

THE GOVERNMENT

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THE SOCIALIST REPUBLIC OF VIETNAM

Independence– Freedom – Happiness

Hanoi, January 24, 2005

DECREE

ON CONSTRUCTION PLANNINGS

THE GOVERNMENT

Pursuant to the December 25, 2001 Law on Organization of the Government; Pursuant to the November 26, 2003 Law on Construction;

At the proposal of the Minister of Construction,

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.- Scope of regulation and subjects of application

This Decree prescribes the Construction Law's provisions on formulation, appraisal, approval and management of construction planning; on conditions for organizations and individuals to design construction planning.

Domestic organizations and individuals as well as foreign organizations and individuals that are engaged in construction planning in the Vietnamese territory must comply with the provisions of this Decree.

Article 2.- Order of formulating and approving construction-planning blueprints

Construction planning shall be demonstrated on construction-planning blueprints and made in the following order:

1. To set and approve the construction-planning tasks.
2. To investigate, survey, collect maps, documents and data on the natural conditions, current social and economic situation; documents on overall planning on socio-economic development and relevant branch development planning in order to compile construction- planning blueprints.
3. To compile construction-planning blueprints.
4. To appraise and approve construction-planning blueprints.

Article 3.- Topographic survey maps in service of elaboration of construction-planning blueprints

1. The topographic survey maps for elaboration of construction-planning blueprints shall be made by professional agencies. For regions where topographic survey maps are yet available, surveys and measurement must be conducted to draw maps.

2. For regions where topographic survey maps are available, such maps shall be used for elaboration of construction-planning blueprints. Where topographic survey maps are not suitable to the practical conditions at the time of elaborating the planning, additional surveys and

measurements shall be conducted. For rural areas, cadastral maps can be used for elaboration of construction-planning blueprints.

Article 4.- Archive of construction-planning blueprint dossiers

1. Within 30 working days after the construction-planning blueprints are approved by competent authorities, investors must fully submit the archival dossiers according to law provisions on archive.
2. Agencies performing the state management over construction planning at all levels shall have to archive the construction-planning dossiers.
3. The construction planning blueprint dossier- archiving agencies shall have to supply the archived documents on construction-planning blueprints to individuals, organizations, competent state management bodies according to law provisions.

Chapter II

FORMULATION, APPROVAL AND MANAGEMENT OF CONSTRUCTION PLANNINGS

Section 1. REGIONAL CONSTRUCTION PLANNINGS

Article 5.- Objects, duration and time of formulation of regional construction planning

1. Regional construction plannings shall be formulated for regions with general or specialized functions, including key regions, inter-provincial regions, provincial regions, inter-district regions, district regions, industrial regions, big urban regions, tourist and health resorts, natural landscape and heritage protection regions and other regions decided by competent persons.
2. Regional construction plannings shall be made for short periods of 5 years or 10 years; or long period of 20 years or more.
3. The time for formulation of a regional construction planning shall not exceed 18 months as from the date the planning tasks are approved by competent persons.
4. The formulation of regional construction plannings shall be decided by competent persons according to socio-economic development requirements of regions.

Article 6.- Regional construction planning tasks

1. The construction-planning tasks shall cover the following contents:
 - a) Forecast of urban, rural population sizes compatible with the regional overall planning on socio-economic development and the national population distribution strategies for periods of 5 years, 10 years and longer;
 - b) Spatial organization of key industrial establishments, technical infrastructure and social infrastructure systems in regions according to periods, suitable to the potential and overall socio-economic development planning of the regions;
 - c) Spatial organization of the systems or urban centers and population spots suitable to the geographical and natural conditions of reach region, ensuring defense, security and rational exploitation of natural resources of the entire regions and forecasting environmental impacts.
2. The maps of the position, boundary and size diagrams and inter-regional relations, of 1/100,000 - 1/500,000 scale.

3. The time for formulating regional planning tasks, approving regional construction plannings shall not exceed 3 months for provincial regions and 6 months for inter- provincial regions, counting from the date of assigning the official tasks.

Article 7.- Bases for formulation of regional construction plannings

1. The approved regional construction-planning tasks.
2. The regional overall socio-economic development planning, relevant branch development plannings (if any).
3. The orientations of the national overall planning on development of urban systems and technical infrastructure system, already approved by the Prime Minister.
4. The investigation and survey results and relevant data and documents.
5. The construction norms and standards.

Article 8.- The regional construction-planning contents

Depending on the characteristics and size of each region, a regional construction planning shall contain the following contents:

1. Evaluation of the current natural, economic and social conditions; identification of motive forces for regional development.
2. Determination of systems of urban centers and population spots; industrial, agricultural, forestry, fishery, tourist regions; historical and cultural relic, natural landscape and heritage protection regions; regions where construction is banned and development reserve regions.
3. Determination of networks, positions and sizes of key technical infrastructures of regional or inter-regional character.
4. Projected development priority items and implementation resources.
5. Forecast of impacts on the regional environment and proposed measures to minimize the adverse impacts on the environment in the regional construction-planning blueprints.

Article 9.- Regional construction-planning blueprint dossiers

Depending on the characters and size of each region, a regional construction-planning blueprint dossier shall comprise the following documents:

1. Drawings, including:
 - The maps of the position and inter-regional relations, of 1/100,000 - 1/500,000 scale.
 - The maps of general current status of land use, economic establishment system, systems of urban centers and rural population spots, regional social and technical infrastructure systems; general assessment of construction land, of 1/25,000 - 1/250,000 scale.
 - The maps of oriented spatial development of systems of urban centers, rural population spots, industrial, agricultural, forestry, fishery or tourist zones; cultural and historical relics, natural landscape and heritage protection zones; areas where construction is banned and development reserve zones; of 1/25,000 - 1/250,000 scale.
 - The maps of oriented spatial development of technical infrastructure systems, of 1/25,000 - 1/250,000 scale.

2. General reports, comprising explanations, relevant legal documents, the written request for approval of the regional construction-planning blueprint.

