

PRIME MINISTER

THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom – Happiness

No: 98/2009/QĐ-TTg

Hanoi, July 27, 2009

DECISION

**On regulating functions, tasks, rights and organizational structure of the
Management Board of Hoa Lac High-Tech Park
under the Ministry of Science and Technology**

PRIME MINISTER

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

Pursuant to Law on High Technologies dated November 13, 2008;

Pursuant to Decree No 178/2007/NĐ-CP dated December 03, 2007 of the Government on regulating functions, tasks, rights and organizational structure of Ministries and ministerial-level agencies;

Pursuant to Decision No. 28/2008/ND-CP dated March 14, 2008 by the Government stipulating functions, tasks, rights and organizational structure of the Ministry of Science and Technology;

Pursuant to Decree No. 99/2003/NĐ-CP dated August 28, 2003 of the Government on issuing the Regulation on High Technology Zones;

At the proposal of the Minister of Science and Technology;

DECIDES:

Article 1. Position and Functions

1. Hoa Lac High-Tech Park Management Board (hereinafter called the Management Board) is an agency under the Ministry of Science and Technology, which fulfill functions of direct State management for Hoa Lac High-Tech Park (hereinafter called the High-Tech Park) as regulated by laws.

2. The Management Board is the agency of General Department level, has its legal status, National-emblem stamp, agency with level-I budget estimation, the focal point to be assigned with annual targets and allocated with State budget and has its office in Hanoi.

Article 2. Tasks and Rights

The Management Board fulfills tasks and rights as follows:

1. Developing and submitting to the Minister of Science and Technology to submit the Government, Prime Minister for approving or issuing:

a) Planning, annual development plans, 5-year and long-term plans for the High Technology Zone;

b) Preferential mechanisms and policies for the High-Tech Park appropriate for practical development conditions of each period and as regulated by laws;

c) Attractive mechanisms and special preferential policies for staff and officials and laborers working in the Management Board.

2. Submitting to the Minister of Science and Technology for approving, deciding or issuing:

a) Projects under Group A funded from State budget, ODA funded projects and aids for investing in the development of the High-Tech Park as stipulated by laws;

b) Legal and regulatory documents on the High-Tech Park.

3. Preparing investment development plans and annual budget estimations (for investment development and regular expenses) to submit to the Ministry of Planning and Investment and Ministry of Finance for consolidation in accordance to laws on State budget.

4. Submitting authorized State agencies to decide on ranges and prices, fees and charges in the High-Tech Park as stipulated by laws.

5. Organizing the implementation, examining the implementing of legal and regulatory documents, policies, planning, plans, proposals, projects and programs in the High-Tech Park after they are approved or issued by authorized levels.

6. Issuing professional guidelines and international legal documents as stipulated by laws.

7. Regarding the management of planning, development plans:

a) Managing and organizing the implementation of general construction planning after they are approved by authorized levels;

b) Organizing the preparation, approval, management, monitoring and implementation of detailed planning for functions areas;

c) Granting, modifying, withdrawing certificates of construction planning for investment projects in the High-Tech Park;

d) Organizing the implementation of plans on construction and development of the High-Tech Park's plans after they are approved by authorized levels.

8. Regarding the investment mobilization, management of investment and construction:

a) Organizing activities of domestic and foreign investment and trade promotion and advertisement to attract investment resources for the High-Tech Park;

b) Guiding, organizing the implementation of investment projects funded by State budget as stipulated by laws;

c) Being the investor of assigned investment works funded by State budget;

d) Making decisions on investment projects on infrastructure building, executing authorities of investment decision-makers for projects under Group B, C according to the Minister of Science and Technology's delegation of authority; managing investment of projects under Group A, B, C funded by State budget, ODA funded projects and aids (if any) for investing in the High-Tech Park; signing contracts of BOT, BTO and BT types as stipulated by laws;

đ) Having approval opinions for basic designs of investment projects in the High-Tech Park based on general planning, detailed planning and as stipulated by laws;

e) Being the focal point for receiving and managing the use of ODA fund for infrastructure building of the High-Tech Park.

9. Granting, re-granting, modifying, extending, and withdrawing certificates and permits as follows:

a) Investment certificates;

b) Permits for establishing commercial representative offices of domestic and foreign organizations and individuals;

c) Permits for construction works;

d) Labor permits for foreigners, Vietnamese oversea working in the High-Tech Park; labor books for Vietnamese laborers working in the High-Tech Park;

đ) Certificates of origins;

e) Other permits and certificates as stipulated by laws.

10. Regarding land use and management:

a) Being allocated with land (including land and water surface) for one time to organize the construction and development of the High-Tech Park according to regulations and using purposes approved by State authorized agencies; re-allocating land for investors to rent as stipulated by laws;

b) Coordinating with local authorities and relevant agencies to organize the land clearance and compensation in the High-Tech Park;

c) Organizing the detailed land-use planning, preparing detailed land-use plans for the High-Tech Park as stipulated by laws;

d) For cases of land re-allocation, land renting without through auction process of land-use rights or bidding process of projects using land: making decisions on levels of land-use fees, land rent fees, on exemptions of land-use fees, land rent fees (for land without infrastructure) for each project in the High-Tech Part on the basis of price ranges issued by State authorized agencies; on fees for using infrastructure works invested by State budget in the High-Tech Part when land is re-allocated or rented;

đ) Organizing auction for land-use rights and bidding for projects using land for investment projects subjected to bidding and auction in the High-Tech Park;

e) Agreeing with enterprises doing business in infrastructure in fixing prices for renting land with technical infrastructure, fees, and charges as stipulated by laws.

