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DU DÉVELOPPEMENT URBAIN ET IMMOBILIER



# The Role of the Private Sector in the Production of Open Public Spaces in Hanoi and Ho Chi Minh City

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FINAL REPORT

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Report of a collaborative research project between the Canada Research Chair in Sustainable Urbanization in the Global South (Université de Montréal, Canada), the Urban Development Research and Consulting company (UDRC, Vietnam) and HealthBridge Vietnam

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<b>Status of the document</b>
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## **Executive summary**

The production of open public spaces, such as parks, public gardens and playgrounds, experienced major changes in Vietnam over the last two decades or so. Starting in the late 1990s, policymakers adopted a series of public policies aimed at transferring a significant part of the responsibility to invest in the design, construction and management of these spaces from the public to the private sector. This policy reorientation has been introduced as a means to boost green and open space provision in Vietnamese cities in spite of strained public budgets.

Twenty years on, very few studies have examined the outcomes of this major policy shift. While conflicts related to privately-produced open public spaces emerge sporadically in the domestic media, and while one can observe new types of public spaces in and around Vietnamese cities that are visibly produced by private entities, there is a lack of systematic research on these spaces. Little is known about the quantity, types and quality of the open public spaces produced by the private sector in this context.

This pilot study is an attempt to respond to these gaps in evidence. It relies on the cases of two areas at the near periphery of Hanoi and Ho Chi Minh City to: (i) critically review the main policies and institutional mechanisms governing the private sector's involvement in the production of open public spaces in Vietnamese cities; (ii) document how much and what types of spaces are produced through these various mechanisms; (iii) assess the quality of the resulting open public spaces, especially in terms of publicness; and (iv) propose avenues to address shortcomings and issues stemming from the involvement of the private sector in the production of open public spaces in Vietnamese cities. Fieldwork for the study was carried out between March and September 2020.

This research stems from a research partnership between the Canada Research Chair in Sustainable Urbanization in the Global South and the Observatory Ivanhoé-Cambridge of urban development and real estate at the Université de Montréal (Canada) and HealthBridge and the Urban Development Research and Consulting in Vietnam. It draws on our collective commitment to support the development of cities where economic development is in balance with social equity and human flourishing. It also draws on our conviction that one of the ways in which cities can attain this balance is by ensuring that everyone, including the most vulnerable, has access to high-quality, accessible and genuinely public green and open spaces.

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## LIST OF ABBREVIATIONS

BT	Build-Transfer
BOT	Build Operate Transfer
CCTV	Closed-Circuit Television
DoNRE	Department of Natural Resources and Environment
DPA	Department of Planning and Architecture
FAR	Floor Area Ratio
ha	Hectare
HCMC	Ho Chi Minh City
HISEDS	Hanoi Institute for Socio – Economic Development Studies
HIDS	Ho Chi Minh City Institute for Development Studies
MoC	Ministry of Construction
MoNRE	Ministry of Natural Resources and Environment
NUA	New Urban Area
OPS	Open Public Space
PPP	Public-Private Partnership
TDR	Transferable Development Right
VND	Vietnam Dong
WHO	World Health Organization
ND-CP	Nghị Định - Chính Phủ [ <i>Decree – Government</i> ]
QĐ-UBND	Quyết Định - Ủy Ban Nhân Dân [ <i>Decision – People's Committee</i> ]
QĐ-TTg	Quyết Định - Thủ tướng Chính phủ [ <i>Decision – Prime Minister</i> ]
TT-BXD	Thông Tư - Bộ Xây Dựng [ <i>Circular Ministry of Construction</i> ]
TCVN	Tiêu Chuẩn Việt Nam [ <i>Vietnam Standards</i> ]

# 1. INTRODUCTION

This report explores the form and outcomes of the private sector's involvement in the production of open public spaces in Vietnamese cities. By open public spaces (hereafter OPS) we refer to open pieces of land, mainly designed for recreational functions (including socialization, resting, physical exercises, etc.) and to which there is at least some degree of public access. Open public spaces can be green or hard spaces. In Vietnamese cities, they typically include municipal and neighbourhood parks, public gardens (*vườn hoa*), children's playgrounds and sport grounds.

Starting in the late-1990s and early 2000s, planning and urban development policies in Vietnam took an important shift. Departing from traditional models of state-funded, built and managed open public spaces, this policy reorientation encouraged a direct participation of the private sector in the production of these spaces in cities. Echoing arguments put forth by governments elsewhere since at least the 1960s (Schmidt et al. 2011), Vietnamese policymakers claimed that this approach would palliate two interrelated shortcomings. It would increase the provision of green and open spaces and thus contribute to resorb the enduring shortage in these amenities plaguing Vietnamese cities. And, just as importantly, it would do so without drawing on already strained public budgets. Instead, the new policies would allow provinces and cities to tap into rapidly growing private financial resources, notably those generated by ebullient urban property markets.

Twenty years on, this policy reorientation has incontestably recast private actors in general—and property investors and developers in particular—as privileged partners of the state in the production of new green and open spaces in Vietnamese cities. This is especially visible in the rapidly urbanizing zones surrounding Vietnam's two largest cities: Hanoi and Ho Chi Minh City. This study therefore focuses on these areas.

This growing involvement of the private sector in urban public space production is not specific to Vietnam. A similar phenomenon has been observed worldwide and is generally understood as part of broader transformations in urban space production dynamics (see Vansintjan et al. 2020). Critical scholars have raised concerns about this shift. While policies encouraging the involvement of the private sector in OPS production have succeeded (in some places) to boost provision, the quality of the public spaces so-produced has been called into question (e.g., Loukaitou-Sideris and Banerjee 1998; Kohn 2004). High-quality open public spaces are widely seen as offering huge economic, social and environmental benefits to their localities and communities (CABE 2004). Yet the experience of cities with privately-produced and managed OPS suggests that they don't always provide the same social benefits as their publicly-produced and managed counterparts. The levels of accessibility and publicness of the latter indeed tend to be lower than those of conventional OPS (e.g., Loukaitou-Sideris 1993; Huang and Franck 2019). These spaces also tend to generate profits for the private sector and to serve the interests of particular segments of the population (e.g., Manadipour 2000; Mitchel 1996).

Two decades after the adoption of the first policies which opened the way for the private sector's participation in OPS production in Vietnamese cities, it is high time to document this policy shift. There is also a pressing need to assess the outcomes of this shift in terms both of the quantity and quality of the spaces produced. This pilot study begins to fill this gap by providing preliminary answers to the three following questions:

- 1) Through which institutional mechanisms is the private sector involved in the production of OPS in Vietnamese cities? And how are these mechanisms connected to the broader public policy framework governing the planning and provision of open and green spaces in Vietnamese cities?
- 2) How much and what types of OPS are actually produced through these various mechanisms in Vietnamese cities? and

3) How do the resulting spaces fare in terms of quality, especially with regard to their degree of publicness?

This pilot study begins to answer these questions through an analysis of OPS production in two periurban areas: the North and South Từ Liêm districts in Hanoi and District 2 in Ho Chi Minh City (HCMC). Given their recent planning and urbanization histories, these two areas open an insightful window onto the involvement of the private sector in the production of OPS. First, significant portions of each of these areas was planned and developed in the 1990s and 2000s, a period during which new policies were enacted to encourage the participation of the private sector in the production of urban amenities and infrastructures (including OPS). Moreover, commercial property investors and developers have since been actively involved in the urban development of the two areas (see Musil et al. 2020). This not only means that these private actors have had plenty of opportunities to design, invest and build OPS in the two study areas but also that at least some of the spaces which they have produced have been put in operation for long enough to allow their assessment as lived spaces.

This report is divided in three sections, each of which relies on a specific methodology. (As the methods and data used are presented in detail in the introduction of each section, they are simply outlined here.)

Section 2 identifies and presents the main public policies governing the planning, investment and management of OPS in Vietnamese cities in general, and the role of the private sector in these processes in particular. It draws on recently published reviews of the Vietnamese public space policy framework which we validated and updated. The discussion pays specific attention to policies which delineate the institutional mechanisms and conditions of the private sector's participation in OPS production and management. This review ends with a discussion of the main shortcomings of the current policy framework.

Section 3 provides a portrait of the usable and publicly-accessible public spaces present on the territory of the North and South Từ Liêm districts (Hanoi) and District 2 (HCMC). It draws on a spatial and quantitative survey of the OPS present in these two study site conducted by the authors between April and June 2020. Our analysis of this data highlights the significant under-provision of publicly accessible open spaces of 0.5 ha or more in the two study areas. We further find that the private sector has made limited contribution to the production of such spaces so far. The last part of the section formulates a number of tentative explanation for this situation, drawing on existing reports, on semi-structured interviews with key stakeholders,<sup>1</sup> and on a press clip review.

Section 4 assesses the quality of three privately-produced OPS in each of our study sites. This evaluation draws on data from systematic observation and from a survey questionnaire administered to 40 users in each of the six OPS studied. The section documents and analyzes these OPS in terms of their: publicness and accessibility; design and the amenities and equipment they provide to users; usage and activities users practice in them; and overall quality and maintenance. This supports the identification of problematic traits across these six spaces which stem from the participation of the private sector in their production.

Finally, Section 5 synthesizes the main issues which emerged from this pilot study and proposes avenues to address them.

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<sup>1</sup> Between March and September 2020, we conducted 26 semi-structured interviews with developers, managers of public spaces, designers and representatives of governmental planning agencies at the district, provincial and national levels. Key themes addressed in these interviews concerned: i) the forms of actual private-sector involvement in the production/management of OPS and the types of spaces they have produced; ii) the OPS production process and its issues/obstacles (from the design to delivery and maintenance of spaces); and iii) factors explaining successful versus challenging instances of private-sector involvement in OPS production.

## 2. THE PLANNING, INVESTMENT AND MANAGEMENT OF OPEN PUBLIC SPACES IN VIETNAMESE CITIES: A POLICY REVIEW

This section identifies and discusses the main policies that regulate the production of OPS in Vietnamese cities and the participation of the private sector in this process, using Hanoi and Ho Chi Minh City as examples. Our analysis draws on four reviews of the Vietnamese urban public space policy framework recently published by local research institutes (HISEDs 2018; HIDS 2018; Nguyen 2015) and by an international research team (Boudreau et al. 2015). The information provided by these reports was crosschecked and updated to account for policy changes since their publication. Our analysis focuses on the key policy documents issued since 2010 to regulate the production of OPS in Hanoi and Ho Chi Minh City. These include documents issued by the central government and its relevant line ministries and by the provincial governments of the two cities under study (i.e., People's Committees and People's Councils of Hanoi and Ho Chi Minh City).

In what follows, we begin by identifying the main policy areas concerned with the production of urban public space in Vietnam and by briefly outlining how each of them govern this process, notably when it involves private actors. We then present the most important planning policies concerned with open public space production. Finally, we raise four shortcomings of this policy framework and explain how each weakens the capacity of current politics to guide investment, planning and the management of urban public spaces in Vietnamese cities in an adequate and efficient manner.<sup>2</sup>

### 2.1. AN OBJECT AT THE INTERSECTION OF MULTIPLE POLICY AREAS

The production of OPS in Vietnamese cities and the participation of private actors in this process is regulated by three main policy areas: (i) the so-called “socialization policy,” (ii) land-use planning and management, and (iii) urban planning and construction. In what follows we briefly present each of these areas and outline its role in regulating OPS production, including when it involves the private sector.

- The socialization policy

The growing involvement of the private sector in the production of OPS takes place within a broad policy orientation known as the “socialization (*xã hội hóa*) policy.” This policy was initially designed to palliate the government’s limited capacity to invest in the provision of public services. Starting in the early 1990s, this approach was tested in education and health through the introduction of user fees and by allowing private actors to operate in these sectors (Quan Xuan Dinh 1999). A 1997 government decree formalized socialization as a guiding principle in the provision of social services and public goods.<sup>3</sup> This paved the way for the introduction of what was meant to be a mutually beneficial partnership between public authorities and private investors in the provision of all kinds of public services, infrastructure and amenities, including urban public spaces.

Up to the mid-2000s, the socialization orientation and its associated policies (laws, decrees, etc.) did not however concern the production of urban public spaces in cities in any specific ways. This changed with the adoption, in 2008, of a government decree<sup>4</sup> aimed at incentivizing private investments in areas beyond health and education, including the “cultural, sports and environmental activities” area which, in Vietnam, is understood as including OPS such as parks, sport fields and playgrounds. This reinforced urban governments’ reliance on public-private partnerships (PPP) and

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<sup>2</sup> This section analyzes policies as codified in official texts and legislation, leaving aside the issue of their actual implementation and enforcement. The discrepancies between policy prescriptions and everyday governing practices are discussed in sections 3 and 4 of this report.

<sup>3</sup> Decree 90/1997/NĐ-CP on the orientation and policy in socializing activities in education, health and culture.

<sup>4</sup> Decree 69/2008/NĐ-CP on incentive policies for the socialization of educational, vocational, healthcare, cultural, sports and environmental activities later amended by decree 59/2014/NĐ-CP.

on so-called build-transfer (BT) (*xây dựng-chuyển giao*) arrangements in the production of infrastructure and amenities.

Both Hanoi and Ho Chi Minh City's provincial governments seized the opportunity opened up by this new decree to encourage private investment into the development of urban parks and other open green spaces on their territory. The People's Committee of Ho Chi Minh City had already issued a decision in 2004 on preserving urban green spaces that opened the door to the participation of private actors.<sup>5</sup> It however took a step further in 2011 by issuing a decision calling for private investment in the development of new urban parks.<sup>6</sup> The Hanoi People's Council adopted a similar policy in 2013.<sup>7</sup> These provincial policies have since been regularly updated, delineating increasingly concrete incentives to attract private investment in the production of OPS (e.g., tax reduction, facilitated access to credit, possibility to conduct commercial activities on site). Local socialization policies also provide guidance regarding the qualification and selection of investors.

- The land-use planning and management policy area

The Ministry of Natural Resources and Environment (MoNRE)<sup>8</sup> and its decentralized departments at the provincial level (DoNRE) also play a key role in regulating the development of OPS and the association of the private sector in this process. While a large number of policies issued by these agencies relate to the production of urban spaces, this review focuses on two policy documents which play a key role in shaping the production of public spaces in cities and the participation of the private sector: the land-use plans formulated by the MoNRE and DoNRE at the provincial and district scales and the Land Law.<sup>9</sup>

The land-use plans periodically issued by the DoNRE (provincial and district scales) allocate and control the usage of land in cities. These plans rely on land-use categories stipulated by the Land Law. In this system, urban OPS fall under the "non-agricultural" land-use category and into the subcategories of "land for construction of non-business facilities" and "land used for public purpose." In the formulation of land-use plans for their territories, provinces and districts rely on more detailed land-use categories. In these plans, OPS are classified both in terms of their primary function as either "public entertainment and recreation land" (*đất khu vui chơi, giải trí công cộng*) or "land for cultural installation" (*đất cơ sở văn hóa*), and in terms of their scalar position as either "land for urban greenery" (*đất cây xanh đô thị*) in the case of municipal-scale public spaces or "land for greenery for residential units" (*đất cây xanh đơn vị ở*) in the case of neighbourhood-scale spaces.<sup>10</sup>

The Land Law, for its part, governs both land acquisition for OPS in cities and regulates investment in the development of these spaces. The law first allows state agencies to recover land-use rights for the construction of "parks" and "squares" (art. 62). This is accompanied by provisions about compensations and about the transfer of the use rights acquired by the state to the entity charged to develop the site into a park or square. A 2014 decree<sup>11</sup> further stipulates that land-use right certificates can only be handed out to the buyers of residential properties within a given property project if the construction of the infrastructure in its detailed masterplan, including the OPS, are completed (art. 41.1/b). Finally, the Land Law requires that land development, including OPS, realized through public-private partnerships be conform to provincial and district land-use and construction masterplans (art. 155, 1) and requires the formulation and approval of a detailed masterplan for any land area used for public purpose (art. 155,2). However, neither the 2013 Land Law nor its

<sup>5</sup> Decision 199/2004/QĐ-UBND on the management of urban parks and urban greenery, art. 25, paragraph 10.

<sup>6</sup> Decision No. 17/2011/QĐ-UBND on approving the project on management, protection, development of types of forests and trees in Ho Chi Minh City to 2020, Vision to 2025.

<sup>7</sup> Resolution No.16/2013/NQ-HĐND on investment promotion, authorization of organizations and individual contributions in the construction of cultural works, parks, flower gardens, recreation and preservation zones, constructions, and the promotion of cultural heritage in the area of the Capital.

<sup>8</sup> Unless otherwise specified, all ministries, departments and agencies in this report are Vietnamese.

<sup>9</sup> The Land Law has been regularly revised since 1988. The discussion in this section refers to the latest, 2013 revision.

<sup>10</sup> Note that this categorization differs from that used by the Ministry of Construction, generating compatibility problems between the two systems.

<sup>11</sup> Decree 43/2014/NĐ-CP on detailing a number of articles of the Land Law.

implementation decrees provide much detail on these arrangements between private investor and public authorities.<sup>12</sup>

- The urban planning and construction policy area

The Ministry of Construction (MoC) and its provincial-level Departments of Construction and of Planning and Architecture (DPA) also participate in governing urban public space production. The MoC does so by guiding the elaboration and approval of provincial masterplans for the class of urban centres called “special cities,” a category to which both Hanoi and Ho Chi Minh City belong. The resulting provincial-scale masterplans stipulate the size, types and location of new urban public spaces to be built in existing and future urban areas over the two next decades or so.

Another important way in which the MoC has shaped the production of OPS in Vietnamese cities is by promoting a new model of urban development called “new urban areas” (NUA). Adopted in the late 1990s,<sup>13</sup> this model encourages property development investors to turn vast tracks of land at the periphery of existing cities into masterplanned communities dominated by commercial housing but which can also include private amenities and commercial and recreational spaces. The adoption of the NUA policy frameworks transferred the parameters of urban space production in Vietnam in important ways. Most importantly, it transferred to the private sector the responsibility to invest and develop vast urban spaces (typically of 20–50 ha or more<sup>14</sup>). This model further obligates investors and property developers to equip these vast zones with all the functions necessary to form complete urban neighbourhoods. These zones must not only to provide housing but also the public services and infrastructure needed by their future inhabitants. Finally, the NUA framework requires that the infrastructural and non-residential components in these zones be built at the same time as housing units (or *synchronously*, in the Vietnamese policies language).

Among these components are parks, trees and other urban greenery which property developers are required to manage and maintain initially.<sup>15</sup> Once they are completed and put into operations, all public facilities and infrastructure in NUA projects, including OPS, should theoretically be transferred to the competent administrative authorities.<sup>16</sup> The transfer of infrastructure or equipment invested and built by developers in a newly built area is guided by the decree no. 02/2006/NĐ-CP. Other guidance documents were issued, such as decree no. 11/2013/NĐ-CP, and specify “completing, transferring and putting work into operation and use” (art. 36) and the “transfer for administrative management” (art. 38). The transfer is to happen after the completion of the infrastructure construction, and the investor is to organize the handover to the public authorities. We will see in section 4.3 of this report how this transfer process interferes with the management and maintenance of OPS produced with the participation of private actors.

## 2.2. KEY OPS PLANNING POLICIES

The previous section sketched a portrait of the main policy areas concerned with urban public space production and planning in Vietnamese cities. Here we turn to the current planning situation in Hanoi and Ho Chi Minh City, highlighting provincial policies that regulate the production of urban public spaces in general and of green spaces in particular. We also discuss the mechanisms in place in the two cities to implement policies related to the design and construction of planned OPS.

