

THE GOVERNMENT

No. 38/2010/ND-CP

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom – Happiness

Hanoi, April 7, 2010

DECREE

ON MANAGEMENT OF URBAN SPACE, ARCHITECTURE AND LANDSCAPES

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 provides the management of urban space, architecture and landscapes; and defines the rights, obligations and responsibilities of organizations and individuals engaged in activities related to urban space, architecture and landscapes.

Article 2. Subjects of application

Domestic and foreign organizations and individuals engaged in activities related to urban space, architecture and landscapes in (he Vietnamese territory shall comply with this Decree.

Article 3. Principles for managing urban space, architecture and landscapes

1. The Government shall uniformly perform and decentralize the management of urban space, architecture and landscapes. People's Committees of cities, towns and townships (below referred to as municipal administrations) shall comprehensively manage urban space, architecture and landscapes within administrative boundaries under their management. Local urban architecture and planning management agencies shall assist municipal administrations in managing urban space, architecture and landscapes.

2. Urban space, architecture and landscapes shall be managed in line with urban planning and designs and regulations on management of urban planning and architecture. Urban areas and

street lines without detailed urban planning and designs and regulations on management of urban planning and architecture shall be managed according to regulations and standards on construction planning promulgated by competent state agencies and this Decree.

3. Urban management must ensure uniformity from general to specific space, inheritance of architecture and landscapes, suitability to natural conditions and characteristics and respect for local customs and culture, and promote traditional values to preserve the identity of urban architecture and landscapes in each area and region.

4. The management of urban space, architecture and landscapes must be based on approved urban planning and designs and provided in detail by municipal administrations in regulations on management of urban planning and architecture.

Article 4. Use and exploitation of urban space, architecture and landscapes

All organizations and individuals living and operating permanently and temporarily in urban centers may enjoy urban space, landscapes and architecture and concurrently shall protect and preserve, and observe the law on exploitation and use of. urban space, architecture and landscapes.

Article 5. Architectural designing contests

Architectural designs of large-scale public works, works with particular architectural requirements, significant works or works in significant locations in urban centers shall be chosen through contests or selection of architectural blueprints undercurrent regulations before the elaboration of construction investment projects. Contests or selection of architectural blueprints for other works in urban centers are encouraged.

Chapter II

MANAGEMENT OF URBAN SPACE, ARCHITECTURE AND LANDSCAPES

Article 6. General provisions on urban space, architecture and landscapes

1. For urban space:

a/ General and specific space in an urban center shall be managed according to the urban plan and design and regulations on management of urban planning and architecture approved by competent authorities;

b/ Existing urban space shall be managed according to the following basic areas: newly developed urban areas; conservation areas: other areas of an urban center; bordering areas between the inner city and the suburbs or outskirts of an urban center;

c/ Close interrelation and link of space and landscapes for bordering areas between the inner city and the suburbs or outskirts of an urban center must be ensured:

d/ Terrain conditions and systems of greeneries, water surface and transport shall be combined to create interrelated space in an urban center and natural ventilation and improve the urban environment;

e/ Urban designing should make reasonable use of natural landscapes to create aesthetic values associated with convenience, more effective use of space and protection of the urban environment.

2. For urban landscapes:

a/ Urban landscapes shall be directly managed by municipal administrations. Owners of architectural works and urban landscapes shall protect and maintain them in the course of exploitation and use;

b/ Construction, upgrading and embellishment of architectural works in urban areas with landscapes managed by municipal administrations should restrict to the utmost change of terrains and assure sustainable development of the natural environment;

c/ For areas with landscapes associated with historical-cultural relics, scenic places and conservation areas, municipal administrations shall, pursuant to the Law on Cultural Heritages and current regulations, coordinate with professional agencies in studying and evaluating their values before proposing appropriate solutions for conservation and exploitation.

3. For urban architecture:

a/ Construction, improvement, embellishment and upgrading of architectural works in urban centers must conform with approved urban planning and designs, construction permits and local regulations on management of urban planning and architecture;

b/ Urban space may not be appropriated unlawfully to increase use areas of works;

c/ Construction may be licensed only when areas and sizes of land lots for work or house construction comply with current law and local regulations on management of urban planning and architecture:

d/ Works licensed to be built inside areas recognized as cultural heritage sites must have appropriate architecture and use materials with colors and materials similar to those of the heritages sites:

e/ The exterior of urban architectural works must not have colors and materials affecting people's vision and health and must meet requirements on sanitation and traffic safety.

