

**Order No. 06/2009/L-CTN of June 29,  
2009, on the promulgation of law**

THE PRESIDENT OF THE SOCIALIST  
REPUBLIC OF VIETNAM

*Pursuant to Articles 103 and 106 of the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001, of the X<sup>th</sup> National Assembly, the 10<sup>th</sup> session;*

*Pursuant to Article 91 of the Law on Organization of the National Assembly;*

*Pursuant to Article 57 of the Law on Promulgation of Legal Documents,*

PROMULGATES:

**the Law on Urban Planning,**

which was passed on June 17, 2009, by the XII<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its 5<sup>th</sup> session.

*President of  
the Socialist Republic of Vietnam*  
NGUYEN MINH TRIET

**LAW ON URBAN PLANNING**

(No. 30/2009/QH12)

*Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10;*

*The National Assembly promulgates the Law on Urban Planning.*

*Chapter I*

GENERAL PROVISIONS

**Article 1.** Scope of regulation

This Law provides urban planning activities including elaborating, evaluating, approving and adjusting urban planning; organizing the implementation of urban planning and managing urban development according to approved urban planning.

**Article 2.** Subjects of application

This Law applies to domestic and foreign organizations and individuals directly involved in or related to urban planning activities in Vietnamese territory.

**Article 3.** Interpretation of terms

In this Law, the terms below are construed as follows:

1. Urban center is an area with a dense population mainly engaged in non-agricultural economic activities, which is a political, administrative, economic, cultural or specialized center playing the role of promoting the socio-economic development of a country, a territorial region or a locality, and consists of inner city and suburbs, for a city; inner town and outskirts, for a town; and townships.

2. New urban center is an urban center expected to be formed in the future in line with the orientation of the master plan on the national system of urban centers, which is invested and constructed to step by step reach the criteria of urban centers as prescribed by law.

3. New urban quarter is an area within an urban center which is newly built with complete technical and social infrastructure and houses.

4. Urban planning is the organization of the space, architecture, urban landscape and system of technical and social infrastructure facilities and houses in order to create an appropriate living environment for people living in an urban center, which is expressed on an urban plan.

5. Planning tasks are requirements on study and organization of implementation approved by competent authorities as a basis for making an urban plan.

6. Urban plan is a document reflecting the contents of urban planning, including drawings, mock-ups, explanations and regulations on management according to urban planning.

7. General planning is the organization of the space and system of technical and social infrastructure facilities and houses for an urban center suitable to its socio-economic development, ensuring defense, security and sustainable development.

8. Zoning planning is the division and determination of functions and norms on the use of planned urban land of land areas, networks of social and technical infrastructure facilities within an urban area in order to concretize a general plan.

9. Detailed planning is the division and determination of norms on the use of planned urban land, requirements on management of architecture and landscape of each lot of land; arrangement of technical and social infrastructure facilities in order to concretize a zoning plan or general plan.

10. Urban planning period is a specified period used as a basis for forecasting and

calculating econo-technical norms for the making of an urban plan.

11. Validity period of urban planning is a specified period counting from the time when an urban plan is approved to the time it is adjusted or cancelled under a decision.

12. Urban architecture is a combination of objects in an urban center, including architectural, technical art and advertisement works whose existence image and shape dominate or directly affect urban landscape.

13. Urban space is a space covering urban architectural objects, trees and water surface in an urban center directly affecting urban landscape.

14. Urban landscape is a specific space with various observation directions in an urban center, such as the space in front of an architectural complex, a square, a street, a pavement, a footpath, a park, a greenery, a tree garden, a flower garden, a hill, a mountain, a hillock, an island, an islet, a natural land slope, a coastal strip, lake surface, river surface, a canal or a trench in an urban center and public-utility space in an urban center.

15. Norms on the use of planned urban land are norms for spatial and architectural development management which are specified for an area or a lot of land, including construction density, land use co-efficient and maximum and minimum construction heights of works.

16. Planning certificate is a document granted by a competent agency certifying the data and information relating to an area or a lot of land according to the approved urban plan.

17. Planning license is a document granted by a competent agency to an investor for use as a basis for making detailed planning or

formulating work construction investment projects.

18. Framework technical infrastructure is a system of main technical infrastructure facilities of an urban center, including trunk roads, energy transmission lines, water supply lines, water drainage lines, information and telecommunications lines and key technical works.

19. Underground space is a space under the ground planned for the construction of urban underground works.

**Article 4.** Classification and levels of administration of urban centers

1. Urban centers are classified into 6 grades, including special grade and grades I, II, III, IV and V, according to the following basic criteria:

a/ Location, function, role, structure and socio-economic development level of urban center;

b/ Population size;

c/ Population density;

d/ Non-agricultural labor proportion;

e/ Infrastructure development level.

2. The determination of urban administrative management levels is prescribed as follows:

a/ A city directly under the central government (centrally run city) must be an urban center of special grade or grade I;

b/ Provincial city must be an urban center of grade I, II or III;

c/ Town must be an urban center or grade III or IV;

d/ Township must be an urban center of grade IV or V.

3. The Government shall specify the classification and administrative management

levels of urban centers as suitable to each period of socio-economic development.

**Article 5.** Principle of compliance with urban planning

Organizations and individuals shall comply with approved urban planning and the regulation on management of urban planning and architecture when implementing programs and plans on investment in urban construction and development, specialized plans within urban centers, urban land use plans, managing the implementation of construction investment projects in urban centers, managing urban space, architecture and landscape or carrying out other activities related to urban planning.

**Article 6.** Requirements on urban planning

1. To concretize the orientation of the master plan on the national system of urban centers and related regional plans; to comply with the objectives of the strategy and master plan on socio-economic development, defense and security; to ensure consistency with branch development plans within urban centers; to ensure publicity and transparency and harmonious combination of the interests of the nation, communities and individuals.

2. To make scientific forecasts, meet practical requirements and be in line with the urban development trend; to observe urban planning regulations and other related ones.

3. To protect the environment, prevent catastrophes affecting the community, improve landscape, conserve cultural and historical relics and local traits through strategic environmental assessment in the course of urban planning.

4. To rationally exploit and utilize natural resources, restrict the use of agricultural land,

economically and efficiently use urban land in order to create resources for urban development, economic growth, assurance of social welfare, defense and security and sustainable development.

5. To ensure synchronism in architectural space, system of urban social and technical infrastructure and underground space; to harmoniously develop different areas in urban centers.

6. To meet the needs for houses, health, educational, cultural, sports and trade facilities, parks, trees, water surface and other social infrastructure facilities.

7. To meet the needs for technical infrastructure including systems of roads, energy supply, public lighting, water supply and drainage, waste treatment, information and communication, and other technical infrastructure facilities; ensure smooth connection of technical infrastructure systems within urban centers and compatibility with regional, national and international technical infrastructure facilities.

**Article 7.** Order of elaboration, evaluation and approval of urban planning

The elaboration, evaluation and approval of urban planning must follow the following order:

1. Elaboration of urban planning tasks;
2. Evaluation and approval of urban planning tasks;
3. Formulation of urban plans;
4. Evaluation and approval of urban plans.

