

Enhancing procedures for land use applications and registration for investors in Can Tho City

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Presentation structure

- Problems
- Methods and tools
- Procedure design
- Implementation
- Lesson learn

Backgrounds and Problems

- 2003 Land Laws application with instruction of 181 Decree
- In Cantho, Land procedure for investors are stipulated by Decision 71 of the city's People's Committee
- To improve the business environment, Land are provided to eligible investors
- The investors could not easily obtain the land for their business due to the complicated and delayed procedures
- Investors have to commune between government agencies to get land certificates

Backgrounds and Problems



Government Agency A



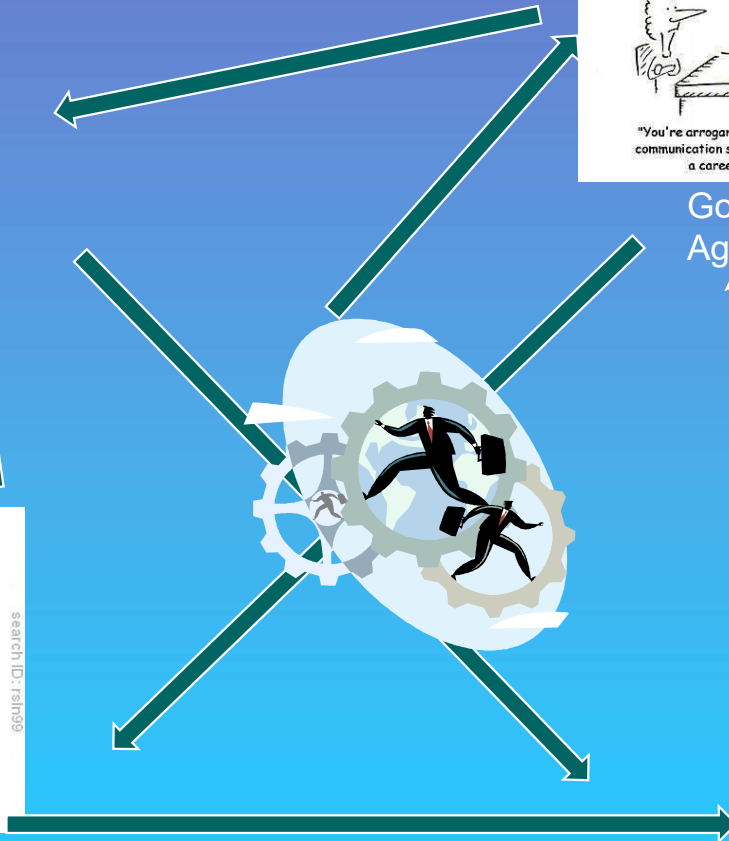
Government Agency B



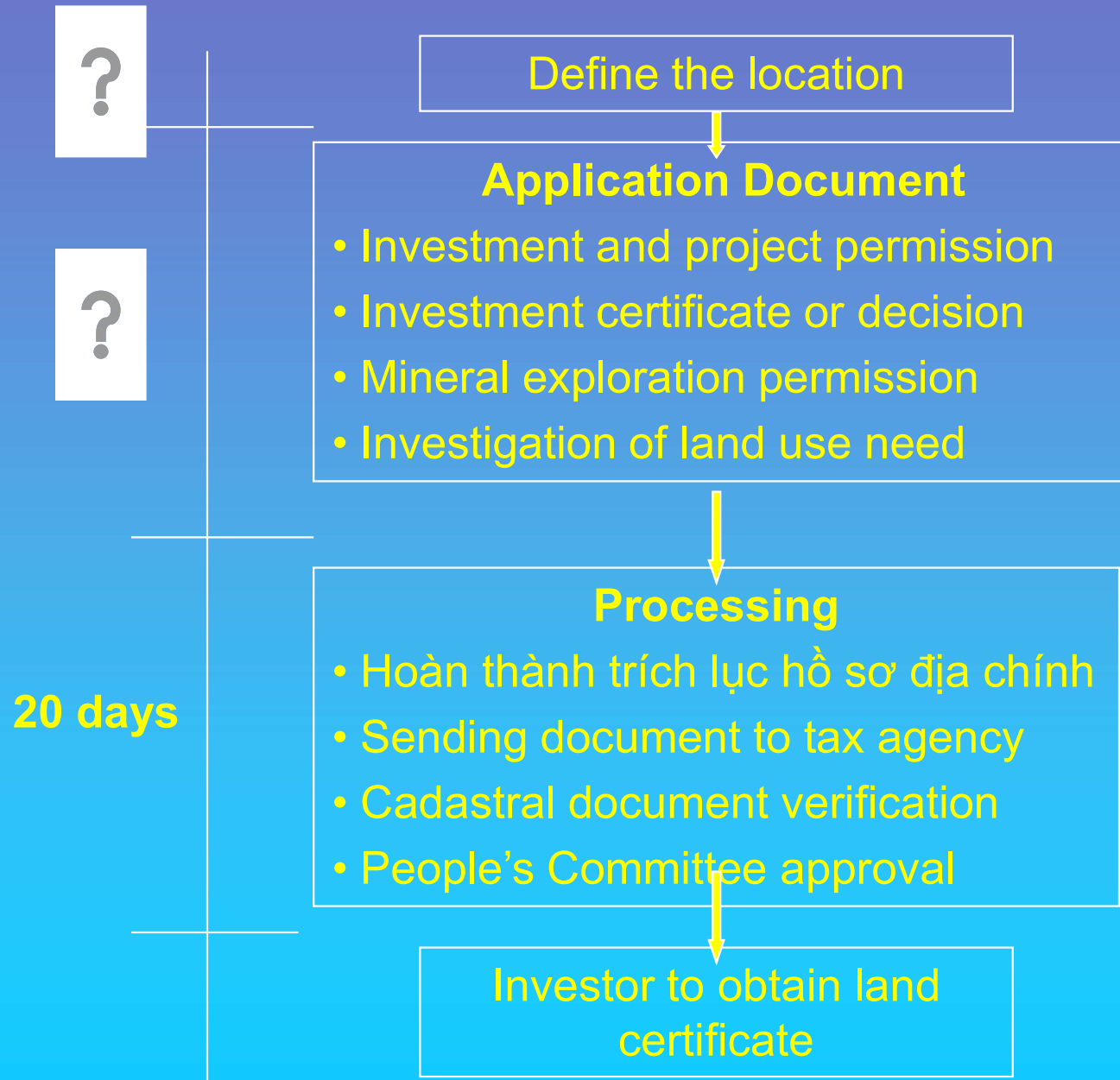
Government Agency C



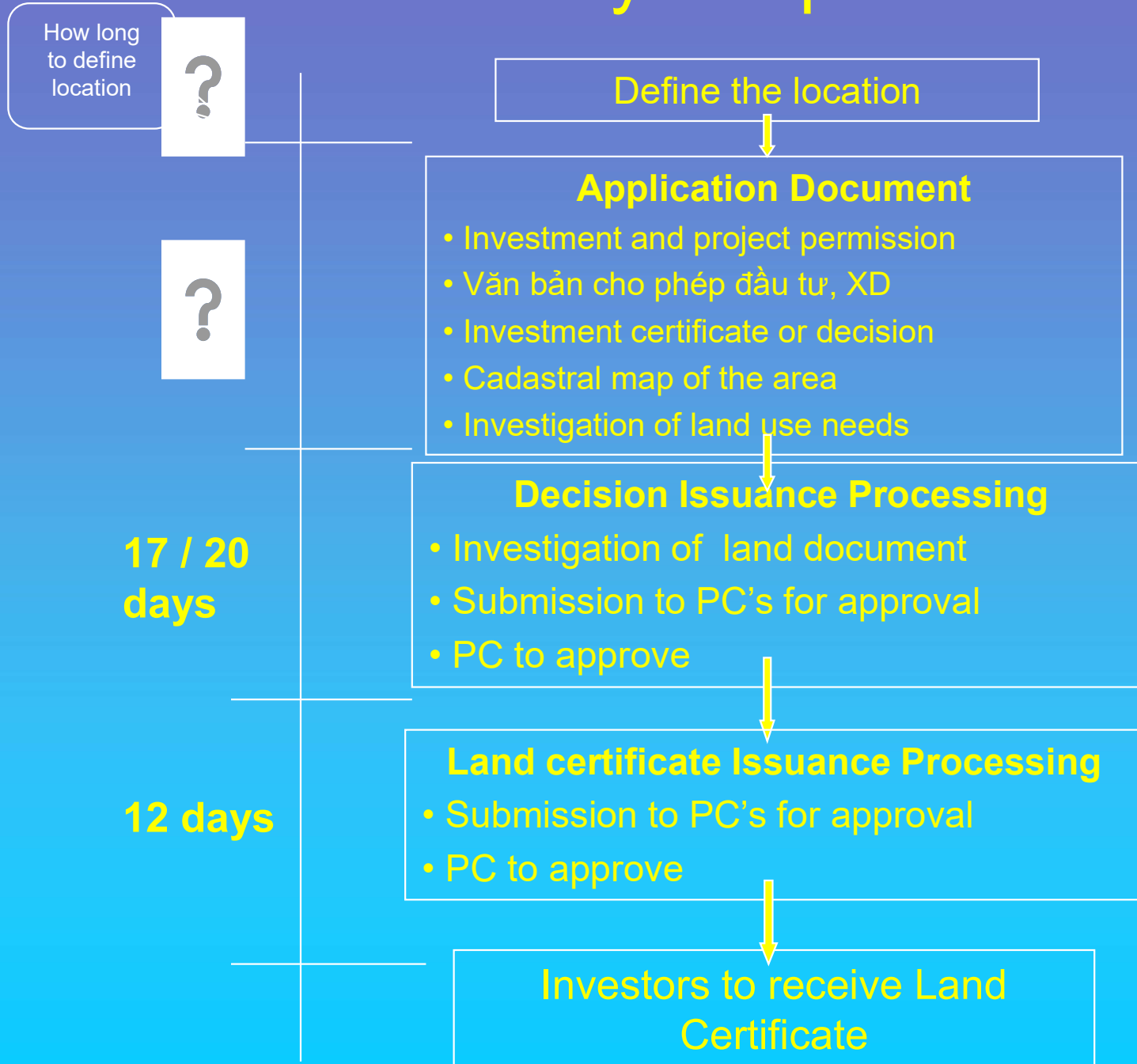
Government Agency C



Land procedure based on 181 Decree



Land Procedure based on Decision 71 of Cantho City People's Committee



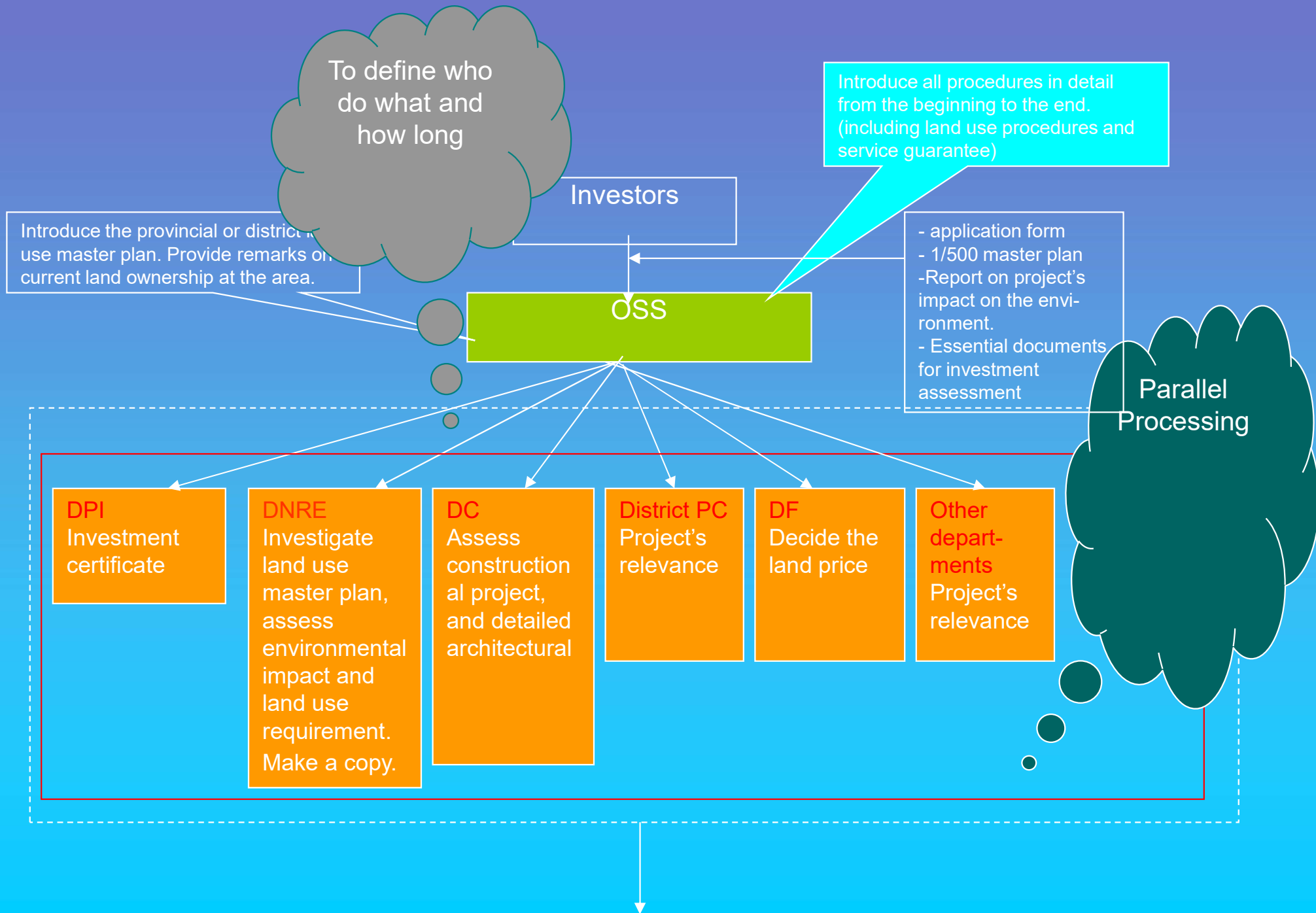
Issues to be addressed

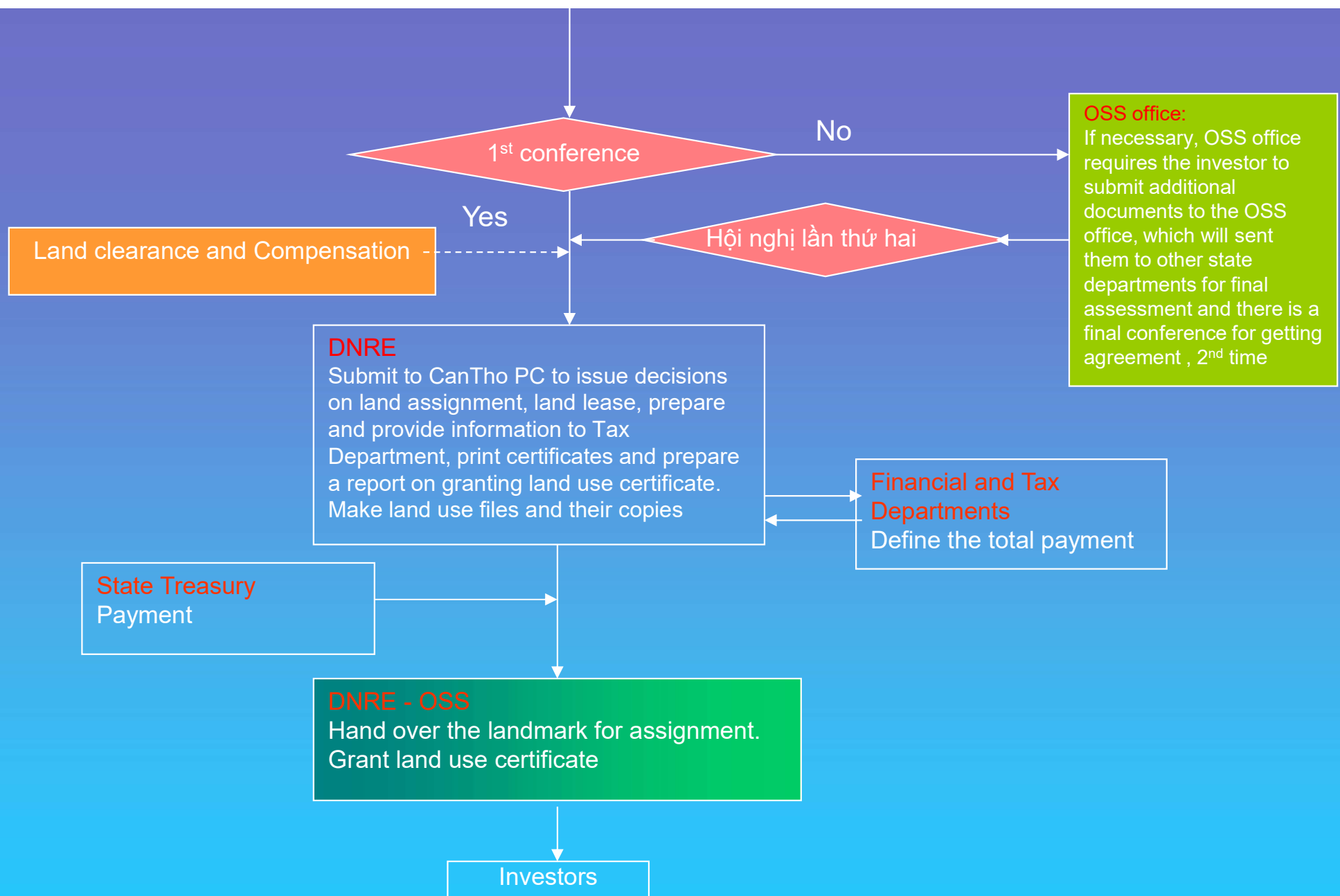
- Government agencies do not actively support the investors in land procedures
- Lack of time limitation for document processing
- Some steps in the procedure are processed sequentially so it is time consuming
