

**PRIME MINISTER**

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No.09/2019/QĐ-TTg

**SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom – Happiness**

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*Hanoi, February 15, 2019*

**DECISION**

ON FUNCTIONS, DUTIES, RIGHTS AND ORGANIZATIONAL STRUCTURE OF HOA  
LAC HI-TECH PARK MANAGEMENT BOARD AFFILIATED TO THE MINISTRY OF  
SCIENCE AND TECHNOLOGY

*Pursuant to the Law on Government organization dated June 15, 2015;*

*Pursuant to the Law on Hi-Technology dated November 13, 2008;*

*Pursuant to Decree No.123/2016/ND-CP dated September 01, 2016 of the Government on functions, duties, rights and organizational structure of ministries and ministerial agencies;*

*Pursuant to Decree No.99/2003/ND-CP dated August 28, 2003 of the Government on regulations on hi-tech parks;*

*Pursuant to Decree No.74/2017/ND-CP dated June 20, 2017 of the Government on special mechanism and policies intended for Hoa Lac Hi-tech Park;*

*Pursuant to Decree No.95/2017/ND-CP dated August 16, 2017 of the Government on functions, duties, rights and organizational structure of the Ministry of Science and Technology;*

*At the request of the Minister of Science and Technology;*

*The Prime Minister promulgates a Decision on functions, duties, rights and organizational structure of Hoa Lac Hi-tech Park Management Board affiliated to the Ministry of Science and Technology.*

**Article 1. Positions and functions**

1. Hoa Lac Hi-tech Park Management Board (hereinafter referred to as “Management Board”) is an organization affiliated to the Ministry of Science and Technology which performs state management for Hoa Lac Hi-tech Park (hereinafter referred to as “Hi-tech Park”) as per law provisions.

2. The Management Board, of which structure is the same as that of Directorate, is recognized as a legal person, has a stamp bearing the national emblem of Vietnam and may open an account at the State Treasury and the bank; is a Level 1 budget estimate unit and a focal point which is

given annual targets and provided with funding for operation from state budget, and has its headquarters located in Ha Noi.

## **Article 2. Duties and rights**

1. Prepare and send the following plans and policies to the Minister of Science and Technology which are then submitted to the Government and Prime Minister for issuance or approval purpose:

a) Mid-term and long-term plans for Hi-tech Park development;

b) Support and incentive policies for human resources mobilization and private sector involvement promotion with the aim of constructing and developing the Hi-tech Park according to reality in each period in conformity with law provisions;

c) Attractive policies and incentive policies intended for officials and employees working for the Management Board.

2. Send the Minister of Science and Technology the followings for approval or issuance purpose:

a) Development investment projects funded by state budget, ODA, Government bonds and other legal funding sources regulated by laws;

b) Legal documents and other documents on the Hi-tech Park.

3. Implement and check implementation of legislative documents, policies, planning, plans, schemes, projects and programs in the Hi-tech Park which have been issued or approved by the competent authority.

4. Issue guiding documents on professional skills, techniques and internal regulations as per law provisions.

5. Prepare mid-term and annual public investment plans, annual budget estimate and 3-year finance-budget plans and send them to relevant ministries for consolidation purpose in accordance with the Law on Public Investment and the Law on State Budget.

6. In terms of funding management and development plan

a) Perform duties as an investor, carry out investment projects funded by state budget, ODA and other legal funding sources under management as per law provisions;

b) Make investment decisions and performs duties within the competence of the investor for group B and C investment projects carried out in the Hi-tech Park funded by state budget as authorized by the Minister of Science and Technology; select preferred bidders to sign investment contracts and sign project contracts with investors in group B and C projects in the form of PPP as authorized by the Minister of Science and Technology and regulated by laws;

- c) Receive, manage and use ODA for investment in Hi-tech Park construction and development;
- d) Implement the plan for Hi-tech Park construction and development approved by the competent authority

7. In terms of investment promotion and cooperation

- a) Organize domestic and overseas activities to promote investment, trading and advertising to call for investment in the Hi-tech Park;
- b) Build up and maintain cooperative relationship with domestic and foreign scientific and technological organizations, hi-tech parks, Associations and science parks;
- c) Cooperate with foreign countries in investment in hi-technology as per law provisions;
- d) Cooperate or enter into a joint venture or association agreement with domestic and foreign organizations in relevant fields for the purpose of developing and managing the Hi-tech Park as per law provisions; hire foreign consultants to give advice on investment promotion and strategies for investment, construction and development of the Hi-tech Park as per law provisions.

