

**THE NATIONAL  
ASSEMBLY**

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Law No. 47/2019/QH14

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

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*Hanoi, November 22, 2019*

**LAW**

**AMENDMENTS TO SOME ARTICLES OF THE LAW ON GOVERNMENT  
ORGANIZATION AND LAW ON LOCAL GOVERNMENT ORGANIZATION**

*Pursuant to the Constitution of Socialist Republic of Vietnam;*

*The National Assembly hereby promulgates the Law on amendments to some Articles of the Law on Government Organization No. 76/2015/QH13 and Law on Local Government Organization No. 77/2015/QH13.*

**Article 1. Amendments to some Articles of the Law on Government Organization**

1. Some Clauses of Article 23 are amended as follows:

a) Clauses 3 and 4 are amended as follows:

“3. Decide to establish, merge and dissolve Governmental agencies; stipulate functions, tasks, powers and organizational structures of Ministries, ministerial agencies and Governmental agencies, criteria and personnel requirements for establishment of units affiliated to Ministries, ministerial agencies, Government agencies; regulate organization, number, criteria and personnel requirements for establishment of specialized affiliates of People’s Committees of provinces, People’s Committees of rural districts, urban districts, district-level towns, provincial-affiliated cities and municipality-controlled cities (hereinafter referred to as “districts”), units affiliated to professional affiliates of People’s Committees of provinces.

4. Carry out the consistent state management of officials, public officials, public employees, public employees and official duties in regulatory agencies and public service providers; manage public personnel structures of state administrative agencies and the number of employees working for public service providers from central to local government; regulate the maximum number of deputies to directors of units affiliated to Governmental agencies, specialized affiliates of People’s Committees of provinces, professional affiliates of People’s Committees of districts, professional affiliates of People’s Committees of provinces.”;

b) Clause 9 is added after Clause 8 as follows:

“9. Decide to grant powers to manage officials, public officials and public employees in administrative agencies and public service providers.”.

2. Points b and dd of Clause 2, and Clause 10 of Article 28 are amended as follows:

a) Point b of Clause 2 is amended as follows:

“b) Direct the management of officials, public officials and public employees in administrative agencies and public service providers;”;

b) Point dd of Clause 2 is amended as follows:

“dd) Decide to grant powers or authorization to perform the tasks decided by the Prime Minister regarding management of public officials and public officials in administrative agencies and public service providers;”;

c) Clause 10 is amended as follows:

“10. Decide to establish, merge and dissolve other agencies or organizations affiliated to People’s Committees of provinces; decide to establish councils, committees or others when necessary in order to assist the Prime Minister to consider, direct and collaborate in dealing with important interdisciplinary issues.”.

3. Some Clauses of Article 34 are amended as follows:

a) Clause 5 is amended as follows:

“5. Carry out the recruitment, appointment, discharge, accept the resignation of, dispatch, alternation, secondment, assessment, planning, training, nurturing, rewarding and punishment of officials, public officials and public employees, and grant powers to manage public officials and public employees working for affiliates in accordance with regulations of law.”;

b) Clause 8 is amended as follows:

“8. Decide to establish public service providers in accordance with regulations of law.”,

c) Clause 9 is amended as follows:

“9. Appoint, discharge, accept the resignation of, dispatch, alternate, second, suspend, assess, reward and punish directors and their deputies of affiliates.”;

4. Clause 2 of Article 40 is amended as follows:

“2. Each of the departments, offices, inspectorates, bureaus, general departments and public service providers shall have 01 director and up to 04 deputies; Ministers and

directors of ministerial agencies shall decide on the number of deputy directors of each of the departments, offices, inspectorates, bureaus, general departments and public service providers, which must be restricted to a maximum of 03 persons.”.

5. The phrase “bất thường” (“unscheduled”) in Clause 1 of Article 44 is replaced with the phrase “chuyên đề hoặc họp để giải quyết công việc phát sinh đột xuất” (“thematic meeting or meeting to handle unexpected issues”).

## **Article 2. Amendments to some Articles of the Law on Local Government Organization**

1. Clause 1 of Article 4 is amended as follows:

“1. Local governments are organized at administrative units of the Socialist Republic of Vietnam as stipulated in Article 2 hereof in a manner that is appropriate to features of rural, urban and island areas and special administrative - economic units.”.

