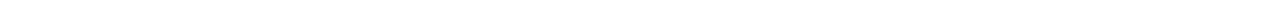


RESETTLEMENT AND ETHNIC MINORITY DEVELOPMENT PLAN

Resettlement Plan
Document Stage: Final
May 2017

PPTA 8671–VIE: SECONDARY CITIES DEVELOPMENT PROJECT (GREEN CITY) Subproject in Ha Giang City



CURRENCY EQUIVALENTS

(As of 27 March 2017,)

Currency unit	–	Vietnam Dong
VND 1.00	=	\$ 22,300
\$1.00	=	VND 0.000045

ABBREVIATIONS

ADB	-	Asian Development Bank
AH	-	Affected Household
AP	-	Affected Person
CLFD	-	Center for Land Fund & Development
CPC	-	City Peoples' Committee
CMG	-	Community Monitoring Group
DMS	-	Detailed Measurement Survey
GAP	-	Gender Action Plan
GCAP	-	Green City Action Plan
EMC	-	External Monitor consultant
FS	-	Feasibility Study
GOV	-	Government of Vietnam
HGCPPC	-	Ha Giang Provincial People's Committee
IOL	-	Inventory of Losses
MOLISA	-	Ministry of Labor, Invalids and Social Assistance
NUP	-	National Urban Plan
PIB	-	Public Information Booklet
PMU	-	Project Management Unit
RC	-	Resettlement Committee
REMDP	-	Resettlement & Ethnic Minority Development Plan
RCS	-	Replacement Cost Survey
RF	-	Resettlement Framework
RP	-	Resettlement Plan
SES	-	Socio-economic Survey
VND	-	Vietnamese dong
WPC	-	Ward People's Committee

DEFINITION OF TERMS

- Compensation – This is payment given in cash or in kind to affected persons (APs) at replacement cost or at current market value for assets and income sources acquired or adversely affected by the project.
- Cut-off date – Is the date when the Ha Giang City’s People’s Committee and the Project Management Unit (PMU) officially inform the public about the Project and its locations. Anyone who occupies or encroaches into the defined boundaries of the Project area after this date is not entitled to compensation and other assistance for affected assets and incomes.
- Detailed Measurement Survey (DMS) – With the use of approved detailed engineering drawings, this activity involves the finalization and/or validation of the results of the IOL, severity of impacts, and list of APs done during the preparation of this resettlement plan (RP).
- Affected person (AP) – Refers to any person or persons, household, firm, private or public institution that, on account of changes resulting from the Project, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (e.g., residential, commercial, agricultural, and/or grazing land), water resources or any other 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 physical displacement.
- Entitlements – Refers to a range of measures, such as compensation in cash or in kind, income restoration support, transfer assistance, relocation support, etc., which are provided to the APs depending on the type and severity of their losses to restore their economic and social base.
- Ethnic Minority – People with a group status having a social or cultural identity distinct from that of the dominant or mainstream society
- Host community – Community residing in or near the area to which affected people are to be relocated.
- Land acquisition – Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
- Relocation – This is the physical displacement of an AP from his/her pre-project place of residence and/or business.

- Replacement cost – Means the amount in cash or in kind needed to replace an asset in its existing condition, without deduction of transaction costs or depreciation and salvageable materials, at prevailing current market value at the time of compensation payment.
- Replacement Cost Study – This refers to the process involved in determining replacement costs of affected assets based on empirical data.
- Resettlement and Ethnic Minorities Development Plan (REMDP) – A plan for resettlement of an ethnic minority population, combining the resettlement plan with specific ethnic minority concerns and cultural sensitivity for the specific needs of the ethnic minority groups.
- Severely affected Households – This refers to AHs who that “are (i) physically displaced from their residences and have to relocate or (ii) losing from 10% or more of their income generating/productive. assets
- Vulnerable groups – These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized due to the project and specifically include: (i) female-headed households with dependents, (ii) household heads with disabilities, (iii) households falling under the generally accepted indicator for poverty, (iv) elderly households who are landless and with no other means of support, (v) landless households, (vi) ethnic minorities.

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EXECUTIVE SUMMARY

A. Introduction

1. This Resettlement and Ethnic Minority Development Plan (REMDP) is prepared for the “Secondary City Development Project II - Green Cities” (SCDP II), in Ha Giang City. The project supports: (i) provision of improved strategic infrastructure and access to basic urban services, (ii) development of effective planning, financing, implementation and monitoring systems and (iii) improved their financial and technical sustainability). The project will assist in establishing an effective urban planning and management system, and a sound implementation framework to continue basic infrastructure investments.

2. In Ha Giang City, Ethnic Minority¹ People (EMP) represents around 41% of the population. These groups are urbanized and integrated into the urban mainstream way of life. EMP will not be specifically targeted through the proposed sub-projects and no differential impacts are expected. EMP in Ha Giang City, consider themselves generally as a different group even if they are fully integrated. Therefore, the ADB SPS on Indigenous People is triggered. EMP issues will be addressed through this REMDP. Specific measures to minimize negative impacts and to maximize benefits for the EMP have been included in this REMDP.

3. This REMDP covers the 9 subprojects selected in Ha Giang City under the SCDP II. These subprojects include roads, embankments and drainage.

4. This REMDP addresses adverse social impacts due to involuntary resettlement and lays down the principles and objectives, eligibility criteria of the affected persons (APs), entitlements, legal and institutional framework, modes of compensation and rehabilitation, stakeholder's participation, grievance procedures, and monitoring.

5. The REMDP is made on the basis of updated outcomes of the inventory of losses (IOL), socio-economic surveys (SES) and results of the public consultation and participation in subproject areas. It will be updated after the completion of DMS if there is significant change in scope of impacts.

B. Measures to Minimize Adverse Social Impacts

6. During TA preparation, several measures were taken to minimize land acquisition and adverse social impacts (i.e. works to take place mainly on public land, reduction of the RoW of some roads etc.).

C. Scope of Land Acquisition and Resettlement impacts

7. The inventory of losses (IOL) survey was carried in February and March 2017. The project will affect a total of 5.4 ha of land and 426 HH. Most of the affected land is forestry land (3.1 ha, 57% of the total land requirement) belonging to 51 HH. 210 HHs (0.82 ha) will be affected through loss of residential land and 111 HH (0.7 ha) through loss of agriculture land. Garden land, fish ponds and will also be affected with a respective land area of 0.4 ha (58 HHs) and 0.39 ha (8 HH).

8. A total of 73 HH belonging to an EM group (mainly Tay) will be affected by the project. Most of them are affected by the Southern Embankment of Me Stream (31 HH in Phuong Thien commune) and the Southern Ring Road (18 HH in Phu Linh commune). Only 1 EM HH will have to relocate in Phu Linh commune; his house is totally located within the RoW. However, the HH has enough remaining land and could rebuild his house on his remaining land.

¹ GoV refers to Ethnic Minority (EM) while ADB refers to Indigenous People (IP); for this project it was decided to use EM;

D. Legal and Policy Framework

9. A Resettlement Framework (RF) was prepared under the PPTA when the project was processed as a RBL and submitted to the Prime Minister by early February 2017 for approval; the approval process is ongoing. The RF is based on legal and policy framework for compensation, resettlement and rehabilitation under the project is defined by the relevant laws and regulations of the Government of Viet Nam, and the ADB Safeguards Policy Statement (2009). As this RF was discussed and endorsed by Ha Giang province, it constitutes the basis for the entitlements.

10. The AHs will be provided with various types of cash assistance for life stabilisation as per government laws and regulations in addition to payment for land and non-land assets.

E. Participation, Disclosure and Grievance Redress

11. Consultations during the preparation of the draft resettlement plan consisted of 4 meetings for the sub-projects with the most resettlement impacts and in the two communes with a majority of IP. Consultation took place on 6 and 7 March 2017. A total of 105 persons were met.

12. Key information in this REMDP has been disclosed to the AHs through public meetings. A public information booklets (PIB) will also be disclosed prior to Project appraisal. The draft REMDP and updated REMDP will be disclosed as per disclosure requirements laid out in ADB's SPS.

13. The grievance mechanism has been designed to ensure that APs' concerns and grievances are addressed and resolved in a timely and satisfactory manner. Commune/ward and City People's Committees are primarily responsible for resolving any grievances received from the AHs. AHs will be free from any fees in connection with the lodging and resolution of complaints.

F. Vulnerability, and gender issues

14. In addition to the EM AH, there are 32 vulnerable households: 26 single female-headed households with dependents, 2 disabled head of HH and 4 elderlies alone. These HH will receive special assistance. A Gender Action Plan (GAP) will be prepared as part of the project.

G. Resettlement Arrangements

15. A total of 16 HHs will have their houses totally affected and will need to be relocated. Each household can opt to purchase a plot of land at a Resettlement Site (RS) or to self-relocate.

16. To meet the demands of affected households regarding relocation, two existing RS were identified where HH can be allocated a plot of land.

H. Income Restoration Program

17. The purpose of the project policy is to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.

18. An Income Restoration Program will be implemented for the 6 relocated businesses, the 32 vulnerable HH and the 73 EM HH affected based on their demands. The proposed activities include vocational training, support for job change and access to credit loans.

I. Implementation Arrangements

19. Ha Giang Provincial People's Committee (HGPPC) is the Executing Agency (EA) for the project. Ha Giang City People's Committee will be the implementing agency (IA). A project management unit (PMU) was established under the City PC. At Ha Giang city level, the relevant line agencies such as the Resettlement Committees and local authorities will be responsible for the implementation of the REMDP.

J. Monitoring

20. Internal Monitoring is the responsibility of PMU. PMU will submit quarterly monitoring reports to ADB.

21. PMU will hire an independent External Monitor consultant (EMC) to monitor the implementation of REMDP.

K. Resettlement Budget and Indicative Schedule of Resettlement Plan Implementation

22. All costs for resettlement, including compensation for affected assets, allowances, livelihood and income restoration activities; operation and administration costs; surveys; monitoring; and reporting will be financed by the counterpart fund.

23. The REMDPP cost estimate is **86,000,000,000 VND** equivalent to **3,856,000 USD** (exchange rate: VND 22,300 = USD 1).

24. This includes the cost of acquisition of land and non-land assets (68,456,000,000 VND equivalent to 3,070,000 USD), allowances and support (6,242,334,000VND, 280,000 USD), implementation costs & contingencies (8,211,000,000 VND, 368,000 USD), cost for external monitoring (1,000,0000 VND, 45,000 USD), Income Restoration Program (1,821,600,000 VND, 81,700 USD) and Measures to Maximize benefits for EM (259,600,000 VND, 11,600 USD).

25. The Project will be implemented over three years. The commencement date is planned for the fourth quarter of 2017 and the start of construction in 2019. An indicative schedule of implementation is shown below.

Table 1: Indicative Resettlement Schedule

Activities	Schedule
ADB concurrence on REMDP	April 2017
Distribution of PIB among the AHs	April 2017
Project appraisal	December 2017
Loan effectiveness	March 2018
Prepared detailed design	Quarter II 2018
Conduct detailed measurement survey	Quarter III/2018
Update replacement cost	Quarter III/2018
Prepare and approve the updated REMDP & the detailed Compensation, Assistance and Resettlement Plan	Quarter IV/2018
Payment of compensation, assistance	Quarter IV/2018
Hand over of acquired land	Quarter IV/2018
Start of Construction	2019

I. PROJECT DESCRIPTION

A. Project Background

1. The project supports Viet Nam's efforts towards achieving Sustainable Development Goal 11 to "Make cities inclusive, safe, resilient and sustainable". The project will develop competitive, green and inclusive city in Hue, Vinh Yen and Ha Giang through: (i) strengthened city planning processes, (ii) enhanced green and climate resilient infrastructures, and (iii) improved institutional effectiveness and sustainability.

