⁶ and Phu Tan¹⁰⁷ (An Giang).

[tin/t/cac-van-ban-lien-quan-den-ke-hoach-su-dung-dat-2023/tin/15961/ctitle/3](https://tin/cac-van-ban-lien-quan-den-ke-hoach-su-dung-dat-2023/tin/15961/ctitle/3), retrieved on 22/10/2023; Mai Chau DPC at 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 23/10/2023; Mai Son DPC at <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 30/11/2023; Si Ma Cai DPC at <https://simacai.laocai.gov.vn/tin-tuc/thong-bao-ve-vec-cong-bo-cong-khai-ke-hoach-su-dung-dat-nam-2023-1173823> retrieved on 30/10/2023; Hon Dat DPC at <https://hondat.kiengiang.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 21/202/203

⁹⁹ For example: U Minh Thuong DPC at <https://vbdh.camau.gov.vn/CNTVIC/UMINH/vbdh.nsf>, retrieved on 01/11/2023; My tu DPC at <https://mytu.soctrang.gov.vn/huyenmytu/1304/33055/62395/361095/Quy%20ho%E1%BA%A1ch,%20k%E1%BA%BF%20ho%E1%B%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 28/10/2023; Tan Chau, Chau Thanh DPC at <https://chauthanh.tiengiang.gov.vn/chi-tiet-tin/?ke-hoach-ve-vec-phe-duyet-ke-hoach-su-dung-at-nam-2023-cua-huyen-chau-thanh/49355566>, retrieved on 24/10/2023; Ben Cat DPC at <https://bencat.binhduong.gov.vn/cong-khai-thong-tin/ke-hoach-su-dung-dat-nam-2023-thi-xa-ben-cat>, retrieved on 30/10/2023; Ba Don DPC at <https://badon.quangbinh.gov.vn/chi-tiet-tin/-/view-article/1/441011402277495019/1682407267559>, retrieved on 01/11/2023; Yen My DPC at <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 23/10/2023; Ngan Son DPC at https://nganson.backan.gov.vn/index.php?com=tintuc_ct&id_news=1673, retrieved on 29/10/2023

¹⁰⁰ For example: Tien Du DPC at <https://tiendu.bacninh.gov.vn/news/-/details/22328/thong-bao-ve-vec-cong-khai-ke-hoach-su-dung-at-nam-2023-huyen-tien-du-44778258>, retrieved on 29/10/2023; Khoai Chau DPC at <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 30/10/2023

¹⁰¹ For example: Thang Binh DPC at https://thangbinh.quangnam.gov.vn/webcenter/portal/thangbinh/pages_van-ban/chi-tiet?dDocName=PORTALS24133, retrieved on 20/10/2023; DPC of Tam Diep City, <https://tamdiep.ninhbinh.gov.vn/van-ban/van-ban-chi-dao-dieu-hanh/ve-vec-cong-bo-cong-khai-ke-hoach-su-dung-dat-nam-2023-thanh-pho-tam-diep-677.html>, retrieved on 23/10/2023

¹⁰² Posted on 27/10/2023, <https://bacyen.sonla.gov.vn/chien-luoc-dinh-huong-quy-hoach-ke-hoach-phat-trien/ke-hoach-su-dung-dat-nam-2023-huyen-bac-yen-735360>, retrieved on 29/11/2023

¹⁰³ Posted on 12/11/2023, <https://huacity.gov.vn/Quan-ly-su-dung-dat/pid/29409/cid/44?tid=Phe-duyet-Ke-hoach-su-dung-dat-nam-2023-cua-Thanh-pho-Hue.html>, retrieved on 30/11/2023

¹⁰⁴ Posted on 16/10/2023, <https://lamdong.gov.vn/sites/baoloc/dau-tu/congboquyhoach/SitePages/BAO-CAO-THUYET-MINH-TONG-HOP-KE-HOACH-SU-DUNG-DAT-NAM-2023-THANH-PHO-BAO-LOC-TINH-LAM-DONG.aspx>, retrieved on 02/11/2023

¹⁰⁵ Posted on 17/10/2023, <https://lamdong.gov.vn/sites/lacduong/th%C3%B4ng%20tin%20quy%20ho%E1%BA%A1ch/SitePages/Quy-dinh-phe-duyet-ke-hoach-su-dung-dat-nam-2023-huyen-Lac-Duong-tinh-Lam-Dong.aspx>, retrieved on 27/10/2023

