
THE GOVERNMENT

DECREE No. 170/1999/ND-CP OF DECEMBER 6, 1999 AMENDING A NUMBER OF ARTICLES OF THE GOVERNMENT'S DECREE No. 05/CP OF JANUARY 20, 1995 DETAILING THE IMPLEMENTATION OF THE ORDINANCE ON INCOME TAX ON HIGH INCOME EARNERS

DECREE No.171/1999/ND-CP OF DECEMBER 7, 1999 DETAILING THE IMPLEMENTATION OF THE ORDINANCE ON PROTECTION OF

TRAFFIC WORKS WITH REGARD TO RIVERWAY TRAFFIC WORKS

Pursuant to the September 30, 1992 Law on Organization of the Government;

Pursuant to the December 2, 1994 Ordinance on Protection of Traffic Works;

Pursuant to the March 20, 1996 Law on State Budget ;

At the proposal of the Minister of Communications and Transport,

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.-

1. This Decree prescribes the scope of protecting riverway traffic works, the responsibilities of organizations and individuals in the protection of riverway traffic works.

2. The riverway traffic works include ship/boat navigation lanes, dry docks, embankments, dams, ports, wharves, warehouses and storing yards, signal buoys and other support equipment, facilities and works on rivers, canals, ditches, river mouths, lakes, baysides, sea costs, routes leading to islands, routes linking islands in the inland waters of the Socialist Republic of Vietnam, which are referred to in this Decree collectively as inland waterway traffic works.

Article 2.- Objects to which the provisions of this Decree shall apply include the systems of central, local and special-use inland waterway works, including those built on the Vietnamese territory with capital invested and recovered by domestic or foreign organizations and individuals themselves to serve the public communications.

Article 3.- The to be - protected inland waterway traffic works shall include:

1. Ship/boat navigation lanes announced for management and exploitation;

2. Embankments and dams in service of inland waterway traffic;

3. Ports, inland wharves, water areas in service of the exploitation of ports, inland wharves, dry docks, slip-ways, waterfall- cross ship-raising facilities;

4. Inland waterway signals, mooring posts, water-level markers, measuring markers and other support equipment and facilities;

Article 4.- The inland water traffic work protection scope shall cover the work itself, its protection corridor, its aerial space, its underground sections, its underwater sections, the sections under river beds, which are related to the safety of the work as well as the safety of inland waterway communications and transport activities.

Chapter II

INLAND WATERWAY TRAFFIC WORK PROTECTION LIMITS

Article 5.- The ship/boat navigation lane protection limits are stipulated as follows:

1. Ship/boat navigation lanes:

a) According to the length: It is the length of the ship/boat navigation lane announced by competent State body for inland waterway communications and transport management and exploitation;

b) According to the width:

- For rivers and canals: According to technical grades of the inland waterways;

- For lakes, swamps, lagoons, river mouths, bays: it is limited by signals placed on both sides of the ship/boat navigation lane.

2. Lane protection corridor:

a) Where the lane is not close to the bank, it is, from the lane edge to each side:

- 25m (twenty five meters), for rivers and canals of grade I and II, lakes and bays;

- 15m (fifteen meters), for rivers and canals of grades III and IV;

- 10m (ten meters) for rivers and canals of grade V and VI;

b) Where the lane is close to the bank without dykes or traffic roads thereon: 5m (five meters) from the upper edge of the bank backward;

c) Where the lane is close to the bank with dykes thereon and the lane protection corridor overlaps the dyke protection corridor, the law provisions on dyke protection must be complied with;

d) Where the lane is close to the bank with land road and/or railway thereon, the navigation lane protection corridor shall be from the upper edge of the bank toward the river.

3. For the overhead sections, the underground sections, the underwater sections, under-riverbed sections: according to the current technical grade of the inland waterway.

Article 6.- The embankment and dam protection limits are stipulated as follows:

1. For embankment and jetty:

a) Embankment:

- It is 100m (one hundred meters) from the head and end of the embankment to the upper reach and the lower reach respectively;

- At least 10m (ten meters) from embankment top to the bank;

- 20m (twenty meters) from the embankment foot toward the river.

b) Soldering iron-shape jetty:

- 100m (one hundred meters) respectively to the upper reach and the lower reach from the jetty foot (including jetty groups and single jetty);

- 50m (fifty meters) from jetty stock back to the bank;

- 20m (twenty meters) from the foot of jetty head toward the river.

