DECISION
PROMULGATING VIETNAM’S CONSTRUCTION REGULATION

THE MINISTER OF CONSTRUCTION

Pursuant to the Government's Decree No. 15/CP on March 04, 1994 defining functions, tasks and organizational structure of the Ministry of Construction;

Pursuant to the Government's Decree No. 42/CP on July 16, 1996 promulgating the regulations on construction and investment management;

Considering the demand for Construction and Planning, at the proposal of the Director of the Construction Policy Department, the Director of the Department of Planning and Architecture Management, the Director of the Architecture and Construction Standardization Institute, The Director of the Urban and Rural Planning Institute.

DECIDES

Article 1. Promulgating together with this Decision the Construction Regulation Part 1 (General provisions and Construction planning).

Article 2. This Decision takes effect on January 01, 1997 and applies nationwide.

Article 3. Ministries, ministerial-level agencies, Governmental agencies, People’s Committees of central-affiliated cities and provinces are responsible for organizing the implementation of this Decision

THE MINISTER OF CONSTRUCTION

Ngo Xuan Loc

Chapter I
GENERAL PROVISIONS ON CONSTRUCTION REGULATION

Article 1.1. Scope of application of Construction Regulation

The Construction Regulation is the document specifying the mandatory minimum technical requirements for every construction activities, and the solutions, standards that satisfy such requirements.

Notes:
1. The cases in which the application is restricted (if any) shall be specified in separate chapters.
2. In the Construction Regulation, the upper-case text are mandatory requirements, the italic text is instruction of the allowable solution (specified in Article 1.4).
3. Construction Regulation is the technical basis for the establishment, design, appraisal and approval of the construction design and planning projects, inspection of the construction and acceptance of the use of the construction.
4. The Construction Regulation includes the provisions on the construction techniques, excluding the provisions on the administrative procedures, construction management, public hygiene and order.

**Article 1.2. Interpretation of terms**

In this Regulation, the following terms are construed as follows:

1.2.1. Construction activities

Construction activities are every technical activities related to the construction, including 2 primary phases:

1) Construction planning: including construction planning and construction management consistently with the planning.

2) Investment and execution: including investment project development, survey, design, execution (including repair, renovation and dismantlement) and maintenance of the constructions.

1.2.2. Vietnam’s Standards

Vietnam’s Standards include:

1. The State Standards, code: TCVN;
2) The Construction Standards, code TCXD;
3) The Industrial Standards, code: TCN;

**Article 1.3. Targets of Construction Regulation**

The targets of Construction Regulation are assuring the comprehensive efficiency of the new construction, renovation of urban areas, residential areas, industrial zones and buildings:

1. Assuring the safety conditions, hygiene and convenience for people working and living within the area or the construction being built or renovated.

2. Protecting the social interests, including:

   a) Protecting the environment, scenery and historical, cultural relics; preserving and developing the traditional culture;

   b) Protecting the social property, including the constructions and the property therein;

   c) Reasonably using the investment, land and other resources.

**Article 1.4. Technical requirements of the Construction Regulation**

In order to assure the targets specified in Article 1.3, all construction activities must satisfy the following technical requirements, including:
1. Requirements for using land, protecting the environment and health, assuring the safety and convenience for people when making construction planning;
2. The minimum requirements for safety, hygiene and convenience for the user in the construction design;
3. The minimum organizations for labor safety, scenery and environment protection during the execution.

**Article 1.5. The allowable technical solutions.**

1.5.1. Requirements for technical solutions.

1. The technical solutions in the planning, design and execution are allowable if they satisfy the technical requirements specified in this Regulation.

2. In case the reality does not allow the construction and renovation to fulfill the standard requirements, appropriate solutions must be adopted in order to satisfy the requirements as much as possible.

1.5.2. The allowable solutions are:

1. The solutions specified in the Construction Regulation:
   a) These solutions are based on some current Vietnam’s Standards and approved by the Construction Regulation. When one of these standards is replaced, the new standard is implicitly allowable in the Construction Regulation.
   b) When there are differences between the standard and the Construction Regulation, the Construction Regulation shall apply.

