

### 3. 建設計画に係る政令

DECREE NO.08/2005/ND-CP

#### **DECREE No. 08/2005/ND-CP OF JANUARY 24, 2005 ON CONSTRUCTION PLANNINGS**

THE GOVERNMENT

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

*Pursuant to the November 26, 2003 Law on Construction;*

*At the proposal of the Minister of Construction,*

DECREES:

Chapter I

#### GENERAL PROVISIONS

##### **Article 1.-** Scope of regulation and subjects of application

This Decree prescribes the Construction Law's provisions on formulation, appraisal, approval and management of construction planning; on conditions for organizations and individuals to design construction planning.

Domestic organizations and individuals as well as foreign organizations and individuals that are engaged in construction planning in the Vietnamese territory must comply with the provisions of this Decree.

##### **Article 2.-** Order of formulating and approving construction-planning blueprints

Construction planning shall be demonstrated on construction-planning blueprints and made in the following order:

1. To set and approve the construction-planning tasks.
2. To investigate, survey, collect maps, documents and data on the natural conditions, current social and economic situation; documents on overall planning on socio-economic development and relevant branch development planning in order to compile construction-planning blueprints.
3. To compile construction-planning blueprints.
4. To appraise and approve construction-planning blueprints.

##### **Article 3.-** Topographic survey maps in service of elaboration of construction-planning blueprints

1. The topographic survey maps for elaboration of construction-planning blueprints shall

be made by professional agencies. For regions where topographic survey maps are yet available, surveys and measurement must be conducted to draw maps.

2. For regions where topographic survey maps are available, such maps shall be used for elaboration of construction-planning blueprints. Where topographic survey maps are not suitable to the practical conditions at the time of elaborating the planning, additional surveys and measurements shall be conducted. For rural areas, cadastral maps can be used for elaboration of construction-planning blueprints.

**Article 4.-** Archive of construction-planning blueprint dossiers

1. Within 30 working days after the construction-planning blueprints are approved by competent authorities, investors must fully submit the archival dossiers according to law provisions on archive.

2. Agencies performing the state management over construction planning at all levels shall have to archive the construction-planning dossiers.

3. The construction planning blueprint dossier- archiving agencies shall have to supply the archived documents on construction-planning blueprints to individuals, organizations, competent state management bodies according to law provisions.

Chapter II

FORMULATION, APPROVAL AND MANAGEMENT OF CONSTRUCTION PLANNINGS

Section 1. REGIONAL CONSTRUCTION PLANNINGS

**Article 5.-** Objects, duration and time of formulation of regional construction planning

1. Regional construction plannings shall be formulated for regions with general or specialized functions, including key regions, inter-provincial regions, provincial regions, inter-district regions, district regions, industrial regions, big urban regions, tourist and health resorts, natural landscape and heritage protection regions and other regions decided by competent persons.

2. Regional construction plannings shall be made for short periods of 5 years or 10 years; or long period of 20 years or more.

3. The time for formulation of a regional construction planning shall not exceed 18 months as from the date the planning tasks are approved by competent persons.

4. The formulation of regional construction plannings shall be decided by competent persons according to socio-economic development requirements of regions.

**Article 6.-** Regional construction planning tasks

1. The construction-planning tasks shall cover the following contents:

a) Forecast of urban, rural population sizes compatible with the regional overall planning on socio-economic development and the national population distribution strategies for periods of 5 years, 10 years and longer;

b) Spatial organization of key industrial establishments, technical infrastructure and social infrastructure systems in regions according to periods, suitable to the potential and overall socio-economic development planning of the regions;

c) Spatial organization of the systems or urban centers and population spots suitable to the geographical and natural conditions of each region, ensuring defense, security and rational exploitation of natural resources of the entire regions and forecasting environmental impacts.

2. The maps of the position, boundary and size diagrams and inter-regional relations, of 1/100,000 - 1/500,000 scale.

3. The time for formulating regional planning tasks, approving regional construction plans shall not exceed 3 months for provincial regions and 6 months for inter-provincial regions, counting from the date of assigning the official tasks.

**Article 7.-** Bases for formulation of regional construction plans

1. The approved regional construction-planning tasks.

2. The regional overall socio-economic development planning, relevant branch development plans (if any).

3. The orientations of the national overall planning on development of urban systems and technical infrastructure system, already approved by the Prime Minister.

4. The investigation and survey results and relevant data and documents.

5. The construction norms and standards.

**Article 8.-** The regional construction-planning contents

Depending on the characteristics and size of each region, a regional construction plan shall contain the following contents:

1. Evaluation of the current natural, economic and social conditions; identification of motive forces for regional development.

2. Determination of systems of urban centers and population spots; industrial, agricultural, forestry, fishery, tourist regions; historical and cultural relic, natural landscape and heritage protection regions; regions where construction is banned and development reserve regions.
3. Determination of networks, positions and sizes of key technical infrastructures of regional or inter-regional character.
4. Projected development priority items and implementation resources.
5. Forecast of impacts on the regional environment and proposed measures to minimize the adverse impacts on the environment in the regional construction-planning blueprints.

**Article 9.-** Regional construction-planning blueprint dossiers

Depending on the characters and size of each region, a regional construction-planning blueprint dossier shall comprise the following documents:

1. Drawings, including:
  - The maps of the position and inter-regional relations, of 1/100,000 - 1/500,000 scale.
  - The maps of general current status of land use, economic establishment system, systems of urban centers and rural population spots, regional social and technical infrastructure systems; general assessment of construction land, of 1/25,000 - 1/250,000 scale.
  - The maps of oriented spatial development of systems of urban centers, rural population spots, industrial, agricultural, forestry, fishery or tourist zones; cultural and historical relics, natural landscape and heritage protection zones; areas where construction is banned and development reserve zones; of 1/25,000 - 1/250,000 scale.
  - The maps of oriented spatial development of technical infrastructure systems, of 1/25,000 - 1/250,000 scale.
2. General reports, comprising explanations, relevant legal documents, the written request for approval of the regional construction-planning blueprint.

**Article 10.-** Regulations on regional construction planning management

On the basis of contents of drawings, explanations of planning blueprints, proposals and solutions on phased implementation of regional construction planning and regional development requirements, the persons competent to approve regional

construction-planning blueprints shall promulgate the Regulations on regional construction planning management. The contents of such a Regulation shall cover:

1. Provisions on the positions, roles, functions and sizes of social infrastructures and technical infrastructures of regional or inter-regional characters.
2. Provisions on the protection scope and safety corridors of key works, main linear technical infrastructures of regional or inter-regional characters and environmental protection measures.
3. Provisions on the conservation and renovation of natural heritages, architectural works of great value, scenic places, cultural and historical relics in the region.
4. Assignment and prescription of the planning management responsibility to local administrations at all levels in the region according to the regional construction planning.
5. Other provisions.

**Article 11.-** Appraisal and approval of regional construction planning tasks and blueprints

1. For plannings on construction of key regions, inter-provincial regions or regions subject to construction-planning elaboration at request of the Prime Minister:

a) The Prime Minister shall approve the regional construction planning tasks and blueprints within 25 working days after the receipt of complete and valid dossiers;

b) The Ministry of Construction shall appraise regional construction-planning blueprints falling under the approving jurisdiction of the Prime Minister within 20 working days after the receipt of complete and valid dossiers.

2. For plannings on construction of provincial regions:

a) The provincial-level People's Committees shall approve the regional construction-planning tasks and blueprints in their administrative boundaries within 15 working days after the receipt of complete and valid dossiers;

b) The provincial/municipal Construction Services or Planning and Architecture Services for provinces or cities with provincial/municipal Planning and Architecture Services shall appraise regional construction planning tasks and blueprints falling under the approving jurisdiction of the provincial-level People's Committees within 20 working days after the receipt of complete and valid dossiers.

**Article 12.-** Adjustment of regional construction plannings

1. Regional construction plannings shall be adjusted in one of the following cases where:

- a) The regional overall socio-economic development plannings, regional branch development plannings and/or regional defense and security strategies are adjusted;
- b) There appear changes in the geographical, natural, population as well as socio-economic conditions.

2. The time limit for considering the adjustment of regional construction plannings shall be fixed at requests of the persons competent to approve regional construction planning blueprints.

3. The contents of adjustment of regional construction plannings must be based on the analysis and evaluation of the implementation of the previously approved planning blueprints, the identification of elements affecting the planning adjustment; and must ensure continuity and the adjustment shall be made only for changed contents.

4. Persons who are competent to approve the regional construction tasks and plannings shall approve the adjustment tasks and the regional construction planning adjustment blueprints.

## Section 2. GENERAL PLANNING ON URBAN CONSTRUCTION

**Article 13.-** Objects, duration and time for formulation of urban construction general plannings

1. Urban construction general plannings shall be formulated for urban centers of special grade, grade 1, grade 2, grade 3, grade 4, grade 5, urban districts of centrally-run cities, new inter-provincial urban centers, new urban centers with a population size equivalent to that of urban centers of grade 5 or higher, hi-tech parks and economic zones with special functions.

2. Urban construction general plannings shall be formulated for short periods of 5 years or 10 years; and long periods of 20 years.

3. The time for formulation of urban construction general plannings shall be as follows:

- a) For urban construction general plannings falling under the approving jurisdiction of the Prime Minister, the formulation time shall not exceed 18 months as from the date the planning tasks are approved;

- b) For urban construction general plannings falling under the approving jurisdiction of the provincial-level People's Committees, the formulation time shall not exceed 12

months as from the date the planning tasks are approved.

**Article 14.-** Urban construction general planning tasks

1. The contents of urban construction general planning tasks shall cover:

a) Determination of characters of the urban centers, urban population sizes, oriented spatial development of urban centers and technical and social infrastructures in the urban centers according to periods of 5 years and 10 years and forecast of the direction of development of the urban centers for up to 20 years;

b) For general plannings on urban construction and renovation, apart from the contents prescribed at Point a, Clause 1 of this Article, areas to be cleared, areas to be retained for replenishment, areas to be protected and other specific requirements of each urban center must be determined.

2. The maps of the positions, boundaries and regional relations, of 1/25,000- 1/100,000 scale.

3. The time for elaboration of urban construction general planning tasks shall be as follows:

a) For urban construction general planning tasks falling under the approving jurisdiction of the Prime Minister, the elaboration time shall not exceed 4 months as from the date of being officially assigned the tasks;

b) For urban construction general planning tasks falling under the approving jurisdiction of the provincial-level People's Committees, the elaboration time shall not exceed 3 months as from the date of being officially assigned the tasks.

**Article 15.-** Bases for elaboration of urban construction general planning blueprints

1. The general planning orientations for development of Vietnam's urban systems, already approved by the Prime Minister.

2. The socio-economic development general plannings of the regions, provinces and the specialized plannings.

3. The regional construction plannings.

4. The approved urban construction general planning tasks.

5. The investigation and survey results, data, documents on meteorology, hydrology, geology, economic and social status and other relevant data and documents.

6. The construction norms and standards.

**Article 16.-** Contents of urban construction general plannings

Depending on the characteristics and size of each urban center, an urban construction general planning shall contain the following details:

1. Analysis and evaluation of natural conditions and present socio-economic status; population, labor, land use; present status on construction; social infrastructures, technical infrastructures and urban environment sanitation.
2. Potentials, motive forces for urban formation and development; nature, population size, labor and urban construction land size; major economic-technical norms for various urban development stages.
3. Orientations for spatial development of urban centers including inner cities and suburbs:
  - a) The planned use of urban land according to each planning stage;
  - b) Determination of system of centers; positions, scope and sizes of functional quarters in urban centers; existing quarters with stable development; areas to be replenished, renovated, upgraded; areas to be conserved, renovated; quarters subject to functional change; areas planned for new construction; areas where construction is banned and areas projected for urban expansion development; areas projected for construction of underground facilities in urban centers;
  - c) Determination of norms on acreage, population density, construction density, land use coefficients and the maximum and minimum storeys of works in functional quarters in urban centers.
4. Orientations for development of urban technical infrastructure systems shall include:
  - a) General evaluation and selection of land for construction of urban centers; determination of controlled construction foundation levels of each quarter, the entire urban centers and main thoroughfare axes;
  - b) Determination of outbound traffic networks, urban traffic, positions and sizes of key traffic works such as airports, seaports, river ports, key traffic roads, irrigation works; organization of mass transit for urban centers of grade 3 or higher; determination of red-line boundaries of main urban axes and systems of technical tunnels;
  - c) Selection of sources; determination of size, position, capacity of key works; main transmission and distribution networks of water and power supply systems; culvert networks; waste water and solid waste treatment facilities; cemeteries and other works.



5. Projected items prioritized for development and resources for implementation.
6. Urban design: The urban design contents in the urban construction general plans shall comply with the provisions of Article 30 of this Decree.
7. Evaluation of urban environment impacts and proposed measures to minimize the adverse impacts on the environment in the urban construction general planning blueprints.

**Article 17.-** Urban construction general planning blueprint dossiers

1. Drawings, which include:

- The plan on the positions and regional relations; of 1/50,000 - 1/250,000 scale;
- Present status maps in service of designing the urban construction general planning; of 1/5,000 - 1/25,000 scale;
- Maps of urban spatial development orientations, of 1/5,000 - 1/25,000 scale;
- Maps of the planning on total land use ground of the urban center according to each planning stage; of 1/5,000 - 1/25,000 scale;
- Maps of planning on urban technical infrastructure systems; of 1/5,000 - 1/25,000 scale;
- Maps of red-line boundaries of main road axes, controlled urban construction foundation levels, of 1/5,000 - 1/25,000 scale;
- General maps of transmission wire, technical pipe lines of newly constructed roads; of 1/5,000 - 1/25,000 scale;
- Urban design drawings under the provisions of Article 30 of this Decree.

2. General reports, comprising explanations, relevant legal documents, written requests for approval of urban construction general planning blueprints.

3. For urban centers of grade 5, the current status maps and planning maps, of 1/2,000 scale.

**Article 18.-** Regulations on urban construction general planning management

Based on the contents of drawings, explanations of the planning blueprints, proposals and solutions on implementation of urban general planning, the persons competent to approve the urban construction general planning blueprints shall promulgate the planning implementation regulations comprising the following contents:

1. Regulations on conservation and renovation of architectural works, scenic places,

cultural heritages, cultural-historical relics in the urban centers.

2. Regulations on the scope of protection of safety corridors of technical infrastructures of the urban centers and environmental protection measures.
3. Regulations on red-line boundaries of main thoroughfares, controlled construction foundation levels of the urban centers, areas where construction is banned.
4. Regulations on norms on acreage, construction density, land use coefficients and the maximum and minimum storeys of works in the functional quarters of the urban centers.
5. Decentralization and definition of construction planning management responsibilities of urban administration at all levels in the implementation and management of urban construction general plannings.

**Article 19.-** Appraisal and approval of urban construction general planning tasks and blueprints

1. For urban centers of special grade, grade 1, grade 2, new inter-provincial urban centers, new urban centers with a population size equivalent to that of urban centers of grade 2 or higher, hi-tech parks and special economic zones:

a) The Prime Minister shall approve the urban construction general planning tasks and blueprints within 30 working days after the receipt of complete and valid dossiers of the appraising agencies;

b) The Ministry of Construction shall appraise the tasks and blueprints of general plannings on construction of urban centers of special grade, grade 1 and grade 2, which fall under the approving jurisdiction of the Prime Minister within 30 working days after the receipt of complete and valid dossiers of the agencies submitting them for appraisal.

2. For urban centers of grades 3, 4 and 5, urban districts of centrally-run cities and new urban centers of equivalent sizes:

a) The provincial-level People's Committees shall approve the construction general planning blueprints and tasks within 30 working days after the receipt of complete and valid dossiers of the appraising agencies;

b) The provincial/municipal Construction Services or Planning and Architecture Services for provinces or centrally run cities with Planning and Architecture Services shall appraise the tasks and blueprints of general planning on construction of urban centers falling under the approving jurisdiction of the provincial-level People's Committees within 30 working days after the receipt of complete and valid dossiers of

the agencies submitting them for appraisal before they are submitted to the People's Councils of the same level for decision.

**Article 20.-** Adjustment of urban construction general plannings

1. Urban construction general plannings shall be adjusted in one of the following cases where:

a) There appear big changes in geographical and/or natural conditions such as land slides, floods, earthquakes and other factors; changes in administrative boundaries, changes in socio-economic development orientations; changes of elements greatly affecting the urban development such as roles and functions of urban centers, development motives, population sizes; in this case, total adjustment is required;

b) The attraction of capital sources for investment in construction of urban centers and the achievement of other objectives do not substantially change the urban development orientations; in this case, the partial adjustment is required.

2. The contents of adjustment of urban construction general plannings must be based on the analysis and evaluation of the implementation of the previously approved planning blueprints, the determination of elements affecting the adjustment of plannings; must ensure continuity; and the adjustment shall be made only for changed contents.

3. Persons competent to approve urban construction general plannings and tasks shall approve the adjustment tasks, the adjusted urban construction general planning blueprints. In case of sectional adjustment of the general plannings on construction of urban centers of special grade, grade 1 and grade 2, the provincial-level People's Committee presidents shall approve the sectionally adjusted plannings after the Prime Minister approves them, and take responsibility before law for their decisions.

Section 3. DETAILED PLANNING ON URBAN CONSTRUCTION

**Article 21.-** Objects and time for formulation of detailed plannings on urban construction

1. Detailed plannings on urban construction shall be formulated for functional quarters in urban centers and industrial parks, hi-tech parks, export processing zones, cultural heritage conservation zones, tourist and recreation resorts and other identified zones; the renovation and replenishment of existing quarters of urban centers.

2. The time for formulation of detailed plannings on urban construction shall be as follows:

- a) For urban construction detailed planning blueprints of 1/500 scale, the formulation time shall comply with the projects' requirements;
- b) For urban construction detailed planning blueprints of 1/2,000 scale, the formulation time shall not exceed 9 months.

**Article 22.-** Urban construction detailed planning tasks

1. The contents of urban construction detailed planning tasks shall cover:
  - a) Determination of zone boundaries and acreages for designing the detailed plannings;
  - b) Determination of lists of projects requiring construction investment, including: new constructions; renovated, modified, conserved or replenished works in the planned regions;
  - c) Determination of major economic-technical norms on land use, social infrastructures and technical infrastructures; spatial, architectural, urban-design requirements and other requirements for each design region.
2. The district-level People's Committees shall have to gather people's opinions on urban construction detailed plannings through representatives of street population groups and the commune-level People's Committees in the planning regions in writing or through organization of meetings.
3. Drawings on the positions, boundaries of design regions, extracted from the urban construction general planning, of 1/5,000 - 1/10,000 scale.
4. The time for elaboration of urban construction detailed planning tasks shall not exceed 2 months.

**Article 23.-** Bases for formulation of urban construction detailed planning

1. The approved regional construction plannings and urban construction general plannings.
2. The approved urban construction detailed planning tasks.
3. The investigation and survey results, data and documents on meteorology, hydrology, geology, current economic, cultural and social status and other relevant data and documents.
4. The construction norms and standards.

**Article 24.-** Contents of urban construction detailed plannings

1. Analysis and evaluation of natural conditions, current construction situation, population, social affairs, scenic places, historical-cultural relics, capability to use the existing land fund and projected development land fund.
2. Determination of the nature, functions and major economic-technical norms on land use, social infrastructures and technical infrastructures of the design regions; the contents of renovation and new construction.
3. The planning on total land use grounds; determination of norms for each land plot regarding acreage, construction density, land use coefficients, the heights of works; positions and sizes of underground projects.
4. Planning on urban technical infrastructure systems:
  - a) Determination of traffic road networks, cross-sections, boundaries of red lines and construction boundaries; positions and sizes of bus stops, car parks and systems of underground works, technical tunnels;
  - b) Determination of water demands and supply sources; locations and sizes of water plants and pumping stations; water tanks; water pipe systems and detailed technical parameters;
  - c) Determination of electricity demands and supply sources; locations and sizes of electricity distribution stations; networks of medium-voltage, low-voltage transmission lines and urban public lighting;
  - d) Determination of water drainage networks; locations and sizes of waste water and waste treatment facilities.
5. Construction items projected for prioritized development and resources for implementation.
6. Urban design: The urban design contents in urban construction detailed plannings shall comply with the provisions of Article 31 of this Decree.
7. Assessment of urban environment impacts and proposed measures to minimize the adverse impacts on the environment in urban construction detailed planning blueprints.

**Article 25.-** Gathering opinions on urban construction detailed plannings

1. In the course of formulating urban construction detailed plannings, the planning design consultancy organizations must coordinate with local administrations in gathering opinions of people in the planning areas on the contents related to the construction planning blueprints.

2. Opinion-gathering forms: display of diagrams, drawings of planning schemes; gathering of written opinions. The persons asked for their opinions shall have to give their replies within 5 working days as from the date of receiving the opinion-gathering tickets; after the prescribed time limit, if failing to give replies, they shall be considered having agreed therewith.

3. Before submitting to the competent agencies for approval the construction detailed planning blueprints, the consultancy organizations shall have to report to the approving bodies on the results of opinion gathering for use as basis for the approval.

**Article 26.-** Construction detailed planning blueprint dossiers

1. Drawings, which include:

a) For construction detailed planning of 1/2,000 scale:

- Map of the position and boundaries of the land plot; of 1/10,000 - 1/20,000 scale;
- Map of current status of architecture, landscape, technical infrastructure system and construction land fund assessment; of 1/2,000 scale;
- Map of spatial organization of architectural landscape, of 1/2,000 scale;
- Map of total land use ground planning; of 1/2,000 scale;
- Maps of technical infrastructure system plannings; of 1/2,000 scale;
- Maps of red-line boundaries, construction boundaries and protection corridors of technical infrastructure lines; of 1/2,000 scale;
- General map of technical wires, pipes; of 1/2,000 scale;
- A model, of 1/2,000 scale or appropriate scale.

b) For construction detailed planning of 1/500 scale:

- The maps prescribed for construction detailed planning of 1/2,000 scale but detailed to each work according to the scale of 1/500;
- Drawings of urban design as provided for in Article 31 of this Decree;
- A model, of the scale of 1/500.

2. The general reports, comprising explanations, relevant legal documents, written requests for approval of the urban construction detailed planning blueprints.

**Article 27.-** Regulations on construction detailed planning management

1. Depending on each specific construction detailed planning, the persons competent to approve the construction detailing planning designs shall promulgate the regulations on construction detailed planning management, comprising the following contents:

- a) Regulations on boundaries and scope of construction detailed planning formulation;
- b) Regulations on locations, boundaries, natures, sizes of functional quarters in the design areas; norms on construction density, land use coefficients, construction height, construction foundation level for each land plot; red-line boundary, construction boundaries and specific technical requirements for each route; scope and protection corridors of technical infrastructures;
- c) Regulations on localities, sizes and scopes, protection corridors of underground, land-surface and overhead construction works;
- d) Regulations on conservation, renovation, modification, replenishment of architectural works, cultural-historical relics, scenic places and ecological environment protection;
- e) Regulations on urban design prescribed in Article 31 of this Decree;
- f) Decentralization and definition of construction management responsibilities according to urban construction detailed planning.

2. For regulations on management of urban construction detailed plannings of 1/500 scale, agencies with approving competence shall have to gather opinions of representatives of people in the planning areas before approving them.

**Article 28.-** Appraisal and approval of construction detailed planning blueprints

1. For 1/2000-scale detailed plannings on construction of urban centers of special grade, grade 1, grade 2 or grade 3, hi-tech parks and special economic zones:

- a) The provincial-level People's Committees shall approve the urban construction detailed planning blueprints within 30 working days after the receipt of complete and valid dossiers of the appraising agencies. Depending on the positions of urban centers and the sizes of the construction planning blueprints, the provincial-level People's Committees may authorize district-level People's Committees to approve them;
- b) The provincial/municipal Construction Services or Planning and Architecture Services for provinces or centrally-run cities with Planning and Architecture Services shall appraise the urban construction detailed planning blueprints falling under the approving jurisdiction of the provincial-level People's Committees within 30 working days after the receipt of complete and valid dossiers of the agencies which submit them

for approval.

2. For 1/2,000-scale detailed plannings on the construction of urban centers of grade 4 or grade 5; 1/500-scale detailed planning on construction of urban centers of special grade, grade 1, grade 2 or grade 3:

a) The district-level People's Committees shall approve the urban construction detailed planning blueprints within 30 working days after the receipt of complete and valid dossiers of the appraising agencies;

b) The district-level construction management agencies shall appraise the urban construction detailed planning blueprints falling under the approving jurisdiction of the district-level People's Committees within 30 working days after the receipt of complete and valid dossiers of the agencies which submit them for approval.

3. Persons competent to appraise or approve the urban construction detailed plannings shall have to appraise or approve them within the prescribed time limits and take responsibility before law for the contents of appraisal or approval.

**Article 29.-** Adjustment of urban construction detailed plannings

1. The urban construction detailed plannings shall be considered and adjusted in one of the following cases:

a) The urban construction general plannings are fully or partially adjusted, thus affecting the areas under the construction detailed planning;

b) It is necessary to attract investment capital while ensuring compliance with the urban construction general plannings regarding the functional quarters;

c) The projects with detailed plannings already approved have not been executed within 3 years.

2. When adjusting the construction detailed plannings, the persons with approving competence must gather people's opinions through opinion-gathering tickets or organization of meetings of representatives of street population groups and ward People's Committees in areas related to the adjusted plannings.

3. Persons competent to approve urban construction detailed plannings shall approve the adjustment of urban construction detailed plannings.

Section 4. URBAN DESIGN

**Article 30.-** Urban design in urban construction general planning



1. Contents of urban design in urban construction general plannings:

- a) Study of architectural areas and scenic places in the urban centers; the proposals on spatial organization of central quarters, urban gateways, main streets, major spatial axes, big squares, greenery spaces, water surface and focal points in the urban centers;
- b) Determination of the maximum, minimum heights of construction works in functional quarters and the entire urban centers.

2. An urban design dossier shall consist of:

- a) Drawing of the ground arrangement, cross-section of central zones, main squares, illustrated with perspective drawings;
- b) Drawing of the ground arrangement, cross-section of main streets, illustrated with perspective drawings;
- c) Models of functional quarters of the entire urban centers, made according to appropriate scale, depending on the specific conditions of each urban center.

**Article 31.-** Urban design in urban construction detailed plannings

1. Contents of urban design in urban construction detailed plannings:

- a) Study and determination of focal works in the planned area space from different directions and with different visions; the height of construction works in each land plot and the entire area; the back yards of works on each street and street cross-sections;
- b) Study of shapes, colors, lights and forms of leading architecture of architectural works; systems of greenery, water surface, public squares; red-line boundaries, construction borderlines, determination of road bed levels, pavement levels, work foundation levels, controlled work heights on each street;
- c) Regulations on urban landscape architecture management, including regulations on red-line boundaries, construction border lines, road bed levels, pavement levels for all streets; regulations on the height of works and the height of works' first floor; regulations on architectural shapes, cross-sections, roofs, verandas of works; regulations on colors, lights, construction materials of works; regulations on urban public-utility works, monuments, murals, billboards, instructions, signboards, greenery, yards and gardens, fences, roads for the disabled, pavements, and regulations on architectural works surrounding urban technical infrastructures.

2. An urban design dossier shall consist of:

- a) The 1/2,000- or 1/500-scale drawings of grounds, cross-sections of streets;
  - b) The 1/2,000- or 1/500-scale drawings of important cross-sections of streets;
  - c) The blueprint explanation;
  - d) Regulations on management of architectural landscapes of the blueprint;
  - e) Models of 1/500, 1/2,000 or appropriate scale, depending on design areas.
3. The Ministry of Construction shall guide the urban designs in urban construction general plannings and urban construction detailed plannings.

#### Section 5. RURAL POPULATION SPOT CONSTRUCTION PLANNINGS

**Article 32.-** Objects, duration and time for formulation of rural population spot construction plannings

- 1. Rural population spot construction plannings shall be made for population spots of communal centers and concentrated rural population spots, referred collectively to as villages.
- 2. Before the formulation of a planning on construction of a rural population spot, the planning on construction of a network of rural population spots within the administrative boundary of a commune must be elaborated.
- 3. The short-term planning on construction of rural population spots shall be for 5 years and the long-term planning thereon shall be for from 10 to 15 years.
- 4. The time for formulation of a rural population spot construction planning shall not exceed 6 months.

**Article 33.-** Rural population spot construction planning tasks

- 1. Contents of rural population spot construction planning tasks shall include:
  - a) Forecast of population growth size in each period in communes;
  - b) Determination of rural population spot networks in communes;
  - c) Rural population spot construction planning;
  - d) Communal-center construction planning.
- 2. Drawings showing the diagrams of the locations and boundaries of the communes, of 1/25,000 scale; of population spot boundaries, of 1/5,000 scale.

**Article 34.-** Contents of rural population spot construction plannings

1. Contents of a rural population spot construction planning shall include the following principal details:

a) Analysis of the present population size, labor, socio-economic development; forecast of population for each planning period;

b) Analysis of current land use situation; forecast of land use scale for each planning period;

c) The planning on total land use ground; arrangement of construction works, to be - conserved, renovated or replenished works; technical infrastructures, social infrastructures; identification of locations of areas where construction is banned and environmental protection solutions;

d) Projected construction items to be prioritized for development and resources for implementation.

2. The rural population spot construction planning dossiers shall each comprise:

a) Drawings:

- Maps of current construction, land use in the rural population spot; of 1/500- 1/2,000 scale;

- Maps of planning on the network of population spots and technical infrastructures in the commune; of 1/5,000 - 1/25,000 scale;

- Maps of overall planning on architectural space and technical infrastructures of the rural population spot; of 1/500 - 1/2,000 scale.

b) General explanation.

**Article 35.-** Regulations on management of rural population spot construction plans

Persons competent to approve rural population spot construction planning blueprints shall promulgate the regulations on management of rural population spot construction plans, each covering the following contents:

1. Regulations on the construction planning boundaries for each rural population spot.

2. Regulations on areas banned from construction; scope and corridors for protection of technical infrastructures, areas prone to land slides, accidents; reserve land areas for population development, areas for protection of historical, cultural relics and other areas.

3. Regulations on red-line boundaries, construction border lines for communications

systems within the population spot, communications systems in communes.

4. Regulations on environmental protection for the rural population spot.

5. Other regulations.

**Article 36.-** Appraisal, approval of rural population spot construction plannings

1. The district-level People's Committees shall approve the planning tasks, the rural population spot construction plannings after they are adopted in resolutions by the commune-level People's Councils and requested in writing for approval by the commune-level People's Committees within 20 working days after the receipt of complete and valid dossiers.

2. The district-level construction management agencies shall appraise the planning tasks, rural population spot construction planning blueprints within 30 days after the receipt of complete and valid dossiers and submit them to the district-level People's Committees for approval.

**Article 37.-** Adjustment of rural population spot construction plannings

1. The rural population spot construction plannings shall be adjusted in one of the following cases where:

a) The local socio-economic development strategies are adjusted, thus changing the local production and business line structures, local population growth or reduction demands;

b) Such geographical and natural conditions as administrative boundaries, landslides, floods, earthquakes and other elements have changed, thus affecting the forecast of local socio-economic development.

2. The district-level People's Committees shall decide on the adjustment of rural population spot construction plannings and take responsibility before law for their decisions.

3. The adjustment of rural population spot construction plannings must ensure the inheritance and be effected only for contents which need to be changed.

## Section 6. CONSTRUCTION PLANNING MANAGEMENT

**Article 38.-** Publicization of construction plannings

1. For regional construction plannings:

a) The Ministry of Construction shall guide the provincial-level People's Committees in

the planning regions to organize the publicization of plannings on inter-provincial regions, which fall under the approving jurisdiction of the Prime Minister;

b) The district- or commune-level People's Committees in the planning regions shall organize the publicization of regional construction plannings falling under the approving jurisdiction of the provincial-level People's Committees;

c) The contents of publicization of regional construction plannings shall be prescribed by persons with approving competence.

