
No.19/2009/TT-BXD

Hanoi, June 30, 2009

CIRCULAR

Stipulating the management of investment and construction in industrial parks and economic zones

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

Pursuant to the Government's Decree No. 02/2006/ND-CP dated January 5, 2006, on the Regulation on new urban centers;

Pursuant to the Government's Decree No. 90/2006/ND-CP dated September 6, 2006, detailing and guiding the implementation of the Housing Law;

Pursuant to the Government's Decree No. 99/2007/ND-CP dated June 13, 2007, stipulating the management of expenses for investment in the construction of works;

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

Pursuant to the Government's Decree No. 12/2008/ND-CP dated February 12, 2009, on management of investment projects on the construction of works;

The Ministry of Construction stipulates the state management of investment and construction in industrial parks and economic zones as follows:

Article 1.

Scope of regulation and subjects of application

1. Scope of regulation: This Circular stipulates some contents of state management of investment and construction in industrial parks and economic zones.

2. Subjects of application: This Circular applies to organizations and individuals investing in construction and carrying construction activities; management boards of industrial parks and economic zones; and related organizations and individuals.

Article 2.

Management of construction according to planning

1. Management boards of industrial parks or economic zones shall:

a/ Provide information on the approved construction plans for investors to make detailed construction plans and technical infrastructure designs for industrial parks or functional sub-zones in economic zones;

b/ Grant construction planning certificates to investors upon request for formulating construction investment projects according to regulations;

c/ For projects not included in a branch plan, comply with Clause 3, Article 6 of the Government's Decree No. 12/2009/ND-CP dated February 12, 2009, on management of investment projects on the construction of works (below referred to as Decree No. 12/CP);

d/ Approve in writing the locations and scale of construction for group-B and group C investment projects in industrial parks and economic zones not yet included in approved construction plans.

2. The management boards of industrial parks or economic zones shall manage the construction of works in industrial parks or economic zones according to approved construction plans.

3. The management boards of industrial parks or economic zones shall consider and approve the connection of technical facilities of construction investment projects in industrial parks or economic zones.

Article 3.

Management of construction designs

1. The management boards of industrial parks and economic zones shall receive dossiers of construction investment projects and directly give opinions on basic designs of group-B and group-C construction investment projects, and send dossiers of group-A construction investment projects in industrial parks or economic zones to the ministries in charge of specialized construction works specified in the Construction Ministry's Circular No. 03/2009/TT-BXD dated

March 26, 2009, detailing some contents of Decree No. 12/CP (below referred to as Circular No. 03/2009/TT- BXD), for opinion on their basic designs.

The order, procedures and contents for giving opinions on basic designs of construction investment projects comply with the guidance in Circular No. 03/2009/TT-BXD.

2. Basic designs of technical facilities in industrial parks comply with Clause 3, Part III of the Ministry Construction's Circular No. 19/2008/TT-BXD dated November 20, 2008, guiding the elaboration, appraisal, approval and management of construction planning of industrial parks and economic zones.

Article 4.

Grant of construction licenses

1. The management boards of economic zones shall grant construction licenses for construction works subject to construction licenses in their economic zones according to regulations, excluding those specified in Clauses 2 and 3 of this Article.

2. District-level People's Committees shall grant construction licenses for works of grade II and lower and individual houses in urban centers under their management in economic zones.

3. Commune-level People's Committees shall grant construction licenses for individual houses in rural population points in economic zones according to approved plans or in areas where construction licenses are required under regulations of district-level People's Committees.

Article 5.

Management of construction quality

The management boards of industrial parks and economic zones shall

1. Supervise and test according to regulations construction quality of works under projects for which they act as investors and works to be transferred to them.

2. Coordinate with provincial-level Construction Departments in examining and inspecting the management of construction quality of works under construction investment projects in their industrial parks or economic zones.

3. Biannually, annually or unexpectedly, report to provincial-level People's Committees and Construction Departments on the management of construction quality and work incidents occurring in their industrial parks or economic zones.

4. Coordinate with provincial-level Construction Department or the Ministry of Construction in organizing quality surveys of construction works and investigations of works incidents.

Article 6.

Management of new urban center projects and housing projects in economic zones

The Management boards of economic zone shall:

1. Appraise investment projects on the construction of new urban centers before they are submitted by provincial-level People's Committees to the Prime Minister for consideration and permission or considered and permitted by provincial-level People's Committees.

The order, procedures and contents for evaluating and implementing projects on new urban center comply with the Government's Decree No. 02/2006/ND-CP dated January 5, 2006, promulgating the Regulation on new urban centers, and the Construction Ministry's Circular No. 04/2006/TT-BXD dated August 18, 2006, guiding the implementation of the Regulation on new urban centers promulgated together with the Government's Decree No. 02/2006/ND-CP dated January 5, 2006.

2. Appraise housing projects in their economic zones before they are considered and approved by provincial-level People's Committees.

The order, procedures and contents for appraising housing projects comply with the housing law.

3. The management of the construction of new urban centers in economic zones complies with the Government's Decree No. 02/2006/ND-CP dated January 5, 2006, promulgating the Regulation on new urban centers, and the Construction Ministry's Circular No. 04/2006/TT-BXD dated August 18, 2006, guiding the implementation of the Regulation on new urban center promulgated together with the Government's Decree No. 02/2006/ND-CP dated January 5, 2006.

Article 7.

Management of construction investment expenses

The management boards of industrial parks or economic zones shall:

1. Manage construction investment expenses of projects for which they are assigned to act as investors under the Government's Decree No. 99/2007/ND-

CP dated June 13, 2007, stipulating the management of expenses for investment in the construction of works.

2. Assume the prime responsibility for, and coordinate with provincial-level Construction Departments in guiding the estimation and management of construction investment expenses of works in their industrial parks or economic zones.

3. Consider and consult concerned provincial-level Departments and branches on the total investment levels of projects to be transferred to the State or those enjoying state incentives in their industrial parks or economic zones.

Article 8.

Organization of implementation

1. The management boards of industrial parks or economic zones shall:

a/ Study and propose mechanisms and policies on construction management applicable to industrial parks and economic zones to the Ministry of Construction or provincial-level People's Committees for consideration and promulgation.

b/ Give opinions to the Ministry of Construction and provincial-level People's Committees on draft legal documents related to construction management in industrial parks and economic zones.

c/ Assume the prime responsibility for, and coordinate with provincial-level Construction Departments in, drafting a regulation on coordination of the state management of investment and construction in industrial parks and economic zones.

d/ Place themselves under the specialized state management by the Ministry of Construction and provincial-level Construction Department.

e/ Manage construction activities in industrial parks and economic zones under the construction law.

f/ Examine construction activities in industrial parks and economic zones, and handle violations according to their competence or report them to local People's Committees and competent agencies for handling according to current regulations.

2. Implementation effect:

a/ This Circular takes effect on August 15, 2009.

b/ Any problems arising in the course of implementation should be reported to the Ministry of Construction for consideration and settlement.

FOR THE MINISTER OF CONSTRUCTION

DEPUTY MINISTER

(Signed and sealed)

CAO LAI QUANG

(This translation is for reference only)