

## **Wait to solve problems in the field of construction**

**VCN- The legal documents on construction in our country have been quite complete, in contributing to creating a business environment of equality and openness, to create maximum convenience for the enterprises. However, it's a fact there are many inadequacies, causing the enterprises to make unreasonable modifications.**



### **To amend the inadequacies**

In the field of construction, the real estate business, construction investment, housing development... are regulated in 4 laws including; Construction Law 2014, Housing Law 2014, Law on Real Estate Business in 2014, and the Law on Urban Planning in 2009. These laws have helped to minimize administrative procedures, records and costs for businesses. The business conditions were also reviewed and simplified.

However, according to Ms. Tong Thi Hanh, Director of Legislation Department, the Ministry of Construction, the implementation process of the four laws exposed some inadequacies not in line with reality. Some regulations on the residential land and the investment policy had not been consistent with the related legal system. Therefore, the Ministry of Construction built a law plan amending and supplementing a number of articles in the four laws, and drafted a Decree amending, supplementing and abolishing some provisions on the business and investment conditions under the State management of the Ministry of Construction.

Accordingly, these legal documents would simplify many procedures related to the construction field. Typically such as: expanding the object of works exemption for construction permits, simplifying the conditions for granting the construction permits and dossiers, and abolishing 4 conditional investment business sectors. Ms. Hanh said that the review of business conditions under the draft law would help abolish an estimated 41.3% of the conditions, and simplify 43.7 % of business investment conditions.

For these changes of the Ministry of Construction, the enterprises and the experts expressed their sympathy and enthusiasm, because many business conditions in the field of construction were constraining the enterprise operation.

### **The enterprises have to “lubricate” so much**

Although expressing their sympathy for the spirit of the Ministry of Construction's proposal and amendment, the experts and the enterprises still raised their concerns with the expectation that the legal documents would be best suitable for the requirements of the enterprises. The issue that received the most attention was the contents of the construction permit.

According to Mr. Pham Sy Liem, Vice Chairman of the Vietnam Construction Association, there were no regulations on the examination for the individuals and the organizations using the construction permits. So, violations of construction permits were common, but only when the media and the press detected them, then the authorities took action. “The authorities themselves do not detect these things,

especially when subordinates have lubricated, they wanted how many go up several floors, it would be implemented. I heard in one city, the price of “lined up” to add a floor is US\$ 25,000. The managers have to know and stop such things” said Mr. Liem.

In the same view, Mr. Nguyen Quoc Hiep, representative of the Contractors Association, said that the construction permits should be adjusted to suit reality. Currently, under the content of the permit as prescribed, when only repairing the toilet from one place to another, permission must be asked, and the permit adjusted. It was clear that the works belonged to the land use rights of the people.

For the advertisement, Mr. Tran Hung, representative of the Advertising Association, said that after the Advertising Law there had been many obstacles in construction, but the Association had not received feedback from the Ministry of Construction. Especially outdoor advertising went into stalemate stood still for two issues. The first is the permission of advertisement construction works, the second is the Land Law with the issue of planning. Therefore, most of the advertising works under the Law on Advertising, the Construction Law still violated. So that, many businesses had to do black-business or have to add “lubrication” fees and fine fees for those willing to pay. “Ha Noi and Ho Chi Minh City have not planned the advertisement for 4 years, and meanwhile it is required to stop advertising waiting for new planning to be done”, Mr. Hung

Obviously, the current legal regulations in the construction field is still overlapping, not keeping up with the business activities of the enterprises. So, the enterprises and the experts want the management agencies and law construction agencies to listen to the opinions of the enterprises, make reasonable changes, and meet the requirements of the enterprises.

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