New Approach and Issues for the Urban Planning System in Vietnam
- The Practice of the Newly Formulated Urban Planning Regulations in Ho Chi Minh City-

Shigeisa MATSUMURA *, Nguyen Trong HOA ** and Truong Trung KIEN ***

Abstract
The urban planning system in Vietnam had been developed under the strong influence of the doctrines and practices of the former Soviet Union. However, following the adoption of the Doi Moi Policy in 1986, the Vietnamese economy has been in the transition from a socialist to an open market economy, and urban development activities have diversified from being state-run initiatives to private enterprises. Under such socio-economic circumstances, the urban planning system with its obsolete and inappropriate institutional structure has not appropriately regulated urban development activities in big cities in Vietnam. To deal with such institutional shortcoming, Vietnam’s Ministry of Construction (MOC), which is in charge of urban planning, has put a lot of effort to improve the legal system including the enforcement of the Law on Urban Planning in 2010, which is the first law on urban planning in Vietnam.

In Ho Chi Minh City, the most populous city in Vietnam, two legal urban plans covering the city’s central business district (CBD) were formulated in 2012 and 2013 in accordance with the newly established law. These plans are the first full-fledged urban plans based on the new law, and they contain many innovative regulations and guidelines to make up for the shortcomings of Vietnam’s current urban planning system. Among these regulations and guidelines are the regulation for awarding a bonus floor area ratio and the guideline for preservation of historical landscapes.

This paper discusses the development and issues of Vietnam’s legal system of urban planning, the contents and formulation process of the aforesaid innovative two urban plans for the CBD in Ho Chi Minh City, and the application situation of these urban plans for three years after their approval. These two legalized urban plans in Ho Chi Minh City have been utilized for the orderly creation of urban spaces with the contribution to the public good. However, since several issues on their application have been observed, the urban plans have to be reviewed and modified periodically. Also, to disseminate the innovative urban plans to other areas, the guidelines for the formulation of the complicated urban planning system and their operation manuals are expected to be made under the initiative of the MOC.

Key words
urban planning in developing countries, urban planning in the transitional period, urban development control mechanisms, Vietnam

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1. Introduction
In most of the developing countries, urban areas are not appropriately managed due to the lack of a well-established urban planning system in addition to the lack of financial and technical capacities of local authorities. In Vietnam, the legal system related to urban planning has steadily been improved by the Ministry of Construction of Vietnam, as observed in the enactment of the Construction Law in 2003 and the Law on Urban Planning in 2009 with the establishment of a large number of relevant regulations. Compared with the other Southeast Asian countries in which urban planning laws and regulations have not always been established sufficiently, Vietnam’s endeavors at improvement of the urban planning system is notable (Nagayama, 2004; Tokunaga, et al., 2002). However, Vietnam’s urban planning system was originally based on the doctrines and practices of the former Soviet Union, which were designed for application under a centrally based economic framework such that an obsolete and inappropriate institutional structure still remains in Vietnam, which has shifted from a socialist to an open market economy (GTZ, 2003; Kim, 2008; White, 1980).

In order to address the aforesaid institutional issue, the Ho Chi Minh City authority has made various noteworthy efforts to establish and enforce urban planning regulations, including the city ordinances for controlling development activities by several architectural types which are not or seldom seen in other local authorities in Vietnam (Matsumura, 2009). In particular, the zoning plan and architectural management guideline for the city’s expanded central business district (CBD), which had been formulated in 2012 and 2013, respectively, include the several innovative regulations which had never been established in other cities before. Also, their formulation processes were accompanied by the new approaches for Vietnamese urban planning experts, which were taken in a scientific and objective manner (DPA, 2012; Matsumura, 2012).

It has been more than three years since the urban plans were approved by the city authority. This paper discusses the development and issues of Vietnam’s urban planning system and the aforesaid two urban plans in Ho Chi Minh City by focusing on the formulation process and their application situations. The authors of this paper fulfilled the central role in formulating and enforcing those two legal urban plans.