2. The solutions not being stated in the Construction Regulation but appraised and approved by competent authorities.

*Notes:*

The solutions stated in 1.5.2.2 are usually based on international standards and foreign standards of which the application is allowable as prescribed in Article 1.6.

1.5.3. The typical design of the building components, details and parts promulgated by the Ministry of Construction are considered allowable technical solutions without appraisal when being applied to construction design.

**Article 1.6. The application of international standards and foreign standards**

The international standards and foreign standards may be applicable to the survey, design and execution of constructions in Vietnam as long as such standards satisfy the technical requirements, the provisions in the Construction Regulation and approved by the Ministry of Construction.

*Notes:*

1. The Ministry of Construction (under the Circular No. 12/BXD-KHCN on April 24, 1995 and 78/BXD-KHCN on July 17, 1995) has approved the application of the current Construction Standards from International Standardization Organization (ISO) and from England, Germany, the United States, France, Australia outside the following fields:
a) Figures: construction climate, hydrographic geology, b) Prevention: fire, explosion, storm.
c) Environmental hygiene
d) Construction safety under the impact of local climate.
e) Labor safety.

2) The application of international standards and foreign standards must assure the consistency of the applied standards. In some cases, appropriate supplements for the Vietnam’s technical, economic, social and natural conditions are necessary.

Chapter II

NATURAL FIGURES IN CONSTRUCTION DESIGN

This Chapter is to assure the compatibility of the construction planning and design with the Vietnam’s natural conditions

Article 2.1. Natural figures of construction areas

The natural figures of construction areas used for making construction design and planning must be official figures, including:

1. The figures stated in current Vietnam’s Standards;
2. The figures provided by functional agencies in case there is no corresponding Vietnam’s Standards.

Notes:
1. Regarding natural figures, there are the following standards:
a) The Standard of “Climatic figures in construction design – TCVN 4088-85”;
b) The Standard of “Loads and impacts - TCVN 2737-95”.

Article 2.2. Documents of construction area technical surveys.

The documents of construction area technical survey with regard to the terrain, hydrographical geology, hydrography and environment impact research must be compiled by professional organizations with legal status under Vietnam’s Standards or foreign organizations approved by the Ministry of Construction.

Notes:
The list of current Vietnam’s Standards related to the construction area technical survey is annually announced by the Ministry of Construction in the “List of Vietnam’s Standards of Construction”.

Chapter III

GENERAL TECHNICAL CONDITIONS FOR CONSTRUCTION DESIGN.

This Chapter is to assure the compatibility of the construction design with the Vietnam’s technical, economic, social, natural and human characteristics.
Article 3.1. General requirements for constructions
The constructions must satisfy the requirements for:
1. Architectural design and planning;
2. Structural safety;
3. Fire and explosion prevention;
4. Hygiene, convenience and other safety of the construction users.

Article 3.2. Architectural design and planning.

3.2.1. Construction location
The construction location must satisfy the following requirements:
1. Conformable with the approved local planning. In case there is no approved planning, the construction location must be approved by competent authorities with regard to the standard planning.
2. Outside the areas where construction is prohibited (for the protection of the environment, scenery, relics, technical infrastructural constructions, national defensive constructions) as prescribed in Chapter…
3. Not negatively affecting the scenery and not causing environmental pollution exceeding the allowable limits specified in Chapter 4;
4. Satisfying the requirements for fire and explosion prevention specified in Article 3.4.
5. Conserving land, especially farmland.

3.2.2. Architectural design:
The construction architectural design (the site plan, isometric drawing, interior and exterior, garden design) must satisfy the following requirements:
1. Conformable with the provisions on local construction management
2. Conformable with the local climate, utilizing the natural advantages and restricting the disadvantages; utilizing natural ventilation and lighting.
3. Harmonious with natural and artificial scenery of the construction location, utilizing the existing water, trees and paths; preserving the traditional culture.

