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CIRCULAR

**GUIDING THE ELABORATION, EVALUATION, APPROVAL AND MANAGEMENT OF PLANNINGS
ON CONSTRUCTION OF INDUSTRIAL PARKS AND ECONOMIC ZONES**

Pursuant to the Government's Decree No. 17/2008/ND-CP of February 4, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Construction;

Pursuant to the Government's Decree No. 08/2005/ND-CP of January 24, 2005, on construction plannings;

Pursuant to the Government's Decree No. 29/2008/ND-CP of March 14, 2008, on industrial parks, export-processing zones and economic zones,

The Ministry of Construction guides the elaboration, evaluation, approval and management of plannings on construction of industrial parks and economic zones as follows:

Part 1

GENERAL PROVISIONS

1. This Circular guides the elaboration, evaluation, approval and management of plannings on construction of industrial parks. The elaboration, evaluation and approval of general plannings on construction of economic zones and detailed plannings on construction of functional sub-zones in economic zones, and the management of plannings on construction of economic zones comply with the Construction Ministry's Circular No. 07/2008/TT-BXD of April 7, 2008, guiding the formulation, evaluation, approval and management of construction plannings.

2. Industrial-park construction plannings must be in line with the national master plan on development of industrial parks, regional construction plannings and general urban construction plannings approved by competent state agencies.

3. Criteria used in the elaboration of an industrial-park construction planning must comply with regulations on construction planning. The application of foreign construction standards must be approved by the Ministry of Construction.

4. A detailed planning on construction of an industrial park shall be elaborated in one step, on a 1:2,000- or 1:500-scale map, without requiring to prepare a planning task.

Elaboration of a detailed planning: For an industrial park larger than 200 ha, a detailed construction planning shall be made on a 1:2,000-scale topographic map. For an industrial park not exceeding 200 ha, a detailed construction planning shall be made on a 1:500-scale map.

5. Provincial-level Construction Services or Planning-Architecture Services (for Hanoi and Ho Chi Minh cities) shall establish requirements on architecture-planning details and criteria as a basis for elaborating detailed plannings on construction of industrial parks.

6. For industrial parks associated with urban areas or other consolidated business areas, general urban construction plannings must be elaborated under the Construction Ministry's Circular No. 07/2008TT-BXD of April 7, 2008, guiding the elaboration, evaluation, approval and management of construction plannings.

7. The format of a construction plan dossier must comply with the Construction Ministers Decision No. 21/2005/QĐ-BXD of July 22, 2005.

8. Industrial-park construction plannings must be elaborated by capable consultancy organizations under regulations.

9. When elaborating a detailed planning on construction of an industrial park, the consultancy organization shall gather functional agencies written opinions on outbound transport; security and defense; sources of energy supply; water supply; wastewater; environment; fire and explosion prevention and fighting; and conservation and embellishment of relics or beauty spots before the planning project is evaluated.

10. An industrial-park construction planning dossier comprises explanations and drawings, enclosed with the approval decision affixed with a stamp of the planning project-evaluating agency.

Part 2

ELABORATION, EVALUATION AND APPROVAL OF PLANNINGS ON CONSTRUCTION OF INDUSTRIAL PARKS

1. Elaboration of general plannings on construction of industrial parks:

1.1. Provincial-level Peoples Committees shall direct provincial-level Construction Services or Planning-Architecture Services (for Hanoi and Ho Chi Minh cities) to elaborate general plannings on construction of industrial parks associated with urban areas or other business areas.

1.2. Provincial-level Peoples Committees shall direct provincial-level Construction Services or Planning-Architecture Services (for Hanoi and Ho Chi Minh cities) or industrial-park management boards in localities where industrial parks are located, to coordinate with investors in selecting consultants to formulate general plannings on construction of industrial parks in which many investors participate in building and commercially operating their infrastructure.

2. Elaboration of detailed plannings on construction of industrial parks:

2.1. For an industrial park for which an infrastructure construction and commercial operation investor has not yet been identified, the provincial-level Peoples Committee shall direct the provincial-level Construction Service or Planning-Architecture Service (for Hanoi and Ho Chi Minh cities) or the industrial-park Management Board in the locality where the industrial park is located, to elaborate a detailed planning on construction of the industrial park as a basis for investment attraction.

2.2. For an industrial park with a single infrastructure construction and commercial operation investor, that investor shall formulate a detailed planning on construction of the industrial park.

2.3. For an industrial park with many infrastructure construction and commercial operation investors, the provincial-level Peoples Committee shall direct the provincial-level Construction Service or Planning-Architecture Service (for Hanoi and Ho Chi Minh cities) or the industrial-park Management Board in the locality where the industrial park is located to assume the prime responsibility for, and coordinate with investors in, selecting a consultancy unit to elaborate a detailed planning on construction of the industrial park.

