

**THE GOVERNMENT**

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No.: 104/2017/ND-CP

**THE SOCIALIST REPUBLIC OF VIETNAM**

**Independence – Freedom – Happiness**

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*Hanoi, September 14, 2017*

## **DECREE**

### **PENALTIES FOR ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON DISASTER PREPAREDNESS, OPERATION AND PROTECTION OF HYDRAULIC STRUCTURES AND FLOOD CONTROL SYSTEMS**

*Pursuant to the Law on Government Organization dated June 19, 2015;*

*Pursuant to the Law on Actions against Administrative Violations dated June 20, 2012;*

*Pursuant to the Law on Disaster Preparedness dated June 19, 2013;*

*Pursuant to the Law on Flood Control Systems dated November 29, 2006;*

*Pursuant to the Ordinance on operation and protection of hydraulic structures dated April  
04, 2001;*

*At the request of Minister of Agriculture and Rural Development;*

*The Government promulgates a Decree to introduce penalties for administrative violations  
against regulations on disaster preparedness, operation and protection of hydraulic  
structures and flood control systems.*

## **Chapter I**

### **GENERAL PROVISIONS**

#### **Article 1. Scope**

1. This Decree deals with violations, penalties, fines, remedial measures against administrative violations, the power to impose penalties against administrative violations and the power to make records of administrative violations against regulations on disaster preparedness, operation and protection of hydraulic structures and flood control systems.
2. Other administrative violations against regulations on disaster preparedness, operation and protection of hydraulic structures and flood control systems which are not prescribed in this Decree shall be handled in accordance with regulations of other relevant Government's Decrees on penalties for administrative violations.

#### **Article 2. Regulated entities**

1. Individuals and/or organizations that commit administrative violations against regulations on disaster preparedness, operation and protection of hydraulic structures and flood control systems in the territory of the Socialist Republic of Vietnam.
2. Persons that have the power to impose administrative penalties.
3. Other relevant organizations and individuals.

### **Article 3. Penalties and remedial measures**

1. An individual or organization that commits each administrative violation against regulations on disaster preparedness, operation and protection of hydraulic structures and flood control systems must incur a warning or a fine.
2. An individual or organization that commits administrative violation may, subject to the nature and severity of the violation, face one or several additional penalties mentioned below:
  - a) Suspension of license for a fixed period;
  - b) Confiscation of the exhibits and instrumentalities for committing administrative violations.
3. Besides the penalties prescribed in Clause 1 and Clause 2 of this Article, an individual or organization that commits administrative violations may be liable to one or several remedial measures mentioned below:
  - a) Enforced restoration to initial state;
  - b) Enforced demolition of the works or structures which have been built without the license or inconsistently with the license;
  - c) Enforced control of water pollution in the hydraulic structure area;
  - d) Enforced transfer of illegal benefits obtained from administrative violations;
  - dd) Enforced transfer of money or goods or an amount of money equivalent to the value of goods;
  - e) Enforced transfer of illegal volume of soils, stones, sand and/or gravel obtained from administrative violations;
  - g) Enforced satisfaction of disaster preparedness requirements;
  - h) Enforced contributions to disaster preparedness fund.

### **Article 4. Fines**

1. A maximum fine imposed on each administrative violation against regulations on disaster preparedness is VND 50,000,000.

A maximum fine imposed on each administrative violation against regulations on operation and protection of hydraulic structures and flood control systems is VND 100,000,000.

2. Fines for administrative violations herein are imposed on individuals, except the administrative violations prescribed in Article 9, Article 10, Point b Clause 1 Article 11, Point b Clause 2 Article 11 and Point b Clause 3 Article 11 herein; fines for these administrative violations shall be imposed on organizations. The fine incurred by an organization is twice as much as that incurred by an individual for the same administrative violation.

## **Chapter II**

### **ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON DISASTER PREPAREDNESS, PENALTIES, FINES AND REMEDIAL MEASURES**

#### **Article 5. Administrative violations causing obstruction in operation and damage to disaster preparedness works, except hydrometeorological works**

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for any acts of obstructing operation of disaster preparedness works.

2. A fine ranging from VND 6,000,000 to VND 8,000,000 shall be imposed for failure to anchor ships or other means of water transport at prescribed places in the location of disaster preparedness works.

3. A fine ranging from VND 8,000,000 to VND 15,000,000 shall be imposed for deliberately misusing the disaster preparedness works.

4. A fine ranging from VND 15,000,000 to VND 25,000,000 shall be imposed for any of the following violations:

a) Encroaching upon the river terrace or river channel causing an increase in disaster risks without remedial measures;

b) Illegally exploiting sand, gravel and/or minerals causing an increase in disaster risks without remedial measures.

5. A fine ranging from VND 25,000,000 to VND 40,000,000 shall be imposed for causing damage to disaster preparedness works.

