

THE GOVERNMENT

No. 64/2012/ND-CP

THE SOCIALIST REPUBLIC OF VIETNAM

Independence– Freedom – Happiness

Hanoi, September 04, 2012

DECREE

ON CONSTRUCTION PERMIT

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

Pursuant to the Construction Law dated November 26, 2003;

Pursuant the Law No.38/2009/QH12, amending and supplementing a number of Articles of the Law relating to basic construction investment;

Pursuant to the Law on Urban Planning dated June 17, 2009;

At the request of the Minister of Construction;

The Government issues a Decree on the construction permit issue,

Chapter 1.

GENERAL PROVISIONS

Article 1. Scope of governing and subjects of application

1. Scope of governing

This Decree prescribes the conditions, order, procedures, and competence to grant construction permits; supervision of the construction under the construction permits; rights and responsibilities of organizations and individuals involved in construction permit issue and construction management under construction permits.

2. Application subjects

This Decree applies to the domestic and foreign organizations, individuals to be investors of construction works; organizations and individuals concerned in the grant of construction permits and supervision of the construction under construction permit in the territory of Vietnam. In case the international treaties which the Socialist Republic of Vietnam has signed or acceded to contain otherwise provisions, then shall apply the provisions of the international treaties.

Article 2. Interpretation of terms

1. Construction Permit: means a legal document issued by the competent state agency for investor to build newly, repair, renovate, and relocate the works.
2. Work construction permit: means a permit issued for the construction of civil, industrial, transport, irrigation works, and infrastructure.
3. Individual housing construction permit: means a permit issued for the construction of individual houses in the urban or rural areas.
4. Temporary construction permit: means a permit issued for construction of works, individual houses used within a certain period by time limit to conduct construction planning.

5. Phased construction permit: means a permit issued for each part of the project or the work of the project as design for the construction of the whole work or the project which has not been done.

6. Construction permit for repair, renovation: means a permit issued for carrying out the repair, renovation of the existing building with architecture changes of the elevation, load-bearing structural change, and change of works and utilities scale.

7. Works by lines: mean the construction works extended horizontally, such as roads, railroads, power lines, telecommunication cables, oil and gas pipelines, water supply pipelines, and other works.

Article 3. Construction Permit

1. Before starting construction, the investor must have a construction permit, except for the construction of the following works:

a) The state secret works, works under urgent orders, temporary works for construction of main works and other works under the provisions of the Government exempted from construction permits;

b) Construction works by lines not passing through urban areas but in accordance with the construction plans which have been approved by the competent State agencies;

c) Works under construction investment projects decided on the investment by the Prime Minister, ministers, heads of ministerial-level agencies, the presidents of People's Committees at all levels;

d) The works of repair, renovation, equipment installation inside the building not changing the architecture of exterior sides, load-bearing structures, utilities and work safety;

đ) Technical infrastructure works required to establish the technical-economic reports and individual houses in remote areas of the region not yet planned rural residential places (new rural village commune construction planning) approved by the competent state agencies.

2. Construction permit includes the types of:

a) New construction;

b) Repair and renovation;

c) Removal of the works.

3. For special- level, level-I works, if the investors need, they can ask to be considered for the grant of construction permit by stages. For the works not following lines, only grant construction permit for maximum 2 stages, including stage of construction of the foundation and basement (if any) and the stage of construction of the body of work.

4. For the projects involving many works, the investors may request to be considered for the grant of construction permit for one, more, or all of the works under the project.

Article 4. Construction permit content

The major contents of a construction permit include:

1. Name of the work (of the project).

2. Owner (owner's name, contact address).
3. Location, location of construction; construction line (for the works by line).
4. Type and level of work.
5. The work construction elevation.
6. Red line, construction boundaries.
7. Construction density.
8. Coefficient of land use.
9. The safety requirements for works and adjacent works.
10. Requirements on environment, fire protection and fighting, safety corridor.
11. For civil and industrial buildings, individual houses, in addition to the contents specified in the above points, it must also have the contents on the construction area of the first floor; total building floor area; number of floors including basement, attic, technical floor, garret, "tum" (if any); maximum height of the whole work; colors, construction materials.
12. The time limit for starting the work construction: Within 12 months from the date of issue of a construction permit.
13. The requirements for investors to make in the process of construction.

