

Part I. LEGAL DOCUMENTS

THE GOVERNMENT

Decree No. 64/2010/ND-CP of June 11, 2010, on management of urban green trees

THE GOVERNMENT

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

Pursuant to the November 26, 2003 Law on Construction;

Pursuant to the June 17, 2009 Law on Urban Planning;

At the proposal of the Minister of Construction,

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation and subjects of application

1. This Decree provides for the management of green trees in urban centers nationwide.

2. Domestic and foreign organizations and individuals involved in the management of urban green trees in the Vietnamese territory shall comply with this Decree.

Article 2. Interpretation of terms

In this Decree, the terms below are construed as follows:

1. Management of urban green trees covers the planning on, planting, tending, nursing,

protection, felling and removal or urban green trees.

2. Urban green trees are those planted for public use, restricted use or special use in urban centers.

3. Public-use urban green trees are those planted along streets (including shade trees, decoration trees, natural lianas and trees, grass-covers on pavements, median strips and traffic islands); green trees planted in parks and flower gardens; green trees and grass-covers in public squares and other public areas in urban centers.

4. Restricted-use green trees in urban centers are those planted in premises of offices, schools, hospitals, cemeteries, worshipping works, villas, houses and other public works managed and used by organizations or individuals.

5. Special-use green trees in urban centers are those planted in plant nurseries or for research purposes.

6. Secular trees mean perennial timber trees which are planted or grow naturally for at least 50 years or trees with a diameter of at least 50 cm at the height of 1.3 m.

7. Conserved trees mean secular trees, trees on the list of precious and rare species, trees listed in Vietnam's plant red book and trees recognized as having historical and cultural value.

8. Green trees on the list of those banned from planting are those which contain toxins dangerous to humans.

9. Green trees on the list of those restricted from planting are fruit trees or trees emitting smells causing adverse impacts on human health and the environment.

10. Dangerous trees are trees which are old and stunted, trees with all or some of parts prone to break and fall which may cause accidents to humans or damage to vehicles and works and

diseased trees at risk of wide disease transmission.

11. Plant nursery is a place in which seeds are sown and nursed for seedlings under prescribed technical processes and with assured standards before planting.

12. Units providing urban green tree management services are those selected to provide services of planting, tending, nursing, protection, felling or removal of public urban green trees.

Article 3. Principles of management of urban green trees

1. The Government performs the unified management of urban green trees with division and decentralization of responsibility under law.

2. The State shall invest in the development of public urban green trees for the sake of public interests.

3. The State encourages and creates conditions for organizations and individuals to participate in urban green tree planning, planting, tending, nursing and protection.

4. The management and development of urban green trees comply with urban planning and technical regulations, contributing to creating sceneries, environmental protection and biodiversity.

5. Upon construction of new urban centers, investors shall ensure land funds for green trees; planted green trees must be of proper types and species, comply with plant standards under approved detailed plans on urban centers and must be tended and protected till they are handed over to managing bodies under regulations of provincial-level People's Committees.

6. Upon construction of new urban roads, green trees must be planted at the same time with the construction of technical infrastructure works.

When renovating or upgrading urban roads, technical tubings or laying underground overhead wire or cable lines in urban centers, which are related to the protection, felling, removal or planting of green trees, investors shall notify local green tree-managing bodies thereof for supervision of the implementation. The felling and removal of urban green trees must comply with Article 14 of this Decree.

Article 4. Public urban green tree investment and development plans

1. Public urban green tree investment and development plans must be in line with land use plannings and plans and urban plannings approved by competent authorities.

2. Annual and five-year public-use urban green tree investment and development plans cover the planting, tending, nursing and protection of urban green trees; the construction, renovation, re-embellishment or upgrading of works in public-use urban green tree areas.

3. Public urban green tree investment and development plans and implementation funds shall be included in annual local socio-economic development programs or plans.

Article 5. Technical standards and norms on urban green trees

1. Organizations and individuals shall apply standards and observe technical norms related to urban green trees promulgated by competent state agencies.

2. The Ministry of Construction shall formulate national standards and promulgate technical norms on urban green tree planning and design.

Article 6. Dissemination and education of the law on management of urban green trees

Ministries, sectors, People's Committees of

all levels, political organizations and socio-professional organizations shall, within the ambit of their respective responsibilities, coordinate with mass media agencies and educational institutions in disseminating, educating and guiding people and local communities to participate in planting, tending and protecting urban green trees and strictly complying with relevant regulations on management of urban green trees.

Article 7. Prohibited acts

1. Planting trees on the list of those banned from planting; planting trees on the list of those restricted from planting without permission of competent authorities.

