

**KINGDOM OF CAMBODIA  
NATION RELIGION KING**

**Royal Government of Cambodia**  
**No.: 223 ANKr.BK**

**SUB-DECREE  
ON  
BUILDING PERMITS**

**The Royal Government**

- Having seen the Constitution of Kingdom of Cambodia;
- Having seen the Royal Decree No NS/RKT/0918/925 dated September 06, 2018 on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen the Royal Decree No NS/RKT/0320/421 dated March 30, 2020 on the Appointment and Modification of the Composition of the Royal Government of the Kingdom of Cambodia;
- Having seen the Royal Kram (Royal Code) No NS/RKT/0618/012 dated June 28, 2018 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen the Royal Kram No NS/RKM/0699/09 dated June 23,1999 promulgating the Law on the Establishment of the Ministry of Land Management, Urban Planning and Construction;
- Having seen the Royal Kram No NS/RKM/0801/14 dated August 30, 2001 promulgating the Land Law;
- Having seen the Royal Kram No NS/RKM/0508/017 dated May 24, 2008 promulgating the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
- Having seen the Royal Kram No NS/RKM/1119/019 dated November 02, 2019 promulgating the Law on Construction;
- Having seen Sub-decree No 62 ANKr.BK dated July 20, 1999 on the Organization and Functioning of the Ministry of Land Management, Urban Planning and Construction;
- Having seen Sub-decree No 68 ANKr.BK dated February 21, 2013 on the Administrative Service Delivery at Sub-National Administrations;
- Having seen Sub-decree No 42 ANKr.BK dated April 03, 2015 on the Urbanization of the Capital, Municipalities and Urban Areas;
- Having seen Sub-decree No 76 ANKr.BK dated June 09, 2015 on the Modification of Article 30, Article 34, Article 38, Article 50, Article 66, Article 74 and Article 82 of Sub-decree No 42 ANKr.BK dated April 03, 2015 on the Urbanization of the Capital, Municipalities and Urban Areas;
- Having seen Sub-decree No 18 ANKr.BK dated February 08, 2017 on the Establishment of the One Window Service for Administrative Service Delivery at Sub-National Administrations; and
- Referring to the request of the Minister of Land Management, Urban Planning and Construction,

**HEREBY DECIDES**

**Chapter 1  
General Provisions**

**Article 1**

This sub-decree determines the competence, conditions and procedures for granting building permits, repair permits, demolition permits, construction site opening permits, and permit renewal letters with the intention to:

- ensure construction quality and safety, the protection of property and well-being of construction owners, construction users and the public;
- ensure that building or demolition work is carried out in accordance with legal norms and building technical standards in order to preserve aesthetics, good environment and public order;

- protect state public land and other public legal entities' land;
- ensure quality and correctness of spatial management and urban planning;
- prevent and control disputes in building or demolition work;
- increase investors' confidence in the construction sector and promote the economically and socially efficient real estate market.

#### Article 2

This sub-decree applies to all types of construction, except for the types of construction that are governed by separate legal instruments.

#### Article 3

Key terms used in this sub-decree are defined as follows:

