

DECREE

AMENDING OR SUPPLEMENTING A NUMBER OF ARTICLES OF THE GOVERNMENT'S DECREE NO. 106/2005/ND-CP OF AUGUST 17, 2005, WHICH DETAILS AND GUIDES A NUMBER OF ARTICLES OF THE ELECTRICITY LAW REGARDING THE SAFE PROTECTION OF HIGH-VOLTAGE POWER GRID WORKS

THE GOVERNMENT

Pursuant to the December 25, 2001 Law on Organization of the Government;
Pursuant to the December 3, 2004 Electricity Law;
At the proposal of the Minister of Industry and Trade,

DECREES:

Article 1. To amend and supplement a number of articles of the Government's Decree No. 106/2005/ND-CP of August 17, 2005, detailing and guiding the implementation of a number of articles of the Electricity Law. regarding the safe protection of high-voltage power grid works (below referred to as Decree No. 106/2005/ND-CP) as follows:

1. To amend and supplement Clause 2 of Article 2 as follows:

"2. Upon construction or renovation of overhead electricity transmission lines stretching over population quarters, public rally places, industrial parks, hi-tech parks, export processing zones, important defense or security works, historical-cultural relics and scenic places already classified by the State, electricity and construction safety measures shall be intensified as follows:

- Poles must be made of steel or reinforced concrete; the safety coefficient of poles, beams and pole foundations must not be lower than 1.2;
- Transmission cable must not be connected within intervals of poles, except for those with a cross-section of 240 mm² or over, which are allowed with one connection for each cable. The safety coefficient of transmission cable must not be lower than 2.5;
- Double insulators of the same type and same technical properties must be installed. Transmission cables and lightning-arresting wires, if being hung above insulators, must be installed with fixed support locks. The safety coefficient of insulators and accessories must satisfy currently prescribed standards;
- The distance from the lowest point of transmission cables in the maximum sagging state to the ground surface must not be lower than the limit prescribed in the following table:

Voltage	Up to 35 kV	110kV	220 kV
Distance	14 m	15 m	18 m

2. To amend Articles 3, 4 and 5 as follows:

"To annul the regulations on 66 kV voltage."

3. To amend and supplement Article 5 as follows:

- To replace the phrase "of a voltage from 66 kV" at Point b, Clause 1, with the phrase "of a voltage from 110 kV."
- To replace the phrase "the static state" in Clause 1 with the phrase "the maximum sagging state".

3. To supplement Point d, Clause 1

For overhead transmission cables stretching over special-use forests, protection forests, production forests or tree gardens, the vertical distance from the average height of fully grown trees to the lowest transmission cables in the maximum sagging state must not be smaller than that prescribed at Point c. Clause 1, Article 5 of Decree No. 106/2005/ND-CP.

- To replace the "66-220 kV" voltage in Clause 2 with the "110 and 220 kV voltages."

4. To amend and supplement Article 6 as follows:

"Article 6. Houses and works inside or outside overhead power transmission safety corridors (below referred to as power grid safety corridors)

1. Inside up-to-220 kV power grid safety corridors

Houses and works are not required to be relocated from up-to-220 kV power grid safety corridors if the following conditions are fully met:

- Their roofs and surrounding walls are made of fire-proof materials;
- Their metal structures are earthed according to regulations on earthing techniques;
- They do not obstruct paths for examination, maintenance or replacement of parts of high-voltage power grid works;
- The distance from any part of houses or works to the nearest transmission cables in the maximum sagging state is not lower than the limits prescribed in the following table:

Voltage	Up to 35 kV	110 kV	220 kV

Distance	3 in	4 m	6 m
----------	------	-----	-----

e) The electric field intensity is less than or equal to 5 kV/m at any point outside the houses, which is one meter from the ground and less than or equal to 1 kV/m at any point inside the houses, one meter from the ground.

The Ministry of Industry and Trade shall detail the earthing under Point b. Clause 1 of this Article.

2. Outside 500 kV power grid safety corridors

Houses and support facilities in service of daily-life activities of households and individuals, which are located outside power grid safety corridors or in between two overhead power transmission lines of 500 kV shall be relocated with compensation or supports when either of the following conditions exists:

a) The electric field intensity is higher than that prescribed at Point e, Clause 1 of this Article.

b) The horizontal distance between two nearest outermost wires of two transmission lines is less than or equal to 60 meters.

3. If houses and support facilities in service of daily-life activities of households and individuals keep the distance defined at Point b of Clause 2 but the electric field intensity remains as those defined at Point e. Clause 1 of this Article and the land users and owners of assets attached to land aspire to stay, they will be allowed to stay and provided with compensations or supports for their entire residential land areas, housing spaces and support facilities in service of their daily-life activities as for the residential land, houses, support facilities in service of daily-life activities, which are located inside power grid safety corridors under Clauses 5 and 6, Article 1 of this Decree."

