

Kingdom of Cambodia

Nation Religion King

Royal Government of Cambodia

No: 226 ANKr.BK

SUB-DECREE

ON

CONDITIONS AND PROCEDURES FOR GRANTING, SUSPENDING, AND REVOKING CERTIFICATE OF OCCUPANCY

The Royal Government

- Having seen the Constitution of Kingdom of Cambodia;
- Having seen the Royal Decree No NS/RKT/0918/925 dated 6 September 2018 on the appointment of the Royal Government of Kingdom of Cambodia;
- Having seen the Royal Decree No NS/RKT/0320/421 dated 30 March 2020 on the appointment and modification of the composition of the Royal Government of the Kingdom of Cambodia;
- Having seen the Royal Kram No NS/RKM/0618/012 dated 28 June 2018 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen the Royal Kram No 04 N.S. 94 dated 10 August 1994 promulgating the Law on Land Management, Urban Planning and Construction;
- Having seen the Royal Kram No NS/RKM/0699/09 dated 23 June 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 30 August 2001 promulgating the Land Law;
- Having seen the Royal Kram No NS/RKM/0508/017 dated 24 May 2008 promulgating the Law on the Management of the Capital, Provincial, Municipal, District and Khan Administrations;
- Having seen the Royal Kram No NS/RKM/1119/019 dated 2 November 2019 promulgating the Law on Construction;
- Having seen Sub-decree No 62 ANKr.BK dated 20 July 1999 on the Organization and Functioning of the Ministry of Land Management, Urban Planning, and Construction;
- Having seen Sub-decree No 126 ANKr.BK dated 12 August 2009 on the Management and Use of Co-owned Buildings;
- Having seen Sub-decree No 39 ANKr.BK dated 10 March 2011 on the Management of Borey;
- Having seen Sub-decree No 68 ANKr.BK dated 21 February 2013 on the Provision of Administrative Services of the Sub-National Administrations;
- Having seen Sub-decree No 114 ANKr.BK dated 14 March 2014 on the Modification of Article 16 and Article 17 of Sub-decree No 126 ANKr.BK dated 12 August 2009 on the Management and Use of Co-owned Buildings;
- Having seen Sub-decree No 42 ANKr.BK dated 3 April 2015 on Urbanization of the Capital, Municipalities, and Urban Areas;
- Having seen Sub-decree No 76 ANKr.BK dated 9 June 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 3 April 2015 on Urbanization of the Capital, Municipalities and Urban areas;
- Having seen Sub-decree No 18 ANKr.BK dated 8 February 2017 on the Establishment of the One Window Service Mechanism for the Provision of Administrative Services of the Sub-National Administrations;
- Having seen Sub-decree No 224 ANKr.BK dated 30 December 2020 on Building Permits;
- Having seen Sub-decree No 225 ANKr.BK dated 30 December 2020 on the Conditions and Procedures for Construction Certification; 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 conditions and procedures for granting, suspending, and revoking a certificate of occupancy, the construction occupancy, the alteration of the construction function, the construction quality and safety control and the management of dangerous buildings, with the intention of ensuring construction security and safety, the protection of property and well-being of construction owners, construction users and the public.

Article 2

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

Article 3

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

1. **Construction quality and safety control** refers to the examination, testing, analysis, calculation and assessment of the quality and safety of an existing construction during occupancy.
2. **Construction classification** refers to the categorization of constructions by type, class or group based on various criteria.
3. **Construction occupancy/use** refers to the occupancy/use of, benefiting from and disposition of a construction.
4. **Public infrastructure plan** refers the state public land use map for the management of development, conservation, and building of public infrastructures, constructions for the public service provision and public spaces, which have been studied and prepared by the Capital/Provincial Department of Land Management, Urban Planning, Construction and Cadastre in accordance with spatial and urban technical standards and have been approved by the Capital/provincial administration.
5. **Construction function** refers to the primary purpose of a construction occupancy.
6. **Function of a construction component** refers to the function(s) of each construction part, the combination of which results in the construction function.
7. **One Window Service** refers to the One Window Service of the Ministry of Land Management, Urban Planning and Construction, the One Window Service Unit of the/a Capital/provincial administration, and the One Window Service Office of a municipal/district/Khan administration.
8. **Certificate of occupancy** refers to a permit granted by the competent authority to a construction owner to use or lease the construction, or conduct business with the construction.
9. **Construction** refers to the process of construction work or a building/structure or a permanent or temporary architecture constructed with construction materials, equipment or products.
10. **Dangerous building** refers to a construction or any part of a construction or any construction material/equipment attached to the construction that may cause danger to a neighboring construction(s), lives, bodies, and health of construction users, neighbors and the public.
11. **Multi-functional building** refers to a building which has one or many spaces which can fulfil different functions at different times.
12. **Mixed-use building** refers to a building which has different parts, each of which has a different function.
13. **Competent authority** refers to the Minister of Land Management, Urban Planning and Construction, and the Capital, provincial, municipal, district, and Khan governors.

