**DISSERTATION INFORMATION**

Ph.D Thesis LATS: Legal Regulations of Hi-Tech Parks.

Major: Law – Economic Code: 62.38.01.07

PhD. Candidate: **LÊ BÍCH LOAN** Candidate code: 01680107006

Science Supervisor:

* Ph.D. Châu Thị Khánh Vân (Independent instructor).
* PhD. Nguyễn Anh Sơn.

School: University of Law and Economics, HCMC National University.

1. **SUMMARY OF DISSERTATION**
   1. **Research objectives**

The dissertation aims at five research objectives:

Firstly, assessment of the current status of regulations and operations of high-tech parks in Vietnam.

Secondly, surveying and evaluating the effectiveness of science in the experience of building and developing high-tech park models of countries around the world.

Thirdly, proposing a typical operation model that is suitable to hi-tech parks in the context of Vietnam's economy today.

Fourthly, proposing specific legal solutions to improve operational efficiency and strongly promote the economic development of hi-tech parks, especially on case studies of management activities of land, investment capital, R&D, innovation, incubation.

Finally, there are recommendations to improve the law on management model of national high-tech parks in order to further promote the effectiveness of scientific and technological activities to truly become a driving force of socio-economic development in Vietam.

**1.2. Research object and methodology**

***1.2.1. Research object***

Research object: Current legal institutions of the hi-tech parks in Vietnam and some countries.

* Institutional content analysis and in-depth assessment:
* Legal regulations on management and use of land in hi-tech parks.
* Legal regulations on raising and using capital in hi-tech parks.
* Regulations on supporting and linking to promote R&D, innovation, incubation and business activities of enterprises and organizations in the hi-tech parks.
* Legal regulations on organization and operation of the Management Board of hi-tech parks.

The selection of typical cases for in-depth analysis as above comes from two main reasons:

* First, the limitation of time to carry out the topic. The analysis would be scattered and sketchy if the PhD student covered all the legal issues arising from the operation of the hi-tech parks – which actually collides with almost all legal fields.
* Second, land, financial capital, R&D, incubation are the backbone and specific legal areas of hi-tech parks.
* Objects of survey and evaluation: Practical operation of Saigon Hi-Tech Park (SHTP).
* Research time: 2017- 2019.

***1.2.2. Methodology:***

The topic is carried out on the basis of thinking approach to dialectical materialism and historical materialism. Thereby, in each specific content of the thesis, the PhD student uses a number of legal scientific research methods suitable to the mentioned content. Specifically, the author used the following jurisprudential research methods:

* Integrated approach.
* The method of jurisprudence analysis.
* Expert interview method.
* Comparative research methods.

**1.3. Theoretical and practical meaning**

The theoretical and practical significance of the researcy by solving the proposed research objectives include:

*Firstly,* the content presented has systematically researched the research situation and related contents to the research object. The economic theoretical bases in determining the role of hi-tech park and the theory of locating the existence model of scientific and technological institutions have also been mentioned. In particular, the topic has selected and analyzed the theoretical bases for the operation process and enhanced the autonomy and self-determination of hi-tech parks – a factor that ensures and enhances the effectiveness of these units. On the basis of these theories, the existence and operation model of hi-tech parks is determined, thereby serving as the basis for determining the accompanying legal regulations.

*Secondly*, on the basis of the results of the case study, the topic has selected and analyzed the operating experience of typical hi-tech zones in countries in the region that have successfully applied this model. In particular, from the accepted and highly reliable scientific arguments, the thesis has pointed out the actual operating status of Vietnam's hi-tech parks as well as the limitations and shortcomings of the legal institution for this object. The research results thus both lay the theoretical and practical foundations for future analysis and proposals in perfecting the legal framework for national hi-tech parks in Vietnam.

*Thirdly,* the thesis has made a number of proposals to improve the legal framework on operating regulations of hi-tech parks in Vietnam. Specifically, the proposal of the topic is meaningful for clearly defining the legal status of national-level hi-tech parks, proposing a model to increase autonomy for national-level hi-tech parks, and especially giving suggestions on completing the appropriate legal framework.

*In fact, in the process of implementing the topic, the author has also participated and contributed to the legal development process for a number of related contents from the research results that the author has made. Specifically, from the results of the thesis, many solutions have been proposed and absorbed in the process of developing a new draft for the recent Decree on unifying the legal status of all national hi-tech parks.*

**2. THESIS’S NOVEL CONTRIBUTION:**

The research results have contributed some new points in the legal science of hi-tech parks as follows:

* *Approaching the research object on the basis of relevant theories.*

The first scientific contribution of the thesis is to provide an approach to hi-tech parks on the basis of relevant theories. In fact, previously published related studies on the topic only presented reasons for the presence of hi-tech parks on the basis of an assessment of the economic contributions of the parks to business activities and the economy. On this thesis, on the basis of the approach from theory to practice, the author analyzed the reasons for the presence of hi-tech parks on the basis of relevant economic theories, including theory of the role of science and technology in knowledge, the theory of NIS and RIS and especially the premise to recognize the independent existence of hi-tech parks in the economy.

