

No.: 62/2020/QH14

Hanoi, June 17, 2020

**LAW**

**ON AMENDMENTS TO CONSTRUCTION LAW**

*Pursuant to the Constitution of the Socialist Republic of Vietnam;*

*The National Assembly hereby promulgates the Law on Amendments to the Construction Law No. 50/2014/QH13 as amended in the Law No. 03/2016/QH14, Law No. 35/2018/QH14 and Law No. 40/2019/QH14.*

**Article 1. Amendments to the Construction Law**

1. Some Clauses of Article 3 are amended as follows:

a) Clause 1 is amended as follows:

“1. “*construction investment pre-feasibility study report*” means a document presenting a preliminary study’s contents, including necessity, feasibility and efficiency of construction investment, which serves as a basis for decision on or approval for the construction investment policy.”;

b) Clause 4 is amended as follows:

“4. “*specialized construction work-managing ministry*” means a ministry tasked to manage the investment and construction of works in the construction sector under its management in accordance with regulations laid down herein.”;

c) Clause 10 is amended as follows:

“10. “*construction work*” means a product constructed according to design, created by human labor and with building materials and equipment installed therein, and affixed to land, which possibly includes underground and surface components, underwater and water surface components.”;

d) Clause 13 is amended as follows:

“13. “*specialized construction agency*” means an agency assigned to manage the construction and affiliated to a specialized construction work-managing ministry, provincial-level People’s

Committee, district-level People's Committee or management authority of an industrial park, export processing zone, hi-tech park or economic zone.”;

dd) Clause 15a is added to Clause 15 as follows:

“15a. *“urban area construction investment project”* means a construction investment project whose functions are to serve mixed purposes and synchronize technical infrastructure and social infrastructure with housing construction works or other construction works according to the construction planning which has been approved by a competent authority for construction, repair or renovation of an urban area.”;

e) Clause 29 is abrogated;

g) Clause 36 is amended as follows:

“36. *“appraisal”* means the inspection and assessment, by the investment decision maker, investor or specialized construction agency, of necessary contents in the course of preparing and implementing a construction investment in accordance with regulations laid down herein, including the appraisal made by the investment decision maker or project owner to issue the construction investment decision and give approval for construction design, and the appraisal made by the specialized construction agency to control the compliance with laws and regulations by entities involved in construction activities.”;

h) Clause 46 is added following Clause 45 as follows:

“46. *“danger zones in construction”* mean areas within or around the construction site where potential hazards may occur and cause harm or damage to human, construction structures, property, equipment and/or facilities during the construction process, which is determined according to standards, technical regulations and measures for implementation of construction works.”.

2. Some Clauses of Article 4 are amended as follows:

a) Clause 1 is amended as follows:

“1. Ensure the compliance of work construction investment with master plans and designs, landscape and environmental protection, the suitability to natural and social conditions and cultural characteristics of each locality; ensure the stable life of people; combine socio-economic development with national defense and security, disaster preparedness and management, and response to climate change.”;

b) Clause 6 is amended as follows:

“6. Organizations and individuals involved in construction activities must satisfy capacity requirements and assume responsibility for quality of works performed as prescribed by this Law.”;

c) Clause 8 is amended and Clause 9 is added following Clause 8 as follows:

“8. Clearly define the function of state management in construction investment activities from the function of management of investment decision makers, project owners suitable to each type of used funding sources.

9. When formulating and implementing construction planning, performing construction investment activities, managing and operating construction works, and developing building materials, technical and management solutions must be adopted to ensure thrift and efficient use of energy and natural resources, and environmental protection.”.

3. Article 5 is amended as follows:

**“Article 5. Types and grades of construction works**

1. Types of construction works shall be determined by structural characteristics and functions of construction works.

2. Grades of construction works shall be determined for each type of construction works, including:

a) Grades of construction works serving the management of construction investment activities as prescribed by this Law shall be determined based on their sizes, importance and technical specifications, including special grade, grade I, grade II, grade III and grade IV, except for the case specified in Point b of this Clause;

b) Grades of construction works serving the construction design are provided for in standards and technical regulations. Grades of construction works serving other management tasks shall be determined in accordance with relevant laws.

3. The Government shall elaborate types of construction works.

4. The Minister of Construction shall elaborate grades of construction works prescribed in Point a Clause 2 of this Article.”.

4. Article 7 is amended as follows:

**“Article 7. Project owners**

1. The project owner shall be determined before the formulation of or upon the approval of a project or in other cases as prescribed by relevant laws.

2. Depending on funding sources used for a project, the project owner shall be specifically determined as follows:

a) For a project using public investment funds, the project owner shall be determined in accordance with the provisions in Clause 3 of this Article and the Law on public investment;

b) For a project using state funds as prescribed by relevant laws (hereinafter referred to as “project using non-public investment state funds”), the project owner is the agency or organization assigned by the investment decision maker to manage and use the funds for construction investment;

c) For a project to be implemented in the public-private partnership form (hereinafter referred to as “PPP project”), the project owner is the PPP project enterprise established in accordance with the provisions of the Law on investment in public-private partnership form;

d) For a project which uses lawful investment sources of organizations and individuals, is other than the one prescribed in Point a, b or c of this Clause (hereinafter referred to as “project using other funds”) and must be implemented by an investor as prescribed by the Law on investment, the project owner is the investor approved by a competent authority. Where multiple investors involve in the project, they may establish an organization or authorize a qualified investor to act as the project owner. If relevant laws stipulate the selection and certification of project owner, such selection and certification of project owner must meet relevant conditions and comply with relevant laws;

dd) For projects other than those prescribed in Points a, b, c and d of this Clause, project owners shall be the owners of investment funds.

3. Based on the specific conditions of projects using public investment funds, the investment decision makers shall assign the specialized or regional construction investment project management boards to act as project owners. Where a project management board is not available or it is not qualified to act as a project owner, the investment decision maker shall select an agency or organization that fully meets experience and managerial capacity requirements to act as the project owner.

4. Project owners shall take responsibility before the law, investment decision makers and competent authorities within the limits of their rights and obligations prescribed in this Law and relevant laws.”.

5. Point c Clause 2 Article 9 is amended as follows:

“c) Construction contractors shall buy insurance for construction workers working on the construction sites and civil liability insurance for third party.”.

6. Some Clauses of Article 10 are amended as follows:

a) Clause 1 is amended as follows:

“1. Encourage construction investment activities performed to conserve, embellish and promote the value of historical relics, cultural heritages, beliefs and religion and those performed under

planning in mountainous areas, islands, areas facing exceptionally difficult socio-economic conditions and areas prone to climate change.”;

b) Clause 4 is added following Clause 3 as follows:

“4. The Government adopts incentive policies for research and application of advanced science and technology, application of information technology to construction investment activities; investment activities and construction works certified to economically and efficiently use energy and natural resources, and meet environmental protection requirements; development of eco-cities and smart cities, response to climate change and sustainable development.”.

7. Some Points and Clauses of Article 34 are amended as follows:

a) Point c is added following Point b Clause 2 as follows:

“c) Sub-zone planning for construction of function zones.”;

b) Clause 3 is amended as follows:

“3. District-level People’s Committees shall approve the detailed construction planning and planning for rural construction within the administrative boundaries under their respective management after obtaining written consent of construction planning-managing agencies of provincial-level People’s Committees.”.

8. Article 49 is amended as follows:

**“Article 49. Classification of construction investment projects**

1. Construction investment projects shall be classified by the size, importance, functions and characteristics of construction works, management purposes, funding sources and investment forms.

2. Based on their sizes and importance, construction investment projects are classified as national important projects, group-A projects, group-B projects and group-C projects according to the criteria prescribed by the Law on public investment.

3. Based on functions and characteristics of the construction works, and management purposes, construction investment projects are classified as follows:

a) Investment projects on construction of civil works;

b) Investment projects on construction of industrial works;

c) Investment projects on construction of infrastructure works;

d) Investment projects on construction of traffic works;

- dd) Investment projects on construction of agricultural and rural development works;
- e) Investment projects on construction of national defense and security works;
- g) Housing and urban area construction investment projects, and other construction investment projects that have mixed functions.

4. Based on funding sources and investment forms, construction investment projects are classified as follows:

- a) Projects using public investment funds;
- b) Projects using non-public investment state funds;
- c) PPP projects;
- d) Projects using other funds.

5. A construction investment project may use one or more funding sources, and comprise a single or multiple works of different types and grades.