2. Viet Nam has made remarkable progress in transforming its economy, reducing poverty, and making a transition toward an industrialized and urbanized society. Urban population increased from 19.5% (12.8 million) in 1990 to 34.5% (31 million) in 2014 and is forecasted to reach 50% (52 million) by 2025. However, realizing the promise of urbanization requires cities to effectively plan and manage services and infrastructure to improve economic competitiveness, support inclusive growth, and tackle environmental degradation and vulnerability to climate change and natural disasters. The government adopted the National Urban Development Plan (NUDP) in 2012 to achieving the 2020 targets for urban services delivery.² ADB assisted a more equitable, economically competitive and environmentally sustainable version of urban development by facilitating a green city planning exercise that resulted in the development and adoption of the GrEEEn City Action Plans (GCAPs) in the three cities.³

3. In Vietnamese cities, urban population with access to improved water sources is officially 98%, but only 61% have connected to their houses.⁴ Less than 15% of urban wastewater is connected and treated by centralized treatment systems. Urban flooding stems from poor management of storm water, urbanization intensification and increasing recurrence of extreme weather events. Urban road network lacks its connectivity to accommodate increasing number of vehicles, while fails to promote greener mode of transportation (e.g. pedestrians, non-motorized vehicles).

4. The project directly supports the implementation of the Green City Action Plan (GCAPs) in Ha Giang, Hue and Vinh Yen, through: (i) provision of improved strategic infrastructure and access to basic urban services, (ii) development of effective planning, financing, implementation and monitoring systems and (iii) improved their financial and technical sustainability. The project will assist in establishing an effective urban planning and management system, and a sound implementation framework to continue basic infrastructure investments. It emphasizes the objectives of resilience and consultation and participation in the planning process.

5. The project will contribute to green, competitive and inclusive secondary city development in Viet Nam, thereby supporting all three pillars of ADB's country partnership strategy (CPS) 2016–2020 for Viet Nam, including: (i) innovative and productive economy; (ii) enhanced service delivery, and (iii) improved environmental sustainability and climate change adaptation.⁵ The project is consistent with ADB's urban operational plan that focuses on inclusive and environmentally sustainable growth, and improved quality of life for developing a livable city.⁶ The project design incorporates the lessons learned from ADB's urban sector projects in Viet Nam. These are (i) keeping impacts of land acquisition and resettlement to a manageable level, and (ii) rigorously reviewing technical designs to avoid oversized infrastructures.

1. Ha Giang City Subproject's Components.

6. Based on the above criteria, nine subprojects are proposed in Ha Giang City. All these subprojects will result on impacts on land acquisition and resettlement.

² Prime Minister Decision 1659/2012

³ GrEEEn adopts the 3Es approach: Economy (Competitiveness), Equity (Inclusiveness), Environment (Green). Three cities approved the GCAPs.

⁴ ADB. 2014. *Key Indicators for Asia and the Pacific*, Manila; World Health Organization and United Nations Children's Fund. 2014. *Joint Monitoring Programme for Water and Sanitation 2014*. New York.

⁵ ADB. 2016. *Country Partnership Strategy: Viet Nam, 2016–2020*. Manila

⁶ ADB. 2012. *Urban Operational Plan, 2012-2015*. Manila.

Drainages Subprojects (3). Three subprojects will improve city drainage for Tran Phu and Nguyen Trai wards in the city core; for the areas T1, T2, T3 and T4 in Quang Trung and Minh Khai wards. A network of 14 streams flow from the surrounding mountains to Lo River and Mien River. The streams are combined sewers collecting storm water and wastewater, and have been encroached by houses, resulting in reduced width and flow capacity, and increasing flood frequency. Solid waste is dumped in the stream. These three subprojects involve cleaning and rehabilitating the primary storm drainage system and providing open space for the community.

Embankments rehabilitation (3). Three embankment projects have been prioritized: i) western embankment of Lo River; section of Goc Gao to new Me Bridge; ii) embankment and roads on both sides of Mien River, section from Suoi Tien to Bridge 3/2; and iii) the southern embankment of Me Stream, from old Me bridge to Chang spillway. Rehabilitation of these embankments will result in better flood protection. Linear parks will also be incorporated on top of the embankments.

Roads (3). Three road subprojects are included under the SCDPII; i) upgrading of National Road No 2; ii) southern ring road; and iii) Bridge and Road. These roads will ensure better interconnectivity within the city and with rural/peri urban areas where infrastructures and services, are generally poor.

7. Figure 1 presents the location of the 9 subprojects and Table 1 presents a description of these subprojects.

Figure 1: Ha Giang Location of Subprojects

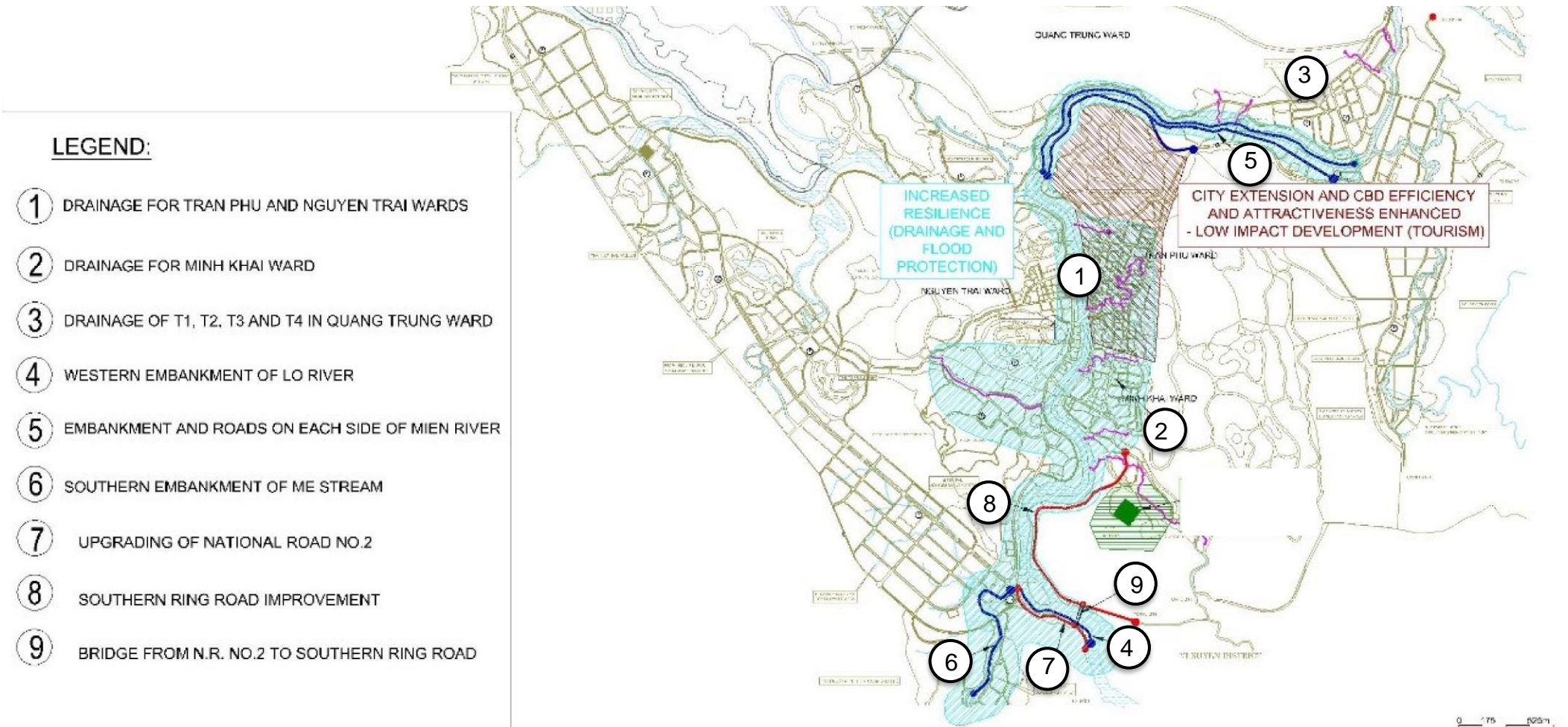
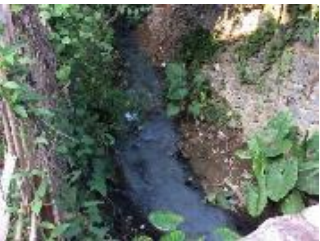













Table 1: Description of Ha Giang City Subprojects

Nb	Subproject	Description	
1	Drainages for Tran Phu and Nguyen Trai Wards	<ul style="list-style-type: none"> - The subproject involves cleaning & rehabilitating the primary storm drainage system in these wards and to provide open space useable and valued by the community in order to discourage encroachment and the dumping of solid waste. This will also increase flow capacity for sections that have been reduced in width to eliminate flooding & reduce pollution. - Drains to be rehabilitated: Tran Phu Ward: T1: 440 m; T2: 440 m; T3: 130m; T4: 540 m; Nguyen Trai Ward: T1: 1,380 m; 	
2	Drainage for Minh Khai Ward	<ul style="list-style-type: none"> - The subproject involves cleaning and rehabilitating the primary storm drainage system in Minh Khai ward to discourage encroachment and the dumping of refuse, and to increase flow capacity in narrow sections, eliminate flooding and reduce pollution. - The following drains (streams) will be rehabilitated: T1: 1,653 m; T2: 501 m; T3: 708 m; T4: 407 m. 	
3	Drainages of T1, T2, T3 and T4 for Quang Trung Ward	<ul style="list-style-type: none"> - The subproject involves cleaning and rehabilitating the primary storm drainage system in Quang Trung ward to help prevent encroachment and the dumping of garbage, and increase flow capacity of the narrow, eliminate flooding and reduce pollution. The four (4) primary drains (streams) will be rehabilitated. - T1: 208 m; T2: 346 m; T3: 441 m; T4: 193 m. 	
4	Western Embankment of Lo River	<ul style="list-style-type: none"> - This sub-project involves the improvement of the embankment along route of the upgrading of National Road No.2 along the River Lo's western bank for 950 m. The embankment at this section of Lo River is 8 to 10m high, while the water level varies by 5 to 8 m between the dry season and the flood season (when Chinese dams can release some extra flow). - The proposed embankments have a 1.5 to 2 slope. They consist with reinforced conventional concrete plates for the underwater part and two vegetated terraces on the top. - A 6 meters-wide linear park is included on top of the embankment. The park includes linear path for non-motorized vehicle, trees, plants, lighting, natural drainage (with gravel filtration) and seating. 	 
5	Embankment and roads on both sides of Mien River	<ul style="list-style-type: none"> - This project consists of 905 m of embankment on the West side of Mien river, from Phung Hung Bridge to bridge 3/2. - On the East bank of Mien river, the project consists of 2,132 m of embankment and the construction of the new Phung Hung road. This East embankment goes from the Mien river confluence all the way to Bridge 3/2. - The new road Phung Hung will go from Sui Tien bridge to the intersection with NH.34 along the embankment would be integrated as a sub-component of this project. A linear park would be integrated between the embankment and Phung Hung road on the East bank. 	 

