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DRAFT LAND LAW (AMENDED) – DRAFT NO. 01
KEY CHANGES BUSINESSES SHOULD NOTE

EXPECTED EFFECTIVE DATE 01/03/2027 (DRAFT 01)

Basis: Draft Land Law No. 01 dated 20/07/2026 published for public comment by the Ministry of Agriculture and Environment, compared with Land Law No. 31/2024/QH15 (Consolidated Document No. 44/VBHN-VPQH) and Resolution No. 254/2025/QH15

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Draft overview

CURRENT · CEASES TO BE EFFECTIVE WHEN THE NEW LAW TAKES EFFECT

Land Law No. 31/2024/QH15

260 articles, together with 12 laws amending and supplementing it (Article 98.2 of Draft 01)

Resolution No. 254/2025/QH15

Resolving obstacles in implementing the Land Law; repealed (Article 98.3 of Draft 01)

Exception: the transitional provisions in Chapter XVI of the 2024 Law, Clause 13 Article 3 and Clauses 9, 10 Article 4 of Resolution 254 continue to apply.

→

EXPECTED EFFECTIVE DATE

01/03/2027

(Article 98.1 of the Draft)

DRAFT 01

Land Law (amended)

105 articles · 13 chapters

Document analysed: Draft No. 01 dated 20/07/2026.

NOTES FOR READERS

This document analyses Draft No. 01 dated 20/07/2026 published for public comment by the Ministry of Agriculture and Environment. The Government submitted the draft Land Law (amended) to the National Assembly at the 2nd Session (16th National Assembly) on 22/10/2026; the submitted version and the version passed by the National Assembly may differ from Draft 01 in certain respects. DEDICA will update this document once the full text is available.

This document provides general information only and does not replace legal advice on any specific case.

LEGAL BASIS: Articles 98.1, 98.2, 98.3 of Draft Land Law No. 01 dated 20/07/2026

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KEY CHANGE 1 · LAND PRICES

Land prices: specific land prices and the market principle removed; prices based on the land price list and adjustment coefficients (except auctions)

CURRENT · RESOLUTION 254/2025/QH15

Land is valued under the market principle. Land price adjustment coefficients are decided by the provincial People's Committee. Specific land prices still apply where the land price list cannot be applied.

VERBATIM ARTICLES 6.1, 7.1, 8.2 RESOLUTION 254/2025/QH15

Land valuation must ensure the following principles: a) The land valuation method follows the market principle; [...]

[...] in cases where the land price list cannot be applied, a specific land price shall be determined in accordance with the Land Law.

The provincial People's Committee shall decide to issue land price adjustment coefficients applicable from 01 January each year; [...]

DRAFT · ARTICLES 74, 75

Land prices are decided by the State; the market principle and specific land prices are removed. Both the land price list and the adjustment coefficients are decided by the provincial People's Council.

VERBATIM ARTICLES 74.1, 75.4 OF THE DRAFT

Land prices shall be decided by the State, and land valuation must ensure the following principles: ~~The land valuation method follows the market principle;~~ [...] c) **Must be based on complete data, including land, tax, notarisation, banking and real estate data;** [...]

The provincial People's Committee shall formulate and submit to the provincial People's Council for decision, amendment and supplementation the land price list**, land price adjustment coefficients**.

NOTE

Under Resolution 254 (effective from 01/01/2026), land use levies and land rents are calculated based on the land price list and adjustment coefficients (Articles 5, 7.5 of Resolution 254). The Draft codifies this mechanism into law, removes specific land prices (currently applied to sea encroachment projects and where the land price list cannot be applied) and transfers the power to issue adjustment coefficients from the provincial People's Committee to the provincial People's Council. The basis for calculating land use levies and land rents also includes a collection rate (Article 71.1.h of the Draft), which the Draft has not yet specified.