6. Remedial measures:

a) Enforced restoration of the initial state which has been damaged due to any of the administrative violations prescribed in Point a Clauses 4 and Clause 5 of this Article;

b) Enforced transfer of illegal benefits obtained from the administrative violation prescribed in Point b Clause 4 of this Article.

#### **Article 6. Violations against regulations on disaster response**

1. A fine ranging from VND 100,000 to VND 300,000 shall be imposed for deliberately delaying or failing to follow directions or orders for disaster relief from an authorized authority or person.
2. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for opposing or obstructing the implementation of directions or orders for disaster relief or decisions on mobilization of human and material resources, vehicles and other necessities, etc. to serve an emergency response made by authorized authorities or persons.
3. A fine ranging from VND 15,000,000 to VND 25,000,000 shall be imposed for deliberately keeping secret of information or providing false information about locations and status of ships, boats or vessels that are operating at sea, river or lake for local governments or competent authorities when disaster occurs.

#### **Article 7. Violations against regulations on search and rescue**

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to give aid or provide information for rescue forces to search for and give aid to persons or boats, ships or vessels that face perils at sea, river, stream or lake.
2. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for requesting for an emergency medical service but failing to cooperate with the rescue team causing waste of time and resources of the rescue forces.

#### **Article 8. Violations against regulations on disaster recovery**

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for deliberately making false statement about damage caused by disasters.
2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for any of the following violations:
  - a) Misusing or causing loss of relief or improperly providing relief;
  - b) Failing to timely fulfill relief works.
3. Remedial measures:
  - a) Enforced transfer of illegal benefits obtained from the administrative violation prescribed in Clause 1 of this Article;
  - b) Enforced transfer of money or goods or an amount of money equivalent to the value of goods if the administrative violation prescribed in Point a Clause 2 of this Article is committed.

#### **Article 9. Violations against regulations on disaster preparedness of investment and construction projects**

1. A fine ranging from VND 15,000,000 to VND 30,000,000 shall be imposed for failure to satisfy disaster preparedness requirements for investment and construction of or upgrading to an urban area, rural residential area or a technical infrastructure structure.

2. Remedial measures:

Enforced satisfaction of disaster preparedness requirements if the administrative violation prescribed in Clause 1 of this Article is committed.

#### **Article 10. Violations against regulations on formulation and implementation of a disaster response plan**

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for failure to submit the approved disaster response plan to the local People's Committee and superior authorities.

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failing to prepare or insufficiently preparing human and material resources, vehicles and other necessities, etc. to cope with disaster according to the approved disaster response plan.

3. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to formulate and apply for an approval for a disaster response plan.

#### **Article 11. Violations against regulations on contribution to the disaster preparedness fund**

1. A fine which is equal to the payable amount of each payment but neither smaller than VND 50,000 nor exceeding VND 50,000,000 shall be imposed for failure to make full payment of annually payable amount to the disaster preparedness fund. To be specific:

a) An individual only makes part payment of the payable amount to the fund by May 30 but fully pays the remaining amount to the fund within duration from May 30 to the end of December 31 annually;

b) An economic organization with independent accounting:

partially makes the first payment of the payable amount to the fund by May 30 but fully pays the remaining amount of the first payment to the fund by October 30 annually; or

Partially makes the second payment of the payable amount to the fund by October 30 but fully pays the remaining amount of the second payment to the fund by December 30 annually.

2. A fine of 1.5 times the payable amount of each payment but neither smaller than VND 50,000 nor exceeding VND 50,000,000 shall be imposed for delaying payment of annually payable amounts to the disaster preparedness fund. To be specific:

a) An individual makes compulsory payment to the disaster preparedness fund after May 30 to the end of December 31 annually;

b) An economic organization with independent accounting makes the first payment to the disaster preparedness fund after May 30 but by October 30 annually, and pays the remaining amount to the same fund after October 30 to the end of December 31 annually.

3. A fine of 2.0 times the payable amount of each payment but neither smaller than VND 50,000 nor exceeding VND 50,000,000 shall be imposed for failure to make payment to the disaster preparedness fund as regulated by law. To be specific:

a) Ending December 31 annually, an individual has still not yet made the full payment to the disaster preparedness fund;

b) Ending October 30 annually, an economic organization with independent accounting fails to make the first payment, and ending December 31 annually, it fails to make the remaining amount to the disaster preparedness fund as regulated.

4. Remedial measures:

Enforced payment of compulsory amounts to the disaster preparedness fund if any of the administrative violations prescribed in Clause 1, 2 and 3 of this Article is committed.

#### **Article 12. Violations imposed on foreign organizations or individuals or international organizations participating in disaster preparedness activities in Vietnam**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for operating inconsistently with the registered activities, except emergency cases.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for carrying out disaster preparedness activities without operation registration certificate or with an expired operation registration certificate, except emergency cases.

