

ORDINANCE AMENDING AND SUPPLEMENTING A NUMBER OF ARTICLES OF THE ORDINANCE ON FLOOD AND STORM PREVENTION AND FIGHT

(No.27/2000/PL-UBTVQH10 of August 24, 2000)

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam;

Pursuant to the Law on Water Resources;

Pursuant to the Resolution of the Xth National Assembly at its sixth session on the 2000 law and ordinance-making program;

This Ordinance amends and supplements a number of articles of the Ordinance on Flood and Storm Prevention and Fight which was passed by the National Assembly Standing Committee on March 8, 1993.

Article 1.- To amend and supplement a number of articles of the Ordinance on Flood and Storm Prevention and Fight as follows:

1. Article 3 is amended and supplemented as follows:

“Article 3.- The State shall exercise the unified management over the flood and storm prevention and fight nationwide.

In the flood and storm prevention and fight, there must be plans and measures to actively prevent, fight, avert and adapt to floods and storms, depending on the characteristics of each area; to alleviate and limit harms caused by floods and storms; to combine the national interests with local ones; to combine modern sciences and technologies with the people’s traditional experiences in a manner suited to the practical conditions.”

2. Article 10 is amended and supplemented as follows:

“Article 10.- The long-term flood and storm

prevention and fight includes:

1. To organize and invest in building a system to gather information on fluctuations in the global weather, the regional weather and the weather in each region of the country; to process such information in order to improve the forecast and warning quality in service of the direction and command of the flood and storm prevention and fight;

2. To elaborate the flood and storm prevention and fight plannings and norms for each region as the basis for preparing plans on the construction of flood and storm prevention and fight projects as well as flood and storm prevention and fight plans;

3. To make plans on reinforcement and investment in the construction of flood and storm prevention and fight projects, on dyke construction, repair and protection; clearance of river banks; clearance and dredge of river beds; protection and planting of waterhead protection forests as well as wave-, wind- and sand-shielding tree lines along the river banks and coasts;

4. To rationally arrange the population areas and infrastructures in areas prone to floods and storms;

5. To determine the agricultural production and fishery structures suited and adaptable to floods and storms, depending on the characteristics of each region;

6. To apply scientific and technological advances to the flood and storm prevention and fight;

7. To propagate and disseminate among the population knowledge and experiences on flood and storm prevention and fight;

8. To periodically inspect and evaluate the flood and storm prevention and fight plans.”

3. Article 15 is amended and supplemented as follows:

“Article 15.- The management and exploitation of water reservoirs, pumping stations, dyke culverts and other constructions related to flood and storm prevention and fight must comply with the operation process of these constructions already approved by the competent State management bodies.”

4. Article 17 is amended and supplemented as follows:

“Article 17.- When operating on rivers and sea, boats and ships of all kinds must be equipped with the communication and signaling system, rescue and salvage means.

Captains, crew members and people working on sea and/or rivers must abide by the law provisions on maritime and inland waterways as well as storm and flood forecast and warning regulations, must have

knowledge and experiences on flood and storm prevention and aversion so that they can know what to do when receiving flood and/or storm warnings.

Ship or boat owners shall be responsible for facilities and equipment ensuring safety for people, ships and boats.

Ship captains shall be responsible for checking safety facilities and equipment before operating their ships or boats."

5. Article 20 is amended and supplemented as follows:

"Article 20.- The competence and responsibilities of the flood and storm forecasting agencies, agencies that issue flood and storm warning and alarming decisions and agencies that issue decisions on urgent measures against floods and storms are stipulated as follows:

1. The General Department of Meteorology and Hydrology shall issue forecasts on rains, floods, storms, tropical low pressures and tidal rises throughout the country;

2. The Central Steering Committee for Flood and Storm Prevention and Fight shall decide on warnings and measures to cope with floods and storms throughout the country;

3. The flood and storm prevention and fight commanding committees of the agencies, ministerial-level agencies and agencies attached to the Government shall coordinate with the flood and storm prevention and fight commanding committees of the provinces and centrally-run cities in deciding on warnings and measures to cope with floods and storms within the scope of their management;

4. The flood and storm prevention and fight commanding committees of the provinces and centrally-run cities shall decide on warnings, alarmings and measures to cope with floods and storms in their respective localities; for remote and deep-lying areas, the district flood and storm prevention and fight commanding committees may, in case of necessity, issue decision on flood and storm warnings and alarmings in the localities and must immediately report such to the superior flood and storm prevention and fight commanding committees;

The flood and storm prevention and fight commanding committees of the districts, provincial towns or cities, the flood and storm prevention and fight commanding committees of the communes, wards and townships as well as the local branches shall issue warnings and alarmings and decide measures to cope with floods and storms within the scope of their management;

5. The Prime Minister shall decide on measures to cope with floods and storms in emergency cases.

When the floods or storms disappear, the agencies that have issued flood and/or storm warning and/or alarming decisions and measures to cope with such floods and/or storms shall have to issue notices on canceling their decisions."

