

Resettlement Plan – Subproject 3

November 2013

Viet Nam: Ha Noi and Ho Chi Minh City Power Grid Development Sector Project

(EVN HCMC: District 8 220 kV Substation and
Nam Sai Gon–District 8 220 kV Transmission Line)

Prepared by Ho Chi Minh City Power Corporation (EVN HCMC) for the Asian Development Bank (ADB).

ABBREVIATIONS

ADB	Asian Development Bank
CARB	Compensation, Assistance and Resettlement Committee
CPC	Commune People's Committee
DCARB	District Compensation, Assistance and Resettlement Board
DMS	Detailed Measurement Survey
DPC	District People's Committee
EMA	External Monitoring Agency
EVN HCMC	Ho Chi Minh City Power Corporation
EVN	Electricity of Viet Nam
HCMC	Ho Chi Minh City
HPPMB	Ho Chi Minh City Power Projects Management Board
IOL	Inventory of losses
km	kilometer
LURC	Land use rights certificate
PC	Power Corporation
PDP	Power Development Plan
PECC3	Power Electric Construction Consultant 3
PIB	Public information booklet
CityPC	City People's Committee
RoW	Right-of-Way
SES	Socio-Economic Survey
SPS	Safeguard Policy Statement
VWU	Viet Nam Women's Union

ELECTRICAL TERMINOLOGY

kV	(kilovolt)	- 1,000 volts
MW	(Megawatt)	- 1,000 kW
MVA	(Megavolt-ampere)	- 1,000 kVA
Transmission System		- 500 kV, 220 kV, 110 kV lines
Medium Voltage Distribution (MV)		- 35 kV, 22 kV or 10 kV lines supplying distribution substations
Low Voltage Distribution (LV)		- 400/230 V distribution and service lines
Load Factor		- Ratio of average power demand to maximum power demand
Electrical Losses		- Difference between energy delivered and energy sent out

NOTE

In this report, "\$" refers to US dollars.

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Definition of Terms

Affected Persons	Refers to any person or persons, household, firms, or public or private institutions who on account of a development project would have their: (i) standard of living adversely affected; (ii) right, title or interest in all or any part of a house, land (including residential, commercial, agricultural, plantations, forest and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence, or habitat adversely affected, with or without displacement. affected persons therefore include: (i) persons affected directly by the right-of-way (RoW) or construction work area; (ii) persons whose agricultural land or other productive assets such as trees, standing crops are affected; (iii) persons whose businesses are affected and who might experience loss of income due to the project impact; (iv) persons who lose work/employment as a result of project impact; and (v) people who lose access to community resources/property as a result of the project.
Cut-off date	This refers to the date prior to which the occupation or use of the project area makes residents/users of the same eligible to be categorised as displaced person. In this project, the cut-off date will coincide with the period of the census of affected persons and the inventory of losses (IOL) that will be conducted based on feasibility design documents. Persons not covered in the census are not eligible for compensation and other entitlements, unless they can show proof that (i) they have been inadvertently missed out during the census and the IOL; or (ii) they have lawfully acquired the affected assets following completion of the census and the IOL and prior to the conduct of the detailed measurement survey (DMS).
Detailed Measurement Survey (DMS)	With the aid of the approved detailed engineering design, this activity involves the finalisation and/or validation of the results of the IOL, severity of impacts, and list of affected persons earlier done during resettlement plan preparation. The final cost of resettlement can be determined following completion of the DMS.
Displaced Persons	Per ADB's 2009 Safeguard Policy Statement, displaced persons in a project area could be of three types: (i) persons with legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such land that are recognised or recognisable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognised or recognisable claims to such land.
Entitlements	Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the affected persons, depending on the type and severity of their losses, to restore their economic and social base.
Meaningful Consultation	A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.
Inventory of loss	Is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary

	structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the project RoW are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of affected persons will be determined.
Land acquisition	Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Replacement cost	The term used to determine the value enough to replace affected assets and/or cover transaction costs necessary to replace the affected assets without depreciation for such assets as well as material advantage, taxes and/or travel expenses.

1.0 EXECUTIVE SUMMARY

1.1 Introduction

1. The District 8 220 kilovolt (kV) substation and Nam Sai Gon–District 8 220 kV transmission line are two projects that Ho Chi Minh City Power Corporation (EVN HCMC) and Ho Chi Minh City Power Project Management Board (HPPMB) are requesting for financing from the Asian Development Bank (ADB). The District 8 220 kV substation and Nam Sai Gon–District 8 220 kV transmission line will be built for:

- Transmission of power from Binh Chanh 220 kV substation to District 8 220 kV substation to supply power for the 110 kV substations of Phu Dinh, Chanh Hung, Hung Vuong, Tan Hung, etc.
- Increasing power supply to the load in District 8 area and surrounding districts such as District 1, 3, 5, Binh Chanh district, etc.
- Overload protection for 220 kV substations of Nha Be, Tao Dan and the 110 kV lines of Nam Sai Gon–Phu Dinh, Viet Thanh–Chanh Hung.
- Improving reliability and ability of power supply for sources of 110 kV, 15 (22) kV to meet the needs of social and economic development for the region.

2. Scope of the project is as follows:

- New construction and installation of District 8 220 kV substation:
Capacity: 220/110/22 kV-3x250 megavolt-ampere (MVA), initial stage 2x250MVA
Voltage level: 220/110/22 kV
Location: ward 5, district 8, Ho Chi Minh City (HCMC). The substation area is in management of Saigon Shipbuilding Industry Corporation. This area has not been exploited yet, and is being used for a garage to repair and keep vehicles.
Area 4,139.06 square meters (m²)
- Upgrading, construction and installation of 220 kV overhead line:
Voltage level: 220 kV and 110 kV
Starting point: the existing Binh Chanh 220 kV substation
Ending point: tower N°40 of the existing Binh Chanh–Phu Dinh 110 kV Transmission Line
Length: 3.014 kilometers (km)
Feature: Upgraded from the existing Binh Chanh–Phu Dinh 110 kV Transmission Line
Location: Phong Phu and Binh Hung communes, Binh Chanh district, HCMC.
- New construction and installation of 220 kV underground cable:
Voltage level: 220 kV
Starting point: tower N°40 of the existing Binh Chanh–Phu Dinh 110 kV Transmission Line
Ending point: proposed District 8 220 kV substation
Length: 3.5 km
Location: Binh Hung communes, Binh Chanh district and ward 5, district 8, HCMC.

1.2 Scope of land acquisition and resettlement:

3. With the characteristics of the substation and the 220 kV transmission line, the project will cause impacts as follows:

- Permanent land acquisition for substation, underground cable and tower foundations (new construction and extension).
- Relocation of houses, structures in permanent required land.
- Cutting trees, crops in permanent required land.

- Dismantling houses and structures in some existing tower foundations for construction activities.
- Cutting trees, crops in temporary required land for construction activities.
- Restricting usability of land/houses/structures in right-of-way (RoW) for safety of the overhead line (extension corridor part).
- Require improvement and installing lightning arrestors for houses and structures in RoW of the overhead lines (extension corridor part) and ground connection corridor according to the Circular N°03/TT-BCT dated 22 January 2010 of Ministry of Industry and Trade.
(Note: The RoW is 10.5 m in width from the centre of the route to two sides; ground connection corridor is 25 m in width from the outermost line to two sides.)

4. The identification of affected persons and inventory of losses (IOL) carried out in November 2012 and October 2013 identified a total of 46 households (189 persons) and two institutions belonging to three communes/ward that may be affected by the implementation of the project.

5. The total estimated permanently affected land is 5,301.06 m², in which 4,139.06 m² (78.08%) belongs to one institution and 1,162.00 m² (21.92%) belonging to five affected households. Each of the five affected households may lose residential land or agricultural land.

6. Total estimated affected land in RoW is 4,272.00 m² of 46 households, including residential land area of 1,752.00 m² (41.01%) and agricultural land area of 2,525.00 m² (58.99%).

7. In order to build the substation and tower foundations for the overhead line, the project requires dismantling houses and structures of one company and eight households. This company has to dismantle structures and relocate; eight affected households have to dismantle partially houses (not affect the safety of the house).

8. There are 39 affected households with houses, structures which may be adversely affected by the project due to location in RoW (extension part). These houses, structures could exist in RoW as stipulated by Government Decree N° 106/2005/ND-CP dated 17 August 2005 and Decree N°81/2009/ND-CP dated 12 October 2009, and they are not required to relocate and will be supported by grounding conductors and fireproof material for safety.

9. Land acquisition for the project will impact one garage for repair and keeping cars and the jobs of 25 employees working for this company.

10. The IOL also identified that the project does not affect crops and trees of local people, and there are no public facilities and ethnic minority groups affected by the project.

1.3 Associated Facility

11. A Corrective Action Plan for Binh Chanh 220 kV substation has been prepared as this facility is considered an associated facility to the District 8 220 kV Substation and Nam Sai Gon District 8 220 kV Transmission Line Project. The existing Binh Chanh 220 kV Substation is located in Hamlet 5, Phong Phu Commune, Binh Chanh District, HCMC. The extended bays of the 220 kV transmission line will be built on the extended area of the substation to the left of the D01 bay. The extension of the bays of Binh Chanh Substation will cause permanent land acquisition of some households in Hamlet 5. The financial source for compensation and assistance for acquiring land to expand Binh Chanh substation is a subsidiary of National Power Transmission Corporation (EVN NPT).

1.4 Socio-economic Information and Profile

12. The socio-economic survey (SES) carried out in parallel with the IOL survey (November 2012 and October 2013), which covered 100% of the affected households (46/46 affected households), determined that two affected households are considered severely affected households, eight affected households have dismantled houses/structure, 39 affected households have houses/other structures in RoW. 100% of the affected households belong to Kinh people, the project does not impact ethnic minority people. Likewise, the inventory has identified ten affected households (21.74%) that are headed by women; three affected households (25.97%) that are headed by persons within the retirement age bracket of the Government (i.e., 55 years and older for women and 60 years and older for men). There are no poor affected households.

13. On education level of affected household-heads, 23.91% affected households have completed primary school, 45.65% affected households completed secondary school, 26.09% affected households have completed highschool, 2.17% affected households completed college education, and 2.17% affected households have graduated from university.

14. On main occupation of affected household-heads, 54.35% affected households reported small business as their main occupation, 17.39% affected households were workers, 4.35% affected households were engaged in farming, 4.35% affected households were state employees, 6.52% affected households were drivers, 2.17% were hairdressers, and 10.87% affected households reported income from other sources (received support from Viet Nam and foreign, etc.).

15. 73.91% affected households use water supply system and 26.09% affected households use water from dug/drilled wells for washing and drinking. All affected households (100%) use electricity for lighting and liquefied petroleum gas for cooking.

1.5 Information disclosure, consultation and participation

16. Consultation meetings were held in October and November 2013 at all affected communes/ward with participation of local authorities and affected households and companies. With regard to disclosure of the draft resettlement plan, key information has already been provided to the affected households and companies during the public consultation meetings. The following information contained in the Public Information Booklet (PIB) distributed include: (i) a brief background of the project, specifically the civil works to be undertaken and the adverse social impacts; (ii) IOL results; (iii) basis used for asset valuations; (iv) the entitlements; (v) timing of payments and the schedule of displacement; (vi) grievance redress mechanism; and (vii) contact persons at HPPMB and concerned commune people's committee (CPC).

1.6 Grievance Redress Mechanism

17. In order to ensure that all affected persons' grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to affected persons to air their grievances, a well-defined grievance redress mechanism has been established. All affected persons can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition, resettlement, allowance and income restoration. Affected persons are not ordered to pay any fee during the grievance and complaints at any level of trial and court. Complaints will pass through stages such as CPC, District People's Committee (DPC), and HCMC People's Committee before they can be elevated to a court of law as a last resort.

1.7 Legal Framework

18. The project resettlement policy and entitlements have been developed from the laws of the Government of the Socialist Republic of Viet Nam (GOV), principally the Constitution (2013) that confirms the right of citizens to own and protect the ownership of a house; Land Law N° 13/2003/QH11, providing Viet Nam with a comprehensive land administration law; Decree N°197/2004/ND-CP, on compensation, rehabilitation and resettlement in the event of land recovery by the State, as amended by Decree N°17/2006/ND-CP; Decrees N° 188/2004/ND-CP; and Decree No 69/2009/ND-CP dated 13 August 2009, specifying the methods for land pricing and land price frameworks in the event of land recovery by the State; and ADB's Safeguard Policy Statement (SPS June 2009) guided by Operations Manual on Involuntary Resettlement (OM Section F1/OP, on 3 March 2010). Provisions and principles adopted in this project will supplement the provisions of relevant decrees currently in force in Viet Nam wherever a gap exists, consistent with Decree N°38/2013/ND-CP which provides that in case of "discrepancy between any provision in an international treaty on Official Development Assistance (ODA), to which the Socialist Republic of Viet Nam is a signatory, and the Vietnamese Law, the provision in the international treaty on ODA shall take precedence" (Article 46, Item 1).

1.8 Entitlements, assistance and benefits

19. The project entitlements adopted are based on ADB's SPS (2009) that have been harmonised with the existing GOV laws, HCMC People's Committee's Decisions on land acquisition, resettlement and assistance. The entitlements in this resettlement plan may be enhanced, as necessary during the updating process, after the project and this document have been approved by the Bank and GOV, and the detailed engineering design that determines the extent of the RoW and substation. The resettlement plan updating will entail the conduct of the detailed measurement survey (DMS) and consultations with affected peoples will be held to ensure that losses are compensated at replacement cost and peoples' livelihood is restored to their pre-project levels or better. The cut-off date of eligibility will be based on the start of the census of affected persons and conduct of DMS during resettlement plan updating.

20. One of key policy objectives of the project is to replace or compensate lost assets. All compensation is based on the principle of replacement cost. Compensation and provision of assistance will be provided and income restoration programmes will be put in place prior to displacement of affected households from their houses, land, and other assets, such that they will be at least as well off as they would have been in the absence of the project, and the poorest affected households and vulnerable groups are assisted to help improve their socio-economic status.

1.9 Relocation of housing and settlements

21. There are eight households with houses, structures dismantled for foundation construction of the overhead line. However, there are only two households with house which are partially dismantled and the rest portion will not affect the safety of the house. As such, they do not have to relocate; the six remaining households have other structures such as: kitchen, yard, bathroom, fence, etc. and they do not have to relocate, either.

22. There are two companies with structures dismantled including one shipbuilding corporation and another company. The shipbuilding corporation has only a fence wall being dismantled so this company does not have to relocate. The other company has to dismantle structures and relocate.

23. Besides, there are 39 affected households with their houses/ other structures affected due to location in RoW, in which 38 affected households with houses/structures Grade 4 and one affected household with house Grade 5. According to Decree N°106/2005/ND-CP dated 17 August 2005 and Decree 81/2009/ND-CP dated 12 October 2009, all their houses/structures are not required to be relocated, they could exist in RoW if they fully meet stipulated conditions (roofs and surrounding walls are

made of fire-proof materials, metal structures are earthed according to regulations on earthen techniques, etc.). Hence, they are not required to relocate, they will be compensated and supported in cash to improve and install grounding conductors and fireproof material for safety.

1.10 Income restoration and rehabilitation

24. In order to assist affected persons restore livelihoods and income levels, the project will provide an income restoration programme that is adapted to the needs and situation of the affected persons as determined in the SES. The affected persons covered by the income restoration programme are identified in the entitlement matrix.

25. Income restoration programme of the project includes:

- Allowance cash for permanently acquired agricultural land, and allowance cash for job changing and creation, applying for affected households with permanently acquired agricultural land.
- Allowance cash for economic rehabilitation package, applying for affected households with land from 10% to 30% their productive land.
- Allowance cash for vulnerable affected households (Women headed household, elderly household heads).
- Assistance for losses on business and job.
- Estimated cost of income restoration programme is VND 1,263,159,200 (\$ 60,150).

1.11 Resettlement budget and financing plan

26. The total cost for resettlement is estimated at VND 49,555,214,537 (\$ 2,359,772). This proposed budget includes compensation and allowances, cost for DCARBs (2% cost of compensation and allowances), cost of external monitoring and contingency. EVN HCMC and HPPMB will ensure the timely provision of counterpart funds for resettlement to meet any unforeseen obligations in excess of the resettlement budget estimates in order to satisfy resettlement requirements and objectives.

1.12 Institutional arrangements

27. EVN HCMC is the executing agency of the project. EVN HCMC will establish a HPPMB at its headquarters to oversee the overall administrative and financial aspects of the project. The HPPMB will closely cooperate and coordinate with the consultant, HCMC People's Committee, DPCs, CARBs and CPCs to update the resettlement plan and implement resettlement activities.

1.13 Implementation schedule

28. Table below summarises the steps involved in the implementation of land acquisition, compensation and resettlement activities for the project.

Table 1. Implementation Schedule of the Project

Main Resettlement Plan Activities	Implementation Schedule
Prepare Resettlement Plan	
Detailed engineering and demarcation of land to be acquired	Year 1
Award contract and mobilise resettlement plan consultants	Month 10 of Year 1
Public meeting and consultations with affected persons on draft resettlement plan	Year 1
Finalise updated resettlement plan and submit to HPPMB for review and referral	Month 2 of Year 1
ADB no-objection to resettlement plan	Month 2 of Year 2
Disclosure of approved resettlement plan	Month 3 of Year 2
Implement Resettlement Plan	
Detail measurement survey	Months 3 and 4 of Year 2
Compensation payments	Months 4 and 5 of Year 2
Implementation of rehabilitation measures	Month 5 of Year 2
Clearance of acquired land	Month 5 of Year 2
Start of civil works	Month 6 of Year 2 until Month 6 of Year 3
External Monitoring (if necessary)	
HPPMB awards contracts and mobilises external monitoring agency (EMA)	Month 3 of Year 2
EMA participates in detailed measurement survey and establishes affected person socio-economic baseline	Month 3 and 4 of Year 2
EMA prepare monitoring reports	Month 6 of Year 2 until Month 6 of Year 3
EMA conducts post-resettlement survey and final monitoring report	Month 6 of Year 3

1.14 Monitoring and reporting

29. EVN HCMC via HPPMB will be responsible for overall supervision on actives of resettlement plan. Progress reports will be submitted quarterly to ADB.