### **Chapter III**

#### **ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON OPERATION AND PROTECTION OF HYDRAULIC STRUCTURES, PENALTIES, FINES AND REMEDIAL MEASURES**

#### **Article 13. Violations causing obstacle to flows of a hydraulic structure**

1. A fine ranging from VND 100,000 to VND 300,000 shall be imposed for growing vegetables, setting up fishing traps or fishing weirs and carrying out other fishing methods causing obstacles to the flows.

2. A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for immersing bamboo, white bamboo, neohouzeaua, leaves, timbers or other things causing obstacles to the flows.

3. Remedial measures:

Enforced restoration of the initial state which has been damaged due to any of the administrative violations prescribed in Clauses 1 and 2 of this Article.

## **Article 14. Violations against regulations on discharge of garbage, waste and wastewater into hydraulic structures**

### 1. Penalties for discharge of garbage or waste into hydraulic structures:

- a) A warning shall be imposed for discharging a volume of less than  $0.5\text{m}^3$  of garbage or waste into hydraulic structures;
- b) A fine ranging from VND 300,000 to VND 500,000 shall be imposed for discharging a volume ranging from  $0.5\text{m}^3$  to under  $1\text{m}^3$  of garbage or waste into hydraulic structures;
- c) A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for discharging a volume ranging from  $01\text{m}^3$  to under  $03\text{m}^3$  of garbage or waste into hydraulic structures;
- d) A fine ranging from VND 2,000,000 to VND 4,000,000 shall be imposed for discharging a volume ranging from  $03\text{m}^3$  to under  $05\text{m}^3$  of garbage or waste into hydraulic structures;
- dd) A fine ranging from VND 4,000,000 to VND 8,000,000 shall be imposed for discharging a volume of  $05\text{m}^3$  or more of garbage or waste into hydraulic structures.

### 2. Penalties for failure to obtain a license for discharge of wastewater into hydraulic structures in case where a wastewater discharge license is required:

- a) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failure to obtain a license for discharge of wastewater into hydraulic structures in case where a wastewater discharge license is required provided that the volume of discharged wastewater is smaller than  $05\text{m}^3/24$  hours;
- b) A fine ranging from VND 30,000,000 to VND 60,000,000 shall be imposed for failure to obtain a license for discharge of wastewater into hydraulic structures in case where a wastewater discharge license is required provided that the volume of discharged wastewater is from  $05\text{m}^3/24$  hours to under  $100\text{m}^3/24$  hours;
- c) A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for failure to obtain a license for discharge of wastewater into hydraulic structures in case where a wastewater discharge license is required provided that the volume of discharged wastewater is from  $100\text{m}^3/24$  hours to under  $500\text{m}^3/24$  hours;
- d) A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for failure to obtain a license for discharge of wastewater into hydraulic structures in case where a wastewater discharge license is required provided that the volume of discharged wastewater is  $500\text{m}^3/24$  hours or above.

### 3. Remedial measures:

- a) Enforced restoration of initial state which has been damaged due to any of the administrative violations prescribed in Clause 1 of this Article;
- b) Enforced control of water pollution in the hydraulic structure area if any of the administrative violations prescribed in Clause 2 of this Article is committed.

### **Article 15. Violations against regulations on operation of hydraulic structures**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for any of the following violations:

- a) Failure to comply with the operation procedure of hydraulic structure system or the operation procedure of hydraulic structure which has been approved by a competent authority, except the case prescribed in Clause 3 of this Article;
- b) Deliberately operating a hydraulic structure without assignment from an authorized person.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failure to formulate the operation procedure of hydraulic structure as regulated by law.

3. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for operating a reservoir inconsistently with the operation procedure approved by a competent authority.

### **Article 16. Violations against regulations on operation of machinery and equipment of a hydraulic structure**

A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for misuse of machinery and equipment of a hydraulic structure.

### **Article 17. Violations against regulations on hydraulic structure safety**

1. A fine ranging from VND 100,000 to VND 300,000 shall be imposed for any of the following violations:

- a) Encroaching on land inside the perimeter of the hydraulic structure to set up tent, store or parking area;
- b) Digging, hoeing, or growing plants on canal bank or canal slope or the slope of earth dam.

2. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for any of the following violations:

- a) Building brick kiln, lime kiln or cattle or poultry breeding facility within the protected zone of a hydraulic structure;
- b) Illegally carrying out aquaculture activities within the protected zone of a hydraulic structure;
- c) Illegally demolishing or moving landmarks or signs of hydraulic structures; deliberately connecting water canals or water pipes;
- d) Illegally growing perennial plants or doing scientific research within the protected zone of a hydraulic structure.

3. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for any of the following violations against regulations on dam safety management of reservoir:



- a) Failure to formulate and send report on dam safety status;
- b) Failure to inspect dam according to the prescribed contents and policies;
- c) Failure to formulate and submit a dam protection plan to a competent authority for approval; failure to carry out dam protections;
- d) Failure to formulate a plan to ensure downstream safety of a dam so as to actively cope with the emergency flood release or dam failure in cases where there is a residential area or an industrial park or an important national defense and security work located at the downstream of a dam.

4. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for any of the following violations:

- a) Illegally construct oil pipelines, water supply and drainage systems, power supply systems, communications systems or other works within the protected zone of a hydraulic structure;
- b) Drilling or boring for geological survey purpose, or exploring and extracting underground water or minerals within the protected zone of a hydraulic structure inconsistently with the law;
- c) Illegally burying waste within the protected zone of a hydraulic structure;
- d) Illegally organizing tourist or sports activities or providing other services for business purposes within the protected zone of a hydraulic structure.

5. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for any of the following violations:

- a) Demolishing or filling a hydraulic structure without permission;
- b) Illegally build house, auxiliary work, bridge, embankment, landing pier, production facility or material warehouse within the protected zone of a hydraulic structure;
- c) Illegally exploiting building ground, sand, stones, gravel and/or other building materials within the protected zone of a hydraulic structure.

6. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for using explosives or carrying out other blasting activities without permission within the protected zone of a hydraulic structure.

7. Remedial measures:

- a) Enforced restoration of the initial state which has been damaged due to any of the administrative violations in Point b Clause 1, Points b, c, d Clause 2, Points b, c, d Clause 4, Points a, c Clause 5 and Clause 6 of this Article;

b) Enforced demolition of the illegally constructed works if any of the administrative violations prescribed in Point a Clause 1, Point a Clause 2, Point a Clause 4 and Point b Clause 5 of this Article is committed.

**Article 18. Violations against regulations on operation of transport vehicles through a hydraulic structure area**

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for operating a motor vehicle or heavy-duty vehicle whose gross weight exceeds the prescribed limit through a hydraulic structure area.

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for any of the following violations:

a) Operating a motor vehicle or heavy-duty vehicle through a hydraulic structure area where such transport vehicles are banned;

b) Operating an inland waterway ship through the hydraulic structure area causing damage to the hydraulic structure.

3. Remedial measures:

Enforced restoration of the initial state which has been damaged due to any of the administrative violations prescribed in Clauses 1 and 2 of this Article.

**Article 19. Violations against regulations on license to carry out activities within the protected zone of a hydraulic structure**

1. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for carrying out activities inconsistently with provisions of the license to:

a) cultivate perennial plants; or

b) build cattle or poultry breeding farm or an aquaculture site; or

c) do scientific research.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for carrying out activities inconsistently with provisions of the license to:

a) Drill or bore for geological survey purpose, or exploring and extracting underground water or minerals or building materials within the protected zone of a hydraulic structure; or

b) build stations or grounds for handling of raw materials, fuels, supplies and equipment; or

c) bury waste; or

d) build underground structures, including: Oil pipeline, underground electrical cables, communication cables and water supply and drainage systems; or

dd) organize business and service activities.

3. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for carrying out activities inconsistently with provisions of the license to:

a) execute construction works within the protected zone of a hydraulic structure; or

b) discharge wastewater into the hydraulic structure; or

c) use explosives and perform other blasting activities within the protected zone of a hydraulic structure.

4. Additional penalties:

Suspend the license for 01 - 03 months if any of the administrative violations prescribed in Clause 2 and Clause 3 of this Article is committed.

5. Remedial measures:

a) Enforced restoration of the initial state which has been damaged due to any of the administrative violations in Point a Clause 1, Points a, c Clause 2, Points b, c Clause 3 of this Article;

b) Enforced demolition of the illegally constructed works if any of the administrative violations prescribed in Point b Clause 1, Points b, d Clause 2, Point a Clause 3 of this Article is committed.

## **Chapter IV**

### **ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON FLOOD CONTROL SYSTEMS, PENALTIES, FINES AND REMEDIAL MEASURES**

#### **Article 20. Violations against regulations in Article 7 of the Law on flood control systems**

1. A fine ranging from VND 100,000 to VND 300,000 shall be imposed for hoeing, digging or mowing grass on a dike slope, dike berm or surface.

2. A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for any of the following violations:

a) Destroying less than 10 mangroves of the dike mangrove belt;

b) Discharging waste within the protected zone of a dike, on the river terrace or river channel with a volume of less than  $01\text{m}^3$ ;

c) Placing materials on a dike with a volume of less than  $01\text{m}^3$ ;

d) Illegally appropriating, using or moving soil, stones, sand or gravels which are reserved for flood or storm control purpose with a volume of less than  $01\text{m}^3$ ;

dd) Planting annual or perennial crops on a dike; planting perennial crops within the protected zone of a dike.

