

**THE NATIONAL
ASSEMBLY**

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THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

Hanoi, June 19, 2015

LAW

ORGANIZING THE LOCAL GOVERNMENT

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly hereby passes the Law on organizing the local government.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of application

This Law shall provide regulations on administrative units, and organization and operation of local governments at administrative units.

Article 2. Administrative unit

Administrative units of the Socialist Republic of Vietnam shall include:

1. Municipalities and provinces (hereinafter referred to as province or provincial level);
2. Suburban, urban districts and provincial cities, and municipality-controlled cities (hereinafter referred to as district or district level);
3. Communes, wards or commune-level towns (hereinafter referred to as commune or communal level);
4. Special administrative – economic units.

Article 3. Classification of administrative units

1. Classification of administrative units serves as a basis for drawing up socio-economic developmental plans and strategies; establishing the mechanism, system and policies for officials and public servants working at local governments in conformity with each type of administrative unit.

2. Classification of administrative units should be based on criteria such as population scale, natural area, the number of affiliated administrative units, socio-economic development level and particular elements of each administrative unit at rural, urban areas and islands.

3. Administrative units shall be classified as follows:

a) Hanoi and Ho Chi Minh city are special-grade province-level administrative units; the rest of administrative units shall be categorized into three grades: grade I, grade II and grade III;

b) District-level administrative units shall be categorized into three grades: grade I, grade II and grade III;

c) Commune-level administrative units shall be categorized into three grades: grade I, grade II and grade III.

4. Pursuant to regulations laid down in Clause 2 and Clause 3 of this Article, the Government shall suggest specific provisions on standards of each criterion, delegated authority and procedure concerning classification of administrative units to the Standing committee of the National Assembly.

Article 4. Organization of local governments at administrative units

1. The local government level shall include the People's Council and the People's Committee organized at administrative units of the Socialist Republic of Vietnam as stipulated in Article 2 hereof.

2. Rural local government shall include the local government of provinces, rural districts and communes.

3. Urban local government shall include the local government of municipalities, urban districts, district-level towns, provincial cities, municipality-controlled cities, wards and commune-level towns.

Article 5. Principles of organization and operation of local governments

1. Comply with the Constitutions and laws, and govern society by laws; adhere to the democratic concentration principle.

2. Be modern, transparent, and intended for the people, and be subject to the people's supervision.

3. The People's Council shall perform their tasks through the process of meeting and according to the majority rule.

4. The People's Committee shall operate according to the collective system in which the People's Committee is combined with the responsibilities of the President of the People's Committee.

Article 6. People's Council

1. The People's Council is joined by delegates of the People's Council elected by the local electorate, act as the local organ of state power, represent the will, aspirations and mastery of the people as well as bear responsibility to the local people and superior-level state organs.
2. Delegates of the People's Council shall represent wills and desires of the local people, and take responsibility to local voters and the People's Council for exercising powers and performing duties of a delegate.

Delegates of the People's Council shall be all equal to discuss and decide issues that fall within the duties and powers of the People's Council.

3. The standing People's Council is the standing committee of the People's Council exercising powers and performing duties in accordance with provisions laid down in this Law and other relevant legal regulations; bearing responsibility and reporting their task performance to the People's Council.

Members of the standing People's Council are not simultaneously members of the People's Committee at the same level.

4. The committee of the People's Council is the division of the People's Committee and is tasked with verifying the draft resolution, report or plan before submitting it to the People's Council, and supervising and suggesting issues that fall within the remit of the Committee; bear responsibility and report its task performance to the People's Council.

Article 7. Standards of conduct of delegates of the People's Council

1. Show their loyalty towards the Country, People and Constitution, and strive to accomplish the reform task with a view to achieving the goal of a prosperous people, a strong country, and an equitable, democratic and civilized society.
2. Demonstrate their good moral character, diligence, frugality, justice, frugality, and be a good law-abiding citizen; have a strong determination to struggle against corruption, restrain luxury or extravagance, and prevent bureaucratic, imperious and authoritarian behaviors and other violations against laws.
3. Meet vigorous academic and professional standards, and have capability, good health and working experience as well as prestige to perform duties of a delegate; prove eligible to get involved in operations of the People's Council.
4. Stay closely connected to the People, listen to opinions of constructive advice from the People and gain the People's confidence.

Article 8. People's Committee

1. The People's Committee is elected by the People's Council at the same level, is the executive organ of the People's Council, is the State administrative agency within localities, and assume responsibility to the local People, the People's Council at the same level and the State administrative agency at the higher level.

2. The People's Committee shall be composed of the President, Vice Presidents and members. The specific number of Vice Presidents of the People's Committees at all levels shall be regulated by the Government.

Article 9. Professional affiliates of the People's Committee

1. Professional affiliates of the People's Committee are organized at the provincial and district level, and are advisory divisions and assist the People's Committee in performing its state management functions in specific industries or sectors at localities, and perform duties or exercise powers decentralized or delegated by the superior-level state organs.

2. Professional affiliates of the People's Committee shall be subject to the supervision and management of the People's Committee in terms of their organization, personnel and tasks, as well as the direction and inspection of the superior industry- or sector-related state management agency in terms of professional practices.

3. The organization of professional affiliates of the People's Committee must ensure relevance to the features of rural, urban and island areas as well as socio-economic developmental conditions and state in each locality; ensure the simplicity, appropriacy, transparency, efficacy and efficiency for the industry- or sector-related state management from the central to grassroots level; prevent their duties and powers from overlapping with these of the superior-level state organs located within the same areas.

4. The Government shall provide specific provisions on organization and operation of these professional affiliates of the People's Committee at the provincial or district level.

Article 10. Tenure of the People's Council and the People's Committee

1. The term of the People's Council is 05 years that last from the first meeting held in this term of the People's Council to the first meeting held in the successive term of the People's Council. Not later than 45 days before the end of term of the People's Council, the new-term People's Council must have been already elected.

The shortening or extension of the term of the People's Council shall be decided if called for by the National Assembly Standing Committee.

2. The term of office of delegates of the People's Council shall coincide with the tenure of the People's Committee. Delegates of the People's Council who are additionally elected shall begin their duties from the date of the meeting following the additional election to the date of the first meeting of the subsequent term of the People's Council.

3. The term of the Standing Committee of the People's Council, the People's Committee and other committees of the People's Council shall coincide with the term of the People's Council at the same level. Whenever the term of the People's Council ends, the Standing Committee of the People's Council, the People's Committee and other committees of the People's Council, shall remain on duty until the new term of the People's Council elects the new Standing Committee of the People's Council, the People's Committee and other committees of the new-term People's Council.

Article 11. Segmentation of powers of local governments

1. Duties and powers of local governments at all levels shall be determined on the basis of distinction of powers between centrally-governed state organs and local ones, and between levels of local governments in the form of delegation and decentralization.

2. The segmentation of powers shall be carried out according to the following rules:

a) Ensure that the state management is carried out consistently with institutions, policies, strategies and planning in different industries and sectors; ensure the consistency and transparency of the national administrative system;

b) Enable local governments at administrative units to exercise their autonomy and responsible autonomy to perform state management duties within particular areas in accordance with legal regulations;

c) Firmly combine state management by sectors with this by territories, and clearly distinguish duties to state management of socio-economic operations taking place throughout a geographical region which is taken on by local governments at different levels;

d) Segmentation of powers must conform to rural, urban and island conditions and features as well as particular characteristics of industries and sectors;

dd) Issues involving more than two commune-level administrative units shall be tackled under the authority of district-level local governments; those involving more than two district-level administrative units shall be tackled under the authority of province-level local governments; those involving more than two province-level administrative units shall be tackled under the authority of centrally-governed state organs, unless otherwise stipulated by laws, resolutions of the National Assembly, ordinances, resolutions of the National Assembly Standing Committee and Government's decrees;

e) Local governments shall be given resources to carry out duties and powers which have been decentralized or delegated as well as take responsibility within these delegated and decentralized duties and powers.

3. The National Assembly and the all-level People's Council within their duties and powers shall be responsible for supervising locally-controlled state organs in carrying out their delegated duties and powers.

Article 12. Delegation of powers to local governments

1. Delegation of powers to local governments at each level must be stipulated by laws.
2. Local governments shall exercise the autonomy and responsible autonomy to perform their delegated duties and powers.
3. The superior-level state organs within their duties and powers shall be responsible for examining and inspecting the constitutionality and legality in carrying out their duties and powers delegated to local governments at different levels.
4. Laws on specifying duties and powers of local governments, and their affiliates, must stick to the rules stipulated in Clause 2 Article 11 of this Law and must be relevant to duties and powers of local governments as prescribed by this Law.

Article 13. Decentralization of powers to local governments

1. Based on working requirements, possibility and conditions, and specific states of each locality, central and locally-governed state organs shall be entitled to decentralize one or several duties and powers within their competence to inferior-level local governments or state organs in a continual and regular manner, unless otherwise prescribed by laws.
2. Decentralization must adhere to principles stipulated in Clause 2 Article 11 hereof and must be prescribed in legislative documents issued by decentralizing state organs which should specify duties and powers decentralized to local governments or inferior-level state organs, and responsibilities of decentralizing and decentralized state organs.
3. Superior-level state organs, when decentralizing duties and powers to local governments or inferior-level state organs, must ensure necessary resources and conditions to be provided to perform these decentralized duties or exercise these decentralized powers, and inspect and provide guidance on implementation of decentralized duties and powers as well as bear responsibility for the result of this implementation.
4. Decentralized state organs shall be held responsible to decentralizing state organs for implementation of decentralized duties and powers. Based on actual conditions of each locality, locally-controlled state organs shall be entitled to re-decentralize duties and powers decentralized by superior-level state organs to inferior-level local governments or state organs but must obtain consent from initial-decentralization state organs.

Article 14. Delegation of powers to local State administrative agencies

1. When necessary, superior-level State administrative agencies are able to give a written authorization to inferior-level People's Committee or other agencies or organizations to carry out one or several of their duty(duties) and power(s) within a specified period whereby specific terms and conditions should be included.

2. Superior-level government agencies, when authorizing inferior-level People's Committees or other agencies or organizations, must ensure necessary resources and conditions to be provided to carry out delegated duties and powers, and inspect and provide guidance on such implementation as well as bear responsibility for the implementation result.

3. Authorized agencies or organizations should abide by authorized contents and bear responsibility to superior-level State administrative agencies for implementation of delegated duties and powers. Authorized agencies or organizations shall not be allowed to re-authorize other agencies or organizations to perform duties and exercise powers as delegated by superior-level State administrative agencies.

Article 15. Work relationship between local governments and local Vietnam Fatherland Front Committee and socio-political organizations

1. Local governments shall assist the Vietnam Fatherland Front Committee and socio-political organizations in encouraging the People to get involved in building and strengthening the people's government, organizing the implementation of State policies and laws, and carrying out the social supervision and judgement of local government's activities.

2. The Chairperson of the Vietnam Fatherland Front Committee and the Head of a local socio-political organization shall be invited to participate in meetings of the People's Council, meeting sessions of the same-level People's Committee when discussing related issues.

3. The People's Council and the People's Committee shall implement regulations on providing the Vietnamese Fatherland Front Committee and same-level socio-political organizations with updated information about their locality.

4. Local governments shall be responsible for listening to, dealing with and responding to recommendations of local Vietnam Fatherland Front Committee and socio-political organizations on government construction and socio-economic development at local areas.

Chapter II

RURAL LOCAL GOVERNMENT

Section 1: DUTIES, POWERS AND ORGANIZATIONAL STRUCTURE OF THE LOCAL GOVERNMENT OF THE PROVINCE

Article 16. Local government of the province

Local government of the province is the level of local government composed of the People's Council and the People's Committee at the provincial level.

Article 17. Duties, powers of the local government of the province

1. Arrange and ensure the enforcement of the Constitution and legislation throughout a province.

2. Make a decision on issues in a province within their decentralized or delegated powers as stipulated by this Law and other law regulations.
3. Carry out duties and powers delegated by central State administrative agencies.
4. Examine and supervise organization and operation of local governments at administrative units within a province.
5. Assume responsibility to superior-level state organs for the result of implementation of duties and powers of the local government at the provincial level.
6. Cooperate with centrally and locally-governed state organs in enhancing economic connections between regions, and implement the regional planning and ensure the consistency in the national economy.
7. Decide and organize the implementation of measures to promote the People's mastery, and mobilize social resources to serve the purpose of socio-economic construction and development, national defense and security maintenance throughout a province.

Article 18. Organizational structure of the province-level People's Council

1. The province-level People's Council shall be composed of delegates elected by voters residing in a province.

Total delegates of the province-level People's Council shall be determined according to the following rules:

- a) Mountainous and elevated provinces populated by less than five hundred thousand of inhabitants shall be allowed to elect 50 delegates; as for those populated by more than five hundred thousand of inhabitants, one delegate will be additionally elected for an increase by thirty thousand of inhabitants but the total number of delegates to be elected is restricted to eighty five delegates;
- b) Provinces not mentioned in Point a of this Clause and populated by less than one million of inhabitants shall be allowed to elect fifty delegates; as for those populated by more than one million of inhabitants, one delegate will be additionally elected for an increase by fifty thousand of inhabitants but the total number of delegates to be elected is restricted to ninety five delegates.

2. The Standing Committee of the province-level People's Council shall be composed of the Chairperson of the People's Council, two Vice Chairpersons and members who hold the position as the Heads of committees of the People's Council and the Chief of the Office of the province-level People's Council. The Chairperson of the province-level People's Council may be the full-time delegate of the People's Council; the Vice Chairperson of the province-level People's Council may be the full-time delegate of the People's Council.

3. The province-level People's Council shall establish the Committee on Legislation, Economy – Budget, Culture – Society; as for ethnic minority provinces, the Committee on Ethnic Minority shall be established. The National Assembly Standing Committee shall regulate criteria and conditions for establishment of the Committee on Ethnic Minority stipulated in this Clause.

Each committee of the province-level People's Council shall be composed of the Head and a maximum of two Vice Heads and Members. The number of members of Committees of the province-level People's Council shall be decided by the People's Council. The Head of the Committee of the province-level People's Council may be the full-time delegate of the People's Council; the Vice Head of the Committee of the province-level People's Council may be the full-time delegate of the People's Council.

4. Delegates of the province-level People's Council elected from one or various electoral unit(s) shall constitute the Delegate Coalition of the People's Council. The number of the Delegate Coalitions of the People's Council, the Coalition Leader and Vice Leader, shall be decided by the Standing Committee of the province-level People's Council.

Article 19. Duties and powers of the provincial-level People's Council

1. During the process of organizing and ensuring the implementation of the Constitution and legislation, the province-level People's Council shall perform its duties and exercise its powers as follows:

a) Promulgate the resolution on issues that fall within duties and powers of the province-level People's Council;

b) Decide on measures to maintain social order and safety, and prevent and combat crimes and other law violations, and prevent and struggle against bureaucracy or corruption under its delegated authority; measures to secure assets owned by agencies or organizations, and protect human life, freedom, honor, dignity, property and other lawful rights and interests of civilians residing in the province;

c) Decide measures to perform duties and exercise powers decentralized by superior-level state organs; decide to decentralize duties and powers of province-level governments to district-level and commune-level local governments and inferior-level government agencies;

d) Abolish part or all of law-breaking documents issued by the province-level People's Committee and the President of the province-level People's Committee; abolish part or all of law-breaking documents issued by the district-level People's Council;

dd) Dissolve the district-level People's Council if this People's Council causes serious harm to the People's interests and request National Assembly Standing Committee to approve this dissolution; approve resolutions of the district-level People's Council on dissolution of the commune-level People's Council.

2. In the course of the government construction, the province-level People's Council shall implement the following duties and powers:

a) Elect, discharge and dismiss the Chairperson of the People's Council, Vice Chairperson of the People's Council, Head, Vice Head of the Committee of the province-level People's Council, and Chief of the Office of the province-level People's Council, from office; elect, discharge and dismiss the President of the People's Committee, Vice President of the People's Committee, and members of the province-level People's Committee, from office; elect, discharge and dismiss jurors of the province-level People's Court from office;

b) Hold a vote on and cast its vote for confidence in present incumbents elected by the province-level People's Council in accordance with regulations laid down in Article 88 and Article 89 enshrined in this Law;

c) Dismiss delegates of the province-level People's Council from office and accept the resignation of delegates of the province-level People's Council from office;

d) Issue a decision to establish or dissolve professional divisions of the province-level People's Committee;

dd) Grant a decision on the structure of civil servants working for divisions of the People's Council, the People's Committee and public administrative units of the all-level People's Committee within the province according to the permitted number of personnel approved by the Government; the number and level of allowances paid to part-time position holders working at communes, villages, residential quarters, and approve the total number of employees working for public administrative units that fall within the remit of province-level authorities in accordance with the Government's regulations;

e) Make a decision to establish, dissolve, merge and split villages and residential quarters; choose or change names of villages, residential quarters, streets, alleys, squares and public structures at local areas in accordance with legal regulations.

