

THE GOVERNMENT

No: 36/2003/ND-CP

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom - Happiness

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Ha Noi , Day 04 month 04 year 2003

DECREE No. 36/2003/ND-CP of April 4, 2003 prescribing the functions, tasks, powers and organizational structure of the ministry of construction

THE GOVERNMENT

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

Pursuant to the August 5, 2002 Resolution No. 02/2002/NQ-UBTVQH11 of the XIth National Assembly of the Socialist Republic of Vietnam, the first session, prescribing the list of the Government's ministries and ministerial-level agencies;

Pursuant to the Government's Decree No. 86/2002/ND-CP of November 5, 2002 defining the functions, tasks, powers and organizational structures of the ministries and ministerial-level agencies;

At the proposals of the Minister of Construction and the Minister of the Interior,

DECREES:

Article 1.- Position and functions

The Ministry of Construction is a governmental agency, which performs the function of State management over construction; construction materials; dwelling houses and working offices; architectures, urban construction planning and rural construction planning; and urban technical infrastructures; performs the State management over public services and acts as representative of the owner of State capital portions at enterprises with State capital within the Ministry's State management domains according to law provisions.

Article 2.- Tasks and powers

The Ministry of Construction shall have to perform the tasks and exercise the powers prescribed in the Government's Decree No. 86/2002/ND-CP of November 5, 2002 defining the functions, tasks, powers and organizational structures of the ministries and ministerial-level agencies, and the following specific tasks and powers:

1. To submit to the Government and/or the Prime Minister bills, draft ordinances and other draft legal documents on the Ministry's State management domains;
2. To submit to the Government and/or the Prime Minister development strategies and planning; long-term, five-year and annual plans; national programs and projects; and other important works within the Ministry's State management domains;
3. To promulgate decisions, directives and circulars within the Ministry's scope of State management;
4. To direct, guide, examine and take responsibility for the implementation of legal documents, strategies, planning and plans after they are approved, and other legal documents within the Ministry's scope of State management; to propagate, disseminate and educate in legislation and information on the Ministry's State management domains.
5. Regarding construction:
 - a/ To submit to the Government the regulations on the assignment for management of construction activities: from the formulation and management of the implementation of construction projects, surveys, designs, construction and installation, pre-acceptance tests, to the maintenance of construction works;
 - b/ To evaluate construction investment projects (in terms of planning, architectures, preliminary designs), to evaluate technical designs and total cost estimates of construction works as assigned by the Government; to guide and examine the evaluation, technical design and total cost estimates of construction works according to the regulations on investment and construction management;
 - c/ To guide and examine the work of bidding in construction according to the provisions of the bidding legislation;
 - d/ To uniformly manage the quality of construction works; to organize and take responsibility for the expertise of the quality of construction works as assigned by the Government;
 - e/ To uniformly manage the granting of construction permits according to law provisions; to prescribe regulations on capabilities of organizations and individuals engaged in construction activities;
 - f/ To guide the management and archival of survey and design dossiers and documents as well as dossiers on completion of construction works according to the

provisions of the archival legislation.

6. Regarding construction materials:

- a/ To uniformly manage evaluation activities and evaluate the manufacturing technologies and product quality of construction materials;
- b/ To guide and examine the management of quality of materials used in construction works.

7. Regarding housing management and development:

- a/ To assume the prime responsibility and coordinate with the concerned agencies in elaborating and submitting to the Government solutions and policies on the management of urban dwelling house market; to direct and implement them according to the Government's assignment and decentralization;
- b/ To elaborate and submit to the Government for approval planning and standards on construction of working offices of State administrative agencies;
- c/ To uniformly manage dwelling houses and working offices;
- d/ To promulgate regulations on model designs, typical designs and regime of maintenance of public-duty houses and working offices of the Party's and State's agencies as well as mass organizations from the central to local level;
- e/ To guide the investigation and general evaluation of the funds of dwelling houses, public-duty houses and working offices;
- f/ To guide the People's Committees of the provinces and centrally-run cities in granting dwelling house ownership certificates according to law provisions;
- g/ To uniformly manage the exploitation and use of urban construction land according to the urban construction planning already approved.

