

DECREE

DETAILED REGULATIONS ON CONSTRUCTION PLANNING

Pursuant to the Law on Government organization dated December 25, 2001;

Pursuant to the Law on Construction dated June 18, 2014;

At the request of the Minister of Construction;

The Government promulgates the Decree detailing a number of articles on construction planning.

Chapter I
GENERAL PROVISIONS

Article 1. Scope and regulated entities

1. This Decree details a number of articles of the Law on Construction No. 50/2014/QH13 including formulation, assessment and approval of construction planning; management and implementation of construction planning; planning permit.
2. This Decree applies to organizations and individuals at home and abroad involved in construction planning within the territory of Vietnam.

Article 2. Checks on construction planning

1. Carrying out checks on construction planning is to control and evaluate the implementation of approved planning and is one of the foundations for decision on making adjustment to the planning.
2. Reports on checks on construction planning include:
 - a) Check the formulation and development of related planning, construction projects under the approved construction planning and planning implementation plan.
 - b) Assess implemented targets, impacts and efficiency of implementation under the approved planning;
 - c) Analyze new elements during the implementation of construction planning and socio-economic development in the planned area;
 - d) Petitions and proposals
 - e) Reports on checks on construction planning include: Written report, scale drawings (color drawings) and other relevant documents.

Article 3. Maps serving formulation of construction planning project

1. The map serving formulation of construction planning project is the terrain map at the time the construction planning is formulated.
 - a) In case the terrain map is not available, survey and measurement must be conducted to formulate the map under requirements of each specific construction planning project.
 - b) In case the terrain map is available but not in conformity with current conditions at the time the construction planning is formulated, or only the cadastral map is available, additional survey and measurement must be conducted to ensure the formulation of construction planning project and land marking comply with construction planning.
2. The terrain map is formulated by an agency of legal capacity on the basis of scope of the area under direct study for planning and in reliance on planning tasks, survey budget estimates approved by competent agencies.

Article 4. State budget for construction planning

1. Budgets from the state budget shall be balanced in annual plan for the formulation and implementation:

- a) Regional construction planning
- b) General construction planning and special purpose zone planning (if any)
- c) Detailed planning of special purpose zones that does not fall within construction projects in the form of business.
- d) General planning for communes and detailed planning for rural residential quarters not falling within construction projects in the form of business;

2. Budget from state budget for construction planning shall be used for the following tasks:

- a) Establish documentation, carry out survey of the terrain for the formulation of construction planning, technical infrastructure planning;
 - Carry out establishment, assessment and approval of tasks, cost estimates for the formulation of terrain map serving the formulation of construction planning
 - Conduct collection of figures, survey, measurement and formulation of terrain map;
- b) Carry out establishment, assessment and approval of construction planning, technical infrastructure planning;
 - Carry out establishment, assessment and approval of tasks and planning project;
 - Collect suggestions from state management agencies about construction planning project;
 - Organize collecting suggestions from residential community during the formulation of planning;
 - Management of planning tasks
- c) Organize the implementation of construction planning, technical infrastructure planning;
 - Make public announcement of the planning and establish plan for construction planning implementation;
 - Set up landmarks under the approved construction planning; The Ministry of Construction shall provide specific guidance on setting up landmarks under the construction planning.

Article 5. Management of budget from state budget for construction planning

1. Heads of agencies shall be responsible for the management of budget from state budget for construction planning; controlling advance payment, payment and final settlement by quantity under an economic contract. Relevant agencies shall be responsible for cooperation in inspection and overseeing.

2. Responsibilities for planning budget from state budget for construction planning

- a) The Ministry of Construction shall make a list of construction planning projects and annual budget plan for construction planning initiated by the Ministry of Construction and other planning assigned by the Prime Minister.
- b) People's committees at all levels shall make a list of construction planning projects and annual budget plan for construction planning within administrative management except construction planning as prescribed in Point a, b, Clause 2 of this Article.

3. The Ministry of Construction shall make public announcement of limit, unit price or cost determination method for construction planning.

4. The Ministry of Finance shall provide guidance on advance payment, payment and final settlement for construction planning.

Chapter II

REGULATIONS ON FORMULATION, ASSESSMENT AND APPROVAL OF CONSTRUCTION PLANNING

Section 1. REGIONAL CONSTRUCTION PLANNING

Article 6. Principles of formulation of regional construction planning

1. Inter-provincial regions (including large urban regions), special purpose zones, areas along highways, inter-provincial economic corridors shall be put into construction planning under the Prime Minister's decision on the basis of the Ministry of Construction's proposals in accordance with strategy and comprehensive planning for socio-economic development meeting requirements for management and ensuring effective allocation of national resources.
2. Provincial areas shall be put into regional construction planning as foundations for construction planning of districts, communes, inter-district areas, for general planning of urban areas, and construction planning of special purpose zones in the province.
3. Inter-district areas in a province, district areas shall be put into regional construction planning under the decision by People's committees of provinces on the basis of the Services of Construction's proposals (Hanoi City and Ho Chi Minh City departments of Planning and Architecture) meeting requirements for management, and as foundations for planning special purpose zones, general planning for communes and district-affiliated urban.
4. Technical infrastructure planning of inter-provincial areas, provincial areas is to realize the construction planning of inter-provincial, provincial areas. Establishment, assessment and approval of technical infrastructure planning shall be carried out under applicable regulations.

