

Resettlement Plan – Subproject 4

December 2013

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

(EVN HCMC: 110 kV Underground Cable Connecting To Tham Luong Substation and Tham Luong 110 kV Substation)

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

ABBREVIATIONS

ADB	Asian Development Bank
CPC	Commune People's Committee
DCARB	District Compensation, Assistance and Resettlement Board
DMS	Detailed Measurement Survey
DPC	District People's Committee
EVN HCMC	Ho Chi Minh City Power Corporation
EVN	Electricity of Viet Nam
GOV	Government of Viet Nam
HCMC	Ho Chi Minh City
HPPMB	Ho Chi Minh City Power Projects Management Board
IOL	Inventory of losses
LURC	Land use rights certificate
PECC4	Power Electric Construction Consultant 4
PIB	Public information booklet
PIC	Project Implementation Consultant
RCS	Replacement Cost Survey
RoW	Right-of-Way
RPF	Resettlement Policy Framework
SES	Socio-Economic Survey
SPS	Safeguard Policy Statement
XLPE	cross-linked polyethylene insulation

ELECTRICAL TERMINOLOGY

kV	(kilovolt)	- 1,000 volts
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 Volts 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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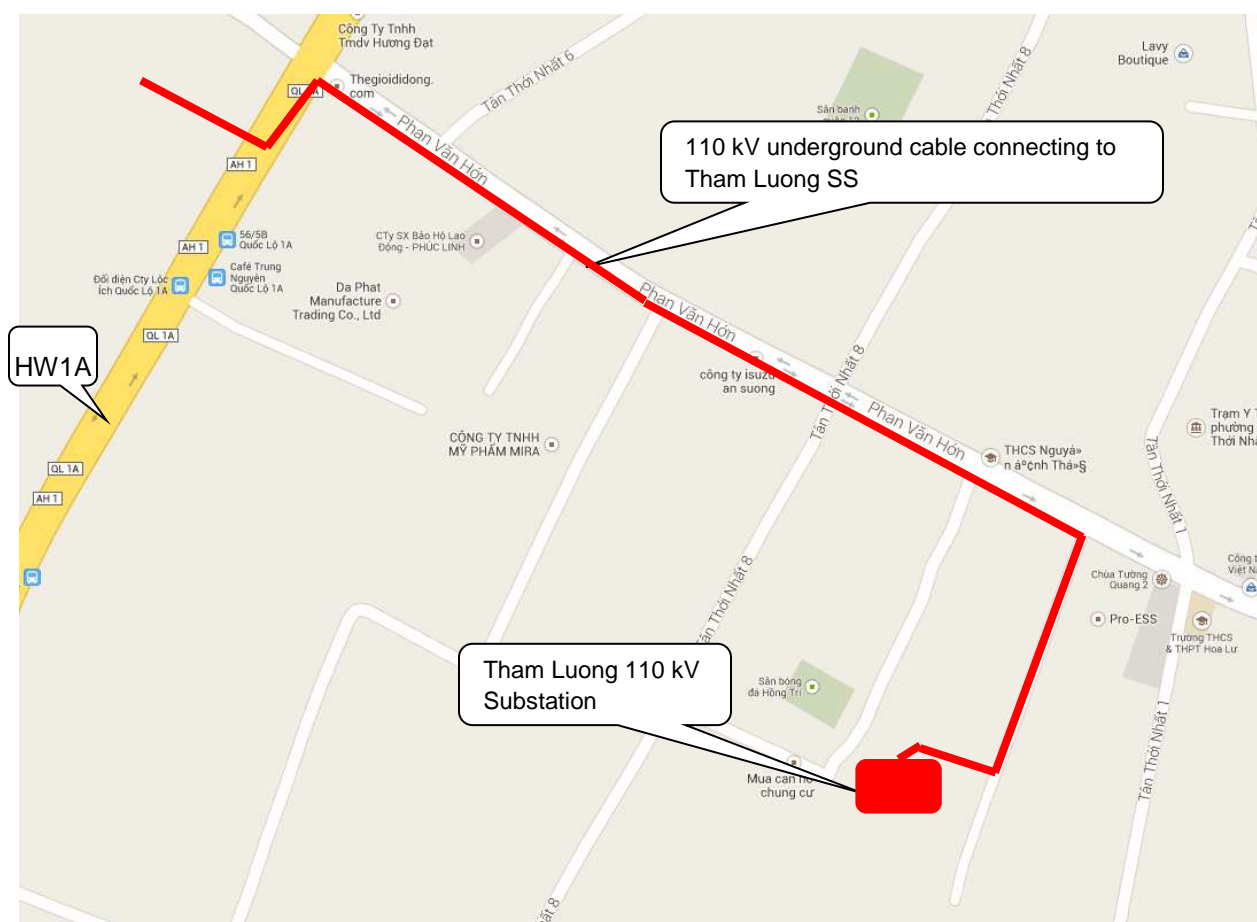
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Definition of Terms

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.

Figure 1. Route of 110 kV Underground Cable connecting to Tham Luong substation and the location of Tham Luong 110 kV substation



1.0 EXECUTIVE SUMMARY

1.1 Project Description

1. This resettlement plan is the social safeguards document required for the approval of the “110 kV underground cable connecting to Tham Luong substation” and “Tham Luong 110 kV substation” subprojects (or the subprojects) for Ha Noi and Ho Chi Minh City Power Grid Development Sector Project of the Government of Viet Nam (GOV). Under the project the subprojects are designed to: (i) meet the power supply demand of loads in Tan Thoi Nhat ward and a part of Dong Hung Thuan ward, district 12 and Ba Diem Commune, Hoc Mon district; and (ii) improve system stability and security, and improve the reliability of power supply in the North of Ho Chi Minh City (HCMC).

2. The 110 kilovolt (kV) underground cable connecting to Tham Luong substation subproject has a total length of 2,017 meters that will traverse to Ba Diem commune, Hoc Mon district and Tan Thoi Nhat ward, district 12, HCMC. It will start at tower 28a of 110 kV Hoc Mon–Vinh Loc transmission line, in Tien Lan village, Ba Diem commune; and will terminate in Tham Luong 110 kV substation in Tan Thoi Nhat ward. Land will be required for the: (i) cable canals, (ii) cellars for connecting cable, and (iii) tower No. 28a.

3. The 110 kV Tham Luong substation has a total area of 1,338.9 square meters (m^2) that is located on a planning area of the authorities with the area of 38 hectares (called the 38 hectares planning area). Land will be required for the (i) substation ($1,338.9 m^2$); and (ii) access road (231 meters in length and $2,671.1 m^2$ in area).

4. The Ho Chi Minh City Power Corporation (EVN HCMC) is the project executing agency while the Ho Chi Minh City Power Projects Management Board (HPPMB) is the implementing agency.

1.2 Scope for Land Acquisition and Resettlement

5. Total affected land area for the 110 kV underground cable connecting to Tham Luong substation is $4,252.96 m^2$, in which only $229.6 m^2$ of land is acquired for the construction of tower No. 28a ($57.6 m^2$) and 43 meters of the first section of the underground cable which is located on the agricultural owned by local people ($172 m^2$). The remaining land area is traffic land, so it is not necessary to acquire this land because the electric cable will be underground. The acquired land is agricultural land which has been cultivated since 2005.

6. Total acquired land area for the 110 kV Tham Luong substation is $4010 m^2$ that is land of the 38 hectares planning area. At present, the land is bare land and available for the construction of the substation because it was cleared by the District Compensation, Assistance and Resettlement Board (DCARB) of district 12 prior to the project design.

7. Most of acquired land of the subprojects is used for traffic and construction purpose, while there is a few amount of land belonging to local people. The total land permanently required for the subprojects is equivalent to 8.26% of the total landholding of the affected persons.

1.3 Socioeconomic Information and Impact Assessment

8. There are only two affected households (one of them has affected land and the other has affected assets on land without the land use right certification [LURC]), with 13 members (including five persons for one household and eight for the other). These households completed high school education.

9. As to their main occupations, one household head has been retired; the others are engaged in the industry sector. As to the status of their monthly incomes, affected households have monthly per

capita incomes of more than VND 1,000,000. Hence, there are no affected households that could be defined as living below the poverty line as per HCMC criteria.

10. All affected households rely on water extracted from deep-water wells. They have access to electricity from the national grid. For cooking, they are using gas for some of their meal preparations. The affected households have access to government social services, like schools and medical stations in each commune, ward.