3. In the economic, natural resource and environment sectors, the province-level People's Council shall implement the following duties and powers:

a) Decide the long-term, midterm and annual socio-economic development plan in the province; decide the planning and proposal for development of industries and sectors in the province within their delegated powers;

b) Decide the plan of government revenues in the province; decide the plan of local government revenues and expenditures, and budget distribution according to the budget plan applied at their administrative level; adjust the plan of local government budget when necessary; approve the local government budget balance. Decide the investment plan, program or project in the province in accordance with legal regulations.

c) Decide issues relating to fee and charge in accordance with laws; the People's contributions; application for domestic loan capital through issuance of local government bonds, municipal bonds, construction bonds and other forms of capital mobilization in accordance with legal regulations;

d) Decide specific plan and measures to encourage and mobilize economic sectors to get involved in providing public services throughout the provincial territory in accordance with legal regulations;

dd) Decide other measures to facilitate the socio-economic growth throughout the province in accordance with legal regulations;

e) Decide the construction and urban planning within their delegated powers in accordance with laws; the regional economic link between local governments at different levels which is appropriate for the current conditions and characteristics of provinces and ensures the consistency of the national economy;

g) Decide the planning for development of industrial, agricultural, forestry and fishery extension service organizations, and commercial, service, tourism and traffic network throughout the province in accordance with legal regulations;

h) Approve the planning and proposal for land use in the province before requesting the Government to grant its approval; decide measures to manage, use land, water and mineral resources, and source of income gained from sea, air and other natural resources as well as protect environment within their delegated powers.

4. In the field of education, training, science, technology, culture, information, sports and physical activities, the province-level People's Council shall implement the following duties and powers:

a) Decide measures to develop the network of educational facilities and conditions to ensure educational and training operations within their delegated powers; decide educational and training service price to be applied at public educational and training establishments that fall within the remit of provincial authorities in accordance with laws;

b) Decide measures to encourage scientific research development, promote creative ideas, technical improvements and apply scientific or technological advances throughout the province;

c) Decide measures to enhance the development of culture, information, physical activities and sports; measures to protect and uphold the values of local cultural heritages; measures to assure activities pertaining to culture, information, advertising, press, publication, physical exercise and sports in the province within their delegated powers.

5. In the field of healthcare, labor and implementation of social policies, the province-level People's Council shall implement the following duties and powers:

- a) Decide measures to develop the network of healthcare establishments at provinces, districts and communes;
- b) Decide the healthcare service price to be applied at state-owned healthcare establishments that fall within the remit of province-level authorities in accordance with laws;
- c) Decide measures to protect, take care of the People's health; protect and look after mothers, children, the elderly, the disabled, the poor and homeless orphans and the underprivileged. Decide measures to prevent and control diseases and epidemics; measures to implement policies on the population and family planning in the province;
- d) Decide measures to manage, use and develop human resources in the province; measures to generate employments, raise productivity, increase income and improve work conditions and assure the occupational safety and hygiene;
- dd) Decide incentive policies for civil servants, public employees and laborers to work in the provinces which must be relevant to local government budget capacity and regulations laid down by superior-level state organs;
- e) Decide measures to implement preferential policies for persons who performed meritorious services during the revolution; measures to implement social security and welfare policies, and measures to eradicate hunger and reduce poverty.

6. With respect to ethnic minority and religion affairs, the province-level People's Council shall implement the following duties and powers:

- a) Decide measures to implement ethnic minority policies, improve material and spiritual life, and raise intellectual standards of ethnic minorities, and ensure the racial equality and promote solidarity among people as well as support or mutual assistance amongst ethnic groups in the province;
- b) Decide measures to implement religion policies within their delegated powers; measures to ensure the religious equality, belief and religious freedom within the province.

7. In the field of national defense, security, social order and safety assurance, the province-level People's Council shall implement the following duties and powers:

- a) Decide measures to assure performance of national defense and security duties in accordance with laws; uphold the political security, combat, prevent and control corruption, crimes and other violations against laws, and assure social order and safety in the province;
- b) Decide plans and measures to develop local potential to build solid all-people national defence and people's security, and build a firm stronghold to meet all requirements during the peace and war time;

c) Decide plans and measures to build self-defense forces, militia, reserve forces, locally-governed communal police; decide plans and measures to connect economy with national defense and security, and shift local socio-economic activities from peacetime to wartime;

d) Decide measures to maintain the public order and traffic safety in the provincial territory.

8. The province-level People's Council shall perform its duties and exercise its powers to supervise the compliance with the Constitution and legislation in the province, the implementation of its resolutions; supervise operations of the Standing Committee of the People's Council, the People's Committee, the People's Court, the People's Procuracy at the same level, Committees of the same-level People's Council; supervise legislative documents provided by the People's Committee and other instruments issued by the district-level People's Council.

9. The province-level People's Council shall perform other duties and exercise other powers in accordance with laws.

Article 20. Organizational structure of the provincial-level People's Committee

1. The People's Committee shall be composed of the President, Vice Presidents and members.

The first-grade provincial People's Committee shall be composed of a maximum of four Vice Presidents; the second- and third-grade provincial People's Committee shall be composed of a maximum of three Vice Presidents.

The province-level People's Committee's members shall be composed of members who are heads of its professional divisions, those in charge of military affairs and those in charge of public security affairs.

2. Article 9. Professional affiliates of the province-level People's Committee shall comprise departments and department-level agencies.

Article 21. Duties and powers of the provincial-level People's Committee

1. Formulate and submit contents stipulated in Point a, b and c Clause 1, and Point d, dd and e Clause 2, and Clause 3, 4, 5, 6 and 7 Article 19 enshrined in this Law to the province-level People's Council, and organize the implementation of resolutions issued by the province-level People's Council.

2. Regulate the organizational structure, and duties and powers of professional affiliates of the province-level People's Committee.

3. Execute the provincial budget, perform duties to socio-economic, industrial, construction, commerce, service, tourism, agriculture, forestry, fishery, traffic and irrigation system development; take measures to manage and use lands, forests, mountains, lakes, rivers, water and mineral resources, and sources of income gained from sea, air and other natural resources; take

measures to prevent, control natural disasters, protect environment in the province within its delegated powers.

4. Develop and organize the implementation of provincial programs, projects and proposals for ethnic minority regions or areas faced with extremely difficult socio-economic conditions.

5. Implement measures to build the all-people national defence disposition in connection with the people's security posture in the province; provide guidelines to execute the plan to build a firm stronghold in the province; organize classes or courses to train in national defence and security and military activities in the province; formulate and execute the fighting tactics of local soldiers, self-defence forces; build military reserve forces and mobilize forces to secure task fulfillment in accordance with laws; launch the movement of all-people national security protection in the province.

6. Perform duties to organization and guarantee of the enforcement of the Constitution and legislation, and government construction, administrative division, education, training, science, technology, culture, information, physical activities, sports, healthcare, labor, social policies, ethnic and religion affairs, national defence, security, social order and safety, justice administration, justice assistance as well as other duties, and exercise other powers in accordance with laws.

7. Carry out duties and powers decentralized and delegated by centrally-governed state organs.

8. Decentralize and delegate duties and powers of the provincial People's Committee to the inferior-level People's Committee and other agencies or organizations.

Article 22. Duties and powers of the President of the provincial People's Committee

The President of the provincial People's Committee is the Head of the provincial People's Committee and has the following duties and powers:

1. Lead and direct tasks of the provincial People's Committee and members of the provincial People's Committee; take on the leadership over and direct professional divisions of the provincial People's Committee;

2. Approve the result of election, discharge and dismissal from office of the President of the People's Committee, the Vice President of the district-level People's Committee; dispatch, suspend or dismiss the President of the People's Committee, and the Vice President of the district-level People's Committee, from office; Delegate powers to the President of the district-level People's Committee in the event that there is a vacancy for the President of the district-level People's Committee in between two sessions of the district-level People's Council; request the district-level People's Committee to suspend or dismiss the President of the People's Committee, and the Vice President of the inferior-level People's Committee, from office when they fail to fulfill their assigned duties or commit any violation against laws; designate, discharge, dispatch, dismiss, reward and sanction civil servants and public employees that fall within his/her remit in accordance with laws;

3. Lead and direct the performance of duties to enforcement of the Constitution, laws and instruments issued by superior-level state organs, the provincial People's Council and the provincial People's Committee; perform duties to national defense and security, and maintain social order and safety, and prevent and combat crimes and other violations against laws, and prevent and struggle against bureaucracy or corruption; organize the implementation of measures to secure assets owned by agencies or organizations, and protect human life, freedom, honor, dignity, property and other lawful rights and interests of citizens; implement measures to manage inhabitants living in the province in accordance with legal regulations;
4. Lead and bear responsibility for operations of the state administrative system from the provincial to grassroots level, and ensure the consistency and transparency of the administrative system; direct reforms in the administrative, working and personnel structure which constitutes the local state administrative system;
5. Suspend the enforcement or abolish law-breaking instruments issued by professional affiliates of the provincial People's Committee, the district-level People's Committee and the Chairperson of the district-level People's Council. Suspend the enforcement of law-breaking instruments issued by the district-level People's Council, and send a report to the provincial People's Committee to request the provincial People's Council to allow abolishment of these instruments;
6. Cooperate with superior-level state organs located in the provinces in performance of duties and exercise of powers in accordance with legal regulations;
7. Direct the President of the district-level People's Committee; authorize the Vice Presidents of the provincial People's Committee or the Heads of professional affiliates of the provincial People's Committee to perform duties and exercise powers that fall within the remit of the President of the provincial People's Committee;
8. Manage and use working offices, assets and equipment and allocated government budget in an effective manner in the province as stipulated by laws;
9. Direct application of measures to protect environment, and prevent and control fire and explosion; provide directions on and apply measures to deal with unscheduled tasks and emergencies in preventing and responding to natural disasters, diseases and epidemics, and issues relating to social security, order and safety in the province as prescribed by laws;
10. Conduct inspection, examination and settlement of complaints, denunciations and violations against laws as well as hold receptions for citizens in accordance with legal regulations;
11. Carry out duties and powers decentralized and delegated by centrally-governed state organs.

Section 2: DUTIES, POWERS AND ORGANIZATIONAL STRUCTURE OF THE LOCAL GOVERNMENT OF THE RURAL DISTRICT

Article 23. Local government of the rural district

Local government of the rural district is the level of local government composed of the district-level People's Council and the district-level People's Committee.

Article 24. Duties, powers of the local government of the rural district

1. Arrange and ensure the enforcement of the Constitution and legislation throughout the district.
2. Make a decision on issues in the district within their decentralized or delegated powers as stipulated by this Law and other relevant legal regulations.
3. Carry out duties and powers delegated by superior-level State organs.
4. Examine and supervise organization and operation of local governments at the communal level.
5. Assume responsibility to provincial-level governments for the result of implementation of duties and powers of the local government at the district level.
6. Decide and organize the implementation of measures to promote the People's mastery, and mobilize social resources to serve the purpose of socio-economic construction and development, national defense and security assurance throughout the district's territory.

Article 25. Organizational structure of the district-level People's Council

1. The district-level People's Council shall be composed of delegates elected by civil electorate living in the district.

Total number of delegates of the district-level People's Council shall be determined according to the following rules:

- a) Mountainous, highland and island districts populated by less than forty thousand of inhabitants shall be allowed to elect thirty delegates; as for those populated by more than forty thousand of inhabitants, one delegate will be additionally elected for an increase by five thousand of inhabitants but the total number of delegates to be elected is restricted to forty delegates;
- b) Districts not mentioned in Point a of this Clause and populated by less than eighty thousand of inhabitants shall be allowed to elect thirty delegates; as for those populated by more than eighty thousand of inhabitants, one delegate will be additionally elected for an increase by ten thousand of inhabitants but the total number of delegates to be elected is restricted to forty delegates;
- c) The number of elected delegates of the People's Council governing the district comprising more than thirty communal-level administrative units shall be decided by the National Assembly Standing Committee as requested by the Standing Committee of the provincial-level People's Council, but shall be restricted to forty five delegates.

2. The Standing Committee of the district-level People's Council shall be composed of the Chairperson, two Vice Chairpersons of the district-level People's Council and members who hold the position as the Heads of committees of the district-level People's Council. The Chairperson of the district-level People's Council may be the full-time delegate of the People's Council; the Vice Chairperson of the district-level People's Council may be the full-time delegate of the People's Council.

3. The district-level People's Council shall establish the Committee on Legislation, Economy – Society; as for ethnic minority districts, the Committee on Ethnic Minority should be established. The National Assembly Standing Committee shall regulate criteria and conditions for establishment of the Committee on Ethnic Minority stipulated in this Clause.

Each committee of the district-level People's Council shall be composed of the Head and one Vice Head and Members. The number of members of Committees of the district-level People's Council shall be decided by the district-level People's Council. The Head of the Committee of the district-level People's Council may be the full-time delegate of the People's Council; the Vice Head of the Committee of the district-level People's Council is the full-time delegate of the People's Council.

4. Delegates of the district-level People's Council elected from one or various electoral unit(s) shall constitute the Delegate Coalition of the People's Council. The number of the Delegate Coalitions of the People's Council, the Coalition Leader and Vice Leader, shall be decided by the Standing Committee of the district-level People's Council.

Article 26. Duties and powers of the district-level People's Council

1. In the course of organization and assurance of the enforcement of the Constitution, laws and in the field of national defence, security and government construction, the district-level People's Council shall implement the following duties and powers:

a) Promulgate the resolution on issues that fall within duties and powers of the district-level People's Council;

b) Decide on measures to carry out duties to national defence and security; measures to maintain social order and safety, and prevent and combat crimes and other law violations, and prevent and struggle against bureaucracy or corruption under its delegated authority; measures to secure assets owned by agencies or organizations, and protect human life, freedom, honor, dignity, property and other lawful rights and interests of citizens residing in the district as prescribed by laws;

c) Decide measures to carry out duties and powers decentralized by superior-level state organs; decide to decentralize duties and powers of district-level governments to be implemented by inferior-level governments and state organs;

d) Elect, discharge and dismiss the Chairperson of the People's Council, Vice Chairperson of the People's Council, Head, Vice Head of the Committee of the district-level People's Council, from

office; elect, discharge and dismiss the President of the People's Committee, Vice President of the People's Committee and members of the People's Committee at the district level, from office; elect, discharge and dismiss jurors of the district-level People's Court from office;

dd) Hold a vote on and cast its vote on confidence in office-holders elected by the People's Council in accordance with regulations laid down in Article 88 and Article 89 enshrined in this Law;

e) Abolish part or all of law-breaking instruments issued by the People's Committee and the President of the People's Committee at the district level; abolish part or all of law-breaking instruments issued by the communal-level People's Council;

g) Issue a decision to establish or dissolve professional affiliates of the district-level People's Committee;

h) Dissolve the communal-level People's Council in the event that this People's Council causes serious harm to the People's interests and request the provincial-level People's Council to grant its approval prior to commencement;

i) Dismiss delegates of the district-level People's Council from office and accept the resignation of delegates of the district-level People's Council from office.

2. In the economic, natural resource and environment sectors, the district-level People's Council shall implement the following duties and powers:

a) Approve the midterm and annual plan for socio-economic development in the district, and the planning and proposal for land use in the district before submitting them to the provincial-level People's Committee for approval;

b) Decide the plan of government revenues in the district; decide the plan of local government revenues and expenditures, and budget distribution according to the budget plan of the district; adjust the local government budget plan when necessary; approve the local government budget balance. Decide the investment plan, program or project in the district in accordance with legal regulations;

c) Decide the plan for development of industries and sectors in the district within its delegated powers;

d) Decide on measures to manage and use lands, forests, mountains, rivers, lakes, water, underground resources and sources of income gained from sea and other natural resources; measures to protect and improve environment, and prevent, control and mitigate the consequence of natural disasters, hurricanes and floods that may happen in the district as stipulated by laws.

3. Decide on measures to develop nursery, elementary and secondary education system; measures to develop cultural, information, physical exercise and sports affairs; measures to protect and take care of the people's health, and prevent and control diseases and epidemics, and

implement policies on population, family planning; measures to multiply employments, and implement incentive policies for persons who performed meritorious services during the revolution, and policies on social security, hunger eradication and poverty reduction; measures to assure the implementation of policies on ethnic minorities and religion in the district as stipulated by laws.

4. Carry out its duties and powers to supervise the compliance with the Constitution and legislation in the district, the implementation of resolutions issued by the district-level People's Council; supervise operations of the Standing Committee of the People's Council, the People's Committee, the People's Court, the People's Procuracy at the same level, and Committees of the same-level People's Council; supervise legislative documents adopted by the same-level People's Committee and other instruments issued by the communal-level People's Council.

5. Carry out other duties and powers in accordance with laws.

Article 27. Organizational structure of the district-level People's Committee

1. The district-level People's Committee shall be composed of the President, Vice Presidents and members.

The first-grade district-level People's Committee shall be composed of a maximum of three Vice Presidents; the second- and third-grade district-level People's Committee shall be composed of a maximum of two Vice Presidents.

The district-level People's Committee's members shall be composed of members who are heads of its professional affiliates, those in charge of military affairs and those in charge of public security affairs.

2. Professional affiliates of the district-level People's Committee shall comprise divisions and division-level agencies.

Article 28. Duties and powers of the district-level People's Committee

1. Formulate and submit contents stipulated in Point a, b, c and g Clause 1, Clause 2 and Clause 3 Article 26 hereof to the district-level People's Council, and organize the implementation of resolutions issued by the district-level People's Council.

2. Regulate the organizational structure, and specific duties and powers of professional affiliates of the district-level People's Committee.

3. Execute the budget of the district; perform duties to socio-economic, industrial, construction, commerce, service, tourism, agriculture, forestry, fishery, traffic and irrigation system development, and construction of rural residential points; manage and use lands, forests, mountains, lakes, rivers, water and mineral resources, and sources of income gained from sea and other natural resources; protect environment in the district as prescribed by laws.

4. Perform duties to organization and guarantee of the enforcement of the Constitution and legislation, and government construction, administrative division, education, training, science, technology, culture, information, physical activities, sports, healthcare, labor, social policies, ethnic and religion affairs, national defence, security, social order and safety, justice administration, justice assistance as well as other duties, and exercise other powers in accordance with laws.