Article 7. Tasks of regional construction planning

1. Requirements for tasks of regional construction planning:
 - a) Arguments for determination of regional borderlines; planning targets and planning; As for inter-provincial, inter-district areas, special purpose zones, areas along highways, inter-provincial economic corridors, planning must be based on arguments and grounds for regional borderlines to take shape.
 - b) Summary of areas under construction planning and development forecasts made by relevant industries;
 - c) Preliminary forecasts about size of population, land, urbanization, potentialities and driving force in ten-year, 20-year periods; proposals for economic-technical criteria to be applied;
 - d) Requirements for collection of figures, analysis and assessment of natural conditions and current conditions; vision for development of space, regional social and technical infrastructure system; strategic environment assessment; regional planning management; programs and projects of priority;
As for special purpose zones, areas along highways, inter-provincial economic corridors, requirements consistent with professional orientation and development goals must be determined.
 - e) Lists, quantity of documentation, products, progress and implementation;
 - f) Other requirements relating to characteristics of each area
 - g) Total cost estimates for formulation of regional construction planning
2. Time for the formulation of construction planning for inter-provincial, provincial areas is from three months and under, and for other areas is from two months and under.

Article 8. Regional construction planning project

1. Regional construction planning project must ensure to meet approved planning tasks and specific requirements as follows:
 - a) Analyze and assess natural conditions, current socio-economic conditions, urban system and rural residential quarters, use of land, social, technical and environmental infrastructure system, and other elements of regional characteristics;
 - b) Conduct assessment and checks on the implementation of unexpired planning;

- c) Determine development goals, speed of urbanization, nature, potentialities and driving force of regional development;
- d) Make forecasts about development of economy, population, labor, demands for land, rate of urbanization in ten-year, 20-year periods; determine technical criteria on the basis of development goals;
- e) Regional space development orientation:
- Propose regional space development model;
 - Determine zoning for development control and management; As for areas along highways, inter-provincial economic corridors, zoning is determined by line section and arrangements for connection to the areas along the line.
 - Allocate and determine size of development space: industry, agriculture, forestry, tourism, commerce and services, preservation; determine size and nature of special purpose zones;
 - Determine and organize urban and rural system: Development model, structure of urban and rural system must be appropriate for economic, cultural and social characteristics; decentralize and classify urban by territory and administrative management; determine size of population and land for urban construction;
 - Allocate and determine size of social infrastructure systems including educational, training, cultural, medical and sporting centers of large size and regional significance; commercial and service centers of regional level; tourist resorts, conservation areas of natural landscapes, environment and valuable cultural and historical remains; For special purpose zones, functional centers by peculiar function must be determined. As for areas along highways, inter-provincial economic corridors, a system of centers along the line must be determined;
 - Allocate and determine size of conservation areas of landscapes in the region.
- f) Orientation of regional technical infrastructure system:
- Determine network, position and size of regional or inter-regional technical infrastructure connection works including technical preparation, traffic, electricity development, supply of energy (gas, fuel, and petroleum), water supply, drainage and wastewater treatment, solid waste management, burial-grounds and passive telecom infrastructure;
 - For areas along highways, inter-provincial economic corridors, concerning traffic orientation, connection must be determined between central line of highway and urban traffic system and non-urban functional areas; position and size of transport hub along the line, arrangement of inter-provincial public transport along the line.
- g) Strategic environment assessment
- Environmental issues of major impacts;
 - Current conditions of large sources of pollution, areas of environmental degradation and areas of landscape ecosystem; Determine environmental protection at regional level;
 - Forecasts about environmental trends resulting from formulation and implementation of planning;
 - Measures to prevent and minimize environmental issues;
2. Time for the formulation of planning for inter-provincial areas, provincial areas, other areas is from 18, 15, 12 months and under respectively.

Article 9. Regulations on management of regional construction planning project

Regulations on management of regional construction planning project include:

1. Scope, borderlines, size of population, land
2. Regulations on development region, economic development space;
3. Regulations on management of urban and rural system
4. Regulations on position, role, function and size of social and technical infrastructure works of provincial and inter-provincial nature;

5. Regulations on scope of protection and safety corridors with respect to head works, main linear technical infrastructure works of regional, inter-provincial nature and environmental protection measures;
6. Regulations on preservation of natural heritage, valuable architectural works, scenic beauty sites, historical and cultural remains in the region;
7. Assign and define responsibilities for planning management among local authorities in the region under regional construction planning project;
8. Other regulations on regional peculiar functions;

Section 2. SPECIAL PURPOSE ZONE PLANNING

Article 10. Principles of formulation of special purpose zone planning

1. Special purpose zones inside and outside urban area shall be put into planning as prescribed hereof;
2. Special purpose zones of over 500 ha shall be put into general planning ensuring suitability for provincial planning, urban planning; as foundations for zoning planning and detailed planning;
3. Special purpose zones of over 500 ha shall be put into general planning ensuring suitability for provincial planning, urban planning; to serve as foundations for zoning planning and detailed planning;
4. Areas inside special purpose zones upon construction shall be put into detailed planning in order to realize general planning, zoning plan and to serve as foundations for issuance of construction permit.
5. In case a construction project of less than 5 ha is executed by one single investor (under 2 ha in case it is an apartment building project), a construction project must be formulated without formulation of detailed construction planning. Drawing of general site plan, architectural plan, solutions of technical infrastructure in fundamental design must conform to zoning plan or planning permit ensuring connection of technical infrastructure and conformity with architectural space in the area.

