

Resettlement Plan

December 2013

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

(EVN HANOI: 110 kV Tran Hung Dao, Phuong Liet
and Son Tay Substations)

ABBREVIATIONS

ADB	Asian Development Bank
CARC	Compensation, Assistance and Resettlement Committee
CPC	Commune People's Committee
DCARC	District Compensation, Assistance and Resettlement Committee
DMS	Detailed Measurement Survey
DPC	District People's Committee
EMA	External Monitoring Agency
EVN HANOI	Hanoi Power Corporation
EVN	Electricity of Viet Nam
HPPMB	Hanoi Power Projects Management Board
IOL	Inventory of losses
km	kilometer
LURC	Land use rights certificate
ODA	Official Development Assistance
PIB	Public information booklet
PPC	Provincial People's Committee
RCS	Replacement Cost Survey
RoW	Right-of-Way
RPF	Resettlement Policy Framework
RRP	Report and Recommendation of the President to the Board
SES	Socio-Economic Survey
SPS	Safeguard Policy Statement
VHLSS	Vietnam Household Living Standards Survey

ELECTRICAL TERMINOLOGY

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

NOTE

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

This resettlement plan is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature. Your attention is directed to the "terms of use" section of this website.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

TABLE OF CONTENTS

1.0	EXECUTIVE SUMMARY	2
2.0	PROJECT INTRODUCTION	2
2.1	Geographical Location	2
2.2	Main Features	4
2.3	Resettlement Objectives	4
3.0	SCOPE OF LAND ACQUISITION AND RESETTLEMENT IMPACTS	4
3.1	Localities Affected by the Project	4
3.2	Impact on Housing	5
3.3	Impact on Agricultural Land	5
3.4	Impact on Other Works	5
3.5	Numbers of Affected Persons	5
4.0	SOCIO-ECONOMIC INFORMATION AND PROFILE	5
4.1	Methodology to be used in Socio-Economic Survey (SES)	5
4.2	Profile of the Project Area	5
4.3	The Affected Peoples	5
4.4	Educational Levels of Affected Households	6
4.5	Occupations of Affected Households	6
4.6	Monthly Income and Expenditure of Affected Households	6
4.7	Incidence of Poverty	7
4.8	Water, Hygiene, Sanitation and Health Indicators	7
4.9	Energy Sources	7
4.10	Conclusion	8
5.0	INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION	8
5.1	Objectives of consultation	8
5.2	Results of consultation	9
5.3	Plan of consultation and disclosure of information during project implementation	9
5.4	Disclosure of information	9
6.0	GRIEVANCE REDRESS MECHANISM	9
7.0	LEGAL FRAMEWORK	10
7.1	Asian Development Bank Policy	10
7.1.1	Safeguards Requirement 2: Involuntary Resettlement	11
7.1.2	Other ADB's Cross-Cutting Policy Themes	12
7.2	Regulations of Viet Nam Government on Resettlement	12
7.2.1	Relevant Social Policy Legislation	14
7.3	Discrepancies between regulations of Government and ADB Policies	14
7.4	Project principles	18
7.5	Land Acquisition Process	19
8.0	ELIGIBILITY AND ENTITLEMENTS	19
8.1	Eligibility	19
8.2	Entitlements	20
8.3	Addressing the Gender Issues	26
8.4	Assistance to Vulnerable Households	26
8.5	Special Considerations	26
8.6	Unforeseen Impacts	26
8.7	Income Opportunities	26
9.0	RELOCATION OF HOUSING AND SETTLEMENTS	26
10.0	INCOME RESTORATION AND REHABILITATION	27
11.0	RESETTLEMENT BUDGET AND FINANCING PLAN	27
11.1	Principles of Replacement Cost	27
11.2	Compensation Rates and Assistance	27
11.3	Administration, External Monitoring and Contingency Costs	27

12.0	INSTITUTIONAL ARRANGEMENTS	27
	12.1 Institutional features at central level	28
	12.2 Institutional Features at City Level	28
	12.3 District and Ward/Commune Levels	29
13.0	MONITORING AND REPORTING	29
	13.1 Internal Monitoring	30
	13.2 External Monitoring	30

TABLES

Table 1: Household Size by Income Quintile	6
Table 2: Economically Active Population (%)	6
Table 3: Monthly Income Per Capita by Income Quintile (VND)	6
Table 4: Monthly Expenditure Per Capita by Income Quintile (VND)	7
Table 5: Average Household Monthly Consumption of Electricity (kWh) and Expenditure (VND)	7
Table 6: Discrepancies between Decree 197/2004/ND-CP, Decree 69/2009/ND-CP and ADB Safeguard Policy Statement	15
Table 7: Land Acquisition Process in Vietnam as Provided for by Law	19
Table 8: Entitlement Matrix	21

FIGURES

Figure 1. Phuong Liet Substation Location	3
Figure 2. Tran Hung Dao Substation Location	3
Figure 3. Son Tay Substation Location	4

ANNEXES

Annex 1: Project Information Brochure (PIB)	
Annex 2: Summary of Public Consultation Meetings	
Annex 3: Involuntary Resettlement Safeguards Policy Principles	
Annex 4: Relevant Decrees and Circulars on Land Acquisition in Viet Nam	
Annex 5: Comparison between Decree 197/ND-CP, Decree 69/NCP and 2009 Social Policy Safeguards of ADB	

Definition of Terms

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

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

1.0 EXECUTIVE SUMMARY

1. This project involves the renovation of three 110 kV Substations - Tran Hung Dao, Phuong Liet and Son Tay - in both urban and peri-urban areas of Ha Noi City. No involuntary resettlement impacts have been identified at this stage but this resettlement plan has been prepared in case any involuntary resettlement issues arise during the detailed design to be undertaken during their renovation.