Article 10.- Regulations on regional construction planning management

On the basis of contents of drawings, explanations of planning blueprints, proposals and solutions on phased implementation of regional construction planning and regional development requirements, the persons competent to approve regional construction- planning blueprints shall promulgate the Regulations on regional construction planning management. The contents of such a Regulation shall cover:

1. Provisions on the positions, roles, functions and sizes of social infrastructures and technical infrastructures of regional or inter-regional characters.
2. Provisions on the protection scope and safety corridors of key works, main linear technical infrastructures of regional or inter-regional characters and environmental protection measures.
3. Provisions on the conservation and renovation of natural heritages, architectural works of great value, scenic places, cultural and historical relics in the region.
4. Assignment and prescription of the planning management responsibility to local administrations at all levels in the region according to the regional construction planning.
5. Other provisions.

Article 11.- Appraisal and approval of regional construction planning tasks and blueprints

1. For plannings on construction of key regions, inter-provincial regions or regions subject to construction-planning elaboration at request of the Prime Minister:

- a) The Prime Minister shall approve the regional construction planning tasks and blueprints within 25 working days after the receipt of complete and valid dossiers;
- b) The Ministry of Construction shall appraise regional construction-planning blueprints falling under the approving jurisdiction of the Prime Minister within 20 working days after the receipt of complete and valid dossiers.

2. For plannings on construction of provincial regions:

- a) The provincial-level People's Committees shall approve the regional construction- planning tasks and blueprints in their administrative boundaries within 15 working days after the receipt of complete and valid dossiers;
- b) The provincial/municipal Construction Services or Planning and Architecture Services for provinces or cities with provincial/municipal Planning and Architecture Services shall appraise regional construction planning tasks and blueprints falling under the approving jurisdiction of the provincial-level People's Committees within 20 working days after the receipt of complete and valid dossiers.

Article 12.- Adjustment of regional construction plannings

1. Regional construction plannings shall be adjusted in one of the following cases where:

- a) The regional overall socio-economic development plannings, regional branch development plannings and/or regional defense and security strategies are adjusted;

b) There appear changes in the geographical, natural, population as well as socio- economic conditions.

2. The time limit for considering the adjustment of regional construction plannings shall be fixed at requests of the persons competent to approve regional construction planning blueprints.

3. The contents of adjustment of regional construction plannings must be based on the analysis and evaluation of the implementation of the previously approved planning blueprints, the identification of elements affecting the planning adjustment; and must ensure continuity and the adjustment shall be made only for changed contents.

4. Persons who are competent to approve the regional construction tasks and plannings shall approve the adjustment tasks and the regional construction planning adjustment blueprints.

Section 2. GENERAL PLANNING ON URBAN CONSTRUCTION

Article 13.- Objects, duration and time for formulation of urban construction general plannings

1. Urban construction general plannings shall be formulated for urban centers of special grade, grade 1, grade 2, grade 3, grade 4, grade 5, urban districts of centrally-run cities, new inter-provincial urban centers, new urban centers with a population size equivalent to that of urban centers of grade 5 or higher, hi-tech parks and economic zones with special functions.

2. Urban construction general plannings shall be formulated for short periods of 5 years or 10 years; and long periods of 20 years.

3. The time for formulation of urban construction general plannings shall be as follows:

a) For urban construction general plannings falling under the approving jurisdiction of the Prime Minister, the formulation time shall not exceed 18 months as from the date the planning tasks are approved;

b) For urban construction general plannings falling under the approving jurisdiction of the provincial-level People's Committees, the formulation time shall not exceed 12 months as from the date the planning tasks are approved.

Article 14.- Urban construction general planning tasks

1. The contents of urban construction general planning tasks shall cover:

a) Determination of characters of the urban centers, urban population sizes, oriented spatial development of urban centers and technical and social infrastructures in the urban centers according to periods of 5 years and 10 years and forecast of the direction of development of the urban centers for up to 20 years;

b) For general plannings on urban construction and renovation, apart from the contents prescribed at Point a, Clause 1 of this Article, areas to be cleared, areas to be retained for replenishment, areas to be protected and other specific requirements of each urban center must be determined.

2. The maps of the positions, boundaries and regional relations, of 1/25,000- 1/100,000 scale.

3. The time for elaboration of urban construction general planning tasks shall be as follows:

a) For urban construction general planning tasks falling under the approving jurisdiction of the Prime Minister, the elaboration time shall not exceed 4 months as from the date of being officially assigned the tasks;

b) For urban construction general planning tasks falling under the approving jurisdiction of the provincial-level People's Committees, the elaboration time shall not exceed 3 months as from the date of being officially assigned the tasks.

Article 15.- Bases for elaboration of urban construction general planning blueprints

1. The general planning orientations for development of Vietnam's urban systems, already approved by the Prime Minister.

2. The socio-economic development general plannings of the regions, provinces and the specialized plannings.

3. The regional construction plannings.

4. The approved urban construction general planning tasks.

5. The investigation and survey results, data, documents on meteorology, hydrology, geology, economic and social status and other relevant data and documents.

6. The construction norms and standards.

Article 16.- Contents of urban construction general plannings

Depending on the characteristics and size of each urban center, an urban construction general planning shall contain the following details:

1. Analysis and evaluation of natural conditions and present socio-economic status; population, labor, land use; present status on construction; social infrastructures, technical infrastructures and urban environment sanitation.

2. Potentials, motive forces for urban formation and development; nature, population size, labor and urban construction land size; major economic-technical norms for various urban development stages.

3. Orientations for spatial development of urban centers including inner cities and suburbs:

a) The planned use of urban land according to each planning stage;

b) Determination of system of centers; positions, scope and sizes of functional quarters in urban centers; existing quarters with stable development; areas to be replenished, renovated, upgraded; areas to be conserved, renovated; quarters subject to functional change; areas planned for new construction; areas where construction is banned and areas projected for urban expansion development; areas projected for construction of underground facilities in urban centers;

c) Determination of norms on acreage, population density, construction density, land use coefficients and the maximum and minimum storeys of works in functional quarters in urban centers.

4. Orientations for development of urban technical infrastructure systems shall include:

a) General evaluation and selection of land for construction of urban centers; determination of controlled construction foundation levels of each quarter, the entire urban centers and main thoroughfare axes;

b) Determination of outbound traffic networks, urban traffic, positions and sizes of key traffic works such as airports, seaports, river ports, key traffic roads, irrigation works; organization of mass transit for urban centers of grade 3 or higher; determination of red- line boundaries of main urban axes and systems of technical tunnels;

c) Selection of sources; determination of size, position, capacity of key works; main transmission and distribution networks of water and power supply systems; culvert networks; waste water and solid waste treatment facilities; cemeteries and other works.

