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Master's Thesis of Global Public Administration

**The Policy Process of Article 74 of
the 2014 Vietnamese Housing Law
- How Inter-organizational Conflicts Lead to a
Failed Policy -**

**베트남 주택법 제74조의 2014년
정책과정**

**- 조직간 갈등이 정책실패로 이어지는 과정
-**

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the 2014 Vietnamese Housing Law**
- How Inter-organizational Conflicts
Lead to a Failed Policy -

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Abstract

The Policy Process of Article 74 of the 2014 Vietnamese Housing Law

-How Inter-organizational Conflicts Lead to a Failed Policy-

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With the aim of solving the shortage of affordable housing for the low-income in Vietnam, the 2005 Vietnamese Housing Law already launched the policy for social housing development. This law was then replaced by the 2014 Vietnamese Housing Law to solve its limitations, especially providing a financial housing policy regulated by Article 74 about preferential loans granted by the Vietnam Bank for Social Policies for social housing development. However, the policy did not meet its initial goal to solve the shortage of housing for low-income.

This thesis will discuss about how the Article 74 policy process was created by using the case study method. A theoretical framework with Multiple-Streams Model Analysis and an analytical framework were designed to discuss the policy process that resulted in the Article 74 and the impact of Inter-organizational Conflicts on the success of the policy. Qualitative analysis of interview data, Google survey platform data, the 2014 Vietnamese Housing Law project documents as well as relating articles was conducted to identify the key actors, drivers, obstacles and formality of the policy process. The

policy in the Article 74 of this law was highlighted as a program failure (or implementation failure) and an example for the result of Inter-organizational Conflicts.

Overall, this thesis aims give recommendations to help the policy makers making better and more feasible policies in the future.

Keyword : 2014 Vietnamese Housing Law, policy process, low-income, low-income housing, social housing, Inter-organizational conflicts

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A note on translation

All the related documents that were mentioned in this research were translated by the author.

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List of abbreviations

MOJ	Ministry of Justice
MOC	Ministry of Construction
VBSP	Vietnam Bank for Social Policies
NA	The National Assembly

Chapter 1. Introduction

1.1. Study Background

1.1.1. Introduction

According to Summary Report of Ministry of Construction of Vietnam on the implementation of the 2005 Housing Law and propose to research and develop the Housing Law (amended), the 2005 Vietnamese Housing Law and the guiding legal documents (Decrees of Government, Decision of Prime Minister, Circulars of Ministers) issued thereafter have been created as a complete legal corridor, regulating most issues related to the housing sector from housing developers, house owners, manager, house users, housing transactions, state management of housing and handling of housing matters (MOC, 2020). Before the 2005 Housing Law, the whole country had more than 709,000,000m² of houses, by the end of 2012, the whole country had about 1,685,000,000m² of houses; The average housing area also increased from more than 9m²/person to about 19m²/person (MOC, 2013).

After 07 years of implementation, the 2005 Vietnamese Housing Law showed some limitations. There are still many regulations that have not been implemented in practice, not encouraging actors to participate in housing development, especially social housing and affordable housing, leading to not creating conditions to increase the supply for the housing market, making the supply-demand relationship for housing still unbalanced and many inadequacies (MOC, 2013).

The 2014 Vietnamese Housing Law (entered into effects on July 01, 2015) was made to address to solve the limitations of the 2005 Vietnamese Housing Law, especially the shortage of housing for low-income families. The rationale of the 2014 Vietnamese Housing Law is wide with many different housing policies, but this thesis will focus on discussing only the social housing policy which is designated for the low-income objects.

After 06 years of implementation, the results of the social housing policy in the 2014 Vietnamese Housing Law are still limited because overall the

2014 Law has failed to ameliorate these low-income housing issues. Practitioners have pointed to problems within the Law itself (Hoang, 2019) in which social housing policy still has 04 restrictions on: housing development model society, target audience, defining the policy's objectives and policy sustainability.

According to (Huynh, 2021), the policy of regulating supply and demand of social housing is not really effective, there is still an imbalance in the supply between commercial housing and social housing. The current housing market supply only meets the needs of a portion of the population with decent incomes or more; social housing can only meet 30% to 40% of people's needs (Huynh, 2021). Asynchronous coordination on mechanisms, policies and between governing agencies in the housing sector and the land, planning, construction investment, finance sector... has caused many difficulties for management activities and housing development (Huynh, 2021). In Hochiminh city, many buyers of social houses must accept loans with interest rates commercial 9%/year for 15 years, because of no access with preferential interest rates (Huynh, 2021).

Besides, to viewpoint of the state management agency in charge of construction, pursuant to Report of Ministry of Construction, although the housing law has many incentive mechanisms for social housing development, the results of social housing development are still very low compared to the demand. Up to December 2020, the whole country has only invested in the construction of over 100,000 apartments, with a total area of about 5.21 million m² of social housing (reaching about **41.7% of the target** set out in the National Housing Development Strategy to 2020) (MOC, 2020).

Why was the outcome of this policy process an inadequate set of laws? This thesis will describe the policy process that resulted in Article 74 of the 2014 Vietnamese Housing Law, identifying the key actors, drivers, and obstacles of the policy process.

Based on the results of the research, this thesis will give recommendations to improve the decision-making process for Vietnamese housing laws in the future.

The following research question will be discussed in this thesis:

How was the policy of Article 74 of 2014 Vietnamese Housing Law created?

1.1.2. Background case

In order to help the low-income in urban area in Vietnam to afford purchasing their houses, Vietnamese Government has been applying subsidy-based policies, firstly in the 2005 Housing Law then 2014 Housing Law (entered into effects on July 01, 2015) (Nguyen, 2017). Subsidy-based policies for the low-income are free land tax, hire-purchasing agreement and low interest (4.8%/year) (normally the interest is around 12%/year in the commercial banks) (Nguyen, 2017). Subsidy-based policies for the investors are to be exempted or reduced from value added tax and corporate income tax likewise tax laws; in the case of construction of renting-purposed social houses, the value-added tax and corporate income tax will be reduced more than in the case of construction of social houses for purchase and sale (Nguyen, 2017).

As mentioned in the introduction part above, 2014 Vietnamese Housing Law revealed some limitations in the social housing policy in the implementation. One of the most striking issue of the 2014 Vietnamese Housing Law was Article 74 about supporting loans for the low-income to purchase social houses through the Vietnam Bank for Social Policies which had different points of view before this law was enacted (Secretariat, 2014). According to this provision, State support for preferential loans with low rates and long-term loan terms through funding from the budget to the Bank for Social Policies to realize program objectives on housing and housing construction society (NA, 2014). The reason for this provision was that the National Assembly did not want to continue the ineffectiveness of housing development funds established according to the 2005 Housing Law and aim to cut down the number of housing development funds national wide. According to the Report dated October 27, 2014 of the secretariat of the Congress meeting – National Assembly term XIII on summarizing opinions of the National Assembly deputies at the Hall on the Housing Law project

(amended) on October 24, 2014, the majority of opinions of the National Assembly's members supposed that the establishment of the Fund will increase payrolls, inflate the apparatus and disperse state and social resources (Secretariat, 2014).

According to 2005 Vietnamese Housing Law and related laws, the housing development funds received fund from the local Governments (Government, 2006). Previously, Vietnam Bank for Social Policies only provided loans based on different supporting programs of the Government and all its fund was from the central Government (Minister, 2002). It can be seen that along with this new policy, the financial burden was shipped from all the local Governments to the central Government.

After the 2014 Vietnamese Housing Law was enacted, the “Decree No. 100/2015/ND-CP” by Government was issued on October 20, 2015 about developing and managing of social housing in order to guide this Decree. According to Article 14 and Article 15 of “Decree No. 100/2015/ND-CP”, there are 2 different groups who can receive the loans from Vietnam Bank for Social Policies:

- (i) The first group are the subjects specified in Clauses 1, 2 and 3, Article 49 of the Law on Housing may receive preferential loans to support housing for new construction or facelift or repair of residential houses pursuant to distinct regulations of each targeted curriculum decided by the Government and the Prime Minister; and
- (ii) The second groups are: enterprises and cooperatives that are investees in social housing projects other than capital sources or in the form described in Clause 1, Article 53 of the Law on Housing for lease, lease purchase and sale; enterprises, industrial production and service cooperatives invest in building houses by themselves to arrange for their own employees, without collecting rent or collecting house rent with rental rates not exceeding the social housing rental price bracket promulgated by the provincial People's Committee; households and individuals invest capital to

build social houses for lease, lease purchase and sale (Government, 2015).

For the first group, there has been 2,397 billion Vietnam dong was lent, account for 1.16% of total loans of Vietnam Bank for Social Policies (Policies, 2019).

For the second group, because of the lack of central budget according to the Ministry of Finance, the Article 33.2 of “Decree No. 100/2015/ND-CP” claimed that: *“In the period of 2015 and 2020, the Bank for Social Policies has not provided loans to the subjects specified in Clause 1, Article 15 of this Decree”* (Government, 2015). In conclusion, the provision of 2014 Housing Law could not be implemented fully from 2015.

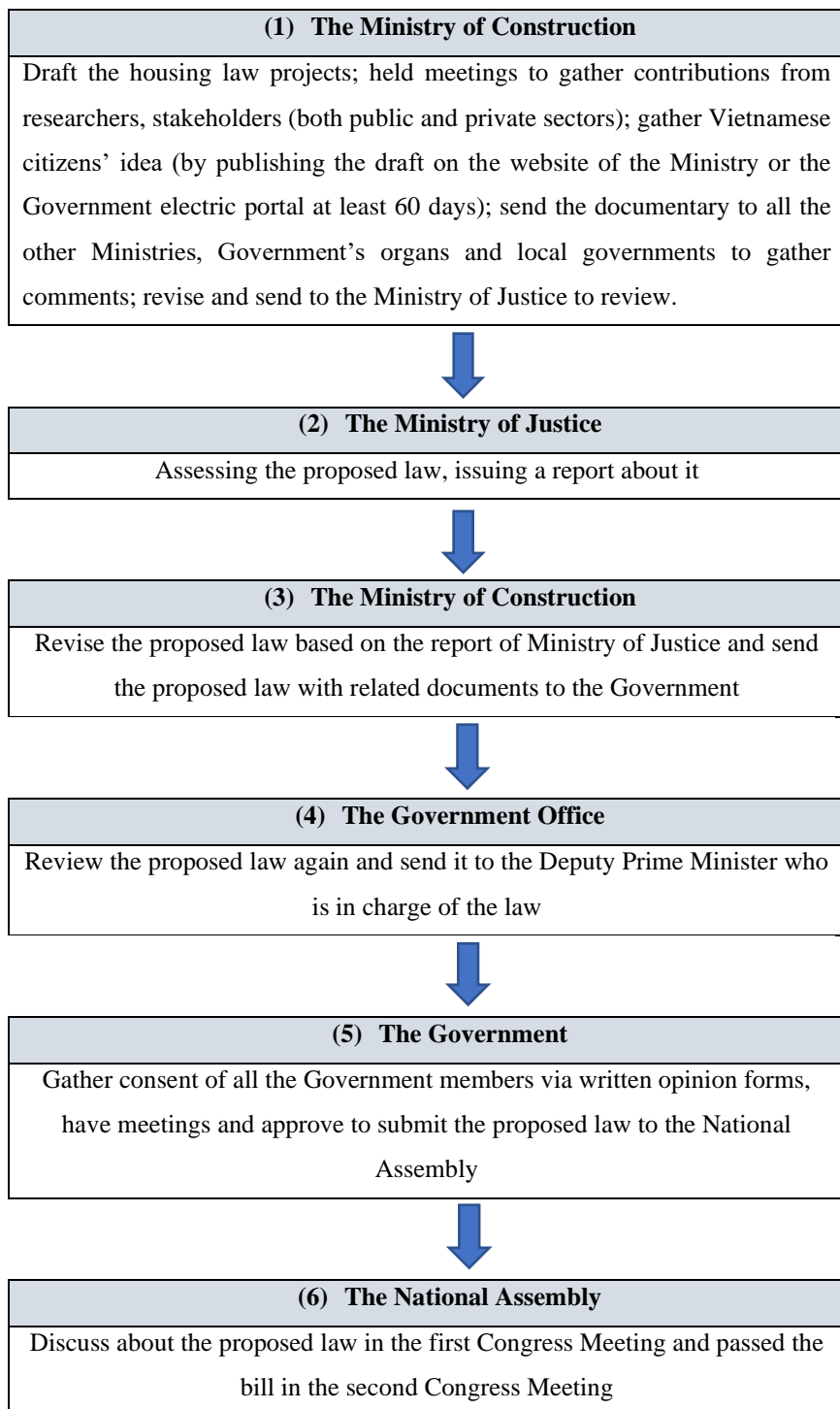
On April 1, 2021, the Government issued “Decree No. 49/2021/ND-CP amending and supplementing multifarious articles of Decree no. 100/2015/ND-CP on development and management of social housing”. According to “Decree No. 49/2021/ND-CP”, a number of amendments and supplements on preferential loans from the Bank for Social Policies, which are: (i) Conditions for obtaining loans for family units and persons to borrow capital to buy or rent-purchase social housing; (ii) Loan amounts; (iii) Loan interest rates; (iv) Tenor (Government, 2021).

As can be seen from this case, although the 2014 Housing Law was taken into effects on October 20, 2015 but one of its major provision could not be implemented in 5 years after that. This can be called a program failure (or implementation failure).

In order to understand about how the policy process of the 2014 Vietnamese Housing Law was made and the participation of the stakeholders in the policy making process, the following figure will describe it clearly.

Figure 1: Policy Process of the 2014 Vietnamese Housing Law

(2014 Vietnamese Housing Law followed the policy process of the “2008 Law on promulgating legal documents”. The 2008 law was then replaced by 2015 law with a different policy process)



Source: author's creation based on 2008 Vietnamese Law on promulgating legal documents data.(NA, 2008)

1.2. Purpose of Research

This thesis will discuss about how was the 2014 Vietnamese Housing Law policy process was created. In order to understand about the policy process, the Multiple-Streams Model Analysis was reviewed. Based on the analysis of Multiple-Streams Model Analysis, this thesis discussed policy process that resulted in the 2014 Vietnamese Housing Law, identifying the key actors, drivers, obstacles and formality of the policy process.

With the findings from this research, there will be some recommendations to help the policy makers making better and more feasible policies in the future.

1.3. Research questions

The major Research Questions of this thesis will be responded:

How was the policy of Article 74 of 2014 Vietnamese Housing Law created?

The six following sub-research questions will be stated:

1. Who were the main actors involved in creating Article 74 of the 2014 Vietnamese Housing Law?
2. What were the main drivers in creating Article 74 of the 2014 Vietnamese Housing Law?
3. What were the obstacles in process of creating Article 74 of the 2014 Vietnamese Housing Law?
4. Was the policy-making process of Article 74 of 2014 Vietnamese Housing Law formal or chaotic?
5. What existing model best explains the policymaking process of Article 74 of the 2014 Vietnamese Housing Law?
6. Do problems using the policy-making process of Article 74 of 2014 Vietnamese Housing Law actually get solved?

1.4. Scope of Research

This thesis limits its scope of research as follows:

Firstly, this study will focus on the policy making process and implementation process of 2014 Vietnamese Housing Law. Based on analyzing these processes, the reason for the policy failure will be addressed.

Secondly, this study will focus on analyzing the policy of Article 74 of 2014 Vietnamese Housing Law only because of the limit of time and this policy is clearly enough to see its failure right in the guidance Decree of 2014 Vietnamese Housing Law.

1.5. Outline of this Thesis

This thesis is divided into 05 Chapter:

Chapter 1. Introduction

Chapter 2: Literature Review and Theory

Chapter 3: Data and Methods

Chapter 4: Empirical Analysis

Chapter 5: Discussion and recommendations

Chapter 2: Literature Review and Theory

2.1. Literature Review

Numerous studies have been performed, focusing on affordable social housing, low-income housing policies in Vietnam recent years.

There are researches which mostly reviewed aspects about fiscal incentives (like taxes), satisfactory of citizens of social housing policy, the low-income housing incentive policy in Vietnam. For instance, Tran and Truong (2018) figured out that eco-social housing is demanded for Vietnam in contributing houses with appropriate living circumstances for the low-income while also conserving the habitat and attaining long-term eco-social development that is sustainable, despite many hurdles; Nguyen (2018) discussed about improving and clarifying theoretical issues on housing market development policy in a new context; Nguyen et al. (2018) explores the housing satisfaction of the respondents and its associations handling a fresh dataset including 450 responses who own economical flats in downtown Hanoi city.