2.0 INTRODUCTION

2.1 Project description

30. The District 8 220 kilovolt (kV) substation and Nam Sai Gon–District 8 220 kV transmission line are two of the projects that Ho Chi Minh City Power Corporation (EVN HCMC) and Ho Chi Minh City Power Project Management Board (HPPMB) are requesting for financing from the Asian Development Bank (ADB). The District 8 220 kV substation and Nam Sai Gon–District 8 220 kV transmission line will be built for:

- Transmission of power from Binh Chanh 220 kV substation to District 8 220 kV substation to supply power for the 110 kV substations of Phu Dinh, Chanh Hung, Hung Vuong, Tan Hung, etc.
- Increasing power supply to the load in District 8 area and surrounding districts such as District 1, 3, 5, Binh Chanh district, etc.
- Overload protection for 220 kV substations of Nha Be, Tao Dan and the 110 kV lines of Nam Sai Gon–Phu Dinh, Viet Thanh–Chanh Hung.
- Improving reliability and ability of power supply for sources of 110 kV, 15 (22) kV to meet the needs of social and economic development for the region.

31. Scope of the project is as follows:

- New construction and installation of District 8 220 kV substation:
Capacity: 220/110/22 kV-3x250 megavolt-ampere (MVA), initial stage 2x250 MVA
Voltage level: 220/110/22 kV
Location: ward 5, district 8, Ho Chi Minh City (HCMC). The substation area is in management of Saigon Shipbuilding Industry Corporation. This area has not been exploited yet, and is being used for a garage to repair and keep vehicles.
Area: 4,139.06 square meters (m²)
- Upgrading, construction and installation of 220 kV overhead line:
Voltage level: 220 kV and 110 kV
Starting point: the existing Binh Chanh 220 kV substation
Ending point: tower N°40 of the existing Binh Chanh–PhuDinh 110 kV Transmission Line
Length: 3.014 kilometers (km)
Feature: Upgraded from the existing Binh Chanh–PhuDinh 110 kV Transmission Line
Location: Phong Phu and Binh Hung communes, Binh Chanh district, HCMC.
- New construction and installation of 220 kV underground cable:
Voltage level: 220 kV
Starting point: tower N°40 of the existing Binh Chanh–Phu Dinh 110 kV Transmission Line
Ending point: proposed District 8 220 kV substation
Length: 3.5 km
Location: Binh Hung communes, Binh Chanh district and ward 5, district 8, HCMC.

2.2 Project Location and Impact Areas

32. The proposed District 8 substation is located at ward 5, district 8. The proposed 220 kV transmission line (overhead line and underground cable) is from 220 kV busbar of exiting Binh Chanh 220 kV substation at Phong Phu commune, Binh Chanh district to end in 220 kV busbar of proposed District 8 220 kV substation at ward 5, district 8, HCMC.

33. A total of three communes/ ward of 2 districts are directly affected by the project.

Figure 1. Location of the Project

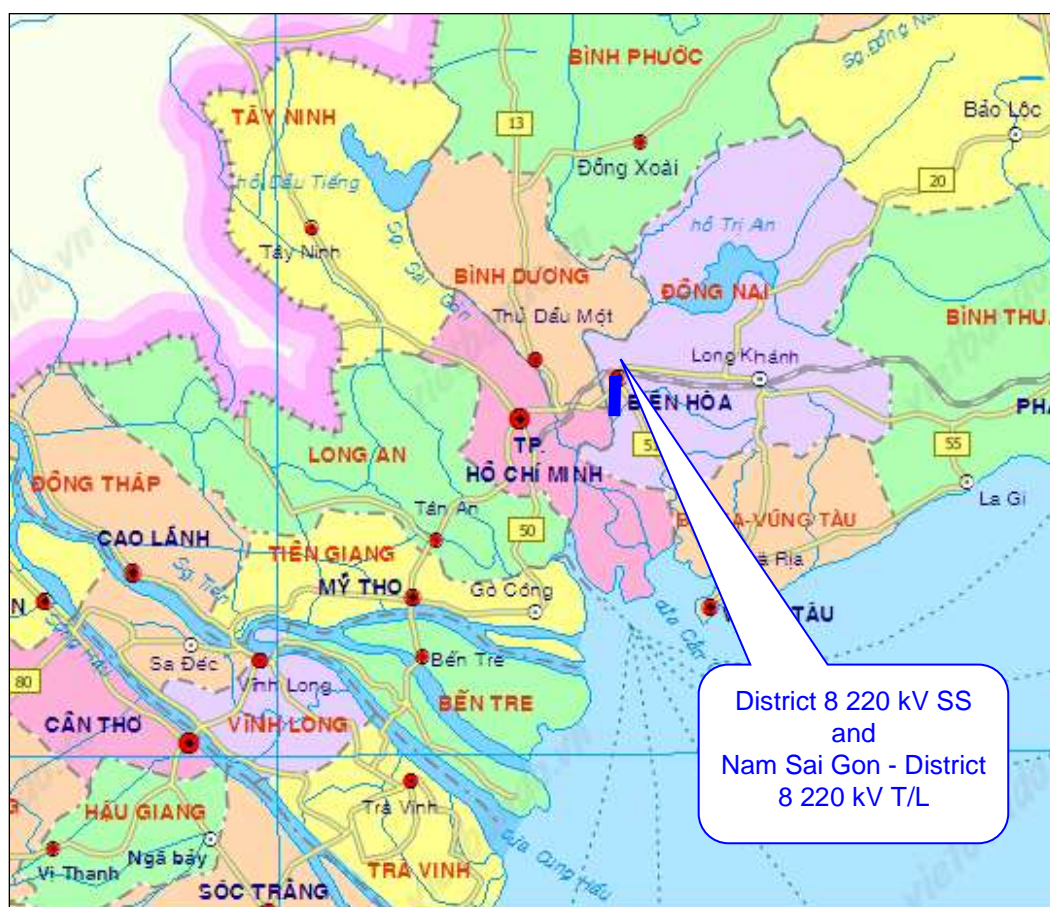


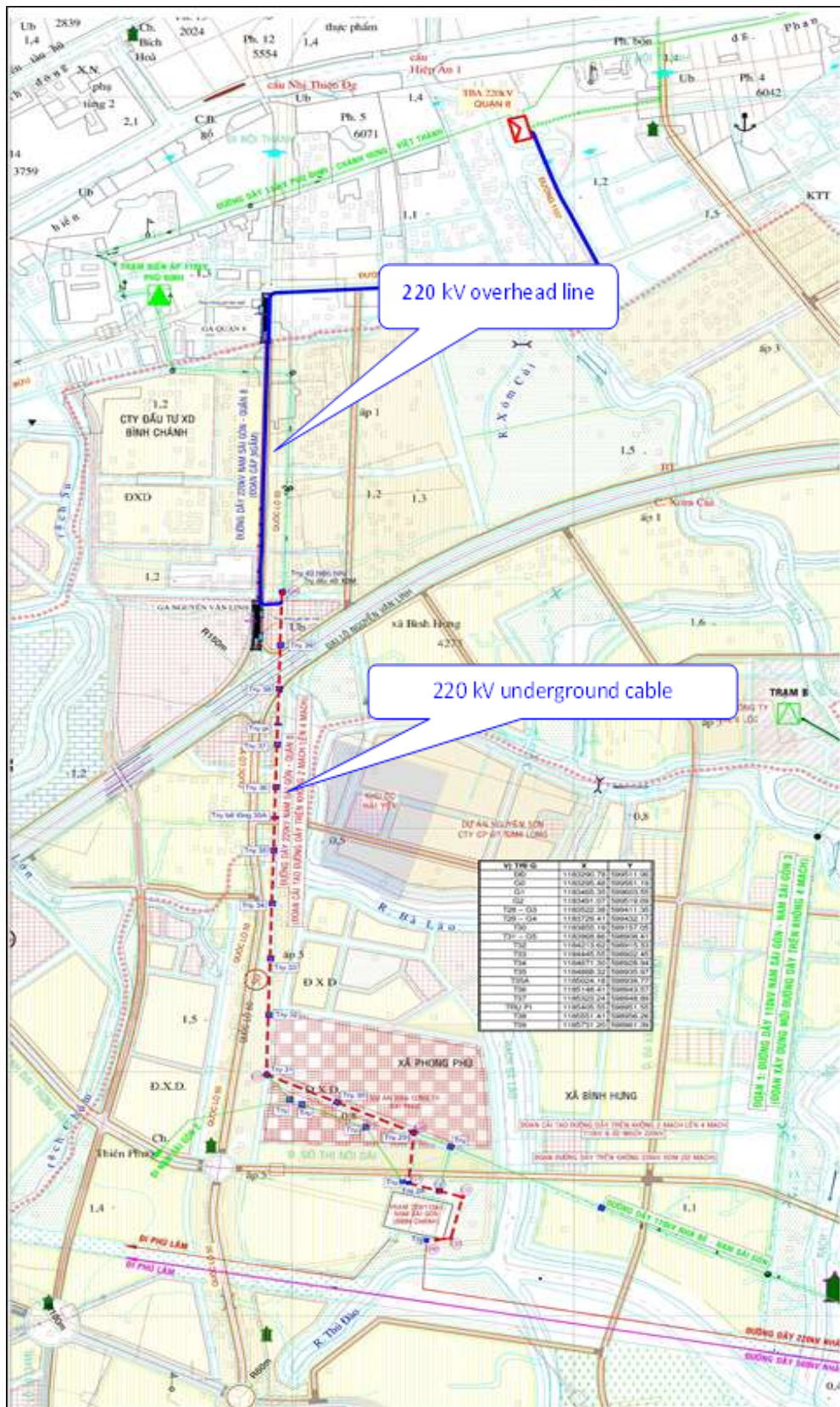
Table 2. Districts and Communes Affected by the Project

N°	City/ district/ commune	Item	Length (m)	Total area of permanently affected land (m ²)
1	Ho Chi Minh city			
1.1	District 8			
1.1.1	Ward 5	Substation		4,139.06
		Underground cable	2,200	5,500 (*)
1.2	Binh Chanh district			
1.2.1	Binh Hung commune	Underground cable	800	2,000 (*)
		Overhead line	820	285
1.2.2	Phong Phu commune	Overhead line	2,194	878
	Total		22,213	548,522

Source: PECC3, Nov. 2013.

Notes: (*) road land.

Figure 2. General Plan of the Project



2.3 Measures Taken to Minimise Impacts

2.3.1 Consultation and Participation

34. During the project preparation, HPPMB's consultant has conducted detailed survey on the project impacts and has also conducted consultations with local authorities and local people on the possible impacts caused by the project.

35. The proposed layout of the project is also displayed and discussed again in the respective resettlement plan community meetings.

36. The draft layout of project have been communicated by HPPMB to the relevant bodies, i.e. provincial, district and commune people's committees, provincial/ district/ commune cadastral services etc. for comments and public display. The valuable feedback of local authorities and affected persons were taken into account for design.

2.3.2 Measures taken to reduce negative impacts

Substation location and route selection

37. The project impacts mitigation measures have been scrutinised during the design stage, particularly for the substation location and route selection. Through the consultation results, substation location and line route were complied with the following principles:

- The substation location and routes selected are shortest possible. Such substation location and routes are relatively close to public roads/canals to avoid land acquisition for access roads and minimise cost during construction, operation and maintenance.
- The transmission line should avoid traversing or running close to the important projects (i.e. gasoline, explosive storages, radio stations), sensitive locations (i.e. historic and cultural assets) protected forests and areas with high trees.

38. HPPMB and its consultant have thoroughly studied different alternatives on map and at sites to select the optimal ones. Proposed substation location is the unexploited land area of Saigon Shipbuilding Industry Corporation. There are no households in the substation area.

39. Using the existing 110 kV transmission line which will be upgraded to 220/110 kV transmission line to ultimately use the existing RoW and the existing pole foundations so as to reduce project costs and the acquisition of local people's land.

40. Investing underground cables for transmission. The underground cables will go along the traffic road. This measure will minimise land acquisition and affected people.

Technical Solutions

41. Use single steel pile and insulator for overhead lines to minimise the width of the safety corridor (RoW). Steel towers are only designed and used in the anchor tower positions with angle $> 150^\circ$ and stop anchor tower.

42. Total pole foundations of overhead lines are 16 foundations including 13 existing foundations and three new ones. Besides, the project will use pile foundation for the single towers and plate foundation for the steel towers. Thus, reducing 1,978 m² compensation land in 13 existing foundations which reused from the existing 110 kV transmission line, there are only 4/13 tower foundations with area larger than the existing area. Details are as follows:

Table 3. Foundations of the Overhead Line

N°	Support/ anchor	New construction or renovation	Area of existing foundation	Area of new foundation	Reduced area	Area for compensatio n
			m ²	m ²	m ²	m ²
Tower 01	anchor	New construction	-	295	-	295
Tower 02	anchor	New construction	-	297	-	297
Tower 03	anchor	Renovation	365	493	365	128
Tower 04	anchor	Renovation	365	297	297	-
Tower 05	anchor	Renovation	365	297	297	-
Tower 06	support	Renovation	104	261	104	157
Tower 07	anchor	Renovation	365	303	303	-
Tower 08	support	Renovation	104	50	50	-
Tower 09	support	Renovation	104	50	50	-
Tower 10	support	Renovation	104	50	50	-
Tower 11	support	Renovation	104	50	50	-
Tower 12	support	Renovation	104	50	50	-
Tower 13	support	Renovation	104	125	104	21
Tower 14	anchor	Renovation	104	218	104	114
Tower 15	support	Renovation	104	50	50	-
Tower 16	anchor	New construction	104	254	104	150
Total			2,499	3,140	1,978	1,162

Source: PECC3, Nov. 2013.

2.3.3 Impact Mitigation Measures in Construction Stage

43. During the detail technical design, HPPMB and its consultant will reinvestigate the routes and make certain modification, if necessary, for optimal results.

44. The construction camps (if any) for workers in the construction period shall be located on the bare or public lands near. The camps shall not to be built in populated areas.

3.0 SCOPE OF LAND ACQUISITION AND RESETTLEMENT IMPACTS

3.1 Types of impact

45. According to ADB SPS (2009) and Viet Nam's regulations - the Decree N°106/2005/ND-CP dated 17 August 2005 and GOV Decree N°81/2009/ND-CP dated 12 October 2009 on safety protection of high voltage systems, and Circular N°03/TT-BCT dated 22 January 2010 of Ministry of Industry and Trade. The project will cause impacts as follows:

- Permanent land acquisition for substation, underground cable and tower foundations (new construction and extension).
- Relocation of houses, structures in permanent required land.
- Cutting trees, crops in permanent required land.
- Dismantling houses and structures in some existing tower foundations for construction activities.
- Cutting trees, crops in temporary required land for construction activities.
- Restricting usability of land/houses/structures in RoW for safety of the overhead line (extension corridor part).

- Require improvement and installing lightning arrestors for houses and structures in RoW of the overhead lines (extension corridor part) and ground connection corridor according to the Circular N°03/TT-BCT dated 22 January 2010 of Ministry of Industry and Trade.
(Note: The RoW is 10.5m in width from the centre of the route to two sides; ground connection corridor is 25 m in width from the outermost line to two sides.

46. Impacts of the project could be classified as below:

Table 4. Impact Types of the Project

N°	Types of impact	Entitled Persons
A.	Agricultural land	
A.1	<i>Permanently affected agricultural land</i>	
A.1.1	More than 10% or more of total productive landholding affected	Owners with land use rights certificates (LURC), owners in process of acquiring LURC, owners eligible to acquire LURC and public organisations
A.1.2	Less than 10% of total productive landholding affected	
A.2	<i>Impact on agricultural land in right-of-way (RoW)</i>	
A.2.1	Partially impact or totally impact	All affected households have land in RoW
B	Residential and/or non-agricultural land	
B.1	<i>Permanently affected residential and/or non-agricultural land</i>	
B.1.1	Loss of residential and/or non-agricultural landholding without houses and structures built thereon	Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC
B.1.2	Affected landholding exceeds area of land quota.	
B.1.3	Loss of residential land/or non-agricultural landholding with houses and structures built thereon.	
B.2	<i>Impact on residential and/or non-agricultural land in RoW</i>	
B.2.1	Partially impact or totally impact	All affected households have residential and/or non-agricultural land in RoW
C	Main houses and other structures	
C.1	<i>Dismantled houses and other structures</i>	
C.1.1	Totally or partially dismantled but the rest portion will not ensure the safety so the houses or structures will be removed and rebuilt.	All affected households have houses and structures which are dismantled
C.1.2	Partially dismantled but the rest portion will not affect the safety so the houses or structures don't have to remove.	
C.2	<i>Houses and other structures in RoW</i>	
C.2.1	Houses, structures affected due to location in RoW of the overhead line	All affected households have houses or structures in RoW
D	Annual and perennial crops, fruit and timber trees and tree/plant fences	
D.1	Loss of annual crops	Owners of crops and/or trees
D.2	Loss of perennial crops, fruit and timber trees and tree fences	

3.2 Impacts of the project

47. The IOL carried out during November 2013 identified a total of ten households (42 persons) and two affected institutions located in two communes and one ward that will be affected by the project.

48. There are five households and one institution (state owned ship-building company) that will lose land on a permanent basis and three of these households will have more than one impact along with an additional five households that will have more than one impact. Please refer to Annex 1–Inventory of affected households for details.

3.2.1 Impacts on land

a. Permanently affected land for substation and tower foundations

49. A total of five households and one institution will lose land on a permanent basis. The total estimated permanently affected land is 5,301.06 m², in which 4,139.06 m² (78.08%) belongs to one institution and 1,162.00 m² (21.92%) belonging to five affected households. Each of the five affected households may lose residential land or agricultural land.

b. Affected land in RoW

50. Total estimated affected land in RoW is 4,272.00 m² of 46 households, including residential land area of 1,752.00 m² (41.01%) and agricultural land area of 2,525.00 m² (58.99%).

51. For lands required by the project for construction of substation and tower foundations and RoW, the affected households will be entitled to full compensation and allowances in conformity with the project policy.

Table 5. Distribution of Affected Land of Affected Households

N°	Province	District	Commune/ward	Unit	Residential land	Agricultural land	Specialised land	Total
A	Permanent impact			household	3	2	-	5
				m ²	285	877	-	1,162
1	Ho Chi Minh city	BinhChanh	PhongPhu	household	-	2	-	2
m ²				-	877	-	877	
2		Binh Hung	household	3	-	-	3	
			m ²	285	-	-	285	
		District 8	Ward 5	household	-	-	-	-
				m ²	-	-	-	-
				m ²	-	-	4,139.06	4,139.06
Total				m ²	285	877	4,139.06	5,301.06

Source: PECC3, Nov. 2013.