5. Implement duties and powers decentralized and delegated by superior-level State organs.

6. Decentralize and delegate duties and powers of the district-level People's Committee to be implemented by the communal-level People's Committee and other agencies or organizations.

Article 29. Duties and powers of the President of the district-level People's Committee

The President of the district-level People's Committee is the Head of the district-level People's Committee and has the following duties and powers:

1. Lead and direct tasks of the district-level People's Committee and members of the district-level People's Committee; take on the leadership over and direct professional affiliates of the district-level People's Committee;

2. Approve the result of election, discharge and dismissal of the President of the People's Committee, the Vice President of the communal-level People's Committee; dispatch, suspend or dismiss the President of the People's Committee and the Vice President of the communal-level People's Committee from office; delegate powers to the President of the communal-level People's Committee in the event that there is a vacancy for the President of the communal-level People's Committee in between two sessions of the communal-level People's Council; dispatch, dismiss, reward and sanction civil servants and public employees that fall within his/her remit in accordance with laws;

3. Lead and direct the performance of duties to enforcement of the Constitution, laws and instruments issued by superior-level state organs, the People's Council and the People's Committee at the district level; assure national defence and maintain social order and safety; secure assets owned by agencies or organizations, and protect human life, freedom, honor, dignity, property and other lawful rights and interests of citizens; implement measures to manage inhabitants living in the district;

4. Lead and bear responsibility for operations of the state administrative system from the district to grassroots level, and ensure the consistency and transparency of the administrative system; direct reforms in the administrative, working and personnel structure which constitutes the local state administrative system in the district;

5. Suspend the enforcement or abolish law-breaking instruments issued by professional affiliates of the district-level People's Committee, the district-level People's Committee and the President of the People's Committee at the communal level. Suspend the enforcement of law-breaking instruments issued by the communal-level People's Council, and send a report to the district-

level People's Committee to request the district-level People's Council to allow abolishment of such instruments;

6. Direct the President of the communal-level People's Committee; authorize the Vice President of the district-level People's Committee or the Heads of professional affiliates of the district-level People's Committee to carry out duties and powers that fall within the remit of the President of the district-level People's Committee;

7. Manage and employ organized ways to use working offices, assets and equipment and allocated government budget in an effective manner in the district as stipulated by laws;

8. Conduct inspection, examination and settlement of complaints, denunciations and violations against laws as well as hold receptions for citizens in accordance with legal regulations;

9. Direct application of measures to protect environment, and prevent and control fire and explosion; provide directions on and apply measures to deal with unscheduled tasks and emergencies in preventing and responding to natural disasters, diseases and epidemics, and issues relating to social security, order and safety in the district as prescribed by laws;

10. Implement duties and powers decentralized and delegated by superior-level State organs.

Section 3: DUTIES, POWERS AND ORGANIZATIONAL STRUCTURE OF THE LOCAL GOVERNMENT OF THE COMMUNE

Article 30. Local government of the commune

Local government of the commune is the level of local government composed of the communal-level People's Council and the communal-level People's Committee.

Article 31. Duties and powers of the local government of the commune

1. Arrange and ensure the enforcement of the Constitution and legislation throughout the commune.

2. Make a decision on issues at the commune within their decentralized or delegated powers as stipulated by this Law and other relevant law regulations.

3. Implement duties and powers delegated by superior-level State organs.

4. Assume responsibility to district-level governments for the result of implementation of duties and powers of the local government at the communal level.

5. Decide and organize the implementation of measures to promote the People's mastery, and mobilize social resources to serve the purpose of socio-economic construction and development, national defense and security assurance throughout the commune's territory.

Article 32. Organizational structure of the communal-level People's Council

1. The communal-level People's Council shall be composed of the People's Council's delegates elected by civil electorate residing at the commune.

Total number of delegates of the communal-level People's Council shall be determined according to the following rules:

a) Mountainous, highland and island communes populated by less than one thousand of inhabitants shall be allowed to elect fifteen delegates;

b) Mountainous, highland and island communes populated by more than one thousand of inhabitants shall be allowed to elect twenty delegates;

c) Mountainous, highland and island districts populated by more than two thousand of inhabitants shall be allowed to elect twenty five delegates; as for those populated by more than three thousand of inhabitants, one delegate will be additionally elected for an increase by one thousand of inhabitants but the total number of delegates to be elected is restricted to thirty five delegates;

d) Communes not mentioned in Point a, b and c of this Clause and populated by less than four thousand of inhabitants shall be allowed to elect twenty five delegates; as for those populated by more than four thousand of inhabitants, one delegate will be additionally elected for an increase by two thousand of inhabitants but the total number of delegates to be elected is restricted to thirty five delegates.

2. The Standing Committee of the commune-level People's Council shall be composed of the Chairperson of the People's Council, one Vice Chairperson of the People's Council. The Vice Chairperson of the communal-level People's Council is the full-time delegate of the People's Council.

3. The district-level People's Council shall establish the Committee on Legislation, Economy – Society. Each committee of the communal-level People's Council shall be composed of the Head, one Vice Head and members. The number of members working for such committees of the communal-level People's Council shall be determined by the communal-level People's Council. The Head, Vice Head and members of committees of the communal-level People's Council shall work under the dual office holding regime.

Article 33. Duties and powers of the communal-level People's Council

1. Promulgate the resolution on issues that fall within duties and powers of the communal-level People's Council.

2. Decide on measures to maintain social order and safety, and prevent and combat crimes and other law violations, and prevent and struggle against bureaucracy or corruption under its delegated authority; measures to secure assets owned by agencies or organizations, and protect

human life, freedom, honor, dignity, property and other lawful rights and interests of citizens residing at the commune.

3. Elect, discharge and dismiss the Chairperson of the People's Council, Vice Chairperson of the People's Council, Head, Vice Head of the Committee of the People's Council at the communal level, from office; elect, discharge and dismiss the President of the People's Committee, Vice President of the People's Committee and members of the People's Committee at the communal level, from office.

4. Decide the plan of government revenues at the commune; decide the plan of communal government revenues and expenditures; adjust the communal government budget plan when necessary; approve the communal government budget balance. Decide the investment plan, program or project of the commune within its delegated powers.

5. Supervise the compliance with the Constitution and legislation throughout the commune, the implementation of resolutions issued by the communal-level People's Council; supervise operations of the Standing Committee of the People's Council, the People's Committee at the same level, and Committees of the same-level People's Council; supervise legislative documents adopted by the same-level People's Committee.

6. Hold a vote on and cast its vote on confidence in office-holders elected by the communal-level People's Council in accordance with regulations laid down in Article 88 and Article 89 hereof.

7. Discharge delegates of the communal-level People's Council from office and accept the resignation from office of delegates of the communal-level People's Council.

8. Abolish part or all of law-breaking instruments issued by the People's Committee and the President of the People's Committee at the communal level.

Article 34. Organizational structure of the communal-level People's Committee

The communal-level People's Committee shall be composed of the President, Vice President and members charged with military affairs and those charged with public security affairs.

The first-grade communal-level People's Committee shall be composed of a maximum of two Vice Presidents; The second- and third-grade communal-level People's Committee shall have only one Vice President.

Article 35. Duties and powers of the communal-level People's Committee

1. Formulate and submit contents stipulated in Clause 1, 2 and 4 Article 33 hereof to the communal-level People's Council, and organize the implementation of resolutions issued by the communal-level People's Council.

2. Organize the local budget execution.

3. Implement duties and powers decentralized and delegated by superior-level State organs.

Article 36. Duties and powers of the President of the communal People's Committee

The President of the communal People's Committee is the Head of the communal People's Committee and has the following duties and powers:

1. Lead and direct tasks of the communal People's Committee and members of the communal People's Committee;
2. Lead and direct the performance of duties to enforcement of the Constitution, laws and instruments issued by superior-level state organs, the People's Council and the People's Committee at the communal level; perform duties to national defense and security, and maintain social order and safety, and prevent and combat crimes and other violations against laws, and prevent and struggle against bureaucracy or corruption; organize the implementation of measures to secure assets owned by agencies or organizations, and protect human life, freedom, honor, dignity, property and other lawful rights and interests of citizens; implement measures to manage inhabitants living at the commune in accordance with legal regulations;
3. Manage and employ organized ways to use working offices, assets and equipment and allocated government budget in an effective manner as stipulated by laws;
4. Settle complaints, denunciations and violations against laws as well as hold receptions for citizens in accordance with legal regulations;
5. Authorize the Vice President of the communal People's Committee to carry out duties and powers that fall within the remit of the President of the People's Committee;
6. Direct implementation of measures to protect environment, and prevent and control fire and explosion; apply measures to deal with unscheduled tasks and emergencies in preventing and responding to natural disasters, diseases and epidemics, and issues relating to social security, order and safety at the commune as prescribed by laws;
7. Implement duties and powers decentralized and delegated by superior-level State organs.

Chapter III

URBAN LOCAL GOVERNMENT

Section 1: DUTIES, POWERS AND ORGANIZATIONAL STRUCTURE OF THE LOCAL GOVERNMENT OF THE CENTRALLY-GOVERNED CITY

Article 37: Local government of the centrally-governed city

The local government of the centrally-governed city is the level of local government composed of the People's Council and the People's Committee at the municipal level.

Article 38: Duties and powers of the local government of the centrally-governed city

1. Arrange and ensure the enforcement of the Constitution and legislation throughout the territory of the centrally-governed city.
2. Make a decision on issues arising in the centrally-governed city within their decentralized or delegated powers as stipulated by this Law and other relevant law regulations.
3. Implement duties and powers delegated by central State administrative agencies.
4. Examine and supervise organization and operation of local governments at administrative units within that centrally-governed city.
5. Assume responsibility to superior-level state organs for the result of implementation of duties and powers of the local government of that centrally-governed city.
6. Cooperate with centrally and locally-controlled state organs in enhancing economic connections between regions, and implement the regional planning and ensure the consistency of the national economy.
7. Decide and organize the implementation of measures to promote the People's mastery, and mobilize social resources to serve the purpose of socio-economic construction and development, national defense and security assurance across the territory of that centrally-governed city.

Article 39. Organizational structure of the municipal People's Council

1. The municipal People's Council shall be composed of the People's Council's delegates elected by the electorate living in the centrally-governed city.

Total number of delegates of the municipal People's Council shall be determined according to the following rules:

- a) Centrally-governed cities populated by less than one million of inhabitants shall be allowed to elect fifty delegates; as for those populated by more than one million of inhabitants, one delegate will be additionally elected for an increase by fifty thousand of inhabitants but the total number of delegates to be elected is restricted to ninety five delegates;
- b) Hanoi capital city and Ho Chi Minh city shall be allowed to elect one hundred and five delegates.

2. The Standing Committee of the municipal People's Council shall be composed of the Chairperson of the People's Council, two Vice Chairpersons and members who hold the position as the Heads of committees of the People's Council and the Chief of the Office of the People's Council at the municipal level. The Chairperson of the municipal People's Council may be the full-time delegate of the People's Council; the Vice Chairperson of the municipal People's Council is the full-time delegate of the People's Council.

3. The municipal People's Council shall establish the Committee on Legislation, Economy – Budget, Culture – Society, and Urban Affairs.

Each committee of the municipal People's Council shall be composed of the Head and a maximum of two Vice Heads and Members. The number of members of each Committee of the municipal People's Council shall be decided by the municipal People's Council. The Head of the committee of the municipal People's Council may be the full-time delegate of the People's Council; the Vice Head of the committee of the municipal People's Council is the full-time delegate of the People's Council.

4. Delegates of the municipal People's Council elected from one or various electoral unit(s) shall constitute the Delegate Coalition of the People's Council. The number of the Delegate Coalitions of the People's Council, the Coalition Leader and Vice Leader, shall be decided by the Standing Committee of the municipal People's Council.

Article 40: Duties and powers of the municipal People's Council

1. Carry out the duties and powers stipulated in Article 19 hereof.
2. Grant a decision on the planning and proposal for land use in the centrally-affiliated city, including the planning and proposal for land use in its districts and wards.
3. Issue a decision on urban construction and development within its delegated powers.
4. Decide on measures to promote its role as the socio-economic center in a connection with localities in a(n) area, region and across the nation in accordance with legal regulations.
5. Decide on measures to manage city dwellers and organize the people's life at the urban area; adjust residential areas according to the urban zoning, and guarantee lawful rights and interests of the people.

Article 41. Organizational structure of the municipal People's Committee

1. The municipal People's Committee shall be composed of the President, Vice Presidents and Members.

Hanoi capital city and Ho Chi Minh city shall be composed of a minimum of five Vice Presidents of the People's Committee; other centrally-governed cities shall be composed of a maximum of four Vice Presidents of the People's Committee.

The municipal People's Committee's members shall be composed of members who hold the position as heads of professional affiliates of the municipal People's Committee, those in charge of military affairs and those in charge of public security affairs.

2. Professional affiliates of the municipal People's Committee shall comprise departments and department-level agencies.

Article 42: Duties and powers of the municipal People's Committee

1. Carry out the duties and powers stipulated in Article 21 hereof.
2. Formulate and request the municipal People's Council to decide as well as organize the implementation of Clause 2, 3,4 and 5 Article 40 hereof.
3. Implement the plan and measure to create financial sources and mobilize funds for urban development purpose; consistently construct and manage urban infrastructural system as stipulated by laws.
4. Decide on the incentive policies on urban facility development throughout the centrally-governed city.

Article 43: Duties and powers of the President of the municipal People's Committee

1. Carry out the duties and powers stipulated in Article 22 hereof.
2. Direct and organize the implementation of the plan for urban infrastructural construction and development within the centrally-governed city.
3. Manage the urban land reserve, and use of this reserve for the purpose of developing urban infrastructural facilities in accordance with legal regulations.
4. Manage urban houses; manage real estate business operations; use the reserve of state-owned houses of the city to develop houses for city dwellers; direct the inspection of compliance with laws in respect of development and construction of houses as well as urban construction projects.
5. Provide directions for arranging urban trading, service and tourism network.
6. Adopt the plan and measure to create employments; prevent and combat social evils at urban areas.
7. Direct and organize the implementation of measures to manage urban residential areas and organize the people's life at urban areas.
8. Implement measures to manage, protect urban space, architecture and landscape; organize and direct the implementation of duties to public order, traffic safety assurance and traffic jam alleviation.

Section 2: DUTIES, POWERS AND ORGANIZATIONAL STRUCTURE OF THE LOCAL GOVERNMENT OF THE URBAN DISTRICT

Article 44. Local government of the urban district

Local government of the urban district is the level of local government composed of the district-level People's Council and the district-level People's Committee.

Article 45. Duties and powers of the local government of the district

1. Arrange and ensure the enforcement of the Constitution and legislation throughout the district.
2. Make a decision on district-related issues within their decentralized or delegated powers as stipulated by this Law and other relevant law regulations.
3. Implement duties and powers delegated by superior-level State organs.
4. Examine and supervise organization and operation of the local government of the ward.
5. Assume its responsibility to the local government of the centrally-governed city for the result of implementation of duties and powers of the local government of that district.
6. Decide and organize the implementation of measures to promote the People's mastery, and mobilize social resources to serve the purpose of socio-economic construction and development, national defense and security assurance throughout the district's territory.

Article 46. Organizational structure of the district-level People's Council

1. The district-level People's Council shall be composed of the People's Council's delegates elected by civil electorate residing in the district.

Total number of delegates of the district-level People's Council shall be determined according to the following rules:

- a) Districts populated by less than eighty thousand of inhabitants shall be allowed to elect thirty delegates; as for those populated by more than eighty thousand of inhabitants, one delegate will be additionally elected for an increase by ten thousand of inhabitants but the total number of delegates to be elected is restricted to forty delegates;
- b) The number of elected delegates of the People's Council governing the district comprising more than thirty wards shall be decided by the National Assembly Standing Committee as requested by the Standing Committee of the municipal People's Council, but the total number of delegates to be elected shall be restricted to forty five delegates.

2. The Standing Committee of the district-level People's Council shall be composed of the Chairperson, two Vice Chairpersons of the district-level People's Council and members who hold the position as the Heads of committees of the district-level People's Council. The Chairperson of the district-level People's Council may be the full-time delegate of the People's Council; the Vice Chairperson of the district-level People's Council may be the full-time delegate of the People's Council.

3. The district-level People's Council shall establish the Committee on Legislation, Economy – Society. Each committee of the district-level People's Council shall be composed of the Head, one Vice Head and Members. The number of members working for such committees of the district-level People's Council shall be decided by the district-level People's Council. The Head of each committee of the district-level People's Council may be the full-time delegate of the People's Council; the Vice Head of each committee of the district-level People's Council is the full-time delegate of the People's Council.

4. Delegates of the district-level People's Council elected from one or various electoral unit(s) shall constitute the Delegate Coalition of the People's Council. The number of the Delegate Coalitions of the People's Council, the Coalition Leader and Vice Leader, shall be decided by the Standing Committee of the district-level People's Council.

Article 47. Duties and powers of the district-level People's Council

1. Promulgate resolutions on issues that fall within duties and powers of the district-level People's Council.

2. Elect, discharge and dismiss the Chairperson of the People's Council, Vice Chairperson of the People's Council, Head, Vice Head of the Committee of the district-level People's Council, from office; elect, discharge and dismiss the President of the People's Committee, Vice President of the People's Committee and members of the People's Committee at the district level, from office; elect, discharge and dismiss jurors of the district-level People's Court;

3. Approve the midterm and annual plan for socio-economic development in the district before submitting it to the municipal People's Committee for approval.

4. Decide the plan of government revenues within the district; decide the plan of local government revenues and expenditures, and budget distribution according to the budget plan of the district; adjust the local government budget plan when necessary; approve the local government budget balance; decide intentions to make investment in programs and projects throughout the district within its delegated powers.

