

**THE GOVERNMENT**

**SOCIALIST REPUBLIC OF VIETNAM**

**Independence – Freedom - Happiness**

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Hanoi, April 07, 2010

**DECREE**

**ON THE FORMULATION, EVALUATION, APPROVAL AND MANAGEMENT OF URBAN PLANNING**

**THE GOVERNMENT**

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

*Pursuant to the June 17, 2009 Law on Urban Planning;*

*At the proposal of the Minister of Construction,*

**DECREES:**

Chapter I GENERAL PROVISIONS

**Article 1.** Scope of regulation

This Decree applies to the formulation, evaluation and approval of urban planning; the management of construction according to planning; and capability conditions on organizations and individuals involved in urban planning.

**Article 2.** Time limits for formulating urban planning

1. Time limits for formulating general urban planning:

a/ For centrally run cities, the time limit for elaborating general planning tasks is 3 months and the time limit for formulating plans is 15 months;

b/ For provincial cities, towns and new urban centers, the time limit for elaborating tasks is 2 months and the time limit for formulating plans is 12 months;

c/ For townships, the time limit for elaborating tasks is one month and the time limit for making formulating is 9 months.

2. Time limits for formulating zoning planning: one month for elaborating tasks and 9 months for formulating plans.
3. Time limits for formulating detailed planning: one month for elaborating tasks and 6 months for formulating plans.
4. The time limit for formulating a specialized technical infrastructure plan is 9 months.
5. The time limit for elaborating planning tasks shall be counted from the date of signing of a consultancy contract between the agency organizing the planning or investor and the planning consultancy organization. The time limit for formulating a plan shall be counted from the date of approval of the planning task. If the elaboration of planning tasks and formulation of a plan are carried out by two different legal entities, the time limit for formulating a plan shall be counted from the date of signing of the consultancy contract.

**Article 3.** Topographic maps for formulating urban plans

1. Topographic maps for formulating urban plans shall be provided by the state management agency in charge of maps or made by a professional agency after conducting surveys and measurements to ensure quality and meet technical requirements according to regulations on measurement and mapping activities.
2. Information and data of topographical maps must meet urban planning requirements relevant to each type of urban plan. In case a topographic map is not suitable to the current state at the time of planning, additional measurements and surveys shall be conducted.

**Article 4.** Management of funding sources for the formulation and implementation of urban planning

1. State budget funds for the formulation and implementation of urban planning shall be allocated from annual economic non-business funds of central and local budgets.
2. Funds for the formulation and implementation of urban planning covered by implementers of construction investment projects shall be included in the projects' total investments.
3. Responsibilities for preparing funding plans for the formulation and implementation of urban planning with state budget funds:
  - a/ The Ministry of Construction shall prepare annual budget fund plans for the formulation and implementation of urban planning carried out by the Ministry itself and of other types of urban planning assigned by the Prime Minister;
  - b/ The People's Committees at all levels shall prepare and balance annual fund plans for urban planning formulated by themselves, excluding types of urban planning mentioned at Point a, Clause 3 of this Article;
  - c/ The Ministry of Finance and the Ministry of Planning and Investment shall balance annual state budget funds for the formulation and implementation of urban planning by the Ministry of Construction; the People's Committees at all levels shall balance annual local budget funds for local urban planning work.
4. Condition for inclusion in annual fund plans:

The list of urban planning projects or job items to implement urban planning must be approved by competent authorities and enclosed with outlines and cost estimates of urban planning work or job items to implement urban planning.

5. The Ministry of Construction shall announce spending levels and unit prices for the formulation and implementation of urban planning.

6. The Ministry of Finance shall coordinate with the Ministry of Construction in fading the advance, payment and settlement of state budget funds for the formulation and implementation of urban planning to suit management requirements and characteristics of urban planning work.

## Chapter II

### CONDITIONS ON AND CAPABILITIES OF CONSULTANCY ORGANIZATIONS AND

### INDIVIDUALS INVOLVEEHN FORMULATING URBAN PLANNING AND SELECTION OF URBAN PLANNING CONSULTANCY ORGANIZATIONS

#### Section I. CONDITIONS ON AND CAPABILITIES OF CONSULTANCY ORGANIZATIONS AND INDIVIDUALS INVOLVED IN FORMULATING URBAN PLANNING

**Article 5.** General provisions on conditions on consultancy organizations and individuals involved in formulating urban planning

1. To be involved in formulating urban planning, consultancy organizations and individuals must fully meet capability conditions stipulated in this Decree or those of construction planning designing consultancy organizations and individuals prescribed by current law.

2. Urban planning designing individuals must possess training diplomas and certificates relevant to jobs they perform.

3. Holders of the title of urban plan manager and independent urban planning designing practitioners must possess relevant practicing certificates as required.

4. Capabilities of urban planning consultancy organizations shall be determined based on practicing capabilities of their individual members and on their experience, equipment and managerial capacity.

**Article 6.** Conditions for and competence to grant architect's and urban planning engineer's practicing certificates to individuals

1. To be granted an architect's or urban planning engineer's practicing certificate an individual must have a university or higher degree in architecture, urban planning, urban technical

infrastructure or urban economy; have at least 5 years' experience in planning designing and have participated in designing at least 5 urban plans which have been already approved.

2. Competence to grant architect's and urban planning engineer's practicing certificates:

a/ Provincial-level Construction Departments shall grant architect's and urban planning engineer's practicing certificates to individuals mentioned in Clause 1 of this Article;

b/ The Ministry of Construction shall issue regulations on architect's and urban planning engineer's practicing certificates and their forms for uniform application nationwide.

**Article 7.** Responsibilities of holders of architect's and urban planning engineer's practicing certificates

1. To ensure truthful and accurate dossiers of application for certificates.

2. To take responsibility before law for the quality of jobs they perform.

3. To pay fees for the grant of certificates under the law on charges and fees.

**Article 8.** Classification of urban plan managers and urban planning specialty "directors

1. Class-I urban plan manager:

a/ Possessing an architect's or urban planning engineer's practicing certificate relevant to jobs he/she performs;

b/ Having managed one general urban plan for an urban center of grade I or higher grade, or 2 general urban plans for urban centers of grade II, or 3 general urban plans for urban centers of grade III.

