

Resettlement Due Diligence Document

Project Number: 46391-001
May 2015

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

(EVN HCMC: 110kV Phước Long Substation and Connecting
Line)

Prepared by Ho Chi Minh City Power Corporation for the Asian Development Bank.

ACRONYMS AND ABBREVIATIONS

ADB	:	Asian Development Bank
APs	:	Affected persons
AHs	:	Affected households
CPC	:	Commune People's Committee
DCARC	:	District Compensation, Assistance and Resettlement Committee
DPC	:	District People's Committee
DPs	:	Displaced persons
EA	:	Executing Agency
EMA	:	External Monitoring Agency
EVNHCMC	:	Ho Chi Minh City Power Corporation
GOV	:	Government of Vietnam
HCMC	:	Ho Chi Minh City
HHs	:	Households
HCM PMU	:	Ho Chi Minh City Projects Management Unit
IA	:	Implementing agency (IA)
LURCs	:	Land Utilization Right Certificates
MOLISA	:	Ministry of Labor – Invalids and Social Affairs
PECC4	:	Power Engineering Consulting J.S Company 4
PC	:	People's Committee
PICs	:	Project implement consultants
PO	:	Project Owner
RCS	:	Replacement Cost Survey
RP	:	Resettlement Plan
RF	:	Resettlement framework
RoW	:	Right of Way
SS	:	Substation
TA	:	Technical Assistance
T/L	:	Transmission Line
VND	:	Vietnamese Dong

POWER INDUSTRY GLOSSARY

kV (kilovolt)	- 1,000 volts
MW (Megawatt)	- 1,000 kW
MVA (Megavolt-ampere)	- 1,000 kVA
Transmission system	- 500 kV, 220 kV, 110 kV Transmission lines
Medium Voltage (MV)	- The 35 kV, 22 kV or 10 kV line supply to distribution substations
Low Voltage (LV)	- 400/230 V distribution and service line
Power factor demand	- The ratio of the average electricity demand over maximum demand
Power loss generated	- The difference between the power supplied and power generated

REMARKS

In this report, "\$" is the symbol of United American Dollar.

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1.0. SUMMARY

1. The 110kV Phuoc Long substation includes following components: (i) construction of a new substation and (ii) a connecting line with the length of 2km. The connecting line will be hung on the bar of the existing 220kV Cat Lai – Thu Duc transmission line.
2. The total land area affected by the subproject will be 1,751.935 m² (including 1,303.5 m² for constructing the substation, 80 m² for tower foundation and underground cable of the connection transmission; and 368.435 m² for the access road) which belongs to the planned land for tree plantation - park – public sports in Phuoc Long B Residential area. This entire area is under the management of the Phu Nhuan Houses Construction and Trading One Member Limited Company. The Project shall not cause any permanent land acquisition and economic impacts on any household. There will be temporary impact during construction that will affect land and trees.
3. During project preparation, HCMPPMB conducted public consultation meeting with (i) People's Committee of Phuoc Long B Ward, (ii) People's Committee of Phu Huu Ward, (iii) representative of the Phu Nhuan Houses Construction and Trading One Member Limited Company, (iv) Representatives of the local communities living in the project area. The result shows that there is no HHs whose land is acquired.
4. According to the requirements of the ADB's SPS 2009, the project does not cause land acquisition of any household as well as any organization, therefore, it is not required to prepare a Resettlement Plan.
5. To ensure the impact of the project is well managed, a *Resettlement Due Diligence Document* is built as a safeguard document of the project.

2.0. PROJECT DESCRIPTION

2.1. Objective of the project

6. Objectives of the project:
 - To meet the demand for the load of the area near District 9 (mainly the Phuoc Long A, Phuoc Long B, and Phuoc Binh Ward) and District 2 neighborhoods.
 - Reduce power losses.
 - Improve the reliability and safety of power supply.
 - Improved power quality
 - Relieve the pressure load on 110kV substations (Cat Lai, Thu Duc Dong) and support to the power supply for the load received from these stations when necessary.