**Article 8.** Rights and responsibilities of agencies, organizations and individuals in commenting on and supervising urban planning activities

1. Domestic organizations and individuals have the right to comment on and supervise urban planning activities.

2. Organizations and individuals have the duty to comment on issues related to their operations in urban planning activities.

3. Agencies and organizations responsible for urban planning activities shall create conditions for commenting on and supervising urban planning activities.

4. Comments of organizations and individuals on urban planning activities must be summed up, studied and publicized.

**Article 9.** Archive and preservation of urban plan dossiers

1. Approved urban plan dossiers shall be archived under the archive law.

2. Urban planning management agencies and land management agencies at all levels shall preserve urban plan dossiers and supply documents of urban plan dossiers to agencies, organizations and individuals in accordance with law.

**Article 10.** Conditions on consultancy organizations and individuals involved in urban planning

1. Urban planning consultancy organizations must have the legal person status; and meet all conditions on quantity and professional capacity of individuals involved in urban planning, management capacity and technical conditions relevant to performed jobs.

2. Individuals involved in urban planning must possess practicing certificates granted by competent agencies or organizations and capabilities relevant to performed jobs.

3. Foreign consultancy organizations and individuals involved in urban planning in Vietnam must, in addition to fully meeting the conditions stated in Clauses 1 and 2 of this Article, be accredited by competent Vietnamese agencies.

4. The Government shall specify conditions and capabilities of consultancy organizations and individuals involved in urban planning; and the competence and order for the grant of practicing certificates.

**Article 11.** Selection of consultancy organizations for urban planning

1. Urban planning must be conducted by consultancy organizations, which shall be selected through designation or competition.

2. The Government shall specify the forms of designation and competition to select urban planning consultancy organizations.

**Article 12.** Funds for urban planning and realization of urban planning

1. The funds for urban planning and realization of urban planning include:

a/ State budget fund for the elaboration and realization of general planning, zoning planning and detailed planning not belonging to investment projects on the construction of works for business purposes;

b/ Funds of organizations and individuals for urban planning under investment projects on the construction of works for business purposes.

2. The State encourages domestic and foreign organizations and individuals to finance urban planning.

3. State budget funds for urban planning and realization of urban planning shall be used for

the following jobs:

- a/ Conducting topographical and geological surveys to serve urban planning;
- b/ *Elaborating, evaluating and approving* urban planning;
- c/ Managing urban planning operations;
- d/ Publishing and disclosing urban planning;
- e/ Placing boundary markers on the field according to urban planning;
- f/ Elaborating regulations on management of urban planning and architecture;
- g/ Other jobs related to urban planning and realization of urban planning.

4. The Government shall specify the use of funds for urban planning and realization of urban planning.

**Article 13.** Contents of state management of urban planning

1. Formulating, and directing the materialization of, urban development orientations and strategies.
2. Promulgating, and organizing the implementation of, legal documents on management of urban planning activities.
3. Issuing regulations and standards on urban planning, and regulations on management of urban planning and architecture.
4. Managing urban planning activities.
5. Propagating, disseminating and educating in the law and information on urban planning.
6. Organizing and managing the training and retraining of human resources, research and application of sciences and technologies in urban planning activities.
7. Conducting international cooperation in

urban planning activities.

8. Examining, inspecting and settling complaints and denunciations and handling violations in urban planning activities.

**Article 14.** State management responsibilities for urban planning

1. The Government shall perform the unified state management of urban planning nationwide.

2. The Ministry of Construction shall take responsibility to the Government for performing the state management of urban planning; assume the prime responsibility for, and coordinate with state agencies in, performing the state management of urban planning.

3. Ministries and ministerial-level agencies shall, within the ambit of their tasks and powers and according to the assignment of the Government, coordinate with the Ministry of Construction in performing the state management of urban planning.

4. The People's Committees at all levels shall perform the state management of urban planning in localities as decentralized by the Government.

**Article 15.** Inspection of urban planning

1. The construction inspectorate shall perform the function of inspecting urban planning.

2. The urban planning inspectorate has tasks and powers under the inspection law.

**Article 16.** Prohibited acts

1. Failing to perform the responsibility to organize urban planning.

2. Selecting incapable consultancy organizations for urban planning.

3. Elaborating, evaluating, approving and adjusting urban planning in violation of this Law.

4. Illegally intervening in urban planning activities.

5. Granting planning licenses in violation of this Law,

6. Granting planning certificates in areas without approved urban planning.

7. Refusing to provide information, except for information classified as state secret; providing wrong information on urban planning.

8. Deliberately violating approved urban planning.

9. Destroying urban space, architecture and landscape.

10. Place boundary markers in wrong places; destroying and displacing urban planning boundary markers.

11. Obstructing and causing difficulties to urban planning and the realization of urban planning.

## *Chapter II*

### URBAN PLANNING

#### *Section 1. ORGANIZATION OF URBAN PLANNING*

**Article 17.** Orientations of the master plan on the national system of urban centers

1. Orientations of the master plan on the national system of urban centers are formulated to determine the national network of urban centers as a basis for urban planning.

2. The Ministry of Construction shall base itself on the strategy and master plan on socio-economic development, defense and security to formulate orientations of the master plan on the national system of urban centers and submit them to the Prime Minister for approval.

**Article 18.** Types of urban planning

1. Urban planning is of the following types:

a/ General planning, which is made for centrally run cities, provincial cities, towns, townships and new urban centers;

b/ Zoning planning, which is made for areas within cities, towns and new urban centers;

c/ Detailed planning, which is made for areas to meet urban development and management requirements or construction investment needs.

2. Technical infrastructure planning constitutes part of general planning, zoning planning or detailed planning; particularly for centrally run cities, technical infrastructure planning is made separately as specialized technical infrastructure planning.

3. The Ministry of Construction shall prescribe dossiers for each type of urban planning.

**Article 19.** Urban planning responsibilities

1. The Ministry of Construction shall assume the prime responsibility for, and coordinate with the People's Committees of provinces and centrally run cities in, organizing general planning for new urban centers of a planning scope related to the administrative boundaries of two or more provinces and centrally run cities, general planning for new urban centers with a projected population equal to that of urban centers of grade III or higher, and other planning assigned by the Prime Minister.

2. The People's Committees of provinces and centrally run cities shall organize general planning for centrally run cities, general planning for new urban centers, specialized technical infrastructure planning for centrally run cities, zoning planning and detailed planning for zones

of a scope related to the administrative boundaries of two or more rural and/or urban districts, areas in new urban centers and areas of importance, excluding urban planning stated in Clause 1 and Clause 7 of this Article.

3. The People's Committees of provincial cities and towns shall organize general planning for provincial cities and towns, zoning planning and detailed planning within the administrative boundaries under their management, excluding urban planning stated in Clauses 1, 2 and 7 of this Article.

4. The People's Committees of urban districts shall organize zoning planning and detailed planning within the administrative boundaries under their management, excluding urban planning stated in Clauses 1, 2 and 7 of this Article.