6. The Government shall elaborate this Article.”.

9. Clause 2 Article 50 is amended as follows:

“2. The division of a construction investment project into component projects and investment phasing shall comply with the following provisions:

a) A construction investment project may be divided into component projects if each of the component projects can operate independently. Such component projects shall be managed as independent projects. The division of a project using public investment funds into component projects shall comply with provisions of the Law on public investment. The division of other projects into component projects shall be decided by the investment decision makers before the formulation of projects or when issuing investment decisions, and must ensure the fulfillment of requirements specified in the decisions on or approvals for investment policies or the compliance with relevant laws (if any), unless otherwise prescribed by law;

b) The investment phasing is specified in construction investment feasibility study reports and construction investment decisions, and must be conformable with the progress and time for project implementation specified in decisions on or approvals for investment policies.”.

10. Article 52 is amended as follows:

**“Article 52. Formulation of construction investment projects**

1. Upon construction investment, project owners or agencies or organizations assigned to take charge of project preparation shall make construction investment feasibility study reports, except the cases prescribed in Clauses 3 and 4 of this Article. Contents of construction investment feasibility study reports must conform to the requirements of each type of projects. The formulation of construction investment feasibility study reports must comply with the regulations laid down herein and relevant laws.

2. Before making construction investment feasibility study reports, construction investment pre-feasibility study reports shall be formulated according to the following provisions:

a) For national important projects and group-A projects using public investment funds, PPP projects as prescribed in the Law on investment in the public-private partnership form, and projects of which investment policies are approved by the National Assembly or the Prime Minister as prescribed by the Law on investment, the formulation of construction investment pre-feasibility study reports is compulsory;

b) For projects other than those prescribed in Point a of this Clause, the formulation of construction investment pre-feasibility study reports shall be decided by investment decision makers;

c) Procedures for formulation and appraisal of construction investment pre-feasibility study reports shall comply with the provisions of the Law on public investment, the Law on investment in the public-private partnership form and relevant laws;

d) Contents of construction investment pre-feasibility study reports must comply with the provisions in Article 53 hereof, except those of PPP projects.

3. Only construction investment economic-technical reports shall be required for construction investment projects in the following cases:

a) Construction works used for religious purposes;

b) Small construction works and other works prescribed by the Government.

4. For construction of detached houses of households or individuals, neither construction investment pre-feasibility study report nor construction investment economic-technical report is required.”.

11. Clause 7 is added following Clause 6 Article 53 as follows:

“7. The preliminary assessment of environmental impacts as prescribed in the Law on environmental protection and other contents as prescribed in relevant laws.”.

12. Point d1 is added following Point d Clause 2 Article 54 as follows:

“d1) In addition to the contents prescribed in Points a, b, c and d of this Clause, the construction investment feasibility study report of a housing or urban area construction investment project shall also contain information about types of houses and fulfillment of social housing requirements (if any). The construction investment feasibility study report of an urban area construction investment project must also contain description about measures for synchronous construction of technical and social infrastructure facilities within the project, connection of these facilities with those outside the project, and handover of the construction work. The Government shall elaborate this Point.”.

13. Article 56 is amended as follows:

**“Article 56. Appraisal of construction investment feasibility study reports and construction investment economic-technical reports**

1. For national important projects using public investment funds, the appraisal shall comply with provisions of the Law on public investment.

2. For PPP projects, the appraisal shall comply with provisions of the Law on investment in the public-private partnership form. The appraisal by specialized construction agencies shall comply with the provisions in Article 58 hereof.

3. For projects other than those prescribed in Clause 1 and Clause 2 of this Article, the appraisal shall be carried out as follows:

a) The investment decision makers shall organize the appraisal of construction investment feasibility study reports and construction investment economic-technical reports, and assign their affiliated specialized agencies or organizations or individuals that have qualifications suitable for the characteristics and contents of the project in case their specialized agencies are not available (hereinafter referred to as “appraising agencies”) to appraise the contents prescribed in Article 57 hereof;

b) For projects prescribed in Clause 1 Article 58 hereof, specialized construction agencies shall carry out the appraisal of the contents prescribed in Clause 2 and Clause 3 Article 58 hereof, except for the projects for which only construction investment economic-technical reports are required;

c) For projects with requirements on fire and explosion prevention and fighting, environmental protection, and national defense and security, projects using technologies restricted from transfer or using technologies and posing negative impacts on the environment, opinions, appraisal or approval of competent authorities are required in accordance with relevant laws;

d) For projects subject to the provisions in Point b and Point c of this Clause, project owners are entitled to send required documents to specialized construction agencies and competent authorities at the same time. Appraisal results or opinions about the fulfillment of requirements on fire and explosion prevention and fighting, and environmental protection prescribed in Point c



of this Clause shall be sent to specialized construction agencies as the basis for appraisal conclusions.

For procedures for getting opinions about fire prevention and fighting solutions included in the fundamental design dossier as prescribed by the Law on fire prevention and fighting, project owners are entitled to send required documents to specialized construction agencies through the inter-agency single-window system. Specialized construction agencies shall send received documents to competent authorities for their opinions as the basis for appraisal conclusions;

dd) Appraising agencies and specialized construction agencies are allowed to invite experienced and qualified organizations and/or individuals to join the appraisal process or request project owners to select qualified organizations and/or individuals to verify necessary contents as the basis for appraisal conclusions. Selection of qualified organizations and/or individuals to carry out the verification serving the appraisal by specialized construction agencies shall comply with the Government's regulations. Costs of appraisal of projects and construction designs, and verification costs shall be accounted into total investment of the relevant project;

e) Appraising agencies shall prepare consolidated reports on the results of the tasks in Points a, b, c, d and dd of this Clause, and submit them to competent investment decision makers to give approval for projects or issue construction investment decisions.

4. A dossier submitted for appraisal as prescribed in Clause 3 of this Article includes:

a) The project owner's statement;

b) The construction investment feasibility study report or construction investment economic-technical report;

c) Relevant documents.

5. The Minister of National Defense and Minister of Public Security shall elaborate the power and procedures for appraisal of construction investment feasibility study reports and construction investment economic-technical reports of construction investment projects serving national defense and security purposes in conformity with particular management requirements.”.

14. Article 57 is amended as follows:

**“Article 57. Appraisal of construction investment feasibility study reports and construction investment economic-technical reports by investment decision makers**

1. For construction investment projects prescribed in Point a and Point c Clause 1 Article 58 hereof, investment decision makers shall carry out the appraisal of the following contents:

a) The conformity with planning, objectives and scale of investment and other requirements specified in decisions on or approvals for construction investment policies;

- b) The conformity of fundamental design solutions with design tasks; list of applicable standards;
- c) Solutions for organizing project implementation, project owner's experience and managerial capacity, plan on construction ground clearance, and form of project implementation;
- d) Factors ensuring the project efficiency, including total investment, funding sources, capability to raise capital according to schedule, risk analysis, financial efficiency and socio-economic efficiency of the project;
- dd) The conformity of technological plan (if any);
- e) Other contents as prescribed by relevant laws and requested by the investment decision maker.

2. For projects using non-public investment state funds other than those prescribed in Point c Clause 1 Article 58 hereof, investment decision makers shall carry out the appraisal of the contents prescribed in Clause 1 of this Article and Clause 2 Article 58 hereof.

3. For projects using public investment funds and projects using non-public investment state funds for which only construction investment economic-technical reports are required, investment decision makers shall carry out the appraisal of the following contents:

- a) The conformity with planning, objectives and scale of investment and other requirements specified in decisions on or approvals for construction investment policies;
- b) The compliance of the construction drawing design with requirements on ensuring safety of the works and measures for ensuring safety of adjacent works;
- c) Formulation of total investment and determination of value of total investment;
- d) Solutions for organizing project implementation, plan on construction ground clearance, and form of project implementation;
- dd) The conformity of technological plan (if any);
- e) Other contents as prescribed by relevant laws and requested by the investment decision maker.

4. For projects using other funds, investment decision makers shall decide the contents to be appraised in conformity with investment and business requirements and relevant laws.

5. For projects using technologies restricted from transfer or using technologies and posing negative impacts on the environment as prescribed in the Law on technology transfer, technologies to be applied must be appraised or commented by agencies in charge of managing sectors/fields in accordance with the Government's regulations. Contents and time limits for appraising or commenting on technologies to be applied shall comply with provisions of the Law on technology transfer. Appraisal results or opinions given by agencies in charge of managing

sectors/fields shall be sent to appraising agencies of investment decision makers for consolidation.”.

