

Appendix

Final



# The Study on the Red River Inland Waterway Transport System in the Socialist Republic of Vietnam



March 2003

The Overseas Coastal Area Development Institute of Japan (OCDI)  
Japan Port Consultants, Ltd. (JPC)

SSF

JR

03-70

The following foreign exchange rates are applied in this study:

US\$1.00 = VND(Vietnam Dong)15,000 = JP¥125

as of December 07, 2001

Japan International Cooperation Agency (JICA)  
Ministry of Transport (MOT)

**Appendix**

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## PREFACE

In response to a request from the Government of the Socialist Republic of Vietnam, the Government of Japan decided to conduct a study on the Red River Inland Waterway Transport System in the Socialist Republic of Vietnam and entrusted the study to the Japan International Cooperation Agency (JICA).

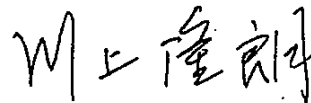
JICA dispatched a study team to Vietnam three times between December 2001 and January 2003, which was headed by Mr. Takechiho Tabata (December 2001 - June 2002) and Mr. Hisao Ouchi (June 2002 - January 2003) of the Overseas Coastal Area Development Institute of Japan (OCDI), and was comprised of OCDI and Japan Port Consultants, Ltd. (JPC).

The team held discussions with the officials concerned of the Government of the Socialist Republic of Vietnam and conducted field surveys at the study area. Upon returning to Japan, the study team conducted further studies and prepared this final report.

I hope that this report will contribute to this project and to the enhancement of friendly relationship between our two countries.

Finally, I wish to express my sincere appreciation to the officials concerned of the Government of the Socialist Republic of Vietnam for their close cooperation extended to the study team.

March 2003



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Takao Kawakami  
President  
Japan International Cooperation Agency

**LETTER OF TRANSMITTAL**

March 2003

Mr. Takao Kawakami  
President  
Japan International Cooperation Agency

Dear Mr. Kawakami:

It is my great pleasure to submit herewith the Final Report of the Study on the Red River Inland Waterway Transport System in the Socialist Republic of Vietnam.

The study team comprised of the Overseas Coastal Area Development Institute of Japan (OCDI) and Japan Port Consultants, Ltd. (JPC) conducted surveys in Vietnam over the period between December 2001 and January 2003 as per the contract with the Japan International Cooperation Agency (JICA).

The study team compiled this report, which proposes the Long-term Strategy for the Inland Waterway Transport (IWT) System in the Red River Delta for the year 2020 as well as the Master Plan and the Short-term Development Plan for the IWT System in the Red River segment through Hanoi for the year 2020 and 2010 respectively, through close consultations with officials of the Ministry of Transport (MOT) and other authorities concerned of the Vietnamese Government.

On behalf of the study team, I would like to express my heartfelt appreciation to MOT and other authorities concerned of the Government of the Socialist Republic of Vietnam for their diligent cooperation and assistance and for the heartfelt hospitality extended to the study team.

I am also very grateful to your Agency, the Ministry of Foreign Affairs, the Ministry of Land, Infrastructure and Transport and the Embassy of Japan in Vietnam for valuable suggestions and assistance through this study.

Yours faithfully,

久内 久夫

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Hisao Ouchi  
Team Leader

The Study on the Red River Inland Waterway Transport  
System in the Socialist Republic of Vietnam

## CONTENTS

Appendix 1	Profile of the Study Area .....	A1- 1
Appendix 3	Traffic Passing under the Duong Bridge .....	A3- 1
Appendix 4	Draft Law on Inland Waterway Transport .....	A4- 1
Appendix 6	Current IWT Demand Characteristics .....	A6- 1
Appendix 13	Information Relating to Land Use Planning .....	A13- 1
A13.1	Prime Minister Decision .....	A13- 1
A13.2	Law on Land .....	A13- 9
Appendix 14	Natural Conditions in the Red River Delta .....	A14- 1
A14.1	General .....	A14- 1
A14.2	Meteorological and hydrological conditions .....	A14- 4
A14.3	Historical change of sand bars in the Red River, Hanoi segment .....	A14-35
A14.4	River water flow and suspended solid .....	A14-56
A14.5	Riverbed materials .....	A14-61
A14.6	Topographic and bathymetric survey (Sectioning survey) ....	A14-63
A14.7	Geotechnical conditions .....	A14-64
A14.8	Structures in the Red River .....	A14-75
A14.9	Other surveys .....	A14-80
Appendix 14A	Additional Natural Condition Surveys .....	A14-97
A14A.1	General .....	A14-97
A14A.2	Measurement of river water flow and suspended solid.....	A14-97
A14A.3	Measurement of river bed materials .....	A14-102
A14A.4	Topographic and bathymetric survey .....	A14-105
A14A.5	Geotechnical investigation .....	A14-106
A14A.6	Bridge structural survey of existing Duong Bridge.....	A14-117
Appendix 15	Environmental Conditions Surveys .....	A15- 1
A15.1	Measurement of sediment material quality .....	A15- 1
A15.2	Measurement of water quality .....	A15- 2
A15.3	Measurement of benthos in riverbed .....	A15- 6
A15.4	Measurement of air quality.....	A15- 7

Appendix 16	Socio-economic Framework .....	A16- 1
Appendix 18	Transport Demand Forecast .....	A18- 1
Appendix 19	Japanese Standard on Dimensions of Waterways & Berths.....	A19- 1
Appendix 25	Survey and Discussion on Improvement of Duong bridge .....	A25- 1
A25.1	Purposes .....	A25- 1
A25.2	Investigations on Duong Bridge .....	A25- 2
A25.3	Design of movable bridge .....	A25- 7
A25.4	Possibility of improvement and alternative choices.....	A25-14
Appendix 26	Stabilizing Measures of the Navigation Channel .....	A26- 1
A26.1	Unsteady flow riverbed change analysis using Two-dimensional flow model .....	A26- 1
A26.2	Dredging fleet of Viet Nam Waterway Construction Corperation (VINAWACO) .....	A26-10
A26.3	Conditions of numerical simulations .....	A26-12
Appendix 27	Vessel Traffic Simulation .....	A27- 1
Appendix 28	Management and Operation of Duong Movable Bridge.....	A28-1
Appendix 30	Preliminary Economic Analysis .....	A30- 1
Appendix 31	Initial Environmental Examination for Master Plan .....	A31- 1
A31.1	Natural conditions.....	A31- 1
A31.2	Social conditions .....	A31-16
Appendix 36	Image of Handling Equipment.....	A36- 1
Appendix 38	Cost Breakdown of the Facilities.....	A38- 1
Appendix 39	Environmental Impact Assessment (EIA) and Social Consideration .....	A39- 1
A39.1	Environmental survey and measurements data in the project areas (flooding season).....	A39- 1
A39.2	Location map of environmental condition surveys.....	A39-10
Appendix 40	Economic Analysis .....	A40- 1

Appendix 41 Financial Analysis .....A41- 1



## List of Tables

Table A1.2.1	Population and Average Annual Growth Rate .....	A1-2
Table A1.2.2	Population and Average Annual Growth Rate .....	A1-3
Table A1.2.3	GDP by Region (at 1994 constant place).....	A1-4
Table A1.2.4	GDP by Sector .....	A1-5
Table A3	Traffic Passing under the Duong Bridge .....	A3-1
Table A6.1.1	Historical Trend of IWT Demand .....	A6-2
Table A6.1.2	GDP Trend (1990-2000) at constant 1994 prices .....	A6-3
Table A6.1.3	Historical Trend of IWT Demand in the North.....	A6-4
Table A14.1.1	Stretches of the Red River Segment.....	A14-2
Table A14.2.1	Representative Values of Meteorological and Hydrological Data in Hanoi .....	A14-5
Table A14.2.2	Annual Wind Rose in Hanoi.....	A14-6
Table A14.2.3	Monthly Maximum Wind Speed in Hanoi.....	A14-7
Table A14.2.4	Maximum Wind Speed by Probability of Occurrence in Hanoi .....	A14-7
Table A14.2.5	Monthly Maximum and Minimum Rainfall in Hanoi .....	A14-9
Table A14.2.6	Maximum Hourly Rainfall by Probability of Occurrence in Hanoi .....	A14-9
Table A14.2.7	Monthly Maximum and Minimum Air Temperature in Hanoi .....	A14-10
Table A14.2.8	Monthly Maximum and Minimum Atmospheric Pressure in Hanoi .....	A14-10
Table A14.2.9	Monthly Average and Minimum Relative Air Humidity in Hanoi .....	A14-11
Table A14.2.10	Monthly Maximum and Minimum Shining Hour in Hanoi....	A14-11
Table A14.2.11	Monthly Maximum and Minimum Foggy Day in Hanoi.....	A14-12
Table A14.2.12	Water Levels observed at Hydro-meteorological Stations in the Red River Delta .....	A14-13
Table A14.2.13	Representative Water Levels in Hanoi.....	A14-17
Table A14.2.14	Annual Highest and Lowest Water Levels in Hanoi.....	A14-17
Table A14.2.15	Highest Water Level by Probability of Occurrence in Hanoi .....	A14-18
Table A14.3.1	Overview of Historical Bathymetric/Topographic Surveys.	A14-39
Table A14.3.2	Change in Sand Banks and Bars in the Red River Hanoi Segment.....	A14-41
Table A14.4.1	River Water Flow Speed in the Red River Segment .....	A14-60
Table A14.4.2	Concentration of Suspended Solid (SS) in the Red River Segment .....	A14-60

Table A14.5.1	Median Diameter of River Bed Materials in the Red River Segment .....	A14-61
Table A14.6.1	Coordinates and Elevation of Benchmarks .....	A14-63
Table A14.7.1	Elevation of Bearing Layer at the Planned Thanh Tri Bridge .....	A24-65
Table A24.7.2	Design Soil Strength at the Planned Thanh Tri Bridge .....	A14-65
Table A14.7.3	Design Coefficient of Consolidation (Cv) and Consolidation Index (Cc) at the Planned Thanh Tri Bridge.....	A14-66
Table A14.7.4	Coordination and Elevation of Boring Holes .....	A14-69
Table A14.7.5	Items of Laboratory Test .....	A14-70
Table A14.9.1	Summary of Channel Traffic Survey.....	A14-80
Table A14.9.2	Summary of Port Access Road Traffic Survey.....	A14-83
Table A14.9.3	Summary of Port Traffic and Cargo Handling Survey.....	A14-87
Table A14.9.4	Result of Sand Pits Survey .....	A14-90
Table A14.9.5(1)	Summary of Stranded Boats (1) .....	A14-93
Table A14.9.5(2)	Summary of Stranded Boats (2) .....	A14-94
Table A14.9.5(3)	Summary of Stranded Boats (3) .....	A14-95
Table A14A.2.1	Coordinates of Measuring Points of Water Flow / Suspended Solid.....	A14-98
Table A14A.2.2	Water Flow in the Red River Segment .....	A14-100
Table A14A.2.3	Concentrations of Suspended Solid (SS) in the Red River Segment.....	A14-100
Table A14A.3.1	River Bed Materials in the Red River Segment .....	A14-104
Table A14A.3.2	Median Diameter of River Segment .....	A14-102
Table A14A.3.3	Bed Load in the Red River Segment.....	A14-104
Table A14A.5.1	Coordinates and Elevation of Boring Holes.....	A14-106
Table A14A.5.2	Distribution of Hara Layer.....	A14-107
Table A14A.3.2	Passage Time of the Trains .....	A14-120
Table A14A.6.2	Land Traffic Passing Duong Bridge .....	A14-121
Table A15.1.1	The Sites for Monitoring of Sedimentation Material Quality.....	A15-1
Table A15.1.2	The Results of Measurement of Sediment Materials Quality.....	A15-1
Table A15.2.1	The Sites for Water Sampling and in Site Measurement.....	A15-2
Table A15.2.2	The Results of Measurement of Water Quality .....	A15-3
Table A15.3.1	The Sites for Monitoring of Benthos in Riverbed .....	A15-6
Table A15.3.2	The Results of Measurement of Benthos in Riverbed.....	A15-7
Table A15.4.1	The Sites for Air Sampling .....	A15-7
Table A15.4.2	The Sites for Air Sampling .....	A15-8
Table A16.1.1	Population Estimate by Province .....	A16-2
Table A16.2.1	GDP Estimate, Low Assumption.....	A16-3

Table A16.2.2	GDP Estimate, High Assumption .....	A16-3
Table A16.2.3	GDP Estimate, Average.....	A16-3
Table A16.2.4	DGP Trend, 1995-2000.....	A16-4
Table A16.2.5	Province GDP Share to RRD Total .....	A16-4
Table A16.2.6	Production and Consumption of Stone .....	A16-5
Table A16.2.7	Production and Consumption of Sand .....	A16-5
Table A16.2.8	Production and Consumption of Cement.....	A16-6
Table A16.2.9	Production and Consumption of Fertilizer .....	A16-6
Table A16.2.10	Production and Consumption of Coal.....	A16-7
Table A18.2.1	OD Tables of Total.....	A18-2
Table A18.2.2	OD Tables of Construction Materials .....	A18-3
Table A18.2.3	OD Tables of Cement .....	A18-4
Table A18.2.4	OD Tables of Fertilizer.....	A18-5
Table A18.2.5	OD Tables of Coal.....	A18-6
Table A18.2.6	OD Tables of Others.....	A18-7
Table A18.2.7	Cargo Flow in the Red River Hanoi Segment, 2001 .....	A18-8
Table A18.2.8	Cargo Flow in the Red River Hanoi Segment, 2010 .....	A18-9
Table A18.2.9	Cargo Flow in the Red River Hanoi Segment, 2020 .....	A18-10
Table A18.2.10	Cargo Throughput by Province.....	A18-11
Table A18.2.11	Cargo Throughput by Province.....	A18-12
Table A18.2.12	Cargo Throughput by Province.....	A18-13
Table A18.2.13	Cargo Throughput by Province in the Northern Region ....	A18-14
Table A18.2.14	Cargo Throughput by Province.....	A18-15
Table A18.2.15	Cargo Throughput by Province.....	A18-16
Table A18.2.16	Cargo Throughput by Province.....	A18-17
Table A18.2.17	Cargo Throughput by Province.....	A18-18
Table A18.2.18	Cargo Throughput by Province.....	A18-19
Table A18.2.19	Cargo Throughput by Province.....	A18-20
Table A18.2.20	Cargo Throughput by Province in the Northern Region, 2001 .....	A18-21
Table A19.1.1	Japanese Standard on Dimensions of Waterways & Berths .....	A19-1
Table A25.2.1	Passage Time of Trains at Duong Bridge .....	A25-5
Table A25.2.2	Vehicle Traffic on Duong Bridge .....	A25-5
Table A25.3.1	Required Clearance at Duong Bridge .....	A25-7
Table A25.3.1	Construction Schedule.....	A25-13
Table A26.2.1	Dredging Fleet of Viet Nam Waterway Construction Cooperation (VINAWACO) .....	A26-10
Table A26.3.1	Boundary Conditions (Dry Season) .....	A26-12
Table A26.3.2	Boundary Conditions (Flood Season) .....	A26-12

Table A26.3.3	Boundary Conditions (Very High Flood) .....	A26-13
Table A26.3.4	Boundary Conditions (Extremely High Flood) .....	A26-14
Table A26.3.5	Conditions of Particle Size of Bed Materials .....	A26-17
Table A27.1.1(1)	Berth Property .....	A27-2
Table A27.1.1(2)	Berth Property .....	A27-3
Table A27.1.1(3)	Berth Property .....	A27-4
Table A27.1.2(1)	Vessel Fleet Mix (DWT share by size class, 2001) .....	A27-5
Table A27.1.2(2)	Vessel Fleet Mix (DWT share by size class, 2010) .....	A27-5
Table A27.1.2(3)	Vessel Fleet Mix (DWT share by size class, 2020) .....	A27-5
Table A27.1.3	Vessel Fleet Mix (DWT share by size class, SRV & Container, 2020) .....	A27-5
Table A27.1.4	Average speed of vessel (km/h) .....	A27-6
Table A27.1.5	Rules of navigation .....	A27-6
Table A27.1.6	Seasonal change in cargo flow .....	A27-7
Table A27.1.7	Day-night change in cargo flow .....	A27-7
Table A27.1.8	Conditions at Duong Bridge .....	A27-7
Table A27.1.9(1)	Cargo Flow in Hanoi Segment (2010, Construction Materials) .....	A27-8
Table A27.1.9(2)	Cargo Flow Hanoi Segment (2010, Cement) .....	A27-8
Table A27.1.9(3)	Cargo Flow in Hanoi Segment (2010, Fertilizer) .....	A27-8
Table A27.1.9(4)	Cargo Flow in Hanoi Segment (2010, Coal) .....	A27-8
Table A27.1.9(5)	Cargo Flow in Hanoi Segment (2010, Others) .....	A27-8
Table A27.1.9(6)	Cargo flow in Hanoi Segment (2010, Total) .....	A27-8
Table A27.1.9(7)	Cargo Flow in Hanoi Segment (2010, Fertilizer by SRV) .....	A27-9
Table A27.1.9(8)	Cargo Flow in Hanoi Segment (2010, Paddy/Rice by SRV) .....	A27-9
Table A27.1.9(9)	Cargo Flow in Hanoi Segment (2010, Others by SRV) .....	A27-9
Table A27.1.9(10)	Cargo Flow in Hanoi Segment (2010, SRV Total) .....	A27-9
Table A27.1.9(11)	Cargo Flow in Hanoi Segment (2010, Container, Unit: 1000 TEU) .....	A27-9
Table A27.1.10(1)	Cargo Flow in Hanoi Segment (2020, Construction Materials) .....	A27-10
Table A27.1.10(2)	Cargo Flow in Hanoi Segment (2020, Cement) .....	A27-10
Table A27.1.10(3)	Cargo Flow in Hanoi Segment (2020, Fertilizer) .....	A27-10
Table A27.1.10(4)	Cargo Flow in Hanoi Segment (2020, Coal) .....	A27-10
Table A27.1.10(5)	Cargo Flow in Hanoi Segment (2020, Others) .....	A27-10
Table A27.1.10(6)	Cargo flow in Hanoi Segment (2020, Total) .....	A27-10
Table A27.1.10(7)	Cargo Flow in Hanoi Segment (2020, Fertilizer by SRV) .....	A27-11
Table A27.1.10(8)	Cargo Flow in Hanoi Segment (2020, Paddy/Rice by SRV) .....	A27-11