Chapter 2.

GRANT OF CONSTRUCTION PERMIT

Article 5. General conditions for being issued a construction permit for the construction work and individual house

The types of individual works and houses to be issued construction permits if they meet the following conditions:

1. Suitable for construction planning, land use purpose, investment objectives.
2. Depending on the scale, nature and location of building, work issued construction permit must: Comply with the provisions of the red line, construction boundaries; ensure work safety and adjacent works and the requirements on: clearance limit, waterway, ensure the environmental protection requirements in accordance with the law, fire prevention and fighting (abbreviated as FPF), infrastructure (transport, electricity, water, telecommunications), corridor to protect irrigation works, dikes, energy, transport, cultural heritage, historical and cultural monuments and ensure the distance to the flammable, explosive, toxic, important works related to national security.
3. Document of construction design must be conducted by the qualified organizations, individuals in accordance with provisions; design must be evaluated and approved in accordance with regulations. For individual houses with a total floor area of less than 250 m², under 3 floors and not in the areas to protect historical, cultural monuments, investors are organized design to build and take self-responsibility for the safety of the work and the adjacent works.

Article 6. Separate conditions to be granted a construction permit for the construction works and individual houses

In addition to meeting the general conditions stipulated in Article 5 of this Decree, construction works and individual houses to be granted construction permits must also meet the following specific conditions:

1. For buildings and individual houses in urban areas:

a) In accordance with: Detailed construction planning, planning management regulations, urban architecture, urban design approved by the competent state agencies;

b) For construction works in the urban regions, streets to be stable but there is no detailed plan, it must be in accordance with the Regulation on planning management, urban architecture or urban design issued by the competent state agencies;

c) Level-1, special-level civil construction works in urban area must have basement design according to the requirements of urban planning and planning management regulations, urban architecture approved by the competent authority.

2. For construction works outside urban area:

a) For construction works not following lines: it must conform to the position and the total ground area of the projects which have been approved in writing by the competent state agency;

b) For construction works by lines: it must conform to the position and line plan which has been approved in writing by the competent State agency.

3. For individual houses in rural areas:

a) In accordance with the rural residential planning (planning to build new rural communes) approved by the district-level People's Committee;

b) For the works in areas without rural residential planning approved, it must be consistent with the provisions of the district-level People's Committee on construction order management.

4. For other construction works:

Depending on the construction site, the following works in addition to meeting the conditions specified in clause 1 or clause 2 of this Article shall also meet the following conditions:

a) For works of religion, it must have the written approval by the competent level of the Religion Committee;

b) For monuments, murals, advertising, restoration, and embellishment, it must have the written approval of the State Administration Agency of culture

Article 7. Conditions for the cases of grant of temporary construction permits

The work shall be granted temporary construction permit if it meets the following conditions:

1. Located in the region where has detailed construction planning, rural residential planning (planning to build new rural communes) approved and publicized by the competent authority but has not got decision on land recovery of the competent state authority.

2. Consistent with the land use purpose, investment objectives.

3. Ensured the safety for the work or adjacent works and requirements: Environment, fire prevention and fighting, infrastructure (transport, power, water, telecommunications), protection corridor of irrigation works, dikes, energy, transport, cultural heritage, historical and cultural

monuments and the distance to flammable, explosive, toxic, important works related to national security.

4. Construction design records meet the provisions of clause 3 of Article 5 of this Decree.

5. Consistent with the scale of work and duration to perform construction planning defined by the provincial-level People's Committee.

6. Investors have committed to self-demolish the works when the existing deadline of the works stated in temporary construction permits expire and having no claim for reimbursing the part arising after the plan is publicized. In the absence of self-demolition, it shall be forced to demolish and investors must bear all the costs for the demolition of works.

Temporary construction permits are issued only for each project, individual house, not granting by phase and for the project.

