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### COMPREHENSIVE HUMAN DEVELOPMENT ACCORDING TO LAW ON SOCIAL HOUSING IN VIETNAM

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#### ABSTRACT

**Purpose:** The paper analyzes and clarifies the relationship between ensuring the right to appropriate accommodation, reasonable and stable prices, and convenient living conditions for job search as well as essential services such as education, health care in the context that Vietnam is transforming its economy towards industry leading to the formation of more and more concentrated economic zones and migration from rural areas to urban areas as well as concentrated economic zones. This situation increases the pressure to meet the housing needs of workers, especially migrant workers. Effectively addressing the housing needs of migrant workers through social housing policies, in addition to close links between the state, investors and employers, must also rely on transparent and clear administrative procedures and reasonable social-housing price policy as well as preferential credit policy. **Theoretical framework:** There have been many studies explaining and clarifying the need to build a legal framework for social housing, especially social housing for workers and migrant workers from rural areas to urban areas or concentrated economic zones. In fact, the implementation of the law on social housing shows that the number of approved and implemented social housing projects has not met the great needs of reality; sometimes approved social housing projects are "suspended" or social housing projects cannot compete with commercial housing projects. This makes the expected effect of the social housing policy not obtained. **Design/methodology/approach:** The main method used in this study is the legal analysis method – a traditional jurisprudence research method (Pham, D.N. 2014). The source of the law used for analysis and evaluation is the 2014 Housing Law and its guiding documents. In addition to the State Law, the paper also uses legal norms in land, socio-economic development planning,

including planning for development of concentrated economic zones (including export processing zones, industrial zones, industrial clusters, high-tech parks), regional and urban development planning to clarify the requirement to ensure synchronization between development of the concentrated economic zone and development of infrastructure, especially housing, in which social housing is a factor to ensure sustainable development. In addition to the legal document data source, the paper also uses archival data sources, which are the research works published in scientific journals, the domestic and foreign scientific conferences. Besides, the paper uses the best experience of social housing development in the locality to properly deal with the relationship between urban development planning and the concentrated economic zone development planning. The general methods of the social sciences, including: the systems method, the functional structure method, and the historical method (Anol Bhattacharjee, 2012) are also used in this study.

**Findings:** In order to develop social housing, in addition to ensuring a reasonable social housing price, it also needs to be secured by appropriate land fund, financial and credit policies (for both investors and buyers of social housing) and harmony in the planning of social housing architecture (in the process of urbanization and development of concentrated economic zones). Besides, ensuring the harmony of architectural planning of social housing infrastructure to serve the needs of living, studying, and entertainment must also be given due attention. This expectation can only be achieved if there is strong involvement of state agencies to remove bottlenecks in the process of social housing law enforcement in Vietnam.

**Research, Practical & Social implications:** Social housing policies and laws in Vietnam have faced many difficulties in practical implementation. Therefore, most social housing is still "on paper", in legal regulations or in planning. This practice requires the effective and timely solutions to put the legal provisions on housing into practice in the spirit that the regulations must be implemented in practice.

**Originality/value:** Ensuring the enforcement of social housing legislation in Vietnam's development conditions requires more active participation of the state, including the central government as well as local authorities at all levels. Ensuring the land fund and capital source for investors to develop social housing is a necessary condition to obtain reasonable social housing prices. Simple administrative procedures and credit support are sufficient conditions for people to access social housing. Moreover, the State also needs to ensure harmony in the development of social housing in the process of urbanization and development of concentrated economic zones.