Nb	Subproject	Description	
6	Southern Embankment of Me Stream	<ul style="list-style-type: none"> - Embankment works along the eastern edge of Me River are proposed to extend from the old Me Bridge to the River Lo confluence to meet up with SP6 western embankment works (a distance of 1.78 km). Part of the scheme will involve a linear park/landscape, pedestrian route on the top of the embankment that could feature existing tree growth in the northern section. 	
7	Upgrading and expansion of National Road no.2 (NH2)	<ul style="list-style-type: none"> - The existing National Highway Number 2 (NH2) functions as the single access from the South to Ha Giang city. The section under review is in a poor condition and is in an unsuitable condition for traffic. There is currently no sidewalk on this road—only extended road tarmac for pedestrians. - The proposed upgrading of NH2, for 1.23 km, will be a dual carriageway standard within a 25m corridor. This will include two 7.5m carriageways, separated by a 2m planted median strip, and 4.5m of sidewalk (pavement) area on either side. The pavements will incorporate tree planting areas and lighting columns. 	
8	Southern Ring Road (SRR)	<ul style="list-style-type: none"> - NH2 is the single southern entry to Ha Giang and connects directly to the western part of the city. Most of the traffic connecting the eastern part of the city via the bridges over the Lo river is leading to traffic congestion in the city center. - The proposed new ring road is a bypass around the south-eastern side of the city centre from the River Lo Bridge, and NH2, to the southern edge of the city centre. The SRR is proposed to have a road carriageway of 9m width, with 3.75m pavements on either side, all within a 16.5m corridor. The total length of proposed section is 2.936 km. - The sub-project's objectives: <ul style="list-style-type: none"> - To enhance connectivity of the city and divert traffic from NH2 to the eastern part of city center. - To strengthen urban and peri-urban road network in the south of the city, connecting with the NH2 to form a closed ring road. - To prevent trucks from passing through the city center. Trucks will be banned from NH2, downtown section and use the SRR. 	 
9	Bridge from National Road no.2 to Southern Ring Road	<ul style="list-style-type: none"> - The bridge would be the third crossing of the Lo River in Ha Giang. It will have a width of 18m and a length of 150m and would connect National Highway No.2 (NH2) with the new Southern Ring Road (SRR). It will have pavements (sidewalks) on each side for improved pedestrian safety. - Project objectives: <ul style="list-style-type: none"> - To enhance connectivity to the road network - To have heavy traffic going towards North of city to avoid the center area of the city - To strengthen urban and peri-urban road network in the south of the city, connecting the NH2 and the SRR to enhance connectivity of the north and south of the city. 	

B. Measures Adopted to Minimize Adverse Social Impacts

8. The following measures have been taken to minimize resettlement:

Table 2: Measures Taken to Reduce Resettlement

	Subproject	Measures taken to reduce Resettlement
1	Drainages for Tran Phu and Nguyen Trai Wards	– Works to take place mainly along the existing roads Right-of-Ways (RoW) and on public land resulting in impacts limited to secondary structures (fences, access, walls etc.)
2	Drainage for Minh Khai Ward	
3	Drainages of T1, T2, T3 and T4 for Quang Trung Ward	
4	Western Embankment of Lo River	– Works mainly located on public land (existing embankment)
5	Embankment and roads on both sides of Mien River	
6	Southern Embankment of Me Stream	
7	Upgrading and expansion of National Road no.2	– Land acquisition completed in 2010 in some sections; – RoW limited to 25 m to reduce impacts on land acquisition; in addition, HH have large land plots and most of the HH are partially affected;
8	Southern Ring Road	– Land acquisition completed in 2011 in some sections; – RoW limited to 16.5 m to reduce land acquisition;
9	Bridge from National Road no.2 to Southern Ring Road	– Bridge location in public land (embankments of the Lo River);

II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

A. Methodology Used in Determining Project Impacts

9. The Inventory of Losses (IOL) and the Socioeconomic Survey (SES) were carried out, according to the preliminary design, in February and March 2017 by the Consultancy and Human Resources Development (CHR) in collaboration with the wards PCs, Division of Natural Resources and Environment, City PC and design consultant.

B. Land Acquisition and Resettlement Impacts

10. The IOL collected data on all affected land and assets (structures, trees, crops) as well as affected businesses disaggregated by AHs using questionnaire surveys with the respective AHs. The census obtained detailed information on livelihoods, household composition, income and education qualifications. Annex 1 presents the questionnaire used.

11. An important number of owners (155) couldn't be identified or couldn't be met during the IOL. The main reason is that people came from outside Ha Giang City to buy land. Local people sold their land by hand written contract and didn't register this transaction at local authorities. These land owners don't stay in Ha Giang City. Most of these plots of land are unused and have various sizes.

12. However, these plots are identified by the Land Registration Office. All plots of land have been calculated and drawn from the cadastral maps. The IOL therefore includes these plots regarding the area and type of land. Consultations made with commune authority confirmed that all plots of land have LURC, or legalizable land use rights. Details are given in Table 3. PMU in coordination with local authorities will survey and document all plots before project appraisal. During the Detailed Measurement Survey (DMS), all the plots will be fully surveyed and identified. In-depth search of legal documents/sale documents will be conducted by local authorities. The DMS is the basis for compensation.

Table 3: HH who couldn't be identified or met

Location	HH Affected	Surveyed HH	Note
Drainage Tran Phu & Nguyen Trai Wards	96	71	25 land owners are living outside of the City and couldn't be met;
Drainage for Minh Khai Ward	5	3	2 land owners are living outside of the City and couldn't be met
Drainage T1, T2, T3, T4 Quang Trung Ward	21	21	
West Embankment of Lo River	17	7	10 owners are living outside of the City and couldn't be met
Embankment/Roads each side of Mien River	58	58	
Southern Embankment of Me Stream	36	36	
Upgrading of National Road No.2	154	38	Total of 154 plots of land to be affected, 38 plots' owners identified; 116 plots owners not identified as their name is not registered
Southern Ring Road Improvement	36	36	
Bridge from NH2 to Southern Ring Road	3	1	2 plots owner owners are living outside of the City and couldn't be met
Total	426	271	

1. Households affected

13. A total of 426 HHs are affected by the project. However, 155 plots of land cannot be identified and therefore couldn't be surveyed; only data on land acquisition is available for these 155 owners. Among the 271 surveyed HH, 1,371 persons will be affected; the average number of member per HH is 5.1.

Table 4: Affected Households/Persons

Component	Surveyed HH	Affected persons			Average HH member
		M	F	Total	
Drainage Tran Phu & Nguyen Trai Wards	71	169	164	333	4.7
Drainage for Minh Khai Ward	3	12	5	17	5.7
Drainage T1, T2, T3, T4 Quang Trung Ward	21	59	56	115	5.5
West Embankment of Lo River	7	13	10	23	3.3
Embankment/Roads each side of Mien River	58	109	121	230	4.0
Southern Embankment of Me Stream	36	97	113	210	5.8
Upgrading of National Road No.2	38	105	106	211	5.6
Southern Ring Road Improvement	36	120	104	224	6.2
Bridge from NH2 to Southern Ring Road	1	4	4	8	8.0
Total	271	688	683	1371	5.1

2. Land Acquisition

14. The project will affect a total of 5.4 ha of land. Most of the affected land is forestry land (3.1 ha, 57% of the total land requirement) belonging to 51 HH. This is mainly due to the Southern Ring Road which is a new corridor in a forestry area. 210 HHs (0.82 ha) will be affected through loss of residential land and 111 HH (0.7 ha) through loss of agriculture land. Garden land, ponds and will also be affected with a respective land area of 0.4 ha (58 HHs) and 0.39 ha (8 HH). The distribution of land losses is set out in Table 6.

15. All affected HH (163) with productive land affected are marginally affected (losing less than 10% of their productive land).

Table 5: Severity of Impact for Productive Land

Component	Affected Agriculture/Garden Land & Fish pond (HH)		Affected Forest Land (HH)	
	< 10%	>10%	< 10%	>10%
Drainage Tran Phu & Nguyen Trai Wards	34	-	-	-
Drainage for Minh Khai Ward	3	-	-	-
Drainage T1, T2, T3, T4 Quang Trung Ward	19	-	-	-
West Embankment of Lo River	-	-	-	-
Embankment/Roads each side of Mien River	45	-	-	-
Southern Embankment of Me Stream	14	-	-	-
Upgrading of National Road No.2	52	-	31	-
Southern Ring Road Improvement	11	-	17	-
Bridge from NH2 to Southern Ring Road	-	-	1	-
Total	178	-	49	-

Table 6: Affected HH by Various Types of Land Loss

Component	Residential Land		Agriculture Land		Fish ponds		Garden Land		Forest		TOTAL	
	HH	Area (m2)	HH	Area (m2)	HH	Area (m2)	HH	Area (m2)	HH	Area (m2)	HH	Area (m2)
Drainage Tran Phu & Nguyen Trai Wards	65	609	3	35	1	13	30	282			99	938
Drainage for Minh Khai Ward	2	12			2	30	1	44			5	85
Drainage T1, T2, T3, T4 Quang Trung Ward			4	460	3	124	12	1,228	2	122	21	1,934
West Embankment of Lo River	17	421									17	421
Embankment/Roads each side of Mien River	13	593	38	3,211			7	433			58	4,237
Southern Embankment of Me Stream	22	738	14	1,357							36	2,095
Upgrading of National Road No.2	81	4,384	52	1,965					31	6,017	164	12,366
Southern Ring Road Improvement	8	1,353			3	3,719	8	2,054	17	23,943	36	31,069
Bridge from NH2 to Southern Ring Road	2	117							1	666	3	783
Total	210	8,227	111	7,027	9	3,885	58	4,040	51	30,748	426	53,927

3. Affected Houses

16. Impacts on houses are limited. A total of 21 houses will be affected by the 9 sub-projects. Among these 21 houses, 12 will be totally affected and 9 will be partially affected and could rebuild on their remaining viable residential land. The 12 HH to be relocated are affected by the 3 roads sub-projects (Embankments/roads on each side of the Mien River, Upgrading of National Road No. 2 and the Southern Ring Road).

Table 7: Impacts on Main House

Subprojects	Affected House		Totally Affected house	
	Nb	Area (m ²)	Can rebuild on remaining land	Need to relocate
Drainage Tran Phu & Nguyen Trai Wards	-	-	-	-
Drainage for Minh Khai Ward	-	-	-	-
Drainage T1, T2, T3, T4 Quang Trung Ward	-	-	-	-
West Embankment of Lo River	5	175	5	
Embankment/Roads each side of Mien River	3	130		3
Southern Embankment of Me Stream	-	-	-	-
Upgrading of National Road No.2	7	150	2	5
Southern Ring Road Improvement	6	330	2	4
Bridge from NH2 to Southern Ring Road	-	-		
Total	21	785	9	12

17. HH have the choice to self-relocate or to be allocated a plot in a serviced resettlement site. Among the 12 HH who have to relocate, all preliminary opted for self-relocation. Chapter VIII provides additional information on relocation issues.

A total of 785 m² of main structures will be affected. 6 houses are of category 4 and 6 houses of category 3. Category of houses are defined as follow:

- Category 3 houses: houses with brick and wood poles, steel foundation reinforced with woods brick walls, iron sheets and fibro roof with ceiling.
- Category 4 houses: houses with no steel foundation, wood beams and poles, brick walls, iron sheets and fibro roof with ceilings.

4. Affected Secondary Structures

18. Secondary structures include the following: fence, culvert, shed, outside kitchen, well, concrete yard etc. No grave will be affected. Table 8 presents the details of the losses.

Table 8: Impacts on Secondary Structures (m²)

Secondary structures	Unit	Drainage Tran Phu & Nguyen Trai Wards	Drainage for Minh Khai Ward	Drainage T1, T2, T3, T4 Quang Trung Ward	West Embankment of Lo River	Southern Embankment of Me Stream	Upgrading of National Road No.2	Southern Ring Road Improvement	Bridge from NH2 to Southern Ring Road	TOTAL
Culvert	m3	69								69
Eaves/Veranda	m2						317	38		355
Iron Fence	m2						268	32		300.
Brick Fence	m2	365	45	30	55		321	100		916
Kitchen-Detached	m2					250				250
Septic- Tank	m3					100				100
Concrete yard	m2						350	200		550

5. Affected Crops and Trees

19. A total of 5,309 m² of agricultural land (with annual crops of paddy rice and vegetables) will be affected.. A total of 12,198 trees will be affected. Most of the affected trees are timber trees (12,110), affected by the Southern Ring Road and bridge, while 88 fruit trees will also be affected.