Chapter 2 Competence

Article 4

The Minister of Land Management, Urban Planning and Construction has the authority to manage the occupancy of all types of construction.

Article 5

The Minister of Land Management, Urban Planning and Construction, and the Capital, provincial, municipal, district, and Khan governors are the competent authorities in granting, suspending, and revoking a certificate of occupancy and the alteration of the construction function according to the provisions on the competence to grant building permits.

Chapter 3 **Conditions for Construction Occupancy**

Article 6

All occupancy of a construction shall require a prior certificate of occupancy or a prior provisional certificate of occupancy, except for a construction which does not require a building permit.

A construction owner, building manager, and construction lessee shall adhere to the following conditions:

- The construction is used according to the construction function;
- The construction is used in compliance with the legal norms and technical regulations on construction occupancy;
- A report on the quality and safety control of the construction is regularly provided to the competent authority as determined in the Law on Construction;
- The construction is attentively cared for and the repair work is arranged for any damaged part; and
- The danger of the construction is reported to the competent authority.

A construction owner has an obligation to ensure that the occupancy, the benefiting, and the disposition of his/her construction comply with the conditions stipulated in this sub-decree.

Article 7

The construction function shall be specified in a certificate of occupancy.

The construction's classification by function shall be determined by a Prakas of the Minister of Land Management, Urban Planning and Construction.

Article 8

Every alteration of a construction function in whole or in part shall have a prior new certificate of occupancy, except for a construction which does not require a building permit.

An alteration of the function of a construction component that does not increase the load on the construction structure and for a non-business purpose shall not require a new certificate of occupancy.

Article 9

A construction owner shall apply for a certificate of occupancy after the building work of the whole construction has been fully completed.

A certificate of occupancy for a multi-functional building shall specify all the functions of the building.

A certificate of occupancy for a mixed-use building shall specify all the functions of each part of the building.

A certificate of occupancy is valid permanently, even when a construction owner is replaced.

When there is a transfer of ownership or tenure of the land where a construction is located, and/or transfer of a construction or construction project ownership which has been carried out in accordance with existing provisions, the rights and obligations obtained from a certificate of occupancy as stipulated in this sub-decree shall be transferred to the new construction owner or holder. In such a case, the new construction owner or holder can apply for a new certificate of occupancy.

In case where a certificate of occupancy is suspended or revoked by the competent authority, the occupancy of the construction shall be prohibited.

Article 10

A construction owner may apply for a provisional certificate of occupancy in order to use a part of a building that has been built.

A person who has received a provisional certificate of occupancy has an obligation to set up a barricade or another means to cut off the part of a building which is permitted to be occupied from the parts of the building which are not yet completed to ensure safety of construction occupancy.

A provisional certificate of occupancy is valid until the day that a certificate of occupancy is granted for the whole construction.

Article 11

A construction owner, building manager, or construction lessee who uses a construction or has it used for a non-residential purpose shall display a certificate of occupancy for construction users.

Chapter 4**Conditions and Procedure for Granting Certificate of Occupancy****Article 12**

The conditions for granting a certificate of occupancy are as follows:

- The construction has been built, repaired, or modified on a land lot which has been registered with the cadastral administration or a land lot which has been legally held in accordance with the cadastral index map, detailed urban plan, land use planning, land use master plan, or public infrastructure plan;
- Building work, repair work, modification work, or demolition work has been completed in compliance with the building technical standards and existing provisions;
- The construction has a structure which can safely carry all load according to the construction function;
- The construction has fire safety in compliance with the building technical standards and provisions of fire prevention and extinguishment;
- The construction has mechanical, electrical, and plumbing systems which can be safely used in compliance with the building technical standards and existing provisions; and
- The construction has been built, repaired, or modified using the construction materials, construction equipment, and construction products which can assure construction quality and construction users' safety in compliance with the building technical regulations or Cambodian Standard.

