

**THE GOVERNMENT OF
VIETNAM**

No. 58/2023/ND-CP

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

Hanoi, August 12, 2023

DECREE

**AMENDMENTS TO SOME ARTICLES OF THE GOVERNMENT’S DECREE NO.
37/2019/ND-CP DATED MAY 07, 2019 ON ELABORATION OF THE LAW ON
PLANNING**

*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;*

Pursuant to the Law on Planning dated November 24, 2017;

*Pursuant on amendments to some Articles concerning planning of 11 laws dated June 15,
2018;*

*Pursuant on amendments to some Articles concerning planning of 37 laws dated
November 20, 2018;*

*Pursuant to the Resolution No. 61/2022/QH15 dated June 16, 2022 of the XV National
Assembly on continuing to strengthen the effect and efficiency of policies and laws on
planning and a number of solutions to remove difficulties, speed up the formulation and
improve the quality of planning for the 2021-2030 period;*

At the request of the Minister of Planning and Investment;

*The Government hereby promulgates a Decree on amendments to some Articles of the
Government’s Decree No. 37/2019/ND-CP dated May 07, 2019 on elaboration of the
Law on Planning.*

**Article 1. Amendments to some Articles of the Government’s Decree No.
37/2019/ND-CP dated May 07, 2019 on elaboration of the Law on Planning**

1. Article 1 is amended as follows:

“Article 1. Scope

This Decree elaborates some contents specified in Articles 10, 15, 16, 17, 19, 22, 23, 24,
25, 26, 27, 30, 37, 40, 41, 45 and 49 of the Law on Planning.”.

2. Article 3a is added after Article 3 as follows:

“Article 3a. Resources for supporting planning activities

1. Resources for supporting planning activities allocated by domestic and foreign organizations and individuals are composed of funding and research findings given by agencies, organizations and experts (including voluntary experts), prizes given to organizations and individuals whose planning ideas are selected as a result of the planning idea contest organized by the planning authority (if any); inputs intended for organizing conferences, seminars, coaching courses, research, survey and training, and shall be received, managed and used as follows:

a) Resources for supporting planning activities allocated by domestic and foreign organizations and individuals shall be received, managed and used under regulations of law on management and use of official development assistance (ODA), concessional loans and grants other than ODA grants, which are given by foreign agencies, organizations and individuals to Vietnam.

b) Resources for supporting planning activities funded by domestic agencies, organizations and individuals shall be received, managed and used under regulations of law on state budget.

c) Resources for supporting planning activities allocated in the form of research findings of agencies, organizations and experts; prizes given to organizations and individuals whose planning ideas are selected as a result of the planning idea contest organized by the planning authority (if any); inputs intended for organizing conferences, seminars, coaching courses, research, survey and training shall be received, managed and used under regulations of law on planning and other relevant laws.

2. Rules for supporting and using resources for supporting planning activities allocated by domestic and foreign organizations and individuals

a) Ensure objectivity, publicness and transparency; fulfill correct targets and purposes; achieve economy and efficiency;

b) Ensure voluntariness; act in common interests of the community and society and not for personal gain;

c) Do not receive the resources allocated by domestic and foreign organizations and individuals with a view to formulation and appraisal of planning tasks.

3. Ministries, ministerial agencies, People’s Committees of provinces and central-affiliated cities and agencies concerned shall decide or request competent authorities to decide to receive resources for supporting planning activities from domestic organizations and individuals as prescribed by law.

4. Every agency receiving, managing and using resources for supporting planning activities allocated by domestic and foreign organizations and individuals shall assume responsibility for managing and using the resources in accordance with regulations of law on planning and other relevant laws.

5. Planning contents and the formulation, appraisal, decision or approval, announcement, assessment and adjustment of planning in the case of using resources for supporting planning activities allocated by domestic and foreign organizations and individuals shall conform to the planning tasks approved by the competent authority and comply with regulations of law on planning.

6. Resources for supporting urban and rural planning allocated by domestic and foreign organizations and individuals shall be received, managed and used in accordance with regulations of law on urban planning and law on construction.”.

3. Articles 7a, 7b and 7c are added after Article 7 as follows:

“Article 7a. Procedures for formulating national sector planning

1. National sector planning shall be formulated following the procedures specified in clause 2 Article 16 of the Law on Planning.

2. Strategic environmental assessment for the national sector planning shall be carried out as prescribed in clauses 1, 3, 4, 5 and 6 Article 26 of the Law on Environmental Protection. The planning authority shall seek opinions of the Ministry of Natural Resources and Environment in writing together with opinions on the planning. The Ministry of Natural Resources and Environment shall give a written response containing its opinions on the planning contents and contents of the strategic environmental assessment for the planning.

3. The authority formulating the national sector planning shall select a consultancy giving advice on the strategic environmental assessment for the planning required to undergo strategic environmental assessment.

Article 7b. Procedures for formulating regional planning

1. Regional planning shall be formulated following the procedures specified in clause 3 Article 16 of the Law on Planning.

