

Regulations On Land Using In Industrial Clusters

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Abstract

This paper aims to analyze **Regulations on Land Using in Industrial Clusters – a case in Hanoi city**.

Methodology: using observations, experience, synthesis analysis, historical and dialectical methods and draws some educational lessons for students.

This study shows that The industrial cluster (CCN) model needs to be diverse, flexible, cannot be stereotyped, and mechanical. How large the area of the Clusters should be depends on the specific conditions of each locality..

Key words: Hanoi city, land using, regulations, recommendations

1. Introduction

Currently, there is a divergence of understanding among Vietnamese and foreign scholars and organizations about industrial clusters.

The concept of "Geographical clusters" or "Industrial districts" appeared in the late 19th century by Alfred Marshall, stemming from his study of the concentration of industrial production in the North of England. According to Marshall, CCNs have three basic advantages from centralization: The spread of information; The specialization and division of labor between establishments and the development of a diverse and highly skilled labor market. [70]. Later, the concept evolved into two different industrial approaches. French researchers such as Courlet et Pecqueur, Colletis ...

call local production systems. British and American researchers called the industrial cluster “Industrial Cluster” or “Industrial districts” with the approach of G.Becattini; Michael Porter... According to G.Becattini, a CCN is a socio-territorial entity characterized by the active presence of a community of people and business populations in a certain geographical and historical space.

Within aim of research, the study will analyze **Regulations on Land Using in Industrial Clusters**

Figure 1 – Beauty of Hanoi industrial clusters



(source: internet)

2. Methodology

Authors main use historicalism method combined with descriptive methods and qualitative analysis, together with observations and experiences.

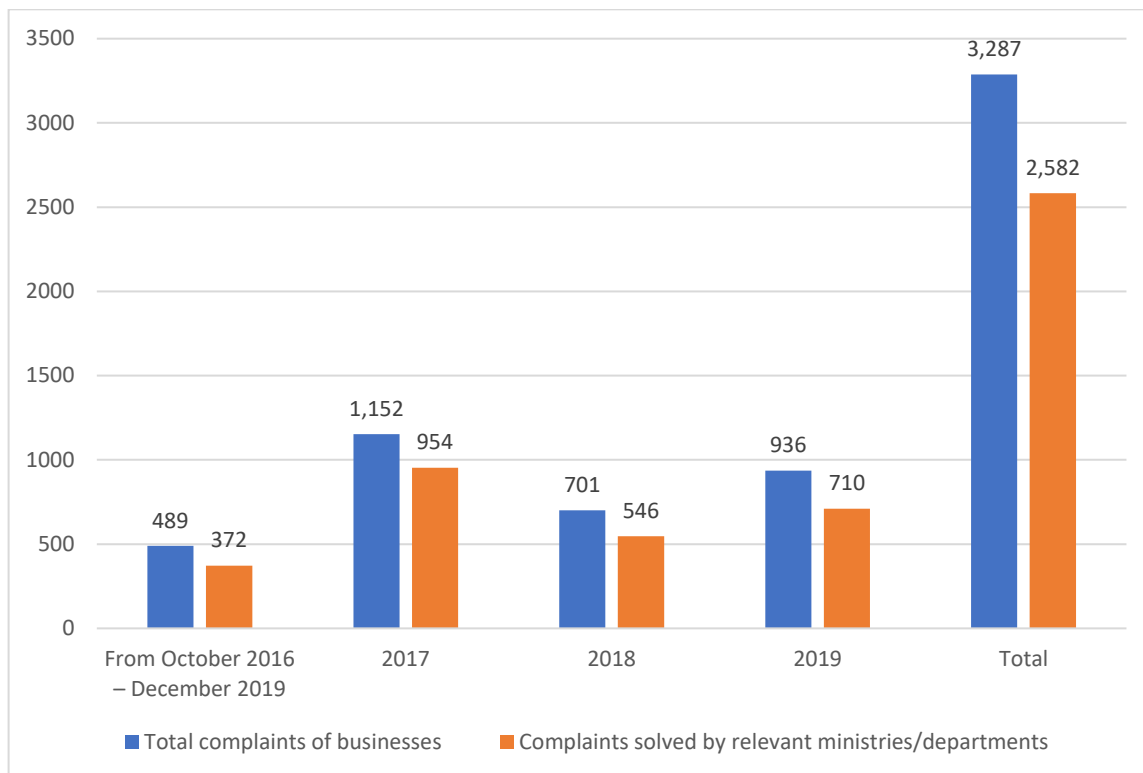
3. Main findings

3.1 Overall background

The Land Law has been under 5 times of revisions and amendments, most recently 2013. However shortcomings and overlapping with provisions of specialized laws have resulted in “vague” management responsibilities, making it difficult for practical implementation.

