

Resettlement Plan

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

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

Resettlement Plan

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

(EVN HCMC: 110 kV Underground Cable Section Connecting to
110 kV Tham Luong Substation Subproject)

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

CURRENCY EQUIVALENTS

(as of September 2016)

USD \$ 1 = VND \$22,270

ABBREVIATIONS

ADB	Asian Development Bank
AH	Affected household
AP	Affected person
CPC	Commune People's Committee
DCARC	District Compensation, Assistance and Resettlement Board
DMS	Detailed Measurement Survey
DP	Displaced Persons
DPC	District People's Committee
EA	Executing Agency
EMA	External Monitoring Agency
EVN HCMC	Ho Chi Minh City Power Corporation
EVN	Electricity of Viet Nam
FGDs	Focus Group Discussions
HCMC	Ho Chi Minh City
HH	Household
HPPMB	Ho Chi Minh City Power Projects Management Board
IA	Implementation Agency
IOL	Inventory of losses
IP	Indigenous Peoples
IR	Involuntary Resettlement
km	kilometer
LURC	Land use rights certificate
ODA	Official Development Assistance
OHL	overhead line
PC	Power Corporation
PECC4	Power Electric Construction Consultant 4
PIB	Public information booklet
PIC	Project Implementation Consultant
PMU	Project Management Unit
PPC	Provincial People's Committee
PPTA	Project Preparatory Technical Assistance
RCS	Replacement Cost Survey
RoW	Right-of-Way
RP	Resettlement plan
RPF	Resettlement Planning Framework
SAH	Severely Affected Household
SES	Socio-Economic Survey
SPS	Safeguard Policy Statement
SS, S/S	substation
TL	transmission line
USD	US dollar

ELECTRICAL TERMINOLOGY

V	(Volt)	- Unit of voltage
kV	(kilovolt)	- 1,000 volts
W	(Watt)	- Unit of active power
kW	(kilowatt)	- 1,000 watts
MW	(Megawatt)	- 1,000 kW
Wh	(watt-hour)	- Unit of Energy
kWh	(kilowatt-hour)	- 1,000 Wh
MWh	(Megawatt-hour)	- 1,000 kWh
GWh	(Gigawatt-hour)	- 1,000 MWh
TWh	(Terawatt-hour)	- 1,000 GWh
VA	(Volt-ampere)	- Unit of apparent power
kVA	(kilovolt-ampere)	- 1,000 VA
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		- Difference between energy delivered and energy sent out

NOTE

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

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DEFINITION OF TERMS

- Affected Persons (APs)** - Refers 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. DPs therefore include; i) persons affected directly by the right-of-way 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 categorized as DP. In this Project, the cut-off date will coincide with the date of land acquisition announcement conducted by local authorities based on approved detailed design documents. Persons not covered in the project area before the cut-off date not eligible for compensation and other entitlements.
- Detailed Measurement survey (DMS)** - With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of DPs earlier done during RP preparation. The final cost of resettlement can be determined following completion of the DMS.
- Displaced Persons (DPs)** - 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 recognized or recognizable 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 recognized or recognizable 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 DPs, 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 right-of-way (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 DPs will be determined.

- Resettlement** - means all social and economic impacts that are permanent or temporary and are (i) caused by acquisition of land and other fixed assets, (ii) by change in the use of land, or (iii) restrictions imposed on land, as a result of a project.
- 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.
- Vulnerable Group** - These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the national poverty standard, (iv) children and the elderly households who are landless and with no other means of support, and (v) landless households, and (vi) ethnic minorities with severe impact.

1.0 EXECUTIVE SUMMARY

1.1 Project Description

1. This Resettlement Plan (RP) is prepared for the 110 kV Underground Cable Section Connecting to 110 kV Tham Luong Substation Subproject (hereinafter referred to as the Subproject) under the Hanoi-Ho Chi Minh City Power Grid Development Sector Project financed by the Asian Development Bank (ADB). The development of the Subproject aims to (i) meet the power supply demands in Tan Thoi Nhat Ward and a part of Dong Hung Thuan Ward in District 12 and Ba Diem Commune in Hoc Mon District, Ho Chi Minh City; and (ii) improve system stability and safety, thereby improving the reliability of power supply in the North of Ho Chi Minh City.

2. The 110 kV underground cable section connecting to 110 kV Tham Luong Substation (SS) Subproject has a total length of 2,017 m that will traverse Ba Diem Commune, Hoc Mon District and Tan Thoi Nhat Ward, District 12, Ho Chi Minh City. The cable section will start at tower 28a of 110 kV Hoc Mon-Vinh Loc Transmission Line (TL), in Tien Lan Village, Ba Diem Commune and will terminate at Tham Luong 110 kV SS in Tan Thoi Nhat Ward. Land will be required for the: (i) cable canals; (ii) cellars for connecting cable; and (iii) the Tower 28A.

3. The Ho Chi Minh City Power Corporation (EVN HCMC) is the Project Executing Agency (EA) while the Ho Chi Minh City Power Projects Management Board (HPPMB) is the Implementing Agency (IA).

4. This RP, however, covers the section from the starting point of the Tower 28A to the crossroad with Phan Van Hon Road in Tien Lan Village, Ba Diem Commune, Hoc Mon District that involves land acquisition as the remaining underground cable section has been addressed in Resettlement Due Diligence Report on 110 kV Tham Luong Substation and 110 kV Underground Cable Connection Line endorsed by ADB in February 2016.

5. This Resettlement Plan (RP) is prepared an updated based on the detailed design and results of the Detailed Measurement Survey (DMS) for affected assets of the affected households (AHs) of the Subproject. The results of consultation, participation and information dissemination to AHs and stakeholders in the RP preparation process are also incorporated. No civil works for this subproject can begin until the final RP has been approved and endorsed by the Asian Development Bank (ADB).

1.2 Scope for Land Acquisition and Resettlement

6. Total permanently affected land area for the 110 kV underground cable section connecting to Tham Luong SS is 1,122.20 m² for the construction of the tower foundation and underground cable section from the starting point of Tower 28A to the crossroad of Phan Van Hon. The majority of the acquired area is traffic land under the management of Ba Diem Commune People's Committee. The remaining acquired land is agricultural land belonged to one household. The current status of the affected area is uncultivated and vacant land since 2005.

7. In addition, 8,084 m² of land that shall be temporary affected for excavation and construction of the underground cable canal. All of which are traffic land under the management of Ba Diem CPC. The cable will be divided into several sections to construct. After finishing each section, the Project contractor/s will restore the work areas to its original condition, or better. This shall be stipulated by the EA as a condition in the contract with Project contractor/s prior to the award of civil works contracts.

8. No house of structure is affected by the Subproject. Likewise, no crop or tree is cultivated on the affected area and thus not affected by the Subproject. There is no severely affected household as well as vulnerable household.

1.3 Socioeconomic Information

9. There is only one affected household made up of five (05) members. The household head is high school graduate. Regarding occupations and livelihood, the affected household is not engaged in farming and the APs are workers. The monthly per capita income of the household is more than VND 2,000,000, higher than the poverty threshold issued by the HCM City PC.

10. The affected household use water well and have access to the national grid. For cooking, their main energy source is gas. The AH has access to social services, like school and medical station. in the commune.

11. Gender inequality is not an issue in the Subproject area.

1.4 Information Disclosure, Consultation and Participation

12. Consultation meetings were held on October 30, 2013 by HPPMB and its Consultant

13. With assistance from the TA consulting team, PEEC4 held public meetings and consultations on 30 October and identified the different stakeholders of the Project, such as: (i) Commune Peoples' Committee (CPC); (ii) mass organizations; and (iii) the APs. In those meetings, they were given Project Information Booklets (PIBs) and discussed the topics related to the preparation of RP including (i) project's key information and salient features; (ii) list of affected districts and communes and expected scope if impacts for the substation and its connections; (iii) objectives and principles of the resettlement plan as required by the Government and Safeguard Requirements 2 (SR2) of the 2009 ADB's Safeguard Policy Statement (SPS); (iv) IOL and SES schedule; (v) income restoration allowances; (vi) compensation and resettlement options; (vii) gender issues and vulnerable groups; and (viii) mechanisms for APs' participation, grievance redress, monitoring and evaluation in RP preparation, updating, and implementation stages.

14. Representatives of mass organizations in all communes concerned have also attended, such as Vietnam Women's Union, Fatherland Front, and Vietnam Farmers' Union. The meetings and consultations were held in the CPC Office were attended by 12 local officials and residents that consisted of nine (09) males and three (03) females.

15. The DMS results have been publicly posted in November 2015 at the office of Ba Diem CPC. In July 2016, the compensation plan has been disclosed to the affected household and after the public posting, a minute on the closure of the public posting of the compensation plan has been prepared. Per the minute, all of the participants have given their broad support to the subproject during the public meetings.

1.5 Grievance Redress Mechanisms

16. In order to ensure that all APs' grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to affected persons to air their grievances, a well-defined grievance redress mechanism has been established. All APs 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. APs are not ordered to pay any fee during the grievance and complaints at any level of trial and court. Complaints will pass through stages such as Commune People's Committee (CPC), District People's Committee (DPC), and Ho Chi Minh City People's Committee (City PC) before they can be elevated to a court of law as a last resort.

1.6 Legal Framework, Compensation Policy and Eligibility

17. The project resettlement policy and entitlements have been developed from the laws of the Government of the Socialist Republic of Viet Nam (GOV), principally the Constitution (2013); 2013 Land Law N° 45/2013/QH13 dated November 29 2013, providing Viet Nam with a comprehensive land administration law; Decree N°43/2014/ND-CP dated May 15 2014 guiding implementation of some articles of the Land Law 2013; Decree No. 47/2014/ND-CP dated May 15 2014 on compensation, rehabilitation and resettlement in the event of land recovery by the State; Decree No 44/2014/ND-CP dated May 15 2014 on land prices; and ADB's Safeguard Policy Statement (SPS June 2009) guided by Operations Manual on Involuntary Resettlement (OM Section F1/OP, on 3 March 2010).

18. 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 2013 Land Law and Decree N°38/2013/ND-CP which provides that in case of "discrepancy between any provision in an international treaty on Official Development Assistance (ODA), to which the Socialist Republic of Viet Nam is a signatory, and the Vietnamese Law, the provision in the international treaty on ODA shall take precedence" (Article 46, Item 1, Article 38/2013/ND-CP).

1.7 Entitlement, Assistance and Benefits

19. The project entitlements adopted are based on ADB's SPS (2009) that have been harmonized with the existing GOV laws, Ho Chi Minh City PC's Decisions on land acquisition, resettlement and assistance.

20. The cut-off date of eligibility is October 15, 2013 based on the date when DPC issues the project investment announcement prior to the conduct of DMS.

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

1.8 Relocation of Housing and Settlement

22. There is no impact on house or structure of household caused by the construction of the underground cable section. Therefore, relocation is not required.