8. In terms of investment management

- a) Issue, adjust and revoke investment policy decisions and certificates of registration for investment granted to projects under management in accordance with the law on investment;
- b) Provide guidelines for taking measures to guarantee the performance of investment projects;
- c) Supervise and assess project implementation in the Hi-tech Park according to the certificate of investment registration, investment policy decision and other licenses as regulated by laws.

9. In terms of management of operations of enterprises in the Hi-tech Park

- a) Synthesize, monitor and check operations of enterprises as per law provisions;
- b) Issue, re-issue, adjust and renew licenses for establishment of commercial representative office of foreign organizations and traders; terminate operation of the aforesaid office as per law provisions;
- c) Issue, re-issue, adjust and revoke licenses for trading and other trading-related activities as authorized.

10. Manage employees working in the Hi-tech Park as per law provisions.

11. In terms of land use and management

- a) Be allocated land (including both land and water surface) for constructing and developing the Hi-tech Park according to the planning scheme approved by the competent regulatory agency;
- b) Cooperate with the entity paying compensation for land clearance and other relevant agencies in compensation payment, assistance provision and relocation for the Hi-tech Park;
- c) Decide to allocate land without collection of land levies, lease out land, extend the period for land use and withdraw the land leased or allocated as per law provisions;
- d) Decide particular land prices as a basis for calculating the land rent; issue the coefficient for land price adjustment and percentage for determining annual land rent unit after obtaining opinions from Hanoi People's Committee; approve the unit price for land sublease at the request of the infrastructure investor; define and notify financial obligations for land to the land user;
- dd) Decide remission of land rent and determine the amount of land rent eligible for remission for each investment project as per law provisions;
- e) Select preferred bidders for implementation of investment projects with land use in accordance with the law on bidding; put land use rights up for auctions in order to lease out land in conformity with the law on land;
- g) Conduct assessment of demand for land use and the land lease conditions; manage and supervise performance of rights and duties by land users; carry out inspection, monitoring and assessment of compliance with provisions of the law on land by land users.

## 12. In terms of planning and construction management

- a) Manage and implement the general planning on Hi-tech Park construction approved by the Prime Minister;
- b) Prepare subdivision planning; assess and approve subdivision planning and detailed planning as authorized; implement planning and management the construction according to the planning approved by the competent authority;
- c) Issue, re-issue, adjust, renew and revoke the construction license; issue location recommendation letters, planning licenses and provide information about construction planning as authorized;
- d) Fulfill responsibilities of the presiding agency for basic design assessment; make construction drawings for construction of investment projects in the Hi-tech Park as authorized;
- dd) Fulfill responsibilities of the management authority for quality of construction works as authorized;

## 13. In terms of environmental protection

- a) Take actions to protect the environment in accordance with the law on environmental protection;
- b) Provide guidelines for and check whether investors in infrastructure construction and trading, production and trading facilities and service providers in the Hi-tech Park under management comply with regulations on environmental protection;
- c) Cooperate with competent authorities in settling disputes over environment matters among production and trading facilities and service providers in the Hi-tech Park or with organizations and individuals outside the Hi-tech Park;
- d) Carry out environment monitoring in the Hi-tech Park and send the monitoring result to the environment authority as regulated;
- dd) Cooperate in inspection and handling of administrative violations against environmental protection for activities of investors in infrastructure construction and trading, production and trading facilities and service providers within the Hi-tech Park;
- e) Send reports on environmental protection of the Hi-tech Park to Hanoi People's Committee and the Ministry of Natural Resources and Environment as regulated.

#### 14. Science and technology assistance and management

- a) Conduct assessment of science and technology development plans and strategies, compliance with science and technology criteria; carry out inspection, supervision and assessment of implementation of science and technology agreements of investment projects in the Hi-tech Park as per law provisions;
- b) Provide dissemination and guidelines on implementation of law, plans and policies on science and technology approved by the competent authority in the Hi-tech Park and organize science and technology communication activities;
- c) Receive and use funding sources and other support resources to invest in science and technology development, take initiative in renovating and developing hi-tech engineering infrastructure. Promote connection among enterprises, organizations and individuals engaging in science and technology activities, lay a foundation for facilitating renovation to the ecosystem in the Hi-tech Park;
- d) Give assistance in technology and hi-tech enterprise incubation, start creative and innovative startups; receive, promote, perform and transfer technology; provide training and examination and hi-tech manpower as per law provisions;
- dd) Approve and instruct its affiliated units to conduct a study on local duties, including science topics, schemes and projects and application of science and technology advance;

e) Provide advice on and services of incubation, training, examination, hi-tech transfer and creative and innovative startups and provide hi-tech manpower.