These shortcomings are reflected in complaints from businesses in the period from 2016-2019, mainly focusing on access to land, allocation and use of land (see Figure 1 and Report No. 0036/PTM-KHTH dated 8 January 2020 of VCCI for details)

Figure 1 – Total complaints solved



(source: report VCCI)

3.2 Regulations on land using in industrial clusters

According to Article 51 of Decree 43/2014/ND-CP, as amended by Clause 36, Article 2 of Decree 01/2017/ND-CP, supplemented by Clause 2, Article 3 of Decree 148/2020/ND-CP:

1. The duration of land use in industrial parks, export processing zones, industrial clusters and craft villages is according to the term of the investment project.

In case the term of the investment project is longer than the remaining land use term of the industrial park, export processing zone, industrial cluster or craft village, the enterprise investing in the construction and business of infrastructure of the industrial park, export processing zones, industrial clusters and craft villages must obtain permission from competent state agencies for permission to adjust the land use term accordingly, but the total land use term must not exceed 70 years and must pay land use levy. or land rent for the extended land area.

2. When making detailed construction plannings for industrial parks, export processing zones, and industrial clusters, provincial-level People's Committees shall base themselves on the current class of residential areas in the locality and housing needs of workers. Working in industrial parks, export processing zones, industrial clusters, arranging land fund outside industrial parks,

export processing zones and industrial clusters in accordance with master plans and plans on land use for the construction of apartment buildings, industrial cultural and social processes, services to serve the lives of workers.

3. The land use regime for craft villages is the same as the land use regime in industrial parks, export processing zones, and industrial clusters specified in Clauses 2, 3,4 and 5, Article 149 of the Land Law.

4. Provincial-level People's Committees shall organize the inspection, inspection and handling of cases of land lease or sub-lease in industrial parks, export processing zones, industrial clusters or craft villages but do not put the land into use or delay the use of the land compared with the land use schedule entered into in the land lease or sublease contract with the infrastructure investment and business enterprise.

5. Responsibilities of enterprises investing and trading in infrastructure of industrial parks, export processing zones, industrial clusters and craft villages:

a) When signing a land lease or sublease contract, the land use schedule must be specified in accordance with the implementation progress of the investment project and measures to deal with if the lessee or the lessee fails to do so. putting the land into use or delaying the land use schedule compared with the land use schedule signed in the contract;

b) Take responsibility before the State and law for the management and use of land in industrial parks, export processing zones, industrial clusters and craft villages; be responsible for inspecting, monitoring and urging the lessee or sub-lessee to put the land into use according to the schedule assigned to the safe in the contract;

c) Every year, enterprises investing in the construction and business of infrastructures of industrial parks, export processing zones, industrial clusters and craft villages are responsible for reporting to the provincial-level People's Committees, the General Department of Land Management and publicly announce the area of land that has not been leased or sub-lease in industrial parks, export processing zones, industrial clusters or craft villages on enterprises' websites.

Figure 2- Build industrial zones in Hanoi



(source: hanoimoi.com)

4. Discussion and Conclusion

The city plays an active and important role in the construction and development of industrial infrastructure as shown in:

- Concretize the policies of the Central State, strategies, development planning, standards and regulations for building industrial clusters;

- Provide incentives and incentives to attract investment in CCN;

- Acquiring land fund for construction of industrial parks;

- The State invests in the construction of infrastructure outside the industrial zone fence and supports investment in infrastructure construction within the industrial zone fence.

- Local governments with CCNs should be given a high degree of autonomy in terms of investment policies, use of local resources, and attraction of external resources. These policies are committed to consistent long-term to ensure confidence for investors.

