

EVALUATING THE CURRENT MANAGEMENT AND USE OF PUBLIC LAND RESOURCE IN PHONG DIEN DISTRICT, THUA THIEN HUE PROVINCE

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Summary: The management and use of public land is currently a urgent issue in the land management in Viet Nam. Phong Xuan and Phong Chuong in Phong Dien district are two communes with certain achievements in managing and using public land. However, there are still shortcomings and problems to be solved. The results of this study show that the public land funds of Phong Xuan commune is 1.68% and Phong Chuong commune is 11.56%, not yet according to the State's regulations. In the two studied communes, the auction and land leasing process are not similar because there is no specific guideline other than the 2013 Land Law. In addition, this study evaluated the efficiency of using public land in two communes of Phong Xuan and Phong Chuong in terms of economy, society and environment. Since then, the topic has provided two main groups of solutions: management solutions and solutions for using public land for two research communes in particular and the region in general.

Keywords: *Management and use, Public land, Phong Xuan, Phong Chuong, Phong Dien*

1. INTRODUCTION

The concept of agricultural land fund used for public purposes is specified from the 1993 Land Law. The 1993 Land Law (amended in 1998 and 2001) stipulates that every commune, ward or township is allowed to leave a land fund of less than 5% of agricultural land to serve the public needs. The Land Law 2003 and 2013 stipulates that each commune, ward and township is entitled to establish an agricultural land fund for public use with no more than 5% of the total area of annual cropland and aquaculture land to serve local public needs. At the same time, through the implementation of land law policies, there are specific regulations on the mechanism of management and use of this land fund. However, in fact, the management of agricultural land fund used for public purposes has not been focused by management and reveals many passive and inferior.

Phong Dien district is a coastal plain - lagoon district, located to the north of Thua Thien Hue province, with a total natural area of 94,822.79 km² in 2018. The district is divided into 16 administrative units. Phong Dien town is the district's socio-economic centre, 30km from Hue city to the north. Phong Dien district is located near Hue city - is the socio-economic center of Thua Thien Hue province and is a major economic center of the Central and the whole country; National highway 1A, Ho Chi Minh road and North-South railway line are the main arterial roads running through, creating favorable conditions for Phong Dien to connect and trade with other provinces/cities across the country. The use of public land funds in the district to serve the growing needs. However, the management of agricultural land in general and the agricultural land fund used for public purposes in particular still has many shortcomings and problems that need to be removed in the future to improve management efficiency use of public land.

2. SCOPE AND METHODS

2.1. Scope

- Scope of space: The research focuses on two communes of Phong Xuan and Phong Chuong in Phong Dien district.
- Scope of data collection time: data from 2015 to 2018.

2.2. Methods

2.2.1. Methods of investigation and data collection

* Methods of collecting secondary data

- Data collected from departments and agencies where internships, legal documents and mass information.

- Books, newspapers, magazines, research results have been published by research agencies, scientists at home and abroad, documents on the internet.

- Investigating and collecting secondary data and documents on natural, economic and social conditions, state management on public land, the current state of public land use in Phong Xuan commune and Phong Chuong commune, Phong Dien district, Thua Thien Hue province.

* Methods of collecting primary data

Primary documents are data for research topics, this data was obtained from the application of survey methods, interviewing public land users through questionnaires.

* Methods of household interviews and professional officers

- Use survey questionnaires to interview commune cadastral officials, professional staff of the Department of Natural Resources and Environment.

- Each commune randomly interviewed households, selected according to the list of households, bidding of the commune, households who rent public land.

2.2.2. Methods of processing, analyzing and synthesizing data

Based on the collected data and documents from which to process, analyze, use integrated Excel software to provide information such as tables, diagrams, charts, ... to clarify the problem research.

2.2.3. Comparative method

From the processed data, the analysis conducted comparisons to find similarities and differences in land management and use. Evaluate the differences, at the same time, evaluate the outstanding points of each commune in the process of land management, then draw out solutions proposals.