**Keywords:**

Social housing, Government, Comprehensive Human development

**1. Introduction**

Housing is an essential need of each individual and household, whereby, in

many different ways, each individual and household try to create a stable place to settle down and establish the career. In fact, in order to create his or her own accommodation, each individual and household must ensure an income source to pay. However, the pressure of population growth, urbanization, and mechanical migration from rural to urban areas, as well as the formation of large-scale industrial zones...have increased the housing demand for local workers to work and live. With the current income level of workers, especially young people, fresh graduates, migrant workers, it is very difficult to "save" to buy a house or if so, savings have not kept pace with the rate of increase in house prices in the area around industrial zones or in new urban areas (Ahmed, I., Sager, J. and Cuong, L.V. 2010; La H.A., Tran T.B., Nguyen U. 2019; Ingrid Leijten, Kaisa de Bel. 2020). In other words, in the real estate market, there is a large portion of individuals and households that have real housing needs but cannot access housing in the real estate market due to limited financial resources (Nguyen, A.T., Tran, Q.T., Vu, V.H., Luu, Q.D. 2019). In addition, equality in access to social housing is also an issue that needs attention while implementing the social housing development in practice (Do, N.H., et al. 2021; Taylor, O., Loubière, S. & Auquier, P. Homelessness. 2020; Francesco Maniglio & Fernando Casado. 2022).

Like other markets, the real estate market is also governed by the laws of the market economy. Investors in the real estate market often focus on developing a variety of market segments to meet the diverse needs of employees. It is a fact that, not many investors choose to participate in the social housing market. There are many reasons for this situation, but the long payback period is the main reason. Therefore, in order to develop social housing, the Governments of different countries have many different measures and methods to attract and develop the social housing market and identify the development of the social housing market as one of the priorities in their social security policies (Seo, D., Chung, Y., & Kwon, Y. 2018).

In Vietnam, promoting the development of social housing to meet the needs of policy beneficiaries with housing difficulties such as urban low-income people, industrial park workers, civil servants, public employees, officers and soldiers of the people's armed forces, through adjusting and supplementing the policies to increase supply and support solvency, is one of the goals of National housing development strategy for the period of 2021 - 2030, with a vision to 2045. When implementing social housing development, it is necessary to follow projects with locations and sizes associated with areas where many subjects have social housing needs, in land funds for social housing development arranged in urban -development-project planning, housing-development project to ensure fairness and increase access to synchronous infrastructure and essential social services based on the diversification of housing supply through the addition of practical forms of social housing development; preferential mechanisms for investment, land, finance, tax... in which focusing on encouraging organizations and individuals of all economic sectors to participate in the housing development for rent. In addition, it is necessary to pay attention to solving the needs of accommodation for workers associated with the production area, ensuring a synchronous response to the

essential technical and social infrastructure system in terms of transportation, health, education and culture of housing areas, creating stable accommodation, improving living standards so that workers can work and produce with peace of mind, contributing to social security. To meet the goals of social housing development, the Prime Minister has also proposed many solutions in line with the world's trend. That is sustainable development, inclusive development in the context of the growing economy, the increasing population structure, people's income; and the requirements and needs of people to choose housing will change, including social housing. Accordingly, the model of a large-scale social-housing urban area with synchronous technical and social infrastructure, which is arranged in planning the urban development project, and housing development project, is a one of the notable new points of the National Housing Development Strategy for the period of 2021 - 2030, with a vision to 2045.

The reality of social housing development in Vietnam due to the unclear concept of social housing, how to choose a model of social housing development, the role and participation of the state with the private sector in social housing development as well as financial resources to meet the needs of social housing in order to reduce the financial burden on beneficiaries of social housing are shortcomings and limitations that need to be changed to suit Vietnam's current development practice (Hoang, V.L.C, 2019, p.96-102; Seo, D., Chung, Y., & Kwon, Y. 2018). In addition to the issues of social housing prices, administrative procedures to access housing, the issues related to housing features, service quality and environmental policy are also an obstacle in satisfying the level of people's satisfaction with social housing (Trang, T.T.K., Tu, B.N. 2021; Nguyen, A.T., Tran, Q.T., Vu, V.H. 2018; Michelle L. Oren, Rachelle Alterman. 2020). Ensuring a sustainable choice in the social housing sector (Meehan, J. and Bryde, D.J. 2015) is a factor to help improve the effectiveness of social housing policies and laws in practice. Building the energy-saving social housing towards reducing living costs is a solution to protect the natural environment as well as promote the local economy and improve living conditions, especially for low-income people in the urban area (Le, V.T., Tran, T., Truong, T. 2018) through equipping extra technology applications and knowledge of social housing users. These are appropriate solutions in the current period. (Valentina Gianfrate, Chiara Piccardo, Danila Longo, Andrea Giachetta. 2017. p.102-112).

