

**THE PRESIDENT**

**THE SOCIALIST REPUBLIC OF VIETNAM**  
**Independence - Freedom - Happiness**

**No. 04/2020/L-CTN**

*Hanoi, July 1, 2020*

**ORDER**

**On the promulgation of law**

THE PRESIDENT OF THE SOCIALIST REPUBLIC OF VIETNAM

*Pursuant to Articles 88 and 91 of the Constitution of the Socialist Republic of Vietnam;*

*Pursuant to Article 80 of the Law on Promulgation of Legal Documents,*

PROMULGATES:

**The Law Amending and Supplementing a Number of Articles of the Construction Law,**

which was passed on June 17, 2020, by the XIV<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its 9<sup>th</sup> session.

*President of the Socialist Republic of Vietnam*

**NGUYEN PHU TRONG**

## **LAW**

### **Amending and Supplementing a Number of Articles of the Construction Law<sup>1</sup>**

*Pursuant to the Constitution of the Socialist Republic of Vietnam;*

*The National Assembly promulgates the Law Amending and Supplementing a Number of Articles of Construction Law No. 50/2014/QH13, which had a number of articles amended and supplemented under Law No. 03/2016/QH14, Law No. 35/2018/QH14, and Law No. 40/2019/QH14.*

**Article 1.** To amend and supplement a number of articles of the Construction Law

**1. To amend and supplement a number of clauses of Article 3 as follows:**

*a/ To amend and supplement Clause 1 as follows:*

*“1. Construction investment prefeasibility study report means a document presenting contents of preliminary study on the necessity, feasibility and efficiency of, construction investment, which serves as a basis for decision on or approval of a construction investment policy.”;*

*b/ To amend and supplement Clause 4 as follows:*

*“4. Specialized construction work-managing ministry means a ministry tasked to manage investment in construction of specialized works under its management in accordance with this Law.”;*

*c/ To amend and supplement Clause 10 as follows:*

*“10. Construction work means a product, which is built according to a design by human labor with building materials and equipment installed therein, affixed to land, and possibly includes underground, ground surface, underwater and water surface components.”;*

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<sup>1</sup> *Công Báo Nos 711-712 (23/7/2020)*

*d/ To amend and supplement Clause 13 as follows:*

“13. *Specialized construction agencies* means specialized agencies assigned to perform construction management of specialized construction work-managing ministries or provincial-level People’s Committees; agencies assigned to perform construction management of district-level People’s Committees; and management boards of industrial parks, export processing zones, hi-tech parks or economic zones.”;

*dd/ To add Clause 15a below Clause 15 as follows:*

“15a. *Urban center construction investment project* means a mixed-use construction investment project which has technical and social infrastructure systems, synchronous houses or other construction works under a construction master plan approved by a competent authority to build or renovate urban works.”;

*e/ To annul Clause 29;*

*g/ To amend and supplement Clause 36 as follows:*

“36. *Appraisal* means examination and assessment by an investment decider, a project owner or a specialized construction agency of necessary contents in the course of preparing and implementing a construction investment project in accordance with this Law, including appraisal by such investment decider or project owner before deciding on construction investment and approving construction designs; and appraisal by such specialized construction agency to control compliance with relevant regulations by subjects participating in construction activities.”;

*h/ To add Clause 46 below Clause 45 as follows:*

“46. *Dangerous area in work construction* means delimited areas inside and surrounding a construction site where dangers might occur from construction activities and cause damage to humans, construction works, property, equipment and vehicles, which may be identified according to relevant standards, technical regulations and work construction-organizing measures.”.

**2. To amend and supplement a number of clauses of Article 4 as follows:**

*a/ To amend and supplement Clause 1 as follows:*

“1. Ensuring compliance of work construction investment with master plans and designs, and regulations on protection of scenery and the environment; suitability to local natural and social conditions and cultural characteristics; stable life of the people; and combination of socio-economic development with

national defense, security, natural disaster prevention and control, and response to climate change.”;

*b/ To amend and supplement Clause 6 as follows:*

“6. Organizations and individuals involved in construction activities must fully satisfy law-prescribed capacity conditions; and take responsibility for quality of jobs they have performed in accordance with this Law.”;

*c/ To amend and supplement Clause 8, and add Clause 9 below Clause 8 as follows:*

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

9. Upon the formulation and implementation of a construction master plan, construction investment, management of operation of construction works or development of building materials, technical and managerial solutions are required to ensure energy and natural resource conservation and efficiency and environmental protection.”.

**3. To amend and supplement Article 5 as follows:**

“Article 5. Types and grades of construction works

1. Types of construction works shall be determined by their structural characteristics and utilities.

2. Grades of construction works shall be determined for each type of works, including:

a/ Grades of construction works used to serve the management of construction investment activities specified in this Law shall be determined based on their size, importance and technical parameters, including special grade, grade I, grade II, grade III and grade IV, except the case specified at Point b of this Clause;

b/ Grades of construction works used to serve the making of work construction designs shall be specified in relevant standards and technical regulations. Grades of construction works used to serve the management of other activities must comply with relevant regulations.

3. The Government shall provide in detail types of construction works.

4. The Minister of Construction shall provide in detail grades of the construction works specified at Point a, Clause 2 of this Article.”.

#### **4. To amend and supplement Article 7 as follows:**

“Article 7. Project owners

1. Project owners shall be identified before construction investment projects are formulated or when such projects are approved or in other cases specified in relevant laws.

2. Depending on funding sources used for construction investment projects, the identification of project owners is as follows:

a/ For a project using public investment funds, the identification of its owner must comply with Clause 3 of this Article and the law on public investment;

b/ For a project using state capital in accordance with relevant laws (below referred to as project using state capital other than public investment funds), its owner is the agency or organization assigned by the investment decider to manage and use capital for construction investment;

c/ For an investment project to be implemented in the public-private partnership form (below referred to as PPP project), its owner is the PPP project enterprise established in accordance with the law on investment in the PPP form;

d/ For a project using lawful investment capital of organizations or individuals other than those specified at Points a, b and c of this Clause (below referred to as project using other capital) and subject to investor selection as required by the law on investment, its owner is the investor approved by a competent state agency. In case more than one investor is involved in a project, the investors may establish an organization or authorize one of them to act as the project owner. In case a relevant law provides selection and recognition of project owners, the selection and recognition of a project owner must satisfy the conditions prescribed by such relevant law;

dd/ For projects other than those specified at Points a, b, c and d of this Clause, their owners are organizations or individuals that invest capital in construction of such projects.

3. Based on specific conditions of projects using public investment funds, investment deciders shall assign specialized construction investment project management units or regional construction investment project management units to act as project owners. In case no project management unit is available or a project management unit is available but unqualified, the investment decider shall assign an agency or organization with managerial experience and capacity to act as the project owner.

4. Project owners shall take responsibility before law, investment deciders and competent state agencies within the ambit of their rights and obligations in accordance with this Law and other relevant laws.”.

**5. To amend and supplement Point c, Clause 2, Article 9 as follows:**

“c/ Construction contractors shall buy insurance for workers working on construction sites and civil liability insurance for third parties.”.

**6. To amend and supplement a number of clauses of Article 10 as follows:**

*a/ To amend and supplement Clause 1 as follows:*

“1. To encourage construction investment activities to conserve, embellish and promote value of historical-cultural relics, and cultural, belief and religious heritages; construction of social houses; and construction investment activities under master plans in mountainous areas, on islands, in areas with extremely difficult socio-economic conditions and areas adversely affected by climate change.”;

*b/ To add Clause 4 below Clause 3 as follows:*

“4. The State shall adopt policies to encourage research into and application of scientific and technological advances and application of information technology in construction investment activities; investment in and certification of construction works meeting energy and natural resource conservation and efficiency and environmental protection requirements; development of ecological and smart urban centers, adaptation to climate change, and sustainable development.”.

**7. To amend and supplement a number of points and clauses of Article 34 as follows:**

*a/ To add Point c below Point b, Clause 2 as follows:*

“c/ Zoning plans on construction of function zones.”;

*b/ To amend and supplement Clause 3 as follows:*

“3. District-level People’s Committees shall approve detailed construction planning and rural planning tasks and plans within administrative boundaries under their respective management after obtaining the written consent of construction planning-managing agencies of provincial-level People’s Committees.”.

**8. To amend and supplement Article 49 as follows:**

“Article 49. Classification of construction investment projects

1. Construction investment projects shall be classified according to their size, importance, service utilities, special characteristics, management purposes, funding sources and investment form.

