

Enhance state management for high-rise construction activities in Go Vap district, Ho Chi Minh City, Vietnam

Nguyen Huu Tan¹, Le Hoai Linh², Le Manh Tuong³

¹DoNaHouse Architecture and Construction Investment Co. Ltd, Vietnam

²Vietnam Aviation Academy, Ho Chi Minh City, Vietnam

³Sau Training and Human Resources Development Company, Ho Chi Minh City, Vietnam

ABSTRACT

Article Info

Publication Issue :

Volume 6, Issue 6

November-December-2022

Page Number : 134-147

Article History

Accepted : 03 Dec 2022

Published : 30 Dec 2022

The development of high-rise buildings in recent years has posed many difficulties and challenges for localities in the inner space of Ho Chi Minh City such as increasing serious and complicated violations of construction laws, disrupting the planning - architecture of the locality, causing loss to the urban appearance and aesthetics. The number of violation cases in construction order increased due to many objective and subjective reasons. The state management of construction order is still limited, such as: the system of legal documents on construction order is incomplete, sanctions are not deterrent, and there are still violations, lack of responsibility and group benefits, etc

Keywords: State management, high-rise buildings, current situation, solutions, construction.

I. INTRODUCTION

Climate change is causing more frequent and severe floods, droughts, storms and heat waves as average global temperatures rise to new record levels. Scientists have warned that an increase in greenhouse gas emissions globally could lead to extreme weather conditions and higher risks from natural disasters [1]. Article 3 of the Law on Construction 2014 [16], introduces the concept of work construction investment activities is the process of carrying out construction activities including new construction, repair and renovation of construction works, including

construction planning, creating construction investment projects, construction survey, construction design, construction, construction supervision, project management, contractor selection, acceptance test, handing over and putting works into operation, warranty and maintenance... Construction works are products created by human labor, construction materials, and equipment installed into the structures, which are located in relation to the land, which may include below ground, above ground, below water and above water, are constructed according to the design. Construction works include public works, houses, industrial works, traffic, irrigation, energy works, etc.

State management agencies in charge of construction include the Ministry of Construction, People's Committees of centrally-run provinces and cities (collectively referred to as provincial People's Committees) and People's Committees of districts, towns and provincial cities (collectively referred to as district People's Committees). Construction agency is a specialized agency directly under the Ministry of Construction and the Ministry of Construction Management; Departments of Construction, Departments of specialized construction management in the localities; The Department has the function of construction management under the district People's Committee.

The order of construction investment is understood as a mechanism for conducting investment and construction activities. It specifies the order of content of the jobs as well as the responsibilities and relationships between the parties involved in the performance of those jobs.

Clause 1, Article 4 of Decree No. 15/2021/NĐ-CP [11], which regulates the order of construction investment, can be shown in the diagram Figure 1.

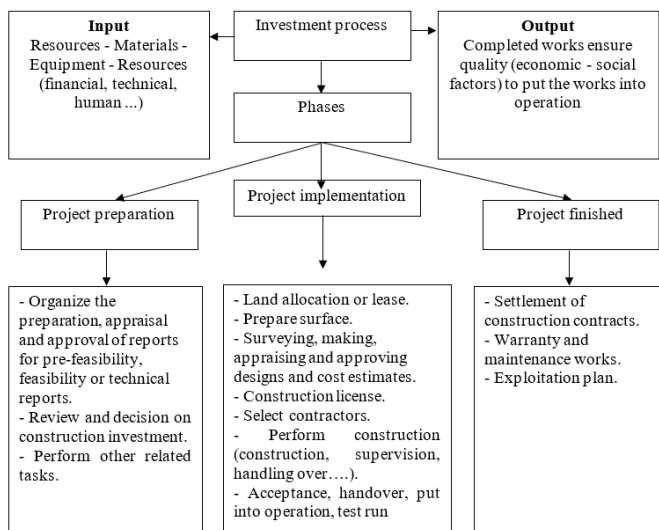


Figure 1. Construction investment process

High-rise building is a type of building called "high-rise housing" or "high-rise residential building".

According to the International Committee of Tall Buildings, a house whose height is a determining factor in design, construction or use conditions that are

different from ordinary buildings is called a high-rise building [2].

According to TCXDVN 323: 2004: "High-rise housing - Design standards", high-rise houses are type of houses or apartments with a height of 9-40 floors [1].

According to TCXDVN 194:2006: "High-rise buildings - Geotechnical investigation" high-rise buildings are houses and public works with a number of floors greater than 9 floors [2].

According to TCVN 9363-2012: "Survey for construction - geotechnical survey for high-rise buildings", high-rise buildings are houses and public works with the number of floors greater than 9 [4].

From the above definitions, in this study, the definition of high-rise buildings is used as housing and public works with the number of floors greater than 9 floors and pilot evaluation in Go Vap District, Ho Chi Minh City is the locality with the highest number of floors at the average level.

II. THE STATUS OF STATE MANAGEMENT FOR CONSTRUCTION ACTIVITIES OF HIGH-RISE IN GO VAP DISTRICT, HO CHI MINH CITY

A. High-rise projects in Go Vap district, Ho Chi Minh City

Go Vap District is an inner-city district located in the North and Northwest of Ho Chi Minh City, the gateway connecting the city center with the provinces of Binh Duong, Dong Nai, Tay Ninh,... through Nguyen Kiem, Nguyen Oanh, National Highway 1A, access to Tan Son Nhat airport and north-south train route.



Figure 2. Map of Go Vap district, Ho Chi Minh City, Vietnam

A list of some completed or near-completed high-rise apartment projects in Go Vap district is shown in Table I.