2. Class-II urban plan manager:

a/ Possessing an architect's or urban planning engineer's practicing certificate relevant to jobs he/she performs;

b/ Having managed one general urban plan for an urban center of grade II or higher grade, or 2 general urban plans for urban centers of grade III, or 3 general urban plans for urban centers of grade IV, or 4 general urban plans for urban centers of grade V.

3. Class-I urban planning specialty director:

a/ Possessing an architect's or urban planning engineer's practicing certificate relevant to jobs he/she performs;

b/ Having worked as a specialized designing director for one general urban plan for an urban center of grade I or higher grade, or 2 general urban plans for urban centers of grade II, or 3 general urban plans for urban centers of grade III.

4. Class-II urban planning specialty director:

a/ Possessing an architect's or urban planning engineer's practicing certificate relevant to jobs he/she performs;

b/ Having worked as a specialized designing director for one general urban plan for an urban center of grade II or higher grade, or 2 general urban plans for urban centers of grade III, or 3 general urban plans for urban centers of grade IV, or 4 general urban plans for urban centers of grade V.

5. Class-I urban plan managers and urban planning specialty directors may work as manager or designing director for all urban plans.

6. Class-II urban plan managers and urban planning specialty directors may work as manager or designing director for general plans for urban centers of grade II or lower grade, zoning plans and detailed urban plans.

**Article 9.** Capability conditions of urban planning consultancy organizations

1. An urban planning consultancy organization must have professionally capable individual members as defined in Clause 1, Article 6, to ensure performance of all jobs of planning space, technical infrastructure and urban economy and environment; and have physical foundations and managerial capability to ensure quality of plans.

2. An urban planning consultancy organization that has sufficient class-I plan managers and class-

I directors of all urban planning specialties may formulate all kinds of urban plans.

3. An urban planning consultancy organization that has no plan managers and urban planning specialty directors classified under Article 8 of this Decree may formulate only zoning and detailed plans.

**Article 10.** Conditions on foreign consultancy organizations and individuals to formulate urban planning

1. When participating in formulating urban planning in Vietnam, foreign consultancy organizations and individuals must possess operation licenses as required by Vietnamese law.

2. For foreign consultancy organizations and individuals involved in formulating urban plans within the approving competence of the Prime Minister, their capabilities must be recognized by the Ministry of Construction to be relevant to jobs they will perform.

3. For foreign consultancy organizations and individuals involved in formulating urban plans within the approving competence of People's Committees at all levels, their capabilities must be recognized by provincial-level urban planning management agencies to be relevant to jobs they will perform.

**Article 11.** Responsibilities of urban planning consultancy organizations

1. To recognize classes of plan managers and urban planning specialty directors in their organizations under Clauses 1 and 2, Article 8 of this Decree.

2. To supply sufficient and truthful capability records of individuals involved in formulating urban planning to organizations or agencies organizing urban planning.

3. To employ individuals who have capabilities necessary for and relevant to assigned jobs in formulating plans.

4. To assure urban planning quality and schedule.

## Section 2. SELECTION OF URBAN 'PLANNING CONSULTANCY ORGANIZATIONS

### **Article 12.** Selection of urban planning consultancy organizations

1. Urban planning consultancy organizations may be selected through contractor appointment. Agencies organizing the formulation of urban planning shall organize the appointment of urban planning consultancy organizations in accordance with the law on contractor appointment.

2. Selection of consultants through examination for general planning of major urban centers of unique significance; and for zoning and detailed planning of zones of important significance to urban centers is encouraged.

3. When selecting urban planning consultants, agencies responsible for organizing planning work or investors shall base themselves on this Decree's provisions on capability conditions and take responsibility before law for damage caused by their Election of unqualified consultancy organizations.

### **Article 13.** Forms of examination

1. The selection of urban planning consultancy organizations shall be conducted through examination of planning ideas.

2. Urban planning consultancy organizations taking part in an examination must satisfy capability conditions prescribed in Article 9 of this Decree.

3. Organization of examination:

The agency organizing urban planning shall:

a/ Organize the elaboration and approval of tasks and regulations and estimation of funds for the examination;

b/ Invite at least 5 urban planning consultancy organizations to take part in the examination;

c/ Form an examination council to evaluate and rank consultancy organizations.

4. Composition and responsibilities of an examination council:

a/ Composition:

An examination council shall be composed of representatives of relevant state management agencies and socio-professional organizations and the architecture and planning council and experienced planning and architecture specialists.

b/ Responsibilities:

- To analyze planning ideas to determine whether they meet requirements of examination tasks; scientificity and practicality of plans; and evaluate and rank the consultancy organizations.

- To summarize and report on evaluation and ranking results to the agency organizing urban planning.

5. The agency organizing urban planning shall decide to select a consultancy organization on the basis of examination results.

### Chapter III

## FORMULATION, EVALUATION AND APPROVAL OF URBAN PLANNING

### Section 1. CONTENTS OF AN URBAN PLAN

#### **Article 14.** Principles of formulating urban planning

1. General planning shall be formulated for centrally run cities, provincial cities, towns, townships and new urban centers in line with orientations of the master plan on the national urban system.

2. Zoning planning shall be formulated for zones within cities and towns in order to concretize general planning, serving as a basis for determining construction investment projects and formulating detailed planning.

3. Detailed planning shall be formulated for zones within cities, towns and townships when making construction investment in order to concretize general planning and zoning planning, serving as a basis for elaborating construction investment projects and licensing construction.

4. For a construction work built by a single investor on an area smaller than 5 hectares (or smaller than 2 hectares for investment projects to build apartments), a construction investment project may be elaborated without a detailed planning. General plan drawings, work architectural plans and technical infrastructure solutions in the concept design must comply with the zoning planning, ensure technical infrastructure connectivity and suit the architectural space of surrounding zones.