In the current period, it is very necessary to ensure the development of social housing with the ability to access minimum social services, especially the right to education of the next generation of beneficiaries of social housing policies. This is a very practical issue, the right to housing becomes meaningful when it is associated with the right to education and the right to convenient and easy access to medical services. To do this, it is necessary to legislate the requirement to ensure that the development of social housing planning is linked with the planning of health and education infrastructure for the people.

## **2. Social housing: a pillar of social security policy and in need of state support**

In the State's social security system, the guarantee of the people's right to housing is an indispensable policy. Historically, since the beginning of the implementation of Vietnam's Reform policy in 1986, the rate of urbanization has accelerated rapidly. This is evidenced by the fact that a large number of immigrants are from rural areas to urban areas where have many advantages for economic activities. Over time, migration has become, on the one hand, a major driver of urban growth, but on the other hand, it has also increased the shortage of standard housing for the masses. This is the reason why the Government has many policies to encourage people to create their own housing, and at the same time, establish public-private partnerships to provide types of diverse housing to meet the needs of many customers, especially those who have difficulty in creating housing because housing prices are constantly increasing (Hoa, T. Q. H., & Dinh Tuyen, P. 2021; Seo, D.; Kwon, Y. 2017; Jorge de Oliveira Musse, Aline Sacchi Homrich, Renato de Mello, Marly M. Carvalho. 2018).

According to the provisions of the Law on Housing 2004, in addition to the policy of encouraging organizations and individuals of all economic sectors to participate in investment and development of houses for sale, lease, or lease-purchase to meet the housing needs of low-income people and all classes of people in society, the State actively invests and develops the state-owned housing fund for lease, lease-purchase, serve the needs of mobilization and rotation of cadres and civil servants; the state has also policies to directly support a number of beneficiaries of social policies for housing improvement. For social housing, the State has mechanisms and policies to develop social housing funds, and at the same time, encourages organizations and individuals of all economic sectors at home and abroad to invest in the development of the social housing fund through exemption from land use levy, and land rent for land for construction of social housing; they are also exempted or reduced from relevant taxes as prescribed by law.

The Law on Housing 2014 has defined the nature of social housing as the housing with State support for beneficiaries of housing support policies. There are three forms of social housing development: i) The State invests in the construction of social housing with capital from the state budget, national public bonds, bonds, official development assistance capital, concessional loans from donors, and development investment credit capital of the State or construction investment in the form of a build-transfer contract on an area of land determined to build social housing in accordance with regulations for lease, lease-purchase; ii) Enterprises and cooperatives invest capital in the construction of social housing for lease, lease purchase, sale or purchase, or lease of housing for employees in their units to rent but with incentives from the State; iii) Households and individuals invest in the construction of social houses on their lawful residential land for lease, lease-purchase or sale, but with incentives from the State. For people with meritorious

services to the revolution according to the provisions of the law on preferential treatment for people with meritorious services to the revolution; For poor households and near-poor households in rural areas and households in rural areas in areas frequently affected by natural disasters and climate change, the State has the following housing support policies:

1. Partial support from the state budget;
2. Supporting for preferential credit loans from the Bank for Social Policies;
3. Supporting the construction of housing infrastructure in rural areas;
4. Support for allocation of residential land with exemption or reduction of land use levy according to the provisions of the law on land for cases where residential land is not available;
5. Support for housing donation for those who have no financial ability to improve their housing when they got partial support from the state budget or got a preferential credit loan from the Bank for Social Policy.