Table A27.1.10(9)	Cargo Flow in Hanoi Segment (2020, Others by SRV) .....	A27-11
Table A27.1.10(10)	Cargo Flow in Hanoi Segment (2020, SRV Total).....	A27-11
Table A27.1.10(11)	Cargo Flow in Hanoi Segment (2010, Container, Unit: 1000 TEU).....	A27-11
Table A27.1.11	Main Output of Vessel Simulation in Hanoi Segment (2001, 2010, 2020).....	A27-12
Table A30.1	Estimation of Ship Operation Cost (SOC) for Pusher-barge.....	A30-2
Table A30.2	Estimation of Ship Operation Cost (SOC) for Self-propelled Barge .....	A30-3
Table A30.3	Estimation of Ship Operation Cost for Passenger Boat .....	A30-4
Table A30.4	Estimation of Vehicle Operation Cost (VOC) in Vietnam....	A30-5
Table A30.5	Economic Analysis (Improvement of IWT System in Red River Total).....	A30-6
Table A30.6	Economic Analysis (Corridor 4B, Comparison with 10,000 DWT + IWT Case).....	A30-7
Table A30.7	Economic Analysis (Corridor 4B, Comparison with 5000 DWT + IWT Case).....	A30-8
Table A30.8	Economic Analysis (Corridor 4B, Comparison with 3000 DWT + IWT Case).....	A30-9
Table A30.9	Economic Analysis (Corridor 3NB, Comparison with 200 DWT x 4 Barge + Tug Boat) .....	A30-10
Table A30.10	Economic Analysis (Corridor 3NB with 200 DWT x 2 Barge + Tug Boat) .....	A30-11
Table A30.11	Economic Analysis (Vertical Clearance Improvement of Duong Bridge) .....	A30-12
Table A31.1.1	Stretches of The Red River Segment.....	A31-1
Table A31.1.2	Annual Wind Rose in Hanoi.....	A31-2
Table A31.1.3	Monthly Maximum Wind Speed in Hanoi.....	A31-2
Table A31.1.4	Monthly Maximum and Minimum Rainfall in Hanoi .....	A31-3
Table A31.1.5	Monthly Maximum and Minimum Air Temperature in Hanoi .....	A31-4
Table A31.1.6	Monthly Average and Minimum Relative Air Humidity in Hanoi .....	A31-4
Table A31.1.7	Monthly Maximum and Minimum Sunshine Duration in Hanoi .....	A31-5
Table A31.1.8	Maximum and Minimum Water Levels Recorded in Hanoi Gauging Station.....	A31-5
Table A31.1.9	Water Levels at Hanoi Gauging Station for Designed	

	Purposes (1956-2001) .....	A31-6
Table A31.1.10	River Water Flow Speed in The Red River Segment .....	A31-6
Table A31.1.11	Discharge Volume .....	A31-7
Table A31.1.12	Concentration of Suspended Solid in The Red River Segment .....	A31-8
Table A31.1.13	Median Diameter of Riverbed Materials in the Red River Segment .....	A31-9
Table A31.1.14	Elevation of Bearing Layer at the Planned Thanh Tri Bridge .....	A31-10
Table A31.1.15	Design Soil strength at the Planned Thanh Tri Bridge .....	A31-11
Table A31.1.16	Design Coefficient of Consolidation (Cv) and Consolidation Index (Cc) .....	A31-11
Table A31.1.17	Elevation of Bearing Layer at the Survey Area .....	A31-13
Table A31.1.18	Items of Laboratory Test .....	A31-13
Table A31.2.1	Rapid Growth of the Population in the Inner Hanoi City ...	A31-16
Table A31.2.2	Population and Land Area in Hanoi City by District .....	A31-17
Table A31.2.3	Framework of Population and Area .....	A31-18
Table A31.2.4	Urban Development master Plan and Detailed Plan.....	A31-19
Table A31.2.5	People Living Near Dyke .....	A31-20
Table A31.2.6	Land Price .....	A31-21
Table A31.2.7	Land Price in Hanoi City .....	A31-21
Table A31.2.8	Summary of Items of Compensation and Subsidy.....	A31-22
Table A31.2.9	Families and Holdings affected per Location .....	A31-25
Table A36	Image of Handling Equipment .....	A36-1
Table A38.2.1	Cost Breakdown of Channel Stabilization Facilities.....	A38-2
Table A38.2.2	Cost Breakdown of Pier Structures in the Ports.....	A38-6
Table A38.2.3	Cost Breakdown of Rivetments in the Ports .....	A38-8
Table A38.2.4	Cost Breakdown of Access Roads .....	A38-8
Table A38.4.1	Required Project Cost by Currency in Each Year .....	A38-9
Table A39.1.1	Sites for Monitoring of Sediment Material Quality.....	A39-1
Table A39.1.2	Sites for water Sampling and In Situ Measurement .....	A39-1
Table A39.1.3	Sites for Monitoring of Benthos in Riverbed.....	A39-2
Table A39.1.4	Sites for Air Sampling.....	A39-2
Table A39.1.5	Sedimentation Monitoring Results.....	A39-3
Table A39.1.6	Water Quality Monitoring Results .....	A39-3
Table A39.1.7	Distribution of Particle Size of Suspended Solid.....	A39-7
Table A39.1.8	Benthos Measurement Data.....	A39-8
Table A39.1.9	Air Quality Monitoring Results (Day 1) .....	A39-9
Table A39.1.10	Air Quality Monitoring Results (Day 2) .....	A39-9
Table A40.1	Economic Benefit Analysis (Construction Materials) .....	A40-2

Table A40.2	Economic Benefit Analysis (Cement) .....	A40-3
Table A40.3	Economic Benefit Analysis (Coal) .....	A40-4
Table A40.4	Economic Benefit Analysis (Others) .....	A40-5
Table A40.5	Economic Benefit Analysis (Container) .....	A40-6
Table A40.6	Economic Benefit of Passenger Transport .....	A40-7
Table A40.7	Economic Analysis – 2010 (Hanoi Port).....	A40-8
Table A40.8	Economic Analysis – 2010 (Khuyen Luong Port) .....	A40-9
Table A40.9	Economic Analysis – 2010 (New North Port) .....	A40-10
Table A40.10	Economic Analysis – 2010 (New East Port).....	A40-11
Table A40.11	Economic Analysis (4 Major Port in Hanoi Segment) 2010 .....	A40-12
Table A40.12	Economic Analysis (Hanoi Segment - 2010) .....	A40-13
Table A41.1(1)	Operation Cost in Year 2010 .....	A41-3
Table A41.1(2)	Operation Cost in Year 2020 .....	A41-4
Table A41.2	Projection of Revenue by Cargo Handling Operation (2010-2020) .....	A41-5
Table A41.3	Analysis on Proposed Charges for Distribution Center (VND).....	A41-6
Table A41.4	Analysis on Tonnage Due for the Channel Works in 2010....	A41-7
Table A41.5(a)	Financial Analysis – Hanoi Port 2010 .....	A41-8
Table A41.5(b)	Financial Analysis – Hanoi Port 2010 (Landload Lease Type).....	A41-9
Table A41.5(c)	Financial Analysis – Hanoi Port 2010 (Landload Lease Type).....	A41-10
Table A41.6(a)	Financial Analysis – Kyuyen Luong Port 2010 .....	A41-11
Table A41.6(b)	Financial Analysis – Kyuyen Luong Port 2010 (Landload Lease Type).....	A41-12
Table A41.6(c)	Financial Analysis – Kyuyen Luong Port 2010 (Landload Lease Type).....	A41-13
Table A41.7(a)	Financial Analysis – New North Port 2010 .....	A41-14
Table A41.7(b)	Financial Analysis – New North Port 2010 (Landload Lease Type).....	A41-15
Table A41.7(c)	Financial Analysis – New North Port 2010 (Landload Lease Type).....	A41-16
Table A41.8(a)	Financial Analysis – New East Port 2010 .....	A41-17
Table A41.8(b)	Financial Analysis – New East Port 2010 (Landload Lease Type).....	A41-18
Table A41.8(c)	Financial Analysis – New East Port 2010 (Landload Lease Type).....	A41-19

Table A41.9(a)	Financial Analysis – 4 Major Ports 2010 .....	A41-20
Table A41.9(b)	Financial Analysis – 4 Major Ports 2010 (Landload Lease Type).....	A41-21
Table A41.9(c)	Financial Analysis – 4 Major Ports 2010 (Landload Lease Type).....	A41-22
Table A41.10	Financial Analysis – 4 Major Port 2010 plus the Channel Project (Landload Lease Type) .....	A41-23



## List of Figures

Figure A6.1.1	Relation of GDP and Cargo Volume.....	A6-3
Figure A6.1.2	Relation of GDP and Passenger Volume .....	A6-3
Figure A14.1.1	Catchments Area of the Red River .....	A14-3
Figure A14.2.2	Number of Typhoons and TD by Region of Vietnam (1954 to 1980) .....	A14-8
Figure A14.2.3(1)	Distribution of Water Levels in the Red River Delta (Average during Flood Season) .....	A14-14
Figure A14.2.3(2)	Distribution of Water Levels in the Red River Delta (Mean for All Seasons) .....	A14-15
Figure A14.2.3(3)	Distribution of Water Levels in the Red River Delta (Average during Dry Season) .....	A14-16
Figure A14.3.1(1)	Historical Change of Red River Banks in Hanoi .....	A14-36
Figure A14.3.1(2)	Historical Change of Red River Banks in Hanoi .....	A14-37
Figure A14.3.1(3)	Historical Change of Red River Banks in Hanoi .....	A14-38
Figure A14.3.2	Change of Sand Banks and Bars by Aero-photograph Analysis .....	A14-40
Figure A14.3.3(1)	Location of Cross Sections measured in January and August, 2002.....	A14-42
Figure A14.3.3(1)	Location of Cross Sections measured in January and August, 2002 (Continuation) .....	A14-43
Figure A14.3.3(2)	Comparison of Cross Sections between January and August, 2002.....	A14-44
Figure A14.3.3(3)	Comparison of Cross Sections between January and August, 2002.....	A14-45
Figure A14.3.3(4)	Comparison of Cross Sections between January and August, 2002.....	A14-46
Figure A14.3.3(5)	Comparison of Cross Sections between January and August, 2002.....	A14-47
Figure A14.3.3(6)	Comparison of Cross Sections between January and August, 2002.....	A14-48
Figure A14.3.3(7)	Comparison of Cross Sections between January and August, 2002.....	A14-49
Figure A14.3.3(8)	Comparison of Cross Sections between January and August, 2002.....	A14-50
Figure A14.3.3(9)	Comparison of Cross Sections between January and August, 2002.....	A14-51
Figure A14.3.3(10)	Comparison of Cross Sections between January and August, 2002.....	A14-52

Figure A14.3.3(11)	Comparison of Cross Sections between January and August, 2002.....	A14-53
Figure A14.3.3(12)	Comparison of Cross Sections between January and August, 2002.....	A14-54
Figure A14.3.3(13)	Comparison of Cross Sections between January and August, 2002.....	A14-55
Figure A14.4.1	Location Map for Measurements of River Water Flow/ Suspended Solid and Riverbed Materials in the Red River Segment .....	A14-58
Figure A14.4.2	Distribution Map of Maximum Speed of River Water Flow at 0.25 m above Riverbed in the Red River Segment.....	A14-59
Figure A14.5.1	Distribution Map of Grain Size (d50: Median Diameter) of Surface of Riverbed in the Red River Segment .....	A14-62
Figure A14.7.1	Location Map of Boring Holes in Existing Studies at Ha Noi Port and Khuyen Luong Port .....	A14-67
Figure A14.7.2	Soil Profiles in Existing Studies at Ha Noi and Khuyen Luong Port.....	A14-68
Figure A14.7.3(1)	Layout of Borehole Location .....	A14-71
Figure A14.7.3(2)	Soil Profile in Thuong Cat Port.....	A14-72
Figure A14.7.3(3)	Soil Profile in Van Kiep Port .....	A14-73
Figure A14.7.3(4)	Soil Profile in Khuyen Luong Port .....	A14-74
Figure A14.8.1	Distribution of Structure in the Red River.....	A14-76
Figure A14.8.2	Groins KT1-KT5 at Tam XA.....	A14-77
Figure A14.8.3	Groins K2-K3 at Phu Gia .....	A14-78
Figure A14.8.4	Slope Protection at Tu Lien .....	A14-79
Figure A14.9.1	Location of Channel Traffic Survey.....	A14-81
Figure A14.9.2	Results of Channel Traffic Survey .....	A14-82
Figure A14.9.3(1)	Result of Port Access Road Traffic Survey (Chem Station) .....	A14-84
Figure A14.9.3(2)	Result of Port Access Road Traffic Survey (Hanoi Port) .....	A14-85
Figure A14.9.3(3)	Result of Port Access Road Traffic Survey (Khuyen Luong Port) .....	A14-86
Figure A14.9.4	Result of Cargo Handling Efficiency.....	A14-88
Figure A14.9.5	Location of Sand Pits .....	A14-91
Figure A14.9.6	Location of Stranded Boats.....	A14-96
Figure A14A2.1	Distribution Map of Speed of River Water Flow at 0.25 m above River Bed .....	A14-99
Figure A14A2.2	Gradient of Water Surface in the Red River Segment through Hanoi.....	A14-101

Figure A14A3.1	Distribution Map of Grain Size (d-50: Median Diameter) at Surface of River Bed.....	A14-103
Figure A14A5.3	Distribution of Soil Layers throughout the Red River Segment .....	A14-108
Figure A14A5.1(1)	Location Map of Boring Log at New North Port and Van Dong Site and Hanoi Port .....	A14-109
Figure A14A5.1(2)	Location Map of Boring Log at Bat Trang Site and Khuyen Luong Port .....	A14-110
Figure A14A5.1(3)	Location Map of Boring Log at Duong Bridge and New East Port (Phu Dong Site).....	A14-111
Figure A14A5.2(1)	Soil Profile at New North Port .....	A14-112
Figure A14A5.2(2)	Soil Profile at Hanoi Port .....	A14-113
Figure A14A5.2(3)	Soil Profile at Van Dong and Khuyen Luong Port.....	A14-114
Figure A14A5.2(4)	Soil Profile at Bat Trang .....	A14-115
Figure A14A5.2(5)	Soil Profile at Duong Bridge and New East Port (Phu Dong Site).....	A14-116
Figure A14A6.1	General Arrangement of Duong Bridge .....	A14-119
Figure A19.1.1	Width Increase with Corner Cut at Bend Section.....	A19-2
Figure A25.2.1	General Arrangement of Duong Bridge .....	A25-3
Figure A25.3.1	Major Types of Movable Bridges .....	A25-8
Figure A25.3.2(1)	General Arrangement of Movable Duong Bridge .....	A25-10
Figure A25.3.2(2)	Major Cross Sections of Movable Duong Bridge.....	A25-11
Figure A25.4.1	General Arrangement of New Duong Bridge (Road Bridge: Truss).....	A25-16
Figure A26.1.1	Flowchart of Steps in Prediction of Riverbed Changes in the Red River .....	A26-8
Figure A26.1.2	Grids Arrangements .....	A26-9
Figure A26.3.1	Locations of Boundaries .....	A26-13
Figure A26.3.1	LANDSAT Image of the Red River, Hanoi Segment.....	A26-15
Figure A26.3.2	Grain Size Distributions of Bed Materials .....	A26-16
Figure A27.1.1	Screen Image of Vessel Traffic Simulation .....	A27-1
Figure A39.1	Location Map of Environmental Condition Surveys .....	A39-10

## **Appendix 1 Profile of the Study Area**

As supporting and/or complementary data and information for **Chapter 1**, the following tables are provided in this Appendix:

**Table A1.2.1** covering population and average growth rate showing past 10 years

**Table A1.2.2** covering population and average growth rate showing past 5 years

**Table A1.2.3** covering GDP by region (at 1994 constant price)

**Table A1.2.4** covering GDP by major and different industrial sectors

**Table A1.2.1 Population and Average Annual Growth Rate**

(Unit: '000)

Year	National Total		North % to Total		North		RRD Total		RRD % to North		Red River Delta Region												NE Total	
	Total	AGR(%)	%	AGR(%)	Total	AGR(%)	Total	AGR(%)	%	AGR(%)	Ha Noi	Hai Phong	Hai Duong	Hung Yen	Thai Binh	Nam Dinh	Ninh Binh	Ha Nam	Ha Tay	Total	AGR (%)			
1990	66017	-	37.2	-	24566	-	13197	-	53.7	-	2119	1508	1558	975	1690	1716	792	722	2117	9514	-	489	-	
1991	67242	1.86	37.2	-0.12	24991	1.73	13406	1.58	53.6	-0.14	2181	1530	1569	988	1704	1739	808	731	2156	9690	1.84	489	0.00	
1992	68450	1.80	37.1	-0.11	25413	1.69	13615	1.56	53.6	-0.13	2244	1551	1579	1000	1718	1761	827	740	2195	9862	1.81	489	0.00	
1993	69644	1.74	37.1	-0.12	25824	1.62	13815	1.47	53.5	-0.15	2307	1571	1587	1012	1731	1783	835	748	2241	10028	1.68	489	0.00	
1994	70825	1.70	37.0	-0.15	26222	1.54	14001	1.35	53.4	-0.19	2370	1591	1599	1023	1743	1804	844	756	2271	10199	1.71	489	0.00	
1995	71996	1.65	36.9	-0.20	26601	1.45	14172	1.22	53.3	-0.22	2431	1608	1609	1033	1752	1821	855	764	2299	10362	1.60	489	0.00	
1996	73157	1.61	36.9	-0.23	26969	1.38	14345	1.22	53.2	-0.16	2493	1625	1619	1043	1761	1838	866	772	2328	10511	1.44	489	0.00	
1997	74310	1.58	36.8	-0.28	27316	1.29	14513	1.17	53.1	-0.11	2556	1642	1631	1052	1770	1856	874	779	2353	10643	1.26	490	0.20	
1998	75463	1.55	36.6	-0.35	27644	1.20	14680	1.15	53.1	-0.05	2622	1660	1641	1062	1779	1874	881	787	2374	10758	1.08	490	0.00	
1999	76597	1.50	36.6	-0.16	28015	1.34	14834	1.05	53.0	-0.29	2685	1677	1651	1071	1788	1892	885	793	2392	10888	1.21	492	0.41	
2000	77686	1.42	36.4	-0.55	28256	0.86	14971	0.92	53.0	0.06	2736	1691	1668	1082	1792	1905	888	798	2411	10998	1.01	497	1.02	
AAGR(10 years)		1.6		-0.2		1.4		1.3		-0.1		2.6		0.7		1.1		1.0		1.3		1.5		0.2
AAGR(5 years)		1.5		-0.3		1.2		1.1		-0.1		2.4		0.7		0.9		0.8		1.0		1.2		0.3

Year	North East Region												NW Total		North West Region									
	Lang Son	Quang Ninh	Thai Nguyen	Bac Can	Bac Ninh	Bac Giang	Phu Tho	Vinh Phuc	Lao Cai	Yen Bai	Tuyen Quang	Ha Giang	Total	AGR (%)	Son La	Lai Chau	Hoa Binh							
1990	629	854	914	226	832	1312	1130	972	483	601	584	488	1855	-	712	465	678							
1991	640	872	934	232	850	1335	1150	987	493	611	597	500	1895	2.16	735	478	682							
1992	650	890	953	238	870	1356	1167	1002	507	621	609	510	1936	2.16	756	493	687							
1993	660	908	970	243	887	1378	1183	1017	521	630	619	523	1981	2.32	777	507	697							
1994	670	925	987	249	905	1403	1198	1032	536	639	629	537	2022	2.07	794	521	707							
1995	679	941	1005	254	916	1431	1212	1048	550	648	639	550	2067	2.23	812	536	719							
1996	689	958	1021	260	925	1451	1225	1062	562	656	649	564	2113	2.23	833	550	730							
1997	695	974	1030	265	932	1468	1238	1076	574	665	659	577	2160	2.22	855	563	742							
1998	700	991	1039	270	938	1477	1251	1086	585	673	668	590	2206	2.13	877	577	752							
1999	706	1007	1048	276	943	1495	1264	1094	598	682	677	606	2293	3.94	837	456	760							
2000	711	1018	1054	280	949	1509	1274	1103	613	686	686	618	2287	-0.26	907	836	767							
AAGR(10 years)		1.2		2.2		1.3		2.4		1.3		2.4		2.1		2.8		1.2		2.5		2.8		1.2
AAGR(5 years)		0.9		2.0		0.7		2.2		1.1		2.4		2.0		2.7		1.3		2.2		2.7		1.3