2. Based on their size and importance, construction investment projects shall be classified into projects of national importance, group-A projects, group-B projects and group-C projects according to the criteria prescribed by the law on public investment.

3. Based on their utilities, special characteristics and management purposes, construction investment projects shall be classified into:

a/ Investment projects on construction of civil works;

b/ Investment projects on construction of industrial works;

c/ Investment projects on construction of technical infrastructure works;

d/ Investment projects on construction of transport works;

dd/ Investment projects on construction of works to serve agriculture and rural development;

e/ Investment projects on construction of national defense and security works;

g/ Investment projects on construction of houses, investment projects on construction of urban centers, and other mixed-use construction investment projects.

4. Based on their funding sources and investment forms, construction investment projects shall be classified into:

a/ Projects using public investment funds;

b/ Projects using state capital other than public investment funds;

c/ PPP projects;

d/ Projects using other funding sources.

5. A construction investment project may use one or more than one funding source; have one or more than one work of different types and grades.

6. The Government shall detail this Article.”.

**9. To amend and supplement Clause 2, Article 50 as follows:**

“2. The division of construction investment projects into component projects and their investment phasing are as follows:

a/ A construction investment project may be divided into component projects when each component project can operate independently. After the division, component projects shall be managed as independent projects. For a project using public investment funds, its division into component projects must comply with the law on public investment. For other projects, the division of a project into component projects shall be decided by the investment decider before formulating such project or when deciding on construction investment but must meet the requirements stated in the construction investment policy decision or approval or relevant regulations (if any), unless otherwise prescribed by law;

b/ Investment phasing shall be indicated in construction investment feasibility study reports and construction investment decisions in conformity with the project implementation schedule and period stated in construction investment policy decisions or approvals.”.

**10. To amend and supplement Article 52 as follows:**

“Article 52. Formulation of construction investment projects

1. Upon construction investment, project owners or agencies or organizations assigned to prepare projects shall formulate construction investment feasibility study reports, except the cases specified in Clauses 3 and 4 of this Article. Contents of construction investment feasibility study reports must conform with requirements of each type of project. The formulation of construction investment feasibility study reports must comply with this Law and other relevant laws.

2. Before construction investment feasibility study reports are formulated, the formulation of construction investment prefeasibility study reports is as follows:

a/ For projects of national importance and group-A projects using public investment funds; PPP projects under the law on investment in the PPP form; or projects falling under the investment policy-approving competence of the National Assembly or the Prime Minister in accordance with the Law on Investment, construction investment prefeasibility study reports shall be formulated;

b/ For projects other than those specified at Point a of this Clause, the formulation of construction investment prefeasibility study reports shall be decided by investment deciders;

c/ Procedures for formulation and appraisal of construction investment prefeasibility study reports must comply with the law on public investment, the law on investment in PPP form and other relevant laws;

d/ Contents of a construction investment prefeasibility study report are specified in Article 53 of this Law, except PPP projects.

3. For the following construction investment projects, only construction investment economic-technical reports are required:

a/ Construction works used for religious purposes;

b/ Small-sized construction works and other works specified by the Government.

4. For construction of separate houses of households and individuals, no construction investment feasibility study reports or construction investment economic-technical reports are required.”.

**11. To add Clause 7 below Clause 6, Article 53 as follows:**

“7. Preliminary assessment of environmental impacts in accordance with the law on environmental protection and other contents specified by relevant laws.”.

**12. To add Point d1 below Point d, Clause 2, Article 54 as follows:**

“d1/ For investment projects on construction of houses or investment projects on construction of urban centers, in addition to the contents specified at Points a, b, c and d of this Clause, it is required to provide information about types of houses and satisfaction of requirements on social houses (if any). Investment projects on construction of urban centers shall be accompanied by written explanations about plans on synchronous construction of technical and social infrastructure facilities of projects and connection to technical and social infrastructure facilities outside projects, and plans on handover of works. The Government shall detail this Point;”.

**13. To amend and supplement Article 56 as follows:**

“Article 56. Appraisal of construction investment feasibility study reports and construction investment economic-technical reports

1. For projects of national importance using public investment funds, the appraisal of these reports must comply with the law on public investment.

2. For PPP projects, the appraisal of these reports must comply with the law on investment in the PPP form. The appraisal by specialized construction agencies shall be carried out under Article 58 of this Law.

3. For construction investment projects other than those specified in Clauses 1 and 2 of this Article, the appraisal shall be carried out as follows:

a/ Investment deciders shall organize appraisal of construction investment feasibility study reports and construction investment economic-technical reports, and assign their attached specialized agencies or organizations or individuals with expertise suitable to characteristics and contents of projects, if no attached specialized agencies are available (below referred to as agencies in charge of appraisal) to appraise the contents specified in Article 57 of this Law;

b/ For the projects specified in Clause 1, Article 58 of this Law, specialized construction agencies shall also appraise the contents specified in Clauses 2 and 3, Article 58 of this Law, except projects for which only construction investment economic-technical reports are required;

c/ For projects subject to requirements on fire and explosion prevention and fighting, environmental protection, and assurance of national defense and security; projects using technologies restricted from transfer and technology-using projects likely to cause adverse impacts on the environment, competent state agencies shall give opinions on or appraise and approve these reports in accordance with relevant laws;

d/ For projects regulated by Points b and c of this Clause, their owners may concurrently submit dossiers to specialized construction agencies and competent state agencies. Results of fulfillment of requirements on fire and explosion prevention and fighting and environmental protection specified at Point c of this Clause shall be sent to specialized construction agencies for use as a basis for making appraisal conclusions.

For procedures for collecting opinions on fire prevention and fighting solutions stated in basic design dossiers in accordance with the law on fire prevention and fighting, project owners may send dossiers to specialized construction agencies under the inter-agency single-window mechanism. Specialized construction agencies shall send such dossiers to competent state agencies for obtaining the latter's opinions for use as a basis for making appraisal conclusions;

dd/ Agencies in charge of appraisal and specialized construction agencies may invite organizations or individuals with expertise and experience to participate in the appraisal or request project owners to select capable organizations or individuals to examine necessary contents for use as a basis for the appraisal. The selection of organizations or individuals to carry out examination to serve the appraisal by specialized construction agencies must comply with the Government's regulations. Expenses for appraising projects and making construction designs and expenses for examination shall be included in total investment amounts of projects;

e/ Agencies in charge of appraisal shall summarize results of the implementation of the provisions of Points a, b, c, d and dd of this Clause, then propose investment deciders to approve projects and decide on construction investment.

4. A dossier to be submitted for appraisal under Clause 3 of this Article must comprise:

a/ A report of the project owner;

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

c/ Relevant documents.

5. The Minister of National Defense and Minister of Public Security shall provide the competence and procedures for appraising construction investment feasibility study reports and construction investment economic-technical reports in conformity with sector-based special management requirements, for construction investment projects serving national defense and security.”.

**14. To amend and supplement Article 57 as follows:**

“Article 57. Appraisal of construction investment feasibility study reports and construction investment economic-technical reports by investment deciders

1. For a construction investment project specified at Point a or c, Clause 1, Article 58 of this Law, an investment decider shall appraise the following contents:

a/ Conformity of the project with investment planning, objectives and scale and other requirements determined in the construction investment policy decision or approval;

b/ Conformity of basic design solutions with designing tasks; a list of applicable standards;

c/ Project implementation organization solutions, project management experience and capacity of the project owner, ground clearance plan, and project implementation form;

d/ Factors ensuring efficiency of the project, including determination of total construction investment; funding sources and fundraising ability according to implementation progress; analysis of financial risks and efficiency and socio-economic efficiency;

dd/ Conformity of the technological plan (if any);

e/ Other contents specified by relevant laws and required by the investment decider.

2. For projects using state capital other than public investment funds which are not specified at Point c, Clause 1, Article 58 of this Law, investment deciders shall appraise the contents specified in Clause 1 of this Article and Clause 2, Article 58 of this Law.

3. For projects using public investment funds and projects using state capital other than non-public investment funds for which only economic-technical reports are required, investment deciders shall appraise the following contents:

a/ Conformity of projects with investment planning, objectives and scale and other requirements determined in construction investment policy decisions or approvals;

b/ Construction drawing designs' satisfaction of requirements on assurance of work safety and measures to ensure safety for adjacent works;

c/ Estimation and valuation of total construction investment amount;

d/ Solutions to organize the project implementation, ground clearance plans and project implementation forms;

dd/ Conformity of technological plans (if any);

e/ Other contents specified by relevant laws and required by investment deciders.