The provisions of the current Vietnam Housing Law have shown that the main goal of social housing is to meet the housing needs, especially the needs of vulnerable individuals and households or those with low and middle incomes. Thus, like other countries, ensuring people's right to have a place has been paid attention by the State and there has been a change from citizens having the right to have a place of residence (Article 61 of the 1980 Constitution) to Citizens having the right to build house according to planning and law. The rights of tenants and renters are protected by law (Article 62 of the 1992 Constitution). The current 2013 Constitution stipulates that citizens have the right to a lawful place of residence. The Vietnamese Constitutions show that the rights of citizens to have a place of residence are recognized in the Constitution, and the right to have a house is considered as an important right (Francesco Maniglio & Fernando Casado. 2022; Taylor, O., Loubière, S. & Auquier, P. Homelessness. 2020). Concretizing the right to have a legal place of residence, the Law on Housing stipulates that households and individuals have the right to have a place of residence through investment in construction, purchasing, leasing, hire-purchase, donation, inheritance, receiving the capital contribution, exchange, borrowing, staying in someone's house, the authorized housing management and other forms as prescribed by law, in which social housing development is an important solution.

### **3. Ensuring the right to have adequate accommodation in the development of concentrated economic zones: Social housing has not been given adequate attention**

Industrial park development is one of the highlights to realize the goal of industrialization and modernization of the country. However, the practice of sustainable development of industrial parks and economic zones in Vietnam has not yet ensured the balance between infrastructure of industrial parks and economic zones with educational and medical infrastructure for people living in social housing areas. This is the cause of the unbalanced development between

economic growth and social problems solving, in which, parents have to leave their children in the countryside to ensure their accommodation as well as the right to study and access medical services conveniently. In the long run, if migrant workers are not guaranteed the right to have a place of residence, it will not guarantee the right to care for children as well as the psychological stability of workers during the working process.

As of the end of April 2021, nationwide, there are 575 industrial parks in the master plan on development of industrial parks in Vietnam approved by the Prime Minister with a total natural land area of about 219.5 thousand ha, accounting for 0.66% of the total land area of the country, (Phuong Anh, 2021; Marina Sabelfeld, et al, 2022). Using the descriptive method, the Vietnamese law defines an industrial park as an area with definite geographical boundaries, specialized in manufacturing industrial goods and providing services for industrial production, established under the conditions, order and procedures prescribed by law. Industrial parks include many different types as and are described as follows (Government, 2018):

1. An export processing zone is an industrial park specializing in the production of export goods, providing the services for export production and export activities. It is established under the conditions, order and procedures prescribed by law applicable to with the industrial zone. The export processing zone is separated from the outside area according to the regulations applicable to the non-tariff zone specified in the law on export tax and import tax.
2. A supporting industrial park is an industrial park specializing in the production of supporting industrial products, providing services for the production of supporting industrial products. The rate of land area for investment projects in supporting industries to lease or sublease must be at least 60% of the industrial park's leasable industrial land area.
3. An eco-industrial park is an industrial park in which enterprises in the industrial park participate in cleaner production activities and use resources efficiently and have linkages and cooperation in production to realize industrial symbiosis activities to improve the economic, environmental and social efficiency of enterprises.

One of the notable points is that the law already stipulates on industrial - urban - service zones including zones with different functions. Accordingly, the industrial park is the main functional area. Services - urban areas with functions of supporting, providing social utility services for industrial parks, may include functional subdivisions such as houses, hospitals, schools, research & development centers, business incubation center and a number of other socio-economic work items which are necessary for the synchronous and sustainable development of the area). These areas are invested in and built to ensure the effective, sustainable development in economy, society and environment of the industrial park. The maximum size of the urban - service area does not exceed one third (1/3) of the



industrial park area.

In order to ensure the sustainable development of industrial parks and economic zones, the Government determines the development of housing, the social, cultural and sports facilities for workers in industrial parks and economic zones through policies to encourage employees to work in industrial parks and economic zones; employers and the infrastructure development enterprises of industrial parks and economic zones participate in investing in the construction of houses, the social, cultural, and sports facilities for employees in industrial parks and economic zones. On the basis of the Government's policies, the People's Committees at all levels are responsible for creating favorable conditions for employees to use medical, educational, social, cultural and sports services in the locality.

