

CIRCULAR

**GUIDING THE ELABORATION, EVALUATION, APPROVAL AND MANAGEMENT OF
CONSTRUCTION PLANNINGS**

Pursuant to the Government's Decree No. 17/ 2008/ND-CP of February 4, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Construction;
Pursuant to the Government's Decree No. 08/ 2005/ND-CP of January 24, 2005, on construction planning;

The Ministry of Construction guides the elaboration, evaluation, approval and management of construction plannings specified in Sections 1. 2. 3. 4 and 5, Articles 38 and 41, Section 6, Chapter 11 of the Government's Decree No. 08/2005/ND-CP of January 24, 2005, on construction planning (below referred to as Decree No. 08/2005/ND-CP for short) as follows:

Part I

GENERAL PROVISIONS

1. Elaboration of a construction planning must be based on sufficient grounds specified in Articles 7, 15 and 23 of Decree No. 08/2005/ND-CP and follow the sequence from regional construction planning, general construction planning to detailed construction planning. In case the required grounds are insufficient, the planning must be based on major orientations of branches, development programs and plans of localities and socio-economic factors that are influential in areas under construction planning.
2. Planning tasks may be adjusted in the process of elaborating construction plans
In the course of elaboration of a detailed construction plan, if there are contents different from approved planning tasks but resulting in no change in the boundaries, acreages and characteristics of planned areas, these planning tasks are not required to be re-defined. Competent persons only need to re-approve planning tasks in order to ensure conformity with the detailed construction plan.
3. Management boards of hi-tech parks and special economic zones shall organize the elaboration of detailed construction plans on functional zones under their management and submit them to competent state agencies for evaluation and approval under this Circular's guidance.
4. For construction plannings of areas of economic, political, social, security and defense importance already determined in construction planning tasks, agencies competent to approve construction plannings shall seek opinions of their immediate superior agencies before approving these plannings.
5. For other functional zones outside urban areas (urban centers, tourist sites, heritage zones, relic conservation zones, educational and training establishments, medical establishments,

industrial clusters, etc.) covering more than 500 hectares, general construction plannings must be elaborated before elaborating detailed construction plannings.

6. For a construction investment project located outside an urban area, under which the synchronous system of technical infrastructure works and architectures is invested by only one investor, a detailed construction planning of 1/ 500 scale which must ensure rational connection with the technical infrastructure outside the project fence may be worked out.

7. For a construction investment project implemented by only one investor on an area of less than 5 hectares (or less than 2 hectares for a project on construction of apartment buildings), the construction investment project may be elaborated without a detailed construction planning of 1/500 scale. General site plan, work architecture plan and technical infrastructure solutions in the basic design must be in line with the detailed construction planning of 1/2,000 scale, ensuring the technical infrastructure connection and architectural space compatibility with adjacent areas.

8. If detailed construction planning schemes on areas for the construction of public-utility works and major technical infrastructure works cannot be implemented three years after they are approved and publicized but are still in line with development orientations and public interests, persons competent to approve these plannings shall decide to adjust the planning implementation duration based on remedying measures and specific plans, and at the same time notify and explain these plannings and their adjusted implementation duration to organizations and individuals in the planning areas for information and implementation.

9. When any contingencies occur in the course of implementation of construction plannings (for five-year, ten-year or longer periods) and affect their forecasts, People's Committees at all levels should make appropriate adjustments to these plannings.

10. Construction planning schemes must be compliant with applicable construction standards and regulations and approved construction planning tasks.

11. Agencies with the approving competence at all levels shall approve in writing construction planning contents as guided in Section V of this Circular.

A planning scheme dossier comprises general explanations and drawings enclosed with the decision approving the construction planning appended with the seal of the scheme-evaluating agency.

Agencies providing consultancy on the elaboration of construction planning schemes shall take responsibility for their studies and econo-technical calculations expressed in explanations and drawing dossiers of approved construction planning schemes.

12. The elaboration, evaluation and approval of plannings on industrial parks and export processing zones of which investment policies have been approved by the Prime Minister, must comply with current legal documents.

13. Dossier presentation formats, explanations, diagrams, charts and drawings of planning tasks and construction planning schemes must comply with the Ministry of Construction's regulations.

14. The elaboration, evaluation and approval of planning tasks and construction planning schemes must comply with the provisions of Parts II, III, IV, V and VI of this Circular, except for cases subject to separate decisions of the Prime Minister.

Part II

ELABORATION OF CONSTRUCTION PLANNINGS

I. REGIONAL CONSTRUCTION PLANNINGS

1. Regional construction planning tasks

Regional construction planning tasks must clearly determine the planning scope, objectives and characteristics, forecasts about population, land, technical and social infrastructure in different development periods and issues to be studied in relation to the spatial organization and technical and social infrastructure works of regional importance; and the list of scheme documents.