Table 9: Affected Crops and Trees

Component	Annual Crops (m2)			Trees (Unit)	
	Rice	Other annual	Vegetables	Fruit Trees	Timber trees
Drainage Tran Phu & Nguyen Trai Wards			430.7	20	
Drainage for Minh Khai Ward				9	
Drainage T1, T2, T3, T4 Quang Trung Ward			311.0	28	
West Embankment of Lo River					
Embankment/Roads each side of Mien River			3,210.9	31	
Southern Embankment of Me Stream	1,356.6				
Upgrading of National Road No.2					
Southern Ring Road Improvement					11,000
Bridge from NH2 to Southern Ring Road					1,110
Total	1,356.6	-	3,952.6	88	12,110

6. Affected Business

20. 8 businesses will be affected by the project. 5 of these businesses are small retail businesses (mainly small family business located in front of the main house selling various types of food and drinks). These 5 businesses, all located along NH2, are not registered. They will need to be relocated

21. Three (3) guesthouses will also be affected, one along NH2 and two along the Southern Ring Road. These guesthouses are registered. The one along NH2 could move back on its remaining viable land while two others will have to be relocated. Specific assistance will be provided to these 2 guesthouses to find new location suitable for these businesses.

Table 10: Impacts on Businesses

Location	Affected Businesses (number)			
	Registered Businesses	Unregistered businesses	Business activity	
			Retail shop	Guest houses
Drainage Tran Phu & Nguyen Trai Wards				
Drainage for Minh Khai Ward				
Drainage T1, T2, T3, T4 Quang Trung Ward				
West Embankment of Lo River				
Embankment/Roads each side of Mien River				
Southern Embankment of Me Stream				
Upgrading of National Road No.2	1	5	5	1
Southern Ring Road Improvement	2			2
Bridge from NH2 to Southern Ring Road				
Total	3	5	5	3

7. Land Tenure

22. Among the 271 HHs surveyed, 108 HHs have a Land Use Right Certificate (LURC) and the remaining 163 HH have are eligible to have a LURC and will receive full compensation and assistance. As indicated above, among the 155 owners not identified, local authorities confirmed

that they all have legal or legalizable land. No HH without right to claim the land have been identified. No HH is leasing land.

Table 11: Type of Tenure on Land

Sub-projects	HH with LURC	HH Eligible to LURC	HH leasing land	No Rights/illegal
Drainage Tran Phu & Nguyen Trai Wards	20	51	-	-
Drainage for Minh Khai Ward	-	3	-	-
Drainage T1, T2, T3, T4 Quang Trung Ward	-	21	-	-
West Embankment of Lo River	7		-	-
Embankment/Roads each side of Mien River	13	45	-	-
Southern Embankment of Me Stream	22	14	-	-
Upgrading of National Road No.2	38	-	-	-
Southern Ring Road Improvement	8	28	-	-
Bridge from NH2 to Southern Ring Road	-	1	-	-
Total	108	163	-	-

8. Impacts on Ethnic Minority People

23. A total of 73 HH belonging to an EM group (mainly Tay) will be affected by the project. Most of them are affected by the Southern Embankment of Me Stream (31 HH in Phuong Thien commune) and the Southern Ring Road (18 HH in Phu Linh commune). Only 1 EM HH will have to relocate in Phu Linh commune. However, the HH has enough remaining land and could rebuild his house on his remaining land.

Table 12: Impacts on Ethnic Minorities

Component	Surveyed HH	Kinh	Tay	Other
		HH	HH	HH
Drainage Tran Phu & Nguyen Trai Wards	71	69	1	1
Drainage for Minh Khai Ward	3	2	1	0
Drainage T1, T2, T3, T4 Quang Trung Ward	21	10	9	2
West Embankment of Lo River	7	7	0	0
Embankment/Roads each side of Mien River	58	49	9	0
Southern Embankment of Me Stream	36	5	31	0
Upgrading of National Road No.2	38	37	1	0
Southern Ring Road Improvement	36	18	18	0
Bridge from NH2 to Southern Ring Road	1	1		0
Total	271	198	70	3

9. Vulnerable HH

24. The survey results show that, in addition to EMP, there are 32 vulnerable households: 26 single female-headed households with dependents, 2 disabled head of HH and 4 elderly alone. No poor or near poor HH have been identified.

25. During the project implementation, the number of vulnerable households may change depending on the adjustment of the detailed design of the project, so it will be necessary to update the data on the vulnerable households at the time of implementation.

Table 13: Impacts on Vulnerable

Component	Surveyed HH	WHHH	Disabled	Elderly	Total
Drainage Tran Phu & Nguyen Trai Wards	71	5	2		7
Drainage for Minh Khai Ward	3	1			1
Drainage T1, T2, T3, T4 Quang Trung Ward	21	5		3	8
West Embankment of Lo River	7				0
Embankment/Roads each side of Mien River	58	6			6
Southern Embankment of Me Stream	36	6			6
Upgrading of National Road No.2	38	3		1	4
Southern Ring Road Improvement	36				0
Bridge from NH2 to Southern Ring Road	1				0
Total	271	26	2	4	32

10. Other impacts

26. Land acquisition started for the second Ring Road in 2011 for a small section. The project was then suspended; 4 HH⁷ were affected. Advance payment was provided to 2 of these HH by the Ha Giang City Resettlement Committee, while the 2 others HH indicated (minutes of meetings of 12 September 2011) that they will wait the implementation of the project to receive compensation. The remaining part of the payment for the 2 HH or the full payment of land acquired for the other 2 HH was never paid to HH due to the delay in the implementation of the project. The 4 HH were only partially affected through loss of agriculture land.

27. HH were compensated in compliance with the Ha Giang policy at the time of compensation (2011). HH complained that they didn't receive full payment. This issue was also raised during the public meeting (see Minutes of meetings in Annex 4 in Minh Khai ward). These 4 HH are affected again by the Southern Ring Road subproject and full compensation should be provided to these 4 HH under the SCDPII including the remaining payment for the 2 HH. In addition, it is proposed that these 4 HH will be eligible to the IRP as a mitigation measure for the impacts experienced (i.e. delay in payment).

III. SOCIO-ECONOMIC INFORMATION AND PROFILE

A. Introduction

28. A Socio-economic survey (SES) was conducted from in February 2017. Socio-economic data provides information about social conditions of the AHs and includes: demographic characteristics, living conditions, sources of income of the household and vulnerability. The SES covered the 271 AHs affected by permanent land acquisition who could be identified (64%). The SES covers all relocated HH. Questionnaire used for SES is presented respectively in Annex 2.

29. The objective of the socio-economic analysis is to identify issues related to compensation, site clearance and to provide the basis for assessing and monitoring the ability to recover living conditions of affected households after site clearance.

B. Socio-Economic Information on Ha Giang City

1. Population

30. Ha Giang City is located in the north of Viet Nam. It is the capital of the mountainous Ha Giang Province. The province has a 274 kilometer-long border with the Yunnan Province of the

⁷ The 4 HH are: Nguyen Tan Trong, Phan Duy Truc, Tran Xuan Thuy and Vien Thi Kien (sold the land)

People's Republic of China (PRC). Ha Giang City has become the administrative, social, and economic center of its province.

31. The recorded population in 2015 was some 54,819 persons. Actual population growth over the last 3 years has been steady, ranging from 52,500 to 53,600 persons.

Table 14: Population in the Project Area

	Average population in 2015 (persons)	Area (km2)	Population density (person/km2)
Ha Giang City	54,819	13,392.8	
Tran Phu ward	8,556	268.14	3,094
Minh Khai ward	12,410	589.05	2,115
Nguyen Trai ward	10,672	428.36	2,490
Quang Trung ward	4,865	1,168.66	433
Ngoc Ha ward	4,789	375.36	1,254
Phuong Thien commune	4,120	3,273.05	127
Vi Xuyen District	No data	No data	No data
Phu Linh commune	5,575	4,840	115

Source: Statistical Year Book of Ha Giang City, 2015

2. Economic Sectors and Employment Structure

32. The agricultural sector of Ha Giang Province accounted for 36.8% of the GDP in 2014, with services at 36.1% and industry at 27.1%.⁸ The GDP growth rate has slowed from 12.5% in 2011 to 8.6% in 2013 and 6.3% in 2014. A significant drop in services sector growth from 21.1% to 6.3% accounts for this. Over the past decade, the province nearly tripled its GDP per capita, increasing from \$408 in 2010 to \$681 in 2013.⁹ But of the four border provinces, Ha Giang still has a lower average GDP per capita than Lao Cai, Lang Son, and Cao Bang.

33. The economy of Ha Giang City, in contrast to the province, has shifted towards the service sector, which contributed close to 71% of the city's production value in 2014.¹⁰ Industry was close to 24%, and agriculture stood at only 5%. Economic growth from 2011 to 2014 has been 12-13.5% each year in real terms.¹¹ It is estimated that the service sector's share will increase to 79% in 2015, while agriculture will stand at about 5% and industry at about 17% in 2015.

3. Ethnic Minority Issues

34. Of the 63 provinces in Viet Nam, Ha Giang Province is one of only ten where the Kinh ethnic group is not a majority. The ethnic groups of Mong (32%), Tay (23%), and Dao (15%) make up the majority of Ha Giang Province's population. The Kinh ethnic group only accounts for 13% of the population.¹²

35. In contrast, Ha Giang City has a majority of Kinh ethnic people, representing roughly 59% of the population. The next largest ethnic minority groups are Tay (27%), Dao (6%), and Hoa/Han (3%).¹³

⁸ Ha Giang Province Statistical Office. 2015. Yearbook 2014. Ha Giang: Ha Giang PPC. P. 51-52.

⁹ Ha Giang Province Department of Planning and Investment. 2015. Socio-Economic Master Plan. Ha Giang: Ha Giang PPC. P. 17-18.

¹⁰ Ha Giang City Statistical Office. 2015. Yearbook 2014. Ha Giang: Ha Giang CPC. P. 4-5.

¹¹ Ha Giang City Statistical Office. 2015. Yearbook 2014. Ha Giang: Ha Giang CPC. P. 4-5.

¹² Ha Giang Province Statistical Office. 2015. Yearbook 2015. Ha Giang: Ha Giang PPC. P. 36.

¹³ Ha Giang City Statistical Office. 2015. Yearbook 2014. Ha Giang: Ha Giang CPC. P. 19.

36. Ha Giang City has 22 ethnic groups. The Kinh ethnic people make up the majority in all five urban wards, while the Ngoc Duong Commune has nearly an equal number of Kinh and Tay ethnic people. Tay ethnic people are the majority in Phuong Thien Commune and Phuong Do Commune, with the latter also having a large Dao ethnic group (See Table 15). Dao ethnic people living in the hillsides of rural communes tend to live separately from other ethnic groups. Otherwise, different ethnic groups usually are mixed and integrated within their neighborhoods, particularly in the urban wards. It is also in these wards that all ethnic groups enjoy a higher living standard than in rural communes.

37. We should note that one commune is affected outside of Ha Giang City (Phu Linh commune, Vi Xuyen District) affected by a section of 1.3 km long of the Second Ring Road). This commune should however be soon part of Ha Giang City. EM accounts for 93% of the population. Tay people form the majority (57.4%) while Giay and Dao with respectively 26.9% and 7.1% are two other important groups. Kinh represent only 7% of the population in the commune.