11. Regarding management and protection of natural resources and environment

a) Approving assessment reports on environment impacts and confirming commitments on environment protection for investment projects in the High-Tech Park according to the delegation and as stipulated by laws;

b) Coordinating with the Ministry of Natural Resources and Environment in management and examination of implementing measures for natural resource and environment protection in the High-Tech Park; making recommendations to the authorized agency to handle violations in the field of natural resources and environment

12. Regarding service management and security assurance:

a) Managing activities of exploitation, business, services and using of investment works; directly managing, exploiting, using and maintaining technical infrastructure works invested by the State in the High-Tech Park;

b) Approving prices, fees and charges applied in the High-Tech Park according to the delegation; collecting, managing, and using fees and charges as stipulated by laws;

c) Chairing, coordinating with the local authority and relevant agencies to issue regulations to ensure security, order, fight prevention and follow cultural lifestyles during the construction, management and exploitation of works in the High-Tech Park.

13. Regarding organization and management of high-tech enterprise incubation:

a) Making decisions on incubated technology fields, targets and forms as stipulated by laws;

b) Making decisions on supporting forms for organizations and individuals participation in incubation as stipulated by laws.

14. Cooperating with domestic and foreign organizations and individuals as stipulated by laws.

15. Registering labor regulations, collective labor contracts, salary scales, salary tables, plans on sending laborers to practice in foreign countries less than 90 days for enterprises; reporting to State authorized agencies on statues of signing, terminating labor contracts of enterprises.

16. Organizing, supporting training for human resources in the High-Tech Park; establishing standards for technology skills, organizing examination and granting certificates according to skill standards.

17. Managing the organizational structure, contracted staff and permanent staff and training for officials, staff and laborers working in the Management Board as stipulated by laws.

18. Coordinating with State management agencies to investigate, examine enterprises in the High-Tech Part in the implementation of legal regulations; handling complaints, denunciations, prevention and protections of corruption, waste and negative practices and resolving legal violations under State management fields as stipulated by laws.

19. Managing and using assigned financial sources and assets as stipulated by laws.

20. Being allowed to open accounts at the State Treasury to collect withdrawals invested by State budget (if any), other incomes for operation, maintenance and re-investment in the High-Tech Park according to decisions of State authorized agencies.

21. Being the focal point in terms of S&T plans; approving, guiding agencies under the Management Board to carry out research themes, scientific projects and projects on applying S&T advancements.

22. Regularly and urgently reporting to the Prime Minister, the Minister of Science and Technology, relevant Ministries, branches and agencies on statues of investment, construction, development, management and activities of the High-Tech Park.

23. Carrying out the administrative reform in the High-Tech Park according to programs and plans on administrative reform of the Ministry of Science and Technology.

24. Carrying out other tasks and rights assigned by the Minister of Science and Technology and as stipulated by laws.

Article 3. The organizational structure

1. Administrative organizations assist the Director of the Management Board to fulfill State management functions:

- a) The Office;
- b) Department for Planning - Finance;
- c) Department for Investment Support;
- d) Department for Planning, Construction and Environment.

Organizations mentioned from point a to point d of this Article are allowed to organize sections. The establishment of sections is decided by the Director of the Management Board after the Minister of Science and Technology approves.

2. Administrative units:

- a) Training Center;
- b) General Service Center;
- c) Center for High-Tech Enterprise Incubation;
- d) Section for Project Management and Infrastructure Exploitation.

3. Based on tasks required for each period, the Director of the Management Board submits to the authorized agency for deciding or entitled to decide the establishment of the Management Boards of investment and construction projects as administrative units as stipulated by laws.

Article 4. Leaders

1. The Management Board has the Director and not more than 3 Vice Directors. The Director of the Management Board can be the concurrent position by the Deputy Minister of Science and Technology.

2. The Directors and Vice Directors are appointed, dismissed or removed by the Minister of Science and Technology as stipulated by laws.

3. The Director of the Management Board is responsible for stipulating specific functions, task and rights of administrative organizations and units.

4. The Director of the Management Board is responsible to the Minister of Science and Technology and laws for the Management Board's entire operation. Vice Directors are responsible to the Director and laws for the assigned fields.

Article 5. Validity and enforceability

1. This Decision takes effects since September 15, 2009.

2. Article 2, 3, 4, and 5 in Decision No. 10/2000/QĐ-TTg dated January 18, 2000 by the Prime Minister on the establishment of Hoa Lac High-Tech Park under the Ministry of Science, Technology and Environment and previous regulations against this Decision are annulled.

3. Ministers, leaders of ministerial-level agencies, heads of agencies under the Government, Chairmen of People's Committee of Ha Noi and Director of Hoa Lac High-Tech Park are responsible for implementing this Decision.

Recipients:

- The Secretarial Committee of the Central Party,
- The Prime Minister, and Vice-Prime Minister,
- Ministries, agencies of ministerial level, agencies under the Government,
- The Office of Central Steering Committee for Corruption Prevention,
- The People's Council, the People's Committee of provinces and cities under the Central government,
- The Office of the Central Party and Committees of the Party,
- The Office of the President,
- Ethnic Councils and Committees of the National Assembly,
- The Office of the National Assembly,
- The People's Supreme organ of control,
- The Supreme Court,
- People's Supreme Procuracy,
- State Audit Office,
- The National Financial Monitoring Committee,
- Bank for Social Policies,
- Vietnam Bank for Development,
- Committee for Vietnam Fatherland Front,
- Central committees of mass organizations,
- Hoa Lac High-Tech Park Management Board,
- The Office: BTCN, PCN, Electronic Portal, Departments, Bureaus, the official gazette;
- Archives, TCCV (10b).

PRIME MINISTER

Nguyễn Tấn Dũng