TABLE I. LIST OF SOME APARTMENT PROJECTS IN GO VAP DISTRICT

No.	Projects	Project information/scale	Status
1	An Loc Apartment	- Location: Alley 505, Nguyen Oanh Street, Ward 17, Go Vap District, HCMC. - Investor: Construction Joint Stock Company No. 5. - Scale: + There are 2 blocks, each block is 13-floor high. + The total number of apartments is 384.	Complete
2	Ha Do Apartment Z751	- Location: Alley 6, 18 Phan Van Tri Street, Ward 10, Go Vap District, HCMC. - Investor: Ha Do Group and Z751 Complex. - Scale: + includes 1 block of 12 floors. + Total number of apartments is 203.	Complete
3	Splendor Apartment	- Location: No. 27 Nguyen Van Dung Street, Ward 6, Go Vap District, HCMC - Investor: Tan Ky Construction & Real Estate Trading Joint Stock Company and Thanh Nhut House Trading and Construction Company Limited. - Scale: + 2 apartment blocks; each block includes 01 basement, 01 ground floor, 11 high floors and technical floors. + The total number of apartments is 206.	Complete
4	26 Nguyen Thuong Hien Apartment	- Location: No. 26 Nguyen Thuong Hien, Ward 1, Go Vap District, HCMC - Investor: Gia Dinh Real Estate Investment One Member Co., Ltd	Complete

No.	Projects	Project information/scale	Status
		<ul style="list-style-type: none"> - Scale: + 2 blocks of 12-floor high: Basement for parking; Ground floor and mezzanine to build service - commercial area. + The total number of apartments is 264. 	
5	Sunny Apartment	<ul style="list-style-type: none"> - Location: No. 02 Truong Dang Que, Ward 3, Go Vap District. - Investor: Saigon Industry Corporation (CNS) and CNS Land. - Scale: + There is 1 block with 16 floors and 02 basements. + The total number of apartments is 230. 	Complete
6	I Home Apartment	<ul style="list-style-type: none"> - Location: No. 359 Pham Van Chieu Street, Ward 14, Go Vap District, HCMC. - Investor: Ngoi nha than yeu Co., Ltd (subsidiary of CT Group). - Scale: + Consists of 3 blocks of 18 floors. + The total number of apartments is 507. 	Complete
7	Gia Phat Apartment	<ul style="list-style-type: none"> - Location: No. 435 Le Duc Tho Street, Ward 17, Go Vap District, HCMC. - Investor: Thang Long Investment and Development Company. - Scale: + 17-storey design: of which 3 floors are commercial and 14 floors of apartments. + There are 84 apartments. 	Complete
8	An Hoi 3 Apartment (apartment for social housing)	<ul style="list-style-type: none"> - Location: Alley 237 Pham Van Chieu, Ward 14, Go Vap District, HCMC. - Investor: Saigon Resco Real Estate Company. - Scale: + Consists of 8 blocks, each block is 20-floor high, designed for parking basement, commercial ground floor, from 1 to 20 floors for living. + Total number of apartments is 7,560. 	Completed 01 block in 2016, the remaining blocks are under construction
9	Osimi Tower Apartment	<ul style="list-style-type: none"> - Location: Alley 688/57 Le Duc Tho Street, Ward 15, Go Vap District, HCMC - Investor: Song Da IDC. - Scale: + Total number of blocks: 3 blocks and 18-floor high. 	Complete

No.	Projects	Project information/scale	Status
		+ Number of apartments: 480	
10	Phu Gia Hung Apartment	- Location: No. 2 Le Duc Tho Street, Ward 15, Go Vap District, HCMC - Investor: Dat Xanh Group. - Scale: + 01 block of 14-floor building, 1 mezzanine, 1 basement. + Total number of apartments is 234.	Complete
11	Dream Home Apartment	- Location: No. 59 Le Duc Tho Street, Ward 14, Go Vap District, HCMC - Investor: Nha Mo company. - Scale: + 01 block of 14-floor building, 1 basement. + The total number of apartments is 800.	Complete
12	CT Plaza Nguyen Hong Apartment	- Location: No. 18, Nguyen Hong Street, Ward 1, Go Vap District, HCMC - Investor: Nguyen Hong Joint Stock Company - Scale: + Including 1 block, 17-floor high, 2 basements. + The total number of apartments is 280.	Under construction

In addition, in Go Vap district, there are a number of other high-rise apartment projects such as BaSon apartment building; D-One apartment building; 8X Thai An apartment building; M-one Gia Dinh apartment building; CityLand apartment building; Song Kim apartment (now called Dream Home 2), etc.

B. About the state management of construction of high-rise buildings in Go Vap district, Ho Chi Minh City

According to Decree 26/2013/ND-CP [7], Ho Chi Minh City established 24 local inspection teams in 24 districts and teams under the Department of Construction Inspectorate.

According to the report of the Department of Construction of Ho Chi Minh City in 2020, the inspection force of the Department of Construction has more than 1,000 people, arranged in 24 local inspection teams in the districts and professional teams of the Inspectorate of the Department of Construction. In

which, the Go Vap District Inspection Team belongs to the Inspectorate of the Ho Chi Minh City Department of Construction.

The high-rise building governance model in Go Vap district is shown in Figure 3.

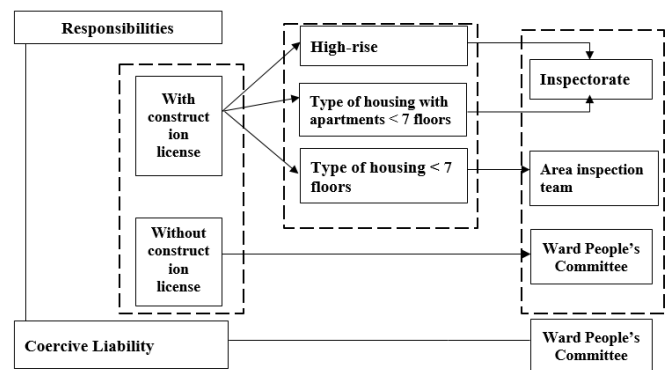


Figure 3. Management model of high-rise buildings in Go Vap District

C. Status of state management of construction of high-rise buildings in Go Vap district, Ho Chi Minh City

1) About licensing high-rise buildings

According to information published on the website of the Department of Construction, in the period 2016-2020, the Department of Construction has issued 600 construction permits for high-rise buildings. In which, there are about 29 high-rise buildings in Go Vap district, including apartment buildings, office buildings,... (not including about 10 apartments undergoing licensing procedures).

2) About site clearance

Regarding actual situation of high-rise building site clearance, in Go Vap district in the period 2016-2020, this accounts for 3/29 projects. Specifically: I-Home apartment project; CT Plaza Nguyen Hong apartment building; CC1 Felix Home apartment. "Project for renovation and new construction of high-rise buildings". These projects require the investors to clear ground in the existing residential area to build a new project. In this case, ensuring quick and effective clearance work is always a "difficult" problem because it comes from many reasons such as: inadequate compensation work, no arrangement of temporary residence for existing residents, inappropriate resettlement location, etc. In general, the lack of agreement on a satisfactory solution to the two issues of "Rights and Interests" between the land owners and the party has capital to invest in the project, leading to difficulties in site clearance.