Article 11. Tasks of special purpose zone planning

1. Requirements for special purpose zone planning:
 - a) Arguments, scope and borderlines for general planning of special purpose zones; foundations for planning; objectives and tasks of planning;
 - b) Determine characteristics and role of special purpose zones in the region; formulate a vision. Make preliminary forecasts about size of population, economic-technical criteria according to regional development goals; determine basic criteria about land and technical infrastructure;
 - c) Basic principles of analysis and assessment of natural conditions and current conditions; research and exploitation of potentiality and driving force; orientation of space arrangement, social and technical infrastructure system; strategic environment assessment and other requirements for peculiar development goals in the area.
 - d) Lists, quantity of documentation, products, progress and implementation;
 - e) Total budget estimates for planning of special purpose zones
2. Requirements for special purpose zone planning:
 - a) Give arguments, determine scope, borderlines, area and characteristics of the areas to be put into zoning;
 - b) Determine basic criteria about population, use of land, social and technical infrastructure on the basis of approved general planning, zone planning;

- c) Requirements and basic principles of analysis and assessment of natural conditions and current conditions; requirements for functional zoning, space and technical infrastructure to ensure conformity with approved general planning, zoning plan and surrounding area;
 - d) Requirements for strategic environment assessment and other requirements in conformity with peculiar development goals in the area;
 - e) Lists, quantity of documentation, products, progress and implementation;
 - f) Total budget estimates for the formulation of special purpose zone planning;
3. Requirements for tasks of detailed construction planning:
- a) Determine borderlines and space of the area subject to detailed planning; criteria for use of land and technical infrastructure;
 - b) Basic principles of analysis and assessment of natural conditions and current conditions; requirements for landscape architecture and technical infrastructure ensuring conformity with approved zoning plan and general planning; requirements for strategic environment assessment;
 - c) Lists, quantity of documentation, products, progress and implementation;
 - d) Total budget estimates for detailed planning of special purpose zones;
4. Time for establishing tasks of general planning of special purpose zones, special purpose zoning plan, detailed planning is from two months, one month, one month and under respectively;

Section 12. Special purpose zone planning project

1. Depending on each special purpose zone, content of special purpose zone planning project must satisfy approved planning tasks and other specific requirements as follows:
- a) Analyze and assess natural conditions, current socio-economic conditions, urban system and rural residential quarters, use of land, social and technical infrastructure system, environment and elements of regional characteristics;
 - b) Assess implementation of unexpired planning, projects; determine and clarify orientations in planning of related industries;
 - c) Determine goals and driving force of special purpose zone; make forecasts about population, labor, construction land, criteria of social and technical infrastructure in each stage
 - c) Orient land use planning, determine scope and criteria of land use in special purpose zones under requirements for development in each phase;
 - d) Space development orientation:
 - Determine development model and development of special purpose zones; orientation and principles of development with respect to functional zones;
 - Organize central system in conformity with development of residential areas and functional areas; determine architectural, landscape areas, main space, square system, border gate areas, prominent works of special purpose zone;
 - Propose illustrations of main space of special purpose zones, solutions to arrangement of space of key areas, and regulations on control of architecture and landscape;
 - e) Technical infrastructure orientation:
 - Arrange major drainage basin; drainage direction; position and size of drainage works; determine elevation for the entire area and individual functional areas;
 - Determine external, internal traffic network; position and size of traffic head works; organize public traffic system, terminal system; property boundaries of main axles, technical tunnel system (if any);
 - Determine demands and supply sources of water, energy (electricity, gas); make forecasts about total volume of wastewater, solid waste; determine position and size of head works and main distribution networks of water, energy and lighting supply systems, passive telecom infrastructure, drainage and wastewater treatment works;

- Determine position and size of solid treatment facilities, burial-grounds, and other technical infrastructure works;
 - f) Strategic environment assessment:
 - Determine key environmental issues, inadequacies inside and outside the planned area;
 - Current conditions of pollution sources imposing direct effects on the environment;
 - Make forecasts about environmental development during the formulation and implementation of general planning of special purpose zones;
 - Propose prevention measures and order of priority for implementation; propose separation and environmental protection areas;
 - g) Propose prioritized investment items, demands for capital and human force for implementation;
2. Time for establishment of general planning of special purpose zone is from 12 months and under.

Section 13. Special purpose zoning planning project

1. Special purpose zoning planning project must clarify nature, functions and requirements of the areas under planning, meeting tasks of approved planning and other requirements as follows:

