

Ordinance on Prevention and Control of Floods and Storms and Implementation Provisions

(DMU translation)

The President of The State
Number: 09-L/CTN

The Socialist Republic of Vietnam
Independence - Freedom - Happiness

1. ORDER

The President of the State of the Socialist Republic of Vietnam

Pursuant to Articles 103 and 106 of the 1992 Constitution of the Socialist Republic of Vietnam;
Pursuant to Article 78 of the Ordinance on Organization of the National Assembly;

promulgates

The Ordinance on Prevention and Control of Floods and Storms adopted by the Standing Committee of the IXth National Assembly of the Socialist Republic of Vietnam on 8 March 1993.

Hanoi, March 20, 1993

The President of the State of the Socialist
Republic of Vietnam
LE DUC ANH

2. ORDINANCE ON PREVENTION AND CONTROL OF FLOODS AND STORMS

Floods and storms are natural phenomena that occur frequently in our country, sometimes causing serious loss of life, state property, institutional or individual properties, as well as adversely affecting the environment;

In order to enhance the responsibility of authorities, state institutions, economic organizations, social organizations and citizens in the matter of preventing and controlling as well as overcoming the consequences of floods and storms;

Pursuant to Article 91 of the 1992 Constitution of the Socialist Republic of Vietnam, this ordinance sets out provisions for activities conducted for the prevention, control and mitigation of the consequences of floods and storms.

Chapter I - General Provisions

Article 1

Flood and storm prevention and control constitutes formulation of activities that shall prevent, control and mitigate the effects of floods and storms in order to reduce losses, to help speedy stabilization of people's lives, to protect and revive production, and minimize their consequences on the environment.

Article 2

Floods and storms as defined in this Ordinance include flashflood, flooding, sea water flooding, storms, tropical atmospheric depressions, torrential rain, typhoons and waves caused by sea movements.

Article 3

The State shall conduct activities conforming to the management of flood and storm prevention and control in the entire country, in which modern scientific knowledge and traditional experiences shall be applied for prevention, control and mitigation of the consequences of floods and storms.

Article 4

The State shall formulate policies that encourage domestic and foreign organizations and individuals to invest in different forms, or introduce scientific and technological innovations into activities related to forecasting, preventing and mitigating the consequences of floods and storms.

The State shall insure the legal rights of organizations and individuals that participate in investment.

Article 5

The State of Vietnam shall expand its cooperation with countries, international organizations, foreign organizations and individuals in the field of scientific research and study, technology transfer, technical and professional training on forecasting, preventing, controlling and mitigating the consequences of floods and storms.

Article 6

State authorities, economic organizations, social organizations, people's armed forces, and all citizens shall have the obligation of preventing and mitigating the consequences of floods and storms.

Foreign organizations and individuals living on Vietnamese territory shall abide by the laws on prevention and control of floods and storms in Vietnam, except where otherwise regulated by international conventions to which the Socialist Republic of Vietnam is a signatory.

Article 7

The People's Council and the People's Committee at all levels, other state organizations, units of the people's armed forces, the Fatherland Front of Vietnam and its member organizations, shall be responsible for checking, controlling and implementing the laws on prevention and control of floods and storms in Vietnam to the extent of their rights and duties.

Article 8

Any acts that cause damage to facilities used for or related to prevention and control of floods and storms shall be prohibited.

Chapter II - Prevention of Floods and Storms**Article 9**

State authorities, economic organizations, social organizations, people's armed forces and all citizens shall have the obligation to actively participate in the prevention of losses due to floods and storms in the long-term as well as annually as required by the law on prevention and control of floods and storms.

Article 10

Long-term prevention and control of floods and storms consists of the following activities:

- 1- To organize and build a system that collects information on global weather changes, as well as weather changes in the region and in different regions within the country; to process the information in order to enhance the quality of forecasting and warning; and to serve in the management and direction of prevention and control activities.
- 2- To set up plans for strengthening building facilities for prevention and control of floods and storms; to preserve and reinforce dykes; to protect and plant flood prevention forests in higher lands, to plant wave, wind and sand protection forests on sea and river coasts; to apply scientific and technological innovations to the prevention and control of floods and storms.
- 3- To devise appropriate plans for residences in regions that are prone to floods and storms.
- 4- To locate mechanisms for agricultural and fishery production that are appropriate for regions prone to floods and storms.
- 5- To define flood and storm resistance standards for each type of construction project.
- 6- To introduce and propagate knowledge, experiences and laws on prevention and control of floods and storms among the people.
- 7- To regularly check and evaluate the implementation of plans on prevention of floods and storms.

Article 11

Annual flood and storm prevention activities consist of the following activities:

- 1- To manage and protect infrastructure used for prevention and control of floods and storms; to stop acts that threaten to damage or destroy facilities used for or related to prevention and control of floods and storms.
- 2- Within its scope of authority, each authorized level of administration shall regularly check and evaluate the degree of safety of facilities used for or related to prevention and control of floods and storms. If signs of damage or weakness are detected, timely repairs shall be done.
In case the authorized level finds that a problem is not within its ability to solve, it shall report immediately to the higher level of authority so that the problem can be solved before the storm season.
- 3- To develop plans for prevention of damage caused by floods and storms for the whole region, for each vulnerable area, for each area identified for special attention and preparation for floods and storms.
- 4- To reserve materials, means of transportation for rescue operations when floods and storms occur in the area.
- 5- To reserve crucial foodstuffs and agricultural produce, as well as medicines for immediate use in areas most likely to be affected.
- 6- To mobilize forces and organize professional training for forecasting, prevention and control of floods and storms.

Article 12

Newly constructed projects have to comply with the provisions and meet the conditions for the prevention and control of floods and storms.

Article 13

Permission shall be required from the state management unit in charge of prevention and control of floods and storms for construction of facilities to store foodstuff, poisonous substances, explosive substances, important materials and property that are located in disaster-prone areas, as an additional requirement to Article 12 of this Ordinance.