1. **Earthwork** refers to modification work of land structure that serves building work, such as land clearing work, excavation work, land filling work, soil compaction work, and land quality strengthening work.
2. **Installation work** refers to the installation work of construction product or installation work of construction equipment that is fixed to part of a construction, such as construction structure, wall, and roof of temporarily or permanently occupied construction.
3. **New construction building work** refers to the building work ranging from earthwork or foundation work to structure work, wall work, installation work and the finishing work to create a new construction.
4. **Structure** refers to the structure of a construction, such as foundation, pillar, beam, slab, stair, load support wall, roof, and other structures whose function is to support load.
5. **Retaining wall** refers to construction or architecture which is built to hold back land slips, landslides or other land pressures and which is not part of road or water works construction infrastructure.
6. **Installation fitting** refers to a structure or tool, material, equipment that stores or produces a flammable object or product which may eventually cause fire and which shall be appropriately placed.
7. **Floor area** refers to the area of the floor that is built.
8. **Competent official** refers to the Director General of the General Department of Construction of the Ministry of Land Management, Urban Planning and Construction.
9. **Function of a construction component** refers to the function(s) of each construction part, which combines to achieve the primary purpose of construction occupancy.
10. **One Window Service Mechanism** refers to the One Window Service of the Ministry of Land Management, Urban Planning and Construction, One Window Service Unit of the Capital/provincial administrations, and the One Window Service Office of the municipal/district/khan administrations.
11. **Letter of compliance** refers to a letter issued by a construction certifier to certify compliance of a construction or construction work with building technical regulations and other existing provisions.
12. **Certificate of occupancy** refers to a permit granted by the competent authority to a construction owner to use or lease construction, or conduct business with a construction.
13. **Land certificate** refers to a document issued by a cadastral administration which specifies landowner, land location, land coordinates, and land size.
14. **Cahier des charges** refers to a set of technical documents which serve the carrying out of building or demolition work, such as schedule, technical specifications, methods, and other technical documents.
15. **Heritage, cultural and historic construction** refers to construction inherited from previous generations, characterized by science, culture, history, archaeology, art, and religion, which reflects stages of evolution of the civilization and which is registered in the heritage list in accordance with the Law on the Protection of Cultural Heritage.
16. **Non-building structure** refers to a structure fixed on the ground or other immovable property built to support a load that is not designed for continuous human occupancy, such as telephone antenna, radio or television station antenna, structure related to the management of downstream activities, electrical pole, mast, tower, gate, water tower, sepulchre, statue, and Ferris wheel.
17. **Home building** refers to a construction whose function is for permanent residence.

18. **Building** refers to a structure fixed on the ground built to support a load that is designed for continuous human occupancy, such as residential construction, hotel, office building, hospital, school building, library, cinema, museum, theater, market, factory, and passenger station.
19. **Competent authority** refers to the Minister of Land Management, Urban Planning and Construction; and governors of Capital, provincial, municipal, district, and Khan administrations.
20. **Technical document** refers to architectural design document, structural design document, demolition design document, mechanical, electrical or water design documents, letter of compliance, certificate of occupancy, geological study, environmental impact assessment (EIA), feasibility study, cahier des charges of building work, and other technical design documents.

## **Chapter 2 Competence**

### **Article 4**

The Ministry of Land Management, Urban Planning and Construction has the competence to manage all types of construction.

The Minister of Land Management, Urban Planning and Construction has the competence to grant a building permit and a demolition permit for the following construction works:

- A building whose total floor area exceeds 3,000 square meters;
- Re-building work, extension work, or modification work of an existing building whose old floor area plus the new floor area exceeds 3,000 square meters;
- A building which has more than 11 floors, including the ground floor;
- A construction whose underground floor's depth exceeds 5 meters;
- A retaining wall whose height exceeds 5 meters;
- A fittings installing work to a construction which may cause fire, such as a station or depot that stocks, sells or distributes fuel, gas or other petroleum products, a storage tank which stocks fuel, gas, flammable material, or other petroleum products, and a workshop that has flammable products;
- A water storage tank whose height exceeds 15 meters or whose capacity exceeds 50 cubic meters;
- A construction which serves sports, tourism and cultural sectors, such as stadium, golf course, racing sports field, amusement park, swimming pool, theatre, conference hall, and cinema;
- A construction in a natural protected area, a cultural and historic heritage site and other protected areas;
- A bus or ship passenger station and building work of a building or tower within the compounds of an airport, a railway station, a port, and a hydropower plant;
- A building, tower, or gate along an international corridor;
- A telephone antenna and a radio or television station antenna;
- Other non-building structures whose height exceeds 30 meters.

