

LAND USE PLANNING OF INDUSTRIAL ZONES IN VIETNAM TOWARDS SUSTAINABLE DEVELOPMENT AND CLIMATE CHANGE RESPONSE

PLANEJAMENTO DE USO DO SOLO DE ZONAS INDUSTRIAIS NO VIETNÃ RUMO AO DESENVOLVIMENTO SUSTENTÁVEL E RESPOSTA ÀS MUDANÇAS CLIMÁTICAS

DOAN HONG NHUNG

Mrs. Doan Hong Nhung is a lecturer at Vietnam National University, Hanoi, University of Law, Vietnam
doanhongnhungvn@gmail.com

NGUYEN VINH HUNG

Mr. Nguyen Vinh Hung is a lecturer at Vietnam National University, Hanoi, University of Law, Vietnam
nguyenvinhhung85@gmail.com

KHUC THI TRANG NHUNG

Ms. Khuc Thi Trang Nhung is a lecturer at Hanoi Procuratorate University, Hanoi, School of Law, Vietnam
trangnhung.7987@gmail.com

Received: 05 Jan 2023

Accepted: 10 Mar 2023

Published: 30 Mar 2023

Corresponding author:

nguyenvinhhung85@gmail.com



Abstract: Currently, land use planning in industrial zones in Vietnam includes many different types. Therefore, research on industrial park land use planning in Vietnam is a necessary, scientific and practical work for the purpose of preserving a healthy, clean living environment and improving the quality of life for the people. On the other hand, Vietnam's Land Law 2013 is still in the process of collecting comments to amend, supplement and complete in the coming time. Hence, the article research on industrial park land use planning in Vietnam aims to point out the limitations and inadequacies in the legal regulations, from which to propose some recommendations.

Keywords: Land. Land Law. Law. Land use planning. Sustainable development.

Resumo: Atualmente, o planejamento do uso da terra em zonas industriais no Vietnã inclui muitos tipos diferentes. Portanto, a pesquisa sobre o planejamento do uso da terra do parque industrial no Vietnã é um trabalho científico e prático necessário com o objetivo de preservar um ambiente de vida saudável e limpo e melhorar a qualidade de vida das pessoas. Por outro lado, a Lei de Terras do Vietnã de 2013 ainda está em processo de coleta de comentários para emendar, complementar e completar nos próximos tempos. Portanto, a pesquisa do artigo sobre o planejamento do uso da terra do parque industrial no Vietnã visa apontar as limitações e inadequações nos regulamentos legais, a partir dos quais propor algumas recomendações.

Palavras-chave: Terra. Lei de Terras. Lei. Ordenamento do território. Desenvolvimento sustentável.

1. Introduction

Vietnam has a relatively fast economic development, which requires the State to pay due attention to land planning and land use plans. The general goal of land planning is to improve the efficiency and rationality of land use in a scientific and rational manner and to avoid waste. Therefore, land planning is a powerful lever that brings Vietnam's development to a new level. However, the very rapid development of industrial zones leads to the need for appropriate land planning and in addition, land planning must also aim at sustainable development and response to climate change.

2. Literature Review

Land planning in industrial zones towards the goal of sustainable development and response to climate change is a topic that attracts the attention and attention of many researchers in Vietnam. Therefore, many research works on the above content. Within a limited scope, some of the following typical research works have mentioned some related topics such as: Doan Hong Nhung in 2002 with *"Problems of craft village construction planning in drafting regulations construction law"*; Hong Hanh - Doan Hong Nhung in 2012 with *"Green growth and sustainable development"*; Doan Hong Nhung in 2012 with *"International law on environment and sustainable development goals in Vietnam"*; Doan Hong Nhung, Trinh Mai Phuong and Tran To Uyen in 2012 with *"Law on urban construction spatial planning"*; Doan Hong Nhung in 2012 with *"Criteria for assessing the level of sustainable development of real estate investment projects"*; Doan Hong Nhung in 2013 with *"Legal policy on management and exploitation of minerals associated with environmental protection"*; Doan Hong Nhung in 2014 with *"Urban planning with marine space in the work of protecting sovereignty over sea and islands and environmental protection in Vietnam"*; Doan Hong Nhung in 2015 with *"Legislation in the field of management and protection of forest resources"*; International seminar in 2017 with *"Legal policy on sustainable development related to Environment and competition in the Federal Republic of Germany and Vietnam"*; Nguyen Vinh Hung in 2023 with *"Perspectives from civil relations on the transfer of two-price real estate"*; Nguyen Vinh Hung in 2023 with *"Land Valuation according to market price in the Bill of Law on Land (amendment)"*; Mai Hai Dang and Nguyen Vinh Hung in 2023 with *"Impacts of land policy and land law on socio-economic development in Vietnam"*.

