

DECISION No. 62/2002/QĐ-BKHCHNMT OF AUGUST 9, 2002 PROMULGATING THE
REGULATION ON THE PROTECTION OF THE ENVIRONMENT IN INDUSTRIAL PARKS

THE MINISTER OF SCIENCE, TECHNOLOGY AND ENVIRONMENT

Pursuant to the Environmental Protection Law of December 27, 1993;

Pursuant to Directive No. 36/CT-TW of June 25, 1998 of the Political Bureau on enhancing the
environmental protection work in the period of national industrialization and modernization;

Pursuant to the Government's Decree No. 175/CP of October 18, 1994 guiding the implementation of
the Environmental Protection Law;

Pursuant to the Government's Decree No. 22/CP of May 22, 1993 on the tasks, powers and
organizational apparatus of the Ministry of Science, Technology and Environment;

Pursuant to the Government's Decree No. 36/CP of April 24, 1997 issuing the Regulation on industrial
parks, export-processing zones and high-tech parks;

At the proposal of the director of the Environment Department,

DECIDES:

Article 1.- To promulgate together with this Decision the Regulation on the protection of the
environment in industrial parks.

Article 2.- This Decision takes implementation effect 15 days after its signing.

Article 3.- The State management agencies in charge of environmental protection; the industrial park
management boards, the companies which develop infrastructure in industrial parks, export-processing
zones and high-tech parks, production and business establishments operating in industrial parks,
industrial-park enterprises, and concerned agencies shall have to implement this Decision.

For the Minister of Science, Technology and Environment
Vice Minister
PHAM KHOI NGUYEN

REGULATION ON THE PROTECTION OF THE ENVIRONMENT IN INDUSTRIAL PARKS

(Issued together with Decision No. 62/2002/QĐ-BKHCHNMT of August 9, 2002 of the Minister of
Science, Technology and Environment)

Chapter I

GENERAL PROVISIONS

Article 1.- This Regulation prescribes the uniform management over the protection of the environment
in industrial parks, export-processing zones and high-tech parks (hereinafter collectively referred to as
the industrial parks) in order to protect the environment inside the industrial parks and in their vicinity.

Article 2.- This Regulation shall apply to all Vietnamese and foreign organizations and individuals carrying out activities related to industrial parks in Vietnam, aiming to prevent and minimize negative impacts caused by industrial parks on the environment and community health.

Article 3.- In this Regulation, the terms "industrial parks," "export-processing zones," "high-tech parks," "provincial-level industrial park management boards," and "industrial park infrastructure development companies" shall be construed as defined in the Regulation on industrial parks, export-processing zones and high-tech parks (issued together with the Government's Decree No. 36/CP of April 24, 1997). The other relevant terms shall be uniformly construed as follows:

1. Protection of the environment in industrial parks means activities aiming to keep the environment inside industrial parks and in their vicinity clean, to improve the environment, prevent and overcome bad consequences caused by industrial park activities to the environment;
2. Industrial park infrastructure consists of the systems of traffic roads, water supply, power supply, communication, public facilities, water drainage, and concentrated waste water treatment, yards, storehouses, fences, green trees, solid waste matter-storing yards and -treating zones (if any), incident prevention and rescue systems;
3. Environment supervision means activities of observing, sampling, measuring and analyzing environmental parameters and criteria in order to determine the environmental state at different points of time and compare them with Vietnamese environmental standards;
4. Other terms: environment, environment fractions, waste matters, pollutants, environmental pollution, environmental deterioration, environmental incidents, environmental standards, environmental impact assessment, ecological system and bio-diversity shall be construed similarly as in Articles 1 and 2 of the Environmental Protection Law. The term "hazardous waste" shall be construed as defined in the Regulation on the management of hazardous wastes, issued together with the Prime Minister's Decision No. 155/1999/QĐ-TTg of July 16, 1999.

Article 4.- The organization of the management and operation of the protection of the environment in the industrial parks must comply with Vietnam's legislation on environmental protection from the stage of project consideration and approval to the stage of construction and throughout the operating process of the industrial parks.

Article 5.- Based on this Regulation and other legal documents on environmental protection, the provincial industrial park management boards shall coordinate with the provincial/municipal Science, Technology and Environment Services in compiling and submitting to the People's Committees of the provinces and centrally-run cities for promulgation the concrete guiding regulations on environmental protection for industrial parks under their respective management for implementation, with a view to ensuring environmental safety inside the industrial parks and in their vicinity.