5. The People's Committees of rural districts of a centrally run city shall organize general planning and detailed planning for townships, zoning planning and detailed planning within the administrative boundaries under their management, excluding urban planning stated in Clauses 1, 2 and 7 of this Article.

6. The People's Committees of rural districts of a province shall organize general planning and detailed planning for townships, excluding urban planning stated in Clauses 1, 2 and 7 of this Article.

7. Investors of construction investment projects shall organize detailed planning for areas assigned to them for investment.

#### *Section 2. COLLECTION OF COMMENTS ON URBAN PLANNING*

**Article 20.** Responsibility to collect comments on urban planning

1. Agencies organizing urban planning and investors of construction investment projects specified in Clause 7, Article 19 of this Law shall collect comments of concerned agencies, organizations, individuals and communities on urban planning tasks and urban plans.

Concerned People's Committees and planning consultancy organizations shall coordinate with agencies organizing urban planning or investors of construction investment projects specified in Clause 7, Article 19 of this Law in collecting comments.

2. For urban planning tasks and urban plans under the approving competence of the Prime Minister, the Ministry of Construction shall collect comments of other concerned ministries, agencies and organizations at the central level; concerned People's Committees shall collect comments under Clause 1 of this Article.

3. Planning consultancy organizations shall collect comments of concerned agencies, organizations, individuals and communities on urban plans.

4. Contributed comments must be fully synthesized, explained, assimilated and reported to competent authorities for consideration before approval of urban planning.

**Article 21.** Forms and time of collecting comments

1. Concerned agencies, organizations and individuals shall be consulted in the form of sending dossiers and documents or holding conferences or workshops. Consulted agencies and organizations shall give written replies.

2. The collection of comments of population communities on general planning tasks and plans shall be conducted by consulting their

representative in the form of distributing survey cards and questionnaires. Population community representatives shall synthesize comments of their communities in accordance with the law on grassroots democracy.

3. The collection of comments of population communities on zoning planning and detailed planning tasks and plans shall be conducted by opinion polls through public display or introduction of planning options on the mass media.

4. The time limit for giving comments is at least 15 days for agencies, and 30 days for organizations, individuals and communities.

### *Section 3. URBAN PLANNING TASKS*

**Article 22.** Requirements on urban planning tasks

1. Urban planning tasks must determine development viewpoints and objectives in response to the requirements of each urban center and each planned area as a basis for conducting studies to make urban plans.

2. Urban planning tasks must be approved by competent agencies under Articles 44 and 45 of this Law.

**Article 23.** Contents of urban planning tasks

1. General urban planning tasks must determine the nature and role of urban centers, basic requirements on studies to exploit the development potential, driving force and orientations, urban expansion, arrangement of the systems of urban social and technical infrastructure facilities in inner areas and suburbs; and requirements on strategic environmental assessment.

2. Zoning planning tasks must determine the boundary, area and nature of the planned area, the expected norms on population, land use and

social and technical infrastructure; requirements and basic principles of zoning to ensure conformity in terms of architectural space and connection of technical infrastructure with the approved general planning and suitability with adjacent areas; and requirements on strategic environmental assessment.

3. Detailed planning tasks must determine the limits of land use and population; requirements and principles of organization of architectural space, social and technical infrastructure in the planned area, ensuring conformity with approved general planning and zoning planning and suitability with adjacent areas; requirements on strategic environmental assessment.

4. In case of planning the renovation and refurbishment of urban centers, planning tasks must identify requirements on studies to assure balanced and stable development of urban centers or planned areas, preserve architectural space and characteristics of urban centers and improve the people's living conditions.

5. In case of planning new urban centers or urban quarters, planning tasks must identify requirements on studies to ensure synchronism and completeness of the systems of social and technical infrastructure facilities in urban centers and connection with technical infrastructure outside urban centers, and modern architectural space and living environment.

### *Section 4. MAKING OF URBAN PLANS*

**Article 24.** Bases for making urban plans

1. Strategies and master plans on socio-economic development, defense and security, orientations of the master plan on the national system of urban centers, regional construction planning and higher-level urban planning already

approved.

2. Approved sector planning.
3. Approved urban planning tasks.
4. Urban planning standards and sectoral standards.
5. Topographic maps made by specialized survey and measurement agencies.
6. Socio-economic documents and data on related localities and sectors.

**Article 25.** General plans of centrally run cities

1. A general plan of a centrally run city must indicate the development objectives and driving force, population size, land area and basic norms on social and technical infrastructure of the city; development model, development structure of the space of the inner area and suburbs, including underground space; orientation of the system of framework technical infrastructure facilities; strategic environmental assessment; priority investment programs and resources for implementation.

2. Drawings of a general plan of a centrally run city shall be made on a 1:25,000 or 1:50,000 scale. The plan must clearly indicate the inner area and areas planned for development.

3. The period of a general plan of a centrally run city is between 20-25 years, with a vision for 50 years.

4. The approved general plan of a centrally run city serves as a basis for conducting specialized urban technical infrastructure planning and zoning planning for the city.

**Article 26.** General plans of provincial cities, towns

1. A general plan of a provincial city or town

must indicate the development objectives and driving force, population size, land area and basic norms on social and technical infrastructure; development model, development orientation of the space of the inner area and suburbs, political-administrative, service, trade, cultural, education, training and health centers, green parks, physical training and sports facilities in the city or town; planning on the system of framework technical infrastructure facilities on the ground, overhead and underground; strategic environmental assessment; priority investment plans and resources for implementation.

2. Drawings of a general plan of a city or town shall be made on a 1:10,000 or 1:25,000 scale. The dossier must clearly indicate the inner area and areas planned for development.

3. The period of a general plan of a provincial city or town is between 20-25 years.

4. The approved general plan of a city or town serves as a basis for conducting zoning planning and detailed planning for areas and making investment projects on the construction of framework technical infrastructure in the city.

**Article 27.** General plans of townships

1. A general plan of a township must indicate the development objectives and driving force, population size, land area and norms on social and technical infrastructure in the township; organization of urban space, planning on social infrastructure facilities and the system of technical infrastructure facilities; strategic environmental assessment; priority investment plans and resources for implementation.

2. Drawings of a general plan of a township shall be made on a 1:5,000 or 1:10,000 scale.

3. The period of a general plan of a township

is between 10-15 years.

4. The approved general plan of a township serves as a basis for conducting detailed planning for areas and making investment projects on the construction of technical infrastructure in the township.

**Article 28.** General plans of new urban centers

1. A general plan of a new urban center contains an analysis and clarification of bases for the formation and development of the urban center; studies on the model of development of the space, architecture and environment suitable to the nature and functions of the urban center; identifies development stages, implementation plans and projects to create a driving force for forming and developing the new urban center and a model of urban development management; and strategic environmental assessment.