2. For urban construction general plannings:

a) The People's Committees of all levels shall have to organize the publicization of approved urban construction general plannings within the geographical areas under their respective management;

b) The contents of publicization of urban construction general plannings shall be prescribed by persons with approving competence.

3. For urban construction detailed plannings:

a) The People's Committees of all levels shall have to organize the publicization of approved urban construction detailed planning blueprints in geographical areas under their respective management for implementation and implementation supervision by people;

b) Contents of publicization of urban construction detailed plannings: Publicization of the entire planning contents and the regulation on management of construction plannings of the construction planning blueprints.

4. For rural population spot construction plannings:

a) The commune People's Committees shall organize the publicization of rural population spot construction plannings;

b) Contents of publicization of rural population spot construction plannings: Publicization of the entire planning contents and the regulation on management of construction plannings of the construction planning blueprints.

5. Within 30 working days after competent State agencies approve the construction plannings, the People's Committees at all levels as defined in Clauses 1, 2, 3 and 4 of this Article shall have to organize the publicization of the construction plannings.

6. If the persons responsible for publicizing the construction plannings fail to organize the publicization, organize the publicization late or make publicization at variance with

the contents of the approved construction plannings, depending on the seriousness of their violations, they shall be disciplined, examined for penal liability, must pay compensation for damage they have caused at their faults.

**Article 39.-** Form of publicization of construction plannings

Depending on types of construction planning, persons competent to publicize construction plannings shall decide on forms of publicization of construction plannings as follows:

1. Conferences to publicize construction plannings, with the participation of representatives of relevant organizations and agencies, Fatherland Front, representatives of the people in the planning areas, press agencies.
2. Public, regular and continuous display of panels, drawings, models at public places, construction planning management agencies at all levels, commune-level People's Committees, for construction detailed plannings.
3. Propagation on mass media.
4. Construction planning maps, the regulations on construction planning management, which can be printed out for widespread distribution.

**Article 40.-** Placement of construction boundary marker posts on the field

1. Based on the approved boundary marker dossiers, the placement of construction boundary marker posts shall cover the red-line boundaries, the construction border lines, the construction foundation levels, boundaries of regions banned from construction. Within 60 days after the construction plannings are publicized, the boundary marker post placement must be completed.
2. Responsibility for organization, implemen-tation of boundary marker post placement:
  - a) The provincial-level People's Committees shall direct the construction border marker post placement for construction planning blueprints in the administrative geographical areas under their respective management;
  - b) The district-level People's Committees shall have to organize the placement of construction border marker posts for construction planning blueprints in the administrative geographical areas under their respective management;
  - c) The commune-level People's Committees shall have to place construction border marker posts for construction planning blueprints in the administrative geographical areas under their respective management.

3. The boundary marker posts must be durable and of standard sizes, and be inscribed with the prescribed details.

4. The commune-level People's Committees shall have to protect the boundary marker posts on the field.

5. Those who commit acts of placing boundary marker posts or construction level marker posts at wrong places; remove, destroy boundary marker posts, construction levels shall, depending on the nature and seriousness of their violations, be administratively handled, examined for penal liability or must pay compensation for damage caused at their faults according to law provisions.

**Article 41.-** Supply of information on construction plannings

1. The construction management agencies at all levels shall have to supply information on construction locations, construction boundaries, red-line boundaries, construction levels, construction planning certificates and other information related to plannings within the scope of construction planning blueprints under their management when so requested by organizations or individuals.

The district-level People's Committees shall have to receive, process and supply information upon requests.

The time for information supply at requests in writing shall be 20 working days at most upon receipt of requests.

2. Persons who request in writing the supply of information must bear all expenses for documents on information they have requested.

3. Persons who have to supply information must bear responsibility before law for the information supply time and the accuracy of the supplied documents and data.

**Section 7. CAPITAL FOR CONSTRUCTION PLANNING WORK**

**Article 42.-** Capital sources for construction planning work

1. The state budget capital shall be apportioned in the annual plans for regional construction plannings, general urban construction plannings, detailed urban construction plannings of 1/2,000 scale, rural population spot construction planning and urban construction detailed planning of 1/500 scale, which do not fall under investment projects on construction of works in business form.

2. Capital borrowed from banks, capital contributed by domestic and foreign organizations, individuals, mobilized from investment projects and other capital sources

for elaborating construction plannings of remaining types.

3. Capital for construction planning work shall be used for the following activities:

- a) Topographical and geological surveys in service of construction plannings;
- b) Elaboration, appraisal, approval and management of construction plannings;
- c) Publicization of construction plannings;
- d) Placement of construction planning boundary marker posts on the field;
- e) Other activities in service of construction planning.

4. The State encourages domestic and foreign organizations and individuals to provide capital support for construction planning.

**Article 43.-** Management of state budget capital for construction planning

1. Responsibility for elaboration of annual state budget capital plans:

- a) The Ministry of Construction shall draw up annual budget capital plans for construction planning blueprints formulated by itself and construction planning blueprints at request of the Prime Minister;
- b) The People's Committees of all levels shall draw up annual budget capital plans for construction planning blueprints within their respective administrative boundaries, excluding the construction planning blueprints defined at Point a, Clause 1 of this Article;
- c) The Ministry of Planning and Investment and the Ministry of Finance shall have to balance annual state budget capital for construction plannings formulated by the Ministry of Construction or People's Committees of all levels.

2. Conditions for inclusion in capital plans:

- a) The construction planning tasks approved by competent authorities;
- b) The list of approved annual plans on construction plannings;
- c) The approved construction planning funding estimates.

3. The Ministry of Construction shall set the norms and unit prices for construction plannings.

**Article 44.-** Advancement, payment, settlement of state budget capital for construction planning

1. For topographical and geological surveys in service of construction planning, the



capital advancement and payment shall be effected as follows:

- a) The first-drive advance capital amount is equal to 30% of the contractual value and shall be advanced immediately after the contracts take effect;
- b) The second-drive advance capital amount is equal to 20% of the contractual value after the acceptance of the site;
- c) The third-drive advance capital amount is equal to 20% of the contractual value after handover of products for construction planning;
- d) Liquidation of contract after the survey dossiers are accepted and handed over.

2. For the formulation of construction planning blueprints, the capital advancement and payment shall be effected as follows:

- a) 40% of the contractual value shall be advanced for the first drive immediately after the contracts take effect;
- b) The second-drive advance capital amount is equal to 40% of the contractual value after the appraisal results are issued by competent agencies;
- c) The contracts shall be liquidated after the approved construction planning dossiers are officially handed over.

3. For other construction planning jobs, the capital advancement and payment shall be effected as follows:

- a) For the promulgation of construction plannings:
  - The first-drive advance capital is equal to 50% of the value of estimated expense for promulgation of approved construction plannings;
  - The remaining 50% shall be paid after the promulgation of construction plannings is completed.
- b) For the placement of construction planning boundary marker posts on the field, the capital advancement and payment shall be effected as follows:
  - 50% of the contractual value shall be advanced for the first drive immediately after the contracts take effect;
  - 30% of the contractual value shall be advanced for the second drive after the acceptance of construction planning boundary marker posts on the field;
  - The contracts shall be liquidated after the placement of construction planning marker posts on the field is accepted and handed over.

4. The capital advancement and payment for other works such as management of the formation of construction plannings, appraisal and approval of construction planning blueprints shall correspond to the volumes of such works.
5. The settlement of annual construction planning capital shall comply with the guidance of the Ministry of Finance.
6. The maximum advance capital shall not exceed the annual plans arranged for such work items and shall be recovered after the completed work volume is paid.

### Chapter III

#### CONDITIONS ON CAPABILITIES OF CONSTRUCTION PLANNING-DESIGNING ORGANIZATIONS, INDIVIDUALS

**Article 45.-** General provisions on conditions on capabilities of construction planning-designing organizations, individuals

1. Organizations and individuals engaged in construction planning designing activities must satisfy all appropriated capability conditions as provided for in this Decree.
2. Construction planning-designing individuals must possess diplomas, certificates suitable to jobs they undertake, which are issued by lawful training establishments.
3. Individuals holding the title of construction planning blueprint manager, assuming the prime responsibility for specialized construction planning designing and individuals being independent construction designing practitioners must possess practice certificates as provided for.
4. The construction planning-designing capabilities of organizations shall be determined according to grades on the basis of construction practicing capabilities of individuals in the organizations, experiences in construction activities, financial capabilities, equipment and managerial capabilities of the organizations.
5. A consultancy organization shall be allowed to perform one, several or all of construction planning-designing steps if fully meeting the capability conditions as prescribed in this Decree. Individuals holding the titles prescribed in Clause 3 of this Article must have long-term labor contracts as provided for by law.
6. When selecting contractors to carry out construction planning activities, investors must base themselves on the provisions on capability conditions prescribed in this Decree and must bear responsibility before law for the damage caused by their selection of contractors failing to meet the capability conditions required by the work.

**Article 46.-** Conditions for granting certificates of practicing architect's profession

Persons granted the certificates of practicing architect's profession must possess university or higher degree in architecture, construction planning; have at least five years' experiences in designing work and have engaged in architectural designing of at least five projects or five construction planning blueprints, which have been approved.

**Article 47.-** Conditions for granting certificates of practicing engineer's profession

Persons granted the certificates of practicing engineer's profession must possess university or higher degree in disciplines compatible with the domain of professional practice applied for registration; have at least five years' experiences in the registered domain of professional practice and have engaged in designing or surveying at least five projects.

**Article 48.-** Conditions on capabilities of construction planning blueprint designing managers

1. Construction planning designing managers of grade I:

a) Possessing certificates of practicing architect's profession, engineer's profession suitable to the undertaken jobs.

b) Having worked as manager of a construction planning blueprint of provincial or higher level or a general construction planning blueprint of grade 1 or higher or two general planning blueprints on construction of urban centers of grade 2, or three general plannings on construction of urban centers of grade 3 or three urban districts of centrally-run cities, or as grade II- manager and having worked as manager of designing five construction planning blueprints.

2. Construction planning designing managers of grade II:

a) Possessing certificates of practicing architect's profession, engineer's profession compatible with the undertaken jobs;

b) Having worked as manager of a planning blueprint for construction of a district or a larger region or a general planning blueprint on hi-tech parks, special economic zone or a general planning on construction of an urban center of grade 2 or higher, or two urban centers of grade 3, or three urban centers of grade 4, or four urban centers of grade 5, or having taken charge of planning blueprint designing of three planning blueprints for construction of districts or larger regions.

3. Operating scope:

- a) Construction planning blueprint managers of grade I may act as designing managers of all planning blueprints of assorted construction plannings;
- b) Construction planning blueprint managers of grade II may act as designing managers of planning blueprints on construction of regions within provinces, planning blueprints on construction of urban centers of grade 2 or lower, planning blueprints on construction of hi-tech parks, special economic zones, detailed urban construction planning blueprints and rural population spot construction plannings.

**Article 49.-** Conditions on capabilities of construction planning-designing managers

1. Construction planning blueprint-designing managers of grade I

- a) Possessing certificates of practicing architect's profession or engineer's profession compatible with the undertaken jobs;
- b) Having worked as professional designing manager of a planning blueprint on construction of provincial region or a general construction planning blueprint of grade 1 or higher or two general planning blueprints on construction of urban centers of grade 2, or three general planning blueprints on construction of urban centers of grade 3 or three urban districts of centrally-run cities or having worked as designing managers of construction blueprints of grade II and as professional managers of five construction planning blueprints.

2. Construction planning blueprint-designing managers of grade II

- a) Possessing certificates of practicing architect's profession, engineer's profession, compatible with the undertaken jobs;
- b) Having worked as professional designing managers of a planning blueprint on construction of a district or a larger region or a general planning blueprint on hi-tech park, special economic zone or general planning blueprint on construction of an urban center of grade 2 or higher or two urban centers of grade 3 or three urban centers of grade 4 or four urban centers of grade 5 or having engaged in designing five construction planning blueprints.

3. Operating scope:

- a) Construction planning blueprint managers of grade I may take charge of designing all planning blueprints of assorted construction plannings;
- b) Construction planning blueprint managers of grade II may take charge of planning blueprints on construction of provincial regions, general planning blueprints on

construction of urban centers of grade 2 or lower, planning blueprints on construction of hi-tech parks, special economic zones, detailed urban construction planning blueprints and rural population spot construction plannings.

**Article 50.-** Conditions on independent individual practitioners of construction planning designing

1. Independent individual practitioners of construction planning designing must satisfy the following conditions:

- a) Possessing practicing certificates compatible with the practicing domains;
- b) Possessing professional practice registration as provided for by law.

2. Operating scope:

Independent individual practitioners of construction planning designing may design the following types of construction planning:

- a) Designing construction planning blueprints for competition;
- b) Designing general planning blueprints on construction of urban centers of grade 5 in the capacity as manager or designing manager;
- c) Designing detailed construction planning blueprints of scale being smaller than or equal to 50 ha in the capacity as manager or designing manager;
- d) Designing rural population spot construction planning blueprints in the capacity as manager or designing manager.

**Article 51.-** Responsibilities of certificate grantees

1. When applying for certificates, to declare truthfully details required by the dossiers of application for certificates and take responsibility before law for the accuracy of the dossiers.

2. To design construction planning blueprints according to granted practicing certificates.

3. To take responsibility before law for the quality of the construction planning blueprints they have undertaken.

4. To be strictly forbidden to erase, or lend certificates of practicing construction planning designing. If committing violations, to have their practicing certificates withdrawn and have the certificate withdrawal announced on the mass media.

5. To pay fees when being granted certificates as provided by the Ministry of Finance.

**Article 52.-** Conditions on operational capabilities of construction planning-designing organizations

The construction planning-designing organizations are classified into two grades with the following operating capabilities:

1. Grade I:

Each having at least 30 architects, urban engineers, specialized engineers, who possess practicing certificates compatible with the requirements of construction planning blueprints, including persons fully qualified to act as grade-I construction planning manager or designing manager.

2. Grade II:

Each having at least 20 architects, urban engineers, specialized engineers, who possess practicing certificates compatible with requirements of construction planning blueprints, including persons fully qualified to work as grade-II construction planning manager or designing manager.

3. Operating scope:

a) Construction planning-designing organizations of grade I may design the construction plannings of all kinds of construction planning blueprints;

b) Construction planning-designing organizations of grade II may design plannings on elaboration of planning blueprints on construction of provincial regions, general plannings on construction of urban centers of grade 2 or lower; planning blueprints on construction of hi-tech parks, special economic zones, detailed urban construction planning blueprints, planning blueprints on construction of export processing zones, industrial parks and rural population spot construction plannings;

c) Construction planning-designing organizations not yet qualified for classification under the provisions of this Article shall only be allowed to formulate general plannings on construction of urban centers of grade 4, grade 5 and equivalent, rural population spot construction planning and detailed plannings for construction on 200 ha or less.

4. The construction planning-designing organizations are strictly forbidden to operate outside the operating scope prescribed at Points a, b and c, Clause 3 of this Article.

**Article 53.-** Competence to grant planning designing-practicing certificates

1. The practicing certificates shall be issued in set forms and valid nationwide.

2. The practicing certificates shall be issued by the Minister of Construction. The Minister of Construction shall decide on the establishment of the Advisory Council to assist him/her in granting the practicing certificates.

3. The Ministry of Construction shall guide in detail the grant of practicing certificates; define the functions, tasks and operation regulation of the Advisory Council.

#### Chapter IV

#### ORGANIZATION OF IMPLEMENTATION

##### **Article 54.-** Responsibilities of the People's Committees of all levels

1 To perform the function of State management over construction plannings according to the Government's decentralization.

2. To consolidate the construction planning management apparatuses in localities to be fully capable of assisting the administrations in organizing the formulation and management of construction plannings.

3. To regularly review the urban construction plannings, rural population spot construction plannings in areas under their respective management so as to promptly adjust the construction plannings to suit the practical situation of localities.

4. To work out specific plans on time, capital sources and deploy the formulation of regional construction plannings, urban construction plannings, rural population spot construction plannings.

5. To realize, publicize plannings and manage the construction according to the approved construction plannings.

6. To draw up specific plans for realization of approved construction planning blueprints.

7. To examine, inspect and settle complaints, denunciations, handle violations of legislation on construction planning in localities.

8. To organize propagation, dissemination and education of legislation on construction planning for people of all strata to know and implement them.

9. To impose administrative sanctions in construction planning activities, to force the dismantlement of works built in contravention of plannings, construction permits.

##### **Article 55.-** Organization of implementation

1. The ministers, the heads of ministerial-level agencies, the heads of Government-attached agencies, the presidents of provincial/municipal People's

Committees shall, within the scope of their tasks and powers, have to organize the implementation of this Decree.

2. The Minister of Construction shall assume the prime responsibility for, and coordinate with the concerned ministries and branches in, guiding, monitoring and inspecting the implementation of this Decree.

**Article 56.-** Implementation effect

This Decree takes effect 15 days after its publication in the Official Gazette and replaces Decree No. 91/CP of August 17, 1994 of the Government, promulgating the Regulation on urban planning management.

On behalf of the Government

Prime Minister

*PHAN VAN KHAI*



#### 4. 都市建築管理に係る政令

THE GOVERNMENT

SOCIALIST REPUBLIC OF VIETNAM  
Independence – Freedom – Happiness

No. 29/2007/NĐ-CP

Hanoi February 27<sup>th</sup> 2007

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**DECREE**  
**on urban architectural management**  
\*\*\*\*\*

**THE GOVERNMENT**

Pursuant to Government Organizational Laws dated December 25<sup>th</sup> 2001;  
Pursuant to Laws of Construction on November 26<sup>th</sup> 2003;  
Accessing the request of Minister of Construction,

**DECREES**  
**Chapter 1**  
**GENERAL REGULATIONS**

**Article 1. Applicable boundary**

This decree is to set the urban architectural management, rights and responsibilities of individual or organization related to the urban architecture.

**Article 2. Applicable subjects**

Local and international individual and organization related to urban architecture in Vietnam territory must obey this decree.

**Article 3. Term explanation**

In this decree, the terms and concepts shall be understandable as:

1. *The urban* refers to the inner land boundary of the city and town, including districts and ward, excluding the outskirts.
2. *Urban space* is entire urban space, including urban architectural objects and the space left since the front, awards, above, below and beside the project are built.
3. *Urban architecture* means the urban object space, including housing; technical, art and landscape buildings; advertisement, public space; and projects constructed as planned, of which existence, image and shape can affect the urban image.
4. *Urban landscape* refers to a specific space with many observation directions, such as the space before the composition of architecture, square, street, sidewalk, pedestrian way, park, greenery, plant garden, flower-garden; hill, mountain, hillock, island, natural land slope, seaside land strip, lake surface, river surface, canal which pass the urban area and belong to the urban space.
5. *Architectural composition* is a cluster of houses or a group of buildings in the urban area with close relationship and comprehensive techniques and functions.
6. *Urban Architectural Management Regulations* are regulations for urban architectural management issued by PCs of relevant levels in order to manage their urban architecture pursuant to this Decree and other relevant legal documents.

**Article 4. Requirements of urban architecture**

All urban architectures to be rebuilt, redeveloped or repaired must qualify the following requirements:

1. To be appropriate to the Vietnam architectural development orientations approved by Prime Minister and conform the construction plan approved by relevant authority.
2. To be safe and sustainable during usage, suitable with every persons in approaching the building.
3. Harmonize with other urban architectural elements, namely material, color, decoration details; ensure the general order, integrate into the local townscape and suit the building functions.
4. Ensure to be unified and harmonious in shape; facade details; height, 1<sup>st</sup> floor height of building in each street or urban area.
5. Respect the traditional architectural elements, characteristics, local climate, custom and townscape and environment protection.

#### **Article 5. Urban Architectural Management Regulations**

1. The Urban Architectural Management Regulations are as a base to formulate frameworks and scope of detailed plan for urban redevelopment, urban design, regulations for construction licensing, and urban architectural improvement and redevelopment.
2. Manage the urban architecture according to the following principles:
  - Manage comprehensively from the general to specific space in the urban area;
  - Ensure the architectural succession and consistency of each urban area;
  - Suit the local characteristics and conditions;
  - Refer to recommendations and comments from authorities of construction plan and urban architecture management, and public opinions in the planned area before announcing the Urban Architectural Management Regulations.
3. Categorize in formulating, approving and issuing the Urban Architectural Management Regulations:
  - a) PCs of cities from 1<sup>st</sup> Grade shall formulate, approve and issue the Urban Architectural Management Regulations after assessment comments from MOC;
  - b) PCs of 2<sup>nd</sup> and 3<sup>rd</sup> cities and districts shall formulate the Urban Architectural Management Regulations and submit to provincial PC for approval;
  - c) PCs of 2<sup>nd</sup> and 3<sup>rd</sup> cities and PCs of districts shall formulate, approve and issue the Urban Architectural Management Regulations for their wards or towns in conformable to the approved Urban Architectural Management Regulations at b) of this article.
4. MOC has detailed regulations and issue the form of Urban Architectural Management Regulations.

#### **Article 6. Professional consultancy and unity in the urban architectural management**

1. For the urban to develop sustainably, modernly and characteristically, advisory roles of the Planning and Architecture Committee, and vocational associations related to urban architecture should be improved; the title of Chief Architect should be assigned.
2. MOC is assigned to chair and co-ordinate with Ministry of Internal Affairs to provide prescription and instructions on frameworks, functions, responsibilities and rights of the Planning and Architecture Committees of all levels, on consultancy regulations of vocational organizations, and study on designating Chief Architect of the city; collaborate with Ministry of Finance to prescribe

operational budget for the Planning and Architecture Committees of all levels and submit to Prime Minister for approval.

**Article 7. Contest and advice collection for constructional design concept**

1. For urban buildings stipulated in Term 2, Article 55, Laws of Construction, investor must organize a contest for architectural design concept.
2. Other buildings are not required, but in case of special location affecting the urban image, investor must collect recommendations and advice from vocational organizations or experts in urban architecture, Planning and Architecture Committee and public opinions before submission.

**Article 8. Management and archives of urban architectural documents**

1. Legal documents, reports, maps, models, management regulations for urban construction planning, Urban Architectural Management Regulations (hereinafter called document) are inclusive of:
  - Document for urban construction planning, area landscape architecture.
  - Document for architectural building and details of building in the urban architecture.
  - Other related documents
2. The document must be managed and archived in the governmental office in the fields of construction, architecture and planning; cultural and preservation offices; consultancy agency, investor, contractor and owner of the building. The management, archives and utilization shall be conformable with current laws on archives.

**Chapter II**

**URBAN ARCHITECTURAL MANAGEMENT**

**Article 9. Regulations for urban architecture**

1. Construction, redevelopment or improvement of an urban architecture must conform to the detailed plan approved by relevant authority, construction license, and the local Urban Architectural Management Regulations.
2. It's not permissible to use any material to increase area, construct annexe, occupying the urban space. Any violation shall execute administrative fine according to current laws and the supplement parts must be removed.
3. Once built, redeveloped or improved as approved plan, the urban architecture must ensure the townscape, safety and appropriateness to its surroundings, particularly for building facing a street, sea, river, canal or pond.
4. After compensated as planned, the left land which has sufficient area and shape according to the Construction Law and local Urban Architectural Management Regulations shall be licensed for construction.
5. After improvement, redevelopment and restoration, it is not permissible for historic buildings to be replaced with different material in terms of nature and color.
6. New building which has been recognized as architectural heritages, is required to use similar material in terms of nature and color.
7. The building façade is forbidden from materials or color which are dazzling or more reflective than the hygiene and human health standards.

**Article 10. Regulations for urban architectural composition**

Urban architectural compositions are prescribe below:

1. The maximum length of building line along the street must ensure natural ventilation for backward area, and convenience for transportation and firefighting.

2. Maximum height for a building from the sidewalk surface in construction license is the limited maximum building construction. Any further construction or installation higher than the licensed height is not allowed.
3. The building setback must be conformable to the local 1/500 detailed plan approved by relevant authority and other regulations of Urban Architectural Management Regulations.
4. New architecture located at a corner must ensure transportation vision as well as transportation safety and convenience.

**Article 11. Regulations for urban landscape**

1. Urban landscape is under direct management of the urban government, which shall be protected and maintained by owner of the urban architectural buildings during their utilization, usage and management according to the Urban Architectural Management Regulations.
2. Construction in the area of local urban landscape management list must be restricted any change of its original topographical situation, and approved by the local authority.
3. As for the landscape area connecting closely to a historic – cultural heritage, sights, and national or local preservation area, the local government must collaborate with professional agency to examine and affirm its value before proposing and formulating any preservation and utilization regulation.
4. Ancient tree in natural garden, villa, pagoda, temple, church, historic – cultural heritage or public architecture must be conserved. The urban greenery management agency shall co-ordinate with the owners to make a list of protection, management and care according to current laws.
5. Sidewalk and pedestrian way must harmonize in height, material and color of each street; parterre must be suitable with the street width and flat to ensure safety for pedestrian, particularly the disabled, and convenience for tree protection and care.

**Article 12. Regulations for advertisement**

Independent hoarding or any hoarding attached to the urban architectural buildings must comply with current laws for advertisement. Any unlicensed hoarding is forbidden.

**Article 13. Regulations for urban housing**

1. House in ancient town or heritage area must be examined by local government so that its original appearance could be preserved. Any change, improvement or maintenance must be conformable to current laws of Vietnam on cultural heritage and Urban Architectural Management Regulations.
2. House in old town in the preservation list must obey the detailed plan or improvement project approved by relevant authority whenever improved or redeveloped.
3. Villa and garden house in an urban area which is in the preservation list must keep its original appearance, FAR, storey, height and architecture style. Any requirement for restore must qualify all regulations in Provision 2 of this Article.
4. New street house must conform to the approved detailed plan. For different construction time, in addition to conformability to the approved detailed plan, subsequent house must base on leveling height, floor height and color of the previous licensed houses.
5. For expiry or degraded condominium and tenement house in the danger list, the urban authority must plan to remove the inhabitants in order to improve or build a

new one based on the approved detailed plan, and ensure safe and convenient transportation, environment hygiene and infrastructure connection.

**Article 14. Regulations for power works and urban lighting works**

1. If affecting to the townscape, the existing power sub-stations must be redeveloped or replaced to ensure safety and townscape requirements. The wire should be developed underground as much as possible.
2. Power wire must be changed from uninsulated to well-insulated one and then to underground entirely.
3. Public lighting facility along the streets, for individual building, in a park or square must be in appropriate functions, location, lighting time, illumination, safety, efficiency and power saving. Lighting in such area and location must comply with the current construction planning and lighting criteria. Lighting to affect environment, human health, safety and urban townscape is forbidden.
4. Petrol and gas station must be located according to the approved plan, ensure the townscape, and keep the appropriate and safe distance in residential or crowded area.

**Article 15. Regulations for water supply and drainage facilities, urban hygiene works**

1. Water supply facilities, sewerage facilities, pumping stations, water container, water tower, wastewater intake point, rain-water intake point, sewer, garbage-guard on the street and sidewalk must be designed and installed with appropriate materials, accurate specifications, safe and durable for peoples, vehicles and ensure the townscape. Fire hoses must be located in an appropriate distance along the streets and appropriate accessibility for fire truck, numbered and colored for easy recognition.
2. Lakeshore or riverbank in the urban area must be embanked, appropriate architectural design should be provided for the protection barrier, the outlet must be safe and ensure streetscape.
3. Public rest-rooms in blocks and street must ensure townscape and convenience for all users.
4. Waste bins must be appropriate size, located in exact locations, ensure townscape, convenience and recognizability

**Article 16. Regulations for transportation works in the urban area**

1. Transportation works and its utility works: must be designed synchronously to accommodate people and vehicle, and ensure entire criteria of lighting, environment sanitation, and fire protection; provided with appropriate shape and color to enhance and ensure the urban townscape and characteristics, and harmonize with other works. Prior way for the disabled and the blind should be provided.
2. Works for safe transportation in the urban area: must be designed synchronously with the transport system and ensure quick human escape in case of fire or disaster, and recognizability to the disabled; and provided with appropriate shape and color to enhance and ensure the urban townscape and characteristics.

**Article 17. Regulations for communications works in the urban area**

1. Television broadcasting station is to be constructed in an appropriate location, ensure its serving radius and suit the approved plan.

2. Antenna shall be installed at proper location permitted by the urban management authority.
3. Telephone and communications wires must be replaced with composition wire, unused equipments or wires are to be removed, entire wire system should be located underground.
4. Technical box, post-box, public telephone booth and communication equipments on roadsides must be conformable to the approved plan and sidewalk, have appropriate shape and color, be usable and convenient for pedestrian.
5. shall prescribe and instruct the implementation of communication wire and equipment in the urban area.

**Article 18. Management of architectural restore and maintenance**

1. The urban government shall prescribe the restore and maintenance process of urban architectural buildings conforming to the current construction laws, assuring townscape and safety.
2. When the urban architecture is partly damaged or its façade is downgraded before the maintenance time, the urban government or authorized agency shall be responsible for instructing its owner, user or management agency to promptly repair.

**Article 19. Regulations for specific urban areas**

1. Specific areas compose of the followings:
  - a) The existing urban center, specific center or high construction density area;
  - b) Ancient town, ancient village in a city, preservation area, historical-cultural heritage, sights;
  - c) Old town with valuable architectural heritage;
  - d) Tourism, sport, cultural specialization area;
  - e) The areas along the beach, river, lake, canal, hill, mountain, forest; special landscape area;
  - f) Residential area, new urban area.

In the specific characteristics urban areas, the urban government is responsible for coordinating with relevant functional agencies and instructing professional agencies to take survey, study and statistics for fundamentals of zoning and formulating the urban architectural management regulations; planning to preserve, restore, redevelop or improve according to its demand and urban management categorization as well.

2. For other special urban areas adjoining to railway, expressway, airport, dyke protection corridor and military base, the construction and redevelopment must be conformable with regulations of transport safety corridor, dyke protection and national security.
3. Residential area or urban architecture locates in the protection corridor of high-tension transmission wire must follow current laws of electricity.

**Article 20. Regulations for specific urban architecture**

1. When constructed, redeveloped or restored, religious works in the urban area must obey current laws of construction, religion, cultural heritage and other relevant regulations of this Decree.
2. National or local historical and cultural buildings, country celebrity statue or general cultural symbols must be managed by separate regulations.

3. Such specific architectures as monument, decoration works, fountain and parterre shall be located as planned and designed appropriately to the local culture.

**Article 21. Regulations for other architectures**

1. New office base, sport and culture facilities, school, hospital and medical center in an urban residential area must conform to the approved construction plan and reverse sufficient setback to accommodate evacuation if necessary.
2. New market or supermarket should be provided with parking of proper location, size and convenient for pedestrian while the streetscape and order are ensured.
3. At gate and fence for National flag or Coat of arms, office symbol, name board and address are to be in proper location and size to create graveness and solemnity, ensure vision and to be promptly replaced in case of damage.
4. Existing industrial facilities or factories in the urban area adversely impacting on environment must be removed or transferred functions.
5. Security and national defense facilities in the urban area of which change, functions or expansion must be approved in the condition that its construction does not affect the urban safety, landscape and environment.