- It is necessary to clearly decentralize and avoid overlapping the functions and tasks of the Management Board with the local State management agencies and functional departments. Strictly implement the "one-stop shop" mechanism and speed up the reform of administrative procedures to create maximum conditions and reduce troubles for investors.

Environmental factors must be regularly checked and evaluated.

- Encourage the development of services for industrial development such as credit guarantee, insurance and export promotion, organization of fairs.

Then, Construction and development of industrial infrastructure must ensure synchronous requirements and effective development of industrial zones. The expression of that synchronization is: synchronization between inside and outside the CCN; synchronization between technical infrastructure and social infrastructure; synchronization between the constituent

elements of the infrastructure. CCNs must win land fund for: building production factories; internal traffic; electricity, water and telecommunications supply systems; to build a centralized wastewater treatment station; planting trees; building operator, managing CCN...

Next, Socializing investment in infrastructure construction, attracting investment capital from the State budget, from production and business establishments in industrial zones and from other capital sources. Diversify economic sectors in infrastructure construction investment. The diversification of organizational forms of infrastructure development companies will create flexibility in mobilizing capital sources and dynamism in activities, thereby helping CCNs in Hanoi develop successfully.

And Select qualified infrastructure construction investors. The investor's capacity is reflected in the experience, financial resources, human and material resources, this is an important factor and has a great influence on the construction progress of the CCNs.

Moreover, The CCN model needs to be diverse, flexible, cannot be stereotyped, and mechanical. How large the area of the Clusters should be depends on the specific conditions of each locality.

Figure 3- Noi Bai industrial zones in Hanoi



(source: internet)

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Conflicts of interest

There is no conflict of interest

REFERENCES

1. A Abdollahi, B Vadivel, DTN Huy, MJC Oplencia, P Van Tuan. (2022). [Psychometric Assessment of the Persian Translation of the Interpersonal Mindfulness Scale With Undergraduate Students](#), *Frontiers in Psychiatry*, 632
2. DTN Huy. (2021). [Banking sustainability for economic growth and socio-economic development—case in Vietnam](#), *Turkish Journal of Computer and Mathematics Education (TURCOMAT)*, 12 (2)
3. DT Hien, DTN Huy, NT Hoa. (2021). [Ho Chi Minh Viewpoints about Marxism Moral Human Resource for State Management Level in Vietnam](#), *Psychology and education* 58 (5), 2908-2914
4. DTN Huy, TH Le, TD Thang, NT Hoa, LT Hue. (2021). [Discussion on E-learning solutions for students—and issues of technology application in classroom](#), *Design Engineering*, 11432-11443
5. DT Ngu, DTN Huy. (2021). [Ethnic minority language culture, places with original tay language elements and names inconsistency in Tuyen Quang provinces](#), *Revista EntreLinguas*, e021032-e021032
6. DVT Thuy, DTN Huy, VTK Anh, NN Thach, HT Hanh. (2021). [Quality of education of ethnic minority communities in vietnam-problems and recommendations](#), *Elementary education Online* 20 (4)
7. DTN Huy, TH Le, TD Thang, NT Hoa, LT Hue. (2021). [Discussion on E-learning solutions for students—and issues of technology application in classroom](#), *Design Engineering*, 11432-11443
8. DT Ngu, DTN Huy. (2021). [Ethnic minority language culture, places with original tay language elements and names inconsistency in Tuyen Quang provinces](#), *Revista EntreLinguas*, e021032-e021032
9. DTN Huy, NTT Hanh, NT Hang, PTH Nhung, NTP Thao, LT Han, DT Sang. (2021). [General solutions for enhancing quality of teachers during globalization in emerging markets including Vietnam-and some pedagogy psychological issues](#), *Psychology and Education Journal* 58 (4), 2343-2349
10. DTN Huy. (2015). [THE CRITICAL ANALYSIS OF LIMITED SOUTH ASIAN CORPORATE GOVERNANCE STANDARDS AFTER FINANCIAL CRISIS](#), *International Journal for Quality Research* 9 (4)
11. DTN Huy. (2012). [Estimating Beta of Viet Nam listed construction companies groups during the crisis](#), *Journal of Integration and Development* 15 (1), 57-71
12. DTN Huy, NT Hang, NT Dung. (2021). [Marketing Strategy based on Competitor Analysis-A Case in Vietnam Medicine Sector](#), *Revista Geintec-Gestao Inovacao E Tecnologias* 11 (3), 103-111