2. For lock dam: 100m (one hundred meters) to each side of the dam, and 200m respectively to the upper reach and the lower reach.

Article 7.- The limits for protection of ports, inland wharves, water areas in service of mooring for storm and flood shelter, dry docks, slip-ways, waterfall-cross ship-raising facilities shall be the land areas and the water areas prescribed by the competent State bodies.

Article 8.- The limits for protection of inland waterway signs and signals, mooring posts, water level markers, measuring markers shall be 5m (five meters) from the outermost points of the structure to each side.

Article 9.- In special cases where the ashore protection corridor limits of inland waterway traffic works in cities, provincial capitals, district towns, or densely populated areas are smaller than the limits prescribed in this Decree, the presidents of the People's Committees of provinces and centrally-run cities (hereafter referred collectively to as the president of the provincial People's Committee) shall report such to the Prime Minister before making decisions, but such limits must not be lower than 5m (five meters).

Chapter III

INLAND WATERWAY CLASSIFICATION,

MANAGEMENT AND INVESTMENT CAPITAL

Article 10.- The inland waterway network is classified as follows:

1. The central inland waterway system includes ship/boat navigation routes and lanes linking economic, cultural, social centers as well as important waterway transport hubs in service of the national economy, defense and security, and routes linking with foreign countries;

2. The local inland waterway system includes ship/boat navigation routes and lanes lying in localities mainly in service of the economic development of such localities;

3. The special-use inland waterway system include routes and lanes in service of communications and transport activities of organizations, economic establishments, which are in line with the inland waterway network planning.

Article 11.- The competence to decide, announce and adjust the inland waterway systems is stipulated as follows:

1. The central and special-use inland waterway systems shall be decided and announced by the Minister of Communications and Transport;

2. The local inland waterway systems shall be decided and announced by the presidents of the provincial People's Committees.

Article 12.- Sources of investment capital for inland waterway traffic works shall include:

1. State budget capital;

2. Inland waterway charges;

3. Investment capital of domestic and foreign organizations and individuals;

4. Aid capital from domestic and foreign organizations and individuals;

5. Other capital sources.

Article 13.- The investment capital for inland waterway traffic works shall be used for the following purposes:

1. The development, improvement and upgrading of inland waterway traffic works;

2. The management, regular, periodical and irregular repairs or change of navigation routes and lanes.

Article 14.- The management and use of investment capital for inland waterway traffic works shall comply with law provisions on budget and on investment and construction management.

Chapter IV

INLAND WATERWAY TRAFFIC WORK PROTECTION RESPONSIBILITIES

Article 15.-

1. Domestic and foreign organizations and individuals, when conducting activities related to the systems of central, local and special-use waterway traffic works, shall all have the responsibility to protect such works.

2. For inland waterway traffic works built on the Vietnamese territory with capital invested and recovered by domestic and/or foreign organizations and individuals, such organizations and individuals shall themselves have to organize the protection thereof according to the provisions of this Decree.

Article 16.- The inland waterway managing agencies shall assume the prime responsibility and coordinate with the land administration offices and the People's Committees of urban and rural districts, provincial capitals and towns of provinces (hereafter referred collectively to as the district-level People's Committees), the People's Committees of communes, wards and district towns (hereafter referred collectively to as the commune-level People's Committees), where the navigation lane corridors run through in conducting the measurement and planting markers of the inland waterway traffic work protection corridor limits ashore.

The district-level People's Committees shall direct the commune-level People's Committees to take initiative in coordinating with the inland waterway managing units in the protection of the inland waterway traffic work protection corridors.

