

NATIONAL ASSEMBLY

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SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Hanoi, June 21, 2017

LAW

MANAGEMENT AND USE OF PUBLIC PROPERTY

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly promulgates a Law on Management and use of public property.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Law deals with state management of public property; policies on management and use of public property; rights and obligations of organizations and individuals in management and use of public property.

Public property including money in state budget, non-state budget financial funds, foreign exchange reserves shall be managed and used in accordance with regulations of relevant law.

Article 2. Regulated entities

1. State authorities.
2. People's Armed Forces.
3. Public service providers.
4. Communist Party of Vietnam.
5. Socio-political organizations; socio-political and professional organizations; social organizations, social-professional organizations and other organizations that are established according to regulations of law on associations.
6. Other enterprises, organizations and individuals relevant to management and use of public property.

Article 3. Definitions

For the purposes of this Law, the terms below shall be construed as follows:

1. “Public property” is property under public ownership and managed by the State, including: public property serving management, provision of public services, maintenance of national security for organizations and individuals; infrastructural property serving national and public interests; property established under public ownership; public property of enterprise; money in state budget, non-state budget financial funds, foreign exchange reserves; land and other resources.
2. “Financial resources obtained from public property” means the combination of capacities got from operation of public property as prescribed in regulations of law to provide funding for socio-economic development and ensure national security.
3. “Workplace” includes land, office building and other property pertaining to land serving management of a state authority, an authority affiliated to the Communist Party of Vietnam, a socio-political organization, socio-political and professional organization, social organization, social-professional organization or another organization that is established according to regulations of law on associations.
4. “Public service facility” includes land, office building, construction works and other property pertaining to land serving management and provision of public services of a public service provider.
5. “Special-purpose property of people’s armed forces” means public property used for fighting, training in pre-fighting and national security provided by People’s Armed Forces.
6. “Single-purpose property” is property having specific structure, design and utility used in certain fields.
7. “Public property auction” is a form of selling public property with rules and procedures as prescribed in regulations of law on property auction.
8. “Direct sale of public property” means selling public property through price listing or appointing a property buyer.
9. “Use of public property for joint venture purposes” means an act of an organization or individual that is permitted to use public property to cooperate with another organization or individual in fixed-term business operation to ensure national interests.
10. “State-funded project” is a project on development investment or science and technology funded with state budget capital, official development assistance, preferential loans of foreign donors or capital from sources of income left for investment but not included in the balance of state budget, capital from public service development funds, development investment credit capital of the State or guaranteed by the Government.

11. “Confiscated property” is property taken away from an organization or individual according to a court’s judgment/decision or a competent authority's decision.

12. “Information system on public property” is an integrated system of information technology infrastructure, software, data and procedures developed to collect, store, update, process, analyze, classify and retrieve information about public property.

13. “National database on public property” is a collection of data on public property that is organized for access, operation, management and updating through electronic means.

Article 4. Classification of public property

Public property shall be classified as follows:

1. Public property used to manage and provide public services and ensure national security of competent state authorities, people’s armed forces, public service providers, authorities affiliated to Communist Party of Vietnam, socio-political organizations, socio-political and professional organization, social organization, social-professional organization or another organization that is established according to regulations of law on associations, except for the property specified in Clause 4 this Article (hereinafter referred to as “public property of authorities and organizations”);

2. Infrastructural property serving national or public interests are technical infrastructure works, social infrastructure facilities, land areas, water areas or sea areas associated with infrastructure works, including: transport infrastructure, power supply infrastructure, irrigation infrastructure and response to climate change, urban infrastructure, industry cluster infrastructure, industrial zones, economic zones, high-tech zones, commercial infrastructure, information infrastructure, educational and training infrastructure, science and technology infrastructure, medical infrastructure, cultural infrastructure, sports infrastructure, tourism infrastructure and other infrastructure in accordance with provisions of law (hereinafter referred to as “infrastructural property”);

3. Public property of enterprises;

4. Property of state-funded projects;

5. Property established for public ownership according to provisions of law, including: confiscated property; property without owners, property whose owner is unidentified; property that is dropped, forgotten, buried, hidden, sunk and found; property without inheritors and other property belonging to the State as prescribed in provisions of the Civil Code; property whose owner voluntarily transfers ownership to the State; property transferred by the foreign-invested enterprises without reimbursement to the Vietnamese State according to their commitments after the expiry of their operation duration; property invested in the form of public-private partnerships and transferred to the Vietnamese State under project contracts;

6. Money of the state budget, non-state budget financial funds and foreign exchange reserves of the State;

7. Land; water resources, forest resources, mineral resources, marine resources, airspace, telephone numbers and other numbers serving state management, Internet resources, radio frequency spectrum, orbit satellites and other resources managed by the State according to regulations of law.

Article 5. Policies on management and use of public property

1. The State shall formulate policies on public property investment, operation and protection.

2. The State shall modernize and professionalize management of public property to enhance efficiency and effectiveness of management and use of public property; to ensure personnel and financial resources for the management and use of public property.

3. The State shall encourage both domestic and foreign organizations and individuals to:

a) Invest in science and technology to increase public property and modernize management of public property;

b) Transfer rights to invest, operate or lease of public property;

c) Provide services related to public property.

Article 6. Rules for management and use of public property

1. The State shall authorize management and use of each public property corresponding to each organization and individual in accordance with this Law and relevant law.

2. Public property invested by the State shall be managed, operated, maintained, repaired, statistically and financially accounted for both exhibits and value; highly risky property due to natural disasters, fires and other force majeure events shall be managed through insurance or other instruments as regulated by law.

3. Public property are resources that shall be inventoried, prepared statistics on exhibits, provided information in line with nature and characteristics of property; managed, protected and operated according to the planning and plans in order to ensure cost-effectiveness and lawfulness.

4. Public property serving management and provision of public services and assurance of national security shall be used cost-effectively for the right purposes, utility, subjects, standards, norms and policies as prescribe by law.

5. Use of financial resources obtained from public property shall be subjected to market mechanism, effectiveness, transparency and lawfulness.

6. Management and use of public property shall apply the principle of transparency and ensure thrift practice, waste combat, corruption prevention and control.

7. Management and use of public property shall be monitored, inspected and audited; any violations against management and use of public property shall be promptly and strictly handled according to regulations of law.

Article 7. Forms of using financial resources obtained from public property

1. Assign the right to use public property.
2. Grant the right to operate public property.
3. Lease out public property.
4. Transfer or lease out the right to operate or use public property.
5. Use public property for commercial or for joint venture purposes.
6. Use public property to fulfill state obligations.
7. Sell or liquidate public property.
8. Other forms as prescribed by law.

Article 8. Publishing of information about public property

1. Publishing of information about public property shall be carried out fully, promptly and accurately; otherwise actions against violations shall be taken.
2. Published information shall include:
 - a) Legislative documents, standards, norms and administrative procedures for public property;
 - b) Construction investment, purchase, distribution, lease, use, withdrawal, transfer, utility conversion, sale, liquidation, destruction and other forms to dispose of public property;
 - c) Use of financial resources obtained from public property.
3. Forms of publishing:
 - a) Publishing information about public property on websites of the Government, Ministry of Finance, ministries, ministerial authorities, governmental authorities, other central authorities and People's Committees of provinces;

b) Making public lists and displaying them at workplaces of organizations that are assigned to manage and use public property;

c) Making announcements at meetings of organizations that are assigned to manage and use public property;

d) Other forms of publishing as prescribed by law.

4. Responsibilities for publishing:

a) The Ministry of Finance shall publish information about public property nationwide;

b) Ministries, ministerial authorities, governmental authorities, other central authorities and People's Committees of all levels shall publish information about public property within their scope of management;

c) Organizations that are assigned to manage and use public property shall publish information about public property within their scope of management and use;

d) State Audit Office of Vietnam shall publish information about auditing results of management and use of public property and other activities related to that as prescribed in regulations of the Law on State audit.

5. The Government shall specify this Article in details.

Article 9. Community-based monitoring of public property

1. Management and use of public property shall be monitored by the community, except for property related to the state secrets as stipulated in regulations of law on state secret protection. The Vietnamese Fatherland Front shall undertake and cooperate with its members and relevant organizations to organize community-based monitoring of public property.

2. The Vietnamese Fatherland Fronts of all levels or their members shall receive information and requests for monitoring from people; take charge of making plans and organize the monitoring of public property on schedule and according to regulations of law.

3. Contents of monitoring:

a) Compliance with regulations of law on management and use of public property;

b) Construction investment, purchase, distribution, lease, use, withdrawal, transfer, utility conversion, sale, liquidation, destruction and other forms to dispose of public property;

c) Use of financial resources obtained from public property;

d) Publishing of information about public property.

4. Forms of monitoring:

- a) Studying and reviewing documents of competent state authorities on management and use of public property related to legitimate rights and interests of people;
- b) Organizing monitoring delegations;
- c) Organizing monitoring visits with competent organizations;
- d) Monitoring through activities of People's Inspectorates and Investment Monitoring Boards of communes.

Article 10. Banned actions in management and use of public property;

- 1. Take advantage of positions and power to illegally occupy and use public property.
- 2. Invest in construction, purchase, distribute, lease or use public property for the improper purposes and policies or exceeding criteria and norms.
- 3. Transfer public property to an organization or individual that exceeds the criteria and norms or has no demand for use of public property.
- 4. Use cars and other public property that are given by an organization or individual for the improper purposes and policies or exceeding criteria and norms.
- 5. Use or fail to use transferred public property resulting in waste; use public property for commercial purposes, for lease or for joint venture purposes that fails to serve purposes of use of the property and makes an adverse impact on implementation of functions and tasks assigned by the State; or use public property for illegal business.
- 6. Dispose of public property illegally.
- 7. Destroy or intentionally damage public property.
- 8. Occupy or use public property illegally.
- 9. Fail to fulfill all responsibilities or obligations in management and use of public property.
- 10. Other banned actions in management and use of public property as prescribed in regulations of relevant law.

Article 11. Actions against violations of regulations on management and use of public property

- 1. Authorities, organizations and other entities that commit violations against regulations on management and use of public property shall be disciplined, imposed penalties for administrative

violations or criminal prosecution depending on nature and seriousness of the violations; or shall compensate for damage to the State (if any).

2. Heads of authorities or organizations shall explain and take full responsibility or jointly take responsibility if there are any violations against regulations on management and use of public property happening at their workplaces; and they shall be disciplined or face criminal prosecution depending on nature and seriousness of the violations.

Chapter II

MANAGEMENT, RIGHTS AND RESPONSIBILITIES OF STATE AUTHORITIES TOWARDS PUBLIC PROPERTY

Article 12. State management of public property

1. Promulgate and comply with regulations of legislative documents on management and use of public property.
2. Manage transfer of public property; invest in construction, purchase, lease, provide fixed funding for using public property; establish public ownership for property.
3. Manage the use, protection, maintenance and repair of public property; use financial resources obtained from public property.
4. Manage withdrawal, transfer, utility conversion, sale, liquidation, destruction and other forms to dispose of public property.
5. Compile inventories and make reports on public property.
6. Develop and operate information systems and national database on public property.
7. Carry out international cooperation on public property.
8. Manage and monitor exercise of rights and fulfillment of obligations of authorities and organizations in management and use of public property.
9. Inspect, audit, monitor, follow and assess the compliance with regulations of law on management and use of public property and actions against violations of regulations thereon.
10. Settle claims on management and use of public property.
11. Manage services related to public property.
12. Other contents prescribed in regulations of relevant law.

Article 13. Rights and responsibilities of the Government

1. Submit bills, ordinances or resolutions on management and use of public property to the National Assembly or the Standing Committee of National Assembly; promulgate legislative documents on management and use of public property within the Government's power.

2. Act as an owner's representative of public property. Ensure consistency of public property management as specified in this Law and relevant law and ensure cooperation among state authorities in management of public property.

3. Issue detailed regulations on: management of operation, utility conversion of public property, operation of public property of authorities and organizations; use of public property for commercial purposes, for lease or joint venture purposes; management, use and operation of infrastructural property; use of public property to participate in investment projects in the form of public-private partnerships; use of public property to make payments to investors when carrying out construction projects in the form of build-transfer contracts; procedures for establishing public ownership of property as stipulated in Clauses 2, 3, 4 and 5 Article 106 herein; disposal of public property; financial instruments for risk management of public property; disposal of public property in case of unsuccessful auctions; management and use of proceeds from operation and disposal of public property; collection of land levy, land rental or water surface rental; information systems and national database on public property; operation of telephone numbers serving state management; rearrangement of management and use of public property of authorities and organizations for the right purposes, criteria and norms.

4. Decide or grant power to decide to:

a) Transfer, purchase, lease and dispose of public property of authorities and organizations;

b) Use public property for commercial purposes, for lease or for joint venture purposes at authorities and organizations;

c) Transfer or dispose of infrastructural property; approve projects on operation of infrastructural property.

d) Use public property to participate in projects in the form of public-private partnerships; use public property to make payments to investors when carrying out construction projects in the form of build-transfer contracts;

dd) Establish public ownership of property; approve plans for disposal of property whose public ownership is established;

e) Purchase, lease and approve plans for disposal of property serving state-funded projects.

5. Protect, investigate, conduct surveys or make plans for operation and disposal of public property that has not been assigned to authorities, organizations or other entities as specified in provisions of this Law and relevant law.

6. Take responsibility to the National Assembly for performance of its rights and responsibilities in management and use of public property; report management and use of public property at the request of the National Assembly.