Article 13

The conditions for granting a provisional certificate of occupancy are as follows:

- The construction has been built, repaired, or modified on a land lot which has been registered with the cadastral administration or a land lot which has been legally held in accordance with the cadastral index map, detailed urban plan, land use planning, land use master plan, or public infrastructure plan;
- Major structures, such as foundations, pillars, beams, slabs, walls which carry the load of the whole construction have been built, repaired, or modified and have safety;
- The building work, repair work, or modification work of the construction part that is the object of the application for a provisional certificate of occupancy has been completed in compliance with the building technical standards and existing provisions;
- The construction part which is the subject of the application for a provisional certificate of occupancy has fire safety in compliance with the building technical standards and provisions of fire prevention and extinguishment;
- The construction part which is the subject of the application for a provisional certificate of occupancy has mechanical, electrical, and plumbing systems which can be safely used in compliance with the building technical standards and existing provisions;
- The construction part which is the subject of the application for a provisional certificate of occupancy has been built using the construction materials, construction equipment, and construction products which can assure construction quality and construction users' safety in compliance with the building technical regulations or Cambodian Standard;
- The occupancy of the construction part which is the subject of the application for a provisional certificate of occupancy allows the building work of other parts of the construction to continue operation safely.

Article 14

Documents in an application for a certificate of occupancy shall be made in Khmer language and filed at the One Window Service.

A receipt for an application for a certificate of occupancy can be issued to the applicant only when the application documents are sufficient.

In the case where the application documents for a certificate of occupancy are incorrect, the One Window Service shall make a written request to the applicant for corrections.

The period during which the application documents for a certificate of occupancy are being corrected shall not be included in the time frame of the decision making on the certificate of occupancy application.

Article 15

The Minister of Land Management, Urban Planning and Construction shall decide on an application for a certificate of occupancy within a period of 20 working days, at the latest, from the day of receiving the application.

The governor of the/a Capital/provincial administration shall decide on an application for a certificate of occupancy within a period of 15 working days, at the latest, from the day of receiving the application.

The governor of a municipal/district/Khan administration shall decide on an application for a certificate of occupancy within a period of 10 working days, at the latest, from the day of receiving the application.

Every rejection in response to an application for a certificate of occupancy by the competent authority shall be done in writing with clear reasons.

In the case where the decision on a certificate of occupancy application is not made within the duration stated in this sub-decree, it shall be determined that the competent authority has impliedly granted permission to the applicant. In such a case, the construction shall be used in accordance with the construction function which is specified in the objective of the certificate of occupancy application.

Article 16

Application documents for certificate of occupancy shall be kept until the construction is fully demolished at:

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

Application documents for a certificate of occupancy whose architectural design documents have special architectural values shall be kept permanently.

Article 17

Applicants applying for a certificate of occupancy shall pay service fees.

Service fees for reviewing an application for and granting a certificate of occupancy shall be paid when receiving the application receipt and cannot be refunded even if the competent authority decides to reject granting the certificate of occupancy to the applicant.

Service fees for reviewing an application for and granting a certificate of occupancy by 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 certificate of occupancy by the governor of the/a Capital/provincial/municipal/district/Khan administration 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.

The formality and time frame for granting a certificate of occupancy by 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 certificate of occupancy by the governor of the/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 5

Conditions and Procedure for Altering the Construction Function

Article 18

A request for an alteration of the construction function shall be made by the construction owner. The competent authority permits an alteration of the construction function by granting a new certificate of construction.

In the case where an alteration of the construction function requires repair, modification, or installation of construction equipment or construction products or demolition of part of the construction which affects exterior aesthetics, load support structure or public security, safety or order, a construction owner shall apply for a prior building, repair, or demolition permit and shall apply for a new certificate of occupancy after the repair work, modification work, installation work or demolition work is completed.

