

THE GOVERNMENT

THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

No. 03/2022/ND-CP

Hanoi, January 06, 2022

DECREE

**PENALTIES FOR ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS
ON NATURAL DISASTER MANAGEMENT; IRRIGATION; FLOOD CONTROL
SYSTEMS**

Pursuant to the Law on Government Organization dated June 19, 2015; Law on amendments to some Articles of the Law on Government Organization and Law on Local Government Organization dated November 22, 2019;

Pursuant to the Law on Penalties for Administrative Violations dated June 20, 2012 and the Law on Amendments and Supplements to certain Articles of the Law on Penalties for Administrative Violations dated November 13, 2020;

Pursuant to the Law on Flood Control Systems dated November 29, 2006;

Pursuant to the Law on Natural Disaster Management dated June 19, 2013;

Pursuant to the Law on Irrigation dated June 19, 2017;

Pursuant to the Law on Amendments to the Law on Natural Disaster Management and the Law on Flood Control Systems dated June 17, 2020;

At the request of the Minister of Agriculture and Rural Development;

The Government hereby promulgates a Decree on penalties for administrative violations against regulations on natural disaster management; irrigation; flood control systems.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

1. This Decree provides for administrative violations, penalties, fines, remedial measures, the power to make administrative violation record and the power to impose penalties for violations against regulations on natural disaster management; irrigation; flood control systems.

2. Relevant regulations laid down in Decrees on penalties for administrative violations that arise from state management shall apply to other administrative violations against regulations on natural disaster management; irrigation; flood control systems that are not specified in this Decree.

Article 2. Regulated entities

1. Vietnamese organizations and individuals; foreign organizations and individuals that commit administrative violations against regulations on natural disaster management; irrigation; flood control systems within the territory of the Socialist Republic of Vietnam.

2. Persons that have the power to make administrative violation records and the power to impose penalties for administrative violations.

3. Other individuals and organizations concerned.

4. The organizations specified in clause 1 of this Article include:

a) Limited liability companies, joint-stock companies, partnerships and sole proprietorships established under the Law on Enterprises;

b) Cooperatives, cooperative unions, cooperative groups established and operating under the Law on Irrigation and Law on Cooperatives;

c) Foreign investors that are foreign-invested organizations and business organizations under the Law on Investment and Law on Commerce;

d) Regulatory bodies committing any violation that is not within the assigned scope of the state management;

dd) Socio-political organizations, socio-political-professional organizations; socio-professional organizations; social organizations;

e) Public service providers;

g) Branches, representative offices, business locations;

h) Other organizations prescribed by law.

5. Household businesses, households and residential communities committing administrative violations specified in this Decree shall incur the same penalties as those imposed on violating individual.

Article 3. Penalties

1. Main penalties include:

a) Warnings;

b) Fines.

2. Additional penalties include:

a) Suspending licenses;

b) Confiscating exhibits and instrumentalities for committing administrative violations;

Article 4. Remedial measures

1. The remedial measures specified in point a, point i clause 1 Article 28 of the Law on Penalties for Administrative Violations include:

a) Enforced restoration to original condition;

b) Enforced transfer of illegal benefits obtained from administrative violations.

2. Other remedial measures include:

a) Enforced resumption of relief activities;

b) Enforced payment to the Natural Disaster Management Fund;

c) Enforced planting of mangroves in case of destruction; grass in case of hoeing, digging or mowing;

d) Enforced repair of damage to flood control system

dd) Enforced return of supplies reserved for flood, inundation and storm control.

Article 5. Prescriptive time limits for imposing penalties for administrative violations

1. Prescriptive time limits for imposing penalties for administrative violations.

a) Regarding natural disaster management and irrigation, the prescriptive time limit shall be 01 year;

b) Regarding flood control systems, the prescriptive time limit shall be 02 years.

2. Dates used to determine prescriptive time limits for imposing penalties for administrative violations are as follows:

a) For an in-progress administrative violation specified in clause 3 of this Article, the prescriptive time limit begins from the date on which that the competent law enforcement officer detects such violation;

b) For a completed administrative violation specified in clause 4 of this Article, the prescriptive time limit begins from the date on which that violation terminates;

3. The administrative violations specified in clause 1 Article 9; point a clause 7, clause 8 Article 24; clauses 7, 8 and 9 Article 27 of this Decree are in-progress administrative violations.

4. The administrative violations specified in Articles 16, 17 and 36 of this Decree are completed ones. The date on which a violation terminates is determined as follows:

a) The date on which an administrative violation against regulations on formulation, approval and implementation of a natural disaster management plan specified in Article 16 of this Decree terminates is December 31 at the latest;

b) The date on which a violation against regulations on payment to the Natural Disaster Management Fund specified in Article 17 of this Decree terminates is determined as follows:

For the violation specified in clause 1 Article 17, the date is the deadline for making payment to the Fund or the deadline for suspending payment to the Fund as prescribed in the Decree No. 78/2021/ND-CP dated August 01, 2021.

For the violation specified in clause 2 Article 17, the date is the deadline for submitting the list of plans for collection of contributions and payment to the Fund as requested in writing by a competent authority;

c) The date on which a violation against regulations on mobilization of resources for dyke protection or rescue at works related to flood control system safety specified in Article 36 of this Decree terminates is the date of completing the dyke protection or rescue at works related to flood control system.

5. In case of failure to determine the date on which other administrative violations specified in this Decree except for the violations specified in clauses 3 and 4 of this Article terminate, such violations shall be treated as in-progress ones.

Article 6. Fines and power to impose penalties

1. The maximum fines are prescribed as follows:

a) Regarding natural disaster management, the maximum fine is VND 50,000,000;

b) Regarding flood control systems, the maximum fine is VND 100,000,000;

c) Regarding irrigation, the maximum fine is VND 250,000,000.

2. The fines for administrative violations specified in this Decree are imposed upon individuals, except for the violations specified in Article 16 and clause 2 Article 17 of this Decree, the fines therefor are imposed upon organizations.

3. The fine incurred by an organization is twice as much as that incurred by an individual for the same administrative violation.

4. The maximum fines imposed by the persons specified in Chapter V of this Decree are imposed upon an administrative violation committed by an individual; the maximum fine such a person may impose upon an organization is twice as much as that imposed upon an individual.

5. Any entity that commits the act of mining minerals specified in clause 2 Article 11, point dd clause 6 Article 24, point a clause 2 Article 26 and clause 6 Article 27 shall, in addition to incurring the penalties prescribed in this Decree, incur the penalties in accordance with regulations of law on penalties for administrative violations against regulations on water resources and minerals.

6. Any entity that commits the act of encroaching upon the river terrace, river bed, stream, channel or coast specified in clause 1 Article 11 shall, in addition to incurring the penalties prescribed in this Decree, incur the penalties in accordance with regulations of law on penalties for administrative violations against regulations on land.

7. Any entity that commits the act of dumping waste as prescribed in Articles 10, 20 and 29 shall, in addition to incurring the penalties prescribed in this Decree, incur the penalties in accordance with regulations of law on penalties for administrative violations against regulations on environmental protection.

Article 7. Procedures for imposing penalties for violations concurrently specified in the Criminal Code

1. Upon detecting a violation against regulations specified in point a, point b clause 2 Article 14 and Article 36 of this Decree, the person accorded authority over this case shall transfer the case file to a criminal proceedings agency to consider initiating criminal prosecution as prescribed in clause 1, clause 2 and clause 4 Article 62 of the Law on Penalties for Administrative Violations.

2. If the criminal proceedings agency decides not to bring a criminal lawsuit; decides to terminate the prosecution process; decides to suspend the investigation process; decides to suspend suspect investigation; decides to suspend criminal investigation of suspect; decides to suspend case; decides to invalidate the decision to charge a suspect and return the case file to the person transferring the file, transfer the case file to the person having the power to impose penalties for administrative violations as specified in clause 3

Article 62, Article 63 of the Law on Penalties for Administrative Violations to impose penalties for administrative violations as specified in this Decree.

Chapter II

ADMINISTRATIVE VIOLATIONS, PENALTIES AND FINES FOR VIOLATIONS AGAINST REGULATIONS ON NATURAL DISASTER MANAGEMENT AND REMEDIAL MEASURES

Article 8. Violations against regulations on operation and use of works serving natural disaster management (hereinafter referred to as “disaster management works”)

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for operating without permission or obstructing operation of embankments, works serving erosion control, works serving land subsidence control, works serving flash flood control, works serving disaster warning.
2. A fine ranging from VND 6,000,000 to VND 8,000,000 shall be imposed for failure to anchor, stop or park ships or other vehicles at prescribed places at the locations of disaster management works, except for the case specified in clause 1 Article 35 of this Decree.
3. A fine ranging from VND 8,000,000 to VND 15,000,000 shall be imposed for deliberately misusing disaster management works.

Article 9. Violations against regulations on assurance of safety of disaster management works

1. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for damaging embankments, works serving erosion control, works serving land subsidence, works serving flash flood control and works serving disaster warning if the damage caused is less than VND 100,000,000.
2. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for the act of infringing upon embankments, works serving erosion control, works serving land subsidence, works serving flash flood control and works serving disaster warning, which is not so serious that criminal prosecution may be brought. To be specific:
 - a) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for constructing a work with an area of less than 05 m²;
 - b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for constructing a work with an area from 05 m² to less than 10 m²;

c) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for constructing a work with an area from 10 m² to less than 20 m²;

d) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for constructing a work with an area from 20 m² to less than 30 m²;

dd) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for constructing a work with an area of 30 m² or more.

