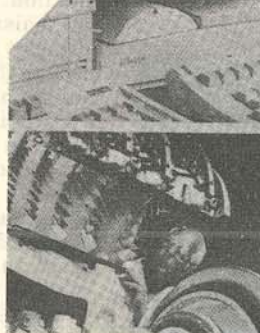




ON THE ADMINISTRATIVE REFORM CONCERNING HOUSING, LAND AND CONSTRUCTION IN HCMC

by MINH TÂM



Legal documents on housing and land are too numerous, backward but they still remain.

The Service of Justice's Vice-director, Mr Nguyễn Đức Chính, recognized: "We do not want to cause inconvenience, but the number of our legal documents on housing and land is great. It's very hard to review these documents, because according to the HCMC People's Committee's Deci-

sions 6280 and 1488 did not yet distinguish clearly between the ownership and evidences of ownership. As a result, if looking into 16 kinds of house ownership listed in Decision 6280, we will see there are kinds unavailable in reality". The chief of the Notary Public Office No.2, Mr Phan Văn Cheo, said many a notary was reluctant to certify contracts, signatures concerning housing and land

since they cannot understand and control wholly those contents.

Both directors of the Services of Housing and of Land Registration have the same opinion that although the Services pay more attention to reforming some key stages in administration, but the coordination between stages of administrative procedures needs the energetic ruling at the City People's Committee level. Since the current procedural stages including kinds of relevant papers are determined according to regulations of laws such as procedures of renting land for foreign investment projects based on Decree 191/CP dated Dec 25, 1993, for domestic investment projects based on Decision 1295/QĐ-UB-QLĐT dated August 27, 1993. Thus, the improvement of these procedures depends on the National Assembly's power in the amendment of original laws.

"We do not want to make troubles to the people, but we cannot implement otherwise. We must obey law". This practice is recognized by both chiefs of the Services of Housing and of Land Registration at the meeting with the Legal Department of the HCMC People's Committee on Nov 26, 1996 in its survey on administrative reform, anti-corruption operations and execution of law in HCMC.

The people's complaints are right. But we are overworking

Mr Võ Kim Cương, HCMC's Deputy Chief of Architect in charge of legality, said: "The Government set up too many contents to manage. The granting of construction permit must go through 8 procedural stages, 37 documents. The managing of construction has 8 main doors and many auxiliary ones. The legal statements are not strict. The people's complaints are right. And we are overworking".

The Service of Housing's director Nguyễn Minh Dũng said the procedure of applying for certificates of house ownership and land use right includes 4 steps: Firstly, the applicant comes to the Urban Management Office - UMO (for residents in inner city) or the Office of Construction and Transportation - OCT (for residents in suburbs) to buy the dossier attached by guidelines. Secondly, he/she comes to the ward or commune People's Committee to get their application certified. Thirdly, he/she returns to the UMO or OCT to submit their file. There he/she is requested to make an announcement on a newspaper, supply their house drawing; then this agency will examine, consult the HCMC Chief Architect Office

about urban plan, transfer the dossier to the Service of Land Registration to ask for the land map of current location...Fourthly, the applicant comes to the Service of Housing to submit the whole file which have been settled. The Service submit it to the People's Committee for approval of the house ownership and land use right.

HCMC has 90,000 houses owned by the State by Nov 15, 1996. The Service of Housing has submitted to the People's Committee for approval of selling 3,497 houses, of which 3,393 have been approved for sale. All this procedure must comply with Decree 61/CP, or go through 12 steps, spending 48 days not to mention the duration of payment for sale and registration.

The Service of Land Registration's Director accepted that to get a certificate of land use right, a person must come to the Service of Land Registration at least five times. The procedure of allocating and leasing land to domestic investors is making a record of procedural steps, including 15 steps:

1. Selection of site and initial investigation.

2. Making an application to the Chief Architect Office for approval of the plan.

3. Submitting the dossier to the ward, commune People's Committee (after the city People's Committee's approval of the plan).

4. Submitting the dossier to the district People's Committee for approval of land origin and the plan on compensation.

5. Submitting to the ruling Service for approval of the investment industry.

6. Submitting to the Service of Planning and Investment for approval of the project.

7. The city People's Committee considers the project for approval.

8. Applying for approval of the plan on environment protection and fire prevention.

9. Submitting the whole dossier to the Service of Land Registration to set up the map for retrieving-leasing (allocating) land.

