

Sub-Decree on Urbanization of the Capital City, Towns, and Urban Areas

Royal Government

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen the Royal Decree Number0908/1055 dated 25 September 2008 on the Appointment of the Royal Government of Cambodia
- Having seen the Royal Code Number 02/NS/94 dated 20 July 1994

Decision

Chapter One

Provisions

Article 1-

This sub-decree aims to define the urbanization of capital, cities and provincial towns in the Kingdom of Cambodia.

Article 2-

This Sub-decree comprises of the following objectives:

- Ensure the effectiveness, sustainability and equity of urbanization;
- Contribute to reduction of climate change;
- Ensure the protection of human rights, and public and private interests in order to promote the effectiveness of economic and social development and environmental and national protection and food security and conservation of cultural property;
- Ensure the quality of urbanization in order to promote the appropriate functioning for sheltering, employment, leisure and traffic activities including health, beauty, safety, public order and a life of good ease.
- Ensure the balance of development and conservation and the relationship between urban and rural based geographical factors and features of each region;
- Define the objectives and forecast the future development of urban development.

Article 3-

This sub-decree governs the applications of public land of the State, Private land of the State including individually private land throughout the Kingdom of Cambodia, except the special conservative areas set forth in other specific provisions.

Article 4-

Land development, construction and use of land areas in the Kingdom of Cambodia shall comply with all provisions set forth in this Sub-decree.

Article 5-

Technical terminologies used in this sub-decree are defined in its glossary in the annex of this sub-decree.

Chapter Two

Principles

Article 6-

Services of urbanization shall be in compliance with the following principles:

- shall ensure the full participation based on democratic and transparent manner
- shall be in compliance with the decentralization and deconcentration policy
- shall follow the hierarchical principles and both-way of all decisions
- shall ensure the good cooperation with all relevant and technical stakeholders and local authorities
- shall use urban planning as a basis for integration, urban development, land development, infrastructure development and all types of construction including conservation in order to ensure the proper, effective and user-oriented use of land with sustainability and equity;
- shall contribute to global climate change.

Chapter Three

Mechanism, Authority and Responsibilities

Article 7-

The mechanisms for the development of land management plan, master plan of land use and specific plans of land use at national and sub-national levels are as below:

1. At national level, there shall be the National Committee for Land Management and Urbanization who will initiate the development of National and Regional Land Management Plans.
2. At sub-national level there will be:
 - Municipal Committee for Land Management and Urbanization who will initiate the development of Master Plan for Land Use and Municipal Plan for Land Use.
 - Provincial Committee for Land Management and Urbanization will initiate the development of provincial land management plan.
 - District Committee for Land Management and Urbanization will initiate the development of the District Master Plan for Land Use.
 - Khan Committee for Land Management and Urbanization will initiate the development of Khan Master Plan for Land Use.
 - Commune/District Councils initiate the development of commune/district plan for land use.

Article 8-

The establishment and determination of the authorities and responsibilities of the National Committee for Land Management and Urbanization needs to be established with the Royal Decree Number dated on the establishment of National Committee for Land Management and Urbanization.

Article 9-

The establishment and determination of the authorities and responsibilities of the municipal, provincial, provincial-town, Khan committees for land management and urbanization needs to be defined with the Sub-decree number dated on the establishment of municipal, provincial, provincial-town, Khan committees for land management and urbanization.

Article 10-

Mechanism, authorities, responsibilities and legal procedures for the development of commune/district plans for land use needs to be defined with the Sub-decree number 72 dated 05 May 2009 on the legal procedures for the development of commune/district plans for land use.

Chapter Four

Planning and Procedures in Urban Planning

Section 1: Urban Planning

Article 11-

Urban planning will include:

1. Master Plan on Land Use or Master Plan
2. Land Use Plan
3. Detailed Plan

Article 12-

Master Plan on Land Use or Master Plan is the plan that defines the vision and general strategies for physical development and determines the types and region (constructible areas and limited construction areas) and explains the forms of urban, urban infrastructural network, main urban communication networks and urban integration. The Master on Land Use shall attach with prioritized short-term, medium-term and long-term urban development projects. Master Plan on Land Use shall be approved by authorized institutions.

The Master Plan on Land Use shall govern the minimum responsibilities as below:

1. Data collection: collect physical data, economic data, social data, demographic data and survey.
2. Vision setting: set the development vision for at least 20 years ahead.
3. Strategic setting: define development strategies in consistence with the following visions:
 - Urban development strategies
 - Land use strategies
 - Infrastructural development strategies
 - Economic development strategies
 - Social development strategies
 - Environmental protection strategies
4. Skeleton of Master Plan on Land Use will govern:
 - 4.1 Maps and plans of current situation

- Plan of Locations
- Map of administrative borders
- Map of Population density
- Plan on division of types of land use
- Plan of road networks
- Plan of public space and green surface
- Plan on possibility of urban expansion
- Plan of locations for solid wastes
- Plan of locations for liquid wastes

4.2 Maps and Future Plan consistent with vision will include:

- Plan of Population density
- Plan on division of types of land use
- Plan of road networks
- Plan of public space and green surface
- Plan on possibility of urban expansion
- Plan of locations for solid wastes
- Plan of locations for liquid wastes

5 Guidelines on the implementation and development management: develop project lists defined in prioritized levels for short-term, medium-term and long-term implementation and the guidelines for the implementation and development management.

6. Annex documents

7 All documents shall be collated as detailed technical reports and summary reports.

Article 13-

Plan on Land Use is the detailed plans developed from the Master Plan of Land Use which defines the land types and each area of land use, defined the provisions on land use, development, conservation and provisions on construction in each land area, and determines communication networks and integration. Plan of Land Use is a plan that needs to be approved by the authorized institutions.

Plan on Land Use shall govern the minimum responsibilities as defined below:

1 Data collection: collect physical data: land use, construction, housing, environment, natural resources, maps and pictures.

2. Strategic setting: set strategies consistent with the Master Plan of Land Use.
3. Skeleton of Plan on Land Use will govern:
 - 3.1 Map and Plan of current situation and data
 - Plan of locations
 - Maps of administrative borders
 - Maps of Population Density
 - Types of Land Use and Land Use Area
 - Plan of Infrastructural networks
 - Plan of Public Space and Green Surface
 - Plan of Land Use
 - Plan of construction areas compared to land area (construction-land ratio)
 - Indicative plan of land use
 - Plan of space between construction and line of construction
 - Plan of construction height
 - 3.2 Maps and Future Plans will govern:
 - Plan of population density
 - Plan of division of land use
 - Plan of infrastructural networks
 - Plan of Public space and green surface
 - Plan of construction areas compared to land area (construction-land ratio)
 - Plan of Indicative land use
 - Plan of space between construction and line of construction
 - Plan of construction height
4. Provisions for managing development, conservation and all types of construction
5. Annex documents
6. All documents shall be collated as land use ordinance

A detailed plan is a type of urban development project which manifests the detailed physical strategies for managing locations or a certain area of land use or many areas of land use in urban areas and governs the preparation and design of physical forms and beauty of physical infrastructure for the development, conservation and construction following a model or a sample. The detailed plan shall be in compliance with the plan of land use.

The detailed plan will govern the followings:

1. Data collection: based on the data in the Master Plan of Land Use and Plan of Land Use
2. Skeleton of the Detailed Plan will cover:
 - Plan of locations
 - Total Plan which includes borders
 - Detailed plan of land use
 - Plan of road network
 - Plan of Public space and green surface
 - Plan of Indicative Land Use
 - Plan of space between construction and line of construction
 - Plan of construction height
 - View Plan and Infrastructure
 - Plan of Dimensions or Model

Section 2: Procedures of Urban Planning

Article 15-

The development of Master Plan on Land Use and Municipal Plan on Land Use shall be complied with the principles set forth in article 6 of this sub-decree.