3) Traffic infrastructure

In Go Vap district, in the period 2016-2020, there are 4/29 high-rise building projects licensed when the regional infrastructure does not ensure traffic infrastructure such as: apartment building at 110A Pham Van Dong, Ward 3, Go Vap district; Sunny Plaza apartment, etc.

This situation manifests as a lack of synchronization between investment in housing construction and investment in technical infrastructure or the issuance of construction permits for high-rise buildings does not based on the general urban planning of the city. This leads to a number of impacts such as traffic congestion, flooding and environmental pollution, etc., affecting

the overall planning development of the city. The cause of these inadequacies is that housing planning is licensed by the Department of Construction for investors to implement with the funds of enterprises, and the State shall implement transport infrastructure planning,.

4) About electricity and water infrastructure

In Go Vap district, in the period 2016-2020, there are 3/29 apartment housing projects handed over to house owners, but the electricity and water infrastructure is not connected to the general infrastructure system of the area, such as: apartment building at 110A Pham Van Dong, Ward 3, Go Vap district; Dream Home apartment building; An Hoi 3 apartment, etc.

When handing over electricity and water infrastructure to people, such systems are not connected to the general infrastructure system of the area or fail to calculate the responsiveness of the existing electricity and water infrastructure, leading to overcrowding. This happened in the An Hoi 3 apartment project (apartment of social housing) when the existing clean water supply system was built for a long time and was not capable of supplying water for high-rise buildings, leading to the problems that there are not enough in terms of quantity, pressure and quality of water in many apartments.

5) About social infrastructure

Regarding current status of social infrastructure, in Go Vap district in the period 2016-2020, this accounts for 10/29 projects. Specifically: At I-Home apartment project; CC1 Felix Home apartment building; Gia Phat apartment building; Osimi Tower apartment building; Dream Home apartment,... there are the following inadequacies:

When building high-rise buildings the investors do not include in the design or reduce social infrastructure items such as academic, cultural, sports facilities or medical and treatment services, etc. into the project. The reason for this is due to capital conditions. So, when investing in construction, social infrastructure works in urban areas are usually built after urban areas

have been formed and they are often cut down due to lack of capital. Or due to the lack of specific regulations that the government and investors have not paid attention to.

6) About certificate of ownership

The reality of granting ownership certificates, in Go Vap district in the period 2016-2020, this content accounts for 2/29 projects. Specifically: CC1 Felix Home apartment building; CT Plaza Nguyen Hong.

According to Decree No. 43/2014/ND-CP, apartment building investors are responsible for submitting an application for a certificate of land use rights and ownership of houses and other assets attached to the apartments for buyers. However, this delivery is slower than the provisions of the sales contract. The reason may be due to the slow implementation of the certificate or the investors are "slow" to fulfill the tax obligations to the State, etc.. resulting in a delay or failure to issue a home use right certificate to the buyer.

7) About exploitation management

Regarding actual situation of exploitation management, in Go Vap district in the period 2016-2020, this content accounts for most of the projects, specifically: apartment CC1 Felix Home, CT Plaza Nguyen Hong, Muong Thanh Apartment, etc.

The management and exploitation of high-rise buildings in Go Vap district does not follow a specific method, each apartment building and urban area applies a separate management model. In some apartments, the people manage the operation themselves. In other places, the operation and exploitation is managed by the investors, so there are many problems that have not been resolved. In fact, the following disputes exist:

First, the dispute due to the delay in organizing the conference of the urban apartment building: this is because the investors want to manage and operate the apartment themselves or when the investors organize the first conference of the urban apartment building, they fail to meet the requirements. And the investors

are slow to report and propose the ward People's Committee to preside over the reorganization.

Second, disputes over maintenance funds: According to the Law on Housing, before the house is handed over, the home buyer must pay a maintenance fund equivalent to 2% of the value of the property fixed on the contract. However, the investors may appropriate the maintenance funds of urban apartment buildings. Many investors delay handing over the maintenance fund to the apartment management board. In some cases, they even spend this money for other purposes.

Third, disputes about operation management services. This dispute revolves around the level of service-quality building management fees, publicity of revenue and expenditure in the management and operation of the apartment building, which lacks transparency.

In addition, there are a number of other disputes such as joint-private ownership, construction quality, disputes in the process of receiving houses, disputes when the apartment is foreclosed on debt, etc.

D. Shortcomings in state management of high-rise buildings in Go Vap district, Ho Chi Minh City

Some shortcomings in the state management of high-rise buildings in Go Vap district, Ho Chi Minh City can be summarized as follows:

Firstly, the legal regulations on management of high-rise buildings are still incomplete, especially for completed and put into operation apartment buildings. There is a lack of strict sanctions for violations in the construction process. The management and operation process leads to a very common situation of complaints, lawsuits, disputes, etc.

Secondly, the program of management and development of spatial planning (high-rise) has not been completed.

Thirdly, the construction work according to the planning has not been checked and supervised in a timely manner.

Fourth, the state management of granting and withdrawing construction permits still has some shortcomings.

Fifth, the work of inspection, settlement of complaints and denunciations and handling of violations in construction has not been controlled in time.

Sixth, the application of information management system, handling violations by technology has not been synchronized among authorities at all levels.

Seventh, the organization of training and fostering knowledge and skills for civil servants managing urban construction order and propagating and disseminating the construction law is still limited.

Eighth, the organization and implementation are still confused and inconsistent.

Nineth, the coordination between the state management departments on high-rise construction is not close.

III. SOLUTIONS TO IMPROVE STATE MANAGEMENT FOR HIGH-RISE CONSTRUCTION ACTIVITIES IN GO VAP DISTRICT, HO CHI MINH CITY

A. Housing development orientation from now to 2030 in Go Vap district, Ho Chi Minh City

Focus on changing the land use purpose to dedicated land for social security and urban development.

Make the most of height, reduce construction density, increase land use coefficient, combine green area development.

Prioritize the development of commercial apartments, high-quality rental apartments, and at the same time renovate old apartments under the motto of taking advantage of social resources, the State and the people share the responsibilities.

In addition, the project "Building a housing development program in Ho Chi Minh City for the period of 2021-2030" provides development solutions for Go Vap district, as follows:

Focus on embellishing and upgrading urban areas in the direction of modernity.

Focusing on completing unfinished projects, giving priority to increasing planning targets such as population, land use coefficient, construction density, etc. to build new ones to replace old apartment buildings before 1975; projects on renovation and embellishment of houses along canals.

To step up the development of technical and social infrastructure to call for investment in housing projects in areas where there are plans to build appropriate technical and social infrastructure.