11. Gender inequality is not an issue in the subproject areas.

1.4 Information Disclosure, Consultation and Participation

12. With assistance from the technical assistance consulting team, the consultancy company for HPPMB held public meetings and consultations on 30 October. In those joint public meetings and consultations, the different stakeholders were identified, such as: (i) Commune Peoples' Committees (CPCs), (ii) mass organisations, (iii) the residents who are not affected persons, and (v) the affected persons. In those meetings, they were given Project Information Booklets (PIBs) and discussed the topics related to the preparation of the resettlement plan. Representatives of mass organisations in the commune and the ward concern have also attended, such as Viet Nam Women's Union and Fatherland Front. The meetings and consultations, all held in the CPC offices, were attended by 22 local officials and residents that comprised 16 males and six females.

13. As detailed in the main report, plans for future consultations were designed, one during the updating of the resettlement plan and the other during implementation.

1.5 Grievance Redress Mechanisms

14. 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.

1.6 Legal Framework

15. 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).

1.7 Entitlement, Assistance and Benefits

16. 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.

17. 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.

1.8 Relocation of Housing and Settlement

18. Households within the area of substation construction as well as along the underground cable will not be affected. Therefore, the project will not perform any physical relocation.

1.9 Income Restoration and Rehabilitation

19. There is no need for an income restoration and rehabilitation program since no livelihoods are at risks because the impacts on the lands of affected persons are only marginal and no household will become vulnerable due to this specific project.

1.10 Resettlement Budget and Financing Plan

20. VND 3,810,171,750 (\$ 180,150) is estimated for resettlement plan implementation. 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 from the ADB loan, except for the compensation of land.

1.11 Institutional Arrangement

21. 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.

1.12 Implementation Schedule

22. As envisaged, the resettlement plan shall be implemented in 10 months prior to the award of civil works contract/s. The EVN HCMC, through the HPPMB, will implement the updated resettlement plan upon receipt of official approval from ADB. Upon completion of resettlement plan implementation, the HPPMB will advise EVN HCMC to request ADB for its "No Objection" for the award of civil works and

fabrication contract to contractor/s. Indicators for completion of resettlement plan implementation refers to the full payment of compensation to affected persons, and no complaint and/or grievance are left unresolved. The detailed activities and schedule in updating implementing the updated resettlement plan related to the award of civil works contract is illustrated in the main report.

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

1.13 Monitoring and Reporting

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

2.0 PROJECT DESCRIPTION

2.1 Introduction

24. This resettlement plan is the social safeguards document required for the approval of the Tham Luong 110 kV substation and the 110 kV underground cable connecting to Tham Luong substation (or the subprojects). The resettlement plan contains the policies, guidelines and administrative processes and procedures which the Ho Chi Minh City Power Corporation (EVN HCMC) commits to the Asian Development Bank (ADB or the Bank) that these will be complied with during project implementation. This resettlement plan is consistent with the prescription in the Resettlement Framework prepared for the Project Preparatory Technical Assistance No. 8205-Preparing Hanoi and Ho Chi Minh City Power Grid Development Sector Project, the relevant legislation being enforced by the GOV, and the ADB SPS (2009) as well as the other cross-cutting social policy themes of ADB.

25. The subproject “100 kV Underground cable connecting to Tham Luong substation” will be synchronously implemented with the subproject “110 kV Tham Luong Substation” with the owner of EVN HCMC. The task of the subprojects is supply for power loads in District 12, a part of Hoc Mon District on the west side of HCMC.

2.2 Description of the Underground Cable and Substation Location

2.2.1 Subproject Locations

26. **The route of 110 kV underground cable connecting to Tham Luong substation** is expected to be constructed in Ba Diem commune–Hoc Mon district and Tan Thoi Nhat ward–District 12, HCMC.

27. **From tower No. 28A to G2 (256 meters in length).** From the proposed tower No. 28A (at axis of the existing Hoc Mon–Vinh Loc 110 kV Transmission Line), between towers No. 28 and 29, in Tien Lan village, Ba Diem commune, Hoc Mon district, the cable runs under the fallow land, then goes to a lane No 58 of HW 1A (with 5-6 meters in length) and goes to HW 1A. The land use of the cable section is agricultural land.

28. **The section crossing over the HW 1A - 58 meters in length:** from the lane No 58, the route will cross over HW 1A, then turn left to the crossroads of HW 1A and Phan Van Hon street. This section will be constructed by Horizontal Directional Drilling method. The land use of this route section is traffic road.

29. **From the above section to the crossroads of HW 1A–Phan Van Hon street with 185 meters in length:** after crossing over HW 1A, the route will keep going along this HW to the crossroads, then the route will turn right to Phan Van Hon street, Tan Thoi Nhat ward, district 12. This section will be underground of HW 1A (the width of HW 1A in the area is 33-40 meters).

30. From the crossroads of HW 1A - Phan Van Hon to the T-junction of Phan Van Hon–Tan Thoi Nhat 1B, 894 meters in length: After turning right to Phan Van Hon street, the route will go along Phan Van Hon street to the T-junction of Phan Van Hon–tan Thoi Nhat 1B. This section will be under the foundation of Phan Van Hon street.

31. From the T-junction of Phan Van Hon–Tan Thoi Nhat 1B to Tham Luong substation, 624 meters in length: from the T-junction, the route turn right to Tan Thoi Nhat 1B road and go along this road to the 38ha planning area, at the planning area the route will turn right to Tham Luong substation.

32. **110 kV Tham Luong substation:** 110 kV Tham Luong Substation (closed type) will expectedly be constructed in the Lot N° VI (agreed by the District People’s Committee [DPC] of District 12 with the detailed scale of 1/500) in the projected land area for infrastructure of Tan Thoi Nhat Ward’s resettlement

area (area of 38 ha) (agreed by DPC of District 12), in Zone 5, Tan Thoi Nhat Ward, District 12, HCMC. The boundary of the substation is as follows:

- North: adjacent to the project A1 road with the right-of-way (RoW) of 60 meters.
- East: adjacent to the projected primary school.
- South: adjacent to the projected infrastructure area.
- West: adjacent to the projected road with the RoW of 16 meters.

33. **Access Road to the substation:** The starting point will be at the connection with the existing road (4 meter-wide) to the ending point at the gate of the Substation; its design scope is temporary road along the projected road alignment in the area of 38 hectares.

2.2.2 Main parameters of the subprojects

34. Main parameters of underground cable:

- Voltage level : 110 kV
- No. of circuit : Double circuit
- Installation location : the cable will be underground along Alley No. 58 of HW 1A, at Tien Lan hamlet, Ba Diem commune, under Phan Van Hon street (districts of Hoc Mon and No. 12), streets in zone 5, Tan Thoi Nhat ward.
- Starting point: At the Tower for connection between the underground cable and overhead transmission line Tower No. 28a (Tien Lan hamlet, Ba Diem commune, Hoc Mon District).
- Ending point: At the busbar 110 kV Tham Luong substation (in zone 5, Tan Thoi Nhat ward, District 12).
- Length of route : 2,017 meters.
- Conductor : core 1200 mm² with insulation cover of XLPE.
- Power surge protection : Power surge protector of LA 96 kV.
- Cable arrangement: inserting cable into HDPE pipe Φ225, all will be underground.

35. Tower for connection of underground cable at Tower No. 28a

- Voltage level: 110 kV
- No. of circuit: 02
- Identical with the centreline of 110 kV Hoc Mon - Vinh Loc transmission line, (between the existing Towers No. 28-29 in Tien Lan hamlet, Ba Diem commune, Hoc Mon district).
- Structure: single steel tower.
- Transmission Wire : ACSR 795MCM.
- Insulator: single tension series, with the load of 160 kN.
- Anti-lightning wire: Anti-lightning galvanised wire TK-70.
- Tower foundation: column foundation made of cast-in situ concrete.
- Earthling: ray-type shall be used and made of round zinc galvanised steel φ12, installed by layers about bottom and collar of the foundation.

36. Main Parameters of 110 kV Tham Luong Substation:

- 110 kV Tham Luong Substation is a closed typed substation, with high voltage connecting/disconnecting devices of GIS and medium connecting/disconnecting devices of synchronous electric cabinets installed in-house.
- Voltage level: 110 kV, 22 kV.
- Installed capacity: 03 transformers 110/22(15) kV - 3*63 MVA (2 transformers will be installed in the first stage).
- Equipment and operation management building: three storeys with total height of 20 meters, the height of each storey will be sufficient for equipment installation, operation and repair.
- Building block for installation of transformer (10x30) meters is arranged on the West side of the substation's area, adjacent to the projected 16 meters-wide road.

37. Main Parameters of access road to the substation: Length: 231 meters; Pavement's width: 4 meters; the pavement will be aggregate base course.

2.3 Sources of Project Impacts

2.3.1 Sources of Permanent Impacts

38. The underground cable subproject will only require the acquisition of land for the tower foundation No. 28a (57.6 m²) and about 89.44 m² caused by 43 meters of the first section of the underground cable which is located on the agricultural land. An auxiliary structure (an eave of an affected person) will also be dismantled due to the crossing of the underground cable.