### **Article 5**

The governor of a Capital/provincial administration having the Capital/Provincial Department of Land Management, Urban Planning, Construction and Cadastre as an operating body has the competence to grant a building permit, repair permit, construction site opening permit, and demolition permit for the following constructions and works:

- A building whose total floor area is less than or equal to 3,000 square meters and which has 11 or fewer floors, including the ground floor, without an underground floor or with a ground floor whose depth is less than or equal to 5 meters, except for construction whose building permit is granted by the governor of a municipal/district/Khan administration;
- Re-building work, extension building work, or modification work of an existing building whose old floor area plus the new floor area exceed 500 square meters but is less than or equal to 3,000 square meters;
- A retaining wall whose height is less than or equal to 5 meters;
- A stone or concrete wall/fence whose height is more than 3 meters;
- Other non-building structures whose height is less than or equal to 30 meters.

### **Article 6**

The governor of a municipal/district/Khan administration having the Municipal/District /Khan Office of Land Management, Urban Planning, Construction and Land Registry as an operating body has the competence to grant a building permit, repair permit, construction site opening permit, and demolition permit for the following constructions and works:

- A home building whose total floor area is less than or equal to 500 square meters and which has 4 or fewer floors, including the ground floor, and which has no underground floors;
- Rebuilding work, extension work, or modification work of an existing home building whose old floor area plus the new floor area is more than the floor area which does not require a building permit and is less than or equal to 500 square meters.
- Stone or concrete wall/fence whose height is less than or equal to 3 meters.

#### **Article 7**

The Royal Government or a representative institution which receives the power of attorney has the competence to grant a building or demolition permit for the following constructions:

- A construction classified as a national secret, such as a construction for printing paper currency, or depositing or storing other currencies;
- A construction which serves national security and national defence purposes, such as a trench, an arsenal, and a construction for battles or combats.

### **Chapter 3**

#### **General Principles of Granting Building Permits, Repair Permits, Demolition Permits, and Construction Site Opening Permits**

#### **Article 8**

Every building or demolition work shall have a prior permit from the competent authority or a competent official, except for some construction works specified in this sub-decree.

Every negative response of the competent authority or a competent official to a permit request shall be made in writing and with clear reasons.

In case where the decision on a permit request is not made within the periods specified in this sub-decree, it shall be determined that the competent authority or a competent official has granted tacit permission to the requester.

Rights and obligations attached to a permit specified in this sub-decree shall be transferred to a new owner or holder of a construction when there is a transfer of land ownership or land tenure and/or transfer of a construction or construction project ownership that is properly carried out according to the existing principles and procedures.

#### **Article 9**

In case where the competent authority or a competent official decides to reject a permit request, the competent authority or the competent official shall issue a notification and require the requester to come to fetch his/her permit request documents.

In case where the requester does not come to fetch his/her permit request documents within thirty (30) days from the day of receiving the notification letter, the competent authority or the competent official may decide not to keep those permit request documents.

#### **Article 10**

The application documents for building permits, repair permits, demolition permits, construction site opening permits, and permit renewal letters shall be filed at:

- 1- the One Window Service of the Ministry of Land Management, Urban Planning and Construction for the permits granted by the Minister of Land Management, Urban Planning and Construction and the Director General of the General Department of Construction of the Ministry of Land Management, Urban Planning and Construction;
- 2- the One Window Service Unit of a Capital/provincial administration for the permits granted by the governor of the Capital/provincial administration;

3- the One Window Service Office of a municipal/district/Khan administration for the permits granted by the governor of the municipal/district/Khan administration.

A receipt for an application for a building permit, repair permit, demolition permit, construction site opening permit, and permit renewal letter can be issued to the applicant only when the application dossier is adequate. In the case where an application dossier for a building permit, repair permit, demolition permit, construction site opening permit, and permit renewal letter is inadequate, the One Window Service Mechanism shall make a written request to the requester for corrections.

The period of correcting an application dossier for a building permit, repair permit, demolition permit, construction site opening permit, and permit renewal letter shall not be included in the time frame for the application approval.