10. Submitting to the City People's Committee for the granting of decision on leasing (allocating) land.

11. Submitting to the General Department of Land Registration if the project uses an area of above 1 hectare.

12. Submitting to the Government if the project is considered within the Government's power.

13. Applying for determination of land rent or charge of land use at the HCMC Tax Agency.

14. Submitting vouchers of the land use charge or land rent at the Service of Land Registration.

15. Submitting to the City People's Committee for the of granting of certificate of land use right and the signing of contract of leasing land.

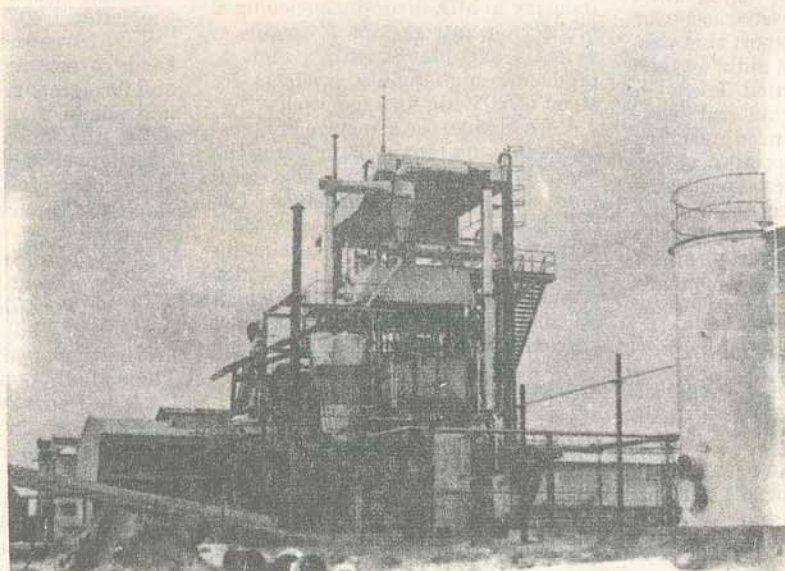
ing the planning to follow the project and creating too many patching up things and feelings of confusion to the people.

The Service of Housing put forward three solutions to administrative reform in the application for house ownership and land use right. Firstly, there should be soon an uniform system of policies and documents concerning various kinds of houses to complete the settlement of some prolonged cases of complaining and denouncing; secondly, appropriate assignments and devolution should be carried out in the settlement of complaints and denouncements; thirdly, the procedure should be simplified to shorten the duration of dealing with the granting of certificates of house ownership, land use right.

A file submitted to the Service of Land Registration must go through two times of measuring and two times of drawing and this work is done by the Service. But the drawing must be in accordance with the Decision 6280 (the Service of Justice accepts only the Service of Land Registration's drawing, although this procedural stage is initially implemented by the district and

the drawing will be transferred to the Service of Justice). The measuring is done by the Service of Land Registration in stead of the City Chief Architect Office because this agency does not grasp detailed figures. From the above-mentioned practice, the Service of Land Registration has suggested to measure one time in stead of two times. Besides, the evaluation of investment project should be carried out along with the consideration for approval of the plan on location, or the submitting to the City People's Committee for the granting of decision on leasing (allocating) land should be done along with the granting of certificates of land use right (in stead of two times of submitting)...

As planned, from Jan 1, 1997, the Services of Housing, of Land Registration, of Planning and Investment, of Construction will concentrate the reception of dossiers on one authorized department at the City People's Committee■



When this procedure is completed, the investor will receive the licence of domestic investment, decision on leasing (allocating land), contract of leasing land, certificate of land use right.

In addition to administrative procedure, the upward trend of overworking also needs concerns: the Service of Housing has to receive 450 applicants every day while its staff number only 70, the Service of Land Registration 200-300 applicants with an average settlement of 44 dossier a day.

Reducing doors or shortening the procedure?

The City Chief Architect Office posed a question: why aren't the State managerial contents reduced? Firstly, more rights and obligations should be offered to investors, designers and developers of the project. At present, there are many reverse affairs, that is, the investment project is established before planning, caus-