3. Methodology

In order to study the topic of land use regulation in industrial zones in Vietnam towards the goal of sustainable development and response to climate change, the authors mainly use traditional research methods of science and technology, sociology and legal science such as: Legal analysis method, legal effectiveness assessment method; and comparative law.

In general, the above research methods are used in close and harmonious combination by the authors to achieve the research objectives of the article.

4. Results and Discussion

“In Vietnam, the impact of inflation is often rapid and strong, so most people want to own a lot of real estate to preserve capital” (Nguyen Vinh Hung, 2023_1, p. 77). This greatly affects the land use planning of industrial zones. Therefore, the land use planning of industrial zones in Vietnam is strictly and methodically managed by the State.

4.1. Overview of land use planning for industrial zones in Vietnam

** Industrial park/ zone*

“Industrial park is an area with defined geographical boundaries, specialized in manufacturing industrial goods and providing services for industrial production, established according to conditions, order and procedures...Industrial parks include many different types, including: Export processing zones, supporting industrial parks, ecological industrial parks”¹

** Classification of the industrial zones*

An export processing zone is an industrial park specializing in the production of export goods, providing services for export production and export activities. It is established according to the conditions, order and procedures which are applied for the specified industrial park. These procedures are defined in Article 2 of Decree No. 82/2018 dated May 22, 2018.

¹ Article 2 of Decree No. 82/ND-CP dated May 22, 2018 "Regulations on management of industrial parks and economic zones".

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;

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;

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.

Industrial symbiosis in an industrial park is a cooperative activity between enterprises in an industrial park or with enterprises in other industrial parks in order to optimize the use of inputs and outputs such as raw materials, water, energy, waste, scrap... in the process of production and business. Through cooperation, businesses form a network to exchange factors for production, use common infrastructure and services for production, improve technological processes and improve business production efficiency.

The industrial - urban - service zone includes functional zones: The industrial park is the main functional zone; urban areas - services with supporting functions, providing social utility services for industrial parks (may include functional subdivisions such as: houses, hospitals, schools, research and development centers, business incubation center and a number of other socio-economic construction items which are necessary for the synchronous and sustainable development of the area), invested and built to ensure the effective development of the area; economic, social and environmental sustainability of the industrial park. The maximum size of the urban - service area does not exceed one third (1/3) of the industrial park area.

Expansion of an industrial park means the development of an additional area in an area with adjacent or adjacent boundaries that can be connected and shared with the technical infrastructure of the previously formed industrial park.

Industrial zone is an area of an industrial park with defined boundaries, in accordance with the construction planning of the industrial park, specializing in manufacturing and providing services for production in a number of industrial fields.

Investment project on development of infrastructure of an industrial park is an investment project that uses land in an industrial park to synchronously build technical infrastructure and lease or sublease it to investors to build houses, workshops, organize production and business according to the provisions of law.

** Industrial zone development planning²*

Firstly: Based on the socio-economic development strategy; national master plan; national and provincial land use planning, the Ministry of Planning and Investment shall assume the prime responsibility for, and coordinate with ministries, branches and People's Committees of provinces and centrally run cities (hereinafter collectively referred to the People's Committee of the province) are involved in formulating and submitting to the Prime Minister for approval the planning on development of industrial zones.