2. Planting at one's own will green trees on pavements, median strips, traffic junctions and public areas in contravention of regulations.

3. Felling, removing, branch-cutting, pruning, rooting up or cutting of green trees without permission.

4. Chiseling, holing or driving nails into or barking green trees, barking tree trunks; dumping garbage, hazardous substances and construction materials at tree-stock bases; urinating or cooking at, burning tree-stock bases and building stands around tree stumps.

5. Hanging advertisement billboards, signboards and other objects on trees; hanging ropes or decoration lights on green trees without permission.

6. Encroaching upon, illegally building works on, green tree land areas already existing or determined in urban plannings and obstructing the planting of green trees according to regulations.

7. Failing to comply with regulations on management of urban green trees by organizations and individuals that manage or are assigned to manage urban green trees.

8. Other acts of violation prescribed by law.

Chapter II

URBAN GREEN TREE PLANNING

Article 8. Requirements on urban green tree planning

1. Complying with requirements and objectives of urban planning and urban development.

2. Being suitable to natural, climate and soil conditions and the nature, functions, traditions, culture and identities of urban centers.

3. Being in harmony with water surface space, landscapes and environment; meeting management and use requirements.

4. Complying with technical norms on urban green tree planning and design.

Article 9. Contents of urban green tree planning

1. Urban green tree planning constitutes a content of urban planning.

2. The general urban planning must determine the green tree land quota and total green tree land area for the entire urban center and each urban area (new areas, old and renovated areas and areas projected for development), land areas for development of plant nurseries and the use scope of urban green tree land.

3. The urban zoning planning must specifically determine locations, sizes, nature, functions and use scope of green tree land; and principles for selection of tree species.

4. The detailed urban planning must specifically determine trees species, standards of planted trees, forms of arranging green trees in functional sectors and locations of green trees along streets.

Article 10. Detailed planning on urban green trees, parks-flower gardens

1. The detailed planning on urban green trees, parks-flower gardens shall be formulated as a basis for the formulation of investment projects on green trees and parks-flower gardens.

2. A detailed planning on green trees, parks-flower gardens covers:

a/ The scope, boundary and area of the planning.

b/ Basic norms on land and technical infrastructure works;

c/ Requirements on and principles of designing of architectural space, connection of technical infrastructures and selection of proper trees species.

d/ Components of blueprint dossiers.

3. A detailed planning blueprint on green trees, parks-flower gardens covers:

a/ Analyzing and assessing the current conditions of area under planning; provisions of the general planning and related zoning plannings;

b/ Determining land use norms, technical infrastructure works;

c/ Planning total ground areas in parks-flower gardens: functional sectors, regulations on construction density and land use coefficients;

d/ Specific selection of proper tree species under regulations on tree standards;

e/ Architectural design of green tree views and parks-flower gardens;

f/ Planning on the technical infrastructure system in parks-flower gardens.

4. A dossier of detailed planning on green trees and parks- flower gardens comprises:

a/ Plan of the land area location and boundaries; map of the current status (landscape architecture, technical infrastructure systems);

map of the planning on total ground area; map of architectural spaces (locations and forms of arranging green trees...); illustrative drawings; map of the planning on technical infrastructure systems; and list of tree species and standards;

b/ General explanations and relevant legal documents.

5. The competence to appraise and approve the tasks and blueprints of detailed planning on green trees, parks-flower gardens in the area comply with the law on urban planning.

Chapter III

PLANTING, TENDING, NURSING, PROTECTION, FELLING, REMOVAL OF URBAN GREEN TREES

Article 11. General provisions on urban green tree planting and tending

1. The planting of urban green trees complies with urban planning already approved by competent authorities.

2. The planting of urban green trees must strictly comply with technical processes, tree species and standards and ensure safety; newly planted trees must be protected, firmly and straightly supported, ensuring their good growth and development.

3. Planted trees must be periodically tended, inspected and their development status must be determined so as to work out measures to monitor and protect them and promptly handle impacts on their development.

4. Tree tending and pruning must comply with prescribed technical processes and measures must be worked out to ensure safety for humans, vehicles and works.

Article 12. Urban green tree nurseries

1. Urban centers must reserve land funds for

development of nurseries under planning.

2. Users of land for development of nurseries must ensure proper land use purposes and efficiency; apply scientific and technological advances to researches on plant varieties and localization of imported trees; the nursing of common trees, flower trees and ornamental trees shall meet the requirements on supply of green trees for urban centers.