**Chapter III**

**RESPONSIBILITIES OF ORGANIZATION AND INDIVIDUAL TO THE URBAN ARCHITECTURES**

**Article 22. Responsibilities of the urban architecture owner, investor and user**

1. To follow the Urban Architectural Regulations issued by the urban government and other relevant urban architectural regulations; protect the current image and conditions of on-using architectures; promptly repair when the architectures are damaged.
2. Investor for the architectural development/redevelopment must follow the approved construction plan and urban architectural regulations. Any design, architectural, functional or structural change, any change in supplementation, roof material, color, or other details of building façade must follow the permit. Any violation of Urban Architectural Regulations or construction shall be fined and subject to removal according to current laws.
3. Investor for the architectural development/redevelopment shall resume responsibility to study and refer to urban architectural advices from professional consultants and associations for the architectural design before submitting for approval.
4. Investor must sign a leasing contract with individual or organizational leaseholder, in which describes the requirements and contents of provisions 1 and 2 of this Article.
5. Any individual or organizational leaseholder must conform to entire contents of provisions 1 and 2 of this Article.

**Article 23. Responsibilities of design consultant**

Urban architectural design consultant, such as design consultant, designer, project leader, shall take full responsibilities for supervising according to the current laws as well as relevant responsibilities for landscape, sustainability, safety, and appropriateness for environment and townscape.

**Article 24. Responsibilities of contractor**

Contractor shall be responsible for completing the project as planned, scheduled and other stipulations of contract. During construction, repair, maintenance or redevelopment, contractor have to minimize adverse impacts to surrounding community, and resume responsible for redeveloping the landscape suffered from construction.

**Article 25. Community supervision of urban architecture**

1. Community or individual is entitled to supervise organizational, individual or urban authority performance on their implementation of urban construction law and Urban Architecture Regulations; on maintenance, utilization or redevelopment of buildings and urban landscape pursuant to the current law.
2. Community or individual is entitled to report any behavior violating the Urban Architecture Regulations to in-charge authority.
3. Legal bases for supervision: legal documents related to urban architecture, detailed plan scaled 1/500, urban design, model, Urban Architecture Regulations, approved and announced construction drawings...

**Chapter IV**

**GOVERNMENTAL MANAGEMENT ON URBAN ARCHITECTURE**

**Article 26. Governmental responsibilities for urban architectural management**

1. MOC shall assist Government in urban architectural management and implementation as followed:
  - a) Draft, revision and supplementation of guidelines for ;
  - b) Chairing and co-ordination with relevant ministries, departments and local governments in implementation guidelines, announcement and realization of this Decree;
  - c) Instructions to local authorities in implementing the governmental documents of urban architectural management and design competition; and response to local, organizational or individual architectural requirements as per their assigned functions;
  - d) Urban architectural investigation, response to appeal or denouncement according to current laws.
2. In their rights and responsibilities, Ministries and Ministerial Offices are entitled to collaborating with local authorities in the implementation of the governmental urban architectural regulations.

**Article 27. Responsibilities of local People's Committee**

The local PC takes full responsible for the urban architecture and dealing with urban architectural violation in their area pursuant to this Decree and the followings:

1. Prepare the Urban Architectural Regulations, refer to professional advice and comments, instruct and supervise the implementation of Urban Architectural Regulations.
2. Indicate duties for in-charge agencies in their assigned area; categorize and assign specific responsibilities for the particular individuals or agencies in supervising, checking and implementing the Urban Architectural Regulations.
3. Check and approve such relevant issues of urban architectural regulations as investment intention, project content, process of construction, management, utilization, maintenance, repair and redevelopment.
4. Inform the investor or user about their building's damage condition; handle with public opinions about the implementation of Urban Architectural Regulations of the relevant individual or organization to the construction, ownership and usage



- of an urban architectural building; refer to current laws to penalize any case violating the Urban Architectural Regulations.
5. Instruct professional organization in choosing a typical study area as an urban pilot and come to design a general urban model in an appropriate scale to accommodate the management.
  6. Organize for announcement and implementation of the governmental documents on Urban Architectural Regulations.
  7. Instruct departments of construction, planning, architecture, culture, information, post and telecommunications, transportation, public works, natural resources, environment, industry and other relevant departments in implementing the Urban Architectural Regulations as per their functions and duties.
  8. Assign, organize and supervise the implementation of this Decree as well as other regulations of the Urban Architectural Regulations in the assigned area.
  9. Summarize and report the implementation effects periodically; give suggestions to upper levels on the approaches of urban architectural management and urban redevelopment.

**Article 28. Inspection, investigation, report and violation settlement**

1. The investor of construction is responsible for checking and investigating the implementation of Urban Architectural Regulations and reporting periodically to the urban government and management authority.
2. Any organization or individual who violates the Urban Architectural Regulations and stipulations of this Decree shall be imposed fines based on the current law.

**Chapter V  
IMPLEMENTATION**

**Article 29.** This decision must be implemented after 15 days since the date of official gazette.

Ministers, Chiefs of Ministerial Departments and Chiefs of Governmental Departments, Chairman of Provincial PCs are responsible to implement this Decision.

**On behalf of the Government**  
**PRIME MINISTER**  
**NGUYEN TAN DUNG**  
(Signed and sealed)

5. 都市建築管理指針の作成・評価・承認指針に係る通達

MINISTRY OF CONSTRUCTION

-----  
No.: 08/2007/TT-BXD

SOCIALIST REPUBLIC OF VIETNAM  
Independence – Freedom – Happiness

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*Hanoi, Sept. 10, 2007*

**CIRCULAR**  
**GUIDING THE FORMULATION, ASSESSMENT AND RATIFICATION OF URBAN**  
**ARCHITECTURAL MANAGEMENT GUIDELINE**

Pursuant to the Decree no. 36/2003/ND-CP dated April 4, 2003 of the Government regulating the functions, authorities and organizational structure of the Ministry of Construction (MOC);

Pursuant to the Decree no. 08/2005/ND-CP dated Jan. 24, 2005 of the Government on Construction Planning.

Pursuant to Decree no. 29/2007/ND-CP dated Feb. 27, 2007 of the Government on Urban architectural management.

The MOC details the formulation, assessment and ratification of Urban architectural management guideline prescribed at Article 18, 27, 30, 31 of Decree no. 08/2005/ND-CP of the Government on Urban Planning (hereinafter referred to as Decree 08/2005/ND-CP) and Article 5, 26, 27 of Decree no. 29/2007/ND-CP dated Feb. 27, 2007 of the Government on Urban architectural management (hereinafter referred to as Decree 29/2007/ND-CP) as follow:

**I- GENERAL REGULATIONS:**

1. This Circular guides the formulation, assessment and ratification of Urban architectural management guideline (hereinafter referred to as UAMG) for urban areas, urban centers, gateway areas, focal areas of cities of special grade to cities of 4<sup>th</sup> grade and towns (5<sup>th</sup> grade urban). For suburban and rural areas, depending on actual conditions of each locality, UAMG is encouraged, not obligatory.

2. Scope of application includes metropolitan government, urban management authorities, agencies of construction planning management of various levels; foreign and local organizations/individuals whose business is construction-related.

3. Urban architectural management guideline includes regulations, guidance for organizations and individuals to follow when conducting urban development and redevelopment following construction plans approved by the competent authorities and urban design plans (being or have been studied); this will be used as a base for the state administration and local authorities to effectively manage planning and investment activities by administrative boundary (city, district, town, ward, rural town), by special areas and functional areas in urban areas; and also a base for controlling license issuance for new constructions, redevelopment constructions, landscaping works to enhance the townscape and living conditions for whole urban areas.

4. Form preconditions for local authorities, organizations and individuals to actively access information, guidance, and regulations in order to perform in accordance to approved construction plans, thus enable effective urban development management and investment on various scale of localities, from city level to narrower administration units

(districts, wards, special areas, functional areas). Urban architectural management guideline is classified into 2 levels:

- Grade I Guideline: is the urban architectural management guideline for the entire city formulated on the basis of the Construction Master Plan of the whole city and Urban design plan for the whole city that is being or has been studied (in which there must be details about key criteria for urban architectural management for each specific area of the urban, classified by features such as: areas to be preserved and renovated, areas to be improved and redeveloped, areas to be newly developed, or areas to be extended), special areas (that feature the image and characteristics of the urban areas, etc.). This guideline details the Article 18 of Decree no. 08/2005/ND-CP guiding the Urban Construction Master Plan management, Article 30 of Decree no. 08/2005/ND-CP dated Jan. 24, 2005 of the Government on Urban Designing in Construction Master Plan.
- Grade II Guideline: is the urban architectural management guideline formulated independently for administrative units (districts, towns, rural towns) on the basis of the approved construction master plans, detailed construction plans of districts, towns, rural towns or special areas and Urban design plans that are or have been studied (including regulations for urban architectural management for each street, functional areas in each block in the boundary of districts, wards complying with urban architectural management regulations in Grade I Guideline); meanwhile, this Grade II Guideline acts as the base for the formulation of detailed planning frameworks and details (of scale 1/500 for urban improvement or redevelopment projects). This Guideline details the Article 5 of Decree no. 29/2007/ND-CP, Article 27 of Decree no. 08/2005/ND-CP prescribing construction detailed plan management and Article 31 of Decree no. 08/2005/ND-CP on Urban Designing in Construction Detailed Plan.

5. For urban areas of grade 2 or above, Grade I and II Guideline are to be formulated; for urban areas of grade 3 (cities of provincial levels), depending on the size, administration competency and specific requirements of each locality, provincial government shall formulate 1 or 2 guidelines (Grade I or II). For cities of grade 4 or 5 (administrative units of town or rural town level), there may be a combination between Grade I and Grade II Guideline to form a unified urban architectural management guideline for the whole city.

6. Details of the Urban Architectural Management Guideline must be modified or adjusted to be complied with the changes or adjustments made to the Construction plans and Urban design plans. The adjustments or changes to the guideline must be done by the competent organizations that have formulated the Guideline.

7. For areas where urbanization process is too fast or where administration units (districts, wards) are merged, split, or added, details of which are not updated in the formation of Construction plan, local authorities must collaborate with DPA, DOC and the TUPWS to work out adequate urban architectural management principles to the common development orientations of the urban.

## **II. ORGANIZATIONS/AGENCIES TO FORMULATE, ASSESS AND RATIFY THE URBAN ARCHITECTURAL MANAGEMENT GUIDELINE:**

1. Organizations/agencies to formulate the Guideline:

For Grade I Guideline: provincial PC shall order DPA (for Hanoi and HCMC), DOC (for other provinces) to formulate the Guideline and conduct the modification/adjustment in case needed.

For Grade II Guideline: PC of districts shall collaborate with DPA (for Hanoi and HCMC), DOC (for other provinces) to formulate the Guideline and conduct the modification/adjustment in case needed.

2. Organizations/agencies to assess and ratify the Guideline:

a) For Grade I Guideline:

For cities of grade I or above and centrally managed cities: the PC of provinces shall ratify and promulgate the Urban Architectural Management Guideline after MOC has completed its assessment on the Guideline.

For cities of grade II or below, the PC of provinces shall ratify and promulgate the Urban Architectural Management Guideline after DOC has completed its assessment on the Guideline.

b) For Grade II Guideline:

For cities of grade I or above, centrally managed cities, provincial cities, towns: provincial PC shall ratify and promulgate the Urban Architectural Management Guideline after DPA (of HCMC and Hanoi) or DOC (of other provinces) has completed its assessment on the Guideline.

For rural towns (grade 5 cities): PC of district or town level shall ratify and promulgate the Guideline following decentralized authorities granted from the provincial authorities.

For unique areas and areas of special functions, the organization to ratify the Guideline is the one that has the authority to ratify the construction plans of that area.

### **III. DETAILS TO BE INCLUDED IN THE CONTENTS OF THE GUIDELINE:**

#### **1. Grade I Guideline:**

Details of the Grade I Guideline include regulations for urban architectural management for the whole city (mainly for inner city areas, city gates, special areas) with introductory information about the city's boundary. Basing on evaluation of natural and social conditions, details specified in the construction master plan(s) approved by the competent authority, urban design plans that are being or have been conducted, formulate regulations for urban architectural management for each development control areas (areas to be protected and renovated, areas to be improved and redeveloped, areas to be newly developed, and areas to be expanded) and special areas in the city. Details are as follow:

- a. The description of current conditions of location, boundary, administrative boundary (districts, suburban districts); land area and population size (urban and suburban), category (grading) of city, etc. may be shown in the administrative map. Analyze some specific features of the city: natural conditions (topography, natural landscape), development history, urban structure, spatial development orientations with illustrative figures/images. Analyze factors that form the image

and characteristics of the city: large-scale open spaces (lakes, rivers, green parks), special areas of the city (like Ba Dinh Political Center, the Ancient Town, the Ho Tay (West Lake) area, the Ho Guom (Sword Lake) area, etc. in Hanoi) with illustrative figures/images.

Based on the approved master plan of the whole city, directions of development for the city (with illustrative images) shall be determined. Architectural Management Guideline for the whole city must include mainly regulations on urban architectural management for each development control area and special areas.

- b. Regulations on urban architectural management for each development control area include: urban architectural management regulations for areas to be protected and renovated, areas to be improved and redeveloped, areas to be newly developed, with details as follow clearly specified: location, size, boundary, architecture-planning norms (BCR, FAR, some requirements on features and architecture, structure of buildings, building height (maximum), fill height for each area); regulations on the technical infrastructure (transport, land filling, drainage, sewerage, water supply, power supply, telecommunication, etc.); environmental regulations; regulations on advertising; regulations on landscape conservation, etc.
- c. Regulations on urban architectural management for special areas shall be determined based on the characteristics of each specific area and shall include details as follow: boundary (in Dist. A, B, C, etc.), size, major architecture-planning requirements (set-back, BCR, buffer corridor (in which construction is prohibited), design, structure, courtyard, fence, gate, parking space, etc.), regulations on the technical infrastructure, environmental regulations, regulations on advertising; regulations on landscape conservation, etc.

The Grade I guideline shall be formulated following the form of Appendix I of this Circular.

## **2. Grade II Guideline:**

- a) For urban areas of grade I or above and centrally governed cities (of which Grade I Guideline has been formulated), based on the Grade I Urban Architectural Management Guideline which include regulations for categorized development areas and special areas, the Grade II Guideline shall further develop the regulations in the Grade I Guideline for each district, with general introduction and analysis of major features of each district, review of natural and social current conditions of each district, and also, shall detail the approved construction master plan of the district and urban design plans that have been or are being studied, and specify urban architectural management regulations for each ward, each street and block.
- b) Details of location, boundary, administrative units (wards), size and population shall be integrated in the administration map. Analysis of natural conditions (topography, natural landscape), development profile, structure of the district/town...) and spatial development orientation shall be done with images for illustration. Statistic data of current conditions of blocks (code name, size, population of the block) and streets (street name, length, width, right-of-way, set-back) by wards shall be included.

- c) Regulations on Urban Architectural Management of each district/town in compliance with the approved urban construction master plans and the urban design plans (that have been or are being studied) shall include urban architectural management regulations for each street, block, and functional area (residential areas, offices, public spaces, green and park, IPs, etc.). If a functional area is in the area of 2 districts or 2 streets/blocks, then regulations on urban architectural management for that area must be consistent on the 2 relevant districts/streets/blocks.
- d) Detailed regulations on Urban Architectural Management for each street must be included, governing such concerns as: allowed features of buildings, set-back, structures that overhanging outside the main building (on the street-front side; on the rear sides), scale and elevation (from the ground) of balconies and porch roof of row houses in each street, building height, plot size, architecture and design (construction materials, colors, façade), type of buildings at road junctions, location of symbolic constructions, forms of advertisement, arrangement of technical facilities along each street.

For streets that are newly or going to be built in the future, there should be prior studies to control the architecture and landscape along the 2 sides of the streets.

- e) Detailed regulations on Urban Architectural Management for each block must be included, ruling such concerns as: BCR, average height of the entire block, maximum height, location of symbolic constructions in each block.
- f) For functional areas that are existing or are planned to be established in the initial phase (to be implemented within 5 years) of the construction plan approved by the competent authorities, such as office areas, public facilities, and green parks, the regulations on Urban Architectural Management shall detail the following concerns: location, size, BCR, building height, architecture of buildings, yard, fence, gate, parking space, environment and landscape conservation, technical facilities (land fill height, water supply, drainage and sewerage, power supply, telecommunication, etc.)
- g) For areas with residential functions, regulations on Urban Architectural Management shall be formulated basing on the specific features and history of establishment and development of each residential area (ancient quarters, old quarters, apartment quarters, urbanized villages, new urban areas, etc.). The tasks of supervising and implementing Urban Architectural Management regulations will be conducted by the people's committee of the relevant ward(s).
- h) For special constructions (symbolic constructions, constructions of significant historical-cultural value), the regulations on Urban Architectural Management shall rule the following matters: location, boundary, size, features, functions, buffer areas (where constructions are prohibited), architecture style, fencing, gate, yard, advertisement, lighting, parking spaces, environment and landscape conservation, etc.

The Grade II guideline shall be formulated following the form of Appendix II of this Circular.

#### **IV. POLLING FOR IDEAS FOR URBAN ARCHITECTURAL MANAGEMENT**

1. Grade I Guideline:

Grade I Guideline is formulated on the basis of the approved construction master plans and urban design plans that have been or are being studied. During the process of formulating the Guideline, ideas of professional associations and relevant organizations/agencies are to be consulted.

For special areas, if there is any area that impacts the urban landscape and architecture, then the agencies that formulate the Guideline must consult the ideas of organizations and individuals residing in the relevant areas.

2. Grade II Guideline:

During the process of formulating the Grade II Guideline, the conducting agencies may split the Guideline into smaller parts which is directly relevant to each administration unit (ward) or functional area in the locality and consult ideas of organizations and citizens residing in the relevant blocks/streets.

#### **V. WAYS OF ANNOUNCING, POPULARIZING THE URBAN ARCHITECTURAL MANAGEMENT GUIDELINE:**

a. Grade I Guideline:

For cities of grade I or above and centrally managed cities: People's Committee (PC) of provincial level shall ratify and promulgate the Guideline. PC of district level shall popularize the relevant details in the approved Urban architectural management guideline to organizations and citizens, then supervise the implementation process.

For cities of grade II or below, People's Committee (PC) of provincial level shall ratify and promulgate the Guideline. PC of wards shall popularize the relevant details in the approved urban architectural management guideline to organizations and citizens, then supervise the implementation process.

b. Grade II Guideline:

For districts of cities of grade I or above and centrally managed cities, provincial cities and towns, the Grade II Guideline shall be ratified and promulgated by the PC of provincial level. The PC of districts, towns, and wards shall popularize the relevant details in the approved urban architectural management guideline to organizations and citizens, then supervise the implementation process.

#### **VI. RESPONSIBILITIES OF THE PEOPLE COMMITTEES, ORGANIZATIONS/AGENCIES IN SUPERVISING THE IMPLEMENTATION OF THE GUIDELINE:**

People's Committee of provincial level shall regulate sanctions to be applied for any violation, then assign district PC to supervise, check and tackle any form of violation to the Guideline.

For functional areas and special areas, the task of supervising and implementing Urban Architectural Management regulations shall be conducted by the relevant organizations/agencies in the realm of the Guideline.

**VII. IMPLEMENTATION:**

1. This Circular shall become valid 15 days after being published on the Official Gazette.
2. Should there be any problem occurs during the implementation process, the PC of provincial level or PC of centrally-governed cities shall report to the MOC to be solved or forwarded to the Government.

PP. The Minister  
Deputy Minister  
(*signed*)

**TRAN NGOC CHINH**



## Appendix 1

### FORM OF URBAN ARCHITECTURAL MANAGEMENT GUIDELINE FOR GRADE I URBAN AREA

*(Promulgated together with the Circular no. 08/2007/TT-BXD dated Sept. 10, 2007 of the Ministry of Construction guiding the formulation, assessment and ratification of urban architectural management guideline)*

City People's Committee

SOCIALIST REPUBLIC OF VIETNAM  
Independence – Freedom – Happiness  
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### URBAN ARCHITECTURAL MANAGEMENT GUIDELINE (CITY)

*(Promulgated together with the Decision no...)*

#### Chapter I: GENERAL REGULATIONS:

This Guideline guides the management of improvement, redevelopment, preservation and deployment of constructions and landscape of cities so as to be compliance with urban construction master plans that have been approved or urban design plans that have been or are being studied (urban design plans are to be studied and applied for development control areas, special areas or areas along main streets of the cities).

Besides the regulations detailed in this document, urban construction management must be also conducted following the State's current laws.

#### ARTICLE I: Scope of application:

Local and international individuals/organizations whose business is related to the domain of urban architectural development and management must strictly follow this Guideline.

Urban construction and planning management agencies (DPA, DOC) shall support people's committees of provinces and cities of central administration level in urban architectural management following regulations in this guideline.

Any adjustment, modification or change made to the regulations in this document must be approved by the competent authorities that have assessed and approved this Guideline.

#### Article 2: Facts about current conditions of the city:

1. Geographical location, administrative level (administrative map to be enclosed)
  - Location, boundaries of the city (borders ...in the east/west/south/north)
  - Urban features and grading
  - Area (km<sup>2</sup>) and population (people) of the entire city
  - Administrative units (name of districts), area (km<sup>2</sup>) and population (people) of each district (may be in a list)
  
2. Topographic and architecture-landscape features:

- Natural conditions (topography, natural landscape...) with images for illustration
- Structure and development orientations of the city (with figures for illustration)
- Key features of urban architectural form
- History of development of the city (with structural figures, etc.)

**Article 3: Some main details about the city's development plan:**

1. Development control zoning (with figures for illustration):
  - Urban areas to be protected and improved;
  - Urban areas to be modified, redeveloped;
  - Urban areas to be newly-developed;
  
2. Special areas:
  - Special political centers
  - Areas that feature the image and characteristics of the urban areas: green parks, lakes, riverside areas, landscape areas, and historical sites to be conserved;
  - Gateway areas to the city,
  - Areas with national defense and security functions.
  - Industrial parks
  - Areas to be reserved for future development;
  - Major technical infrastructure (car parks, ports, railway stations, airports, water plants, power plants, waste treatment sites, sewerage treatment sites, city cemeteries, etc.)
  - National roads, expressways, ring roads through the city (with details about name, length, starting/ending points, width of roadbed, right-of-way, set back).

**Chapter II DETAILED REGULATIONS:**

**Article 4: Urban areas to be protected and improved:**

1. Zone A:
  - Location (border ... in the east/west/south/north),
  - Size (area (km<sup>2</sup>), population (people)),
  - Boundary (in...district/ward)

Key criteria in architecture-planning: BCR, architectural design, building height (average, maximum), set back (along streets)

Key criteria in technical infrastructure development: building height, transport, land filling, water supply, storm water drainage, sewerage, power supply, telecommunication, etc.

Environmental regulations; regulations on advertising in urban areas (based on the Ordinance on Advertisement),

Regulations of landscape preservation.

2. Zone B (state the same details as Zone A above)

State the other zones (C, D, E, etc.)

**Article 5: Urban areas to be modified and/or redeveloped:**

1. Zone A:

- Location (border ... in the east/west/south/north),
- Size (area (km<sup>2</sup>), population (people)),
- Boundary (in...district/ward)

Regulations on key criteria in architecture-planning: BCR, architectural design, height (average, maximum), set back (along streets)

Regulations on some key criteria in technical infrastructure: building height, transport, fills height, water supply, storm water drainage, sewerage, power supply, telecommunication, etc.

Environmental regulations; regulations on advertising in urban areas (based on the Ordinance on Advertisement),

Regulations on landscape preservation.

2. Zone B: (state the same details as Zone A above)

State the other zones (C, D, E, etc.)

**Article 6: Newly developed urban areas:**

1. Zone A:

- a. Location (border ... in the east/west/south/north),
- b. Size (area (km<sup>2</sup>), population (people)),
- c. Boundary (in...district/ward)

Regulations on key criteria in architecture-planning: BCR, architectural design, height (average, maximum), set back (along streets)

Regulations on some key criteria in technical infrastructure: building height, transport, land fill height, water supply, storm water drainage, sewerage, power supply, telecommunication, etc.

Environmental regulations; regulations on advertising in urban areas (based on the Ordinance on Advertisement),

Regulations on landscape preservation.

2. Zone B: (state the same details as Zone A above)

State the other zones (C, D, E, etc.)

Article 7: Political centre (either of national, provincial, city or town level – depending on the grade of each urban area):

1. Zone A:

Boundary, area, in district ...

Architectural-planning criteria: set back, BCR, maximum height, architectural outline (architectural structuring, architectural designing, colors, construction materials), green spaces, courtyards, etc.

Regulations for the technical infrastructure network: transportation, building height, water supply, drainage, sewerage, power supply, etc.

2. Zone B: (state the same details as Zone A above)  
State the other zones (C, D, E, etc.)

**Article 8:** Parks and green spaces, lakes, areas along the two banks of rivers that run through the urban areas, and areas with beautiful landscape to be preserved.

1. Zone A:  
Land area, name of administrative organization(s)  
Regulations on buffer areas (where constructions are not allowed),  
Regulations on architecture-planning such as BCR, building type, courtyards, gates, car parks, etc.  
Environmental regulations,  
Regulations on advertising in these areas (based on the Ordinance on Advertisement),  
Regulation on landscape conservation.  
Regulations for the technical infrastructure network: transportation, land filling, water supply, storm water drainage, sewerage, power supply, telecommunication, etc.

2. Zone B: (state the same details as Zone A above)  
State the other zones (C, D, E, etc.)

**Article 9:** City gateways:

1. Zone A:  
Boundary, land area, in district...  
Architectural-planning criteria: set back, BCR, medium and maximum building height, architectural outline (architectural structuring, architectural designing, colors, materials), green spaces, forms of advertisement, public services (if any), etc.

Regulations for the technical infrastructure network: transportation, land filling, building height, water supply, drainage, sewerage, power supply, etc.

2. Zone B: (state the same details as Zone A above)  
State the other zones (C, D, E, etc.)

**Article 10:** Areas of security and national defense functions:

1. Zone A:  
Land area, administering organization(s)  
Regulations on architecture-planning: set back, BCR, average and maximum building height; architectural outline (architectural structuring, architectural designing, colors, materials), green spaces, courtyards, fences, gates, car parks, parking lots, etc.

Regulations for the technical infrastructure network: transport, land filling, building height, water supply, drainage and sewerage, power supply, telecommunication, etc.

2. Zone B: (state the same details as Zone A above)  
State the other zones (C, D, E, etc.)

**Article 11:** Industrial parks:

1. Zone A:  
Land area, administering organization(s)

Features of the IP

Regulations on buffer spaces from the main roads of the area (where constructions are not allowed),

Regulations on architecture-planning: BCR, coverage area of functional areas in the IP, building height, type of main gate to the IP, car parks, plaza, collective roads, etc.

Environmental regulations (standards for sewerage, sewerage intake points, sewerage treatment sites, waste collection and transfer station, etc.)

Regulations for the technical infrastructure network: transportation, land filling, building height, water supply, drainage and sewerage, power supply, telecommunication, etc.

2. Zone B: (state the same details as Zone A above)

State the other zones (C, D, E, etc.)

**Article 12:** Key infrastructure facilities (car parks, ports, railway stations, airports, water plants, power plants, waste treatment sites, sewerage treatment sites, city cemetery, etc.)

1. Infrastructure facility A:

Land area, administering organization(s)

Architectural design principles

Regulations on buffer spaces from residential areas, and boundary of facilities protection,

Regulations on the technical infrastructure network: transportation, land filling, water supply, drainage and sewerage, power supply, telecommunication, etc.

Environmental regulations,

Regulations on landscape conservation

2. Infrastructure facility B: (same details as above)

State the other zones (C, D, E, etc.)

**Article ...:** National roads, expressways, ring roads that span the city (may be listed in tables):

Name of national roads, expressways, ring roads, etc.

Length of section in city area (with details of starting and ending points);

Road width, sections, right-of-way,

Controls of set back, building height along each street, each section (of different administrative boundaries);

No.	Road name	Length	Road-bed width	Right-of-way	Set back

**Article ...:** Architectural design principles for constructions along the two sides of the roads mentioned above (by sections of each of these roads):

Regulations of allowed types of buildings;

Regulations on set back, BCR, average and maximum building height, some main architectural principles of the buildings (construction materials, colors, façade);

Principles for landscape development: green (types of tree), fences (size, material, structure, etc.), types/structures of signboards, ads along the entire road (on sections within city area);

Allocation principle of infrastructure facilities along each section of each road.

Regulations on road safety corridors: size (m). Constructions are strictly prohibited in road safety corridors.

**Chapter III: IMPLEMENTATION:**

**Article ...:** Any violation or breach of regulations of this Guideline shall, depending on the extent of violation or breach, be subjected to fines or criminal punishments following relevant codes promulgated by provincial people's committee.

**Article ...:** This Guideline is promulgated and archived at City People Committee, Department of Planning and Architecture, Department of Construction and People's Committee of inner city districts.

**On behalf of the People's Committee  
CHAIRMAN**

## APPENDIX 2A

### FORM OF URBAN ARCHITECTURAL MANAGEMENT GUIDELINE FOR GRADE II URBAN AREA

*(Promulgated together with the Circular no. .../2007/TT-BXD dated ... of the Ministry of Construction guiding the formulation, assessment and ratification of urban architectural management guideline)*

People's Committee (of provinces/cities of central administration level) SOCIALIST REPUBLIC OF VIETNAM  
Independence – Freedom – Happiness

-----

*Date...*

### URBAN ARCHITECTURAL MANAGEMENT GUIDELINE (for DISTRICTS, TOWNS)

*(Promulgated together with the Decision no...)*

#### Chapter I: GENERAL REGULATIONS:

This Guideline guides the management of improvement, redevelopment, preservation and deployment of constructions and landscape of districts (towns) so as to be compliance with the approved district (town) construction master plans and urban design plans (for main streets and functional areas of districts (towns)).

Besides the regulations detailed in this document, urban construction management must be also conducted following the State's current laws.

#### Article I: SCOPE OF APPLICATION:

Local and international individuals/organizations whose business is related to the domain of urban architectural development and management must strictly follow this Guideline.

Urban construction and planning management agencies (DPA, DOC, districts' (towns') Construction Authority) shall support people's committees of provinces and cities of central administration level in urban architectural management following regulations in this guideline.

Any adjustment, modification or change made to the regulations in this document must be approved by the competent authorities that have assessed and approved this Guideline.

#### Article 2: Brief of current conditions and development plans of districts, towns:

1. Location, features, size (administrative map to be enclosed)
  - Location, boundaries of the district (town) (borders ... in the east/west/south/north)
  - Feature
  - Area (km<sup>2</sup>) and population (people) of the whole district (town)
2. Topographic and architecture-landscape features:

- Structure of the district (town) (with figures for illustration)
- Architectural form
- History of development (with structural diagrams, charts, etc.)

3. Administrative units (wards)

Name, size (km<sup>2</sup>), population (people) of each ward (may be listed in tables)

No.	Name of ward	Area (ha)	Population (people)
1	A		
2	B		
3	C		

4. List of blocks, streets by wards:

List and specify set-back controls for streets in each ward, with such details as name, length (starting/ending point)

No.	Street name	Length	Roadbed width	Right-of-way	Set back
1	A				
2	B				
3	C				

List of blocks in each ward: with code names, size (ha) and population of the blocks.

No.	Code name	Size (ha)	Population

Specify urban architectural management principles for each street, then for each block. Details shall be as follow:

**Chapter II: Detailed regulations:**

**Article 4: Street A:**

Regulations of allowed types of buildings;  
 Regulations on set back, building height, main architectural principles of the buildings (construction materials, colors, structure, façade);  
 Principles for structures that outgrowth the buildings (on street-fronting side; on the sides bordering other land lots);  
 Regulations on architecture of buildings at junctions and symbolic buildings  
 Principles for landscape development: green (types of tree), fences (size, material, structure, etc.), types/structures of signboards, ads along the entire road (on sections within city area);

Allocation principle of infrastructure facilities along each section of each road.