39. The 110 kV Tham Luong substation will require the permanent acquisition of land for substation (1,338.9m²) and access road (2671.1 m²), these area of land will be located on the 38 hectares planning area which will be cleared by DCARB of district 12.

2.3.2 Sources of Temporary Impacts

40. The areas for work stations, provision for the delivery of cables, machines, and steel materials for the tower by vehicles to work areas are the main sources of temporary impacts. These shall affect traffic activities on roads, especially in Phan Van Hon Street because this cable is under this road's foundation. The contractor/s will pay compensation to the owners for any damages during the course of construction and restore the land to pre-subproject condition, or better.

2.4 Measures to Minimise the Project Impacts

41. **Selection of the route of the underground cable:** In the design stage, the consultant worked with the local authorities for site observation and to get agreement to select the route alternatives suitable to the Master plan to avoid historical and cultural heritages and natural reservation areas, crowded residential areas, thus, minimizing the scale of acquisition of land and property, and plant/crop destruction. The route alternative was selected and approved by the DPC of District 12 via the Notice No. 114/TB-VP dated 22 March 2012 and by the DPC of Hoc Mon via the Notice No. 114/TB-VP dated 6 September 2012. There are no houses, trees, crops affected by the underground cable.

42. **Selection of the substation's location:** The substation's location is agreed by DPC of District 12, HCMC. It is located in the lot No. VI in the 38 ha-planning area where will be compensated and carried out site clearance by DCARB of district 12 before handing over for the EVN HCMC.

3.0 SCOPE OF LAND ACQUISITION

3.1 Approaches to Identification of Project Impacts

43. The census and IOL in Ba Diem commune and Tan Thoi Nhat ward were conducted from 7-10 October 2013 which was based on the preliminary RoW of the transmission line. All immovable properties inside the RoW corridors were determined, counted, measured, tagged, owners identified and their places of residence were verified with commune authorities. The immovable assets consist of lands, houses, other structures and trees. Based from the IOL, the severity of impacts to affected persons was determined based on their sources of livelihoods and their productive capacity.

44. The Consultancy company for HPPMB fielded one personnel to undertake the joint IOL/Socio-Economic Survey (SES) following the delineation of the underground cable's RoW by the engineers. They were accompanied either by commune or village officials, who were instrumental in identifying and locating the residences of the affected persons. The data was processed in their office in Ho Chi Minh,

under the supervision of a national resettlement consultant. This personnel was assigned for the research on replacement cost prices and worked with a District Cadastral Officer to establish the basis for the unit replacement cost in order to come up with a budget for the compensation of affected persons.

45. The team leader furnished the list of affected persons to commune officials and the DCARB of district 12 and Hoc Mon district for their reference. The DCARBs have issued the cut-off date for affected persons who are eligible to receive compensation and assistance under the project.

3.2 Summary of Impacts

46. Summarised in the Table below are the likely impacts of the subprojects that will result from restrictions and land acquisition. The subprojects will affect 2 households including one affected person who has affected land and one affected person who has affected auxiliary structure. Total affected lands are 4,010.00 m² of land of permanent acquisition for the substation; and 4,252.96 m² for the underground cable (only 147.07 m² of permanent land acquisition).

Table 2. Summary of Impacts of the Subprojects

N°	Types of impacts	Unit	Volume of impacts	
			Substation	Underground cable
1	Number of affected households	household		2
2	Affected land	m ²	4010	4252.96
2.1	Permanent acquired land	m ²	4010	147.04
2.1.1	<i>Agricultural land (uncultivated from 2005 to now)</i>		-	147.04
2.1.2	<i>Land in the 38-hectare planning area</i>		4010	-
2.2	Temporary affected land	m ²	-	4105.92
2.2.1	<i>Existing roads</i>	m ²	-	3411.2
2.2.2	<i>Planned roads in the 38-hectare planning area</i>	m ²	-	694.72
3	Damaged trees	tree	None	None
4	Damaged house	Pcs.	None	None
5	Damaged auxiliary structure	Pcs.	None	1

47. According to the IOL results (October 2013) the substation's location will be cleared by the district 12 DCARB who will hand over this location to the EVN HCMC, therefore the compensation and site clearance for this land (4010 m²) will not be within the scope of the subprojects.

48. The complete list of the affected persons showing their individual impacts is shown in the below table

Table 3. List of Affected Households

No	Affected household	Membership	Total landholding (m ²)	Affected land (m ²)	Affected asset (pcs.)	The rate of affected land (%)
I	<i>Ba Diem commune, Hoc Mon district</i>					
1		8			1	
2		5	1780	147,04	0	8,26%

3.3 The Affected Persons

49. The two affected households are headed by 2 males, all Kinh who belong to the mainstream society of Vietnam. Both of them are in Ba Diem commune, Hoc Mon district.

3.4 The Affected Lands

3.4.1 Gross Area and Type of Landholdings

50. On affected person has total landholdings of 1,780 m² and holds land use right certificates (LURCs) issued by the Government of Hoc Mon District. The land is agricultural land, but it has been unused for recent years.

3.4.2 Impacts on Lands

51. **Permanent land acquisition** of the 4157.04 m² of lands that shall be permanently acquired for the subproject, 4010.00 m² land for the substation and 147.04 m² for the underground cable. Total area of land for the substation is in the 38-hectare planning area managed by the Government of District 12. The land of 147.04 m² belongs to an affected person at Tien Lan village, Ba Diem commune, Hoc Mon district. The impact on land of the affected person is very minimal with 8.26%.

52. **Temporary impact:** 4105.92 m² of land that shall be temporary affected for excavation of cable canal, the construction of the canal. The 4105.92 m² of land comprise 3411.2 m² of existing roads and 694.72 m² of planning roads in the 38-hectare planning area. The cable will be divided into several sections to construct, and the construction of each section will be completed before carrying out the next section. Therefore, this impact on land will be only temporary. After finishing each section, the project contractor/s will restore the work areas to its original condition, or better. This shall be stipulated by the executing agency as a condition in the contract with project contractor/s prior to the award of civil works contracts.

3.5 Houses and Other Structures

53. **The affected houses:** The subproject will not displace any affected persons or affect houses.

54. **The Affected other structures:** There is only an auxiliary structure affected by the project. It is an eave built on the road which does not belong to the ownership of the affected person. This structure will have to be dismantled before the underground cable's construction. The affected person will receive an allowance to dismantle it.

3.6 Business Shops

55. The subprojects will not cause economic displacement to any affected persons.

3.7 Trees and Crops

56. The subprojects will not cut any trees or clear crops because all acquired lands have been uncultivated and covered by weeds for recent years.

Figure 2: Existing conditions of the expected area for connection tower



3.8 Unanticipated Impacts

57. If unanticipated impacts are found during project implementation, the project implementation consultants (PICs) will conduct a social impact assessment and update this resettlement plan or formulate a new resettlement plan consistent with the provisions and requirements defined in the Resettlement Policy Framework (RPF) for the project.

4.0 SOCIOECONOMIC INFORMATION AND IMPACT ASSESSMENT

4.1 Methodology Applied in Socio-Economic Survey

58. The purposes of this part are providing basis socio-economic data of the project area and the affected households. The socio-economic survey in the project area was implemented by the consultant company in September 2012. Also, the IOL was implemented by the consultant company in October 2013.

4.2 General Characteristics of the Project Area and the Affected Households

4.2.1 Age and Civil Status of the Affected Households

59. One of the heads of the two affected households is 42 years old and the other is 72 years old. Both of them are males.

4.2.2 Population and Labour Force

60. According to the statistic data in the year 2010, Tan Thoi Nhat ward has 46,673 people of 10,927 households which are divided into 8 zones with 110 residential groups. Women accounted for 50.2% of the total population of the ward.

61. By the end of 2010, the total population of Ba Diem commune is 18,690 persons (of which 50.5% are men and 49.5% are women), the average population density is about 430 persons/km².

62. The two affected households have a total of 13 members. One of two affected households' heads has retired; his family has eight members, with four people engaged in the industry sector. The other affected household has five members, with two people engaged in the industry sector. The dependency rate is relatively low and there are numerous income generation activities available. There are no affected households who are within the off-farm poverty line.

4.2.3 Education

63. Presently, Tan Thoi Nhat ward has completed the universalisation of high school programme. Number of 5-year old children entering kindergarten is higher than 95%; Number of 5-year old children entering primary schools reached 100%. Percentage of high school graduates in the year 2011 in the area reached 90.08%.

64. Hoc Mon commune: as of the year 2010, in the district, there are 34 schools, 486 classes with 1,842 students of all levels. Percentage of high school graduates in the year 2010 in the district reached 90.08%.

