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Preah Reach Kram/04NS94/10Aug94
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LAW ON LAND MANAGEMENT, URBAN PLANNING AND CONSTRUCTIONS

CHAPTER 1: Objectives:

Article 1:

The objective of the Law on Land Management, Urban Planning and Constructions shall be to promote the organization and embellishment of the urban and the rural areas throughout the Kingdom of Cambodia with the purpose of assuring development of this country in the spirits of :

- respecting both common and individual interests, private rights, observing laws and regulations, and overseeing on the construction matters.
- assuring through the development process an equilibrium between the cities/towns and rural areas based on their geographical conditions and special characteristics.
- assuring the value of natural and cultural wealth, ensuring the development of the economy and tourism sectors and maintaining the quality of the environment.

Article 2:

The Law on the Land Management, Urban Planning and Constructions shall be based on the ownership titles as provided in the present Land Law. In the event, this Land Law is amended or changed the Law on the Land Management, Urban Planning and Construction shall also be amended or changed accordingly.

Article 3:

In order to achieve the abovementioned objectives, a National Committee for Land Management, Urban Planning and Construction shall be established, and its membership, proposal for appointment and organization shall be specified by a Sub-Decree.

For the Capital City of Phnom Penh, a Committee for Land Management, Urban Planning and Construction shall be particularly established for this purpose. This Committee shall be headed by the Chairman of the National Committee for Land Management, Urban Planning and Construction and shall include as its members a Government's Delegate to the Municipality of Phnom Penh or a Governor, Deputy Governor and a relevant competent technical body. The specifics of the composition and functioning of this above Committee shall be specified by a Sub-Decree.

For the provinces and other municipalities, a Sub-Committee for Land Management, Urban Planning and construction shall be respectively established. Each Sub-Committee shall be headed by a Governor of the province or municipality and shall include as its members and a relevant competent provincial/municipal technical body. The specifics of the composition and functioning of this provincial or municipal Sub-Committee shall be determined by a decision of the Chairman of the National Committee for Land Management, Urban Planning and Construction, upon approval from such National Committee.

CHAPTER 2: Documents related to the Land Management, Urban Planning and Construction

Article 4:

All documents related to the Land Management, Urban Planning and Construction shall be classified according to each specific case, and according to the particular conditions of the land of each province, municipality and region, in the spirit of protecting the patrimony, environment and protecting natural resources as well as development of the economy.

Article 5:

The Committee for Land Management, Urban Planning and Construction of Phnom Penh or the Sub-Committee for Land Management, Urban Planning and Construction of each province and municipality, shall respectively draw up their own development master-plans for the re-organization and development of their respective city, province and municipality. Such master-plan shall be approved by the National committee for Land Management, Urban Planning and Construction and shall be determined by a Sub-decree.

In order to protect the patrimony and the Environment, and to assure the economic development of any particular region specified by the Council of Ministers, the National Committee for Land Management, Urban Planning and Construction, shall have duty to prepare a specific master-plan for such special region and submitting it to the Council of Ministers for approval.

CHAPTER 3: Land Use Master Plan

Article 6:

Land use master plan shall be established for each capital city, province and municipality. Private entities and public authorities shall strictly adhered to such master plans during their construction works.

Article 7:

Land use master plan shall clearly indicate the area to be allocated for national defense, agriculture, commerce, industry, handicraft, culture, tourism, religion, and administrative buildings and public facilities. These plans shall also specify of the possibility for construction.

Article 8:

Land use master plan shall comply with the development master-plans as stated in the article 5 of this law.

Article 9:

Land use master plans for each capital city, province and municipality, shall be first approved by the Committee for Land management, Urban Planning and Construction of the Capital City, or from the Sub-Committees for Land Management, Urban Planning and Construction of each province or municipality, and shall be approved subsequently by the National Committee for Land Management, Urban Planning and Construction. Private entities and public authorities shall strictly adhered to such master plan.

Article 10:

The royal government will set up special provisions and the service of Urban Planning for protecting and promoting the value of resort places or of any immobile objects which shall provide advantages in archeology, history, culture, beauty or technique. The list of those immobile objects or resort places shall be determined by a Sub-decree. The modification, the reform and the administration of those immobile objects and resort places shall be determined by the Law on the Protection of the Patrimony.