Article 3.3. Preserving natural resources and environment.
The constructions must:
1. Not negatively affect the environment: assuring the technical provisions on environment protection and scenery preservation.
2. Preserve the natural sanctuaries, architectural, cultural and historical relics.
3. Assure the reasonable extraction of natural resources without causing hindrance to the succeeding extraction steps.
4. Respect the ethnic traditions and beliefs in the area where the construction is built

Article 3.4. Fire and explosion prevention;
3.4.1. Construction location
The construction location must satisfy the following requirements:
1. Restricting the negative impacts on the adjacent constructions and residents in case of fire.
2. Assuring the efficient and safe operation of means of fire fighting: having convenient roads, the fire fighting water sources are assured.

3.4.2. Constructions
1. The design, execution and use of the construction must:
   a. Suppress the inflammability and explosiveness; use materials and building components with appropriate fire resistance consistently with the features and the scale of the construction;
   b. Isolate the inflammable environment from every fire sources

   i) Have sufficient fire detection and fire alarm devices;
   ii) Assure the safe and quick exit for people inside the construction;
   iii) Prevent the expansion of the fire and the explosion;
   iv) Be equipped with appropriate and efficient means of fire fighting.

2. The requirements and measures for fire prevention of houses are prescribed in Chapter 11.

Article 3.5. Structural safety;

3.5.1. General requirements
1. The building must assure the safety and normal use during the entire execution and use as follows:
   a. The stability of the building must be calculated consistently with the kind of building regarding every impact on it, including:
      i) The most disadvantageous combination of load, including long-term destruction;
      ii) Other impacts, including impact over time.
   b. Constructions, construction parts and materials must assure the normal use without being deformed, vibrated or having the chemical and physical properties overly attenuated.

2. The materials used for the construction must assure the durability, satisfy the use requirements without undergoing extensive repair during a certain period.

3. The requirements and solutions for structural designs of houses are prescribed in Chapter 9.

3.5.2. Loads and impacts
1. The load and impact on the construction design must be consistent with the requirements specified in the Standard TCVN 2737-95: “Loads and impact. Design requirements” supplemented and amended in accordance with the field survey results.

2. The wind load must be calculated not only in the design but also during the execution.

Notes:
The constructions being built in areas with strong winds must avoid the structures of which the parts might create unfavorable additional load, oscillations with high amplitude, water bags. Focus on using the aerodynamic structures or traditional structures capable of storm resistance.

3.5.3. Flooding prevention

Constructions in coastal areas and inundation areas must assure the safety for their users, prevent flooding, collapsing, drifting due to waves or tides. The constructions in midland and highland must adopt measures for avoiding damage cause by flooding, landslide and erosion.

**Article 3.6. Earthquake prevention**

3.6.1. Anti-shock requirements

According to the anti-shock requirements, there are 3 classes of constructions:

1. Class-1 constructions:
   a. Class-1 constructions are especially important constructions that must not be partially damaged or deformed.
   b. The Class-1 constructions are ranked under the Prime Minister’s decisions such as: nuclear reactors, big dams (that might cause serious damage that is hard to recover), toxic chemical factories, cultural constructions with eternal meaning, important fire fighting system…
   c. The Class-1 constructions must implement the anti-shock measures at the highest earthquake magnitude with all rates

2. Class-2 constructions:
   a. Class-2 constructions are ordinary constructions that the cracks and damage of separate building components are allowable but the safety of people and equipment must be assured.
   b. The seismic design of class-2 constructions must be consistent with each specific case.

3. Class-3 constructions:
   a. The class-3 constructions are less likely to cause death or serious economic damage.
   b. The class-3 constructions include civil buildings, one-floor industrial buildings without valuable property therein, ordinary warehouse, ancillary buildings.
   c. Class-3 building do not require seismic design.

3.6.2. Earthquake magnitudes

The maximum earthquake magnitude at the construction site is determined using the earthquake map (Annex 2.3. in Construction Regulation part 3) adjusted consistently with the geological condition at the site.