5. Projected items prioritized for development and resources for implementation.

6. Urban design: The urban design contents in the urban construction general plannings shall comply with the provisions of Article 30 of this Decree.

7. Evaluation of urban environment impacts and proposed measures to minimize the adverse impacts on the environment in the urban construction general planning blueprints.

Article 17.- Urban construction general planning blueprint dossiers

1. Drawings, which include:

- The plan on the positions and regional relations; of 1/50,000 - 1/250,000 scale;
- Present status maps in service of designing the urban construction general planning; of 1/5,000 - 1/25,000 scale;
- Maps of urban spatial development orientations, of 1/5,000 - 1/25,000 scale;
- Maps of the planning on total land use ground of the urban center according to each planning stage; of 1/5,000 - 1/25,000 scale;
- Maps of planning on urban technical infrastructure systems; of 1/5,000 - 1/25,000 scale;
- Maps of red-line boundaries of main road axes, controlled urban construction foundation levels, of 1/5,000 - 1/25,000 scale;
- General maps of transmission wire, technical pipe lines of newly constructed roads; of 1/5,000 - 1/25,000 scale;
- Urban design drawings under the provisions of Article 30 of this Decree.

2. General reports, comprising explanations, relevant legal documents, written requests for approval of urban construction general planning blueprints.

3. For urban centers of grade 5, the current status maps and planning maps, of 1/2,000 scale.

Article 18.- Regulations on urban construction general planning management

Based on the contents of drawings, explanations of the planning blueprints, proposals and solutions on implementation of urban general planning, the persons competent to approve the urban construction general planning blueprints shall promulgate the planning implementation regulations comprising the following contents:

1. Regulations on conservation and renovation of architectural works, scenic places, cultural heritages, cultural-historical relics in the urban centers.

2. Regulations on the scope of protection of safety corridors of technical infrastructures of the urban centers and environmental protection measures.

3. Regulations on red-line boundaries of main thoroughfares, controlled construction foundation levels of the urban centers, areas where construction is banned.
4. Regulations on norms on acreage, construction density, land use coefficients and the maximum and minimum storeys of works in the functional quarters of the urban centers.
5. Decentralization and definition of construction planning management responsibilities of urban administration at all levels in the implementation and management of urban construction general plannings.

Article 19.- Appraisal and approval of urban construction general planning tasks and blueprints

1. For urban centers of special grade, grade 1, grade 2, new inter-provincial urban centers, new urban centers with a population size equivalent to that of urban centers of grade 2 or higher, hi-tech parks and special economic zones:

a) The Prime Minister shall approve the urban construction general planning tasks and blueprints within 30 working days after the receipt of complete and valid dossiers of the appraising agencies;

b) The Ministry of Construction shall appraise the tasks and blueprints of general plannings on construction of urban centers of special grade, grade 1 and grade 2, which fall under the approving jurisdiction of the Prime Minister within 30 working days after the receipt of complete and valid dossiers of the agencies submitting them for appraisal.

2. For urban centers of grades 3, 4 and 5, urban districts of centrally-run cities and new urban centers of equivalent sizes:

a) The provincial-level People's Committees shall approve the construction general planning blueprints and tasks within 30 working days after the receipt of complete and valid dossiers of the appraising agencies;

b) The provincial/municipal Construction Services or Planning and Architecture Services for provinces or centrally run cities with Planning and Architecture Services shall appraise the tasks and blueprints of general planning on construction of urban centers falling under the approving jurisdiction of the provincial-level People's Committees within 30 working days after the receipt of complete and valid dossiers of the agencies submitting them for appraisal before they are submitted to the People's Councils of the same level for decision.

Article 20.- Adjustment of urban construction general plannings

1. Urban construction general plannings shall be adjusted in one of the following cases where:

a) There appear big changes in geographical and/or natural conditions such as land slides, floods, earthquakes and other factors; changes in administrative boundaries, changes in socio-economic development orientations; changes of elements greatly affecting the urban development such as roles and functions of urban centers, development motives, population sizes; in this case, total adjustment is required;

b) The attraction of capital sources for investment in construction of urban centers and the achievement of other objectives do not substantially change the urban development orientations; in this case, the partial adjustment is required.

2. The contents of adjustment of urban construction general plannings must be based on the analysis and evaluation of the implementation of the previously approved planning blueprints, the determination of elements affecting the adjustment of plannings; must ensure continuity; and the adjustment shall be made only for changed contents.

3. Persons competent to approve urban construction general plannings and tasks shall approve the adjustment tasks, the adjusted urban construction general planning blueprints. In case of sectional adjustment of the general plannings on construction of urban centers of special grade, grade 1 and grade 2, the provincial-level People's Committee presidents shall approve the sectionally adjusted plannings after the Prime Minister approves them, and take responsibility before law for their decisions.

Section 3. DETAILED PLANNING ON URBAN CONSTRUCTION

Article 21.- Objects and time for formulation of detailed plannings on urban construction

1. Detailed plannings on urban construction shall be formulated for functional quarters in urban centers and industrial parks, hi-tech parks, export processing zones, cultural heritage conservation zones, tourist and recreation resorts and other identified zones; the renovation and replenishment of existing quarters of urban centers.

2. The time for formulation of detailed plannings on urban construction shall be as follows:

a) For urban construction detailed planning blueprints of 1/500 scale, the formulation time shall comply with the projects' requirements;

b) For urban construction detailed planning blueprints of 1/2,000 scale, the formulation time shall not exceed 9 months.

Article 22.- Urban construction detailed planning tasks

1. The contents of urban construction detailed planning tasks shall cover:

a) Determination of zone boundaries and acreages for designing the detailed plannings;

b) Determination of lists of projects requiring construction investment, including: new constructions; renovated, modified, conserved or replenished works in the planned regions;

c) Determination of major economic-technical norms on land use, social infrastructures and technical infrastructures; spatial, architectural, urban-design requirements and other requirements for each design region.

2. The district-level People's Committees shall have to gather people's opinions on urban construction detailed plannings through representatives of street population groups and the commune-level People's Committees in the planning regions in writing or through organization of meetings.