3. RESULTS AND ANALYSIS

3.1. Current situation of public land in 2 communes of Phong Xuan and Phong Chuong

3.1.1. Scale and area of public land in the study area

According to survey data, survey, based on production methods and land use purposes for public needs in communes with public land in Phong Dien district, the status of public land use of 2 communes Phong Xuan, Phong Chuong is shown in Table 1.

Table 1. Status of using public land of 2 communes of Phong Xuan and Phong Chuong

| Soil type (1) | Phong Xuan | | | Phong Chuong | | |
|------------------------------------|---------------------------|---------------------------------|---------------------|---------------------------|---------------------------------|---------------------|
| | Total Area (ha) (2) | Public land area (ha) (3) | Ratio (%) (4) | Total Area (ha) (5) | Public land area (ha) (6) | Ratio (%) (7) |
| 1. Annual crops Land | 852,02 | 24,00 | 2,81 | 1.065,21 | 133,02 | 12,48 |
| <i>1.1. Rice cultivation land</i> | 522,75 | 12,82 | 2,45 | 966,67 | 124,00 | 12,82 |
| <i>1.2. Other annual crop land</i> | 329,28 | 11,18 | 3,39 | 98,5 | 9,20 | 9,33 |
| 2. Land for perennial crops | 543,02 | 14,03 | 2,58 | 174,13 | 4,84 | 2,77 |
| 3. Aquaculture Land | 21,23 | 0,01 | 0,04 | 12,28 | 6,60 | 53,74 |
| Total | 2.268,30 | 38,04 | 1,68 | 1.251,58 | 144,64 | 11,56 |

Table 1 data shows that the public land fund of both communes of Phong Xuan and Phong Chuong accounts for a small proportion and has not been in accordance with the State's regulations such as contracting and improper use; no maps, records, management books in accordance with regulations. Most land plots are scattered, interspersed with other agricultural plots. Causing difficulties for the determination of the area, so it is not guaranteed to manage and use this land fund well.

However, in table 1, it can be seen that the proportion of public land fund of Phong Xuan commune is left including annual cropland. Land for planting perennial trees and aquaculture land is under 5% of the regulations. In contrast, in Phong Chuong commune, the percentage of public land funds left behind is mostly 5% higher than the provisions of the Land Law 2013.

In terms of the percentage of the public land area compared to the total area of annual cropland, perennial cropland and aquaculture land, Phong Chuong commune is the commune that leaves the largest public land fund with the area. 144.64 / 1,251.58 ha area; corresponding to the rate of 11.56%. In general, the public land fund of the two communes in Phong Dien district tends to leave the land for wet rice cultivation and other annual croplands.

3.1.2. Time limit for leasing public land in the study area

Phong Xuan commune does not use bidding but only rent public land for 1-3 years for households and individuals to apply for land lease. Households using land leased by the People's Committee of the commune for a period of one year but failing to fully pay the output to the commune People's Committee will be subject to coercion and re-renting to another household. At the same time, handle according to the regulations of the commune People's Committee.

In Phong Chuong commune, the time for bidding for public land is 5 years and the proceeds from each lot are paid and paid in cash, with each landmark specified. Through each of the prescribed milestones, if not enough, they will be forced to withdraw.

At the end of the contract period, the person wishing to rent the land must return the land to the Commune People's Committee, if that public land area has not been used for the purpose of building other public works but the household and the fish If the employee still needs to hire it, then he / she will renew the land lease contract to continue using.