2. Appraisal of components of the regional planning:

a) The authority organizing formulation of planning components shall establish an appraisal council responsible for appraising planning components. The council shall operate on a collective basis, discuss openly and make decisions according to majority rule so as to approve planning components. Components and operating regulations of the

appraisal council shall be decided by the authority organizing formulation of planning components.

b) The appraisal of planning components shall cover the following details: their conformity with planning tasks and conformity with regulations of law on planning and other relevant regulations of law;

c) A planning component appraisal report shall clearly specify the council's opinions on the details specified in point b of this clause and conclusion that the planning components are eligible or ineligible to be submitted to the regional planning authority and to the authority formulating planning components for receipt, response to and completion of the planning components;

d) The authority organizing formulation of planning components shall submit to the regional planning authority an appraisal report and report on the received and completed planning components according to opinions of the planning component appraisal council.

3. Strategic environmental assessment for the regional planning shall be carried out as prescribed in clauses 1, 3, 4, 5 and 6 Article 26 of the Law on Environmental Protection. The planning authority shall seek opinions of the Ministry of Natural Resources and Environment in writing together with opinions on the planning. The Ministry of Natural Resources and Environment shall give a written response containing its opinions on the planning contents and contents of the strategic environmental assessment for the planning.

4. The authority formulating the regional planning shall select a consultancy giving advice on the strategic environmental assessment.

Article 7b. Procedures for formulating provincial planning

1. Provincial planning shall be formulated following the procedures specified in clause 4 Article 16 of the Law on Planning.

2. Strategic environmental assessment for the provincial planning shall be carried out as prescribed in clauses 1, 3, 4, 5 and 6 Article 26 of the Law on Environmental Protection. The planning authority shall seek opinions of the Ministry of Natural Resources and Environment in writing together with opinions on the planning. The Ministry of Natural Resources and Environment shall give a written response containing its opinions on the planning contents and contents of the strategic environmental assessment for the planning.

3. The authority formulating the provincial planning shall select a consultancy giving advice on the strategic environmental assessment.”.

4. Several clauses of Article 8 are amended as follows:

a) Point c of clause 1 is amended as follows:

“c) submit to the National Assembly for its decision on the national comprehensive planning, national marine spatial planning or national land use planning; take responsibility for the accuracy of figures, documents, diagrams, maps and database in the planning documentation, comply with regulations of law on state secrets and other relevant laws;”;

b) Point h of clause 2 is amended as follows:

“h) submit to the Prime Minister for its approval of the national sector planning; take responsibility for the accuracy of figures, documents, diagrams, maps and database in the planning documentation, comply with regulations of law on state secrets and other relevant laws;”;

c) Point dd of clause 3 is amended as follows:

“dd) submit to the provincial People’s Council for its consideration and approval of the application for approval of planning as prescribed in Article 35 of the Law on Planning; take responsibility for the accuracy of figures, documents, diagrams, maps and database in the planning documentation, comply with regulations of law on state secrets and other relevant laws;”.

5. Clause 9 is added to Article 9 as follows:

“9. Take responsibility for the accuracy of figures, documents, diagrams, maps and database in the planning documentation, comply with regulations of law on state secrets and other relevant laws.”.

6. Clause 8 is added to Article 10 as follows:

“8. Take responsibility for the accuracy of figures, documents, diagrams, maps and database in the planning documentation, comply with regulations of law on state secrets and other relevant laws.”.

7. Clause 9 is added to Article 11 as follows:

“9. Take responsibility for the accuracy of figures, documents, diagrams, maps and database in the planning documentation, comply with regulations of law on state secrets and other relevant laws.”.

8. Several clauses of Article 12 are amended as follows:

a) Point d is added to clause 1 as follows:

“d) Take responsibility for the accuracy of figures, documents, diagrams, maps and database in the planning components, comply with regulations of law on state secrets and other relevant laws.”.

b) Point c is added to clause 2 as follows:

“c) Take responsibility for the accuracy of figures, documents, diagrams, maps and database in the planning components, comply with regulations of law on state secrets and other relevant laws.”.

9. Article 17 is amended as follows:

“Article 17. Time limit for formulating planning

1. The time limit for formulating the national comprehensive planning, national marine spatial planning, national land use planning or regional planning is no more than 36 months from the date on which the planning tasks are approved, including 20 months within which components of the national comprehensive planning, national marine spatial planning or regional planning are formulated.

2. The time limit for formulating national sector planning or provincial planning is no more than 30 months from the date on which the planning tasks are approved.

3. If the time limit for formulating planning needs extending, the authority competent to approve planning tasks shall decide to extend it up to 12 months on the basis of the reports submitted by Ministries, ministerial agencies and provincial People’s Committees.”.

10. Several clauses of Article 28 are amended as follows:

a) Point d of clause 7 is amended as follows:

“d) Determination and balancing of land use demands, determination of quotas for use of land specified in point b of this clause down to district level;”;

b) Point h of clause 7 is amended as follows:

“h) Creation of a diagram or map for the plan to allocate and zone land.”.

c) Clause 8 is amended as follows:

“8. Inter-district and district construction planning scheme shall specify the area, nature and key orientations for development of inter-districts and districts.”;

d) Point b of clause 10 is amended as follows:

“b) Delineation of mining areas, type of mineral to be explored and extracted.”;

dd) Clause 13 is amended as follows:

“13. List of projects of the province and their execution in order of priority:

a) Criteria for determining the province’s projects expected to be given priority during the planning period;

b) List of province’s projects expected to be given priority.”.