2. Drawings of a general plan of a new urban center shall be made on a 1:10,000 or 1:25,000 scale.

3. The period of a general plan of a new urban center is between 20-25 years.

4. The approved general plan of a new urban center serves as a basis for conducting zoning planning and detailed planning for areas and making investment projects on framework technical infrastructure in the new urban center.

**Article 29.** Zoning plans

1. A zoning plan must indicate the use functions for each lot of land; principles of organization of space, architecture and landscape for the entire planned area; norms on population, land use and technical infrastructure for each street block; arrangement of social infrastructure facilities in response to their use needs;

arrangement of the network of technical infrastructure facilities in each street suitable to each development period of the urban center; and strategic environmental assessment.

2. Drawings of a zoning plan shall be made on a 1:5,000 or 1:2,000 scale.

3. The period of a zoning plan shall be determined on the basis of the period of the general planning and urban management and development requirements.

4. The approved zoning plan serves as a basis for identifying construction investment projects in the urban center and conducting detailed planning.

**Article 30.** Detailed plans

1. A detailed plan must indicate the norms on population, social and technical infrastructure and requirements on organization of space and architecture for the entire planned area; arrangement of social infrastructure facilities in response to their use needs; norms on land use and requirements on work architecture for each lot of land; arrangement of the network of technical infrastructure facilities up to the boundary of each lot of land; and strategic environmental assessment.

2. Drawings of a detailed plan shall be made on a 1:500 scale.

3. The period of a detailed plan shall be determined on the basis of the period of the zoning planning and urban management and development requirements.

4. The approved detailed plan serves as a basis for granting construction permits and formulating construction investment projects.

**Article 31.** Planning for renovation and refurbishment of urban centers; development of

new urban quarters and new trunk roads in urban centers

1. When planning renovation and refurbishment of an urban center, it is necessary to evaluate the current use of land, social and technical infrastructure facilities, cultural, social and environmental factors of the urban center and the planned area in order to come up with appropriate supplementation and adjustment solutions to economically and efficiently exploit and use urban land, ensure the needs for using social and technical infrastructure; preserve and promote the identity, space, architecture and landscape of the urban center.

2. When planning a new urban quarter, it is necessary to abide by the principles of economical and efficient use of land, effective utilization of existing infrastructure systems, close connection between to be-developed areas and existing urban center; ensure the synchronous and complete system of social and technical infrastructure facilities and services in the urban center and harmony between to be-developed areas and existing residential areas; protect natural resources and preserve the identity of the areas.

3. Detailed planning for new trunk roads in an urban center must ensure the following requirements:

a/ The planned area must be at least 50 m outward from the red-line boundary of a planned road;

b/ To effectively exploit the land fund along both sides of a road; to study the space, architecture and shape of construction works and the setback of each specific work, ensuring the integrity and peculiarities of the area.

#### **Article 32. Urban design**

1. Urban design is part of an urban plan, which is made under Clauses 1, 2 and 3, Article 33 of this Law.

2. In case an urban quarter has land lots with basically stable use functions, an urban plan is not required to be made but a separate urban design plan must be made as a basis for managing construction investment and granting construction permits. The details of a separate urban design plan are provided in Clause 4, Article 33 of this Law.

3. The elaboration, evaluation and approval of separate urban design plans comply with Articles 19, 20, 21, 41, 42, 43, 44 and 45 of this Law applicable to detailed plans.

#### **Article 33. Details of an urban design**

1. The urban design in a general plan must indicate architectural and landscape areas in an urban center; proposed organization of space in central areas and gateways, main spatial axis, big squares, greenery space, water surface and prominent points in the urban center.

2. The urban design in a zoning plan must indicate control limits of norms on setback and urban landscape along trunk roads and in central areas; areas with open space, prominent works and street blocks in the designed area.

3. The urban design in a detailed plan must indicate prominent works in the planned area, visions and construction heights of works in each lot of land and the whole area; setback of works along each street and crossroad; dominant shapes, colors and forms of architecture of architectural works; systems of trees, water surface and squares.

4. The urban design of a separate urban design plan must indicate the construction height for each work; setback of works along each street and crossroad; colors, materials, forms and details of

architecture of works and other architectural objects; organization of public trees, garden yards, street trees and water surface.

**Article 34.** Regulation on management according to urban plan or urban design

1. A regulation on management according to urban plan or urban design is a regulation on norms on land use in each area or lot of land, technical parameters of the system of technical infrastructure, organization of space, architecture and landscape in the planned urban area.

2. On the basis of drawings and explanations of urban plans, urban designs, recommendations and measures to realizing urban planning, consultancy organizations compiling urban plans or urban designs shall elaborate regulations on management according to urban plan or urban design and submit them to agencies approving urban plans or urban designs.

3. Agencies approving urban plans or urban designs shall issue regulations on management according to urban plan or urban design.

**Article 35.** Contents of a regulation on management according to urban plan or urban design plan

1. A regulation on management according to the general plan contains the following principal contents:

a/ Norms on area and density of construction, land use coefficient and maximum and minimum heights of works in each functional quarter in an urban center;

b/ Control of space and architecture in areas in an urban center;

c/ Red-line boundary markers of main streets and the control construction ground floor level in an urban center;

d/ Locations and scope of protection and safety corridors of underground works;

e/ No-construction areas; scope of protection and safety corridors of technical infrastructure facilities; environmental protection measures;

f/ Areas of conservation and embellishment of architectural works, historical and cultural relics, spots of beauty and scenic places and landscape areas in an urban center.

2. A regulation on management according to the zoning plan contains the following principal contents:

a/ Boundary, scope and nature of the planned area;

b/ Locations, boundaries, nature and scopes of functional quarters in the planned area; norms on density of construction, land use coefficients and maximum and minimum heights and standard construction ground floor level of each street; red-line boundary markers, construction ground floor level and specific technical requirements of each road; and scope of protection and safety corridors of technical infrastructure facilities;

c/ Major spatial axes, prominent points in an urban center;

d/ Locations and scopes of protection and safety corridors of underground works;

e/ Areas of conservation, renovation and embellishment of historical and cultural relics, spots of beauty, scenic places and landscape areas and environmental protection.

3. A regulation on management according to the detailed plan contains the following principal contents:

a/ Boundary and scope of the planned area;

b/ Locations, boundaries, functions and sizes

of land lots in the planned area; norms on density of construction, land use coefficients and standard construction ground floor level of each lot of land; heights, floor and ceiling levels of the ground storey; forms of architecture and fences of works, building materials of works; red-line boundary markers, construction markers, and specific technical requirements of each road, street and lane; and scope of protection and safety corridors of technical infrastructure facilities;

c/ Locations and scope of protection and safety corridors of underground works;

d/ Conservation, renovation and embellishment of architectural works, historical and cultural relics, spots of beauty, scenic places and landscape areas and environmental protection.

4. A regulation on management according to the urban design plan contains the following principal contents:

a/ Boundary and scope of the designed urban area;

b/ Functions, density of construction, standard construction ground floor level of each lot of land; heights, forms of architecture and fences of works, building materials of works; floor and ceiling levels of the ground storey, and setback of works;

c/ Public works, small architectural works; architecture covering urban technical infrastructure facilities;

d/ Conservation, renovation and embellishment of architectural works, historical and cultural relics, spots of beauty, scenic places and landscape areas and environmental protection.