38. According to the Ha Giang Participatory Poverty Assessment, differences of development have been found among ethnic minority groups in Ha Giang Province.¹⁴ Mong people are recognized as the poorest community, and they usually live in the more remote mountainous areas. The Tay and the Kinh are recognized as the two most developed groups capable of acquiring new knowledge and having no obstacle in communication.

39. Under the National Program 135, Ha Giang City supports ethnic minorities with infrastructure construction (1,100 million VND in 2015), production development (650 million VND in 2015), and water tank construction (26 million VND in 2014).¹⁵ Other support policies are based on Government Decisions 2472/2011/QD-TTG, 36/2013/QD-TTG, 22/2013/QD-TTG, 54/2012/QD-TTG.¹⁶ However, with only little government funding available, a culture in Ha Giang City has developed, where local enterprises are contributing to social support programs, such as for housing demolishing and upgrading of temporary houses.

40. Out of the 95 staff members in the CPC, 9.5% are from ethnic minority groups: 8 Tay ethnic people and 1 Nung ethnic person. In state enterprises, the representation of ethnic minority groups is slightly higher with 27%. Again, Tay ethnic people are the most common group here (22.5% of all staff). Within wards/communes, 44.5% of the government staff are ethnic minorities, with Tay ethnic people accounting for the largest group with 40.5% of all staff. The proportion of women amongst staff members from ethnic minority groups is relatively high with 44% for the CPC, 93% for state enterprises, and 36% for wards/communes. The Kinh ethnic group accounts for a dominating 90.5% of city government staff, 73% for state enterprises staff, and 55.5% for wards/communes' staff. The same ethnic group also dominates high-level positions within these organizations.

41. In Ha Giang City, the aggregate share of women staff in CPC, mass organizations, state enterprises, party organs, schools, and institutions on the ward and commune level amount to approximately 71%.¹⁷ However, excluding their share as teachers of public schools and kindergartens, less than two thirds of the CPC staff are women. Their share amongst CPC, state enterprises on the city level and party organs is even lower. Amongst these government bodies, women in top positions are only about 6%, out of which less than one third are ethnic minorities.¹⁸

¹⁴ ActionAid Viet Nam. 2003. Ha Giang Participatory Poverty Assessment. Hanoi.

¹⁵ "Programme 135 (P135) was established in 1998 to implement government policies targeting the most vulnerable communes, promoting production and access to basic infrastructure, improving education, training local officials and raising people's awareness for better living standards and quality of life."

¹⁶ Ha Giang City Division for Ethnic Minority Affairs. 2015. GCAP Ethnic Groups Background Brief. March 2015. Consultations held March and April 2015.

¹⁷ Ha Giang City Division of Domestic Affairs. 2015. Women Statistics Background Brief. August 2015.

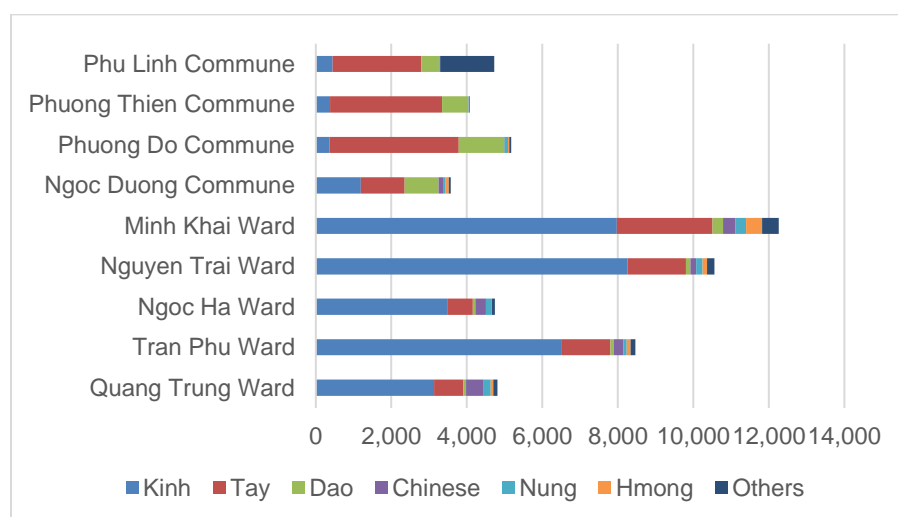
¹⁸ Ha Giang City Statistical Office. 2015. Yearbook 2014. Ha Giang: Ha Giang CPC. P. 33-34.

Women in leadership positions in local socio-political organizations are few, presenting just over 4%, with ethnic minority women even lower.¹⁹

Table 15: Ethnic Minority by Ward in Ha Giang City

Ethnic Group	Total People	Kinh	Tay	Thai	Muong	Chinese	Nung	Hmong	Dao	San Chay	San Diu	Mnong	Giay	La Chi	Pa Tho	Pa Then	Noai	Lo	Co Lao	Bo Y	Pu Peo	Others
Total Ha Giang	53,661	31,281	14,365	2,385	1,383	1,605	1,043	848	3,442	1,774	2,008	1,183	396	1,005	434	341	371	262	622	291	25	
Quang Trung Ward	4,814	3,130	772	13	23	455	198	68	75	24			45	81				43	66	11		
Tran Phu Ward	8,462	6,495	1,310	27	17	263	90	95	84	30	43		42	99				11	14	14		22
Ngoc Ha Ward	4,739	3,498	656	55	31	286	132	16	68	19	88		13	22				22		33		
Nguyen Trai Ward	10,554	8,256	1,546	44	22	149	174	15	122	48	11	1	56	27	13	31	14	14	24	45	53	
Minh Khai Ward	12,264	7,972	2,532	55	20	322	281	45	287	42	74	14	192	56	22	31		11	17	28	20	
Ngoc Duong Commune	3,576	1,194	1,160	33	21	120	65	84	89	68			14	22				44		55		
Phuong Do Commune	5,172	362	3,421	22	22	55	88	38	1213	44			30	11				13	31	11	11	
Phuong Thien Commune	4,080	374	2,968	33	22	88	157	77	695	11			44							11	22	
Phu Linh Commune Vi Xuyen District	4,722	443	2,354			15	13		466			6	1,376				49					

Ward/commune affected by the SCDPII



¹⁹ Ha Giang City Statistical Office. 2015. Yearbook 2014. Ha Giang: Ha Giang CPC. P. 36.

42. The main features of EM in Ha Giang City are summarized in the box below:

Box 1: Main Features of Ethnic Minorities in Ha Giang City

- Ha Giang City and Province have a diversity of ethnic groups. However, urban wards within the city are dominantly Kinh.
- The Kinh ethnic majority and ethnic minorities from Tay are doing reasonably well, while other ethnic minorities are less well-off regarding development and living standards.
- The integration of EM and of women in government offices and enterprises is not very strong.
- Ha Giang City has a very low poverty rate, but a rural-urban divide exists, where primarily ethnic minority groups in rural communes are comparatively poorer. This is the case for Phu Linh commune in Vi Xuyen District where poverty rate is high;
- Access to services is performing reasonably well, although rural communes are disadvantaged in comparison to urban wards. An institutionalized monitoring and feedback system is lacking.
- Health and education services are better in the city than in the province overall, but the lack of educational institutions beyond vocational schools inhibits on skills enhancement in Ha Giang City and Province.

43. Many villages in Ha Giang City display the distinct culture of their ethnic group through language, songs, clothes, lifestyle, housing, and food. The best example of a cultural village is Tha Village, which became part of Ha Giang City in 2007. It comprises Tay traditional houses, clothes, and customs. Six houses within the village now host tourists. Another cultural village is Ha Thanh Village, a preferred over-night stay for tourists.

44. Cultural events in Ha Giang City include Long Tong Festival by the Tay ethnic group and Mother Temple Festival in February and Street Festival in August. The city has horse, hawk, and buffalo fights during cultural events. The festivals and ethnic villages are examples of the rich cultural, social, and ethnic traditions of the city. Ethnic diversity is a strength of Ha Giang City.



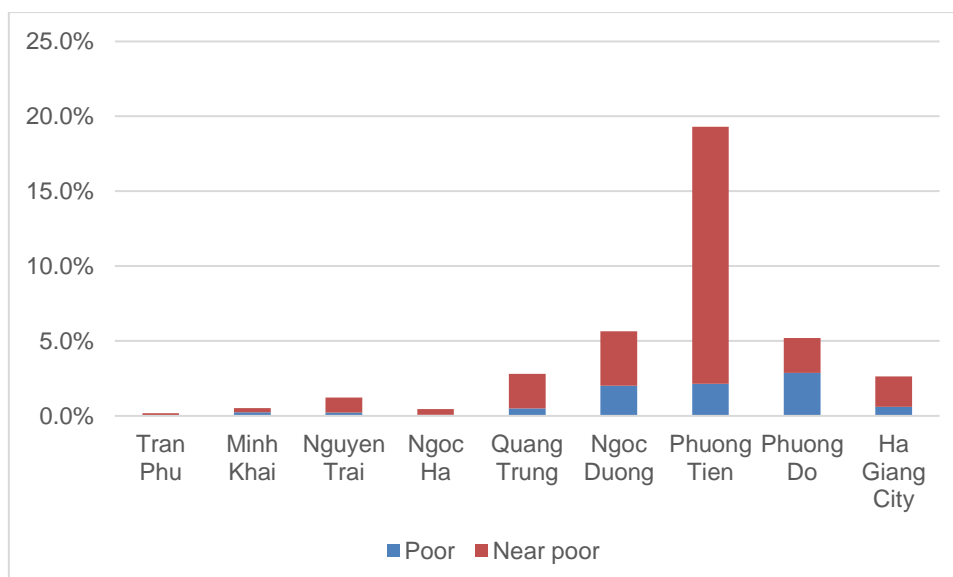
4. Poverty Profile

45. Ha Giang Province had a poverty rate of 23.2% in 2014.^{20 21} Poverty is concentrated in the seven mountainous districts, between 31.4% and 51.1%, while districts located in the lower Lo Valley have rates under 22%. The poverty rate in the Northern Midlands and Mountainous Areas was 21.6% in 2013. Ha Giang City with only 0.8% of poor households has a very low rate, nearly 34 times lower than the provincial rate, underscoring the pronounced rural-urban divide in the province.²²

46. In Phu Linh Commune (Vi Xuyen District), adjacent to Ha Giang City, the poverty rate is much higher than in Ha Giang City with 13.8% of poor and 19.5% of near poor.

47. Ha Giang Province has reduced its poverty rate from 35% in 2011 to 23.2% in 2014.²³ Ha Giang City has also reduced its poverty rate from 3.7% to 0.5% during the same period.²⁴ This very low poverty rate has prevented the formation of poverty-concentrated areas within the city. In Quang Trung Ward and the three rural communes – Ngoc Ha, Phuong Do, and Phuong Tien – have the highest poverty rates; from 0.83% to 2.3% in 2014.²⁵ The number of near-poor households also has fallen from 604 households or 5.4% in 2011 to 296 households or 2.5% in 2014), but it is still higher in poorest urban ward and the rural communes, especially in Phuong Thien Commune (Figure 2).²⁶

Figure 2: Percentage Poor and Near Poor HH by Commune/Ward in Ha Giang City 2015



Source: Ha Giang City Division of Labor, Invalids and Social Affairs. 2015.