¹⁰⁶ Posted on 10/11/2023, <https://chauthanh.angiang.gov.vn/wps/portal/Home/home/chi-tiet/sa-congboquyhoach/705d7576-e4aa-43fa-95b5-cd14caf813bf#gsc.tab=0>, retrieved on 01/12/2023

¹⁰⁷ Posted on 06/11/2023, <https://phutan.camau.gov.vn/wps/portal/?1dmy&page=pt.chitiet&urile=wcm%3apath%3a/phutanlibrary/phutansite/noidungtrang/dinhhuongquyhoach/xaydungdothidatdai/0811>, retrieved on 01/12/2023

Good practices in disclosing 2023 DLLUPs on web portals

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

The People's Committees of several districts and towns, including Ha Giang (Ha Giang province), Van Ho, Thu Thua and My Tho (Tien Giang province), Cai Be, Cai Lay and Chau Thanh (Tien Giang province), Cau Long and Tra Cu (Tra Vinh province), Vi Thanh, Nga Bay, Phung Hiep and Chau Thanh A (Hau Giang province), are those districts that meet 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 have 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 the third review in 2023, the research team started to send requests for 2023 DLLUPs to 561 DPCs offices from October 31, 2023 and recorded responses up to December 31, 2023.

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 denial rate decreased from 2.7% in the first review to 1.1% in the second and third reviews. Secondly, while refusing to provide information, state agencies did use the forms specified in relevant regulations to respond to the requesters. Accordingly, out of six DPCs who refused to provide information, three used the forms specified in Decree No. 13/2018/ND-CP in responding to the requesters. This suggests that there has been a positive change in the mindset and approach of civil servants in charge of information provision compared to the previous two reviews. However, the non-response rate remained high, indicating that additional efforts are needed to promote people's access to information.

By the end of December 31, 2023, out of 561 DPCs Offices, 133 DPCs Offices had provided the requested information (23.7%), six DPCs rejected (1.1%), 30 DPCs responded but did not provide information (5.3%), 381 DPCs did not respond (67.9%), and 11 request letters were returned (2%).

Figure 13 shows that of the 133 agencies that provided the information requested by the research team members, 57 provided all three documents required for disclosure (42.9%), 24 provided two of the three documents (18%), and 52 provided only one of three documents (39.1%).