#### *Section 5. URBAN TECHNICAL INFRASTRUCTURE PLANNING*

**Article 36.** Objects of urban technical infrastructure planning

Urban technical infrastructure planning shall be conducted for the following objects:

1. Urban transport;

2. Urban base heights and surface water drainage;

3. Urban water supply;

4. Urban wastewater drainage;

5. Energy supply and urban lighting;

6. Information and communication;

7. Cemeteries and solid waste treatment.

**Article 37.** Contents of urban technical infrastructure planning

1. Urban transport planning must indicate land funds reserved for transport construction and development, locations and sizes of key works; organization of the urban transport system on the ground, overhead and underground; and the scope of protection and corridors for traffic safety.

2. Base height and urban surface water drainage planning must indicate areas favorable for construction in each area and urban center; main basins for water drainage, and areas where construction is banned and restricted; standard construction ground floor level, network of surface water drainage and key works; and measures of preventing and mitigating damage caused by natural disasters.

3. Urban water supply planning must indicate the need for and selection of water sources; locations and sizes of water supply works, including the networks of transmission and distribution, water plants, cleaning stations, scope of protection of water sources and protection corridors of water supply facilities;

4. Urban wastewater drainage planning must indicate the total volume of wastewater, locations and sizes of water drainage works, including

networks of drainage pipelines, wastewater drainage plants and stations, sanitation distance from and corridors of protection of urban wastewater drainage works.

5. Energy supply and lighting planning must indicate energy use needs, supply sources, requirements of locations and size of key works, transmission and distribution networks; safety corridors and scopes of protection of works; and comprehensive solutions for urban lighting.

6. Information and communications planning must indicate information transmission routes, locations and sizes of satellite stations, switchboards and auxiliary works.

7. Solid waste treatment planning must indicate the total volume of solid waste, locations and sizes of transfer depots, solid waste treatment facilities auxiliary works and sanitation distance from solid waste treatment facilities.

8. Cemetery planning must indicate burial needs, locations, sizes and boundaries of cemeteries functional sub-zones, arrangement of technical infrastructure works and sanitation distance from cemeteries.

**Article 38.** Specialized technical infrastructure plans

1. A specialized technical infrastructure plan stated in Clause 2, Article 18 of this Law shall be made for each technical infrastructure object in the whole urban center.

2. A specialized technical infrastructure plan must comply with Articles 37 and 39 of this Law and the approved general plan of the centrally run city concerned.

3. The period of specialized technical infrastructure planning coincides with that of the general plan.

4. An approved specialized technical infrastructure plan serves as a basis for formulating an investment project on the construction of a framework system of urban technical infrastructure.

*Section 6. STRATEGIC ENVIRONMENTAL ASSESSMENT IN URBAN PLANNING*

**Article 39.** Content of strategic environmental assessment

1. Strategic environmental assessment is part of a general plan, zoning plan, detailed plan and specialized technical infrastructure plan.

2. The content of strategic environmental assessment of an urban plan covers:

a/ Assessment of the present situation of the urban environment regarding hydro-meteorological conditions; quality of water, air and ecosystem, geology; soil erosion; solid wastes, wastewater and noise; exploitation and utilization of natural resources; climate change; social issues, landscape, culture and heritage sites, as a basis for putting forward urban planning solutions;

b/ Forecasts about environmental development in the course of realizing urban planning;

c/ Comprehensive solutions to preventing, reducing and remedying environmental impacts and making environmental monitoring plans.

3. The Government shall specify the content of strategic environmental assessment of an urban plan.

**Article 40.** Evaluation of the content of strategic environmental assessment

1. The evaluation of the content of strategic environmental assessment shall be conducted in the course of evaluating an urban plan.

2. The agency evaluating urban planning shall assume the prime responsibility for, and coordinate with the environment state management agency in evaluating its content of strategic environmental assessment.

### *Chapter III*

## EVALUATION AND APPROVAL OF URBAN PLANNING

**Article 41.** Agencies evaluating urban planning tasks and urban plans

1. The Ministry of Construction shall evaluate urban planning tasks and urban plans falling under the approving competence of the Prime Minister.

2. Provincial-level urban planning management agencies shall evaluate urban planning tasks and urban plans falling under the approving competence of provincial-level People's Committees, except detailed planning tasks of areas under construction investment projects with planning licenses.

3. District-level urban planning management agencies shall evaluate urban planning tasks and urban plans falling under the approving competence of district-level People's Committees, except detailed planning tasks of areas under construction investment projects with planning licenses.

**Article 42.** Evaluation councils

1. The Ministry of Construction shall decide to establish an evaluation council in the following cases:

a/ Urban planning under the approving competence of the Prime Minister;

b/ Urban planning of special political, socio-economic, cultural and historical importance

which is assigned by the Prime Minister to the Ministry of Construction.

2. People's Committees competent to approve urban planning shall decide to set up evaluation councils, except cases stated in Clause 1 of this Article.

3. An evaluation council is composed of representatives of concerned state management agencies and socio-professional organizations.

**Article 43.** Contents of evaluation of urban planning tasks and urban plans

1. Evaluation of urban planning tasks covers:

a/ Compliance of urban planning tasks with socio-economic development, defense and security requirements and higher-level urban planning;

b/ Content requirements for each type of urban planning tasks specified in Article 23 of this Law;

2. Evaluation of an urban plan covers:

a/ Eligibility of urban planning consultancy organizations as prescribed in Article 10 of this Law;

b/ Grounds for making urban plans prescribed in Article 24 of this Law;

c/ Compliance of urban plans with urban planning tasks and requirements prescribed in Article 6 of this Law and content requirements for each type of plan prescribed in Sections 3, 4 and 5, Chapter II of this Law.

**Article 44.** Competence to approve urban planning tasks and urban plans

1. The Prime Minister shall approve the following urban planning tasks and urban plans:

a/ General planning of centrally run cities, general planning of provincial cities which are

grade-I urban centers, general planning of new urban centers with a forecast population equivalent to that of grade-III urban centers and new urban centers with a planning scope related to the administrative boundaries of two or more provinces;

b/ Specialized technical infrastructure planning of centrally run cities which are special-grade urban centers;

c/ General planning, zoning planning and detailed planning of areas of special national political, socio-economic, cultural, historical importance;

d/ Other types of planning assigned by the Prime Minister to the Ministry of Construction.

2. The People's Committees of provinces and centrally run cities shall approve the following urban planning tasks and urban plans:

a/ General planning of provincial cities, towns, townships and new urban centers, except those specified at Point a, Clause 1 of this Article; for general plans of grade-II, grade-III and grade-IV urban centers and new urban centers, written agreement of the Ministry of Construction is required before approval;

b/ Specialized technical infrastructure planning of centrally run cities, excluding planning specified at Point b, Clause 1 of this Article, after obtaining written agreement of the Ministry of Construction;

c/ Zoning planning of special-grade and grade-I urban centers; zoning planning and detailed planning of areas in urban centers which are related to the administrative boundaries of two or more rural or urban districts, areas of important significance, and areas within new urban centers, excluding planning specified at Point c, Clause 1 and planning tasks specified in

Clause 5 of this Article.