11. Article 28a is added to Article 28 as follows:

“Article 28a. Contents and techniques for displaying planning diagrams and maps

1. Diagrams and maps of national planning, regional planning and provincial planning shall specify contents of the planning and be made on the basis of the national topographic maps on the scale corresponding to the scale of the planning diagrams and maps.

2. The Minister of Planning and Investment shall provide guidance on requirements for contents and techniques for displaying diagrams and maps of national planning, regional planning and provincial planning; provide guidance on general technical requirements for diagrams and maps of national marine spatial planning, national land use planning and national sector planning.

3. The Minister of Natural Resources and Environment shall provide guidance on requirements for contents and techniques for displaying diagrams and maps of national marine spatial planning and national land use planning.

4. Other Ministers shall, where necessary, provide guidance on requirements for contents and techniques for display and criteria concerning quality of diagrams and maps of national sector planning within the scope of their management.”.

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

“1. The enquired entities include the Central Committee of the Vietnamese Fatherland Front, Ministries, ministerial agencies, People’s Committees of provinces, residential communities, authorities, organizations and individuals related to national sector planning.

The authorities organizing formulation of national sector planning in sections 24, 27, 36 and 37 Appendix 1 of the Law on Planning shall decide to seek opinions of residential communities where necessary.”.

13. Title of Chapter IV is amended as follows:

“Chapter IV

APPRAISAL, APPROVAL AND IMPLEMENTATION OF PLANNING”.

14. Several clauses of Article 33 are amended as follows:

a) Point c of clause 1 is amended as follows:

“c) Introduce planning appraisal reports;”;

b) Point d is added to clause 1 as follows:

“d) Consider and decide to promulgate Operating Regulations of the Planning Appraisal Council and authorize the Deputy Chair of the Planning Appraisal Council to perform tasks within jurisdiction of the Chair of the Planning Appraisal Council where necessary.”;

c) Clause 1a is added after clause 1 as follows:

“1a. Responsibilities and powers of a Planning Appraisal Council’s Deputy Chair:

a) Assist the Planning Appraisal Council’s Chair in performing tasks as authorized by the Planning Appraisal Council’s Chair and be responsible to the Planning Appraisal Council’s Chair for the authorized tasks;

b) Organize, manage and direct operations of the Planning Appraisal Council on behalf of the Chair when authorized by the Chair.”.

d) Point b of clause 2 is amended as follows:

“b) Study and report to the head of the agency for which the Planning Appraisal Council’s members are working to give written appraisal opinions on applications for planning appraisal as prescribed in Article 32 of the Law on Planning and the regulations specified in clause 2 Article 27 of the Law on Environmental Protection; contribute opinions at the Planning Appraisal Council’s meetings on the issues under the management of ministries and ministerial agencies and other issues related to applications for planning appraisal; vote using the assessment form at the Planning Appraisal Council’s meetings for applications for planning appraisal and draft reports on planning appraisal; review the responses to appraisal opinions in the planning documentation according to planning appraisal reports; be responsible to the Planning Appraisal Council’s Chair, the head of the agency for which the Planning Appraisal Council’s members are working and the law for appraisal opinions for applications for planning appraisal;”.

15. Article 33a is added to Article 33 as follows:

“Article 33a. Responsibilities of Ministries and ministerial agencies whose representatives are members of the planning appraisal council

1. Ministries and ministerial agencies whose representatives are members of the Planning Appraisal Council have the responsibility to:

a) Contribute their written appraisal opinions for applications for planning appraisal on the contents under the management of Ministries and ministerial agencies; contribute their written review opinions on the responses to appraisal opinions in the planning documentation according to the planning appraisal reports;

b) Appoint their representatives to attend meetings of a Planning Appraisal Council as members of the Planning Appraisal Council.

2. The Ministry of Natural Resources and Environment has the responsibility to:

a) Fulfill the responsibilities specified in clause 1 of this Article;

b) Contribute its written appraisal opinions and take responsibility for these appraisal opinions on strategic environmental assessment reports for planning;

c) Contribute its written review opinions and take responsibility for results of review of details of strategic environmental assessment reports for planning which have been received and responded to according to planning appraisal reports.”.

16. Article 34 is amended as follows:

“Article 34. Responsibilities and powers of a standing body

1. Receive, consider and process applications for appraisal submitted by a planning authority to the Planning Appraisal Council.

2. Prepare and submit a planning appraisal plan to the Planning Appraisal Council for approval or to re-appraise the planning in case it is ineligible to be submitted for decision or approval according to the conclusion given by the Planning Appraisal Council.

3. Provide documents to members of the Planning Appraisal Council in order for them to contribute their opinions about planning.

4. Request the Chair of the Planning Appraisal Council to permit the organization of a meeting, conference or workshop on assessment of themes related to the planning prior to the Planning Appraisal Council's meeting.

5. Consolidate remarks and assessments of reviewers, opinions of members of the Planning Appraisal Council, independent consultants/consultancies and other opinions (if any) and report them to the Planning Appraisal Council.

