

NOVEMBER 2024

# NEWSLETTER



LAC DUY & ASSOCIATES



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From the director  
of the department  
publicly correcting  
his subordinates...  
'taking on tasks'

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Dear Clients,

Lac Duy & Associates would like to send you the legal newsletter of September 2024 with some notable updates and articles as follows:

- **From the director of the department publicly correcting his subordinates... 'taking on task'**
- Legal document in 11/2024



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**FROM THE DIRECTOR OF THE DEPARTMENT PUBLICLY CORRECTING HIS  
SUBORDINATES... 'TAKING ON TASK'**



**Pham Dang Khoa (\*)**

*The article was published in Saigon Economic Newspaper No. 46/2024 on 14/11/2024*

***(KTSG) - The nature of my profession makes me need to regularly monitor information on state management activities of competent agencies and individuals. In particular, I am very pleased with the fact that on November 6, 2024, the Director of the Department of Natural Resources and Environment of Ho Chi Minh City issued Document 11663/STNMT-VPDK correcting land registration offices for arbitrarily taking on the work of inspecting the current status of houses and construction works when handling the procedures for registering changes.***

This is a positive action taken by the head of one of the key agencies with state management authority over one of the most influential areas affecting people's lives today: the land sector. It shows a definitive, transparent and lawful approach to the pressing problems of the people in the state management activities of competent individuals.

I think that the issuance of the above document is "brave" because, in the face of the mistakes made by the subordinate units, instead of simply reprimanding or reminding them through internal meetings, the department director had "announced" in public writing, analyzed thoroughly with convincing legal basis to support his direction. It's a triple win: Boldly pointing out and admitting the mistakes of his unit (subordinates); rectifying internal working practices; and being transparent with the people about the state management viewpoint of the agencies, so that the people know and supervise. At least, the people clearly understand views of the leaders of

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state management agencies on related issues and have a direct basis (letter of direction) to "argue" when there are subordinate units or officials who continue to abuse their power and violate the law.

This approach is likely to contribute to reassuring the people when they contact the competent state agencies to voice their concerns, ensuring that legitimate opinions will be considered appropriately and satisfactorily based on legal provisions and the State's policy.

Returning to the above-mentioned directive letter, this comes from the recent reality when the people register land changes, specifically registering the transfer of land use rights and land-attached assets at many branches of land registration offices in Ho Chi Minh City. They encounter the situation that the registration offices and officials not only base on the information on the issued legal documents and dossiers but also carry out on-site inspections to detect illegal and unauthorized construction. This additional procedure causes delays in the registration process as they wait for the test results. For real estate owners who "happened" to change the status quo, no matter how little or much, compared to the issued documents, based on the findings of... the land registration offices, the dossier will be returned, preventing them from completing the registration of land changes. The above situation makes many people fall into an ironic situation. Accordingly, business activities will be severely affected if it depends on the results of the registration of changes to handle related work. Many people can only self-reflect, saying that "Make one's bed and lie in it" when they arbitrary expand and change the status quo and are detected and refused to register the transfer of ownership by the "competent authority". However, the problem here is that the land registration office is an "incompetent" agency, not assigned by law to inspect the current status of real estate when settling procedures for registration of changes in houses and construction works attached to land that have been certified in the land use right certificate. The above directive letter has pointed out a series of clear legal grounds showing this lack of authority. Even according to this document, recently, the Decision 17/2024/QĐ-UBND dated 01/04/2024 of the People's Committee of Ho Chi Minh City on the Regulation on coordination in the management of construction order in Ho Chi Minh City also clearly states that the responsibility for managing construction order is under the jurisdiction of the Department of Construction, the district-level People's Committee, and the commune-level People's Committee; responsibility for inspecting and detecting violations of the construction order belonging to officers, civil servants and inspectors assigned to manage the construction order.

Not to mention, if the inspection and supervision of the competent agencies and individuals as mentioned above, for any reason, have not promptly detected violations (if any), according to regulations, the property owner is still the last party to be responsible before the law in carrying out the transaction if the property has changed compared to the issued certificate (1). Thus, it is clear that it is not really necessary to continuously re-check the current status of housing and land to detect violations every time people carry out procedures for registering changes in name change or change of ownership.

More than anyone else, land registration agencies must understand these regulations without waiting for the reminder of executive leadership. But in reality, procedural "bottlenecks" are still created arbitrarily. This is clear, as affirmed in the correction letter of the Director of the Department of Natural Resources and Environment of Ho Chi Minh City, which is "not in accordance with the policy of administrative reform and not in accordance with regulations, causing trouble to organizations and individuals".