- a) Analyze and assess natural conditions, current conditions of construction land, population, landscape architecture, technical infrastructure; analyze regulations of general planning in relation to the areas under planning; assess projects, planning that have been developed in the areas;
- b) Determine population, criteria about use of land, social and technical infrastructure for the entire area; economic and technical criteria by peculiar function;
- c) Planning general site plan of land use: Determine zones in the area under planning; determine criteria about land use in terms of construction density, land use coefficient, height of works in each parcel of land; setbacks from road central lines of roads; position and size of underground works (if any);
- d) Arrangement of landscape architectural space: Determine principles and requirements for arrangement of landscape architectural space for each zone, main roads, open space and prominent point;
- e) Technical infrastructure orientations: Technical infrastructure system is arranged to road network including:
 - Determine elevation of each city zone;
 - Determine traffic network, cross section, property boundaries and construction boundaries; determine and realize general planning of position and size of terminal system (above, on the ground and underground); public traffic routes; technical tunnels (if any);
 - Determine demands and supply source of water; position and size of factory works, water pump plants; water supply pipe network and specific technical specifications;
 - Determine demands and supply sources of energy (electricity, gas...); position and size of distribution stations, gas stations; medium-voltage line network and lighting system;
 - Determine demands and passive telecom infrastructure;
 - Determine total volume of wastewater and waste; drainage network; position and size of wastewater and waste treatment works and burial-grounds;
- f) Strategic environment assessment
 - Determine key environmental issues, inadequacies in the area under planning;
 - Assess environmental development during the formulation and implementation of general planning of special purpose zones;
 - Propose prevention measures and order of priority for implementation; propose separation and environmental protection areas for functional zones;

- g) Planned prioritized investment projects, demands for capital and human force for implementation;
2. Time for formulation of special purpose zoning planning project is from 09 months and under.

Article 14. Detailed special purpose zone planning project

1. Detailed special purpose zone planning project must meet tasks of approved planning and other specific requirements as follows:
- a) Analyze and assess natural conditions, current conditions of construction land, population, landscape architecture, technical infrastructure; regulations of general planning and zoning plan in relation to the areas under planning;
 - b) Determine size of population, criteria for use of land, social and technical infrastructure for the entire area under planning;
 - c) Planning general site plan of land use: Determine functions, criteria about land use in terms of construction density, land use coefficient, height of works, setbacks from each parcel of land; position and size of underground works (if any);
 - d) Determine height of works, floor level and height of first floor; architectural form, fence, color, key materials of works and other architectural objects; arrangement of public green trees, garden landscape, city street green trees and water surface in the area under planning;
 - e) Planning technical infrastructure system: Technical infrastructure system is arranged to internal road network including:
 - Determine elevation of each land parcel;
 - Determine traffic network, cross section, property boundaries and construction boundaries; determine and realize general planning and zoning plan for position and size of terminal system (above, on the ground and underground) (if any);
 - Determine demands and supply source of water; position and size of factory works, water pump plants; water supply pipe network and specific technical specifications;
 - Determine demands and supply sources of energy (electricity, gas...); position and size of distribution stations, gas stations; transmission line and lighting system;
 - Determine demands and telecom infrastructural works;
 - Determine volume of wastewater, solid waste; drainage network; position and size of wastewater and solid waste treatment works and burial-grounds;
 - f) Strategic environment assessment
 - Assess current conditions, determine key environmental issues in the area under planning;
 - Forecasts, environmental impact assessment of planning methods;
 - Propose prevention measures and order of priority for implementation;
 - g) Conduct preliminary determination of capital and human force for implementation;
2. Time for formulation of detailed planning project is from 06 months and under.

Article 15. Regulations on management of special purpose zoning project

1. For general special purpose zoning plan, regulations on management of the planning project include the following information:
- a) Borderlines, scope and nature of special purpose zone;
 - b) Criteria about area, construction density, land use coefficient, maximum and minimum height of works in each functional zone;
 - c) Regulations on control of space and architecture of each area;
 - d) Property boundaries of main street routes, controlled elevation of each zone;
 - e) Position, size and scope of protection, safety corridors for underground works;
 - f) No construction area; scope of protection, safety corridors for technical infrastructural works;

- g) Conservation areas of architectural works, historical and cultural remains, scenic beauty sites, landscape topography;
 - h) Requirements and measures for environmental protection as prescribed by the Law on Environmental Protection;
2. For special purpose zoning plan, regulations on management of the planning project include the following information:
- a) Scope and size of planned area;
 - b) Position, borderlines, nature and size of functional zones in the planned area; Criteria about construction density, land use coefficient, maximum and minimum height of works, elevation of each land parcel;
 - e) Property boundaries, construction boundaries, elevation and specific technical requirements for each route, area; scope of protection, safety corridors of technical infrastructural works;
 - d) Main space axes, prominent points of the area;
 - e) Position, size and scope of protection, safety corridors for works of peculiar functions; underground works;
 - f) Areas of conservation, renovation and development of historical and cultural remains, scenic beauty sites, landscape topography;
 - g) Requirements and measures for environmental protection as prescribed by the Law on Environmental Protection;
3. For detailed special purpose zoning plan, regulations on management of the planning project include the following information:
- a) Borderlines, scope and nature of planned area;
 - b) Position, borderlines, function and size of land parcels in the planned area;
 - c) Determine criteria about construction density, land use coefficient, elevation of each land parcel; height of works, floor level; architectural form, fence, building materials for the works;
 - d) Property boundaries, construction boundaries and specific technical requirements for each internal road route, scope of protection, safety corridors of technical infrastructural works;
 - e) Position, size and scope of protection, safety corridors for works of peculiar function, underground works;
 - f) Lists and regulations on conservation, renovation and development of architectural works, historical and cultural remains, scenic beauty sites, landscape topography;
 - g) Requirements and measures for environmental protection as prescribed by the Law on Environmental Protection;

Section 3. RURAL CONSTRUCTION PLANNING

Article 16. Principles of formulation of rural construction planning

1. Communes shall be put into general planning in order to realize the construction planning at provincial and district levels, to serve as foundations for determination of investment projects and formulation of detailed planning of rural residential quarters;
2. Rural residential quarters determined in the general urban planning shall be put into rural planning as prescribed hereof.
3. Rural residential quarters upon investment and construction shall be put into detailed planning to realize general planning and serve as foundations for issuance of construction permit.