Secondly: The planning of industrial parks located in economic zones shall be incorporated into the general planning on construction of economic zones and submitted to the Prime Minister for approval in accordance with the law on construction. In case an industrial park is already included in the general planning on construction of economic zones approved by the Prime Minister, the procedures for adding the industrial park to the planning on development of industrial zones are not required.

Thirdly: The approved master plan on development of industrial zones and general planning on construction of economic zones shall serve as a basis for considering the investment, establishment and expansion of industrial parks; formulating master plans and plans on investment and development of technical and social infrastructure systems in service of the development of industrial parks.

4.2. Law on land use planning management in industrial zones

** Order of planning, establishment and expansion of industrial parks*

Firstly: Dossier and procedures, which adjust planning and addition of industrial parks into the planning for industrial parks development, are according to the provisions of Articles 6, 7, Article 8, Article 9, Article 10 and Article 11 of the Decree No. 82/2018 dated May 22, 2018. In case of adjusting and supplementing the planning of an industrial park located in an economic zone, the procedures for adjusting the general planning on construction of an economic zone shall be carried out in accordance with the law on construction.

² Article 2 of Decree No. 82/ND-CP dated May 22, 2018 "Regulations on management of industrial parks and economic zones".

Secondly: the order and procedures for deciding on investment policies for investment projects on infrastructure development of industrial parks, including industrial parks in economic zones, shall comply with the law on investment. Except for investment projects on infrastructure development of industrial parks using public investment capital, which comply with the law on public investment.

Thirdly: The order and procedures for granting an Investment Registration Certificate for an investment project to develop infrastructure of an industrial park shall comply with the investment law.

Fourthly: The People's Committee of the province shall issue a decision on the establishment of an industrial park or an expanded industrial park, according to the provisions of Article 13 2 of Decree No. 82/2018 dated May 22, 2018.

** Conditions for adding new and expanded industrial parks into industrial park development planning*

For the case of supplementing the planning of a new industrial park, the total industrial land area of industrial parks already established in the province or centrally run city for which projects have been registered for investment, granted The certificate of investment registration for land lease or sublease is at least 60%.

In the case of additional planning of an expanded industrial park, a number of other conditions prescribed by law must also be met.

** Additional appraisal of industrial park development planning*

Firstly: The appraisal content should clearly state the following contents: Legal basis and necessity of supplementing the industrial park development planning; The compatibility of the addition of the industrial zone development planning with the regional and provincial planning; The degree of satisfaction of the corresponding conditions of the addition of the industrial park development planning; Objectives, solutions, resource allocation for implementation of the planning and feasibility of supplementing the planning for industrial park development .

Secondly: Order and procedures for additional appraisal of industrial park development planning: Within 05 working days from the date of receipt of additional dossiers of industrial park development planning, the Ministry of Planning and Investment consult relevant ministries and branches. In case the dossier does not meet the requirements specified in Article 6 of this Decree, the Ministry of Planning and Investment shall send a written request to the provincial-level People's Committee to supplement or

change the profile. The time for supplementing and amending the dossier is not included in the appraisal time. Within 10 working days from the date of receiving the valid dossier, the ministries and branches shall send their comments to the Ministry of Planning and Investment. In case of necessity, the Ministry of Planning and Investment shall hold meetings with relevant ministries and branches and the People's Committee of the province or set up an Appraisal Council to clarify related issues. Within 30 working days after receiving the valid dossier, the Ministry of Planning and Investment shall summarize and submit it to the Prime Minister for consideration and decision.

** Adjusting and reducing the area of industrial parks, taking the industrial park out of the industrial park development planning*

Industrial parks already included in the master plan may be adjusted to reduce the approved planning land area or removed from the industrial park development planning to match the changes and adjustments in relevant planning, the possibility of investment attraction capacity of the industrial park; meet the requirements on national defense, security, environmental protection, natural resources and historical and cultural relics; the need to convert industrial park land to urban construction, housing, social, cultural and sports facilities for workers in the industrial park.