Article 17.- The Vietnam Riverway Administration, the provincial/municipal Communications and Transport Services and Communications and Public Works Services shall have to guide and direct their inland waterway managing units to perform the following tasks:

1. Planting and maintaining the prescribed signals and signs on inland waterway routes under their respective management;

2. Notifying the situation on navigation routes and lanes to operating means;

3. Managing, maintaining, repairing and protecting inland waterway traffic works in compliance with the technical process, standards and criteria set by the competent State bodies;

4. Conducting regular inspections in order to detect in time damage caused to inland waterway traffic works under their respective management in order to apply remedial measures to prevent traffic accidents;

5. Regularly inspecting in order to detect in time acts of violation of legislation on protection of inland waterway traffic works under their respective management so as to take handling measures or report to the competent level for consideration and handling;

6. When routes or lanes under their management change, they must take measures to ensure the safety, not to obstruct traffic and promptly make announcement on mass media and report such to the competent level;

7. Inspecting, urging and directing the work owners, owners of obstacles on navigation lanes to place inland waterway signals and to salvage, rescue or liquidate the obstacles as prescribed;

8. Drawing up plans for clearing and liquidating natural obstacles and ownerless obstacles in the limits for protection of navigation lanes and submit them to the competent bodies for approval before their implementation.

Article 18.- The People's Police forces, the Military Police forces and law agencies in the localities shall, within their respective functions and tasks, have to protect the inland waterway traffic works and coordinate with the inland waterway traffic inspection forces and the inland waterway managing units in the protection of the inland waterway traffic works.

Article 19.-

1. All organizations and individuals, when detecting any incidents happening to inland waterway traffic works or any acts of violating the regulations on the protection of inland waterway traffic works, shall have to immediately report them to the inland waterway managing units, police offices or the nearest local People's Committees.

2. Inland waterway managing units, police offices or local People's Committee, upon receiving the reports, shall have to immediately send responsible people to the places where the incidents occur for timely handling measures, report such to their superior managing units and at the same time notify the inland

waterway managing agencies thereof.

Article 20.-

1. The work owners and the obstacle owners shall have to place and maintain the prescribed signals. If failing to do so and causing damage to other people, they shall have to compensate therefor.

2. Work owners who have terminated exploiting or using their works shall have to dismantle and liquidate such works within the time limits prescribed by the inland waterway managing agencies. If they fail to do so, the latter shall dismantle and liquidate such works. The work owners shall have to pay all expenses to the inland waterway managing agencies.

3. Obstacle owners shall have to liquidate the obstacles within the time limits prescribed by the inland waterway managing units. If they fail to do so, the latter shall liquidate the obstacles. The obstacle owners shall have to pay all expenses to the inland waterway managing agencies.

Article 21.- Waterway means may only operate on inland waterway lanes which meet the technical standards of the inland waterway lanes already announced. Where waterway means operate experimentally, such must be permitted and supervised by the Vietnam Riverway Administration.

Article 22.-

1. In special cases where the construction of a work requires the use and exploitation of the aerial space, land area, water area, underwater area and/or under-riverbed section within the inland waterway traffic work protection limit, there must be the written consent right at the time of project elaboration from the competent inland waterway managing agencies. Concretely:

a) The Ministry of Communications and Transport, for construction works of Group A projects;

b) The Vietnam Riverway Administration, for constructions of Groups B and C projects and other works which are not to the extent of elaboration of projects related to the central and special-use inland waterways;

c) The provincial/municipal Communications and Transport Services or Communications and Public Work Services, for construction works related to local inland waterways and central inland waterways under their authorized management.

2. The construction of works mentioned in clause 1 of this Article shall be conducted only after obtaining the construction permits from the Vietnam Riverway Administration or the provincial/municipal Communications and Transport Services, Communications and

Public Work Services.

3. Before the construction, the project owners shall have to notify it to the inland waterway managing units for inspection and supervision. After the construction, they must clear and liquidate all obstacles caused by the construction. The obstacle-clearing and-liquidating results must be recorded in a separate dossiers to be sent to the inland waterway managing units.

Article 23.- Construction works which use and exploit the aerial space, land areas, water areas, underwater sections and/or under-riverbed sections outside the inland waterway traffic work protection limits such as blockage dams, current-deviating jetty, canal digging, ports and wharves, material exploitation, which affect the safety of the inland waterway traffic works and the safety of inland waterway traffic, must be consented in writing right at the time of project elaboration by the competent inland waterway managing agencies. Concretely:

1. The Ministry of Communications and Transport, for construction works of Group A projects;

2. The Vietnam Riverway Administration, for construction works of Groups B and C projects on central and special-use inland waterways;

3. The provincial/municipal Communications and Transport Services or Communications and Public Works Services, for construction works of Groups B and C projects on the local inland waterways.