The scope of regional construction planning is determined on the basis of assessment of factors that directly or indirectly exert decisive or great impacts on the regional socio-economic development. The scope of regional construction planning may be determined according to administrative boundaries or affected areas beyond administrative boundaries of the planning regions.

Depending on the characteristics and scope of regional construction planning, construction planning tasks must identify relevant study contents as prescribed in the Ministry of Construction's Decision No. 03/2008/QD-BXD of March 31, 2008.

2. Regional construction planning schemes

Studied and explained contents and drawings of regional construction planning schemes must comply with the Ministry of Construction's Decision No. 03/2008/QD-BXD of March 31, 2008. Depending on each specific object, attention must be paid to the following contents:

a/ For regions encompassing one or more than one administrative unit, such as inter-provincial regions, large urban regions, provincial regions, inter-district regions and district regions, it is necessary to determine the potential, strengths and exploitability for regional development; forecast the urbanization trend and rate, functional zones and population distribution; identify specialized functional zones, production establishments and major social and technical infrastructure works of regional importance.

b/ For regions formed on the basis of identified potential and strengths for development such as industry, port, tourism, heritage, culture, natural landscape, economic corridor, etc., it is necessary to figure out their exploitability to serve as a basis for determining the development scale, functional zones, population distribution and technical infrastructure system suitable to regional development objectives and characteristics objectives and characteristics.

For economic corridors along arterial roads, apart from the above contents of study, it is also necessary to ensure the requirement on traffic safety corridors along the roads.

II. GENERAL URBAN CONSTRUCTION PLANNINGS

1. General urban construction planning tasks

General urban construction planning tasks must clarify urban development objectives and viewpoints, scope of study and scope of general construction planning; development potential and strengths; basic forecasts about population, land and technical and social infrastructure; major requirements and principles for studying urban development directions, spatial structure organization, major works and the system of technical infrastructure works; and the list of scheme documents.

General construction planning tasks for various urban areas and functional zones of different sizes and characteristics must identify relevant study contents under the Ministry of Construction's Decision No. 03/2008/QĐ-BXD of March 31, 2008.

2. General urban construction planning schemes

Studied and explained contents and charts and maps of general urban construction planning schemes must comply with the Ministry of Construction's Decision No. 03/2008/QĐ-BXD of March 31, 2008. Depending on each specific object, attention must be paid to the following contents:

a/ For centrally run urban areas, it is necessary to study major orientations for population distribution, functional zones, organization of the system of urban area-level (administrative, political, commercial-service, cultural, medical and educational) centers; major technical infrastructure works and organization of the main technical infrastructure system, especially the system of major underground works (subway-trains, road tunnels, parking lots, subway stations, etc.) which are related to the spatial organization of surface urban architectures and serve as a basis for the elaboration of general construction plannings of districts;

b/ For districts of centrally run urban areas, it is necessary to concretize orientations for spatial organization and econo-technical norms specified in general construction planning schemes of entire urban areas; determine the land use and spatial organization of urban architectures within district boundaries in line with orientations set for entire urban areas; organize networks of technical infrastructure works (including underground works, if any) and specific social infrastructure works within districts, ensuring compatibility and connectivity with surrounding areas and entire urban areas;

For suburban districts of centrally run urban areas, which have their development conditions and potential identified in general planning schemes of entire urban areas, general construction plannings shall be elaborated according to general construction planning schemes of these districts.

c/ For new urban areas, it is necessary to analyze and clarify grounds for their formation and development; study spatial, architectural and environmental development models suitable to urban characteristics and functions; determine development stages, implementation plans and projects that are decisive to the formation and development of new urban areas, and urban development management models;

d/ For hi-tech parks and special economic zones, it is necessary to clarify their particularities and development objectives; identify functional zones; population distribution; and determine development stages, implementation plans and resources;

e/ For other functional zones outside urban areas (urban centers, tourist sites, heritage conservation zones, educational and training establishments, medical establishments, industrial clusters, etc.) covering more than 500 hectares, it is necessary to clarify functional zones, connections with outside-the-fence technical works and arrangement of residential and service areas to ensure development through different periods.

III. DETAILED URBAN CONSTRUCTION PLANNINGS

1. Detailed urban construction planning tasks

a/ A detailed urban construction planning of 1/2,000 scale must clarify objectives, boundaries, acreage and characteristics of the area under the detailed planning; forecasts about land use, social and technical infrastructure; requirements and principles to ensure compatibility of architectural space and technical infrastructure connection with the approved general construction planning and adjacent areas.

b/ A detailed urban construction planning of 1/500 scale must clarify boundaries and acreage of the area under the detailed planning; forecasts about population, land and technical infrastructure; requirements and principles to ensure compatibility with the approved detailed construction planning of 1/2,000 and adjacent areas.

c/ The scope of a detailed construction planning is determined on the basis of management requirements and construction investment needs and in line with priority investment programs and projects on urban development.

