

**DECREE No. 88/2007/ND-CPOF MAY 28, 2007,  
ON URBAN AND INDUSTRIAL-PARK  
WATER DRAINAGE**

**THE GOVERNMENT**

*Pursuant to the December 25, 2001 Law on  
Organization of the Government;*

*Pursuant to the November 29, 2005 Law on  
Environmental Protection;*

*Pursuant to the June 1, 1998 Law on Water  
Resources;*

*At the proposal of the Construction Minister,*

**DECREES:**

*Chapter I*

**GENERAL PROVISIONS**

**Article 1.-** Governing scope and subjects of application

1. This Decree provides for water drainage activities in urban centers and industrial parks, economic zones, export processing zones, hi-tech parks (below referred to as industrial parks for short); rights and obligations of organizations, individuals and households involved in water drainage activities in the Vietnamese territory. For rural population quarters where conditions permit the construction of concentrated water drainage systems, the application of this Decree is encouraged.

2. This Decree applies to Vietnamese organizations, individuals and households, and foreign organizations and individuals that are involved in water drainage activities in the Vietnamese territory.

3. Where treaties to which Vietnam is a contracting party contain provisions different from those of this Decree, the provisions of these treaties prevail.

**Article 2.- Interpretations of terms**

1. Water drainage activities are those related to water drainage, including planning, designing consultancy, construction investment, management, operation, exploitation and use of water drainage systems.

2. Water drainage service means activities of managing and operating according to law water drainage systems in order to satisfy the rain water and wastewater drainage and wastewater-treatment requirements of those that have demands for water drainage.

3. Water drainage charges means environmental protection charges for waste water applicable to urban centers and industrial parks with concentrated water drainage systems. Water drainage charges are set by People's Committees of provinces or centrally run cities (below referred to as provincial-level People's Committees for short) after they are submitted to People's Councils of the same level for passage with a view to incrementally maintaining and developing water drainage services in localities.

4. Water drainage units means organizations or individuals that provide water drainage services under contracts on management and operation of water drainage systems.

5. Water drainage households cover households, non-business administrative units, establishments providing services on discharge of rain water or wastewater into a water drainage system.

6. Individual water drainage households means those that discharge rain water and waste water directly into the environment.

7. Wastewater means water whose characters and nature have altered due to the use thereof or to human activities discharged into a water drainage system or the environment.

8. Daily-life waste water means water discharged from humans' daily-life activities such as eating and drinking, bathing and washing, personal hygiene.

9. Other wastewater means used water other than daily-life wastewater.

10. Water drainage systems include networks of culverts, water-collecting and -conducting canals, regulating lakes, key works (pump stations, treatment plants, sluice gates) and other support facilities, aiming to collect, conduct and drain rain water, waste water and treat waste water. Water drainage systems are classified into the following types:

a/ Common water drainage systems, which are systems assorted wastewater and rain water are collected into the same systems;

b/ Separate water drainage systems, which are separate systems for rain water drainage or wastewater drainage;

c/ Semi-separate water drainage systems, which are common water drainage systems with surrounding culvert lines for separation and carriage of wastewater to treatment plants.

11. Rain water drainage systems include networks of culverts, rain water-collecting and -conducting, regulating lakes, key works (pump stations, sluice gates...) and other support facilities for rain water collection and drainage.

12. Wastewater drainage systems include networks of culverts, wastewater-collecting and -conducting, regulating lakes, key works (pump stations, treatment plants, sluice gates,...) and other support facilities for collection, drainage and treatment of waste water.

13. Surrounding culverts mean main culvert lines with wastewater-separating wells to gather the entire wastewater, when there is no rain, and part of wastewater which is mixed, when there is rain, in common water drainage systems from different basins and carried to pump stations or waste water treatment plants.

14. Systems of regulating lakes include natural or artificial lakes to receive water and regulate water

drainage for water drainage systems.

15. Connection points means water discharge points of households for draining water into a water drainage system.

16. Discharge points mean places of a water drainage system or individual water drainage households where water is discharged into the environment.

17. Water drainage basins mean certain areas where rain water or waste water is collected and carried to one or a number of points for discharge into receiving sources.

18. Receiving sources means parts of the environment, including sources of constantly or periodically flowing water such as ponds, lakes, rivers, streams, canals, groundwater, sea.

19. COD means the chemical oxygen demand for oxidization of chemicals existing in water.

**Article 3.-** Policies on investment in development of water drainage

1. Water drainage service is categorized as public-utility activity which is given attention and investment priority by the State in order to increasingly raise its efficiency and service quality, ensure sustainable development and meet socio-economic development demands.

2. All economic sectors and social communities are encouraged to participate in investment development and management of water drainage activities.

**Article 4.-** Responsibility for state management of water drainage activities

1. The State performs the unified state management of water drainage activities in the Vietnamese territory; promulgates, and directs the implementation of, strategies and orientations on water drainage development at the national level.

2. The Ministry of Construction is responsible for performing the state management of water drainage

in urban centers and industrial parks nationwide:

a/ To study and formulate water drainage mechanisms and policies and submit them to the Prime Minister for promulgation or promulgate them according to competence;

b/ To formulate and submit to the Prime Minister for promulgation and organize the implementation of, national programs and plans on water drainage development;

c/ To promulgate regulations, standards and techno-economic norms on water drainage;

d/ To guide, direct and inspect water drainage activities nationwide.

3. The Ministry of Natural Resources and Environment is responsible for performing the state management of environmental protection and pollution control in water drainage activities.

4. The Ministry of Agriculture and Rural Development is responsible for performing state management of exploitation and protection of irrigation works; grants and revokes permits for wastewater discharge into irrigation works.

5. The Ministry of Planning and Investment:

a/ To balance the demands for investment capital from state budget sources under water drainage development programs and plans already approved by the Prime Minister;

b/ To study and formulate mechanisms and policies to encourage and mobilize domestic and foreign capital sources for investment in water drainage works;

c/ To act as a coordinator in mobilizing ODA capital sources for investment in water drainage development according to the priority order already approved by the Prime Minister.