65. The two affected households' heads reached high school education.

4.3 Livelihoods and Economic Activities

66. **Main activities.** Members of affected households also work in industrial plants from which they can derive either cash income or income-in-kind.

67. **Secondary livelihood activities.** One affected household has secondary livelihood income which is an accommodation renting business. He has 10 small accommodations for rent. This secondary livelihood activity is a significant income for his family. He has a total monthly income of VND 34 million, including 24 million from main activity (workers) from four members and ten million from his secondary livelihood activity. The other affected household has a total monthly income of VND 12 million. This information shows that there are no affected persons with monthly per capita incomes of less than VND 1 million/person/month and hence there are no affected households that could be defined as living below the poverty line as per HCMC criteria.¹

¹ HCMC issued criteria for poor households is higher than the MOLISA criteria. Poverty line in HCMC in 2013: 12 million / person / year for poor HH.

4.4 Household Utilities and Amenities

68. **Water.** Most of citizens in the host commune/ward, including one of the two affected households, rely on water extracted from deep-water wells that is generally of relatively good quality but has to be boiled for cooking and drinking purposes, especially for younger children and older adults. None of the affected households ever purchased water for domestic use. The other affected household has no house on land; his family is living in a house nearby.

69. **Toilet/Bathroom.** Some households in the host commune/ward, including one of the affected household has separate bathrooms and toilets located within the housing compound. This toilet is a flush toilet with septic tank. The other affected household has no house on land.

70. **Electricity.** Most of the citizens in the host commune/ward, including one of the affected household, have access to electricity on a continuous basis supplied by the local electricity supply company and this electricity is used for washing and sometimes drying clothes, lighting, refrigeration, cooling, and watching television.

71. **Cooking.** Most of the citizens in the host commune/ward, including one of the affected households, use gas for some of their meal preparations but also on occasion use charcoal for cooking purposes although with the demise of local wooded areas, gas has become the norm for nearly all hot meal preparations.

4.5 Access to Social Services

72. **Schooling.** There are local primary schools, secondary schools and high schools that students can attend in the Ba Diem commune and Tan Thoi Nhat ward.

73. **Health services.** Each of the project communes/wards has one medical station that affected households have access to. The medical stations are able to provide basic immunisations, pre and post natal care, child-birthing facilities and other forms of preventive health-care. For more sophisticated medical treatment, the residents have to travel either to the township of district 12 and Hoc Mon district or further afield to one of the inner districts in HCMC.

4.6 Economic Impacts

74. Permanent land acquisition will have only a very limited economic impact on any of the affected households. There will be some temporary impacts during the construction of cable that can be affect business of some households along Phan Van Hon Street. However, this resettlement plan has been designed to minimise any such impacts which the EVN HCMC and HPPMB are committed to implement during subprojects implementation.

4.7 Gender Issues

75. Under these subprojects, there is no differentiation between the males and the females who head their families since the impacts of land acquisitions are equally felt by them. There are 2 women who shall be directly affected by the installation of the underground cable; they are 2 spouses of males who head their households. During the implementation of the updated resettlement plan, the HPPMB will comply with ADB's Policy on Gender and Development (1998) as a key strategy to promoting equity. As a project policy in the RPF, the affected properties of households headed by females will be valued the same as that of the households headed by males, i.e. compensation based on replacement cost, at pre-subproject level, and receive allowances and assistance, where appropriate.

a. Government and ADB Policies on Gender

76. 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.

77. 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

78. 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.

4.8 Vulnerable Households

79. Based on the minimal impacts on lands and the mitigating measures on affected structure, the subproject will not cause vulnerability to the affected households. Similarly, if the existing MOLISA criteria shall be applied in the assessment of vulnerability, none of the affected households can be considered as vulnerable. During the updating of the resettlement plan, this issue will again be examined to ensure that none of the affected household has moved into poverty during the intervening period.

5.0 INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

5.1 The Project Stakeholders

80. In compliance with GOV's Article 39 of Land Law (No. 13/2003/QH11), ADB SPS (2009) and ADB's Public Communication Policy: Disclosure and Exchange of Information (2011), the HPPMB, as representative of EVN HCMC, will promote the active participation of the subproject-based stakeholders. They were identified during the series of disclosure and public consultations in Ba Diem commune and Tan Thoi Nhat ward, such as: (i) the DCARB of district 12 and Hoc Mom district, (ii) ward/CPC, (iii) mass organisations, (iv) residents who are not affected persons, and (v) the affected persons.

5.2 Stages of Participatory Consultations

81. The objective of the participatory consultation are to: (i) allay the fears of affected persons about what may happen to them once the project is implemented, (ii) formulate relocation options on affected structures that balance the affected persons' needs and capabilities with the technical requirements of civil works, and (iii) reduce potential conflicts and avoid unnecessary and costly project development delays. With these objectives, the HPPMB will carry out the participatory consultations in every stage of the subproject cycle relevant to the requirements in resettlement plan as summarised in the table below.

Table 4. Participatory Consultation in the Project Cycle

Stages	Activities and Target Participants	Responsibility
Project Preparation	Meet to discuss with the provincial, district, commune, and village officials, Provincial Management Board (PMB), and project-based stakeholders about the project technical assistance, the safeguard policies, and the activities of the consultants.	HPPMB and Consultants
Pre-Feasibility /Feasibility Study and Drafting of Technical Design	Conduct census of the affected persons, IOL, social impact assessment, and replacement cost survey (RCS)	Consultants, assisted by commune/village officials Consultants
	Discuss the proposed project resettlement policy with EVN HCMC and HPPMB and solicit their feedbacks.	HPPMB and Consultants, assisted by commune/village officials Consultants
	Disclosure of the results of IOL to affected persons and discuss the proposed minimisation of impacts and solicit their suggestions and/or comments thereon, including relocation options.	HPPMB
	Drafting of the resettlement plan and its capsulized summary in leaflet form for submission to HPPMB and EVN HCMC for review and endorsement to ADB for approval. Distribution of information leaflets to affected persons, posting of summary resettlement plan at district and	ADB

Stages	Activities and Target Participants	Responsibility
	commune offices. Posting the resettlement plan on the ADB website	
Project Implementation Finalisation of Technical Design	Briefing of the respective compensation and resettlement committees in the province, districts and communes, conduct of centerline surveys and demarcation of RoW boundaries, and detailed design by the project implementation consultants (PICs). Detailed Measurement Survey (DMS), updating unit costs (as necessary) Meet with affected persons to discuss and consult the results of DMS, the project resettlement policy, entitlements and relocation options. Updating/revision of the resettlement plan and its capsulized summary in leaflet form. Submission of the updated resettlement plan and project information leaflet to HPPMB and EVN HCMC for review and endorsement to ADB for approval. Distribution of the updated information leaflets to affected persons, posting of summary updated resettlement plan at district and commune offices Implementation of updated resettlement plan. Internal and external monitoring of resettlement plan implementation.	HPPMB and PICs PICs assisted by commune/village officials HPPMB and PICs, assisted by commune/village officials PICs PICs HPPMB EVN HCMC and HPPMB assisted by PICs PICs and External Monitoring Agent
Post Project Implementation Appraisal of project social safeguards objectives	Overall review of the project completion performance and conduct interviews with the HPPMB, selected project-based stakeholders and the affected persons if the project social safeguards objectives have been met.	ADB's Independent Evaluation Division.

5.3 Public Consultations during Resettlement Plan Preparation

82. Meaningful consultation has been carried out and will continue during document updating and implementation. In the public meetings and consultations held on 30 October 2013 and 8 November 2013 with project-based stakeholders in the Ba Diem commune and Tan Thoi Nhat ward, they were given the Vietnamese version of Public Information Booklets. The topics discussed in the public meetings and consultations were: (i) general information of the subprojects, its route, locations and features; (ii) list of project affected districts, communes and the scale of possible land acquisition for the subproject transmission line; (iii) objectives and principles of resettlement plan according to the requirements of the GOV and Safeguard Requirements 2 of the ADB SPS (2009); (iv) schedules of IOL and SES; (v) livelihood restoration programme; (vi) compensation and relocation options; (vii) issues on gender and vulnerable groups; and (viii) mechanisms of affected persons participation, grievance redress, monitoring and evaluation in all phases of resettlement plan preparation, updating and implementation.

Representatives of mass organisations in each of the two communes/wards have also attended the meetings and consultations, such as Vietnam Women's Union, Motherland Front and Vietnam Farmers' Union. Focus groups discussions, key informant interviews and households' socio-economic survey were also conducted.

83. The meetings and consultations were conducted in two steps:

Step 1: Consultations through meetings with affected persons, women's union, the commune and ward representative, and local people living near to the underground cable;

Step 2: Consultations through workshops with local authorities including the DPC representatives, the DCARBs' representatives, and the Women's union of districts.