3. Details of a planning on construction of an industrial park:

3.1. For an industrial park covering at least 500 ha with many infrastructure construction and commercial operation investors in each separate zone under Clause 3. Article 5 of Decree No. 29/2008/ND-CP, a general construction planning project shall be elaborated with the following details:

A general industrial-park construction planning shall be elaborated on a topographic map at scale 1:5,000-1:10,000 depending on the industrial parks size, which must clearly indicate functional sub-zones for the construction of industrial works; a public service center; greenery areas; the industrial parks technical services; technical infrastructure works (transport, energy supply, lighting, water supply and drainage, waste treatment, communication); regulations on maintenance and embellishment of

natural landscapes, safety assurance and fire and explosion prevention and fighting, and environmental protection; social infrastructure works for the industrial park; connection to outside-fence technical works; and implementation plans and resources to ensure development in different periods.

3.2. A detailed industrial-park construction planning must specify land use functions and criteria (construction height, construction density, land use coefficient) for land areas reserved for the construction of industrial works; a public service center; greenery areas; the industrial parks technical services; and technical infrastructure works (transport, energy supply, lighting, water supply and drainage, waste treatment, communication); regulations on maintenance and embellishment of natural landscape, safety assurance and fire and explosion prevention and fighting, and environmental protection.

4. Dossier of a planning on construction of an industrial park:

4.1. A dossier of drawings of a general planning on construction of an industrial park comprises:

a/ A location and area connection plan at scale 1:25,000-1:50,000;

b/ Maps of present architecture, landscape, technical infrastructure system and assessment of the land fund for construction, at scale 1:5,000-1:10,000;

c/ A 1:10,000-scale plan of the planning structure (with at least two alternatives for comparison and selection);

d/ Apian of land use planning, at scale 1:5,000-1:10,000, identifying the boundaries of each functional zone depending on the nature and use of land for the construction of industrial enterprises, public service works, roads, greenery area, major technical infrastructure works;

e/ A plan of landscape architecture spatial orientations;

f/ Planning plans of the industrial parks technical infrastructure system, at scale 1:5,000-1:10,000, including major transport systems inside and outside the industrial park; ground leveling; rainwater drainage; energy and water supply; wastewater drainage; waste collection and treatment; communication, etc.

4.2. A dossier of drawings of a detailed planning on construction of an industrial park comprises:

a/ A land location and boundary map at scale 1:10,000-1:25,000;

b/ Maps on present architecture, landscape, technical infrastructure system and assessment of land fund for construction, at scale 1:500-1 :2,000;

c/ A 1:5,000-scale plan of the planning structure (with at least two alternatives for comparison and selection);

d/ A map of land use planning at scale 1:500-1:2,000, identifying the boundaries of each functional zone and land lot depending on the nature and use of land for the construction of industrial enterprises, public service works, roads, greenery, major technical infrastructure works; requirements on land use management (construction height, construction density, land use coefficient);

e/ Planning maps of the industrial parks technical infrastructure system, at scale 1:500-1:2,000 (enclosed with detailed design drawings), including major transport systems inside and outside the industrial park; ground leveling; rainwater drainage; energy and water supply; wastewater drainage; waste collection and treatment; communication;

f/ A general map of technical wires and pipelines, at scale 1:500-1:2,000;

g/ A map of placement of roads redlines and construction landmarks, at scale 1:500-1:2,000.

4.3. Dossiers submitted for approval:

a/ A dossier of a general construction plan or a detailed construction planning submitted for approval comprises a written request for approval, explanations, miniature color drawings and relevant legal documents;

b/ A dossier of a general construction plan or a detailed construction planning submitted for evaluation comprises a written request for approval, general explanations, miniature color drawings and black-and-white drawings at prescribed scale, and relevant legal documents;

c/ The number of dossier sets submitted for approval and evaluation is as requested by the construction planning-managing agency depending on the number of council members or evaluation jobs;

d/ A CD disc storing all explanations and construction planning drawings.

4.4. General explanations, drawings of a prescribed scale and CD discs storing all explanations and drawings shall be archived at provincial-level construction planning-managing agencies, industrial-park management boards, and concerned district-and commune level Peoples Committees; or the Construction Architecture-Planning Department under the Ministry of Construction, for industrial-park construction plans on which the Ministry of Construction gives written opinions.

5. Evaluation and approval of plannings on construction of industrial parks:

5.1. Provincial-level Construction Services or Planning-Architecture Services (for Hanoi and Ho Chi Minh cities) shall consult concerned agencies on, evaluate and submit general construction plans and detailed plannings on construction of industrial parks to provincial-level Peoples Committees for approval.