3. Additional penalties:

Confiscate the exhibits or instrumentalities for committing violations if any of the violations specified in clauses 1 and 2 of this Article is committed.

4. Remedial measures:

The violator is compelled to restore to the original condition if any of the violations specified in clauses 1 and 2 of this Article is committed.

Article 10. Acts of dumping soil and waste to, storing raw materials, materials, supplies and vehicles at disaster management works

1. Fines shall be imposed for the acts of dumping soil and waste to, storing raw materials, materials, supplies and vehicles at embankments, works serving erosion control, works serving land subsidence, works serving flash flood control and works serving disaster warning. To be specific:

a) A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for a volume of less than 03 m³;

b) A fine ranging from VND 3,000,000 to VND 4,000,000 shall be imposed for a volume ranging from 03 m³ to less than 05 m³;

c) A fine ranging from VND 4,000,000 to VND 5,000,000 shall be imposed for a volume ranging from 05 m³ to less than 10 m³;

d) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for a volume ranging from 10 m³ to less than 50 m³;

dd) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for a volume ranging from 50 m³ to less than 200 m³;

e) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for a volume ranging from 200 m³ to less than 500 m³;

g) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for a volume of 500 m³ or more.

2. Remedial measures:

The violator is compelled to restore to the original condition if any of the violations specified in clause 1 of this Article is committed.

Article 11. Violations increasing disaster risks

1. A fine ranging from VND 15,000,000 to VND 25,000,000 shall be imposed for any of the acts of encroaching upon river terrace, riverbed, stream, channel or coast resulting in increasing disaster risks without taking any remedial measures.

2. Fines for violations against regulations on mineral mining resulting in increasing disaster risks are as follows:

a) A fine ranging from VND 15,000,000 to VND 25,000,000 shall be imposed for mining minerals resulting in increasing disaster risks without taking any remedial measures;

b) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for mining minerals resulting in riverbank, stream, channel or coastal erosion.

3. Additional penalties:

Confiscate the exhibits or instrumentalities for committing violations if the violation specified in clause 2 of this Article is committed.

4. Remedial measures:

The violator is compelled to:

a) restore to the original condition if the violation specified in clause 1 of this Article is committed;

b) return the illegal benefits obtained from the administrative violations specified in clause 2 of this Article.

Article 12. Violations against regulations on response to natural disasters (hereinafter referred to as “disasters”)

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for failure to follow the competent agency’s or competent person’s directions and commands over disaster management, except for the regulation specified in clause 3 of this Article.

2. A fine ranging from VND 15,000,000 to VND 25,000,000 shall be imposed for failure to provide information or providing false information about the locations and status of ships, boats or vessels operating at sea, on rivers, lakes, channels or lagoons to local governments or competent authorities when a disaster occurs.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed on any owner of a ship, boat or vessel operating at sea, on a river, lake, channel or lagoon who fails to follow the competent person's directions and commands over disaster management.

Article 13. Violations against regulations on rescue during disaster management

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for knowing a person in distress but failing to promptly notifying a competent force for rescue at sea, on rivers, streams, ponds, lakes or channels.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to give aid to persons or vehicles in distress at sea, rivers, streams, ponds, lakes or channels, which is not so serious that criminal prosecution may be brought, except for the case of inability or force majeure.

3. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for requesting rescue but failing to cooperate with the rescue force.

4. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for giving a false distress alert to request rescue with respect to ships, boats and vessels operating at sea and on rivers and lakes.

Article 14. Violations against regulations on disaster recovery

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for deliberately making false statement about damage caused by disasters.

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for any of the following violations:

a) Misusing or causing loss of relief or providing relief to incorrect beneficiaries, which is not so serious that criminal prosecution may be brought;

b) Appropriating relief, which is not so serious that criminal prosecution may be brought;

c) Failure to promptly perform relief tasks.

3. Remedial measures:

The violator is compelled to:

a) return the illegal benefits obtained from the administrative violations specified in clause 1 of this Article;

b) continue to carry out relief activities due to committing the violations specified in clause 2 of this Article.

Article 15. Violations against regulations on compliance with disaster management requirements during management, operation, use, construction, rehabilitation and renovation of works

1. A fine ranging from VND 15,000,000 to VND 30,000,000 shall be imposed for any of the acts of failing to comply with disaster management requirements during management, operation and use of mineral mining areas and areas intended for mining of other natural resources; urban areas; tourist attractions, tourism areas; industrial parks; rural settlements; disaster management works, traffic works, electric power works and other technical infrastructural constructions as follows:

a) Failure to build, consolidate, provide training and refresher training, provide adequate tools, communication and protective equipment meeting disaster management and search and rescue requirements to forces participating in disaster management;

b) Failure to formulate and promulgate internal rules and regulations on management, operation and use of mineral mining areas, areas intended for mining of other natural resources, urban areas, tourism areas, industrial parks, historic sites; tourist attractions and works in compliance with disaster management requirements;

c) Failure to issue warnings about the risk of incidents caused by disasters to works, infrastructural construction items and in the vicinity which are likely to increase the disaster risks;

d) Failure to maintain and care works, infrastructural construction items; control the repair and upgrading of works and construction, consolidation and expansion of infrastructural construction items resulting in increasing the risks of disasters and new disasters;

dd) Failure to inspect, detect, prevent and promptly handle situations and activities that increase disaster risks; incidents or the risk of incidents to works, infrastructural construction items; surrounding areas which may affect mineral mining areas and areas intended for mining of other natural resources, urban areas, tourism areas, industrial parks, historic sites; tourist attractions; rural settlements and works;

e) failure to proactively and immediately implement response measures to minimize damage and promptly report it to competent agencies and persons for assistance when detecting an incident or risk of incident, situation or activity that increases the disaster risk which is beyond the response capacity;

g) Failure to provide adequate and timely information to officials and employees on disaster developments, critical areas for disaster management regarding works and infrastructural construction items, and surrounding areas at risks of incidents affecting safety in the area;

h) Failure to provide instructions on, disseminate, provide training in and organize drills for disaster management to officials, employees and communities to enhance the capacity for on-the-spot response and proactively implement measures for disaster management and damage minimization;

i) Failure to collect and store information and data on disaster management and prepare dossiers on management, operation and use of works and infrastructural work items.

2. Penalties for failure to comply with disaster management requirements during construction, rehabilitation and renovation of urban areas; tourist attractions, tourism areas; industrial parks; rural settlements; disaster management works, traffic works, electric power works and other technical infrastructural constructions are as follows:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to ensure the stability of works prior to a disaster;

b) A fine ranging from VND 15,000,000 to VND 30,000,000 shall be imposed for increasing the disaster risks.

Article 16. Violations against regulations on formulation, approval and implementation of a disaster response plan

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for failure to send the approved disaster response to the local People's Committee concerned and superior authorities.

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to prepare or insufficiently preparing forces, supplies, vehicles, equipment and necessities for disaster response according to the approved disaster response plan.

3. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for any of the acts of failing to formulate or approve the disaster response plan or failure to annually review, adjust or supplement the disaster response plan.

Article 17. Violations against regulations on payment to a disaster management fund

1. Fines for failure to make payment to the disaster management fund are as follows:

- a) A fine ranging from VND 300,000 to VND 500,000 shall be imposed for failure to make payment to the disaster management fund if the amount payable is less than VND 300,000;
 - b) A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for failure to make payment to the disaster management fund if the amount payable is from VND 300,000 to less than VND 500,000;
 - c) A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for failure to make payment to the disaster management fund if the amount payable is from VND 500,000 to less than VND 3,000,000;
 - d) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for failure to make payment to the disaster management fund if the amount payable is from VND 3,000,000 to less than VND 5,000,000;
 - dd) A fine ranging from VND 5,000,000 to VND 8,000,000 shall be imposed for failure to make payment to the disaster management fund if the amount payable is from VND 5,000,000 to less than VND 10,000,000;
 - e) A fine ranging from VND 8,000,000 to VND 12,000,000 shall be imposed for failure to make payment to the disaster management fund if the amount payable is from VND 10,000,000 to less than VND 20,000,000;
 - g) A fine ranging from VND 12,000,000 to VND 20,000,000 shall be imposed for failure to make payment to the disaster management fund if the amount payable is from VND 20,000,000 to less than VND 40,000,000;
 - h) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failure to make payment to the disaster management fund if the amount payable is from VND 40,000,000 to less than VND 60,000,000;
 - i) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failure to make payment to the disaster management fund if the amount payable is from VND 60,000,000 to less than VND 80,000,000;
 - k) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for failure to make payment to the disaster management fund if the amount payable is from VND 80,000,000 to less than VND 100,000,000.
2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed upon any domestic or foreign business organization that fails to provide or insufficiently providing the list of plans for collection of payments and payment to the disaster management fund by individuals under its management to a competent authority.

3. Remedial measures:

The violator is compelled to make payment to the disaster management fund if the violation in clause 1 of this Article is committed.