Article 14

Prohibition shall be enforced on all acts of wilfull obstruction or difficulty in the release of flood waters.

Article 15

Management and exploitation of reservoirs, or other facilities related to prevention and control of floods and storms shall be conducted in accordance to an annual schedule, especially in the storm season. The schedule shall be approved by the state management unit in charge of prevention and control of floods and storms.

Article 16

Coastal areas shall need to have rescue stations for boats and ships.
The number of stations, locations and operating regulations shall be defined by the Prime Minister.

Article 17

All boats and ships before setting out to sea shall be equipped with communication systems, signals, rescue kits for boats and for people, and shall abide by regulations concerning storm warning.
The crew and fishermen, apart from having to abide by maritime laws, shall have knowledge and expertise in prevention and control of floods and storms in order to be able to act when warnings for storms are received.

Chapter III - Control of Floods and Storms**Article 18**

State authorities, economic organizations, social organizations, units of the people's armed forces, and all citizens shall be obliged to participate in the active and timely control of floods and storms in order to rescue people and property, and projects damaged or destroyed by floods and storms.

Article 19

Control of floods and storms consists of the following activities:

- 1- To announce the onset of floods and storms; issue warnings on floods and storms; issue orders for urgent mobilization of human resources; issue emergency measures for flood and storm control.
- 2- To ensure that communications, information and directives are received.
- 3- To arrange forces and means of rescue in the eventuality of floods and storms.
- 4- To protect and rescue structures used for prevention and control of floods and storms that are affected or threatened by disaster.
- 5- To rescue victims; move people out of endangered areas; protect property of the state, of organizations and individuals.
- 6- To ensure social security, order and safety in affected areas.
- 7- To instruct people on the practice of hygiene and disease prevention in affected areas and in evacuation camps.

Article 20

The authority and responsibility of units in charge of forecasting floods and storms; of units that issue warnings for floods and storms; and of units that issue decisions on urgent measures to control floods and storms, is stipulated as follows:

- 1- The General Department for Meteorology and Hydrology shall be in charge of forecasting rain, floods, storms, tropical depressions and rise in the level of sea water in the entire country.
- 2- The Provincial Committees for Prevention and Control of Floods and Storms shall be in charge of issuing warnings for floods and storms in their areas.

For mountainous and remote areas, in necessary cases, the flood and storm control committees of districts can issue warnings for floods and storms in their areas and these committees shall report immediately to the committee for flood and storm control at higher levels.

- 3- The Central Committee for Prevention and Control of Floods and Storms shall be in charge of issuing warnings for floods and storms in the entire country.
- 4- The Prime Minister shall issue decisions on urgent measures that need to be taken for control of floods and storms.

When floods and storms end, warnings for floods and storms, decisions on urgent measures taken to control floods and storms shall be withdrawn by the authorities that issue them.

Article 21

When there is a danger of serious flooding or storm, the Chairpersons of the People's Committees at different levels shall have the authority to mobilize human resources, materials, and means to be used for rescuing people, property and infrastructure as defined by the law.

Article 22

In case the Provincial People's Committee finds that the danger from floods and storms is beyond their capability to tackle, the Central Committee for Flood and Storm Control can propose to the Prime Minister to issue a decision calling for urgent mobilization of human resources, materials and means from all sectors and levels to help rescue flood and storm victims.

Article 23

All expenses for mobilizing resources to rescue flood and storm victims that the authorized units incur shall be refunded according to the law.

Chapter IV - Overcoming Consequences of Floods and Storms

Article 24

State authorities, economic organizations, social organizations, units of the people's armed forces, and all citizens shall be obliged to actively participate in overcoming consequences of floods and storms in order to reduce the losses caused by floods and storms, quickly stabilize people's lives and revive production.

Article 25

Overcoming consequences of floods and storms shall consist of the following activities:

- 1- To rescue people and property.
- 2- To provide timely relief, and help stabilize people's lives in areas affected by floods and storms.
- 3- To enforce measures aimed at rapidly reviving production.

- 4- To maintain hygienic conditions in the local environment and prevent diseases.
- 5- To repair projects used for prevention and control of floods and storms and other damaged infrastructure projects.
- 6 To inspect and evaluate losses.

Article 26

The People's Committee of each locality shall be in charge of directing activities concerned with overcoming the consequences of floods and storms.

In case the locality finds that the work is not within its capability to handle, the Chairperson of the People's Committee shall report to the People's Committee or Committee for Flood and Storm Control at higher levels for solutions.

Chapter V - Funding for Prevention and Control of Floods and Storms

Article 27

Funding for prevention and control of floods and storms may consist of:

- 1- Annual allocation from the State budget.
- 2- Local funds for prevention and control of floods and storms contributed by the population as required by the State.
- 3- Relief donated by organizations, individuals from within and outside the country when floods and storms occur.

Article 28

The State shall establish a National Reserve Fund and encourage provinces to establish their own local reserve fund for prevention and control of floods and storms.

The establishment of the Reserve Fund, the policies for management and use of the fund shall be regulated by the State.

Article 29

Funding for prevention and control of floods and storms shall be used for the following activities:

- 1- To repair, build, and reinforce infrastructure used for forecasting and instructing people on the prevention and control of floods and storms.
- 2- To rescue people and property, to rescue projects damaged by floods and storms.
- 3- To overcome consequences of floods and storms.

Article 30

The People's Committees at different levels shall be responsible for receiving and distributing funds received from organizations and individuals from within and outside the country for flood victims in proper time and to the right subjects.

Article 31

Funds and materials used for prevention, control and overcoming the consequences of floods and storms, with no discrimination among sources, shall be recorded and accounted for immediately after the storm season.

Chapter VI - State Management of Flood and Storm Prevention and Control

Article 32

State management of flood and storm prevention and control consists of the following activities:

- 1- To set up plans and direct activities of forecasting, prevention and control of floods and storms and of overcoming the consequences of flood and storms.
- 2- To manage, protect, construct and reinforce projects used for prevention and control of floods and storms.
- 3- To set up and regulate implementation policies and rules on forecasting, preventing, controlling and

overcoming the consequences of floods and storms.