In order to develop harmoniously between the development of economic zones and industrial zones, the law determines the planning of housing, the social, cultural and sports facilities for workers of the industrial park in association with the planning of industrial parks in the area. Provincial-level People's Committees shall plan and arrange land funds in suitable locations for agencies, organizations and enterprises to build houses, and the social, cultural and sport facilities for workers in industrial parks. During the implementation of investment procedures for investment projects on infrastructure development of industrial parks, investors for developing infrastructure of industrial parks must report to the investment registration agency their plans for housing settlement, the social, cultural and sports works for industrial park workers.

For industrial zones with difficulties in housing, and the social, cultural, and sports facilities for employees, based on specific conditions, on the basis of recommendations of industrial parks infrastructure development investors and provincial-level People's Committees, the Ministry of Planning and Investment shall chair and coordinate with the Ministry of Construction to submit to the Prime Minister for permission to adjust the area of industrial parks in the planning on development of industrial parks to save a part of the industrial park's land area which has been cleared for investment in the construction of social housing, the social, cultural and sports facilities for employees. After being approved by the Prime Minister, the People's Committee of the province shall approve the adjustment of the planning on construction of industrial zones in accordance with the provisions of the construction law. In case the planned area for development of housing, the social, cultural and sports facilities is adjacent to an industrial park, the provincial-level People's Committee shall approve the industrial park construction planning associated with the construction planning of housing areas, the cultural and sports facilities for workers in the industrial park.

In addition to developing industrial parks and economic zones, the social housing development program for workers of industrial park has built 28,550 apartments and has been continuing to build 69,300 apartments. Social housing program for low-income people in urban areas has built 25,850 apartments; and



has continued to build about 61,290 apartments. The housing program for students invested by government bonds, has arranged the housing for 200,000 students, reaching an average rate of 80% of demand. (Dao, Q.V. 2017). Affordable housing projects for workers have been built in some areas, but the infrastructure has not been implemented for a long time, leading to negative impacts on workers' lives (Dang, H.Q. 2018). In other words, social housing development seems to focus only on factors to achieve sustainability goals (Akanbi Olusayo Oyebanji, Champika Liyanage, Akintola Akintoye, 2017. p.216-227), especially housing design criteria including affordability, sustainability, resilience and social needs (David Rockwood, Tran, D.Q. 2016, p.108-118).

Considerable European experience has shown the importance of a synthetic integrated approach in the construction or renovation of social housing, taking advantage of environmental sustainability, creating an urban identity, taking measures to face social disadvantage, while providing the quality housing standards (Valentina Gianfrate, *et al.* 2017. p.102-112), i.e. a strategy for realizing ecologically and economically optimized serial buildings for social housing (Vollmer, M. *et al.* 2021).

#### **4. Barriers in accessing and developing social housing**

##### **4.1. Credit and house prices**

Social housing loan programs have been built for a long time in developed countries such as the US, Europe and China. However, the social housing program has only appeared in Vietnam recently. Empirical studies related to access to bank loans in Vietnam are limited (Phan, D.K., Nguyen, T.D., Truong, T.T.H. 2019, p.82-90). The problem of low-income people's access to social housing is not simple in practice, despite many policy efforts. The policy of lending and mortgages with purchased social housing itself, paying principal and interest to the bank for many years is a measure to direct the support to homebuyers. However, it is the requirement to prove the ability to repay the loan that causes the opposite trend. It means that borrowers have to prove they have high income. Therefore, low-income families will be difficult to get a lot of loans (Nguyen, M.P. *et al.* 2016, p.67-75). Legal mechanism to ensure access to credit for implementing the social housing projects for both investment project owners as well as for people in need of social housing. For preferential credit capital for social housing development, of which the budget allocated to the Bank for Social Policies in the 2016-2020 period is low, about 2,163/9,000 billion VND (only meeting about 24 % of the demand of the Bank for Social Policies). Meanwhile, the capital source to provide interest rate compensation to credit institutions to lend to implement the social housing policy has, so far, not been arranged, leading to many social housing projects that cannot be implemented due to lack of capital... (Quy Anh, 2021). The practice of implementing credit policies for buyers, rent-purchasers of social housing shows that, in the period 2015-2020, the Bank for Social Policies has not yet provided