There are researches about social housing policies in Vietnam from the viewpoint of the state and the market's connection. For example: In the book "Housing Policy, Wellbeing and Social Development in Asia", Tran and Yip (2018) evaluated Vietnamese housing policies, focusing on the connection between the state and the market, with a particular focus on policies that provide housing for vulnerable people and the social ramifications of such policies. The contradictions and complexities of a dual system of formal and informal housing are highlighted in this book, in which political legacy socialist aspirations collide with commercial imperatives imposed by neoliberal theories (Tran & Yip, 2018).

There are researches about social housing policy, low-income housing policy in Vietnam but because they were released before the time that 2014 Housing Law was enacted so the law which was reviewed in these researches was 2005 Vietnamese Housing Law. For example, Ahmed and Sager (2010)

introduces fundamental concepts for being aware of the possibilities of Vietnam's viable low-income housing, with an emphasis on the country's housing sector's key environmental, socioeconomic, and cultural characteristics, by examining the cases of Hanoi and Hochiminh city; Pham (2011) discussed about inadequacies of Vietnamese social housing policy in comparison with the cases of Singapore, Hong Kong and Thailand. The researches were released in the year 2010 and 2011 so the law which was analyzed in this research was the 2005 Vietnamese Housing Law and other policies before this law was enacted.

There are some other researches about the social housing policy, low-income housing policy in Vietnam but the researches mostly focus on the case of one city or some cities. For example: Nguyen (2017) explored the essential impacts of local authority in the Vietnamese one-party state on the policy process in Danang city, in which the author reviewed how policy initiatives went via various local government sectors to be enacted and carried out; Ngo (2018) investigated the venture, administration, and process of social housing for employees in Hochiminh city as well as seeking a new dwelling model that adapts to the conditions for Hochiminh city's long-term economic development; Huynh (2021) discussed about Social housing development policy in Hochiminh city (the biggest city in Vietnam) from 2006 to present.

However, until now, there has not any paper which discuss about the social housing policy, low-income housing policy from the inter-organizational conflicts approach of the policy process of 2014 Vietnamese Housing Law on a national scale. Therefore, this thesis will set the light for the understanding of this policy process and give recommendations for improving the effectiveness of social housing policy, low-income housing policy in the future.

2.2. Theories

2.2.1. Public policy, policy failure

There are different conceptions of public policies based on their natures or

issues related (Knill & Tosun, 2020). According to Knill and Tosun (2020), public policy can be recognized as (i) governmental activities made to solve the social problems or (ii) a mean of expressing power of the dominant group to the other groups.

A policy will be considered to be policy failure when the implementation or causal theory of the policy fail (Winter, 1989). However, failures in policy formulation and implementation can provide opportunities to learn from past mistakes and solutions to prevent repeating them (Bourn, 2001).

According to Winter (1989), it may be necessary to explain the character of policy-formation process in order to explain the reason why a policy could not be implemented from the outset.

Meanwhile, according to Wolman (1981), problems or deficiencies in one or more of the components in the formulating stage of policy, the carrying out stage of policy, or both stages may obstruct program success.

2.2.3. Multiple-Streams Model

In order to interpret the formulation of the policy in 2014 Vietnamese Housing Law and the failure of policy implementation, the Kingdon's Multiple-Streams Model will be used to explain.

The Multiple-Streams Model, devised by John Kingdon (1984) to describe the policy development process, is frequently mentioned in the policy literature (Rawat & Morris, 2016) with three streams, which are problem stream, policy stream and politics stream.

In order to change policy significantly, Kingdon expanded this policymaking metaphor to suggest that three independent streams must synchronized - and they must do so during a small "window of opportunity" (Cairney & Jones, 2016).

The studies that employ Multiple-Streams Model discuss the origin and evolution of the three process streams, highlight the significance of policy windows and mislaid policy windows, and emphasize the gravity of policy entrepreneurs and issue framing (Rawat & Morris, 2016).

According to Nguyen (2017), the Model is a suitable framework to

assess agenda-setting stage.

Zohlnhöfer et al. (2015) figured out that the Model has been using to extend in divergent policy areas and policy stages as well as unit of analysis. While Kingdon suggested using this Model for agenda-setting, Herweg, Huß and Zohlnhöfer suggested another usage for decision making (Zohlnhöfer et al., 2015).

The Multiple-Streams Model used to be used in EU policy-making to assess the 2005 EU sugar policy reform (Ackrill & Kay, 2011).

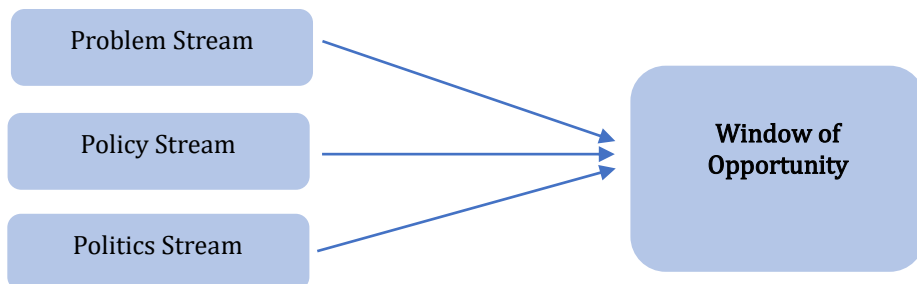
It was also used to assess the failure of education policies in Argentina (Teodorović, 2008).

Young et al. (2010) applied this Model to clarify how the reading issue was notable in the agenda setting of the state-level governments.

De Wals et al. (2019) applied this Model to analyze the Decision-Making Processes of Immunization Programs funding by the Government.

Figure 2 below summarize how Multiple-Streams Model could be used to explain the policy process in order to apply in analyzing the policy process of Article 74 of the 2014 Vietnamese Housing Law.

Figure 2: Multiple-Streams Model



Source: author's creation based on Kingdon.

The Problem Stream shows the origin of the problems that attracts the policy makers (Saikaly, 2009). Once there were circumstances for the problems appear, there is a need to take action (Saikaly, 2009).

The Policy Stream is the place that appears the formation of new policy or policy proposals (Saikaly, 2009). Law proposals can be a kind of policy proposals as law is one of the instruments to exercise policies.

The Politics Stream covers changes in public opinions, national mood,

election results or other relating political issues in the National Assembly or the administration systems (Saikaly, 2009).

When the 03 above streams convergence, there is a Window of Opportunity opening when the Government launches a new agenda setting (Saikaly, 2009). The policy makers need to take use of this chance in order to push their policy proposals to proceed through the agenda setting (Saikaly, 2009).

Chapter 3: Data and Methods

3.1. Data

3.1.1. Primary data

Primary data was collected from interviews and questionnaire with policymakers who took part in the policy process of the 2014 Housing Law from different sectors (Ministry of Construction, Ministry of Justice).

(i) Interview conducted on March 19, 2022:

Subjects: 2 experts from Ministry of Justice.

Interview Questions: the interview questions were designed to cover all the contents of the sub-research questions above. They were aimed to collect the necessary answers to support for answering each sub-research questions. See detailed Interview Questions in Appendix I.

The interviews lasted approximately 30 minutes and were conducted in Vietnamese. All interviews were recorded and transcribed into Vietnamese. After analysis of interview data, the key findings were translated into English.

(ii) A Survey:

A Survey was prepared based on the Interview Questions via Google Form (see detailed Questionnaire in Appendix II) and distributed to the experts from Ministry of Construction, Ministry of Justice and Vietnam Bank for Social Policies via email and social network from March 16-18, 2022. There were 06 responses collected from the survey, including 05 experts from Ministry of Construction; and 01 expert from Ministry of Justice. There were 02 experts did not response, including 01 expert from Ministry of Justice and 01 expert from Vietnam Bank for Social Policies.

Table 1: Number and Category of Interviewees and Respondents

No.	Category	Institutions	Type	No of Respondents/ Interviewee
1	Policymaker	Ministry	Interview	02
			Survey	05
2	Expert	Ministry	Survey	01
3	Implementer	Vietnam Bank for Social Policies	Survey	0
Total				08

Source: Created by the author (2022).

Table 1 above illustrated the number of Interviewees and Respondents and their role in the 2014 Vietnamese Housing Law Project.

According to the responses collected, the majority of respondents has over 10 years of working experiences, which showed that they had a lot of experiences and could probably give better responses than the ones who had less experiences.

3.1.2. Secondary data

Secondary data were collected from the 2005 Vietnamese Housing Law, 2014 Vietnamese Housing Law and their guidance legal documents (Decrees of Government, Decision of Prime Minister, Circular of Ministers), “2008 Vietnamese Law on promulgating legal documents”.

Secondary data were also collected from the minutes of meeting of the National Assembly, reports of the Vietnamese Government about the Housing Law Projects, different versions of the drafts of the 2014 Housing Law and other relating documents (Legal impact assessment report of the Housing Law Projects, Report on experiences of some countries in the world on housing development and management, Detailed explanation of the draft housing law (amended)), reports about drafts of “Decree No. 100/2015/ND-CP issued on October 20, 2015 about developing and managing of social housing”.

Besides, the announcements and reports from the official website of the

National Assembly, Government, Ministry of Construction (Housing and Real Estate Market Administration Department), General Statistics Office and Vietnam Bank for Social Policies were used as a source of secondary data as can be seen in Table 2 below. The secondary data collected consisted of 63 documents.

Table 2: Number and Category of secondary data collected

No	Category	Sources	Type	No of Documents	Appendix /Table
1	Documents relating to the 2014 Vietnamese Housing Law Projects that Ministry of Construction sent to Ministry of Justice for being appraised	MOJ	Law Project Documents	7	III
2	Documents relating to the 2014 Vietnamese Housing Law Projects that Vietnamese Government sent to the XIII National Assembly	MOJ, NA's website	Law Project Documents	17	IV
3	Other reports relating to the 2014 Vietnamese Housing Law Projects	NA's website	Law Project Documents	4	V

4	Other relating documents	MOJ&Gov ernment's website	Legal Documents	8	VI
5	6 drafts of the housing laws	NA's website	Law proposal	6	15
6	Articles	NA's website, MOC's website, Voice of Vietnam Radio, Foreign Affairs Department's Website	Articles	33	
Total				63	

Source: Created by the author (2022).

The lists of relating secondary data which were analyzed in this thesis as well as displayed in the Appendix III, IV, V and VI.

3.2. Analytical Method

This thesis uses the case study method (Yin, 2009) to analyze the policy process of Article 74 of the 2014 Vietnamese Housing Law.

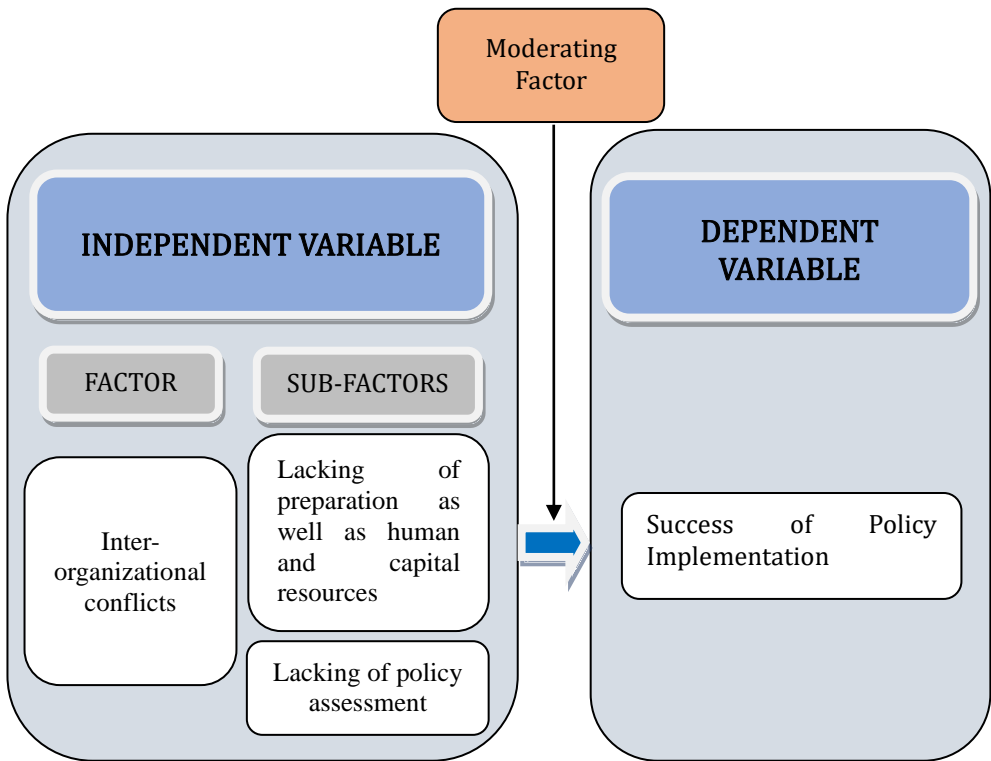
The primary data obtained through interviews, questionnaire and secondary data were analyzed the formulation of policy in the 2014 Vietnamese Housing Law via qualitative method. It was aimed to detect what were the critical factors linked with the failure of the policy, the obstacles in process of policy making, as well as to address whether problems using the policy-making process of the 2014 Vietnamese Housing Law actually get solved.

3.3. Analytical Framework

Along with the theoretical framework developed in the Chapter II, an analytical framework was built as the summary in the Figure 3 hereinafter.

As can be seen from the Figure 3, the independent variable has a factor (“inter-organizational conflicts”) with 03 sub-factors (main actors, main drivers and obstacles), and the dependent variable is “Success of Policy Implementation”. Moderating factor that can affect the outcome of the policy in Article 74 of the 2014 Vietnamese Housing Law is the leadership of the Communist Party in Policy Process and Policy Implementation.

Figure 3: Analytical Framework Summary



3.3.1. Factor related to inter-organizational conflicts

Menzel (1987) mentioned that policy failure was a part of the failure in implementation. Among the fundamental features that led the policy implementation outcome to another direction rather than its initial goals, it

would be better to focus on inter-organizational conflicts instead of a lack of coordination (Menzel, 1987). According to inter-organizational framework (Menzel, 1987), a network which consists of multiple organs can only achieve their goals depending on the choices of all the organ units. Therefore, whether the policy goal can meet or not will depend on the inter-organizational relationships between relating organs which involved in the process. When the conflicts exist between these organs, the implementation was affected. The result is that the policy outcome could not meet its initial goals.

Regarding to inter-organizational conflicts, Menzel (1987) also emphasized the “resource dependency” and “structural dependency” relationship between organizations. The organization which is dependent on the resource-supplying from another organization will have “resource dependency” relationship with this organization. In this case, the conflicts can happen if the resource-supplying organization does not provide the resources that the dependent organizations require or are in need. Meanwhile, “structural dependency” relationship exists between organizations which are part of a multi-organ field that binds them together by legal influences or other influences. When an organization has power to determine in one specific field according to the law and another one does not agree, inter-organizational conflicts can still occur between these organizations (Menzel, 1987).

In order to address the factor “inter-organizational conflicts” in the policy process of Article 74 of the 2014 Vietnamese Housing Law, this thesis discussed main actors involving in the policy process, main drivers in creating the policy and obstacles in creating Article 74. 02 Sub-factors (Lacking of preparation as well as human and capital resources; Lacking of policy assessment) are also discussed to understand clearer the root causes of the conflicts which led to the policy failure.

3.3.2. Independent variables, dependent variables, moderating variables and other variables

Independent variables, dependent variables, moderating variables and other variables can be figure out from the data sources as displayed in the Table 3

below.

Table 3: Study's variables and Data Sources

Variables	Descriptions	Data Sources
Main actors	Any individual or group that is directly or indirectly, formally or informally, affiliated with or affected by the 2014 Vietnamese Housing Law policy process at any stage	<ul style="list-style-type: none"> - Minutes of meeting of the National Assembly; - Reports of the Vietnamese Government about the Housing Law Projects; - 2008 Law on promulgating legal documents; - Interviews.
Main drivers	Who made the final decision in Vietnamese Housing Law	<ul style="list-style-type: none"> - 2008 Law on promulgating legal documents; - Minutes of meeting of the National Assembly; - Interviews.
Main stakeholders	In creating the 2014 Vietnamese Housing Law	<ul style="list-style-type: none"> - 2008 Law on promulgating legal documents; - Minutes of meeting of the National Assembly; - Reports of the Vietnamese Government about the Housing Law Projects; - Interviews.
Problems	Lack of social housing, Lack of funding	<ul style="list-style-type: none"> - Summary Report of Ministry of Construction of Vietnam on the implementation of the 2005 Housing Law and propose to research and develop the Law on Housing (amended); - Interviews.
Solutions	New Policy	<ul style="list-style-type: none"> - 2014 Vietnamese Housing

		Law; - “Decree No. 100/2015/ND-CP”; - Minutes of meeting of the National Assembly; - Reports of the Vietnamese Government about the Housing Law Projects; - Interviews.
Choice of Opportunities	Loan with low interest for social housing projects’ investors and the low-income	- Minutes of meeting of the National Assembly; - Reports of the Vietnamese Government about the Housing Law Projects; - Interviews.
Political Factors	Activities to construct new housing law	- Minutes of meeting of the National Assembly; - Reports of the Vietnamese Government about the Housing Law Projects; - Interviews.
Obstacles	Hardships in process of creating the 2014 Vietnamese Housing Law (procedures, time lacking, unconsensus)	- “2008 Law on promulgating legal documents”; - Interviews.
Outcome	Problems have not gotten solved as expected	- 2014 Vietnamese Housing Law; - “Decree No. 100/2015/ND-CP”; - Reports about drafts of “Decree No. 100/2015/ND-CP”; - Interviews, Survey’s Respondents.