7. Inspect, settle claims against public property, take actions against violations of management and use of public property.

8. Execute other rights and fulfill other responsibilities as prescribed in provisions of this Law and relevant law.

Article 14. Rights and responsibilities of the State Audit Office of Vietnam

State Audit Office of Vietnam shall audit management and use of public property and activities related to that; report and publish information about auditing results according to regulations of the Law on State audit.

Article 15. Rights and responsibilities of the Ministry of Finance

1. Act as a focal point to assist the Government in ensuring the consistency of state management of public property.

2. Take charge of preparing and submitting to competent authorities for issuing legislative documents on:

a) Policies on management and use of public property of authorities and organizations; granting power to make a decision on management and use of public property;

b) Criteria and norms for the use of workplaces, cars and public property of diplomatic representative offices, consular representative offices, representative offices of international organizations under provisions of law on Vietnamese representative offices and other Vietnamese authorities and organizations in foreign countries (hereinafter referred to as “overseas Vietnamese authorities”), machines, equipment and public property that are commonly used at authorities and organizations, except for official-duty houses and special-purpose property of people's armed forces;

c) Policies on financial management of land and natural resources; policies on management and disposal of public ownership; policies on management and use of enterprises’ public property; policies on management and use of property of state-funded projects and property formed from performing scientific and technological tasks funded by the State.

3. Cooperate with ministries or ministerial authorities in producing legislative documents on management and use, criteria and norms to use public property within scope of state management of such ministries or ministerial authorities.

4. Execute rights and fulfill responsibilities of owner’s representatives towards public property as prescribed in regulations of law and assigned by the Government; issue and execute legislative

documents on management and use of public property within its power and assigned scope; publish information about public property nationwide.

5. Develop, manage and operate information systems and national database on public property; process data related to management and use of public property; prepare statistics, analyses and forecasts on public property.

6. Gather information about management and use of public property and submit it to the Government to report to the National Assembly.

7. Inspect, settle claims against public property, take actions against violations of management and use of public property as prescribed by regulations of law and assigned by the Government.

8. Execute other rights and fulfill other responsibilities as specified in this Law and relevant law and assigned by the Government.

Article 16. Rights and responsibilities of ministries, ministerial authorities, governmental authorities and other central authorities

1. Ministries, ministerial authorities, governmental authorities and other central authorities (hereinafter referred to as “ministries and central authorities”) shall have the rights and responsibilities to:

a) Execute rights and fulfill responsibilities of owner’s representatives towards public property within scope of their management as prescribed by law and assigned by the Government; publish information about public property within scope of their management;

b) Report management and use of public property in accordance with guidelines of the Ministry of Finance;

c) Inspect, settle claims against public property, take actions against violations of management and use of public property as stipulated by law and assigned by the Government;

d) Execute other rights and fulfill other responsibilities as specified in this Law and relevant law and assigned by the Government.

2. Apart from the rights and responsibilities specified in Clause 1 this Article, ministries and central authorities shall execute management of public property; inspect management and use of public property as prescribed in regulations of law and assigned by the Government.

Article 17. Rights and responsibilities of People’s Councils of all levels

1. People's Councils of all levels shall monitor the compliance with regulations of law on management and use of public property within scope of their management; execute other rights and fulfill other responsibilities as prescribed in this Law and relevant law.

2. According to provisions of this Law, assignment given by the Government, People's Councils of provinces or power granted to manage and use public property shall be controlled within areas of provinces.

Article 18. Rights and responsibilities of People's Committees of all levels

1. Execute rights and fulfill responsibilities of owner's representatives towards public property within scope of their management. Ensure consistency of management of public property; publish information about public property within scope of their management;

2. People's Committees of provinces shall report management and use of public property in accordance with guidelines of the Ministry of Finance or upon requests of People's Councils of provinces. People's Committees of districts and communes shall report management and use of public property within scope of their management at the request of People's Committees of provinces or People's Councils of districts and communes.

3. Inspect, settle claims against public property and take actions against violations of management and use of public property.

4. Execute other rights and fulfill other responsibilities as specified in this Law and relevant law and assigned by People's Councils of provinces.

Article 19. Responsibility for management of public property

1. The Minister of Finance shall assign ministerial authorities responsible for the management of public property to:

a) Execute rights and fulfill responsibilities for state management of public property as specified in Article 15 herein;

b) Directly manage and dispose of certain public property as prescribed in this Law and relevant law.

2. Ministers or heads of central authorities shall assign ministerial authorities or central authorities to:

a) Execute rights and fulfill responsibilities for state management of public property as specified in Article 16 herein;

b) Directly manage and dispose of certain public property as prescribed in this Law and relevant law.

3. People's Committees of provinces or districts shall assign finance authorities of provinces or districts to:

a) Execute rights and fulfill responsibilities for state management of public property as specified in Article 18 herein;

b) Directly manage and dispose of certain public property as prescribed in this Law and relevant law.

4. Specialized authorities affiliated to People's Committees of provinces or districts shall assist People's Committees thereof in fulfilling responsibility for state management of public property.

Chapter III

POLICIES ON MANAGEMENT AND USE OF PUBLIC PROPERTY OF AUTHORITIES AND ORGANIZATIONS

Section 1. GENERAL PROVISIONS ON MANAGEMENT AND USE OF PUBLIC PROPERTY OF AUTHORITIES AND ORGANIZATIONS

Article 20. Public property of authorities and organizations

1. Office buildings, public service works, official-duty houses and other property pertaining to the land of workplaces, public service facilities and official-duty houses.

2. Use rights of the land of workplaces, public service facilities and official-duty houses.

3. Cars and other means of transport; machines and equipment.

4. Intellectual property rights, application software and database.

5. Other public property as prescribed by law.

Article 21. Authorities and organizations that are assigned to manage and use public property

1. State authorities.

2. People's armed forces.

3. Public service providers.

4. Communist Party of Vietnam.

5. Socio-political organizations; socio-political and professional organizations; social organizations, social-professional organizations and other organizations that are established according to regulations of law on associations.

Article 22. Rights and obligations of authorities and organizations that are assigned to manage and use public property

1. Rights of authorities and organizations:

- a) Use public property to serve their operations according to assigned functions and tasks;
- b) Take measures for protect, operate and use distributed public property effectively in accordance with prescribe policies;
- c) Have legitimate rights and interests protected by the State;
- d) File complaints according to regulations of law;
- dd) Other rights as prescribed by law.

2. Obligations of authorities and organizations:

- a) Protect and use public property for the right purposes, standards, norms and policies; ensure cost-effectiveness;
- b) Prepare and manage documents on public property, keeping financial accounts, compile inventories, reassess public property as stipulated regulations of this Law and law on accounting;
- c) Report and publish information about public property as prescribed herein;
- d) Fulfill financial obligations in the use of public property;
- dd) Transfer public property to the State if there is any decision on its withdrawal made by competent authorities;
- e) Be subject to inspection and monitoring carried out by competent state authorities; community-based monitoring of officials, public employees and people's inspectorate in management and use of public property within their scope of management;
- g) Other obligations as prescribed by law.

Article 23. Rights and obligations of heads of authorities and organizations that are assigned to manage and use public property

1. Rights of heads of authorities and organizations:

- a) Ensure implementation of management and use of public property to carry out functions and tasks assigned by the State;
- b) Monitor and inspect management and use of public property;

c) Take actions against violations of management and use of public property within their power or submit such violations to competent authorities for resolutions;

d) Other rights as prescribed by law.

2. Obligations of heads of authorities and organizations:

a) Issue and ensure implementation of regulations on management and use of public property distributed by the State;

b) Comply with regulations of this Law and relevant law; ensure the use of public property for the right purposes, standards, norms and policies; and ensure cost-effectiveness;

c) Take legally responsibilities for management and use of public property distributed by the State;

d) Resolve complaints within their power and take responsibilities for their explanations as prescribed in regulations of law;

dd) Other obligations as prescribed by law.

Section 2. STANDARDS AND NORMS FOR THE USE OF PUBLIC PROPERTY OF AUTHORITIES AND ORGANIZATIONS

Article 24. Criteria and norms for the use of public property

1. Criteria and norms for the use of public property of authorities and organizations are regulations on types, quantity, prices and entities eligible to use public property and are issued by competent authorities.

Prices in norms of using public property are defined as prices including payable taxes; in the cases where tax exemption is granted, exempted tax amounts shall be fully accounted for.

2. Criteria and norms for the use of public property are used as a basis for making plans and estimating costs; assignment, construction investment, purchase and lease of property, provide fixed funding for public property; management, use and disposal of public property of authorities and organizations.

Article 25. Rules for issuance of criteria and norms for the use of public property

1. Within competence.

2. Following procedures for issuance as prescribed by law.

3. In accordance with assigned functions and tasks; capacity of the state budget; degree of autonomy of public service providers.

Article 26. Power to issue criteria and norms for the use of public property

1. The Government shall set criteria and norms for the use of the following public property:

- a) Workplaces, public service facilities;
- b) Cars;
- c) Public property of overseas Vietnamese authorities.

2. The Prime Minister shall set criteria and norms for the use of the following public property:

- a) Special-purpose property of people's armed forces;
- b) Official-duty house;
- c) Machines, equipment and public property that are commonly used in authorities and organizations, except for the public property specified in Clause 1 this Article.

3. Based on regulations of competent authorities specified in Clause 1 and Clause 2 this Article, ministries and ministerial authorities shall provide detailed guidelines for criteria and norms for the use of single-purpose property within scope of their management.

4. Based on regulations of competent authorities specified in Clauses 1, 2 and 3 this Article, ministries and central authorities shall set or grant power to make a decision on application of criteria and norms for the use of single-purpose property of authorities and organizations within scope of their management, except for provisions of Clause 7 this Clause.

5. Based on regulations of competent authorities specified in Clauses 1, 2 and 3 this Article and after reaching an agreement with the Standing Committees of People's Councils and People's Committees of provinces shall set or grant power to make a decision on application of criteria and norms for the use of single-purpose property of authorities and organizations within scope of their management, except for provisions of Clause 7 this Clause.

6. For the public property that is not specified in Clauses 1, 2 and 3 this Clause, competent authorities stated in Clause 4 and Clause 5 this Clause shall set standards and norms to apply within their scope of management.

7. Heads of public service providers shall ensure operating costs and investment costs to make a decision on application of criteria and norms for the use of public property at their workplaces, excluding criteria and norms for area of workplaces, cars, machines and equipment of managing titles.

Article 27. Responsibility for inspection of criteria and norms for the use of public property

1. Ministries, central authorities and People's Committees of all levels shall conduct inspection of the compliance with criteria and norms for the use of public property within scope of assigned tasks and entitlements.

2. Authorities and organizations that are assigned to manage and use public property shall inspect the compliance with criteria and norms for the use of public property.

3. Inspection of the compliance with criteria and norms for the use of public property shall be carried out in the entire process of construction investment, purchase, distribution, lease, use and disposal of public property.

4. During the process of inspection, if any violations against regulations on criteria and norms for the use of public property are found, authorities and organizations specified in Clause 1 and Clause 2 this Article shall promptly take actions against such violations within their competence or report them to competent authorities.

Section 3. POLICIES ON MANAGEMENT AND USE OF PUBLIC PROPERTY OF STATE AUTHORITIES

Article 28. How to form public property of state authorities

1. Formed public property of state authorities shall include:

a) Property in kind that is distributed by the State;

b) Property that is built or purchased by provision of the state budget or other funding as prescribed in regulations of law.

2. The form of public property of state authorities shall:

a) Comply with assigned functions and tasks; criteria and norms for the use of public property issued by competent authorities;

b) Comply with source of property and funding to be used;

d) Follow methods and procedures specified in this Law and relevant law;

d) Ensure publicity, transparency and proper policies.

Article 29. Distribution of property in kind from the State to state authorities

1. The State shall distribute property in kind to state authorities if there is lack of property compared to standards and norms.

2. Property distributed to state authorities shall include:

- a) Property invested in construction or purchased by the State;
- b) Confiscated property as specified in Article 41 herein;
- c) Property of state-funded projects as specified in Section 1 Chapter VI herein;
- d) Property whose public ownership is established as specified in Section 2 Chapter VI herein;
- dd) Land distributed to build workplaces as prescribed in regulations of law on land;
- e) Other property as prescribed by law.

3. Power to distribute public property shall be granted by the Government and according to the following provisions:

- a) The Minister of Finance shall distribute public property in accordance with provisions of Points a, b, c, d and e Clause 2 this Article to ministries, central authorities and People's Committees of provinces, except for the property specified in Point b and Point c this Clause;
- b) Ministers and heads of central authorities shall distribute public property that is specified in Points a, b, c, d and e Clause 2 this Article and invested in construction, purchased or managed by ministries and central authorities to state authorities within scope of their management;
- c) People's Committees of all levels shall distribute public property that is specified in Points a, b, c, d and e Clause 2 this Article and invested in construction, purchased or managed by them to state authorities within scope of their management;
- d) People's Committees of provinces shall distribute public property according to provisions of Point dd Clause 2 this Article and regulations of law on land.

4. Authorities managing public property shall transfer property according to decisions made by competent authorities specified in Points a, b and c Clause 3 this Article.

Article 30. Investment in construction of workplaces of state authorities

1. Workplaces of state authorities shall be invested in construction if:

- a) State authorities whose workplaces are not available or fails to satisfy working conditions as prescribed in regulations of law that the State has no workplace and not subject to lease of workplaces;
- b) Workplace systems are rearranged to satisfy requirements for administrative reform.