3. People's Committees of provincial cities, towns, urban districts and People's Committees of rural districts of centrally run cities shall approve zoning planning and detailed planning tasks and zoning plans and detailed plans within the administrative boundaries under their respective management, excluding types of urban planning specified in Clauses 1 and 2 and urban planning tasks specified in Clause 5 of this Article, after obtaining written agreement of provincial-level urban planning management agencies.

4. People's Committees of rural districts of provinces shall approve detailed planning tasks and detailed plans of townships, excluding types of urban planning specified in Clauses 1 and 2 and urban planning tasks specified in Clause 5 of this Article, after obtaining written agreement of provincial-level urban planning management agencies.

5. Investors of construction investment projects shall approve detailed planning tasks of areas with planning licenses.

6. People's Committees of cities, towns and townships shall report to the People's Councils of the same level on general urban planning before such planning is approved by competent state agencies.

Urban planning agencies shall coordinate with People's Committees of cities, towns and townships in reporting to the People's Councils of the same level on general urban planning of cities, towns and townships.

7. The Government shall specify the order and procedures for approving urban planning tasks and urban plans.

**Article 45.** Forms and contents of approving

urban planning tasks and urban plans

1. Urban planning tasks and urban plans shall be approved in writing.

2. A document approving an urban plan must contain the major details of the plan specified in Articles 23, 25, 26, 27, 28, 29, 30, 33, 37 and 39 of this Law and attached list of approved drawings.

#### *Chapter IV*

#### ADJUSTMENT OF URBAN PLANNING

##### **Article 46.** Review of urban planning

1. Urban planning shall be periodically reviewed and evaluated in the course of implementation so as to be promptly adjusted in response to the socio-economic development situation in each period.

General planning and zoning planning shall be reviewed once every five years and detailed planning once every 3 years, counting from the date they are approved.

2. People's Committees at all levels shall review approved urban planning.

3. Urban planning review results shall be reported in writing to agencies with urban planning-approving competence.

4. Based on the socio-economic development and factors affecting the urban development process, agencies with urban planning-approving competence shall decide to adjust urban planning.

##### **Article 47.** Conditions on adjustment of urban planning

An urban planning may be adjusted in any of the following cases:

1. There is an adjustment to the strategy or master plan on socio-economic development, defense and security, orientations of the master

plan on the national system of urban centers, regional construction planning, higher-level urban planning and administrative boundaries greatly affecting the nature, function and size of the urban center or planned area;

2. A key project of national importance is formed, which greatly affects urban land use, environment and spatial and architectural layout;

3. The urban planning cannot be realized or its realization is adversely affecting the socio-economic development, defense, security, social welfare, ecological environment, historical or cultural relics according to review or evaluation results and community opinions;

4. There is a change in climate, geological or hydrological conditions;

5. Serving national and community interests.

##### **Article 48.** Principles of adjustment of urban planning

1. Focusing on contents to be adjusted while other contents already approved continue to be legally valid.

2. Making adjustment based on analysis and assessment of the current conditions, clearly indicating urban renovation and refurbishment requirements and proposing adjusted norms on land use, solutions to organization of space, architecture and landscape in each area; and solutions to renovating the network of technical and social infrastructure facilities in response to development requirements.

##### **Article 49.** Types of adjustment of urban planning

1. Overall adjustment of urban planning is prescribed as follows:

a/ Overall adjustment of urban planning is made when the nature, functions and scope of

an urban center or an area with detailed planning are changed or the expected adjustment would change the general structure and development orientation of an urban center; the nature, function, scope and major planning solutions of an area with zoning and detailed planning;

b/ Overall adjustment of an urban plan must meet practical requirements, comply with the socio-economic development trend and urban development orientation in the future, improve the quality of the living environment, infrastructure and landscape of the urban center; ensure continuity and not greatly affect ongoing investment projects.

2. Partial adjustment of urban planning is prescribed as follows:

a/ Partial adjustment of urban planning is made when the expected adjustment will not greatly affect the nature, boundary and general development orientation of an urban center; the nature, function, scope and major planning solutions of an area with zoning and detailed planning;

b/ Partial adjustment must clearly identify the scope, extent and content of adjustment, ensure continuity and uniformity of the existing general planning, zoning planning or detailed planning of an urban center on the basis of analysis and clarification of reasons for adjustment, socio-economic benefits of the adjustment; and solutions to problems caused by the adjustment.

**Article 50.** Order of overall adjustment of urban planning

1. Agencies responsible for urban planning shall report proposals for overall adjustment of urban planning to agencies with urban planning-approving competence for approval.

2. After obtaining approval of agencies with urban planning-approving competence, the

elaboration, evaluation and approval of overall adjustment tasks and plans and publication of adjusted urban planning comply with Articles 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 33, 35, 37, 39, 41, 42, 43, 44, 48, 53 and 54 of this Law.

**Article 51.** Order of partial adjustment of urban planning

1. Agencies responsible for urban planning shall report on contents and plans on partial adjustment of urban planning and organize meetings to collect opinions of population communities in areas with planning to be adjusted and in adjacent areas to be directly affected, then submit them to agencies with urban planning-approving competence for consideration.

2. Agencies with urban planning-approving competence shall consider and decide on partial adjustment in writing on the basis of opinions of urban planning-evaluating agencies.

3. Urban planning agencies shall update and reflect adjusted contents in planning dossiers. Adjusted contents of urban planning shall be publicized under Article 53 of this Law.

**Article 52.** Adjustment of a lot of land in the planned area

1. When it is necessary to adjust the boundary or some norms on planned urban land use for implementing investment projects to build concentrated or individual works in an area with approved detailed planning, competent agencies shall base themselves on urban planning standards, technical and social infrastructure conditions of urban centers or areas and the regulations on management of urban planning and architecture to decide on the adjustment through granting planning licenses under Article 71 of this Law.

2. The adjustment of the boundary or some

norms of planned urban land use of a lot of land must not affect the nature, architectural space, landscape, the environment and the technical and social infrastructure-providing capacity of the urban center and area.

*Chapter V*

ORGANIZATION OF REALIZATION OF,  
AND MANAGEMENT OF URBAN  
DEVELOPMENT ACCORDING TO,  
URBAN PLANNING

*Section 1. ORGANIZATION OF  
REALIZATION OF URBAN PLANNING*

**Article 53.** Publicization of urban planning

1. Within 30 days after being approved, urban plans shall be publicized in the following forms:

a/ Constant display of drawings and mock-ups at offices of urban planning-related state management agencies at all levels, urban planning exhibition and information centers and planned areas;

b/ Information on the mass media;

c/ Printing of publications for wide dissemination.