Regulations on road safety corridors: size (m). Constructions are strictly prohibited in road safety corridors.

**Article 5: Street B: (same details as above)**



**Article...:** Areas to be preserved (historical blocks):

1. Block A:

Regulations of BCR, average and maximum building height, symbolic buildings of the whole block.

Regulations on location, boundary, size (land area) of the whole block

Architecture-planning principles by streets for the historical blocks: right-of-way, set back, building height, façade, construction materials, etc.

Categorization of constructions for preservation (constructions with both façade and interior to be strictly preserved; constructions with façade to be preserved but interior may be modified; constructions that can be modified, etc.)

Allocation principles of infrastructure facilities along streets: water supply, power supply, sanitation.

2. Block B: (same details as above)

3. Block C: (same details as above)

**Article ...:** Areas to be modified, redeveloped:

1. Block A:

Location, boundary, size (land area) of the whole block

Architecture-planning principles by streets for the historical blocks: right-of-way, set back, building height, façade, construction materials, color, etc.

Standards to be qualified as constructions to be preserved (those that have architectural significance, nice looking, and feature the unique urban image of the area);

Principles on architectural preservation (strictly prohibit any supplementary construction or modification that deforms the initial architecture of buildings)

Specify schedule maintenance; individuals/organizations to be responsible for the maintenance, etc.

Specify constructions that are allowed to be improved or replaced by new ones.

Allocation principles of infrastructure facilities along streets in the block.

2. Block B: (same details as above)

3. Block C: (same details as above)

**Article ...:** Apartment blocks:

Name of apartments in districts (or towns), location, boundary, size (land area) of the whole block

Categorize apartment blocks by time of construction, term of use;

Principles of apartment improvement or construction.

Specify plans for improving or replacing apartments built 50 years before, of which term of use have expired, that have degraded or been enlisted as danger-prone buildings.

Apartments or tenement buildings built 10-50 years before must be maintained at least once every 5 years.

Prohibit any supplementary construction or modification that deforms the initial architecture and structure of buildings.

Principles of open space preservation (playgrounds, gardens); prohibit the penetration or occupancy into the spaces of greenery, gardens, playgrounds, and other public spaces for housing or commercial activities.

Allocation principles of infrastructure facilities in the area.

**Article ...:** Houses built by the people:

1. Zone A:

Principles of right-of-way, set back, building height along streets, alleys, etc. Minimum area of land on which buildings are allowed, BCR, architecture, construction materials, etc.

Allocation principles of infrastructure facilities, sanitation facilities along streets in the neighborhood.

Principles of traffic safety corridors, public transportation land, on which temporary houses, 'super slim' houses, etc. are strictly prohibited.

2. Zone B:

3. Zone C:

**Article ...:** Urbanized villages in inner city areas:

1. Zone 1:

Regulations of boundary of villages or hamlets where housing constructions are allowed,

Principles of set back, land fill height, building height, BCR, points of technical infrastructure (power supply, water supply, water drainage, sewerage, sanitation facilities, etc.) connection.

2. Zone 2:

3. Zone 3:

**Article ...:** New urban areas:

1. New Urban A:

Regulations of land use ratio: land for housing (high-rise, low-rise), green parks, social infrastructure facilities (schools, nursery schools, hospitals, supermarkets, etc.)

Architectural-planning criteria: BCR, average, minimum and maximum height, right-of-way, set back, land fill height, architecture, construction materials, etc.

Principles of technical and social infrastructure facility development.

2. New Urban B:

3. New Urban C:

**Article ...:** Special constructions (symbolic constructions, constructions of special historical-cultural importance of the locality)

Location, boundary, size (land area)

Features, functions

Boundary of preserved area (constructions prohibited),

Principles of structure of fences, gates, gardens, ads, lights, car parks, etc.

Environmental principles, landscape preservation principles (principles of development of surrounding constructions).

**Article ...:** Functional areas in blocks in development control areas:

Functional areas in blocks in development control areas: areas to be protected and renovated, areas to be improved and redeveloped, areas to be newly developed, etc. must be controlled in compliance to the architectural-planning criteria regulated in management guideline for Grade I urban areas.

Regulations of locations, boundary, size of functional areas (existing and planned for the initial phase) in each block such as: administrative-political centers at various levels, public business-commercial centers, office areas, sports, cultural facilities, green parks, universities and vocational training schools, nursery schools, kindergartens, health care system (from central to local levels), cultural-historical facilities, etc.

Architectural-planning criteria: BCR, architecture, fences, gates, car parks, etc.

Environmental principles,

Landscape preservation principles.

Principles of technical infrastructure facilities: transport, land filling, water supply, sewerage, power supply, telecommunication, etc.

### **Chapter III: IMPLEMENTATION:**

**Article ...:** Any violation or breach of regulations of this Guideline shall, depending on the extent of violation or breach, be subjected to fines or criminal punishments.

**Article ...:** This Guideline is promulgated and archived at City People Committee, Department of Planning and Architecture, Department of Construction and People's Committee of districts, towns, and wards.

**On behalf of the People's Committee  
CHAIRMAN**

**MINISTRY OF  
CONSTRUCTION**

No. 459 /Q§-BXD

**SOCIALIST REPUBLIC OF VIET NAM  
Independence - Freedom - Happiness**

*Ha Noi, 02<sup>rd</sup> April 2008*

**decision  
on establishing and prescribing the functions, tasks, powers and organizational  
structures of Urban Development Agency**

**MINISTER OF CONSTRUCTION**

Pursuant to Decree No. 178/2007/N§-CP dated 03 December 2007 of Vietnamese Government on prescribing the functions, tasks, powers and organizational structures of the ministries and ministerial-level agencies;

Pursuant to Decree No. 17/2008/N§-CP dated 04 February 2008 of Vietnamese Government on prescribing the functions, tasks, powers and organizational structures of the Ministry of Construction;

As Director of Organizational Department's proposal,

**Decision**

**Article 1.** Establishing Urban Development Agency.

**Article 2.** Position, function:

Urban Development Agency is agency has responsibility on state management of urban development field; organizing programs, projects on urban development invested or executed by the Ministry under Ministry of Construction's Assignment.

The Urban Development Agency has a legal entity, own stamp to transaction, own account in Bank and State Treasury in accordance with currents regulations of Law

**Article 3.** Tasks description:

1. Studying, proposing and preparing documents/materials for Ministry of Construction submits to Prime Minister to issue strategic master plan for urban systems over national scope, programs and national level projects; conducting the strategies, plans, programs and projects after approval
2. Studying, proposing, preparing documents/materials for Ministry of Construction submits to authorities to issue or Ministry of Construction issues by its authority legal regulations, policies, mechanisms, solutions on construction investment and synchronous urban development, on urbanization and urban management models; guiding and checking the implementation process over the national scale.
3. Studying, building assessment criteria, classifying urban areas according periods relevant to the general development process of the country; guiding and checking the assessment and classification of urban areas annually by criteria

stated by the Government; approval organizing for Ministry of Construction submits to authority levels to decide or Minister decides to admit the urban classification classified by the Government.

4. Studying , building criteria to evaluate new urban zones (residential areas), submit Prime Minister to issue and implement; Guiding and checking investment and urban development activities to ensure to match planning concept. Guiding and checking the implementation urban policies. Guiding on construction order management.
5. Guiding, checking Provincial, City People Committees belongs to the Central in implementing urban development programs and exploiting land use of urban construction according to the approved urban construction.
6. Cooperating with internal and external organizations and personnel on urban development; organizing construction investment activities and urban development; organizing mobilization, exploitation, coordination of internal and external resources for construction investment and urban system development assigned by the Minister.
7. Guiding, supporting local authorities in coordination and management of urban development investment projects (building list system, identifying investment needs, attracting plan and resource use..).
8. Controlling investment projects, technical assistance projects or programs related to urban development chaired or invested by Ministry of Construction (including regional construction planning projects, construction planning of special urban areas'; urban classification projects, national urban upgrading programs; urban improvement projects; new urban development projects..).
9. Checking, synthesizing, assessing and reporting urban development situation in the whole country; building and managing database system, providing information on urban development.
10. Preparing mechanisms, policies aimed at encouraging public services development in urban development field submits to authority level or Ministry of Construction approves and issues; guiding and checking organizations implement public services in urban development field in accordance with regulations and law.
11. Organizing and operating of forums, conferences, national and international science workshop, capacity building activities, advance in technical and scientific application in urban development field.
12. Managing personnel governmental staff; applying salary policies and reward, discipline and other regulations to staff, civil servant, official under competence of the Agency.
13. Managing finance and assigned assets, allocated budget, income activities in accordance with Law and Ministry of Construction 's regulations.

14. Conducting other tasks assigned by Minister of Construction

**Article 4: Urban development agency and director has responsibilities about:**

1. Urban management and development over national scope.
2. The situation of carrying out projects, national level projects on urban development; The situation of carrying out programs, projects on urban development executed by Ministry of construction as a investor or executive
3. The outputs of activities stated in article 3 of this decision

**Article 5: The responsibility of Director of Urban development agency**

1. Ordering/ asking relevant agencies, units, organizations cover management affair of state and local authorities to provide data base, necessary materials supporting for Urban development agency fulfills related task
2. Signing some official documents, professional guideline in the name of director of urban development agency and using the own seal under legalism
3. be authorized by Minister to sign some documents involving to the Agency's task according to regulation stated on relevant activities of Ministry of Construction

**Article 6: Organization system of Urban development agency**

1. Urban development agency has 1 director, some vice directors and several departments, centres, a management board under directly with suitable arrangement through out certain periods

Each of departments has a chief and some deputy managers. Each of centre has a director and some vice directors

2. The units under Urban development agency including:
  - a) synthetic division
  - b) strategic and urban development plan division
  - c) Management and urban development division
  - d) Information, external corporation and urban development consulting centre
  - e) Urban development management board

Urban development management board and Information, external corporation and urban development consulting centre is unit of enterprise having income directly under Urban development agency has own seal in accordance with legal models to transact, eligibility to open own account at Bank and State Treasury according to authorizing and accounting and financial decentralization management in accordance with current regulation of Law

3. New establishment, reorganization, dissolving the units of Urban development Agency will be decide by Minister base of Director's Urban Development Agency and Director of Department of Personnel Department
4. Based on Agency tasks and function, Director of Urban Development Agency is responsible in specifying programmes, plans for each period, identifying needs for staff of the Agency.

**Article 7: This Decision is effective after 15 days of signing**

Director of Personnel Staff Department, Director of General Office, Director of Urban Development Agency and heads of other units belongs to the Ministry of Construction are responsible to implement this Decision.

7. 都市及び都市管理レベルの分類に係る政令

THE GOVERNMENT

No: 72/2001/ND-CP

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom - Happiness

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*Ha Noi , Day 05 month 10 year 2001*

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**DECREE No. 72/2001/ND-CP OF OCTOBER 5, 2001 ON THE CLASSIFICATION OF URBAN CENTERS AND URBAN MANAGEMENT LEVELS**

THE GOVERNMENT

*Pursuant to the Law on Organization of the Government of September 30, 1992;*

*Pursuant to the Law on Organization of People's Councils and People's Committees of June 21, 1994;*

*At the proposals of the Minister of Construction and the Minister-Director of the Government Commission for Organization and Personnel,*

DECREES:

Chapter I

GENERAL PROVISIONS

**Article 1.-** Scope of regulation

This Decree prescribes the classification of urban centers and urban management levels.

**Article 2.-** Aims of the classification of urban centers and determination of urban management levels

The classification of urban centers and determination of urban management levels aim to lay the foundation for:



1. Organizing, arranging and developing the urban system throughout the country;
2. Decentralizing urban management;
3. Working out, considering and approving urban construction plannings;
4. Formulating a system of legal documents, criteria, policies and mechanisms for management of urban development.

**Article 3.-** Urban centers and basic factors for classifying urban centers

1. Urban centers include cities, provincial towns and district townships established under decisions of competent State agencies.
2. The basic factors for classifying urban centers include:
  - a/ The function of being general centers or specialized centers, and the role of boosting the socio-economic development of the whole country or a certain territorial area;
  - b/ The non-agricultural labor represents at least 65% of the total labor force;
  - c/ The infrastructures in service of population s activities must be at least 70% up to the standards and norms prescribed for each type of urban centers;
  - d/ The population size must be at least of 4,000 people;
  - e/ The population density conforms to the size, nature and characteristics of each type of urban centers.
3. The urban center classification criteria, which aim to concretize the factors prescribed in Clause 2 of this Article, shall be applicable to inner cities, inner provincial and district townships.

**Article 4.-** Classification of urban centers and urban management levels

1. Urban centers are classified into 6 grades, namely: special-grade, grade-I, grade-II, grade-III, grade-IV and grade-V urban centers.
2. Urban management levels include:

a/ Centrally-run cities;

b/ Provincially-run cities; provincial towns or centrally-run cities towns;

c/ District townships.

**Article 5.-** Founding of new urban centers and classification of newly founded urban centers

1. To be-founded urban centers must meet the following conditions:

a/ Having the basic factors for classifying urban centers as prescribed in Article 3 of this Decree;

b/ Having the general plannings on urban construction approved by competent State agencies.

2. The People s Committee of a province or centrally-run city shall organize the compilation of dossier on founding a new urban center, which is composed of the plan for separation, merger, dissolution, or readjustment of administrative boundaries, of urban centers, which is related to the founding of the new urban center and approved by the People s Council of the province or centrally-run city, then submit it to the competent State agency for decision.

3. The recognition of newly founded urban centers shall be effected after the decisions on founding of new urban centers are issued by competent State management agencies.

**Article 6.-** Division of inner cities, inner towns and suburban and outlying areas

Cities are divided into inner cities and outlying areas (hereinafter referred to as inner cities and suburbs for short). Provincial towns are divided into inner towns and outlying areas (hereinafter referred to as inner towns and outskirts for short). District townships have no outlying areas.

**Article 7.-** Functions and size of suburbs and outskirts

1. Suburbs and outskirts have the following functions:

a/ Situating key technical infrastructure projects, population quarters, sanitation and environmental protection works; production, service, medical, training and scientific research establishments and other special establishments which cannot be located in inner cities and inner towns.

b/ Situating convalescent establishments; sight-seeing sites and tourist resorts; greenery belts and forest parks for environmental protection and ecological balance;

c/ Reserving land for urban expansion and development.

2. Size of suburbs or outskirts shall be determined on the following bases:

a/ Positions and characteristics of urban centers;

b/ Population size of inner cities or inner towns;

c/ Development levels of communications infrastructure linking inner cities or inner towns with their vicinities;

d/ Links between inner cities or inner towns and neighboring areas;

e/ Historical characteristics and natural conditions of each locality;

f/ Rational organization of urban administrative management units;

g/ Development requirements of functions of suburbs or town outskirts in support of the development of inner cities or inner towns according to the urban construction plans approved by competent State agencies.

## Chapter II

### CLASSIFICATION OF URBAN CENTERS

#### **Article 8.-** Special-grade urban centers

Special-grade urban centers must satisfy the following criteria:

1. Being the national capital or an urban center with the function as a political, economic, cultural, scientific-technical, training, tourist and service center, a traffic hub, and a domestic and international exchange center, and playing the role of boosting the

socio-economic development of the whole country;

2. The non-agricultural labor represents 90% of the total labor force or higher;
3. Having an infrastructure built basically synchronously and completely;
4. Having a population of 1.5 million or more;
5. Having an average population density of 15,000 people/km<sup>2</sup> or more.

**Article 9.-** Grade-I urban centers

Grade-I urban centers must satisfy the following criteria:

1. Being an urban center with the function as a political, economic, cultural, scientific-technical, tourist and service center, a traffic hub, and a domestic and international exchange center, and playing the role of boosting the socio-economic development of an inter-provincial region or the whole country;
2. The non-agricultural labor represents 85% the total labor force or higher;
3. Having an infrastructure built synchronously and completely in many aspects;
4. Having a population of 500,000 or more;
5. Having an average population density of 12,000 people/km<sup>2</sup> or more.

**Article 10.-** Grade-II urban centers

Grade-II urban centers must satisfy the following criteria:

1. Being an urban center with the function as a political, economic, cultural, scientific-technical, tourist and service center, a traffic hub and an exchange center of a province, inter-provincial region or in the whole country, and playing the role of boosting the socio-economic development of an inter-provincial region or the whole country in several domains;
2. The non-agricultural labor represents 80% of the total labor force or higher;
3. Having an infrastructure built in many sectors and becoming synchronous and

complete;

4. Having a population of 250,000 or more;
5. Having an average population density of 10,000 people/km<sup>2</sup> or more.

**Article 11.-** Grade-III urban centers

Grade-III urban centers must satisfy the following criteria:

1. Being an urban center with the function as a political, economic, cultural, scientific-technical and service center, a traffic hub and an exchange center of a province or inter-provincial region, and playing the role of boosting the socio-economic development of a province or an inter-provincial region in several domains;
2. The non-agricultural labor represents 75% the total labor force or higher;
3. Having an infrastructure built synchronously and completely in each specific sector;
4. Having a population of 100,000 or more;
5. Having an average population density of 8,000 people/km<sup>2</sup> or more.

**Article 12.-** Grade-IV urban centers

Grade-IV urban centers must satisfy the following criteria:

1. Being an urban center with the function as a general or specialized center in political, economic, cultural, scientific-technical and service domains, a traffic hub and an exchange center of a province, and playing the role of boosting the socio-economic development of a province or a region within a province;
2. The non-agricultural labor represents 70% of the total labor force or higher;
3. Having an infrastructure, which has been or is synchronously and completely built in each specific sector;
4. Having a population of 50,000 or more;
5. Having an average population density of 6,000 people/km<sup>2</sup> or more.

**Article 13.-** Grade-V urban centers

Grade-V urban centers must satisfy the following criteria:

1. Being an urban center with the function as a general or specialized center in political, economic, cultural and service domains, and playing the role of boosting the socio-economic development of a district or a cluster of communes;
2. The non-agricultural labor represents 65% of the total labor force or higher;
3. Having an infrastructure, which has been or is currently built but not yet synchronous and complete;
4. Having a population of 4,000 or more;
5. Having an average population density of 2,000 people/km<sup>2</sup> or more.

**Article 14.-** Urban classification criteria applicable to special cases (for a number of grade-III, grade-IV and grade-V urban centers)

1. For urban centers in mountainous regions, highland, deep-lying and remote areas and islands, the criteria prescribed for each grade of urban centers may be lower but at least equal to 70% of the criteria prescribed in Articles 8, 9, 10, 11, 12 and 13 of this Decree.
2. For urban centers with functions as vacation, tourist and convalescent places, and those exclusively for scientific research and training purposes, the criteria on permanently-residing population size may be lower but at least equal to 70% of the prescribed level. Particularly, the criteria on average population density applicable to vacation, tourist and convalescent urban centers may be lower but at least equal to 50% of the levels prescribed in Articles 8, 9, 10, 11, 12 and 13 of this Decree.

**Article 15.-** Competence to decide on the recognition of urban centers grades

1. The Government shall decide on the recognition of special-grade urban centers at the proposals of the Construction Minister and the People's Committees of the centrally-run cities.
2. The Prime Minister shall decide on the recognition of urban centers of grade I and

grade II at the proposals of the Construction Minister and the People's Committees of the provinces or centrally-run cities.

3. The Construction Minister shall decide on the recognition of urban centers of grade III and grade IV at the proposals of the People's Committees of the provinces or centrally-run cities.

4. The People's Committees of the provinces or centrally-run cities shall decide on the recognition of urban centers of grade V at the proposals of the district People's Committees after approving the construction planning and the urban development plans for residential areas or communes, where district townships are proposed to be founded.

### Chapter III

#### URBAN MANAGEMENT LEVELS

##### **Article 16.-** Bases for determining urban management levels

Bases for determining urban management levels include:

1. According to the urban classification, as follows:

a/ The centrally-run cities must be urban centers of special grade or grade I;

b/ The provincially-run cities must be urban centers of grade II or grade III;

c/ The provincial towns or the centrally-run cities' towns must be urban centers of grade III or grade IV;

d/ The district townships must be urban centers of grade IV or grade V.

2. Requirements of the organization of the State administrative management by territories.

3. The overall planning for socio-economic development and the overall planning for urban development of the whole country and the general planning for urban construction already ratified by the competent State agencies.

**Article 17.-** Decision on urban management levels

The decision on urban management levels shall be made in compliance with the provisions of Clause 8, Article 2 of the Law on Organization of the National Assembly and Clause 1, Article 16 of the Law on Organization of the Government.

Chapter IV

IMPLEMENTATION PROVISIONS

**Article 18.-** Implementation effect

This Decree replaces Decision No.132/HDBT of May 5, 1990 of the Council of Ministers (now the Government) and takes effect 15 days after its signing.

**Article 19.-** Organization of implementation

1. The Construction Ministry, the Government Commission for Organization and Personnel shall have to guide the implementation of this Decree.
2. The ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government and the presidents of the People's Committees of the provinces and centrally-run cities shall, within the ambit of their respective tasks and powers, have to organize the implementation of this Decree.

On behalf of the Government

Prime Minister

*PHAN VAN KHAI*



## 8. 都市計画法案（第12次法案仮訳）

### Law on urban planning (The twelfth draft- July 24 2008)

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Pursuant to 1992 Constitution of the Socialist Republic of Vietnam as amended and supplemented by Resolution No. 51/2001/QH10;

This Law governs urban planning.

#### Chapter I General provisions

##### **Article 1. Governing scopes**

This Law governs preparation, appraisal, approval and adjustment of urban planning; organization for planning and managing development of the existing urban areas, new urban areas or each part of urban areas in compliance with the approved plan (hereinafter generally referred to as urban planning activities); rights and obligations of organizations and individuals engaging in urban planning.

##### **Article 2. Applicable entities**

1. Organizations and individuals engaging in urban planning in Vietnam.
2. Organizations and individuals related to urban planning in Vietnam.

##### **Article 3. Legal application**

1. Where other Laws contain the same contents related to urban planning activities which are different from provisions in this Law, this Law shall govern.
2. For preparation, appraisal and approval of the general planning for urban construction and detailed planning for functional zones in urban areas, the provisions in this Law shall be applied.

##### **Article 4. Interpretation of terms**

In this Law, the following terms shall be construed as follows;

1. *Urban planning*: is to organize urban space, infrastructure system, social infrastructure; to establish the suitable living environment for inhabitants in urban areas so as to ensure harmonious co-ordination between national benefit and community benefit and meet targets of sustainable urban development.

2. *The existing urban areas*: are areas which were established under approval of the authorized levels, having administrative apparatus including city, town and downtown.

3. *The new urban areas*: are expected to be established and constructed in compliance with development orientation of Vietnam urban system. The new urban areas shall be planned so as to manage investment and gradually conform to Vietnamese standards on urban areas in compliance with legal regulations.

4. *The new residential areas*: are the areas having urban functions, they are newly and concentratedly constructed conforming to projects for full and synchronic investment and development of technical and social infrastructure, dwelling and other services which are located in the existing or new urban areas.

5. *Duties of planning*: are requirements on study and organize for implementation, which are approved by the authorities and used as basis for formulation of urban planning design.

6. *Urban planning design*: means a product of process of studying urban planning, including sketches, maps, drawings, mock-ups, explanation reports and management regulations in compliance with planning design and urban design.

7. *The general planning*: is to organize space and technical and social infrastructure system for an urban area consistent with socio-economic development of the urban area to ensure national defense and security as well as sustainable development.

8. *Zoning*: is to divide and specify its functions, land-used targets of urban areas, including technical and social infrastructure works to concretize the content of general urban planning.

9. *Detail planning*: is to divide and determine land-use targets of planning lots, to request for management of their architecture, landscape as well as arrange technical and social infrastructure work to concretize the content of zoning.

10. *Period of validity for urban planning*: is the period from getting approval of the urban planning design until obtaining decisions on adjustment or cancellation.

11. *Urban planning duration*: is the milestone which is specified as basis for estimation and calculation of technical-economic targets supporting urban planning design.

12. *Urban space*: means urban architecture objects, trees planting inside public areas or residential areas that directly affect urban appearance and space.

13. *Urban architecture*: means many types of architecture works; technical works, art works, urban landscape; advertisement; public spaces and other works to be constructed in compliance with planning and somewhat their existence, appearance and shapes shall rule or directly affect urban appearance.

14. *Urban landscape*: is the specific space which may be viewed from many directions of urban areas such as space in front of a architectural complex, squares, roads, sidewalks, parks, floristic composition, gardens; hills, mountains, hillocks, islands, strips of natural land, coastal strips of land, lakes, rivers, channel, arroyo, in the urban areas and their public spaces.

15. *Targets of land-use planning*: are targets for management of space and architecture development, which are specified for each area or each land, including construction density, land-use coefficient, maximum and minimum height for construction works.

16. *Planning Certificates*: means documents certifying the data and information related to one area or land lot in compliance with urban planning design issued by the authorized agencies whenever requested.

17. *Planning Permits*: means the documents issued to the Employer by the authorized agencies and considered as basis for execution of urban planning or formulation of investment and construction projects.

18. *The major technical infrastructure*: means a major system of technical infrastructure works, urban-leveled, including transport axes, energy transmission routes, water supply routes, drainage, telecommunication and technical routes.

19. *Underground space*: means space used for construction of underground works.

#### **Article 5. Urban classification**

1. Urban areas includes of cities, downtowns and towns.
2. Urban areas are classified into six ones including the special urban area and type 1, 2, 3, 4 and 5.

Characteristics of each urban type shall conform with the Government's regulations.

#### **Article 6. Legality of urban planning**

1. Formulation, approval and execution of programs, investment plans for urban construction and development; special plans related to urban areas; urban land-use planning; management and execution of urban construction projects and its architectural spaces shall comply with the approved urban planning.

2. Whenever taking actions related to urban planning, all organizations and individuals must conform to the approved urban planning.

#### **Article 7. Requirements and principles for urban planning**

1. To concretize and satisfy the requirements mentioned in Master Plan on socio-economic development, development orientation for national urban system and the related regional planning.

2. To show targets and policies of the local authority on land-use, to arrange urban infrastructure system, environmental protection and development of residential areas during a certain period of time.

3. To forecast scientifically, to meet the actual requirements and match with long-term development trend.

4. To protect environment, avoid pollution and dangers to community, improve landscape, reserve cultural relics, traditional landscape and local specific characteristics;

5. To ensure appropriate exploitation and use of natural resources, urban land and development sources consistent with its natural conditions, cultural, historical and socio-economic characteristics, so as to create the favorable conditions for development and economic growth, improving living conditions and facilities for urban residents; to create sources for urban development.

6. To ensure its unification with other sectors such as transport, trade, health care, education and tourism in term of planning for development within the urban area.

7. To ensure harmonization between national and community benefits and individual's benefit.

8. To ensure synchronism and sustainable development in terms of using natural resources, land, architecture space, social infrastructure system, urban technical infrastructure system and underground space;

9. To ensure connection and unification of the technical infrastructure works (transport, power supply, energy, water supply, drainage, waste disposal and tele-communication) within the urban area and other regional, national and international works (if any).

10. To ensure its conformity with the national specification on urban planning and others concerned.

#### **Article 8. Principles in management of space, architecture and urban landscape**

1. People's Committee at the city and provincial levels are responsible for comprehensive management of space, architecture and urban landscape.

2. Every activity putting impact on urban space, architecture and landscape must conform to legal regulations.

#### **Article 9. Sequence of formulation/preparation, appraisal and approval of urban planning**

Formulation/preparation, appraisal and approval of urban planning shall comply with the following sequence;

1. Prepare and approve urban planning job.

2. Investigate, take survey and collect topographic maps, the necessary documents and data supporting urban planning work.

3. Prepare urban planning design.

4. Appraisal and approve urban planning design.

#### **Article 10. Powers and obligations of The Fatherland Front, social organizations and citizens**

1. The Fatherland Front, social organizations – and citizens have rights to involve in process of formulation and execution of urban planning.

2. Social organizations shall be invited and have responsibilities for providing comments on contents related to their performance in term of urban planning.

3. The People's Committees at all levels are responsible for creating favourable conditions for The Fatherland Front, social organizations – and inhabitants to involve in supervision of implementation of law in term of urban planning.

4. Community or individuals have rights to supervise implementation of law on urban planning by the People's Committees at all levels, organizations and individuals in compliance with the prevailing regulations.

5. Community or individuals have responsibilities and rights to reflect errors and violations during execution of urban planning.

#### **Article 11. Architectural Planning Council**

Architecture - Planning Council is a consultancy, special debater for the Provincial People's Committees prior to making final decisions on the important matters related to architecture, urban planning, technical infrastructure, and urban development within province or city.

The Government shall decide establishment, organization regulations and performance of Architecture - Planning Council.

#### **Article 12. Chief Architect**

1. A Chief Architect is mobilized at the cities under the Central, the cities need to be preserved, embellished and promoted their values.

2. Chief Architect is the private assignment, he shall be consultant and debater assisting Chairpersons of the city People's Committees in management of planning, architecture and urban development.

3. Tasks, duties and powers of Chief Architect shall be determined by the Government.

#### **Article 13. Archives of documents on urban planning**

1. Documents on urban planning shall be approved by the authorized levels and archived in compliance with legal regulations on archives.

2. Agencies in charge of management of urban planning have responsibilities for archiving documents on urban planning.

3. Agencies archiving documents on urban planning have responsibilities for providing documents on urban planning to the authorized individuals, organizations, state agencies in compliance with legal regulations.

**Article 14. Conditions applicable to organizations and individuals formulating urban planning**

1. Individuals involving in formulation of urban planning must have appropriate qualifications, certificates issued by legal training and practice certificates issued by the authorized agencies.

2. The consultancies which involve in urban planning activities must have legal entity; experience; a number of employees and their capabilities; technical equipment; technical management capability, quality and financial position in compliance with regulations.

3. Planning organizers, based on provisions on conditions and capabilities of organizations and individuals, recruit consultant in charge of urban planning activities and have responsibilities for losses due to unsuitable selection to the law.

4. The qualified international or local organizations and individuals are encouraged to involve in urban planning work via recruitment.

5. Requirements and capabilities of the organizations or individual involving in consulting services of urban planning and their practice certificates shall be specifically decided by the Government.

**Article 15. To encourage to take part in urban planning activities**

1. All international and local economic sectors are encouraged to take part in urban planning activities and to invest in urban construction and development by the State in compliance with the approved urban planning.

2. The detailed design of urban planning, supporting formulation of investment and construction projects for urban areas, shall be directly handed-over to the Employer, which comes from all economic sectors, this work is fulfilled by issuance of planning permits.

3. The State encourages in applying the scientific and technical progress and advanced technology to urban planning and urban management and development.

**Article 16. Budgets for formulation, organization and execution of urban planning**

1. Budgets for formulation, organization and execution of urban planning **shall be taken from State Budget and other funds of the international and local organization and individuals.**

2. Economic capital taken from State Budget shall be used for formulation and organization of the general planning, zoning and detailed planning which are not belong to business project for investment and construction.

3. Budgets of organizations and individuals shall be spent on formulation of urban planning projects and handed-over for investment.

4. The State encourages the international and local organizations, individuals to finance formulation of urban planning.

**5. Budget for formulation, organization and execution of urban planning shall be allocated on the following works;**

- a) Topographic investigation and geological survey supporting urban planning;
- b) Formulation, appraisal, approval and management of urban planning formulation;
- c) Notification and publication of urban planning work;
- d) Staking out on field;

**Article 17. State administration of urban planning**

1. The Government unifies statement administration of urban planning nationwide.

2. The Ministry of Construction takes responsibilities for state administration of urban planning in front of the Government; he shall host and coordinate with state agencies in state administration of urban planning; supervise and inspect formulation, appraisal and approval of urban planning; adjustment of urban planning and manage implementation in compliance with the local urban planning nationwide.