3. A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for any of the following violations:

a) Destroying 10 mangroves or more of the dike mangrove belt;

b) Discharging waste within the protected zone of a dike, on the river terrace or river channel with a volume ranging from  $01\text{m}^3$  to under  $05\text{m}^3$ ;

c) Placing materials on a dike with a volume of  $01\text{m}^3$  or more;

d) Illegally appropriating, using or moving soil, stones, sand or gravels which are reserved for flood or storm control purpose with a volume of  $01\text{m}^3$  or more;

dd) Placing objects in the river channel or river terrace to hinder the river's flow or flood discharge or within the protected zone of a dike with a volume of less than  $10\text{m}^3$ ;

e) Digging, leveling or dividing the surface, slope, berm or bottom of a dike.

4. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for any of the following violations:

a) Discharging waste within the protected zone of a dike, on the river terrace or river channel with a volume of  $05\text{m}^3$  or more;

b) Placing objects in the river channel or river terrace to hinder the river's flow or flood discharge or within the protected zone of a dike with a volume ranging from  $10\text{m}^3$  to under  $50\text{m}^3$ ;

c) Digging a pond or well within the protected zone of a dike;

d) Operating a motor vehicle or heavy-duty vehicle whose gross weight exceeds the prescribed limit on a dike;

dd) Operating a motor vehicle or heavy-duty vehicle on a dike where a prohibition sign is set up in case of dike failures or storm or flood, except vehicles for dike inspection or dike protection or vehicles used for performing national defense and security purpose or ambulances or fire trucks;

e) Illegally appropriating, using or moving or damaging the auxiliary work of a flood control system.

5. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for any of the following violations:

a) Placing objects in the river channel or river terrace to hinder the river's flow or flood discharge or within the protected zone of a dike with a volume ranging from  $50\text{m}^3$  to under  $200\text{m}^3$ .

b) Failing to comply with technical regulations when operating a flood diversion structure, flood retardation structure, dike culvert, spillway structure, dike-crossing works, pumping station or lock within the protected zone of a dike.

6. A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed for any of the following violations:

a) Placing objects in the river channel or river terrace to hinder the river's flow or flood discharge or within the protected zone of a dike with a volume of 200 m<sup>3</sup> or more;

b) Building a structure or house within the protected zone of a dike, except flood preparedness structures, auxiliary works and special works;

c) Exploiting soil, sand, stones, gravel or minerals within the protected zone of a dike.

7. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for blasting activities causing damage to the dike body, except emergency cases where blasting activities are performed for flood diversion or flood retardation in dike protections according to decision of an authorized person as prescribed in Article 34 of the Law on flood control systems.

8. Additional penalties:

Confiscate instrumentalities for committing administrative violations in Point a Clause 2, Points a, e Clause 3, Point c Clause 4, Point b Clause 6 of this Article.

9. Remedial measures:

a) Enforced restoration of the initial state which has been damaged due to any of the administrative violations in Points a, b, c, dd Clause 2, Points a, b, c, dd, e Clause 3, Points a, b, c, e Clause 4, Point a Clause 5 and Points a, c Clause 6 of this Article;

b) Enforced transfer of illegal volume of soil, sand, stones or gravel obtained from the administrative violations prescribed in Point d Clauses 2 or Point d Clause 3 of this Article;

c) Enforced demolition of illegally constructed work or work item if the violation prescribed in Point b Clause 6 of this Article is committed.

### **Article 21. Violations against regulations on construction of house or structure at an empty river terrace**

1. Fine shall be imposed for construction of house or structure at an empty river terrace inconsistently with regulations in Article 26 of the Law on flood control systems. To be specific:

a) A fine ranging from VND 5,000,000 to VND 15,000,000 shall be imposed if the building area is smaller than 10 m<sup>2</sup>;

b) A fine ranging from VND 15,000,000 to VND 30,000,000 shall be imposed if the building area is from 10 m<sup>2</sup> to 30 m<sup>2</sup>;

c) A fine ranging from VND 30,000,000 to VND 60,000,000 shall be imposed if the building area is larger than 30 m<sup>2</sup>.

2. Remedial measures:

Enforced restoration of initial state which has been damaged due to any of the administrative violations prescribed in Clause 1 of this Article.

**Article 22. Violations against regulations in Point b Clause 2 Article 27 of the Law on flood control systems with respect of expansion of building area when repairing or upgrading a house or structure existing within the protected zone of a dike or at the river terrace**

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for expanding the building area without permission when repairing or upgrading a house or structure existing within the protected zone of a dike or at the river terrace if the expanded area is smaller than 10 m<sup>2</sup>.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for expanding the building area without permission when repairing or upgrading a house or structure existing within the protected zone of a dike or at the river terrace if the expanded area is between 10 m<sup>2</sup> and 30 m<sup>2</sup>.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for expanding the building area without permission when repairing or upgrading a house or structure existing within the protected zone of a dike or at the river terrace if the expanded area is larger than 30 m<sup>2</sup>.