Article 8. Records requesting for a construction permit

The investor files directly 01 set of dossier to construction licensing agency. Dossier requesting for a construction permit includes:

1. An Application for a construction permit (By Form for each case, each type of work).

2. Certified copy of one of the land use right papers prescribed by the law on land; papers on property rights of works, houses for the cases of repair, renovation; power of attorney for the cases of being authorized by the work owner to perform repair, renovation; decision on allowing the construction investment of the competent authority for urban underground works; decision on approval of environmental impact assessment report or environmental protection commitments in accordance with the law provisions on environmental protection.

3. Two sets of design drawings made by organizations and individuals that are eligible on capacity and have been organized the evaluation and approval as prescribed by investor. Each set consists of:

a) Drawing of the work position on the land plot, the lot plot boundaries, contour drawing (for the line works), connection diagrams with infrastructure outside the fence of the work (traffic and drainage);

b) Drawing of the plane, main elevation drawing, and sectional drawing of the work;

c) Drawing of the base plane, base sectional drawing, drawings of load-bearing structure (base, frame, walls, load-bearing roof);

d) The drawing of the system of fire protection and fighting which has been evaluated and approved for the work of the list required to have evaluation and approval of explosion, fire prevention and fighting plan in accordance with the law provisions on fire protection and fighting;

đ) In case of repair, renovation, it must have the drawings on location, items need to be renovated, if having any affect on work structure, it must be reported the survey results, quality assessment of old structures related items need to be renovated and reinforcement measures to determine eligibility for repair, renovation, together with photos of the current state of the works applying for renovation and adjacent works.

4. For the case of installation of equipment or other structure in the built works, but not owned by the investor, it must have a certified copy of the contract with the work owner.

5. Decision on approving the project together with the written approval of the investment of the competent authority, a written opinion on the basic design (if any) of the State management agency in accordance with provisions.

Article 9. The process of applying for a construction permit

1. Construction permit licensing agency shall receive the dossiers of organizations and individuals applying for construction permits; inspect documents; write receipts in case the dossiers meet regulations or provide guidance for the investors to complete the documents in the case the dossiers do meet regulations.

2. Construction permit licensing agency is responsible for monitoring, returning results, or informing the investors the dossiers which are not eligible for construction permits.

3. Within 10 working days from the date of dossier receipt, units assigned to evaluate dossiers are responsible for reviewing dossiers, field inspection (if necessary). When reviewing dossiers, the construction permit licensing agency must identify the missing documents; the documents not in accordance provisions or not in accordance with reality to notice once in writing for the investors to supplement and complete dossiers.

For additional dossiers not meeting the requirements in accordance with the written notice, the licensing agency shall notify in writing the guidelines for investors to continue the completion of dossier. Investors are responsible for completing dossiers by the written notice. After two additional times, but the dossiers still do not meet the prescribed conditions, the licensing agency has the right of not considering the license and informs the investors.

4. Based on the size, nature and type of work and location of work construction stated in the dossier requesting for construction permit, the construction licensing agency is responsible for comparing the conditions specified in Article 5, Article 6, Article 7 of this Decree to send written comments of the State management agencies on the areas related to work construction.

5. Within 10 working days for urban works and housing and 7 working days for individual houses in rural areas, from the date of dossier receipt, the agencies to be consulted are responsible for answering in writing on the contents of their management functions. After this period, if there is no any opinion, it is considered that these agencies have agreed and must take responsibility for the contents of their management functions; construction licensing agency based on the current regulations and conditions specified in this Decree to decide whether or not to issue construction permits.

6. Duration for granting construction permits:

From the date of receiving a complete and valid dossier, the construction licensing agency must consider dossier for licensing within the time limit specified below:

a) In the case of new construction permit, including temporary construction permits, adjustment construction permits and relocation permits, the time limit is not more than 20 working days for the works; 15 working days for individual houses in urban areas; 10 working days for rural houses, as from the date of receiving complete and valid dossier;

b) In case of re-issuance or extension of construction permit: Not more than 10 working days.

In case of due date as prescribed at Points a and b of this clause, but it needs to consider further, the construction licensing agency shall notify the reasons in writing to the owner, and report to the competent authority of direct management for reviewing and directing the implementation, but not more than 10 working days from the expiry date as prescribed at Points a and b of this clause.