LEGAL BASIS: Articles 71.1, 74.1, 75.4 of the Draft · Articles 158, 160 of the 2024 Land Law · Articles 5, 6.1, 7.1, 7.5, 8.2 of Resolution 254/2025/QH15

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KEY CHANGE 2 · FORM OF LAND LEASE

Form of land lease: industrial park infrastructure and tourism real estate projects must pay land rent in a lump sum

CURRENT · RESOLUTION 254/2025/QH15

Land users may choose to pay land rent in a lump sum or annually, including industrial park infrastructure and tourism projects (except Clause 3 Article 30 of the Land Law and certain leases of land from State-managed land funds).

VERBATIM ARTICLE 4.2 RESOLUTION 254/2025/QH15

Land users may choose between land lease by the State with a lump-sum rent payment for the entire lease term or land lease with annual rent payment, except for the case specified in Clause 3 Article 30 of the Land Law.

[Clause 3 Article 30 of the Land Law: public service units allocated land without levy switching to land lease with annual rent payment]

DRAFT · ARTICLE 53

Land users may still choose the form of lease, except for industrial park, industrial cluster and hi-tech park infrastructure projects and tourism real estate projects: lump-sum payment is mandatory, with no switch to annual payment.

VERBATIM ARTICLE 53.2 OF THE DRAFT

The State shall lease land with a lump-sum rent payment for the entire lease term, and land users may not choose the form of land lease or switch the form of land use [...] to land lease by the State with annual rent payment, in the case of using non-agricultural production and business land to implement projects trading in infrastructure of industrial parks, industrial clusters and hi-tech parks, or using non-agricultural production and business land to implement tourism real estate projects.

NOTE

Projects in these two groups currently paying annual rent: Article 99.1 of the Draft allows them to continue under prior law, but Article 53.3.d prohibits a change in the form of land use.

LEGAL BASIS: Articles 53, 99.1 of the Draft · Articles 30, 120 of the 2024 Land Law · Article 4.2 of Resolution 254/2025/QH15

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KEY CHANGE 3 · PROJECT LAND NOT PUT INTO USE

Unused project land: 12/24-month limits and paid extensions removed

CURRENT · ARTICLES 81, 105 OF THE 2024 LAND LAW

Land unused for 12 consecutive months or 24 months behind schedule: extension of up to 24 months with an additional payment; if still unused after the extension, the land is recovered without compensation for land, assets or remaining investment costs in the land (Articles 81.8, 105.1). Not applicable in force majeure events (Article 81.9).

VERBATIM ARTICLE 81.8 OF THE 2024 LAND LAW

Land allocated or leased by the State [...] to implement an investment project that is not used for 12 consecutive months from the on-site land handover, or whose land use is 24 months behind the schedule in the investment project; [...] the investor is granted an extension of no more than 24 months and must pay the State an additional amount equal to the land use levy or land rent for the extended period; if the investor still has not put the land into use at the end of the extension, the State recovers the land without compensation for the land, assets attached to the land and the remaining investment costs in the land.

DRAFT · ARTICLES 36, 44, 45

Land is recovered if not put into use and the violation continues after an administrative sanction, except in force majeure (Articles 36.7, 36.8). The law no longer sets time thresholds, extensions or additional payments. No compensation for land (Article 44.8); remaining investment costs in the land are not compensable (Article 45.2).

VERBATIM ARTICLE 36.7 OF THE DRAFT

Using land to implement an investment project without putting the land into use and **continuing the violation after being administratively sanctioned.**

NOTE

Article 36.7 of the Draft does not cover land use behind the schedule in the investment project as Article 81.8 of the 2024 Law does, nor does it quantify "not putting land into use". The Draft has no provision equivalent to Article 105.1 of the 2024 Law on no compensation for assets attached to land. Transition (Article 101.5): where recovery has been proposed but no recovery decision issued, the Draft applies; where an extension decision under Article 81.8 of the 2024 Law exists, it continues to apply. Projects may still be recovered upon termination under investment law (Article 37.1.d).

LEGAL BASIS: Articles 36.7, 36.8, 37.1.d, 44.8, 45.2, 101.5 of the Draft · Articles 81.8, 81.9, 105.1 of the 2024 Land Law

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KEY CHANGE 4 · AGREEMENTS TO RECEIVE LAND USE RIGHTS

Agreements to receive land use rights: commercial housing projects no longer limited to agreements on residential land

CURRENT · ARTICLE 127 OF THE 2024 LAND LAW, RES. 254

Commercial housing projects may only agree to receive residential land, with written approval of the provincial People's Committee. Resolution 254: where the agreement deadline expires with over 75% of the land area and over 75% of land users agreed, the provincial People's Council considers recovering the remainder.