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<sup>12</sup> Decree 63/2018/NĐ-CP on investment in the form of PPPs offers some indications by establishing that urban parks can be financed through PPP or BT mechanisms (art. 4) and by stating that investment incentives can be offered for land development projects such as construction of an OPS (art. 59).

<sup>13</sup> Decree 52/1999/ND-CP on promulgating the regulation on investment and construction management.

<sup>14</sup> Circular 15/2008/TT-BXD guiding the appraisal and recognition of model New Urban Area.

<sup>15</sup> Decree 02/2006/NĐ-CP on regulation on New Urban Areas.

<sup>16</sup> Decree 02/2006/NĐ-CP, art. 20

## HANOI AND HO CHI MINH CITY'S OPEN PUBLIC SPACE DEVELOPMENT PLANNING AND TARGETS

Approved in 2011, Hanoi's latest masterplan<sup>17</sup> encourages the development and protection of green spaces. The plan establishes that 70 percent of the province's total area will contribute to green space maintenance (including green corridors, green belts along the Nhuệ River, and urban parks). This contrasts sharply with the city's actual situation, marked by a shortage of green spaces and open public spaces more generally. Illustrating this, a survey conducted in 2014 revealed an average ratio of usable green space of only 2.4 sq m/person in Hanoi, of which 1.7 sq m are public parks and 0.7 sq m are residential gardens.<sup>18</sup> Altogether, Hanoi's park and green spaces cover a mere 434.7 ha, with only 2.08 sq m of parks and garden area per capita in inner-city districts (Nguyen 2015: 29).

To remedy this shortage, the Hanoi People's Committee has set aggressive public and green space provision targets. A 2014 decision<sup>19</sup> aims to raise the ratio of green space per person to 18.1 sq m at the provincial scale and to 2.7 sq m at the residential unit scale<sup>20</sup> by 2030. It further calls for the construction of 18 new parks and gardens in the city's inner-core and for the renovation and upgrading of 42 others. To attain these very ambitious targets, the decision proposes to redevelop land currently occupied by industrial facilities into new green spaces and to integrate green spaces into redeveloped collective housing estates (*khu tập thể*). These measures are expected to generate 415 ha of new green spaces across the city's territory.

*Box 1: Local policy innovation – Hanoi*

Hanoi's 5-year socio-economic development plan for 2016–2020 encourages strong environmental protection changes. These include a plan to plant one million trees across the city, mainly along the roads. By 2020, the city had succeeded in planting over 1.5 million trees across its territory (Pháp Luật, 2020). A more recent plan<sup>21</sup> emphasizes the role of the green spaces in climate change mitigation and encourages the planting of more trees. It aims to reach 10.8 sq m of tree/person in urban areas by 2025. To achieve this objective, the plan not only encourages the development of parks and gardens across the city but also the creation of pedestrian areas based on recent—and highly successful—experiments with pedestrian streets in Hanoi's historical core.

According to the general planning adjustment for Ho Chi Minh City, the city targets to have 6,259 ha of green spaces by 2025, representing a ratio of 6.3 sq m/person (TP HCM Chinh Phu 2019). In 2020, the People's Committee of Ho Chi Minh City passed a decision<sup>22</sup> calling for the production of 5 ha of new urban greenery land across the city every year and for investment into the construction of at least 150 hectares of parks, including at least five parks of 15 ha or more. As in Hanoi, official targets contrast with a reality characterized by an acute shortage of public spaces. Ho Chi Minh City's current ratio of green space per person is only 1.6 sq m at the city scale, 1/10 of the target set for 2025. This ratio drops to 0.49 sq m when considering only park areas, which together amount to a mere 491.16 ha for a population of 10 million (Sài Gòn Đầu Tư 2019).

*Box 2: Local policy innovation – Ho Chi Minh City*

<sup>17</sup> Decision 1259/2011/QĐ-TTg approving the general planning on construction of Hanoi Capital up to 2030, with a vision toward 2050.

<sup>18</sup> Synthesis Complementary Report to the Hanoi Greenery Plan cited in Nguyen (2015: 7).

<sup>19</sup> Decision No.1495/2014/QĐ-UBND to approve the planning of Hanoi's greenery, parks, flower gardens and waterfront system for 2030 and with a vision toward 2050.

<sup>20</sup> The Vietnam building code (2008) defines a residential unit as a functional zone consisting of groups of residential houses and the infrastructure serving them. The population of a residential unit ranges between 4,000 and 20,000.

<sup>21</sup> Decision No.149/2020/KH-UBND on green growth action in Hanoi City to 2025, with a vision to 2030.

<sup>22</sup> Decision No.529/2020/QĐ-UBND on construction planning of "A green and environmentally friendly city, period 2020-2025"

Ho Chi Minh City People’s Committee passed a decision in 2014<sup>23</sup> aimed at encouraging the development of more OPS in its central business district.<sup>24</sup> This decision allows the Department of Planning and Architecture to award bonuses on the standard land-use coefficient (floor area ratio) in a given zone to developers whose projects provide more public space than required by extant regulations. With regard to OPS, this mechanism applies to projects sites (featuring high-rise buildings of at least 9 floors) in which developers commit to include a publicly-accessible space (i.e., open to users who are not residents in their projects). This mechanism is expected to be extended to the city’s 13 existing inner districts and to peripheral districts (including District 2) (Matsumura et al. 2017).

#### FROM PLANNING TO DESIGN: THE NATIONAL STANDARDS FOR GREENERY PLANNING FOR PUBLIC UTILITIES IN URBAN AREAS

As its name indicates, the National Standards for Greenery Planning for Public Utilities in Urban Areas<sup>25</sup> aim to guide the design of green public spaces in cities. It is important to note that standards are issued by the Vietnamese government in a variety of sectors and that they state ideal qualities to be attained rather than actual regulations that need to be strictly enforced. We will see later in this report how this plays out in the production of urban public spaces.

At the most general level, the National standards establish ratio targets, expressed in square metres of “greenery land for public use” (*đất cây xanh sử dụng công cộng*)<sup>26</sup> per person which different classes of cities should aim for as they develop new urban zones and redevelop existing housing areas. The National standards stipulate that special cities, such as Hanoi and Ho Chi Minh City, should aim for 12 to 15 sq m of green spaces per person on their territory. This general target is then specified by subdividing it into more specific targets for three main types of green spaces (see Table 2.1).

Table 2.1: Target ratios of greenery areas for public use

Class of urban centres	Standards of greenery for public use	Park greenery standard	Land standards for greenery and gardens	Street greenery standard
	sq m / person	sq m / person	sq m / person	sq m / person
1. Special city	12 – 15	7 – 9	3 – 3.6	1.7 – 2.0
2. Grade I and II urban centres	10 – 12	6 – 7.5	2.5 – 2.8	1.9 – 2.2
3. Grade-III and grade-IV urban centres	9 – 11	5 – 7	2 – 2.2	2.0 – 2.3
4. Grade-V urban centres	8 – 10	4 – 6	1.6 – 1.8	2.0 – 2.5

Source: TCVN 9257: 2012, appendix, Table 5

The first two types of green space correspond to the notion of OPS as defined in this study. “Greenery parks” (*cây xanh công viên*) are defined as areas “large and concentrated area of land for the purpose of outdoor activities for urban people, entertainment, implementation of public cultural activities, exposure to nature, enhancing material and spiritual life.” And “greenery gardens” (*cây xanh vườn hoa*) are defined as spaces “for pedestrians to walk and rest for a short time; this is not a large area and this space includes flowers, grass, trees and relatively simple constructions.” The National standards classify these two types of green spaces into seven categories for which they establish minimum areas (see Table 2.2). The third type of space, called “street greenery” (i.e., trees and other

<sup>23</sup> Decision No. 29/2014/QĐ-UBND on the Code of general planning and architecture management in Ho Chi Minh City

<sup>24</sup> I.e., the historical city centre, plus parts of Bình Thạnh district and District 4 along the Saigon River

<sup>25</sup> TCVN 9257 adopted in 2012

<sup>26</sup> Defined as “land used to build public parks and gardens in urban areas” (Sect. 2.2)

planted spaces along roads), falls outside of this study's purview given that they are not meant for socialization or recreation.

Table 2.2: Minimum land area for parks

Classify	Scale (ha)
1. Urban central park	15
2. Cultural park rest (multi-function)	11 – 14
3. Regional parks (districts, wards)	10
4. Residential park	3
5. Pedestrian garden	0.5
6. Small urban public gardens	2*
7. City forest park	50

Source: TCVN 9257:2012, appendix, Table 1

\*These are small parks of 1–6 ha mainly dedicated to walking, relaxing, resting; cultural activities such as public art performance, exhibitions; or sports and physical training activities.

#### FROM PLANNING TO IMPLEMENTATION: THE VIETNAM BUILDING CODE ADDITIONAL REGULATORY LAYER

The 2019 Vietnam Building Code<sup>27</sup> also provides definitions and stipulates ratio criteria for planning “urban greenery land” (*đất cây xanh đô thị*) and, more specifically, “greenery land for public use” (*đất cây xanh sử dụng công cộng*), in other words, “parks, gardens, playgrounds, accessible to the People for use.” Distinct regulations are stipulated in this document for application at the city and at the residential unit scales. It is important to note that while the targets and ratios formulated in the Standards discussed above are indicative, the provisions of the Building Code are prescriptive regulations.

At the most general level, the Code emphasizes that the access and use of “greenery land for public use” in Vietnamese cities need to be convenient for all inhabitants. The planning of these spaces should also take into account existing natural landscapes and assets (e.g., vegetation along rivers, lakes, canals, coastal areas). When cities have unique and valuable natural assets (rivers, streams, seas, hills and natural vegetation), their exploitation should be in balance with conservation objectives.

Beyond these general principles, the Code formulates ratio targets, expressed in square metres per person of greenery land for public use which different classes of urban centres should aim for. As special cities, Hanoi and Ho Chi Minh City should aim for a minimum of 7 sq m per person, excluding areas of greenery land for public use located inside residential units.

At the residential unit scale, the Code also emphasizes that greenery land for public use (parks, gardens, and playgrounds) should be accessible to local inhabitants and serve their needs (section 1.4.16). This is in accordance with a local planning approach, which aims to equip each residential unit with “the full range of public services” needed at that scale and “to ensure adequate services for the population of the planned area, and at the same time consider the needs of neighbouring areas and people” (section 2.2). More specifically, the Code stipulates that each residential unit should have at least 2 sq m/person of greenery land for public use. This should include at least one garden of 5,000 sq m or more accessible for all local residents (with a focus on the elderly and children).<sup>28</sup> The Code further requires the presence of gardens and playgrounds located no more than 300 meters

<sup>27</sup> QCXDVN01:2019/BXD National technical regulation on construction planning (Quy Chuẩn Xây Dựng Việt Nam Quy Hoạch Xây Dựng), replacing the 2008 *Vietnam Building Code for Regional and Urban Planning and Rural Residential Planning*

<sup>28</sup> According to another regulation cited by the Code: QCVN10:2014/BXD

from each sub-residential units groups.<sup>29</sup> In addition, 25 percent of all greenery land for public use in residential units and their sub-groups must be dedicated to playgrounds, outdoor sports and entertainment spaces (section 2.2).

*Box 3: Recap' – Main regulations guiding the implementation of open public spaces in commercial residential projects developed in Hanoi and Ho Chi Minh City*

Two main policy documents guide the planning of OPS in Vietnamese cities: the National Standards on Greenery Planning for Public Utilities in Urban Areas and the Vietnam Building Code for Regional and Urban Planning and Rural Residential Planning. These two policies set a target of 12-15 sq m/person of greenery land for public use in Hanoi and Ho Chi Minh City, of which a minimum of 7 sq m/person must be dedicated to parks.

Moreover, these policies stipulate that new urban development projects (such as NUAs) must provide a minimum of 2 sq m/person of greenery land for public use (based on projected population). Residential units inside these projects need to include at least one garden (*vườn hoa*) of 5,000 sq m or more. These gardens are primarily meant for pedestrian activities. However, up to a quarter of their area can be used for other functions (e.g., sports facilities, playgrounds, community activities). Moreover, to be approved, new urban development projects must demonstrate that their planned green spaces are accessible to the general public, including non-resident users.

### 2.3. SHORTCOMINGS OF THE CURRENT POLICY FRAMEWORK

#### AMBITIOUS POLICIES AND TARGETS BUT INADEQUATE MEANS TO REACH THEM

Both Hanoi and Ho Chi Minh City's planning authorities acknowledge the severe lack of open public spaces that plague their urban territories. Well aware of the role that public and green spaces play in urban residents' quality of life, the two largest Vietnamese cities have set out ambitious urban public space provision targets. However, the specific strategies and measures to achieve these targets and the feasibility of their plans are questionable, though for reasons that differ in each city.

In the case of Hanoi, while the provision of city-level parks improved over the last two decades, neighbourhood-level parks and playgrounds lag behind. The Hanoi Greenery Plan aims at providing 3.9 sq m of city-level park per person and 1 sq m of garden per person at the housing unit level in inner-city districts by 2030. To achieve these two targets, the city will need to create 455.3 hectares of new park and garden space. While the urban park objective might be attainable, given the land allocated to this function in Hanoi's current general masterplan, land availability to provide new gardens at the housing unit scale poses a problem.

As discussed above, planning authorities have proposed to tackle this challenge by redeveloping brownfield land and former state-owned housing estates. Such a solution entails relocating several industrial facilities outside of the city and resettling large numbers of urban households, processes that have proved to be both lengthy and costly in each of the cities (Nguyen 2015).<sup>30</sup> Acquiring the necessary land stock to build new gardens and playgrounds at the neighbourhood scale and doing so within the timeline stipulated in the current plans is nearly impossible. Besides, the Hanoi Greenery Plan's entire budget is currently allocated to the construction of large parks, with no fixed budget line for small local parks or playgrounds. Moreover, this plan includes no measure for the preservation, upgrading and management of neighbourhood scale OPS (Nguyen 2015).

<sup>29</sup> Defined by the 2019 Vietnam Building Code as a group of residential buildings with commonly shared public spaces (including garden, playground, parking and internal roads).

<sup>30</sup> For example, many of the old industrial plants located in Hanoi's inner districts fall under the jurisdiction of ministries or the central government rather than the City's authorities, greatly limiting the latter's control over the relocation of these enterprises and the redevelopment of the land they currently occupy.

Ho Chi Minh City's OPS provision challenges are just as important. Despite its ambitious targets, the city produced only 70 ha of new green spaces in the 2012–2018 period (of which city-level parks represent only 10 ha). At such a rate (i.e., 9.8 ha of new green space per year), it will take the city 1,000 years to meet the 11,400 ha target it has set for itself (Tuổi Trẻ 2020).

As opposed to Hanoi, Ho Chi Minh City has yet to formulate and adopt a comprehensive long-term plan (*quy hoạch*) to guide the development of green spaces on its territory.<sup>31</sup> In the absence of such a plan, the City seems to have no basis to delineate more specific planning and investment strategies to develop new green spaces (Thanh Niên 2019). Ho Chi Minh City's strategy to attract private investment in OPS production is still weak, and this despite official statements about the need to advance the "socialization" of these infrastructures.<sup>32</sup> This stands in contrast to the situation in Hanoi, where calls for private investment into OPS were issued in 2017 and 2020. The latest call listed 282 investment opportunities, including 40 park projects (totaling over 3,200 ha) (Hanoi People's Committee 2020). The lack of a comprehensive greenery plan in Ho Chi Minh City contributes to fragmented planning and decision-making and thwarts coordination among governmental agencies at the city, district and ward levels.

The common practice of adjusting district and ward land-use plans aggravates this situation. Such practice results in incompatibilities between plans produced at different government levels (e.g., between the City's master plan and districts' local land-use plans). Attempts to correct these incompatibilities result in a near-continuous revision of the land-use plans, in turn leading to significant delays in the development of planned OPS (Nông Nghiệp 2018). These delays then fuel local resistance by people who occupy areas earmarked for OPS development, often prompting planning authorities to downsize the planned spaces. When land acquisition is required, delays also translate into higher costs, further jeopardizing the realization of OPS projects.

Another problem concerns the legislation governing the production of new OPS in NUAs. As discussed above, the legal framework stipulates that the developers of these large land redevelopment projects must have completed all necessary social and technical infrastructure needed by their future inhabitants before they can hand over housing units to their customers. The 2014 Law on Real Estate Business thus stipulates that "a house or a building is only transferred to clients if that house/building and/or technical and social infrastructure is finished on schedule as specified in the approved project and they are connected to general infrastructure in that area" (art. 13). An implementation decree<sup>33</sup> of 2014 Law on Housing further states that "housing shall only be transferred to occupiers after the housing and social infrastructure of the project have been examined and verified to be ready for operation" (art 16). This examination and verification (*nghiệm thu*) should be performed by governmental authorities, usually the provincial Departments of Construction.

A range of decrees and circulars govern the conduct of this examination. However, none requires the assessment of NUAs as a whole to ensure that both individual buildings and infrastructure have been built according to plan and that they are actually functioning. Instead, the criteria which NUAs must meet in order to qualify as "completed" by authorities only concern individual buildings/works (e.g., building quality, fire and elevator safety), thus overlooking infrastructure. In other words, there is no enforceable mechanism to ensure that the technical and social infrastructure, including OPS, will be provided at the same as time as housing units in the project.

Finally, there is no comprehensive strategy governing the involvement of the private sector in OPS production. Nor is there a unified vision to ensure a coherent design and application of policies and regulations issued by the different governmental agencies discussed above. While urban planning and construction policies set very clear and ambitious targets for OPS production, its stipulations on private investments remain very general. These document mostly express guiding orientations (e.g.,

<sup>31</sup> Thus far, the City has only adopted a very general 5-year plan (*kế hoạch*): Decision No. 529/2020/QĐ-UBND dated 14/02/2020 on the Plan to build a green-environmentally friendly city over the period of 2020–2025.

<sup>32</sup> See, for instance, Decision No. 529/2020/QĐ-UBND

<sup>33</sup> Decree No. 99/2015/NĐ-CP on guiding the implementation of 2014 Law on Housing

“mobilizing private investment” or “utilizing BT, BOT, PPP mechanisms”) without detailing how to implement them. Similarly, many policies promote the “socialization” of investment in urban infrastructure but none of them provide specific measures or strategies to socialize the production of OPS.

#### A QUANTITATIVE AND GREEN-FOCUSED PLANNING APPROACH

The Vietnamese policy framework relies overwhelmingly on quantitative ratios to regulate urban public space production. This is typically expressed as minimum areas of green space land per capita, for instance, a minimum of 2 sq m/person of greenery land for public use at the neighbourhood scale. We have already mentioned that some of these targets (e.g., those set at the city scale) tend to be unrealistically ambitious in view of the current situation in Hanoi and Ho Chi Minh City. However, they have another major drawback: the neglect of public spaces' qualitative dimensions.

Existing policies provide clear targets in terms of the number of different types of OPS to be provided in cities, such as the number of city parks, gardens and playgrounds. But beyond the approximate size and general usage of each type of public space, the two main policy documents guiding public space planning in Vietnamese cities (the National standards on greenery planning for public utilities in urban areas and the 2019 revision of the Vietnam Building Code) provide no indications about the nature or quality of the facilities and equipment which should be included in these spaces. Also missing are regulations regarding the accessibility and connectivity of OPS (with the exception for one article in the 2019 Building Code which indicates that green areas must be accessible to the disabled).