2. There is no physical or social displacement but if there were to be as a result of changes during detailed design, a resettlement plan would be prepared which would include the following in order to meet the requirements of both the Government of Vietnam (GOV) and Asian Development Bank (ADB):

- Definition of the scope of land acquisition and resettlement
- Socioeconomic information collected and impacts assessed
- Information disclosure, consultation and participation
- Grievance redress mechanisms
- Legal framework, compensation policy and affected person eligibility
- Affected person entitlement, assistance and benefits
- Income restoration and rehabilitation
- Resettlement budget and financing plan
- Institutional arrangements
- Implementation schedule
- Monitoring and reporting

2.0 PROJECT INTRODUCTION

2.1 Geographical Location

3. The existing Tran Hung Dao 110/22/10 kV 2x63 MVA substation is located in Phan Chu Trinh Ward, Hoan Kiem District. It supplies power to heavily populated and politically, culturally and economically important areas of Hoan Kiem District. The Phuong Liet Substation is located in the heavily populated area of Phuong Mai Ward, Dong Da District. The Son Tay Substation is located in Xuan Khanh Ward in Son Tay Town in a peri-urban area of Ha Noi.

Figure 1. Phuong Liet Substation Location

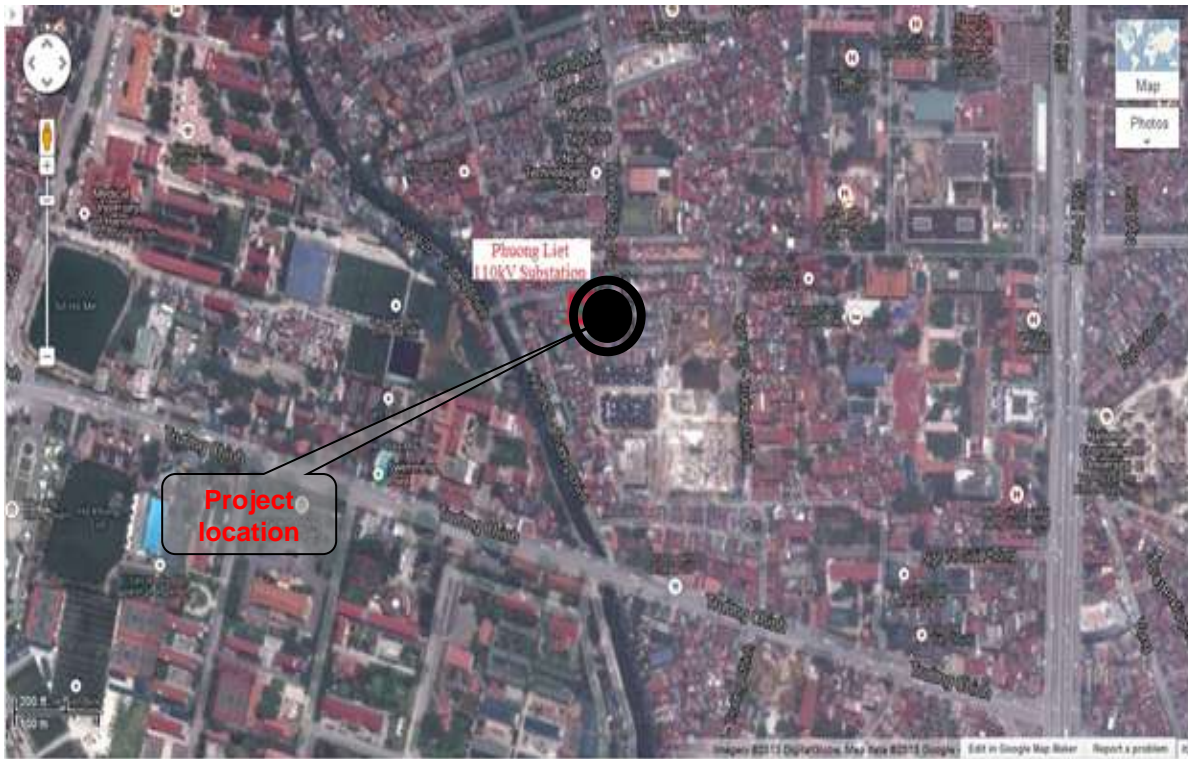


Figure 2. Tran Hung Dao Substation Location



Figure 3. Son Tay Substation Location



2.2 Main Features

4. The objective of each of the three substations is to upgrade the medium voltage grid and standardise supply to 22 kV (replacing redundant 10 kV) in the localities energised by transmission lines associated with each of the substations. Each substation is to be upgraded to meet increased load development, replace old and unsafe equipment by new equipment ensuring operational safety, raising the capacity of power feeders and quality of power supply, reducing power losses and voltage drop and improve the operation of the existing grid.

2.3 Resettlement Objectives

5. This resettlement plan is prepared on the basis that Ha Noi Power Corporation (EVN HANOI) is seeking to avoid any major physical or economic displacement and has instructed detailed design specialists to ensure that such principles are actively embedded in their design approaches. However, it is accepted by EVN HANOI that if there are some forms of economic displacement, it will apply the principle that affected people should not be worse off as a result of the project and ideally better off.

3.0 SCOPE OF LAND ACQUISITION AND RESETTLEMENT IMPACTS

3.1 Localities Affected by the Project

6. If there were the need to acquire land for Tran Hung Dao it would be in Phan Chu Trinh Ward of Hoan Kiem District, Phuong Liet it would be Phuong Mai Ward of Dong Da District and for Son Tay it

would be in Xuan Khanh Ward of Son Tay Town. None of these wards are classified as poverty wards by the Ministry of Labour–Invalids and Social Affairs.

3.2 Impact on Housing

7. There is no physical displacement of affected households. EVN HANOI is actively committed to avoiding such forms of displacement wherever possible.

3.3 Impact on Agricultural Land

8. There will be no impact on agricultural land as all wards are located in urban areas where there is no agricultural land.

3.4 Impact on Other Works

9. There are no impacts on other structures such as road, rail and communication links.

3.5 Numbers of Affected Persons

10. If there are affected persons as a result of economic displacement they will be identified and the impacts quantified.