2.2. Description of the project

7. **Phuoc Long 110kV substation:** The substation location will be located in the uncultivated land area within the tower 12 and 13 of the existing 220kV Cat Lai - Thu Duc T/L; This site has been planned for tree plantation - park – public sports area of Phuoc Long B Residential area (which was approved by the DPC of District 9), which belongs to Phuoc Long B ward, District 9, HCMC. Currently, the land for the location of the substation is not used and there are no ongoing activities on this land. The specifics of the land are as following:

- The North adjacent to internal road of Phuoc Long B residential area;
 - The East adjacent internal road of Phuoc Long B residential area;
 - The South adjacent to Dat Set canal;
 - The West adjacent to Ong Cay canal
8. **Underground cable transmission line** – The underground cable transmission line with the length of 25m will be constructed from the area projected to construct the substation to the place in between the tower 12 and 13 of the existing 220kV Cat Lai - Thu Duc T/L.
9. **Overhead transmission line** - The prolonged transmission line with the length of 1,987 m will be hung on the 110kV bar of the existing 220kV Cat Lai - Thu Duc T/L. The route will pass through Phu Huu Ward, District 9, Ho Chi Minh City;

2.3. Measures to minimize impacts

10. In the design stage, the Consultant had been consulted Department of Planning and Architecture in Ho Chi Minh City, People's Committee of District 9, and Phu Nhuan Houses Construction and Trading One Member Limited Company on substation location, implementation plans to reach agreement on the location of the substation and construction methods in order to minimize the impacts related to the temporary land acquisition during the construction process.
11. Overhead transmission line is designed to be hung in the bar of the existing 220kV Cat Lai - Thu Duc T/L will take advantage of existing available right-of-way, minimizing the impact of permanent land acquisition.