Percentage of Social Housing Target completed	The ratio between the factual and planned Social Housing Target	Report about Draft Decree amending and supplementing a number of articles of “Decree No. 100/2015/ND-CP”
Average social housing area	A number expressing the central value in a set of social housing area in Vietnam	Report on summarizing the implementation of the 2005 Housing Law and propose to research and develop the Law on Housing (amended)
Number of borrowed social housing	Number of social housing policy objectives (unit: people) got loan from Vietnam Bank for Social Policies	Vietnam Bank for Social Policies’ Report
Number of borrowed social investors	Number of social housing investors got loan from Vietnam Bank for Social Policies	Vietnam Bank for Social Policies’ Report

Source: Created by the author (2022).

Chapter 4: Empirical Analysis

4.1. Main findings

4.1.1. Analysis of Multiple Stream Model on explaining the policy-making process of Article 74 of the 2014 Vietnamese Housing Law

The Multiple Stream Model/Kingdon's Model (Rawat & Morris, 2016) can be the most suitable policy making model to use to explain the policy making process of Article 74 of the 2014 Vietnamese Housing Law. The policy-making process of Article 74 of the 2014 Vietnamese Housing Law can be described as hereinafter:

Firstly, the problem stream appeared when there was a shortage of social housing. One of the reasons was the lacking of financial mechanism for social housing development. This stream required the solutions to solve these existing problems.

Secondly, the policy stream appeared in order to solve the shortage of social housing and the lacking of financial mechanism for social housing development. In this stream, the Ministry of Construction made the first draft policy of the Article 74 of the 2014 Vietnamese Housing Law and gather the opinions from different Ministries in the Government as well as all the stakeholders. The initial policy was building regulations for providing financial mechanism for social housing development (by Social Housing Fund or Bank for Housing Savings).

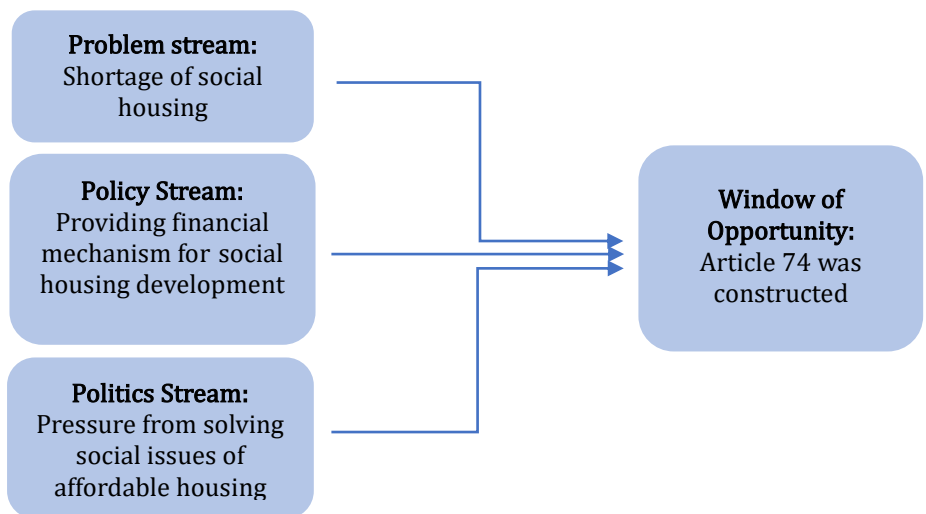
Thirdly, the politics stream was the pressure of solving social issue which was the lack of affordable housing for low-income citizens. In order to solve this issue, there was a need to have financial mechanism for lending both the low-income citizens to purchase the social housing and the investors to construct more social housing.

Because the three streams converged, the policy window was opened and Article 74 was created then. The proposed law was then being appraised by Ministry of Justice. It passed the last reviewing round of the Vietnamese Government before being sent to the National Assembly. It underwent several

times with the same process for each small change in the Article. However, in overall, the policymaking process of Article 74 of the 2014 Vietnamese Housing Law still follows the Multiple Stream Model.

The below figure was drawn based on the Multiple Stream Model to describe the policy-making process of Article 74 of the 2014 Vietnamese Housing Law.

Figure 4: Analysis of the policy-making process of Article 74 of the 2014 Vietnamese Housing Law based on the Multiple Stream Model



Source: created by the author (2022).

During the policy process, the Article 74 had been revised a lot of times. The final decision for the Article 74 was made by the National Assembly members.

In order to understand the reason for this decision, the Table below was made to represent the analysis of Respondents for the question: Why did the National Assembly deputies make the decision to change the policy specified in Article 74 of the 2014 Housing Law in the direction of switching to support loans through the Social Policy Bank instead of through the Social Housing Development Fund to develop social housing as originally proposed?

Table 4: Analysis of Interviewee and Respondents on Question III.2, APPENDIX II

No	Respondents	Answer	Analysis
1	Interviewee 2	<p>At that time, the National Assembly deputies were very allergic to all kinds of Funds, causing loss of control. When it comes to the Fund, it is very cautious and strict. When it came to the Fund, what was the size, resources, interest rate support or support?</p> <p>With the nature of credit support, think of the Bank for Social Policies, which already had an existing mechanism. Instead of establishing a new Fund, the existing facilities of the Bank for Social Policies shall be used immediately. Fund was learnt from Singapore, which was very different from Vietnam. There were requirements about salary deduction fund, other sources. But the fund deduction itself did not have consensus, there were many views.</p> <p>Using the mechanism of the Bank for Social Policies was the most reasonable and feasible solution.</p> <p>The underperformance was in fact related to resource issues.</p>	<p>The National Assembly members would like to take use of the existing system (the Bank for Social Policies) instead of building a new system which takes time and resources</p>
2	Respondent 1	<p>Because at present, the Bank for Social Policies is performing</p>	

		similar functions in implementing welfare policy support, of which social housing is just one content. On the other hand, the management and monitoring of support activities through Policy Bank is easy and convenient
3	Respondent 2	Do not know
4	Respondent 3	Development Fund is difficult to establish
5	Respondent 4	Because the Bank for Social Policies exists and operates, the Housing Development Fund does not yet exist
6	Respondent 5	Delegates said that it is not necessary to establish a social housing development fund because localities already have a local development investment fund, the establishment of which leads to an increase in human resources and an increase in costs. On the other hand, the Social Housing Development Fund in some localities, established previously, is inefficient.
7	Respondent 6	Do not know

Source: created by the author based on the Survey's Respondents and Interviewing (2022).

According to Table 4, the National Assembly members would like to take use of the existing system (the Vietnam Bank for Social Policies) instead of building a new system which takes more time and resources.

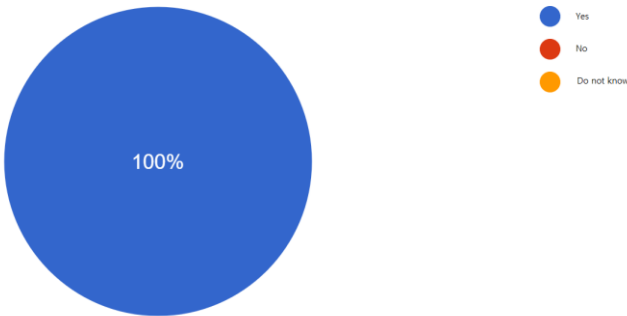
Therefore, it can be concluded that the National Assembly members made rational decision based on the actual situation in the policy process of Article 74 of the 2014 Vietnamese Housing Law.

4.1.2. Main actors involved in creating Article 74 of the 2014 Vietnamese Housing Law

Figure 5 and Figure 6 reveals that 100% of the Respondents believed that Stakeholders (experts, socio-political organizations, beneficiaries of the document) involved in the policy-making process of the 2014 Housing Law (comment phase, appraisal phase), stage of National Assembly discussion, stage of National Assembly approval of the Law).

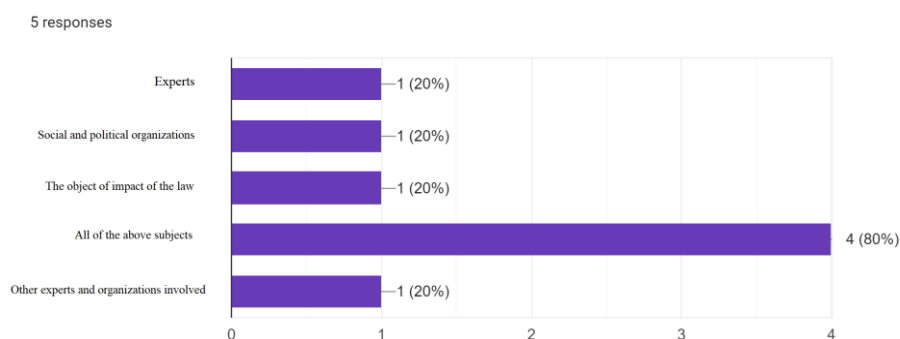
Figure 5: Respondents for Survey Question II.10. Were Stakeholders (experts, socio-political organizations, beneficiaries of the document) involved in the policy-making process of the 2014 Housing Law (comment phase, appraisal phase), stage of National Assembly discussion, stage of National Assembly approval of the Law)?

6 responses



Source: created by the author based on Survey's responses (2022).

Figure 6: Respondents for Survey Question II.10.a. If yes, who participated?



Source: created by the author based on Survey's responses (2022).

Table 5 below illustrated the opinion of Survey's Respondents and Interviewees about the main actors involved in creating Article 74 of the 2014 Vietnamese Housing Law.

Table 5: Main actors involved in creating Article 74 of the 2014 Vietnamese Housing Law

No	Category	Major actors	% Voted
1	Survey's Respondents	Ministries and ministerial-level agencies	83.3% voted
		VBSP	83.3% voted
		NA	66.7% voted
		People's Committees of provinces and cities	66.7% voted
		Enterprises engaged in housing investment and construction activities	50% voted
		Departments of provinces and cities	33.3% voted
		Experts	33.3% voted
		Socio-political organizations	33.3%

			voted
		Social organizations (Eg: Associations, etc...)	33.3%
			voted
2	Interviewee 1	NA, Ministries and ministerial-level agencies, People's Committees of provinces and cities, Departments of provinces and cities, Experts, Socio-political organizations, Social organizations, Enterprises engaged in housing investment and construction activities, and VBSP involved in all the stages of policy process via seminars, meetings of MOC, MOJ, NA, etc,...	
3	Interviewee 2	NA, the NA's public officials involved in changing the regulations of Article 74 around 01 months before the law was passed	

Source: created by the author based on the primary data collected Survey and Interviewing (2022).

As can be seen from Table 5, according to the responses from the Survey, the majority supposed that the main actors involved in creating Article 74 of the 2014 Vietnamese Housing Law are Ministries and ministerial-level agencies (83.3% voted), Vietnam Bank for Social Policies (83.3% voted), the National Assembly (66.7% voted), People's Committees of provinces and cities (66.7% voted), Enterprises engaged in housing investment and construction activities (50% voted), Departments of provinces and cities (33.3% voted), Experts (33.3% voted), Socio-political organizations (33.3% voted), Social organizations (Eg: Associations, etc...) (33.3% voted).

Table 5 also stated that one interviewee supposed that the main actors involved in creating Article 74 of the 2014 Vietnamese Housing Law are the National Assembly, Ministries and ministerial-level agencies, People's Committees of provinces and cities, Departments of provinces and cities, Experts, Socio-political organizations, Social organizations, Enterprises engaged in housing investment and construction activities, and Vietnam Bank for Social Policies. This viewpoint shares the same point with the survey

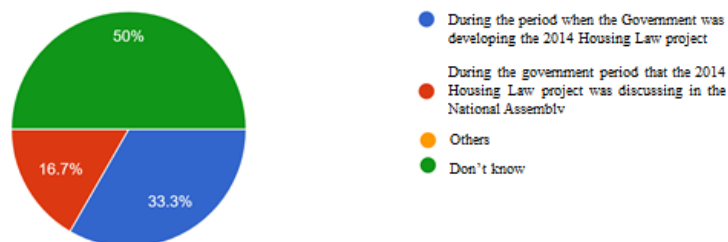
responses.

In the meantime, another interviewee had another perspective that the main actors involved in creating Article 74 of the 2014 Vietnamese Housing Law are only the members of the National Assembly, the public officials of the Law Committee of National Assembly's Office. According to this interviewee, Ministry of Construction, Ministry of Finance, Ministry of Planning and Investment, and Vietnam Bank for Social Policies were not asked to give comments on the Article 74 when it was changed around a month before the 2014 Vietnamese Housing Law was passed by the National Assembly. Therefore, they were not involved in creating the Article 74.

In addition, the Figure 7 below showed that a half of Survey's respondents do not know the time that the regulations in the Article 74 was changed, 33.3% believed that the content specified in Article 74 of the 2014 Housing Law project changed during the period when the Government was developing the law project. Only 16.7% answered that the content specified in Article 74 of the 2014 Housing Law project changed During the government period that the 2014 Housing Law project was discussing in the National Assembly. This result can affect their answer about the main actors involved in creating Article 74 of the 2014 Vietnamese Housing Law.

Figure 7: Respondents for Survey Question III.1. From what period has the content specified in Article 74 of the 2014 Housing Law project changed?

6 responses



Source: created by the author based on Survey's responses (2022).

These different viewpoints from the Survey's respondents and interviewees can be summarized that as the policy making process took a long

time with numerous small steps so not every stakeholder participated in all the steps of the process. The most relevant stakeholders participated in most steps, except for the last step which was conducted by the National Assembly members and their officials. Therefore, the main actors involving in creating Article 74 of the 2014 Vietnamese Housing Law were the National Assembly members and their officials.

4.1.3. Main drivers in creating Article 74 of the 2014 Vietnamese Housing Law

As can be seen from Table 6, “Statement No. 65/TTr-CP of Vietnamese Government dated March 24, 2014 about the Housing Law Project (amended)” illustrated that:

“The Law does not have specific regulations on financial institutions participating in providing capital support for housing development, especially support for low-income people and poor households with loans to buy, rent-purchase, or rent-out social housing. loans to businesses to invest in social housing construction such as Housing Development Fund, Real Estate Trust Fund... so mobilizing capital for housing development still faces many difficulties and mainly still depends on commercial credit institutions, when credit institutions tighten lending, housing developers have faced many difficulties due to lack of investment capital”. (Government, 2014)

Table 6: Main drivers of Article 74 of the 2014 Vietnamese Housing Law

No	Category	Major drivers	Analysis
1	“Statement no. 65/TTr-CP of Vietnamese Government dated March 24, 2014 about the	<i>“The Law does not have specific regulations on financial institutions participating in providing capital support for housing development, especially support for low-income people and poor households with loans to buy, rent-purchase, or rent-out social housing. loans to businesses to invest in social</i>	

	Housing Law Project (amended) (Government, 2014)”	<i>housing construction such as Housing Development Fund, Real Estate Trust Fund... so mobilizing capital for housing development still faces many difficulties and mainly still depends on commercial credit institutions, when credit institutions tighten lending, housing developers have faced many difficulties due to lack of investment capital”.</i>	Building a financial mechanism supporting for social housing development
2	Survey’s Respondents	Support for businesses to invest in building social housing, support for subjects in need of rented, lease-purchased housing <hr/> Ensure social security <hr/> Policy beneficiaries receiving loan support will be uniformly managed by the policy bank <hr/> Helping people access capital to buy houses <hr/> Support for individuals and organizations participating in social housing development, support for disadvantaged people to access capital for rent, lease purchase or purchase of housing <hr/> Support for low-interest loans with low interest rates to implement targeted housing programs and social housing construction	
2	Interviewee 1	To support social housing development	
3	Interviewee 2	Building a financial mechanism supporting for social housing development in order to solve the shortage of social housing in Vietnam, ensure equality for the low-income to purchase houses	

Source: created by the author based on the primary data collected Survey and Interviewing (2022).