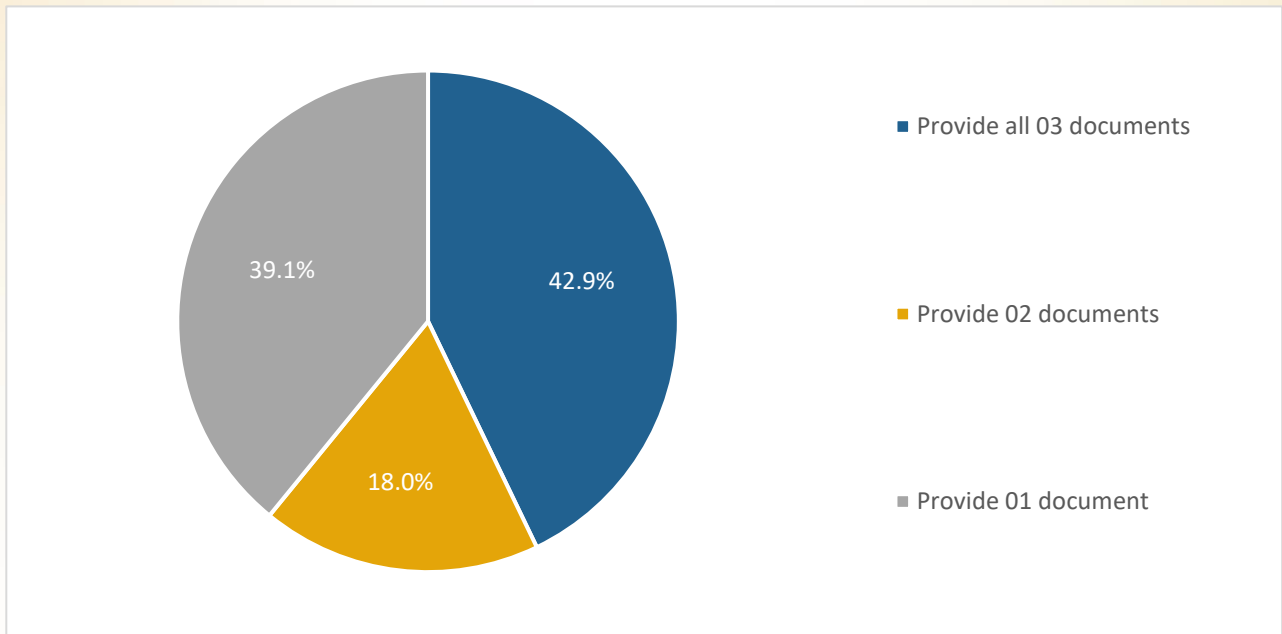


Figure 13: The completeness of the documents received

Figure 14 shows the modes of response used by the 133 agencies mentioned above. Accordingly, 79 agencies provided information via email – the means chosen by the Research members to send information requests (59.4%), 12 agencies responded via telephone (9%),¹⁰⁸ 19 agencies provided documents via Zalo (14.3%), and 23 agencies sent documents via post without charging the information requesters (17.3%).

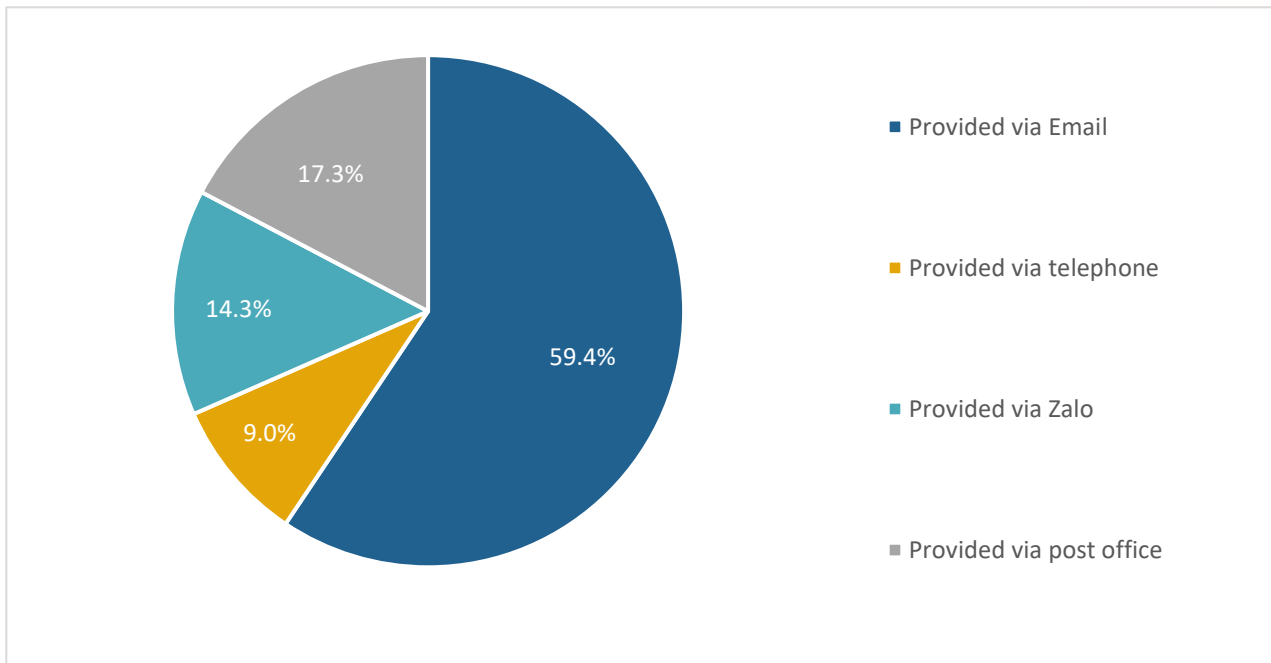


Figure 14: Modes of response to requests for DLLUPs in 2023

¹⁰⁸ The civil servant in charge contacted via telephone and provided guidance on searching for 2023 DLLUP on the DPC or DONRE e-portals.