Ho Chi Minh City has, however, started to fill in this gap with the issuance, in 2014, of new regulations pertaining to public space planning design.<sup>34</sup> This decision states, for the first time, clear qualitative requirements for OPS planning. For instance, it indicates that parks should not be fenced, that playgrounds need to include areas where the young, the old and the disabled can relax, and emphasizes the importance of connecting OPS to public transit (art. 12). We could find no equivalent regulation in Hanoi.

As the terminology used in the policy documents discussed above indicates, Vietnamese policies also tend to equate OPS in cities with green spaces. The notion of “greenery land,” central in the policy documents guiding OPS planning in Vietnamese cities, illustrates this tendency. Indeed, it is more than a semantic question. Instead, the terminology used in Vietnamese policies and regulations reflect their focus on the environmental and aesthetic dimensions of OPS.<sup>35</sup> In line with this, the main concerns of existing policies are to regulate green spaces in terms of characteristics such as size, area and types of trees planted.

Policies pay much less attention to the social dimension of OPS. As a result, there is a tendency to plant trees along new urban expressways and roads and to fill open spaces with trees and lawn. In the latter case, the intended purpose is more about the spaces being decorative than about creating spaces that will facilitate social interactions, meet the needs of diverse users or facilitate the practice of different activities. This focus on green spaces might explain the general lack of civic squares and pedestrian streets in Vietnamese cities, including in areas recently planned and built at their periphery. These types of urban public spaces have only recently attracted planners' attention. Greening public open spaces undoubtedly brings environmental and aesthetic benefits to cities. But it does not necessarily provide residents with the opportunity to use these spaces in meaningful ways. The potential of OPS to contribute to social life in cities is then limited.

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<sup>34</sup> Decision 29/2014/QĐ-UBND promulgating regulations on management of general planning and architecture in Ho Chi Minh City

<sup>35</sup> The two terms are usually conflated in popular understanding.

#### FRAGMENTED OPS PLANNING AUTHORITY AND INTER-SECTORAL COMPETITION

In both Hanoi and Ho Chi Minh City, the planning and management of OPS, like neighbourhood parks and playgrounds, suffer from significant overlaps in responsibilities and from a general lack of coordination/cooperation between sectors and levels of government.

In both Hanoi and HCMC, three different departments are responsible for greenery and parks planning: 1) the Department of Planning and Architecture, which is in charge of general urban planning; 2) the Department of Construction, which is in charge of specific planning of greenery land for public use; and 3) the Department of Natural Resources and Environment, which is in charge of land use planning. Further complicating this picture, the responsibility to issue calls for private investment into public space projects lies with the Department of Planning and Investment in both cities.

This overlap and fragmentation of OPS planning, development and management responsibilities leads to significant waste of time and resources. This problem is exacerbated by tensions across governmental sectors which tend to pursue distinct land development agendas, generating competition instead of cooperation in the use of a very limited public land stock. To give only one example, in Hanoi, both the Ministry of Construction and the Ministry of Culture, Sports and Tourism have issued plans to create new OPS in urban neighbourhoods. However, the specific types of spaces each seeks to develop (parks and playgrounds versus sports grounds) cannot be developed given the limited public land resource available, putting the two plans in competition against each other (Nguyen 2015).

Planning authority is not only fragmented at the provincial level but also insufficiently accountable to authorities at the district and ward levels. For instance, during the formulation of the Hanoi Greenery Plan, ward governments were not consulted nor was their very limited public land stock taken into account in setting targets for greenery provision at the neighbourhood level (Nguyen 2015). In terms of public space management, since 2016 district authorities cannot appoint private enterprises to maintain the green spaces on their territory anymore as this responsibility was transferred to the City's Department of Construction.<sup>36</sup> This re-centralization aimed to improve the performance of greenery management across the city (Hà Nội Mới 2017). But its outcomes, and notably the awarding of most planting and maintenance contracts to a single former state-owned enterprise,<sup>37</sup> are already critiqued for failing to respond to the diversity of situations and needs of Hanoi's 29 rural and urban districts (Bnews 2017).

#### LACK OF RELIABLE DATABASE AND SHARED INFORMATION ON OPS

Two distinct agencies are responsible to collect and provide urban planning information in Hanoi and Ho Chi Minh City: the Department of Planning and Architecture (on general urban planning) and the Department of Construction (on specific greenery planning). In addition, the Department of Natural Resources and Environment of each city is responsible for collecting and providing information on land management. However, neither city has an agency charged to compile and share relevant information across governmental sectors in an integrated and transparent manner. This poses a number of challenges for greenery planning and management.

First, there is no database on neighbourhood parks and playgrounds. As indicated above, the Hanoi Greenery Plan overlooked most of these spaces in its analysis of the city's public spaces, leading to the formulation of problematic measures and targets.<sup>38</sup> Secondly, the information on OPS produced by different governmental agencies (and by independent research projects) is difficult to integrate. Each agency generates data coherent with the concepts and definitions used in the policy documents it issues. The databases so produced are inconsistent and their compilation is nearly impossible.

<sup>36</sup> Decision No.41/2016/QĐ-UBND dated 19/09/2016

<sup>37</sup> The Hanoi Green Trees-Park Limited Company

<sup>38</sup> In mid-2020, the Hanoi Green Trees Park Limited Company announced that it will produce a database on city trees, albeit that this will only concern trees and greenery in the areas managed by this company (An Ninh Thủ Đô 2020).

Finally, policies about OPS posted on the websites of city departments is not updated in a timely fashion and it is often difficult to find or access. For example, it proved difficult to find the Vietnam Building Standard 9257-2012 on “Planning Urban Greenery for Public Use – Design Standard” on government portals, although it was used to develop the Hanoi Greenery Plan. This limited availability and transparency of information weakens the capacity of urban residents to monitor the implementation of OPS planning, ultimately fuelling popular mistrust in the planning system. Many public space-related projects thus face resistance and critique from the public from their inception.

### **3. A VISIBLE UNDER-PROVISION OF OPS: SPATIAL PORTRAIT AND EXPLANATIONS**

One of the objectives of this study was to understand the role played by the private sector in the production of OPS in Vietnamese cities. In order to understand how these actors shaped the production of OPS in the North and South Từ Liêm districts (Hanoi) and District 2 (HCMC), we began by surveying the system of urban OPS present in these two areas.

Preliminary site visits confirmed one of our original assumptions: a significant amount of what Vietnamese policies call “greenery land” is being produced in the two areas, notably within the confines of commercial residential property developments. Yet, we also observed that much of this greenery land consists either in very small planted or paved spaces (such as the circulation areas between buildings) or in residual areas such as the strips of land surrounding high-rise residential complexes. While these spaces have some aesthetic and environmental value, they allow very limited socialization or recreational activities. Moreover, the access to some of the larger areas of “greenery land” found in property projects is restricted to residents.

While it would be interesting and important to study the role these spaces play in peripheral urban zones, it is beyond the scope of this pilot study. Moreover, the production of such spaces by the private sector does not seem to be an issue: although quality varies, most projects include at least some small planted and paved open spaces. For these two reasons, and because the provision of a variety of publicly-accessible open spaces is essential to the well-being of urban residents, we decided to exclude these very small and exclusive open spaces from our analysis. In line with the definition of OPS stated in the introduction of this report, we only retained in our survey spaces which: i) are publicly accessible, and ii) have a minimum area of 0.5 ha. This minimum size reflects recommendations from the WHO (2016: 39) according to which all urbanites should have access to at least one green public space of 0.5–1 ha within 300 meters of their house. The 0.5 ha area also corresponds to the minimum area for urban public gardens set by the Vietnam’s Building Code and National standards on greenery planning for public utilities in urban areas (see Section 2).

Given the unavailability of up-to-date official maps of the greenery land present in our two study sites, the data analyzed in this section was produced by our research team. We began by identifying and mapping all the OPS meeting the two criteria listed above present in each territory (gardens, parks, etc.). The spaces identified on site were crosschecked using satellite images (Google Earth and Google Map). We then identified those projects located within the confines of privately-invested residential property projects (completed or under construction).

This section begins with a portrait and analysis of the OPS that we identified. This portrait reveals an under-provision of publicly-accessible open spaces of 0.5 ha or more in the periurban districts under study, and the limited contribution of the private sector to their production. Drawing on existing reports and interview data, we discuss how both market forces and the current policies hinder the private sector to produce such spaces. We further identify implementation issues which also contribute to the under-provision of OPS. Finally, we offer a critical assessment of the limited open spaces actually produced in commercial residential property developments.

#### **3.1. A QUANTITATIVE AND SPATIAL PORTRAIT**

The under-provision of publicly-accessible open spaces of 0.5 ha or more in our study sites is blatant, and this irrespective of whether these spaces are produced by the private or public sector. As indicated in Table 3.2, by mid-2020, such spaces represented a mere 1.6 sq m/person in the North and South Từ Liêm Districts and just 2.7 sq m/person in the District 2. The situation is somewhat better if we add the areas of the OPS of 0.5 ha or more currently under construction, respectively reaching 2.8 sq m/person in Hanoi and 3.4 sq m/person in HCMC. Yet, these ratios of OPS, large

enough for local populations to practice at least a few different socialization and recreational activities, are way below the targets set by existing policies.

If we break the data down in two broad scale categories of OPS, more specific deficiencies emerge. As shown in the maps presented in figures 3.1 and 3.2, what the two areas mainly provide to their residents are larger OPS of 2 ha or more, each study area currently having 10 such spaces on its territory. The situation is more worrisome in the case of OPS with areas between 0.5 and 2 ha, which typically correspond to neighbourhood-scale spaces that inhabitants, including those less mobile like children or the elderly, can easily access at a short distance from their homes. Even with the inclusion of the OPS of that size-category still under construction, the ratios are a mere 0.25 sq m/person in the North and South Từ Liêm district and only 0.88 sq m/person in District 2.

Table 3.1: Results of quantitative survey of the OPS (existing and under construction) identified in the North and South Từ Liêm districts and in District 2

	HANOI North and South Từ Liêm	HO CHI MINH CITY District 2
Population in 2009 <sup>39</sup>	574,000 inhabitants	180,000 inhabitants
<b>Identified OPS</b>		
Total area existing (number of spaces)	95.7 ha (23 OPS)	49.3 ha (32 OPS)
Total area under construction	62.9 ha (10 OPS)	12 ha (1 OPS on hold <sup>40</sup> )
Existing ratio (incl. OPS under construction)	1.6 sq m/pers. (2,8 sq m/pers.)	2.7 sq m/person (3.4 sq m/pers.)
<b>OPS of 2 ha or more</b>		
Total area (number of spaces)	83 ha (10 OPS)	33,3 ha (10 OPS)
Total area under construction	61 ha (7 OPS)	12 ha (1 OPS on hold)
Existing ratio (with OPS under construction)	1.5 sq m/pers. (2.5 sq m/pers.)	1.85 sq m/person (2.5 sq m/pers.)
<b>OPS between 0.5–2 ha</b>		
Total area	12.7 ha (13 OPS)	16 ha (22 OPS)
Total area under construction	1.9 ha (3 OPS)	/
Existing ratio (with OPS under construction)	0.25 sq m/pers. (0.25 sq m/pers.)	0.88 sq m/person

Source: authors

These are surprising findings given that the North and South Từ Liêm districts in Hanoi and the District 2 in Ho Chi Minh City are the sites of major NUA projects which, as discussed in the previous section, should include a variety of OPS accessible both to their residents and to surrounding populations. The territory of each study area further includes about 100 privately-invested commercial residential property development projects of at least 1 ha or 300 residential units (either completed or under construction). These developments cover a total of 1,259 ha in Hanoi and 562 ha in Ho Chi Minh City (see Appendix A for more details). And their total planned population is to reach about 225,000 and 134,000 inhabitants, respectively.

The areas of some of these projects are certainly too small to expect them to include an OPS of 0.5 ha or more. However, the North and South Từ Liêm District and District 2 respectively include 32 and 18 commercial residential property developments of 5 ha or more on their territories (completed or under construction). It would seem reasonable to expect these projects to include small, publicly-accessible open spaces such as public gardens, pocket parks or larger parks in which users can practice a minimum range of recreational and socialization activities. Why is it that we do not see more of these spaces in our study two sites?

<sup>39</sup> Ratio calculated using the estimated 2019 population of each study site.

<sup>40</sup> Land is earmarked and secured by the local government, but OPS development was put on hold. The OPS is undeveloped as of yet.

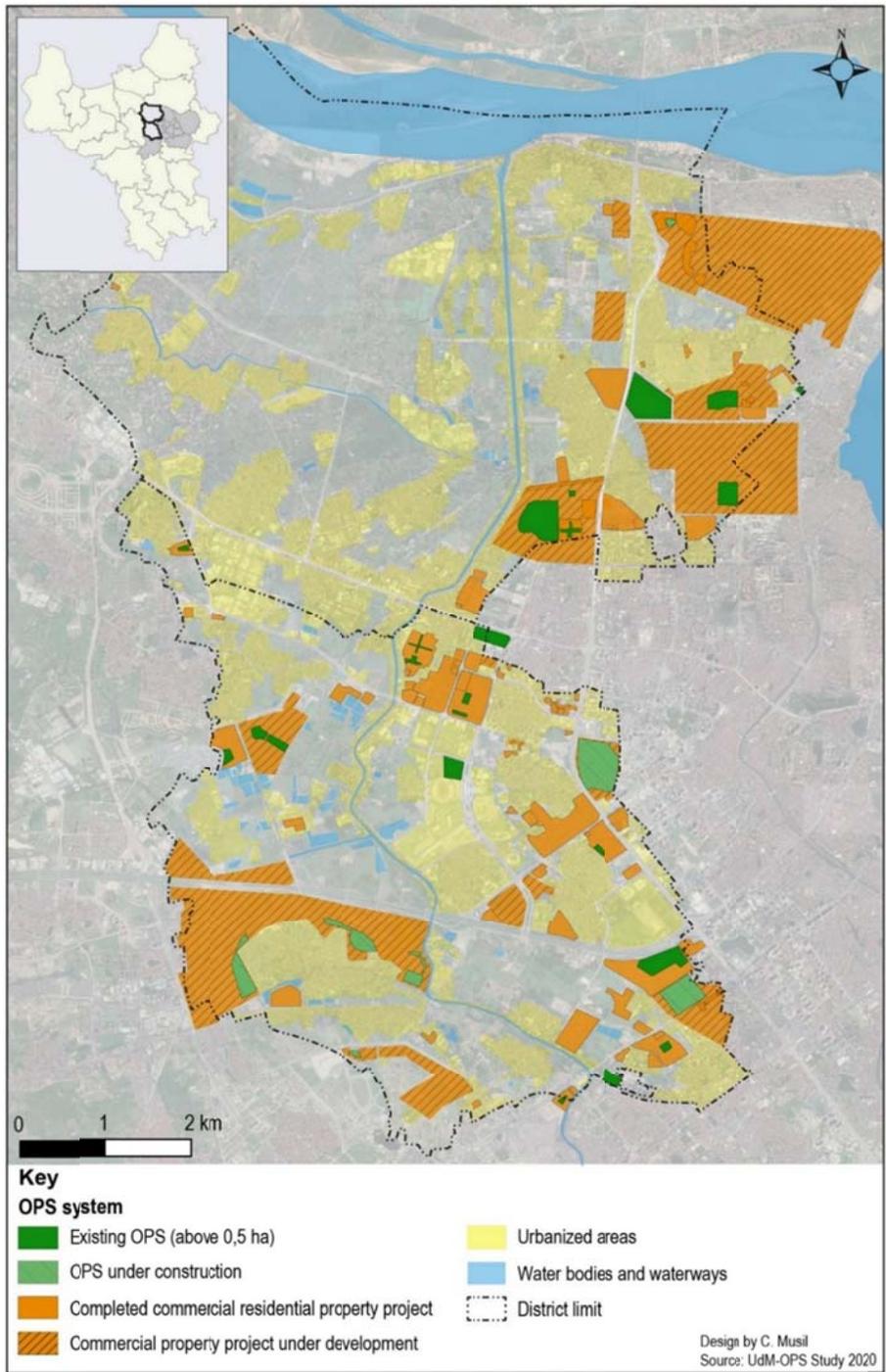


Figure 3.1: OPS system in Hanoi, North and South Từ Liêm districts  
Source: authors

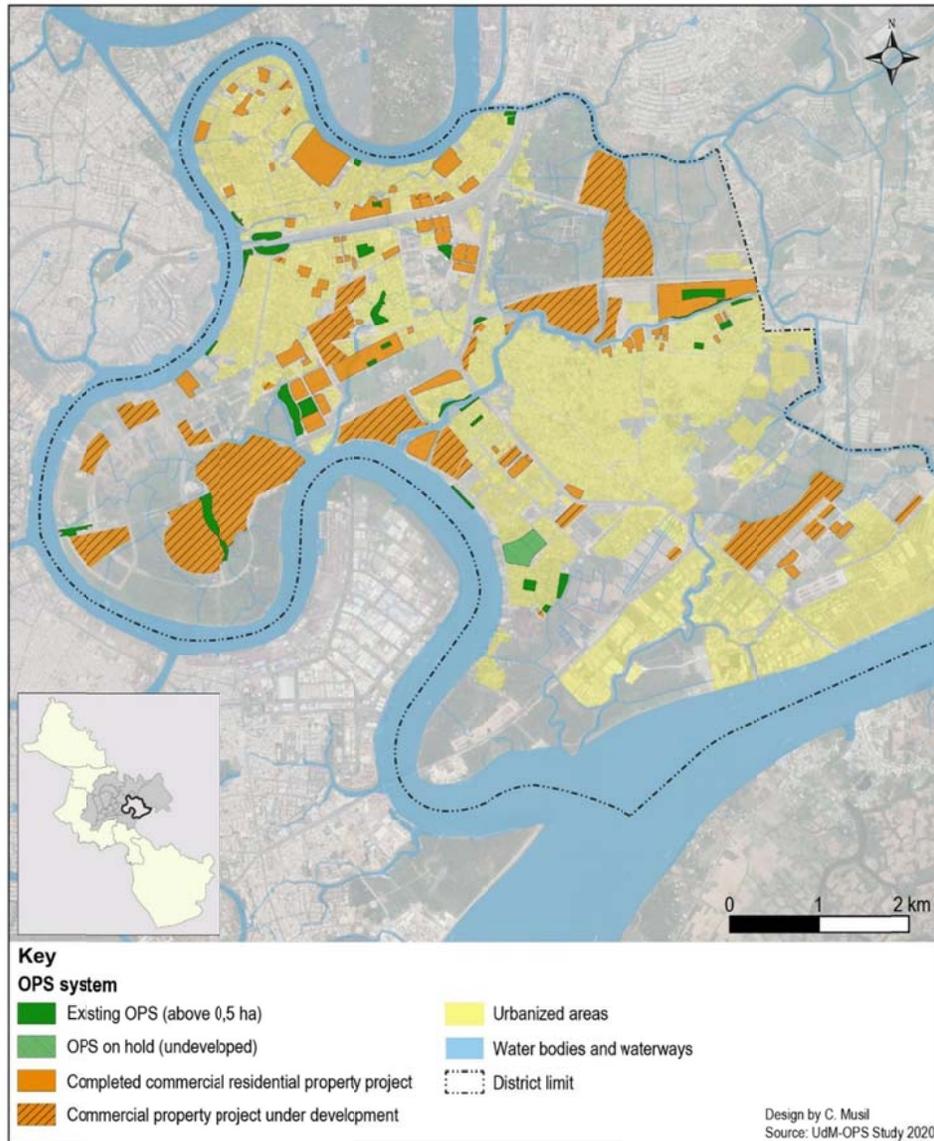


Figure 3.2: OPS system in Ho Chi Minh City, District 2  
Source: authors

As indicated above, data availability issues and resource constraints did not allow us to distinguish the OPS produced by the private and by the public sector in the survey of our two study areas. But even in the absence of this information, the portrait presented above suggests that the private sector, and commercial residential property developers in particular, play a very limited role in the production of OPS of 0.5 ha or more in our two study areas. A similar observation can be found in a 2012 report assessing the existing situation of “trees, flower gardens, rest areas and entertainment areas” development in HCMC’s District 2. The authors wrote:

As a new district with the advantage of having land, but after fifteen years of development, there is a truly little green space and flower gardens arranged to create landscape and shade. [...] The total area of green park land is only about 36.13 ha. Some of the parks featured in the approved plans of housing projects have not been built in sync with the infrastructure or have been converted to entry-

charging business purposes such as swimming pools, outdoor sports grounds. Only a few housing projects [...] have developed parks.<sup>41</sup>

Interviews with planners and individuals active in the residential property sector confirmed our hypothesis and the critique quoted above. Information provided by these respondents further helped to explain why the participation of the private sector in OPS production remains weak despite the clearly stated intentions in policies and official discourse to mobilize private investment into the production of parks, gardens, sport grounds and other OPS in Vietnamese cities. The next two sections address these explanations.