1.9 Income Restoration and Rehabilitation

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

1.10 Resettlement Budget and Financing Plan

24. The total cost for resettlement is estimated at **VND 342,893,376** (or equivalent to **USD 15,398**). This proposed budget includes compensation and allowances, cost for resettlement implementation for Hoc Mon District Compensation, Assistance and Resettlement Board (DCARB) (2% cost of compensation and allowances), and contingency. EVN HCMC and HPPMB will ensure the timely provision of counterpart funds for resettlement to meet any unforeseen obligations in excess of the resettlement budget estimates in order to satisfy resettlement requirements and objectives.

1.11 Institutional Arrangement

25. EVN HCMC is the executing agency of the project. EVN HCMC will establish a project management board at its headquarters to oversee the overall administrative and financial aspects of the project. The HPPMB will coordinate the consultants and closely cooperate with Ho Chi Minh City PC, DPCs, DCARBs and CPCs to update the resettlement plan and implement resettlement activities.

1.12 Implementation Schedule

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

Table. Implementation Schedule

Main activities	Time-frame
<i>Preparing RP</i>	
Inventory of Losses	October 2013
Public meeting and consultations with affected persons on resettlement plan	October 2013
Resettlement Plan preparation	November 2013-February 2014
ADB no-objection to final draft resettlement plan	June 2014
<i>Implementing RP</i>	
DMS	October 2015
Updating of resettlement plan and submit to ADB for review and upload before bid awarded	November 2016
Compensation payment	November 2016
Site clearance	November 2016
Start of civil works	November 2016
Monitoring	October 2015

1.13 Monitoring and Reporting

27. HPPMB will be responsible for the overall monitoring activities. With assistance of the Project Implementation Consultant (PIC), HPPMB will prepare biannual internal monitoring reports on RP implementation and submit to EVN HCMC and ADB for review and upload.

2.0 PROJECT DESCRIPTION

2.1 Introduction

28. This Resettlement Plan (RP) is the social safeguards document required for the approval of the 110 kV underground cable section connecting to Tham Luong Substation (or the Subproject) from the starting point of Tower 28A to Phan Van Hon Road (499m)¹. The RP contains the policies, guidelines and administrative processes and procedures which the Ho Chi Minh City Power Corporation (EVN HCMC) commits to the Asian Development Bank (ADB or the Bank) that these will be complied with during project implementation. This RP is consistent with the prescription in the Resettlement Framework prepared for PPTA № 8205-Preparing Hanoi and Ho Chi Minh Power Grid Development Sector Project, the relevant legislation being enforced by the Government of Vietnam (GOV), and the 2009 Safeguard Policy Statement (SPS) as well as the other cross-cutting social policy themes of ADB.

29. The 110 kV Underground Cable Section connecting to Tham Luong Substation Subproject will be synchronously implemented with the 110 kV Tham Luong Substation Subproject with the owner of EVN HCMC. The task of the subprojects is supply for power loads in District 12, a part of Hoc Mon District on the West side of HCMC.

30. As the 110 kV Tham Luong Substation does not involve land acquisition impacts, a Resettlement Due Diligence Report has been prepared for the substation subproject and endorsed by ADB in February 2016. The construction of the 110 kV underground cable section connecting to the 110 kV Tham Luong SS, on the other hand, will require land acquisition, thus this resettlement plan. The Resettlement Plan (RP) is updated based on the detailed design and detailed measurement survey results, including consultations with the affected household, consistent with applicable laws of the Government of Vietnam (GoV) and with the 2009 ADB Safeguard Policy Statement (SPS).

2.2 Description of the Underground Cable Section Connecting to Tham Luong Substation Subproject

2.2.1 Subproject Objectives and Location

31. The construction of the 110 kV underground cable section connecting to Tham Luong Substation aims to (i) meet the power supply demands in Tan Thoi Nhat Ward and a part of Dong Hung Thuan Ward in District 12 and Ba Diem Commune in Hoc Mon District, Ho Chi Minh City; and (ii) improve system stability and safety, thereby improving the reliability of power supply in the North of Ho Chi Minh City.

32. The 110 kV underground cable section has a total length of 2,017m, running along Phan Van Hon Road in Tien Lan Village, Ba Diem Commune (Hoc Mon District) and Tan Thoi Nhat Ward (District 12). The cable section will start from the Tower 28A and terminate at the 110 kV Tham Luong Substation. Details are as follows:

- **From Tower 28A to G2 (256m):** the underground cable section will start from in between the existing towers 28 and 29 of the 110 kV Hoc Mon-Vinh Loc TL in Tien Lan Village, Ba Diem Commune, Hoc Mon District and run underground of a vacant land towards and along Alley No. 58 (5m-6m in width) to the National Road 1A.

¹ The remaining section of the 110 kV underground cable connecting to Tham Luong SS, which does not involve land acquisition impacts, has been addressed in another social safeguard document that is the Resettlement Due Diligence Report on the 110 Kv Tham Luong SS and the underground cable connecting to the Tham Luong SS Subproject endorsed by ADB in February 2016.

- **Section crossing over the National Road 1A (58m):** from the Alley No. 58, the route will cross over the National Road 1A, then turn left to the crossroads of the National Road 1A and Phan Van Hon Road. Horizontal Directional Drilling method (HDD) will be employed for the construction of this cable section. The land use of this route section is traffic road.
- **From the above section to the crossroads of the National Road 1A and Provincial Road 14 (185m):** after crossing the National Road 1A, the route will keep going along this National Road towards the crossroads with Phan Van Hon, then turn right to Phan Van Hon Road in Tan Thoi Nhat Ward, District 12. This section is arranged to run underground along the National Road 1A (33-40m in width).
- From the National Road 1A and Phan Van Hon crossroad to the Tan Thoi Nhat 1B Road (894m): after turning right to Phan Van Hon Road, the route will go along Phan Van Hon to the T-junction of Phan Van Hon and Tan Thoi Nhat 1B. The construction of this section is under Phan Van Hon Road.
- From the Phan Van Hon-Tan Thoi Nhat 1B T-junction to Tham Luong SS (624m): from the T-junction, the route turns right to Tan Thoi Nhat 1A towards Nguyen Anh Thu temple and intersection between the cable section and boundary of the 38-hectare resettlement site in District 12 and then turns right to Tham Luong SS.

33. It is noted that the section involving land acquisition impacts addressed by this RP starts from the starting point of Tower 28A to the crossroad with Phan Van Hon with the total length of 499m. The entire section is located in Ba Diem Commune of Hoc Mon District.

Figure 1. Location of the 110 Kv Underground Cable Section Connecting to Tham Luong Substation



Note: The section in the blue circle indicates the area involving land acquisition (499m) for the construction of the underground cable section connecting to Tham Luong SS.

2.2.2 Main Features of the 110 kV Underground Cable Section

34. Main features of the 110 kV underground cable section are presented in the following table:

Table 1. Main Features of the 110 kV Underground Cable Section

Parameters	Technical Specifications
Voltage level	110 kV
Number of circuits	Double circuit
Starting point	From the tower between the underground cable and overhead TL Tower N° 28a (Tien Lan Village, Ba Diem Commune, Hoc Mon District).
Ending point	At the bus bar of the 110 kV Tham Luong substation (in zone 5, Tan Thoi Nhat Ward, District 12).
Length of the route	2,017m
Conductor	core 1200mm ² with insulation cover of XLPE
Power surge protection	Power surge protector of LA 96 kV
Cable arrangement	inserting cable into HDPE pipe Φ 225, all will be underground

Source: Technical Design Report on 110 kV Tham Luong Underground Cable, PECC4.

35. Main features of the tower for connection of underground cable at Tower N° 28a:

Table 2. Main Features of the Tower

Parameters	Technical Specifications
Voltage level	110 kV
Number of circuits	Double circuit
Starting point	Identical with the centerline of 110 kV Hoc Mon – Vinh Loc TL (between the existing Towers N° 28-29 in Tien Lan Village, Ba Diem Commune, Hoc Mon District)
Structure	single steel tower
Transmission Wire	ACSR 795MCM
Insulator	single tension series, with the load of 160kN
Anti-lightning wire	Anti-lightning galvanized wire TK-70
Tower foundation	column foundation made of cast-in situ concrete
Earthing	ray-type shall be used and made of round zinc galvanized steel ϕ 12, installed by layers about bottom and collar of the foundation

Source: Technical Design Report on 110 kV Tham Luong Underground Cable, PECC4.

2.3 Sources of Project Impacts

2.3.1 Sources of Permanent Impacts

36. The underground cable subproject will only require the permanent acquisition of land for the tower foundation N°28a and the construction of the first section of the underground cable which is located on the agricultural land and traffic land.

2.3.2 Sources of Temporary Impacts

37. The areas for work stations, provision for the delivery of cables, machines, and steel materials for the tower by vehicles to work areas are the main sources of temporary impacts. The contractor/s will pay compensation to the owners for any damages during the course of construction and restore the land to pre-Subproject condition, or better.

2.4 Measures to Minimize the Project Impacts

38. **Selection of the route of the underground cable:** In the design stage, the consultant had been working and inviting specialized staff of the local authorities for site observation, getting agreement with the local authorities to select the route alternatives suitable to the Master plan of the local authority, the location for underground cable connection box to avoid historical and cultural heritages and natural reservation areas, crowded residential areas, minimizing the scale of acquisition of land and property, plant/crop destruction, they are selected that near roads for convenient in transporting materials. The route alternative was selected and approved by the DPC of District 12 via the Notice N° 114/TB-VP dated 22/3/2012 and by the DPC of Hoc Mon via the Notice N° 114/TB-VP dated 6/9/2012. There are no houses, trees, crops affected by the underground cable

3.0 SCOPE OF LAND ACQUISITION

39. The DMS for the acquisition of land and assets, other architectural works was conducted in order to verify and update the Inventory of Losses (IOL) conducted in October 2013 during the project preparation stage. The DMS process was implemented in order to tally the number of people affected by the project; determine the impacts on land and assets on land; and to finalize the compensation and entitlement estimates for funding the land acquisition and resettlement activities of the project.

40. The DMS in Ba Diem Commune, Hoc Mon District was conducted in October 2015. On this basis, the District Land Fund Development Centre (LFDC) has posted and announced the compensation plan to affected households and consulted with the affected households for finalizing the compensation plan.

3.1 Summary of Impacts

41. Only one household in Tien Lan Village, Ba Diem Commune, Hoc Mon District is affected by the land acquisition of the Subproject. The traffic land under the management of Ba Diem Commune People's Committee (CPC) is also subject to permanent land acquisition. The temporary impacts caused by construction activities of the Subproject will not affect land or assets of the individual households but traffic land of the CPC.

3.2 Impacts on Land

3.2.1 Permanent land acquisition

42. As indicated in the DMS results, the construction of the 110 kV underground cable section causes land acquisition impact to one (01) household and Ba Diem Commune People's Committee (CPC). The total affected land area subject to permanent land acquisition is 1,122.20 m². Out of which, 200.80 m², accounting for 17.9% of the total affected area, are agricultural land belonging to one household in Tien Lan Village, Ba Diem Commune whereas 921,40 m², or 82.1%, are traffic land under the management of Ba Diem CPC. This affected traffic area under the CPC's management is not subject to compensation or support.

43. The affected land area has been used and land use right certificate has been issued to the household since 1998. The current status of the affected agricultural land area of the AH is vacant land with no tree, crop, or structure built thereon.