Article 17. Tasks of rural construction planning

1. Requirements for general commune planning:
 - a) Position, scope and borderlines of communes; planning goals and period;

- b) Preliminary forecasts about size of population, labor and land;
 - c) Basic principles of analysis and assessment of current conditions; check unexpired projects and planning in the administrative division of communes; determine elements imposing effects on communes' socio-economic development; requirements for arrangement of overall space for communes, allocation of functional zones (production, residential), social and technical infrastructure;
 - d) Lists, quantity of documentation, products, progress and implementation;
 - e) Total budget estimates for general commune planning;
2. Requirements for detailed rural residential planning:
- a) Determine scope and borderlines for planning, size of population;
 - b) Basic principles of analysis and assessment of natural conditions, current conditions; criteria about land use and work construction; requirements for arrangement of landscape architectural space, technical and environmental infrastructure, ensuring conformity with approved general commune planning;
 - c) Lists, quantity of documentation, products, progress and implementation;
 - d) Total budget estimates for the formulation of detailed rural residential planning;
3. Time for establishing tasks of general commune planning, detailed rural residential planning is from one month and under.

Article 18. General commune planning project

1. General commune planning project must ensure to meet the tasks of approved planning and specific requirements as follows:
- a) Analyze and assess natural conditions, current socio-economic conditions, land use, landscape architecture, social, technical and environmental infrastructure; current construction and use of works;
 - b) Determine potentialities, driving force; forecasts about economic development, size of population, construction land; criteria about land and technical infrastructure of the entire commune;
 - c) Planning of overall space of commune
 - Determine zoning mechanism (agricultural production, industrial production, small scale industry, new residential quarters, renovated villages, central areas) and orient development of areas;
 - Orient arrangement of architectural landscape, determine scale and criteria about use of land for each village, trade village, industrial and home craft production;
 - Orient public work system, housing construction, conservation of cultural and historical works;
 - d) Planned use of land for the construction under requirements for development in each phase
 - e) Planning of technical infrastructure system serving residents and technical infrastructure head works serving production including technical preparations, traffic, supply of energy (electricity, gas...), lighting, passive telecom infrastructure, supply of water, wastewater drainage, solid waste management and burial-grounds;
 - f) Strategic environment assessment
 - Assess current conditions, determine key environmental issues in planned area;
 - Make forecasts about impacts and environmental development during the implementation of general commune planning;
 - Propose prevention measures and order of priority for implementation;
 - g) Planned prioritized investment projects, demands for capital and human force for implementation;
2. Time for formulation of general commune project is from 06 months and under.

Article 19. Detailed project for rural residential planning

1. Content of detailed project for rural residential planning must ensure to meet the tasks of approved planning and other specific requirements as follows:

- a) Analyze and assess natural conditions, current conditions of construction land, residents, society, landscape architecture, technical infrastructure; regulations of general commune planning concerning rural residential quarters;
 - b) Determine scale of population, criteria about use of land, social and technical infrastructure for rural residential quarters;
 - c) Planning general site plan of land use: Determine functions, area, criteria about land use in terms of construction density, land use coefficient, height of works, setbacks from each parcel of land;
 - d) Determine architectural form, fence, color, key materials of works and other architectural objects; determine the works in need of conservation and renovation in the area;
 - e) Planning technical infrastructure system: Technical infrastructure system is arranged to the land parcel including:
 - Determine elevation of each land parcel;
 - Determine traffic network, cross section, property boundaries and construction boundaries; determine and realize general planning for position and scale of terminal system, turning position;
 - Determine demands and supply source of water; position and scale of water supply works; water piping network and specific technical specifications;
 - Determine demands and supply sources of energy (electricity, gas...); position and scale of distribution stations; transmission line and lighting system;
 - Determine demands for passive telecom infrastructure works;
 - Determine volume of wastewater, solid waste; drainage network; position and size of wastewater and solid waste treatment works in rural residential quarters;
 - f) Strategic environment assessment
 - Assess current conditions, determine key environmental issues in planned area;
 - Forecasts, environmental impact assessment of planning methods;
 - Propose prevention measures and order of priority for implementation;
 - g) Planned demand for capital and human force for implementation;
2. Time for formulation of detailed rural residential planning is from 04 months and under.

Article 20. Regulations on management of rural construction planning project

1. For general commune planning, management of rural construction planning project includes:

- a) Borderlines, scope and nature of commune
- b) Control space, architecture of functional zones and key works: Commune administrative agencies, education, health, sports and commercial services;
- c) Property boundaries of main street routes of communes, inter-villages, village backbone, controlled elevation;
- d) No construction area; scope of protection, safety corridors for technical infrastructural works; environmental protection measures;
- e) Conservation and renovation of architectural works, historical and cultural remains, scenic beauty sites, landscape topography;

2. For detailed rural residential planning, regulations on management of the planning project include the following information:

- a) Borderlines, scope of rural residential quarters

- c) Position, borderlines, function and size of land parcels in rural residential quarters; criteria about construction density, land use coefficient, elevation of each land parcel; height of works, floor level; architectural form, fence, building materials of the works;
- c) Property boundaries, construction boundaries and specific technical requirements for each road route, scope of protection, safety corridors of technical infrastructural works;
- d) Regulations on conservation, renovation and development of architectural works, historical and cultural remains, scenic beauty sites, landscape topography;
- e) Requirements and measures for environmental protection as prescribed by the Law on Environmental Protection;