6. Make necessary preparations so that the Planning Appraisal Council can organize a planning appraisal meeting.

7. Prepare a draft report on planning appraisal and send it to members of the Planning Appraisal Council to seek their opinions before organizing a planning appraisal meeting; seek opinions of members of the Planning Appraisal Council through the draft report on planning appraisal using the assessment forms provided at the planning appraisal meeting; make minutes of the planning appraisal meeting; complete the planning appraisal report and submit it to the Chair of the Planning Appraisal Council for consideration and promulgation.

8. Request the planning authority to receive, respond to and complete planning documentation according to the planning appraisal report.

9. Review planning documentation which has been received and responded to according to the planning appraisal report as follows:

a) Seek opinions and consolidate written review opinions of members of the Planning Appraisal Council about the national planning and regional planning documentation which has been received and responded to by the planning authority according to the planning appraisal report; append seal; provide confirmation in the planning documentation;

b) Seek written review opinions of members of the Planning Appraisal Council about the provincial planning documentation which has been received and responded to according to the planning appraisal report; consolidate review opinions and submit them to the Minister of Planning and Investment for consideration and promulgation of a document containing review opinions.

10. Use funding, apparatus, means and seals of its agency and unit to perform the assigned tasks.”.

17. Article 35 is amended as follows:

“Article 35. Reviewers of the Planning Appraisal Council

1. The Planning Appraisal Council should have at least 03 members acting as reviewers for planning and at least 01 member acting as reviewers for results of strategic environmental assessment for planning required to have a strategic environmental assessment report as prescribed by law on environmental protection; have members acting as reviewers for planning diagrams and maps where necessary.

2. A reviewer for planning shall satisfy one of the following conditions:

a) Have at least 15 years of experience in participation in activities related to any of the contents of the planning or state management of planning if he/she possesses a bachelor's degree in planning-related discipline.

b) Have at least 08 years of experience in participation in activities related to any of the contents of the planning or state management of planning if he/she possesses a master's degree in planning-related discipline;

c) Have at least 05 years of experience in participation in activities related to any of the contents of the planning or state management of planning if he/she possesses a degree of Doctor of Philosophy in planning-related discipline.

3. A reviewer for result of strategic environmental assessment for planning shall satisfy one of the following conditions:

a) Have at least 15 years of experience in participation in environmental protection activities or state management of natural resources or environment if he/she possesses a bachelor's degree in natural resources- or environment-related discipline;

b) Have at least 08 years of experience in participation in environmental protection activities or state management of natural resources or environment if he/she possesses a master's degree in natural resources- or environment-related discipline;

c) Have at least 05 years of experience in participation in environmental protection activities or state management of natural resources or environment if he/she possesses a degree of Doctor of Philosophy in natural resources- or environment-related discipline.

4. Reviewers for planning diagrams and maps must satisfy qualification requirements under regulations of law on survey and mapping and other relevant laws.

5. Responsibilities and powers of a reviewer:

a) Contribute his/her written appraisal opinions on applications for planning appraisal as prescribed in Article 32 of the Law on Planning and the regulations specified in clause 2 Article 27 of the Law on Environmental Protection; contribute opinions at the planning appraisal council's meetings about specialized field and common issues; vote using the assessment form at the Planning Appraisal Council's meetings for applications for planning appraisal and draft reports on planning appraisal; review the responses to appraisal opinions in the planning documentation according to planning appraisal reports; be responsible to the Planning Appraisal Council's Chair and the law for appraisal opinions for applications for planning appraisal;

b) Fulfill the responsibilities and exercise the powers of Planning Appraisal Council's members as specified in points a, c, and d clause 2 Article 33 of this Decree;

c) Be entitled to receive remuneration as prescribed;

d) Do not contact planning consultants and consultancies until the review is done.”.

18. Clauses 2, 3 and 4 of Article 37 are amended as follows:

“2. Within 30 days from the receipt of the application for appraisal of planning, the Planning Appraisal Council’s members shall send their written appraisal opinions to the standing body for consolidation.

3. The standing body shall seek written opinions of experts, socio-professional organizations and other relevant organizations about planning contents and results of strategic environmental assessment for planning or organize a thematic conference, workshop or seminar.

4. Where necessary, the Planning Appraisal Council shall select an independent consultant/consultancy to review one or some contents of the planning and review the result of strategic environmental assessment for planning. Within 30 days from the receipt of the application for planning review or review of result of strategic environmental assessment for planning, the independent consultant/consultancy shall send their written opinions to the standing body for consolidation and reporting to the Planning Appraisal Council.”.

19. Article 38 is amended as follows:

“Article 38. Meetings of the Planning Appraisal Council

1. Within 10 days from the receipt of at least three-quarters (3/4) of written appraisal opinions contributed by members of the Planning Appraisal Council, the standing body shall consolidate and send such opinions to members of the Planning Appraisal Council, independent consultant/consultancy (if any) and request the Chair of the Planning Appraisal Council to permit the organization of a meeting.