Article 7. Space of newly developed areas

Newly developed areas, which include new urban centers and expanded, upgraded and embellished urban quarters, must meet the following requirements:

1. Space, landscapes and architectural works are managed under approved urban planning and regulations on management of urban planning and architecture.

2. Construction works must have architectural appearance, colors and materials in compliance with regulations on management of urban planning and architecture of the areas. Construction of model new urban quarters is encouraged.

Article 8. Space of conservation areas

Conservation areas listed for conservation or stipulated by competent authorities must meet the following requirements:

1. The space of conservation areas is preserved and promotes the typical value of the existing space, architecture and landscapes of the areas.
2. The space, landscapes, greeneries and water surface surrounding and inside the precincts of architectural works being historical-cultural relics and scenic places comply with the law on cultural heritages and are closely managed and controlled.
3. Change of terrains and natural sceneries such as leveling or filling of land lots, hills and mountains, lakes, ponds, greeneries and water surface conform with approved urban planning and designs.
4. In conservation areas, the maximum height of new works comply with regulations on work height limits under urban planning: vertical sections in all directions, appearance, materials and colors of roofs, gates, walls and fences should follow the existing architecture and landscapes of the areas.
5. Architectural appearance, materials and colors of roofs and decoration of the exterior of new, upgraded and embellished works and conservation works are harmonious and uniform.

Article 9. Space of other areas of urban centers

1. To encourage the increase of areas of greeneries and areas for traffic (including static traffic) and public space and reduce construction density in old urban centers and central areas of urban centers with high construction density. Municipal administrations shall set construction density limits and minimum proportions of greeneries and land for public space according to current regulations and standards: and devise implementation roadmaps and plans in their regulations on management of urban planning and architecture.
2. Particular areas in urban centers such as tourism, physical training and sports and culture areas must reflect their typical characteristics with open space and a spatial structure suitable to their use purposes.
3. Coastal areas, rivers, channels, canals, lakeside areas in urban centers; hills, mountains, forests; and special landscapes must preserve their characteristics and beauty and the urban environment and ensure sustainable development.
4. Municipal administrations shall adopt plans to upgrade, embellish and build street quarters with degraded condominiums and street frontage houses under current regulations and concurrently adopt support plans when necessary.
5. Construction and embellishment of urban architectural works in areas close to railways, waterways, expressways, airports, dykes, power transmission lines and military bases must comply with regulations on traffic safety corridors for road, waterway, railway, airway, dykes, electricity transmission lines and air clearance heights and meet other conditions as prescribed by law.

Article 10. Space of bordering areas between inner cities and suburbs

1. Municipal administrations shall identify the scope and boundaries of bordering areas between inner cities and suburbs for management in their regulations on management of urban planning and architecture.
2. The space of greeneries, water surface and particular eco-areas shall be protected, preserved and embellished and may not be occupied and used improperly. To encourage the increase of the proportions of greeneries and water surface.
3. Historical and cultural relics and typical works of architectural or traditional value in the areas shall be protected under the Law on Cultural Heritages and relevant laws.
4. For rural garden houses with typical traditional architecture to be protected as determined by municipal administrations, to restrict to the utmost the division of existing land lots into smaller ones. Building of works within these houses must be licensed by competent authorities and comply with regulations on management of planning and architecture of the areas.
5. Construction of new works must preserve and promote local cultural traditions and ensure harmony with the areas' landscapes. To restrict the construction of highly dense houses, high-rise buildings, flat-roofed and tube-shaped houses and street-type adjacent houses.