3.6.3. Seismic design:

The solution and calculation of seismic design must be selected in accordance with the current seismic standards

**Notes:**

The is no seismic standard in Vietnam. The application of current standards of developed countries to the design are allowed by the Ministry of Construction.
Article 3.7. Anti-corrosion

3.7.1. All kinds of houses and constructions built and used in Vietnam’s climate must adopt appropriate anti-corrosion measures.

3.7.2. The anti-corrosion measures selected must be efficient, sustainable and economical. The measures for protecting the structures and constructions from the corrosion of chemicals or organisms must be consistent with the causes of corrosion (chemicals or fluid exuded by organisms) and the structural damage that they cause.

3.7.3. Allowable technical solutions.

The following anti-corrosion measures are allowable:

1. For metal structures:
   a. Coating: applicable to structures exposed to air.
   b. Combination of coating and electrochemical protection: applicable to structures in the water or underground.

2. For reinforced concrete and self-stressed reinforced concrete structures:
   a. Using kinds of cement suitable for the environment.
   b. Implementing the measures for increasing the concrete density, improve the impermeability. The thickness of the concrete surrounding the steel rebar must be consistent with the erosive environment.
   c. Coating the surface to block more water.
   d. Protecting the steel rebar using appropriate electrochemical methods.
   e. The high-pressure steel rods and cables in the self-stressing reinforced concrete must be protected from rust and put inside the concrete structure, not be covered by mortar.

Article 3.8. Waterproofing

3.8.1. Waterproofing of the construction must be calculated in the design and the execution

3.8.2. The waterproofing materials must suit the Vietnam’s climate: hot and humid tropical climate with a lot of rain and high level of groundwater.

3.8.3. Allowable technical solutions.

1. The following waterproofing solutions are allowable:
   a. Covering the waterproofing concrete surface with cement water;
   b. Paining rubber bitumen;
   c. Spreading yellow-sand and cement mortar with anti-heat material layer on top.
   d. New and efficient waterproofing materials and technology.

2. The following waterproofing materials and methods are prohibited:
   a. Spreading bitumen;
   b. Sticking waterproofing rubber paper or asphalt paper;
c. Spreading mortar without anti-heat material layer on top.

**Article 3.9. Anti-lightning**

3.9.1. Requirements for anti-lightning

1. According to anti-lightning organizations, the constructions (except of special constructions specified in Point 3 below) are divided into 3 classes as prescribed in Table 3.9.1

2. If a construction has many levels of anti-lightning, the highest level is the anti-lightning level for the entire construction.

3. The constructions with special requirements for anti-lightning must comply with the professional provisions, such as:
   a. Explosive warehouses, fuel depots
   b. Electric cables, telephone cables
   c. Radio poles and antennas;

3.9.2. Anti-lightning system

1. The anti-lightning system of a constructions must be consistent with the terrain, geology, climate and its characteristics.

2. The anti-lightning measure must be implemented at the beginning of the installation of metal structures up high, outdoors and the installation of equipment indoors. During the installation of anti-lightning equipment, the safety of human, technical equipment and all the constructions in the anti-lightning area must be ensured.

3. The anti-lightning equipment must be complete right at the construction is finished. The test and appraisal must be carried out after the installation. Periodic maintenance and inspection must be carried out regularly during the use.

4. The anti-lightning design of industrial and civil constructions are specified in Chapter 10. The anti-lightning design of professional technical constructions must comply with professional anti-lightning standards.