4- To collect and process information related to floods and storms.

5- To manage the funding reserved for prevention and control of floods and storms.

6- To encourage research and the application of scientific and technological innovations in forecasting, prevention and control of floods and storms; to train personnel for the task of forecasting, preventing and controlling floods and storms.

7- To propagate and provide instruction, experiences and laws on prevention and control of floods and storms.

8- To investigate and keep a check on the implementation of policies, rules and regulations relating to forecasting, prevention and control of floods and storms; and to tackle violations to those policies and rules.

9- To foster international cooperation in the fields of forecasting, prevention and control of floods and storms and mitigating disasters.

Article 33

The Government shall conduct and coordinate state management of all activities concerning the prevention and control of floods and storms, as well as overcoming consequences of floods and storms in the entire country.

The Ministry of Water Resources shall be the permanent office of the National Committee for Prevention and Control of Floods and Storms, and shall be responsible for coordinating the work of related offices based on their functions in order to assist the Government to conduct state management of research, building strategies, plans and programmes on prevention and control of floods and storms; to manage, inspect and instruct sectors and localities implementing policies and technical regulations concerning dyke protection; and to direct activities concerning forecasting, prevention and control of floods and storms, as well as overcoming their consequences. Other ministries and sectors, based on their functions, shall be responsible for coordinating with the Ministry of Water Resources in preventing and controlling floods and storms.

The People's Committees at different levels shall conduct state management of activities for the prevention and control of floods and storms and overcoming consequences in their localities in conformity with the plans and arrangements laid out at state management levels.

The local unit in charge of state management of water resources shall cooperate with related offices in order to help the People's Committee at the same level to carry out this task.

Article 34

The Central Committee for Prevention and Control of Floods and Storms established by the Prime Minister shall submit its strategies and plans on prevention and control of floods and storms to the Government for approval; it shall help the Government in monitoring, regulating and promoting activities for forecasting, prevention, control and overcoming consequences of floods and storms conducted by sectors and ministries under the Government and by local authorities; it shall also render direct assistance for handling urgent situations and overcoming the consequences of floods and storms in the entire country.

Local committees for prevention and control of floods and storms at different levels established by the Chairperson of the People's Committee of the same level shall have the task of helping the People's Committee of its level in approving, monitoring and promoting the implementation of plans on prevention and control of floods and storms set up by its locality each year based on general planning; it shall also monitor dyke reinforcement; organize activities for preventing, controlling and overcoming consequences of floods and storms in its locality following instructions given by the Central Committee for Prevention and Control of Floods and Storms.

Committees for the Prevention and Control of Floods and Storms of ministries, sectors, government offices established by the Head of the ministry, sector or office, shall be tasked with assisting the management in organizing activities to prevent, control and overcome the consequences of flood and storms within their ministry, sector or office following instructions given by the Central Committee for Prevention and Control of Floods and Storms.

Article 35

Units conducting state management of activities for the prevention and control of floods and storms shall also have the function of inspecting activities for the prevention and control of floods and storms, as well as overcoming their consequences.

The organization, tasks, authority and activities of inspectors specialized in the field of prevention and control of floods and storms shall be regulated by the Government.

Article 36

Organizations, individuals shall have the right to appeal to the inspection office on matters concerning forecasting, prevention and control of floods and storms; or directly to units in charge of state management of prevention and control of floods and storms on decisions or solutions adopted by inspectors when doing their job in the locality.

Organizations, individuals shall have the right to appeal to units in charge of state management of prevention and control of floods and storms or directly to other authorized state authorities on violations to the law that occur in the field of prevention and control of floods and storms, as well as overcoming consequences of floods and storms.

Offices that receive the appeals or accusations shall be responsible for hearing and solving the issue in accordance with the law.

Chapter VII - Compliments and Settlement of Violations**Article 37**

Organizations or individuals that make a contribution to activities related to forecasting, prevention and control, as well as overcoming consequences of floods and storms, stopping actions that cause damage to facilities used for prevention and control of floods and storms, shall be awarded with compliments based on the State's policies. People who participate in preventing, controlling and overcoming consequences of floods and storms, or in any struggle against violations to laws on prevention and control of floods and storms, and thereby lose their life or property, shall be compensated as defined by the Government's regulations.

Article 38

People who are found to conduct actions that destroy, damage or obstruct the work of prevention and control of floods and storms; or people who do not comply with authorized state authorities when floods and storms occur; people who take advantage of floods and storms to steal property from the state, organizations or individuals, or violate other regulations on prevention and control of floods and storms, shall be punished with administrative fines or prosecuted, depending on the nature and seriousness of the violation.

Article 39

People who lack responsibility in forecasting or issuing warnings; are negligent during their shift to watch dykes or reinforce them as required by the regulations on prevention and control of floods and storms; people who make wrongful use of their position, authority or abuse power to embezzle funds, materials, relief reserved for preventing, controlling and overcoming consequences of floods and storms; people who cover up for violators of the law or other regulations of this Ordinance, shall be censured or prosecuted, depending on the nature and seriousness of the violations.

Article 40

People who violate the laws on prevention and control of floods and storms and cause losses to the State, organizations or individuals, shall have to pay compensation to those who lose their property, as an additional requirement to the legal settlement they are subjected to as defined in Article 38 and Article 39 of this Ordinance.

Chapter VIII - Final Provisions

Article 41

All previous provisions that are inconsistent with this Ordinance are hereby repealed.

Article 42

This Ordinance shall come into full force and effect as of the date of announcement.

The Government shall promulgate the detailed instructions for implementation of this Ordinance.