For the procedures and process of the development of Master Plan and municipal plan on land use, the municipal committee for Land Management and Urbanization shall follow the below steps:

- Collect, screen, collate and analyze data
- Develop vision, strategies, skeleton of plans, implementation guidelines, development management and detailed technical plans and summary reports.

- Organize consultative workshops with the participation of relevant stakeholders
- Publicly disseminate the final draft of the Master Plan of Land Use and Plan of Land Use for 45 days in order to collect public feedbacks or complaints
- Review all public feedbacks within 30 working days and provide suggestions to the National Committee for Land Management Urbanization for review and approval. In the case that the review of the 30 revised version of the draft is needed, another exact 30 working days can be added.
- National Committee for Land Management Urbanization shall review, approve and propose final decisions to the Royal Government within 60 working days. In the case that the review of the 30 revised version of the draft is needed, exact 30 working days can be added.

Article 16:

The development of Master Plan on Land Use and District/Khan Plan on Land Use shall comply with the principles set forth in article 6 of this sub-decree.

For the procedures and process in the development of Master Plan and Provincial town/Khan, the provincial-town, district/Khan committee for Land Management and Urbanization shall follow the below steps:

- Collect, screen, collate and analyze data
- Develop vision, strategies, skeleton of plans, implementation guidelines, development management and detailed technical plans and summary reports.
- Organize consultative workshops with the participation of relevant stakeholders
- Publicly disseminate the final draft of the Master Plan of Land Use and Plan of Land Use for 45 days in order to collect public feedbacks or complaints
- Review all public feedbacks within 30 working days and provide suggestions to the National Committee for Land Management Urbanization for review and approval. In the case that the review of the 30 revised version of the draft is needed, another exact 30 working days can be added.
- The Municipal and Provincial Committee for Land Management Urbanization shall review, approve and propose final approval from the National Committee for Land Management and Urbanization within 60 working days. In the case that the review of the 60 revised version of the draft is needed, exact 30 working days can be added.

Article 17-

The development of Master Plan of Land Use and Plan of Use of Urban Land shall comply with the principles set forth in the Article 6 of this sub-decree.

For the procedures and process of the development of Master Plan on Land Use and Plan of the Use of Urban Land, the Provincial-Town, District/Khan Committee for Land Management and Urbanization shall follow the below steps:

- Collect, screen, collate and analyze data
- Develop vision, strategies, skeleton of plans, implementation guidelines, development management and detailed technical plans and summary reports.
- Organize consultative workshops with the participation of relevant stakeholders
- Publicly disseminate the final draft of the Master Plan of Land Use and Plan of Land Use for 45 days in order to collect public feedbacks or complaints
- Review all public feedbacks within 30 working days and provide suggestions to the Municipal, Provincial Committees for Land Management Urbanization for review and approval. In the case that the review of the 30 revised version of the draft is needed, another exact 30 working days can be added.
- The Municipal and Provincial Committee for Land Management Urbanization shall review, approve and propose final approval from the National Committee for Land Management and Urbanization within 60 working days. In the case that the review of the 60 revised version of the draft is needed, exact 30 working days can be added.

Article 18-

The Master Plan of Land Use and Municipal, Provincial-town and urban Plan of Land Use shall be regularly updated and revised in order to seek approval within every 5 years.

The revision of the Master Plan of Land Use and Municipal, Provincial-town and urban Plan of Land Use shall apply participatory approach like the process of developing Master Plan of Land Use and the new Municipal, Provincial-town and urban Plan of Land Use.

If it is required by the Royal Government, the revision of the Master Plan of Land Use and Municipal, Provincial-town and urban Plan of Land Use shall not apply the general procedures.

Article 19-

The technical guidelines and detailed procedures for developing the Master Plan of Land Use and the Municipal Plan of Land Use shall be defined by the Circulation of the Ministry of Land Management, Urbanization and Construction.

Chapter Five

Provisions on the Use of Land

Article 20-

Based on economic, social, environmental, cultural, demographic factors and the contribution to prevention of climate change, the Municipal Plan System of Land Use in the Kingdom of Cambodia shall be divided into two areas namely:

1. Buildable Areas "BA"
2. Control Areas "CA"

Section One: About Buildable Areas

Article 21-

Buildable Area (BA) shall be divided into small areas as listed below:

1. Residential zone is divided into five types:
 - Detached low-rise residential zone (village or semi-villages)
 - Linked low-rise residential zone (flats or attached houses)
 - Medium-rise residential zone
 - High rise residential zone
 - Mixed residential zone
2. Commercial zone shall be divided into two types:
 - Commercial zone
 - Neighborhood commercial zone
3. Industrial zone shall be divided into three types:
 - Exclusive industrial zone
 - Light industrial zone
 - Mixed industrial zone
4. Mixed used zone
5. Transportation zone
6. Tourist zone
7. Administration and public facility zone
8. Green and open space zone
9. Cultural, heritage and religious zone
10. Some other zones appropriate to realistic geographical areas

The implementation guidelines shall be defined by the Circulation of the Minister of Land Management, Urbanization and Construction.

Article 22-

The ratio of building area compared to the land area in percentage for buildable areas in municipality shall be defined as below:

1. Housing areas:
 - Detached low-rise residential zone not exceeding 50%
 - Linked low-rise residential zone not exceeding 75%
 - Medium-rise residential zone not exceeding 50%
 - High rise residential zone not exceeding 50%
 - Mixed residential zone not exceeding 60%
2. Commercial zone
 - Commercial zone not exceeding 60%
 - Neighborhood commercial zone not exceeding 60%
3. Industrial zone
 - Exclusive industrial zone not exceeding 60%
 - Light industrial zone not exceeding 60%
 - Mixed industrial zone not exceeding 60%
4. Mixed used zone not exceeding 60%
5. Transportation zone not exceeding 60%
6. Tourist zone not exceeding 50%
7. Administration and public facility zone not exceeding 60%
8. Green and open space zone
9. Cultural, heritage and religious zone not exceeding 50%
10. Some other zones appropriate to realistic geographical areas not exceeding 50%

When a new building is constructed in one plot of land with one or many old buildings and there is no plan for removing this or these old buildings, the ratio of land area for construction land area shall be calculated by adding the land area of old buildings to the

land area of the new building.

The remaining area from the land area for construction shall be used for watery gardening at least 30% of the remaining area from this new construction land area.

Adding to the watery gardening area, all plots of land with a request of construction shall be determined to plant trees consistent with technical standards in order to increase green space in cities and contribute to reducing global climate change.

The plot of land with 150 square meters shall be transplanted with trees at least one tree. In order to make a calculation, if the results of this calculation is odd, the numbers of trees to be transplanted must be even numbers in the last result.

This technical guideline on the calculation of the square meters of land for construction compared to the plot of land shall be issued by the Minister of Land Management, Urbanization and Construction.

Article 23-

The index of land use shall be determined with the total sub-surface of the official construction land area and the whole land area.

If a new building is constructed in one plot of land with one or many old buildings and there is or are not plan to remove this or these old buildings, the index of land use shall be calculated by adding the land area of old buildings to the land area of the new buildings.