2. Construction investment of workplaces shall be made in any of the following forms:

- a) Administration complexes;

b) Separate workplaces.

3. Administration complex means a complex of workplaces whose planning and construction are put together in one place that is convenient for the use of multiple authorities and organizations. Investment in construction of administration complex shall:

a) Ensure cost-effectiveness, reduction in administrative costs and simplification in transaction for organizations and individuals;

b) Meet targets and requirements for working modernization; planning and plans for land use, urban planning; approved payroll orientation, criteria and norms for the use of workplaces;

c) Funding for construction of an administration complex shall be provided from the state budget and other capital as prescribed in regulations of law; authorities and organizations whose workplaces are located in an administration complex shall transfer their workplaces located in the previous locations to competent authorities.

4. Construction investment of workplaces shall be made in any of the following forms:

a) Assign a qualified organization to invest in construction of workplaces in the form of an administration complex;

b) Assign a state authority to directly use workplaces or a qualified organization to invest in construction of workplaces in the form of separate workplaces.

Such authority and organization shall have full capacity to invest in construction of workplaces in accordance with regulations of law on construction and relevant law;

c) Invest in construction in the form of public-private partnerships;

d) Other forms as prescribed by law.

5. Investment in construction of workplaces in the form of public-private partnerships:

a) Investment in construction of workplaces shall comply with regulations of law on investment, law on construction and law on bidding. The use of current workplaces of state authorities to participate in a project shall have a decision given by a competent authority.

b) State authorities managing workplaces shall follow and make a report on proportion of workplaces used to participate in the project in the execution of the project;

c) Investors are entitled to manage, use and operate the proportion of their own property within the agreed term of the contract; investors shall transfer ownership, rights to use and operate the proportion of their own property to the State according to the contract, ensure technical requirements for normal operation of the works and compliance with conditions of the contract.

If the investment project is executed in the form of jointly operation, the proportion of investors' property shall ensure not to affect operation of state authorities;

d) Competent state authorities shall establish public ownership and take measures for property transferred by investors as stipulated in Section 2 Chapter VI herein.

Article 31. Purchase of public property serving operation of state authorities

1. Purchase of workplaces and other public property shall apply in the cases where state authorities lack property compared to criteria and norms but the State has no property to distribute and not subject to lease or provision of fixed funding for the use of public property.

2. Public property shall be purchased in the form of which the purchase is made once (concentrated purchase) or multiple times.

3. Concentrated purchase shall compulsorily apply to property on the list of concentrated purchase as prescribed in regulations of law on bidding.

In the cases where the property is not on the list of concentrated purchase but multiple authorities and organizations wish to purchase the same property, they may gather contracts as one to assign the purchase to one of the purchasing authorities or organizations or concentrated purchasing units.

4. Selection of contractors providing property shall be made according to regulations of law on bidding.

Article 32. Lease of property serving operation of state authorities

1. State authorities are entitled to lease property serving their operation when they lack property compared to criteria and norms if:

a) The State has no property to distribute as specified in Article 29 herein and is not subject to provision of fixed funding as stipulated in Clause 1 Article 33 herein;

b) The property is used for a short period of time or irregularly;

c) Lease of property is more effective than investment in construction and purchase.

2. Form of lease and selection of contractors providing property lease service shall be made according to regulations of law.

3. Lease purchase of property shall comply with provisions of this Article and relevant law.

Article 33. Provision of fixed funding for the use of public property of state authorities

1. Provisions of fixed funding for the use of public property shall apply to official-duty houses, cars for transporting officials, cars serving general business of state authorities and other property in accordance with policies on management and use of each type of public property.
2. Provision of fixed funding shall apply to entities that are eligible for using public property.
3. The Government shall specify subjects and methods to determine amount of and payment for fixed funding to use public property.

Article 34. Use of public property of state authorities

1. Use of public property shall conform to the rules specified in Article 6 herein.
2. Lending or using public property for private purposes shall be banned.
3. State authorities are allowed to use the hall and means of transport which have not yet been fully used to distribute to state authorities, people's armed forces, public service providers, authorities affiliated to the Communist Party of Vietnam, socio-political organizations for jointly use in accordance with utility of property, security and safety and have to rights to collect an expense to cover direct expenses related to operation of the property in the period of use according to regulations of the Government.
4. State authorities are eligible to use official-duty houses, intellectual property rights, application software, database and other public property to operate in accordance with regulations of this Law and relevant law; management and use of proceeds shall comply with regulations of law.

Article 35. Operations management of public property of state authorities

1. Methods of operations management of public property:
 - a) State authorities assigned to manage and use public property shall directly manage the operation of such property;
 - b) Authorities assigned to manage administration complexes shall manage the operation of administration complexes; or
 - c) Hiring units responsible for operations management of public property.
2. Contents of operations management of public property:
 - a) Control, maintain operation and keep the public property in good conditions regularly;
 - b) Provide security, environmental services and other services to ensure regular operation of public property.

3. Selection of units responsible for operations management of public property specified in Point c Clause 1 this Article shall comply with regulations of law on bidding. State authorities having public property or authorities assigned to manage administration complexes shall conclude contracts and pay for administration costs to units responsible for operations management of public property.

Article 36. Use of land pertaining to workplaces of state authorities

1. State authorities shall be distributed land for long-term use without collection of land levy to build workplaces in accordance with functions and assigned tasks, criteria and norms for the use of public property, planning and plans for using land.

2. Rights and obligations of state authorities whose land is distributed shall comply with regulations of law on land.

3. Before deciding to distribute or withdraw land pertaining to workplaces, competent state authorities shall seek written opinions on workplaces of central state authorities from the Ministry of Finance or ask Departments of Finance of provinces for written opinions on workplaces of local state authorities regarding the compliance of plans for distribution and withdrawal with functions, tasks, payrolls and criteria and norms for the use of public property.

Article 37. Preparation and management documents on public property of state authorities

1. State authorities assigned to manage and use public property and authorities assigned to manage administration complexes shall prepare and manage documents on distributed property.

2. Documents on public property shall contain:

a) Documents related to property form and fluctuation;

b) Reports on property management and use and other reports on property;

c) Data on property of state authorities in national database on public property.

Article 38. Preparation of statistics, keeping financial accounts, inventory, re-evaluation and making reports on public property of state authorities

1. Public property shall be statistically and financially accounted for both exhibits and value in accordance with regulations of law on statistics, law on accounting and relevant law.

2. Public property is a fixed asset and shall be depreciated according to regulations of law.

3. State authorities assigned to manage and use public property shall compile an inventory of property at the end of the annual accounting period and an inventory under a decision on inventory and re-evaluation of public property made by the Prime Minister; determine the excess

or lack of property and causes for handling according to regulations of law; make reports on management and use of public property.

4. Re-evaluation of public property value shall be carried out in the following cases:

a) Compiling an inventory or re-evaluating public property according to the Prime Minister's decision;

b) Upgrading or extending the property according to a project approved by a competent authority;

c) Distributing, compiling an inventory or transferring property which has not been aggregated on accounts;

d) Selling or liquidating property;

dd) Property that is extremely damaged due to natural disasters, fire or other causes;

e) Other cases as prescribed by law.

5. Re-evaluation of public property value shall comply with regulations of this Law, law on accounting and relevant law.

Article 39. Maintenance and repair of public property of state authorities

1. State authorities assigned to manage and use public property or authorities responsible for operations management of public property shall maintain and repair the property in accordance with policies, criteria, economic-technical norms issued by competent authorities specified in Clause 3 this Article.

2. The State shall ensure funding for maintenance and repair of public property of state authorities under policies, criteria and economic-technical norms.

3. Power to issue policies, criteria and economic-technical norms for maintenance and repair:

a) Ministries responsible for management of lines and fields shall specify policies, criteria and economic-technical norms for maintenance and repair of public property within scope of their management;

b) For public property that is not subject to policies, criteria and economic-technical norms as defined in Point a this Clause, based on manufacturers' instructions and actual use of property, ministers and heads of central authorities and chairmen of People's Committees or provinces shall specify or grant power to specify policies, criteria and economic-technical norms for maintenance and repair applicable to public property within scope of their management.

Article 40. Forms to dispose of public property of state authorities

1. Withdrawal.
2. Transfer.
3. Sale.
4. Using public property to make payments to investors when executing construction projects in the form of build-transfer contracts.
5. Liquidation.
6. Destruction.
7. Dealing with public property if it is lost or damaged.
8. Other forms as prescribed by law.

Article 41. Withdrawal of public property of state authorities

1. Public property shall be withdrawn if:

- a) A workplace has not been operated continuously for over 12 months;
- b) The State appoints a new location of workplace or invests in construction of another workplace to replace the current one;
- c) Property is used for improper subjects, exceeding criteria and norms; used for improper purposes or lent;
- d) Property is transferred, sold, given, contributed capital or used to ensure the fulfillment of civil obligations illegally; used for commercial purposes, for lease or for joint venture purposes illegally;
- dd) Property has been distributed, invested in construction, purchases but no longer used or the use and operation of property is not effective or demand for use is declined due to change in organizational structure, functions or tasks;
- e) Property is replaced due to demand for technical and technological innovation according to a competent authority's decision;
- g) A competent state authority assigned to manage and use property voluntarily returns it to the State;
- h) Other cases as prescribed by law.

2. State authorities having property withdrawn shall transfer it to the authorities specified in Clause 3 this Article in compliance with a decision on withdrawal. Dismantling or change of components of the property that have been withdrawn shall be banned.

3. Authorities assigned to manage public property specified in Clauses 1, 2 and 3 Article 19 herein shall:

a) Receive withdrawn property according to a competent authority's decision; carry out or authorize a state authority having property withdrawn to carry out storage, protection, maintenance or repair of property pending the disposal of the property;

b) Make plans to dispose of or operate withdrawn property to submit them to a competent authority for approval; dispose of or operate property according to plans approved by a competent authority.

4. Measures to be taken for withdrawn public property:

a) Distribute property to an authority or organization to manage or use as specified in Article 29 herein;

b) Transfer property as specified in Article 42 herein;

b) Sell or liquidate property as specified in Article 43 and Article 45 herein;

d) Destroy property as specified in Article 46 herein;

dd) Other measures depending on the Prime Minister's decision.

Article 42. Transfer of public property

1. Public property shall be transferred if:

a) There is a change in managing authorities, organizational structure or power to manage of public property;

b) The transfer is made from the excess to lack of property according to criteria and norms for the use of public property specified by a competent authority.

c) The property transfer brings in higher efficiency;

d) A state authority is assigned to manage and use property but has no demand for regular use;

dd) Other cases as prescribed by law.

2. Transfer of public property shall only be made among state authorities, people's armed forces, public service providers, authorities affiliated to the Communist Party of Vietnam, socio-political

organizations, except for a special case decided by the Prime Minister at the request of the Minister of Finance and relevant ministers, heads of central authorities and chairmen of People's Committees of provinces.

3. State authorities having property transferred shall undertake and cooperate with authorities or organizations eligible for receiving property in property transfer and receipt. Authorities or organizations eligible for receiving property shall make payments for reasonable costs related to property transfer and receipt. There shall be no payment for value of property when the property is transferred.

Article 43. Sale of public property of state authorities

1. Public property shall be sold if:

a) Withdrawn property is offered for sale as prescribed in Article 41 herein;

b) A state authority assigned to use public property no longer uses or less uses due to change in organizational structure, functions, tasks or other causes in which the property is not withdrawn or transferred;

c) Management and use of public property are rearranged;

d) Public property is liquidated as specified in Article 45 herein;

2. Public property shall be sold in the form of an auction, excluding the cases of selling public property with low value when the price listing is made public or assigned sale as prescribed in regulations of the Government.

3. Authorities assigned to manage public property specified in Clauses 1, 2 and 3 Article 19 herein or state authorities having property for sale shall make the sale of property in accordance with regulations of law.

Article 44. Use of public property to make payments to investors when executing construction projects in the form of build-transfer contracts

1. The State allows using public property to make payments to investors when executing construction projects in the form of build-transfer contracts as stipulated in regulations of law on investment.

2. Use of public property to make payments to investors when executing construction projects in the form of build-transfer contracts shall comply with principle of equal value; the value of public property shall be determined according to the market price from the day on which the payment is made.

3. The value of construction projects executed in the form of build-transfer contracts shall be determined according to regulations of law on investment, law on construction and relevant law.

4. Selection of investors that are eligible to execute construction projects in the form of build-transfer contracts shall conform to regulations of law on bidding.

5. The value of public property used to make payments to for construction projects executed in the form of build-transfer contracts shall be aggregated with the state budget in compliance with regulations of law on the state budget.

6. Exercise of land use rights and use of land and property pertaining to land to make payments to investors when executing construction projects in the form of build-transfer contracts shall comply with provisions of this Article and Article 117 herein.

Article 45. Liquidation of public property of state authorities

1. Public property shall be liquidated if:

a) Public property expires in accordance with regulations of law;

b) Public property has not expire but has been damaged that fails to be repaired;

c) Office buildings or other property pertaining to land must be demolished according to a competent state authority's decision.

2. Public property shall be liquidated in the forms of:

a) Demolition or destruction. Materials withdrawn from such demolition or destruction shall be offered for sale;

b) Sale.