2. Detailed urban construction planning schemes

Studied and explained contents and charts, maps and drawings of detailed urban construction planning schemes must comply with the Ministry of Construction's Decision No. 03/2008/QD-BXD of March 31, 2008. Depending on each specific object, attention must be paid to the following contents:

- For a detailed construction planning of 1/2,000 scale: To determine the utility of each land lot; principles for organization of space and landscape architecture for the whole planning area; norms of population, land use and technical infrastructure for each street block; and the network of technical infrastructure works in major streets.

- For a detailed construction planning of 1/500 scale: To determine norms of population, land use and technical infrastructure, solutions to architectural organization for each land lot; and the network of technical infrastructure works up to the boundaries of land lots, ensuring their feasibility.

a/ For detailed plannings on construction, renovation or embellishment, it is necessary to assess the actual state of all construction works (residential houses, public works, technical infrastructure of underground works, etc.) and socio-cultural and environmental factors of the designed area in order to devise appropriate planning solutions in landscape architecture and connections between technical works.

b/ For detailed plannings on construction or renovation of areas along urban trunk roads, it is necessary to determine a planning scope of at least 50 m from each road side's red line. For national highways or provincial roads which serve as development corridors, it is necessary to determine a planning scope of at least 100 m from each road side's traffic safety corridor.

c/ For conservation or heritage zones, it is necessary to determine a scope of protection of conservation or heritage zones or works and ensure the preservation and promotion of values of heritages, scenic places or beauty spots and no obstacles to socio-economic development.

3. Agencies organizing the elaboration of detailed urban construction planning tasks and schemes

a/ Provincial-level People's Committees shall:

Organize the elaboration of tasks and schemes of detailed plannings of 1/2,000 scale for functional zones of special, grade-1, grade-2 and grade-3 urban areas; detailed plannings of 1/2,000 and 1/500 scales for areas under detailed construction planning encompassing two or more districts; other functional zones outside urban areas (urban centers, tourist sites, heritage sites, relic protection zones, education and training establishments, medical establishments, industrial clusters, etc.) and functional zones of new urban areas; functional zones in a new inter-provincial urban area with the detailed construction planning scope within the boundaries of a province;

For functional zones in a new inter-provincial urban area with the detailed construction planning scope within the boundaries of two provinces or more, People's Committees of concerned provinces shall coordinate with one another in elaborating detailed plannings of 1/2,000 and 1/500 scales.

b/ District-level People's Committees shall:

Organize the elaboration of tasks and schemes of detailed plannings of 1/2,000 scale for functional zones of grade-4 and grade-5 urban areas; detailed plannings of 1/500 scale for functional zones of urban areas of grade 5 to special grade, except for detailed construction plannings guided at Point a, Clause 3, Section III, Part II of this Circular;

c/ Investors of investment projects on construction of consolidated works shall organize the elaboration of tasks and schemes of detailed construction plannings of 1/500 scale within the scope of their projects.

Studied contents and drawings of detailed urban construction planning schemes must comply with the Ministry of Construction's Decision No. 03/2008/QD-BXD of March 31, 2008.

IV. CONSTRUCTION PLANNINGS OF RURAL RESIDENTIAL AREAS

1. Tasks of a construction planning of rural residential areas:

Forecasting the population of the commune in each planning period; setting major requirements and principles for studying the locations and layout of the commune center, rural residential areas, functional zones, major works and the system of technical infrastructure works in the whole commune; requirements and principles for renovation, repair and expansion of residential quarters, public-service works and works in service of production; norms of population, land and technical infrastructure of the planned commune center and rural residential areas; the list of scheme documents.

For communes with development potential and conditions determined in construction planning schemes of provincial or district regions, it is necessary to identify construction work items expected to be invested in.

2. Schemes of a construction planning of rural residential areas:

- Identifying development strengths and urbanization trend; forecasting population and construction land areas for the whole commune, commune center and each residential area; zones with development potential; the network of technical infrastructure works of the whole commune; and determining locations and sizes of public-service works. Proposing works that need to be renovated, repaired or built to suit the development of each rural residential area in each period.

- Delimiting boundaries, determining area and population, and setting targets of population, construction land, social and technical infrastructure; determining the land use structure, functional zones, solutions to spatial organization and technical infrastructure, and priority construction investment projects of the planned commune center and rural residential areas.