The index of maximum land use in a certain area that can be used for building in cities shall be defined as below:

1. Residential zone:
 - Detached low-rise residential zone not exceeding 1.5
 - Linked low-rise residential zone not exceeding 1.5
 - Medium-rise residential zone not exceeding 3.0
 - High rise residential zone not exceeding 5.0
 - Mixed residential zone not exceeding 5.0

2. Commercial zone
 - Commercial zone not exceeding 12
 - Neighborhood commercial zone not exceeding 7.0
3. Industrial zone
 - Exclusive industrial zone not exceeding 3.0
 - Light industrial zone not exceeding 3.0
 - Mixed industrial zone not exceeding 3.0
4. Mixed used zone not exceeding 7.0
5. Transportation zone not exceeding 3.0
6. Tourist zone not exceeding 5.0
7. Administration and public facility zone not exceeding 5.0
8. Green and open space zone
9. Cultural, heritage and religious zone not exceeding 2.0
10. Some other zones appropriate to realistic geographical areas not exceeding 4.0

Article 24-

In order to ensure the effectiveness of preparation, management, development of cities, city infrastructure development, city expansion and land use, the maximum population density for the expansion of buildable zone shall be defined as 120 persons per hectare.

SECTION TWO: About Control Areas

Article 25-

Control areas (CA) is divided into small zones as below:

1. Agricultural zone
2. Forest zone
3. Water resource zone
4. Conservative zone
5. Other areas consistent with the realistic geographical situation.

Development and construction projects in a certain zone shall comply with existing procedures and legal conditions, and require letters of permission for the change of

types of land use to buildable zone.

In this case, only agricultural zones can be allowed to build private houses, but not commercial types and manufacturer halls, factory halls to serve the agricultural purposes, the change of types of land to buildable zone is not needed.

The implementation guidelines shall be determined by the Minister of Land Management, Urbanization and Construction.

Article 26-

The ratio of the land area for construction to the whole land area in percentage in a control area in the city is defined with 30%.

If a new building is constructed in one plot of land with one or many old buildings and there is no plan to remove the old buildings, the ratio of construction area to the whole land area shall be calculated by adding the land area of the old buildings to the land area for new building.

The land area remaining from the construction area shall be prepared to be watery gardening, at least 50% of the remaining land area.

The land area of 100 square meters shall be transplanted with trees at least one tree. In order to make a calculation, if the result of the calculation is odd, the numbers of trees shall be even of the second maximum numbers.

Article 27-

The index of maximum land use for control area in city shall be defined with 1 (one). If a new building is constructed in one plot of land with one old or many old buildings and there is no plan to remove the old buildings, the index of land use shall be calculated by adding the land area of the old buildings to the land area of the new building.

SECTION THTREE: About general provisions for buildable zone and control area

Article 28-

The official total land area for construction will not cover the land area for underground construction, ground floor with columns, but no wall, the land area for staircase, land area for open-space under the roof of at least 1.20 height meters, the land area for sunlight, gardening in the building and the land area for construction which serves the community welfares in the housing building: Playground, swimming pool, physical exercise room, steam room, sauna room and locker room, bathroom, toilet for the physical exercise.

The technical implementation guidelines on the calculation of index of land use shall be defined by the Minister of Land Management, Urbanization and Construction.

Article 29-

In the case that the construction owner submits a request for his/her construction of a building exceeding the maximum level of land use index as indicated in the above, the construction owner shall pay fees to the State and the payment scheme shall be issued by both the Minister of Economics and Finance and the Minister of Land Management, Urbanization and Construction.

In the case that a study finds that the request for the construction exceeds the maximum level of land use index and it has negative impact on safety, wellbeing, beauty, public orders, harmonization, environment, the above request will be not approved.

Article 30-

The height of a building in city shall be determined on the basis of the land size, the width of road and physical infrastructure where the building locates and where the economic, social, environmental, geographical, cultural, wellbeing, health and beauty conditions are met in consistence with each of the following methods:

1. Meter limitation

Short building: shall be determined by maximum height of second storey and the height of each floor shall be between 5 meters.

Medium height building: shall be determined by the height from the third floor to tenth floor.

High building: shall be determined by the height from eleventh floor.

2. Floor area ratio limitation

- The limitation of the height for the index of land use as defined in article 23 and 27 of this sub-decree.

3. Slant Plan

- Short-high building: shall be applied in the case that the width of road is shorter than 8.0 meters and maximum height is equated with slant plan with an equivalence of the height of building and width of road compared with an open space of 1 (one).
 - Medium-high building: shall be determined of its maximum height at the slant plan and consistent with the building height and the width of road compared with the open space of 2 (two).
 - High building: shall be determined of its maximum height at the slant plan and consistent with the building height and the width of road compared with an open space of 2.5 (two and a half).
4. The definition of a building height applies the two or three abovementioned methods.

The city shall apply the abovementioned provisions as a basis and develop the plan of building height based on the reality of the geographical areas.

Article 31-

The space of buildings between legal land areas shall apply the followings:

For the straight land area, the provisions on land use shall determine the space between legal land borders consistent with the existing lines of land area or consistent with plan of land use which forecasts the future expansion road.

For non-straight land areas, the provisions on land use shall determine the space of building between legal land borders and shall apply the following standards:

1. Short-high building
 - The space between land borders close to public road shall be at least 4 meters. The space can be determined as 2.4 meters in the case that the building is with no wall and with only columns and the ground floor is used for public walkway.
 - The space between land borders not close to public road shall be at least 2 meters.
2. Medium high building
 - Type 1: The buildings of at least 3 to 5 storey-building
 - The space between borders with public walkway shall be at least 4 meters. This space can be determined at 2.4 meters. In the case of no-wall building, but with only columns and the ground floor is used as public walkway.
 - The space between land borders not close to public walkway shall be at least 2 meters.
 - Type 2: Building with 6-8 storey building
 - The space between land borders and public walkway shall be at least 6 meters. This space can be determined at 3 meters in the case of no-wall building with only columns and the ground floor is for public

walkway.

- The space between land borders not close to public walkway shall be at least 3 meters.

- Type 3: Building with 9-11 storey building
 - The space between land borders and public walkway shall be at least 8 meters. This space can be determined at 4 meters in the case of no-wall building with only columns and its ground floor is used as public walkway.
 - The space between land borders not close to public walkway shall be at least 4 meters.
3. High building
- The space from public walkway shall be at least 10 meters. This space can be determined at 5 meters in the case of no-wall building with only columns and its ground floor is used as public walkway.
 - The space between land borders not close to public walkway shall be at least 5 meters.

Article 32-

The standards of technical land size shall be defined in order to ensure the effectiveness of city preparation, management and development, and city infrastructure development and city land development with beauty and public order.

The minimum standards of technical land size for residential zone shall be determined into different types as below:

1. Low-rise residential zone
 - Detached low-rise residential zone (villa or mini-villa) not less than 15mx25m
 - Linked low-rise residential zone (flats or attached houses) not less than 16mx22m
2. Mixed residential zone (from third floor to tenth (floor))
 - Type 1 and 2 (from third floor to eighth floor) not less than 18mx25m
 - Type 3 (from ninth floor to tenth floor) not less than 20mx30m
3. High rise-residential zone (from 11 floor)
 - Type 1 (from eleventh floor to eighteenth floor) not less than 1500 square meters with its small corner not less than 30 meters
 - Type 2 (from nineteenth floor up) not less than 3000 squares meters with its small corner not less than 50 meters

The definition of technical land size will be subject to existing land areas.

The minimum standards of technical land size for other residential areas, commercial zone, industrial zone and agricultural zone shall be determined with the Circulation of the

Minister of Land Management, Urbanization and Construction.

Article 33-

The change of type of land use from control area to buildable area shall apply the followings:

- The initiation of the Royal Government in the purpose of establishment of new cities or new urban area and development plan in the Kingdom of Cambodia
- The initiation of the Ministry of Land Management, Urbanization and Construction in response to technical point of view in order to meet the demands of population growth, economic and social development.
- The initiation of the City, provincial authority in response to the demands of population growth in the buildable area exceeding the minimum level.
- The request of the land owner or investors in the purpose of actual development and in consistence with the technical features of urbanization.