Source) Statistical Yearbook 2000

**Table A1.2.2 Population and Average Annual Growth Rate**

(Unit: '000)

Year	National Total		North % to Total		North		RRD Total		RRD % to North		Red River Delta Region												NE Total	
	Total	AGR(%)	%	AGR(%)	Total	AGR(%)	Total	AGR(%)	%	AGR(%)	Ha Noi	Hai Phong	Hai Duong	Hung Yen	Thai Binh	Nam Dinh	Ninh Binh	Ha Nam	Ha Tay	Total	AGR (%)			
	1955-67	-	26.6	-	52053	-	34287	-	65.9	-	12021	5022	3231	1348	3595	3218	1165	1255	3432	15298	-			
1995	195567	-	26.6	-	52053	-	34287	-	65.9	-	12021	5022	3231	1348	3595	3218	1165	1255	3432	15298	-	587.8	-	
1996	213833	9.34	26.8	0.75	57339	10.16	37976	10.76	66.2	0.55	13582	5442	3620	1871	3883	3344	1243	1305	3810	16687	9.08	716.7	21.93	
1997	231264	8.15	27.6	2.78	63738	11.16	42238	11.22	66.3	0.06	15273	5979	4066	2125	4164	3675	1423	1423	4110	18581	11.35	797.7	11.30	
1998	244596	5.76	28.8	4.41	70384	10.43	46859	10.94	66.6	0.47	17128	6903	4430	2342	4187	4012	1524	1554	4778	20273	9.11	899.4	12.75	
1999	256272	4.77	29.4	2.33	75465	7.22	50012	6.73	66.3	-0.46	18288	7340	4599	2681	4420	4235	1617	1735	5099	21955	8.29	970.6	7.92	
2000	273582	6.75	30.0	2.04	82205	8.93	54085	8.14	65.8	-0.72	19959	8009	5035	2978	4580	4472	1721	1875	5456	24328	10.81	1080	11.28	
AAGR(5 years)		6.9		2.5		9.6		9.5	0.0	10.7	9.8	9.3	17.2	5.0	6.8	8.1	8.4	8.4	9.7		9.7		12.9	

Year	North East Region												North West Region											
	Lang Son	Quang Ninh	Thai Nguyen	Bac Can	Bac Ninh	Bac Giang	Phu Tho	Vinh Phuc	Lao Cai	Yen Bai	Tuyen Quang	Ha Giang	Total	AGR (%)	Son La	Lai Chau	Ho Binh	Total	AGR (%)					
	1201.1	2297.9	1614.6	265.9	1429.7	1897	1857	1303	547.6	895.1	880.8	520	2468	717.4	779.4	970.8	779.4	2468						
1995	1201.1	2297.9	1614.6	265.9	1429.7	1897	1857	1303	547.6	895.1	880.8	520	2468	717.4	779.4	970.8	779.4	2468						
1996	1343.5	2474.4	1728	280.3	1536	2045	2041	1411	576.8	991.2	971.2	571.8	2676	798.4	839.4	1038	839.4	2676						
1997	1480.2	2796.4	1845.4	313.9	1695.1	2240	2245	1760	606.8	1096	1073	630.7	2920	887.3	904.6	1128	904.6	2920						
1998	1501.5	3054.2	1909	354.1	1840.5	2331	2380	2163	840.4	1162	1141	697.5	3252	964.2	952.4	1335	952.4	3252						
1999	1610.5	3433	1958.3	382.1	2125.8	2463	2564	2331	899.1	1235	1212	770	3498	1136	936.9	1425	936.9	3498						
2000	1731.1	3773.3	2090.8	410.2	2467.3	2673	2781	2835	955	1340	1342	849.9	3792	1242	989.7	1561	989.7	3792						
AAGR(5 years)		7.6	10.4	9.1	11.5	7.1	8.4	16.8	11.8	8.4	8.8	10.3	9.0	11.6	4.9	10.0	4.9	9.0						

Source) Statistical Yearbook 2000

**Table A 1.2.3 GDP by Region (at 1994 constant price)**

unit: VND billion at 1994 constant price

All Sectors		Red River Delta		North-East		North-West		North Central Coast		South Central Coast		Central High Land		North East South		Mekong River Delta										
Year	GDP	AGR (%)	Output	AGR (%)	Share (%)	Output	AGR (%)	Share (%)	Output	AGR (%)	Share (%)	Output	AGR (%)	Share (%)	Output	AGR (%)	Share (%)									
1995	195567	-	36445	-	18.6	11864	-	6.1	2086	-	1.1	12628	-	6.5	13442	-	6.9	6012	-	3.1	66882	-	34.1	43378	-	22.2
1996	213864	9.4	40258	10.5	18.6	13655	15.1	6.2	2261	8.4	1.0	13532	7.2	6.4	14376	6.9	6.8	6677	11.06	3.2	74204	11.3	34.5	45350	4.5	21.6
1997	231265	8.1	42972	6.7	18.6	14593	6.9	6.3	2229	-1.4	1.0	14571	7.7	6.3	15683	9.1	6.8	7648	14.54	3.3	80829	8.9	35.0	48599	7.2	21.0
1998	244596	5.8	45837	6.7	18.7	15207	4.2	6.2	2326	4.3	1.0	14660	0.6	6.0	16343	4.2	6.7	8062	5.42	3.3	86903	7.5	35.5	50837	4.6	20.8
1999	256272	4.8	48672	6.2	19.0	15106	-0.7	5.9	2424	4.2	0.9	15221	3.8	5.9	17034	4.2	6.6	9411	16.73	3.7	91398	5.2	35.7	52454	3.2	20.5
AAGR(5 years)		7.0		7.5	0.5		6.2	-0.7		3.8	-3.0		4.8	-2.1		6.1	-0.8		11.9	4.5		8.2	1.1		4.9	-2.0

**Agriculture, Forestry and fishing**

Sectoral		Red River Delta		North-East		North-West		North Central Coast		South Central Coast		Central High Land		North East South		Mekong River Delta										
Year	GDP	AGR (%)	Output	AGR (%)	Share (%)	Output	AGR (%)	Share (%)	Output	AGR (%)	Share (%)	Output	AGR (%)	Share (%)	Output	AGR (%)	Share (%)									
1995	51319	-	10335	-	20.1	4084	-	8.0	978	-	1.9	4611	-	6.1	3008	-	5.9	5702	-	11.1	19483	-	38.0			
1996	53608	4.5	10642	3.0	19.9	4251	4.1	7.9	1011	3.4	1.9	4842	4.99	9.0	3201	2.7	6.0	6015	5.5	11.2	20090	3.1	37.5			
1997	55896	4.3	10935	2.8	19.6	4418	3.9	7.9	1044	3.3	1.9	5071	4.74	9.1	3286	2.7	5.9	4110	15.3	7.4	6327	5.2	11.3	20705	3.1	37.0
1998	57866	3.5	11329	3.6	19.6	4510	2.1	7.8	1025	-1.8	1.8	4966	-2.08	8.6	3424	4.2	5.9	4215	2.6	7.3	6234	-1.5	10.8	22163	7.0	38.3
1999	60895	5.2	11597	2.4	19.0	4680	3.8	7.7	1135	10.7	1.9	5282	6.38	8.7	3516	2.7	5.8	5036	19.5	8.3	6754	8.3	11.1	22895	3.3	37.6
AAGR(5 years)		4.4		2.9	-1.4		3.5	-0.9		3.8	-0.6		3.5	-0.9		3.1	-1.3		13.7	9.0		4.3	0.0		4.1	-0.2

**Industry and Construction**

Sectoral		Red River Delta		North-East		North-West		North Central Coast		South Central Coast		Central High Land		North East South		Mekong River Delta										
Year	GDP	AGR (%)	Output	AGR (%)	Share (%)	Output	AGR (%)	Share (%)	Output	AGR (%)	Share (%)	Output	AGR (%)	Share (%)	Output	AGR (%)	Share (%)									
1995	58550	-	10361	-	17.7	3500	-	6.0	182	-	0.3	2098	-	3.6	2816	-	4.8	693	-	1.2	28938	-	49.4	6931	-	11.8
1996	67016	14.5	12116	16.9	18.0	3947	4.3	5.9	203	0.2	0.3	2285	1.8	3.4	3229	4.0	4.8	757	0.6	1.1	33441	43.5	49.8	7478	5.3	11.2
1997	75474	12.6	13867	14.5	18.4	4395	3.7	5.8	223	0.2	0.3	2472	1.5	3.3	3641	3.4	4.8	820	0.5	1.1	37939	37.1	50.3	8027	4.5	10.6
1998	81764	8.3	15578	12.3	19.1	4549	1.1	5.6	267	0.3	0.3	2624	1.1	3.2	3892	1.8	4.8	827	0.0	1.0	41273	24.0	50.5	8332	2.2	10.2
1999	88047	7.7	17254	10.8	19.6	4740	1.2	5.4	260	0.0	0.3	2733	0.8	3.1	4226	2.1	4.8	874	0.3	1.0	44806	22.7	50.9	8580	1.6	9.7
AAGR(5 years)		10.7		13.6	2.6		7.9	-2.6		9.4	-1.2		7.0	-3.4		10.7	-0.1		6.0	-4.3		11.5	0.7		5.5	-4.7

**Service**

Sectoral		Red River Delta		North-East		North-West		North Central Coast		South Central Coast		Central High Land		North East South		Mekong River Delta										
Year	GDP	AGR (%)	Output	AGR (%)	Share (%)	Output	AGR (%)	Share (%)	Output	AGR (%)	Share (%)	Output	AGR (%)	Share (%)	Output	AGR (%)	Share (%)									
1995	85698	-	15749	-	18.4	4280	-	5.0	926	-	1.1	5918	-	6.9	7509	-	8.8	2310	-	2.7	32042	-	37.4	16964	-	19.8
1996	93240	8.8	17500	11.1	18.3	5457	7.5	5.4	1047	0.8	1.0	6405	3.1	7.0	7947	2.8	8.8	2355	0.3	2.7	34747	17.2	37.0	17782	5.2	19.8
1997	99895	7.1	18170	3.8	18.2	5780	1.8	5.8	961	-0.5	1.0	7028	3.6	7.0	8756	4.6	8.8	2718	2.1	2.7	36563	10.4	36.6	19867	11.9	19.9
1998	104966	5.1	18930	4.2	18.0	6147	2.0	5.9	1033	0.4	1.0	7070	0.2	6.7	9026	1.5	8.6	3020	1.7	2.9	39396	15.6	37.5	20342	2.6	19.4
1999	107330	2.3	19820	4.7	18.5	5687	-2.4	5.3	1029	0.0	1.0	7185	0.6	6.7	9293	1.4	8.7	3500	2.5	3.3	39838	2.3	37.1	20978	3.4	19.5
AAGR(5 years)		5.8		5.9	0.1		7.4	1.5		2.7	-3.0		5.0	-0.8		5.5	-0.3		10.9	4.9		5.6	-0.2		5.5	-0.3

(Note) As there are discrepancies between total GDP amount in the source data, figures were adjusted by Study Team

(Source) Statistical Yearbook 2000, Statistical Publishing House

**Table A 1.2.4 GDP by Sector**

VND billion at 1994 constant price

All Sector

Year	Total		Agriculture			Industry and Constructio			Services		
	GDP	AGR (%)	Output †	AGR (%)	Share (%)	Output †	AGR (%)	Share (%)	Output †	AGR (%)	Share (%)
1995	195567	8.83	51319	-	26.2	58550	-	29.9	85698	-	43.8
1996	213864	9.36	53608	4.46	25.2	67016	16.50	31.3	93240	14.70	43.5
1997	231265	8.14	55896	4.27	24.2	75474	15.78	32.6	99895	12.41	43.2
1998	244596	5.76	57866	3.52	23.7	81764	11.25	33.4	104966	9.07	42.9
1999	256272	4.77	60895	5.23	23.8	88047	10.86	34.4	107330	4.09	41.9
2000	273582	6.75	63353	4.04	23.2	96916	14.56	35.4	113313	9.83	41.4
AAGR 6-		7.3		3.6			11.5			8.3	
CAGR 6-		6.9		4.3			10.6			5.7	
Average		7.1		3.9			11.0			7.0	
ASGR					-2.5			3.4			-1.1

Agriculture, Forestry and Fishing

Year	Total		Agriculture			Forestry			Fishing		
	GDP	AGR (%)	Output †	AGR (%)	Share (%)	Output †	AGR (%)	Share (%)	Output †	AGR (%)	Share (%)
1995	51319	8.83	43658	-	85.1	2399	-	4.7	5262	-	10.3
1996	53608	4.46	45787	4.88	85.4	2425	0.06	4.5	5396	0.31	10.1
1997	55896	4.27	47916	4.65	85.7	2450	0.06	4.4	5530	0.29	9.9
1998	57866	3.52	49639	3.60	85.8	2459	0.02	4.2	5768	0.50	10.0
1999	60895	5.23	52372	5.51	86.0	2535	0.15	4.2	5988	0.44	9.8
2000	63353	4.04	54512	4.09	86.0	2537	0.00	4.0	6304	0.60	10.0
AAGR 6-		5.1		3.8			0.0			0.4	
CAGR 6-		4.3		4.5			1.1	-3.0		3.7	
Average		4.7		4.2			0.6			2.0	
ASGR					0.2			-3.0			-0.6

Industry and Construction

Year	Total		Mining and Quarrying			Manufacturing			Construction			Others		
	GDP	AGR (%)	Output †	AGR (%)	Share (%)	Output †	AGR (%)	Share (%)	Output †	AGR (%)	Share (%)	Output †	AGR (%)	Share (%)
1995	58550	8.83	10345	-	17.7	30231	-	51.6	14590	-	24.9	3384	-	5.8
1996	67016	14.46	11825	14.30	17.6	34487	14.08	51.5	16723	14.62	25.0	3982	17.67	5.9
1997	75474	12.62	13304	12.51	17.6	38743	12.34	51.3	18855	12.75	25.0	4572	14.82	6.1
1998	81764	8.33	15173	14.05	18.6	42694	10.20	52.2	18761	-0.50	22.9	5136	12.34	6.3
1999	88047	7.68	17200	13.36	19.5	46105	7.99	52.4	19211	2.40	21.8	5531	7.69	6.3
2000	96916	10.07	17979	4.53	18.6	52177	13.17	53.8	20648	7.48	21.3	6112	10.50	6.3
AAGR 6-		10.3		9.8			9.6			6.1			10.5	
CAGR 6-		10.6		11.7	1.0		11.5	0.8		7.2	-3.1		12.6	
Average		10.5		10.7			10.6			6.7			11.5	
ASGR					1.0			0.8			-3.1			1.8



**Appendix A3 Traffic Passing under the Duong Bridge  
From 7h00 25/8 to 7h00 27/8/2002**

By ship size (tons)

Time	To Downstream				To Upstream			
	Less than 100 tons	101 - 200 tons	201 - 300 tons	Total	Less than 100 tons	101 - 200 tons	201 - 300 tons	Total
7:00 - 8:00	6	1		7	6	1		7
8:00 - 9:00			1	1	6			6
9:00 - 10:00	6			6		2		2
10:00 - 11:00	8			8	2	2		4
11:00 - 12:00	3	3		6		3		3
12:00 - 13:00	2			2		1		1
13:00 - 14:00	2	1		3		1		1
14:00 - 15:00					1			1
15:00 - 16:00						1		1
16:00 - 17:00	1			1		1	3	4
17:00 - 18:00	4	1		5		2		2
18:00 - 19:00								
19:00 - 20:00	1			1				
20:00 - 21:00								
21:00 - 22:00								
22:00 - 23:00					1			1
23:00 - 24:00								
<b>Total</b>	<b>33</b>	<b>6</b>	<b>1</b>	<b>40</b>	<b>16</b>	<b>14</b>	<b>3</b>	<b>33</b>
0:00 - 1:00								
1:00 - 2:00								
2:00 - 3:00								
3:00 - 4:00								
4:00 - 5:00	1			1	3	5		8
5:00 - 6:00	1			1	2	3	4	9
6:00 - 7:00	2			2	3	14	7	24
7:00 - 8:00	1	7		8	4	10	2	16
8:00 - 9:00	1	9	4	14		1	2	3
9:00 - 10:00	1	10		11	2	4	4	10
10:00 - 11:00	4	21	7	32	1	5	6	12
11:00 - 12:00	2	3	2	7	1	4	3	8
12:00 - 13:00						5		5
13:00 - 14:00		1	1	2		1	3	4
14:00 - 15:00	2	3	3	8		3		3
15:00 - 16:00			1	1	2	3	2	7
16:00 - 17:00		1		1		1	5	6
17:00 - 18:00		1	2	3			3	3
18:00 - 19:00					1	3		4
19:00 - 20:00						1		1
20:00 - 21:00					2			2
21:00 - 22:00						1		1
22:00 - 23:00								
23:00 - 24:00								
<b>Total</b>	<b>15</b>	<b>56</b>	<b>20</b>	<b>91</b>	<b>21</b>	<b>64</b>	<b>41</b>	<b>126</b>
0:00 - 1:00								
1:00 - 2:00								
2:00 - 3:00								
3:00 - 4:00								
4:00 - 5:00						1		1
5:00 - 6:00	2			2	2	3		5
6:00 - 7:00	3	1		4	2	6	3	11
<b>Total</b>	<b>5</b>	<b>1</b>	<b>0</b>	<b>6</b>	<b>4</b>	<b>10</b>	<b>3</b>	<b>17</b>

Note) There is no vessel more than 400 tons.

Source) JICA Study Team

## **Appendix 4 Draft Law on Inland Waterway Transport**

# **Vietnam Law on Inland waterways** (Draft 8<sup>th</sup> edition)

### **Introduction**

To strengthen the effectiveness of State management, to give prominence to the responsibility of agencies, organizations and individuals in bringing into full play the potentials of inland waterways transport and to ensure order and safety of traffic, making contribution to the economic development national defense;

Pursuant to the 1992 Constitution of Socialist Republic of Vietnam;

This Law provides regulations on the construction, management and operation of Inland waterways transport

### **Chapter I** **General Provisions**

#### **Article 1: Scope of Application**

Vietnam Law on inland waterways provides regulations on relations arisen from activities in the construction, management and operation of inland waterways transport.

#### **Article 2: Objects of Application**

- 1- This law is applicable to Vietnamese and foreign organizations and individuals specializing in activities:
  - a. Construction, management, protection and operation of inland waterways transport facilities;
  - b. Traffic on inland waterways;
  - c. Inland waterways transport (transport activities of defense sector are conducted under specific regulation);
- 2- Other activities in inland waterways which are not regulated in this law shall be subject to other laws of Vietnam on the basis of case by case.
- 3- If the International Treaties in inland waterways that Vietnam has joined or signed have provisions conflicting to those provided in this law, the International Treaties shall prevail.