2. Clause 3 of Article 6 is amended as follows:

“3. The Standing People's Council is the standing committee of the People's Council exercising powers and performing duties in accordance with provisions laid down in this Law and other relevant regulations of law; bearing responsibility and reporting their task performance to the People's Council.

Members of the standing People's Council are not simultaneously members of the People's Committee at the same level.”.

3. Clause 1a is added after Clause 1 of Article 7 as follows:

“1a. Have one nationality: Vietnamese.”.

4. Point e Clause 2 of Article 11 is amended as follows:

“e) The delegation of powers to local governments at different levels shall ensure that financial and personnel conditions and other necessary conditions are satisfied, and shall be associated with the adoption of the inspection mechanism. Local governments shall exercise powers and perform duties and bear responsibility within their granted powers.”.

5. Clause 1 of Article 12 is amended as follows:

“1. The delegation of powers to local governments at different levels shall be stipulated by laws. In this case, laws shall provide for specific tasks and powers that are not allowed to be delegated by local governments to inferior regulatory agencies or other organizations.”.

6. Clause 3 of Article 13 is amended as follows:

“3. Superior regulatory agencies shall, upon delegating tasks and powers to local governments or inferior regulatory agencies, shall ensure that financial and personnel conditions and other necessary conditions are satisfied to perform these delegated tasks or exercise these delegated powers, and inspect and provide guidance on performance of delegated tasks and exercise of delegated powers as well as bear responsibility for the result thereof.”.

7. Clauses 1 and 2 of Article 14 are amended as follows:

“1. When necessary, except for the case specified in Clause 1 Article 12 of this Law, superior state administrative agencies may authorize inferior People’s Committees, People’s Committees may authorize specialized agencies affiliated to People’s Committees at the same level or affiliated public service providers, Presidents of People’s Committees may authorize Vice Presidents of People’s Committees at the same level, directors of specialized agencies affiliated to People’s Committee at the same level and Presidents of inferior People’s Committees to perform one or several of their task(s) and power(s) within a specified period whereby specific terms and conditions should be included. The authorization shall be given in writing.

2. The authorization specified in Clause 1 of this Article shall ensure that financial and personnel conditions and other necessary conditions are satisfied. Authorized agencies and individuals shall inspect and provide guidance on performance of delegated tasks and exercise of delegated powers as well as bear responsibility for the result thereof.”.

8. Clauses 1, 2 and 3 of Article 18 are amended as follows:

“1. The People’s Council of a province shall be composed of delegates elected by the electorate residing in the province.

Total delegates of the People’s Council of a province shall be determined according to the following rules:

a) The mountainous or elevated province populated by five hundred thousand inhabitants or less is entitled to elect fifty delegates; as for that populated by more than five hundred thousand inhabitants, one delegate will be additionally elected for an increase by fifty thousand inhabitants but the total number of delegates to be elected shall not exceed seventy-five;

b) The province not mentioned in Point a of this Clause and populated by one million inhabitants or less is entitled to elect fifty delegates; as for that populated by more than one million inhabitants, one delegate will be additionally elected for an increase by seventy thousand inhabitants but the total number of delegates to be elected shall not exceed eighty-five.

2. The Standing Committee of People’s Council of a province shall be composed of the Chairperson of the People’s Council, Vice Chairpersons and members who hold the

position as the Heads of committees of the provincial People's Council. If the Chairperson of the Provincial People's Council is the full-time delegate of the People's Council, the Standing Committee of provincial People's Council shall have only one Vice Chairperson; if the Chairperson of the Provincial People's Council is the part-time delegate of the People's Council, the Standing Committee of provincial People's Council shall have two Vice Chairpersons. The Vice Chairperson of provincial People's Council is the full-time delegate of the People's Council.

3. The Provincial People's Council shall establish the Legislation Committee, Economy - Budget Committee and Culture - Society Committee; as for ethnic minority province, the Ethnic Minority Committee shall be established. The Standing Committee of the National Assembly shall regulate criteria and conditions for establishment of the Ethnic Minority Committee stipulated in this Clause.