Note: 1 household may fall into more than 1 impact type.

52. There are five households that will lose land permanently for tower foundations: four affected households with less than 10% of their total land area lost and one affected household with between 10 and 30% of their total land area lost. There are no affected households with more than 30% of their total land area.

53. There is one institution (Shipbuilding Company) that will lose a portion of its land on a permanent basis. This affected institution will lose less than 10% of total landholdings on site.

Table 6. Distribution of affected households by Percentage of Permanently Affected Land

Province/ district/ commune	< 10%	10-30%	>30%	> 70%	Total
	household	household	household	household	household
Ho Chi Minh city					
Binh Chanh district					
- Phong Phu commune	1	1	-	-	2
- Binh Hung commune	3		-	-	3
District 8					
- Ward 5	-	-	-	-	-
Total	4	1	-	-	5

Source: PECC3, Nov. 2013.

54. The ten affected households were interviewed for the socio-economic survey (SES) in November 2013. The average productive land (i.e., crop land; garden land and fish pond) of the affected households prior to the project is 2,416 m² (for agricultural households). Likewise, the average residential land without the project is about 176 m².

Table 7. Average Landholding of Affected Households

Province/ district/ commune	Residential land	Agricultural land	Total
Ho Chi Minh City			
Binh Chanh district			
- Phong Phu commune	197	2,852	503
- Binh Hung commune	148	1,763	319
District 8			
- Ward 5	-	-	-
Total	176	2,416	426

Unit: m²/household

Source: PECC3, Nov. 2013.

55. All affected households are Kinh and are in possession of Land-use rights certificates (LURCs).

3.2.2 Impacts on houses, structures and facilities

a. Physically impacted house, structures and facilities

56. In order to build the substation and tower foundations for the overhead line, table below summarises these impacts:

Table 8. Affected Physical Structures

Province/ district/ commune	Grade 4		Grade 5		Note	Relocation
	Total area (m ²)	Dismantled area (m ²)	Total area (m ²)	Dismantled area (m ²)		
Binh Chanh district						
1. Phong Phu commune						
Nguyễn Ngọc Sơn	-	-	48	48	Kitchen	None
Đình Văn Dậu	-	-	24	24	Kitchen	None
2. Binh Hung commune						

NguyễnThịHoa	6	6	-	-	Bathroom	None
NguyễnThịVân	-	-	32	32	Iron fence	None
DươngHòThùyTrang	636.5	100	-	-	Guest house	None
NguyễnThịTài	-	-	16	16	Cement yard	None
TrầnVânMười	-	-	85.5	85.5	Garage	None
NguyễnThanhLâm	-	-	80	36	House	None
Total	-	106	-	241.5		None

Source: PECC3, Nov. 2013.

Notes:- Grade 4 (brick wall, tiled/metal roof)
- Grade 5 (metal wall, metal roof)

57. The affected company was also interviewed during November 2013 as part of the SES.

Table 9. Dismantled House, Structures of Affected Institutions

Province/ district/ commune	Vehicle repair house ⁽¹⁾		Vehicle keeping house ⁽²⁾		Internal road	Wall fence	Relocation
	Amount (unit)	Area (m ²)	Amount (unit)	Area (m ²)	m	m ²	
District 8							
1. Ward 5							
shipbuilding corporation	-	-	-	-	-	149	None
company	1	360	3	1,410	1,958	-	Yes
Total	1	360	3	1,410	1,958	149	1

Source: PECC3, Nov. 2013.

Notes:

- ⁽¹⁾: metal wall, metal roof.

- ⁽²⁾: no wall, metal roof.

3.2.3 Impacts on crops and trees

58. The project will not impact on trees and crops.

3.2.4 Vulnerable groups

59. The IOL identified that there is not any affected household living under the poverty threshold (according to the national poverty standard).

60. In addition, the IOL survey found four households that are headed by women and one of these households will be severely affected.

61. There is no ethnic minority households affected by the project.

62. These enumerated households will be given additional allowance according to the project policy, and are entitled to participate in the Income Restoration Programme.

3.2.5 Business and income source

63. Land acquisition for substation construction will impact one business and 25 employees will be rendered unemployed although the company states that if it can find a suitable relocation site it will re-employ all or most of these 25 employees.

3.2.6 Summary of impacts

64. Table below gives a summary of the affected assets and other adverse social impacts of the project.

Table 10. Summary of Impacts

N°	Items		Unit	Total	affected households or inst.
I	AFFECTED ASSET				
1	Land				
1.1	Permanent land acquisition				
	affected households	Residential land	m ²	285	3
		Agricultural land	m ²	877	2
	Affected institutions	Specialised land	m ²	4,139.06	1
1.2	Affected land in RoW				
	affected households	Residential land	m ²	1,752	43
		Agricultural land	m ²	2,520	2
	Affected institutions	Specialised land	m ²	-	-
2	Houses, structures and facilities				
2.1	Dismantled house, structures and facilities				
	affected households	Kitchen (metal wall, metal roof)	m ²	72	2
		Bathroom (brick wall, metal roof)	m ²	6	1
		Iron fence	m ²	32	1
		Guesthouse (brick wall, metal roof)	m ²	100	1
		Cement yard	m ²	16	1
		Garage (metal wall, metal roof)	m ²	85.5	1
		House (metal wall, metal roof)	m ²	36	1
	Affected institutions	Vehicle repair house	m ²	360	1
		Vehicle keeping house	m ²	1,410	
		Internal road	m ²	1,958	
		Wall fence	m ²	149	
2.2	Houses and structures affected in RoW				
	affected households	Houses, structures Cat.4	m ²	4,443.2	38
		Houses, structures Cat.5	m ²	32	1
II	ALLOWANCES				
	1	Economic rehabilitation package (for severely affected persons, displaced from housing or losing 10 percent or more of their productive land)			
		Losing from 10 to 30% of land	Per.	7	2

N°	Items	Unit	Total	affected households or inst.
	<i>holding</i>			
	<i>Losing more than 30% to 70% of total landholding</i>	<i>Per.</i>	-	-
	<i>Losing more than 70% of total landholding</i>	<i>Per.</i>	-	-
2	Special allowance for social and economically vulnerable households			
	<i>Women headed household</i>	<i>Per.</i>	44	10
	<i>Household head with disability</i>	<i>Per.</i>	-	-
	<i>Severely affected household</i>	<i>Per.</i>	7	2
	<i>Elderly household heads</i>	<i>Per.</i>	15	3
	<i>Poor household</i>	<i>Per.</i>	-	-
3	Losses on business and job			
	Out of business	<i>Inst.</i>	1	-
	Lose job	<i>Per.</i>	25	-

Source: PECC3, Nov. 2013.

4.0 SOCIO-ECONOMIC INFORMATION AND PROFILE

4.1 Methodology used in socio- economic survey

65. The SES was carried out in November 2013. The SES was done covering 100% of the project affected 10 households. The survey team covered households within the RoW and substation area. The team also carried out in depth interviews with other leaders and representatives of the affected communes on their socio-economic conditions and obtained additional detailed information on their opinion with regard to relocation and income restoration.

4.2 Profile of the project area

66. As mentioned in Section 1, the project will pass through Binh Chanh district and District 8 of HCMC. A total of two communes and one ward will be affected by the project.

67. Based on the source from interviews, the total households of the two communes and one ward numbers 38,815, of which 71 or 0.18% are from ethnic minority backgrounds (primarily Khmer). Table below contains the population data for the three project communes/ward.

Table 11. Population by Gender, Ethnicity

No.	Province/ District/ Commune	Total Population			Ethnic Minority Population	
		Total of households (household)	Total of persons (Per.)	Female (Per.)	Total of households (household)	Total of persons (Per.)
I	Ho Chi Minh city					
1.1	Binh Chanh district					
1.1.1	Phong Phu commune	14,867	61,298	31,323	40	168
1.1.2	Binh Hung commune	15,343	67,240	34,023	17	74
1.2	District 8					

No.	Province/ District/ Commune	Total Population			Ethnic Minority Population	
		Total of households (household)	Total of persons (Per.)	Female (Per.)	Total of households (household)	Total of persons (Per.)
1.2.1	Ward 5	8,605	34,765	18,113	14	56
	Total	38,815	163,303	83,459	71	298

Source: interviewed staff of Commune People's Committees, Nov. 2013.

68. The aggregate land area of the two communes and one ward is 34.047 km². The Phong Phu commune has a bigger land area but smaller population relative to the other administrative entities affected by the project. In 2013, the average population density in Phong Phu commune is 3,277 persons/km², 4,899 persons/km² in Binh Hung commune while that of Ward 5 is 21,411 persons/km² according to the official data collected as part of the SES. According to DOLISA data and W/CPC data and interviews, Phong Phu commune has the highest poverty rate (3.67%) in comparison to other communes that will be affected by the project.

4.3 Profile of the affected households

69. A total of ten affected households and two institutions have been inventoried for the IOL. The names of all land owners have been identified by co-operation and help of local authorities. These households and institutions will also be identified once again during the DMS by the DCARBs after the project is approved by GOV and ADB.

70. Of the total ten affected households and two institutions, there are four affected households from Phong Phu Commune; Binh Chanh District; and six affected households from Binh Hung Commune; Binh Chanh district; and two institutions (100%) from Ward 5, District 8.

71. The following sections provide an overview of the socio-economic condition of the affected households.

Table 12. Total Number of Affected Households Covered in the SES

No.	Province/ District/ Commune	Total Households	Government Entities of Business Enterprises
I	Ho Chi Minh city		
1.1	Binh Chanh district		
1.1.1	Phong Phu commune	4	
1.1.2	Binh Hung commune	6	
1.2	District 8		
1.2.1	Ward 5		2
	Total	10	2

Source: PECC3, November 2013.

Note: The project only impacts to 2 institutions belonging to ward 5. The project does not impact on any household in ward 5.

4.3.1 Educational Attainment of Affected Household Heads

72. Of the four female affected households, one has completed primary schooling; two have completed secondary schooling and one high school. Of the six male affected households, one has completed primary school, three have completed secondary schooling and two have completed high school.

4.3.2 Main Occupation of affected household heads

73. Of four female headed-households, three are engaged in small business activities and only one is largely involved with home-based activities. Of the six male headed households, three are involved in agriculture and three in small business activities as their major income-generation activity.

4.3.3 Monthly Income of affected households

74. No affected households have per capita income per person of less than VND 1,000,000 per month. Over one-third (34.6%) have monthly per capita incomes of between VND 1,000,000 and VND 2,000,000 and the other 65.4% monthly per capita incomes between VND 2,000,000 and VND 5,000,000. More than half (53.8%) have monthly per capita expenditure is excess of VND 1,000,000 and less than VND 2,000,000 while the remained have monthly per capita expenditures in excess of VND 2,000,000 but less than VND 5,000,000.

4.3.4 Health and sanitation

75. All affected households state that they have access to piped water supplied by the Ho Chi Minh Water Supply Company, solid waste is disposed by urban environmental companies and all affected households have flush toilets. Major illnesses reported in the past 12 months include upper respiratory tract infections primarily coughs and colds and in rarer instances influenza.

4.3.5 Sources of energy used for lighting and cooking

76. All affected households report using electricity supplied by EVN HCMC but all report using liquefied petroleum gas for cooking purposes.

4.4 Gender strategy

4.4.1 Gender

77. According to SES of the total number of affected persons women constitute 42% of all affected persons. The average number of members in each household is 4.11.

Table 13. Distribution of Affected Persons by Gender

No.	Province/ District/ Commune	Male	Female	Total persons	No. of household	Average/household
I	Ho Chi Minh city					
1.1	Binh Chanh district					
1.1.1	Phong Phu commune	11	08	19	04	4.75
1.1.2	Binh Hung commune	13	10	23	06	3.83
1.2	District 8					
1.2.1	Ward 5	-	-	-	-	-
	Total	24	18	42	10	4.20

Source: PECC3, November 2013.

Note: The project does not impact on any household in ward 5.

78. The SES had determined that of the ten affected households there are no ethnic minority women.

a. Government and ADB Policies on Gender

79. The government recognises women as equal to men under the law and constitution of Viet Nam. GOV has no specific policy to promote gender issues in the country, although Women's Unions generally exist at every level of government.

80. ADB's Policy on Gender and Development adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate and that their needs are explicitly addressed in the decision-making process for development activities.

b. Strategy to Address Gender Issues

81. The project, when applicable, includes the following specific actions to address gender issues for households affected by land acquisition:

- The CARB will include representatives of the Viet Nam Women's Union (VWU) at district level, while the commune level resettlement committees will include representatives from the VWU at commune and ward level. At least one affected female and male will be members of the CARB.
- During resettlement plan updating, a capacity building training programme/workshop on resettlement activities will be designed for the women and men commune officials, and women and men from affected households to orient them about resettlement plan updating and implementation of resettlement activities. Participation of poor women, female headed households and ethnic minority women (if applicable) in the training will be ensured. Training will also include representatives from government line agencies and representatives from the VWU at commune and village level and other mass organisations including the Fatherland Front, War Veterans Association, Farmers Association and Youth Union.
- The capacity building training/workshop will include information on resettlement activities, compensation procedures, entitlement, management of compensation money, and grievance procedures. The objective of the training is to provide affected communities with understanding of resettlement issues and better access to compensation resources and information on grievance procedures. The training will be arranged in a suitable time for women, especially for poor women and ethnic minority women (if applicable), to ensure their participation.
- The capacity building training on resettlement issues will be conducted separately for men and women.
- In conducting the DMS, both women and men will participate in discussions related to land acquisition issues.
- Compensation money will be given to both men and women from the affected households;
- Specific attention will be provided to the women headed households on timely compensation and providing input for developing relevant livelihood activities;
- Joint registration of land rights in the names of husband and wife in instances where land is acquired and compensation is made by land;
- Sensitisation training on gender and resettlement will be provided to relevant personnel of HPPMB, DCARBs, VWU and other relevant mass organisations for effective planning of resettlement activities which is beneficial for men, women and children.
- Disaggregated monitoring indicators by gender will be developed for monitoring on capacity development training programme, livelihood programme, resettlement committee and relevant resettlement activities.

4.4.2 Vulnerable groups

82. The project resettlement policy recognises specific group of affected households as vulnerable, which includes: women-headed households without high dependency rates, those classified as poor and other vulnerable affected households such as those consisting primarily of elderly people and otherwise vulnerable (e.g. physically or intellectually impaired). During SES and IOL, no affected household was identified as having a monthly per capita income of less than VND 1,350,000.

83. Likewise, the IOL has found two male-headed and one female-headed who are within and over the retirement age as prescribed by government. Under the law, men and women that are within the ages of 60 and 55 years or older respectively, are considered as retired and under the project Resettlement Policy are classified as among the vulnerable groups and are also entitled to additional support.

5.0 INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

84. Participation provides for the occasion and the process by which stakeholders influence and become co-responsible for development initiatives and decisions that affect them. Through participation, the needs and priorities of the local population are expressed and can be addressed in project and resettlement planning. The affected households and other stakeholders will continue to be consulted during resettlement plan updating and implementation, following a two-way process-information dissemination and gathering of feedback and suggestions.

5.1.1 Public Consultations

85. During preparation of the project and this resettlement plan, HPPMB and its consultant paid great attention and efforts on public, stakeholder's consultation. In late October and November 2013, different consultation activities were facilitated with participation of (i) local authorities of different levels; (ii) local community and groups of affected households; and (iii) local mass organisations, especially VWU, Veterans Association and Fatherland Front Committee.

86. Stakeholder consultation was aimed to inform on the proposed project, seek support from local authorities, affected people and local population, consult on mitigation measures, assess the scale of resettlement impacts, types and levels of losses, define appropriate or relevant resettlement strategies and prepare an action plan with description of detailed affected persons entitlements.

87. The methods adopted for project information and public consultation included group and focus discussion, public meetings, key informant interviews and household's socio-economic survey. The information gathered from the consultation process has been used for assessing project resettlement impacts and clarifying recommended measures mitigating potential negative resettlement impacts on local population.

88. Table below presents the date of the public consultations, number of people attended and the type of information provided to affected persons and various stakeholders. Public consultations were held in October and November 2013 at People's Committee of affected communes and ward.

Table 14. Public Consultation

No.	Commune	Date	Participant	Predominant feedback related to resettlement
1	- Ward 5 - Dist. 8 - HCMC	31 Oct 2013	11	- Affected institution (structures or works dismantled): because it is at small business so it needs to be assisted to displace business and properties. - For workers, they need to be compensated for their income losses due to business stop.

No.	Commune	Date	Participant	Predominant feedback related to resettlement
				- Shipbuilding company will gather documentation to support the costs of compensation and investment on land.
2	- Phong Phu commune - Binh Chanh Dist. - HCMC	31 Oct 2013	20	- Lands in RoW have not been supported yet from the previous projects, does the current project owner support these households? - Houses in RoW were given assistance from the previous projects. With this project, do households entitle to receive support to ensure safe? - Are houses in RoW allowed to repair? - Compensation unit price for dismantled houses and structures has to satisfactory.
3	- Binh Hung commune - Binh Chanh Dist. - HCMC	01 Nov2013	24	- Suggest that distribution of information materials for affected people. - Compensation for losses during the construction phase. - Distribution of the legislation documents about the land-use permission in the safety corridor. - Need to take measures to ensure that the tower excavation will not affect the neighbouring households. It needs to compensate for losses If any.

Source: PECC3, November 2013.

5.1.2 Disclosure of resettlement plan

89. A public information booklet (PIB) was prepared and distributed to the affected households at the Public Consultations. The following information are provided in the PIB: (i) a brief background of the project, specifically the civil works to be undertaken and the adverse social impacts; (ii) IOL results; (iii) basis used for asset valuations; (iv) the entitlements due to the affected households; (v) timing of payments and the schedule of displacement; (vi) grievance redress mechanism; and (vii) contact persons at HPPMB and concerned local authorities. With regard to disclosure of the draft resettlement plan, key information of the plan has already been disclosed to the EVN HCMC, DPCs, in which Resettlement Impacts, Mitigation Measures, Compensation and Rehabilitation was present. The results of the consultation meetings which focused on alternative livelihoods are discussed in detail in Chapter 9, a copy of the resettlement plan, also translated in Vietnamese, will be placed in the provincial, district and communal offices. Similarly, the draft resettlement plan will be uploaded on the ADB website following approval of the draft resettlement plan by EVN HCMC and ADB.