#### **Article 3: Explanation of terminology**

In this Law, the following terms shall have respective meanings ascribed hereunder:

- 1- **Inland waterways** include waterways used for transport operation by vessels on rivers, canals, channels, lakes, lagoons, pools, bays, coastal water routes, routes from inland to islands and routes among islands in the internal waters of the Socialist Republic of Vietnam.
- 2- **Navigation channel** is a limited part of inland waterways announced by competent agencies to reserve for traffic of vessels.
- 3- **Inland waterways port and landing stage** are constructions established to serve as places for vessels to anchor, loading, unloading cargo and passenger and doing other services.
- 4- **Inland waterways means of transport (vessels)** include ship, boat with or without engine, and other floating structures that operate in inland waterways (hereinafter called vessels).
- 5- **Household vessels** are vessels used in family. These vessels are not involving in transport business and managed under separate regulations.
- 6- **Captain** is the highest-level commander in operating a vessel.
- 7- **Skipper** is the operator of a small vessel with capacity less than 15 CV, tonnage less than 5 tons or passenger seats less than 13.
- 8- **Ship's crew** is the staff working on vessel according to specific standards.
- 9- **Vessel owner** is an organization or an individual that owns the vessel or controls the vessel under the authorization of the owner.
- 10- **Transporter** is an organization or an individual who uses his own vessel or leases vessel of other to do business in cargo, passenger, luggage and parcel transport by inland waterways.
- 11- **Freighting employer** is an organization or an individual who on his own or in the name of a truster signs cargo transport (freighting) contract.
- 12- **Force majeure** is an unanticipated or uncontrollable event that cannot be recoverable though all necessary measures have been taken.
- 13- **Inland waterways first-aid** is the instant saving or rescue of people, goods, vessels that are in danger.
- 14- **Inland waterways salvage** is the saving of people, vessels and property on vessels to minimize losses.
- 15- **Dam, embankment for transport** are constructions to protect banks or to align streams for smooth navigation.
- 16- **Ship lock** is a facility to adjust water-level to help vessels pass river segment of high deference in water-level.

**17-Slip ways** is a facility to bring vessels through river segment of high deference in water-level.

**18-Inland waterways signals** are objects of specific form, colors and light to guide inland waterways transport.

**19-Marker** is a point on an object to identify the position and the height of this point.

**20-Water gauge** is an object on which there are horizontal lines to identify the height of the water.

#### **Article 4: Principles to ensure safety in inland waterways transport**

- 1- Ensuring safety in inland waterways transport is the responsibility of agencies, organizations, individuals and the whole society.
- 2- Ship's crew shall strictly implement regulations on transport and inland waterways signaling.
- 3- Vessel owner shall be responsible for maintaining safety status of working vessel (taking part in transport).
- 4- Ensuring order and safety in inland waterways transport shall be respected in all aspects: technology and safety of inland waterways transport infrastructure, vessels, law-abiding awareness of people taking part in transport and other fields relating to inland waterways transport.
- 5- Violation of inland waterways regulations shall be strictly punished according to the law.
- 6- People causing accidents due to violation of inland waterways regulations shall be responsible for their acts and make up for losses of others according to the law.

#### **Article 5: Principles to settle accidents in inland waterways transport**

- 1- When an traffic accident occurs, the highest commander on the vessel shall by all means save people and property, preserve status of trace and scene of the accident in his capacity, and inform the people's committee, police or inland waterways management station in nearest locality.
- 2- People at the accident scene shall take responsibility to salvage. Those who evade this responsibility shall be punished according to the law.
- 3- Vessel and property of victim should be carefully protected. All acts of violation and other types causing harm to body, vessel and property of the victim and the accident causer are prohibited. All acts deterring operation of officers in charge of the accident shall be punished according to the law.

- 4- People directly related to the accident shall be present at the scene when the authority draws up a minute.
- 5- People's committee of locality where the accident happens shall carry out first-aid operations, preserve the scene and direct functional agencies to settle consequences of the accident.

#### **Article 6: Obligations on environment protection in inland waterways transport**

- 1- People and vessels taking part in transport, constructors of works, transporters and people in other services of inland waterways transport shall fully implement regulations on environment protection of Vietnam law and of International Treaties that Vietnam has joined or signed.
- 2- Domestic and foreign vessels which are allowed to transport oil, oil products and other dangerous commodities in Vietnam shall have to buy insurance of civilian responsibility of the vessel owner for environment pollution while operating in inland waterways and in waters of inland waterways ports and landing stages.
- 3- Competent agencies shall be responsible for inspecting, supervising and treating violations of environment protection by objects cited in Item 1 and 2 of this Article.

#### **Article 7: International Relations in inland waterways transport**

The State encourages the widening of international relations and cooperation in the development of inland waterways transport on the principles of sovereignty protection, territory integrity, mutual benefit and in accordance with Vietnamese law and international treaties that Vietnam has joined and signed.

#### **Article 8: Policy on the Development of inland waterways transport**

- 1- The State gives priority to developing inland waterways infrastructure of inland waterways routes under central and local control and other areas assigned by the Government.
- 2- The State encourages domestic and foreign organizations and individuals to invest in construction, business and implementation of modern technology to develop inland waterways according to Vietnam's law.
- 3- The Government shall provide specific mechanism and policy on inland waterways transport development.

### **Chapter II Inland waterways infrastructure and transport**

#### **Article 9: Inland waterways system**

- 1- Inland waterways are divided as follows:
  - a. Central inland waterways
  - b. Local inland waterways
  - c. Special inland waterways
- 2- Central inland waterways are under control and management of the MOT.
- 3- Local inland waterways are under control and management of the Municipal People's Committee.
- 4- The adjustment of Central, Local and Special inland waterways shall be decided by the Minister of Transport.
- 5- Navigation channels are classified into technical classes.
- 6- The MOT provides technical standards for the classification of inland waterways.

#### **Article 10: Charges for inland waterways use**

Objects taking part in inland waterways transport shall have to pay for fee of inland waterways use according to the law.

#### **Article 11: Inland waterways infrastructure**

Facilities belonging to inland waterways infrastructure include:

- a. Navigation channels that are put under management and operation
- b. Dam and embankment for transport
- c. Inland waterways port and landing stage, ship lock and slip ways
- d. Inland waterways signaling system, anchored piles and buoys, water gauge, markers and other supporting equipments.

#### **Article 12: Forming master plan for inland waterways infrastructure development**

- 1- Approved Master plan of inland waterways, ports and landing stages is the basis for annual, mid-term and long-term plans.
- 2- Central inland waterways routes and ports system is to be decided by the Prime Minister.
- 3- Local inland waterways routes and landing stages system is to be decided by the Head of local People's Committee.

#### **Article 13: Responsibility for cooperation during the construction phase**

Agencies in charge of irrigation works, aquatic, and other river-crossing works in areas of inland waterways shall have to consult competent state agencies of transport management when forming, designing and constructing the projects.

#### **Article 14: Funding of investment, management and maintenance of inland waterways infrastructure**

- 1- The funding of investment, management and maintenance of inland waterways infrastructure includes:
  - a. State budget
  - b. Other sources according to the law
- 2- The Government provides specific regulations on the management and use of fund for investment, management and maintenance of inland waterways infrastructure

#### **Article 15: Principles of inland waterways transport**

- 1- Domestic and foreign vessels and ships operating in inland waterways shall strictly implement regulations on inland waterways transport.
- 2- The Government provides regulations on inland waterways transport.

#### **Article 16: Signaling in inland waterways**

- 1- Navigation channel in inland waterways shall be marked with signals.
- 2- Inland waterways management station shall be responsible for the placement and maintenance of signaling system under its management section.
- 3- Owners of construction and obstacles shall be responsible for the placement and maintenance of signaling system in area of the constructions and obstacles.
- 4- The Minister of Transport provides detailed regulations on inland waterways signaling.

#### **Article 17: Restriction of operations in inland waterways transport**

- 1- Vessels shall only operate on inland waterways routes of suitable technical classification. In case of testing, the operation should be allowed and supervised by the Minister of Transport.
- 2- Restriction of operations in inland waterways transport shall be applied in following cases:
  - a. Navigation channel is narrowed unexpectedly or there is a dangerous segment;
  - b. Air clearance of works crossing navigation channel fails to meet standards provided in inland waterways technical classification;
  - c. There are works under construction in navigation channel;
  - d. There is announcement by competent agency of the danger of riverbank and dike erosion.
- 3- The Minister of Transport provides regulations and measures to ensure traffic safety in cases cited in Item 2 of this Article.

## **Article 18: Inland waterways ports and landing stages**

- 1- Inland waterways port is a construction built for domestic and foreign vessels to go in and out, loading, unloading cargos and passengers and doing other services. The area of inland waterways port includes:
  - a. The land area for quay, wharf, warehouse, administration offices and other services;
  - b. The water area for port water area, berthing places and navigation channel for entering and leaving vessels.
- 2- Inland waterways landing stage is an area of land and waters with favorable conditions for loading, unloading cargos and passengers and doing other services.
- 3- After the area of inland waterways port and landing stage is announced, the owner of the construction is entitled to start operation or lease the facilities.
- 4- The operator inland waterways port and landing stage shall strictly implement State management regulations on inland waterways port and landing stage.
- 5- The Minister of Transport provides regulations and standards of classification, announcement, management of facilities and operations of inland waterways port and landing stages.

## **Chapter III**

### **Protection of inland waterways transport facilities**

#### **Article 19: Scope of protection of inland waterways transport facilities**

- 1- Scope of protection of inland waterways transport facilities includes: the facilities, safety corridor of the facilities and the space in the air, under ground, under water and under riverbed, which is related to safety of the facilities and transport.
- 2- The Government decides the scope of protection of inland waterways transport facilities.

#### **Article 20: Responsibility of investors of works built in areas for inland waterways transport facility**

The construction and operation of works in the scope of protection of inland waterways transport facility shall strictly observe following regulations:

- 1- The construction of works in the scope of protection of inland waterways transport facility shall have permission of competent transport agency.
- 2- For works located beyond the scope of protection of inland waterways transport facility but their operations influence the safety of the facility and transport, the construction shall have permission of competent State management agency.



- 3- The Government decides the rights of agencies and procedures for issues cited in Item 1 and 2 of this article.

**Article 21: Management, operation and protection of inland waterways transport facilities**

- 1- Management, operation, maintenance and protection of inland waterways transport facilities shall be in accordance with regulations, procedures and technical classifications issued by competent agency.
- 2- Inland waterways facility management unit shall be responsible for ensuring technical safety of the facilities; if there is a breakdown of the facilities threatening traffic safety, the inland waterways facility management unit shall find measures to repair it as soon as possible; inland waterways facility management unit shall take preventive and resistant measures to minimize losses caused by disaster to the facilities and shall be jointly responsible for traffic accidents due to low quality of facilities which do not meet requirements of technical safety.

**Article 22: Responsibility of relating parties when a damaged inland waterways transport facility is discovered**

- 1- Discovering a breakdown of a inland waterways transport facility or an act of violation of regulations on protection of inland waterways transport facility, organizations and individuals shall immediately inform the inland waterways transport facility management unit, police or people's committee of nearest locality.
- 2- Inland waterways transport facility management unit, police or local people's committee when informed, shall immediately send its representative to the scene of incident for necessary measures and report to higher-level agency.

**Article 23: Removal of obstacles on inland waterways transport channels**

- 1- Owner of obstacles in navigation channel or safety corridor of navigation channel shall put up signal system and remove the obstacles in time-limit set by inland waterways transport facility management unit.
- 2- Owner of obstacle that cannot be removed or cannot be removed in a set time limit, shall inform the inland waterways transport facility management unit of the event. The case shall be solved as follows:
  - a. If the obstacle is in navigation channel, the inland waterways transport facility management unit shall immediately carry out necessary measures. The owner of obstacle shall cover all expenses.
  - b. If the obstacle is in the safety corridor of navigation channel, the inland waterways transport facility management unit can extend the time limit. The time-limit extension is decided based on the danger caused by the obstacle. If the owner of the obstacle fails to remove it in time, the

inland waterways transport facility management unit shall immediately carry out necessary measures. The owner of obstacle shall cover all expenses.

- 3- If the owner of the obstacle cannot be identified or not clearly identified, the inland waterways transport facility management unit shall be responsible for necessary measures.

## **Chapter IV Vessel**

### **Article 24: Standards of vessels in operation**

- 1- Vessels taking part in inland waterways transport shall have to meet requirements of technical safety provided in Vietnamese Standards and Sector's Standards. These vessels are granted certificates of technical safety. (Family-use vessels are subject to separate regulations)
- 2- Vessels shall operate according to the function, technical characteristics, area of operation set by competent agencies.

### **Article 25: Management of technology used in newly built, remodeled and overhauled vessels**

Newly built, remodeled and overhauled vessels (except vessels for family-use and national security and defense purposes which are subject to separate regulations) shall have technical designs approved by registry agency. The quality of the vessels is supervised to ensure it is in accordance with existing technical standards.

### **Article 26: Requirements of vessel building and maintaining units**

Vessel building and maintaining units shall meet requirements set by the MOT and have to register for doing business according to the law.

### **Article 27: Inspection of technical safety on vessels**

- 1- Vessels can only be put into operation after being granted certificate of technical safety by registry agency.
- 2- Registry agency shall have adequate testing equipments and devices. The registry agency shall follow regulations and standard issued by the State and the MOT.
- 3- Inspection of technical safety on vessels of security and defense forces is subject to separate regulations.

### **Article 28: Import of vessels**

The MOT will grant vessel import permits according to master plan and plan of transport development, current situation of national economy and inland waterways infrastructure.

#### **Article 29: Vessels registration**

- 1- Vessels of Vietnamese organizations and individuals, foreign-invested enterprises in Vietnam and foreign organizations and individuals that are allowed to live and work in Vietnam, shall be registered before being put into operation in inland waterways.
- 2- Vessels can only be registered at registry agency in location of the headquarter of the owner (in case of organization) or the permanent residence of the owner (in case of individual).
- 3- Vessels shall be re-registered when there are changes of owner, technical characteristics or area of operation.
- 4- Registration of the vessels shall be cancelled in following cases:
  - a. Vessel is missing
  - b. Vessel is destroyed or sunk and cannot be lifted.
  - c. Vessel is in such a bad condition that it cannot be put into operation.
- 5- The Ministry of Police and Ministry of Defense provide regulations on registration of vessels of security and defense forces.
- 6- The Ministry of Aquaculture provides regulations on registration of aquatic products catching vessels.
- 7- The MOT provides regulations on registration of vessels that are not subject to Item 5 and 6 of this Article.

#### **Article 30: Mortgage of vessels**

The owner of vessels can mortgage the vessels under his ownership to others according to the law.

### **Chapter V Ship's crew (Staff on vessel)**

#### **Article 31: Requirements for ship's crew**

- 1- Ship's crew shall meet requirements of health and professional licenses and certificates corresponding to their titles and the kind of vessel.
- 2- The Ministry of Police and Ministry of Defense provide requirements of ship's crew working on vessels of security and defense forces.
- 3- The Ministry of Aquaculture provides requirements of ship's crew working on aquatic products catching vessels.

- 4- The MOT provides requirements of ship's crew working on vessels that are not subject to Item 2 and 3 of this Article.
- 5- Professional certificates and licenses granted by foreign organization can be effective only after being recognized by Vietnamese specialized management agency or under International treaties that Vietnam has joined or signed.

### **Article 32: System of Professional Certificates and licenses granted to ship's crew**

- 1- Licenses for captain and chief-mechanic
  - a. Licenses for captain are divided into 3 classes: 1<sup>st</sup> class, 2<sup>nd</sup> class and 3<sup>rd</sup> class. Captains with 2<sup>nd</sup> class and 3<sup>rd</sup> class license are entitled to control vessels operating in inland waterways. Captains with 1<sup>st</sup> class license are entitled to control vessels operating in inland waters and coastal routes in the internal waters.
  - b. Licenses for chief-mechanic are divided into 3 classes: 1<sup>st</sup> class, 2<sup>nd</sup> class and 3<sup>rd</sup> class.
- 2- Professional certificates for ship's crew include:
  - a. Certificate for vessel controlling
  - b. Certificate for sailor
  - c. Certificate for mechanic

### **Article 33: Employment of ship's crew**

Owner of vessel shall be responsible for employing and appointing ship's crew according to Article 33 and article 35 of this law.

### **Article 34: Rights and duties of ship's crew**

Working regulations, duties and rights of Vietnamese and foreign ship's crew working on vessels are defined according to Vietnamese law, except for other regulations provided in International treaties that Vietnam has joined or signed.

### **Article 35: Command of the captain or the head of ship's crew**

Captain or Skipper (on vessel that does not require a captain) is the highest-level commander on the vessel. All people on vessel shall obey commands of the captain or the controller.

### **Article 36: Functions and duty of ship's crew**

- 1- Ship's crew shall observe the functions and duty assigned to them.
- 2- The Minister of Transport provides regulations on Duty and rights of ship's crew.

- 3- The Ministry of Police and Ministry of Defense provide regulations on Duty and rights of ship's crew working on vessels of security and defense forces.
- 4- The Ministry of Aquaculture provides regulations on Duty and rights of ship's crew working on aquatic products catching vessels.

#### **Article 37: Passport of ship's crew**

- 1- Ship's crew on vessels operating on international routes between Vietnam and foreign countries shall have passports according to the law except for other regulations provided in treaties that Vietnam has signed with the countries.
- 2- The MOT provides regulations on the grant of passport to ship's crew

### **Chapter VI Inland waterways transport and supporting services**

#### **Section I: Inland waterways transport. Requirements for doing business in inland waterways transport and supporting services**

#### **Article 38: Classification of inland waterways transport**

- 1- Inland waterways transport includes:
  - a. Inland waterways transport for business purpose;
  - b. In inland waterways transport for internal use.
- 2- Inland waterways transport for business purpose is a form of transport where organizations or individuals use vessels to transport cargos, passengers and luggage for money.
- 3- In inland waterways transport for internal use is a form of transport where organizations and individuals use vessels to transport people, raw material, fuel, equipment and products to meet their own demand without charging money.

#### **Article 39: Inland waterways passenger transport for business purpose**

- 1- Inland waterways passenger transport for business purpose includes
  - a. **Inland waterways passenger transport for business purpose on a permanent route** is a form of business where vessels operate on only one or some certain routes. In this case, there are departure port, destination port and a permanent working diagram.
  - b. **Inland waterways passenger transport for business purpose without permanent route** is a form of business where vessels operate at the demand of customer, based on a transport contract.
  - c. **River-crossing passenger transport for business purpose** is a form of business where vessels transport passengers from one riverbank to the other and from riverbank to a floating facility of inland waterways and vice versa.

- 2- Inland waterways passenger transport for business purpose on a permanent route shall operate according to working diagram, which has been registered at a competent state management agency, and load and unload passengers at ports and landing stages, which are allowed to operate by the MOT.
- 3- The Minister of Transport provides regulations on inland waterways passenger transport management.

**Article 40: Requirements for doing business in inland waterways transport and supporting services**

- 1- All organizations and individuals doing business in inland waterways transport and supporting services shall register for business according to the law.
- 2- Foreign organizations and individuals are allowed to take part in direct investment and business in inland waterways transport with their modern technology and equipments in the form of a joint-venture or business cooperation contract.
- 3- The Government provides requirements for doing business and businesses that need special conditions in inland waterways transport and supporting services.

**Article 41: Internal use vessels doing business in inland waterways transport**

Internal use vessels shall not be used to do business in inland waterways transport. The owner of vessels shall observe regulations provided in Article 46 of this law when taking part in business in inland waterways transport.

**Article 42: Foreign vessels transporting cargos and passengers in Vietnam**

Foreign vessels are not allowed to transport cargos and passengers among ports and landing stages in Vietnam except for special cases that have permission from the Minister of Transport.

