

**NATIONAL ASSEMBLY**  
Law No.: /2017/QH14

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

**PLANNING BILL**  
**For revision and finalization**

**LAW**  
**ON PLANNING**

*Pursuant to the Constitution of the Socialist Republic of Vietnam;  
The National Assembly promulgates the Planning Law,*

Chapter I  
**GENERAL PROVISIONS**

**Article 1: Governing scope**

This law regulates the formulation, appraisal, decision or approval, dissemination implementation, amendment, monitoring, evaluation, supervision and inspection of the national planning system; the rights, obligations and responsibilities of agencies, organizations, and individuals in planning works.

**Article 2. Applicable entities**

This law is applied to agencies, organizations, and individuals involved in the formulation, appraisal, decision or approval, dissemination, implementation, amendment, monitoring, evaluation, supervision and inspection of plans as well as other related agencies, organizations and individuals.

**Article 3. Interpretation of terms**

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

1. *Planning* means the spatial arrangement and distribution of economic, cultural, social, national defense, security and environmental activities within a specific area in order to use the country's resources effectively for achieving the sustainable-development goals set forth by the State for a specific period;

2. *National master plan* means national strategic planning with the regional zoning and linkage approach, covering the mainland, archipelagoes, territorial waters and airspace of a territory; urban and rural systems, technical and social infrastructure, use of resources, environmental protection as well as response to climate change and natural disasters, ensuring national defence and security as well as international integration.

3. *National marine spatial plan* means a national plan which concretises the national master plan in aspects of zoning of functional areas and proper spatial arrangement and distribution of sectors in archipelagoes, sea waters, airspace and coastal areas on the basis of integrated national sea use plans and sustainable coastal natural resources use and exploitation master plans.

4. *National land use plan* means a national plan which concretises the national master plan in aspects of land allocation and delineation for sectors based on the potentials of land resources.

5. *National sectoral plan* means a national plan which concretises the national master plan in aspects sectors and cross-sectoral and cross-regional linkage.

6. *National sectors* for planning include infrastructure, natural resources use and environmental protection sectors.

7. *Region* means a part of the national territory consisting of several adjacent provinces or centrally-controlled cities which are associated with several river basins or have similarities in terms of natural, socio-economic, historic, cultural, and demographic and infrastructure conditions as well as interactive relationships based long-term and firm connections

8. *Regional plan* means a plan concretizing the national master plan in a region in aspects of space for socio-economic, national defence-security activities, urban systems and residential distribution in rural areas, inter-provincial region development, infrastructures, land, water resources from river basins, use of natural resources as well as environmental protection on the basis of cross-sectoral and cross-provincial connection;

9. *Provincial plan* means a plan concretizing the national master plan in a province in aspects of space for socio-economic, national defense-security activities, urban systems and residential distribution in rural areas, social and technical infrastructures, land, use of natural resources as well as

environmental protection on the basis of connection of all the national-level plans and regional plans, urban plans and rural plans.

10. *Plan integration* is a planning process that is based on the integrated approach and the synchronous coordination among sectors and fields within a defined territory in order to achieve development objectives in a balanced, harmonized, effective and sustainable manner.

11. *Planning work* means the process of formulation, appraisal, decision or approval, dissemination, implementation and amendment of plans.

12. *Plan formulation agency* is an agency, organization assigned by the Government, the Prime Minister, Ministries and Ministerial-level agencies and the Provincial People's Committee(s) national master plans responsible for plan formulation in the national planning system.

13. *Planning database system* is a set of computer hardware and software and geographic and human data systems collected, stored, updated, managed, analyzed and presented as well as all other relevant information presented in a plan.

14. *Planning diagrams and maps* are the drawings demonstrating the contents of plans;

#### **Article 4. Fundamental principles of planning work**

1. To comply with the provisions of this law and of other relevant laws and the international treaties of which the Socialist Republic of Vietnam is a member.

2. To ensure the consistency and synchronism between strategies, plans and socio-economic and cultural development schemes; ensuring the incorporation between sectoral management and territorial management; ensuring national defense, security and environment.

3. To ensure the compliance, continuity, stability and hierarchy in the national planning system of Vietnam.

4. To ensure the participation of agencies, organizations, communities and individuals, the harmonized interests among the country, the regions, the localities and the people, and the gender equality principles in planning work.

5. To ensure the scientificity, forecasting ability, feasibility, national resources effective and economical utilization in planning work; the objectivity, publicity, transparency, people-oriented quality, and conservation in planning work.

6. To ensure sufficient resources for plan implementation.

7. To unify State management on planning, rationally decentralize State management among State management agencies for planning work.

#### **Article 5. The national planning system**

1. The national planning system specified in this Law consists of the following hierarchical levels:

- a) National plans consist of national master plans; national marine spatial plans; national land use plans; national sectoral plans;
- b) Regional plans;
- c) Provincial plans;
- d) Urban plans, rural plans.

2. Special administrative-economic zone plans are part of the national planning systems and subject to the National Assembly's regulation.

#### **Article 6. Relation among types of plans**

1. National master plans serve as the basis for the development of national marine spatial plans, national land use plans, national sectoral plans; regional plans; provincial plans, urban plans and rural plans across the country.

2. National sectoral plans should be in line with national master plans, national marine spatial plans and national land use plans. During the formulation, appraisal, decision or approval, amendment of a national sectoral plan, if there is a conflict with national master plans identified, the former must be amended and implemented in line with the latter.

3. Regional plans must be in line with national plans; provincial plans must be in line with national plans and regional plans.

During the formulation, appraisal, decision or approval, amendment of a regional plan or a provincial plan, if there is a conflict with national sectoral plans identified, the former must be amended and implemented in accordance with national sectoral plans and national master plans.

During the formulation, appraisal, decision or approval, amendment of a regional plan or a provincial plan, if there is a conflict with other plans of the same level identified, these plans must be amended and implemented in line with plans of higher levels; in case there is a conflict between a provincial plan and a regional plan, these plans must be amended and implemented in accordance with national plans.

4. Urban plans and rural plans must be in accordance with national master plans, national marine spatial plans, national land use plans, national sectoral

plans, regional plans and provincial plans. The formulation, appraisal, approval, implementation and amendment of urban and rural plans shall comply with the provisions of law on urban planning and law on construction. The public disclosure and dissemination of urban plans and rural plans shall comply with the provisions of this Law, law on urban planning and law on construction.

#### **Article 7. Order of planning work**

Planning work is carried out in the following order:

1. Formulation, appraisal and approval of planning requirement;
2. Plan development;
3. Plan appraisal;
4. Decision on or approval of the plan;
5. Plan dissemination;
6. Plan implementation;
7. Plan amendment

#### **Article 8. Planning period**

1. The planning period is a defined period of time, served as the basis for the forecast and calculation of social, economic and environmental targets to inform the planning.

2. The planning period of plans under the national planning system is 10 years, with vision of 30-50 years for national plans and 20-30 years for regional and provincial plans.

#### **Article 9. Funding for planning work**

1. Costs related to the formulation, appraisal, decision or approval, dissemination and amendment of a plan are paid out of the budget for public investment in accordance with the regulations on public investment;

2. Costs related to monitoring, evaluation, supervision and inspection of a plan are paid out of the budget for recurrent expenditures in accordance with the regulations on State Budget.

#### **Article 10. State policies for planning work**

1. The State shall manage the national socio-economic development and ensure the national defense, security and environmental protection under approved or decided plans.

2. The State shall promulgate mechanisms and policies to encourage and mobilize resources for promoting sustainable development in association with environmental protection and response to climate change under approved or decided plans.

3. The State shall promulgate mechanisms and policies to encourage domestic and foreign organizations and individuals to support and provide resources to planning activities, ensuring the objectivity, publicity and transparency.

4. The State shall encourage and provide favourable conditions for organizations and individuals of all economic sectors to participate in planning activities.

5. The State shall promulgate mechanisms and policies to strengthen international cooperation in planning activities.

6. The State shall have in place policies for the investment in and development of a national planning information and database system, financing the operation for such system.

#### **Article 11. Scope of State management over planning**

1. Promulgation and implementation of legal documents on planning;

2. Development, organization for planning work; promulgation of management policies and mechanisms for plans based development;

3. Development and update of the national planning information and database system;

4. Review and evaluation on plan implementation;

5. Communication, dissemination and education on planning legislation;

6. Organization and management of activities related to training, capacity building, research and application of science and technology in planning work;

7. International cooperation in planning works;

8. Monitoring, evaluation, supervision and inspection; settlement of complaints and arraignments, handling of violations in planning work.