3. Based on regulations of competent authorities, state authorities having property liquidated shall carry out liquidation in the forms specified in Clause 2 this Article. Liquidation of public property in the form of sale shall comply with provisions of Article 43 herein.

Article 46. Destruction of public property of state authorities

1. Public property shall be destroyed according to regulations of law on state secret protection, law on environmental protection and relevant law.

2. Forms of public property destruction shall include:

a) Using chemicals;

b) Taking mechanical measures;

c) Burning or burying;

d) Other forms as prescribed by law.

3. Ministers, heads of central authorities and chairmen of People's Committees of provinces shall assign authorities having property or other authorities responsible for property destruction to destroy public property according to the forms specified in Clause 2 this Article and relevant laws.

Article 47. What to do with lost and damaged public property

1. If public property is lost or damaged due to natural resources, fire or other causes, a state authority assigned to manage and use public property shall:

a) Report on lost or damaged property and liability of relevant entities to a competent authority;

b) Make property write-offs and handle the liability of relevant entities according to a competent authority's decision.

2. If the lost or damaged property is compensated by an insurance company or a relevant entity, the distribution of the property shall be compensated in kind or the amount of compensation shall be used for investment in construction or purchase of new property to replace the lost or damaged one shall comply with provision of Articles 28, 29, 30 and 31 herein.

Article 48. Management and use of proceeds earned from disposal of public property of state authorities

1. The proceeds earned from disposal of public property shall be transferred to temporary accounts at a state treasury after deducting expenses related to the disposal of the property, the remainder shall be transferred to the state budget.

2. Costs related to disposal of public property shall be estimated and approved by a competent state authority. Costs related to disposal of public property shall consist of:

a) Cost of inventory or measurement;

b) Cost of relocation, demolition or destruction;

c) Cost of evaluation of property;

d) Cost of holding an auction;

dd) Other reasonable costs.

3. State authorities that are granted permission to dispose of public property to purchase new property shall be given priority in allocation of fixed funding provided by the state budget.

State authorities that are granted permission to dispose of public property which is a workplace and have a project on construction, purchase, renovation or upgrading of workplace shall be given priority in capital allocation of public investment scheme and priority in allocation of fixed funding provided by the state budget.

Article 49. Management and use of public property of overseas Vietnamese authorities

1. Management and use of public property of overseas Vietnamese authorities shall comply with criteria, norms and policies issued by competent authorities in Vietnam as prescribed in regulations of this Law and relevant law.

2. Management and use of public property of overseas Vietnamese authorities shall apply in the following order:

a) International agreement to which the Socialist Republic of Vietnam and a host country are signatories;

b) Law of the host country;

c) Vietnam law.

3. The Government shall specify policies on management and use of public property of overseas Vietnamese authorities.

Section 4. POLICIES ON MANAGEMENT AND USE OF PUBLIC PROPERTY OF PUBLIC SERVICE PROVIDERS

Article 50. The form of public property of public service providers

1. Sources to form public property of a public service provider shall include:

a) Public property in kind distributed by the State to the state authorities specified in Article 29 herein;

b) Property that is built or purchased by provision of the state budget, public service development funds, property depreciation funds or other funding as prescribed in regulations of law;

c) Property formed from loans, mobilized capital, joint venture with organizations or individuals.

2. The form of public property of public service providers shall conform to the rules specified in Clause 2 Article 28 herein.

3. For the form of public property specified in Point c Clause 1 this Article, apart from conforming to the rules stipulated in Clause 2 Article 28 herein, it is required that the following provisions be applied:

a) There shall be projects on joint venture; methods of loan borrowing, mobilization and refund that are approved by a competent authority;

b) Public service providers shall refund debts and other relevant costs; take responsibility for efficiency of loan borrowing and mobilization or joint venture.

Article 51. Investment in construction of public service facilities

1. The investment in construction of public service facilities, including the use of borrowed capital, mobilized capital and joint ventures shall be carried out when the following requirements are fully satisfied:

a) There is no public service facility or a public service facility whose area is inadequate compared to criteria and norms;

b) The State has no property to distribute and has the public service facility is not for lease.

2. Investment in construction of public service facilities shall comply with regulations of law on public investment, law on construction and relevant law.

3. There is no allocation of public investments or state budget to invest in construction of new property that is used for commercial purposes, for lease or for joint venture purposes only.

4. Investment in construction of public service facilities in the form of public-private partnerships shall apply to investment in construction of workplaces of state authorities as specified in Clause 5 Article 30 herein.

Article 52. Purchase of public property serving operation of public service facilities

1. Purchase of a public service facilities and other property shall be made when the following requirements are fully met:

a) There is lack of property compared to criteria and norms;

b) The State has no property to distribute and the public service facility is not either for lease or provided fixed funding for using property.

2. There is no allocation of state budget to purchase public property that is used for commercial purposes, for lease or for joint venture purposes only.

3. Forms of purchasing public property and methods of selecting contractor providing property serving the operation of public service providers shall comply with provisions of Clauses 2, 3 and 4 Article 31 herein.

Article 53. Lease of property and provision of fixed funding for the use of public property of public service providers

Lease of property and provision of fixed funding for the use of public property of public service providers shall conform to regulations of Article 32 and Article 33 herein.

Article 54. Use and operations management of public property of public service providers

1. Use of public property shall conform to the rules specified in Article 6 herein.
2. Lending or using public property for private purposes shall be banned.
3. Use of public property for commercial purposes, for lease or for joint venture purposes shall comply with regulations of Articles 55, 56, 57 and 58 herein.
4. Public service providers are entitled to use official-duty houses, intellectual property rights, application software, database and other public property to operate in accordance with provisions of this Law and relevant law; management and use of proceeds shall comply with regulations of law.
5. Public service providers are not permitted to use public property for mortgage or take measures for ensuring the fulfillment of other civil obligations if:
 - a) The public property is distributed by the State;
 - b) The public property is built or purchased by provision of the state budget;
 - c) Land use rights, except for land use rights used for commercial purposes, for lease or for joint venture purposes and the land rental has been paid in lump sum without origin from the state budget after ministers or heads of central authorities grant permission to central-affiliated public service providers and chairmen of People's Committees of provinces grant permission to public service providers of provinces.
6. Operations management, preparation and management of documents on public property of public service providers shall apply to the state authorities specified in Article 35 and Article 37 herein.

Article 55. General provisions on use of public property of public service providers for commercial purposes, for lease and for joint venture purposes

1. Public service providers are entitled to use public property for commercial purposes, for lease and for joint venture purposes in the cases specified in Clause 1 Article 56, Clause 1 Article 57 and Clause 1 Article 58 herein.
2. Use of public property for commercial purposes, for lease or joint venture purposes shall satisfy the following requirements:
 - a) Being granted permission by the competent authorities specified in Clause 2 Article 56, Clause 2 Article 57 and Clause 2 Article 58 herein;

- b) Not affecting the performance of functions and tasks assigned by the State;
- c) Not losing the public property ownership; preserving and developing capital and property distributed by the State;
- d) Using the property for the right purposes assigned and purposes of construction investment, purchase; fulfilling functions and tasks of public services providers;
- dd) Increasing capacity and efficiency of using the property;
- e) Ensuring the depreciation of fixed assets, fulfilling obligations on tax, fees, charges and other state financial obligations;
- g) The State shall not provide funding for maintenance or repair of public property that is used for commercial purposes, for lease or for joint venture purposes only; public service providers shall use proceeds earned from business, lease or joint ventures to maintain or repair public property;
- h) Ensuring the market mechanism and complying with regulations of relevant law.

3. Public service providers using public property for commercial purposes, for lease or joint venture purposes shall:

- a) Make plans for using public property for commercial purposes, for lease or joint venture purposes to submit them to a competent authority for approval;
- b) Implement approved plans;
- c) Update information about the use of public property for commercial purposes, for lease or for joint venture purposes to the national database on public property;
- d) Fulfill all requirements specified in Clause 2 this Article.

4. Authorities assigned to manage public property specified in Clauses 1, 2 and 3 Article 19 herein shall:

- a) Assess and submit plans for using public property for commercial purposes, for lease and for joint venture purposes to competent authorities specified in Clause 2 Article 56, Clause 2 Article 57 and Clause 2 Article 58 herein or make a request for such plans according to the Ministry of Finance's guidelines;
- b) Receive, manage and publish information about the use of public property for commercial purposes, for lease or for joint venture purposes.

5. The proceeds earned from business, lease or joint ventures shall be aggregated separately and kept all accounts as prescribed in regulations of law on accounting and shall be managed and used as follows:

- a) Making payment for relevant costs;
- b) Making repayment for loans or mobilized capital (if any);
- c) Fulfilling state financial obligations;
- d) Managing and using the remaining proceeds according to regulations of the Government.

Article 56. Use of public property of public service providers for commercial purposes

1. A public service provider is entitled to use public property for commercial purposes if:

- a) The property is distributed, invested in construction or purchased to perform tasks assigned by the State but it has not been used at full capacity;
- b) The property is invested in construction or purchased in accordance with a project approved by a competent authority for commercial purposes that is not funded by the state budget.

2. Power to approve plans for using property for commercial purposes:

- a) Ministers, heads of central authorities and chairmen of People's Committees of provinces shall approve plans towards property which is public service facilities; other property with high value as prescribed by the Government;
- b) Management councils or heads of public service providers shall approve plans towards property that is not specified in Point a of this Clause.

Article 57. Use of public property of public service providers for lease

1. A public service provider is entitled to lease out public property if:

- a) The property is distributed, invested in construction or purchased to perform tasks assigned by the State but it has not been used at full capacity;
- b) The property is invested in construction or purchased in accordance with a project approved by a competent authority for lease that is not funded by the state budget.

2. Power to approve plans for the lease of public property of public service providers:

- a) Ministers, heads of central authorities and chairmen of People's Committees of provinces shall approve plans towards property which is public service facilities; other property with high value as prescribed by the Government;

b) Management councils or heads of public service providers shall approve plans towards property that is not specified in Point a of this Clause.

3. Form of lease and property rental:

a) The property which is a public service facility and other property with high value as prescribed by the Government shall be leased out in the form of an auction; property rental shall be the final bid;

b) The property that is not specified in Point a this Clause shall be leased out by negotiation; property rental shall be negotiated by and between the lessor and the lessee according to the rental listed on the market of the property with the same type or the property having the same specification, quality or origin.

Article 58. Use of public property of public service providers for joint venture purposes

1. A public service provider is entitled to use public property to associate with a foreign or domestic entity if:

a) The property is distributed, invested in construction or purchased to perform tasks assigned by the State but it has not been used at full capacity;

b) The property is invested in construction or purchased in accordance with a project approved by a competent authority for joint venture purposes that is not funded by the state budget;

c) Use of public property for joint venture purposes brings in greater efficiency in providing public services according to assigned functions and tasks.

2. Ministers or heads of central authorities shall approve plans for using of property of public service providers within scope of their management for joint venture purposes after a written opinion of the Ministry of Finance is given; chairmen of People's Committees of provinces shall approve plans for using property of public service providers within their power for joint venture purposes after written opinions of Standing Committee of People's Councils of provinces are given.

3. In the cases where the property is treated as contributed capital when carrying out joint venture according to regulations of law, the value of the property shall be determined as follows:

a) If the property is the use right of the land subject to capital contribution as prescribed in regulations of law on land, the value of land use right shall be determined according to the market price from the day on which the capital is contributed for joint venture;

b) If the property pertains to the land subject to capital contribution as prescribed in regulations of law on land and relevant law, the value of the property shall be determined according to the remaining actual value as a result of re-evaluation from the day on which the capital is contributed for joint venture;

c) If the property is a brand of a public service provider, the value of such brand to contribute capital for joint venture shall be determined according to Vietnam's valuation standards, law on intellectual property and relevant law;

d) If the property is not specified in Points a, b and c this Clause, the value of property shall be determined according to the market price on the date of carrying out joint venture of the property with the same type or property having the same specifications, quality or origin.

Article 59. Preparation of statistics, keeping financial accounts, inventory, re-evaluation and making reports on public property of public service providers

1. Public property of public service providers shall be promptly and fully prepared statistics and kept financial accounts according to regulations of law on accounting, law on statistics and relevant law.

2. Re-evaluation of public property value shall be carried out in the following cases:

a) Compiling an inventory or re-evaluating public property according to the Prime Minister's decision;

b) Upgrading or extending the property according to a project approved by a competent authority;

c) Distributing, compiling an inventory or transferring property which has not been aggregated on accounts;

d) Selling or liquidating public property;

dd) Property that is extremely damaged due to natural disasters, fire or other causes;

e) Using the property for joint venture purposes to ensure the fulfillment of civil obligations;

g) Disposing of public property when converting the operation of a public service provider;

h) Other cases as prescribed by law.

3. Re-evaluation of public property value shall comply with regulations of this Law, law on accounting and relevant law.

4. Public service providers assigned to manage and use public property shall compile an inventory of property at the end of the annual accounting period and an inventory under a decision on inventory and re-evaluation of public property made by the Prime Minister; determine excess or lack of property and causes for handling according to regulations of law; make reports on management and use of public property.

Article 60. Maintenance and repair of public property of public service providers

1. Maintenance and repair of public property of public service providers shall comply with regulations of Clause 1 and Clause 3 Article 39 herein.

2. Funding for maintenance and repair of public property of public service providers shall be guaranteed by their funding that is permitted to use; the public property used for commercial purposes, for lease or for joint venture purposes shall apply to provisions of Point g Clause 2 Article 55 herein.

