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Sub-Decree #86 on Construction Permit_971219

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THE ROYAL GOVERNMENT OF CAMBODIA

Anukret 86 ANK/BK/December 19, 1997

ANUKRET ON CONSTRUCTION PERMIT

- Referring to the Constitution of the Kingdom of Cambodia;
- Referring to Preah Reach Kret of September 24, 1993 on the Nomination of the First Prime Minister and the Second Prime Minister;
- Referring to Preah Reach Kret of November 1, 1993 on the formation of the Royal Government of Cambodia
- Referring to Preah Reach Kret NS/PRK/ 1094/ 83 of October 24, 1994 on the Reorganization of composition of the Royal Government of Cambodia.
- Referring to Preah Reach Kret NS/PRK/ 1094/ 90 of October 31, 1994 on the Reorganization of composition of the Royal Government of Cambodia.
- Referring to Preah Reach Kram NS/02/94 of July 20, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers,
- Referring to Preah Reach Kret CS/PRK/0897/147 of August 07, 1997 on the Reorganization of the composition of the Royal Government of Cambodia,
- Referring to Preah Reach Kram No 04 NS/94 of August 10, 1994 on Land Management, Urban Planning and Construction,
- Pursuant to the Proposal of the Senior Minister in charge of Culture and Fine Art, Land Management, Urban Planning and Construction,
- Pursuant to the approval of the Council of Ministers at its plenary session on November 7, 1997.

IT-IS-HEREBY-DECIDED

ARTICLE 1:

All private or public person, physical or legal shall have the rights to construct a building on their own titled land and such rights shall be protected by this Anukret. Any Construction Permit issued prior the construction start-up shall be considered as legal document of the Construction. The process of permit application shall be described in the 1st

Section of this Anukret. In order to provide habitation, particularly for the poor people, the construction permit shall not be required for small wooden habitations pursuant to the provisions determined in Article 3 of this Anukret. In order to ensure public safety and health as well as to reserve necessary public areas for urban planning or agricultural development, the general provisions of construction shall determine the rights and obligations to develop urban areas and agriculture, to determine the duties and obligations of population and public institutions for public and private

construction. The construction permit shall be granted upon the compliance of provisions determined in Section 2 of this Anukret. In the absence of land use plan and an approval master plan approved by the Royal Government, these provisions shall be enforced. These provisions shall be supplemented in compliance with the local situation within the

framework of actual construction provisions of the land use plan of provinces and municipalities. The Khmer version is the official version of this document.

This Anukret shall not be applied to the authorized existing buildings. For un-authorized existing buildings that seriously affected to public interest or beauty, the Royal Government or its duly authorized representative shall demand the demolition of the construction upon the proposal of the competent authorities.

SECTION 1: CONSTRUCTION PERMITS AND DEMOLITION PERMITS

CHAPTER 1. : CONSTRUCTION PERMIT REQUIREMENT

ARTICLE 2. CONSTRUCTIONS SUBJECT TO PRIOR CONSTRUCTION PERMITS.

All constructions in the cities or provincial towns shall be subjected to construction permits.

All new constructions shall be subject to construction permits

Reconstruction, expansions and floor additions of existing building shall be subjected to construction permit.

Renovation of existing buildings building shall be subjected to construction permit if they modify:

- the characteristic of facades.
- the aspect of buildings;
- sanitary installations and sewer connections;
- treated waste water installation connected to sewer system;
- floor areas
- premises opened to the public,
- All substantive works with the effect of modifying the configuration of the ground (fillings, ditches, conversion of agricultural land into developed lots) or the characteristic of a site (suppression of a pond or a canal or components of the drainage system, existent tree cutting, etc..)

The construction or renovation of installations with potential fire dangers (installation of tanks, fuel depots, flammable products storage, premises with public access etc...) renovation of factories, the creation of advertising panel, the creation of television antennae, solar collectors and all hanging structure to a building and bordering the street or exposed to the view, the construction permits procedure shall be separately determined by the provincial and municipality halls.