- In each government agency, the One-Stop-shop was established, however, to obtain a land the investors must commute between different government agencies because the land procedure involves many government agencies such as DNRE, DC, DF, PC
- Computer application should be applied for land use procedure processing

Approaches

- To simplify the land procedure, the cooperation between many different agencies such as DNRE, DC, DPI, DF, DARD, DT, DIT and so on are necessary
- Application of Inter-department OSS so the investor have to go to only one government agencies for land procedure
- Define the time for each steps in land use processing
- Reduce the time for processing based on parallel processing for some sequential steps
- Each case of land use application is managed by an account manager
- To organize the periodically conferences for land use processing
- Steps of land use procedures are defined in the checklists

New land procedure for investors





Land use procedures

- Land assignments/lease without land compensation and clearance
- Land assignments/lease in the industrial zone with land compensation and clearance
- Land assignments/lease with land compensation and clearance
- Change of land use types
- Change from land leasing to land assignment
- Land recovery

One-Stop-Shop

- Location: DNRE
- Management Agency: DNRE
- Number of Staff: 1-2 (Depend on the amount of works)
- Responsibility: To communicate directly with investors, to instruct the investors to implement land use procedures, and check the availability of documents and deliver to relevant government agencies and inform the investors about the results of processing

Parallel processing

- Land use Plan and Planning define the suitability of the projects with the land use planning and the need of land, to fulfill all documentation works for submission of land document to PC for approval
- Environment Sub-department is responsible for Environment Impact Assessment
- Land Titling Office prepare cadastral document for the land which include cadastral map of the area, land certificate printing and preparation
- Investment project construction plan at 1:500 scale maps approved by DC and Construction Planning Committee
- DF to define the fees for land lease or land use
- Investment approval and certificate provided by DPI