The approval of the adjustment to reduce the area of the industrial park and remove the industrial park from the planning on development of industrial parks by the competent authorities is the basis for carrying out the procedures for adjusting the planning on construction of industrial parks, moving change the purpose of land use in the industrial zone in accordance with relevant laws.

** Dossier for adjustment of industrial park area reduction, taking industrial park out of industrial park development planning*

Firstly: Report of the People's Committee of the province on reducing the area of industrial parks, removing industrial parks from the planning on development of industrial parks in the province, centrally run cities, includes a number of these following main contents: The necessity and legal basis for the adjustment of the planning; Assessment of the current status of construction and development of established and planned industrial parks in the province and centrally run cities, the central government, the contribution of industrial parks to local socio-economic development; Plan to reduce the area of the industrial park, remove the industrial park from the planning, including: Name, location, current status, area reduced, removed from the planning of industrial parks; reasons for

reducing the area, taking it out of the planning; Conformity with the local socio-economic development orientation; benefits and impacts of planning adjustment and settlement measures specific assessment of conformity with regional and provincial plannings; the satisfaction of the conditions for conversion of land use purposes according to specialized laws (if any); feasibility, efficiency, economic, social and environmental impacts of land use conversion.

Secondly: A report to the Prime Minister of the People's Committee of the province on reducing the area of industrial parks, removing the industrial parks from the planning on development of industrial parks in the province or centrally run city.

Thirdly: The dossier is made into 09 sets, of which at least 02 sets of original dossiers (01 set of original dossiers submitted to the Prime Minister) and 08 sets of dossiers shall be submitted to the Ministry of Planning and Investment for appraisal according to regulations, prescribed in Article 10 of Decree No. 82/2018 dated May 22, 2018. Article 51 of Decree No. 43/2014/ND-CP is amended by Clause 36, Article 2 of Decree No. 01/2017/ND-CP. Land for industrial parks, export processing zones, industrial clusters and craft villages is specified in Article 51 of Decree No. 43/2014/ND-CP guiding the implementation of the Land Law as follows: (This is amended by Clause 36. Article 2 of Decree No. 01/2017/ND-CP) The term of land use in industrial parks, export processing zones, industrial clusters and craft villages is according to the term of the investment project. If the investment 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 in industrial parks, export processing zones, industrial clusters, Craft villages must obtain permission from a competent state agency 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. When making detailed construction plannings for industrial parks, export processing zones, and industrial clusters, the People's Committees of provinces shall base themselves on the current status of residential areas in the locality, housing needs of employees working in industrial parks, export processing zones, industrial clusters, arrange land fund outside industrial parks, export processing zones and industrial clusters in accordance with master plans and plans on land use for construction of apartment buildings, office. The regime of land use for craft villages is applied in the same way as the regime of land use in industrial parks, export processing zones, and industrial clusters specified in Clause 2, 3, 4 and 5 of

Article 149 of the current Land Law. Provincial-level People's Committees are responsible for organizing the inspection and handling 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 the use schedule is late for the schedule compared with the land use schedule in contract with the infrastructure investment and business enterprise. Responsibilities of the business investment enterprise infrastructure of industrial parks, export processing zones, industrial clusters, craft villages: When signing a contract for land lease or sublease, the land use schedule must be specified in accordance with the implementation schedule of the first investment project and handling measures if the land lessee or sublessee fails to put the land into use or is behind the land use schedule compared with the land use schedule as agreed in the contract; To 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 lease or sub-lease to put the land into use according to the schedule agreed upon in the contract; Every year, enterprises investing in the construction and business of infrastructure of industrial parks, export processing zones, industrial clusters and craft villages are responsible for reporting to the provincial People's Committees, the General Department of Land Management and announcing publicize the land area not yet leased or sub-leased in industrial parks, export processing zones, industrial clusters and craft villages on the websites of enterprises, the People's Committees of the province where the land is located and of the General Department of Land Management.