2. Vietnam’s Urban Planning Legislation and Issues
The Law on Urban Planning, which is the first law on urban planning, was issued in 2009 and enforced in 2010. In this chapter, Vietnam’s urban planning legislation and its issues are discussed by showing the former urban planning system before enacting the law and the newly introduced urban planning system and how the law attempted to deal with the issues.

2.1 Vietnam’s Urban Planning System before the Law on Urban Planning
Vietnam’s urban planning system was developed predominantly from the doctrines and practices of the former Soviet Union; thus, it followed the basic structure of the Russian model that was designed for application under a centrally based economic framework (White, 1980; JBIC, 1999). As Vietnam’s economy rapidly transitions from a socialist to an open market economy, urban development activities have diversified from being state-run initiatives to private enterprises, activities bankrolled with foreign capital or other nongovernmental initiatives. This transformation paved the way for the obsolescence of the urban planning regime and its inappropriateness to Vietnam’s economic realities (Kim, 2008; GTZ, 2003).

The characteristics and issues of Vietnam’s urban planning system before issuing the Law
on Urban Planning, which is still a base of the current planning system, are shown below.

(1) The structure and characteristics of Vietnam’s urban planning system before the Law on Urban Planning

As a rule, the use of land in Vietnam is centrally controlled based on socio-economic development and spatial plans. The socio-economic development plan comprises the 10-year socio-economic development strategy and the five-year socio-economic development plan which in turn follows the plans and strategies formulated at two levels of local government, as well as central government, i.e., provincial governments or cities directly managed by the central government, and at another level, districts or cities (quận/huyện, thị xã, thành phố). The spatial plan is drawn up based on socio-economic development plans at these levels and plans on land use, transportation, utilities, industrial zones, etc. Historically, urban planning as part of spatial planning was developed in Vietnam based on institutions and principles applied in the former Soviet Union (GTZ, 2003; White, 1980).

In 2003, the National Assembly passed the Law on Construction which had institutionalized an inherent urban planning system. The urban planning system of Vietnam is centered on the realization of urban construction plans in public lands in accordance with socio-economic goals. This is the reason why the Vietnamese urban planning system is fundamentally different from those espoused in western countries, which control and promote the development of private lands.

The urban planning framework consists of two levels, i.e., general planning and detailed planning. Since it presupposes that the public sector takes charge of urban development as an investor, urban plans regulate considerably detailed items necessary to achieve public or socially important projects. For such cities managed by the central government as Hanoi City and Ho Chi Minh City, the urban planning system provided by the Law on Construction requires the formulation of four levels of plans: a general plan for an entire city and another for its districts (divisions of a city), as well as detailed plans drawn to scales of 1:2,000 and 1:500. A general plan includes development directions, land uses and locations of transportation and other large urban infrastructures. Detailed plans cover building criteria (land use, floor area ratio (FAR), building coverage ratio (BCR) and maximum building height) and other requirements (facility locations, infrastructure systems, greenery, urban design, etc.).

(2) The issues on urban planning system before the Law on Urban Planning

Major issues on the urban planning system before enacting the Law on Urban Planning are summarized below (GTZ, 2003; Ochi, 2010; Matsumura, 2012).

a) Less consistency in planning

There were few planning factors that ensured harmonization between general and detailed plans. For example, general plans do not effectively convey the philosophy of urban planning, such as planning concepts, urban structures and other planning policies. As a result, the consistency between general and detailed plans was not ensured. In addition, since detailed plans were basically prepared and approved by each district, the discontinuity of detailed plans in adjacent districts was found in several cases.

b) Less flexibility in Planning

In the documents of detailed plans, specific values for FAR, BCR and the like including certain shapes and parameters for buildings and infrastructure had to be indicated. These requirements in detailed plans resulted in less flexibility in the urban planning process. As urban development was carried out by private enterprises or through foreign investment on
top of public sector initiatives, it became difficult to adopt this kind of inflexible planning regulations to the progress of urban development. This caused inconvenience to developers as they had to constantly request the relevant authorities to review and amend the existing detailed plans every time they proceeded with their respective development projects.