Article 61. Depreciation of fixed assets of public service providers

1. Fixed assets of public service providers shall be depreciated. Fixed assets of public service providers that are depreciated shall include:

a) Fixed assets that are guaranteed to be operating costs and investment costs;

b) Fixed assets subject to full depreciation of fixed assets into service charges;

c) Fixed assets that are not specified in Point a and Point b this Clause and used for commercial purposes, for lease or for joint venture purposes.

2. Depreciation expense of each fixed asset shall be allocated for each activity related to public service, business, lease or joint venture to aggregate with cost of each activity.

3. The money depreciated from fixed assets shall be added to public service development funds of public service providers. Where the fixed assets are invested or purchased from loans or mobilized capital, the money depreciated from such fixed assets shall be used for debt payment; the remaining amount of money shall be added to public service development funds of public service providers.

Article 62. Disposal of public property of public service providers

1. Forms of disposal of public property of a public service provider:

a) Disposal of public property shall be in the forms specified in Article 40 herein;

b) Disposal of public property shall be carried out when the operation of the public service provider is converted.

2. Disposal of public property of public service providers in the forms specified in Article 40 herein shall comply with regulations of Articles 41, 42, 43, 44, 45, 46 and 47 herein.

Disposal of public property when the operation of public service providers is converted shall conform to regulations of Article 63 herein.

3. The remaining amount of proceeds earned from disposal of public property after deducting relevant costs, repaying loans or mobilized capital (if any) and fulfilling state financial

obligations shall be added to public service development funds; if public service providers have operating costs covered by the State, such remaining amount shall be transferred to the state budget.

The remaining amount of proceeds earned from transfer of land use rights after deducting relevant costs shall be:

a) Submitted to the state budget according to regulations of law on state budget. Public service providers having projects on construction investment, purchases, renovation or upgrading public service facilities shall be given priority in capital allocation of public investment scheme and priority in allocation of fixed funding provided by the state budget;

b) Added to a public service development fund in case land use rights are formed from receiving transfer or lease of land whose land rental is paid in lump sum and the land rental is not covered by the state budget.

Article 63. Disposal of public property when the operation of public service providers is converted

1. Disposal of public property carried out by a public service provider converted to an enterprise when receiving a written decision on operation conversion from a competent authority:

a) Compile an inventory and classify managed and used property;

b) Dispose of abundant or inadequate property, property that is no long used or property in the process of liquidation;

c) Determine the property value to add to value of the converted public service provider;

d) Decide to distribute public property of the public service provider to the enterprise after conversion;

dd) Transfer property to the enterprise after being converted from the public service provider;

e) After the transfer, the enterprise converted from the public service provider shall complete the documents on property and land and submit them to a competent authority to hand over management and use of the property from the public service provider to the enterprise; follow administrative procedures and fulfill financial procedures according to regulations of law on land and relevant law.

2. The Government shall specify this Article in detail.

Section 5. POLICIES ON MANAGEMENT AND USE OF PUBLIC PROPERTY OF PEOPLE'S ARMED FORCES

Article 64. Public property of people's armed forces

Public property of people's armed forces is the property that the State distributes to the Ministry of National Defense or the Ministry of Public Security for the purposes of management and use to ensure national security and other tasks assigned by the State, including:

1. Special-purpose property:

a) Weapons, military equipment, explosives, special support instruments; vehicles, and technical professional equipment;

b) Land and construction works pertaining to land, including: combat works, strategic defense works; works to ensure security operations; works serving research, fabrication, manufacture, repair, testing of weapons, important military equipment and special support instruments.

2. Single-purpose property:

a) Land, buildings and other property pertaining to land that belongs to camps, headquarters buildings, warehouses, academies, national security training centers, shooting fields, field sites, training grounds and detention facilities of people's armed forces;

b) Vehicles used for national security purposes;

c) Other support instruments apart from special support instruments; other property with special designed for operation of people's armed forces.

3. Property used for management is the property that is used for the purposes of operation, training and education in people's armed forces, including:

a) Land, buildings and other property pertaining to land that belongs to schools, except for academies, national security training centers; health facilities, nursing homes; guest houses, official-duty houses; stadiums, gymnasiums and other facilities that are not included in campuses or headquarters buildings of people's armed forces;

b) Commander cars, cars serving general business and other means of transport;

c) Machines and equipment;

d) Other property.

Article 65. Management and use of special-purpose and single-purpose property of people's armed forces

1. Responsibilities of the Minister of National Defense and the Minister of Public Security:

a) Make a detailed list of special-purpose property and criteria and norms for the use of special-purpose property and submit it to the Prime Minister;

- b) Issue a detailed list of single-purpose property to people's armed forces;
- c) Issue regulations on construction of combat works, strategic defense works, works to ensure security operations; works serving research, fabrication, manufacture, repair, testing of weapons, important military equipment and special support instruments;
- d) Specify records and forms to keep track of special-purpose property;
- dd) Submit a decision on methods of purchase and sale of special-purpose property to the Prime Minister.

2. The form, management, use and disposed of special-purpose and single-purpose property:

- a) The form and use of special-purpose and single-purpose property shall comply with of distribution of property and ensure safety and confidentiality;
- b) Investment in construction of combat works, professional security works shall ensure state secrets; ensure security as prescribed;
- c) Documents and reports on special-purpose property shall be managed and stored according to regulations of law on state secret protection;
- d) Use of special-purpose and single-purpose property for commercial purposes, for lease, for joint venture purposes or other forms of business shall be banned;
- dd) Disposal of special-purpose or single-purpose property shall be carried out only after such property is not included in property distribution; waste withdrawn from liquidation of property which is weapons, explosives or special support instruments shall comply with regulations of law on management and use of weapons, explosives and special support instruments;
- e) The Prime Minister shall make a decision on transfer of special-purpose property, except for the transfer made among authorities affiliated to the Ministry of National Defense or the Ministry of Public Security;
- g) Before putting special-purpose property or single-purpose property to use, the Minister of National Defense or the Minister of Public Security shall decide or authorize an authority to decide to include the public property in property distribution; when such property is no longer used, the Minister of National Defense or the Minister of Public Security shall decide or authorize an authority to decide to remove it from the property distribution.

3. The contents of how to form, management, use and disposal of special-purpose property and single-purpose property of people's armed forces that are not specified in Clause 2 this Article shall conform to regulations of Section 3 this Chapter; for public service providers affiliated to people's armed forces, such contents shall apply to provisions of Section 4 this Chapter.

4. The Government shall specify this Article in details.

Article 66. Management and use of property serving the management of people's armed forces

1. How to form, management, use and disposal of the property serving management of people's armed forces shall comply with regulations of Section 3 this Chapter; how to form, management, use and disposal of the property serving management of public service providers affiliated to people's armed forces shall comply with regulations of Section 4 this Chapter.

2. Before putting the property serving management to use, the Minister of National Defense or the Minister of Public Security shall decide or authorize an authority to decide to include the public property in property distribution; when such property is no longer used, the Minister of National Defense or the Minister of Public Security shall decide or authorize an authority to decide to remove it from the property distribution.

Section 6. POLICIES ON MANAGEMENT AND USE OF PUBLIC PROPERTY OF ORGANIZATIONS

Article 67. Management and use of public property of authorities affiliated to the Communist Party of Vietnam

1. Property of an authority affiliated to the Communist Party of Vietnam shall consist of:

- a) Property distributed in kind by the State and property built or purchased by provision of the state budget;
- b) Property whose ownership is transferred under a competent state authority's decision; property formed from party dues and other revenue of the Communist Party.

2. Management and use of property of authorities affiliated to the Communist Party of Vietnam shall abide by the rules of management and use of public property specified herein and Charter of the Communist Party of Vietnam.

3. The Government shall specify this Article in details.

Article 68. Management and use of public property of socio-political organizations

1. The State shall distribute the property in kind and allocate state budget to socio-political organizations for investing in construction, purchasing, lease or providing fixed funding for the use of property in accordance with functions, tasks, criteria, norms and policies on management and use of public property.

2. How to form, management, use and disposal of public property specified in Clause 1 this Article shall comply with regulations of Section 3 this Chapter; the public property of public service providers affiliated to socio-political organizations shall conform to regulations of Section 4 this Chapter.

Article 69. Management and use of public property of socio-professional organizations

1. Property that is a workplace or a public service establishment of a socio-professional organization and is distributed by the State or formed from provision of state budget shall be treated as public property.

Management, use and disposal of other property that is distributed to socio-professional organizations by the State and is under ownership of such organizations shall comply with regulations of the civil affairs, relevant law and charters of organizations.

2. Socio-professional organizations shall manage, use and dispose of public property according to provisions of Section 3 this Chapter; protect public property according to regulations of law and maintain and repair public property in accordance with their budget.

A socio-professional organizations using distributed public property for commercial purposes, for lease or for joint venture purposes shall:

- a) Make plans for using public property for commercial purposes, for lease or joint venture purposes to report them to a competent authority;
- b) Have the plans approved by a competent authority assigned by the Government;
- c) Use public property for the right purposes of construction investment; Not affect the performance of functions and tasks assigned by the charter of organization;
- d) Not lose the public property ownership; preserve and develop capital and property distributed by the State;
- dd) Increase capacity and efficiency of using the property;
- e) Ensure the depreciation of fixed assets and transfer depreciated amount of money thereof to the state budget; fulfill obligations on tax, fees, charges and other state financial obligations;
- g) Ensure the market mechanism and comply with regulations of relevant law.

3. Use of public property for commercial purposes, for lease and for joint venture purposes shall apply to public service providers specified in Section 4 this Chapter.

The proceeds earned from the use of public property for commercial purposes, for lease or for joint venture purposes shall be aggregated separately and kept all accounts as prescribed in regulations of law on accounting and shall be managed and used as follows:

- a) Making payment for relevant costs;
- b) Making repayment for loans or mobilized capital (if any);

c) Fulfilling state financial obligations;

d) Managing and using the remaining proceeds according to regulations of the Government.

Article 70. Management and use of public property of social organizations, socio-professional organizations and other organizations that are established according to regulations of law on associations

1. Social organizations, socio-professional organizations and other organizations that are established according to regulations of law on associations shall guarantee property for their operation.

2. Property that is a workplace or a public service establishment of a social organization, socio-professional organization or another organization and is distributed by the State or formed from provision of state budget shall be treated as public property. Social organizations, socio-professional organizations and other organizations shall manage, use and dispose of public property according to provisions of Section 3 this Chapter; protect public property according to regulations of law and maintain and repair public property in accordance with their budget.

Use of distributed public property for commercial purposes, for lease and for joint venture purposes; management and use of the proceeds earned from using such property shall comply with regulations of Clause 2 and Clause 3 Article 69 herein.

3. Management and use of the property that is not specified in Clause 2 this Article shall comply with regulations of law on civil affairs, relevant law and charters of organizations.

Section 7. POLICIES ON MANAGEMENT AND USE OF PUBLIC PROPERTY OF STATE RESERVE AUTHORITIES

Article 71. Public property of state reserve authorities

1. Public property serving the operation of state reserve authorities shall include:

a) Public property serving the operation of state reserve authorities shall include:

b) Systems of national reserve warehouses.

2. Goods and materials on the list of national reserves.

Article 72. Management and use of public property serving the operation of state reserve authorities

1. Management and use of public property serving the operation of state reserve authorities shall conform to regulations of Section 3 this Chapter.

2. Management and use of systems of national reserve warehouses shall conform to regulations of Section 3 this Chapter, law on national reserves and the following regulations:

a) State reserve authorities shall be entitled to use warehouses to store public property when a decision on withdrawal or decision on establishment of public ownership has been given during the process of handling according to tasks assigned by a competent authority;

b) State reserve authorities shall be eligible to operate warehouses that are not used at full capacity. Warehouse operation shall ensure the compliance with utility; not affect national reserve secrets and safety, performance of assigned functions and tasks and shall be granted permission by a competent authority.

The remaining amount of proceeds earned from disposal of public property shall be transferred to the state budget after deducting relevant costs.

3. The Government shall specify this Article in details.

Article 73. Management and use of goods and materials on the list of national reserves

Management and use of goods and materials on the list of national reserves shall conform to regulations of law on national reserves.

Chapter IV

POLICIES ON MANAGEMENT AND USE OF INFRASTRUCTURAL PROPERTY

Section 1. GENERAL PROVISIONS ON MANAGEMENT AND USE OF INFRASTRUCTURAL PROPERTY

Article 74. Management and use of infrastructural property

1. Management and use of infrastructural property invested and managed by the State shall comply with regulations of this Law and relevant law.

2. Management and use of infrastructural property including state capital of enterprises shall comply with regulations of law on management and use of state capital to invest in enterprises' business operation and relevant law.

Article 75. Authorities and organizations assigned to manage infrastructural property

1. State authorities.

2. People's armed forces.

3. Public service providers.

4. Enterprises.

5. Other authorities and organizations as prescribed in regulations of relevant law.

Article 76. Rights and obligations of authorities and organizations assigned to manage infrastructural property

1. Authorities and organizations assigned to manage infrastructural property are entitled to:

a) Make a decision on response to protect and operate infrastructural property that is assigned to manage according to regulations of this Law and relevant law.

b) Have legitimate rights and interests protected by the State;

d) File complaints according to regulations of law;

d) Other rights as prescribed by law.

