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 Alpred 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
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
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
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