

THE GOVERNMENT

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THE SOCIALIST REPUBLIC OF VIETNAM

Independence– Freedom – Happiness

Ha Noi, January 16, 2006

DECREE

STIPULATING IN DETAIL SOME ARTICLES OF ORDINANCE ON FLOOD AND STORM PREVENTION AND FIGHT AMENDED AND SUPPLEMENTED ON AUGUST 24, 2000

THE GOVERNMENT

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

Pursuant to the Ordinance on flood and storm prevention and fight dated March 20, 1993 and Ordinance amending and supplementing some articles of the Ordinance on flood and storm prevention and fight dated August 24, 2000;

At the proposal of the Minister of Agricultural and Rural Development

DECREE:

Chapter 1:

GENERAL REGULATION

Article 1. Scope of adjustment and subjects of application

1. This Decree stipulates the operations of flood and storm prevention and fight including: flood, inundation, rising seawater, storm, tropical depression, whirlwind, landslides caused by inundation and storm.
2. This Decree is applicable to domestic organizations and individuals, foreign organizations and individuals operating and working in Vietnam. In case the international treaty in which the Socialist Republic of Vietnam is a member contains different provisions, the provisions of that international treaty will be applied.

Article 2. Term explanation

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

1. Inundation is a water immersion deeper than the normal level
2. Flood is a high rising phenomenon of river water level in certain time then going down.
3. Flash flood is the flood occurring in the mountain area when it rains with great intensity forming torrents that have big devastation power and occur suddenly.
4. Tropical depression is a tropical cyclone with the strongest wind speed from level 6 to level 7 and there may be gust.
5. Storm is a tropical cyclone with the strongest wind speed from level 8 or more and there may be gust. Storm from level 10 to level 11 is called strong storm; from level 12 or more is called very strong storm.

6. Whirlwind is a cyclone with wind velocity as strong as the wind speed of a storm, but is formed and disperses in a short time and acts within a narrow scope from several kilometers to several tens of kilometers

7. High water is a phenomenon the sea water raises higher than normal tide due to a storm influence.

8. Landslide is a destabilized surface soil by rain, flood, storm or sea waves.

9. Works for Flood and Storm prevention and fight are the ones:

a) Directly resisting, limiting or mitigating the impact of floods and storms;

b) Serving the forecast, warning, command and directing the flood and storm prevention and fight.

10. The works related to the works of the flood and storm prevention and fight are the specialized ones located in the scope of safe protection for the works of the flood and storm prevention and fight of which each incident might affect, cause unsafety for the works of the flood and storm prevention and fight

Chapter 2:

STIPULATING IN DETAIL SOME ARTICLES OF ORDINANCE ON FLOOD AND STORM PREVENTION AND FIGHT

Article 3. Investment policies for activities of forecasting, prevention, fight and remedy of flood and storm consequences under the Article 4 of the Ordinance on Flood and Storm prevention and fight

1. The State will prioritize to invest in fund for the work of prevention, fight and remedy of consequences caused by flood and storm.

2. Annually, the cost estimation for the flood and storm prevention and fight of the ministries, branches and localities are summed up along with the cost estimation of the state budget sent to the following agencies: Planning and Investment, Finance for summing-up and submission to the competent authority for consideration and decision in accordance with regulation of the Law on State budget and relevant legal normative documents.

3. The domestic and foreign organizations and individuals investing and applying scientific and technological advances to serve the prevention, fight and remedy of consequence caused by flood and storm are enjoyed preferential policies in accordance with the Vietnam's law on investment.

Article 4. Building new houses and works on river banks under Article 12 of ordinance on flood and storm prevention and fight

1. Building new houses and works on river banks must ensure the compliance with the law and in conformity with the planning and ensure the standard of the flood and storm prevention and fight.

2. For the rivers having no dyke: the People's Committees of Central-affiliated provinces and cities (hereinafter referred to as provincial People's Committee) will take measures of prevention and handling of river encroachment, building of new houses and works on riversides, river banks to ensure the safety of life of people and not affect the drainage capacity of the river bed.