9. Commendations to agencies, organizations, individuals with achievements in planning activities.

### **Article 12. International cooperation in planning work**

1. International cooperation during the planning work aims to ensure that planning activities meet international integration requirements and that basic principles in planning work specified in Article 4 of this Law are complied with.

2. Key activities in international cooperation during the planning work include experience sharing, application of new sciences and technologies, training and attracting human resources for planning activities.

3. International cooperation during the planning work must be in line with Vietnam's foreign relation policies; ensuring the principles of peace, cooperation, friendship and mutual development on the basis of respect for independence, sovereignty and territorial integrity, mutual benefits and for Vietnamese laws and relevant international treaties. of which the Socialist Republic of Vietnam is a member.

### **Article 13. Rights and responsibilities of agencies, organizations, communities and individuals participating in consultation and monitoring on planning work**

1. Agencies, organizations, communities have the right to participate in consultation and monitor planning work; individuals have the right to participate in consultation and give recommendations to planning work;

2. Agencies, organizations and individuals requested to participate in consultation are held responsible for the contents and the deadline of their consultation;

3. Agencies in charge of organization of plan formulation, appraisal, decision or approval, implementation and amendment must create favourable conditions for agencies, organizations, communities and individuals to participate in consultation and monitoring on planning works

4. The consultation opinions of agencies, organizations, communities and individuals on planning works must be considered, taken into account responded and made public and transparent in accordance with regulations and laws.

### **Article 14. Prohibited acts in planning activities**

1. To formulate, appraise, decide on or approve, amend plans that are not in line with the provisions prescribed herein and in relevant laws.
2. To perform corruptive acts and make wasteful spending in planning work
3. To select planning consultant and independent criticism consultant whose professional capability are not relevant to the undertakings or go counter to legal regulations.
4. To hinder the participation of agencies, organizations, communities and individuals in providing feedbacks on planning.
5. To make no, delayed, deliberately false or incomplete dissemination of plans, to destroy or falsify planning dossiers, to refuse to provide information related to plans.
7. To not implement plans in line with decided or approved ones.
8. To illegally intervene, hinder, cause difficulties to the implementation of planning activities.

## **Chapter II**

### **PLANNING FORMULATION**

#### **Part 1**

#### **ORGANIZATION OF PLAN FORMULATION**

### **Article 15. Responsibility for organization of plan formulation**

1. The Government organizes for formulating the national master plans, national marine spatial plans and national land use plans.
2. The Prime Minister organizes for formulating regional plans;
3. Ministries and ministerial-level agencies organize the formulation of national sectoral plans as prescribed in Annex I of this Law;
4. The People's Committees of provinces organizes for the formulation of their respective provincial plans;

### **Article 16. Plan formulation process**

1. The formulation process of the national master plan, national marine spatial plans, national land use plans is implemented via steps as follows:



a) The Government establishes an agency(s) in charge of plan formulation. Such agency(s), in collaboration with relevant Ministries, Ministerial-level agencies and localities, prepares the plan formulation requirements and submit to the Government for approval;

b) The plan formulation agency selects a plan formulation consultancy organization; assumes the prime responsibility, in coordination with relevant ministries, ministerial-level agencies and localities, to conduct studies analyses, assessments and forecasts on factors, conditions, resources and situations related to development, to carry out national social, economic and cultural development status-quo assessment; to propose directive viewpoints and macro objectives as well as orientations for prioritizing development activities as the basis for plan formulation;

c) The relevant Ministries, Ministerial-level agencies and localities select a consultancy organization(s) to develop their assigned parts of a certain plan and organize appraisal of such parts prior to sending them back to the plan formulation agency(s);

d) The plan formulation agency(s) leads and coordinates with relevant ministries, ministerial-level agencies to consider and handle cross-sectoral, inter-regional and inter-provincial issues in order to ensure the consistency, cohesion and effectiveness of the plan; to propose amendments and supplementations to such parts prepared by relevant ministries and ministerial-level agencies;

dd) The ministries and ministerial-level agencies amend, supplement and complete their assigned parts of the plans and send back to the plan formulation agency;

e) The plan formulation agency(s) circulates plans for comments in accordance with Article 20 of this Law

g) The plan formulation agency(s) considers, responds to comments and finalizes the plans to submit to the Plan Appraisal Council;

h) The plan formulation agency shall finalize the plan according to the conclusions of the Appraisal Council and submit to the National Assembly for approval.

2. The formulation process of a national sectoral plan is conducted via the following steps:

a) Ministries establish their own plan formulation agencies. The plan formulation agency takes the prime responsibility, in collaboration with relevant ministries and ministerial-level agencies, to prepare the plan formulation requirements to submit to the Prime Minister for approval;

b) The plan formulation agency(s) selects a plan formulation consultancy organization; develops and circulates the plan to relevant ministries, ministerial-level agencies and localities for consultation in accordance with Article 20 herein;

c) Relevant Ministries, Ministerial-level agencies and localities send back their comments to the plan formulation agency(s);

d) The plan formulation agency(s) reviews, responds and finalizes the plan and submits to the Plan Appraisal Council;

dd) The plan formulation agency finalizes the plan in compliance with the conclusions of the Appraisal Council and submits to the Prime Minister for approval.

3. The formulation process of a regional plan is conducted via the following steps:

a) The Prime Minister establishes a plan formulation agency(s). Such agency(s) takes the prime responsibility, in collaboration with relevant ministries and ministerial-level agencies, to prepare the plan formulation requirements to submit to the Prime Minister for approval;

b) The plan formulation agency(s) selects a plan formulation consultancy organization; assumes the prime responsibility, in coordination with relevant ministries, ministerial-level agencies and localities to conduct studies, analyses, assessments and forecasts on factors, conditions, resources and situations related to development, to carry out regional socio-economic status-quo assessments; to propose directive viewpoints and macro objectives as well as orientations for prioritizing development activities as the basis for plan formulation;

c) Relevant ministries, ministerial-level agencies and localities select a consultancy organization to develop their assigned parts of a certain plan(s), organize appraisal of such parts prior to sending them back to the plan formulation agency(s);

d) The plan formulation agency(s) leads and coordinates with relevant ministries, ministerial-level agencies and localities to consider and handle inter-regional and inter-provincial issues in order to ensure the consistency, cohesion and effectiveness of the plan; to propose amendments and supplementations to the parts of the plan prepared by related ministries, ministerial-level agencies and localities;

dd) Relevant ministries, ministerial-level agencies and localities amend, supplement and finalize their assigned parts of the plan and send back to the plan formulation agency(s);

e) The plan formulation agency(s) circulates the plan for comments in accordance with Article 20 herein.

g) The plan formulation agency(s) is responsible for completing the whole plan and submitting to the Plan Appraisal Council;

h) The plan formulation agency shall finalize the plan according to the conclusions of the Appraisal Council and submit to the Prime Minister for approval.

4. The formulation process of a provincial plan is conducted via the following steps

a) Chairmen of Provincial People's Committees establish their own plan formulation agencies. Such agency(s) works with relevant agencies, organizations, District People's Committees to prepare the plan formulation requirements and submit to the Prime Minister for approval;

b) The plan formulation agency(s) selects a plan formulation consultancy organization; assumes the prime responsibility, in coordination and consultation with relevant organizations, agencies and District People's Committees, to conduct research, analyses, assessments and forecasting of factors, conditions, resources and situations related to development; to carry out provincial social, economic and cultural status quo assessments; to propose directive viewpoints and macro-level objectives, orientations for prioritizing development activities as the basis for plan formulation;

c) The relevant agencies, organizations, District People's Committees provide comments on plans upon requests and send them to the provincial plan formulation agency(s);

d) The plan formulation agency(s) leads and coordinates with relevant agencies, organizations, District People's Committees to consider and handle cross-sectoral and inter-district issues so as to ensure the consistency, cohesion and effectiveness of the plan; to send out the plan for consultation in accordance with Article 20 herein; to propose amendments and supplementations to the parts of the plan developed by agencies, organizations, District People's Committees;

dd) Relevant agencies, organizations and District People's Committees amend, supplement and complete their assigned parts of the plan and send back to the provincial plan formulation agency(s);

e) The plan formulation agency(s) completes the whole plan and submits it to the Plan Appraisal Council;

g) The plan formulation agency(s) finalizes the plan according to the conclusions of the Appraisal Council and submits to the Provincial People's Committee(s);

h) Provincial People's Committee submits the provincial plan to Provincial People's Council for consideration and comments; finalizes the provincial plan based on such comments and submit the provincial plan to the Prime Minister for approval.