5. Decide on measures to implement duties and powers decentralized by superior-level government agencies; decide to decentralize the implementation of duties and powers of district-level local governments to inferior-level local governments and state organs.

6. Issue a decision to establish or dissolve professional affiliates of the district-level People's Committee.

7. Supervise the compliance with the Constitution and legislation in the district, the implementation of resolutions issued by the district-level People's Council; supervise operations of the Standing Committee of the People's Council, the People's Committee, the People's Court, the People's Procuracy at the same level, and Committees of the same-level People's Council; supervise legislative documents adopted by the same-level People's Committee and other instruments issued by the ward-level People's Council.

8. Hold a vote on and cast its vote on confidence in office-holders elected by the district-level People's Council in accordance with regulations laid down in Article 88 and Article 89 hereof.

9. Abolish part or all of law-breaking instruments issued by the People's Committee and the President of the People's Committee at the district level; abolish part or all of law-breaking instruments issued by the ward-level People's Council.

10. Dissolve the ward-level People's Council in the event that this People's Council causes serious harm to the People's interests and request the municipal People's Council to grant its approval.

11. Discharge delegates of the district-level People's Council from office and accept the resignation from office of delegates of the district-level People's Council.

Article 48. Organizational structure of the district-level People's Committee

1. The district-level People's Committee shall be composed of the President, Vice Presidents and Members.

The first-grade district-level People's Committee shall be composed of a maximum of three Vice Presidents; the second- and third-grade district-level People's Committee shall be composed of a maximum of two Vice Presidents.

The district-level People's Committee's members shall be composed of members who hold the position as heads of its professional affiliates of the district-level People's Committee, those in charge of military affairs and those in charge of public security affairs.

2. Professional affiliates of the district-level People's Committee shall comprise divisions and division-level agencies.

Article 49. Duties and powers of the district-level People's Committee

1. Formulate and request the district-level People's Council to grant its decision on contents stipulated in Clause 1, 3, 4, 5 and 6 Article 47 hereof, and organize the implementation of resolutions issued by the district-level People's Council.

2. Regulate the organizational structure, and specific duties and powers of professional affiliates of the district-level People's Committee.

3. Perform duties to organization and assurance of the enforcement of the Constitution and legislation, and government construction, administrative division, education, training, science, technology, culture, information, physical activities, sports, healthcare, labor, social policies, ethnic and religion affairs, national defence, security, social order and safety, justice administration, justice assistance as well as implement other duties and powers in accordance with laws.

4. Implement duties and powers decentralized and delegated by superior-level State organs.
5. Delegate and decentralize the implementation of duties and powers of the district-level People's Committee by the ward-level People's Committee and other agencies or organizations.

Article 50. Duties and powers of the President of the district-level People's Committee

1. Carry out the duties and powers stipulated in Article 29 hereof.
2. Direct and organize the implementation of the planning for urban infrastructural development, construction and urban space, architecture and landscape; manage urban residence in the district as decentralized and authorized by superior-level state organs.

Section 3: DUTIES, POWERS AND ORGANIZATIONAL STRUCTURE OF THE LOCAL GOVERNMENT OF THE DISTRICT-LEVEL TOWN, PROVINCIAL CITY AND MUNICIPALITY-CONTROLLED CITY

Article 51. Local government of the district-level town, provincial city and municipality-controlled city

The local government in the district-level town, provincial city and municipality-controlled city is the level of local government composed of the People's Council of the district-level town, provincial city and municipality-controlled city, and the People's Committee of the district-level town, provincial city and municipality-controlled city.

Article 52. DUTIES AND POWERS OF THE LOCAL GOVERNMENT OF THE DISTRICT-LEVEL TOWN, PROVINCIAL CITY AND MUNICIPALITY-CONTROLLED CITY

1. Arrange and ensure the enforcement of the Constitution and legislation throughout the territory of the district-level town, provincial city and municipality-controlled city.
2. Make a decision on issues arising in the district-level town, provincial city and municipality-controlled city within their decentralized or delegated powers as stipulated by this Law and other relevant law regulations.
3. Implement duties and powers delegated by superior-level State organs.
4. Examine and supervise organization and operation of local governments at the communal level.
5. Assume its responsibility to the provincial local government for the result of implementation of duties and powers of the local government governing the district-level town, provincial city and municipality-controlled city.

6. Decide and organize the implementation of measures to promote the People's mastery, and mobilize social resources to serve the purpose of socio-economic construction and development, national defense and security assurance across the territory of that district-level town, provincial city and municipality-controlled city.

Article 53. Organizational structure of the People's Council of the district-level town, provincial city and municipality-controlled city

1. The People's Council of the district-level town, provincial city and municipality-controlled city shall be composed of the People's Council's delegates elected by civil electorate living in that district-level town, provincial city and municipality-controlled city.

Total number of delegates of the People's Council of the district-level town, provincial city and municipality-controlled city shall be determined according to the following rules:

a) District-level towns populated by less than seventy thousand of inhabitants shall be allowed to elect thirty delegates; as for those populated by more than seventy thousand of inhabitants, one delegate will be additionally elected for an increase by ten thousand of inhabitants but the total number of delegates to be elected is restricted to forty delegates;

b) Provincial cities, or municipality-controlled cities, populated by less than one hundred thousand of inhabitants shall be allowed to elect thirty delegates; as for those populated by more than one hundred thousand of inhabitants, one delegate will be additionally elected but the total number of delegates to be elected is restricted to forty delegates;

c) The number of elected delegates of the People's Council in the district-level town, provincial city and municipality-controlled city comprising more than thirty communal-level administrative units shall be decided by the National Assembly Standing Committee as requested by the Standing Committee of the provincial People's Council, but the total number of delegates to be elected shall be restricted to forty five delegates.

2. The Standing Committee of the People's Council of the district-level town, provincial city and municipality-controlled city shall be composed of the Chairperson of the People's Council, two Vice Chairpersons and members who hold the position as the Heads of committees of the People's Council. The Chairperson of the People's Council of the district-level town, provincial city and municipality-controlled city may be the full-time delegate of the People's Council; the Vice Chairperson of the People's Council of the district-level town, provincial city and municipality-controlled city is the full-time delegate of the People's Council.

3. The People's Council of the district-level town, provincial city and municipality-controlled city shall establish the Committee on Legislation, Economy – Society. In the district-level town or provincial city mainly populated by ethnic minorities, it shall establish the Committee on Ethnic Minority. The National Assembly Standing Committee shall regulate criteria and conditions for establishment of the Committee on Ethnic Minority as stipulated in this Clause.

Each committee of the People's Council of the district-level town, provincial city and municipality-controlled city shall be composed of the Head, one Vice Head and Members. The number of members working for such committee of the People's Council shall be decided by the People's Council of the district-level town, provincial city and municipality-controlled city. The Head of the committee of the People's Council of the district-level town, provincial city and municipality-controlled city may be the full-time delegate of the People's Council; the Vice Head of the committee of the People's Council of the district-level town, provincial city and municipality-controlled city is the full-time delegate of the People's Council.

4. Delegates of the People's Council elected from one or various electoral unit(s) shall constitute the Delegate Coalition of the People's Council. The number of the Delegate Coalitions of the People's Council, the Coalition Leader and Vice Leader, shall be decided by the Standing Committee of the People's Council of the district-level town, provincial city and municipality-controlled city.

Article 54. Duties and powers of the People's Council of the district-level town, provincial city and municipality-controlled city

1. Carry out the duties and powers stipulated in Article 26 hereof.
2. Grant a decision on the planning for urban construction and development based on the planning developed by centrally-affiliated cities and provinces for the purpose of requesting competent state organs to consider and approve this planning; make a decision on urban investment and construction projects within these areas as prescribed by laws.
3. Decide the appropriate mechanism and policy to call for investments in urban development, and programs and proposals for construction and development of urban infrastructural and traffic facilities.
4. Direct on measures to manage urban residential areas and organize the people's life at urban areas as well as ensure that public order and urban landscape meet statutory requirements.

Article 55. Organizational structure of the People's Committee of the district-level town, provincial city and municipality-controlled city

1. The People's Committee of the district-level town, provincial city and municipality-controlled city shall be composed of the President, Vice Presidents and Members.

The People's Committee of the first-grade district-level town, provincial city and municipality-controlled city shall be composed of a maximum of three Vice Presidents; the People's Committee of the second- and third-grade district-level town, provincial city and municipality-controlled city shall be composed of a maximum of two Vice Presidents.

Members of the People's Committee of the district-level town, provincial city and municipality-controlled city shall be composed of members who hold the position as heads of professional

affiliates of the People's Committee of that district-level town, provincial city and municipality-controlled city, those in charge of military affairs and those in charge of public security affairs.

2. Professional affiliates of the People's Committee of the district-level town, provincial city and municipality-controlled city shall comprise divisions and division-level agencies.

Article 56. Duties and powers of the People's Committee of the district-level town, provincial city and municipality-controlled city

1. Carry out the duties and powers stipulated in Article 28 hereof.

2. Formulate and request the People's Council of the district-level town, provincial city and municipality-controlled city to decide contents stipulated in Clause 2, 3 and 4 Article 54 hereof, and organize the implementation of resolutions issued by the People's Council of the district-level town, provincial city and municipality-controlled city.

3. Decide on the incentive policies on urban infrastructural development throughout the district-level town, provincial city and municipality-controlled city as stipulated by laws.

4. Decide the plan for urban infrastructural construction and the planning for urban development as stipulated by laws.

Article 57. Duties and powers of the President of the People's Committee of the district-level town, provincial city and municipality-controlled city

1. Carry out the duties and powers stipulated in Article 29 hereof.

2. Direct and organize the implementation of the planning and proposal for urban infrastructural development; manage urban space, architecture and landscape throughout this district-level town, provincial city and municipality-controlled city.

3. Manage the urban land reserve; use this land reserve for urban infrastructural construction; manage urban houses; manage residential house business; use the reserve of state-owned houses for urban housing development; direct inspection of the compliance with laws during the process of urban housing construction and development.

4. Provide directions for arranging urban trading, service and tourism network; implement measures to manage urban residential areas and organize the urban people's life.

5. Direct and organize the implementation of duties to public order and traffic safety assurance; prevent and control fire, explosion and traffic jams throughout this district-level town, provincial city and municipality-controlled city.

Section 4. DUTIES, POWERS AND ORGANIZATIONAL STRUCTURE OF THE LOCAL GOVERNMENT OF THE WARD

Article 58. Local government of the ward

Local government of the ward is the level of local government composed of the ward-level People's Council and the ward-level People's Committee.

Article 59. Duties and powers of the local government of the ward

1. Arrange and ensure the enforcement of the Constitution and legislation throughout the ward.
2. Make a decision on ward-related issues within its decentralized or delegated powers as stipulated by this Law and other relevant law regulations.
3. Implement duties and powers delegated by superior-level State organs.
4. Assume its responsibility to the local government of the district-level town, provincial city and municipality-controlled city for the result of implementation of duties and powers of the local government of that ward.
5. Decide and organize the implementation of measures to promote the People's mastery, and mobilize social resources to serve the purpose of socio-economic construction and development, national defense and security assurance within the ward.

Article 60. Organizational structure of the ward-level People's Council

1. The ward-level People's Council shall be composed of the People's Council's delegates elected by civil electorate residing at that ward.

The total number of delegates of the ward-level People's Council shall be determined according to the following rules:

a) Wards populated by less than eight thousand of inhabitants shall be allowed to elect twenty five delegates;

b) As for wards populated by more than eight thousand of inhabitants, one delegate shall be additionally elected for an increase by four thousand of inhabitants, but the total number of delegates to be elected is restricted to thirty five delegates.

2. The Standing Committee of the ward-level People's Council shall be composed of the Chairperson of the ward-level People's Council, one Vice Chairperson of the ward-level People's Council. The Vice Chairperson of the ward-level People's Council is the full-time delegate of the People's Council.

3. The ward-level People's Council shall establish the Committee on Legislation, Economy – Society. Each committee of the ward-level People's Council shall be composed of the Head, one Vice Head and members. The number of members working for such committees of the ward-level People's Council shall be determined by the ward-level People's Council. The Head, Vice

Head and members of committees of the ward-level People's Council shall work under the dual office holding regime.

Article 61. Duties and powers of the ward-level People's Council

1. Promulgate its resolutions on issues that fall within duties and powers of the ward-level People's Council.
2. Elect, discharge and dismiss the Chairperson of the People's Council, Vice Chairperson of the People's Council, Head, Vice Head of the Committee of the People's Council at the ward level, from office; elect, discharge and dismiss the President of the People's Committee, Vice President of the People's Committee and members of the People's Committee at the ward level, from office.
3. Decide the plan of government revenues at the ward; decide the plan of government revenues and expenditures within the ward; adjust the government budget plan of the ward when necessary; approve the ward's government budget balance. Decide the intention to invest in programs or projects taking place within the ward in accordance with legal regulations.
4. Supervise the compliance with the Constitution and legislation throughout the ward, the implementation of resolutions issued by the ward-level People's Council; supervise operations of the Standing Committee of the People's Council, the People's Committee at the same level, and Committees of the same-level People's Council; supervise legislative documents adopted by the People's Committee at the same level.
5. Hold a vote on and cast its vote on confidence in office-holders elected by the ward-level People's Council in accordance with regulations laid down in Article 88 and Article 89 hereof.
6. Dismiss delegates of the ward-level People's Council and accept the resignation from office of delegates of the ward-level People's Council.
7. Abolish part or all of law-breaking instruments issued by the People's Committee and the President of the People's Committee at the ward level.

Article 62. Organizational structure of the ward-level People's Committee

The ward-level People's Committee shall be composed of the President, Vice President and members charged with military affairs and members charged with public security affairs.

The first-grade ward-level People's Committee shall be composed of a maximum of two Vice Presidents; the second- and third-grade ward-level People's Committee shall have only one Vice President.

Article 63. Duties and powers of the ward-level People's Committee

1. Formulate and request the ward-level People's Council to decide contents stipulated in Clause 1, Clause 3 Article 61 hereof, and organize the implementation of resolutions issued by the ward-level People's Council.
2. Organize the local budget execution.
3. Implement duties and powers decentralized and delegated by superior-level State organs.

Article 64. Duties and powers of the President of the ward-level People's Committee

1. Carry out the duties and powers stipulated in Article 36 hereof.
2. Cooperate with competent agencies or organizations in the implementation of the planning for urban infrastructural development, construction and transportation, and prevent and control fire, explosion, and protect urban environment, space, architecture and landscape within the ward.
3. Manage urban residence within the ward as prescribed by laws.

Section 5: DUTIES, POWERS AND ORGANIZATIONAL STRUCTURE OF THE LOCAL GOVERNMENT OF THE COMMUNE-LEVEL TOWN

Article 65. Local government of the commune-level town

The local government of the commune-level town is the level of local government composed of the People's Council and the People's Committee of the commune-level town.

Article 66. Duties and powers of the local government of the commune-level town

1. Arrange and ensure the enforcement of the Constitution and legislation throughout the commune-level town.
2. Make a decision on issues of the commune-level town within its decentralized or delegated powers as stipulated by this Law and other relevant law regulations.
3. Implement duties and powers delegated by superior-level State organs.
4. Assume responsibility to the district-level government for the result of implementation of duties and powers of the local government of the commune-level town.
5. Decide and organize the implementation of measures to promote the People's mastery, and mobilize social resources to serve the purpose of socio-economic construction and development, national defense and security assurance throughout the commune-level town's territory.

Article 67. Organizational structure of the People's Council of the commune-level town

1. The People's Council of the commune-level town shall be composed of delegates elected by electorate residing in that commune-level town.

The total number of delegates of the People's Council of the commune-level town shall be determined in accordance with Clause 1 Article 32 hereof.

2. The Standing Committee of the People's Council of the commune-level town shall be composed of the Chairperson and Vice Chairperson of the People's Council of the commune-level town. The Vice Chairperson of the People's Council of the commune-level town is the full-time delegate of the People's Council.

3. The People's Council of the commune-level town shall establish the Committee on Legislation, Economy – Society. Each committee of the People's Council of the commune-level town shall be composed of the Head, one Vice Head and members. The number of members working for such committees of the People's Council of the commune-level town shall be determined by the People's Council of the commune-level town. The Head, Vice Head and members of committees of the People's Council of the commune-level town shall work under the dual office holding regime.

Article 68. Duties and powers of the People's Council of the commune-level town

1. Promulgate resolutions on issues that fall within duties and powers of the People's Council of the commune-level town.

2. Elect, discharge and dismiss the Chairperson of the People's Council, Vice Chairperson of the People's Council, Head, Vice Head of the Committee of the People's Council of the commune-level town, from office; elect, discharge and dismiss the President, Vice President and members of the People's Committee of the commune-level town, from office.

3. Decide the plan of government revenues at the commune-level town; decide the plan of government revenues and expenditures of the commune-level town; adjust the local government budget plan when necessary; approve the local government budget balance at the commune-level town. Decide the intention to invest in programs or projects taking place within the commune-level town in accordance with legal regulations.

4. Supervise the compliance with the Constitution and legislation throughout the commune-level town, the implementation of resolutions issued by the People's Council of the commune-level town; supervise operations of the Standing Committee of the People's Council, the People's Committee at the same level, and Committees of the People's Council at the same level; supervise legislative documents adopted by the same-level People's Committee.

5. Hold a vote on and cast its vote on confidence in office-holders elected by the People's Council of the commune-level town in accordance with regulations laid down in Article 88 and Article 89 hereof.