The request for the change of land use from control area to buildable area can be approved until clear plan of land use and precise plan of public physical infrastructure is developed in advance.

In order to request for the change of the type of land use, the requesters should develop the master plan for land development and construction and there shall be some land areas for road at least 25% of the total land area and open public space and public green space of 10% of the total land area or 10 square meters for one person.

The change of the type of land use related to public land of the State shall apply the existing legislations, procedures and legal norms.

The procedures and forms of letter of request for the change of type of land use shall be determined with the Circulation of the Minister of Land Management, Urbanization and Construction.

Article 34-

Off-street parking space and shall be adequate in response to the types of each building and it must be outside of public streets and public locations.

The minimum numbers of parking spaces shall apply with the following:

1. Joint residential building will include:

- Detached houses (villa and mini-villa) with the land area for construction background of 100 square meters shall have one parking space.
- Attached houses (flats and attached building) with the land area for construction background of 120 square meters shall have one parking space.
- Luxury apartment or Condominium with the land area for construction background of 100 square meters shall have one parking space.
- Medium joint apartment with the land area for construction background of 120 square meters shall have one parking space.
- Normal joint apartment with the land area for construction background of 150 square meters shall have one parking space.

Commercial building will include:

- Restaurant, Drinking Palour and Entertainment Club
Land area for construction background of 20 square meters shall have one parking space and dance-performance space will have one parking space.
 - Supermarket
Land area for construction background of 30 square meters will have one parking space.
 - Market or sale shops
Land area for construction background of 50 square meters will have one parking space.
 - Other commercial building
Land area for construction background of 50 square meters will have one parking space.
3. Joint industrial building
- Factory building

Article 34.-

Off-street parking must be sufficient according to the needs of the type of each building, and must be out of public streets and public places.

Minimum parking lots shall be determined as follows:

1. Residential building includes:

- | | | |
|--|-------------------------------|-------------------------------------|
| - Detached house (villas and semi-villas) | Floor area 100 m ² | There must be one small parking lot |
| - Attached houses (apartments and attached houses) | Floor area 120 m ² | There must be one small parking lot |
| - Luxury apartments or condominiums | Floor area 100 m ² | There must be one small parking lot |
| - Average apartments | Floor area 120 m ² | There must be one small parking lot |
| - Normal apartments | Floor area 150 m ² | There must be one small parking lot |

2. Commercial building includes:

- | | | |
|---|---|-------------------------------------|
| - Restaurants, refreshment shops, and clubs | Floor area 20 m ² and dancing floor 1 m ² | There must be one small parking lot |
| - Shops | Floor area 30 m ² | There must be one small parking lot |

- Markets or shops Floor area 50 m² There must be one small parking lot
- Commercial buildings Floor area 50 m² There must be one small parking lot

3. Industrial building includes:

- Factory buildings Floor area 400 m²and
Floor area 1250 m² There must be one small parking lot
There must be one big parking lot
- Storage Floor area 400 m² There must be one small parking lot and
Floor area 2000 m² There must be one big parking lot

4. Academic, education, and sport building includes:

- Higher education institutions Floor area 100 m² There must be one small parking lot
- Secondary education institutions Floor area 200 m² There must be one small parking lot
- Primary education institutions Floor area 300 m² There must be one small parking lot
- Sport centres Floor area 100 m² There must be one small parking lot

5. Health building includes:

- Hospitals Floor area 100 m² There must be one small parking lot
- Exercise and health clubs Floor area 120 m² There must be one small parking lot

6. Theatres, meeting & eventhalls, and cinemas include:

- Theatres, cinemas
- Meeting and event halls Floor area 30 m² and
Floor area 100 m² There must be one small parking lot
There must be one big parking lot

7. Hotels and guesthouses include:

- Hotels Number of rooms 5
and There must be one small parking lot

-	Number of rooms 30	There must be one big parking lot
- Guesthouses	Number of rooms 10 and	There must be one small parking lot
-	Number of rooms 30	There must be one big parking lot

8. Public and private office buildings include:

- Private administration and office buildings	Floor area 100 m ²	There must be one small parking lot
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9. Gas stations include:

- Gas stations	Floor area 10 m ² and	There must be one small parking lot
-	Floor area 100 m ²	There must be one big parking lot

10. Transport buildings include:

- Transport buildings	Floor area 10 m ² and	There must be one small parking lot
-	Floor area 500 m ²	There must be one big parking lot

11. Other buildings include:

- Other buildings	Floor area 150 m ² and	There must be one small parking lot
-	Floor area 500 m ²	There must be one big parking lot

The numbers of parking lots stated above are the minimum numbers required for development and construction in the Kingdom of Cambodia. In calculation, if the results are decimal, the number of parking lots must be determined by the even number, which is the next larger value of the results.

In case of a multi-purpose building, the calculation of the parking lots shall be based on each function, combined together to obtain the total number of parking lots for the whole building.

Public and private parking lots must have parking space for disabled and vulnerable people.

Standards of parking lots for motorcycles, parking lot sizes, and technical aspects of the parking lots shall be determined by a Prakas of the Minister of Land Management,

Urbanization, and Construction.

CHAPTER VI

PUBLIC INFRASTRUCTURE, SERVICES, AND SPACE

Article 35.-

Urbanization must consist of minimum public infrastructure, services, and space as follows:

1. Public infrastructure, i.e.:
 - Public roads
 - Public facilities, such as clean water systems, sewage, drainage, electric grids, communication networks
 - Solid and liquid waste management systems, such as landfills, waste recycle plants, sewage, waste water treatment reservoirs
 - Fire and other risk control systems.
2. Public services, i.e.:
 - Public administrative buildings, public education schools, public hospitals
 - Public parking lots must be developed for the general population and people with disability on public land and must not be on public sidewalks for pedestrians
 - Bus stations, taxi stations
3. Public space, i.e.:
 - Public gardens, children's playgrounds, exercise places, sport courts, resort areas

SECTION 1: PUBLIC INFRASTRUCTURE

Article 36.-

Roads networks in an area may be built with at least a land area of 25% available in the area that the construction may be carried out.

All urban development projects must be compliant with this Article.

Article 37.-

Roads in the Capital City and towns shall be divided into 5 types as follows:

- National roads
- Arterial roads
- Collector roads
- Local roads
- Access roads

Article 38.-

1. National roads, which connect a town to a national road or a city to another

city, compatible with the geographic locations determined by the Ministry of Public Works and Transport.

2. A type-1 road, an arterial road of a town, must have a space between one another no larger than 1.5 km or based on the real geographical locations.

An arterial road must have lanes for cars, motorcycles, turning areas, parking space, motorcycle lanes, sidewalks for pedestrians, and road sides for growing trees. Side space of an arterial road must be at least 8 m for commercial areas, and besides these areas, at least 6 m. A city circle road is considered a type-1 road.

3. A type-2 road is a collector road connecting between an arterial road and another, or the road must be within 1 km from one to another, or based on the real geographic geographical locations.

A collector road must have lanes for cars, motorcycles, turning areas, parking space, motorcycle lanes, sidewalks for pedestrians, and road sides for growing trees. Side space of a collector road must be at least 6 m for commercial areas, and besides these areas, at least 4 m.

4. A type-3 road, a local road connecting between a collector road and another, must not be more than 50 m to 200 m from one to another in a residential area, and not more than 50 to 250 m in a commercial area, or based on the real geographic geographical locations.

A local road may be organized as a rectangular grid, or a square, or a web, or a radial, or a curvilinear, or any other forms.

A local road must have lanes for cars, motorcycles, turning areas, parking space, motorcycle lanes, sidewalks for pedestrians, and road sides for growing trees. Side space of a local road must be at least 4m for commercial areas, and besides these areas, at least 2 m.