15. Article 58 is amended as follows:

**“Article 58. Appraisal of construction investment feasibility study reports by specialized construction agencies**

1. Specialized construction agencies shall carry out the appraisal of construction investment feasibility study reports of the following projects:

a) Projects using public investment funds;

b) PPP projects;

c) Construction investment projects that are classified in group B or larger, or have construction works significantly affecting the community safety and interests, and use non-public investment state funds;

d) Construction investment projects that are of large scale, or have construction works significantly affecting the community safety and interests, and use other funds.

2. For construction investment projects prescribed in Points a, b and c Clause 1 of this Article, specialized construction agencies shall carry out the appraisal of the following contents:

a) The compliance with law regulations on formulation of construction investment project and fundamental design; the fulfillment of construction operation capability conditions by organizations and individuals performing construction activities;

b) The conformity of the fundamental design with construction planning and other detailed planning as prescribed by the Law on planning or the plan on the line of works and the construction location approved by competent authorities;

c) The conformity of the project with the investment policy decided or approved by competent authorities, implementation program or plan, and other project requirements as prescribed by relevant laws (if any);

d) For urban area construction investment projects, the regional infrastructure connectivity; the fulfillment of technical infrastructure requirements and assignment of responsibility to manage the works in accordance with relevant laws;

dd) The conformity of fundamental design solutions to ensuring construction safety; the fulfillment of requirements on fire and explosion prevention and fighting, and environmental protection;

e) The compliance with technical regulations and applicable standards as prescribed by the Law on standards and technical regulations;

g) The compliance with laws on determination on total investment.

3. For construction investment projects prescribed in Point d Clause 1 of this Article, specialized construction agencies shall carry out the appraisal of the contents prescribed in Points a, b, c, d, dd and e Clause 2 of this Article.

4. The Government shall elaborate large-scale construction investment projects and those having construction works significantly affecting the community safety and interests.”.

16. Article 59 is amended as follows:

**“Article 59. Time limits for appraisal of construction investment feasibility study reports**

1. The time limit for appraisal of a construction investment feasibility study report shall be counted from the date the appraisal agency or organization receives a complete and valid dossier.

2. Time limits for appraising construction investment feasibility study reports of projects using public investment funds are as follows:

a) For national important projects, the appraisal time limit shall comply with provisions of the Law on public investment;

b) For group-A projects, the appraisal time limit shall not exceed 40 days, including a period for appraisal by a specialized construction agency of not exceeding 35 days;

c) For group-B projects, the appraisal time limit shall not exceed 30 days, including a period for appraisal by a specialized construction agency of not exceeding 25 days;

d) For group-C projects, the appraisal time limit shall not exceed 20 days, including a period for appraisal by a specialized construction agency of not exceeding 15 days.

3. For projects other than those prescribed in Clause 2 of this Article, time limits for appraising construction investment feasibility study reports shall be considered and decided by investment decision makers. Where projects must be appraised by specialized construction agencies, periods of appraisal by specialized construction agencies shall comply with the provisions in Clause 2 of this Article; for national important projects that do not use public investment funds, the period of appraisal by a specialized construction agency shall not exceed 80 days.”.

17. Article 60 is amended as follows:

**“Article 60. Power to make construction investment decision**

1. For projects using public investment funds, the power to make construction investment decisions shall comply with provisions of the Law on public investment.
2. For state-invested construction investment projects of enterprises, the power to make construction investment decisions shall comply with provisions of the Law on management and use of state capital invested in production and business activities of enterprises, and relevant laws.
3. For PPP projects, the power to make construction investment decisions shall comply with provisions of the Law on investment in the public-private partnership form.
4. For projects using non-public investment state funds, except projects prescribed in Clause 2 of this Article, and projects using other funds, project owners or their representatives shall make construction investment decisions or construction investment decisions shall be made in accordance with relevant laws.”.

18. Point dd is added following Point d Clause 1 Article 61 as follows:

“dd) The adjustment of investment policy results in adjustment of project.”.

19. Article 62 is amended as follows:

**“Article 62. Organizational forms of construction investment project management**

1. Based on scale, characteristics, funding sources and conditions for implementation of construction investment projects, investment decision makers shall decide to apply one of the following organizational forms of project management:

a) Specialized construction investment project management board or regional construction investment project management board;

b) Single-project construction investment project management board;

c) Affiliated professional apparatuses of project owners;

d) Project management consultants.

2. Specialized construction investment project management board or regional construction investment project management board is assigned by the investment decision maker to concurrently or continuously manage a number of projects using public investment funds of the same sector or the same region.

3. Project management boards and project management consultants must fully satisfy capacity requirements as prescribed in Article 152 hereof.

4. The Government shall elaborate this Article.”.

20. Clause 1 Article 64 is amended as follows:

“1. Project owners shall establish single-project construction investment project management boards to directly manage their projects.”.

21. Article 71 is amended as follows:

**“Article 71. Rights and responsibilities of agencies and organizations appraising or verifying construction investment feasibility study reports and construction investment economic-technical reports**

1. Appraising agencies have the following rights:

a) Request project owners, organizations and individuals formulating or verifying construction investment feasibility study reports or construction investment economic-technical reports to provide, clarify or explain information for project appraisal;

b) Request project owners to hire consultancy organizations to carry out verification or invite qualified and experienced organizations and individuals to participate in the project appraisal when necessary;

c) Reserve appraisal results and reject requests to falsify appraisal results or requests beyond their capacity or the scope of appraisal as prescribed.

2. Appraising agencies have the following responsibilities:

a) Appraise construction investment feasibility study reports and construction investment economic-technical reports in accordance with regulations laid down herein and send consolidated opinions and appraisal results given by related agencies and organizations to investment decision makers for approving projects or issue construction investment decisions;

b) Take responsibility before law and investment decision makers for their own appraisal results.

3. Specialized construction agencies have the following rights:

a) Request project owners, organizations and individuals formulating or verifying construction investment feasibility study reports or fundamental designs to provide, clarify or explain information for project appraisal;

b) Request planning or architecture-managing agency of province or city where the project is located to provide relevant planning information when necessary;

c) Request project owners to hire consultancy organizations to carry out verification or invite qualified and experienced organizations and individuals to participate in the project appraisal when necessary;

d) Reserve appraisal results and reject requests to falsify appraisal results.

4. Specialized construction agencies have the following responsibilities:

a) Verify construction investment feasibility study reports in accordance with regulations laid down herein;

b) Send written notices of appraisal opinions and results to project owners and relevant agencies;

c) Take responsibility before law for their own task performance results.

5. Verifying organizations have the following rights:

a) Request project owners, organizations and individuals formulating construction investment feasibility study reports, construction investment economic-technical reports and fundamental designs to provide, clarify or explain information for project appraisal;

b) Reserve verification results and reject requests to falsify verification results or requests beyond their capacity or the scope of verification.

6. Verifying organizations have the following responsibilities:

a) Verify construction investment feasibility study reports and construction investment economic-technical reports at the request of project owners and in accordance with regulations laid down herein;

b) Explain and clarify verification results for project appraisal;

c) Take responsibility before law and project owners for their own verification results.”.

22. Some Points and Clauses of Article 72 are amended as follows:

a) Point a Clause 1 is amended as follows:

“a) Approve or authorize the approval of projects and final statements of construction investment funds. For projects using public investment funds and PPP projects, assignment or authorization to approve projects shall comply with provisions of the Law on public investment and the Law on investment in the public-private partnership form;”;

b) Point d Clause 2 is abrogated.

23. Article 78 is amended as follows:

**“Article 78. General provisions on construction design**

1. Construction designs include:

- a) Preliminary design in the construction investment pre-feasibility study report;
- b) Fundamental design in the construction investment feasibility study report or construction drawing design in the construction investment economic-technical report;
- c) Designs created after the fundamental design, including Front - End Engineering Design (hereinafter referred to as “FEED design”), technical; design, construction drawing design and other designs (if any) according to international practices.

2. Construction design may involve one or more steps as follows:

- a) One-step design being the construction drawing design;
- b) Two-step design consisting of fundamental design and construction drawing design;
- c) Three-step design consisting of fundamental design, technical design and construction drawing design;
- d) Multiple-step design as prescribed by international practices.

3. The number of construction design steps shall be decided by investment decision makers when approving projects or making construction investment decisions.