4.0 SOCIO-ECONOMIC INFORMATION AND PROFILE

4.1 Methodology to be used in Socio-Economic Survey (SES)

11. All affected households would be surveyed. Typically husband and wife would interviewed together but the SES would also rely on data provided by local authorities and what can be obtained from national sources such as the Vietnam Household Living Standards Survey (VHLSS), which is considered the most robust statistical database in Vietnam and is used by both the GOV and providers of Official Development Assistance (ODA).

4.2 Profile of the Project Area

12. The three substations are located in urban areas. All of the people residing here belong to the Kinh ethnic group and are the descendants who have lived in the project area for many centuries. There has been very little in-migration to the area in recent times because these are well-established residential areas.

13. There is a high level of economic diversity in both Hoan Kiem and Dong Da but are primarily associated with the provision of public services and other goods and services for relatively well-off urban households. Son Tay Substation is an area close to industrial estates and has a somewhat different economic profile than either areas served by Tran Hung Dao or Phuong Liet. The latter area is more reflective of Ha Noi's economic transformation than the former which is the epi-centre of old Ha Noi and dates back over 1,000 years and is generally considered the oldest urban area in mainland Southeast Asia.

4.3 The Affected Peoples

14. The number of affected households and affected persons would differentiated by gender and average household size. Baseline data from the 2010 VHLSS updated in 2013 is presented in the following table:

Table 1: Household Size by Income Quintile

	Total HH Size	Quintile 1	Quintile 2	Quintile 3	Quintile 4	Quintile 5
Vietnam	3.89	4.18	4.10	3.96	3.82	3.47
Ha Noi	3.96	3.90	4.10	4.00	3.90	3.70
Urban	3.72	3.85	4.00	3.90	3.85	3.65
Rural	3.80	3.95	4.05	3.98	3.89	3.95

15. Based on demographic data provided for the Noi Bai Substation and Transmission Line Project the population according to age indicates that the average age of affected household members is 41.5 with 2.8% of the affected persons less than 5 years of age, 5.1% from 15 to 18 years, 36.4% from 18-35 years, 37.8% from 36 to 55 years and 18% over 55 years of age.

4.4 Educational Levels of Affected Households

16. There are likely to be few if any illiterate people in any of the project area and female participation rates are likely to be very high ranging from 47% of all kindergarten students being female to 52% of all university students.

4.5 Occupations of Affected Households

17. Most of the economically active population according to the Government Statistical Office (2012) and Labour Force Participation Data (2013) are working in the industrial wage sector, followed by the services sector, public sector and a very small number on the agricultural sector (value added food processing). Females constitute nearly 40% of the economically active population and in peri-urban areas some 45%.

Table 2: Economically Active Population (%)

	Industrial Wage Labour	Services Sector Employment	Public Sector Employment	Agricultural Sector Employment	Percentage of Females
Vietnam	68.0	22.0	06.0	0.6	39.0
TP Ha Noi	62.0	2.4	12.0	0.6	36.0
Urban	64.0	22.0	14.0	-	38.0
Per-Urban	55.0	18.0	07.0	20.0	45.0

4.6 Monthly Income and Expenditure of Affected Households

18. The per capita income of households by income quintile is presented below and is based on VHLSS adjusted estimation:

Table 3: Monthly Income Per Capita by Income Quintile (VND)

	Total HH Size	Quintile 1	Quintile 2	Quintile 3	Quintile 4	Quintile 5
Vietnam	1,733,000	461,000	835,000	1,250,000	1,862,000	4,262,000
Ha Noi	2,815,000	676,000	1,226,000	1,732,000	2,798,000	6,041,000
Urban	3,096,500	743,000	1,348,600	1,905,200	3,077,800	6,645,100
Rural	2,533,500	608,400	1,103,400	1,558,800	2,519,000	5,436,900

19. Average monthly expenditure per capita by income quintile is included in the following table:

Table 4: Monthly Expenditure Per Capita by Income Quintile (VND)

	Total HH Size	Quintile 1	Quintile 2	Quintile 3	Quintile 4	Quintile 5
Vietnam	1,528,363	441,000	801,050	1,106,000	1,765,000	3,705,215
Ha Noi	2,350,006	610,205	1,011,356	1,561,958	2,465,000	5,151,246
Urban	2,632,006	683,429	1,132,718	1,749,392	2,760,000	5,769,395
Rural	2,115,000	549,185	910,221	1,405,763	2,515,500	5,254,471

20. These tables illustrate that all households irrespective as to income level typically have greater monthly incomes than expenditures. These estimates would be used as baseline data if it were necessary to prepare a resettlement plan.

4.7 Incidence of Poverty

21. Using the Ministry of Labour–Invalids and Social Affairs income poverty criteria there are very few people living in poverty in Ha Noi but if the Ha Noi City poverty line is considered at US\$1.25 per day the incidence of poverty is 1.34%, per capita and at US\$2.00 per day, per capita the incidence of poverty is 4.57%. In peri-urban areas such as Son Tay the poverty rates while relatively low are some 25% higher than for urban Ha Noi. Non-income indicators for determining poverty or the lack thereof for households include motorised transport (45.5%), android mobile phones (16.5%), internet connection in the home (33.5%), electric air conditioner or similar cooling system (43.1%), automatic washing machine (44.5%) and household necessities purchased on less than a daily basis (45.5%)

4.8 Water, Hygiene, Sanitation and Health Indicators

22. Data is available on water, hygiene and sanitation and it appears the major health-related issue is an increase in dengue during summer months but otherwise there are quite high standards of health and hygiene. Infant mortality rates at 10.5/1,000 and the under 5 MR of 15.2/100,000 are lower than for Vietnam. People with serious physical disabilities constitute 10.5% of the population, those classified as chronically unwell 9.3% but only 0.1% of the population suffers from serious communicable diseases (primarily HIV/AIDs and Tuberculosis).