4. For projects using other funding sources, investment deciders shall decide on contents to be appraised to ensure fulfillment of investment and business requirements and compliance with relevant laws.

5. For construction investment projects using technologies subject to restricted transfer or construction investment projects likely to cause adverse impacts on the environment and using technologies in accordance with the law on technology transfer, sector management agencies shall appraise or give opinions on technology under the Government's regulations. Contents and duration of report appraisal or giving of opinions on technology must comply with the law on technology transfer. Appraisal results or opinions of sector management agencies shall be sent to agencies in charge of appraisal of investment deciders for summarization.”.

**15. To amend and supplement Article 58 as follows:**

“Article 58. Appraisal of construction investment feasibility study reports by specialized construction agencies

1. Specialized construction agencies shall appraise construction investment feasibility study reports of:

a/ Projects using public investment funds;

b/ PPP projects;

c/ Construction investment projects using state capital other than public investment funds which are of group B or higher group or involve works greatly affecting safety and interests of the community; and,

d/ Construction investment projects using other funding sources which are of a large scale or involve works greatly affecting safety and interests of the community.

2. For the construction investment projects specified at Points a, b and c, Clause 1 of this Article, specialized construction agencies shall appraise the following contents:

a/ Compliance with regulations on formulation of construction investment projects and basic designs; conditions on construction operation capacity of organizations and individuals engaged in construction practice;

b/ Conformity of basic designs with construction master plans and other technical or specialized master plans in accordance with the planning law or plans on work lines and locations approved by competent state agencies;

c/ Conformity of projects with investment policies decided or approved by competent state agencies, implementation programs or plans, and other requirements of projects in accordance with relevant laws (if any);

d/ Connectivity of regional technical infrastructure facilities; ability to provide sufficient technical infrastructure and assignment of the responsibility to manage works in accordance with relevant laws, for investment projects on construction of urban centers;

dd/ Conformity of basic design solutions with requirements on assurance of construction safety; fulfillment of requirements on fire and explosion prevention and fighting and environmental protection;

e/ Conformity with technical regulations and application of standards in accordance with the law on standards and technical regulations;

g/ Compliance with regulations on determination of total construction investment.

3. For the construction investment projects specified at Point d, Clause 1 of this Article, specialized construction agencies shall appraise the contents specified at Points a, b, c, d, dd and e, Clause 2 of this Article.

4. The Government shall provide in detail construction investment projects of a large scale or involving works that greatly affect safety and interests of the community.”.

**16. To amend and supplement Article 59 as follows:**

“Article 59. Time limit for appraisal of construction investment feasibility study reports

1. The time limit for appraising a construction investment feasibility study report shall be counted from the date an appraising agency or organization receives a complete and valid dossier.

2. The time limit for appraising construction investment feasibility study reports of projects using public investment funds is as follows:

a/ For projects of national importance, the time limit for appraisal must comply with the law on public investment;

b/ For group-A projects, the time limit for appraisal is 40 days, including 35 days at most for appraisal by a specialized construction agency;

c/ For group-B projects, the time limit for appraisal is 30 days, including 25 days at most for appraisal by a specialized construction agency;

d/ For group-C projects, the time limit for appraisal is 20 days, including 15 days at most for appraisal by a specialized construction agency.

3. For construction investment projects other than those specified in Clause 2 of this Article, the time limit for appraising their construction investment feasibility study reports shall be considered and decided by investment deciders. For projects subject to appraisal by specialized construction agencies, the time limit for appraisal by such agencies must comply with Clause 2 of this Article. Particularly for projects of national importance not using public investment funds, the time limit for appraisal by specialized construction agencies is 80 days.”.

**17. To amend and supplement Article 60 as follows:**

“Article 60. Competence to decide on construction investment

1. For projects using public investment funds, the competence to decide on construction investment must comply with the law on public investment.

2. For construction investment projects of enterprises using state investment capital, the competence to decide on construction investment must comply with the law on management and use of state capital invested in production and business at enterprises and other relevant laws.

3. For PPP projects, the competence to decide on construction investment must comply with the law on investment in the PPP form.

4. For projects using state capital other than public investment funds, except those specified in Clause 2 of this Article, and projects using other funding sources, their owners or owners' representatives shall decide on construction investment or comply with relevant laws.”.

**18. To add Point dd below Point d, Clause 1, Article 61 as follows:**

“dd/ Upon adjustment of investment policy leading to adjustment of projects.”.

**19. To amend and supplement Article 62 as follows:**

“Article 62. Organizational forms of construction investment project management

1. Based on scale, characteristics, funding sources to be used and conditions for implementation of projects, investment deciders shall decide to apply one of the following organizational forms of project management:

a/ Specialized construction investment project management unit or regional construction investment project management unit;

b/ Single-project construction investment project management unit;

c/ Project owners' attached professional apparatuses as project management units;

d/ Project management consultancy organizations.

2. Specialized construction investment project management units or regional construction investment project management units may be applied to projects using public investment funds when investment deciders assign the project management task concurrently or continuously for projects in the same sector or locality.

3. Project management units and construction investment project management consultancy organizations must fully satisfy capacity conditions prescribed in Article 152 of this Law.

4. The Government shall detail this Article.”.

**20. To amend and supplement Clause 1, Article 64 as follows:**

“1. Project owners shall establish single-project construction investment project management units to directly manage their projects.”

**21. To amend and supplement Article 71 as follows:**

“Article 71. Rights and responsibilities of agencies and organizations appraising and examining construction investment feasibility study reports and construction investment economic-technical reports

1. Agencies in charge of appraisal have the following rights:

a/ To request project owners, and organizations and individuals that make and examine construction investment feasibility study reports and construction investment economic-technical reports to provide, explain and clarify information to serve the appraisal;

b/ To request project owners to hire consultancy organizations to carry out examination or invite fully capable and experienced organizations and individuals to participate in the appraisal when necessary;

c/ To reserve appraisal results and refuse to fulfill requests for falsification of appraisal results or requests falling beyond their capacity and appraisal scope.

2. Agencies in charge of appraisal have the following responsibilities:

a/ To appraise construction investment feasibility study reports and construction investment economic-technical reports in accordance with this Law and summarize appraisal opinions and results of related agencies and organizations before submitting them to investment deciders for project approval and construction investment decision;

b/ To take responsibility before law and investment deciders for jobs they have performed.

3. Specialized construction agencies have the following rights:

a/ To request project owners, and organizations and individuals that make and examine construction investment feasibility study reports and basic designs to provide, explain and clarify information to serve the appraisal;

b/ To request planning and architecture management agencies of localities where projects are located to provide information about relevant master plans when necessary;

c/ To request project owners to hire consultancy organizations to carry out examination or invite fully capable and experienced organizations and individuals to participate in the appraisal when necessary;

d/ To reserve appraisal results and refuse to fulfill requests for falsification of appraisal results.

4. Specialized construction agencies have the following responsibilities:

a/ To appraise construction investment feasibility study reports in accordance with this Law;

b/ To notify in writing appraisal opinions and results to project owners and related agencies;

c/ To take responsibility before law for results of jobs they have performed.

5. Examining organizations have the following rights:

a/ To request project owners, and organizations and individuals that make construction investment feasibility study reports, construction investment economic-technical reports and basic designs to provide, explain and clarify information to serve the examination;

b/ To reserve examination results and refuse to fulfill requests for falsification of examination results or requests falling beyond their capacity and examination scope.

6. Examining organizations have the following responsibilities:

a/ To examine construction investment feasibility study reports and construction investment economic-technical reports at the request of project owners and in accordance with this Law;

b/ To explain and clarify examination results to serve the appraisal;

c/ To take responsibility before law and project owners for results of jobs they have performed.”.

**22. To amend and supplement a number of points and clauses of Article 72 as follows:**

*a/ To amend and supplement Point a, Clause 1 as follows:*

“a/ To approve or authorize others to approve construction investment projects and final accounts of construction investment costs. For projects using public investment funds and PPP projects, the delegation of powers or authorization for approval of projects must comply with the law on public investment and the law on investment in the PPP form;”;

*b/ To annul Point d, Clause 2.*

**23. To amend and supplement Article 78 as follows:**

“Article 78. General provisions on construction designs

1. Construction designs include:

a/ Preliminary designs in construction investment prefeasibility study reports,

b/ Basic designs in construction investment feasibility study reports or construction drawing designs in construction investment economic-technical reports;

c/ Designs to be implemented after basic designs, including front-end engineering designs (FEEDs), technical designs, construction drawing designs and other designs (if any) according to international practices.