4. A construction design dossier following the fundamental design must comprise design explanations, design drawings, related construction survey documents, construction cost estimate and technical instructions (if any) as requested by the project owner.

5. A construction drawing design shall be created by either design consultancy organization or construction contractor for the entire construction works or for each work item or construction stage at the project owner’s request.

6. The Government shall elaborate construction design steps, and appraisal, approval and adjustment of construction designs.”.

24. Article 82 is amended as follows:

**“Article 82. Appraisal and approval of construction designs following fundamental design**

1. Project owners shall organize the appraisal of construction design steps following the fundamental design prescribed in Clause 2 of this Article as the basis for approval, unless otherwise specified in construction investment decisions issued by investment decision makers. For other design steps, project owners shall decide the design control under contracts signed between project owners and contractors and in accordance with relevant laws.

2. Project owners shall appraise the contents prescribed in Article 83 hereof of the following design steps:



a) FEED design in case of Engineering - Procurement - Construction contract (hereinafter referred to as “EPC contract”);

b) Technical design in case of three-step design;

c) Construction drawing design in case of two-step design;

d) Other design steps following the fundamental design in case of multiple-step design as prescribed by international practices.

3. Construction designs of construction works prescribed in Clause 1 Article 83a hereof must be also appraised by specialized construction agencies in terms of the contents prescribed in Clause 2 Article 83a hereof. Appraising agencies may invite qualified and experienced organizations and/or individuals to participate in construction design appraisal.

4. Construction works with requirements on fire and explosion prevention and fighting, environmental protection, and national defense and security must be also commented or appraised and approved by competent authorities in accordance with relevant laws.

5. For construction works prescribed in Clause 3 and Clause 4 of this Article, project owners are entitled to send required documents to specialized construction agencies and competent authorities at the same time. Appraisal results or opinions about the fulfillment of requirements on fire and explosion prevention and fighting, and environmental protection prescribed in Clause 4 of this Article shall be sent to specialized construction agencies as the basis for appraisal conclusions.

6. Contents concerning the safety of construction works, and compliance with standards and technical regulations of construction designs of construction works significantly affecting the community safety and interests must be verified by organizations or individuals fully capable of performing construction activities as the basis for appraisal.

7. Project owners shall consolidate documents provided by specialized construction agencies and relevant agencies and organizations, respond to requests (if any), and approve construction designs as prescribed in Clause 8 of this Article.

8. Project owners shall approve construction design steps following the fundamental design prescribed in Clause 2 of this Article. Project owners may decide the approval of other design steps.

9. The Minister of National Defense and Minister of Public Security shall elaborate the power and procedures for appraisal and approval of construction designs of construction works serving national defense and security purposes in conformity with particular management requirements.”.

25. Article 83 is amended as follows:

**“Article 83. Appraisal of construction designs following fundamental design by project owners**

1. For construction works using public investment funds and construction works using non-public investment state funds, project owners shall appraise the following contents:

- a) The compliance of the construction design with design tasks, the provisions in the design contract and relevant laws;
- b) The conformity of the construction design with technological line and equipment requirements (if any);
- c) The formulation of construction cost estimates; the compatibility of estimated values of works with total investment; determination of estimated values of works.

2. For construction works of PPP projects, construction designs shall be appraised according to the contents prescribed in Clause 1 of this Article and those specified in PPP project contracts.

3. For construction works prescribed in Clause 6 Article 82 hereof and other than those prescribed in Clause 1 Article 83a hereof, project owners shall organize appraisal and approval of construction designs according to the contents prescribed in Clause 1 of this Article and Clause 2 Article 83a hereof.

4. For construction works other than those prescribed in Clauses 1, 2 and 3 of this Article, project owners shall decide contents of appraisal which must ensure the conformity with design tasks, design contracts and relevant laws.”.

26. Article 83a is added following Article 83 as follows:

**“Article 83a. Appraisal of construction designs following fundamental design by specialized construction agencies**

1. Specialized construction agencies shall appraise construction design steps prescribed in Clause 2 Article 82 hereof of the following construction works:

- a) Construction works using public investment funds;
- b) Construction works that use non-public investment state funds and are classified in group B or larger or significantly affect the community safety and interests;
- c) Construction works of PPP projects;
- d) Construction works significantly affecting the community safety and interests and using other funds in areas without urban construction planning, function zone construction planning or detailed construction planning on rural residential points.

2. For construction works prescribed in Point a and Point b Clause 1 of this Article and construction works of component PPP projects using public investment funds, specialized construction agencies shall appraise construction designs according to the following contents:

- a) The compliance with law regulations on formulation and verification of the construction design; the fulfillment of construction operation capability conditions by organizations and individuals performing construction surveys, design and verification of construction designs;
- b) The conformity of the construction design with the fundamental design appraised by the specialized construction agency;
- c) The results of verification given by consultancy organizations of the fulfillment of requirements on safety of the construction works and compliance with standards and technical regulations in case where the construction design must be verified as prescribed in Clause 6 Article 82 hereof;
- d) The compliance with law regulations on estimation of construction costs;
- dd) The fulfillment of requirements on fire and explosion prevention and fighting, and environmental protection;
- e) The fulfillment of other requirements as prescribed by relevant laws.

3. For construction works prescribed in Point d Clause 1 of this Article and constructions works of PPP projects other than those prescribed in Clause 2 of this Article, specialized construction agencies shall appraise the contents prescribed in Points a, b, c, dd and e Clause 2 of this Article.”.

27. Article 85 is amended as follows:

**“Article 85. Rights and obligations of project owners in construction designing**

1. Project owners have the following rights:

- a) Conduct construction design and verification thereof by themselves if they have fully satisfied the construction operation and practice capability conditions suitable to types and grades of construction works;
- b) Select contractors to make and/or verify construction designs if they cannot themselves make and/or verify construction designs;
- c) Negotiate and sign construction design contracts and construction design verification contracts; supervise the performance of signed contracts and request design contractors to properly perform these contracts; suspend or terminate construction design contracts in accordance with the contracts and relevant laws;

d) Exercise other rights stated in the contracts and prescribed by relevant laws.

2. Project owners have the following obligations:

a) Select contractors that have fully satisfied the construction operation and practice capability conditions suitable to types and grades of construction works to make and/or verify construction designs;

b) Identify construction design tasks;

c) Provide adequate information and documents to contractors in charge of construction design and verification there;

d) Properly perform the signed contracts; pay compensations for damage caused by breach of the signed construction design contracts;

dd) Appraise and approve construction designs in accordance with regulations laid down herein;

e) Take responsibility before law and investment decision makers for their own task performance results;

g) Keep construction design dossiers;

h) Discharge other obligations as stated in the contracts and prescribed by relevant laws.”.

28. Article 87 is amended as follows:

**“Article 87. Rights and responsibilities of specialized construction agencies in appraisal of construction designs**

1. Specialized construction agencies have the following rights:

a) Request project owners, organizations and individuals formulating and verifying construction designs to provide, clarify or explain information necessary for construction design appraisal as prescribed;

b) Request project owners to select consultancy organizations to carry out verification or invite qualified and experienced organizations and individuals to participate in the construction design appraisal when necessary;

c) Reserve appraisal results and reject requests to falsify appraisal results or requests beyond their capacity or the scope of appraisal as prescribed.

2. Specialized construction agencies have the following responsibilities:

a) Appraise construction designs in accordance with regulations laid down herein;

b) Give written notices of appraisal opinions and results to project owners and local construction management agencies for monitoring and management of construction activities;

c) Take responsibility before law for their own task performance results.”.

29. Article 87a is added following Article 87 as follows:

**“Article 87a. Rights and obligations of organizations verifying construction designs**

1. Verifying organizations have the following rights:

a) Request project owners, organizations and individuals formulating construction designs to provide, clarify or explain information for verification purposes;

b) Reserve verification results and reject requests to falsify verification results or requests beyond their capacity or the scope of verification.

2. Verifying organizations have the following obligations:

a) Verify construction designs within the scope requested by project owners;

b) Provide explanations or clarification of verification results as the basis for appraisal by project owners and specialized construction agencies;

c) Take responsibility before law and project owners for their own verification results.”.

30. Article 89 is amended as follows:

**“Article 89. General provisions on grant of construction permits**

1. Construction works required to have construction permits granted by competent state agencies to project owners in accordance with regulations laid down herein, except the cases prescribed in Clause 2 of this Article.