ARTICLE 3. CONSTRUCTION NOT SUBJECT TO THE CONSTRUCTION PERMIT

- The population small habitations located in the rural areas or far away from the National roads, rail roads, tourism resorts, national patrimony and protected areas, regardless of its size or construction materials.
 - maintenance and repair works, which do not modify the structure or the characteristics of the construction are not subject to the construction permit. The following constructions shall be subjected to a simple preliminary declaration to the local authority:
 - places of cult
 - the "salas" "salas chhâ tien" (public accommodation places)
 - small state constructions necessary to provide public functional supports to the sites, hangars
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CHAPTER 2: AUTHORITY TO ISSUE CONSTRUCTION PERMITS

ARTICLE 4. AUTHORITY OF PROVINCIAL AND MUNICIPAL ADMINISTRATION

4.1. Provincial and Municipal administration shall have the authority to issue all the construction permits under their jurisdiction.

4.2. The construction permits shall be signed by the delegate of the Royal Government to the Municipality or governors of the provinces and municipal or duly appointed vice governors. Reason of denial of construction permit shall be notified in writing.

ARTICLE 5: AUTHORITY OF THE GOVERNMENT

5.1. Sometimes, some construction permits shall be under the jurisdiction of the authority of the government. The government is the only institution, which can issue the construction Permits for the following building categories:

- industrial and commercial buildings of more than 3000m2 of floor space,
- hotels shall be considered as commercial buildings,
- buildings use for agricultural exploitation of 500 ha and more,
- airports and ports, railway and vehicle stations,
- public and private facilities of more of 3000m2 of floor space and extension including existing buildings of a surface of more of 3000m2 (cultural, sports, education, administration, tourist, health, energy, water.),
- constructions in protected sites for the benefit of the environment, landscape and historical archaeological and cultural heritage.
- buildings classified as national heritage.
- constructions on areas, which shared the view with historical monuments,
- defense structures and works and military buildings.

5.2. In such case, the construction permits shall be signed by a Chairman of the National Committee of Land Management, Urban Planning and Construction upon the approval of the concerned authorities.

ARTICLE 6. THE PROVINCIAL OR MUNICIPAL COMMITTEE IN CHARGE OF ISSUANCE OF THE CONSTRUCTION PERMIT.

6.1 AUTHORITY

In accordance with article 18 of the Law on Land Management, Urban Planning and Construction, a Committee for the issuance the construction permits shall be created, in the absence of land use and construction plan. This Committee shall be chaired by the delegate of the Royal Government to the Municipality or the Governors of the provinces.

The Committee shall review all construction permit applications. After the Committee in charge of issuance of the construction permit had issued and reviewed the application, the delegate of the Royal Government to the Municipality and the Governors of provinces shall submit its report and its advises to the National Committee of Land Management, Urban Planning and Construction for its decision.

6.2 COMPOSITION OF THE COMMITTEE

The Committee is composed of the following:

- delegate of the Royal Government to the Municipality or the Governor of the province: Chairman
 - cadastre office, member
 - urban planning and construction or construction offices, (if any) member
 - public work office, member
 - environmental office, member
 - cultural and fine art office, member
 - representatives of concerned institution with construction project member
 - local office of urban planning affairs member
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The Committee is empowered to convene and hear all persons, who has submitted a construction permits and the building owners if he is not the applicant as soon as the application is officially recorded.

CHAPTER 3 : INSTRUCTION ON THE CONSTRUCTION PERMITS

ARTICLE 7

No construction permits shall be issued if it is not compliance to the Master Plan and to the Land Use Plan if they exist and to the general land use rules if the two preceding documents do not exist. This measure shall be applied to individuals as well as to legal persons both public and private.

ARTICLE 8:

The construction permits applications shall be deposited for Phnom Penh and the other municipalities at the construction permit office (urban planning and construction unit), for provinces at the office of "Srok" chief or the governor of the province (construction unit). A receipt of the deposit the construction permits shall be issued to all applicants when the application file is completed.

ARTICLE 9. CONTENT OF THE CONSTRUCTION PERMIT APPLICATION

The construction permit application shall be submitted on an official form along with the following minimum plan, in 10 copies folded in the format (21 x 29.7 cm):

9.1. a property title or a possession title or a temporary occupation permits,
9.2. a property sheet. This plan shall be done by a surveyor or by an agent of the cadastral office. This plan shall be dated, signed by its maker and approved by the cadastral office. On this plan figure, the following shall be included:

- the status of the lot, which is the subject of the application, the status of adjacent lots, access to the lot and their status (public or private, name of the proprietor);
- the name or number of the roads and street;
- the surface area of the lot
- existing constructions on the lot (location and height)
- existing constructions on adjacent lot, their size and their height
- the scale of the plan, angles and dimensions of each of its sides,
- the orientation landmarks
- the alignment to public roads.