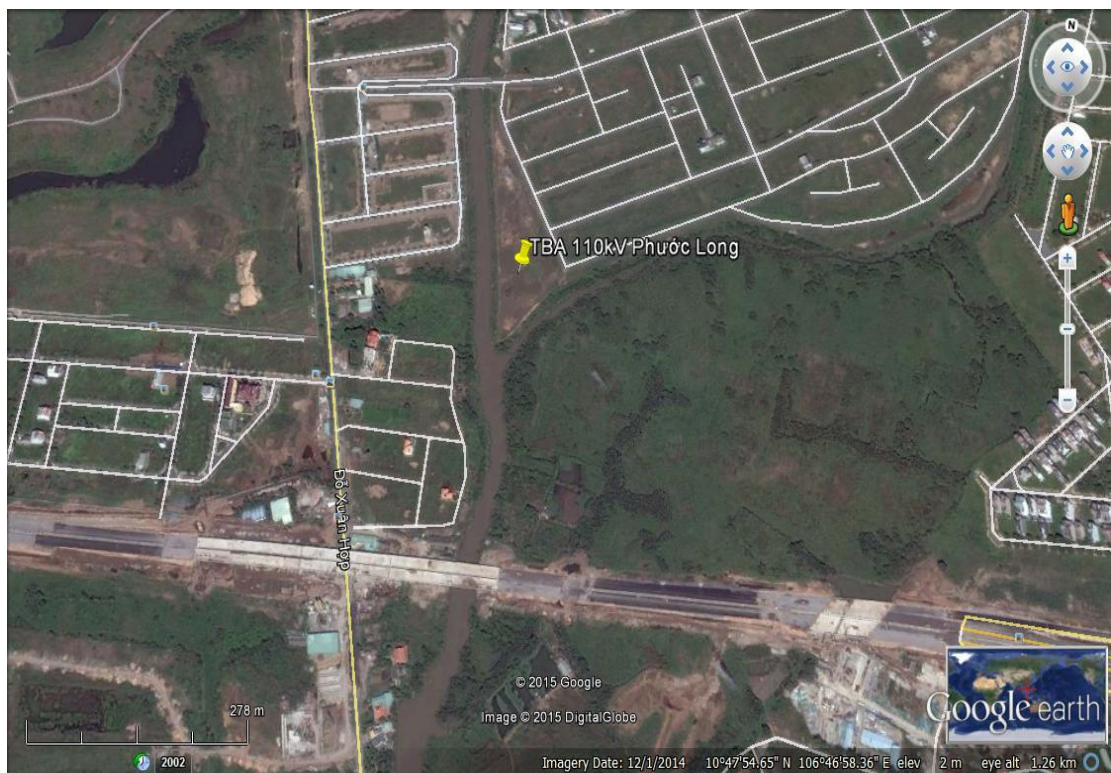


Figure 1. Location of 110kV Phuoc Long Substation

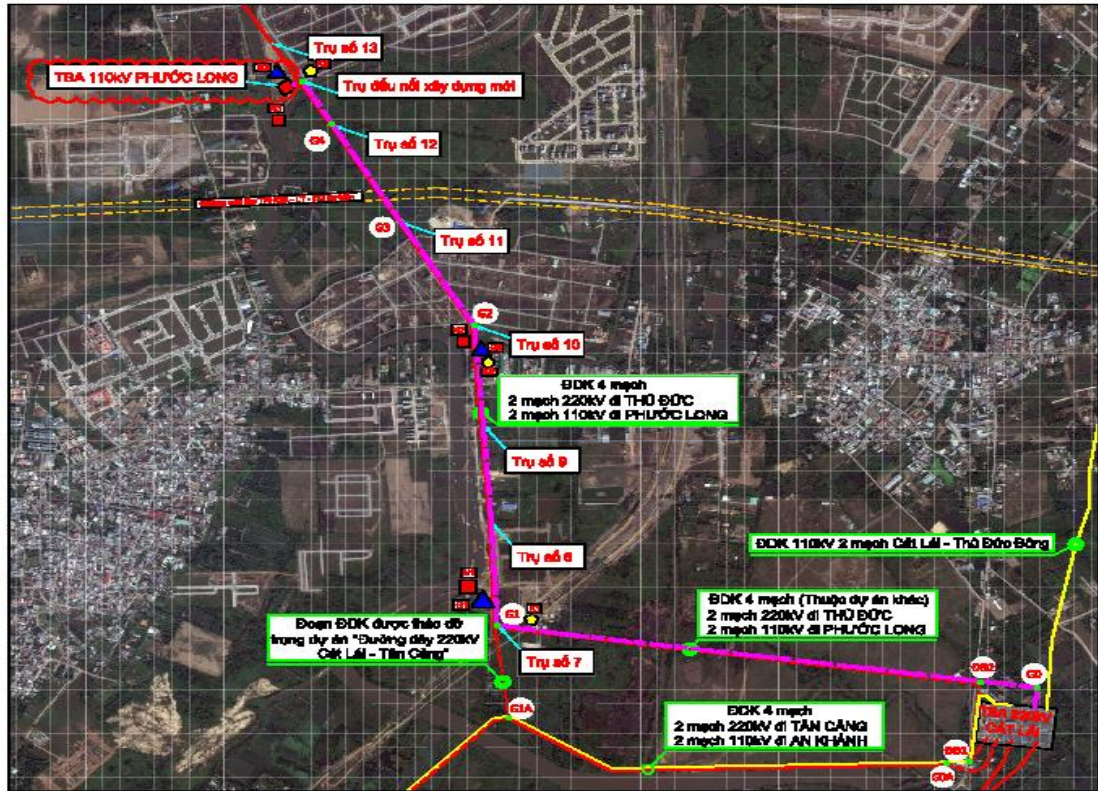


Figure 2. Location of the 110kV Phuoc Long Substation and connection line

3.0. SCOPE OF IMPACTS OF THE PROJECT

12. The Project “110kV Phuoc Long substation and the connecting line” will pass through 02 wards which are Phuoc Long B and Phu Huu of District 9, Ho Chi Minh City.
13. The total land area affected by the subproject will be 1751.935 m², located in the area projected to construct Phuoc Long substation. This station is located within the planted land for tree plantation - park – public sports in Phuoc Long B residential area approved by the PC of District 9 by Decision No. 1108/UBND/KT dated June 25th, 2014.
14. The total area for the construction of the substation only occupies 0.761 % of the total 23.02 ha of land planned for park and tree plantation (Decision No. 418/QĐ-UBND-QLĐT dated August 10, 2005 of the DPC of District 9 on approving The Layout for amending the detail planning for Phuoc Long B residential area, District 9 with the area 171.93ha) and will not affect the work of officers and staff of Phu Nhuan Houses Construction and Trading One Member Limited Company.
15. The area projected to build the substation is cleared by Phu Nhuan Houses Construction and Trading One Member Limited Company. The PC of District 9 has promulgated a decision to hand over the land to EVNHCMM to construct the substation. The current status of this land is uncultivated land.

