Practices of Detailed Planning in Hanoi City under transition economy
Uncertainty of Detailed Planning In Cau Giay District

Tran Mai Anh*, Tetsuo Kidokoro**and Fumihiko Seta**

Abstract
Vietnam is currently under two transition processes: one is the shift from the centrally
planned to market oriented economy and the other is the rapid urbanization in response to high
economic development.

This paper focuses on exploring the administrative discretion, uncertainty and flexibility of
detailed planning in Hanoi city through case study in Cau Giay district. In this study, the
implication of detailed plans in Hanoi city in accordance with Master plan was briefly reviewed
and Cau Giay district, a newly developed district in the West of Hanoi city was thoroughly
investigated.

Analysis of policy documents, project documents, detailed plans and site surveys revealed
that the administrative discretion in planning may cause various issues including the
unpredictability, the unaccountability, the manipulation, the intrusiveness and the uncertainty. In
this study, four typical cases including New urban area of Yen Hoa (NUA-1), New urban area of
Nam Trung Yen (NUA-2), New urban area of Dich Vong (NUA-3) and New urban area of
Cau Giay (NUA -4) were selected for analyzing the consistency of detailed plan and to provide
evidences of more flexibility of detailed planning through negotiation within development
process.

It was found that: (i)By applying out-of-date standard, Hanoi master plan 1998 failed to
project the population development resulting in rigid and unrealistic development control factor
in district detailed plan. ii) Inappropriate ratios regulated from static, blueprint district detailed
plan and master plan, and most cases were modified to maximize ratios to meet developers’
demands. (iii) Readjustments of each small plot was firstly approved by “ask-give” negotiation
with HPC (before 2006) or with HPC and Cau Giay PC (after 2006), then the readjustment of
detailed plan was prepared with update of those plots, (iv) Readjustments were made for the
purpose of maximizing ratios, changing the land use purpose, but infrastructure system was not
adjusted accordingly.

It is recommended that more flexible but reasonable development control mechanisms and
tools should be introduced to facilitate the supply of affordable housing through individual or
small-scale housing developments as a major source of affordable housing. Besides, it can be
pointed out that there is an urgent need of decentralizing the power of development control,
together with the streamlining development control process toward the direction of being more
flexible and transparent.

Keywords: Detailed planning, master plan, negotiation, uncertainty, Hanoi, new urban area

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Introduction

With a great determination on globalization and integration, Vietnam entered a period of transition since the Economic Renovation started in 1986. The previous absolute domination of the state sector is being gradually replaced by multi-sector economy. For instance, from 1986, the subsidized-housing provision hardly satisfied the increasing housing demand. The government, thus, provided a series of policies and regulations, such as commercialization, privatization and socialization of housing provision.

Responding socio-economic transformation, urban planning system has been restructured and reformed. The National Commission of Basic Construction (NCBC) was restructured and organized to be Ministry of Construction (MOC). MOC issued hundreds of policy documents for planning and development control. The foremost one was Decision 322 BXD/DT dated 1993/12/28 on regulating urban planning making process. However, the main contents and process of making urban plan including master and detailed plans were fundamentally based on Soviet Union experiences in 1970s. Development control items, norms, technical standards were also based on that old system that is no longer suitable for rapid urbanization. The most significant changes introduced by the new Construction Law were incorporated within the new Decrees on Planning and on Construction Investment Project Management, both enacted in early 2005. The most important point in the Construction Law was the decentralization of the power of development control to the local level.

The basis for making construction plans are the previously approved plans including social–economic development plans, related sectoral plans, infrastructural structure planning for environmental protection, regional construction plan, general construction plan, construction plan for the network of rural residential gathering places, and other existing developments (construction projects, buildings ...) within the area being planned. The construction plans should be in compliance with standards, regulation, and the task that has been approved for the construction plan.

Construction plans are divided in three types: Regional Construction Plans; Urban Construction Plans, which include: Urban General Construction Plans and Urban Detailed Construction Plans; Construction Plans for rural residential areas.