B. Solutions to strengthen state management of high-rise construction activities in Go Vap district, Ho Chi Minh City

From the limitations drawn in practice on state management of high-rise construction activities after licensing in Go Vap district, Ho Chi Minh City, the thesis proposes some specific solutions to overcome limitations to enhance the effectiveness of state management of high-rise construction activities in Go Vap district, Ho Chi Minh City.

The solutions are shown in Figure 4.

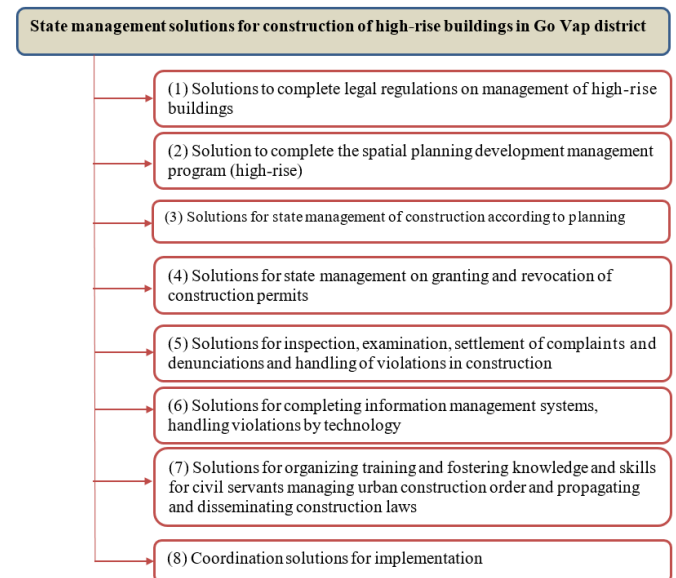


Figure 4. State management solutions for high-rise buildings in Go Vap district

1) Solutions to complete legal regulations on management of high-rise buildings

Currently, the system of legal documents on management of high-rise buildings has been promulgated by agencies for many years, specifically: The concept of high-rise buildings is clearly defined according to TCXDVN 323:2004 "High-rise housing - Design standards" [1]. In particular, high-rise buildings have the height from 9 floors to 40 floors.

According to national technical regulation QCVN 06:2010/BXD on fire and explosion safety for buildings and constructions delimiting high-rise buildings belonging to the fire hazard group according to function with a height greater than 50m and 70m, there must be separate solutions approved by the fire department.

However, on February 25, 2013, the Ministry of Construction issued Decision 212/QĐ-BXD to cancel 169 construction standards, including TCXDVN 323:2004 "High-rise housing - Design standards", only keeping 20 standards which are considered appropriate in the current period.

High-rise buildings according to regulations are built integrated in the housing development plan (according to the number of m² of floors licensed for construction), limited in height according to the norms and criteria of QCVN such as construction density, land use coefficient, height, setback, etc. However, high-rise buildings are not separately enumerated and classified, only built according to the normal capital construction investment process in accordance with the law on construction, planning and architecture of the Central Government, most importantly, Vietnam's construction standards on construction planning and local regulations on management of architectural planning.

Currently, the system of legal documents regulating the construction and development of high-rise buildings is much in quantity but less in quality due to the interdisciplinary complexity related to many other fields such as investment in infrastructure construction, residential land, housing and urban planning, standards - regulations, etc. However, in the group of

standards - regulations, standard 323:2004 on construction of high-rise buildings is one of the important and closely related standards to construction of high-rise buildings but it has been canceled and currently there is no replacement standard. On the other hand, in the standard 323:2004, what is the definition of high-rise buildings that have now been abandoned, and have lost the concept of high-rise buildings in the legal system This is a legal void. Thus, up to the present time, Vietnam does not have a clear definition of high-rise buildings.

Currently, the reality shows the booming phenomenon in the construction of mixed-use high-rise complexes in the central area. However, this is a type of large-scale construction with a high concentration of users (especially at peak hours), which is one of the reasons for increasing pressure on the urban transport infrastructure system. The system of legal documents, regulations and standards has not yet mentioned the above issues clearly. Therefore, it is necessary to have more computational studies that clearly define the criteria for this type of high-rise building, especially the conditions for traffic connection, technical infrastructure, and social infrastructure that must be implemented before organizing construction.

2) Solution to complete the spatial planning development management program (high-rise)

In terms of purposes and principles, management of high-rise development planning aims to create a balance in urban development, limit horizontal urban expansion, preserve open spaces, green spaces, and entertainment spaces, etc. Identify locations that can be developed "compressed" to meet the needs of the growing urban population. In particular, "spatial planning development management program (high-rise)" is a tool used to help guide future development to protect historic residential areas, natural areas and farmland, job creation areas and areas for redevelopment. Growth management policy includes identifying development areas and encouraging

balanced development, aiming at the following two basic objectives:

The first objective: to develop “compression” in the appropriate areas.

This is the goal of creating facilities that increase overall population density in the area, as well as along growth corridors and in activity centers (major interchanges). Re-evaluate the implementation of urban planning, transportation planning to choose in areas that can increase population density, areas that need to reduce density.

For the proposed locations to increase density, it is necessary to focus on improving the quality of construction design to create urban highlights. Increasing overall population density is the main goal of the general redevelopment policy of cities to save resources and reduce emissions.

The solution to this goal is shown in Figure 5.

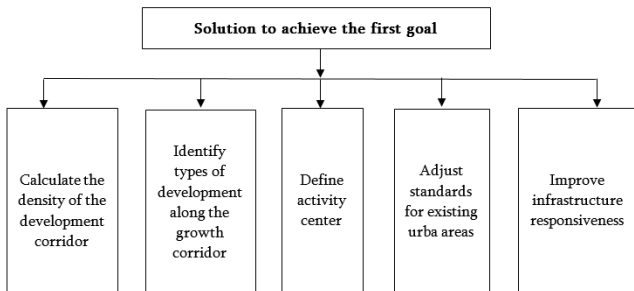


Figure 5. Solutions for implementing “compressed” development goals in appropriate areas

Second objective: Zoning (area) development management.

Consideration when making zoning planning and proposing the development of urban framework infrastructure system. Centralized development management in the area of land that can provide urban infrastructure and services with the highest density areas being in the center of Go Vap district, along the development corridor (radial roads through center and ring roads). Ensure that the designated area for development management reflects current development patterns or future directions.

The solution to this goal is shown in Figure 6.