For the existing works and houses on the riversides, river banks, the provincial People's Committee will direct to make the planning and plan to proactively move people out of the Landslide areas or at risk of Landslide. In each particular case, the provinces will have policies of damage compensation or moving assistance under the provisions of law.

3. For the river already having dyke: houses, constructional works that are new or existing on the riversides, river banks will comply with regulations of the law on dyke.

Article 5. The building of new storages for food, noxious substances, explosives, fuel and essential materials and other important properties in flood diversion areas, flood prone areas under Article 13 of the Ordinance on flood and storm prevention and fight

The provincial People's Committee will grant license to build new storages for food, toxic substances, explosives, fuel and essential materials for flood and storm prevention and fight and important properties including rescue facility and dyke protection on the floodplain in the flood diversion area, inundated-often areas.

In case of involvement from two or more provinces and the floodplain of river having dike strip from level 3 to special level, upon granting the construction permit for works above mentioned, there must be agreement opinion in writing of the Ministry of Agriculture and rural Development.

Article 6. Handling the creation of obstacles or other activities make difficulty for the flood drainage under Article 14 of the Ordinance on flood and storm prevention and fight

Strictly prohibiting causing obstacles in river bed, river floodplain or other activities that impede the flow, limit the flood drainage capacity.

The traffic lines, dikes on the river floodplain and streams are not permitted to embank up higher than the alert level 2 and must have culverts with manhole width is enough large to ensure flood drainage.

Article 7. The construction of the boats rescue stations under Article 16 of the Ordinance on flood and storm prevention and fight

1. The boats rescue stations are built in sea waters with high frequency of storms, the sea area with boats and vessels in frequent operation to ensure the effective implementation of the rescue and salvage upon storm occurrence.

2. The Ministry of Transportation shall preside over and coordinate with the National Committee for Search and Rescue, Ministry of Defense, Ministry of Fisheries and other relevant agencies on the basis of overall planning for the search and rescue field approved by the competent authority, to specify the specific quantity, constructional location and operational regulation of the boat rescue stations and submit to the Prime Minister.

Article 8. The flood diversion and slowdown under Article 22 of the Ordinance on flood and storm prevention and fight.

1. The flood diversion and slowdown of the Red River system shall comply with the Regulation on flood diversion and slowdown of the Red River system to protect the safety of Hanoi capital promulgated together with Decree No. 62/1999/ND-CP of July 31, 1999 by the Government.

2. The flood diversion and slowdown on the other river systems: Chairmans of Provincial People's Committees will decide on emergencies and proactively to build plan for flood diversion or flood slowdown, ensuring the safety for their localities.

Article 9. The remedy of flood and storm consequence under Article 26 of the Ordinance on flood and storm prevention and fight

1. When the flood or storm occurs, the provincial People's Committees shall direct and coordinate with other levels and branches and the armed forces to organize rescue and salvage of people, properties and buildings; performing timely search and rescue; proactively taking measures to remedy consequences of the floods and storms in order to stabilize life and production of the people in the disaster area; organizing the statistics and assessment of damages caused by flood and storm in accordance with the Statistics Law.

The People's Committees at all levels are responsible for directing the remedy of flood and storm consequence in their localities. In case exceeding the capability of localities processing, the Chairman of the provincial People's Committees should promptly report to the Prime Minister, the Central Steering Committee for Flood and Storm Control and National Committee for Search and Rescue for direction and decision of the necessary remedial measures.

2. The ministries, central branches within their powers and duties assigned are responsible for directing the functioning agencies of their ministries, branches and coordinating with concerned ministries, branches and localities to have the measure to remedy flood or storm consequence promptly and efficiently.