Article 11. Landscapes of street lines, trunk roads and squares

1. To encourage the consolidation of land lots to build complex buildings: to create public space and urban landscapes and improve urban quality and environment; to meet prescribed requirements on setbacks of works.
2. To ensure that work heights, work supports, roofs, heights and projection of first-floor porches, vertical and horizontal positions, solidity and hollowness, and positions of windows and doors looking into streets be uniform and architecturally harmonious in the entire street line.
3. On thoroughfares and trunk roads of urban centers and in central squares, colors and materials of the exterior of works must ensure harmony for the entire street line or area and be specified in construction permits. Depending on each location, the solemnity, typicality, harmony or elegance or preservation of the original status must be clearly displayed.
4. Public utilities such as benches, routes for disabled people, lamp-posts, signboards and instruction signs must ensure beauty, safety, convenience and uniformity and be in proportion to architectural works.
5. Sidewalks and footpaths in urban centers must be built uniformly and appropriately in terms of height, material and color for each street line and area in urban centers. Tree-growing holes must have appropriate sizes and ensure safety for pedestrians, especially the disabled, and convenience for tree protection and tending.
6. For landscapes of squares, new construction works must meet proportional requirements and clearly reflect the nature and significance of each square space.

Article 12. Landscapes of parks and greeneries and artificial landscapes

Greeneries in urban centers shall be grown, tended, maintained, protected, classified and arranged under planning and current regulations, standards and law.

Secular trees in urban centers, in natural parks and within the precincts of villas, garden houses, pagodas, temples, shrines, churches, historical and cultural relics and urban public works shall be protected and managed under law.

To encourage the plantation of trees suitable to the functions and nature of urban areas to protect the eco-environment; to select trees for harmonious and lively combination of colors to create unique characteristics for each area and urban center.

4. Artificial landscapes such as ponds, reservoirs, miniatures, greeneries and mounts must be designed appropriately and built uniformly in harmony with the surrounding landscapes and environment and in conformity with the functions and geographical characteristics and nature of urban centers and areas.

Article 13. Natural landscapes

1. Natural landscapes in urban centers shall be strictly protected and have their natural terrain characteristics preserved.

2. Natural landscapes, flora, natural eco-system, mounds, hills, seashores, estuaries and water surface which directly or indirectly affect the environmental quality and sustainable development of urban centers shall be zoned off and have use instructions and protection guidance.

3. All activities harming or misshaping landscapes and scenic places or changing their natural appearance are prohibited. Leveling, fill-up and change of natural terrain conditions of urban centers (such as lakes, rivers, streams, channels, canals, lagoons, mounds and hills) are restricted to the utmost.

Article 14. Urban architectural complexes

Construction of architectural complexes or groups of architectural works in urban centers whose items are closely and uniformly connected in terms of functions and techniques must ensure that:

1. The maximum length of architectural complexes or groups of works comply with current construction regulations and standards, ensure natural ventilation for the area and convenience for traffic and fire fighting.

2. The height of works be reasonably proportionate in space and comply with construction permits. Construction or installation of additional architectural objects higher than the permitted height of works is disallowed.

3. Setbacks of works conform with approved plans and regulations on management of urban planning and architecture. To encourage the increase of setbacks and areas of greeneries and reduction of construction density.

4. New construction works on street corners assure visibility, safety and convenience for road users.

Article 15. Urban houses

1. For houses in old street quarters, villas and garden houses with separate premises in urban centers listed for conservation, to preserve their existing appearance and ensure construction density, number of stories, heights and architectural styles.

2. For houses to be built on street frontages at different times, those built later must, apart from complying with approved detailed planning, be based on the heights of the foundation, first story and balcony, height and projection of the porch and colors of houses built earlier under licenses to create harmony and uniformity for the whole street line.

3. For old and degraded residential buildings and condominiums, municipal administrations shall adopt plans to move tenants from dangerous areas and upgrade them or build new ones under approved detailed planning, ensuring the connection of technical and social infrastructure, environmental sanitation and urban quality improvement.

Article 16. Particular works

1. Municipal administrations shall issue separate regulations to manage urban architectural works of national or local historical or cultural significance, works for religion and belief, statues of national celebrities and symbols of urban culture as part of regulations on management of urban planning and architecture.

2. Municipal administrations shall study and evaluate based on scientific grounds and adopt solutions to preserve houses in ancient street quarters of typical architecture or already historically or culturally ranked.

3. Other particular works such as fountain, miniatures, decorations in flower gardens and parks must have sizes, shapes and materials suitable to the actual landscapes and conditions and reflect cultural characteristics of each area or region.