2. A meeting appraising the application for planning appraisal will be conducted if it is attended by at least three quarters (3/4) of the Planning Appraisal Council’s members, including the Chair or the Deputy Chair if authorized, two thirds (2/3) of reviewers and standing body’s representative; representatives of the planning authority and planning consultancy.

3. Planning Appraisal Council’s mechanism to make decisions:

a) The council shall operate on a collective basis, discuss openly and make decisions according to majority rule to commission the planning and approve the application for planning appraisal;

b) The application for planning appraisal will be approved and eligible to be submitted for decision or approval if at least three quarters (3/4) of the Planning Appraisal Council’s members vote to approve it with or without revisions. The application for

planning appraisal will be approved without any revisions thereto if 100% of the Planning Appraisal Council's members attending the meeting vote to approve it without any revision.”.

20. Articles 38a, 38b and 38c are added after Article 38 as follows:

“Article 38a. List of planning diagrams and maps attached to written decisions on or written approvals of planning

1. Lists of planning diagrams and maps attached to written decisions on or written approvals of national comprehensive planning, national marine spatial planning and national land use planning shall comply with written decisions on planning.

2. Lists of planning diagrams and maps attached to decisions on approval of national sector planning, regional planning and provincial planning are prescribed as follows:

a) A list of planning diagrams attached to decision on approval of national infrastructure planning is provided in section IV.B.2 of the Appendix I to this Decree;

b) Lists of planning diagrams and maps attached to decisions on approval of national resource use planning, national defense land use planning and security land use planning are provided in sections V.A.a.5; V.B.1, V.C.1, V.C.2, V.C.3, V.D.2; V.DD.a.4, V.DD.a.5, V.DD.a.6, V.E.a.2, V.G.a.2 and V.G.a.3 of the Appendix I to this Decree;

c) Lists of planning diagrams attached to decisions on approval of national environmental protection planning are provided in sections VI.2, VI.3, VI.4 and VI.5 of the Appendix I to this Decree;

d) Lists of planning diagrams attached to decisions on approval of national biodiversity conservation planning are provided in sections VII.2, VII.3, VII.4, VII.5, VII.6 and VII.7 of the Appendix I to this Decree;

dd) Lists of planning diagrams attached to decisions on approval of regional planning are provided in sections VIII.B.2, VIII.B.3, VIII.B.4, VIII.B.5, VIII.B.6, VIII.B.7 and VIII.B.8 of the Appendix I to this Decree;

e) Lists of planning diagrams and maps attached to decisions on approval of provincial planning are provided in sections IX.B.3, IX.B.4, IX.B.5, IX.B.6, IX.B.7, IX.B.8, IX.B.9 and IX.B.10 of the Appendix I to this Decree.

Article 38b. Completion of planning documentation under written decisions on or written approvals of planning

1. Within 45 days from the date on which the planning is decided or approved by a competent authority, a Ministry, ministerial agency or provincial People's Committee shall, within its jurisdiction, review and complete the planning documentation to make it

consistent with the written decision or written approval of planning, append its seal to the consolidated planning report and planning diagrams and maps according to the form specified in the Appendix IV to this Decree and bear responsibility for the planning documentation after its review and completion.

2. The Ministry, ministerial agency or provincial People's Committee shall submit the reviewed and completed planning documentation as prescribed in clause 1 of this Article to the Ministry of Planning and Investment; update the database of planning documentation to the national planning information system and database as prescribed in Article 41 of this Decree.

Article 38c. Procedures for formulating planning implementation plans

1. Procedures for formulating a plan to implement national comprehensive planning or regional planning:

a) The Ministry of Planning and Investment shall formulate a draft plan; send enquiries about the draft plan to Ministries, ministerial agencies and local authorities concerned;

b) The Ministries, ministerial agencies and local authorities concerned shall give a written response within 15 days from the date of receiving the enquiries about the draft plan;

c) The Ministry of Planning and Investment shall receive and respond to opinions, complete the draft plan and submit it to the Government for promulgation in the case of national comprehensive planning; to the Prime Minister for promulgation in the case of regional planning.

2. Procedures for formulating a plan to implement national marine spatial planning or national land use planning:

a) The Ministry of Natural Resources and Environment shall formulate a draft plan; send enquiries about the draft plan to Ministries, ministerial agencies and local authorities concerned;

b) The Ministries, ministerial agencies and local authorities concerned shall give a written response within 15 days from the date of receiving the enquiries about the draft plan;

c) The Ministry of Natural Resources and Environment shall receive and respond to opinions, complete the draft plan and submit it to the Government for promulgation.

3. Procedures for formulating a plan to implement national sector planning:

a) Any Ministry or ministerial agency assigned to organize formulation of national sector planning shall formulate a draft plan to implement planning; send enquiries about the draft plan to Ministries, ministerial agencies and local authorities concerned;

b) The Ministries, ministerial agencies and local authorities concerned shall give a written response within 15 days from the date of receiving the enquiries about the draft plan;

c) The Ministry or ministerial agency assigned to organize formulation of national sector planning shall receive and respond to opinions, complete the draft plan and submit it to the Prime Minister for promulgation.