6. The Ministry of Finance:

a/ To coordinate with the Ministry of Planning and Investment in balancing investment capital from state budget sources and to study and formulate mechanisms and financial policies to encourage and

mobilize sources of domestic and foreign capital for investment in water drainage development;

b/ To perform the unified financial management of ODA capital sources for investment in water drainage development;

c/ To coordinate with the Construction Ministry in guiding, inspecting and supervising the collection and use of water drainage charges nationwide.

7. Ministries and ministerial-level agencies shall, within the ambit of their respective tasks and powers, coordinate with the Construction Ministry in performing the state management of urban and industrial-park water drainage.

8. Provincial-level People's Committees shall, within the ambit of their respective tasks and powers, perform the state management of water drainage activities in areas under their management; define the functions and tasks of, and decentralize the management of water drainage activities to, professional agencies and People's Committees at lower levels. Construction Services of provinces and Transport and Public Works Services of centrally run cities shall act as professional bodies to advise and assist provincial-level People's Committees in performing the state management of water drainage in their localities.

9. People's Committees of urban centers shall organize the formulation of plannings on, and investment in, construction of water drainage systems and organize the provision of water drainage services in areas under their management suitable to the community development and participate in regional plannings on water drainage, select units for management and operation thereof, conclude contracts and supervise the performance thereof.

**Article 5.-** Principles of combining water drainage works with other technical infrastructure works

1. The planning blueprints and investment projects on other technical infrastructure works

(traffic, irrigation, ..) must ensure their synchronism with the related urban and industrial-park water drainage systems and be considered and consented in writing by local water drainage management bodies before they are submitted to competent authorities for approval.

2. When renovating, expanding or building technical infrastructure works, especially traffic works related to urban and industrial-park water drainage systems, investors shall formulate schemes to ensure normal water drainage and renovate, restore or build synchronous related water drainage items according to planning.

3. Local water drainage state management bodies and water drainage units assigned to manage and operate water drainage systems have the rights and obligations to participate in overseeing the process of building water drainage items of investment projects on construction of relevant technical infrastructure works. Water drainage units may refuse to accept water drainage works if their construction quality fails to reach prescribed standards.

**Article 6.-** Provisions on wastewater standards

1. Wastewater discharged from urban and industrial-park water drainage systems and individual water drainage households into receiving sources must meet the environmental standards set by competent state bodies. The Ministry of Natural Resources and Environment shall promulgate standards of waste water discharged into receiving sources.

2. Wastewater discharged from water drainage households into urban and industrial-park water drainage systems must meet the standards of wastewater discharged into water drainage systems, which are set by competent state bodies. The Construction Ministry shall promulgate standards of wastewater discharged into urban and industrial-park water drainage systems.

**Article 7.-** Management of systems of points where wastewater is discharged into the environment

1. The discharge of wastewater into receiving sources must comply with the provisions of law on protection of the environment and water resources, exploitation and protection of irrigation works and relevant legal documents.

2. The design and construction of discharge points must ensure anti-reinfiltration from receiving sources and urban flooding.

3. The discharge of wastewater into receiving sources is uniformly managed according to domains. Provincial-level People's Committees shall define the decentralization of, and key bodies for, the unified management of discharge points, supervise the wastewater quality of water drainage systems and individual water drainage households in their provinces according to receiving source basins and coordinate with relevant localities in organizing the management of discharge points, quality of wastewater discharged into regional basin-based receiving sources according to the provisions of law on environmental protection.

**Article 8.-** Management of water drainage-related elevations

1. Management of urban foundation elevations

a/ Urban foundation elevations are determined in construction planning blueprints according to the national standard elevation system and must meet the requirements of rain water and waste water drainage requirements and approved by competent authorities;

b/ Construction planning management agencies according to decentralization shall manage and supply information on urban foundation elevations to organizations and individuals at their request;

c/ Organizations and individuals investing in the construction of works must abide by the supplied urban foundation elevations;

d/ Agencies competent to appraise base designs or grant construction permits at all levels shall examine the compatibility between designed construction elevations and urban foundation elevations.

2. Management of elevations of water drainage systems:

Water drainage units have the responsibilities:

a/ To determine and manage the water levels of regulating lakes, water drainage canals with a view to ensure the maximum capacity to drain and regulate rain water, combat flooding and protect the environment;

b/ To manage the elevations of main culverts and waste water and rain water collection culverts;

c/ To supply elevations of water drainage systems for organizations and individuals at their request.

3. Agencies or units assigned to manage rivers, lakes or canals related to urban water drainage shall coordinate with water drainage units in meeting the elevation requirements in order to drain water and combat urban floods.

**Article 9.-** Participation of communities

1. To oversee the construction investment, management and operation of water drainage systems.

2. To detect, prevent and propose competent bodies to handle law violations in water drainage activities.

**Article 10.-** Propagation, dissemination and education of the law on water drainage

1. Ministries, ministerial-level agencies, government-attached agencies, People's Committees at all levels and water drainage units shall, within the ambit of their responsibilities, coordinate with mass media agencies, associations, mass organizations and schools in popularizing, educating and guiding people to protect water drainage works and abide by legal provisions on

water drainage.

2. Political organizations, socio-political organizations, socio-political and professional organizations shall, within the ambit of their responsibilities, coordinate with state management agencies in charge of water drainage in propagating and mobilizing people to strictly abide by legal provisions on water drainage.

**Article 11.- Prohibited acts**

1. Destroying works of water drainage systems.
2. Violating regulations on protection of water drainage systems.
3. Obstructing the examination and inspection of water drainage activities.
4. Declining to comply with regulations on construction foundation elevations when building, renovating or upgrading urban works.
5. Discharging rain water, wastewater which is not up to the quality standards of waste water discharged into water drainage systems or receiving sources.
6. Discharging substances other than wastewater, rain water into water drainage systems.
7. Diluting waste water to achieve wastewater quality standards or transferring pollution volume to other environments such as air and soil.
8. Making connections with water drainage systems without permission or in contravention of agreement.
9. Supplying untruthful information, thus affecting the lawful rights and interests of other organizations or individuals in water drainage activities.
10. Abusing positions and powers to cause troubles to or harass for bribes other organizations or individuals in water drainage activities.
11. Other acts against the law on water drainage.