3.1.3. Situation of public land management in two communes of Phong Xuan and Phong Chuong

** The situation of public land management*

The situation in the two research communes shows that leaving the public land in accordance with the law is not more than 5% of the agricultural land area, in Phong Xuan commune (1.68% <5%) and Phong commune. Chapter (11.56% > 5%) is different. On the other hand, the area of public land in the study area is not specifically divided because the public land plots are mixed with the allocated land area for households, individuals or some ponds and lakes located alternately in another land area. The area of public land is scattered, small, fragmented and scattered, reducing agricultural efficiency and difficult to arrange crops. Besides, this type of land is not clearly shown on the map, there are no records and management books in accordance with the Government's regulations. Inspection and inspection work should not focus on causing difficulties for management and use when necessary (infrastructure construction must have large and concentrated areas of public land).

** Organization of public land auction*

Normally, public land for rent is organized through auction as stipulated in Point e - Clause 1 - Article 118 of the Land Law 2013. However, communes in the district in general and 2 research communes, in particular, are different forms of leasing/auction.

For Phong Chuong commune, a commune organized an auction to lease public land. The order of bidding for public land use rights is shown in the following work orders:

- Public land bidding organization (CPC) plans for the bidding session, prepares all information related to the bidding land, the location of the land plots and publicize the plots. land for auction, the floor price of each land plot is put up for bidding; collecting deposits of those participating in the bidding.

- Participants bidding for public land use to auction by secret ballot for each parcel of land, who has higher value will win the bid; The bid winner will have to pay the corresponding amount that he/she won under the regulations of the CPC and receive the land. The non-bidder will receive the deposit back.

For Phong Xuan commune, there is no public rental auction, but only for public land, based on the application of households and individuals to the CPC.

3.1.4. Current situation of using public land

Most of the public land leased by the commune is agricultural production, in addition to cultivation and husbandry. Rents of land plots of the same type of land use do not differ too much. The results from the survey are shown in table 2.

Table 2. Public Land area by type of rental price

| Type of rent calculation Commune | | According to the price of paddy | | According to cash | Total |
|-------------------------------------|---------------------------------|---------------------------------|-------------------------------|-------------------|--------|
| | | x5kg/m ² /1yearxA | x10kg/m ² /1yearxA | | |
| Phong Xuan | Area for rent (m ²) | 37.233 | 11.162 | 3.074 | 51.469 |
| | Ratio (%) | 72,34 | 21,69 | 5,97 | 100 |
| Phong Chuong | Area for rent (m ²) | 0 | 0 | 58.435 | 58.435 |
| | Ratio (%) | 0 | 0 | 100 | 100 |

(Source: Investigation and data processing)

The results in Table 2 show that there are two types of renting price in Phong Xuan commune, which is to calculate the rental price according to the price of paddy with 72.34% of the area at the price of 5kg/m²/yearxA in accordance with the regulations of Thua Thien Hue People's Committee; 21.69% of the area at 10kg/m²/yearxA and 5.97% in cash. In Phong Chuong commune, only the renting price is calculated by cash through bidding.

Bid winning prices for different types of high and low land use are different. Depending on whether the soil is good or bad, the location of the parcel is favorable for production or not, but there is not much difference.

This shows that there is no set price for each type of use of public land, the rental price depends mainly on the good or bad land properties, the location of the parcel of land is favorable for production. , how is the water source irrigated on that parcel of land, ...

3.2. Evaluate the effectiveness of using public land in 2 communes of Phong Xuan and Phong Chuong

3.2.1. Economic efficiency

In this topic, in order to evaluate the effectiveness of public land use, the topic is based on the target of total local revenue from land leasing over the years.

From there, data collection on land confiscation results over the years in Phong Xuan and Phong Chuong communes is presented in Table 3.