3. Drawings on the positions, boundaries of design regions, extracted from the urban construction general planning, of 1/5,000 - 1/10,000 scale.

4. The time for elaboration of urban construction detailed planning tasks shall not exceed 2 months.

Article 23.- Bases for formulation of urban construction detailed planning

1. The approved regional construction plannings and urban construction general plannings.

2. The approved urban construction detailed planning tasks.
3. The investigation and survey results, data and documents on meteorology, hydrology, geology, current economic, cultural and social status and other relevant data and documents.
4. The construction norms and standards.

Article 24.- Contents of urban construction detailed plannings

1. Analysis and evaluation of natural conditions, current construction situation, population, social affairs, scenic places, historical-cultural relics, capability to use the existing land fund and projected development land fund.
2. Determination of the nature, functions and major economic-technical norms on land use, social infrastructures and technical infrastructures of the design regions; the contents of renovation and new construction.
3. The planning on total land use grounds; determination of norms for each land plot regarding acreage, construction density, land use coefficients, the heights of works; positions and sizes of underground projects.
4. Planning on urban technical infrastructure systems:
 - a) Determination of traffic road networks, cross-sections, boundaries of red lines and construction boundaries; positions and sizes of bus stops, car parks and systems of underground works, technical tunnels;
 - b) Determination of water demands and supply sources; locations and sizes of water plants and pumping stations; water tanks; water pipe systems and detailed technical parameters;
 - c) Determination of electricity demands and supply sources; locations and sizes of electricity distribution stations; networks of medium-voltage, low-voltage transmission lines and urban public lighting;
 - d) Determination of water drainage networks; locations and sizes of waste water and waste treatment facilities.
5. Construction items projected for prioritized development and resources for implementation.
6. Urban design: The urban design contents in urban construction detailed plannings shall comply with the provisions of Article 31 of this Decree.
7. Assessment of urban environment impacts and proposed measures to minimize the adverse impacts on the environment in urban construction detailed planning blueprints.

Article 25.- Gathering opinions on urban construction detailed plannings

1. In the course of formulating urban construction detailed plannings, the planning design consultancy organizations must coordinate with local administrations in gathering opinions of people in the planning areas on the contents related to the construction planning blueprints.
2. Opinion-gathering forms: display of diagrams, drawings of planning schemes; gathering of written opinions. The persons asked for their opinions shall have to give their replies within 5 working days as from the date of receiving the opinion-gathering tickets; after the prescribed time limit, if failing to give replies, they shall be considered having agreed therewith.

3. Before submitting to the competent agencies for approval the construction detailed planning blueprints, the consultancy organizations shall have to report to the approving bodies on the results of opinion gathering for use as basis for the approval.

Article 26.- Construction detailed planning blueprint dossiers

1. Drawings, which include:

a) For construction detailed planning of 1/2,000 scale:

- Map of the position and boundaries of the land plot; of 1/10,000 - 1/20,000 scale;
- Map of current status of architecture, landscape, technical infrastructure system and construction land fund assessment; of 1/2,000 scale;
- Map of spatial organization of architectural landscape, of 1/2,000 scale;
- Map of total land use ground planning; of 1/2,000 scale;
- Maps of technical infrastructure system plannings; of 1/2,000 scale;
- Maps of red-line boundaries, construction boundaries and protection corridors of technical infrastructure lines; of 1/2,000 scale;
- General map of technical wires, pipes; of 1/2,000 scale;
- A model, of 1/2,000 scale or appropriate scale.

b) For construction detailed planning of 1/500 scale:

- The maps prescribed for construction detailed planning of 1/2,000 scale but detailed to each work according to the scale of 1/500;
- Drawings of urban design as provided for in Article 31 of this Decree;
- A model, of the scale of 1/500.

2. The general reports, comprising explanations, relevant legal documents, written requests for approval of the urban construction detailed planning blueprints.

Article 27.- Regulations on construction detailed planning management

1. Depending on each specific construction detailed planning, the persons competent to approve the construction detailing planning designs shall promulgate the regulations on construction detailed planning management, comprising the following contents:

- a) Regulations on boundaries and scope of construction detailed planning formulation;
- b) Regulations on locations, boundaries, natures, sizes of functional quarters in the design areas; norms on construction density, land use coefficients, construction height, construction foundation level for each land plot; red-line boundary, construction boundaries and specific technical requirements for each route; scope and protection corridors of technical infrastructures;
- c) Regulations on localities, sizes and scopes, protection corridors of underground, land- surface and overhead construction works;
- d) Regulations on conservation, renovation, modification, replenishment of architectural works, cultural-historical relics, scenic places and ecological environment protection;

- e) Regulations on urban design prescribed in Article 31 of this Decree;
 - f) Decentralization and definition of construction management responsibilities according to urban construction detailed planning.
2. For regulations on management of urban construction detailed plannings of 1/500 scale, agencies with approving competence shall have to gather opinions of representatives of people in the planning areas before approving them.

Article 28.- Appraisal and approval of construction detailed planning blueprints

1. For 1/2000-scale detailed plannings on construction of urban centers of special grade, grade 1, grade 2 or grade 3, hi-tech parks and special economic zones:
- a) The provincial-level People's Committees shall approve the urban construction detailed planning blueprints within 30 working days after the receipt of complete and valid dossiers of the appraising agencies. Depending on the positions of urban centers and the sizes of the construction planning blueprints, the provincial-level People's Committees may authorize district-level People's Committees to approve them;
 - b) The provincial/municipal Construction Services or Planning and Architecture Services for provinces or centrally-run cities with Planning and Architecture Services shall appraise the urban construction detailed planning blueprints falling under the approving jurisdiction of the provincial-level People's Committees within 30 working days after the receipt of complete and valid dossiers of the agencies which submit them for approval.
2. For 1/2,000-scale detailed plannings on the construction of urban centers of grade 4 or grade 5; 1/500-scale detailed planning on construction of urban centers of special grade, grade 1, grade 2 or grade 3:
- a) The district-level People's Committees shall approve the urban construction detailed planning blueprints within 30 working days after the receipt of complete and valid dossiers of the appraising agencies;
 - b) The district-level construction management agencies shall appraise the urban construction detailed planning blueprints falling under the approving jurisdiction of the district-level People's Committees within 30 working days after the receipt of complete and valid dossiers of the agencies which submit them for approval.
3. Persons competent to appraise or approve the urban construction detailed plannings shall have to appraise or approve them within the prescribed time limits and take responsibility before law for the contents of appraisal or approval.