### **Article 17. Plan formulation requirements**

1. The plan formulation requirements include the following major contents:

a) Basis for plan formulation;

b) Requirements for planning contents and methodologies;

c) Costs for plan formulation;

d) Duration of plan formulation;

dd) Responsibilities of the agencies involved in the organization of plan formulation.

2. Appraisal and approval of the plan formulation requirements:

a) The Government shall organize appraisal and grant approval for the plan formulation requirements of the national master plans, national marine spatial plans and national land use plans;

b) The Prime Minister shall organize appraisal and grant approval for the plan formulation requirements of national sectoral plans, regional plans, and provincial plans;

2. The Government shall specify detailed provisions for this Article.

**Article 18. Plan formulation consultancy organizations**

1. Assigned plan formulation agencies, Ministries, sectors and localities shall select a plan formulation consultancy organization(s) in accordance with legal provisions on procurement.

2. The plan formulation consultancy organization must have a legal entity status and qualified professional capability relevant to the undertakings and according to the regulations of the Government.

**Article 19. Strategic environmental assessment in the plan formulation process**

1. The plan formulation agency(s) is responsibilities for preparing the strategic environmental assessment report in accordance with the regulations on environmental protection;

2. The strategic environmental assessment report must be made, appraised concurrently with the plan formulation and appraisal process;

3. The strategic environmental assessment report contents used for plans are regulated by environmental protection law and regulations;

**Article 20. Consultation on plans**

1. The plan formulation agency(s) has the responsibility to consult with relevant Ministries, Ministerial-level agencies, People's Committees of levels, and other relevant agencies, organizations, communities, individuals. For regional plans and provincial plans, the plan formulation agency(s) shall further consult with People's Committees of the neighbour provinces.

2. The consultation with relevant agencies, organizations and individuals is conducted via circulation of reports, documents and posting on official websites of the plan formulation agency(s). The agencies and organizations requested for giving feedbacks have responsibility for responding in the form of written documents.

3. The consultation with local communities on plans is implemented in the form of online posts on the official websites of the plan formulation agency(s), notices posted in public areas, survey questionnaires, conferences

and workshops. The representatives involved in the consultation are responsible for aggregating the opinions of their respective communities as prescribed by relevant laws on grass root-level democracy at communal, ward, township levels, on access to information, on issuance of legal documents;

4. Collected opinions must be studied, considered, responded and reported to competent authorities for consideration before plan appraisal, decision or approval. The plan formulation agency(s) shall be responsible for dissemination and disclosure of comments and consideration and response to these comments.

5. The Government shall promulgate detailed regulations on consultation on each plan type.

### **Part 3**

#### **CONTENTS OF PLANS**

##### **Article 21. Bases for plan formulation**

1. National social, economic, cultural, national defense and security and environmental development strategy of the given development period.
2. Higher-level plans.
3. Plans of the previous period(s).

##### **Article 22. Content requirements and plan formulation principles**

1. To ensure the planning and development requirements across the whole country, towards the objectives of sustainable development in association with environment protection and response to climate change; allocation, exploitation and use effectively nature resources and conservation of historical, cultural and natural heritages for the present and future generations.
2. To ensure the spatial development organization in association with technical and social infrastructures, land use, environment protection, ecosystem services during the plan formulation process.
3. To ensure the connection, and synchronization, systemization between different sectors, regions in the country and between localities in a region, to explore and optimize the utilization of the existing infrastructure, maximize the potential and advantages of each region and each locality in

tandem with enhancement of social progress, justice and welfare as well as ensured national defence and security.

4. To ensure the balance between economic, social and environmental aspects in the plan formulation process.

5. To minimize the negative impacts due to the economy, society and environment on community livelihoods; elderly, people with disabilities, ethnic minority people, women and children, the planning process must be combined with other policies to promote the development of the disadvantaged and slowly-developing areas and sustainable livelihoods for people therein.

6. To ensure the harmony between State's and community's interests and between the interests of different regions and localities.

7. To ensure the right of participation of agencies, organizations, communities and individuals during the planning formulation process

8. To ensure the scientific soundness and application of modern technology in the plan formulation process; meeting standards, norms and relevance to development and international integration requirements of the country.

9. Contents of each of plan type must be consistent and linked together and be reflected in planning reports and in systems of diagrams, maps and planning databases.

### **Article 23. National master plans**

1. Contents of national master plans: define the spatial distribution and organization for development of socio-economic activities that hold national, international and cross-regional importance and are strategic to the whole territory, including mainland, archipelagoes, territorial waters and airspace.

2. The national master plans must include the following key points:

a) Analysis and assessment on natural conditions, existing socio-economic development status of the country, national and international development trends, significant policies and direction for development, relevant plans and resources for development, development trends of science, technology; determination of national products; national security and military zones; conservation areas; areas for preservation, renovation and restoration of historical-cultural relics, famous landscapes and relics; Areas restricted to

exploitation, use, and areas for development promotion in accordance with relevant legislation;

- b) Determination of development viewpoints and objectives;
- c) Forecast on development trends and scenarios;
- d) Direction of spatial organization of social, economic and cultural development;
- dd) Direction of marine spatial development;
- e) Directions for national land use;
- g) Airspace exploitation and use directions
- h) Regional division and linkage directions;
- i) Directions for national urban and rural system development;
- k) Directions for nationally-significant social-infrastructure sectors;
- l) Directions for nationally-significant technical-infrastructure sectors;
- m) Directions for environmental protection, biodiversity conservation and response to climate change;
- n) List of nationally significant projects in priority order;
- n) Solutions, resources for plan implementation;

3. The Government provides detailed guidance on the national master plans. The implementation of key national projects stipulated in point n, clause 2 of this Article shall be implemented in accordance with the applicable laws.

#### **Article 24. National marine spatial plans**

1. The national marine spatial plan defines the functional zoning and the spatial arrangement and distribution of sectors and regions in archipelagoes, sea waters, airspace and coastal areas under sovereignty, sovereign rights, and national jurisdiction of Vietnam

2. The national marine spatial plan must include the following key points:

- a) Analysis and assessment on natural conditions, resources, contexts for development, existing spatial pattern of all the activities in the sea waters, islands and archipelagoes, coastal area of Viet Nam;



b) Determination of prohibited exploitation areas, conditional exploitation areas, development-promoted areas, areas needed special protection for national defense and security, environmental protection and ecosystem conservation, floating and underground structures in the sea waters, islands, archipelagoes and coastal area;

c) Forecast on changes in natural resources and environment, impacts of climate change and sea level rise on natural resources and environment; demands for exploitation and use of natural resources, and requirements for environmental protection in the sea waters, islands, archipelagoes and coastal area in the planning period;

d) Forecast of future prospects and development scenarios; assessment on opportunities and challenges for the activities on the sea area;

dd) Determination of development viewpoints and objectives;

e) Directions for spatial organization of all the activities in the sea waters, islands, archipelagoes and coastal area;

g) Functional zoning for the sea waters, islands, archipelagoes and coastal area;

h) Solutions, resources for plan implementation;

i) List of nationally significant projects in priority order;

3. The Government provides detailed guidance on the national marine spatial plans specified in clause 2 of this Article. The implementation of key national projects stipulated in point i, clause 2 of this Article shall be implemented in accordance with the applicable laws.

### **Article 25. National land use plans**

1. National land use plans defines the spatial distribution of land use for objectives of social, economic and cultural development, national defense and security, environmental protection, natural disaster prevention and response to climate change based on land potentials and land use demand of inter-regional and inter-provincial sectors and fields.

2. The national land use plans should include the following key contents:

a) Analysis and assessment of factors, natural conditions, resources, contexts that directly affect land use and actual use of land by sectors, fields;

- b) Forecast on changes in land use;
  - c) Determination of viewpoints and objectives in land use in the new period;
  - d) Orientations of spatial distribution and targets of agricultural and forest land use;
  - dd) Orientations for spatial distribution and targets of non-agricultural land use;
  - e) Identification of unused land space;
  - g) Solutions, resources to plan implementation;
3. The Government provide detailed guidance on national land use plans in clause 2 of this Article.

### **Article 26. National sectoral plans**

1. National sectoral plans define development directions, spatial arrangement and distribution of resources for inter-regional and inter-provincial sectors.