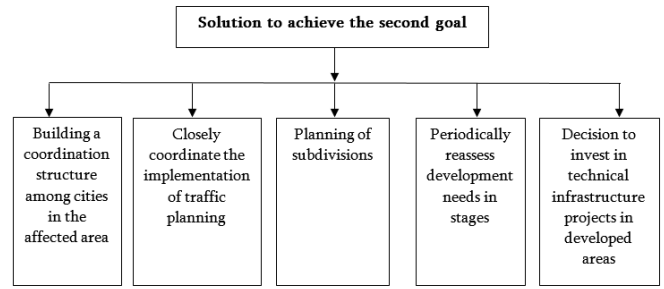


Figure 6. Solutions to achieve the goal of zoning (area) development management

To fully realize this goal solution, it is necessary to do: Firstly, propose a policy framework for the development of high-rise buildings associated with the construction of urban open spaces.

Secondly, studying the overall framework policy for the development of high-rise buildings with orientation in the short and long term in association with the appropriate incentive and control mechanisms for the development of high-rise buildings.

Thirdly, research policies to renovate and rebuild dense areas with strategies to increase traffic, increase open spaces, parks, develop high-rise buildings with low construction density, control the total floor area of the building and consider the requirements for loosening the control of the high floor to create a really efficient and fast development mechanism.

Fourthly, publicize development strategies in stages, select areas with many problems that need to be dealt with first with the goals of increasing trees, parks, hospitals, and schools. ... create open space, benefit the community, and really improve people's living conditions.

Fifth, to grant construction permits based on existing traffic system capacity or commitments to increase traffic capacity attached to urban development projects. In addition, high-rise buildings must have traffic impact assessment, emission environment problem or equivalent according to the principle of ensuring traffic flow.

Sixth, granting construction permits for high-rise buildings in association with urban development

strategies and building incentive mechanisms in the development of open spaces, landscapes and conservation of urban heritages. This will help tightly control of the land use coefficient index and the total floor area. Therefore, if applying construction management by the pair of criteria Land Use and High Floor Ratio, it will give flexible results allowing the construction of higher buildings, enhancing the preferential areas such as: public space, green space, community space or protection of monuments... in accordance with the regional characteristics and urban development orientation, but the floor area used for the main function of the building remains unchanged.

3) Solutions for state management of construction according to planning

Resolution No. 12/NQ-CP of the Prime Minister dated February 19, 2019 on strengthening traffic order and safety, eliminating traffic congestion in the period of 2019 - 2021 states: "Only approving investment apartment complexes, high-rise buildings, and commercial centers when it is suitable with the planning, meets the requirements and regulations on parking lots, traffic infrastructure and traffic connection with main roads in urban areas." [10]

Directive No. 05/CT-TTg of the Prime Minister dated March 1, 2019 on strengthening and correcting urban development planning and management according to approved planning clearly states: "Urban construction planning and management according to the approved planning still have many shortcomings. The urban planning has not been synchronized; the quality of some plans is not high, lacking of feasibility; the adjustment of planning, especially the partial adjustment of the general planning, the adjustment of detailed planning in large and densely populated urban areas is still arbitrary. It is expected to increase in population, construction level, density and land use coefficient, causing overload of urban infrastructure, etc."

In order to strengthen the rectification of construction planning and urban development management

according to the approved planning, it is necessary to consider amending and supplementing a number of articles of the Laws on Construction, Urban Planning, and Real Estate Business, Housing Law and related Decrees and Circulars ensure transparency, consistency, eliminate contradictions and meet development requirements of practice and integration. For this solution to be fully implemented, it is necessary to:

- Firstly, the formulation, appraisal and approval of construction planning must be timely and complete, the construction planning is the basis for the formulation and implementation of projects.

- Second, synchronize urban planning and specialized technical infrastructure planning with the following implementation solutions:

(1). The People's Committees of provinces and centrally-run cities shall prepare, appraise and approve synchronously urban plannings, specialized plannings on urban technical and social infrastructure, concretize subdivision plannings and regulations; create detailed plans and specific investment projects; ensure conformity with master plans and plans on land use approved by competent state agencies.

(2). Strengthen the control over the urban development process according to master plans and plans, especially for the expanded urban area; review and reduce administrative procedures in construction investment activities and urban development in order to eliminate the mechanism of asking for budget from the State.

(3). The People's Committees of the provinces and centrally-run cities should improve the quality of bidding to ensure the selection of a competent planning consultancy unit; strictly implement the project bidding, land use right auction for the implementation of construction investment projects in accordance with the law.

Thirdly, it is necessary to encourage and create a mechanism to encourage the participation of the community, professional associations and

organizations. The planning work is a big issue, which is the basis for sustainable urban development, so it must always be widely consulted with the specialists.

Fourth, it is necessary to allocate enough capital to organize the planning and implement the planning in practice, ending the status of "suspended" planning.

Fifth, to review detailed planning projects, zoning plans at the rate of 1/2000 periodically according to the Law on Urban Planning.

Sixth, publicize approved planning projects for organizations and individuals to know for implementation.

Seventh, improve the quality of urban planning and management, and comply with the planning and architecture management regulations.

4) Solutions for state management on granting and revocation of construction permits

Administrative reform in granting and withdrawing construction permits must be a regular and continuous work of construction permit-issuing agencies with the aim of simplifying procedures; improve the settlement process in the direction of interconnection, clarity, transparency and publicity to create favorable conditions for individuals, organizations and businesses in applying for construction permits. At the same time, inspecting, detecting and promptly handling the manifestations of harassment and negative effects of cadres and civil servants, and contributing to improving the effectiveness and efficiency of state management is an urgent job.

In order for the granting and revocation of licenses to be highly effective, it is necessary to implement a number of specific solutions as follows:

Firstly, vigorously apply information technology to construction licensing activities and strictly apply the process of handling dossiers to ensure ISO 9001:2015.

Secondly, it is required that the competent authorities granting construction permits regularly post up the legal provisions, processes and procedures in the work of granting construction permits for investors and residents to easy access and comply with regulations.

Thirdly, build a complete database and map system, ensuring data backup for construction licensing.

Fourthly, organize intensive training courses on skills and professionalism in the work of granting construction permits and construction management under permits for officials and civil servants of the district; wards, communes, towns; competent agencies issue construction permits to improve the qualifications and capacity of the contingent of civil servants, meeting the increasing construction needs of the city.

Fifth, develop a regulation on coordination between relevant agencies in the work of coordination in granting construction permits for cases requiring specialized advice such as fire prevention, military, infrastructure connection, other technical issues, etc.

