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1st Legislature

KINGDOM OF CAMBODIA
NATION - RELIGION - KING

L A W

ON ORGANISATION/MANAGEMENT OF TERRITORY,
URBANIZATION AND CONSTRUCTIONS.

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C H A P T E R 1

Objectives

Article 1 : This Law on the Organization/Management of the Territory, Urbanization and Constructions shall have an objective to promote the organization and embellishment of the urban and the rural areas throughout the Kingdom of Cambodia in the purpose of assuring the development of well-being of this country in the spirits of :

- respecting to both common and individual interests, private rights, observing laws and regulations, and overseeing on the construction matters.

- assuring development in aiming at seeking equilibrium between the cities/towns and rural areas which base on the geographical conditions and special characteristics of each of those rural areas.

- assuring the value of natural and cultural wealth, ensuring development in the fields of economy and tourism and maintaining the quality of the environment.

Article 2 : This Law on the Organization of the Territory, Urbanization and Constructions shall base on ownerships titles under the provisions of an actual land law. In case that the Land Law is amended or changed, this Law on the Organisation/Management of the Territory, shall also be amended or changed accordingly .

Article 3 : In order to achieve the aims as mentioned above, a National Committee for Organisation/ Management of Territory, Urbanisation and Construction shall be established, and its membership, proposal for appointment and administration shall be specified by a Sub-Decree.

For Phnom Penh Capital City, a Committee for Organisation/Management of Territory, Urbanisation and Construction shall be established in particular for this Municipality. This Committee shall be headed by the Chairman of the National Committee for Organization/Management of Territory, Urbanisation and Construction, in which a Government's Delegate to Phnom Penh Municipality or a Governor, Deputy Governor and a relevant competent technical body shall also be included as its members. Precise composition and functioning of this above Committee for Organisation/Management of Territory, Urbanisation and Construction for the Phnom Penh Municipality, shall be Specified by a Sub-Decree.

For provinces and municipalities, a Sub-Committee for Organisation/Management of Territory, Urbanisation and construction shall be respectively established. Each Sub-Committee shall be headed by a Governor of the province or municipality and a relevant competent provincial/municipal technical body as its members. Precise composition and functioning of this provincial or municipal Sub-Committee for Organization/Management of Territory, Urbanisation and Construction, shall be determined by a decision of the Chairman of the National Committee for Organisation/Management of Territory, Urbanization and Construction, upon approval from such National Committee.

C H A P T E R 2

Documents concerned with the organization of the territory, Urbanization and Construction

Article 4 : All documents related to the Organization of Territory, Urbanisation and Construction, must be classified according to each specific case, according the situations and particular conditions of land of each province, municipality and region, in the spirit of protecting the patrimony, environment and protecting natural resources as well as development of the economy.

Article 5 : The Committee for Organization of Territory, Urbanization and Construction of Phnom Penh municipality or Sub-Committee for Organization of Territory, Urbanization and Construction of each province and municipality, shall respectively draw up their own master-plans for the re-organization and development of their respective city, province and municipality. Such above master-plans shall be approved by the National committee

for Organization of Territory, Urbanisation and Construction and shall be determined by a Sub-decree.

In order to protect the patrimony and Environment, and for assuring economic development of any particular region specified by the Council of Ministers, the National Committee for Organisation of Territory, Urbanisation and Construction, shall have duty to prepare a master-plan particularly for such special region and submitting it to the Council of Ministers for decision.

CHAPTER 3

Plan for the use of lands and buildings

Article 6 : The plans for the use of lands and buildings shall be established for each capital city, province and municipality. Such plans shall be observed by privates as well as public authorities during their construction works.

Article 7 : The Plans for the use of lands and buildings, shall indicate very clearly of the regions which are to be used for national defense, agriculture, commerce, industry, handicraft, culture, tourism, religion, and for constructions of administrative buildings and of public equipments. These plans shall also specify of the possibility for construction.

Article 8 : The plans for the use of lands and buildings, shall comply with master-plans as stated in the article 5 of this law.

Article 9 : The plans for the use of lands and buildings for each capital city, province and municipality, shall have approval from the Committee for Organisation of Territory, Urbanization and Construction of the Capital City, or from the Sub-Committees for Organisation Territory, Urbanisation and Construction of each province or municipality, and upon this shall also have be approved by the National Committee for Organisation of territory, Urbanisation and Construction. All these plans shall be observed by all the privates and public authorities.

Article 10 : The Royal Government will set up special provisions and the services of urbanization for protecting and promoting the value of resort places or of any immobile objects which shall provide advantages in archaeology, history, culture, beauty (aesthetic) or technic. The list of those immobile objects or resort places shall be determined by a Sub-decree. The modification, the reform and the administration of those immobile objects and resort places shall be determined by the Law on the Protection of the Patrimony.

