

THE CONSTRUCTION LAW

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly promulgates the Construction Law.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Law prescribes the rights, obligations and responsibilities of agencies, organizations and individuals and the state management in construction investment activities.

Article 2. Subjects of application

This Law applies to domestic agencies, organizations and individuals; foreign organizations and individuals conducting construction investment activities in the territory of Vietnam.

In case a treaty to which the Socialist Republic of Vietnam is a contracting party contains provisions different from those of this Law, the provisions of that treaty will prevail.

Article 3. Interpretation of terms

In this Law, the terms below shall be construed as follows:

1. Construction investment pre-feasibility study report means a document presenting the contents of preliminary study on the necessity for, feasibility and effectiveness of, construction investment, which serves as a basis for consideration of, and decision on, the construction investment policy.
2. Construction investment feasibility study report means a document presenting the contents of study on the necessity for, feasibility and effectiveness of, construction investment in accordance with the selected basic design plan, which serves as a basis for consideration of, and decision on, construction investment.
3. Construction investment economic-technical report means a document presenting the contents on the necessity for, feasibility and effectiveness of, construction investment in accordance with

the construction drawing design plan for a small work, which serves as a basis for consideration of, and decision on, construction investment.

4. Specialized construction work-managing ministry means a ministry tasked to manage and conduct the construction of works in the construction sector under its management.

5. Red-line boundary means a boundary line drawn on the planning map and on the field for the purpose of demarcating land plots permitted for construction of works and land plots reserved for roads or technical infrastructure facilities and other public spaces.

6. Construction boundary means a limit line of a land parcel within which the main work is permitted to be constructed.

7. Construction-planned land use norms means the norms used for management of spatial and architectural development specifically identified for an area or a land lot, including the construction density, land use coefficient and maximum and minimum construction elevations of works.

8. Economic-technical norms of a construction plan means the norms forecasted, determined and selected for use as a basis for proposing options and solutions for construction planning, including population size, land, technical and social infrastructure and environmental norms.

9. Construction project owner (below referred to as project owner) means an agency, organization or individual that owns funds, borrows loans, or is assigned to directly manage and use funds, for construction investment activities.

10. Construction work means a product created by human labor and with building materials and equipment installed therein, affixed to land, which possibly includes underground and surface components, underwater and water surface components, and constructed according to design. Construction works include civil works, industrial works, traffic works, agricultural and rural development works, technical infrastructure works and other works.

11. Construction level means the compulsory minimum construction elevation selected in conformity with the master plan on the foundation and rainwater drainage height.

12. Construction state management agencies include the Ministry of Construction, People's Committees of provinces or centrally run cities (below collectively referred to as provincial-level People's Committees) and People's Committees of rural districts, urban districts, towns or provincial cities (below collectively referred to as district-level People's Committees).

13. Specialized construction agencies means specialized agencies of the Ministry of Construction or specialized construction work-managing ministries; provincial-level Construction Departments or specialized construction work-managing Departments; construction management sections of district-level People's Committees.

14. Specialized agencies attached to an investment decider means agencies or organizations with expertise relevant to the characteristics and contents of projects, which are tasked by investment deciders to conduct appraisal.

15. Construction investment project means a collection of proposals concerning use of funds for construction, repair or renovation of a construction work with a view to developing, maintaining and raising the quality of the work or product or service within a given duration at specified costs. At the stage of investment construction project preparation, the project shall be demonstrated through the construction investment pre-feasibility study report, the construction investment feasibility study report or construction investment economic-technical report.

16. Rural residential quarter means an area where many households are bound together in their production, daily life and other social activities within a specific zone formed on the basis of natural conditions, socio-economic conditions, culture and other factors.

17. Construction permit means a legal document granted by a competent state agency to a project owner for construction, repair, renovation or relocation of a work.

18. Construction permit with a definite period means a construction permit granted for construction of a work or separate house within a given duration under the plan for implementation of the construction master plan.

19. Phased construction permit means a construction permit granted for every part of a work or every work of a project when the construction design of the work or project is not yet completely implemented.

20. Construction investment activities means a process of conducting construction activities including construction, repair and renovation of a construction work.

21. Construction activities cover construction planning, formulation of a investment project to construct a work, construction survey, construction design, construction, construction supervision, project management, selection of contractors, pre-acceptance test, handover of the work for exploitation or use, its warranty and maintenance and other activities related to its construction.

22. Technical infrastructure system includes traffic, information and communication, energy supply, public lighting, water supply, wastewater and solid waste collection and treatment facilities, cemeteries and other works.

23. Social infrastructure system includes health care, cultural, educational, sports, commercial and public service works, trees, parks and other works.

24. Construction investment consultancy activities cover construction planning, formulation of an investment project to construct a work, construction survey, design, verification, inspection, experimentation, project management, construction supervision and other counseling jobs related to construction investment activities.

25. Particular-function zone means an area developed according to an exclusive function or mixed functions such as economic zone, industrial park, export processing zone, hi-tech park; tourist resort, ecological zone, conservation zone, historical-cultural relic zone; research and training zone; physical training and sports zone; airport, seaport, technical infrastructure key zone; and another particular-function zone identified under the approved regional construction master plan or formed under decision of a competent state agency.

26. Formulation of a construction investment project covers formulation of a construction investment pre-feasibility study report (if any), construction investment feasibility study report or construction investment economic-technical report and the performance of necessary jobs to prepare the construction investment.

27. Investment decider means a person or at-law representative of an agency, organization or enterprise who is competent to approve the project and decide on construction investment.

28. Contractor in construction investment activities (below referred to as contractor) means an organization or individual that has full construction capacity or practice capacity when participating in contractual relations in construction investment activities.

29. Separate house means a work constructed within a residential land area under the use rights of a household or an individual in accordance with law.

30. Construction planning means the organization of spaces of urban and rural areas and particular-function zones; the organization of technical and social infrastructure systems; the establishment of an environment suitable to people residing in territorial areas, ensuring the harmony between national interests and community interests, attaining the socio-economic development, national defense, security, environmental protection and climate change response objectives. Construction planning is demonstrated through a construction plan consisting of diagrams, drawings, mock-ups and explanations.

31. Regional construction planning means the organization of systems of urban and rural areas and particular-function zones and systems of technical and social infrastructure works within the administrative boundaries of a province or a district, inter-provinces or inter-districts, which meets the socio-economic development requirements in each period.

32. Particular-function zone construction planning means the organization of space, architecture and landscape, systems of technical and social infrastructure works within a particular-function zone. The particular-function zone construction planning covers general construction planning, construction sub-zone planning and construction detailed planning.

33. Rural construction planning means the organization of space, land use, systems of technical infrastructure and social infrastructure works of a rural area. The rural construction planning covers commune general construction planning and rural residential quarter construction detailed planning.

34. Construction work incident mean a breakdown beyond the allowable safety limit which puts the construction work or its construction supporting structures in danger of collapse or has caused the collapse of part or whole of the work in the course of construction or exploitation and use.

35. Construction general contractor means a contractor signing a contract directly with a project owner to undertake one job, some jobs or all jobs of a construction investment project.

36. Appraisal means the examination and assessment of the investment decider, project owner and specialized construction agency of necessary contents in the course of preparing and implementing a construction investment project, which serve as a basis for consideration and approval.

37. Verification means the professional examination and assessment by an organization or individual with full construction and practice capacity of necessary contents in the course of preparing and implementing a construction investment project, which serve as a basis for appraisal work.

38. Construction of a work means the construction of, and installation of equipment for, a newly built, repaired, renovated, relocated, embellished or restored work; dismantlement of a work; warranty and maintenance of a construction work.

39. Equipment installed in a work includes work equipment and technological equipment. Work equipment means equipment installed in a construction work according to its construction design. Technological equipment means equipment included in the technological chain installed in a work according to its technological design.

40. Preliminary design means a design made in the construction investment pre-feasibility study report, demonstrating the initial ideas on the design of a construction work, preliminary selection of technological lines and equipment, which serves as a basis for determining the construction investment policy.

41. Basic design means a design made in the construction investment feasibility study report, based on the selected design plan, demonstrating the principal technical parameters suitable to applied standards and technical regulations, which serves as a basis for proceeding with subsequent designing steps.

42. Technical design means a design detailing the basic design after the work construction investment project is approved in order to fully demonstrate solutions, technical parameters and to be-used materials conforming with the applied standards and technical regulations, which serves as a basis for making the construction drawing design.

43. Construction drawing design means a design fully demonstrating the technical parameters, to be-used materials and structural details conforming with the applied standards and technical regulations, fully meeting the conditions for construction of a work.

44. Construction planning time limit means a duration identified to be the basis for forecast and calculation of economic-technical norms for formulation of a construction plan.

45. Planning region means the territorial space demarcated by one or many administrative units and decided by a competent state agency.

Article 4. Basic principles of construction investment activities

1. Ensuring the compliance of work construction investment with master plans and designs, the protection of scenery and environment; the suitability to natural and social conditions and cultural characteristics of each locality; ensuring the stable life of people; combining socio-economic development with national defense and security and response to climate change.

2. Rationally using resources and natural resources in project areas, ensuring proper purposes, proper subjects and process of construction investment.

3. Complying with standards and technical regulations, regulations on the use of building materials; ensuring convenient and safe access for people with disabilities, the elderly and children to public facilities and high-rises; ensuring scientific and technological application and information system application to construction investment activities.

4. Ensuring the quality, schedule and safety of works, human lives and health and property; fire and explosion prevention and fighting; and environmental protection.

5. Ensuring synchronous construction within each work and synchronism with technical and social infrastructure facilities.

6. Organizations and individuals involved in construction activities must have full capacity conditions suitable to types of projects, types and grades of construction works and jobs as prescribed by this Law.

7. Ensuring the publicity, transparency, thrift and efficiency; preventing and combating corruption, waste, loss and other negative practices in construction investment activities.

8. Clearly defining the function of state management in construction investment activities from the function of management of project owners suitable to each type of to used funding sources.

Article 5. Types and grades of construction works

1. Construction works shall be classified by type and grade.

2. Types of construction works determined by utility include civil works, industrial works, traffic works, agricultural and rural development works, technical infrastructure and national defense or security works.

3. Grades of construction works shall be determined according to types of works and based on their sizes, purposes, importance, lifetime, used materials and technical requirements on construction.

The grades of works include special grade, grade I, grade II, grade III, grade IV and other grades stipulated by the Government.

Article 6. Application of standards and technical regulations in construction investment activities

1. Construction investment activities must comply with national technical regulations.
2. Standards shall be applied in construction investment activities on the principle of voluntariness, excluding standards referred in technical regulations or other relevant legal documents.
3. Standards applicable to works shall be considered and approved by investment deciders when deciding the investment.
4. The application of standards must satisfy the following requirements:
 - a/ Meeting the requirements of national technical regulations and relevant laws;
 - b/ Ensuring synchronism and feasibility of the applied standard system.
5. The application of technical solutions, technologies and new materials in construction investment activities must satisfy national technical regulations and relevant laws.
6. The Ministry of Construction and specialized construction work-managing ministries shall formulate standards and national technical regulations applicable to specialized construction works in accordance with the law on standards and technical regulations.

Article 7. Project owners

1. The project owner shall be decided by the investment decider before the formulation or approval of a project.
2. Depending on funding sources used for projects, project owners shall be specifically determined as follows:
 - a/ For a project using state budget funds or non-budget state funds, the project owner is the agency or organization assigned by the investment decider to manage and use the funds for construction investment;
 - b/ For a project financed by a loan, the project owner is the agency, organization or individual that borrows the loan for construction investment;

c/ For a project to be implemented under project contract or public-private partnership contract, the project owner is the project enterprise established with the investors' agreement in accordance with law;

d/ For projects other than those prescribed at Points a, b and c of this Clause, the owners of funds shall act as project owners.

3. Based on the specific conditions of projects using state budget funds, the investment deciders shall assign the specialized construction investment project management units or regional construction investment project management units to be project owners; if the project management units are not available, investment deciders shall select fully qualified agencies or organizations to be project owners.

4. Project owners shall take responsibility before law and investment deciders within the limits of their rights and obligations prescribed in this Law and relevant laws.

Article 8. Monitoring and evaluation of construction investment projects

1. Construction investment projects shall be monitored and evaluated as suitable to each type of funding source as follows:

a/ For projects using state funds, competent state agencies shall conduct the monitoring and evaluation in accordance with the law on public investment and law on construction according to the approved evaluation contents and criteria;

b/ For projects using other funding sources, competent state agencies shall conduct the monitoring and evaluation of objectives, conformity with relevant master plans, land use, construction investment schedule and environmental protection.

2. Infrastructure construction investment projects using state funds or community- contributed funds and financial assistance of domestic organizations and individuals are subject to community supervision.

Within the ambit of their tasks and powers, the Vietnam Fatherland Front Committees in construction areas shall organize the community supervision.

3. The Government shall detail this Article.

Article 9. Insurance in construction investment activities

1. Insurance in construction investment activities covers:

a/ Work insurance during the construction;

b/ Construction investment consultancy professional liability insurance;

c/ Insurance for construction supplies, materials, means, equipment and laborers;

d/ Civil liability insurance for third party;

dd/ Construction work warranty insurance.

2. Responsibility to buy compulsory insurance in construction investment activities is prescribed as follows:

a/ Project owners shall buy work insurance during the construction for works affecting the community safety, environment, works with particular technical requirements and complicated construction conditions;

b/ Consultancy contractors shall buy construction investment consultancy professional liability insurance for construction survey and construction design of construction works of grade II or higher grade;

c/ Construction contractors shall buy insurance for construction workers working on the construction sites.

3. Project owners, consultancy contractors and construction contractors are encouraged to buy types of insurance in construction investment activities, except for the case specified in Clause 2 of this Article.

4. The Government shall detail the responsibility to buy compulsory insurance, the conditions, premium levels and minimum insurance money which the insured and insurers are obliged to comply with.

Article 10. Encouragement policies in construction investment activities

1. Domestic and foreign organizations and individuals shall be encouraged and given conditions to research and apply advanced construction science and technology, use new materials, conserve energy and resources, protect the environment and respond to climate change; to conserve, embellish and promote the value of historical relics, cultural heritages, beliefs and religion; organizations and individuals shall be given conditions to build social houses, participate in construction investment under planning in mountainous areas, areas facing exceptionally difficult socio-economic conditions and areas prone to climate change.

2. Stakeholders of all economic sectors in construction investment activities shall be treated equal before law, encouraged and given favorable conditions in construction investment activities; contractors with works conferred by the State with the construction work quality awards shall be given priority when they participate in bidding in construction activities.

3. A number of public services provided by state management agencies in construction investment activities shall be gradually transferred to fully capable and qualified socio-professional organizations for provision.

Article 11. International cooperation in construction investment activities

1. Domestic organizations and individuals shall be encouraged to expand international cooperation in construction investment activities, transfer of technologies, techniques, managerial experiences and use of new materials.
2. The State shall protect Vietnamese construction brands overseas; create conditions to support and work out measures to promote the conclusion and implementation of treaties and international agreements in construction investment activities between domestic organizations and individuals and foreign organizations and individuals on the basis of ensuring the fundamental principles in construction investment activities prescribed in Article 4 of this Law.

Article 12. Prohibited acts

1. Deciding on construction investment in contravention of this Law.
2. Starting construction when the conditions therefor prescribed in this Law are not fully met.
3. Constructing works in non-construction zones ; constructing works in encroachment upon the protection corridors of national defense, security, traffic or irrigation works, dykes, energy facilities, historical-cultural relic areas and protection zones of other works prescribed by law; constructing works in areas prone to landslide, sweeping flood or flash flood, except works built to overcome these phenomena.
4. Constructing works at variance with construction master plan, except cases with construction permits with a definite term; in encroachment of construction boundaries or construction levels; constructing works at variance with granted construction permits.
5. Formulating, appraising and approving designs and cost estimates of construction works using state funds in contravention of this Law.
6. Contractors participating in construction activities when failing to fully satisfy the capacity conditions for carrying out construction activities.
7. Project owners selecting contractors that fail to fully meet the capacity conditions for conducting construction activities.
8. Constructing works not in compliance with the selected standards and technical regulations to be applied to works.
9. Manufacturing and using building materials which cause harms to community health and environment.
10. Violating regulations on labor safety and assets, fire and explosion prevention and fighting, security, order and environmental protection in construction.

11. Using works against their purposes and utility; building annexes or lean-tos encroaching upon areas and spaces lawfully managed or used by other organizations or individuals or upon public areas and common-use areas.

12. Giving and taking bribe in construction investment activities; abusing other legal persons to participate in construction activities; committing manipulation and collusion to falsify the results of project formulation, surveys, designs or supervision of construction.

13. Abusing positions and powers to violate the law on construction; covering up and handling late acts in violation the law on construction.

14. Obstructing lawful construction investment activities.

Chapter II

CONSTRUCTION PLANNING

Section 1. GENERAL PROVISIONS

Article 13. Construction planning and bases for construction planning

1. Construction planning shall be classified into the following types:

a/ Regional construction planning;

b/ Urban construction planning;

c/ Particular-function zone construction planning;

d/ Rural construction planning.

2. Construction planning shall be based on the following:

a/ Strategies and master plans on socio-economic development, national defense, security, sectoral masterplans, orientations for planning the national urban center systems and relevant construction master plans already approved;

b/ Technical regulations on construction planning and other relevant regulations;

c/ Maps, documents and data on current local socio-economic situation and natural conditions.

3. Urban planning must comply with the law on urban planning.

Article 14. Requirements and compliance principles on construction planning

1. Requirements on construction planning include:

a/ Conforming with the objectives of strategies and master plans on socio- economic development, national defense and security maintenance, creating a motive force for sustainable socio-economic development; consistent with sectoral development master plans; publicity, transparency, harmony between national interests and community and personal interests;

b/ Organizing and arranging territorial space on the basis of rationally exploiting and using natural resources, land, historical relics, cultural heritages and other resources in compatibility with natural and socio-economic conditions, historical and cultural characteristics and scientific and technological advances in each development period;

c/ Meeting the demand for use of the technical infrastructure system; ensuring connection and uniformity of regional, national and international technical infrastructure facilities;

d/ Protecting the environment, preventing and fighting natural disasters and responding to climate change, minimizing the adverse impacts on community, conservation, embellishment and development of the value of historical relics, cultural heritages, beliefs and religions; ensuring synchronism in architectural space, social and technical infrastructure facilities;

dd/ Establishing bases for planning, investment management and construction investment attraction, and managing, exploiting and using regional construction works, particular-function zones and rural areas.

2. Compliance principles for construction planning include:

a/ The implementation of construction investment programs and activities and the management of space, architecture and scenery must comply with the approved construction master plans and conform with the mobilized resources;

b/ Construction planning must ensure the uniformity and conformity with planning at higher degrees.

Article 15. Review of construction planning

1. Construction planning shall be periodically examined and reviewed and the implementation process shall be assessed in order to make timely adjustments suitable to the socio-economic development situation in each period. The construction planning-reviewing period is 10 years for regional planning, 5 years for general planning and zoning planning and 3 years for detailed planning after they are approved.

2. The People's Committees at all levels shall review the approved construction planning.

3. Results of construction planning review shall be reported in writing to the state agencies competent to approve construction planning for consideration and decision.