2. Authorities and organizations assigned to manage infrastructural property shall:

a) Prepare and manage documents; aggregate infrastructural property according to regulations of this Law and law on accounting;

b) Report and publish information about infrastructural property as prescribed herein;

c) Take measures for maintaining, developing and protecting infrastructural property;

d) Fulfill financial obligations in operation of infrastructural property;

dd) Transfer infrastructural property when the State makes a decision on withdrawal;

e) Other obligations as prescribed by law.

3. Rights and obligations of heads of state authorities, people's armed forces, public service providers, enterprises and other authorities and organizations specified in Article 75 herein:

a) Ensure implementation of management, use and operation of property that the State assigns to manage;

b) Monitor and inspect management and use of distributed property;

c) Take actions against violations of management and use of infrastructural property within their power or submit such violations to competent authorities for resolutions;

d) Comply with regulations of this Law and relevant laws; ensure the use of property for the right purposes and policies and ensure cost-effectiveness;

dd) Resolve complaints within their power and take responsibilities for their explanations as prescribed in regulations of law;

e) Other rights and obligations as prescribed by law.

Article 77. Infrastructural property distributed to managing authorities and organizations

1. Existing infrastructural property that has not been distributed to managing authorities and organizations.

2. Newly built infrastructural property.

3. Withdrawn infrastructural property as prescribed in Article 88 herein.

4. Infrastructural property whose public ownership is established as specified in Section 2 Chapter VI herein.

5. Other infrastructural property as prescribed by law.

Section 2. DOCUMENTS, PREPARATION OF STATISTICS, KEEPING FINANCIAL ACCOUNTS, INVENTORY, RE-EVALUATION, MAKING REPORTS AND MAINTENANCE OF INFRASTRUCTURAL PROPERTY

Article 78. Documents, preparation of statistics, keeping financial accounts, inventory, re-evaluation and making reports on infrastructural property

1. Documents on infrastructural property shall contain:

a) Documents related to the form of infrastructural property and fluctuation;

b) Reports on infrastructural property management and use and other reports on infrastructural property;

c) Data on infrastructural property on national database on public property.

2. Infrastructural property shall be statistically and financially accounted and inventoried in accordance with regulations of law on accounting, law on statistics and relevant laws. Authorities and organizations assigned to manage infrastructural property shall make reports on management and use of property as prescribed herein.

3. Infrastructural property is a fixed asset and shall be depreciated according to regulations of law.

4. Re-evaluation of infrastructural property value shall be carried out in the following cases:

- a) Compiling an inventory, re-evaluating the property according to a competent authority's decision;
 - b) Upgrading or extending the property according to a project approved by a competent authority;
 - c) Distributing, compiling an inventory or transferring property which has not been aggregated on accounts;
 - d) Selling or liquidating property;
 - dd) Property that is extremely damaged due to natural disasters, fire or other causes;
 - e) Other cases as prescribed by law.
5. Re-evaluation of infrastructural property value shall comply with regulations of this Law, law on accounting and relevant law.

Article 79. Maintenance of infrastructural property

- 1. Infrastructural property shall be maintained according to criteria, norms and technical maintenance procedures in order to maintain technical conditions of infrastructural property and ensure normal operation and safety when using infrastructural property.
- 2. Forms of infrastructural property maintenance shall comply with regulations of relevant law.
- 3. Every year, authorities and organizations that are assigned to manage infrastructural property shall publish information about the list of infrastructural property and maintenance plans thereof within their scope of management.
- 4. Organizations and individuals having demand and capacity shall register to participate in infrastructural property maintenance. Selection of entities to maintain infrastructural property shall comply with regulations of law on bidding, unless the State places an order, assigns plans or the maintenance to construction contractors.
- 5. Entities receiving transfer of the right to collect charges, leasing the right to use or receiving fixed-term transfer of infrastructural property shall maintain infrastructural property in accordance with regulations of law and terms of relevant agreements.
- 6. Funding for infrastructural property maintenance including funding from state budget shall comply with regulations of law on state budget and other funding prescribed by law.

Section 3. OPERATION OF INFRASTRUCTURAL PROPERTY

Article 80. Forms of operation of infrastructural property

1. Operation of infrastructural property shall be carried out in the following forms:

- a) Operation of infrastructural property by the managing entity;
- b) Transferring the right to collect infrastructural property user charges;
- c) Leasing out the right to operate infrastructural property;
- d) Fixed-term transferring of the right to operate infrastructural property;
- dd) Other forms as prescribed by law.

2. Based on socio-economic development requirements, management requirements, the capability to exploit infrastructural property and forms specified in Clause 1 this Article, authorities or organizations assigned to manage infrastructural property shall actively make or make a plan for property operation at the request of a superior managing authority and submit it to a competent authority for approval.

3. Based on a plan that has been approved by a competent authority, authorities or organizations assigned to manage infrastructural property shall comply with regulations of Articles 81, 82, 83 and 84 herein.

4. Operation of infrastructural property carried out in the forms specified in Points b, c, d and dd Clause 1 this Article shall be made in a written agreements. In cases where the basis for determination of such agreement value fluctuates widely according to the Government's regulations, the parties to this agreement shall adjust it.

After the term of operation expires according to the agreement, entities receiving the transfer of the right to collect charges or leasing the right to exploit or receiving the fixed-term transfer of the right to exploit infrastructural property shall transfer the property to assigned authorities or organizations in order to ensure the normal technical operation conditions of the property in line with requirements of the agreement.

Article 81. Operation of infrastructural property carried out by authorities and organizations assigned to manage infrastructural property

1. Authorities and organizations assigned to manage infrastructural property are entitled to directly operate the property if:

- a) Infrastructural property is related to national security as prescribed in the Prime Minister's decision at the request of a contact point responsible for the management of infrastructural property and another relevant authority;
- b) The direct operation of the property is more effective or there is no organization or individual registering to apply to the forms specified in Points b, c, d and dd Clause 1 Article 80 herein.

2. Authorities and organizations assigned to manage infrastructural property shall provide services related to infrastructural property and support services and organize operations management of infrastructural property.

3. Revenue earned from operation of infrastructural property shall include: fees and charges as prescribed in regulations of law on fees and charges; the proceeds earned from collecting infrastructural property user charges when and other revenue relevant to provision of services as prescribed in regulations of law.

Article 82. Transfer of the right to collect infrastructural property user charges

1. Transfer of the right to collect infrastructural property user charges shall be made when the State authorizes the right to collect infrastructural property user charges to organizations and individuals within the fixed term as stated in an agreement to receive a corresponding amount of money.

Organizations and individuals receiving transfer shall be entitled to collect infrastructural property user charges and other revenue related to provision of services as regulated by law.

2. Transfer of the right to collect infrastructural property user charges shall apply to the infrastructural property that is charged according to regulations of law on fees and charges and not subject to existing infrastructural property whose investment project on upgrading or expanding approved by a competent state authority as specified in Clause 2 Article 84 herein.

3. Transfer of the right to collect infrastructural property user charges shall comply with regulations of law on property auction.

4. Term for transfer of the right to collect infrastructural property user charges shall be determined in particular for each agreement.

Article 83. Lease of the right to operate infrastructural property

1. Lease of the right to operate infrastructural property shall be carried out when the State authorizes the right to operate infrastructural property to organizations and individuals within the fixed term as stated in an agreement to receive a corresponding amount of money.

Organizations and individuals leasing transfer to operate the property shall be entitled to collect infrastructural property user charges and other revenue related to provision of services as regulated by law.

2. Lease of the right to operate infrastructural property shall apply to the existing property and not subject to the property specified in Clause 2 Article 82 and Clause 2 Article 84 herein.

3. Lease of the right to operate infrastructural property shall comply with regulations of law on property auction.

4. Term for lease of the right to operate infrastructural property shall be determined in particular for each agreement.

Article 84. Fixed-term transfer of the right to operate infrastructural property

1. Fixed-term transfer of the right to operate infrastructural property shall be carried out when the State authorizes the right to operate infrastructural property in line with investment in upgrading or expanding to organizations and individuals within the fixed term as stated in an agreement to receive a corresponding amount of money.

Organizations and individuals receiving transfer shall be entitled to invest in upgrading and expanding the property according to a project approved by a competent authority; collect fees, infrastructural property user charges and other revenue related to provision of services as regulated by law.

2. Fixed-term transfer of the right to operate infrastructural property shall apply to the existing infrastructural property whose project on upgrading or expanding is approved by a competent state authority.

3. Fixed-termed transfer of the right to operate infrastructural property shall comply with regulations of law on property auction.

4. Term for transfer of the right to operate infrastructural property shall be determined in particular for each agreement.

Article 85. Management and use of revenue earned from operation of infrastructural property

1. Revenue earned from operation of infrastructural property shall include fees and charges that are managed and used according to regulations of law on fees and charges.

2. The revenue earned from operation of infrastructural property that is not specified in Clause 1 this Article shall be managed and used as follows:

a) The revenue earned from operation of property shall be transferred to a temporary account at a state treasury after deducting costs related to operation of property, the remainder shall be transferred to the state budget if the authority assigned to manage the property is a state authority;

b) The revenue earned from operation of property carried out in the forms specified in Article 81 herein shall be managed and used in accordance with provisions of Clause 5 Article 55 herein; the revenue earned from operation of property carried out in the forms specified in Articles 82, 83 and 84 herein shall be managed and used in line with provisions of Point a this Clause if the authority assigned to managed the property is a public service provider;

c) The revenue earned from operation of property shall be managed and used according to provisions of Point d Clause 1 Article 99 herein if the organization assigned to manage the property is an enterprise.

3. The revenue earned from operation of infrastructural property after transferred to the state budget shall be given priority to allocate capital in plans for public investment and priority to allocate fixed funding provided by the state budget to invest in construction of infrastructure.

Article 86. Use of land pertaining to infrastructure

1. Forms of land use, policies on land use, rights and obligations of users whose land pertains to infrastructure according to regulations of law on land.

2. Contents subject to management of contact points responsible for the management of infrastructural property, finance authorities and other relevant authorities shall be made in writing in the cases where a competent state authority decides to withdraw the land, convert purposes of land use or convert utility of using infrastructural property pertaining to the land.

Section 4. DISPOSAL OF INFRASTRUCTURAL PROPERTY

Article 87. Forms to dispose of infrastructural property

1. Withdrawal.

2. Transfer.

3. Sale.

4. Using infrastructural property to make payments to investors when executing construction projects in the form of build-transfer contracts.

5. Liquidation.

6. Disposal of infrastructural property if it is lost or damaged.

7. Other forms as prescribed by law.

Article 88. Withdrawal of infrastructural property

1. Infrastructural property shall be withdrawn if:

a) There is a change in planning or power to manage infrastructural property;

b) The property is distributed to improper authorities or organizations, used for the improper purposes; or the property is for lending;

c) The property is sold, leased, given, mortgaged; the property is used for capital contribution or for joint venture purposes illegally;

d) The property is distributed but no longer used or its operation is not effective;

dd) Other cases as prescribed by law.

2. Authorities assigned to manage public property specified in Clauses 1, 2 and 3 Article 19 herein shall:

a) Receive withdrawn property according to a competent authority's decision; carry out or authorize a state authority having property withdrawn to carry out storage, protection, maintenance or repair of property pending the disposal of the property;

b) Make plans to dispose of or operate withdrawn property to submit them to a competent authority for approval; dispose of or operate property according to plans approved by a competent authority.

3. Withdrawn infrastructural property shall be:

a) Distributed to authorities or organizations specified in Article 75 herein;

b) Transferred as specified in Article 89 herein;

b) Put on the market as specified in Article 90 herein.

4. Where the withdrawn infrastructural property is distributed to an entity to operate according to regulations of Points b, c, d and dd Clause 1 Article 80 herein, rights and obligations of relevant parties shall be handled in accordance with the agreement terms and regulations of relevant law.

Article 89. Transfer of infrastructural property

1. Infrastructural property shall be transferred among authorities and organizations assigned to manage infrastructural property if:

a) There is a change in managing authorities or power to manage infrastructural property;

b) The property is distributed but no longer used or its operation is not effective;

c) Other cases prescribed by law.

2. Authorities and organizations having property transferred shall undertake and cooperate with authorities or organizations eligible for receiving property in property transfer and receipt. Authorities or organizations eligible for receiving property shall make payments for reasonable costs related to property transfer and receipt. There shall be no payment for value of property when the infrastructural property is transferred.

Article 90. Sale of infrastructural property

1. Infrastructural property shall be put on the market in the following cases:

- a) Withdrawal of property as specified in Article 88 herein;
- b) Converting purposes of land use associated with converting utility of infrastructural property in line with the planning approved by a competent authority;
- c) Other cases prescribed by law.

2. Sale of infrastructural property shall comply with regulations of law on property auction.

3. Authorities assigned to manage public property specified in Clauses 1, 2 and 3 Article 19 herein or authorities having property for sale shall make the sale of property in accordance with regulations of law.

Article 91. Use of infrastructural property to make payments to investors when executing construction projects in the form of build-transfer contracts

Use of infrastructural property to make payments to investors when executing construction projects in the form of build-transfer contracts shall comply with provisions of Article 44 herein.

Article 92. Liquidation of infrastructural property

1. Infrastructural property shall be liquidated if:

- a) Infrastructural property is damaged that fails to be repaired;
- b) Old infrastructural property is demolished to invest in construction of the new one according to a project approved by a competent authority;
- c) A competent state authority revises the planning that makes partial or entire infrastructural property unable to use in line with utility of the property;
- d) Other cases as prescribed by law.