Article 29.- Adjustment of urban construction detailed plannings

1. The urban construction detailed plannings shall be considered and adjusted in one of the following cases:
- a) The urban construction general plannings are fully or partially adjusted, thus affecting the areas under the construction detailed planning;
 - b) It is necessary to attract investment capital while ensuring compliance with the urban construction general plannings regarding the functional quarters;
 - c) The projects with detailed plannings already approved have not been executed within 3 years.

2. When adjusting the construction detailed plannings, the persons with approving competence must gather people's opinions through opinion-gathering tickets or organization of meetings of representatives of street population groups and ward People's Committees in areas related to the adjusted plannings.

3. Persons competent to approve urban construction detailed plannings shall approve the adjustment of urban construction detailed plannings.

Section 4. URBAN DESIGN

Article 30.- Urban design in urban construction general planning

1. Contents of urban design in urban construction general plannings:

a) Study of architectural areas and scenic places in the urban centers; the proposals on spatial organization of central quarters, urban gateways, main streets, major spatial axes, big squares, greenery spaces, water surface and focal points in the urban centers;

b) Determination of the maximum, minimum heights of construction works in functional quarters and the entire urban centers.

2. An urban design dossier shall consist of:

a) Drawing of the ground arrangement, cross-section of central zones, main squares, illustrated with perspective drawings;

b) Drawing of the ground arrangement, cross-section of main streets, illustrated with perspective drawings;

c) Models of functional quarters of the entire urban centers, made according to appropriate scale, depending on the specific conditions of each urban center.

Article 31.- Urban design in urban construction detailed plannings

1. Contents of urban design in urban construction detailed plannings:

a) Study and determination of focal works in the planned area space from different directions and with different visions; the height of construction works in each land plot and the entire area; the back yards of works on each street and street cross-sections;

b) Study of shapes, colors, lights and forms of leading architecture of architectural works; systems of greenery, water surface, public squares; red-line boundaries, construction borderlines, determination of road bed levels, pavement levels, work foundation levels, controlled work heights on each street;

c) Regulations on urban landscape architecture management, including regulations on red-line boundaries, construction border lines, road bed levels, pavement levels for all streets; regulations on the height of works and the height of works' first floor; regulations on architectural shapes, cross-sections, roofs, verandas of works; regulations on colors, lights, construction materials of works; regulations on urban public-utility works, monuments, murals, billboards, instructions, signboards, greenery, yards and gardens, fences, roads for the disabled, pavements, and regulations on architectural works surrounding urban technical infrastructures.

2. An urban design dossier shall consist of:

a) The 1/2,000- or 1/500-scale drawings of grounds, cross-sections of streets;

- b) The 1/2,000- or 1/500-scale drawings of important cross-sections of streets;
 - c) The blueprint explanation;
 - d) Regulations on management of architectural landscapes of the blueprint;
 - e) Models of 1/500, 1/2,000 or appropriate scale, depending on design areas.
3. The Ministry of Construction shall guide the urban designs in urban construction general plannings and urban construction detailed plannings.

Section 5. RURAL POPULATION SPOT CONSTRUCTION PLANNINGS

Article 32.- Objects, duration and time for formulation of rural population spot construction plannings

1. Rural population spot construction plannings shall be made for population spots of communal centers and concentrated rural population spots, referred collectively to as villages.
2. Before the formulation of a planning on construction of a rural population spot, the planning on construction of a network of rural population spots within the administrative boundary of a commune must be elaborated.
3. The short-term planning on construction of rural population spots shall be for 5 years and the long-term planning thereon shall be for from 10 to 15 years.
4. The time for formulation of a rural population spot construction planning shall not exceed 6 months.

Article 33.- Rural population spot construction planning tasks

1. Contents of rural population spot construction planning tasks shall include:
 - a) Forecast of population growth size in each period in communes;
 - b) Determination of rural population spot networks in communes;
 - c) Rural population spot construction planning;
 - d) Communal-center construction planning.
2. Drawings showing the diagrams of the locations and boundaries of the communes, of 1/25,000 scale; of population spot boundaries, of 1/5,000 scale.

Article 34.- Contents of rural population spot construction plannings

1. Contents of a rural population spot construction planning shall include the following principal details:
 - a) Analysis of the present population size, labor, socio-economic development; forecast of population for each planning period;
 - b) Analysis of current land use situation; forecast of land use scale for each planning period;
 - c) The planning on total land use ground; arrangement of construction works, to be - conserved, renovated or replenished works; technical infrastructures, social infrastructures; identification of locations of areas where construction is banned and environmental protection solutions;

d) Projected construction items to be prioritized for development and resources for implementation.

2. The rural population spot construction planning dossiers shall each comprise:

a) Drawings:

- Maps of current construction, land use in the rural population spot; of 1/500- 1/2,000 scale;
- Maps of planning on the network of population spots and technical infrastructures in the commune; of 1/5,000 - 1/25,000 scale;
- Maps of overall planning on architectural space and technical infrastructures of the rural population spot; of 1/500 - 1/2,000 scale.

b) General explanation.

Article 35.- Regulations on management of rural population spot construction plannings

Persons competent to approve rural population spot construction planning blueprints shall promulgate the regulations on management of rural population spot construction plannings, each covering the following contents:

1. Regulations on the construction planning boundaries for each rural population spot.
2. Regulations on areas banned from construction; scope and corridors for protection of technical infrastructures, areas prone to land slides, accidents; reserve land areas for population development, areas for protection of historical, cultural relics and other areas.
3. Regulations on red-line boundaries, construction border lines for communications systems within the population spot, communications systems in communes.
4. Regulations on environmental protection for the rural population spot.
5. Other regulations.

Article 36.- Appraisal, approval of rural population spot construction plannings

1. The district-level People's Committees shall approve the planning tasks, the rural population spot construction plannings after they are adopted in resolutions by the commune-level People's Councils and requested in writing for approval by the commune-level People's Committees within 20 working days after the receipt of complete and valid dossiers.
2. The district-level construction management agencies shall appraise the planning tasks, rural population spot construction planning blueprints within 30 days after the receipt of complete and valid dossiers and submit them to the district-level People's Committees for approval.