6. Article 21 is amended and supplemented as follows:

"Article 21.- The mobilization of various forces, supplies and means for flood and storm prevention and fight are stipulated as follows:

1. In emergency cases, the Prime Minister and the presidents of the People's Committees of all levels may mobilize all forces, supplies and means of any organizations and individuals to rescue people, projects and properties threatened or damaged by floods and storms and shall take responsibility for their decisions.

The armed forces shall have to take part in flood and storm prevention and fight as well as the overcoming of their consequences; the army shall be the core force in this work.

The mobilized organizations and individuals must abide by decisions of the competent State bodies.

2. Supplies and means mobilized by decisions of the competent State bodies shall be returned to their owners, if they are damaged, compensation shall be paid therefor according to law provisions; people who are injured or die while participating in the flood and storm prevention and fight shall be considered for entitlement to regimes and polices prescribed in Articles 28, 29, 30 and 31 of the Ordinance on Public Labor Obligations;

3. In cases where flood and storm control dykes or projects and flood and storm control-related projects are struck with incidents or threatened by imminent incidents, the local administrations must mobilize forces, supplies and means to protect and rescue them as provided for in Article 51 of the Law on Water Resources and at the same time report such to the agencies that manage such projects and the higher-level administrations;

4. The competence to decide on mobilizing obligatory public labor in urgent flood and storm circumstances shall comply with Article 24 of the Ordinance on Public Labor Obligations."

7. Article 22 is amended and supplemented as follows:

"Article 22.- The flood diversion and slowdown in emergency cases are stipulated as follows:

1. In emergency cases, when the dyke system is

seriously threatened, the Prime Minister may decide on flood diversion and slowdown measures which concern two or more provinces or centrally-run cities, according to the plan already approved by the Government; the presidents of the People's Committees of the provinces or centrally-run cities may decide on flood diversion and slowdown measures that relate to the safe protection of anti-flood dykes within their respective localities according to the plans already approved by the Prime Minister;

2. The Government shall specify emergency circumstances where flood diversion and slowdown are required; measures to evacuate people safely, ensure their life and production, and provide support for people in the areas affected by flood diversion and slowdown."

8. Article 26 is amended and supplemented as follows:

"Article 26.- The Government shall decide and direct the ministries, the ministerial-level agencies, the agencies attached to the Government and the People's Committees of all levels to overcome flood and storm consequences.

The ministries, the ministerial-level agencies and the agencies attached to the Government shall, within the ambit of their tasks and powers, have to organize the overcoming of flood and storm consequences.

The overcoming of flood and storm consequences in localities shall be organized and directed by the People's Committees of such localities; where it is beyond the capability of localities, the presidents of the People's Committees shall have to promptly report such to the superior State management agencies and flood and storm prevention and fight agencies."

9. Article 28 is amended and supplemented as follows:

"Article 28.- When floods and/or storms occur, the People's Committees of all levels may use the financial sources for flood and storm prevention and fight prescribed in Article 27 of the Ordinance on Flood and Storm Prevention and Fight to overcome the flood and storm consequences; in cases where these sources are not enough, the presidents of the People's Committees of the provinces or centrally-run cities shall report such to the Prime Minister for consideration and support."

10. Article 29 is amended and supplemented as follows:

"Article 29.- The financial sources for flood and storm prevention and fight shall be used for the following tasks:

1. Rescuing people and property, rescuing projects struck with incidents caused by floods or storms;

2. Planning, building, repairing and upgrading flood and storm prevention and fight projects: providing technical equipment and facilities for the flood and storm warning, alarming as well as the flood and storm prevention and fight direction and command;

3. Directing, commanding, propagating, educating and training activities, scientific and technological research and application in the flood and storm prevention and fight;

4. Overcoming flood and storm consequences."

11. Article 30 is amended and supplemented as follows:

"Article 30.- The People's Committees of all levels shall, within the ambit of their tasks and powers, have to closely manage and use for the right purposes the State budget allocations and funds for the work of flood and storm prevention and fight.