Article 17. Other architectural works

1. Public office buildings, sports and cultural works, schools, hospitals and health establishments to be built in urban residential areas must conform with approved urban planning. When detailed planning and regulations on management of urban planning and architecture are unavailable, licensing of the construction thereof must be based on regulations and standards on planning and ensure infrastructure connection and convenience for the gathering and relocation of people and movement of vehicles.

2. Marketplaces and supermarkets to be built in urban centers must have parking lots, be located under approved urban planning, have sufficient areas and be safe and convenient under regulations and standards; and ensure order, sanitation and street beauty;

3. Existing industrial works and production workshops in urban centers which adversely affect the environment must be relocated or change their functions.

4. Change of functions or use purposes of security and defense works in urban centers must be licensed by competent authorities. The construction of these works must not affect urban safety, landscapes and environment.

5. Outdoor individual advertisement objects or those attached to urban architectural works must comply with the advertising law.

Article 18. Power supply and lighting works in urban centers

1. Municipal administrations shall upgrade or build anew to replace transformer stations which affect urban beauty. Use of new technologies ensuring safety, utility and beauty is encouraged.

2. Electric wires in urban centers must be arranged properly on the principle of replacing uninsulated with insulated wires and gradually laying them all underground.
3. Public lighting or lighting of the exterior of works must ensure beauty, safety, effectiveness and power saving and comply with current regulations.
4. Filling and fuelling stations must be arranged under approved planning. The appearance and colors of these works must ensure beauty and reasonable and safe distances from residential areas or crowded places.

Article 19. Urban water supply and drainage and environmental sanitation works

1. Urban water supply and drainage and environmental sanitation works must be designed, built and installed uniformly with appropriate, standard and durable materials, ensuring beauty, environmental sanitation, safety and convenience for people and vehicles.
2. Lakes and rivers in urban centers should be embanked with tali (embanking solutions must ensure beauty and environmental protection). If having fences, the rails must be rationally architected. The structure of water discharge mouths must ensure safety, hygiene and conformity with the entire route.
3. Public toilets on street quarters and streets must be reasonably arranged, ensuring environmental sanitation, beauty and convenience for all users.

Street rubbish bins must be placed reasonably and uniformly to ensure beauty, have appropriate sizes and styles and be convenient for use and easily identified.

Article 20. Transport works in urban centers

1. Transport works and their support works in urban centers must be designed uniformly to ensure convenience for road users and vehicles; have architectural appearance and colors which meet beauty requirements, are easily identified, reflect the characteristics of those urban centers and match other related works.
2. For large-scale transport works in important positions affecting urban beauty (bridges over rivers, overpasses, pedestrian bridges), contests or selection of architectural designs must be held before the formulation of construction investment projects.

Article 21. Information and telecommunications works in urban centers

1. Television towers in urban centers must be built in appropriate sites scenically in line with approved urban planning while ensuring their service radius.
2. Antenna towers and dish antennas must be installed in positions permitted by urban management agencies and ensure safety and beauty under law.
3. Telephone and communication wires and television and internet cables must be replaced with multi-core wires of same technical features. To adopt plans to remove unused equipment and lines and gradually lay them all underground.
4. Public telecommunications works, passive telecommunications technical infrastructure works, information technical boxes, mailboxes, telephone booths, communication devices on pavements must be arranged under approved urban planning and designs, have sizes suitable to pavements'

and appropriate and harmonious patterns and colors and be easily used without obstructing pedestrians.

Chapter III

REGULATIONS ON MANAGEMENT OF URBAN PLANNING AND ARCHITECTURE

Article 22. General provisions

1. Regulations on management of urban planning and architecture apply to organizations and individuals engaged in the investment, construction, upgrading and embellishment of urban centers and must conform with approved urban plans, and management regulations based on urban plans, and approved urban designs.
2. A regulation on management of urban planning and architecture includes provisions on management of general space of urban centers and provisions on landscapes and architecture of urban areas, streets and street lines in urban centers identified by municipal administrations based on management requirements.
3. Municipal administrations at all levels shall elaborate, approve, announce, promulgate and implement regulations on management of urban planning and architecture under Clauses 1 thru 5. Article 24 of this Decree.
4. Regulations on management of urban planning and architecture serve as a basis for architecture, planning and construction management agencies to manage construction investment and license the construction, upgrading and embellishment of architectural works and designing of urban landscapes, and provide grounds for urban planning and designing for areas without approved urban planning and designs.