Chapter II

THE STAGE OF CONSIDERATION AND APPROVAL OF INVESTMENT PROJECTS ON BUILDING INDUSTRIAL PARKS

Article 6.- The consideration and selection of locations of industrial parks must be based on the approved general plannings of the provinces and cities that manage such industrial parks and take into account environmental conditions and elements, ensuring the feasibility in terms of environmental protection and incident rescue.

Article 7.- The planning of the industrial park grounds and technical designs must satisfy the following requirements:

1. Industrial clusters must be sub-zoned reasonably, ensuring their optimal interactivity and minimizing adverse impacts on the surrounding environment.
2. The rain water drainage networks must be separated from the industrial waste water drainage networks of industrial park member establishments, from key works and the daily-life waste water networks.
3. There are concentrated waste water treatment stations with their technical design already approved by competent bodies, ensuring that all waste water volumes of the industrial parks in the period of stable operation be treated up to the permitted environmental standards before being discharged into the corresponding receiving sources.
4. There are entrepots and/or stations for temporarily storing industrial solid wastes and/or hazardous wastes, with their technical designs approved by competent authorities.
5. There are environmental incident rescue systems (in terms of means, equipment and personnel), ensuring that any incidents occurring in industrial parks be coped with promptly.
6. The land area reserved for planting green trees to protect the environment must not be smaller than the minimum level according to current construction standards, and must be rationally arranged and planted with appropriate plant varieties.
7. There are reserve land areas for expanding and/or constructing additional treatment facilities in the concentrated waste water treatment system of the industrial parks when waste standards are adjusted to be stricter to meet the need to safely protect the water environment quality of receiving sources.

Article 8.- The industrial park infrastructure development companies shall have the task of making environmental impact assessment reports for their industrial park investment projects according to current regulations and submit them to the Ministry of Science, Technology and Environment for consideration.

Article 9.- Where the industrial park infrastructure development companies need to exploit on-spot underground water and/or surface water for supply to production and daily life activities in the industrial parks, they must draw up exploitation plans and submit them to functional bodies for consideration as prescribed by law. The exploitation permission of functional bodies shall serve as a basis for the Ministry of Science, Technology and Environment to consider and approve environmental impact assessment reports of the industrial parks.

Article 10.- Within 60 days after receiving the complete dossiers requesting the evaluation of the environmental impact assessment reports of investment projects on building industrial parks, the Ministry of Science, Technology and Environment shall evaluate and grant the environmental impact assessment report-approving decisions to the projects if it finds them qualified.

Chapter III

THE STAGE OF BUILDING INDUSTRIAL PARK INFRASTRUCTURE

Article 11.- The industrial park infrastructure development companies can start building industrial park infrastructural works only after their projects are granted the environmental impact assessment report-approving decisions.

Article 12.- The industrial park infrastructure development companies shall have the tasks of strictly complying with the environmental protection measures throughout the process of building industrial park infrastructures as committed in the approved environmental impact assessment reports.

Article 13.- In the process of constructing and operating industrial park infrastructures, the investors and constructing units must submit to the periodical and unexpected inspection, supervision and monitoring by the State management agencies in charge of environmental protection, if violating current regulations, they shall be handled as prescribed by law.

Chapter IV

CONSIDERATION AND APPROVAL OF INVESTMENT PROJECTS IN INDUSTRIAL PARKS

Article 14.- The investment projects in industrial parks, which have not yet been granted the environmental impact assessment report-approving decisions, shall be regarded as separate projects in the discharge of the environmental protection responsibility and the environment procedures as provided for by the Environmental Protection Law and the Government's Decree No. 175/CP.

Article 15.- The investment projects in industrial parks, which have been granted the environmental impact assessment report-approving decisions, must make written registration of satisfaction of environmental standards together with commitments to ensure such standards throughout their operating durations with the State management agencies in charge of environmental protection according to current regulations in the stage of investment license application.

Article 16.- The investment projects in industrial parks must be compatible with the business lines registered in the environmental impact assessment reports already approved by the Ministry of Science, Technology and Environment.

Chapter V

THE STAGE OF OPERATION OF INDUSTRIAL PARKS

Article 17.- Industrial parks shall be officially put into operation only after they fully meet the following environmental conditions:

1. A detailed planning on the sub-zoning of the industrial park cluster has been drawn up;
2. The electricity and water supply systems that satisfy use demands in each development period have been in place;
3. Complete and separate rain water and waste water drainage networks have been constructed;
4. A concentrated waste water treatment station that can ensure the treatment of waste water up to standards before being discharged into corresponding receiving sources has been in place;
5. Locations and necessary equipment have been available and ready for the temporary storing and/or deposit of industrial solid wastes or hazardous wastes under environmentally clean and safe conditions;
6. Means, equipment and personnel have been ready for the handling of environment incidents.