#### **Article 15.** Contents of a general plan of a centrally run city

1. Analysis and evaluation of natural conditions and the present socio-economic situation; population and labor; land use; existing technical and social infrastructure facilities and environment of the whole city and each urban area.
2. Identification of development characteristics, objectives and driving force.
3. Identification of the population size, labor, area of urban construction land, land and social and technical infrastructure criteria for the whole city and each urban area to meet development requirements of different periods of 10 years and 20-25 years and the development trend over the next 50 years.
4. Expected land use of the whole city to meet development requirements of each period.
5. Urban space development orientations, covering:
  - a/ Identification of a development model and spatial structure for the whole city:
    - Development orientations of the urban system in the city: size, functions and scope of the central area; locations, sizes, characteristics, functions, scope and development principles of other urban areas;
    - Orientations of other functional areas throughout the city (industrial, agricultural, forestry, tourist, ecological, conservational and others): characteristics, area, scope and development principles;
    - Development orientations of rural residential areas: locations of centers of commune clusters and commune centers; concentrated rural residential points and development models;
    - Development orientations of spatial axes and urban development corridors of the city: characteristics and development principles.
  - b/ Spatial development orientations for the central area, covering:
    - Urban development and expansion directions;
    - Identification of boundaries and areas of functional areas; areas to be converted in function; existing areas restricted from development; areas to be refurbished, renovated, conserved and embellished, new development areas, no-construction areas; and reserve areas for development;
    - Identification of population density and land use criteria for urban planning and development principles for functional areas;
    - Identification of the system of administrative centers, trade and service centers, public, physical training and sports centers; parks and open-space areas in the city; and municipal-level specialized centers;
    - Identification of areas planned for the construction of underground works;
    - Identification of architectural and scenic areas, central zones and gateways of the city, main spatial axes, major squares, tree areas, water surface areas and prominent spots in the city and proposed principles and requirements for spatial and architectural organization in these zones.
6. Development orientations for urban technical infrastructure:



a/ Development orientations for technical infrastructure in the whole city, covering:

- General evaluation and selection of land for urban development: evaluation of topography and geological calamities, identification of no-construction areas and areas restricted from construction, identification of water basins and main drainage basin zones; water drainage direction and locations and sizes of water drainage works; identification of standard ground floor levels for the city and each of its zones;

- Identification of the external transport network, including roads, railways, waterways and airways; locations and sizes of airports, seaports, river ports and railway stations; road routes, urban railway (overhead, on the ground and underground); identification of locations and sizes of external coach terminals;

- Identification of water and power reserves, demands and supply sources; total volumes of wastewater and garbage; locations, sizes and capacities of key works and transmission and distribution routes of water and power supply, lighting, communication and water drainage networks; locations and sizes of solid waste treatment sites, cemeteries and other works for urban areas and other functional areas of the city.

b/ Development orientations for technical infrastructure in central areas, including:

- Determination of water drainage basins, identification of rainwater drainage networks and standard ground floor levels in each area;

- Identification of major urban transport networks, urban railway routes and stations (overhead, on the ground and underground); organization of the mass transit system and the system of car terminals and parking lots (overhead, on the ground and under the ground); identification of red-line boundaries of urban trunk roads and the system of technical trenches and tunnels;

- Identification of locations and sizes of key works and major distribution networks of water supply, power supply, and lighting, communication and water drainage systems.

## 7. Strategic environmental assessment

a/ Evaluation of current conditions:

- Natural urban environment, hydro-meteorological, ecological and geological conditions, land erosion, natural resource exploitation and utilization and climate change;

- Quality of water sources, air, solid waste, wastewater and noise;

- Population, social, cultural and heritage issues.

b/ Analysis and forecast of positive and negative impacts on socio-economic development and urban environment; proposed system of environmental protection criteria for putting forward optimal solutions to spatial and technical infrastructure development.

c/ Proposed comprehensive solutions to preventing, reducing and remedying impacts on and risks to the population; natural ecosystem; water sources, air and noise in the course of implementation of urban planning.

d/ Formulation of environmental monitoring programs and plans regarding environmental observation, management and techniques.

8. Proposed priority development investment programs and implementation resources.

9. A 1:25,000- or 1:50,000-scale spatial and technical infrastructure development orientation map of the whole urban area for each period; a 1:10,000- or 1:25,000-scale spatial and technical infrastructure development orientation map of the central area for each period.

**Article 16.** Contents of a general plan of a provincial city or town

1. Analysis and evaluation of natural conditions and the present socio-economic situation; population and labor; land use; current situation of the construction of technical and social infrastructure facilities and environment in the city or town.

2. Identification of development characteristics, objectives and driving force, population size, labor, area of urban construction land, land and social and technical infrastructure criteria for the city or town to meet development requirements of different periods of 10 years and 20-25 years.

3. Projected land use of the city or town to meet development requirements of each period.

4. Urban space development orientations, including:

a/ Urban development model and directions;

b/ Identification of scopes or sizes of functional areas in the city or town; existing areas restricted from development; areas to be refurbished, renovated, conserved and embellished; areas to be converted in function; new development areas, no-construction areas; and reserve areas for development; and areas planned for the construction of underground works for urban centers of grade III or higher;

c/ Identification of population density and land use criteria for urban planning and development orientations and principles for each functional area;

d/ The system of administrative centers, trade and service centers, public, physical training and sports centers; parks and tree and open-space areas; and specialized urban centers;

e/ Development orientations for rural residential areas;

f/ Identification of architectural and scenic areas, main spatial axes, public squares, gateways and prominent spots in the city or town; and proposed spatial and architectural organization in these zones.

5. Development orientations for urban technical infrastructure, covering:

a/ General evaluation and selection of land for urban development: evaluation of topography and geological catastrophes, identification of no-construction areas and areas restricted from construction, identification of water basins, flow division and main drainage directions; locations and sizes of water drainage works; identification of standard ground floor levels for the city or town and each of its zones;

b/ Identification of the external transport network, urban roads, locations and sizes of such key transport works as airports, seaports, river ports and railway stations; external coach terminals;

organization of the mass transit system and system of car stations and parking lots; identification of red-line boundaries of trunk urban roads and the system of technical trenches and tunnels;

c/ Identification of water and power demands and supply sources; total volumes of wastewater and garbage; locations, sizes and capacities of key works and transmission and distribution networks of water and power supply, lighting, communication and water drainage and wastewater treatment facilities; locations and sizes of solid waste treatment sites, cemeteries and other works.