loans to investors of social housing projects, including social housing projects for rent. Commercial banks are designated by the State Bank to provide preferential loans for social housing, such as Vietcombank, Vietinbank, Agribank, and BIDV, because they have not been refinanced or subsidized with interest rate compensation from the state budget, they do not have credit sources to give preferential loans to social housing project investors. Therefore, in the past 5 years, all social housing project developers have had to take a commercial loan with an interest rate of about 9%/year and this cost is included in the selling price, rental price, and lease-purchase prices for social housing. This leads to a unit price of social housing up to about 18-20 million VND/m<sup>2</sup>; it is higher than the unit price of 13-15 million VND/m<sup>2</sup> in the period 2011-2015 (Tram Anh, 2021). According to calculations, by 2020, the state must allocate 9,000 billion VND to build social housing, but currently, the budget allocated to the Social Policy Bank in the 2016-2020 period is only 2,163 billion VND. This number only meets about 24% of the needs of the Bank for Social Policies, so there are many social housing projects that cannot be implemented due to lack of capital (Nam Huyen, 2021). In other words, addressing the capital needs for beneficiaries of preferential social housing policies is one of the central issues to be solved. Because, the common point of beneficiaries of preferential policies on social housing is those who have difficulty in creating their own accommodation and need support from state fees. Decree 49/2021/ND-CP dated April 1, 2021 of the Government amending and supplementing a number of "articles" of Decree No. 100/2015/NĐ-CP of October 20, 2015 on development and management of social housing stipulates that the State Bank of Vietnam is responsible for appointing a number of credit institutions to provide loans to support social housing and *"Issue guidelines on lending to support the social housing at designated credit institutions; direct the Social Policy Bank to guide the mobilization of savings deposits and lending procedures in accordance with the organization and operation of the Bank for Social Policies"*. Based on the assigned competence, the State Bank will issue detailed guidelines and regulations on support for social housing loans. The lending to support social housing should focus on state-owned commercial banks, or state-owned commercial banks with shares accounting for more than 50% of the charter capital. Only state-owned commercial banks or state-owned commercial banks with shares accounting for more than 50% of charter capital are allowed to support social housing loans because:

- Social housing lending is one of the social policy contents of the State to ensure the harmony between economic growth and solving social problems, especially support people who have difficulty in creating a place to live according to the Law on Housing.
- State-owned or state-owned commercial banks with shares accounting for more than 50% of the charter capital are large banks in the market, and capable of providing direct loans or syndicated loans for social housing projects with big value.

#### **4.2. Land fund for social housing development: unequal competition with land fund for commercial housing**

Land fund for social housing development is a matter of concern right from the formulation of the law on social housing. However, the land fund for social housing does not seem to exist, especially in the border areas between localities which have many industrial zones. In the area of Long An province, bordering on Ho Chi Minh City, there are many industrial parks, and the demand for housing for workers is also very large. However, land for construction of housing projects for workers is always available in industrial parks as soon as they are formed, but then they are turned into commercial houses by real estate businesses. At Nhat Chanh Industrial Park, Ben Luc district, Long An province, there is an area of more than 150 hectares. This industrial park was formed in 2006 with a land fund of more than 30 hectares for the construction of houses for workers and experts working in this industrial park. After that, this land fund was sold by the investor to Lien Minh Joint Stock Company. And then, Lien Minh Joint Stock Company transferred a part of the project to Thanh Yen Company as a commercial housing project to sell to people. For the remaining land fund with more than 14 hectares, so far, Lien Minh Joint Stock Company has been offering to sell to the real estate businesses for commercial housing. As for the regulation to set aside 20% of the land fund for the construction of social housing, in fact in Ho Chi Minh City, the number of commercial housing projects that actually use this land fund to build the social housing is only very small. According to previous regulations, for projects under 10 hectares, the investor can choose to pay in cash equivalent to the value of the land fund 20% of the land price that the investor fulfills obligations to the State in order to add to the locality budget to invest in the construction of social housing within the locality (Bao Chuong, 2021).