7. Receipt of results and payment of fees:

a) Investor receives a construction permit together with design documents stamped by the construction licensing agency or written reply (for the cases of not eligible for granting construction permits) in the place of receiving dossiers, according to the time limit stated in the receipt;

b) Investor shall pay the prescribed fee for filing dossier.

8. Where dossiers are not eligible for licensing in the time limit specified in clause 6 of this Article, the licensing agency shall notify in writing the reasons for investors to know. If the time limit stated in the receipt is over but the licensing agency does not respond, the investor is allowed to construct work according to design dossier which has been evaluated and approved in accordance with provisions in the dossier requesting for granting a construction permit.

Article 10. Adjustment of construction permit

1. In the construction process, in case of adjusting the design leading change of one of the following contents compared with design which has been granted a construction permit, the investor must request adjustment of the construction permit before the construction by the adjusted contents:

a) Change of the form of the exterior architecture of the work;

b) Change of one of the factors: Location, base, building area, scale, building height, number of floors, and other factors affecting the main load-bearing structure;

c) When adjusting the design inside the building leading change of use function and affecting the fire prevention and fighting and the environment.

2. Dossier requesting for modification of a construction permit, includes:

a) An application for modification of a construction permit (by form); clearly stating the reason for the modification;

b) The original of construction permit granted;

c) The design drawings related to the adjustment compared with the design which has been granted construction permit;

d) Report on the result of the evaluation and the written approval of the design to be adjusted (except for individual houses) of the investor, which must have content of ensuring load-bearing safety; safety for fire prevention and fighting; ensuring environment. Report on design verification result (if any) performed by the consulting organization that is eligible in accordance with provisions.

Each work is only recommended for modification of construction permit which has been issued 01 once. In case of modification of 02 times or more, it must propose new construction permit as prescribed.

Article 11. Extension of construction permit

1. Within 30 days, before the construction permit expires, if the work has not been started, the investor must request the extension of construction permit. Each construction permit is extended only once. Extension period shall not exceed six months. Upon the expiration of the extension period, the investor has not yet started construction; they must apply for a new construction permit.

2. Dossier requesting for extension of a construction permit includes:

- a) An application for extension of construction permit, which clearly explains the reasons;
- b) The original of construction permit issued.

3. For the works granted temporary construction permit which has expired as stated in the permit, but the State has not done the planning, the investors may request the licensing agencies to consider extension of the existing time until the State implements the planning. Existing term is stated in the temporary construction permits issued.

Article 12. Re-issuance of construction permit

1. Construction permit is re-issued for cases torn, damaged, or lost.

2. Construction permit is re-issued in the form of copy.

3. Dossier requesting for re-issuance of construction permit includes:

- a) An application for a construction permit, which clearly explains the reasons for it;
- b) The original of construction permit issued (in case of torn or worn).

Article 13. Work relocation permit

Dossier requesting for work relocation permit includes:

1. An application for a work relocation permit (by form).

2. A certified copy of documentation of land use rights of the place where the work is being existed and the place where the work will be moved in and legal papers of work property.

3. As-built drawing of work (if any) or design drawing describing the actual status of the relocated work, including the plane, sectional drawing, and drawing of load-bearing structures.

4. Drawing of total ground of the work where will be moved in.

5. Drawings, the cross section of the foundations in place to move to.

6. Report on assessment, survey results of the quality of the current status of the work.

7. Relocation plan includes:

a) Explanation: present the current status of the work and the current status of the area where the work will be moved in; relocation solutions, the plan of use of motorcycles, equipment and human resources; solutions to protect safety for the work, machinery, equipment and adjacent works; environmental hygiene; relocation schedule. Relocation plans must be performed by the qualified units and individuals;

b) The drawing on work relocation construction solution.