According to the responses from the Survey and the interviewees, there are several main drivers in creating Article 74 of the 2014 Vietnamese Housing Law, which are: (i) Support for businesses to invest in building social housing, support for subjects in need of rented, lease-purchased housing; (ii) Ensure social security; (iii) Policy beneficiaries receiving loan support will be uniformly managed by the policy bank; (iv) Helping people access capital to buy houses; (v) Support for individuals and organizations participating in social housing development, support for disadvantaged people to access capital for rent, lease purchase or purchase of housing; (vi) Support for low-interest loans with low interest rates to implement targeted housing programs and social housing construction.

The interviewees also shared the similar viewpoints with the Survey's respondents about the main drivers in creating the Article 74 of the 2014 Vietnamese Housing Law, which emphasized in building a financial mechanism supporting for social housing development in order to solve the shortage of social housing in Vietnam.

Overall, both primary data and secondary data collected were all in agreement that the main drivers for building the Article 74 of the 2014 Vietnamese Housing Law were providing a financial mechanism for social housing development in Vietnam.

4.1.4. Obstacles in the process of creating Article 74 of the 2014 Vietnamese Housing Law

As can be seen from the table, according the responses from the Survey, there are following hardships relating to: (i) Experience in forming the financial system for the real estate sector in general and housing in particular; (ii) The source of public investment capital cannot be determined; (iii) The state budget is still limited so the supporting capital is still low, not enough to meet the borrowing needs of the policy subjects; (iv) Hardships relating to the goals

and capabilities of deployment resources; (v) Resources to secure investment in housing construction in general and support for social housing in particular are limited.

Table 7: Analysis of Interviewee and Survey's Respondents about obstacles in process of creating Article 74 of the 2014 Vietnamese Housing Law

No	Category	Answer	Analysis
1	Interviewee 2	There were no difficulties or problems because they were not discussed and drafted through the process of the Law on Promulgation of Documents. No discussion, no social criticism, so no one knows to oppose or support except for 01 small group during the review and approval process.	Financial
2	Respondent 1	Experience in forming the financial system for the real estate sector in general and housing in particular.	resources,
3	Respondent 2	The source of public investment capital cannot be determined.	human resources as well as organizations' plan.
4	Respondent 3	The state budget is still limited so the supporting capital is still low, not enough to meet the borrowing needs of the policy subjects.	
5	Respondent 4	Hardships relating to the goals and capabilities of deployment resources.	
6	Respondent 5	Resources to secure investment in housing construction in general and support for social housing in particular are limited.	

Source: created by the author based on Survey' responses and Interviewing (2022).

In conclusion, all of the respondents agreed that the obstacles in the process of creating Article 74 of the 2014 Vietnamese Housing Law were because of financial resources, human resources as well as organizations' plan.

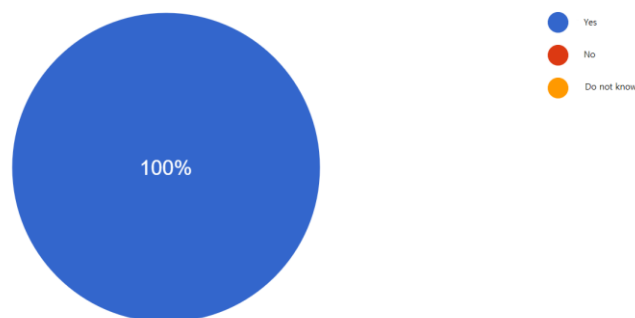
Only one interviewee supposed that there was no obstacle in the process of creating this Article 74.

4.1.5. The formality of the policy process of Article 74 of the 2014 Vietnamese Housing Law

As can be seen from Figure 8 below, according to the responses from the Survey, 100% agreed that the policy-making process of Article 74 of 2014 Vietnamese Housing Law followed the procedures of policy process of the “2008 Law on promulgating legal documents”.

Figure 8: Respondents for Survey Question II.11. In your opinion, was the 2014 Housing Law project built in accordance with the process of developing legal documents specified in the “2008 Law on Promulgation of Legal Documents”?

6 responses



Source: created by the author based on Survey's responses (2022).

Table 8 shows that according to one interviewee, the policy-making process of Article 74 of 2014 Vietnamese Housing Law followed the procedures of policy process of the “2008 Law on promulgating legal documents” but only in terms of documents and the stages. There were policy assessments to the financial policy of 2014 Vietnamese Housing Law as a whole at the beginning of the law project but these assessments did not figure out detailed policy of Housing Development Fund (the initial policy of Article 74). When the policy in Article 74 was changed in the stage of discussing in the National Assembly, it was not reassessed by the National Assembly's members.

Another interviewee held the opinion that the policy process of Article 74 of the 2014 Vietnamese Housing Law ensured compliance with the correct document development process. In the process of collecting opinions, there are also discussions, debates, different opinions, acceptance and explanation, submission to a higher authority on issues with different opinions. The opinions of the subjects participating in the construction of this Housing Law project had been collected.

Table 8: Analysis of Interviewees' Opinions about the formality of the policy process of Article 74 of the 2014 Vietnamese Housing Law

No	Category	Opinions	Analysis
1	Interviewee 1	Ensured compliance with the correct document development process. In the process of collecting opinions, there are also discussions, debates, different opinions, acceptance and explanation, submission to a higher authority on issues with different opinions. The opinions of the subjects participating in the construction of this Housing Law project had been collected.	The policy process of Article 74 of 2014 Vietnamese Housing Law was formal
2	Interviewee 2	Have ensured the correct procedures as prescribed in the “2008 Law on promulgating legal documents” only in terms of documents and the stages	

Source: created by the author based on based on interviewees' responses (2022).

Overall, both interviewees supposed that the policy process of Article 74 of the 2014 Vietnamese Housing Law was formal.

The secondary data collected showed the same result with the primary data above. According to secondary data collected as described in the Table 9, the policy-making process of the 2014 Vietnamese Housing Law followed a strictly time order with separated steps. The draft of the 2014 Vietnamese Housing Law was discussed and examined not only once in the National Assembly by different organs (The Law Committee, the Standing Committee

and the National Assembly members) in 07 public official meetings as can be seen in the Table 13 below.

As can be seen from Table 9, there were 02 meetings for examination of the Law hold by the Law Committee of the National Assembly on March 06 and April 02, 2014. There were 02 meetings hold by the Standing Committee of the 13th National Assembly on March 15 and August 18, 2014. 03 meetings were hold by the 13th National Assembly on May 24, May 27 and October 24, 2014, respectively before the law was passed on November 25, 2014.

Table 9: Announcements/News relating to the 2014 Vietnamese Housing Law Projects

No	Document name	Date	Issued Organ	Note
1	The Law Committee of the National Assembly preliminary examined the Housing Law project (amended)	March 06, 2014	Dangcongsan.vn; Construction Department of Ninh Thuan Province	Held on March 06, 2014 in Hanoi city, Vietnam. “Regarding finance-related issues such as forms of financial mobilization for housing development, preferential loans from credit institutions, housing development funds, housing savings banks, the Ministry of Finance will coordinate with the Ministry of Construction to review specifically to include in the draft (amended) Law. At the same time, the Drafting Committee needs to absorb comments to amend and supplement the

					draft Law (amended) to submit to the National Assembly Standing Committee in March 2014.”
2	The Law Committee of the National Assembly officially examined the Housing Law project (amended)	April 02, 2014	Ministry of Construction Web Portal	of	Held on April 02, 2014 in Da Lat city, Lam Dong province, Vietnam
3	Announcement of the 26th session of the Standing Committee of the 13th National Assembly	March 15, 2014	The National Assembly Web Portal		Held from March 10 to March 14 in Hanoi, Vietnam
4	The National Assembly discusses the draft Law on Housing (amended), Law on Construction (amended)	May 24, 2014	Voice of Vietnam Radio, Foreign Affairs Department’s Website		On May 24, 2014, the National Assembly held a plenary session at the Hall, listening to the proposal and report on the verification of the Housing Law (amended) project
5	National Assembly discusses Housing Law	May 27, 2014	Ministry of Construction Web Portal	of	Held in Hanoi, Vietnam, in the 7 th day of 7 th meeting period of the 13 th National Assembly
6	Announcement of the 30th session of the Standing Committee of the	August 18, 2014	The National Assembly Web Portal		Held from August 11 to August 15 in Hanoi, Vietnam

	13th	National						
	Assembly							
7	The	National	October	Ninhbinh.org.vn	Held	in	Hanoi,	
	Assembly		24,		Vietnam, in 8 th meeting			
	discusses a number		2014		period of the 13 th			
	of bills in the hall				National Assembly			

Source: created by author based on the secondary data collected from the National Assembly's website (2022).

According to the analysis of secondary data from the Table 10 below, both Ministry of Justice and the Law Committee declared that the policy-making process of Article 74 of the 2014 Vietnamese Housing Law followed the procedures of policy process of the “2008 Law on promulgating legal documents”.

Table 10: Analysis of policy-making process of the 2014 Vietnamese Housing Law Projects before and after being sent to the National Assembly

No	Document		Content	Analysis
1	“Report No. 2424/BC-UBPL13 of Law Committee dated May 14, 2014 on reviewing of the Housing Law project (amended)”	No	The drafting agency has received many opinions from the Standing Committee of the National Assembly at its 26th session and the opinions of the Legal Committee in the Preliminary Verification Report No. 2298/BC-UBPL13 dated March 9, 2014 on Housing Law project (amended) to amend and complete this Law project to submit to the National Assembly.	The policy-making process of 2014 Vietnamese Housing Law in general and Article 74 specifically until this stage followed the formal procedure.
2	“Report No. 293/BC-HĐTĐ of Ministry of Justice dated December 13, 2013	No.	- The appraisal council consists of 13 members who are representatives of relevant ministries, branches, organizations, experts, scientists and representatives of functional units of the Ministry of Justice led by Mr. Dinh	The policy-making process of 2014 Vietnamese Housing Law in general and

expertizing the Housing Law Project (Amended)”	<p>Trung Tung, The Deputy Minister of Justice is the Chairman of the Council. On December 4, 2013, the Council conducted an appraisal of the Housing Law (amended) project.</p> <p>- In the process of developing the draft Housing Law (amended), the drafting agency fully complied with the procedures and order for drafting documents, preparing documents for submission to the draft Law in accordance with the provisions of the Law on Housing. promulgating legal documents in 2008 and “Decree No. 24/2009/ND-CP dated March 5, 2009 of the Government detailing and implementing measures to implement the Law on Promulgation of Legal Documents” (“Decree No. 24/2009/ND-CP”).</p> <p>Regarding the dossier of the Law project, the drafting agency has fully prepared documents according to the provisions of law. However, the Appraisal Council said that these documents need to continue to be researched and perfected before submitting to the Government.</p>	<p>Article 74 specifically followed the formal procedure as a whole. There are some limitations in the preparation of the relating documents but they could be solved before sending to the Government.</p>
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Source: created by the author based on the secondary data collected from the National Assembly’s website (2022).

In the last stage of the policy-making process of Article 74, the final result showed that the Proposed Housing Law (amended) was approved on November 25, 2014 by the National Assembly with 77.46% of delegates in favor, 4.6% of delegates against, 1.2% of delegates voiceless and 16.9% of

delegates did not attend the hall meeting.

The 2014 Vietnamese Housing Law was then officially announced by the President Truong Tan Sang by Order on the Promulgation of Law No. 24/2014/L-CTN enacted on December 8, 2014. It was then published in the Official Announcement No. 1169 and 1170 dated December 29, 2014.

All the above evidences reveal that, the procedures of 2014 Vietnamese Housing Law strictly followed all the steps that were required in the 2008 Vietnamese Law on the promulgation of legal documents. So it can be concluded that the policy-making process of Article 74 of the 2014 Vietnamese Housing Law was formal.

4.1.6. The outcome of the policy-making process of Article 74 of the 2014 Vietnamese Housing Law

4.1.6.1. The policy-making process of Article 74 of the 2014 Vietnamese Housing Law led to the failure in letting the latter document of detailed regulation coming into effect at the same time with the law

Article 8.1 and 8.2 of the “2008 Vietnamese Law on promulgating legal documents” regulated as follows:

“1. The contents of legal documents shall be detailed and specific so that the documents may be effectively enforced as soon as they come into force; in the case that a legal document contains some articles and clauses related to matters of technical process and standards, which are not very stable, those articles and clauses may assign the relevant state agency to provide a document of detailed regulations on such matters. The assigned agency shall not further delegate this job to any others.

2. The latter document of detailed regulations shall provide specific provisions, which do not repeat those in the former document, and shall be promulgated to come into force at the same time with the former document or former articles, clauses and items/paragraphs.”

(NA, 2008)

The above regulations show that the latter documents need to be effective at the same time with the former document which it guides. It can also be understood from these regulations that a policy in a Law can only be formed as a full policy when it is completely guiding in the Decrees of the Government or the Circular of Minister (if the Law requires that). This is the first criteria in order to measure the success of a policy, right at the stage of policy formulation. The second criteria that can be used later to measure the success of a policy is via the implementation.

As a consequence, it can be considered “policy failure” when the latter document of detailed regulation did not come into force at the same time with the former document which it guides.

As stated in the background case, Article 74 of the 2014 Vietnamese Housing Law was not entered into effect because its guiding Decree (“Decree No. 100/2015/ND-CP”) postponed for 05 years to implement a part of the regulations. Therefore, the policy of Article 74 of the 2014 Vietnamese Housing Law can be measured as a “policy failure” in terms of policy formulation.

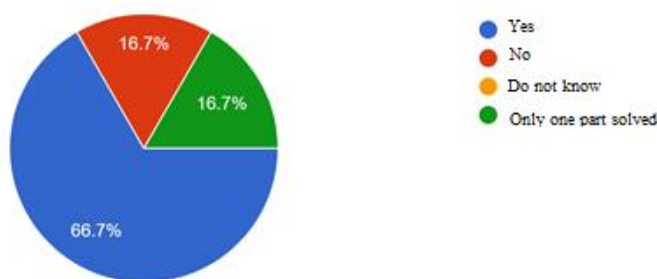
4.1.6.2. The policy-making process of Article 74 of the 2014 Vietnamese Housing Law led to the ineffectiveness in implementation

As can be seen from Figure 9 below, responses to the Survey Question II.12 “Were the issues that need to be resolved in the policy-making process of Article 74 of the 2014 Housing Law really resolved?” showed that:

- 66.7% respondents thought that the problems actually solved;
- 16.7% respondents thought that the problems did not actually solved;
and
- 16.7% respondents thought that the problems could only solved a part.

Figure 9: Respondents for Survey Question II.12. Were the issues that need to be resolved in the policy-making process of Article 74 of the 2014 Housing Law really resolved?

6 responses



Source: created by the author based on Survey's responses (2022).

According to the survey, 66.67% supposed that problems using the policy-making process of Article 74 of the 2014 Vietnamese Housing Law actually get solved, 16,7% supposed that these problems did not actually get solved and 16,7% supposed that these problems only got solved a part (not fully solved). Despite of the results, as can be seen in the table 11 below, there were a half of respondents showed the reasons for the fact that problems using the policy-making process of Article 74 of 2014 Vietnamese Housing Law did not actually get solved or just got solved a part. The reason for the fact that the problems did not actually get solved was the initial goal of Article 74 did not meet due to the lack of resources (economic and human). The conflicts between 02 related questions can happen when the respondent did not read the multiple-choice question carefully. Therefore, it can be seen that half of respondents showed the viewpoint that the problems did not actually get solved.

Table 11: Analysis of Respondents for Survey Question II.12a. Please explain why

No	Respondent	Answer	Analysis
1	Respondent 1	Some objects of the social target program have been resolved	The initial goal of Article 74 did not meet due to the lack of resources (economic and human)
2	Respondent 2	Lack of resources and mechanisms	
3	Respondent 3	The main reason is due to limited economic resources	

Source: created by the author based on Survey's responses (2022).

Sharing the similar pattern with the survey respondents, according to the interviewees stated in Table 12, these problems did not actually get solved.

Table 12: The interviewees' opinions about the ineffectiveness of the policy-making process of Article 74 of the 2014 Vietnamese Housing Law

No	Interviewee	Opinions	Analysis
1	Interviewee 1	Currently, the feasibility of the regulation is not high.	
2	Interviewee 2	In order to implement a policy, there is a need to assess the readiness relating to the funding, the time preparation. Every new policy needs to have a period for the relevant parties to adapt. Because the policy of Article 74 of 2014 Vietnamese Housing Law was not well assessed from the beginning, there was a lack of preparation about the funding and the system so the result did not meet the goal of the policy.	Problems using the policy-making process of Article 74 of 2014 Vietnamese Housing Law did not actually get solved

Source: created by the author based on interviewees' responses (2022).