2. Cases in which construction permit is exempted:

a) Works involving state secrets; works constructed under emergency orders;

b) Works of projects using public investment funds in which the construction investment is decided by the Prime Minister, heads of central-level agencies of political organizations, People’s Supreme Procuracy, People’s Supreme Court, State Audit Office of Vietnam, Office of the President, the Office of the National Assembly, ministers, heads of ministerial-level agencies, Governmental agencies, central-level agencies of Vietnamese Fatherland Front and of socio-political organizations or chairpersons of People’s Committees at different levels;

c) Makeshift construction works as prescribed in Article 131 hereof;

d) Works undergoing repair or renovation of their interior parts or works undergoing repair or renovation of their external architecture not facing roads in urban centers subject to architectural management requirements of competent state agencies; such repair or renovation does not alter the functions and force-bearing structures of the works, and must be conformable with construction planning approved by competent state agencies and requirements on fire and explosion prevention and fighting, and environmental protection;

dd) Advertisement works not subject to construction permits as prescribed by the Law on advertisement; passive telecom infrastructure works as prescribed by the Government;

e) Construction works located in the territories of two or more provincial-level administrative units, works constructed in lines outside urban areas which conform to construction planning or detailed planning approved by competent state agencies;

g) Construction works of which results of appraisal of the construction design following the fundamental design have been notified by specialized construction agencies to meet conditions for approval and which meet requirements for construction permit prescribed by this Law;

h) Detached houses with under 07 stories of urban area construction investment projects or housing construction investment projects under detailed planning of 1:500 scale approved by competent state agencies;

i) Grade-IV construction works or detached houses with under 07 stories in rural areas without urban planning, function zone construction planning or detailed construction planning on rural residential points approved by competent state agencies; Grade-IV construction works or detached houses in mountainous areas or islands without urban planning or function zone construction planning, except detached houses built in conservation zones or historical and cultural relic zones;

k) Project owners of construction works prescribed in Points b, e, g, h and i of this Clause, except detached houses prescribed in Point i of this Clause, shall send written notices of the time of construction commencement and construction design dossiers to local construction management agencies.

3. Construction permits include:

a) New construction permit;

b) Repair and renovation permit;

c) Relocation permit;

d) Definite-term construction permit.

4. Works shall be granted stage-based construction permits after having construction designs following the fundamental design for each stage appraised and approved in accordance with regulations laid down herein.

5. For a construction investment project consisting of multiple works, construction permits may be granted for one, several or all of these works when they need to be implemented concurrently provided conditions and time limit for granting construction permit and project synchronism must be ensured.”.

31. Clause 2 Article 91 is amended as follows:

“2. The construction work is conformable with land use purposes as prescribed by the Law on land.”.

32. Point a Clause 1 Article 93 is amended as follows:

“a) The detached house is conformable with land use purposes as prescribed by the Law on land and architectural management regulations adopted by competent state agencies;”.

33. Article 94 is amended as follows:

**“Article 94. Conditions for granting definite-term construction permits**

1. General conditions for granting definite-term construction permits:

a) The construction works are located in areas with construction zone planning, sub-zone planning for construction of function zones or detailed planning or detailed planning for construction of function zones approved and announced by competent state agencies but not yet implemented, for which there are no land appropriation decisions of competent state agencies;

b) The construction works are suitable to the size of works prescribed by provincial-level People’s Committees for each area and the existence duration of works according to plans for implementation of construction zone planning, sub-zone planning for construction of function zones or detailed planning or detailed planning for construction of function zones approved by competent state agencies;

c) The construction work is conformable with land use purposes defined in lawful documents on land of the applicant for definite-term construction permit;

d) Upon expiry of the existence duration stated in the definite-term construction permit and issuance of land appropriation decision by a competent state agency, the project owner shall undertake to demolish the works; if the project owner fails to demolish the works, the demolition shall be coerced and the project owner shall bear all demolition costs. After this period, if the construction planning is still not yet implemented, the project owner is allowed to use the construction work until a land appropriation decision is issued by competent state agency. The demolition shall be assisted in accordance with provisions of the Law on land.

2. Works to be granted definite-term construction permits must meet the conditions prescribed in Clause 1 of this Article and the conditions prescribed in Clauses 3, 4 and 5 Article 91 of this Law.

3. Detached houses to be granted definite-term construction permits must meet the conditions prescribed in Clause 1 of this Article and the conditions prescribed in Points b, c and d Clause 1 Article 93 of this Law.

4. For construction works and detached houses granted definite-term construction permits, if, upon expiry of the existence duration stated in the definite-term construction permit, the implementation plan is extended under the adjusted construction planning, the agency that has granted the construction permit shall make notification of extension of existence duration of the works. If the project owner wants to build a new construction, repair or renovation works, the definite-term construction permit to be issued shall have the term in line with the duration stated in the adjusted construction planning.

5. For construction works and detached houses which are subject to the provision in Point a Clause 1 of this Article and for which district-level annual land use plans have been issued, no new definite-term construction permits but only definite-term construction permits for repair or renovation shall be granted.

After 03 years from the date of announcement of a district-level annual land use plan, if a competent state agency issues no land appropriation decision or gives no approval for change of land use purposes according to the published district-level annual land use plan but fails to adjust or abrogate the district-level annual land use plan, or fails to publish the adjustment or abrogation of the district-level annual land use plan, land users may apply for definite-term construction permits according to the provisions in Clause 2 and Clause 3 of this Article."

34. Some Points and Clauses of Article 95 are amended as follows:

a) Point dd Clause 2 is amended as follows:

"dd) Copies or reference numbers of practice certificates of organizations in charge of designing and verifying construction designs, and practice certificates of design and verification managers as prescribed.";

b) Point b Clause 4 is amended as follows:

"b) The written opinions about the necessity of construction and the size of the construction work, given by a specialized religion agency affiliated to the provincial-level People's Committee.";

c) Clause 6 is amended as follows:

"6. Dossiers of application for construction permits for advertisement works shall comply with the provisions of the Law on advertisement.".



35. Clause 4 Article 96 is amended as follows:

“4. A written approval of a state management agency in charge of culture of the necessity of construction and the size of the work, for ranked historical and cultural relics and scenic works.”.

36. Some Points and Clauses of Article 102 are amended as follows:

a) Point d Clause 1 is amended as follows:

“d) The agency competent to grant construction permits shall examine the conditions prescribed in this Law and send written requests for opinions of state management agencies in charge of fields related to the construction work in accordance with law;”;

b) Point e Clause 1 is amended as follows:

“e) From the date of receiving a valid dossier, the agency competent to grant construction permits shall examine the dossier for the grant of a permit within 20 days in the case of grant of construction permits, including also definite-term construction permits, adjusted construction permits and relocation permits, and within 15 days, for detached houses. At the end of the time limit for the grant of a construction permit, if the agency competent to grant construction permits needs more time for examination, it shall notify in writing the reason to the project owner and at the same time report it to the direct management agency for consideration and direction, but within 10 days after the expiration of the time limit prescribed in this Clause. The time limit for grant of construction permits for advertisement works shall comply with the provisions of the Law on advertisement.”;

c) Clause 5 is amended as follows:

“5. The Government shall elaborate the grant of construction permits.”.

37. Clause 1 Article 103 is abrogated, Clause 2 and Clause 3 Article 103 are amended as follows:

“2. Provincial-level People’s Committees grant construction permits for construction works requiring construction permits in their provinces, except those prescribed in Clause 3 of this Article. Provincial-level People’s Committees may decentralize powers to provincial-level Construction Departments, and management boards of industrial parks, export processing zones, hi-tech parks and economic zones and district-level People’s Committees to grant construction permits under the scope of management and functions of these agencies.

3. District-level People’s Committees grant construction permits for grade-III and grade-IV works and detached houses in the territories under their management.”.

38. Point c Clause 2 Article 106 is amended as follows:

“c) Notify the construction starting dates as prescribed in Point e Clause 1 Article 107 of this Law;”.

39. Clause 1 Article 107 is amended as follows:

“1. The commencement of construction of a work must satisfy the following conditions:

- a) The construction grounds are available for entire or partial handover according to the construction schedule;
- b) The construction permit has been granted for the work subject to the provisions of Article 89 of this Law;
- c) The construction drawing design of the work item or the work to be constructed has been approved;
- d) The project owner has signed a construction contract with the contractor performing construction activities related to the constructed work as prescribed by law;
- dd) Measures have been developed to ensure safety and environmental protection in the course of construction;
- e) The project owner has sent the written notification of the construction starting date to the local construction management agency at least 03 working days before the commencement of construction.”.