5. A type-4 road, an access road connecting a local road to a land lot, must have appropriate space based on technical land lot standard and must have a width proportionate to the density of land and building use. This road must not have a width less than 9 m, which is a size necessary for fire trucks to exit/enter.

Article 39.-

Urbanization must ensure clean water system, sewage, drainage, water reservoirs, wastewater treatment plants, solid and liquid management system, fire hose connections, electric grid, and communication networks.

Article 40.-

Urbanization must clearly identify locations that can cause fire and other hazards in order to ensure clear protection of public health, public well being, the environment, natural resources, culture, and human lives.

Detailed description of fire and other hazards shall be stated in the technical report of urbanization.

Article 41.-

Detailed technical standards for developing urban roads shall be determined by a joint Prakas of the Minister of Land Management, Urbanization, and Construction and the Minister of Public Works and Transport.

Detailed technical standards for developing public facilities, solid and liquid waste management systems and fire and other hazard control shall be determined by a joint Prakas of the Minister of Land Management, Urbanization, and Construction and the Ministers of particularly competent ministries.

SECTION 2: PUBLIC SERVICES

Article 42.-

Urbanization must ensure sufficient public service buildings according to needs to ensure effective and equitable public service provision.

Article 43.-

In order to ensure effective and equitable education, urbanization must ensure standard schools as follows:

- Kindergartens, which must have a distance of at most 500 meter radius
- Primary schools, which must have a distance of at most 500 meter radius
- Lower secondary schools, which must have a distance of at most 3000 meter radius
- Upper secondary schools, which must have a distance of at most 5000 meter radius

Article 44.-

Detailed technical standards for developing public administrative buildings, public health service buildings, public parking lots shall be determined by a joint Prakas of the Minister of Land Management, Urbanization, and Construction and the Ministers of particularly competent ministries.

SECTION 3: PUBLIC SPACE

Article 45.-

Organization of public space and green surfaces in an area where construction can take place shall be set at 1 (one) hectare per 1000 people or at least 15% of the total land area in the area where the construction can take place.

Article 46.-

Public space and green surfaces include:

1. A children's park, which is for pre-school and primary school-age children to play and exercise with safe equipment and materials that contribute to the growth of children and to their wisdom and good health. This park must be at least 2000 square meters and must have safety fences, and must have a distance of at most 500 m radius,

or is adjacent to a kindergarten or a primary school.

2. A village park, which is to serve the people in the community or each house that can use it directly or indirectly. This park must be at least 1 (one) hectare big and have a distance of at most 1 (one) km radius.

3. A Sangkat park is to serve the people in the Sangkat and neighbouring areas for relaxation, leisure, and sport activities. This park must be at least 5 (five) hectares big.

4. A large urban park is to serve the people in the city for relaxation, leisure, and sport activities (active and passive park). This park must be at least 10 (ten) hectares big.

5. A regional park is a large-scale park, which is used for numerous regions or cities with a goal to conserve the natural landscape and beauty, which is used for tours and tourist camping by people in the city. This park must be at least 200 (two hundred) hectares big.

6. A parkway is situated in the travel distance between public parks, state monuments, temples, the Royal Palace, national institutions, or commercial zones. This park shall have a size appropriate to the concrete geographical locations.

7. A botanical park grows rich varieties of plants for the purposes of study, research, leisure, and sighting. This park is liked by people for family touring and relaxation, which requires almost one day of time. This park shall have a size appropriate to the concrete geographical locations.

8. A zoological park raises rich varieties of animals for the purposes of study, research, leisure, and sighting. This park is liked by people for family touring and relaxation, which requires almost one day of time. This park shall have a size appropriate to the concrete geographical locations.

9. A green network grows trees on parks and roadsides to link to the green network in the city.

Article 47.-

Detailed technical procedures on development of public space and green surfaces shall be determined by a joint Prakas of the Minister of Land Management, Urbanization, and Construction.

Urbanization, urban development projects and construction in the Kingdom of Cambodia must comply with this Chapter.

CHAPTER VII

URBAN DEVELOPMENT AND CONSERVATION

Article 48.-

Urban development is implemented through urban development and conservation

projects in order to ensure effective land use, improvement, and complementing public infrastructure and space to ensure sustainable, equitable development and conservation and integration. Urban development must take into account appropriate housing needs and balance between the ability of poor and low-income households in have proper housing and the State and private economic needs.

Urban development projects include:

1. Land development projects
 - 1.1. Land conversion projects
 - 1.2. Land consolidation projects
 - 1.3. Land sub-division projects
2. Land readjustment projects
3. Urban redevelopment projects
4. New town planning projects
5. Residential development projects
6. Industrial park development projects
7. Special economic zone projects
8. Urban infrastructure development projects
9. Tourism development projects
10. Land sharing projects
11. Other development projects

Urban conservation projects include:

1. Green area conservation projects
2. Historical conservation projects
3. Urban scenery conservation projects
4. Cultural conservation projects
5. Other conservation projects

Article 49.-

A town development project include:

1. A land development project is implemented to change the types of land use, rezoning in order to develop a town, including land consolidation or land sub-division, abiding by urbanization regulations and ensuring minimum standards of land use, public infrastructure and space as well as environmental, economic and social requirements.

1.1. A land conversion project is implemented in accordance with Article 33 of this Sub-Decree.

1.2. A land conversion project is implemented by consolidating all adjacent land lots in a project framework in order to design a common land use plan for development and construction, ensuring public infrastructure, space, and services in accordance with regulations on land use and infrastructure.

1.3. A land sub-division project is implemented to improve infrastructure and effective land use and beauty with participation and land contributions from all landowners to develop public infrastructure and space.

2. A land readjustment project is implemented to improve infrastructure and effective land use and beauty with participation and land contributions from all landowners to develop public infrastructure and space.

3. An urban redevelopment project is implemented in an area of a town to improve infrastructure and to increase effective land use capacity and beauty through transformation of land and building rights into rights to floor areas of a new building with equal value in this project with participation and agreement from land owners or according to legitimate urban development.

4. A new town planning project is implemented to meet additional demand of an increasing population, economic and social development in accordance with urban development strategies, ensuring the functions of a town for living, leisure, employment, and safe traffic and beauty.

5. A residential development project is implemented to ensure health, comfort, beauty, and harmonization for residence by requiring land users incompatible with the functions of this zone this zone to convert to similar functions in order to avoid effects on residence.

6. An industrial park development project is implemented to ensure unity and harmonization for industry by requiring land users incompatible with the functions of this zone this zone to convert to similar functions in order to avoid effects on health.

7. A special economic zone project is implemented in accordance with the Sub-Decree on Establishment and Management of Special Economic Zones adopted by the Royal Government on 29 December 2005. The master plan of land use and land use plans for special economic zones must ensure minimum standards of public infrastructure and space as well as ensuring integration of infrastructure of these zones into the existing infrastructure or new urban, provincial, regional and national plans.

8. A new infrastructure development project is implemented to complement or create demands for public infrastructure and to meet the population growth, economic, social development and urban development strategies ensuring integration of public urban, provincial, regional and national infrastructure.

9. A tourism development project is implemented to attract investment in tourism and to enhance tourist services in accordance with the tourism policy in Cambodia.

10. A land-sharing project is implemented to improve the living condition and beauty of communities to obtain housing, appropriate public infrastructure and services. A land-sharing project must be carried out with agreement from landowners and/or

communities and investors in sharing benefits.

11. Other development project is implemented to complement and respond to the needs for urban development aimed at ensuring health, comfort, beauty, and harmonization for residence.

Urban conservation projects include:

1. A green area development project is implemented to ensure quality residential environment, food security, green system and to contribute to prevention of climate change.