2. The list of national sectoral plans is specified in Annex 1 to this Law. Based on the socio-economic conditions and the requirements of state management in each period, the Government shall review the list of national sectoral plans in Annex 1 to this Law and submit it to the National Assembly Standing Committee for consideration and decision of amendment and supplementation

3. The national infrastructure sectoral plan must include the following key points

- a) Analysis and assessment on natural conditions, factors, resources, contexts for development, existing spatial pattern of the national infrastructure sector;

- b) Forecast of development trends and scenarios, natural disaster prevention and response to climate change that directly impact in the national infrastructure sector in the planning period;

- c) Assessment on inter-sector, inter-region linkages; identification requirements to the sector for socio-economic development; the sector's opportunities and challenges in development of the national infrastructure sector;

d) Determination of development viewpoints and objectives of the national infrastructure sector;

dd) Scheme of infrastructure sector development in the whole country and territorial regions;

e) Directions for land use organization for development of the national infrastructure sector, and environment protection related activities, response to climate change and conservation of ecology, landscape, nationally ranked heritage sites;

g) List of nationally significant projects, sector's prioritized projects based on the national infrastructure sector and the priority order;

h) Solutions, resources to plan implementation

4. The national sectoral plans for natural resources sectors must include the following key points:

a) Analysis and assessment on natural conditions, survey, investigation and exploration of current exploitation and use situations of natural resources;

b) Impact assessment of natural resources exploitation and use;

c) Analysis and assessment of major policies and socio-economic development directions related to exploitation and use of natural resources and environment protection of the country; related plans;

d) Forecast impacts of advances in science and technology as well as socio-economic development on the protection, exploitation and use of natural resource in the planning period;

dd) Viewpoints and objectives for national resources exploitation and use for socio-economic development.

e) Designation of areas prohibited from exploitation and use, areas for conditional exploitation; areas promoted for exploitation and use;

g) Orientations related to environmental protection, disaster prevention and and response to climate change;

h) Solutions, resources for plan implementation;

5. National environmental protection plans must include the following key points:

a) Assessment of the current state of land, water, air, natural landscapes and biodiversity; assessment of the arising and the management of normal solid wastes and hazardous wastes;

b) Viewpoints, objectives, tasks, solutions to environmental management and protection;

c) Identification of ecological functional zones, conservation areas, preservation, restoration and restoration areas for historical-cultural relics, famous landscapes and listed relics; waste treatment and burial areas; environmental monitoring and warning system;

d) Orientations of natural resources and biodiversity conservation;

dd) Orientations of waste treatment and waste burial areas;

e) Environmental monitoring and warning system;

g) Solutions and resources for planning implementation;

6. The Government shall stipulate the detailed guidance of sectoral plans for the national infrastructure sector, the national natural resources use sector and the environment protection sector as stipulated in clause 3, 4, 5 of this Article. The implementation of planning contents stipulated in point g, clause 3 of this Article shall be in accordance with the applicable laws.

### **Article 27. Regional plans**

1. Regional plans define directions for the development, spatial arrangement and resource distribution for social, economic, cultural, national defense, security and environment activities of inter-regional and inter-provincial scale.

2. The regional plan must include the following key points:

a). Analysis and assessment on the specific conditions and resources of the given region.

b) Viewpoints and objectives for development of the region;

c). Orientations for development of the region's advantageous sectors; options for development, arrangement, selection and distribution of developmental resources in the region;

d) Orientations for regional construction development; determination of rural-urban systems, economic zones, industrial zones, high-tech zones, tourism zones, sports training and research zones; conservation zones; areas

for preservation, renovation and restoration of historical and cultural relics, famous landscapes and listed relics; intensive-production areas;

dd) Orientations for infrastructure development.

e) Orientations for environmental protection, exploitation and protection of water resources and river basins, natural disasters prevention and response to climate change in the region.

g) List of the projects and their priority order.

h). Solutions, resources to plan implementation.

3. The Government shall stipulate the detailed guidance of regions under planning and contents of regional plans stipulated in clause 2 of this Article. The formulation, appraisal, approval and implementation of construction development plans and detailed plans for the implementation of regional plans stipulated in point d, dd and e of clause 2 of this Article shall be implemented in accordance with laws on construction, environment and other applicable laws.

#### **Article 28. Provincial plans**

1. Provincial plans reflects national level projects defined in national level plans; regional and inter-provincial projects defined in regional plans; development directions of provincial and inter-district projects and directions for organization in districts

2. The provincial plan must include the following key points:

a) Analysis and assessment on the specific conditions of the given province; assessment on the province's existing situation regarding to social, economic and cultural development, land use and urban and rural system.

b) Viewpoints and objectives for development of the province.

c) Directions for development of key sectors in the province; selection of social, economic and cultural organization options;

d) Planning options of the urban systems, including national and regional level urban systems determined in the related regional plan for the province; options for development of other urban areas within the province and provincial level cities, towns and townships; options for development of the system of economic zones, high-tech parks and industrial parks, tourism zones, sports training and research zones, conservation zones, zones for

preservation, renovation and restoration of historical-cultural relics, famous landscapes and listed relics determined in the national plans and the regional plans for the province; development options for industrial complexes; options for spatial organization of rural areas, development of intensive agricultural production areas; options for distribution of residential areas; determination of national defence and security areas; options for development of socially, economically and culturally disadvantaged areas and development-driven areas

dd) Options for development of transportation network: include those determined in the national-level plans and related regional plans for development of the infrastructure network in the province's territory regarding expressways, national roads, railways, waterways, national and international seaports and airports, inter-provincial roads and waterways network; determination of provincial road network;

e) Options for development of electricity supply network, including the national-level plans and related regional plans' directions for development of electricity supply facilities, electricity transmission network in the province's territory; determination of the electric power transmission system and the distribution system.

g) Options for development of telecommunications network, including: national-level plans and related regional plans' directions for development of international, national and inter-provincial telecommunication system in the province's territory, and telecommunication works;

h) Options for development of irrigation and water supply networks, including national-level plans and related regional plans' directions for development of regional and inter-provincial irrigation and water supply systems in the province; determination of the inter-district irrigation and water supply systems;

i) Options for development of waste treatment areas, including: national-level plans and related regional plans' directions for development of regional and inter-provincial hazardous waste treatment areas in the province; determining of inter-district waste treatment areas;

k) Options for development of social infrastructures, including: national, regional and inter-provincial level social infrastructure projects in the province determined in national-level plans and related regional plans;

determining provincial-level social infrastructure projects in the province (including cultural, sport and tourism facilities, commercial centers, exhibition and conventional centers and other institutions);

l) Land allocation and delineation by functional zone and land type, up to district-level administrative units;

m) Options for construction planning of inter-district and district areas;

n) Options for environmental protection, water resources exploitation and protection, natural disaster prevention, and response to climate change in the province.

o) List of the province's projects in priority order.

p) Solutions, resources to implementation of the provincial plan.

3. The Government shall stipulate the detailed guidance of provincial plans under clause 2 of this Article. The formulation, appraisal, approval and implementation of construction plans and detailed plans for the implementation of provincial plan contents in point d, đ, e, g, h, i, k, l và m in clause 2 of this Article shall be implemented in accordance with the applicable laws on construction, land, environment and other relevant ones.

### **Chapter III**

#### **APPRAISAL, DECISION OR APPROVAL, DISSEMINATION AND INFORMATION OF PLANS**

##### **Part 1**

##### **PLAN APPRAISAL**

#### **Article 29. Competence for establishment of plan appraisal councils**

1. The Government's Prime Minister shall establish a Plan Appraisal Council for appraisal of national and regional plans.

2. The Ministry of Planning and Investment shall establish a Plan Appraisal Council for appraisal of provincial plans.

#### **Article 30. The Plan Appraisal Council**

1. Members of the Appraisal Council for national and regional plans: the Chairman and members of the Council. The Chairman of the Council should be the Prime Minister or the Vice Prime Minister. Members of the Council include

representatives of Ministries, Ministerial-level agencies, local representatives and other organizations and individuals.

2. The standing body of the Appraisal Council for national and regional plans:

a) Ministry of Planning and Investment is the standing body of the Appraisal Council for appraisal of national master plan regional plans;

b) Ministry of Natural Resources and Environment is the standing body of the Appraisal Council for appraisal of national marine spatial plans, national land use plans, national military land use plans, national security land use plans;

c) Ministries, ministerial-level agencies are standing bodies of the Appraisal Councils for appraisal of the national sector plans which are under their competence except those stipulated in point b of this clause.