VERBATIM ARTICLES 127.1.b, 127.3.c OF THE 2024 LAND LAW

1. […] b) Where land is used to implement a commercial housing construction investment project, agreements may only be made on receiving residential land use rights; […]

3. Conditions for land use […] include: […] c) Written approval of the provincial People's Committee for the agreement on receiving land use rights to implement the project.

DRAFT · ARTICLES 17.2, 34.33, 58

Commercial housing projects are no longer limited to residential land. Article 58 does not set conditions like Article 127.3 of the 2024 Law; Article 17.2 (Option 1) still requires provincial People's Committee approval of the agreement; Option 2 does not address this. The recovery mechanism for the remainder after over 75% agreement is codified into law.

VERBATIM ARTICLE 34.33 OF THE DRAFT

Where land is used to implement a project through an agreement on receiving land use rights and the deadline for completing the agreement, or the extended deadline, has expired, with agreement reached on over 75% of the land area and over 75% of land users, the provincial People's Council shall consider and approve the recovery of the remaining land area for allocation or lease to the investor […]

NOTE

The Draft removes the condition of holding residential land, or residential land and other land, when converting to commercial housing (Article 122.3.b of the 2024 Law). When the State recovers the remainder, land users receive the difference if compensation is lower than the average agreed price; the investor advances this amount and may include it in investment costs (Article 42.4 of the Draft, keeping the mechanism of Article 3.7 of Resolution 254).

LEGAL BASIS: Articles 17.2 (Option 1), 34.33, 42.4, 54, 58 of the Draft · Articles 122.3, 127 of the 2024 Land Law · Articles 3.2.b, 3.7 of Resolution 254/2025/QH15

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KEY CHANGE 5 · LAND RECOVERY

New land recovery cases: logistics centres over 50 ha, international treaties; mixed-use condition for urban area projects removed

CURRENT · ARTICLE 79 OF THE 2024 LAND LAW, RES. 254

31 cases of land recovery for socio-economic development; urban area projects must have mixed-use functions and synchronised infrastructure. Resolution 254 adds free trade zones, international financial centres and land funds for BT contract payments.

VERBATIM ARTICLES 79.22, 79.27 OF THE 2024 LAND LAW

22. Implementing projects of industrial parks, industrial clusters; hi-tech parks; [...] non-tariff zones in economic zones;

27. Implementing investment projects to build urban areas with mixed-use functions and synchronised technical infrastructure, social infrastructure and housing in accordance with construction law, for new construction or urban renovation and upgrading; rural residential area projects;

DRAFT · ARTICLE 34

Adds logistics centres over 50 ha and recovery to implement international treaties; urban areas no longer need mixed-use, synchronised functions; codifies Resolution 254.

VERBATIM ARTICLES 34.22, 34.27, 34.30 OF THE DRAFT

22. Implementing projects of industrial parks, industrial clusters; hi-tech parks; [...] non-tariff zones in economic zones**; [...] logistics centres serving seaports, airports and inland waterway ports with a land use scale of over 50 ha.**

27. Implementing investment projects to build urban areas ~~with mixed-use functions and synchronised technical infrastructure, social infrastructure and housing~~ in accordance with construction law, for new construction or urban renovation and upgrading; rural residential area projects;

30. **Land recovery to implement international treaties to which the Socialist Republic of Vietnam is a party;**

.

NOTE

Land recovered by the State is allocated or leased through land use right auctions or investor selection tenders (Articles 56, 57), except for public investment projects, PPP projects (Article 55.2) and other cases under Article 55. Urban area projects subject to land recovery are allocated land through tenders when the provincial People's Council so decides (Article 57.1.a).