13. DTN Huy, PM Dat, PT Anh. (2020). [BUILDING AN ECONOMETRIC MODEL OF SELECTED FACTORS'IMPACT ON STOCK PRICE: A CASE STUDY](#), Journal of Security & Sustainability Issues 9(3)
14. DT Tinh, NT Thuy, DT Ngoc Huy. (2021). [Doing Business Research and Teaching Methodology for Undergraduate, Postgraduate and Doctoral Students-Case in Various Markets Including Vietnam](#), Elementary education Online 20 (1)
15. Dat, P.M., Mau, N.D., Loan, B.T.T., & Huy, D.T.N. (2020). Comparative China Corporate Governance Standards After Financial Crisis, Corporate Scandals and Manipulation, [Journal of Security and Sustainability Issues](#), 9(3). DOI:[10.9770/jssi.2020.9.3\(18\)](#)
16. DTN Huy, BTT Loan, TA Pham. (2020). [Impact of selected factors on stock price: a case study of Vietcombank in Vietnam](#), Entrepreneurship and Sustainability Issues 7 (4)
17. DTN Huy, VK Nhan, NTN Bich, NTP Hong, NT Chung, PQ Huy. (2021). [Impacts of Internal and External Macroeconomic Factors on Firm Stock Price in an Expansion Econometric model—A Case in Vietnam Real Estate Industry](#), Data Science for Financial Econometrics, 189-205
18. HX Nguyen, DTN Huy, H Van Pham. (2020). Supply Chain Agility and Internal and External Process Connectivity: The Impact of Supply and Product Complexity, Int. J Sup. Chain. Mgt Vol 9 (2)
19. Huy, D.T.N., & Hien, D.T.N. (2010).The backbone of European corporate governance standards after financial crisis, corporate scandals and manipulation, Economic and Business Review, 12(4).
20. HT Hanh, BM Chuyen, DTN Huy, NTT Phuong, HTL Phuong, LN Nuong. (2020). [CHALLENGES AND OPPORTUNITIES FROM IMPACTS OF FDI AND INCOME ON ENVIRONMENT POLLUTION: ROLE OF FINANCIAL ACCOUNTING TRANSPARENCY IN FDI FIRMS](#), Journal of Security & Sustainability Issues 10 (2)
21. I Patra, DTN Huy, F Alsaikhan, MJC Opuencia, P Van Tuan. (2022). [Toxic effects on enzymatic activity, gene expression and histopathological biomarkers in organisms exposed to microplastics and nanoplastics: a review](#), Environmental Sciences Europe 34 (1), 1-17
22. LT Lan, NT Hang, DTN Huy. (2021). [Developing Local Cultural Features through Community Tourism Services in Ha Giang Province, Vietnam](#), Revista Geintec-Gestao Inovacao E Tecnologias 11 (3), 2261-2275
23. LT Hieu, DT Huong, DTN Huy, M Dung, ND Trung. (2021). [Identifying learners' behavior from videos affects teaching methods of lecturers in Universities](#), Design Engineering, 11146-11157
24. LTV Nga, DTN Huy, NNT Hang, LT Lan, NN Thach. (2021). [Reforming specialized inspection procedures to improve business environment in vietnam for trade facilitation implementation](#), Management 25 (1)
25. NT Hang, DTN Huy, DT Tinh, DT Huyen. (2021). Educating Students in History and Geography Subjects through Visiting Historical Sites to Develop Local Economy and