Hanoi, March 8, 1993

On behalf of the Standing Committee of the
National Assembly of the Socialist Republic of
Vietnam

Chairperson
NONG DUC MANH

3. DECREE NO. 32 - CP OF MAY 20, 1996 OF THE GOVERNMENT PROMULGATING DETAILED PROCEDURES FOR IMPLEMENTATION OF THE ORDINANCE ON PREVENTION AND CONTROL OF FLOODS AND STORMS

The Government

Pursuant to the Ordinance on Organization of the Government of September 30, 1992;
Pursuant to the Ordinance on Prevention and Control of Floods and Storm of March 8, 1993;
At the proposal of the Minister of Agriculture and Rural Development;

Decrees

Chapter I - General Provisions

Article 1: Floods, storms referred to in the Decree shall comprise: flash floods, flooding, sea water rises, tropical depressions, tornadoes, landslides (caused by rain, storm, floods and sea waves). Flooding caused by rain in the lowlands, tornadoes of levels lower than level 6, different types of monsoon are not subject to the regulations of this Decree.

Article 2: In this Decree technical terms shall have meanings ascribed to them hereunder:

- 1- Flooding is a phenomenon of abnormal rise in water level.
- 2- Flashflood is a phenomenon of an abnormal rise in water level and in the speed of river currents.
- 3- Storm is a phenomenon of a tropical depression occurring over the ocean with wind velocities between levels 8 and 11 (or 62 to 117 kilometres per hour).
- 4- Severe storm is a phenomenon of a tropical tornado occurring over the ocean with wind speeds at level 12 and higher (or 118 kilometres per hour and higher).
- 5- Tropical depression is a tornado occurring over the ocean with wind speed at level 6 or 7 (or 39 to 61 kilometres per hour).
- 6- Tornado is a whirlwind with speed velocities as high as in storms, that occurs and ends in a short period of time, and affects a small area of a few tens of kilometres.
- 7- Sea water rise is a phenomenon of rise in the level of sea water resulting in higher than normal tides as a result of either storms or other natural disasters.
- 8- Landslide is a phenomenon in which the natural land surface becomes unstable due to the effects of rain, flashfloods, a storm, or sea waves.

- Facilities used for prevention and control of floods and storms have the following functions:
 - To withstand or control or reduce the effects of floods and storms.
 - To serve the task of forecasting, warning, directing activities of prevention and control of floods and storms.
- 10- To provide infrastructure for the prevention and control of floods and storms reserved specially for field work, in the protected area and for any problems occurring to these projects that can damage infrastructure used for preventing, and controlling floods and storms.

Chapter II - State Management of Prevention and Control of Floods and Storms

Article 3: The Government shall conduct appropriate state management activities for the prevention and control of floods and storms, as well as to overcome consequences of floods and storms in the whole country.

The Central Committee for Prevention and Control of Floods and Storms shall have a permanent office located at the Ministry of Agriculture and Rural Development, that shall be obliged to coordinate with related offices in conducting research, developing strategies, plans and programmes on prevention and control of floods and storms; it shall perform the function of a specialized inspection unit for the prevention and control of floods and storms and overcoming the consequences of floods and storms; it shall also stipulate measures to prevent and stop acts of violation to laws on dykes, prevention and control of floods and storms.

Article 4: The Chairperson of the Central Committee for Prevention and Control of Floods and Storms, assigned by the Prime Minister, shall have the following tasks:

- 1- To assist the Government carry out its task of managing, coordinating with related offices in performing state management of activities related to preventing, controlling floods and storms.
- 2- To process information related to decisions to issue warnings.
- 3- To monitor and promote the conduct of activities for preventing and controlling floods and storms.
- 4- To direct the work of preparation to deal with changes consequential to floods and storms.
- 5- To assess the situation, report losses and damages and propose to the Government measures to overcome consequences of floods and storms.

In Ho Chi Minh City, the Sub-committee for Prevention and Control of Floods and Storms shall assist the Chairperson of the Central Committee for Prevention and Control of Floods and Storms in managing the work of preventing, controlling and overcoming the consequences of floods and storms in the southern provinces.

Article 5: The Ministers, Heads of Offices at ministry level, Heads of offices under the Government, within the scope of their obligations and authority, shall set up annual and long-term plans for activities related to prevention and control of floods and storms inside their ministry, office; shall organize scientific research, application of scientific and technological innovations to the work of prevention and control of floods and storms, as well as overcoming their consequences; shall equip their professional and semi-professional forces with knowledge of means to prevent, control and overcome consequences of floods and storms; shall establish a committee for prevention and control of floods and storms inside their ministry, office; assign staff to specialize in assisting the Minister to promote and direct other units within the ministry in carrying out their tasks for prevention and control of floods and storms, as well as overcoming their consequences.

Article 6: The Chairperson of the People's Committee of provinces, cities under the Central Government (hereunder referred to as Provincial People's Committee) shall be obliged to conduct state management of activities for preventing and controlling floods and storms in their locality; to set up long-term and annual plans for prevention and control of floods and storms; to set up committees for prevention and control of floods and storms; to instruct, check and promote the performance of units, authorities, and people in their locality in carrying out measures to prevent, control and overcome consequences of floods and storms.

The Department of Agriculture and Rural Development shall be the permanent office of the provincial committee for prevention and control of floods and storms.

Article 7: Units in charge of state management of prevention and control of floods and storms shall be obliged to set up a network spreading from central to local level.

1- At central level:

The Department for Prevention and Control of Floods and Storms and Dyke Management shall be the permanent office that assists the Minister of Agriculture and Rural Development and the Chairperson of the Central Committee for Prevention and Control of Floods and Storms in conducting state management in the field and monitoring of activities related to prevention and control of floods and storms in the whole country.

The Department for Prevention and Control of Floods and Storms and Dyke Management shall have a sub-department located in Ho Chi Minh City that acts as a permanent office of the Sub-committee for the Central Committee for Prevention and Control of Floods and Storms in the southern provinces.

The tasks, authority and organization of the office of the Central Committee for Prevention and Control of Floods and Storms and the office of its Sub-committee shall be jointly regulated by the Minister of Agriculture and Rural Development and the Chairperson of the Central Committee for Prevention and Control of Floods and Storms.