3. The Appraisal Councils of provincial plans include: the Chairman and its members. The Chairman shall be the Minister of Planning and Investment and the members shall consist of representatives of ministries, ministerial-level agencies and concerned local authorities. The standing body of this Appraisal Council shall be decided by its Chairman.

4. The Appraisal Council works in the collective regime under the leadership of the Chairman. The Chairman and the members of the Council are responsible for organization of appraisal and related activities in accordance with the assigned task. Where needed, the Plan Appraisal Councils may employ an independent criticism consultant. Independent criticism consultants must meet relevant qualification requirements in accordance with the relevant laws and the Government's regulations. The Standing body of the Appraisal Council organizes the consultation with professional associations, organizations, appraisal experts, independent criticism consultant and other criticism organizations before submitting the plan to the Appraisal Council.

5. The Government shall stipulate detailed regulations regarding this Article.

### **Article 31. Dossier for plan appraisal**

1. The dossier that the plan formulation agency submits to the appraisal council for plan appraisal includes as follows:

a) Request for plan appraisal.



b) Draft decision or approval document of the plan.

c) Plan report.

d) Aggregated report of opinions of agencies, organizations, Fatherland Front, communities and individuals regarding to the plan report; copies of comments of related Ministries and localities; clarification report in response to such comments.

dd) Strategic environmental assessment report.

e) Planning maps, diagrams and database systems.

2. The Plan Appraisal Council only performs the appraisal when the dossier is submitted in full in accordance with the regulations in clause 1 of this Article. The Council reserves the right to request the plan formulation agency(s) to provide further information and clarifications, if needed.

### **Article 32: Contents of plan appraisal**

1. Compliance with the approved planning requirements, with the planning coordination process prescribed in Article 16 of this Law and the integration of the planning contents appraised and sent by relevant ministries, ministerial-level agencies and localities to the plan formulation agency(s).

2. Compliance with the plan contents stipulated in Part 2, Chapter II of this Law.

### **Article 33. Plan appraisal report**

1. Plan appraisal reports for national master plans, national marine spatial plans, national land use plans must clearly reflect the plan appraisal opinions of Appraisal Councils on plan appraisal contents as specified in Article 32 of this Law and the conclusions on whether the plans are satisfactory or otherwise so that the Government can submit to the National Assembly for decision.

2. Appraisal reports on national sectoral plans, regional plans and provincial plans must clearly reflect the plan appraisal opinions of Appraisal Councils on plan appraisal contents as specified in Article 32 of this Law and the conclusions on whether the plans are satisfactory or otherwise so that they can be submit to the Prime Minister for approval.

3. In case the Appraisal Council conclude that the plans fail to meet requirements for submission for decision or approval, the dossiers shall be returned with clear clarifications to plan formulation agency(s) for further revision and finalization.

4. The plan formulation agency(s) shall have to review, explain and accept opinions of the Appraisal Council for its revision and finalization of the dossier submitted and concurrently provides clarification reports to the Council.

## **Part 2**

### **PLAN DECISION OR APPROVAL**

#### **Article 34. Authority for plan decision or approval**

1. The National Assembly shall give a decision on national master plans, national marine spatial plans, national land use plans.

2. The Prime Minister shall grant his/her approval to national sectoral plans, regional plans and provincial plans.

#### **Article 35. Dossier for plan decision or approval**

The dossier submitted for plan decision or approval includes as follows:

1. Request for plan decision or approval.
2. Draft decision or approval document of the plan.
3. Plan report.
4. Plan Appraisal Report; strategic environmental assessment report; report on justification to and adoption of appraisal conclusions; Aggregated report on opinions of agencies, organizations and individuals on the plan; copies of comments made by related Ministries and localities; clarification reports in response to such comments;
5. Review reports by independent criticism consultant(s) (if any), criticism reports by professional organizations, associations and independent experts.
6. Planning maps, diagrams and database systems.

#### **Article 36. Procedures for verification of national master plans, national marine spatial plans, and national land use plans**

1. Procedures for plan verification:
  - a) At least 60 days prior to the opening of a National Assembly session, the Government shall send the dossiers submitted for decision to the agency in charge of verification under the National Assembly;
  - b) The verification agency may request the Government and concerned agencies, organizations and individuals to report on the matters in plans;

c) The requested agencies, organizations and individuals shall have to provide full information and documents in service of the verification.

2. Contents of verification shall include:

a) The relevance of the planning contents with the Party's policies and guidelines; with the Constitution, laws and the related international treaties of which the Socialist Republic of Vietnam is a member;

b) The feasibility of the plans;

c) The conditions that assure human and financial resources for the implementation of the plans.

### **Article 37. Forms and contents of plan decision or approval**

1. Plan decision or approval forms shall comply with the legal provisions on the issuance of legal documents.

2. The plan approval contents include key contents stipulated in Clause 2 of Article 23, Clause 2 of Article 24, Clause 2 of Article 25, Clauses 3, 4, and 5 of Article 26, Clause 2 of Article 27 and Clause 2 of Article 28 of this Law.

## **Part 3**

### **PLANNING DISSEMINATION AND INFORMATION**

#### **Article 38. Dissemination of plans**

1. No later than 15 days from the date the plan is given a decision or approval, all the contents of such plan shall be made public, except for the information classified as State secrets in accordance with the regulations and laws.

2. The plan shall be made public in accordance with the provisions stipulated in points a, c and d of Article 40 of this Law

#### **Article 39. Responsibilities regarding plan dissemination**

1. The Ministry of Planning and Investment is responsible for disseminating the national master plans and regional plans.

2. The Ministry of Natural Resources and Environment is accountable for announcing the national marine spatial plans and national land use plans.

3. Ministries and Ministerial-level agencies are in charge of disseminating plans within their plan formulation competence.

4. Provincial People's Committees are responsible for making public provincial plans.

**Article 40. Forms of plan dissemination**

1. Plans must be made public on a regular basis on the official websites of plan formulation agencies.

2. Aside from the plan dissemination form as prescribed in clause 1 of this Article, the plan formulation agency(s) may use the following methods as stipulated by the Government:

- a) On the mass media;
- b) Displayed planning models, maps, diagrams and database systems;
- c) At conferences and workshops;
- d) In publications.

**Article 41. National planning information and database system**

1. The national planning information and database system shall be established and operated in a uniformed manner in the whole country to inform planning activities in accordance with the Government's regulations.

2. The national planning information and database system shall include the following key elements:

a) The national planning databases, containing data on natural resources, economy, society, environment, climate change, national defense, security which are linked with the standardized and regularly updated national geographic databases;

b) The information system on planning activities;

c) The system of computers, software, and auxiliary equipment for accessing, searching, processing and exporting data;

d) IT infrastructure for the online connection to national planning databases.

3. Responsibility in establishment of national planning information and database system:

a) The Ministry of Planning and Investment shall take the responsibility for the development, management and operation of the national planning information and database system;

b) The Ministry of Natural Resources and Environment shall be responsible for providing standardized and regularly updated geographical database in accordance with national standards on geographical information in order to inform the national planning information and database system.

c) Ministries and ministerial-level agencies are responsible for providing planning information under their management for incorporation into the national planning information and database system;

d) The Provincial People's Committees are accountable for establishing, managing and using the local planning information and database systems and providing related information for integration into the national planning information and database system;

4. When any organization, individual needs planning information, database, they can access and use information under provisions of laws.

#### **Article 42. Provision of planning information to agencies, organizations and individuals**

1. The information related to decided and approved plans must be provided promptly, fully and accurately to the agencies, organizations and individuals who make requests, except for the information related to State secrets as regulated.

2. The Ministry of Planning and Investment is responsible for providing the information related to the national, regional and provincial plans.

3. The Ministry of Natural Resources and Environment takes responsibility for providing information on national land use plans and national marine spatial plans.

4. Ministries and ministerial-level agencies provide information related to plans within their plan formulation competence.

4. Provincial People's Committees provide information on the provincial plans.

#### **Article 43. Forms of planning information provision**

1. In written documents or directly-provided information at the request of the agencies, organizations and individuals.

2. On mass media and official websites as stipulated in Article 41 of this Law.

### 3. Planning-related publications.

#### **Article 44. Archives of planning dossiers**

1. Planning dossiers include planning reports; proposal on plan appraisal; proposal on plan decision or approval; a synthesized report of comments of agencies, organizations and individuals on the contents of the plans; copies of the comments of the concerned ministries, ministerial-level agencies and localities; clarification reports which explain and accept comments on the plans; strategic environmental assessment reports; appraisal reports; planning maps, diagrams and geographical database systems; planning decision or approval documents and other documents.