Article 18.- The Science, Technology and Environment Services of the provinces and/or centrally-run cities where exist industrial parks shall, according to their respective tasks and powers, have to

consider and examine the satisfaction of the conditions stated in Article 17 of this Regulation. Where an industrial park is situated in an area managed by more than one province or city, the concerned Science, Technology and Environment Services shall have to coordinate with one another in performing this task.

Article 19.- In the process of developing industrial parks, depending on the investment speed of projects in industrial parks, the industrial park infrastructure development companies must continue to improve the infrastructural systems, particularly environmental infrastructures, and must complete these systems when 70% of the planned land area of each industrial park has been exploited and used.

Article 20.- Each project applying for investment in an industrial park shall be permitted to officially commence its operation only after all work items for waste treatment and/or storage have been completely constructed and fully meet the environmental protection requirements during their trial operation as certified by the State management agency in charge of environmental protection in the certification paper attached to the written registration of satisfaction of environment standards.

Article 21.- All industrial-park enterprises engaged in activities which discharge air pollutants must take measures of controlling and treating locally such pollutants right at the sources of pollutants up to the Vietnamese standards on industrial exhaust gas before discharging them into the environment.

Article 22.- Industrial-park enterprises engaged in operations causing noises exceeding the permitted limit at production areas must take anti-noise measures up to the prescribed standards.

Article 23.- Industrial-park enterprises that discharge waste water with the concentration of pollutants higher than the limit prescribed by the industrial park infrastructure development companies must treat locally their waste water up to the permitted standards before discharging it into the waste water drainage networks of the industrial parks; it is strictly forbidden to treat waste water by diluting it or letting it permeate the soil.

The industrial park infrastructure development companies shall specify the quality standards of waste water permitted to be discharged into the industrial parks' waste water drainage networks.

Article 24.- The industrial park infrastructure development companies shall have to gather all waste water discharged from industrial-park enterprises into the waste water drainage networks leading to the concentrated waste water treatment stations of the industrial parks, and must treat such water up to the permitted standards before discharging it into the environment outside the industrial parks.

The industrial park infrastructure development companies shall have to gather and treat all rain water spilling within the industrial parks into the rain water drainage networks of the industrial parks in order to avoid inundation, and must treat such water up to the permitted standards before discharging it into the environment outside the industrial parks.

Article 25.- The industrial park infrastructure development companies shall have to coordinate with the functional units in organizing the environmentally safe gathering, transportation and treatment of all solid wastes discharged by industrial-park enterprises. The sorting out and temporary storing of solid wastes at industrial-park enterprises shall be carried out by the industrial-park enterprises themselves according to specific regulations of the industrial parks.

Article 26.- The treatment of solid wastes of industrial parks may be conducted right inside their fences (if such industrial parks meet all conditions and obtain the approval of functional bodies) or outside their fences through responsibility contracts between the industrial park infrastructure development companies and agencies specialized in the solid-waste treatment.

Article 27.- Hazardous wastes generated in industrial parks must be gathered, stored, transported and treated up to technical standards and in accordance with current law provisions.

Article 28.- Industrial-park enterprises that have products of, store and transport radioactive substances, ionized radiation sources, hazardous, flammable and/or explosive substances must fully observe the current regulations of Vietnam.

Article 29.- The export and import of materials and raw materials, hazardous chemicals and/or micro-organisms by industrial-park enterprises must comply with current regulations.

Article 30.- Industrial-park enterprises shall have the responsibility to contribute funding to the industrial park infrastructure development companies to invest in building industrial park infrastructure, gathering and treating their wastes according to contracts.

Article 31.- When environment incidents occur, the industrial park infrastructure development companies shall have to coordinate with the provincial-level industrial park management boards in expeditiously deploying rescue and remedial measures, then immediately report them to the provincial/municipal People's Committees in order to mobilize human resources and means to quickly overcome consequences on the spot, and urgently notify competent bodies thereof for support and coordination.

Article 32.- The industrial park infrastructure development companies shall have to observe the quality of the environment inside the industrial parks and in their vicinity strictly according to the environment observation programs already committed by themselves in the environmental impact assessment reports in terms of observation location, frequency and norms; and make bi-annual reports on the environment observation results and send them to the provincial/municipal Science, Technology and Environment Services.

Chapter VI

STATE MANAGEMENT OVER THE PROTECTION OF THE ENVIRONMENT IN INDUSTRIAL PARKS

Article 33.- The Ministry of Science, Technology and Environment shall have to perform the uniform State management over environmental protection for industrial parks in the Vietnamese territory; organize, direct and inspect the activities of protecting the environment in the industrial parks.