Article 19

Conditions for altering the construction function are as follows:

- The construction has a structure that can safely carry all load according to the new construction function;
- Repair work, modification work, installation work or demolition work which serves the new construction function has been completed in compliance with the building technical standards and existing provisions;
- The construction has fire safety for the new construction function in compliance with the building technical standards and provisions of fire prevention and extinguishment;
- The construction has mechanical, electrical, and plumbing systems which can be safely used in compliance with the building technical standards and existing provisions;
- Repair work, modification work, or installation work which serves the new construction function uses the construction materials, construction equipment, and construction products which can assure construction quality and construction users' safety in compliance with the building technical regulations or Cambodian Standard.

Article 20

The provisions on the place for receiving an application, the granting of the application receipt, the decision on the application and the service fees for granting a certificate of occupancy shall apply to the place for receiving an application, the granting of the application receipt, the decision on the application and the service fees for an alteration of the construction function.

The formality and time frame for altering the construction function shall be determined by a Prakas of the Minister of Land Management, Urban Planning and Construction.

Chapter 6

Conditions and Procedures for Suspending and Revoking Certificate of Occupancy

Article 21

The competent authority which grants a certificate of occupancy may suspend or revoke that certificate of occupancy in the case where the construction no longer has the quality and safety for occupancy.

The competent authority may prohibit the occupancy of part of a construction without suspending or revoking a certificate of occupancy in the case where that part of the construction does not have safety for occupancy and other parts can be safely occupied.

Article 22

The competent authority shall suspend a certificate of occupancy in the case where a report on the construction quality and safety control indicates that the construction is not safe for occupancy. In such a case, the competent authority shall notify the construction owner in writing about the suspension of the certificate of occupancy and require the construction owner to repair, modify or demolish the construction.

The competent authority shall notify the construction owner in writing about a permission to re-occupy the construction in the case where the construction owner has repaired, modified, or demolished the construction as required by the competent authority.

Article 23

The competent authority shall revoke a certificate of occupancy in one of the following cases:

1. A construction has lost structural safety at a serious level and cannot be repaired, modified, or demolished to regain safety according to technical requirements; or
2. A construction is dangerous at a serious level as decided by the competent authority.

The competent authority shall notify the construction owner in writing about the revocation of a certificate of occupancy and require the construction owner to carry out measures for avoiding accidents as determined in this sub-decree according to each actual situation.

The formality and time frame for suspending and revoking a certificate of occupancy shall be determined by a Prakas of the Minister of Land Management, Urban Planning and Construction.

Chapter 7

Construction Quality and Safety Control

Article 24

Construction quality and safety control shall be determined as follows:

1. For a construction which is used for non-residential purposes, the construction quality and safety control shall be carried out every 5 years, at the least;
2. For a construction which is used for residential purposes, the construction quality and safety control shall be carried out every 10 years, at the least;
3. For a construction's fire prevention and extinguishment system, the construction quality and safety control shall be carried out every 2 years, at the least; and
4. For hazardous construction equipment, the construction quality and safety control shall be carried out every 1 year, at the least.

For a construction which has a certificate of occupancy, the first-time construction quality and safety control shall be carried out within the period determined in Paragraph 1 above, from the day of issuance of the certificate of occupancy.

For a construction which is impliedly permitted for occupancy, the first-time construction quality and safety control shall be carried out within the period determined in Paragraph 1 above, from the day of being impliedly permitted.

The types of hazardous construction equipment shall be determined by a Prakas of the Minister of Land Management, Urban Planning and Construction.

Article 25

Construction quality and safety control shall be carried out by:

1. A construction certification team and construction controllers of the General Department of Construction, the Ministry of Land Management, Urban Planning and Construction, for construction whose certificate of occupancy which is granted by the Minister of Land Management, Urban Planning and Construction.
2. Construction controllers of the Capital/Provincial Department of Land Management, Urban Planning, Construction and Cadastre, for construction whose certificate of occupancy which is granted by the governor of the/a Capital/provincial/ municipal/district/ Khan administration;
3. Construction controllers of the municipal/district/Khan administration for construction whose certificate of occupancy which is granted by the governor of a municipal/district/ Khan administration; and
4. Construction certifiers with a General Construction Certification License, a Construction Certification License for Structure or a Construction Certification License for Mechanics, Electricity and Plumbing.

Article 26

Construction controllers shall be chosen among the leadership and civil servants who are professionals and who are specialized in civil engineering, geology, mechanics, electricity, plumbing or other engineering.

Construction controllers of the Ministry of Land Management, Urban Planning and Construction shall be appointed by a Prakas of the Minister of Land Management, Urban Planning and Construction.