Article 14. Competences to issue, modify, extend, re-issue and revoke construction permits

1. Provincial-level People's Committees authorize the Departments of Construction to grant permits for the construction works of special grade, grade I, grade II; religious works; works of historical – cultural relic; monuments, murals within the administrative boundaries under their respective management; works on the main routes, streets in the city; works of the projects with the foreign direct investment; works of the projects and other works defined by the provincial-level People's Committees.
2. District-level People's Committees grant construction permits for the remaining works and individual houses in urban city of administrative boundaries under their respective management, except for those specified in clause 1 of this Article.
3. Commune-level People's Committees grant construction permits for individual houses in the rural population where had the approved construction plans within the administrative boundaries under their respective management.
4. Works which construction permits are issued by a certain licensing agency, the agency has the right to modify, extend, re-grant, and revoke the construction permits issued by them.
5. Provincial-level People's Committees decide to revoke construction permits issued not in compliance with regulations by their subordinate.

Article 15. Recordkeeping of dossiers of construction permit

1. Construction permit licensing agency is responsible for keeping dossiers of construction permit in accordance with the law provisions on archives.
2. Investors, organizations of design, construction are responsible for keeping design documents and as-built drawings of work in accordance with the law provisions on construction.

Chapter 3.

CONSTRUCTION ORDER MANAGEMENT UNDER CONSTRUCTION PERMITS

Article 16. Construction order management

Contents of the construction permit as a basis for construction order management include:

1. For works granted construction permits:

The management of construction order is based on the contents stated in the construction permit granted and the provisions of this Decree.

2. For the works exempted from construction permits:

a) The management of construction order is based on the approved construction plans and the provisions of other relevant laws. Where urban construction is made, it must also be based on the approved urban design;

b) The management content of construction order for the works to be exempted from construction permits is consideration of compliance with construction planning, urban design (if any) approved and meeting of the regulations on red line, construction boundaries; assurance of work safety and adjacent works; clearance limit; waterway; environmental safety conditions, fire prevention and fighting, technical infrastructure (such as transport, electricity, water, communication), protection corridor of irrigation works, dikes, energy, transport, cultural

heritage zones, historical, cultural relics and assurance of the distance to combustible, explosive, toxic works.

Article 17. Inspection and examination

1. State management agencies for construction, the provincial-level People's Committees are responsible for directing the construction-specialized inspection agencies to make plan of inspection, examination of the implementation of the construction order in the areas according to provisions of this Decree and handle violations or propose the competent agencies to handle in accordance with current regulations.
2. Construction inspectorates at all levels and district-level construction order management agencies according to decentralization are responsible for presiding over and coordinating with the concerned agencies to inspect, examine the construction on the basis of the grounds specified in this Decree.
3. For works of state secrets, the inspection and examination shall comply with the provisions of the Government on management of specific work construction investment.

Article 18. Handling of violations

1. The handling of violations for construction works without construction permits, built wrongly compared with the permit granted, construction not in accordance with the construction planning and not in accordance with the other provisions of the law are made in accordance with the Government's provisions on handling of violations of urban construction order and the sanctioning of administrative violations in the construction activities.

2. Revocation of construction permits:

The cases to be revoked the granted construction permits:

- a) Construction permits issued not in accordance with current regulations;
- b) After six months from the date of renewal of construction permits that investors have not yet started the construction of works;
- c) Beyond the time limit stated in the document of handling violations for the case of the wrong construction compared with construction permits granted that the investors have not taken remedy measure of the violation as required by the competent authority.

3. Cancellation of construction permits:

After 10 working days from the date of the decision to revoke construction permit made by the competent authority for the cases specified in Clause 2 of this Article, if the investor fails to return the construction permit to the licensing agency, the licensing agency or competent agency shall issue decision to cancel construction permit, and notify the commune-level People's Committee and post on the web page of the Department of Construction.

Chapter 4.

RIGHTS AND RESPONSIBILITIES OF AGENCIES, ORGANIZATIONS AND INDIVIDUALS

Article 19. Rights and responsibilities of the investor

1. Rights

a) After the time limit stated in the receipt that the licensing agency fails to license or fails to issue written reply, the investor has the rights to construct according to the design documents submitted to the licensing agency, upon met the construction starting conditions specified in Article 72 of the Construction Law and the provisions at Point a, Clause 2 of this Article.

b) Complaints and denunciations for agencies, individuals failing to comply with regulations or having acts of harassment, causing difficulties in the construction permit.