### **3.2. INSUFFICIENT MARKET AND POLICY INCENTIVES**

#### THE ROLE OF MARKET FORCES: FROM DEVALUATING OPS TO ENCOURAGING OF EXCLUSIVE ONES

Up to about 2012, the market did not encourage commercial investors and developers to build OPS as part of residential property developments. Back then, most of these actors considered that the construction of such facilities added no direct or indirect value to their projects. This assessment responded to the particular dynamic of Vietnam's emerging commercial property development sector, which, for about two decades was an essentially speculative market. At the time, the primary concern of customers-cum-investors focused on floor area, square metre costs and internal design of the commodity housing produced in these developments. They paid limited attention to the components of projects outside of the housing units they traded, attributing little to no importance to the presence or absence of OPS such as gardens, playgrounds or sports facilities. These market preferences discouraged developers to build OPS, leading them to look for ways to circumvent regulations requiring the provision of these social infrastructure in their property development projects (see Section 3.3 for further discussion).

The situation changed around 2012–2013, following a major slowdown of the Vietnamese property sector. This difficult period transformed this sector in three important ways. First, state authorities tightened the policies governing property development activities and strengthened their enforcement. Second, new domestic and foreign private developers, with more capacity and experience, gained a stronger foothold in Vietnam, introducing more professional standards. And third, characteristics of projects outside of individual apartments or villas such as the presence and quality of OPS in projects, began to weigh more heavily in homebuyers' investment decisions, especially in the higher-end segments of the market.

A respondent working for a private property consulting firm remarked that the period during which developers could still sell their products without facilities including OPS is over, adding that the norm is now for all projects to have at least some supporting facilities for residents.<sup>42</sup> Supporting this assessment, a project manager who works for private developers said that “developers care more about OPS now than in the past. Even in social housing projects, affordable housing projects, they all manage to provide some OPS.”<sup>43</sup> As a result, a landscape designer remarked that “the demand for our service has really boomed over the last 5 years.”<sup>44</sup>

To be competitive in the current market, developers consider that a project must not only be well-located and connected to the rest of the city but must also provide residents with green spaces, resting and entertainment areas and sports facilities. While what we could call a “green marketing” has emerged in cities like Hanoi and Ho Chi Minh City, developers' attitude towards the inclusion of OPS remained centred on the additional value these spaces bring to their projects. As a respondent who works for a developer puts it: “There is an interest from the private sector to develop OPS, to provide nice space for our customers [...] Parks bring value to our projects. They are an asset that we

<sup>41</sup> Thuyết Minh Tổng Hợp Điều Chỉnh Quy Hoạch Chung Xây Dựng Quận 2 Đến Năm 2020, p. 27, author's translation

<sup>42</sup> Interview, real estate market expert, Hanoi, August 14, 2020

<sup>43</sup> Interview, project manager, Hanoi, September 11, 2020

<sup>44</sup> Interview, landscape architect, Hanoi, August 26, 2020

need to have as there is a lack of green space in the city.” However, he adds, “we need to have a return on our business. This means that we are ready to develop parks, public parks, but under conditions [...] We [developers] hesitate when there are big requirements [with regard to the development of these spaces].”<sup>45</sup>

As a result, developers focus most of their efforts on the development of gardens, playgrounds and other green open spaces within the confines of projects. They are a lot more reluctant to get involved in the production of OPS located outside of their developments, including the spaces that cities try to develop through their socialization policies (more on this below). Moreover, as such, the green and open spaces that developers build within property developments tend to be exclusively accessible to their residents. Here again, they are responding to market incentives, in this case to homebuyers' preference for exclusive facilities. Several respondents in the property development sector told us that they understand this preference and find it reasonable. “Customers always prefer facilities that are only accessible to them” one of the remarked, adding that “if a project is gated, you can let kids play in the playground without concerns. If not, then you will not be able to feel at ease. Someone can get in and kidnap your kids.”<sup>46</sup> Another respondent stated: “Residents pay for the [maintenance of the] facilities with their monthly management charges. So of course, they can expect that the projects' facilities are reserved only for them.”<sup>47</sup>

#### INSUFFICIENT AND UNATTRACTIVE POLICY MEASURES AND INCENTIVES

In a context wherein the market discourages private sector to produce OPS other than those directly serving their clients, governmental policies specifically aimed at encouraging private developers to participate in OPS production face important limitations.

- *Insufficiencies of the 2 sq m/person greenery land provision requirement*

Based on interviews with public planning officials, design consulting firms and developers, it appears that the main rule currently governing the provision of OPS in commercial property developments is the requirement, stipulated by the Building Code, that these projects include a least 2 sq m of greenery land per inhabitant. As discussed in Section 2, public policies do include other provisions to guide OPS planning and provision in Vietnamese cities. For instance, the Hanoi Greenery Plan calls for 2.7 sq m/person of greenery land for residential units. And the Building Code requires that residents of residential unit have access to at least one garden of 5,000 sq m or more.

Yet, all our respondents indicated that the 2 sq m/person ratio is the only stringent regulation they must conform to in Hanoi and Ho Chi Minh City, and this from the planning phase all the way to the inspection of completed projects. How each city's ambitious greenery land provision targets are taken into account during the formulation and approval of commercial residential property development plans is unclear. What is clear, however, is that these targets are unlikely to be met any time soon if developers continue to be allowed to produce only the 2 sq m/person minimum in their projects. As a matter of fact, some developers manage to circumvent this minimum requirement in their project. As one of our respondents admitted: “Some developers calculate the area of an existing public park [near their project] as part of their own greenery land to justify that they have met the requirement of 2 sq m/person.”<sup>48</sup> Another respondent who works for a developer confirmed: “There is no way we have 2 sq m/person [of greenery land] in our project. But we are close to public parks. So we can justify that [we meet the requirement].”<sup>49</sup>

The reliance on a land ratio is also problematic because it leads authorities and developers to only consider the total area of greenery land of the project, irrespective of the size, location or design of the space that contribute to the ratio. As will be discussed in more detail below, the ways in which

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<sup>45</sup> Interview, developer, HCMC, September 11, 2020

<sup>46</sup> Interview, property project development officer, Hanoi, September 11, 2020

<sup>47</sup> Interview, real estate consulting company staff, Hanoi, August 14, 2020

<sup>48</sup> Interview, planning expert, Hanoi, May 05, 2020

<sup>49</sup> Interview, property project manager, Hanoi, August 21, 2020

authorities interpret the 2 sq m/person ratio and the ways in which developers implement it in their project pose major problems. Interview data revealed that planning authorities in Hanoi and Ho Chi Minh City readily take into account as greenery land any open non-built area in a project, even if it has no trees, plants or facilities whatsoever. This opens the way for developers to meet the 2 sq m ratio by designating as greenery land very small and barely usable spaces, scattered throughout their projects. In many cases, these areas are of very limited recreational or environmental value to users. In calculating areas of greenery land, planning authorities do not consider the question of their accessibility to users who are not residents in the residential development they are assessing. As a result, developers, especially of high-end commercial projects, can opt for producing exclusive spaces solely accessible to their residents.

- *Unattractive socialization investment opportunities*

As discussed earlier, Hanoi and Ho Chi Minh City have started to deploy measures to encourage the private sector to produce OPS as part of Vietnam's broader "socialization" policy. Over the last few years, both cities have issued calls for investment in OPS projects, including large city parks. To attract private investors, policies give them the possibility to set up a revenue-generating activity on up to 5 percent of the OPS site they plan to develop (with the remaining area having to remain freely accessible to the public). In addition, private investors in "socialization" projects are eligible to a series of preferential fiscal and tax policies including rebates on tax and land-use fee rates. In Hanoi, developers can also apply for loans at preferential rates offered by the City's Development Fund.

These measures are insufficient to encourage private investors to participate actively in the production of OPS, especially given that profits from such projects are much lower than those generated by other types of land development projects in which the same investors can engage in. A planning expert interviewed for this project thus remarked that the possibility to run a commercial activity on 5 percent of OPS sites is not sufficient to attract investors.<sup>50</sup> In Hanoi, other problems concern the loans offered by the City's Development Funds. Not only are these Funds' collateral and business plan requirements difficult to attain but, even when investors do meet them, they often deem the interest rates on offer too high. The procedure for selecting investors is also lengthy (up to 300 days), further discouraging investors (Thoi Bao Tai Chinh 2017).

- *The demise of the build-transfer mechanism*

Vietnamese planning authorities have had some success with using the build-transfer (BT) mechanism to channel private investments into the production of public facilities in cities, including OPS. In Hanoi, this mechanism underpinned the construction of at least three major public parks: CV1 Park in the Cầu Giấy NUA, Mai Dịch Park and Yên Sở Park. A key factor behind the success of the BT model is that it was perceived by the stakeholders involved as a mutually beneficial arrangement. This BT mechanism strengthened developers' capacities to rapidly secure developable land in prime locations in cities (i.e., the plots the public sector made available to them for commercial re/development against the production of urban infrastructure or facilities either adjacent to it or located elsewhere in the city).

Involvement in a BT project also tends to facilitate the approval by public authorities of projects on the concerned sites. This was seen as a significant advantage in a context marked by land shortage and by lengthy, complicated and uncertain project approval procedures. The BT mechanism was similarly valued by provincial authorities as an efficient solution to encourage private investment into the production of public infrastructure and amenities. The authorities deemed it simpler and faster to implement than other PPP investment mechanisms. Given the very limited public budgets available to produce OPS, and given competing needs for other infrastructure (especially roads), the BT mechanism became one of provincial authorities' preferred means to leverage land values in the service of public urban infrastructure and amenity production.

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<sup>50</sup> Interview, planning expert, Hanoi, May 05, 2020

Despite this favourable assessment by both private and public actors, and despite its capacity to engage private investment in the production of OPS, higher-level authorities in Vietnam have come to the conclusion that the BT mechanism poses major problems. The implementation of this institutional arrangement in Vietnamese cities over the last two decades or so has been characterized by a problematic lack of transparency, especially with regard to land valuation. Moreover, the BT mechanism led to corruption and land mismanagement.<sup>51</sup> The press reported several cases wherein developers have redeveloped the land made available to them as part of this mechanism but never completed the infrastructure they were supposed to produce in exchange for it (Thời Báo Kinh Doanh 2020).

Taking stock of these various problems, the Vietnamese parliament passed a new Public-Private Partnership Law that, starting in 2021, will prohibit the reliance on the BT mechanism to produce urban infrastructure and amenities and limit the use of other PPP mechanisms.<sup>52</sup> Further, all the BT projects which were still under consideration were terminated in August 2020.

- *The promising but yet not functional Floor Area Ratio bonus mechanism*

As discussed in the previous section, HCMC has been experimenting with a Floor Area Ratio (FAR) bonus mechanism to encourage developers to include OPS in their projects against bonuses in land-use coefficient (Matsumura et al. 2017). While this mechanism was adopted in 2014, its results have not matched expectations.

Several obstacles stand in the way. First, the implementation of the FAR bonus mechanism calls for the formulation, by provincial authorities, of additional regulations and instructions which would then be enforced by district level authorities in the case of small-scale property projects (Matsumura et al. 2017). In the absence of such instructions, and given the administrative complexity and responsibility overlaps discussed in Section 2, local authorities are unable to implement the FAR bonus mechanism. So while this mechanism does have a legal existence, the key respondents met for this study indicated that it is rarely put in application. Illustrating this situation, an interviewee who works for a private property developer told us that on paper “everything is possible” but in practice “the [onerous] administrative process is a turnoff!”<sup>53</sup>

### **3.3. THE PROBLEM OF OPS NON-DELIVERY**

The insufficient market and policy incentives discussed above do not mean that the private sector is entirely absent from urban public space production. Private property developers can choose to stay out of projects implemented through the socialization policy (i.e., calls for private investment in OPS) and through the FAR Bonus approach. However, they do not have the same option when it comes to getting the necessary approbations, permits stamps and the like from authorities for their own commercial residential property projects, especially if these are larger-scale projects such as NUAs.

As discussed in Section 2, planning policies explicitly require the inclusion of publicly-accessible greenery land in such projects. Depending on the size of property projects, this might include a mix of parks, gardens, sports grounds and playgrounds. Policies further require investors and developers to fund the construction of these spaces and to build them at the same time as they develop the commodity housing within their projects. In the case of larger NUAs, according to the law, once these amenities are completed, they must be transferred to local governments for management.

<sup>51</sup> A 2019 auditing report by the National Inspectorate estimates the wrongdoings associated with over 29 BT projects across Vietnam at 5,000 billion VND, of which projects in Hanoi and HCMC each account for 25% (Người Lao Động 2020).

<sup>52</sup> Only projects of a minimum of 200 billion VND in investment value in the fields of transportation; energy; irrigation; water supply, drainage, and treatment; waste treatment; healthcare; education and IT infrastructure will remain eligible for PPP investments.

<sup>53</sup> Interview, developer, HCMC, September 11, 2020

Based on available information and on interviews, most developers appear to comply with these policies at the initial planning stage. Although such documents are difficult to obtain, the few detailed masterplans of large-scale commercial residential developments which we were able to consult featured all the OPS required by the regulations in force at the time of their approval. Interviewees confirmed that, with regard to OPS provision, initial plans are generally conform to extant regulations. Problems seem to emerge once commercial residential property developments enter the implementation phase. As will be discussed below, the larger OPS featured in the approved masterplans of many projects (parks, gardens and the like) then face significant delivery problems. Many never get built, while the construction and others suffer lengthy delays. In the meantime, private sector actors produce other, smaller and exclusive green and open spaces. This section explores these two problems.

EXPLAINING THE NON-DELIVERY OF PLANNED OPEN PUBLIC SPACES: THREE COMMON SCENARIOS

We identified three main reasons for the non-delivery of OPS by the private sector, a problem regularly documented and discussed in official domestic media. These are: land misuse and illegal conversion, delays and planning adjustments, and the bankruptcy of investors (see Figure 3.3).

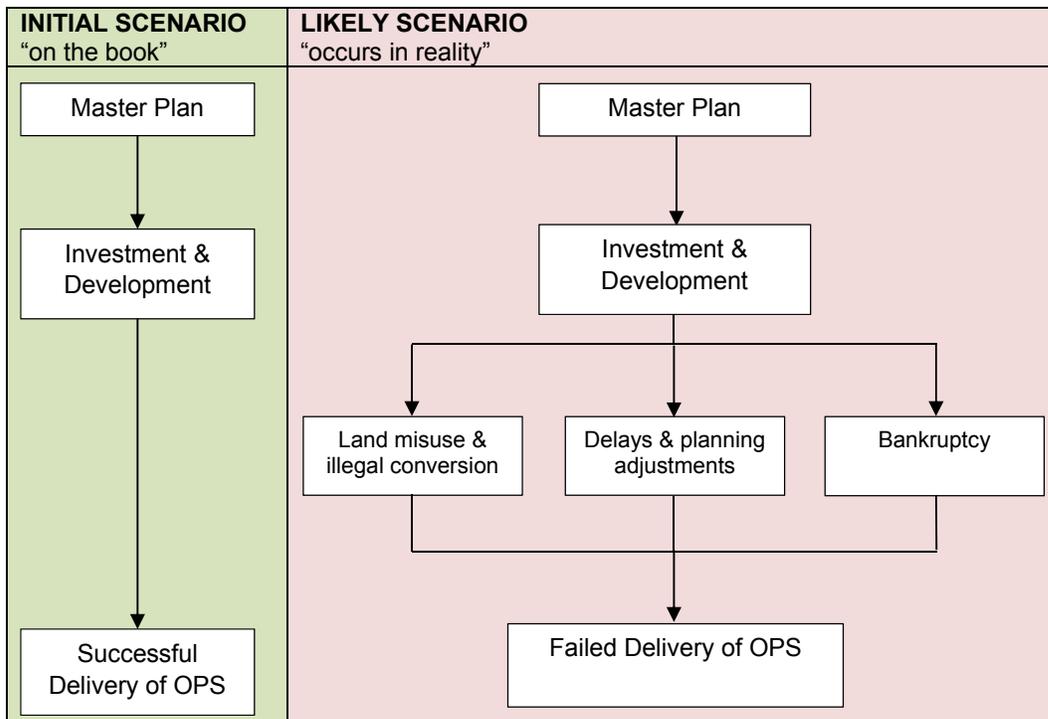


Figure 3.3: Identification of the causes leading to the failure of OPS delivery  
 Source: authors

- *Temporary land misuse and illegal land-use conversion*

A common phenomenon in large property development projects is the temporary usage of sites earmarked for the construction of OPS for other uses. Dozens of such land-misuse cases have been reported in Hanoi and HCMC over the years. For instance, two of the three sites earmarked for the construction of parks in the Văn Quán NUA (Hà Đông district, Hanoi) have been turned into parking lots and temporary restaurants (Môi Trường 2019). A similar story was reported in the case of the An Khánh NUA (District 2, HCMC). A large park featured in the project's plan has yet to be developed and its site is currently occupied by food and drink facilities (Pháp Luật 2018). In other cases still, sites earmarked for parks serve as storage spaces for construction materials (Gia Đình và Pháp Luật 2019), planned gardens and playgrounds have been turned into parking lots (An Ninh Thủ Đô 2019)

and plots originally earmarked for green spaces have been illegally privatized and turned into paying functions (VNexpress 2019; Công Lý Xã Hội 2018; Gia Đình và Pháp Luật 2019; Dân Trí 2015).

Such land misuse practices are often a way for developers (or the possessors of the land-use rights) to generate revenues from illegally renting out or running businesses by themselves on sites which, once developed, will only generate little to no revenues while incurring maintenance costs. In other cases, sites earmarked for OPS are actually converted to another usage. Often, they then accommodate more permanent structures. For instance, the developer of the Đại Thanh NUA (Thanh Trì district, Hanoi) used sites earmarked for greenery land to house its own offices and a lake featured in the project's plans was never built (Biz Live 2016). Similarly, a developer in HCMC (Tân Bình and Tân Phú districts) turned a site earmarked for a small community green space of one of his projects into a five-storey, commercial fitness and sports centre (Người Lao Động 2015).