2- At local level:

(a) At provincial level:

The Department of Agriculture and Rural Development shall be the permanent office of the Provincial Committee for Prevention and Control of Floods and Storms:

- In provinces that have dykes: the Department for Dyke Management of the Department of Agriculture and Rural Development shall be assigned to also function as the permanent office of the Provincial Committee for Prevention and Control of Floods and Storms, that shall assist the Provincial Committee for Prevention and Control of Floods and Storms in performing state management of activities concerning prevention and control of floods and storms in the locality.

- In provinces that do not have dykes: certain departments of the Department of Agriculture and Rural Development may be assigned to be the permanent office of the Provincial Committee for Prevention and Control of Floods and Storms, that shall conduct state management of activities concerning prevention and control of floods and storms in the locality.

The tasks, authority and organization of the office of the Provincial Committee for Prevention and Control of Floods and Storms shall be regulated by the Chairperson of the Provincial Committee for Prevention and Control of Floods and Storms.

(b) In districts, towns, cities under provincial control (hereafter referred to as districts): the Department of Agriculture and Rural Development shall act as the permanent office and advisor to the District Committee for Prevention and Control of Floods and Storms, and shall conduct state management of activities concerning prevention and control of floods and storms.

(c) In communes, wards, district townships, the People's Committee of the same level shall assign its staff to be permanently in charge of the work of prevention and control of floods and storms.

Article 8: Each year, each level of authority, each sector shall have to complete their staff requirements for prevention and control of floods and storms; arrange and assign concrete tasks to each group for preventing, controlling and overcoming consequences of floods and storms.

In each project used for prevention and control of floods and storms; at each identified area, the management unit shall have to have plans for prevention and control of floods and storms approved, assign staff who are specialists or semi-specialists in solving project problems; clarify areas of responsibility within each group of workers when carrying out these plans.

Chapter III - Prevention of Floods and Storms

Article 9: Prevention of floods and storms is regulated by Article 10 and Article 11 of the Ordinance on Prevention and Control of Floods and Storms. State authorities, economic organizations, social organizations, units of the people's armed forces and citizens shall be obliged to have annual and long-term plans for prevention of floods and storms.

The People's Committees at all levels shall coordinate with local organizations and groups in encouraging and instructing people on how to prepare for flood and storm prevention.

Article 10: Plans for prevention of floods and storms shall be subject to the following regulations:

1- Ministries, offices at ministry level, offices under the government shall have to have plans for preventing problems that may occur due to floods and storms to projects under their area of management; organize and monitor the preparation work for prevention of floods and storms in the localities, sectors under their jurisdiction and scope of authority.

2- The People's Committee at all levels shall set up plans for prevention of floods and storms in the whole area, and for each key project in their locality.

Plans for prevention of floods and storms for key projects shall have to be approved by the Provincial People's Committee.

3- Organizations, individuals shall have the obligation to make necessary preparations for prevention of floods and storms and also carry out tasks assigned by units in charge of state management of flood and storm prevention.

Article 11: To conduct activities for prevention of floods and storms as regulated by Article 10 and Article 11 of the Ordinance on Prevention and Control of Floods and Storms, ministries and sectors shall have the following tasks:

1- The Ministry of Agriculture and Rural Development shall have:

(a) To direct provinces in protecting, reinforcing and building dyke systems; to conduct management of dykes, to build flood and storm warning stations; to provide advanced techniques to units that are in charge of warning; to monitor and direct the implementation of directives issued by the Central Committee for Prevention and Control of Floods and Storms and direct the completion of a warning, steering system from central to local level; to direct sectors and localities in taking measures to protect dykes, reservoirs and facilities used for prevention and control of floods and storms.

(b) To promulgate regulations for prevention and control of floods and storms for each region; to urge ministries and sectors to meet safety conditions for flood and storm prevention when building projects under their ministry, sector.

(c) To issue documents guiding the management of investment for building and reinforcing dykes, and releasing flood waters, in accordance with the authority and obligations designed for dyke reinforcement and flood and storm prevention.

(d) To instruct the population of flood and storm prone areas on how to relocate residences, protect agricultural production, change crops and breeds, and set times for animal reproductive cycles so as to avoid the storm season in each region.

(e) To direct and promote the work of planting and protecting flood prevention forests, plantations and wave-resistant projects, projects that slow down flows, prevent sand-laden winds near rivers, streams and sea.

2- The General Department of Hydro-Meteorology shall be responsible for providing advanced technology to the communication system in the field, collecting information and making timely announcements, providing complete and accurate information needed for the planning flood and storm prevention and control activities, for weather forecasting, forecasting of flashfloods and storms on the global, regional and national levels; it shall also be responsible for providing the Central Committee for Prevention and Control of Floods and Storms with hourly information on the advancement of flood and storm systems when they occur at category 2 or higher.

3- The Department of Postal Services shall have to give priority to the communication network that serves prevention and control systems for floods and storms; to build up and strengthen the main communication networks that connect the central authorities with provinces, districts, islands and projects on the sea; to assure uninterrupted communication on these networks even when floods and storms occur; to announce maritime meteorological information in conformity with current maritime rules.

4- The Ministry of Fishery Products shall be responsible for directing, monitoring and inspecting the building of shelters for fishermen on the high seas when storms occur, monitoring the protection mechanisms for boats and ships at shelters and production and fishery farms.

5- The Ministry of Communication and Transportation shall be responsible for giving priority passage and assuring free traffic flows for vehicles engaged in rescue work on dykes and flood and storm control works; building and upgrading main roads that connect the seat of the Central Government with flood and storm prone provinces, or roads that are damaged by floods and storms; devising measures to protect ports, storehouses, cargo; and directing communication and transportation activities in flooded areas or areas threatened or affected by storms.

6- The Ministry of Construction shall be responsible for instructing, checking and promoting the observance of safety regulations stipulated for civil infrastructure projects, or industrial projects so that they are secure when floods and storms occur; instructing people on how to build, upgrade their houses so that losses and damage are controlled when flood and storms occur.