Construction controllers of the Capital/Provincial Department of Land Management, Urban Planning, Construction and Cadaster shall be appointed by a Bylaw (Deika) of their own Capital/provincial administration.

Construction controllers of a municipal/district administration shall be appointed by a Bylaw (Deika) of their own municipal/district administration.

Construction controllers of a Khan administration shall be appointed by a Bylaw (Deika) of the Phnom Penh Capital administration.

The principles, formality and procedure for appointing construction controllers at sub-national administrations shall be implemented in accordance with the Royal Decree on Separate Statutes for Sub-National Administration Personnel and other existing legal instruments.

The qualifications and criteria for choosing construction controllers shall be determined by a Prakas of the Minister of Land Management, Urban Planning and Construction

Article 27

All the expenses for construction quality and safety control shall be borne by a construction owner.

Article 28

A construction owner or a building manager has an obligation to hand over the report on the construction quality and safety control to the competent authority within 30 days, at the latest, after the deadline for carrying out the required construction quality and safety control.

Article 29

The formality and procedure for construction quality and safety control shall be determined by an inter-ministerial Prakas of the Minister of Land Management, Urban Planning and Construction and the Minister of Interior.

Chapter 8

Occupancy of Dangerous Buildings

Article 30

The Ministry of Land Management, Urban Planning and Construction and the Capital, provincial, municipal, district, Khan administrations have duties to control and monitor all dangerous buildings in order to take necessary measures for ensuring public safety, security, and order.

The Ministry of Land Management, Urban Planning and Construction and the Capital, provincial, municipal, district, Khan administrations shall create lists of dangerous buildings which are under their competence to grant the building permit and update the lists regularly.

Article 31

Dangerous buildings include:

- A construction which has a construction structure that cannot safely carry all load according to the construction function;
- A construction which does not have fire safety in compliance with the building technical standards and provisions of fire prevention and extinguishment;
- A construction which has been built using the construction materials, construction equipment and construction products which cannot assure construction quality and construction users' or the public safety or health in compliance with the building technical regulations or Cambodian Standard;
- A construction which is vulnerable to external factors caused by humans or nature, such as land slide, rock fall, flood, and fire; and
- A construction with factors which seriously affect the health of users or the public, such as lack of sanitation, lack of air, lack of light, moisture, water seepage, and decay.

Article 32

The owner of a construction listed in a list of dangerous buildings shall cooperate with the competent authority and follow instructions and measures for avoiding accidents as determined by the competent authority in order to ensure public security and order as well as safety of users and the public.

The owner of a construction and the manager of a building listed in a list of dangerous buildings have an obligation to report the condition and change in the construction to the competent authority.

If it is necessary for avoiding accidents, the competent authority shall take such urgent measures as issuing a public notification, requiring repair or modification of the construction, restricting occupancy, prohibiting occupancy, cordoning off the construction, prohibiting entry, setting up a safety perimeter, evacuating the

construction and requiring demolition of the construction in whole or in part according to the level of danger, all the expenses of which shall be borne by the construction owner.

In the case where a construction owner does not demolish the construction as required by the competent authority, the competent authority can directly demolish construction, all the expenses of which shall be borne by the construction owner.

Article 33

The levels of danger, the issuance of measures for avoiding accidents, and the procedure for managing of dangerous buildings shall be determined by a Prakas of the Minister of Land Management, Urban Planning and Construction.

Chapter 9

Occupancy of Co-owned Buildings and Constructions in Boreys

Article 34

A certificate of occupancy can be granted to a co-owned building or a construction in a Borey provided that the common areas and private units of the co-owned building or Borey has a prior registration with the cadastral administration.

The provisions on the mechanism and procedure for the registration of a private unit of a co-owned building shall apply to the mechanism and procedure for the registration of a common area of a co-owned building.

Article 35

For a co-owned building or Borey development project, the conditions for granting a provisional certificate of occupancy shall include additional conditions on the completion of the building work of basic common equipment, such as stairs, elevators, electrical systems, clean water supply systems, sewerage systems, water treatment systems, drainage systems, roads, and public lighting systems.

Article 36

For a co-owned building, a certificate of occupancy shall be granted for each private unit. The certificate of occupancy for the common areas shall be kept by the management committee of the co-owned building, and duplicate copies of the original certificate shall be made for all co-owners.