Each committee of the provincial People's Council shall be composed of the Head, Vice Heads and Members. The number of members of Committees of provincial People's Council shall be decided by the provincial People's Council. If the Head of the Committee of the provincial People's Council is the full-time delegate of the People's Council, the Committee shall have only one Vice Head; if the Head of the Committee of the provincial People's Council is the part-time delegate of the People's Council, the Committee shall have two Vice Heads. The Vice Head of the Committee of the provincial People's Council is the full-time delegate of the People's Council.”

9. Clauses 1 and 2 of Article 25 are amended as follows:

“1. The People's Council of a district shall be composed of delegates elected by the electorate residing in the district.

Total delegates of the People's Council of a district shall be determined according to the following rules:

a) The mountainous, highland or island district populated by forty thousand inhabitants or less is entitled to elect thirty delegates; as for that populated by more than forty thousand inhabitants, one delegate will be additionally elected for an increase by seven thousand inhabitants but the total number of delegates to be elected shall not exceed thirty-five;

b) The district not mentioned in Point a of this Clause and populated by eighty thousand inhabitants or less is entitled to elect thirty delegates; as for that populated by more than eighty thousand inhabitants, one delegate will be additionally elected for an increase by fifteen thousand inhabitants but the total number of delegates to be elected shall not exceed to thirty-five;

c) The number of elected delegates of the People's Council governing the district comprising at least thirty communal administrative units shall be decided by the Standing Committee of the National Assembly as requested by the Standing Committee of the

provincial People's Council, but the total number of delegates to be elected shall not exceed forty.

2. The Standing Committee of the district-level People's Council shall be composed of the Chairperson, one Vice Chairperson of the district-level People's Council and members who hold the position as the Heads of committees of the district-level People's Council. The Chairperson of the People's Council of the province may be the full-time delegate of the People's Council; the Vice Chairperson of the People's Council of the province is the part-time delegate of the People's Council.”.

10. Clauses 1 and 2 of Article 32 are amended as follows:

“1. The People's Council of a commune shall be composed of delegates elected by the electorate residing in the commune.

Total delegates of the People's Council of a commune shall be determined according to the following rules:

a) A mountainous, highland or island commune populated by two thousand inhabitants or less is entitled to elect fifteen delegates;

b) A mountainous, highland or island commune populated by more than two thousand inhabitants is entitled to elect nineteen delegates;

c) The mountainous, highland or island commune populated by three thousand to four thousand inhabitants is entitled to elect twenty-one delegates; as for that populated by more than four thousand inhabitants, one delegate will be additionally elected for an increase by one thousand inhabitants but the total number of delegates to be elected shall not exceed thirty;

b) The commune not mentioned in Points a, b and c of this Clause and populated by five thousand inhabitants or less is entitled to elect twenty-five delegates; as for that populated by more than five thousand inhabitants, one delegate will be additionally elected for an increase by two thousand five hundred inhabitants but the total number of delegates to be elected shall not exceed thirty;

2. The Standing Committee of the communal People's Council shall be composed of the Chairperson, one Vice Chairperson of the communal People's Council and members who hold the position as the Heads of committees of the communal People's Council. The Vice Chairperson of the communal People's Council is the full-time delegate of the People's Council.”.

11. Clause 4 of Article 33 is amended as follows:

“4. Approve the annual socio - economic development plan of the commune before submitting it to the People's Committee of the district for approval. Decide the estimate

of government revenues at the commune; decide the estimate of communal government revenues and expenditures; adjust the communal government budget estimate when necessary; approve the communal government budget balance. Decide the investment guidelines of programs or projects of the commune within its delegated powers.”.

12. Article 34 is amended as follows:

**“Article 34. Organizational structure of the communal People’s Committee**

The communal People’s Committee shall be composed of the President, Vice President, members charged with military affairs and those charged with public security affairs.

The first- and second-grade communal People’s Committee shall be composed of a maximum of two Vice Presidents; the third-grade communal People’s Committee shall have only one Vice President.”.

13. Clauses 1, 2 and 3 of Article 39 are amended as follows:

“1. The People’s Council of a central-affiliated city shall be composed of the People’s Council’s delegates elected by the electorate residing in the central-affiliated city.