6. Strategic environmental assessment: as stipulated in Clause 7, Article 15 of this Decree.

7. Proposed priority development investment works and implementation resources.

8. Spatial and technical infrastructure development orientations for the city or town for different periods, demonstrated on 1:10,000- or 1:25,000-scale maps.

**Article 17.** Contents of a general plan of a township or class-V urban center not yet recognized as township

1. Analysis and evaluation of natural conditions and the present socio-economic situation; population and labor; land use; current situation of the construction of technical and social infrastructure facilities and environment in the township or urban center.

2. Identification of development objectives and driving force; population characteristics and size, labor, area of urban construction land; and social and technical infrastructure criteria for different periods of development.

3. Projected land use of the township or urban center in each planning period.

4. Urban space development orientations, including:

a/ Urban development directions;

b/ Identification of scopes or sizes functional areas in the township or urban center; areas to be refurbished, renovated and conserved: new development areas, no-construction areas; and reserve areas for development;

c/ Identification of population density and land use criteria for urban planning and development orientations for each functional area;

d/ Identification of the administrative center, trade and service centers, public centers; parks and open-space areas in the township or urban center;

e/ Orientations for spatial organization, architecture and landscape for functional areas in the township or urban center, and main spatial axes.

5. Development orientations for urban technical infrastructure, covering:

a/ General evaluation and selection of land for urban development; identification of standard ground floor levels for the whole township or urban center and each of its zones;

b/ Identification of the external transport network, urban roads, locations and sizes of key transport works; identification of red-line boundaries of trunk urban roads and the system of technical tunnels;

c/ Identification of water and power demands and supply sources; total volumes of wastewater and garbage; locations, sizes and capacity of key works and transmission and distribution networks of water and power supply, lighting, communication and water drainage; locations and sizes of solid waste treatment facilities, cemeteries and other works.

6. Strategic environmental assessment: As stipulated in Clause 7, Article 15 of this Decree.

7. Proposed priority investment projects and implementation resources.

8. Urban spatial and technical infrastructure development orientations for different periods, demonstrated on 1:5,000- or 1:10,000-scale maps.

**Article 18.** Contents of a general plan of a new urban center

Contents of a general plan of a new urban center comply with the provisions of Clauses 1 thru 8, Article 16 of this Decree, which should include a clear analysis of grounds for the formation and development of the new urban center; research on the spatial development model and structure; architectural and landscape orientations conformable with the characteristics and functions of the new urban center; identification of different periods of development, implementation plans and projects that will create a momentum for the formation of the new urban center, and an urban development management model.

**Article 19.** Contents of a zoning plan

1. Analysis and evaluation of natural conditions, the actual construction land status, population, society, architecture and landscape and technical infrastructure; the general planning's provisions concerning the planned zone.

2. Identification of criteria for use of planned urban land and social and technical infrastructure facilities for the whole planned zone.

3. Plan on the total land ground to be used:

a/ Identification of functional areas in the planned zone;

b/ Identification of criteria for use of planned urban land regarding construction density, land use coefficients and maximum number of building stories for each street block; setbacks of construction works from roads; locations and sizes of underground works (if any).

4. Identification of principles and requirements on spatial organization, architecture and landscape for each functional area, trunk road, open space, prominent spot, central area and conservation area (if any).

5. Plan on the system of urban technical infrastructure facilities:

The system of urban technical infrastructure facilities shall be installed up to the network of roads within the zone. A plan must have the following contents:

- a/ Identification of standard ground floor levels for each street block;
- b/ Identification of transport networks, cross-sections, red-line and construction boundaries; identification and concretization of the general planning regarding locations and areas of car stations and parking lots (overhead, on the grounds and underground); metro routes and stations; and technical trenches and tunnels;
- c/ Identification of water demands and supply sources; locations and sizes of water plants and pump stations; water pipeline network and detailed technical parameters;
- d/ Identification of power use demands and supply sources; locations and sizes of power distribution stations; medium-voltage power line grid and urban lighting system:
  
- e/ Identification of information and communication demands and network;
- f/ Identification of total volumes of wastewater and garbage; water drainage network; and location and sizes of wastewater and waste treatment facilities.

6. Projected priority investment projects.

7. Strategic environmental assessment:

a/ Evaluation of the present environmental status regarding topographic and natural conditions; solid waste, wastewater and noise (if any); and social and cultural issues and natural landscape;

b/ Analysis and forecast of positive and negative impacts on the environment; proposed system of environmental protection criteria for putting forward optimal space and technical infrastructure planning solutions for the planned zone;

c/ Proposed measures to reduce and remedy impacts on population and natural landscape, air and noise when the urban plan is implemented;

d/ Making of environmental monitoring plans regarding environmental techniques, management and observation.

8. Plan on total land ground to be used and a system of technical infrastructure facilities, demonstrated on 1:2,000- or 1:5,000-scale maps.

## **Article 20.** Contents of a detailed plan

1. Analysis and evaluation of natural conditions, the actual construction land status, population, society, architecture and landscape and technical infrastructure; the general planning's and zoning plan's provisions concerning the planned zone.

2. Identification of criteria for use of planned urban land and social and technical infrastructure for the whole planned zone.

3. Plan on the total land ground to be used: identification of functions and use criteria for planned urban land regarding construction density, land use coefficients and maximum number of building stories; setbacks of construction works and each land lot from road; locations and sizes of underground works (if any).

4. Identification of standard heights, floor and ceiling levels of the first storey; architectural form, fence and main colors and materials of construction works and other architectural objects for each land lot; organizations of public trees, yards and gardens, street trees and water surface in the planned zone.

5. Plan on the system of urban technical infrastructure facilities:

The system of urban technical infrastructure facilities shall be built up the network of roads within the zone. A plan must have the following contents:

a/ Identification of standard ground floor levels for each land lot;

b/ Identification of transport networks (including foot paths, if any), cross-sections, red-line and construction boundaries; identification and concretization of the general planning and zoning planning regarding locations and areas of car stations and parking lots (overhead, on the grounds and underground);

c/ Identification of water demands and supply sources; locations and sizes of water plants and pump stations; water supply pipeline network and detailed technical parameters:

d/ Identification of power use demands and supply sources; locations and sizes of power distribution stations; medium-voltage and low-voltage power grids and urban lighting system;

e/ Identification of information and communication demands and network;

f/ Identification of wastewater and garbage; water drainage network; and locations and sizes of dirty water and waste treatment facilities.