Section 4. Collecting suggestions during formulation of construction planning

Article 21. Collecting suggestions on regional construction planning project

1. The Ministry of Construction shall be responsible for collecting suggestions on planning projects from the Ministries, departments, agencies, organizations at central level and People's committees of relevant provinces during the formulation of inter-provincial construction planning project within the competence of the Prime Minister;
2. Organizer of construction planning shall cooperate with People's committees at all levels in collecting suggestions from relevant agencies, organizations during the formulation of construction planning of provincial zones, inter-district zones, district zones, special purpose zones within the competence of People's committees of provinces.

Section 22. Collecting suggestions from special purpose zone planning

1. Organizer of construction planning shall cooperate with People's committees at all levels in collecting suggestions from agencies, organizations and representatives of relevant residential communities during the formulation of special purpose zone planning.
2. In case general planning project for special purpose zones is formulated by the Ministry of Construction within the approval competence of the Prime Minister, People's committees of relevant provinces shall coordinate collection of suggestions from agencies, organizations and representatives of residential communities in the locality during the formulation of construction planning.

Article 23. Collecting suggestions on rural construction planning

Organizer of construction planning shall cooperate with People's committees at all levels in collecting suggestions from agencies, organizations and representatives of relevant residential communities during the formulation of rural planning project.

Article 24. Open to comments

During the formulation of construction planning project, contributive comments from agencies, organizations and representatives of residential communities shall be summarized and explained in writing by advisory organizations in combination with organizers of general planning.

Contributive comments must be analyzed, fully explained and serve as foundations for completion of planning methods towards ensuring suitability, feasibility and harmony among interests of the government and communities.

Reports on collection of comments shall be part of the document submitted for approval of construction planning.

Section 5. SEQUENCE AND PROCEDURES FOR ASSESSMENT AND APPROVAL OF CONSTRUCTION PLANNING

Article 25. Sequence and procedures for assessment and approval of tasks and construction planning project

1. Assessment and approval agencies:

a) The Ministry of Construction, People's committees of provinces shall be responsible for making submission of the tasks and construction planning project to the Prime Minister for approval.

b) Organizer of construction planning shall be responsible for making submission of the tasks and construction planning to People's committees at all levels for approval.

2. Collect suggestions from state management agencies on the construction planning project during the assessment;

a) People's committees of provinces shall be responsible for collecting suggestions from the Ministry of Construction before approval of general planning projects of special purpose zones; zoning projects for special purpose zone with size of over 200 ha

a) People's committees of districts shall be responsible for collecting suggestions from Department of Construction Works Management before approval of construction planning projects within competence.

3. During assessment of the tasks and construction planning projects, the assessment agencies shall be responsible for collecting suggestions from line management agencies at the same level, professional associations and relevant specialists.

4. Result of assessment of the tasks and construction planning shall be dispatched to organizers of construction planning as foundations for completion of the project before submission to competent authority for approval.

Article 26. Time for assessment and approval of construction planning project

1. Time for assessment and approval of regional construction planning project

a) For inter-provincial, provincial construction planning, time for the assessment of the tasks is from 25 days and under, for approval from 20 days and under; time for assessment of the project is from 30 days and under, for approval from 25 days and under since receipt of eligible document as prescribed;

b) For planning of other zones, time for the assessment of the tasks is from 20 days and under, for approval from 15 days and under; time for assessment of the project is from 25 days and under, for approval from 20 days and under since receipt of eligible document as prescribed;

2. Time for assessment and approval of the tasks and special purpose zone construction planning project:

a) For general planning of special purpose zones, time for the assessment of the tasks is from 20 days and under, for approval from 15 days and under; time for assessment of the project is from 25 days and under, for approval from 15 days and under since receipt of eligible document as prescribed;

b) For zoning plan, detailed planning of special purpose zones, time for assessment of the tasks is from 15 days and under, for approval from 10 days and under; time for assessment of the project is from 25 days and under, for approval from 15 days and under since receipt of eligible document as prescribed;

3. Time for assessment and approval of the tasks and rural construction planning project

a) For general commune construction planning, time for assessment of the tasks is from 15 days and under, for approval from 10 days and under; time for assessment of the project is from 20 days and under, for approval from 15 days and under since receipt of eligible document as prescribed;

b) For detailed construction planning of rural residential quarters, time for assessment of the tasks is from 15 days and under, for approval from 10 days and under; time for assessment of

the project is from 25 days and under, for approval from 15 days and under since receipt of eligible document as prescribed;

Article 27. Documentation submitted for assessment and approval of tasks and construction planning project

1. Documentation submitted for assessment and approval of planning tasks consists of a written request for assessment and approval; explanation of planning tasks including color drawings; draft decision on approval of the tasks; relevant legal documents; written explanation of comments from agencies, organizations and residential communities on planning tasks; legal and qualification records of construction planning consultant.
2. Documentation submitted for assessment and approval, and documentation of collection of suggestions on the construction planning consist of a written request for assessment and approval of the project; general explanation including color drawings; regulations on management of approved construction planning project; draft decision on approval of the project; scale color drawings; relevant legal documents; written explanation of comments from agencies, organizations and residential communities on planning project; legal and qualification records of construction planning consultant; CD disk of the entire project content;
3. Documentation of construction planning project must be stamped with a seal of the assessment agency (agency that conducts assessment of construction planning) when the approval decision is issued.
4. The approval decision and a CD disk of the entire approved documentation must be dispatched to the construction planning management agency, the Ministry of Construction for filing.
5. The Ministry of Construction shall provide specific guidance on manners and regulations on documentation of the tasks and construction planning project.