Table 3. Permanent Land Acquisition Impacts

No.	Districts/ Communes	Number of AHs and Area of Affected Land by Use (m ²)					
		Lands for growing rice and annual crops		Traffic land		Total	
		HH	Area (m ²)	HH	Area (m ²)	HH	Area (m ²)
I.	Hoc Mon District	1	200.80	1	921.40	2	1,122.20
1.	Ba Diem Commune	1	200.80	1	921.40	2	1,122.20
II.	District 12	-	-	-	-	-	-
1.	Tan Thoi Nhat Ward	-	-	-	-	-	-
	Total	1	200.8	1	921.40	2	1,122.20

Source: DMS results, October 2015

44. By severity of land loss, the household is not severely affected by the loss of 10% or more of their total productive landholdings.

3.2.2 Temporary land acquisition

45. 8,084 m² of land that shall be temporary affected for excavation and construction of the underground cable canal. All of which are traffic land under the management of Ba Diem CPC. The cable will be divided into several sections to construct, and the construction of each section will be completed before carrying out the next section. Therefore, this impact on land will be only temporary. After finishing each section, the Project contractor/s will restore the work areas to its original condition, or better. This shall be stipulated by the EA as a condition in the contract with Project contractor/s prior to the award of civil works contracts.

3.2.3 Land tenure status

46. The affected household has land use right certificate over the total affected land area of 200.80 m².

3.3 Houses and Other Structures

47. No houses or structures are affected by the Subproject.

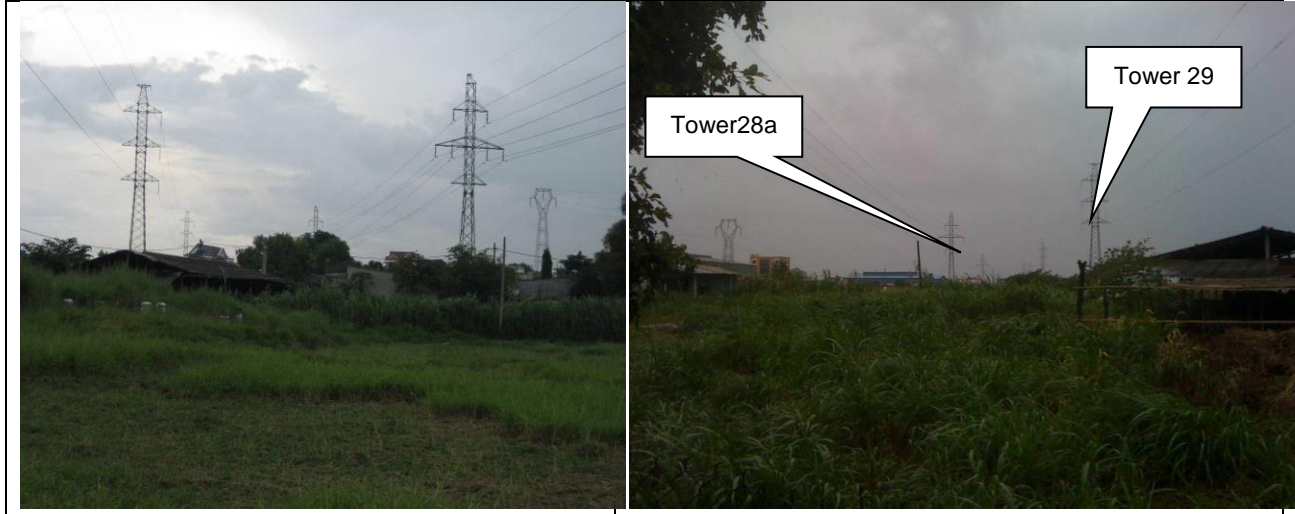
3.4 Crops and Trees

48. No trees or crops are affected by the Subproject as the affected land is uncultivated agricultural land which has been covered by weeds for the recent years.

3.5 Impact on Business Shops

49. The Subproject does not cause any impact on business shops.

Figure 2. Existing Conditions of the Tower Area



3.6 Impacts on Public Properties

50. Besides the impacts as described above, the Subproject does not cause any impact on public assets as well as historic and cultural sites and sensitive areas including national parks or natural reserves.

3.7 Vulnerable Groups

51. There is no severely affected household as well as no household who might be worsened off due to the Subproject's impacts.

4.0 SOCIOECONOMIC INFORMATION

52. The socioeconomic survey (SES) conducted by the consultant team hired by the HCM HPMB covered one affected household. A questionnaire was used in the SES. Basic socioeconomic information on the subproject area was obtained from government sources.

4.1 Subproject Area

53. Hoc Mon is a suburban district of Ho Chi Minh City. In 2010, the total population is 358,640 and the total area is 109 km², equivalent to an average population density of 3,300 people per km². Hoc Mon District is bordered by Cu Chi District to the North, by Thu Duc District and Binh Duong Province to the East, by District 12 to the South, and by Binh Chanh and Binh Tan districts to the West.

54. Hoc Mon District is divided into 12 administrative divisions including one (01) township (Hoc Mon) and 11 communes, namely Ba Diem, Dong Thanh, Nhi Binh, Tan Hiep, Tan Thoi Nhi, Tan Xuan, Thoi Tam Thon, Trung Chanh, Xuan Thoi Dong, Xuan Thoi Son, and Xuan Thoi Thuong.

55. The Subproject involves land acquisition in Ba Diem Commune of Hoc Mon District. By the end of 2010, the total population of Ba Diem Commune are 18,690 persons; of which, male population accounts for 50.5% while female population makes up 49.5%. The average population density is about 430 persons/km².

56. As of 2010, Hoc Mon District has 34 schools, 486 classes with 1,842 students of all levels. Percentage of high school graduates in the year 2010 in the district reached 90.08%.

4.2 Socioeconomic Profile of the Affected Household

57. The affected household is made up of five (05) members and headed by a 72-year-old male. Among the members, two (02) are workers in the industrial zone in the project area. None

of the members is working in agricultural sector. The dependency rate is relatively low and there are numerous income generation activities available off-farm.

58. The SES results show that the AH head is high school graduate. The affected household has a monthly income of VND 12 million, which indicates that no AP has monthly per capita income less than VND 1 million per person per month. Therefore, the AH is not living below the poverty line as per HCM city criteria².

4.3 Household Utilities and Amenities

59. **Water.** Most of citizens in the host commune/ward, including the affected household, rely on water extracted from deep-water wells that is generally of relatively good quality but has to be boiled for cooking and drinking purposes, especially for younger children and older adults. None of the AHs purchases water for domestic use.

60. **Toilet/Bathroom.** Some households in the host commune/ward, including the affected household, have separate bathrooms and toilets located within the housing compound. This toilet is flush toilet with septic tank.

61. **Energy Sources.** Most of citizens in the host commune/ward, including the affected household, have access to electricity on a continuous basis supplied by the local electricity supply company and this electricity is used for lighting and cooking. Furthermore, the majority of the households in the area use gas for cooking purposes.

4.4 Access to Social Services

62. **Schooling.** There are local primary schools, secondary schools and high schools that students can attend in the Ba Diem Commune.

63. **Health Services.** The project commune has one medical station that the affected household has access to. The medical stations are able to provide basic immunizations, pre- and post-natal care, child-birthing facilities and other forms of preventive health-care. For more sophisticated medical treatment, the residents have to travel to Hoc Mon District or further afield to one of the inner districts in Ho Chi Minh City.

4.5 Gender Issues

64. Apparently, there are no gender issues in the subproject area. Per results of the SES and interview of representatives from the Women's Union in subproject communes, the level of equality between women and men was relatively high. Women are involved not only in domestic chores but also in income generation and in local associations activities, including activities organized by the commune Women's Union. Both men and women are involved in household decisions.

5.0 INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

5.1 Objectives of Information Disclosure and Public Consultation

65. In compliance with GOV's Land Law 2013 (Article 48, Article 67, and Article 69), SPS (2009) and ADB's Public Communication Policy: Disclosure and Exchange of Information (2011), the HPPMB, as representative of EVN HCMC, promotes the active participation of the Project-based stakeholders. They have been identified during the series of disclosures and

² The poverty threshold issued by Ho Chi Minh City People's Committee for the 2014-2015 period is as follows: poor households are those with yearly income of VND16 million (US\$755) or less per family member, and near-poor households are those with yearly per capita income from over VND16 million (\$755) to VND21 million (\$991).

public consultations at commune and village levels, involving stakeholders such as the District level CARBs, CPCs, mass organizations, non-AP residents, and the APs.

66. ADB Safeguards Policy Statement (SPS 2009) requires that in line with ADB's Public Communications Policy, ADB is committed to working with the borrower/client to ensure that relevant information (whether positive or negative) about social and environmental safeguard issues is made available in a timely manner, in an accessible place, and in a form and language(s) understandable to affected people and to other stakeholders, including the general public, so they can provide meaningful inputs into project design and implementation. The disclosure of information, with the consultation and participation of all APs and relevant stakeholders, will minimize the risk of disputes and Project delay. This also facilitates the Project to design resettlement and rehabilitation program as a comprehensive development program that meets the needs, preferences and social benefits of the project investment.

67. Public consultation is of a significant importance, respecting to the disadvantaged, the vulnerable and especially to people living under poor levels. The consultation shall:

- start early and throughout the project cycle, including stages of project preparation, implementation and monitoring;
- provide timely, relevant and necessary information which is easily understandable and accessible to affected persons;
- be done voluntarily;
- tailor the needs of disadvantaged and vulnerable groups;
- allow the integration of all relevant opinions of affected persons and other stakeholders into the decision-making process, such as project design, mitigation measures, sharing of benefits and changes that the project brings.

68. The objectives of public information and consultation program with the APs are:

- to ensure that local authorities as well as all APs will be presented in the planning and decision making process. HPPMB will keep the dialogue with the PPCs and DPCs during the process of the project implementation. The participation of APs will be continued later by means of requesting districts to invite their representatives to the resettlement activities (asset valuation, compensation, resettlement and supervision);
- to fully share information about the components and operation of the Project with APs in order that this process will be transparent;
- to collect information on the needs and priorities of all APs as well as information about their reactions to proposed policies and activities;
- to ensure that all APs are fully informed about the decisions that will affect their income and living standards, and that they will have the opportunity to participate in the activities and decision making on the issues that will directly affect them. Inform APs regarding entitlements, grievance redress arrangements, consultation and communication arrangements as well as resettlement plan preparation and implementation arrangements;
- to get the cooperation and participation of all APs and communities on activities necessary for the development and implementation of the resettlement plan in a bottom-up manner;
- to ensure the transparency in all activities related to land acquisition, resettlement and rehabilitation.

5.2 Stages of Participatory Consultations

69. The consultation with communities in the affected communes is an important activity in the project. With the above objectives, the HPPMB will carry out the participatory consultations in every stage of the Subproject cycle relevant to the requirements in the RP in which activities are summarized in the table below.