**Article 43: Charges of transport**

- 1- The Government provides a tariff for transport of passenger and some essential cargos that are for areas in extreme difficulty or funded by state budget.
- 2- The MOT issues tariff for transport and handling of overweight cargos that are for construction funded by state budget, in consultation with pricing management agency of the Government.

**Section II: Contract of cargo and passenger transport**

**Article 44: Principles of application**

Legal relationships in cargo and passenger transport contract, which are not provided in this law, shall be applied to regulations provided in the Civil Law and the Ordinance of Business contracts.

#### **Article 45: Bill of lading**

- 1- Bill of lading is a document of cargo exchange between the freighting demander and the transporter. The bill of lading is a legal basis to settle disputes in losses and damages of transported cargo, and a receipt for paying transport dues and charges.  
The form of Bill of lading is provided by the MOT.
- 2- The freighting demander shall provide information relating to cargo to fill in the Bill of lading and be responsible for the accuracy of the information he provides.

#### **Article 46: Duty of the transporter**

- 1- Cargo Transporter shall provide vessels of type, at time and location negotiated in the cargo transport contract, preserve cargo during transport period and deliver cargo to the recipient at quantity, quality, location and time required.
- 2- Passenger Transporter shall have vessels with suitable conditions to transport passenger according to regulations by the MOT, provide passengers with necessary information during the itinerary and fulfill all obligations in regulations on passenger, luggage, and parcel transport.

#### **Article 47: Rights of the transporter**

The transporter has the rights to:

- 1- Ask freighting demander for necessary information of cargo to fill in the Bill of lading;
- 2- Require inspection of cargo before transporting;
- 3- Require freighting demander to pay for all dues and charges of transport according to the contract;
- 4- Keep an amount of cargo whose value is equivalent to that of the payment of dues and charges that the freighting demander has not paid, to ensure the recover of debt.

#### **Article 48: Duty of the freighting demander**

- 1- Freighting demander shall prepare cargo, pack cargo with labels according to standards of packing and hand over to transporter at location and time negotiated.
- 2- Freighting demander shall cover expenses according to following regulations:

- a. **In cases where the contract is performed in one trip:** freighting demander shall pay transporter when cargo is loaded to vessel if there is no other agreement in the contract.
- b. **In cases where the contract is for a long period of time and many trips:** the 2 contracting parties shall negotiate for periodical payments. All payment should be performed before the end of the last trip if there is no other agreement in the contract.

#### **Article 49: Rights of the freighting demander**

Freighting demander has the rights to refuse loading cargo onto vessels if the vessels do not meet the requirements cited in the contract.

#### **Article 50: Compensation in case of violation and in case of force majeure**

- 1- A contracting party can withdraw from the contract if there is a violation of the contract by the other. The party that commits error shall pay for all expenses arisen.
- 2- In case of force majeure where the contract cannot be realized, each party shall be responsible for its losses. No party has to compensate for losses of the other.

#### **Article 51: Responsibility of transporter for the losses and damages of cargo**

- 1- Transporter shall be responsible for the losses and damages of all or a part of the cargo during the period of transport, from the moment of receiving the cargo to the moment of delivery (except for the case where a cargo escort is present).
- 2- Transporter shall be excused if he can prove that the losses and damages of the cargo are due to faults of the freighting demander, the characteristics of the cargo or force majeure.

#### **Article 52: Evaluation of compensation for losses and damages of cargo**

- 1- If transporter has to compensate for losses and damages of all or a part of the cargo, the evaluation shall base on the value of cargo calculated at the location and moment of time when the cargo should be delivered to recipient.
- 2- The value of the cargo shall be identified as market price of the cargo at the moment when the transporter pays the compensation. If there is no market price of the cargo, the price of the cargo should be the average price of commodities of the same type and quality.

#### **Article 53: Responsibility of the transporter for the safety of passengers**



Transporter shall be responsible for losses concerning life and health of passengers during the trip if he cannot prove that these losses are not his fault.

**Article 54: Responsibility of the transporter for the losses and damages of luggage and parcels**

- 1- Transporter shall pay for losses and damages of luggage and parcel according to regulations on compensation for losses and damages of cargo provided in Article 58 of this law.
- 2- Transporter is not responsible for losses and damages of hand-luggage, precious objects, money and documents that are under protection of passengers.

**Article 55: Time limit for compensation**

- 1- Time-limit to make a claim for compensation for losses and damages of cargo is 30 days from the date when the cargo is delivered to the recipient. The transporter shall accomplish the payment within 60 days from the date when the complaint is made.
- 2- Time-limit to make a claim for compensation for losses concerning life and health of passenger is 10 days from the date of losses. The transporter shall accomplish the compensation within 60 days from the date when the complaint is made by the passengers or their legal representatives.
- 3- Time-limit to make a claim for compensation for losses and damages of luggage and parcels and its accomplishment is subject to Item 1 of this Article.
- 4- If the 2 parties cannot accomplish the compensation, they can bring the case to court within 1 year from the deadline of payment for compensation that is stipulated in Item 1 and 2 of this Article.

**Article 56: Specific regulations on transportation of cargos, passengers, luggage and parcels**

- 1- The MOT provides Regulations on cargo transport and transportation of passengers, luggage and parcels in inland waterways.
- 2- Contracting parties of transport contract of cargos, passengers, luggage and parcels shall observe this law and other concerning regulations.

**Section III: Multi-modal transport**

**Article 57: Multi-modal transport**

Multi-modal transport is a case where the transport deed (bill of lading) is performed by the combination of inland waterways transport and other forms of transportation.

**Article 58: Responsibility of multi-modal transporter**

Organizations and individuals taking part in multi-modal transport shall observe Vietnamese regulations on multi-modal transport and other relating International treaties that Vietnam has joined or signed.

#### **Section IV: Vessels charter**

##### **Article 59: Principles of application**

Legal relationships in vessels charter contract, which are not provided in this law, shall be applied to regulations provided in the Civil Law and the Ordinance of Business contracts.

##### **Article 60: Form of charter**

- 1- There are 2 main forms of vessels charter as follow:
  - a. Time charter: to charter the vessel and ship's crew in a certain period of time.
  - b. Bear vessel charter: to charter the vessel without ship's crew.
- 2- Vietnamese organizations and individuals are not allowed to charter foreign vessels. Special cases shall have permission of the Minister of Transport.

##### **Article 61: Duty of the vessel lessor in time charter form**

Vessel lessor in time charter form shall provide ship's crew of number (amount), appropriate titles, professional certificates and licenses according to regulations. Vessel lessor shall be responsible for salary and other legal interests of the ship's crew during the period of charter, except for other agreements between the 2 contracting parties.

##### **Article 62: Re-charter of vessel**

- 1- Bear vessel charterer is entitled to put the vessel on charter again if there is such an agreement in the contract but the charterer is responsible to perform the contract that he has signed with the owner of the vessel.
- 2- Duties and rights of the vessel charterer when he puts the vessel on charter again are the same as that of the vessel owner.
- 3- The vessel cannot be put on re-charter more than once.

##### **Article 63: Termination of contract**

- 1- The charter contract is automatically terminated if the chartered vessel is missing, sunk or unrecoverable damaged.

The 2 parties shall carry out the liquidation of the contract. The contracting party that commits error shall be responsible for covering all losses of the other.

- 2- Both 2 contracting parties can terminate the contract without any compensation in case of force majeure.

## **Section V: Inland waterways supporting services**

### **Article 64: Cargo handling services**

- 1- Cargo handling services are the activities of loading, unloading and putting into warehouse of cargos at inland waterways ports and landing stages.
- 2- Organizations and individuals taking part in handling services shall carry out their activities only at ports and landing stages that are permitted to operate according to regulations of the MOT.

### **Article 65: Inland waterways transport agent services**

- 1- Inland waterways transport agent is a person who is authorized by the transporter or the owner of cargo to sign transport and cargo handling contracts (in this law called agent).
- 2- The transporter or the owner of cargo shall sign an agent contract with the agent for specific activity and time. The scope of authorization to the agent shall be clearly mentioned in the contract. The contract is a basis to define the legal relationship between the 2 contracting parties and is a proof of the authorization that the transporter or the owner of cargo grants to the agent in relations with a third party.
- 3- Contracting parties of the agent contract shall negotiate the agent expenditure.

### **Article 66: Responsibility of inland waterways transport agent**

- 1- On the basis of agent contract, the agent, in the name of the transporter or the owner of cargo, carries out activities in inland waterways transport, which include signing transport and cargo-handling contracts; delivering, receiving and preserving cargos; filling in bill of lading; and managing related income and expenditure.
- 2- The agent is responsible for protecting the interest of authorizer in the scope provided in the contract. If there occur incidents that are not included in the contract, the 2 contracting parties shall negotiate to find appropriate solutions according to the law.
- 3- The agent shall be responsible for making up losses due to his fault.

### **Article 67: Responsibility of the authorizer**

The authorizer shall guide the agent to help him perform the authorized job and provide the agent with advance payment for expected expenditure according to the contract.

### **Article 68: Termination of agent contract**

Contracting parties of the agent contract can terminate the contract under negotiated conditions.

#### **Article 69: Functions and duty of inland waterways pilot**

- 1- Inland waterways pilot (hereinafter called pilot) is an assistant to the captain, helping the captain to navigate safely on the route that the pilot is hired to lead the vessel.
- 2- While leading the vessel, the pilot is under the command of the captain. The pilot shall provide the captain with information of the navigation channel conditions and give recommendations about operations that are not in line with regulation on inland waterways transport safety and other regulations.
- 3- The task of the pilot is accomplished when the vessel either safely lands at the port or reaches an agreed place or there is a new pilot to replace him. The pilot shall not leave the vessel without permission of the captain.
- 4- The pilot shall take administrative and criminal responsibility only for his fault in situations provided in Item 4, Article 70 of this law.

#### **Article 70: Responsibility of the captain and the owner of the vessel during the period they employ pilot**

- 1- The captain is entitled to select or suspend the pilot and require the replacement of the pilot.  
The employment of the pilot does not mean the diminution in the responsibility of the captain for traffic safety.
- 2- The captain is responsible for informing the pilot of features and characteristics of the vessel; ensuring safety for the pilot when he goes aboard or leaves the vessel; and providing the pilot with favorable accommodation during his time on the vessel.
- 3- In the case where the pilot cannot leave the vessel when his task is completed, the captain shall stop the vessel at the nearest ports or landing stages. The owner of the vessel shall be responsible for returning the pilot to the agreed location.  
If the pilot is kept on the vessel at the demand of the captain, the owner of the vessel shall pay for all expenditure arisen.
- 4- If there are losses due to the fault of the pilot, the owner of the vessel or the vessel charterer (in case of bare vessel charter) shall be responsible for compensation as if the losses are caused by the ship's crew.

#### **Article 71: Compulsion and exemption of employing pilot**

- 1- Cases where pilots must be used:
  - a. Foreign vessel operating in Vietnam inland waterways;
  - b. Vietnamese seagoing vessels entering or leaving inland waterways ports and landing stages and vessels that are put under pilot operation;
  - c. When the captain demands using a pilot.

- 2- The Minister of Transport provides regulations on the exemption of using a pilot.

#### **Article 72: Activities of pilot**

The Minister of Transport provides regulations on organization, operation and certificate standards of pilot.

#### **Article 73: Tugging service**

- 1- Tugging service is an activity where tugboats are used to tug or push one or more vessels according to a tugging contract.
- 2- The owner of the tugboat and the tugging demander shall sign a tugging contract. The contract shall mention tugging technical conditions, tugging measure, characteristics of tugged vessel, departure location, destination, time of implementation, tugging charge and others.

#### **Article 74: Rescue contract**

- 1- Inland waterways rescue is carried out under a contract agreed by the 2 contracting parties.
- 2- All inland waterways rescue activities that bring good results shall be paid.
- 3- The owner of the rescued vessel shall be responsible for paying all rescue charges according to the contract.

### **Chapter VII**

#### **State management on inland waterways transport**

#### **Article 75: Content of State management on inland waterways transport**

- 1- Drawing up strategies, master plans, plans and policies on development of inland waterways transport; drawing up and providing guidance of implementation of national plans on transport safety and measures to ensure smooth and safe transport in inland waterways.
- 2- Issuance and implementation of legal documents on inland waterways transport.
- 3- Propagation, popularization and education of inland waterways transport.
- 4- Management, maintenance and protection of inland waterways facilities.
- 5- Providing registration of vessel and grant and revocation of number plates of vessel and certificates of technical safety and environment protection.
- 6- Training and management of personnel and providing supplementary training to technical worker in inland waterways; Grant, change and revocation of professional certificates and licenses of ship's crew.

- 7- Study and application of science and technology in inland waterways transport.
- 8- Inspection and settlement of complaint and accusation; imposition of necessary punishment on violations of inland waterways transport.
- 9- International cooperation in inland waterways transport.

#### **Article 76: Responsibility for State management on inland waterways transport**

- 1- The Government is responsible for general state management of inland waterways transport.
- 2- The MOT, under the control of the Government, is responsible for the implementation of state management of inland waterways transport.
- 3- The Ministry of Police is responsible for cooperation with the MOT in implementing measures to ensure order and safety of inland waterways transport; providing data of inland waterways transport accidents and making statement of punishment to violations of inland waterways transport.
- 4- Ministries, ministerial-level agencies, agencies under the Government are responsible for cooperation with the MOT in implementing state management of inland waterways transport.
- 5- People's committees at all levels are responsible for implementing state management of inland waterways transport and carrying out measures to ensure order and safety of inland waterways and protection of inland waterways transport infrastructure in local area.

#### **Article 77: Inspection of inland waterways transport**

- 1- Inland waterways transport inspectorate is sectoral inspectorate.
- 2- Inland waterways inspectorate is responsible for inspecting the implementation of regulations on:
  - a. Protection of inland waterways transport facilities;
  - b. Technical standards of inland waterways transport facilities;
  - c. People and vessels taking part in inland waterways transport at ports and landing stages.
- 3- While carrying out inspection, the inspector shall present inspecting decision (for inspecting a case) and inspector card (for regular inspection).
- 4- Rights of inland waterways transport inspectorate:
  - a. Require concerned agencies, organizations and individuals to provide documents and explanation of necessary issues for the inspection;
  - b. Draw up minutes and petition solutions to the issues;
  - c. Impose administrative fine on violations according to the law.

- 5- Inspectorate and inspectors shall be responsible for their judgment and decision.
- 6- The Government provides specific regulations on organization and operations of inland waterways transport inspectorate.

#### **Article 78: Duty of inspectee**

Inspectee is responsible for fulfilling requirements of inspectorate and inspectors; creating favorable conditions for the inspectorate to perform the mission; implementing decision of the inspectorate and inspectors according to the law.

#### **Article 79: Patrol and control of inland waterways police**

- 1- Inland waterways transport police patrol, control and impose punishment on violations of inland waterways transport regulations by people and vessels. Inland waterways transport police shall be responsible for their decision.
- 2- The Minister of Police provides specific duties and rights in patrolling and controlling of inland waterways transport police

#### **Article 80: River port authority**

River port authority is an agency with functions of state management at inland waterways ports and landing stages.

- 1- Duties of River port authority
  - a. To examine the implementation of regulations on:
    - i. Professional certificate and a paper proving the accomplishment of a course on traffic regulations of people taking part in inland waterways transport at ports and landing stages in the area of responsibility;
    - ii. Document relating to vessel according to the law;
    - iii. Safety of wharf, navigation channels, signaling system and other relating facilities;
    - iv. Environment protection;
  - b. To grant permit to Vietnamese and foreign vessels entering and leaving ports and landing stages;
  - c. To carry out rescue of people, vessels and cargos in area of responsibility;
  - d. To draw up minutes and petition solutions to violations;
  - e. To impose administrative fine on violations according to the law;
  - f. To collect dues and charges according to the law.
- 2- Rights of River port authority

- a. To suspend entering and leaving vessels at ports and landing stages if they do not meet safety requirements;
  - b. To mobilize people and vessels to rescue people and vessels in danger in the area of responsibility;
  - c. To suspend the loading and unloading of cargos and passengers at ports and landing stages that do not meet safety requirements.
- 3- The Director and personnel of RPA shall be responsible for their decision.
  - 4- The Government provides regulations on organization and operations of RPA.

#### Article 81: Rights of complaint, accusation and suing

- 1- Agencies, organizations and individuals have the rights to complain and start proceedings against decision or measures by state agencies, officer or staff according to the law. Agencies, organizations and individuals can claim for their losses due to the inappropriate decision or measures by state agencies, officer or staff.
- 2- Individual has the rights to make accusation to state agencies about violations of inland waterways transport regulations.
- 3- When receiving the complaint, accusation or proceedings, relevant agency shall have timely measures according to the law.