90. Disclosure of the updated resettlement plan to EVN HCMC, DPCs, will be carried out prior to its submission to ADB for review and approval. Key information in the updated resettlement plan to be disclosed to the displaced persons, will include (i) compensation, relocation and rehabilitation options; (ii) DMS results; (iii) detailed asset valuations; (iv) entitlements and other benefits; and (v) grievance redress procedures. This will again be disclosed to the affected households and uploaded on the ADB website. The information will be made publicly available in commune offices and provided to the displaced persons in the form of a summary resettlement plan. Monitoring reports will also be uploaded on ADB website.

6.0 GRIEVANCE REDRESS MECHANISMS

91. In order to ensure that all affected persons' grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to affected persons to air their grievances, a well-defined grievance redress mechanism needs to be established. All affected persons can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition, resettlement, allowance and income restoration. Otherwise, all affected persons are not ordered to pay any fee during the grievance and complaints at any level of trial and court. Complaints will pass through 4 stages before they could be elevated to a court of law as a last resort.

- **First Stage, Commune People's Committee:** An aggrieved affected household may bring his/her complaint before any member of the Commune People's Committee (CPC), either through the village chief or directly to the CPC, in writing or verbally. It is incumbent upon said member of CPC or the village chief to notify the CPC about the complaint. The CPC will meet personally with the aggrieved affected household and will have 15 days following the lodging of the complaint to resolve it. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.
- **Second Stage, District People's Committee:** If after 15 days the aggrieved affected household does not hear from the CPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing or verbally, to any member of the District People's Committee (DPC) or the DCARBs. The DPC in turn will have 30 days following the lodging of the complaint to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles and will inform the DCARBs of any determination made. The DCARBs must ensure this decision is notified to the affected person.
- **Third Stage, HCMC People's Committee:** If after 30 to 45 days the aggrieved affected household does not hear from the DPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing or verbally, to any member of the HCMC People's Committee. The HCMC People's Committee has 45 days within which to resolve the complaint to the satisfaction of all concerned. The HCMC People's Committee is responsible for documenting and keeping file of all complaints that reaches the same.
- **Final Stage, the Court of Law Arbitrates:** If after 45 days following the lodging of the complaint with the HCMC People's Committee, the aggrieved affected household does not hear from the HCMC People's Committee, or if he/she is not satisfied with the decision taken on his/her complaint, the case may be brought to a court of law for adjudication. Decision by the court will be the final decision.

92. The above grievance redress mechanism is subject to be disclosed and discussed with the affected persons to ensure that the affected persons understand the process. HPPMB and DCARBs are responsible to follow up the grievance process from the affected persons.

7.0 LEGAL FRAMEWORK

93. The legal and policy framework for addressing the adverse social impacts of the project is provided by relevant policies and laws of Viet Nam and of the ADB. The EVN HCMC has reconciled the provisions from Safeguard Requirements 2 of the ADB SPS (2009) and other cross-cutting policy themes of ADB, and the relevant laws of the GOV, from where the legal and policy framework for the compensation, resettlement and rehabilitation of affected persons were formulated. The framework is consistent with the governing policies of the RPF concurred by ADB and EVN HCMC that will be applied for all core and no-core projects of this Power Grid Development Sector Project.

7.1 Asian Development Bank Policy

94. The aim of ADB Policy on Involuntary Resettlement is to avoid or minimise the impacts on people, households, businesses and others affected by the acquisition of land and other assets, including livelihood and income, in the implementation of development project. Where resettlement is not avoidable, the overall goal of the ADB policy is to help restore the living standards of the affected people to at least their pre-project levels by compensating for lost assets at replacement costs and by providing, as necessary, various forms of support.

7.1.1 Safeguards Requirement 2: Involuntary Resettlement

95. The guiding principles on ADB's policy on Involuntary Resettlement are prescribed in Safeguard Requirements 2 of the ADB SPS (2009). The objectives are to: (i) avoid involuntary resettlement wherever possible; (ii) minimise involuntary resettlement by exploring project and design alternatives; (iii) enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and (iv) improve the standards of living of the displaced poor and other vulnerable groups.

96. The involuntary resettlement requirements apply to full or partial, permanent or temporary physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) resulting from (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. Resettlement is considered involuntary when displaced individuals or communities do not have the right to refuse land acquisition that result to displacement. This occurs in cases where (i) lands are acquired through expropriation based on eminent domain; and (ii) lands are acquired through negotiated settlements, if expropriation process would have resulted upon the failure of negotiation.

97. Projects financed by ADB, including associated facilities that are financed by the government or other sources, are expected to observe the following policy principles:

- Screen early to identify involuntary resettlement impacts and risks and determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- Carry out meaningful consultations with displaced persons, host communities, and concerned non-government organisations. Inform all displaced persons of their entitlements and resettlement options and ensure their participation in various stages of the project especially vulnerable and poor groups. Establish a grievance redress mechanism to receive and facilitate resolution of the displaced persons' concerns. Support the social and cultural institutions of displaced persons and their host population.
- Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation, assistance at replacement value for land when the loss of land does not undermine livelihoods; (ii) prompt replacement of assets with access to assets of equal or higher value; (iii) prompt compensation, assistance at full replacement cost for assets that cannot be restored; and (iv) additional revenues and services through benefit sharing schemes where possible.
- Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or

employment opportunities; and (iii) civic infrastructure and community services, as required.

- Improve the standards of living of the displaced poor and other vulnerable groups, including women head of households, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- Ensure that displaced persons without titles to land or any recognisable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- Disclose both the draft and final resettlement plan in a form and language understandable to displaced persons and other stakeholders.
- Conceive and execute involuntary resettlement as part of a development project or programme. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

98. Calculation of full replacement cost will be based on the following elements: (i) fair current market value at the time of compensation, (ii) transaction costs, (iii) interest accrued, (iv) transitional and restoration costs, and (v) other applicable payments, if any. In the calculation, depreciation of structures will not be taken into account. It is expected that qualified and experienced experts will undertake the valuation of acquired assets.

99. Persons or households without formal legal rights nor recognised or recognisable claims to the acquired land are still entitled to be compensated for their loss of assets other than land, such as dwellings or other improvements on the land at full replacement cost, provided that they have occupied/used the land or structures in the affected land prior to the cut-off date.

7.1.2 Other ADB's Cross-Cutting Policy Themes

100. The Bank's other cross-cutting policy themes consist of: (i) **Gender and Development (1998)** which adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate and that their needs are explicitly addressed in the decision-making process for development activities; (ii) **Public Communications Policy (2011)** that seeks the active participation of affected people and other stakeholders during the development and review of safeguard policies on ADB-assisted programs and projects. The project executing agency shall make available the resettlement plan to affected people, consistent with ADB's OM Section F1/OP (March 2010); and (iii) **Accountability Mechanism (2012)** which is part of ADB's continued efforts to enhance its capacity in responding to and/or resolving the problems associated with the implementation of its policies in all programs or

projects it assists. It consists of a consultation phase and a compliance review phase, by which the problems or issues raised by the affected people and/or stakeholders are investigated and resolved.

7.2 Regulations of Viet Nam Government on Resettlement

a. Laws:

- The 2003 Land Law N°13/2003/QH11 passed by the National Assembly dated 26 November 2003.

b. Government Decrees

- GOV Decree N°197/2004/ND-CP dated 3 December 2004 on compensation, assistance, rehabilitation and resettlement in the event of land recovery by the State.
- GOV Decree N°188/2004/ND-CP dated 16 November 2004 on methods for defining prices and price framework of various types of land when land recovered by the State.
- GOV Decree N°81/2009/ND-CP dated 12 October 2009 on amendment and adjustment some articles of the Decree N°106/2005/ND-CP dated 17 August 2005.
- GOV Decree N°69/2009/ND-CP dated 13 August 2009 on additional provisions on land use planning, land prices, land acquisition, compensation, support and resettlement.
- GOV Decree N°123/2007/ND-CP dated 27 July 2007 on adjustment and supplementation of articles of the Decree N°188/2004/ND-CP dated 16 November 2004.
- GOV Decree N°84/2007/ND-CP dated 25 May 2007, supplementary stipulations on issue of LURC, land acquisition, land use right implementation, procedure of compensation, assistance in the event of land recovery by the state and grievance redress.
- GOV Decree N°38/2013/ND-CP date 23 April 2013 on the management and use of ODA.
- GOV Decree N°17/2006/ND-CP dated 27 January 2006 on adjustment and supplementation of decrees on implementation guidelines of Land Law.
- GOV Decree N°106/2005/ND-CP dated 17 August 2005 on safety protection of high voltage systems.
- GOV Decree N°81/2009/ND-CP on amendment and adjustment some articles of Decree N° 106/2005/ND-CP.

c. Circulars

- Circular N°14/2009/TT-BTNMT dated 10 January 2009 of the Ministry of Natural resources and Environment on compensation, assistance, resettlement, and sequence and procedures of land acquisition, land delivery and land lease.
- Circular N°14/2008/TTLT/BTC-BTNMT dated 31 January 2008 of the Ministry of Natural resources and Environment and the Ministry of Finance guiding some articles of Decree N°84/2007/ND-CP.
- Circular N°69/2006/TT-BTC dated 2 August 2006 amending and supplementing the Finance Ministry's Circular N° 116/2004/TT-BTC which guides the implementation of the Government's Decree N° 197/2004/ND-CP on compensation, support and resettlement upon land recovery by the State.
- Circular N°116/2004/TT-BTC dated 7 December 2004 of the Ministry of Finance guiding the implementation of Decree N°197/2004/ND-CP.
- Circular N°114/2004/TT-BTC dated 26 November 2004 of the Ministry of Finance guiding the implementation of Decree N°188/2004/ND-CP dated 16 November 2004 on methods for defining prices and price framework of various types of land when land recovered by the State.

d. Current decisions of Ho Chi Minh City

- Decision N°35/2010/QĐ-UBND dated 28 May 2010 of Ho Chi Minh City People's Committee promulgated regulations on compensation, support and resettlement when land requisitioned by the State in Ho Chi Minh City.
- Decision N°61/2012/QĐ-UBND of HCMC People's Committee dated 22 December 2012 on promulgating the applicable land prices in HCMC.
- Decision N°66/2012/QĐ-UBND of HCMC People's Committee dated 28 December 2012 on promulgating the standard tariff of investment capital rate of construction works in Ho Chi Minh City.

101. The Constitution of the Socialist Republic of Viet Nam (2013) confirms the right of citizens to own and protect the ownership of a house. In addition, the Government has enacted a number of laws, decrees and regulations that constitute the legal framework for land acquisition, compensation, assistance and resettlement. The principal documents include: the Law on Land of 2003, providing Viet Nam with a comprehensive land administration law; Decree N° 197/2004/ND-CP, Decree N°188/2004/ND-CP, Decree N° 17/2006/NĐ-CP, Decree N° 84/2007/ND-CP, Decree 123/2007/ND-CP, and Decree N° 69/2009/ND-CP.

102. Laws, decrees and decisions relevant to public disclosure of information include the Law on Land, N° 13/2003/QH11, Article 39, requiring disclosure of information to the displaced persons prior to recovery of agricultural and non-agricultural lands of a minimum of 90 and 180 days minimum respectively. Ministry of Natural Resources and Environment also issued Circular N°14/2009/TT-BTNMT on the allocation of new residential land or a resettlement house or monetary compensation for displaced persons that need to relocate and granting authority to People's Committees to determine whether certain structures built after 1 July 2004 violated approved land use.

103. Decrees relevant to Detailed Regulations and Guidelines on some articles implementation in Electricity Law on safety protection for high voltage power network. That is Decree N°106/2005/ND-CP, and Decree N°81/2009/ND-CP on amendment and adjustment some articles of Decree N° 106/2005/NĐ-CP.

104. At the local level, the provinces issued decisions consolidating Decree 69/2009/ND-CP and other legal documents relevant to planning and implementation of resettlement at the provincial level. The Provincial Decisions stipulates that compensation for land shall be at the market rate following the provincially regulated price-frame, which is issued each January, and provides for assistance/allowances for relocation, livelihood and production stabilisation as well as occupational training and other changes.

7.3 Discrepancies between regulations of Government and ADB Policies

105. There is basic congruence between Viet Nam's laws and ADB's Resettlement Policy especially with regard to the entitlement of persons with legal rights/titles. Existing legislation provides guidance in (i) determining market/replacement rates and payment of compensation, assistances for various types of affected assets; (ii) options for land-for-land and cash compensation assistance; (iii) provision of relocation assistance and support to displaced households during the transition; (iv) provision of resettlement land and housing with secure tenure; (v) additional assistance for severely affected and vulnerable households; (vi) assistance to livelihood restoration and training; and (vii) notification/disclosure, consultation, and grievance mechanisms.

106. However, ADB Policy does not consider the absence of legal rights of affected persons on the acquired land as an impediment to receiving compensation for other assets and for rehabilitation assistance. Non-registration of an affected persons' business also does not bar them from being assisted in restoring their business.

107. Provisions and principles adopted in this project will supplement the provisions of relevant decrees currently in force in Viet Nam wherever a gap exists, consistent with Decree N°38/20B/ND-CP which provides that in case of “discrepancy between any provision in an international treaty on ODA, to which the Socialist Republic of Viet Nam is a signatory, and the Vietnamese Law, the provision in the international treaty on ODA shall take precedence” (Article 46, Item 1).

108. Key differences between ADB Resettlement Policy and Viet Nam’s resettlement legislation, and policy of the project are outlined in the table below.

Table 15. Discrepancies between Decree 197/2004/ND-CP, Decree 69/2009/ND-CP and ADB Safeguard Policy Statement

	197/2004/ND-CP, 69/2009/ND-CP	Revised ADB Policy	Project Policy
Severely impacted affected persons losing productive land	Decree 69, Art 20: For significantly impacted affected persons, livelihood restoration measures cut in when affected person loses at least 30% of productive agriculture land.	The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating).	Losing 10% or more of the household’s assets shall be considered as threshold.
Compensation for lost land	Article 9, Decree 197: The compensation rates for land shall be determined by the PPC in accordance with the Government regulations for the type of land which has been used for at the time of land acquisition. Decree 69, Art 11, Art 16: Compensation is land for same-use land or if not available the affected person can be compensated in cash based upon the market transfer price of such land at the time of the decision to acquire. Compensation limited to the allowable land quota, unless land over limit due to inheritance or legally transferred from other persons, or unused land developed according to the land use plan approved by the authorities. If not, compensation only for improvements on that land.	Land based livelihoods restoration based upon land based strategies where possible, or cash compensation at replacement value provided loss of land does not undermine livelihoods for those with legal rights to land. Provide adequate and appropriate replacement land. If land not available non-land based options built around opportunities for employment, self-employment should be provided in addition to cash compensation for land and non-land assets lost.	Where appropriate land-based compensation is not viable replacement cost surveys have been carried out and will be carried out by the project staff to ensure that project rates for all categories of loss will be equivalent to replacement cost at current market value, to be updated at the time of compensation and combined with other assistance and livelihood restoration measures to ensure full restoration and improvements. Provided affected person has legal or recognisable claim, compensation is for full amount of land acquired.

	197/2004/ND-CP, 69/2009/ND-CP	Revised ADB Policy	Project Policy
Differences between compensation rates and market rates	<p>Dec 69 Art 14(2): If compensation is through new land or allocation of land at a resettlement area or by housing and the replacement is valued at less than the land acquired, the price difference will be paid in cash. Dec 69 Art 14(2a) If replacement residential land or the amount compensated to purchase a replacement house is more than the actual replacement cost, the affected person still receives the full amount. Dec 69 Art 14(2b) if the compensated amount is less than the replacement residential land and house the affected person will pay the difference themselves except for cases covered by Art 19(1) - this will not apply to (poor) affected persons who will be assisted by the State. If the affected person does not receive land or house at the resettlement site the affected person will receive the cash difference.</p>	<p>Provide physically and economically affected persons with needed assistance including i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of affected persons economically and socially into host communities, ii) transitional support and development assistance such as land development, credit facilities, training or employment opportunities, and, iii) civil infrastructure as required.</p>	<p>Physically displaced (relocated) affected persons are to receive relocation assistance, secured tenure to relocated land, with comparable access to production and employment opportunities, and civic infrastructure and community services as required, transitional support and development assistance such as land development, credit facilities, training or employment opportunities.</p>
Compensation for structures	<p>Dec 69 Art 24- Compensation for House, Structures on Acquired Land. Clause (1) - Compensation for affected persons residential structures based on value of newly constructed house/structure equal to technical standard issued by MoC and based on house area and unit prices issued by PPC. Clause (2) other structures compensation equal to: a) total present value using unit costs for newly constructed house/structure using MoC technical standards and depreciated to present value of acquired house/structure. Maximum value cannot</p>	<p>Rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments.</p>	<p>Full compensation at replacement cost will be paid for all affected structures without any deductions for salvageable materials or depreciation, full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments</p>

	197/2004/ND-CP, 69/2009/ND-CP	Revised ADB Policy	Project Policy
	exceed 100% of new value of acquired house/structure		
Compensation for registered businesses	Articles 26, Decree 197: Only registered businesses are eligible for assistance. Decree 69 Art 20(2) if business must be suspended affected person is compensated with max 30% of after tax income in one year, averaged over last 3 years as certified by Tax Dept.	Affected business owners are entitled to i) costs of re-establishing commercial activities elsewhere, ii) the net income lost during the transition period, iii) costs of transferring and reinstalling plant, machinery and equipment.	Affected business owners are entitled to i) costs of re-establishing commercial activities elsewhere, ii) the net income lost during the transition period, iii) costs of transferring and reinstalling plant, machinery and equipment.
Monitoring	No monitoring indicators indicated	Monitoring indicators specified for internal and external monitoring and reporting	The executing agency must appoint an independent external monitor and undertake internal monitoring according to the critical indicators.
Severely impacted affected persons losing productive land	Decree 69, Art 20: For significantly impacted affected persons, livelihood restoration measures cut in when affected person loses at least 30% of productive agriculture land.	The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating).	Losing 10% or more of the household's assets shall be considered as threshold.
Compensation for lost land	Article 9, Decree 197: The compensation rates for land shall be determined by the PPC in accordance with the Government regulations for the type of land which has been used for at the time of land acquisition. Decree 69, Art 11, Art 16: Compensation is land for same-use land or if not available the affected person can be compensated in cash based upon the market transfer price of such land at the time of the decision to acquire. Compensation limited to the allowable land quota, unless land over limit due to inheritance or legally transferred from other persons, or unused land	Land based livelihoods restoration based upon land based strategies where possible, or cash compensation at replacement value provided loss of land does not undermine livelihoods for those with legal rights to land. Provide adequate and appropriate replacement land. If land not available non-land based options built around opportunities for employment, self-employment should be provided in addition to cash compensation for land and non-land assets lost.	Where appropriate land-based compensation is not viable replacement cost surveys have been carried out and will be carried out by the project staff to ensure that project rates for all categories of loss will be equivalent to replacement cost at current market value, to be updated at the time of compensation and combined with other assistance and livelihood restoration measures to ensure full restoration and improvements. Provided affected person has legal or recognisable claim, compensation is for full amount of land acquired.