LEGAL BASIS: Articles 34, 55.2, 56, 57 of the Draft · Article 79 of the 2024 Land Law · Article 3.2 of Resolution 254/2025/QH15

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KEY CHANGE 6 · LAND USE TERM

Land use term: the 70-year term becomes a "special case", no longer referring to Investment Law criteria

CURRENT · ARTICLE 172 OF THE 2024 LAND LAW

Land allocation or lease term follows the investment project's operation term or the application, not exceeding 50 years; projects with an operation term over 50 years under the Investment Law: not exceeding 70 years.

VERBATIM ARTICLE 172.1.c OF THE 2024 LAND LAW

The term of land allocation or lease to implement investment projects using land shall be considered and decided based on the operation term of the investment project or the application for land allocation or lease, but not exceeding 50 years.

For projects with an operation term of over 50 years under the Investment Law, the term of land allocation or lease follows the project term but not exceeding 70 years.

DRAFT · ARTICLE 79

Land used for a definite term: not exceeding 50 years, in special cases not exceeding 70 years. Article 79.2.b drops the criterion "projects with an operation term over 50 years under the Investment Law"; Article 79.5 still links the land use term to the operation term when a project is adjusted.

VERBATIM ARTICLE 79.2.b OF THE DRAFT (COMPARED WITH ARTICLE 172.1.c OF THE 2024 LAW)

The term of ~~land allocation or lease to implement investment projects using land shall be considered and decided based on the operation term of the investment project or the application for land allocation or lease, but~~ **land use specified in Point a of this Clause** shall not exceed 50 years; **in special cases** ~~for projects with an operation term of over 50 years under the Investment Law, the term of land allocation or lease follows the project term but~~ shall not exceed 70 years. [...]

Upon expiry, if the land user wishes to ~~continue to~~ use **the land**, the State shall consider an extension ~~of the land use term, but~~**; the extension term shall** not exceed the term specified in this ~~Clause~~ **Point**.

NOTE

The Draft does not define "special case" (Articles 3, 79). The Draft no longer sets a deadline for filing extension applications; land not granted an extension is recovered (Article 37.1.c of the Draft). Article 79.5 of the Draft codifies the adjustment of the land use term for investors acquiring a project or replacing investors that have dissolved or gone bankrupt (Article 4.7 of Resolution 254).

LEGAL BASIS: Articles 3, 37.1.c, 79 of the Draft · Article 172 of the 2024 Land Law · Article 4.7 of Resolution 254/2025/QH15

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KEY CHANGE 7 · LAND ALLOCATION AND LEASE WITHOUT AUCTION

Land allocation and lease without auction or tender: approved-investor projects removed; provincial People's Committee may decide additional cases

CURRENT · ARTICLE 124 OF THE 2024 LAND LAW, RES. 254

Resolution 254 adds: land recovery projects not using State capital with an approved investor; energy and tourism projects in extremely disadvantaged areas. Other cases are decided by the Prime Minister.

VERBATIM ARTICLE 4.4 RESOLUTION 254/2025/QH15

Additional cases of land allocation or lease without land use right auction or investor selection tender for projects using land, including: [...] b) Land allocation or lease to implement projects subject to State land recovery [...] not using State capital, for which a decision approving the investment policy and approving the investor, or investor selection, has been issued in accordance with law; c) Energy projects and tourism projects associated with trade and services in areas with extremely difficult socio-economic conditions.

DRAFT · ARTICLE 55

The case of projects not using State capital with an approved investor is removed. Energy and tourism projects must lie entirely in extremely disadvantaged areas, but tourism projects no longer need to be associated with trade and services. Adds land funds recovered from agreement-based projects. Other cases are decided by the provincial People's Committee under Government regulations.

VERBATIM ARTICLES 55.3, 55.8 OF THE DRAFT

h) **Land allocation or lease to implement** energy projects and tourism projects ~~associated with trade and services in~~ **whose entire project area lies in** areas with extremely difficult socio-economic conditions; [...]

k) Other cases decided by ~~the Prime Minister~~ **the provincial People's Committee in accordance with Government regulations.**

8. **Land funds recovered for projects under agreements on receiving land use rights.**

NOTE

Article 55 of the Draft has no case equivalent to Article 4.4.b of Resolution 254 (projects not using State capital with an approved investor). The Draft keeps the cases where only one investor meets the expression-of-interest requirements (Article 55.6) and where the investor already holds land use rights (Article 58.4). For Article 4 of Resolution 254, the Draft only keeps the transitional provisions in Clauses 9, 10 (Article 98.3), with none specific to this case.

