

Decree No. 124/2011/ND-CP of December 28, 2011, amending and supplementing a number of articles of the Government's Decree No. 117/2007/ND-CP of July 11, 2007, on clean water production, supply and consumption

THE GOVERNMENT

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

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

Pursuant to the November 26, 2003 Construction Law;

At the proposal of the Minister of Construction,

DECREES:

Article 1. To amend and supplement a number of articles of the Government's Decree No. 117/2007/ND-CP of July 11, 2007, on clean water production, supply and consumption, as follows:

1. To add the following Clause 3 to Article 6:

"Article 6. Use of land in water supply activities

3. Water suppliers are exempt from land use levies and land rents for land of water supply works, including water exploitation and treatment facilities, water pipelines and works

belonging to water pipeline networks; and works serving the management and administration of water supply systems (administrative houses, management and administration houses, workshops and supplies and equipment warehouses and storing yards)."

2. To amend and supplement Point b, Clause 2, Article 12 as follows:

"Article 12. Subjects of water supply planning

2. The following water supply planning shall be formulated in separate planning schemes:

b/ Urban water supply planning for centrally run cities (and other urban centers if necessary) aiming to concretize water supply orientations set forth in urban master plans."

3. To amend and supplement Article 13 as follows:

"Article 13. Terms and time limits for formulation of regional water supply planning schemes

1. The term of a regional water supply planning must comply with the term of the relevant regional construction master plan.

2. The maximum time limit for formulation of a regional water supply planning scheme is 18 months after planning tasks are approved by a competent authority."

4. To amend and supplement Article 21 as follows:

"Article 21. Terms and time limits for formulation of urban water supply planning schemes

1. The term of an urban water supply planning must comply with the term of the relevant urban master plan.

2. The time limit for formulation of an urban water supply planning scheme is 9 months after planning tasks are approved by a competent authority."

5. To amend and supplement Article 22 as follows:

"Article 22. Urban water supply planning tasks

1. Tasks of an urban water supply planning:

a/ Identifying the necessity for, and scope and objectives of, the urban water planning;

b/ Identifying basic targets and applicable standards and technical regulations;

c/ Setting requirements for research into environmental developments; quality, reserves and possibilities of exploiting and using different water sources; and specific requirements on the urban water supply planning.

2. Maps of a scale of between 1:50,000 and 1:250,000 displaying the regional location, boundary and linkage.

3. The time limit for identification of tasks of an urban water supply planning is 2 months after the signing of a consultancy contract

between the agency in charge of formulating the planning or the investor and a planning consultancy organization."

6. To amend and supplement Article 24 as follows:

"Article 24. Contents of urban water supply planning schemes

1. Assessment of the current status of the water supply system: exploitation sources, capacity and efficiency, clean water quality, water pressure, connection rate, waste and loss rates and operation of water supply works and water pipeline networks.

2. Specific assessment of the reserves and quality of surface water and groundwater sources and the possibility of exploiting these sources for water supply.

3. Identification of water supply norms for different use purposes and water supply demands.

4. Selection of water supply sources, determination of water demands, zoning of water supply areas and determination of land areas for water supply works.

5. Determination of water pipeline networks (grade-I and -II networks) and positions and capacity of water supply works.

6. Identification of programs and projects prioritized for investment and estimation of their total investment and funding sources.

7. Proposed regulations on protection of water sources and water supply systems.

8. Strategic environmental assessment."

7. To amend and supplement Clause 1, Article 25 as follows:

"Article 25. Urban water supply planning dossiers

1. Drawings:

a/ A map of a scale of between 1:50,000 and 1:250,000 displaying the regional position and linkage;

b/ A map of a scale of between 1:10,000 and 1:25,000 displaying the current status of the urban water supply system;

c/ A map of a scale of between 1:10,000 and 1:25,000 displaying surface water and groundwater sources and the possibility of exploiting these water sources."

d/ An urban water supply planning map of a scale of between 1:50,000 and 1:250,00."

8. To amend and supplement Clause 3, Article 30 as follows:

"Article 30. Investment promotion, incentives and support

3. Water supply work construction investment projects may:

a/ Receive state support to build outside-the-fence infrastructure facilities such as electricity

supply works and road;

b/ Receive state support to cover compensation and ground clearance expenses, for water supply projects in urban centers;

c/ Receive state support to cover compensation and ground clearance expenses and part of construction investment expenses, for water supply projects in areas with extreme water supply problems, ethnic minority, or mountainous or island areas;

d/ Have priority access to preferential funding sources, regardless of project beneficiaries;

e/ Receive post-investment interest rate supports, for water supply projects funded with commercial loans."

9. To annul Clause 2, Article 42

10. To amend and supplement Clause 1, Article 51 as follows:

"Article 51. Water pricing principles

1. The price of clean water must be properly calculated, fully covering reasonable expenses arising in clean water production and distribution (including also expenses to maintain connection) so as to guarantee the rights and lawful interests of water suppliers and users."

11. To add the following Clause 6 to Article 52:

"Article 52. Bases for setting and adjusting water prices

6. The water price adjustment roadmap approved by the provincial-level People's Committee."

12. To cross out the phrase "provincial-level Departments of Transport and Public Works" in ~~Clause 2~~, Article 18; Clause 2, Article 26; and ~~Clause 8~~, Article 60.

Article 2. Transitional handling

Water suppliers that are collecting water charges under Clause 2, Article 42 of Decree No. 117/2007/ND-CP may continue to do so until the subsequent water price adjustment.

Article 3. Effect and implementation responsibility

1. This Decree takes effect on February 20, 2012.

2. The Minister of Construction shall guide, organize and examine the implementation of this Decree.

3. Ministers, heads of ministerial-level agencies, heads of government-attached agencies and chairpersons of provincial-level People's Committees shall implement this Decree.-

On behalf of the Government

Prime Minister

NGUYEN TAN DUNG