2. Historical conservation project is implemented to conserve historical identities, urban evolution, and national interest.

3. Urban scenery conservation project is implemented to conserve natural scenery in a certain location of the town in order to enhance the urban beauty and tourism

4. Cultural conservation project is implemented to conserve national cultural heritage to enhance the culture and tourism sectors.

5. Other conservation project is implemented to complement and to respond to the needs for conserving a town and surrounding areas to ensure quality residential environment, natural scenery, historical identities, and national culture.

The Capital city, province, towns, districts, Khans must develop a conservation strategy and plan by enlisting architecture, structures, locations, landscape, and other conservation in accordance with technical principles to ensure sustainable urban development and clear identity.

Policies and guidelines on technical conservation principles shall be determined by a joint Prakas of the Minister of Land Management, Urbanization, and Construction and the Minister of Culture and Fine Arts.

Article 50.-

Urban development projects must comply with minimum requirements on land use, public infrastructure and space as stipulated under Chapter 5 and Chapter 6 of this Sub-Decree.

Urban development projects involving State land must obtain prior authorization from the Royal Government according to the request by the Ministry of Land Management, Urbanization, and Construction. All technical work related to urbanization and construction of an urban development project must obtain authorization from the Ministry of Land Management, Urbanization, and Construction.

All urban development projects related to individual private land must obtain authorization from the Ministry of Land Management, Urbanization, and Construction.

Article 51.-

In implementing an urban development project, the project owner must be responsible for all expenses on development and construction of public infrastructure

and space for the land area that needs to change, in advance, the type of land use or functions of the land use area. For those projects located in an area where construction may take place, the public authority must be responsible for expenditure on development and construction starting from an arterial road and urban parks. Collector roads, Sangkat roads, village roads, and child playgrounds, village parks, and Sangkat parks are the responsibility of the project owner.

All public infrastructure and space of an urban development project shall be considered State public property, except for accesses, public space, parks, common service space, gates of a Borey and other zones that are similar to a city regardless of whatever name they bear, which are required to register as undivided property of the owner in accordance with the Sub-Decree No. 39 dated 10 March 2011 on Management of Borey.

Article 52.-

Procedures for implementing an urban development project and an urban conservation project shall be determined by a Prakas of the Minister of Land Management, Urbanization, and Construction.

CHAPTER VIII

MANAGEMENT OF DEVELOPMENT AND CONSTRUCTION

Article 53.-

The Ministry of Land Management, Urbanization, and Construction has the authority to manage urbanization and construction in the entire Kingdom of Cambodia to ensure effective, quality, sustainable, equitable, harmonized, and integrated development and conservation.

The Ministry of Land Management, Urbanization, and Construction may delegate management of technical urbanization and construction work to Capital / provincial department of land management, urbanization, and construction and the town, district, Khann office of land management, urbanization, construction, and cadastre according to the needs and capacity conditions in accordance with existing regulations. The Directorate General of Land Management and Urbanization is the direct responsible agency of the Ministry of Land Management, Urbanization, and Construction for this work.

The Capital / provincial department of land management, urbanization, and construction and the town, district, Khann office of land management, urbanization, construction, and cadastre shall be under the coordination by the Governors of the Capital city, provinces, districts, Khann.

Article 54.-

In order to ensure management of technical urbanization and to serve as legitimate basis, all kinds of property development must seek a prior permit. Proper development that requires prior authorization includes:

1. Construction of a new building, renovation, building extension, and additional construction on an existing building, changes in function of building use, changes in shapes of a building, increase in floor areas of a building, and changes in exterior of an existing building.
2. Construction or changes in the shape of a building that can cause fire hazard, such as installation of petroleum product tanks, inflammable workshops, etc.
3. Installation of commercial signs, TV and telecommunication antennas, installation of solar panels, and installation of a structure on land and buildings.
4. Felling of existing trees in a public place.
5. Changes in land shape (filling soil, digging out soil, land consolidation, land sub-division, changes in types of land use, and changes in land use zones.
6. Filling a lake, channels or a part of public drainage.
7. Urban development projects as stated under Chapter VII of this Sub-Decree.

Religious buildings, such as churches, pagoda halls, Koth, and transport construction, such as toll booths, bus stations, train stations, airports, dry ports, storages, annexed buildings, etc. must apply for a permit from the Ministry of Land Management, Urbanization, and Construction or a Capital, provincial, town, district, Khann authority according to their respective authority in issuing their permits.

Article 55.-

In order to facilitate the people in constructing a new building or in carrying out small, non-commercial renovation, the following buildings are not required to apply for a construction permit:

1. People's small buildings made of concrete, wood, or leaves in rural areas with a ground floor area smaller or equal to 100 m² and a height not higher than 2 (two) floor including the ground floor, a gap space at least 2 (two) meters from the land boundary, which do not affect the beauty, public and social order, and neighbours.
2. Renovation of a building that does not change the shape or building aspects, except that the renovation affects nearby buildings, neighbours, or the capacity to stand the weight of the building materials or public order.

Article 56.-

A property development permit includes:

1. A permit in principle for property development.
2. A permit for urban development project and a construction permit.
3. A permit to open the construction site.
4. A letter to close the construction site.

5. A certificate attesting the accuracy based on the urbanization and construction regulations.

Article 57.-

Competent authorities to issue a permit include:

1. At the national level: the Ministry of Land Management, Urbanization, and Construction has the authority to issue the construction site opening permit and construction site closing permit or the certificate of the accuracy with urban planning and construction regulations in the Kingdom of Cambodia for a building with a floor area larger than 3000 m² and an urban development project as stipulated under Chapter VII of this Sub-Decree.
2. At the Capital / provincial level: The Capital / provincial Sala (authority) has the authority to issue construction permits in their respective jurisdiction for a building with a floor area over 500 m² to 3000 m² after obtaining comments from the Capital / Provincial Department of Land Management, Urbanization, Construction, and Cadastre which serves as the direct implementer. The Capital / Provincial Department of Land Management, Urbanization, Construction, and Cadastre has the authority to issue construction site opening permits and construction site closing permit or the certificate of the accuracy of the construction and urban planning within this competency.
3. At the district / Khann level: The district / Khann Sala (authority) has the authority to issue construction permits in their respective jurisdiction for a building with a floor area not over 500 m² after obtaining comments from the District / Khann Office of Land Management, Urbanization, Construction, and Cadastre which serves as the direct implementer. The Capital / Provincial Department of Land Management, Urbanization, Construction, and Cadastre has the authority to issue construction site opening permits and construction site closing permit or the certificate of the accuracy with urban planning and construction regulations within this competency.

Article 58.-

All documents of applications for all property permits must be written in Khmer, which is the official language. English or French, or other foreign languages may be written below Khmer with characters smaller than those of Khmer. Applications for property development must be posted publicly for a specified period prior to granting a permit in order to receive any protest and to prevent conflict of land use.

Procedures and documents for a permit application shall be determined by the Ministry of Land Management, Urbanization, and Construction.

Article 59.-

A natural and legal person who conducts business in urban development and land development in the Kingdom of Cambodia must be registered and obtain a permit from the Ministry of Land Management, Urbanization, and Construction.

Procedures and requirements or assessment and registration of a natural or legal person who has been authorised to conduct business in urban development and land

development shall be determined by the Ministry of Land Management, Urbanization, and Construction.

Article 60.-

A building design and plan must be signed by a natural person who is the responsible architect, be assessed on urban planning and construction skills, and be registered and recognized by the Ministry of Land Management, Urbanization, and Construction.

The company that conducts the design study with Khmer and/or foreign architects must sign the building design and plan. The design study company and those architects shall be assessed on urban planning and construction skills, and be registered and recognized by the Ministry of Land Management, Urbanization, and Construction.