#### **Article 11**

Applicants applying for a building permit, repair permit, demolition permit, construction site opening permit and permit renewal letter shall pay service fees.

Service fees for reviewing an application for and granting a building permit, repair permit, demolition permit, construction site opening permit and permit renewal letter shall be paid when receiving the application receipt and cannot be refunded even if the competent authority or competent official rejects the request to grant a permit to the applicant.

Service fees for reviewing an application for and granting a building permit, repair permit, demolition permit, construction site opening permit and permit renewal letter granted by the Minister of Land Management, Urban Planning and Construction shall be determined by an inter-ministerial Prakas of the Minister of Economy and Finance and the Minister of Land Management, Urban Planning and Construction.

Service fees for reviewing an application for and granting a building permit, repair permit, demolition permit, construction site opening permit and permit renewal letter by the governor of the Capital/provincial/municipal/district/Khan administrations shall be determined by an inter-ministerial Prakas of the Minister of Economy and Finance, the Minister of Land Management, Urban Planning and Construction, and the Minister of Interior.

#### **Article 12**

The application documents on building permits, repair permits, demolition permits, construction site opening permits and permit renewal letters shall be deposited for at least 15 years at:

- the General Department of Construction, Ministry of Land Management, Urban Planning and Construction, for permits granted by the Minister of Land Management, Urban Planning and Construction;
- the Capital/Provincial Department of Land Management, Urban Planning, Construction and Cadastre for permits granted by the governor of a Capital/provincial administration;
- the Office of Land Management, Urban Planning, Construction and Land Registry of the municipal/district/Khan administration for permits granted by the governor of a municipal/district/Khan administration.

The application documents for building permits, repair permits, demolition permits, and construction site opening permits whose architectural design documents have special architectural values shall be deposited permanently.

### **Chapter 4 Building Permits**

#### **Article 13**

Only a land owner and a legitimate landholder may be permitted to build a construction on the land.

Building work cannot be permitted on land in dispute over possessory rights.

#### **Article 14**

Building work in emergency or disaster situations to be conducted in order to save or protect lives or to prevent serious impact or damage to health or property shall not require a prior permit, even if that building work is carried out on land in dispute over possessory rights.

Within the period of 30 days, at the latest, after the emergency or disaster situation ends, the owner of the construction built during the emergency or disaster situation shall apply for a certificate of occupancy according to the existing conditions and procedures.

#### **Article 15**

Constructions whose building work shall not require a building permit are as follows:

- A one-story building whose total floor area is less than or equal to 12 square meters and whose height is less than or equal to 5 meters;
- A wooden house, a house with a concrete ground floor, a wooden upper floor and a wooden floor slab, or a wooden or concrete one-story house in a rural or farming area, whose total floor area is less than or equal to 100 square meters, whose height is less than or equal to 9 meters, and which is not located in a tourist destination, a heritage site, a conservation site, or a protected area;
- A make-shift ground construction not made of concrete, such as pole, mast, stage, shed, stall, and any other structures for celebrations;
- A construction within the compound of a Buddhist pagoda whose total floor area is less than or equal to 20 square meters and whose height is less than or equal to 12 meters; and
- A wall/fence not made of stone or concrete.

#### **Article 16**

Modification work which does not affect the load-bearing structure, construction structure, and exterior aesthetics and does not affect public security, safety, and order shall not require a building permit, such as:

- Interior re-colouring;
- Alteration of a construction interior shape, such as safety handrail, ceiling not made of reinforced concrete, and a room divider that does not carry load; and
- Alteration of a function of a construction component(s) that does not increase the load on the construction structure and that is for non-business purposes.

#### **Article 17**

Before undertaking the building work which does not require a permit, the construction owner shall give a prior written notice to the chief of the commune/Sangkat where the construction is located.

The formality and procedure for prior notices about the building work which does not require a permit shall be determined by a Prakas of the Minister of Land Management, Urban Planning and Construction.