Article 16. Responsibility to collect comments on construction planning

1. Agencies or project owners organizing construction planning shall collect comments of related agencies, organizations, individuals and communities on construction planning tasks and plans.

Related People's Committees shall coordinate with construction planning agencies and construction investment project owners in collecting comments.

2. For the construction planning tasks and plans to be approved by the Prime Minister, the Ministry of Construction shall collect comments of other related ministries, central agencies and organizations; provincial-level. People's Committees shall collect comments of related agencies, organizations, individuals and communities in their localities.

3. The contributed comments shall be fully summarized, explained, assimilated and reported to competent state agencies for consideration and decision.

Article 17. Forms and time of collecting comments on construction planning

1. The collection of comments of related agencies, organizations and individuals on construction planning tasks and plans shall be carried out in form of sending dossiers and documents or organizing conferences or seminars. Consulted agencies, organizations and individuals shall reply in writing or directly give comments.

2. The collection of comments of communities on construction planning tasks and plans shall be carried out via collection of comments of community representatives in form of questionnaires and interviews. Community representatives shall summarize comments of their communities in accordance with the law on grassroots democracy.

3. The collection of comments of communities on the tasks and plans of zoning planning, detailed construction planning and commune construction general planning or rural residential quarter construction planning shall be carried out via comment cards through public display or presentation of planning options in the mass media.

4. The duration for collecting comments on construction planning must be at least 20 days for agencies and 40 days for organizations, individuals and communities.

5. Construction planning agencies or organizations shall receive comments of agencies, organizations and communities to complete the construction planning tasks and plans; in case of refusal, they shall reply in writing and clearly state the reasons before the master plans are approved.

6. The Government shall detail the collection of comments on construction planning tasks and plans from related agencies, organizations, individuals and communities.

Article 18. Selection of construction planning consultancy organizations

1. Agencies organizing construction planning shall decide on forms of selecting consultancy organizations to participate in construction planning in accordance with law.

2. When selecting construction planning consultancy organizations, construction planning agencies or project owners shall base themselves on the capacity conditions on construction planning consultancy organizations prescribed in this Law, and take responsibility before law for the damage caused by the selection of consultancy organizations that fail to fully meet the capacity conditions.

3. To encourage the selection of construction planning consultancy organizations in form of contest for general master plans on construction of large particular functional zones of special significance and construction zone master plans and detailed master plans on construction of areas of important significance in the particular-function zones.

Article 19. Funds for construction planning

1. The State shall ensure funds as prescribed by law for construction planning work.

2. The State shall encourage domestic and foreign organizations and individuals to provide funds for construction planning.

Article 20. Order of construction planning and approving construction planning

Construction planning shall be demonstrated through construction plans and must comply with the following order:

1. Devising and approving construction planning tasks;

2. Conducting field investigations and surveys; collecting maps, documents and data on natural conditions, current socio-economic situation, socio-economic development master plans and relevant sectoral development master plans for the formulation of construction plans;

3. Formulating construction plans;

4. Appraising and approving construction plans.

Article 21. Archive of construction plan dossiers

1. Construction planning agencies, organizations and project owners shall archive dossiers of approved construction plans in accordance with the law on archive.

2. Construction planning state management agencies and land management agencies at different levels shall archive construction plan dossiers and provide them to individuals, organizations and competent state agencies in accordance with law.

Section 2. REGIONAL CONSTRUCTION PLANNING

Article 22. Regional construction planning and responsibility to organize regional construction planning

1. Regional construction planning shall be carried out for the following regions:

a/ Inter-provincial regions;

b/ Provincial regions;

c/ Inter-district regions;

d/ District regions;

dd/ Particular-function zones;

e/ Regions lying along expressways or inter-provincial economic corridors.

2. In an inter-provincial or provincial construction plan, the technical-infrastructure system planning shall be detailed via specialized technical-infrastructure plans.

3. Responsibility to organize regional construction planning is prescribed as follows:

a/ The Ministry of Construction shall assume the prime responsibility for, and coordinate with related ministries, provincial-level People's Committees and agencies and organizations in organizing the formulation of construction planning tasks and plans for inter-provincial regions, particular-function zones of national significance, regions lying along express ways or inter-provincial economic corridors;

b/ Specialized construction work-managing ministries shall organize the formulation of inter-provincial technical infrastructure planning tasks and plans;

c/ Provincial-level People's Committees shall organize the formulation of construction planning tasks and plans for other regions of the administrative units under their management.

Article 23. Regional construction planning tasks and contents of regional construction plans

1. The regional construction planning task covers:

a/ Identifying justifications and bases for the formation of regional boundaries;

b/ Identifying regional development objectives;

c/ Forecasting the regional population size, technical and social infrastructure demands for each development period;

d/ Identifying requirements on spatial organization for systems of urban centers, rural areas, major areas and functional zones, systems of technical and social infrastructure facilities on a regional scale in each period.

2. A regional construction plan covers:

a/ Inter-provincial, provincial, inter-district or district construction planning, which must identify and analyze the regional development potential and driving forces; forecast the urbanization speed; solutions to dividing functional regions and distributing systems of urban centers and rural residential quarters; determine specialized functional zones, production establishments, systems of key technical and social infrastructure facilities of regional significance;

b/ The particular-function zone construction planning which shall be formed on the basis of socio-economic, defense and security potentials, cultural heritages and natural landscape; identify and analyze the development potential, capability of exploitation and dividing functional zones, population distribution and organization of the technical infrastructure system suitable to the characteristics and development objectives of each zone;

c/ Construction planning for regions along expressways or inter-provincial economic corridors, which must analyze the driving forces and impacts of the expressways and corridors on the development of these regions, solutions to land exploitation and use, organization of architectural space and landscape and technical infrastructure systems suitable to the characteristics of the expressways or corridors and ensure traffic safety along the whole routes;

d/ The specialized technical infrastructure construction planning, which must forecast the development and land use demands; identify the locations and sizes of key works, supporting facilities, main transmission networks, distribution networks and work safety protection corridors;

dd/ Based on the regional sizes and characteristics, regional construction plans shall be studied on the basis of topographical maps of 1:25,000 - 1:250,000 scales;

e/ The planning period for regional construction planning, which is between 20 and 25 years, with a 50-year vision;

g/ The approved regional construction planning serves as a basis for urban planning, particular-function zone construction planning, rural construction planning and technical infrastructure system planning at regional level.

3. The Government shall detail this Article.

Section 3. PARTICULAR-FUNCTION ZONE CONSTRUCTION PLANNING

Article 24. Particular-function zones and responsibility to plan construction of particular-function zones

1. Particular-function zone construction planning shall be carried out for the following functional zones:

a/ Economic zones;

- b/ Industrial parks, export-processing zones, hi-tech parks;
- c/ Tourist resorts, ecological resorts;
- d/ Conservation zones; revolutionary, historical-cultural relic zones;
- dd/ Research and training zones; physical training and sports zones;
- e/ Airports, seaports;
- g/ Key technical infrastructure zones;
- h/ Other particular-function zones identified under the approved regional construction planning or established under decisions of competent state agencies.

2. The responsibility to organize particular-function zone construction planning is prescribed as follows:

- a/ The Ministry of Construction shall organize the formulation of planning tasks and general plans for construction of national-level particular-function zones;
- b/ Provincial-level People's Committees shall organize the formulation of planning tasks and general plans for construction of particular-function zones, except the planning prescribed at Point a, Clause 2 of this Article, and tasks as well as sub-zoning plans for construction of particular-function zones;
- c/ District-level People's Committees or construction investment project owners shall organize the formulation of planning tasks and detailed plans for construction of regions assigned to them for management or investment.

Article 25. Levels of particular-function zone construction planning

1. Construction general planning shall be carried out for particular-function zones of a size of 500 hectares or over, which serve as a basis for sub-zoning planning and construction detailed planning.
2. Construction sub-zone planning shall be carried out for particular-function zones of a size of under 500 hectares, which serve as a basis for construction detailed planning.
3. Construction detailed planning shall be carried out for areas within particular-function zones, which serve as a basis for grant of construction permits and formulation of construction investment projects.

Article 26. General planning for construction of particular-function zones

1. The tasks of general planning for construction of particular-function zones include:

a/ Justifications and bases for formation and determination of boundaries of particular- function zones;

b/ Determination of characteristics, forecast of population size of particular-function zones, requirements on orientations for development of space and technical and social infrastructure facilities for each planning period;

c/ For general planning for construction or renovation of particular-function zones, in addition to the contents prescribed at Point a, Clause 1 of this Article, the requirements on areas to be cleared for construction, areas to be retained for embellishment, areas to be protected, and other specific requirements shall be identified according to characteristics of each particular-function zone.

2. A general plan on construction of a particular-function zone must cover:

a/ A general plan on construction of a particular-function zone, which covers the identification of development objectives and driving forces, population size, land, technical and social infrastructure norms; development model, orientations for spatial development of functional zones, administrative, service, commercial, cultural, educational and training, and healthcare centers, parks, physical training and sports centers; systems of overhead, land, water and underground frame technical infrastructure systems; strategic environmental assessment; investment priority plan and resources for implementation.

b/ Drawings of a general plan on construction of a particular-function zone, which are demonstrated on a 1:5,000 or 1:10,000 scale;

c/ The planning period of between 20 and 25 years;

d/ An approved general plan on construction of a particular-function zone serves as a basis for formulation of construction sub-zone planning, detailed planning for construction of areas and for formulation of investment projects to construct frame technical infrastructure in the particular-function zone.

3. A general plan on construction of an exclusive particular-function zone must cover the determination of population size, land, technical and social infrastructure norms; orientations for spatial development of functional sub-zones; planning for framework technical infrastructure system; strategic environmental assessment; investment priority plan and resources for implementation.

Article 27. Sub-zone planning for construction of particular-function zones

1. The tasks of sub-zone planning for construction of a particular-function zone include:

a/ Requirements on land use areas, scale and scope of sub-zone planning, systems of technical and social infrastructure facilities in the planning area;

b/ List of proposed measures for renovation of to be-retained facilities in the renovation planning area;

c/ Other requirements for each planning area.

2. A plan on sub-zones for construction of a particular-function zone must cover:

a/ Contents of the plan on sub-zones for construction of a particular-function zone, which include the determination of utility for every land plot; principles of spatial and architectural landscape organization for the entire planning area; norms of population, land use and system of technical infrastructure facilities for every land plot; arrangement of social infrastructure system to meet use demands; arrangement of technical infrastructure networks to street axes suitable to the development stages of the entire particular-function zone; strategic environmental assessment;

b/ Drawings of the plan on sub-zones for construction of the particular-function zone, which shall be demonstrated on a 1:2,000 scale;

c/ The planning period for sub-zone planning for the construction of a particular-function zone, which shall be determined on the basis of the period of general planning and development and management requirements of the particular-function zone;

d/ The approved plan on sub-zones for construction of the particular-function zone serves as a basis for determination of construction investment projects in the particular-function zone and for construction detailed planning.

Article 28. Detailed planning for construction in particular-function zones

1. Tasks of detailed planning for construction in a particular-function zone include:

a/ Requirements on land use area, scale and scope of detailed planning, urban designing, technical and social infrastructure systems in the planning area;

b/ List of proposed measures for renovation of to be-retained facilities in the renovation planning area;

c/ Other requirements on every planning area.

2. A detailed plan on construction in a particular-function zone must cover:

a/ Contents of the detailed plan, which include the determination of norms of population and land use, technical and social infrastructure and requirements on spatial and architectural organization for the entire planning areas; arrangement of social infrastructure facilities to meet use demands; requirements on architecture of works for every land plot and urban design; arrangement of the system of technical infrastructure facilities to the land plot boundaries; strategies environmental assessment;

b/ Drawings of the detailed plan, which shall be demonstrated on a 1:500 scale;

c/ The planning period for construction detailed planning, which is determined on the basis of investment plans;

d/ The approved construction detailed plan serves as a basis for grant of construction permits and formulation of construction investment projects.

Section 4. RURAL CONSTRUCTION PLANNING

Article 29. Objects and levels of, and responsibility to organize, rural construction planning

1. Rural construction planning shall be carried out for communes and rural residential quarters.

2. Rural construction planning shall be classified into the following levels:

a/ Construction general planning, which shall be carried out for the entire administrative boundaries of communes;

b/ Construction detailed planning, which shall be carried out for rural residential quarters.

3. Commune-level People's Committees shall assume the prime responsibility for organizing the formulation of tasks of and plans on rural construction.

Article 30. Commune construction general planning

1. Tasks of commune construction general planning cover the objectives, commune boundary scope; characteristics and functions of the commune; determination of factors affecting the socio-economic development of the commune; forecasts of its population size and labor; land size, major economic-technical norms; requirements on the principles of organizing the distribution of functional zones of agricultural, industrial, cottage-industrial and handicraft production, craft villages, houses, services and systems of technical infrastructure facilities.

2. A commune construction general plan must cover:

a/ Contents of the plan, which cover the determination of development potentials and driving forces, population size and labor, land size, network of rural residential quarters; orientations for organization of commune overall space; orientations for development of functional zones of agricultural, industrial, cottage-industrial and handicraft production, craft villages, houses, services and system of technical infrastructure facilities;

b/ Drawings of the commune construction general plan, which are demonstrated on a 1:5,000, 1:10,000 or 1:25,000 scale;

c/ The planning period of between 10 and 20 years;

d/ The approved commune construction general plan serves as a basis for carrying out detailed planning for construction of rural residential quarters including commune centers, residential quarters and other functional zones in the commune.

Article 31. Detailed planning for construction of rural residential quarters

1. Tasks of detailed planning for construction of rural residential quarters must cover the forecasts of population size and labor; land size; requirements on land use for arrangement of construction, conservation or renovation works; technical and social infrastructures in rural residential quarters.

2. A detailed plan on construction of rural residential quarters must cover:

a/ Contents of the detailed plan, which include identification of construction positions and areas of works: working offices of administrative units of the commune, educational, health care, cultural, physical training and sports, commercial and service works and houses; planning for technical and production infrastructures;

b/ Drawings of the detailed plan, which shall be demonstrated on a 1:500 or 1:2,000 scale;

c/ The planning period based on investment plans and resources for implementation;

d/ The approved detailed plan on construction of rural residential quarters serves as a basis for formulation of construction investment projects and grant of construction permits.

Section 5. APPRAISAL AND APPROVAL OF CONSTRUCTION PLANNING

Article 32. Competence to appraise construction planning tasks and plans

1. The Ministry of Construction shall appraise construction planning tasks and plans falling within the approving competence of the Prime Minister.

2. Construction planning-managing agencies of provincial-level People's Committees shall appraise construction planning tasks and plans falling within the approving competence of the People's Committees of the same level.

3. Construction planning-managing agencies of district-level People's Committees shall appraise construction planning tasks and plans falling within the approving competence of the People's Committees of the same level.

Article 33. Appraisal councils and contents of appraisal of construction planning tasks and plans

1. The Ministry of Construction shall decide on the establishment of the council for appraisal of construction planning tasks and plans falling within the approving competence of the Prime

Minister and construction plans formulated by the Ministry of Construction. The Ministry of Construction shall act as the standing body of the appraisal council.

2. The People's Committees shall decide on the establishment of councils for appraisal of construction planning tasks and plans within their respective approving competence. The construction planning-managing agencies of provincial- or district-level People's Committees shall act as standing bodies of the appraisal councils of the same level.

3. An appraisal council shall be composed of representatives of state management agencies, socio-professional organizations and experts in the relevant fields.

4. Contents of appraisal of construction planning tasks cover:

a/ The conformity of construction planning tasks with the strategies and master plans on socio-economic development, national defense, security, environmental protection and response to climate change, relevant construction master plans and land use master plans and plans;

b/ Requirements on contents of each type of construction planning task are prescribed in Articles 23, 26, 27, 28, 30 and 31 of this Law.

5. Contents of appraisal of a construction plan cover:

a/ The satisfaction of the conditions by construction planning-designing organizations prescribed in Article 150 of this Law;

b/ Grounds for formulation of construction plans prescribed in Clause 2, Article 13 of this Law;

c/ The conformity of the construction plan with the tasks and content requirements of each type of construction planning prescribed in Sections 2, 3 and 4 of this Chapter.

Article 34. Competence to approve construction planning tasks and plans

1. The Prime Minister shall approve the tasks and plans of the following types of construction planning:

a/ Construction planning for inter-provincial regions, construction planning for provincial regions, construction planning for particular-function zones and construction planning for regions lying along expressways or inter-provincial economic corridors; specialized planning for inter-provincial technical infrastructure;

b/ General construction planning for economic zones, general construction planning for hi-tech parks;

c/ General construction planning for tourist resorts, ecological resorts, conservation zones, revolutionary and cultural-historical relics zones, research and training zones, physical training and sports zones and other particular-function zones of national level;

d/ Other types of construction planning carried out by the Ministry of Construction as assigned by the Prime Minister.

2. Provincial-level People's Committees shall approve the following construction planning tasks and plans:

a/ Construction planning for inter-district regions, construction planning for district regions;

b/ General construction planning for particular-function zones, except the types of planning prescribed at Point c, Clause 1 of this Article;

c/ Planning for construction of particular-function zones.

3. District-level People's Committees shall approve the sub-zone planning tasks and plans, 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.

4. The People's Committees at different levels organizing construction planning shall submit construction plans to the People's Councils of the same level for decision before they are considered and approved by competent state agencies.

5. Forms and contents of approval of construction planning tasks and plans include:

a/ Construction planning tasks and plans shall be approved in writing;

b/ The written approval of construction planning must include the main contents of the construction plan prescribed in Articles 23, 26, 27, 28, 30 and 31 of this Law, which is enclosed with a list of approved drawings.

Section 6. ADJUSTMENT OF CONSTRUCTION PLANNING

Article 35. Conditions on adjustment of construction planning

1. Regional construction planning may be adjusted when there appears one of the following circumstances:

a/ Adjustment of regional socio-economic development master plans, the regional sectoral development master plans; regulations on protection of natural resources and environment; land use masterplans and plans; national defense and security strategies; regional development driving projects;

b/ Changes in natural geographical conditions, administrative boundaries, big fluctuations in population and socio-economic situation.

2. Particular-function zone construction planning may be adjusted when there appears one of the following circumstances:

a/ Adjustment of regional socio-economic development master plans, construction master plans, sectoral development master plans;

b/ Creation of key projects of national significance which greatly affect the land use, environment, spatial composition of functional zones;

c/ Impossible implementation of the construction planning or the implementation thereof causing adverse impacts on socio-economic development, national defense, security, social security and ecological environment or cultural-historical relics and community opinion;

d/ Changes in climate, geology or hydrology;

dd/ Serving national and community interests.

3. Rural construction planning may be adjusted when there appears one of the following circumstances:

a/ Adjustment of local socio-economic development master plan;

b/ Adjustment of regional construction master plan;

c/ Adjustment of local land use master plan and plan;

d/ Changes in geological and natural conditions.

Article 36. Principles of construction planning adjustment

1. The adjustment of construction planning shall be based on the analysis and evaluation of current situation and results of implementation of existing master plans, clear determination of requirements of regional renovation embellishment to propose adjustment of land use norms, solutions to the arrangement of space and landscape for each area; solutions to the improvement of technical and social infrastructure systems to meet the development requirements.