The building design and plan for an urban development project must be signed by the architect, or land manager and land administrator, or the design study company with Khmer and/or foreign architects who shall be assessed on urban planning and construction skills, and be registered and recognized by the Ministry of Land Management, Urbanization, and Construction.

The technical person(s) taking part in signing the building design and plan to take technical responsibility must be a person(s) registered and recognized by the Ministry of Land Management, Urbanization, and Construction.

A building design with a floor area larger than 1500 m² and with a height of three stories and above must be signed to take technical responsibility by the natural or legal person(s) who has/have been registered as accredited checkers by the Ministry of Land Management, Urbanization, and Construction. A natural person who is an accredited checker must be an architect or engineer with at least 10 years of experience. A legal person must have one architect or engineer with at least 12 years of experience and be accompanied by at least two other architects or engineers.

Article 61.-

A property development permit must comply with the land management plan, the land use master plan, and land use plan that have been approved for use officially.

In case of absence of a land management plan, a land use master plan, and a land use plan that have been approved for use officially, the grant of a property development permit must comply with provisions stipulated under this Sub-Decree and the technical urban planning and construction, which has been promulgated officially.

Article 62.-

The authorities to supervise and monitor the implementation in the urban planning and construction sector in order to ensure effective and quality development includes:

1. The Ministry of Land Management, Urbanization, and Construction with the Directorate General of Land Management and Urbanization and the Directorate General of Construction as implementers are responsible for

supervision and monitoring the implementation for the national level competency.

2. The Capital / Provincial Departments of Land Management, Urbanization, Construction and Cadastre are responsible for supervision and monitoring the implementation for the Capital / provincial level competency.
3. The District / Khann Offices of Land Management, Urbanization, Construction and Cadastre are responsible for supervision and monitoring the implementation for the district / Khann level competency.

The Ministry of Land Management, Urbanization, and Construction may delegate the authority to supervise and monitor technical urban planning and construction implementation to the Capital / Provincial Departments of Land Management, Urbanization, Construction and Cadastre as necessary.

The Ministry of Land Management, Urbanization, and Construction has the authority to grant validity and legitimacy to technical aspects of urban planning and construction for urban development and constructions projects that are implemented in the territory of the Kingdom of Cambodia.

Article 63.-

After completion of development or construction, the owner must apply for a certificate of accuracy of urban planning and construction from the national, or Capital / provincial, or town, district / Khann before obtaining a construction site closing permit.

The assessment of the accuracy or inaccuracy by verifying the development permit and construction actually completed. Inaccuracy means a building is built inconsistently with the construction permit, such as increase in floor areas, the differences in the space areas, the excess of the building coverage ratio compared with the land plot area, the excess floor area ratio of land use, and the differences in number of building floors and heights.

In case of inaccuracy, the authorities at each level must issue a letter to instruct the proponent to make corrections according to the development and construction permit granted.

In case of non-compliance, the authorities at each level, must issue a decision to force the proponent to make corrections and to impose a transitional fine.

In case that the proponent does not comply with this final decision, the authorities at each level, must submit a complete to a competent court.

Only the buildings that have made the corrections and paid the fine will be issued with a certificate of urban planning and construction accuracy as a legitimate basis for putting the buildings into use.

A request for a certificate of accuracy with urban planning and construction regulations must be accompanied with an application and actual building drawings.

CHAPTER IX

SERVICE FEES AND FINANCIAL SOURCES OF URBAN PLANNING AND CONSTRUCTION

Article 64.-

Granting a property development permit, issuing a certificate of urban planning and construction accuracy, issuing a construction site opening permit, issuing a construction closing permit, and granting a technical principle permit for property development and construction shall charge urban planning and construction service fees to be paid to the State.

Calculation of urban planning and construction service fees shall be based on the land area, building floor area, and land and building floor area ratio of the entire project.

The service fees above and the basis for calculation shall be determined by a Joint Prakas of the Minister of Economy and Finance and the Minister of Land Management, Urbanization, and Construction.

Article 65-

Revenues supporting the urban planning and construction work derived from urban planning and construction work include: revenue from land development service, land conversion and land form change, revenues from urban planning and construction service and fines, and revenues of the Capital / provincial, or town, district, Khann Sala (authorities).

Revenues from the charging service fees on urban planning and construction work shall be divided as follows:

1. 40 (forty) percent of the revenues shall be paid into the national budget;
2. 35 (thirty-five) percent of the revenues shall support and develop urban planning and construction work of the Ministry of Land Management, Urbanization, and Construction.
3. 25 (twenty-five) percent of the revenues shall be provided to relevant sub-national authorities

CHAPTER X

TRANSITIOANL FINES

Article 66.-

Without reasonable grounds as stipulated under this Sub-Decree, an authority that refuses to accept for review a construction application or objects the issuance of a construction permit shall be imposed with an administrative fine of 1,000,000 (one million) Riels and/or additional administrative penalty in case of aggravation.

An urban planning and construction technical individual or an official tasked with supervision of a construction site who fails to object property development that is not compliant with the construction permit shall be imposed with an administrative fine of 1,000,000 (one million) Riels and/or additional administrative penalty in case of aggravation.

A competent official who grants a construction permit that is not compliant with

urban planning and construction regulations shall be imposed with an administrative fine of 1,000,000 (one million) Riels and/or additional administrative penalty in case of aggravation.

An accomplice in the commission of the aforementioned offence shall be penalized the same way as the perpetrator.

Article 67.-

For a developer or builder and a building owner who fails to comply with the construction permit, the competent authority or relevant local authority shall have the right to dismantle and readjust to ensure compliance with the construction permit. The developer or builder and a building owner must dismantle and readjust in a maximum period of 30 (thirty) days starting from the day of receipt of the official instruction from the technical authority.

In case of exceeding the specified period above, the competent authority or relevant local authority shall have the right to stop the construction site and shall have the right to lodge a complaint to court to forfeit materials, equipment, and other tools in the construction site.

Article 68.-

A developer or builder and a building owner who fails to comply with the construction permit shall be penalized with a fine based on their respective faults.

The fine value shall be calculated based on the floor areas built inconsistently with the construction permit.

1. In case of a fault leading to the increase in the floor area shall be penalized with a fine of 2,000,000 Riels (two million Riels) for a floor area exceeding one (1) m²;
2. The case of a fault of exceeding the height approved shall be penalized with a fine of 2,000,000 Riels (two million Riels) for one (1) m² of floor area used.
3. The case of a fault of the space gap from the land boundary to the building shall be penalized with a fine of 4,000,000 Riels (four million Riels) for ten (10) cm of exceeding distance.

In case of serious faults affecting the public beauty, safety, and order as well as harmonization of the zone or neighbouring property, the building owner must make correction with the building owner responsible for all expenditure.

The money obtained from the fines above shall be paid into the revenue budget for supporting urban planning and construction work as stipulated under Article 65 of this Sub-Decree.

The formalities of fines shall be determined by a Joint Prakas of the Minister of Economy and Finance and the Minister of Land Management, Urbanization, and Construction.

CHAPTER XI
TRANSITIONANL PROVISIONS

Article 69.-

Use of land and/or buildings that occurred before this Sub-Decree entered into force shall be allowed to continue according to the existing conditions in case that it does not cause danger or hazard to public well-being, safety, the environment, history, and culture.

For an existing building that is not unauthorized and affects public interest or beauty, requirements for dismantling or readjusting the building shall be the competency of the Ministry of Land Management, Urbanization, and Construction or Capital / provincial, town, district, Khann authorities according to their respective competency in issuing a permit.

Renovation or changes in existing land and/or building use shall be authorised in accordance with the spirit of this Sub-Decree.