5. To supplement Article 6a as follows:

"Article 6a. Compensation and support for houses and facilities inside power grid safety corridors

1. Owners of houses and support facilities in service of daily-life activities of households and individuals, which are not required to be relocated from up-to-220 kV power grid safety corridors under Clause 4. Article 1 of this Decree, will enjoy compensations or supports for restricted usability and impacts on daily-life activities. The compensation or supports will be paid in lump sum as follows:

a) Houses or support facilities which are partially or fully located within power grid safety corridors and were constructed on the land eligible for land compensation according to law before the issuance of notices on implementation of high-voltage power grid projects approved by competent authorities, will be entitled to compensation or supports for the land areas lying inside power grid safety corridors;

b) Specific compensation or support levels shall be set by provincial-level People's Committees, but must not exceed 70% of the value of house or support facility section lying inside power grid safety corridors, at construction unit prices of new houses or support facilities of similar technical standards, which are promulgated by provincial-level People's Committees;

c) If houses or support facilities were built on land ineligible for land compensation according to law, provincial-level People's Committees shall consider and provide supports based on practical local conditions.

2. For houses and support facilities built before the issuance of notices on implementation of high-voltage power grid projects approved by competent authorities:

a) If the conditions defined in Clause 1 of revised Article 6 provided in Clause 4, Article 1 of this Decree (below referred to as Clause 1 of revised Article 6) are not satisfied, high-voltage power grid project investors shall organize the improvement to satisfy such conditions and bear the costs thereof;

b) If only a part is demolished while the rest is still usable and satisfies the conditions prescribed in Clause 1 of revised Article 6, high-voltage power grid project investors shall pay compensations for the value of the demolished parts of houses and facilities as well as the costs of re-embellishment of the houses and support facilities under corresponding technical standards of houses and support facilities before they are demolished;

c) If they cannot be embellished to satisfy the conditions prescribed in Clause 1 of revised Article 6. and must be demolished or relocated, house and facility owners will be entitled to compensations or supports under law."

6. To supplement Article 6b as follows:

"Article 6b. Compensation or support for land inside power grid safety corridors

For residential land and land of other types in the same lot of a land user within a power grid safety corridor, which is not subject to land recovery by the State, its user will be entitled to compensation or support for restricted usability of their land. The compensation or support will be made in lump sum as follows:

1. The residential land entitled to compensation or support for its restricted usability is the type of land defined in different legal documents on land.

2. The residential land area entitled to compensation or support for its restricted usability is the actual land area in the power grid safety corridor. The compensation or support level must not exceed 80% of the level of compensation for recovery of residential land, calculated on the land area lying inside the corridor.

3. If the space of a land plot comprising residential land and land of other types of the same user, which is occupied by a power grid safety corridor, is larger than the residential land limit, the area of land of other types in the same land plot in the corridor is also entitled to compensation or support. The compensation or support level must not exceed 80% of the level of compensation for recovery of land of such other types, calculated on the area of land of other types lying in the corridor.

4. In case the land does not fully meet the conditions defined in Clause 1 of this Article, provincial-level People's Committees may consider and provide supports based on practical local conditions.

5. The compensation and support levels prescribed in Clauses 2, 3 and 4 of this Article shall be specified by provincial-level People's Committees. The fund for payment will come from investment capital of high-voltage power grid project investors."

7. To supplement Article 6c as follows:

"Article 6c. Change of the use purpose of land of other types into residential land

When land users have to relocate their houses from power grid safety corridors and wish to change the use purpose of land of other types outside the power grid safety corridors into residential land in accordance with planning, local land management agencies shall carry out procedures to propose competent authorities to permit the change of land use purpose. The land users shall fully comply with legal provisions upon change of land use purpose."

8. To supplement Article 6d as follows:

"Article 6d. Relocation cost supports

Apart from compensations or supports for houses and facilities defined in Clause 5, Article 1 and land prescribed in Clause 6. Article 1 of this Decree, if house owners can themselves find new residential land and aspire for the relocation from the power grid safety corridor, they shall carry out the relocation by themselves and enjoy relocation cost supports according to the law on compensation, supports and resettlement upon land recovery by the State."

9. To supplement Article 6e as follows:

"Article 6e. Compensation for trees planted inside and outside power grid safety corridors

1. If trees which exist before the issuance of notices on implementation of high-voltage power grid projects and inside the power grid safety corridors are required to be felled and new planting is banned under Clause 3, Article 5 of Decree No. 106/2005/ND-CP, they will be entitled to compensation under current regulations.

2. If trees which exist before the issuance of notices on implementation of high-voltage power grid projects and inside the power grid safety corridors are not required to be felled and new planting is allowed under Clause 3. Article 5 of Decree No. 106/2005/ND-CP or trees which stand outside the power grid safety corridors but threaten to infringe upon the safety distances defined in Clause 2. Article 5 of Decree No. 106/2005/ND-CP, the power grid-managing and/or -operating units can examine, fell or trim such trees to ensure safety for the overhead power transmission lines and pay compensations according to regulations.

3. Compensations for cases prescribed in Clauses 1 and 2 of this Article will be paid in lump sum for a tree and the compensation levels will be set by provincial-level Peoples Committees to suit local practical conditions."

Article 2. Implementation responsibilities

Ministers, heads of ministerial-level agencies, heads of government-attached agencies, chairpersons of provincial-level People's Committees and concerned organizations and individuals shall implement this Decree.

Article 3. Implementation effect

1. This Decree takes effect on December 1, 2009.

2. Investment projects for construction of high-voltage power grids which have been implemented before the effective date of this Decree will continue to be implemented in accordance with the approved technical designs.

3. For projects and works with approved compensation and support schemes under which compensation or supports have not yet been implemented or completed before the effective date of this Decree, the compensation and support values shall be adjusted under this Decree.

THE GOVERNMENT

PRIME MINISTER

(Đã ký)

Nguyen Tan Dung