	197/2004/ND-CP, 69/2009/ND-CP	Revised ADB Policy	Project Policy
	developed according to the land use plan approved by the authorities. If not, compensation only for improvements on that land.		

7.4 Project principles

109. To address the discrepancies between ADB SPS (2009) and relevant GOV regulations as described in the table above, the project principles on resettlement policy are as follows:

- Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimised where possible by exploring all alternative options.
- Compensation and assistance will be based on the principle of replacement cost at the time of implementation.
- Severely affected household is considered when they are losing 10% or more of the household's assets shall be considered as threshold.
- Displaced persons without title or any recognisable legal rights to land are eligible for compensation for non-land assets at replacement cost.
- Residential and agricultural land for replacement should be close to the previous places as much as possible and be suitable to displaced persons.
- Meaningful consultation will be carried out with the displaced persons and concerned groups and ensure participation from planning up to implementation. The comments and suggestions of the affected persons and communities will be taken into account.
- The resettlement plan will be disclosed to affected persons in a form and language(s) understandable to them
- Resettlement identification, planning and management will ensure that gender concerns are incorporated.
- Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as households headed by women, children, disabled, the elderly, landless and people living below the generally accepted poverty line.
- Existing cultural and religious practices will be respected and preserved, to the maximum extent practical.
- Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the project.
- Resettlement transition stage should be minimised. Restoration measures will be provided to displaced persons before the expected starting date of construction in the specific location.
- Budget for payment of compensation, assistance, and resettlement and support will be prepared sufficiently and made available during project implementation and by the provinces.
- Reporting and independent monitoring should be defined clearly as part of the management system of resettlement. Independent assessment of the duration and results of the land recovery should be carried out.
- The EVN HCMC will not issue notice of possession to contractors until the EVN HCMC are officially confirmed in writing that (i) payment has been fully disbursed to the displaced persons and rehabilitation measures are in place; (ii) already-compensated, assisted displaced persons have cleared the area in a timely manner; and (iii) the area is free from any encumbrances. The satisfactory resettlement to be ascertained by the independent monitor before start of the civil works.

- Cut-off date is the date of completing DMS for which land and/or assets affected by the project are inventoried.

8.0 ELIGIBILITY AND ENTITLEMENTS

8.1 Eligibility

110. Eligibility will be determined with regard to the cut-off date, which is taken to be the date of completing DMS for which land and/or assets affected by the projects are measured. The affected persons will be informed of the cut-off date for each project component, and any people who settle in the project area after the cut-off date will not be entitled to compensation and/or assistance under the project.

111. In addition, the extent of eligibility for compensation with regard to land is determined by legal rights to the land concerned. There are three types of affected persons: (i) persons with LURCs to land lost in entirety or partially; (ii) persons who lost land they occupy in its entirety or partially who do not currently possess a LURC but have a claim that is recognisable under national laws; or (iii) persons who lost land they occupy in its entirety or partially who do not have any recognisable claim to that land. Affected persons included under (i) and (ii) above shall be compensated for the affected land and assets upon land. Affected persons included under (iii) shall not be compensated for the affected land, but for the affected assets upon land and are entitled to assistance if they have to relocate.

8.2 Entitlements

112. Households or individuals with sufficient basis for compensation will be compensated for land and structure losses equivalent to 100% of the price of such assets. Those without sufficient legal rights are also assisted as described in the entitlement matrix below.

Table 16. Entitlement Matrix

Entitled Persons	Type & Level Of Impact	Number of affected households	Compensation Policy	Implementation Issues
A. AGRICULTURAL LAND				
A.1 Permanently affected agricultural land				
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC AND public organisations	More than 10 percent or more of total productive landholding affected	1 affected households	<p>a/ As a priority, allocation of replacement land: (i) equal in area to affected land up to a maximum of land quota in the locality; (ii) of same category (or productive capacity); (iii) at a location satisfactory to affected person; (iv) with full title in the names of both the household head and his/her spouse; and (v) without charge for taxes, registration and land transfer charges; and</p> <p>b/ Economic rehabilitation package (see G, below);</p> <p>Or, if affected person opts,</p> <p>a/ Cash compensation at replacement cost); and,</p> <p>b/ Economic rehabilitation package (see G, below).</p>	<p>If remaining land holding is not economically viable i.e. is too small to be economically cultivated, the project will acquire the entire land holding and not just the affected portion. The size of the entire holding will be the basis for providing replacement land or cash compensation. The economically remaining land area will be identified by DCARs for each case.</p> <p>DCARs will determine whether the remaining holding can be viable or not and take care of this issue during DMS implementation.</p> <p>Full payment for affected households at least 01 months before site clearance</p>
	Less than 10 percent of total productive landholding affected	1 affected households	<p>Cash compensation at replacement cost at current market prices for affected portion if remaining holding is viable; or</p> <p>Cash compensation at replacement cost at current market prices for entire landholding, if remaining holding is not viable.</p>	<p>Implemented by DCARs</p> <p>Decided by DPCs</p>
A.2 Impact on agricultural land in RoW				
All affected households have agricultural land in RoW	Partially impact or totally impact	2 affected households	<p>a/ No compensation for land.</p> <p>b/ Compensation for crop, trees and others at market price.</p> <p>c/ Support for utilisation of restricted land</p>	<p>Affected land in RoW will be rehabilitated by contractors after the project construction and land in RoW could be used with the restricted purposes. (Described in Decree 81, 2009, article 1)</p> <p>Affected households can be required to cut affected trees, project will pay for this work.</p>

Entitled Persons	Type & Level Of Impact	Number of affected households	Compensation Policy	Implementation Issues
B. RESIDENTIAL AND/OR NON-AGRICULTURAL LAND (e.g., commercial)				
B.1. Permanently affected residential and/or non-agricultural land				
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC AND public organisations	Loss of residential and/or non-agricultural landholding without houses and structures built thereon	None	<p>a/ As a priority, allocation of replacement land: (i) equal in area to affected land up to a maximum of land quota in the locality; (ii) at a location satisfactory to affected person; (iii) with full title in the names of both the household head and his/her spouse; and (iv) without charge for taxes, registration and land transfer charges; and</p> <p>Or, if affected person opts, a/ Cash compensation at replacement cost.</p>	<p>If remaining land holding is not economically viable i.e. is too small to build house, structures, the project will acquire the entire land holding and not just the affected portion. The size of the entire holding will be the basis for providing replacement land or cash compensation. The economically remaining land area will be identified by DCARBs for each case.</p> <p>DCARBs will determine whether the remaining holding can be viable or not and take care of this issue during DMS implementation. Full payment for affected households at least 01 months before site clearance</p>
	Loss of residential land/or non-agricultural landholding with houses and structures built thereon.	3 affected households and 1 inst.	<p>a/ As a priority, allocation of replacement land: (i) equal in area to affected land up to a maximum of land quota in the locality; (ii) at a location satisfactory to affected person; (iii) with full title in the names of both the household head and his/her spouse; and (iv) without charge for taxes, registration and land transfer charges; and</p> <p>b/ Compensation for houses, structures on permanently affected land;</p> <p>Or, if affected person opts, a/ Cash compensation at replacement cost); and, b/ Compensation for houses, structures on permanently affected land.</p>	<p>If remaining land holding is not economically viable i.e. is too small to build house, structures, the project will acquire the entire land holding and not just the affected portion. The size of the entire holding will be the basis for providing replacement land or cash compensation. The economically remaining land area will be identified by DCARBs for each case.</p> <p>DCARBs will determine whether the remaining holding can be viable or not and take care of this issue during DMS implementation. Full payment for affected households at least 01 months before site clearance</p>

Entitled Persons	Type & Level Of Impact	Number of affected households	Compensation Policy	Implementation Issues
B.1. Impact on residential and/or non-agricultural land in RoW				
All affected households have residential and/or non-agricultural land in RoW	Partially impact or totally impact	3 affected households	a/ No compensation for land. b Allowance for purchasing fireproof materials and lightning arrestors for the existing house/structure or cash compensation at replacement cost of affected house/structure c/ Support for utilisation of restricted land	Affected land in RoW will be rehabilitated by contractors after the project construction and land in RoW could be used with the restricted purposes. (Described in Decree 81, 2009, article 1)
C.MAIN HOUSES AND OTHER STRUCTURES IN RoW				
C.1. Dismantled houses and other structures				
All affected households have houses and structures which are dismantled	Totally or partially dismantled but the rest portion will not ensure the safety so the houses or structures will be removed and rebuilt.	6 affected households and 1 inst.	a/ Compensation for the whole houses, structures by the replacement price b/ Assistance for removing (if relocation).	Full payment for affected households at least 01 months before site clearance
	Partially dismantled but the rest portion will not affect the safety so the houses or structures don't have to remove.	2 affected households and 1 inst.	a/ Compensation for the part of houses or structures dismantled. b/ Allowances for partially dismantled houses/ structures and reuse	Full payment for affected households at least 01 months before site clearance
G. REHABILITATION ASSISTANCE				
G.1. Transportation assistance				
All affected households have houses and structures which are dismantled and have to remove	Assistance for removing	1 institution	- For organisations: funding for dismantling, moving and installation as stipulated by the Compensation Committee of the project who will determine the level of support for each specific case. In case of difficulties they may hire consultants to determine this cost.	Value of assistance to be determined during resettlement plan implementation.
G.2. Assistance for rehabilitation and production				
Severely affected	Assistance to	2 affected	affected households directly cultivate on the affected	Value of in kind assistance to be determined

Entitled Persons	Type & Level Of Impact	Number of affected households	Compensation Policy	Implementation Issues
affected households, displaced from housing or losing 10 percent or more of their productive, income generating irrespective of tenure status.	restore livelihoods and incomes following acquisition of land or other productive assets	households	land to be entitled: (i) Losing from 10 to 30% of land holding: Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 3 months, if not relocating; for 6 months if relocating; and for 12 months if relocating in a harsh living condition area; (ii) Losing more than 30% to 70% of total land holding. Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 6 months, if not relocating; for 12 months if relocating; and for 24 months if relocating in a harsh living condition area; (iii) Losing more than 70% of total land holding Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 12 months, if not relocating; for 24 months if relocating; and for 36 months if relocating in a harsh living condition area; AND	during resettlement plan implementation. Income Restoration Programmes will be designed during project implementation with the assistance of an agency specialised in livelihoods/labour or vocational assistance and with the active involvement of the affected households.
G.3 Assistance for job changing and creation				
affected households with agricultural land required permanently	Assistance for job changing and creation.	2 affected households	Cash assistance equal to 1.5 time of compensation value for affected land area but not exceed 5 (five) times of land quota in locality. If affected person has demand for training, he/she will be entitled to a free training course	Eligibility will be confirmed during DMS.
G.4. Special allowance for social and economically vulnerable households				
Vulnerable affected households (the poor, war invalid person, woman headed household, the elderly)	Assistance to the poor and vulnerable households to improve their social and economic conditions.	3 woman headed households 1 elderly affected household	For other vulnerable affected persons, assistance of VND 5,000,000 per household to improve their social and economic conditions	Eligible households are those who are classed as vulnerable
G.7 Assistance for losses on Business and Employment				
Business Enterprise	Assistance for re-	1	Business enterprises with income in excess of VND	Value of assistance to be determined during

Entitled Persons	Type & Level Of Impact	Number of affected households	Compensation Policy	Implementation Issues
being forced to cease operating as business in current location	establishing business in different location or development of different business activity.	Private Sector Company	8,000,000 will be supported at the rate of 30% for a maximum of 3 years based on the previous 3 years of taxable income for which authenticated tax payment records exists.	resettlement plan implementation.
Waged employees made redundant	Assistance for changing and finding another job	25 Waged Employees	Payment of average salary over the past 12 months for between 3 and 6 months until suitable employment of an equivalent nature with similar remuneration levels is found.	Value of assistance to be determined during resettlement plan implementation.

8.3 Addressing the Gender Issues

113. The EVN HCMC, through the HPPMB with assistance from PICs, will carry out the following specific actions to address gender issues in the subprojects:

- (i) During the updating of this resettlement plan, both men and women will participate in the discussions during public meetings, providing inputs to DMS, and consultations on resettlement activities and relocation options.
- (ii) A male representative and a female representative of the affected households will be included as participant in the resolution of grievances and complaints.
- (iii) Gender issues will be included in the training on project implementation by PICs to concerned personnel of the Project Management Unit, EVN HCMC, and HPPMB.
- (iv) Special attention will be extended to elderly, disabled and women-headed households during relocation and in the provision of assistance as defined in the project policy.
- (v) Disaggregated monitoring indicators by gender will be developed for monitoring social benefits, economic opportunities, livelihood, and resettlement activities as well as in the restoration of livelihoods and living standards during post-project implementation.

8.4 Assistance to Vulnerable Households

114. This resettlement plan declared that not any affected person shall become vulnerable due to land acquisitions. If during the updating of this document, it becomes apparent that there are affected persons that shall become vulnerable due to the project; they shall receive applicable allowances as provided for in the Entitlement Matrix, on top of their compensation. They will be given the privilege to participate in the income restoration that will be designed by the project with their active involvement. In order to ensure that they share the same benefits as the other affected households, they will be assisted in appointing their representatives in each commune or neighbourhood clusters to participate in any meeting or consultations related to the project, specifically on resettlement, compensation and assistance and income restoration.

8.5 Special Considerations

115. Between the periods after the cut-off dates were established in each district towards the implementation of the updated resettlement plan, some unfortunate developments could happen to any affected persons. One example is the passing away of the households who was recorded in the IOL or DMS. In such a case, the spouse will receive the compensation on behalf of the spouse who passed away before the payment of compensation. In case of death of both spouses, compensation shall be received by any of the children with written permission from his/her siblings.

8.6 Unforeseen Impacts

116. If during the DMS when additional adverse social impacts are identified and/or additional affected households and affected persons are found after the cut-off date, they are also entitled to receive subproject entitlements as the others on condition that it can be certified by communes or village chiefs that they have actually been in the subprojectRoW even before the cut-off dates for eligibility. Likewise, new affected persons that will emerge due to changes in subproject design or alignment prior to or during construction works are entitled to the same entitlements as those of the other affected persons.

9.0 RELOCATION AND SETTLEMENTS

117. There is no physical displacement and only some minor impacts on existing household physical structures.

118. There are two companies with structures dismantled including a shipbuilding corporation and another company. In which, the shipbuilding corporation only has a fence wall dismantled so this company does not have to relocate. The other company has to dismantle structures and relocate.

10.0 INCOME RESTORATION AND REHABILITATION

10.1 Background

119. In order to assist affected persons restore livelihoods and income levels, the project will provide an income restoration programme that is adapted to the needs and situation of the affected persons as determined in the socio-economic surveys. The affected persons covered by the income restoration programme are identified in the entitlement matrix.

120. The scope of the entitlements includes an allowance to cover living costs during a period of reduced income while affected persons restore current livelihood and income-generating activities or make a transition to new income-generating activities. In-kind assistance to strengthen or initiate income-generating activities will also be provided.

121. In-kind assistance to strengthen or initiate income-generating activities will be decided in consultation with local authorities and affected persons eligible for the income restoration.

10.2 Income Restoration Programme

122. There are five households and one institution whose lands will be required permanently. Except required land of the shipbuilding corporation for substation, most of required lands are located in the foundation sites of the existing overhead line. Among five affected households there are 2 affected households with agricultural land required and aquaculture affected.

123. These affected households will be entitled assistance for changing and creation of jobs as follows:

- Cash allowance for permanently acquired agricultural land: it is estimated as 2 times of land unit price)
- Allowance for training and finding occupation: it is estimated as VND 3,000,000 person in labour ages).

124. In addition, 1 affected household will lose between 10% and 30% of their land and they will be assisted through an economic rehabilitation package: it is 30kg of rice/per/month x 3 months (no relocation).

125. Vulnerable affected households will receive assistance of VND 5,000,000 per household to restore their income to pre-project levels.

126. One affected institution will be supported up to 30% of its taxable income over the past three years for 12 months and the 25 employees will receive income support for at least three months and up to six months.

10.3 Estimated cost of Income Restoration Programme

Table 17. Estimated Cost of Income Restoration Programme

No.	Item	Value (VND)	Value (USD)
1	Assistance for rehabilitation and production (for	6,300,000	300

No.	Item	Value (VND)	Value (USD)
	affected households with lost land from 10% to 30% their productive land)		
2	Allowance for changing and creation of jobs	651,859,200	31,041
3	Support for the vulnerable group	65,000,000	3,095
	- Allowances for women headed household	50,000,000	2,381
	- Allowances for elderly household heads	15,000,000	714
4	Assistance for losses on business and job	540,000,000	25,714
	- Losses on business	240,000,000	11,429
	- Losses on job	300,000,000	14,286
	Total	1,263,159,200	60,150

Source: PECC3, Nov. 2013.

Notes: 1USD = 21,000 VND

11.0 RESETTLEMENT BUDGET AND FINANCING PLAN

11.1 Legal basis

127. Resettlement cost of the project is based on:

- Project policy;
- Current decisions of Ho Chi Minh City;
- IOL data and result of replacement cost survey.

11.2 Total estimated cost for resettlement plan implementation

128. The resettlement plan's cost given in this resettlement plan is an estimate only. During the resettlement plan's implementation stage, a full replacement cost survey will need to be conducted by DCARBs to ensure that compensation for land and assets are made at replacement costs.

129. The EVN HCMC/HPPMB will be responsible for channelling funds for the compensation for land acquisition and resettlement to DPCs/DCARBs through the HCMC People's Committee or directly to DPCs. DPCs/DCARBs will be responsible for delivering payment directly to affected persons with respect to affected land, structures, crops and trees.

130. As shown in the table below, the overall cost of resettlement plan updating and implementation was estimated at VND **49,555,214,537** (\$**2,359,772**) for inclusion in the project investment. The EVN HCMC/HPPMB will ensure the timely provision of funds and will meet any unforeseen obligations in excess of the resettlement budget in order to meet the social safeguards objectives under the project. The financing of which can be drawn from the equity funds of EVN HCMC, or include in the loan from ADB, except for the compensation of land.