#### **Article 18**

Building permit application dossiers shall be made in Khmer language and shall have attached a document certifying the legitimate ownership or possessory rights of the land where the construction is located, a land certificate, an architectural design document, and other technical documents used for the building work.

#### **Article 19**

The Minister of Land Management, Urban Planning and Construction shall decide on a building permit application form within a period of 45 working days, at the latest, from the day when the One Window Service of the Ministry of Land Management, Urban Planning and Construction issues a receipt for the application form.

The governor of a Capital/provincial administration shall decide on a building permit application form within a period of 5 working days, at the latest, from the day when the One Window Service Unit of the Capital/provincial administration issues a receipt for the application form.

The governor of a municipal/district/Khan administration shall decide on a building permit application form within a period of 15 working days, at the latest, from the day when the One Window Service Office of the municipal/district/Khan administration issues a receipt for the application form.

#### **Article 20**

A building permit becomes invalid in the case where the construction site does not commence its operation within the period of 1 year, from the day when the building permit is issued.

In the case where a construction owner has received a construction site opening permit, the validity period of the building permit shall be restarted, from the day when the construction site opening permit is issued.

The competent authority may renew a building permit only once.

The conditions for renewal of building permits are as follows:

- An application for a renewal of a building permit is made to the competent authority through the One Window Service mechanism within the period of thirty (30) days before the expiry date of the building permit;
- There is no modification to the original architectural design document of the building permit; and
- The building work at the construction site has not commenced yet.

The approval periods of the building permit applications shall apply to the approval periods of building permit renewal applications.

#### **Article 21**

The formality and time frame for granting a building permit by the Minister of Land Management, Urban Planning and Construction shall be determined by a Prakas of the Minister of Land Management, Urban Planning and Construction.

The formality and timeframe for granting building permit by the governor of the Capital/provincial/municipal/district/Khan administration shall be determined by a Prakas of the Minister of Land Management, Urban Planning and Construction after consultation with the Minister of Interior.

### **Chapter 5 Repair Permits**

#### **Article 22**

Repair work of a construction which requires a building permit shall have a prior repair permit.

#### **Article 23**

Repair work which does not affect the load-bearing structure, construction structure, original shape and exterior aesthetics, and does not affect public security, safety, and order, shall not require a repair permit. Such repair works include but are not limited to:

- Repair of a damaged interior part or replacement of any old, dilapidated part that may eventually cause an accident;
- Paint removal and repainting and/or additional plastering/coating of the building's interior;
- Improvement and/or replacement of a ceiling not made of reinforced concrete;
- Improvement and/or replacement or installation of construction equipment and product in the interior, such as tiles, wall papers, glass walls, doors, windows, and air-conditioners; and
- Improvement and/or replacement or installation of construction equipment, such as bathroom equipment, elevator/escalator spare parts, telecommunication networks, and electrical appliances, such as electrical wires, fibre-optic cables, lamps/bulbs, and fans.

#### **Article 24**

Each repair permit application dossier shall have attached a document certifying the construction ownership, a building permit, an architectural design document, a structural design document, a certificate of occupancy, and other technical documents to be used for the repair work.

#### **Article 25**

The period for the decision on a repair permit application shall be determined as follows:

- 1- 20 working days, at the latest, from the day when a receipt for a repair permit application is issued by the One Window Service for a repair permit granted by the Director General of the General Department of Construction, Ministry of Land Management, Urban Planning and Construction;
- 2- 15 working days, at the latest, from the day when a receipt for a repair permit application is issued by the One Window Service Unit for repair permit granted by the governor of a Capital/provincial administration;
- 3- 10 working days, at the latest, starting from the day when a receipt for a repair permit application is issued by the One Window Service Office for repair permit granted by the governor of a municipal/district/Khan administration.

#### **Article 26**

A repair permit becomes invalid in the case where the construction site does not commence its operation within the period of 1 year, from the day when the repair permit is issued.