Table 3. Results of public land rent collection in the period 2015 - 2018

| Commune | Phong Xuan | | | Phong Chuong | | |
|-------------|-------------------|------------------|--------------|-------------------|------------------|--------------|
| | Receivable amount | Collected Amount | Rate (%) | Receivable amount | Collected Amount | Rate (%) |
| 2015 | 16.389 | 15.068 | 91.94 | 45 | 45 | 100 |
| 2016 | 17.234 | 17.139 | 99.45 | 55 | 55 | 100 |
| 2017 | 21.767 | 21.683 | 99.61 | 263.825 | 169.628 | 64.30 |
| 2018 | 21.767 | 21.456 | 98.57 | 224.73 | 194.313 | 86.47 |

(Source: Division of Natural Resources and Environment Phong Dien)

Comparing the proceeds from renting public land of 2 communes in the period of 2015-2018, Phong Xuan commune was relatively equal to the total amount of receivables and each year, the receivable amount reached over 90%. In Phong Chuong commune, from 2015 to 2016, the proceeds from leasing public land were 100% of the total receivables. But from 2017 to 2018, the revenue was not achieved, and the amount to be collected is too large. The reason is that the work of directing and reviewing the collection of money has not been paid much attention. During the production process, some land users have deliberately failed to fulfill their

financial obligations. But, the local authorities have not taken any measures effective and timely to reduce revenue from local public land rent.

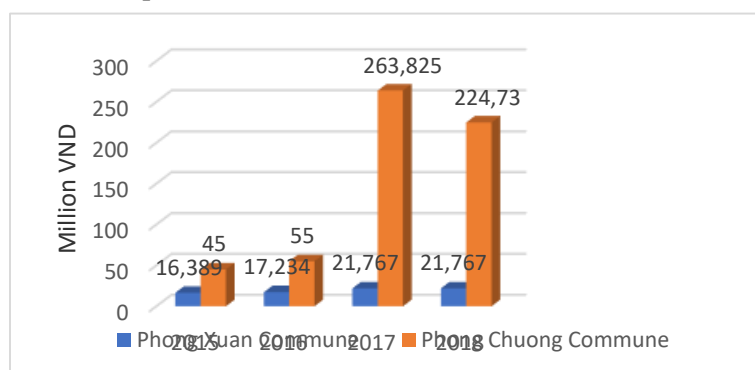


Figure 1. Fluctuation of public land rent collection results of 2 communes

Figure 1 shows the results of the collection of public land rent of the two communes in the period of 2015-2018 have fluctuated, but according to the increasing trend. Phong Xuan commune has increased but not significantly, the most prominent is Phong Chuong commune, the amount increased from 45 million in 2015, to 2018 was 224.73 million VND. Although there is a decrease compared to 2017, it is not significant.

The fact that both communes have public land rent collection results has increased markedly over the years. This shows that the management and use of public land have been concerned, and thoroughly exploited this type of land. The Commune People's Committee conducts the lease, organizes auctions to lease public land for households and individuals to develop production, improve people's lives, increase the budget revenue for the commune, and bring economic efficiency.

Results of the total revenue and total rent of public land for the 2 communes in the period of 2015-2018.

Table 4. Total revenue and total rental income of the study area

| Commune | | Phong Xuan | Phong Chuong |
|---------|------------------------------|----------------|----------------|
| 2015 | Total revenue of the commune | 10.410.733.988 | 19.199.341.676 |
| | Total land rent 5% | 16.389.000 | 45.000.000 |
| 2016 | Total revenue of the commune | 8.905.231.987 | 20.344.049.715 |
| | Total land rent 5% | 17.234.000 | 55.000.000 |
| 2017 | Total revenue of the commune | 8.720.641.640 | 26.547.833.990 |
| | Total land rent 5% | 21.767.000 | 263.825.000 |
| 2018 | Total revenue of the commune | 10.454.243.035 | 29.080.176.715 |
| | Total land rent 5% | 21.767.000 | 224.730.000 |

Unit: VND

(Source: Commune People's Committee of Phong Xuân and Phong Chuong)

The total revenue from public land compared to the total income of both communes in the period of 2015 - 2018 has gradually increased over the years. But it only accounts for a small percentage of the total income of the commune, it is insignificant and economic efficiency is not high for both communes. There is a huge difference in the total revenue of public land rent over the years due to the fact that leaving the area of public land for rent is not in accordance with regulations, leading to the impact of land rent collection and economic efficiency. health like this is not high. On the other hand, some areas of the public land fund have not been put into use, do not fully exploit economic efficiency from this type of land. The management of public land is still loose, not uniform because cadastral officials do not know clearly the regulations.