Table 18. Total Cost of Resettlement Plan Implementation

No.	Components	Amount (VND)	Amount (USD)
I	Cost of detail measurement survey	226,520,000	10,787
II	Compensation and rehabilitation (1+2+3)	48,266,824,400	2,298,420
1	Compensation for land	17,695,567,200	842,646
2	Compensation for houses and other structures	3,385,410,000	161,210
3	Allowances	27,185,847,200	1,294,564
III	Cost for CARBs = 2% * II * 1,1 VAT	1,061,870,137	50,565

No.	Components	Amount (VND)	Amount (USD)
	TOTAL (I+II+III+IV)	49,555,214,537	2,359,772

1 USD = 21,000 VND.

12.0 INSTITUTIONAL ARRANGEMENTS

131. Implementation of the resettlement plan requires the participation of relevant agencies from the Central to province, district, and commune level. The executing agency has the overall responsibility for implementation of the resettlement plans. District Compensation, Assistance and Resettlement Boards (DCARBs) will be established at district level according to Decree 197/2004/ND-CP and Decree 69/2009/ND-CP.

12.1 Institutional features at central level

a. Ho Chi Minh City Power Corporation (EVN HCMC)

132. EVN HCMC is the executing agency, through HPPMB to manage the resettlement issues. The HPPMB is the implementing agency that is mandated for the overall management and supervision of projects funded by ODA. For the management of a particular project, the EVN HCMC creates the HPPMB within its organisation that is supported by full-time qualified and experienced social safeguard specialist to manage the resettlement related issues. EVN HCMC will:

- Provide overall management and coordination of the project;
- Liaise with IAs to carry out the project;
- Coordinate with ADB in providing resettlement consultant services for the project;
- Support the HPPMB for updating resettlement plan of the project;
- Consolidate project progress reports on land acquisition and resettlement submitted by the HPPMB for relevant ministries and ADB; and
- Recruit and supervise the external independent organisation (or consultants) for external resettlement monitoring.

b. Ho Chi Minh City Power Project Management Board (HPPMB)

- Actively participate in the resettlement plan updating and implementation activities in collaboration with the concerned organisation at the Province, District and Commune levels;
- Liaise with the Provincial People's Committee (PPC) to facilitate the establishment of the CARB at the provincial/city and district levels.
- Provide an orientation, to the concerned People's Committees of the province/city, districts, and wards and communes, the CARB and related groups on the project, its Resettlement Policy, process flow, and on the specific tasks of these groups relative to the updating and implementation of the district-level resettlement plan;
- Take the lead in the public disclosure of the project resettlement plan in coordination with the concerned People's Committees, and participate in project information dissemination and holding of consultation meetings with affected households and other stakeholders;
- Monitor grievances related to the project and calls the attention of concerned government offices where complaints have remained outstanding beyond prescribed action periods;
- Design and implement an internal monitoring system that shall capture the overall progress of the resettlement plan updating and implementation; and prepare quarterly progress reports for submission to EVN HCMC and ADB;
- Hire and closely coordinate with an External Monitoring Agency (EMA) that shall perform a third-party monitoring and evaluation of the resettlement plan updating and implementation.

12.2 Institutional Features at City Level

133. City People's Committee: The main responsibilities of the City PC include: (i) establishment and mobilisation of City Compensation and Resettlement Board; (ii) organisation and mobilisation of all organisations and individuals concerning compensation, support and resettlement policies and ground clearance according to the land recovery decisions of competent State bodies; (iii) updating the unit costs to reflect the replacement cost of project-affected private and public assets; (iv) planning resettlement arrangements, job change training plans according to their assigned competence; (v) authorising the DPC to approve compensation, assistance support to affected persons; (vi) providing guidance to concerned agencies on the neutral settlement of citizens' complaints, denunciations related to compensation, support and resettlement; (vii) authorising the DPC to apply coercion to cases of deliberately failing to abide by the State's land recovery decisions; and (viii) responsible for the resettlement budget.

12.3 District and Ward/Commune Levels

134. *District People's Committee*: the DPC will be responsible for the following: (i) extension of support for updating and preparation as well as implementation of the resettlement plan; (ii) review and submit resettlement plan to CityPC as endorsed by DCARBs; (iii) review the accuracy of and validate the cost estimates for compensation and assistance; (iv) acquisition of Land Use Rights Certificates (LURCs) for households and individuals who have lands and/or houses entirely-recovered; (v) adjustment of LURCs for households and individuals whose lands and houses have been partially affected; (vi) assist in the redress of complaints and grievance from affected persons; (vii) concurrence with the schedule of resettlement plan implementation and monitor the progress thereon; (viii) mobilisation of the respective DCARBs that will appraise the compensation and assistance to affected persons; as well as (ix) the provisions of lands to affected persons.

135. District Compensation and Resettlement Board: The responsibilities of the DCARB will be the following: (i) organise and carry out resettlement activities in the district on behalf of the DPC; (ii) assist in the DMS, public consultations and disclosure activities; (iii) review and submit to DPC proposed compensation, assistance and resettlement alternatives; (iv) assist in the identification and allocation of land for the affected persons; (v) along with the CPC, assist HPPMB in the timely delivery of compensation payment and other entitlements to affected persons; and (vi) assist in the resolution of complaints and grievances:

- The dissemination of the PIB and other publicity material; ensuring that affected persons are aware of the land acquisition and resettlement process.
- Planning and carrying out the DMS and the disbursement of compensation payments.
- The identification of severely affected and vulnerable affected persons and the planning and implementation of rehabilitation measures for these affected persons.
- Help identify any resettlement sites and new farming land for affected persons who cannot remain in their present location.
- Assist in the resolution of affected persons grievances.
- Facilitate the work of the agency appointed to undertake the external monitoring.

136. Ward/Commune People's Committee. The W/CPCs will assist the HPPMB and the DCARBs in the following tasks: (i) remind the affected persons about the compensation plan and the process of delivery, income restoration plans, relocation strategies and land clearance requirements based on the approved resettlement plan; (ii) maintain the list of eligible affected persons that will be provided after the DMS has been conducted; (iii) assign commune officials to extend assistance in the update and/or preparation as well as the implementation of the resettlement plan; (iv) identify replacement lands for the affected persons; (v) sign the Agreement Compensation Forms along with the affected persons; and (vi) assist in the resolution of grievances and in other related-resettlement activities and concerns.

13.0 IMPLEMENTATION SCHEDULE

137. The implementation schedule must ensure the synchronised linkage between resettlement plan implementation and commencement of civil works, i.e. the appropriate compensation schedule and construction schedule. The compensation payment shall be completed prior to the commencement of the relevant project components.

138. The proposed resettlement plan implementation schedule is as follows:

Table 19. Implementation Schedule for the Project

Main Resettlement Plan Activities	Implementation Schedule
Prepare Resettlement Plan	
Detailed engineering and demarcation of land to be acquired	Year 1
Award contract and mobilise resettlement plan Consultants	Month 10 of Year 1
Public meeting and consultations with affected persons on draft resettlement plan	Year 1
Finalise updated resettlement plan and submit to PPMB for review and referral	Month 2 of Year 1
ADB no-objection to resettlement plan	Month 2 of Year 2
Disclosure of approved resettlement plan	Month 3 of Year 2
Implement Resettlement Plan	
Detail measurement survey	Months 3 and 4 of Year 2
Compensation payments	Months 4 and 5 of Year 2
Implementation of rehabilitation measures	Month 5 of Year 2
Clearance of acquired land	Month 5 of Year 2
Start of civil works	Month 6 of Year 2 until Month 6 of Year 3
External Monitoring (if necessary)	
HPPMB awards contracts and mobilises EMA	Month 3 of Year 2
EMA participates in DMS and establishes affected person socio-economic baseline	Month 3 and 4 of Year 2
EMA prepare monitoring reports	Month 6 of Year 2 until Month 6 of Year 3
EMA conducts post-resettlement survey and final monitoring report	Month 6 of Year 3

14.0 MONITORING AND REPORTING

139. The implementation of resettlement will be monitored regularly to help ensure that the resettlement plan is implemented as planned and that mitigating measures designed to address adverse social impacts are adequate and effective. Towards this end, resettlement monitoring will be done by an internal body and by an external organisation.

14.1 Monitoring and reporting

140. The project will establish systems for internal and external (if necessary) monitoring and evaluation. The main purpose of the monitoring and evaluation programme is to ensure that resettlement and acquisition of land and properties has been implemented in accordance with the policies and procedures of the resettlement plans.

141. The objectives of the monitoring and evaluation programme are to (i) ensure that the standard of living of affected persons is restored or improved; (ii) monitor whether the time lines are being met; (iii) assess if compensation, rehabilitation measures and social development support programmes are

sufficient; (iv) identify problems or potential problems; and (v) identify methods of responding immediately to mitigate problems.

14.2 Internal Monitoring

142. The HPPMB will conduct the internal monitoring of resettlement plan implementation for EVN HCMC to identify as early as possible the activities achieved and the cause(s) of problems encountered so that arrangements in resettlement plan implementation can be adjusted. Related information will be collected monthly from the field to assess the progress of resettlement plan implementation and will be consolidated every quarter.

143. An initial key indicator will be, as per assurances to the ADB, the payment of compensation, relocation to new sites, and rehabilitation assistance being in place before award of civil contracts and these will be monitored under each of the civil contracts. The other main indicators that will be monitored regularly are:

- Payment of compensation to all affected persons in various categories, according to the compensation policy described in the resettlement plan.
- Delivery of technical assistance, relocation, payment of subsistence and moving allowances.
- Delivery of income restoration and social support entitlements.
- Public information dissemination and consultation procedures.
- Adherence to grievance procedures and outstanding issues requiring management's attention.
- Priority of affected persons regarding the options offered.
- Coordination and completion of resettlement activities and award of civil works contract
- The EVN HCMC will incorporate the status of resettlement plan implementation in the overall project progress report to ADB.

14.3 External Monitoring

144. External monitoring is not required since the overall impact of land acquisition is only marginal and no households shall be relocated. Rather, social impact monitoring and evaluation of resettlement plan implementation shall be conducted by EVN HCMC itself. However, ADB reserves the right to request EVN HCMC appoint an EMA acceptable to the ADB at the expense of EVN HCMC if it is dissatisfied with important aspects of resettlement implementation.

145. The key objectives of social impact monitoring and evaluation are to: (i) assess whether resettlement objectives have been met, specifically the maintenance of livelihoods and the enhancement of affected persons' living standards; (ii) assess resettlement efficiency, effectiveness, impact and sustainability, drawing lessons as guide to future resettlement policy formulation for forthcoming ADB-assisted projects in EVN HCMC; and (iii) the need for further mitigation measures as needed. In this respect, the EVN HCMC will carry out a post-resettlement survey at six or twelve months after the completion of resettlement activities. It will conduct a rapid appraisal in areas inhabited by the affected persons, hold public consultations, and conduct a socioeconomic survey by interviewing a random sample of 20% of the affected persons whose responses will be recorded in a structured questionnaire. EVN HCMC will compare with their pre-resettlement conditions, to assess the success and/or failure of the resettlement programme. Specific to monitoring the social impacts, EVN HCMC will produce but not limited to the following in its assessments:

146. Capacity of affected persons to restore livelihoods and living standards. This will include assessment on the effectiveness and/or inadequacy of technical assistance, allowances and other measures, and to what extent the affected persons have maintained their livelihoods and living standards to pre-project levels.

147. Public consultation and awareness of resettlement plan policies. EVN HCMC will validate if the affected persons have been fully informed and consulted about land acquisition and relocation activities. It will also inquire the affected persons and other stakeholders if they were aware of the compensation and entitlements policies and various options available to affected persons. Included in EVN HCMC's validation is the process on how the public consultations were conducted, the problems and issues raised during the meeting and the solutions proposed either by the affected persons and stakeholders or from the side of EVN HCMC/HPPMB.

148. Level of affected persons' satisfaction. EVN HCMC will assess the affected persons' level of satisfaction on compensations, allowances and assistance received as well as on resettlement plan implementation, and the degree of efficiency and equity in handling grievances and resolution of complaints.

149. Change in living standards. Some indicators in the performance evaluation of resettlement plan implementation are very useful in assessing the living standards of the affected persons, particularly from Section III of this resettlement plan. From the indicators, EVN HCMC will compare and assess the progress of affected persons in coping with the restoration of their livelihoods that define their living standards. Special attention to disparities between their pre-project and post-resettlement social conditions will be analysed, and disaggregated by gender and per capita income levels. Any factors or issues relevant to restoration of the affected persons living standards will be disclosed in the social impact evaluation report. The EVN HCMC will discuss its findings with the ADB and advice follow-up actions, where appropriate, to bring to closure the social issues arising from land acquisition and resettlement.

Individual Impacts to Aps

No.	Hamlets	Communes/ Wards	Full Name of Householders	Number of Memberships	Female- Headed Households	Ethnic Minority	Disable	Poor Households	Elderly Households	Severely Affected Households	Total Land	Acquired Land				Acquired Area	Temporary Affected Land by ROW			Removed Houses and Structures				Houses and Structures in ROW (Expanded ROW Area)			Relocation
												Residential Land	Specialized Land	Agricultural Land	Total		Residential Land	Agricultural Land	Total	Type of Structures	Type of Materials	Total	Removed Area	Type of Structure	Type of Material	Total	
											m ²	m ²		m ²	m ²	%	m ²	m ²	m ²			m ²	m ²			m ²	
Phong Phu commune, Binh Chanh District, Ho Chi Minh City				19								0	0	877	877		156	2,520	2,676			72	72			0	
1	Hamlet 4	Phong Phu		4						x	3106			720	720	23.2		1,440	1,440								
2	Hamlet 4	Phong Phu		5							2178			157	157	7.2		1,080	1,080								
3	Hamlet 5	Phong Phu		5							3271						120		120	Kitchen	Conrugate Iron Wall and Conrrugate Iron Roof	48	48				
4	Hamlet 5	Phong Phu		5							150						36		36	Kitchen	Conrugate Iron Wall and Conrrugate Iron Roof	24	24				
Binh Hung Commune, Binh Chanh District, Ho Chi Minh City				23								285	0	0	285		506	0	506			856	275.5			3	
5	Hamlet 3A	Binh Hung		8	x						556						76		76	Bathroom	Brick Wall and Conrrugate Roof	6	6	Nhà ở	Brick Wall and Conrrugate Roof	240	
6	Hamlet 3A	Binh Hung		4	x						520	21			21	4.0	40		40	Fence	Iron	32	32	Nhà ở	Brick Wall and Conrrugate Roof	105	
7	Hamlet 3	Binh Hung		3	x					x	636.5	114			114	17.9	14		14	Guest House	Brick Wall and Conrrugate Roof	636.5	100		Brick Wall and Conrrugate Roof		
8	Hamlet 3	Binh Hung		2	x						48						16		16	Cement Yard	Cement	16	16	Nhà ở	Brick Wall and Conrrugate Roof	32	
9	Hamlet 1	Binh Hung		3					x		2889	150			150	5.2	360		360	Garage	Conrugate Iron Wall and Conrrugate Iron Roof	85.5	85.5				
10	Hamlet 1	Binh Hung		3																Cement Yard	Conrugate Iron Wall and Conrrugate Iron Roof	80	36				
Ward 5, District 8, Ho Chi Minh City												0	4,139.06	0	4,139.06							920	509				
1	Hiep An Area	Ward 5									105,036		4,139.06		4,139	3.9				Fence	Brick with 10cm	560	149				
2	Hiep An Area	Ward 5																		House Using for Motocycle/By cycle Repair	Conrugate Iron Wall and Conrrugate Iron Roof	360	360				x
																				Garage	No Wall and Conrrugate Iron Roof	1410	1410				
																				Internal Road	Cenment and Fix of Rock and Soil	1958	1958				

SOCIO-ECONOMIC SURVEY AND INVENTORY OF LOSSES QUESTIONNAIRE

Projects: District 8 220kV substation; and Nam Sai Gon – District 8 220kV transmission line

Questionnaire code: ____/____/____; **Survey date:** ____/____/2013

A-BACKGROUND INFO

1. Name of head of household:Age..... Gender: [] (Male=1; female=2)

a) Ethnicity: [] (1=Kinh; 2=Thai; 3=Tay; 4=Nung; 5= Muong; 6=Tho; 7=Others)

b) Education Level: [] (1=Illiterate; 2=Primary school; 3=Secondary school; 4= Yet graduated from high school; 5=High school; 6=Vocational training; 7=University and post graduate; 8=Others)

c) Main occupation: [] (1= Agriculture; 2=Livestock husbandry; 3=Selling goods; 4=Restaurant ; 5=Factory worker; 6=official; 7=private company; 8=transportation; 9=driver 10= receive domestic economic support; 11=receive economic support from abroad ; 12=housewife; 13=Others)

d) Secondary jobs: [] (1=Livestock husbandry; 2=perennial crops; 3=aquaculture; 4=handicraft; 5=forestry; 6=small business; 7=mechanic)

2. Home address: Village:Commune:District.....Province

3. Vulnerable group: [] (Woman headed=1; Ethnic minority=2; Disabled=3; Poor household=4; Social policy household=5)

B. SOCIO-ECONOMIC SURVEY

4. Household component (including head of household)

No.	Name	Gender	Relation to the household head	Age	Ethnicity	Main Occupation	Education level (7 and above)
		1=Male 2=Female	0=head 1=Husband/wife 2=Father/mother 3=Son/daughter 4=Son-in-law/ Daughter-in-law 5=Grand child 6=Niece/ nephew 7=Others		1=Kinh 2=Thai 3=Tay 4=Nung 5=Muong 6=Tho 7=Others	1= Agriculture; 2=Livestock husbandry; 3=Selling goods; 4=Restaurant ; 5=Factory worker; 6=official; 7=private company; 8=transportation; 9=driver 10= receive domestic economic support;	0=Illiterate 1=Primary school 2=Secondary school 3=Yet graduated from high school 4=High school 5=Vocational training 6=University 7=Others
1							
2							
3							
4							
5							
6							
7							
8							
9							