5.2. Before approving detailed industrial-park construction plannings specified in Clause 4, Article 5 of Decree No. 29/2008/ND-CP, provincial-level Peoples Committees shall consult the Ministry of Construction, other ministries and branches.

5.3. Forms of evaluation

Depending on the nature and size of each planning project, the agency evaluating a detailed planning of an industrial park may organize evaluation in either of the following forms:

a/ Setting up an Evaluation Council and deciding on its composition and number of members who come from concerned state management agencies and the local administration.

b/ Having the planning project evaluated by a provincial-level professional agency.

5.4. Evaluation of a construction planning project subject:

a/ Capability of the consultancy unit formulating the construction planning under regulations;

b/ Legal grounds for formulating the construction planning project and the satisfaction of requirements guided in Clauses 3 and 4, Pan I of this Circular;

c/ Dossier format and composition and details of the construction planning project as guided in this Circular and the Construction Ministers Decision No. 21/2005/QD-BXD of July 22, 2005.

Part 3

MANAGEMENT OF PLANNINGS ON CONSTRUCTION OF INDUSTRIAL PARKS

1. Publicization of plannings on construction of industrial parks:

The publicization of construction plannings is stipulated in Articles 38 and 39 of Decree No. 08/2005/ND-CP and specified as follows:

1.1. For general planning projects on construction of industrial parks:

a/ District-level Peoples Committees in planned areas shall publicize general plannings on construction of industrial parks.

b/ The following details of a general planning project on construction of an industrial park should be publicized:

- A plan of landscape architecture spatial orientations;
- A plan of land use planning;
- Planning maps of technical infrastructure and environmental protection systems.

1.2. For detailed planning projects on construction of industrial parks:

a/ District-level Peoples Committees in planned areas shall publicize detailed planning projects on construction of industrial parks related to administrative boundaries under their management.

b/ The following details of a detailed planning project on construction of an industrial park should be publicized:

- A planning map of the general land-use plan;
- Planning maps of technical infrastructure and environmental protection systems.

1.3. Forms of publicization:

Within 30 working days after the approval of a general or detailed planning project of an industrial park, competent agencies defined at Points 1.1 and 1.2, Clause 1, Part III of this Circular shall publicize such planning project in the following forms:

a/ Regularly and continuously displaying the planning projects drawings and models at the offices of concerned state management agencies at all levels, planning exhibition and information centers, and in planned areas;

b/ Publicizing the planning project on the mass media;

c/ Printing the planning project for public distribution.

2. Supply of information on construction plannings:

2.1. The supply of information on construction plannings complies with Article 33 of the Construction Law and Article 41 of Decree No. 08/2005/ND-CP.

2.2. Grant of construction planning certificates:

a/ Construction planning certificate is a document certifying information and data of an approved construction planning, which is granted to organizations or individuals upon request.

b/ A construction planning certificate contains information on land use planning, area and landmark coordinates of the land lot, red line and construction landmarks, construction density, land use coefficient, maximum and minimum heights; information on architecture, technical infrastructure and environmental protection systems, and other regulations. The certificate validity term must be equal to that of the approved detailed planning.

3. Basic designs of technical infrastructure systems and works:

3.1. For an industrial park with an approved detailed construction planning at scale 1:2,000, a basic design of its technical infrastructure may be made on the basis of such construction planning in accordance with Clause 5, Part III of this Circular.

3.2. For an industrial park with an approved detailed construction planning at scale 1:500, its basic design shall be made on the basis of the details of such construction planning, and added with the details specified in Items b, c and d, Point 5.1 and Items b and c, Point 5.2, Clause 5, Part III of this Circular.

4. A basic design of an industrial parks technical infrastructure shall be made at the stage of formulating an investment project on construction of the industrial parks technical infrastructure on the basis of the approved detailed construction planning, which must indicate major technical parameters complying with applied regulations and standards as a basis for implementing subsequent designing steps.

5. A basic design of the industrial parks technical infrastructure comprises a part on explanations and a part on drawings.

5.1. The part on explanations covers:

a/ Brief information on the construction location; the approved detailed construction planning; connection among work items and to the areas technical infrastructure;

b/ A design plan of ground leveling, roads, technical tunnels or technical trenches, rainwater and wastewater drainage, wastewater treatment, water and electricity supply, greenery and communication systems; the plan to deal with grounds and foundations of work items;

c/ Environmental protection and fire prevention and fighting plans under law;

d/ A list of applied regulations and standards.

5.2. The part on drawings comprises:

a/ A drawing of the approved detailed construction planning;

b/ A design drawing of ground leveling, roads, technical tunnels or technical trenches, rainwater and wastewater drainage, wastewater treatment, water and electricity supply, greenery and communication systems; a drawing of the plan to deal with grounds and foundations of work items; connection to the regions technical infrastructure;

c/ A drawing of the wastewater treatment station and a wastewater-treatment technology plan.