15. Make records of administrative violations against regulations on planning, construction, land, environment, investment and labors in the Hi-tech Park and send these records to persons having power to handle administrative violations for handling purpose as regulated.

16. Request economic organizations and investors, as authorized, to make periodic and irregular reports on operations as per law provisions.

17. In terms of service management and order and security assurance

a) Manage exploitation, trading, service and use of investment works; manage, exploit, use and maintain technical infrastructure funded by the State in the Hi-tech Park;

b) Decide the amount of charges for use of State-funded technical infrastructures, amount of charges for wastewater treatment of State-funded wastewater treatment systems after gaining opinions from drainage authorities and local price management authorities; collect charges for use of State-funded technical infrastructures and wastewater treatment charges to operate, maintain technical infrastructures and wastewater treatment systems and quality thereof; consent to the amount of infrastructure use charge and the amount of recuperation from land grading costs in functional zones having investors in infrastructure proposed by the such investors;

c) Take charge and cooperate with relevant agencies in ensuring order, security, fire safety and civilized lifestyle in the Hi-tech Park.

18. Cooperate with state management agencies in inspection and handling of complaints and denunciations, prevention and control of corruption, wasting and negative acts and handling of administrative violations against regulations on planning, construction, plan, investment, environment, land, labors, science- technology and other fields in the Hi-tech Park as per law provisions.

19. Manage and use allocated funds and assets; collect, manage and use charges and fees as per law provisions.

20. Collect, transfer and use land rent; reimbursed compensation for land clearance; deposits to ensure project implementation in case the investor violates regulations provided in Decree No.74/2017/ND-CP.

21. Permit Vietnamese businessmen working the enterprises founded under provisions of the Law on enterprises and the Law on investment within the Hi-tech Park to use the APEC businessman cards.

22. Act as a presiding authority and focal point for carrying out administrative procedures through the single-window system and inter-departmental single-window system in the Hi-tech Park;

24. Perform the duty of state management for the Hi-tech Park as authorized by relevant ministries and agencies.

25. Send periodic reports on investment, construction, development, management and operation of the Hi-tech Park to the Minister of Science and Technology.

26. Implement administrative reform in the Hi-tech Park according to administrative reform programs and plans of the Ministry of Science and Technology.

27. Perform other duties and rights given by the Minister of Science and Technology.

### **Article 3. Organizational structure**

1. Office

2. Board of Planning and Finance

3. Board of Cooperation and Investment

4. Board of Planning, Construction and Environment

5. Board of Science and Technology

6. Hi-tech Training and Incubation Center

7. Technology renovation and Service Center

Entities specified from Clause 1 through 5 this Article are organizations assisting the Management Board's Chairperson in performing the duty of state management while those mentioned in Clause 6 and 7 this Article are public service providers affiliated to the Management Board.

The Management Board's Chairperson shall regulate specific functions, duties, rights and organizational structure of organizations of the Management Board as authorized under law provisions.

### **Article 4. Leaders**

1. The Management Board has one Chairperson and no more than 4 Vice Chairpersons.

2. The Chairperson and Vice Chairpersons shall be appointed, dismissed, suspended from work, accepted to resign by the Minister of Science and Technology as per law provisions.

3. The Chairperson shall be held accountable to the Minister of Science and Technology and the law for all operations of the Management Board. Vice Chairpersons shall be held accountable to the Chairperson and the law for the jobs assigned.

**Article 5. Entry into force and implementation**

1. This Decision comes into force from April 02, 2019.

This Decision will replace Decision No.68/2014/QĐ-TTg dated December 09, 2014 of the Prime Minister on functions, duties, rights and organizational structure of Hoa Lac Hi-tech Park Management Board.

2. Ministers, Directors of ministerial agencies and Governmental agencies, Chairpersons of People’s Committees of provinces and centrally-affiliated cities and Chairperson of the Management Board shall take responsibility to implement this Decision.

**PRIME**

**MINISTER**

**Nguyen Xuan Phuc**

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