- *Delays and planning adjustments*

Delays in the production and development of social infrastructure within property developments also affect OPS delivery. While policies governing the development of NUAs insist on the need to develop urban functions within projects “synchronously”<sup>54</sup> (e.g., housing, roads, public facilities), the development of OPS is often years behind schedule. Such delays can be the result of land-use right acquisition disputes (such as in the case of the 32 ha CV1 park in the Vinhomes Skylake NUA of the South Từ Liêm district) (Zing News 2019).

Delays can also be a conscious decision on the part of developers who chose to develop commodity housing and other commercial components (e.g., commercial and office spaces) before investing into the non-profit-generating components of projects, including OPS (Sài Gòn Giải Phóng 2018). Several interviewees confirmed that developers involved in commercial property and OPS developments often set up a cash flow strategy wherein public facilities are financed by revenues generated by the sales commercial housing.<sup>55</sup>

This can lead to major problems, notably when this strategy delays land acquisition for the construction of OPS. Illustrating this, an interviewee recounted the case of an NUA (in District 2, HCMC) whose approved plan featured a large “central park.”<sup>56</sup> Following the cash flow strategy outlined above, the developer prioritized the development of condominiums in the project, postponing the acquisition the land on which the park was to be developed. In the meantime, the land value of the site increased tenfold. In other cases, the site of a planned OPS had already been acquired by a developer, but its value increased significantly during the period it stood undeveloped. In both cases, developers bring up the rise in land value as an argument with planning authorities in order to be relieved from the obligation to develop an OPS (if the land was not acquired) or to get land-use category of the site changed (if land was acquired). In the latter case, the developer of a commercial property development can, for instance, be allowed to develop commodity housing on the site originally earmarked for the construction of an OPS.<sup>57</sup>

Once these changes are approved by planning authorities, the land-use plan for the zone is adjusted and the non-delivery of the OPS becomes an administrative decision duly approved by public authorities. Given that land values have followed a continuous upward curve for decades in Vietnamese cities, it is tempting to conclude that at least some developers purposefully delay land acquisition or development to later be able to persuade the city to forgo the construction of large, non-profit park spaces. Unfortunately, and as recognized by a local expert cited in the press, the administration tends to play the game of developers, being too lax “in approving planning adjustments for projects, leading to the reduction of trees and water surface” (Bất Động Sản Việt Nam 2018).

<sup>54</sup> For instance, Decree No. 52/1999/ND-CP discussed in Section 2

<sup>55</sup> Interview, expert in real estate, Hanoi, August 14, 2020; Interview, expert in real estate, HCMC, July 23, 2020

<sup>56</sup> Interview, expert in real estate, HCMC, April 29, 2020

<sup>57</sup> Interview, expert in real estate, Hanoi, August 21, 2020

- *Financial difficulties and bankruptcy*

Finally, developers occasionally go bankrupt before having completed the OPS featured in the plans of their projects. This was the case with the Nam Trung Yên Park (Cầu Giấy district, Hanoi). Ocean Group, one of the project's investors, was supposed to invest 1,600 billion VND into this 11 ha green space and to deliver it by 2015–2016. However, as the Group went into woeful financial troubles, the park which was meant to be publicly-accessible and benefit the population of surrounding developments, has yet to see the day (Báo Lao Động 2019).

#### THE PRODUCTION OF FOURTH PLACES AND EXCLUSIVE OPEN SPACES

As mentioned at the very beginning of this section, while the private sector produces very limited open public spaces of 0.5 ha or more, projects generally meet the minimum requirement of 2 sq m of greenery land per inhabitant stipulated by the Vietnamese Building Code. As such, the sites of commercial residential property developments in our two study sites do include open spaces. While we did not conduct a systematic survey of these spaces, we nevertheless noticed that the private sector tends to mainly produce two types of open spaces: 1) what we call “fourth places” and 2) open spaces exclusively accessible only to the residents of specific property development projects.



Figure 3.4: Example of a fourth place in the MHD1 Mỹ Đình complex (Hanoi)  
Source: authors



Figure 3.5: Example of an exclusive green space in the Diamond island complex (HCMC)  
Source: authors

The expression “fourth places” (Aelbrecht 2016) refers to the thresholds, edges and pathways typically included in the design and spatial organization of new property estates. In our study sites,

these spaces typically consist of the strips of land which act as buffers between the street (managed by public authorities) and the sites of newly built property projects (privately managed). As one of our respondents stressed, these new spaces are partly the result of building-to-land ratio, maximum building height, and setbacks regulations governing the planning of high-rise tower complexes.<sup>58</sup> Fourth places also consist of areas giving access to technical equipment within property projects (such as electrical generators, aeration shafts). As explained earlier, while these spaces can hardly be appropriated by users for socialization or recreational purposes, they are still accounted for by planning authorities as contributing to the minimum ratio of 2 sq m of greenery land which a property must meet in order to be approved (see Figure 3.4).

As explained in Section 2, extant regulations stipulate that the open and green spaces produced in commercial and residential property developments should be accessible not only to the residents of these projects but also to the populations of neighbouring areas. However, and as discussed earlier in this section, the market encourages developers to produce exclusive OPS in property projects (see Figure 3.5). And unfortunately, in our two study sites, market forces sometimes have the upper hand over official regulations, a tendency especially marked in projects belonging to the high-end and luxurious segments of Hanoi and Ho Chi Minh City's residential property markets (see Figure 3.6).

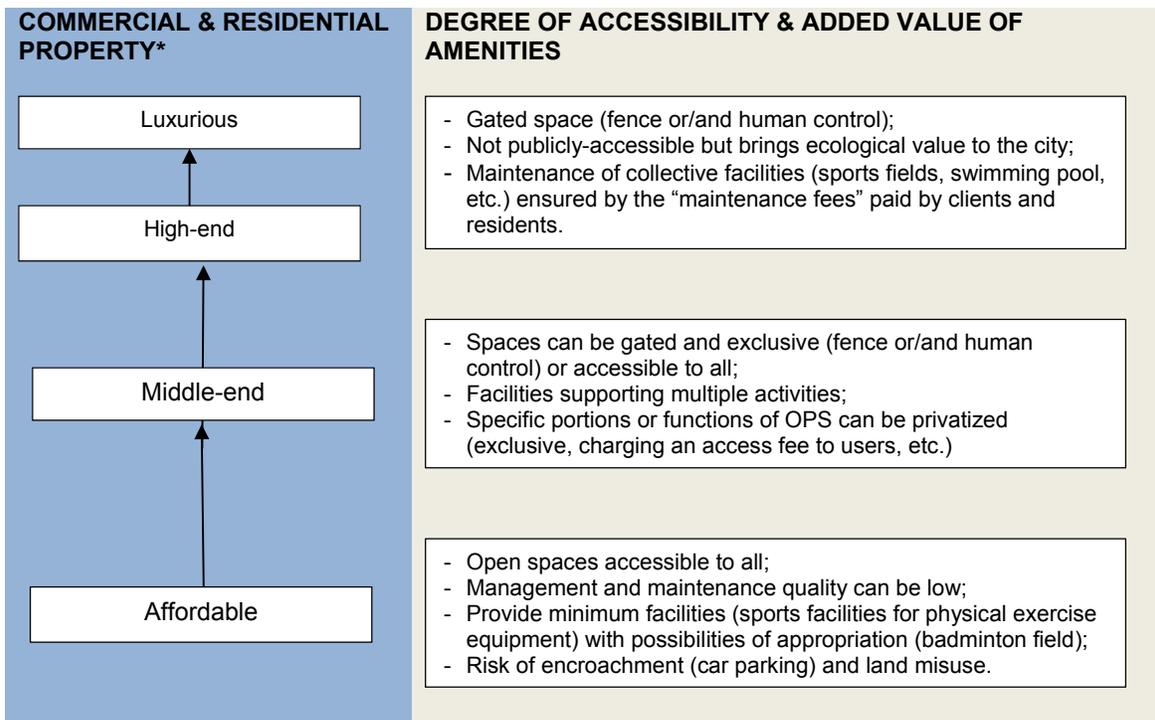


Figure 3.6: Degree of accessibility of the amenities produced by different range of commercial residential property developments

Source: authors

\*Information about commercial and residential property price ranges on the market. According to CBRE (2020), Luxury > US\$4,000 per sq m; High-end = US\$2,000 – US\$4,000 per sq m; Middle-end = US\$1,000 – US\$2,000 per sq m; Affordable < US\$1,000 per sq m.

<sup>58</sup> Interview, architect, HCMC, September 13, 2020

#### 4. THE UNEVEN QUALITY OF THE OPS PRODUCED BY THE PRIVATE SECTOR

The previous section showed that the private sector has produced very few publicly-accessible public spaces of 0.5 ha or more in the North and South Từ Liêm districts (Hanoi) and in District 2 (HCMC). While they are rare, the periurban districts under study do nevertheless include a few such spaces which are currently in operation. This section assesses three such OPS in Hanoi and three others in HCMC whose development, management and maintenance involved actors from the private sector. The objective is to document and evaluate the quality of the spaces so produced, notably in terms of their degree of publicness and accessibility, of their design, of the amenities and equipment they provide to users, of their usage and the activities users practice in them, and of their overall quality and maintenance.

The three OPS cases selected in Hanoi and HCMC were each produced through a different mechanism (see Table 4.1). The Vinhomes Gardenia and Bình Khánh parks were built by private developers as part of the larger commercial property development within which they are located. The Thành Phố Giao Lưu and Sa La parks are respectively the result of a build-transfer and of a socialization agreement. Finally, the Mễ Trì Hạ and Saigon Bridge parks are the outcomes of a delegation of public service to a private entity.<sup>59</sup>

Table 4.1: Case-studies categorized by production mechanisms

OPS Production Mechanism	Property development / Property developer	Socialization / BT agreement	Delegation of public service to a private entity
<b>Hanoi</b>	Vinhomes Gardenia park	Thành Phố Giao Lưu park	Mễ Trì Hạ park
<b>Ho Chi Minh City</b>	Bình Khánh park	Sa La park	Saigon Bridge park(1)

Source: authors

Our analysis draws on a mix of data sources. Between May and July 2020, we conducted four systematic observation periods in each case study site, focusing on their busiest usage period (5–7 am and 6.30 – 8.30 pm). To capture differences in usage, activities and maintenance of the spaces, observations were conducted both on weekdays and during weekends. Observational data helped to document who uses each OPS, the activities they practice and the presence (or absence) of tensions or conflicts between users, vendors and/or management. Based on this portrait, we administered a questionnaire survey to 40 users in each park (for a total of 240).<sup>60</sup> Our sampling strategy aimed at capturing the experience of a variety of users.<sup>61</sup> Our questionnaire was thus administered to a mix of male and female users, belonging to different age groups, and visiting the studied OPS alone and with other people. A table summarizing the main characteristics of the population surveyed is provided at Appendix B. Through this questionnaire, we documented: i) participants' usage of the studied OPS; ii) their perception of its quality, accessibility and publicness; and iii) the degree to which the space meets their needs.

The six OPS selected for this study are presented below. A qualitative assessment of these spaces follows, emphasizing both their achievements and shortcomings. We then identify and discuss problematic traits of these spaces which, at least in some cases, stem directly from the participation of the private sector in their production. Finally, we discuss issues associated with the transfer of OPS produced by the private sector to public authorities and ways in which these issues negatively impact these spaces.

<sup>59</sup> Also known as public service concession, this mechanism allows the government to contractually delegate to a private enterprise the operation, management and maintenance of a public utility for a given number of years.

<sup>60</sup> Given the COVID pandemic, the administration of questionnaires was limited to the periods during which the OPS were open to the public. We followed policies on social distancing and mask-wearing.

<sup>61</sup> A statistically representative approach was not possible given the absence of data on the population under study.

#### 4.1. PRESENTATION OF THE CASE STUDIES<sup>62</sup>

##### Hanoi – North and South Từ Liêm districts

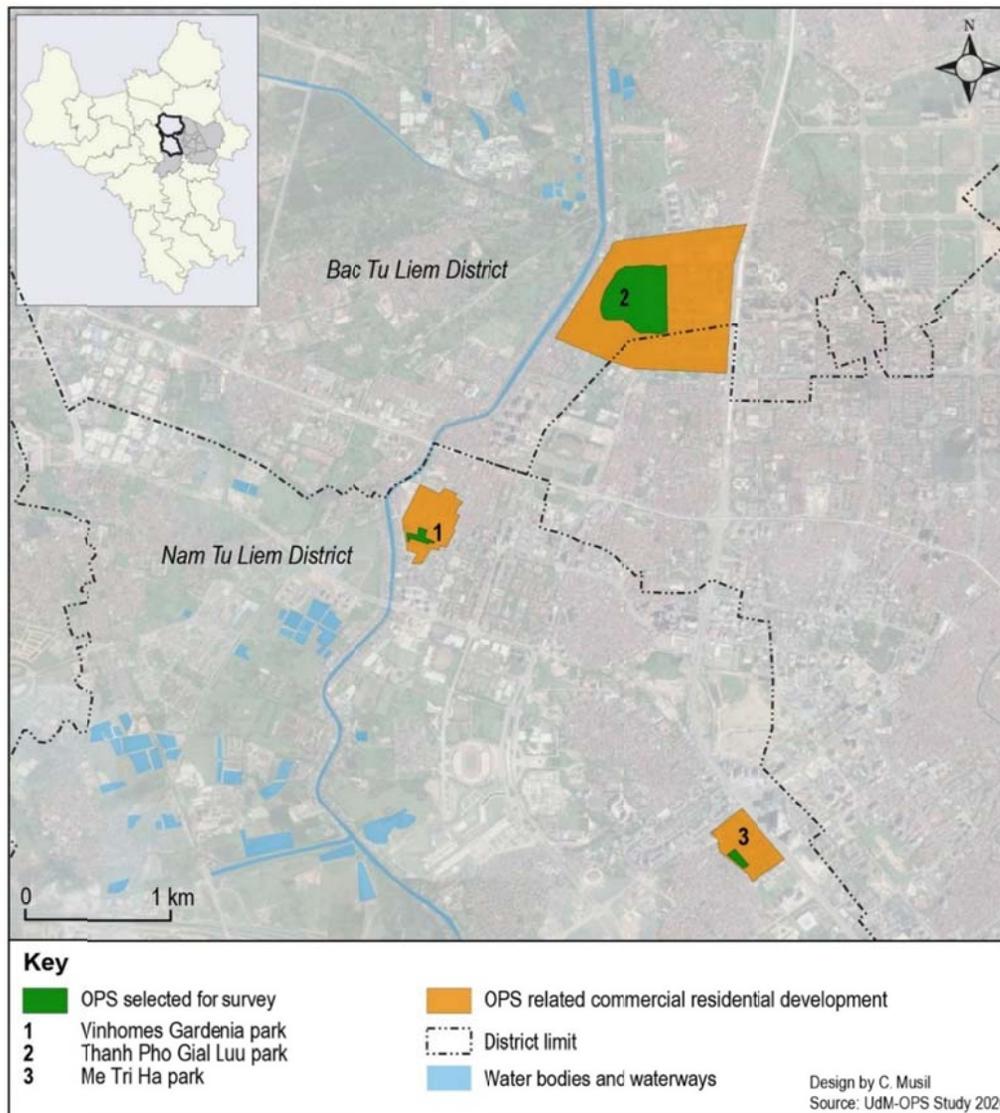


Figure 4.1: Location of the three case studies in the North and South Từ Liêm districts, Hanoi  
Source: authors

**Vinhomes Gardenia Park**  
The Vinhomes Gardenia NUA

covers 17.6 ha with a projected population of 8,760. This commercial residential development is located in a very dense part of the city (South Từ Liêm district), next to existing neighbourhoods and other housing projects. The NUA consists in two main areas physically divided by the Hàm Nghi street: a high-rise apartment (*chung cư*) area to the south and a villa (*biệt thự*) area to the north. The Vinhomes Gardenia Park opened around late-2017/early-2018, at the same time as the rest of the NUA.

The park has two distinct parts. On the villa side of the NUA, it consists in an elongated space of about 0.87 ha which includes a small children's playground, a garden with sports equipment and a pedestrian street bordering shophouses whose ground floors were designed to accommodate commercial functions. Because this area of the NUA is still sparsely inhabited, and since only a few businesses are open in the shophouses, this section of the park is not yet used by many people.

<sup>62</sup> Aerial photographs of the six case study sites can be found in Appendix C.



On the other side of Hàm Nghi street, the park covers about 1 ha and is surrounded by high-rise apartment buildings (Figure 4.2). This part of the park features a few kid's playgrounds, a small basketball court, sports facilities, an open zone with trees and benches, and a swimming pool. In contrast to the other section of this OPS, this part of the park is used intensively and it already accommodates a diversity of activities.

Figure 4.2: Vinhomes Gardenia Park  
Source: authors

Neither part of this OPS is fenced. However, security guards patrol the area at different times of the day. The swimming pool and playgrounds inside the park are equipped with access card/fingerprint scanner gates so that only residents of the NUA can access them. Several proximity retail and service businesses occupy the ground level of apartment towers, directly facing the park.

### ***Thành Phố Giao Lưu Park***



Thành Phố Giao Lưu is a vast NUA of 95 ha with a planned population of over 12,400. It is also bordered by dense pre-existing neighbourhoods. Located in its core, the Thành Phố Giao Lưu Park (Figure 4.3) is the main OPS of the NUA.

Figure 4.3: Thành Phố Giao Lưu Park  
Source: authors

Opened around 2016, the park has been designed to act as a water retention area. It covers 19 ha, of which 10 ha are occupied by a lake. This OPS is being developed and maintained by Vigeba, the developer of the Thành Phố Giao Lưu NUA. The park is the result of a build-transfer arrangement. The city required that Vigeba invest and build this large public park in exchange for the right to develop Thành Phố Giao Lưu NUA.

The Thành Phố Giao Lưu Park is among Hanoi's largest open green spaces. The perimeter of the park is not fenced. Its access and parking are free. A handful of security officers patrol the park, mainly during the evening. The park includes very few facilities apart from a pavilion. A small part of the park is occupied by a restaurant, a tennis court and by the developer's own office building. During the evening, one of the park's corners is also occupied by an informal beer garden.

### **Mễ Trì Hạ Park**

The Mễ Trì Hạ NUA spans 13.78 ha with a projected population of 3,280. Mễ Trì Hạ Park (Figure 4.4) is located inside the NUA and covers 0.8 ha. This OPS was invested, built and is currently maintained and managed by a private entity named *Cổ phần Đầu tư và Phát triển đô thị Tây Hồ*.<sup>63</sup> This OPS is part of a broader investment scheme that included the construction of an underground parking lot<sup>64</sup> directly under the park. This parking lot was also invested in and is now run on a for-profit basis by the same private entity.



Mễ Trì Hạ Park is located at the edge of the NUA and is directly adjacent to pre-existing neighbourhoods. It consists of an open ground, a small green area and two small sports grounds. A community house<sup>65</sup> and a small coffee shop are also located inside the park. The park's main entrance (see Figure 4.4) is guarded 24/7 by a parking staff. The rest of the OPS's perimeter is fenced, with secondary entrance gates at the rear.