2. A construction design shall be carried out according to single-step or multiple-step procedures, specifically as follows:

a/ Single-step design is construction drawing design;

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

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

d/ Multiple-step design shall be carried out according to international practices.

3. Investment deciders shall decide on the number of construction designing steps upon approving projects or deciding on construction investment.

4. A construction design dossier to be implemented after a basic design must comprise a design explanation, design drawings, relevant construction survey documents, construction cost estimates and technical instructions (if any) as requested by the project owner.

5. A construction drawing design shall be made by a design consultancy organization or construction contractor for the whole construction work or each work item or each work construction stage at the request of the project owner.

6. The Government shall prescribe in detail construction designing steps, and appraisal, approval and modification of construction designs.”.

**24. To amend and supplement Article 82 as follows:**

“Article 82. Appraisal and approval of construction designs to be implemented after basic designs

1. Project owners shall organize appraisal of construction designing steps to be implemented after basic designs specified in Clause 2 of this Article before

approving them, except cases where it is otherwise provided by investment deciders in construction investment decisions. For other designing steps, project owners shall decide on control of designs under contracts between project owners and contractors and under relevant laws.

2. Project owners shall appraise the contents specified in Article 83 of this Law for:

a/ FEEDs, in case of performing engineering-procurement-construction (EPC) contracts;

b/ Technical designs, in case of three-step design;

c/ Construction drawing designs, in case of two-step design;

d/ Other designing steps to be implemented right after the basic design step, in case of multiple-step design according international practices.

3. The construction works specified in Clause 1, Article 83a of this Law must have their construction designs appraised by specialized construction agencies based on the contents specified in Clause 2, Article 83a of this Law. Appraising agencies may invite fully capable and experienced organizations or individuals to participate in the appraisal of construction designs.

4. For construction works subject to fire and explosion prevention and fighting, environmental protection and national defense and security assurance requirements, it is required to obtain opinions of or be appraised and approved by competent state agencies in accordance with relevant laws.

5. For the construction works specified in Clauses 3 and 4 of this Article, project owners may concurrently submit their dossiers to specialized construction agencies and competent state agencies. Results of fulfillment of fire and explosion prevention and fighting and environmental protection requirements mentioned in Clause 4 of this Article shall be sent to specialized construction agencies for use as a basis for making appraisal conclusions.

6. Construction works that greatly affect safety and interests of the community must have their construction designs examined by organizations or individuals with full construction operation capacity regarding contents of work safety and conformity with relevant standards and technical regulations as a basis for the appraisal.

7. Project owners shall summarize documents of specialized construction agencies and related agencies and organizations; fulfill requests (if any); and approve construction designs under Clause 8 of this Article.

8. Project owners shall approve construction designing steps to be implemented after basic designs under Clause 2 of this Article. Project owners may decide on approval of other designing steps.

9. The Minister of National Defense and Minister of Public Security shall provide the competence and procedures for appraising and approving construction designs in conformity with sector-based special management requirements for construction works serving national defense and security.”.

**25. To amend and supplement Article 83 as follows:**

“Article 83. Appraisal of construction designs to be implemented after basic designs by project owners

1. For a construction work using public investment funds or a construction work using state capital other than public investment funds, the project owner shall appraise the following contents:

a/ The construction design’s satisfaction of requirements of the designing task stated in the design contract and specified by relevant laws;

b/ Conformity of the construction design with requirements on technology line and equipment (if any);

c/ Estimation of work construction costs; conformity of estimated construction cost value with value of total construction investment; determination of estimated construction cost value.

2. For construction works of PPP projects, contents of appraisal of construction designs are specified in Clause 1 of this Article and PPP project contracts.

3. For the construction works specified in Clause 6, Article 82 of this Law and not specified in Clause 1, Article 83a of this Law, project owners shall base themselves on the contents specified in Clause 1 of this Article and Clause 2, Article 83a of this Law to appraise and approve construction designs.

4. For construction works other than those specified in Clauses 1, 2 and 3 of this Article, project owners shall decide on contents to be appraised in order to ensure satisfaction of requirements of the designing task and contracts and compliance with relevant laws.”.

**26. To add Article 83a below Article 83 as follows:**

“Article 83a. Appraisal of construction designs to be implemented after basic designs by specialized construction agencies

1. Specialized construction agencies shall appraise the construction designing steps specified in Clause 2, Article 82 of this Law for:

a/ Construction works using public investment funds;

b/ Construction works using state capital other than public investment funds of projects of group B or higher group or construction works that greatly affect safety and interests of the community;

c/ Construction works of PPP projects;

d/ Construction works that greatly affect safety and interests of the community, use other funding sources and are built in areas without urban construction master plans, master plans on construction of functional zones or detailed plans on construction of rural residential areas.

2. For the construction works specified at Points a and b, Clause 1 of this Article and construction works of PPP component projects using public investment funds, contents of appraisal of construction designs by specialized construction agencies include:

a/ Compliance with regulations on formulation and examination of construction designs and conditions on construction operation capacity of organizations and individuals participating in survey, designing and design examination;

b/ Conformity of construction designs with basic designs appraised by specialized construction agencies;

c/ Checking of results of examination by consultancy organizations regarding satisfaction of requirements on work safety, conformity with technical regulations and regulations on application of designing standards, for cases subject to design examination specified in Clause 6, Article 82 of this Law;

d/ Compliance with regulations on construction cost estimation;

dd/ Checking of fulfillment of fire and explosion prevention and fighting and environmental protection requirements;

e/ Checking of fulfillment of other requirements prescribed by relevant laws.

3. For the construction works specified at Point d, Clause 1 of this Article and construction works of PPP projects other than those specified in Clause 2 of this Article, specialized construction agencies shall appraise the contents specified at Points a, b, c, dd and e, Clause 2 of this Article.”.

**27. To amend and supplement Article 85 as follows:**

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

1. Project owners have the following rights:

a/ To carry out construction designing and examine construction designs by themselves when fully satisfying construction operation and practice capacity conditions suitable to types and grades of construction works;

b/ To select contractors to make and examine construction designs in case they are unable to do so by themselves;

c/ To negotiate and enter into contracts on construction designing and construction design examination; to supervise the performance of signed contracts and request contractors to properly perform such contracts; to suspend or terminate contracts in accordance with the terms of such contracts and relevant regulations;

d/ Other rights as provided in contracts and relevant regulations.

2. Project owners have the following obligations:

a/ To select contractors that fully satisfy construction and practice capacity conditions suitable to types and grades of construction works to make and examine construction designs;

b/ To identify construction designing tasks;

c/ To provide sufficient information and documents to construction designing and construction design examination contractors;

d/ To properly perform signed construction designing contracts; to pay compensation for damage caused by their breaches of signed construction designing contracts;

dd/ To appraise and approve construction designs in accordance with this Law;

e/ To take responsibility before law and investment deciders for results of jobs they have performed;

g/ To archive construction design dossiers;

h/ Other obligations as provided in contracts and relevant laws.”.

**28. To amend and supplement Article 87 as follows:**

“Article 87. Rights and responsibilities of specialized construction agencies in appraising construction designs

1. Specialized construction agencies have the following rights:

a/ To request project owners and organizations and individuals that formulate and examine construction designs to provide, explain and clarify necessary information to serve the appraisal under regulations;

b/ To request project owners to select consultancy organizations to carry out examination; to invite fully capable and experienced organizations and individuals to participate in the appraisal when necessary;

c/ To reserve appraisal results and refuse to fulfill requests for falsification of appraisal results or requests falling beyond their capacity and appraisal scope.

2. Specialized construction agencies have the following responsibilities:

a/ To appraise construction designs in accordance with this Law;

b/ To notify in writing appraisal opinions and results to project owners and local state management agencies in charge of construction for monitoring and management of construction;

c/ To take responsibility before law for results of jobs they have performed.”.

**29. To add Article 87a below Article 87 as follows:**

“Article 87a. Rights and obligations of organizations examining construction designs

1. Examining organizations have the following rights:

a/ To request project owners, and organizations and individuals that make construction designs to provide, explain and clarify information to serve the examination;

b/ To reserve examination results, and refuse to fulfill requests for falsification of examination results or requests falling beyond their capacity and examination scope.

2. Examining organizations have the following obligations:

a/ To examine construction designs as requested by project owners;

b/ To explain and clarify examination results for use as a basis for appraisal by project owners and specialized construction agencies;

c/ To take responsibility before law and project owners for results of jobs they have performed.”.

**30. To amend and supplement Article 89 as follows:**

“Article 89. General provisions on grant of construction permits

1. Construction works must have construction permits granted by competent state agencies to project owners in accordance with this Law, except the cases specified in Clause 2 of this Article.