c) Unclear role sharing between two detailed urban plans

Before development could be undertaken, two kinds of legal detailed plans at the scale of 1:2,000 and 1:500 were required, which had to be approved by the provincial or direct-controlled city level authorities. However, as the functions of these two detailed plans were almost the same notwithstanding the scale, the role sharing of them was not clear.

d) Groundless formulation procedure in urban plans

There was no established procedure for formulating the regulations of detailed plans, which include the criteria to prescribe the building volume, such as FAR, BCR and maximum building height, and the evaluation method of development impact. In many cases, therefore, due to the strong demand of developers, higher values of FAR and height restrictions tended to be admitted at the discretion of the person in charge of approving urban development projects in the competent agencies.

e) Lack of basic urban planning regulations

While detailed plans indicated not only such planning criteria as FAR, BCR and planned population but also building and infrastructure location plans in detail, some regulations which would be considered necessary to control urban development properly had not been included. For example, minimum requirement of abutting on roads (in terms of abutting length and road width) and site boundary regulations, such as setback regulations from site boundary, were not established. Also, there was no clear-cut rule and regulation for developers to make public facilities and basic urban infrastructure as their responsibilities.

f) Validity of land use category

The standard land use category for both general plans and detailed plans did not properly regulate current urban development activities. For example, there was no business and commercial category but administrative and public facility areas for central parts of big cities, and residential land use categories were coarsely classified only in two general types, i.e., existing and future, which could not be adequate for controlling and promoting an appropriate living environment. These land use categories seemed to be still somewhat influenced by the old socialist regime.

g) Lack of effectiveness in regulatory values

Since average values for FAR, maximum height and other planning criteria were taken in a block bounded by streets, the regulation of a plot, or plots, in that block depended not on statutory requirements but on the discretion of the person in charge of approving urban development projects in the competent agencies, thereby being vulnerable to arbitrariness. For example, even if FAR and maximum building height are stipulated as lower values for some blocks, higher values shall be permitted in a subdivided plot for the reason that the average value could be lower than stipulated ones. In many cases, therefore, decisions by city authorities tended to favor developers.

2.2 Vietnam’s Urban Planning System after the Law on Urban Planning

In 2010, the Law on Urban Planning was enforced to replace the provisions on urban planning included in the Law on Construction. The scale of detailed plans changed from 1:2,000 and
1:500 to 1:500 alone. Zoning plans newly provided by that law have to be prepared at a scale of 1:5,000 or 1:2,000 as an intermediate scale between the general and detailed plans (see Figure-1). The formulation of general plans is imposed only on provinces and cities directly managed by the central government; districts (quan/huyen) in these cities are not required to prepare such plans. To cope with large developments, zoning plans can cover an area straddling plural administrative boundaries.

Vietnam’s Urban Planning System before the Law on Urban Planning

<table>
<thead>
<tr>
<th>General Plan (Master Plan)</th>
<th>General Plan (Master Plan)</th>
<th>Detailed Plan</th>
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<tbody>
<tr>
<td>Provincial / Special City Level</td>
<td>District level</td>
<td>(1/2,000, 1/500)</td>
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<tr>
<td>(1/25,000, 1/10,000)</td>
<td>(1/10,000, 1/5,000)</td>
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Vietnam’s Urban Planning System after the Law on Urban Planning

<table>
<thead>
<tr>
<th>General Plan (Master Plan)</th>
<th>General Plan (M/P)</th>
<th>Zoning Plan</th>
<th>Detailed Plan</th>
</tr>
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<tbody>
<tr>
<td>Provincial / Special City Level</td>
<td>District level</td>
<td>(1/5,000, 1/2,000)</td>
<td></td>
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<tr>
<td>(1/25,000, 1/10,000)</td>
<td>(not mandatory)</td>
<td></td>
<td>(1/500)</td>
</tr>
</tbody>
</table>

Main contents of General Plan
- Analysis and evaluation of existing situation
- Development framework (demographic and socio-economic framework for the next 5, 10 and 20 years)
- Direction of urban development directions (land use, urban cores, development control areas, etc.)
- Large-scale infrastructure plans (ground height, transportation, water supply, drainage, sewerage, electricity, etc.)
- Environmental impact assessment
- Urban design