2. Contents of adjusted construction planning shall be appraised and approved in accordance with this Law; non-adjusted contents of the approved construction plans may still be implemented.

Article 37. Types of adjustment of construction planning

1. The overall adjustment of construction planning is prescribed as follows:

a/ The overall adjustment of construction planning shall be made when the characteristics, functions, sizes of planning regions or areas change or the contents of proposed adjustment would alter the structure and orientations for general development of planning regions or areas;

b/ The overall adjustment of construction planning must satisfy practical requirements and be in line with the socio-economic development trends and orientations for future development of regions or areas, improve the quality of the living environment, infrastructure and landscape, ensuring the inheritance and without exerting impacts on ongoing construction investment projects.

2. The partial adjustment of construction planning is prescribed as follows:

a/ The partial adjustment of construction planning only applies to particular-function zones;

b/ The partial adjustment of construction planning for particular-function zones may be carried out when the proposed adjustment contents do not greatly affect the characteristics, functions, boundaries and general development orientations of the planning zones and the major planning solutions of the areas under the construction subzone planning or construction detailed planning;

c/ The partial adjustment of construction planning for particular-function zones must clearly define the adjustment scope, extent and contents; ensure the continuity and synchronism of the general planning for construction of particular-function zones or construction subzone planning or existing construction detailed planning, based on the analysis and identification of reasons for adjustment; socio-economic effectiveness of the adjustment; solutions to problems caused by the construction planning adjustment.

Article 38. Order of overall adjustment of construction planning

1. Based on the socio-economic development situation and factors affecting the development of regions, particular-function zones, rural areas; the adjustment conditions and after reviewing the construction planning, the construction planning agencies shall report the overall adjustment of the construction planning to agencies competent to approve construction planning for consideration and decision.

2. Agencies or persons competent to approve construction planning shall give in-principle approval of the overall adjustment of construction planning.

3. The formulation of, consultation on, appraisal and approval of the tasks and plans on overall adjustment of construction planning and the announcement of adjusted construction planning must comply with Articles 16 and 17 and Sections 2, 3, 4 and 5 of this Chapter.

Article 39. Order of partial adjustment of construction planning

1. Construction planning agencies shall make reports on the contents of, and plans for, partial adjustment of construction planning, collect opinions of communities in the planning adjustment areas and directly affected vicinities and submit them to agencies competent to approve construction planning for consideration and decision on the partial adjustment of construction master plans.

2. Agencies or persons competent to approve construction planning shall decide in writing the partial adjustment based on the opinions of the construction planning-appraising agencies.

3. Construction planning agencies shall update and demonstrate the adjusted contents in the construction planning dossiers. The adjusted contents of construction planning shall be publicized according to Article 42 of this Law.

Section 7. ORGANIZATION OF IMPLEMENTATION OF CONSTRUCTION PLANNING

Article 40. Publicization of construction planning

1. A construction plan shall be publicized within 30 days after it is approved.

2. The to be-publicized contents of construction planning include the basic contents of the construction plan and regulations on management according to the promulgated construction plan, except contents related to national defense, security and state secrets.

3. The construction planning-managing agencies shall fully update the situation of implementation of the approved construction plans so that the competent agencies shall promptly publicize them to organizations and individuals for knowledge and supervision in the process of implementation.

Article 41. Responsibility to publicize construction planning

1. For regional construction planning:

a/ The Ministry of Construction shall assume the prime responsibility for, and coordinate with related provincial-level People's Committees in. publicizing inter-provincial construction planning which falls within the approving competence of the Prime Minister.

b/ Provincial-level People's Committees in the planning regions shall organize the publicization of regional construction planning falling within the approving competence of the Prime Minister, except for the types of planning prescribed at Point a of this Clause;

c/ District-or commune-level People's Committees in the planning regions shall organize the publicization of regional construction planning which falls within the approving competence of their provincial-level People's Committees.

2. For general planning for construction of particular-function zones:

a/ The Ministry of Construction shall assume the prime responsibility for, and coordinate with the related provincial-level People's Committees in, publicizing the inter-provincial plans on construction of particular-function zones, which fall within the approving competence of the Prime Minister.

b/ The People's Committees at different levels shall publicize general plans on construction of particular-function zones within their respective administrative boundaries.

3. The People's Committees at different levels shall publicize the approved sub-zone construction plans and detailed planning for construction of particular-function zones within the administrative boundaries under their management to people for implementation and supervision of the implementation.

4. Commune People's Committees shall publicize the commune and rural residential quarter construction planning.

5. Within 30 days after the construction planning is approved, the People's Committees at different levels shall publicize it.

6. If persons responsible to publicize the construction planning do not publicize, delay the publicization or falsely publicize the contents of approved construction planning, they shall be disciplined or examined for penal liability, depending on the nature and severity of their violations; if causing damage, they shall compensate therefor in accordance with law.

Article 42. Forms of publicizing construction planning

1. An approved construction plan shall be publicized on the website of the state management agency in charge of construction planning.

2. In addition to the form of publicization prescribed in Clause 1 of this Article, competent persons may decide on other forms of publicization as follows:

a/ Organizing conferences to publicize the construction planning, with the participation of representatives of related organizations and agencies, Vietnam Fatherland Front Committee, representatives of people in the planning region and of the press agencies;

b/ Public, regular and continuous display of panels, drawings and mock-ups at public places and offices of construction planning management agencies at all levels and at offices of commune-level People's Committees, for detailed construction planning;

c/ Printing and widely distributing construction planning maps and regulations on management of approved construction planning.

Article 43. Provision of information on construction planning

1. Information on construction planning shall be provided in the following forms:

a/ Publicizing construction plan dossiers;

b/ Explaining the construction planning;

c/ Providing information in writing.

2. Construction planning-managing agencies shall provide information on construction locations, construction boundaries, red-line boundaries, construction levels and other information relating to the planning when so requested by organizations and individuals within the scope of construction plans under their management.

The People's Committees at different levels shall organize the receipt and processing of requests and provision of information upon request.

Within 15 days after receiving a request, the construction planning-managing agency shall provide information in writing to the requester.

3. Requesters for the provision of information in writing shall pay a charge for the provision of information.

4. Information providers shall take responsibility before law for the time of information provision and the accuracy of the provided documents and data.

Article 44. Planting of construction boundary markers on the field

1. The planting of construction boundary markers on the field shall be carried out for construction general plans, construction sub-zone plans and construction detailed plans.

2. The planting of boundary markers under approved construction planning covers the planting of red-line markers, construction boundary markers, construction level markers and no-construction zone boundary markers under the approved boundary marker dossiers.

3. After the construction plans are approved by competent state agencies, the People's Committees at different levels have the following responsibilities:

a/ To organize the compilation and approval of dossiers on boundary marker planting under the approved construction planning. The time limit for compilation and approval of boundary marker dossiers is 30 days after the construction plans are approved. The planting of boundary markers on the field shall be completed within 45 days after the boundary marker dossiers are approved;

b/ To organize the planting of boundary markers on the field for construction detailed plans after the investors are selected.

4. Responsibility to organize and conduct the boundary marker planting is prescribed as follows:

a/ Provincial-level People's Committees shall direct the planting of construction boundary markers for construction plans within their respective administrative boundaries;

b/ District-level People's Committees shall organize the planting of construction boundary markers for construction plans within their respective administrative boundaries;

c/ Commune-level People's Committees shall plant construction boundary markers for construction plans within their respective administrative boundaries.

5. Boundary marker planting dossiers shall be made by professional units.

6. Boundary markers must be durable, of standard sizes and inscribed with information as prescribed, conspicuous, safe for humans and means of transport passing by and suitable to the terrain of their planting areas.

7. Commune-level People's Committees shall protect the on-field boundary markers.

8. The construction planning-managing agencies shall keep the approved boundary marker planting dossiers and provide documents related to boundary markers to organizations and individuals upon request.

9. When construction planning is adjusted, the boundary markers shall be adjusted according to the adjusted planning.

10. Those who commit acts of planting boundary markers or construction level markers at wrong locations, removing or destroying boundary markers or construction level markers shall be disciplined, administratively sanctioned or examined for penal liability, depending on the nature and severity of their violations; if causing damage, they shall pay compensations therefor in accordance with law.

Section 8. MANAGEMENT OF CONSTRUCTION UNDER CONSTRUCTION PLANNING

Article 45. Principles of management of construction under construction planning

1. The management of construction investment must be based on the construction planning approved by competent agencies.

2. The construction, repair or renovation of architectural works, technical and social infrastructure facilities and houses must conform with the approved construction detailed planning and comply with the law on construction.

Article 46. Introduction of construction locations

1. The construction planning-managing agencies shall introduce construction investment locations to project owners when so requested.

2. Locations introduced for construction investment must conform with construction planning, sizes, investment characteristics, save construction land; not affect the socio-economic development and environment of the regions, particular-function zones and rural areas.

Article 47. Construction planning permits

1. Construction planning permit means a document granted by a competent state agency to the owner of a construction investment project in a particular-function zone, which serves as a basis for detailed planning or project formulation when the sub-zone planning or construction detailed planning is not yet approved.

2. The grant of construction planning permits shall be based on the requirements on particular-function zone development management and control, technical regulations on construction planning, management regulations under the general planning for construction of particular-function zones.

3. A construction planning permit must cover the scope and size of the planning area, the permitted construction-planned land use quota, the requirements on land exploitation and use, organization of architectural space, ground and underground technical and social infrastructures, landscape and environment protection in the project area, and its validity duration.

4. The competence to grant construction planning permits is prescribed as follows:

a/ Provincial-level People's Committees shall grant construction planning permits for construction investment projects in national-level particular-function zones;

b/ District-level People's Committees shall grant construction planning permits for construction investment projects other than those prescribed at Point a of this Clause.

5. Organizations and individuals that are granted construction planning permits shall pay a fee in accordance with the law on charges and fees.

6. The Government shall detail the contents and order of granting construction planning permits.

Article 48. Management of the implementation of construction planning

1. Provincial-level People's Committees shall direct the formulation of programs and plans for implementation of construction planning for development of urban and rural areas and particular-function zones in areas under their respective management in accordance with the approved construction planning.

2. The Ministry of Construction shall direct and coordinate the management of inter-provincial construction planning, covering:

a/ Determination of the list of programs and plans for implementation of the planning, priority investment projects to construct regional technical and social infrastructure systems;

b/ Attraction and distribution of investment capital sources for development of regional technical and social infrastructure systems;

c/ Review, adjustment, examination and inspection of the implementation of inter- provincial construction planning:

d/ Assumption of the prime responsibility for, and coordination with chairpersons of related provincial-level People's Committees in, periodically reporting to the Prime Minister on the implementation of inter-provincial construction planning according to the implementation stages.

3. A plan on implementation of construction planning must determine the implementation time for every specific area, ensuring conformity with the construction planning objective and resources for implementation of the construction planning.

Chapter III

CONSTRUCTION INVESTMENT PROJECTS

Section 1. GENERAL PROVISIONS

Article 49. Classification of construction investment projects

1. Construction investment projects shall be classified by size, characteristic and type of construction work and funding source.
2. Construction investment projects classified by size, characteristic and type of construction works include national important projects, group-A projects, group-B projects, group-C projects according to the criteria prescribed by the law on public investment.
3. A construction investment project may comprise a single work or multiple works of different types and grades.

Article 50. Order of construction investment

1. The order of construction investment involves three stages, including project preparation, project implementation and construction completion to put the project's work into exploitation and use, except the construction of separate houses.
2. For national important projects or group-A projects with different component projects, each of which can operate independently, can be exploited or put into use, or with different investment phases for implementation, such component projects shall be managed as independent projects. The division of component projects or investment phasing shall be stated in the investment decisions.

3. Based on the specific conditions of projects, investment deciders shall decide on the implementation by taking turns, mixture or alternation of tasks at the stages of project implementation and construction completion to put works into exploitation and use.

Article 51. Requirements on construction investment projects

A construction investment project, respective of its funding sources, must satisfy the following requirements:

1. Being in line with the socio-economic development master plan, sectoral development master plan, construction master plan, land use master plan and plan in the locality where the construction investment project is located.
2. Having appropriate technological and construction designing plans.
3. Ensuring quality and safety in construction, operation, exploitation and use of its works, fire and explosion prevention and fighting and environmental protection and response to climate change.
4. Ensuring the adequate allocation of funds strictly according to its schedule, ensuring its financial efficiency and socio-economic efficiency.
5. Complying with other relevant provisions of law.

Section 2. FORMULATION AND APPRAISAL OF PROJECTS AND DECISION ON CONSTRUCTION INVESTMENT

Article 52. Formulation of construction investment projects

1. Upon construction investment, project owners 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 with the requirements of each type of project. The formulation of construction investment feasibility study reports must comply with the this Law and relevant laws.
2. For national important projects and group-A projects, before making construction investment feasibility study reports, project owners shall make construction investment pre-feasibility study reports. For other projects, investment deciders shall consider and decide whether or not construction investment pre-feasibility study reports shall be made.
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 separate houses, project owners are not required to formulate projects nor construction investment economic-technical reports.

Article 53. Contents of construction investment pre-feasibility study reports

1. The necessity and conditions for construction investment.
2. The projected objective, scale, location and form of construction investment.
3. Land and natural resource use demands.
4. The preliminary design on construction, explanation, technology, techniques and appropriate equipment.
5. Projected time for project implementation.
6. The preliminary total investment amount, capital raising plan; recoverability of invested funds, capability to pay loans (if any); preliminary determination of socio-economic efficiency and evaluation of the project's impacts.

Article 54. Contents of construction investment feasibility study reports

1. A basic design shall be made to achieve the project's objectives, suit construction works of the project, ensure synchronism between works when they are put into exploitation and use.

A basic design must comprise explanations and drawings expressing the following contents:

- a/ The construction location, direction of the line of works, list, sizes, types and grades of works on the whole construction ground;
- b/ Selected technological, technical and equipment plans (if any);
- c/ Architectural solutions, ground plan, cross-sections and vertical sections of construction works and their sizes and main structures;
- d/ Construction solutions, major materials to be used, estimated construction cost of every work;
- dd/ Plan on connection of technical infrastructures inside and outside the works, fire and explosion prevention and fighting solutions;
- e/ Applied standards and technical regulations and construction survey results for making the basic design.

2. Other contents of a construction investment feasibility study report include:

a/ The necessity for investment, investment policy, construction investment objectives, construction locations and to be-used land area, capacity and form of construction investment;

b/ The capability to ensure factors for project implementation such as use of resources, selection of equipment and technology, use of labor, technical infrastructure, product consumption, exploitation and use requirements, implementation duration, plan on construction ground clearance and resettlement (if any), solutions to organizing management of project implementation, work operation and use, and environmental protection;

c/ Assessment of the project's impacts related to land recovery, ground clearance and resettlement; protection of landscape and ecological environment and safety in construction, fire and explosion prevention and fighting, and other necessary contents;

d/ Total investment amount and capital raising, financial analysis, risks, expenses for exploitation and use of the work, evaluation of socio-economic efficiency of the project; recommendations on coordination mechanism, policies on incentives and support for project implementation;

dd/ Other relevant contents.

Article 55. Contents of construction investment economic-technical reports

1. Construction drawing designs, technical designs (if any) and construction cost estimates.
2. Other contents of a construction investment economic-technical report include explanations about the necessity for investment, construction objectives, construction locations, to be-used land area, sizes, capacity and grades of works, construction solutions, construction safety, plans on construction ground clearance and environmental protection, allocation of funds for implementation, construction duration, construction investment efficiency of works.

Article 56. Appraisal of construction investment projects

1. Construction investment projects shall be appraised before investment decision.
2. A dossier submitted for construction investment project appraisal must comprise:

a/ Project owner's report for project appraisal;

b/ Construction investment feasibility study report or construction investment economic-technical report;

c/ Relevant documents.

3. The project appraisal contents must comply with Article 58 of this Law.

Article 57. Competence to appraise construction investment projects

1. For national important projects, the State Appraisal Council set up by the Prime Minister shall appraise their construction investment pre-feasibility study reports and construction investment feasibility study reports.

2. For projects using state budget funds, the specialized construction agencies shall assume the prime responsibility, as decentralized, for organizing the appraisal of the contents prescribed in Article 58 of this Law.

3. For projects using non-budget state funds, the competence to appraise these construction investment projects is prescribed as follows:

a/ Specialized construction agencies shall assume the prime responsibility, as decentralized, for appraising their basic designs prescribed at Points a, b, d, dd, e and g, Clause 2, Article 58 of this Law;

b/ Specialized agencies attached to investment deciders shall assume the prime responsibility for appraising technological designs (if any) and other contents of construction investment feasibility study reports.

4. For projects using other funds, the competence to appraise these construction investment projects is prescribed as follows:

a/ Specialized construction agencies shall appraise, as decentralized, the basic designs of construction investment projects, for works of special grade and grade I, public works, works greatly affecting landscape, environment and community safety. Specialized agencies attached to investment deciders shall organize the appraisal of technological designs (if any) and other contents of construction investment feasibility study reports;

b/ For projects using other funds not specified at Point a of this Clause, investment deciders shall organize by themselves the appraisal thereof;

c/ For projects implemented in form of project contract or public-private partnership contract with state-contributed funds, the specialized construction agencies shall assume the prime responsibility, as decentralized, for appraising their basic designs. Competent state agencies as prescribed by the law on investment shall appraise other contents of their construction investment feasibility study reports.

5. For construction investment projects only requiring construction investment economic-technical reports, the competence to appraise these construction investment projects is prescribed as follows:

a/ If the projects use state budget funds, the specialized construction agencies shall assume the prime responsibility for organizing the appraisal of the contents of their construction investment economic-technical reports prescribed in Clause 4, Article 58 of this Law;

b/ If the projects use non-budget state funds, the specialized construction agencies shall, as decentralized, assume the prime responsibility for appraising their construction drawing designs and cost estimates. The specialized agencies attached to investment deciders shall appraise the technological designs (if any) and other contents of their construction investment economic-technical reports;

c/ If the projects use other funds, investment deciders or project owners shall organize by themselves the appraisal of their construction drawing designs and cost estimates, except works of special grade or grade I and works greatly affecting the landscape, environment and community safety, and take responsibility for the appraised contents.

6. Construction investment projects with requirements on fire and explosion prevention and fighting, environmental protection, and national defense or security maintenance shall be appraised by competent state agencies.

7. Specialized construction agencies and investment deciders may invite organizations and individuals with qualifications and experiences to participate in project appraisal or request project owners to select organizations or individuals possessing full construction capacity and practice conditions already registered on the website on construction capacity as prescribed by this Law to verify projects as a basis for the appraisal and approval of the projects. The project verification cost and basic design appraisal charge shall be accounted into the total investment amounts of projects.

8. The agencies in charge of appraisal shall summarize the project appraisal results and submit them to persons competent to decide on investment for consideration and decision.

9. Organizations and individuals participating in project appraisal or verification shall take responsibility before law for the results of their appraisal or verification. Project-formulating organizations and individuals may not participate in the appraisal or verification of the projects they have formulated.

Article 58. Contents of appraisal of construction investment projects

1. The appraisal of a construction investment project covers the appraisal of the basic design and other contents of the construction investment feasibility study report.