2. Construction works exempt from construction permit include:

a/ Works involving state secrets; works constructed in cases of emergency;

b/ Works of projects using public investment funds in which construction investment is decided by the Prime Minister, heads of central bodies of political organizations, the Supreme People's Procuracy, Supreme People's Court, State Audit of Vietnam, Office of the President, Office of the National Assembly, ministries, ministerial-level agencies, government-attached agencies, central bodies of the Vietnam Fatherland Front and socio-political organizations, or chairpersons of People's Committees at all levels;

c/ Makeshift construction works specified in Article 131 of this Law;

d/ Works with repaired or renovated interior sections or works with repaired or renovated exterior sections not adjacent to urban roads and subject to architecture management requirements under regulations of competent state agencies, provided that the repaired or renovated sections do neither alter utilities nor affect force-bearing structure safety of such works and conform to construction master plans approved by competent state agencies and satisfy fire and explosion prevention and fighting and environmental protection requirements;

dd/ Advertising works not subject to grant of construction permits in accordance with the advertising law; passive telecommunications technical infrastructure works as specified by the Government;

e/ Construction works located in two or more provincial-level administrative units, construction works in lines outside urban areas under construction master plans or technical or specialized master plans approved by competent state agencies;

g/ Construction works for which specialized construction agencies notify that, after being appraised, construction designs to be implemented after basic designs are eligible for approval, and which satisfy the conditions for grant of construction permits in accordance with this Law;

h/ Separate houses with under 7 stories of investment projects on construction of urban centers or housing construction investment projects for which detailed 1:500-scale plans have been approved by competent state agencies;

i/ Grade-IV construction works and separate houses in rural areas with under 7 stories and located in areas for which no detailed urban master plans or master plans on construction of functional zones or detailed plans on construction of rural residential areas approved by competent state agencies are available; grade-IV construction works and separate houses in mountainous areas and on islands for which no urban master plans or master plans on construction of functional zones are available, except works and separate houses constructed in conservation zones or historical-cultural relics;

k/ Projects owners constructing the works specified at Points b, e, g, h and i of this Clause, except separate houses specified at Point i of this Article, shall send notices of the date of construction commencement and construction design dossiers under regulations to local state management agencies in charge of construction for management.

3. Construction permits include:

a/ New construction permits;

b/ Repair or renovation permits;

c/ Work relocation permits;

d/ Definite-term construction permits.

4. A work may be granted a construction permit according to its construction stages when having the construction design to be implemented after the basic design for each stage appraised and approved in accordance with this Law.

5. For a construction investment project involving multiple works, a construction permit(s) shall be granted for one, several or all of its works when the construction of such works needs to be simultaneously carried out while ensuring satisfaction of requirements on conditions and time limit for grant of a construction permit and synchronism of the project.”.

**31. To amend and supplement Clause 2 of Article 91 as follows:**

“2. Being conformable with land use purposes in accordance with the land law.”.

**32. To amend and supplement Point a, Clause 1, Article 93 as follows:**

“a/ Being conformable with land use purposes in accordance with the land law and architecture management regulations issued by competent state agencies;”.

**33. To amend and supplement Article 94 as follows:**

“Article 94. Conditions for grant of definite-term construction permits

1. General conditions for grant of a definite-term construction permit for a construction work:

a/ Being located in an area for which a construction zoning plan, zoning plan on construction of functional zones, or a detailed plan or detailed plan on construction of functional zones has been approved and announced by a competent state agency but not yet implemented and no land recovery decision is issued by a competent state agency;

b/ Being of the size prescribed by the provincial-level People’s Committee for each area and having an existence period under a plan on implementation of a construction zoning plan, zoning plan on construction of functional zones or a detailed plan or detailed plan on construction of functional zones approved by a competent state agency;

c/ Being conformable with the land use purpose determined in lawful land papers of the definite-term construction permit applicant;

d/ Upon the expiration of the existence period of the work stated in the definite-term construction permit and when a competent state agency issues a land recovery decision, the project owner shall undertake to dismantle the work by himself/herself/itself; if failing to dismantle the work, the project owner shall be coerced to do so and bear all expenses for the dismantlement. Upon the expiration of the existence period of the work, if the construction master plan has not yet been implemented, the project owner may continue using the work until the competent state agency issues a land recovery decision. Support for work dismantlement shall be provided in accordance with the land law.

2. To be granted definite-term construction permits, construction works must satisfy the conditions prescribed in Clause 1 of this Article and Clauses 3, 4 and 5, Article 91 of this Law.

3. To be granted definite-term construction permits, separate houses must satisfy the conditions prescribed in Clause 1 of this Article and at Points b, c and d, Clause 1, Article 93 of this Law.

4. For construction works or separate houses for which definite-term construction permits have been granted, if, upon the expiration of their existence period stated in construction permits, such period is extended under the modified construction master plan, the agency that has granted construction permits shall notify the extension of such existence period. In case project owners still wish to construct new works or repair or renovate existing works, definite-term

construction permits shall be granted with the validity period equal to that of the modified construction master plan.

5. For the construction works or separate houses specified at Point a, Clause 1 of this Article and for which district-level annual land use plans have been approved, definite-term construction permits shall not be granted for construction of new works but shall only be granted for repair and renovation of existing works.

After 3 years from the date of announcement of district-level annual land use plans, if competent state agencies have neither issued land recovery decisions nor permitted land use purpose change under such plans without any modification or annulment of such plans or without announcement of any modification or annulment of such plans, land users may apply for definite-term construction permits under Clause 2 or 3 of this Article.”.

**34. To amend and supplement a number of points and clauses of Article 95 as follows:**

*a/ To amend and supplement Point dd, Clause 2 as follows:*

“dd. Copies or identification numbers of practice certificates of organizations making or examining construction designs or practice certificates of persons in charge of making work construction designs and examining work construction designs granted under regulations.”;

*b/ To amend and supplement Point b, Clause 4 as follows:*

“b/ Written opinions on necessity of construction and size of construction works of specialized agencies in charge of belief and religion of provincial-level People’s Committees.”;

*c/ To amend and supplement Clause 6 as follows:*

“6. Dossiers of application for construction permits for advertising works shall be made in accordance with the advertising law.”.

**35. To amend and supplement Clause 4, Article 96 as follows:**

“4. A written approval, issued by the state management agency in charge of culture, of necessity of construction and size of the construction work, for ranked historical-cultural relics and scenic works.”.

**36. To amend and supplement a number of points and clauses of Article 102 as follows:**

*a/ To amend and supplement Point d, Clause 1 as follows:*

“d/ The agency competent to grant construction permits shall check the conditions prescribed in this Law before sending written requests for opinions of

state management agencies in charge of fields related to construction works in accordance with law;”;

*b/ To amend and supplement Point e, Clause 1 as follows:*

“e/ From the date of receiving a complete and valid dossier, the agency competent to grant construction permits shall examine the dossier for grant of a permit within 20 days, in case of grant of construction permits, including also definite-term construction permits, modified construction permits and work relocation permits, or within 15 days, for separate houses. Upon expiration of the time limit for grant of a construction permit, if the agency competent to grant construction permits needs more time for further examination, it shall notify in writing the reason to the project owner and concurrently report it to the directly managing authority for consideration and direction, provided that the extended time limit must not exceed 10 days from the date of expiration prescribed in this Clause. The time limit for grant of construction permits for advertising works must comply with the advertising law.”;

*c/ To amend and supplement Clause 5 as follows:*

“5. The Government shall prescribe in detail the grant of construction permits.”.

**37. To annul Clause 1, and amend and supplement Clauses 2 and 3, Article 103 as follows:**

“2. Provincial-level People’s Committees shall grant construction permits for works requiring construction permits in their localities, except those specified in Clause 3 of this Article. Provincial-level People’s Committees shall delegate powers to or authorize provincial-level Departments of Construction, management boards of industrial parks, export processing zones, hi-tech parks or economic zones, or district-level People’s Committees to grant construction permits within the ambit of their functions and management powers.

3. District-level People’s Committees shall grant construction permits for works of grade III or grade IV and separate houses in localities under their management.”.

**38. To amend and supplement Point c, Clause 2, Article 106 as follows:**

“c/ To notify the date of construction commencement under Point e, Clause 1, Article 107 of this Law;”.