9.3. location of the building on the lot: scale 1/ 200e (or 1/ 500e after official approval for bigger lots). On this plan the following shall be included:

- location of the constructions which is the object of the application on the lot with distances coordinates between the buildings and the lot boundaries and distance to existing neighboring building;
- utilization of parts of the un-built terrain with indication of soil specifications, future and existing building, automobiles parking and fences (height and location);
- pipe system (materials, diameters, slopes, levels) with hook up with the public sewer system and drinking water supply, septic tanks, well.
- landmark after constructions

9.4. all floors plans of the building: scale 1/ 100e On these plans the following shall be included:

- location of all premises and their surface areas The Khmer version is the official version of this document.
- sanitary installations and the pipe system
- for industrial installations : the location of machineries

9.5. Under ground Plans and the septic tank, foundation plan : scale 1/ 100e

9.6. Building facade : scale 1/ 100e On the facades the following shall be included:

- floor elevation, building elevation at the ground floor, natural terrain, fillings
- roofing elevation
- finished elevation of the pergolas
- building materials of the facade

9.7. At least two side elevations : scale 1/ 100 The same information as that of the facades, one of the elevation shall show the septic tank.

9.8. Surface area per floor

9.9. Calculation sheet for the building size and the additional utilization index. For renovations, expansions of the floor, the plans shall reflect clearly the preexisting conditions, the demolitions, the proposed finished products. Each Municipality and Province shall specify in a provincial or municipal circular the content and the additional information needed for the construction permit application. Additional documents can be requested from the applicant for reason pertaining to hydraulic constraints, protection against pollution, public order, protection of the patrimony and landscapes.

9.10 After receiving the Construction Permit and before constructions start up, there shall be a detailed blue print of building signed by the Ministry of Public Works and Transport.

ARTICLE 10. OFFICIAL LANGUAGE

The construction permit application shall be entirely written in Khmer language. The English or French text could be enclosed as attachment.

ARTICLE 11. SIGNATURES ON THE APPLICATION

All construction permit application and plans shall be signed by the owner of the land and the project applicant. When the applicant is not the owner, the applicant shall equally sign the application. The project applicant can only be a licensed Cambodian architect or a person of Cambodian nationality, notably a construction engineer approved by the competent authority or Khmer architect committee which oversee the architecture work at the proposal in the Cambodian architect council. In the event the constructions exceed 500m², the project shall only be done by a Cambodian architect.

ARTICLE 12. ADVERTISEMENT OF THE CONSTRUCTION PERMITS AND PUBLIC INQUIRY

The competent authorities inform the public of the submission of the construction permits by displaying it at the seat of the "Khan", the "Srok" or the governor and at the proposed construction site. The official submission date of the application is mentioned in the file and made known to the applicant. Furthermore, for buildings and works of a certain importance or susceptible by their nature to cause security, health or public safety disturbances, the public shall be informed of the submission of such construction permits by any other means deemed efficient while taking into

account the means of information. A circular of the Senior Minister of the Culture and Arts, Land Management, Urban Planning and Construction shall determine the list of buildings and works concerned. The Khmer version is the official version of this document.

All concerned persons shall have access to the file at office of the construction permits of the Municipality of Phnom Penh or the "Srok", within 25 days and to file complaints or claims with the competent authorities. These recourses are included in the file.

The local authorities take into account the observations collected in the course of the inquiry and submit a report to the governor within a 5 days period. The governor or the commission of the construction permits, (if it exists) decides on the validity of the recourse.

ARTICLE 13. INQUIRIES WITH THE COMPETENT OFFICES

The commission of the construction permits, (if it exists) and, in other cases, the offices of construction and urban planning of provinces or municipalities shall collect the comments from the competent offices and establish a synthesis.