Chapter 3:

RESPONSIBILITIES OF MINISTRIES, BRANCHES AND LOCALITIES FOR WORK ON FLOOD AND STORM PREVENTION AND REMEDY OF FLOOD AND STORM CONSEQUENCE

Article 10. Responsibilities of Provincial People's Committee under Article 32 and 33 of the Ordinance on flood and storm prevention and fight

1. The Provincial People's Committee is responsible for:

a) Promulgating and organizing the implementation of legal normative documents under the competence of flood, storm prevention and fight and remedy of consequence;

b) Making the planning and plans for flood and storm prevention and fight, collecting and processing information related to floods and storms;

c) Arranging in the local budget estimates in accordance with the Law on State Budget to cover the planning, construction, repairment of dike system and works for flood and storm prevention and fight managed by the provinces, remedy of flood and storm consequence in the locality.

Management of financial resources on the flood and storm prevention and fight according to the current regulations;

d) Before the season of flood and storm, must consolidate and strengthen the organization of the Steering Committee for the Prevention Flood at levels (province, district and commune) and affiliated agencies;

dd) Assigning responsibilities, decentralizing the state management on the flood and storm prevention and fight for the district and commune levels, building specific plans and ensuring funds for other tasks as assigned;

e) Organizing research and application of scientific and technological advances in the flood and storm prevention and fight, disseminating knowledge, experience and organizing the inspection, verification of the observance of the law on the flood and storm prevention and fight and remedy of flood and storm consequences.

2. For the provinces of the delta, Northern midland; North Central:

a) Annually, before the flooded and rainy season, complete the plan of dike reinforcement, inspect and assess the quality of each dike strip, timely handle the incidents and damages of the dikes, embankments, culverts, setting up plans of dike reinforcement and protection for each strip, key point;

b) Having plans, scheme to move and protect people in the floodplain, areas with low dikes when having big flood;

c) Preparing sufficient standby forces and means and materials to cope with big floods. Inventorying and assessing fund of reserved materials for flood and storm prevention and fight as prescribed.

3. For the central coastal provinces:

a) Annually, making plans and schemes to cope with flood and storm, especially with the most adverse situations when having the flood and storm, tropical depression and flood tide to occur simultaneously;

b) There must be a plan to move people in sunken areas, estuaries, lagoons and coastal areas, landslide area or at risk of landslide risk to safe places; taking measures to proactively prevent and mitigate damages, gradual adapting, stabilizing and developing sustainably in the condition of frequent occurrence of natural disasters.

4. For the flooded provinces of Mekong River Delta:

a) Annually must set up plan, scheme and measures to deal with floods are big and lasting many days; plan to deal with storms and tropical depressions and cyclones;

b) Directing the construction of flood-proof residential clusters and lines, ensuring sustainable, long-term stability development. Protecting production and infrastructure works, ensuring the normal operation of people in the flooded season, especially in the deep flooded area.

5. For mountainous and midland areas, the areas with the risks of flash floods and landslides, the People's Committees at all levels must direct the specialized branches to implement the work of warning to have plans of coping and moving people and properties to safe places.

6. The provinces having reservoirs must direct the work of regular inspection and early detection of incidents, damage for timely repairing measures before the flood and storm season, having plan to ensure safety for works and people in downstream area.

7. The locality and areas frequently suffered from storm, tropical depressions and flood:

a) Closely monitoring the situation and unfolding of flood, storms and natural disasters; proactively for well organizing the prevention, at the same time making plans of rescue and

salvage before the occurrence of natural disasters, taking measures to protect houses, schools, health establishments, tourism areas, warehouses, and social and economic establishments to limit the damages caused by floods and storms.

b) There are plans to move and protect people in areas along rivers and sea, coastal lagoons, deep flooded areas, the landslide areas or at risk of dangerous landslide to safe places; taking measures to ensure safety for vessels and boats during the occurrence of storm and tropical depression. Having planning and plan to build houses with appropriate structures for the prevention and avoidance of flood and storm, crop and harvest restructuring to limit damage;

c) The Provincial People's Committees will direct the branches and levels to take the initiative in reserve essential goods such as food, fuel, medicines... to each family, each village, commune and district;

d) Organizing practice and rehearsal for the forces directly engaged in the work of flood and storm prevention and fight, rescue and salvage; proactively making plans for coping and mobilizing all resources in the area under the motto "4 on-the-spot: commanding on the spot, the force on the spot, materials on the spot and logistics on the spot".