Article 24.- The land sections of the ship/boat navigation lane protection corridors may be made full use of by planting subsidiary food crops, food crops, but only the short-term plants with short stems, which do not affect the visibility of the means operators.

Article 25.- Besides the prohibited acts defined in Article 20 of the Ordinance on Protection of Traffic Works, for the inland waterway traffic works, the following acts are also prohibited:

1. Mooring or tying waterway means or animals to regulating works, signals, water-level markers, measuring markers or other traffic safety support facilities;

2. Removing without permission, damaging or reducing the effect and utility of, inland waterway signals.

3. Exploiting sand, rock, cobble stone or other acts such as placing lime kilns or brick kilns close to lanes, discharging wastes thus affecting the ship/boat navigation lanes and obstructing the exploitation and use of the inland waterway traffic works;

4. Blocking navigation lanes or obstructing traffic without permission of the competent inland waterway managing agencies. Where it is due to the security, political, social order or defense requirements, the competent police offices may temporarily halt or restrict the traffic for the performance of tasks, but have to immediately notify such to the competent inland waterway managing agencies for coordination in avoiding traffic jams.

Article 26.-

1. The construction of irrigation works related to inland waterway traffic must be agreed in writing by the competent inland waterway managing agencies defined in Articles 22 and 23 of this Decree. The construction of inland waterway traffic works related to irrigation works must be agreed in writing by the irrigation works managing agencies.

2. Where the inland waterway managing agencies and the irrigation works management agencies all have plans to build, renovate or upgrade their works, the new construction, renovation and upgrading of works must be combined together.

Article 27.- Land bridges, railway bridges and other river-crossing works, when newly built, must ensure the smooth navigation on inland waterway lanes and routes as well as the inland waterway technical standards of the clearing space and spans of such bridges.

Article 28.- The handling of works and equipment which had existed in the inland waterway traffic work protection limits before the effective date of this Decree is stipulated as follows:

1. Organizing the immediate clearance of works which are deemed directly threatening the safety of the inland waterway works and the safety of inland waterway communications and transport.

2. Gradually clearing works which are deemed not yet directly affecting the stability of the inland waterway traffic works and the work owners shall have to commit with the local People's Committees and the inland waterway managing agencies to:

a) Maintain the status quo, not to expand and develop further;

b) Dismantle the work when so requested by the competent inland waterway managing agencies.

Chapter V

**STATE MANAGEMENT RESPONSIBILITIES
FOR THE PROTECTION OF INLAND**

WATERWAY TRAFFIC WORKS

Article 29.- The Ministry of Communications and Transport has the responsibility to:

1. Submit to the Government for promulgation or promulgate according to its jurisdiction legal documents on the protection of inland waterway traffic works; guide and inspect the implementation of such documents;

2. Direct and organize the training and fostering of personnel in charge of management and protection of inland waterway traffic works nationwide;

3. Organize the apparatus for management and protection of inland waterway traffic works managed by the central government; guide the provincial People's Committees to organize the apparatuses for management and protection of their local inland waterway traffic works;

4. Organize, direct and supervise the activities of the inland waterway traffic inspection forces throughout the country;

5. Coordinate with the provincial People's Committees and concerned branches in the propagation and dissemination of legislation on the protection of inland waterway traffic works;

6. Coordinate with the Ministry of Finance in balancing funds for implementation of plans on clearance of inland waterway traffic work protection corridors of the routes managed by the central government;

7. Work out plans for and inspect the implementation of the prevention and overcoming damage caused to inland waterway traffic works by natural disasters or enemy sabotage;

8. Settle disputes, complaints and denunciations related to the protection of inland waterway traffic works according to law, which fall under the Ministry's competence.