* Total area of public land of the commune in comparison with the total area of public land leased.

Table 5. Total area of public land and total area of public land leased

| Year | Phong Xuan | | | Phong Chuong | | |
|-------------|---------------------------|----------------------------------|--------------|---------------------------|----------------------------------|--------------|
| | Total area of public land | Total area of public land leased | Rate (%) | Total area of public land | Total area of public land leased | Rate (%) |
| 2015 | 20,61 | 19,04 | 92,38 | 150,23 | 120,65 | 80,31 |
| 2016 | 20,61 | 20,61 | 100 | 150,23 | 140,07 | 93,24 |
| 2017 | 39,32 | 38,04 | 96,74 | 150,23 | 148,02 | 98,53 |
| 2018 | 39,32 | 38,04 | 96,74 | 150,23 | 144,64 | 96,28 |

Unit: ha

The results in Table 5 show that the total public land area of the two communes managed to increase and decrease each year and most of the total public land area managed by the commune were leased to households and individuals. Most public land area of the commune is fully rented out, ensuring full use of this land fund. Thus, public land in the period 2015-2018 has contributed a small part in the economy, adding a source of annual funding for the commune. However, most public land is fragmented, scattered, intertwined with other land plots so it is difficult to manage and agricultural efficiency is not high, this needs to be overcome so that no loss of revenue from this land fund.

3.2.2. Social efficiency

The following criteria are used to evaluate social efficiency: Solving land needs for the purpose of infrastructure construction, compensation, ... The source of income from the lease of public land is used by communes. used for local public needs in accordance with the provisions of the law such as support for the construction of cultural works, sports, entertainment, transportation, markets, cemeteries, ... and other public works according to regulations set by provincial People's Committee.

The collected surveys in 2 communes of Phong Xuan and Phong Chuong shows that the public land is scattered, the scale is small, the location is not favourable, so when using to build the above works, the area is often not guaranteed requires the acquisition of adjacent parcels. According to the professional staff of Phong Chuong Commune, there is a use of public land of 0.9 ha (My Phu Commune) to build a football field and 0.15 ha (Trung Thanh Commune) to build a temple of martyrs. In addition, there is 4.4 ha (My Phu and Nhat Phong Communes) to consolidate and exchange land for production. Phong Xuan commune does not have any specific statistics. But according to the commune cadastral official, the majority of the commune's construction works are not related to 5% public land.

It can be seen that the public land fund in the two studied communes has not met the demand for land use for construction of public works. Not speeding up the construction progress of public works for people. And the area to serve the public needs is very low, there are almost no communes built.

3.2.3. Environmental efficiency

Previously, many public land areas were abandoned but not put into use. The later reasonable policies encourage people to expand production. Therefore, the ecological environment is getting better and better, the quality of the soil is increasing and public land is fully utilized. In fact, in 2 studied communes, there is a park building, planting trees has contributed to increase coverage, create shade, ...

Thus, managing and using public land fund helps better and fertile land to ensure production and make full use of this land fund.

3.3. Proposing some solutions to improve the effectiveness of management and use of public land in the study area

3.3.1. Management solutions

**** Issuance of documents to manage public land***

To issue documents to direct the unified localities to well manage the public utility land according to the provisions of law, in order to put the public land fund into management and make management dossiers strictly according to the provisions of Land Law.

Periodically requesting localities to report on the management and use of public land, the content of the report must be specifically evaluated, the advantages and disadvantages in the management and use of public land of the locality to have a direction for timely implementation.