4. Procedures for formulating a plan to implement provincial planning:

a) The planning authority shall formulate a draft plan; send enquiries about the draft plan to departments, branches, district-level People's Committees, agencies and organizations concerned (if any) within 15 days;

b) The planning authority shall receive and respond to opinions of departments, branches, district-level People's Committees, agencies and organizations concerned, complete the draft plan and report it to the authority organizing formulation of planning, which will send enquiries about the draft plan to Ministries and ministerial agencies;

c) The Ministries and ministerial agencies shall give a written response within 15 days from the date of receiving the enquiries about the draft plan;

d) The authority organizing formulation of planning shall direct the receipt and response to opinions, complete the draft plan and submit it to the Prime Minister for consideration and promulgation.

5. The schedule for execution of the projects under planning shall be divided into 5-year periods using the form in Appendix V to this Decree.”

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

“2. Information and data on planning documentation, data on nature, economy - society, environment, national defense and security are digitized, linked, integrated with each other and associated with national geographic database standardized and updated on a regular basis to create a national planning database.”.

22. Clause 1 of Article 41 is amended as follows:

“1. Ministries, ministerial agencies and People's Committees of provinces shall update information and database of planning documentation under their management to online national planning information system and database within 10 days from the date on

which the planning documentation is completed under the written decision or written approval of planning.”.

23. Article 42 is amended as follows:

“Article 42. Costs of establishment, synchronization, management, operation and upgradation of national planning information system and database

1. The State shall cover the costs of establishment, synchronization, management, operation and upgradation of national planning information system and database in accordance with regulations of law on state budget and other relevant laws.
2. The costs of establishment, synchronization, management, operation and upgradation of national planning information system and database shall be covered by the state budget and other legal sources of capital.”.

24. Clause 2 of Article 44 is amended as follows:

“2. The Ministry of Natural Resources and Environment shall sufficiently provide standardized and regularly updated national geographic database and national topographic maps to establish a data framework for the national planning information system and database and comply with regulations of law on state secrets.”.

25. Appendix I is amended as follows:

“Appendix I

LISTS AND SCALE OF PLANNING DIAGRAMS AND MAPS

I. NATIONAL COMPREHENSIVE PLANNING

A. 1:4.000.000 scale printed maps

Diagrams showing geographic locations and relationship between Vietnam and the region and the world.

B. 1:100.000 - 1:1.000.000 scale digital and printed diagrams and maps

1. Maps showing current natural conditions, socio - economic conditions, population, national and inter-regional important infrastructure.
2. Land evaluation diagrams by purposes.
3. Diagrams showing orientations for zoning and regional connection.
4. Diagrams showing orientations for national technical infrastructure development.

5. Diagrams showing orientations for national social infrastructure development.
6. Diagrams showing orientations for national urban and rural system development.
7. Diagrams showing orientations for national resource use.
8. Diagrams showing orientations for national environmental protection.
9. Diagrams showing orientations for natural disaster management and resilience to climate change resilience.
10. Diagrams showing orientations for national spatial development.
11. Diagrams showing orientations for national land use.
12. Diagrams showing spatial arrangement of projects expected to be given investment priority during the planning period.

II. NATIONAL MARINE SPATIAL PLANNING

A. 1:4.000.000 scale maps

Diagrams showing geographic locations and relationship between Vietnam and the region and the world.

B. 1:100.000 - 1:1.000.000 scale digital and printed diagrams and maps

1. Maps showing current natural conditions, socio - economic conditions, population and important infrastructure within marine space.
2. Diagrams showing orientations for extraction and use of resources within marine space.
3. Diagrams showing orientations for development of technical infrastructure within marine space.
4. Diagrams showing orientations for development of social infrastructure within marine space.
5. Diagrams showing orientations for urban and rural development in coastal areas and islands..
6. National marine spatial use zoning diagrams.
7. Diagrams showing orientations for national marine spatial environmental protection.

8. Diagrams showing orientations for natural disaster management and climate change resilience within national marine space.

9. Diagrams showing orientations for national marine spatial arrangement.

III. NATIONAL LAND USE PLANNING

A. 1:100.000 - 1:1.000.000 scale digital and printed diagrams and maps

1. Current national land use map.
2. Diagrams showing orientations for national land use.
3. National land use planning map.

B. 1:50.000 - 1:250.000 scale digital and printed maps

National land use planning map by region.

IV. NATIONAL INFRASTRUCTURE PLANNING

A. 1:4.000.000 scale printed maps

Diagrams showing geographic locations and relationship between national infrastructure and infrastructure of the region and the world.

B. 1:25.000 - 1:250.000 scale digital and printed diagrams and maps

1. Current national infrastructure planning map.
2. Diagrams showing orientations for national infrastructure development.
3. Diagrams showing spatial arrangement of projects expected to be given investment priority of the infrastructure sector.

C. 1:5.000 - 1:100.000 scale digital and printed diagrams and maps

1. Maps of current use of land in key areas of the national infrastructure sector.
2. Diagrams showing orientations for use of land in key areas of the national infrastructure sector.