Article 11. Responsibilities of ministries, branches and central agencies under Article 32 and Article 33 of the Ordinance on flood and storm prevention and fight

1. The Central Steering Committee for Flood and Storm Control is responsible for:

a) Deciding on warning and taking measures to cope with floods and storms;

b) Inspecting and speeding up ministries, branches and localities to implement the work of prevention, fight and remedy consequences caused by flood and storm;

c) Directing the operation of the reservoirs in participating in flood cut under the operation process of the work;

d) Summing up the situation and proposing to the Government, the Prime Minister to decide on taking measures for prevention, fight and remedy the consequence of flood and storm nation wide.

2. The Ministry of Agriculture and Rural Development is responsible for:

a) Presiding over and coordinating with ministries, branches and localities to help the Government implement the state management on planning, plans for flood and storm prevention and fight as prescribed in Article 32 of the Ordinance on floods storms prevention and fight;

b) Making the planning and plan for floods, storms prevention and fight and direct the work of prevention, fight and remedy of floods, storms consequences within the scope of management by ministries;

c) Promulgating and directing the implementation of legal normative documents under the competence of dyke protection and floods and storms prevention and fight;

d) Directing and coordinating with localities in the arrangement of structure of production and harvest, protection of production in areas frequently suffered by flood and storm, organizing the protection and restoration of the upstream protection forests, rivers, streams and reservoirs, areas prone to flash floods and protection forests in estuaries and coastal areas;

dd) Directing, inspecting and speeding up the localities to complete the annual plans of dike reinforcement, building irrigation works in progress of flood passing; having plans for the protection of the safety of the lakes, dams and other works managed by Ministries.

e) Organizing the collection and processing information, research and application of scientific and technological advances in the against flood and storm prevention and fight, providing professional training to people working in the field of flood and storm prevention and fight.

g) Coordinating with ministries, branches and localities:

Enhancing the work of propagation, dissemination of knowledge, experience and the law on the flood and storm prevention and fight;

Examining and inspecting the observance of law, settlement of complaints and denunciations concerning the prevention, fight and remedy of consequences caused by floods and storms;

- Directing the implementation of international relations in the field of flood and storm prevention and fight.

3. The National Committee for Search and Rescue shall preside over and coordinate with the Central Steering Committee for Flood and Storm Control, the concerned ministries, branches and localities in making plans and schemes and preparing forces and means and organizing the implementation of the search and rescue promptly and efficiently.

4. The Ministry of Natural Resources and Environment is responsible for:

a) Making the planning and plan and directing the implementation of the warnings and meteorological forecasts;

b) Promulgating and directing the implementation of legal normative documents under the competence of work of forecasting and warning for the prevention, fight and remedy of the consequences caused by floods and storms;

c) Organizing the collection and processing of information, perform warnings and forecasts, timely provision of official information on tropical depression, storm, flood on the main rivers nationwide and warning of flash floods to the Central Steering Committee for Flood and Storm Control and other concerned ministries, branches and localities, the mass media according to current regulations;

d) Managing financial resources used for warnings, meteorological forecasts for flood and storm prevention and fight;

dd) Organizing research and application of scientific and technological advances and international relations in the warning, forecasting, prevention and remedy of the consequence caused by floods and storms. Providing professional training to people performing work of warning, forecasting, propagation and dissemination of knowledge and experience and law on forecasting and warning for flood and storm prevention and fight.

e) Coordinating with ministries, branches and localities to examine and inspect the observance of the law, settle complaints and denunciations on the warning, forecasting of flood and storm.