From 2006, by the decentralization policy mentioned above, detailed plans were prepared with the approval of Local People Committees. Specific information of urban space, including the quality, quantity and the position of each development type and building footprint were pre-determined in these detailed plans. In addition, an urban design element was also introduced by the 2005 Planning Decree in which such information like architecture, built form, construction heights, landscape of each urban area and street, etc. will be defined.

Development control items are those regulated by the Construction law. The most important items are: (1) Land use which categorized in to residential land, public use, greenery, military use, industrial use, integration area and infrastructure use; (2) Floor Areas Ratio-FAR is regulated from street plot into each building block; (3) Building Coverage Ratio- BCR is regulated in to street plot and individual land lot; (4) Red line is a construction limitation line which regulates the set back of building; (5)Volume together with FAR is regulated by maximum and average height limits as well as vision limit. The development control including 4 main different certificates: investment certificate, planning certificate, land use certificate and building permission. These documents are issued by different departments under City authority.


1. Implication of detailed planning in Hanoi city in accordance with Hanoi Master Plan

Mater plan of Hanoi city approved in 1998 has been a legal basement for formulating and implementing detailed planning throughout these 10 years. Data collection from HAUPA shows that, from 1998 to 2001, Hanoi formulated, appraised and approved 14 detailed plans for 14 districts (9 urban districts and 5 rural districts); 200 detailed plan at scale 1/2000 and 1/500 in all types of detailed plan; 100 detailed plans for NUAs and industrial zones. In Figure 6-3, areas covered by district detailed plan is marked in red. The contents, procedure of formulation, appraisal and approval detailed plan based on different policy guideline mentioned in previous chapter. Recently, Hanoi completed decentralization program on urban planning to district authorities including formulation, appraisal, and approval tasks of detailed plan.

This program was not implemented at a time but incrementally applied in the inner urban core districts (Hoan Kiem, Hai Ba Trung, Ba Dinh, Dong Da) first in 2006 and urban fringe districts (Cau Giay, Hoang Mai, Thanh Xuan, Long Bien, Thanh Tri) in 2007 and others (Tu Liem, Cau Giay, Gia Lam, Dong Anh, Soc Son) in 2008.

Table 1: Consistency of population in District detailed planning to Master plan 1998
(Update based on HAIDEP, 2005)

<table>
<thead>
<tr>
<th></th>
<th>Population</th>
<th>Change of population</th>
<th>Difference (Reality and plan)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1999</td>
<td>2005</td>
<td>Master plan 19981</td>
</tr>
<tr>
<td>Hanoi city (old)</td>
<td>2,680</td>
<td>3,150</td>
<td>2,900</td>
</tr>
<tr>
<td>Urban core</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ba Dinh</td>
<td>200</td>
<td>230</td>
<td>180</td>
</tr>
<tr>
<td>Hoan Kiem</td>
<td>170</td>
<td>180</td>
<td>150</td>
</tr>
<tr>
<td>Hai Ba Trung</td>
<td>270</td>
<td>310</td>
<td>280</td>
</tr>
<tr>
<td>Dong Da</td>
<td>330</td>
<td>370</td>
<td>270</td>
</tr>
<tr>
<td>Urban fringe</td>
<td>670</td>
<td>890</td>
<td>830</td>
</tr>
<tr>
<td>Cau Giay</td>
<td>90</td>
<td>110</td>
<td>110</td>
</tr>
<tr>
<td>Thanh Xuan</td>
<td>150</td>
<td>200</td>
<td>160</td>
</tr>
<tr>
<td>Cau Giay</td>
<td>120</td>
<td>170</td>
<td>140</td>
</tr>
<tr>
<td>Hoang Mai</td>
<td>160</td>
<td>230</td>
<td>180</td>
</tr>
<tr>
<td>Long Bien</td>
<td>150</td>
<td>180</td>
<td>220</td>
</tr>
<tr>
<td>Suburban</td>
<td>340</td>
<td>420</td>
<td>390</td>
</tr>
<tr>
<td>Tu Liem</td>
<td>190</td>
<td>260</td>
<td>220</td>
</tr>
<tr>
<td>Thanh Tri</td>
<td>150</td>
<td>160</td>
<td>170</td>
</tr>
<tr>
<td>Rural district</td>
<td>700</td>
<td>750</td>
<td>790</td>
</tr>
<tr>
<td>Soc Son</td>
<td>250</td>
<td>260</td>
<td>280</td>
</tr>
<tr>
<td>Dong Anh</td>
<td>260</td>
<td>280</td>
<td>270</td>
</tr>
<tr>
<td>Gia Lam</td>
<td>190</td>
<td>210</td>
<td>240</td>
</tr>
</tbody>
</table>