6. Basic designs of works in an industrial park comply with current regulations on investment and construction.

7. Evaluation of basic designs of industrial parks technical infrastructure:

7.1. Details subject to evaluation by competent agencies:

a/ The basic designs conformity with the approved detailed construction planning; suitability of the connection to the areas technical infrastructure;

b/ The rationality of the technology plan of the wastewater treatment station;

c/ The application of regulations and standards on construction, environment and fire prevention and fighting;

d/ Construction capability conditions of the consultancy organization or practicing capability of the individual that has formulated the basic design under regulations.

7.2. Competence to evaluate basic designs of industrial-park investment projects:

a/ Provincial-level Construction Services shall evaluate basic designs of industrial parks technical infrastructure;

b/ Provincial-level management boards of industrial parks or Construction Services (for localities without provincial-level management boards of industrial parks) shall evaluate basic designs of construction works of group-B or group-C projects in industrial parks under current laws on investment and construction.

7.3. The evaluation of basic designs of economic zones technical infrastructure and construction works complies with current laws on investment and construction.

8. Management of construction of industrial parks under approved detailed construction plannings:

8.1. Provincial-level management boards of industrial parks shall, based on approved detailed plannings on construction of industrial parks, grant planning certificates for investment projects in industrial parks.

8.2. Concerned state management agencies; provincial-level management boards of industrial parks; infrastructure construction and commercial operation investors in industrial parks; industrial parks enterprises and service enterprises; construction consultancy organizations and concerned organizations and individuals shall observe approved general and detailed plannings on construction of industrial parks.

8.3. The adjustment of an approved general planning or one of the following details of an approved detailed planning on construction of an industrial park (as proposed by the investor and agreed by the local management board of industrial parks) must be evaluated by the provincial-level Construction Service and submitted to the provincial-level Peoples Committee for decision:

a/ Nature and boundaries of the industrial park;

b/ The ratio of land area of each functional zone and the industrial parks spatial organization structure, including land areas for construction of industrial enterprises; a land area for construction of the industrial parks administrative and public service center, and the industrial parks greenery area;

c/ Major land use management criteria such as construction height, construction density, land use coefficient, architectural planning spatial organization and landscape;

d/ Foundation elevation limit;

e/ Networks of major technical infrastructure works:

- Mainroads in the industrial park, main roads cross-sections, red lines, construction landmarks, set-back, maximum road level, corridors and levels of underground technical works, road intersections;

- Locations and areas of major technical works (wastewater treatment facility, garbage treatment zone);

- Regulations on protection zones and safe distances between industrial enterprises and transport works (railways, waterways, roads, airports); irrigation works, dams; high-voltage power lines;

f/ Regulations on sanitation isolation spaces between clusters of industrial enterprises with different characteristics; between industrial enterprises and residential areas, water supply works (source, plant), pump station, waste treatment facility, dump, cemetery;

g/ Regulations on fire and explosion prevention and fighting;

h/ Regulations on protection of relics and beauty spots.

8.4. The provincial-level management board of industrial parks may permit the adjustment of part of a detailed industrial-park planning in the following cases and shall notify it to the provincial-level Construction Service for implementation monitoring:

a/ Land area for an investment project without changing the land use function;

b/ Technical specifications of energy supply, water supply and drainage systems and major technical works (diameter, length, slope, size, capacity and level of works); rainwater and wastewater drainage directions;

c/ Internal roads in the industrial parks functional zones;

d/ Branch lines of energy supply, water supply and drainage, communication systems;

e/ Location of service works.

Part 4

ORGANIZATION OF IMPLEMENTATION

1. Based on the state management powers and responsibilities defined in the Governments Decree No. 29/2008/ND-CP of March 14, 2008, on industrial parks, export-processing zones and economic zones, provincial-level Peoples Committees and concerned ministries and branches shall direct the formulation, approval and management of construction plannings guided in this Circular.

2. Provincial-level Construction Services or Planning-Architecture Services and industrial-park management boards shall annually inspect the implementation of approved plannings on construction of industrial parks in their localities.

3. The Construction Architecture-Planning Department shall assist the Minister of Construction in regularly inspecting the implementation of plannings on construction of industrial parks nationwide.

4. This Circular takes effect 15 days after its publication in CONG BAO. For industrial parks not exceeding 200 ha with 1:2,000-scale detailed construction plannings approved before the effective date of this Circular, subsequent steps may be taken without having to formulate 1:500-scale detailed construction plannings.

MINISTER OF CONSTRUCTION

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