48. The poverty distribution amongst ethnic groups is shown in Figure 3. Ethnic minority groups tend to be poorer than the Kinh ethnic group. In Ha Giang City, Tays with 27% of the overall population have 51% the poor and 49% of the near poor, while Kinh with 59% of the population have the second highest number of poor and near-poor households: 32% and 22%, respectively. The Dao ethnic group has a higher percentage of near-poor households than its relative population share: 19% versus 6%.²⁷

²⁰ The poverty rate is calculated by monthly average income per capital of household, under 500,000 VND for urban areas. Households are defined as “near poor” with an income threshold in urban areas from 501,000 to 650,000 VND per capita.

Poor households are entitled to a range of benefits including lower fees for services and reduced health care costs.

²¹ Ha Giang Province Statistical Office. 2015. Yearbook 2014. Ha Giang: Ha Giang PPC. P. 53.

²² General Statistics Office of Viet Nam. 2013. General Poverty Rate by Residence and by Region.

http://www.gso.gov.vn/default_en.aspx?tabid=783

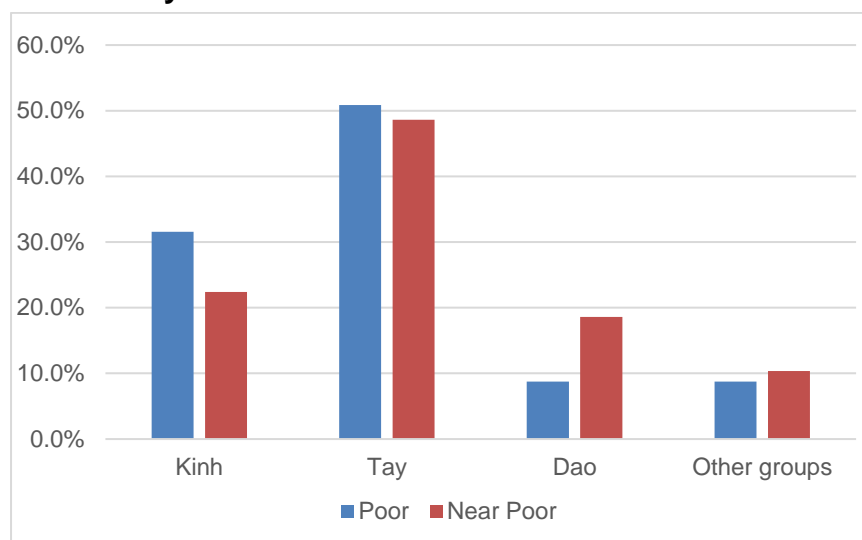
²³ Ha Giang Province Statistical Office. 2015. Yearbook 2014. Ha Giang: Ha Giang PPC. P. 53.

²⁴ Ha Giang City Division of Labor, Invalids and Social Affairs. Consultation held 21 April 2015.

²⁵ Ha Giang City Statistical Office. 2015. Yearbook 2014. Ha Giang: Ha Giang CPC. P. 115.

²⁶ Ha Giang City Statistical Office. 2015. Yearbook 2014. Ha Giang: Ha Giang CPC. P. 116.

²⁷ Ha Giang City Division for Ethnic Minority Affairs. 2015.

Figure 3: Ethnicity of Poor and Near Poor Households in Ha Giang City

Source: Ha Giang City Division for Ethnic Minority Affairs, 2015.

5. Access to Services

49. In Ha Giang City, access to some basic services, particularly sanitation facilities, remains poor. The water supply coverage in the urban wards is almost 100% while that in the three rural communes was between 96.4% and 99.5% in 2014. Most households in the urban areas have sanitary toilets compared to only 67% of those in the rural communes. Septic tanks are most common form household sewage disposal. There is no waste water collection system in place with untreated wastewater currently discharged directly into the two main rivers and their tributary streams, via the city's storm water drainage system. The coverage of the solid waste collection services in Ha Giang City is about 99% in the urban wards, and about 10% to 50% in the rural communes.

C. Socio-Economic Information on Affected Households

50. This section presents the results of the SES among the 271 AH surveyed in the 9 subprojects.

1. Affected Population

51. Among the 271 survey HH, 705 persons are in working age while 333 are in school age. All children in school age are enrolled to school for both Kinh and EM.

Table 16: Population in the Project Area

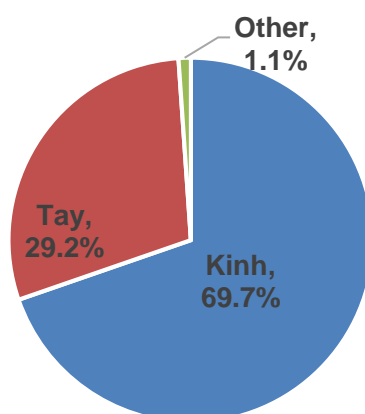
Component	Surveyed HH	People in HH who work			School Age Children			Total persons		
		M	F	T	M	F	T	M	F	T
Drainage Tran Phu & Nguyen Trai Wards	71	89	92	181	40	36	76	129	128	257
Drainage for Minh Khai Ward	3	4	3	7	4	1	5	8	4	12
Drainage T1, T2, T3, T4 Quang Trung Ward	21	27	26	53	16	15	31	43	41	84
West Embankment of Lo River	7	5	4	9	4	3	7	9	7	16
Embankment/Roads each side of Mien River	58	59	73	132	25	24	49	84	97	181
Southern Embankment of Me Stream	36	53	67	120	22	23	45	75	90	165
Upgrading of National Road No.2	38	53	48	101	26	29	55	79	77	156
Southern Ring Road Improvement	36	48	50	98	36	27	63	84	77	161
Bridge from NH2 to Southern Ring Road	1	2	2	4	1	1	2	3	3	6
Total	271	340	365	705	174	159	333	514	524	1038

52. Ethnic minorities (mainly Tay) represent more than 30% of the total population affected. They form the majority of AHs for two subprojects: Southern Embankment of Me Stream (Phuong Tien commune) and the Southern Ring Road (Phu Linh commune).

Table 17: Ethnic Minorities Affected Persons

Component	Surveyed HH	Kinh			Tay			Other		
		M	F	T	M	F	T	M	F	T
Drainage Tran Phu & Nguyen Trai Wards	71	134	134	268	0	1	1	2	3	5
Drainage for Minh Khai Ward	3	5	3	8	3	2	5	0	0	0
Drainage T1, T2, T3, T4 Quang Trung Ward	21	15	20	35	26	20	46	3	4	7
West Embankment of Lo River	7	17	13	30	0	0	0	0	0	0
Embankment/Roads each side of Mien River	58	77	88	165	15	18	33	0	0	0
Southern Embankment of Me Stream	36	10	13	23	66	77	143	0	0	0
Upgrading of National Road No.2	38	77	75	152	4	4	8	0	0	0
Southern Ring Road Improvement	36	37	42	79	48	37	85	0	0	0
Bridge from NH2 to Southern Ring Road	1	3	3	6			0			0
Total	271	375	391	766	162	159	321	5	7	12

Figure 4: Affected Persons by Ethnic Group



53. Vietnamese is mainly use at home except in Phuong Tien commune (Southern Embankment of Me Stream) and Phu Linh commune (Southern Ring Road) where Tay are the majority. Even if they speak another language ta home, all EM persons can speak Vietnamese. However, to ensure a clear understanding of the concepts presented during public consultation, and interpreter/translator will be present in these two Communes during public consultation.

Table 18: Language Spoken at Home

Component	Surveyed HH	Vietnamese		Other	
		M	F	M	F
Drainage Tran Phu & Nguyen Trai Wards	71	136	138		
Drainage for Minh Khai Ward	3	8	5		
Drainage T1, T2, T3, T4 Quang Trung Ward	21	44	44		
West Embankment of Lo River	7	4	5		
Embankment/Roads each side of Mien River	58	92	106		
Southern Embankment of Me Stream	36	10	13	66	77
Upgrading of National Road No.2	38	81	79		
Southern Ring Road Improvement	36	23	28	62	51
Bridge from NH2 to Southern Ring Road	1			3	3
Total	271	398	418	131	131

2. Education

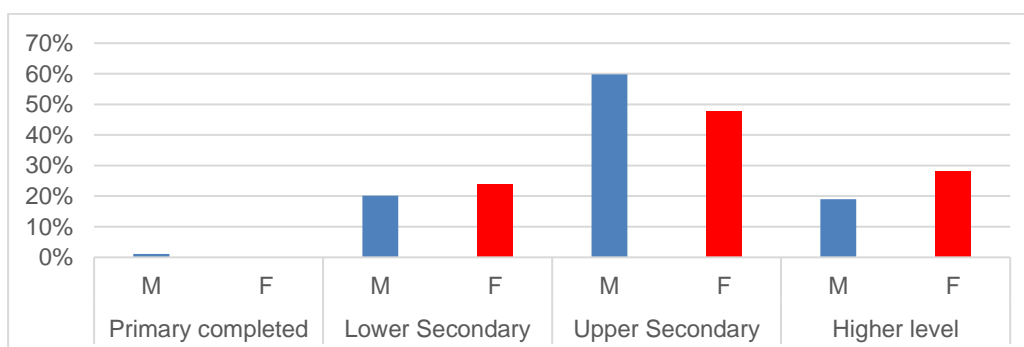
54. Amongst 271 interviewees, household head with only primary school level education account for 1%; households head with a lower or upper secondary school grade account respectively for 20% and 55%. The number of households' heads who are highly qualified and/or have college/university education accounts for 24%. No illiterate head of HH have been found.

Table 19: Level of Education of Household Head

Component	Surveyed HH	Primary completed		Lower Secondary		Upper Secondary		Higher level	
		HH	%	HH	%	HH	%	HH	%
Drainage Tran Phu & Nguyen Trai Wards	71	1	1%	17	24%	36	51%	17	24%
Drainage for Minh Khai Ward	3		0%		0%		0%	3	100%
Drainage T1, T2, T3, T4 Quang Trung Ward	21		0%	3	14%	9	43%	9	43%
West Embankment of Lo River	7		0%		0%	4	50%	3	50%
Embankment/Roads each side of Mien River	58		0%	12	21%	28	48%	18	31%
Southern Embankment of Me Stream	36	1	3%	15	42%	17	47%	3	8%
Upgrading of National Road No.2	38		0%		0%	32	84%	6	16%
Southern Ring Road Improvement	36		0%	7	19%	23	64%	6	17%
Bridge from NH2 to Southern Ring Road	1		0%		0%	1	100%		0%
Total	271	2	1%	54	20%	150	55%	65	24%

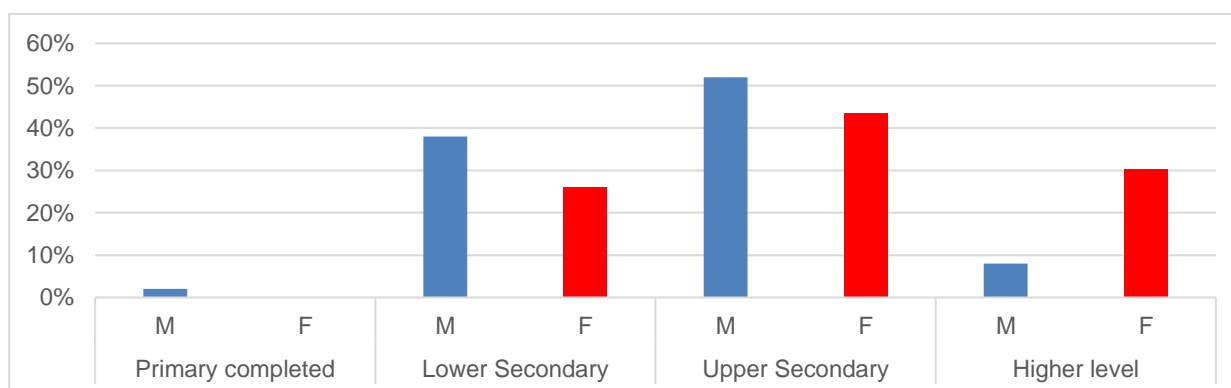
55. Among the 271 HH surveyed, women and men have similar levels. The proportion of households' head with upper secondary school is higher for men while the proportion who have higher level of education is higher for women. The educational attainment of men and women is shown in Figure 5 below:

Figure 5: Level of Education of Household Head by Gender



56. Regarding level of education of EM heads of HH, there is not a significant difference with Kinh. Here also few differences between men and women are noted (See Figure 6).