Main contents of Detailed Plan / Zoning Plan
- Analysis and evaluation of existing situation
- Attributes and functions of planned area
- Land use plans and planning criteria (FAR, BCR, height restrictions, etc.)
- Infrastructure plans (transportation, water supply, drainage, sewerage, electricity, solid waste management, etc.)
- Environmental impact assessment
- Urban design

Figure-1 Alteration of Vietnam’s Urban Planning System by the Law of Urban Planning

Source: Authors, based on the relevant laws and regulations

In the Law on Construction, 1:500-scale detailed plans were required before development permits were granted. As for development projects of which the area size is not larger than 5 ha (2 ha for residential projects), Decree No. 37 following the Law on Urban Planning allows the issuance of permits without 1:500-scale detailed plans, subject to formulation of zoning plans of 1:2000 scale, in accordance with the zoning plans and harmonization with the surrounding areas. After the enactment of the Law on Urban Planning, Decree No. 37 and Circular No. 10 were enforced in 2010 to specify rules and regulations to implement the Law on Urban Planning.

The new law has addressed the aforesaid issues of “less consistency in planning” and “unclear role sharing between two detailed urban plans.” However, most of the resultant regulations of zoning plans were prepared based on the framework of 1:2,000-scale detailed plans as provided by the Law on Construction. Therefore, the urban planning system even after the passage of the Law on Urban Planning still falls short of sufficient applicability to cope with
the other issues besides those two.

3. Formulation Process and Features of Two Legal Urban Plans

In Ho Chi Minh City, which has the largest population in Vietnam, innovative urban plans were formulated for the central business district (CBD) in accordance with the newly established law. This chapter describes the formulation process and features of those two legal urban plans.

In the city’s CBD for which two innovative legal urban plans were formulated, many beautiful historical buildings and parks created during the French colonial period still remain, and currently the area has been intensively attracting investment in urban development locally and abroad. In 2007, the city authority organized an international urban design competition for the expanded CBD including the adjacent waterfront urban redevelopment areas with a total area of 930 ha (see Figure-2 and Figure-3). The two legal urban plans for the area were formulated based on the winning urban design idea of the international competition.

As a common urban planning practice in Vietnam, the local authorities usually prepare a zoning plan to regulate urban development for a targeted area. However, in order to overcome the issues on the current urban planning system in Vietnam and materialize the winning urban design ideas, the Department of Planning and Architecture (DPA) of Ho Chi Minh City, a city’s competent authority of urban planning, decided to change the contents and formulation process of the zoning plan stipulated in the regulation and introduce an architectural management regulation.

An architectural management regulation (AMR) was newly established by the Law on Urban Planning, which could stipulate criteria that a zoning plan and a detailed plan could not. However, since there is no model regulation or guideline for the AMR, each local authority has to formulate its own regulations, which requires a high degree of professionalism. For most of
the local authorities, it is not easy to formulate the AMR; so that as of the end of 2016, there is still no legal AMR except the case of the expanded CBD in Ho Chi Min City.

The DPA had consulted with the Ministry of Construction before and during the formulation of those legal urban plans to explore the possibility of utilizing Vietnam’s existing urban planning system, considering that it was the first application of the newly established law for the city authority and the interpretation and application of the law had been changed from the ordinary manner.

3.1 Formulation Process and Contents of the Zoning Plan
The zoning plan for the expanded CBD contains three elements for addressing the issues of Vietnam’s urban planning system.

Firstly, the original land use categories were proposed to deal with the current urban development situation in the planned area. For example, to secure the flexibility of land use, mixed-use categories were introduced, which include Mixed Use, Office Emphasis Mixed Use, Residential Emphasis Mixed Use and Hotel Emphasis Mixed Use (see Figure-4). Besides them, the original land use categories which could be necessary to secure a good urban environment were introduced. This is a measure to deal with the aforementioned issue of “validity of land use category.”

Secondly, the planning criteria, such as FAR, BCR and maximum building height, are applied as the regulation of each plot. As mentioned above, in Vietnam’s regulation, average values for the planning criteria are taken in a block bounded by streets. Therefore, this is a special measure to deal with the aforesaid issue of “lack of effectiveness in regulatory values.”