Article 30.- The Vietnam Riverway Administration has the responsibility to:

1. Elaborate legal documents on the protection of inland waterway traffic works so that the Ministry of Communications and Transport submits them to the Government for promulgation or promulgate according to competence;

2. Announce standard levels for exploitation of navigation lanes on the central and special-use inland waterway routes;

3. Grant operation permits for ports and inland wharves on the central and special-use inland waterway routes;

4. Organize the training and fostering of its personnel in charge of management and protection of inland waterway traffic works, as assigned by the Ministry of Communications and Transport;

5. Direct and inspect the activities of the inland waterway traffic inspection forces under its direct management;

6. Guide, direct and inspect the granting and withdrawal of permits for the use of water areas for construction; suspend activities in the inland waterway traffic works protection limits, which cause unsafety to traffic as well as to inland waterway traffic works;

7. Propose the competent State bodies to grant permits for activities outside the inland waterway traffic works protection limits or to withdraw the permits for activities outside the inland waterway traffic works protection limits, which affect the quality and safety of the inland waterway traffic works;

8. Direct and organize the prevention, combat and overcoming of damage caused to inland waterway traffic works by natural calamities or enemy sabotage;

9. Coordinate with local administration and concerned branches in propagation and dissemination of legislation on protection of inland waterway traffic works;

10. Draw up plans for clearance of inland waterway traffic work protection corridors for the central inland waterway routes;

11. Direct and organize the collection of inland waterway charges as prescribed by law;

12. Settle disputes, complaints and denunciations related to the protection of inland waterway traffic works, which fall under the Department's responsibility as prescribed by law.

Article 31.- The provincial People's Committees have the responsibility to:

1. Promulgate documents guiding the implementation of the regulations on the protection of inland waterway traffic works, which are in line with the legal documents of the State and the Ministry of Communications and Transport and suitable to the concrete conditions of their localities;

2. Organize apparatuses for management and protection of their local inland waterway systems;

3. Announce the standard levels for exploitation of navigation lanes on the local inland waterway routes and report them to the Ministry of Communication and Transport;

4. Grant operation permits for ports and inland wharves on the local inland waterway routes and report such to the Ministry of Communications and Transport;

5. Balance the annual budget for the measurement, planting boundary markers and clearance of protection corridors of inland waterway routes under their management;

6. Direct and inspect the provincial/municipal Communications and Transport Services, and Communications and Public Work Services in the following domains:

a) Activities of the inland waterway traffic inspection forces managed by the localities under the guidance of the Ministry of Communications and Transport;

b) The granting and withdrawal of permits for the use of water areas for construction, the suspension of activities in the inland waterway traffic work protection limits, which cause unsafety to traffic as well as to the local inland waterway traffic works;

c) Propose to the competent State bodies the granting of permits for activities outside the protection limits or the withdrawal of permits for activities outside the protection limits, which affect the quality and safety of the local inland waterway traffic works.

7. Direct, guide and inspect the district and commune People's Committees in the following domains:

a) The protection of inland waterway traffic works in their respective provinces;

b) The management and use of land inside and outside the inland waterway traffic work protection limits in compliance with the provisions of land legislation, the regulations on protection of traffic works and the safety of the inland waterway communications and transport;

c) Their prime responsibility and coordination with the inland waterway managing units in clearance of the inland waterway traffic work protection limits;

8. Mobilize all forces, supplies and equipment for the timely restoration of traffic disrupted by national calamities and/or enemy sabotages;

9. Organize and direct the propagation, dissemination and education of the legislation on inland waterway traffic work protection within their respective localities;

10. Settle disputes, complaints and denunciations related to the protection of inland waterway traffic works in the district as prescribed by law.

Article 32.- The district-level People's Committees have the responsibility to:

1. Guide and inspect the commune-level People's Committees in the implementation of the law provisions on the protection of inland waterway traffic works;

2. Organize the propagation, dissemination and education of the legislation on the protection of inland waterway traffic work;

3. Organize and direct the application of measures by the commune-level People's Committees to protect the inland waterway traffic works on the district territory;

4. Organize the clearance of inland waterway traffic work protection limits on the district territory;

5. Organize the management and use of land inside and outside the inland waterway traffic work protection limits in compliance with the provisions of land legislation, and the legislation on the protection of traffic works as well as inland waterway communication and transport safety on the district territory;

6. Grant, withdraw permits for construction of inland waterway traffic works assigned to their management;

7. Mobilize all forces, supplies and equipment for timely restoration of traffic disrupted by natural calamities or enemy sabotages;

8. Settle disputes, complaints and denunciations related to the protection of road traffic works on the district territory according to the provisions of law.