3. The Ministries, and ministerial level agencies, within their respective duties, power and assignment by the Government have responsibilities for coordinating with the Ministry of Construction to implement state administration of urban planning.

4. The People's Committees at all levels are responsible for state administration of urban planning in their areas decentralized by the Government. To concretize orientation, strategy, plans, mechanism, and policy on urban development consistent with their local actual situation. To regularly supervise, and inspect urban planning activities on the local areas under their management.

5. The People's of Committee of the cities, provinces and towns have responsibilities for making plans and organizing for execution of investment and investment, as well as upgrading social-technical infrastructure works; To give priority to the major technical infrastructure system; dwelling-houses, upgrade the old dangerous and backward zones, protect the eco-environment in compliance with the urban planning.

**Article 18. Conduct which is strictly prohibited in urban planning activities**

1. Formulation of urban planning or construction which put negative impacts on natural environment, not ensure sustainable development for the urban areas and affect national defense and security.

2. Illegally interference in urban planning activities.

3. Issuance of the planning permits for the areas of which urban planning has not been approved yet.

4. Refusing to provide information or provide wrong information on urban planning.
5. Violation of the approved urban planning.
6. Destroying urban space, architecture and landscape.
7. Destroying and relocating the stakes
8. Obstructing and inducing to obstruct formulation and execution of urban planning.
9. Other actions prohibited by provisions of law.



**Chapter II**  
**FORMULATION OF URBAN PLANNING**

**Section 1. Organization for formulation of urban planning**

**Article 19. Types of urban planning**

1. Urban planning is prepared for the whole urban areas and other functional areas within its administrative boundary.
2. Urban planning includes of the followings;
  - a) The general plan formulated for urban areas under the Central, provinces, towns and new urban residential areas.
  - b) Zoning plan formulated for zones inside urban residential areas.
  - c) The detailed plan formulated for project areas, this supports management request and investment demand for the urban areas.
3. The Government specifies the contents, records, scales of each map for each type of urban planning.

**Article 20. Responsibilities of the urban planning organizations**

1. The Ministry of Construction shall prepare the general urban plans for urban areas under the Central, special areas, type I; the new residential areas and others entrusted by the Government.
2. The provincial People's Committee shall organize to formulate the general plans for urban areas under the Central (except for special areas and type I), the general urban plans for provincial urban areas, zoning, and detailed urban plans for those related to 2 or over 2 districts and functional zones with important significance, zoning and detailed plans for the new residential areas, except for those stated in Section 4 of this Article.
3. The People's Committees of districts shall organize for formulation of zoning plans, detailed plans for all areas within administrative boundary that they managed, except for urban plans mentioned in section 1, 2, 4 of this Article.
4. The Employers who manage projects not financed by state budget organize for formulation of zoning plans, detailed plans for all areas shown in planning permits and handover for investment; ensure to conform to all regulations in planning permits approved by authorities and in other related urban plans.

**Article 21. Ground and basis for formulation of urban planning design**

1. The approved duties of urban planning
2. Topographic investigation maps made by professional bodies.
3. Documents, data on socio-economic matters and other relevant sectors.
4. National standards for urban planning

5. To orient master plan of the national urban system and regional or provincial construction planning which have been approved by the authorities.

6. To make planning for the relevant sectors which have been approved by the authorities.

## **Section 2. Getting comments on urban planning**

### **Article 22. Organize to get comment on urban planning**

1. During preparation of urban planning design, consultant shall get comments from bodies; the People's Committee at all levels shall coordinate with consultant to get comments from organization, individuals and communities concerned.

2. Comments shall be fully summarized and reported to authorities for their review prior to approval.

3. Prior to approval of the design, the approval agency shall organize to get comments from the relevant organization and individuals supporting their consideration if necessary.

4. The approved urban planning design must be consistent with orientation of master plan for national urban system; ensured its feasibility and harmonization between state benefit and community benefit; the approval agency shall, based on the comments, have plans and specific solutions to make good shortcomings of the selected alternatives.

### **Article 23. Methods and time to get comments on urban planning**

1. Getting comments on urban planning design shall be done via such forms of documentation, conferences, reports or public display.

2. In case of getting comments by method of public display, this duration shall not less than 30 days.

3. Contents and sequence to get comments for each type of urban planning design shall be decided by the Government

## **Section 3. Duties of urban planning**

### **Article 24. Duties of urban planning**

1. Duties of urban planning must clearly show policies, points of view and development goals consistent with the requirements of each urban area or region so as to provide basis for study and formulation of urban planning design.

2. Contents of duties of urban planning

a) The general duties for planning of urban areas under the Central and others under provinces and districts must show characteristics and roles of urban areas to be planned; the basic requirements for study of its potential, development motivation, development orientation, urban extension as well as arrangement of technical and social infrastructure system internally and externally.

b) Zoning duties must clearly mention boundary, area and characteristic of the areas to be planned; some expected targets of land-use, technical and social infrastructure; requirements, principles related to zoning work so as to ensure its architectural space, technical infrastructure connection consistent with the general plan which was approved and vicinities.

c) Duties of the detailed planning must show confines of land-use targets, population; requirements and principles in organization of architectural space, technical and social infrastructure within the planned areas so as to ensure its consistency with the approved subregions and vicinities.

d) For improvement of urban areas, planning work must include requirements on study so as to ensure that urban areas or regions to be planned develops stably. It is necessary to maintain architecture space and typical characteristics of urban areas and improve living conditions of the inhabitants.

®) For the new residential areas, planning work must show requirements on study so as to ensure synchronism and perfect of technical and social infrastructure works in urban areas, technical infrastructure connection, architectural space and the current living environment.

#### **Section 4. Formulation of urban planning design**

##### **Article 25. The general planning designs for urban areas under the Central**

1. Contents of the general planning designs for urban areas under the Central shall include of: determination of goals, motivation, scale of population, land, basic targets of technical and social infrastructure of urban areas; development models, development structure for internal and external urban space, (including underground space); orientation for technical infrastructure system at urban level; priority programs for investment and implementation sources.

2. The general planning design under the Central shall be formulated on maps.

3. Planning duration for the general planning design of urban areas under the Central shall be from 20 to 25 years with its vision of 50 years.

4. The approved general plans for urban areas under the Central shall be basis for planning its technical infrastructure and zoning plan.

##### **Article 26. The general planning design for urban areas under provinces, districts**

1. Contents of the general planning designs for urban areas under provinces, districts shall include of: determination of goals, motivation, scale of population, land, basic targets of technical and social infrastructure of urban areas; development models, development structure for internal and external urban space, functional centers such as political – administrative center, trade and services center, cultural, educational and training center, health care center, parks, sporting & gymnastics center; make planning for technical infrastructure system including on-ground

construction works, overhead and under-ground construction works; determination of priority programs for investment and implementation sources.

2. The general planning design under provinces and districts shall be prepared on charts and maps.

3. The duration for general planning design under provinces and districts shall be from 20 to 25 years.

4. The approved general planning design under provinces and districts shall be basis for zoning plans, detailed plans for zones within urban area and formulation of investment projects for the major technical infrastructure.

#### **Article 27. The general planning design for the new residential areas**

1. Contents of the general planning design for the new residential areas must analyze and clarify basis for urban establishment and development; study the development model of space, architecture and the environment suitable with its characteristics and functions; also basis for determination of its development stages, implementation schedule, projects motivated the establishment and development of new residential area; ensure to use land fund suitably; effectively exploit its potential and development motivation; ensure its synchronism and perfect of the technical and social infrastructure; connect and make convenient to its technical infrastructure works with others outside urban areas or national and international technical infrastructure works.

2. The duration for general planning design of new residential areas shall be from 20 to 25 years.

3. The approved general planning design for the new residential areas shall be basis for zoning plans, detailed plans for the new residential areas and formulation of investment projects for the major technical infrastructure.

#### **Article 28. Zoning design**

1. Based on scale and area of urban areas to be planned, zoning design shall be executed on maps with scales of 1/5000 or 1/2000.

2. Contents of zoning design must concretize those mentioned in the general planning design, specify functions for each land lots, principles for space arrangement, landscape for each zone to be planned; targets on population and land-use, technical infrastructure for each street, arrangement of technical infrastructure network on streets so as to match with each development stage of the urban area.

3. The duration for zoning design shall be decided in accordance with requirements on urban management and development.

4. The approved zoning design shall be basis for determination of investment and construction projects in urban areas and preparation for detailed plans.

#### **Article 29. Detailed planning design**

1. Detailed planning design shall be executed on topographic maps with scale of 1/500.

2. Contents of the detailed planning design must concretize zoning plan, determination of targets on population, land-use and technical infrastructure; space arrangement, architecture for each land lot as well as arrangement of technical infrastructure work to each land lot.

3. The duration for detailed planning shall be decided in accordance with requirements on management and development.

4. The detailed planning shall be basis for granting planning permits, construction permits and formulation of investment and construction project.

#### **Article 30. Upgrading and improving urban areas**

This type of planning shall carefully evaluate land-use situation, construction works (dwelling-house, public utilities, technical infrastructure and underground works), cultural and social matters, environment of the areas to be planned so as to find out exploitation solutions and effective land-use, ensure its connection and supply capability of the technical infrastructure.

#### **Article 31. Planning for new urban areas**

Planning for a new urban area shall ensure reasonable land use, effective utilization of the existing infrastructure system, close connection between new development area and the existing urban area; ensure synchronousness and perfectness of the system of social and technical infrastructure works and urban utilities; harmony between new development areas and the existing residential areas (village communities); protection of natural resources and preservation of characters of the areas.

#### **Article 32. Planning for roads in a city**

1. When the preparation for investment and construction of new roads in a city is made, the detailed planning shall be carried out. A planning limit shall ensure each side of at least 50 m from the outside of right of way of the proposed road.

2. The detailed planning for roads shall ensure an effective exploitation of land fund at both road sides; study on the architectural space, building cube, set-backs of specific works and ensure the strengthening of a perfect whole and characteristic of the area.

#### **Article 33. Urban design**

1. An urban planning design shall comprise contents of urban design as set forth in Items 4, 5 and 6 of this Article.

2. For the urban areas where have been basically stabilized in terms of use function of land parcels, an urban design plan shall be separately made without formulation of urban planning design.

3. The existing streets in a city shall be provided with urban design plans to have a basis for the management of construction investment and issuance of construction permit.

4. Contents of the urban design in the general planning design shall specify architecture and landscape areas in a city; propose the spatial organization in central areas, gateway to a city; main space axes, large square, green tree space, water surface and emphasis points in a city.

5. Contents of the urban design in the zoning planning design shall specify control standards on set-back, urban landscape along main roads and central areas; open space areas, emphasis point works and each city block for the design area.

6. Contents of the urban design in the detailed planning design shall specify emphasis works in a planning area in the directions of visibility, building storey height for each land lot and the whole area; building set-back on each street and street crossing; cube, color and decisive architectural form of architectural works; green tree system, water surface and square.

7. Contents of the urban design in the separate planning design shall specify a building storey height for each works; building set-back on each street and street crossing; color, material, architectural form and details of works and other architectural objects; public green tree organization, courtyard & garden, street green trees and water surface.

8. The organization of preparing, appraising and approving the separate urban design plans shall be made the same as the urban planning design as set forth in Articles 20, 22, 34, 38, 39, 40 and 41 of this Law.

#### **Article 34. Regulation on management under the planning design and urban design**

1. Regulations on management under the planning design and urban design are the regulations on land use indicators at each area or land parcel, technical parameters of the technical infrastructure system and regulations on the organization of space, architecture and landscape in the area where makes urban planning.

2. Based on contents of drawings and report of planning design and urban design, recommendations and planning solutions, the consultant agency who formulates urban planning design and urban design plan shall be responsible for establishing management regulations under the urban planning design and urban design plan to submit to competent authorities for approval together with the planning design.

3. The agency who takes charge of approving the planning and urban design shall be responsible for issuing or authorize any authority directly managing a city to issue management

regulations to form a base for providing the planning information, issuing the planning permit, construction permit and managing the implementation under the approved planning design and urban design.

4. Contents of management regulation under the general planning design

a) Regulations on the preservation and embellishment of architectural works, places of scenic beauty, cultural heritage areas and cultural – historical monuments in a city.

b) Regulations on the protective limit, safety corridor for technical infrastructure works of a city and environmental protection measures; no construction areas.

c) Regulations on right – of – way of main streets and controlled construction foundation elevation of a city.

d) Regulations on area, construction density, land use coefficient and maximum and minimum storey heights of works in each urban functional area.

Ⓣ) Regulations on spatial and architectural control for the areas in a city.

5. Contents of management regulation under the zoning planning design

a) Regulations on boundary, limit and nature of a planning area.

b) Regulations on locations, boundaries, natures and sizes of functional areas in a planning area; norms in terms of construction density, land use coefficient, storey height and construction elevation for each city block; right – of – way, demarcation, construction foundation elevation and specifically technical requirements for each road; protective limit and corridor for technical infrastructure works.

c) Regulations on main space axes and emphasis points of a city.

d) Regulations on locations, sizes, limit and protective corridor for underground construction works.

Ⓣ) Regulations on preservation, embellishment, improvement and renewal of cultural – historical monument areas, terrain, landscape and ecological environment protection.

6. Contents of management regulations under the detailed planning design

a) Regulations on boundary and limit of a planning area.

b) Regulations on locations, boundaries, functions and sizes of land lots in a planning area; norms in terms of construction density, land use coefficient, construction foundation elevation for each land lot; storey height, floor elevation and ceiling of the first floor, architectural form and fence of works, construction materials of structures; right – of – way, demarcation, and specifically technical requirements for each road and street lane; protective limit and corridor for technical infrastructure works.

c) Regulations on locations, sizes, limit and protective corridor for underground, overground and overhead construction works.

d) Regulations on preservation, embellishment, improvement and renewal of architectural works, cultural – historical monuments, terrain, landscape and ecological environment protection.

7. Contents of management regulations under the urban design plan

a) Regulations on boundary and limit of the area that makes urban design.

b) Regulations on functions, construction density and construction foundation elevation for each land lot; storey height, architectural form and fence of works, construction materials; floor elevation and ceiling of the first floor and set-back of structures.

c) Regulations on public works and urban utilities; small architectural works; architecture of protecting urban technical infrastructure works.

d) Regulations on preservation, embellishment, improvement and renewal of architectural works, cultural – historical monuments as well as protection of landscape and ecological environment.

8. For the management regulations under the detailed planning design and urban design plan, an approval authority shall be responsible for collecting opinions of representatives of the people in a planning area prior to approval.

## **Section 5. Urban technical infrastructure planning**

### **Article 35. Object of urban technical infrastructure planning**

1. Technical infrastructure planning shall be made for the following objects:

- a) Urban traffic
- b) Technical preparation of construction land and urban rainwater drainage
- c) Urban water supply
- d) Urban waste water drainage
- ®) Energy supply and urban lighting
- e) Communication
- g) Solid waste treatment and cemetery.

2. The technical infrastructure planning shall be integrated into the general planning, zoning planning and detailed planning designs. For the centrally – run – cities, the technical infrastructure planning shall be made in separate designs.

### **Article 36. Technical infrastructure speciality planning design**

1. For the centrally – run – cities, technical infrastructure objects as stipulated in item 1 of Article 35 of this Section shall be prepared into separate technical infrastructure speciality planning designs.



2. Contents of a technical infrastructure speciality planning design shall ensure provisions set forth in Article 37 of this Section and accord with the approved general planning design of a centrally – run – city.

3. Period of planning for the technical infrastructure speciality planning shall follow the period of the urban general planning design.

4. The approved technical infrastructure speciality planning shall be a basis for formulating technical infrastructure system investment projects for the urban frame.

**Article 37. Content of urban technical infrastructure planning**

1. The urban traffic planning shall specify a land fund used for the construction and traffic development ; location and size of main works ; organization of urban traffic network (including overground, underground and overhead networks). Protective limit and traffic safety corridor shall be identified.

2. Planning for the technical preparation of construction land and urban rainwater drainage shall specify advantageous areas for construction ; restricted areas and construction limit areas ; construction elevation ; rainwater drainage network and main works.

3. Urban water supply planning shall specify water demand forecast; selection of source; determination of locations and sizes of water supply works (including transmission and distribution line network, water works and water treatment plant); protective limit and water supply safety corridor.

4. Urban waste water drainage planning shall specify a total amount of waste water; locations and sizes of drainage works (including water discharge pipe line network, factory and waste water treatment plant); protective limit and safety corridor for urban waste water drainage works.

5. Energy supply and urban lighting planning shall specify energy use and urban lighting demand; source of supply; requirement on location layout and sizes of main works; load transmission and distribution network; safety corridor and protective limit for the works.

6. Solid waste treatment planning shall specify a total amount of waste; locations and sizes of transit stations, solid waste treatment stations and auxiliary works and isolation corridor.

7. Cemetery planning shall specify burial demand; location, size and boundary of a cemetery; functional subdivision, arrangement layout of technical infrastructure works and isolation corridor.

8. Communication planning shall specify communication transmission line, location, size of satellite stations, switchboards and auxiliary works.

**Chapter III**

## **ORGANIZATION OF APPRAISAL AND APPROVAL OF URBAN PLANNING**

### **Article 38. Appraisal of tasks and urban planning design**

1. The Ministry of Construction shall organize the appraisal of tasks and urban planning designs within the approval authority of the Prime Minister.

2. Provincially leveled urban planning authorities shall organize the appraisal of tasks and urban planning designs within the approval authority of provincially leveled People's Committee.

3. District - leveled urban planning authorities shall organize the appraisal of tasks and urban planning designs within the approval authority of district - leveled People's Committee.

### **Article 39. Appraisal Board**

1. For the urban planning designs within the approval authority of the Prime Minister, the Ministry of Construction shall make a decision on the establishment, composition and number of members of the Appraisal Board.

2. For the urban planning designs within the approval authority of People's Committees at all levels, an authorized person approving designs shall make a decision on the establishment, composition and number of members of the Appraisal Board.

3. Organizational structure of the Appraisal Board consists of representatives of the State competent authorities, local authorities, planning and architecture council and relevant professional associations.

4. Depending on the nature and scale of each design, the authorized person shall decide to organize or not to organize the Appraisal Board.

### **Article 40. Contents of appraisal of tasks and urban planning design**

1. Capacity of the consultant agency who makes an urban planning.

2. Legal bases for preparing tasks and an urban planning design.

3. Document specification; document composition; contents of tasks and the urban planning design as provided for by the Ministry of Construction.

### **Article 41. Approval of tasks and urban planning designs**

1. The Prime Minister shall approve or authorize the Minister of Construction to approve tasks and general planning designs for centrally - run - and Class I cities; technical infrastructure specialty planning of specially-typed cities; general planning designs for new urban areas and other urban planning designs assigned by the Prime Minister after obtaining opinions from relevant ministries, branches and localities.

2. Provincially leveled People's Committees shall approve tasks and urban planning designs under their responsibility of preparation as set forth in Item 2 of Article 20, except for the tasks and technical infrastructure specialty planning designs of the specially-typed cities and

urban planning tasks as set forth in Item 5 of this Article after getting approved by People's Councils at the same level. For the general planning designs of Class 4 and over cities, the urban technical infrastructure specialty planning of centrally - run - cities (except for the specially - typed cities) shall be agreed by the Ministry of Construction before providing any approval.

4. District - leveled People's Committees shall approve tasks and urban planning designs under their responsibility of preparation as set forth in Item 3 of Article 20, except for the urban planning tasks as set forth in Item 5 of this Article after getting approved by People's Councils at the same level and agreed by the provincially leveled urban planning authorities.

5. The Employer of the projects which do not use the State's budgetary capital shall approve the detailed planning tasks within the areas of being issued with planning permits and invested after getting agreed by a competent urban planning authority.

#### **Chapter IV**

#### **ADJUSTMENT OF URBAN PLANNING**

##### **Article 42. Review of urban planning**

1. The urban planning shall be periodically considered, reviewed and assessed in terms of the process of implementation to carry out timely adjustment conformable to the socio-economic development situation for each period. The period of periodic review shall be 5 years applicable for the general planning and the zoning planning and 3 years for the detailed planning.

2. People's committees at all levels shall be responsible for regularly inspecting and reviewing the implementation of the approved urban planning. Based on the practical situation of the socio-economic development and impact elements to the urban development process, the authorized person taking charge of approval of the urban planning shall make a decision on the period and contents of the urban planning adjustment.

##### **Article 43. Conditions of urban planning adjustment**

The urban planning shall be adjusted when one of the following cases are available:

1. The adjustment of socio-economic master plan, national urban system master plan, regional and provincial construction planning and general planning has a big effect on the nature, function and scale of a city or planning areas.

2. The formation of key projects having a national significance largely affects the land use, environment and urban architectural space composition.

3. The emergence of impediments during the process of planning implementation shall be identified by assessing the implementation of the urban planning and commodity opinions.

##### **Article 44. Principle of urban planning adjustment**

1. When the adjustment of the urban planning is required, this shall be only focused on adjustment contents and non-adjustment ones of the approved design shall remain valid, shown

in the content of the urban planning adjustment design document and proceeded with implementation to ensure that the urban planning is uninterrupted and regular.

During the study of adjustment, analysis and assessment of actual situation and specification of improvement and renewal requirements shall be made to propose the adjustment of land use, landscape and architecture space organization solution for each area and solution on the improvement of technical and social infrastructure works network conformable to development requirements.

The announcement and disclosure of the adjusted planning shall be made as provided for in Articles 51 and 52 of this law.

#### **Article 45. Types of urban planning adjustment**

##### 1. General adjustment for urban planning

a) The general adjustment for the urban planning shall be executed when the nature, function and scale of a city or detailed planning area have changes or the contents proposed to be adjusted change the structure and orientation of general development of the city; the nature, function, size and main planning solutions of the areas whose zoning and detailed planning is made.

b) The general adjustment for the urban planning shall satisfy immediate development requirements and accord with a socio-economic development tendency and development orientation of a city in future; improve the quality of living environment, infrastructure and urban landscape; ensure the previous urban planning inheritability which does not affect largely on-going investment projects.

##### 2. Local adjustment for urban planning

a) The local adjustment for the urban planning shall be executed when the contents proposed to be adjusted do not affect largely the nature, limit and orientation of the general development of a city; the nature, function, size and main planning solutions of the areas whose zoning and detailed planning is made.

b) The local adjustment for the urban planning shall specify the scope, level and content of adjustment; ensure continuity and comprehensiveness of the urban general planning or the existing zoning and detailed planning areas.

#### **Article 46. Sequence of urban planning general adjustment**

1. When the general adjustment for the urban planning is required, People's Committees at all levels shall carry out summarizing and assessing the implementation situation of the previous planning and report to respective people's councils at the same level and competent agencies in charge of approving the planning for obtaining approval of policy.

The Ministry of Construct shall report to and obtain approval of the Prime Minister on the general adjustment planning for the urban plannings formulated by the Ministry of Construction.

2. The preparation, appraisal and approval of tasks and general adjustment planning design shall be made.

**Article 47. Preparation, appraisal and approval of tasks and general adjustment planning design**

The preparation, appraisal and approval of tasks and a general adjustment planning design of urban planning shall be carried out as provided for in Articles 20, 21, 22, 24, 25, 26, 27, 28, 29, 33, 34, 36, 38, 39, 40 and 41 of this law.

**Article 48. Sequence of local adjustment for urban planning**

1. When the local adjustment for the urban planning is required, People's Committees of cities, towns and sub-towns shall propose adjustment contents on a basis of analysis and clarification of reasons of being adjusted; remedies for arising because of adjustment of the planning and then report to People's Councils at the same level and competent agencies for approval.

The Ministry of Construction shall report to and obtain approval of the Prime Minister on the local adjustment contents on the basis of assessment and inspection of the local authority's proposals for urban planning designs prepared by the Ministry of Construction.

2. A competent agency approving the urban planning by decentralization shall accept the local adjustment by means of a local adjustment decision.

3. People's Committees at all levels shall organize the implementation of updating adjustment contents on documents and make public as provided for in Articles 51 and 52 of this law.

4. The organization of making the zoning planning and detailed planning for the adjusted areas shall be as provided for in Articles 20, 21, 22, 24, 28, 29, 33, 34, 38, 39, 40 and 41 of this law.

5. For the detailed planning, opinions of the people living in the planning adjustment area and surrounding areas having direct influences shall be obtained prior to execution of the local adjustment.

**Article 49. Adjustment of one land parcel in the planning area**

1. In case the adjustment of function, limit or some land use indicators of one parcel of land in the area whose detailed planning has been approved is required to implement a construction investment project or construct one separate works to encourage and attract investment but not affect the nature, architectural space, landscape and possibility of providing technical and social

infrastructure of urban areas or the region, an authorized person shall base on construction standards, regulations on the planning management and urban architecture and opinions of Provincially-Leveled Planning and Architecture Board to issue planning permits without formulation of adjustment planning project. Adjustment contents shall be announced and made public as provided for in Articles 51 and 52 of this law.

2. A chairman of a Provincially-Leveled People's Committee shall decide and be responsible to the law for the adjustment in land parcels in towns.

3. A chairman of a District-Leveled People's Committee shall decide and be responsible to the law for the adjustment in land parcels of other urban areas in a province and a district.

## **Chapter V**

### **ORGANIZATION OF URBAN DEVELOPMENT IMPLEMENTATION AND MANAGEMENT IN ACCORDANCE WITH PLANNING**

#### **Section 1. Organization of implementing the urban planning**

##### **Article 50. Requirements on organization of planning implementation**

Urban planning designs upon approval shall be announced, made public and staked out on field in order that organizations and individuals in the planning area know, inspect, supervise and implement them.

##### **Article 51. Announcement of urban planning**

1. Within 30 working days as from the urban planning design approved by a competent authority, the planning shall be made public by People's Committees at all levels within the limit of administrative border managed by them.

2. A urban planning authority shall have the responsibility to fully update the implementation situation of the approved urban planning in order that People's Committees at all levels notify promptly to organizations and individuals and supervise the implementation.

##### **Article 52. Publicity of urban planning**

1. The approved urban planning designs shall be exhibited on a regular and continuous basis in terms of drawings and model at head offices of the state authorities at all levels relating to the urban planning, exhibition center and information about the urban planning and at the areas where are planned.

2. Contents of project publicity include basic contents of the project and management regulation in accordance with the approved urban planning.

##### **Article 53. Responsibility of announcement and publicity of urban planning**

1. People's Committees at all levels shall be responsible for directing and organizing the implementation of announcement and publicity of the approved urban planning design as prescribed.

2. If a person in charge of announcement and publicity of the urban planning design does not announce and make public or announces late or incorrectly announces the contents of the approved urban planning, he/she shall be responsible to the law for damages on account of his/her fault.

3. The Government shall specifically stipulate contents, form and responsibility of announcement and publicity of the urban planning design.

#### **Article 54. Provision of urban planning information**

1. Urban planning authorities at all levels shall be responsible for supplying relevant information, issuing a certificate of planning for the approved urban planning design to organizations and individuals when required.

2. The information shall be supplied in the form of making public the urban planning design, analyzing the urban planning and providing the certificate of planning.

3. The information provided shall base on management regulations in accordance with the approved urban planning design and urban design plan.

4. A person in charge of provision of the urban planning information shall be responsible to the law for the information provision time and accuracy of documents and data to have provided.

5. A person who requires providing the urban planning information shall pay fees as provided for by law.

#### **Article 55. Issuance of certificate of planning**

1. Urban planning authorities at all levels base on urban planning designs within the competence of their appraisal to issue certificates of planning to organizations and individuals when required.

2. Contents of a planning certificate cover information about land lot boundary, land use function, land area, right – of – way and demarcation, building density, land use coefficient, maximum construction height and minimum construction height of works and information about architecture, technical infrastructure system, environmental protection and other regulations. Period of validity of a planning certificate shall follow the period of validity of the approved urban planning design.

3. The Government shall stipulate documents, sequence and procedures of issuance of certificate of planning.

**Article 56. Staking-out in accordance with urban planning**

1. Contents of staking-out on field include stakings-out of right – of – way, demarcation, elevation and boundary of the restricted areas in accordance with the approved staking-out document.

2. Upon approval of urban planning designs by competent authorities, People's Committees at all levels shall be responsible for organizing the preparation of staking-out documents under the approved urban planning and carrying out staking-out on field. Staking-out on field shall be completed not later than 60 days as from the date of approving the staking-out documents for planning.

3. The staking-out documents shall be prepared by professional units recognized by the State; The staking-out documents shall comply with the State's standards and specifications and be approved by the competent authority.

4. The State urban planning authorities at all level shall keep the approved staking-out documents and have the responsibilities to supply documents relating to the planned landmarks to individuals and organizations, when required, as provided for by law.

5. After the urban planning adjustment project is approved, People's Committees at all levels shall organize the adjustment of the staking-out documents and carry out adjusting on field.

6. Landmarks (or monuments) shall ensure durability, sensibility and safety for the traffic of people and vehicles and accord with the terrain and geomorphology of the staking-out area.

7. The Government shall specifically stipulate staking-out work for planning.

**Section 2. Management of space, architecture and urban landscape**

**Article 57. Regulation of urban architecture and planning management**

1. A regulation on the management of the urban planning and architecture is the legal document prescribing the organization of implementation and developmental management of space, architecture and landscape for all the cities, the areas which have had the approved urban planning and urban designs and other areas in the cities.

2. Based on the urban planning designs, the management regulation under the approved urban planning and design projects and actual situation of an urban area, a People's Committee of a city, a town or a sub-town shall have the responsibility to prepare and promulgate a regulation on managing the urban planning and architecture conformable to the actual requirement.



3. The Government shall specifically stipulate responsibility for preparation, promulgation competence and contents of the urban architecture and planning management regulation.

**Article 58. Contents of urban architecture and planning management regulation**

Contents of the urban architecture and planning management regulation include:

1. Regulation on the organization of urban planning implementation and developmental management for all the cities, the areas that have had the approved urban planning and urban design and other areas in the cities.

2. Regulation on the management of urban architecture and space.

3. Specific regulations of urban areas in managing and controlling the development.

4. Regulation on roles and responsibilities of all levels of governments, agencies, organizations and individuals in organizing the implementation of urban planning and management of urban development.

5. Incentives and limitation policies.

6. Sanctions in implementing.

**Article 59. Regulations on managing urban architecture and space**

1. Owners of architectural objects having effects on the urban space, architecture and landscape shall be responsible for protecting, maintaining during the process of operation and use and ensuring aesthetics, safety and harmony with the surrounding space.

2. Permission shall be obtained from a competent authority for new construction, improvement, renewal, repair and demolition of architectural objects (including green trees in public areas and in the precincts of works and houses) affecting to the urban space, architecture and landscape.

3. For the large-scale works which are significant and located in important locations in the urban area, before formulating construction investment projects, their architectural designs shall be examined on a competitive basis.

4. The Government shall specifically stipulate the competitive examination of architectural design for construction works.

**Section 3. Management of urban land operation and use in accordance with the planning**

**Article 60. Principle of urban land use and management**

Types of land in the cities shall be managed and used in the right purpose and function as identified in the approved urban planning design.

**Article 61. Organization of urban land withdrawal**

1. After the detailed planning design is approved and announced, People's Committees at all levels shall be responsible for organizing the taking-back of land fund under the urban planning. At the same time, proper regulations and policies shall be given in order that enterprises carry out land fund clearance for the purpose of urban development in the short term period and for contingencies.

2. The compensation and taking-back of land fund shall be made as provided for by the law on land. This ensures harmony of benefits between the State, enterprises and community of inhabitants.

3. The State encourages organizations and individuals in contributing capital by means of land fund under their ownership within the limit of the project to source of investment capital of enterprises to implement the project.