2. The appraisal of a basic design must cover:

a/ The conformity of the basic design with the construction detailed planning; the approved total ground or with the selected plan on the line of works, for works constructed in lines;

b/ The conformity of the basic design with the construction location, the connectivity with technical infrastructure of the region;

c/ The conformity of the selected technological plan and technological line, for works requiring technological designs;

d/ The conformity of designing solutions to ensuring construction safety, environmental protection, fire and explosion prevention and fighting;

dd/ The compliance with standards and technical regulations in the design;

e/ The construction capacity conditions of organizations or practice capacity conditions of individuals providing designing consultancy;

g/ The conformity of solutions to organizing project implementation at each stage and for each work item with the requirements of the basic design.

3. Other appraisal contents of a construction investment feasibility study report include:

a/ Assessment of the necessity for construction investment, including conformity with the investment policy, possibility to meet the requirements on scale expansion, higher capacity and exploitation and use capability to meet the requirements of socio-economic development and national defense and security maintenance in each period;

b/ Assessment of factors ensuring the project feasibility, including conformity with sectoral development master plan and construction master plan; the capability to meet land use and construction ground clearance demands; resource use demands (if any); assurance of input elements and outlets for the project's products; implementation solutions; project owner's managerial experience; solutions to environmental protections, fire and explosion prevention and fighting; national defense and security maintenance and other factors;

c/ Assessment of factors ensuring the project efficiency, including total investment amount, project implementation schedule; exploitation and operation costs; capability to raise capital according to schedule, risk analysis, financial efficiency and socio-economic efficiency of the project.

4. For projects only requiring construction investment economic-technical reports prescribed in Clause 3, Article 52 of this Law, the appraisal contents include:

a/ Assessment of the investment necessity and scale; the implementation time; total investment amount and socio-economic efficiency;

b/ Consideration of feasibility-ensuring factors, including land use demand and ground clearance capability; factors affecting the work such as national defense, security and environment and other relevant laws;

c/ The rationality of construction designing solutions for the work; the observance of applied standards, technical regulations, and regulations on the use of building materials for the work; the rationality of the selection of technological lines and equipment, for designs with technological requirements; compliance with regulations on environmental protection and fire and explosion prevention and fighting;

d/ Assessment of the conformity of designing solutions for the work with its utility, its safety level and assurance of safety for adjacent works;

dd/ Assessment of the compatibility between the major volume in the cost estimate and the volume in the design; the properness and reasonability of the application of construction norms and unit prices; determination of the value of the cost estimate of the work;

e/ Construction capacity conditions of organizations and individuals conducting construction surveys and designing and formulating construction investment economic- technical reports.

Article 59. Time limit for appraisal of construction investment projects

The time limit for appraising a project shall be counted from the date the appraising agency or organization receives a complete and valid dossier, specifically as follows:

1. The time limit for project appraisal is 90 days for national important projects.
2. The time limit for project appraisal is 40 days for group-A projects.
3. The time limit for project appraisal is 30 days for group-B projects.
4. The time limit for project appraisal is 20 days for group-C projects and projects only requiring construction investment economic-technical reports.
5. In case of necessity to extend the appraisal time limit, appraising agencies or organizations shall report thereon to their superior agencies for consideration and decision on the extension; the extended duration must not exceed the corresponding appraisal time limit prescribed in Clauses 1, 2, 3 and 4 of this Article.

Article 60. Competence to decide on construction investment

1. For projects using state budget funds, funds raised from national public bonds, government bonds or local administrations' bonds, official development assistance, preferential loans of foreign donors, the State's development investment credit capital, investment capital from sources of revenues left for investment but not yet accounted into the state budget balance, or other loans of local budget for investment, the competence to decide on construction investment must comply with the law on public investment.

2. For projects using government-guaranteed credit capital, loans guaranteed with state property, development investment capital of state enterprises, capital from non-business operation development funds, land use rights value contributed by state agencies, organizations or enterprises as capital for construction investment, the competence to decide on construction investment is prescribed as follows:

a/ The Prime Minister shall decide on investment in national important projects;

b/ Law-prescribed competent representatives of agencies, organizations or enterprises shall decide on project investment.

3. For projects using other funds, their owners or representatives shall decide on project construction investment within the ambit of their powers prescribed by law.

Article 61. Adjustment of construction investment projects

1. Cases of adjusting construction investment projects using state funds include:

a/ Being affected by natural disasters, environmental incidents, enemy sabotage, fires or other force majeure factors;

b/ Appearance of factors likely to bring about higher efficiency for the project when the project owner has proved the financial and socio-economic efficiency brought about by the project adjustment;

c/ Change of construction planning which directly affects the project;

d/ When the construction price index promulgated by the Ministry of Construction or the provincial-level People's Committee during the project implementation is higher than the construction price index used for calculation of inflation in the approved total investment amount of the project.

2. The adjustment of projects using state funds shall be decided by investment deciders.

3. The adjustment of projects using other funds shall be decided by investment deciders on the basis of ensuring the requirements on planning, safety, environmental protection, fire and explosion prevention and fighting, and national defense and security, which have been approved by competent state agencies.

4. If the project adjustment alters the construction objectives, scales and locations, it shall be approved by a competent state agency.

5. The adjustment of construction investment projects shall be appraised and approved.

6. The Government shall detail the formulation, appraisal, approval and adjustment of construction investment projects.

Section 3. MANAGEMENT OF IMPLEMENTATION OF CONSTRUCTION INVESTMENT PROJECTS

Article 62. Organizational forms of construction investment project management

Based on the sizes, characteristics, funding sources and implementation conditions of projects, investment deciders shall decide to apply one of the following organizational forms of project management:

1. Specialized construction investment project management unit or regional construction investment project management unit, for projects using state budget funds and specialized projects using non-budget state funds of state economic groups or corporations.
2. Single-project construction investment project management unit, for group-A projects using state funds involving special-grade works; hi-tech application certified in writing by the Minister of Science and Technology; national defense or security projects with state secret requirements.
3. Hired project management consultant, for projects using non-budget state funds or other funds and projects with particular or unique characteristics.
4. Project owners may use their attached fully capable professional apparatuses to manage the implementation of small renovation or repair projects and projects with the involvement of communities.
5. Project management units and project management consultants prescribed in Clause 1, 2 or 3 of this Article must fully satisfy the capacity conditions prescribed in Article 152 of this Law.
6. The Government shall detail the models, organization and operation of construction investment project management units.

Article 63. Specialized construction investment project management units, regional construction investment project management units

1. Ministers, heads of ministerial-level agencies, chairpersons of provincial-level People's Committees, chairpersons of district-level People's Committees or competent representatives of state enterprises shall decide on the establishment of specialized construction investment project management units or regional construction investment project management units to manage a number of projects of the same sector or in the same line or the same area.
2. Specialized construction investment project management units or regional construction investment project management units shall be assigned to act as project owners of a number of projects and perform the project management functions and tasks, and participate in project management consultancy when necessary.
3. Specialized construction investment project management units or regional construction investment project management units have the responsibility:
 - a/ To exercise the rights and perform the obligations of project owners as prescribed in Article 68 of this Law, directly manage projects assigned by investment deciders, and the rights and obligations prescribed in Article 69 of this Law.

b/ To hand over works to agencies or units managing their operation, exploitation and use; or to directly manage their operation, exploitation and use, when so assigned by investment deciders in case of necessity.

4. Specialized construction investment project management units or regional construction investment project management units may perform project management consultancy for other projects when so requested and exercise the rights and perform the obligations prescribed in Article 70 of this Law.

Article 64. Single-project construction investment project management units

1. Project owners shall set up single-project construction investment project management units to directly manage the implementation of a project, for projects prescribed in Clause 2, Article 62 of this Law.

2. A single-project construction investment project management unit may have its own seal and accounts, shall exercise the powers and perform the tasks under the project owner's authorization. A project management unit shall organizationally comprise the director, deputy directors) and specialized staff members, depending on the requirements and characteristics of each project. The project management unit members shall work on a full-time or part-time basis under the project owner's decision.

Article 65. Hiring of consultants for construction investment project management

1. Project owners shall sign project management consultancy contracts with organizations or individuals fully meeting the construction capacity conditions prescribed in this Law to perform one, some or all of the project management tasks.

2. Project owners shall supervise project management consultancy and may authorize consultants to perform the tasks of project management under the project management contracts.

Article 66. Contents of construction investment project management

1. Construction investment project management contents include management of the scope and plan of tasks; work volume; construction quality; implementation schedule; construction investment costs; safety in construction; environmental protection in construction; selection of contractors and construction contracts; risk management; management of the work information system and other necessary contents in accordance with this Law and relevant laws.

2. Project owners shall perform or assign the project management units, project management consultants or general contractors (if any) to perform some or all of the project management contents prescribed in Clause 1 of this Article.

Article 67. Management of implementation schedules of construction investment projects

1. Investment deciders shall decide on the implementation time and schedules when approving the projects. For works under projects using state budget funds, the construction schedule must not exceed the work construction period already approved by investment deciders.
2. Project owners and construction contractors shall draw up plans on construction schedules and measures, and manage the project implementation according to the approved construction schedules.
3. Project owners shall make advance payments and payments for volumes completed according to the performance schedules of construction contracts.
4. Project owners and construction contractors are encouraged to propose and apply reasonable technical, technological and organizational solutions to shorten the construction time.

Section 4. RIGHTS AND OBLIGATIONS OF PROJECT OWNERS, CONSTRUCTION INVESTMENT PROJECT MANAGEMENT UNITS, CONSULTANCY CONTRACTORS AND INVESTMENT DECIDERS

Article 68. Rights and obligations of project owners in the formulation and management of implementation of construction investment projects

1. Project owners have the following rights:

a/ To formulate and manage projects when fully meeting the capacity conditions prescribed in this Law.

b/ To request related agencies and organizations to provide information and documents on project formulation and management;

c/ To select, and sign contracts with, consultancy contractors for project formulation and management;

d/ To organize the project formulation and management; to decide on the establishment and dissolution of construction investment project management units for single projects according to their competence;

dd/ Other rights prescribed by law.

2. Project owners have the following obligations:

a/ To identify project formulation task requirements and contents; to provide necessary information and documents in case of hiring consultants for project formulation; to organize the pre- acceptance tests of project formulation results and archive construction investment project dossiers;

b/ To select project formulation consultancy organizations fully meeting the capacity conditions prescribed by this Law;

c/ To take responsibility for the legal bases and accuracy of the information and documents provided to consultants for project formulation; to submit projects to competent approving agencies in accordance with law;

d/ To select qualified and experienced consultancy organizations or individuals to verify projects at the request of the project-appraising agencies or organizations and investment deciders;

dd/ To organize the management of project implementation as prescribed in Article 66 of this Law;

e/ To examine and supervise the project implementation; to periodically report on the project implementation to investment deciders and competent state management agencies;

g/ To recover capital and pay loans, with regard to projects with capital recovery and loan repayment requirements;

h/ Other obligations prescribed by law.

Article 69. Rights and obligations of construction investment project management units

1. Construction investment project management units have the following rights:

a/ To exercise the rights to manage projects as authorized by project owners;

b/ To propose plans and solutions to organizing project management, propose to project owners for settlement matters falling beyond their competence;

c/ To hire consultancy organizations to participate in project management in case of necessity after it is approved by investment deciders or project owners.

2. Construction investment project management units have the following obligations:

a/ To fulfill the project owners' project management obligations within the scope of authorization;

b/ To organize the management of construction investment projects, ensuring the schedule, quality, safety and environmental protection in construction;

c/ To report their activities to project owners in the course of project management;

d/ To be answerable for violations of law in project implementation management;

dd/ Other obligations prescribed by law.

Article 70. Rights and obligations of construction investment project formulation consultancy and management contractors

1. Construction investment project formulation consultancy and management contractors have the following rights:

a/ To request project owners to provide information and documents related to the assigned consultancy tasks;

b/ To have their intellectual property rights over their consultancy products protected in accordance with law;

c/ To reject unlawful requests of project owners;

d/ Other rights stated in the contracts and prescribed by relevant laws.

2. Construction investment project formulation consultancy and management contractors have the following obligations:

a/ To fulfill the obligations under the signed contracts in conformity with their construction capacity conditions prescribed by law;

b/ To be answerable to the work quality under the signed contracts;

c/ To pay compensations for damage caused to project owners when using improper information, documents, standards, technical regulations, technical solutions or improper organization of management in contravention of their contracts;

d/ Other obligations stated in the contracts and prescribed by relevant laws.

Article 71. Rights and responsibilities of construction investment project-appraising agencies and organizations

1. Construction investment project-appraising agencies and organizations have the following rights:

a/ To request project owners and related agencies and individuals to provide information for project appraisal and explanation in case of necessity;

b/ To collect project appraisal charges in accordance with the law on charges and fees;

c/ To request project owners to hire or invite qualified and experienced consultancy organizations or consultants to participate in the project appraisal when necessary;

d/ To reserve their appraisal opinions and reject requests to falsify project appraisal results.

2. Construction investment project-appraising agencies and organizations have the following responsibilities:

- a/ To appraise construction investment project contents in accordance with this Law;
- b/ To send written notices of appraisal opinions and results to agencies or organizations in charge of appraisal for summarization and reporting to investment deciders;
- c/ To be accountable before law and investment deciders for their own project appraisal opinions and results.

Article 72. Rights and responsibilities of construction investment deciders

1. Construction investment deciders have the following rights:

- a/ To approve or authorize the approval of, construction projects, designs and cost estimates and settle construction investment funds;
- b/ To disapprove the projects when the investment objectives and project efficiency cannot be achieved;
- c/ To suspend the implementation of construction investment projects which have been approved or are underway when deeming it necessary and lawful;
- d/ To alter or adjust construction investment projects when deeming it necessary and conformable with Article 61 of this Law.
- dd/ Other rights prescribed by law.

2. Construction investment deciders have the following responsibilities:

- a/ To organize project appraisal and decide on construction investment;
- b/ To ensure funding sources for implementation of construction investment projects;
- c/ To examine the implementation of construction investment projects by project owners; to organize monitoring and evaluation of construction investment projects as prescribed in Article 8 of this Law;
- d/ To approve the settlement of investment capital for completed construction;
- dd/ To take responsibility before law for their own decisions;
- e/ Other obligations prescribed by law.

Chapter IV

CONSTRUCTION SURVEY AND CONSTRUCTION DESIGN

Section 1. CONSTRUCTION SURVEY

Article 73. Types of construction survey

1. Topographic survey.
2. Engineering geological survey.
3. Hydrogeological survey.
4. Survey of the actual state of works.
5. Other surveys to serve construction investment activities as decided by investment deciders.

Article 74. Requirements on construction survey

1. Construction survey tasks and survey technique plans must suit types and grades of construction works, types of survey, designing steps and requirements of construction designing.
2. Construction survey technique plans must meet requirements of construction survey tasks and comply with applied construction survey standards and technical regulations.
3. Construction survey work must comply with construction survey technique plans, ensure safety and environmental protection, meet requirements of approved construction survey tasks, and shall be examined, supervised and tested for acceptance under regulations.
4. Construction survey results shall be presented in a report, must ensure truthfulness and objectivity and accurately reflect reality, and shall be approved.
5. Construction survey contractors must have sufficient capabilities suitable to types and grades of construction work and types of survey.

Article 75. Major contents of a report on construction survey results

1. Survey bases, process and methods.
2. Survey data; analysis and assessment of survey results.
3. Conclusions on survey results, proposals.

Article 76. Rights and obligations of project owners in construction survey

1. Project owners have the following rights:

- a/ To conduct construction survey when having sufficient capability conditions;
- b/ To negotiate and sign construction survey contracts; to supervise and request construction survey contractors to properly perform signed contracts;
- c/ To approve construction survey tasks and survey technique plans prepared by design consultants or survey contractors, and assign survey tasks to construction survey contractors;
- d/ To adjust construction survey tasks according to reasonable requests of construction survey consultants;
- dd/ To suspend the performance of, or terminate contracts in accordance with law;
- e/ Other rights prescribed by law.

2. Project owners have the following obligations:

- a/ To choose construction survey contractors and supervisors in case they cannot conduct or supervise construction survey by themselves;
- b/ To provide information and documents related to survey work to construction survey contractors;
- c/ To set construction survey requirements and ensure conditions for construction survey contractors to perform their jobs;
- d/ To properly perform the signed construction survey contracts;
- dd/ To organize supervision of construction survey work; to pre-acceptance test and approve survey results in accordance with law;
- e/ To pay compensations for damage caused by the provision of inappropriate information and documents and violations of construction survey contracts;
- g/ Other obligations stated in the contracts and prescribed by relevant laws.

Article 77. Rights and obligations of construction survey contractors

1. Construction survey contractors have the following rights:

- a/ To request project owners and related parties to provide relevant data and information in accordance with contracts for conducting construction surveys;
- b/ To refuse to implement requests beyond construction survey contracts;

c/ To hire subcontractors to conduct construction surveys in accordance with construction survey contracts;

d/ Other rights stated in the contracts and prescribed by relevant laws.

2. Construction survey contractors have the following obligations:

a/ To strictly comply with construction survey requirements in accordance with this Law and construction survey contracts;

b/ To propose and add construction survey tasks when detecting factors directly affecting design solutions;

c/ To take responsibility for results and quality of construction surveys they have conducted; to take responsibility for managing the quality of surveys conducted by subcontractors (if any) and survey results of subcontractors. When participating in construction surveys, subcontractors shall take responsibility before contractors and law;

d/ To pay compensations for damage caused by improper performance of survey tasks, improper use of information, documents, standards and technical regulations on construction survey and violations of construction survey contracts;

dd/ Other obligations stated in the contracts and prescribed by relevant laws.

Section 2. CONSTRUCTION DESIGN

Article 78. General provisions on construction design

1. Construction designs include preliminary design in the pre-feasibility study report, basic design in the feasibility study report, technical design and construction drawing design in the stage of project implementation, and other designing steps (if any) according to international practices.

2. Depending on the size, nature, type and grade of a construction work, construction design may be made through one step or more than one step. Investment deciders shall decide on the number of designing steps when approving construction investment projects.

3. Work construction design may involve one step or more than one step as follows:

a/ One-step design being construction drawing design;

b/ Two-step design consisting of basic design and construction drawing design;

c/ Three-step design consisting of basic design, technical design and construction drawing design;

d/ Design consisting of other steps (if any).

4. A construction design dossier following the basic design must comprise design explanations, design drawings, related construction survey documents, construction cost estimate and technical instructions (if any).

5. The Government shall specify construction design steps and appraisal and approval of construction designs.

Article 79. Requirements on construction design

1. Meeting requirements of design tasks; being suitable to contents of approved construction investment projects, construction planning, architectural landscapes, and natural, cultural and social conditions in construction sites.

2. Work construction design contents must meet requirements of each design step.

3. Complying with applied standards, technical regulations, legal provisions on use of building materials, meeting requirements on utilities and applied technologies (if any); ensuring force-bearing safety, safety in use, artistic appearance, environmental protection, response to climate change, fire and explosion prevention and fighting, and other safety conditions.

4. Having appropriate design solutions and reasonable construction costs; ensuring synchronism within the work and with related works; ensuring conditions on comforts, hygiene and health for users; creating conditions for people with disabilities, the elderly and children to use works. Taking advantages and limiting unfavorable impacts of natural conditions; prioritizing the use of local and environment-friendly materials.