Table 4. Participatory Consultation in the Project Cycle

Stages	Activities and Target Participants	Responsibility
<p>Project Preparation</p> <p>Pre-Feasibility /Feasibility Study and Drafting of Technical Design</p>	<p>Meet to discuss with the provincial, district, commune, and village officials, Provincial Management Board (PMB), and project-based stakeholders about the Project TA, the safeguard policies, and the activities of the consultants.</p> <p>Conduct census of the APs, IOL, social impact assessment, and replacement cost study (RCS)</p> <p>Discuss the proposed Project resettlement policy with EVN HCMC and HPPMB and solicit their feedbacks.</p> <p>Disclosure of the results of IOL to APs and discuss the proposed minimisation of impacts and solicit their suggestions and/or comments thereon, including relocation options.</p> <p>Drafting of the RP and its capsulised summary in leaflet form for submission to HPPMB and <i>EVN HCMC</i> for review and endorsement to ADB for approval.</p> <p>Distribution of information leaflets to APs, posting of summary RP at district and commune offices.</p> <p>Posting the RP on the ADB website</p>	<p>HPPMB and Consultants</p> <p>Consultants, assisted by commune/village officials</p> <p>Consultants</p> <p>HPPMB and Consultants, assisted by commune/village officials</p> <p>Consultants</p> <p>HPPMB</p> <p>ADB</p>
<p>Project Implementation</p> <p>Finalisation of Technical Design</p>	<p>Briefing of the respective compensation and resettlement committees in the province, districts and communes, conduct of centreline survey and demarcation of RoW boundaries, and detailed design by the PICs.</p> <p>Detailed Measurement Survey (DMS), updating unit costs (as necessary)</p> <p>Meet with APs to discuss and consult the results of DMS, the Project resettlement policy, entitlements and relocation options</p> <p>Updating/revision of the RP and its capsulised summary in leaflet form.</p> <p>Submission of the updated RP and project information leaflet to HPPMB and EVN HCMC for review and endorsement to ADB for approval.</p> <p>Distribution of the updated information leaflets to APs, posting of summary updated RP at district and commune offices</p>	<p>HPPMB and PICs</p> <p>PICs assisted by commune/village officials</p> <p>HPPMB and PICs, assisted by commune/village officials</p> <p>PICs</p> <p>PICs</p> <p>HPPMB</p> <p>EVN HCMC and HPPMB assisted by</p>

Stages	Activities and Target Participants	Responsibility
	Implementation of Updated RP. Internal and external monitoring of RP implementation.	PICs PICs and External Monitoring Agent
Post Project Implementation Appraisal of Project social safeguards objectives	Overall review of the Project completion performance and conduct interviews with the HPPMB, selected project-based stakeholders and the APs if the Project social safeguards objectives have been met.	ADB's Independent Evaluation Division.

5.3 Information Disclosure and Public Consultations during RP Preparation

70. Meaningful consultation has been carried out and continued during document updating and implementation. In the public meetings and consultations held on 30 October 2013 with project-based stakeholders in the Ba Diem commune, they were given the Vietnamese version of Project Information Booklets (PIBs, see Annex 2). The topics discussed in the public meetings and consultations were: (i) general information of the Subproject, its route, locations and features; (ii) list of project affected districts, communes and the scale of possible land acquisition for the subproject transmission line; (iii) objectives and principles of RP according to the requirements of the GOV and Safeguard Requirements 2 (SR2) of the 2009 Safeguard Policy Statement (SPS) of ADB; (iv) schedules of IOL and SES; (v) livelihood restoration programme; (vi) compensation and relocation options; (vii) issues on gender and vulnerable groups; and (viii) mechanisms of APs participation, grievance redress, monitoring and evaluation in all phases of RP preparation, updating and implementation. Representatives of mass organisations in each of the two communes/wards have also attended the meetings and consultations, such as Vietnam Women's Union, Motherland Front and Vietnam Farmers' Union. Focus groups discussions, key informant interviews and HHs socio-economic survey were also conducted.

71. The meetings and consultations were conducted two steps, including:

- Step 1: Consulting through meetings with APs, women's union, the commune and ward representative, and local people living near the underground cable
- Step 2: consulting through workshops with local authorities including the DPC representative, the DCARCs' representative, and the Women's Union.

72. The public meeting held in the CPC Office was attended by 12 local officials and residents composed of nine (09) males and three (03) females (Table 5).

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

Districts and Communes	Dates of Consultations	Number of Participants		
		Total	Male	Female
1. Hoc Mon District				
Ba Diem Commune	30 October 2013	12	9	3
Total Number of Participants		22	19	6

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

- (i) Compensation rate should be identified at the compensation time

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

74. The HPPMB and its consultant have assured the participants that the above issues will be addressed in the RP for implementation. Compiled in **Annex 3** are the minutes of the meetings and consultations in the communes.

5.4 Public Consultation during Project Implementation

5.4.1 Public consultation and participation in the DMS and replacement cost survey

75. The principle of DMS is to ensure that (i) The survey was fully conducted and accurate for all land and assets on the land of affected households and communes; (ii) DMS must be fully participated by the community and the affected households, and the participation of women is required; (iii) the results of the DMS must be publicized; and (iv) complaints and appeals related to results of DMS must be resolved fully and in time before updating RP / compensation plans.

76. Before implementation of DMS, the DMS plan has been discussed and agreed between HPPMB, DCARB, CPC, village chief, representatives of local organizations and affected household and then disclosed on audio media. Women are encouraged to participate in all activities of DMS such as inventory on affected land and assets, participating in meetings to disseminate information to complete and announce the results, concerns over inventory.

77. DCARB and HPPMB coordinated with the CPC to hold various meetings with village chief, representatives of mass organizations and all those affected to provide inventory form for the affected people to fill in themselves. The content of the inventory form is explained and clarified for households to easily complete. During the DMS, also involves the participation of the party as the head of household, women, head of village and cadastral officials, representatives of the CPC and others. DMS outcome of the household is listed in public place (office of People Committee, the Cultural house of Village) within 07 days for households to crosscheck and edit errors (if any).

78. Replacement cost surveys are conducted to ensure that (i) the compensation for affected land and assets on land at replacement cost; and (ii) the replacement cost survey should be carried out with the participation of those affected, the affected communities and relevant agencies at city / district / commune. Survey results on replacement cost must be publicized to the community and those affected.

79. In September 2015, a valuation company, Think Vuong Real Estate Investment and Valuation Joint Stock Company, has been recruited to conduct land valuation in the project area to serve the land acquisition and compensation activities of the Subproject. The valuation results have been disclosed to the local communities and authorities.

80. In November 2015, the affected household has been invited to the CPC Office for the disclosure of the DMS results. The APs' feedback has been responded by the DCARB and HPPMB by explaining relevant provisions of the project resettlement policy, particularly on compensation and the need to minimize adverse social impacts of the project.

81. In July 2016, the compensation plan for the affected household has been disclosed to the local authorities and communities in Ba Diem Commune. After the public posting, on July 13, 2016, a minute has been prepared for the closure of the posting and indicated the support of the affected household. There is no opposition opinion recorded.

5.4.2 Public consultation and participation in the process of updating RP

82. In the process of updating RP, consultant agency consults the DPCs, DCARBs, and CPCs in the project area. Public consultation with affected people through community meetings, focus

group discussions and interviews the household by questionnaire are conducted during the implementation of the RP.

83. Project information leaflet is prepared and distributed to those affected. The main content is disseminated to those affected include: (i) describe the general information of the project, particularly the activities undertaken to restrict social activities; (ii) potential project impacts; (iii) resettlement principles; (iv) entitlements and other assistances of affected people; (v) the grievance redress mechanism; and (vi) contacts of relevant people responsible of HPPMB and local authorities. The leaflet will be publicized at the CPC office and delivered to affected people;

84. Copies of the resettlement plan in Vietnamese will be sent to the compensation and site clearance committee, and are publicized at the office and at home CPC village chief.

5.4.3 Public consultation and participation in implementation and monitoring of uRP

85. The general principle of the project, as mentioned above is to ensure participation of all affected people and local community in all activities and all phases of the project. Affected households and communities can participate in the following activities:

- Public consultation in the hamlet on detailed design of the project;
- The public consultation meetings in hamlets on the impact of the project; compensation policies, assistance and resettlement, detailed implementation plans for resettlement activities and grievance redress procedure;
- Detailed inventory of affected assets of APs;
- Replacement cost survey on affected land and assets;
- Implementation of the income restoration measures to improve the livelihoods;
- Preparation and implementation and monitoring of RP.

6.0 GRIEVANCE REDRESS MECHANISM

86. In order to ensure that all APs' 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 APs to air their grievances, a well-defined grievance redress mechanism needs to be established. All APs can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition and grievance redress. APs are exempted from any fee for procedures associated with seeking grievance redress.

87. A grievance redress mechanism is established based on Complaint Law No. 2/2011/QH13 and Decree No.75/2011/ND-CP guiding implementation the complaint law as follows:

- **First Stage: Commune Peoples' Committee (CPC)** - An aggrieved AP may lodge his/her complaint to any member of the CPC, either through the Chairperson or directly to the CPC, in writing or verbally. It is incumbent upon the village chief to notify the CPC about the complaint. The CPC will meet personally with the aggrieved affected household and will have 30 days and maximum of 45 days following the lodging of the complaint, depending on complicated case or distance, to resolve it. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.
- **Second Stage: District/Town People's Committee (DPC)** - If after thirty (30) days or 45 days (depending on complicated cases) the aggrieved affected household does not hear from the CPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing or

verbally, to any member of DPC or the DRC. The DPC in turn will have thirty (30) days or maximum of 70 days following the lodging of the complaint, depending on complicated case, to resolve the case. The DPC is responsible for documenting and keeping files of all complaints that it handles and will inform the DCARB of any determination made and the DCARB is responsible for supporting DPC to resolve AH's complaint. The DPC must ensure their decision is notified to the complainant.

- Third Stage: Provincial People's Committee (PPC) - If after thirty (30) days to 45 days the aggrieved AP does not hear from the DPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing or verbally, to any member of the PPC. The PPC has 30 days or maximum of 70 days, depending on complicated case, to resolve the complaint to the satisfaction of all concerned. The PPC secretariat is also responsible for documenting and keeping file of all complaints that it handles.
- Final Stage: People's Court - If after 30 days following the lodging of the complaint with the PPC, the aggrieved AP does not hear from the PPC, or if he/she is not satisfied with the decision taken on his/her complaint, the complainant can appeal again to the PPC. If the complainant is not satisfied with the second decision of the PPC, the case may be brought to a court of law for adjudication. If the court rules in favour of the complainant, then PPC will have to increase the compensation at a level to be decided by the court. In case the court will rule in favour of PPC, then the complainant will receive compensation approved by PPC.

88. Where complaints about administrative decisions or administrative acts regarding land management are settled for the first time by the presidents of the People's Committees of rural districts, urban districts, provincial capitals or provincial towns, but the complainants disagree with the settlement decisions, they are entitled to initiate lawsuits at people's courts or continue to complain with presidents of the provincial/municipal People's Committees.

89. The above Grievance Redress Mechanism will be disseminated and discussed with the APs in the process of preparing and implementing RP to ensure people understand the procedure. HPPMB and the DCARB will be responsible for following up the grievance process from the APs. Records of the complaints will be recorded and monitored by the project and the PIC.