The People's Committees of all levels shall assume the prime responsibility and coordinate with the Vietnam Fatherland Front Committees of the same level as well as the concerned agencies in organizing the receipt of foreign and domestic reliefs and distributing them in time to the right organizations and individuals in the flood and/or storm-stricken areas.

When foreign or domestic organizations and individuals directly provide reliefs to flood and/or storm victims, they must notify the local administrations thereof."

12. Article 32 is amended and supplemented as follows:

"Article 32.- The contents of State management over the flood and storm prevention and fight work shall include:

1. Elaborating plannings and plans and directing the flood and storm forecast, prevention and fight and the overcoming of their consequences;

2. Promulgating and organizing the implementation of legal documents on flood and storm forecast, prevention and fight and the overcoming of their consequences;

3. Constructing, repairing, managing and protecting flood and storm prevention and fight projects as well as projects related thereto;

4. Organizing the collection and processing of flood and storm-related information;

5. Managing financial sources for flood and storm prevention and fight;

6. Organizing research and application of scientific and technological advances to the flood and storm forecast, prevention and fight; professional fostering of flood and storm forecast, prevention and fight workers;

7. Propagating and disseminating knowledge, experiences and legislation on flood and storm prevention and fight;

8. Supervising and inspecting the observance of legislation on flood and storm forecast, prevention and fight and the overcoming of their consequences; settling complaints and denunciations about the flood and storm forecast, prevention and fight and the overcoming of their consequences;

9. Directing the international cooperation in the field of flood and storm prevention and fight.”

13. Article 33 is amended and supplemented as follows:

“Article 33.-

1. The Government shall exercise the unified State management over the flood and storm prevention and fight.

2. The Ministry of Agriculture and Rural Development shall assume the prime responsibility and coordinate with the ministries, ministerial-level agencies and agencies attached to the Government in assisting the Government in exercising State management over the flood and storm prevention and fight.

3. The ministries, the ministerial-level agencies and the agencies attached to the Government shall have to exercise State management over the flood and storm prevention and fight according to the assignment by the Government.

4. The People’s Committees of all levels shall exercise State management over the flood and storm prevention and fight in their respective localities according to the assignment by the Government.

The Government shall specify the responsibility division and State management assignment regarding the flood and storm prevention and fight.”

14. Article 34 is amended and supplemented as follows:

“Article 34.-

1. The Central Steering Committee for Flood and Storm Prevention and Fight shall be set up by the Prime Minister.

The Ministry of Agriculture and Rural Development shall act as the standing body of the Central Steering Committee for Flood and Storm Prevention and Fight.

The organization, tasks and powers of the Central Steering Committee for Flood and Storm Prevention and Fight shall be defined by the Prime Minister.

2. The flood and storm prevention and fight commanding committees of the ministries, the ministerial-level agencies and the agencies attached to the Government shall be set up by the ministers, the heads of the ministerial-level agencies or the heads of the agencies attached to the Government and have the task of assisting the ministries, the ministerial-level agencies and the agencies attached to the Government in discharging the flood and storm prevention and fight work within the scope of their respective management.

3. The flood and storm prevention and fight commanding committees of various local levels shall be set up by the presidents of the People’s Committees of these levels and have the task of assisting the People’s Committees of the same level in organizing the flood and storm prevention and fight in their respective localities.”

15. Article 35 is amended and supplemented as follows:

“Article 35.- The ministries, the ministerial-level agencies, the agencies attached to the Government and the People’s Committees of all levels shall, within the ambit of their respective tasks and powers, have to organize the inspection of the flood and storm prevention and fight in accordance with the provisions of law.”

16.- Article 36 is amended and supplemented as follows:

“Article 36.- The making of complaints and denunciations about law-breaking acts committed by organizations and/or individuals in the flood and storm prevention and fight shall comply with the legislation on complaints and denunciations.”

Article 2.- The Government shall amend and supplement the already-promulgated documents detailing the implementation of the Ordinance on Flood and Storm Prevention and Fight to make them comply with this Ordinance.

*On behalf of the National Assembly
Standing Committee
Chairman
NONG DUC MANH*