6. Dismiss delegates of the People's Council of the commune-level town from office and accept the resignation from office of delegates of the People's Council of the commune-level town.

7. Abolish part or all of law-breaking instruments issued by the People's Committee and the President of the People's Committee of the commune-level town.

Article 69. Organizational structure of the People's Committee of the commune-level town

The People's Committee of the commune-level town shall be composed of the President, Vice President and members charged with military affairs as well as those charged with public security affairs.

The People's Committee of the first-grade commune-level town shall be composed of a maximum of two Vice Presidents; the People's Committee of the second- and third-grade commune-level town shall have only one Vice President.

Article 70. Duties and powers of the People's Committee of the commune-level town

1. Formulate and request the People's Council of the commune-level town to decide contents stipulated in Clause 1, Clause 3 Article 68 hereof, and organize the implementation of resolutions issued by the People's Council of the commune-level town.

2. Organize the local budget execution.

3. Implement duties and powers decentralized and delegated by superior-level State organs.

Article 71. Duties and powers of the President of the People's Committee of the commune-level town

1. Carry out the duties and powers stipulated in Article 36 hereof.

2. Collaborate with competent agencies or organizations in the implementation of the planning for urban infrastructural development, construction and transportation, and prevent and control fire, explosion, and protect urban environment, space, architecture and landscape within the commune-level town's territory.

3. Manage urban residence within the commune-level town as prescribed by laws.

Chapter IV

LOCAL GOVERNMENT IN THE ISLANDS

Article 72. Local government in the islands

1. Depending on the geographical conditions and population features as well as the demands for socio-economic development, and national defense and security assurance, single islands and

archipelagos can be combined into an administrative unit as prescribed in Clause 2, Clause 3 Article 2 hereof.

Organizing the special administrative – economic unit in the islands shall follow regulations laid down in Chapter V hereof.

2. The district-level island administrative unit shall organize the level of local government composed of the People's Council and the People's Committee. In case the district-level administrative unit is divided into commune-level administrative units, the commune-level administrative unit shall organize the level of local government composed of the People's Council and the People's Committee.

3. The organizational structure of affiliates of the local government in the islands shall take the form of the organizational structure of affiliates of the local government at the equivalent administrative unit stipulated in this Law.

Article 73. Duties and powers of the local government in the islands

1. The district-level local government in the islands shall implement equivalent duties and powers of the local government of the rural, urban district, district-level town, provincial city and municipality-controlled city stipulated in Section 2 Chapter II, Section 2 and Section 3 Chapter III hereof.

2. The commune-level local government in the islands shall implement equivalent duties and powers of the local government of the commune, ward and commune-level town stipulated in Section 3 Chapter II, Section 4 and Section 5 Chapter III hereof.

3. Regulations on specific duties and powers of the local government at administrative units in the islands enshrined in other legislative documents must ensure the enhancement of the autonomy, responsible autonomy of local state organs, the flexibility and initiative in responding any sudden events, situations and emergencies with a view to a firm defense of national independence, sovereignty, and territorial integrity on the territorial waters and islands, and promotion of advantages and potentials for the marine economy, integration into the international economy, and encouragement to civilians to live in, protect and develop the islands.

Chapter V

LOCAL GOVERNMENT AT THE SPECIAL ADMINISTRATIVE – ECONOMIC UNIT

Article 74. Special administrative – economic units

The special administrative – economic unit shall be established by the National Assembly, and be entitled to enjoy special socio-economic mechanism and policies as well as organize the local government relevant to the socio-economic characteristics, requirements and objectives of that special administrative – economic unit.

Article 75. Organization of local government at the special administrative – economic unit

1. The local government at the special administrative – economic unit shall be composed of the People's Council and the People's Committee. The principles of organization and method of operation of the People's Council and the People's Committee at the special administrative - economic unit shall conform to regulations enshrined in this Law.
2. The number of delegates of the People's Council, the People's Committee, and the organizational structure of the People's Council, the People's Committee, and specific duties and powers of the People's Council, the People's Committee of the special administrative – economic unit shall be decided by the National Assembly upon the establishment of that special administrative – economic unit.

Article 76. Procedure and process for grant of the decision on establishment of the special administrative – economic unit

1. The Government shall prepare the proposal for establishment of the special administrative – economic unit for submission to the National Assembly. The people's opinions on the proposal for establishment of the special administrative – economic unit must be obtained in accordance with regulations laid down in Article 131 hereof.
2. The National Assembly's committee on legislation shall be responsible for assessing the proposal for establishment of the special administrative – economic unit submitted by the Government.

When necessary, the National Assembly shall establish the provisional committee to assess the proposal for establishment of the special administrative – economic unit.

3. The National Assembly Standing Committee shall consider and give their opinions on the proposal for establishment of the special administrative – economic unit before submitting it to the National Assembly.
4. The National Assembly shall consider and approve the proposal for establishment of the special administrative – economic unit according to the procedure stipulated in one or various session(s) of the National Assembly.

Article 77. Dissolution of the special administrative – economic unit

1. The Government shall submit the decision on dissolution of the special administrative – economic unit to the National Assembly.

Process and procedure for consideration of dissolution of the special administrative - economic unit shall meet regulations laid down in Article 76 hereof.

2. When granting the decision to dissolve the special administrative – economic unit, the National Assembly shall decide to establish administrative units on the basis of geographical

borders of administrative divisions and population of that dissolved special administrative – economic unit.

Chapter VI

OPERATION OF LOCAL GOVERNMENT

Section 1. Operations of the People’s Council

Article 78. Meeting sessions of the People’s Council

1. The People’s Council shall convene at least two plenary meetings every year.

The People’s Council shall make its decision on the plan to hold regular sessions at the first plenum of the People's Council that takes place in the first year of its tenure, and at the previous year’s last plenum of the People's Council that takes place in the following years of its tenure upon the request of the Standing Committee of the People’s Council.

2. The unscheduled meeting of the People’s Council will be convened by the Standing Committee of the People’s Council if requested by the Standing Committee of the People's Council or the President of the People's Committee at the same level, or at least one third of delegates of the People’s Council.

3. Electors living at communes, wards or commune-level towns shall be vested with the right to file a petition to the People’s Council of these communes, wards or commune-level towns to convene a meeting to discuss and decide issues arising at these administrative units. If this petition is signed by more than ten percent of electorate living in such communes, wards or commune-level towns according to the electoral register of electors eligible to elect delegates of the communal-level People's Council in the latest election, the Standing Committee of the communal-level People’s Committee shall be responsible for convening the unscheduled plenum of the People’s Council to discuss contents mentioned in the petition. The petition of electors shall be considered valid if it provides all of their signature, full name, birth date and address of each petitioner. Those who sign their name in the petition shall appoint one person as a representative to attend the meeting of the People's Council on contents mentioned in the petition.

4. The People’s Council shall hold the open meeting. When necessary or if requested by the Standing Committee of the People's Council or the President of the People's Committee at the same level, or at least one third of delegates of the People’s Council, the closed meeting will be decided by the People’s Council.

Article 79. Meeting agenda of the People’s Council

1. Based on the resolution of the People’s Council, upon the request of the President of the People’s Committee, the Chairperson of Vietnam Fatherland Front Committee, the Chief Justice of the People’s Court, the Head of the People’s Procuracy, committees of the People’s Council

and delegates of the People's Council at the same level, and the Standing Committee of the People's Council, shall propose the agenda of the People's Council's meeting.

The first session agenda of the new-term People's Council shall be proposed by the Standing Committee of the previous-term People's Council. Committees of the previous-term People's Council shall assess contents mentioned in the proposed agenda of the first meeting session of the new-term People's Council, and present the assessment result to the Standing Committee of the previous-term People's Council to have it considered in the first meeting of the new-term People's Council.

2. The People's Council shall decide the meeting agenda. When necessary or as requested by the President of the People's Committee, the Chairperson of the Vietnam Fatherland Front Committee, the Chief Justice of the People's Court, the Head of the People's Procuracy, committees of the People's Council and delegates of the People's Council at the same level, the People's Council shall make a decision on any amendment or modification to the approved agenda.

Article 80. Convening of the meeting session of the People's Council

1. The first meeting session of the new-term People's Council shall be convened not later than 45 days as of the date of the election of delegates to the People's Council; with regard to local areas that require the re-election, additional election or election date delay, the permitted duration of this convening shall begin on the re-election and additional election date.

The first session held in each term of the People's Council shall be convened by the previous-term People's Council. In case there is an absence of the Chairperson of the People's Council, one Vice Chairperson of the previous-term People's Council shall be authorized to convene the meeting; if both the Chairperson of the People's Council and the Vice Chairperson of the People's Council are absent, the Standing Committee of the superior-level People's Council shall directly appoint an officer to convene the meeting. At the provincial level, the National Assembly Standing Committee shall appoint an officer to convene the meeting of the People's Council.

2. Within its term, the Standing Committee of the People's Council shall decide to convene the regular meeting session not later than 20 days, and the unscheduled meeting session not later than 07 days prior to the opening of the meeting. In case there is an absence of the Standing Committee of the People's Council, the Standing Committee of the People's Council at the superior level shall directly appoint an officer to convene the meeting. At the provincial level, the National Assembly Standing Committee shall appoint an officer to convene the meeting and chair the meeting of the People's Council.

3. The proposed agenda of the People's Council's meeting shall be sent to delegates of the People's Council together with the decision to convene the meeting.

The decision to convene the meeting and the proposed agenda of the People's Council's meeting shall be disseminated through means of mass media at local areas not later than 10 days prior to

the opening of the regular meeting, and if it is an unscheduled meeting, this decision will be sent not later than 03 days prior to the opening of such meeting.

Article 81. Composition of participants in the meeting session of the People's Council

1. Representatives of the Standing Committee of the People's Council and the People's Committee at the directly superior level, elected deputies of the National Assembly, and delegates of the superior-level People's Council elected at local areas, shall be invited to attend the meeting of the People's Council; representatives of the National Assembly Standing Committee and the Government shall be invited to attend the meeting of the provincial People's Council.

2. Members of the People's Committee, the Chief Justice of the People's Court, and the Head of the same-level People's Procuracy who are not delegates of the People's Council, shall be invited to attend the People's Council's meetings; shall be responsible for attending the general meeting session of the People's Council on issues related to the industries and sectors put under their authority. Participants in the People's Council's meeting shall be entitled to raise their opinions on issues related to industries and sectors put under their authority if obtaining the meeting chair's agreement, or shall be responsible for giving their opinions as requested by the People's Council or the meeting chair.

3. Representatives of Government agencies, political organizations, the Vietnam Fatherland Front Committee and socio-political organizations shall be invited to attend the open meeting session of the People's Council which discusses relevant issues.

4. Representatives of the People's armed forces, social and economic organizations, international audiences, press agencies and civilians may be invited to attend the open meeting session of the People's Council.

Article 82. Responsibility of the Chair of the People's Council's meeting session

The Chairperson of the People's Council who deliver the opening and closing speech at the meeting, and the Chair of the People's Council's meeting, shall ensure the compliance with the meeting agenda and regulations on the People's Council's meetings. The Vice Chairperson of the People's Council shall assist the Chairperson of the People's Council in chairing the meeting as assigned by the Chairperson of the People's Council.

In the first meeting held in each term of the People's Council, the person charged with convening the meeting of the People's Council in accordance with Clause 1 Article 80 hereof shall give his/her opening speech and chair meeting sessions to help the People's Council to elect the Chairperson of the new-term People's Council.

Article 83. Election of incumbents of the People's Council and the People's Committee

1. In the first meeting held in each term of the People's Council, the People's Council shall elect one of the People's Council's delegates as the Chairperson of the People's Council according to the recommendation of the meeting chair.

Within the term, the People's Council shall elect one of the People's Council's delegates as the Chairperson of the People's Council according to the recommendation of the Standing Committee of the People's Council. In case the Standing Committee of the People's Council is absent, the People's Council shall elect one of the People's Council's delegates as the Chairperson of the People's Council according to the recommendation of the meeting chair as stipulated in Clause 2 Article 80 hereof.

2. The People's Council shall elect one of the People's Council's delegates as the Vice Chairperson of the People's Council, the Head and the Vice Head of the Committee of the People's Council according to the recommendation of the Chairperson of the People's Council. The provincial People's Council shall elect one of the People's Council's delegates as the Chief of the Office of the provincial People's Council according to the recommendation of the Chairperson of the provincial People's Council.

3. The People's Council shall elect the President of the People's Committee according to the recommendation of the Chairperson of the People's Council. The President of the People's Committee elected in the first meeting of the People's Council must be the People's Council's delegate. The President of the People's Committee elected within the term shall not necessarily be the People's Council's delegate.

4. The People's Council shall elect the Vice President and members of the People's Committee according to the recommendation of the President of the People's Committee. The Vice President and members of the People's Committee shall not necessarily be the People's Council's delegates.

5. The Chairperson of the People's Council and the President of the People's Committee shall not be entitled to hold their position in more than two consecutive terms at the same administrative unit.

6. The result of the election of the People's Council's Chairperson must be ratified by the National Assembly Standing Committee; the result of the election of the Chairperson and Vice Chairperson of the district-level People's Council must be ratified by the Standing Committee of the provincial People's Council; the result of the election of the Chairperson and Vice Chairperson of the communal-level People's Council must be ratified by the Standing Committee of the district-level People's Council.

7. The result of the election of the President and Vice President of the provincial People's Committee must be approved by the Prime Minister; the result of the election of the President and Vice President of the district-level People's Committee must be ratified by the President of the provincial People's Committee; the result of the election of the President and Vice President of the communal-level People's Committee must be ratified by the President of the district-level People's Committee.

8. During the People's Council's election of incumbents as stipulated in this Article, if there is any delegate of the People's Council standing for such election, or if the People's Council wishes to recommend any eligible candidate to stand for such election who does not belong to the electoral register of eligible electors already recommended by competent agencies or individuals, the Standing Committee of the People's Council shall send a request to the People's Council for its consideration and decision; if this election occurs in the first meeting held in each term of the People's Council, the meeting chair will be charged with sending this request to the People's Council for its consideration and decision.

9. Officer holders stipulated in Clause 1, 2, 3 and 4 of this Article shall implement their duties and powers immediately after winning the election of the People's Council.

10. Within 05 days from the date of the election of the Chairperson of the People's Council, Vice Chairperson of the People's Council, President of the People's Committee and Vice President of the People's Committee, the People's Council shall send the election result to competent agencies or individuals as stipulated in Clause 6 and Clause 7 of this Article for approval. Within 10 working days of receipt of the election result, competent agencies or individuals shall be obliged to consider and approve it; in case of disapproval, they will send a written response which clearly state reasons for such refusal, and request the People's Council to hold the re-election of disapproved position-holders.

Article 84. Resignation, discharge and dismissal of office holders elected by the People's Council

1. If elected position-holders of the People's Council fail to continue their work, they can resign from their post on the grounds of health problems or for any other reasons.

The resignation letter shall be submitted to agencies or individuals having the authority to recommend an eligible candidate to be elected to hold that post by the People's Council. Agencies or individuals having the authority to recommend an eligible candidate to be elected to hold that post by the People's Council shall be obliged to request the People's Council to discharge persons submitting their resignations from office in the next meeting of the People's Committee.

2. The People's Council shall discharge and dismiss the Chairperson, Vice Chairperson of the People's Council, the Head and the Vice Head of the Committee of the People's Council as requested by the Standing Committee of the People's Council.

3. The People's Council shall discharge and dismiss the President of the People's Committee as requested by the Chairperson of the People's Council; discharge and dismiss the Vice President and members of the People's Committee as requested by the President of the People's Committee.

4. The result of the discharge and dismissal from office of the Chairperson, Vice Chairperson of the People's Council, and the President and Vice President of the People's Committee must be approved in accordance with regulations laid down in Clause 6, 7 and 10 Article 83 hereof.

Article 85. Procedure for passing draft resolutions, proposals and reports in the meeting of the People's Council

1. Representatives of agencies or organizations submitting draft resolutions, proposals and reports shall make a presentation to the People's Council.
2. Representatives of committees of the People's Council assigned to assess draft resolutions, proposals and reports shall present the assessment report to the People's Council.
3. The People's Council starts discussion. Before discussion, the People's Council at provincial and district level can hold a discussion at the Coalition of delegates of the People's Council.
4. During the process of discussion held in the general meeting session, the meeting chair can raise contentious issues so that the People's Council takes them into consideration and make its decision. When necessary, the People's Council shall be entitled to request related agencies to explain any issue that delegates of the People's Council concern about.
5. The People's Council shall take a vote on these draft resolutions, proposals and reports by single-issue, entire-issue and one-time voting.

Article 86. Introduction of resolutions, proposals, reports and minutes in the meeting of the People's Council

1. Resolutions of the People's Council shall be authenticated by appending the signature of the Chairperson of the People's Council or the meeting chair.
2. Minutes of the People's Council's meetings shall be signed by the Chairperson of the People's Council or the meeting chair.
3. Not later than 10 days as of the closing of the meeting, resolutions, proposals, reports and minutes generated by the meeting of the People's Council must be submitted by the Standing Committee of the People's Council to the Standing Committee of the People's Council and the People's Committee at the directly superior level; as for the meeting held at the provincial level, these documents must be submitted to the National Assembly Standing Committee and the Government.
4. Resolutions of the People's Council must be submitted to relevant agencies or organizations for the implementation purpose. Resolutions of the People's Council shall be published on the local Official Gazette, disseminated through local means of mass media, and publicly posted and filed in accordance with legal regulations.

Article 87. Supervisory operations of the People's Council

1. The People's Council shall exercise its supervisory power in the People's Council's meeting and this exercise of power must be based on supervisory operations of the Standing Committee

of the People's Council, Committees of the People's Council, Delegate Coalitions of the People's Council and delegates of the People's Council.