7.0 LEGAL FRAMEWORK

90. The EVN HCMC has reconciled the provisions from SR2 of the 2009 SPS 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 APs were formulated. The framework is consistent with the governing policies of the RPF concurred by ADB and EVN HCMC that will be applied for all core and no-core projects of this Power Grid Development Sector Project.

7.1 The ADB Social Safeguards Policy Requirements

7.1.1 Safeguards Requirement 2: Involuntary Resettlement

91. The ADB Safeguard Policy Statement (SPS) of 2009 consolidates three existing safeguard policies: involuntary resettlement (IR), indigenous peoples (IP), and environment.³ The objectives of the IR policy are to (i) avoid involuntary resettlement where possible, (ii) to minimize involuntary resettlement by exploring project and design alternatives, (iii) to enhance,

³ The policy on environment is discussed in a separate environment report.

or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels and (iv) improve living standards of poor and vulnerable households.

92. 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 results 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.

93. 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 organizations. 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.

94. 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.

95. Persons or households without formal legal rights nor recognized or recognizable claims to the acquired land are still entitled to compensation for their loss of assets other than land if they have been created before the cut-off date, and resettlement assistance.

96. The **ADB Policy on Gender and Development (2006)** adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate in, and that their needs are explicitly addressed in the decision-making process for, development activities. The new safeguard policy also reiterates the importance of including gender issues in the preparation of safeguards documents at all stages to ensure that gender concerns are incorporated, including gender-specific consultation and information disclosure. This includes special attention to guarantee women's assets, property, and land-use rights and restoration/improvement of their living standards; and to ensure that women will receive project benefits. Other policies of the ADB that have bearing on resettlement planning and implementation are the (i) **Public Communications Policy (2011)**, and (ii) **Accountability Mechanism (2012)**.

7.2 Compensation and Resettlement Policy of the Government of Viet Nam

97. The Constitution of the Socialist Republic of Vietnam (2013) confirms that ownership and protection of ownership of citizens of their houses. Besides, the Government has issued a number of laws, decrees, and regulations to form the legal framework for land acquisition, assistance, compensation, and resettlement. Primary documents include:

1. Law

- Land Law (2013) No. 45/2013/QH13 approved by the National Assembly, dated November 29, 2013.
- Electricity Law (2004) No. 28/2004/QH11 approved by the National Assembly, dated December 3, 2004 and Law No. 24/2012/QH13 dated November 20, 2012 of the National Assembly amending and supplementing a number of articles of the Electricity Law.
- Complaint Law (2011) No. 02/2011/QH13 approved by the National Assembly, dated November 11, 2011.

2. Government's decrees

- Decree No. 43/2014/ND-CP, dated May 15, 2014 guiding the implementation of Land Law 2013.
- Decree No. 44/2014/ND-CP, dated May 15, 2014 by the Government on the evaluation of land prices.
- Decree No. 45/2014/ND-CP dated May 15, 2014 by the Government providing the collection of land use levies.
- Decree No. 46/2014/ND-CP, dated May 15, 2014 by the Government providing the collection levies on land lease, water surface lease.
- Decree No. 47/2014/ND-CP, dated May 15, 2014 by the Government on compensation, assistance, and resettlement in the event of land recovery by the State.
- Decree No. 38/2013/ND-CP, dated April 23, 2013 on the management and use of Official Development Assistance (ODA) and concessional loans of donors.
- Decree No. 14/2014/ND-CP, dated February 26, 2014 by the Government detailing the implementation of the Electricity Law regarding electricity safety.
- Decree No 75/2012/ND-CP dated October 03 2012, by the Government provision detail some articles of the Complaint Law.

3. Circulars

- Circular No. 23/2014/TT-BTNMT, dated May 19, 2014 by MONRE regulating Land Use Right Certificate (LURC), right to ownership of housing and other assets attached to land.
- Circular No. 24/2014/BTNMT, dated May 19, 2014 by MONRE regulating cadastral dossiers.
- Circular No. 25/2014/BTNMT, dated May 19, 2014 by MONRE, regulating cadastral maps.
- Circular No. 28/2014/BTNMT, dated June 2, 2014 by MONRE regulating land statistic and inventory and development of current land use map.
- Circular No. 29/2014/BTNMT, dated June 2, 2014 by MONRE regulating details of making and amending land use planning.
- Circular No. 30/2014/BTNMT, dated June 2, 2014 by MONRE regulating dossiers of handing over land, leasing land, converting land use purpose, and land acquisition.

- Circular No. 36/2014/TT-BTNMT, dated June 30, 2014 on land pricing method; compilation of and adjustment to land prices; determination of specific land prices and consultancy on land pricing.
- Circular No. 37/2014/TT-BTNMT, dated June 30, 2014 on compensation, assistance and resettlement in the event of land recovery by the State.
- Circular No. 76 dated June 16, 2014 by MoF guiding some articles of Decree No. 45/2014/ND-CP on land use levy collection.
- Circular No. 77 dated June 16, 2014 by MoF guiding Decree No. 46/2014/ND-CP on collection of land rental water surface.
- Circular No. 02/2015/TT-BTNMT, dated January 27, 2015 by MONRE detailing a number of articles of Decree No. 43/2014/ND-CP and Decree No.44/2014/ND-CP dated May 15, 2014 by the Government.

4. Decisions of the Government

- Decision No. 1956/2009/QD-TTg, dated November 17, 2009 by the Prime Minister approving the Master Plan on vocational training for rural workers to 2020.
- Decision No. 63/2015/QD-TTg dated December 10, 2015 of the Prime Minister on policy on assistance in vocational training and job search for workers whose land is withdrawn by the State.

5. Decisions of HCM City

- Decision No. 51/2014/QD-UBND dated December 31, 2014 by Ho Chi Minh City PC regulating the land prices in Ho Chi Minh City.
- Decision No. 23/2015/QD-UBND dated May 15, 2015 by Ho Chi Minh City PC on compensation, assistance, and resettlement upon land recovery by the state in Ho Chi Minh City.

7.3 Gap Analysis and Project Principles

98. Since 1 July 2014, the Land Law of 2013 and its implementing decrees and circulars provide the overall framework for involuntary resettlement in Viet Nam.⁴ There are several aspects of the 2013 Land Law that are similar to the policy objectives and principles of the ADB safeguard policy on involuntary resettlement as provided by the 2009 Safeguard Policy Statement (SPS). There is basic congruence between Viet Nam's laws and the SPS especially with regard to the entitlement of persons with legal rights/titles. Existing legislation provides guidance for the following: (i) determining market/replacement rates and payment of compensation, assistance 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 period; (iv) provision of resettlement land and housing with secure tenure; (v) additional assistance for severely affected and vulnerable households; (vi) assistance for livelihood restoration and training; and (vii) notification/disclosure, consultation, and grievance mechanisms. However, the following differences remain:

- SPS requires that displaced persons without titles (legal rights) to land be provided with resettlement assistance and compensated for loss of non-land assets

⁴ The Land Law of 2013 replaces the Land Law of 2003. Decrees 43, 44 and 47 supersede previously issued decrees related to land acquisition including Decrees 181/2004, 188/2004, 197/2004, 17/2006, 84/2007, 123/2007, 69/2009, 88/2009, 59/2011, and 189/2013.

(constructed before the cut-off date). On the other hand, the Land Law does not allow compensation of land-attached assets that are illegally established⁵ (Article 92, LL). Moreover, structures (land-attached assets) are not compensated based on the value of a new structure, except for structures used for residential purposes (Article 89.2, LL).

- SPS requires exploring additional revenues and services through benefit sharing schemes where possible. This is not required under the Land Law.
- SPS requires conducting social impact assessment to identify poor and other vulnerable groups who may be disadvantaged and disproportionately affected by land acquisition for the purpose of implementing measures to assist them. The Land Law does not clearly require projects to identify displaced poor and other vulnerable groups that are impacted by a development project and to implement measures to assist them. However, in case the amount of compensation and support is not enough to buy the minimum plot in a resettlement site, the State will shoulder the balance.
- The level of detail and information required for resettlement planning under SPS differs from what is required by the Land Law. The Land Law does not require the preparation of a resettlement plan or general compensation plan prior to the conduct of DMS.
- SPS requires payment of compensation and other applicable entitlements to affected persons before displacement. This requirement is not explicitly stated as a condition under the Land Law. The Land Law does require payment of compensation within 30 days since the effective date of a land acquisition decision and to subsequently adjust amount in case of delay in payment (Article 93, LL).
- SPS requires compensation to include interest accrued. However, under the Land Law the amount is kept in an escrow account in State Treasury without interest in case the AP refuses the proffered compensation.
- SPS requires regularly conducting internal monitoring on implementation of resettlement activities. For project with significant involuntary resettlement impacts, an external monitoring agency is required. In the Land Law, monitoring and evaluation is required in a more general term and includes all aspects of the implementation of the Land Law (Article 200, LL). There is also no requirement for independent monitoring for projects with significant involuntary resettlement impacts.

Table 6. Gaps between Government Policy and ADB SPS 2009 and Policy for the Project

Issues	Government policy	ADB Safeguard Policy (SPS 2009)	Project Policy
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⁵ There are 3 types of illegally established land-attached assets: (i) those constructed on illegal land, (ii) illegally constructed structures (not based on the approved land use purpose) on legal land, and (iii) structures constructed after land acquisition announcement.

Severely Affected Persons	Decree 47/2014/ND-CP, Article 19, Item 3: APs losing at 30% or more of productive agriculture land are considered severely impacted and are entitled to livelihood restoration measures.	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 productive assets shall be considered as threshold.
APs without LURC	Land Law 2013, Article 77, item 2 and article 92: Persons who has used land before 1st July 2004 and directly be involved in agriculture production on the acquired land without LURC or illegalizable will be compensated for the acquired land area but not exceed quota of agricultural land allocation. But no compensation for non-land assets in the following cases: (i) the assets subject to the land recovery as stipulated in one of items a, b, d, e, l, clause 1, article 64 and items b, d, clause 1, article 65 of the Land Law 2013; (ii) the assets created after the notification on land acquisition; and (iii) unused public infrastructures and other works.	Those APs without legal title to land will be included in consultations. Ensure that APs 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, if created before cut-off date.	Project affected people, without legal or recognisable legal claims to land acquired, will be equally entitled to participation in consultations and project 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-project living standards and income levels.
Compensation for structures	Land Law 2013, Article 89, item 1: houses/structures used for living purpose will be compensated at replacement cost. Decree 47, article 9: Houses/structures used for other purposes will be compensated equal to the remaining value of the affected house plus some percentage of current value but total compensation amount is not exceed value of the new house/structure.	Rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments, and without deduction of salvageable materials	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
Monitoring	No monitoring indicators indicated	Monitoring indicators specified for internal and external monitoring and reporting. In case of significant or sensitive impacts, an external monitoring organization is required to conduct monitoring on RP and EMDP implementation	The EA must undertake internal monitoring according to the critical indicators. Anticipated negative impacts of the project are minor, it is no need to recruit an external monitoring organization.