3.1. Affected area

16. Permanent land acquisition will not cause any impacts on trees, houses or architectural structures. There will be temporary impact on trees including cutting and trimming of trees.

Table 1. Total affected area

Ward/Commune	Total affected area (m2)	Construction of substation (m2)	Construction of tower's foundation (m2)	Road to access to substation (m2)
Phước Long B Commune	1,751.935	1,303.5	80	368.435m ²
Phú Hữu Commune	0	0	0	0
Total	1,751.935	1,303.5	80	368.435m²

3.1.1. Permanently affected land

17. The total area affected by the project is 1,751.935 m² and includes the following items:

- The area projected for the construction of the substation 1,303.5 m²
- The area for construction of underground cable and tower foundations 80 m²
- The area to construct road to access the substation 368.435 m²

18. During the construction, the project will cause temporary impacts to 540m² of land for material storage. Construction will use of the existing managerial road to operate the 220kV Cat Lai - Thu Duc T/L as access road to the area for wire spreading. The entire area of temporarily affected land will be borrowed from the land owners and the price for the land will be negotiated with the land owners in the presence of the third independent party as a witness. Should negotiation fail, a resettlement plan will be prepared based on the approved resettlement policy framework. No civil work shall commence until negotiations/compensation has been concluded. After construction is complete, the entire area must be restored and returned to the land users.

3.2. Impacts on trees, crops and other assets

19. There are 285 trees (Mostly milpa trees) under the ROW of 220kV Cat Lai - Thu Duc T/L will be likely affected during construction and wire spreading for the connection line to Phuoc Long Substation. Construction unit shall have to choose proper construction method to minimize this impact. In case the impacts on trees are unavoidable, the construction unit will compensate for these losses by negotiating with the owners at replacement price in the presence of the third independent party as a witness. Should negotiation fail, a resettlement plan will be prepared based on the approved resettlement policy framework. No civil work shall commence until negotiations/compensation has been concluded.

20. The construction is likely to impact roads in Phu Huu, Phuoc Long B Ward due to the transportation of the transformer bank. However, HCMPPMB will mitigate these effects to the extent possible. For any residual impacts that will cause damages to the roads, HCMPPMB will restore to the original and return to the public.

4.0. ORGANIZATION OF THE MEETINGS

4.1. Public Consultation during Project Preparation Stage

21. During project preparation, HCMPPMB conducted public consultation meetings with (i) People's Committee of Phuoc Long B Ward, (ii) People's Committee of Phu Huu Ward,

(iii) representative of the Phu Nhuan Houses Construction and Trading One Member Limited Company, (iv) representatives of the local communities living in the area of Phuoc Long B substation, the results are showed as following:

- The area projected for the construction of 110kV Phuoc Long substation, is located in the area planning for construction of substation which is within the green spaces - parks – sports area of the Phuoc Long B Residential managed by Phu Nhuan Houses Construction and Trading One Member Limited Company;
- The area planned for the substation and green park area was cleared in 2009 and to date, there is no tree or asset on this area;
- The HCMPPMB shall pay annual rent within the duration of 50 years as regulated by HCM City Department of Natural Resources and Environment.

List of participants is presented in Appendix 1.1.

5.0. GRIEVANCE REDRESS MECHANISM

22. In order to ensure that all grievances and complaints of APs/AHs 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/AHs to air their grievances, this grievance redress mechanism applies to the subproject. All APs/AHs can send any questions to EVNHCM and/or HCMPPMB about their rights in relation to entitlements, compensation policy, rates, land acquisition and grievance redress. APs/AHs are not required to pay any fee during any of the procedures associated with seeking grievance redress, including if resolution requires legal action to be undertaken in a court of law. Complaints will pass through 3 stages described below. The complainant can, if necessary, take the matter to a court of law. It is noted that the this grievance redress mechanism does not impede access to the country's legal system, meaning that an aggrieved person is free to access a court of law even at the initial stage of his/her grievances. EVNHCM will shoulder all administrative and legal fees that might be incurred in the resolution of grievances and complaints.
23. Moreover, an aggrieved AP may also bring his/her complaint directly to the ADB's Energy Division, Southeast Asia Department, through the Viet Nam Resident Mission. If the AP is not satisfied with the response of the Resident Mission, he/she can directly contact the ADB Office of the Special Project Facilitator.
24. The grievance redress procedure will be implemented as follows:
- a. **First Stage: Ward Peoples' Committee (WPC)** - An aggrieved AP may lodge his/her complaint before any member of the WPC through the residential group leader or directly to the WPC, in written or verbal form. It is incumbent upon the village chief to notify the WPC about the complaint. The WPC will meet personally with the aggrieved AP and will have 15 days to resolve the complaint. The WPC secretariat is responsible for documenting and keeping file of all complaints that it handles.
 - b. **Second Stage: District/Town People's Committee (DPC)** - If after 15 days the aggrieved AP does not hear from the WPC, or if the AP is not satisfied with the decision taken on his/her complaint, the AP may bring the case, either written or verbal, to any member of DPC. DPC has 15 days to resolve the case. The DPC is responsible for documenting and keeping files of all complaints that it handles.
 - c. **Third Stage: City People's Committee (City PC)** - If 15 days the aggrieved AP does not hear from the DPC, or if the AP is not satisfied with the decision taken on