LEGAL BASIS: Articles 55, 58.4, 98.3 of the Draft · Article 124 of the 2024 Land Law · Article 4.4 of Resolution 254/2025/QH15

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KEY CHANGE 8 · CHANGE OF LAND USE PURPOSE

Change of land use purpose: from 07 to 05 groups requiring permission; cases not requiring permission must comply with the commune-level land use plan

CURRENT · ARTICLE 121 OF THE 2024 LAND LAW

07 groups require permission from competent State authorities, including converting public service works land or public-purpose land used for business to production and business land, and converting production and business land to trade and service land. Other cases do not require permission.

VERBATIM ARTICLES 121.1.e, 121.1.g, 121.3 OF THE 2024 LAND LAW

e) Converting land for public service works or land used for public purposes with business purposes to non-agricultural production and business land;

g) Converting non-agricultural production and business land that is not trade and service land to trade and service land.

3. Changes of land use purpose not falling under the cases in Clause 1 of this Article do not require permission from competent State authorities.

DRAFT · ARTICLE 54

05 groups require permission: Points e, g of Article 121 of the 2024 Law removed. The concentrated livestock group extends to aquaculture land, with no large-scale project limit. Cases not requiring permission must comply with the commune-level land use plan.

VERBATIM ARTICLES 54.1.c, 54.3 OF THE DRAFT (COMPARED WITH ARTICLE 121 OF THE 2024 LAW)

c) Converting other types of land to concentrated livestock farming land ~~when implementing large-scale concentrated livestock farming projects~~**, aquaculture land**;

3. Changes of land use purpose not falling under the cases in Clause 1 of this Article do not require permission from competent State authorities **but must comply with the commune-level land use plan**.

NOTE

The two cases in Points e, g, Clause 1, Article 121 of the 2024 Law are no longer on the list requiring permission, so Clause 3 Article 54 of the Draft applies (no permission required but must comply with the commune-level land use plan), unless another case in Clause 1 applies, e.g. land allocated without land use levy (Point d). Note: Article 72.1 of the Draft still refers to "Points b, c, d, đ, e and g, Clause 1, Article 54" although Article 54.1 only has Points a to đ.

LEGAL BASIS: Articles 54, 72.1 of the Draft · Article 121 of the 2024 Land Law

Transitional provisions businesses should note

Existing rights and obligations are kept until the land use term expires

Land users may continue to exercise their rights and obligations under the law in force before this Law takes effect; upon expiry of the land use term, they shall exercise the rights and obligations of land users under this Law.

(Article 99.1 of the Draft)

Current land lessees may re-select the form of lease under the new Law

Where land was leased by the State before this Law takes effect, the lessee may choose the form of land lease and change the form of land use in accordance with this Law.

(Article 102.1 of the Draft)

Land price lists and coefficients under Resolution 254 continue to apply

Land price lists issued by the provincial People's Council and land price adjustment coefficients issued by the provincial People's Committee under Resolution No. 254/2025/QH15 continue to apply until competent authorities decide to formulate, amend or supplement them under this Law.

(Article 103.1 of the Draft)

Compensation plans not yet approved follow the new law

Where, before this Law takes effect, no decision approving the compensation, support and resettlement plan has been issued, land recovery, compensation, support and resettlement shall be carried out in accordance with this Law.

(Article 101.1 of the Draft)

Existing extension decisions under Article 81.8 of the 2024 Law remain valid

Where a land use extension decision was issued before this Law takes effect, it shall continue to be implemented. Where no extension decision has been issued, this Law shall apply.

(Article 101.5 of the Draft, on land recovery due to violations)

LEGAL BASIS: Articles 99.1, 101.1, 101.5, 102.1, 103.1 of Draft Land Law No. 01 dated 20/07/2026 (subject to change when passed by the National Assembly)

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