Chapter III

MANAGEMENT OF CONSTRUCTION PLANNING IMPLEMENTATION

Article 28. Responsibilities for planning construction planning implementation

1. Regional construction planning project, general construction planning, zoning plan and general construction planning shall be planned for the implementation after they are approved by competent authorities.
2. The Ministry of Construction shall take the initiative in the formulation and approval of the plan for inter-provincial construction planning implementation within its competence, direct and inspect the implementation of the planning within the Prime Minister's authority to give approval.
3. People's committees of provinces shall actively cooperate with the Ministry of Construction in the formulation and approval of the plan for construction planning implementation within their management with respect to the projects within the Prime Minister's authority to give approval .
4. People's committees at all levels shall be responsible for carrying out formulation and approval of the plan for the implementation of the projects within their competence.
5. The Ministry of Planning and Investment, the Ministry of Finance shall be responsible for balancing source of capital for construction projects of social and technical infrastructure works at regional level in accordance with the provisions set out in the Law on Investment and the Law on State Budget.

Article 29. Content of the plan for construction planning implementation

Based on the approved construction planning, technical infrastructure planning, content of the plan for construction planning implementation includes:

1. Lists and sequence of formulation of construction planning by level under 10-year, five-year and annual plans; lists and sequence of investment in social and technical infrastructure works based on long-term, medium-term and annual planning phase;
2. Planned demand for capital for the implementation of annual construction planning;
3. Proposals for policies to determine resources under the plan and capacity to mobilize resources for the implementation of annual plans;
4. Proposals for models of management and supervision of planning implementation;
5. Other relevant matters;

Article 30. Responsibilities of People's committees of provinces for implementation of inter-provincial construction planning

1. To take part in the formulation of the plan for the implementation of inter-provincial planning after the planning is approved by the Prime Minister;
2. Organize the implementation of inter-provincial, provincial construction planning within management;
3. Control the implementation of construction planning within administrative division under management, ensuring conformity with approved inter-provincial construction planning;
4. Check and make regular six-month reports to the Ministry of Construction for the planning tasks within management;
5. Study and propose policies creating favorable conditions for the implementation of inter-provincial, provincial construction planning and investment for regional development;
6. Cooperate with the Ministry of Construction and relevant Ministries, departments in calling for investment in regional development;

Chapter IV PLANNING PERMIT

Article 31. General provisions

1. Planning permit shall be issued to any investor who is qualified for making investment in project construction.
2. Maximum period of validity of a planning permit with respect to a construction project is 24 months from the date of issuance till the detailed planning is approved.
3. Maximum period of validity of a planning permit with respect to a private construction project is 12 months from the date of issuance till the construction project is approved.
4. The Ministry of Finance shall detail collection of fees and charges for the issuance of planning permit.

Article 32. Cases to issue planning permit for special purpose zones

1. Construction projects in the area without zoning plan;
2. Concentrated, private construction projects in the area that is currently under zoning but not eligible for detailed planning;
3. Concentrated, private construction projects in the area with a detailed planning approved but in need of adjustments to borderlines or criteria about land use;

Article 33. Sequence of issuance of planning permit

1. Based on particular demands, the investor shall document and submit request for issuance of planning permit as prescribed in Article 35 hereof to competent agencies.

2. Based on demands for management, control and development of special purpose zones, regulations on management under general planning, proposals made by the investor, construction planning management agencies at all levels shall be responsible for looking into the documentation, organizing collection of suggestions from relevant agencies and making the report to competent agencies. Time for assessment of the documentation and collection of suggestions is from 30 days and under since receipt of adequate documentation.
3. Competent agencies shall carry out consideration and issuance of planning permit within 15 days since receipt of assessment documentation prepared by construction planning management agencies at all levels.
4. For construction projects as prescribed in Clause 3, Article 35 hereof, during the assessment of the documented request for issuance of planning permit, construction planning management agencies at all levels must collect suggestions from relevant communities on relevant issues. Representatives of residential communities shall be responsible for collecting suggestions from the communities as prescribed by the law on exercising of grass-root democracy.

Article 34. Documentation of requests for issuance of planning permit

Documented requests for issuance of planning permit include:

1. Application form
2. Chart of land parcel proposed for issuance of planning permit
3. Planned scope and borderlines of the land parcel, criteria about use of planned land;
4. Planned investment matters, project size and total investment;
5. Reports on legal and financial qualifications for project implementation;

Article 35. Content of planning permit

1. Content of a planning permit for a concentrated construction project is instructed in Clauses 1, 2, Article 35 hereof, including:
 - a) The investor
 - a) Scope, borderlines and size of land, population in the area under planning;
 - c) Criteria about use of land for housing and commercial services; social infrastructural works, green trees, traffic; criteria about use of land for the entire area under planning; requirements for arrangement of architectural, landscaping and environmental space; requirements for criteria and technical infrastructural head works as foundations for the formulation of tasks and detailed construction planning project;
 - d) Period of validity of planning permit
2. Content of planning permit with respect to a private construction project is instructed in Clauses 2, 3, Article 35 hereof, including:
 - a) The investor
 - b) Scope, borderlines and area of the land parcel in the area under planning;
 - c) Criteria about use of land for high-level construction, land use coefficient, construction density; requirements for architectural and environmental space, criteria about technical infrastructure and other requirements as foundations for the formulation of construction project;
 - d) Period of validity of planning permit
3. Application form and specimen planning permit are represented in the appendices enclosed herewith;