4.9 Energy Sources

23. Assessing average household monthly expenditure on the consumption of electricity it is possible to quantify how much is spent and used by different quintiles:

Table 5: Average Household Monthly Consumption of Electricity (kWh) and Expenditure (VND)

Electrical Appliance	Quintile 1	Quintile 2	Quintile 3	Quintile 4	Quintile 5
• Lighting	22	28	39	55	65
• Television	12	12	18	25	25
• CD/DVD Player	01	01	01	01	02
• Refrigerator	15	15	15	30	30
• Washing Machine	30	30	30	30	30
• Iron	10	15	15	15	15
• Computer	-	-	15	15	20
• Fan	10	45	20	10	10
• Air Conditioner	-	-	260	260	780
• Hot Water Shower	-	15	15	30	45
TOTAL kWh USED	100	161	428	471	762
MONTHLY EXPENDITURE (VND)	114,150	212,817	653,316	719,037	1,285,594

24. This can serve as a baseline for assessing the impact on affected person incomes that might need to be restored if there were to be any serious degree of economic displacement (that is more than 10% of productive income generation assets although unlikely in an urban context).

4.10 Conclusion

25. Based on an analysis of the data derived from the SES it would likely be concluded that the project affected area is quite similar to other urban and peri-urban areas in Northern Vietnam, especially the peri-urban areas of Ha Noi and Haiphong but for the purposes of GOV and ADB Social Safeguard policies there are no ethnic minority affected persons and the focus of the resettlement plan would be on the Kinh.

5.0 INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

5.1 Objectives of consultation

26. The overall objectives of the consultation program and community information campaign are to disseminate information and collect feedback from key related parties on aspects of compensation and resettlement planning:

- Minimise possible conflicts
- Minimise the risk of project delays
- Ensure that the preparation and implementation of resettlement plan is conducted transparently.

27. Publication and dissemination of information are not only the requirements of international donors but also regulations of the Government of Vietnam in Article 39, Law on Land (2003), Article 34, 43, 52 and 53, Decree 197/2004/ND-CP and Article 49 of Decree N° 84/2007/ND-CP and Decree 69/2009/ND-CP.

28. Key objectives and principles are:

- To share main information about the project to the affected persons, local authorities and other related parties (project background, objectives, plans for study, environmental and relocation issues).
- To gather information on the need and priorities of the affected persons, local communities, local governments, non-governmental organisations as well as reactions/feedback against the compensation, support and resettlement policies, as well as other related activities.
- To attain the cooperation and participation of the affected persons, the relevant units through all stages of planning and implementation of site clearance and resettlement.
- To ensure transparency in all activities related to land acquisition, compensation, resettlement and rehabilitation measures.
- Through the full and active participation, needs and desires of the local population will be discussed and listened. Households and other related parties will be consulted during the preparation and implementation of resettlement plan. This is a two-way process to publish and disseminate information and collect feedback and recommendations to prepare and implement the resettlement plan.

29. Dissemination of information, consultation and participation should be carried out in the phase of resettlement plan establishment and will continue throughout the implementation phase of the resettlement plan.

5.2 Results of consultation

30. These would need to be fully disseminated in accordance with the best practices of both the GOV and ADB.

5.3 Plan of consultation and disclosure of information during project implementation

31. Consultation and information disclosure should be made during the project preparation phase and throughout the project construction and operation to ensure requirements on disclosure of information, consultation and participation. To ensure that people stay informed of the project, participate in consultations and other activities of the project, the following actions should be taken:

- Resettlement plan should be summarised and disclosed to the affected people in different forms.
- For cities and districts: The resettlement plan documents must be provided to the People's Committee Office of the City, District, District Council of Ministers with full version in Vietnamese.
- For the communes: The summary of resettlement plan documents in Vietnamese will be placed in the Office of People's Committee;
- For the community: The summary of the resettlement plan documents in Vietnamese will be delivered to the home of the village leader.
- Resettlement plan leaflets in Vietnamese are distributed to the affected households and ward leaders.

32. The consultation should be carried out during the preparation, implementation and operation of the project. As a minimum the following activities should be undertaken:

- Consultation, disclosure of information in the form of leaflets, propaganda through loudspeaker system about information of the project prior to the survey, detailed measurement;
- Consultation, disclosure of information in the forms of public meetings throughout the project implementation process;
- Posting the survey results, detailed measurement and compensation price prior to payment;
- Consultation, disclosure of information in the form of propaganda and training on safety of power grid during the project operation.

5.4 Disclosure of information

33. Resettlement Plan in Vietnamese will be announced at the Office of People's Committee to the public, interested organisations can access, find out.

34. Resettlement Plan in English will be disclosure on Website of ADB.

6.0 GRIEVANCE REDRESS MECHANISM

35. 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 (CPC):** An aggrieved affected persons may bring his/her complaint to the Commune People's Committee, in writing or verbally. The member of CPC will be responsible to notify the CPC about the complaint for solving. The CPC will meet personally with the aggrieved affected persons and will have 15 days following the receiving date of the complaint to resolve it. The CPC secretariat is responsible for documenting and keeping file of all complaints handled by the CPC.
- **Second Stage, District People's Committee (DPC):** If after 15 days the aggrieved affected household does not hear from the CPC, or if the affected persons is not satisfied with the decision taken on his/her complaint, the affected persons may bring the case, either in writing or verbally, to any member of the DPC or the DCARC of the district. The DPC in turn will have 30 days following the receiving date 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 DCARC of district of any decision made. The DCARC of district must ensure this decision is notified to the displaced person
- **Third Stage, City People's Committee (CityPC):** If after 30 to 45 days the aggrieved affected persons does not hear from the DPC, or if the affected persons 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 CityPC. The CityPC has 45 days within which to resolve the complaint to the satisfaction of all concerned. The CityPC is responsible for documenting and keeping files of all complaints handled by the CityPC
- **Final Stage, the Court of Law Arbitrates:** If after 45 days following the lodging of the complaint with the CityPC, the aggrieved affected household does not hear from the CPC, 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.