Article 37.- Adjustment of rural population spot construction plannings

1. The rural population spot construction plannings shall be adjusted in one of the following cases where:
 - a) The local socio-economic development strategies are adjusted, thus changing the local production and business line structures, local population growth or reduction demands;
 - b) Such geographical and natural conditions as administrative boundaries, landslides, floods, earthquakes and other elements have changed, thus affecting the forecast of local socio-economic development.

2. The district-level People's Committees shall decide on the adjustment of rural population spot construction plannings and take responsibility before law for their decisions.

3. The adjustment of rural population spot construction plannings must ensure the inheritance and be effected only for contents which need to be changed.

Section 6. CONSTRUCTION PLANNING MANAGEMENT

Article 38.- Publicization of construction plannings

1. For regional construction plannings:

a) The Ministry of Construction shall guide the provincial-level People's Committees in the planning regions to organize the publicization of plannings on inter-provincial regions, which fall under the approving jurisdiction of the Prime Minister;

b) The district- or commune-level People's Committees in the planning regions shall organize the publicization of regional construction plannings falling under the approving jurisdiction of the provincial-level People's Committees;

c) The contents of publicization of regional construction plannings shall be prescribed by persons with approving competence.

2. For urban construction general plannings:

a) The People's Committees of all levels shall have to organize the publicization of approved urban construction general plannings within the geographical areas under their respective management;

b) The contents of publicization of urban construction general plannings shall be prescribed by persons with approving competence.

3. For urban construction detailed plannings:

a) The People's Committees of all levels shall have to organize the publicization of approved urban construction detailed planning blueprints in geographical areas under their respective management for implementation and implementation supervision by people;

b) Contents of publicization of urban construction detailed plannings: Publicization of the entire planning contents and the regulation on management of construction plannings of the construction planning blueprints.

4. For rural population spot construction plannings:

a) The commune People's Committees shall organize the publicization of rural population spot construction plannings;

b) Contents of publicization of rural population spot construction plannings: Publicization of the entire planning contents and the regulation on management of construction plannings of the construction planning blueprints.

5. Within 30 working days after competent State agencies approve the construction plannings, the People's Committees at all levels as defined in Clauses 1, 2, 3 and 4 of this Article shall have to organize the publicization of the construction plannings.

6. If the persons responsible for publicizing the construction plannings fail to organize the publicization, organize the publicization late or make publicization at variance with the contents

of the approved construction plannings, depending on the seriousness of their violations, they shall be disciplined, examined for penal liability, must pay compensation for damage they have caused at their faults.

Article 39.- Form of publicization of construction plannings

Depending on types of construction planning, persons competent to publicize construction plannings shall decide on forms of publicization of construction plannings as follows:

1. Conferences to publicize construction plannings, with the participation of representatives of relevant organizations and agencies, Fatherland Front, representatives of the people in the planning areas, press agencies.
2. Public, regular and continuous display of panels, drawings, models at public places, construction planning management agencies at all levels, commune-level People's Committees, for construction detailed plannings.
3. Propagation on mass media.
4. Construction planning maps, the regulations on construction planning management, which can be printed out for widespread distribution.

Article 40.- Placement of construction boundary marker posts on the field

1. Based on the approved boundary marker dossiers, the placement of construction boundary marker posts shall cover the red-line boundaries, the construction border lines, the construction foundation levels, boundaries of regions banned from construction.

Within 60 days after the construction plannings are publicized, the boundary marker post placement must be completed.

2. Responsibility for organization, implementation of boundary marker post placement:
 - a) The provincial-level People's Committees shall direct the construction border marker post placement for construction planning blueprints in the administrative geographical areas under their respective management;
 - b) The district-level People's Committees shall have to organize the placement of construction border marker posts for construction planning blueprints in the administrative geographical areas under their respective management;
 - c) The commune-level People's Committees shall have to place construction border marker posts for construction planning blueprints in the administrative geographical areas under their respective management.
3. The boundary marker posts must be durable and of standard sizes, and be inscribed with the prescribed details.
4. The commune-level People's Committees shall have to protect the boundary marker posts on the field.
5. Those who commit acts of placing boundary marker posts or construction level marker posts at wrong places; remove, destroy boundary marker posts, construction levels shall, depending on the nature and seriousness of their violations, be administratively handled, examined for penal liability or must pay compensation for damage caused at their faults according to law provisions.

Article 41.- Supply of information on construction plannings

1. The construction management agencies at all levels shall have to supply information on construction locations, construction boundaries, red-line boundaries, construction levels, construction planning certificates and other information related to plannings within the scope of construction planning blueprints under their management when so requested by organizations or individuals.

The district-level People's Committees shall have to receive, process and supply information upon requests.

The time for information supply at requests in writing shall be 20 working days at most upon receipt of requests.

2. Persons who request in writing the supply of information must bear all expenses for documents on information they have requested.

3. Persons who have to supply information must bear responsibility before law for the information supply time and the accuracy of the supplied documents and data.

Section 7. CAPITAL FOR CONSTRUCTION PLANNING WORK

Article 42.- Capital sources for construction planning work

1. The state budget capital shall be apportioned in the annual plans for regional construction plannings, general urban construction plannings, detailed urban construction plannings of 1/2,000 scale, rural population spot construction planning and urban construction detailed planning of 1/500 scale, which do not fall under investment projects on construction of works in business form.

2. Capital borrowed from banks, capital contributed by domestic and foreign organizations, individuals, mobilized from investment projects and other capital sources for elaborating construction plannings of remaining types.

3. Capital for construction planning work shall be used for the following activities:

- a) Topographical and geological surveys in service of construction plannings;
- b) Elaboration, appraisal, approval and management of construction plannings;
- c) Publicization of construction plannings;
- d) Placement of construction planning boundary marker posts on the field;
- e) Other activities in service of construction planning.

4. The State encourages domestic and foreign organizations and individuals to provide capital support for construction planning.