2. The People's Council shall decide supervisory contents upon the request submitted by the Standing Committee of the People's Council on the basis of recommendations offered by Committees of the People's Council, Delegate Coalitions of the People's Council, delegates of the People's Council, Vietnam Fatherland Front Committee at the same level as well as opinions and recommendations offered by the local electorate.

3. The People's Council shall exercise their supervisory power through the following actions:

a) Consider task performance reports made by the Standing Committee of the People's Council, the People's Committee, the People's Court and the People's Procuracy at the same level;

b) Consider reports of the People's Committee at the same level on the enforcement of the Constitution and legislative documents issued by the superior-level state organs and resolutions of the People's Council at the same level;

c) Consider reports of the People's Committee at the same level on the enforcement of the Constitution and legislative documents issued by the superior-level state organs and resolutions of the People's Council at the same level;

d) Consider query responses from the President of the People's Committee, the Vice President of the People's Committee, members of the People's Committee, Chief Justice of the People's Court, the Head of the People's Procuracy at the same level;

dd) Establish the Commission of Supervision of a single issue when necessary and consider the supervision result produced by the Commission of Supervision.

4. Based on the supervision result, the People's Council shall have the following powers:

a) Request the People's Committee, the President of the People's Committee at the same level to issue documents to enforce the Constitution, legislation and resolutions of the People's Council;

b) Abolish part or all of documents issued by the People's Committee and the President of the People's Committee at the same level in breach of the Constitution and legislative documents issued by the superior-level state organs and resolutions of the People's Council;

c) Pass the resolution on query responses and responsibilities of persons charged with responding to queries when necessary.

d) Discharge and dismiss the Chairperson of the People's Council, the Vice Chairperson of the People's Council, the Head, the Vice Head of the Committee of the People's Council, the President of the People's Committee, the Vice President of the People's Committee and members of the People's Committee, from office.

Article 88. Taking a vote of confidence

1. The People's Council shall take a vote of confidence in the following incumbents:
 - a) The Chairperson, Vice Chairperson, Head of the Committee of the People's Council; the Chief of the Office of the People's Council, if it is the People's Council at the provincial level;
 - b) The President, Vice President and members of the People's Committee.
2. Voting Deadline, date and procedure applied to target persons subjected to the vote of confidence held by the People's Council shall be stipulated by the National Assembly.

Article 89. Casting a vote of confidence

1. The People's Council shall cast a vote of confidence on office-holders elected by the People's Council.
2. The Standing Committee of the People's Council shall request the People's Council to cast a vote of confidence under the following circumstances:
 - a) At least one third of delegates of the People's Council give their recommendation;
 - b) The Vietnam Fatherland Front Committee at the same level gives its recommendation;
 - c) Target persons subjected to the vote of confidence have received votes of low confidence from more than two thirds of delegates of the People's Council.
3. Target persons subjected to the vote of confidence who have gained votes of no confidence from more than half of delegates of the People's Council shall be allowed to resign from office. In case these persons refuse to resign, agencies or individuals having powers to recommend them to be elected by the People's Council shall be responsible for requesting the People's Council to consider and decide the discharge of such persons from office.

Article 90. Consideration of the aggregate report on opinions and recommendations of the local electorate

1. The People's Council shall consider the aggregate report on opinions and recommendations of the local electorate.
2. Relevant State organs, organizations and units shall be responsible for carefully examining, handling and responding to recommendations of the local electorate as well as reporting to the People's Council on the handling result.
3. At the first meeting held in each tenure of the People's Council, the Vietnam Fatherland Front Committee at the same level shall submit the aggregate report on opinions and recommendations from the local electorate in the vote for the People's Council's delegates to the People's Council.

At meetings following the first one, the Standing Committee of the People's Council in conjunction with the Vietnam Fatherland Front Committee at the same level shall submit the aggregate report on opinions and recommendations from the local electorate to the People's Council; the Standing Committee of the People's Council shall report on the result of supervision of handling of recommendations submitted by the local electorate to the People's Council in the previous meeting.

When necessary, the People's Committee shall discuss and adopt the resolution on handling of opinions and recommendations from the electorate.

Article 91. Voting at general meetings

1. The People's Council shall decide issues at general meeting sessions in the form of a voting. Delegates of the People's Council shall have the right to cast their yes, no or abstention votes. Delegates of the People's Council shall not be allowed to act on behalf of other delegates to vote.
2. The People's Council shall decide to apply one of the voting methods as follows:
 - a) Open voting;
 - b) Secret voting.
3. The resolution of the People's Council shall be passed when more than half of delegates of the People's Council vote in favor of it; meanwhile, the resolution to dismiss delegates of the People's Council from office shall be passed when at least two thirds of delegates of the People's Council vote in favor of it.

Article 92. Materials circulated at the People's Council's meetings

1. The Chairperson of the People's Council shall decide which materials are circulated in the meeting of the People's Council.
2. Materials circulated at the People's Council's meetings must be handed out to delegates of the People's Council not later than 05 days prior to the opening of the meeting, unless otherwise stipulated by laws.
3. Delegates of the People's Council shall be responsible for implementing regulations on use and storage of materials at the meeting; disclosure of contents of confidential materials or closed meeting sessions of the People's Council is strictly prohibited.
4. Resolutions, files and other instruments at each meeting of the People's Council shall be safekept in accordance with regulations on file storage.

Article 93. Responsibilities for attending the meeting session of the People's Council

1. Delegates of the People's Council shall be responsible for attending all meetings and sessions of the People's Council, participating in discussion and voting on issues that fall within the remit of the People's Council.

2. Delegates of the People's Council who fail to attend meetings or sessions must clearly state reasons and report to the Chairperson of the People's Council in advance. Where delegates of the People's Council have not attended meetings for 01 consecutive year without any acceptable reasons, the Standing Committee of the People's Council must report to the People's Council to dismiss them from office.

Article 94. Responsibilities of the People's Council's delegates for communicating with the electorate

1. Delegates of the People's Council must keep a close contact with the electorate of their electoral units, be overseen by them and be charged with collecting and communicating their opinions, aspirations and recommendations in an honest manner; protect lawful rights and interests of the electorate; implement regulations on contact with the electorate, and report to the electorate on their activities and those of the People's Council to which they are elected at least once a year, and respond to requests and recommendations from the electorate.

2. After each meeting of the People's Council, delegates of the People's Council shall be responsible for reporting to their electorate on the result of that meeting, disseminating and explaining the resolution of the People's Council, and encouraging and collaborating with the people to implement such resolution.

Article 95. Responsibilities of the People's Council's delegates for holding receptions for citizens, receiving and handling complaints, denunciations and recommendations of citizens

1. The People's Council's delegates shall be responsible for holding receptions for citizens as prescribed by laws.

2. Upon receipt of complaints, denunciations and recommendations from citizens, delegates of the People's Council shall be responsible for carefully examining and promptly forwarding them to competent individuals to find solutions as well as notifying petitioners of this; expediting, monitoring and overseeing the handling process. The in-charge person shall be obliged to notify delegates of the People's Council of the handling result within the statutory duration.

3. On seeing that handling of complaints, denunciations and recommendations is in breach of laws, delegates of the People's Council shall have the right to meet with the head of relevant agency, organization or unit to seek any explanation or to request reconsideration; when necessary, delegates of the People's Council is able to request the head of agency, organization or unit directly superior to the abovementioned one to get them handled.

Article 96. Rights of delegates of the People's Council to ask questions

1. Delegates of the People's Council shall be vested with the right to put questions to the President of the People's Committee, the Vice President of the People's Committee, members of the People's Committee, Chief Justice of the People's Court and the Head of the People's Procuracy at the same level. Questioned persons shall be obliged to answer questions of delegates of the People's Council.

2. During the meeting, delegates of the People's Council shall send questions to the Standing Committee of the People's Committee at the same level. Questioned persons shall be obliged to answer questions to the People's Council in that meeting. In case any investigation or verification is required, the People's Council can decide whether questions will be answered at the next meeting of the People's Council, or written answers will be sent to questioning delegates and the Standing Committee of the People's Council.

3. In between sessions of the People's Council, questions of delegates of the People's Council shall be sent to the Standing Committee of the People's Council at the same level to forward them to questioned persons and deadline for answering questions shall be decided as well.

Article 97. Rights of delegates of the People's Council to give recommendations

1. Delegates of the People's Council shall be vested with the right to make recommendations to the People's Council to take the vote of confidence for incumbents elected by the People's Council, convene unscheduled or recommendation-sending meetings and make other recommendations that delegates find necessary.

2. Recommendations from delegates of the People's Council shall be sent in writing to the Standing Committee of the People's Council in which reasons and contents must be clearly stated.

The Standing Committee of the People's Council shall be responsible for aggregating and handling recommendations from delegates of the People's Council within its jurisdiction and report to the People's Council under the circumstances stipulated in Clause 3 of this Article or others that the Standing Committee of the People's Council finds necessary.

3. In case more than one third of delegates of the People's Council make recommendations to the People's Council on the vote of confidence towards position-holders elected by the People's Council, or on unscheduled or closed meetings held by the People's Council, the Standing Committee of the People's Council shall report to the People's Council for consideration and decision.

4. The number of necessary recommendations stipulated in Clause 3 of this Article is total recommendations received by the Standing Committee of the People's Council within the period from the opening date of this meeting to the opening date of the next meeting, or to the pre-session date, on relevant contents in the event that delegates of the People's Council recommend the People's Council to hold the closed meeting.

5. Delegates of the People's Council shall be vested with the right to recommend agencies, organizations or individuals to apply necessary measures to implement the Constitution and legislation, and protect rights and interests of the State, human rights and lawful rights and interests of citizens.

Article 98. Rights of delegates of the People's Council to take actions against law violations

1. When discovering law violations that may cause harm to the State interests, lawful rights and interests of organizations and individuals, delegates of the People's Council shall have the right to request relevant agencies or organizations to take necessary measures to promptly terminate such violations.

2. Within a permitted duration of 15 days of receipt of requests from delegates of the People's Council as prescribed in Clause 1 of this Article, agencies or organizations must take action to deal with these violations and notify delegates of the People's Council of this. If these agencies or organizations have not responded to them by the deadline, delegates of the People's Council shall have the right to request the head of these agencies or organizations at the superior level for consideration and solution.

Article 99. Rights of delegates of the People's Council to request provision of information

1. Within their duties and powers, delegates of the People's Council shall be entitled to request agencies, organizations or individuals to provide information and materials relating to the duties and powers of these agencies, organizations or individuals.

2. The head of these agencies, organizations or individuals shall be responsible for answering questions posed by delegates of the People's Council in accordance with legal regulations.

Article 100. Immunities of delegates of the People's Council

1. Delegates of the People's Council shall not be subjected to imprisonment, custody, detention, prosecution, or house or office search within the meeting of the People's Council, or without consent from the People's Council or the Standing Committee of the People's Council.

2. In case delegates of the People's Council is temporarily suspended because of criminals caught in the act, the detaining authority must immediately report to the People's Council or the Standing Committee of the People's Council for consideration and decision.

Article 101. Discontinuity of duties, temporary cessation and loss of rights of delegates of the People's Council

1. Within their term of office, if delegates of the People's Council have not worked any more and are not residing at administrative units from which they are delegates, they are required to apply for their duty discontinuity. Delegates of the People's Council can request discontinuity of their duties on grounds of health problems or for other reasons.

Agreeing to the discontinuity of duties of delegates of the People's Council shall be considered and decided by the People's Council at the same level.

2. Where delegates of the People's Council are being prosecuted, the Standing Committee of the People's Council shall decide to temporarily suspend these delegates from implementation of duties and powers.

Delegates of the People's Council shall be reinstated as delegates with their duties and powers as well as their lawful interests shall also be reinstated, if competent authorities halt the investigation or the case against these delegates, or as from the effective date of the court verdict or judgement whereby these delegates have been judged not guilty or exempted from criminal liability.

3. If delegates of the People's Council have been charged by the court verdict or judgement, it is obvious that they will lose their delegate's rights as from the date on which this verdict or judgement enters into force.

4. Delegates of the People's Council who have discontinued delegate's duties or lost delegate's rights, it is certain that they are also discharged from office in the Standing Committee of the People's Council and committees of the People's Council.

Article 102. Dismiss of delegates of the People's Council from office

1. If delegates of the People's Council have not met accepted standards any more, or no longer deserved the People's confidence, the People's Council or the electorate will vote to dismiss them from office.

2. The Standing Committee of the People's Council shall decide to call for the vote of the People's Council for dismissal of delegates of the People's Council from office, or follow the request of the Vietnam Fatherland Front Committee at the same level for the vote of the electorate for this dismissal.

3. Under the first circumstance, at least two thirds of delegates of the People's Council vote for this dismissal.

4. Under the latter circumstance, the dismissal shall be carried out in conformity with the procedure stipulated by the National Assembly Standing Committee.

Article 103. Necessary conditions for activities of delegates of the People's Council

1. Full-time delegates of the People's Council shall be assigned tasks, paid salary, allowances and entitled to other benefits to facilitate their activities.

2. Part-time delegates of the People's Council are required to spare at least one third of working hours per year for implementation of their assigned duties or delegated powers. Working hours per year that part-time delegates of the People's Council spend on performing their duties shall

be included in total hours that such delegates have spent on working at their agencies, organizations or units and are paid salary, allowance and entitled to other benefits covered by these agencies, organizations and units. The head of agencies, organizations or units where delegates work shall be responsible for arranging work and creating necessary conditions for task performance of the People's Council's delegates.

3. The People's Committee at different levels, agencies, organizations, units or individuals, within their assigned duties and delegated powers, shall be responsible for creating favorable conditions for activities of delegates of the People's Council.

4. The Vietnam Fatherland Front Committee and its member organizations shall create necessary conditions to enable delegates of the People's Council to communicate with electors, collect opinions, aspirations and recommendations of the People to the People's Council.

5. Delegates of the People's Council shall be paid all monthly costs incurred by their activities and provided with necessary support to facilitate their activities as well.

6. The Government shall request the National Assembly Standing Committee to specify regulations, policies and conditions for activities of delegates of the People's Council.

Article 104. Duties and powers of the Standing Committee of the People's Council

1. Convene meetings of the People's Council; cooperate with the People's Committee in making arrangements for meetings of the People's Council.

2. Expedite, examine the compliance of the People's Committee and other state organs with resolutions of the People's Council.

3. Supervise the compliance with the Constitution and legislation within their areas.

4. Direct, control and coordinate operations of committees of the People's Council; examine the supervision result of committees of the People's Council when necessary and report to the People's Council in the next meeting; keep close contact with delegates of the People's Council; aggregate questions posed by delegates of the People's Council to report to the People's Council; request agencies, organizations or individuals to explain issues concerning duties and powers of the Standing Committee of the People's Council in the meeting of the Standing Committee of the People's Council.

5. Make necessary arrangements so that delegates of the People's Council can hold receptions for citizens in accordance with laws; expedite, inspect and assess handling of recommendations, complaints and allegations received from civilians; aggregate opinions and aspirations of the people to report to the People's Council in the meeting.

6. Approve the list of members of committees of the People's Council in the number of delegates of the People's Council, and discharge of these members from office upon the request of the Heads of committees of the People's Council.

7. Request the People's Council to take or cast a vote of confidence for incumbents elected by the People's Council in accordance with Article 88 and 89 hereof.
8. Decide whether the dismissal of delegates of the People's Council from office will be voted for by the People's Council or the electorate.
9. Report on performance of the People's Council at the same level to the People's Council and the People's Committee at the directly superior level; the Standing Committee of the People's Council shall report on their performance to the National Assembly Standing Committee and the Government.
10. Keep close contact with and cooperate with the Standing Committee of the Vietnam Fatherland Front Committee at the same level in performing tasks; notify the Vietnam Fatherland Front Committee at the same level of performance of the People's Council twice a year.

Article 105. Duties and powers of members of the Standing Committee of the People's Council

1. The Chairperson of the People's Council shall lead operations of the Standing Committee of the People's Council at the same level, act on behalf of the Standing Committee of the People's Council to keep contact with the People's Committee, state organs, the Standing Committee of the Vietnam Fatherland Front Committee, member organizations of the Vietnam Fatherland Front Committee at the same level, other social organizations and citizens.
2. The Vice Chairperson of the People's Council shall assist the Chairperson of the People's Council in executing duties and powers as assigned and delegated by the Chairperson of the People's Council.
3. Members of the Standing Committee of the People's Council shall be collectively responsible for implementing duties and powers of the Standing Committee of the People's Council; solely responsible to the Standing Committee of the People's Council for implementing duties and powers assigned and delegated by the Standing Committee of the People's Council; attend meetings held by the Standing Committee of the People's Council, discuss and decide issues within assigned duties and delegated powers of the Standing Committee of the People's Council.

Article 106. Meeting sessions held by the Standing Committee of the People's Council

1. Meeting sessions held by the Standing Committee of the People's Council are major activities of the Standing Committee of the People's Council. At each meeting session, the Standing Committee of the People's Council shall discuss and decide issues that fall within their assigned duties and delegated powers in accordance with legal regulations.
2. The Standing Committee of the People's Council shall convene the regular meeting once a month. When necessary, the Standing Committee of the People's Council can convene the unscheduled meeting as requested by the Chairperson of the People's Council. Meeting sessions

held by the Standing Committee of the People's Council must be attended by at least two thirds of members of the Standing Committee of the People's Council.

3. The Chairperson of the People's Council shall decide the meeting time and agenda, and make all necessary preparations and preside over the meeting; if the Chairperson of the People's Council is absent, one Vice Chairperson of the People's Council shall be authorized by the Chairperson to chair the meeting instead.