Figure 4.4: Mễ Trì Hạ park  
Source: authors

<sup>63</sup> From scant information available online, this company specialized in investing in underground parking. It has recently proposed to develop part of one of Hanoi's largest public parks (Cầu Giấy Park) into an underground parking lot. This highly contested proposal received a lot of media attention in 2019.

<sup>64</sup> The Hanoi government considers that there is a severe shortage of such infrastructure in the city. It has recently issued a call for investment into a long list of underground parking lots.

<sup>65</sup> The basement and ground floor of the community house appear to be rented out for commercial activities (e.g., video game parlour, billiard club).

## Ho Chi Minh City – District 2

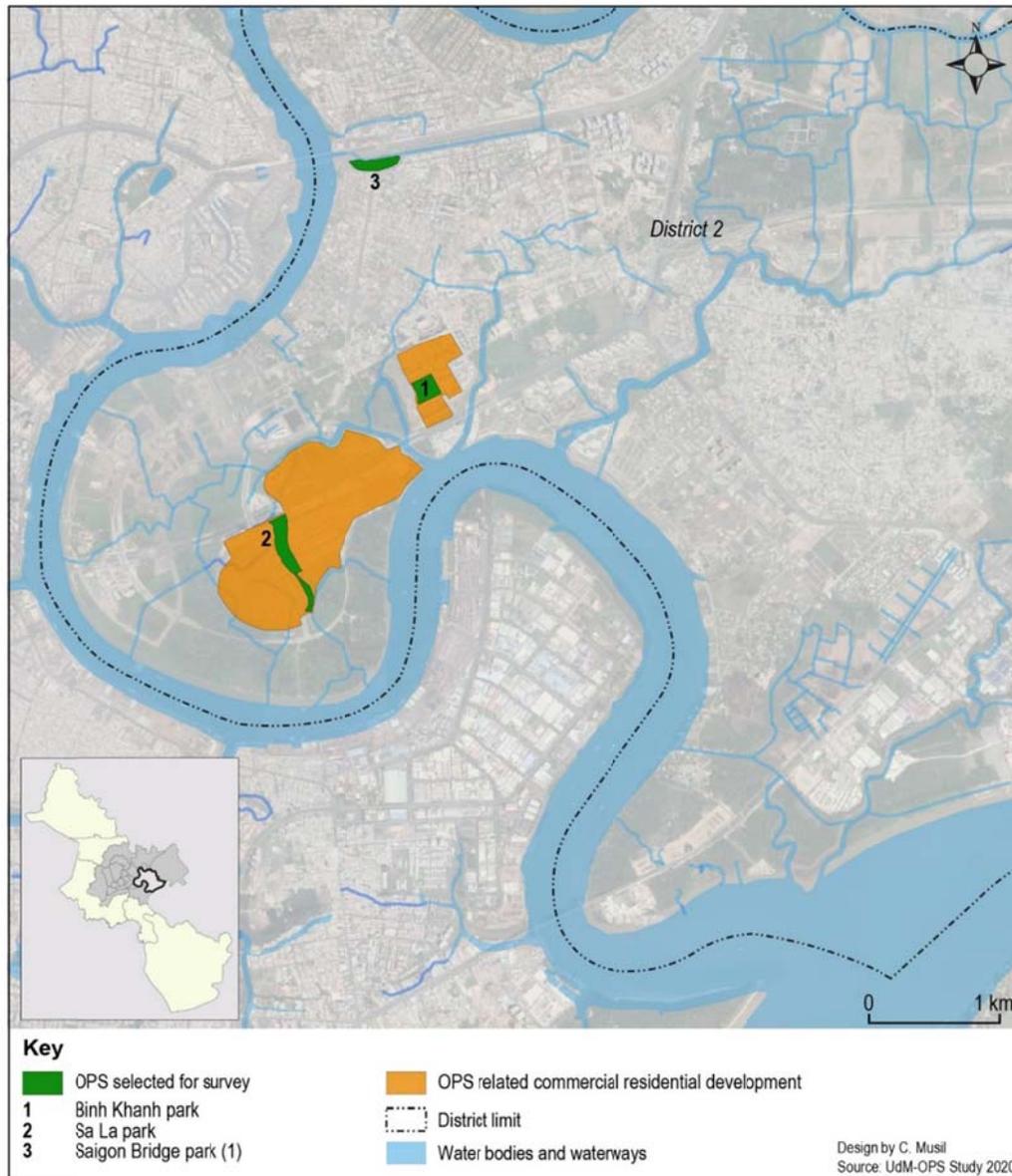


Figure 4.5: Location of the three selected OPS in HCM City, District 2  
Source: authors

### ***Bình Khánh Park***

Bình Khánh Park (Figure 4.6) is located in the Thủ Thiêm NUA, a 737 ha flagship urban development. This OPS was developed by the Thuận Việt Trading and Construction company, which also participated in the development of the Bình Khánh Apartments. This residential property project covers 32 ha and is expected to be home to 23,000 people. The park was put in operation in early 2017. This 3 ha park is surrounded by several commercial residential property developments. It consists of a vast planted and lawn area and of a 0.5 ha pond which serves as a water retention facility. The park is not fenced.



Figure 4.6: Binh Khanh Park  
Source: authors

Binh Khanh Park has no commercial services on its precinct. However, there are some commercial and retail activities across the street, to the south (coffee shops, convenient stores, real estate agency, hairdressers, etc.) and east (mainly informal food stalls) of the park. Binh Khanh Park supports various recreational activities and provides users with resting areas with benches and shaded areas.

#### **Sa La Park**

The area known as the Sa La Park<sup>66</sup> is also located inside the Thủ Thiêm NUA. It covers 7.3 ha, of which 2 ha are occupied by a canal that serves as a water retention facility. The park is part of the Sa La commercial residential property development, a 100 ha project with a planned population of 22,500. The project is being developed by the Đại Quang Minh group which also manages and maintains Sa La Park. Produced through a socialization policy mechanism,<sup>67</sup> the park was put in operation at the end of 2016.



Figure 4.7: Sa La Park  
Source: authors

The park has gained a positive reputation across the city due to the quality of its landscaping (including a monumental pedestrian bridge). It has acquired something of an iconic status due to the numerous pictures that visitors take and post on social media. Both the park and its surrounding

<sup>66</sup> Which combines the Rạch Cá Trê and Rạch Cầu Kênh parks according to the developer Dai Quang Minh (URL: <http://www.dqmcorp.vn/du-an/khu-do-thi-sala>)

<sup>67</sup> As indicated by the developer official website (URL: <http://www.dqmcorp.vn/du-an/khu-do-thi-sala> and <http://khudothisala.vn/cong-vien-song-nuoc-sala-canh-quan-doc-dao-tai-dtm-thu-thiem/>)

environment are further appreciated by walkers, runners and cyclists. As indicated by a respondent, the area features a very high greenery land ration of 15 sq m/person<sup>68</sup> and its roads are bordered by wide sidewalks. There are no commercial activities in the park, but retail shops line the road on its western edge (coffee shops, convenience stores, supermarkets, etc.).

### **Saigon Bridge Park (1)**

Saigon Bridge Park (1) (Figure 4.8) is situated at the bottom of the Saigon Bridge, at the intersection of a major metropolitan expressway (*Xa lộ Hà Nội*) and the busy Trần Nãi street. This space is the first component of a broader park which will ultimately include two other distinct spaces: Saigon Bridge Park (2) and a children's playground along the Saigon River. Saigon Bridge Park (1) spans 3 ha. It is built on public land previously occupied by a public bus parking and informal housing.



Figure 4.8: Saigon Bridge Park (1)  
Source: authors

The decision to build this park dates back to the end of the 2000s. However, it took several years to design, find the funding and build the park, which was only put into operation in early 2016. This park is under the responsibility of the District 2 government. Its management and maintenance are delegated to a private company called Hoàng Lâm, under a service contract with the district administration.<sup>69</sup> This park is opened to the public. It includes no commercial activities except the management of the park's parking lot. The park is primarily dedicated to rest and relaxation. However, it also includes a children's playgrounds, sports and exercise amenities, and a public toilet.

## **4.2. OPS PRODUCED BY THE PRIVATE SECTOR: A QUALITATIVE ASSESSMENT**

### **PUBLICNESS AND ACCESSIBILITY**

The six OPS studied are involving the private sector. And four of them are managed by private entities involved in the development of a property project nearby. Yet, and contrary to our initial expectations, these parks are uniformly perceived by users as publicly accessible. This perception is closely related to the fact that none of these parks charges an entry fee to users and that, with the exception of the Mễ Trì Hạ Park in Hanoi, none is surrounded by a fence, wall or other physical barrier. Further contributing to the overall sense of publicness, none of the 240 users that we surveyed reported feeling that they have to buy something or that they need to pretend they are residents of an adjoining commercial residential property to enter or use the parks studied.

<sup>68</sup> Interview, high ranking civil servant, HCMC, April 29, 2020

<sup>69</sup> As indicated on the company's website (URL: <https://cayxanhhoanglam.com.vn/gallery/cong-vien-cau-sai-gon/>)

Users also assess the six studied spaces as rather accessible. A first factor contributing to this perception is, as mentioned above, the fact that none of these parks charge an entrance fee.<sup>70</sup> In fact, free entrance is one of the main reasons mentioned by users for choosing to visit one of the surveyed OPS. About two-thirds of the users told us that they would not visit the OPS in which we surveyed them if it charged an entrance fee. A second factor is the distance of the OPS from users' home. A majority of OPS users in the two cities indicated that they visit the specific park wherein we surveyed them because it is easily accessible from their home (by foot or motorbike<sup>71</sup>).

In cases where an OPS is produced as part of a larger property development project, a third factor contributes to its accessibility: the presence of commercial spaces in its immediate vicinity. The parks that we studied are rarely encroached upon by informal commercial activities. However, several of these OPS are surrounded by commercial streets. The two activities feed each other: restaurants, shops and other commercial activities benefit from the presence of park users (especially that of non-residents who might not otherwise come in the area), while the park attracts patrons of the surrounding shops. By ensuring the accessibility of these commercial streets, notably in terms of roadway and parking, developers also facilitate access to the OPS. This pattern is especially clear in the cases of Sa La Park and Binh Khanh Park in HCMC (see Figure 4.1) and in Hanoi's Vinhomes Gardenia NUA.



Figure 4.9: Sa La Park, with retail area facing the OPS  
Source: authors

However, the accessibility of the studied OPS is hindered by a variety of obstacles which users report meeting on their way to the park. In both cities, users report difficulties in crossing large roads, such as those delimiting Thành Phố Giao Lưu Park, which get very crowded during rush hours. In the case of Saigon Bridge Park (1), a particularly pedestrian-unfriendly environment around this OPS leads a majority of users (33/40) to travel to the park by motorbike, even if the space is near their home. The location of this OPS near a bridge and across a large road, the fact that it is somewhat isolated from nearby residential neighbourhoods, and a low level of informal social control both inside and around the park appear to compromise users' sense of safety, especially at night.

<sup>70</sup> In most of Hanoi and HCMC's OPS, users must pay a small fee to park their motorbike, car or bicycle in a supervised, on-site parking lot. This is also the case in most of the parks that we studied.

<sup>71</sup> In HCMC, in particular, many users travel to the park by motorbike. While their times of travel are relatively short (5–10 minutes), the distance they cover (2–3 km) means that, for them, the parks studied are not easily accessible by foot.

USAGE: FREQUENCY AND TIME OF VISITS

Users visit the studied parks fairly regularly: around five times a week in Hanoi and three to four times a week in HCMC. In both cities, users visit each park throughout the entire week. In Hanoi, between 60 to 90 percent of users visit them both on weekdays and weekends in Hanoi, while in HCMC the proportion varies between 50 and 80 percent. All the OPS studied further attract users throughout the whole day, with peaks in the late afternoons in both cities<sup>72</sup> and, to a lesser degree, in the evenings in Hanoi. All of the parks that we studied are less intensively used in the early mornings, although we could observe middle-aged and elderly people doing exercises during this period. These patterns of usage seem to reflect the relatively young population of the areas studied, and that of new residential property developments in particular.

The time spent by users in the OPS studied is remarkable. In the case of Hanoi, about 45 to 55 percent of users spend between 30 to 60 minutes at the park on each visit. At Thành Phố Giao Lưu Park the period is even longer, with 55 percent of respondents spending over one hour. This might be explained by the fact that this is an especially large park where walking the entire loop (a common activity among users) takes a while. Moreover, the park's size facilitates team sports, which tends to take more time than individual exercising. In HCMC, more users (55 to 65 percent spend one hour or more in the three studied OPS than in Hanoi, and about a third spend between 30 to 60 minutes. Further, users in HCMC did report that the spaces are located farther away from their homes, compared to users from Hanoi, which might also explain why they visit them fewer times during the week but stay for longer periods.

ACTIVITIES

Users practice a variety of activities in the parks studied. As indicated in Figure 4.10, the type of activity most commonly reported across the six spaces is individual exercise (walking, running, chi gong, etc.), closely followed by relaxing and socializing. The OPS studied also appear to favour human interactions. Whatever the activity people come to practice, and irrespective of the fact that they come alone or with other people, 60 percent of the users surveyed in HCMC and 80 percent of those surveyed in Hanoi report socializing with other people while at the park.

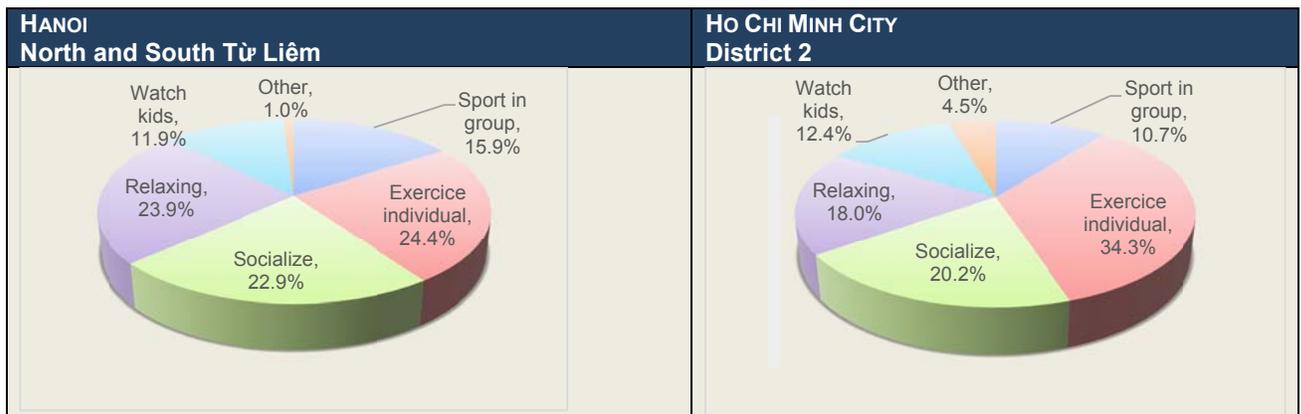


Figure 4.10: Proportion of activities practiced by users in the six OPS studied  
Source: authors

The contrast is stark with regards to the practice of team sports. As indicated in Figure 4.10, these represent only about 16 percent of the activities reported by OPS users in Hanoi and 11 percent in HCMC. Observational data reveal that the practice of activities in groups tends to be hindered in the parks studied. In some cases, it is the physical configuration and size of the OPS that pose problems.

<sup>72</sup> The afternoon crowdedness is particularly marked in Saigon Bridge Park (1) given the presence of a children's playground, an amenity the two other OPS studied in HCMC do not offer. Parents bring their kids to play in this park after school, at the end of the afternoon and a bit less in the evenings.

For instance, despite nicely designed landscapes and high-quality equipment and amenities, the two sections of Vinhomes Gardenia Park are not large enough to support the practice of group activities. In other cases, the parks studied would have been large enough to include dedicated spaces for group activities and sports but a decision was made not to provide them.<sup>73</sup> In these cases, users are compelled to appropriate paved areas located inside or on the edges of the park if they want to play shuttlecock or badminton or practice aerobics. In other cases still, it's formal and informal regulations that prohibit group activities. Despite the absence of explicit rules, security guards prohibit the practice of activities that might disturb other users, stopping group activities taking place on lawns or simply using up too much space in parks.

Interestingly, the people whom we surveyed did not complain about—or even mention—the fact that they cannot access some of the equipment and amenities present in the privately produced parks they visit. This is nevertheless a real problem, especially in OPS located inside property developments. The existence of exclusive, privatized areas within these parks segregates users in terms of the activities that different groups of users can practice. For instance, Vinhomes Gardenia Park includes a kids' playground and a swimming pool whose access is limited to residents of the NUA. Similarly, the BBQ facilities in Bình Khánh Park can only be used by the residents of neighbouring commercial residential developments. None of these activities are available to non-residents.

Another factor impinging on users' activities concerns the limited furniture provided in some of the parks studied. For instance, Mễ Trì Hạ Park provides no benches or tables and Thành Phố Giao Lưu Park has very few of them, especially in view of its large size. In both parks, users are compelled to find alternative spaces to sit down. In the first case, they tend to sit on the stairs of the community house located in the park, while in the second they sit on the lawn, despite it being prohibited (as indicated by small signs planted in the grass). In specific cases, users' comments and our own observations also point to a lack of a public toilet on site or to their limited accessibility (notably in Thành Phố Giao Lưu, Sa La and Bình Khánh parks).

#### SATISFACTION

In order to document users' overall experience, we asked them to assess the level of comfort, safety and cleanliness of the six parks studied.<sup>74</sup> As demonstrated by international experiences and by the literature, these criteria reflect the fact that crucial qualities influence users' perception of the openness and inclusiveness of public spaces.

The first criterion, in other words, the perceived level of comfort of a public space, influences its attractiveness. When users find a public space to be comfortable, they tend to view it as a place where they can enjoy a moment of stillness and of respite from the hustle of urban life.<sup>75</sup> In Vietnam's tropical climate, a comfortable urban public space is also one that provides thermal and physical comfort, for instance, by offering spaces with seats and shade (when the weather is hot and sunny) and covered areas (in case of rain showers).

As shown in Figure 4.11, the six spaces studied rate relatively well in terms of perceived comfort. In HCMC, 87 percent of users rated the OPS studied as either "pretty comfortable" or "very comfortable," while 94 percent of Hanoi users rated them as "normal" or "pretty comfortable." This lower rating in Hanoi is likely explained by the lack of tree shade in the parks surveyed. This is actually one of the main environmental problems raised by users in both cities. This is supported by on-site observations. For instance, while many trees have been planted in Thành Phố Giao Lưu Park, most are small and

<sup>73</sup> Or else, as in the case of Sa La Park in HCMC, sports facilities are located inside residential projects adjoining the OPS and are therefore only accessible to residents.

<sup>74</sup> Reports by HISD (2018) and HISEDs (2018) used similar international criteria to assess the quality of public spaces in Hanoi and HCMC and to evaluate the quality of the users' experiences. These assessment criteria are presented, for instance, in Bentley et al. (1985, 2012) and on the website of the Project for Public Space ([www.pps.org](http://www.pps.org)).

<sup>75</sup> See Németh and Schmidt (2011) quoting Staeheli and Mitchell (2008: 119)

cast little to no shade. The situation is even worse in *Mễ Trì Hạ Park*, which has many flowers and small trees, which are mainly decorative, and no tree big enough to provide shade.