Article 23. Contents of regulations on management of urban planning and architecture

1. Regulation on management of urban planning and architecture of the entire urban center:

a/ A regulation on management of urban planning and architecture of the entire urban center is formulated on the basis of the approved urban plan:

b/ A regulation on management of urban planning and architecture of the entire urban center contains provisions on management of the entire urban center; identification of particular areas, areas with priority management requirements, areas in need of particular regulations; and areas without approved urban planning and designs;

c/ Provisions on management based on approved planning; management of urban landscapes and architecture for each area based on their characteristics such as newly developed areas, conservation areas; other areas in the urban center; bordering areas between the inner city and the suburbs, areas subject to separate management regulations;

d/ Provisions on responsibilities of the municipal administration and concerned specialized agencies for organizing, directing, monitoring and implementing urban planning; identifying areas and street lines prioritized for embellishment; making plans for the formulation of planning for unplanned areas and areas in need of adjustment of urban planning and designs.

2. Contents of regulations on management of urban planning and architecture of specific areas:

a/ To work out plans of management of urban areas in each period, drawings illustrating the management of each area, street and street line such as central, administrative-political, trade, service, culture-sports, education and training areas, heritage conservation areas, squares, parks, water surface, trunk roads and city gateways identified by the municipal administration according to management requirements:

b/ Management provisions must conform with approved urban zoning planning, detailed planning and designs and this Decree:

c/ Specific provisions on planning and architecture management for each area and street line in the urban center according to its nature, geographical characteristics and socio-economic conditions:

d/ Other provisions such as specific requirements on work height, standard foundation level, first-story heights of adjacent street frontage houses; architectural styles, materials and colors of the exterior and roofs of works. For areas without approved and promulgated urban zoning and detailed planning and urban designs, to study and elaborate management regulations based on general planning and development orientations for urban centers, construction planning regulations and standards and actual requirements and conditions.

3. Regulations on management of urban planning and architecture shall be formulated based on actual requirements of urban centers such as socio-economic and cultural conditions and characteristics of those urban centers.

4. Methods to encourage the participation in and contribution to more effective management and use of urban space, works and landscapes: solutions to prohibiting, restricting and encouraging each act and measures to control new construction and upgrading and embellishment of existing landscapes and works.

5. Regulations on management of urban planning and architecture shall be adjusted in line with urban planning and designs and partial urban planning adjustments.

Article 24. Formulation, approval, promulgation and announcement of regulations on management of urban planning and architecture

1. Formulation and approval of regulations:

a/ For urban centers to be approved by the Prime Minister, municipal People's Committees shall formulate, approve and promulgate regulations on management of urban planning and architecture; consult concerned ministries and branches when elaborating them: and obtain the Ministry of Construction's agreement before approving these regulations:

b/ People's Committees of cities being grade-2 and grade-3 urban centers and towns shall formulate regulations on management of urban planning and architecture applicable to urban centers under their management and submit them to provincial-level People's Committees for approval:

c/ People's Committees of cities being grade-2 and grade-3 urban centers and district-level People's Committees shall formulate, approve and promulgate regulations on management of urban planning and architecture for townships under their management in conformity with regulations on management of urban planning and architecture approved under Point a of this Clause (if any).

2. Promulgation and announcement of regulations: Regulations on management of urban planning and architecture must be widely distributed in printed publications and announced in the mass media and at the offices of People's Committees and local planning and architecture management agencies of cities, towns, townships, urban districts and wards within 30 days after they are approved.

3. The time limit for formulating a regulation is 12 months for urban centers of grade 1 or higher grade: and 9 months, for urban centers of grade 2 or lower grade.

4. Provisions applicable to specific urban areas, streets and street lines specified in a Regulation must be commented by concerned agencies and organizations and the community in those areas.