Employers shall be responsible for creating favourable conditions for and ensuring benefits of organizations and individuals participating in capital contribution.

4. In case the land fund is taken back according to the approved project, depending on investment nature of the project, People's Committees at all levels create favourable conditions for investors to duly implement the planning and plans. In addition, proper policies shall be required for the affected people in the project implementation area.

5. When the land fund is taken back under the detailed planning or the approved project, the State shall only compensate for the properties which have been created before the detailed planning is approved.

6. In case the investment project only requires a portion of the land parcel, such land parcel users may request the State or the project Employer to take back and compensate for the remaining land portion.

7. After the detailed planning is approved and announced, if taking-back has not been carried out by the State, organizations and individuals in the planning area shall be permitted to continue exploiting, using, improving, repairing and temporarily constructing as provided for by the law on construction.

#### **Section 4. Management of technical infrastructure system and urban underground space construction in accordance with the planning**

#### **Article 62. Management of land used for construction of urban technical infrastructure works system**

1. The land used for constructing urban technical infrastructure works includes the land for constructing main works; constructing a line or network; the land within the limit of protecting the works and the land within the safety corridor.

2. The land fund used for constructing technical infrastructure works shall be identified in the urban planning and used in the right purpose. However, it shall not be encroached or transferred its use purpose.

3. For the land taken back to implement development projects of traffic routes in accordance with planning as approved by competent agencies, it is required to additionally take back the land fund at both road sides, organize auction or tendering for the selection of employers as provided for by law so as to develop such land fund on an effective basis.

4. People's Committees at all levels shall be responsible for managing the land fund used for constructing the planned urban technical infrastructure works.

**Article 63. Management of urban technical infrastructure system construction for the existing and improved urban areas**

1. People's Committees at all levels shall make construction plans of technical tunnels or trenches in order that technical line utilities will be step-by-step constructed underground.

2. In implementing investment and construction new roads, improvement of the existing roads in the cities, this shall be combined with the construction of technical trenches and tunnels to install underground line and pipeline works.

**Article 64. Management of urban technical infrastructure system construction for new cities and new urban areas**

1. The construction of technical tunnels and trenches shall follow the urban planning and be made simultaneously with the construction of urban roads.

2. Line and pipeline works in new cities and new urban areas shall be arranged and installed in the technical trenches and tunnels.

3. Investment and construction of the technical infrastructure works system ensures under the planning and implementation progress of urban development projects on a synchronous basis.

**Article 65. Principle of underground space management :**

1. An underground space part attached to overground works shall not be constructed beyond the construction limit or land parcel boundary (except for technical connection of the underground line or pipeline system) and not affect the underground works available or as identified in the urban planning.

2. The construction of traffic routes and underground utilities system shall ensure safety and accordance with spatial organization and use of overground utilities system of the cities and ensure a convenient connection to the underground and overground traffic works.

3. The construction of technical tunnels and trenches ensures that they shall not affect space use on the ground and safety in exploitation, operation, repair and maintenance.

#### **Article 66. Management of underground works construction**

1. The construction of urban underground works shall comply with a planning permit and construction permit.

2. Issuance of planning and construction permits for the underground works shall satisfy the following conditions:

a) To accord with the approved urban planning;

b) To ensure a distance not to affect the safety, management work, operation and use of neighboring works and upper works as well as the works as identified or proposed in the urban planning.

### **Section 5: Management of construction in accordance with the urban planning**

#### **Article 67. Principle of management**

1. All the organization or individuals who carry out investing, constructing, improving and repairing architectural works with the exception of separate houses as stipulated in item 2 of this Article and technical infrastructure works shall ensure conformability to the urban detailed planning as approved by competent authorities.

2. The investment in new construction or improvement and repair of separate housing works shall be considered and approved by the competent authorities by issuing construction permits as provided for by the law on construction.

3. The existing construction works which is conformable to the urban planning but unconfirmable to the architecture shall be maintained as its status-quo; in case of being rehabilitated, improved or repaired, such work shall comply with regulations of the construction law.

4. Any construction works exists but is not conformable to the urban planning, if the owner requires rehabilitating, improving and repairing, the competent authority shall consider and issue a temporary construction permit as provided for by the law on construction ; if the works is relocated to the planned area, the owner shall receive compensation and support as provided for by the law on land.

#### **Article 68. Introduction of location**

1. Urban planning authorities at all levels shall base on the urban planning design within the competence of their appraisal to recommend employers locations when required.

2. The locations to be recommended for the construction investment shall ensure a due compliance with the urban planning; conformability to scale and nature of investment, urban land economization and not affecting the development and environment of the city.

**Article 69. Planning permit**

1. Object to be issued with planning permit:

- a) Cases as stipulated in item 1 of Article 49;
- b) Construction investment projects; separate construction works (except for housing) in the areas whose detailed planning or approved urban design are not available.

2. The issuance of the planning permit shall base on requirements of management and control of actual development of a city, technical standards on construction planning, regulations on urban planning and architecture management and opinions of provincially leveled planning architecture board.

3. Authority of issuance of planning permit:

a) Provincially leveled People's Committees shall be responsible for issuing planning permits for construction investment projects and separate construction works in towns.

b) District leveled People's Committees shall be responsible for issuing planning permits for construction investment projects and separate construction works in other urban areas of provinces or districts.

4. Contents of the planning permit include scope, scale of urban planning area, allowable indicators of land use, requirements on land use and exploitation, organization of architectural space, overground and underground urban technical infrastructure and protection of landscape and ecological environment for an area where the employer is invested.

5. The planning permit shall be a basis for the project employer to organize preparing tasks and detailed planning design for the construction investment project for one area in a city or formulating investment projects for separate works construction investment projects.

6. Any organization or individual who requires issuing a planning permit shall pay fees as provided for by law.

7. The Government shall specifically stipulate sequence and procedures of issuance of planning permits and collection of planning permit issuance fees.

**Article 70. Management of construction and operation of construction investment projects**

1. A new urban area construction project shall ensure synchronous investment in technical and social infrastructure and public utilities within the limit of the project.

2. People's Committees of cities, towns and sub-towns shall be responsible for organizing the implementation of investment and construction of technical infrastructure works outside the project fence to ensure a convenient connection and traffic between the new urban area and surrounding areas and other functional areas in the urban areas.

3. When construction projects of new urban areas, residential areas and housing areas are implemented, People's Committees at all levels and Grade-1 employers shall reserve proper land fund for investing in construction of social houses as provided for by the law.

4. Grade-1 employers shall be responsible for supplying, operating and using urban services on a synchronous basis ; providing maintenance for works ; spatial and architectural management in accordance with the approved urban planning within the limit of the project implementation unless otherwise agreed with the People's Committees at all levels.

**Article 71. Management of urban improvement in accordance with the planning**

1. When the implementation of improvement and reconstruction projects for one area in the city is made, it shall ensure that land is economized, a priority is given to satisfying in-place resettlement requirement for the local inhabitants in the area; a synchronous construction and quality improvement of technical and social infrastructure and public utilities system are made based on harmony with the surrounding areas; the protection of cultural and historical heritage and preservation of the traditional character of the city and the area are made.

2. The State shall promulgate proper support regulations and policies in an aim to encourage and attract economic sectors not run by the State in participation in investing and improving the cities.

**Chapter VI**

**INSPECTION, SUPERVISION AND SETTLEMENT OF VIOLATION**

**Article 72. Inspection, supervision**

1. When the inspection and supervision work is required, supervision and inspection agencies at all levels shall have the rights to:

a. Request the relevant organizations and individuals to provide with documents and data relating to the supervision and inspection.

b. Request the relevant organizations and individuals to clearly explain issues relating to the supervision and inspection and carry out site visits to make survey and inspection.

c. Request the relevant organizations and individuals to immediately stop infringement acts against the law on the urban planning.

A person in charge of supervision and inspection shall present papers on complying with the law. Organizations and individuals being under supervision and inspection shall coordinate in

and shall not obstruct supervision and inspection activities which are carried out in accordance with the law.

2. Supervision and inspection situation and settlement results shall be made public in order that the community knows, consults and carries out supervision.

3. When the supervision and inspection is implemented, if any staff of a government agency is found to have violation acts on regulations of this Law, the supervision and inspection agency shall request the competent authority to settle acts as provided for by the law.

### **Article 73. Settlement of violation**

1. Apart from specific provisions in other articles of this Law, any person who has one of the following acts, depending on the nature and level of violation, will be dealt with in the form of discipline, administrative violations or being held criminal liability; if he/she causes damages, compensation shall be made as provided for by the law ;

a) Not to organize the preparation of the urban plannings within the responsibility and competence as provided for by the law when necessary; to cause difficulties and obstacles in the management and investment in urban development ;

b) To select unqualified agencies in accordance with regulations on the preparation of the urban planning;

c) To formulate, to appraise, to approve the urban planning and to adjust the urban planning not in due accordance with procedures as provided for by the law;

d) Cases of investment and construction inconsistent with the approved detailed planning;

®) To issue planning permits beyond the authority or to issue when documents applying for planning permits do not accord with regulations of the law ;

e) To issue planning permits unconfomable to the urban planning and standards, which obstructs activities and lives of the community and affects the urban architectural space, landscape and environment ;

g) Within the period as prescribed by the law, not to issue the aforesaid types of permits to organizations and individuals who submit their documents conformable to regulations of the law;

h) To stake out in wrong positions; to relocate and damage landmarks, he/she will be dealt with and compensated for damages caused by him / her as provided for by the law;

i) To discover acts of breaking the law but not to carry out settlement according to competence ;

k) To carry out construction activities not in due accordance with contents of the planning permit;

2. The Government shall specifically stipulate settlement of violation in urban planning activities.

**Chapter VII**  
**IMPLEMENTATION PROVISION**

**Article 74. Implementation validity**

This Law will come into effect as from 1 January 2010.

*This Law has been passed by the twelfth National Assembly of the Socialist Republic of Vietnam, the fifth session on ... 2009*

**CHAIRMAN OF THE NATIONAL ASSEMBLY**

**Nguyen Phu Trong**



## 9. ベトナム建築・都市農村計画研究所（VIAP）に対する質問書への回答

“List of Questions for Interviews” (original questions), “Additional Questions”, and “Additional Questions 2” to VIAP

JICA Preliminary Study on Urban Planning and Management Capacity Development Project

### List of Questions for Interviews

#### 1. Formulation of Urban Construction Master Plans

**1-1. Please specify the number (and preferably the names) of cities, by Class\*, which have made, are making and preparing to make Urban Construction Master Plans (general as well as detailed master plans).**

*\* Special Class Cities, National Cities (Class I), Regional Centers (Class II), Class III Cities, Class IV Cities (Towns), and District, Rural Centers (Class V)*

Today, there are more than 700 cities (728 cities by December 2007), of which 5 cities are directly under the Central Government including 2 Special Class Cities (Hanoi and Ho Chi Minh City) and 3 National Cities – Class I (Hai Phong, Da Nang and Can Tho), Hue City is a Class I City which is directly under the Provincial Government, 14 Class II cities, 38 Class III cities, 38 Class IV cities and over 600 Class V cities. Urban population is about 25 million and the ratio of urbanization is around 28.5% which is ranked at the lowest part among the ASEAN countries and countries all over the world. The current economic growth indicator of Vietnam is ranked third in the world, there many signs of population and urbanization explosion in Vietnam in the early of the 21<sup>th</sup> century. According to the forecast of the Vietnamese and UN urban sciences reserchers, the urbanization rate in Vietnam in the next 10-20 years is fluctuating between 30-45%, urban population is about 45 millions pepole.

**1-2. We have got information that most of urban/regional plans have been prepared by VIAP and its sister institutions, and that decentralization/devolution of planning responsibility is in progress. Based on this, we would like to know the following points:**

- a) **Who have prepared Urban Construction Master Plans up to the present and who are expected to do from now on?; and**
- b) **How are the roles/responsibilities of the VIAP and its sister institutions changing in the formulation of Urban Construction Master Plans?**

Not yet answered.

※VIAP との会談中、以下のような状況説明を受けた：

「90年代から2000年まではNIURP（VIAPの前身）が全ての省及び省級市の計画を作成した（南部、中部の存在する支社を通じての活動を含む）。市場経済化が進められたその後、外国コンサルタントの考え方を聞いてみたい、ちがう国内コンサルタントに頼もうという省や市が現れ、その結果、現在のVIAPの受注率は65～70%程度である。今日、VIAPは、外国コンサルタントと同一条件で地方政府が発注するコンサルタント業務の入札会に参加している。」

**1-3. Urban planning/management capacity of city governments may differ according to difference in their Classes (see Q.1-1). Related to this, does MOC/VIAP have a step-by-step strategy to decentralize/devolve planning responsibility to cities in different Classes —e.g., decentralization to large cities first?**

**If MOC/VIAP has other strategies to promote the decentralization, please inform us as well.**

- Urban planning/management capacity of city governments are differed but it is not caused by the difference in their Classes. There are several cities which manage very well but most of the cities seem to be lack of urban planning/management capacity.
- The city development must comply with the General Plan of Urban Development (Master Plan) which approved by the Provincial/City People's Committee.
- The decentralization in urban planning/management has been assigned to regional authorities (provinces or cities which are directly under the Central Government). MOC supplies general guidance in city developing management through the Department of Construction Planning and Architecture. The planning is carried out by consultants according to the requirements of demanded parties.
- In the planning area, MOC takes the responsibility of developing regional plan (inter-provincial or inter-regional plans), plan of border areas, border crossing economic areas or special areas which have national importance such as Ba Dinh Political Center (Hanoi) or oil filter areas and importance industrial zones.
- VIAP has been assigned by MOC to develop aboved planning projects. In addition, VIAP has been employed by the provinces as a specialist consulting party in construction planning, mostly in developing general plan of urban construction for several importance cities or towns.

**1-4. Does MOC/VIAP have manuals or technical standards as reference materials to make Urban Construction Master Plans?**

- The rules must be strictly complied when developing a general plan of urban construction are defined in the Law on Construction and Decree on construction plan. To instruction, MOC has issued guidances in the form of the circulars on major requirements of the above Law and Decree.
- MOC has issued the Construction Standard of Vietnam, the Construction Plan part (QCXDVN01-2008) is considered as a technical standard that defines strict rules which have to comply in the process of developing, appraising and approving a planning project.
- The documents for reference and applying are Construction Standard of Vietnam (issued by MOC) and publications issued by Construction Publishing House (MOC).

**1-5. What kinds of data (e.g., statistics, maps) are used as common tools to make Urban Construction Master Plans?**

- The fundamental database of a Urban Master Plan are (1) official statistic record of the city in the past 5-10 years, (2) terrain map with ratio from 1/5,000 to 1/10,000. (3) short and long term socio economic development strategies of the city and importance industries which relate to construction such as transport, land management, natural resource, environment, industry and tourism....  
The supplement database is collected by surveying and assessing natural conditions and current situation of the area and through exchanging views with the parties which will use this plan.

**1-6. What are generally observed challenging issues for cities to make Urban Construction Master Plans?:**

**Classifying cities into Classes (see Q.1-1), what are typical challenging issues for cities of each Class – e.g., insufficiency in data and tools needed for plan making, lack of sufficient knowledge and experiences of city officials, difficulty in coordinating Master Plan and sectoral plans) ?**

- Challenging in connecting industries database, however many cities has shared their views while taking part in the supporting program of urban master plan making.

- The implementation of the plan faces difficulties on the one hand is the lack of flexibility in the planning process on the other hand is the lack of legal frameworks those intensify the effect of the approved plan. These make the plans have not been fully complied in the reality.
- There are many discussed issues regarding to the city classification, many conflicts on criteria of urban quality and urban size. The geographical location and urban position should be emphasized. Data tool of each urban classes should include the same fundamental requirements and emphasize the data which represent the urban specific features.

**1-7. What are the keys to promote the formulation of Urban Construction Master Plans by cities?**

- Requirements for economic development and population and investment projects attraction.
- Requirements for urban reorganization, infrastructure upgrade and city expansion.

**1-8. How a Regional Construction Master Plan of a province and Urban Construction Master Plans within the province are coordinated during both formulation and implementation processes?**

It's possible to make both Master Plan simultaneously or sequently, those have a mutual relationship which help precisely reviewing the urban's position and size in order to have a better plan and develop a fully-constituted and opened urban. The requirement of urban planning is also a basis for defining the reasonable connections between areas in the province, especially for allocating and utilizing of the key infrastructural constructions.

**1-9. Are there any problems in present consultation/coordination system among stakeholders (e.g., h-level government, adjacent city/municipal governments, private developers, citizens) ?**

Generally, there are no problems in coordination but the lack of time needed to make related parties have right visions and awareness of the role of a Urban Construction Master Plans that causes divergence between consultants and related parties.

**1-10. In what points and to what extent are the recommendations made by HAIDEP useful to improve the practice to make Urban Construction Master Plans?**

(Q1.10 + Q2.4) HAIDEP is a research project on Hanoi Urban Development Master Plan, therefore the approach is difference from the procedure of urban planning in Vietnam.

HAIDEP has been researched generally including planning for transport, housing,... connected to the Hanoi Region Construction Plan so the approach is the combination of difference industries and researching fields on urban planning. This approach is useful to the trend of interdisciplinary research and the urban plan strategy of Vietnam. HAIDEP's proposals have high studied value such as the determination of Hanoi's space development strategies, proposal on appropriate transport solutions, especially the UMRT system. The model of land reuse and adjustment when urban is developed could be researched and applied, because Hanoi is facing difficulties while setting up roads in the urban area. It could be said that, HAIDEP is a general research project on difference industries and topics carried out by Japanese and other countries experts. The participation of Vietnam is just in the extent of the Steering Committee, interdisciplinary counterparty and audiences in the Seminars and Workshops. This is also a good approach but it has not yet mobilized understanding and experience of the Vietnamese planning experts. Above research has been controled by the international planning experts, this influenced research results in some extent, especially caused by the difference between planning research system of Vietnam and Japan. Hence the result of this research requires further studies, it's hard to be approved and become a legal basis for city development.

HAIDEP sets up a research way that leads to the change in the approach of the urban planning method of Vietnam. Therefore, it's necessary to review the legal documents which relates to the whole system of making plan from socio economic plan, land use plan, urban construction plan of Vietnam to other specific plans. Towards the interdisciplinary approach, at present, WB is helping the Vietnam Institute for Architecture Urban and Rural Planning – MOC to study urban development stratify for the Ha Long City and Can Tho City, these are interdisciplinary approaches with the long term strategy but concentrate on strategic purpose, action plan and assessing criteria after 2 years. Ten years ago, the Strategic Planning method (Integrated Strategic Planning) had been introduced to Vietnam as a new approach of interdisciplinary. Besides the Integrated Strategic Planning model, there is another method which aims at integrating this model into fund allocation procedure and short term investment plan - Multi-sectoral Investment Programe. Thus, it can be said that the trend of interdisciplinary, strategy and combination with the specific action plan has been applied by developed countries for a long time. Vietnam should carry out specific studies on these methods in order to quickly

change the way of making urban development plan that is appropriate to regulation, people, system and socio economic situation of Vietnam.

HAIDEP is a good, feasible and valuable approach which can be applied practically, especially the applicability through various activities:

1. Introduction
2. Researching pilot model for several medium sized cities.
3. Nation wide training through VIAP
4. Summarizing each training courses and drawing lessons in order to improve the quality of the following training courses.
5. Putting into practice
6. Integrating into legal system

## **2. Implementation/management of Urban Construction Master Plans**

**2-1. Concerning the realization/implementation of plans (e.g., infrastructure development, land development), to what extent are financial constraints and institutional constraints (e.g., capacity/experiences of city officials, present land use regulation system) influencing?:  
Are there any other constraints influencing the realization of plans?:  
To what extent do such major constraints influence differently to cities in different Classes?**

+ Regarding the realization/implementation of plans, institutional constraints can cause financial constraints and vice versa.

+ The infrastructure development is the major responsibility of the Government that leads to the dependence on the National budget which in turn causes the lack of fund and causes a low rate of urban development.

+ Investing in infrastructure requires huge amount of fund and it takes long time to make profit so it's not attractive the private investment. Domestic businesses can not invest in the key projects which can impulse urban development due to the lack of financial capacity. The attractive projects use a small land area so they don't bring much effect for the city.

+ When the Government invests in the key infrastructure (urban road, external road,

national highway, ...) the value of land increases mostly that benefits the owner but not the Government.

+ Planning and modifying plan effect strongly on the investment purpose and progress of the private investment. Those can effect possitvely or negatively especially extending investment period due to waiting for the plan.

**2-2. To what extent are Urban Construction Master Plans working effectively to attract private establishments into planned locations? (In other words, has the application of the Plans changed the unfavorable situation having been said that the location of private establishments was determined depending on the attractiveness of incentives offered by local governments to private companies?)**

+ Urban Construction Master Plans affirms the role, attraction and other technical issues of the urban construction, therefore it specifies the investment object (urban) in order to help investor to make decision.

+ Approved plan is the commitment of the Authority on the urban development strategy.

+ This commitment is the attraction factor that can increase the value of the area (urban) and the attractiveness of the investment object.

+ However, investor will also face the changes, modifications which have negative effects when the Plan is modified of changed.

**2-3. To what extent does the present Urban Construction Master Planning system pay attention to the monitoring of plan implementation process, which is considered useful for proper and timely revision of a Plan?**

+ According to the regulation, a Urban Construction Master Plan is the most priority tool for controlling the planning impelmentation of this city. In addition, the control is also implemented through lower level plans (detail plan).

+ One of the most importance objectives of the Urban Construction Master Plan is helping Authorities to control the implementation of the plan (to control the urban development process according to the approved Urban Constrcution Master Plan).

+ The Urban Construction Master Plan controls the implementation through the Regulation on Urban Construction Management.

+ The level of construction plan control depends on the level of the Master Plan. The Master plan has a general control level, it controls large functional areas, key areas or key constructions of the urban area and it's the basis for the detail plan. The detail plan has a closer control level which control each blocks and buidings.

**2-4. To strengthen the implementability of present Urban Construction Planning system, what kinds of viewpoints or planning/management mechanisms are considered important to add/change? And to do so, to what extent are recommendations presented in HAIDEP considered useful?**

+ Regarding planning viewpoint: more opened to attract more sources of finance that makes the implementation of the plan more feasible.

+ To modify several required contents which are being implemented in the construction plan. To concentrate on dealing with the key problems in the Urban Construction Master Plan, oriental issues and deciding factors (choosing location, development direction, size forecast, zoning, space development control, defining key infrastructure, calculating the power supply capacity, water resource, environment protection,...). Do not focus on detail technical issues (this will be solved by specific projects)

+ The content of the procedure of plan developing, appraising and approving in order to save time and increase the feasibility of the plan.

**2-5. In the completed application form for Japan's technical cooperation by the VIAP, urban renewal, land readjustment, integrated development, inter-municipal coordination, and public involvement are listed as non-exhaustive examples of alternative urban planning/development methods/tools. Please inform us with your idea about the treatment of such methods/tools in this JICA project aiming at the development of planning/management manuals and training programs.**

In the projects of the urban improvement, readjust land, in the general development plans and inter-administrative systems, these planning methods and tools can be applied to the official planning system in Vietnam through the tools for planning control and system of guidance and training as follows:

Currently, guidance regulations and management manuals which are under the Law on Planning for the area at the adge of urban and old urban are being developed, it's possible to



apply new method in urban improving and land re-adjusting. It's clear defined in the Law that people are allow to take part in the process of planning but there is lack of the particular legal framework to regularize the people's products. It's recommended to give more detail of Machizukuri and enclosed sanctions and kyogikai.

The interdisciplinary mechanism and "one-door" mechanism are facing difficulties, it's requested to help Vietnam examine the situation and to introduce the project on municipals reducing in Japan for study.

It's needed to provide trainees with data analysing and synthetizing skills, developing reports and strategic forecast tools which are weakness points in Vietnam. It's requested to introduce development impact assessment.

**2-6. Also in the application form, three types of cities are described as examples of Model Study Cities: provincial capital; city expected to be affected significantly by the growth of larger city; and city that shows a strong potential for project ownership. Are there any images of specific cities?**

It's recommended to study Phu Ly City, Ha Nam (Ha Dong City) and Son Tay City.

### **3. Legal Documents, Plans and Strategies Related to Urban Development**

**3-1. When was the "Strategy of Comprehensive Planning for Vietnam Urban Development up to the Year 2020" revised?:**

**What are the key points of revised parts?**

- The Strategy of Comprehensive Planning for Vietnam Urban Development up to the Year 2020 had been approved by the Prime Minister at the Decision No 10/1998/QD-TTg as of 23 January 1998.
- (2007-2008) The modification of Strategy of Comprehensive Planning for Vietnam Urban Development up to the Year 2025 had been studied by VIAP, appraised by MOC and is planning to submit to the Prime Minister for approval.
- Major contents needed to modify includes:
  - + Vision, view point, development objective;
  - + Urban development forecast indicators (urban population, rate of urbanization, urban population growth rate; urban construction land; urban housing; urban poverty reduction

and urban technical infrastructure indicators);

- + Adjusting urbanization area to surmount unfair allocation, unbalanced urbanization between regions, between urban and rural areas; improve the urbanization quality; to save natural resources in accordance with food security and ensure national defence;
- + To specify script, model of national urban system development; space development strategy, urban technical infrastructure development;
- + Solutions and requirements of land planning and using of the national urban development under the effect of the global climate changes, focusing on the sea level rise while developing coastal cities.
- + Specifying project on National Strategy for Urban Development

**3-2. Are there regional and/or sub-regional plans/strategies corresponding to “Vietnam Transport Development Strategy up to 2020”?:**

- Yes, there are. The modification of Strategy of Comprehensive Planning for Vietnam Urban Development up to the Year 2025 (national territory region plan); Hanoi capital region construction plan, Ho Chi Minh City region,...

**Are there any influences of the national/regional/sub-regional plans/strategies on the formulation and implementation/management of Urban Construction Master Plans?**

- Yes, there are.

**3-3. What is the document name of the existing national-level Industrial Planning?:**

- QCXDVN 01:2008, Quy chuẩn xây dựng Việt Nam – Quy hoạch Xây dựng
- TCVN 4616:1988, Quy hoạch mặt bằng tổng thể cụm công nghiệp – Tiêu chuẩn thiết kế

**Are there any influences of the national/regional/sub-regional plans on the formulation and implementation/management of Urban Construction Master Plans?**

- Có

**3-3. How does the Land Use Planning administered by the Ministry of Natural Resources and Environment influence on the preparation/management of Urban Construction Master Plans?**

- In fact, land use plan issued by the MONRE is just a national or regional land use scheme, this scheme does not really affect the preparation/management of Urban Construction Master Plans. According to the Law on Construction, Urban Construction Master Plan is the organization of functional area's space, urban land use plan for investment and management (there is difference between land use plan and land use scheme).
- Urban land must be planned by the urban authority but must not be planned by the Department/Ministry of Natural Resource and Environment. This issue is under discussion and will be specified in the short term.

**3-4. Are there any important sectoral plans/strategies significantly influence on the practices of urban planning/management activities?**

- National and Local Socio Economic Development Master Plan.
- National and Local Specific Plan such as transport, power supply, water supply, industry, tourism

**4. Organizations Related to Urban Planning/Management**

**4-1. Is it a correct observation that urban/physical plans of almost all Vietnamese cities have been prepared by VIAP and its sister institutions in the South?**

According to Decision No. 477/QĐ-BXD dated April 2, 2008 by Minister of Construction (MOC) on the establishment and competence, responsibility, organization structure of Vietnam Institute for Architecture, Urban and Rural Planning (VIAP), VIAP is State agency, under MOC. One of VIAP's functions is scientific research, application of technology progresses to State management in architecture, construction and planning, consultation, technical services in construction, architecture and planning.

Regarding construction and planning, VIAP is subject to prepare research, proposals, orientation, strategy on master plan to develop urban network, research to formulate planning and

construction projects, to make plans for technical infrastructure for national areas/ regions, inter-provincial areas, economic centers, special urban areas of 1<sup>st</sup> class, 2<sup>nd</sup> class, new urban centers of interprovincial, important international border gates, hi- tech parks, special economic zones.

Besides, VIAP also prepares construction planning of urban level 3 and 4, based on requests by provinces.

**4-2. Is it also correct that only three major cities have independent planning institutions by themselves?:**

**If true, what are the names of the three institutions?:**

**In addition, please provide use with the information about the brief overview of the institutions.**

It is not correct. Currently, in a number of big provinces/ cities of Vietnam, planning institutes have been established (about 10 institutes).

For example

- Planning institute of Hanoi, under Hanoi People's Committee
- Planning institute of Hochiminh city, under Hochiminh city People's Committee
- Planning institute of Danang, under Danang People's Committee
- Planning institute of Haiphong, under Haiphong People's Committee
- Planning institute of Thanh Hoa, under Thanh Hoa People's Committee
- Planning institute of Thua Thien Hue province

**4-3. Is it a right understanding that VIAP has been contributed to the formulation of urban and regional plans through four organizational mechanisms: VIAP Headquarter, Southern Sub-Institute of VIAP in HoChiMing, Urban and Regional Planning Center in Danang (which is under direct control of VIAP), and 10 regional sister institutions (where VIAP staffs are temporally transferred)?**

VIAP has 2 bases in Hochiminh city (sub- institute of urban and rural planning in southern region) and Danang city (center for urban and rural planning of central regions). Together with VIAP, the two agencies are main focal points, contributing to State management in construction and planning and research to formulate planning (regional construction planning and construction planning of region and urban) in central and southern of Vietnam.

**4-4 . Please provide us with the names and brief overviews of the sister institutions.**

Same reply as 4-2

**4-5. What kinds of activities, other than plan preparation, have the VIAP, its sub-institutes and its sister institutes done to support the cities' implementation/management of urban plans (including Urban Construction Master Plans)?:**

**For instance, have the VIAP and/or its sister institutions experiences of organizing urban planning/management training, workshops and so on for city government officials.**

Apart from planning, VIAP and its sub- institutes and other institutes have any other activities to support management/ implementation of urban planning? For example, organization of training on planning/ management/ seminar.

Based on Decision of Ministry of Construction No. 477/ QD- BXD, dated April 2, 2008, apart from activities as advisor for Ministry of Construction in urban planning and architecture i.e. formulating orientation, strategies on urban development, VIAP is working as consultant agency to formulate regional planning, urban planning, rural resident areas, technical infrastructure, urban design, investment consultation etc.

Urban management and planning belongs to provinces, cities after the approval of master plan. To help provinces to realize the planning, VIAP prepares planning and management charter of construction planning for provinces to rely on for implementation.

Besides, under a number of projects with funding from Program on Urban Environment Planning(UEPP-VN) under the sponsor by EC, VIAP implements short training courses of staff in charge of planning for department of construction, department of planning and investment, department of natural resource and environment etc.

Sub- institutes of VIAP in southern area have similar function as that of head office of VIAP in Hanoi. Yet, those sub- institutes focus further on planning consultation services.

In a number of provinces, institutes of construction and planning under department of construction have been established. Now, there are about 8 institutes all over the country. Those have activities independently from VIAP. Yet, professional activities are done under Urban

planning forum.

**4-6. In what ways, does the VIAP conduct the training of its own staff?**

For long- term training,VIAP dispatches staff to attend PhD and master courses in Vietnam and in foreign countries by many kinds of funding from international donors and VIAP's budget.

Besides, VIAP also conducts short- term training courses for its staff based on various kinds of topics such as urban design, project management, economic urban, urban architecture research and etc. by VIAP's source.

**Appendix. Request for provision of Documents/Data**

**We are hoping to obtain:**

**a) Legal documents:**

- **2007 revised version, Decree 08/2005/ND-CP(2005) of the Government on Construction Planning; and**
- **2007 revised version, the Circular letter 15/2005/TT-BXD (2005) of Ministry of Construction on guidance to prepare, appraise and approve Construction Planning.**

Answers to question a) has not been replied.