Article 43.- Management of state budget capital for construction planning

1. Responsibility for elaboration of annual state budget capital plans:

- a) The Ministry of Construction shall draw up annual budget capital plans for construction planning blueprints formulated by itself and construction planning blueprints at request of the Prime Minister;

b) The People's Committees of all levels shall draw up annual budget capital plans for construction planning blueprints within their respective administrative boundaries, excluding the construction planning blueprints defined at Point a, Clause 1 of this Article;

c) The Ministry of Planning and Investment and the Ministry of Finance shall have to balance annual state budget capital for construction plannings formulated by the Ministry of Construction or People's Committees of all levels.

2. Conditions for inclusion in capital plans:

a) The construction planning tasks approved by competent authorities;

b) The list of approved annual plans on construction plannings;

c) The approved construction planning funding estimates.

3. The Ministry of Construction shall set the norms and unit prices for construction plannings.

Article 44.- Advancement, payment, settlement of state budget capital for construction planning

1. For topographical and geological surveys in service of construction planning, the capital advancement and payment shall be effected as follows:

a) The first-drive advance capital amount is equal to 30% of the contractual value and shall be advanced immediately after the contracts take effect;

b) The second-drive advance capital amount is equal to 20% of the contractual value after the acceptance of the site;

c) The third-drive advance capital amount is equal to 20% of the contractual value after handover of products for construction planning;

d) Liquidation of contract after the survey dossiers are accepted and handed over.

2. For the formulation of construction planning blueprints, the capital advancement and payment shall be effected as follows:

a) 40% of the contractual value shall be advanced for the first drive immediately after the contracts take effect;

b) The second-drive advance capital amount is equal to 40% of the contractual value after the appraisal results are issued by competent agencies;

c) The contracts shall be liquidated after the approved construction planning dossiers are officially handed over.

3. For other construction planning jobs, the capital advancement and payment shall be effected as follows:

a) For the promulgation of construction plannings:

- The first-drive advance capital is equal to 50% of the value of estimated expense for promulgation of approved construction plannings;

- The remaining 50% shall be paid after the promulgation of construction plannings is completed.

b) For the placement of construction planning boundary marker posts on the field, the capital advancement and payment shall be effected as follows:

- 50% of the contractual value shall be advanced for the first drive immediately after the contracts take effect;
- 30% of the contractual value shall be advanced for the second drive after the acceptance of construction planning boundary marker posts on the field;
- The contracts shall be liquidated after the placement of construction planning marker posts on the field is accepted and handed over.

4. The capital advancement and payment for other works such as management of the formation of construction plannings, appraisal and approval of construction planning blueprints shall correspond to the volumes of such works.

5. The settlement of annual construction planning capital shall comply with the guidance of the Ministry of Finance.

6. The maximum advance capital shall not exceed the annual plans arranged for such work items and shall be recovered after the completed work volume is paid.

Chapter III

CONDITIONS ON CAPABILITIES OF CONSTRUCTION PLANNING-DESIGNING ORGANIZATIONS, INDIVIDUALS

Article 45.- General provisions on conditions on capabilities of construction planning-designing organizations, individuals

1. Organizations and individuals engaged in construction planning designing activities must satisfy all appropriated capability conditions as provided for in this Decree.
2. Construction planning-designing individuals must possess diplomas, certificates suitable to jobs they undertake, which are issued by lawful training establishments.
3. Individuals holding the title of construction planning blueprint manager, assuming the prime responsibility for specialized construction planning designing and individuals being independent construction designing practitioners must possess practice certificates as provided for.
4. The construction planning-designing capabilities of organizations shall be determined according to grades on the basis of construction practicing capabilities of individuals in the organizations, experiences in construction activities, financial capabilities, equipment and managerial capabilities of the organizations.
5. A consultancy organization shall be allowed to perform one, several or all of construction planning-designing steps if fully meeting the capability conditions as prescribed in this Decree. Individuals holding the titles prescribed in Clause 3 of this Article must have long-term labor contracts as provided for by law.
6. When selecting contractors to carry out construction planning activities, investors must base themselves on the provisions on capability conditions prescribed in this Decree and must bear responsibility before law for the damage caused by their selection of contractors failing to meet the capability conditions required by the work.

Article 46.- Conditions for granting certificates of practicing architect's profession

Persons granted the certificates of practicing architect's profession must possess university or higher degree in architecture, construction planning; have at least five years' experiences in designing work and have engaged in architectural designing of at least five projects or five construction planning blueprints, which have been approved.

Article 47.- Conditions for granting certificates of practicing engineer's profession

Persons granted the certificates of practicing engineer's profession must possess university or higher degree in disciplines compatible with the domain of professional practice applied for registration; have at least five years' experiences in the registered domain of professional practice and have engaged in designing or surveying at least five projects.

Article 48.- Conditions on capabilities of construction planning blueprint designing managers

1. Construction planning designing managers of grade I:

a) Possessing certificates of practicing architect's profession, engineer's profession suitable to the undertaken jobs.

b) Having worked as manager of a construction planning blueprint of provincial or higher level or a general construction planning blueprint of grade 1 or higher or two general planning blueprints on construction of urban centers of grade 2, or three general plannings on construction of urban centers of grade 3 or three urban districts of centrally- run cities, or as grade II- manager and having worked as manager of designing five construction planning blueprints.

2. Construction planning designing managers of grade II:

a) Possessing certificates of practicing architect's profession, engineer's profession compatible with the undertaken jobs;

b) Having worked as manager of a planning blueprint for construction of a district or a larger region or a general planning blueprint on hi-tech parks, special economic zone or a general planning on construction of an urban center of grade 2 or higher, or two urban centers of grade 3, or three urban centers of grade 4, or four urban centers of grade 5, or having taken charge of planning blueprint designing of three planning blueprints for construction of districts or larger regions.

3. Operating scope:

a) Construction planning blueprint managers of grade I may act as designing managers of all planning blueprints of assorted construction plannings;

b) Construction planning blueprint managers of grade II may act as designing managers of planning blueprints on construction of regions within provinces, planning blueprints on construction of urban centers of grade 2 or lower, planning blueprints on construction of hi-tech parks, special economic zones, detailed urban construction planning blueprints and rural population spot construction plannings.