Thirdly, the planning criteria related to building volume such as FAR were formulated in a clear and rational manner. In the formulation procedure, the degrees of road congestion in the planned area were measured, which would be caused by the traffic generated from the buildings to be constructed according to the set planning criteria. Through such study, it was verified that the average FAR in the planned area which could not have a negative influence to the future road network has to be less than 400%. This formulation procedure is to deal with the aforementioned issue of “groundless formulation procedure in urban plan.” The following is the detailed description of this procedure:

![Figure-4 Land Use Map of Zoning Plan (portion) and Original Land Use Categories](source: DPA of Ho Chi Minh City & Nikken Sekkei Research Institute)
The mean FAR of the entire planned area was preset in view of the road capacity. Figure-5 shows simulation results of traffic distribution for two cases where the mean FAR is taken as 5.0 (500%) and 4.0 (400%). Where the mean FAR is taken as 5.0, the mean degree of congestion is extremely near 1.0, in which case road capacity is almost equal to traffic volume. This means that many roads will cause traffic jams in excess of the road capacity. In Figure-4, roads in red are over the road capacity. On the other hand, where the mean FAR is set at 4.0, the number of roads in red decreases markedly. Considering that congestion of some roads in red can be eased by the use of local streets and secondary streets of which traffic flows were disregarded in the simulation, it is judged that, where the mean FAR is 4.0, no serious problems will occur in urban planning. Consequently, the mean FAR of the planning area was taken as 4.0.

The mean FAR of 400% thus determined was distributed to the five sub-areas (The CBD Area, The West Bank of the Saigon River, The Cultural-Historical Central Area, The CBD Adjoining Area and The Villa Area), depending on local characteristics, planned urban functions, public transport system, public open or green space, etc. of the individual sub-areas. The FAR distribution results range from 6.0 on average for the new urban center (the West Bank of Saigon River) to 2.5 on average for the housing area (The Villa Area).

3.2 Specific Features of Architectural Management Regulation
The following are specific features of the architectural management regulation, which was formulated to complement the regulatory function of the zoning plan in the expanded CBD.

i) Awarding bonus on FAR
The rule for awarding bonuses on FAR was introduced to promote the contribution to the
public good in urban development. The conditions of awarding bonuses on FAR are (1) urban redevelopment including secondary roads in Urban Redevelopment Promotion Area, (2) creation of public open spaces, (3) connection with public transportation facilities (subway stations), (4) preservation of historical buildings, (5) environmental consideration (environmentally friendly buildings, etc.) and (6) involvement of public parks (see Figure-6).

![Figure-6 Conditions of Provision of Bonus FAR of Management Regulation](image)

Source: DPA of Ho Chi Minh City & Nikken Sekkei Research Institute

**ii) Regulation map to complement zoning plans**

The regulation maps indicating the detailed regulations for controlling and promoting urban development activities were introduced. The regulation maps are expected to complement...
land use maps of the zoning plan, in which the regulations to designate alleys with a minimum width of 3 m, setback regulations for podium and tower parts, requirements of eaves and commercial use at the ground floor level, an “urban redevelopment promotion area” for promoting redevelopment with proper infrastructure in a large scale, etc. (see Figure-7).

iii) Guidelines for the preservation of historical landscapes
For the areas in which historical buildings and structures remain, the guidelines to stipulate urban design elements, such as color of buildings and design elements of a lower story part, were introduced to preserve the historical landscape.

iv) Slant-line regulations from site and road boundaries
Slant-line regulations from site and road boundaries were introduced to keep appropriate living environments and reduce a feeling of oppression from adjacent buildings. The different regulations were set for the aforesaid five sub-areas taking each sub-area’s characteristics into consideration.

v) Guidelines for developing underground spaces
Utilizing subway lines currently being developed, several underground spaces are currently being planned in the planned area, which include underground shopping malls, parking spaces and passages. In the regulation, therefore, the guidelines for underground spaces were introduced to stipulate the way of connection with surrounding buildings and to guide the design and volume of ground structures attached to underground spaces.