### **Chapter VIII Reward and Punishment**

Article 82: Reward

Article 83: Punishment of violation

### **Chapter IX Provision of implementation**

Article 84: Guidance for the implementation of the law

Article 85: Effectiveness



## Appendix 6 Current IWT Demand Characteristics

As supporting and/or complementary data and information for **Chapter 6**, the following tables/figures are provided in this Appendix:

**Table A6.1.1** covering historical trend of IWT demand

**Table A6.1.2** covering GDP trend during 1990 – 2000 at 1994 constant prices

**Figure A6.1.1** covering relation of GDP and cargo volume

**Figure A6.1.2** covering relation of GDP and passenger volume

**Table A6.1.3** covering historical trend of IWT demand in the North

**Table A6.1.1 Historical Trend of IWT Demand**

A. Cargo Transport

unit:000 tons

Year	Railway	Road	IWT	Maritime	Total	% of IWT
1990	2,341	31,765	16,295	3,484	55,875	29.2
1991	2,567	33,962	15,566	4,330	58,416	26.6
1992	2,774	40,120	16,894	5,105	66,885	25.3
1993	3,187	45,970	16,797	4,498	72,445	23.2
1994	4,000	49,440	17,533	5,461	78,428	22.4
1995	4,515	55,952	20,051	6,670	89,183	22.5
1996	4,042	63,813	23,395	8,843	102,089	22.9
1997	4,752	71,912	25,941	9,661	114,264	22.7
1998	4,978	76,577	26,693	10,620	120,865	22.1
1999	5,146	81,674	27,843	11,742	128,404	21.7
2000	6,239	85,622	29,761	12,576	136,198	21.9

B. Cargo Transport

unit: million ton-km

Year	Railway	Road	IWT	Maritime	Total	% of IWT
1990	847	1,631	1,749	8,313	14,530	12.0
1991	1,103	1,815	1,765	12,519	19,193	9.2
1992	1,077	2,075	1,817	12,016	18,977	9.6
1993	978	2,437	1,335	12,650	19,393	6.9
1994	1,370	2,646	1,971	14,104	22,085	8.9
1995	1,751	2,968	2,248	14,803	23,765	9.5
1996	1,684	3,498	2,487	21,366	31,031	8.0
1997	1,533	3,824	2,760	26,158	36,273	7.6
1998	1,369	4,252	2,846	24,127	34,592	8.2
1999	1,446	4,524	2,970	26,449	37,388	7.9
2000	1,921	4,799	3,155	28,551	40,426	7.8

C. Passenger Transport

unit: million passengers

Year	Railway	Road	IWT	Total	% of IWT
1990	10.4	271.5	43.6	325.5	13.4
1991	9.5	332.9	92.6	435.0	21.3
1992	8.7	388.7	92.5	489.9	18.9
1993	7.8	419.2	86.4	513.4	16.8
1994	7.9	440.6	104.1	552.6	18.8
1995	8.8	472.2	109.8	590.8	18.6
1996	8.5	509.4	117.9	635.8	18.5
1997	9.3	548.0	124.7	682.0	18.3
1998	9.7	584.8	127.8	722.3	17.7
1999	9.3	624.7	126.3	760.3	16.6
2000	9.7	655.7	130.2	795.6	16.4

D. Passenger Transport

unit: million passenger-km

Year	Railway	Road	IWT	Total	% of IWT
1990	1,913	8,352	1,014	11,279	9.0
1991	1,767	9,438	1,186	12,391	9.6
1992	1,752	10,621	1,145	13,518	8.5
1993	1,921	10,601	1,310	13,832	9.5
1994	1,796	11,150	1,412	14,358	9.8
1995	2,133	12,743	1,432	16,308	8.8
1996	2,261	14,279	1,606	18,145	8.8
1997	2,476	15,083	1,676	19,235	8.7
1998	2,542	15,962	1,733	20,237	8.6
1999	2,722	16,826	1,777	21,325	8.3
2000	3,086	17,543	1,828	22,456	8.1

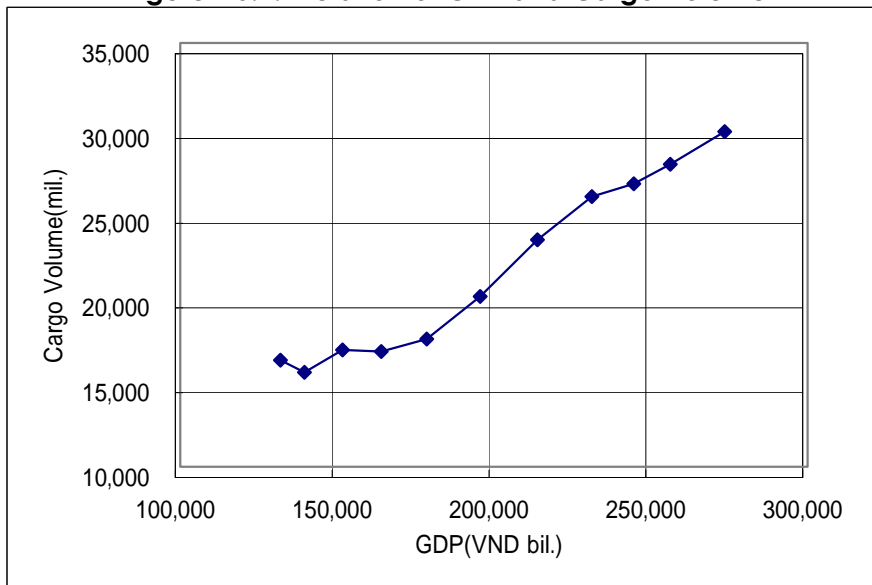
Source: GOS, "Statistical Yearbook", 2000

**Table A6.1.2 GDP Trend (1990-2000) at constant 1994 prices**

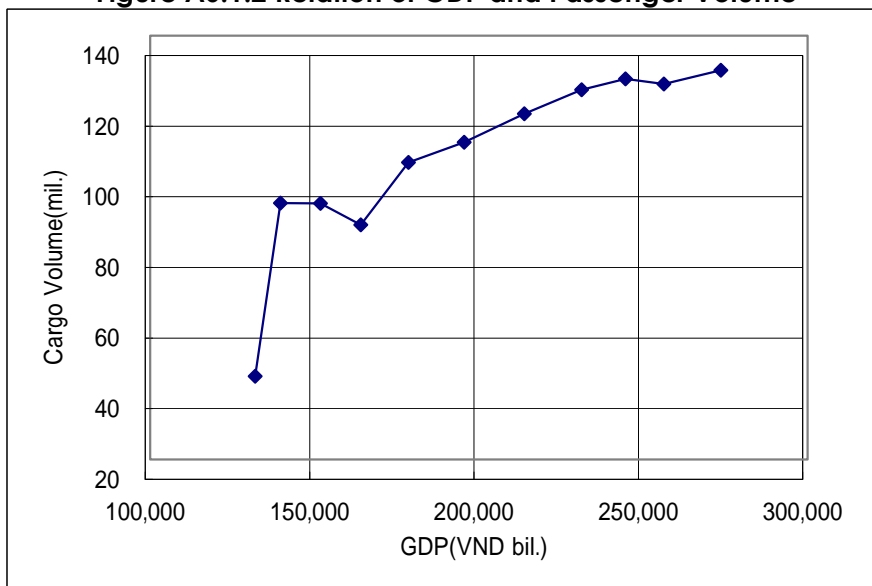
unit: VND billion

Year	Primary	Secondary	Tertiary	Total
1990	42,003	33,221	56,744	131,968
1991	42,917	35,783	60,934	139,634
1992	45,869	40,359	65,554	151,782
1993	47,373	45,454	71,216	164,043
1994	48,968	51,540	78,026	178,534
1995	51,319	58,550	85,698	195,567
1996	53,577	67,016	93,240	213,833
1997	55,895	75,474	99,895	231,264
1998	57,866	81,764	104,966	244,596
1999	60,895	88,047	107,330	256,272
2000	63,353	96,916	113,313	273,582

**Figure A6.1.1 Relation of GDP and Cargo Volume**



**Figure A6.1.2 Relation of GDP and Passenger Volume**



**Table A6.1.3 Historical Trend of IWT Demand in the North**

A. Cargo Transport

unit: 000 tons

Year	North East & North West			Red River Delta			The North		
	All modes	IWT	(%)	All modes	IWT	(%)	All Modes	IWT	(%)
1990	4,573	-	-	12,542	-	-	17,115	-	-
1991	5,408	1,335	24.7	13,317	4,331	32.5	18,725	5,666	30.3
1992	6,056	1,190	19.6	15,880	4,717	29.7	21,936	5,907	26.9
1993	6,269	1,227	19.6	17,475	5,211	29.8	23,744	6,438	27.1
1994	7,618	934	12.3	15,545	3,757	24.2	23,163	4,691	20.3
1995	8,666	1,070	12.3	17,396	4,291	24.7	26,062	5,361	20.6
1996	9,792	1,568	16.0	20,041	5,322	26.6	29,833	6,890	23.1
1997	10,656	1,677	15.7	22,221	5,778	26.0	32,878	7,454	22.7
1998	9,150	1,319	14.4	25,919	5,919	22.8	35,069	7,238	20.6
1999	9,728	1,443	14.8	27,562	6,774	24.6	37,290	8,217	22.0

B. Cargo Transport

unit: million ton-km

Year	North East & North West			Red River Delta			The North		
	All modes	Water Way	%	All modes	Water Way	%	All modes	Water Way	%
1990	440	-	-	969.5	-	-	1,410	-	-
1991	626	183	29.2	882.4	164	18.6	1,508	347	23.0
1992	609	225	37.0	979	381	38.9	1,588	606	38.2
1993	657	243	37.0	1088	443	40.7	1,745	686	39.3
1994	689	94	13.7	1072.6	351	32.7	1,761	445	25.3
1995	784	112	14.3	1302.6	408	31.3	2,086	520	24.9
1996	873	339	38.8	1406.8	916	65.1	2,280	1,254	55.0
1997	936	372	39.7	1551.3	995	64.1	2,487	1,367	55.0
1998	1,332	475	35.7	1689.2	1,048	62.0	3,021	1,523	50.4
1999	1,392	466	33.5	1858.2	1,142	61.5	3,250	1,608	49.5

C. Passenger Transport

unit: million passengers

Year	North East & North West			Red River Delta			The North		
	All modes	Water Way	%	All modes	Water Way	%	All modes	Water Way	%
1990	9.0	-	-	42.8	-	-	51.8	-	-
1991	10.8	1.5	14.3	39.6	2.0	5.0	50.4	3.5	7.0
1992	16.1	2.6	16.1	37.8	1.8	4.8	53.9	4.4	8.2
1993	16.4	2.8	17.1	42.1	1.7	4.0	58.5	4.5	7.7
1994	19.4	3.0	15.5	44.2	2.8	6.3	63.6	5.8	9.1
1995	21.4	2.6	12.1	47.3	3.8	8.0	68.7	6.4	9.3
1996	24.4	4.1	16.8	50.4	4.5	8.9	74.8	8.6	11.5
1997	26.2	4.2	16.0	55.6	4.6	8.3	81.8	8.8	10.8
1998	27.2	4.4	16.2	58.1	3.2	5.5	85.3	7.6	8.9
1999	25.9	3.6	13.9	64.1	3.6	5.6	90.0	7.2	8.0

D. Passenger Transport

unit: million passenger-km

Year	North East & North West			Red River Delta			The North		
	All modes	Water Way	%	All modes	Water Way	%	All modes	Water Way	%
1990	713	-	-	1,229	-	-	1,942	-	-
1991	641	46	7.2	1,045	35	3.4	1,686	81	4.8
1992	821	70	8.5	941	34	3.6	1,762	104	5.9
1993	845	72	8.5	1,014	37	3.6	1,859	109	5.9
1994	1,009	106	10.5	1,037	33	3.2	2,047	139	6.8
1995	1,230	83	6.7	1,296	36	2.8	2,526	119	4.7
1996	1,326	83	6.3	1,459	51	3.5	2,785	134	4.8
1997	1,406	86	6.1	1,552	53	3.4	2,958	139	4.7
1998	1,332	68	5.1	1,786	39	2.2	3,118	107	3.4
1999	1,392	60	4.3	1,879	38	2.0	3,271	97	3.0

source: TDSI

## **Appendix 13 Information Relating to Land Use Planning**

### **Appendix 13.1 Prime Minister Decision**

DECISION N<sup>o</sup> 108/1998/QĐ-TTĐ DATED 20<sup>th</sup> JUNE, 1998.  
of THE PRIME MINISTER

Approving of the adjustment of the master plan of  
Ha Noi city up to 2020.

PRIME MINISTER

- Pursuant to the law on Government Organization dated September 30<sup>th</sup>, 1992.
- Considering the recommendation of the Chairman of the Hanoi People Committee and the Minister of Construction in document N<sup>o</sup>01/UBTP-BXD dated January 6<sup>th</sup>, 1998.

DECISION

1. Approving the adjustment of the master plan of the Ha Noi city up to 2020 with the main contents as follows:

1. Objectives:

- The orientation of the Viet Nam urban development master plan shall determine special location and roles of the city in accordance with the economic - social development orientations, targets and development policies of industrialization and modernization.
- Well-cooperation between construction, development with security, national defense in order to develop the Hanoi city to be the modern, ethical one and political, cultural, technical, science center.

2. Planning Scope and space development orientations

Planning space structure includes the central Hanoi City and surrounding urban such as: Ha Tay, Vinh Phuc, Bac Ninh, Hung Yen with the affecting radius from 30 to 50 km.

In the long term, the Hanoi city will develop toward the West side establishing the Mieu Mon - Xuan Mai - Hoa Lac - Son Tay (Ha Tay province) urban chain, Soc Son (Hanoi city) - Xuan Hoa - Dai Lai - Phuc Yen (Vinh Phuc province) urban group and others are located in the north and others to make best use of topography location, natural conditions, transportation

and infrastructure advantages. At present, the central Hanoi capital will be developed toward west - north, west - south and north, in which the northern area of Red River will be priority to develop. In this area, one new Ha Noi city will be formed including Bac Thang Long - Van Tri, Dong Anh - Co Loa, Gia Lam - Sai Dong - Yen Vien areas and continuing to implement developing investment projects in the Nam Thang Long area.

3. Population scale:

By the 2020, the population of the Ha Noi capital and surrounding urban will be 4.5 to 5 million in which the population of the Ha Noi capital is 2.5 millions and 2.0 to 2.5 million for the surrounding urban.

4. Planning of land utilization and urban landscape architecture:

a. Land utilization target:

- The average urban land utilization target will be 100m<sup>2</sup>/per person in which land for transportation should ensure is 25m<sup>2</sup> per person, 18m<sup>2</sup>/head is for planting, park, sports and social welfare construction counts to 5m<sup>2</sup> per head.

b. Functional areas:

- Residential areas include developing restricted area which is limited from the belt route No. 2 (Vinh Tuy - Nga Tu Vong - Cau Giay - Nhat Tan) to the center, and its population will be 0.8 million people. And the main development areas will be located outside of the belt route No. 2 with the scale of the population is 0.7 million people in the south of the red river and 1 million in the north of the red river.
- The existing industrial zones will be upgraded, re arranged to appropriate to the Ha Noi city construction plan as well as developing new industrial zones such as Soc Son, Bac Thanh Long, Nam Thang Long, Sai Dong A, Sai Dong B, Dong Anh and to improve and enlarge industrial zones as Cau Dien, Cau Buou, Phap Van, Duc Giang. Moreover, residential areas can be located near clean small high tech factories.

3000 ha will be used to build industrial zones.

- System of public centers consist of the existing city centers such as Ba Dinh - national poli-administrative center, city poli-administrative center in the Hoan Kiem lake, and new commercial, financial, service, cultural centers in the West of the West lake, Nam Thang Long (Xuan La, Xuan Dinh, Nghia Do),

Phuong Trach (South Van Tri) and Co Loa - of sport, cultural and service center.

- Supporting to the above city centers are a system of districts and area centers.
- + Specialized centers:
  - The administration offices are located at the city administration centers, districts and communes. The head offices of foreign enterprises, organization and representative are on the main streets.
  - Education and training centers are in Giai Phong Street, Nguyen Trai Street, 32 Street, Trau Quy, Me Tri, and some others.
  - Science Research Institutes are concentrated at old districts and Nghia Do district.
  - Health Care centers and hospitals are located on the area: Bach Mai, Tran Khanh Du, Trang Thi, Quan Su, Xuan La - Nhat Tan, Van Tri and others.
  - Specialized hospitals will be built in Gia Lam, Soc Son and some suitable areas.
  - City and national sport combination centers will be built in My Dinh (Tu Liem district). Other sport centers will be arranged in Hang Day, Quan Ngua, Nhon, Van Tri, Co Loa, Trieu Khuc...
  - To improve, upgrade existing parks, gardens and plants combining with develop plant parks in Yen So lake, Linh Dam, Trieu Khuc, Me Tri, Nhue river, Phu Thuong, Van Tri, Co Loa, Gia Lam Sai Dong area. ....
  - To grow ecological trees along some rivers: To Lich, Lu. Set, Kim Nguu, Hue, Ca Lo, Duong and Red river and along the street.

In countrysides, "green belt" will be formed with its width of 1 to 4 km to protect environment and maintaining the balance of the city environment.

- Existing and new security and defense offices will be arranged suitably ensuring construction, land utilization in accordance with plan and regulations of land law.

c. Urban Architecture:

- In the ancient street: cultural and historical heritages, worthy architecture should be preserved and improved, building national hero statues, to upgrade infrastructure, accommodation, working conditions, traffic for people.
- To restrict the height of new buildings in ancient street. The high building will be located at suitable areas.

- In the newly developed areas: some existing and new villages will be improved the following modern and ethical ways.
- There are more gardens, parks and plants will create freshly ecological environment in the capital.
- To pay attention to increase the average rate of high buildings, exploring space to save land.

## 5. Technical Infrastructure and traffic plan

### a. Traffic plan:

- General principle:
  - + Traffic infrastructure must be given priority to develop synchronous with other infrastructures in order to complete structure of the city plan serving effectively socio-economic activities of the capital.
  - + Average rate of construction land for transport infrastructure including should be reached 25% of the urban land.
  - + In developing city transportation, public passenger transport development should be taken as intermediate, ensuring its rate to 2010 is 30% and 50% in 2020.
- Road, highway
  - + To improve and enlarge the national highways toward the city: national highways Nos.: 2, 3, 5, 6, 18, 32. The Lang - Hoa Lac highway will be constructed completely.
  - + Completing the construction of the belt routes No. 1, 2, 3 and to study preparing belt No. 4.
  - + To improve and upgrade all existing roads in the city, especially are transport corridors and junctions as Tay Son street, Le Duan street with Cau Giay junction; La Thanh street with Kim Lien junction; O Cho Dua, Cau Giay, Tran Quang Khai and Chuong Duong bridge junctions; Bach Mai street with Trung Hien junction; Lang Trung - Nguyen Chi Thanh - Lieu Giai - Hoang Hoa Tham street as well as improvement and upgrading of road network in the ancient streets .

### Supplementing routes at low road density area

- + Completely building and to modernize road networks combining synchronous with underground technical infrastructures in new development areas.
- + To build systems of parking stations bus stops to make sure the average distance from the functional areas to parking areas of 500 - 600. Inter-



provincial parking stations will be constructed as Gia Lam, Giap Bat, Mai Dich, Dong Anh....

- To rebuild the Long Bien Bridge, newly building the Thanh Tri Bridge and other bridges over the Red River to meet development demand of the city from both banks of the Red river.
- For railways:
  - + The railway clue in the west of city will be kept as original; to newly build railway section from Van Dien to Co Bi (over Thanh Tri) then over Duong river at the Bot Vang pumping station and to Bac Hong station to avoid the Co Loa heritage.
  - + To complete urban railway system including Phu Dine, Ha Dong, Viet Hung, Giap Bat, Gia Lam, Yen Vien, Bac Hong, Van Tri, Co loa railway stations in which Co Bi, Yen Vien, Viet Hung, Bac Hong stations will be for cargo trains and others for passenger trains, respectively.
  - + Urban railway will be given priority to be main routes for public passenger network. In the short time coming, the following lines will be built such as Van Dien - Hang Co- Gia Lam - Yen Vien; Ha Dong - Nga Tu So- Hang Co; Hang Co - Cat Linh - Kim Ma- Thu Le - Nghia Do - Phu Dien - Minh Khai; Giap Bat- 3<sup>rd</sup> belt; Thang Long bridge - Noi Bai and Kim Ma - lang Trung - Hoa Lac.
  - + To pay attention to build passenger transit clue with high volume and modern as Hang Co and Noi Bai stations.
- For airway:
  - + To enlarge and completely build Noi Bai airport as the plan approved by PM in decision no 152/TTg dated April 4<sup>th</sup>, 1994. Gia Lam, Bach Mai, Hoa Lac are local airports. In the future, international airport will be built at Mieu Mon.
- For waterway transportation
  - + To dredge and train Red River, improving Hanoi (at Pha Den), Khuyen Luong ports and Van Kiep, Thuong Cat ports will be constructed.
- a. Land technical preparation
  - To build the raining drainage system including pumping stations, culvert system and drainage canal with its density of 0,6 to 0,8 km/km<sup>2</sup>.
  - To improve and build a system of mild lakes combining with improvement of lake- side landscape ensuring lake area by 5% to 7% of basin area.
  - Stabilizing the Red River, Day River dykes to prevent flooding for the Hanoi center.
  - To build roads nearing lakes, rivers and to construct dykes and bank protection works.
- b. For water supply

- At least 90 - 95% of urban population will be supplied water with 150 - 180 liters one person per day by 2010. This figure will be 180 - 200 liters per head daily by 2020 for 95-100 % population.
  - To rationally exploit underground water, and initially exploiting surface water resource of Red, Day, Cau, Cong river system.
- c. For electricity supply
- To build 3 more 220 KV electricity stations in Da Phuc, Tay Bac, Van Tri dam and Thanh Cong to increase the capacity of the source station to 2500 MVA and newly build 16 electricity others.
  - To improve and build 220 KV, 100 KV, 22 KV lines modernly, ensure modern, well looks and safely.
- d. For dirty water drainage and environment protection
- To improve and upgrade systems of dirty water and falling water drainage in old streets of the city, constructing one dirty water system in newly built areas.
  - By 2020, 100% of solid waste of the city must be collected, transported and treated with suitable technology.
  - To improve and upgrade small and large cemeteries suitable with condition of each province.
6. The first stage of construction plan
- By 2005, the key programs on urban development and management shall be concentrated and implemented including:
- a. Programs to prepare to the 1000th Thang Long ceremony.
  - b. Program on of technical - economic bases investment construction, to push up developing urban and solving jobs for people..
  - c. Program on transport system development, improvement, investment and urban technical infrastructure.
  - d. Program on environmental protection investment, natural condition frame establishment protect environments, ecological balance.
  - e. Program on new urban areas investment and development, building homes and re-residential blocks but controlling the population growth in local urban districts.
  - f. Program on urban management efficiency and capacity increase.