These written comments as well as the synthesis shall be forwarded to the governor of the province and for Phnom Penh, to the delegate of the Royal Government for its review and approval. In the absence of the commission of the construction permits, the following offices shall be mandatorily consulted :

- the cadastral office,
- the office of the urban planning and construction,
- the office of public work,
- the office of culture and fine art,
- the office of finances
- the office of environment
- the representatives of concerned institutions

ARTICLE 14. DECISION PERIOD

The decision period for construction permit application shall be fixed at 45 working days. This period shall count from the day all the documents required for the construction permit application have been provided. On that date, the applicant shall be informed of the decision, whether it's an approval or a denial based on the information collected. The date of this first day shall be determined by the commission of the construction permits, (if it exists) or by the office of urban planning and construction in other cases. If modifications are required by the competent authorities to the applicant, a new period of 45 days shall be counted from the official date of the submission of the revised construction

permits. Denial of construction permits and required modifications shall be notified in writing to the applicant by the competent authorities.

CHAPTER 4: FORMALITIES AFTER THE ISSUANCE OF THE CONSTRUCTION PERMITS

ARTICLE 15. ISSUANCE OF THE CONSTRUCTION PERMITS

The construction permits shall be delivered to the applicant by the authority that grants the permits. A copy of the permits along with the complete file (plans, annex, notice...) shall be mandatorily kept in the records of the administration of the Province or the Municipality. In the event the permits is under the competence of the government, a copy shall be equally kept in the records of the National Committee of Land Management, Urban Planning and Construction.

ARTICLE 16. EXPIRED CONSTRUCTION PERMITS AND ABANDONED WORKS

16.1 The construction permits shall cease to be valid if works have not been undertaken within a period of a year from the date of signing on the construction permit. The Khmer version is the official version of this document. Such permit could be renewable once from the notification of the permits. The construction shall be deemed begun when the foundation bases completed. For floor additions, the construction shall be deemed begun when the first pole is completed.

16.2 When works are suspended since more of a year, the administration of the City or the Province can demand their completion or the demolition of constructions begun with discount in suitable place state for a determined date and to expense of the holder of the permits.

ARTICLE 17. CONSTRUCTION START-UP

The construction start-up shall not be authorized before the deliverance of the construction permits and before the approval of the detail plans of construction. All constructors in charge of a construction shall insure at its own risk that proper authorizations have been granted. The construction permit holder shall kept on the work-side a copy of the document issuing the construction permits at the disposal of municipal or provincial officials in charge of controls. A copy of all detail plans of construction shall be held at the disposal of municipal or provincial officials on the worksite.

ARTICLE 18. WORKS PROGRESS

18.1 The chief of the "Khan" or "Srok" shall be informed by the contractor after receiving the construction permits and the approval of detail plans of construction and those plans shall be registered at the competent offices. Before starting a construction, the contractor shall have a construction start-up permit from the provincial and municipal office of Land Management, Urban Planning and Construction. The technical competent institutions shall follow up the following works:

- after the posting of building stakes for the construction
- after the foundation works and before the construction of the first floor
- at the end of the major works (foundations, poles, walls and floor...)
- during the connections of sewers, water and electricity systems

18.2 Any change of contractor during construction shall be announced to the competent authorities.

ARTICLE 19. ORGANIZATION OF CONSTRUCTION SITES

Storage of construction materials on the public ground shall be forbidden:

- when the construction works necessitate usage of the public ground, this encroachment shall be limited to 2 meters away from the sidewalk. This encroachment shall be fenced throughout the duration of the construction.
- all encroachments shall be removed a week after the end of the construction
- all materials left from the demolition or construction or rehabilitation shall be cleaned up within one week after the end of the works
- the chiefs of Khan or Srok shall have the obligation in the event of non compliance, to order such clean up at the expenses of the contractor.

ARTICLE 20. CONTROL AND SUSPENSION OF WORKS

The Municipal and provincial administration can at all time to visit and control worksites and inspect the approved plans. If they observe any irregularities, they shall notify them in writing to the contractor and requested that they are remedied within a determined period. In the event of non-compliance or incomplete compliance with the orders received, an immediate work suspension shall be ordered by the Municipal or provincial administration . The Khmer version is the official version of this document.

The Municipal or the Provincial administration can request to the competent courts to issue an order to demolish or to rectify at the expenses and risks of the contractor, all irregular works and those undertaken without authorization. Depending on the gravity of the irregularities, equipment and materials of the construction sites could be seized.

