

DECREES:

Chapter I
GENERAL PROVISIONS

Article 1. Scope of regulation

This Decree provides for conditions and criteria for and process of compilation and appraisal of dossiers of establishment of provincial cities, towns, urban districts, wards and townships.

Article 2. Interpretation of terms

In this Decree, synchronous construction duration is construed as a period of time necessary for investment in construction or embellishment of an urban center, counting from the time it is recognized to reach a relevant grade till the time of compiling a dossier of establishment of a provincial city, town or township.

Article 3. Conditions for establishment of provincial cities, towns, urban districts, wards or townships

A provincial city, town, urban district, ward or township may be established on the following conditions:

1. Meeting requirements for territory-based state administrative management.
2. Being in line with the national socio-economic development master plan and the master plan on development of a national system of urban centers; having a master plan, a zoning plan and a detailed master plan approved by a competent authority.
3. Meeting relevant urban center criteria specified in this Decree.

Decree No. 62/2011/ND-CP of July 26, 2011, on the establishment of provincial cities, towns, urban districts, wards and townships

THE GOVERNMENT

Pursuant to the December 25, 2011 Law on Organization of the Government;

Pursuant to the November 26, 2003 Law on Organization of People's Councils and People's Committees;

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

At the proposal of the Minister of Home Affairs,

Chapter II

CRITERIA FOR ESTABLISHMENT OF
PROVINCIAL CITIES, TOWNS, URBAN
DISTRICTS, WARDS AND TOWNSHIPS

Article 4. Provincial cities

A provincial city may be established when it fully meets the following criteria:

1. Urban functions: Being a provincial capital acting as a provincial-level general center and traffic and exchange hub or being a provincial-level urban center acting as an inter-provincial specialized center and traffic and exchange hub, with the role of promoting socio-economic development of an intra-provincial territory, a province or some sectors in an inter-provincial territory.

2. Having been recognized as an urban center of grade III or higher by a competent authority.

3. Having a population of at least 150,000.

4. Having a population density of at least 6,000 people/km² in the inner area.

5. Having a non-agricultural labor force in the inner area accounting for at least 80% the total workforce.

6. Having the industry-construction and trade-services-tourism sectors accounting for at least 80% of the economic structure.

7. Having an urban infrastructure system reaching the criteria specified in Clause 5, Article 12 of the Government's Decree No. 42/2009/ND-CP of May 7, 2009, on the grading of urban centers (below referred to as Decree No. 42/2009/ND-CP).

8. Having its master plan approved by a competent authority and having detailed master plans for at least 70% of its dependent administrative units.

9. Having at least two-thirds of its dependent commune-level administrative units being wards.

10. Having a synchronous construction duration of at least one year.

Article 5. Towns of provinces or centrally run

cities

A town of a province or centrally run city may be established when it fully meets the following criteria:

1. Urban functions: Being a general or specialized center and a traffic or exchange hub with the role of promoting socio-economic development of an intra-provincial territory or a province or centrally run city.

2. Having been recognized as a grade-IV urban center by a competent authority.

3. Having a population of at least 50,000.

4. Having a population density of at least 4,000 people/km² in the inner area.

5. Having a non-agricultural labor force in the inner area accounting for at least 75% of the total workforce.

6. Having the industry-construction and trade-services-tourism sectors accounting for at least 75% of the economic structure.

7. Having an urban infrastructure system reaching the criteria specified in Clause 5, Article 13 of Decree No. 42/2009/ND-CP.

8. Having its master plan approved by a competent authority.

9. Having a synchronous construction duration of at least one year.

Article 6. Urban districts of centrally run cities

1. An urban district of a centrally run city may be established when it fully meets the following criteria:

a/ Having a population density of at least 10,000 people/km²;

b/ Having a non-agricultural labor force accounting for at least 90% of the total workforce;

c/ Having the industry-construction and trade-

services-tourism sectors accounting for at least 90% of the economic structure.

d/ Having a synchronous and complete urban infrastructure system;

e/ Having its zoning plan approved by a competent authority.

2. An urban district to be established for expansion of the inner area of a centrally run city must fully meet the criterion specified at Point e and at least 70% of the criteria specified at Points a, b, c and d, Clause 1 of this Article.

Article 7. Wards of urban districts, towns and provincial cities

1. A ward of an urban district, town or provincial city may be established when it fully meets the following criteria:

a/ Having a population density of at least 10,000 people/km², for wards of urban districts, 6,000 people/km², for wards of provincial cities, or 4,000 people/km², for wards of townships;

b/ Having a non-agricultural labor force accounting for at least 85%, for wards of urban districts, 75%, for wards of provincial cities, or 70%, for wards of townships;

c/ Having a synchronous urban infrastructure system, for wards of urban districts, or a partially or incrementally synchronous one, for wards of towns or provincial cities;

d/ Having its detailed master plan approved by a competent authority.