The special provisions and the services of Urban Planning for the protection and promotion of the value of resort places or immobile objects which provide advantages in archeological, historical, cultural, beauty or technical shall be inscribed in the master plan for the land management and urban planning and development and in land use plan and constructions.

The royal government shall determined in Sub-Decree the list of immobile objects which will have value in archeological, historical, cultural and technical advantages in order to assure the administration of those immobile objects in compliance with the provisions of the Law on the protection of the patrimony.

CHAPTER 4: WORKS AND CONSTRUCTION

Article 11:

All the explorations or surveys which produce an effect on archeology, shall be firstly authorized by the Royal Government.

In every construction process, in case encouraging any object which give value or advantages in archeological or history, the supervisor of the construction shall be obliged to report to competent authorities. After receiving the report, the competent authority has to immediately stop such construction.

Article 12:

Any individuals and private institutions as well as public authority are banned from conducting any constructions on the public yard-field or lands as defined hereunder:

- water reservoir and water dams.
- the reserve mining fields and the forests zones.
- the archeological and historical resort sites.
- the gardens and public parks and development zones.
- the dirt roads reserved for the roads constructions or the lands reserved for the road-sides, and the lands kept for the construction of rail-roads projects.
- the rivers, seas, streams and their banks.

Conditions of administration of those zones and conditions of light constructions and temporary small structures shall be determined in a Sub-Decree.

Article 13:

The work of construction and settlement shall be conducted in obedience with all documents relating to the organization of territory, urbanization and construction and to the master plans mentioned in the Article 4 and 5 of this Law.

Article 14:

All constructions and modifying or renovations of the building aspect shall be subjected to construction permission issued by the competent authorities.

The necessary documents and plan shall be attached with the application for construction permit. The implementing procedure of this article shall be determined by a sub-decree.

Article 15:

The necessary documents and plan attached to an application of a modern construction permit shall be prepared by an architecture graduated Cambodian architect or by a person acknowledged by the competent authorities.

Requirements of the abovementioned architect diploma and acknowledgment shall be determined by a sub-decree.

Article 16:

The construction permit application shall be applied by a land owner or his authorized person. This application shall enclose with the land certificate of the owner.

Article 17:

No construction permit shall be issued if it is not compliance to the Master Plan and to the Land Use Plan and Construction.

The construction permit shall be denied if the public security, environment, public hygiene, any construction or property which have value in archeology, history, culture, beauty, technique or natural resources were affected by such construction.

The construction permit shall be denied if there is not infrastructure or public equipment that fit to such construction.

Article 18:

If there is no land use plan and construction, the provincial and municipal authorities shall establish a committee to review the construction permit application and issues it.

Article 19:

For the administrative construction, the applicant unit shall have prior authorization from the competent authorities.

Such permit could be issued for only construction which is characterized for administrative operation.

Such permit shall not cause the modification of the designed land use plan, public nature and general advantage of that area.

Article 20:

Any construction built by investors on the state property according to their contract shall be transferred to the state at the end of its term.

Article 21:

Any government official who refuse to review the construction permit application or refuse to issue a permit, without proper reason set out by this law, within a period of 45 days, shall be punished according to the provisions of the law.

Such punishment shall also apply to any agent who review or issues a construction permit not compliance with the provisions of the law.

A construction supervision agent shall be punished, if he won't suspense the construction that is not compliance with the authorized project.

The administrative penalty implied to the above mentioned agent shall be determined by an Administrative Law.

The constructor who not follows the construction permit shall be required to demolish within 30 days from the date of receiving of an official order.

Any colluded officials shall be prosecuted in front of the court.

While any irregularities occurring, that construction shall be systematically stopped. The equipment and other materials of that construction shall be confiscated based on the court order. In the event that the constructor was damaged which is not his own fault, shall be entitled to compensation by filling a lawsuit at the court.

Article 22:

Before demolishing any existing construction, the construction owner shall apply for a prior demolishing permit from competent authorities.

The process of the construction demolishing shall be determined by a sub-decree.

The construction demolishing permit shall be denied if it is affected to the social, technical issues and patrimony recorded by the state.

Article 23:

Any provisions existing in the previous law on land management, urban planning contrary and contrary to this law shall be considered null and void.