**Chapter II**

**WATER DRAINAGE PLANNING**

**Article 12.-** General provisions on water drainage planning

1. A water drainage planning is formulated and approved for use as a basis for subsequent water drainage activities. All organizations and individuals participating in water drainage activities shall comply with the water drainage planning approved by competent state bodies.

2. Upon formulation of a construction planning, a water drainage planning must be studied and formulated as an inseparable part of the construction planning blueprint and comply with the provisions of this Decree and the law on construction planning.

3. For newly built industrial parks and urban centers, rain water drainage and wastewater drainage systems must be separately planned and built. For urban centers where water drainage systems already exist and new urban centers, common, separate or semi-separate water systems must be studied and planned, depending on the specific conditions of each urban center.

4. In the following cases, a water drainage planning must be formulated as a separate planning blueprint:

a/ Regional water drainage planning: For a group of urban centers, industrial parks in a province or many provinces, which are geographically close together and have advantageous conditions in terms of terrain and receiving sources with the possibility for construction of common water drainage facilities and for which a regional construction planning was not or has not yet been formulated;

b/ Urban water drainage planning: For urban centers of grade 2 or higher (for other urban centers if it deems necessary), aiming to detail the water drainage orientations already identified in the urban construction general planning.

5. The water drainage planning formulated as a separate planning blueprint as stated in Clause 4 of this Article must comply with the provisions of Articles 13 thru 20 of this Decree and other relevant provisions of law on construction planning.

6. The Construction Ministry shall guide the cost of water drainage planning formulation.

**Article 13.-** Water drainage planning formulation period and time

1. A water drainage planning may be formulated for a short-term period of 10 years, a long-term period of 20 years and longer terms.

2. The time for formulation of a regional water drainage planning does not exceed 18 months and for a urban or industrial park water drainage planning does not exceed 12 months from the date the planning tasks are approved by competent authorities.

**Article 14.-** Water drainage planning formulation tasks

1. Water drainage planning formulation tasks include:

a/ Assessing and forecasting socio-economic development, development and distribution of population, industries, services and infrastructure of the area under planning study;

b/ Evaluating the natural conditions, present conditions of infrastructure, forecasting environmental development and water drainage capacities of relevant rivers and lakes;

c/ Evaluating the demands for surface water drainage, wastewater gathering and treatment and organization of water drainage systems of the area under planning study;

d/ Drawings of diagrams, boundary positions, scale and regional links, 1/100,000 - 1/500,000 scale for a regional water drainage planning and 1/25,000 - 1/100,000 a urban water drainage planning.

2. The time for formulation of water drainage

planning tasks does not exceed 3 months for an inter-provincial water drainage planning, 2 months for a provincial water drainage planning and an urban water drainage planning from the date the tasks are officially assigned.

**Article 15.-** Grounds for formulation of water drainage planning

1. The general planning on socio-economic development; construction planning, relevant branch development planning (if any).

2. General planning orientations for development of urban systems and orientations for development of national infrastructure systems already approved by the Prime Minister.

3. Investigation and survey results and relevant data and documents.

4. Water drainage norms and standards.

5. The approved water drainage planning tasks.

**Article 16.-** Water drainage planning contents

Depending on the characteristics and sizes of areas under study, a water drainage planning has the following principal contents:

1. Investigations, surveys and assessment of the actual socio-economic situation, natural conditions and technical infrastructure system of the planned area.

2. Investigations, surveys and assessment of water environment development, related rivers and lakes' capacity to drain rain water, wastewater.

3. Identification of water drainage basins of the planned area.

4. Determination of basic water drainage norms and parameters, including climatic and hydrological conditions, infiltration coefficient, daily-life water drainage standards, industry, services...

5. Determination of rain water, wastewater drainage volumes.

6. Identification of receiving sources and their

capacities to receive rain water, wastewater.

7. Selection of systems for rain water drainage, wastewater collection and treatment.

8. Determination of wastewater quality at connection points.

9. Determination of the direction, positions and sizes of principal water drainage lines.

10. Identification of discharge points, water level, maximum discharge volume, wastewater quality at discharge points.

11. Determination of the positions and sizes of rain water, wastewater pump stations, wastewater treatment plants.

12. Proposed measures for conservation and renovation of systems of canals and lakes functioning to drain water, regulate and treat wastewater.

13. Phasing of investment according to stages and regions initial determination of total investment, proposed capital sources and priority projects.

14. Assessment of environmental impacts, proposed measures for environmental protection.

15. Proposed schemes for organization of management of water drainage systems.

**Article 17.-** Dossiers of water drainage planning blueprints

Depending on the characteristics and sizes of the area under study, the dossier of a water drainage planning blueprint comprises:

1. Drawings:

a/ Maps on positions and regional relations:

- For regional water drainage planning: 1/100,000 - 1/500,000 scale;

- For urban water drainage planning: 1/25,000 - 1/100,000 scale.

b/ Topographical maps:

- For regional water drainage planning: 1/25,000- 1/250,000 scale;

- For urban water drainage planning: 1/5,000 - 1/25,000 scale.

c/ Maps on the current technical infrastructure situation under the provisions of Point b of this Clause;

d/ Maps on division of water drainage basins under the provisions of Point b of this Clause;

e/ Maps on positions of pump stations, treatment plants, principal conduct lines under the provisions of Point b of this Clause.

2. A general report covers explanations, relevant documents of legal validity, written approval of the water drainage planning blueprint.

**Article 18.-** Responsibility to formulate, competence to appraise and approve water drainage planning tasks and blueprints

1. Responsibility to formulate water drainage planning tasks and blueprints:

a/ The Construction Ministry shall organize the formulation of regional water drainage planning tasks and blueprints;

b/ Provincial-level People's Committees shall organize the formulation of regional and urban water drainage tasks and blueprints within their respective administrative boundaries.