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<tr>
<th>Anti-lightning classification and requirements</th>
<th>Anti-lightning</th>
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<td>I</td>
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<tr>
<td>- Anti-lightning consistently with construction characteristics</td>
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<td>Indoors (power plants, radio stations…)</td>
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<td>- Fire and explosion during the production (may happen in normal conditions)</td>
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<tr>
<td>(Only happen due to malfunctions)</td>
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<tr>
<td>- Damage by explosion:</td>
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<td>Fatal, causing severe damage</td>
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<td>Fatal, causing minor damage</td>
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<td>The rest(1)</td>
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(1) Table 3.9.1 - Classification of anti-lightning of constructions
- Anti-lightning

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<tbody>
<tr>
<td>Direct lightning</td>
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<td>Static induction and magnetic induction</td>
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<td>High voltage of lightning transmitted from the cable or exposed metal part outside</td>
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<tr>
<td>- The time of taking into use of the direct-lightning, static electricity induction and magnetic induction prevention system</td>
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<td>Starting to install machinery and equipment in the construction</td>
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<tr>
<td>Finishing the construction</td>
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**Notes:**

(1) The class-3 constructions below do not require direct lightning prevention:

a. Under 8m height (from the ground to the highest point) of the construction and:
   - Without many people gathered
   - Without metal big machinery or structures;
   - Inside areas with little lightning (no lightning in at least 5 years);
   - Direct lightning does not cause considerable damage to humans and property.

b. Inside the protection range of taller constructions around.

**Article 3.10. Technical heat**

3.10.1. Heat and cold resistance

1. The constructions in the South, belonging to climate B according to the Climate map in the Standard “TCVN 4088-85” - Climatic data in construction design (in Construction Regulation part 3, Annex 2.1) needs to be equipped with partitions consistently with the requirements for heat resistance.

2. The constructions in the North, belonging to the climate A need to be designed consistently with both requirements for heat prevention during summers and cold resistance during winters.

3. In highland (over 1,000m from the sea level), only cold resistance design is required.

3.10.2. Shading

1. Constructions requiring heat resistance must be equipped with shading structures for every kind of doorways and must minimize the number of doors towards the West.

2. The shading structures must be calculated so that the room would not be directly exposed to the sun from 9.AM to 4.30.PM.

3.10.3. Rain blocking

The doorways and openings must follow rain blocking design. The rain blocking structures must be consistent with the rain volume, the rain angle, speed, frequencies and prevailing wind direction in the rain season, the direction of doorways and openings.
Article 3.11. Pest control

3.11.1. Constructions using building materials derived from plants or constructions for producing or storing goods that consists of cellulose must be protected from pests such as termites, worms, fungi.

3.11.2. Constructions built in salt water must be protected from barnacles.

3.11.3. Preservatives and preservation methods must not cause environment pollution and must be consistent with Vietnam’ environment standards.

3.11.4. The building materials that contain pests are banned from import.

3.11.5. The measures for preventing termites and worms are specified in Chapter

Article 3.12. Vibration and noise prevention

3.12.1. The construction must be protected from noise and vibration throughout its operation. The maximum noise levels allowable in residential areas are specified in Chapter 4.

3.12.2. The noise prevention of houses are specified in Chapter 10.

Article 3.13. Hygiene and convenience

3.13.1. The design of constructions must satisfy the requirements for hygiene and convenience for their users, including the disabled;

3.13.2. The requirements hygiene and convenience are specified in Chapter 10, 12 and 13.

Chapter IV

GENERAL PROVISIONS ON CONSTRUCTION PLANNING

This chapter is to assure that the construction planning complies with the provisions on land use, constructions protection and environment protection.

Article 4.1. Scope of application

4.1.1. The provisions in Part II “Construction planning” is the basis for establishing and approving the construction planning projects of urban areas and rural residential areas.

4.1.2. The approved construction planning projects of urban areas and rural residential areas are the legal basis for introducing locations, issuing planning certificates and construction licenses.

4.1.3. In areas without approved construction planning projects, the provisions in this part are the basis for the construction management, issuing planning certificates and construction licenses.

Article 4.2. Interpretation of terms

In this Regulation, the following terms are construed as follows:

4.2.1. Construction planning

Construction planning is the organization of architectural space and arrangement of constructions in an area or territory in each period as the legal basis for the preparation of the construction investment, construction management and socio-economic development.