Interview with officers, the most difficult tasks to implement decentralization is capability of local authorities. HAUPA and MOC coordinated and organized several seminar and course work to train local staffs.

After 10 year of implication, urban spatial regulation controlled in master plan 1998 and urban spatial regulation approved in district detailed plan have great changes. Number of population is the main criteria to evaluate the consistency of detailed plan to master plan. Table 1 shows the different of population in 2005 in reality and projection by master plan in 2005.
The most fluctuated is urban fringe, where planned as green buffering zone by master plan 1998 Reasons for failures of district detailed plan in 1999 could be summarized as bellow:
- Projection of development based on out-of-date building code and standards could not catch up with rapid urbanization under transition
- District detailed plan based on master plan are too general but accompanied by very detailed and rigid spatial control factors
- Only land use and road network plan prepared for urban management

2. Case study in Cau Giay

2.1. Selection of case studies

Since 1990s, Hanoi expanded in to a large urban area, the management of vast projects at the central level is proving to be difficult. While the master plan at the city level provides the basic orientation and framework for urban development and project implementation, it does not adequately and precisely reflect local conditions. Consequently, under the new Construction Law, the responsibility and power to carry out the Detailed Plan were transferred from Hanoi People's Committee (HPC) to the District People's Committee (DPC). The DPC is responsible for working out the detailed plan on urban construction in line with socio-economic development demands, construction management requirements, investors’ requirements, and ideas of residents in the area.

In addition, the urban land use change has to be managed well both by controlling development on one hand and guiding and promoting urban development on the other. There is a need to set in place a suitable institutional structure to manage this change. To strengthen institutions for effective urban management and capacity building as mentioned in the proposed strategy under the Hanoi City Master Plan, introduction of alternative implementation methods such as land readjustment is significant to carry out urban development effectively.

Cau Giay district forms as a part of the urban fringe area. It has the fewest Hanoi’s districts. 44.8 % of Cau Giay’s land area is urban residential land. From the period 1999 to 2003, Nghia Do and Dich Vong urban densities increased from less than 150 to around 250 persons/ha. The fastest growing communes are Dich Vong (greater than 12%) and, Nghia Do and Trung Hoa (from 6% to 12%). Cau Giay is one of the districts recently developed from “the territory of the old districts and precincts to satisfy the development demands of the city. In these new districts, the construction tempo has increased on the Basis of the better planning.” A number of new apartments are being constructed in the new development area, including, Trung Hoa Nhan Chinh Apartments. In this district there are also three resettlement sites totaling about 86 hectares in Dich Vong and South Trung Yen. Cau Giay has about 5% of unused land that could be translated into potentially developable land. Four typical cases were selected for analyzing the consistency of detailed plan and to provide evidences of more flexible of detailed planning through negotiation within development process: New urban area of Yen Hoa (NUA-1), New urban area of Nam Trung Yen (NUA-2), New urban area of Dich Vong (NUA-3), New urban area of Cau Giay (NUA -4)
Figure 1: Cau Giay District Detailed plan (left) and Cau Giay population data in fact and projected in master plan 1998
(Source: gathered by author from HAUPA and HAIDEP, HSO)