2. Infrastructural property shall be liquidated in the form of demolition or destruction. Materials withdrawn from such demolition or destruction shall be:

- a) Distributed to an authority having liquidated property to continue managing or using it;
- b) Transferred;
- c) Put on the market.

3. Based on a competent authority's decision, an authority having property liquidated shall:

- a) Demolish or destroy the property according to regulations of law;
- b) Make plans and report them to a competent authority to make a decision on disposal of withdrawn materials carried out in the forms specified in Clause 2 this Article;
- c) Transfer or sell withdrawn materials according to provisions of Article 89 and Article 90 herein.

Article 93. What to do with lost and damaged infrastructural property

1. If public property is lost or damaged due to natural resources, fire or other causes, a state authority assigned to manage infrastructural property shall:

- a) Report on lost or damaged property and responsibilities of relevant entities to a competent authority;
- b) Make property write-offs and handle the liability of relevant entities according to a competent authority's decision.

2. If the lost or damaged infrastructural property is compensated by an insurance company or a relevant entity, the compensation shall be used to invest in reconstruction of the infrastructure according to regulations of this Law and relevant law.

Article 94. Management and use of proceeds earned from disposal of infrastructural property

1. The proceeds earned from disposal of public property shall be transferred to temporary accounts at a state treasury after deducting expenses related to the disposal of the property; the remainder shall be transferred to the state budget.

2. Costs related to disposal of infrastructural property shall be estimated and approved by a competent state authority. Costs related to disposal of the property shall consist of:

- a) Cost of inventory or measurement;
- b) Cost of relocation, demolition or destruction;
- c) Cost of evaluation of property;
- d) Cost of selling property;
- dd) Other reasonable costs.

Section 5. MANAGEMENT AND USE OF INFRASTRUCTURAL PROPERTY THAT IS INVESTED IN THE FORM OF PUBLIC-PRIVATE PARTNERSHIPS

Article 95. Construction investment, management and operation of infrastructural property carried out in the form of public-private partnerships

1. Investment in construction of infrastructural property in the form of public-private partnerships shall comply with regulations of law on investment, law on construction, law on bidding and relevant law. The State encourages organizations and individuals participating in construction investment and operation of infrastructural property.
2. Existing infrastructural property used to participate in a project shall be approved by a competent authority.
3. Authorities assigned to manage infrastructural property shall follow and make a report on proportion of the infrastructural property used to participate in a project while appointing an investor to execute the project.
4. Investors are entitled to manage, use and operate the proportion of their own property within the agreed term of contracts to withdraw the payback. Investors shall maintain the property within the term of contracts to ensure normal operation of the infrastructural property. If the basis for determining the value of contracts fluctuates widely according to the Government's regulations, parties to such contracts shall adjust them.
5. Infrastructural property invested in the form of public-private partnerships shall be audited as soon as an investor operates and conducts periodic inspection in the process of investment and operation.

Article 96. Transfer of property formed from projects executed in the form of public-private partnerships to the State

1. Investors shall transfer the ownership, the right to use and operate the property formed from the execution of projects to the State in line with project contracts; ensure technical requirements for normal operation of construction works and compliance with terms of contracts.
2. Competent state authorities shall inspect quality and conditions of the property as agreed in project contracts, make a list on transferred property, determine the damage (if any) and ask investors for repairing and maintaining the property.

Investors shall ensure that the transferred property is not used for fulfillment of financial obligations or other obligations of investors arising prior to the date of transfer, unless otherwise stated in project contracts.

3. Disposal of transferred property:

a) If the property is transferred by the State to an investor, a competent state authority shall report to a competent authority to distribute the property to a managing authority in accordance with provisions herein;

b) If the property is invested by the investor, the competent state authority shall follow procedures for establishment of public property according to provisions of Section 2 Chapter VI herein.

The competent state authority shall manage and operate the property within its functions and power when the property has not been transferred to the managing authority;

c) Where the property is transferred according to the term of the contract but then the investor is eligible to trade or provide services on the basis of operation and operation of such property within a certain period of time as stated in the contract, management and operation of the property shall comply with regulations of Clauses 3, 4 and 5 Article 95 herein.

Chapter V

POLICIES ON MANAGEMENT AND USE OF PUBLIC PROPERTY OF ENTERPRISES

Article 97. Public property of enterprises

1. Public property that the State assigns an enterprise to manage and whose state capital is included in the enterprise.

2. Public property that the State assigns an enterprise to manage and whose state capital is not included in the enterprise.

Article 98. Public management and use of public property that the State assigns an enterprise to manage and whose state capital is included in the enterprise

1. Management and use of public property that the State assigns an enterprise to manage and whose state capital is included in the enterprise shall comply with regulations of the Law on management and utilization of state capital invested in enterprises' business operation and relevant law.

2. Provision and use of cars serving business of officials of a state-owned enterprise shall conform to criteria and norms prescribed by the Government.

Article 99. Management and use of public property that the State assigns enterprises to manage and whose state capital is not included in enterprises

1. Management, use, operation and dispose of public property that the State assigns an enterprise to manage and whose state capital is not included in the enterprise shall comply with the following provisions:

a) The enterprise shall manage and use the assigned property for the right purposes and utility of the property; use of property to ensure fulfillment of civil obligations, contribute capital or transfer ownership to another entity shall be banned;

b) Costs of property repair and maintenance shall be covered by the enterprise, unless otherwise stated;

c) The enterprise shall aggregate and calculate the property depreciation according to regulations of law and a competent authority's decision when the property is transferred;

d) The proceeds earned from operation of public property shall be used to cover relevant costs, repay loans or mobilized capital (if any) and fulfill state financial obligations; the remainder shall be transferred to the state budget;

dd) The proceeds earned from disposal of public property shall be used to cover relevant costs, repay loans or mobilized capital (if any); the remainder shall be transferred to the state budget.

2. Contents related to the form, management, use and disposal of public property that the State assigns an enterprise to manage and whose state capital is not included in the enterprise that is not specified in Clause 1 this Article shall apply to provisions of Section 5 Chapter III, Chapter IV, Section 1 Chapter VI, Chapter VII herein and other regulations of relevant law.

3. The Government shall specify this Article in details.

Chapter VI

POLICIES ON MANAGEMENT AND USE OF PROPERTY OF STATE-FUNDED PROJECTS AND PUBLIC PROPERTY

Section 1. POLICIES ON MANAGEMENT AND USE OF PROPERTY OF STATE-FUNDED PROJECTS

Article 100. Property of state-funded projects

1. Property used for the execution of projects.

2. Property formed as a result of the completion of projects.

Article 101. How to form project property

1. How to form the property used for the execution of projects:

a) The State shall distribute the property in kind or provide funding for projects to invest in construction, purchase or lease the property serving the execution of each project;

b) The form of property shall conform to the rules specified in Clause 2 Article 28 herein. Distribution of property, investment in construction, purchase, lease of property or provision of fixed funding to use property serving the execution of projects shall conform to regulations of Articles 29, 30, 31, 32 and 33 herein and project documents (if any).

2. How to form property as a result of the completion of projects:

a) Project capital shall be used to invest in construction of property or purchase property;

b) The form of property shall conform to regulations of this Law, relevant law and project documents (if any).

Article 102. Use of property serving the execution of projects

Use of property serving the execution of projects shall comply with targets of projects and provisions of Section 3 Chapter III herein and relevant law.

Article 103. Disposal of property serving the execution of projects

1. When there is property that needs to be disposed of, a project management unit shall:

a) Compile an inventory of the property, report to a superior managing authority, report to a contact point of the project and submit to authorities to assigned to manage public property specified in Clauses 1, 2 and 3 Article 19 herein;

b) Keep the property in good conditions pending the disposal of the property.

2. Authorities assigned to manage public property specified in Clauses 1, 2 and 3 Article 19 herein shall take measures for disposal of the property in the forms stipulated in Clause 3 this Article and submit them to a competent authority for approval.

3. Forms to dispose of the property shall include:

a) Distribution to an authority or organization to manage or use the property;

b) Transfer;

c) Sale;

d) Liquidation;

dd) Destruction;

e) Dealing with the property if it is lost or damaged;

g) Other forms as prescribed by law.

4. Based on measures approved by the competent authority, any of the authorities assigned to manage public property specified in Clauses 1, 2 and 3 Article 19 herein or the project management unit shall transfer, sell, liquidate, destroy or deal with the property if it is lost or damaged as specified in Articles 29, 42, 43, 45, 46 and 47 herein.

5. Management and use of the proceeds earned from disposal of the property serving the execution of the project shall comply with provisions of Clause 3 Article 62 herein if the project management unit is operating in the model of a public service provider; or conform to provisions of Clause 1 and Clause 2 Article 48 herein if the project management unit is operating in another model.

Article 104. Disposal of property created after the completion of projects

1. After the completion of construction investment or purchase, a project management unit shall transfer the property to a beneficiary specified in the project in order to put the property to operation or use.

If the beneficiary of the property is not specified, disposal of the property after the completion of the project shall be carried out in the following forms:

b) Transfer;

b) Sale;

d) Liquidation;

d) Distribution of the property to an enterprise to manage or use it;

dd) Other forms as prescribed by law.

2. Transfer, sale or liquidation of the property shall comply with regulations of Articles 42, 43 and 45 herein. Distribution of the property to an enterprise to manage and use it shall comply with regulations of this Law, law on management and utilization of state capital invested in enterprises' business operation and relevant law.

Article 105. Management and use of the property formed from the performance of scientific and technological tasks funded by the state capital

1. The property formed from the performance of scientific and technological tasks funded by the state capital shall consist of:

a) The property provided for the performance of scientific and technological tasks;

b) The property formed as a result of the performance of scientific and technological tasks;

2. Provision of the property for the performance of scientific and technological tasks shall be in line with assigned tasks and estimates approved by a competent authority. The property shall be used for the right purposes and ensure cost-effectiveness; aggregated, reported, maintained, repaired and disposed of promptly.

3. Disposal of the property provided for the performance of scientific and technological tasks shall be carried out in the following orders:

a) Distributing or selling the property to an organization in charge to continue results of tasks or using the property to use results of scientific and technological research for commercial purposes;

b) Transferring, selling, liquidating and destroying the property if the organization in charge of performing the tasks does not receive or purchase it. Transfer, sale, liquidation and destruction of the property shall comply with regulations of Articles 42, 43, 45 and 46 herein.

4. Disposal of the property formed as a result of the performance of scientific and technological tasks shall be carried out in the following orders:

a) Transferring the property ownership or the right to use the property to the organization in charge to continue results of tasks or using the property to use results of scientific and technological research for commercial purposes;

b) Transferring the property ownership or the right to use the property to another entity if the organization in charge of performing tasks has no demand or capacity to use results of scientific and technological research for commercial purposes.

5. The Government shall specify this Article in details.

Section 2. POLICIES ON MANAGEMENT AND USE OF PROPERTY WHOSE PUBLIC OWNERSHIP IS ESTABLISHED

Article 106. Property whose public ownership is established

1. Confiscated property, including:

a) Exhibits and equipment used for committing violations;

b) Material evidence and other property confiscated according to regulations of criminal law and law on criminal procedure.

2. Property without owners, property whose owner is unidentified; property that is dropped, forgotten, buried, hidden, sunk and found; property without inheritors; property of social funds, charity funds that are dissolved but there is no other funds having the same purposes of receiving transferred property or dissolved due to committing violations against the law or against social

ethics and other property owned by the State according to regulations of the Civil Code; inventory in an area of customs operation as prescribed in regulations of law on customs.

3. Property that owners voluntarily transfer the ownership to the State, including: property that foreign or domestic entities donate, give, contribute, sponsor or transfer in another manner to the State.

4. Property that foreign-invested enterprises transfer without reimbursement to the State according to commitments after their operation comes to an end.

5. Property that is invested in the form of public-private partnerships and then transferred to the State in accordance with project contracts.

Article 107. Power to establish public ownership

1. Establishment of public ownership of property specified in Point a Clause 1 Article 106 herein shall comply with a decision on property confiscation made by a competent authority as prescribed in regulations of law on actions against administrative violations.

2. Establishment of public ownership of property specified in Point b Clause 1 Article 106 herein shall comply with a decision on property confiscation made by a competent authority as prescribed in regulations of criminal law, law on criminal procedure and law on civil judgment enforcement.

3. Power to establish public ownership of property specified in Clauses 2, 3, 4 and 5 Article 106 herein shall be granted by the Government.

Article 108. Storage of property whose public ownership is established

1. Authority responsible for property management shall store it pending the disposal of the property, except for the property specified in Clause 2 this Article.

In the cases where the authority responsible for property management has no warehouse to store the property; or the property is a fixed machine or equipment that makes it difficult to disassemble, such authority shall transfer the property to a state reserve authority; authorize or conclude a property lease agreement with an authority or organization having qualified facilities and warehouses. Transfer, authorization and lease of property storage shall comply with regulations of law.

2. It is required that the following property be transferred to and stored by specialized managing authorities:

a) National treasures, antiques and other historic or cultural valuables;

b) Weapons, explosives, support instruments, technical professional equipment, vehicles and other property relevant to national security;

- c) Vietnamese currency, foreign currencies, valuable papers, gold, silver, precious stones and precious metals;
- d) Precious and rare forest products that are not used for commercial purposes;
- dd) Other property imposed special management.

The Minister of Finance shall undertake and cooperate with relevant authorities in publishing a detailed list of specialized managing authorities specified in this Clause.