Repair permit can be renewed only once.

The conditions for a renewing a repair permit are as follows:

- A request for renewal of a repair permit is made through the One Window Service Mechanism within the period of 30 days before the expiry date of the repair permit;
- There is no modification to the original architectural design documents or structural design documents of the repair permit; and
- The repair work at the construction site has not commenced yet.

Repair work is regarded as having commenced when the first work is carried out on any part of a construction. A construction site which once commenced repair work but has suspended the operation for more than 6 months shall require a renewal letter for the repair permit before resuming the repair work.

The approval periods of repair permit applications shall apply to the approval periods of repair permit renewal applications.

#### **Article 27**

Before undertaking the repair work which does not require a permit, the construction owner shall give a prior written notice to the chief of the commune/Sangkat where the construction is located.

The formality and procedure for prior notices about repair work which does not require a permit shall be determined by a Prakas of the Minister of Land Management, Urban Planning and Construction.

#### **Article 28**

The formality and time frame for granting a repair permit by the Director General of the General Department of Construction, Ministry of Land Management, Urban Planning and Construction shall be determined by a Prakas of the Minister of Land Management, Urban Planning and Construction.

The formality and time frame for granting a repair permit by the governor of a Capital/provincial/municipal/district/Khan administration shall be determined by a Prakas of the Minister of Land Management, Urban Planning and Construction after consultation with the Minister of Interior.

### **Chapter 6 Demolition Permits**

#### **Article 29**

Demolition work of a construction which requires a building permit shall have a prior demolition permit.

#### **Article 30**

Application for a demolition permit shall be made by the construction owner.

A construction in dispute over ownership may not be demolished.

#### **Article 31**

Demolition work of a construction in emergency or disaster situations to be conducted in order to save or protect lives or to prevent serious impact or damage to health or property shall not require a prior permit, even if that construction is in dispute over ownership.

Within the period of 30 days, at the latest, after the emergency or disaster situation ends, the owner of the construction demolished in the emergency or disaster situation shall give a written notice to the competent authority.

#### **Article 32**

Before undertaking the demolition work which does not require a permit, the construction owner shall give a prior written notice to the chief of the commune/Sangkat where the construction is located.

The formality and procedure for prior notices about demolition work which does not require a permit shall be determined by a Prakas of the Minister of Land Management, Urban Planning and Construction.

#### **Article 33**

Each demolition permit application dossier shall have attached a document certifying the ownership of the construction, an architectural design document, a demolition design document and other technical documents to be used for the demolition work.



**Article 34**

The provisions on approval periods of building permit application forms shall also apply to the approval periods of demolition permit applications.

**Article 35**

The provisions on the conditions for validity, application for a renewal, and permission for renewal of building permits shall also apply to the conditions for validity, application for renewal, and permission for renewal of demolition permits.

Renewal of a demolition permit shall not involve any modification to the construction's demolition design documents as determined in the original demolition permit.

**Article 36**

The formality and time frame for granting a demolition permit by the Minister of Land Management, Urban Planning and Construction shall be determined by a Prakas of the Minister of Land Management, Urban Planning and Construction.

The formality and time frame for granting a demolition permit by the governor of a Capital/provincial/municipal/district/Khan administration shall be determined by a Prakas of the Minister of Land Management, Urban Planning and Construction after consultation with the Minister of Interior.

**Chapter 7****Construction Site Opening Permits****Article 37**

The commencement of construction work of a new structure construction, modification work, installation work, and demolition work shall require a prior construction site opening permit in accordance with a building or demolition permit of the construction.

A construction site which once commenced construction work but has suspended the operation for more than 1 year shall require a renewal letter for the construction site opening permit before resuming the building or demolition operation.

**Article 38**

Construction work of a new structure is regarded as having commenced its operation when the first earthwork or foundation work is carried out. Modification work is regarded as having commenced when any part of a construction or construction equipment or construction product has been replaced. Installation work is regarded as having commenced when any part of construction equipment or construction product has been fixed to the construction.