※DECREE No. 08/2005/ND-CP についてはホーチミン市のホームページから別途入手済

**b) Information related to the classification of cities:**

- **criteria for classifying cities into Special Class Cities, National Cities (Class I), Regional Centers (Class II), Class III Cities, Class IV Cities (Towns), and District, Rural Centers (Class V)**
- **number of cities in each Class by region (i.e., Northern Midland and Mountainous region, Red River Delta region, ...)**
- **name and population of each city classified into Special Class Cities, National Cities (Class I), Regional Centers (Class II), or Class III**
- **differences, if exists, in the responsibility and institutional structure to conduct urban planning/management tasks among differently classified cities**

以下の政令の提供を受けた:

DECREE No. 72/2001/ND-CP OF OCTOBER 5, 2001 ON THE CLASSIFICATION OF URBAN CENTERS AND URBAN MANAGEMENT LEVELS

※本報告書資料編に別掲

## Additional Question: about the Law on Construction

### 1. Practicing Certificate (Clause 1, Article 14)

It is stipulated that:

“(c) Any individual undertake the job of person in charge of drawings of a construction master plans or person in charge of design of a specialized part of such drawings must have ... a practicing certificate ...”



#### **Q1-1. What kind of certificate is needed to fulfill the stated condition?**

Not yet answered.

※建設省建築・都市計画管理局との面談の中で、以下のような回答を得た。

「建設法第14条第1項(c)は建設計画作成責任者の保有すべき資格について規定している。これは、いわばチーフプランナーの資格を定めているものである。その資格とは、建築、都市計画、土木など、都市計画関連分野（工学系）の大学を卒業し、当該分野での5年以上の経験を有するものとして、各省（Province）が承認した者のことを指す。」

#### **Q1-2. Is there at least one planning professional who holds the certificate in all city (even in a Category 5 city)?**

Not yet answered.

※以下の状況（本文記述より抜粋）から、最低ひとりはいる、という状況ではないと考えられる。

「地方政府内部の局（建設局、計画・建築局）や付属の計画研究所に作成能力があれば地方政府自らが計画をつくることになるが、その能力が足りなければ外部の専門家やコンサルタントに作成を委ねることになる。優れた都市計画の作成・管理能力を有する都市が幾つかあるが、ほとんどの都市はそうした能力を十分備えていないと見受けられる。」



**2. Approval of general master planning for urban construction (Article 21)**

Organizational structure to formulate and approve the plans are stated as follows:

Categories of urban areas	New inter-provincial urban areas, high-tech zones and special economic zones	special category and of categories 1 and 2	Category 3	Category 4 and 5
Authority to formulate plan	Ministry of Construction	Provincial people's committee (including people's committee of city under central authority)	Provincial people's committee	District people's committee (including town committee and provincial city committee)
Authority to approve plan	Prime Minister of the Government	[to pass] Provincial people's council  [to approve] Prime Minister of the Government	[to make decision] provinial people's council	[to pass] District people's council  [to approve] Provincial people's council



**Q2. In the case of a Category 3 city, who approve its plan?**

Not yet answered.

※法文やその解説を調べた結果、第三級市では、省人民委員会（people's committee）の策定案を省人民評議会（people's council）が賛成多数で議決することで、計画案が承認される（上位政府への承認申請の必要なし）ということが確認された。

**3. Urban Area**

In this law, there seems no definition about urban areas where Urban Construction plans are formulated.

**Q3. How can we understand the geographical/physical domain of an urban area?**

For instance:

- a) It is same as administrative boundary of each city?
- b) It is smaller than the administrative boundary -- e.g, area(s) designated for urbanization within a city?
- c) It may spread beyond administrative boundary – i.e., one urban area comprised by

**more than two cities?**

Not yet answered.

**Additional Questions 2:  
Supplementary to both “List of Questions for Interviews”  
and “Additional Question: about the Law on Construction”**

**1. Formulation of Construction Master Plans**

**Q1-1. How many construction master plan have been and are going to be made?**

	Regional Construction Master Plan	General Master Plan for urban construction	Detailed Master Plan for urban construction	Master Plan for Rural residential Area
No of plans having been made up to present	45	200	410	40
No. of plans expected to be made within 5 years	50	200	600	50

**Q1-2. Concerning the formulation of regional/urban construction master plan, is the relationship between MOC/VIAP and provinces changing (or expected to be changed) ?**

Not yet answered.

地方分権化に関する動向の情報を別途収集した結果、以下がわかった：

建設計画に係る政令 2005 年第 8 号（2005 年 1 月首相承認、同年施行）により、①建設計画の計画策定権限の特別市・省への分権化（複数省にまたがる新都市地域、先端産業ゾーン、特別経済ゾーンを除く）、②第 3 級・第 4 級都市の計画承認権限の省・県人民委員会への移譲、③選挙で選ばれた人民評議会による計画審議の仕組み導入——等が図られた。

**Q1-3 If MOC/VIAP has technical manuals/standards to be used by provinces/cities, are there any points which need to be improved/changed in the manuals/standards?**

Not yet answered.

※マニュアル、基準の存在状況は「List of Questions for Interviews」の Q1-4 に回答されている。改善ポイントについては無回答。

**Q-1-4 HAIDEP study conducted family interview survey to collect information needed for make master plan. The study also developed ‘urban cartes’ (or information sheets about urban districts) as a planning tool. To what extent and why do you think these efforts made by the study is useful to improve urban planning tools in Vietnamese context?**

Not yet answered.

**Q1-5 To what extent do you stress importance on each of following planning techniques/methods to improve urban planning system of Vietnam:**

- a) technique to forecast the future traffic density;
- b) technique to make detailed district planning; and
- c) method to promote public/community participation in plan making process.

Not yet answered.

※VIAP での会談の中で、VIAP メンバーから c) の日本の「まちづくり」「協議会」への関心が示された。

**Q1-6 Which one of the following two understanding is correct;**

- a) Regional construction master plan is a higher-level (and geographically extensive) plan, compared to urban construction master plan, with which urban construction master plan must conform?
- b) Regional construction master plan and Urban construction master plan are same level plans. That is the former is a plan for non-urban areas (i.e., outside urban areas).

※VIAP メンバーから口頭で回答を得た。a) の理解が正しい。

**Q1-7 Is it a true understanding that relationships between the following two are similar/parallel:**

- a) relationship between general master planning for urban construction and detailed master planning for urban construction; and**
- b) relationship between regional construction master plan and master plan of construction in rural residential areas**

※VIAP メンバーから口頭で回答を得た。a) と b)の関係は相似形でない。Q1-6 のとおり、地域計画は、都市建設計画と農村集落計画の上位計画。農村集落計画は、都市建設計画と同様、一般計画と詳細計画で構成される。すなわち、都市建設計画と農村集落計画はともに二層の計画で相似形をなす。

**Q1-8 Do you agree that the role of regional/provincial-level plans in which urban areas are incorporated as a part is increasing (or will increase) its importance to guide the formulation and implementation of urban construction master plans -- e g., by controlling the framework of urban population? If yes, Why?**

**Again, related to Q1-6, current regional construction master plan has such roll currently?**

※VIAP メンバーから口頭で回答を得た。地域建設計画の重要性は増している。特に、複数省にわたる地域の計画の重要性が増しており、ハノイ首都圏の計画がその代表例。

**Q1-9 Which is true:?**

- a) One urban area, where urban construction master plan is formulated, is fully covered by detailed construction master plans;**
- b) Only some part of urban area should be covered by detailed construction master plans.**

※VIAP メンバーから口頭で回答を得た。一般都市建設計画の定められる地域内は、全て、隙間なく詳細都市建築計画で埋め尽くしたいという考え方があり、a)が正しい。

## 2. Implementation/ management of urban construction master plans

**Q2-1 What is the meaning of ‘urban management’ in Vietnamese context? Is there commonly understood definition/concept of ‘Urban Management’?**

**Can we understand that the following components (stipulated in Article 13 of Law on Construction) are well describing the definition/concept of ‘Urban Management’?:**

- **managing investment**
- **arranging investment in construction**
- **administering, operating, and using construction works in urban areas**

Urban management is most important and daunting task in Vietnam. In foreign countries, urban management means management of infrastructure, transport, finance, socio- economic, education management etc. In Vietnam, urban management tends to mainly focus on urban design and construction, investment and planning of natural resource and environment. Currently, urban management is daunting task of inter- sector issue. Urban management lacks of forecast and implementation based on international practices and market- economy with socialist orientation

Is there any definition normally interpreted as urban management based on article 13 of construction law?

Please, be noticed that it is general demand on general planning of construction. Item 4, article 13 mentioned management of investment, budger allocation of construction work in urban and rural local resident areas. This should not be understood as the whole meaning for urban management.

**Q2-2 Do you agree that the supportive measures from central to local governments – including financial support – should be increased in order to promote the implementation/management of master plans?**

I agree that the State should support in all aspects to properly and adequately make planning. Supporting the implementation of planning and finance is very necessary, especially mechanism to disseminate information to residents and investors. Those are expectation by residents and investors to local governments, formulating mechanism, turning into law based on expectation by residents and investors.

### 3. Coordination between construction master planning and other planning systems

#### **Q3-1 Do you agree that land use categories used by MONRE and those used in Urban Construction Planning should be coordinated/adjusted more?**

We agree it is necessary to have closer coordination between kinds of land among those 2 kinds of planning which Ministry of Natural resource and environment and Ministry of Construction are responsible for. It is necessary to learn the models from foreign countries to better the issue.

### 4. Organizations related to urban planning/management?

#### **Q4-1 Please provide us with information about the number of staff (especially of planning staff) VIAP headquarter, each VIAP sub-institute, and VIAP sister agencies.**

Information on VIAP

- Number of staff: over 750 persons
- Headoffice: No. 37 Le Dai Hanh, Hanoi
- Other offices in Hanoi and provinces:
  - + In 389 xã/Thị trấn – Bà Rịa-Vũng Tàu
  
- + in Hà Nội city:
  - 1. Sub- institute of urban and rural planning in the south: 65 M. Trần Chí- district 1- Hochiminh city
  - 2. Architecture center of the south: 14 Kù Sàng – district 3 Hochiminh city
  
- + branches in the central:
  - 1. Center for planning of rural and urban planning in the central: 230/5 Trần Ngọc Thạch- Quận Chi Lăng- Hồ Chí Minh city
  - 2. Architecture center in central: Vũ Đông ward- Huế city

#### **Q4-2 Is there urban planners' association in Vietnam?**

Yes. Association of Vietnam urban planning and development

VIAP – UEPP-VN Mid-career Training for Urban Planners in Mekong Delta Region

**MODULE 1: INTRODUCTION TO URBAN PLANNING AND DESIGN**  
**Can Tho, 28<sup>th</sup> July – 1<sup>st</sup> August, 2008**

Topic No	Duration	Key words on contents/activities	Name of Lecturers/participants	Name of person preparing training materials
<b>Day 1: Multi-Sectoral and Integrating Approaches</b>				
<b>AM: 8.00-11.30</b>				
SESSION 1: PRESENTATION (Introduction)	8:00 – 9:10 70 minutes	Introduction of participants Explanation of the program, link to the participant expectations (20 minutes) Opening speech and Introduction to training (20minutes)	Mr. Truong Tan Hoa	
		Participants interview / present one another (30 minutes)	Mr. Ngo Trung Hai, Vice Director of VIAP and Programme Manager Facilitator: Mr. Hoang Long Participants	
<b>Tea break</b>				
	9:10 – 9:30 20 minutes			
SESSION 2: PRESENTATION	9:30 – 10:15 45 minutes	Overview of urban issues in Vietnam	Mr. Ngo Trung Hai	To be prepared by Mr. Ngo Trung Hai
SESSION 3: WORK SESSION (plan analysis)	10:15 – 10:50 35 minutes	Critical analysis of 3 plan types in Vietnam (socio-economic, land use, construction plans) Introduction to the exercise (10 min) Group work (25 min)	Mrs. La Thi Kim Ngan – VIAP	To be prepared by Mrs. Ngan and Mrs. Phuong
SESSION 4: GROUP PRESENTATION	10:50 – 11:30 40 minutes	Presentation of critical analysis of 3 plan types (4 x 10 min)		
<b>LUNCH: 11.30-13.30</b>				
<b>PM : 13.30-17.00</b>				
SESSION 5: PRESENTATION	13:30 – 14:30 60 minutes	Introduction to training – Urban Dialogues (Vinh Case)	Ms. Kelly Shannon [Mrs. La Thi Kim Ngan] Ms. Do Minh Huyen (interpreter)	Ms. Kelly Shannon
SESSION 6 PRESENTATION (CDS)	14:30 – 15:30 60 minutes	City Development Strategy (CDS) 1. principles / outputs 2. case of Ha Long 3. SWOT analysis	Mr. Ngo Trung Hai	Mr. Ngo Trung Hai



Tea break	15:30 – 15:50 20 minutes			
SESSION 7 PRESENTATION	15:50 – 16:20 30 minutes	Presentation methods	Mr. Ngo Trung Hai	Mr. Ngo Trung Hai
SESSION 8 PRESENTATION	16:20 – 16:50 30 minutes	Introduction to Cuu Long city, history and planning issues	Mr. Hoang Long	To be prepared by Mr. Long
SESSION 9 WRAP UP	16:50 – 17:00 10 minutes	Wrap up session	Mrs. La Thi Kim Ngan Facilitator: Mr. Hoang Long participants	

**OVERVIEW PROGRAM STRUCTURE AND CONTENT OF TOPICS**

Topic No	Duration	Key words on contents/activities	Name of Lecturers/participants	Name of person preparing training materials
<b>Day 2: Visioning and Forward Planning (long-term perspectives)</b>				
AM: 8.00-11.30				
	8:00 – 8:10	Conclusion of Day 1	Mr. Truong Tan Hoa	
SESSION 10 PRESENTATION	8:10 – 9:10 60 minutes	Methodologies of urban analysis & urban visioning	Ms. Kelly Shannon [Mrs. La Thi Kim Ngan]	Ms. Kelly Shannon
SESSION 11 PRESENTATION	9:10 – 10:10 60 minutes	Case 1 – Antwerp 1. 4 visions (35 minutes) 2. brief review of strategic projects (10 minutes)	Mrs. La Thi Kim Ngan + Mrs. Kelly Shannon	Mrs. La Thi Kim Ngan + Mrs. Kelly Shannon
Tea break	20 minutes			
SESSION 12 PRESENTATION	10:30 – 11:15 45 minutes	Case 2 – CDS Can Tho (Vision)	Mr. Ngo Trung Hai	Mr. Ngo Trung Hai
SESSION 13 WORK SESSION (crucial review of CDS)	11:15 – 11:30 (15 minutes discussion)	Usefulness of CDS in on-going work within the various provincial departments	Facilitator: Mr. Ngo Trung Hai	Questions to be prepared by Mr. Hoang Long
LUNCH: 11.30-13.30				
PM : 13.30-17.00				
SESSION 14 PRESENTATION	13:30 – 14:30 60 minutes	Possibility to apply Strategic plan in Vietnam	Mrs. La Thi Kim Ngan	To be prepared by Mrs. Ngan
SESSION 15 PRESENTATION	14:30 – 15:00 30 minutes	WB urban up-grading in Can Tho	Mr. Le Van Tien, Director of WB project	Mr. Le Van Tien
SESSION 16 SITE VISIT	15:00 – 18:00 180 minutes	. Site 1: WB urban up-grading in the inner Can Tho . Site 2: A conservation for Orchard Villages in the South of Can Tho	Mr. Le Van Tien, Director of WB project Mrs. Kelly Shannon/Mrs. La Kim Ngan/Mr. Hoang Long	

OVERVIEW PROGRAM STRUCTURE AND CONTENT OF TOPICS			
Topic No	Duration	Key words on contents/activities	Name of Lecturers/participants
<b>Day 3: Strategic Projects, Urban Design &amp; Action Plans (medium- and short-term perspectives)</b>			
<b>AM: 8:00-11:30</b>			
	8:00 – 8:10	Conclusion of Day 2	Mr. Truong Tan Hoa
SESSION 17 PRESENTATION	8:10 – 8:55 45 minutes	Introduction to landscape urbanism & ecological planning: global cases	Ms. Kelly Shannon [Mr. Nguyen Truc Anh – VIAP]
SESSION 18 WORK SESSION (case city – SWOT analysis)	8:55 – 10:10 75 minutes	Facilitator introduction (10 minutes) Group work (4 groups) 1. identify strength/weakness/ opportunities / threats potentials of case city – “Cuu Long city” based on Can Tho city conditions (maps/Plans/information)	Ms. Kelly Shannon/Mrs. Ngan Facilitator: Mr. Hoang Long Participants
(Urban visioning for case city)		Facilitator introduction/question (10 minutes) Group work (4 groups) 1. identify and develop argumentation for minimum 5 visions for case city	Facilitator: Mr. Hoang Long participants
Tea break	20 minutes		
SESSION 19 GROUP PRESENTATION (Vision and SWOT analysis)	10:30 – 11:30 minutes	Presentation of SWOT & urban visions for Cuu Long city 60 min presentation (4 x 15min)	Ms. Kelly Shannon/Mr. Nguyen Truc Anh/Mr. Hoang Long Participants
<b>LUNCH : 11.30 -13.30</b>			
<b>PM : 13.30-17.00</b>			
SESSION 20 PRESENTATION	13:30 – 14:30 60 minutes	Introduction to strategic projects & action plans	Ms. Kelly Shannon
SESSION 21 PRESENTATION	14:30 – 15:30 60 minutes	Presentation KU Leuven & AHO student work in Cantho	Ms. Kelly Shannon
Tea break	20 minutes		
SESSION 22 WRAP UP	15:50 – 16:00 10 minutes	Wrap up session	Mr. Hoang Long participants
			Ms. Kelly Shannon
			Prepared by Ms. Catherine Viquin, Ms. Kelly Shannon

<b>OVERVIEW PROGRAM STRUCTURE AND CONTENT OF TOPICS</b>			
Topic No	Duration	Key words on contents/activities	Name of Lecturers
<b>Day 4: Sustainability &amp; Stakeholder Participation</b>			
<b>AM: 8.00-11.30</b>			
	8:00 – 8:10	Conclusion of Day 3	Mr. Truong Tan Hoa
SESSION 23 PRESENTATION (MSIP)	8:10 – 9:10 60 minutes	Multi-sectoral investment Program (MSIP) 1. principles 2. project cycles & integration methodologies 3. prioritizing projects	Mr. Nghiem Xuan Dat (former of Director of DPI of Hanoi)
SESSION 24 PRESENTATION	9:10 – 10:10 60 minutes	Introduction to urban design in Vietnam – Case of Da Lat and the experiences in Australia and Japan	Mr. Nguyen Truc Anh
Tea break	20 minutes		
SESSION 25 WORK SESSION	10:30 – 11:30 60 minutes	Facilitator introduction (5 minutes) Group work (4 groups) 1. identification of sustainability issues 2. role playing – adjustment of visions, suggestions for strategic projects	Facilitator: Mr. Nguyen Truc Anh Mr. Hoang Long participants
<b>LUNCH: 11.30-13.30</b>			
<b>PM : 13.30-17.00</b>			
SESSION 26 WORK SESSION	13:30 – 15:30 120 minutes	Strategic projects & urban design in Vietnam 4 groups – develop criteria for strategic projects 1. economic concerns 2. social concerns 3. spatial concerns 4. environmental concerns Facilitator introduction (5 minutes) Group work (4 groups) 1. identify / build argumentation for minimum 3 strategic projects for Cuu Long City case	Facilitator: Mr. Nguyen Truc Anh Mr. Hoang Long participants
SESSION 27 WORK SESSION (synthesis)	15:30 – 16:20 50 minutes	Synthesis of work for Cuu Long City (visions, projects, stakeholders): preparation for the final presentation	Participants
SESSION 28 WRAP-UP	16:20 – 16:30 10 minutes	Wrap-up session	Facilitator: Mr. Nguyen Truc Anh Mr. Hoàng Long
To be prepared by Mr. Hoang Long to merge two exercises into 1			

<b>OVERVIEW PROGRAM STRUCTURE AND CONTENT OF TOPICS</b>			
<i>Topic No</i>	<i>Duration</i>	<i>Key words on contents/activities</i>	<i>Name of Lecturers</i>
<b>Day 5: Presentation, Wrap-Up &amp; Evaluation</b>			
<i>AM - Presentations</i>			
	8:00 – 8:10	Conclusion of Day 4	Mr. Trung Tan Hoa
SESSION 29 GROUP PRESENTATION	8:10 – 10:10 120 minutes	Facilitator introduction (5 minutes) Participant synthesis presentations (4 x 15min presentation + 15 min feedback from trainers and participants) = 4 x 30min	All Lecturers Guests (UEPP representative, City/Province leaders/VIAP leaders/MoC) participants
Tea break	20 minutes		
SESSION 30 COURSE WRAP UP	10:30 – 11:30 60 minutes	1. Evaluation & conclusion 2. Professional follow-up plan (re-entry questionnaire) 3. Certificate & prize to group	All lecturers and UEPP's representatives participants
LUNCH: 11:30-13.30			
<i>Departure of participants</i>			

**Module 2: Preparing and Implementing Urban Plans**

Session	Time	Objectives	Contents	Training Methods & Lecturer
<b>Day 1: Legal Framework for Urban Planning</b>				
1 Introduction to the Training Module	8:00 - 9:00 60 min.	Participants understand & agree with training concept and program; Participants get familiar to training settings, contents, & each other.	Opening speech of Director of UEPP-VN (15 min) Introduction to Training (5 min) Introducing Module 2 & Schedule (10 min) Introducing participants to each other (30 min.)	Mr. Duong Quoc Nghi Mr. Truong Tan Hoa Mr. Hoang Long
2A Introduction to VN Construction Planning Law	9:00 - 10:00 60 min.	Participants should get updated understanding and proficiency for applying VN law on construction planning.	Introduction to VN planning law: Construction Law (Chapter 2) / Decree 08/2005/ND-CP / Circular No 15/2005/TT-BXD / Decree No 29/2007/ND-CP	Mr. Nguyen Van Than
tea:break 30 min.				
2B Discussion on legal system	10:30 - 11:15 45 min.	Participants exchange experiences in application of planning law and regulations in their practical work	- Application of planning law and regulations: difficulty and recommendation for improvement.	Mr. Nguyen Van Than
3 Case study and Guidelines for application of construction planning law	11:15 - 12:00 45 min.	Understanding of how to apply construction planning law in the context of local areas	- Introduction guidelines for application of construction planning law in local areas - Provide case studies on application of construction planning law in different areas of Vietnam	Mr. Truong Van Quang
lunch 90 min.				
4 Introduction to group work and study project	13:30 - 14:30 60 min.	Participants get introduced to the sequence of exercises and to the study project	- Introduction to methods and procedures of group working (10 min) - Introduction to the case study (Cantho City) (30 min) - Introduction to the strategic project as identified in Module 1 (20 min) - Forming 4 groups (5-6 participants each)	Mr. Hoang Long
5 Exercise1: Understanding the context	14:30 - 15:00 30 min.	Working groups are organized	- Self-organising of working groups - Preparing and structuring of following site visit	Group work facilitated Mr. Truong Van Quang and Mr. Hoang Long
6 Site Visit to study area	15:00 - 16:30 90 min.	Direct observation of planning area	Visitation of 'Mekong Port' as identified by module 1 as strategic project in 'Cuu Long City' with data base of a new town near Cai Cui Port in Can Tho	Mr. Truong Van Quang Mr. Hoang Long

**Overview Program Structure and Contents**

Session	Time	Objectives	Contents	Training Methods & Lecturer
<b>Day 2: Preparing Urban Plans</b>				
	8:00-8:10	Conclusion of day 1	Summary	Mr. Truong Tan Hoa
7A Preparing Urban Plans: Urban analysis, Urban Design, EIA	8:10 - 9:00 50 min.	Participants share a common understanding of the process to prepare urban plans	Procedure of preparing of urban plans according the concept of Strategic Structure Planning: - Urban Analysis - Urban Triologue	Mr. Truong Van Quang
7B Preparing Urban Plans: Stakeholder participation, Appraisal and Approval of Urban Plans	9:00 - 9:50 50 min.	Participants share a common understanding of the process to prepare urban plans	- Coordination of Stakeholders - Appraisal - Approval	Mr. Truong Van Quang
tea break				
8 Construction Planning in MDR	10:20 - 11:20 60 min.	Participants get an overview on regional construction planning in the Mekong Delta Region	Urban and regional construction planning in the MDR and several problems of urban areas in the region and solutions	Mr. Ngo Quang Hung
9 Situation in VN – pit falls of Urban Planning	11:20 - 12:00 40 min.	Participants share understanding of the current situation in Vietnam in regard to implementation of urban plans	Current situation: effectiveness of enforcement, problems identified, recommendations for adjustment	Plenary discussion / Brainstorming Facilitator Mr. Long; Resource person Mr. Nguyen Van Than
lunch				
10 Introduction to Exercise 2	13:30 - 14:00 30 min.	Participants are introduced about exercise structure & assignments	Introduction to group exercise	Mr. Hoang Long
11 Exercise 2: Assessment and Analysis	14:00 - 15:30 90 min.	Participants develop proficiency analysing urban plans	Assessing & analysing the study project in regard to feasibility and implement capability	Group work: SWOT analysis of the study project (Mekong port) Facilitated by NIURP Trainers - Mr. Truong Van Quang - Mr. Truong Tan Hoa - Mr. Hoang Long - Ms. Nguyen Lan Phuong
12 Presentation of Exercise 2	15:30 – 16:30 60 min.	- Participants acquire presentation skills - Work groups receive feedback on their work so far Receive feed-back on day 2	Presenting outcomes of Exercise 2 in plenum	- Presentations of 4 groups (10 min. each) Plenary discussion
			Wrap-up (10 min.)	Mr. Truong Tan Hoa

**Overview Program Structure and Contents**

Session	Duration in min.	Objectives	Contents	Training Methods & Lecturer
<b>Day 3: Coordination and Appraisal of Urban Plans</b>				
	8:00-8:10	Conclusion of day 2	Summary	Mr. Truong Tan Hoa
<b>13 Management of Urban Plan Implementation</b>	8:10 - 9:10 60 min.	Participants share common understanding of concept for managing and implementing urban plans	Concept of management of urban plan implementation: Legal requirements, existing regulations, current situation, Methods & contents of appraisal & approval in Vietnam	Mr. Truong Van Quang
<b>14A Presentation of SGP</b>	9:10 - 10:10 60 min.	Participants are introduced with SGP and experiences in the implementation of project	Participants are introduced to 2 SGP cases from the provinces participating. (2 x 30 min)	Two participants from SGP association
<b>14B Discussion on experience of SGP</b>	10:10 - 10:40 30 min.	Facilitate learning from the SGP cases Facilitate ability to relate and adapt to the case study	15 min: Participants are given questions before the lecture, then have to discuss afterwards. What were the key lessons from the SGP case/s? What is relevant for the case and why? What conditions helped in the case? What conditions hindered? 15 min presentation	Two participants from SGP association
tea break				
<b>15 Urban Planning at Municipal Level in Germany</b>	20 min. 11:00 - 12:00 60 min	Get an idea of urban management issues in implementation of urban plans in a foreign country	Coordinating of concerned agencies and stakeholders and management of Municipal urban plans in Germany	- Mr. Hoang Long Presentation and handout
lunch				
<b>16 Introduction to Exercise 3</b>	90 min. 13:30 - 14:00 30 min.	Participants are introduced about exercise structure & assignments	Introduction to group exercise	Mr. Hoang Long
<b>17 Exercise 3: Coordination and Appraisal</b>	14:00 - 15:30 90 min.	Participants develop proficiency conducting the appraisal of urban plans	Organizing and facilitating the appraisal of the case study project with participation of concerned authorities and stakeholders	Group work facilitated by NIURP trainers: - Mr. Truong Van Quang - Mr. Truong Tan Hoa - Mr. Hoang Long - Mr. Nguyen Thi Lan Phuong
<b>18 Presentation of Exercise 3</b>	15:30 – 16:30 60 min.	- Participants acquire presentation skills - Work groups receive feedback on their work so far Receive feed-back on day 3	Presenting outcomes of Exercise 3 in groups	- Group work Presentation within the group to the facilitators
Wrap-up (10 min.)				Mr. Truong Tan Hoa

**Overview Program Structure and Contents**

Session	Duration in min.	Objectives	Contents	Training Methods & Lecturer
<b>Day 4: Tools for Implementation and Enforcement of Urban Plans</b>				
	8:00-8:10	Conclusion of day 3	Summary	Mr. Truong Tan Hoa
19 Implementation of Construction Plans	8:10-9:10 60 min.	Participants share common understanding of legal and management tools for implementing urban plans	Implementation of construction plans (Regulations, management of Land & real estate, environment, technical infrastructure, building projects)	Mr. Nguyen Van Than
20 Urban Finance	9:10-10:10 60 min.	Participants share a common understanding of financial tools and incentives for implementing urban plans	Management of implementation of urban plans: - Capital for implementation - Public-private partnership - Investment projects	Ms. Pham Thi Hue Linh
tea break	30 min.			
21 Urban Design in Vietnam	10:40-12:00 80 min.	Participants are introduced about urban design process in Vietnam	Urban design process and cases of application of urban design (50 min) Discussion (30 min)	Mrs. La Thi Kim Ngan
lunch	90 min.			
22 Case study of Urban design in Vietnam	13:30-14:30 60 min.	Participants are introduced about urban design process and application in Vietnam	Presentation about urban design process and a case study of urban design in HCM city	Mr. Ngo Trung Hai
23 Exercise 4: Preparing Implementation Plan	14:30-16:30 120 min.	Participants acquire proficiency in applying urban planning tools in particular in favour for plan implementation and enforcement	Revision and final design of the urban detailed plan for the study project, considering the arguments of concerned agencies and stakeholders according exercise 3 and applying appropriate legal, financial, and management tools for plan implementation and enforcement	Group work facilitated by - Mrs. La Thi Kim Ngan - Mr. Truong Van Quang - Mr. Truong Tan Hoa - Mr. Hoang Long
		Receive feed-back on day 2	Wrap-up (10 min.)	Mr. Truong Tan Hoa



**Overview Program Structure and Contents**

Session	Duration in min.	Objectives	Contents	Training Methods & Lecturer
<b>Day 5: Final Presentations and Course Evaluation</b>				
24 Final Presentations	8:00-8:10 8:10-10:10 120 min.	Conclusion of day 4 - Participants acquire presentation skills - Work groups receive feedback on their work	Summary Final presentations of a proposed urban detailed plan, committed to implementation by the 4 work groups (4 x 15min presentation + 15 min feedback from trainers and participants) = 4 x 30min	Mr. Truong Tan Hoa - Mr. Ngo Trung Hai - Guests (MoC / Provinces / Cities / NIURP / UEPP) - Presentations of 4 group works (15 min. each)
tea break	20 min.			
25 Course Wrap up	10:30 - 12:00 90 min.	- NIURP and guests receive feedback on implementation of the training course - Participants identify personal follow-up actions	- Evaluation & conclusion - Professional follow-up plan - Certificates & awarding	- Mr. Ngo Trung Hai - Guests (MoC / Provinces / Cities / NIURP / UEPP) - Plenary discussion - completion of forms and
Farewell lunch				