his/her complaint, the AP may bring the case, either in writing or verbal, to any member of the City PC. The City PC has 15 days within which to resolve the complaint to the satisfaction of all concerned. The City PC secretariat is responsible for documenting and keeping file of all complaints that it handles.

- d. **Final Stage: People’s Court** - If after 15 days following the lodging of the complaint with the City PC, the aggrieved AP does not hear from the City PC, or if he/she is not satisfied with the decision taken on his/her complaint, the case may be brought to the people’s court.

6.0. BUDGET AND IMPLEMENTATION PLAN

25. Total cost for reimbursement is 4,046,969,850 **VND** or 189,820.35 **USD** (including 10% contingency). The cost of compensation and site clearance to construct items of the 110kV Phuoc Long substation and connecting existing lines are preliminarily estimated according to the rules on compensation of Ho Chi Minh City People's Committee. This cost will be included to the total investment of the project and provided by EVNHCMC.

Table 2. Compensation and site clearance cost

No.	Compensation	Ownership	Item	Unit	Unit price	
1	Land lease cost		Tower's foundation and Substation	1,751.935 m ²	2,100,000	3,679,063,500
2	Contingency cost			10%		367.906.350
3	Total				VND	4.046.969.850
					USD	189.820,35

1\$ = 21,320 VND

26. Expected duration of the 110kV Phuoc Long substation and connecting line project is shown in Table 3.

Table 3. Implementation Plan

No.	Implementation Plan	Schedule
1	Hand over land mark on maps and on field (handing over site)	September, 2014
2	Public consultation meeting	October, 2014
3	Prepare RDD Document and submit to PMB for consideration and approval	May, 2015
4	ADB approves RDDD.	May, 2015
5	Commencement of civil works	June, 2015
6	Finishing the construction	December, 2015

27. EVNHCMC will inform ADB about all activities of the project during the implementation process through internal monitoring reports including quarterly reports, bi-annual and annual reports.

ANNEXES

Annex 1. Dates of Public Meetings and Consultations

Districts and Communes Consultations	Dates of meeting	Number of Participants		
		Total	Male	Female
District 9				
Phu Huu ward	14 -10- 2014	5	4	1
Phuoc Long B ward	16 -10- 2014	4	3	1
Total participants		9	7	2

Annex 2. Minutes of public consultation meeting

B.1 Minutes of public consultation meeting in Phuoc Long B Ward

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập - Tự do - Hạnh phúc
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BIÊN BẢN THAM VẤN CỘNG ĐỒNG

"*Tham vấn ý kiến cộng đồng về các vấn đề kế hoạch tái định cư (RP), kế hoạch quản lý môi trường (EMP)*"

Tên dự án: Trạm biến áp 110kV Phước Long và đường dây đầu nối

Địa điểm: UBND Phường Phước Long B.....

Ngày họp: 16/01/2014.....

Thời gian: 10h.....