In case the land lessee or sublessee fails to put the land into use, or is late to put the land into use compared with the schedule agreed upon in the land lease or sublease contract, except for force majeure cases specified in Clause 1 of Article 15 of Decree No. 82/2018 dated May 22, 2018, enterprises investing and trading in infrastructure of industrial parks, export processing zones, industrial clusters and craft villages are responsible for the following: the land lessee or sublessee shall take measures to put the land into use or have the right to unilaterally terminate the land lease or sublease contract; Make a list of cases where the land is not put into use or the land use schedule is delayed and report it to the Management Board of Industrial Parks, the Department of Planning and Investment, the Department of Natural Resources and Environment, the Provincial People's Committee, Ministry of Planning and Investment and Ministry of Natural Resources and Environment. Agencies receiving reports and enterprises investing and

trading in infrastructure of industrial parks, export processing zones, industrial clusters and craft villages are responsible for publicly publishing a list of cases in which land is not put into use or delay the land use progress on the website of the agency or unit.

In case an enterprise investing and trading in infrastructure of industrial parks, export processing zones, industrial clusters or craft villages has complied with the provisions of Clause 6 of this Article but the land lessee or sublessee still does not bring the land into the land. If the land use schedule is behind schedule, the People's Committee of the province, based on the inspection results and conclusions of the inspection, shall recover the violated land area of the lessee or sublease the land and assign it to the investors in infrastructure business of industrial parks, export processing zones, industrial clusters and craft villages. In case there is an investor wishing to use land, the investor trading in infrastructure of industrial parks, export processing zones, industrial clusters or craft villages shall lease or sublease the land to the investor for the area land that the State has recovered. The handling of related rights and obligations between the investor in infrastructure business in industrial parks, export processing zones, industrial clusters, craft villages and the lessee or sub-lessee complies with the provisions of civil law.

In case there is an investor wishing to use land, the investor trading in infrastructure of industrial parks, export processing zones, industrial clusters or craft villages shall lease or sublease the land to the investor for the area land that the State has recovered. The handling of related rights and obligations between the investor in infrastructure business in industrial parks, export processing zones, industrial clusters, craft villages and the lessee or sub-lessee. comply with the provisions of civil law

** Land use master plans and plans are approved by competent state agencies and consulted on making master plans and plans on land use.*

The State manages land by planning and law. In order to ensure strict management and economical and efficient use of land resources, the 2013 Land Law stipulates that “*The People’s Committees of provinces shall submit to the Provincial People’s Councils for approval a list of projects to be collected. land recovery prescribed in Clause 3, Article 62 of the 2013 Land Law before approving the district-level annual land use plan*”³. In order to specialize organizations and individuals in consulting activities on planning and use land use, contributing to improving the quality of land use planning and plans. The 2013 Land Law stipulates the issue of

³ Clause 3, Article 45 of the Land Law 2013.

"*Consultation on making planning and land use plans*"⁴. In the process of making master plans and plans on land use, the agency in charge of the elaboration of master plans and plans on land use may hire consultants for the formulation of master plans and plans on land use. The 2013 Land Law assigned the Government to prescribe conditions for organizations and individuals to provide consultancy on land use planning and planning.

** Land planning, land use planning in our country towards the goal of sustainable development, green growth*

The issue of "Green Growth" and the issue of "Sustainable Development"⁵ attract all the attention of many classes of people in many countries around the world. With a correct and clear assessment of the importance and necessity of national environmental sustainability, in 1992, the Government of Vietnam signed a commitment to implement Agenda 2.