Article 49.- Conditions on capabilities of construction planning-designing managers

1. Construction planning blueprint-designing managers of grade I

a) Possessing certificates of practicing architect's profession or engineer's profession compatible with the undertaken jobs;

b) Having worked as professional designing manager of a planning blueprint on construction of provincial region or a general construction planning blueprint of grade 1 or higher or two general planning blueprints on construction of urban centers of grade 2, or three general planning blueprints on construction of urban centers of grade 3 or three urban districts of centrally-run cities or having worked as designing managers of construction blueprints of grade II and as professional managers of five construction planning blueprints.

2. Construction planning blueprint-designing managers of grade II

a) Possessing certificates of practicing architect's profession, engineer's profession, compatible with the undertaken jobs;

b) Having worked as professional designing managers of a planning blueprint on construction of a district or a larger region or a general planning blueprint on hi-tech park, special economic zone or general planning blueprint on construction of an urban center of grade 2 or higher or two urban centers of grade 3 or three urban centers of grade 4 or four urban centers of grade 5 or having engaged in designing five construction planning blueprints.

3. Operating scope:

a) Construction planning blueprint managers of grade I may take charge of designing all planning blueprints of assorted construction plannings;

b) Construction planning blueprint managers of grade II may take charge of planning blueprints on construction of provincial regions, general planning blueprints on construction of urban centers of grade 2 or lower, planning blueprints on construction of hi-tech parks, special economic zones, detailed urban construction planning blueprints and rural population spot construction plannings.

Article 50.- Conditions on independent individual practitioners of construction planning designing

1. Independent individual practitioners of construction planning designing must satisfy the following conditions:

a) Possessing practicing certificates compatible with the practicing domains;

b) Possessing professional practice registration as provided for by law.

2. Operating scope:

Independent individual practitioners of construction planning designing may design the following types of construction planning:

a) Designing construction planning blueprints for competition;

b) Designing general planning blueprints on construction of urban centers of grade 5 in the capacity as manager or designing manager;

c) Designing detailed construction planning blueprints of scale being smaller than or equal to 50 ha in the capacity as manager or designing manager;

d) Designing rural population spot construction planning blueprints in the capacity as manager or designing manager.

Article 51.- Responsibilities of certificate grantees

1. When applying for certificates, to declare truthfully details required by the dossiers of application for certificates and take responsibility before law for the accuracy of the dossiers.
2. To design construction planning blueprints according to granted practicing certificates.
3. To take responsibility before law for the quality of the construction planning blueprints they have undertaken.
4. To be strictly forbidden to erase, or lend certificates of practicing construction planning designing. If committing violations, to have their practicing certificates withdrawn and have the certificate withdrawal announced on the mass media.
5. To pay fees when being granted certificates as provided by the Ministry of Finance.

Article 52.- Conditions on operational capabilities of construction planning-designing organizations

The construction planning-designing organizations are classified into two grades with the following operating capabilities:

1. Grade I:

Each having at least 30 architects, urban engineers, specialized engineers, who possess practicing certificates compatible with the requirements of construction planning blueprints, including persons fully qualified to act as grade-I construction planning manager or designing manager.

2. Grade II:

Each having at least 20 architects, urban engineers, specialized engineers, who possess practicing certificates compatible with requirements of construction planning blueprints, including persons fully qualified to work as grade-II construction planning manager or designing manager.

3. Operating scope:

- a) Construction planning-designing organizations of grade I may design the construction plannings of all kinds of construction planning blueprints;
 - b) Construction planning-designing organizations of grade II may design plannings on elaboration of planning blueprints on construction of provincial regions, general plannings on construction of urban centers of grade 2 or lower; planning blueprints on construction of hi-tech parks, special economic zones, detailed urban construction planning blueprints, planning blueprints on construction of export processing zones, industrial parks and rural population spot construction plannings;
 - c) Construction planning-designing organizations not yet qualified for classification under the provisions of this Article shall only be allowed to formulate general plannings on construction of urban centers of grade 4, grade 5 and equivalent, rural population spot construction planning and detailed plannings for construction on 200 ha or less.
4. The construction planning-designing organizations are strictly forbidden to operate outside the operating scope prescribed at Points a, b and c, Clause 3 of this Article.

Article 53.- Competence to grant planning designing-practicing certificates

1. The practicing certificates shall be issued in set forms and valid nationwide.

2. The practicing certificates shall be issued by the Minister of Construction. The Minister of Construction shall decide on the establishment of the Advisory Council to assist him/her in granting the practicing certificates.
3. The Ministry of Construction shall guide in detail the grant of practicing certificates; define the functions, tasks and operation regulation of the Advisory Council.

Chapter IV

ORGANIZATION OF IMPLEMENTATION

Article 54.- Responsibilities of the People's Committees of all levels

- 1 To perform the function of State management over construction plannings according to the Government's decentralization.
2. To consolidate the construction planning management apparatuses in localities to be fully capable of assisting the administrations in organizing the formulation and management of construction plannings.
3. To regularly review the urban construction plannings, rural population spot construction plannings in areas under their respective management so as to promptly adjust the construction plannings to suit the practical situation of localities.
4. To work out specific plans on time, capital sources and deploy the formulation of regional construction plannings, urban construction plannings, rural population spot construction plannings.
5. To realize, publicize plannings and manage the construction according to the approved construction plannings.
6. To draw up specific plans for realization of approved construction planning blueprints.
7. To examine, inspect and settle complaints, denunciations, handle violations of legislation on construction planning in localities.
8. To organize propagation, dissemination and education of legislation on construction planning for people of all strata to know and implement them.
9. To impose administrative sanctions in construction planning activities, to force the dismantlement of works built in contravention of plannings, construction permits.

Article 55.- Organization of implementation

1. The ministers, the heads of ministerial-level agencies, the heads of Government-attached agencies, the presidents of provincial/municipal People's Committees shall, within the scope of their tasks and powers, have to organize the implementation of this Decree.
2. The Minister of Construction shall assume the prime responsibility for, and coordinate with the concerned ministries and branches in, guiding, monitoring and inspecting the implementation of this Decree.

Article 56.- Implementation effect

This Decree takes effect 15 days after its publication in the Official Gazette and replaces

Decree No. 91/CP of August 17, 1994 of the Government, promulgating the Regulation on urban planning management.

**ON BEHALF OF THE GOVERNMENT
PRIME MINISTER**

Phan Van Khai