7- The Ministry of Industry shall be responsible for:

- Instructing, checking and steering the work of protecting reservoirs that are under its management; assuring that power plants, power networks operate safely when floods and storms occur.
- Organizing activities to prevent and control floods and storms to protect facilities under its management, especially factories that produce toxic chemicals, to prevent landslides and assure safety in mining tunnels.

8- The Oil and Gas Industry shall be responsible for preparations to prevent and control floods and storms and rises in sea water, in order to protect exploring and drilling facilities and other projects under its management.

9- The Ministry of Defence shall be responsible for organizing human resources and means for rescuing dykes, fighting floods and storms when required by the Committee for Prevention and Control of Floods and Storms; setting up plans for providing immediate rescue and relief for each identified area.

10- The Ministry of Education and Training shall be responsible for introducing in its education programmes common knowledge about flood and storms.

11- The Ministry of Culture and Information shall be responsible for planning and disseminating propaganda to help the people understand and participate in prevention and control of floods and storms and mitigate the extent of disasters.

12- The Ministry of Interior shall be responsible for coordinating with related authorities and sectors in setting up plans to protect key projects, to maintain security, law and order in flashflood and storm prone areas.

13- The Ministry of Health shall be responsible for building reserves of medicine, medical equipment; instructing and propagating the use of emergency techniques, prevention techniques for epidemics and diseases likely to break out after the occurrence of floods and storms.

14- The Ministry of Finance shall be responsible for managing and disbursing regular funds for the work of maintaining and reinforcing dykes, forecasting and warning people of floods and storms and overcoming consequences of floods and storms.

15- The Ministry of Planning and Investment shall be in charge of allocating a priority budget for construction of dykes, upgrading dykes, prevention and control of floods and storms.

16- Other ministries, sectors shall be responsible for contributing management services related to prevention of floods and storms, protection of storehouses, economic facilities under their management, in accordance with their functions.

17- The Voice of Vietnam Radio, Vietnam Television shall be responsible for broadcasting timely bulletins via mass media announcements of weather forecasts, storm and flood warnings, orders or instructions concerning prevention and control or avoidance of floods and storms issued by the Central Committee for Prevention and Control of Floods and Storms; propagating experiences and knowledge of the Ordinance on Prevention and Control of Floods and Storms among the people.

18- The Central Committee for Prevention and Control of Floods and Storms, in accordance with its functions and tasks as defined by the Government, shall be responsible for directing, monitoring and evaluating plans and the conduct of activities to prevent consequences of floods and storms by authorities and sectors.

Article 12: For areas vulnerable to flash floods, the People's Committee at all levels shall have to devise plans to direct related sectors and local people to build up reserves of foodstuff, essential commodities, medicine, for use when floods and storms prevent the free flow of supplies.

Article 13: The Provincial People's Committee shall assign the work of checking the facilities used for prevention and control of floods and storms that are under its management to different levels of authority. Results of the exercise shall be recorded in minutes, and present conclusions about the utility of the facility. If any problem is discovered, immediate improvement work shall be done. In case the authority finds that the problem is not within its ability to solve, it shall report immediately to the Provincial Committee for Prevention and Control of Floods and Storms for a solution.

Article 14: Technical facilities used for prevention and control of floods and storms and other projects that are located within the protected corridor of the facilities used for prevention and control of floods and storms, shall need to have minimum protection equivalent to the standard of protection given to facilities used for prevention and control of floods and storms; employment of these facilities shall be in conformity with all regulations on prevention and control of floods and storms. The managers of these facilities shall be responsible for reinforcing, upgrading the facilities as generally required for all facilities used for prevention and control of floods and storms.

Article 15: New construction of storehouses containing foodstuff, toxic chemicals, explosives, essential commodities and other important property that are located within river beds, flash flood paths, shall be undertaken subject to approval by the Provincial People's Committee, as an additional requirement to planning and other conditions related to prevention and control of floods and storms.

For storehouses built before this Decree was issued, the manager of the storehouse shall have to install measures to assure safety and no pollution to surroundings when floods and storms occur.

Article 16: River beds, river banks located inside the release channels, or flash flood paths shall be managed by authorities of the locality where they are located, under the instruction and regulation of the Department for Prevention and Control of Floods and Storms and Dyke Management.

Organizations or individuals that place obstacles, or obstruct the release of flood waters shall be obliged to clear the obstacles; if they fail to take timely action, the management units in charge of prevention and control of floods and storms have the authority to settle the problem in an appropriate manner in order to keep the flows running; organizations and individuals that create the obstruction shall have to pay all costs for the obstruction they may cause.

Article 17: Boat rescue stations shall be set up at the important ports of : Hai Phong, Cua Lo, Da Nang, Nha Trang, Vung Tau.

The Ministry of Communication and Transportation shall develop the design, organization, operating rules for rescue stations and submit them to the Prime Minister for approval.

Article 18: All means of waterway transportation, including passengers boats, fishing boats, and other ships shall have to be equipped with communication facilities, signals as required by the rules of storm warning, and means for rescue of people and vehicles.

Passenger boats shall have adequate life-saving equipment for passengers on board.

The Ministry of Communication and Transportation shall provide detailed regulations required for communication equipment, signals, rescue kits for people and boats, and impart minimum knowledge to boat crews on prevention and control mechanisms for storms that enable them to act in emergency situations.

The office in charge of registration of boats and ships shall also be responsible for checking the availability of the equipment mentioned above on boats and ships apart from checking the boats in general.

In districts that have ferries running across rivers, the district's Department of Communication and Transportation shall conduct regular checks on the quality of vehicles, drivers, lifesaving equipment, that assure the safety of transportation, especially in the rainy season.

Before operating a boat/ship, the owner of the vehicle shall ensure that the above mentioned equipment is available on board. Boats shall not be allowed to operate unless they have all the facilities that assure safety.