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

7.0 LEGAL FRAMEWORK

37. 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 HANOI 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 HANOI that will be applied for all core and no-core projects of this Power Grid Development Sector Project.

7.1 Asian Development Bank Policy

38. 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

39. 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.

40. 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 (a) involuntary acquisition of land, or (b) 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.

41. 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.

42. 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.

43. 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

44. 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°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.
- 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.

c. Circulars

- Circular N°14/2009/TT-BTNMT dated 10 January 2009 of the Ministry of Natural Resources and Environment (MONRE) 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 above stated Decree.

45. 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/ND-CP, Decree N° 84/2007/ND-CP, Decree 123/2007/ND-CP, and Decree N° 69/2009/ND-CP.

46. 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. MONRE 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.

47. 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.

48. 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.

7.2.1 Relevant Social Policy Legislation

49. **Public information and disclosure.** Laws, decrees and decisions relevant to public disclosure of information include Article 39 of the Land Law, N° 13/2003/QH11 requiring disclosure of information to affected persons prior to recovery of agricultural and non-agricultural land, respectively, 90 and 180 days minimum. Another is Decision 3037/QĐ-BGTVT, 2003, making the Project Management Unit (PMU) together with the Resettlement Committee responsible for public disclosure of the project policies and the extent of site clearance to local people, particularly those that will be affected. Also relevant is Ordinance N° 34/2007/PL-UBTVQH11 promulgating regulation on the exercise of democracy including requirements for consultation with and participation of people in the communes.

50. **Gender equality.** The provisions on Law on Gender Equality are provided for in Law N° 73/2006/QH11 which was adopted by the XI Legislature of the National Assembly on 29 December 2006. The objectives of gender equality are to: (i) eliminate gender discrimination; (ii) create equal opportunities for man and woman in socio-economic development and human resources development in order to reach substantial equality between man and woman; and (iii) establish and enhance cooperation and mutual assistance between man and woman in all fields of social and family life.

7.3 Discrepancies between regulations of Government and ADB Policies

51. 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.

52. 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.

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

54. 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 productive assets (income generating).	Losing 10% or more of the household's assets shall be considered as threshold.
Compensation for lost land	Article 9, Decree 197: The compensation rates for land shall be determined by the PPC in accordance with the Government regulations for the type of land which has been used for at the time of land acquisition. Decree 69, Art 11, Art 16: Compensation is land for same-use land or if not available the affected person can be compensated in cash based upon the market transfer price of such land at the time of the decision to acquire. Compensation limited to the allowable land quota, unless land over limit due to inheritance or legally transferred from other persons, or unused land developed according to the land use plan approved by the authorities. If not, compensation only for improvements on that land.	Land based livelihoods restoration based upon land based strategies where possible, or cash compensation at replacement value provided loss of land does not undermine livelihoods for those with legal rights to land. Provide adequate and appropriate replacement land. If land not available non-land based options built around opportunities for employment, self-employment should be provided in addition to cash compensation for land and non-land assets lost.	Where appropriate land-based compensation is not viable replacement cost surveys have been carried out and will be carried out by the project staff to ensure that project rates for all categories of loss will be equivalent to replacement cost at current market value, to be updated at the time of compensation and combined with other assistance and livelihood restoration measures to ensure full restoration and improvements. Provided affected person has legal or recognisable claim, compensation is for full amount of land acquired.

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

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

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

7.4 Project principles

55. 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.

7.5 Land Acquisition Process

56. EVN HANOI will comply with the land acquisition process as provided for in the 2003 Land Law, Decree N° 197/2004/ND-CP, Decree N° 181/2004/ND-CP, Decree N° 17/2006/ND-CP, and Decree N° 84/2007/ND-CP, which prescribes for time and procedures of land acquisition.

Table 7: Land Acquisition Process in Vietnam as Provided for by Law

Activity Process	Timetable
1. Evaluation of land acquisition scheme	15 days (Article 51 Decree N° 84/2007/ND-CP)
2. Approval of the scheme	7 days (Article 51)
3. Submit the scheme to the respective Peoples Committee for land acquisition decision.	20 days from notice of land acquisition
4. Issue the decision.	5 days from receipt of the scheme.
5. Issue the decisions for individual land acquisition	15 days from receipt of provincial decision on land acquisition.
6. Prepare compensation, support and resettlement scheme.	Within 60 days after the measurement of land (Article 56).
7. Announcement of the scheme for consultation.	At least for 20 days (Article 56).
8. Revise if needed and submit for review.	7 days.
9. District Peoples Committee approves the scheme.	15 days
10. Announce the scheme.	3 days
11. Payment for compensation, support and resettlement.	5 days from announcement.
12. Handover of land to investor.	20 days from completion of payment.
Forced land acquisition and/or eviction.	30 days from date of land handover.
13. Resolution of complaint.	90 days from date of land acquisition decision.

Source: "Understanding Constraints to Effective Implementation of Transport Projects in the Ministry of Transport"; World Bank; 2011

57. However, the prescribed timetable may be adjusted depending on the number of affected persons in the project areas.

8.0 ELIGIBILITY AND ENTITLEMENTS

8.1 Eligibility

58. 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.

59. 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

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

Table 8: 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 DCARC for each case.</p> <p>DCARCs 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 DCARCs 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 DCARC for each case.</p> <p>DCARCs 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 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 DCARC for each case.</p> <p>DCARCs 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

61. The EVN HANOI, 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 meeting, 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 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

62. Rendered where necessary although for these three subprojects this is not likely.

8.5 Special Considerations

63. 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 household head who was recorded in the IOL or DMS. In such a case, the spouse will receive the compensation in 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

64. 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 even during construction works are entitled to the same entitlements as those of the other affected persons.

8.7 Income Opportunities

65. Because of the highly specialised nature of the work there are unlikely to be any local income-generation opportunities directly linked to the project but if there are the contractors will be requested to consider giving priority to affected household members if the latter are interested.