5. Construction designs shall be appraised and approved in accordance with this Law, except the case prescribed in Clause 7 of this Article.

6. Construction design contractors must have sufficient capabilities suitable to types and grades of works and jobs to be performed.

7. Construction designs of separate houses must comply with the following provisions:

a/ Construction designs of separate houses must meet design requirements prescribed in Clause 3 of this Article;

b/ Households may design by themselves separate houses with a total construction floor area of under 250 m² or with fewer than three stories or a height of under 12 meters in accordance with approved construction master plans, and shall take responsibility before law for design quality, environmental impacts of construction works and safety of adjacent works.

Article 80. Major contents of construction designs implemented after basic designs

1. Architectural plan.
2. Technological plan (if any).
3. Utility.
4. Lifetime of the work and its operation process and maintenance;
5. Structural plan and major types of materials.
6. Technical instructions.
7. Fire and explosion prevention and fighting plans.
8. Plan on efficient energy use.
9. Environmental protection and climate change response solutions.
10. Cost estimate suitable to the construction designing step.

Article 81. Contest for and selection of architectural designs of construction works

1. For large public works with specific architectural requirements, contest for or selection of architectural designs of construction works shall be organized before making construction investment feasibility study reports. Investment deciders shall decide on holding of contests for or selection of architectural designs of construction works.
2. Funds for contest for or selection of architectural designs of construction works shall be included in total investment amounts of construction works.
3. Authors of winning or selected architectural designs of construction works shall have their copyright protected, and be given priority to formulate construction investment projects and develop construction designs if they fully satisfy the prescribed capability conditions.
4. The Government shall specify the contest for and selection of architectural designs of work construction.

Article 82. Competence to appraise and approve technical designs, construction drawing designs and construction cost estimates

1. For construction works using state budget funds:
 - a/ Specialized construction agencies shall, as decentralized, appraise technical designs and construction cost estimates in case of three-step design; and construction drawing designs and construction cost estimates in case of two-step design;

b/ Investment deciders shall approve technical designs and construction cost estimates in case of three-step design; and construction drawing designs and construction cost estimates in case of two-step design. Project owners shall approve construction drawing designs in case of three-step design.

2. For construction works using non-budget state funds:

a/ Specialized construction agencies shall, as decentralized, appraise technical designs and construction cost estimates in case of three-step design; and construction drawing designs and construction cost estimates in case of two-step design. Specialized agencies attached to investment deciders shall appraise technological designs and other contents (if any);

b/ Investment deciders shall approve technical designs and construction cost estimates in case of three-step design; and construction drawing designs and construction cost estimates in case of two-step design. Project owners shall approve construction drawing designs and cost estimates of works in case of two-step design.

3. For construction works using other funds:

a/ Specialized construction agencies shall, as decentralized, appraise technical designs in case of three-step design and construction drawing designs in case of two-step design for construction works of special grade or grade I, public works and construction works that have great impacts on landscape, environment and community safety. Specialized agencies attached to investment deciders shall appraise technological designs (if any) and construction cost estimates;

b/ Specialized agencies attached to investment deciders shall appraise technical designs, construction drawing designs and construction cost estimates for remaining construction works;

c/ Investment deciders or project owners shall approve construction designs and cost estimates.

4. Specialized construction agencies and investment deciders may invite qualified and experienced organizations and individuals to participate in appraising construction designs or request project owners to select consultancy organizations or individual consultants that fully meet the operation and practice capability conditions already registered on the website on construction capability to verify construction designs and cost estimates as the basis for the appraisal and approval of construction designs and cost estimates. Costs of verification and charges for appraisal of construction designs and cost estimates shall be included in total investment amounts of projects.

5. Competent state agencies shall, as prescribed by law, appraise environmental, fire and explosion prevention and fighting and other contents in accordance with law when appraising construction designs.

6. Agencies, organizations and individuals shall verify, appraise and approve construction designs and cost estimates shall take responsibility before law for results of their verification, appraisal and approval of construction designs and cost estimates.

Article 83. Contents of appraisal of construction designs implemented after basic designs and cost estimates

1. Compatibility of the construction design of the previous step with that of the preceding step.

a/ Technical design against basic design;

b/ Construction drawing design against technical design in case of three-step design, against basic design in case of two-step design, or against designing task in case of one-step design.

2. Reasonability of work construction design solutions.

3. Compliance with applied standards, technical regulations and legal provisions on the use of building materials for works.

4. Assessment of the compatibility of design solutions with utilities of works, their safety and assurance of safety for adjacent works.

5. Reasonableness of the selection of technological lines and equipment for designs of works with technological requirements.

6. Compliance with regulations on environmental protection and fire and explosion prevention and fighting.

7. Compatibility of major volumes in cost estimates with designed volumes; correctness and reasonableness of the application of construction norms and unit prices; determination of estimated values of works.

8. Capability conditions of organizations and individuals conducting construction survey and design.

Article 84. Adjustment of construction designs

1. An approved work construction design may be adjusted only in the following cases:

a/ When adjustments to the construction investment project require adjustments to the construction design;

b/ In the course of construction, there emerge requirements to adjust the construction design to ensure quality of the work and efficiency of the project.

2. For adjustments to a construction design in accordance with Clause 1 of this Article which will result in changes in construction geology, design load, structural solutions, materials of force-bearing structures or construction organization solutions affecting the force-bearing safety of the work, such adjustments shall be appraised and approved in accordance with Article 82 of this Law.

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

1. Project owners have the following rights:

a/ To conduct construction design by themselves if they fully satisfy the operation and practice capability conditions suitable to types and grades of construction works;

b/ To negotiate and sign construction design contracts; to supervise the performance of signed contracts and request design contractors to properly perform these contracts;

c/ To request design contractors to modify and supplement designs or select other design contractors to modify, supplement or change designs in case the initial design contractors refuse to perform this work;

d/ To suspend the performance of, or terminate construction design contracts in accordance with the contracts and relevant laws;

dd/ Other rights stated in the contracts and prescribed by relevant laws.

2. Project owners have the following obligations:

a/ To select construction design contractors in case they cannot conduct construction design by themselves;

b/ To identify construction design tasks;

c/ To supply sufficient information and documents to construction design contractors;

d/ To properly perform the signed contracts;

dd/ To submit construction designs and cost estimates for appraisal and approval and pay charges therefor;

e/ To archive construction design dossiers;

g/ To pay compensations for damage caused by violations of the construction design contracts;

h/ Other obligations as stated in the construction design contracts and prescribed by relevant laws.

Article 86. Rights and obligations of construction design contractors

1. Construction design contractors have the following rights:

a/ To request project owners and related parties to provide information and documents to serve construction design;

- b/ To reject requests beyond the designing tasks and construction designing contracts;
- c/ To enjoy copyright to their construction designs;
- d/ To hire subcontractors to conduct construction design in accordance with construction design contracts;
- dd/ Other rights stated in the construction design contracts and prescribed by relevant laws.

2. Construction design contractors have the following obligations:

- a/ To accept only construction design contracts suitable to their construction design operation and practice capabilities;
- b/ To comply with standards and technical regulations applicable to works; to compile construction design dossiers according to requirements of design tasks and steps, and to the terms of construction design contracts and relevant legal provisions;
- c/ To take responsibility for the quality of design products they make, including contents prescribed in Articles 79 and 80 of this Law; to take responsibility for the quality of designs made by subcontractors (if any). Subcontractors participating in construction design shall take responsibility for design results to principal contractors and before law;
- d/ To perform construction design author's supervision in the course of construction;
- dd/ Not to designate manufacturers of building materials, supplies and equipment in construction designs of works using state funds;
- e/ To pay compensations for damage caused by the elaboration of inappropriate surveying tasks, or the use of inappropriate information, documents, construction standards and regulations, technical and technological solutions which affect the quality of works, and violations of construction design contracts;
- g/ Other obligations stated in the contracts and prescribed by relevant laws.

Article 87. Rights and responsibilities of agencies and organizations appraising construction designs and cost estimates

1. Agencies and organizations appraising construction designs and cost estimates have the following rights:

- a/ To request project owners and related organizations and individuals to provide information to serve the appraisal of construction designs and cost estimates and give explanations when necessary;

b/ To collect charges for appraisal of construction designs and cost estimates in accordance with the law on charges and fees;

c/ To invite experts to join the appraisal or request project owners to select qualified and experienced consultancy organizations to verify construction designs and cost estimates as the basis for appraisal when necessary;

d/ To reserve their appraisal opinions and refuse requests for falsifying results of appraisal of construction designs and cost estimates.

2. Agencies and organizations appraising construction designs and cost estimates have the following responsibilities:

a/ To appraise contents of construction designs and cost estimates in accordance with this Law;

b/ To notify in writing appraisal opinions and results to agencies or organizations in charge of appraisal for summarization and reporting to investment deciders;

c/ To take responsibility before law and investment deciders for opinions and results of appraisal of construction designs and cost estimates.

Article 88. Archive of construction work dossiers

1. Project owners shall archive completion dossiers of construction works. Contractors participating in construction activities shall archive dossiers of jobs they have performed.

2. Dossiers serving the management and use of construction works shall be archived by managers or users of these works for a period at least equal to the lifetime of these works prescribed by law.

3. The compilation and archive of dossiers of construction works must comply with the law on archives.

4. The Government shall specify the archive of construction .work dossiers.

Chapter V

CONSTRUCTION PERMITS

Article 89. Works subject to, and types of, construction permits

1. Before starting construction of works, project owners shall obtain construction permits granted by competent state agencies in accordance with this Law, except the cases prescribed in Clause 2 of this Article.

2. Works exempted from construction permit include:

a/ Works involving state secrets, works constructed under emergency orders and works located in the territories of two or more provincial-level administrative units;

b/ Works of construction investment projects in which investment is decided by the Prime Minister, ministers, heads of ministerial-level agencies or chairpersons of People's Committees at different levels;

c/ Makeshift construction works to serve the construction of main works;

d/ Works constructed in lines outside urban areas which conform to construction master plans approved by competent state agencies or in lines of which the direction has been approved by competent state agencies;

dd/ Construction works of projects on industrial parks, export processing zones or hi- tech parks with detailed 1:500-scale plans already approved by competent state agencies and construction designs already appraised in accordance with this Law;

e/ Houses of urban development projects or housing development projects with under 7 stories and a total floor area of under 500 m² and detailed 1:500-scale plans already approved by competent state agencies;

g/ Works undergoing repair, renovation or installation of interior equipment which does not alter their force-bearing structure and utilities and affect the environment and safety of these works;

h/ Works undergoing repair and renovation to alter their external architecture not facing roads in urban centers subject to architecture management requirements;

i/ Technical infrastructure works in rural areas for which only construction investment economic-technical reports are required and in areas without approved detailed construction plans on rural residential points;

k/ Construction works in rural areas without approved urban development plans and detailed construction plans; separate houses in rural areas, except separate houses built in conservation zones or historical and cultural relic zones;

l/ Project owners of works exempted from construction permit prescribed at Points b, d, dd and i of this Clause shall send written notices of the time of construction commencement enclosed with construction design dossiers to local construction management agencies for monitoring and filing.

3. Construction permits include:

a/ New construction permit;

b/ Repair and renovation permit;

c/ Relocation permit.

4. Works of special grade and grade I shall be granted stage-based construction permits after having construction designs appraised in accordance with this Law.

5. For construction investment projects consisting of multiple works, construction permits may be granted for one, several or all of these works when the technical infrastructure in the construction site has been built according to construction master plans approved by competent state agencies.

Article 90. Major contents of a construction permit

1. Name of the work under the project.

2. Name and address of project owner.

3. Location and position for the work construction; the work construction line, for works built in lines.

4. Type and grade of the work.

5. Work construction level.

6. Red-line and construction boundaries.

7. Construction density (if any).

8. Land use coefficient (if any).

9. For civil works, industrial works and separate houses, in addition to the contents specified in Clauses 1 thru 8 of this Article, their construction permits must contain contents on total construction area, construction area of the first (ground) floor, number of stories (including basement, attic, technical story and staircase roof), and maximum elevation of the entire work.

10. The deadline for construction commencement, which must be within 12 months from the date of grant of the construction permit.

Article 91. Conditions for granting construction permits for works in urban areas

1. Being in line with approved construction detailed master plans. For construction works located in stable areas or street routes in urban centers which have no detailed construction master plan yet, they must be in line with regulations on management of planning, urban architecture or urban designs promulgated by competent state agencies.

2. Being conformable with land use purposes according to approved land use master plans.

3. Ensuring safety for the works and adjacent works and meeting requirements on environmental protection and fire and explosion prevention and fighting; ensuring safety for technical infrastructure and protection corridors of irrigation works, dikes, energy works, traffic works, cultural heritage zones, historical-cultural relics; ensuring safety distance to fire- or explosion-prone and hazardous facilities, and important works related to national defense and security.
4. Having their construction designs appraised and approved under Article 82 of this Law.
5. Having dossiers of application for construction permits suitable to each type of construction permit prescribed in Articles 95, 96 and 97 of this Law.

Article 92. Conditions for granting construction permits for works not built in lines outside urban areas

1. Being conformable with positions and total ground areas of projects already approved in writing by competent state agencies.
2. Meeting the conditions prescribed in Clauses 3, 4 and 5, Article 91 of this Law.

Article 93. Conditions for granting construction permits for separate houses

1. General conditions for the grant of construction permits for separate houses in urban areas include:

- a/ Being conformable with land use purposes according to approved land use master plans;
- b/ Ensuring safety for the works and adjacent works and meeting requirements on environmental protection and fire and explosion prevention and fighting; ensuring safety for technical infrastructure and protection corridors of irrigation works, dikes, energy works, traffic works, cultural heritage zones, historical-cultural relics; ensuring safety distance to fire- or explosion-prone and hazardous facilities, and important works related to national defense and security;
- c/ Having their construction designs made under Clause 7, Article 79 of this Law;
- d/ Having dossiers of application for construction made under Clause 1, Article 95, and Articles 96 and 97 of this Law.

2. Separate houses in urban areas must meet the conditions prescribed in Clause 1 of this Article and conform with detailed construction plans. Separate houses located in stable areas or street routes in urban centers which have no detailed construction master plans, must comply with regulations on management of planning, urban architecture and urban designs promulgated by competent state agencies.

3. Separate houses in rural areas, when constructed, must conform with detailed construction master plans for rural residential points.

Article 94. Conditions for granting construction permits with definite terms

1. General conditions for the grant of construction permits with definite terms:

a/ Being located in areas with construction zoning plans approved and announced by competent state agencies but not yet implemented, for which there are no land recovery decisions of competent state agencies;

b/ Being 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 approved construction zoning plans;

c/ Project owners undertake to dismantle the works by themselves at the expiration of the existence duration stated in the construction permits with definite terms; if failing to dismantle the works by themselves, the dismantlement shall be coerced and project owners shall bear all dismantlement costs.

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

3. Separate houses must meet the conditions prescribed in Clause 1 of this Article and the conditions prescribed in Clause 1, Article 93 of this Law.

4. For works or separate houses that are granted construction permits with definite terms, if, at the end of the terms, the plan for implementation of the construction plan has not been implemented, the agency that has granted construction permits shall inform owners or assigned users of the works of the adjustment of the construction plan and extend their construction permits with definite terms.

5. For works or separate houses located in areas with construction zoning plans approved by competent state agencies for which district-level annual land use plans have been issued, no new construction permits with definite terms but only construction permits with definite terms for repair and renovation shall be granted.

Article 95. Dossiers of application for new construction permits

1. A dossier of application for a new construction permit for a separate house must comprise:

a/ An application for a construction permit;

b/ A copy of one of the papers proving land use rights as prescribed by the land law;

c/ Construction designing drawings;

d/ A written commitment to ensure safety for adjacent works, for construction works adjacent to other works.

2. A dossier of application for a construction permit for a work to be built not in line must comprise:

a/ An application for a construction permit;

b/ A copy of one of the papers proving land use rights as prescribed by the land law;

c/ A copy of the project approval or investment decision;

d/ Construction designing drawings;

dd/ Declarations on the capabilities and experiences of designing organizations or individuals in charge of construction designing, enclosed with copies of practice certificates of design managers.

3. A dossier of application for a construction permit for a work to be built in line must comprise:

a/ Documents prescribed at Points a, c, d and dd, Clause 2 of this Article;

b/ Written approval of a competent State agency of the location and plan of the line;

c/ The land recovery decision of a competent state agency as prescribed by the land law.

4. A dossier of application for a construction permit for a religious work must comprise:

a/ Documents prescribed in Clause 2 of this Article;

b/ Written approval of a competent state agency in charge of religion of the necessity of construction and the size of the work.

5. A dossier of application for a construction permit for a monument or mural must comprise:

a/ Documents prescribed in Clause 2 of this Article;

b/ A copy of the permit or written approval of a state management agency in charge of culture of the necessity of construction and the size of the work.

6. A dossier of application for a construction permit for an advertisement work must comprise:

a/ Documents prescribed in Clause 2 of this Article; and a land or work lease contract, in case of lease of land or a work for advertisement;

b/ A copy of the permit or written approval of a state management agency in charge of advertisement of the necessity of construction and the size of the work.

7. Dossiers of application for construction permits for works of diplomatic missions and international organizations must comply with the Government's regulations.

Article 96. Dossiers of application for construction permits for repair and renovation of works

1. An application for a permit for repair and renovation of a work.
2. A copy of one of the papers proving the right to own, manage or use the work or house in accordance with law.
3. Drawings or photos of the part or item of the work or house to be renovated.
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 and technical infrastructure works.

Article 97. Dossiers of application for construction permits for relocation of works

1. An application for a permit for relocation of a work.
2. Copies of papers proving the rights to use land to which the work is relocated and papers on lawful ownership of the work as prescribed by law.
3. Work completion drawings (if any) or design drawings describing the actual state of the work to be relocated, showing the ground, cross section of the foundation, and drawings of the main force-bearing structure; drawings of the total ground of the location to which the work is relocated; drawings of the ground and cross section of the foundation of the location to which the work is relocated to.
4. A report on results of the survey assessing the current quality of the work conducted by a fully capable organization or individual.
5. The relocation plan prepared by a fully capable organization or individual, covering:
 - a/ Description of the current state of the work and the area to which the work is relocated; relocation solution, plan on arrangement and use of means, equipment and labor; solutions to ensuring safety for the work, people, machinery, equipment and adjacent works; assurance of environmental sanitation; relocation schedule; organizations and individuals to relocate the work;
 - b/ Drawings showing construction measures to relocate the work.

Article 98. Adjustment of construction permits

1. In the course of construction, if there are adjustments to the design resulting in changes in one of the following contents, project owners shall request adjustment of construction permits:

a/ Change of the external architecture of the work, for works in urban centers or areas subject to architecture management requirements;

b/ Change of one of the following factors: construction location and area; size, height and number of stories of the work and other factors affecting its main force-bearing structure;

c/ Adjustment of the interior design of the work resulting in a change of its utility and affecting safety, fire and explosion prevention and fighting or environmental protection.

2. A dossier of request for adjustment of a construction permit must comprise:

a/ A written request for adjustment of a construction permit;

b/ The granted original construction permit;

c/ Design drawings related to the adjustment to the design permitted in the granted construction permit;

d/ A report on appraisal results and written approval of the adjusted design (except for separate houses) of the project owner, containing a content on assurance of force-bearing safety, fire and explosion prevention and fighting and environmental protection.