Article 2: Hanoi People Committee and Ministry of Construction and other related ministries will implement the adjustment of Ha Noi city master plan to 2020:

1. Approving the design report of the adjustment of Ha Noi city master plan to 2020 after having MOC's opinions.
2. To public the adjustment of the Ha Noi City master plan to 2020 to people to check and implement.
3. To make long term and annually plans to carry out the city construction and improvement plan.
4. To improve the capability of architectural and planning bodies. To clarify rights and obligations of the chief architect in assisting the chairman of Hanoi people Committee to make the plan.
5. To make and edit architecture management regulations and city construction plan to be submitted to PM.
6. To raise the investment rate from total budget income to meet the city development demand.
7. To mobilize local and foreign investment loans under various forms to implement the upgrading and building projects of the Hanoi city.
8. To cooperate with investment owner, foreign consultant organizations, especially the international organizations which have cooperated with Viet Nam to design the adjustment and investing to build newly urban areas in North of Red River and others.
9. To complete legal regulations, organization (administrative structure) and operation mechanism, policies and solution to pilot manage investment and develop newly built block, accommodation so as to maximize the advantage to make the ends of quickly developments of Hanoi meet.
10. To complete the detail plan of new urban areas in the West of the West Lake and the north of the Red River to be submitted PM for approval after being considered by Minister of Construction.

### Article 3

1. To form a steering committee in planning and construction of the Hanoi city in which:  
Vice PM as the Chairman, Minister of Construction, Chairman of Hanoi People Committee as vice Chairman, and members are Minister of Defense, Minister of Transportation and Communication, Minister of Planing and Investment, Minister of Culture and Information, Minister of Finance, Minister of Science-Technology and Environment, Committee of Government, National Banking and Committee of related provinces.

The Steering Committee shall cooperate with People Committees of the related provinces to implement the approval plan.

Article 4: The decision will be effected after 15 signing days.

The chairman of Hanoi People Committee, Ministers, the leader of entities of PM, chairman of related provinces are obligation shall be responsibility to implement this decision.

Prime Minister  
Phan Van Khai

## Appendix 13-2 Law on Land

Legal document: LDD

- **Date:** 07/14/93
- **Number:** LDD
- **Name of Document:** Law on Land

National Assembly

SOCIALIST REPUBLIC OF VIETNAM  
Independence-Freedom-Happiness

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Hanoi, 14 July 1993.

### LAW ON LAND

Land is an extremely valuable national resource and is a special means of production. It is the most important part of the environment and is the resource on which residential zones are based, and from which economic, cultural, social security, and national defense establishments are constructed;

Over many generations our people have devoted an enormous amount of effort and labor and sacrificed our lives in order to reform and protect the land as it now is.

Pursuant to articles 17, 18 and 84 of the 1992 Constitution of the Socialist Republic of Vietnam.

This Law makes provisions for a regime for the management and use of land, and the rights and obligations of land users.

#### CHAPTER I

##### General Provisions

###### Article 1

Land is the property of the people, and is subject to exclusive administration by the State.

The State shall allocate land to economic organizations, units of the people's

armed forces, State bodies, political and social organizations (hereinafter generally called organizations), family households, and individuals for use on a stable and long term basis. The State shall also allocate land to organizations, family households, and individuals (hereinafter referred to as land users) on a rental basis.

The State shall allow foreign organizations and individuals to rent land.

## Article 2

1. Those who are using land on a stable basis, as certified by the people's committees of villages, wards and townships, shall be assessed by an authorized State body and issued with a certificate of the right to use land.
2. The State shall not acknowledge the recovery of land which was transferred to other land users during the implementation process of the land policies of the Democratic Republic State of Vietnam, the provisional Revolutionary Government of the Republic of South Vietnam, and the Socialist Republic of Vietnam.
3. The State shall promulgate policies which guarantee the allocation of land for production to those who work in the agriculture, aquaculture, and forestry industries.

## Article 3

1. The State shall protect the legal rights and interests of land users.
2. Any household or individual shall have the right to exchange, transfer, rent, inherit, or mortgage the right to use land allocated by the State.

The above-mentioned rights may only be exercised during the period for which the land is allocated, and in accordance with the purpose for which the land is allocated, pursuant to the provisions of this Law and other laws.

3. The rights and obligations of a domestic organization which was allocated which it rents from the State shall be stipulated by the Standing Committee of the National Assembly.

## Article 4

All land users shall be responsible for the protection, improvement, and

nourishment of the land, and to use it rationally and effectively.

They shall be responsible for the observance of all procedures relating to the zoning of land, and payment of tax levied on the transfer of the right to use land and on other revenue received in accordance with the provisions of the law.

#### Article 5

The State shall encourage all land users to invest labor, material, capital, and scientific and technological know-how for the following purposes:

- increase in the utilization value of the land;
- intensive cultivation and propagation of crops and for the increased efficiency of land use;
- reclamation of waste and unused land and of land from the sea, cultivation of wasteland, bare hills, and coastal sand dunes in order to expand the land available for farming, forestry, aquaculture, and salt production;
- land protection, improvement, and fertilization;
- economical land use.

#### Article 6

All forms of land appropriation, illegal transfer of the right to use land, incorrect use of the land allocated, and damage to the land shall be prohibited.

#### Article 7

The National Assembly shall exercise the ultimate powers of decision and supervision regarding national land administration and land use.

The people's councils at all levels shall, on behalf of the State, exercise ultimate powers of decision and supervision regarding land management and land use in their localities.

## Article 8

The Government shall on behalf of the State, uniformly administer land.

The people's committees at all levels shall, on behalf of the State, administer land within their respective local areas and within the scope of their respective authority, as stated in this Law.

Heads of agencies responsible for land administration at central level shall be responsible to the Government, and heads of local agencies responsible for land administration shall be responsible to the people's committees of the same level in respect of the administration of land by the State.

## Article 9

Ministers, heads of bodies at ministerial level, and heads of departments of the Government shall, to the extent of their respective duties and powers, be responsible for ensuring the correct and effective use of the land which has been allocated to bodies and department under their authority.

## Article 10

The Fatherland Front of Vietnam and its member organizations, other social and economic organizations, units of the people's armed forces, and all citizens shall support the State authorities in their implementation of measures aimed at protecting the land and ensuring its national and economical use in accordance with planning and the law.

State bodies shall, within the scope of their respective duties and powers, consider and resolve petitions presented by other State bodies, economic organizations, units of the people's armed forces, and citizens for successful implementations of measures for land protection and use.

Land is categorized, depending on the main purpose for which it is intended to be used, as follows:

1. Farm land
2. Forestry land
3. Land for residential areas
4. Urban land



5. Specialized land
6. Unused land

## Article 12

The State shall determine prices applicable to each category of land for the purpose of tax calculation (in respect of transfer of the right to use land), revenue collection (in respect of land allocation and rent), valuation of property (in respect of land allocation), and compensation for damages when the land is recovered. The Government shall provide a price list for each category of land for each different area and for each period of time.

## **Chapter II**

### **Administration of Land**

## Article 13

State administration of land shall include:

1. investigation, survey, measure, assessment and classification of land, and drawing of land maps;
2. Zoning of land and planning for its use;
3. promulgation of rules and regulations for land administration and use, and organization of the implementation of these rules and regulations;
4. Allocation, rental, and recovery of land;
5. Land registration, establishing and maintaining land registers, management of land use contracts, recording land statistics and inventories of land, and granting certificates of the right to use land;
6. Inspection to ensure compliance with rules and regulations on land administration and land use;
7. Resolution of land disputes and complaints, and denouncement of breaches of provisions on land administration and land use;

## Article 14

1. The Government shall provide necessary guidance to the people's committees of the provinces and cities under central authority in their investigation, survey, measure, assessment and classification of land.
2. The higher people's committees shall provide necessary guidance to land administration bodies and immediately subordinate people's committees on the monitoring of changes in land areas, categories of land, and land users, and the timely adjustment of land records so that they are in accordance with the actual use of land within their localities.

## Article 15

1. The Government shall provide necessary guidance and organize the preparation of land maps nationally.

Land administration bodies at central level shall promulgate technical regulations and standards for the preparation of land maps.

3. The original land maps shall be kept at the central land administrative body, and copies of these shall be kept at the land administration offices of the provinces and cities under central authority, in districts, towns and cities of provinces, and at people's committees of communes, precincts, and wards. All copies shall be as equally valid as the original ones.

## Article 16

1. The Government shall be in charge of national zoning and land use planning.
2. The people's committees at all levels shall be responsible for zoning and planning the use of land within their respective local areas, and shall submit these to the people's councils for approval, prior to their submission to an authorized State body for approval.
3. Ministries, bodies at ministerial level, and bodies of the government shall, on the basis of their respective duties and powers, be responsible for zoning and planning the use of land within their jurisdiction, and shall submit these to the Government for approval.

4. Land administration bodies at central and local levels shall, in conjunction with the relevant, bodies, assist the Government and the people's committees at all levels in zoning and land use planning.

#### Article 17

1. Land use zoning shall include:

(a) Zoning different categories of land such as farm land, forestry land, residential land, urban land, specialized land, and unused land for each different locality and nationality;

(b) Adjustment of the above-mentioned zoning so that it is in accordance with each phase of social and economic development for each locality and nationally.

2. Land use planning shall include:

(a) Zoning the use of each category of land in each planning period.

(b) Adjust the plans for land use so that they may be appropriate to the zones.

#### Article 18

Authority to approve and examine zoning and land use planning:

1. The National Assembly shall approve national zoning and land planning.

2. The Government shall examine and approve the zoning and land use planning by Ministries, bodies at ministerial level, bodies of the Government, and people's committees of the provinces and cities under central authority.

3. The people's committees at each level shall examine and approve the zoning and land use planning by the immediately subordinate people's committees.

4. An authorized State body shall be permitted to amend any zoning or planning approved by it.

#### Article 19

All decisions regarding the allocation of land shall be subject to the following

requirements:

1. They must be made in accordance with the zoning or land use planning approved by authorized State bodies;
2. They must accord with the demand for land use stated in the feasibility study and in the original scheme approved by authorized State bodies, or in the application for land allocation.

#### Article 20

The State shall allocate land to organizations, households, and individuals for use on a stable and long term basis.

The duration of land allocation for use on a stable and long term basis for planting annual trees and for aquaculture shall be twenty (20) years, and fifty (50) years for perennial trees. At the expiry of the duration, if the land user wishes to continue using the land the State shall comply with that wish, provided that the land user has strictly observed all laws relating to land during his period of occupancy.

The State shall allocate land to households and individuals for long term use for the purpose of building residential houses, and shall only recover the land from them in circumstances stated in articles 26 and 27 of this Law.

The duration of the allocation of land in other categories for long term and stable use shall be stipulated by the Government.

#### Article 21

Any decision in respect of the allocation to another user of land which is currently in use shall not be made until a decision on the recovery of that land has been issued.

#### Article 22

Organizations and households which, and individuals who were allocated with land for use in agriculture, forestry, aquaculture, and salt production shall not have to pay rent for that land. Payment of rent shall be required if land is allocated for other uses except where there is a reduction of or an exemption from rent as stipulated by the Government.

## Article 23

The authority to allocate land for use other than in agriculture and forestry shall be stipulated as follows:

1. The Standing Committee of the National Assembly shall approve the annual plans submitted by the Government for the allocation of farm and forest land to other uses.
2. The Government shall examine and approve the annual plans submitted by the people's committees of the provinces and cities under central authority in respect of the allocation of farm land and forest land to other uses.

Where necessary, the Government shall approve the allocation of land for all other purposes in accordance with the overall zoning and land use planning approved by the National Assembly and the annual plans for changes in the purpose of the use of farm land and forest land as approved by the Standing Committee of the National Assembly.

3. The people's committees of the provinces and cities under central authority shall decide the allocation of land for uses other than agricultural production and forestry subject to the following limits:

(a) In respect of projects which are not referred to in point (b) of clause 3 of this article; up to one hectare farm land, forest land, land for residential areas, or urban land, and up to two hectares of waste land or bare hills and mountains.

(b) In respect of projects dealing with the construction of roads, railways, waste pipes, oil pipes, gas pipes, power lines, and dikes; up to three hectares of farm land, forest land, land for residential areas, or urban land, and up to five hectares of waste land and bare hills and mountains; and in respect of projects dealing with the construction of dams up to ten (10) hectares of waste land or at bare hills and mountains.

(c) The allocation of farm land and forest land to households and individuals for the purpose of building houses; the allocation of specialized land for use for another specialize purpose or for housing construction; and the allocation or urban land shall be in accordance with the limits stipulated by the Government.

(d) The plan for allocation of rural residential land to households and individuals

for housing construction shall be carried out by the people's committees of provincial districts, district capitals and provincial cities.

#### Article 24

The authority to allocate land for use in agriculture and forestry shall be as follows:

1. The people's committees of provinces and cities under central authority shall allocate land to organizations;
2. The people's committees of urban districts, district capitals and provincial cities shall allocate land to households and individuals.

#### Article 25

The State bodies with authority to allocate land as stated in articles 23 and 24 of this Law shall be prohibited from delegating this authority to their subordinate bodies.

#### Article 26

Profession of the whole or part of any land which has been allocated to a land user shall revert to the State in the following cases:

1. Where the organization which has been allocated land dissolves, becomes bankrupt, moves elsewhere, or reduces its requirements for land in circumstances not referred to in article 20 of this Law. Where the individual who has been allocated land has died and there is no successor who has the right to continue using the land.
2. Where the land user voluntarily gives up the right to possession of the land allocated.
3. Where the land user leaves the land unused for twelve (12) consecutive months without the authorization of the competent State body which allocated the land.
4. Where the land user does not have the intention to perform its obligations to the State.
5. Where the land is used for a purpose other than that for which it was allocated.

6. Where the land has been allocated beyond the authority of the relevant body as stated in articles 23 and 24 of this Law.

#### Article 27

Where necessary, the State, shall for the purposes of national defense, security, national of public interest, recover possession of land which is currently being used. In such cases the land user shall be entitled to payment of compensation in respect of the recovery of possession by the State.

#### Article 28

Any State body which is authorized to determine the allocation of specified land shall also be authorized to regain possession of that land from its user.

Where the land is recovered for other uses, the purposes must be in accordance with the zoning and planning approved by the competent State bodies.

Prior to recovery of possession of the land, the land user shall be notified of the reasons for which the land is to be recovered; the time; the plan for transfer; and the methods of compensation.

In the event that an urgent need arises as a result of war or natural disasters, or during a state of emergency, the recovery of possession of land shall be determined by the people's committees at the level of, or superior to those of, districts, provincial districts, provincial capitals or provincial cities. At the end of the period for which possession of the land is recovered, the land shall be returned to its former user and compensation shall be paid for any losses incurred as a result of the recovery of possession in accordance with the provisions of the law.

#### Article 29

The Government and people's committees at all levels shall allocate land for rental to organizations, households, and individuals for production and business purposes in accordance with the provisions of this Law and other laws.

#### Article 30

The transfer of the right to use land shall be prohibited in the following cases:

1. Where the land is used without any legal documents.
2. Where the land is allocated to organizations which are prohibited from exercising the right to use land, as stipulated by the law.
3. Where the land is the subject of a dispute.

#### Article 31

1. Transfer of the right to use land shall, in the case of rural areas, be determined by the people's committees of the village and, in the case of urban areas, by the people's committees of provincial districts, provincial capitals and provincial cities.
2. Transfer of the right to use land shall, in the case of rural areas, be determined by the people's committees of districts and, in the case of urban areas, by the people's committees of provinces and cities under central authority.

#### Article 32

Land administration bodies at central level, of provinces and cities under the central authority, of districts, provincial districts, provincial capitals, and provincial cities and cad astral officials of villages, wards and townships shall, on the basis of the powers and duties stipulated in this Law, submit proposals to the Government and people's committees of an equivalent level for the decisions on the allocation, rental, and recovery of land.

#### Article 33

1. After an authorized State body has allocated land, or has authorized any change in the purpose of land use, or where land currently in use has not been registered, the land user must apply for registration of the land with the State bodies referred to in clause 2 of this article.

The land user must also register at the village, ward or township in which his land is located.

2. The people's committees of villages, wards, and township shall establish and maintain land registers, recording any unused land or changes in respect of land use.



#### Article 34

The land register shall be established in accordance with the sample forms of the central land administration body.

The land register shall be in accordance with the land maps and the current land use.

#### Article 35

Statistics and inventories, in relation to the qualitative and quantitative aspects of land shall be maintained as follows:

1. The body responsible for obtaining statistics and inventories, in relation of the qualitative and quantitative aspects of land shall be the body which establishes the land registered as stipulated in clause 2 of article 33 of this Law.
2. The statistics of land shall be yearly.
3. The inventories of land shall be on a five years basis.
4. People's committees at all levels shall be responsible for organizing and carrying out the collection of land statistics and the inventorying of land within their localities.
5. Land administration bodies shall be responsible for reporting the statistics in relation to the quantitative and qualitative aspects of land to an immediately superior land administration body.

#### Article 36

The issuing of certificates of the right to use land shall be as follows:

1. The certificate of the right to use land shall be issued by a land administration body under central authority.
2. State bodies which are authorized to allocate land shall also have the authority to issue certificates of the right to use land. In cases where the government decides the allocation of land, the people's committees of the provinces and

cities under central authority shall issue certificates of the right to use land.

3. Where a parcel of land is used by individuals who are not from the same household or organization, a certificate of the right to use land shall be issued to each organization, household and individual.

#### Article 37

1. The Government and the people's committees at all levels shall conduct land inspection within the areas under their respective authority.

Land administration bodies at central and local levels shall assist the Government and the people's committees at the equivalent levels conducting land inspections.

2. Land inspections shall include the following:

(a) Inspection of the State administration of land carried out by the people's committees at all levels;

(b) Inspection of the observance of the Law on Land by land users, and other organizations and individuals;

(c) Resolution of complaints and denunciations of breaches of the Law and Land.

3. While conducting land inspections, the inspection team or individual inspectors shall be authorized to:

(a) Request that the relevant organizations, households and individuals supply necessary documents for the purposes of inspection;

(b) Suspend temporarily the use of any land or part thereof which is unlawful and take responsibility before the law in respect of this decision, and at the same time report immediately to a State body which is authorized to deal with the matter.

(c) Deal with breaches of provisions on land administration and land use in accordance with the delegated powers, or petition authorized State bodies to resolve the same.