Of the six agencies that refused to provide information, four agencies refused on the grounds that they had already disclosed the requested information as prescribed at Point b, Clause 1, Article 28 of the LAI.¹⁰⁹ Of those, 3 agencies¹¹⁰ used the form Notice of refusal to provide information¹¹¹ and one responded with an official letter¹¹². In particular, although these four agencies announced their refusal to provide information, they still provided links to the posts disclosing the 2023 DLLUPs to facilitate requesters to access the information directly.¹¹³ Only one agency responded via telephone, stating that the information request was unclear and requesting an official letter from a competent agency. One agency refused to provide information in a written response on the grounds that: 1) the request letter does not conform 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 subject document is not relevant to be provided and therefore will not be provided, as Article 13 of Circular 34/2014/BTNMT stipulates that state agencies shall not provide land-related information under one of the following circumstances: Documents/applications for information are not clear nor specific; or the requested information belongs to state's classified information, which cannot be shared.

30 out of 561 agencies provided responses of different types, including (1) notifying that the request for information has been forwarded to another department/agency for follow-up, however as of December 31, 2023 the research team had not received any further response; (2) confirming that the requested information will be provided in the form specified by the requesters, however as of December 31, 2023 the research team had not received the requested information; (3) asking the requesters to provide further information on the place of residence and purpose of using the information but giving 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 team could not find 2023 DLLUPs on the e-portals as per the notification; (5) inviting the requesters to the Office of the People's Council and People's Committee to attend an official meeting; (6) requesting the requesters 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.

Among these, Ia Pa District Land Registration Office (Gia Lai province) in their response requested the research team member who made the request to pay VND200,000 as the fee for exploitation and use of the district's land-related documents.¹¹⁴ The research team regarded this charge as inappropriate as Article 12 of the 2016 LAI stipulates that citizens are not required to pay fees or charges for information provision except for actual costs incurred for printing, copying or sending information, unless otherwise provided for in other laws. However, as the result of the team's research, this fee for exploitation and use of land-related documents is indeed specified in Resolution No. 23/2022/NQ-HĐND of Gia Lai's Provincial People's Council.¹¹⁵ Specifically, the Resolution provides that the fee for exploitation and use of land-related documents is VND200,000/set for individuals and VND 400,000/set for organizations. The Resolution also provides for fees and charges for the provision of land-related documents, including exploitation and use fees, as well as fees for printing, copying and sending documents (if applicable).

¹⁰⁹ Point b, Clause 1, Article 28 2016 LAI stipulates that RfI be denied in cases where "Information is subject to disclosure under Article 17 of this Law, except for cases under Clause 1 Article 23 of this Law"

¹¹⁰ Yen The district (Bac Giang), Van Ho district (Bac Giang) and Ca Mau City (Ca Mau)

¹¹¹ Form 05 attached to Decree No.13/2018/NĐ-CP of the Government

¹¹² Hoai Duc district (Ha Noi)

¹¹³ Ca Mau City (Ca Mau province), Yen The district (Bac Giang), Van Ho district (Son La), Hoai Duc district (Ha Noi)

¹¹⁴ The member agreed to pay VND226,000 (including VND200,000 for exploitation of information and VND26,000 for postal fee).

¹¹⁵ See: <https://thuvienphapluat.vn/van-ban/Thue-Phi-Le-Phi/Nghi-quyet-23-2022-NQ-HDND-muc-thu-phi-tham-dinh-cap-giay-chung-nhan-quyen-su-dung-dat-Gia-Lai-523683.aspx>

The grounds used by Ia Pa District People's Council to adopt Resolution No.23/2022/NQ-HĐND is Article 16 was the Circular No.34/2014/TT-BTNMT. However, Clause 3, Article 9 of Circular 34/2014/TT-BTNMT (amended by Clause 3, Article 1, Circular No.24/2019/TT-BTNMT)¹¹⁶ also provides a list of land information subject to mandatory disclosure, including land use master plans and land use plans which have been approved by the competent state agencies. As such, from the perspective of the 2016 LAI and the 2013 Land Law, land use plan information is subject to mandatory disclosure for citizens' access without barriers or restrictions.