Article 33.- The Ministry of Public Security has the responsibility to:

1. Coordinate with the Ministry of Communications and Transport and the provincial People's Committees in performing the State management functions regarding the protection of inland waterway traffic works;

2. Coordinate with the Ministry of Communications and Transport and the Ministry of Defense in drawing up plans for the protection of inland waterway traffic works of special importance, to be submitted to the Prime Minister for approval, and organize the implementation thereof;

3. Direct and guide the police forces to inspect

and handle violations of legislation on the protection of inland waterway traffic works.

Article 34.- The Ministry of Agriculture and Rural Development has the responsibility to:

1. Coordinate with the Ministry of Communication and Transport and the provincial People's Committees in elaborating plans for development of river basins related to inland waterway traffic;

2. Direct and guide the placing and maintaining irrigation work signals and liquidate irrigation works which are no longer in use but affect the navigation lanes and lane protection corridors.

Article 35.- The Ministry of Aquatic Resources has the responsibility to coordinate with the Ministry of Communications and Transport, the provincial People's Committees in performing the State management function regarding the protection of inland waterway traffic works; direct and guide the implementation of planning and the construction of works for aquatic product rearing and exploitation, which are related to the safety of inland waterway traffic and of the inland waterway traffic works.

Article 36.- The Ministry of Construction has the responsibility to direct and guide the planning and building of urban areas, population quarters and other projects related to the inland waterway traffic works in accordance with the Ordinance on Protection of Traffic Works and this Decree.

Article 37.- The Ministry of Finance has the responsibility to:

1. Ensure funds for the management, maintenance, repair and protection of inland waterway traffic works on the basis of the annual budget plans approved by the Government;

2. Inspect the spending of State budget on the management, maintenance, repair and protection of inland waterway traffic works for the right purposes;

3. Assume the prime responsibility and coordinate with the Ministry of Communications and Transport and the provincial People's Committees in balancing funds for the implementation of plans on clearance of inland waterway traffic work protection corridors.

Article 38.- The General Land Administration has to assume the prime responsibility and coordinate with the Ministry of Construction, the provincial People's Committees and the Ministry of Communications and Transport in guiding the planting of boundary markers for the protection of the inland waterway traffic works for management and use according to the provisions

of law.

Article 39.- The ministries, the ministerial-level agencies, the agencies attached to the Government and the provincial People's Committee, when drawing up planning on construction or renovation of works, which affect the safety of inland waterway traffic works, must obtain the written consent of the Ministry of Communications and Transport.

Chapter VI

COMMENDATION AND VIOLATION HANDLING

Article 40.- Organizations and individuals who record the following achievements shall be commended according to the common regulations of the State:

1. Splendidly fulfilling the tasks of managing and protecting inland waterway traffic works;
2. Contributing labor, efforts and/or property to the protection of inland waterway traffic works;
3. Detecting and promptly reporting or actively participating in the rescue and repair of inland waterway traffic works when there is incidents;
4. Detecting and/or denouncing acts of infringing upon or sabotaging inland waterway traffic works.

Article 41.- Those who violate the regulations on the protection of inland waterway traffic works shall, depending on the nature, seriousness and consequences of the violations, be disciplined or administratively sanctioned according to the provisions of Decree No.40/CP of July 5, 1996 and Decree No.77/1998/ ND-CP of September 26, 1998 of the Government on ensuring the inland waterway traffic order and safety; where damage is caused, the compensation must be made; if serious consequences are caused, the violators shall be examined for penal liability according to the provisions of law.

Chapter VII

IMPLEMENTATION PROVISIONS

Article 42.- This Decree takes effect as from January 1st, 2000.

To annul previous regulations which are contrary to this Decree.

Article 43.- The Minister of Communications and Transport shall have to guide the implementation of

this Decree.

Article 44.- The ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government, 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
PHAN VAN KHAI