2. The dossiers of decided or approved plans must be archived in accordance with the legislation on archives.

## **Chapter IV**

### **PLAN IMPLEMENTATION AND AMENDMENT**

#### **Part 1**

#### **PLAN IMPLEMENTATION**

#### **Article 45. Plan implementation scheme**

1. Plan implementation schemes are issued after plans have been given a decision or an approval.

2. A plan implementation scheme includes the following key contents:

a) Public investment projects;

b) Non-public investment projects:

c) Scheme of land use;

d) Determination and use of resources for implementation of decided or approved plans.

#### **Article 46. Plan implementation policies**

The plan implementation policies issued must be in line with plan implementation schemes and shall include the following key contents:

1. Investment attraction policies for development in accordance with the decided or approved plans;

2. Human resources development policies;

3. Science – technology development policies;

4. Social security policies;
5. Environmental protection and response to climate change policies;
6. Financing policies;
7. National defence and security policies.

**Article 47. Preparation of resources for development**

1. The Government instructs Ministry of Planning and Investment to take the leadership, in collaboration with Ministry of Finance, to submit to competent agencies for consideration and allocation of investment capital for public investment projects in accordance with the laws on public investment and laws on State budget.

2. All the ministries, ministerial-level agencies and Provincial People's Committees shall allocate resources for implementation of plans under their competence.

**Article 48. Land preparation for plan implementation**

The Ministry of Natural Resources and Environment shall take the leadership, in collaboration with Ministries, ministerial-level agencies and Provincial People's Committees, to issue or to submit to competent agencies for issuance of land use plans for implementation of national and regional plans. Provincial People's Committees shall issue or to submit to competent agencies for issuance of land use plans for implementation of provincial plans.

**Article 49. Report on plan implementation**

1. All Ministries, ministerial-level agencies and Provincial People's Committees are responsible for preparing and submitting the report on plan implementation to the Ministry of Planning and Investment by October 31st every year for consolidation and submission to the Government by December 31st every year.

2. The Government shall report to the National Assembly on plan implementation every 5 years.

**Part 2**

**PLAN AMENDMENT**

**Article 50. Principles in plan amendment**

1. The plan decision or approval agency shall decide on the amendment of the plans within its decision or approval competence. In case the plans of lower-levels are required to be amended, which in turn requires amendments

of higher-level plans but the latter are not amended yet, the plan approval agency(s) of lower levels shall ask for direction from the plan decision or approval of higher levels.

2. The plan formulation agency shall be responsible for organization of plan amendment(s).

3. The plan amendment(s) shall be part of the decided or approved plan

4. The plan amendment(s) shall not alter plan objectives except those stipulated in clause 1, 3 and 4 of Article 52 of this Law.

5. The plan amendment(s) shall be carried out in line with provisions in Article 52 and Article 53 of this Law.

#### **Article 51. Plan review**

1. Plans must be reviewed every 5 years in order to be amended in accordance with the socio-economic development situation in each period.

2. The plan formulation agency is accountable for review the decided or approved plan during the plan implementation process.

3. The results of plan review must be reported in written documents to the agencies competent to give decision or approval of the plan.

4. Based on the results of plan review, the agencies competent for plan decision or approval shall decide whether the plan may need amendments in accordance with the Articles 52 and 53 of this Law.

#### **Article 52. Bases for plan amendment**

The plan amendment shall only be performed when one of the following bases are in place:

1. There are adjustments to the objectives of the national socio-economic development strategy, which may create changes to the objectives of related plans.

2. There are amendments of related higher-level plans or there is a conflict between plans of the same level;

3. There are changes in administrative boundaries, which may affect the role and the scale of the planning area.

4. Impacts of natural disasters, climate change or wars may alter the objectives, directions and spatial organization set forth in plans.



5. Critical socio-economic fluctuations may limit the resources necessary for plan implementation.

6. There are advances in science and technology which may create major changes in plan implementation.

7. Due to national defence and security requirements

**Article 53. Order, procedures and authority of plan amendment**

1. The plan amendment is performed as follows:

a) The Government submits to the National Assembly for a decision on a proposal on amendment of national master plans, national marine spatial plans and national land use plans. Plan formulation agencies submit to the Prime Minister for approval of a proposal on amendment of national sectoral plans, regional plans, and provincial plans.

b) The National Assembly decides on the amendment of national master plans, national marine spatial plans and national land use plans based on the comments made by the verification agency; The Prime Minister approves the amendment of national sectoral plans, regional plans, provincial plans based on the comments made by the Plan Appraisal Council and decision or approval stipulated in Chapter II and Chapter III of this Law.

3. Plan formulation agencies have responsibility to update and incorporate the plan amendment(s) into the plan dossiers.

**Chapter V**

**TASKS, POWERS AND RESPONSIBILITIES OF AGENCIES,  
ORGANIZATIONS AND INDIVIDUALS IN PLANNING WORK**

**Part 1**

**MONITORING AND EVALUATION ON PLANNING WORK**

**Article 54. Monitoring of planning work**

1. The monitoring work shall be carried out on a regular or ad hoc basis during the formulation, appraisal, decision or approval, dissemination, amendment and implementation of plans.

2. Agencies, organizations, individuals carry out their plan monitoring responsibilities in accordance with regulations and laws.

**Article 55. Contents of monitoring of planning work**

1. The compliance with regulations and laws on planning.
2. The utilization and management of the State budget allocated for planning work.
3. The formulation, appraisal, decision or approval, dissemination, amendment of plans.
4. The plan implementation.

#### **Article 56. Community monitoring**

Order and procedures of community monitoring over plan implementation are governed by the provisions of law on grass-root democracy and applicable laws.

#### **Article 57. Evaluation of plan implementation**

1. The evaluation of plan implementation shall be carried out on a regular or ad hoc basis in order to identify the achievement of objectives against the decided or approved plans, using evaluation criteria issued by competent State agencies

2. The Ministry of Planning and Investment is responsible for evaluating the implementation of national master plans and regional plans. Ministry of Natural Resources and Environment is responsible for evaluation of the implementation of national marine spatial plans and national land use plans.

3. Line ministries and ministerial-level agencies are responsible for evaluating the implementation of national sectoral plans within their competence.

4. Provincial People's Committees of provinces are responsible for evaluating the implementation of provincial plans.

5. The plan implementation evaluation agency(s) shall submit its reports to the plan decision or approval agency(s).

#### **Article 58. Contents of evaluation of plan implementation**

1. Synthesis, analysis and assessment on the progress and the achievements of plan implementation; evaluation on the achievement level in comparison with the decided or approved plans or the achievements of the previous period(s).

2. Determination of factors, causes affecting the plan implementation progress and performance; proposed measures to improved effectiveness of

planning in the current and upcoming planning periods or recommendations to plan amendments.

## **Part 2**

### **SUPERVISION, INSPECTION AND VIOLATION HANDLING IN PLANNING WORK**

#### **Article 59. Supervision and inspection of planning work**

1. The Prime Minister shall direct the supervision of plan formulation, appraisal, approval, publication, amendment and implementation of the plans under their competence.

2. Ministries, ministerial-level agencies and Provincial People's Committees are accountable for supervision of the formulation and implementation of plans in compliance with this Law and other related laws.

3. Inspection of planning activities is carried out in line with regulations and laws on inspection.

#### **Article 60. Handling of violations**

Agencies, organizations, individuals who violate this Law as well as other planning-related regulations and laws, depending on the nature, seriousness thereof, shall be subject to disciplinary measures, administrative punishments, or criminal prosecution. Damages, if any, should be compensated in accordance with the legal regulations.