ARTICLE 21. CERTIFICATE OF COMPLIANCE

The recipient shall notify the completion of the works to the chief of "Khan" or "Srok". At the completion of the construction, the "Khan" or the "Srok" with the office of the construction permits (office of urban planning and construction) can ascertain the conformity between the finished construction and the construction as specified in the construction authorized permits.

The compliance shall be refused if the building size or surfaces of floor built exceed those authorized. The compliance shall be refused if the aspect of the building is substantially different to the construction permit. In case of non compliance, the municipal or provincial administration can demand the owner to modify the building to comply with the one as authorized in the issued construction permit. In case of non-compliance the Municipal or Provincial administration shall file a complaint to the competent courts to order it so. A certificate of compliance issued by the municipal or the provincial administration shall be mandatory for building used by the public-hotels, offices, as well as for work premises in which activities for remuneration are performed. Such certificate shall be obtained before the opening of the said premises. A certificate of compliance issued by the municipal or the provincial administration shall be mandatory for building constructed in urban or natural landscapes or sites which present a historical, archaeological or patrimonial character or which share the view with a historical monument.

CHAPTER 5: DEMOLITION PERMITS

ARTICLE 22:

All owner or representative desiring to demolish an existing building other than a precarious structure shall before hand submit a demolition permit application to the construction permit office. The demolition permit application shall comprise of the followings:

- the plan of the lot and the building, photographs of the building or all necessary documents.
- for all building registered on the list of the patrimony, the demolition permits application shall pass through the Committee in charge of issuance of the construction permit and shall be authorized by the governor of the province or the delegate of the Royal Government of Municipality.
- The demolition permits shall be immediately and public announced through visible posting of the notice public on the site of the demolition project.
- Demolition works shall not be undertaken less of 15 days after the issuance of the permit.
- In case of silent, the demolition permits shall be considered granted within 3 month after the date of submission of the application.
- Denial of such application shall be notified to the applicant in writing. The Khmer version is the official version of this document.

ARTICLE 23:

All the other rules applicable to the construction permit application shall equally be applicable to demolition permits application.

CHAPTER 6: PENALTIES AND APPEALS

ARTICLE 24. PENALTIES

All construction started before the issuance of the construction permits by the competent authorities shall be subject to penalties. The construction work shall be stopped immediately. Individuals who violate the order of the officials and public agents shall be subject to judicial proceedings and work equipment shall be confiscated. In the event of repeating, a petty fine shall be imposed. If the works still continue the case shall be deferred to a Court which shall issue a Court Order.

ARTICLE 25: APPEALS

All decision regarding the construction permit application can be subjected to, before all recourses to a competent court, an appeal in front of a competent authority to review such decision as defined in articles 4 and 5 of this Anukret.

The competent authority is empowered to negotiate with the appellant. In the event the negotiation reach a

deadlock, the appellant can appeal to the Chairman of the National Committee of Land Management, Urban Planning and Construction when the competent authority is the provincial governor or delegate of the Royal Government to the Municipality

or to the Prime Minister when the competent authority is the representative of Royal Government. To this end, a litigation section shall be created for each Province, municipality and in the National Committee of Land Management, Urban Planning and Construction..

SECTION 2: GENERAL LAND USE RULES

ARTICLE 26:

In the absence of land use plan and an approved master plan, the following general land use rules shall be covered on the totality of the territory of the Kingdom of Cambodia and have to be respect by all private or public person, physical or moral person for the issuance of construction permits.

CHAPTER 1: NATURE, LOCATION AND SIDEBOARD TO THE CONSTRUCTIONS AREA

ARTICLE 27. SECURITY AND PUBLIC HEALTH

Construction permits shall be refused if these constructions by their situation, their nature or their dimensions are of such nature as to adversely affect the health or the public security or are exposed to pollution or to risks.

27.1. AREAS AT RISKS (dangerous area) Construction permits shall be refused on all areas at risk, landslide zones, inundated zones, banks of rivers, "preks", "stungs" and "pongs" when the lack of terrain solidity presents a danger for persons and possessions. Construction permits shall be refused on inundated zones when the constructions can cause a reduction of water stockage or flow on these terrain and neighboring terrains (edges of river, "preks", "stungs", "pongs").