In case a boat is licensed to operate with any of the above facilities missing, and is discovered by the authorized units, or traffic inspectors, the owner of the vehicle shall be held responsible for the violation. If any damage or loss occurs, the captain of the boat, vehicle shall bear the consequences in a court of law and shall have to compensate for the loss or damage.

Chapter IV - Control of Floods and Storms

Article 19: The Heads of sectors, or People's Committees of the localities that receive warnings or announcements of floods and storms shall take measures for prevention or control of floods and storms in accordance with the level of warning.

Article 20: All available forces and means shall need to be mobilized for protection and rescue of facilities used for or related to prevention and control of floods and storms in areas threatened by or likely to be affected by disasters. Units that manage these facilities shall attend to problems immediately upon discovery and simultaneously report to the higher authorities.

Article 21: When floods or storm occur, organizations and individuals shall have the following obligations:

- 1- To actively and urgently rescue and protect people, projects and property that are in danger of floods and storms or damaged by floods or storms.
- 2- To strictly follow all decisions and instructions of the authorities or units in charge of directing work for prevention and control of floods and storms.
- 3- To mobilize forces and means for prevention and control of floods and storms according to plans or decisions adopted by local authorities and units in charge of directing prevention and control of floods and storms.
- 4- To relay complete and up-to-date information concerning directives on prevention and control of floods and storms.
- 5- To assign staff to be on duty at the office for flood and storm control based on a vigilance schedule at facilities used for prevention and control of floods and storms.
- 6- To maintain social order and safety in the areas where the floods or storms have struck following instructions from the police.
- 7- To protect oneself and one's home and also participate in community activities for prevention and control of floods and storms according to the approved plans for prevention and control of floods and storms and as instructed by the local committee for prevention and control of floods and storms.

Article 22: In localities where facilities used for prevention and control of floods and storms fail to meet standards of safety required for the level of warning, the local People's Committee shall be responsible for relocating the population away from endangered areas and take all measures to rescue facilities.

Article 23: The Government shall authorize the Ministry of Finance together with the Ministry of Agriculture and Rural Development to provide compensation as stipulated in Article 23 of the Ordinance on Prevention and Control of Floods and Storms.

Article 24: Property in flooded areas shall remain under the ownership of its legal owner even if found floating elsewhere; local authorities shall intimate the people and organizations who own such property so that they can claim their rightful property. In case no one claims it, or no one is to inherit the property, it shall be put into local public funds.

All organizations and individuals are prohibited from taking advantage of floods and storms to appropriate property of the State, collectives or individuals.

Chapter V - Overcoming Consequences of Floods and Storms

Article 25: All provisions concerning activities related to overcoming consequences of floods and storms stipulated in Articles 24 and 25 of the Ordinance on Prevention and Control of Floods and Storms shall be observed in conformity with the following specifications:

1- The People's Committee at all levels shall be obliged to coordinate with related units when organizing rescue work.

The status of loss and damage shall be recorded regularly and reported to authorized offices so that the work of overcoming consequences is conducted in time.

2- The Department of Statistics shall be obliged to organize, instruct, promote and check on the work of recording and evaluating loss and damage caused by floods and storms.

3- The Heads of sectors, Chairpersons of People's Committees at all levels, managers of projects that are damaged by floods and storms, shall be obliged to direct the work of overcoming the consequences; to organize and instruct people on maintaining a stable life and reviving production; to report promptly results of the work of overcoming consequences of floods, storms to the Government, to related offices at higher levels; and to submit proposals for necessary aid.

Article 26: To accelerate the work of overcoming consequences of floods and storms, ministries and sectors shall have the following responsibility:

1- The Central Committee for Prevention and Control of Floods and Storms shall be responsible for reviewing the situation, proposing measures to the Government for alleviating the consequences and directing ministries and sectors in implementing the measures approved by the Government.

2- The Ministry of Agriculture and Rural Development shall be responsible for:

- Setting up plans for rehabilitating dyke projects, and other facilities used for prevention and control of floods and storms that are damaged by floods and storms.

- Instructing localities on overcoming consequences, renewing production and maintaining stability.

- Instructing and directing localities in repairing dyke projects and other facilities used for prevention and control of floods and storms that are damaged by floods and storms.

3- The Ministry of Fishery Production shall be responsible for instructing localities on how to overcome consequences, rehabilitate production centres and continue fishing.

4- The Ministry of Health shall be responsible for organizing emergency services for victims at healthcare centres, and taking measures to prevent diseases and epidemics from breaking out in flooded areas.

5- The Ministry of Labour, War Invalids and Social Affairs shall be responsible for directing work to provide relief to people who have suffered losses, especially the disadvantaged and poor.

6- The Ministry of Science, Technology and Environment shall be responsible for instructing localities on how to overcome consequences of environmental pollution caused by floods and storms and maintain a healthy environment.

7- The Ministry of Planning and Investment shall be responsible for allocating financial resources for

rehabilitation of dyke projects, facilities used for prevention and control of floods and storms and other infrastructure projects that are damaged by floods and storms.

8- The Ministry of Finance shall be responsible for allocating a budget in time for mending dyke projects, facilities used for prevention and control of floods and storms and other activities for overcoming the consequences of floods and storms.

9- The Ministry of Foreign Affairs shall coordinate with the Central Committee for Prevention and Control of Floods and Storms in reporting to international organizations and calling for international aid when severe disasters occur in localities.

10- The Ministries of Construction, Communication and Transportation, Industry, Education and Training, and other ministries and sectors shall be responsible for overcoming consequences of floods and storms in their field in accordance with the functions set out for them by state management.

Chapter VI - Funding for Prevention and Control of Floods and Storms

Article 27: Funding for prevention and control of floods and storms is regulated by Articles 27 and 28 of the Ordinance on Prevention and Control of Floods and Storms, and shall be disbursed in accordance with the following regulations:

1- The State budget, which is allocated annually and upon request when floods and storms occur, shall be used:

- To build dykes and facilities used for prevention and control of floods and storms.
- To maintain and upgrade dykes and facilities for prevention and control of floods and storms and facilities used for flood and storm warning.
- To meet unexpected, unforeseen problems occurring in dykes and facilities for prevention and control of floods and storms, and for overcoming consequences of floods and storms.