In order to ensure the effectiveness of housing policies for workers, the National Assembly requested the Government to focus on removing obstacles in mechanisms, policies and laws related to social housing and housing for workers (National Assembly, 2022), especially to ensure the land fund. The land fund for social housing development under current law includes two cases:

**Firstly**, for the land fund for social housing development, for investment projects to build the commercial housing, the urban areas

In case, a social housing project is required to allocate a 20% land fund for the construction of social housing according to regulations, but due to a change in the general planning, zoning planning, detailed planning of the locality, the allocation of the 20% land fund is no longer appropriate, the provincial-level People's Committee must report to the Prime Minister for consideration and approval. If approved by the Prime Minister, the People's Committee of the province shall clearly determine the location and area of land to be replaced at another location within the locality, and make adjustments to the master plan for the area, 20% land fund for construction of social housing at the project according to the

provisions of planning law, land law and relevant law (if any) and land allocation, land lease, and determine the payable land use levy for 20% land fund at the project in accordance with the provisions of the law on land and relevant laws; the proceeds must be added to the local budget for investment in the construction of social housing within the locality. In case the State uses the 20% land fund to build social housing by public investment capital or the state capital but public investment, the investor of the investment project to build commercial housing or urban areas shall be responsible for investing in the synchronous construction of technical infrastructure system according to the planning approved by the competent authority before handing over this land fund to the State. When the investor hands over the 20% land fund to construct the social housing to the State, the amount of compensation for ground clearance under the plan approved by the competent authority for this 20% land fund (if any) will be deducted from the financial obligations (land use levy, land rent) that the investor must pay, of the investment project to build that commercial house or the urban area. For investment costs for construction of technical infrastructure and other reasonable expenses as prescribed by law that the investor has made for the 20% land fund to be handed over will be refunded by the state budget according to the law on state budget...

**Secondly**, with regard to the land fund for the development of social housing in industrial park, when formulating and approving the planning for construction of the industrial park, the competent agencies which approve the planning must clearly determine the appropriate land area in the locality for the construction of social housing, the institution of the trade union to ensure synchronous technical and social infrastructure to serve workers and employees in that industrial park. In case the industrial park is in the formative stage, the People's Committee of the province is responsible for directing and organizing the land clearance and investment in building technical infrastructure for social housing for workers and employees in that industrial park according to the planning approved by the competent authority and transferred to the investor of the social housing construction project selected according to the provisions of Article 8 of this Decree shall deploy the project implementation. Expenses for compensation, ground clearance and investment in the construction of technical infrastructure of social housing areas shall be partially or fully allocated to the operating cost price of the infrastructure of that industrial park. In case the industrial park has been established but has not yet had or has not yet met enough housing for workers and employees in that industrial park, the planning and arrangement of land fund for social housing development in the industrial park shall be carried out as the following:

- Provincial-level People's Committees are responsible for organizing the formulation, appraisal and approval of planning (or adjust the planning) to add the land fund to suit the social housing development; implement compensation, land clearance and land recovery to assign to the investor of the social housing

construction project selected according to the provisions of Article 8 of this Decree for project implementation. The cost of land clearance compensation is deducted from the collection of land use levy and land rental left to the locality.

- For industrial parks that have not yet used up all industrial land, the competent state agencies may adjust the planning on construction of such industrial zones to reserve a portion of the land for development of social housing, and institutions of the trade union for workers, and employees in that industrial park according to the provisions of Clause 9, Article 77 of the Law on Investment No. 61/2020/QH14 dated June 17, 2020.