- Community Tourism Services in Thai Nguyen and Ha Giang, *Revista geintec-gestao Inovacao E Tecnologias* 11 (3), 1-12
26. NT Hoa, DTN Huy, T Van Trung. (2021). Implementation of students scientific research policy at universal education institutions in Vietnam in today situation and solutions , *Review of International Geographical Education Online* 11 (10), 73-80
27. NT Hung, LT Hang, TTT Phuong, NTD Anh, VTT Hien, BT Thuy. (2021). [A Clinical Trial on the Glycemic Index of Nutritional Product for Diabetes Mellitus](#), *Journal of Pharmaceutical Research International* 33, 222-230
28. Nguyen Dinh Trung , Le Huong Hoa , Bui Thi Thu, Dinh Tran Ngoc Huy, Le Ngoc Nuong (2021). USING ENGLISH TO TEACH STUDENTS WITH SOCIAL SCIENCES MAJOR - VIA A CASE OF SOME VIETNAM NEWSPAPERS WITH THE UK, ITALIAN AND FRENCH APPROACHES and REGULATIONS ON PUBLISHING FAKE NEWS AND INTERNET CRIME, *Journal of Language and Linguistic Studies*, 17(3), 1711-1725
29. NT Hoa, DTN Huy. (2021). [Vietnam tourism services development during and after covid 19 pandemic: situation and solutions](#), *Revista geintec-gestao Inovacao E Tecnologias* 11 (3), 23-34
30. NT Hai, DTN Huy, NT Hoa, TD Thang. (2021). EDUCATIONAL PERSPECTIVES ON DIFFERENCES BETWEEN MANAGEMENT CASE STUDY AND ECONOMIC & FINANCE CASE STUDY TEACHING IN UNIVERSITIES , *Design Engineering*, 12022-12034
31. NTT Ha, PN Van, DTN Huy. (2021). [Opportunities and challenges for vietnam society and labor market when signing evfta agreement](#), *Elementary education Online* 20 (4)
32. ND Trung, DTN Huy, TH Le, DT Huong, NT Hoa. (2021). ICT, AI, IOTs and technology applications in education-A case with accelerometer and internet learner gender prediction , *Advances in Mechanics* 9 (3), 1288-1296
33. NT Hoa, DTN Huy. (2021). [Vietnam tourism services development during and after covid 19 pandemic: situation and solutions](#), *Revista geintec-gestao Inovacao E Tecnologias* 11 (3), 23-34
34. NT Hang, DTN Huy, TH Le, S Gwoździewicz, NTP Thanh, NT Dung. (2022). [Further Analysis on Internet of Things \(IOT\) Applications in Emerging Markets and Vietnam](#), *Ambient Communications and Computer Systems*, 407-416
35. NTN Lan, LL Yen, NTT Ha, PTN Van, DTN Huy. (2020). [ENHANCING ROLES OF MANAGEMENT ACCOUNTING AND ISSUES OF APPLYING IFRS FOR SUSTAINABLE BUSINESS GROWTH: A CASE STUDY](#), *Journal of Security & Sustainability Issues* 10 (2)
36. NTT Phuong, DTN Huy, P Van Tuan. (2020). [The evaluation of impacts of a seven factor model on nvb stock price in commercial banking industry in vietnam-and roles of Disclosure of Accounting Policy In Risk Management](#), *International Journal of Entrepreneurship* 24, 1-13