Total delegates of the People’s Council of a central-affiliated city shall be determined according to the following rules:

a) The central-affiliated city populated by one million inhabitants or less is entitled to elect fifty delegates; as for that populated by more than one million inhabitants, one delegate will be additionally elected for an increase by sixty thousand inhabitants but the total number of delegates to be elected shall not exceed eighty-five;

b) Hanoi capital city and Ho Chi Minh city are entitled to elect ninety-five delegates.

2. The Standing Committee of the People’s Council of the central-affiliated city shall be composed of the Chairperson of the People’s Council, Vice Chairperson(s) and members who hold the position as the Heads of committees of the People’s Council of the central-affiliated city. If the Chairperson of the People’s Council of the central-affiliated city is the full-time delegate of the People’s Council, the Standing Committee of People’s Council of the central-affiliated city shall have only one Vice Chairperson; if the Chairperson of the People’s Council of the central-affiliated city is the part-time delegate of the People’s Council, the Standing Committee of People’s Council of the central-affiliated city shall have two Vice Chairpersons. The Vice Chairperson of the People’s Council of the central-affiliated city is the full-time delegate of the People’s Council.

3. The People’s Council of the central-affiliated city shall establish the Legislation Committee, Economy - Budget Committee, Culture - Society Committee and Urban Affairs Committee.

Each committee of the People's Council of the central-affiliated city shall be composed of the Head, Deputy Heads and Members, the number of Members shall be decided by the People's Council of the central-affiliated city. If the Head of the Committee of the People's Council of the central-affiliated city is the full-time delegate of the People's Council, the Committee shall have only one Vice Head; if the Head of the Committee of the People's Council of the central-affiliated city is the part-time delegate of the People's Council, the Committee shall have two Vice Heads. The Vice Head of the Committee of the People's Council of the central-affiliated city is the full-time delegate of the People's Council.”.

14. Article 44 is amended as follows:

**“Article 44. Local government of the urban district**

Local government of the urban district is the level of local government, unless otherwise prescribed by the National Assembly.

The level of local government of a district shall be composed of the district-level People's Council and the district-level People's Committee.”.

15. Clauses 1 and 2 of Article 46 are amended as follows:

“1. The People's Council of a district shall be composed of delegates elected by the electorate residing in the district.

Total delegates of the People's Council of a district shall be determined according to the following rules:

a) The district populated by one hundred thousand inhabitants is entitled to elect thirty delegates; as for that populated by more than one hundred thousand inhabitants, one delegate will be additionally elected for an increase by fifteen thousand inhabitants but the total number of delegates to be elected shall not exceed thirty-five;

b) The number of elected delegates of the People's Council governing the district comprising at least thirty wards shall be decided by the Standing Committee of the National Assembly as requested by the Standing Committee of the People's Council of the central-affiliated city, but the total number of delegates to be elected shall not exceed forty.

2. The Standing Committee of the district-level People's Council shall be composed of the Chairperson, one Vice Chairperson of the district-level People's Council and members who hold the position as the Heads of committees of the district-level People's Council. The Chairperson of the district-level People's Council may be the full-time delegate of the People's Council; the Vice Chairperson of the district-level People's Council is the part-time delegate of the People's Council.”.

16. Clauses 1 and 2 of Article 53 are amended as follows:

“1. The People’s Council of the district-level town, provincial-affiliated city or municipality-controlled city shall be composed of the People’s Council’s delegates elected by the electorate living in that district-level town, provincial city or municipality-controlled city.

Total number of delegates of the People’s Council of the district-level town, provincial-affiliated city or municipality-controlled city shall be determined according to the following rules:

b) The district-level town populated by eighty thousand inhabitants or less is entitled to elect thirty delegates; as for that populated by more than eighty thousand inhabitants, one delegate will be additionally elected for an increase by fifteen thousand inhabitants but the total number of delegates to be elected shall not exceed thirty-five;

b) The provincial city or municipality-controlled city populated by one hundred thousand inhabitants or less is entitled to elect thirty delegates; as for that populated by more than one hundred thousand inhabitants, one delegate will be additionally elected for an increase by fifteen thousand inhabitants but the total number of delegates to be elected shall not exceed thirty-five;

c) The number of elected delegates of the People's Council of the district-level town, provincial city or municipality-controlled city comprising at least thirty communal administrative units shall be decided by the Standing Committee of the National Assembly as requested by the Standing Committee of the provincial People's Council, but the total number of delegates to be elected shall not exceed forty.