**39. To amend and supplement Clause 1, Article 107 as follows:**

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

a/ There is a construction ground for handover in whole or in part according to the construction progress;

b/ There is a construction permit, for works requiring construction permits under Article 89 of this Law;

c/ There are approved construction drawing designs of work items or works to be constructed;

d/ There are contracts signed between the project owner and contractors that carry out construction activities related to works to be constructed in accordance with law;

dd/ There are measures to ensure safety and environmental protection in the course of construction;

e/ The project owner sends a notice of the date of construction commencement to the local state management agency in charge of construction at least 3 working days before the date of construction commencement.”.

**40. To amend and supplement Article 110 as follows:**

“Article 110. Building materials

1. Development, production and use of building materials must ensure safety, efficiency, environmental friendliness and rational use of natural resources.

2. Materials and structures to be used for construction works must comply with approved construction designs and technical instructions (if any) and satisfy quality requirements in accordance with the law on standards and technical regulations and the law on product and goods quality.

3. Building materials to be used for production, manufacture and processing of semi-finished products must comply with Clauses 1 and 2 of this Article.

4. Priority shall be given to using local building materials; domestically produced and manufactured building materials and products; and products with high localization rate.

5. The Government shall detail this Article.”.

**41. To amend and supplement Point b, Clause 1, Article 112 as follows:**

“b/ To negotiate and sign construction contracts; to supervise and request construction contractors to strictly perform signed contracts; to consider and approve construction measures and measures to ensure safety and environmental sanitation proposed by contractors;”.

**42. To amend and supplement Point b, Clause 2, Article 113 as follows:**

“b/ To make and submit construction measures to project owners for approval, specifying measures to ensure safety and environmental sanitation;”.

**43. To amend and supplement Article 115 as follows:**

“Article 115. Safety in construction of works

1. In the course of construction of works, construction contractors shall ensure safety for humans, construction works, property, equipment and vehicles, and ensure fire and explosion prevention and fighting and environmental protection.

2. Project owners shall supervise the implementation of regulations on safety by construction contractors; suspend or terminate the construction when detecting signs of violation of safety rules or incidents affecting the safety of works; coordinate with contractors in handling and remediating incidents or occupational accidents upon their occurrence; and promptly notify fatal incidents or occupational accidents to competent state agencies.

3. Construction contractors shall zone off dangerous areas in work construction; devise and propose measures to ensure safety for humans, construction works, property, equipment and vehicles in dangerous areas in work construction to project owners for approval; review safety assurance measures on a regular or irregular basis so as to adjust them to suit actual construction conditions.

4. In case dangerous areas in work construction greatly affect safety of the community, project owners shall report on approved safety assurance measures to specialized construction agencies for inspection in the course of construction.

5. Machinery, equipment and supplies serving the construction and subject to strict safety requirements shall be inspected before being put into use.

6. The Government shall detail this Article.”.

**44. To amend and supplement Article 118 as follows:**

“Article 118. Dismantlement of construction works

1. Construction works shall be dismantled in the following cases:

a/ For clearance of ground areas for construction of new works or makeshift works;

b/ The works are likely to collapse, thus affecting the community and adjacent works; the works are required to be urgently dismantled in order to promptly prevent and control, and remediate consequences of, natural disasters,

catastrophes or epidemics, or to perform urgent tasks to ensure national defense, security and external relations under decisions of competent state agencies;

c/ The works are constructed in no-construction zones specified in Clause 3, Article 12 of this Law;

d/ The works are constructed at variance with construction master plans, or constructed without construction permits, for works requiring permits under regulations, or constructed at variance with contents in construction permits;

dd/ The works are constructed on public land, land under lawful use rights of organizations or individuals; or constructed against approved designs, for works exempted from construction permits;

e/ Separate houses need to be dismantled for construction of new ones.

2. The dismantlement of construction works must ensure safety and environmental protection and comply with the following procedures:

a/ To formulate dismantlement plans and solutions. For works subject to dismantlement or forcible dismantlement decisions, such a decision is required;

b/ To examine and approve designs of construction work dismantlement plans and solutions, for construction works that greatly affect the safety and interests of the community;

c/ To organize the dismantlement of construction works;

d/ To supervise and test before acceptance the dismantlement of construction works.

3. Responsibilities of parties involved in the dismantlement of construction works:

a/ Project owners, owners, managers and users of works or persons assigned to take charge of the dismantlement of construction works shall organize the dismantlement according to the procedures specified in Clause 2 of this Article; formulate and examine designs of construction work dismantlement plans and solutions if fully satisfying capacity conditions or hire fully capable and experienced consultancy organizations to do so, and carry out the dismantlement; and take responsibility before law and pay compensations for damage caused by their faults;

b/ Contractors assigned to carry out the dismantlement of works shall devise measures to dismantle works in conformity with approved dismantlement plans and solutions; dismantle works using approved dismantlement measures and under dismantlement decisions or forcible dismantlement decisions (if any);

monitor works; ensure safety for humans, property, works and adjacent works; and bear responsibility before law and pay compensations for damage caused by their faults;

c/ Persons competent to decide on dismantlement of works shall take responsibility before law for consequences of their failure to issue or promptly issue decisions or for issuance of unlawful decisions;

d/ Organizations and individuals that own or are using works subject to dismantlement shall abide by dismantlement decisions of competent state agencies; in case of failure to abide by such decisions, they shall be forced to do so and bear all expenses for the dismantlement.

4. The Government shall prescribe in detail the dismantlement of construction works and dismantlement of construction works in emergency cases.”.

**45. To amend and supplement Clauses 4 and 5, Article 123 as follows:**

“4. For construction works of projects of national importance, large-sized works with complicated technical requirements; works that greatly affect safety and interests of the community; and works using public investment funds, it is required to examine pre-acceptance tests in the course of construction and upon completion of construction of works. The responsibility to examine pre-acceptance tests is as follows:

a/ A council established by the Prime Minister shall examine pre-acceptance tests with regard to construction works of projects of national importance and large-sized works with complicated technical requirements;

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

5. The Government shall prescribe in detail the quality management, pre-acceptance test and remediation of incidents of construction works and large-sized works with complicated technical requirements.”.

**46. To add a new point and a new clause to Article 124 as follows:**

*a/ To add Point c below Point b, Clause 1 as follows:*

“c/ For an investment project on construction of an urban center, all or several of works of such project may be handed over for use, provided that construction investment has been completed before the handover to ensure complete technical and social infrastructure facilities according to investment phases and approved construction designs, connection with common technical

infrastructure facilities of the region, and conformity with the project contents and approved master plans.”;

*b/ To add Clause 5 below Clause 4 as follows:*

“5. For investment projects on construction of urban centers, in addition to Clauses 1, 2, 3 and 4 of this Article, project owners shall hand over technical and social infrastructure facilities and other works under the Government’s regulations.”.

**47. To amend and supplement a number of clauses of Article 126 as follows:**

*a/ To amend and supplement Clause 1 as follows:*

“1. Requirements on maintenance of construction works are as follows:

a/ Once put into use, construction works and their items shall be maintained;

b/ The maintenance process shall be established and approved by project owners before construction works and their items are put into use; must be suitable to use purposes, types and grades of construction works and their items and equipment constructed and installed in works;

c/ The maintenance of works must ensure safety for humans, property and the works.”;

*b/ To amend and supplement Clause 4, and add Clause 5 below Clause 4 as follows:*

“4. For large-sized works with complicated technical requirements and works that greatly affect safety and interests of the community, it is required to organize regular evaluation of work safety in the course of operation and use.

5. The Government shall prescribe in detail the maintenance and regular evaluation of safety of construction works in the course of use and responsibility to announce construction works with expired use duration.”.

**48. To amend and supplement Article 130 as follows:**

“Article 130. Construction of emergency works

1. Emergency construction works include:

a/ Works to be constructed, or repaired or renovated in order to help prevent and control, and remediate consequences of, natural disasters, catastrophes, epidemics, or to perform urgent tasks to ensure national defense, security and external relations under decisions of competent authorities;

b/ Works to be constructed, or repaired or renovated in a swift manner to promptly meet requirements on addressing pressing issues related to assurance of energy security, water resources, response to environmental incidents, or development of the system of technical infrastructure facilities under the Prime Minister's decisions.

2. Ministers, heads of central agencies, and chairpersons of People's Committees at all levels may decide on construction of works specified at Point a, Clause 1 of this Article under their respective management. Persons assigned to manage or carry out the construction of works may decide by themselves on all jobs in construction investment activities in order to organize the construction of works to ensure progress and quality of works and take responsibility for their decisions. For emergency construction works using public investment funds, the order and procedures for investment decision must comply with the law on public investment.