Part III

GATHERING OF COMMENTS ON CONSTRUCTION PLANNINGS

The gathering of comments on construction planning tasks and schemes must comply with the provisions of Articles 15, 17, 19, 21, 23 and 26 of the Construction Law; Article 25 of the Government's Decree No. 08/2005/ND-CP and the following specific guidance:

1. Gathering of comments on tasks and schemes of regional construction plannings and general urban construction plannings:

In the course of elaboration of tasks and schemes of regional construction plannings and general urban construction plannings, consultancy organizations shall gather written comments of concerned agencies and organizations before reporting them to competent authorities for consideration and approval;

2. Gathering of comments on detailed urban construction planning schemes:

In the course of elaboration of detailed urban construction planning schemes, consultancy organizations shall coordinate with local administrations in gathering comments of organizations and individuals in planning areas through meetings, direct exchange of opinions or distribution of opinion forms to collect comments on planning contents at information centers of cities, provincial towns, districts or wards for people to get easy access to them and make comments;

3. Based on dossiers of construction planning tasks and schemes and gathered comments, persons competent to approve plannings shall make decisions on selection of a construction planning.

Approved construction planning schemes must be in line with the set development orientations; ensure the feasibility and harmony between interests of the State and the community.

At the same time, specific plans and solutions must be worked out to address limitations and problems of the selected planning based on public comments.

Part IV

EVALUATION AND SUBMISSION FOR APPROVAL OF CONSTRUCTION PLANNINGS

I. EVALUATION OF CONSTRUCTION PLANNING TASKS AND SCHEMES

Evaluation of construction planning tasks and schemes must comply with the provisions of Articles 11, 19, 28 and 36 of the Government's Decree No. 08/2005/ND-CP, which is specifically guided as follows:

1. Evaluating agencies

a/ The Ministry of Construction shall evaluate construction planning tasks and schemes falling under the Prime Minister's approving competence.

b/ Provincial/municipal Construction Services or Planning and Architecture Services (for provinces or cities where exist Planning and Architecture Services) shall evaluate construction planning tasks and schemes falling under the approving competence of provincial-level People's Committees, including:

- Construction plannings of provincial, district or inter-district regions and other regions within administrative boundaries of a province (natural landscape regions, regions for heritage conservation or tourism, etc.); general construction plannings of grade-3, grade-4 or grade-5 urban areas and new urban areas with a population equal to that of grade-3, grade-4 or grade-5 urban areas; general construction plannings of districts of centrally run cities, other functional zones outside urban areas (urban centers, tourist sites, heritage conservation zones, educational and training establishments, medical establishments, local industrial zones, etc.) covering more than 500 hectares.

- Detailed construction plannings of 1/2,000 scale of functional zones of special, grade-1, grade-2 or grade-3 urban areas; detailed plannings of 1/2,000 and 1/500 scale of areas with a detailed planning scope within administrative boundaries of two districts or more; other functional zones outside urban areas (urban centers, tourist sites, heritage conservation zones, educational and training establishments, medical establishments, industrial clusters, etc.), functional zones of hi-tech parks and special economic zones: functional zones of new urban areas; functional zones in inter-provincial new urban areas with a detailed planning scope within administrative boundaries of a province:

c/ District-level agencies in charge of construction management shall evaluate tasks and schemes of detailed urban construction plannings falling under the approving competence of presidents of district-level People's Committees, including detailed construction plannings of 1/2,000 scale of functional zones of grade-4 and grade-5 urban areas; detailed construction plannings of 1/500 scale of functional zones of urban areas of special grade to grade 5; detailed construction plannings of work construction investment projects and construction plannings of rural residential areas (except for detailed construction plannings guided at Point a, Clause 3, Section III. Part II of this Circular).

2. Evaluation councils:

a/ For a construction planning scheme falling under the Prime Minister's approving competence, the Ministry of Construction shall decide on the setting up, composition and number of members of an evaluation council;

b/ For a construction planning scheme falling under the approving competence of People's Committees at any level, persons with approving competence shall decide on the setting up of an evaluation council;

c/ An evaluation council is composed of representatives of functional state management agencies, local administrations and concerned professional associations.

Depending on characteristics and scale of each scheme, competent persons shall decide to whether or not organize an evaluation council.

3. Contents subject to evaluation

a/ Legal grounds for making a construction planning scheme;

b/ Dossier format and composition; contents of construction planning tasks and scheme as guided in this Circular and stipulated in the Ministry of Construction's Decision No. 03/2008/QD-BXD of March 31, 2008.