Article 18. Violations committed by foreign organizations and individuals and international organizations participating in disaster response and recovery in Vietnam

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to carry out activities according to the registered contents.
2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for carrying out disaster management activities without a registration certificate or an expired registration certificate.

Chapter III

ADMINISTRATIVE VIOLATIONS, PENALTIES AND FINES FOR VIOLATIONS AGAINST REGULATIONS ON IRRIGATION AND REMEDIAL MEASURES

Article 19. Violations obstructing flows of a hydraulic structure

1. A fine ranging from VND 100,000 to VND 300,000 shall be imposed for growing vegetables, setting up fishing traps or fishing weirs and adopting other fishing methods causing obstacles to the flows.
2. A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for immersing bamboo, white bamboo, neohouzeaua, leaves, timbers or other things causing obstacles to the flows.
3. Remedial measures:

The violator is compelled to restore to the original condition if any of the violations specified in clauses 1 and 2 of this Article is committed.

Article 20. Violations against regulations on dumping of garbage and waste to hydraulic structures

1. Penalties for dumping of garbage and waste to hydraulic structures are as follows:
 - a) A warning shall be imposed for dumping a volume of less than 0.5 m³ of garbage or waste to hydraulic structures;
 - b) A fine ranging from VND 300,000 to VND 500,000 shall be imposed for dumping a volume ranging from 0.5 m³ to less than 1 m³ of garbage or waste within the safety perimeter of hydraulic structures;

c) A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for dumping a volume ranging from 01 m³ to less than 03 m³ of garbage or waste within the safety perimeter of hydraulic structures;

d) A fine ranging from VND 2,000,000 to VND 4,000,000 shall be imposed for dumping a volume ranging from 03 m³ to less than 05 m³ of garbage or waste within the safety perimeter of hydraulic structures;

dd) A fine ranging from VND 4,000,000 to VND 8,000,000 shall be imposed for dumping a volume of 05 m³ or more of garbage or waste within the safety perimeter of hydraulic structures.

2. Remedial measures:

The violator is compelled to restore to the original condition if the violation specified in clause 1 of this Article is committed.

Article 21. Violations against regulations on operation of hydraulic structures

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for any of the following violations:

a) Failure to comply with the procedure for operation of hydraulic structure which has been approved by a competent authority, except the case prescribed in Article 22 of this Decree;

b) Deliberately operating a hydraulic structure without assignment from an authorized person.

2. Fines shall be imposed for failure to formulate the procedure for operation of a hydraulic structure as regulated by law. To be specific:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to formulate the procedure for operation of a small hydraulic structure as prescribed;

b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to formulate the procedure for operation of a medium-sized hydraulic structure as prescribed;

c) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failure to formulate the procedure for operation of a large or critically important hydraulic structure as prescribed.

Article 22. Violations against regulations on implementation of procedures for operation of irrigation reservoirs which are not so serious that criminal prosecution may be brought

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to correctly implement the procedure for operation of a small irrigation reservoir.
2. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failure to correctly implement the approved procedure for operation of a medium-sized irrigation reservoir.
3. A fine ranging from VND 70,000,000 to VND 90,000,000 shall be imposed for failure to correctly implement the approved procedure for operation of a large irrigation reservoir.
4. A fine ranging from VND 90,000,000 to VND 100,000,000 shall be imposed for failure to correctly implement the approved procedure for operation of a critically important irrigation reservoir.

Article 23. Violations against regulations on use of machinery and equipment of a hydraulic structure

A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for failure to use machinery or equipment of a hydraulic structure for its intended purposes.

Article 24. Violations against regulations on assurance of hydraulic structure safety

1. A fine ranging from VND 100,000 to VND 300,000 shall be imposed for any of the following violations:
 - a) Putting up tents, walls or kiosks; building temporary works within the safety perimeter of a hydraulic structure;
 - b) Digging, hoeing or growing plants on canal bank or canal slope or the slope of earth dam.
2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for any of the following violations:
 - a) Building brick kiln, lime kiln or cattle or poultry breeding facility without a license to operate within the safety perimeter of a hydraulic structure;
 - b) Carrying out aquaculture without a license to operate within the safety perimeter of a hydraulic structure;
 - c) Demolishing or moving boundary markers or signs of hydraulic structures or deliberately connecting water canals or water pipes;
 - d) Conducting scientific research or growing perennial plants without a license to operate within the safety perimeter of a hydraulic structure;

dd) Digging or embanking ponds or lakes within the safety perimeter of a hydraulic structure;

e) Anchoring or docking a ship, boat or vessel in a hydraulic structure where a prohibition sign is set up;

g) Using a inland waterway vehicle or motor vehicle within the safety perimeter of a hydraulic structure without a license to operate within the safety perimeter of a hydraulic structure, except for motorcycles, mopeds and non-motorized inland waterway vehicles.

3. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for any of the following violations against regulations on safety management of dams and irrigation reservoirs:

a) Failure to send the report on dam or irrigation reservoir safety according to the prescribed contents and by prescribed deadline;

b) Failure to inspect dam or irrigation reservoir according to the prescribed contents and policies;

c) Failure to formulate or organize implementation of a disaster response plan for works and dam lowlands;

d) Failure to inspect dam or irrigation reservoir safety as prescribed;

dd) Failure to plant boundary markers within the safety perimeter of dam or irrigation reservoir;

e) Failure to formulate or implement the approved protection plan;

g) Failure to formulate or review, adjust or supplement on an annual basis or failure to implement the approved emergency response plan.

4. Fines shall be imposed for increasing the scale of the existing work within the safety perimeter of a hydraulic structure as follows:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for constructing, extending or encroaching a work, thereby increasing its area by less than 10 m²;

b) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for constructing, extending or encroaching a work, thereby increasing its area by from 10 m² to less than 30 m²;

c) A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for constructing, extending or encroaching a work, thereby increasing its area by more than 30 m².

5. A fine ranging from VND 20,000,000 to VND 25,000,000 shall be imposed for changing the structure of the existing work within the safety perimeter of a hydraulic structure.

6. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for any of the following violations:

a) Building an underground structure without a license to operation within the safety perimeter of a hydraulic structure, which is not so serious that criminal prosecution may be brought;

b) Carrying out drilling or digging for geological survey; carrying out drilling or digging for exploring and extracting underground water without a license to operation within the safety perimeter of a hydraulic structure, which is not so serious that criminal prosecution may be brought;

c) Organizing tourism or sports activities without a license to operation within the safety perimeter of a hydraulic structure;

d) Illegally extracting water from a hydraulic structure;

dd) Mining minerals within the safety perimeter of a hydraulic structure without an establishment license within the safety perimeter of a hydraulic structure;

7. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for any of the following violations:

a) Demolishing or filling a hydraulic structure without permission;

b) Illegally building a house, bridge, embankment, production facility and other reinforced structures without an operation license within the safety perimeter of a hydraulic structure, which is not so serious that criminal prosecution may be brought;

c) Illegally blocking, backfilling, digging or dredging or suctioning mud, sand or gravels from, rivers, canals, trenches, lakes or ponds, which is not so serious that criminal prosecution may be brought;

d) Illegally creating areas for storage of raw materials, fuels, materials, supplies or vehicles or illegally storing raw materials, fuels, materials, supplies or vehicles within the safety perimeter of a hydraulic structure.

8. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for blasting and carrying out other blasting activities without an operation license within the safety perimeter of a hydraulic structure, which is not so serious that criminal prosecution may be brought.

9. Remedial measures:

The violator is compelled to:

a) restore to the original condition if any of the violations specified in clause 1; points a, b, c, d and dd clause 2; clause 4; clause 5; points a, b and c clause 6; clause 7; clause 8 of this Article is committed;

b) return the illegal benefits obtained from the administrative violations specified in points d and dd clause 6 of this Article.

Article 25. Violations against regulations on operating vehicles on hydraulic structures

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for operating a motor vehicle on a hydraulic structure in excess of its permissible vehicle weight.

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for operating a motor vehicle or inland waterway vehicle in a hydraulic structure where a prohibition sign is set up, except for the prioritized vehicles prescribed by regulations of law on road traffic and inland waterway.

3. Remedial measures:

The violator is compelled to restore to the original condition in case of causing damage to the work if any of the violations specified in clauses 1 and 2 of this Article is committed.

Article 26. Violations against regulations on licenses to carry out activities within safety perimeters of hydraulic structures

1. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for carrying out activities inconsistently with provisions of the license to:

a) cultivate perennial plants; or

b) carry out aquaculture; or

c) do scientific research; or

d) operate inland waterway vehicles and motor vehicles.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for carrying out activities inconsistently with provisions of the license to:

- a) carry out drilling or digging for geological survey purpose; explore and exploit minerals or building materials or extract underground water; or
- b) create area for storage of raw materials, fuels, materials, supplies and vehicles; or
- c) build underground structures; or
- d) organize tourism, sports, business and service activities.

3. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for carrying out activities inconsistently with provisions of the license to:

- a) construct a new work within safety perimeter of a hydraulic structure; or
- b) carry out blasting and other blasting activities within the safety perimeter of a hydraulic structure.

4. Additional penalties:

Suspend the license for 01 to 03 months in the case of the violations specified in clauses 1, 2 and 3 of this Article.