2. Responsibilities:

a) 7 working days before starting construction, the investor must send written notice of the commencement date to the construction licensing agency, and send written notice of the commencement date together with copy of construction permit to the commune-level People's Committee where construction work is made for monitoring implementation. For works exempted from construction permits, the investor must send a copy of the design drawings, comprising: site plan, elevation, main cross section of the work; site plan; base cross section; drawings connecting roads and drainage with infrastructure outside the work fence;

b) Approve the construction measures to ensure the safety to the construction work and adjacent works; and send the written approval to the commune-level People's Committee before starting the construction of works;

c) Organize the implementation of work construction under the construction permit issued;

d) Ensure safety, hygiene and environment in the course of construction of works;

đ) Pay compensation for damage caused by their fault.

Article 20. Responsibility of the agency managing construction planning

Agency managing construction planning as assigned shall:

1. Provides information on detailed planning, urban design (if any) which has been approved, grant planning permit when the investors require.

2. Guide the investors to perform the necessary works for the construction investment works in the areas without approved construction plan.

3. Answer in writing on architecture, planning under the management for the works, when consulted the opinion by the construction licensing agency during the time in accordance with provisions in clause 5 of Article 9 of this Decree.

4. Inspect and recommend with the construction licensing agency for not issuing permits for the works designed failing to comply with planning, architecture approved or propose handling for the construction cases violating construction planning.

Article 21. Responsibility of the construction licensing agency

1. Send officials, civil servants having the suitable capacity, expertise for receiving dossiers, instructing the investors to make dossiers and assume dossiers requesting for construction permits to ensure compliance with the regulations.

2. Publicly list the conditions, administrative procedures, processes, time limit for granting construction permits in the place of receiving dossiers.

3. With people reception schedule and timely settle complaints and denunciations related to the construction permit.
4. Implement the provisions in the construction licensing review process and take responsibility for the contents of the construction permits issued; pay compensation for damages caused by late license, licensing in contravention of the provisions.
5. Collection, management and use of the construction permit granting fee as prescribed.
6. Not to appoint the design organizations, individuals or establish the subordinate design units to perform the design for organizations, individuals applying for construction permits.

Article 22. Responsibilities of the relevant agencies

1. The agencies involved in the process of construction permit issue shall:
 - a) Send a written reply to the construction licensing agency for the content within the scope of their respective management for a maximum period of 10 days (7 working days for individual houses in rural areas) from the date of receiving written consultation. If beyond the stipulated time limit, but there is no any written reply, it shall be considered as agreed and take responsibility for the content of their respective management;
 - b) Stop providing according to competence of the services of electricity, water, business activities and other services for the violating construction works, after receiving notice of the agencies that are competent to handle violations;
 - c) Pay compensation for damage caused by their fault.
2. Rights and obligations of organizations and individuals having rights and interests related to the construction works shall comply with the provisions of the civil law.

Article 23. Responsibility of the construction and consulting organization

1. For design consultation:
 - a) Monitor the authors to follow the design issued construction permits;
 - b) Submit to the inspection, handling of violations and pay compensation for damages caused by their own fault.
2. For construction supervision consultant:
 - a) Monitor the implementation in accordance with the design and content of construction permits which have been issued for the cases required to have construction permits;
 - b) Monitor the implementation in accordance with the design approved for cases exempted from construction permits;
 - c) Report the responsible agencies when the investors, contractors construct wrongly compared with the designs and contents of construction permits granted;
 - d) Pay compensation for damage caused by their fault.
3. For construction contractors:
 - a) Construct in compliance with the design and contents of the construction permit;

- b) Refuse to perform the work construction upon having construction permit for works required to be licensed, or when investors request for wrong construction compared with the design and content of the permit granted;
- c) Notify the responsible agency when the investor requires construction not in accordance with the design, content in the permit granted;
- d) Pay compensation for damage caused by their fault.

Chapter 5.