2. Competence to appraise and approve water drainage planning tasks and blueprints:

a/ For inter-provincial water drainage plannings, water drainage plannings of special-grade urban centers:

The Prime Minister shall approve or authorize the Construction Ministry to approve inter-provincial and special-grade urban center water drainage planning tasks and blueprints within 25 working days after complete and valid dossiers are submitted.

The Construction Ministry shall assume the prime responsibility for appraising inter-provincial or special-grade urban center water drainage planning tasks and blueprints which fall under the

Prime Minister's approving competence, within 20 working days after the receipt of complete and valid dossiers.

b/ For regional water drainage plannings and urban water drainage plannings within a province:

Provincial-level People's Committees shall approve regional water drainage plannings within their respective provinces and urban water drainage plannings (excluding special-grade urban centers) in their respective administrative boundaries within 15 working days after the receipt of complete and valid dossiers of the appraising bodies and the consent of the Construction Ministry.

Construction Services of provinces and the Transport and Public Works of centrally run cities shall assume the prime responsibility for appraising the regional or urban water drainage planning tasks and blueprints which fall under the approving competence of provincial-level People's Committees within 20 working days after the receipt of complete and valid dossiers.

**Article 19.-** Provisions on water drainage planning management

On the basis of the contents of drawings, explanations of water drainage planning blueprints, proposals, solutions to realization of water drainage plannings, persons competent to approve water drainage planning blueprints shall promulgate Regulations on management of water drainage plannings. The Regulations have the following contents:

1. Provisions on positions, roles, functions and sizes of water drainage works.
2. Provisions on protection scope and safety corridor for water drainage works.
3. Division of, and provisions on, responsibilities for water drainage planning management.
4. Other provisions.

**Article 20.-** Adjustment of water drainage

plannings

1. A water drainage planning may be adjusted in one of the following cases:

a/ Adjustments have been made to the general planning on socio-economic development, construction planning or a relevant branch development planning;

b/ There appear big changes in natural conditions, which are beyond forecast.

2. The time limit for consideration of adjustment of a water drainage planning complies with the request of persons competent to approve water drainage planning blueprints.

3. The contents of water drainage planning adjustment must be based on assessment of the implementation of the previously approved water drainage planning blueprints, identify elements affecting the planning adjustment and ensure continuity and only the altered contents are adjusted.

4. Persons competent to approve water drainage planning blueprints shall approve the adjusted water drainage planning blueprints.

### **Chapter III**

#### **WATER DRAINAGE DEVELOPMENT INVESTMENT**

**Article 21.-** Water drainage work owners

1. People's Committees of urban centers in areas of water drainage services provided by regional water drainage works jointly own water drainage works according the portions of contributed capital or allocated investment capital for setting up agencies representing owners and nominate their officials to participate therein.

2. People's Committees of urban centers acting as water drainage work owners:

a/ May make investment from state budget sources;

b/ Will be handed over water drainage works from organizations dealing in and developing new urban centers;

c/ Will be handed over water drainage works from organizations or individuals investing in the commercial exploitation of water drainage works for given periods.

3. Organizations dealing in and developing new urban centers may own, manage and operate water drainage systems in areas under their management until they are handed over according to regulations.

4. Organizations and individuals are owners of the water drainage works in which they have invested their capital until they are handed over to urban People's Committees (if so provided in investment licenses, investment certificates).

5. People's Committees of different levels are owners of water drainage works in industrial parks, which are invested with state budget sources under their respective management.

**Article 22.-** Water drainage work investors

1. Owner-representing agencies set up under provisions of Clause 1, Article 21 of this Decree are assigned to act as investors of regional water drainage works.

2. People's Committees of urban cities are investors in the construction of state budget-financed water drainage works in areas under their management and water drainage units are assigned to manage the project implementation; where water drainage units are incapable of managing the projects, they shall nominate their officials to join the Project Management Units set up by investors or hired project management consultants.

3. Units or enterprises assigned to act as investors in dealing in and developing infrastructures of industrial parks or new urban centers are investors in water drainage works in areas assigned to them for management.

4. Organizations and individuals are owners of

water drainage works invested with their own capital.

5. For water drainage works built with community contributions, the investors' representatives are decided by communities.

**Article 23.-** Water drainage development investment plans

1. A water drainage development investment plan covers investment solutions and plans, specific tasks to ensure water drainage, raise the service coverage and improve service quality in the water drainage zone.

2. A water drainage development plan must be in line with the construction planning and water drainage planning, which have been approved, and secure coordination with relevant localities.

3. Water drainage units shall formulate and submit to water drainage work owners for approval plans on water drainage development investment in areas under their respective management.

**Article 24.-** Investment capital sources

1. Investments in urban water drainage systems come from state budget sources and other lawful capital sources. The State encourages and creates conditions for various economic sectors to invest in any form in the construction of parts or whole of water drainage systems in line with the water drainage planning. Investors are entitled to policies on investment incentives and supports as provided for by law.

2. Investments in water drainage systems of industrial parks, new urban centers come from the sources of budget supports, own capital and other lawfully mobilized capital of units assigned to be investors in dealing in and developing infrastructures of industrial parks or new urban centers.

**Article 25.-** Investment phasing

1. Investment in the development of water drainage culvert networks is determined according

to urban development requirements and anticipation under planning forecasts for not more than 5 years, counting from the time of their projected completion and use, excluding culvert lines invested synchronously together with traffic works.

2. The capacities of key works (pump stations, treatment plants,...) are selected with anticipation under planning forecasts for not more than 5 years, counting from the time of projected completion and use of such works.

3. The sizes of principal water drainage canals and culverts are selected under demand forecasts for long-term periods of the approved construction planning and water drainage planning.