Periodical Conference

- Time: 1 conference in two weeks
- Participants:
 - Land use Plan and Planning define the suitability of the projects with the land use planning and the need of land, to fulfill all documentation works for submission of land document to PC for approval
 - Environment Sub-department is responsible for Environment Impact Assessment
 - Land Titling Office prepare cadastral document for the land which include cadastral map of the area, land certificate printing and preparation
 - Investment project construction plan at 1:500 scale maps approved by DC and Construction Planning Committee
 - DF to define the fees for land lease or land use
 - Investment approval and certificate provided by DPI
- Chair of Conference: DNRE
- Conference works:
 - Part I: Assessment of first round document
 - Part II: Assessment of first-time failed cases

Check-list

STT	Tên công việc	Cơ quan chịu trách nhiệm	Thời gian xử lý	Tuần tự thực hiện
1	Tiếp nhận hồ sơ	Bộ phận tiếp nhận hồ sơ và trả kết quả	5 ngày	
2	Thẩm định Quy hoạch sử dụng đất và nhu cầu sử dụng đất	Phòng QH-KH, Sở TNMT	7 ngày	Thực hiện song song sau khi nhà đầu tư nộp đủ hồ sơ và có chủ trương đầu tư của UB
3	Thẩm định tác động môi trường	Hội đồng thẩm định, Sở TNMT	20 ngày	
4	Chuẩn bị Hồ sơ địa chính và trích lục địa chính hoặc trích đo địa chính	Văn phòng đăng ký QSDĐ	7 ngày	
5	Thẩm định quy hoạch – Kiến trúc	Sở XD	20 ngày	
6	Giải quyết hồ sơ trong buổi họp định kỳ lần thứ nhất do Sở TN – MT chủ trì	Sở XD, Sở TC, Sở KH-ĐT, , Sở TNMT (chủ trì)	1 ngày	Sau khi các cơ quan thẩm định xong
7	Thông báo cho nhà đầu tư	VP một cửa liên thông	1 ngày	Sau cuộc họp lần 1

Danh mục các quy trình thủ tục

STT	Tên công việc	Cơ quan chịu trách nhiệm	Thời gian xử lý	Tuần tự thực hiện
8	Bổ sung hồ sơ (nếu có) và nộp tài Bộ phận tiếp nhận và trả kết quả	Nhà đầu tư		
9	Thẩm định lại hồ sơ (nếu có)	Sở XD, Sở TC, Sở KH-ĐT, VPMCLT, Sở TNMT	15 ngày	Từ khi nhận lại hồ sơ
10	Giải quyết hồ sơ trong buổi họp định kỳ lần thứ 2 (nếu cần) do Sở TN – MT chủ trì	Sở XD, Sở TC, Sở KH-ĐT, Sở TNMT (Chủ trì)	1 ngày	Sau khi thẩm định lại hồ sơ
11	Giải tỏa đền bù (nếu cần)	Nhà đầu tư, Sở TNMT, Sở XD, Sở Tài chính		Sau khi có chủ trương giao đất, cho thuê đất
12	Soạn tờ trình UBND phê duyệt quyết định thu hồi đất, giao hoặc cho thuê đất, chuyển đổi mục đích sử dụng đất, lập phiếu chuyển thông tin địa chính; can in GCN QSDĐ.	Sở TNMT	3 ngày	Sau khi giải quyết xong giải tỏa
13	Phê duyệt quyết định giao đất, cấp đất, cấp GCN QSDĐ	UBND	7 ngày	
14	Giao GCN QSDĐ	Sở TNMT và Bộ phận tiếp nhận và trả kết quả	3 ngày	Sau khi UB ký

Estimated time for new land procedures

- Eligible application cases after first conference: 42 days
- Eligible for land assignment after the second conference: 60 days
- In case of land clearance or land compensation the land procedures will take from 42 days to 60 days without land clearance or compensation negotiation time

Application of the newly proposed procedure

- Firstly, the procedures were initiated promisingly with the establishment of OSS and very high consensus between government agencies
- However, the all improvement were eliminated and the project was abandoned due to the retirement of provincial and government agencies leaders

Lesson learn

- The most important factor for success of the administrative reform project is consistent views of local and government agencies leaders
- The procedures for administrative reform in land procedures (and other places as well) should be institutionalized therefore these will be more sustainable

Trân trọng cảm ơn