*(\*) Lac Duy & Associates LLC (LDA)*

*(1) Clause 8, Article 8 of Decree 101/2024/ND/CP dated on 29 July 2024 on basic land survey; registration and issuance of certificates of land use rights, ownership of land-attached assets and land information system*

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## LEGAL DOCUMENTS IN 11/2024

NO.	EFFECTIVE DATE	NAME
<b>ENTERPRISE</b>		
1.	November 01, 2024	Decree 113/2024/ND-CP guiding the Cooperative Law issued by the Government
<b>INVESTMENT</b>		
1.	November 15, 2024	Circular 70/2024/TT-BTC stipulating the management and use of revenues from consulting and project management activities of investors and project management boards using state budget funds issued by the Minister of Finance
2.	November 20, 2024	Decree 124/2024/ND-CP amending Decree 86/2018/ND-CP on foreign cooperation and investment in the education sector issued by the Government
3.	November 20, 2024	Decree 125/2024/ND-CP stipulating investment conditions and activities in the education sector issued by the Government
<b>TRADING</b>		
1.	November 15, 2024	Decree 120/2024/ND-CP amending Decree 102/2020/ND-CP regulating the Vietnam Legal Timber Assurance System issued by the Government
2.	November 25, 2024	Circular 21/2024/TT-BCT regulating the operation of the competitive wholesale electricity market issued by the Minister of Industry and Trade
3.	November 28, 2024	Circular 20/2024/TT-BYT amending Circular 09/2015/TT-BYT regulating the confirmation of advertising content for products, goods, and special services under the management of the Ministry of Health issued by the Minister of Health
<b>EXPORT - IMPORT</b>		
1.	November 02, 2024	Circular 15/2024/TT-BYT on the list of food, food additives, and food container that have been assigned codes according to the list of goods subject to state inspection for food safety imported under the management of the Ministry of Health issued by the Minister of Health



2.	November 16, 2024	Circular 19/2024/TT-BYT on the list of medical equipment for export and import that have been assigned codes according to the list of goods for export and import in Vietnam issued by the Minister of Health
3.	November 25, 2024	Circular 17/2024/TT-BCT amending Circular 22/2019/TT-BCT regulating the temporary suspension of business in transshipment and temporary import of plywood into Vietnam for re-export to the United States issued by the Minister of Industry and Trade

### CURRENCY - BANKING

1.	November 01, 2024	Decree 133/2024/ND-CP amending several provisions and appendices of Decree 58/2021/ND-CP regulating credit information service provision issued by the Government
2.	November 20, 2024	Circular 47/2024/TT-NHNN amending Clause 3, Article 3 of Circular 04/2022/TT-NHNN regulating interest rates on early withdrawal of deposits at credit institutions and foreign bank branches issued by the Governor of the State Bank of Vietnam
3.	November 20, 2024	Circular 46/2024/TT-NHNN regulating interest rates on deposits in US dollars by organizations and individuals at credit institutions and foreign bank branches issued by the Governor of the State Bank of Vietnam
4.	November 20, 2024	Circular 48/2024/TT-NHNN regulating interest rates on deposits in Vietnamese dong by organizations and individuals at credit institutions and foreign bank branches issued by the Governor of the State Bank of Vietnam

### LABOUR - WAGES

1.	November 01, 2024	Circular 53/2024/TT-BQP regulating the adjustment of monthly allowances for military personnel and cryptographic workers receiving salaries equivalent to retired military personnel issued by the Minister of National Defense
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### INFORMATION TECHNOLOGY

1.	November 01, 2024	Decree 111/2024/ND-CP regulating the information system and the national database on construction activities issued by the Government
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## ADMINISTRATIVE VIOLATIONS

1.	November 15, 2024	Circular 06/2024/TT-BKHHCN amending Circular 11/2015/TT-BKHHCN guiding Decree 99/2013/ND-CP on administrative penalties in the field of industrial property issued by the Minister of Science and Technology
2.	November 15, 2024	Decree 117/2024/ND-CP amending Decree 82/2020/ND-CP regulating administrative penalties in the fields of judicial assistance, civil status, marriage and family, civil enforcement, and bankruptcy of enterprises and cooperatives issued by the Government

## PROCEDURAL LAW

1.	November 15, 2024	Decree 118/2024/ND-CP guiding the Criminal Procedure Law issued by the Government
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