5 Housing facilities

a.	Source of water – drinking / cooking: _____	1- Rain water	5- Purchased
b.	Source of water – washing / bathing: _____	2- Traditional / shallow well	6- Public tap
		3- Deep well	7- Piped water
		4- Canal, river, pond	8- Other
c.	Sanitation: _____	1- Pit latrine	3- Public toilet
		2- Toilet in house	4- None
d.	Source of energy – lighting _____	1- Electricity (from government)	6- Wood
		2- Private generator	7- Coal
e.	Source of energy – cooking: _____	3- Car battery	8- Cylinder gas
		4- Kerosene / gas	9- None
		5- Paraffin / candle	10 - Other

6. Access to public facilities

Facilities/Social service	1.Yes	2.No	1= under1 km	2= from 1 to 2 km	3= from 2 to 5 km	4= over 5 km
a. Health service						
1. Communal health center						
2. Hospital/General Clinic						
3. Private medical center						
4. Pharmacy						
b. Market						
c. Kindergarden and school						
5. Kindergarden						
6. Primary school						
7. Secondary school						
8. High school						
9. Community college/Vocational training						
d. Other community facilities						
10. Cultural communal house						
11. Pagodas, temples, churches						
12. Sport center, stadium						

7. Annual household income: VND

Main household income sources are from:

- | | | |
|----|---|----------------|
| 1) | Agricultural production activities | Amount_____VND |
| 2) | Business | Amount_____VND |
| 3) | Salary | Amount_____VND |
| 4) | Other sources (for example, overseas remittances) | Amount_____VND |

8. Water use: water sources for domestic use (tick the corresponding bracket)

- | | | | | | |
|----|---------------------------|-----|----|--------------|-----|
| 1) | Dug well | [] | 2) | Village well | [] |
| 3) | Tap water | [] | 4) | Rain water | [] |
| 5) | River, stream, pond, lake | [] | 6) | Buy water | [] |
| 7) | Creek | [] | 8) | Others | [] |

9. Common diseases among the community (specify)

- | | | | | | |
|----|----------------------|-----|-----|-------------|-----|
| 1. | Catch a cold | [] | 2. | Dysentery | [] |
| 3. | Influenza | [] | 4. | Hepatitis | [] |
| 5) | Respiratory diseases | [] | 6) | Intoxicated | [] |
| 7) | Malaria | [] | 8) | Others | [] |
| 9) | Cholera | [] | 10) | No answer | [] |

10. Main energy for lighting for household?

- | | | | | | |
|----|------------------|-----|----|----------------------------|-----|
| 1) | Grid electricity | [] | 2) | Power generator/hydropower | [] |
| 3) | Battery | [] | 4) | Kerosene lamp | [] |
| 5) | Wood/coal | [] | 6) | Others | [] |

11. Main energy for cooking of the household? (Can select more than 1)

- | | | | | | |
|----|-----------------|-----|----|-----------|-----|
| 1) | Electricity | [] | 2) | Biogas | [] |
| 3) | Power generator | [] | 4) | Others | [] |
| 5) | Gas/oil | [] | 6) | No answer | [] |
| 7) | Wood | [] | | | |

12. Has the living condition of the household changed during the last 3 years ?

- 1) Remain the same []; Reason: _____
- 2) Better []; Reason: _____
- 3) Worse []; Reason: _____

C. INVENTORY OF LOSSES

1. Land use situation of the household (affected land is in the scope of acquisition for the project)

Types of land				Impact degree		Land tenure	Legal title	Impacts caused by
1= Residential land 2=Land for growing rice 3=Garden land 4=Aquaculture land 5=Forestry land 6=Non-agricultural land 7=Others		Land within and beyond the project area (m ²)		Total area of affected land (m ²)	(1) Partially affected (2) Fully affected	1=Owner 2=Lease	1=LURC 2=Without LURC but are eligible for granting LURC 3= Ineligible for granting LURC 4= Land is in the planning area of the state 5=Long-term lease of government land 6=Lease of private land	1= Transmission line 2= Station
		Within	Beyond					
Plot 1								
Plot 2								
Plot 3								
Plot 4								
Plot 5								
Plot 6								
Plot 7								
Plot 8								
Total								

2. Affected houses

Types of houses		Legal title	Impact degree		Project area	Notes (if there is home business, except for No. 7)
1. Villa 2. Grade1 3. Grade 2 4. Grade 3 5. Grade 4 6. Temporary 7. Shop separated from house	Total floor area (m ²)	1. With certificate 2. Without certificate 3. Build on agricultural land 4. Rented house	Affected floor area (m ²)	(Partially affected=1; Fully affected=2)	1= Main canal 2= Northern Canal 3= Southern Canal 4=Management house 5=Borrow pit 6=Disposal area 7=Others	

NB: A household can be impacted on several houses, thus it is necessary to fill full information of all affected houses.

3. Information related to houses out of the project area (if any):

- No. of houses: []
- Area of houses out of the project area (m²): m²

4. Other affected structures and facilities

(List auxiliary structures separated from affected houses listed above and facilities)

Structures/ Facilities	Types of structures	Unit	Quantity	Location 1= Transmission line 2= Station
1. Kitchen separated from the main house	1. Temporary 2. Equal to grade 4 house	m2		
2. Livestock sheds	1. Temporary 2. Equal to grade 4 house	m2		
3. Electricity meter		Electricity meter		
4. Water meter and estimate		Water		

of water pipeline length		meter		
5. Telephone				
6. Fence	1. Brick 2. Steel, wire or wood	Fence		
7. Gate	1. Brick 2. Iron, steel 2. Wood, Bamboo	m ²		
8. Latrine, bathroom (separated from the main house)	1. Brick, concrete 2. Bamboo, thatch	m ²		
9. Earth grave a) In cemetery b) Individual		Grave		
10. Built grave				
11. Well	1. Drilled 2. Dug	m		
12. Water container	1. Brick/ concrete 2. Inox 3. Plastic	m ³		
13. Yard (only cement or tiled)		m ²		
14. Fish pond (excavated amount)		m ³		
15. Others (Name and affected area)				

5. Affected trees and crops

(Only list affected perennial crops and fruit trees)

Trees and crops	Name	Unit	Amount	Location 1= Transmission line 2= Station
a) Fruit tree (main)		Tree		
1) Pomelo				
2)				
3)				
4)				

5)				
b) Timber tree (main)		Tree		
1)				
2)				
3)				
4)				
5)				
c) Pot plant (main)				
d) Crops (main)		Tree		
1) Maize				
2) Potato				
3) Earthnut				
4) Bean				
5)				
e) Surface water area for aquaculture		m2		

D. CONSULTATION

1. Only for households losing productive and agricultural land

If agricultural or other productive lands are affected (acquired), which compensation option does your family chooses?

- a) Land-for-land (if land fund in the commune is available) with equal type of land and area/nature []
- b) Compensation in cash []
- c) Not yet decided []

2. Only for households losing residential land

Is the remaining residential land area out of the project area enough for the household to rebuild house?

- 1- Yes [] 2- No []

3. Only for households losing residential land

If the remaining residential land area is not viable to rebuild house (the remaining area is smaller than 40m2 in the urban area or 100m2 in the rural area), which relocation option does the household choose?

- a) Self relocate to another land plot of the household []
- b) Self relocate to another place decided by the household []
- c) Project's resettlement site []
- d) Move to the resettlement site arranged by the local authorities []
- e) Not yet decided []

4. What is your plan to use compensation cash?

- a) Build or repair house []
- b) Buy new land []
- c) Buy other properties [] ; Specify_____
- d) Invest in small business []
- e) Bank saving []
- f) Spend on children's study []
- g) Others [] Describe_____

5. At present does the family have plan to replace production/income from agricultural land and/or restore business?

1. No [] 2. Yes: []

If yes, what is the plan:

- a) Buy new agricultural land for production []
- b) Reestablish business in the new place []
- c) Business []
- d) Open small shop []
- e) Handicraft []
- f) Look for new job []
- g) Others [] Describe_____

Surveyor

On behalf of the household

Public Information Booklet (PIB)

Question 1: What is the ADB Guarantee Project?

Answer: ADB Guarantee is to help EVNHCM mobilize long-term and competitive funding from commercial banks to sustain the GOV's initiatives reducing the cost of electricity and improve the reliability of the electricity supply so as to promote economic growth and improve the living standard of the poor. The District 8 220kV substation and Nam Saigon – District 8 220kV transmission line is two of projects that EVNHCM and HPPMB is requesting for financing within the ADB Guarantee Project.

Question 2: how will the ADB Guarantee Project affect the local population?

Answer: The development of new substation and transmission line will/may require some land acquisition. However, their design will attempt to avoid or at least to minimize the negative impacts on households and communities. The final location of substation and TL's alignments will be selected after public consultations have been carried out.

If land acquisition is necessary, the Project affected people will be properly compensated for their affected land, houses, structures, crops and/or trees. Relocation and income restoration assistance will also be provided to Affected Persons (APs) who will be severely affected by the Project. Details are included in a Resettlement Plan that is available at your commune office. Please also refer to other relevant Public Information Brochures.

Question 3: What is the main objective of resettlement plan?

Answer: The main objective of the Resettlement Plan is to ensure that all Affected Persons will be at least as well-off, if not better-off, than they would have been in the absence of the Project.

Question 4: What if my land is affected by the project?

Answer: If land is available, your affected land will be replaced with land of equal area and productive capacity and at a location suitable and acceptable to you; or if, after being fully informed about your options, you prefer cash, compensation can be paid in cash at replacement value at current market prices, or a compensation partly in cash and partly in land might be possible.

Question 5: Do we need to have a land title in the order to be compensated?

Answer: No, lack of formal legal rights to land does not prevent any Affected Persons (APs) from receiving compensation or assistance measures. Those APs who possess a land use rights certificate (LURC) or any other form of written or verbal agreement to utilize the land are entitled to compensation for the lost land as well as assets on the land. Those APs who do not have legal/legalizable or temporary/lease rights for land will still be compensated for the assets on the land, such as any structures, crops and trees.

Question 6: Is the compensation applied for affected houses and structures?

Answer: Yes. Compensation will be applied for all affected assets including houses, shops and other structures as well as other fixed assets at replacement value at current market prices (including material and labour) without any deductions for building depreciation or salvageable building materials. This will ensure that the Affected Persons are able to reconstruct houses and other structures of better or at least the same quality as before.

Question 7: What about affected crops and trees?

Answer: Affected crops, fruit and timber trees and tree fences will be compensated in cash at current market prices. Compensation for non-harvested crops will be based on the average production in the past 3 years multiplied by current market prices. Compensation for trees will be based on the type, age and productivity of trees. A Replacement Cost Survey will be conducted during detailed design of the Project to establish market prices for compensation. If there are delays in paying compensation, prices will be updated to take inflation into consideration.

Question 8: Besides the compensation, how can the project help?

Answer: In addition to compensation for loss of land and other assets, the Project will provide rehabilitation assistance to eligible Affected Persons (APs) to ensure that their standard of living is maintained or improved after the Project. Eligible APs for rehabilitation assistance include:

Severely affected households: Households that lose more than 10% of their total productive landholdings will receive an economic rehabilitation package in accordance with provisions of Decree 69/2009/CP.

Households that relocate: Households that must relocate to new residential land will receive a transportation allowance of between VND 1,000,000 and 5,000,000 in cash; and, an incentive bonus if APs demolish their affected houses or structures in a timely manner.

Business owners that lose income while they relocate or rebuild their shops/businesses: Households with small, unregistered businesses will receive cash compensation equal to the provincial minimum wage for three months.

Owners of registered businesses will receive cash compensation at maximum equal to 30% of their after-tax annual revenue as provided by Decree 69/2009/CP.

Employees who lose their jobs: will receive cash compensation for lost salary/wages for each month they cannot work, if the loss is temporary; or, if the loss is permanent, cash compensation equivalent to the provincial minimum wage for three months or cash compensation for remaining contract period whichever is higher.

Question 9: does that mean that anybody in our community can claim for compensation?

Answer: No. Entitled Affected Persons (APs) are those persons or households that are surveyed during the detailed measurement survey (DMS) activities. The APs and local authorities will be informed of the cut-off date (the date of DMS) for the project. Anyone moving into the Project area after cut-off date will not be entitled to compensation and assistance under the Project.

Question 10: What if I have been told to move but was not included in the survey?

Answer: During the detailed design of the Project, some minor changes may occur. This could affect the results of original inventory of losses. These APs will be entitled to the same compensation as all other APs. Once the actual position and alignment of the road are known, a detailed measurement survey (DMS) will be conducted in the presence of APs to inventory the losses for compensation and rehabilitation.

Question 11: How will APs be consulted and informed?

Answer: A consultation and public information program will be organized in your commune to ensure that APs receive complete and timely information about the Project. APs will be provided information on project components, impacts, their rights and entitlements, grievance mechanism, rights of participation and consultation, resettlement activities, responsibilities of institutions and implementation schedule. APs will participate in resettlement planning and implementation and they will also be consulted on the following issues: a) resettlement options according to their entitlement, b) training and training preferences in current or new occupations, c) other project aspects.

This program will enable the Project to design the resettlement and rehabilitation program to meet the needs of APs, and help APs to make informed decisions about compensation and relocation. Consultations with APs and local authorities will reduce the potential for conflicts and minimize the risk of project delays, and maximize the economic and social benefits of the Project.

Question 12: If there are any disagreements or problems about land acquisition, compensation or other general disputes during project implementation, do APs have the right to voice their complaints?

Answer: Yes, Affected Persons (APs) can voice their complaints (in verbal or written form) to responsible local authorities and resettlement committees. Their complaints can be filed first at the ward or commune level, and can be elevated to the district and provincial level and taken to district court if the APs are not satisfied with the decision of lower levels. APs will be exempted from all taxes, administrative and legal fees. All complaints of APs on any aspect of land acquisition, compensation, resettlement and implementation will be addressed in a timely and satisfactory manner.

Question 13: as a resident in the project area, how can I help?

Answer: We would like you to participate in all consultation meetings and other project related activities in order to ensure that you are fully informed and consulted. Your active participation during the detailed measurement survey (DMS) and implementation will allow us to determine measures to mitigate impacts, to identify problems or potentials problems and to identify ways of responding immediately to solve these problems.

Question 14: How will you know if the objectives of this project are met?

Answer: HPPMB will ensure internal monitoring all Project activities. In addition, HPPMB will engage an independent external monitoring agency to conduct external monitoring of resettlement activities during Project implementation. Every 6 months, the independent monitoring agency will submit a report to HPPMB and ADB on resettlement implementation progress. A post-resettlement impact evaluation will assess whether negative impacts have been mitigated adequately and pre-project standards of living of APs have been restored as a result of resettlement and the Project.

PUBLIC CONSULTATION ON ENVIRONMENT AND SOCIAL/RESETTLEMENT

No.	Location	Date	Participants		Question	Answer
			Male	Female		
1	Ward 5 District 8 HCM city	October 31 st , 2013	7	4	<p>Will Anh Tu private company directly receive compensation for property loss or have to receive compensation through landholder or Saigon Shipbuilding Industry corporation?</p> <p>Will the workers working for company who do not have labor contracts be supported due to loss of a job?</p>	<p>Anh Tu private company will directly receive compensation for property loss.</p> <p>According to the regulations exactly, only the workers having labor contracts will have receive assistance for loss of job.</p>
2	Phong Phu commune Binh Chanh district HCM city	October 31 st , 2013	14	6	<p>Will the current project owner support for HHs whose land in the ROW have not yet supported from the previous projects?</p> <p>Will HHs whose houses were supported from the previous projects receive more assistance to ensure safety?</p> <p>Will the houses/structures in the ROW be allowed to repair?</p>	<p>The project will only support the land within the project expansion corridor.</p> <p>HHs whose houses/ structures were supported from the previous projects will not entitle to have more assistance from this project. The project owner will support the houses/structures in the project expansion corridor.</p> <p>According to Decree 81/2009/ND-CP, the houses/structures in ROW of the 220kV transmission line are permitted to exist if they meet the safe conditions, Therefore the houses/structures in ROW will have permission to repair for safety.</p>

No.	Location	Date	Participants		Question	Answer
			Male	Female		
3	Binh Hung commune Binh Chanh district HCM city	November 1 st , 2013	17	7	<p>Do they have to pay compensation for the property of the households damaged due to the construction process (excavation of foundations and stretching the cables)?</p> <p>Will local people be allowed to build or repair house?</p>	<p>The project owner will compensate for the HHs' assets damaged in the construction process.</p> <p>According to Decree 81/2009/ND-CP, the houses/structures in ROW of the 220kV transmission line are permitted to exist if they meet the safe conditions, Therefore local people will have permission to build or repair houses/structures in ROW if whose houses/structures are guaranteed for safety, especially the distance from the houses/structures to the T/L.</p>

REPLACEMENT COST SURVEY

1. Objective

Based on the land law 2003, Decrees and Circulars related to compensation when the GOV acquires land for the purposes of national, defense, public benefits and economic development, the compensation for the affected assets are applied with the unit costs which enacted by local authorities based on the price frame set forth in the Decree 123/2007 ND-CP (controlled by ceiling and floor costs). The Replacement Cost Study is conducted to establish compensation rates for the various types of the project affected properties in order to estimate the cost for compensation as required by the International Banks in their involuntary resettlement policy. In the implementation phase of RP, further detailed survey for may different affected assets and further steps need to be done in order to get the replacement costs updated and approved by the provincial authorities and then to be used for calculating the compensation package for each affected household.

The main tasks of the studied team are to carry out the replacement cost survey for the affected land and non-land assets, including (i) costs for the different land types (residential land, agricultural land, forestry land, fishpond land etc); (ii) Costs for buildings and other popular substructures; (iii) costs for trees, annual crops; and (iv) cost for labour, construction materials in the project localities etc.

2. Principle of the replacement costs

Replacement cost is the amount needed to replace for the affected assets without deduction for taxes and/or costs of transaction and as follows:

- Productive Land (agricultural, aquaculture, garden and forest) based on current market prices that reflect recent land sales in the project area or, in the absence of such recent sales, based on recent sales in adjacent or other locations with comparable attributes, or in the absence of such sales, based on productive value;
- Residential land based on current market prices that reflect recent land sales or, in the absence of such recent land sales, based on prices of recent sales in other locations with comparable attributes;
- Houses and other fixed structures based on current market prices of materials and labor without depreciation nor deduction for salvaged building materials;
- Annual crops equivalent to the prevailing market value of crops at the time of compensation;
- Perennial crops, cash compensation equivalent to their current market value given the type, age and productive value (future production) at the time of compensation.
- Timber trees based on the type and breast height at current market prices.