**Article 26.-** Investment projects on construction of water drainage works

1. The formulation, appraisal, approval and implementation of investment projects on construction of water drainage works must comply with the provisions of this Decree and other relevant provisions of law on investment in construction of works.

2. Depending on the characteristics and scale of consultancy organization when conducting study to formulate investment projects on construction of concentrated water drainage works, which basically settle the questions of rain water drainage and waste water collection and treatment in urban centers, the following tasks must be performed:

a/ Conducting sociological investigations and surveys and community counseling in order to assess the actual living standards, capability and readiness to connect and perform the obligations to pay water drainage charges of the people in the project areas; at the same time disclosing to people information on the projects and service quality they will enjoy when the projects are completed, and letting them participate in the process of making decisions and supervising the implementation;

b/ The selection of technical solutions,

technologies and capacity sizes and the determination of total investment of the projects must be considered together with the management and operation costs in order to ensure the overall economic efficiency of the projects;

c/ Studying and proposing plans on water drainage charges, the roadmap to increase water drainage charges, determining the capability to pay management and operation expenses and repay the borrowed capital (if any) from collected water drainage charges and local budget in order to ensure the sustainability of the invested water drainage works;

d/ Drafting the contents of management and operation contracts or supplemented and adjusted contents of management and operation contracts concluded between water drainage work owners and water drainage units.

3. Investment projects on construction of concentrated water drainage works, which basically settle the questions of rain water drainage, waste water collection and treatment of urban centers of grade 4 or higher must be consented in writing by the Construction Ministry before they are submitted to competent authorities for approval.

#### *Chapter IV*

### **MANAGEMENT AND OPERATION OF WATER DRAINAGE SYSTEMS**

**Article 27.-** Selection of management and operation units

1. For areas where organizations or individuals are providing water drainage services, such organizations or individuals shall be appointed with priority to perform contracts on management and operation of water drainage systems in the areas.

2. For areas where water drainage units are not available, the selection of units for management and operation of water drainage systems complies with the provisions of law on bidding or new units shall

be set up if the bidding fails.

3. A water drainage unit may be selected to manage one or many different water drainage basins and each water drainage basin will be assigned only to one water drainage unit for management and operation.

4. Competence to select units for management and operation of water drainage systems: Owners shall organize the selection of units for management and operation of water drainage systems in areas under their respective management.

**Article 28.-** Management and operation contracts

1. Management and operation contracts are legal documents concluded between owners and units assigned to manage and operate water drainage systems.

2. A management and operation contract covers the following principal contents:

- a/ The contracting parties;
- b/ The contracting objects;
- c/ Scope and contents of jobs;
- d/ Technical requirements;
- e/ Contractual prices and principles for price adjustment;
- f/ Payment and mode of payment;
- g/ Obligations and rights of the involved parties.

**Article 29.-** Assignment of management and operation contracts

Water drainage units may assign part or whole of their obligations and rights in the management and operation contracts to a third party upon the agreement of water drainage work owners.

**Article 30.-** Determination of estimated prices of management and operation contracts

The estimated prices of management and operation contracts are determined for use as a basis for selection of management and operation units.

1. Principles for calculation of estimated contractual prices:

a/ The estimated contractual prices must be calculated accurately and fully with all elements of reasonable expenses for management and operation of water drainage systems in accordance with the management and operation standards and process promulgated or approved by competent state agencies;

b/ Harmonizing the interests of the State, the water drainage units and the communities.

2. Grounds for determination of estimated contractual prices:

- a/ Scope and volume of work;
- b/ Management and operation standards and process;
- c/ Techno-economic norms promulgated by competent state agencies;
- d/ Specific conditions of the localities.

3. Formulation, submission and approval of estimated contractual prices:

Water drainage work owners shall organize the formulation of estimated contractual prices (employing their attached professional bodies or hiring consultants) and submit them to competent authorities for approval.

4. Competence to approve estimated contractual prices:

a/ Provincial-level People's Committees shall approve estimated contractual prices for water drainage works of cities, provincial towns under their respective management;

b/ District-level People's Committees shall approve estimated contractual prices for water drainage works of districts under their respective management.

**Article 31.-** Prices of management and operation contracts

Prices of management and operation contracts

are the prices agreed upon after negotiations between owners and the selected units managing and operating water drainage works and must not exceed the estimated prices approved by competent authorities.

**Article 32.-** Adjustment of management and operation contract prices

1. Management and operation contract prices are adjusted in the following cases:

a/ Investment is made in the expansion and upgrading of water drainage systems;

b/ There appear big market developments;

c/ There appear changes in the State's policy mechanism.

2. Water drainage units shall formulate and submit to competent agencies for approval the adjustment of contractual prices after reaching agreement with water drainage work owners. Persons competent to approve estimated contractual prices will approve the adjustment of estimated contractual prices.

**Article 33.-** Contractual terms

A management and operation contract has a minimum term of 5 years and a maximum term of 10 years. Where the contracting parties wish to extend their contracts, at least one year before the termination of the contracts, they shall negotiate the extension of the management and operation contracts.

**Article 34.-** Termination of contract

A management and operation contract is terminated in the following cases:

1. One of the contracting parties breaches the terms committed in the contract.

2. When the contract expires but either party does not wish to extend the contract.

3. There appear force majeure circumstances or other reasons prescribed in the contracts.

**Article 35.-** Acceptance, payment under contracts

1. Management and operation contracts will receive periodical payments as agreed upon.

2. The payment mode is agreed upon by the two parties.

3. Where the payment is made 15 days later than the schedule agreed upon in the contract, the water drainage unit may enjoy the highest interest rate of the bank where transaction accounts are opened at the time of payment for the late paid sum:

4. Water drainage work owners shall organize the supervision, acceptance and payment for water drainage units under contract.

5. Management and operation contracts receive payment from the sources of collected water drainage charges, annual budget plans of water drainage work owners.

**Article 36.-** Contents of management of rain water drainage systems

1. The management of rain water drainage systems covers management of works from rain water-collecting gates, regional rain water-conducting culverts, main water drainage canals, rain water-regulating and anti-logging lakes, pump stations... tidal wave-preventing valves (if any) to points of discharge into the environment.