9.0 RELOCATION OF HOUSING AND SETTLEMENTS

66. There is no physical displacement of affected persons or even partial impacts to physical structures that would necessitate relocation.

10.0 INCOME RESTORATION AND REHABILITATION

67. Any necessary income restoration measures would be adopted but these projects are in urban areas and impacts would be very minimal so it is extremely unlikely that income restoration and rehabilitation measures would be necessary.

11.0 RESETTLEMENT BUDGET AND FINANCING PLAN

11.1 Principles of Replacement Cost

68. Budgets for the compensation of displaced person's affected properties would be based on replacement costs, in compliance with the policy requirements of the GOV and ADB. The consultants or equivalent would conduct the replacement cost surveys (RCS) to coincide with the IOL in October 2011 in order to verify and establish the current unit rates on the values of land, physical structures as well as other assets to ensure that affected persons would be compensated for their affected assets based on replacement costs. Information from both primary and secondary information would be obtained. The respondents would consist of non-affected persons and would be 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.

11.2 Compensation Rates and Assistance

69. The compensation rates applied in calculating the budget would be 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.

11.3 Administration, External Monitoring and Contingency Costs

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

- Administration and management, 42%;
- Replacement cost survey, 5%;
- Conduct of DMS, 12%;
- Meetings and consultations, 17%;
- Grievance resolution, 24%.

71. External monitoring and evaluation would not be required given the likely very minimal impacts of land acquisition to affected persons. However, if the ADB were dissatisfied with the implementation processes that might include direct grievances being lodged by affected persons it might require the appointment of an External Monitoring Agency (EMA). Excluded from the administration costs of the resettlement plan are the salaries of EVN HANOI/HPPMB and the PICs. The EVN HANOI/HPPMB personnel who shall be involved in resettlement plan updating and implementation are already receiving regular salaries from their respective office. On the other hand, the professional fees of the consultants of PICs will be charged under the projects.

12.0 INSTITUTIONAL ARRANGEMENTS

72. 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

Committees (DCARCs) 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. *Ha Noi Power Corporation (EVN HANOI)*

73. EVN HANOI is the Executing Agency, through HPPMB to manage the resettlement issues. The HPPMB is Implementing Agencies that are mandated for the overall management and supervision of projects funded by ODA. For the management of a particular project, the EVN HANOI 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 HANOI 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. *Ha Noi 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 HANOI and ADB;
- Hire and closely coordinate with an EMA that shall perform a third-party monitoring and evaluation of the resettlement plan updating and implementation.

12.2 Institutional Features at City Level

74. City People's Committee: The main responsibilities of the CityPC include: (i) establishment and mobilisation of City Compensation and Resettlement Board (CCARB); (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

75. *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 DCARC; (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 redressed of complaints and grievance from affected persons; (vii) concurrence with the schedule of resettlement plan implementation and monitor the progress thereon; and (viii) mobilisation of the respective DCARC that will appraise the compensation and assistance to affected persons; as well as (ix) the provisions of lands to affected persons.

76. *District Compensation and Resettlement Committee*: 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 Public Information Booklet and other publicity material; ensuring that affected persons are aware of the LAR 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.

77. *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 MONITORING AND REPORTING

78. 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.

79. 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.

13.1 Internal Monitoring

80. The HPPMB will conduct the internal monitoring of resettlement plan implementation for EVN HANOI 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.

81. 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 HANOI will incorporate the status of resettlement plan implementation in the overall project progress report to ADB.

13.2 External Monitoring

82. 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 HANOI itself. However, ADB reserves the right to request EVN HANOI appoint an EMA acceptable to the ADB at the expense of EVN HANOI if it is dissatisfied with important aspects of resettlement implementation.

83. 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 HANOI; and (iii) the need for further mitigation measures as needed. In this respect, the EVN HANOI 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 HANOI 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 HANOI will produce but not limited to the following in its assessments:

84. 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.

85. Public consultation and awareness of resettlement plan policies. EVN HANOI 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 HANOI's validation is the process 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 HANOI/HPPMB.

86. Level of affected persons' satisfaction. EVN HANOI 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.

87. 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 HANOI 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 HANOI 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.

PUBLIC INFORMATION BROCHURE (PIB)

1. **Name of construction:** Upgrading of 110kV Tran Hung Dao, Phuong Liet and Son Tay substation
2. **Name of Employer:** HNPC - EVN HN
3. **Rep. of Employer:** Project Management Unit (PMU) of Ha Noi Power Grid Project Management (HPGPM)

QUESTION 1: What is the subproject of 110kV Phuong Liet, Tran Hung Dao and Son Tay Substations?

Answer: The subproject of Phuong Liet, Tran Hung Dao and Son Tay Substation are funded by ADB and Vietnam Government with the aim of supply for power loads in Dong Da District, Hoan Kiem District and Son Tay Town of Ha Noi.

The overall objectives of the project are to fully supply electricity to power load demand Dong Da District, Hoan Kiem District and Son Tay Town of Ha Noi..

QUESTION 2: How will 110kV 110kV Phuong Liet, Tran Hung Dao and Son Tay Substations 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 3 Subprojects have no impact to HH, no 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 (if any) 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 organized 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: EVNHN through the PMU of HPMGP will ensure internal monitoring of all project activities. In addition, PMU of HPMGP 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 EVNHN 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.....