Demolition work is regarded as having commenced when the first part of a construction is removed or dismantled/demolished.

In the case where the competent authority does not decide on whether to grant a building or demolition permit as requested by the application form within the approval periods specified in this sub-decree, the applicant may apply for a construction site opening permit, after the deadline of those approval periods.

**Article 39**

A construction site opening permit application dossier for construction work shall have attached a building permit, a structural design document, a geological survey document, cahier des charges of the building work, a construction contract, other technical documents which are used for the construction work, and an insurance certificate or a document certifying the signing of an insurance contract for the construction site liability with an insurance company.

A construction site opening permit application dossier for demolition work shall have attached a building permit, a demolition permit, a structural design document, a demolition design document, cahier des charges of the demolition work, a construction contract, other technical documents which are used for the demolition work, and an insurance certificate or a document certifying the signing of an insurance contract for the construction site liability with an insurance company.

In the case where a construction or demolition is granted tacit permission, the construction site opening permit application dossier for construction or demolition work shall have attached a receipt for the application form for a construction or demolition permit and other relevant documents.

Counted as a technical document is an in-principle approval letter from a competent ministry, institution or sub-national administration, as determined by the relevant laws and legal instruments.

#### **Article 40**

The period for the decision on an application for a construction site opening permit shall be determined as follows:

1. 20 working days, at the latest, from the day when a receipt for the construction site opening permit application form is issued by the One Window Service for the construction site opening permit granted by the Director General of the General Department of Construction, Ministry of Land Management, Urban Planning and Construction;
2. 15 working days, at the latest, from the day when a receipt for the construction site opening permit application form is issued by the One Window Service Unit for the construction site opening permit granted by the governor of a Capital/provincial administration; and
3. 10 working days, at the latest, from the day when a receipt for the construction site opening permit application form is issued by the One Window Service Office for the construction site opening permit granted by the governor of a municipal/district/Khan administration.

#### **Article 41**

A construction site opening permit becomes invalid in any of the following cases:

- The construction site does not commence its operation within the period of 1 year, from the day when the construction site opening permit is issued;
- The construction site has halted its operation for more than 1 year; or
- The building or demolition permit becomes invalid or is abrogated or nullified by the competent authority or the court.

The conditions for renewing a construction site opening permit are as follows:

- A request for renewal of a construction site opening permit is made through the One Window Service Mechanism within the period of 30 days before the expiry date of the construction site opening permit; and
- There is no modification to the original architectural design documents, structural design documents, or demolition design documents of the building permit, demolition permit and construction site opening permit.

#### **Article 42**

The formality and time frame for granting a construction site opening permit by the Director General of the General Department of Construction, Ministry of Land Management, Urban Planning and Construction shall be determined by a Prakas of the Minister of Land Management, Urban Planning and Construction.

The formality and time frame for granting a construction site opening permit by the governor of a Capital/provincial/municipal/district/Khan administration shall be determined by a Prakas of the Minister of Land Management, Urban Planning and Construction after consultation with the Minister of Interior.

### **Chapter 8**

#### **Building Permits, Repair Permits, Demolition Permits, Construction Site Opening Permits or Permit Renewal Letters for Real Estate Development Project**

#### **Article 43**

The granting of building permits, repair permits, demolition permits, construction site opening permits, and permit renewal letters for real estate development projects shall adhere to the conditions and procedures for the general constructions.

A building permit application for a real estate development project shall require a prior land development permit granted by the competent authority.

Construction in a real estate development project may be carried out in stages according to the schedule specified in the land development permit.

**Article 44**

Any building permit application for an apartment complex project or a residential complex project with a single landowner and on a single land parcel that is split into smaller projects for business purposes shall be prohibited.

**Article 45**

An apartment complex or a residential complex project for business purposes on a single land parcel shall require a prior construction site opening permit before the land parcel may be subdivided.