2.2. New Urban development for Yen Hoa NUA-1: Process of new urban development after 2006

<table>
<thead>
<tr>
<th>TT</th>
<th>Use of land</th>
<th>S (ha)</th>
<th>(%)</th>
<th>Norm (m²/p)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Public use</td>
<td>1,2497</td>
<td>4.73</td>
<td>1,2497</td>
</tr>
<tr>
<td>2</td>
<td>Kindergarten</td>
<td>0.7987</td>
<td>2.87</td>
<td>0.7987</td>
</tr>
<tr>
<td>3</td>
<td>School</td>
<td>1,3233</td>
<td>4.84</td>
<td>1,3233</td>
</tr>
<tr>
<td>4</td>
<td>Sport and greenery</td>
<td>2,1887</td>
<td>7.40</td>
<td>2,1887</td>
</tr>
<tr>
<td>5</td>
<td>Road</td>
<td>4,2447</td>
<td>14.37</td>
<td>4,2447</td>
</tr>
<tr>
<td>6</td>
<td>Residential</td>
<td>19,7537</td>
<td>66.85</td>
<td>19,7537</td>
</tr>
<tr>
<td>7</td>
<td>Total</td>
<td>20,5488</td>
<td>100</td>
<td>20,5488</td>
</tr>
</tbody>
</table>

Figure 2: Modification of Detailed plan of Yen Hoa NUA, proposed by developer
(Source: HAUPA)

Yen Hoa NUA was planned with the scale of nearly 30 hectares, most of which were converted from agriculture land. It was subdivided in to sub-projects (<20Ha) and developers negotiated to change partially

- NUA Detailed plan 1/500 approved in 2000
- Partial NUA Readjust detailed plan 1/500 approved in 2002
- Partial NUA readjust detailed plan 1/500 approved in 2008
- Change use of land by bidding: from greenery to Car parking approved by District PC
- Maximize Ratio for developers
- Project was subdivided in to small scale (<20ha) to be applied in District level
2008 is good timing to apply deregulation
Table 2: Modification of Detailed plan of Yen Hoa NUA, proposed by developer

<table>
<thead>
<tr>
<th>Year</th>
<th>Plot</th>
<th>Plan/ Proposal</th>
<th>S-plot (m²)</th>
<th>Use of land</th>
<th>Planning Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>E4</td>
<td>NUA-plan 1/500</td>
<td>9065</td>
<td>Residential</td>
<td>No indicator</td>
</tr>
<tr>
<td>2002</td>
<td>E4</td>
<td>NUA-plan 1/500</td>
<td>9065</td>
<td>Residential</td>
<td>S=24101 m², BCR=44.2% FAR=3.79 H=15</td>
</tr>
<tr>
<td>2008</td>
<td>E4</td>
<td>(Memo from HAUPA (16/11/2007) and memo from HPC 6/12/2007)</td>
<td>9065</td>
<td>Residential</td>
<td>S=3612, BCR=34.8% FAR=5.25, H=25</td>
</tr>
<tr>
<td>2000</td>
<td>L2</td>
<td>NUA-plan 1/500</td>
<td>13430</td>
<td>Greenery</td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td>L2</td>
<td>(Memo from HPC 20/9/2008)</td>
<td>13430</td>
<td>Underground Car parking</td>
<td></td>
</tr>
<tr>
<td>2000</td>
<td>B1</td>
<td>NUA-plan 1/500</td>
<td>6173</td>
<td>Office</td>
<td>S=1728 m², BCR=28% FAR=1.44</td>
</tr>
<tr>
<td>2008</td>
<td>B1</td>
<td>(Memo from HPC 30/5/2007)</td>
<td>6173</td>
<td>Office</td>
<td>S=1656 m², BCR=26.8% FAR=4.38, H=23</td>
</tr>
<tr>
<td>2000</td>
<td>A1</td>
<td>NUA-plan 1/500</td>
<td>8608</td>
<td>Super market</td>
<td>S=3873, BCR=45% FAR=1.12, H=2.5</td>
</tr>
<tr>
<td>2008</td>
<td>A1</td>
<td>(Document from HPC)</td>
<td>8608</td>
<td>Supermarket</td>
<td>S=5513 m², BCR=64%, FAR=3.8, H=6</td>
</tr>
</tbody>
</table>

From interview to developers and Officer, in order to negotiate for changing plan, developer must ask for the agreement from HPC. If HPC gives the agreement, then HAUPA will support. Developers who have stronger relationship to HPC would enjoy more incentives. These negotiations are recorded in Memo(s) between HPC, HAUPA and local government.