Sixth, speed up the formulation of general and detailed planning for the whole city, granting certificates of land use rights and house ownership (especially religious works).

Seventh, focus on reviewing, correcting and renovating the system of regulations and standards on planning and construction that are too outdated and not suitable for practice.

Eighth, strengthen regular inspection of construction permit issuance; regularly maintain thematic briefings on construction permit work in order to promote work, ensure deadlines for construction permits, make decisions according to regulations, detect stagnation, bottlenecks or arising problems in order to promptly correct or propose competent authorities to settle, strengthen people's trust in the State.

Ninth, to recruit a sufficient number of civil servants in charge of granting construction permits; regularly train civil servants to improve professional capacity, responsibility and professional ethics.

- Tenth, editing and disseminating documents guiding the preparation of dossiers of receipt and settlement of construction permits; The Department of Construction regularly cooperates with the People's Committees of the districts to organize "Legal Advisory Days"; at the

same time, through communication on the mass media and conducting online exchanges to propagate and disseminate the provisions of the law to people, organizations and businesses.

- Eleventh, deploying construction permits online, shortening the implementation time.

5) Solutions for inspection, examination, settlement of complaints and denunciations and handling of violations in construction

This is a very important issue to guide legal compliance to avoid post-licensing processing troubles and wasting social costs when forced demolition is required.

Regarding inspection, examination and settlement of complaints and denunciations:

Determine the promotion of construction inspection and inspection in order to contribute to strengthening the work quality management, construction planning management, prevent waste and loss of construction investment capital. District inspection agencies must take the initiative in planning, intensifying the inspection and examination of the observance of the law on construction projects and works; detect and promptly handle violations to help investors and related units correct when participating in construction activities.

State management of high-rise construction activities after licensing is always very complicated and there are many shortcomings. Therefore, it is necessary to have solutions on inspection, examination, settlement of complaints and denunciations and handling of administrative violations in construction as follow:

Firstly, assigning construction inspectors to be in charge of each specific ward, knowing the area in charge will help to easily detect cases of violations, unauthorized construction, illegal expansion. add floors,... in a timely manner.

Secondly, take measures to thoroughly handle violations, especially strengthen the inspection of the area to detect and prevent timely and prevent it from the very beginning.

Thirdly, inspect the construction and strengthen the mobile inspection to regularly check the area, make an unexpected inspection according to the feedback of organizations, individuals, etc.

Fourthly, organize and monitor the implementation of decisions, and organize the review and implementation of decisions that have taken effect.

Fifth, implement the rotation and transfer of construction inspectors in a reasonable, open and transparent manner.

Sixth, strengthen the management of construction order, inspect and guide investors and units involved in construction activities at high-rise buildings.

Seventh, thoroughly handle cases of intentional violations.

Handling violations in construction:

From the regulations on construction safety measures, quality management for high-rise buildings, high-rise buildings with basements, the author proposes to increase the level of penalties for violations of construction order. including consulting units; increased sanctioning authority for local authorities; additional sanctions for handling violations for violations, specifically:

Clause 3, Article 15 of Decree No. 139/2017/ND-CP has regulations on “Sanctions for acts of organizing the construction of works in violation of regulations on quality control of construction works, causing subsidence and cracking or damage to technical infrastructure works, adjacent works (for which the parties cannot agree on compensation according to the provisions of civil law); causing collapse or risk of causing collapse of adjacent works but not causing damage to the health and life of other people”. But there is a lack of regulations for the construction work itself and a lack of handling of violations for consulting units on supervision, construction survey, construction design, design verification,... as well as a lack of regulations on sanctioning administrative violations for supervision consultancy units when to execute construction against the granted construction permit

or fail to ensure quality, especially the load-bearing structures and foundations.

Some solutions to be carried out:

Firstly, the government adjusts the Decree on sanctioning of administrative violations in construction activities:

Increase the fine from 50 million VND to 60 million VND or even higher for the design consultancy, design appraisal, construction supervision units in the construction design, appraisal of documents design and supervise the construction of works that are not with the issued construction permits.

Add sanctions to handle related units in the geological survey of works; design measures for basement construction, construction to ensure construction safety; check the deformation monitoring system of the works and neighboring works.

Additional penalties for investors, construction units, and consulting units such as: construction supervision, survey, construction design, design verification, etc., for violations of construction safety construction, quality control of construction works, causing problems for the works itself and affecting neighboring works.

Secondly, the Ministry of Construction promulgates a circular guiding the handling of violations for each relevant unit when incidents occur:

+ Investors who organize the construction of works violate regulations on construction and work quality management.

+ The construction unit violates regulations on construction and quality control of works.

+ The supervision consultancy unit has supervision behavior that does not detect design changes that are not in accordance with the approved construction design change permit, leading to problems.

+ The construction surveying unit conducts survey in contravention of regulations; Incorrect surveying, using inappropriate information, documents, construction regulations and standards, leading to work problems during construction.

+ The design consultancy unit has acts of designing and constructing works incorrectly compared with the granted permits or failing to comply with construction survey results, causing work problems.

+ Consulting unit verifying construction survey tasks; design basement construction methods; design safe construction methods; Improper construction design leads to construction problems.

Thirdly, the People's Committee of the city directs the Department of Construction and the People's Committee of districts to strengthen the organization of inspection and supervision of construction activities of high-rise buildings, especially high-rise buildings with basements, checking compliance with the order and procedures for verification and appraisal of design steps; check the conformity of the foundation design dossier and basement construction method design of the contractor with the pre-acceptance survey documents; request additional survey when necessary to ensure safe construction method. Check the deformation monitoring system of the works and neighboring works. Request the investor and contractor to strictly implement this requirement when it is found that it is not fully implemented, and strictly handle any violation.

In addition, in order to improve the efficiency of handling violations of construction order, it is necessary to develop a regime for handling violations in an open, transparent and fair manner. Solutions to enhance publicity, transparency and fairness such as:

Firstly, all construction works in the city in general and the districts in particular must be inspected and supervised from the beginning to the time they are completed and put into use (except for the secret construction works of the Government; security and defense works); all acts of administrative violations must be detected, prevented in time and handled resolutely from the moment they arise.

Secondly, construction permits and documents on sanctioning administrative violations (Minutes, Decisions, Notices and other documents) must be

publicly posted at the violating works and at the headquarters of the People's Committee of districts where the construction works are located; listing time until the work is completed and put into use; at the same time, documents on sanctioning administrative violations must be sent/delivered to violating organizations/individuals in accordance with law.