84. The public meetings held in two CPC offices (Ba Diem and Tan Thoi Nhat), were attended by 22 local officials and residents composed of 16 males and six females.

Table 5. Dates of Public Meetings and Consultations during the IOL/SES

Districts and Communes	Dates of Consultations	Number of Participants		
		Total	Male	Female
1. District 12				
• Tan Thoi Nhat	30 October 2013	10	7	3
2. Hoc Mon District				
• Ba Diem	30 October 2013	12	9	3
Total Number of Participants		22	19	6

85. Several clarifications and suggestions were raised by both the male and the female participants after each presentation of the HPPMB and the technical assistance Consultants. In consolidated statements, the feedbacks relevant to land acquisition were:

- (i) Compensation rate should be identified at the time of compensation; and
- (ii) The compensation rate that was presented by the consultant is reasonable.

86. The consultation workshops were held at the people's committee office of district 12 held on 8 November 2013. The participants were representatives of Labour, Invalids and Social Affairs at the district level, DCARBs, Women's union, and the host commune/ward.

87. The HPPMB and its consultants have assured the participants that the above issues will be addressed in the resettlement plan for implementation.

5.4 Future Consultation Activities

5.4.1 Project Implementation

88. The concurrence of ADB to this resettlement plan is a condition for the approval of project loan. As part of project implementation, this resettlement plan shall be updated by the national PICs, who shall be hired by EVN HCMC in accordance with ADB's Guidelines on the Use of Consultants (2010, as amended from time to time). The updating of the resettlement plan will be based on the final detailed design and will be implemented before civil works and installation of the transmission line. During the updating, the PICs will cooperate with HPPMB, to meet the city, district, communes and/or village officials, and the project-based stakeholders to appraise them about the subprojects implementation. The project-based stakeholders will be provided with PIBs, written in Vietnamese language, and presented with visual aids for recall and further understanding of the project. Focus group discussions that also include women and vulnerable groups will be facilitated. All project-based stakeholders, including the

affected persons, will be encouraged to share their thoughts and recorded in the minutes of public consultations, for consideration in the updated version of the resettlement plan.

89. DMS and census of affected persons in the final boundaries of RoWs will be conducted following the public meetings and consultations. They will also be given PIBs written in Vietnamese. The affected persons will be interviewed to share information on their affected properties and productive assets, and to solicit their consensus on relocation if needed. The affected persons will be provided with summary or leaflet version of the draft updated resettlement plan, written in Vietnamese language, for their comments/suggestions. The summary resettlement plan shall also be made available at the offices of district government of District 12, Hoc Mon district, Ba Diem commune, and Tan Thoi Nhat ward. The whole report shall be uploaded to the ADB website for review by a wider audience. In order to obtain the detailed information on the affected properties and the affected persons, the PICs will design the appropriate DMS during the updating of the resettlement plan.

90. Upon concurrence by ADB, the PICs will inform the HPPMB to coordinate with the DCARB of Hoc Mon district and Ba Diem commune officials in order to: (i) secure consensus and agreement of the affected persons on compensation, entitlements and other assistance, and the schedule as well as mode of releases thereof; (ii) confirm the schedule of affected persons relocation, where applicable; and (iii) agree on the procedures and guidelines for relocation of structures.

5.4.2 Post Project Implementation

91. The EVN HCMC will inform the ADB following the subproject completion. As part of the appraisal, all aspects of the project such as technical, finance, economics, environment and resettlement shall be evaluated to confirm that their respective objectives have been met as to their relevance, efficacy, efficiency and sustainability. The HPPMB will coordinate with the commune and village officials to inform the affected persons to participate in the consultations and interviews that shall be conducted by the ADB's Independent Evaluation Division.

6.0 GRIEVANCE REDRESS MECHANISMS

92. 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 district of any determination made. The DCARBs of district 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.

93. 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 of district are responsible to follow up the grievance process from the affected persons.

7.0 LEGAL FRAMEWORK

94. 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

95. 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

96. 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.

97. 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.

98. 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.

99. 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.

100. 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

101. 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 the 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.

102. 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.

103. 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.

104. 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/ND-CP.

105. 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

106. 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.

107. 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.

108. 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 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).

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

Table 6. 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	Losing 10% or more of the household's assets shall be considered as threshold.

	197/2004/ND-CP, 69/2009/ND-CP	Revised ADB Policy	Project Policy
		productive assets (income generating).	
Compensation for lost land	<p>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.</p> <p>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.</p>	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.
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)</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.	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.

	197/2004/ND-CP, 69/2009/ND-CP	Revised ADB Policy	Project Policy
	- 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.		
Compensation for structures	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 exceed 100% of new value of acquired house/structure	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.	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
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	Decree 69, Art 20: For significantly impacted affected persons, livelihood restoration measures cut in when affected person loses at least 30% of	The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major	Losing 10% or more of the household's assets shall be considered as threshold.

	197/2004/ND-CP, 69/2009/ND-CP	Revised ADB Policy	Project Policy
land	productive agriculture land.	impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating).	
Compensation for lost land	<p>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.</p> <p>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.</p>	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.

7.4 Project principles

110. 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

111. 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.

112. 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

113. 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.

114. Table 1 in Section 3.2 summarised the potential number of affected persons and the impacts on their properties consequent to land acquisition. In the same section, it classified the affected persons and their affected properties that will be covered by compensation and entitlements, presented as follows:

- **The Affected Persons** - The subprojects will affect two affected households with two male heads. None of them shall be severely affected on their lands and become vulnerable under the subproject.
- **Permanent land acquisition** - compensation at replacement price.
- **Temporary affected land** - the subprojects only affect temporarily traffic road.
- **Affected house/structure** - there is an auxiliary of one household which will be affected by the subprojects. This is an eave built on the road land which does not belong to the affected household's ownership. However, this affected household will receive an allowance about VND 5 million to dismantle this eave and hand over land for the DCARB.
- **Affected trees/crops** - there is no tree/crop affected by the subprojects.
- **Other assistance and compensation** - the road sections affected by the underground cable will be recovered and rebuilt as same as or better the pre-subproject situation by the subproject contractors.

Table 7. 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 DCARB 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.</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 DCARBs</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 DCARB 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 DCARB 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

115. 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

116. 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

117. 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

118. 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 subproject RoW 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 OF HOUSING AND SETTLEMENT

119. According to the survey results undertaken in October 2013, the project will not cause any damages to houses of residents in the underground cable construction area. Therefore, the project will not have to perform any physical relocation of affected persons.

10.0 INCOME RESTORATION AND REHABILITATION

120. There is no need for an income restoration and rehabilitation program since no livelihoods are at risks because the impacts on the lands of the affected persons are only marginal and no household will become vulnerable due to the subproject. Those affected households consulted as part of the resettlement plan preparation have stated very clearly that they will use their compensation monies as they see fit. This might include simply spending it on relatively large ticket items such as purchase of a new motor-bike or other form of motorized transport, refurbishing their existing residential houses, supporting their offspring through higher education or simply depositing the compensation monies in the bank.

11.0 RESETTLEMENT BUDGET AND FINANCING PLAN

11.1 Principles of Replacement Cost

121. Budgets for the compensation of AP's affected properties were based on replacement costs, in compliance with the policy requirements of the GOV and ADB. The PECC4 Consultants conducted the replacement cost surveys (RCS) that coincided with the IOL in October 2011 in order to verify and establish the current unit rates on the values of land, houses, crops and trees as well as other assets to ensure that affected persons will be compensated for their affected assets based on replacement costs. Information from both primary and secondary information were obtained. For the primary sources of information, the sample respondents were selected in the areas where the transmission line will be installed. The respondents consist of non-affected persons and were requested to share their knowledge on the current values or prices of the following: (i) price of agricultural land, (ii) costs of construction materials for houses and other related structures, and (iii) price of crops and trees.

122. As to secondary information, the RCS team has referred to relevant publications and the prices issued through decisions by HCMC Peoples' Committee, such as: (i) Decision N° 35/2010/QĐ-UBND dated 28 May 2010 issued by CPC of HCMC regulating on compensation, support and resettlement in case of State's land acquisition in HCMC, (ii) Decision N° 61/2012/QĐ-UBND dated 22 December 2012 issued by CPC of HCMC City regarding prices of various land type in HCMC. These references were used in support of the RCS.

11.2 Compensation Rates and Assistance

123. The compensation rates applied in calculating the budget is based on the replacement cost rates as established for the compensation of affected properties while the provisions for assistance complies with the prescription in relevant decisions. In the scope of the subprojects, affected properties of affected persons are land and non-land auxiliary structure. Replacement Cost Rates and Assistance are:

- (i) Compensation for agricultural land in Ba Diem commune and Tan Thoi Nhat ward: 2,100,000 VND/m²; and
- (ii) Displacement assistance to relocating household: VND 5,000,000/affected household.