4.2.2. Urban areas
Urban areas are densely populated areas that stimulate the socio-economic development of a region, that have appropriate urban population of at least 4,000 (or 2,000 for highland areas), among which the non-agricultural labor accounts for over 60%. The urban areas include cities and towns.

4.2.3. Urban land
1. The urban areas include cities and towns.
2. If the suburban land of which the planning is approved by competent State agencies is developed into an urban area, it shall be managed similarly or urban land.

4.2.4. Urban infrastructure
Urban infrastructure includes:
1. Technical infrastructure, including:
   a. The traffic system;
   b. The communication system;
   c. The energy supply system: electricity, fuel, heat;
   d. The public lighting system;
   e. The water supply and drainage system;
   f. The waste management system in order to assure environmental hygiene
2. Social infrastructure, including:
   a. Housing;
   b. The medical, cultural, educational, sports, commercial and public service constructions
   c. Trees, parts, water surface.

4.2.5. Planning certificate
Planning certificates are documents specifying the requirements when making investment, design and construction projects.

Chapter V

URBAN CONSTRUCTION PLANNING

This Chapter is to assure the comprehensive efficiency of the urban construction planning
1. Creating safe, hygienic and convenient environment for people in the spatial organization and urban infrastructure development;
2. Reasonably using the capital, land and other resources.
3. Satisfying the construction requirements, the requirements for urban development towards industrialization and modernization and preservation of traditional culture.

Article 5.1. Urban construction planning projects
5.1.1. All urban areas must have construction planning projects approved by competent authorities in order to form the basis for the urban construction and renovation.
5.1.2. The urban construction planning projects must comply with the provisions of the Ministry of Construction.

**Notes:**

1) The urban areas are rated under the Government’s decisions (5 classes). The standards of urban classification is specified in the Decision No. 132-HĐBT on May 05, 1990 of the Minister Council (now the Government)

2) The urban construction planning includes:

a) General planning: is the planning for the entire territory of an urban area.

b) Detailed planning: is the planning for part of the territory or for each urban functions specified in the general planning.

3) The current provisions on planning projects is “The Regulation on urban construction planning projects” promulgated together with the Decision No. 322-BXD/ĐT on December 28, 1993 of the Minister of Construction.

**Article 5.2. General urban construction planning**

5.2.1 The urban construction planning includes:

1. The urban development orientation for the next 15 – 20 years regarding spaces, infrastructure and environment protection.

2. The first stage of construction planning in 5 – 10 years:

3. Establishing the basis for detailed planning:

2.2. Drafting the “Regulation on urban construction management as planned”

5.2.2. Requirements for general urban construction planning The general urban construction planning must:

1. Satisfy the general requirements for construction planning specified in Article 4.3 of this Regulation;

2. Accurately assessing the natural conditions, the economic reality and potential of the urban area, determining the urban characteristics, population, land, primary technical and economic norms for renovation and development;

3. Planning the spatial development and infrastructure that satisfy the following requirements:

   a. Reasonably using the land and natural resources.

   b. Protecting the environment, assuring the sustainable development, preventing natural disaster or technical malfunctions that might occur.

   c. Preserving the cultural, historical relics and natural scenery.

   d. Assuring the National defense and security

4. Forming the legal basis for urban construction management, making detailed planning and construction investment projects.

**Article 5.3. Detailed urban construction planning projects**
5.3.1. The approved detailed planning is the legal basis for the management of constructions: introducing locations, issuing planning certificates and construction licenses.

5.3.2. Detailed planning contents

The detailed planning specifies the general urban construction planning for the areas that need immediate renovation and construction, including:

**Article 5.12. Planning for industrial zones and urban warehouses**

5.12.1. Urban industrial zones

1. The factories must be arranged into industrial zones, assure the reasonable production, yard and warehouse arrangement, technical infrastructure system and environment protection.