5. Remedial measures:

The violator is compelled to restore to the original condition if any of the violations specified in points a and b clause 1; clause 2; clause 3 of this Article is committed.

Chapter IV

ADMINISTRATIVE VIOLATIONS, PENALTIES AND FINES FOR VIOLATIONS AGAINST REGULATIONS ON FLOOD CONTROL SYSTEMS AND REMEDIAL MEASURES

Article 27. Violations arising from damage to flood control systems

1. Fines for destroying mangroves of the dike mangrove belt are as follows:

- a) A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed if the number of destroyed mangroves is less than 05;
- b) A fine ranging from VND 1,000,000 to VND 5,000,000 shall be imposed if the number of destroyed mangroves is 05 to less than 10;

- c) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the number of destroyed mangroves is 10 to less than 30;
- d) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if the number of destroyed mangroves is 30 to less than 50;
- dd) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed if the number of destroyed mangroves is 50 to less than 100;
- e) A fine ranging from VND 40,000,000 to VND 50,000,000 if the number of destroyed mangroves is 100 or more.

2. Fines for hoeing, digging or mowing grass or growing annual or perennial plants on a dike or growing perennial plants within the safety perimeter of a dike as follows:

- a) A fine ranging from VND 500,000 to VND 1,000,000 if the growing area is less than 01 m² or less than 03 perennial plants are grown;
- b) A fine ranging from VND 1,000,000 to VND 3,000,000 if the growing area is 01 m² to less than 05 m² or 03 to less than 10 perennial plants are grown;
- c) A fine ranging from VND 3,000,000 to VND 5,000,000 if the growing area is 05 m² to less than 10 m² or 10 to less than 30 perennial plants are grown;
- d) A fine ranging from VND 5,000,000 to VND 10,000,000 if the growing area is 10 m² to less than 50 m² or 30 to less than 50 perennial plants are grown;
- dd) A fine ranging from VND 10,000,000 to VND 20,000,000 if the growing area is 50 m² to less than 100 m² or 50 to less than 100 perennial plants are grown;
- e) A fine ranging from VND 20,000,000 to VND 40,000,000 if the growing area is 100 m² to less than 400 m² or 100 to less than 200 perennial plants are grown;
- g) A fine ranging from VND 40,000,000 to VND 50,000,000 if the growing area is 400 m² or more or 200 perennial plants or more are grown.

3. Fines for illegally appropriating, illegally using or moving or damaging the auxiliary work of a flood control system are as follows:

- a) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for appropriating or illegally using the auxiliary work of a flood control system;
- b) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for illegally using or damaging the auxiliary work of a flood control system.

4. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for digging a pond or well within the safety perimeter of the flood control system.

5. Fines for digging, leveling or dividing the surface, slope, berm or bottom of a dike are as follows:

a) A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for a volume of less than 0.3 m³;

b) A fine ranging from VND 1,000,000 to VND 5,000,000 shall be imposed for a volume ranging from 0.3 m³ to less than 01 m³;

c) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for a volume ranging from 01 m³ to less than 02 m³;

d) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for a volume ranging from 02 m³ to less than 03 m³;

dd) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for a volume ranging from 03 m³ to less than 05 m³;

e) A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for a volume ranging from 05 m³ to less than 10 m³;

g) A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for a volume ranging from 10 m³ to less than 15 m³;

h) A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for a volume of 15 m³ or more.

6. Fines for violations against regulations on mineral mining within the safety perimeter of a flood control system are as follows:

a) A fine ranging from VND 1,000,000 to VND 5,000,000 shall be imposed for a volume of less than 01 m³;

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for a volume of 01 m³ to less than 03 m³;

c) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for a volume ranging from 03 m³ to less than 05 m³;

d) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for a volume ranging from 05 m³ to less than 10 m³.

dd) A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for a volume ranging from 10 m³ to less than 20 m³;

e) A fine ranging from VND 60,000,000 to VND 100,000,000 shall be imposed for a volume of 20 m³ or more.

7. Fines for the act of damaging dike culverts and obstructing operation of dike culverts which is not so serious that criminal prosecution may be brought are as follows:

a) A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for damaging auxiliary parts of a culvert, including board or sign; gauge line pillar; monitoring equipment;

b) A fine ranging from VND 3,000,000 to VND 10,000,000 shall be imposed for damaging parts of a culvert without directly affecting operation and stability of the culvert such as fences, gates, doors and guardrails;

d) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for damaging machinery protection housing; culvert management housing; working bridge; sluice gates, sluice gate flapping parts and obstructing operation of culverts in accordance with technical regulations;

d) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for damaging parts directly affecting the operation of a culvert such as valves, closing and opening machinery, valve arrangement, electrical system and other parts;

dd) A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed for damaging parts directly affecting the stability of a culvert including culvert body, pillar, wing wall, stilling pool, stilling apron, joints and other parts;

8. Fines for the act of damaging a dike protection jetty which is not so serious that criminal prosecution may be brought are as follows:

a) A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for damaging auxiliary parts of the jetty such as board or sign; gauge line pillar; monitoring equipment;

b) A fine ranging from VND 3,000,000 to VND 10,000,000 shall be imposed for damaging the jetty roof or jetty roof stabilizer with an area of less than 01 m²; jetty foot made of loose material with a volume of less than 01 m³; casting parts of the jetty with a volume of less than 0.3 m³;

c) A fine ranging from VND 10,000,000 to VND 30,000,000 shall be imposed for damaging the jetty roof or jetty roof stabilizer with an area ranging from 01 m² to less than 03 m²; jetty foot made of loose material with a volume ranging from 01 m³ to less than 03 m³; casting parts of the jetty with a volume ranging from 0.3 m³ to less than 01 m³;

d) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for damaging the jetty roof or jetty roof stabilizer with an area ranging from 03 m² to less than 10 m²; jetty foot made of loose material with a volume ranging from 03 m³ less than 05 m³; casting parts of the jetty with a volume ranging from 01 m³ to less than 02 m³;

dd) A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed for damaging the jetty roof or jetty roof stabilizer with an area of at least 10 m²; jetty foot made of loose material with a volume of at least 05 m³; casting parts of the jetty with a volume of at least 02 m³.

9. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for carry out a blasting activity damaging the dike body, except for emergency case where the competent person specified in Article 34 of the Law on Flood Control Systems decides to carry out a blasting activity or destruction in order to divert flood or retard flood for dike protection purpose.

10. Additional penalties:

Confiscate the exhibits or instrumentalities for committing violations if any of the violations specified in clauses 1 through 9 of this Article is committed.

11. Remedial measures:

The violator is compelled to:

a) grow planting the mangroves in case of destruction; grass in case of hoeing, digging or mowing specified in clauses 1 and 2 of this Article;

b) repair the damage to the flood control systems if any of the violations specified in clauses 7 and 8 of this Article is committed;

c) restore to the original condition if any of the violations specified in clauses 3, 4, 5 and 9 of this Article is committed.

Article 28. Violations arising from illegal operation of flood control systems

1. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for operating a flood diversion structure, flood retardation structure, dike culvert, spillway structure, dike-crossing works, pumping station or lock within the safety perimeter of a flood control system.

2. Additional penalties:

Confiscate the exhibits or instrumentalities for committing violations if the violation specified in clause 1 of this Article is committed.

3. Remedial measures:

The violator is compelled to restore to the original condition if the violation specified in clause 1 of this Article is committed.

Article 29. Violations against regulations on dumping waste and placing materials within safety perimeters of flood control systems, on river terraces and river beds

1. Fines for the act of dumping waste within the safety perimeter of a flood control system, river terrace or river bed are as follows:

a) A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for a volume of less than 01 m³;

b) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for a volume ranging from 01 m³ to less than 03 m³;

c) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for a volume ranging from 03 m³ to less than 10 m³;

d) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for a volume ranging from 10 m³ to less than 20 m³;

dd) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for a volume ranging from 20 m³ to less than 30 m³;

e) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for a volume ranging from 30 m³ to less than 50 m³;

g) A fine ranging from VND 50,000,000 to VND 80,000,000 shall be imposed for a volume ranging from 50 m³ to less than 100 m³;

h) A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for a volume of 100 m³ or more.

2. Fines for the act of placing materials the safety perimeter of a flood control system are as follows:

a) A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for a volume of less than 01 m³;

b) A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for a volume ranging from 01 m³ to less than 05 m³;

c) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for a volume ranging from 05 m³ to less than 10 m³;

d) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for a volume ranging from 10 m³ to less than 15 m³;

dd) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for a volume ranging from 15 m³ to less than 30 m³;

e) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for a volume ranging from 30 m³ to less than 50 m³;

g) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for a volume ranging from 50 m³ to less than 100 m³;

h) A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed for a volume of 100 m³ or more.

3. Fines for the act of placing materials on a river bed or river terrace and carrying out other activities obstructing the flows and flood drainage without taking any remedial measures are as follows:

a) A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for a volume of less than 02 m³;

b) A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for a volume ranging from 02 m³ to less than 05 m³;

c) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for a volume ranging from 05 m³ to less than 10 m³;

d) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for a volume ranging from 10 m³ to less than 30 m³;

dd) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for a volume ranging from 30 m³ to less than 100 m³;

e) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for a volume ranging from 100 m³ to less than 300 m³;

g) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for a volume ranging from 300 m³ to less than 500 m³;

h) A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed for a volume of 500 m³ or more.