2- The fund for prevention and control of floods and storms that is contributed by the local people as required by the Government shall come from the following subjects:

- Individuals (not using compulsory contribution required by the Ordinance on Labour for Public Interests for this fund).

- Locally based enterprises (including state-owned enterprises centrally or locally controlled and enterprises that belong to other economic sectors).

3- The Ministry of Agriculture and Rural Development shall coordinate with the Ministry of Finance, Ministry of Planning and Investment, and related ministries and sectors in devising an annual rate of contribution for the fund for prevention and control of floods and storms, and submitting this to the Government for approval.

4- Financial aid coming from United Nations organizations, foreign countries, non-governmental organizations; relief that comes from organizations and individuals from within and outside the country when floods, storms occur.

Article 28: The regular State budget shall be used to invest in construction, reinforcement, repair of facilities used for prevention and control of floods and storms; to purchase equipment for forecasting or warning; to run the day-today work of directing and monitoring activities for prevention and control of floods and storms.

The State budget that is provided upon special request shall come from the national reserve budget with approval from the Government to be given to localities that suffer major losses and damage on the proposal of the Chairperson of the People's Committees of provinces and cities under the Central Government, of the Chairperson of the Central Committee for Prevention and Control of Floods and Storms, and other related Ministries.

Article 29: The local fund for prevention and control of floods and storms that is contributed by locally based organizations and individuals, shall be established, managed and used as regulated by the law.

The use of the fund for wrongful purposes in any form shall be prohibited.

Article 30: The People's Committee at all levels shall be responsible for receiving and distributing relief for flood and storm victims to the right subjects and for the right purposes. Funding, relief that is distributed shall be recorded and reported to the Government, the Central Committee for Prevention

and Control of Floods and Storms, the Ministry of Finance, announced on mass media and shall have to be accounted for annually.

Any use of relief for purposes other than for storm and flood relief shall be prohibited.

Article 31: The materials reserved by ministries, sectors for emergency use when problems occur in dykes during floods and storms, shall be regulated as follows:

1- The Ministry of Agriculture and Rural Development shall be allowed:

- To reserve sacks, filtering cloth, steel baskets, for use in irrigation projects during rainy seasons.
- To reserve part of the national reserve fund for pesticide, veterinary medicine, plant seeds, young animals and for use in overcoming consequences and renewing agricultural production.

2- The Ministry of Communication and Transportation shall be allowed to reserve some bridge decks, ferries, canoes, and crucial materials used for countering problems to maintain free flow of traffic on important routes with approval from the Government.

3- The Ministry of Health shall be allowed to reserve certain amount of medicine for prevention and cure of disease at the central level and in some localities with convenient access when needed for prevention and control of floods and storms. This amount of medicine shall have to be replaced every year.

4- The Ministry of Industry shall be allowed to reserve materials needed for repairs at main power plants, power lines and stations.

5- The Postal sector shall be allowed to reserve materials, equipment needed to handle problems in communication networks in order to maintain easy communication for prevention and control of floods and storms.

6- The Ministry of Trade shall be allowed to reserve tarpaulin and other roofing materials to serve the work of overcoming consequences of floods and storms; and to check on availability and reserve other essential commodities in areas likely to be cut off when floods and storms occur.

7- The Ministry of Planning and Investment and Ministry of Finance shall locate financial resources, devise plans to reserve these resources based on the proposal of related ministries and submit them to the Prime Minister for final approval.

Article 32: Reserve materials in provinces and cities under the Central Government shall comprise State-owned materials managed by the locality, and materials contributed by the people to serve the work of prevention and control and overcoming consequences of floods and storms in their locality. Any use of materials reserved for wrongful purposes shall be prohibited.

Article 33: The Ministry of Finance shall be responsible for giving instructions on the maintenance of account books, checking expenses, materials, products that are used for prevention and control and overcoming consequences of floods and storms, from all sources.

Chapter VII - Inspection of Storm and Flood Prevention and Control

Article 34: Inspection units for prevention and control of floods and storms shall check the observance of laws on prevention and control of floods and storms in order to stimulate measures to prevent and stop acts of violation to the laws on prevention and control of floods and storms.

The Director of the Department for Prevention and Control of Floods and Storms and Dyke Management of the Ministry of Agriculture and Rural Development, the Directors of the Departments of Agriculture and Rural Development shall be responsible for conducting inspections in the area of prevention and control of floods and storms within the scope of their functions, tasks and authority.

Article 35: The work of inspection of activities for prevention and control of floods and storms shall comprise the following:

- 1- To inspect the observance of the laws and other legal documents of the State on prevention and control of floods and storms and work related to prevention and control of floods and storms.
- 2- To inspect the work of building, rehabilitating, protecting, and using dykes and the work of dyke rescue and flood control.
- 3- To inspect the management and protection of major reservoirs, flood control projects, and other projects related to facilities used for prevention and control of floods and storms.
- 4- To inspect the management and use of materials reserved for prevention and control of floods and

storms.

5- To inspect the performance of other activities related to the laws on prevention and control of floods and storms.

Article 36: The Minister of Agriculture and Rural Development shall coordinate with the Chief Inspector of the Government, Minister, Chairperson of the Governmental Committee for Organization and Personnel, Minister of Finance, Minister of Labour, War Invalids and Social Affairs in formulating a model for organization and operation of Inspection units in the field and submit it to the Prime Minister for approval.

Chapter VIII - Implementation Provisions

Article 37: This Decree shall take full effect from the date of issuance. All previous regulations that are inconsistent with this Decree are hereby annulled.

Article 38: The Ministers, Heads of offices at ministry level, Heads of offices under the Government, the Chairperson of the People's Committees of provinces and cities under the Central Government, shall implement this Decree.

On behalf of the Government for the Prime Minister
Deputy Prime Minister
PHAN VAN KHAI