2. The construction planning, renovation and expansion of industrial zones must satisfy the following requirements:
   a. Protecting the environment
      i) Observing the standards of environment protection specified in Article 4.16, 4.17,
      ii) The locations of industrial facilities must restrict as much as possible the negative impacts on the living environment of civil areas as prescribed in Point 5.12.1.3 and Point 5.11.1.4 below.
   b) Organizing the production conveniently and reasonably. Ensuring the cooperation, technical support, fuel supply, waste treatment and use of technical infrastructure system among the factories.
   c) Arranging the constructions consistently with the terrain, the geology and scenery that create industrial beauty and harmony with other architectural complexes. The space between the constructions must ensure the safety fire distance specified in Article 4.12.
   d) Arranging technical infrastructure network and trees.
   e) Using reasonably the land and land reserves for the expansion of factories and industrial zones.

3. Locations of industrial facilities

The facilities must not negatively affect the life in residential areas, in particular:

a) The facilities producing toxic wastes that cause environment pollution must be located at the end of the primary wind direction, at the end of the rivers and streams compared to residential areas.

b) Depending on the hazardous impact on the environment and the load going in and out of the factory, the location shall be near or far from the residential areas as follows:
   i) Outside urban areas: The facilities using explosive or highly radioactive substances; industrial scrap yards on a large scale or contain dangerous wastes.
   ii) Far from civil areas: The hazardous facilities of class 1 and 2 (specified in facility classification in Annex 4.8).
   iii) Inside residential areas: small facilities, small load going in and out, not producing toxic wastes and noise.
4. The hygienic barrier

a. The hygienic barrier must be put between the industrial construction and the residential area.

b. The width of the barrier shall depend on the impact on the residential area of the following factors: the toxicity of the wastes (after treatment), the wind and flow direction. The width must not be less than the minimum width specified in Article 4.11.

c. In the hygienic barrier, at least 40% of the land must be covered with trees and no more than 30% of the area may be used for fire stations, car parking lot, warehouses (except for food warehouses) and service facilities.

5. The scrap yard

The industrial scrap yard must be barricaded without negatively affecting the hygienic conditions of the adjacent facilities and polluting the environment (the groundwater, the air, the land).

b. The scrap yard that contain dangerous waste (likely to cause fire, explosion or epidemics…) must be located far from residential areas and must adopt implement measures for treating toxic wastes and block humans from trespassing

5.12.2. Urban warehouses

1. The planning of urban warehouses must satisfy the following requirements:

a. Reasonably organizing the warehouse network with 3 kinds of warehouses:

i) Retail warehouses serving daily living demands: located inside residential areas) Distribution and wholesale warehouses: located on the perimeter of residential areas.

iii) National reserve warehouse, transit warehouses, warehouses that store toxic, explosive or inflammable substances: must be located at separate areas in the suburbs. The warehouse location must be:

i) High, dry, not flooded, close to the distribution and consumption place;

ii) Convenient for traffic and transport;

iii) Ensure the hygienic distance to civil areas as specified in Article 4.11 and the safety fire distance specified in Article 4.12.

Chapter VI

CONSTRUCTION PLANNING IN RURAL RESIDENTIAL AREAS

This Chapter is to assure the renovation and development of rural residential areas in the short term and the long term:

a) Creating favorable environment, reducing the negative impacts of the production and services on the environment;

b) Reasonably using the land, natural resources and labor;

c) Satisfying the requirements for the development of production (agriculture, aquaculture, forestry and handicrafts) and services in accordance with the local economic development planning, stabilizing the farmers’ life, reducing arbitrary emigration to urban areas.

Article 6.1. Scope of application
6.1.1. This Chapter generally guides the planning of rural residential areas. In order to suit the characteristics of various rural areas, it is required to base on this Regulation and study additional provisions on each area, such as:

1. The North Plain, the Mid-North Plain;
2. The Mekong Delta
3. The North midland;
4. The Central Highland;
5. Other highland;
6. The coastal areas and islands.

6.12. Construction planning of rural residential areas are made for the next 15 years for the administrative territory of a commune (or inter-commune).