2. A ward to be established for expansion of the inner area of a city or town must fully meet the criterion specified at Point d and at least 70% of the criteria specified at Points a, b and c, Clause 1 of this Article.

Article 8. Townships of districts

A township of a district may be established

when it fully meets the following criteria:

1. Urban functions: Being a general or specialized center with the role of promoting socio-economic development of a district or an intra-district territory.

2. Having been recognized as a grade-V urban center by a competent authority.

3. Having a population of at least 4,000.

4. Having a population density of at least 2,000 people/km².

5. Having a non-agricultural labor force accounting for at least 65% of the total workforce.

6. Having an urban infrastructure system reaching the criteria specified in Clause 5, Article 14 of Decree 42/2009/ND-CP.

7. Having its master plan approved by a competent authority.

8. Having a synchronous construction duration of at least one year.

Article 9. Criteria for establishment of provincial cities, towns, urban districts, wards and townships in special circumstances

1. In case of establishing a provincial city, town, urban district, ward or township in a mountainous, deep-lying, remote, border or island area or an area with special values in terms of cultural, historical or natural heritages or tourism, which has been nationally or internationally recognized, the criteria of population size and population density may be lessened but not lower than 50% of the prescribed levels specified in Article 4, 5, 6, 7 or 8 of this Decree, while the remaining criteria must be fully met.

2. In special case to meet requirements for territorial management, national sovereignty protection or socio-economic development investment in a key area of national importance, the establishment of a provincial city, town, urban

district, ward or township may be decided by competent state management agencies before construction investment is made for such area to reach basic criteria for grading urban centers.

Chapter III

ORDER OF COMPILATION AND APPRAISAL OF DOSSIERS OF ESTABLISHMENT OF PROVINCIAL CITIES, TOWNS, URBAN DISTRICTS AND TOWNSHIPS

Article 10. Dossiers of establishment of provincial cities, towns, urban districts, wards and townships

A dossier of establishment of a provincial city, town, urban district, ward or township comprises the following documents:

1. A report made by the provincial-level People's Committee to the Government proposing the establishment of a provincial city, town, urban district, ward or township.
2. A scheme on the establishment of a provincial city, town, urban district, ward or township.
3. Resolutions of the provincial-level People's Council and concerned district- and commune-level People's Councils approving the scheme on the establishment of a provincial city, town, urban district, ward or township.
4. A summary of opinions of voters or household representatives involved in the establishment of the provincial city, town, urban district, ward or township.
5. Legal documents related to the approval of the scheme on the establishment of a provincial city, town, urban district, ward or township.

Article 11. Process of compilation of dossiers of establishment of provincial cities, towns, urban districts, wards and townships

1. The provincial-level People's Committee directs the concerned district-level People's Committee to elaborate a scheme on the establishment of a provincial city, town, urban district, ward or township.

2. The district-level People's Committee elaborates a scheme on the establishment of a provincial city, town, urban district, ward or township, directs the concerned commune-level People's Committees to gather opinions of voters or household representatives and submit the scheme to the commune-level People's Council for approval.

The district-level People's Committee proposes the district-level People's Council to approve the scheme before submitting it to the provincial-level People's Committee.

3. The provincial-level Home Affairs Department appraises the scheme submitted by the district-level People's Committee for reporting to the provincial-level People's Committee.

4. The provincial-level People's Committee submits the scheme to the provincial-level People's Council for approval before submitting it to the Government for consideration and decision.

Article 12. Appraisal of dossiers of establishment of provincial cities, towns, urban districts, wards and townships

The Ministry of Home Affairs shall appraise dossiers of establishment of provincial cities, towns, urban districts, wards and townships for submission to the Government for consideration and decision.

Chapter IV

ORGANIZATION OF IMPLEMENTATION

Article 13. Effect

This Decree takes effect on September 25, 2011.

Article 14. Organization of implementation

1. The Ministry of Home Affairs shall assume the prime responsibility for, and coordinate with concerned ministries and sectors in, guiding the implementation of this Decree.

2. Provincial-level People's Committees shall send annual reports on urban management in their respective localities to the Ministry of Home Affairs for summarization and reporting to the Government.

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

On behalf of the Government

Prime Minister

NGUYEN TAN DUNG