4. Members of the Standing Committee of the People's Council shall be responsible for attending all of meeting sessions. For some special reasons for their absence from such sessions, they are required to report to the Chairperson of the People's Council for consideration and decision.

5. Representatives of the People's Committee, the Vietnam Fatherland Front Committee at the same level shall be invited to attend meetings held by the Standing Committee of the People's Council. The Head of the National Assembly Delegation shall be invited to attend meetings of the provincial People's Council.

6. Representatives of the People's Court, the People's Procuracy and heads of professional affiliates of the People's Committee, and representatives of socio-political organizations at the same level, relevant agencies and organizations, may be invited to attend meeting sessions of the Standing Committee of the People's Council to discuss related issues.

7. The People's Committee, the People's Court, the People's Procuracy and Committees of the People's Council, the Heads of professional affiliates of the People's Committee, and related agencies and organizations, shall be responsible for preparing projects, proposals and reports appropriate for the meeting agenda as assigned by the Standing Committee of the People's Council at the same level, or according to the duties and powers stipulated by laws.

Article 107. Receptions for citizens held by the Standing Committee of the People's Council

1. The Standing Committee of the People's Council shall be responsible for making arrangements for receptions for citizens held by delegates of the People's Council; set out regulations on, procedures for citizen receptions in compliance with laws and in relevance to local conditions; set the schedule for citizen receptions of delegates of the People's Council; appoint competent and qualified civil servants who have a good command of laws to hold receptions for citizens; make necessary arrangements for receptions for citizens living at local areas where candidates call for election.

2. The Chairperson of the People's Council must keep his/her citizen reception schedule. Depending on the work requirements, the Chairperson of the People's Council can decide the frequency of citizen reception within a month. The Chairperson of the People's Council can authorize the Vice Chairperson of the People's Council or members of the Standing Committee of the People's Council to hold receptions for citizens, but in at least one quarter of the year, the Chairperson of the People's Council should spare 01 day to meet with citizens in person.

Article 108. Sectors managed by Committees of the People's Council

1. The Committee on Legislation managed by the People's Council at the provincial, district and communal level shall be responsible for sectors such as enforcement of the Constitution and legislation, national defence, social security, order and safety, and local government construction and administrative division management affairs in this local area.
2. The Committee on Culture – Society managed by the People's Council at the provincial level shall be responsible for sectors such as education, healthcare, culture, society, information, physical exercise, sports affairs and policies on religion in this local area.
3. The Committee on Economy – Budget managed by the provincial People's Council shall be responsible for sectors such as economy, budget, urban, transportation, construction, science, technology, natural resources and environment affairs throughout the province.
4. The Committee on Economy – Budget managed by the People's Council of the centrally-governed city shall be responsible for sectors such as economy, budget, science, technology and natural resources affairs throughout the centrally-governed city.
5. The Committee on Urban Affairs managed by the People's Council of the centrally-governed city shall be responsible for sectors such as urban planning, technical and social infrastructural development, transportation, construction, environment and public service rendering affairs throughout the centrally-governed city.
6. The Committee on Economy – Society managed by the People's Council at the district and communal level shall be responsible for sectors such as economy, budget, urban, transportation, construction, education, healthcare, culture, society, information, physical exercise, sports, science, technology, natural resources, environment affairs and religious policies in this local area.
7. The Committee on Ethnic Affairs managed by the People's Council at the provincial and district level shall be responsible for the ethnic sector in this area.
8. In case the People's Council at the provincial and district level have not established the Committee on Ethnic Affairs, the Committee on Culture - Society managed by the People's Council at the provincial level, and the Committee on Economy – Society managed by the People's Council at the district level shall be responsible for the ethnic sector in this area.

Article 109. Duties and powers of Committees of the People's Council

1. Get involved in preparing contents of the People's Council's meetings in relation to their in-charge sectors.
2. Examine draft resolutions, reports and proposals relating to their in-charge sectors as assigned by the People's Council or the Standing Committee of the People's Council.

3. Assist the People's Council in supervising operations of the People's Court and the People's Procuracy at the same level; supervising operations of the People's Committee and professional affiliates of the People's Committee at the same level in their in-charge sectors; supervising legislative documents that fall within their remit.

4. Organize activities to assess the implementation of regulations enshrined in laws on their in-charge sectors as assigned by the People's Council or the Standing Committee of the People's Council.

5. Report on the supervision result to the People's Council and the Standing Committee of the People's Council.

6. Committees of the People's Council shall be accountable for their performance to the People's Council; during the off-meeting time, report on their performance to the Standing Committee of the People's Council.

Article 110. Collaboration between Committees of the People's Council

1. Committees of the People's Council shall coordinate their tasks and share operational experience relating to related issues.

2. Committees of the People's Council at the provincial level shall be responsible for collaborating with the Ethnic Council and Committees of the National Assembly and Committees of the National Assembly Standing Committee when these entities pay a visit to their local areas.

3. The Ethnic Council and Committees of the National Assembly and Committees of the National Assembly Standing Committee shall share experience of task performance with equivalent Committees of the provincial People's Council.

4. Committees of the People's Committee shall appoint members to participate in operations of the Standing Committee of the People's Council at the same level as requested by the Standing Committee of the People's Council.

5. The People's Committee, its professional affiliates, the People's Court, the People's Procuracy at the same level, relevant agencies or organizations at their local areas shall be responsible for providing information and materials on issues requested by Committees of the People's Council.

Article 111. Examination of draft resolutions, reports and proposals made by Committees of the People's Council

1. In order to make preparations for this examination, a Committee of the People's Council shall designate its members to get involved in studying draft resolutions, reports and proposals; request formulation agencies and relevant agencies to provide materials and give explanations for issues that it is examining; convene the meeting to collect opinions from those who expertise

in such issues; assess actual situations that may arise in its local area in terms of contents concerning draft resolutions, reports and proposals.

2. A Committee shall carry out the examination of draft resolutions, reports and proposals by going through the following procedures:

a) Representatives of agencies or organizations submitting draft resolutions, proposals and reports make their presentation;

b) Relevant agencies or organizations voice their opinions;

c) Members of that Committee enter into a discussion;

d) Representatives of agencies or organizations submitting draft resolutions, proposals and reports voice their opinions if necessary;

dd) The meeting chair draws his/her conclusion.

3. The examination report should include assessment of the relevance of draft resolutions, reports and proposals to the Communist Party's guidelines and intentions, the state policies and laws, socio-economic development situations and conditions in the local area; clarify viewpoints and propose measures to deal with discrepancies.

Article 112. Duties and powers of the Delegate Coalition of the People's Council at the provincial and district level

1. The Delegate Coalition of the People's Council shall oversee the compliance with the Constitution, legislation and instruments issued by the superior-level state organs, and resolutions of the People's Council at the same level in the area, or issues as assigned by the People's Council or the Standing Committee of the People's Council.

2. The Delegate Coalition of the People's Council shall be responsible for studying materials, preparing opinions contributed in the meeting of the People's Council at the same level; making arrangements to enable delegates of the People's Council to hold receptions for citizens, collect opinions and recommendations from the electorate prior to the opening of the People's Council's meeting, and to report to the electorate on the result of the meeting following the People's Council's one.

Section 2: OPERATIONS OF THE PEOPLE'S COMMITTEE

Article 113. Meeting session of the People's Committee

1. The People's Committee shall convene the meeting once a month.

2. The People's Committee shall convene the unscheduled meeting under the following circumstances:

- a) The meeting is convened by the decision of the President of the People's Committee;
- b) The meeting is requested by the President of the People's Committee at the directly superior level. If it is the meeting of the provincial People's Committee, it will be requested by the Prime Minister;
- c) At least one third of members of the People's Committee make their request.

Article 114. Convening of the meeting of the People's Committee

1. The President of the People's Committee shall specifically decide the meeting date, agenda and contents.
2. Members of the People's Committee shall be responsible for attending all meeting sessions of the People's Committee. In case they are absent, they have to report to and ask the President of the People's Committee for leave of absence.
3. Meeting sessions held by the People's Committee shall be commenced only if at least two thirds of members of the People's Committee attend.
4. Meeting agenda, time and materials presented in the meeting must be sent to members of the People's Committee not later than 03 working days prior to the opening date of the regular meeting and not later than 01 working day prior to the opening date of the unscheduled meeting.

Article 115. Responsibility of the People's Committee for presiding at the meeting

1. The President of the People's Committee shall preside at the People's Committee's meeting and ensure the compliance with the meeting agenda and regulations. If the President of the People's Committee is absent, one Vice President of the People's Committee shall be designated to preside at the meeting by the President of the People's Committee.
2. The President of the People's Committee, or the Vice President of the People's Committee designated by the President of the People's Committee, shall chair discussions on specific contents presented at the People's Committee's meeting.

Article 116. Guests invited to the People's Committee's meeting

1. Representatives of the Standing Committee of the People's Council shall be invited to the meeting of the same-level People's Meeting; the Head and the Vice Head of the National Assembly Delegation shall be invited to the provincial People's Committee's meeting; the Head of the Delegate Coalition of the provincial People's Council shall be invited to the district-level People's Committee's meeting.
2. The Chairperson of the Vietnam Fatherland Front Committee, the Head of the local socio-political organization and representatives of Committees of the People's Council shall be invited to the same-level People's Committee to discuss relevant issues; the Chief Justice of the People's

Court and the Head of the People's Procuracy at the provincial and district level shall be invited to the same-level People's Committee's meeting to discuss relevant issues.

3. The Chairperson of the People's Council, the Heads of State organs at the inferior level, and other members, shall be invited to the People's Committee's meeting to discuss relevant issues.

Article 117. Voting at the People's Committee's meeting

1. The People's Committee shall make a decision on issues at the meeting by means of voting. Members of the People's Committee shall have the right to cast their yes, no or abstention votes.

2. The People's Committee shall decide to apply one of the voting methods as follows:

a) Open voting;

b) Secret voting.

3. The decision made by the People's Committee must obtain more than half of members of the People's Committee voting in favor. In case the number of votes in favor equals the number of votes against, the President of the People's Committee shall have the deciding vote.

Article 118. Voting by means of opinion balloting

1. With regard to certain issues considered as pressing issues or those that are not necessarily required to be dealt with by discussions or voting at the People's Committee's meetings, the President of the People's Committee shall decide voting of members of the People's Committee in the form of opinion balloting. Voting in the form of opinion balloting shall be implemented in accordance with Clause 3 Article 117 hereof.

2. The President of the People's Committee must announce the result of voting in the form of opinion balloting at the upcoming meeting of the People's Committee.

Article 119. Meeting minutes of the People's Committee

Meeting sessions of the People's Committee shall be duplicated into two versions. The meeting minutes should record full contents of oral opinions and all events that take place at the meeting and concluding comments or statements issued by the meeting chair, or the voting result.

Article 120. Notification of the result of the People's Committee's meeting

1. The result of the People's Committee's meeting must be disseminated to the following entities:

a) Members of the People's Committee, the Standing Executive Committees of the Communist Party, the Standing Committee of the People's Council and the Standing Committee of the

Vietnam Fatherland Front Committee and the Heads of the socio-political organizations at the same level;

b) The President of the People's Committee at the directly superior and inferior level; the Prime Minister in terms of the provincial People's Committee's meetings;

c) Relevant agencies, organizations or units.

2. As for the result of the People's Committee's meetings relating to the socio-economic development plan and zoning, and proposal for land use, compensation and site clearance as well as issues pertaining to rights and obligations of local residents, the People's Committee shall be responsible for notifying press agencies immediately after each meeting session.

Article 121. Scope of and responsibilities for accomplishing tasks of the President of the People's Committee

1. Assume sole responsibility for implementing duties and powers delegated under the provisions of this Law; collaborate with other members of the People's Committee in assuming collective accountability for the performance of the People's Committee to the People's Council at the same level, state organs at the superior level and local people as well as taking legal liability.

2. Directly provide directions on handling, or authorize the Vice President of the People's Committee to preside over or collaborate in dealing with, issues in relation to different industries or sectors at local areas. When necessary, the President of the People's Committee shall be entitled to establish consulting organizations to advise and assist the President to deal with his/her work.

3. Authorize one Vice President of the People's Committee to act on behalf of the President to manage all work of the People's Committee in the event that the President of the People's Committee is absent.

4. Act on behalf of the People's Committee to sign the People's Committee's decisions; promulgate decisions, directives and instructions, and inspect the implementation of these instruments at local areas.

Article 122. Scope of and responsibilities for accomplishing tasks of the Vice President of the People's Committee

1. Perform tasks assigned by the President of the People's Committee and take responsibility to the President of the People's Committee for his/her performance of assigned tasks; collaborate with other members of the People's Committee in taking collective responsibility for the performance of the People's Committee.

2. Attend all of meeting sessions of the People's Committee; discuss and hold a voting for issues within assigned duties and delegated powers of the People's Committee.

3. Sign decisions and directives approved by the President of the People's Committee as authorized by the President of the People's Committee.

Article 123. Scope of and responsibilities for accomplishing tasks of members of the People's Committee

1. Undertake specific tasks assigned by the President of the People's Committee and take responsibility to the People's Committee and the President of the People's Committee for his/her performance of assigned tasks; collaborate with other members of the People's Committee in taking collective responsibility for the performance of the People's Committee; report their performance to the People's Council upon request.

Members of the People's Committee being the Heads of professional affiliates of the People's Committee shall be responsible to superior-level state organs in charge of specific industries or sectors.

2. Attend all of meeting sessions of the People's Committee; discuss and hold a voting for issues within assigned duties and delegated powers of the People's Committee.

Article 124. Dispatch and dismissal of the President, Vice President of the People's Committee

1. The Prime Minister shall decide to dispatch the President and the Vice President of the provincial People's Committee; the President of the People's Committee at the provincial and district level shall decide to dispatch the President of the People's Committee and the Vice President of the People's Committee at the directly inferior level.

2. The Prime Minister shall decide to dismiss the President and the Vice President of the provincial People's Committee; the President of the People's Committee at the provincial and district level shall decide to dismiss the President and the Vice President of the People's Committee at the directly inferior level when these incumbents commit violations against laws or fail to comply with their delegated duties and powers.

3. Dispatched or dismissed persons are forced to terminate implementation of duties as the President or Vice President of the People's Committee as at the effective date of dispatch or dismissal decisions.

4. The person making decisions to dispatch and dismiss the President of the People's Committee shall delegate powers of the President of the People's Committee; notify the People's Council of dispatch and dismissal of the President or the Vice President of the People's Committee, and the delegation of powers of the President of the People's Committee in order for them to elect the new President or the Vice President of the People's Committee at the next meeting.

Article 125. Holding discussions or dialogues between the communal-level People's Committee and the people

The communal-level People's Committee shall be responsible for holding discussions or dialogues with the local people on the performance of the People's Committee and issues relating to rights and obligations of the local people at least once a year; in case the size of the administrative unit at the communal level is too large, such discussions or dialogues shall be held by each village group and residential quarter. The people's committee shall post a notice through means of mass media and notify the Head of the village and the Head of the residential quarter of time, venue and contents in the discussion or dialogue with the people not later than 07 days before the opening date.

Section 3: OFFICE, OPERATING EXPENSE AND ASSISTING MACHINERY OF THE LOCAL GOVERNMENT

Article 126. Office and operating expense of the local government

1. The local government's office shall be built for the People's Council and the People's Committee, and be provided with equipment and facilities to meet the demand for collaboration between local government agencies in performing duties and serving the people.
2. The operating expense paid by local government shall be funded by the state budget. The operating budget of the local government must be managed so that it is used in an economical and efficient manner as well as must be audited in accordance with laws.

Article 127. Assisting machinery of the local government

1. The office of the provincial People's Council shall be an organ tasked with advising, assisting and supporting operations of the People's Council, the Standing Committee of the People's Council, committees of the People's Council and delegates of the People's Council at the provincial level.
2. The office of the provincial People's Committee shall be an organ tasked with advising, assisting and supporting operations of the provincial People's Committee.
3. The office of the People's Council and the People's Committee at the district level shall be an organ tasked with advising, assisting and supporting operations of the People's Council and the People's Committee at the district level.
4. The Government shall specify duties, powers and organizational and personnel structure of the Office of the provincial People's Council, the Office of the provincial People's Committee, the Office of the People's Council and the People's Committee at the district level, and organization of tasks of advising, assisting and supporting operations of the People's Council and the People's Committee at the communal level.

Chapter VII

ESTABLISHMENT, DISSOLUTION, MERGING, SPLITTING AND MODIFICATION OF ADMINISTRATIVE DIVISIONS

Section 1: RULE, PROCESS AND PROCEDURE FOR ESTABLISHMENT, DISSOLUTION, MERGING, SPLITTING AND MODIFICATION OF ADMINISTRATIVE DIVISIONS

Article 128. Rules for establishment, dissolution, merging, splitting and modification of geographical borders of administrative divisions

1. Administrative units shall be organized in a stable manner on the basis of existing administrative units. It is advised that administrative units and same-level ones are merged.
2. Establishment, merging, splitting or modification of geographical borders of administrative units is carried out in certain necessary circumstances and must meet the following requirements:
 - a) Conform to the master plan for socio-economic development, the general planning for administrative units, orientation towards the planning and program for urban development and the planning for relevant industries and sectors approved by competent authorities;
 - b) Ensure the national interests, effectiveness and efficiency in state management of local governments at all levels; make best use of potential and advantages in order to promote the socio-economic development of the whole country and specific local areas;
 - c) Meet requirements for national defence, security and social order and safety;
 - d) Consolidate the people's solidarity, conform to historical, traditional and cultural elements of specific localities; offer convenience to the people;
 - dd) Establishment, merging, splitting and modification of geographical borders of administrative units must be based on standards of these administrative units as stipulated in Clause 1, 2 and 3 Article 2 hereof in conformity with features of rural, urban areas and islands.
3. Dissolution of each administrative unit shall be carried out under the following circumstances:
 - a) The dissolution is to meet the socio-economic development demands, assure national defence and security at local areas or across the nation;
 - b) The dissolution is triggered by changes to geographical and topographical factors that can affect the existence of such administrative units.
4. The Government shall request the National Assembly Standing Committee and the National Assembly to provide specific regulations on standards of administrative units as stipulated in Point dd Clause 2 included in this Article.