II. SUBMISSION FOR APPROVAL OF CONSTRUCTION PLANNING TASKS AND SCHEMES

1. Submitting agencies

a/ The Ministry of Construction shall submit to the Government for approval tasks and schemes of construction plannings of key regions and inter-provincial regions; general construction plannings of new inter-provincial urban areas; general construction plannings of hi-tech parks, special economic zones, special-grade, grade-1 or grade-2 urban areas, new urban areas with a population equal to that of urban areas of grade 2 or higher grade and inter-provincial new urban areas and other construction plannings at the request of the Prime Minister:

b/ Provincial-level People's Committees shall submit to the Ministry of Construction for evaluation and submission to the Prime Minister for approval tasks and schemes of general construction plannings of special-grade, grade-1 or grade-2 urban areas, new urban areas with a population equal to that of urban areas of grade 2 or higher grade and, and general construction plannings of hi-tech parks and special economic zones;

c/ People's Committees of concerned provinces shall jointly submit to the Ministry of Construction for approval tasks and schemes of detailed construction plannings of 1/2,000 and 1/500 scales of functional zones in new inter-provincial urban areas with a detailed planning scope within administrative boundaries of two provinces or more;

d/ Provincial/municipal Construction Services or Planning and Architecture Services (for provinces and cities where exist Planning and Architecture Services) shall submit to provincial-level People's Committees for approval tasks and schemes of the following construction plannings:

- Construction plannings of provincial or inter-district regions and other regions within administrative boundaries of a province (landscape regions, heritage conservation regions);
- General construction plannings of new urban areas with a population equal to that of a grade-3, grade-4 or grade-5 urban area and other functional zones outside urban areas (urban centers, tourist sites, heritage conservation zones, educational and training establishments, medical establishments, industrial clusters, etc.) covering more than 500 hectares;
- Detailed construction plannings of 1/2,000 scale of functional zones of special-grade, grade-1, grade-2 or grade-3 urban areas; detailed plannings of 1/2,000 and 1/500 scale of areas with a detailed planning scope within administrative boundaries of two districts or more; other functional zones outside urban areas (urban centers, tourist sites, heritage conservation zones, educational and training establishments, medical establishments, industrial clusters, etc.); functional zones of new urban areas; functional zones in new inter-provincial urban areas with a detailed planning scope within administrative boundaries of a province;

e/ District-level People's Committees shall submit to provincial-level People's Committees for approval tasks and schemes of construction plannings of district regions, general construction plannings of grade-3, grade-4 or grade-5 urban areas; general construction plannings of districts of centrally run cities;

f/ District-level agencies in charge of construction management shall submit to the district-level People's Committees for approval tasks and schemes of detailed construction plannings of 1/2,000 scale of functional zones of grade-4 or grade-5 urban areas; detailed construction plannings of 1/500 scale of functional zones of urban areas of special grade to grade 5, and detailed construction plannings of investment projects on construction of concentrated works (except for detailed construction plannings specified at Point a, Clause 3, Section III, Part II of this Circular);

g/ Commune People's Committees shall submit to district-level People's Committees for approval tasks and schemes of construction plannings of rural residential areas.

h/ Management boards of hi-tech parks and special economic zones shall submit to provincial-level People's Committees for approval tasks and schemes of detailed construction plannings of 1/2,000 and 1/500 scales of functional zones within boundaries under their management.

i/ Investors of investment projects on construction of concentrated works shall submit to district-level People's Committees for approval tasks and schemes of detailed construction plannings of 1/500 scale under projects they invest in.

2. Dossiers of construction planning tasks and schemes:

a/ A dossier of a construction planning task to be submitted for approval comprises a written request for approval, task contents and drawings as prescribed and relevant legal documents.

b/ A dossier of a construction planning scheme comprises a written request for approval, general explanations and color-printed miniature drawings.

The number of dossier sets to be submitted for approval is set by agencies in charge of construction planning management based on the characteristics and size of each type of construction planning but must be at least 20.

c/ A dossier for evaluation of construction planning tasks and schemes comprises a written request for approval, general explanations, calculation annexes, color-printed miniature drawings and black-and-white drawings of prescribed scales and relevant legal documents; the minimum number of dossier sets is 3.

Part V

APPROVAL OF CONSTRUCTION PLANNINGS

I. APPROVING AGENCIES

Approving agencies are defined in Articles 11, 19, 28 and 36 of the Government's Decree No. 08/2005/ND-CP, and specifically guided as follows:

1. The Ministry of Construction shall approve construction planning tasks and schemes falling under the Prime Minister's competence when so authorized and detailed plannings of 1/2,000 and 1/500 scales of functional zones in new inter-provincial urban areas with a planning scope within administrative boundaries of many provinces.