2. Contents to be publicized include basic details of the plan and the promulgated regulations on management according to urban plans and urban designs, excluding contents related to defense, security and national secrets.

3. Urban planning management agencies shall fully update the implementation of approved urban plans for timely publicization by competent agencies to organizations and individuals for information and supervision.

**Article 54.** Responsibility for publicizing urban planning

1. People's Committees of cities, towns and townships shall publicize general plans made for

their cities, towns and townships.

2. People's Committees of urban districts and rural districts of centrally run cities, People's Committees of provincial cities, towns and townships shall publicize zoning plans and detailed plans made for areas within the administrative boundaries under their management.

**Article 55.** Provision of information on urban planning

1. Urban planning management agencies at all levels shall provide information on approved urban planning for organizations and individuals upon request.

2. The provision of information on urban planning shall be conducted in the forms of direct explanation, on the mass media and grant of planning certificates.

3. Provided information must be based on approved urban plans and urban designs and promulgated regulations on management according to urban plan and urban design.

4. Agencies providing information on urban planning shall take responsibility for the accuracy of documents and data provided by them.

**Article 56.** Grant of planning certificates

1. Urban planning management agencies at all levels shall base themselves on approved urban plans and promulgated regulations on management according to urban plan and urban designs to grant planning certificates to organizations and individuals upon request.

2. A planning certificate contains information on the boundary of the lot of land, land use function, area, red-line boundary and construction markers, construction density, land use co-efficient, standard construction ground floor level and maximum and minimum heights

of works; information on architecture, technical infrastructure system, environmental protection and other regulations.

3. The validity duration of a planning certificate is the same as that of the approved urban plan.

**Article 57.** Placement of markers according to urban planning

1. Placement of markers under urban planning includes placement of markers of red-line boundaries, standard construction ground floor levels and boundaries of no-construction areas in the field according to approved marker placement dossiers.

2. After urban plans are approved by competent agencies, People's Committees at all levels shall:

a/ Organize the compilation and approval of marker placement dossiers according to approved urban plans within 30 days from the date of approval of urban plans;

b/ Organize the placement of markers in the field according to approved marker placement dossiers within 45 days from the date of approval of marker placement dossiers.

3. Marker placement dossiers shall be prepared by specialized units.

4. Urban planning management agencies at all levels shall preserve approved marker placement dossiers and provide marker-related documents to organizations and individuals upon request.

5. When urban planning is adjusted, markers shall be also adjusted according to adjusted urban planning.

6. Markers must be durable, easily noticeable, and safe for passing persons and vehicles and suitable to the terrain and geomorphology of the

marked areas.

7. The Ministry of Construction shall specify the placement and management of markers according to urban planning.

*Section 2. MANAGEMENT OF URBAN SPACE, ARCHITECTURE AND LANDSCAPE*

**Article 58.** Principles of management of urban space, architecture and landscape

1. Owners of architectural objects affecting urban space, architecture and landscape shall protect and maintain their objects in the course of exploitation and use to ensure their beauty, safety and harmony with surrounding space.

2. The building, renovation, refurbishment, repair and dismantling of architectural objects and trees in public areas and premises of works and houses which affect urban space, architecture and landscape are subject to permission of competent management agencies.

3. Before formulating investment projects on the construction of big works of important significance and status in urban centers, architectural designs must be selected through contests.

4. The Government shall specify the management of urban space, architecture and landscape.

**Article 59.** Responsibility for management of urban space, architecture and landscape

1. The People's Committees of cities, towns and townships shall comprehensively manage urban space, architecture and landscape within the administrative boundaries under their management.

2. Urban planning management agencies shall assist the People's Committees of cities, towns and townships in managing urban space,

architecture and landscape.

**Article 60.** Regulations on management of urban planning and architecture

1. The People's Committees of cities, towns and townships shall promulgate regulations on management of urban planning and architecture applicable to all urban centers under their management.

2. Regulations on management of urban planning and architecture must conform with promulgated urban plans, regulations on management according to urban plan and urban design as well as practical conditions of urban centers.

3. Regulations on management of urban planning and architecture must contain the following principal contents:

a/ Regulations on organization of realization of urban planning and management of urban development, for areas with approved urban planning and urban designs and other areas in urban centers;

b/ Regulations on management of urban architecture and space and encouraging and restricting measures;

c/ Specific regulations on management and control of urban development;

d/ Regulations on responsibilities of state agencies, organizations and individuals in organizing the realization of urban planning and managing urban development.

*Section 3. MANAGEMENT AND USE OF URBAN LAND ACCORDING TO PLANNING*

**Article 61.** Principles of management and use of urban land

1. Land of all categories in urban centers must be used for proper purposes and functions indicated in approved urban plans.

2. Urban land management must comply with this Law, the land law and other relevant laws.

**Article 62.** Preparation of land funds for urban development according to planning

1. People's Committees of competent levels shall organize ground clearance for areas already planned for the construction of technical and social infrastructure facilities to serve public interests in line with approved and publicized detailed planning.

2. The recovery of land funds and compensation for people whose land is recovered comply with the land law. When land funds are recovered, land users are entitled to compensation for their property lawfully created before approved detailed planning is publicized.

3. People's Committees at all levels shall create favorable conditions for investors to properly implement investment planning and plans.

4. When implementing projects to develop roads under approved planning, competent state agencies shall concurrently organize recovery of land along both sides of roads according to planning and hold auctions or bidding to select investors under law.

5. The scope of construction investment projects must be determined to ensure suitability with the present status of land use and harmony between their objectives and urban refurbishment, preventing the emergence of land areas failing to meet construction requirements or affecting urban architecture and landscape.

6. In case an investment project uses only part

of a lot of land, if the remaining area is too small to meet use needs or affects urban architecture and landscape according to the Government's regulations, the State shall recover it and pay compensation to its user.

7. After the detailed planning is approved and publicized, pending the recovery by the State, organizations and individuals in the planned area may continue using it and conducting renovation, repair and temporary construction under the construction law.

*Section 4. MANAGEMENT OF  
CONSTRUCTION OF SYSTEMS OF URBAN  
INFRASTRUCTURE FACILITIES AND  
UNDERGROUND SPACE ACCORDING TO  
PLANNING*

**Article 63.** Management of land reserved for the construction of systems of urban technical infrastructure facilities

1. Land reserved for the construction of the system of urban technical infrastructure facilities includes land for the construction of key works, lines or networks of technical infrastructure and land within the scope of protection and safety corridors.

2. Land funds reserved for the construction of the system of technical infrastructure facilities already indicated in urban planning shall be used for proper purposes and may neither be encroached upon nor have their use purpose changed.

3. People's Committees at all levels shall manage land funds reserved for the construction of the system of urban technical infrastructure facilities.

**Article 64.** Management of the construction of systems of urban technical infrastructure facilities in old and renovated urban centers

1. People's Committees at all levels shall make plans to build technical tunnels and trenches for laying underground technical wire lines.

2. When investing in building new streets, renovating and expanding old streets in urban centers, it is necessary to concurrently build technical tunnels and trenches for installing underground wire lines and pipelines.