A co-owned building construction project for business purposes on a single land parcel shall have both the entire building structure and the private unit dividing walls completed according to the approved plan before the project may be divided into private units.

**Chapter 9  
Complaints**

**Article 46**

A person with a vested interest in a decision of the competent authority or a competent official as stated in this sub-decree has the right to complain to the competent authority, the official who has issued the decision, or the Minister of Land Management, Urban Planning and Construction, or to the court according to the existing procedures stated in the Law on Construction and other regulations.

**Article 47**

A person who suffers damage or has a genuine concern that he/she will suffer damage caused by the exercise of any individual's rights or obligation as determined in a building permit, repair permit, demolition permit, and construction site opening permit may submit a request to the Commission for Construction Dispute Resolution for mediation according to the existing procedure.

**Chapter 10  
Punishment**

**Article 48**

A person who forges a document or provides false information to the competent authority or official in order to obtain a building permit, repair permit, demolition permit, construction site opening permit or permit renewal letter as stated in this sub-decree or forges a building permit, repair permit, demolition permit, construction site opening permit or permit renewal letter as stated in this sub-decree shall be held criminally responsible according to the provisions of the Criminal Code.

**Article 49**

A competent public servant who declines to review application dossiers for a building permit, repair permit, demolition permit, construction site opening permit or permit renewal letter or refuses to grant a building permit, repair permit, demolition permit, construction site opening permit or permit renewal letter without a legitimate reason shall face administrative disciplinary action, regardless of criminal responsibility according to the existing provisions.

**Chapter 11  
Transitional Provisions**

**Article 50**

The instruments and guidelines of the Minister of Land Management, Urban Planning and Construction related to the granting of a building permit, repair permit, demolition permit, construction site opening permit or permit renewal letter that have been applied before this sub-decree comes into force shall remain in effect until they are replaced by new instruments and guidelines.

Building permits, repair permits, demolition permits, construction site opening permits and permit renewal letters which have been granted to construction owners before this sub-decree comes into force shall remain valid until the expiry dates of those permits.

**Article 51**

As for application forms for building permits, repair permits, demolition permits, construction site opening permits and permit renewal letters which have been filed at the One Window Service Mechanism before this sub-decree comes into force, the competent authority and competent officials shall continue to review and make decisions on those application forms until the procedure is completed. In such a case, the competent authority and a competent official shall apply the principles or conditions stated in this sub-decree that are beneficial to the applicant.

**Article 52**

A repair permit application dossier for any construction that has been built with or without a building permit before this sub-decree comes into force shall have attached a construction site closing letter or a certificate of occupancy and other technical documents as determined in this sub-decree.

**Chapter 12  
Final Provisions**

**Article 53**

Sub-decree No 86 ANKr.BK. dated 19 December 1997 on Building Permits and any provision that contradict this sub-decree shall be abrogated.

**Article 54**

The Minister in charge of the Council of Ministers; Minister of Economy and Finance; Minister of Land Management, Urban Planning and Construction, the ministers of all relevant ministries and the heads of all relevant institutions shall take charge of implementing this sub-decree, according to their respective duties, from the day of signature.

Phnom Penh, 30 December 2020  
**Prime Minister**

**Samdech Akka Moha Sena Padei Techo HUN SEN**

Having been submitted to

**Samdech akka Moha Sena Padei Techo Hun Sen the prime minister for signature  
Minister of Land Management, Urban Planning and Construction**

*[signed and stamped]*

**Chea Sophara**

To be distributed to:

- Ministry of Royal Palace
- General Secretariat of the Constitutional Council
- General Secretariat of the Senate
- General Secretariat of the National Assembly
- Cabinet of Samdech Akka Moha Sena Padei Techo Prime Minister
- Cabinets of Samdech, Excellencies, Lok Chum Teav, Deputy Prime Ministers
- As in Article 55
- Royal Gazette
- Archive