4. Additional penalties:

Confiscate the exhibits or instrumentalities for committing violations if any of the violations specified in clauses 1, 2 and 3 of this Article is committed.

5. Remedial measures:

The violator is compelled to restore to the original condition if any of the violations specified in clauses 1, 2 and 3 of this Article is committed.

Article 30. Violations against regulations on management, protection and use of soil, stones, sand and gravels reserved for flood, inundation and storm control

1. Fines for appropriating, illegally using or moving soil, stones, sand or gravels reserved for flood, inundation or storm control are as follows:

- a) A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for a volume of less than 0.5 m³;
- b) A fine ranging from VND 1,000,000 to VND 5,000,000 shall be imposed for a volume ranging from 0.5 m³ to less than 02 m³;
- c) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for a volume ranging from 02 m³ to less than 05 m³;
- d) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for a volume ranging from 05 m³ to less than 10 m³;
- dd) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for a volume ranging from 10 m³ to less than 20 m³;
- e) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for a volume ranging from 20 m³ to less than 30 m³;
- g) A fine ranging from VND 50,000,000 to VND 80,000,000 shall be imposed for a volume of 30 m³ or more.

2. Remedial measures:

The violator is compelled to return the supplies reserved for flood, inundation or storm control specified in clause 1 of this Article.

Article 31. Violations against regulations on operating vehicles on dikes

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for operating a motor vehicle or heavy-duty vehicle on a dike in excess of its permissible vehicle weight.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for operating a motor vehicle or heavy-duty vehicle on a dike where a prohibition sign in case of dike failures or storm, inundation or flood, except vehicles for dike inspection or dike protection or vehicles serving national defense and security purpose or ambulances or fire trucks.

3. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for operating a motor vehicle on a dike against the regulations set out in the license.

4. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for operating a motor vehicle on a dike against the regulations set out in the license.

5. Additional penalties:

Suspend the license for 01 to 03 months in the case of the violations specified in clause 3 of this Article.

6. Remedial measures:

The violator is compelled to restore to the original condition in case of damaging the dike if any of the violations specified in clauses 1, 2, 3 and 4 of this Article is committed.

Article 32. Construction of houses and works within safety perimeters of flood control systems and river beds excluding islets or eyots

1. Fines for constructing a house or work within safety perimeters of a flood control system and river bed excluding islet or eyot, except for the works serving flood, inundation and storm control, auxiliary works and special works are as follows:

a) A fine ranging from VND 1,000,000 to VND 5,000,000 shall be imposed if the building area is less than 10 m²; or if the length of the work is less than 02 m for a route-based work or wall work;

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the building area is less than from 02 m² to less than 05 m²; or if the length of the work is from 02 m to less than 05 m for a route-based work or wall work;

c) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if the building area is from 05 m² to less than 10 m²; or if the length of the work is from 05 m to less than 10 m for a route-based work or wall work;

d) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed if the building area is from 10 m² to less than 30 m²; or if the length of the work is from 10 m to less than 20 m for a route-based work or wall work;

dd) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed if the building area is from 30 m² to less than 50 m²; or if the length of the work is from 20 m to less than 30 m for a route-based work or wall work;

e) A fine ranging from VND 50,000,000 to VND 80,000,000 shall be imposed if the building area is from 50 m² to less than 80 m²; or if the length of the work is from 30 m to less than 50 m for a route-based work or wall work;

g) A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed if the building area is 80 m² or more; or if the length of the work is 50 m or more for a route-based work or wall work.

2. Remedial measures:

The violator is compelled to restore to the original condition if the violation specified in clause 1 of this Article is committed.

Article 33. Violations against regulations set out in Article 26 of the Law on Flood Control systems on construction of houses and works on river beds, islets and eyots on which construction works are unavailable

1. Fines for construction of a house or work on a river bed, islet or eyot on which construction works are unavailable without a permit are as follows:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the building area is less than 05 m²; or if the length of the work is less than 10 m for a route-based work or wall work;

b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if the building area is from 02 m² to less than 10 m²; or if the length of the work is from 10 m to less than 20 m for a route-based work or wall work;

c) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed if the building area is from 10 m² to less than 30 m²; or if the length of the work is from 20 m to less than 40 m for a route-based work or wall work;

d) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed if the building area is from 30 m² to less than 50 m²; or if the length of the work is from 40 m to less than 50 m for a route-based work or wall work;

dd) A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed if the building area is from 50 m² to less than 100 m²; or if the length of the work is from 50 m to less than 80 m for a route-based work or wall work;

e) A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed if the building area is 100 m² or more; or if the length of the work is 80 m or more for a route-based work or wall work.

2. Fines for construction of a house or work on a river bed, islet or eyot on which construction works are unavailable against the regulations prescribed in the license are as follows:

a) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed if the building area is less than 05 m²; or if the length of the work is less than 10 m for a route-based work or wall work;

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the building area is from 05 m² to less than 10 m²; or if the length of the work is from 10 m to less than 20 m for a route-based work or wall work;

c) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if the building area is from 10 m² to less than 30 m²; or if the length of the work is from 20 m to less than 40 m for a route-based work or wall work;

d) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed if the building area is from 30 m² to less than 50 m²; or if the length of the work is from 40 m to less than 60 m for a route-based work or wall work;

dd) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed if the building area is from 50 m² to less than 100 m²; or if the length of the work is from 60 m to less than 80 m for a route-based work or wall work;

e) A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed if the building area is 100 m² or more; or if the length of the work is 80 m or more for a route-based work or wall work.

3. Remedial measures:

The violator is compelled to restore to the original condition if any of the violations specified in clauses 1 and 2 of this Article is committed.

Article 34. Violations against regulations set out in point b clause 2 Article 27 of the Law on Flood Control systems on expansion of building area when repairing or upgrading existing works and houses within safety perimeters of flood control systems and on river terraces, islets or eyots

1. A fine ranging from VND 1,000,000 to VND 5,000,000 shall be imposed for expansion of building area without a permit or against the regulations set out in the license when repairing or upgrading an existing work or house within the safety

perimeter of a flood control system and on a river terrace, islet or eyot if the expanded area is less than 05 m².

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for expansion of building area without a permit or against the regulations set out in the license when repairing or upgrading an existing work or house within the safety perimeter of a flood control system and on a river terrace, islet or eyot if the expanded area is from 05 m² to less than 10 m².

3. A fine ranging from VND 10,000,000 to VND 30,000,000 shall be imposed for expansion of building area without a permit or against the regulations set out in the license when repairing or upgrading an existing work or house within the safety perimeter of a flood control system and on a river terrace, islet or eyot if the expanded area is from 10 m² to less than 30 m².

4. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for expansion of building area without a permit or against the regulations set out in the license when repairing or upgrading an existing work or house within the safety perimeter of a flood control system and on a river terrace, islet or eyot if the expanded area is from 30 m² to less than 50 m².

5. A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed for expansion of building area without a permit or against the regulations set out in the license when repairing or upgrading an existing work or house within the safety perimeter of a flood control system and on a river terrace, islet or eyot if the expanded area is 50 m² or more.

6. Remedial measures:

The violator is compelled to restore to the original condition if any of the violations specified in clauses 1, 2, 3, 4 and 5 of this Article is committed.

Article 35. Violations against regulations in licenses or written approval for dike-related activities

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for using a dike, dike protection jetty or dike culvert as a place for anchoring vehicles, ships, boats and rafts against the regulations set out in the license or without the license.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for carrying out activities prescribed in points a, b, c, d, e, g and h clause 1 Article 25 against the regulations set forth in the license and the written approval specified in clause 2 Article 28 of the Law on Flood Control Systems.

3. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for carrying out activities prescribed in points a, b, c, d, e, g and h clause 1 Article 25 of the

Law on Flood Control Systems without the license; carrying out the activities specified in clause 2 Article 28 of the Law on Flood Control Systems without the written approval.

4. Additional penalties:

Suspend the license for 01 to 03 months in the case of the violations specified in clause 2 of this Article.

5. Remedial measures:

The violator is compelled to restore to the original condition if any of the violations specified in clauses 1, 2 and 3 of this Article is committed.

Article 36. Violations against regulations on mobilization of resources for dike protection and salvage of dike safety-related works

A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to implement decisions made by authorized persons on mobilization of forces, supplies and vehicles for dike protection or salvage of dike safety-related works., which is not so serious that criminal prosecution may be brought.

Chapter V

POWER TO MAKE ADMINISTRATIVE VIOLATION RECORDS, IMPOSE PENALTIES FOR ADMINISTRATIVE VIOLATIONS AND IMPLEMENTATION OF REMEDIAL MEASURES

Article 37. Power to make administrative violation records

1. Records of administrative violations against regulations on disaster management; irrigation; flood control systems shall be made as prescribed in Article 58 of the Law on Penalties for Administrative Violations and Government's Decree on elaboration of the Law on Penalties for Administrative Violations.

2. Persons that have the power to make records of the violations against regulations specified in this Decree include:

a) The persons that have the power to make administrative violation records specified in Articles 38 to 46 of this Decree in the performance of their duty;

b) Public officials and public employees in the performance of their duty in relation to natural disaster management; irrigation; flood control systems;

c) Public officials and public employees of state inspecting authorities, authorities assigned to carry out specialized inspections in the performance of their duty;

d) People working for the People's Army and People's Public Security Forces in the performance of their duty.