Article 13. Protection of urban green trees

1. Urban green trees must be preserved, protected and regularly checked.

2. All organizations, individuals and households have the responsibility to tend and protect urban green trees, promptly prevent acts of violating regulations on protection of green trees in urban centers and concurrently notify the People's Committees under management decentralization thereof for handling measures.

3. The People's Committees shall, according to management decentralization, organize the protection of urban green trees, inspect and handle acts of infringing upon urban green trees; organizations and individuals breaching regulations on protection of urban green trees shall remedy and compensate for damage under law.

4. Providers of urban green tree management services shall protect urban green trees in areas assigned to them under contracts signed with urban green tree-managing bodies as decentralized.

Article 14. Felling, removal of urban green trees

1. Conditions on felling and removal of urban green trees:

a/ Trees already dead, broken and falling or in danger of falling;

b/ Green trees which are diseased or old and

withered and become unsafe;

c/ Green trees in areas for execution of investment projects to build works of construction.

2. Cases in which the felling and removal of urban green trees require a permit:

a/ Green trees on the list of conserved trees;

b/ Shade trees along streets;

c/ Shade trees, conserved trees and numbered trees in parks, flower gardens, public areas and areas for execution of investment projects to build works of construction;

d/ Shade trees of 10 m or more in height; conserved trees within premises of buildings of organizations or individuals.

3. Cases in which the felling and removal of urban green trees is exempt from permit: immediate felling due to emergency circumstances, natural disasters or trees already dead or broken and falling. Prior to the felling or removal, there must be records and photos on the current status and reports must be sent to green tree-managing bodies within 10 days after completion of the felling or removal.

4. A dossier of application for a permit to fell or remove of urban green trees comprises:

a/ An application clearly stating the felling or removal location; size, type of trees and reasons for felling or removal;

b/ Plan of locations of trees to be felled or removed;

c/ Photos of the current status of to be felled or removed trees.

5. Receipt of dossiers and permit-granting time:

a/ The dossiers of application for urban green tree felling or removal permits shall be filed at urban green tree-managing agencies according to regulations of provincial-level People's Committees;

b/ The time limit for granting felling or removal permits is 15 working days after the receipt of complete valid dossiers.

6. Provincial-level People's Committees shall issue regulations on the competence to grant permits for felling or removal of urban green trees. The forms of application for permits to fell or remove urban green trees are provided in Appendices I and II to this Decree (*not printed herein*).

7. Felling and removal of urban green trees

a/ The time limit for felling or removal of urban green trees is 30 days after the grant of permits;

b/ The felling and removal of green trees under investment projects to build works of construction must accord with project execution schedules;

c/ Prior to the felling or removal of urban green trees, implementing organizations or individuals shall notify local administrations thereof;

d/ The felling and removal of urban green trees in public areas and premises managed by organizations or individuals must ensure technical processes and safety for humans and property.

8. Providers of urban green tree management services, which are tasked to fell or remove public urban green trees in their areas, shall comply with this Article. The felling and removal of public urban green trees and planting of new ones must comply with Article 11 of this Decree.

9. Organizations and individuals with legitimate needs for felling or removal of urban green trees shall, apart from complying with the provisions of this Article, make up for tree values and pay all costs of felling and removal.

Article 15. Public green trees in urban centers

1. Green trees along streets

a/ Shade trees planted along streets must ensure technical norms on tree intervals, height and diameter;

b/ The selection of forms of arranging trees and tree species along streets must suit each type of street, peculiarities of each urban center and ensure safety for humans and vehicles. On traffic islands, the arrangement of green trees must comply with regulations on traffic safety;

c/ Green trees planted under power lines must ensure power grid safety corridors as prescribed by the law on electricity;

d/ Shade trees along urban thoroughfares shall be numbered for compilation of tree management records and be periodically checked under prescribed technical processes;

e/ Planted trees must not hide road signs and traffic signals.

2. Green trees in parks-flower gardens, public squares and other public areas of urban centers

a/ Green trees planted in parks, flower gardens, public squares, at lakesides, along river banks and other public areas of urban centers must comply with the detailed planning on green trees, parks-flower gardens or detailed urban planning approved by competent authorities;

b/ The planting, tending, protection, removal and felling of green trees must comply with Articles 11, 13 and 14 of this Decree.

3. Public-use urban green trees shall be planted under annual investment and development plans of urban centers.

Article 16. Restricted-use urban green trees

1. Organizations and individuals shall plant, tend and protect green trees in premises of buildings under their management.

2. The felling and removal of green trees must

comply with Points a and e, Clause 2; Clause 4; and Points a, c and d, Clause 7, Article 14 of this Decree.

3. The planting of decorative trees, ornament trees or flower trees on balconies and sun roofs must ensure safety, environmental sanitation and urban beauty.