Also, as stated in the Chapter I, this policy did not actually get the expecting result as the initial purpose of the policy makers when up to December 2020, the whole country's social housing construction has reached only about 41.7% of the target set out in the National Housing Development Strategy to 2020 (MOC, 2020). Therefore, the problems using the policy-making process of Article 74 of 2014 Vietnamese Housing Law did not actually get solved. The initial goal of the policy did not meet so this policy was failed.

4.1.7. Some recommendations from survey's respondents

According to Table 13 below, there are 02 main policy recommendations for improving the policy formulation or other legislative process: (i) improving the quality of policy assessment report with sufficient data and statistics and

focusing on policy implementation assessment; and (ii) the evaluation team should be separated with the teambuilding the regulations for better quality.

Table 13: Respondents for Survey Question III.6. Do you have any suggestions to improve policy formulation for other legislative process in the future?

No.	Respondents	Answer	Analysis
1	Respondent 1	The planning and formulation of laws should closely follow the feasibility of regulations: in which, all factors are considered to develop a regulation: assessment of the current situation, necessity of regulations, impact of regulations on all aspects, implementation resources, suitability with socio-economic conditions. The consideration of these factors must be evaluated on the complete data elements, statistics, comparison and offer many options to have the most optimal choice. After all, all of this content should be factual, not just text.	There are a lack of Improve the quality of policy assessment report with sufficient data and statistics and focusing on policy implementation assessment. The evaluation team should be separated with the teambuilding the regulations for better quality.
2	Respondent 2	There are many policies that need to be amended and supplemented to be consistent with current laws.	
3	Respondent 3	Recommendations: - Policy development should focus on the assessment of implemented results (with specific data); - The assessment of policy impacts should have a separate specialized team, to avoid the situation when the policy is built and assessed the impact by one team, which is not objective.	

Source: created by the author based on Survey's responses (2022).

4.2. Independent factors affected the success of the policy of Article of the 2014 Vietnamese Housing Law

4.2.1. The “Inter-organizational conflicts” in the policy process of the Article 74 of the 2014 Vietnamese Housing Law

The main factor that affected the success of the policy of Article 74 of the 2014 Vietnamese Housing Law was the “Inter-organizational conflicts” in the policy formulation process of the Article.

Table 14 below illustrates Interviewees’ Viewpoints about the root cause of the delay in implementing the policy of Article 74 of the 2014 Vietnamese Housing Law. According to one interviewee, the lacking of cooperation between different Ministries and Vietnam Bank for Social Policies caused the delay in implementing the policy of Article 74 of 2014 Vietnamese Housing Law.

Table 14: Analysis of Interviewees’ Viewpoints about the root cause of the delay in implementing the policy of Article 74 of the 2014 Vietnamese Housing Law

No.	Category	Viewpoints	Analysis
1	Interviewee 1	The agency assigned to guide Article has not fully devoted itself to this. In the case of banks that are assigned quotas and resources, they are also confused. In order for this resource to preserve capital, when implementing these regulations, how to lend and how to implement capital, they are still afraid of risks when recovering capital. Investment in social housing requires the coordination of competent authorities, determination and co-operation. Otherwise it is very difficult for the implementing agency. Especially, the Vietnam Bank for Social Policies is very	The inter-organizational conflicts appeared between different organization during the policy implementation.

		afraid of whether they can get the capital bank or not.
2	Interviewee 2	The lacking of cooperation between different Ministries and Vietnam Bank for Social Policies caused the delay in implementing the policy of Article 74 of the 2014 Vietnamese Housing Law

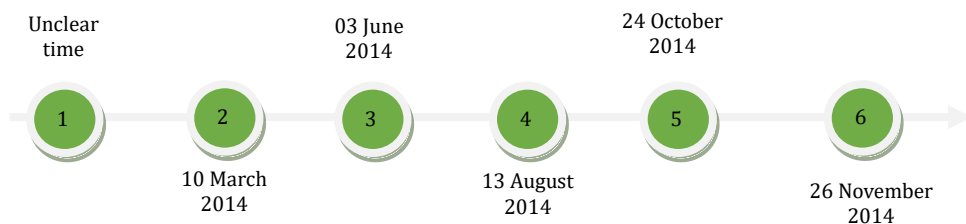
Source: created by the author based on the primary data collected Survey and Interviewee (2022).

At the stage that the Vietnamese Government were discussing the proposed law, the Article 74 was not the issue that caused the conflictual ideas between different Ministries as can be seen from the “Report No. 293/BC-HDTD of Ministry of Justice dated December 13, 2013 expertizing the Housing Law Project (Amended)”.

The opposite viewpoints happened at the stage that the National Assembly were discussing about the proposed Housing Law.

These differences in the viewpoint of the National Assembly members can be easily seen via different draft of the 2014 Vietnamese Housing Law and their discussions which were recorded and transcribed by meetings’ minutes and different drafts of the law as hereinafter.

Figure 10: Timeline of the drafts of the 2014 Vietnamese Housing Law that the National Assembly gather the comments from Vietnamese citizens



Source: created by the author based on the secondary data collected from the National Assembly’s website (2022).

As can be seen from Figure 10, there were 06 different drafts of the 2014 Vietnamese Housing Law discussing in the National Assembly. All the Draft

was published on the National Assembly's website to gather the comments from Vietnamese citizens during the duration of the Law Project.

Table 15: Analysis of 06 drafts of the 2014 Vietnamese Housing Law discussing in the National Assembly

<i>No.</i>	<i>Name of Documents</i>	<i>Document summarize</i>	<i>Analysis</i>
1	1 st draft of 2014 Housing Law (September 2013)	<p>“Article 76. Housing development fund</p> <p>1. Housing development fund is a state financial institution, established in provinces and centrally run cities to provide capital support to subjects eligible to buy, rent-purchase social housing or receive financial support for enterprises and individuals to participate in social housing development as prescribed in this Law.</p> <p>2. Capital sources for the establishment of the Housing Development Fund include:</p> <p>a) Capital from the local budget allocated to the Fund, including: capital collected from 10% of the local land use levy, capital from the sale of state-owned houses in the locality; annual local budget funding for the Fund;</p> <p>b) Capital from issuance of housing bonds, housing bonds;</p> <p>c) Savings contribution from households and individuals wishing to buy, rent-purchase social housing and invest in social housing construction;</p>	In the 1 st draft, there were 2 different mechanisms were regulated in the Law: (i) Housing development fund and (ii) Housing Savings Bank.

d) Other lawful capital sources.

3. The Government shall specify the establishment, model, organizational structure, operating principles, mechanism of capital mobilization and lending, financial and salary regime of the Housing Development Fund as prescribed in Clause 2 of this Article.

**Article 77. Housing Savings Bank
(New Article)**

1. Housing savings bank is a credit institution established in the form of a joint stock company and operating in accordance with the law on credit institutions to raise capital and lend for housing development.

2. Capital sources for the establishment of a housing savings bank include:

- a) Own capital of owners participating in the establishment of housing savings banks;
- b) Savings contribution capital of households and individuals wishing to borrow from a housing savings bank;
- c) Capital support from the State (if any);
- d) Other lawful capital sources.

3. Purpose of using capital of housing savings banks:

- a) Loans to households and individuals participating in savings contributions at banks to buy houses or to renovate and repair existing

		<p>houses;</p> <p>b) Buy Government bonds in case of idle capital.</p> <p>4. The Government shall specify the establishment, legal capital, organizational structure, operating principles, mechanism of mobilization and lending of housing savings banks specified in this Article; there are preferential mechanisms to encourage households and individuals to participate in savings and housing development.”</p>	
2	2 nd draft (March 3, 2014)	<p>“Article 69. Social housing development fund</p> <p>1. Social housing development fund is a local state financial institution established by the provincial People's Committee to provide capital support to subjects eligible to buy, rent-purchase social housing or receive financial support. for enterprises and individuals to participate in social housing development as prescribed in this Law.</p> <p>2. The operating capital of the Social Housing Development Fund includes:</p> <p>a) Capital from the local budget allocated to the Fund, including: capital collected from 10% of the local land use levy, capital from the sale of state-owned houses in the locality; annual local budget funding for the Fund;</p> <p>b) Capital from the issuance of bonds</p>	<p>Housing Savings Bank was excluded in the 2nd draft. There was a slightly revise in the regulations of Social housing development fund.</p>

		<p>and public bonds as prescribed by law;</p> <p>c) Savings deposit of people wishing to buy or rent-purchase social housing;</p> <p>d) Other lawful capital sources.</p> <p>3. The Government shall specify the establishment, model, organizational structure, operating principles, mechanism of capital mobilization and lending, financial and salary regime of the Social Housing Development Fund in accordance with regulations set forth in this Article.”</p>	
3	<p>3rd draft</p> <p>June 3 2014</p>	<p>“Article 73. Social housing development fund</p> <p>1. The social housing development fund is a state financial institution affiliated to the People's Committee of the province, established in the provinces and cities that are special-class and grade-1 urban centers and provinces with a large number of workers. Employees working in concentrated industrial parks to provide capital support for those eligible to buy, rent, lease-purchase social housing or support investors in construction of social housing in accordance with the Law on social housing. this.</p> <p>2. The operating capital of the Social Housing Development Fund includes:</p> <p>a) Capital from the local budget</p>	<p>There were 2 clauses added in the Article about Social housing development fund.</p>

allocated to the Fund, including:
capital collected from 10% of the
local land use levy, capital from the
sale of state-owned houses in the
locality; annual local budget funding
for the Fund;

b) Capital from the issuance of bonds
and public bonds as prescribed by
law;

c) Contributed capital of people
wishing to buy or rent-purchase social
houses;

d) Other lawful capital sources.

3. The use of capital of the Social
Housing Development Fund shall
comply with the following provisions:

a) Giving loans to entities eligible to
buy, rent, or lease-purchase social
housing to purchase, rent, or lease-
purchase social housing;

b) Lending loans to enterprises
investing in social housing
construction to build social housing.

4. The financial and salary
mechanism of the Social Housing
Development Fund shall follow the
model of a state financial company;
The Fund's revenue must cover
expenses for the Fund's management
and business activities.

5. The Government shall specify the
establishment, organizational
structure, operating principles,
mechanism of capital mobilization
and lending of the social housing

		development fund specified in this Article.”	
4	4 th draft (August 13, 2014)	<p>“Article 72. Social housing development fund</p> <p>1. Social housing development funds are established in centrally-run cities, provinces with grade 1 urban centers and in provinces with a large number of workers working in industrial zones to support capital for the cases specified in Clause 4 of this Article.</p> <p>2. Housing development fund is a local state financial institution that implements the principle of financial autonomy, not for profit, and preserves and develops capital. The Social Housing Development Fund has limited liability to the extent of its equity.</p> <p>3. Capital sources of the Social Housing Development Fund include:</p> <p>a) The local budget allocated to the Fund includes: capital collected at least 10% of the land use levy from real estate business projects in the locality; capital from the sale of state-owned houses in the locality; capital from the local budget allocated annually to the Fund. The specific rates of collection of land use levy in the locality and the annual local budget allocation to the Fund shall be decided by the People's Council of the same level;</p> <p>b) Capital from the issuance of bonds</p>	There was a slightly revise in the regulations of Social housing development fund.

		<p>and public bonds as prescribed by law;</p> <p>c) Owner's equity, contributed capital of people wishing to buy, rent or lease-purchase social housing;</p> <p>d) Other lawful capital sources as prescribed by law.</p> <p>4. The use of capital of the social housing development fund must comply with the following provisions:</p> <p>a) Giving loans to entities eligible to buy, rent, or lease-purchase social housing to purchase, rent, or lease-purchase social housing;</p> <p>b) Loans to investors in social housing construction to build social housing.</p> <p>5. The Government shall detail this Article.”</p>	
5	5 th draft (October 24th 2014)	<p>“Article 74. Social housing development fund</p> <p>Option 1: not establishing a social housing development fund</p> <p>Option 2:</p> <p>1. The social housing development fund is established at the central level and managed by the Ministry of Construction to support subjects eligible for social housing policies to borrow to buy, rent or lease-purchase social housing and lend to investors in social housing construction to build social housing.</p> <p>2. The social housing development fund is a state financial institution that</p>	<p>There were 02 options of financial mechanism for social housing development in the 5th draft. The second option was not well constructed. Ministry of Construction is not the Ministry which is specialized in financial issues</p>

	<p>implements the principle of financial autonomy, not for profit, and preserves and develops capital; The Fund has limited liability to the extent of its equity;</p> <p>3. The social housing development fund has a management board chaired by the Minister of Construction, a number of full-time members and part-time members who are representatives of relevant ministries and branches; the assisting sections of the Fund shall be established under the decision of the Minister of Construction.</p> <p>4. Capital sources of the Social Housing Development Fund include:</p> <p>a) Capital allocated from the central budget to the Fund;</p> <p>b) Capital from the issuance of bonds and public bonds as prescribed by law;</p> <p>c) Savings contributed by people wishing to buy, rent or lease-purchase social housing;</p> <p>d) Other lawful capital sources as prescribed by law.</p> <p>5. The financial mechanism, labor regime, salary, bonus and remuneration of officials working in the Social Housing Development Fund are applied the same as for a one-member limited liability company run by the State owner country.</p>	<p>so the management of the Fund may lead to some problems in its management. The mechanism of the social housing development fund in this option allows management board chaired by the Minister of Construction, a number of full-time members and part-time members who are representatives of relevant ministries and branches. This can lead to the overlap between the jurisdiction of a state management agency and a financial fund. Therefore, this option is still not optimal.</p>
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6. For localities, the People's Committees of provinces shall base themselves on specific conditions to decide to establish a social housing development fund directly under the provincial People's Committee to support the development of social housing. locally; The Fund's capital sources include the capital annually allocated to the Fund by the local budget, capital from the sale and rent-purchase of state-owned houses in the locality, capital collected at least 10% of the land use levy of the projects. real estate business projects and capital sources specified at Points c and d, Clause 3 of this Article.

The provincial social housing development fund has a Management Council chaired by the Chairman of the Provincial People's Committee and the members are representatives of relevant departments and branches; the Fund's assisting departments shall be decided by the Fund's Chairman of the Board of Management; financial mechanism, labor regime, salary, bonus and remuneration of officials working in the Fund shall comply with the provisions of Clause 5 of this Article.

7. The Government shall detail the organizational structure, capital mobilization mechanism, lending interest rate, operating principles and

		the formulation and approval of the operating charter of the Social Housing Development Fund as prescribed in Clause 1 of this Article.”	
6	6th draft of the law (final version on November 22, 2014)	<p>“Article 74. Preferential loans through the Bank for Social Policies for social housing development</p> <p>1. The State supports preferential loans with low interest rates and long-term loan terms by providing capital from the state budget to the Bank for Social Policies to implement targeted programs on housing and construction. social housing construction.</p> <p>2. The Bank for Social Policies may mobilize savings deposits from domestic households and individuals wishing to buy or rent-purchase social houses to lend them loans at preferential interest rates and long-term loan term after a certain savings deposit period.</p> <p>3. The Bank for Social Policies must set up a separate account for the management and use of capital sources for the correct purposes specified in Clauses 1 and 2 of this Article.</p> <p>4. The Ministry of Construction, the Ministry of Labor, War Invalids and Social Affairs are responsible for participating in the management of capital sources and the use of capital</p>	The regulation about lending via Vietnam Bank for Social Policies <i>replaced</i> the previous regulation about Housing Development Fund.

	sources specified in Clauses 1 and 2 of this Article. 5. The Government shall detail this Article.”	
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Source: created by the author based on the secondary data collected from the National Assembly's website (2022).

Looking at Table 15 above, in the first period that it did not show the conflicts in viewpoints about Article 74 regulations.

There has not had different opinion about the regulation of establishing Housing Development Fund from the 1st draft to the 4th draft (August 13, 2014) of the law.

According to the “Report No. 754/BC-UBTVQH13 of the Standing Committee of the National Assembly dated October 18, 2014”, the regulation of establishing Housing Development Fund was restructured into 02 options due to the conflicts between 02 different viewpoints of the National Assembly members.

As can be seen from Table 15, in the 5th draft of the law (October 24th 2014), the regulation of Article 74 was 02 options for establishing Housing Development Fund or not establishing Housing Development Fund. According to a relating article, the members of National Assembly who agreed to establish the Fund suggested that the Fund should be formed in the high-demand cities only. The against idea supposed that the tax of citizens should not be used to support a group only and the operation of the Fund was not clear.