27.2. NOISE POLLUTION (NOISE VIBRATION) The Khmer version is the official version of this document. Construction permits shall be refused or shall be granted only under special orders if these constructions are susceptible to be exposed to serious noise pollution or to produce serious noise pollution.

ARTICLE 28. PROTECTION OF RESORT

Construction permits shall be refused or shall be granted only under special orders if these constructions can by their nature, their dimensions or their situation, compromise the conservation or the exploitation of an urban or natural site, or archaeological and historical vestiges.

ARTICLE 29. SIDEBOARD AND PARKING.

Construction permits shall be refused on terrains that would not be served by public roads, private roads, lanes or passages whose width would be in proportion the importance and the purpose of the building.

All ways, passages or lanes serving one or several constructions shall not be have a dimension less than 3.5m for access of a fire vehicle. The vehicles parking spaces which correspond to the needs of the building shall not infringing on the public access. Norms for parking are fixed by the Municipal and Provincial administrations for no less than the followings:

For hotels:

- space for every 5 bedrooms
- car space for every 30 bedrooms For private offices and public administrations
- space for 250 m2 of floor surface

For industrial artisanal and stocking activities, the number of parking spaces shall be adequate to insure loading and unloading out of the public access and to allow all vehicles parking inside the premises.

ARTICLE 30. CONSTRUCTION BORDERING PUBLIC ROUTES

30.1 CONSTRUCTION ALONG NATIONAL ROADS AND DIKE ROADS IN URBAN POTTER AREAS.

The Provincial administration and the delegate of the Royal Government for the Municipality of Phnom Penh determine, after approval of the National Committee of Land Management, Urban Planning and Construction, the public domain and margins of set back from national roads, all strategic routes for the country and town planning and notably of dike roads.

Inside these public domain ascendancies and these margins, construction permits for new buildings shall be denied.

30.2 CONSTRUCTIONS ON THE EDGES OF URBAN PUBLIC ROUTES

Constructions shall be build along the demarcation lines of the public routes or further out of at least 4m of the demarcation. Along smaller lanes, constructions can be build at the demarcation lines. Each Provincial governor and the delegate of the Royal Government to the Municipality of Phnom Penh determine the public route demarcation lines and the set back on a demarcation plan. These demarcation plans shall be approved by the National Committee of Land Management, Urban Planning and Construction, for all cities of more of 20 000 residents. The public shall be informed of these plan.

ARTICLE 31. DRINKABLE WATER SUPPLY AND DISPOSAL OF SEWAGE WATERS

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31.1 Drinkable water supply shall be made available for all constructions subjected to the construction permits.

In the event that the drinkable water supply does not serve the terrain upon which a construction is proposed, the applicant shall provide proof that he can supply drinking water in sufficient quantity to its building and shall indicate by what means he intends to do so whether by connecting to an existing water supply system or the use or the digging of a well. If a well is used or a new one is dug specifications construction, the applicant has to indicate the technical of the well and the quality of the water. In the event a collective well is used, the permits application shall include the written consent of the chief of the village.

31.2 The individual lots or the whole housing division shall be served by a drinkable water distribution drinkable and a sewer system, which can evacuate directly the sewage waters.

31.3 In the absence of a sewer system, building owners shall make provisions to treat and evacuate sewage water through a septic tank and a subterrained filtering system. In urban areas building owners shall make provisions to

connect their septic tank to the sewer system. Septic tank specifications are defined as follows:

- The volume of the septic tank measured between the bottom and the inferior level of the affluent outlet shall be: a minimum of 3m³ by living unit or 3m³ per floor of the "apartment" or the house, or 3m³ for 80m² of floor;
- for hotels: 2m³ plus 0.5m³ per bedroom.
- The height of the septic tank shall not be less than 1.5 m.
- The septic tank shall be ventilated.
- Under no circumstances may rain waters penetrate in the septic tank.

31.4 The construction permit application shall include the blue print of septic tank for hygiene installation and the connection to the sewer systems. A construction permits shall be denied if it does not present sufficient assurance of hygiene and health of the projected construction and surrounding existing constructions.