**Module 3: Urban Environmental Planning, Management and Assessment**

OVERVIEW PROGRAM STRUCTURE AND CONTENT OF TOPICS				Reference Materials
Session	Duration	Objectives	Contents	Training Methods & Lecturers
<b>Day 1: Urban environmental terminology, sustainability and environmental issues</b>				
<b>1: Introduction to the Training Module</b>	8:00 – 8:30 30 min.	Familiarise with the background, objectives, content, training methods and schedule of the workshop	Opening speech and (10 min) Introduction to training (20 min)	Plenary presentation by representatives of UEPP-VN and NIURP
<b>2: Introduction to the 4 provinces</b>	8:30 – 9:00 30 min.	Team-building in each of the newly formed province Working Groups is facilitated by a competition about who is best at presenting themselves and their province's features	Like an ice-breaker each province group prepares and gives a short presentation about themselves and the three most outstanding features of their province	- Working Groups' preparations (15 min.) and short presentations (2 min. each) facilitated by Ms. Nguyen Lan Phuong & Mr. Hoang Long - Nomination of the winner by NIURP lecturers
<b>Tea break 30 min.</b>				
<b>3: Cross-cutting character of environmental issues; Urban environmental concepts and the principles of sustainability</b>	9:30 – 10:30 60 min.	Understanding environment as a shared and cross-sectorial responsibility Develop a shared understanding of urban environmental concepts	The cross-cutting character of environmental issues and the need for cross-sector cooperation to solve environmental problems Definitions and application of key urban environmental concepts including the principles of sustainable development	Plenary brainstorm, discussion on key urban environmental concepts and their definitions. Facilitated by Mr. Luu Duc Cuong
<b>4: Local environmental problems in the provinces of the MDR</b>	10:30 – 11:30 60 min.	Participants' own experiences of environmental problems are expressed	Local environmental problems in the MDR as experienced by the representatives of the 5 provinces participating in the module	Working Groups' and/or participants' informal presentations facilitated by NIURP lecturers. Each province max. 10 min. including feed-back from facilitators
				The cross-cutting character of environmental issues "Urban environmental glossary": List with generally agreed definitions of key concepts in English and Vietnamese Template to record environmental challenges

**Module 3: Urban Environmental Planning, Management and Assessment**

OVERVIEW PROGRAM STRUCTURE AND CONTENT OF TOPICS					
Session	Duration	Objectives	Contents	Training Methods & Lecturers	Reference Materials
<b>Day 1: Urban environmental terminology, sustainability and environmental issues</b>					
<b>5: Wrap up on environmental issues and challenges of the Mekong Delta Region (MDR)</b>	11:30 – 12:00 30 min.	Linking to the participants' own presentations of local environmental problems, an understanding of environmental issues in the MDR the environmental interaction between urban areas and regions is established	Summary and conclusion on environmental issues in the MDR and the environmental interaction between urban areas and regions of the MDR	Wrap up and Q & A session facilitated by Dr Le Hong Ke	Maps and reference materials
<b>Lunch 12:00 – 13:30</b>					
<b>6: Introduction to group work and study project</b>	13:30 – 14:30 60 min.	Participants get introduced to the sequence of exercises and to the study project	1) Introduction to methods and procedures of group working study 2) Introduction to the city case study	Introductions and facilitation of group work by trainers and facilitators: - Mr. Luu Duc Cuong - Mr. Hoang Long	- Manual for exercises - Study project materials
<b>Tea break 30 min</b>					
<b>7: International environmental issues</b>	15:00 – 16:30 90 min.	Overview of global environmental issues and the possible impacts for MDR  Receive feed-back on day 1 and introduce the next day	Introduction to and discussion afterwards of Al Gore's documentary on Climate Change: "An Inconvenient Truth" (full duration 96 min.)  Wrap-up and brief presentation of next day's agenda (10 min.)	- Introduction (10 min.), - Watching (approx. 45 min.), - Plenary discussion and Q & A session (20 min.) on the documentary on Climate Change (parts) - Facilitated by Mr. Luu Duc Cuong  Plenary discussion. Facilitator Mr. Truong Tan Hoa	- Shortened version of the film - An Inconvenient Truth - Introduction to the film - Points for the discussion after watching

**Module 3: Urban Environmental Planning, Management and Assessment**

OVERVIEW PROGRAM STRUCTURE AND CONTENT OF TOPICS				
Session	Duration	Objectives	Contents	Reference Materials
<b>Day 2: Legislative framework and Site visits</b>				
	8:00 – 8:10	Conclusion of day 1	Summary	Mr. Truong Tan Hoa
<b>8: Legal framework for urban planning and for environmental management</b>	8:10 – 8:55 45 min.	Familiarise with legal framework for (1) urban planning and (2) environmental management	Legal framework for: (1) urban planning with emphasis on its environmental prescriptions and for (2) environmental management	Plenary presentation by Dr Le Hong Ke followed by Q & A session (Review presentation and hand out to focus on legal framework for environmental management)
<b>9: Group work on problems in legal framework</b>	8:55 – 10:00 65 min.	Participants become aware of the shortcomings of the existing legal framework for urban environmental planning	Identification of problems and gaps in legal framework for urban planning and environmental management (e.g. land use planning)	The 5 Working Groups prepare analysis and report their findings on A-0 panel. Facilitated by Dr Le Hong Ke and Ms. Nguyen Lan Phuong & Mr. Hoang Long
<b>Tea break 30 min.</b>				
<b>10A: Small Grants environmental improvement projects</b>	10:30 – 11:30 60 min.	Understanding of what can be achieved in terms of small environmental improvement projects	Representatives of 1 or 2 of the 5 provinces participating in the module present their UEPP Small Grant Project (SGP) . Presentation of 2 cases (2 x 30 min)	Plenary presentation followed by representatives of the 2 SGP Consortia
<b>10B: Small Grants environmental improvement projects</b>	11:30 – 12:00 30 min.	Facilitate learning from the SGP cases Facilitate ability to relate and adapt to the case study	15 min: Participants are given questions before the lecture, then have to discuss afterwards. What were the key lessons from the SGP case/s? What is relevant for the case and why? What conditions helped in the case? What conditions hindered? 15 min presentation	Q & A session by representatives of the 2 SGP Consortia
<b>Lunch 12:00 – 13:30</b>				

**Module 3: Urban Environmental Planning, Management and Assessment**

OVERVIEW PROGRAM STRUCTURE AND CONTENT OF TOPICS					
Session	Duration	Objectives	Contents	Training Methods & Lecturers	Reference Materials
<b>Day 2: Legislative framework and Site visits</b>					
<b>11: Introduction to Exercise 1: Site visits on environmental problems</b>	13:30 – 14:00 30 min.	Preparation for site visits	The 4 groups - are assigned a problem area each, - study the fact sheet for visit-site - prepare points for observation regarding their assigned problem area	<ul style="list-style-type: none"> <li>Plenary presentation by local expert about the visit-site highlighting 5 different problem areas</li> <li>Groups make initial preparations</li> </ul>	Fact sheets about the site to be visited
<b>12: Exercise 1 – Site-visits</b>	14:00 – 15:30 90 min.	Environmental awareness raising – focusing on observation of environmental problems similar to those identified in the study project area Summary	Direct observation of urban environmental problem in one visit site in the vicinity of the training venue	On-site observations guided by local experts	
<b>13: Exercise 1 – Presentation of Findings</b>	15:30 – 17:00 90 min.	Receive feed-back on day 2 and introduce the next day	Report on site visits	<ul style="list-style-type: none"> <li>- 30 min preparation for presentation</li> <li>- 4 Groups present findings from site visits. Each group approx. 15 min including feed-back from facilitators</li> </ul>	Template to record site visit findings
			Wrap-up and brief presentation of next day's agenda (10 min.)	Plenary discussion. Facilitator Mr. Truong Tan Hoa	

**Module 3: Urban Environmental Planning, Management and Assessment**

OVERVIEW PROGRAM STRUCTURE AND CONTENT OF TOPICS				
No. & Theme of the Session	Duration	Objectives	Contents	Training Methods & Lecturers
<b>Day 3: Environmental assessments (EIA &amp; SEA) in urban planning and Urban Environmental Planning Exercise</b>				
	8:00 – 8:10	Conclusion of day 2	Summary	Mr. Truong Tan Hoa
14: Introduction to EIA and EIA for urban construction projects	8:10 – 8:55 45 min.	Familiarise participants about how an EIA should be conducted according to the existing procedures and for urban projects	The EIA process and its application for urban projects	Plenary presentation by Mr. Luu Duc Cuong followed by Q & A session
15: Legal framework for EIA and SEA	8:55 – 9:30 35 min.	Participants achieve an understanding of the legal framework for EIA and SEA	Introduction to legal framework for Environmental Impact assessment (EIA) and Strategic Environmental Assessment (SEA)	Plenary presentation by Mr. Luu Duc Cuong followed by Q & A session
<b>Tea break 30 min.</b>				
16: EIA case(s)	10:00 – 10:30 30 min.	To familiarise participants with concrete / real life examples of EIA undertaken in Vietnam	Case stories on EIA	Participants tell about their experiences of EIA
17: International experiences of SEA for urban planning	10:30 – 11:15 45 min.	Familiarise participants about international achievements of SEA	International case stories of SEA for urban planning	Plenary presentation by Dr. Kim Harboe followed by Q & A session
18: SEA and Urban Planning in Vietnam	11:15 – 12:00 45 min.	To familiarise participants with how SEA may be applied in urban planning in Vietnam	Overview of how to integrate the SEA process with the urban plan preparation process	Plenary presentation by Mr. Luu Duc Cuong followed by Q & A session
<b>Lunch 12:00 – 13:30</b>				
<p><b>NOTE:</b> Participants are informed already on Day 1 to be prepared to do these informal presentations</p> <p>Presentation-handout: Text summary of lecture</p> <ul style="list-style-type: none"> <li>Decree 140 and Circular 06 regarding SEA</li> </ul> <p>Presentation-handout: Text summary of lecture</p> <ul style="list-style-type: none"> <li>Presentation-handout: Text summary of lecture</li> <li>Decree 140 and Circular 06 regarding SEA</li> </ul> <p>Presentation-handout: Text summary of lecture</p> <ul style="list-style-type: none"> <li>Presentation-handout: Text summary of lecture</li> <li>Overview table of the steps of the urban planning process and the SEA preparation process and how they may be linked</li> </ul>				

**Module 3: Urban Environmental Planning, Management and Assessment**

<p><b>19: Introduction to Exercise 3</b></p>	<p>13:30 – 14:00 30 min.</p>	<p>Participants are introduced about exercise structure &amp; assignments</p>	<p>Introduction to the group exercise: - Presentation of an SEA Report from an SEA prepared by Mr. Luu Duc Cuong - Pointers for how to appraise it</p>	<ul style="list-style-type: none"> <li>• Presentation and guidance by Mr. Luu Duc Cuong</li> </ul>	<ul style="list-style-type: none"> <li>- Abstract of Mr. Luu Duc Cuong's SEA Report</li> <li>- Pointers for appraisal exercise</li> </ul>
<p><b>20: Exercise 3 – SEA Report Appraisal</b></p>	<p>14:00– 16:30 150 min.</p>	<p>Participants develop proficiency in how to appraise an SEA Report</p> <p>Receive feed-back on day 4 and introduce the next day</p>	<ul style="list-style-type: none"> <li>- Assessment of a SEA Report (50 min preparation)</li> <li>- Presentation of group work (15 min x 4 group = 60 min)</li> <li>- 30 min feedback from lecturers</li> <li>Wrap-up and brief presentation of next day's agenda (10 min.)</li> </ul>	<ul style="list-style-type: none"> <li>- Group work: Assessment of a SEA Report</li> <li>- Facilitated by VIAP Trainers</li> </ul> <p>Plenary discussion. Facilitator Mr. Truong Tan Hoa</p>	<ul style="list-style-type: none"> <li>- Assignment sheet and templates for SEA report appraisal</li> <li>- 5 VIAP Trainers</li> </ul>

**Module 3: Urban Environmental Planning, Management and Assessment**

OVERVIEW PROGRAM STRUCTURE AND CONTENT OF TOPICS				
No. & Theme of the Session	Duration	Objectives	Contents	Training Methods & Lecturers
<b>Day 4: Urban environmental management and SEA Report exercise</b>				
	8:00 – 8:10	Conclusion of day 3	Summary	Mr. Truong Tan Hoa
21: Urban environmental management at national, regional, provincial and city level	8:10 – 9:40 90 min.	Participants are familiarised with urban environment at national and regional level	Theory and case studies at national and regional level, including: <ul style="list-style-type: none"> <li>• Legal framework</li> <li>• Contents for management</li> <li>• Steps</li> <li>• Outputs</li> <li>• Conclusions and recommendations</li> </ul>	Plenary presentation by Dr Le Hong Ke followed by Q & A session
<b>Tea break 20 min.</b>				
22: Discussion and questions on urban environmental management	10:00 – 11:00 60 min.	Consolidation of the participants' understanding of urban environmental management	Summary, interactive Q&A and discussion of urban environmental management at all levels	Dr. Le Hong Ke Trainer-participant dialogue and plenary discussion
23: Conducting SEA	11:00 – 12:00 60 min.	Familiarise participants with how an SEA is undertaken	Presentation on the SEA preparation process step-by-step followed by Q & A session	Plenary presentation by Mr. Luu Duc Cuong followed by Q & A session
<b>Lunch 12:00 – 13:30</b>				
				Pointers for trainer-participant dialogue and plenary discussion
				Mr. Luu Duc Cuong's article about SEA in urban planning



**Module 3: Urban Environmental Planning, Management and Assessment**

OVERVIEW PROGRAM STRUCTURE AND CONTENT OF TOPICS					
No. & Theme of the Session	Duration	Objectives	Contents	Training Methods & Lecturers	Reference Materials
<b>Day 4: Urban environmental management and SEA Report exercise</b>					
<b>24: Introduction to Exercise 2</b>	13:30 – 14:00 30 min.	Participants are introduced about exercise structure & assignments	Introduction to the group exercise “Environmental analysis of an urban plan”. The following points to be considered: - Does the Plan take environmental issues into consideration? - Is the Plan sustainable? - Which supplementary data are required to analyse the environmental situation of the plan area? - How can such data be made available for the planners (in your province)?	Presentation and guidance by Mr. Luu Duc Cuong and Dr. Kim Harboe Note: This urban environmental planning exercise is like the scoping step of the SEA process.	- Case study material - Output from Exercise 1 (site visit) - Pointers for environmental analysis / SEA scoping of the case study plan
<b>25: Exercise 2 – Environmental analysis of an urban plan</b>	14:00 – 15:30 90 min.	Participants develop proficiency in environmental analysis of urban plans	Assessing and analysing the urban plan with regard to environmental issues and the plan's sustainability	- Group work: Environmental analysis of the case study plan - Facilitated by VIAP Trainers	- Assignment sheet and templates for analysis of case study Plan
<b>26: Exercise 2 – Preparation for Presentation of environmental analysis of an urban plan</b>	15:30 – 16:30 60 min.	Participants acquire presentation methods and team working skills Participants prepare for final presentation	Explanation on role playing game during presentation of groups Groups prepare powerpoint slides or panels for presentation on the next day	- Guidance by Mr. Hoang Long (20 min) - Facilitated by VIAP trainers (30 min)	- Assignment sheet
		Receive feed-back on day 3 and introduce the next day	Wrap-up and brief presentation of next day's agenda (10 min.)	Plenary discussion. Facilitator Mr. Truong Tan Hoa	

**Module 3: Urban Environmental Planning, Management and Assessment**

OVERVIEW PROGRAM STRUCTURE AND CONTENT OF TOPICS					
No. & Theme of the Session	Duration	Objectives	Contents	Training Methods & Lecturers	Reference Materials
<b>Day 5: Presentation, Wrap-Up &amp; Evaluation</b>					
	8:00 – 8:10	Conclusion of day 4	Summary	Mr. Truong Tan Hoa	
<b>27: Presentation of Exercise 3</b>	8:10 – 10:10 120 min.	Participants practice presentation methods and receive feedback on their work undertaken	Presentations by 4 working groups of outcomes of Exercise 3 in plenum (4 x 15min presentation + 15 min feedback from trainers and participants) = 4 x 30min	<ul style="list-style-type: none"> <li>- 4 Group presentations of 15 min each</li> <li>- 5 min. feedback each to Group from course facilitators and Invited guests from UEPP-VN; NIURP; MOC; City; Province</li> <li>- Plenary discussion (10 min.)</li> </ul>	- Documentation
<b>Tea break 20 min.</b>					
<b>28: Course Wrap up</b>	10:30 – 12:00 90 min.	<ul style="list-style-type: none"> <li>• Wrap up of course implementation;</li> <li>• Receive feedback on implementation;</li> <li>• Identify personal follow-up actions</li> </ul>	<ul style="list-style-type: none"> <li>• Evaluation &amp; conclusion</li> <li>• Personal follow-up plan</li> <li>• Award of Certificates</li> <li>• Award of prize to winning group</li> </ul>	<ul style="list-style-type: none"> <li>• Plenary discussion</li> <li>• Individual completion of evaluation form and re-entry questionnaire</li> </ul>	<ul style="list-style-type: none"> <li>• Evaluation form</li> <li>• Re-entry questionnaire</li> <li>• Certificates</li> <li>• Prize</li> </ul>
<b>Farewell Lunch</b>	<b>120 min</b>				
<b>Departure of participants</b>					

**MODULE 4: PARTICIPATORY PLANNING**

**OVERVIEW OF PROGRAMME STRUCTURE AND CONTENT**

Session	Duration	Objectives	Contents	Lecturers	Training materials
<b>Day 1: ( 5/05/2008)</b>					
<b>1A Introduction of Training Module</b>	8:00 - 9:15 75 min (15 minutes flex for addit speech)	Familiarise with the background, objectives, content, training methods and schedule of the workshop Participants get to know each other and training context Role of the case study is explained	<b>Reasons why - driving and constraining forces</b> Introduction of guests, lecturers; Introduction of the Programme, Project, Module 4 and training schedule (10 minutes) Opening speech of Vice Director of NIURP (10 minutes) Explanation of the output and the role of the case study (10 Minutes) participants formed into groups and introduce each other (30 min)	- Mr. Truong Tan Hoa  - Mr. Ngo Trung Hai  - Mr. Hoang Long	Course handbook with programme and background materials
<b>1B Gaining from participation – international experience</b>	9:15-10:00 45 min	Put participation in context internationally. Introduce the concepts of efficiency and effectiveness related to participation	Very short introduction on the history of participation in planning internationally current status and introduction of motivation for participation. Short video "piano" as trigger for discussion of motivations for participation	- Mr. Hoang Long	Brief reference documents from Habitat Agenda and World Council of Planners
Tea break	15 min.				
<b>2A Introducing basic concepts and principles of participatory planning</b>	10:15 11:15 60 min	Participants understand about the concept of participatory planning and key participation concepts	Lecture with participative discussion for at least 15 minutes Basic concepts on participatory planning Meaning of participation Key terms including stakeholders Motivations for participation Barriers for participation Ladder of participation	- Mrs. Vu Thi Vinh	Paper on basics of participation and powerpoint sheets
<b>2B Group discussion and presentation on participation</b>	11:15-12:00 45 min (15 min discussion, 20 min presentation – 5 min each grup, 10 min feedback)	To understand the main motivations of participation	Groups are given questions for brainstorming and discussion: - What are the main arguments for participation? - What are main arguments against participation? - What conditions need to be in place to make participation work? - What capacities are needed to work with participation? Specifically in terms of knowledge, attitudes and skills. - How does participation influence the planning process?	- Mrs. Vu Thi Vinh	Brief description of exercise – distributed in advance
<b>Lunch</b>	90 min				

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<p><b>2C</b> Introducing about the process of preparing, appraisal and approval of urban plans in VN – supports and barriers</p>	<p>13:30-14:30 60 min</p>	<p>Participants understand about the role of participation in the process of preparing, appraisal and approval of urban plans and what is driving and constraining effectiveness</p>	<p>- Introduce the process of preparing, appraisal, approval and implementation of city level urban plans and stakeholder participation in compliance with laws, decrees and guidelines of Vietnam. - introduce the concept of what supports this and what constrains its implementation - relation to the experience of participation in CDS – (reference to earlier module)</p>	<p>- Mr Ngo Trung Hai</p>	<p>Paper prepared and PPT sheets (Mr. Dam Quang Tuan prepare)</p>
<p><b>3 A</b> Participative process of assessing supports and barriers</p>	<p>14:30-15:30 60 min</p>	<p>Participants develop skill in using participative tool – use of cards - Awareness of barriers and constraints is heightened - the tool of force-field analysis is explained</p>	<p>Explain concept of working with cards to rapidly assess issues Introduce concept of Force-Field analysis (30min)  Introduce the exercise and the case study (30 min)</p>	<p>- Mr. Hoang Long</p>	<p>PPT of FFA</p>
<p><b>3 B</b> Exercise supports and barriers to participation</p>	<p>15:30 -16:30 preparation 40 presentation and discussion 20</p>	<p>Develop skill in working with cards Increase understanding of driving and restraining forces for participation Develop skill in working with Force- field analysis</p>	<p>In working groups participants review the case material and identify the driving forces and the constraints to participation. They write down key forces on cards Group exercise with presentation by putting cards onto wall sheets divided into two groups- driving and restraining forces Cards are rearranged by staff and discussed briefly</p>	<p>- Mr. Hoang Long</p>	<p>Short guide on using cards and force-field analysis</p>

Session	Durati on	Objectives	Contents	Lecturers	Training materials
<b>Day 2 (6 /05/2008): How? Understanding and working with stakeholders</b>					
	8:00-8:10	Conclusion Day 1	Summary by participants	- Mr. Truong Tan Hoa	
4 International experience of stakeholder participation - Video participation in Netherlands	8:10 - 9:00 50 min	Understand about stakeholder participation in urban planning in other countries	Experiences on stakeholder participation in urban planning in other countries in the world ( including Asia and Europe) This will include private sector as well as community, NGO and government Short video (10 min) illustrating participation in Rotterdam Participants are given questions on points to look for concerning roles and capacities of stakeholders	- Mr Ngo Trung Hai	Background paper and powerpoint slides
5A Role and interests of stakeholders- stakeholder analysis	9:00-9:45 45 min	Participants understand about different types of stakeholders and their interests	Classification and characteristics of stakeholders in urban planning (groups of stakeholders and characteristics of culture and psychology of each group of stakeholders) This is should include government and private sector as well as communities and NGOs	- Ms. Le Thi Hao - UEPP	Paper on main types of stakeholders and their characteristics
Tea break	30 min.				
5B Exercise: stakeholder analysis and presentation	10:15-11:15 60 min	Participants are able to use the tool of stakeholder analysis	Participants introduced to the importance of stakeholder analysis in planning participation and to the tool of stakeholder analysis	- Mr. Hoang Long	UN-HABITAT guide to Stakeholder analysis
6 Several Participation methods	11:15-12:00 45 min	Provide participants with several participation methods	- Several participation methods	- Mr. Vu Chi Dong	
Lunch	90 min.				
6A Preparation of field observations and structured interviews - introduction and exercise	13:30-15:00 90 min	Togive participants improved skill in observation -to give participants skill in designing structured interview - to learn from the experience of participation as part of the World Bank supported urban upgrading project	- On observation- introduction to method of triangulation - participant groups interview representatives of stakeholder groups on their views and experience of participation. Groups would design questionnaires based round perception of process, benefits and drawbacks of participation and the knowledge, attitudes and skills needed - Groups have different targets and interviews set up. Each group to agree questions and have approved	- Mr. Vu Chi Dong introduce, other lecturers support	Guidance note on use of triangulation Guidance note on interviews
6B Site visit	15:00 - 17:00 120 min	Understand stakeholder views and how to obtain them	Understand about Stakeholder process and perception of participation in the study area. 4 groups visiting: (1)PMU of WB project (2) Can Tho Construction Department (3) An Cuu ward (4) Resettlement area	- Mr. Truong Tan Hoa - Mr. Dam Quang Tuan - Mr. Vu Chi Dong	Materials of participants in WB project

Session	Duration	Objectives	Contents	Lecturers	Training materials
<b>Day 3 (7/05/2008): How? Tools of negotiation</b>					
	8:00-9:15 75 minutes	Conclusion Day 2	Preparation for presentation on results of field trip on day 2 (35 min) Presentation of results of field work from the groups- 10 minutes per group (5 min presentation + 5 min feedback from lecturers)	- Mr. Truong Tan Hoa	
<b>7A</b> Presentation of Stakeholder participation in SGPs	9:15 - 10:15 60 min	Learn lessons concerning key factors for success in participation based on one of more SGP cases	Participants are introduced to two SGP cases and the experiences of stakeholder participation in the project in Ninh Kieu district (???) This could be split into a shorter presentation and participants questioning in terms of - process and methodology used - what went well - what can be improved	- Mr. Le Van Sy (???) Two participants from SGP association	- Powerpoint of Presentation delivered to participants
<b>7B</b> Discussion on experiences from SGP	10:15- 10:45 30 min	Facilitate learning from the SGP cases Facilitate ability to relate and adapt to the case study	15 min: Participants are given questions before the lecture, then have to discuss afterwards. What were the key lessons from the SGP cases? What is relevant for the case and why? What conditions helped in the case? What conditions hindered? 15 min presentation	- Mr. Vu Chi Dong Lecturers facilitate groups Two participants from SGP association	Sheet with key questions
Tea break	15 min.				
<b>8A</b> Negotiation techniques	11:00 - 12:00 60 min	Participants understand the principles of negotiation and the basis of key negotiation techniques.	Methodology of negotiation cover the principles of negotiation and after lunch as short negotiation exercise. This could link to the case study and should involve issues of site design and infrastructure and should link public and private in negotiation	- Ms. Le Thi Hao - UEPP	Background paper and powerpoint slides
Lunch	90 min.				
<b>8 B</b> Negotiation exercise	13:30 - 16:30 180 minutes	Participants learn to use key negotiation techniques and improve understanding of stakeholder positions	2 rounds of negotiation including development of proposals to maximise positive results	- Mr. Truong Tan Hoa leads Group work facilitated by NIURP trainers: - Mr. Dam Quang Tuan - Mr. Truong Tan Hoa - Mr. Hoang Long - Mr. Vu Chi Dong	Guidelines and terms of reference for group work
		Receive feed-back on day 3	Wrap-up (10 min)	- Mr. Truong Tan Hoa	

Session	Duration	Objectives	Contents	Lecturers	Training materials
<b>Day 4 ( 8 /05/2008): How? Planning the process of participation in planning</b>					
	8:00-8:15	Conclusion Day 3	Summary by participants	Participants summarise key points and questions of previous day - Mr. Truong Tan Hoa	
9A International experience managing participation process	8:15 - 9:15 60 min	Participants get to know about key concepts and international experiences in managing implementation of participation in planning	<ul style="list-style-type: none"> <li>- Role and coordination among groups of stakeholders (consultants, policy makers, ...) in implementation in a foreign country</li> <li>- Role of process management</li> <li>- Role of working groups</li> <li>- Communication in the process</li> <li>- Capacity building</li> </ul>	Mr Ngo Trung Hai	Background paper and powerpoint sheets
9B Exercise- discussion of relevance of international experience to case	9:15-9:45 30 min	Clarify the issue of relevance of international experience related to Vietnamese conditions	<ul style="list-style-type: none"> <li>- Discussion of relevance of international experience</li> </ul>	Mr Ngo Trung Hai leads Group discussion and feedback on relevance of experiences and approaches described All facilitators support	Short terms of reference for the group discussion
Nghĩ giải lao	15 min				
10 Key steps in managing the participation process linked to international and Vietnamese experience	10:00- 11:00 60 min	Participants understand about stakeholder participation process	<ul style="list-style-type: none"> <li>- Introduction about the process of organizing for stakeholders to participate in urban plans (regulations, norms, costs...) plus the need for a strategy and key factors which have to be in place.</li> <li>- This should link into both stages of planning and to levels of participation</li> <li>- Managing a participation process – conditions, roles and tools of participation. This would include the issue of capacity building under "conditions"</li> <li>- Would be useful to review key factors which are important for successful participation and the means to put them in place. These could be graded according to sophistication</li> </ul>	<ul style="list-style-type: none"> <li>- Lecture with discussion</li> <li>- Mr Dam Quang Tuan</li> </ul>	Paper plus ppt sheets
11 Organizing a participative meeting	11:00- 12:00 60 minutes	Participants know the steps necessary and inputs needed to plan a participative meeting -participants	<ul style="list-style-type: none"> <li>- Importance of detailed planning for participation</li> <li>- Alternative ways of organizing rooms for participation</li> <li>- Participation and culture communication – linked to target groups and final presentation.</li> </ul>	- Mr Vu Chi Dong	Guideline notes on communication

Session	Duration	Objectives	Contents	Lecturers	Training materials
Lunch	90 min.	understand the need to plan communications related to stakeholders who will be present -key points to improve communication are learned			
12A Exercise- planning a strategy for participation	13:30-16:30	Introduction of exercise using the simulation case.	<p>The group exercise could focus on the development of a strategy for participation in planning in a given situation. Teams would work on complementary aspects eg</p> <p>Overall planning                      Roles of stakeholders at different stages from initial information collection to implementation and operation and maintenance                      Proposal for planning of                      Initial meeting                      Working meeting on local site planning                      Capacity building strategy</p> <ul style="list-style-type: none"> <li>- Introduction</li> <li>- Participants work as complementary groups</li> <li>- key tasks and timing of participation related to planning process</li> <li>- Management of the process , terms of reference for working groups and capacity implications and budget</li> <li>- Design of city level meetings and Design of local level meetings</li> <li>- One group has the coordination role, aims to develop synergies, focuses on communication and organises integrated presentation</li> </ul>	<p>- Mr. Dam Quang Tuan                      - Group exercise with regular guidance by staff.</p>	<p>Terms of reference for the working groups written as if memo from the mayor or appropriate person. (To be improved)</p> <p>The scenario is written up in the case book –</p>



Session	Duration	Objectives	Contents	Lecturers	Training materials
<b>Day 5 ( 9 /05/2008): Presentation, Wrap-Up &amp; Evaluation</b>					
	8:00-8:10	Conclusion of day 4	Summary by participants	- Mr. Truong Tan Hoa	
<b>12B Final Presentations</b>	8:10-10:10 120 min	<ul style="list-style-type: none"> <li>- Consolidate learning on participation</li> <li>- Develop communication skills</li> <li>- Get feedback on work done</li> <li>- Participants acquire presentation skills</li> <li>- Work groups receive feedback on their work</li> </ul>	<ul style="list-style-type: none"> <li>- Final presentations of stakeholder participation in urban planning . An integrated presentation is coordinated by the "integration" or "synergy" group</li> <li>- Proposal of groups (4 x 15min presentation + 15 min feedback from trainers and participants) = 4 x 30min</li> </ul>	<ul style="list-style-type: none"> <li>- Staff play roles – including media</li> <li>- Guests (MoC / Provinces / Cities / NIURP / UEPP)</li> </ul>	<ul style="list-style-type: none"> <li>- Presentations of 4 group works</li> </ul>
<b>Tea break</b>	20 min.				
<b>13 Course Wrap up</b>	10:30 - 12:00 90 min	<ul style="list-style-type: none"> <li>- NIURP and guests receive feedback on implementation of the training course</li> <li>- Participants identify personal follow-up actions</li> </ul>	<ul style="list-style-type: none"> <li>- Evaluation and Conclusion</li> <li>- Professional follow-up plan</li> <li>- Certificates &amp; awarding</li> </ul>	<ul style="list-style-type: none"> <li>- Mr. Ngo Trung Hai</li> <li>- Guests (MoC / Provinces / Cities / NIURP / UEPP)</li> <li>- Plenary discussion</li> <li>- Completion of forms</li> </ul>	<ul style="list-style-type: none"> <li>- Feedback of lecturers on presentation of work group</li> <li>- Evaluation forms</li> </ul>
Farewell party					