The 2023 review recorded 11 request letters returned to senders by post offices with the explanation that security guards of 11 DPCs refused to accept the mail due to the absence of a specific recipient's name.¹¹⁷ In fact, all the letters were addressed to the Office of the District People's Council – People's Committee on the basis of Point g, Clause 2, Article 9 of the 2016 LAI.¹¹⁸ Besides, requesting a specific addressee's name on request letters sent via post would be unreasonable, because Clause 4, Article 33 of the 2016 LAI¹¹⁹ stipulates that the focal point of information provision can be a unit, a team or an individual.¹²⁰ Therefore, it should be reasonable to assume that the targeted recipient of the request letter can be a division, unit or team assigned to be the focal point for information provision, rather than a specific staff with a specific title.

Regarding legal citations in the request letters, the number of agencies providing information for requests with citations of the 2016 LAI compared to those with citations of the 2013 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 2016 LAI and those citing the 2013 Land Law are almost identical, 3, 190, and 16 respectively for requests citing the 2016 LAI compared to 3, 191, and 14 for requests citing the 2013 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 2013 Land Law was higher than those with citations of the 2016 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 role 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 (at 65% for both). All four senders received refusal responses, 1.4% for the citizen and researcher, and 0.7% for the lawyer and real estate agent.

¹¹⁶ Point a Clause 3, Article 1 Circular No.24/2019/TT-BTNMT amending Clause 3 Article 9 Circular No.34/2014/TT-BTNMT: "3. Land information to be disclosed includes: a) List of data contained in the land database; b) land use master plans and annual land use plans as approved by competent state agencies; c) Land pricing frameworks and tables that have been published; d) Information on land-related administrative procedures; d) land-related legal normative documents"

¹¹⁷ 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)

¹¹⁸ Point g, Clause 2 Article 9 2016 LAI: "The Office of the People's Council and the District People's Committee are responsible for providing information created by the People's Council, the standing team of People's Council, units of the People's Council, the People's Committee, and the Chairman of the District People's Committee"

¹¹⁹ Clause 4, Article 33 2016 LAI: "Identify information disclosure focal points"

¹²⁰ Clause 1, Article 6 and Clause 2 Article 7 Decree No.13/2018/NĐ-CP stipulates the focal point to provide information or the focal unit or individual to act as the focal point (in case the agency responsible for providing information does not assign a focal unit to provide information)

Regarding compliance with information provision procedures under the LAI, in the third review, the Research group received two receipts of RFI,¹²¹ eight responses to RFI,¹²² three notices of denial of access to information¹²³ and 71 written responses in the form of an 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 a receipt of RFI and a response to RFI to the applicants, then providing the requested information via email.

Compared to the second review, positive changes have been recorded in the third review with an increase in the number of forms regulated to be used to process information requests in accordance with the 2016 LAI. Accordingly, in the second review, no agency used the receipt form, seven agencies used the response form, one agency used notice of denial of RFI form and 62 agencies sent official letters which did not use any of the available forms provided in the Decree 13/2018/ND-CP. However, in the third review, the number of agencies using these forms was two, seven and three respectively, while 55 agencies did not use any of the forms.

Regarding response times, the research team received 111 responses to RFI together with information provided within 15 working days from the date of sending the RFI, 05 responses with information provided after 15 working days, 22 responses but without information provided within 15 working days, and four responses without information provided after 15 working days. As such, out of a total of 142 responses received by the research team, 133 agencies responded within 15 working days (93.7%) and nine agencies responded after 15 working days (6.3%).

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 (Figure 15). With the aim to support the improvement of land information disclosure, on October 31, 2023, the research team attempted to send out the results of the second review via email to 705 DPCs whose websites/portals were reviewed. In fact, the team only found email addresses on e- portals of 685 DPCs. To ensure efficient email 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 285 official mail addresses and 7 personal email addresses (Gmail), were unable to receive emails. Therefore, the team could only send the review results to the email addresses of 393 out of 705 DPCs nationwide, of which 332 emails were successfully sent out (accounting for 48.5% with n = 685). The system continued to send error notices that the messages weren't delivered to 61 official email