37. NT Hang, DTN Huy, DT Hien, VQ Nam. (2021). [IOT Impacts and Digital Transformation at Listed Vietnam Banks](#), Webology, 18
38. Nguyen Manh Huong, Le Thi Thuy An, Dinh Tran Ngoc Huy, Nguyen Thi Phuong Thanh, Nhu Thi Phuong Lan, Chu Thi Mai Huong, Mai Van Nam. (2021). Impact and features of Chinese realism in painting with focus on tradition and modernity. Journal for Educators, Teachers and Trainers, Vol. 12(1). 173 – 178
39. NTT Ha, PN Van, DTN Huy. (2021). [Opportunities and challenges for vietnam society and labor market when signing evfta agreement](#), Elementary education Online 20 (4)
40. NT Hoang, DTN Huy. (2021). [Cost-benefit Analysis of FDI: FDI Barriers and Firm Internal Capabilities](#), Revista Geintec-Gestao Inovacao E Tecnologias 11 (3), 1371-1381
41. NN Thach, HT Hanh, DTN Huy, QN Vu. (2021). [technology quality management of the industry 4.0 and cybersecurity risk management on current banking activities in emerging markets-the case in Vietnam](#), International Journal for Quality Research 15 (3)
42. NN Thach, N Van Bao, DTN Huy, BD Thanh, LTV Nga, TT Ha, NT Binh. (2020). [Measuring the Volatility of Market Risk of Vietnam Banking Industry After the Low Inflation Period 2015–2017](#), Review of Pacific Basin Financial Markets and Policies 23 (04),
43. PTH Trang, DTN Huy, NT Hoa, DT Huong, DT Ngu. (2021). Analysis of VI Lenin and Ho Chi Minh Views on the Youth Education Process , Review of International Geographical Education Online 11 (5), 4552-4559
44. PN Tram, DT Ngoc Huy. (2021). Educational, Political and Socio-Economic Development of Vietnam Based on Ho Chi Minh’s Ideology, Elementary Education Online 20 (1)
45. P Anh, DTN Huy, DM Phuc. (2021). [Enhancing Database Strategies for Management Information System \(Mis\) and Bank Sustainability Under Macro Effects-A Case Study in Vietnam Listed Banks](#), Academy of Strategic Management Journal 20, 1-15
46. TDV Thi, TNM Thu, DTN Huy, NT Thuy. (2021). [Effects of western culture and ho chi minh ideology on vietnam education](#), Elementary education Online 20 (4)
47. TH Le, DTN Huy, VXT Do Thu Huong. (2021). [Solutions To Enhance Students’ Awareness In E-Learning Training-And Technical Application For Education Quality Enhancement At Colleges And Universities](#), Design Engineering, 7648-7659
48. TH Le, DTN Huy, NT Hang, NT Dung, NTP Thanh, S Gwoździewicz, H Vu. (2021). [Human machine interaction and meanings of machine learning-a case of hand posture recognition from wrist-worn camera](#), Des Eng (Toronto) 7, 11174-11187
49. TTH Ha, NB Khoa, DTN Huy, VK Nhan, DH Nhung, PT Anh, PK Duy. (2019). [Modern corporate governance standards and role of auditing-cases in some Western european countries after financial crisis, corporate scandals and manipulation](#),
50. TTB Hang, DTH Nhung, DTN Huy, NM Hung, MD Pham. (2020). [Where Beta is going—case of Viet Nam hotel, airlines and tourism company groups after the low inflation period](#), Entrepreneurship and Sustainability Issues 7 (3),

51. TTH Ha, NB Khoa, DTN Huy, VK Nhan, DH Nhung, PT Anh, PK Duy. (2019). [Modern corporate governance standards and role of auditing-cases in some Western european countries after financial crisis, corporate scandals and manipulation](#), International Journal of Entrepreneurship 23 (1S)
52. Thi Hoa, N., Hang, N. T., Giang, N. T., & Huy, D. T. N. (2021). Human resource for schools of politics and for international relation during globalization and EVFTA. Elementary Education Online, 20(4)
53. TDT Vu, DTN Huy, NTH Trang, NN Thach. (2021). Human Education And Educational Issues For Society And Economy-Case In Emerging Markets Including Vietnam, Elementary Education Online, 20 (2)
54. Tran Thinh Quoc et al. (2022). Factors Affecting Foreign Direct Investment: Evidence on Tay Ninh Province, [The Journal of Asian Finance, Economics and Business](#), 7(9)
55. TDV Thi, TNM Thu, DTN Huy, NT Thuy. (2021). Effects of western culture and ho chi minh ideology on vietnam education, Elementary Education Online, 20 (4)
56. Van Tuan, P., Huy, D. T. N., & Duy, P. K. (2021). Impacts of Competitor Selection Strategy on Firm Risk-Case in Vietnam Investment and Finance Industry. Revista Geintec-Gestao Inovacao E Tecnologias, 11(3), 127-135.
57. V Van Chung, DTN Huy, DT Ngu. (2021). Eastern Philosophical Theories and MarxismLenin Philosophies in Viet Nam Society and Education, Review of International Geographical Education Online 11 (8), 1586-1591
58. VQ Nam, DTN Huy, NT Thuy, NT Hang, NT Hoa. (2021). [Historical Sites and Architectures in Thai Nguyen City and Ha Giang Province in Vietnam-Sources for Tourism Development](#), NEW ARCH-INTERNATIONAL JOURNAL OF CONTEMPORARY ARCHITECTURE 8 (2), 342-352