5. The Department of Defense is responsible for:

a) Making the planning and plan and directing the implementation of the mission of the army in the prevention, fight and remedy of consequence caused by flood and storm. Promulgating and

directing the implementation of legal normative documents on the cooperation of the armed forces in the prevention, fight and remedy of consequence caused by flood and storm.

b) Making plans for forces and means arrangement ready to participate in dike and dam protection, flood diversion and flood slowdown. Organizing to collect information related to floods and storms, directing the implementation of rescue and settlement of emergencies and remedy of flood and storm consequence, making sure the army is the main force in this work.

6. The Ministry of Public Security is responsible for making plan and scheme for assurance of security, order and social safety upon occurrence of flood and storm, coordinating with military forces, branches and localities to participate in rescue, salvage and remedy of consequence caused by natural disasters.

7. The Ministry of Post and Telecommunications is responsible for making the planning and plan and directing the implementation to ensure the information network on flood and storm prevention, fight smoothly in every situation, especially when flood and storm occur.

8. The Ministry of Fisheries is responsible for:

a) Making plan and planning and directing the implementation of safety assurance for people and means of fishing operating on sea, river and storm avoiding location and shelter, protection of production and aquacultural works; aquacultural development in the coastal areas, estuaries consistent with the flood and storm situation in order to minimize damage;

b) Promulgating and directing the implementation of legal normative documents on the prevention, fight and remedy of consequence of floods and storms with the fisheries and aquaculture. Organizing propagation and dissemination knowledge, experience of the storm prevention and avoidance for fishermen.

c) Coordinating with concerned ministries, branches and localities in directing the flood and storm prevention and fight, applying scientific and technological advances, implementing the international relations; examining and inspecting the observance of law on the prevention, fight and remedy of the consequence caused by flood and storm in the area of fishery

9. The Ministry of Transport is responsible for:

a) Making the planning and plan and directing the implementation of development of transportation in accordance with planning and plan for flood and storm prevention and fight and flood drainage;

b) Annually, preparing forces, facilities, materials to organize the collection, processing of information on warning and forecasting related to flood and storm to direct the assurance of safety of transportation on the sea and rivers, rail and road during the rainy season; rescuing and replacing when bridge, road, port damaged and flooded in order to ensure smooth transportation for the main and important traffic routes, preparing forces, materials and facilities to participate in handling the occurrence of major incidents of dikes, lakes and dams and flood diversion and slowdown;

c) Promulgating and directing, inspecting and examining the implementation of legal normative documents on the prevention, fight and remedy of consequence caused by flood and storm, applying scientific and technological advances, implementing the international relations in the prevention, fight and remedy of consequence caused by flood and storm in the area of transportation.

10. The Ministry of Industry is responsible for:

- a) Promulgating and directing the implementation of legal normative documents under the competence on flood and storm prevention and fight, ensuring the absolute safety for the reservoir works managed by the Ministry;
- b) Making plan and planning on the flood and storm prevention, directing the implementation of the safety assurance for minerals exploiting areas, and safety for power source and power transmission lines and industry facilities managed by its branches.

11. The Ministry of Construction is responsible for:

- a) Promulgating and organizing the implementation of legal documents under the competence on ensuring safety for people, constructional works in accordance with the law on the flood and storm prevention and fight; presiding over and coordinating and guiding localities to implement the planning on construction and ensuring the safety of works in the storm rainy season;
- b) Organizing research and promulgation of typical designs (house and work model) with a structure consistent with the characteristics of flood and storm in each region and locality; directing, inspecting and examining the constructional works as prescribed.

12. The General Department of Tourism is responsible for presiding over and coordinating with the localities to implement the direction of work of planning and constructional plan and organizing the management of tourist areas in accordance with the characteristics of flood and storm in each region, locality to ensure the safety for people and material facilities of its branches.

13. The Ministry of Finance is responsible for:

- a) Summing up and allocating budget estimate in accordance with the Law on State Budget for expenditure of the task of planning, construction, repairment and reinforcement of dikes and works of flood and storm prevention and fight managed by the Central authority; equipping on technical for forecasting and warning and commanding the flood and storm prevention and fight, search and rescue;
- b) Promulgating legal normative documents on management and use of funds for flood and storm prevention fight and remedy of consequence caused by flood and storm; inspecting and examining the implementation.