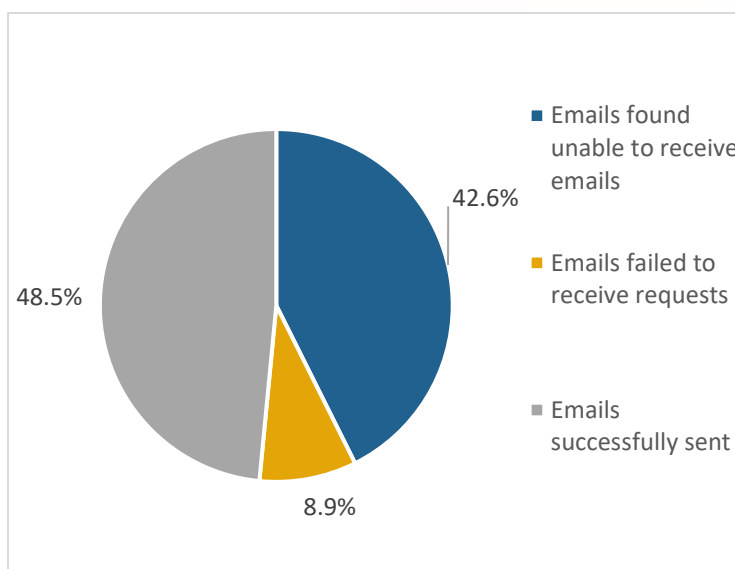


Figure 15: The communication with DPCs via email

¹²¹ Form 02 in the Appendix to Decree No.13/2018/ND-CP

¹²² Form 03 in the Appendix to Decree No.13/2018/ND-CP

¹²³ Form 05 in the Appendix to Decree No.13/2018/ND-CP

addresses (accounting for 8.9% with n = 685). Among them, 18 messages were sent to an address that couldn't be found, 31 were blocked¹²⁴ and 12 did not reach the recipients¹²⁵.

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 a reason why civil servants use personal emails to communicate with citizens. This could also be an explanation for the low rate of responses to RFIs via emails reported in the Review of 5th year of Implementation of the Law on Access to Information – at only 6,2%.¹²⁶ However, this practice also raises questions about the transparency and accountability of state agencies in addressing citizens' requests for information.

Experiment with searching for land information on electronic portals/websites of a visually impaired person

During the third-round evaluation, the research team conducted an in-depth interview with a visually impaired person (completely blind) to better understand the challenges faced during the experience of searching for land information on public electronic portals in Hanoi, where this person resides.

The participant searched for the PLLPF for the period 2020-2024, the DLLUMP for the period 2020-2030, and the DLLUP for 2023 of the locality in March 2024. However, the participant only found the PLLPF for the period 2020-2024 on the Hanoi city portal and could not find the other two documents.

Sharing the experience of searching for land information on local portals, the participant reported several difficulties, including: i) the necessary information not being publicly available on the web portals; ii) using the search tools of the portals to find land information; and iii) accessing the found information under conditions of complete blindness. Specifically:

First, many e-portals do not publicize the land information that citizens need to find. This confuses the searcher, especially the blind, because they do not know whether the issue lies with themselves or with the web portals. Moreover, when unable to find land information on the portals, the searcher is forced to use Google and often receive top search results from websites about land, law, and investment. This raises concerns about the legitimacy and accuracy of the found information.

Second, the search tools of many web portals are currently ineffective. When typing search keywords on the portals, the searcher cannot find the desired results, or the search feature does not work at all. This forces the searcher to look for land information across various categories on the portals, making the search process time-consuming and labor-intensive.

Finally, as a completely blind participant, accessing many documents on land information on local portals is impossible. This difficulty does not stem from the participant but from the document formats not being compatible with the reading tools used by visually impaired individuals. Many

¹²⁴ Reasons why the emails were blocked include messages being rejected for violating organization's policies, connection denied, and prohibited contents denied.

¹²⁵ On one day the return message notified that the recipient's inbox was full and could not receive more emails.

¹²⁶ Centre for Education and Empowerment of Women (2023), 5th Review of Implementation of the Law on Access to Information, <https://cepew.org.vn/wp-content/uploads/2023/12/Bao-cao-Tom-tat_Danh-gia-Thuc-thi-Luat-TCTT-lan-thu-5.pdf>

portals provide information in scanned document format rather than PDFs converted from Word format. Scanning distorts the text and formatting, making it difficult to access complete and accurate information. Furthermore, information in image format within land information files, such as DLLUMP maps and DLLUP maps, lacks textual descriptions. Similarly, textual information within these files lacks audio descriptions or sign language interpretations, causing difficulties for the participants in utilizing the information.