5. Expenses for the elaboration and announcement of regulations on management of urban planning and architecture shall be covered by local non-business and economic funds. Expenses shall be calculated based on categories of urban centers; areas, for urban areas; and length, for street lines.

6. The Ministry of Construction shall provide in detail and promulgate a model Regulation on management of urban planning and architecture; provide the calculation of expenses for elaborating, collecting comments on, printing and disseminating regulations on management of urban planning and architecture; and guide other necessary contents to meet state management requirements.

Chapter IV

RESPONSIBILITIES OF ORGANIZATIONS AND INDIVIDUALS FOR URBAN SPACE, ARCHITECTURE AND LANDSCAPES

Article 25. Responsibilities of owners, investors and users

To observe regulations on management of urban planning and architecture promulgated by municipal administrations and other relevant regulations on urban management: to protect and preserve the image and existing status of architectural works under their ownership or use; to promptly repair damaged works.

2. When building, improving or upgrading urban architectural works, to comply with urban planning and approved regulations on management of urban planning and architecture. To change the architecture, functions, force-bearing structure of works and add or reduce parts, change the appearance, roofing materials, colors of works, tiling materials, details or parts of the exterior of works only when so permitted by competent agencies. When failing to observe regulations on management of urban planning and architecture or violating construction regulations, to be administratively sanctioned and to dismantle violating works under law.

3. When leasing works to organizations or individuals for use, owners shall sign contracts which must fully provide requirements and contents specified in Clauses 1 and 2 of this Article. Actual users of space, landscapes and works that are not their owners shall also comply with Clauses 1 and 2 of this Article.

Article 26. Responsibilities of designing consultants

1. To meet conditions on capacity, experience and professional practice under law.

2. Designing consultants, designers and design plan managers shall conduct author supervision under law: and take joint responsibilities for beauty, durability, safety and utility and conformity with the environment.

urban architecture and landscapes.

3. To observe regulations on urban management under approved planning, construction regulations and designing standards.

Article 27. Responsibilities of builders

1. Builders of urban architectural works shall complete construction on time according to designs and observe contractual terms.

2. In the course of construction, finishing, repair and maintenance of works, to take measures to mitigate adverse impacts on the community, space, architecture and landscapes of the areas where those works are located.

3. Together with investors, to adopt safety measures in the course of construction and dismantlement; to regenerate the environment, space and landscapes damaged by work construction.

4. To comply with provisions of construction permits and current relevant regulations on urban architecture.

Article 28. Role of critical comments in the management of urban space, architecture and landscapes

1. Municipal administrations shall consult local Architecture-Planning Councils and relevant professional associations when elaborating regulations on management of urban planning and architecture.

2. To encourage organizations and individuals to study and propose planning and architecture solutions, contributing to beautify urban space, architecture and landscapes and reducing violations.

Article 29. Public oversight of the management of urban space, architecture and landscapes

1. Community representatives or individuals may oversee municipal administrations, organizations and individuals in complying with the construction law and the law on management of urban planning and architecture; and in protecting, exploiting, repairing and embellishing architectural works and urban landscapes under current law; and report on violations of regulations on management of urban planning and architecture in areas to municipal administrations directly managing those areas. Municipal administrations shall study, consider, absorb and give feedback to public oversight opinions.

2. Grounds for public oversight are legal documents on management of urban space, architecture and landscapes, zoning plans, detailed planning, urban designs and mock-ups made on a scale under approved detailed planning, promulgated regulations on management of urban planning and architecture, project dossiers and design drawings approved and promulgated by competent authorities.

Article 30. Management of upgrading and maintenance of urban works and landscapes

1. Municipal administrations shall provide the process and time for upgrading and maintaining urban architectural works and landscapes under the construction law. ensuring safe use and preservation of urban beauty.

2. When urban architectural works and landscapes are degraded or damaged before the scheduled maintenance time, municipal administrations or authorized agencies shall notify such to owners, users or operators of these works and direct them in promptly remedying and maintaining the works.

Article 31. Management and preservation of documents related to urban space, architecture and landscapes

1. Legal documents, dossiers, drawings, mock-ups. explanations, regulations on management of urban planning and architecture (below referred to as documents) include:

- Documents on urban planning and designs, architecture and landscapes of areas;
- Documents related to urban works and architecture;
- Other related documents.