Within the ambit of its functions, tasks and powers, the Ministry of Science, Technology and Environment shall assign its Environment Department to directly perform the State management over the protection of the environment in the industrial parks, covering the following contents:

1. Organizing the evaluation of environmental impact assessment reports of investment projects on building industrial parks and of investment projects in industrial parks, which have not yet been granted the environmental impact assessment report-approving decisions according to the responsibility decentralization in the Government's Decree No. 175/CP of October 18, 1994 and the provisions of the Science, Technology and Environment Ministry's Circular No. 490/1998/TT-BKHCHMT of April 29, 1998 guiding and evaluating environmental impact assessment reports of investment projects, and other relevant regulations.

2. Organizing the evaluation of projects on building concentrated waste water treatment plants, entrepots and storehouses as well as burial sites for hazardous wastes of the industrial parks.

3. Proposing the adjustment of permitted waste standards applicable to industrial parks.

4. Organizing and directing the formation of Vietnam's annual reports on the actual state of the environment in the industrial parks.
5. Directing and organizing activities of supervising, controlling and inspecting the environment in the industrial parks, settling complaints and denunciations about the protection of the environment in industrial parks, and issuing decisions to sanction violations of the environmental protection regulations according to its competence.
6. Acting as the sole agency in managing and supplying information on technical support and technologies for treatment and management of the environment in the industrial parks.
7. Proposing the commendation of industrial parks, which have well performed the environmental protection work.
8. Coordinating with functional bodies in:
 - Formulating a master plan on the development of industrial parks, nationwide, which is compatible with the socio-economic development and environmental protection strategy;
 - Promulgating policies on investment preferences for the protection of the environment in the industrial parks;
 - Considering priority business lines and trades that call for investment into industrial parks.

Article 34.- The provincial/municipal Science, Technology and Environment Services shall be accountable to the provincial/municipal People's Committees for the State management over the protection of the environment in industrial parks and, at the same time, submit to the direct direction by the Ministry of Science, Technology and Environment regarding professional matters and macro-policies on performing the following State management contents to protect the environment in the industrial parks:

1. Directing and inspecting the implementation of the regulations on the protection of the environment in industrial parks as stated in this Regulation and other law provisions on environmental protection.
2. Organizing the consideration and granting of papers of certification of the written registrations of satisfaction of environmental standards, and the evaluation of environmental impact assessment reports for investment projects in industrial parks according to the responsibility decentralization specified in the Government's Decree No. 175/CP and the provisions in Circular No. 490/1998/TT-BKHCHNMT of the Ministry of Science, Technology and Environment.
3. Supervising the implementation of environmental protection measures by the industrial park infrastructure development companies and industrial-park enterprises in the stage of building industrial park infrastructure and throughout the operating duration of the industrial parks;
4. Coordinating with central and local agencies in supervising, controlling and inspecting the environment in industrial parks, handling violations of the regulations on the protection of the environment in the industrial parks according to their vested powers.
5. Receiving and settling disputes, complaints and denunciations about the protection of the environment in industrial parks according to their vested powers, or referring them to competent bodies for handling;

6. Proposing the commendation of subjects that have recorded many achievements in the discharge of the environmental protection responsibility and made great efforts in the fight to protect the environment in industrial parks.

Article 35.- The provincial-level industrial park management boards shall have the responsibility to:

1. Making forecasts on environmental incidents in industrial parks, elaborating plans to prevent and measures to overcome incidents, then submitting them to the provincial/municipal People's Committees for approval.
2. Coordinating with the provincial/municipal Science, Technology and Environment Services in gathering, transporting and treating solid and hazardous wastes in the industrial parks under their respective management.
3. Directing, guiding and urging industrial parks under their respective management to organize the work of protecting the environment in industrial parks.

Article 36.- The industrial park infrastructure development companies shall be tasked to monitor, inspect and oversee the discharge of the environmental protection responsibility by industrial-park enterprises, and promptly report to the provincial-level industrial park environment management boards and the provincial/municipal Science, Technology and Environment Services for handling acts of violation committed by industrial-park enterprises.

Article 37.- The People's Committees of the provinces and centrally cities where the environment is adversely affected by activities of industrial parks situated in other localities shall have the right and responsibility to submit to functional bodies for consideration and settlement environment pollution problems detected in their respective localities, which are certainly or probably caused by industrial parks in other localities.