2.3. New Urban development for Nam Trung Yen: NUA-2

The case of Nam Trung Yen (NTY) is NUA for locating resettlement housing by HPC together with other developments from other developers. NTY was first approved detailed plan in 2001 and in 2011 a new detailed plan was approved.

Figure 3: Modification of Detailed plan of Nam Trung Yen NUA
Including 8 projects separately approved by HPC

(Constructed by author from data provided by HAUPA)
The new DP has been already updated 8 adjustments of plots inside the plan areas (Fig. 3). Together with the demand of developers, HPC flexibly asked for readjustment of detailed plan in response to increase the need of city resettlement housing program. Revise of the detailed plan of the 2011 plan has been updated partial readjustment of the lots inside project which developers already succeeded in negotiation for increasing FAR, BCR and modifying uses of land.

Table 3: Modification of Detailed plan of Nam Trung Yen NUA
(Constructed by author from data provided by HAUPA)

<table>
<thead>
<tr>
<th>Land use</th>
<th>NUA- Detailed plan approved by HPC in 2001</th>
<th>Proposal for readjust Detailed plan in accordance to guidance from HPC in 2011</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>S (M2) %</td>
<td>Pops/pupils</td>
<td>S (m2) %</td>
</tr>
<tr>
<td>1 Public use (City, District)</td>
<td>56954</td>
<td>10.19</td>
<td>18891</td>
</tr>
<tr>
<td>2 Mix use</td>
<td>-</td>
<td>-</td>
<td>46093</td>
</tr>
<tr>
<td>3 Public use (NUA)</td>
<td>5866</td>
<td>1.04</td>
<td>2948</td>
</tr>
<tr>
<td>4 Kindergarten</td>
<td>18981</td>
<td>3.37</td>
<td>853</td>
</tr>
<tr>
<td>5 Schools</td>
<td>54013</td>
<td>9.58</td>
<td>2737</td>
</tr>
<tr>
<td>6 High rise</td>
<td>102305</td>
<td>18.14</td>
<td>10309</td>
</tr>
<tr>
<td>7 Low rise</td>
<td>42330</td>
<td>7.51</td>
<td>2591</td>
</tr>
<tr>
<td>8 Greenery and sport</td>
<td>70291</td>
<td>3.60</td>
<td>9082</td>
</tr>
<tr>
<td>9 Sewage lane</td>
<td>11579</td>
<td>2.05</td>
<td>11579</td>
</tr>
<tr>
<td>10 Parking and integration node</td>
<td>41727</td>
<td>7.40</td>
<td>12077</td>
</tr>
<tr>
<td>11 road</td>
<td>209882</td>
<td>37.21</td>
<td>209882</td>
</tr>
<tr>
<td>Total</td>
<td>563958</td>
<td>100.00</td>
<td>13000</td>
</tr>
</tbody>
</table>

Note: (*) including 5000 m² of city-parking lot
(**) including 11239 m² greenery of NUA and 24659 m² of parking lot

Data from table 3 shows that population projected in new DP in 2011 has been double of population projected in 2001. While ratio of land use for road and other infrastructure has no changes, ratio for public space, education and greenery and sport have been decreased almost 50% and only ratio for high rise building for housing has been much increased.

2.4. Dich Vong new urban development project: NUA-3

Detailed plan (1:500) of Dich Vong- New urban development project was approved by HPC in 2001 (decision No. 111/2001) and it is on the process of implementation. Developer is private sector, Tu Liem Housing Development Cooperation. However, with the rapidly development of socio-economic, the developer considers some factors as FAR, BCR in some building plot that should be negotiated to change the plan in order to gain more FAR equally to gain more benefit. He proposed to the HPC with the reason of increasing the height of building and re-designs some individual building in the site to create a new image of the city.