ARTICLE 32 : PROHIBITED ZONE

Each province and municipality shall establish without delay a plan of prohibited zones. This plan shall integrate the protection of agricultural and forestry and mining zones which shall not be changed by reason of their ecological and economic benefits. This plan shall integrate natural sites, such that seaside, riverside, preks and ponds by reason of their patrimonial and ecological benefits. This plan shall integrate all inundated zones which are preserved by reason of their usefulness for draining rain waters and their role in preventing floods. Local authorities shall take adequate measures in order to preserve and promote these declared prohibited zones. All construction permits shall be denied on these zones.

In the event of illegal constructions within these zones, local authorities shall demand the demolition of the constructions and the restoration to its initial state. In the event of non-completion, local authorities shall impose fines and demand to demolish and restore to its initial state on the cost of the offenders or in necessary case the local authorities could request to the court to enforce it. This plan shall be approved by the National Committee of Land Management, Urban Planning and Construction, and be made known to the public officials responsible for the protection of these prohibited zones who would not take necessary measures to enforce it shall be sanctioned by the administrative authority. The Khmer version is the official version of this document.

ARTICLE 33. IMPLICATIONS OF INDUSTRIAL CONSTRUCTIONS,

The industrial Construction permits application shall indicate the types of pollution generated by the industrial activities and the remedial measures. Specific treatment facilities plan shall be integrated in the construction permit application.

All industrial sewage shall be treated prior to disposal in order to prevent any sort of public order or public health. Industrial residual waters shall not be mixed with rain waters and other used water, neither dumped directly in the natural environment without prior treatment. Minimum distances requirement between a polluted industrial construction and nearby living areas shall be set by the local administration upon the Royal Government directives.

For hydrocarbon container specifications and fuel tank shall respect the international norms approved by the Royal Government. All violation of the abovementioned provisions shall result in the immediate suspension of the activities by the local administration. The administration shall notify to the construction owners all the provisions to comply.

CHAPTER 2: LOCATION AND SIZE OF CONSTRUCTIONS

ARTICLE 8. LOCATION ADJACENT TO NEIGHBORING LOTS

For adjacent lots, constructions shall be erected either as a joint wall or a minimum distance of 2m from the boundaries of the lot. This 2 m space shall be left free from all constructions. Windows or doors in joint walls shall be prohibited.

For construction adjacent to lot boundaries or joint wall shall be determined in the instruction of the National Committee of Land Management, Urban Planning and Construction, upon the proposal of the province and municipals. Living quarters shall be defined as all rooms with the exception of kitchens, sanitary, services facilities and corridors. This rule shall also apply to hotels. In this case, all bedrooms and living units considered as living quarters. This rules shall apply equally to working premises. In this case, all rooms use as offices or regulars and daily workshops shall be considered as living quarters with the exception of rooms necessitating by their specific function of the absence of nature light, such that: computer hall, laboratory, cinema studios etc. The provincial and municipality halls shall reserve the right to close all windows openings which do not comply with the above-mentioned distance. For existent buildings which do not comply with the above-mentioned rules, the Municipality or the Province can require the construction of structures to prevent direct views on the neighboring building. These structure decorated-walls, panels made from wood or others materials shall in no event prevent the proper ventilation of living quarters. Shall be considered as window, all openings allowing a direct view of the neighbor. Shall be authorized in all event, woods or concrete of claustras wood or unpolished glass, moving shutters and fixed shutters.

ARTICLE 35. BUILDING TO GROUND RATIO

The constructions ratio as compared to the surface of the lot shall not in away event exceed 75% for the" apartments "and collective living quarters. For residential houses, the constructions to ground ratio shall not exceed 50% of the surface of the are of a lot. The unbuilt area of the lot shall be used for garden with a water absorbed ground on at least half of its area. For building of at least 15 living units, hotels, offices buildings and factories, the construction to ground ratio shall be not exceed 50% of the area of the lot. The Khmer version is the official version of this document.

The unbuilt area of the lot shall be used for garden with a water absorbed ground on at least half of its area. The Municipality and Provincial administrative shall define the urban zones in which this rule shall apply and shall determine special rules for actual situation. The Khmer version is the official version of this document.

ARTICLE 36. HEIGHT

Every Municipal and Provincial administration shall have in place within a period of 1 year from the date of the

approval of this Anukret a master plan determining for each zone of the city a maximum construction height. This plan shall take into account.