2. Documents shall be managed and preserved at construction, architecture and planning state management agencies; consultancy organizations, investors, builders, owners and agencies managing urban areas, landscapes and architectural works. The management, preservation, exploitation and use of documents comply with the law on archives.

Chapter V

STATE MANAGEMENT RESPONSIBILITIES FOR URBAN SPACE. ARCHITECTURE AND LANDSCAPES

Article 32. Responsibilities of ministries and ministerial-level agencies

1. The Ministry of Construction shall assist the Government in performing the uniform state management of urban space, architecture and landscapes and perform the following tasks:

a/ To assume the prime responsibility for, and coordinate with concerned ministries and branches and localities in. guiding, propagating, disseminating and organizing the implementation of this Decree;

b/ To guide localities in implementing the Government's documents on management of urban space, architecture and landscapes; to respond to inquiries of localities, organizations and individuals related to urban space, architecture and landscapes within its functions;

c/ To examine and inspect the management of urban space, architecture and landscapes: to respond to complaints and denunciations under law;

d/ To perform the tasks specified in Clause 6. Article 24 of this Decree.

2. Ministries and ministerial-level agencies shall, within the ambit of their tasks and powers, coordinate with the Ministry of Construction in guiding localities in performing the state management of urban space, architecture and landscapes.

Article 33. Responsibilities of People'-. Committees at all levels

1. To take full responsibility for urban space, architecture and landscapes; to organize the implementation of this Decree and handle violations in localities under their management.
2. To direct their specialized agencies in implementing approved urban planning, proposing contents of regulations on management of urban planning and architecture pursuant to Articles 22 and 23 of this Decree and managing urban space, architecture and landscapes according to their functions and tasks.
3. To elaborate regulations on management of urban planning and architecture applicable to urban centers under Clauses 1 thru 5, Article 24 of this Decree, and guide, monitor, supervise and organize the implementation these regulations.
4. To define responsibilities of their functional agencies for the management of urban space, architecture and landscapes in their localities: to decentralize and specify tasks of units and individuals directly monitoring, supervising and performing the management of urban space, architecture and landscapes.
5. To directly consider and decide according to their competence on issues related to the management of urban space, architecture and landscapes such as guidelines for work construction investment; mechanisms to support people; project contents, construction process; and management, exploitation, maintenance, repair and upgrading of urban works and landscapes.
6. To notify owners or users of degraded or damaged urban landscapes and architecture: to process information provided by the public on the implementation of regulations on management of urban space, architecture and landscapes by organizations and individuals involved the construction, ownership and use of urban architectural works; to handle violations of regulations on management of urban space, architecture and landscapes under law.
7. To disseminate and implement the Government's documents and regulations on management of urban space, architecture and landscapes.
8. To assign, organize and monitor the implementation of this Decree and regulations on management of urban space, architecture and landscapes in localities under their management.

Article 34. Examination, inspection, reporting and handling of violations

1. Construction inspectorates at all levels shall examine the implementation of regulations on management of urban planning and architecture in their localities: detect and handle violations according to their competence in localities under their management: and report to municipal administrations and their managing agencies.
2. Violators of regulations on management of urban planning and architecture and this Decree shall, depending on the severity of their violations, be handled under law.

Chapter VI

ORGANIZATION OF IMPLEMENTATION

Article 35. Effect

1. This Decree takes effect on May 25. 2010.

2. This Decree replaces the Governments Decree No. 29/2007/ND-CP of February 27. 2007. on management of urban architecture.

Article 36. Transitional provisions

Urban centers that promulgated regulations on management of urban architecture before the effective date of this Decree may apply these regulations. Within 12 months, municipal administrations shall consider, modify and amend these regulations to comply with this Decree.

Article 37. Implementation responsibilities

1. The Ministry of Construction shall coordinate with concerned ministries and branches in guiding, monitoring and examining the implementation of this Decree.

2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies and chairpersons of provincial-level People's Committees shall implement this Decree.-

ON BEHALF OF THE GOVERNMENT
PRIME MINISTER

NGUYEN TAN DUNG