V. NATIONAL RESOURCE USE PLANNING

A. Comprehensive planning for sustainable extraction and use of coastal resources:

a) 1:50.000 - 1:250.000 scale digital and printed diagrams and maps

1. Maps showing natural conditions and status of economy, society, resources and environment in coastal areas.
2. Maps showing status and demands for extraction and use of coastal resources.
3. Coastal area function zoning diagrams.
4. Maps of areas in which dispute over extraction of coastal resources may arise.
5. Map showing comprehensive planning for sustainable extraction and use of coastal resources.

b) Digital and printed maps of key areas (if any) at a scale of at least 1:25.000.

B. Planning for geological baseline surveys of minerals:

1:50.000 scale digital and printed maps

Geological and mineral survey maps.

C. Mineral exploration, extraction, processing and use planning:

1:50.000 - 1:500.000 scale digital and printed maps

1. Maps showing delineation of areas where mineral activities are carried out, areas where mineral activities are prohibited, areas where mineral activities are temporarily prohibited, areas where mineral activities are restricted and national mineral resource reserving areas.
2. Maps showing detailed delineation of mining areas and types of minerals (used as building materials), which need to be explored and extracted*.
3. Detailed maps of key areas where minerals are explored, extracted, processed and used*.

(*) *Notes:*

- The detailed zoning of mining areas is only applicable to the planning for exploration, extraction, processing and use of minerals used as building materials.

- Mineral exploration and extraction areas under the planning are limited by the straight lines connecting the points of closed angles shown on the topographic map of the national coordinate system.

D. National water resource planning:

1:100.000 - 1:1.000.000 scale digital and printed diagrams and maps

1. Maps showing status of national water resources.
2. Maps showing orientations for water resource distribution and protection.

DD. Forestry planning:

a) 1:100.000 - 1:1.000.000 scale digital and printed diagrams and maps

1. Forest status maps.
2. Current forestry infrastructure maps.
3. Maps showing current use of land for forestry development.
4. Special-use forest, protection forest and production forest planning maps.
5. Maps showing orientations for forestry infrastructure development.
6. Maps showing orientations for use of land for forestry development.

b) 1:50.000 scale digital and printed maps

Special-use forest planning map.

E. Aquatic resource protection and extraction planning:

a) 1:100.000 - 1:1.000.000 scale digital and printed diagrams and maps

1. Maps showing current management, extraction, protection and development of aquatic resources.
2. Maps showing zoning for aquatic resource extraction, protection and development.

b) 1:50.000 scale digital and printed maps

Maps showing delineation of expected marine protected areas; aquatic resource protection areas; areas prohibited from fishing for a fixed term; artificial habitats for endangered, precious and rare aquatic species; aquatic species having economic and scientific value, native aquatic species and endemic aquatic species.

G. National defense land use planning, security land use planning:

a) 1:100.000 scale digital and printed maps

1. Maps showing current use of national defense/security land.
2. National defense/security land use planning maps.
3. Maps of land areas that were initially meant to serve defense/security purposes and then allocated to local governments for socio-economic development purposes.

b) 1:50.000 scale digital and printed diagrams and maps

1. Maps showing current use of national defense/security land in key areas.
2. Maps showing orientations for use of national defense/security land in key areas.

VI. NATIONAL ENVIRONMENTAL PROTECTION PLANNING

1:50.000 - 1:1.000.000 scale digital and printed diagrams and maps

1. Maps showing status of environmental zoning; status of conservation of nature and biodiversity; status of national, regional and provincial centralized waste treatment complexes; status of national, regional and provincial environmental monitoring and warning networks.
2. Diagrams showing orientations for environmental zoning.
3. Map showing orientations for nature and biodiversity conservation areas.
4. Diagrams showing orientations for national, regional and provincial centralized waste treatment complexes.
5. Diagrams showing orientations for national, regional and provincial environmental monitoring and warning networks.

VII. NATIONAL BIODIVERSITY CONSERVATION PLANNING

1:50.000 - 1:1.000.000 scale digital and printed diagrams and maps

1. Maps showing status of important natural landscapes; status of high-biodiversity areas; status of biodiversity corridors; status of protected areas; status of biodiversity conservation facilities; status of wetlands of importance.
2. Diagrams showing orientations for conservation of natural landscapes.
3. Diagrams showing orientations for conservation of high-biodiversity areas.

4. Diagrams showing orientations for conservation of biodiversity corridors.
5. Map showing protected area orientations.
6. Maps showing orientations for development of biodiversity conservation facilities.
7. Diagrams showing orientations for conservation of wetlands of importance.

VIII. REGIONAL PLANNING

A. 1:1.000.000 scale printed maps

Maps showing location and relationships of a region.

B. 1:250.000 - 1:500.000 scale digital and printed maps (depending on shape and area of the region)

1. Maps showing status of regional development.
2. Diagrams showing orientations for urban and rural system development..
3. Diagrams showing orientations for spatial arrangement and functional zoning.
4. Diagrams showing orientations for social infrastructure development*.
5. Diagrams showing orientations for technical infrastructure development*.
6. Diagrams showing orientations for resource use*.
7. Diagrams showing orientations for environmental protection*.
8. Diagrams showing orientations for natural disaster management and resilience to climate change*.
9. Diagrams showing locations of projects expected to be given investment priority during planning period.
10. Thematic maps (if any).