Maintenance of a building is the obligation and responsibility of the building owner in accordance with the spirit of this Sub-Decree.

Article 70--

In order to strengthen urban planning, technical standards of urban planning related to conservation and urban conservation projects, construction of fences; radio, TV, telephone antennas; commercial signs / boards; felling and growing trees, shall be determined by a Prakas of the Minister of Land Management, Urbanization, and Construction.

CHAPTER XII
FINAL PROVISIONS

Article 71.-

Any regulations contradicting this Sub-Decree shall be nullified.

Article 72.-

The Minister in charge of the Office of the Council of Ministers, the Minister of Interior, the Minister of Economy and Finance, the Minister of Land Management, Urbanization, and Construction, Ministers and Secretaries of State of all ministries and institutions concerned and all levels of local authorities are responsible for implementing this Sub-Decree according to their respective tasks thereafter its signature date.

Phnom Penh,

2011

Prime Minister

Samdech Akka Moha Sena Padei Techo Hun Sen

Cc:

- The Ministry of Royal Palace
- Secretariat General of the Senate
- Secretariat General of the National Assembly
- Secretariat General of the Royal Government
- Cabinet of Samdech Prime Minister
- Cabinets of Deputy Prime Ministers
- All central ministries and institutions
- As stipulated under Article 72
- Royal Gazette
- Archive

GLOSSARY

Urban Planning refers to arts and science of urban planning, development management and implementation and construction of a town and surrounding areas as well affected areas in order to ensure sustainability, equity, and integration.

City Plan refers to integration of land use plan, physical infrastructure planning, and urban development projects to ensure that urban development and construction is sustainable and beautiful. City plan consists of a city master plan and land use plan.

Master Plan refers to a plan that specifies the vision and strategy for physical development and determines area types (buildable areas and control areas) as well as showing the city shape, urban infrastructure networks, key communication of a city and integration. A master plan must be accompanied by prioritized city development projects for the short, medium and long terms. A master plan is plan already approved by the competent authority.

Land Use Plan refers to detailed plans derived from a Master Plan, which identify land types and zones of each land use, determine land use regulations, development, conservation, and construction regulations in each zone as well as identifying communication networks and integration. A land use plan is a plan that has been adopted by the competent authority.

Detailed Plan refers to types of urban development projects in order to reflect detailed physical strategy of organizing a part, a location, or one or numerous land use zones of a city, including indication of arrangements and design, forms, shapes, and beauty of physical infrastructure for development, conservation, and construction based on drawings or prototypes. A detailed plan must comply with a land use plan.

City refers to a capital city, a metropolitan city, a city, and an urban area, and a building group. A city is classified as a large, medium, and small city based on the conditions of population, density, proportion of non-farm workers, city functions, and infrastructure.

Buildable Area refers to an area that promote development and construction in all sectors. This area is divided into residential, commercial, industrial, transport,

tourist, administrative and public service zones, public space, green areas, cultural and religious zones, and other zones according to geography.

Control Area refers to an area that must be controlled especially for construction. This area is divided into agriculture, forestry, conservation, public space zones and green areas, and other zones according to geography.

Detached, low-rise Residential Zone refers to a zone for building residential houses with a building coverage ratio smaller or equal to 50% of the land plot and has the height from the ground floor to the second floor.

Linked Low-rise Residential Zone refers to a zone for constructing residential buildings or apartments with a maximum height of 12 metres.

Medium-rise Residential Zone refers to a zone for constructing residential buildings, or apartments, or linked houses, or collectively owned buildings with a maximum height lower than an 11th floor.

High-rise Residential Zone refers to a zone for constructing residential buildings with a height from an 11th floor.

Mixed Residential Zone refers to a zone for constructing residential buildings mixed with other uses, which cannot be clearly separated.

Commercial Zone refers to a zone for constructing residential buildings mixed with other uses, which cannot be clearly separated.

Commercial Zone refers to a zone for constructing buildings favourable for commerce, including offices, banks, cinemas, theatres, restaurants, shops, markets, and goods distribution depots, etc.

Neighbourhood Commercial Zone refers to a zone for constructing buildings favourable for commerce, including shops and markets that are open daily for business to supply and support people's livelihood in a residential zone.

Commercial Zone refers to a zone for constructing residential buildings mixed with other uses, which cannot be clearly separated.

Industrial Zone refers to a zone for constructing all kinds of factories. Residential buildings, shops, schools, hospitals, and hotels are not allowed to be built in this zone.

Light Industrial Zone refers to a zone for constructing light factories, and residential buildings and shops are also allowed.

Mixed Industrial Zone refers to a zone for constructing all kinds of factories, and residential buildings, shops, and other building uses that cannot be clearly separated are allowed.

Mixed Zone refers to a multi-purpose zone by ensuring good environment.

Transportation Zone refers to a zone for constructing buildings that serve telecommunication, including railway stations, airports, bus stations, ports, dry ports, telecommunication centres, and IT centres, etc.

Tourist Service Zone refers to a zone for constructing buildings to serve tourism and leisure, including hotels, guesthouses, restaurants, clubs, etc.

Public Administration and Service Zone refers to a zone for serving public affairs, including national and sub-national institutions, Capital, provincial, town, district, Khann, commune, Sangkat Sala (authorities) and technical departments as well as dependent units.

Open Space Zone refers to gardens, parks, and resorts developed and built to serve the public.

Cultural, Heritage, and Religious Zone refers to a zone where man-made cultural wealth is found and all natural heritages, which have scientific, historical, artistic, or religious characteristics, reflecting development stages of civilization or nature. (Law on Protection of Cultural Heritages dated 25 January 1996)

Agricultural Zone refers to a zone favourable for agriculture, including zones for growing vegetable, rice, and plantations, and animal husbandry for supplying food for people's livelihood and is also a zone for stocking, processing, and packaging and other activities that support agricultural production before delivery to markets.

Forest Zone refers to a zone that provide stability over water sources, forest, wild life, birds, fish, and grass fields, which require development and conservation for the main purpose of economic and social activities

Protection Zone refers to natural and scenery territory that needs to be protected to serve science, education, and leisure and is a natural territory that ensures necessary natural conditions in the protection of fauna and flora for future sustainability.

Public Infrastructure refers to physical infrastructure, including public roads, public utilities, such as clean water supply, sewage, drainage, electric grids, telecommunication networks, solid and liquid waste management system (landfills, waste water treatment reservoirs ...), fire and other risk management systems.

Building Coverage Ratio refers to the ratio between the ground floor area and the land area in percentage.

Floor Area Ratio refers to the ratio between the total official building floor area and the land area where the building is situated.

Floor Area refers to the building floor area, excluding the ground floor areas with pilotis, floor areas covering stairs, floor areas under the roof with a height lower than 1.2 m, lighting areas, patios, and floor areas serving the community well-being in a residential building, including children's playgrounds, swimming pools, gymnasias, steaming room, saunas, and locker rooms, bathrooms and toilets for serving a gymnasium.

Slant Plan refers to a line to identify maximum height of a building. This line is identified by the proportion between the size of a road width and the space gap of the building to ensure the flow of light, air and good living environment between one building to another and to ensure harmonization of architecture in the are and public infrastructure.

Population Density refers to the ratio between the population and the land area.

Plot Size refers to the size of a land plot determined by the length of the plot head and the depth of the land and is identified to ensure that urban organization, management development, urban infrastructure development and city development is of beautiful, orderly and effective.

Map refers to representing drawings to show locations of places and information without indentifying directions and the future. A map must have scales.

Plan refers to a plan or representing drawings that affirm the directions.

Land Use Regulation refers to a general regulation that must be complied with (national level)

Land Use Order refers to special regulation for each Capital city, towns, Khann, Sangkat, and urban area with a master plan and land use plan (for sub-