Developer was successful in negotiating with the planning authority by separating the adjustment into small cases in different period of time before making the major adjustment as the whole project. Represented the influences of new policy:

- The project was firstly approved in 2001 and the land clearance process finished before the policy of 3-year life span of project was issued.
- Policy on removing the development control of FAR (MOC, 2008)

Table 4: Changes of land use and building construction regulation items

In 2005, HPC had a policy on agreement the idea of readjustment of detailed plan in Dich Vong project according to proposal of developer and HAUPA. In this decision Plot NO-5, NO7, DX-3 and NO8 were readjusted.

In 2007, again, HPC had another policy on agreement the idea of increasing the height of a building in plot NO-9 from 12 stories to 17 stories and rezoning the greenery area to a new land use purpose. In 2008, HPC has an agreement on readjusting detailed plan of plot CC1, O-9B, NO-10, N-11.

Figure 4: Project subdivision and modification of detailed plan for Dich Vong NUA
(Source: HAUPA, 2012)
Based on individually agreements in different stages, developers proposed to make the new readjustment on detailed plan for the whole project in which readjustments were prepared for plots: CC1, NO-8, NO-9, NO-10, NO-11, HH, CX, NO-5, NO-7, and DX3. (Table 4)

In this case, developer was successful in negotiating with the planning authority by subdivision the adjustment into small cases in different period of time before making the major adjustment as the whole project. In figure 4, project was first owned by one developer of Tu Liem Housing Development Corporation now has been subdivided into many small projects and owned by 3 main other developers Ha Do, Hoang Ha and Tu Liem and the remain part of project was returned to HPC. It is also a good case that represented the influences of new policy. The project was firstly approved in 2001 and the land clearance process finished before the policy of 3-year life span was issued. And finally, for the most current policy on removing the development control of FAR (MOC, 2008), the new adjustment detailed plan now under reviewing by the local authority with the high possibility of success.

2.5. Plot E1 of Cau Giay new development project: NUA-4

Cau Giay New development project is a core development of Cau Giay district. In accordance with the detailed plan of Cau Giay district, the detailed plan of Cau Giay New development project was first planed in 2003 and revised in 2007. Plot E1 has a very good location in term of development. However, in the first plan, it was designed with the several functions such as show room, city funeral ceremony house or gas station. Thus, no investors interested in the project development but in the land plot itself.

Figure 5: Detailed plan of Cau Giay NUA in 2003(left) and 2007 (right)
Source: HAUPA

Due to proposal of various developers, HAUPA considered plot E1 as a potential development plot in their second plan. They prepared individual detailed plan for plot E1 with the hope that more developer will take part in. The land use was totally rezoning compared to
previous plan and the height limit of the whole plot was dramatically increased.

Nevertheless, again, developers seem not satisfy with the plan designed by HAUPA, they are waiting for a readjustment of plot E1 in which the location should be recognized as a landmark of the whole project equally to rise up the height of all buildings in the plot. Currently, HAUPA is still working on this plot, with some proposals of rising up the building height to 42 stories high (compared to average 1.2 stories of the Funeral Ceremony housing. This case presented for the evidence that planning authority making an effort to meet the demand of the market. It is hope that with a better plan, Cau Giay Local authority could open the bid for developer for gaining a big amount of money for infrastructure development.

Figure 6: Changes of land use and building construction regulation items
(Source: Constructed by author from documents and interview survey 2006-2008)

3. Discussion on merits and demerits of current detailed planning system

Because of being applied out of date standard, Hanoi master plan 1998 failed to project population development. As a result, based on Master plan, District detailed plan regulated rigid and unrealistic development control factor.

In the case of NUA-2, together with demand from developers, HPC flexibly to ask for readjust detailed plan to response to the increase need of City resettlement housing program.

In all 4 cases, readjustments of each small plot were first approved by “ask-give” negotiation with HPC (before 2006) or with HPC and Cau Giay PC (after 2006), then the readjustment detailed plan was prepared with update of those plots. Readjustments were made for maximizing Ratios, changing the use of land; however, infrastructure system was not adjusted accordingly.

