

Decree No. 47/2014/ND-CP dated May 15, 2014 of the Government on compensation, support and resettlement upon land recovery by the State

<u>THE GOVERNMENT</u> No. 47/2014/ND-CP	THE SOCIALIST REPUBLIC OF VIETNAM <u>Independence - Freedom - Happiness</u> <i>Hanoi, May 15, 2014</i>
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DECREE

**On compensation, support and resettlement upon
land recovery by the State [1]**

Pursuant to the December 25, 2001 Law on Organization of the Government;

Pursuant to the November 29, 2013 Land Law;

At the proposal of the Minister of Natural Resources and Environment,

The Government promulgates the Decree on compensation, support and resettlement upon land recovery by the State.

>> See also: [Consulting lawyers, drafting compensation claims](#)

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Decree details a number of articles and clauses of the Land Law on compensation, support and resettlement upon land recovery by the State.

Article 2. Subjects of application

1. Agencies performing the state management of land; organizations in charge of compensation and ground clearance.

2. Land users defined in Article 5 of the Land Law whose land is recovered by the State.

3. Other related organizations and persons involved in compensation, support and resettlement upon land recovery by the State.

Chapter II

DETAILED PROVISIONS ON COMPENSATION, SUPPORT AND RESETTLEMENT UPON LAND RECOVERY BY THE STATE

>> See also: [Regulating the competence to determine agency liable for compensation](#)

Article 3. Compensation for remaining investment costs on land when the State recovers land for national defense or security purposes; or for socio-economic development in the national or public interest

1. Eligible for compensation for remaining investment costs on land when the State recovers land for national defense or security purpose; or for socio-economic development in the national or public interest are the cases prescribed in Article 76 of the Land Law.

2. Remaining investment costs are costs which a land user has invested on the land in conformity with the land use purpose and which have not been fully retrieved by the time a competent state agency decides to recover the land. Remaining investment costs include the whole or part of the following costs:

- a/ Ground fill-up and leveling cost;
- b/ Costs of increasing soil fertility, reducing acidity and salinity and preventing soil erosion, for land used for agricultural production;
- c/ Costs of reinforcing bearing capacity and prevent vibration and subsidence, for land used as production and business ground;
- d/ Other related costs invested on land in conformity with the land use purpose.

3. Conditions for determination of remaining investment costs:

- a/ Having dossiers and documents proving investments on land. For remaining investment costs without supporting dossiers and documents, provincial-level People’s Committees shall, based on local practical conditions, prescribed the determination thereof;
- b/ Investment costs on land, which are not originated from the state budget.

4. Remaining investment costs on land calculated must accord with the market price at the time of issuance of the land recovery decision and shall be determined according to the following formula:

P	=	$\frac{P1 + P2 + P3 + P4}{T1}$	x	$T2$
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In which:

- P: Remaining investment cost;
- P1: Ground fill-up and leveling cost;
- P2: Costs of increasing soil fertility, reducing acidity and salinity and preventing soil erosion, for land used for agricultural production;
- P3: Costs of reinforcing bearing capacity and prevent vibration and subsidence, for land used as production and business ground;
- P4: Other related costs invested on land in conformity with the land use purpose;
- T1: Land use term;
- T2: Remaining land use term.

In case the time of investment on land is later than the time of land allocation or lease by the State, the land use term (T1) shall be counted from the time of investment on land.