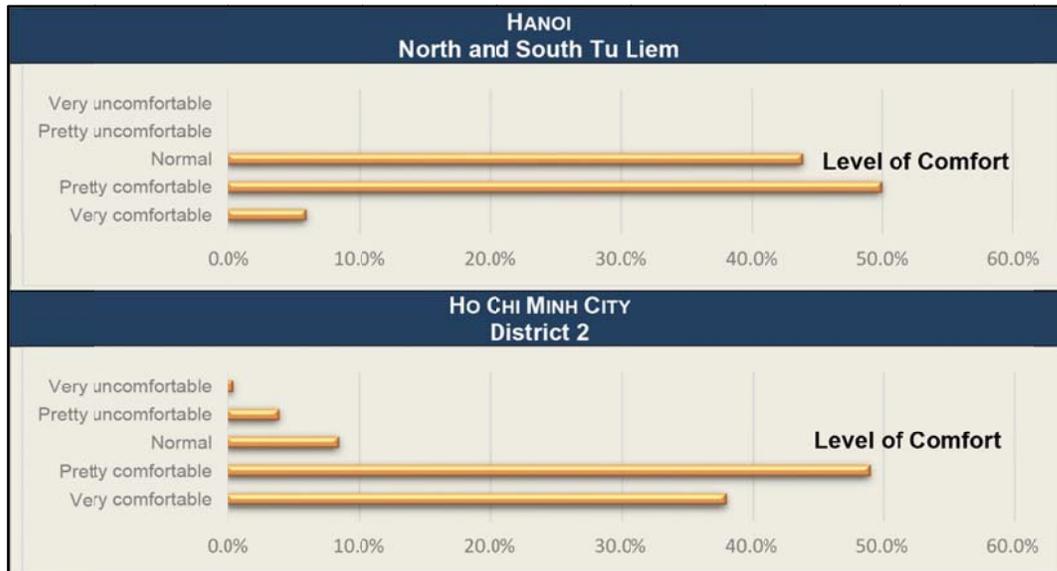


Figure 4.11: Perceived level of comfort  
Source: authors

A small number of users in Ho Chi Minh City and in Hanoi also reported issues with noise in the OPS they frequent. Surprisingly, given the size of this park, 13 out of the 40 users of *Thành Phố Giao Lưu Park* surveyed reported finding it noisy. The OPS with the more severe environmental problems is, however, *Saigon Bridge Park* (1). Users not only reported noise issues in this space but also air pollution, and dust in particular. These environmental problems are directly related to the location of this OPS next to a major transportation infrastructure (i.e., the Saigon Bridge and the Xa lộ Hà Nội expressway)

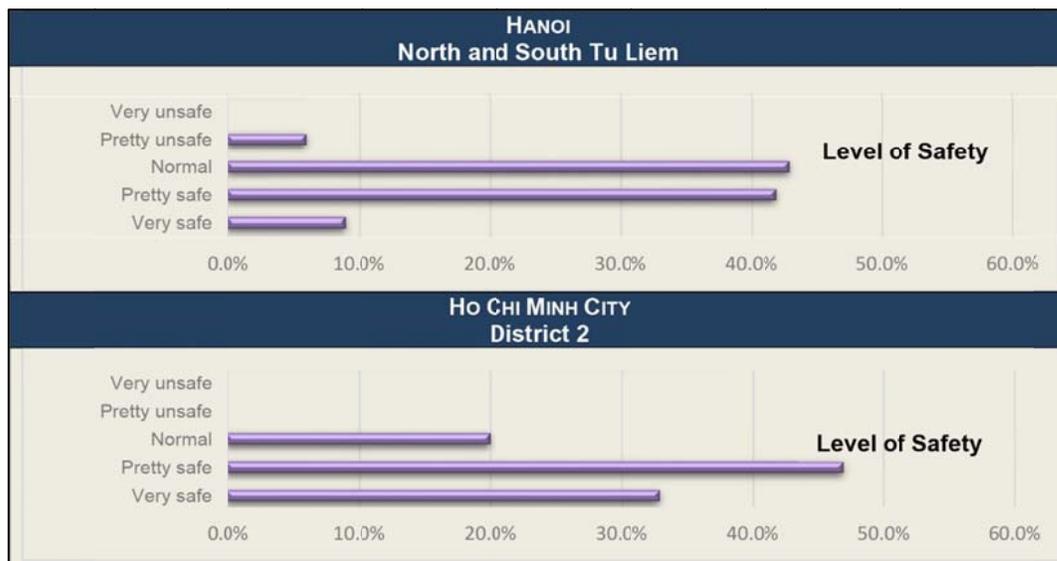


Figure 4.12: Perceived level of safety  
Source: authors

The second criterion, which is the perceived level of safety, refers to users' sense of being protected from danger, risk and injury (Varna and Tiesdell 2010). This feeling has been shown to be closely

related to users’ ease of seeing and being seen by others in a public space, and by the existence and enforcement of regulations governing users’ behaviour. The presence of a surveillance system (human and/or CCTV) can also contribute to users’ sense of safety.

As indicated in Figure 4.12, the six spaces studied rate well in this regard. Most users told us that they feel either “normal” or “very safe” in the park studied. The few problems they raised concern risks of accident when motorbikes enter OPS sites (a practice prohibited in all six parks) and the lack of public light at night, notably in Thành Phố Giao Lưu Park in Hanoi. Our observations confirm that there is no lighting in this park and that the whole area is, hence, completely dark at night.

Finally, the level of cleanliness concerns the maintenance of on-site facilities (sports facilities, toilets, kids’ playgrounds, etc.) and the general upkeep of the OPS (trash collection, tree and lawn maintenance). As shown in Figure 4.13, most users deem the cleanliness of the OPS studied as normal or better than normal. This is consistent with our observations. The six parks studied are generally well-cared for and landscaped, especially in cases where they are located inside a property development.

Users, however, deplore the fact that Thành Phố Giao Lưu and Bình Khánh parks do not provide enough trash bins. The problem is especially acute in the latter OPS, as reflected in the assessment of its general level of cleanliness by users. Seventeen percent of the people surveyed in this OPS find it either “pretty dirty” or “very dirty.” Our observations suggest that the problem might have more to do with infrequent trash collection service than with a lack of trash bins.

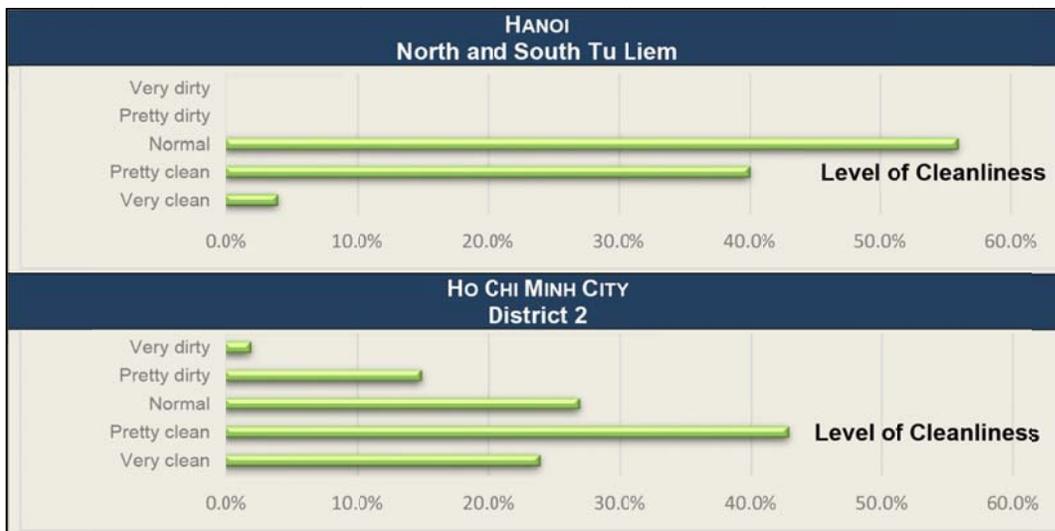


Figure 4.13: Perceived level of cleanliness  
Source: authors

PROBLEMATIC TRAITS OF PRIVATELY-PRODUCED OPS

Beyond this generally positive assessment by users, some of the parks studied present worrisome traits which relate directly to the involvement of the private sector in their production. These threats and their causes deserve attention, especially given that more private actors are likely to invest, design and manage OPS in the future in Vietnamese cities.

One of the main problems is the level of quality of the OPS produced by the private sector. This problem is particularly acute in cases where OPS are created through a socialization or build-transfer mechanism. Both observational and user survey data suggest that the private developers involved in such mechanisms tend to aim for the minimum level of quality. The cases of Thành Phố Giao Lưu Park in Hanoi is a good example. This space includes few trees large enough to provide shaded

areas and does not provide users with enough basic equipment and amenities (e.g., benches, tables, trash bins, toilets).

What factors explain this problematic outcome? The first and most obvious one is that developers tend to invest as little as possible in the OPS they are charged to build, simply to save money. Yet, there is at least one other, perhaps more problematic, explanation. Underinvestment into an OPS, and the provision of few equipment and amenities in particular, can also be a strategy to ensure that the space does not attract too many external users, which reduces the use made of the OPS. That, in turn, not only reduces maintenance and management costs but also allows developers to ensure that their clients residing in the residential spaces nearby have a quiet and relatively exclusive use of the OPS.

Another threat concerns the co-existence of both privatized-exclusive and public-accessible spaces around and inside the OPS produced by the private sector. This takes two forms, both of which are especially salient in the case of OPS built by developers inside or directly next to large commercial property development projects. In the first form, investors and developers provide their clients (i.e., homeowners in their developments) with private amenities and equipment within the exclusive confines of residential compounds (e.g., sports facilities, swimming pools, kids' playgrounds). In that case, they tend to limit their investment in the publicly-accessible open spaces built outside of these residential compounds to green landscaping. Such green open space enhances the value of the commercial housing in their development without having to invest in equipment and facilities that would serve non-residents and potentially attract too many of them. Sa La Park, located inside the high-end NUA by the same name is a good example of this problematic strategy.

In the second form, investors and developers privatize portions of the OPS itself. As discussed above, Vinhomes Gardenia Park in Hanoi and Binh Khanh Park in HCMC are instances of this problematic practice. Each park includes amenities and equipment such as children's playgrounds and swimming pools (in the former) and BBQ equipment (in the latter), which only residents of the adjoining property developments can access. The objective behind this strategy is the same as that discussed above: it allows developers to respond to the preference of their homebuyer and homeowner clients for high-quality and exclusive open spaces while still providing, in theory at least, the accessible OPS required by planning policies. Exclusive and private spaces thus not only eat away at areas of OPS but segregate activities which residents and non-residents of commercial residential property projects can practice within these OPS.

### **4.3. THE TRANSFER QUESTION AND ITS IMPLICATIONS ON THE QUALITY AND FUTURE OF PRIVATELY-PRODUCED OPS**

This last subsection addresses the question of the transfer of OPS invested and built by a private developer to public authorities. This issue concerns OPS produced as part of commercial residential property developments and those developed under the umbrella of the socialization policy. According to the extant policies reviewed in Section 2.1, once these spaces are completed and put into operation, developers should transfer (*bàn giao*) them to public authorities, who are thereafter take charge of operating, managing and maintaining them. Both interviews and the press clip review conducted as part of this pilot study indicate that the transfer of OPS built by private entities to public authorities is often delayed and, in some cases, face a deadlock that postpones the process indefinitely. While this might seem, at first glance, to be a mere administrative question, it is actually a significant problem with direct implications for the OPS themselves, ultimately impacting their quality.

A first explanation for OPS transfer delays relates to the numerous criteria which projects must meet in order to be launched. Extant policies stipulate a long list of documents that developers must provide along with requirements and standards that the technical and social infrastructural in commercial property projects must meet before they can be transferred to public authorities.<sup>76</sup>

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<sup>76</sup> Interview, developer, Hanoi, August 21, 2020; Interview, developer, HCMC, September 11, 2020

Moreover, for the transfer to take place, projects must comply with their approved plans. Yet, the reality of commercial property development in Vietnam is fraught with financial risks, land acquisition difficulties, amendments and adjustments to a changing market, and other changes which lead to adjustments of initially approved plans. Down the line, these changes often become administrative obstacles to the transfer of privately-produced OPS to public authorities.<sup>77</sup>

Problems with the transfer of privately produced OPS to public authorities might also be due to the reluctance of the latter to take on the financial responsibility of managing and maintaining these spaces. In most cases, this responsibility, and the costs associated with it, is assumed by the developer of the OPS for a period of time after the construction of the space. During this period, which an interviewee referred to as an implicit PPP,<sup>78</sup> the city is provided with a publicly-accessible open space without bearing its costs. Taking on these costs is problematic for local governments, whose budgets are often already strained, especially at the district-level.<sup>79</sup> The few experiences of privately-produced OPS transferred to local governments documented in the press suggests that this low financial capacity can lead to the degradation of these spaces. This seems to be what happened following the transfer to the local district of the management and maintenance responsibility of an OPS in the Linh Đàm NUA in Hanoi (Hà Nội Mới 2016).

These difficulties and deadlocks have direct implications on the OPS produced by the private sector, ultimately jeopardizing their quality. Given the complexity of existing procedures and the risk of a transfer deadlock, private developers tend to limit investment in the publicly-accessible OPS they are charged to produce. In this way, if the OPS is not transferred to public authorities according to schedule, the costs that private investors and developers will have to bear for the management and maintenance of the space are kept to a minimum. The negative impact on the quality of the OPS produced is obvious: the design of these spaces is often extremely basic and they tend to be equipped with cheap facilities.<sup>80</sup> Thành Phố Giao Lưu Park is a telling instance of such problematic outcomes.

Another possible consequence is the fragmenting of the management and the maintenance of OPS. This problem is illustrated by the case Binh Khanh Park in Ho Chi Minh City. While this OPS has yet to be transferred to public authorities, responsibilities for it have become somewhat ambiguous. At the moment, the developer takes care of security service and maintenance of the on-site facilities (trees, lawns, sports facilities, benches, tables). The collection of trash in the park is, however, in a grey zone. As a result, refuse often remains on site for several days or is unevenly collected, affecting the quality of the OPS.

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<sup>77</sup> Interview, architect, Hanoi, August 14, 2020

<sup>78</sup> Interview, high-ranking civil servant, HCMC, May 06, 2020

<sup>79</sup> Interview, high-ranking civil servant, HCMC, April 29, 2020; Interview, developer, HCMC, September 11, 2020

<sup>80</sup> Interview, landscape designer, Hanoi, August 14, 2020

## 5. CONCLUSIONS AND RECOMMENDATIONS

### SUMMARY OF KEY FINDINGS

The pilot study confirms the findings of recent reports regarding the under-provision of large parks and neighbourhood public spaces in Hanoi and Ho Chi Minh City (HIDS 2018; HISEDs 2018; Nguyen 2015). But while these earlier studies focused on the inner-districts of Vietnam's two largest cities, our analysis revealed that this problem also concerns their more recently urbanized peripheral districts. By mid-2020, the residents of the North and South Từ Liêm district had access to a mere 1,6 sq m/person of OPS of at least 0.5 ha.<sup>81</sup> The situation is slightly better in the case of HCMC's District 2, with a ratio of 2,7 sq m/person. These are surprisingly low figures given that these two areas have been explicitly planned, since the early 1990s, to ensure that they become modern and complete urban environments that would meet the infrastructural and amenities needs of their populations, including their needs for green and open public spaces. These figures also stand in sharp contrast with the ambitious green and open space provision plans and targets set by Hanoi and HCMC's provincial governments and by national planning policies more generally (see Section 2).

Vietnamese planning authorities clearly recognize the importance of providing current and future urbanites with more and better green and open public spaces. Since the early 2000s, both Hanoi and HCMC have been paying greater attention to these spaces in provincial planning exercises. The two cities are also devoting parts of their public budgets to renovate existing green and open spaces and to build new ones on their territories (e.g., Boudreau et al. 2015). Both provincial and national-level governments have also begun to experiment with institutional mechanisms aimed at engaging the private sector in the production of public spaces in cities. This pilot study mainly looked at two such mechanisms: the production of OPS as part of commercial property developments ranging from high-rise apartment complexes to large NUAs and build-transfer arrangements implemented under the socialization policy umbrella. (Section 4 also explored the outcomes of OPS produced and managed as part of a delegation of public services.)

The cases of the North and South Từ Liêm districts in Hanoi and that of District 2 in HCMC reveal several problems with these mechanisms as well as with the approach taken by Vietnam to involve the private sector in the production of OPS. First, both our spatial survey and interviews with individuals active in the real estate sectors clearly indicate that neither the market nor the current policy framework are enticing private actors to produce a significant amount of publicly-accessible OPS. As discussed in Section 3, the issue is not so much that private actors produce no green or open spaces in the city; they do. The problem, rather, concerns the types, sizes and degree of publicness of the spaces they produce. Most of the greenery land generated by the private sector (and in particular by developers of commercial residential developments) either consists of very small or decorative spaces that support very few activities, or else of exclusive spaces, such as private playgrounds and swimming pools, that are inaccessible to the general public. These spaces do provide some aesthetic and environmental benefits. However, they fail to meet the basic needs of Hanoi and HCMC's populations for spaces which are accessible and large enough to come together for a range of leisure, recreational, cultural and celebratory activities.

We were only able to identify a few publicly-accessible open spaces of 0.5 ha or more, produced by the private sector, and in operation in Hanoi and Ho Chi Minh City. Yet, according to a main finding of this pilot study, when OPS do actually get built by the private sector, users are fairly satisfied with them. Although they were produced and, in most cases, are still managed by private entities, the six parks investigated in the North and South Từ Liêm districts and in District 2 are largely perceived by users as genuinely public and accessible. These spaces are well-used throughout the week and the day by both men and women belonging to various age groups. These are also clearly multi-functional

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<sup>81</sup> As explained earlier, this minimum size reflects both WHO (2016) recommendations and corresponds to the minimum area for urban public gardens set by Vietnamese policies.

spaces. Moreover, the levels of comfort, safety and cleanliness of these spaces reported by users are generally good.

Yet, and beyond the general satisfaction expressed by users, the six parks assessed in this study present worrisome tendencies which stem directly from the participation of private actors in their production. Investors and developers tend to keep investment into these spaces to a minimum, a problem partly related to risks of a deadlock in their transfer to public authorities (see Section 4.3). Our case studies show that this can lead to the under-provision of basic facilities and equipment (such as benches, tables, trash bins) in these spaces. Interview data indicates that this under-equipment is more than a cost-saving strategy. As discussed earlier, in the case of OPS built by private investors as part of a commercial residential developments, providing no areas for group sports or no public toilet might serve to limit the usage of these spaces by non-residents. Finally, we also noticed that private actors tend to privatize portions of the supposedly publicly-accessible OPS they are assigned to produce, equipping these zones with equipment and facilities exclusively accessible to their clients.

## RECOMMENDATIONS

### ▪ RE-EXAMINE GOVERNMENTAL EXPECTATIONS REGARDING PRIVATELY-PRODUCED OPS IN CITIES

Over two decades ago, Vietnam started to transform its policy framework with the aim of involving the private sector in the production of OPS in cities. The cases of the North and South Từ Liêm district in Hanoi and of District 2 in HCMC suggest that **provincial and district governments might be leaning too heavily on the private sector to ensure urban green and open space provision**. As reported in the review of international experience which accompanies this report (Vansintjan 2020), non-governmental and international organizations generally agree **that public development and management of OPS is preferable**. This is because private involvement tends to lead to cost overruns, lack of long-term commitment, poor oversight and limited public accessibility.