11.3 Administration, External Monitoring and Contingency Costs

124. The budget for the administration of resettlement plan is equivalent to 5% of the total costs from the compensation and assistance package to affected persons. From which total, these were allocated to the following:

- (i) Administration and management, 42%
- (ii) Replacement cost survey, 5%

- (iii) Conduct of DMS, 12%
- (iv) Meetings and consultations, 17%
- (v) Grievance resolution, 24%

125. External monitoring and evaluation is not required given the very minimal impacts of land acquisition to affected persons. However, during the implementation process, in case of necessity, an external monitoring agency can be commissioned by ADB to ensure the effective implementation of the resettlement plan. Excluded from the administration costs of resettlement plan are the salaries of EVN HCMC/HPPMB and the PICs. The EVN HCMC/HPPMB personnel who shall be involved in resettlement plan updating and implementation are already receiving regular salaries from their respective offices. On the other hand, the professional fees of the consultants of PICs will be charged under the subproject.

11.4 Compensation Payment and Procedures

126. Following the approval of budget by EVN HCMC, it will advise the HPPMB for the schedule of release of funds and payment to affected persons. The HPPMB will be responsible for channelling the funds to DPC/DCARBs directly to DPCs. The DPC/DCARB will be responsible for delivering payments of compensation and assistance to affected persons. In case of replacement land, the HPPMB will be responsible for coordination with DPC that will then allocate the land and the issuance of LURCs.

127. The cost estimated in this document contains preliminary estimate done during the technical assistance. During the updating and implementation of this resettlement plan, the PICs will facilitate the RCS by an independent entity to establish the rates for calculation of compensation payments to affected persons, based on replacement costs.

11.5 Financing of Resettlement Costs

128. As shown in the table below, the overall cost of resettlement plan updating and implementation was estimated at VND 3,810,171,750 (\$180,150) 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 8. Resettlement Budget for Tham Luong 110 kV substation and the associated 110 kV Underground Cable

No.	Resettlement expenses	Ba Diem commune
I	Compensation to affected persons	
	Agricultural land	3,293,850,000
II	Assistance to affected persons	
	Displacement assistance to relocating household	5,000,000
	Total Package to affected persons	3,298,850,000
III	Administration of Resettlement Plan	164,942,500
	Administration and Management	69,275,850
	Replacement Cost Survey	8,247,125
	Conduct of DMS	19,793,100
	Meetings and Consultations	28,040,225
	Grievance Resolution	39,586,200
IV	Total	3,463,792,500
	Add-10% Contingency	346,379,250
V	TOTAL Resettlement Plan BUDGET	3,810,171,750

No.	Resettlement expenses	Ba Diem commune
	In US Dollars ('000)	180,150
	Foreign Exchange Rate	21,150

12.0 INSTITUTIONAL ARRANGEMENTS

129. 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)

130. 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

131. 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

132. *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 DCARB; (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 DCARB that will appraise the compensation and assistance to affected persons; as well as (ix) the provisions of lands to affected persons.

133. District Compensation and Resettlement Board: The responsibilities of the DCARC 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.

134. Ward/Commune People's Committee. The W/CPCs will assist the HPPMB and the DCARs 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

135. 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.

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

Table 9. Detailed Activities and Schedule in Updating/Implementing the Resettlement Plan

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 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

137. 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

138. 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.

139. 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

140. 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.

141. 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

142. 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.

143. 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:

144. 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.

145. 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.

146. 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.

147. 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.

SOCIO-ECONOMIC SURVEY AND INVENTORY OF LOSSES QUESTIONNAIRE

Projects: Tham Luong 110kV substation; and 110kV underground cable connecting to Tham Luong substation

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 BROCHURE (PIB)

1. Name of construction: Tham Luong 110kV substation and 110kV underground cable connecting to Tham Luong substation
2. Name of Employer: EVN HCMC
3. Rep. of Employer: HPPMB
4. Consultant prepared FS-Cost Est.: PECC 4

QUESTION 1: What is the subproject of Tham Luong 110kV substation and 100kV Underground cable for connection to Tham Luong substation?

Answer: The subproject of Tham Luong 110kV substation and 100kV Underground cable for connection to Tham Luong substation is funded by ADB and Vietnam Government with the aim of supply for powerloads in District 12, a part of Hoc Mon District on the West side of HCMC

The overall objectives of the project are to fully supply electricity to powerload demand in Tan Thoi Nhat ward, the part of Dong Hung Thuan ward in District 12 and areas of adjacent wards in Ba Diem area of Hoc Mon District.

QUESTION 2: How will Tham Luong 110kV substation and 100kV Underground cable for connection to Tham Luong substation affect the local population?

Answer:

According to Decree No. 106/2005/ND-CP dated 08/17/2005 and Decree No. 81/2009/ND-CP October 12, 2009 to secure high-voltage power corridor, the subproject will cause the following effects:

- Buildings and other structures and buildings on land lost permanently (if any)
- Trees are cut off on the land affected permanently.
- Reduction of the use of land, buildings / infrastructure in the safety corridor of high-voltage grid (ROW)

Detail impacts:

- The Subprojects will affect 2 households including one DP who has affected land and one DP who has affected auxiliary structure. Total affected lands are 4010 m² of land of permanent acquisition for the substation; and 4252.96 m² for the underground cable (only 147.07 m² of permanent land acquisition).

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

Answer: The main objective of the Resettlement Plan is to ensure that all APs or community whose land will be lost or livelihood will be affected will be compensated and supported so that the AP's economic conditions will be at least equal or better they would have been in the absence of the Project.

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

Answer:

- (i) The appropriated land area will be prioritized for compensation with replacement land OR cash compensation at replacement value at current market prices if there is no land reserves in the locality
- (ii) If the leased land is appropriated, the land will not be compensated but the investment costs into land will be compensated.

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 APs from receiving compensation, allowances and rehabilitation assistance. Those APs who possess a land use rights certificate (LURC) or who are eligible for granting LURC in accordance with the regulation of the government are entitled to compensation for the lost land as well as assets on the land. Those APs who do not have legal/legalisable documents for affected land will only be compensated for assets on the land.

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

Answer: Yes. Compensation will be applied for all affected assets on the appropriated land including houses, barn, wells, fences... and other structures affected by the project in accordance with market price without any deductions for building depreciation or salvageable building materials. This will ensure that the APs 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: (i) Affected crops, fruit and trees on permanently-appropriated land will be compensated in cash at current market prices.

(ii) Affected crops, fruit and trees on temporarily-appropriated land in construction period:

- Crops will be compensated calculated based on the length of borrowing period and the average production in the past 3 years.
- Trees will be compensated in accordance with the market prices at the time that acquisition takes place.

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 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 lost over 10% of productive land will receive recovery assistance include (i) allowance for stable life (ii) allowance for income restoration such as encourage cultivation for better use the remaining area, participate in the existing credit programs or employments related projects.
- ☐ **Households that relocate:** the affected households have to dislocate are entitled to receive: (1) dislocation allowance; (2) allowance for stable life in the dislocation time; (3) allowance for renting house with market price. Allowanced levels are specified in the project policy.
- ☐ **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 assistance due to loss of income equivalent to 30% taxable income in a year. Annual taxable turnover average is determined on the basis of financial statements of three years ago.
- ☐ **Employees and hired laborers 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 six months or cash compensation for remaining contract period whichever is higher.
- ☐ **Allowance for changing job:** the affected households either have or not have registered certificate on their residential land that after relocation but they could not be continued, the person in working age who belonged to the affected households will be participated in the free cost training course in one of the local vocation training centers, suitable for the facts of region and their ability.

QUESTION 09: does that mean that anybody in our community can claim for compensation?

Answer: No. Entitled APs are those persons or households that will lose land or property based on the detailed measurement survey (DMS) that will be conducted following completion of the final designs for the subproject. Affected communes and local authorities will be informed about the cut-off date for compensation of the project.

QUESTION 10: Incase have grievances of compensation, could the APs have right to complain?

Answer: Yes, affected persons have the right to complain in accordance with the procedure and regulation of project, if you found that the issues were handled not right or not dissatisfactory.

Any complaints, grievances of the persons who are affected by land acquisition, compensation, resettlement and implementation will be addressed timely in accordance with the policy and they did not pay any fees in the process of complaint.

QUESTION 11: How will APs be consulted and informed?

Answer: A consultation and public information program will be organised in your commune to ensure that APs receive complete and timely information about the Project. APs will be provided information on subproject components, impacts, their rights and entitlements, grievance mechanism, rights of participation and consultation in resettlement activities, responsibilities of institutions and implementation schedule. APs are entitled to participate in preparation and implementation of RP and will be consulted on the following matters: a) participate in to preparation of resettlement measures in accordance with their benefits opinions; b) are consulted for training and suitable forms with HH's capacity and c) participating in other aspects of the project if they are competent.