6. Strategic environmental assessment:

a/ Evaluation of the present environmental status regarding topographic conditions; social and cultural issues and natural landscape;

b/ Analysis and forecast of positive and negative impacts on the environment; proposed system of environmental protection criteria for identifying optimal space and technical infrastructure planning solutions for the planned zone;

c/ Proposed measures to reduce and remedy impacts on the urban environment when the plan is implemented;

d/ Making of environmental monitoring plans on environmental techniques, management and observation.

7. A 1:500-scale map of the total land ground to be used and the system of technical infrastructure facilities.

## Section 2. CONTENTS OF A SPECIALIZED TECHNICAL INFRASTRUCTURE PLAN

### **Article 21.** Principles on the formulation of a specialized technical infrastructure plan

1. A specialized technical infrastructure plan shall be formulated for every centrally run city in order to concretize technical infrastructure planning orientations in its general plan, ensuring sufficient grounds for making investment projects to build an urban technical infrastructure system.

2. A specialized technical infrastructure plan shall cover every technical infrastructure object in the whole city.

3. The details of a specialized technical infrastructure plan must conform with the approved general plan of the centrally run city.

### **Article 22.** Contents of a specialized urban transport plan

1. Evaluation of the actual situation of construction and development of urban transport infrastructure facilities (external transport and urban transport); and mass transit.

2. Forecast of transport demands and identification of economic and technical criteria and land funds reserved for transport.

3. Identification of the external transport system of the urban center (roads, railways, waterways and airways), covering specific routes, locations and sizes of key works: airport, seaport, river port, traffic junctions, and parking lots for external transport.

4. Planning of the urban transport system, including classification and organization of the urban road network, specific identification of urban railway routes (on the ground, overhead and underground), locations and sizes of works: railway stations, parking lots within the urban center, major transport junctions; identification of red-line and construction boundaries of major streets.

5. Planning of mass transit.

6. Identification of investment programs and projects; preliminary total investment amounts, sources and implementation plans.

7. Strategic environmental assessment.

8. A 1:10,000- 1:25,000-scale transport system status and planning map.

### **Article 23.** Contents of an urban foundation height and surface water drainage plan

1. Evaluation of the current topographic conditions, work geological and hydro-geological conditions and areas with environmental calamities (subsidence, erosion...).
2. General evaluation of urban construction land for each urban zone, including identification of zones favorable and unfavorable for, and restricted and banned from construction.
3. General evaluation of the urban water drainage and flood situation: frequency, areas, water depth, current conditions of the water drainage system, locations and sizes of water drainage pump stations.
4. Identification of basic criteria and parameters, water drainage basins; surface water drainage and receiving sources; locations and sizes of major drainage works; and measures against disasters.
5. Identification of maximum ground floor levels for each specific construction zone and major streets.
6. Preliminary identification of volumes of digging and building work in all zones.
7. Identification of priority investment programs and projects, preliminary total investment amount and projected implementation resources.
8. Strategic environmental assessment.
9. A 1:10,000- 1:25,000-scale urban foundation height and surface water drainage status and planning map.

**Article 24.** Contents of an urban power supply plan

1. Evaluation of the current power supply and consumption; current situation of power sources and grids (transmission and distribution routes), locations and sizes of transformer stations.
2. Identification of power supply norms and power demand (including power for urban lighting).
3. Identification of transmission and distribution grids (110 kV, 35 kV and 22 kV); locations and sizes of transformer stations.
4. Identification of priority investment programs and projects, preliminary total investment amounts and projected implementation resources.
5. Strategic environmental assessment.
6. A 1:10,000-1:25,000-scale power supply status and planning map.

**Article 25.** Contents of an urban lighting plan

1. Evaluation of the existing urban lighting system, including power supply sources, power grid, lighting sources, power consumption, the situation of organization and forms of lighting at traffic works, public space, lighting of the exterior of works, advertisement lighting, and lighting of festive places.



2. Identification of lighting criteria for lighted objects, forecast of power demands of lighting.
3. Proposed lighting solutions for traffic works, public spaces, lighting of the exterior of works, advertisement lighting, lighting of festive places, etc., and power source and grid, lighting source and equipment solutions.
4. Identification of priority investment programs and projects, preliminary total investment amounts and projected resources for implementation.
5. Strategic environmental assessment.
6. A 1:10.000- 1:25.000-scale urban lighting system status and planning map.

**Article 26.** Contents of an urban water supply plan

1. Evaluation of the current water supply system: water sources, capacity, effectiveness, quality of clean water, water pressure, connection rate, waste and loss rates, and the current operation of water supply facilities and pipelines.
2. Specific assessment of reserves and quality of surface water and groundwater sources and the capability of exploitation for water supply.
3. Identification of water supply criteria for different use purposes and supply demands.
4. Selection of specific water sources, identification of water demands; zoning of water supply areas and identification of land use demands of water supply facilities.
5. Identification of water supply pipeline networks (grades I and II), locations and capacities of water supply facilities.
6. Identification of priority investment programs and projects, preliminary total investment amounts and projected resources for implementation.
7. Proposed regulations on the protection of water sources and water supply systems.
8. Strategic environmental assessment.
9. A 1:10,000- 1:25,000-scale water supply status and planning map.

**Article 27.** Contents of an urban wastewater drainage plan

1. Evaluation of the current water drainage and water drainage network, treatment stations, drainage capacity of the system; water pollution and water environment developments.
2. Identification of basic criteria and parameters of daily-life and industrial wastewater drainage systems: total wastewater volumes; wastewater-receiving sources and their capacities.
3. Selection of wastewater collection and treatment systems.

4. Identification of the directions, locations and sizes of grade-I and -II water drainage networks; discharging points, water levels, maximum discharge flow, requirements on the quality of wastewater at discharging points.
5. Identification of locations and sizes of wastewater treatment plants.
6. Identification of priority investment programs and projects; preliminary total investment amounts and projected capital sources and implementation plans.
7. Strategic environmental assessment.
8. A 1:10,000- 1:25,000-scale wastewater drainage system status and planning map.