In this context, our first and most general recommendation is that the relevant governmental agencies at the national level, and notably the Ministry of Construction, **reconsider the role that the private sector can and should play in the production of open public spaces in Vietnamese cities**. These agencies should consider the following questions: Based on the experience of the last twenty years or so, how many and what types of OPS can the private sector be reasonably expected to produce in cities? And, conversely, how many and which types of OPS should the public sector remain in charge of providing in cities?

Reconsidering the balance of responsibility between the public and private sector with regard to planning, investing, building and managing these spaces is, in our view, urgent in order to avoid the development of NUA severely deficient in open public spaces. Vietnamese and international experience clearly demonstrate that once an area has been urbanized with a shortage of OPS, it is extremely difficult and costly to re-integrate these missing amenities into its urban fabric (see, for instance, Angel 2008). And yet, if public authorities do not act rapidly, this might well be the very problem facing the North and South Từ Liêm districts in Hanoi and District 2 in HCMC.

### ▪ REVISE POLICIES TO ENSURE THE PRODUCTION OF MORE PUBLICLY-ACCESSIBLE OPS OF AT LEAST 0.5 HA IN COMMERCIAL PROPERTY DEVELOPMENTS

Vietnamese policies, such as the 2019 Vietnam Building Code, require the production of a minimum amount of open and green spaces in commercial property developments. However, the overly quantitative focus of these policies leads to problematic planning and design practices. This is particularly salient in high-rise residential complexes and in medium-size residential property development projects. Central to this problem is that, **when it comes to green and open space provision, the approval of property development projects is based on their fulfilling a sole criterion: the provision of 2 sq m/person of greenery land**. Provincial planning authorities not only

over-rely on this minimum area ratio but also interpret it in problematic ways when they assess the conformity of commercial property development plans. Three practices of provincial (and in some cases district) planning departments ensue which pose major problems:

- First, they tend to **allow developers to designate as greenery land almost any unbuilt space in their projects**. In assessing the conformity of property development plans in terms of greenery space provision, planning authorities make no distinction between publicly-accessible and exclusive open spaces. Nor are open spaces in which users can practice at least some recreational and socialization activities (e.g., pocket-parks, children's playgrounds, gardens) distinguished from those which can hardly be appropriated for any usage (e.g., a paved alleyway giving access to a power generator). As a result, significant areas of open spaces in projects get accounted for as greenery land which are either inaccessible to the general public or very difficult—if not impossible—to use.
- Second, they generally **let developers distribute the area of greenery land required in their projects in any way they want** as long the total meets the 2 sq m/person ratio set by the Code. This opens the way for problematic design decisions. As open and green spaces cannot be commercialized, and as they generate few direct economic revenues, developers tend to only designate as greenery land residual and no-build areas in their project (e.g., mandatory setback margins between buildings and the street) and surfaces needed by revenue-generating spaces (e.g., pathways to access buildings, paved areas next to cafés or restaurants). The acreage of some property projects would easily allow for the construction of a small park or garden of at least 0.5 ha within their perimeter. Yet, for economic reasons, developers prefer to fragment the greenery land they must provide into a host of small and often hardly usable spaces.
- Third, in the calculation of the 2 sq m/person of greenery land, public planning authorities (at least occasionally) **accept to take into account existing OPS areas located outside of the commercial property development projects** they are assessing. Examples include public planning authorities agreeing to let the ratio of greenery land included in a given project fall below the minimum requirement established by the Code on the basis of it being located near an existing park or public garden.

In view of these problematic practices and interpretations of green and open space provision requirements, we recommend that the Ministry of Construction (and City government, where relevant):

- Formulate regulations for the provinces of Hanoi and Ho Chi Minh City that specify provisions of the 2019 Vietnam Building. This new regulation should **stipulate the criteria that areas must meet to be considered as greenery land** in commercial property development plans. These criteria should privilege areas that are both publicly accessible and support at least some recreational activities. Conversely, these criteria should rule out the categorization as greenery land areas that are exclusively accessible to residents or with strictly technical or aesthetic functions.
- Require that **commercial property development projects covering large enough areas provide one or more usable OPS**; i.e., spaces that are: i) genuinely accessible to the public and ii) whose size supports recreational and socialization usage. Further analysis is, however, needed to establish project size categories and the number and sizes of usable OPS which each must provide.
- Strictly **prohibit OPS from including areas located outside of the perimeter of commercial property development projects** in calculation of the minimum ratio of areas of greenery land per person required in policies.

- **ENSURE THAT PRIVATELY-PRODUCED OPS ARE GENUINELY PUBLIC AND MEET HIGH STANDARDS OF QUALITY**

The six privately-produced parks assessed in this report revealed planning and design practices that negatively affect the quality and publicness of OPS. These notably include the fencing off of areas *inside* the perimeter of public parks for exclusive, private functions (e.g., BBQ area, swimming pools) and the under-provision of amenities and basic equipment in OPS (e.g., benches, children's playgrounds) which limit the extent of their usage.

To curb these problematic tendencies, we recommend that the Ministry of Construction adopts policies that:

- ***Prohibit the inclusion of exclusive areas or amenities within the perimeter of the publicly-accessible open spaces*** the private sector is mandated to produce. If private developers wish to provide their clients with exclusive or private amenities, these should be built in areas entirely separate from the publicly-accessible OPS (for instance, inside the perimeter of an adjoining residential complex). Moreover, the production of such exclusive spaces should not count as a project's greenery land or social infrastructure contribution.
- ***Formulate and adopt specific and enforceable design guidelines for different types of OPS*** and require that spaces invested in, planned and built by private actors complies with them. As much as possible, these standards should encourage the design of multi-functional spaces that cater to the needs of different age groups (including children), support both individual and group activities, and provide users with sufficient basic equipment and amenities (benches, trash bins, public toilets, etc.).

In addition, we recommend that all the government agencies involved:

- ***Simplify and streamline the procedures and criteria to transfer OPS from private investor-developer to district/city governments.*** The complexity of extant criteria and procedures generate long delays in the transfer process. During that period, private actors must cover the costs of the management and upkeep of the spaces. Currently, many try to offset these costs by under-investing in the OPS they are charged to produce. Limiting transfer delays should curb this tendency and allow public authorities to require higher-quality spaces from private developers.

- **REVISE AND IMPROVE POLICIES TO INCENTIVIZE THE PRIVATE SECTOR TO PRODUCE AND DELIVER THE TYPES OF OPS NEEDED BY CITIES**

While Vietnamese public authorities intend to continue to rely on the private sector to produce green and open spaces in cities, they need to improve the policy mechanisms in place. Key respondents from both the property development and public planning sectors unanimously agree that the ***economic incentives offered by extant policies are insufficient*** to attract significant private investment into the production of OPS. These policies do not engage private actors in the production of genuinely publicly-accessible spaces that are large enough to meet the needs of rapidly growing urban populations. The recent outlawing of the build-transfer mechanism will most likely exacerbate this problem.

In view of the insufficiencies and unsatisfactory outcomes of extant policies, we recommend that the Ministry of Construction, Ministry of Planning and Investment and City governments ***adjust existing policies mechanisms and explore the possibilities of adopting new ones*** that provide stronger economic incentives to private actors. New mechanisms could include the land-use coefficient bonus regulation currently being experimented in HCMC and the transfer of development right (TDR) tool under study by the Ministry of Construction. As a general rule, new policies should rely on relatively simple bureaucratic procedures so as not to deter potential investors.

In adjusting extant policies and formulating new ones, policymakers also need to address factors leading to delays in the delivery of privately-produced OPS or worse, to their non-delivery. To this end, revised policies should **aim to attract private actors with strong financial capacities and a track-record of timely and successful project completion**. In addition, measures need to be taken by the relevant authorities (notably at the Ministry of Natural Resources and Environment) to curb common land-use plan adjustment practices through which areas designated as greenery land (including OPS) are incrementally converted to other land uses. Stricter criteria could be introduced to control reduction of greenery land areas during the land-use plan adjustment process. A closer monitoring of this process is also needed.

▪ **DEVELOP A FULLER PICTURE OF PRIVATELY-PRODUCED OPS IN VIETNAMESE CITIES**

The reconsideration of public policies and governing practices recommended above calls for a better and fuller review of the current OPS situation in Vietnamese cities. While they provide relevant solution avenues, the results of this pilot study are too localized to directly inform national or even provincial policy changes. Nevertheless, the study does demonstrate the need to improve national, provincial and district planning authorities' knowledge of the amount, size, types and quality of the public spaces produced by private actors (and, incidentally, of the spaces they are not producing).

At this stage, there is a pressing need for the Ministry of Construction and for City governments to:

- **Conduct comprehensive OPS surveys** to get a fuller picture of the outcomes of the private sector's involvement in the production of OPS in Vietnamese cities. These surveys could rely on methodologies similar to those used in sections 3 and 4 of this report. They would support the formulation of critical diagnostics, highlighting the different achievements and shortcomings of privately-produced OPS in Vietnam's various urban centres.

The proposed surveys could also form the basis of **shared OPS databases**. Developed for each city, these databases should not only document greenery coverage but also the usable and publicly accessible OPS available on their territory. Such databases would strengthen management and coordination across governmental agencies and levels. Given the rapidity of urban development in Vietnam, they would need to be updated regularly.

- Assess private real estate development and design firm's capacities to deliver high-quality OPS. Such evaluation should identify who are the actors within these private entities who are responsible for public space development what principles and criteria they rely upon to plan and design OPS.

The Ministry of Construction should further:

- **Document the new types of OPS produced by the private sector and identify their roles**. Private actors are producing forms of public spaces that are new to Vietnamese cities. These include the thresholds, edges, pathways and residual open spaces found in commercial residential property projects. These fourth spaces, as defined in Section 3, make up a large proportion of the greenery land produced by the private sector in cities. And yet, very little is known about their contribution to the environmental and social life of urban neighbourhoods. How many of these spaces is the private sector producing at different scales? Who uses them, to do what, and when? And to what extent are these spaces meeting the environmental and social needs of cities and their populations (and, conversely, what needs are these spaces unable to meet)? All of these questions call for answers.

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2012 – 25/2012/QH13 Law on the Capital
2009 – 30/2009/QH12 Urban Planning Law
2019 – 37/2019/ND-CP Decree on the elaboration of the Planning Law
2018 – 63/2018/ND-CP Decree on investment in the form of public-private partnership (PPP)
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2014 – 43/2014/ND-CP Decree on detailing a number of articles of the Land Law
2014 – 59/2014/ND-CP Decree on incentive policies on private sector involvement in education, vocational training, health care, culture, sports and environment
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2010 – 38/2010/ND-CP Decree on the management of urban space, architecture and landscapes
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2013 – 3457/2013/QĐ-UBND Decision approving regulations on the management of urban space and architecture landscape within the existing central area of Ho Chi Minh City
2011 – 17/2011/QĐ-UBND Decision approving the project on the management, protection and development of types of forests and trees in Ho Chi Minh City up to 2020 with a vision towards 2025
2004 – 199/2004/QĐ-UBND Decision on parks and trees in Ho Chi Minh City

## Appendix A: Overview of commercial residential property market development

North and South Từ Liêm districts (Hanoi) and District 2 (Ho Chi Minh City) as of 2019

	HANOI North and South Từ Liêm	HO CHI MINH CITY District 2
Area (ha=hectares)	7,500 ha (3,200 ha STL + 4,300 ha NTL)	5,000 ha
Population (in 2019)	574,000 inhabitants (240,000 inhab. STL and 334,000 inhab. NTL)	180,000 inhabitants
Density (based on 2019 data)	7,600 inhab./km <sup>2</sup> (7,300 inhab./km <sup>2</sup> in STL and 7,700 inhab./km <sup>2</sup> in NTL)	3,600 hab/km <sup>2</sup>
<b>Major public investments</b>		
Infrastructure	- Urban expressway (National Road no. 32 (widening) and Thăng Long Boulevard (construction)) - Metro line no. 3 (under construction) - BRT Line (built)	- Urban expressway (Mai Trí Thọ boulevard) - Bridges and tunnel (Thủ Thiêm tunnel and Thủ Thiêm bridge 2 (under construction)) - Metro line no.1 (under construction) - BRT Line (planned)
Cultural and governmental equipment	- Museums (built) - International conference centre (built) - Formula 1 track (built)	- Museums (under construction) - Thủ Thiêm public space (planned)
<b>Major urban development project type identified: New Urban Areas</b>		
Planning operation driven by the public authorities (city/province/state) and aimed at developing NUAs and/or urban functions accompanied by commercial residential property developments.		
Identified NUAs	- NUA Tây Hồ Tây (847 ha - mainly on the territory of the North Từ Liêm district and Tây Hồ district) - NUA Xuân Phương (135 ha)	- NUA Thủ Thiêm (737 ha) - NUA An Phú An Khánh (151 ha)
<b>Commercial residential property developments of at least 1 ha or 300 housing units identified</b>		
Number of property projects completed	82	58
Total area (ha)	385 ha	182 ha
Number of property projects under development <sup>82</sup>	22	33
Total area still under development (ha)	874 ha <sup>83</sup>	380 ha
Number of property projects planned in 2019	6	14
Total area planned to be developed (ha)	144 ha	407 ha

Sources: authors

**Appendix B: Characteristics of survey questionnaire sample**

	HANOI	HCMC
<b>Age Group</b>		
Teenagers (13–18 y.o.)	5%	10%
Young adults (18–30 y.o.)	24.2%	42.5%
Middle-aged (30–60 y.o.)	57.5%	35%
Elderly (over 60 y.o.)	13.3%	15%
<b>Gender</b>		
Male	48.3%	51.6%
Female	51.6%	48.3%
<b>Visiting the OPS alone or in a group</b>		
Alone	55.8%	37.5%
In a group	44.2%	62.5%
<b>Mode of travel to OPS</b>		
On foot	72.5%	22.5%
By bike	7.5%	10%
By motorbike	20%	66.7%
By car	0%	0.8%
By public transport	0%	0%
<b>Average travel time (in minutes)</b>		
On foot	10	5
By bike	10	10
By motorbike	15	15
By car	N/A	N/A

Sources: authors

## Appendix C: Aerial photographs of the OPS surveyed



Figure C.1: Vinhomes Gardenia Park, Hanoi  
From Google Earth (2020)



Figure C.2: Thanh Pho Giao Luu Park, Hanoi  
From Google Earth (2020)

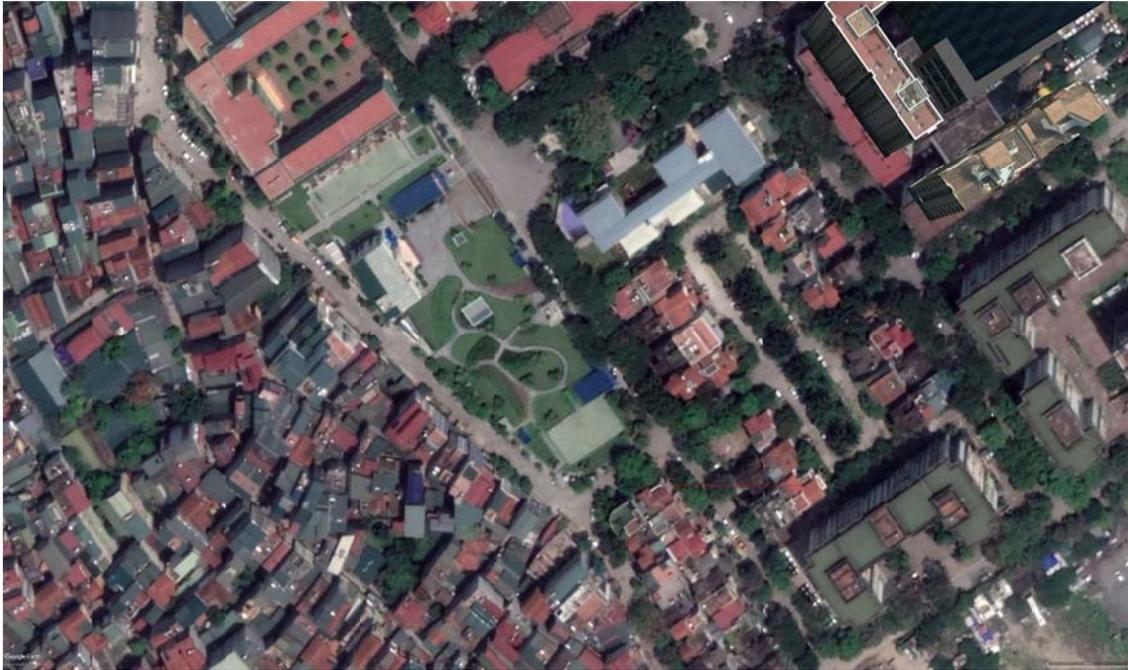


Figure C.3: Me Tri Ha Park, Hanoi  
From Google Earth (2020)



Figure C.4: Binh Khanh Park, Ho Chi Minh City  
From Google Earth (2020)

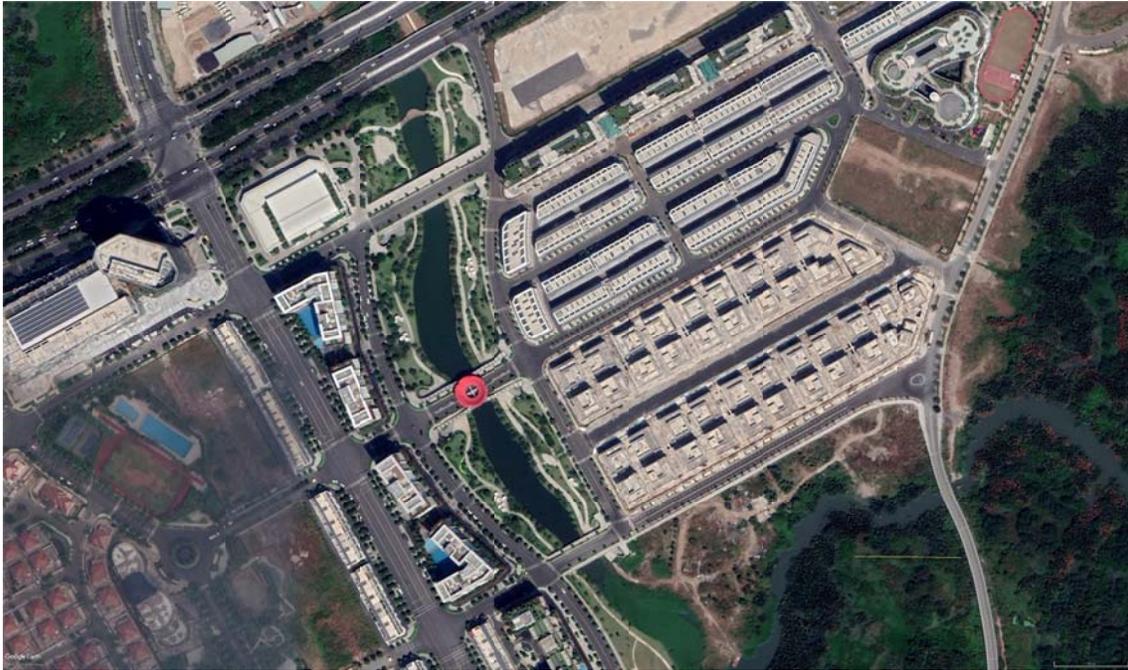


Figure C.5: Sa La Park, Ho Chi Minh City  
From Google Earth (2020)



Figure C.6: Saigon Bridge Park (1), Ho Chi Minh City  
From Google Earth (2020)