3. The persons that have the power to make records specified in clause 2 of this Article shall issue decisions to impose penalties within their power or transfer the violation cases to persons having the power to impose penalties in accordance with regulations of law on imposition of penalties for administrative violations and this Decree.

Article 38. Power to impose penalties of Chairmen/Chairwomen of People's Committees

1. Chairmen/Chairwomen of communal People's Committees are entitled to:

a) issue warnings;

b) impose a fine of up to VND 5,000,000;

c) confiscate exhibits or instrumentalities used for committing administrative violations, the value of which does not exceed VND 10,000,000;

d) enforce the remedial measures specified in point a clause 1 Article 4 of this Decree.

2. Chairmen/Chairwomen of district-level People's Committees are entitled to:

a) issue warnings;

b) impose a fine of up to VND 25,000,000 if a violation against regulations on disaster management is committed; up to VND 100,000,000 if a violation against regulations on irrigation is committed; up to VND 50,000,000 if a violation against regulations on flood control systems is committed;

c) suspend the license;

d) confiscate exhibits and instrumentalities for committing administrative violations;

dd) enforce the remedial measures specified in Article 4 of this Decree.

3. Chairmen/Chairwomen of provincial People's Committees are entitled to:

a) issue warnings;

b) impose a fine of up to VND 50,000,000 if a violation against regulations on disaster management is committed; up to VND 250,000,000 if a violation against regulations on irrigation is committed; up to VND 100,000,000 if a violation against regulations on flood control systems is committed;

- c) suspend the license;
- d) confiscate exhibits and instrumentalities for committing administrative violations;
- dd) enforce the remedial measures specified in Article 4 of this Decree.

Article 39. Power to impose penalties of inspecting authorities and authorities assigned to carry out specialized inspections of disaster management; irrigation; flood control systems

1. Inspectors and persons assigned to carry out specialized inspections of disaster management; irrigation; flood control systems in the performance of their duty are entitled to:

- a) issue warnings;
- b) impose a fine of up to VND 500,000;
- c) confiscate exhibits or instrumentalities used for committing administrative violations, the value of which does not exceed VND 1,000,000;
- d) enforce the remedial measures specified in point a clause 1 Article 4 of this Decree.

2. Chief Inspectors of Provincial Departments of Agriculture and Rural Development; Chiefs of Specialized Inspectorates of Provincial Departments of Agriculture and Rural Development; Chiefs of Specialized Inspectorates of the Directorate of Water Resources, the Vietnam Disaster Management Authority; Directors of Sub-departments in charge of natural disaster management, irrigation and flood control systems; Heads of Inspectorates of Sub-departments in charge of natural disaster management, irrigation and flood control systems are entitled to:

- a) issue warnings;
- b) impose a fine of up to VND 25,000,000 if a violation against regulations on disaster management; up to VND 50,000,000 if a violation against regulations on irrigation and flood control systems is committed;
- c) suspend the license;
- d) confiscate exhibits or instrumentalities used for committing administrative violations, the value of which does not exceed VND 50,000,000 if the violations against regulations on disaster management are committed; VND 100,000,000 if the violations against regulations on irrigation and flood control systems are committed;
- dd) enforce the remedial measures specified in Article 4 of this Decree.

3. Chiefs of Specialized Inspectorate of the Ministry of Agriculture and Rural Development are entitled to:

- a) issue warnings;
- b) impose a fine of up to VND 35,000,000 if a violation against regulations on disaster management is committed; up to VND 175,000,000 if a violation against regulations on irrigation is committed; up to VND 70,000,000 if a violation against regulations on flood control systems is committed;
- c) suspend the license;
- d) confiscate exhibits or instrumentalities used for committing administrative violations, the value of which does not exceed VND 70,000,000 if the violations against regulations on disaster management are committed; VND 350,000,000 if the violations against regulations on irrigation are committed; VND 140,000,000 if the violations against regulations on flood control systems are committed;
- dd) enforce the remedial measures specified in Article 4 of this Decree.

4. The Chief Inspector of the Ministry of Agriculture and Rural Development, Director General of the Directorate of Water Resources, Director General of the Vietnam Disaster Management Authority are entitled to:

- a) issue warnings;
- b) impose a fine of up to VND 50,000,000 if a violation against regulations on disaster management is committed; up to VND 250,000,000 if a violation against regulations on irrigation is committed; up to VND 100,000,000 if a violation against regulations on flood control systems is committed;
- c) suspend the license;
- d) confiscate exhibits and instrumentalities for committing administrative violations;
- dd) enforce the remedial measures specified in Article 4 of this Decree.

Article 40. Power to impose penalties of fisheries resources surveillance forces

1. Chiefs of fisheries resources surveillance stations affiliated to Regional fisheries resource surveillance offices are entitled to:

- a) impose a fine of up to VND 10,000,000 if a violation against regulations on disaster management is committed;

b) confiscate exhibits or instrumentalities used for committing administrative violations, the value of which does not exceed VND 20,000,000 if the violations against regulations on disaster management are committed;

c) enforce the remedial measures specified in point a clause 1 Article 4 of this Decree.

2. Directors of Regional fisheries resource surveillance offices are entitled to:

a) impose a fine of up to VND 50,000,000 if a violation against regulations on disaster management is committed;

b) confiscate exhibits and instrumentalities for committing administrative violations;

c) enforce the remedial measures specified in point a clause 1 Article 4 of this Decree.

3. Director General of Vietnam Fisheries Resources Surveillance is entitled to:

a) impose a fine of up to VND 50,000,000 if a violation against regulations on disaster management is committed;

b) confiscate exhibits and instrumentalities for committing administrative violations;

c) enforce the remedial measures specified in point a clause 1 Article 4 of this Decree.

Article 41. Power to impose penalties of the People's Public Security

1. Commune-level Police Chiefs, Heads of Police Posts, Majors of Mobile Police Battalions, and Captains of Squadrons are entitled to:

a) issue warnings;

b) impose a fine of up to VND 2,500,000;

c) confiscate exhibits or instrumentalities used for committing administrative violations, the value of which does not exceed VND 5,000,000;

d) enforce the remedial measures specified in point a clause 1 Article 4 of this Decree.

2. District-level Police Chiefs; the Head of the Professional Division of the Police Department of Administrative Management of Social Order; Captains of Squadrons; the Head of the Professional Division of the Traffic Police Department; Chiefs of provincial Police Departments, including: Chiefs of Police Divisions for Administrative Management of Social Order; Chiefs of Investigation Police Divisions for Corruption, Economic and Smuggling Crimes, Chiefs of Waterway Police Divisions, Chiefs of Traffic Police Divisions, Chiefs of Mobile Police Divisions, Head of Security Division, Chiefs of Police Divisions for Prevention and Control of Environmental Crimes, Chiefs

of Firefighting, Prevention and Rescue Police Divisions; Colonels of Mobile Police Regiments are entitled to:

- a) issue warnings;
- b) impose a fine of up to VND 10,000,000 if a violation against regulations on disaster management is committed; up to VND 25,000,000 if a violation against regulations on irrigation is committed; up to VND 20,000,000 if a violation against regulations on flood control systems is committed;
- c) suspend the license;
- d) confiscate exhibits or instrumentalities used for committing administrative violations, the value of which does not exceed VND 20,000,000 if the violations against regulations on disaster management are committed; VND 50,000,000 if the violations against regulations on irrigation are committed; VND 40,000,000 if the violations against regulations on flood control systems are committed;
- dd) enforce the remedial measures specified in point a clause 1 and clause 2 Article 4 of this Decree.

3. Directors of provincial Police Departments are entitled to:

- a) issue warnings;
- b) impose a fine of up to VND 25,000,000 if a violation against regulations on disaster management is committed; up to VND 100,000,000 if a violation against regulations on irrigation is committed; up to VND 50,000,000 if a violation against regulations on flood control systems is committed;
- c) suspend the license;
- d) confiscate exhibits and instrumentalities for committing administrative violations;
- dd) enforce the remedial measures specified in Article 4 of this Decree.

4. Director General of the Economic Security Department, Director General of the Police Department for Administrative Management of Social Order, Director General of the Investigation Police Department for Corruption, Economic and Smuggling Crimes, Director General of the Traffic Police Department, Director General of the Firefighting, Prevention and Rescue Police Department, Director General of the Police Department for Prevention and Control of Environmental Crimes, Commander of the Mobile Police are entitled to:

- a) issue warnings;

b) impose a fine of up to VND 50,000,000 if a violation against regulations on disaster management is committed; up to VND 250,000,000 if a violation against regulations on irrigation is committed; up to VND 100.000.000 if a violation against regulations on flood control systems is committed;

c) suspend the license;

d) confiscate exhibits and instrumentalities for committing administrative violations;

dd) enforce the remedial measures specified in Article 4 of this Decree.