**Article 28.** Contents of a solid waste treatment plan

1. Evaluation of current discharging sources, composition and characteristics, and identification of total volumes of ordinary and hazardous solid wastes.
2. Evaluation of possibilities of sorting at source and recycling and reusing solid wastes.
3. Identification of waste criteria and forecast of waste sources and forecast of total waste volumes.
4. Identification of locations and sizes of solid waste collection points, transit stations, and treatment complexes and facilities.
5. Proposed appropriate treatment technologies.
6. Formulation of priority investment programs and projects; preliminary total investment amounts and projected capital sources and implementation plans.
7. Strategic environmental assessment.
8. A 1:10,000- 1:25,000-scale solid waste treatment status and planning map.

**Article 29.** Contents of a cemetery plan

1. Evaluation of the current state of cemeteries, including their distribution, areas, operation and use (new, operating, to-be-closed, -relocated and -renovated), and environmental impacts.
2. Forecast of burial demands of the whole urban area, land use requirements and selected forms of burial.
3. Identification of locations and sizes of cemeteries (of grades 1, 2 and 3).
4. Strategic environmental assessment.
5. Formulation of priority investment projects, preliminary total investment amounts and projected capital sources and implementation plans.

6. A 1:10,000- 1:25,000-scale cemetery status and planning map.

**Article 30.** Contents of an information and communication plan

1. Evaluation of the current information and communication system; arrangement of overhead and underground wires.
2. Identification of information and communication demands.
3. Identification of circuit-switching networks, telecommunications service networks, peripheral networks and transmission systems.
4. Formulation of priority investment projects, preliminary total investment amounts and projected capital sources and implementation plans.
5. Strategic environmental assessment.
6. A 1:10,000- 1:25,000-scale information and communication status and planning map.

**Section 3. ORDER AND PROCEDURES FOR EVALUATING AND APPROVING URBAN PLANNING**

**Article 31.** Order and procedures for evaluating and approving urban planning tasks and plans

1. Submitting and approving agencies

a/ The Ministry of Construction shall evaluate and submit to the Prime Minister for approval urban planning tasks and plans falling within its formulating responsibility and those assigned by the Prime Minister;

b/ Provincial-level People's Committees shall submit to the Ministry of Construction for evaluation and submission to the Prime Minister for approval urban planning tasks and plans falling within the approving competence of the Prime Minister, excluding urban planning referred to at Point a of this Clause;

c/ Agencies organizing the formulation of urban planning mentioned in Clauses 3,4. 5 and 6. Article 19 of the Law on Urban Planning shall submit to provincial-level planning management agencies for evaluation and submission to provincial-level People's Committees for approval urban planning tasks and plans falling within the approving competence of provincial-level People's Committees;

d/ Provincial-level urban planning management agencies shall evaluate and submit to provincial-level People's Committees for approval urban planning tasks and plans falling within the formulating competence of provincial-level People's Committees and urban plans formulated by investors of construction investment projects;

e/ District-level urban planning management agencies shall evaluate and submit to district-level People's Committees for approval urban planning tasks and plans falling within the formulating competence of district-level People's Committees and urban plans formulated by investors of construction investment projects;

f/ Investors of construction investment projects shall submit to provincial-level urban planning management agencies for evaluation urban plans falling within the approving competence of provincial-level People's Committees; or to district-level urban planning management agencies for evaluation urban plans falling within the approving competence of district-level People's Committees.

2. Agencies evaluating urban planning shall base themselves on opinions of related agencies, evaluation councils and contents of planning tasks and plans to send documents to submitting agencies for completing urban planning tasks and plans. After receiving complete urban planning task and plan dossiers, evaluating agencies shall report on evaluation contents to agencies with approving competence for consideration and decision.

3. For general plans of urban centers of grade IV or higher, provincial-level People's Committees shall obtain written agreement of the Ministry of Construction before approving them.

4. For urban plans falling within their approving competence, district-level People's Committees shall obtain written agreement of provincial-level planning management agencies before approving them.

**Article 32.** Time limits for evaluating and approving urban planning tasks and plans

1. Time limits for evaluating and approving general urban planning:

a/ For centrally run cities, the time limits for evaluating and approving tasks are 25 days and 15 days respectively; the time limits for evaluating and approving plans are 30 days and 25 days respectively, from the date of receipt of complete and valid dossiers;

b/ For provincial cities, towns and new urban centers, the time limits for evaluating and approving tasks are 20 days and 15 days respectively; the time limits for evaluating and approving plans are 25 days and 15 days respectively, from the date of receipt of complete and valid dossiers;

c/ For townships, the time limits for evaluating and approving tasks are 20 days and 15 days respectively; the time limits for evaluating and approving plans are 25 days and 15 days respectively, from the date of receipt of complete and valid dossiers.

2. Time limits for evaluating and approving zoning and detailed planning: the time limits for evaluating and approving tasks are 20 days and 15 days respectively; the time limits for evaluating and approving plans are 25 days and 15 days respectively, from the date of receipt of complete and valid dossiers.

3. Time limits for evaluating and approving specialized technical infrastructure planning: The time limits for evaluating and approving plans are 20 days and 15 days respectively, from the date of receipt of complete and valid dossiers.

**Article 33.** Dossiers submitted for evaluation and approval of urban planning tasks and plans

1. A dossier submitted for evaluation and approval of an urban planning task comprises a written request for evaluation and approval; explanation about contents of the task; draft decision to approve the task; miniature color drawings; and relevant legal documents.

2. A dossier submitted for evaluation and approval of an urban plan comprises a written request for evaluation and approval of the plan; explanation about contents of the plan, including miniature color drawings; draft regulation on management according to the urban plan; draft

decision to approve the plan; calculation annexes; color drawings of prescribed scale; and relevant legal documents.