Article 129. Authority to decide establishment, dissolution, merging, splitting and modification of geographical borders of administrative divisions, and naming and change made to names of administrative units, and resolution of disputes concerning geographical borders of administrative divisions

1. The National Assembly shall have authority to decide establishment, dissolution, merging, splitting and modification of geographical borders of provincial-level administrative divisions; naming and change made to names of provincial-level administrative units; and resolution of disputes concerning geographical borders of provincial-level administrative divisions.

2. The National Assembly Standing Committee shall have authority to decide establishment, dissolution, merging, splitting and modification of geographical borders of district-level and communal-level administrative divisions; naming and change made to names of district-level and communal-level administrative units; resolution of disputes concerning geographical borders of communal-level and district-level administrative divisions

3. The Government shall request the National Assembly and the National Assembly Standing Committee to decide establishment, dissolution, merging, splitting and modification of geographical borders of administrative divisions; naming and change made to names of administrative units; resolution of disputes concerning geographical borders of administrative divisions as stipulated in Clause 1 and 2 of this Article.

Article 130. Formulation of proposal for establishment, dissolution, merging, splitting and modification of geographical borders of administrative divisions

1. The Ministry of Home Affairs shall advise and assist the Government to prepare the proposal for establishment, dissolution, merging, splitting and modification of geographical borders of provincial-level administrative units for submission to the National Assembly.

2. The provincial People's Committee shall prepare the proposal for establishment, dissolution, merging, splitting and modification of geographical borders of district-level and communal-level administrative units for submission to the Government.

3. Cost of formulation of the proposal for establishment, dissolution, merging, splitting and modification of geographical borders of administrative units shall be funded by the state budget as prescribed by the Government.

Article 131. Local referendum on the establishment, dissolution, merging, splitting and modification of geographical borders of administrative divisions

1. The establishment, dissolution, merging, splitting and modification of geographical borders of administrative divisions must be subject to opinions of local people who are the electorate of communal-level administrative units and directly affected by such establishment, dissolution, merging, splitting and modification. This referendum shall be conducted by collecting opinion ballots from the electorate.

2. The Government shall be responsible for conducting this referendum on the establishment, dissolution, merging, splitting and modification of geographical borders of administrative divisions and performing the following tasks:

a) Decide the time when this referendum takes place, opinion ballot templates and supporting materials;

b) Direct, provide guidance on and inspect the People's Committee at all levels in relation to the referendum; direct the task of spreading and dissemination of information about the referendum;

c) Provide adequate budget and necessary conditions to facilitate this referendum;

d) Make the referendum result known to the public through the Government's website.

3. The provincial People's Committee concerned shall be responsible for performing the following tasks:

a) Organize the opinion poll to collect opinions from the electorate within their areas;

b) Allocate adequate fund and necessary conditions to facilitate this opinion poll;

c) Instruct and inspect the People's Committee at the inferior level to accomplish the opinion poll;

d) Aggregate and report the results of such poll including local opinions collected from everywhere in their areas.

4. The district-level People's Committee shall be responsible for performing the following tasks:

a) Instruct and inspect the communal-level People's Committee to accomplish the opinion poll;

b) Carry out the spreading and dissemination of information about contents on which opinions should be given within their areas;

c) Aggregate and report the results of such poll including the electorate's opinions collected from everywhere in their areas.

5. The communal-level People's Committee shall be responsible for performing the following tasks:

a) Compile the list of electors living within their areas at the time of the opinion poll;

b) Decide to hand out opinion ballots to collect the electorate's opinions at communes, wards and commune-level towns in conformity with residential features within their areas;

c) Conduct the opinion poll at each village and residential quarter;

d) Gather meeting minutes and opinion ballots from the electorate; make reports on the opinion poll result.

6. Referendum or opinion poll reports must display total number of electors living within their areas, the number of electors participating in the referendum or poll, the number of electors voting in favor, the number of electors voting against and other opinions. Reports on the result of opinions collected from the electorate living in district-level or communal-level constituencies shall be sent to the People's Council at the same level and the People's Committee at the superior level; reports on the result of opinions collected from the electorate living in provincial-level constituencies shall be sent to the Government and the provincial People's Council.

Article 132. People's Council's approval for the establishment, dissolution, merging, splitting and modification of geographical borders of administrative divisions

1. After the referendum on the establishment, dissolution, merging, splitting and modification of geographical borders of administrative divisions, if there is more than fifty percent of the local electorate voting in favor, the proposal-making agency shall be responsible for perfecting the proposal and filing it to the People's Council in administrative units or relevant units to obtain their decision.

2. On the basis of opinions collected from the local electorate, the draft proposal for the establishment, dissolution, merging, splitting and modification of geographical borders of administrative divisions sent by proposal-making agencies, the relevant People's Council at the communal, district or provincial level shall discuss and hold a vote for or against the intention to establish, dissolve, merge, split or modify geographical borders of administrative units in hierarchical order from the communal level to the district or provincial level.

3. The resolution of the People's Council at the communal level on approval or disapproval of the intention to establish, dissolve, merge, split and modify geographical borders of administrative units shall be submitted to the People's Council at the district level; the resolution of the district-level People's Council shall be submitted to the provincial People's Council; the resolution of the provincial People's Council shall be submitted to the Ministry of Home Affairs in order to make an aggregate report to send to the Government and competent authorities for decision.

Article 133. Inspection of the proposal for establishment, dissolution, merging, splitting and modification of geographical borders of administrative divisions

1. The National Assembly's Committee on legislation shall inspect the Government's proposal for establishment, dissolution, merging, splitting and modification of geographical borders of provincial-level administrative divisions to report to the National Assembly; inspect the Government's proposal for establishment, dissolution, merging, splitting and modification of geographical borders of district-level and communal-level administrative divisions to report to the National Assembly Standing Committee.

2. Inspecting documentation shall be composed of the followings:

a) The request for the establishment, dissolution, merging, splitting and modification of administrative divisions;

- b) The proposal for establishment, dissolution, merging, splitting and modification of geographical borders of administrative divisions;
- c) The report on anticipation of possible impacts caused by the establishment, dissolution, merging, splitting and modification of geographical borders of administrative divisions;
- d) The summary report on opinions collected from the electorate, the all-level People's Council and relevant agencies or organizations;
- dd) The draft proposal for establishment, dissolution, merging, splitting and modification of geographical borders of administrative divisions.

Section 2: ORGANIZATION OF LOCAL GOVERNMENTS IN THE EVENT OF CHANGE MADE TO GEOGRAPHICAL BORDERS OF ADMINISTRATIVE DIVISIONS AND UNDER SOME SPECIAL CIRCUMSTANCES

Article 134. Organization of local governments in the event of merging of same-level administrative units

1. In case various administrative units are merged into a new one at the same level, delegates of the People's Council of the previous administrative units shall jointly become those of the People's Council of the new ones and continue their term of office.
2. The first meeting held by the People's Council of the new administrative unit as stipulated in Clause 1 of this Article shall be convened and chaired by the meeting-convening person designated by the Standing Committee of the People's Council at the directly superior level out of delegates of the People's Council of the new administrative unit, or designated by the National Assembly Standing Committee with regard to the meeting held by the People's Council at the provincial level until the People's Council manages to elect the Chairperson of the People's Council of the new administrative unit.
3. The People's Council of the new administrative unit as stipulated in Clause 1 of this Article shall elect persons as incumbents for the People's Council and the People's Committee in accordance with applicable regulations, Article 83 hereof. These incumbents shall hold their term of office until the new-term People's Council has been elected.

Article 135. Organization of local governments in the event of splitting of same-level administrative units into different ones

1. In case an administrative unit is split into various administrative units at the same level, delegates of the People's Council that have been elected or worked within new administrative units shall together become delegates of these new ones and continue their term of office.
2. In case the number of delegates of the People's Council of the new administrative unit is greater than or equals two thirds of total delegates elected in accordance with this Law, the new People's Council shall elect incumbents to the People's Council and the People's Committee in

accordance with applicable regulations laid down in Article 83 hereof. They shall hold their term of office until the new-term People's Council has been elected.

3. In case the number of delegates of the People's Council of the new administrative unit is not equal to two thirds of total delegates elected in accordance with this Law, and the remaining period of its term of office is more than 18 months, delegates of the People's Council shall be additionally elected in accordance with the law on election. The People's Council to which additional delegates are elected shall elect delegates to hold their term of office in the People's Council and the People's Committee in accordance with regulations laid down in Article 83 hereof. They shall hold their term of office until the new-term People's Council has been elected.

4. The first meeting held by the People's Council of the new administrative unit as stipulated in Clause 2 and Clause 3 of this Article shall be convened and chaired by the meeting-convening person designated by the Standing Committee of the People's Council at the directly superior level out of delegates of the People's Council of the new administrative unit, or designated by the National Assembly Standing Committee with regard to the meeting held by the People's Council at the provincial level until the People's Council manages to elect the Chairperson of the People's Council of the new administrative unit.

5. In the event that the number of delegates of the People's Council of the new administrative unit is not equal to two thirds of total delegates of the People's Council elected in accordance with this Law, and the remaining period of the term of office is less than or equal to 18 months, the Standing Committee of the People's Council at the directly superior level shall appoint the Acting Chairperson of the People's Council, but as for the provincial-level administrative unit, the National Assembly Standing Committee shall appoint the Acting Chairperson of the People's Council, as requested by the Standing Committee of the People's Council of the pre-split administrative unit in order to implement duties and powers stipulated in Clause 3 Article 138 hereof.

The President of the People's Committee at the directly superior level shall appoint the Acting President of the People's Committee or the provisional People's Committee, but as for the administrative unit at the provincial level, the Prime Minister shall appoint the Acting President of the People's Committee or the provisional People's Committee in order to implement duties and powers of the President of the People's Committee or the People's Committee in accordance with regulations laid down in this Law until the new-term People's Committee has been elected.

Article 136. Organization of local governments in the event of establishment of a new administrative unit on the basis of change made to part of geographical border of other administrative unit

1. With respect to establishment of a new administrative unit on the basis of change made to part of geographical border of other administrative unit, delegates of the People's Council of the initial administrative unit shall jointly become those of the People's Council of the latter one and continue their term of office.

2. Organization and operation of the local government of the newly-established administrative unit shall adhere to regulations laid down in Article 135 hereof.

3. The People's Council of the administrative unit of which its geographical border is adjusted to establish a new one shall continue its operations; the election of additional delegates shall be carried out in accordance with legal regulations on election.

Article 137. Operations of the People's Council's delegates in the event of adjustment to geographical borders of administrative units, or residential collective movement

1. In case part of the territory and residential areas of this administrative unit is adjusted to become another exact administrative unit, delegates of the People's Council within that territory shall be considered as delegates of the People's Council at the equivalent level and continue their operations at the new administrative unit till the end of their term of office.

2. In case part of the territory and residential areas of this administrative unit is adjusted to become another exact administrative unit, delegates of the People's Council within that territory shall be considered as delegates of the People's Council at the equivalent level and continue their operations at the new administrative unit till the end of their term of office.

Article 138. Operations of the People's Council in the event of the deficiency in two thirds of total delegates of the People's Council

1. In case there is a deficiency in two thirds of delegates of the People's Council elected in accordance with this Law, and the remaining period of their term of office is more than 18 months, delegates of the People's Council shall be additionally elected in accordance with the law on election.

2. In case there is a deficiency in two thirds of delegates of the People's Council elected in accordance with this Law, and the remaining period of their term of office is less than 18 months, the People's Council shall only discuss and decide the plan for socio-economic development and local government budget. The Chairperson of the People's Council shall carry out the duties and powers stipulated in Article 3 hereof. In case the Chairperson of the People's Council is left vacant, the Standing Committee of the People's Council at the directly superior level shall appoint the Acting Chairperson of the People's Council; as for the provincial-level administrative unit, the National Assembly Standing Committee shall have authority to appoint the Acting Chairperson of the People's Council.

The People's Committee at the same level shall continue to carry out their duties and powers in accordance with this Law.

3. The Chairperson of the People's Council or the Acting Chairperson of the People's Council mentioned in the circumstance stipulated in Clause 2 of this Article shall carry out the following duties and powers:

- a) Collaborate with the People's Committee in making preparations for the meeting of members of the People's Council; convene and preside at the meeting of members of the People's Council to discuss and make a resolution of the People's Council on the plan for socio-economic development and local government budget;
- b) Aggregate questions posed by delegates of the People's Council, opinions or recommendations obtained from the electorate to report to the meeting of members of the People's Council.
- c) Keep contact with, expedite and facilitate operations of the People's Council's delegates;
- d) Convene and preside at the first meeting of the new-term People's Council until the People's Council has elected the Chairperson of the People's Council;
- dd) Carry out other duties and powers of the Standing Committee of the People's Council in accordance with laws.

Article 139. Dissolution of the People's Council

1. The People's Council causing serious harm to the people's interests shall be dissolved.
2. Authority to dissolve the People's Council shall be stipulated as follows:
 - a) The National Assembly Standing Committee shall have authority to dissolve the provincial People's Council;
 - b) The provincial People's Council shall dissolve the district-level People's Council;
 - c) The district-level People's Council shall dissolve the communal-level People's Council.
3. The district-level People's Council making resolution on dissolution of the communal-level People's Council shall be responsible to the provincial People's Council for approval; the provincial People's Council making resolution on dissolution of the district-level People's Council shall be responsible to the National Assembly Standing Committee for approval.
4. The provincial People's Council being dissolved must terminate its operations as from the effective date of the resolution on dissolution of the provincial People's Council issued by the National Assembly Standing Committee.

The district-level or communal-level People's Council being dissolved must terminate its operations as from the date on which the resolution on dissolution of the People's Council is passed by competent state organs.

5. In case the People's Council is dissolved, the President of the People's Committee at the directly superior level shall appoint the Acting President of the People's Committee or the provisional People's Committee, but as for the administrative unit at the provincial level, the

Prime Minister shall appoint the Acting President of the People's Committee or the provisional People's Committee in order to implement duties and powers of the President of the People's Committee or the People's Committee in accordance with regulations laid down in this Law until the new-term People's Council and People's Committee have been elected.

6. The National Assembly Standing Committee shall decide and announce the polling date to elect delegates of the People's Council in the event of dissolution of the provincial People's Council; the Standing Committee of the provincial People's Council shall decide and announce the polling date to elect delegates of the People's Council in the event of dissolution of the district-level or communal-level People's Council. Election of delegates of the People's Council shall be held in accordance with legal regulations on election. The newly-elected People's Council shall carry out their duties till the end of the term of office of the dissolved People's Council.

Chapter VIII

IMPLEMENTARY PROVISIONS

Article 140. Amendment and supplement to Article 4 of the Law on Urban Planning

Amendment and supplement to Article 4 of the Law on Urban Planning No. 30/2009/QH12 as follows:

“Article 4. Urban classification

1. Urban administrative units shall be classified into 6 grades, including special grade, first, second, third, fourth and fifth grade based on the following criteria:

- a) Position, functions, roles and socio-economic development structure and level;
- b) Population scale;
- c) Population density;
- d) Non-agricultural labor rate;
- dd) Infrastructural development level.

2. The Government shall request the National Assembly Standing Committee to provide specific provisions on urban classification over periods of socio-economic development.”

Article 141. Effect

This Law shall enter into force since January 1, 2016.

The Law on Organization of the People's Council and the People's Committee No. 11/2003/QH11 shall be annulled as from the effective date of this Law, except for cases stipulated in Article 142 hereof.

Article 142. Transitional provisions

1. From the effective date of this Law to the date on which the election of the People's Council holding the term 2016 – 2021 is complete, the People's Council and the People's Committee of administrative units shall continue to keep their organizational structure unchanged and implement duties and powers stipulated by the Law on Organization of the People's Council and the People's Committee No. 11/2003/QH11.

2. The pilot cancellation of organization of the People's Council of suburban districts, urban districts and wards in accordance with the Resolution No. 26/2008/QH12 of the National Assembly, the Resolution No. 724/2009/UBTVQH12 of the National Assembly Standing Committee since January 1, 2016 shall be terminated. The People's Committee of suburban districts, urban districts and wards of which the People's Council is not organized shall continue to keep its organizational structure unchanged and implement duties and duties in accordance with the Law on Organization of the People's Council and the People's Committee No. 11/2003/QH11, the Resolution No. 26/2008/QH12 of the National Assembly and the Resolution No. 725/2009/UBTVQH12 of the National Assembly Standing Committee, until the local government of these suburban districts, urban districts and wards is elected in accordance with this Law.

Article 143. Specific provisions and guidance on implementation

The National Assembly Standing Committee and the Government shall specify articles and clauses enshrined in the Law and provide guidance on implementation of this Law.

This Law is passed at the 9th plenum of the National Assembly of the Socialist Republic of Vietnam Tenure XIII on June 19, 2015.

**THE CHAIRMAN OF THE
NATIONAL ASSEMBLY**

Nguyen Sinh Hung

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