Chapter V IMPLEMENTATION

Article 36. Transitional clause

1. For any construction planning project with the planning tasks being approved before the effective date of this Decree, the formulation, assessment and approval shall be carried out under the Government's Decree No. 08/2005/ND-CP dated January 24, 2005 on construction planning.
2. For any provincial construction planning project with the planning tasks being approved before the effective date of this Decree, suggestions from the Ministry of Construction must be asked for before approval of the project is made.

Article 37. Effect

This Decree takes effect since June 30, 2015 and replaces the Government's Decree No. 08/2005/ND-CP dated January 24, 2005 on construction planning;

Article 38. Implementation

1. The Ministers, heads of ministerial-level agencies, heads of governmental agencies, presidents of People's committees of central-affiliated cities and provinces within their duties and authorities shall be responsible for executing this Decree.
2. The Ministry of Construction shall actively cooperate with relevant Ministries, departments in instructing, overseeing and inspecting the implementation of this Decree./.

**PP THE GOVERNMENT
THE PRIME MINISTER**

(Signed and sealed)

Nguyen Tan Dung

APPENDIX

APPLICATION FORM FOR ISSUANCE OF PLANNING PERMIT AND SPECIMEN
PLANNING PERMIT *(Enclosed with the Prime Minister's Decree No. 44/2015/ND-CP
dated May 06, 2015)*

- | | |
|---------|------------------|
| Form 01 | Application form |
| Form 02 | Planning permit |
| Form 03 | Application form |
| Form 04 | Planning permit |

THE SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom - Happiness

Application form (used for concentrated work construction project)

Respectfully addressed to:.....

1. The investor:.....
 - Representative:..... Title:
 - Contact address:.....
 - Street number:..... Street name..... Ward
 - Province, city:.....
 - Phone:...
2. Position, size of the area planned for investment:.....
 - Ward.....District....
 - Province, city:.....
 - Scope planned for investment:.....
 - Size, area:..... (ha).
 - Current conditions of land use.....
3. Investment matters:.....
 - Planned functions:
 - Current conditions of land use.....
4. Planned total investment:...
5. We hereby undertake to comply strictly with the permit and shall take full responsibility to the law for any violation committed.

..., dated.....

Applicant

(signature and full name)

(Page 1)

(Green – Size A4)

People’s committees of central-
affiliated provinces and cities or
People’s committees of provinces,
districts, cities, communes

THE SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom - Happiness

No.....

....., dated.....

Planning permit

No...../GPQH

(Used for concentrated construction projects)

- 1. Issued to the investor:.....
- Contact address:.....
- Street number:..... Ward Province, city:.....
- 2. Information of the planning permit:.....
- Project name:...
- Construction site:...
- Scope and borderlines:...
- Land area:.....ha;
- Population size (if any):.....people
- Structure of land use..... %.

(Proportion of land for traffic, green trees and public works)

(Page 2)

- Construction density in the entire area :.....(%)- Maximum height of works:.....m
- Land use coefficient:.....
- Requirements for space, architecture and landscape:.....
- Requirements for technical and environmental infrastructure:.....
- 3. Period of validity of planning permit:.....

....., dated.....

licensing agencies

(signature, full name and stamp)

THE SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom - Happiness

Application form (used for private work construction project)

Respectfully addressed to:.....

1. The investor:.....
 - Representative:..... Title:
 - Contact address:.....
 - Street number:..... Ward
 - Province, city:.....
 - Phone:...
2. Location, size of construction works:.....
 - Ward District.....
 - Province, city:.....
 - Scope and borderlines:...
 - Size, area:..... (ha).
 - Current conditions of land use.....
3. Investment matters:.....
 - Purpose of works:.....
 - Construction density:...% %
 - Height of works:.....m
 - Number of stories:...
 - Land use coefficient:.....
 - Planned total floor area:.....m²
4. Planned total investment:...
5. We hereby undertake to comply strictly with the permit and shall take full responsibility to the law for any violation committed.

..., dated.....

Applicant

(signature and full name)

(Page 1)

(Green – Size A4)

People’s committees of central-
affiliated provinces and cities or
People’s committees of provinces,
districts, cities, communes

THE SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom - Happiness

No.:.....

..., dated.....

Planning permit No.../GPQH (*used for private work construction projects*)

- 1. Issued to the investor:.....
- Contact address:.....
- Street number:..... WardProvince, city:.....
- 2. Information of the planning permit:.....
- Project name:...
- Construction site:...
- Scope and borderlines:...
- Area of land parcel:.....m²
- Construction density:...%
- Height of works:.....m
- Land use coefficient:.....

(Page 2)

- Setback of works:.....m
- Requirements for architecture:.....
- Requirements for technical and environmental infrastructure:.....
- 3. Period of validity of planning permit:.....

..., dated.....

licensing agencies

(signature, full name and stamp)

(This translation is for reference only)