**Article 34.** Contents of approval of urban planning tasks and plans

1. Agencies with approving competence shall approve in writing urban planning tasks and plans, covering the following contents:

a/ For general planning:

- Details of a decision approving a general planning task include the scope and boundaries covered by the general planning; characteristics of the urban center; projected basic criteria of population, land and technical infrastructure; major requirements of research into urban development directions, structure of spatial organization, key works and major solutions to organizing the system of technical infrastructure facilities; and a list of plan documents;

- Details of a decision approving a general plan include the scope and boundaries covered by the general planning; characteristics and functions of the urban center; population sizes and urban land areas in different periods of development; major econo-technical criteria and urban development directions; orientations for organizing urban space, projected administrative boundaries of the inner city and outskirts, structure of land use based on functions; locations and areas of main functional areas; supply sources, locations, size and capacities of key works and the main network of urban technical infrastructure (including underground works, if any); regulations on urban space, architecture and landscape; defense and security-related matters and environmental protection measures; priority investment programs and implementation resources; and matters related to the organization of implementation.

b/ For zoning planning:

- Details of a decision approving a zoning planning task include the boundary, area and characteristics of the zone covered by the zoning planning; some projected basic criteria of population, land use and social and technical infrastructure; requirements and principles of spatial organization and architecture and connection of technical infrastructure facilities and a list of plan documents;

- Details of a decision approving a zoning plan include the boundary, area and characteristics of the zone covered by the zoning planning; basic criteria of population, land and social and technical infrastructure; structure of land use criteria for use of planned urban land, solution to organizing urban space, architecture and design for each street block; supply sources and solutions to organizing the technical infrastructure network to each street, solution to organizing resettlement (if any); environment protection measures; work items prioritized investment and resources for implementation and matters related to the organization implementation.

c/ For detailed planning:

- Details of a decision approving a detailed planning task include the boundary and area of the zone covered by the detailed planning; projected basic criteria of population, land and social and technical infrastructure; requirements and principles on spatial organization, architecture and landscape, connection of technical infrastructure and other research requirements; a list of works to be built in the planned zone; and a list of plan documents;

- Details of a decision approving a detailed plan include the boundary, area and characteristics of the zone covered by the detailed planning; basic criteria of population, land and social and

technical infrastructure; structure of land use; criteria for use of planned urban land, solutions to organizing urban space, architecture and design for each land lot; supply sources and solutions to organizing the technical infrastructure network to each land lot, solutions to organizing resettlement (if any); environmental protection measures; work items prioritized for investment and resources for implementation; matters related to the organization of implementation, and a list of works to be built in the planned zone.

d/ For specialized technical infrastructure planning:

Details of a decision approving a specialized technical infrastructure plan include the boundary, econo-technical criteria, supply sources, locations, sizes and capacities of key technical works, solutions to organizing the technical infrastructure network, investment programs and projects, funding sources and implementation plan.

2. Drawings and regulations on management according to urban plan enclosed with a decision approving an urban plan shall be stamped for certification by the urban planning-evaluating agency.

#### Chapter IV PLANNING LICENSES

##### **Article 35.** General provisions on planning licenses

1. Planning licenses shall be granted to investors meeting all capability conditions for investing in construction projects.
2. Planning license is a legal basis for an investor to formulate urban planning and a construction investment project and carry out construction.
3. Planning license represents regulations of a competent agency to be complied with by investors in the course of formulating urban planning and construction investment projects and implementing the projects.
4. The validity term of a planning license for a project to construct concentrated works is 24 months at most from the date of its grant to the date of approval of the detailed planning.
5. The validity term of a planning license for a project to construct an individual work is 12 months at most from the date of its grant to the date of approval of the investment project.

##### **Article 36.** Cases subject to planning licensing

1. Investment projects to construct works concentrated in zones within an urban center which have no zoning and detailed planning yet.
2. Investment projects to construct works concentrated in zones within an urban center which have had zoning planning but lack sufficient grounds for formulating detailed planning.
3. Investment projects to construct individual works in zones within an urban center which have no detailed planning or urban architecture yet, except houses.
4. Investment projects to construct individual works or works concentrated in zones with approved detailed planning but requiring adjustment of the boundary of or some criteria for use of planned urban land with respect to a land lot.

### **Article 37.** Order of planning licensing

1. On the basis of planning information, an investor shall compile a dossier of application for a planning license for constructing concentrated works as stipulated in Article 36 of this Decree, and send it to an agency competent to grant planning licenses.
2. On the basis of urban development control and management requirements, regulations on management according to urban planning and regulations on the management of urban planning and architecture, and proposals of investors, planning management agencies at all levels shall consider dossiers, consult concerned agencies on contents of planning licenses and report them to agencies competent to grant planning licenses. The time limit for evaluating dossiers and consultation must not exceed 30 days from the time of receipt of complete and valid dossiers.
3. Competent agencies shall consider and grant planning licenses within 15 days after receiving dossiers of evaluation for the grant of planning licenses from planning management agencies at all levels.
4. For construction investment projects mentioned in Clauses 3 and 4, Article 36 of this Decree, in the course of evaluating dossiers of application for planning licenses, planning management agencies at all levels shall organize collections of opinions of representatives of concerned population communities on licensing contents. These representatives shall summarize opinions of population communities in accordance with the law on the exercise of democracy at the grassroots level.

### **Article 38.** Dossiers of application for planning licenses

A dossier of application for a planning license comprises:

1. An application for a planning license;
2. A plan of the location of the site for which a planning license is applied;
3. Projected scope and boundary of the land lot and criteria for use of planned urban land;
4. Projected investment contents, size of the project and total investment amount;
5. Report on the legal entity and financial capacity for implementing the project.

### **Article 39.** Contents of a planning license

1. The contents of a planning license for concentrated construction investment project mentioned in Clauses 1 and 2, Article 36 of the Decree include:

a/ Investor;

b/ Scope, boundary, land area and population size of the planned urban area;

c/ Land use criteria for houses; services and trade; social infrastructure works; trees and transport works; criteria for planned urban land for the whole planned zone; requirements on spatial organization, architecture, landscape and environment; requirements on criteria and works of urban technical infrastructure as a basis for the investor to prepare detailed planning tasks and detailed plans;

d/ Validity term of the license.