## **Part 3**

### **TASKS, POWERS AND RESPONSIBILITIES OF AGENCIES, ORGANIZATIONS AND INDIVIDUALS FOR PLANNING WORK**

#### **Article 61. Responsibilities and powers of the National Assembly**

1. Promulgation of laws and resolutions on planning.

2. Decision on amendment directions of national master plans, national marine spatial plans and national land use plans.

3. Decision on and amendments of national master plans, national marine spatial plans and national land use plans.

4. Decision on amendments and supplementations of the List of national sectoral plans stipulated in Annex 1 of this Law and submitted by the Government

5. Supervision in planning activities

### **Article 62. Tasks and powers of the Government**

1. To perform the unified State management over planning activities.
2. To submit the National Assembly for promulgation of laws and resolutions on Planning
3. To promulgate legal documents on planning; issue plans, policies and prepare resources for planned development under national master plans, national marine spatial plans and national land use plans; promulgate detailed regulations on required professional capabilities of plan formulation consultancy organizations.
4. To direct the formulation and implementation of national master plan, national marine space plans, national land use plans.
5. To submit to the National Assembly for a decision on and amendment of national master plans, national marine spatial plans and national land use plans.
6. To submit to the National Assembly for a decision on amendment directions of the national master plans, national marine spatial plans and national land use plans.
7. To direct the supervision, inspection and handling of violations in planning activities.

### **Article 63. Tasks and powers of the Prime Minister**

1. To direct the organization of formulation and implementation of regional plans; approves the proposal on amendment of national sectoral plans, regional plans provincial plans.
2. To grant the approval to formulation and amendment of national sectoral plans, regional plans and provincial plans.
3. To issue plans, policies and to prepare resources for the planned development under national sectoral plans, regional plans and provincial plans.
4. To make decisions on the establishment and stipulate responsibilities and powers of the Appraisal Councils of national and regional plans.

Article 64. Tasks and powers of Ministries and ministerial-level agencies

1. Responsibilities and powers of the Ministry of Planning and Investment

a) To be accountable to the Government for unified state management over planning work

b) To promulgate within its competence or submit to the Government for promulgation, within its competence, of legal documents on planning and implementation arrangement; develop plans, policies and prepare resources for the planned development of national master plans and regional plans;.

c) To propose to the Government the establishment of the Appraisal Council for national master plans, regional plans; and for the establishment of Appraisal Council for provincial plans;

d) To provide guidance on plan formulation and implementation to ministries, ministerial-level agencies, People's Committee of provinces.

dd) To take the prime responsibility, in collaboration with Ministries and Ministerial-level agencies, to issue norms applicable to planning work; to work with Ministry of Finance to issue the unit prices for planning work.

g) To develop the planning-related data base and information system; to manage and provide information related to planning on the nationwide scale.

h) To assume the lead role, in coordination with relevant agencies, in conducting international cooperation activities related to planning.

i) To develop and issue the evaluation criteria for plans and plan implementation results;

k) To evaluate, supervise, inspect and settle complaints and arraignments as well as to handle violations in planning activities within its competences.

## 2. Tasks and powers of the Ministries, Ministerial-level agencies

a) To perform State management over planning as assigned by the Government;

b) To be accountable for developing the designated contents of the national master plan, national marine spatial plans, national land use plans, regional plans as assigned by the Prime Minister

c) To organize the formulation of the national sectoral plans within its competence and submit to the Prime Minister for approval; To propose to the Prime Minister for establishment of the Appraisal Council for appraisal of national sectoral plans within its competence;

d) To submit to the Prime Minister for approval of the proposal on amendment of plans within its competence;

dd) To take the lead in coordination with Ministries and Ministerial-level agencies, to submit to the Government, the Prime Minister for issuance of plans, policies and preparation of resources for plan implementation within its competence;

e) To take the lead in coordination with relevant agencies to provide guidance for the plans under its competence;

g) To organize the implementation of the national sectoral plans and the related part of national and regional plans;

h) To coordinate with the Ministry of Planning and Investment to develop the national planning-related database and information system; to manage and provide information related to plans; to develop evaluation criteria for plans and plan implementation results within its competence.

i) To promulgate regulations on planning-related norms and unit prices in accordance with the Government's regulations;

g) To consult on provincial plans;

h) To evaluate, supervise and inspect the implementation of the plans under its competence; to settle complaints and arraignments as well as to handle violations in planning works within its competence.

3. Aside from responsibilities and powers stipulated in clause 2 of this Article, Ministry of Construction shall perform the State management over urban and rural planning in accordance with laws and regulations.

4. Aside from the tasks and powers stipulated in clause 2 of this Article, Ministry of Natural Resources and Environment shall perform:

a) To take the lead, in coordination with Ministries, Ministerial-level agencies and Provincial People's Committees, to submit to the Government for issuance of land use plans for implementation of plans;

b) To submit to the Government for issuance of policies, plans and to prepare resources for development in line with plans, including national marine spatial plans and national land use plans.

c) To submit to the Government for establishment of the Appraisal Council(s) of national marine spatial plans, national land use plans, national military land use plans, national security land use plans.

5. Aside from the tasks and powers stipulated in clause 2 of this Article, Ministry of Finance shall take the prime responsibility, in collaboration with Ministries, ministerial-level agencies and Provincial People's Committees, to

issue mechanisms and policies of land-based financial resources mobilization to support plan implementation.

**Article 65. Tasks and powers of the Provincial People's Councils**

1. To review, consult on and issue resolutions for Provincial People's Committees to submit provincial plans to the Prime Minister for approval in accordance with provisions in clause 4, Article 16 of this Law.

2. To supervise planning activities in localities, together with its members of levels, in accordance with provisions on supervision activities performed by People's Councils

**Article 66. Tasks and powers of Provincial People's Committees**

1. To perform State management over planning within its competence.

2. To formulate provincial plans to submit to Provincial People's Councils for issuance of a resolution on permission of further submission to the Prime Minister for approval in accordance with clause 4, Article 16 of this Law

3. To engage in formulation of relevant national and regional plans.

4. To issue plans, policies and prepare resources for the implementation of provincial plans

5. To consult on national, regional and provincial plans when requested.

6. To evaluate, supervise and inspect plans; settle complaints, arraignments and handle violations in planning activities within its competence.

7. To communicate, disseminate and educate laws and regulations on planning.

**Article 67: Tasks and powers of Vietnam Fatherland Front**

1. To lead the monitoring and social criticism of planning activities in compliance with provisions of this Law and others of applicable laws

2. To collect comments from communities on plans as stipulated in Article 20 of this Law and other laws on democracy in communes, wards and townships.

**Chapter VI  
ENFORCEMENT**

**Article 68. Transitional provisions**

1. For the plans having been decided on or approved of prior to the effective date of this Law:

a) For plans stipulated in point a, b, and c of point 1 of Article 15 of this Law, these plans shall continue to be implemented until the end of the planning period; any of their contents that are not relevant to the provisions of this Law shall be amended accordingly.

b) For plans incorporated into plans stipulated in Article 15 of this Law, these plans shall be implemented up to December 31st, 2020'

c) For plans that are neither incorporated into a new plan nor stipulated in Article 15 herein, such plans shall become ineffective starting from January 1st, 2019;

d) For plans stipulated in clause 3 of Article 27 and clause 3 of Article 28 of this Law, these plans shall continue to be implemented in accordance with the relevant laws and regulations; in case the contents of such plans are no long relevant to those of higher-level plans approved in accordance with the provisions of this Law, such contents must be amended accordingly.

2. For plans stipulated in point a, b and c of clause 1 of Article 15 herein that have been formulated, appraised but not decided or approved yet, these plans shall be decided or approved in accordance with the provisions of this Law.

3. The decision on or approval of plans that are incorporated into plans stipulated in Article 15 of this Law must be completed by December 31st, 2020.

4. The Government shall review and issue the lists of plans stipulated in point b and point c of clause 1 of this Article.

5. For projects approved by competent agencies under plans, those projects shall continue to be implemented until the end of the project period in accordance with the applicable laws.

**Article 69. Amendment and supplementation to a number of articles in planning-related laws**

1. To amend clause 2 of Article 50 of Law on Information and Technology No.67/2006/QH11:



“2. The Ministry of Post and Telematics shall publicize lists, and formulate programs on development of, key information technology products in each period suitable to the planning on information technology industry development.”

2. To annul point i of clause 1 of Article 29 of Law on the Elderly No.39/2009/QH12.

3. To amend and supplement a number of articles of Law on Food Safety, No.55/2010/QH12:

a) To amend clause 1 of Article 4:

“1. To develop strategies on food safety assurance.”

b) To amend point a of clause 1 of Article 62:

“a) To assume the prime responsibility for formulating and submitting national strategies and master plans on food safety to competent state agencies for promulgation, and organize the implementation thereof;”

c) To amend clause 1 of Article 65:

“1. To promulgate according to their competence or submit local legal documents and technical regulations to competent state agencies for promulgation; to formulate and implement master plans on safe food production zones and establishments so as to ensure management in the entire food supply chain.”