The special provisions and the services of urbanization for the protection and promotion of the value of the resort places or immobile objects which provide advantages in archaeology, history, culture, beauty or technic must be inscribed in the master plans for the organization of land and urbanization and development and in plans of the use of land and constructions.

The royal government shall determined in a sub-Decree the list of immobile objects which will yield advantages in archaeology, history, culture and technic to assure the administration of those immobile objects in compliance with the provisions of the Law on the Protection of the Patrimony.

CHAPTER 4

WORK AND CONSTRUCTION

Article 11 : All the explorations or surveys which produce an effect on archaeology shall be firstly authorized by the Royal Government.

In every construction process, in case encountering any object which gives values or advantages in archaeology or history, the supervisor of the construction shall be obliged to report to competent authority. After receiving the report, the competent authority has to immediately stop the construction immediately.

Article 12 : All individuals and private institutions as well as public authority are banned from conducting any constructions on the public yard-field or lands as defined hereunder :

- water recevoir and water dams.
- the reserved mining fields the forest zones.
- the archaeological and historical resort sites.
- the gardens and public parks and development zones.
- reserved land for the road constructions, or reserved land for the road-sides, and the reserved land for the construction of rail-roads and airports.
- rivers, seas, streams including banks.

Conditions of administration of those zones and conditions of light construction and small houses for a temporary period shall be permitted by a sub-decree.

Article 13: The work of construction and the settlement shall be conducted in obedience with all documents relating to the organization of territory, urbanization and construction and to the master plans mentioned in the Articles 4 and 5 of this Law.

Article 14: Every construction process, every aspect reform or the change of the use of any construction shall be permitted by the competent authority.

The application for construction shall be necessarily submitted with documents and construction plan. The procedure in applying this Article shall be defined by a Sub-Decree.

Article 15: The construction documents and plan attaching with the application for big constructions shall be set up by Khmer architect who hold a Degree of Architecture or any one who is legally recognized by the competent institution.

Conditions that requires a Degree or legal recognition mentioned above shall be determined by a Sub-Decree.

Article 16: The application for the construction shall be submitted by the owner of the land or by whom who is entitled by the owner. This application shall be attached together with documents indicating the ownership of the land.

Article 17: Shall not be permitted to build constructions without conforming to the submitted master plan and framework of the use of land and construction.

Shall not be permitted to build if that construction plan shall conflict with public security, environment, public sanitation, other constructions or immobile objects that provide benefits in archaeology, history, culture, technical beauty or effect to natural resource zones.

Shall be permitted to build if the construction plan does not contain sufficient infrastructure or public utensils.

Article 18: In case having no plan to use land and construction, The provincial and municipal authorities must establish a Commission for inspecting all applications and issuing construction-permission letters.

Article 19: For the Administrative construction plan, the unity which requests to construct shall at first have permission from the competent authority.

This permission shall provide only to those constructions which are necessary for administrative process.

This permission shall not cause any change to the use of land which has been already determined and shall not reform the public state and common interest within the region.

Article 20: If there is no clear motive or reason in conformity with this law, State officials who refuse to inspect and consider applications for construction or issue the construction-permission.

letters within 45 days shall be punished under the provision of the law.

Shall also be punished if those agencies that considered and issued construction-permission letters without conforming to the provision of the law.

The construction-inspecting agency that does not oppose to those constructions that do not conform to the permitted plans shall be punished under the provision of the law.

Administrative penalty which is taken to apply to those agencies that commit mistakes as described above shall be defined by an administrative law.

For the constructors who do not obey to the construction-permission letters shall be ordered to pull down and reform in conformity with the permission letters for the constructions within 30 days at long, from the day of receiving the official order.

Any State official who conspires in this matter shall be charged in front of the court.

When inspected that the constructions are wrong, construction site shall eventually stop the construction process and capture all construction materials and tools according to the Court Order. In case that the constructors receive this victim which is not their own mistake, the victim can use their right to file a complaint to the court for compensation.

Article 22: Before pulling down and destroying the existing constructions, the owners of the constructions shall ask permission to pull down the construction from the competent authority first.

The formality of the pull down and destruction of the constructions can be refused because of a condition that the pull down and destruction of constructions relate to the problems of social works, technique and patrimonies which have been already registered by the state.

Article 23: Those provisions in the previous law on organization of land, urbanization and construction which is contrary to this Law shall be null and in void.

This Law was adopted by the National Assembly
The Kingdom of Cambodia on 23 May, 1994 in
The Second Session of its First Legislature
Phnom Penh on 24 May 1994
Signature and Seal: Loy Sim Cheang