2. The contents of a planning license for an individual work construction investment project mentioned in Clauses 3 and 4, Article 36 of this Decree include:

a/ Investor;

b/ Scope, boundary, land area and population size of the planned urban zone;

c/ Criteria for use of planned urban land regarding the maximum number of building stories, land use coefficients and construction density for the land lot; requirements on work architecture and environment; requirements on criteria of urban technical infrastructure and other requirements as a basis for the investor to prepare the work construction investment project;

d/ Validity term of the license.

**Article 40.** Competence to grant planning licenses

1. People's Committees of centrally run cities shall grant planning licenses to the following cases:

a/ Construction investment projects mentioned in Clause 1, Article 36 of this Decree which cover more than 50 hectares city wide and construction investment projects of significant political, socio-economic, cultural or historical importance to their cities;

b/ Construction investment projects mentioned in Clauses 3 and 4, Article 36 of this Decree in inner urban districts.

2. People's Committees of provinces shall grant planning licenses to the following cases:

a/ Construction investment projects mentioned in Clause 1, Article 36 of this Decree which cover more than 50 hectares provincewide and construction investment projects of significant political, socio-economic, cultural or historical importance to their provinces;

b/ Construction investment projects mentioned in Clauses 3 and 4, Article 36 of this Decree in provincial urban centers.

3. People's Committees of provincial cities, towns and districts shall grant planning licenses to cases other than those specified in Clauses 1 and 2 of this Article within the administrative territories under their respective management.

**Article 41.** Fee for the grant of a planning license



1. A fee for the grant of a planning license shall be determined to be a percentage of the projected total investment amount of a construction investment project.
2. The Ministry of Finance shall specify rates of the fee for the grant of a planning license.

## Chapter V

### MANAGEMENT OF URBAN CONSTRUCTION ACCORDING TO PLANNING

#### Section 1. MANAGEMENT OF DEVELOPMENT OF NEW URBAN CENTERS

##### **Article 42.** Management of development of new urban centers

1. The Prime Minister shall decide to set up development management boards for inter-provincial new urban centers.
2. Provincial-level People's Committees shall decide to set up development management boards for new urban centers within provinces.
3. The Ministry of Home Affairs shall assume the prime responsibility for, and coordinate with the Ministry of Construction and provincial-level People's Committees in, defining the functions and tasks of new urban center development management boards.

##### **Article 43.** Responsibilities of a new urban center development management board

On the basis of the approved general planning of a new urban center, a new urban development management board shall:

1. Organize the formulation of zoning and detailed plannings and submit them to competent authorities for approval.
2. Formulating a plan on comprehensive development of the new urban center regarding its technical and social infrastructure and trade, industrial and service works.
3. Organize the implementation of investment plans on projects in a coordinated manner to meet requirements in each period of development of the new urban center.
4. Coordinate with concerned ministries, branches and localities and investors in managing land use construction investment, space, architecture and landscape according to urban planning: and inspect and supervise the implementation of urban planning.

#### Section 2. MANAGEMENT OF URBAN RENOVATION

**Article 44.** Principles on urban renovation

1. In case of rebuilding a whole zone in an urban center, land therein must be reasonably and thrifty used with synchronous technical infrastructure facilities, meeting requirements on social infrastructure, public services and environment in the zone and its adjacent zones.
2. In case of renovating and upgrading a zone for improving and increasing living conditions of people in the zone, reasonable connection c technical and social infrastructure and harmony of the space and architecture in the zone and ii adjacent zones must be ensured.
3. In case of upgrading and improving technical infrastructure conditions, safety mu. be ensured and urban activities and environment must not be adversely affected.
4. In case of embellishing work architecture the quality of space and landscape in the zor and urban area must be increased.

**Article 45.** Responsibility for managing urban renovation

People's Committees of centrally run cities, provincial cities, towns and townships shall:

1. Conduct investigations and evaluation in the actual conditions of technical and social infrastructure, houses and public works in order to identify to-be-renovated zones in urban centers.
2. Organize collection of opinions (population communities and concerned agencies on the contents and plans of urban renovation
3. Make a list of urban renovation project and include them in socio-economy development programs and plans of urban center for five-years and annual periods as a basis f allocating funds and conducting construction investment according to planning.
4. Make public annual renovation program and plans for related organizations and individuals to implement and supervise the implementation.

**Article 46.** Contents of urban renovation plans

An urban renovation plan has the following principal contents:

1. Scope or boundary of the area and the urban renovation project;
2. Plan on the formulation of detailed planning or urban design;
3. Settlement and relocation plans;
4. Projected funding sources and renovation schedule;
5. Organization of implementation

**Article 47.** Priority cases to be included in renovation plans

1. Zones with works in a state of damage or dilapidation likely to affect the safety of population communities.
2. Zones with poor living conditions and environment affecting community health and social order.
3. Central areas, major spatial axes and gateways to urban centers in need of embellishment.
4. Technical and social infrastructure works failing to meet development requirements of urban zones or centers.

## Chapter VI

### ORGANIZATION OF IMPLEMENTATION

#### **Article 48.** Organization of implementation

1. Ministers, heads of ministerial-level agencies, heads of government-attached agencies, chairpersons of People's Committees of provinces and centrally run cities, heads of political organizations, socio-political organizations and socio-politico-professional organizations, and concerned organizations and individuals shall implement this Decree.
2. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Construction in, providing guidance on the advance, payment and settlement of funds for the formulation and implementation of urban planning; the rates and management and use of the fee for the grant of planning licenses.
3. The Ministry of Home Affairs shall assume the prime responsibility for, and coordinate with the Ministry of Construction in, elaborating specific regulations on functions and duties of new urban center development management boards.
4. Urban construction plannings already evaluated submitted and approved before the effective date of this Decree are not required to be re-submitted for approval. The organization of implementation, management of development and adjustment of these plannings comply with this Decree.
5. The Ministry of Construction shall announce criteria and price units for the formulation and implementation of urban planning; guide the forms of practicing certificates of architects and urban planning engineers, and other related contents and the transitional implementation.

#### **Article 49.** Effect

This Decree takes effect on May 25, 2010, and replaces the provisions on planning the construction of urban centers and zones within urban centers of the Government's Decree No. 08/2005/ND-CP of January 24, 2005, on construction planning.-

ON BEHALF OF THE GOVERNMENT

PRIME MINISTER

NGUYEN TAN DUNG