In 2016, the United Nations Climate Change Summit (COP21) took place at Le Bourget Hall north of Paris. It is important that the United Nations and participating countries establish a process to begin in 2020 to reduce greenhouse gas emissions. Countries around the world need to make efforts to balance national and political interests in order to reach an agreement to protect the environment. With 17 principles of strict adherence (International Seminar, 2017) to Europe's economic - social - environmental development recorded in 2016 gives us the awareness that sustainable development is not just a strategy, a way of life for the hybrid future or an ethical concept that is a process of integrating the development of all aspects of human, society and nature. Responsibility for organizing the formulation of master plans and plans on land use is specified in Article 42 of the Land Law 2013; Article 7 Decree No. 43/2014/ND-CP; Circular No. 29/2014/TT-BTNMT detailing the formulation and adjustment of master plans and plans on land use.

In summary, industrial zone land use planning is placed in the context of general national land use planning and territorial planning. The completion of the industrial zone land use planning poses many problems related to the land use planning of interdisciplinary, cross-sectoral nature, related to the process of land exploitation and use in Vietnam.

Current, "the bill of Law on Land (amendment) is entering the decisive stage before it is approved by the National Assembly" (Nguyen Vinh Hung, 2023_2, p. 29). Therefore,

⁴ Article 47 of the Land Law 2013.

⁵ Decision No. 1393/QĐ-TTg dated September 25, 2012 of the Prime Minister approving the "*National Strategy on Green Growth*".

the comments in this period are very important, so that the land use planning of industrial zone brings practical value after it is approved. From that, the authors believe that, in order to improve the efficiency of industrial park land use planning towards the goal of sustainable development and effective response to climate change, it is necessary to consider solutions such as:

Firstly, land planning preserves the country's traditional cultural values, landscapes, and historical sites:

“Land is one of the scarce resources in Vietnam” (Mai Hai Dang et al, 2023, p. 522). Land use plannings and plans must ensure the following factors: On the one hand, preserving ancient architecture in geographical areas with long, ancient and ancient history... On the other hand, it is also necessary to take into account the preservation of the lives of the people living in the works on that land in order to have a plan for renovation, upgrading and restoration that can ensure national sustainability, directly related to the planning and land use planning. The initial registration, the registration of real estate changes, is the factor that “affects the representations of space” (Christian Taillard, 1992, p. 20).

Secondly, land planning must ensure economic, defense-security factors:

Article 41 of the 2013 Land Law stipulates the master plan and plan on land use for national defense and security. Clause 3, Article 126 of the 2013 Land Law stipulates that “Overseas Vietnamese, foreign-invested enterprises to implement investment projects or applications for land allocation or land lease but not exceeding 50 year”. Thus: The time limit for land allocation, land lease, and land lease for 50 years for foreign organizations, individuals, and joint-venture economic organizations to implement investment projects in Vietnam shall be considered and decided on the basis of Investment project office or application for land allocation or land lease but not exceeding 50 years. In the author's opinion, such a land lease period is much longer than business life. Vietnam has expanded its investment since 1986, so far, we have learned from the experiences of using and exploiting land resources from many countries around the world. Besides, for such a long time, many social, political and security relations have arisen, such as leasing land to foreigners for afforestation (Doan Hong Nhung, 2015) or remote mountains (North). There has been a mining project (Doan Hong Nhung, 2013, p. 11 - 14) with a key location, the location of which may affect national security, control the high regime, and a key national area (Central region). Many aquaculture projects near Khanh Hoa area near Cam