## Article 38

1. The State shall encourage the resolution of all land disputes through conciliation.

The people's committees of villages, wards and townships shall co-ordinate with the Fatherland Front of Vietnam and its member organizations, the Peasants' Association, social and economic organizations, and all citizens, to resolve land disputes through conciliation.

2. All disputes regarding land use rights (where the land user does not have a certificate issued by an authorized State body) shall be resolved by the people's committees in accordance with the following provisions:

(a) The people's committees of districts, provincial districts and provincial cities shall resolve disputes between individuals and households, between individuals or households and organizations, and between organizations under their authority;

(b) The people's committees of the provinces and cities under central authority shall resolve disputes between organizations, or between organizations and households or individuals which are under their own authority or under central authority.

(c) Where any party disagrees with the decision of the people's committees, it may appeal to higher State administration bodies. The decision at the higher State administration body level shall be final.

3. Disputes in relation to land use rights (where land users have a certificate granted by the unauthorized State body), and in relation to structures which are closely connected to the use of that land shall be resolved by a court of law.

## Article 39

Disputes between administrative units in relation to land use rights (in respect of boundaries) shall be resolved jointly by the people's committees and the administrative units concerned. In the event that a unanimous decision cannot be reached, or the decision leads to a change of the land boundaries of the administrative units, the determination of the disputes shall be as follows:

1. Where the land dispute relates to the land boundaries of an administrative unit

under provincial authority, the dispute shall be decided by the Government.

2. Where the land dispute relates to the land boundaries of an administrative unit of provinces and cities under central authority, the dispute shall be resolved by the National Assembly.

#### Article 40

Land administration bodies at central and local levels shall assist the Government and people's committees at the equivalent level respectively in resolving land disputes.

#### Article 41

Land administration bodies shall be established at central level, in provinces and cities under central authority, in districts, provincial districts, provincial capitals and provincial cities, and in villages, wards and townships which have land officials.

Land administration bodies at each level shall be under the authority of the State administrative body at the equivalent level. The land officials of villages, wards and townships shall be under the authority of the people's committees at the equivalent level.

### **CHAPTER III**

#### **Rules on the Use of Various Types of Land**

##### 1. Farm Land and Forestry Land

#### Article 42

Farm lands is any land identified as being intended primarily for use in agricultural production, such as cultivation, animal husbandry and aquaculture, and including research and experimentation in agriculture.

#### Article 43

Forest land is any land identified as being intended primarily for production activity in forestry such as natural forestland, forestation, timber production and land use for forest nurseries, improvement and transformation of forests and research on and

experimentation in forestry.

#### Article 44

Each household shall only plant annual crops within an area not exceeding three hectares of farm land in accordance with the limit stipulated by the Government for each locality.

The Government shall make provisions on the rules for land administration and land use in cases where the area used by a household exceeds the limit referred to above.

The Government shall stipulate the area of farmland on which perennial crops may be planted, and the area of unused land, bare hills and mountains, waste land, and reclaimed land which households may use for agricultural production, forestation, and aquaculture.

#### Article 45

Depending upon the availability and characteristics of, and demand for land in localities, the people's committees of the provinces and cities under central authority shall reserve an area not exceeding five percent of the total land area of each village in order to meet the social requirements of each locality. The Government shall make basic provisions on the use of this category of land.

#### Article 46

The use of garden land is provided for as follows:

1. The State shall issue policies which include provisions for the encouragement and protection of organizations and households which and individuals who engage in intensive cultivation to increase the output from their garden lands, and in accordance with zoning schemes, to cover vacant land, bar hills and mountains.
2. Gardening on rice cultivation land shall be in accordance with land use zoning and planning, and shall be subject to the approval of the people's committees of the districts, provincial districts, provincial capitals and provincial cities concerned.

## Article 47

The use of inland water surfaces for aquaculture and other purposes is provided for as follows:

1. Any ponds, lakes, or marshlands, which cannot possibly be allocated to one household or one individual, shall be allocated to several households, individuals, or economic organizations for use;
2. Where lakes and marshlands are located within the areas of different villages, their use shall be stipulated by the people's committee of the provincial district. Where they are located within the areas of different provincial districts, their use shall be stipulated by the people's committee of the province. In respect of water reservoirs located within the areas of different provinces, the organization of aquaculture, and the protection, production, and exploitation of aquatic products shall be provided by the Government;
3. Use of the water surface of lakes, marshlands, rivers and canals shall be in accordance with the regulations relating to environment protection, and shall not obstruct communication and transportation;
4. The use of inland water surfaces, as stipulated in this article shall be in accordance with the provisions on technical criteria of the relevant departments.

## Article 48

The use of coastal land for farming, aquaculture and forestry shall be in accordance with the following provisions:

1. It shall be in conformity with land use zoning and planning as approved by the competent State body;
2. It shall ensure the protection of land, and against the increase of alluvium and sedimentation of coastal land;
3. It shall contribute to the protection of the ecosystem and the environment;
4. It shall not obstruct national security defense or ocean transportation.

#### Article 49

Any alluvium extracted from rivers shall be administered by the people's committee of the village where the river is located, and its use shall be decided by the people's committee of the district. In the event of disputes, the competent State bodies referred to in articles 38 and 39 of this Law shall make the final decision.

#### Article 50

The administration and use of recently reclaimed land along the sea coast shall be stipulated by the Government.

#### Article 51

The people's committees of the provinces and cities under central authority shall, in accordance with State policy regarding religion and depending on the availability of land in the religion locality, determine the amount of land to be allocated to institutions for pagodas, churches and other places of religious worship on the basis of the current use of land by these institutions.

#### 2. Land for Rural Residential Areas.

#### Article 52

Land for rural residential areas is any land identified as being intended for the building of houses and other supporting facilities for rural living.

Residential land for each household in rural areas includes land for building houses and other supporting facilities for family life.

#### Article 53

The use of residential land in rural areas shall comply with the relevant schemes and must be convenient for production, daily life, and social administration.

The State shall issue policies aimed at creating favorable conditions for the maximum use to be made of existing residential areas and restrictions imposed on the expansion of these areas at the expense of farm land.

#### Article 54

Depending on the availability of land within each locality, the people's committees of the provinces and cities under central authority shall determine the amount of land to be allocated to each household in rural areas for use for residential purposes in accordance with the stipulations of the Government which amount shall not exceed four hundred (400) square meters. In respect of regions where prevailing traditions are such that members of different generations live together under the same roof, or where there are special natural conditions a larger area of land for habitation may be designated provided that, in total, it shall not exceed twice the limit which applies to that region.

### 3. Urban Land

#### Article 55

Urban land is any land located within cities, and townships which is used for the building of dwelling houses and offices of establishments, organizations and manufacturing and business establishments, and for the construction of infrastructure for the purposes of public interest, national defense and security, and other purposes.

#### Article 56

Whenever urban land is used, it is inevitable that there be construction of infrastructure.

The administration and use of urban land shall be in accordance with approved urban zoning and land use planning, and other provisions of the law.

Pursuant to articles 8, 23, 24 and 25 of this Law, the Government shall stipulate provisions relating to the allocation of urban land to organizations, households, and individuals.

#### Article 57

The State shall establish zones for the building of dwelling houses in urban areas and shall issue policies which create favorable conditions for the habitation of urban residents.



In respect of regions which are zoned for residential purposes, the people's committees of the provinces and cities under central authority shall decide the allocation of land in accordance with the provisions of the Government.

#### Article 58

Land used for public purposes is any land used for the construction of roads, bridges, sewers, pavements, water supply and drainage systems, rivers, lakes, dikes, dams, schools, hospitals, markets, parks, flower gardens, recreation facilities for children, squares, sports grounds, airports, sea ports and other public facilities in accordance with the provisions of the Government.

#### Article 59

Land allocated to organizations and individuals for the construction of projects in different fields and sectors such as the economy, culture, society, science, technology, foreign affairs, national defense and security, and for the construction of offices of organizations shall conform with the urban zoning schemes approved by the competent State body.

#### Article 60

The use of urban land for purposes of national defense and security shall be submitted by the Ministry of National Defense and the Ministry of the Interior to the Government for approval.

#### Article 61

1. The use of urban land for the purposes of agriculture and forestry shall be in accordance with the provisions on environment protection, urban beautification and urban zoning.

2. Park land, protected natural bush land and beauty spots shall be planned in accordance with the requirements of urban development and shall be managed in accordance with the provisions of the Government.

3. The use of land designated for urban development outside the edge of cities and towns shall be in strict accordance with the zoning and land use planning for that land.

#### 4. Specialized Land

##### Article 62

Specialized land is any land identified as being destined for uses other than agriculture, forestry, and habitation. It includes land to be used for the construction of projects in the areas of industry, science and technology, transport, irrigation, dikes, culture, social needs, education, public health, sports facilities, land for national security and defense, land to be used in the exploration and exploitation of mineral resources, rock and sand, salt marshes, ceramics, bricks, tiles and other building materials, land containing historical and cultural relics and places of interest, land used for cemeteries, and land with water surfaces used for purposes other than agriculture.

##### Article 63

The use of land for the construction of projects in the fields of industry, science and technology, culture, education, public health, sport, social needs and services shall, in addition to complying with the provisions of this Law, comply with the feasibility study and design plan of each project.

##### Article 64

The use of land for the construction of transport, irrigation, dikes, hydroelectric stations, water pipes, power lines, and oil and gas pipes shall be in accordance with the following stipulations.

1. It shall be in strict accordance with the feasibility study and design, it shall be efficient, and shall not cause damage to adjacent land;
2. It shall be in strict accordance with provisions on the use of land for the safe implementation of these types of projects;
3. It may also be used for the purpose of aquaculture and other purposes provided that the main purpose of the use of specialized land is not prevented from being implemented;
4. The people's committee of the villages, wards, and townships shall, in conjunction with the management body of the project, be responsible for the protection of land and safety in accordance with the technical requirements of

the projects stated in this article.

#### Article 65

1. Land used for national security and defense shall include:

(a) Land used to accommodate armed forces units;

(b) Land used for the construction of airforce, naval and other military bases;

(c) Land used for the construction of national defense projects; battle fields and special projects;

(d) Land used for the construction of military railway stations and ports;

(e) Land used for the construction of projects in the fields of industry, science, and technology for the purpose of national defense, or for national defense projects combined with economic purposes;

(f) Land used for the construction of storehouses of the armed forces;

(g) Land used for the construction of shooting grounds, training grounds and test sites;

(h) Land used for the construction of schools, hospitals and sanitariums of the armed forces;

(i) Land used for the construction of other national security and defense projects shall be stipulated by the Government.

2. The administration and use of land designated for national security and defense purposes shall be stipulated by the Government. The people's committees of the provinces and cities under central authority shall implement State administration of land used for national security and defense within their localities.

3. The State shall issue policies which ensure land for the habitation of officers, soldiers and national defense personnel in accordance with the provisions of articles 54 and 57 of this Law.

4. The transfer of land used for national defense and security purposes for use for

other purposes shall be decided by the Government.

#### Article 66

Land to be used in the exploration for and exploitation of minerals, including stone sand and quarrying shall be allocated on the basis of the following:

1. A license issued by the competent State body;
2. The use of land shall ensure measures for the protection of the environment treatment of wastes, and other measures which ensure that no damage is caused to other land users in the region or the surrounding regions;
3. At the termination of its use, the land must be returned to the State as stipulated in the land allocation decision.

#### Article 67

Land to be used for the purposes of making ceramics, bricks, tiles, and for the exploitation and production of other building materials, shall be allocated on the basis of the following provisions:

1. A license issued by the competent State body;
2. The implementation of necessary measures to ensure that no damage is caused to production, livelihoods and environment;
3. At the termination of its use, the land must be transformed so that it may be used again for other suitable purposes.

#### Article 68

Any land which sustains high productivity of high quality salt shall be protected and shall be the subject of priority for salt production.

The State shall encourage the use and development of those land areas with the potential for salt production in response to the needs of society.

#### Article 69

Land which is classified as containing historical and cultural relics and places of interest must be strictly protected in accordance with the provisions of the law.

In exceptional cases where land containing a historical or cultural relic or a place of interest is required for other purposes, approval of the competent State body must be obtained.

#### Article 70

Land to be used as cemeteries must be planned for high density burials, located far from population centers, be convenient for burial services and visits, and satisfy health regulations and the rules regarding economical use of land.

#### Article 71

Depending on the primary purpose determined in respect of each geographical land area with water surface, the State shall allocate this land for the use of appropriate organizations, households and individuals.

Rules on the administration and use of land with water surface shall be stipulated by the Government.

### 5. Unused Land

#### Article 72

Unused land is any land, the use of which, whether for agriculture, aquaculture, forestry, rural or urban residential areas or other specialized purposes, has not been determined, and in respect of which allocation has not been made by the State to any organization, household or individual for use on a stable and long term basis.

The Government shall proceed with the appropriate zoning and planning and formulate policies aimed at encouraging, and creating favorable conditions for, organizations, households and individuals to use the unused land effectively in agricultural production, forestry and for other suitable purposes.

## **CHAPTER IV**

### **Rights and Obligations of Land Users**

#### Article 73

Land users shall be entitled to the following rights:

1. To be issued with a certificate of the right to use land;
2. To benefit from the results of their labor and their investment on the land allocated;
3. To transfer the right to use the land in accordance with the provisions of the law;
4. To enjoy the benefits derived from public projects of land protection and improvement;
5. To receive State guidance and assistance in the process of land improvement and fertilization;
6. To enjoy State protection against infringement of their legal land use rights; to be indemnified for actual losses incurred in the event that the land currently used by them is recovered;
7. To contribute their land for the purposes of production and business co-operation in accordance with the law and with the purposes for which the land was allocated;
8. To make complaints in respect of, or to denounce conduct which violates their legal rights to use land and other conduct which breaches the Law on Land.

#### Article 74

Any households which, or individuals who use farm land or forest land for forestation or habitation shall, on the basis of living and production requirements, be entitled to transfer the right to use land, provided that the land is used in accordance with the purposes and during the period for which it was allocated.

## Article 75

1. Households which, or individuals who use farm land or forest land for forestation shall be entitled to transfer their rights to use land in the event of the following:

- (a) Moving to another place;
- (b) Carrying on another profession;
- (c) No longer having the capacity to work.

2. Any households which, or individuals who use land for habitation and move to another place or no longer require land for habitation shall be entitled to transfer the right to use land.

The transfer of land must be approved by the competent State body. The transferee must use the land for its intended purpose.

## Article 76

1. Any individual who has been allocated farm land by the State for cultivation of annual crops or aquaculture shall, after his death be entitled to bequeath the right to use land to his successors in accordance with the provisions of the Law on inheritance.

2. If any member of a household which has been allocated farm land for cultivation of annual crops or aquaculture dies, the other members of the household shall be entitled to continue to enjoy the use of the area of land previously allocated to them. Where there are no other members of the family, the land shall revert to the State.

3. Any individuals who, or members of the households which have been allocated land for cultivation of perennial crops, forestation or for habitation, may bequeath their right to use land to their successor after their death in accordance with the provisions of the Law on Inheritance.

## Article 77

1. Any households which, or individuals who use farm land or forest land for forestation shall be entitled to mortgage their right to use land to the State Bank of

Vietnam, or to credit organizations in Vietnam which are permitted to by the State to provide loan capital for production.

2. Any households which or individuals who use residential land shall, on the basis of living and production requirements, be entitled to mortgage their rights to use land to Vietnamese economic organizations and other individuals in Vietnam.

#### Article 78

Any households which, or individuals who use farm land for cultivation of perennial crops or aquaculture shall, in the event of a lack of manpower, difficulties or change of profession which is not stable, be entitled to rent the land previously allocated to them for a period which shall not exceed three years. In exceptional cases, the period may be extended as stipulated by the Government. Those who rent land must use it for the intended purpose.

#### Article 79

Land users shall be subject to the following obligations:

1. To ensure that land is used strictly in accordance with its intended purpose, that its use is confined within its allocated boundaries and complies with all other conditions stipulated at the time of allocation;
2. To ensure land protection and take necessary measures to increase the capacity for land use;
3. To comply with the regulations relating to environment protection and protect the legal interests of users of adjacent land;
4. To pay taxes for the right to use land and for the transfer of the right to use land; and to pay fees relating to cadastral mapping in accordance with the law;
5. To pay fees for land use when the land is allocated in accordance with the provisions of the law;
6. To compensate previous users from whom land is recovered for reallocation;
7. To return the land when a decision of the State is issued for the recovery of the land.



## **CHAPTER V**

### **Regulations on Land Rent by Foreign Organizations and Individuals and by International Organizations**

#### Article 80

Allocation of land for rent by foreign organization, international organizations (hereinafter referred to as foreigners), and Vietnamese nationals residing abroad shall be determined by the Government. The rights and obligations of those who rent the land shall be submitted by the Government to the Standing committee of the National Assembly for its decision.

#### Article 81

1. Those who rent land shall prepare and submit files in accordance with the provisions of the law of Vietnam.
2. Land shall be rented on the basis of the feasibility study which has been approved by the competent State body in accordance with the Law on Foreign Investment in Vietnam.

#### Article 82

Foreign organizations and individuals, international organizations and Vietnamese nationals residing abroad who invest in Vietnam shall, as land recipients and users, abide by the provisions of this Law and other provisions of the law of Vietnam, unless otherwise provided in international treaties which the Socialist Republic of Vietnam is a signatory or participant.

#### Article 83

The period during which land shall be rented by organizations or individuals, and Vietnamese nationals residing abroad who invest in Vietnam shall correspond with the duration of the investment as stated in the Law on Foreign Investment in Vietnam.

The period during which land shall be rented for the construction of head offices of the diplomatic representative offices and, foreign consular offices in Vietnam shall

not exceed ninety-nine (99) years.

#### Article 84

All foreigners who commit breaches of the Law on Land of Vietnam shall be dealt with in accordance with the law of Vietnam, unless otherwise provided in international treaties to which the Socialist Republic of Vietnam is a signatory or participant.

### **CHAPTER VI**

#### **Dealing with Breaches**

#### Article 85

Any person who appropriates land, damages land, illegally transfers the right to use land or commits other breaches of the Law on Land shall, depending upon the seriousness of the breach, be subject to administrative punishment or criminal prosecution.

#### Article 86

Any person who abuses his office and authority, who acts beyond his authority in matters of land allocation and recovery, who authorized the transfer of the right to use land or a change in purposes for which that land might be used and which are contrary to the provisions of the law, who shields with his authority any individual who breaches the Law on Land, who behaves irresponsibly or causes damage to land resources, or the rights and legal interests of land users shall, depending upon the seriousness of the breach, be subject to administrative punishment or criminal prosecution.

#### Article 87

Any person who breaches the Law on Land and the breach causes damage to others, shall, in addition to the punishment referred to in articles 86 and 87 of this Law, be liable to a payment of compensation to those who suffered damage.

## **CHAPTER VII**

### **Provisions for Implementation**

#### Article 88

This Law shall replace the Law on Land passed by Legislature VIII of the National Assembly of the Socialist Republic of Vietnam on 29 December 1987.

All provisions contrary to this Law are hereby repealed.

This Law shall be of full force and effect as of 15 October 1993.

#### Article 89

The Government shall make detailed provisions for the implementation of this Law.

This Law was passed by Legislature IX of the National Assembly of the Socialist Republic of Vietnam at its third session on 14 July 1993.

For the National Assembly President of the National Assembly  
NONG DUC MANHY  
(Signed)