2. The Standing Committee of the People’s Council of the district-level town, provincial city or municipality-controlled city shall be composed of the Chairperson of the People’s Council, one Vice Chairperson and members who hold the position as the Heads of committees of the People's Council. The Chairperson of the People’s Council of the district-level town, provincial city or municipality-controlled city may be the full-time delegate of the People’s Council; the Vice Chairperson of the People’s Council of the district-level town, provincial city or municipality-controlled city is the full-time delegate of the People’s Council.”.

17. Article 58 is amended as follows:

**“Article 58. Local government of the ward**

Local government of the ward is the level of local government, unless otherwise prescribed by the National Assembly.

The level of local government of a ward shall be composed of the ward-level People's Council and the ward-level People’s Committee.”.

18. Clauses 1 and 2 of Article 60 are amended as follows:

“1. The People’s Council of a ward shall be composed of delegates elected by the electorate residing in the ward.

Total delegates of the People’s Council of a ward shall be determined according to the following rules:

a) The ward populated by ten thousand inhabitants or less is entitled to elect twenty-one delegates;

b) As for the ward populated by more than ten thousand inhabitants, one delegate will be additionally elected for an increase by five thousand inhabitants but the total number of delegates to be elected shall not exceed thirty.

2. The Standing Committee of the ward-level People’s Council shall be composed of the Chairperson, one Vice Chairperson of ward-level People’s Council and members who hold the position as the Heads of committees of the ward-level People’s Council. The Vice Chairperson of ward-level People’s Council is the full-time delegate of the People’s Council.”.

19. Clause 3 of Article 61 is amended as follows:

“3. Approve the annual socio - economic development plan of the ward before submitting it to the People’s Committee of the urban district, district-level town, provincial-affiliated city or municipality-controlled city for approval. Decide the estimate of government revenues at the ward; decide the estimate of ward-level government revenues and expenditures; adjust the ward-level government budget estimate when necessary; approve the ward-level government budget balance. Decide the investment guidelines of programs or projects of the ward within its delegated powers.”.

20. Article 62 is amended as follows:

**“Article 62. Organizational structure of the ward-level People’s Committee**

The ward-level People’s Committee shall be composed of the President, Vice President, members charged with military affairs and those charged with public security affairs.

The first- and second-grade ward-level People’s Committee shall be composed of a maximum of two Vice Presidents; the third-grade ward-level People’s Committee shall have only one Vice President.”.

21. Clause 2 of Article 67 is amended as follows:

“2. The Standing Committee of the People’s Council of the commune-level town shall be composed of the Chairperson, one Vice Chairperson of the People’s Council of the

commune-level town and members who hold the position as the Heads of committees of the People's Council of the commune-level town. The Vice Chairperson of People's Council of the commune-level town is the full-time delegate of the People's Council.”.

22. Clause 3 of Article 68 is amended as follows:

“3. Approve the annual socio - economic development plan of the commune-level town before submitting it to the People's Committee of the district for approval. Decide the estimate of government revenues at the commune-level town; decide the estimate of government revenues and expenditures of the commune-level town; adjust the government budget estimate of the commune-level town when necessary; approve the government budget balance of the commune-level town. Decide the investment guidelines of programs or projects of the commune-level town within its delegated powers.”.

23. Article 69 is amended as follows:

**“Article 69. Organizational structure of the People's Committee of the commune-level town**

The People's Committee of the commune-level town shall be composed of the President, Vice President, members charged with military affairs and those charged with public security affairs.

The People's Committee of the first- and second-grade commune-level town shall be composed of a maximum of two Vice Presidents; the People's Committee of the third-grade commune-level town shall have only one Vice President.”.

24. Clauses 2 and 3 of Article 72 are amended as follows:

“2. The district-level island administrative unit shall organize the level of local government composed of the People's Council and the People's Committee.

In case the district-level island administrative unit is divided into commune-level administrative units, the commune-level administrative unit shall organize the level of local government, unless otherwise prescribed by the National Assembly, the level of local government at the commune-level administrative unit in the island district shall be composed of the People's Council and the People's Committee.