Article 99. Extension of construction permits

1. Before the expiration of the construction permit for construction commencement, if the construction of the work has not commenced yet, the project owner shall make a request for extension of the construction permit. A construction permit may be extended no more than twice, with each extension not exceeding 12 months. At the end of the extension period, if failing to commence construction, the project owner shall submit a new dossier of application for a construction permit.

2. A dossier of request for extension of a construction permit must comprise:

a/ A written request for extension of a construction permit;

b/ The granted original construction permit.

3. For works or separate houses for which construction permits with definite terms have been granted, at the end of the existence duration written in the permits, if the plan has not been implemented yet, owners or assigned users of the works may request the construction licensing agency to consider extending the existence duration until the plan is implemented. The existence duration of a work shall be written in its granted construction permit with a definite term.

Article 100. Re-grant of construction permits

1. A construction permit may be re-granted when it is tom, ragged or lost.
2. A dossier of request for re-grant of a construction permit must comprise:
 - a/ A written request for re-grant of construction permit;
 - b/ The granted original construction permit, which is tom or ragged.

Article 101. Withdrawal or cancellation of construction permits

1. A construction permit shall be withdrawn in the following cases:
 - a/ The construction permit is granted not in accordance with law;
 - b/ The project owner fails to remedy the construction in violation of the construction permit within the time limit written the violation handling document at the request of a competent state agency.
2. After 10 days from the date of issuance of the construction permit withdrawal decision by a competent state agency in the case prescribed in Clause 1 of this Article, if the project owner fails to return the construction permit to the granting agency, the latter or a competent agency shall decide to cancel the construction permit and notify it to the project owner and the commune-level People's Committee of the locality where the construction work is located. The construction permit cancellation decision shall be posted on the website of the provincial- level Construction Department.

Article 102. Process of grant, re-grant, adjustment and extension of construction permits

1. The process of grant and adjustment of a construction permit is prescribed as follows:
 - a/ The project owner shall submit 2 sets of dossier of application for a construction permit or request for adjustment of construction permit to the agency competent to grant construction permits;
 - b/ The agency competent to grant construction permits shall receive the dossier, check the dossier and write a receipt if the dossier is valid as prescribed or guide the project owner to complete the dossier if it fails to meet prescribed requirements;
 - c/ Within 7 working days after receiving a dossier, the agency competent to grant construction permits shall organize appraisal of the dossier and conduct field inspection. During appraisal, the competent agency shall determine which documents are still missing, improper or untrue to reality and inform them once in writing to the project owner for supplementation and completion of the dossier. If the supplemented dossier still fails to meet the notified requirements, within 5 working days the competent agency shall issue a written notice to the project owner guiding the

latter to further improve the dossier. The project owner shall supplement and complete the dossier according to the written notice. If the supplemented dossier still fails to satisfy the notified contents, within 3 working days, the competent agency shall notify the project owner of the reason for refusal to grant a permit;

d/ The agency competent to grant construction permits shall examine the size, characteristics and category of the work and site of construction stated in the dossier of application for a construction permit against 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;

dd/ Within 12 days, for works or separate houses, after receiving a dossier, consulted state management agencies shall issue written replies on the contents under their respective management functions. After the above time limit, if they give no opinions, they shall be considered having agreed and shall take responsibility for the contents under their respective management functions; in pursuance to current regulations, the agency competent to grant construction permits shall decide to grant construction permits;

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 30 days in the case of grant of construction permits, including also construction permits with definite terms, adjusted construction permits and relocation permits, and within 15 days, for separate 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.

2. The process of extension and re-grant of construction permits is prescribed as follows:

a/ The project owner shall submit 2 sets of dossier of request for extension or re-grant of construction permit to the agency competent to grant construction permits;

b/ Within 5 working days after receiving a complete and valid dossier, the agency competent to grant construction permits shall consider and allow the extension of the construction permit or re-grant the construction permit.

3. The receipt of replies and payment of fees for the grant of construction permits are prescribed as follows:

a/ Project owners shall receive construction permits enclosed with design dossiers submitted for the application of construction permits bearing the stamp of the agency competent to grant construction permits at the place of receipt of the dossiers according to the time of appointment written in the receipts;

b/ Project owners shall pay a fee under regulations upon submission of dossiers of application for construction permits.

4. For cases ineligible for the grant of a construction permit, within the time limit prescribed in Clause 2 of this Article, the agency competent to grant construction permits shall issue a written notice clearly stating the reason to the project owner. Past the time limit written in the receipt, if the competent agency fails to reply, the project owner is entitled to construct the work according to the appraised and approved design dossier included in the dossier of application for a construction permit.

5. The Government shall issue detailed regulations on dossiers of application for construction permits, adjustment, extension, re-grant and withdrawal of construction permits for each type of construction permit and category of work.

6. The Minister of Construction shall issue detailed regulations on the form of application and design drawings in dossiers of application for construction permits.

Article 103. Competence to grant, adjust, extend, re-grant and withdraw construction permits

1. The Ministry of Construction shall grant construction permits for works of special grade.

2. Provincial-level People's Committees grant construction permits for construction works of grades I and II; religious works; historical and cultural relic works, monuments and murals which have been ranked; works in main street lines and thoroughfares in urban centers; and works of foreign-invested projects. Provincial-level People's Committees may decentralize powers to provincial-level Construction Departments, and management boards of economic zones, industrial parks, export processing zones and hi-tech parks to grant construction permits under the scope of management and functions of these agencies.

3. District-level People's Committees shall grant construction permits for works and separate houses in urban centers, centers of commune clusters and in conservation zones and historical and cultural relic areas in the territories under their management, except construction works prescribed in Clauses 1 and 2 of this Article.

4. Agencies competent to grant construction permits are competent to adjust, extend, re-grant and withdraw construction permits they have granted.

5. In case an agency competent to grant construction permits fails to withdraw a construction permit it has granted ultra vires, the provincial-level People's Committee shall directly issue a decision to withdraw such construction permit.

Article 104. Responsibilities of agencies competent to grant construction permits

1. To publicly post up and explain and guide regulations on grant of construction permits.

2. To monitor, issue replies to or notify project owners of dossiers ineligible for the grant of construction permits.

3. To grant construction permits according to the process and within the time limit prescribed in Article 102 of this Law.

4. To assume the prime responsibility for, and coordinate with related functional agencies in inspecting the construction according to construction permits; to suspend the construction and withdraw construction permits according to their competence when project owners commit serious violations.

5. Persons competent to grant construction permits shall take responsibility before law and pay compensations in accordance with law for damage caused by their wrong or delayed grant of construction permits.

Article 105. Responsibilities of agencies and organizations related to the grant of construction permits

1. To perform the responsibilities prescribed at Point dd, Clause 1, Article 102 of this Law.

2. To take necessary measures when receiving notices of agencies competent to handle violations with regard to works constructed not according to planning, constructed without permits or in violation of granted construction permits.

Article 106. Rights and obligations of construction permit applicants

1. Construction permit applicants have the following rights:

a/ To request construction licensing agencies to explain, guide and comply with regulations on construction licensing;

b/ To file complaints about, lawsuits and denunciations against illegal acts in the grant of construction permits;

c/ To start construction of works in accordance with this Law.

2. Construction permit applicants have the following obligations:

a/ To submit complete dossiers and fully pay fees for the grant of construction permits;

b/ To bear responsibility for the accuracy and truthfulness of construction permit application dossiers;

c/ Seven working days before starting the construction, to notify in writing the construction starting date to the commune-level People's Committees of places where works will be constructed;

d/ To observe strictly the contents of the construction permits.

Chapter VI

CONSTRUCTION OF WORKS

Section 1. PREPARATION FOR CONSTRUCTION OF WORKS

Article 107. Conditions for commencement of construction of works

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

a/ Having construction grounds for handover in whole or in part according to the construction schedule;

b/ Having construction permits, for works requiring construction permits as prescribed in Article 89 of this Law;

c/ Having the approved construction drawing designs of items or works to be constructed and the drawings checked and certified by the project owner;

d/ Having construction contracts signed between the project owner and selected contractor;

dd/ Ensuring adequate funds according to the work construction progress;

e/ Having measures to ensure safety and environmental protection in the course of construction.

2. The commencement of construction of separate houses must meet only the condition prescribed at Point b, Clause 1 of this Article.

Article 108. Preparation of construction ground

1. The recovery, allocation and lease of land and compensation and ground clearance for construction must comply with the land law. People's Committees at all levels shall direct and organize the compensation and support for ground clearance and resettlement for construction investment projects in accordance with law.

2. The duration of construction ground clearance must meet the requirements on project implementation progress as approved or decided by competent persons.

3. The handover of construction grounds in whole or in part for construction must be as agreed between the project owner and construction contractor.

4. Funds for compensation and support for ground clearance and resettlement (if any) shall be ensured.

Article 109. Requirements on construction sites

1. Project owners shall install signboards at construction sites, except for separate houses with under 7 stories. The contents of a signboard include:

a/ Title and size of the work;

b/ Dates of commencement and completion;

c/ Names, addresses and telephone numbers of the project owner, construction contractor, construction designing organization and construction supervision organization or individual;

d/ Perspective drawings of the work.

2. Construction contractors shall manage the entire construction sites in accordance with law, except the case in which the project owner organizes the management. Contents of management of a construction work include:

a/ There must be fences, guard posts and conspicuous signboards to ensure separation between the construction site and outside;

b/ The layout of the construction site within the construction boundary of the work must be in line with the approved general construction ground design drawing and the specific conditions of the construction site;

c/ Supplies, materials and equipment pending installation must be neatly arranged according to the general construction ground design;

d/ Within the construction site there must be signboards of the general ground plan, safety, fire and explosion prevention and fighting and other necessary signboards.

3. Construction contractors shall take measures to ensure safety for people and vehicles entering and leaving the construction sites, collect and treat construction wastes in a proper manner without badly affecting the environment around the construction sites.

Article 110. Requirements on use of building materials

1. Safety, efficiency, thriftiness and environmental friendliness.

2. Materials and structures used in a construction work must comply with the approved construction designs and technical instructions (if any), ensuring quality in accordance with the law on standards, 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 and domestic materials. For projects using state funds, the use of imported materials must be stated in bidding dossiers or dossiers of requirements suitable to construction designs and technical instructions (if any) decided by investment deciders.

Section 2. CONSTRUCTION OF WORKS

Article 111. Requirements on construction of works

1. Complying with approved construction designs, standards and technical regulations applicable to works, laws and regulations on use of building materials; ensuring force-bearing safety, safety in use, artistic appearance, environmental protection, fire and explosion prevention and fighting, and other safety conditions prescribed by law.

2. Ensuring safety for construction works, people and construction equipment, underground facilities and adjacent works; taking measures to restrict human and property losses when unsafe incidents occur in the course of construction.

3. Taking separate safety technical measures for construction items and jobs subject to strict requirements on labor safety and fire and explosion prevention and fighting.

4. Using supplies and materials of proper types and specifications and quantities according to requirements of construction designs, ensuring thriftiness in the course of construction.

5. Conducting examination, supervision and pre-acceptance test of construction jobs and important transitional construction stages when necessary and pre-acceptance test of completed items and works before they are put into operation and use.

6. Construction contractors must meet all capability conditions applicable to different types and grades of works and construction jobs.

Article 112. Rights and obligations of project owners in the construction of works

1. Project owners have the following rights:

a/ To carry out construction themselves if they have full and appropriate construction capabilities or select construction contractors;

b/ To negotiate and sign construction contracts; to supervise and request construction contractors to strictly perform the signed contracts;

c/ To suspend the performance of, or terminate, contracts with construction contractors in accordance with law and construction contracts;

d/ To stop the construction and request construction contractors to remedy consequences caused by violations of regulations on work quality, safety and environmental protection;

dd/ To request related organizations and individuals to coordinate in performing jobs in the course of construction;

e/ Other rights prescribed by law.

2. Project owners have the following obligations:

a/ To select contractors having full and appropriate construction capabilities suitable to different types and grades of works and construction jobs;

b/ To join People's Committees at all levels in paying compensations for damage and clearing sites for construction for handover to construction contractors;

c/ To organize quality supervision and management of construction activities suitable to the forms of project management and conformable with construction contracts;

d/ To examine construction measures and measures to ensure safety and environmental sanitation;

dd/ To organize pre-acceptance tests, payment and settlement for works;

e/ To hire consultancy organizations having full construction capabilities to test the quality of works when necessary;

g/ To examine and decide on contractors' proposals related to designs in the course of construction;

h/ To archive construction dossiers of works;

i/ To take responsibility for the quality and origin of supplies, raw materials, materials, equipment and construction products they supply for use in the works;

k/ To pay compensations for damage caused by their violations of contracts and other violations;

l/ Other obligations prescribed by law.

Article 113. Rights and obligations of construction contractors

1. Construction contractors have the following rights:

a/ To reject illegal requests;

b/. To propose construction design modifications to suit construction reality, ensuring quality and efficiency;

c/ To request payment for the value of completed construction volumes according to the contracts;

d/ To stop construction when there are threats of unsafety to people and works or the principals fail to strictly perform their contractual commitments;

dd/ To request compensations for damage caused due to faults of the principal;

e/ Other rights stated in the contracts and prescribed by relevant laws.

2. Construction contractors have the following obligations:

a/ To only undertake construction contracts and jobs suitable to their construction capabilities and properly perform the signed contracts;

b/ To make and submit to project owners for approval construction measure designs specifying measures to ensure safety for people, machinery, equipment and works;

c/ To carry out construction strictly according to the designs and applied standards and technical regulations, ensuring quality, progress, safety and environmental protection;

d/ To apply an appropriate quality control system and establish quality management dossiers of works;

dd/ To comply with requirements on construction sites;

e/ To take responsibility for the quality and origin of supplies, raw materials, materials, equipment and construction products they supply for the works;

g/ To manage workers at construction sites, ensuring security, order and environmental protection;

h/ To make construction completion drawings and take part in the pre-acceptance test of works;

i/ To provide work warranty;

k/ To pay compensations for damage caused by their violations of contracts, use of materials of improper categories or failure to ensure requirements of approved designs, construction activities which fail to ensure quality or cause environmental pollution, and other violations;

l/ To bear responsibility for the quality of construction activities according to the designs, including jobs performed by subcontractors (if any); subcontractors shall bear responsibility for the quality of jobs they perform before principal contracts and law;

m/ Other obligations stated in the contracts and prescribed by relevant laws.

Article 114. Rights and obligations of designing contractors in construction

1. Designing contractors have the following rights:

- a/ The rights prescribed in Clause 1, Article 86 of this Law;
- b/ To request project owners and construction contractors to strictly implement the designs;
- c/ To reject requests of project owners for unreasonable design changes;
- d/ To refuse to conduct pre-acceptance test of works or work items if they are constructed not according to the designs;
- dd/ Other rights as stated in the contracts and prescribed by relevant laws.

2. Designing contractors have the following obligations:

- a/ The obligations prescribed in Clause 2, Article 86 of this Law;
- b/ To appoint fully capable persons to conduct design author's supervision according to the contracts; persons performing this task shall take responsibility before law for their violations and shall compensate for damage caused due to their faults;
- c/ To take part in the pre-acceptance test of works according to construction designing contracts with project owners;
- d/ To consider and remedy nationalities in the construction designs at the request of project owners;
- dd/ To promptly notify to project owners of construction activities which are carried out not in accordance with approved designs and propose handling measures;
- e/ Other obligations stated in the contracts and prescribed by relevant laws.

Article 115. Safety in construction

1. In the course of construction, project owners and construction contractors shall ensure safety for works, workers, equipment and vehicles operating on construction sites.

2. Project owners shall arrange fully capable persons to monitor and examine construction contractors' compliance with safety regulations; suspend or terminate construction when detecting incidents causing unsafety to works, signs of violation of safety regulations; coordinate with contractors in handling incidents or labor accidents that occur; promptly notify fatal incidents or labor accidents to competent functional agencies.

3. Construction contractors shall propose and implement measures to ensure safety for people, machinery, equipment, assets and works under construction, underground facilities and adjacent works; construction machinery, equipment and supplies subject to strict labor safety requirements shall be inspected to ensure their safe use.

Article 116. Environmental protection in construction

In the course of construction, construction contractors shall:

1. Work out and implement measures to protect the environment in the course of construction, including air environment and water environment, limits of solid waste, noise and other requirements prescribed by the law on environmental protection.
2. Pay compensations for damage caused by their violations related to environmental protection.

Article 117. Relocation of works

1. The relocation of works must comply with approved construction master plans and ensure their quality and safety, not affect adjacent works, and ensure their original architecture, for works with conservation requirements.
2. Before relocating works, project owners or work owners shall apply for relocation permits.
3. Contractors that conduct the relocation of works shall apply measures to ensure labor safety and safety for relocated works and adjacent works and environmental protection.

Article 118. Dismantlement of construction works

1. Construction works shall be dismantled in the following cases:
 - a/ For clearance of sites for construction of new or makeshift works;
 - b/ Works are likely to collapse, thus affecting the community and adjacent works;
 - c/ Works are constructed in no-construction zones prescribed in Clause 3, Article 12 of this Law;
 - d/ Works are constructed at variance with construction planning, works are constructed without construction permits as required, or works are constructed at variance with their construction permits;
 - dd/ Works are constructed on public land, land under lawful use rights of organizations or individuals; works are constructed against approved designs, for works exempted from construction permit;
 - e/ Separate houses are dismantled for building new ones.

2. The dismantlement of construction works must satisfy the following requirements:

a/ It shall only be conducted under a decision of a competent state agency (if any);

b/ It shall be conducted according to the approved dismantlement plan and solutions, ensuring safety and environmental protection.

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

a/ Organizations and persons that are assigned to organize the dismantlement shall comply with the provisions in Clause 2 of this Article and take responsibility before law and pay compensations for damage caused due to their faults;

b/ Current owners or users of works to be dismantled shall comply with dismantlement decisions of competent state agencies. Those failing to comply with such decisions shall be subject to coerced dismantlement of their works and bear all dismantlement costs;

c/ Persons competent to decide on the dismantlement of works shall take responsibility before law for consequences of their failure to issue decisions, untimely decisions or illegal decisions.

Article 119. Incidents in construction works

1. In the course of construction, operation, exploitation or use of works, if detecting threats of unsafety or occurrence of incidents that may affect human lives, adjacent works and communities, project owners, construction contractors, use managers or competent state agencies shall:

a/ Stop the construction, operation, exploitation or use of works, and apply measures to ensure safety for people and property;

b/ Apply necessary measures to limit and prevent further possible dangers to works and promptly notify such to related competent organizations and persons;

c/ Protect incident scenes, except cases in which remedies shall be taken promptly to prevent or stop damage.

2. Upon detecting, or receiving notices of, incidents, competent state agencies and related organizations and persons shall, within the ambit of their respective tasks and powers:

a/ Promptly apply urgent measures to remedy the incidents;

b/ Competent state agencies shall organize identification of causes of incidents and clarify responsibilities of organizations and individuals at fault.

3. Works in which incidents occur may be further constructed, operated, exploited or used only when it is permitted by competent state agencies handling the incidents.