2. Provincial-level People's Committees shall approve:

a/Tasks and schemes of construction plannings of provincial, inter-district or district regions and other regions within administrative boundaries of a province (landscape regions, heritage conservation regions, etc.);

b/ Tasks and schemes of general construction plannings of grade-3, grade-4 or grade-5 urban areas, new urban areas with a population equal to that of grade-3, grade-4 or grade-5 urban areas, general construction plannings of districts of centrally run cities and other functional zones outside urban areas (urban centers, tourist sites, heritage conservation zones, educational and training establishments, medical establishments, industrial clusters, etc.) covering more than 500 hectares;

c/ Tasks and schemes of detailed construction plannings of 1/2,000 scale of functional zones of special-grade, grade-1, grade-2 or grade-3 urban areas; detailed plannings of 1/2,000 and 1/500 scales of areas with a planning scope within administrative boundaries of two districts or more; other functional zones outside urban areas (urban centers, tourist sites, heritage conservation zones, educational and training establishments, medical establishments, local industrial zones, etc.); functional zones of new urban areas; and functional zones of hi-tech parks and special economic zones;

d/ Before tasks and schemes of detailed construction plannings of 1/2,000 and 1/500 scales of functional zones in new inter-provincial urban areas with a planning scope within administrative boundaries of a province are approved, the Ministry of Construction's expert opinion is required.

3. District-level People's Committees shall approve:

a/ Tasks and schemes of detailed construction plannings of 1/2,000 scale of functional zones of grade-4 or grade-5 urban areas; detailed plannings of 1/500 scale of functional zones of urban areas of special grade to grade 5; detailed construction plannings of investment projects on construction of concentrated works; construction plannings of rural residential areas (except for detailed urban construction plannings specified at Point a, Clause 3, Section III, Part II of this Circular).

b/ Before approving tasks and schemes of detailed construction plannings of 1/2,000 scale of functional zones of grade-4 urban areas being provincial capitals, district-level People's Committees shall consult provincial-level People's Committees and obtain expert opinions of provincial/municipal Construction Services or Planning and Architecture Services (for provinces and cities where exist Planning and Architecture Services).

c/ Tasks and schemes of detailed construction plannings of residential areas or resettlement areas under projects with investment policies approved by the National Assembly (hydropower projects, projects on mineral exploitation and processing); detailed construction plannings of 1/500 scale of investment projects on construction of concentrated works after obtaining expert opinions of provincial/municipal Construction Services or Planning and Architecture Services (for provinces and cities where exist Planning and Architecture Services).

II. CONTENTS OF APPROVAL OF CONSTRUCTION PLANNINGS

1. For regional construction plannings

a/ A decision approving tasks of a regional construction planning includes the following details: the scope and boundaries of the area under the regional construction planning; objectives and viewpoint; projected econo-technical norms of urbanization rate and population of the region in different development periods; requirements on the study of spatial organization of the system of urban and rural residential areas, other functional zones and the system of technical and social infrastructure works of regional importance; list of scheme documents.

b/ A decision approving schemes of a regional construction planning includes the following details: Scope and boundaries of the region; characteristics and major econo-technical norms of regional development: development poles, urbanization axes and migration trend; urban population and rural population of the whole region in different development periods; location, characteristics, functions, grade, type and population of each urban area in the region in different development periods; spatial organization of specialized functional zones; production establishments; the system of social and technical infrastructure works of regional importance; matters related defense, security and environmental protection measures; programs and projects prioritized for investment and projected resources for their implementation; matters related to implementation organization.

2. For general urban construction plannings

a/ A decision approving tasks of a general urban construction planning includes the following details: the scope and boundaries of the area under the general urban construction planning; characteristics of the urban area; projected basic norms of population, land and technical infrastructure; major requirements on the study of urban development directions, structure of spatial organization, major works and major solutions to organization of the technical infrastructure system; list of scheme documents.

b/ A decision approving schemes of a general urban construction planning includes the following details: Scope and boundaries of the urban area; characteristics and functions of the urban area; urban population and land in different development periods; major econo-technical norms and urban development directions; structure of spatial organization and administrative boundaries of the inner city and suburban areas; land use structure according to various functions; locations and sizes of major functional zones; supply sources, locations, sizes and capacity of major urban technical infrastructure works (including underground works, if any) and their main networks; regulations on urban architecture and landscape; matters related to defense and security and environmental protection measures; programs and projects prioritized for investment and resources for their implementation; matters related to implementation organization.

3. For detailed construction plannings

a/ A decision approving tasks of a detailed urban construction planning has the following details:

- For a detailed construction planning of 1/2,000 scale: Scope, boundaries, acreage and characteristics of the area under the detailed planning; projected major norms of population, land use, social and technical infrastructure; requirements and principles on spatial organization, architecture and connection of technical infrastructure; list of scheme documents;

- For a detailed construction planning of 1/500 scale: Scope, boundaries and acreage of the area under the detailed planning; major norms of population, land, social and technical infrastructure; requirements and principles on spatial organization, architecture and connection of technical infrastructure and other study requirements; list of work items that need construction investment in the planning area; list of scheme documents.

b/ A decision approving schemes of a detailed urban construction planning has the following details:

- For a detailed construction planning of 1/2,000 scale: Scope, boundaries, acreage and characteristics of the area under the detailed planning; major norms of population, land, social and technical infrastructure; land use structure; solutions to spatial organization, architecture and

urban design for each street block; supply sources and solutions to organization of the technical infrastructure network down to axial streets; solutions to resettlement organization (if any); environmental protection solutions; work items prioritized for investment and resources for their implementation; matters related to implementation organization.