2. Culverts, canals and soakage pits must be periodically dredged and maintained in order to ensure the designed flows. Soakage pit lids and rain water-collecting gates must be regularly checked and maintained. The quality of culverts and works within the networks must be periodically inspected and assessed to propose plans for replacement or repair.

3. Establishing a process of rain water drainage system management which satisfies the technical requirements of management and operation according to regulations.

4. Proposing plans on network development according to basins.

**Article 37.-** Contents of management of waste water drainage systems

1. The management of waste water drainage systems covers management of connection points, culverts collecting and conducting waste water to treatment plants and from treatment plants to points of discharge into the environment. Water drainage management covers:

a/ Periodically checking the tightness, sediments at connection points, soakage pits and culverts in order to work out plans for dredging, repairing and maintaining culverts and works in the networks.

b/ Periodically inspecting and assessing the quality of works, proposing measures to replace, repair water drainage networks and works in the networks

c/ Establishing a process of waste water drainage system management which satisfies the technical requirements of management and operation according to regulations;

d/ Proposing plans for development of networks according to basins.

2. In case of common water drainage networks, water drainage system management complies with the provisions of Article 36 and Clause 1 of Article 37 of this Decree.

**Article 38.-** Contents of management of regulating lakes systems

1. Management of regulating lakes in water drainage systems aims to regulate rain water and concurrently create eco-environment beauty spots cum places for entertainment and recreation as well as aquaculture.

2. Controlling acts of discharging daily-life and industrial waste water in the process of production, business and service provision directly into regulating lakes.

3. Inspecting and supervising the exploitation and

use of regulating lakes for other purposes (entertainment and recreation, aquaculture, tourism...), which are permitted by competent authorities, to see if they comply with regulations in order to ensure the functions of regulating rain water and environment.

4. Stabilizing the water levels of regulating lakes, well performing the task of regulating rain water and meeting other requirements.

5. Periodically dredging lakes, cleaning lake beds and banks.

6. Formulating the management process and regulations on exploitation and use of regulating lakes.

**Article 39.-** Contents of management of key works

1. Operating pump stations, pressure pipelines, wastewater treatment plants and points of discharge into the environment in compliance with the approved operation and maintenance process.

2. Periodically inspecting and assessing the quality of key works, ensuring the capability of continuous operation of the systems, proposing replacement and repair measures and development plans.

**Article 40.-** Property management

Water drainage units assigned to manage and operate water drainage systems shall manage the properties invested from owners' capital sources:

1. Making lists of properties assigned for management.

2. Organizing the protection of properties assigned for management.

3. Periodically inspecting and assessing the quality of properties.

4. Formulating plans for work maintenance, replacement and procurement of equipment.

*Chapter V***WATER DRAINAGE SERVICES****Article 41.-** Connection points

1. Water drainage units shall establish connection points for households to drain water into water-collecting networks of the water drainage systems. All water drainage households in water drainage service areas shall be requested and obliged to make connections into water-collecting networks of water drainage systems, except for cases defined in Article 45 of this Decree.

2. Connection point positions are determined as lying on water-gathering lines of water drainage systems. The elevation and technical requirements of connection points shall be provided by water drainage units.

3. Water drainage system owners shall invest in the construction of water-collecting networks to connection points. Water drainage households shall invest water drainage pipelines and preliminary treatment facilities to connection points; restore the original state of public grounds used for construction; have the obligation to notify the time for construction of connections so that water drainage units check to ensure the connections in strict accordance with regulations.

**Article 42.-** Provisions on wastewater discharge at connection points

1. For daily-life wastewater:

a/ For water drainage systems newly built with collecting networks and concentrated waste water treatment facilities, the daily-life wastewater from water drainage households is permitted for discharge directly into wastewater-gathering networks;

b/ For urban centers where already exist common or semi-separate water drainage systems, the daily-life wastewater shall be collected and preliminarily treated before being discharged into connection points.

The Construction Ministry shall promulgate standards on design, construction and operation of works for preliminary treatment of daily-life wastewater at water drainage households. Water drainage units have the responsibility and competence to supervise the construction of works for collection and preliminary treatment of daily-life wastewater of water drainage households to ensure that the construction of these works comply with regulations.

2. For other types of wastewater:

a/ Water drainage households must have systems to collect and preliminarily treat wastewater to ensure its permitted standards before discharging it into connection points;

b/ Water drainage households shall sign contracts with standard laboratories for periodically sampling and analyzing the quality of wastewater once every two months before discharging it into connection points. Testing results must be sent to water drainage state management bodies in localities, water drainage units and households.

3. Water drainage units shall inspect the discharge of wastewater by water drainage households into water drainage systems under their management to ensure the prescribed standards, organize samplings and tests by themselves when necessary.

**Article 43.-** Connecting industrial park water drainage systems to urban water drainage system

When water drainage systems of industrial parks are connected to urban water drainage systems, such industrial parks are regarded as households using urban water drainage services and they shall comply with regulations of urban water drainage systems.

**Article 44.-** Connection agreement

Connection agreement means a written agreement between a water drainage unit and a water drainage household on the connection position, technical requirements of the connection point, connection time, quality and volume of water

discharged into the connection point.

**Article 45.-** Connection exemption

Works are exempt from connection to water drainage systems in the following cases:

1. It is near the receiving sources and the wastewater quality satisfies the environmental hygiene requirements and the connection to a common water drainage system may result in unreasonable economic burdens for water drainage households.

2. In the areas, there is no collecting network of the concentrated water drainage system.

**Article 46.-** Water drainage service contracts

1. Water drainage service contracts are legal documents concluded between water drainage units and water drainage households (excluding family households) for discharge of waste water into water drainage system.

2. A water drainage service contract has the following principal contents:

- a/ The contracting parties;
- b/ The connection point;
- c/ Volume and quality of waste water discharged into the system;
- d/ Service quality;
- e/ Rights and obligations of the contracting parties;
- f/ Water drainage charges, mode of payment;
- g/ Handling of contractual breaches;
- h/ Other contents agreed upon by the two parties.