In the 6th draft of the law (November 22th 2014), the regulation about lending via Vietnam Bank for Social Policies replaced the previous regulation about Housing Development Fund. However, there was no record relating to the reason of this replaced Article. According to one interviewee, this regulation was designated in a short time by the National Assembly members and its office's employee. The relating Ministries and Vietnam Bank for Social Policies were not asked about changing this regulation.

Table 16 also illustrates the differences in the viewpoints of the

Government (which consists of Ministries) and the National Assembly. The secondary data in the table 16 did not show clearly that there was a direct “Inter-organizational conflicts” between the National Assembly and Ministries in the policy formulation process of 2014 Vietnamese Housing Law. However, it can be seen clearly that the conflicts appear between the discussion of the National Assembly members in the later period of the policy process. There were 02 different viewpoints between the National Assembly members. The numbers of members who disagreed and agreed with establishing the Housing Development Fund was nearly equal. Both sides have their own arguments to support for their choices. However, the arguments lack of the clear evidences or data to support for them. The regulation about lending via Vietnam Bank for Social Policies was not raised at in the stage before the 2nd draft.

Table 16: Analysis of Relating Report of the 2014 Vietnamese Housing Law Project

No.	Document	Contents	Analysis
1	Statement of Ministry of Construction on September 2013	“The Ministry of Construction suggested that in the draft revised Law, there should be specific regulations on the establishment of housing development funds in localities and the establishment of housing savings banks , because these are the two channels of capital mobilization. important for housing distribution, especially social housing; Currently, many countries in the world such as China and European countries have established Housing Savings Banks to mobilize capital from people who need to buy or repair houses to participate in savings, contributing to reducing the cost of living. financial dependence on credit institutions, and at the same time create a sense of	The Ministry of Construction proposed establishing 02 financial mechanisms for social housing development: (i) Housing Development Funds in localities; and (ii) Housing Savings Banks.

		saving for people. The specific regulation of the above financial mechanism will create conditions for sustainable and healthy housing development, minimizing financial dependence on the current credit system...”	
2	Report no 2298/BC-UBPL13 of Law Committee dated March 09, 2014 on preliminary examination of the Housing Law project (amended) (before the 2 nd draft)	<p>“According to Article 69 of the draft Law, the Social Housing Development Fund is a local state financial institution established by the People’s Committee of the province to provide capital support to subjects eligible to buy or rent-purchase residential housing. social housing or support enterprises and individuals to participate in social housing development as prescribed in this Law.</p> <p>However, according to the regulations of Clause 1, Article 4 of the “Law on Credit Institutions”, credit institutions include banks, non-banking credit institutions, microfinance institutions and people's credit funds. If, based on the activities of receiving savings deposits of people wishing to buy or rent-purchase social houses, the social housing development fund must be a microfinance institution established or organized in the form of public housing limited liability company and operates in accordance with the regulations of Articles 119 to 122 of the Law on Credit Institutions;</p>	The policy relating to the Social Housing Development Fund needed to be revised because of the conflict with the current regulations of relevant law: Law on Credit Institutions. The need to have an alternative financial mechanism was not raised in the stage before the 2 nd draft.

		<p>However, in Clause 6, Article 6 of this Law, a “microfinance institution” is “a type of credit institution” that mainly conducts a number of banking activities to meet the needs of individuals and households with low income. low and micro enterprises. This shows that the activities of the Social Housing Development Fund are related to credit activities, but the organization and operation model of this Fund is not consistent with the “Law on Credit Institutions”.</p> <p>From the other provisions of this Law project compared with the current regulations in some of the above documents, the Standing Committee of the Legal Committee proposes to review it periodically, in case there is really a need for new regulations compared to the current regulations. With the current one, it may be stipulated in this Law, but must simultaneously amend the provisions in other legal documents to ensure the the legal system’s consistency.”</p>	
2	<p>Report no 2424/BC-UBPL13 of Law Committee dated May 14, 2014 on reviewing of the Housing</p>	<p>- “According to Article 73 of the draft Law, the Social Housing Development Fund is a local state financial institution established by the provincial-level People's Committee in the provinces and cities that are special-class urban centers, urban centers of special grade and high-class urban areas. 1 and in provinces with a</p>	<p>At this stage, the policy of Social Housing Development Fund was still discussing. The new financial mechanism was not raised.</p>

<p>Law project (amended)</p>	<p>large number of workers working in concentrated industrial zones to support capital for those eligible to buy, rent, lease-purchase social housing or support construction investors. social housing construction. Capital sources for the establishment of this Fund include capital collected from 10% of the local land use levy; capital from the sale of state-owned houses in the locality; annual local budget funding for the Fund; capital from the issuance of bonds and public bonds; contributed capital of people wishing to buy, rent-purchase social houses and other capital sources.</p> <p>According to Article 52 of the current Housing Law, the development of the Social Housing Fund has been specifically regulated and capital is formed from the hereinafter sources: “proceeds from the sale, lease and lease-purchase of housing. state-owned; deduct from 30% to 50% of land use levy of housing development projects in the locality; state budget investment; support money, voluntary contributions of domestic and foreign organizations and individuals; money mobilized from other lawful capital sources as prescribed by law”.</p> <p>To implement this policy, it is recommended to clarify the current source of social housing funds in the localities, the level of capital</p>	
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		requirements for social housing development, the organization and operation of the Fund, the mechanism Fund loans.”	
3	Report of Law Committee dated October 16, 2014, synthesizing the contributions of the National Assembly Delegations on the Housing Law project (amended) (before the 5 th draft was released)	<p>“- Disagree with the work of establishing a development fund in the society, agreeing to option 1. These opinions suggest that the establishment work will increase payrolls, make machines and disperse state and communal resources. Association, if it is not well managed and operated, it can easily lead to a state of using capital against the target, and easily arise a state of embezzlement and reference; may be tasked with allowing local investment development (19 comments).</p> <p>- Agree with the regulations on the establishment of social housing development funds according to method 2. It is possible for each locality to establish a social housing development fund. It is necessary to establish a social housing development fund in 63 provinces and cities (18 comments). Proposing to add subjects of Department of Construction, Department of Natural Resources and Environment to members of the Management Council of social housing development in the locality (05 comments). Apply for a license to manage the deposit and entrust the system to the development consultant</p>	<p>-There was 02 different viewpoints between the National Assembly members. The numbers of members who disagreed and agreed with establishing the Housing Development Fund was nearly equal. Both sides have their own arguments to support for their choices. However, the arguments lack of the clear evidences or data to support for them.</p> <p>-The regulation about lending via Vietnam Bank for Social Policies was not</p>

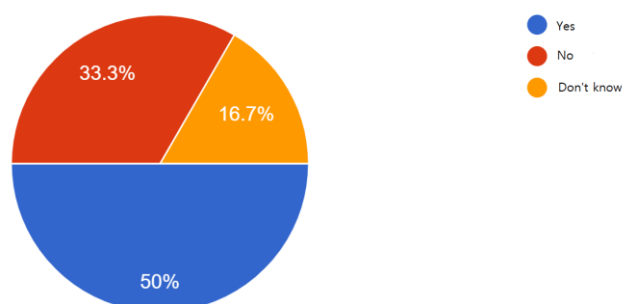
	or you can assign more tasks to a state agency to manage the deposit (01 opinion), and at the same time assign the Online Social Bank to manage the deposit. continue to manage and supplement funds in localities (02 comments). Clear regulations on tissue organization, operation methods, organizational machinery, valid activities, rights and obligations of the organization manager (01 opinion).”	raised at this stage.
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Source: created by the author based on the secondary data collected from the National Assembly's website (2022).

Pursuant to Figure 9 below, 50% of respondents said that there were disagreements between Ministries on the formulation of Article 74 of the 2014 Housing Law. In the meantime, there were 33.3% believed that there were no disagreements between Ministries relating to this Article and 16.7% did not know whether there were disagreements or not.

Figure 11: Respondents for Survey Question II.9. Did the Ministries have any disagreements on the formulation of Article 74 of the 2014 Housing Law?

6 responses



Source: created by the author based on Survey's responses (2022).

In contrast, both 02 interviewees agreed that there was no disagreement between the Ministries during the policy process of Article 74 of the 2014 Housing Law as can be seen in Table 16 below.

Table 17: Analysis of Interviewees' Opinions about whether there were disagreements between the Ministries during the policy process of Article 74 of the 2014 Housing Law or not

No	Category	Opinions	Analysis
1	Interviewee 1	This issue must not have any criticism, no other opinions on this content, basically consensus, no feedback on this content because the VBSP was consulted. At present, the feasibility of the regulation is not high, but at the time of formulation of the Law, there were no objections.	There was no disagreement between Ministries
2	Interviewee 2	There is no disagreement as the Ministries did not know about the regulation until the law was passed. If it was known, then because of humanistic policy, perhaps there would be no objection. Objections can only be made in relation to policies related to financial resources, land, land fund arrangement, and money.	

Source: created by the author based on interviewees' responses (2022).

Based on the analysis of primary and secondary data, it can be seen that there were different viewpoints between the National Assembly and the Government. The conflict ideas happened even within the National Assembly members. Each side has different arguments to support for their options but any option which was provided was not optimal and persuasive enough. Therefore, the last option was chosen based on the majority of the main actors who had the voting rights to pass the law. The relationship between the National Assembly, the Government and Vietnam Bank for Social Policies can be defined as “structural dependency” relationship as stated in Chapter 3. When the National Assembly - an organization has power to determine in creating Article 74 of the 2014 Vietnamese Housing Law and another organization does not agree, inter-organizational conflicts could occur between these organizations.

It can be understood that when the Government was building the “Decree No.100/2015/ND-CP”, it was hard to allow to implement right away a policy that did not have the preparation in terms of both funding, system and human resources. The Ministry of Finance could not provide the huge funding for supporting investors to get loans in a short period of time. In the meantime, Vietnam Bank for Social Policies needed funding from Ministry of Finance to operate the loan programs according to the law. The relationship between Ministry of Finance and Vietnam Bank for Social Policies is “resource dependency” relationship between organizations. As discussed in Chapter 3, the conflicts could happen if Ministry of Finance - the resource-supplying organization does not provide the resources that Vietnam Bank for Social Policies - the dependent organization is in need. The inter-organizational conflicts appeared accordingly.

In overall, because these “inter-organizational conflicts” could not actually solved, the policy of Article 74 could not be fully implemented then. This was the result of the unsolved “inter-organizational conflicts” that was stated above.

4.2.2. Lacking of preparation as well as human and capital resources for implementing the policy of Article 74 of the 2014 Vietnamese Housing Law

Finding the root cause of the ineffectiveness of the policy-making process of Article 74 of the 2014 Vietnamese Housing Law is important in order to figure out the lessons learnt for policy process in the future. Therefore, interviewees were asked about the reason why the policy of Article 74 of the 2014 Vietnamese Housing Law was delayed as can be seen in Table 18 below.

Table 18: Analysis of interviewees’ opinions about the reason why the policy of Article 74 of the 2014 Vietnamese Housing Law was delayed

No	Interviewee	Opinions	Analysis
1	Interviewee 1	The delay in implementing the policy of Article 74 of the 2014 Vietnamese	

		Housing Law was caused by the lack of preparation relating to financial resources, human resources as well as organizations' plan.	The lack of preparation
2	Interviewee 2	In order to implement a policy, there is a need to assess the readiness relating to the funding, the time preparation. Every new policy needs to have a period for the relevant parties to adapt. Because the policy of Article 74 of the 2014 Vietnamese Housing Law was not well assessed from the beginning, there was a lack of preparation about the funding and the system so the result did not meet the goal of the policy.	relating to financial resources, human resources as well as organizations' plan.

Source: created by the author based on interviewees' responses (2022).

According to one interviewee, the delay in implementing the policy of Article 74 of the 2014 Vietnamese Housing Law was caused by the lack of preparation relating to financial resources, human resources as well as organizations' plan.

According to another interviewee, in order to implement a policy, there is a need to assess the readiness relating to the funding, the time preparation. Every new policy needs to have a period for the relevant parties to adapt. Because the policy of Article 74 of the 2014 Vietnamese Housing Law was not well assessed from the beginning, there was a lack of preparation about the funding and the system so the result did not meet the goal of the policy.

Table 19: Respondents for Survey Question III.4. Why is a part of the loan support policy through the Vietnam Bank for Social Policies for social housing development specified in Article 74 of the 2014 Housing Law delayed until 5 years before it can be fully implemented according to Article 15 and Clause 1, Article 33 of "Decree No. 100/2015/ND-CP" guiding the 2014 Housing Law?

No.	Respondent	Answer	Analysis
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1	Respondent 1	Funds for social housing development support are not available	
2	Respondent 2	Don't know	There are a lack of capital resources/funding
3	Respondent 3	This question is incorrect	
4	Respondent 4	Because of capital	
5	Respondent 5	The reason is that the Policy Bank focuses on supporting targeted programs to ensure social security, avoiding spreading capital	
6	Respondent 6	Don't know	

Source: created by the author based on Survey's responses (2022).

According to Table 19 above, the lack of capital resources/funding were the reason why a part of the loan support policy through the Vietnam Bank for Social Policies for social housing development specified in Article 74 of the Law on Housing 2014 delayed until 05 years before it can be fully implemented according to Article 15 and Clause 1, Article 33 of “Decree No. 100/2015/ND-CP” guiding the 2014 Housing Law.

4.2.3. Lacking of policy assessment on the impact of the policy of supporting loans through the Vietnam Bank for Social Policies

According to Table 20 hereinafter, there was not carefully evaluation about the impact of the policy. And the lack of policy assessment on the impact of the policy of supporting loans through the Vietnam Bank for Social Policies could have led to the failure of the policy in reality.

Table 20: Interviewee's Opinion about whether at the time the Government submitted the 2014 Vietnamese Housing Law Project to the National Assembly, has the draft Law been evaluated for impact or not

No	Interviewee	Answer	Analysis
1	Interviewee 2	Not evaluated carefully, if evaluated carefully, it is feasible.	The lacking of in-depth policy assessment could

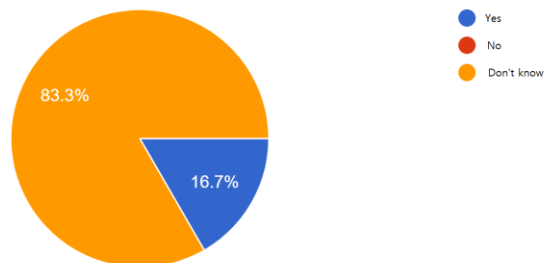
have led to the failure of
the policy.

Source: created by the author based on interviewee's responses (2022).

In the other side, Figure 12 revealed that only 16.7% of the Survey's Respondent believed that there any policy assessment on the impact of the policy of supporting loans through the Vietnam Bank for Social Policies to support developing social housing when the National Assembly deputies made decisions to change the content of Article 74 of the 2014 Housing Law project. The majority of them (83.3%) do not know whether there was policy assessment or not.

Figure 12: Respondents for Survey Question III.3. Was there any policy assessment on the impact of the policy of supporting loans through the Vietnam Bank for Social Policies to support developing social housing when the National Assembly deputies made decisions to change the content of Article 74 of the 2014 Housing Law project?

6 responses



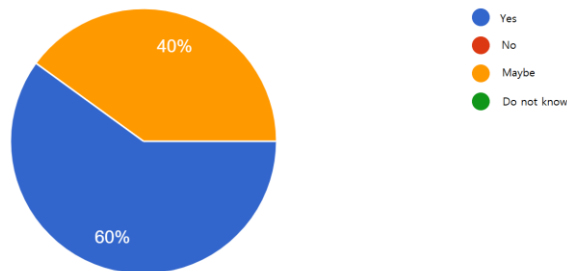
Source: created by author based on Survey's responses (2022).

According to 60% of Survey's Respondents from Figure 13 below, the failure to do an adequate policy impact assessment prior to the enactment of legislation was the cause of the failure to achieve the policy objectives of Article 74 of the 2014 Vietnamese Housing Law. Meanwhile, 40% believed that it may be the cause of the policy failure of Article 74.

Figure 13: Respondents for Survey Question II.8. Do you think that the failure to do an adequate policy impact assessment prior to the enactment of legislation was

the cause of the failure to achieve the policy objectives?

5 responses



Source: created by the author based on Survey's responses (2022).

4.3. Moderating factors affected the policy process of Article 74 of the 2014 Vietnamese Housing Law

Some scholars believed that the intervention of the Vietnamese Communist Party could affect the success of the policy of Article 74 of the 2014 Vietnamese Housing Law. Therefore, the intervention of the Vietnamese Communist Party will be discussed as a moderating factor that can affect the policy process of Article 74 of the 2014 Vietnamese Housing Law.