6.1.3. The approved construction planning of rural residential areas is the basis for managing lands, initiating investment projects and building constructions.

**Article 6.2. Contents of construction planning in rural residential areas**

The contents of construction planning in rural residential areas include:

1. Determining the relation between the planned commune and the surrounding areas within the same district with regard to the development of the economy, market, traffic, communications, electricity and water supply;
2. The survey on general assessment of the following factors: nature, economy, society, population, labor, technology, land use, scenery and environment;
3. Determining the potential and economic strength as the foundation for the residential area development
4. Forecasting the population and requirements for kinds of constructions;
5. Making the outline of the development of architectural spaces, technical infrastructure and land use planning
6. Formulating the land use plan and dividing the land into plots for the construction area of the first stage, forming the red boundaries and construction boundaries;
7. Determining the locations of important constructions;
8. The infrastructural technical construction development planning;
9. Drafting the regulation on construction management.

**Article 6.3. The construction land in residential areas**

6.3.1. The land for construction and expansion in residential areas must:
1. Outside the following areas:
   a. Environments polluted by industrial wastes or not hygienic, likely to spread epidemics;
   b. Having unfavorable climate such as the Western slope, cyclone;
   c. Having natural resources to be extracted or inside archaeological areas;
d. Inside areas banned from construction such as: the protection range of infrastructural technical constructions, cultural and historical relics, scenery, national defense constructions (specified in Chapter 4);

Chapter 7

PROVISIONS ON URBAN ARCHITECTURE

This Chapter specified the requirements for the architecture of the constructions in urban areas in order to ensure that:

1. All the constructions in the urban area are built under the approved planning.
2. The constructions in the urban area must create and preserve the scenery, including:
   a) Ensuring the ventilation on the street.
   b) Protecting the environment, order and urban landscape as well as the cultural and historical relics, preserving the traditional culture in combination with industrialization and modernization.
   c) Not affecting the adjacent constructions and residents.
   d) Protecting the urban technical infrastructural constructions) Developing the characteristics of each urban area

Article 7.1. Scope of application

7.1.1. The provisions in Chapter is the basis for formulating the “Regulation on construction management” of the planned area.

7.1.2. For areas without approved planning, the People’s Committees of central-affiliated cities and provinces must promulgate documents guiding the construction consistently with the local reality based on this Regulation.

Notes:

a) This Regulation only prescribes the technical issues related to construction. The issues about urban management (security, traffic safety, tree protection, vibration and noise prevention…) are specified in relevant legal documents.

b) Chapter specifies the requirements for urban architecture and planning. Other requirements for the construction (structure, fire prevention, hygiene, safety) are specified in Section II of this Regulation.

c) The provisions on urban technical constructions are specified in Chapter 5.

Article 7.2. General requirements for constructions in the urban area.

7.2.1. Every construction in the urban area must be managed in accordance with the planning.

1. All the constructions in the urban areas must be built under the approved planning and must obtain the construction license as prescribed.

2. All constructions must be designed and built consistently with the approved planning and the provisions in the planning certificate and license issued.

3. The demolition license is required when demolishing constructions except for cases of exemption.
7.2.2. Technical requirements for land plot and constructions being built

1. The land plot for construction

The land plot for construction must satisfy the technical requirements specified in Article 7.3.

2. Every construction must be built inside the licensed land plot.

For the side facing the street, the house must be built inside the construction boundaries, except for the construction parts allowed to be built beyond the boundaries as prescribed in Article 7.4 and 7.5 of this Regulation.

3. Every construction must be built consistently with the requirements for local planning and architecture specified in Point 7.2.1 and the requirements for construction inspection specified in part III of this Regulation.

Article 7.3. Technical requirements for construction land plots

Technically, the land plot used for construction must satisfy the following requirements:

7.3.1. Construction locations

The land plot for construction must:

1. 1. Be outside the areas where construction is prohibited (for the protection of the environment, scenery, relics, technical infrastructural constructions, water source hygiene protection constructions as prescribed in Chapter 5.

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