**Article 65.** Management of construction of urban technical infrastructure systems in new urban centers and urban quarters

1. The construction of roads under planning shall be carried out at the same time with building technical tunnels and trenches.

2. Wire line works and technical pipelines shall be arranged and installed in technical tunnels and trenches.

3. Investment in the construction of the system of technical infrastructure facilities must ensure synchronism under planning and the schedule of implementing urban development projects.

**Article 66.** Management of underground space

1. The exploitation and use of underground space for the construction of underground works must comply with approved urban planning.

2. The management of the construction of works on the ground must not affect underground space already determined in approved urban planning.

**Article 67. Management of construction of underground works**

1. The construction of underground works must comply with underground space planning determined in approved urban planning; standards on underground works promulgated by the Ministry of Construction, planning licenses and construction permits.

2. The construction of underground works must not affect works on the ground and underground works and space already existing or determined in urban planning.

3. The construction of transport routes and the system of public underground works must ensure safety and suitability with the exploitation and use of underground space and the ground; ensure convenient connection with traffic works underground and on the ground.

4. The construction of technical tunnels and trenches must not affect the use of space on the ground and must ensure safe exploitation, operation, repair and maintenance.

5. The Government shall specify the management of underground space.

**Article 68. Management of trees, parks, natural landscape and water surface**

1. Parks, flower gardens and trees in urban centers which are of cultural, historical, natural landscape and urban landscape value and have been included in management lists or indicated in urban planning must be assigned to organizations or individuals for management.

2. The building of parks and flower gardens and planting of trees under urban planning must meet requirements on utility, beauty, safety and urban environment; and must not damage

infrastructure facilities on the ground, overhead and underground.

3. Lakes and natural water surface must not be encroached upon or other terrain characteristics must not be altered to prevent bad impacts on urban natural conditions and landscape.

4. Organizations and individuals shall protect parks, flower gardens, trees, water surface and other natural areas in urban centers. The felling, destruction and relocation of trees on management lists and the leveling and change of terrains in natural areas are subject to permission of competent management agencies.

*Section 5. MANAGEMENT OF  
CONSTRUCTION ACCORDING TO URBAN  
PLANNING*

**Article 69. Principles of management of construction according to urban planning**

1. Organizations and individuals investing in the construction, renovation and repair of architectural works, technical and social infrastructure works and houses shall comply with approved detailed urban planning and the construction law.

2. Existing construction works which are architecturally inappropriate but comply with urban planning are allowed to exist in their original conditions; in case of renovation, upgrading or repair, architectural requirements must be ensured under law.

3. Existing construction works which are no longer in line with urban planning shall be relocated according to the plan and schedule of realizing urban planning. Pending relocation, if their owners wish to renovate, upgrade and repair

them, competent state agencies shall consider and grant temporary construction permits under the construction law.

**Article 70.** Introduction of sites

1. Urban planning management agencies shall introduce construction investment sites to investors upon request.

2. Sites recommended for construction investment must be in line with urban planning and suitable to the scope and nature of investment and save urban land, without affecting urban development and environment.

**Article 71.** Planning licenses

1. Planning license is required in the following cases:

a/ Cases specified in Clause 1, Article 52 of this Law;

b/ Investment projects on the construction of concentrated works in urban areas without zoning and detailed planning;

c/ Investment projects on the construction of individual works in urban areas without detailed planning or urban design, except houses.

2. Planning license serves as a basis for investors to prepare detailed planning tasks and detailed plans for investment projects on the construction of concentrated works or formulate investment projects for the construction of individual works in urban centers; and serves as a basis for competent state agencies to approve detailed planning and construction investment projects.

3. The grant of planning licenses must be based on actual development control and management requirements of urban centers, standards on urban planning and regulations on management of urban planning and architecture.

4. A planning license indicates the scope of the planned urban area, permitted norms on land use, requirements on land use exploitation and use, organization of architectural space, urban social and technical infrastructure on the ground and underground, protection of landscape and environment in the area in which the investor is assigned to invest, and its validity term.

5. The licensing competence is prescribed as follows:

a/ People's Committees of provinces and centrally run cities shall grant planning licenses to projects in provincial urban centers in the cases stated at Points a and c and projects in urban centers stated at Point b, Clause 1 of this Article;

b/ People's Committees of rural districts, urban districts, towns and provincial cities shall grant planning licenses to projects not stated at Point a of this Clause.

6. Organizations and individuals shall pay fees for the grant of planning licenses in accordance with the law on charges and fees.

7. The Government shall specify planning licenses.

**Article 72.** Management of development of new urban centers and urban quarters

1. People's Committees of provinces and centrally run cities shall manage according to planning the development of new urban centers within the administrative boundaries under their management.

People's Committees of rural districts, urban districts, towns and provincial cities shall manage according to planning the development of new urban centers within the administrative boundaries under their management.

2. The investment in constructing new urban

centers and new urban quarters must ensure synchrony in social and technical infrastructure and public services and suit each period of development and implementation plans.

3. The scope of a new urban center must be determined on the principles of meeting actual urban development requirements, investment purposes, investor's capability of organizing project implementation and social benefits.

4. People's Committees of cities and towns shall organize the investment in the construction of technical infrastructure facilities outside the fences of new urban quarter projects to ensure convenient connection and transportation between new urban quarters and surrounding areas and other functional zones within urban centers.

5. When implementing projects to construct new urban quarters, residential quarters and housing quarters, People's Committees at all levels and investors stated in investment decisions of competent authorities shall reserve appropriate land funds for developing social houses in accordance with law.

6. Project investors identified in investment decisions shall manage technical infrastructure systems, space and architecture according to approved urban planning within the boundaries of their projects, except for cases in which such management is transferred to People's Committees.

**Article 73.** Management of renovation or urban centers according to planning

When renovating or re-constructing an area within an urban center, it is necessary to save land, give priority to meeting on-spot resettlement needs of locals in the area; improve urban architectural, landscape and environmental

conditions; comprehensively build and improve the quality of social and technical infrastructure systems and public services on the basis of balance and harmony with surrounding areas; protect cultural heritage, historical relics and traditional traits of urban centers and areas.

#### *Chapter VI*

#### IMPLEMENTATION PROVISIONS

##### **Article 74.** Effect

1. This Law takes effect on January 1, 2010.

2. From the effective date of this Law, the provisions of the Construction Law on planning the construction of urban centers and areas within urban centers are replaced with the provisions of this Law.

##### **Article 75.** Transitional provisions

Urban construction planning already approved before the effective date of this Law are not required to be re-elaborated, re-evaluated and re-approved; the organization of realization, development management and adjustment of such planning comply with this Law.

##### **Article 76.** Detailing and guidance of implementation

The Government shall detail and guide the implementation of articles and clauses as assigned in the Law; and guide other necessary contents of this Law to meet state management requirements.

*This Law was passed on June 17, 2009, by the XII<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its 5<sup>th</sup> session.*

*Chairman of the National Assembly*  
NGUYEN PHU TRONG