**ANNEXE 2
PUBLIC CONSULTATION**

Table 1. The summary of public consultation meetings and number of participants

No .	Name of subprojects	Location	Date	Participants*		
				Male	Female	Total
1	Renovation of Son Tay 110 kV SS	B1. Xuan Khanh commune-Son Tay District	15 Oct, 2013	15	5	20
2	Renovation of Tran Hung Dao 110 kV substation (SS)	B2. Phan Chu Trinh ward-Hoan Kiem District	13 Nov, 2013	5	9	14
3	Renovation of Phuong Liet 110 kV SS	B3. Phuong Mai ward – Dong Da District	23 Nov, 2013	16	11	27
			TOTAL	36	25	61

**This numbers is counted from list of participants; some persons are repeatedly counted since they participated in all meetings.*

APPENDIX B.1 PUBLIC CONSULTATION AT SON TAY STATION- SON TAY TOWN

a) LIST OF PARTICIPANTS – SƠN TÂY

Date (Ngày tháng) : 15/10/2013

Location (Địa điểm) : Phường Xuân Khanh Ward Sơn Tây Town, Hà Nội

No	Họ và tên (Name)	Nam (M)	Nữ (F)	Cơ quan/Địa chỉ (Organization/Address)	Chữ ký (Signature)
01		✓		Chairman of commune people's committee	
02		✓		Vice Party committee secretary	
03			✓	Vice chairman of commune people's committee	
04		✓		Vice chairman of people's council	
05		✓		Secretary Fatherland Front ward	
06		✓		Vice Chairman of the Veteran	
07		✓		Chairman of the Veteran	
08		✓		Vice Secretary of Ward	

				Fatherland Front	
09			✓	Women's union of Son Tay	
10		✓		Head of population group	
11		✓		Party secretary	
12		✓		Vice chairman of commune people's committee	
13			✓	Staff	
14		✓		Deputy manager of plan department	
15			✓	Consultant of ADB	
16		✓		Northern Power Consulting	
17		✓		Northern Power Consulting (Project managers)	
18		✓		Staff of plan department	
19		✓		Clearance Department - Project management	
20			✓	Consultant of ADB	

b) MINUTE OF MEETINGS AND PHOTOS - SƠN TÂY

<i>Comments/questions from local authorities</i>	<i>Answers of project owners and consultants company PECC4</i>
50-100 ton – truck were going at night affecting power lines, some households have to pay 10 million VND for electricity due to electricity leakage	Constructor will consider these items in the construction preparation
Constructor needs to check if the road can cope with heavy load otherwise the road need to be reinforced	Constructor will consider these items in the construction preparation
The lightning protection systems need to be stable. There is a case that buffalo was died by thunderbolt	Constructor will consider these items in the construction preparation
A drainage is located in the middle of road making the road weak, the contractor should consider that	Constructor will consider these items in the construction preparation
150-200 m road from the station to the street need to be reinforced.	Constructor will consider these items in the construction preparation
The road to substation is very dark at night	It should be written in Son Tay power because the project does not involve
At some place, high voltage power line was swooping down lowly, power pole tilted	

The construction wastewater need to be collected	The scope of construction is small. Only small amount of wastewater generated
--	---

APPENDIX B.2

PUBLIC CONSULTATION AT PHAN CHU TRINH WARD – TRAN HUNG DAO SUBSTATION

a) LIST OF PARTICIPANTS – TRẦN HƯNG ĐẠO

Date (Ngày tháng) : 13/11/2013

Location (Địa điểm) : Phường Phan Chu Trinh, Quận Hoàn Kiếm, TP Hà Nội

No	Họ và tên (Name)	Nam (M)	Nữ (F)	Cơ quan/Địa chỉ (Organization/Address)	Chữ ký (Signature)
1			x	Party secretary	Phan Chu Trinh ward
2		x		Chairman of Ward people's committee	Phan Chu Trinh ward
3		x		Chairman of people's council	Phan Chu Trinh ward
4			x	Party secretary of Group No.6	Phan Chu Trinh ward
5			x	Team leader	Phan Chu Trinh ward
6			x	Staff	Phan Chu Trinh ward
7		x		Deputy manager of plan department	Ha Noi project management Board
8			x	Consultant of ADB	
9			x	Consultant of ADB	
10		x		Staff of plan department	Ha Noi project management Board
11		x		Consultant	Dong Hai consulting and construction Joint-stock Company
12			x	Consultant	Dong Hai consulting and construction Joint-stock Company
13			x	Consultant	Dong Hai consulting and construction Joint-stock Company
14			x	Consultant	Dong Hai consulting and construction Joint-stock Company

--

b) MINUTE OF MEETINGS - TRẦN HƯNG ĐẠO

Question/Suggestion	Answer
What is a purpose of project?	- Electricity demand of people in project area is high. - The current transformer station is too old and unsafe accessories. Therefore, substation improvement is very necessary.
Why does the substation cause the noise and the explosion?	Because the accessories in substation is too old and unsafe. The modern accessories which are exchanged will damp the noise and the explosion.
When does the project start and finish?	-Start: July, 2014 (Schedule) -Building time: three months
Construction activities have to be ended before 11p.m.	Agree. However, with some sudden events which have to build in the night, we will notice to people in project area.
Where the construction waste will be disposed?	In substation precinct.
The wall of substation should be built higher	It could not be done, because it is not suitable with the operation process of the substation.
Before starting works, the contractor must inform Phan Chu Trinh commune people's committee.	Agree.
The Project owner needs to inform local people about construction time	Agree.
The information about resettlement.	There is no household to move, so there is not resettlement.