- For a detailed construction planning of 1/500 scale: Scope, boundaries, acreage and characteristics of the area under the detailed planning; major norms of population, land, social and technical infrastructure; land use structure; solutions to spatial organization, architecture and urban design for each land lot; supply sources and solutions to organization of the technical infrastructure network for each land lot; solutions to resettlement organization (if any); environmental protection solutions; work items prioritized for investment and resources for their implementation; matters related to implementation organization; list of construction works in the planning area.

4. For construction plans of rural residential areas

a/ A decision approving tasks of a construction planning of rural residential areas includes the following details: boundaries, area and population the commune in differential planning periods; major requirements and principles on the study of the arrangement and location of the commune center, rural residential areas, functional zones, sources, major works and the system of technical infrastructure works; requirements and principles on renovation, repair and expansion of residential quarters, public-service works, works in service of production; norms of population, land and technical infrastructure of the planned commune center and rural residential areas; list of scheme documents.

b/ A decision approving schemes of a construction planning of rural residential areas includes the following details: Areas with development potential; the network of technical infrastructure works of the whole commune; locations and sizes of public-service works such as administrative offices, educational and medical establishments, cultural, sport and physical training facilities, commercial and service centers of the commune; work items that need to be renovated, repaired or built to suit the development of each rural residential area in each period; work items planned for construction investment.

- Boundaries, land area and population, norms of land and technical infrastructure; land use structure, functional sub-zones, solutions to spatial organization and technical infrastructure arrangement; works planned for construction investment in the planned commune center and rural residential areas.

III. ARCHIVE OF DOSSIERS

Dossiers of approved construction planning tasks and schemes, including general explanations, drawings of prescribed scales, compact disks storing all explanations and drawings shall be archived at the following agencies:

1. Dossiers of construction planning tasks and schemes falling under the Prime Minister's approving competence shall be archived at the Ministry of Construction, provincial-level People's Committees and concerned provincial agencies in charge of construction planning management;

2. Dossiers of construction planning tasks and schemes falling under the approving competence of provincial-level People's Committees shall be archived at provincial-level agencies in charge of construction planning management (provincial/ municipal Construction Services or Planning

and Architecture Services), district-level People's Committees, district-level agencies in charge of construction planning management and concerned commune-level People's Committees;

3. Dossiers of construction planning tasks and schemes falling under the approving competence of district-level People's Committees shall be archived at provincial-level and district-level agencies in charge of construction planning management and concerned commune-level People's Committees.

Part VI

CONSTRUCTION PLANNING ADJUSTMENT

Construction planning adjustment must comply with the provisions of Articles 12, 20, 29 and 37 of Decree No. 08/2005/ND-CP and the following specific guidance:

1. People's Committees at all levels shall regularly inspect and review the implementation of approved construction plannings. Based on actual socio-economic development and factors exerting impacts on urban development, persons competent to approve construction plannings shall decide on time limits for construction planning adjustment and adjusted contents.

2. When it is necessary to adjust a construction planning, attention must be paid only to the contents of the approved scheme that needs to be adjusted, while unadjusted contents remain legally valid and must be expressed in the dossiers of the adjusted construction planning scheme for further implementation in order to ensure the continuity and permanency of the construction planning.

In addition, it is necessary to analyze and assess the practical state, and clearly identify renovation or repair requirements in order to propose adjustments to land use norms, solutions to organization of architectural space and landscape of each area; solutions to renovation of the network of technical and social infrastructure works to meet development requirements.

3. Sectional adjustment of a construction planning means modification of one or several planning contents on functions, sizes and econo-technical norms of one or several planning areas without altering major orientations for socio-economic development, disposition. of architectural spaces and layout of the network of major technical infrastructure works already determined in the original construction planning.

4. When making sectional adjustment of a construction planning, for construction planning schemes falling under the Prime Minister's approving competence, provincial-level People's Committees shall seek the Ministry of Construction's official written comments on adjusted contents. For construction planning schemes falling under provincial-level People's Committees' approving competence, district-level People's Committees shall seek official written comments of provincial-level agencies in charge of construction planning management.