4. Remedial measures:

Enforced demolition of the built structure or house if any of the violations prescribed in Clause 1, Clause 2 and Clause 3 of this Article is committed.

**Article 23. Violations against regulations in Clause 2 Article 28 of the Law on flood control systems with respect of construction and upgrading of dike-related traffic works**

1. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for constructing or upgrading a dike-related traffic work without a written approval given by a competent authority.

2. Remedial measures:

Enforced restoration of initial state which has been damaged due to any of the administrative violations prescribed in Clause 1 of this Article.

**Article 24. Violations against regulations on license or written approval for dike-related activities**

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for carrying out activities inconsistently with the license prescribed in Article 31 of the Law on flood control systems.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for carrying out activities inconsistently with any of the licenses prescribed in Clause 1 Article 25, Clauses 2, 3 Article 26, Clause 2 Article 27 and the written approval prescribed in Clause 2 Article 28 of the Law on flood control systems.

3. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for failing to obtain a license when carrying out activities prescribed in Clause 1 Article 25, Clauses 2, 3 Article 26, Clause 2 Article 27 and Article 31 of the Law on flood control systems.

4. Additional penalties:

Suspend the license for 01 - 03 months if any of the administrative violations prescribed in Clause 1 and Clause 2 of this Article is committed.

5. Remedial measures:

Enforced restoration of the initial state which has been damaged due to any of the administrative violations prescribed in Clauses 1, 2 and 3 of this Article.

#### **Article 25. Violations against regulations on mobilization of resources for dike protections and salvage of dike safety-related works**

A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to implement decisions made by authorized persons on mobilization of human and material resources, and vehicles for dike protections or salvage of dike safety-related works.

### **Chapter V**

#### **POWER TO IMPOSE ADMINISTRATIVE PENALTIES**

#### **Article 26. Power of Chairpersons of people's committees**

1. Chairpersons of commune-level people's committees shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 5,000,000;

c) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine specified in Point b of this Clause;

d) Enforce the remedial measures mentioned in Points a, b and c Clause 3 Article 3 of this Decree.

2. Chairpersons of District-level People's Committees shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 25,000,000 for any of the administrative violations against regulations on disaster preparedness mentioned in Chapter II herein; or a fine up to VND 50,000,000 for any of the administrative violations against regulations on operation and protection of hydraulic structures and flood control systems mentioned in Chapter III and Chapter IV herein;
- c) Suspend a license for a fixed period;
- d) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine specified in Point b of this Clause;
- dd) Enforce the remedial measures mentioned in this Decree.

3. Chairpersons of Provincial-level People's Committees shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 50,000,000 for any of the administrative violations against regulations on disaster preparedness mentioned in Chapter II herein; or a fine up to VND 100,000,000 for any of the administrative violations against regulations on operation and protection of hydraulic structures and flood control systems mentioned in Chapter III and Chapter IV herein;
- c) Suspend a license for a fixed period;
- d) Confiscate the exhibits and instrumentalities of administrative violations;
- dd) Enforce the remedial measures mentioned in this Decree.

**Article 27. Power to impose administrative penalties of inspectorates and heads of agencies assigned to conduct specialized inspections of operation and protection of hydraulic structures and flood control systems**

1. On-duty inspectors or persons who are assigned to conduct specialized inspections of operation and protection of hydraulic structures and flood control systems shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 500,000;
- c) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine imposed for same violation specified in Point b of this Clause;
- d) Enforce the remedial measures mentioned in Points a and c Clause 3 Article 3 of this Decree.



2. Chief Inspectors of Provincial Departments of Agriculture and Rural Development; Heads of Inspection Teams of Provincial Departments of Agriculture and Rural Development; Heads of Inspection Teams of the Water Resource Directorate; Heads of Inspection Teams of the Directorate of Disaster Preparedness; Directors or heads of inspection teams of Sub-departments in charge of water resource or flood control systems shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 50,000,000 for any of the administrative violations against regulations on operation and protection of hydraulic structures and flood control systems mentioned in Chapter III and Chapter IV herein;
- c) Suspend a license for a fixed period;
- d) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine specified in Point b of this Clause;
- dd) Enforce the remedial measures mentioned in this Decree.

3. Heads of inspection teams established by the Ministry of Agriculture and Rural Development shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 70,000,000 for any of the administrative violations against regulations on operation and protection of hydraulic structures and flood control systems mentioned in Chapter III and Chapter IV herein;
- c) Suspend a license for a fixed period;
- d) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine specified in Point b of this Clause;
- dd) Enforce the remedial measures mentioned in this Decree.