QUESTION 12: As a resident in the project area, how can I help?

Answer: We would like you to participate in all consultation meetings and other subproject 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 13: How will you know if the objectives of this project are met?

Answer: EVNHCMC through the HPPMB will ensure internal monitoring of all project activities. In addition, HPPMB will recruit an independent monitoring agency to carry out independent monitoring of resettlement activities during project implementation. Every 6 months, the independent monitoring agency will submit reports to the EVNHCMC and ADB on the progress of resettlement. 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 subproject.

FOR FURTHER INFORMATION AND SUGGESTIONS -

Please contact the PCARCs, DCARCs where you live:

1. Provincial Compensation, Assistance and Resettlement Committee (PCARC),

Address:

Person in charge:Tel.....

2. District Compensation, Assistance Resettlement Committee (DCARC) of ... District: Address:

Person in charge:Tel.....

Hanoi and Ho Chi Minh City Power Transmission Development Sector Project

THE SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom – Happiness

Ba Diem commune, 30 October 2013

MINUTES OF PUBLIC CONSULTATION MEETING ON ENVIRONMENTAL EXAMINATION, RESETTLEMENT AND ETHNIC MINORITY DEVELOPMENT

Subproject: Tham Luong 110kV substation; and 110kV underground cable connected to Tham Luong SS

Ward/commune: Ba Diem, District: Hoc Mon, City: Ho Chi Minh

I. Participants

- Job title: vice chairman of the commune
- Job title: leader of farmers' union
- Job title: leader of women's union
- Representatives of Aps
- Total number of participants: 17 (details in the attached list)

II. Contents

- **The engineering consultant introduced the project:** the substation's location, the route of underground cable, the length of the route section crossing over the communes/wards.
- **The environmental consultant presented:** ADB's environmental policy, the regulations in the Vietnam power sector; environmental impacts and respective mitigation measures (as mentioned in IEE); grievance degrees as having environmental problems.
- **The social/resettlement consultants presented:** ADB's resettlement plan; impacts due to the acquisition land and properties; policies of GOV and local authorities, the subproject's policies in compensation for loss as the state acquired land and properties on land. Potential impacts due to land acquisition/resettlement

III. Feedbacks

III.1. Feedbacks about adverse impacts and mitigation measures

- (i) How many meters are excavations deep? How many meters is the safety corridor wide?
- (ii) What are construction methods? How to reduce noise?
- (iii) When the underground cable is put into the canal, sewage drain-pipes would have to put at the same time.
- (iv) The local people need to be informed about construction time in advance in order that they build their sewage drain-pipes.
- (v) Specific schedule of the construction is necessary.
- (vi) Local people need to be informed about safety level of the underground cable to the human health

III.2. Feedbacks about the acquisition of land and properties and relevant policies

- (vii) Compensation rate should be identified at the compensation time
- (viii) Are the compensated land areas calculated the safety corridor of the underground cable?

IV. Conclusion

Ba Diem Commune People's Committee (CPC) agree with the construction of Tham Luong 110kV substation and the 110kV underground cable connecting to Tham Luong SS. The CPC and local people will assist and support the Project Owner and the contractors during construction process.

PO	Citizens/community	Consultant	CPC
Signed	Signed	Signed	Signed and stamped

PUBLIC CONSULTATION ON ENVIRONMENT AND SOCIAL/RESETLEMENT

LIST OF PARTICIPANTS

Date : 30 October 2013

Location : the CPC office of Ba Diem commune, Hoc Mon district

No.	Name	M	F	Position	Organization/Address	Signature
1		X		Staff	HPPMB - EVNHCM	
2			X	Vice manager of the investment division	HPPMB - EVNHCM	
3			X	Staff	HPPMB - EVNHCM	
4			X	Leader	Famer's union of Ba Diem commune	
5			X	Leader	Women's union of Ba Diem commune	
6		X		Vice chairman	CPC of Ba Diem Commune	
7		X		Citizen	58/2F Tien Lan, Ba Diem, Hoc Mon	
8		X		Staff	PECC4	
9		X		Staff	PECC4	
10		X		Vice leader of village	Village Tien lan 1, Ba Diem commune, Hoc Mon	
11		X		citizen	Village Tien lan 1, Ba Diem commune, Hoc Mon	
12		X		citizen	Village Tien lan 1, Ba Diem commune, Hoc Mon	
13		X		Official	Ba Diem CPC	
14			X	ADB's Technical assistant		
15			X	ADB's Technical assistant		
16			X	citizen		
17		X		citizen	18/1 Truong Chinh, Tan Hung Thuan ward, district 12	

THE SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom – Happiness

Tan Thoi Nhat ward, 30 October 2013

MINUTES OF PUBLIC CONSULTATION MEETING ON ENVIRONMENTAL EXAMINATION, RESETTLEMENT AND
ETHNIC MINORITY DEVELOPMENT

Subproject: Tham Luong 110kV substation; and 110kV underground cable connected to Tham Luong SS

Ward/commune: Tan Thoi Nhat, District: 12, City: Ho Chi Minh

I. Participants

- Job title: vice chairman of the ward
- Job title: Vice manager of the investment division
- Job title: leader of quarter 60
- Job title: secretary of quarter 5
- Job title: consultant
- Representatives of Aps
- Total number of participants: 12 (details in the attached list)

II. Contents

- **The engineering consultant introduced the project:** the substation's location, the route of underground cable, the length of the route section crossing over the communes/wards.
- **The environmental consultant presented:** ADB's environmental policy, the regulations in the Vietnam power sector; environmental impacts and respective mitigation measures (as mentioned in IEE); grievance degrees as having environmental problems.
- **The social/resettlement consultants presented:** ADB's resettlement plan; impacts due to the acquisition land and properties; policies of GOV and local authorities, the subproject's policies in compensation for loss as the state acquired land and properties on land. Potential impacts due to land acquisition/resettlement

III. Feedbacks

III.1. Feedbacks about adverse impacts and mitigation measures

- When conducting survey and construction, it is necessary to inform local authorities
- The construction have to conforming the schedule in order to avoid negative influence on life and production of local people
- The street foundation and sewage drainage have to be repaired if they are affected by the project.

III.2. Feedbacks about the acquisition of land and properties and relevant policies

- (ix) The compensation rate that was presented by the consultant is reasonable.

IV. Conclusion

Tan Thoi Nhat Ward People's Committee (CPC) and affected households agree with the construction of Tham Luong 110kV substation and the 110kV underground cable connecting to Tham Luong SS.

PO

Citizens/community

Consultant

CPC

Signed

Signed

Signed and stamped

PUBIC CONSULTATION ON ENVIRONMENT AND SOCIAL/RESETLEMENT
LIST OF PARTICIPANTS

Date : 30 october 2013

Location : Tan Thoi Nhat ward, district 12, HCMC

No.	Name	M	F	Position	Organization/Address	Signature
1		X		Vice manager of the investment division	HPPMB - EVNHCM	
2			X	Staff	HPPMB - EVNHCM	
3			X	Staff	HPPMB - EVNHCM	
4			X	Citizen	Tan Thoi Nhat ward, district 12, HCMC	
5			X	leader of quarter 60	Tan Thoi Nhat ward, district 12, HCMC	
6		X		secretary of quarter 5	Tan Thoi Nhat ward, district 12, HCMC	
7		X		citizen	Tan Thoi Nhat ward, district 12, HCMC	
8		X		The ward's official	Tan Thoi Nhat ward, district 12, HCMC	
9		X		vice chairman of the ward	Tan Thoi Nhat ward, district 12, HCMC	
10		X		The consultants		
11		X		ADB's Technical assistant		
12		X		ADB's Technical assistant		
13		x		Officials	Fatherland front of Tan Thoi Nhat ward	
14			X	Women's union	Tan Thoi nhat ward	
15		X		Citizen	Quarter 5, Tan Thoi Nhat ward	
16			x	Citizen	Quarter 5, Tan Thoi Nhat ward	
17			X	Citizen	Quarter 5, Tan Thoi Nhat ward	
18		X		Citizen	Quarter 5, Tan Thoi Nhat ward	

SELECTED PHOTOGRAPHS OF PUBLIC CONSULTATION



In Tan thoi nhat ward



In Ba Diem commune



Involuntary Resettlement Safeguards Policy Principles

Objectives: To avoid involuntary resettlement wherever possible, to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.

Scope and Triggers: The involuntary resettlement safeguards covers 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) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designed parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.