Through field research trips to Ha Giang, Bac Giang, and Bac Ninh during three evaluation rounds since 2021, the research team also observed that, besides the visually impaired, other groups, such as the elderly and ethnic minorities not fluent in Vietnamese, also face difficulties in accessing information on the web portals. Therefore, addressing these challenges will enhance online land information accessibility for these three groups, which represent a sizable portion of the country's population.¹²⁷

¹²⁷ According to the 2022 performance report on disability work by the National Committee on Disability (Department of Social Protection, Ministry of Labor, Invalids and Social Affairs) at the 2022 Summary and the 2023 Orientation Task Conference, 7.06% of the country's population are persons with disabilities. According to the 2019 survey results on the socio-economic status of 53 ethnic minority groups by the General Statistics Office, ethnic minorities make up 14.6% of the national population. Based on the population database provided by the Ministry of Public Security, as of February 9, 2023, there were 16,179,824 citizens aged 60 and above, accounting for nearly 17% of the population.

CONCLUSIONS AND POLICY IMPLICATIONS

Conclusions

Ensuring the citizens' right to access information on management, planning and use of land is one of the key objectives set out in Resolution No. 37/NQ-CP of the Government.¹²⁸ To achieve this objective, it is important to ensure that the disclosure of land use master plans, annual land use plans and land pricing frameworks is in line with existing laws and regulations.

The third review of the disclosure of PLLPFs, DLLUMPs and DLLUPs on government authorities' e-portals shows improvements in this regard. Compared to the second review, the rates of disclosure of PLLPFs for the period of 2020-2024, DLLUMPs for 2021-2030 and 2023 DLLUPs in the third review increased by 7.9%, 16.5%, and 10.1%, respectively.

In addition, the experiment with sending requests for DLLUP records in the third review also suggests positive improvements, with an increase in the response rates as compared to the second review. In the meantime, the rate of denial of access to information declined. Especially, the negative responses in the 2023 review were made on the reasonable grounds prescribed in the 2016 LAI while the research team members were still provided with working links to the requested records. While the number of state agencies using response templates provided in Decree 13/2018/ND-CP to respond to citizen's requests for information was still modest, it already increased compared to the second year.

Despite positive improvements, there are still limitations in disclosing land information on e-portals of state agencies at the provincial and district levels as well as in implementing procedures for providing land information at citizens' request in line with laws and regulations on land and access to information. The third review of the research showed that there remained a significant proportion of land pricing frameworks for the period 2020-2024 that was not found on PPCs' e-portals (27%), particularly when this document has been effective since early 2020 and will expire on December 31, 2024. Similarly, the proportion of DLLUMPs for 2021 - 2030 and 2023 DLLUPs that were not found on DPCs' e-portals were 34.6% and 34.8%, respectively.

In the meantime, a number of provincial land pricing frameworks and DLLUMPs found in the second review were no longer available in the third review, but no replacements were found. This suggests that certain technical limitations make it challenging to ensure continuity of information disclosure in general and land information disclosure in particular throughout the required period.

Through the three reviews, 70% of district People's Council and People's Committee offices did not respond to requests for the provision of DLLUPs. This suggests the limitations in the implementation of administrative procedures in accessing information via post, making it difficult to guarantee a response. Regarding communication via email, there is still a considerable proportion of official mailboxes unable to receive mail, so civil servants mainly use personal Gmail email addresses to respond to citizens. This raises questions about the legitimacy and accountability of state agencies in exercising citizens' right to access land information.

To enhance citizens' ability to access land information as well as promote effective digital transformation, it is necessary to assess the current situation and consider the above limitations comprehensively, to formulate relevant solutions in the current context.