3. The Prime Minister shall decide on special mechanisms applicable to different works specified at Point b, Clause 1 of this Article, including those for construction survey and designing; and forms of contractor selection, and other special mechanisms according to his/her competence in order to speed up the progress of construction investment. Persons assigned to manage or carry out the construction of works shall implement such special mechanisms under the Prime Minister's decisions and perform other jobs related to the construction investment in accordance with relevant laws.

4. After completing the construction of emergency works, persons assigned to construct emergency works shall:

a/ Inspect and reevaluate quality of constructed works and provide warranty for the works;

b/ Complete dossiers of completed works and archive dossiers and documents in accordance with the construction law;

c/ Make account finalization for the works in accordance with law.

5. Persons assigned to manage the use of emergency construction works shall make plans on management of use of the works or dismantlement of the works for return of ground areas in case the works are unconformable with relevant construction master plans in accordance with this Law.”.

**49. To amend and supplement Article 131 as follows:**

“Article 131. Construction of makeshift works

1. Makeshift construction works are works constructed for definite-term existence for the following purposes:

a/ Construction of main works;

b/ Use for organization of events or other activities during the period specified in Clause 2 of this Article.

2. The makeshift works specified at Point b, Clause 1 of this Article must have their locations, scale and existence period approved by provincial-level or district-level People's Committees.

3. Project owners and construction contractors shall themselves organize appraisal and approval of construction designs and cost estimates and construct makeshift works. For works that greatly affect safety and interests of the community, their construction designs shall be examined in terms of safety assurance conditions and sent to local specialized construction agencies for monitoring and examination under regulations.

4. Makeshift construction works shall be dismantled after main works of construction investment projects are put into operation and use or upon expiration of their existence periods. Project owners may request provincial-level or district-level People's Committees to permit further operation and use of the makeshift construction works specified at Point a, Clause 1 of this Article provided such works are conformable with relevant master plans; meet requirements on force-bearing safety, fire and explosion prevention and fighting, and environmental protection, and comply with relevant regulations.”.

**50. To amend and supplement Clause 2, Article 132 as follows:**

“2. The State shall manage construction investment costs through issuing, and guiding and examining the implementation of, regulations; providing the application of necessary tools in the management of construction investment costs.”.

**51. To amend and supplement Clauses 3 and 4, and add Clauses 5 and 6 below Clause 4, Article 136 as follows:**

“3. The application of, or reference to, the system of construction norms mentioned in Clause 1 of this Article issued by ministers of ministries managing specialized construction works or chairpersons of provincial-level People's Committees is as follows:

a/ For projects using public investment funds, their owners shall base themselves on regulations on management of costs and apply the system of issued norms to determine and manage construction investment costs;

b/ For projects using state capital other than public investment funds and PPP projects, their owners shall base themselves on regulations on management of costs and refer to the system of issued norms to determine and manage construction investment costs;

c/ For projects using other funding sources, their owners shall refer to the system of issued norms to determine and manage construction investment costs.

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

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

5. The Government shall regularly review, update and adjust the system of issued construction norms.

6. The Minister of Construction shall prescribe the determination of new construction norms and adjustment of construction norms that are no longer appropriate to particular requirements of works; and the determination of construction price indexes for a work located in two or more provincial-level administrative units.”.

**52. To amend and supplement Clause 1, Article 137 as follows:**

“1. The payment and account finalization for construction investment projects must comply with regulations on management of investment capital. The payment and account finalization for projects using public investment funds must comply with this Law and the law on public investment. Project owners shall take responsibility before law for accuracy and lawfulness of unit prices, volumes and values requested for payment and account finalization in payment and account finalization dossiers.”.

**53. To amend and supplement a number of clauses of Article 148 as follows:**

*a/ To amend and supplement Clauses 3 and 4 as follows:*

“3. Holders of titles and individuals practicing construction activities who are required to possess practice certificates in accordance with this Law include construction investment project managers; managers or persons in charge of construction planning designing; construction survey managers; managers or persons in charge of construction designing or construction design examination;

construction supervision consultants; and persons in charge of construction investment cost estimation, examination and management. Practice certificates shall be classified into class I, class II and class III.

4. Organizations participating in construction activities must possess capacity certificates in accordance with this Law, for construction investment project management consultancy; construction survey; construction planning designing; construction designing or construction design examination; work construction; and work construction supervision consultancy. Capacity certificates of organizations shall be classified into class I, class II and class III. The specialized construction agency of the Ministry of Construction shall grant class-I capacity certificates; provincial-level Departments of Construction and socio-professional organizations fully satisfying conditions prescribed by the Government shall grant class-II and class-III capacity certificates.”;

*b/ To amend and supplement Clause 5 as follows:*

“5. The Government shall prescribe in detail capacity conditions for organizations and individuals participating in construction activities; programs, contents and forms of holding tests for grant of practice certificates; grant, re-grant, conversion and revocation of practice certificates; and conditions, competence, order and procedures for grant and revocation of construction permits for contractors being foreign organizations or individuals.”.

**54. To amend and supplement a number of points and clauses of Article 152 as follows:**

*a/ To amend and supplement Point b, Clause 1 as follows:*

“b/ Individuals holding the title of construction investment project manager, and individuals in charge of professional fields of the project management work must have relevant qualifications, have been trained and have working experience and practice certificates suitable to project size and type.”;

*b/ To amend and supplement Point d, Clause 2 as follows:*

“d/ Individuals holding the title of construction investment project manager, and individuals in charge of professional fields of the project management work must have relevant qualifications, and have been trained and have working experience and practice certificates suitable to size and type of projects.”.

**55. To amend and supplement Clause 2, Article 154 as follows:**

“2. Individuals holding the title of construction designing and construction design examination manager must have construction designing practice capacity and practice certificates meeting requirements of type and grade of works.”.

**56. To amend and supplement Clause 2, Article 157 as follows:**

“2. Construction site chief-commanders must possess appropriate professional qualifications and work construction practice capacity.”.

**57. To amend and supplement the first paragraph of Article 158 as follows:**

“Individuals independently practicing construction plan designing, construction survey, work construction designing, construction investment project management consultancy, work construction supervision consultancy, or construction investment cost estimation, examination and management must satisfy the following conditions:”.

**58. To amend and supplement Article 159 as follows:**

“Article 159. Management of construction capacity

1. Information about construction capacity of organizations and individuals that have been granted capacity certificates shall be publicized on websites managed by agencies competent to grant such certificates and linked to the portal of the Ministry of Construction.

2. Agencies competent to grant capacity certificates shall publicize information about construction capacity of organizations and individuals on websites they manage and, at the same time, send such information to the specialized construction agency of the Ministry of Construction for being integrated on the portal of the Ministry of Construction. The time limit for publicization of information about construction capacity is 5 working days from the date of grant of a certificate. The time limit for integration of information on the portal of the Ministry of Construction is 3 working days from the date such information is received from agencies competent to grant capacity certificates.

3. The Ministry of Construction or provincial-level Departments of Construction shall carry out examination and handle violations in the observance of regulations on capacity conditions by project owners, and organizations and individuals engaged in construction activities.”.

**59. To amend and supplement Clause 6, Article 160 as follows:**

“6. Managing the grant, re-grant, modification, conversion and revocation of permits and certificates and results of settlement of other administrative procedures in construction investment activities.”.

**60. To amend and supplement Article 161 as follows:**

“Article 161. Responsibilities of the Government

1. To unify the state management of construction investment activities nationwide; to assign tasks and delegate powers for state management to ministries, sectors, localities, and ministries managing specialized construction works; to direct ministries, sectors and localities in implementing the construction law; to direct the settlement of important, complicated and problematic issues in the course of management of construction investment activities.

2. To promulgate or submit to competent agencies for promulgation legal documents on construction; to promulgate, and direct the formulation and implementation of, policies, strategies and plans to ensure efficient construction investment, raise labor productivity, and ensure energy and natural resource conservation and sustainable development; to regulate the implementation of offshore production investment projects invested by domestic agencies, organizations or individuals and the building and management of the national information system and database on construction activities.”.

**61. To amend and supplement a number of clauses of Article 162 as follows:**

*a/ To amend and supplement Clauses 2 and 3 as follows:*

“2. To promulgate, and organize the implementation of, legal documents on construction according to its competence; to promulgate national technical regulations on construction and documents guiding construction techniques according to its competence and criteria on construction works with energy and natural resource conservation and efficiency, ecological urban centers and smart urban centers.