4. Organizations and individuals that cause incidents to works shall pay compensations for damage and bear related expenses, and may be administratively handled; individuals may be examined for penal liability in accordance with law.

Section 3. SUPERVISION OF CONSTRUCTION, PRE-ACCEPTANCE TEST AND HANDOVER OF CONSTRUCTION WORKS

Article 120. Construction supervision

1. Construction works shall be supervised in terms of quality, volume, progress, labor safety and environmental protection in the course of construction.

The State shall encourage the supervision of the construction of separate houses.

2. Supervision of the construction of works must ensure the following requirements:

a/ Supervision shall be conducted throughout the process of construction from commencement of construction, construction activities to completion and pre-acceptance test of construction jobs or constructed items;

b/ Supervision shall be based on approved construction designs, applied standards, technical regulations, regulations on the management and use of building materials, technical instructions and construction contracts;

c/ Honesty, objectivity and non-self-seekingness.

3. Selected construction supervision contractors shall propose supervision solutions and the process of controlling the quality, volume, progress, labor safety and environmental protection and the process of examination and pre-acceptance test, measures to manage records and documents in the process of supervision and other necessary contents.

Article 121. Rights and obligations of project owners in construction supervision

1. Project owners have the following rights:

a/ To conduct supervision by themselves when they have full construction supervision capabilities and take responsibility for their supervision;

b/ To negotiate and sign construction supervision contracts; to monitor and supervise the performance of, and request construction supervision contractors to properly perform, signed contracts;

c/ To change or request consultancy organizations to change supervisors in case the supervisors fail to strictly comply with regulations;

d/ To suspend the performance of, or terminate construction supervision contracts in accordance with law;

dd/ Other rights stated in the contracts and prescribed by relevant laws.

2. Project owners have the following obligations:

a/ To select supervision consultants that have full capability conditions suitable to the type and grade of construction works to sign construction supervision contracts in case they fail to conduct the supervision by themselves;

b/ To notify related parties of the rights and obligations of supervision consultants;

c/ To promptly respond to proposals of supervisors;

d/ To fully perform the obligations agreed upon in the construction supervision contracts;

dd/ To preserve construction supervision results;

e/ To pay compensations for damage caused by the selection of supervision consultants that lack construction supervision capability conditions, pre-acceptance test of incorrect volume, construction not according to designs, and other violations due to their fault;

g/ Other obligations stated in the contracts and prescribed by relevant laws.

Article 122. Rights and obligations of construction supervision contractors

1. Construction supervision contractors have the following rights:

a/ To participate in the pre-acceptance test and certification of completed construction jobs or works;

b/ To request construction contractors to comply with approved designs and signed construction contracts;

c/ To reserve their opinions on supervision jobs they perform;

d/ To suspend construction when detecting that works are at risk of unsafety or contractors conduct construction not according to designs and promptly notify such to project owners for handling;

dd/ To reject unreasonable requests of related parties;

e/ Other rights stated in the contracts and prescribed by relevant laws.

2. Construction supervision contractors have the following obligations:

a/ To conduct supervision strictly according to contracts;

b/ Not to accept volumes that fail to ensure quality or conform to applied standards, technical standards and requirements of construction designs;

c/ To refuse to conduct pre-acceptance test of works that fail to meet quality requirements;

d/ To notify project owners of irrationalities in construction designs;

dd/ To supervise the implementation of regulations on safety and environmental protection;

e/ To pay compensations for damage caused by the falsification of supervision results on construction volumes implemented not according to designs, not in conformity with applied standards and technical regulations which have not been reported by supervisors to project owners or competent persons for handling, and by other violations due to their faults;

g/ Other obligations stated in the contracts and prescribed by relevant laws.

Article 123. Pre-acceptance test of construction works

1. The pre-acceptance test of construction works covers:

a/ Pre-acceptance test of construction works in the process of construction and pre- acceptance test of transitional construction stages when necessary;

b/ Pre-acceptance test of completed work items or construction works before being put into operation or use.

2. Completed work items or construction works may only be put into operation or use after their pre-acceptance test results show that they meet requirements of construction designs, applied standards and technical regulations and regulations on the management and use of building materials and their pre-acceptance tests are conducted in accordance with this Law.

3. Project owners shall organize the pre-acceptance test of construction works. Organizations and individuals participating in pre-acceptance test of construction works shall take responsibility for products they have certified when conducting the pre- acceptance test.

4. For important national works, large-sized works with complicated technical requirements, works that exert great impacts on community safety and environment and works using state funds, pre-acceptance tests during the process of construction and of completed works shall be examined. The responsibility for examining pre-acceptance tests is prescribed as follows:

a/ The State Council for Pre-acceptance Test of Construction Works shall examine pre-acceptance tests performed by project owners with regard to important national works and large-sized works with complicated technical requirements;

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

5. The Government shall detail the quality management, pre-acceptance test and settlement of incidents of construction works.

Article 124. Handover of construction works

1. The handover of construction works must comply with the following provisions:

a/ Construction works have been pre-acceptance tested in accordance with the construction law;

b/ Safety is ensured in the operation and exploitation when the works are put into use.

2. Project owners shall receive works according to contracts signed with contractors. Persons taking part in the handover of works shall take responsibility for products certified by them in the course of handover. If they are not use managers of works, project owners shall hand over works to use managers after organizing the pre-acceptance test of the works. The handover of construction works shall be recorded in writing.

3. When handing over construction works, construction contractors shall deliver to project owners construction completion drawings, documents on the operation process, maintenance process and list of reserve equipment, spare parts and supplies and other necessary related documents.

4. Pending the handover of construction works to their managers for use, project owners shall temporarily manage and operate these works.

Section 4. WARRANTY AND MAINTENANCE OF CONSTRUCTION WORKS

Article 125. Warranty for construction works

1. Construction contractors shall provide warranty for works they have constructed. Work and technological equipment supply contractors shall provide warranty for equipment they have supplied.

2. Contents of warranty for a work include repair and replacement of damaged or faulty equipment due to contractors' faults.

3. The warranty duration of works, their equipment and technological equipment shall be determined according to types and grades of construction works and regulations of manufacturers or equipment supply contracts.

4. The Government shall specify the warranty of construction works.

Article 126. Maintenance of construction works

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

a/ Once put into operation and 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 operation or use; must be suitable to use purposes, types and grades of construction works and their items and installed equipment;

c/ The maintenance of works must ensure safety for works, people and property.

2. Owners or use managers of works shall maintain works and their machines and equipment.

3. The maintenance of construction works and their equipment must comply with the approved maintenance plans and process.

4. The Government shall specify the maintenance of construction works and responsibility to announce expired construction works.

Article 127. Termination of operation and use of construction works

1. Project owners or use managers of works or competent state agencies shall decide to terminate the operation and use of construction works when these works' lifetime expires, these works are at risk of becoming unsafe or causing incidents affecting the safety of users and safety of adjacent works, the environment and community.

2. When deciding to terminate the operation and use of works under common use, project owners or use managers or competent state agencies shall issue written notices of their decisions to work-using organizations, individuals and households.

3. The operation and use of construction works may resume only after incidents have been remedied or safety threats have been eliminated. For an expired work, if wanting to continue to use the work, its owner or user shall conduct quality assessment, reinforce and renovate it and repair its damage (if any) to ensure its safety and utilities.

Section 5. CONSTRUCTION OF SPECIAL-TYPE WORKS

Article 128. Special-type construction works

1. Special-type construction works include:

a/ State-secret works;

b/ Works constructed under urgent orders;

c/ Makeshift works.

2. The Government shall detail this Article.

Article 129. Construction of state-secret works

1. State-secret works constructed according to requirements must ensure secrets in construction investment activities in the national defense, security, foreign relations, economic, scientific and technological and other fields.

2. Agencies, organizations and persons that are assigned to manage and construct state- secret works have the power to decide on and shall take responsibility for constructing, and organizing the construction of, works from the stages of project formulation, survey, designing, construction and construction supervision of works to the stage of pre-acceptance test and putting of works into use.

3. The Government shall decide on the construction of state-secret works.

Article 130. Construction of works under urgent orders

1. Works shall be constructed under urgent orders to promptly meet urgent requirements of prevention and combat of natural disasters and enemy sabotage and other urgent requirements.

2. Agencies, organizations and persons that are assigned to manage the construction of works under urgent orders may decide by themselves the order of survey, designing and construction to meet the requirements of a state of emergency; and shall organize the construction of such works in order to meet in time the implementation requirements and schedule in order to minimize possible human and material losses.

Article 131. Construction of makeshift works

1. Makeshift works are those constructed to serve the construction of main works;

2. Project owners and construction contractors shall themselves organize the appraisal and approval of construction designs and cost estimates and construct makeshift works according to approved construction designs and cost estimates.

3. Makeshift construction works shall be dismantled after main works are put into operation and use, except makeshift works constructed in accordance with approved construction master plans.

Chapter VII

CONSTRUCTION INVESTMENT COSTS AND CONSTRUCTION CONTRACTS

Section 1. MANAGEMENT OF CONSTRUCTION INVESTMENT COSTS

Article 132. Principles of management of construction investment costs

1. Management of construction investment costs must ensure investment objectives and effectiveness of projects, follow the order of construction investment and suit funding sources. Construction investment costs shall be calculated accurately and fully for each project, construction work or bidding package and must be suitable to design requirements, construction conditions and market price levels.

2. The State shall manage construction investment costs through promulgating, guiding and examining the implementation of, legal provisions; guiding methods of estimating and managing construction investment costs, measuring work volumes, construction machine and equipment shift prices, adjusting construction cost estimates, construction price index, controlling costs in construction investment; and guiding and managing the grant of construction valuation certificates; and publicizing construction criteria and norms and construction price index.

3. Project owners shall manage construction investment costs from the stage of project preparation to the completion of construction and putting of projects into operation and use within the approved total investment amounts of projects. Project owners may hire cost management consultancy organizations and individuals with full capability conditions to estimate, appraise and control construction investment costs.

4. The inspection, examination and audit of construction investment costs shall be conducted based on conditions for and methods of determining construction investment costs already approved by investment deciders and project owners in accordance with regulations and guidelines on the estimation and management of construction investment costs and the order of construction investment.

5. Construction investment costs of projects using state funds shall be determined according to regulations on the estimation and management of construction investment costs.

Article 133. Contents of management of construction investment costs

1. Contents of management of construction investment costs include total investment amounts, construction cost estimates, prices of construction bidding packages, prices of construction contracts, construction norms and prices, expenses for project management and construction investment consultancy; payment and settlement of construction investment funds; and rights and obligations of investment deciders, project owners and construction contractors in the management of construction investment costs.

2. The Government shall detail the management of construction investment costs.

Article 134. Total construction investment amount

1. Total construction investment amount includes all construction investment costs of a project determined according to the basic design and contents of the construction investment feasibility study report. In case a construction investment pre-feasibility study report is to be made, the total investment amount determined according to the preliminary design shall serve as a basis for estimating construction investment costs.
2. The contents of total construction investment amount include costs of construction, equipment, compensation, support and resettlement, project management, construction investment consultancy, other costs and provisional amounts for arising volumes and inflation. For projects for which only construction investment economic-technical reports are required to be made, the total construction investment includes the costs in the work construction cost estimate prescribed in Article 135 of this Law, compensation, support and resettlement expenses and other costs.
3. The total construction investment amount shall be determined based on the construction volume calculated according to the basic design and other necessary requirements of projects, or determined based on the construction investment capital ratio or data on costs of previously constructed similar works.
4. The total construction investment amount shall be appraised and approved and serve as the basis for managing project costs. For projects using state funds, the approved total construction investment amount is the maximum level which project owners may use to implement the projects.
5. The approved total construction investment amount of a project using state funds may be adjusted only when the project is adjusted under Clause 1, Article 61 of this Law. For projects using other funds, investment deciders shall decide on the adjustment of their total construction investment amounts.

Article 135. Construction cost estimates

1. Construction cost estimate covers costs necessary for constructing a work, performing a bidding package or construction job, which shall be determined based on the volume calculated according to the technical design, construction drawing design, requirements of the job to be done and construction norms and prices.
2. Contents of a construction cost estimate include costs of construction, equipment, project management, construction investment consultancy, other costs and provisional fund.
3. A construction cost estimate using state funds shall be approved under Clauses 1 and 2, Article 82 of this Law and serve as a basis for determining the price of the bidding package and for negotiating and signing the construction contract.
4. The approved construction cost estimate of a project using state funds may be adjusted only in the following cases:

a/ Adjusting the total construction investment amount under Clause 1, Article 61 of this Law;

b/ The design is permitted to be modified or supplemented not against the basic design or the estimated construction cost structure is permitted to be changed but must not exceed the approved total construction investment amount;

c/ The adjustment of the construction cost estimate shall be appraised and approved in accordance with the construction law.

5. For projects using other funds, investment deciders or project owners shall decide on the adjustment of their construction cost estimates.

Article 136. Construction norms, prices and price index

1. The system of construction norms includes economic-technical norms and cost norms. The construction price of a work includes detailed construction unit prices and general construction prices for different groups and types of construction jobs, structural units, parts of the work or the whole work.

2. Construction unit prices of a work shall be determined based on market prices or construction norms and prices of materials, labor, construction machines and other necessary cost elements compatible with market price levels in construction areas.

3. The system of construction norms and prices prescribed in Clause 1 of this Article shall be publicized by competent state agencies and used or referred to by project owners for determining and managing construction investment costs.

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

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

Article 137. Payment and settlement for construction investment projects

1. The payment and settlement for construction investment projects must comply with the law on management of investment capital. Project owners or their lawful representatives shall take responsibility before law for the accuracy and lawfulness of unit prices, volumes and values requested for payment in payment dossiers.

2. After construction works are completed, pre-acceptance tested, handed over and put into use, settlement of construction investment projects shall be made. For projects using state funds, investment deciders shall approve settlements for construction investment projects within their

approved investment amounts. The Government shall specify the settlement time limit for construction investment projects.

3. The payment and settlement for construction contracts must comply with Articles 144 and 147 of this Law.

Section 2. CONSTRUCTION CONTRACTS

Article 138. General provisions on construction contracts

1. Construction contracts are civil contracts established in writing between principals and contractors to perform in part or wholly the work in construction investment activities.

2. The principles of signing construction contracts include:

a/ Voluntariness, equality, cooperation, non-violation of law and social ethics;

b/ Assurance of adequate funds for payment according to contractual agreement;

c/ Having completed the selection of contractor and concluded the process of contract negotiation;

d/ If the contractor is a partnership of contractors, there must be a partnership agreement. The partners shall sign and append their seals (if any) to the construction contract, unless otherwise agreed by the parties.

3. The principles of performance of construction contracts include:

a/ The contractual parties shall properly implement their commitments in the contract regarding the scope of work, quality requirements, quantity, category, schedule, methods and other agreements;

b/ Honesty, cooperation and lawfulness;

c/ No infringement upon the interests of the State and community and lawful interests of other organizations and individuals.

4. Language used in construction contracts is Vietnamese. For construction contracts with the participation of foreign parties, the languages used therein are Vietnamese and another language as agreed upon by the parties.

5. Construction contracts shall be signed and performed in accordance with this Law and relevant laws.

Article 139. Effect of construction contracts

1. A construction contract becomes effective when fully meeting the following conditions:

a/ The contract signees have full civil act capacity and act according to their competence in accordance with law;

b/ The principles of signing of construction contracts prescribed at Point a, Clause 2, Article 138 of this Law are adhered to;

c/ The contractor has full construction operation and practice capability conditions prescribed by this Law.

2. The time when a construction contract becomes effective is the time of its signing or another specific time as agreed upon by contractual parties.

Article 140. Types of construction contract

1. Construction contracts shall be categorized according to the characteristics and contents of work to be performed and applied contract prices.

2. According to the characteristics and contents of work to be performed, construction contracts include:

a/ Construction consultancy contract;

b/ Work construction contract;

c/ Contract on supply of equipment for installation in construction work;

d/ Contract on designing, procurement of supplies and equipment and construction, turnkey contract;

dd/ Other construction contract.

3. According to the form of applied contract price, construction contracts include:

a/ Package contract;

b/ Fixed unit price-based contract;

c/ Adjustable unit price-based contract;

d/ Time-based contract;

dd/ Charge-plus cost-based contract;

e/ Combined price-based contract;

g/ Other construction contract;

h/ Construction contract using State funds may only use types of contract prescribed at Points a, b, c and d of this Clause or a combination of these types of contract.

Article 141. Contents of construction contracts

1. A construction contract includes the following contents:

a/ Applied legal bases;

b/ Language used in the contract,

c/ Content and volume of work;

d/ Quality, technical requirements of work; pre-acceptance test and handover;

dd/ Contract performance duration and schedule;

e/ Contract price, advance payment, currency used in payment, and payment for the contract;

g/ Contract performance security, contract advance guarantee;

h/ Adjustment of the construction contract;

i/ Rights and obligations of the parties to the construction contract;

k/ Liability for violations of the contract, rewards and fines for violations of the contract;

l/ Suspension and termination of the contract;

m/ Settlement of disputes over the contract;

n/ Risks and *force majeure* events;

o/ Settlement and liquidation of the contract;

p/ Other contents.

2. For general construction contracts, beside the contents prescribed in Clause 1 of this Article, the management contents and responsibilities of the construction contractor shall be added.

3. The Government shall detail construction contracts.

Article 142. Dossiers of construction contracts

1. A dossier of construction contract must comprise a contract with the contents prescribed in Article 141 of this Law and its enclosed documents.

2. A construction contract may be enclosed with some or all of the following documents:

a/ Written notice of contract winning or contractor appointment;

b/ Specific terms of the contract or terms of reference, for construction consultancy contracts;

c/ General terms of the contract;

d/ Bidding dossier or dossier of requirements of the principal;

dd/ Design drawings and technical instructions;

e/ Bid dossier or dossier of proposals of the contractor;

g/ Written records of contract negotiation, documents modifying and supplementing the contract;

h/ Annexes;

i/ Other related documents.

3. The order of priority application of documents enclosed with a construction contract shall be agreed upon by contractual parties. In case the contractual parties have no agreement thereon, the order prescribed in Clause 2 of this Article will apply.

Article 143. Adjustment of construction contracts

1. Adjustment of a construction contract includes adjustment of volume, schedule, contract unit prices and other contents agreed upon in the contract. Adjustment of a construction contract may be made only during the period of contract performance.

2. A construction contract may be adjusted in the following cases:

a/ The case(s) agreed upon by the parties in the contract in accordance with this Law and relevant laws;

b/ When the State changes its policies directly affecting the contract performance, unless otherwise agreed upon by the contractual parties;

c/ When the project is adjusted, affecting the contract, unless otherwise agreed upon by the parties;

d/ Force majeure circumstances as prescribed by law.

2. In addition to the provisions of Clauses 1 and 2 of this Article, the adjustment of prices of construction contracts under projects using state funds must also comply with the following provisions:

a/ The adjustment of unit prices for contract performance is applicable only to adjustable unit price-based and time-based contracts;

b/ Unit prices in contracts may be adjusted according to the contents, scope, methods and bases for contract adjustment agreed upon by the parties in the contracts in accordance with law;

c/ Permission of investment deciders shall be sought for contract adjustments that would change the investment objectives and contract performance time or increase the approved construction bidding package cost estimate.