Article 17. Conserved urban trees

1. Conserved trees must be quantitatively and qualitatively inventoried, numbered, stuck with name plates and dossiers and at the same time be specially tended and protected for conservation purposes.

2. People's Committees shall, according to management decentralization, issue lists of conserved trees in areas under their management.

Article 18. Dangerous trees in urban centers

1. For dangerous trees in urban centers, protection measures and plans on prompt felling and removal must be worked out. Newly planted trees must comply with Article 11 of this Decree.

2. Providers of green tree management services shall compile dossiers for monitoring the development of trees; formulate felling and removal plans to be submitted to competent bodies for approval and organize the implementation thereof.

Article 19. Selection of green tree management service providers

1. Providers of green tree management services must have full capability and experience in urban green tree-related activities, and possess necessary technical equipment to perform assigned tasks as provided for by People's Committees according to management decentralization.

2. The selection of green tree management service providers shall be conducted in form of

bidding or order placement through contracts.

3. Depending on specific conditions in their localities and in pursuance to Clause 1 of this Article, the People's Committees shall, according to management decentralization, decide on the selection of green tree management service providers in areas under their respective management.

Chapter IV

URBAN GREEN TREE MANAGEMENT RESPONSIBILITIES

Article 20. Responsibilities of ministries and sectors

1. The Ministry of Construction shall:

a/ Perform the unified state management of urban green trees;

b/ Submit to the Government for promulgation or to promulgate according to their competence and guide the implementation of regulations on urban green tree management;

c/ Guide the estimation and management of state budget expenditures on maintenance of public green trees;

d/ Inspect the observance of regulations on urban green tree management nationwide.

2. The Ministry of Planning and Investment, the Ministry of Finance, the Ministry of Natural Resources and Environment, the Ministry of Agriculture and Rural Development and other concerned ministries and sectors shall, within the ambit of their respective functions, tasks and powers, coordinate with the Ministry of Construction in performing the state management of urban green trees.

Article 21. Responsibilities of provincial-level People's Committees

1. To perform the unified management of urban green trees in their respective provinces. To divide responsibilities to professional agencies and decentralize the management to district-level People's Committees for management of urban green trees in their respective localities.

2. To promulgate or decentralize the promulgation of regulations to district-level People's Committees specifying the management of urban green trees in localities.

3. Based on the Government's regulations and guidance as well as local socio-economic development conditions, to:

a/ Direct the formulation of and approve annual and five-year plans on public-use urban green tree investment and development;

b/ Study and promulgate investment, financial and land-use mechanisms and policies in order to encourage organizations and individuals to participate in the management of urban green trees, the investment in and development of tree nurseries, parks and flower gardens;

c/ Issue regulations on management and use of earnings from the felling and removal of public green trees.

4. To organize the implementation of Government's regulations on urban green tree management.

Article 22. Responsibilities of district-level People's Committees

1. To organize the management of urban green trees in localities as decentralized by provincial-level People's Committees.

2. To issue specific regulations on management of urban green trees according to decentralization in areas under their assigned management and inspect the implementation thereof.

3. To issue according to decentralization lists of conserved trees, trees restricted or banned from planting in areas under their assigned management.

4. To select according to decentralization green tree management service providers in areas under their assigned management.

5. To direct the making of annual statistics and the establishment of databases on urban green trees in areas under their assigned management and report thereon to provincial-level Departments of Construction for monitoring and summarization reporting.

Article 23. Responsibilities of provincial-level Departments of Construction

1. To advise their provincial-level People's Committees on the state management of urban green trees in localities.

2. To assume the prime responsibility for drafting documents guiding the management of urban green trees, to formulate annual and five-year plans on investment in the development of public urban green trees and submit them to provincial-level People's Committees for issuance.

3. To make lists of planted trees, conserved trees, dangerous trees, trees banned or restricted from planting in localities and submit them to their provincial-level People's Committees for issuance.

4. To sum up databases on urban green trees; to guide, inspect and evaluate the management of urban green trees in provinces and annually report thereon to their provincial-level People's Committees and the Ministry of Construction.

Chapter V

ORGANIZATION OF IMPLEMENTATION

Article 24. Effect

This Decree takes effect on July 30, 2010.

Article 25. Organization of implementation

1. The Ministry of Construction shall assume the prime responsibility for, and coordinate with concerned ministries and sectors in, guiding and inspecting the implementation of this Decree.

2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies and chairpersons of provincial-level People's Committees shall implement this Decree.-

On behalf of the Government

Prime Minister

NGUYEN TAN DUNG