* *Clearly define the legal status of national high-tech parks.*

Obviously, the operational efficiency of an economic - legal unit of hi-tech parks greatly depends on the legal status of their unit. The identification and incorrect positioning of the legal status of the entity leads to the result that the economic unit does not have the full authority and capacity to conduct effective activities as set out goals for them. In other words, disproportionate legal status can turn operational goals into far-fetched fantasies. Meanwhile, the contribution ability and development trend of hi-tech parks is not only confirmed in theory but also in practical terms, experienced by many countries. This situation is currently happening with respect to the recognition of the legal status of hi-tech parks in Vietnam, especially Saigon Hi-Teck Park.

Based on the research results, the thesis asserts that the nationa hi-tech parks need to be redefined, commensurate with the nominal "national level" that the Government is giving to hi-tech parks as of today. In particular, the topic has pointed out the discrimination in legal regulations between hi-tech parks of the same level - national level. And of course, since then, the topic has made arguments to suggest the Government to apply a common, fair and non-discriminatory policy among the national hi –tech parks, especially the need to apply a policy of conduct. more open to Saigon High-Tech Park. This is a proposal to eliminate the situation that the Government is currently applying many different regulations for the same type of national hi-tech parks as it is today.

* *Proposing a model to enhance autonomy for national hi-tech parks*

Many theories have shown that open institutions and recognition of the right to self-determination are the path to liberation, allowing independent legal-economic units to overcome inertia and develop rapidly. This has recently been reflected in the opinions of many experts, at many forums looking for solutions towards HCMC or specific economic - administrative units in the future.

High-tech zones/parks, a development model based on the theory of developing a knowledge-intensive and science-intensive economy, also need the same premise of legal institutions to exist, operate and develop and thereby it is contributed to the socio-economic development as well as the general progress of the community. The special thing is that the effective legal regulation while enhancing the autonomy for grassroots units has also been applied flexibly into Vietnamese society. Especially, the effective legal regulation while enhancing the autonomy for grassroots units has also been applied flexibly into Vietnamese society. Therefore, the model of a high-tech park with greater autonomy and broader self-determination is a new proposal from the research results of this research.

* *Suggestions on completing the appropriate legal framework*

The research results of the topic have provided policy recommendations for the process of improving the operational efficiency of the hi-tech parks, especially on the basis of the model of enhancing the autonomy and self-determination of the zone as just mentioned in the new point mentioned above. Specifically, these follow-up proposals aim to improve the legal institutions related to the selected legal fields of the topic (due to time constraints): Land management, raising and using financial capital, R&D, technology incubation activities.

* **In the field of land management,**

The topic has proposed to solve the existing problems: (i) The hi-tech park management boards are unnecessarily bound when making decisions regarding the grant of land use rights and land use in the hi-tech parks; (ii) Unnecessary involvement of local authorities in many situations is not necessary when the hi-tech parks are a national legal-economic units and have certain autonomy as proposed; (iii) Many land management regulations issued by the Management Boards internally and applied to the zones have not been implemented smoothly.

* **In the field of raising and using financial capital,**

On the basis of finding a suitable resource of financial investment for the hi-tech parks to operate independently and self-determined, the thesis has sought a solution in order to: (i) Streamlining revenue control between the hi-tech parks and the tax authorities; (ii) Strictly comply with regulations on financial sharing in budget revenue; (iii) Promoting the development of revenue sources in the hi-tech parks even by self-incentive decisions within the zones in order to increase the mobilized financial resources for the hi-tech parks without making or having the least impact on the overall budget revenue.

* **In the field of research and development (R&D),**

The research was looking for a solution for the hi-tech parks to promote its capacity in these activities. R&D can be considered as the most important, specific and advantageous activity of the hi-tech parks compared to other economic zones. This has also been identified in the development strategies of the hi-tech parks in the direction of creating an environment for research - incubation – application. However, with the current legal status and legal regulations, this goal and activity is at a dead end. Determining which causes and solutions to solve that situation is therefore a new point in the contribution of this thesis to the research problem.

**3. APPLICATIONS/ APPLICATION PROBABILITY IN REALITY AND ISSUES THAT NEED TO CONTINUE RESEARCH**

In fact, there are two types of activities coexist in the operation of hi-tech parks. One is the state management activities, and the other is the technical infrastructure business activities of the high-tech parks. The operating mechanism of the above units shows (i) inefficiency in both revenue control and quality of public services; (ii) Vietnam is also gradually implementing reforms to improve the quality of operations of units operating under this revenue-generating business model; (iii) The law allows investors from outside the public sector to invest in providing similar services.

It is shown that the business management of the hi-tech parks needs to be approached in a different direction. The experience of effective introduced high-tech zones in other countries, especially Singapore's experience at SSP and One North show that they are using the management apparatus from an independent third party, contributing to high efficiency.

Based on the experience of other countries and legal practices and operating the public-private partnership model in many other fields in Vietnam, the application of the public-private partnership model needs to be researched and selected for the operation and administration activities in the hi-tech parks in Vietnam.

|  |  |
| --- | --- |
| **THESIS SUPERVISOR** | **Ph.D CANDIDATE**  **LE BICH LOAN** |
| **VERFIFICATION OF TRAINING INSTITUTE**  **DIRECTOR** | |