Thirdly, the investors and the individuals, units and contractors involved in the construction that violate the law on construction order must be administratively sanctioned and publicly announce the violations on the website of the Ministry of Construction, the People's Committee of Ho Chi Minh City and the Department of Construction of Ho Chi Minh City in accordance with the law.

Fourthly, in case of handling violating works according to the information reported by specialized organizations or individuals, the handling results must be notified to the information-providing organizations and individuals for knowledge and participation. monitor.

Fifth, at construction sites where projects are built, there should be clear and specific project information boards to ensure community supervision. Information may include investor information, supervision consultant, construction unit information, construction permit information, built area, number of floors, etc.

6) Solutions for completing information management systems, handling violations by technology

Applying technology and artificial intelligence to detect mistakes in the construction field is an absolute necessity. When applying technology to detect construction violations, it will limit the negative situation and harassment in handling construction violations.

In order to strengthen supervision and inspection of violations in construction order violations, one of the forms as shown in Figure 7 can be applied.

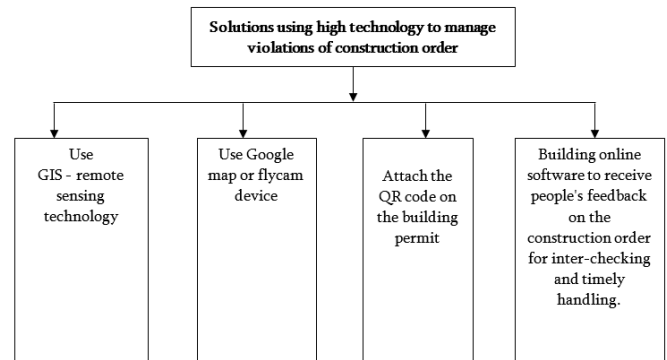


Figure 7. Solutions for handling construction order violations by technology

- a) Use GIS - remote sensing technology:
To implement this project, the People's Committee of districts need to have a plan to coordinate with the Department of Natural Resources and Environment of Ho Chi Minh City. The content of the project includes: "The entire area of the districts, and the surrounding areas will be scanned. GIS will classify, evaluate the changes of construction works and compare with planning data, detect location notifications and photos of construction violations based on cadastral documents. The image dataset with overlapping cadastral maps also serves to monitor the process of issuing new certificates of land use rights.
- b) Use Google map or flycam device:
Accordingly, hot areas of illegal and unauthorized construction will be allowed to fly drones, scanned by GIS technology. If there is a construction violation, the software will report to the relevant units, from which the authorities will handle it. The drone will fly once a month or more. The areas will be photographed, each time, we will know how the house in that place has changed, then compare it with the building permit to know whether the building is licensed or not. In addition, this technology will also determine whether rivers, and canals have been leveled, encroached on, or built illegally on them.
- c) Attach the QR code on the building permit:
In order to facilitate the inspection, supervision and management of construction permit information, the Department of Construction should soon put in place the application of QR codes on construction permits.

This will help people to actively cooperate with the city Government to control and implement construction regulations. At that time, we just take a smartphone and scan the QR code to know how many floors the house is built, how high they are.

d) Building online software to receive people's feedback on the construction order for inter-checking and timely handling

Creating a software to receive information so that people can send photos and videos to the authorities via the software anytime and anywhere. This is expected to help the management of construction order more effective and timely. And at the same time, people can promptly reflect on their concerns about the implementation of democratic regulations in the management of construction order in the locality. As for the government, after receiving such feedbacks, they will respond to the people immediately so that the people know for sure that the information they have sent has reached the leaders.

7) Solutions for organizing training, fostering knowledge and professional skills of civil servants managing urban construction order, propagating and disseminating construction laws

To implement this solution thoroughly, the following tasks should be conducted:

Firstly, regularly organize training, disseminate and guide the implementation of legal documents in the field of state management of the sector, newly issued documents. Perform professional training, construction law for the civil servants engaged in construction management at district and ward levels. Organize extensive propaganda among all people.

Second, diversify forms of propaganda, forms of handling so that people understand and obey the laws.

Thirdly, organize training courses on newly promulgated legal documents for officials and employees to promptly apply; propagate widely among all people in a timely and effective manner.

Fourth, organize legal research contests, law bookcases, propaganda campaigns, etc.

Fifth, focus on disseminating legal education on urgent and topical issues, according to each topic suitable to each audience in the area, ensuring feasibility and effectiveness in the field of construction laws; introduce new legal documents, etc.

Sixth, consider the observance and good implementation of regulations on construction order management, improving the management effectiveness of the authorities at all levels.

8) Solution to coordinate and organize implementation

The general orientation of this solution is to focus on raising awareness, ensuring consistency and proper application of current laws; increase the sense of responsibility to guide and serve customers, create working relationships between civil servants near the people so that people can clearly realize their rights and responsibilities, on the basis of specific measures:

Firstly, the Department of Construction must be the key implementing agency with the tasks of regularly inspecting and supervising the law observance of departments and subordinates, opening training courses or issuing documents, provide timely guidance on popular contents that are not clearly defined by the law.

Secondly, the Department of Construction needs to have a program to coordinate with other departments and agencies to propagate the law to guide the law on the mass media. This is a mandatory task, the State budget must spend for this work. Disseminate advocacy by posting on the website of the Department of Construction, printing the instruction leaflets to distribute with the application for a permit, and documenting the construction permit with instructions on the next steps of the company's implementation of high-rise building after being licensed for construction.

Thirdly, at the agencies that receive and handle dossiers: in addition to publicizing the order and procedures in accordance with the law, it is necessary to transparently organize the internal process and the

results of handling dossiers so that customers know and supervise civil servants and officials performing their duties.

Fourthly, build an archival information system: in order for the information management system and archival records on housing, construction works, and land to be complete and continuous, the Provincial People's Committee needs to establish an information network linking local authorities at all levels. This is the most effective management tool, contributing to reducing the process of collecting construction documents when organizing inspections.