8. Regarding architectures, urban construction planning and rural construction planning:

- a/ To submit to the Government regulations on the assigned and decentralized management of architectures, regional construction planning, urban construction planning, rural construction planning, and urban center classification;
- b/ To decide and recognize classes of urban centers according to the Government's

decentralization;

c/ To uniformly manage architectures, urban construction planning and rural construction planning;

d/ To evaluate, approve and take responsibility for the contents of evaluation of construction planning blueprints as decentralized by the Government;

e/ To elaborate and submit to the Government regulations on conditions for practicing architects profession, and guide the implementation of the provisions of the legislation on copyright for architectural works.

9. Regarding urban technical infrastructures (side walks, thoroughfares, water supply, water drainage, public lighting, green tree parks, urban garbage, cemeteries, car parks in urban centers):

a/ To submit to the Government regulations on decentralized management of construction planning and the exploitation of urban technical infrastructures;

b/ To uniformly manage urban technical infrastructures;

c/ To guide and examine the management of planning on construction of urban technical infrastructures.

10. To enter into international cooperation in the Ministry's State management domains according to law provisions.

11. To organize and direct the implementation of plans on scientific research and application of scientific and technological advances to the Ministry's State management domains.

12. To decide on specific undertakings and measures, and direct the implementation of mechanisms on operation of public-service organizations under the Ministry's management according to law provisions; to manage and direct operation of non-business organizations under the Ministry;

13. To perform the specific tasks and exercise the specific powers within the right to act as representative of the owner of State capital portions at enterprises with State capital under the Ministry's management according to law provisions.

14. To perform the State management over collective and private economic organizations operating in the domains under the Ministry's management according to law provisions.

15. To perform the State management over activities of associations and non-governmental organizations in the Ministry's State management domains according to law provisions;

16. To inspect, examine and settle complaints and denunciations; to combat corruption and negative phenomena, and handle law violations in the domains falling within the Ministry's State management jurisdiction.

17. To decide on and direct the implementation of the Ministry's administrative reform program according to the objectives and contents of the State administrative reform program already approved by the Prime Minister;

18. To manage the organizational apparatus and payroll; to direct the implementation of salary regime, preferential treatment, commendation and discipline regimes and policies as well as other regimes towards State officials, public servants and employees under the Ministry's management; to provide professional training and fostering to officials, public servants and employees in the construction service;

19. To manage the assigned finance and assets, and organize the execution of the allocated budget according to law provisions.

Article 3.- Organizational structure of the Ministry

a/ Organizations assisting the Minister in performing the State management function:

1. The Department of Architecture and Construction Planning;

2. The Department of Urban Technical Infrastructure;

3. The Department of Survey and Construction Design;

4. The Department of Construction Materials;

5. The Planning-Statistics Department;

6. The Economy-Finance Department;

7. The Science and Technology Department;

8. The Construction and Installation Department;

9. The Legal Department;
10. The Department for International Cooperation;
11. The Organization and Personnel Department;
12. The Inspectorate;
13. The Office;
14. The Department of State Expertise of Construction Work Quality;
15. The Housing Management Department.

b/ Non-business organizations under the Ministry:

1. The Institute of Construction Economics;
2. The Institute of Construction Sciences and Technologies;
3. The Institute of Urban and Rural Planning;
4. The Institute of Construction Materials;
5. Hanoi Architectural University;
6. Ho Chi Minh City Architectural University;
7. The School for Training and Fostering Officials of the Construction Service;
8. The Informatics Center;
9. The Construction Journal;
10. The Construction Newspaper.

The Minister of Construction shall assume the prime responsibility and coordinate with the Minister of the Interior in elaborating the schemes on reorganizing the Institute for Architectural Research and other existing non-business units under the Ministry of Construction and submit them to the Prime Minister for decision.

Article 4.- Implementation effect

This Decree takes implementation effect 15 days after its publication on the Official

Gazette and replaces the Government's Decree No. 15/CP of March 4, 1994 on the functions, tasks, powers and organizational structure of the Ministry of Construction and previous regulations which are contrary to this Decree.

Article 5.- Implementation responsibilities

The Minister of Construction, the ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government, and the presidents of the People's Committees of the provinces and centrally-run cities shall have to implement this Decree.

On	behalf	of	the	Government
Prime				Minister
<i>PHAN VAN KHAI</i>				