I. THÀNH PHẦN THAM DỰ

1. Đại diện UBND phường Phước Long B

Ông: Chức vụ:

Ông: Chức vụ:

Ông: Chức vụ:

Ông: Chức vụ:

Ông: Chức vụ:

2. Đại diện Công ty cổ phần tư vấn xây dựng Điện 4

Ông: Chức vụ:

Ông: Chức vụ:

Ông: Chức vụ:

3. Đại diện hộ bị ảnh hưởng/Hộ chủ

Ông: Chức vụ:

Ông: Chức vụ:

Ông: Chức vụ:

II. NỘI DUNG CUỘC HỌP

1. Đại diện UBND Phường Phước Long B.....tuyên bố cuộc họp
tham vấn ý kiến cộng đồng về các vấn đề kế hoạch tái định cư
(RP), kế hoạch quản lý môi trường (EMP).....

2. Đại diện công ty cổ phần tư vấn xây dựng điện 4 báo cáo các nội dung sau:

- a. Thông tin về dự án
- b. Mô tả dự án (giai đoạn xây dựng, vận hành)
- c. Các ảnh hưởng của dự án đến môi trường, kinh tế xã hội

Names deleted for confidentiality

d. Phương án bồi thường, tái định cư và chính sách của Ngân hàng Phát triển Châu Á (ADB) và chính phủ Việt Nam.

e. Kế hoạch bồi thường, tái định cư

f. Những khiếu nại

g. Biện pháp giảm thiểu và giám sát những tác động của dự án đến môi trường.

3. Ý kiến đóng góp của các đại biểu

3.1. Các vấn đề phục vụ báo cáo RP

- Đề nghị Ban quản lý dự án lưới điện thành phố Hồ Chí Minh liên hệ các cơ quan chức năng để có phương án hỗ trợ thu tiền về xiết bài thưởng, hỗ trợ về đất cát kiến trúc cho Công ty luôn tuân theo quy định tiến hành

- Đề nghị chủ dự án phải hợp chặt chẽ với địa phương trong công tác đền bù, bồi thường

- Phối hợp với địa phương quyết cái thà mới xây ra trên địa bàn

3.2. Các vấn đề phục vụ báo cáo EMP

- Đề nghị Ban QLDA lưới điện thành phố Hồ Chí Minh và đến với thị công tuân thủ quy chế quản lý khu dân cư và các quy định về bài về môi trường khi thực hiện dự án

- Đối với những đoạn tuyến vượt đường giao thông, đề nghị đến với thị công có kế hoạch thông báo cho địa phương, tránh xảy ra sự tai nạn không mong muốn xảy ra

- Đảm bảo việc thu dọn rãnh sẽ sau khi hoàn thành công trình

4. Kết luận

- Hoàn toàn đồng ý dự án đi trên đất của.....

- Đề nghị các đơn vị liên quan thực hiện tất cả thủ tục cần thiết để tiến hành cuộc họp.....

5. Cuộc họp kết thúc vào.....

Người viết biên bản

Thanh
Nguyễn Văn Thanh

Đại diện Công ty cổ phần
 Tư vấn Xây dựng Điện 4

Thanh
Nguyễn Văn Thanh

Đại diện hộ bị ảnh hưởng / Hộ chủ

Thanh
Nguyễn Văn Thanh

Đại diện UBND Phường



Trần Thanh Giàu

B.2 Minutes of public consultation meeting in Phu Huu Ward

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập - Tự do - Hạnh phúc
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BIÊN BẢN THAM VẤN CỘNG ĐỒNG

"*Tham vấn ý kiến cộng đồng về các vấn đề kế hoạch tái định cư (RP), kế hoạch quản lý môi trường (EMP)*"

Tên dự án: Trạm biến áp 110kV Phước Long và đường dây dẫn nối

Địa điểm: ...*11B.N.D...Phước Long...Phước Hữu*.....

Ngày họp: ...*14.1.10.1.20.14*.....

Thời gian: ...*9h*.....

I. THÀNH PHẦN THAM DỰ

1. Đại diện UBND phường Phước Hữu

Ông: Chức vụ:

Ông: Chức vụ:

Ông: Chức vụ:

Ông: Chức vụ:

Ông: Chức vụ:

2. Đại diện Công ty cổ phần tư vấn xây dựng Điện 4

Ông: *Nguyễn Văn Tuấn* Chức vụ: *Chủ tịch*

Ông: Chức vụ:

Ông: Chức vụ:

3. Đại diện hộ bị ảnh hưởng

Ông: Chức vụ:

Ông: Chức vụ:

Ông: Chức vụ:

II. NỘI DUNG CUỘC HỌP

1. Đại diện *11B.N.D...Phước Long...Phước Hữu*.....tuyên bố cuộc họp
tham vấn ý kiến cộng đồng về các vấn đề kế hoạch tái
định cư (RP), kế hoạch quản lý môi trường (EMP).....