Third-party validation of consultation related to land donations	Not required.	The borrower is required to engage an independent third-party to document the negotiation and settlement processes to openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions.	In case of land donations involving marginal portions of land, the LIC will verify and report on the negotiation and settlement processes as part of the due diligence report. A voluntary donation form signed by the landowners, witnesses, and village leaders will be attached in the report.
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7.4 Project Policy Commitments

99. Except for the absence of legal title to the land as an issue in compensation, there are no longer issues between the GOV and ADB on their respective social safeguards policy. In so doing, the EVN HCMC has reconciled the general policies of the GOV and ADB and commits itself that it will comply and implement the following in transparent manner:

1. Prior to DMS and Updating RP

- a. No land acquisition or site clearing will be done for the ROWs and towers ahead of Project implementation. Land acquisition or clearing of the ROWs will only be undertaken upon completion of payment for compensation based on updated RP duly approved by ADB drawn from detailed design of the Project.
- b. Permanent or temporary acquisition and/or clearing of lands that will result to physical and/or economic displacements of persons or households will be avoided or minimized, as much as possible, by identifying feasible alternatives in Project engineering design, alignment of ROWs, access roads, and work stations.
- c. Joint participatory consultations and meetings with Project-based stakeholders, DPs and community organizations will be carried out prior to DMS, during the updating and implementation of the RP. Women, disabled, the elderly and ethnic minorities will be invited to participate in the consultations and meetings. The comments and suggestions of the DPs will be recorded and taken into account for consideration in the updating or implementation of the RP, where legally acceptable and ethically relevant.
- d. APs will be systematically informed and consulted about the Project, the rights and options available to them, the proposed mitigation measures, special assistance measures to vulnerable groups and the need for the preparation of RP. The RP will be disclosed in Vietnamese to APs and APs will be involved in decision-making process concerning their resettlement issues.
- e. The EVN HCMC will conduct due diligence on the ownership of affected assets, with assistance from representatives of the commune or village government, and identify 100% of the APs who are severely and marginally affected by land restriction and/or land acquisition. Severely affected APs refer to affected households who will (i) lose 10% or more of their total productive land and/or assets and/or (ii) lose 10% or more of their total income sources due to the subproject; and/or (iii) have to relocate while marginally affected APs are those who lose below 10% of the same.

- f. DMS will use a survey tool that will enable to segregate important data on APs by gender as the basis for updating the compensation and assistance due them.
- g. The authority that should declare the cut-off date of eligibility of the APs who are eligible to receive compensation and assistance will be vested on the respective district resettlement and compensation committee.
- h. Replacement cost surveys will be carried out as bases for compensation of APs, based on replacement costs, in compliance with the compensation policy of the GOV and ADB.

2. RP Implementation

- a. Compensation on the affected properties of APs will be based on replacement cost, without deduction of the following: (i) stamp, duties, fees or other payments in case of land; and (ii) depreciation and salvage value of construction materials in case of houses and other structures.
- b. Payment of compensation to APs will not be differentiated between the male and the female household heads.
- c. APs residing, working, cultivating land and/or doing business during the DMS for the update of the RP are entitled to be compensated for their lost assets, incomes and businesses at market prices prevailing at the time of compensation.
- d. All APs whose names are included in the list of APs before the cut-off date established by the district compensation and resettlement committee are entitled to receive compensation. DP who has no title or any recognizable legal rights to land will be compensated for non-land assets at replacement cost, and resettlement assistance.
- e. Special assistance measures will be provided to the severely affected APs who shall become vulnerable due to the project, with particular attention to women, children without means of support, disabled, the elderly and landless as well as ethnic minorities and people with incomes below the poverty line. Institutional APs are excluded from such receiving such assistance.

3. Management and Administration of RP Implementation

- a. Effective institutional arrangements and human resources for consultation, liaison, land acquisition, resettlement and monitoring will be established to ensure the efficient implementation of RP.
- b. Effective mechanism for arbitration of grievance redress will be established with their members from the project-based stakeholders, APs, women representatives.
- c. Adequate budgetary support for payment of compensation, assistance, and resettlement will be committed and timely released by EVN HCMC to APs during RP implementation.
- d. Reliable and efficient database system will be established through the internal monitoring of RP implementation.

8.0 ENTITLEMENTS, ASSISTANCE, AND BENEFITS

8.1 Principles on Compensation, Assistance and Resettlement

100. In order to harmonize the above-mentioned gaps between the regulations of GoV and ADB's SPS 2009, the Article 87 of the Land Law 2013 requires that "*For projects using loans from international or foreign organizations for which Vietnam has committed to a policy framework for compensation, support and resettlement, that framework policy shall apply*". The regulations of the Project in this RP are based on the approved Resettlement Policy Framework of the project. Details are as follows:

- Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimized 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 recognizable legal rights to land are eligible for compensation for non-land assets at replacement cost and resettlement assistance.
- 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 minimized. 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.
- Independent assessment of the duration and results of the land recovery should be carried out.
- The EVN HCMC will not issue notice of proceed to contractors until the EVN HCMC are officially confirmed in writing with ADB that (i) payment has been fully disbursed

to the displaced persons and rehabilitation measures are in place; (ii) already-compensated, assisted displaced persons have handed over the affected area in a timely manner; and (iii) the area is free from any encumbrances.

8.2. Eligibility

101. Eligibility is determined regarding to the cut-off date, which was officially announced by the DCARB in Hoc Mon District. The affected persons will be informed of the cut-off date, 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. The cut-off date of eligibility in Ba Diem Commune is October 15, 2013.

102. In case of persons that the DCARB may declare as eligible persons after the cut-off date, such as: (i) person who is occupying or using the land or assets before the cut-off date but who was not in the list of APs; (ii) households separating from large families⁶; and (iii) household who bought the affected land or property after the cut-off date. Their eligibility will be declared after verification and certification by the CPC. On the other hand, there are also people who shall be provided assistance after the cut-off date, such as, (a) newly born child, (b) people who have retired from military service and (c) people who have just returned from school to live with the affected household.

103. Any person, who encroached in the ROW after the cut-off date, will not be entitled to compensation and assistance from the Project. They will be informed in advance and required to remove the houses and/or structures before Project implementation. If all actions of diplomacy with the encroacher have been exhausted, compulsory eviction will be the solution.

104. 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 recognizable under national laws; or (iii) persons who lost land they occupy in its entirety or partially who do not have any recognizable 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.

8.3. Specific entitlements of APs

105. Households or individuals with sufficient legal rights for compensation will be compensated for affected land and structure at replacement cost. Those without sufficient legal rights will not be compensated but assisted as described in the entitlement matrix below.

106. The unit price for compensation and assistance outlined in the following matrix can be updated during the updating RP to reflect actual conditions at the time of implementation. However, entitlements of APs in the updated RP cannot be downgraded compared with the original ones.

⁶Must be done before the cut-off date or met criteria for separating but not done before the cut-off date.

Table 7. Entitlement Matrix

Type of Impact	Level Of Impact	Entitled Persons	Entitlements	Implementation Issues
A. AGRICULTURAL LAND				
A.1. Permanently affected agricultural land				
Permanently affected agricultural land	Less than 10 percent of total productive landholding affected	Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC (1 HH)	Cash compensation for affected area at replacement cost and provision of rehabilitation assistance package (see part D).	Implemented by DCARBs If remaining land parcel is not viable, cash compensation at replacement for entire parcel. Decided by DPCs
B. NON-AGRICULTURAL LAND				
B.1. Temporarily affected traffic land				
Temporarily affected traffic land under the CPC's management	Temporary loss of use of land		No compensation for land; however, Restore land within 1 month after use of land to its previous or better quality.	PPMBs and LIC consultant are in charge of monitoring contractors on restoration of the affected land.
D. REHABILITATION ASSISTANCE				
D.1 Assistance for job changing and creation				
Affected households with agricultural land required permanently	Assistance for job changing and creation.	1 AH	Cash assistance equivalent to 2 times of compensation value for affected land area (Item 4, Article 22, Decision 23/2015/QD-UBND by HCM City PC).	
D.2. Bonus for timely handing over land				
Affected households losing agricultural land	Bonus for timely handing over land	Owners with LURC, owners in process of acquiring LURC, owners eligible to	Agricultural land owners eligible for compensation as stipulated who timely hand over land will be provided cash bonus equal to 50% of the amount stipulated at the Item 1c (equivalent to VND 3.75 million) (Article 37, Decision No. 23/2015/QD-UBND by HCM City PC).	.

		acquire LURC (1 AH)		
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8.4. Special Considerations

107. Between the periods after the cut-off dates are established in each district towards the implementation of the updated RP, some unfortunate events may happen to any APs. One example is the passing away of the HHs who was recorded in the IOL or DMS. In such a case, the spouse will receive the compensation on behalf of the spouse who passed away before the payment of compensation. In case of death of both spouses, compensation shall be received by any of the children with written permission from his/her siblings.

8.5. Unforeseen Impacts

108. If after the DMS and during construction when additional adverse social impacts are identified and/or additional AHs and APs are found, they are also entitled to receive Project entitlements as the others on condition that it can be ascertained that they have actually been in the Project ROW even before the cut-off dates for eligibility. New APs that will emerge due to changes in Project design or alignment prior to or even during construction works, they are likewise entitled to the same entitlements as those of the other APs.

9.0 RELOCATION OF HOUSING AND SETTLEMENT

109. According to the survey results, the subproject does not cause any relocated impacts.

10.0 INCOME RESTORATION AND REHABILITATION

110. According to the DMS and SES results, there is no severely affected households and vulnerable household, so it is no need to prepare an income and livelihood restoration program.

11.0 RESETTLEMENT BUDGET AND FINANCING PLAN

11.1. Procedures for Flow of Funds

111. The EVN HCMC/ HPPMB will bear the full cost of resettlement. It is responsible for ensuring that funds for resettlement are sufficient and are available on a timely manner. EVN HCMC/ HPPMB will disburse funds for resettlement to DPCs/DCARBs through the HCM City PC or directly to DPCs/DCARBs. The DPCs/DCARBs will deliver compensation and allowance of the AHs at Commune PC Office. AHs will be notified in advance on the date of payment of compensation and allowance. AHs will likewise be advised to bring with them their copy of their compensation plan.

11.2. Cost Estimates and Inflation Adjustment

112. EVN HCMC and HPPMB, in collaboration with the HCM City PC will ensure that adjustment of compensation rates will be made to reflect current market rates when payment of compensation and allowance is not done within the year of the conduct of the RCS.

113. As shown in the table below, the overall cost of resettlement plan implementation is **VND22,506,788,983** (or equivalent to **USD 1,032,422**) for inclusion in the project investment. The EVN HCMC/HPPMB will ensure the timely provision of funds and will meet any unforeseen obligations in excess of the resettlement budget in order to meet the social safeguards objectives under the project.

Table 8. Total Cost of RP Implementation

No.	Category	Quantity	Price	In amount
I	Compensation and Assistance			306,154,800
1	Compensation for agricultural land	200.8 m ²	1,298,000	260,638,400

2	Job changing support	200.8 m2	208,000	41,766,400
2	Bonus for timely land clearance	200.8 m2	-	3,750,000
II	Administration cost	-	-	6,123,096
1	Implementation cost (2%)	-	-	6,123,096
III	Subtotal (I+II)	-	-	312,277,896
IV	Contingency cost (10%)	-	-	30,615,480
	TOTAL (III+IV)	-	-	342,893,376
	USD	-	-	15,398
Exchange rate : 1 USD = 22,270 VND				

12.0 INSTITUTIONAL ARRANGEMENTS

114. 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 plan. District Compensation, Assistance and Resettlement Board (DCARB) will be established at district level according to Decree 47/2014/ND-CP.