Article 144. Payment for construction contracts

1. Payment for a construction contract must suit the type of contract, contract price and conditions stated in the contract already signed by the parties.

2 Contractual parties shall reach agreement on methods, time and dossiers of and conditions on payment.

3. The principal shall fully pay the value for each time of payment to the contractor after subtracting advanced amount and work warranty money as agreed upon in the contract, unless otherwise agreed upon by the parties.

4. For package contracts, payment shall be made according to a percentage of the contract price or the price of the work, work items or volume of work corresponding to the payment period agreed upon by the parties in the contract.

5. For fixed unit price-based and adjustable unit price-based contracts, payment shall be made based on actually completed and tested volumes and unit prices or adjusted unit prices as agreed upon in the contracts.

6. For time-based contracts, payment of expenses for consultants shall be determined by multiplying the consultants' salary levels and expenses related to their activities by their actual working time already pre-acceptance tested (on a monthly, weekly, daily or hourly basis).

7. For charge-plus cost-based contracts, payment shall be made based on direct expenses for their performance of contractual work and management expenses and profits of the contractor as agreed upon.

8. Payment for arising volumes without price units stated in construction contracts shall be made as agreed upon in the contracts.

9. Currency used in the payment of construction contracts is Vietnam dong; foreign currencies may be used for payment as agreed upon by contractual parties in accordance with the law on foreign exchange management.

Article 145. Suspension and termination of construction contracts

1. Contractual parties has the right to suspend the performance of their construction contract in the following cases:

a/ The principal has the right to suspend the performance of the construction contract when the contractor fails to meet requirements on quality, labor safety and schedule stated in the signed contract;

b/ The contractor has the right to suspend the performance of the construction contract when the principal violates the payment agreements.

2. The principal has the right to terminate the performance of the contract in the following cases:

a/ The contractor falls bankrupt or is dissolved;

b/ The contractor refuses or continuously fails to perform work under the contract resulting in violations of the performance schedule agreed upon in the contract.

3. The contractor has the right to terminate the contract in the following cases:

a/ The principal falls bankrupt or is dissolved;

b/ Due to the fault of the principal the work is suspended repeatedly beyond the schedule agreed upon by the parties, unless otherwise agreed upon by the parties;

c/ The principal fails to make payment to the contractor after the time limit agreed upon by the parties from the date the principal receives complete and valid payment dossiers, unless otherwise agreed upon by the parties.

4. Before a party suspends or terminates the performance of the construction contract under Clauses 1, 2 and 3 of this Article, it shall notify in writing the other party of the reason for suspension or termination; if it fails to notify the other party, thus causing damage to the latter, it shall pay compensations for such damage.

Article 146. Rewards and fines for construction contracts, compensations for damage caused by violations and settlement of disputes over construction contracts

1. Rewards or fines for construction contracts shall be agreed upon by the parties and stated in the contracts.

2. For works using state funds, the fine level must not exceed 12% of the value of the violated contract. In addition to the fine level as agreed upon, the violating party shall compensate for damage caused to the other party and a third party (if any) in accordance with this Law and relevant laws.

3. The contractor shall compensate for damage caused to the principal in the following cases:

a/ The work quality fails to ensure the agreements reached in the contract or the completion time is prolonged due to the fault of the contractor;

b/ Human and property losses are caused due to the fault of the contractor during the warranty period.

4. The principal shall pay compensations to the contractor in the following cases:

a/ Due to the fault of the principal, the contractual work is discontinued or performed behind schedule, encounters risks or machines, equipment, supplies and structures of the contractor are left unused;

b/ The principal provides documents and conditions necessary for the jobs not in accordance with the contractual agreements, making the contractor re-implement construction, suspend or adjust its job;

c/ The principal supplies raw materials, materials and equipment and meets other requirements not according to the time and requirements stated in the construction contract;

d/ The principal fails to make payment as agreed upon in the contract.

5. In case a party fails to perform the contractual obligations or improperly performs the contractual obligations, after performing the obligations or applying remedies, it shall also pay compensations for other damage, if any, caused to the other party at the level equivalent to the level of damage caused to the other party.

6. If a party violates the contract due to the fault of a third party, the violating party shall take responsibility for the violation to the other party. The dispute between the violating party and the third party shall be settled in accordance with law.

7. If the contract violation of a party infringes upon the body, interests and property of the other party, the inflicted party is entitled to request the other party to bear the responsibility for contract violations as agreed upon in the contract and prescribed by relevant laws.

8. Principles and order of settlement of disputes over construction contracts are prescribed as follows:

a/ Observance of contractual agreements and commitments in the course of contract performance, ensuring equality and cooperation;

b/ Contractual parties shall themselves negotiate on the settlement of disputes. If their negotiation is unsuccessful, their disputes shall be settled through conciliation or commercial arbitration or court proceedings in accordance with law.

Article 147. Settlement and liquidation of construction contracts

1. The contractor shall make settlement for the construction contract with the principal in accordance with the type of contract and applied contract price. The contents of settlement for a construction contract must conform with the agreements stated therein.

2. The time limit for settlement for a construction contract shall be agreed upon by the parties. For construction contracts using state funds, the time limit for settlement is 60 days from the date of pre-acceptance test of the completion of the entire work under the contract, including arising work (if any). For large construction contracts, the time limit for settlement may be longer but must not exceed 120 days.

3. A construction contract may be liquidated in the following cases:

a/ The parties have fulfilled their contractual obligations;

b/ The construction contract is terminated or cancelled in accordance with law.

4. The time limit for liquidation of a construction contract shall be agreed upon by the contractual parties. For construction contracts using state funds, the time limit for liquidation thereof is 45 days from the date the contractual parties fulfill their contractual obligations or the contract is terminated under Clause 2, Article 145 of this Law. For large construction contracts, the time limit for their liquidation may be longer but must not exceed 90 days.

Chapter VIII

CONSTRUCTION OPERATION CAPABILITY CONDITIONS

Article 148. General provisions on capability condition of organizations and individuals engaged in construction activities

1. Individuals conducting construction activities must have diplomas and training certificates relevant to their construction jobs granted by lawful training institutions.

2. Contractors being foreign organizations and individuals conducting construction activities in Vietnam shall comply with the law on bidding and must possess operation licenses granted by state management agencies in charge of construction.

3. Holders of titles and individuals independently practicing construction activities who are required to possess practice certificates include labor safety supervisor; project manager, individual personally participating in project management; construction planning design manager; construction survey manager; construction design or design verification manager; site

chief commander; construction supervisor; construction appraiser; and construction valuator. Practice certificates shall be classified into class I, class II and class III.

4. Organization conducting construction activities shall be classified into class I, class II and class III and assessed and granted capability certificates by competent state agencies. The Ministry of Construction shall grant class-I capability certificates; provincial-level Construction Departments shall grant class-II and class-III capability certificates. Organizations conducting construction activities shall register appropriate business lines in accordance with law.

5. The Government shall detail capability conditions for organizations and individuals conducting construction activities; conditions, competence, order and procedures for licensing operations of contractors being foreign organizations and individuals; program, contents, forms of holding tests to grant practice certificates and capability certificates of organizations, and conditions on professional construction training and retraining institutions.

Article 149. Construction practice certificates

1. Construction practice certificate is a document certifying practice capability granted by a competent agency to individuals prescribed in Clause 3, Article 148 of this Law who have adequate professional qualifications relevant to and experiences about the field of practice.

2. To be granted a construction practice certificate, an individual must meet the following conditions:

a/ Possessing professional qualifications relevant to the content of application for a practice certificate;

b/ Having a working period and experience relevant to the content of application for a practice certificate;

c/ Having passed a test on professional experience and legal knowledge related to the field of practice.

3. The competence to hold tests and grant construction practice certificates is prescribed as follows:

a/ Specialized agencies of the Ministry of Construction are competent to hold tests and grant class-I construction practice certificates;

b/ Provincial-level Construction Departments and socio-professional organizations that have all the conditions prescribed by the Government are competent to hold tests and grant construction practice certificates of the remaining classes.

Article 150. Conditions on construction planning designing organizations

1. Having full relevant capability conditions for making construction planning designs.

2. Individuals holding the title of construction plan design manager must possess practice and capability certificates relevant to each type of construction plan.

Article 151. Conditions on organizations formulating and verifying construction investment projects

1. Having full construction capability conditions suitable to the formulation or verification of construction investment projects.

2. Individuals holding the title of project formulation or verification manager; individuals participating in project formulation or verification must have practice capabilities relevant to each type of construction investment project. Participants must have full project formulation practice capabilities meeting requirements of construction investment projects.

Article 152. Conditions on construction investment project management consultancy organizations and construction investment project management units

1. Construction investment project management consultancy organizations must meet the following conditions:

a/ Having full construction capability conditions suitable to project management work according to sizes and types of projects;

b/ Individuals holding the title of project manager, individuals personally participating in project management must have relevant qualifications, training certificates, working experiences and practice certificates relevant to sizes and types of projects.

2. Construction investment project management units must meet the following conditions:

a/ Possessing the establishment decision issued by a competent agency or organization, for specialized construction investment project management units and regional construction investment project management units or project owners for project management units they have established;

b/ Having full construction capability conditions suitable to project management work according to sizes and types of project;

c/ Having an organizational structure meeting project management requirements; having a fixed working office;

d/ Individuals holding the title of project manager, individuals personally participating in project management must possess relevant qualifications, training certificates, working experiences and practice certificates relevant to sizes and types of projects.

Article 153. Conditions on construction survey organizations

1. Possessing adequate construction survey capabilities.
2. For every construction survey task, there must be a construction survey manager appointed by the construction survey contractor. A construction survey manager must have full construction survey capabilities and relevant practice certificates. Individuals participating in each construction survey job must have qualifications relevant to the assigned job.
3. Machinery and equipment serving construction survey must meet quality requirements and ensure safety for survey and environmental protection activities.
4. Laboratories serving construction survey must satisfy prescribed standards and shall be accredited by competent state management agencies.

Article 154. Conditions on construction designing and design-verifying organizations

1. Having full capability conditions for work construction designing and verifying work construction designs.
2. Individuals holding the title of design manager must have construction designing practice capabilities and practice certificates relevant to requirements of each type and grade of work.

Article 155. Conditions on construction supervision and testing consultancy organizations

1. Having full capability conditions suitable to construction supervision and testing.
2. Individuals engaged in construction supervision and testing consultancy must possess practice certificates relevant to performed jobs.

Article 156. Conditions on construction investment cost management consultancy organizations

1. Having full capability conditions suitable to construction investment cost management.
2. Individuals in charge of estimating, verifying and managing construction investment costs must possess construction valuation practice certificates.

Article 157. Conditions on work construction organizations

1. Having full work construction capabilities corresponding to types and grades of construction works.
2. Site chief commanders must possess construction practice capabilities and relevant practice certificates.
3. Having construction equipment meeting requirements on construction safety and quality.

Article 158. Conditions on independent practitioners

Individuals independently practicing construction plan designing, construction survey, work construction designing, construction survey supervision, work construction supervision or construction valuation must meet the following conditions:

1. Having registered operations in the fields relevant to the practicing content;
2. Possessing practice and capability certificates relevant to performed jobs.

Article 159. Management and supervision of construction capabilities

1. Organizations engaged in construction activities shall register information about their construction capabilities with the Ministry of Construction and provincial-level Construction Departments of localities where their head offices are located.
2. Independent construction practitioners shall register information about their practice capabilities with provincial-level Construction Departments of localities where they permanently reside.
3. The Ministry of Construction and provincial-level Construction Departments shall guide the registration of information about construction capabilities of organizations and practice capabilities of individuals on the websites under their respective management; examine and handle violations in the observance of regulations on capability conditions by project owners, organizations and individuals engaged in construction activities.
4. Project owners shall examine and assess the declaration of construction capabilities and practice capabilities of bidders against requirements of bidding packages and information about construction capabilities registered under this Article.

Chapter IX

RESPONSIBILITIES OF STATE AGENCIES TO MANAGE CONSTRUCTION INVESTMENT ACTIVITIES

Article 160. Contents of state management of construction investment activities

1. Formulating, and directing the implementation of, strategies, schemes, master plans and plans on development of the construction market and capacity of the construction sector.
2. Promulgating, and organizing the implementation of, legal documents on construction.
3. Formulating and promulgating construction standards and technical regulations.
4. Organizing and managing construction planning, project management and appraisal and construction designing; promulgating and announcing construction norms and prices;

5. Guiding, examining and assessing the quality management of construction works; managing construction investment costs and construction contracts; managing construction capabilities; managing bidding work in construction activities; managing occupational safety and sanitation and environmental protection in construction activities.
6. Granting and revoking permits and certificates in construction investment activities.
7. Examining, inspecting and settling complaints and denunciations and handling violations in construction investment activities.
8. Organizing scientific and technological research and application in construction and dissemination of knowledge and law about construction.
9. Training human resources for construction investment activities.
10. Managing and providing information to serve construction investment activities.
11. Managing and archiving construction work dossiers.
12. Carrying out international cooperation in construction activities.

Article 161. Responsibilities of the Government

1. To unify the state management of construction investment activities nationwide; to direct the formulation and implementation of strategies and plans; to promulgate legal documents on construction.
2. To direct ministries, sectors and localities in implementing the law on construction; to assign and decentralize the state management to ministries, sectors and localities; to direct the settlement of important issues, complicated problems and difficulties in the course of management of construction investment activities.

Article 162. Responsibilities of the Ministry of Construction

The Ministry of Construction shall take responsibility before the Government for performing the unified state management of construction investment activities and has the following responsibilities:

1. To assume the prime responsibility for formulating and submitting to the Government and the Prime Minister legal documents, strategies, schemes, master plans and plans on development of the construction market and capacity of the construction sector.
2. To promulgate, and organize the implementation of, legal documents on construction according to its competence; to promulgate national technical regulations on construction and documents on construction techniques according to its competence.

3. To organize and manage construction planning, project management activities and appraisal of construction projects and designs; to promulgate and publicize construction norms and prices.
4. To direct, guide, examine and assess the quality management of construction works; to monitor, examine and propose the handling of quality and safety of national important works, large works and technically complex works in the process of construction, operation and use; to manage construction investment costs and construction contracts; to manage construction capabilities; to manage bidding work in construction activities; to organize, consider and approve quality prizes for construction works.
5. To grant, re-grant, adjust, extend and withdraw licenses and certificates in construction investment activities according to its competence.
6. To examine, inspect and settle complaints and denunciations and handle violations in construction investment activities.
7. To organize scientific and technological research and application in construction and dissemination of knowledge and law about construction.
8. To organize construction professional training and retraining for cadres and civil servants of state management agencies in charge of construction.
9. To guide, examine and assess the management of safety, labor sanitation and environment in the construction of works.
10. To coordinate with related ministries, sectors and localities in examining and evaluating the implementation of projects.
11. To manage and provide information to serve construction investment activities.
12. To manage and archive construction work dossiers.
13. To carry out international cooperation in construction activities.
14. To perform other tasks related to construction investment activities assigned by the Government.

Article 163. Responsibilities of ministries and ministerial-level agencies

1. Within the scope of their powers, ministries managing specialized construction works 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 specialized construction works in accordance with this Law;

b/ Study, promulgate, guide and examine the implementation of, specialized regulations, standards and economic-technical norms after consulting the Ministry of Construction; organizing professional training and retraining in construction investment for cadres and civil servants of attached agencies and units;

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

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

2. Ministries and ministerial-level agencies shall:

a/ Perform the state management functions according to their assigned tasks and powers; promulgate documents according to their competence; direct the implementation of construction master plans and construction investment plans; organize the provision of guidance, examination and handling of violations in construction investment activities;

b/ Coordinate with the Ministry of Construction and other agencies and organizations and People's Committees of all levels in the process of implementing construction investment activities in issues under their assigned management;

c/ Summarize the situation of, implementing, supervising and assessing construction investment activities and take responsibility for managing the quality of construction works under their assigned management;

d/ Send periodical and annual reports on the management of their construction investment activities to the Ministry of Construction for summarization and monitoring;

dd/ Perform other tasks prescribed by law.

Article 164. Responsibilities of People's Committees at all levels

1. Provincial-level People's Committees shall:

a/ Perform the state management functions according to their assigned tasks and powers; promulgate documents according to their competence; direct the implementation of construction master plans and construction investment plans; organize the provision of guidance, examination and handling of violations in construction investment activities;

b/ Coordinate with and support ministries, agencies and related organizations and People's Committees of all levels in the process of implementation of specialized construction investment projects in issues under their management;

c/ Send periodical and annual reports on the management of their construction investment activities to the Ministry of Construction for summarization and monitoring;

d/ Organize professional training and retraining in construction investment for cadres and civil servants of attached agencies and units;

dd/ Perform other tasks as prescribed by law.

2. District-and commune-level People's Committees shall:

a/ Perform the state management of construction investment activities in their localities as decentralized; organize professional training and retraining in construction investment for cadres and civil servants of attached agencies and units;

b/ Coordinate with and support People's Committees of higher levels in the implementation, monitoring, examination and supervision of construction investment projects in localities under their management. Take responsibility for managing the quality of construction works issues under their assigned management;

c/ Send periodical and annual reports on the management of construction investment activities in localities to People's Committees of higher levels for summarization and monitoring;

dd/ Perform other tasks as prescribed by law.

Article 165. Construction inspectorates

1. The construction inspectorates of the Ministry of Construction and provincial-level Construction Departments shall perform the functions of administration inspection and specialized inspection of construction with regard to organizations and individuals conducting construction activities.

2. The Ministry of Construction shall direct and organize specialized inspection of construction investment activities nationwide. Provincial-level Construction Departments shall organize specialized inspection of construction investment activities in localities.

3. Specialized inspection of construction investment activities covers:

a/ Inspection of the observance of law by agencies, organizations and individuals in construction investment activities;

b/ Detection, stopping and handling of violations within their competence or propose competent state agencies to handling violations of the construction law.

4. The Government shall detail construction inspection.

Chapter X

IMPLEMENTATION PROVISIONS

Article 166. Transitional provisions

1. Construction investment projects which are approved before this Law takes effect are not required to be re-approved, and their unimplemented subsequent activities must comply with this Law.
2. Construction investment project management units of single projects using state funds which are established before the date this Law takes effect are not required to change their organizational form of project management under Clauses 1 and 2, Article 62 of this Law.
3. Works that are constructed before the date this Law takes effect and still exist in conformity with construction planning but become architecturally inappropriate after site clearance shall be permitted to exist in their original conditions; their renovation, repair and upgrade must comply with this Law.
4. The Government shall detail Clause 1 of this Article.

Article 167. Effect

1. This Law shall take effect on January 1, 2015.
2. Construction Law No. 16/2003/QH11 and Article 1 of Law No. 38/2009/QH12 Amending and Supplementing a Number of Articles of Laws Concerning Capital Construction Investment cease to be effective on the date this Law takes effect.

Article 168. Detailing

The Government and competent agencies shall detail the articles and clauses as assigned in the Law.

This Law was passed on June 18, 2014, by the XIIIth National Assembly of the Socialist Republic of Vietnam at its 7th session.-

**CHAIRMAN OF THE NATIONAL
ASSEMBLY**

Nguyen Sinh Hung