- existing average height of each zone,
- the main characteristics of the zone (commercial, residential, factory, downtown or outskirts, elevated or non-elevated terrain, servitudes linked to infrastructures, etc.)
- the type of constructions (apartment, houses, buildings, warehouses and industrial buildings etc...)

This plan shall be approved by the National Committee of Land Management, Urban Planning and Construction and be made known to the public.

ARTICLE 36: PROTECTION OF MONUMENTS AND LANDSCAPE

Every Municipal and Provincial administration can set a maximum height lower than those set in the Height Plan to protect historical sites or natural sites, when close to historical monuments or to preserve monumental perspectives.

This restriction shall be made public and instructed to the applicant of the construction permit prior to his submission of application.

CHAPTER 3: CONSTRUCTION SPECIFICATIONS

ARTICLE 38:

The construction permits shall be denied for constructions, which by their situation, their architecture, their size or their external characteristic of such nature as to clash with the character or the interest of neighboring sites, the urban or natural landscapes, the serenity of cult places, the archaeological or historical sites, the palace and royal monuments.

ARTICLE 39:

The construction permits shall be denied if the public health is not insured. Every living or working quarters shall be ventilated and have at least one window. The natural lighting area per living quarters shall be at least 1,5m².

ARTICLE 40:

Industrial constructions can be subjected to special conditions or building adjustments so as to insure their good integration with the landscapes and urban or natural sites.

ARTICLE 41:

On the coastal areas and on lakes and river banks, the construction permits shall be denied if the constructions visible from the beaches, shores, the sea, the river or the lake, disfigure the landscapes and sites by their characteristic or their height.

CHAPTER 4: DENSITY: LEGAL CEILING OF THE UTILIZATION INDEX

ARTICLE 42:

The building of a construction whose density exceeds the legal ceiling is subjected to the payment by the beneficiary of the construction permit a sum equal to the value of the land whose acquisition would be necessary in order to meet the legal ceiling of the utilization index.

ARTICLE 43:

The utilization index shall be defined as ratio between the total legal floor area of that construction and the land area upon which it is or should be built. When a new construction is erected on a terrain with an existing building which is not destined to be demolished, the density shall be calculated by adding its floor surface to that of the new construction. The Khmer version is the official version of this document.

ARTICLE 44:

The legal ceiling of the utilization index is set to 1 for the totality of the territory of the Kingdom of Cambodia.

ARTICLE 45:

The grant of the construction permits will subject the beneficiary of the construction permit the obligation to make this payment. Three equal installments shall be effectuated with the first one made at the grant of the construction permit, the second one at the beginning of the work and the third one at the completion of the construction.

ARTICLE 46:

The value of the land for calculation purpose of the sum to be paid shall be set by the Ministry of Finances.

ARTICLE 47:

The legal ceiling of utilization index shall not apply to constructions not subject to the construction permits, public equipment and the public buildings for exclusive use of the public service. The Prime Minister can decide the non applicabilities of the legal ceiling of utilization index for special zones upon the recommendation of the National Committee of Land Management, Urban Planning and Construction. Public Housing can be exempted of the payment of tax by decision of the Governor of the Province or the Municipality after approval of the National Committee of Land Management, Urban Planning and Construction.

CHAPTER 5: SPECIAL RULES FOR SOME PARTS OF THE COUNTRY

ARTICLE 48:

In addition to the general land use rules, special land use policies and urbanization rules which can have the effect of prohibiting completely the construction can be instituted by Sub-Decree of the Prime Minister in sensitive areas such as coastal areas, riverbanks, and the great lake. Local town planning documents, the provincial prohibited zone plan as referred to in the article 6 of the title I of the present Sub-decree, shall take into account of these policy directions and these possible prohibitions.

ARTICLE 49:

All previous provisions contrary to this Anukret shall be abrogated.

ARTICLE 50:

The Senior Minister in charge of Culture, Arts, Land Management, Urban Planning and Construction, the Co-Ministers in charge of the Office of the Council of Ministers, the Delegate of the Royal Government to the Municipality of Phnom Penh, other delegates of the Royal Government to other Municipalities and provinces, members of the National Committee of Land Management, Urban Planning and Construction, and other concerned institutions have duties to implement this Anukret from the date of its signatures.

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