Understanding the merits and demerits of current planning system will help clarify the need of system improvement. This part will discuss on four main aspects: (1) Legislation, (2) Role of planning, (3) Institutions and (4) Development control factors
3.1. **Legal aspect**

It is noble that detailed planning and its contents, tasks, process of making, appraising and approving a plan was stipulated in Law (Construction Law 2004, Urban Construction Planning Law 2010) and others subordinate documents (decrees, circulars). However, it has not been clarified on types and objectives of detailed plan and legal status of each plan in the Law.

Law on urban construction planning and its subordinates are mainly prepared by Ministry of Construction. There is no specialist in legal planning field to build the Law but there are technocrats who work on urban planning and architecture in many years. Therefore, instead of building legal status of planning system or plan itself, the contents of formulation, approval and appraisal of the plan are paid more attention. There have been many overlapping in different levels of legal document vertically so as to overlapping in different sector horizontally.

3.2. **Role of plan**

In the first stage of post-renovation, the response of HPC was to focus on multi-source local investment and on controlling land development. HPC shortened the time formulating the plan in response to urgent need of urban development by preparing detailed plan only for land use and road network content.

Law on urban planning 2010 introduced the zoning plan which was expected to be a basement to guide and control the urban development mainly by land use framework rather than rigid control by detailed plan. Considering time consumed for preparing rigid detailed plan, new zoning plan would be a better measurement to push up the plan-making speed.

In all policy documents related to detailed planning, the purpose of plan is not clearly defined in terms of conservation, regulating or controlling, promoting or inducing commerce, etc., and so as to the role of plan with public facilities.

3.3. **Institutional aspects**

Planning power in Pre-renovation stage was decentralized from central government to city level in early stage after renovation and recently to district level. However, it has not been clarified on the relationship between city and district in making administrative decision on urban planning.

Decentralization up to local level has created chances to formulate, approve and implement more detailed plans, basement of development control. Before implementation of decentralization policy, power has been locus in HAUPA and HUPI in HPC. Relationship between HAUPA / HUPI and HPC is very strong in administratively vertical dimension while the influence from MOC to HAUPA/HUPI is scrawny in technologically horizontal dimension. In the early post-renovation stage, actors involving in NUAs project-led development process were mainly those in city level. When decentralize to district level, it is necessary to prepare a subordinate to empower the local level so as to strengthen the horizontal dimension by increasing legal basement.

3.4. **Means for development control.**

There are three main development control means, including master plan, planning standards - building code and detailed plan.

The first development controlling means is the Hanoi master plan 1998 that helps developers applied for site introduction or planning and architecture agreement. NUAs must refer to this development control firstly at HAUPA and HUPI by ask-give mechanism.

Regarding the second means, the old building code and standard imported from Soviet system is very low standard. The newly introduced building codes in 2008 loosen the control of
floor area ratio, and lowered standards on greenery and schools.

For the third means, district detailed plan is the basement for development control in NUAs. Through case studies in Cau Giay District, it was confirmed that in many forms, spatial control factors were changed through negotiation after developers had obtained planning permission (all of 4 cases in NUAs). The main purpose of changing spatial control factors is obviously to maximize interests of developers. This act is the common truth, partly due to the fact that regulations from static district detailed plan based on out-of-date standard could not response to and manage rapid development.

Negotiation for increasing FAR, BCR, height or land use can be carried out with the local government, who may make discrete decisions with their given powers. Main reasons making discrete decisions are: (1) the government tends to promote more developments, lease more land to generate capital in return. The capital-hungry government usually shares common interest with developer in hunting for profits (Case NUA- Nam Trung Yen) in city and district levels, (2) The plan itself had many problems: failing in projection of urban development, unrealistic rigid controlling factor and weak legal basement (3) intention/ motivation of developer to change the original plans. Results of interview to developers and officers in HAUPA show that most of developers are motivated to change the original plan, or sub-divide it into smaller projects for resale to maximize profits. In this matter, the stronger relationship to local government (HAUPA, HPC) the more benefit developer can get from negotiation. This negotiation is usually recorded by the memo of HPC to HAUPA or from HAUPA and HPC to local level (Case NUA- Dich Vong).
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