4. The Chief Inspector of Ministry of Agriculture and Rural Development, Director General of Directorate of Water Resources and Director General of Directorate of Disaster Preparedness shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 100,000,000 for any of the administrative violations against regulations on operation and protection of hydraulic structures and flood control systems mentioned in Chapter III and Chapter IV herein;
- c) Suspend a license for a fixed period;
- d) Confiscate the exhibits and instrumentalities of administrative violations;
- dd) Enforce the remedial measures mentioned in this Decree.

## **Article 28. Power to impose administrative penalties of fisheries resource surveillance forces**

Power of fisheries resource surveillance forces to impose penalties for administrative violations against regulations on disaster preparedness mentioned in Article 6 and Article 7 herein within the territorial waters of Vietnam:

1. On-duty fisheries resource surveillance officers who are assigned to conduct specialized inspections shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 500,000;
- c) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine specified in Point b of this Clause.

2. Directors of Regional Offices of fisheries resource surveillance shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 25,000,000;
- c) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine specified in Point b of this Clause.

3. Director General of Department of fisheries resource surveillance shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 35,000,000;
- c) Confiscate the exhibits and instrumentalities for committing administrative violations.

## **Article 29. Power to impose administrative penalties of inspectorates and heads of agencies assigned to conduct specialized inspections of disaster preparedness**

1. On-duty inspectors or persons who are assigned to conduct specialized inspections of disaster preparedness shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 500,000;
- c) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine specified in Point b of this Clause;
- d) Enforce the remedial measures mentioned in Points a and c Clause 3 Article 3 of this Decree.

2. Chief Inspectors or heads of inspection teams established by Provincial Departments in charge of disaster preparedness; heads of inspection teams established by Directorates, Directors or heads of inspection teams established by Departments assigned to conduct specialized inspections of disaster preparedness shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 25,000,000 for any of the administrative violations mentioned in Chapter II herein;
- c) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine specified in Point b of this Clause;
- d) Enforce the remedial measures mentioned in this Decree.

3. Heads of inspection teams established by Ministries performing disaster preparedness tasks shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 35,000,000 for any of the administrative violations mentioned in Chapter II herein;
- c) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine specified in Point b of this Clause;
- d) Enforce the remedial measures mentioned in this Decree.

4. Director General of the Directorate of Disaster Preparedness; Chief Inspectors of Ministries or Directors General of Directorates assigned to conduct specialized inspections of disaster preparedness shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 50,000,000 for any of the administrative violations mentioned in Chapter II herein;
- c) Confiscate the exhibits and instrumentalities of administrative violations;
- d) Enforce the remedial measures mentioned in this Decree.

### **Article 30. Power of People's public securities forces**

1. Soldiers on duty of People's Public Security Forces shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 500,000;

2. Heads of stations, heads of squadrons, and leaders of the soldiers mentioned in Clause 1 of this Article shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 1,500,000;

3. Heads of commune-level police forces and heads of public security stations shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 2,500,000;
- c) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine specified in Point b of this Clause;
- d) Enforce the remedial measures mentioned in Points a and c Clause 3 Article 3 of this Decree.

4. Heads of District-level police forces, Fleet commanders, Heads of operations divisions affiliated to the Traffic Police Department; and heads of provincial-level police agencies, including: Head of Waterway Traffic Police Division, Head of Railway and Road Traffic Police Division, Head of Security and Flying Police Division, heads of flying squads at the company or higher level, Head of Environment Crime Prevention and Fighting Police Division, Head of Fire and Rescue Police Division, Heads of Fire Police Units of Districts, Towns or Provincial Cities, Heads of Waterway Fire and Rescue Police Divisions affiliated to the Provincial-level Fire Police Departments shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 10,000,000 for any of the administrative violations against regulations on disaster preparedness mentioned in Chapter II herein; or a fine up to VND 20,000,000 for any of the administrative violations against regulations on operation and protection of hydraulic structures and flood control systems mentioned in Chapter III and Chapter IV herein;
- c) Suspend a license for a fixed period;
- d) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine specified in Point b of this Clause;
- dd) Enforce the remedial measures mentioned in Points a, c, g and h Clause 3 Article 3 of this Decree.

5. Directors of Provincial-level Police Agencies and Directors of Firefighting Police Departments shall have the power to:

- a) Issue warning;

b) Impose a fine up to VND 25,000,000 for any of the administrative violations against regulations on disaster preparedness mentioned in Chapter II herein; or a fine up to VND 50,000,000 for any of the administrative violations against regulations on operation and protection of hydraulic structures and flood control systems mentioned in Chapter III and Chapter IV herein;

c) Suspend a license for a fixed period;

d) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine specified in Point b of this Clause;

dd) Enforce the remedial measures mentioned in Points a, c, d, dd, e, g and h Clause 3 Article 3 of this Decree.