40. Article 110 is amended as follows:

**“Article 110. Building materials**

- 1. Development, production and use of building materials must ensure the safety, efficiency, environmental friendliness and reasonable use of natural resources.
- 2. Materials and structures used in a construction work must comply with the approved construction designs and technical instructions (if any), and ensure quality in accordance with the law on standards and technical regulations, and the law on quality of products and goods.
- 3. Building materials used for manufacture and processing of semi-finished products must comply with Clauses 1 and 2 of this Article.
- 4. Priority shall be given to using local materials, domestically manufactured and processed building materials and construction products, and products with high domestic contents.
- 5. The Government shall elaborate this Article.”.

41. Point b Clause 1 Article 112 is amended as follows:

“b) Negotiate and sign construction contracts; supervise and request construction contractors to strictly perform the signed contracts; consider and approve construction measures and measures to ensure safety and environmental sanitation submitted by contractors;”.

42. Point b Clause 2 Article 113 is amended as follows:

“b) Make and submit to project owners for approval of construction measures specifying measures to ensure safety and environmental sanitation;”.

43. Article 115 is amended as follows:

**“Article 115. Safety in construction**

1. Construction contractors shall ensure safety for people, construction works, assets, equipment and vehicles in the course of construction, fire and explosion prevention and fighting, and environmental protection.

2. Project owners shall organize the supervision of construction contractors’ compliance with safety regulations; suspend or terminate construction when detecting signs of violation of safety regulations, incidents causing unsafety to works; cooperate with contractors in handling any incidents or occupational accidents; promptly notify fatal incident or occupational accidents to competent state agencies.

3. Construction contractors shall determine danger zones in construction; organize development and submission of measures to ensure safety for people, construction works, assets, equipment and vehicles in danger zones in construction to project owners; review measures to ensure safety in a periodical or ad hoc manner and adjust them to suit construction reality at construction sites.

4. If any danger zones in construction cause significant effects on the community safety, project owners shall report approved measures to ensure safety to specialized construction agencies for inspection in the course of construction.

5. Construction machinery, equipment and supplies subject to strict occupational safety requirements shall be inspected before they are used.

6. The Government shall elaborate this Article.”.

44. Article 118 is amended as follows:

**“Article 118. Demolition of construction works**

1. Construction works shall be demolished in the following cases:

a) The demolition is carried out for clearance of sites for construction of new or makeshift works;

b) Works are in danger of imminent collapse, thus affecting the community and adjacent works; works are subject to emergency demolition to promptly meet requirements of prevention, control and recovery from disaster, enemy sabotage, epidemic or other urgent duties to ensure national defense and security, and external affairs according to decisions issued by competent state agencies;

c) Works are constructed in no-construction zones prescribed in Clause 3 Article 12 hereof;

d) Works are constructed against construction planning or without construction permits as required, or works are constructed against the issued construction permits;

dd) Works are constructed on public land, or land under lawful use rights of other organizations or individuals; or works are exempted from construction permits but constructed against the approved construction designs;

e) Detached houses are demolished for building new ones.

2. The demolition of construction works must ensure safety and environmental protection and be carried out according to the following procedures:

a) Develop a demolition plan or solutions. If the work is subject to a demolition decision or coerced demolition, such demolition decision or coerced demolition decision is required when carrying out the demolition;

b) Verify and approve the demolition plan or solutions in case of demolition of the construction work significantly affecting the community safety and interests;

c) Organize the demolition of the construction work;

d) Organize supervision and acceptance test of the demolition results.

3. Responsibilities of parties involved in the demolition of construction works are prescribed as follows:

a) Project owners, owners, manager or users of the works or persons that are assigned to take charge of the demolition shall organize the demolition according to the procedures set out in Clause 2 of this Article; themselves carry out the demolition if fully meeting capacity requirements, or hire experienced and qualified consultancy organizations to develop and verify demolition plan or solutions, and carry out the demolition; take responsibility before law and pay compensation for damage caused due to their faults;

b) Contractors assigned to carry out the demolition shall work out demolition measures in conformity with the approved demolition plan or solutions; carry out the demolition according to the demolition measures and demolition decision or coerced demolition decision (if any); carry out control and monitoring of works; ensure safety for people, assets, demolished works and

adjacent works; take responsibility before law and pay compensation for damage caused due to their faults;

c) Persons competent to decide the demolition of construction works shall take responsibility before law for consequences of their failure to issue decisions, or issuance of untimely decisions or illegal decisions;

d) Owners or users of works subject to the demolition shall be required to comply with demolition decisions issued by competent state agencies; those failing to comply with such decisions shall be subject to coerced demolition of their works and incur all demolition costs.

4. The Government shall elaborate the demolition of construction works and emergency demolition of construction works.”.

45. Clause 4 and Clause 5 Article 123 are amended as follows:

“4. For national important works, large-sized works with complicated technical requirements, works significantly affecting the community safety and interests, and works using public investment funds, pre-acceptance tests during the process of construction and of completed works shall be examined. The responsibility for examination of pre-acceptance tests is prescribed as follows:

a) The council established by the Prime Minister shall examine pre-acceptance tests of construction works of national important projects and large-sized works with complicated technical requirements;

b) Specialized construction agencies shall examine pre-acceptance tests performed by project owners with regard to construction works other than those mentioned at Point a of this Clause.

5) The Government shall elaborate the quality management, pre-acceptance test and settlement of incidents of construction works and large-sized works with complicated technical requirements.”.

46. Some Points and Clauses of Article 124 are amended as follows:

a) Point c is added following Point b Clause 1 as follows:

“c) For urban area construction investment projects, all or some works of the project may be handed over for putting into use provided that the construction investment must be completed before the handover to ensure the synchronization of technical and social infrastructure systems according to the investment phasing and approved construction designs, and their connection to the regional technical infrastructure and conformity with the approved project contents and planning.”;

b) Clause 5 is added following Clause 4 as follows:

“5. For urban area construction investment projects, apart from the provisions in Clauses 1, 2, 3 and 4 of this Article, project owners shall hand over technical and social infrastructure works, and other works as prescribed by the Government.”.

47. Some Clauses of Article 126 are amended as follows:

a) Clause 1 is amended as follows:

“1. Maintenance of construction works must meet the following requirements:

a) Once put into use, construction works and their items shall be maintained;

b) The maintenance process shall be established and approved by project owners before putting construction works and their items into use; must be suitable to use purposes, types and grades of construction works and their items and equipment constructed and installed into works;

c) The maintenance of works must ensure safety for people, assets and works.”;

d) Clause 4 is amended and Clause 5 is added following Clause 4 as follows:

“4. The safety of large-sized works with complicated technical requirements and works significantly affecting the community safety and interests must be periodically assessed in the course of operation and use.

5. The Government shall elaborate the maintenance and periodical assessment of safety of construction works in the course of use and responsibility to announce expired construction works.”.

48. Article 130 is amended as follows:

**“Article 130. Construction of urgent works**

1. Urgent works include:

a) New construction, repair or renovation works which are constructed to promptly meet the requirements of prevention, control and recovery from disaster, enemy sabotage, epidemic or other urgent duties to ensure national defense and security, and external affairs according to decisions issued by competent agencies;

b) New construction, repair or renovation works which are constructed to promptly perform urgent tasks for ensuring energy security, water sources, response to environmental emergencies, or developing technical infrastructure systems under the Prime Minister’s decisions.

2. Ministers, heads of central-level agencies, chairpersons of People’s Committees at all levels are competent to decide the construction of works prescribed in Point a Clause 1 of this Article within scope of their management. Persons that are assigned to manage or take charge the

construction of works may decide all matters concerning the construction investment in order to organize the construction of such works in a manner that meets schedule and quality requirements, and shall take responsibility for their decisions. For urgent works using public investment funds, the order and procedures for making investment decisions shall comply with provisions of the Law on public investment.

3. The Prime Minister shall decide specific mechanisms for each of the construction works prescribed in Point b Clause 1 of this Article, including survey and construction designs, forms of selection of contractors and other mechanisms within his/her competence to hasten the construction investment progress. Persons that are assigned to manage or take charge the construction of works shall organize the implementation of specific mechanisms decide by the Prime Minister and other works relating to the construction investment process as prescribed by relevant laws.