For a Borey, a certificate of occupancy shall be granted for a construction which has a separate owner.

A certificate of occupancy for the construction which is a common area or an undivided ownership shall be kept by the Borey management committee, and duplicate copies of the original certificate shall be made for all owners in the Borey.

Article 37

The occupancy of co-owned buildings and constructions in a Borey shall comply with the internal regulations of the co-owned buildings or Borey and existing legal norms.

The occupancy of common areas and private units of a co-owned building shall adhere to conditions determined in the provisions on the management and use of co-owned buildings and on the management of Boreys.

The formality and procedure for the management of the occupancy of co-owned buildings and constructions in Borey shall be determined by a Prakas of the Minister of Land Management, Urban Planning and Construction.

Article 38

All owners of the private units of a co-owned building and all owners of a Borey shall be jointly responsible for all the expenses for the common areas in proportion to the floor area of each private unit or area of each land lot, residential lot or other construction land in performing the following duties:

- Construction quality and safety control;
- Repair work, modification work as required by the competent authority; and
- Demolition work of part or the whole of the construction to enforce the measures for avoiding accidents determined by the competent authority.

The proportionate percentages of the expenses for the common areas for which the owners of each private unit of a co-owned building and all owners of a Borey shall be responsible shall be determined in advance by the internal regulations of the co-owned building or Borey.

Chapter 10 Complaints

Article 39

A person with a vested interest in a decision of a competent authority as stated in this sub-decree has the right to complain to the competent authority that has issued the decision or to the Ministry of Land Management, Urban Planning and Construction or to the court according to the procedure determined in the Law on Construction and other existing provisions.

Chapter 11 Punishments

Article 40

Punishments in this sub-decree include:

- A written warning;
- Suspension of a certificate of occupancy;
- Revocation of a certificate of occupancy;
- Prohibition from disposition and transaction related to a construction;
- Prohibition from using a construction for non-residential purposes;
- Prohibition from advertisement; and
- A transitional penalty.

Article 41

A written warning, suspension of a certificate of occupancy, revocation of a certificate of occupancy, and prohibition from occupancy, disposition, or transaction related to a construction depend on the discretion of the competent authority according to the provisions on the competence to grant a certificate of occupancy. The competent authority may publish the written warning, suspension, or revocation of a certificate of occupancy in the press or any means of audio-visual telecommunications.

Prohibition from business practice and prohibition from advertisement are left to the discretion of a relevant ministry/institution at the request of the competent authority.

Transitional penalty depends on the discretion of construction inspectors.

Article 42

Any person who commits one of the acts set forth below shall receive warning in writing, without prejudice to being held criminally responsible according to existing provisions:

- To use a construction or have it used for a residential purpose in breach of the construction function stated in the certificate of occupancy;
- To use a construction or have it used in non-compliance with legal norms and technical standards of construction occupancy;
- To use a construction or have it used without handing in the report on the quality and safety control of his/her construction to the competent authority as determined in the Law on Construction;
- To use a construction or have it used for a business purpose without appropriately arranging for maintenance or repair of a damaged part of the construction.

The competent authority shall issue a letter of warning to the construction owner, building manager, or construction lessee, requiring the adherence to the existing legal norms or requirements for repair, modification and/or demolition of part or the whole of the construction to ensure safety for occupancy.

Article 43

A certificate of occupancy shall be suspended within a period not exceeding three (3) months for either of the following offences:

- Having used a construction or put it to use for a non-residential purpose in breach of the construction function stated in the certificate of occupancy; or
- Having used a construction or put it to use in breach of instructions stated in a warning letter of the competent authority.

The competent authority shall notify in writing a construction owner, building manager or construction lessee about the suspension of the certificate of occupancy and require him/her to repair, modify and/or demolish part or the whole of the construction which is not safe for occupancy.

The period during which a certificate of occupancy is suspended, occupancy of the construction or business practice in the construction shall be prohibited.

Any person who uses or puts to use a construction in the suspension period of the certificate of occupancy shall be punished according to the Law on Construction. In such a case, a construction inspector shall prepare a written note for the Prosecution in the Court of First Instance to take measures according to existing laws.

Article 44

A certificate of occupancy shall be revoked for failure to follow the requirements of the competent authority as stated in a notification letter on the suspension of the certificate of occupancy.