The above regulations and guidelines are to address one of the aforementioned issues of Vietnam’s urban planning system, the “lack of basic urban planning regulations,” and most of the aforesaid regulations had never been introduced in Vietnam before. Since an architectural management regulation has no standard stipulation, each local authority could freely formulate their regulations. Therefore, the contents of the regulations introduced in the Expanded CBD Area in Ho Chi Minh City could be a model to be expected to apply throughout the country.

4. Application Situation of Two Legal Urban Plans
The aforesaid zoning plan was approved by the city government (the People’s Committee of Ho Chi Minh City) in December 2012 and the architectural management regulation in June 2013. This chapter describes the application situation of those plans for almost three years after their approval.

Since FAR and maximum building height stipulations in the zoning plan are lower values compared to the ones usually regulated in the big cities in Vietnam, most of the developers complained about those values to the Department of Planning and Architecture (DPA), which is the agency in charge of urban planning. The DPA then explained to the developers that the regulation values were decided in a scientific and objective manner based on the capacity of traffic infrastructure, and if the developers provide public benefits, a bonus FAR is awarded. Thereafter, many developers negotiated with the DPA on awarding the bonuses on FAR according to the architectural management regulation. As a result, a strict zoning plan has been applied to all of the development projects except the lands owned by the Ministry of Defense on the basis that national security has priority over the urban planning regulations.

As indicated in the previous chapter, the zoning plan’s FAR was decided based on the road capacity. Furthermore, all of FAR was set up based on such infrastructure capacity with the value of awarded bonus FAR being added for two basic conditions: creation of public open spaces and environmental consideration. Therefore, the increased FAR by the bonus system will
not have a negative impact to the road network of the planned area.

Table-1 and Figure-8 show one of the projects for which the floor area bonuses were awarded according to the rule of the regulation. In this project, the several conditions of bonus awarding were accepted, including (1) environmental consideration, (2) suitable size and shape, (3) land lot borders a road with width of 30 m and over, (4) involvement of a public park, and (5) creation of open spaces. As a result of the accepted conditions, the project site’s FAR increased from 450% to 950%. In this way, the city authority has been utilizing the legal urban plan to increase FARs with reasonable conditions, which could show the impartial administrative procedure to the public.

<table>
<thead>
<tr>
<th>Bonus conditions</th>
<th>Awarded FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Environmental consideration</td>
<td>100%</td>
</tr>
<tr>
<td>2. Suitable size and shape of land lot</td>
<td>100%</td>
</tr>
<tr>
<td>3. Land lot borders a road with width of 30 m and over</td>
<td>100%</td>
</tr>
<tr>
<td>4. Involvement of a public park (see (4) in the figure at right)</td>
<td>100%</td>
</tr>
<tr>
<td>5. Creation of public open spaces (see (1)(2)(3) in the figure at right)</td>
<td>100%</td>
</tr>
<tr>
<td>Total</td>
<td>500%</td>
</tr>
</tbody>
</table>

Source: DPA of Ho Chi Minh City

As for the regulation on awarding the bonuses on FAR, besides the aforesaid five conditions, urban redevelopment including secondary roads in Urban Redevelopment Promotion Area has also been applied for several urban development projects. In addition to the areas indicated in the regulation maps, the DPA is now considering to include deteriorated condominiums and detached house blocks, both of which have hardly ever been developed, in the areas for promoting urban redevelopment. The other two conditions, connection with public transportation facilities (subway stations) and preservation of historical buildings, have yet to be applied, but developers are negotiating with the DPA for the application of these two conditions.

On the other hand, several provisions in the architectural management regulation have not been applied at all. For example, the Architectural Planning Committee (APC), which has a role in evaluating the large-scale urban development projects in the city, has opposed to applying the provisions for protection against rain and sunlight by building a canopy, a galleria or an arcade. The APC has insisted that the provision will seriously obstruct the freedom of architectural design. The APC has also opposed to applying other regulations, including fenestration, build-out, and commercial and retail facilities on the ground floor, for the same reason. Besides the provisions opposed by the APC, the slant-line regulation from site boundaries has also yet to be applied because the DPA considers that applying this in the CBD where many blocks are divided into small blocks but still having relatively higher FAR seems to be too restrictive.