**Article 47.-** Termination of water drainage services

1. For households: Water drainage units may not stop providing water drainage services in any circumstance, unless it is specified in management and operation contracts. Water drainage households that fail to perform the obligation to pay water drainage charges or arbitrarily alter or repair water

drainage systems or violate regulations on water drainage shall be handled according to law; and clean water supply units are obliged to stop supplying clean water at the request of water drainage units.

2. For other water drainage households:

a/ If they violate water drainage regulations but do not cause adverse impacts on the environment, water drainage units shall send written notices on the violations and request the water drainage households to redress the situation. If within 15 days, the water drainage households fail to abide by such requests, the water drainage units shall issue the second notices. If within subsequent 15 days, the water drainage households still fail to abide by the requests, the water drainage units may stop providing water drainage services as agreed upon in the water drainage service contracts and provided for by the law on water drainage; at the same time, the clean water supply units are obliged to stop supplying clean water at the request of water drainage units.

b/ If they violate water drainage regulations and cause adverse impacts on the environment, water drainage units shall make written records thereof and request the water drainage households to immediately redress the situation. If they fail to abide by such requests, the water drainage units may stop providing water drainage services and request water supply units to stop supplying clean water; at the same time, the water drainage households shall be handled according to law.

3. Water drainage services and clean water supply will be restored after water drainage households address the consequences of their violations and fulfill the obligations according to regulations.

4. In case of cessation of water drainage services for repair, renovation or upgrading of water drainage systems, water drainage units shall notify in writing related water drainage households of the reasons therefor, the cessation duration, and at the same time, the water drainage units shall apply temporary water drainage measures to limit the impacts on production

and daily-life activities of water drainage households and minimize environmental pollution.

### *Chapter VI*

#### **WATER DRAINAGE CHARGES**

**Article 48.-** Subjects liable to collection of water drainage charges

1. All water drainage households discharging waste water into water drainage systems are obliged to pay water drainage charges under the provisions of this Decree.

2. All water drainage households discharging waste water directly into the environment are obliged to pay environmental protection charges for wastewater under the Government's Decree No. 67/2003/ND-CP of June 13, 2003, on environmental protection charges for wastewater, and Decree No. 04/2007/ND-CP of January 8, 2007, amending and supplementing a number of articles of Decree No. 67/2003/ND-CP.

**Article 49.-** Principles for determination of water drainage charges

1. Schemes on water drainage charges are determined on the principle of future recovery of expenses to maintain services on drainage of water, including rain water and waste water.

2. Water drainage charges are decided in accordance with the socio-economic development in each period; with investment levels to raise service quality, with roadmaps for gradual increase and the objective of full recovery of management and operation costs and partial contribution to investment in the construction of water drainage works.

3. Local budgets must offset to fully cover expenses for management and operation and maintenance of water drainage services in localities if the collected water drainage charges are lower than actual expenses.

**Article 50.-** Methods of determining water drainage charge rates

1. For daily-life wastewater, water drainage charge rates are calculated according to waste water volumes.

2. For other types of wastewater, water drainage charge rates are calculated according to wastewater volumes and pollutant content in wastewater.

**Article 51.-** Determination of charged wastewater volumes

1. For daily-life wastewater:

a/ In case of using clean water from a concentrated water supply system, the charged wastewater volumes are equal to 100% of the consumed clean water volumes stated in the water supply bills;

b/ In case of not using clean water from a concentrated water supply system, the charged wastewater volumes are calculated at the level of 4m<sup>3</sup>/person/month.

2. For other types of wastewater:

a/ In case of using clean water from a concentrated water supply system, the charged wastewater volumes are calculated as equal to 80% of the consumed clean water volumes stated in water supply bills. Water drainage units or water drainage households may install meters to accurately determine the wastewater volumes discharged into the water drainage system;

b/ In case of not using clean water from a concentrated water supply system, the charged wastewater volumes are determined through meters. Water drainage households shall invest in the installation of meters and other auxiliary protection support equipment.

**Article 52.-** Determination of contents of charged pollutants

1. The contents of charged pollutants for other

types of wastewater (other than daily-life wastewater) are determined according to the COD norm (mg/l).

2. The COD content is determined according the analysis results of standard laboratories prescribed at Point b, Clause 2, Article 42 of this Decree.

**Article 53.-** Determination of water drainage charge levels

The water drainage charge levels for water drainage households are determined according to the following formula:

$$F = f \times V \times K$$

Of which:

*f* is the water drainage charge determined in percentage and is not lower than the clean water prices applicable to different water-using subjects.

*V* is the charged wastewater volume determined under the provisions of Article 51 of this Decree.

*K* is the adjustment coefficient depending on the pollutant content determined under the provisions of Article 52 of this Decree; for daily-life wastewater, coefficient  $K = 1$

Coefficient *K* is determined as follows:

Ordinal number	COD content (mg/l)	Coefficient K
1	≤ 100	1
2	101 - 200	1.5
3	201 - 300	2
4	301 - 400	2.5
5	401 - 600	3.5
6	> 600	4.5

**Article 54.-** Grounds for formulation of water drainage charge schemes

1. Water drainage charge-determining principles and methods.

2. Socio-economic development conditions of

each region and people's income in each period.

3. Management and operation costs and reasonable profits of water drainage units.

**Article 55.-** Responsibility to formulate, competence to appraise and decide on water drainage charges

1. Water drainage work owners shall direct water drainage units to organize the formulation and submission of water drainage charge schemes.

2. Construction Services of provinces and Transport and Public Works Services of centrally run cities shall assume the prime responsibility for, and coordinate with provincial/municipal Finance Services in, appraising water drainage charge schemes.

3. Provincial-level People's Committees shall decide on water drainage charges for each urban center in areas under their respective management after submitting them to People's Councils of the same level.