14. The Ministry of Planning and Investment is responsible for:

- a) Prioritizing the balancing and allocating funds for the works of dikes, flood and storm prevention and fight, dike protection, search and rescue and work of flood and storm prevention and fight and mitigation of natural disaster;
- b) Promulgating and organizing the implementation of legal normative documents on management of investment funds for the work of flood and storm prevention and remedy of consequence; organizing the inspection and examination of the implementation

15. The Ministry of Trade is responsible for presiding over and coordinating with the provincial People's Committee, before the annual flood and storm season, having plan for preparation of essential goods supplied to people, especially in the remote areas, area prone to deep flooded and prolonged; coordinating with local authority at all levels to implement well the work of on the spot standby.

16. The Ministry of Education and Training is responsible for:

- a) Compiling and bring into the curriculum in schools of general knowledge on the flood and storm prevention and fight and mitigation of natural disaster;
- b) Directing to make planning to build training facilities in accordance with the characteristics of flood and storm of each region and locality to ensure safety for pupils and avoid being affected by flood and storm.

17. The Ministry of Health is responsible for preparing medicines, medical facilities and guiding the health workers and communities to know the skills of common emergency, way of environmental cleanliness, and organizing emergency for victims, prevention and fight epidemic disease before, during and after the occurrence of flood and storm.

18. The Ministry of Labour - Invalids and Social Affairs is responsible for:

- a) Closely monitoring the situation and unfolding of flood, storm and natural disaster; summing up the situation regarding people's livelihood damage and proposing measures of financial support and material for the localities in order to early remedy consequence and submitting to the Prime Minister for decision;
- b) Promulgating and implementing social assistance policies in remedy of the consequences of storm, flood and natural disasters, guiding and supervising the implementation of relief at the localities

19. The Ministry of Culture - Information, Vietnam Television, Voice of Vietnam, Vietnam News Agency and other news agencies, newspapers at Central and localities have responsibilities:

- a) Enhancing the communication and notification accurately and punctually of the forecasting and warning on weather, flood, storm, natural disaster; policies, orders, directive on the flood and storm prevention and fight and remedy of consequence caused by flood and storm and experiences, typical examples in the work of flood and storm prevention and fight and remedy of consequence caused by flood and storm
- b) Coordinating with the professional agency to set up programs and plans, regularly propagating and educating and raising awareness of communities about flood and storm prevention and fight and the remedy of consequence caused by flood and storm and natural disaster.

20. The other ministries and branches according to functions and tasks assigned will have responsibility to make annual plan and organize well implementation of the task of flood and storm prevention and fight and the remedy of consequence caused by flood and storm of their ministries and branches. At the same time preparing necessary forces, facilities, materials and funds as prescribed to actively participate in the prevention and fight and the remedy of consequence caused by flood and storm under direction of the Prime Government and the Central Steering Committee for Flood and Storm Control;

Chapter 4:

IMPLEMENTATION PROVISION

Article 12. Effect

This Decree takes effect 15 days from the date of its publication on Official Gazette and supersedes the Decree No. 32/CP of May 20, 1996 of the Government detailing the implementation of the Ordinance on flood and storm prevention and fight. The previous regulations contrary to the provisions of this Decree are hereby repealed.

Article 13. Responsibility for execution

Minister of Agriculture and Rural Development will preside over and coordinate with the Head of Central Steering Committee for Flood and Storm Control to be responsible for guiding and organizing the implementation of this Decree.

The Ministers, Heads of ministerial-level agencies, Heads of Government, Chairman of People's Committee of central-affiliated provinces and cities directly are liable to execute this Decree. /.

**ON BEHALF OF THE GOVERNMENT
PRIME MINISTER**

Phan Van Khai

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