Article 42. Power to impose penalties of the Border Guard

1. The leaders of Task Force Teams for Drug and Crime Prevention and Control which are put under the control of Task Force Commissions for Drug and Crime Prevention and Control are entitled to:

a) issue warnings;

b) impose a fine of up to VND 5,000,000 if a violation against regulations on disaster management is committed; up to VND 10,000,000 if a violation against regulations on irrigation and flood control systems is committed;

c) confiscate exhibits or instrumentalities used for committing administrative violations, the value of which does not exceed VND 10,000,000 if the violations against regulations on disaster management are committed; VND 20.000.000 if the violations against regulations on irrigation and flood control systems are committed;

d) enforce the remedial measures specified in point a clause 1 Article 4 of this Decree.

2. Commanding Officers of Border Guard Posts, Captains of Naval Border Guard Flotillas and Commanders of the Border Guard Commands at port border gates are entitled to:

a) issue warnings;

b) impose a fine of up to VND 10,000,000 if a violation against regulations on disaster management is committed; up to VND 25,000,000 if a violation against regulations on irrigation is committed; up to VND 20,000,000 if a violation against regulations on flood control systems is committed;

c) confiscate exhibits or instrumentalities used for committing administrative violations, the value of which does not exceed VND 20,000,000 if the violations against regulations on disaster management are committed; VND 50,000,000 if the violations against regulations on irrigation are committed; VND 40,000,000 if the violations against regulations on flood control systems are committed;

dd) enforce the remedial measures specified in point a clause 1 and clause 2 Article 4 of this Decree.

3. Leaders of Task Force Commissions for Drug and Crime Prevention and Control as an affiliate of the Department of Drug and Crime Prevention and Control under the control of the Border Guard High Command are entitled to:

a) issue warnings;

b) impose a fine of up to VND 25,000,000 if a violation against regulations on disaster management is committed; up to VND 100,000,000 if a violation against regulations on irrigation is committed; up to VND 50,000,000 if a violation against regulations on flood control systems is committed;

c) confiscate exhibits or instrumentalities used for committing administrative violations, the value of which does not exceed VND 50,000,000 if the violations against regulations on disaster management are committed; VND 200,000,000 if the violations against regulations on irrigation are committed; VND 100,000,000 if the violations against regulations on flood control systems are committed;

d) enforce the remedial measures specified in Article 4 of this Decree.

4. Chief Commander of provincial-level Border Guards; Captains of Naval Border Guard Squadrons and Director General of the Department of Drug and Crime Prevention and Control affiliated to the Border Guard High Command are entitled to:

a) issue warnings;

b) impose a fine of up to VND 50,000,000 if a violation against regulations on disaster management is committed; up to VND 250,000,000 if a violation against regulations on irrigation is committed; up to VND 100,000,000 if a violation against regulations on flood control systems is committed;

c) suspend the license;

d) confiscate exhibits and instrumentalities for committing administrative violations;

dd) enforce the remedial measures specified in Article 4 of this Decree.

Article 43. Power to impose penalties of the Coast Guard

1. Coastguard squad leaders and captains of coastguard stations are entitled to:

a) impose a fine of up to VND 5,000,000 if a violation against regulations on disaster management is committed;

b) enforce the remedial measures specified in point a clause 1 Article 4 of this Decree.

2. Commanders of coastguard platoons are entitled to:

a) impose a fine of up to VND 10,000,000 if a violation against regulations on disaster management is committed;

b) confiscate exhibits or instrumentalities used for committing administrative violations, the value of which does not exceed VND 20,000,000 if the violations against regulations on disaster management are committed;

c) enforce the remedial measures specified in point a clause 1, point a clause 2 Article 4 of this Decree.

3. Commanders in chief of coastguard squadrons; Heads of Reconnaissance Commissions; Heads of Task Force Commissions for Drug Crime Prevention and Control under the control of the Command of Coast Guard of Vietnam are entitled to:

a) impose a fine of up to VND 15,000,000 if a violation against regulations on disaster management is committed;

b) confiscate exhibits or instrumentalities used for committing administrative violations, the value of which does not exceed VND 30,000,000 if the violations against regulations on disaster management are committed;

c) enforce the remedial measures specified in point a clause 1, point a clause 2 Article 4 of this Decree.

4. Commanders of regional coastguard command centers and Director General of the Department of Operations and Legislation under the control of the Command of Coast Guard of Vietnam are entitled to:

a) impose a fine of up to VND 25,000,000 if a violation against regulations on disaster management is committed;

b) confiscate exhibits and instrumentalities for committing administrative violations;

c) enforce the remedial measures specified in point a clause 1, point a clause 2 Article 4 of this Decree.

5. Commander of Vietnam Coast Guard is entitled to:

a) impose a fine of up to VND 50,000,000 if a violation against regulations on disaster management is committed;

b) confiscate exhibits and instrumentalities for committing administrative violations;

c) enforce the remedial measures specified in point a clause 1, point a clause 2 Article 4 of this Decree.

Article 44. Power to impose penalties of transport inspecting authorities

1. Chief Inspectors of provincial Departments of Transport, Chief Inspector of the Vietnam Maritime Administration, Chief of Specialized Inspectorate of the Directorate for Roads of Vietnam, Chief of Specialized Inspectorate of the Vietnam Maritime Administration, Chief of Specialized Inspectorate of the Vietnam Inland Waterway Administration, Chiefs of Specialized Inspectorates of provincial Departments of Transport; Heads of Regional Road Authorities affiliated to the Directorate for Roads of Vietnam, Chiefs of Specialized Inspectorates of Regional Road Authorities affiliated to the Directorate for Roads of Vietnam are entitled to:

a) impose a fine of up to VND 25,000,000 if a violation against regulations on disaster management is committed; up to VND 50,000,000 if a violation against regulations on irrigation and flood control systems is committed;

b) suspend the license;

c) confiscate exhibits or instrumentalities used for committing administrative violations, the value of which does not exceed VND 50,000,000 if the violations against regulations on disaster management are committed; VND 100,000,000 if the violations against regulations on irrigation and flood control systems are committed;

d) enforce the remedial measures specified in point a clause 1, point dd clause 2 Article 4 of this Decree.

2. Chief of Specialized Inspectorate of the Ministry of Transport is entitled to:

b) impose a fine of up to VND 35,000,000 if a violation against regulations on disaster management is committed; up to VND 175,000,000 if a violation against regulations on irrigation is committed; up to VND 70,000,000 if a violation against regulations on flood control systems is committed;

b) suspend the license;

c) confiscate exhibits or instrumentalities used for committing administrative violations, the value of which does not exceed VND 70,000,000 if the violations against regulations on disaster management are committed; VND 350,000,000 if the violations against regulations on irrigation are committed; VND 140,000,000 if the violations against regulations on flood control systems are committed;

d) enforce the remedial measures specified in point a clause 1, point dd clause 2 Article 4 of this Decree.

3. Chief Inspector of the Ministry of Transport, Director General of the Directorate for Roads of Vietnam, Director General of the Vietnam Maritime Administration and Director General of the Vietnam Inland Waterway Administration are entitled to:

b) impose a fine of up to VND 50,000,000 if a violation against regulations on disaster management is committed; up to VND 250,000,000 if a violation against regulations on irrigation is committed; up to VND 100,000,000 if a violation against regulations on flood control systems is committed;

b) suspend the license;

c) confiscate exhibits and instrumentalities for committing administrative violations;

d) enforce the remedial measures specified in point a clause 1, point dd clause 2 Article 4 of this Decree.

Article 45. Power to impose penalties of natural resources and environment inspecting authorities

1. Inspectors and persons assigned to carry out specialized inspections in the performance of their duty are entitled to:

a) issue warnings;

b) impose a fine of up to VND 500,000;

c) confiscate exhibits or instrumentalities used for committing administrative violations, the value of which does not exceed VND 1,000,000;

d) enforce the remedial measures specified in point a clause 1 Article 4 of this Decree.

2. Chief Inspectors of provincial Departments of Natural Resources and Environment; Chiefs of Specialized Inspectorates of provincial Departments of Natural Resources and Environment; Chiefs of Specialized Inspectorates of the General Department of Geology and Minerals of Vietnam, General Department of Land Administration and Vietnam Environment Administration are entitled to:

a) impose a fine of up to VND 25,000,000 if a violation against regulations on disaster management is committed; up to VND 50,000,000 if a violation against regulations on irrigation and flood control systems is committed;

b) suspend the license;

c) confiscate exhibits or instrumentalities used for committing administrative violations, the value of which does not exceed VND 50,000,000 if the violations against regulations

on disaster management are committed; VND 100,000,000 if the violations against regulations on irrigation and flood control systems are committed;

dd) enforce the remedial measures specified in clause 1, point d clause 2 Article 4 of this Decree.

3. Chief of Specialized Inspectorate of the Ministry of Natural Resources and Environment is entitled to:

b) impose a fine of up to VND 35,000,000 if a violation against regulations on disaster management is committed; up to VND 175,000,000 if a violation against regulations on irrigation is committed; up to VND 70,000,000 if a violation against regulations on flood control systems is committed;

b) suspend the license;

c) confiscate exhibits or instrumentalities used for committing administrative violations, the value of which does not exceed VND 70,000,000 if the violations against regulations on disaster management are committed; VND 350,000,000 if the violations against regulations on irrigation are committed; VND 140,000,000 if the violations against regulations on flood control systems are committed;

dd) enforce the remedial measures specified in clause 1, point d clause 2 Article 4 of this Decree.