12.1. Central Level

1. EVN HCMC

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

- Provide overall management and coordination of the project;
- Liaise with IAs to carry out the project;
- Coordinate with ADB in providing resettlement consultant services for the project;
- Support the HPPMB for updating resettlement plan of the project;
- Consolidate project progress reports on land acquisition and resettlement submitted by the HPPMB for relevant ministries and ADB;
- Recruit and supervise PIC for internal resettlement monitoring if this is considered necessary by the ADB; and
- Responsible for the resettlement budget.

2. Ho Chi Minh Power Development Project Management Board (HPPMB)

116. The HPPMB will:

- Actively participate in the resettlement plan updating and implementation activities in collaboration with the concerned organization 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 DCARB 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 semiannual progress reports and internal monitoring report on RP implementation for submission to EVN HCMC and ADB;
- Hire and closely coordinate with a Project Implementation Consultant (PIC) that shall perform a third-party monitoring and evaluation of the RP-if considered necessary by the ADB even for the core subprojects- updating and implementation.

12.2. City Level

117. City People's Committee: The main responsibilities of the CityPC include: (i) establishment and mobilization of City Compensation and Resettlement Board; (ii) organization and mobilization of all organizations 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) authorizing 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; and (vii) resolving complaints and grievances of AHs; District and Commune Levels

12.3. District People's Committee (DPC)

118. The DPC will be responsible for the following: (i) extension of support for preparation and updating as well as implementation of the resettlement plan; (ii) review the accuracy of and validate the cost estimates for compensation and assistance; (iii) approve compensation plan if authorized by the city PC; (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) resolve complaints and grievance from affected persons; (vii) concurrence with the schedule of resettlement plan implementation and monitor the progress thereon; (viii) mobilization of the respective DCARBs that will appraise the compensation and assistance to affected persons; as well as (ix) the provisions of lands to affected persons.

12.4. District Compensation, Assistance and Resettlement Board (DCARB)

119. The responsibilities of the DCARB will be the following: (i) organize and carry out resettlement activities in the district on behalf of the DPC; (ii) implement 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 WPC, assist HPPMB in the timely delivery of compensation payment and other entitlements to affected persons; and (vi) assist in the resolution of complaints and grievances:

- The dissemination of the PIB and other publicity material; ensuring that affected persons are aware of the land acquisition and resettlement process.
- Planning and carrying out the DMS and the disbursement of compensation payments.
- The identification of 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.

12.5. Commune People's Committee (CPC)

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

13.0 IMPLEMENTATION SCHEDULE

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

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

Table 9. Project Implementation Schedule

Main activities	Time-frame
<i>Preparing RP</i>	
Inventory of Losses	October 2013
Public meeting and consultations with affected persons on resettlement plan	October 2013
Resettlement Plan preparation	November 2013-February 2014
ADB no-objection to final draft resettlement plan	June 2014
<i>Implementing RP</i>	
DMS	October 2015
Updating of resettlement plan and submit to ADB for review and upload before bid awarded	November 2016
Compensation payment	November 2016
Site clearance	November 2016
Start of civil works	November 2016

14.0 MONITORING AND REPORTING

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

14.1. Monitoring and Reporting

124. The project will establish an internal monitoring and evaluation systems. 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.

125. 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.

126. The HPPMB shall submit quarterly reports to EVN HCMC unless either request more frequent reports. One post-subproject assessment survey will be undertaken by the EVN after completion of compensation and resettlement activities.

14.2. Internal Monitoring

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

128. 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

129. The EVN HCMC will incorporate the status of resettlement plan implementation in the overall project progress report. Internal monitoring report should be prepared and submitted to ADB.in semi-annual basis.

15.0 ANNEXES

15.1. Annex 1. IOL and SES Questionnaire

SOCIO-ECONOMIC SURVEY AND INVENTORY OF LOSSES QUESTIONNAIRE

Hanoi and Ho Chi Minh City Power Grid Development Sector Project
 110 kV Underground Cable Section Connecting to Tham Luong Substation

 Questionnaire code: ___/___/___; Survey date: ___ / ___ /2015

A-BACKGROUND INFO

1. Name of head of household:

- Home address: Village:Commune:District.....Ho Chi Minh.
- Vulnerable group: [] (Woman headed=1; Ethnic minority=2; Disabled=3; Poor household=4; Single elderly household=5; Social policy household=6; Drug addict=7; HIV=8; Others=9)

2. Household component

	1	2	3	4	5	6	7	8	9
No.	Name	Sex	Relation to the household head	Age	Ethnicity	Main occupation	Education level (7 and above)	Skills of each member	Skills expected to be trained
		1=Male 2=Female	0=head 1=Husband/wife 2=Father/mother 3=Son/daughter 4=Son-in-law/ Daughter-in-law 5=Grand child 6=Niece/ nephew 7=Others						
					Please refer to the code list below				
1									
2									
3									
4									
5									
6									
7									
8									
9									
	2.6: Ethnicity code	2.7: Education level code	2.8: Occupation code	2.9: Skills of each member	2.10: Skills expected to be trained				

1=Kinh 2=Thai 3=Tay 4=Nung 5=Muong 6=Hoa 7=Others	0=Illiterate 1=Primary school 2=Secondary school 3=Yet graduated from high school 4=High school 5=Vocational training 6=University and higher education 7=Others	1= Agriculture (farming) 2=Livestock husbandry 3=Selling goods 4=Restaurant 5=Factory worker 6=State official 7=Working for private company 8=Transportation 9= Student 10=Housework 11=Hired labor 12=Others	1=Sewing 2=Mechanics 3=Electronics 4=Embroidering 5=Others	1=Sewing 2=Mechanics 3=Electronics 4=Embroidering 5=Others
---	---	--	--	--

3. Housing facilities

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

4. Access to public facilities

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

4. Household's assets

- Agricultural equipment
 - Tractor ploughing [] Quantity:
 - Tractor [] Quantity:
 - Mower [] Quantity:
 - Others [] Quantity:

- Business equipment of the household
 - Glass cabinet [] Quantity:
 - Table and chair (set) [] Quantity:
 - Trolley [] Quantity:
 - Others..... [] Quantity:
- Vehicles
 - Car [] Quantity:
 - Motorbike [] Quantity:
 - Bicycle [] Quantity:
 - Truck [] Quantity:
 - Rickshaw [] Quantity:
 - Others [] Quantity:
- Equipment for cooking
 - Gas stove [] Quantity:
 - Oven [] Quantity:
 - Rice cooker [] Quantity:
 - Other cooking equipment [] Quantity:
- Electronic, refrigeration equipment
 - Washing machine [] Quantity:
 - Fridge [] Quantity:
 - Radio [] Quantity:
 - DVD player [] Quantity:
 - TV [] Quantity:
 - Others [] Quantity:
- General condition of house
 - Very good [] Good []
 - Average [] Bad []
- General condition of furniture
 - Very good [] Good []
 - Average [] Bad []

5. Living conditions of the household

- Main household income sources are from:

1) Agriculture []	2) Business []
3) Services []	4) Handicraft []
5) Salary []	6) Transportation []
7) Livestock husbandry []	8) Social allowance []
9) Leasing real estates []	10) Assistance from relatives []
11) Hired labor []	12) Other (specify) []
- Who are responsible for the main income sources of the household?
 - Household head []
 - HH head+ spouse []
 - HH head+ spouse + grown up son/daughter []
 - Grown up son/daughter []
 - Others []
- What are the secondary income sources?

1) Agriculture []	2) Business []
3) Services []	4) Handicraft []
5) Salary []	6) Transportation []
7) Aquaculture []	8) Social allowance []
9) Leasing real estates []	10) Assistance from relatives []
11) Hired labor []	12) Other (specify) []
- Total income of the household?

Income source	VND/month	VND/year
1) Main		
2) Secondary		
Total		

- Household expenditure

Expenditure	VND/month	VND/year
1) Food		
2) Healthcare		
3) Education		
4) Traveling		
5) Festival, religion/social		

6. Loans

Loans	Loan size/ amount	Purpose 1=Agricultural production 2=Business 3=Education 4=Build/repair house 5=Other (specify)
1) Bank		
2) Loan from other organizations		
3) Loan from relatives, friends		
4) Others		

7. Balance of income and spending of household

- Not saving (income is sufficient for expenditures) []
- Saving (income higher than spending) [].....VND
- Income less than expenditure

B. PROJECT'S IMPACTS ON LAND ACQUISITION

1. Land use situation of the household

Land use (Tick the box to classify land)		Impact degree		Land use status (Number as referred below)	Legal title (Number by the code below)	Types of impacts	Impacts caused by	
Map No.	Number of land plot and type of land (the plot number in the Plot Column and the code for different types of land in the next column) 1=Residential land 2=Perennial crop land 3=Annual crop land 4=Pond land 5=Non-agricultural land 6=Others (specify)	Total landholdings (m ²) <i>(including both area inside and outside the project area)</i>		Total acquired area (m ²)	1. Land owner and using land 2. Land owner and leasing land 3. Leasing land from the government 4. Leasing from other people 5. Given by the parents 6. Others (specify)	1. Having LURC 2. Does not have LURC but have legal papers 3. Does not have any legal paper 4. Being legalized 5. In dispute 6. Having land lease contract 7. Does not have land lease contract 8. Others (specify)	1. Permanent 2. Temporary	1. SS 2. ROW 3. Tower foundation 4. Foundation + ROW 5. SS + ROW
	Plot							
	Plot							
	Plot							
	Plot							
	Plot							

	Plot _____							
	Plot _____							
	Total							

2. Affected houses

Type of houses	Total area (m ²)	Use status		Legal title	Impact degree (m2)	
		Code	Is the business household registered (as for status 4 and 5) 1. Yes 2. No		Total affected area (m2)	1. Partly 2. Fully
1. Villa 2. Grade 4, type 1 3. Grade 4, type 2 4. Grade 4, type 3 5. Grade 4, type 4 6. Grade 3, type 1 7. Grade 3, type 2 8. Grade 3, type 3 9. Grade 3, type 4 10. Temporary house 11. Others (specify)				1. Have ownership certificate 2. Does not have ownership certificate 3. Being legalized 4. Only have construction permit 5. Does not have construction permit 6. Does not have any paper 7. Leasing		

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

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

3.1. No [] 2;

3.2. Yes [] 1

3.2.1. Number of houses: []

3.2.2. Area of houses outside the project area (m2): m2

4. Other affected structures and facilities

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

Structures/ Facilities	Types of structures	Unit	Quantity
1. Kitchen separated from the main house	1. Temporary 2. Equal to grade 4 house	m2	
2. Livestock sheds	1. Temporary 2. Solid	m2	
3. Electricity meter		Electricity meter	

4. Water meter		Water meter	
5. Telephone			
6. Fence	1. Brick 2. Steel, wire or wood	Fence	
7. Gate	1. Brick 2. Iron, steel 3. Wood, Bamboo	m ²	
8. Latrine, bathroom (separated from the main house)	1. Temporary 2. Solid	m ²	
9. Earth grave	1 Reburial 2 Not yet	Grave	
10. Built grave	1 Reburial 2 Not yet		
11. Well	1 Drilled 2. Dug	m	
12. Water container	1. Concrete 2. Inox 3. Plastic	m ³	
13. Water pipe	1. Diameter ...Φ= ??_____	md	
14. Yard (only cement or tiled)		m ²	
15. Fish pond		m ³	
16. Others (Name and affected area)			

5. Impacts on business outside house (in the project area)

5.1. 1. Yes If yes, continue with the relevant questions below.