¹²⁸ <https://xaydungchinhsach.chinhphu.vn/toan-van-nghi-quyet-so-37-nq-cp-ve-quan-ly-su-dung-dat-11923031718275916.htm>

Policy Implications

To promote the citizens' right to access information in general, and land information in particular, the research team has come up with some key policy implications as follows:

Development and improvement of legal regulations and policies

- Include the procedure for information provision at the request of citizens in the current set of administrative procedures for all relevant areas (including land-related areas) and issue-specific guidance documents.
- Develop a mechanism for assessing the disclosure of information and sanctions for handling violations in cases where the relevant authorities fail to properly and fully fulfill their responsibilities for the 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 data¹²⁹, including cases where "the purpose of data usage is not suitable as prescribed by law." Given the wide variety of land information, setting requirements to use the information may be appropriate, but only in cases of conditional access. Nevertheless, the purpose of use should not be grounds for denying a request for information where such information is required to be disclosed, such as land pricing frameworks, land use master plans and annual land use plans.
- Stipulate that government agencies are obliged to provide upon request the information for which they are responsible for disclosing.
- While Decree No.42/2022/ND-CP includes provisions on domain names of government e-portals for consistency across the public administration system, it is also important to stipulate that the interfaces, structure of information sections and modes of information disclosure be developed in a standardized and consistent manner across all government web portals. It is advisable to consider a standardized development of e-portals of People's Committees at all levels. In addition, it is necessary to supplement mandatory provisions for upgrading web portals to meet WCAG 2.2 standards (Web Content Accessibility Guidelines 2.2)¹³⁰ instead of the current WCAG 1.0 standards.
- Supplement mandatory provisions regarding accessibility for products and information and communication services in public procurement activities, including web portals. Accessibility for vulnerable groups, including persons with disabilities, must be considered from the design phase of these portals and continually improved during the upgrading process of these portals.

¹²⁹ Article 13 Circular 34/2014/TT-BTNMT provides for cases of denying access to information: "1) when RfI letters/forms are not clear or specific; request for information that belongs to state classified category which is inaccessible; 2) The request document does not have the signature of an authorized person or not confirmed by the organization's stamp; the request form does not contain the signature, name and specific address of the individual requesting the data; 3) the purpose of using data is not in line with the provisions of law; 4) requester fails to fulfill financial obligations."

¹³⁰ Refer to: <https://www.w3.org/TR/WCAG22/>

More effective enforcement of existing legal regulations and policies

- Continue to disseminate and provide training on the 2016 Law on Access to Information, Decree No. 13/2018/NĐ-CP and Decree No. 42/2022/NĐ-CP to public officials and civil servants as well as for citizens, especially regarding regulations on the processes and procedures for disclosing information and providing information at citizens' request.
- Continue training officials and civil servants within state agencies on the importance of enhancing accessibility for all users of web portals during the construction, design, and upgrading processes to realize the policy of "digital transformation leaving no one behind."
- Develop an 'Access to Information' section on local government web portals and organize information in this section in accordance with 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; assign and publicize contact details of focal points for information provision. The development of a section on access to information, including land information is necessary because certain documents have long-time horizons, such as land pricing frameworks with 5-year validity and DLLUMPs for 10 years. The search for and access to such documents on e-portals will be challenging in the absence of a dedicated section for land-related information, or when the search bar on the web portal does not function properly.
- Develop web portals that ensure efficiency in searching and accessing information adopting user-friendly, user-centered approaches. *Firstly*, it is essential to adopt necessary 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 web portals 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.
- Conduct a study for meaningful application of the regulations of Circular No.26/2020/TT-BTTTT to support access to information for all users, particularly people with disabilities and ethnic minorities who are not proficient in the official Vietnamese language./.

APPENDIX 1: 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 look 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 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 [land] 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.

APPENDIX 2: INTERVIEW QUESTIONS IN THE EXPERIMENT WITH SEARCHING FOR LAND INFORMATION ON ELECTRONIC PORTALS/WEBSITES OF A VISUALLY IMPAIRED PERSON

Part 1: Personal Information

1. What is your full name and where do you live?
2. What is your disability?

Part 2: Experience in Searching for Land Information on Electronic Portals/Websites

3. Do you search for land information in the locality where you live?
4. What types of land information have you searched for?
5. Which portals/websites have you used to search for land information?
6. Briefly describe your process of searching for land information. (What methods did you use? Did you use any specialized software? How much time did it take? Etc.)
7. Did you find the exact land information you were looking for?
8. What advantages and difficulties did you encounter during the search process?
9. What advantages and difficulties did you encounter when reading the information you found?

Part 3: Improvement Suggestions

10. Do you have any recommendations for improving the accessibility of local government electronic portals/websites for disabled persons?