#### **4.3. Architectural planning of social housing has not yet ensured the balance with living conditions and access to basic social services**

In social housing urban areas, ensuring the right of access to social services is very important, because it helps people living in this area to be less disadvantaged compared to other living areas. Virgilio, Flavia believes that informal citizenship education and learning are very important. This helps to improve people's awareness and response capacity in exercising their citizenship. Son Truong, Tonia Gray, Kumara Ward (2022) argue that enhancing urban feature and creating a place in social housing through community gardening is the solution to reduce inequality in access to green infrastructure in their social housing as well as the surrounding community. David Prentice & Rosanna Scutella (2020) clarifies the role of social housing in Australia in providing a safety net to protect people from homelessness, but job-related insecurity, education, health... are issues that need to be addressed. Mary Cunningham Graham MacDonald (2012) housing as a foundation to improve educational outcomes among low-income children. Phuong-Thao, H.-T., Kung, S.-F., & Chang, H.-S. (2021, p.15-28) believe that in Ho Chi Minh City (Vietnam), social housing and apartments are suitable for the group of married workers with limited disposable income. They have higher requirements on the surrounding environment, health care, shopping needs, especially education to serve daily life.

The reality of social housing project development shows that the planning of social housing architecture has not been implemented synchronously with the development of health infrastructure, education for workers' children, and workers in other localities to live and work in industrial zones and economic zones. Many workers - beneficiaries of social housing policies - have to bring their children to the place of permanent residence registration to continue their studies or have to send their children to study in a non-public education system at a high cost while living conditions and income levels are still difficult. When parents are forced to send children back to their hometown to study and live in conditions of living away from their parents, lack of attention, care and closeness, this can distract children from their studies, and children can be drawn into social evils. This fact greatly affects the psychology and employee performance. In other words, the right to education in public educational institutions of the children of workers and outside-

the-province workers is very legitimate and needs to be guaranteed. To ensure the right to education of children of workers, employees working in industrial parks, it is necessary to balance the architectural planning of economic zones and industrial zones with the planning of social housing as well as the planning of educational infrastructure (ie, there are enough schools and classes corresponding to the size of the industrial park or economic zone). The right to education of employees' children cannot be guaranteed by an unsystematic style of work; such as annually supplementing, renovating and building many new public schools in parallel with non-public high schools, especially in the present industrial zones.

## **5. Conclusion**

Vietnam is a developing country with an increasing urbanization rate. The increasing trend of mechanical migration from rural areas to urban areas, plus labor movement into industrial zones and clusters in many localities, has increased the housing needs of employees. Therefore, addressing the housing needs of employees in the process of industrial-oriented development is a huge challenge for Vietnam. Assuring the right to housing for people is one of the major policies of the State. It reflects in the reality the social policy pursued by the State in a market economy in which citizens have the right to have a lawful place of residence (Constitution 2013, Clause 1, Article 22) in the process of building an independent and self-reliant economy, promoting internal resources, international integration and cooperation, a close association with cultural development, making progress and social justice (Constitution 2013, Article 50). As a result, the legal policy on social housing needs to ensure a balance of interests between low-income people (buying a house), investors (investing in building and selling houses or renting) and the state (promulgating supportive policies) in order to limit the incurring of unofficial, negative, and corrupt costs that lose the good nature of legal policies on social housing for people in need. Additionally, in the process of implementing the policy on social housing development, it is necessary to ensure the harmony of location, amenities - quality of housing, cost - accessibility to social housing. To increase feasibility and expand access to social housing credit, it is necessary to quickly build a social housing savings fund under the management of the State Bank to receive savings from individuals, households that are eligible to buy, lease-purchase social housing, "accumulate" gradually to buy, lease-purchase social housing. Through the issued fund certificates, buyers, leaser-purchasers of social housing will gradually form their own home-buying funds. When accumulating 30% of the value of social housing, homebuyers will be introduced to social housing projects to choose the right social housing for their needs. In addition, ensuring adequate accommodation for people in the planning of social housing architecture must include the planning of health and education infrastructure to ensure the achievement of economic development goals associated with solving social problems - one of the goals of sustainable development. Moreover, synchronously developing the planning of social housing architecture with access to social services, especially health and education, will help Vietnam achieve the goal of comprehensive human development, ensure the right



to education as well as access to other necessary social services in the process of living in social housing structures.

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