3. Organizing the affiliates of the local government in the islands shall follow the Government's regulations.”.

25. Article 75 is amended as follows:

**“Article 75. Organization of local government at the special administrative - economic unit**

The organization of the local government, specific tasks and powers, principles of organization and method of operation of the local government at the special administrative - economic units shall be decided by the National Assembly upon the establishment of that special administrative – economic unit.”.

26. Clause 2 of Article 83 is amended as follows:

“2. The People’s Council shall elect one of the delegates of the People’s Council as the Vice Chairperson of the People’s Council, the Head and the Vice Head of the Committee of the People’s Council upon the recommendation of the Chairperson of the People’s Council.”.

27. Clause 1 of Article 94 is amended as follows:

“1. Delegates of the People’s Council must keep a close contact with the electorate of the area where they perform tasks of a delegate, be overseen by them and be charged with collecting and communicating their opinions, aspirations and recommendations in an honest manner; protect lawful rights and interests of the electorate; implement regulations on contact with the electorate, and submit a report to the electorate on their activities and those of the People’s Council to which they are elected at least once a year, and respond to requests and recommendations from the electorate.”.

28. Clause 1 of Article 101 is amended as follows:

“1. Within their term of office, if delegates of the People’s Council are no longer working for the organizations or enterprises at the administrative units from which they are delegates and are not residing at the administrative units from which they are delegates, they are required to apply for their duty discontinuity. Delegates of the People’s Council may request discontinuity of their duties on grounds of health problems or for other reasons.

Agreeing to the discontinuity of duties of delegates of the People’s Council shall be considered and decided by the People’s Council at the same level.

29. Article 127 is amended as follows:

**“Article 127. Assisting machinery of the local government**

1. Each of the provincial People’s Councils, provincial People’s Committees, district-level People’s Councils and district-level People’s Committees shall have organs tasked with advising, assisting and supporting their operations.

2. The Government shall specify tasks, powers and organizational and personnel structures of organs tasked with advising, assisting and supporting operations of provincial People’s Councils, provincial People’s Committees, district-level People’s Councils and district-level People’s Committees, and organization of tasks of advising,

assisting and supporting operations of communal People's Councils and communal People's Committees.”.

30. Clause 1 of Article 128 is amended as follows:

“1. It is advised that administrative units and same-level ones are merged. Administrative units that fail to meet the prescribed standards shall be re-arranged and re-organized in accordance with regulations of law”.

31. The phrase “bất thường” (“unscheduled”) in Clauses 2 and 3 Article 78, Clauses 2 and 3 Article 80, Clauses 1 and 3 Article 97, Clause 2 Article 113 and Clause 4 Article 114 is replaced with the phrase “chuyên đề hoặc họp để giải quyết công việc phát sinh đột xuất” (“thematic meeting or meeting to handle unexpected issues”).

32. The phrase “, Chánh Văn phòng Hội đồng nhân dân tỉnh” (“Chief of the Office of the province-level People's Council”) is removed from Point a Clause 2 of Article 19; the phrase “Chánh Văn phòng Hội đồng nhân dân đối với Hội đồng nhân dân cấp tỉnh;” (“the Chief of the Office of the People's Council, if it is the People's Council at the provincial level;”) is removed from Point a Clause 1 of Article 88.

33. Clause 4 of Article 9 is annulled.

### **Article 3. Implementation clause**

This Law comes into force from July 01, 2020.

### **Article 4. Transitional clauses**

From the effective date of this Law, the Law on Local Government Organization No. 77/2015/QH13 shall remain to have effect on the number of delegates of People's Councils at administrative units, the organizational structures of Standing Committees of People's Councils of provinces and communes, the number of Vice Chairpersons of People's Councils and Vice Heads of Committees of People's Councils of provinces, Vice Chairpersons of People's Councils of districts and Vice Presidents of People's Committees of the second-grade communes, wards or commune-level towns until the date on which the election of the People's Council holding the term 2021 - 2026 is complete.

*This Law is adopted by the 14th National Assembly of Socialist Republic of Vietnam on this 22nd of November 2019 during its 8th session.*

**PRESIDENT OF THE NATIONAL  
ASSEMBLY**

**Nguyen Thi Kim Ngan**

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