IV. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

By studying the theoretical issues of state management for construction activities and studying the experience of construction management in foreign countries, at the same time combining with the practical state management of construction activities in the locality, the author has contributed to clarify some basic contents including:

- 1) Systematize the state management of construction activities and high-rise construction activities.
- 2) Regarding the solution, through analysis and evaluation, it shows that there are 08 issues that need to be resolved, in order for the state management of high-rise buildings to be effective, which are: Firstly) Solution to complete the legal regulations on construction of high-rise buildings, management of high-rise works; Second) Solution to complete the program of management and development of spatial planning (high-rise); Third) Solutions for state management of construction according to planning; Fourth) Solutions for state management of the grant and revocation of construction permits; Fifth) Solutions on inspection, examination, settlement of complaints and denunciations and handling of violations in construction; Sixth) Solutions to improve information management system, handle violations by technology; Seventh) Solutions for organizing training

and fostering knowledge and skills for civil servants managing urban construction order and propagating and disseminating construction legislation; Eighth) Solutions on coordination and implementation.

These solutions are considered to be practical for the state management of high-rise building construction in localities throughout the country.

B. Recommendations

1) For People's Committees at district level

- Regularly strengthen propaganda and law dissemination in the field of high-rise construction order in various forms to residential areas; In addition, it is necessary to set an example for individuals and organizations to perform well, and at the same time to punish individuals and organizations that violate the order of high-rise construction.
- Regularly organize updating of legal knowledge, communication and behavior for the team in charge of urban construction order management.
- Review and adjust the 1/2000 master plan to suit the socio-economic development conditions of the district, regularly update the boundary alley to create a legal basis for the settlement of applications for land use right certificates, records of plot separation, construction permit.
- Paying attention to and allocating capital sources for effective implementation of planning projects, calling for investment in infrastructure and transportation systems; limiting the situation that projects are slow to implement, leading to "suspension" status for many years, hindering the synchronous and sustainable urban development.
- Improve the efficiency of construction permit issuance in the district; Simplify administrative procedures, shorten implementation time. Strictly manage the decomposition of the purpose of use, the quality of construction works, ensure that the works are used for the right purposes, limit the state of subdivision, sale of the land and houses, the sale of houses disguised in the form of zero security, ensure urban planning standards.

- Rotation and mobilization of construction employees requires a succession roadmap to ensure the work of grasping the area, avoiding cases where individuals and organizations take advantage of the time given to carry out violation actions of urban construction order in general and violation of high-rise construction order in particular.

- Build the grassroots core political force, mobilize the people to participate in early detection and prevention of violations of construction order in the locality.

2) For the city People's Committee, relevant Departments

- Quickly solve difficulties and problems in the field of land for people in the districts.

- Review and adjust the regulation on coordination between the Construction Inspectorate in the district with functional agencies and the ward People's Committee in the management of urban construction order in the direction of strong decentralization for the grassroots.

- Implement public finance reform in the field of construction management, specifically the provision of budget to equip working facilities, especially the application of information technology in management for the department performing the registration work, real estate registration, setting up a real estate registration management network at 3 administrative levels: city - district - ward (commune, town).

V. REFERENCES

- [1]. Ministry of Construction (2004), TCXDVN 323: 2004 High-rise housing – Design standards, issued on November 2, 2004.
- [2]. Ministry of Construction (2006), TCXDVN 194: 2006 High-rise housing – Geotechnical investigation, issued on 24 May 2006.
- [3]. Ministry of Construction (2007), Directive 07/2007/CT-BXD on strengthening construction management for high-rise buildings, issued on November 5, 2007.
- [4]. Ministry of Construction (2012), TCVN 9363-2012 survey for construction - geotechnical survey of high-rise buildings.
- [5]. Ministry of Construction (2016), Circular No. 18/2016/TT-BXD detailing and guiding a number of contents on appraisal and approval of projects and design and construction cost estimates issued on June 30, 2016.
- [6]. Government (2011), Decree No. 97/2011/ND-CP regulating inspectors and inspection collaborators, issued on October 21, 2011.
- [7]. Government (2013), Decree No. 26/2013/ND-CP on the organization and operation of the construction inspection industry, issued on March 29, 2013.
- [8]. Government (2014), Decree No. 63/2014/ND-CP detailing the implementation of a number of articles of the law on bidding on contractor selection, issued on June 26, 2014.
- [9]. Government (2017), Decree No. 139/2017/ND-CP on penalties for administrative violations in construction investment activities; mining, processing and trading in minerals used as building materials, production and trading in building materials; management of technical infrastructure works; real estate business, housing development, home and office use management, issued on November 27, 2017.
- [10]. Government (2019), Resolution No. 12/NQ-CP on enhancing traffic order and safety and resolve traffic congestion in the period of 2019 - 2021, issued on February 19, 2019.
- [11]. Government (2021), Decree 15/2021/NĐ-CP detailing a number of contents on construction investment project management, issued on March 3, 2021.
- [12]. Government (2021), Decree No. 06/2021/ND-CP detailing a number of contents on quality management, construction and construction protection, issued on January 26, 2021.

- [13]. American Association of Building Inspectors. <http://www.acia.com>;
- [14]. Singapore's Construction Control Law of 1989 amended in 2008
- [15]. National Assembly (2013), Law on Bidding No. 43/2013/QH13, November 26, 2013
- [16]. National Assembly (2014), Construction Law No. 50/2014/QH13, promulgated on June 18, 2014 and the revised Law on Construction (Law No. 62/2020/QH14) dated June 17, 2020.
- [17]. Dr. Le Manh Tuong (2018), Textbook "Management and exploitation of construction works".
- [18]. Ho Chi Minh City People's Committee (2020), Project No. 4834/QD-UBND on approving the project "Building housing development program in Ho Chi Minh City for the period 2021-2030", issued on December 31 2020.
- [19]. Ho Chi Minh City People's Committee (2020), Decision No. 30/2019/QD-UBND dated December 2, 2019 on promulgating regulations on coordination in management of construction order in the city.
- [20]. <https://moc.gov.vn/vn/tin-tuc/1145/52224/quy-chuan--tieu-chuan-ve-nha-o-cao-tang-yeu-cau-doi-moi-tu-luat-kien-truc> 2019.
- [21]. <https://quyhoachdothi.com/hoi-nghi-tong-ket-cong-tac-5-nam-2016-2020-va-du-kien-phuong-huong-nhiem-vu-giai-phap-cong-tac-5-nam-2021-2025-va-nam-2021-cua-nganh-xay-dung>

Cite this Article

Nguyen Huu Tan, Le Hoai Linh, Le Manh Tuong, "Enhance state management for high-rise construction activities in Go Vap district, Ho Chi Minh City, Vietnam", International Journal of Scientific Research in Civil Engineering (IJSRCE), ISSN : 2456-6667, Volume 6 Issue 6, pp. 134-147, November-December 2022.

URL : <https://ijsrce.com/IJSRCE229666>