Policy Principles:

1. Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. 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.
2. Carry out meaningful consultations with affected persons, host communities and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
3. 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 at replacement value of 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 at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
4. 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.
5. Improve the standards of living of the displaced poor and other vulnerable groups, including women, 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.
6. 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.
7. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
8. 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.
9. Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
10. Conceive and execute involuntary resettlement as part of a development project or program. Include the full cost of resettlement in the presentation of project's cost and benefits. For a project with insignificant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
11. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.

12. 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.

Relevant Decrees and Circulars on Land Acquisition in Vietnam

Decrees and Date of Promulgation	Title and/or Nature of the Decrees and Circulars
Decree No. 81/2009/ND-CP, dated October 12, 2009.	Providing for the amendment or supplement a number of articles of Government Decree No. 106/2005/ND-CP, dated August 17, 2005, which details and guides a number of articles of the Electricity Law.
Decree No. 69/2009/ND-CP, dated August 13, 2009.	Additional Regulations on Land Use Plan, Land Price, Land Acquisition, Compensation, Assistance and Resettlement.
Decree No. 123/2007/ND-CP, dated July 27, 2007.	Providing for the Amendment and Additional Regulations of Government Decree No.188/2004/ND-CP, dated November 16, 2004.
Decree No. 84/2007/ND-CP, dated May 25, 2007.	Providing for the Amendment on the Issuance of LURC, Land Acquisition, Land Use Right Implementation, Procedure for Compensation, Land Recovery by the State, and Procedure for Grievance Redress. Circular No. 14/2008/TTLT/BTC-BTNMT, dated January 31, 2008 jointly issued by the Ministry of Natural Resources and Environment and the Ministry of Finance, provides for guidelines in some articles of this Decree.
Decree No. 131/2006/ND-CP, dated November 9, 2006.	Provisions for the Use and Management of Funds from Official Developments Assistance (Article 2, Item 5).
Decree No. 17/2006/ND-CP, dated January 27, 2006.	Amendment and Additional Regulations on the Implementation of the 2003 Land Law. This decree has amended Decree No. 181/2004/ND-CP dated October 29, 2004.
Decree No. 106/2005/ND-CP, dated August 17, 2005.	Guidelines for the Implementation of a Number of Articles of the Electricity Law on protection from and safety of high voltage power grid works.
Decree No. 198/2004/ND-CP, dated December 3, 2004.	Implementing Rules and Regulations on Land Use Fees which was elaborated in Circular No. 114/2004/TT-BTC, dated November 26, 2006,
Decree No. 197/2004/ND-CP, dated December 3, 2004.	Guidelines on Compensation, Assistance, and Rehabilitation when Land is Acquired or Recovered by the State. The implementing rules and regulations was issued through Circular No. 116/2004/TT-BTC, dated December 7, 2004, which was amended further under Circular No.69/2006/TT-BTC, dated August 2, 2006, both issued by the Ministry of Finance. Also relevant to the Decree is Circular No. 57/2010/TT-BTC, dated April 16, 2010, prescribing the estimation and settlement of funds for compensation, assistance and resettlement. In Circular No. 14/2009/TT-BTNMT, issued by the Ministry of Natural Resources on October 1, 2009, it also details the compensation, assistance and procedures for land acquisition. Allocation and leases.
Decree No. 188/2004/ND-CP, dated November 16, 2004.	Methods of Setting Prices on Various Types of Land when land is acquired and/or recovered by the State. The implementing rules and regulation were defined in Circular No.114/2004/TT-BTC, dated November 26, 2004 issued by the Ministry of Finance.
Decree No. 182/2004/ND-CP, dated October 29, 2004.	Sanctions and Penalties for Administrative violations in Land Issues.
Decree No. 181/2004/ND-CP, dated October 29, 2004.	Guidelines for the Implementation of the 2003 Land Law.

**Comparison between Decree 197/ND-CP, Decree 69/NDCP
and 2009 Social Policy Safeguards of ADB**

Policy Areas of Comparison	197/2004/ND-CP, 69/2009/ND-CP	ADB SPS 2009	Subproject Policy
Severely impacted DPs losing productive land	Decree 69, Art 20: For significantly impacted DPs, livelihood restoration measures cut in when DP loses at least 30% of productive agriculture land.	The involuntary resettlement impacts of an ADB-supported subproject 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 productive assets shall be considered as threshold.
DPs without LURC	Decree 69: Article 23: Persons whose main income is derived from agricultural production whose land is acquired by the Government and cannot satisfy LURC and compensation conditions stipulated in Article 8 of Decree No. 197/2004/ND-CP and Articles 44, 45 and 46 of Decree No. 84/2007/ND-CP, will be referred to the Provincial Peoples' Committee for consideration of the level of assistance to be provided in conformity with the locality's actual conditions	Those DPs without legal title to land will be included in consultations. Ensure that DPs without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets including dwellings, structures and other improvements to land such as crops, irrigation, at full replacement cost. Safeguards cover involuntary restrictions on land use or on access to legally designated parks and protected areas. Covers temporary and partial losses.	Subproject affected people, without legal or recognisable legal claims to land acquired, will be equally entitled to participation in consultations and subproject benefit schemes where possible, and be compensated for their lost non-land assets such as dwellings and structures occupied before cut-off date. They will be entitled to resettlement assistance and other compensation and social support to assist them to improve or at least restore their pre-subproject living standards and income levels.

Policy Areas of Comparison	197/2004/ND-CP, 69/2009/ND-CP	ADB SPS 2009	Subproject Policy
Compensation for lost land	<p>Decree 197, Article 9: 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.</p> <p>Decree 69, Art 11, Art 16: Compensation is land for same-use land or, if not available, the DP 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.</p>	<p>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.</p>	<p>Where appropriate and when land-based compensation is not viable, replacement cost surveys will be carried out by the subproject staff to ensure that subproject rates for all categories of loss will be equivalent to replacement cost at current market value. This work will be updated at the time of compensation and will combined with other assistance and livelihood restoration measures to ensure full restoration and improvements. Provided DP has legal or recognisable claim, compensation will be for full amount of land acquired. Based on the ADB SPS 2009 land-for-land compensation strategy is mandatory in the case of involuntary resettlement impact on Ethnic Minorities.</p>
Differences between compensation rates and market rates	<p>Decree 69, Article 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. Decree 69, Article 14(2) (a): If replacement residential land or the amount compensated to purchase a replacement house is more than the actual replacement cost, the DP still receives the full amount. Decree 69, Article 14(2) (b) if the compensated amount is less than the replacement residential land and house the DP will pay the difference themselves except for cases covered by Article 19(1) – this will not apply to (poor) DPs who will be assisted by the State. If the DP does not receive land or house at the resettlement site the DP will receive the cash difference.</p>	<p>Provide physically and economically DPs 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 DPs 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 persons will 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>

Policy Areas of Comparison	197/2004/ND-CP, 69/2009/ND-CP	ADB SPS 2009	Subproject Policy
Compensation for structures	<p>Decree 69, Art 24: Compensation for House, Structures on Acquired Land.</p> <p>Clause (1) – Compensation for DPs residential structures based on value of newly constructed house/structure equal to technical standard issued by Ministry of Construction (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 exceed 100% of new value of acquired house/structure</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.	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
Compensation for registered businesses	<p>Decree 197, Article 26: Only registered businesses are eligible for assistance. Decree 69, Article 20(2): if business must be suspended DP is compensated with max 30% of after tax income in one year, averaged over last 3 years as certified by Tax Dept.</p>	Affected business owners are entitled to (i) costs of re-establishing commercial activities elsewhere, (ii) the net income lost during the transition period; and(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; and(iii) costs of transferring and reinstalling plant, machinery and equipment.
Compensation for non-registered businesses	Decree 69 only recognises formal registered businesses as entitled to compensation for lost income based upon Tax Office records	No distinction between registered or non-registered businesses in regards to compensation entitlement for lost income and other assistance.	The DPC will certify that the DP has a business in current operation and approve the level of lost income.
Monitoring	No monitoring indicators indicated	Monitoring indicators specified for internal and external monitoring and reporting	The EA will appoint an independent external monitor and undertake internal monitoring of RP/REMDP implementation according to the critical indicators.

Compensation Cost

No.	Resettlement expenses	Ba Diem commune
II	Compensation to DPs	
	Land	3.293.850.000
II	Assistance to DPs	
	Displacement assistance to relocating household	5.000.000
	Total Package to DPs	3.298.850.000
III	Administration of LARP	164.942.500
	Administration and Management	69.275.850
	Replacement Cost Survey	8.247.125
	Conduct of DMS	19.793.100
	Meetings and Consultations	28.040.225
	Grievance Resolution	39.586.200
IV	Total	3.463.792.500
	Add-10% Contingency	346.379.250
V	TOTAL LARP BUDGET	3.810.171.750
	In US Dollars ('000)	180.149,96
	Foreign Exchange Rate	21.150