Pursuant to Clause 3.b Article 36 of the “2008 Vietnamese Law on promulgating legal documents”, one of the issues of the draft of law that need to be assess is: *“The conformity of the content of the draft document with the Party's line, guidelines and policies”* (NA, 2008).

However, there is a research stated that the fundamental principle in building legal framework is that the Communist Party does not do the work of the State (Tran, 2010). The State consists of central agencies such as the National Assembly, the President, the Government, the People's Court, the People's Procuracy and the local government pursuant to the 2013 Vietnamese Constitution (NA, 2013).

According to Tran (2019), there is a need to understand that the Communist Party only take the role in leading politically in constructing the State of law and building the legal system, instead of standing above the State and make decision to replace the State, or stands outside the Constitution and the law. This role can be seen as the political orientation and guidelines in

building the legal system, for example: target orientation, development orientation, legislative ideological orientation... (Tran, 2010). The policies which was guided by the Communist Party must be detailed and transferred into law by the State. Or in other words, the entire legislative process must be carried out by the State in accordance with the rule of law.

Moreover, both primary data and secondary data did not show the intervention of the Communist Party in the policy process of Article 74 of the 2014 Vietnamese Housing Law. The Law Project already followed the guidelines of the Communist Party and there was no other intervention then toward Article 74 policy formulation as well as policy implementation.

So it can be concluded that the Communist Party does not take intervention into the legislation process of Article 74 of the 2014 Vietnamese Housing Law.

Because of that reason, this moderating factor should be excluded from the factors that affected the outcome of the policy.

4.4. Summary

In summary, the policy-making process of Article 74 of the 2014 Vietnamese Housing Law was formal. The main actors who involved in creating Article 74 of 2014 Vietnamese Housing Law was the National Assembly members and their officials. The main drivers for building the Article 74 were providing a financial mechanism for social housing development in Vietnam. The obstacles in the process of creating Article 74 were because of financial resources, human resources as well as organizations' plan.

The Multiple Stream Model/Kingdon's Model was used to describe the policy-making process of Article 74 of the 2014 Vietnamese Housing Law with 03 streams. It can be said that although the policy-making process followed strict order of "2008 Vietnamese Law on Promulgation of legislative documents", the problems were not actually solved. The main factor that led to that result was because the "inter-organizational conflicts" between the viewpoints of the National Assembly members and stakeholders still existed and it affected the full implementation of the policy. The root cause of

this result was originated from the lack of cooperation between the National Assembly and stakeholders. The sub-factors that led to that result were: (i) Lacking of preparation as well as human and capital resources for implementing the policy of Article 74 of the 2014 Vietnamese Housing Law; (ii) Lacking of policy assessment on the impact of the policy of supporting loans through the Vietnam Bank for Social Policies. Moderating factor was excluded after the analysis so there was no moderating factor in here.

Chapter 5: Discussion and recommendations

5.1. Discussion

The lack of cooperation between different organs in even a small stage (the final stage) of the policy process in building Article 74 of the 2014 Vietnamese Housing Law was the root cause that led to a policy failure. When different relating organs have different viewpoints and they could not get the mutual agreement, the policy got stuck then. Therefore, it is needed to have cooperation between different organizations in every single stage of the policy process.

Besides, according to some respondents, the lack of a thorough policy impact assessment can be one of the moderating factors that led to the failure of a policy. This problem used to be mentioned in a research in 2012 about the process of developing legal documents in Vietnam (Hoang, 2012). Therefore, there is a need to improve the quality of policy impact assessment report in order to guarantee the quality of law projects.

In order to improve the quality of the policy in law projects, the “2008 Law on promulgation of legislative documents” was then replaced by “2015 Vietnamese Law on promulgation of legislative documents”, which separated the policy making process into 02 separation processes: (i) Proposing building legal documents (in which policies assessment report needs to be reviewed); and (ii) building legal documents Projects (NA, 2015). The format of Policy Impact Assessment Report was already guided in the Appendix V of the “Decree No.34/2016/ND-CP dated May 14, 2016 of the Government detailing a number of articles of, and providing measures for implementing, the law on promulgation of legal documents” (Government, 2016) (revised by “Decree No.154/2020/ND-CP” (Government, 2020)). However, the methodology and the contents of the Policy Impact Assessment Report may need to be focused more in order to raise the quality of the report and set the sufficient basement for a good policy.

On the other side, there is a lack of using scientific research and

evaluation regulations to ensure the drafting of normative documents (Hoang, 2012). Looking back to the Report of Ministry of Construction on Experiences of some countries in the world on housing development and management, it showed its own research without detailed citation and scientific evidences.

Moreover, according to Survey's Respondents, policy formulation needs to focus on the assessment of implemented results (with specific data), the policy impact assessment needs to have a separate specialized team, to avoid the situation that the team who formulates policies at the same time assesses the impact of the policies. This leads to not being objective in building policies.

5.2. Policy Recommendations

From the discussions above, there are several policy recommendations as follows:

Firstly, increasing the participation of relevant organizations in every single stage of the policy-making process is needed. The purpose of this action is to provide all the stakeholders the chance to contribute the most. This will reduce the “inter-governmental conflicts” in the policy-making process. Therefore, the current process in the “2015 Vietnamese Law on promulgating legal documents” needed to be amended to increase the participation of those groups.

Secondly, there is a need to amend the “2015 Vietnamese Law on promulgating legal documents” to separate the policy impact assessment specialized team with the team who formulates policies into the law. It is hard for a policy maker to hold both roles: making policy impact assessment and building the regulations based on the policy. Those two different tasks require different skills and background knowledge so it will be inefficient for a policy maker to do both jobs.

Thirdly, the policy assessment report process needs to be guided more into details. Sufficient evaluation along with clear scientific evidences are necessary to guarantee the quality of the policy assessment report. The

researches which were conducted thoroughly by researchers should be taken used of in order to raise their contributing value to the society through policy process.

5.3. Limitations of the research

The research has some limitations due to external and internal validity as hereinafter.

5.3.1. External validity

The Law was enacted nearly 08 years ago. The memory of the policy makers may not be correct as the time goes by. Therefore, the quality of the primary data maybe not high enough.

The secondary data that were collected were the documents that were published for the public. Meanwhile, the activities of different Ministries, Vietnamese Government and the National Assembly were more vibrant with numerous in-depth meetings, seminars, conferences. They were for different specific stakeholders and not every meetings' contents are public. Therefore, the secondary data collected could not reflect very detailed the whole policy-making process of Article 74 of the 2014 Vietnamese Housing Law.

There is lacking of respondents from different organizations. This can lead to the lack of multidimensional viewpoints and biased assessments about the policy-making process of Article 74 of the 2014 Vietnamese Housing Law.

5.3.2. Internal validity

The analysis of this research was based on the observation and the data collected. The lack of wide knowledge and in-depth understanding about financial mechanism in general and in social housing development specifically of the author can affect the quality of the analysis.

5.4. Conclusion

This thesis reveals that although the policy-making process of Article 74 of

the 2014 Vietnamese Housing Law followed the formal policy-making process but the problem was not actually solved. The Multiple Stream Model was used to describe the policy-making process of Article 74 of the 2014 Vietnamese Housing Law with 03 streams. There was a lack of cooperation between the National Assembly and stakeholders in the last stage of creating Article 74 of the 2014 Vietnamese Housing Law. This root cause led to that result was the “inter-governmental conflicts” between the viewpoints of the National Assembly members and stakeholders still existed and it affected the full implementation of the policy. Other two sub-factors were also examined to evaluate their impact on the failure of the policy of Article 74, which are: (i) Lacking of preparation as well as human and capital resources for implementing the policy; and (ii) Lacking of policy assessment.

Although the research has some limitations, it could give the overview about the policy making process of Article 74 of the 2014 Vietnamese Housing Law as well as some policy recommendations in order to help policy makers constructing better policy in the future. The recommendations are: (i) amending the 2015 Vietnamese Law on promulgating legal documents and its guidance documents to increase the participation of stakeholders in all the stages; (ii) amending the policy making process regulated in this law to separate a team to do the policy impact assessment only; and (iii) requiring scientific evidences citation in all the reports in the documents of a law project.

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APPENDIX I: INTERVIEW QUESTIONS

My name is Nguyen Kim Thoa, currently a student at Seoul National University, the South Korea. I conducted a research with the topic “Policy process of the 2014 Vietnamese Housing Law: How conflicts between organizations lead to a policy failure” to conduct a master's thesis in Global Public Administration.

The 2014 Vietnamese Housing Law was passed by the National Assembly of the Socialist Republic of Vietnam, term XIII, at its 8th session on November 25, 2014, and took effect from July 1, 2015. Article 74 of the 2014 Housing Law’s policy provides for preferential loans through the Bank for Social Policies to develop social housing, in which: “The State supports preferential loans with low interest rates and duration. long-term loans through funding from the state budget to the Bank for Social Policies to implement targeted programs on housing and social housing construction” (Clause 1) and “Bank for Social Policies can mobilize savings deposits from domestic households and individuals wishing to purchase or lease-purchase social housing to lend to these subjects with preferential interest rates and long-term loan terms after one year. certain savings deposit time” (Clause 2). Clause 5, Article 74 of the 2014 Housing Law assigned the Government to guide the policy into details.

The provisions of Article 74 of the 2014 Housing Law had been detailed in Article 15 of “Decree No. 100/2015/ND-CP dated October 20, 2015 of the Government on development and management of social housing” (come into force from December 10, 2015). Clause 1, Article 15 of “Decree No. 100/2015/ND-CP” guiding Article 74 of the 2014 Housing Law on concessional loans for investment in social housing construction stipulates that the borrowers are:

“a) Enterprises or cooperatives that are investors in social housing projects other than capital sources or in the form specified in Clause 1, Article 53 of the Law on Housing, for lease, lease purchase or sale;

b) Enterprises, industrial production and service cooperatives invest in building houses by themselves to arrange for their own employees, without

collecting house rent or collecting house rent. with rents not exceeding the social housing rental price bracket promulgated by the People's Committee of the province;

c) Households and individuals invest capital to build social houses for lease, lease purchase and sale.”

However, in Clause 2, Article 33 of “Decree No. 100/2015/ND-CP dated October 20, 2015 of the Government on development and management of social housing” (effective from December 10, 2015). 2015) stipulates: “During the period 2015 - 2020, the Bank for Social Policies has not yet made loans to the subjects specified in Clause 1, Article 15 of this Decree”. This regulation had delayed the implementation of the policy for “Enterprises and cooperatives that are investors in social housing projects other than the capital sources or forms specified in Clause 1, Article 53 of the Housing Law in order to lease, lease-purchase and sale” for 5.5 years from the effective date of the 2014 Housing Law and within 05 years from the date of “Decree No. 100/2015/ND-CP” took into effect. This led to the fact that the guidance for the implementation of Article 74 of the 2014 Housing Law does not guarantee the principle of promulgating detailed documents: “Legal documents must be specified so that when such documents are issued If it takes effect, it will be immediately enforceable” and “The document detailing ... must be promulgated to take effect at the same time as the document's effective date or the detailed specified article, clause or point” specified at Clause 1 and Article 8 of the “2008 Law on Promulgation of Legal Documents” (taken into effect from January 1, 2009 to June 30, 2016).

In order to clarify the causes leading to the policy failure of Article 74 of the 2014 Housing Law, in-depth interviews were conducted with officials involved in the development of the Housing Law project and “Decree No. 100/2015/ND-CP” and a number of individuals from relevant organizations are affected by this regulation. We hope you will take 15-30 minutes to conduct the interview.

This interview will be recorded and conducted purely for academic purposes. Responses to this interview will be kept strictly confidential. Only

key findings will be translated into English for this study.

Thank you for your cooperation!

1. Who were the main actors involved in creating the the 2014 Vietnamese Housing Law?

2. Who were the main actors involved in the creating Article 74 of the the 2014 Vietnamese Housing Law?

3. What was the main objective of the development of support policies for lending capital to buy, hire-purchase or invest in social housing construction through the Vietnam Bank for Social Policies specified in Article 74 of the the 2014 Vietnamese Housing Law?

4. Was the policy impact assessment for the provisions of Article 74 of the the 2014 Vietnamese Housing Law carried out during the formulation of this Law project?

6. What were the difficulties and obstacles in the process of developing Article 74 of the the 2014 Vietnamese Housing Law?

7. Did the final version of Article 74 of the 2014 Vietnamese Housing Law meet the initial objectives of policymakers?

8. Had the policy of Article 74 of the 2014 Housing Law been thoroughly evaluated for impact in the original draft Law drafted by the Ministry of Construction?

9. Were there any disagreements among Ministries on the formulation of Article 74 of the 2014 Vietnamese Housing Law?

If yes, then have the Ministries reached consensus? How did the Ministries work together to reach consensus?

10. Were stakeholders involved in the policy-making process of the 2014 Vietnamese Housing Law? If yes, who participated?

11. Was the 2014 Housing Law Project built in accordance with the legal document formulation process specified in the “2008 Law on Promulgation of Legal Documents”?

12. Were the issues to be solved in the policy-making process of Article 74 of the 2014 Vietnamese Housing Law really solved?

13. From what period did the contents of Article 74 of the 2014 Housing Law project change?

14. Why did the National Assembly deputies make the decision to change the policy specified in Article 74 of the 2014 Housing Law in the direction of switching to support through the Social Policy Bank instead of through the Development Fund. social housing development as originally proposed?

15. Was there any policy impact assessment on the effects of loan purchase, lease purchase or investment in social housing construction through the Vietnam Bank for Social Policies to assist the delegates as delegates Did the National Assembly decide to change the content of Article 74 of the 2014 Vietnamese Housing Law project?

16. Why was the policy in Article 74 of the 2014 Vietnamese Housing Law delayed until 5 years before it was fully implemented according to the provisions of Article 15 and Clause 1, Article 33 of “Decree No. 100/2015/ND-CP” guide to Housing Law 2014?

APPENDIX II: A SURVEY

The Policy Process in 2014 Vietnamese Housing Law: How Inter-organizational Conflicts leads to a Failed Policy.^①

Dear respondents,

My name is Nguyen Kim Thoa, currently a student at Seoul National University, the South Korea. I conducted a research with the topic "Policy process of Vietnam's Housing Law 2014: How conflicts between organizations lead to a policy failure" to conduct a master's thesis in global public administration.

In order to clarify the policy process of Vietnam's Housing Law 2014 (specifically related to the provisions of Article 74 on the State's support for preferential loans with low interest rates and long-term loan terms through funding from the state budget for the Vietnam Bank for Social Policies) and the reason why the policy of Article 74 of the 2014 Vietnamese Housing Law was not fully implemented, but a part of this policy was delayed until 05 According to the provisions of Clause 2, Article 33 of "Decree No. 100/2015/ND-CP dated October 20, 2015 of the Government on development and management of social housing", this questionnaire is made for officials and employees. Ministries involved in the development of the Housing Law project and "Decree No. 100/2015/ND-CP" and a number of individuals from relevant organizations are affected by this regulation.

The identity of the respondent will be kept completely confidential.

We look forward to receiving your support and cooperation.

If you have any relating questions, please contact me via email: nguyenkimthoa89@gmail.com.

Thank you very much for your support!

Best regards,

Nguyen Kim Thoa

^① This survey was used for collecting the secondary data for this research from the people who participated in the 2014 Vietnamese Housing Law Project. Some of them refused to be interviewed because of health issues and other reasons so a survey was prepared to collect their opinion instead of the interview.

Part I. General Information about the Respondent

1.	Name (Optional)	
2.	Gender	Male
		Female
		Not specified
		Other
3.	Age	Below 35
		35-55
		Over 55
4.	Working sector	Public sector
		Private sector
		Non-government
		Other
5.	Office	National Assembly
		Ministry, Equal Ministry
		Local Governments
		University, Research Institute
		Other
5a.	Specify the office	...
6.	Occupation	...
7.	Role in 2014 Vietnamese Housing Law Project	Drafting the proposal of 2014 Vietnamese Housing Law and relating documents
		Expertizing the proposal of 2014 Vietnamese Housing Law and relating documents
		Giving comments on the 2014 Vietnamese Housing Law and relating documents
		Passing the 2014 Vietnamese Housing Law
		Other

8.	Year of expertise	Below 5 years
		From 5 years to 10 years
		Over 10 years

Part II. Several questions relating to 2014 Vietnamese Housing Law policy process

The 2014 Vietnamese Housing Law was passed by the National Assembly of the Socialist Republic of Vietnam, term XIII, at its 8th session on November 25, 2014, and took effect from July 1, 2015. Article 74 of the 2014 Vietnamese Housing Law provides for preferential loans through the Bank for Social Policies to develop social housing, in which: “The State shall grant preferential loans with low interests and long term through funding provided for banks for social policies in order to implement the target programs for housing and social housing construction” (Clause 1) and “The bank for social policies may mobilize saving deposits from domestic households and individuals, who wish to buy, rent and buy social housing, then grant loans with preferential interests and long term after a certain period in which the saving accounts are deposited” (Clause 2). Clause 5, Article 74 of the 2014 Vietnamese Housing Law assigned the Government to detail this.