IMPLEMENTATION ORGANIZATION

Article 24. Ministry of Construction

The Ministry of Construction is the construction state management agency is responsible for:

1. Issue, detailed guidelines of contents: dossier requesting for construction permit issue; construction licensing conditions; application form for a construction permit, construction permit form for each type of work, individual house in accordance with the construction permit forms and guiding the implementation of the contents of this Decree; building the application solution of information technology in the construction permit issue to implement uniform across the country.
2. Organize training, examination, and inspection of the implementation of the provisions of this Decree.
3. Settle complaints and denunciations and handle violations within the jurisdiction; suspend construction or propose provincial-level People's Committee to direct the suspension, handle violations or revoke construction permit upon the detection of the permit issue not in compliance with regulations or the construction work violating the provisions of this Decree and relevant provisions of law.
4. Annually summarize and report to the Prime Minister on the construction permit issue and construction order management according to the construction permit in the national scale.

Article 25. The concerned ministries, branches

1. The ministries, branches according to function of management, are responsible for:
 - a) Sending a written opinion in their field of management when being consulted by the construction licensing agencies according to the provisions of this Decree;
 - b) Inspecting and recommending to the provincial-level People's Committee to suspend the construction, revoke the construction permit upon the detection of the license not in compliance with regulations or the construction violating regulations in their field of management.
2. Ministry of Natural Resources and Environment shall coordinate with the Ministry of Construction to guide specifically the types of land use right papers to be considered for a construction permit.

Article 26. Provincial-level People's Committees

People's Committees of provinces and cities under central authority shall:

1. Guide the implementation of the provisions of this Decree of the licensing process, decentralize permits under authority; define coordination and responsibilities of agencies and

individuals involved in the construction permit issue, construction order management and other contents to suit the local specific situation.

2. Specify the size of work and time limit of the temporary construction permit in accordance with the plan to implement approved plan of each area, according to the principle of saving, safety and hygiene environment.
3. Arrange organizational structure of the agency licensing construction permit and manage construction to meet the conditions to carry out the task.
4. Organize training, guide the implementation of this Decree and other relevant regulations.
5. Direct and require licensing agencies to consider handling of officials and public employees that have expressed negative, causing delays in construction permit issue.
6. Decide to revoke or cancel the construction permits under their jurisdiction for cases: issued not in compliance with provisions by subordinates; investors build without permits (in the case required to have construction permits), wrongly build compared with construction permits.
7. Organize the examination, inspection, handling of violations of the provisions of this Decree.
8. Report every six months, annually to the Ministry of Construction on the construction permit issue and construction order management in the area.

Article 27. Transitional provision

1. The works, as prescribed before the effective date of this Decree, are not subject to construction permits, but under the provisions of this Decree, are subject to construction permits, if construction has started, it must not propose permits; but if construction has not started, it has to submit the dossiers requesting for considering construction permits before starting construction. The adjustment of construction permit for the works which have been constructed prior to the effective date of this Decree shall comply with the provisions of this Decree.
2. The works subject to the provisions of Article 121 of the Construction Law are continued the implementation in accordance with the Decision No.39/2005/QĐ-TTg on February 28, 2005 by the Prime Minister on guidelines for implementation of Article 121 of the Construction Law.

Article 28. Implementation provisions

1. This Decree takes effect from October 20, 2012 and replaces the construction permit regulations in the Decree No.12/2009/NĐ-CP dated February 12, 2009 and the Decree No.83/2009/NĐ-CP dated October 15, 2009 of the Government on management of work construction investment projects; regulations on underground work construction permit specified in the Decree No.39/2010/NĐ-CP dated April 07, 2010 of the Government on management of underground work construction space. The previous regulations of the Government, ministries, ministerial-level agencies, and localities on construction permit contrary to this Decree are hereby annulled.
2. Ministers, heads of ministerial-level agencies, the heads of the Governmental agencies, Presidents of the People's Committees of provinces and cities directly under the Central Government, heads of political organizations, socio-political organizations social-political-professional organizations and other relevant organizations and individuals shall implement this Decree.

**FOR THE GOVERNMENT
PRIME MINISTER**

Nguyen Tan Dung

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