() Note: Depending on different conditions of each region, each sector or type of resource may be put on separate maps to ensure that planning contents are shown on the maps.*

IX. PROVINCIAL PLANNING

A. 1:250.000 - 1:1.000.000 maps (depending on shape and area of a province)

Maps showing locations and relationships of the province.

B. 1:25.000 - 1:100.000 scale digital and printed maps (depending on shape and area of the province)

1. Maps showing status of provincial development.
2. Land evaluation maps by purposes.
3. Diagrams showing an urban and rural system planning schemes.
4. Diagrams showing plans for spatial arrangement and functional zoning.
5. Diagrams showing plans for social infrastructure development*.
6. Diagrams showing plans for technical infrastructure development.
7. Diagrams and maps showing plans to allocate and zone land*.
8. Diagrams and maps showing plans for resource exploration, extraction, use and protection*.
9. Diagrams showing plans for environmental protection, biodiversity conservation, natural disaster management and resilience to climate change.
10. Diagrams showing inter-district and district construction planning schemes.
11. Diagrams showing locations of projects expected to be given investment priority during the planning period.
12. Thematic diagrams and maps (if any).

C. 1:10.000 - 1:25.000 scale digital and printed diagrams and maps

1. Map showing status of key areas of a province (if any).
2. Diagram showing orientations for development of key areas of a province (if any).

() Note: Depending on different conditions of each province, each sector or type of resource may be put on separate maps to ensure that planning contents are shown on the diagrams and maps."*

26. Appendix IV and Appendix V are added after Appendix III.

Article 2. Replacing and repealing some words and phrases in some articles, clauses and points of the Government’s Decree No. 37/2019/ND-CP dated May 07, 2019 on elaboration of the Law on Planning

1. Replacing some words as follows:

a) The phrase “Danh mục và tỷ lệ bản đồ quy hoạch” (“List and scale of planning maps”) in clause 17 Article 20; clause 8 Article 21; clause 10 Article 22; clause 6 Article 23; clause 8 Article 24; clause 6 Article 25; clause 6 Article 26; clause 11 Article 27 and clause 15 Article 28 is replaced with the phrase “Danh mục và tỷ lệ sơ đồ, bản đồ quy hoạch” (“List and scale of planning diagrams and maps”);

b) The phrase “Danh mục và tỷ lệ bản đồ quy hoạch” (“List and scale of planning maps”) in section 10 part I, Appendix II; section 10 part II Appendix II; section 10 part III Appendix II; section 10 part IV Appendix II; section 10 part V, Appendix II; section 10 part VI Appendix II; section 10 part VIII Appendix II; section 10 part IX Appendix II; section 8 part X Appendix II; section 10 part XI Appendix II; section 10 part XII Appendix II; section 9 part I Appendix III; section 9 part II Appendix III; section 9 part III Appendix III; section 9 part IV Appendix III; section 8 part V Appendix III; section 8 part VI Appendix III; section 9 part VII Appendix III; section 9 part VIII Appendix III is replaced with the phrase “Danh mục và tỷ lệ sơ đồ, bản đồ quy hoạch” (“List and scale of planning diagrams and maps”);

c) The phrase “bản đồ” (“map”) in point b section 6 part II Appendix II is replaced with the phrase “sơ đồ” (“diagrams”);

d) The phrase “bản đồ, sơ đồ” (“maps, diagrams”) in section 10 part I Appendix II; section 10 part II Appendix II; section 10 part III Appendix II; section 10 part IV Appendix II; section 10 part V Appendix II; section 10 part VI Appendix II; section 9 part VII Appendix II; section 10 part VIII Appendix II; section 10 part IX Appendix II; section 8 part X Appendix II; section 10 part XI Appendix II; section 10 part XII Appendix II; section 9 part I Appendix III; section 9 part II Appendix III; section 9 part III Appendix III; section 9 part IV Appendix III; section 8 part V Appendix III; section 8 part VI Appendix III; section 9 part VII Appendix III; section 9 part VIII Appendix III is replaced with the phrase “sơ đồ, bản đồ” (“diagrams and maps”).

2. Clause 3 and point b clause 4 of Article 40 are repealed.

Article 3. Grandfather clauses

1. Any planning implementation plan submitted before the effective date of this Decree but not promulgated yet shall comply with regulations of law in force before the effective date of this Decree.

2. Any content of provincial planning submitted to seek opinions as prescribed in Articles 16 and 19 of the Law on Planning before the effective date of this Decree is not required to comply with regulations of this Decree.

3. Any planning which has its planning tasks approved before the effective date of this Decree but has not been submitted for opinions or for approval shall not have its planning tasks re-approved.

4. If there is any change to the planning costs during the process of implementing the grandfather clauses, regulations of law on planning, law on state budget and law on public investment shall be complied with.

Article 4. Implementation clause

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

2. Ministers, heads of ministerial agencies, heads of Governmental agencies, People's Committees of provinces and central-affiliated cities, relevant organizations and individuals are responsible for the implementation of this Decree.

**FOR THE GOVERNMENT
PP. THE PRIME MINISTER
THE DEPUTY PRIME MINISTER**

Tran Hong Ha

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