3. Process and Survey Methodology

To do the survey for the replacement values and to give comments, comparison between the results of survey and the compensation unit costs which enacted by Ho Chi Minh city, the survey teams used the methodology and carried out for the following works at the project localities and at the project sites.

- Desk study the implications of the national legal orders to the compensation principles when the GOV acquires land for the purposes of national, defense, public works and economic developments such as Land law 2003; Decrees No. 197/2004/ND-CP; 123/2007/ND-CP; amending Decree No.188/2004/ND-CP, dated 16 November 2004; Circulars 116 and 114/2004 of MOF; Decree 84/2007 and Decree 69/2009 on price determination method and price frame for different kinds of land as well as the policies on compensation and resettlement assistance of HCM city.
- Meetings with stakeholders such as DOF of Ho Chi Minh city to discuss about the legal framework, principle, methodologies and process which the province applied to determine for the unit cost of assets (land and non-land assets). The team also interview and obtained the comments from the above mentioned departments of the province and districts about the current costs which are using to compensate for the project affected persons in the province.
- Interview local (provincial, district and commune) officials, local people on the current market rates of land in the project area (in the affected communes) as per record of recent sale transactions. If there is no or not active market for non-residential land in the project communes, based on other project in the project area.
- Propose for the unit costs for compensating fixed assets (land, structures, and perennial and annual crops) that would be affected by the project.

The meetings with stakeholders and people are described as in table below.

List of contacted persons/ Institutions

No	Name	Position	Date of contact
	Ho Chi Minh city		
1		Staff of Finance Department	Oct. 9 th , 2013
	Ward 5 district 8		
1		Vice Chairman of People's Committee	17/10/2013
2		Land staff	17/10/2013
3		Chairman of Fatherland Front Committee	17/10/2013
4		Saigon Shipbuilding Industry Corporation	30/10/2013
5		Anh Tu Company	5/11/2013
6		Local household	5/11/2013
7		Local household	5/11/2013
8		Local household	5/11/2013
	Binh Hung commune Binh Chanh district		
1		Vice Chairman of People's Committee	16/10/2013
2		Affected household	16/10/2013
3		Affected household	16/10/2013
4		Affected household	16/10/2013
5		Affected household	16/10/2013
6		Affected household	16/10/2013
7		Affected household	16/10/2013
8		Affected household	16/10/2013
9		Affected household	16/10/2013
10		Affected household	16/10/2013
11		Affected household	16/10/2013
12		Affected household	16/10/2013
13		Local household	16/10/2013
14		Local household	16/10/2013
15		Local household	16/10/2013
16		Local household	16/10/2013
17		Local household	16/10/2013

No	Name	Position	Date of contact
18		Local household	16/10/2013
19		Local household	16/10/2013
	Phong Phu commune Binh Chanh district		
1		Chairman of People's Committee	17/10/2013
2		Land staff	17/10/2013
3		Economic staff	17/10/2013
4		Affected household	17/10/2013
5		Affected household	17/10/2013
6		Affected household	17/10/2013
7		Affected household	17/10/2013
8		Affected household	17/10/2013
9		Affected household	17/10/2013
10		Affected household	17/10/2013
11		Affected household	17/10/2013
12		Affected household	17/10/2013
13		Affected household	17/10/2013
14		Affected household	17/10/2013
15		Affected household	17/10/2013
16		Affected household	17/10/2013
17		Affected household	17/10/2013
18		Affected household	17/10/2013
19		Affected household	17/10/2013
20		Local household	17/10/2013
21		Local household	17/10/2013
22		Local household	17/10/2013
23		Local household	17/10/2013
24		Local household	17/10/2013

The results of survey are as follows:

- Due to the impact of the real estate market, in the past 3 years land prices in HCM city were relatively stable, less volatile.
- For real estate transactions, most people interviewed said that they were living in the region where there were only a few real estate transactions made last year.
- Unit price of land issued each year by Ho Chi Minh city People's Committee is relatively low compared with the market price of the transaction, the difference is 10-20% depending on the region.
- For housing and structures: 100% of the people interviewed said they had not built houses, structures for 2 years so they could not determine the construction cost of houses and buildings.

Replacement cost is proposed as:

No	Item	Unit	Unit cost according to decision of HCM People's Committee	Proposed replacement cost	Different factor between the replacement cost and the costs issued by HCM city	Remark
A	Land	Document No.4815/UBND-DTMT dated Sep. 27 th , 2011 and Decision No.61/2012/QĐ-UBND of HCM city People's Committee December 22 nd , 2012				
1	Agricultural land	VND/m ²	304,000	334,400	1.2	
2	Residential land				1.2	
3	<i>Phong Phu commune (Lane level 1, position 2)</i>	VND/m ²	1,720,000	1,892,000	1.2	
4	<i>Binh Hung commune (Lane level 1, position 2)</i>	VND/m ²	2,880,000	3,168,000	1.2	
5	Specialized land (according to Decision No.35/2010/QĐ-UBND, it is 60% of residential land unit prices)	VND/m ²	3,300,000	3,630,000	1.2	
B	Houses and other structures	Decision No.66/2012/QĐ-UBND of Ho Chi Minh city People's Committee dated December 28 th 2012				
1	Vehicle repair house (metal wall, metal roof)	VND/m ²	2,200,000	2,200,000	1	
2	Vehicle keeping house (no wall, metal roof)	VND/m ²	1,100,000	1,100,000	1	
3	Internal road (concrete and macadam)	VND/m ²	136,000	136,000	1	
4	Wall fence	VND/m ²	150,000	150,000	1	
5	Kitchen, bathroom (metal wall, metal roof)	VND/m ²	2,620,000	2,620,000	1	
6	Garage (metal wall, metal roof)	VND/m ²	2,200,000	2,200,000	1	
7	Cement yard	VND/m ²	112,000	112,000	1	
8	House, guesthouse (metal/brick wall, metal roof)	VND/m ²	2,620,000	2,620,000	1	

Detailed cost of compensation and allowances of the project

No,	Components	Unit	Quantity	Unit price (VND)	Amount (VND)	Amount (USD)
A	COMPENSATION COST - FOR STATION (A,1+A,2+A,3)				19,627,315,600	
A,1	Compensation for land				16,390,677,600	
	Specialized land, non- agricultural land of enterprises				16,390,677,600	
	Phường 5	m ²	4,139.1	3,960,000	16,390,677,600	
A,2	Compensation for other structures (1+2+3+4)				2,631,638,000	
1	Vehicle repair house (metal wall, metal roof)	m ²	360	2,200,000	792,000,000	
2	Vehicle keeping house (no wall, metal roof)	m ²	1.410	1,100,000	1,551,000,000	
3	Internal road (concrete and macadam)	m ²	1.958	136,000	266,288,000	
4	Brick fence (with 10cm)	m ²	149	150,000	22,350,000	
A,3	ALLOWANCES (1+2+3)				605,000,000	
1	Transportation assistance				50,000,000	
	- Affected company		1	50,000,000	50,000,000	
2	Incentive for timely movement				15,000,000	
	Totally affected company	Company	1	10,000,000	10,000,000	
	Partially affected company	Company	1	5,000,000	5,000,000	
3	Assistance for losses on business and job	Company			540,000,000	
	- Losses on business	Company	1	240,000,000	240,000,000	
	- Losses on job	Person	25	12,000,000	300,000,000	
B	COMPENSATION COST - FOR TRANSMISSION LINE (B,1+B,2+B,3+B,4)				28,599,508,800	
B,1	COMPENSATION FOR LAND (1+2)				1,304,889,600	
1	Residential Land				984,960,000	
	Binh Hung Commune	m ²	285	3,456,000	984,960,000	
2	Agricultural Land				319,929,600	
	Phong Phu Commune	m ²	877	364,800	319,929,600	
B,2	COMPENSATION FOR HOUSE				356,320,000	
	House, guesthouse (metal/brick wall, metal roof)	m ²	136	2,620,000	356,320,000	Partially Affected
B,3	COMPENSATION FOR OTHER STRUCTURES (1+2+3+4)				397,452,000	

No,	Components	Unit	Quantity	Unit price (VND)	Amount (VND)	Amount (USD)
1	Kitchen, bathroom (metal wall, metal roof)	m ²	78	2,620,000	204,360,000	
2	Garage (metal wall, metal roof)	m ²	85.5	2,200,000	188,100,000	
3	Cement Yard	m ²	16	112,000	1,792,000	
4	Iron Fence	m ²	32	100,000	3,200,000	
B,4	HỖ TRỢ (1+2+...+7)				26,540,847,200	
1	Assistance for rehabilitation and production				6,300,000	
	- For households with permanently required land from 10% to 30% of total landholding (VND 300,000/per./month x 3 months)	Person	7	900,000	6,300,000	
2	Assistance for job changing and creation				651,859,200	
	- Cash support for permanently required agricultural land (estimated as 2 times of compensation unit price)	m ²	877	729,600	639,859,200	
	- Job-training (VND 3,000,000/person in labour age group)	Person	4	3,000,000	12,000,000	
3	Incentive for timely movement				25,000,000	
	Partially affected household	Household	10	2,500,000	25,000,000	
4	Allowances for partially dismantled houses/structures and reuse (20% of compensation cost according to Decision 35/2010/QĐ-UBND dated May 28th 2010)				71,264,000	
	Nhà ở, nhà trọ (tường xây/tôn, mái tôn)	m ²	136	524,000	71,264,000	
5	Allowances for land in ROW due to land use restriction (plus the area under the current ROW)				17,098,675,200	
	Allowance for residential land (80 % of compensation unit price)					
	Phong Phu commune	m ²	5.160	1,651,200	8,520,192,000	
	Binh Hung commune	m ²	2.870	2,764,800	7,934,976,000	
	Allowance for agricultural land (70% of compensation unit price)	m ²	2.520	255,360	643,507,200	
6	Allowances for houses and other structures in ROW				8,662,748,800	
	- Assistance due to restricted usability and impacts on daily-life activities (70% of value of house and other structures)					

No,	Components	Unit	Quantity	Unit price (VND)	Amount (VND)	Amount (USD)
	<i>Brick wall, metal roof</i>	m ²	4,443.2	1,834,000	8,148,828,800	
	<i>Leaf wall, leaf roof</i>	m ²	32	940,000	30,080,000	
	- Support for renovation	m ²	32	2,620,000	83,840,000	
	- Support for installing fireproof materials and lightning arrestors (houses and other structures in ROW)	Household	38	2,000,000	76,000,000	
	- Support for installing fireproof materials and lightning arrestors (houses and other structures in ground connection corridor according to Circular 03/2010/TT-BCT)	Household	162	2,000,000	324,000,000	
7	Special allowance for vulnerable households				25,000,000	
	- Female headed household	Household	4	5,000,000	20,000,000	
	- Elderly householders	Household	1	5,000,000	5,000,000	
C	SUB-TOTAL (A+B)				48,226,824,400	
D	COST FOR DMS IMPLEMENTATION AND AMINISTRATION (CARBs) = 2% * C	%	2		964,536,488	
E	Cost for external monitoring (estimated)	khoán			200,000,000	
F	TOTAL(C+D+E)				49,391,360,888	
G	REDUNDANCY (Additional cost + Inflation) = 10% of F	%	10		4,939,136,089	
	TOTAL (VNĐ)				54,330,496,977	
	TOTAL (US\$)				2,587,167	

Photos of meeting on public consultation and IOL survey



Photo of the meeting on public consultation
in Phong Phu commune (Oct. 31st 2013)



Photo of the meeting on public consultation
in Phong Phu commune (Oct. 31st 2013)



Photo of the meeting on public consultation
in ward 5 district 8 (Oct. 31st 2013)



Photo of the meeting on public consultation
in ward 5 district 8 (Oct. 31st 2013)



Photo of the meeting on public consultation
in Binh Hung commune (Nov. 1st 2013)



Photo of the meeting on public consultation
in Binh Hung commune (Nov. 1st 2013)

RESETTLEMENT PLANNING DOCUMENT

HANOI AND HO CHI MINH CITY POWER GRID DEVELOPMENT SECTOR PROJECT

EVN HCMC

**Corrective Action Plan for Binh Chanh 220 kV
Substation Expansion Subproject**

November 2013

Prepared by PEEC4 for EVN HCMC to meet requirements of the ADB as this has been identified as an associated facility for the District 8 kV Substation and Na Sai Gon District 8 220 kV Transmission Line.

I. Binh Chanh 220 kV Substation

1. This Corrective Action Plan (CAP) has been prepared as this facility is identified as an associated facility to the District 8 220 kV Substation and Nam Sai Gon District 8 220 kV Transmission Line Project. The ADB requires a due diligence and a CAP to be prepared for identified associated facilities.

1. Scope and Scale of the Expansion Section

2. The existing Binh Chanh 220 kV Substation is located in Hamlet 5, Phong Phu Commune, Binh Chanh District, Ho Chi Minh City. The extended bays of the 220kV TL will be built on the extended area of the substation to the left of the D01 bay. The extended area is $40\text{m} \times 156.5\text{m} = 6260\text{m}^2$, the area within the fence is $34\text{m} \times 147\text{m} = 4998\text{m}^2$ to install and build 2 bays of the 220kV TL.

2. Progress and Schedule

3. It is anticipated that the extended bay of Binh Chanh 220kV substation will be built over 5 months and come into operation together with the 220kV TL District 8- Binh Chanh. Therefore, the construction progress is anticipated as follows:

Complete investment project:	February 2013
Complete technical design:	August 2013
Complete bidding document-equipment	February 2014
Complete bidding document- installation	April 2014
Construction:	05 months (expected to come into operation during 4th Quarter of 2014)

II. Land Acquisition Impacts of the Extended Bay of Binh Chanh Substation

4. The extension of the bays of Binh Chanh Substation will cause permanent land acquisition of some households in Hamlet 5. According to the preliminary survey the quantity of land to be acquired is as follows:

1. Anticipated Permanently Acquired Land

Unit (m^2)

Location	Anticipated land area to be acquired	Total area
Phong Phu Commune, Binh Chanh District, Ho Chi Minh City	6,260	6,260

2. Impacts on Structures

5. The extension of the substation does not affect people's houses. Currently only one fish-raising structure of one household is in the land area to be acquired. This structure will be dismantled.

6. According to the statistical data collected during the preliminary survey, the exact number of affected households/peoples is not identified yet. For land, it is anticipated that the project will acquire a part of Plot 14, 30, 31, 56 and 57 on the Map No. 42 (Cadastral map) of Phong Phu Commune, Binh Chanh District

III. Corrective Action

7. **In order to ensure conformity with Nam Sai Gon- District 8 220 kV TL Project the following actions should be taken:**

8. So far land acquisition activities for expanding Binh Chanh 220 kV Substation has not been undertaken due to the overlapping of the Right of Way (ROW) between the construction of the outgoing line bay of Nam Sai Gon-District 8 220 kV TL Project (financed by ADB) and the extension of Binh Chanh 220 kV substation (state budget). The following activities, therefore, are required as a condition for appraising the loan for the Nam Sai Gon-District 8 220 kV TL Project.

(i) Consultation, participation and information disclosure

9. The consultation, participation and information dissemination activities for this extension of Binh Chanh 220 kV substation have not yet been undertaken. The processes for consultation, participation and information dissemination are described in the RP for District 8 220 kV substation and Nam Sai Gon-District 8 220 kV TL, which will be applied for the land acquisition activities of Binh Chanh 220 kV Substation.

(ii) Main principles of resettlement policy

10. It is most unlikely that people will be physically displaced but at this juncture it is not possible to know exactly if there will be severely affected people (i.e. those losing more than 10% of their income-producing productive assets) but as a precautionary/proactive measure the following principles have been identified:

No.	Principles	Compulsory	Encouraged to comply	Optional
1	Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimized if possible by exploring alternatives.	✓		
2	Compensation and assistance will be based on replacement cost at the time of implementation.	✓		
3	Households are considered severely affected if they lose 10% or more of their income-generation productive assets.	✓		
4	Affected people who do not have legal claim for land use will be compensated for their affected assets on land at the replacement cost.	✓		
5	Replacement residential and agricultural land should be near the project location if possible and suitable to the APs.		✓	
6	Consultation with the APs and concerned groups must be conducted to ensure their participation in the planning to implementation process.	✓		
7	RP to be disseminated to the APs in an understandable language and form to them.	✓		

8	Resettlement planning and management to ensure gender considerations.		✓	
9	Special measures will be included in the Resettlement Plan to protect any vulnerable group economically and socially including woman-headed households, children, the disabled, the elderly, landless people and people living under the poverty line.		✓	
10	The existing cultural and religious activities will be respected and maintained as much as possible.		✓	
11	Social impact assessment and gender sensitivity and monitoring will be carried out at different stages of the project.			✓
12	Resettlement transition time must be minimized.	✓		
13	Restoration measures will be taken for the relocating people prior to the construction at the specific location although this is most unlikely and is an important consideration for the overall project		✓	
14	Budget for compensation, resettlement and assistance will be prepared sufficiently and in place during the project implementation.	✓		
15	Reporting and external monitoring must be identified clearly as a part of resettlement management system.			✓
16	Cut-off-date is the DMS completion day when affected land and/or assets of the project have been inventoried and measured.			✓

(iii) Institutional arrangements

11. The extension of Binh Chanh 220 kV substation should be carried out at the same time with the construction of 220 kV TL in the same area (Hamlet 5 of PhongPhu Commune, Binh Chanh District) by Binh Chanh DCARB. Therefore, the process for land acquisition of the extended area of the substation will be implemented in accordance with the law and regulations of the Government of Vietnam on Compensation and Resettlement in case of land recovery by the state for the public and national security and defense purposes as well as other relevant decrees on ROW protection of the electricity projects with reference to the requirements of ADB as described in the RP for District 8 220 kV Substation and Nam Sai Gon-District 8 220 kV TL.

12. PTC4 (the Employer of the Extended substation subproject) agreed that, HCMPPMB will be the agency responsible for cooperating with Binh Chanh DCARB to carry out land acquisition for the extended Binh Chanh 220 kV substation and the connection of the Nam Sai Gon-District 8 220 kV TL. This will help the application of good practice activities described in RP to be carried out easier.

13. EVN as the Parent Company should issue an official letter to require PTC4 to cooperate with EVNHCM to ensure compliance with the policies described in RP for District 8 220 kV Substation and Nam Sai Gon-District 8 220 kV TL.

(iv) *Financial source*

14. The financial source for compensation and assistance for acquiring land to expand Binh Chanh substation is PTC4. It is a subsidiary of EVNHCM.

Figure 1. Map of Binh Chanh expansion