3. To organize and manage construction planning, construction investment project management activities and appraisal of construction projects and designs; to prescribe the determination and management of construction investment costs, and construction contracts, norms and prices.”;

*b/ To amend and supplement Clause 5 as follows:*

“5. To manage the grant, re-grant, modification, conversion and revocation of permits and certificates and results of settlement of other administrative procedures in construction investment activities according to its competence.”;

*c/ To amend and supplement Clause 9 as follows:*

“9. To guide and examine the management of occupational safety and health and environmental protection in the construction of works; to carry out the management of occupational safety and health and environmental protection in the construction of works in the sectors under its management.”;

*d/ To amend and supplement Clause 11 as follows:*

“11. To build and manage the national information system and database on construction activities; to manage and provide information to serve construction investment activities.”.

**62. To amend and supplement a number of points and clauses of Article 163 as follows:**

*a/ To amend and supplement Clause 1 as follows:*

“1. Within the ambit of their powers, ministries managing specialized construction works shall:

a/ Coordinate with the Ministry of Construction in performing the state management of construction investment activities; take responsibility for managing quality of construction works, and managing occupational safety and health and environmental protection in the construction of works in the sectors under its management in accordance with this Law;

b/ Study, promulgate, and guide and examine the implementation of, standards, technical regulations and economic-technical norms for special construction activities of their sectors under guidance of the Ministry of Construction and regulations of the Minister of Construction; organize professional training and further training in construction investment for cadres and civil servants of their attached agencies and units;

c/ Monitor, examine and summarize the supervision and evaluation of the construction of specialized works under their management in accordance with law;

d/ Coordinate with and support other ministries, related agencies, organizations and People’s Committees at all levels in the course of implementation of specialized construction investment projects regarding issues under their management.”;

*b/ To amend and supplement Point a, Clause 2 as follows:*

“a/ Perform the state management function according to their assigned tasks and vested powers; promulgate documents according to their competence; direct, organize and examine the implementation of construction master plans and construction investment plans under their management as assigned;”;

*c/ To amend and supplement Point c, Clause 2 as follows:*

“c/ Summarize the actual state of, and examine and evaluate, construction investment activities; take responsibility for managing quality of construction

works and managing occupational safety and health and environmental protection in the construction of works under their management as assigned;”.

**63. To amend and supplement a number of points of Clause 1, Article 164 as follows:**

*a/ To amend and supplement Point a, Clause 1 as follows:*

“a/ Perform the state management of construction investment activities according to power delegation by the Government; manage the construction order in their localities according to construction master plans, designs and permits under the Government’s regulations; promulgate documents according to their competence; direct the implementation of construction master plans and construction investment plans; delegate powers to or authorize district-level People’s Committees and management boards of industrial parks, export processing zones, hi-tech parks and economic zones to formulate, appraise and approve construction zoning tasks and plans and detailed plans on construction of functional zones; provide guidance on, carry out examination, settle complaints and denunciations, and handle violations in construction investment activities;”;

*b/ To amend and supplement Point c, Clause 1 as follows:*

“c/ Study, promulgate, guide, and inspect the implementation of, standards, technical regulations and economic-technical norms for special construction activities of their localities under guidance of the Ministry of Construction and regulations of the Minister of Construction; make and send regular and annual reports on management of construction investment activities in their localities to the Ministry of Construction for summarization and monitoring;”;

*c/ To amend and supplement Point dd, Clause 1 as follows:*

“dd/ To direct specialized agencies in notifying information on construction norms, prices and price indexes on a monthly, quarterly or annual basis, ensuring such information is updated to price fluctuations in the construction market.”.

**64. To replace the following phrases:**

a/ To replace the phrase “state budget funds” in Clause 1, Article 67 with the phrase “public investment funds”;

b/ To replace the phrase “state capital” at Point a, Clause 1, and in Clause 2, Article 8 with the phrase “public investment funds”;

c/ To replace the phrase “state capital” in Clause 5, Article 12; Clauses 1 and 2, Article 61; at Point dd, Clause 2, Article 86; in Clause 5, Article 132; Clauses 4 and 5, Article 134; Clauses 3 and 4, Article 135; Clause 2, Article 137;

Clause 3, Article 143; Clause 2, Article 146; Clauses 2 and 4, Article 147; and Clause 2, Article 166 with the phrase “public investment funds or state capital other than public investment funds”;

d/ To replace the phrase “construction investment cost management consultancy” in the title of Article 156 with the phrase “construction investment cost management”.

**65.** To annul Clause 2, Article 48; Clause 1, Article 63; and Point h, Clause 3, Article 140.

**Article 2.** To amend and supplement Article 17 of Housing Law No. 65/2014/QH13, which had a number of articles amended and supplemented under Law No. 40/2019/QH14

**To amend and supplement Article 17 as follows:**

“Article 17. Housing development forms and housing construction investment projects

1. Housing development forms include:

a/ Housing development under housing construction investment projects;

b/ Housing development under investment projects on construction of urban centers;

c/ Development of houses of households and individuals.

2. Housing construction investment projects referred to in this Law include:

a/ Investment projects on construction or renovation of independent houses or housing complexes;

b/ Investment projects on construction of houses with complete technical and social infrastructure systems in rural areas;

c/ Construction investment projects using land of various categories and having their own land areas for house construction;

d/ Investment projects on construction of works with mixed use purposes of residence and business.

3. Investment in construction of urban centers specified at Point b, Clause 1 of this Article must comply with housing-related provisions of the housing law and other relevant laws.”.

**Article 3.** Implementation provisions

1. This Law takes effect on January 1, 2021, except the provisions of Clause 2 of this Article.

2. The following provisions of this Law take effect on August 15, 2020:

a/ The provision of Clause 13, Article 1 on competence of investment deciders to appraise construction investment economic-technical reports;

b/ The provision of Clause 30, Article 1 on exemption from construction permits for construction works, for which specialized construction agencies notify that, after being appraised, construction designs to be implemented after basic designs are eligible for approval;

c/ The provision of Clause 37, Article 1 on abolition of the competence of the Ministry of Construction to grant construction permits for construction works of special grade and empowerment of provincial-level People's Committees to do so;

d/ The provisions of Point d and dd, Clause 3 of this Article.

3. Transitional provisions:

a/ Zoning plans on construction of functional zones involving planning tasks approved before the effective date of this Law may continue to be implemented under Construction Law No. 50/2014/QH13, which had a number of articles amended and supplemented under Law No. 03/2016/QH14, Law No. 35/2018/QH14, and Law No. 40/2019/QH14. If these plans can no longer be implemented under Construction Law No. 50/2014/QH13, they may be implemented under this Law;

b/ For construction investment projects for which investment policy is decided or approved before the effective date of this Law, it is not required to make construction investment prefeasibility study reports in accordance with this Law;

c/ Construction investment projects approved before the effective date of this Law are not required to be approved again and activities under such projects that have not yet been carried out shall be carried out under this Law. For ongoing projects, their construction investment costs shall continue to be managed in accordance with law applicable before the effective date of this Law;

d/ For construction works for which construction designs to be implemented after basic designs are appraised by specialized construction agencies before August 15, 2020, and which require construction permits under Law No. 50/2014/QH13, which had a number of articles amended and supplemented under Law No. 03/2016/QH14, Law No. 35/2018/QH14, and Law No. 40/2019/QH14, construction permits may continue to be granted under regulations;

dd/ For construction works that require appraisal of construction designs to be implemented after basic designs or appraisal of modifications to such designs by specialized construction agencies during the period from August 15, 2020, to December 31, 2020, when carrying out the appraisal, such specialized construction agencies shall coordinate with local state management agencies in charge of construction in reviewing and evaluating the satisfaction of conditions for grant of construction permits under Law No. 50/2014/QH13, which had a number of articles amended and supplemented under Law No. 03/2016/QH14, Law No. 35/2018/QH14, and Law No. 40/2019/QH14, in order to grant exemption from construction permits under Clause 30, Article 1 of this Law. For construction works for which construction permits have been granted, such construction permits are not required to be modified;

e/ For construction works for which construction permits have been granted and construction designs to be implemented after basic designs are modified on or after January 1, 2021, such construction permits shall be modified in accordance with this Law, except where their modified construction designs need to be appraised by specialized construction agencies in accordance with this Law;

g/ Works of which construction is commenced before the effective date of this Law when construction permits are exempted in accordance with law, but for which construction permits are required under this Law may continue to be constructed.

h/ The Government shall detail Points a, b, c, dd, e and g of this Clause.

*This Law was passed on June 17, 2020, by the XIV<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its 9<sup>th</sup> session.-*

*Chairwoman of the National Assembly*  
NGUYEN THI KIM NGAN