4. Water drainage charges in industrial parks shall be decided by investors dealing in and developing industrial park infrastructures and agreed upon by owners of works in industrial parks.

**Article 56.-** Adjustment of water drainage charges

1. Water drainage charges are adjusted in the following cases:

a/ When investment is made in substantial changes in waste water treatment technologies and service quality;

b/ There appears changes in state mechanisms and policies;

c/ The conditions on national and regional socio-economic development and people's income have changed.

2. The process, procedures and competence for adjustment of water drainage charges comply with the provisions of Article 55 of this Decree.

**Article 57.-** Modes of water drainage charge collection and payment

1. Organizations and individuals providing water drainage services shall organize the collection of water drainage charges through water supply bills for water drainage households using clean water from concentrated water supply systems, and enjoy charge collection service expenses.

2. Monthly, water drainage units must supply information on the quality of wastewater (other than daily-life wastewater) of water drainage households, which serves as a basis for determining water drainage charges, to water supply service-providing organizations and individuals in the areas. The time for supply of information is agreed upon by the two parties.

3. Water drainage units shall directly collect water drainage charges from water drainage households not using clean water from concentrated water supply systems.

**Article 58.-** Management and use of water drainage charges

Collected water drainage charges shall be managed and used for the following purposes by water drainage work owners:

1. Payment for management and operation contracts.
2. Payment for water drainage charge collection services.
3. Investment in water drainage maintenance and development.

**Chapter VII****RIGHTS AND OBLIGATIONS OF THE INVOLVED PARTIES****Article 59.-** Rights and obligations of water drainage units

1. Water drainage units have the following rights:

a/ To conduct business activities according to regulations, to be properly and fully paid the service charges for management and operation of water drainage systems under signed contracts;

b/ To request competent state agencies to consider amendment and supplementation of regulations, standards and techno-economic norms related to water drainage activities;

c/ To contribute opinions to the formulation of planning on water drainage in their areas;

d/ To be compensated for damage caused by relevant parties under provisions of law;

e/ Other rights prescribed by law.

2. Water drainage units have the following obligations:

a/ To manage properties invested from capital sources of water drainage work owners under signed contracts;

b/ To comply with procedures and regulations on operation of water drainage systems;

c/ To handle incidents and restore the water drainage;

d/ To formulate and submit water drainage charge schemes to competent authorities for approval according to regulations;

e/ To establish databases on management of water drainage households into the water drainage systems under their management; to coordinate with water supply units in collecting or directly organize the collection of water drainage charges according to regulations;

f/ To comply with legal provisions on environmental protection;

g/ To supply information on the connection agreement to interested parties at their request;

h/ To protect the safety of water drainage systems according to regulations;

i/ To maintain stable water drainage services according to regulations;

j/ To send periodical reports according to regulations to owners and local and central state management bodies in charge of water drainage;

k/ To pay compensations for damage caused to users according to law;

l/ Other obligations prescribed by law.

**Article 60.-** Rights and obligations of water drainage service users

1. Water drainage service users have the following rights:

a/ To be provided with water drainage services according to law;

b/ To request water drainage units to promptly address incidents upon their occurrence;

c/ To be supplied with or recommended for information on water drainage activities;

d/ To be compensated for damage caused by water drainage units according to law;

e/ To complain about or denounce violations of the law on water drainage by water drainage units or involved parties;

f/ Other rights prescribed by law.

2. Water drainage service users have the following obligations:

a/ To pay water drainage charges fully and on time;

b/ To discharge waste water into systems according to regulations and standards promulgated by competent state bodies;

c/ To notify in time water drainage units of abnormal phenomena which may cause incidents to water drainage systems when discovering them;

d/ To connect the water drainage systems of construction works to common water drainage systems in strict accordance with the connection agreements;

e/ To pay compensations for damage caused to relevant parties according to law;

f/ Other obligations prescribed by law.

### *Chapter VIII*

## **INSPECTION, EXAMINATION, AND HANDLING OF VIOLATIONS**

### **Article 61.-** Inspection, examination

1. The specialized construction inspectorate shall perform the specialized inspection of urban and industrial park water drainage.

2. The specialized environment inspectorate shall perform the specialized inspection of environmental protection in water drainage activities.

3. Contents: Inspecting and examining the observance of legal provisions on water drainage; detecting, preventing and handling according to its competence or proposing competent bodies to handle violations of the law on water drainage; proposing measures to ensure the enforcement of the law on water drainage and environmental protection.

4. The inspection of water drainage activities complies with the law on inspection.

### **Article 62.-** Settlement of complaints and denunciations

1. Organizations and individuals may complain about or denounce law violations in water drainage activities.

2. Complaints and denunciations about law violations in water drainage activities shall be settled under the provisions of law on complaints and denunciations.

3. While making complaints, denunciations or lawsuits, organizations and individuals shall still execute administrative decisions of competent state management bodies in charge of water drainage. Upon the issue of decisions on settlement of complaints and denunciations about water drainage activities by competent state management bodies or

effective court decisions, they shall comply with such decisions.

**Article 63.-** Handling of violations

1. Organizations and individuals have the responsibility to detect, prevent and propose to promptly handle law violations in water drainage activities.

2. Organizations and individuals that break the prohibitions in water drainage activities prescribed in Article 11 of this Decree shall, depending on the nature and severity of their violations, be administratively handled or examined for penal liability in accordance with law.

3. If law violations in water drainage activities cause damage to the interests of the State, legitimate rights and interests of organizations or individuals, the violators shall pay damages.

**Chapter IX**

**IMPLEMENTATION PROVISIONS**

**Article 64.-** Implementation effect

This Decree takes effect 15 days after its publication in "CONG BAO".

**Article 65.-** Organization of implementation

1. The Construction Minister shall coordinate with relevant ministries and branches in guiding the implementation of this Decree.

2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies, presidents of provincial/municipal People's Committees, and relevant organizations and individuals shall implement this Decree.

***On behalf of the Government***

***Prime Minister***

**NGUYEN TAN DUNG**