Part VII

CONSTRUCTION PLANNING MANAGEMENT

I. DISCLOSURE AND PUBLIC NOTIFICATION OF CONSTRUCTION PLANNING SCHEMES

Disclosure and public notification of construction plannings are specified in Articles 38 and 39 of Decree No. 08/2005/ND-CP and specifically guided as follows:

1. For regional construction planning schemes:

a/ The Ministry of Construction shall guide provincial-level People's Committees in planning regions in disclosing and publicly notifying schemes of inter-provincial construction plannings.

b/ Provincial-level People's Committees shall organize the disclosure and public notification of schemes of construction plannings of provincial regions, inter-district regions, district regions and other functional zones (industrial zones, tourist sites, heritage or natural landscape protection zones, territorial zones stretching along roads); district-level and commune-level People's Committees in planning regions shall disclose and publicly notify schemes of regional construction plannings.

c/ Contents of regional construction planning schemes to be disclosed and publicly notified include:

- Diagrams of regional space development orientations;
- Diagrams of orientations for development of regional technical infrastructure system;
- Regulations on management of regional construction plannings.

2. For general urban construction planning schemes:

a/ Provincial-level People's Committees shall organize the disclosure and public notification of schemes of general urban construction plannings of areas within administrative boundaries under their management; district-level and commune-level People's Committees in planning regions shall disclose and publicly notify the above general urban construction plannings.

b/ Contents of general urban construction planning schemes to be disclosed and publicly notified include:

- Diagrams of urban space development orientations;
- Planning maps of general urban land use grounds;
- Planning drawings of technical infrastructure and environmental protection system;
- Regulations on management of general construction plannings.

3. For detailed urban construction planning schemes:

a/ District-level and commune-level People's Committees shall disclose and publicly notify detailed urban construction planning schemes related to administrative boundaries under their management.

b/ Contents of detailed urban construction planning schemes to be disclosed and publicly notified include:

- Planning maps of general land use grounds;
- Planning drawings of technical infrastructure and environmental protection system;
- Regulations on management of detailed construction plannings.

4. In the course of implementation of approved construction plannings, ongoing construction investment projects must be updated and publicly notified in a timely and adequate manner to concerned organizations and individuals for information and implementation supervision.

II. SUPPLY OF INFORMATION ON CONSTRUCTION PLANNINGS

1. The supply of information on construction plannings shall comply with Article 33 of the Construction Law and Article 41 of Decree No. 08/2005/ND-CP.

2. Grant of construction planning certificates:

a/ A construction planning certificate is a document certifying information and data on an approved construction planning granted to organizations and individuals upon request.

b/A construction planning certificate includes the following details: information on land use planning, area and landmark coordinates of land lots, red line and construction line, construction density, land use coefficient, maximum height and minimum height; information on architecture, technical infrastructure and environmental protection system, and other regulations, valid term of the certificate under the approved detailed planning.

c/ A dossier of application for a construction planning certificate comprises an application, a location plan and a metrological map of 1/500 or 1/2,000 scale made by an agency with the legal entity status.

d/ The time limit for consideration and grant of a planning certificate is 20 days from the date of receipt of a valid dossier.

3. For areas for which no detailed construction planning of 1/500 scale is available, construction management (or planning architecture management) agencies at all levels shall base themselves on construction regulations, regulations on urban architecture management and detailed construction plannings of 1/2,000 scale or authorize provincial-level planning architecture councils to give, their written agreements instead of planning certificates.

A dossier of application for agreement on planning architecture comprises an application, location plans and metrological maps of 1/500 or 1/2,000 scale made by an agency with the legal entity status, explanations and drawings of work designing tasks, work design sketches, including site plan, elevation plan and cross-section plan of appropriate scales.

The time limit for consideration and issuance of a written agreement on planning architecture is 20 days from the date of receipt of a valid dossier.

Part VIII

ORGANIZATION OF IMPLEMENTATION

1. This Circular replaces the Minister of Construction's Circular No. 15/2005/TT-BXD of August 19, 2005, guiding the elaboration, evaluation and approval of urban construction plannings;

2. The Department for Architecture and Construction Planning of the Ministry of Construction, Construction Services or Planning and Architecture Services of provinces and centrally run cities are responsible for regularly and periodically inspecting the elaboration of construction plannings and urban development in rural areas under approved construction plannings;

3. Local construction planning management agencies at all levels shall annually and biannually report on plans and programs on elaboration of construction plannings and the management of implementation of these plannings in their respective localities, specifically as follows:

a/ District-level construction planning management agencies shall report to provincial/ municipal Construction Services or Planning and Architecture Services and district-level People's

Committees on the above matters within territorial areas under their management (districts, provincial towns, provincially run cities);

b/ Provincial/municipal Construction Services or Planning and Architecture Service shall report to the Ministry of Construction and provincial-level People's Committees on the above matters within territorial areas of provinces or centrally run cities according to a form set by the Ministry of Construction.

4. This Circular takes effect 15 days after its publication in "CONG BAO."

**FOR THE MINISTER OF CONSTRUCTION
VICE MINISTER**

Nguyen Hong Quan