Chapter VII

REGIME OF REPORTING ON THE ENVIRONMENT

Article 38.- If in their course of operation the industrial-park enterprises change the production scales and/or technologies or waste-treating technologies, they must immediately report such to the provincial/municipal Science, Technology and Environment Services, the provincial-level industrial park management boards and the industrial park infrastructure development companies that manage them for the latter to consider, give opinions and conduct additional examination of the environment.

Article 39.- The industrial-park enterprises shall have to periodically report on the actual state of the environment in their establishments to the provincial-level industrial park management boards and the provincial/municipal Science, Technology and Environment Services and, at the same time, take legal accountability for these reported statistics. Reports shall be made once every six months.

Article 40.- The industrial park infrastructure development companies shall have to periodically report once a year on the actual state of the environment, the situation of performance of the environmental protection work as well as the situation of receipt and operation of investment projects in their industrial parks, with the brief description of the business lines and trades, the capacity scope, total volume and concentration of assorted wastes, and the waste-treating measures, to the provincial/municipal Science, Technology and Environment Services and the provincial-level industrial park management boards.

Chapter VIII

REGIME OF SUPERVISION AND INSPECTION OF THE ENVIRONMENT IN THE INDUSTRIAL PARKS

Article 41.- The State management bodies in charge of environmental protection shall, within the scope of their respective powers and responsibilities, have to supervise and inspect periodically or unexpectedly production and business activities of the industrial park infrastructure development companies and industrial-park enterprises.

Article 42.- The provincial-level industrial park management boards shall have to coordinate with the environment inspectorate of the Ministry of Science, Technology and Environment and/or the provincial/municipal Science, Technology and Environment Services in supervising and inspecting the environment in industrial parks in their respective localities.

Article 43.- The industrial park infrastructure development companies and industrial-park enterprises shall have to create favorable conditions and supply adequate and necessary information and materials for the environment supervision and inspection teams in their work.

Article 44.- The environment inspection results shall be sent to the inspected subjects for serving as a basis for remedying violations (if any) and concurrently to the State management agencies in charge of environmental protection and local authorities for use as a basis for monitoring and direction of the settlement thereof.

Article 45.- The industrial park infrastructure development companies and industrial-park enterprises that conduct activities in violation of the Regulation on the protection of the environment in the industrial parks must seriously abide by the requests of inspectors within the prescribed time limits.

Chapter IX

COMMENDATION, AND HANDLING OF VIOLATIONS OF THE REGULATION ON THE PROTECTION OF THE ENVIRONMENT IN INDUSTRIAL PARKS

Article 46.- When detecting environment pollution caused by activities of industrial parks, the State management bodies in charge of environmental protection shall coordinate with the provincial-level industrial park management boards and concerned agencies in investigating and identifying the environment polluters.

Article 47.- The industrial park infrastructure development companies and industrial parks that violate the Regulation on the protection of the environment in the industrial parks shall be subject to administrative sanctions in the field of environmental protection under the Government's Decree No. 26/CP of April 26, 1996 and current legal documents of the Vietnamese State.

Article 48.- If industrial park infrastructure development companies and industrial-park enterprises that deliberately obstruct the environment monitoring, supervision and inspection work, their acts shall be recorded in writing for submission to the provincial/municipal People's Committees and/or the Ministry of Science, Technology and Environment for handling decisions.

Article 49.- The time limit set for the industrial park infrastructure development companies and industrial-park enterprises to abide by the requests stated in the sanctioning records shall be three months at most. Past the three-month time limit, if these units still fail to strictly abide by the requests stated in the sanctioning records, their failure shall be recorded in writing and proposals shall be made to competent bodies to issue decisions to stop activities violating the environmental protection regulations till these units fully and properly abide by the requests of the inspection teams.

Article 50.- Organizations and individuals shall be entitled to complain and denounce to the State management agencies in charge of environmental protection and concerned bodies about acts of violation of the Regulation on the protection of the environment in industrial parks. The agencies that receive complaints and/or denunciations shall have to consider and settle them according to law provisions.

Article 51.- If organizations and individuals operating in industrial parks record good merits in the environmental protection work, they shall be proposed for commendation by agencies at corresponding levels according to the current commendation regime.

Chapter X

IMPLEMENTATION PROVISIONS

Article 52.- This Regulation takes effect 15 days after its signing. All previous regulations contrary to this Regulation shall be hereby annulled.

Article 53.- The provincial/municipal People's Committees, the functional agencies, the State management agencies in charge of environmental protection, the provincial-level industrial management boards, the industrial park infrastructure development companies and industrial-park enterprises shall have to implement this Regulation.

For the Minister of Science, Technology and Environment
Vice Minister
PHAM KHOI NGUYEN