APPENDIX B.3
PUBLIC CONSULTATION AT PHUONG MAI WARD – PHUONG LIET SUBSTATION

a) LIST OF PARTICIPANTS – PHUONG MAI WARD, DONG DA DISTRICT, HANOI CITY

Date (Ngày tháng) : 23/11/2013

Location (Địa điểm) : Phường Mai Ward, Đống Đa, Hà Nội

No. TT	Họ và tên (Name)	Nam (M)	Nữ (F)	Chức vụ (Position)	Cơ quan/Địa chỉ (Organization/Address)	(Signature)
1		x		Secretary	Phuong Mai ward	
2			x	Chairman's Council	Phuong Mai ward	
3		x		Chairman	Phuong Mai ward	
4			x	Vice Chairman	Phuong Mai ward	
5		x		Secretary of Ward Fatherland Front	Phuong Mai ward	
6		x		Vice Secretary Ward Fatherland Front	Phuong Mai ward	
7		x		Chief inspector People	Phuong Mai ward	
8			x	Women's union of Phuong Mai	Phuong Mai ward	
9			x	Staff	Phuong Mai ward	
10			x	Staff	Phuong Mai ward	
11		x		Secretary of population group	Phuong Mai ward	
12		x		Secretary of population group	Phuong Mai ward	
13		x		Head of population group 65B	Phuong Mai ward	
14			x	Head of population group 65A	Phuong Mai ward	
15		x		Head of population group 62	Phuong Mai ward	
16			x	Head of population group 61	Phuong Mai ward	
17		x		Household	Phuong Mai ward	
18		x		Household	Phuong Mai ward	
19			x	Household	Phuong Mai ward	

20			x	Household	Phuong Mai ward	
21		x		Household	Phuong Mai ward	
22		x		Household	Phuong Mai ward	
23			x	ADB Resettlement Consultant		
24			x	ADB Environmental Consultant		
25		x		Vice manager of the Planting department	HNPMB-EVNHANOI	
26		x		Staff	HNPMB-EVNHANOI	
27		x		Staff	PECC1	

--

b) MINUTE OF MEETINGS - PHUONG MAI WARD, DONG DA DISTRICT, HANOI CITY

Questions	Answers
- Fire prevention by CO ₂ fire extinguishing powder is reliable or not?	- Use fire extinguishing powder inhalers for the function of the room control and distribution. The transformer fire extinguishing system with water.
- Construction waste has been collected, but domestic waste is to work with sanitation enterprises to pay sanitation fee collection.	- Investor and Construction contractor will work with sanitation enterprises to pay for garbage collection.
- Investor is requested to clearly describe how the construction activities affect people	- The project to renovate and upgrade the existing fence located in the Phuong Liet 110kV substation, but also causes environmental impacts during construction and operation of the project such as: Increased dust, causing the sound noise, explosion hazard, obstructing traffic, road damage. When performing renovation project will upgrade electrical capacity, reducing power losses, bringing the social and economic benefits in the region.
- Normally no power station could be located in residential areas because noise affects people living at surrounding area	- Phuong Liet 110kV Substation completed and energized in 1991 while the population in the project area is not much.
- Has the Investor defended the project with the Ministry of Natural Resources and Environment and other agencies or not?	- The "environmental protection plan" for Phuong Liet 110kV substation was approved in 2012.
- Electromagnetic fields affect people or not?	- The new installation of substation equipment is designed according to international standards

	and in accordance with electricity regulations of Vietnam.
- Noise must comply with regulations?	<ul style="list-style-type: none"> - The noise of the equipment in the building process to ensure that noise standards allow - Developing mainly in the daytime, at night if construction must inform the people surrounding the project said. - The new equipment installation projects were built according to the regulations on the permitted noise level.
- Environmental problems in the construction process does not significantly impact during operation.	Agree
- The project should assess the environmental impact, the new station's noise level compared to that of the old station. If the new substation can not change the noise level need not to replace it	The scope of the project implementation equipment 110kV outdoor will be replaced by the GIS equipment (SF6 insulation) and 22kV and 10kV distribution cabinet is placed in the distribution of building control the new. So greatly reduced noise during operation of the station.
- The fire prevention measures involve only the station. When the fire occurs in the station, could it spread to surrounding neighborhoods? Because fire truck can not go to the area.	- Investor commits to implement fully fire protection regulations during the project implementation period.
- Local people need full commitments of investor/constructor in the construction process. When fire is happening, what is the level of safety for the people? Investor/constructor need to ensure no fire and explosion occurred.	- Investor commits to implement fully environmental regulations, fire during project implementation.
- Agree with the upgrading but investor needs to ensure safety for people.	
- The renovation and upgrading to ensure reduced noise, accidents, fires and explosions. Lane 30, Alley 2 no way out when the explosion.	
- 110 kV substation is too close to residential areas, the distance is only about 1m to ensure the safety of the power grid?	- The project will replace the old equipment, which has been operated long time, by the new equipment in accordance with international standards. At the same time the equipment is installed according to the layout as well as international standards of Vietnam to ensure electrical safety.

<p>- There was an explosion, big noise. Roads into the renovated station frequently for damage, noise at night.</p>	<p>- Substation was designed in fire prevention regulations.</p>
<p>- The construction activity needs to be approved by the competent authority in order to assess it is appropriate or not</p>	<p>- Electricity Corporation Hanoi has approved on the basis of planning. Ministry of Natural Resources and Environment has approved.</p>
<p>- The solid walls need to be built around the substation</p>	<p>- Reinforced fence of the station are being constructed</p>
<p>- Phuong Mai Ward People's Committee asked to provide information, technical specifications on noise, power grid safety corridors, fire safety for the substation.</p>	<p>Investor will provide "environmental protection report" of 110kV station to Phuong Mai Ward People's Committee</p>
<p>- The further meetings to get people's opinions on construction permits would be organised</p>	

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
<p>Compensation for lost land</p>	<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>
<p>Differences between compensation rates and market rates</p>	<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>	<p>Rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments.</p>	<p>Full compensation at replacement cost will be paid for all affected structures without any deductions for salvageable materials or depreciation, full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments</p>
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>	<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.</p>	<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.</p>
Compensation for non-registered businesses	<p>Decree 69 only recognises formal registered businesses as entitled to compensation for lost income based upon Tax Office records</p>	<p>No distinction between registered or non-registered businesses in regards to compensation entitlement for lost income and other assistance.</p>	<p>The DPC will certify that the DP has a business in current operation and approve the level of lost income.</p>
Monitoring	<p>No monitoring indicators indicated</p>	<p>Monitoring indicators specified for internal and external monitoring and reporting</p>	<p>The EA will appoint an independent external monitor and undertake internal monitoring of RP/REMDP implementation according to the critical indicators.</p>