5.2. 2. No

5.3. Type of business: (1=Company; 2=Shareholder; 3=Household)

5.3.1. Business registration; 1. Yes 2. No

5.3.2. Type of business:.....

5.3.3. Monthly income from business: _____ dong (Only for households whose business is affected, including business combined with house in the Section B2).

6. Trees, crops and livestock on affected area

(Specifies the number, types and specifications of the original diameter of perennial crops/ timber trees; height of plants; productivity, yield, harvest time for aquatic products, plant density on the area as guided and informed by the Department of Finance. Particularly as for potted plants do not declare)

Name of trees and crops	Type of trees/livestock (specify)	Unit	Quantity
1. Annual crops		M2	
2. Timber trees, shade trees (list the main trees)			
3. Fruit trees, industrial crops (list the main trees)			
4. Livestock in pond (specify type and estimated quantity)			

D. CONSULTATION

1. Only for households losing productive and agricultural land

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

- a) Land-for-land (if land fund in the commune is available) with equal type of land and area/nature []
 - b) Compensation in cash []
 - c) Not yet decided []
2. What is your expectation concerning job changing and creating and income restoration program?
 - 2.1. Participating in vocational training []
 - 2.2. Receiving cash and finding job themselves []
 - 2.3. Participating in job creating programs organized by the project []
 - 2.4. Not yet decided []
 3. Is the remaining residential land area outside the project area sufficient to build house? (Only for those affected on residential land)
 - 1- Yes []
 - 2- No []
 4. If the remaining area is not sufficient for building house (remaining area less than 40m2 in the urban area and less than 100m2 in the rural area), which of the following options the household will choose for relocation? (Only for those affected on residential land).
 - 4.1. Self-relocation []
 - 4.2. Receiving resettlement land of the project and build new house []
 - 4.3. Receiving resettlement land and house of the project []
 - 4.4. Not yet decided []
 5. What is your plan to use compensation cash?
 - 5.1. Building or repairing house []
 - 5.2. Buying new land []
 - 5.3. Buying other assets []; Name _____
 - 5.4. Investing in small business []
 - 5.5. Bank saving []
 - 5.6. Spending on children's education []
 - 5.7. Investing in agricultural production, livestock husbandry []
 - 5.8. Others []; Describe _____
 6. At present does the family have plan to replace production/income from agricultural land and/or restore business?
 - 6.1. No: []
 - 6.2. Yes []

If yes, what is the plan?:

 - 6.2.1. Buying new agricultural land for production []
 - 6.2.2. Reestablishing business in the new place []
 - 6.2.3. Shifting to business and services []
 - 6.2.4. Opening small store []
 - 6.2.5. Handicraft []
 - 6.2.6. Finding new job [] Continue with question 7
 - 6.2.7. Others [] Describe _____
 7. If the household wants to find new job, which job do you want to choose? Reason (specify)

.....

.....

.....
 8. Which of the following project information does the household know?
 - 8.1. General information. []
 - 8.2. Information on resettlement site location []
 - 8.3. Information on compensation rates []
 - 8.4. Information on compensation payment schedule []
 - 8.5. Others [] Specify

9. What is the source of information?

- 9.1. Commune meeting
- 9.2. From design staff of the project
- 9.3. From information dissemination session
- 9.4. From other mass media
- 9.5. Other sources..... Specify

Thank you for your participation in the survey.

Name of the surveyor

On behalf of the household

15.2. Project Information Booklet

1. *Name of the Project:* 110 kV Underground Cable Section Connecting to Tham Luong Substation
2. *Executing agency:* Electricity of Vietnam - Ho Chi Minh City (EVN HCMC)
3. *Representative of the executing agency:* Ho Chi Minh City Power Project Management Board

Question 1: What is the 110 kV Underground Cable Section Connecting to Tham Luong Substation Subproject?

Answer: The construction of the 110 kV Underground Cable Section Connecting to Tham Luong Substation subproject is financed by the Asian Development Bank (ADB) and the Government of Vietnam with the aim to (i) meet the power supply demands in Tan Thoi Nhat Ward and a part of Dong Hung Thuan Ward in District 12 and Ba Diem Commune in Hoc Mon District, Ho Chi Minh City; and (ii) improve system stability and safety, thereby improving the reliability of power supply in the North of Ho Chi Minh City.

Question 2: How the 110 kV Underground Cable Section Connecting to Tham Luong Subproject affect local communities?

Answer: The tower foundation and construction of the underground cable shall acquire 1,122.20 m² of land located in Ba Diem Commune, affecting one (01) household and traffic land under the management of Ba Diem CPC. In addition, a total 8,084 m² belonging of traffic land under the management of the CPC shall be affected temporarily due to construction activities.

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

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

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

Answer: (i) In case the subproject acquires more land of the households, you will be offered a choice of replacement land as priority of equal area and productive capacity at a location acceptable to you OR cash compensation at replacement value at current market prices.

(ii) In case the affected land is leased land, the value of land shall not be compensated but the investment costs in 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 any other form of written agreement to utilise the land are entitled to compensation for the lost land as well as assets on the land. Those APs who do not have legal/legalisable or temporary/lease rights for affected land will be compensated for the assets on affected land.

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

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

Question 7: What about affected crops and trees?

Answer: (i) Permanently affected crops and trees will be compensated in cash at current market prices.

(ii) As for trees and crops temporarily affected during construction period:

- Compensation for non-harvested crops will be based on the time of impacts and the average production in the past 3 years.
- Trees and crops will be compensated at market prices at the time of land acquisition.

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:

- **Some affected households:** these households losing more than 10% of their productive landholdings will receive the following assistances: (i) life stabilization allowances; (ii) income restoration allowances and provision of technical assistance and agricultural extension techniques to improve output in the remaining area, existing credit programs or employments related to the project;

- **Households that relocate** shall receive (i) relocation allowances; (ii) assistances to mobilize life during transition period; (iii) rental allowances at market prices. Assistance levels are identified clearly in the project policies.
- **Business owners that lose income** while they relocate or rebuild their shops/businesses: Households with small, unregistered businesses will receive cash compensation equal to the provincial minimum wage for three months. Owners of registered businesses will receive cash compensation equal to 30% of their taxed income of one year. The annual taxed income is determined in the financial reports of the previous three years.
- **Employees and hired labors 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.
- **Job changing allowances:** As for the affected households who have or have not registered for LURC after resettlement and do not have job, if you are in the working age, you can participate in a vocational training in the area without tuition fee.

Question 9: 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 of the cut-off date (the date of DMS) for the subproject.

Question 10: If there are any disagreements or problems about land acquisition, compensation or other general disputes during project implementation, do APs have the right to voice their complaints?

Answer: Yes, APs can voice their complaints (in verbal or written form) to responsible local authorities and resettlement committees. Their complaints can be filed first at the ward or commune level, and can be elevated to the district and provincial level and taken to provincial court if the APs are not satisfied with the decision of lower levels. APs will be exempted from all taxes, administrative and legal fees.

Question 11: How will APs be consulted and informed?

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

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: EVN HCMC through HPPMB will ensure internal monitoring all Project activities. A post-resettlement impact evaluation will assess whether negative impacts have been mitigated adequately and pre-project standards of living of APs have been restored as a result of resettlement and the Project.

FOR FURTHER INFORMATION AND SUGGESTIONS –

Please contact the PCARCs and 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.....

15.3. Minutes of Public Consultations and List of Participants

ỦY BAN NHÂN DÂN
XÃ BÀ ĐIỀM

CỘNG HOÀ XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập – Tự do – Hạnh phúc

BIÊN BẢN LÀM VIỆC

Về: 10/1 thực hiện việc phục sứ hệ thủy điện ở tại địa điểm đầu nguồn 110kV đầu nhà máy Tham Lương huyện Thới Sơn

Hôm nay, vào lúc giờ : 00 ngày 13 tháng 7 năm 2018.

Tại Hội đồng UBND xã Bà Điểm chúng tôi gồm:

- 1. Ông (Bà): Đặng Quốc Chú Đ/d ban AT-GP xã
- 2. Ông (Bà): Đỗ Văn Lý Đ/d ban AT-GP xã
- 3. Ông (Bà): Nguyễn Văn Đ/d UBND xã Bà Điểm
- 4. Ông (Bà): Võ Thành Đức Đ/d UBND xã Bà Điểm
- 5. Ông (Bà): Nguyễn Hữu Hùng Đ/d CT UBND xã Bà Điểm
- 6. Ông (Bà): Phạm Thị Thu Thủy Đ/d CT Hội phụ nữ xã
- 7. Ông (Bà): Đ/d
- 8. Ông (Bà): Đ/d
- 9. Ông (Bà): Đ/d
- 10. Ông (Bà): Đ/d
- 11. Ông (Bà): Đ/d
- 12. Ông (Bà): Đ/d
- 13. Ông (Bà): Đ/d
- 14. Ông (Bà): Đ/d
- 15. Ông (Bà): Đ/d

Và cùng các trường hợp bị ảnh hưởng trong dự án Cấp ngầm 110kV đầu nối trạm Tham Lương (đính kèm danh sách).

NỘI DUNG LÀM VIỆC

Cả hội đồng phục sứ số 4022/PACT ngày 01 tháng 7 năm 2018 ở tại địa điểm đầu nguồn 110kV đầu nhà máy Tham Lương

và bắt đầu làm việc tại Bộ Quốc gia về
 thu hồi đất ở Thủ Đức để giải quyết các
 ngày 04 tháng 5 năm 2010 theo quyết định
 của UBND xã Thủ Đức, Ủy ban nhân dân Thủ Đức
 được cử để làm việc tại địa điểm bị ảnh hưởng
 bởi việc xây dựng công trình phúc lợi nhân dân tại trụ
 sở UBND xã Thủ Đức vì bản thân dân địa phương
 rất sợ thu hồi đất xây dựng công trình nhân dân ngay
 theo quy định của pháp luật hiện hành về việc
 giải quyết khiếu nại và tố cáo của công dân theo
 pháp luật hiện hành. Ủy ban nhân dân Thủ Đức
 rất mong Ủy ban nhân dân Thủ Đức sớm phối
 hợp để giải quyết các khiếu nại và tố cáo
 của nhân dân Thủ Đức theo đúng quy định của pháp
 luật hiện hành. Ủy ban nhân dân Thủ Đức
 rất mong Ủy ban nhân dân Thủ Đức sớm
 giải quyết các khiếu nại và tố cáo của nhân dân
 Thủ Đức theo đúng quy định của pháp luật hiện hành
 (Ủy ban nhân dân Thủ Đức)