4. Upon completion of construction of urgent works, persons assigned to take charge of the construction of such urgent works shall:

- a) Inspect and re-assess the quality of the constructed works and carry out maintenance tasks;
- b) Complete and archive completion dossiers of construction works and relevant documents as prescribed by the Law on construction;
- c) Carry out settlement for works in accordance with regulations of law.

5. Persons that are assigned to manage and use the works shall work out plans for management and use of construction works or demolition of construction works for returning construction grounds in case such urgent works have been constructed against the construction planning prescribed in this Law.”.

49. Article 131 is amended as follows:

**“Article 131. Construction of makeshift works**

1. Makeshift works are those constructed to serve, for definite terms, the following purposes:

- a) The construction of main works;
- b) The organization of events or other activities within the periods prescribed in Clause 2 of this Article.

2. The works prescribed in Point b Clause 1 of this Article must be given approval by provincial- or district-level People’s Committees of their location, size and existence duration.

3. Project owners and construction contractors shall themselves organize the appraisal and approval of construction designs and cost estimates, and the construction of makeshift works. Construction designs of the works significantly affecting the community safety and interests

must be verified in terms of conditions to ensure safety, and sent to local specialized construction agencies for monitoring and inspection as prescribed.

4. Makeshift works must be demolished when the main works of construction investment projects are put into operation and use or upon expiry of their existence duration. Project owners are allowed to request provincial- or district-level People's Committees to give approval for extended operation and use of the makeshift works prescribed in Point a Clause 1 of this Article if they are conformable with the planning, meet requirements on force-bearing safety, fire and explosion prevention and fighting, and environmental protection, and comply with relevant laws.”.

50. Clause 2 Article 132 is amended as follows:

“2. The State shall manage construction investment costs through promulgating, guiding and examining the implementation of regulations of laws, and stipulating the application of necessary tools to the management of construction investment costs.”.

51. Clause 3 and Clause 4 Article 136 are amended, and Clause 5 and Clause 6 are added following Clause 4 Article 136 as follows:

“3. The application or reference to the system of construction norms prescribed in Clause 1 of this Article adopted by ministers of specialized construction work-managing ministries or chairperson of provincial-level people's committees is provided for as follows:

a) For projects using public investment funds, project owners shall determine and manage construction investment costs according to regulations on cost management and by applying the promulgated construction norms;

b) For projects using non-public investment state funds and PPP projects, project owners shall determine and manage construction investment costs according to regulations on cost management and by referring to promulgated construction norms;

c) For projects using other funds, project owners shall determine and manage construction investment costs by referring to the promulgated construction norms.

4. Construction price index is an indicator reflecting the level of time-based fluctuation of construction prices and serving as a basis for determining and adjusting total investment, cost estimates and prices of construction contracts, and for managing construction investment costs.

The Ministry of Construction shall publicize national construction price indexes; provincial-level People's Committees shall publicize local construction prices of works and local construction price indexes.

5. The Government shall periodically review, update and adjust the system of promulgated construction norms.



6. The Minister of Construction shall stipulate the determination of new construction norms, adjust the construction norms which no longer suit specific requirements of works, and the determination of construction price indexes of works located in the territories of two or more provincial-level administrative units.”.

52. Clause 1 Article 137 is amended as follows:

“1. The payment and settlement for construction investment projects must comply with the Law on management of investment capital. The payment and settlement for projects using public investment funds shall comply with regulations laid down herein and the Law on public investment. Project owners shall take responsibility before law for the accuracy and lawfulness of unit prices, volumes and values requested for payment or settlement in payment or settlement dossiers.”.

53. Some Clauses of Article 148 are amended as follows:

a) Clause 3 and Clause 4 are amended as follows:

“3. Holders of titles and individuals practicing construction activities who are required to possess practice certificates as prescribed in this Law include construction investment project managers, construction planning design managers, construction survey managers, construction design or design verification managers, construction supervision consultants, and managers in charge of formulating, verifying and managing construction investment costs. Practice certificates shall be classified into class I, class II and class III.

4. Organizations conducting construction activities that are required to have capability certificates as prescribed in this Law include construction investment project management consultancy organizations, construction survey organizations, construction planning designing organizations, construction designing and design-verifying organizations, construction organizations, and construction supervision consultancy organizations. Capability certificates shall be classified into class I, class II and class III. The specialized construction agency affiliated to the Ministry of Construction shall grant class-I capability certificates; provincial-level Construction Departments and socio-professional organizations that meet edibility requirements laid down by the Government shall grant capability certificates of other classes.”;

b) Clause 5 is amended as follows:

“5. The Government shall elaborate capability conditions to be satisfied by organizations and individuals conducting construction activities; programs, contents and forms of holding tests to grant practice certificates; grant, re-grant, conversion and revocation of practice certificates; conditions, competence, order and procedures for grant and revocation of operation licenses of contractors being foreign organizations or foreigners.”.

54. Some Points and Clauses of Article 152 are amended as follows:

a) Point b Clause 1 is amended as follows:

“b) Individuals holding the title of construction investment project manager, individuals in charge of professional fields in project management must have relevant qualifications, training certificates, working experiences and practice certificates relevant to the scale and type of projects.”;

b) Point d Clause 2 is amended as follows:

“d) Individuals holding the title of construction investment project manager, individuals in charge of professional fields in project management must have relevant qualifications, training certificates, working experiences and practice certificates relevant to the scale and type of projects.”.

55. Clause 2 Article 154 is amended as follows:

“2. Individuals holding the title of construction design or design verification manager must have construction designing practice capabilities and practice certificates relevant to requirements of each type and grade of work.”.

56. Clause 2 Article 157 is amended as follows:

“2. Site chief commanders must have relevant qualifications and construction practice capabilities.”.

57. The first paragraph of Article 158 is amended as follows:

“Individuals independently practicing construction plan designing, construction survey, work construction designing, construction investment project management consultancy, construction supervision consultancy, formulation, verification and management of construction investment costs must meet the following conditions:”.

58. Article 159 is amended as follows:

**“Article 159. Management of construction capabilities**

1. Information on construction capabilities of organizations and individuals granted certificates must be published on the websites of managed by agencies competent to grant certificates and integrated into the portal of the Ministry of Construction.

2. Agencies competent to grant certificates shall publish information on construction capabilities of organizations and individuals on their websites, and send it to the specialized construction agency affiliated to the Ministry of Construction for integrating it into the portal of the Ministry of Construction. Such information must be published within 05 working days from the date on which a certificate is granted. The integration of information into the portal of the Ministry of Construction must be made within 03 working days from the receipt of information from the agency competent to grant certificate.

3. The Ministry of Construction and provincial-level Construction Departments shall inspect and handle violations against regulations on capability conditions committed by project owners, organizations and individuals conducting construction activities.”.

59. Clause 6 Article 160 is amended as follows:

“6. Manage the grant, re-grant, modification, conversion and revocation of licenses, certificates, certifications and settlement of other administrative procedures in construction investment activities.”.

60. Article 161 is amended as follows:

#### **“Article 161. Responsibilities of the Government**

1. Unify the state management of construction investment activities nationwide; assign and decentralize the state management to ministries, central agencies, local governments and specialized construction work-managing ministries; direct ministries, central agencies and local governments to implement the Law on construction; direct the settlement of important issues, complicated problems and difficulties in the course of management of construction investment activities.

2. Promulgate or request competent authorities to promulgate legislative documents on construction; promulgate or direct the construction and implementation of policies, strategies and plans for ensuring efficient construction investment, improvement of labor productivity, thrift use of energy and natural resources and sustainable development; stipulate the implementation of overseas construction investment projects invested by domestic agencies, organizations and individuals, and development and management of the information system and national database on construction activities.”.

61. Some Clauses of Article 162 are amended as follows:

a) Clause 2 and Clause 3 are amended as follows:

“2. Promulgate and organize the implementation of legislative documents on construction within its competence; promulgate national technical regulations on construction and documents providing guidance on construction techniques within its competence, and criteria for construction works with thrift and efficient use of energy and natural resources, eco-cities and smart cities.

3. Organize and manage construction planning, construction investment project management activities, appraisal of projects and construction designs; stipulate the determination and management of construction investment costs, construction contracts, construction norms and prices.”;

b) Clause 5 is amended as follows:

“5. Manage the grant, re-grant, modification, conversion and revocation of licenses, certificates, certifications and settlement of other administrative procedures in construction investment activities within its competence.”;

c) Clause 9 is amended as follows:

“9. Guide and examine the management of safety, labor sanitation and environment in the construction of works; take charge of managing safety, labor sanitation and environment in the construction of works in its management sectors.”;

d) Clause 11 is amended as follows:

“11. Develop and manage the information system and national database on construction activities; manage and provide information to serve construction investment activities.”.