2. Đại diện công ty cổ phần tư vấn xây dựng điện 4 báo cáo các nội dung sau:

- a. Thông tin về dự án
- b. Mô tả dự án (giai đoạn xây dựng, vận hành)
- c. Các ảnh hưởng của dự án đến môi trường, kinh tế xã hội

Names deleted for confidentiality

d. Phương án bồi thường, tái định cư và chính sách của Ngân hàng Phát triển Châu Á (ADB) và chính phủ Việt Nam.

e. Kế hoạch bồi thường, tái định cư

f. Những khiếu nại

g. Biện pháp giảm thiểu và giám sát những tác động của dự án đến môi trường.

3. Ý kiến đóng góp của các đại biểu

3.1. Các vấn đề phục vụ báo cáo RP

- Đối với cây cối, hạ tầng bị ảnh hưởng trong quá trình thi công, đề nghị chủ dự án có chính sách bồi thường thỏa đáng cho người dân, theo giá thị trường

- Việc kiểm tra thiết hại, cần có sự phối hợp giữa địa phương chủ đầu tư và người ảnh hưởng để đảm bảo công bằng và tránh sai sót

- Công tác di dời tái định cư phải được thực hiện trước khi thi công dự án

3.2. Các vấn đề phục vụ báo cáo EMP

- Đối với những đèo cắt qua đường giao thông có lưu lượng lớn, đề nghị đơn vị thi công phối hợp các đơn vị quản lý các tuyến giao thông để phân luồng hợp lý, tránh ùn tắc giao thông và tai nạn có thể xảy ra

- Tuân thủ những quy định của địa phương trong công tác khai báo tạm trú, tạm vắng

- Đối với chất thải rắn phát sinh từ xây dựng và sinh hoạt, phải được thu gom và vận chuyển đến các bãi rác công cộng của địa phương

4. Kết luận

... Hoàn toàn đồng ý chủ trương của dự án.....

... Chủ đầu tư phải khai báo kế hoạch hoạch xây dựng và
cơ sở hành để địa phương nắm và có phương án quản lý.

5. Cuộc họp kết thúc vào.....

Người viết biên bản

Nguyễn Văn Thanh
Nguyễn Văn Thanh

**Đại diện Công ty cổ phần
Tư vấn Xây dựng Điện 4**

Nguyễn Văn Thanh
Nguyễn Văn Thanh

Đại diện hộ bị ảnh hưởng

Nguyễn Minh Thống
Nguyễn Minh Thống

**Đại diện UBND Phường
Phước Phú Hữu**

**KT.CHỦ TỊCH
P.CHỦ TỊCH**

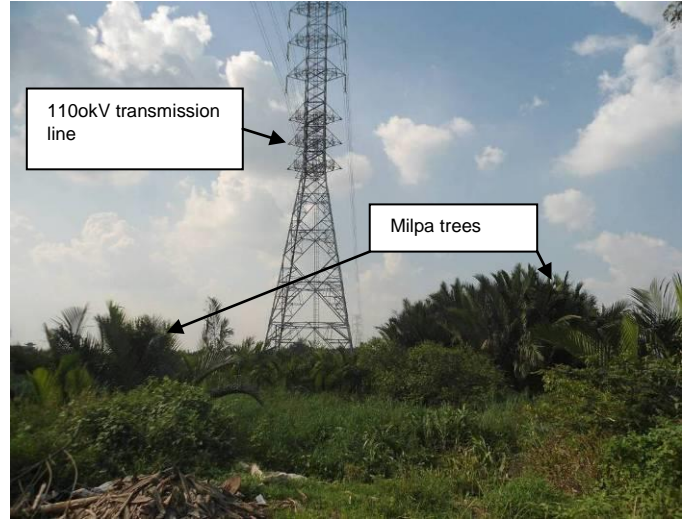


Dương Thanh Phong
Dương Thanh Phong

Annex 3. Pictures of project area



The existing 220kV Cat Lai – Thu Duc T/L



Current status of the area under the
ROW of the connecting line



The area projected to construct 110kV Phuoc Long Substation