In addition, the regulations have not been applied for most of the small-scale urban development projects. This is because such projects are usually approved by the lower-level
authority, the district (quan/huyen) governments, but the city authority has not provided the instructions of application of the architectural management regulation which will be difficult to enforce without sufficient information on application. For example, the regulation includes the design guideline for the historical area surrounding the old market, but most of the buildings surrounding the market are small, so that redevelopment of those buildings will be evaluated and approved by the district authority; and so far, the regulation has yet to be applied.

Some issues for the application of the regulation derive from the changing situation related to urban development in the city’s CBD. For example, several large-scale development projects approved before legalizing those urban plans were cancelled due to the recent economic decline and the large lots were subdivided into smaller pieces, but the architectural management regulation does not stipulate how to deal with such situation.

5. Conclusion
As indicated in the above application situation, the approved urban plans have been utilized for the orderly creation of urban space with the contribution to the public good, but several issues on the application of legal plans, in particular the architectural management regulation, have been raised. Some provisions have not been applied for the reason that they are considered to obstruct the freedom of architectural design, and others are considered too restrictive to be applied in the CBD. It is sometimes difficult to apply the provisions legalized in Ho Chi Minh City this time even in developed countries because they restrict private rights in some ways. Therefore, it is natural that the city authority is currently facing difficulties in actual application of some of the provisions in the large planned area of 930 ha where many land use right owners and stakeholders exist. Also, for small-scale urban development projects, the regulation has not been applied because the lower level governments have not been instructed the manners of application, and some issues come from the changed socio-economic situation related to urban development.

Since the approved architectural management regulation for the expanded CBD includes many innovative provisions ever formulated in Vietnam, the regulation has to be reviewed and modified periodically considering the application situation. Even for the provisions which were believed necessary in the approval time, if they are not currently applied for some reasons, including the opposition from the APC, such provisions have to be tentatively deleted. In the future, it could be considered that these provisions are applied in some specific area within the expanded CBD where consensus of stakeholders is reached. As for small-scale projects, the instruction has to be sufficiently provided to the lower level governments by creating an operational manual.

Besides the aforesaid issues raised for the planned area, the dissemination of innovative urban plans to other areas also becomes a problem, namely, the urban planning system established for the expanded CBD has yet to be applied to other areas until today, even within Ho Chi Minh City. One of the reasons for the difficulty of application of legalized urban plans is strict restrictions of private rights by those urban plans. This time the city authority showed strong leadership to approve the two innovative urban plans. However, this is not a common situation in Vietnam. The provisions to restrict private rights are usually opposed by land use rights owners. However, since the CBD in Ho Chi Minh City is a special area in which many historical buildings remain and important urban functions as a city center are concentrated, the city authority considered that even such controversial provisions could be allowed by citizens.
and stakeholders, namely, the planned area of two legal urban plans is the area with a favorable condition for the application of innovative urban plans. Another reason for difficulty of dissemination is complication of formulation procedure and its operation. The Ho Chi Minh City government is one of the exceptional local authorities with capable personnel who have the experiences to formulate and offer guidance on original urban planning regulations by themselves or sometimes with the help of foreign experts.

In order to overcome those issues and apply the urban plans legalized in Ho Chi Minh City, the guidelines for the formulation of complicated urban planning system and their operation manuals are expected to be created under the initiative of the central government, the Ministry of Construction.

In conclusion, while the establishment of the Law on Urban Planning has resulted in an improvement of several of the aforementioned issues of the current urban planning system in Vietnam, the new planning system still falls short of sufficient applicability to cope with them. The two innovative urban plans for the expanded CBD in Ho Chi Minh City were formulated to make up for the shortcomings of the current system. However, despite these efforts, one of the issues, “less flexibility in planning,” which would be the most critical and fundamental issue for the urban planning system in Vietnam, has yet to be overcome. Thus, the improvement by regulatory reform is expected.

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