- 3. Transfer of property to specialized managing authorities specified in Clause 2 this Article shall be made in writing.
- 4. Specialized managing authorities shall receive transferred property and store the property in accordance with regulations of law.

Article 109. Forms to dispose of property whose public ownership is established

- 1. Distribute to specialized managing authorities to manage and dispose of weapons, explosives, support instruments, technical professional equipment, vehicles and other property relevant to national security; national treasures, antiques and other historic or cultural valuables; precious and rare forest products and other property that are imposed special management.
- 2. Distribute or transfer to authorities and organizations to manage and use the property serving workplaces or public service facilities; means of transport, machines and equipment.
- 3. Distribute or transfer the property to authorities assigned to manage infrastructural property.
- 4. Remit Vietnamese currency and foreign currencies to the state budget.
- 5. Destroy the property that is not longer used or enforced to be destroyed.
- 6. Sell the property that is not specified in Clause 1, 4 and 5 this Article; the property specified in Clause 2 and Clause 3 this Article but is not distributed or transferred. Sale of the property whose public ownership is established shall comply with regulations of law on auction, except for the following property that is put on the market directly:
 - a) Fragile goods or products;
 - b) Property with low value as prescribed by the Government.

Article 110. Procedures for disposal of property whose public ownership is established

- 1. After a decision on property confiscation or decision on establishment of public ownership is given, authorities responsible for the management of property shall report to authorities assigned to manage public property specified in Clauses 1, 2 and 3 Article 19 herein.

2. Authorities assigned to manage public property specified in Clauses 1, 2 and 3 Article 19 herein shall take measures for disposal of the property in the forms stipulated in Article 109 herein and submit them to a competent authority for approval.

3. Based on measures approved by the competent authorities, authorities assigned to manage public property specified in Clauses 1, 2 and 3 Article 19 herein or authorities responsible for the management of property shall carry out the disposal of the property in the forms stipulated in Article 111 herein.

Article 111. Implementation of disposal of property whose public ownership is established

1. When a decision on distribution of the property is given to a specialized managing authority to manage and dispose of the property, an authority responsible for the management of property shall transfer it to such specialized managing authority according to a competent authority's decision.

After receiving the property, the specialized managing authority shall manage and dispose of such property according to regulations of relevant law.

2. When a decision on distribution of the property is given to an authority responsible for using the property, the authority responsible for the management of property shall transfer it to the authority responsible for using the property according to a competent authority's decision.

The authority responsible for using the property shall aggregate the property, manage and use the property in accordance with regulations of this Law and relevant law.

3. When a decision on distribution of infrastructural property is given to an authority/organization assigned to manage the property, the authority responsible for the management of property shall transfer the infrastructural property to such authority/organization.

The authority/organization assigned to manage the property shall aggregate the property, manage, use and operate the property in accordance with regulations of this Law and relevant law.

4. If the property is Vietnamese currency or foreign currencies, state treasuries shall remit it to the state budget according to regulations of law on state budget.

5. If a decision on property destruction is given, the authority responsible for the management of property shall cooperate with other authorities responsible for destruction of the property. Forms of property destruction shall comply with provisions of Clause 2 Article 46 herein.

6. If a decision on sale of the property is given, authorities/organizations assigned to manage public property specified in Clauses 1, 2 and 3 Article 19 herein or authorities responsible for the management of property shall make the sale of property in accordance with regulations of this Law and relevant law.

Article 112. Management of the proceeds earned from disposal of property whose public ownership is established

The proceeds earned from disposal of property whose public ownership is established shall be transferred to temporary accounts at a state treasury after deducting relevant expenses; the remainder shall be transferred to the state budget.

Chapter VII

POLICIES ON MANAGEMENT AND USE OF FINANCIAL RESOURCES OBTAINED FROM LAND AND OTHER RESOURCES

Section 1. POLICIES ON MANAGEMENT AND USE OF FINANCIAL RESOURCES OBTAINED FROM LAND

Article 113. Management and use of financial resources obtained from the land

1. The land shall be prepared statistics, inventoried, recorded and monitored according to regulations of law.
2. Authorities and organizations whose land is distributed or leased out by the State shall aggregate the value of land use rights. Where the State distributes the land without collection of land levy or leases out the land that the land rental is exempted, the value of land use rights shall be aggregated with the property value of such authorities and organizations according to the Government's regulations.
3. Use of financial resources obtained from the land shall be carried out properly according to the planning and plans for using the land and the market mechanism. Management and use of the proceeds earned from the use of financial resources obtained from the land shall comply with regulations of law on state budget, law on land, law on fees and charges and relevant law.

Article 114. Use of financial resources obtained from land

1. Collection of land levy.
2. Collection of land rental and water surface rental.
3. Collection of taxes, fees and charges related to the land.
4. Use of value of land use rights to make payments to investors when executing construction projects in the form of build-transfer contracts.
5. Use of vacant land to generate capital for infrastructure development.
6. Use of other financial resources obtained from land.

Article 115. Collection of land levy, land rental and water surface rental

Collection of land levy, land rental and water surface rental shall comply with regulations of law on land and relevant law.

Article 116. Collection of taxes, fees and charges related to the land

Collection of land levy, income tax from the transfer of land use rights, fees, land registration fees and other taxes, fees and charges related to the land shall conform to regulations of law on taxes and law on fees and charges.

Article 117. Use of the value of land use rights to make payments to investors when executing construction projects in the form of build-transfer contracts

Use of the value of land use rights to make payments to investors when executing construction projects in the form of build-transfer contracts shall comply with provisions of Clauses 1, 2, 3, 4 and 5 Article 44 herein and the following provisions:

1. The vacant land to make payments to investors shall be in line with the planning and plans for using the land approved by a competent state authority and imposed in the form of distribution of the land with collection of land levy or lease of land with lump-sum land rental for the whole land lease term. Relevant parties and procedures for distribution and lease of the land shall comply with regulations of law on land;
2. The value of land use rights used to make payments for construction projects executed in the form of build-transfer contracts shall be determined according to the market price from the day on which the payment is made as prescribed in regulations on collection of land levy and land rental.

Article 118. Operation of vacant land to generate capital for infrastructure development

1. Operation of a vacant land to generate capital for infrastructure development means the act the State when it applies the land withdrawal mechanism in the vicinity of land serving construction projects on infrastructure works according to the provisions of law on land in order to create a vacant land to generate capital for infrastructure development.

2. Operation of the vacant land to generate capital for infrastructure development shall be made into a project. Power to approve projects on operation of the vacant land to generate capital for infrastructure development (hereinafter referred to as “projects”) shall be granted as follows:

- a) The Prime Minister shall approve projects under central management;
- b) People’s Committees of provinces shall approve projects under management of provinces.

3. Operation of the vacant land to generate capital for infrastructure development shall apply to the form of land distribution with collection of land levy or lease of land with lump-sum payment for the whole land lease term in accordance with regulations of law on land.

4. The remaining amount of proceeds earned from operation of the vacant land after deducting relevant costs shall be transferred to the state budget after deducting relevant costs and allocated to plans for public investment and funding provided by the State to execute investment projects approved by competent authorities specified in Clause 2 this Article according to regulations of law on public investment, law on state budget and relevant law.

5. The Government shall specify this Article in detail.

Section 2. POLICIES ON MANAGEMEN AND USE OF FINANCIAL RESOURCES OBTAINED FROM RESOURCES

Article 119. Resources

Resources specified in this Section shall include:

1. Water resources;
2. Forest resources;
3. Minerals;
4. Territorial waters and airspace resources;
5. Telephone numbers and other numbers serving state management, Internet, radio frequency spectrum and satellite orbit;
6. Other resources.

Article 120. Management and use of financial resources obtained from resources

1. State authorities shall manage, prepare statistics, compile inventories, record and monitor resources in accordance with regulations of this Law and relevant law.
2. Financial resources obtained from resources shall be used properly according to the planning, plans and the market mechanism.

Article 121. Use of financial resources

1. Collection of charges for granting the right to use resources, collection of resource levy and resource rental.
2. Collection of resource taxes.

3. Collection of fees and charges for management, use and use of resources.
4. Use of other financial resources from resources.

Article 122. Collection of charges for granting the right to use resources, collection of resource levy and resource rental

1. Collection of charges for granting the right to use resources, collection of resource levy and resource rental shall conform to regulations of law on resources.
2. Amounts and methods of collecting charges for granting the right to use resources, collecting resource levy and resource rental shall conform to regulations of the Government.

Article 123. Collection of resource taxes, fees and charges for management, use and use of resources

Collection of resource taxes, overflight fees within airspace of Vietnam, fees for protection of aquatic resources, fees for visiting scenic beauties, charges for use of water sources, charges for use of documents and data on resources and other taxes, fees and charges related to resources shall comply with regulations of law on taxes and law on fees and charges.

Article 124. Management and use of revenue earned from use of resources

Management and use of the revenue earned from the use of resources shall comply with regulations of law on state budget, law on fees and charges and relevant law.

Chapter VIII

INFORMATION SYSTEMS AND NATIONAL DATABASE ON PUBLIC PROPERTY

Article 125. Information systems on public property

1. Technical infrastructure of information technology on public property.
2. Operating systems, system software and application software.
3. National database on public property.
4. Electronic transaction systems on public property.

Article 126. Responsibility to develop information systems on public property

1. The State shall give priority to investment in capital, technical equipment, modern means and advanced technology for the construction, operation and maintenance of information systems on public property to ensure effective management of public property; encourage organizations and individuals to participate in the development of advanced technology and technical means to ensure the application of modern public property management methods.
2. The Ministry of Finance shall develop, manage and operate information systems on public property within its scope of management.

3. Ministries, central authorities and People's Committees of provinces shall invest in infrastructure and information technology, provide training for personnel to manage and operate information systems on public property within their scope of management.

Article 127. National database on public property

1. National database on public property shall apply nationwide and it is used to aggregate quantity, value and how to allocate all public property.

2. National database on public property shall contain:

a) Data on public property of authorities and organizations;

b) Data on infrastructural property;

c) Data on public property of enterprises;

d) Data on the property whose public ownership is established;

dd) Data on land;

e) Data on resources.

3. Data on types of public property developed by ministries, central authorities and People's Committees of provinces shall be connected with the national database on public property.

4. The Minister of Finance shall:

a) Provide guidelines for exchanging information about public property developed by ministries, central authorities and People's Committees of provinces to connect with the national database on public property;

b) Specify contents, structures, types of data on public property to connect with the national database on public property;

c) Directly develop the data specified in Points a, b and c Clause 2 this Article.

5. Ministries, central authorities and People's Committees of provinces shall:

a) Update data on types of public property specified in Clause 2 this Article to the national database on public property;

b) Directly develop the data specified in Points d, dd and e Clause 2 this Article to ensure that they will connect with the national database on public property.

Article 128. Management and use of national database on public property

1. Information stored on the national database on public property and provided by competent authorities shall have the same value as information stated in written documents.
2. The national database on public property shall ensure strict security and safety; any acts of illegal access to national database on public property, damage or provision of wrong information about national database on public property shall be banned.
3. Organizations and individuals that seek access to information and data on public property shall be entitled to use them in accordance with regulations of law.

Article 129. Utilization of information about public property

Information stored on the national database on public property shall be used:

1. To make reports on management and use of property in compliance with regulations of law or upon the request of a competent state authority;
2. To provide the basis for estimate, approval of financial statements, making decisions, inspection, auditing or monitoring of investment in construction, purchase, lease or provision of fixed funding for the use of public property; upgrading, renovation, repair, operation or disposal of public property;
3. For other purposes according to a competent authority's decision.

Chapter IX

PUBLIC PROPERTY SERVICES

Article 130. Public property services

1. Provision of information and data on public property.
2. Selection of contractors and investors relevant to management and use of public property.
3. Public property evaluation.
4. Lease out, sale, transfer, liquidation and destruction of public property.
5. Consulting services.
6. Other public property services.

Article 131. Provision of public property services

1. Organizations and individuals shall be entitled to provide public property services when they satisfy requirements stated in relevant regulations of law (if any).

2. Provision of public property services shall comply with regulations of relevant law.

Article 132. Utilization of public property services

1. Authorities, organizations and other entities when carrying out investment in construction, purchase, lease, warranty, maintenance, capital contribution, lease out, joint venture, sale, transfer, liquidation, destruction of public property and other activities related to management and use of public property shall be eligible to hire organizations and individuals specified in Article 131 herein to provide public property services.

2. Organizations and individuals that seek access to information and data on public property shall be entitled to request managing authorities to provide data and make payments for costs according to regulations of law.

Chapter X

IMPLEMENTATION PROVISIONS

Article 133. Effect

1. This Law comes into force from January 01, 2018.

2. Law on Management and use of state property No. 09/2008/QH12 shall be invalidated from the effective date of this Law.

3. State property specified in legislative documents that have been promulgated before the effective date of this Law shall be treated as public property.

Article 134. Transitional provisions

According to provisions of this Law, the Government shall issue transitional provisions on redistribution of public property of authorities and organizations; disposal of public property; use of public property for commercial purposes, for lease and joint venture purposes; operation of infrastructural property as agreed in contracts and other provisions on management and use of public property to ensure application of rules specified in this Law from its effective date.

This Law is adopted on June 21, 2017 by the 3rd session of the 14th National Assembly of the Socialist Republic of Vietnam.

**CHAIRWOMAN OF THE NATIONAL
ASSEMBLY**

Nguyen Thi Kim Ngan