4. To amend and annul a number of articles of Law on Measurement, No.04/2011/QH13:

a) To amend clause 2 and of clause 5 of Article 12 :

“2. National standards must be established in accordance with national standard development plans.”

5. The Minister of Science and Technology approves national standard development plans.”

b) To amend clause 1 of Article 41:

“1. To consult on, give criticism opinions and involve in development of legal documents, schemes, projects and plans on measurement development in accordance with laws and regulations.”

c) To amend clause 1 of Article 54:

“1. To take prime responsibility, in collaboration with relevant Ministries and ministerial-level agencies, to issue and implement national

standard development plans, policies and legal documents on measurement subject to their competence or submit for competent agencies to do so.”

d) To amend point a of clause 1 of Article 55:

“a) To involve in development and implementation of national standard development plans, policies and legal documents on measurement;”

đ) To amend points a and b of clause 2 of Article 56:

“a) To propose and develop legal documents on measurement to submit to competent State agencies for issuance; to develop plans on measurement;

b) To organize the implementation of legal documents and plans on measurement;”

5. To amend, annul and supplement a number of articles of Law on organization of local governments, No.77/2015/QH13:

a) To amend point a of clause 3 of Article 19:

“a) Decide the long-term, midterm and annual socio-economic development plan in the province; decide development plans of industries and sectors in the province within their delegated powers; pass provincial plans prior to submission to the Government for approval.

b) To annul point g of clause 3 of Article 19.

c) To amend point a of clause 2 of Article 128:

“a) Conform to relevant plans approved by competent authorities;”

6. To amend and annual a number of articles of Law on Animal Health, No.79/2015/QH13

a) To amend point b of clause 1 of Article 5:

“b) To establish a traceability system to track origin of animals, animal products; to build establishments for slaughtering, primary processing and processing animal products in the direction of industrialization-based production areas;”

b) To amend point a of clause 2 of Article 8:

“a) To develop and direct implementation of plans and strategies on animal health;”

c) To amend point b of clause 1 of Article 9:

“b) To develop and implement animal epidemics prevention plans; animal epidemics surveillance, prevention and payment programs; plans on building animal epidemics safety establishments and areas”

d) To amend of clause 3 and clause 4 of Article 40:

“3. The Minister of Agriculture and Rural Development issues requirements for establishment of animal quarantine stations at transport hubs nationwide.

4. Provincial People's Committees shall decide on, based on the provisions of Article 3 of this Article, the establishment and operation of animal and animal product quarantine stations at transport hubs in the provinces.”

đ) To amend point b of clause 1 of Article 76:

“b) To direct the establishment of concentrated animal slaughtering systems and develop concentrated animal slaughtering plans;”

e) To amend point a of clause 2 of Article 76:

“a) To collaborate with related divisions, departments, sectors to implement the plans on establishment of concentrated animal slaughtering facilities;”

7. To amend and annual a number of articles of Law on National Reserves, No.22/2012/QH13

a) To amend point a of clause 2 of Article 13:

“a) Approve the national reserve strategies, annual national reserve plans and the planning for the system of national reserve warehouses;”

b) To amend clause 3 of Article 14:

“3. To lead, in collaboration with the Ministry of Planning and Investment and the agencies in charge of commodities in national reserve in formulating the national reserve strategies, annual national reserve plans on the system of national reserve warehouses, scientific research and application of national reserve commodity preservation technologies, for submission to the Prime Minister for approval;”

d) To annul Article 58;

đ) To amend point a of clause 1 of Article 59:

“a) Conformity with national reserve warehouse system plans, national land use plans and provincial plans;”

5. To amend clause 1 of Article 60:

“of Article 60. Land funds used for national reserve warehouse construction

“1. The agencies in charge of commodities in national reserve shall base themselves on the detailed plans on the network of national reserve warehouses to draw up plans on the use of land for the construction of national reserve warehouses in conformity with provincial plans.”

8. To amend Article 8 of Law on Vocational Education, No.74/2014/QH13:

“of Article 8. Planning for networks of vocational training institutions

1. The planning for networks of vocational training institutions shall be made according to following rules:

- a) Social, economic, cultural, national defence, security and environmental development strategies in the same development period;
- b) Higher-level plans;
- c) Plans of the previous period(s).

2. Responsibilities in planning for networks of vocational training institutions:

a) The Ministry of Labor, Invalids and Social Affairs shall assume the prime responsibility for, in collaboration with concerned ministries, sectors and People's Committees of provinces and cities under Central government (hereinafter referred to as Provincial People's Committees), planning of networks of vocational training institutions;

b) Provincial People's Committees shall develop contents of provincial vocational education network plans for integration into provincial plans.”

**Article 70. Implementation effect**

1. This Law takes effect from January 1st, 2019.

2. The Governments stipulates detailed provisions to articles and clauses of this Law./.

*This Law has been passed by the XIV National Assembly of the Socialist Republic of Vietnam, at its 4<sup>th</sup> session on .....2017.*

**NATIONAL ASSEMBLY CHAIRPERSON**

**Nguyen Thi Kim Ngan**

**ANNEX I**  
**LIST OF THE NATIONAL SECTORAL PLANS**

No.	Name of plans	Plan formulation agencies
I	<b>INFRASTRUCTURE</b>	
1	National road network plan	Ministry of Transport
2	National railway network plan	Ministry of Transport
3	National sea port system plan	Ministry of Transport
4	National airport system plan	Ministry of Transport
5	National inland waterway infrastructure plan	Ministry of Transport
6	National hydro-meteorological station network plan	MONRE
7	National energy plan	Ministry of Trade and Industry
8	National electricity plan	MOIT
9	Gas and fuel storage and distribution infrastructure plan	Ministry of Trade and Industry
10	National information and communication infrastructure plan	Ministry of Information and Communications
11	National press, transmission, broadcast, television, electronic information network and publication facility development plan	Ministry of Information and Communications
12	National natural disaster prevention and irrigation work system plan	Ministry of Agriculture and Rural Development
13	National tourism zone system plan	Ministry of Culture, Sports and Tourism
14	National cultural and sport complexes network plan	Ministry of Culture, Sports and Tourism
15	National plan on the State-owned science and technology facilities network	Ministry of Science and Technology
16	National universities and education institution network plan	Ministry of Education and Training
17	Plan on national specialized	MOET

	education institution network for people with disabilities and national integrated education center network	
18	National vocational training institutions network plan	Ministry of Labour, Invalids and Social Affairs
19	National plan on the network of social support establishments	Ministry of Labour, Invalids and Social Affairs
20	National plan on the rehabilitation establishments network for people with meritorious services to the country	Ministry of Labour, Invalids and Social Affairs
21	National fishing ports and storm shelters infrastructure system plan	Ministry of Agriculture and Rural Development
22	National healthcare infrastructure plan	Ministry of Health
23	National reserve warehouses system plan	Ministry of Finance
24	Plan on national defense works, military zones, ammunition storage and defense industrial areas	Ministry of Defence
25	National fire fighting and prevention system plan	Ministry of Public Security
26	National urban and rural system plan	Ministry of Construction
27	Plan on national defence and security education center network	MOD
	<b>USE OF NATURAL RESOURCES</b>	
28	Master plan on sustainable exploitation and use of coastal resources	Ministry of Natural Resources and Environment
29	National basic geological survey of mineral resources plan	Ministry of Natural Resources and Environment
30	National water resources plan	Ministry of Natural Resources and

		Environment
31	National plan on exploration, mining, processing and utilization of radioactive ores	Ministry of Trade and Industry
32	National plan on exploration, mining, processing and utilization of minerals	Ministry of Trade and Industry
33	National plan on exploration, mining, processing and utilization of the minerals for construction material production	Ministry of Construction
34	National forest use, development and protection plan (National forestry plan <sup>1</sup> )	Ministry of Agriculture and Rural Development
35	National plan on management and exploitation of aquaculture resources	MARD
36	Plan on utilization of land used for national defence purposes	Ministry of Public Security
37	Plan on utilization of land used for security purposes	MoPS
	<b>ENVIRONMENT PROTECTION</b>	
38	National environmental protection plan	MONRE

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<sup>1</sup> In case the National Assembly decides to change Law on Forest Protection and Development to the new name - Law on Forestry, then this name will be changed from national forest utilization, protection and development plan to national forestry plan