**** Survey work, land use planning and planning***

In the coming time, there should be a certain interest in the public land fund in the area by reviewing the total area of public land, implementing the plan of "Land consolidation" into concentrated areas large area in the form of swaps for households and individuals. For small, scattered and scattered public land plots, it is possible to carry out a long-term land allocation to households and individuals who are using adjacent land and to permit land consolidation. At the same time, the planning and annual land-use plans of districts and communes should be taken into consideration, using public land to allocate to households and individuals who lack agricultural land; balance to convert public land into use for local public interest purposes; areas that are difficult to produce, hold an auction every year but have no participants (unused) need to plan to move to other non-agricultural purposes (residential land, production land, ...).

**** Management of public land lease***

In fact, in the whole district, the management of public land leasing is not synchronous and uniform. Therefore, in the coming time, it is necessary to well implement the leasing of public land through the form of auction according to regulations, the areas of households and individuals who do not participate in the auction but encroach on their own use should take measures to handle timely. Direct the People's Committees of communes which are directly cadastral officials of communes to consider and terminate the lease to households and individuals with expired contracts, lease contracts of more than 5 years, contracts Leasing is not authorized or leased without a contract. These areas need to be put into auction for agricultural production in the coming time; When leasing, it is necessary to set up a contract and a lease period not exceeding 5 years in order to ensure the provisions of the Land Law.

**** Prepare and manage cadastral files for public land***

Reviewing the entire public land fund and adding public land plots not included in the management profile to the cadastral file system to ensure the required information. Strengthen the management of agricultural land, returned by organizations, households and individuals or donated land use rights of the State, reclaimed land, agricultural land recovered by projects to form or supplement public land fund and updated, fully revised into cadastral files. When using public land for construction of works, the project must prepare procedures for land acquisition and land allocation in accordance with the provisions of the Land Law 2013 and adjust the changes in cadastral files according to regulations.

**** Management of revenue from public land lease***

Research in Phong Dien district in general and 2 communes of Phong Xuan and Phong Chuong in particular, shows that the management and use of land in general and public land in particular have not been given adequate attention, making effective use limited land use. Therefore, the work of collection and payment of public land rent in accordance with the provisions of the People's Council and the provisions of law. Reviewing and collecting of public land rent arrears in recent years. For cases of long-term debt arrears, the lease contract may be considered.

* Inspection and inspection of the management and use of public land

People's Committees of communes must regularly inspect and handle cases of using public land for wrong purposes and wrong subjects; timely prevent cases of public land encroachment in the management process. Requesting to return public land for cases that have been occupied for many years. Cases of deliberate refusal to take action must be taken in time to avoid causing discontent among the public opinion, reducing the effectiveness of management.

3.3.2. Solution for use

The area of public land being abandoned or not used for public interest purposes of the commune or township should be promptly reviewed, synthesized and auctioned for use.

Enhance training and retraining of management knowledge, professional and scientific and technological knowledge for land managers at all levels.

The leased areas strengthen the application of scientific and technical progress, crop restructuring to improve production efficiency on public land.

In order to use the economical and efficient public land fund, the authorities at all levels should pay attention to applying measures such as: Applying scientific and technical achievements to improve the efficiency and features of the land; Reclamation to expand agricultural land and extract a part of this land to supplement public land. Closely monitoring the process of using public land in terms of both area and financial resources obtained from public land fund.

Raise the awareness of public land users, fully realize the rights and obligations in accordance with the law. Promoting dynamism and creativity in the effective exploitation and use of public land funds.

4. CONCLUSIONS

* The situation of managing public land of 2 communes is still loose and wrong. Leaving public land funds in excess of 5% of the total area of annual cropland, perennial cropland and aquaculture land compared to the law. Besides, the public land fund in 2 communes is still scattered, fragmented, interspersed with other land groups, causing difficulties in managing, using, arranging crop structure, reducing agricultural efficiency.

* In order to effectively manage and use public land funds, it is necessary to have specific and reasonable public land use plans. The research results have proposed 2 solutions on management and use to contribute to improving the effectiveness of management and use of public land fund in Phong Dien district.

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