62. Some Points and Clauses of Article 163 are amended as follows:

a) Clause 1 is amended as follows:

“1. Within the scope of their powers, specialized construction work-managing agencies shall:

a) Coordinate with the Ministry of Construction in performing the state management of construction investment activities and take responsibility for managing the quality of construction works and managing the safety, labor sanitation and environment in the construction of works in their management sectors in accordance with this Law;

b) Study, promulgate, guide and examine the implementation of standards, technical regulations and economic-technical norms for specialized construction works according to the Ministry of Construction’s guidelines and Minister of Construction’s regulations; organizing professional training and retraining in construction investment for officials of their affiliated agencies and units;

c) Monitor, examine and summarize the supervision and assessment of the construction investment in specialized works under their management in accordance with law;

d) Coordinate with and support ministries, agencies, related organizations and People’s Committees of all levels in the process of implementation of specialized construction investment projects in issues under their management.”;

b) Point a Clause 2 is amended as follows:

“a) Perform the state management functions according to their assigned tasks and powers; promulgate documents according to their competence; direct the implementation and inspection of construction planning and construction investment plans under their assigned management.”;

c) Point c Clause 2 is amended as follows:

“c) Summarize the situation of, implementing, supervising and assessing construction investment activities and take responsibility for managing the quality of construction works and managing the safety, labor sanitation and environment in the construction of works under their assigned management;”.

63. Some Points Clause 1 Article 164 are amended as follows:

a) Point a Clause 1 is amended as follows:

“a) Perform the state management functions as assigned by the Government; manage construction order in localities according to construction planning, construction designs and construction permits according to the Government’s regulations; promulgate documents according to their competence; direct the implementation of construction planning and construction investment plans; decentralize and authorize district-level People’s Committees, management boards of industrial parks, export processing zones, hi-tech parks and economic zones to formulate, appraise and approve construction zone planning schemes and detailed planning for construction of function zones; organize the provision of guidance, examination and handling of complaints, denunciations and violations in construction investment activities;”;

b) Point c Clause 1 is amended as follows:

“c) Study for promulgation, provision of guidance and inspection of the implementation of standards, technical regulations and economic-technical norms for local specialized construction works according to the Ministry of Construction’s guidelines and Minister of Construction’s regulations; send periodical and annual reports on the management of their construction investment activities to the Ministry of Construction for summarization and monitoring;”;

c) Point dd Clause 1 is amended as follows:

“dd) Direct specialized agencies to notify information about construction norms, prices and price indexes on a monthly, quarterly or annual basis to promptly meet price fluctuations on the market.”.

64. Phrases in the following articles are replaced:

a) The phrase “vốn ngân sách nhà nước” (“state budget funds”) in Clause 1 Article 67 is replaced by the phrase “vốn đầu tư công” (“public investment funds”);

b) The phrase “vốn nhà nước” (“state funds”) in Point a Clause 1 and Clause 2 Article 8 is replaced by the phrase “vốn đầu tư công” (“public investment funds”);

c) The phrase “vốn nhà nước” (“state funds”) is replaced by the phrase “vốn đầu tư công, vốn nhà nước ngoài đầu tư công” (“public investment funds, non-public investment state funds”) in Clause 5 Article 12, Clause 1 and Clause 2 Article 61, Point dd Clause 2 Article 86, Clause 5 Article 132, Clause 4 and Clause 5 Article 134, Clause 3 and Clause 4 Article 135, Clause 2

Article 137, Clause 3 Article 143, Clause 2 Article 146, Clause 2 and Clause 4 Article 147 and Clause 2 Article 166;

d) The phrase “tư vấn quản lý chi phí đầu tư xây dựng” (“construction investment cost management consultancy”) is replaced by the phrase “quản lý chi phí đầu tư xây dựng” (“construction investment cost management”) in heading of Article 156.

65. Clause 2 Article 48, Clause 1 Article 63 and Point h Clause 3 Article 140 are abrogated.

## **Article 2. Amendments to Article 17 of the Law on housing No. 65/2014/QH13 as amended in the Law No. 40/2019/QH14**

Article 17 is amended as follows:

### **“Article 17. Forms of housing development and residential construction investment projects**

1. Forms of housing development include:

- a) Development of housing according to housing construction investment projects;
- b) Development of housing according to urban area construction investment projects;
- c) Development of housing by households and individuals.

2. Housing construction investment projects prescribed in this Law include:

- a) Investment project on new construction or renovation of an independent house or a cluster of houses;
- b) Investment project on construction of a housing area with synchronized technical and social infrastructure systems in a rural area;
- c) Construction investment project using mixed types of lands, parts of which are used for the construction of houses;
- d) Investment project on construction of buildings for mixed residence and business purposes.

3. The urban area construction investment prescribed in Point b Clause 1 of this Article must comply with regulations on housing laid down in the Law on housing and relevant laws.”.

### **Article 3. Implementation**

1. This Law comes into force from January 01, 2021, except the regulations in Clause 2 of this Article.

2. The following regulations of this Law come into force from August 15, 2020:

a) Regulations in Clause 13 Article 1 on the power of investment decision makers to appraise construction investment economic-technical reports;

b) Regulations in Clause 30 Article 1 on grant of exemption from construction permits to construction works of which results of appraisal of the construction design following the fundamental design have been notified by specialized construction agencies to meet conditions for approval;

c) Regulations in Clause 37 Article 1 on abrogation of the power of the Ministry of Construction and provincial-level People's Committees to grant construction permits to special-grade construction works;

d) Regulations in Point d and Point dd Clause 3 of this Article.

3. Transition provisions:

a) The sub-zone planning for construction of function zones whose planning tasks have been approved before this Law comes into force shall be implemented in accordance with regulations of the Law on construction No 50/2014/QH13 as amended in the Law No. 03/2016/QH14, the Law No. 35/2018/QH14 and the Law No. 40/2019/QH14; if they have been not yet implemented, they shall be implemented in accordance with this Law;

b) The construction investment projects with investment decisions or investment policies made or approved before this Law comes into force are not subject to the compulsory formulation of construction investment pre-feasibility study reports as prescribed in this Law;

c) If construction investment projects have been approved before this Law comes into force, no re-approval is required but other activities which have been not yet performed shall be performed in accordance with this Law; construction investment costs of the in-progress projects shall be managed in accordance with laws in force before the effective date of this Law;

d) For the construction works whose construction designs following the fundamental design have been appraised by specialized construction agencies before August 15, 2020 and which are subject to construction permits as prescribed in the Law on construction No 50/2014/QH13 as amended in the Law No. 03/2016/QH14, the Law No. 35/2018/QH14 and the Law No. 40/2019/QH14, procedures for grant of construction permits shall be carried out as prescribed;

dd) For the construction works subject to appraisal of construction designs following the fundamental design or appraisal of modification thereof by specialized construction agencies within the period from August 15, 2020 to December 31, 2020, when carrying out such appraisal, the specialized construction agencies shall cooperate with local construction management agencies to review and assess the fulfillment of conditions for grant of construction permits as prescribed in the Law on construction No 50/2014/QH13 as amended in the Law No. 03/2016/QH14, the Law No. 35/2018/QH14 and the Law No. 40/2019/QH14 for granting

exemption from construction permits as prescribed in Clause 30 Article 1 of this Law; if construction permits have been granted, no modification of construction permits is required;

e) If construction designs following the fundamental design of the construction works granted construction permits are modified on January 01, 2021 onwards, procedures for modification of construction permits must be carried out in accordance with this Law, except cases subject to the appraisal of modified construction designs by specialized construction agencies as prescribed in this Law;

g) If construction works have been constructed before this Law comes into force and exempted from construction permits as prescribed by laws in force at the time of commencement of construction but are subject to construction permits as prescribed by this Law, the construction of these works shall be still continued;

h) The Government shall elaborate Points a, b, c, dd, e and g of this Clause.

*This Law is ratified the 14<sup>th</sup> National Assembly of the Socialist Republic of Vietnam during its 9<sup>th</sup> session held on June 17, 2020.*

**PRESIDENT OF THE NATIONAL  
ASSEMBLY**

**Nguyen Thi Kim Ngan**

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