4. Chief Inspector of the Ministry of Natural Resources and Environment, Director General of the General Department of Geology and Minerals of Vietnam, Director General of the General Department of Land Administration and Director General of the Vietnam Environment Administration are entitled to:

b) impose a fine of up to VND 50,000,000 if a violation against regulations on disaster management is committed; up to VND 250,000,000 if a violation against regulations on irrigation is committed; up to VND 100,000,000 if a violation against regulations on flood control systems is committed;

b) suspend the license;

c) confiscate exhibits and instrumentalities for committing administrative violations;

dd) enforce the remedial measures specified in clause 1, point d clause 2 Article 4 of this Decree.

Article 46. Power to impose penalties of seaport authorities and inland waterways port authorities

1. Chief representatives of seaport authorities and inland waterways port authorities are entitled to:

- a) impose a fine of up to VND 10,000,000 if a violation against regulations on disaster management is committed;
- b) confiscate exhibits or instrumentalities used for committing administrative violations, the value of which does not exceed VND 20,000,000 if the violations against regulations on disaster management are committed;

2. Directors of seaport authorities and inland waterways port authorities are entitled to:

- a) impose a fine of up to VND 50,000,000 if a violation against regulations on disaster management is committed;
- b) confiscate exhibits and instrumentalities for committing administrative violations;
- c) enforce the remedial measures specified in point a clause 1, point a clause 2 Article 4 of this Decree.

Article 47. Delegation of power to impose penalties for administrative violations

1. Power to impose penalties for administrative violations of Chairmen/Chairwomen of People's Committees at all levels

Chairmen/Chairwomen of People's Committees at all levels have the power to impose penalties for the administrative violations specified in Chapters II, III and IV within their power prescribed in this Decree and within the scope of their functions, tasks and entitlements.

2. Power to impose penalties of inspecting authorities and heads of authorities assigned to carry out specialized inspections of disaster management; irrigation; flood control systems

Persons having the power to impose penalties of inspecting authorities and heads of authorities assigned to carry out specialized inspections of disaster management; irrigation; flood control systems shall impose penalties for the administrative violations specified in Chapters II, III and IV within their power prescribed in Article 39 of this Decree and within the scope of their functions, tasks and entitlements.

3. Power to impose penalties for administrative violations of fisheries resources surveillance forces

Persons having the power to impose penalties of fisheries resources surveillance forces shall impose penalties for the administrative violations specified in clause 2 Article 8, clause 1 Article 9, Article 12, Article 13 and Article 16 within their power prescribed in

Article 40 of this Decree and within the scope of their functions, tasks and entitlements within the assigned territorial waters.

4. Power to impose penalties for administrative violations of the People's Public Security

Persons having the power to impose penalties of the People's Public Security shall impose penalties for the administrative violations specified in Article 9, Article 10, Article 12, Article 13, Article 14, Article 18, Article 20, Article 21, Article 22, Article 24, Article 25, Article 26, Article 27, Article 28, Article 29, Article 30, Article 31, Article 32, Article 33, Article 34, Article 35 and Article 36 within their power prescribed in Article 41 of this Decree and within the scope of their functions, tasks and entitlements in the fields and localities under their management.

5. Power to impose penalties for administrative violations of the Border Guard

Persons having the power to impose penalties of the Border Guard forces shall impose penalties for the administrative violations specified in Article 9, Article 10, Article 12, Article 13, Article 14, Article 18, Article 20, Article 21, Article 22, Article 24, Article 25, Article 26, Article 27, Article 28, Article 29, Article 30, Article 31, Article 32, Article 33, Article 34, Article 35 and Article 36 within their power prescribed in Article 42 of this Decree and within the scope of their functions, tasks and entitlements in border areas.

6. Power to impose penalties for administrative violations of the Coast Guard

Persons having the power to impose penalties of Coast Guard forces shall impose penalties for the administrative violations specified in clause 2 Article 8, clause 1 Article 9, Article 12, Article 13, clause 2 Article 14 and Article 16 within their power prescribed in Article 43 of this Decree and within the scope of their functions, tasks and entitlements and localities within the assigned territorial waters.

7. Power to impose penalties for administrative violations of transport inspecting authorities

Persons having the power to impose penalties of the transport inspection forces shall impose penalties for the administrative violations specified in Article 12, Article 13, Article 15, Article 16, points g and h clause 2 Article 24, Article 25, Article 30 and Article 31 within their power prescribed in Article 44 of this Decree and within the scope of their functions, tasks and entitlements.

8. Power to impose penalties for administrative violations of natural resources and environment inspecting authorities

Persons having the power to impose penalties of the natural resources and environment inspection forces shall impose penalties for the administrative violations specified in Article 10, Article 11, Point dd Clause 6 Article 24, point a clause 2 Article 26, clause 6

Article 27 and clause 1 Article 29 within their power prescribed in Article 45 of this Decree and within the scope of their functions, tasks and entitlements.

9. Power to impose penalties for administrative violations of seaport authorities and inland waterways port authorities

Persons having the power to impose penalties of the seaport authorities and inland waterways port authorities shall impose penalties for the administrative violations specified in clause 2 Article 8, clause 1 Article 9, Article 12, Article 13, clause 2 Article 14 and Article 16 within their power prescribed in Article 46 of this Decree and within the scope of their functions, tasks and entitlements.

Article 48. Implementation of several remedial measures

1. The remedial measure “enforced payment to the natural disaster management fund” specified in clause 3 Article 17 shall be implemented as follows:

- a) The violator shall make a payment to the competent collecting authority;
- b) The competent collecting authority shall collect and manage the payments made by the violator to the fund as prescribed; notify results of payment made by the violator to the fund to the person issuing the decision to impose penalties for administrative violations;
- c) Payment to the fund shall be enforced in accordance with regulations of law on penalties for administrative violations if the violator fails to make the payment to the fund as prescribed in point a clause 1 of this Article.

2. The remedial measure “enforced planting of mangroves in case of destruction; grass in case of hoeing, digging or mowing” specified in point a clause 11 of Article 27 shall be implemented as follows:

- a) The violator shall re-plant the mangroves or grass of the right type and in sufficient quantities; protect and care them at least 01 year to ensure that they remain alive and is capable of dike protection; the planting and care of mangroves or grass shall comply with technical standards and specialized norms;
- b) The Dike Management Office shall supervise and provide guidance on the implementation, make a record confirming the completion and send it to the person issuing the decision to impose penalties for administrative violations.

3. The remedial measure “enforced return of the supplies reserved for flood, inundation or storm control which have been appropriated or illegally used” specified in clause 2 of Article 30 shall be implemented as follows:

- a) The violator shall fully return the supplies reserved for flood, inundation or storm control which have been appropriated or illegally used; arrange them in their original

condition. The returned supplies must be of the right types and have the same service life as that of the supplies which have been appropriated or illegally used or the supplies having the same functions; their technical specifications, service life and total value must not be lower than those of the supplies which have been have been appropriated or illegally used;

b) The unit assigned to directly manage the supplies shall supervise and provide guidance on the implementation, make a record confirming the completion and send it to the person issuing the decision to impose penalties for administrative violations.

4. The remedial measure “enforced repair of the damage to the flood control system specified in clause 6 and 31 of this Article” shall be implemented as follows:

a) The violator is compelled to repair the damage to the flood control system and incur the costs of inspection, assessment, survey, design consultancy and supervision consultancy (if any). The repair shall be carried out according to the same or higher technical standards and specialized norms;

b) If the violation damages the flood control system, it is required to immediately repair the damage to ensure dike safety. The violator must carry out the repair or reimburse the costs of repair according to the plan approved by the competent authority. The provincial Department of Agriculture and Rural Development and provincial or district-level the Steering Committee for Natural Disaster Management and Search and Rescue shall approve the aforesaid plan within the scope of their functions, tasks and management;

c) The provincial Department of Agriculture and Rural Development shall expedite, supervise and provide guidance on the implementation; make a record confirming the completion and send it to the person issuing the decision to impose penalties for administrative violations.

Chapter VI

IMPLEMENTATION CLAUSE

Article 49. Effect

1. This Decree comes into force from the day on which it is signed for promulgation.

2. This Decree supersedes the Government’s Decree No. 104/2017/ND-CP dated September 14, 2017 and Decree No. 65/2019/ND-CP dated July 18, 2019.

Article 50. Transitional clauses

1. The regulations that are advantageous to the violators shall apply to the administrative violations committed before the effective date of this Decree and then discovered or currently taken into consideration.

2. If individuals or organizations that incur penalties for administrative violations still complain about the decisions on imposition of penalties for administrative violations issued or completely implemented before this Decree takes effect, the regulations of law on penalties for administrative violations in force at the time of issuing such decisions on imposition of penalties for administrative violations shall apply.

Article 51. Responsibility for implementation

1. The Minister of Agriculture and Rural Development shall provide guidelines for, organize and inspect the implementation of this Decree.

2. Ministers, heads of ministerial agencies, heads of Governmental agencies, Chairmen/Chairwomen of People's Committees at all levels and organizations and individuals concerned are responsible for the implementation of this Decree.

**ON BEHALF OF THE GOVERNMENT
PP. THE PRIME MINISTER
THE DEPUTY PRIME MINISTER**

Le Van Thanh

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