Ranh military port (South). For a long time, many workers, engineers and workers are of working age and married, so there has appeared "Village to marry foreigners", "Alien area" has arisen social complications. After leasing land to foreign organizations and individuals, the inspection and supervision of the land area of our State is very difficult. Because they were given land, they built a fence and built a leased space. The entrance and exit to the land areas are quite strict and difficult to check. For example: Tra Co Gold Stadium is very close to the sea, near the border between Vietnam and China, Da Nang Airport with a row of rented houses along the coast... will have a significant impact on national security. Therefore, policy makers and law makers need to pay attention (Doan Hong Nhung et al., 2012). Should the State consider obtaining multi-sectoral opinions on land planning in this area. Expand international exchanges but also need to delineate the important and important area and the appraisal and approval of land use planning⁶. It is necessary to evaluate the financial capacity of the investor to implement the project, which is an important factor to protect the domestic environment in determining the criteria for sustainable national development. To avoid taking land from the project to use for other purposes. When planning and planning land use, we develop legal norms that anticipate possible future situations. Consequences of marine environmental pollution caused by the Fomosa factory and industrial park on the central coast of Vietnam The regulations on marine spatial planning are new areas that need to be invested and studied to adjust the arising relationships in the future of Vietnamese legal science. The law on marine spatial planning will comply with international principles and standards that have been recognized and codified in Vietnam's 2012 Law of the Sea. Building a marine economic corridor for the Hoang Sa and Truong Sa archipelagoes is a necessary and meaningful work in terms of economy, politics, culture and society. It also protects national sovereignty, protect the value of floating landscape and underwater heritage of our people. Protection of marine ecosystems goes hand in hand with the protection of aquatic resources and development of fisheries. Conservation and development of resources from "blue ocean space". The use of solar energy, tidal energy from marine space contributes to ensuring energy security, protecting and exploiting the sea sustainably. Formulate and implement strategies, master plans and plans to manage, use, exploit and protect sea areas, islands and archipelagos in a sustainable manner for the purpose of socio-economic construction and development, defence security (Doan Hong Nhung, 2014, p. 45 - 48).

⁶Article 43, Article 44, Article 45 of the Land Law 2013

For investment projects, there are elements of unsustainable existence. Unsustainable impact factors are also revealed and come from the actual implementation of the project. When implementing a project, forecasting problems, forecasting, situations needing to be foreseen can happen to limit risks. This is the unsustainable element of urban development projects in Vietnam.

Thirdly, Vietnam actively participates in international and regional activities on the environment:

Vietnam works closely with neighboring countries and countries in the region to solve transnational environmental problems. Enhancing the position of our country in regional and global forums on environment. Make the most of financial and technical support from countries, international organizations and individuals for environmental protection. For developed countries and industrialized countries, the issue of land planning has been focused and developed in a systematic and methodical manner. For less developed countries, this issue has received less attention but that doesn't mean they don't care about planning but just stop at a certain limit. Although the level of interest of countries in the issue of land planning, urban planning is different. But it can be seen that this issue has become a global issue and is getting more and more attention from policy makers and law makers (Doan Hong Nhung, 2012_1, p. 63 - 65). The planning of coastal land and sea space will create a richness in the architectural appearance of a coastal urban area with modern Vietnamese style in the context of regional and international economic integration.

Regional planning and land planning, urban planning are changing day by day due to the pressure of population growth and economic growth. We need to take a holistic approach to socio-economic, environmental and architectural aspects of urban areas, which attaches importance to three issues: environmental protection, social justice and construction of living space (Peter Calthorpe, 2011, p. 43).

Fourthly, improving the quality of land planning for sustainable development:

According to the authors, it is necessary to simultaneously carry out solutions such as:

First, combating land degradation and protecting land resources sustainably.

Second, land planning needs a "conductor" who is a visionary and thoughtful architect who can build a land plan bearing the stamp of the times, and at the same time

can bring cities with "green architecture", has a specific appearance to respond to climate change and prevent natural disasters of Vietnam.

Third, land planning should pay attention to the issue of a clearer division between urban and rural areas.

Fourth, economical and sustainable exploitation of mineral resources on the mainland and outside of Vietnam's islands and archipelagos.

Fifth, protecting and saving water resources. Protecting water sources to provide adequate clean water for the people. Land planning should create the main green spaces at construction sites, being environmentally friendly such as sunshine, wind, ventilation, evaporative cooling and specific architectural landscapes, ensuring security. energy and sustainable development. Protecting water sources above ground and underground water.

Sixthly, land planning must be consistent with regional socio-economic development strategies, and must exploit all potentials from that land.

Seventh, protection and development of natural resources, forests, watershed forests; development of production forests and plantations to protect the ecological environment and conserve biodiversity.