Figure 6: Level of Education of Household Head among Ethnic Group



3. Occupation of households, Incomes and Expenditures of households

• Source of Income

57. Trading is the main activities with 95 HH among the 276 surveyed HH involved in various types of business especially along NH 2 and in the central wards. Agriculture remains important along the southern ring road and along the Mien river. Wage from public sector is also important and present in all subprojects.

Table 20: Sources of income of Affected HH

Component	Surveyed HH	Agriculture	Trading	Wage (public sector)	Manual daily labor	Government Pension	Other
	HH	HH	HH	HH	HH	HH	HH
Drainage Tran Phu & Nguyen Trai Wards	71	2	27	17	15	6	4
Drainage for Minh Khai Ward	3			3			
Drainage T1, T2, T3, T4 Quang Trung Ward	21	1	2	9	7	2	
West Embankment of Lo River	7	1	6				
Embankment/Roads each side of Mien River	58	5	17	17	11	8	
Southern Embankment of Me Stream	36	33		3			
Upgrading of National Road No.2	38		32	6			
Southern Ring Road Improvement	36	23	7	6			
Bridge from NH2 to Southern Ring Road	1		1				
Total	271	65	92	61	33	16	4

• Incomes:

58. Results of the SES show that average income of the 276 surveyed AH is 6,150,000 VND/household/month. According to Decision No. 59/2015 / QD-TTg, dated November 19, 2015 on the issuance of the multidimensional poverty line applying to the period of 2016-2020, average income/person/month in urban areas is VND 900,000/ person / month, if the average number of inhabitants per household is about 4, it will be corresponded to about VND 3.6 million / household / month. According to the survey results, the average income in Ha Giang is nearly two times higher than the poverty line. Level of income is particularly high in the central ward of Minh Khai and along NH 2.

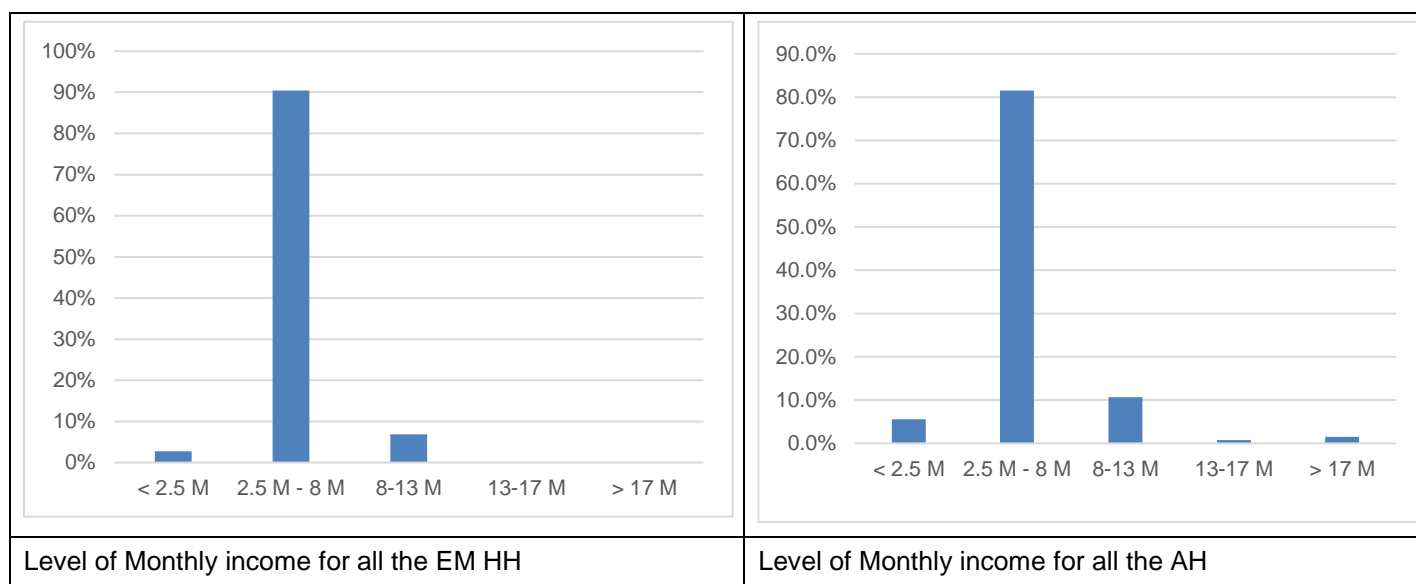
59. Responsibility of income involved all family members (47%), husband and wife (41%) and only household head (mainly men) for 12%.

Table 21: Average income of households per month of Severely Affected HH

Component	Surveyed HH	Monthly HH Income	
		Main source	All source
Drainage Tran Phu & Nguyen Trai Wards	71	4,307,042	4,600,000
Drainage for Minh Khai Ward	3	10,333,333	13,333,333
Drainage T1, T2, T3, T4 Quang Trung Ward	21	4,357,143	5,000,000
West Embankment of Lo River	7	1,357,143	1,857,143
Embankment/Roads each side of Mien River	58	4,439,655	5,396,552
Southern Embankment of Me Stream	36	3,486,111	3,736,111
Upgrading of National Road No.2	38	7,394,737	7,710,526
Southern Ring Road Improvement	36	6,580,556	7,261,111
Bridge from NH2 to Southern Ring Road	1	6,500,000	6,500,000
Total	271	5,417,302.22	6,154,975.16

60. There is not a major difference between income of all the surveyed HH and the income of EM households. Most of the HH income are between 2.5 and 8 M. However, no EM HH has income higher than 13 M VND while 6 Kinh HH has higher income (see Figure 7).

Figure 7: Comparison of Level of Income between EM and the whole population



4. Living condition of affected households

• Water source

61. The city water system covers 7 sub-projects area where all HH are connected to the city piped system. For the Southern Embankment of Me Stream area, no piped water is available and all HH have water from well. Along the Southern Ring Road only one section is served by the city water system, while other section people use wells.

62. Households connected to the water city system find the water of good quality while those having well find the water quality acceptable.

• Toilet

63. Most of the AH surveyed (93%) have toilet in house with septic tanks but not always connected to the city sewage system. Only in the Southern Ring Road area, some HH have pit latrines.

• Power source

64. All HH are connected to the national network and all surveyed AH using electricity for lighting. All surveyed HH indicated that they rarely experience power cutting.

65. About power source used for cooking, according to the SES 88% of AH use both gas. Wood is used by 12% of household in two subproject areas: Southern Embankment of Me Stream and the Southern Ring Road.

5. Health Issue

66. For most of the people, flu is the main disease experienced during the year while respiratory diseases are experienced by 60 HH. Other types of disease have not been mentioned.

Table 22: Main Diseases among the Surveyed HH

Component	Surveyed HH	Flu	Respiratory disease
		HH	HH
Drainage Tran Phu & Nguyen Trai Wards	71	55	16
Drainage for Minh Khai Ward	3	3	
Drainage T1, T2, T3, T4 Quang Trung Ward	21	12	9
West Embankment of Lo River	7	7	
Embankment/Roads each side of Mien River	58	47	11
Southern Embankment of Me Stream	36	29	7
Upgrading of National Road No.2	38	29	9
Southern Ring Road Improvement	36	28	8
Bridge from NH2 to Southern Ring Road	1	1	
Total	271	211	60

6. Households' Assets

67. In term of households' assets, in general, households have most of the necessary assets for their daily activities such as motorcycles, telephones and television. The survey showed that 100% of households have bicycle, water pump, rice cooker telephones and televisions, 80% of households have motorcycles as a means of transport, 85 % of households have a refrigerator. However, few families have assets that provide a higher quality of life such as computer (15%). It should be noted that only 4% of HH have a car and 6% a truck.

Table 23: Ownership of household's assets

Type	%	Type	%	Type	%
1- Bicycle	100%	6- Generator	0%	11- Refrigerator	85%
2- Motorbike	80%	7-Water Pump	100%	12 – Computer	15%
3- Car	4%	8- Rive Cooker	100%	13- Sewing machine	10%
4- TV	100%	9- Mobile phone	100%	14-Truck	6%
5- CD/DVD Player	100%	10- Desk Phone	20%		

7. Vulnerable Groups

68. Vulnerable groups are special groups likely to be disproportionately affected or at risk of further impoverishment due to the impact of resettlement. 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 generally accepted indicator for poverty, (iv) children and the elderly households who are landless and with no other means of support, and (v) landless households.

69. Among the 271 surveyed HH AHs, 26 HH are headed by women with dependents, 2 are disabled head of HH and 4 are elderly alone. No poor and near poor HH are affected by the project. Vulnerable HH will receive specific support as indicated in the entitlement matrix.

Table 24: Vulnerable Groups

Component	Surveyed HH	WHHH	Disabled	Elderly
Drainage Tran Phu & Nguyen Trai Wards	71	5	2	
Drainage for Minh Khai Ward	3	1		

Drainage T1, T2, T3, T4 Quang Trung Ward	21	5		3
West Embankment of Lo River	7			
Embankment/Roads each side of Mien River	58	6		
Southern Embankment of Me Stream	36	6		
Upgrading of National Road No.2	38	3		1
Southern Ring Road Improvement	36			
Bridge from NH2 to Southern Ring Road	1			
Total	271	26	2	4

8. Gender concerns

70. Gender consideration of the respondents shows that men and women share many of the tasks related to farming as well as off-farm work. Women however have much more responsibility for household work such as cooking, and cleaning. Men, however, participate more in the community works.

71. For the Kinh and the Tay, the ultimate decision maker in the family appears to be the husband, who controls all assets, including money. However, in most cases husband and wife agree on any important decision concerning cultivation, livestock, investments or use of money. However, due to various education programs and increasing understanding on gender equality by the local people, both man and woman share in the decision-making process.

72. For Kinh, both husband and wife attended to community activities and meetings. For Tay, and especially in Phu Linh commune, few women attended to the public meetings. Therefore, participation of EM women has to be promoted during the whole resettlement process.

73. 26 women head of HH with dependent have been identified and specific support will be delivered to them.

74. Besides the positive impact, the project's investment in the area can create a negative impact on women in particular and people in general. Land acquisition could disrupt family life. However, for the Project this impact is negligible and can be minimized by adequate compensation and support.

75. A gender action plan (GAP) will be prepared for Ha Giang city to promote gender equity in the project activities and monitoring system. It will address gender mainstreaming in all project components and under training and capacity building. Implementation and monitoring of GAP is included in the loan assurances.

76. The Gender Action Plan (GAPs) will include features to promote women's equal opportunities to participation and benefit from the project, increased women's representation (especially EM women) in decision making and reduced risks through: (i) at least 30%-60% of PMU staff are women, with the PMU director or deputy director in each project city being a woman; (ii) 30% of Community Monitoring Groups (CMGs) are women who are trained in all activities meant to be undertaken by these bodies; and (iii) strengthen the capacities of at least 200 professionals from both city and local governments with at least 33% participation of women, to integrate green city principles into gender responsive planning and budgeting processes; (iv) gender responsive and pro-poor features in (a) all the GCAPs that are approved & implemented; (b) 80% of proposed sub-projects; (c) i) all community-led initiatives; and (d) IEC campaigns led by Women's Unions with 80% of local residents attending, of whom 40% are men.