6. Directors of the Traffic Police Department, the Vietnam Fire and Rescue Police Department and the Environment Crime Prevention and Fighting Police Department shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 50,000,000 for any of the administrative violations against regulations on disaster preparedness mentioned in Chapter II herein; or a fine up to VND 100,000,000 for any of the administrative violations against regulations on operation and protection of hydraulic structures and flood control systems mentioned in Chapter III and Chapter IV herein;

c) Suspend a license for a fixed period;

d) Confiscate the exhibits and instrumentalities of administrative violations;

dd) Enforce the remedial measures mentioned in Points a, c, d, dd, e, g and h Clause 3 Article 3 of this Decree.

### **Article 31. Power of Border Guard Forces**

Border Guard Forces shall have the power to impose penalties for administrative violations prescribed in Chapters II, III and IV herein in border regions under the scope of their management. To be specific:

1. Soldiers on duty of Border Guard Forces shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 500,000.

2. Heads of border guard stations, and leaders of the soldiers mentioned in Clause 1 of this Article shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 2,500,000.

3. Heads of border-guard stations, commanders of border-guard flotillas, commanders of border-guard sub-zones and commanders of port border guards shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 10,000,000 for any of the administrative violations against regulations on disaster preparedness mentioned in Chapter II herein; or a fine up to VND 20,000,000 for any of the administrative violations against regulations on operation and protection of hydraulic structures and flood control systems mentioned in Chapter III and Chapter IV herein;

c) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine specified in Point b of this Clause;

d) Enforce the remedial measures mentioned in Points a, c, g and h Clause 3 Article 3 of this Decree.

4. Commanders of provincial-level border guard forces and commanders of border guard fleets affiliated to Border Guard High Command shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 50,000,000 for any of the administrative violations against regulations on disaster preparedness mentioned in Chapter II herein; or a fine up to VND 100,000,000 for any of the administrative violations against regulations on operation and protection of hydraulic structures and flood control systems mentioned in Chapter III and Chapter IV herein;

c) Suspend a license for a fixed period;

d) Confiscate the exhibits and instrumentalities of administrative violations;

dd) Enforce the remedial measures mentioned in Points a, c, d, dd, g and h Clause 3 Article 3 of this Decree.

### **Article 32. Power of Marine Police Forces**

Power to impose penalties of Marine Police Forces for administrative violations against regulations on disaster preparedness mentioned in Chapter II herein in regions under the scope of their management:

1. Police Officers on duty of Marine Police Forces shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 1,000,000.

2. Coastguard team leaders shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 2,500,000.

3. Coastguard squad leaders and captains of coastguard stations shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 5,000,000;

c) Enforce the remedial measures mentioned in Points a and c Clause 3 Article 3 of this Decree.

4. Commanders of coastguard platoons shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 10,000,000;

c) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine specified in Point b of this Clause;

d) Enforce the remedial measures mentioned in Points a, c, g and h Clause 3 Article 3 of this Decree.

5. Commanders in chief of coastguard squadrons shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 15,000,000;

c) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine specified in Point b of this Clause;

d) Enforce the remedial measures mentioned in Points a, c, g and h Clause 3 Article 3 of this Decree.

6. Commanders of regional coastguard command centers shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 25,000,000;

c) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine specified in Point b of this Clause;

d) Enforce the remedial measures mentioned in Points a, c, g and h Clause 3 Article 3 of this Decree.

7. Commanders of Coastguard Headquarters shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 50,000,000;
- c) Suspend a license for a fixed period;
- d) Confiscate the exhibits and instrumentalities of administrative violations;
- dd) Enforce the remedial measures mentioned in Points a, b, c, g and h Clause 3 Article 3 of this Decree.

### **Article 33. Power to record administrative violations**

Persons who have the power to impose administrative penalties, public employees and officials on duty shall have the power to make records of administrative violations against regulations on disaster preparedness, operation and protection of hydraulic structures and flood control systems.

## **Chapter VI**

### **IMPLEMENTATION PROVISIONS**

#### **Article 34. Entry into force**

1. This Decree shall come into force as from November 01, 2017.
2. This Decree supersedes the Government's Decree No. 139/2013/ND-CP dated October 22, 2013 on administrative penalties for violations against regulations on hydraulic structures, dikes and flood control systems.

#### **Article 35. Implementation responsibility**

1. Minister of Agriculture and Rural Development shall instruct, organize and inspect the implementation of this Decree.
2. Ministers, heads of ministerial-level agencies, heads of the Government's affiliates, Chairpersons of people's committees at all levels, and relevant authorities, organizations and individuals shall implement this Decree./.

**ON BEHALF OF THE GOVERNMENT  
PRIME MINISTER**

**Nguyen Xuan Phuc**