The provisions of Article 74 of the 2014 Vietnamese Housing Law have been detailed in Article 15 of “Decree No. 100/2015/ND-CP dated October 20, 2015 of the Government on development and management of social housing” (with come into force from December 10, 2015). Clause 1, Article 15 of “Decree No. 100/2015/ND-CP” guiding Article 74 of the 2014 Vietnamese Housing Law on preferential loans for investment in social housing construction, stipulates that the borrowers are:

“a) Enterprises or cooperatives that are investors in social housing projects other than capital sources or in the form specified in Clause 1, Article 53 of the Law on Housing, for lease, lease purchase or sale;

b) Enterprises, industrial production and service cooperatives invest in building houses by themselves to arrange for employees of that enterprise or cooperative without collecting rent or collecting house rent. with rents not

exceeding the social housing rental price bracket promulgated by the People's Committee of the province;

c) Households and individuals invest capital to build social houses for lease, lease purchase and sale.”

However, in Clause 2, Article 33 of “Decree No. 100/2015/ND-CP dated October 20, 2015 of the Government on development and management of social housing” (effective from December 10, 2015). 2015) stipulates: “During the period 2015 - 2020, the Bank for Social Policies has not yet made loans to the subjects specified in Clause 1, Article 15 of this Decree”. This regulation has delayed the implementation of the policy for “Enterprises and cooperatives that are investors in social housing projects other than the capital sources or forms specified in Clause 1, Article 53 of the Housing Law in order to lease, lease-purchase, and sale” for 5.5 years from the effective date of the 2014 Housing Law and within 5 years from the effective date of “Decree No. 100/2015/ND-CP”. This has led to the fact that the guidance for the implementation of Article 74 of the 2014 Housing Law does not guarantee the principle of issuing detailed documents: “Legal documents must be specified in order to ensure that when such documents are issued. If it takes effect, it will be immediately enforceable” and “The document detailing ... must be promulgated to take effect at the same time as the document's effective date, or the detailed article, clause or point” specified in Clause 1 of this Article. Clause 1 and Article 8 of the “2008 Law on Promulgation of Legal Documents” (effective from January 1, 2009 to June 30, 2016).

Could you please provide some information related to the construction specified in Article 74 of the 2012 Housing Law?

Instructions: Please provide the required information by checking or answering the box below the question.

II.1. Who were the main actors involved in the development of the Vietnam Housing Law 2014 in general and Article 74 of the 2014 Vietnam Housing Law in particular? (You can choose more than one option)

- National Assembly
- Ministries, ministerial-level agencies

- Judicial authorities (courts, etc.)
- People's Committees of provinces and cities
- Departments of provinces and cities
- Experts
- Socio-political organizations
- Social organizations (Eg: Associations, etc...)
- Enterprises engaged in housing investment and construction activities
- Vietnam Bank for Social Policies
- Others

II.2. What was the main objective of developing a housing finance policy for social housing in the 2014 Housing Law?

.....

.....

II.3. What was the main objective of developing a policy to support loans through the Vietnam Bank for Social Policies for social housing development as defined in Article 74 of the 2014 Housing Law?

.....

.....

II.4. Was the assessment of policy impacts on the 2014 Housing Law in general and Article 74 of the 2014 Housing Law in particular carried out during the development of this Law project?

.....

.....

II.5. In your opinion, what were the difficulties and obstacles in the process of developing the 2014 Housing Law in general and Article 74 of the 2014 Vietnamese Housing Law in particular?

.....

.....

II.6. Did the final version of Article 74 of the 2014 Housing Law project meet the initial goal set forth?

.....

.....
II.7. Were there policies in the 2014 Housing Law project that were changed during the legislative process without a policy impact assessment?
.....
.....

II.8. Do you think that the failure to do an adequate policy impact assessment prior to the enactment of legislation was the cause of the failure to achieve the policy objectives?

- Yes
- No
- Maybe
- Do not know

II.9. Did the Ministries have any disagreements on the formulation of Article 74 of the 2014 Housing Law?

- Yes
- No
- Do not know

II.9a. If so, how did the Ministries work together to reach consensus?
.....
.....

II.10. Were Stakeholders (experts, socio-political organizations, beneficiaries of the document) involved in the policy-making process of the 2014 Housing Law (comment phase, appraisal phase), stage of National Assembly discussion, stage of National Assembly approval of the Law)?

- Yes
- No
- Do not know

II.10a. If yes, who participated?

- Experts
- Social and political organizations
- The object of impact of the law

- All of the above subjects
- Other

II.11. In your opinion, was the 2014 Housing Law project built in accordance with the process of developing legal documents specified in the “2008 Law on Promulgation of Legal Documents”?

- Yes
- No
- Do not know

II.12. Were the issues that need to be resolved in the policy-making process of Article 74 of the 2014 Housing Law really resolved?

- Yes
- No
- Do not know
- Others

II.12a. Please explain why

.....

Part III. Some other questions

Instructions: Please provide the required information by checking or answering the box below the question.

III.1. From what period has the content specified in Article 74 of the 2014 Housing Law project changed?

- During the period when the government is developing the 2014 Housing Law project
- During the government period that the 2014 Housing Law project was discussing in the National Assembly
- Do not know

III.1.a. If you choose another option, please specify

.....

III.2. Why did the members of the National Assembly make the decision to change the policy specified in Article 74 of the 2014 Housing Law in the direction of switching to support loans through the Social Policy Bank instead of through the Social Housing Development Fund to develop social housing as originally proposed?

.....
.....

III.3. Was there any policy assessment on the impact of the policy of supporting loans through the Vietnam Bank for Social Policies to support developing social housing when the National Assembly deputies made decisions to change the content of Article 74 of the 2014 Housing Law project?

- Yes
- No
- Do not know

III.4. Why was a part of the loan support policy through the Vietnam Bank for Social Policies for social housing development specified in Article 74 of the 2014 Housing Law delayed until 05 years before it can be fully implemented comply with the regulations of Article 15 and Clause 1, Article 33 of “Decree No. 100/2015/ND-CP” guiding the 2014 Housing Law?

.....
.....

III.5. Do you know any obstacles or difficulties in implementing the loan support policy through the Vietnam Bank for Social Policies for social housing development?

.....
.....

III.6. Do you have any suggestions to improve policy formulation for other law projects in the future?

.....
.....

Thank you for your support!

**APENDIX III: DOCUMENTS RELATING TO 2014
VIETNAMESE HOUSING LAW PROJECTS THAT MINISTRY
OF CONSTRUCTION SENT TO MINISTRY OF JUSTICE FOR
BEING APPRAISALLED**

No	Document name	Date	Issued Organ	Note
1	Draft of Statement about the Housing Law Project (amended)	November 22, 2013	Ministry of Construction	
2	Draft of Vietnamese Housing Law (amended)	November 22, 2013		
3	Detailed explanation of the draft of Vietnamese Housing Law (amended)	November 22, 2013	Ministry of Construction	
4	Report on summarizing of the implementation of the 2005 Housing Law and propose to research and develop the Law on Housing (amended)	November 22, 2013	Ministry of Construction	
5	Report on Legal Impact Assessment about the duration of Housing Law (amended), Assessment on Gender integration in the modified Housing Law Project, and Administrative Procedures Impact Assessment of the duration of Housing Law (amended).	November 21, 2013	Ministry of Construction	
6	Report on Experiences of some countries in the	November 22, 2013	Ministry of Construction	Experiences of 10 countries

	world on housing development and management			were reviewed: China, the South Korea, Singapore, the U.K., Japan, the U.S., Netherlands, France, Indonesia, Switzerland.
7	Summary and explanation of receiving comments from agencies and organizations			Hardcopies of contributing documents from different agencies and organizations

Source: created by the author based on the secondary data collected from MOJ (2022).

**APENDIX IV: DOCUMENTS RELATING TO 2014
VIETNAMESE HOUSING LAW PROJECTS THAT
VIETNAMESE GOVERNMENT SENT TO THE XIII NATIONAL
ASSEMBLY**

No.	Document name	Date	Issued Organ	Note
1	Statement no. 65/TTr-CP about the Housing Law Project (amended)	March 24, 2014	Vietnamese Government	
2	Draft of Statement about the Housing Law Project (amended)	November 22, 2013	Ministry of Construction	Attached with Statement no. 65/TTr-CP
3	Draft of Vietnamese Housing Law (amended)	November 22, 2013		Attached with Statement no. 65/TTr-CP
4	Report no. 400/BC-CP on summarizing of the implementation of “Resolution No. 19/2008/QH12 June 3, 2008 of the National Assembly on piloting for organizations and individuals foreigners buy and own houses in Vietnam and propose amendments, supplementing Resolution No. 19/2008/QH12”	October 14, 2013	Vietnamese Government	Attached with Statement no. 65/TTr-CP
5	Report on summarizing the implementation of the 2005 Housing Law, its amended documents, supplementing the Law on Housing and proposing	March 20, 2014	Ministry of Construction	Attached with Statement no. 65/TTr-CP

	contents of the Law on Housing (amended)			
6	Assessment Report on Gender Intergration in the Housing Law Project (Amended)	June 03, 2014	Editorial Board	Attached with Statement no. 65/TTr-CP
7	“Report No. 293/BC-HĐTĐ of Ministry of Justice dated December 13, 2013 expertizing the Housing Law Project (Amended)”	December 13, 2013	Ministry of Justice	Attached with Statement no. 65/TTr-CP
8	“Report No. 122/BC-BXD of Ministry of Construction dated December 19, 2013 on receiving and explaining the appraisal opinions of the Appraisal Council Housing Law Project (amended)”	December 19, 2013	Ministry of Construction	Attached with Statement no. 65/TTr-CP
9	“Report No. 2298/BC-UBPL13 Preliminary examination of the Housing Law Project (amended)”	March 9, 2014	Law Committee, The XIII National Assembly	Attached with Statement no. 65/TTr-CP
10	Legal Impact Assessment Report about the duration of Housing Law (Amended)	June 03, 2014	Not specified	Attached with Statement no. 65/TTr-CP
11	Summary of Foreign Experience about Some Provisions in the draft of Housing Law (Amended)	June 03, 2014	Not specified	Attached with Statement no. 65/TTr-CP

12	Draft of Decree detailing the implementation of a number of articles of the Law on Housing	Not specified		Attached with Statement no. 65/TTr-CP
13	Draft of Decree on management and use of state-owned housing	Not specified		Attached with Statement no. 65/TTr-CP
14	Draft of Decree on renovating and rebuilding old apartment buildings, group houses and residential areas for urban embellishment according to planning	Not specified		Attached with Statement no. 65/TTr-CP
15	Draft of Decree on development and management of social housing	Not specified		Attached with Statement no. 65/TTr-CP
16	Report on synthesizing the contributions of the National Assembly Delegations on the Housing Law project (amended)	October 10, 2014	Law Committee, The XIII National Assembly	
17	“Report No. 754/BC-UBTVQH13 Explaining, receiving and editing the draft Housing Law (amended)”	October 18, 2014	National Assembly Standing Committee	

Source: created by the author based on the secondary data collected from MOJ, NA's website (2022).

APPENDIX V: OTHER REPORTS RELATING TO 2014 VIETNAMESE HOUSING LAW PROJECTS

No	Document name	Date	Issued Organ	Note
1	Report on summarizing of opinions of the National Assembly deputies at the Hall on the Housing Law project (amended)	October 27, 2014	Secretary Board, 13 th National Assembly, 8 th meeting	
2	“Report No. 2605/BC-UBPL13 on consulting the National Assembly Standing Committee on some major issues of the draft Housing Law (amended)”	August 07, 2014	Law Committee, 13 th National Assembly	Sending to National Assembly Standing Committee
3	Report on consulting the National Assembly Standing Committee on some major issues of the draft Housing Law (amended)	August 18, 2014	Law Committee, 13 th National Assembly	Sending to National Assembly Standing Committee
4	Report on expecting to explain, absorb and revise the draft Housing Law (amended) according to the opinions of the National Assembly deputies	July 6, 2014	Ministry of Construction	Sending to the Law Committee, 13 th National Assembly

Source: created by the author based on the secondary data collected from the National Assembly's website (2022).

APPENDIX VI: OTHER RELATING LEGAL DOCUMENTS

No.	Document name	Date	Issued Organ	Note
1	“2013 Vietnamese Constitution”	November 28, 2013	The 13th National Assembly	
2	“2008 Vietnamese Law on the promulgation of legal documents”	June 03, 2008	The 12th National Assembly	Law no. 17/2008/QH12
3	“2015 Vietnamese Law on the promulgation of legal documents”	June 22, 2015	The 13th National Assembly	Law no. 80/2015/QH13
4	“Decree No. 24/2009/ND-CP Detailing and Providing measures for the implementation of the Law on Promulgation of legal documents”	March 5, 2009	Vietnamese Government	Guiding Law no. 17/2008/QH12
5	“Decree No. 100/2010/ND-CP dated September 28, 2010 on “Public Announcement””	September 28, 2010	Vietnamese Government	Guiding Law no. 17/2008/QH12
6	“Decree No. 34/2016/ND-CP dated May 14, 2016 detailing a number of articles of, and providing measures for implementing, the Law on Promulgation of Legal Documents”	May 14, 2016	Vietnamese Government	Guiding Law no. 80/2015/QH13
7	“Decree No. 154/2020/NĐ-CP amending and supplementing a number of articles of Decree no. 34/2016/ND-CP dated May 14, 2016 detailing a number of articles of, and providing measures for implementing,	December 31, 2020	Vietnamese Government	Guiding Law no. 80/2015/QH13

	the Law on Promulgation of Legal Documents”			
8	“Resolution No. 351/2017/UBTVQH14 dated March 14, 2017 on Provisions for forms and techniques for detailing legal documents of the National Assembly, Standing Committee of the National Assembly, the President of the State”	March 14, 2017	Standing Committee of the National Assembly	Guiding Law no. 80/2015/QH13

Source: created by author based on the secondary data collected from the MOJ's website, Government's website (2022).

Abstract in Korean

국문초록

베트남 주택법 제74조의 2014년 정책과정

조직간 갈등이 정책실패로 이어지는 과정

NGUYEN Kim Thoa

서울대학교 행정대학원

글로벌행정전공

베트남의 저소득층을 위한 저렴한 주택 부족 문제를 해결하기 위한 목적으로, 2005년 베트남 주택법은 이미 사회주택 개발을 위한 정책을 시작했다. 이 법은 그 한계를 해결하기 위해 2014년 베트남 주택법으로 대체되었으며, 특히 베트남 사회정책은행이 사회주택 개발을 위해 부여한 특혜 대출에 대해 제74조에 규정된 금융 주택 정책을 제공했다. 그러나, 그 정책은 저소득층의 주택 부족 문제를 해결하려는 당초 목표를 달성하지 못했다.

본 논문은 사례 연구법을 이용하여 제74조 정책 과정이 어떻게 만들어졌는지를 논할 것이다. 다중 스트림 모델 분석을 포함한 이론적 프레임워크와 분석적 프레임워크는 74조의 결과를 초래한 정책 프로세스와 정책 성공에 대한 조직 간 충돌이 미치는 영향을 논의하기 위해 설계되었다. 인터뷰 데이터, 구글 조사 플랫폼 데이터, 2014년 베트남 주택법 프로젝트 문서 및 관련 기사의 정성적 분석을 수행하여 정책 프로세스의 주요 행위자, 추진 요인, 장애물 및 형식을 파악했다. 이 법 제74조의 정책은 프로그램 실패(또는 구현

실패)와 조직 간 충돌의 결과에 대한 예로 강조되었다.

전반적으로, 본 논문은 정책 입안자들이 미래에 더 나은, 더 실현 가능한 정책을 만들 수 있도록 돕는 것을 목적으로 한다.

주요 키워드: 2014년 베트남 주택법, 정책과정, 저소득층 주택, 사회 주택, 조직간 갈등

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I also cherish the joyful evidence-based management course that Professor Byeongjo Kim gave us for leading us the way to search and evaluate the academic papers to apply in our work. The way you guided us in such an easy way that I could do it step by step without too much effort. This was extremely helpful for me while conducting my thesis as well as in my later work in the future.

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so lucky to receive all the guidance wherever I need. Life is so beautiful as I am walking days by days. The most enjoyable part is not the destination but the journey. I am enjoying such a wonderful journey.

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