6. Conclusion

In Vietnam, industrial zone land use planning is expressed through the will of the State, policy makers and law makers. Satisfactory settlement of the relationship between economy, culture - society and environment in general, between conservation and development in particular is a global issue. It is a concern in all countries, especially for developing and integrated countries like Vietnam. In particular, in order to plan land use for industrial zones in Vietnam towards sustainable development and effective climate change response, it is necessary to implement solutions such as: Land planning to preserve traditional values cultural system, landscape, historical relic of the country; Land planning must ensure economic, defense and security factors; Vietnam actively participates in international and regional activities on the environment; and improves the quality of land planning for sustainable development.

References

- Bui Van Vuong (2002). *Vietnamese traditional handicraft village*. Culture - Information Publishing House.
- Christian Taillard (1992). *Pratiques spatiales et réseau de relation*. Habitations et habitat d'Asie du sud-est continental, pratique et représentation de l'espace. L'Harmattan, Paris.
- Doan Hong Nhung (2002). *The issue of craft village construction planning in drafting construction legislation*. Construction Journal No. 11.
- Doan Hong Nhung (2012_1). *International Law on the Environment and Sustainable Development Goals in Vietnam*. Journal of Natural Resources and Environment, No. 24 (158).
- Doan Hong Nhung (Editor) Trinh Mai Phuong and Tran To Uyen (2012). *Law on urban construction spatial planning*. Monographs, Publishing company: Build and construction.
- Doan Hong Nhung (2012_2). *Criteria for assessing the level of sustainable development of real estate investment projects*. Natural Resources & Environment Magazine, Journal of Scientific and Professional Theory of the Ministry of Natural Resources and Environment No. 5(139) Term 1 March 2012.
- Doan Hong Nhung (2013). *Policy and legislation on management and exploitation of minerals associated with environmental protection*. Journal of Natural Resources and Environment, No. 05 (163).
- Doan Hong Nhung (2014). *Urban planning with marine space in the defense of sea and island sovereignty and environmental protection in Vietnam*. Construction & Urban Review, No. 33.
- Doan Hong Nhung (2015). *Legislation in the field of management and protection of forest resources, German international Education in Forestry - Development of a multifunctional forest management plan for A Luoi, Central Vietnam*. Location: Hall. Ground floor, Vietnamese-German centre, Hanoi University of Science and Technology, Tran Dai Nghia street, Ha Noi.
- Hong Hanh - Doan Hong Nhung (2012). *Green growth and sustainable development*. Natural Resources & Environment Magazine. number 5 (139).
- National Assembly (2012). *Law of the Sea of Vietnam 2012*.
- National Assembly (2013). *Constitution*.
- National Assembly (2013). *Land Law 2013*.
- National Assembly (2014). *Law on Environmental Protection 2014*.
- Nguyen Vinh Hung (2023_1). *A perspective from civil relations on the transfer of two-price real estate*. Journal of Legislative Studies, No. 01 + 02.
- Nguyen Vinh Hung (2023_2). *Determination of land prices at market prices in the draft Land Law (amended)*. Journal of Legislative Research, No. 03.

Mai Hai Dang and Nguyen Vinh Hung (2023). *Impacts of land policy and land law on socio-economic development in Vietnam*. *Lex Humana*. Vol. 15 No. 1 (2023), ISSN 2175-0947, Publication date: March. 02, 2023, <https://seer.ucp.br/seer/index.php/LexHumana/article/view/2458>.

Prime Minister (2004). *Vietnam's Strategic Orientation for Sustainable Development* - Issued together with the Prime Minister's Decision No. 153/2004/QĐ-TTg dated August 17, 2004.

Prime Minister (2012). Decision No. 1393/QĐ-TTg dated September 25, 2012 approving the “National Strategy on Green Growth”.

International Seminar (2018). *Legal Policy on Sustainable Development related to Environment and Competition in the Federal Republic of Germany and Vietnam*. Faculty of Law - Vietnam National University, Hanoi, 11/10/ 2017. Hanoi.