The competent authority shall notify in writing the construction owner, building manager, or construction lessee about the revocation of the certificate of occupancy by indicating reasons, measures, and requirements to ensure the safety of the construction owner, construction users, and the public.

Article 45

For the constructions set forth below, disposition, transaction related to a construction, use for a non-residential purpose, or advertisement shall be prohibited:

- A construction without a certificate of occupancy;
- A construction whose construction owner, building manager, or construction lessee does not follow measures for avoiding accidents as determined by the competent authority; and
- A construction whose certificate of occupancy has been suspended or revoked.

The competent authority shall notify in writing the construction owner, building manager, or construction lessee about the prohibition by indicating reasons and requirements to ensure safety of the construction owner, construction users, and the public.

Article 46

Any person who uses a construction or has it used for a non-residential purpose without a certificate of occupancy shall be punished with a transitional fine as follows:

- 80,000,000 riels for a construction whose certificate of occupancy is granted by the Minister of Land Management, Urban Planning and Construction;
- 20,000,000 riels for a construction whose certificate of occupancy is granted by governors of the Capital/provincial administrations; and
- 2,000,000 riels for a construction whose certificate of occupancy is granted by governors of municipal/district/Khan administrations.

In the case where an offender has already received a transitional fine once but commits the same offence within 3 months, from the previous transitional fine, he/she shall be fined twice the amount of the transitional fine set forth above.

Article 47

Any person who uses a construction or has it used for a non-residential purpose in breach of the construction function stated in the certificate of occupancy shall be punished with a transitional fine as follows:

- 40,000,000 riels for a construction whose certificate of occupancy is granted by the Minister of Land Management, Urban Planning and Construction;
- 10,000,000 riels for a construction whose certificate of occupancy is granted by governors of the Capital/provincial administrations; and
- 1,000,000 riels for a construction whose certificate of occupancy is granted by governors of municipal/district/Khan administrations.

In the case where an offender has already received a transitional fine once but commits the same offence within 3 months, from the previous transitional fine, he/she shall be fined twice the amount of the transitional fine set forth above.

Article 48

In the case where an offender fails to pay the transitional fine within 30 days, the amount of the transitional fine shall be doubled. In the case where the failure to pay the transitional fine exceeds 60 days, the amount of the transitional fine shall be tripled. In the case where the failure to pay the transitional fine exceeds 90 days, the construction inspector shall take measures according to existing laws.

Article 49

Any person who fakes a document or provides false information to the competent authority in order to receive a certificate of occupancy, or fakes a certificate of occupancy or a report on the construction quality and safety control as stated in this sub-decree shall be held criminally responsible according to the provisions of the Criminal Code.

Article 50

A competent public servant who refuses to review application documents for a certificate of occupancy or rejects the granting of a certificate of occupancy without an appropriate reason shall receive a disciplinary administrative sanction, without prejudice to being held criminally responsible according to existing provisions.

Chapter 12
Transitional Provisions

Article 51

A construction site closing letter which was granted before this sub-decree comes into force shall be equivalent to a certificate of occupancy.

For a construction which has a construction site closing letter, the first-time construction quality and safety control shall be carried out within the period determined in this sub-decree, from the day when this sub-decree comes into force.

Article 52

For a construction which requires a building permit and was built before the Law on Construction came into force but does not have a construction site closing letter or a certificate of occupancy, the construction owner shall apply for a certificate of occupancy according to the principles specified in Article 106 of the Law on Construction promulgated by the Royal Kram No NS/RKM/1119/019 dated 2 November 2019. In such a case, the first-time construction quality and safety control shall be carried out within the period determined in this sub-decree, from the day of issuing the certificate of occupancy.

Article 53

Construction quality and safety control of a construction which was built before the Law on Construction came into force may also be carried out by:

1. A professional who has a permission certificate for business practice in construction structural design;
2. A professional who has a license for construction structural design;
3. A company which has a permission certificate for business practice in design; and
4. A company which has a license for general or construction structural design.

Chapter 13
Final Provisions

Article 54

Any provision that contradicts this sub-decree shall be abrogated.

Article 55

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

Phnom Penh,
Prime Minister

Samdech Akka Moha Sena Padei Techo HUN SEN

Having submitted to
Samdech Akka Moha Sena Padei Techo Prime Minister
for signature
Deputy Prime Minister,
Minister of Land Management, Urban Planning and Construction

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