IV. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

78. Information dissemination and consultation with affected persons and involved agencies will reduce the potential for conflicts and minimize the risk of Project delays. Furthermore, this approach will enable the Project to design the resettlement and rehabilitation program so that it meets the needs and priorities of the affected people, and in this way, potentially maximizing the economic and social benefits of the investment. The objectives of the public information campaign and the consultation program are as follows:

- To fully share information with the AHs about the proposed project components and activities;
- To obtain information about the needs and priorities of the AHs, as well as information about their reactions to proposed policies and activities;
- To ensure that AHs are enabled to make fully informed decisions that will directly affect their incomes and quality of life, and that they will have the opportunity to participate in activities and decision-making about issues that will have a direct effect upon them;
- To obtain the maximum level of co-operation and participation of the AHs and communities in activities necessary for resettlement planning and implementation;
- To ensure transparency in all activities related to land acquisition, compensation, resettlement and rehabilitation.
- To identify specific EM concerns;

• Information Disclosure and Consultations during REMDP preparation

1. Consultation with Affected HH

79. Four public consultation were conducted in Ha Giang City on 6 and 7 March 2017. A total of 105 persons were met. The 6 subprojects with the most resettlement impacts were selected. Two communes with a majority of Tay EM group were also selected. The table below presents the characteristics of the public consultations conducted for the Project. The minutes of meetings are presented in Annex 4 and photos of the public consultation in Annex 5.

Table 25: Characteristics of Public Meetings Conducted

Location	Subprojects	Total Participants	Male	Female	Ethnic Minority	Content
Minh Khai Ward	- Southern Ring Road	20	11	9	0	- Introducing basic content of the project
Phu Linh Commune	- Southern Ring Road - Bridge from National Road no.2 to Southern Ring Road	25	22	3	25	- Introducing timeline for project implementation - Introducing resettlement policy framework of the project;
Phuong Thien Commune	- Southern Embankment of Me Stream - Upgrading and expansion of National Road no.2 - Western Embankment of Lo River	25	16	9	16	- Grievance Redress Mechanism; - Introducing the resettlement areas of the project;
Nguyen Trai Ward	- Drainage for Tran Phu and Nguyen Trai wards	35	15	20	0	- Introducing livelihood restoration programs; - Results of preliminary inventory of losses; - Ethnic minority issues
TOTAL		105	64	41	41	

Table 26: Main Concerns Raised

Main Concerns	Answers from the Project
<p>General</p> <ul style="list-style-type: none"> - The participants in all 4 consultations meetings want the project to be implemented as soon as possible as it was delayed several times; - Compensation has to be fair; Compensation rates proposed by the government are too low. <p>Southern Ring Road</p> <ul style="list-style-type: none"> - The new ring road is welcome as it will give the farmers an easier access to the city to sell products; - Farmers will be affected and may lose a large part of their land; how they will be supported? - - 4 HH were already affected in 2010 when some land acquisition was undertaken for the road and were not fully compensated. Are they going to be compensated now? - 4 fishermen in the Lo River have their main income from fishing and they may be affected during construction and operation; - We don't know what will be the impacts on our land; marks to identify the road should be installed. - This project will request a lot of land acquisition (agriculture garden land, forestry land, ponds). Some other options should be studied to reduce resettlement such as upgrading the existing road. <p>Southern Embankment of Me Stream</p> <ul style="list-style-type: none"> - Currently only an embankment along the southern bank is planned. HH are concerned that it may increase flooding and erosion in the norther part of the stream (rice fields). They request an embankment on both side; <p>Drainage for Tran Phu and Nguyen Trai wards</p> <ul style="list-style-type: none"> - Many HH encroached on the drainage canals and ditches; trees are also located on both private land and public land. How compensation will be implemented? 	<ul style="list-style-type: none"> - A tentative schedule has been given to participants; - An independent valuer will be hired to establish compensation rates at replacement costs; - An Income Restoration Program (IRP) for severely affected farmers will be prepared in consultation with farmers and will be included in the REMDP; - These HH will be considered as AHs under the SCDPII and will be fully compensated. - If their livelihood is affected they will be entitled to the IRP - Once the project will be approved, marks will be put on the ground and a DMS will be conducted with your participation. However, we will request PMU to provide you more technical information as currently available - To minimize resettlement is one of the main principles of ADB policy and we will reduce as much as possible resettlement impacts during detailed design - Stabilization is planned only for Southern embankment where residences are much closer to the river. However, we will raise the issue with the technical team and during detailed design it could be assessed. - As per project policy, structures will be compensated at replacement cost but land where structures are built will not be compensated. Trees will be compensated to the owner.

- **Consultation with Ethnic Minorities**

80. Concerns from EM are generally the same than Kinh. In Phu Linh commune, EM don't see road opening as a threat for their communities but they believe it will bring economic benefits to the community.

Table 27: Main Concerns Raised by EM Persons

Main Issues Raised
<ul style="list-style-type: none"> - Language is not an issue because the Tay have largely integrated into the Kinh community and are able to communicate in Vietnamese; - In both Phu Ling and Phuong Thien where Tay are account for 70-80% of the population no major difference is found between Kinh and Tay; - In Phu Linh, the new ring road is welcome as it will give the Tay community an easier access to the city to sell products; currently the existing road is not in good condition; - EM could develop tourist activities in Phu Linh and Phuong Thien with these new roads; EM communes' traditional villages are an attraction for tourists, particularly foreigners, e.g. with regard to traditional food and over-night accommodation. - Presence of outside workers is not considered as a threat if the workers camp are well controlled; Tay people in Phuong Thien commune have a custom to hang tree branches in front of house gate in order to indicate that the family doesn't want to receive visits. This custom should be disseminated to outside workers. - Access of EM to education is easy due to presence in each community; Classes are inter-ethnic, including EM groups and Kinh people - 98.9% of EM kids enrolled in schools - Health insurance for EM in 2 communes complete, in other commune (all Dao EM) no good access thus limited health care provision - Since there is a market in each commune, access of EM groups to markets is quite well

- **Consultation for components where land acquisition took place in 2010 and 2013**

81. In Ha Giang, land was acquired in 2011 for the Southern Ring Road in February 2013 for the National Highway 2. Ha Giang City conducted consultation with affected HH during August 2011 and May 2012 for the Southern Ring Road and in December 2012 and February 2013 for the rehabilitation of NH 2.

- **Participatory activities in REMDP Updating and Implementation**

82. Consultations will be conducted with all AHs during the updating and implementation of the REMDP. Consultations are to be inclusive of all social agencies and individuals, meaning that special efforts will be made to ensure the participation of women, especially EM women, female-headed and other vulnerable (poor) households (by measures such as including the names of both spouses heading households in invitation letters to attend meetings) as well as conducting consultation meetings at convenient locations and times. AHs are to be invited to comment and ask questions.

83. Specific consultation will be conducted with the Ethnic Groups in the sub-projects areas where they are present in particular in Phu Linh and Phuong Thien communes.

- **Disclosure of the REMDP**

84. A Public Information Brochure (PIB) was prepared and is presented in Annex 7. It will be distributed and explained to AH, before project appraisal, during the second quarter of 2017. Contact details of PMU are included in the PIB.

85. Disclosure of the summary of the updated REMDP to AHs will be carried out prior to its submission to ADB for review and approval.

V. GRIEVANCE REDRESS MECHANISM

A. RESPONSIBILITY

86. Agencies in charge of implementing the procedure of complaint settlement/grievance redress during compensation and land acquisition process includes the PC of Ha Giang city and Vi Xuyen District (for Phu Linh commune), relevant departments, compensation and land acquisition committees at all levels, PCs in project affected wards. Depending on functions and tasks of each level, affected persons' complaint handling mechanism will be regulated in accordance with legal documents promulgated.

87. Detailed procedures on complaint handling will be established for the project in order to ensure the opportunities of the affected persons to present their complaints on compensation and resettlement. The objective is to quickly settle complaints of the AHs in compliance with procedures. This mechanism will be designed in simple, understandable, quick and fair way. Handling of complaints at each project level will certainly help to push project implementation progress. Affected persons who do not agree with decisions on compensation, assistance and resettlement are entitled to raise complaints based on legal regulations.

88. The process and responsibilities of resolving grievance and redress will be in compliance with Article No.204 of Land Law 2013 and Article No 17 of Decree No.43/2014/NĐ-CP dated May 15, 2014 and regulations on dealing with grievance and redress at Decree No 75/2012/NĐ-CP dated October 3, 2012.

89. However, while awaiting complaint settlement, persons whose land is acquired have to follow decisions on land acquisition and hand over land on schedule and plan decided by competent state agencies.

90. The independent monitoring agency to be hired by PMU will conduct period monitoring to ensure process of receive and resolve APs' complaints compliance with GOV's regulation and project resettlement framework. Result of monitoring will be report to investor, PMU, ADB and relevant agencies for supervising and finding redress solutions if necessary.

B. COMPLAINT PROCEDURES

91. Those affected by the project may lodge complaints relating to the rights and their responsibilities in the implementation of projects including but not limited to the entitled compensation policies and the compensation rate, revenue land acquisition, resettlement and the related entitlement programs that support recovery. The complaint may be related to occupational safety and the difficulties caused by the construction process caused. The grievance procedures will be easy to understand and access by third party in the resolution of conflicts arising from land acquisition and resettlement. Grievance redress mechanisms should consider the rights to appellate, mechanisms for dispute resolution in community and traditional. The complaints of those affected by the project are presented in writing. Affected people can present their case to PMU, PC of wards, communes without paying any cost. HH can elevate their complaints to the court, whenever they wish.

92. Costs for duty of the committee for complaint resolution were included in the compensation management costs of the project and at no cost to the AH. PMU shall submit monthly monitoring report on the issue of compensation and site clearance and/or records of complaints (if any) to the committee for complaint resolution to timely re-conciliate and revolve, as well as help this committee oversee their process of resolving complaint.

93. Steps of grievance redress mechanism are:

Step 1: The People's Committee of the ward/commune

94. An aggrieved APs may bring his/her complaint in writing or verbally to officials of the People's Committee communes/wards. Members of the Committee ward/commune shall submit to the leadership ward/commune of this complaint to be resolved. Chairman ward/commune will hold separate meetings to address the complainant. Time to resolve complaints: within 30 days after receiving a complaint. The Secretariat of the Committee communes/wards is responsible for setting up and storing the entire file complaints are resolved by the People's Committee of the ward/commune.

Step 2: At the City People's Committee

95. If after 30 days, the aggrieved household do not hear from PC of wards, commune, or if the household are not satisfied with the decision to resolve their complaint, the household can present its case in writing or verbally to the City PC at the receiving division. City PC will have 30 days to settle after the date of receiving the complaint. City PC is responsible for keeping records of all complaints handled by City PC and will inform the Board for compensation at the city level and the affected persons any decisions being made. The households can also bring their case to court if they wish.

Step 3: At PPC

96. If after 30 days of receiving the complainant does not hear from the City People's Committee, or the complainant is not satisfied with the decision to solve his/her complaint, the complainant may lodge complaints to the Committee provincial level. PPC will have 45 days to resolve the complaint to satisfy the parties involved. PPC is responsible for keeping records of all complaints resolved by PPC. The affected can also bring their case to court if they wish.

The final step: The decision of the court

97. If after 45 days the affected persons have received no feedback from PPC, or not satisfied with the decision being made for his/her complaints, the case can be submitted to the Court to be considered. The court's decision will be final.

98. Decision on solving the complaints must be sent to the aggrieved PAPs and concerned parties and must be posted at the office of the People's Committee where the complaint is resolved. The decision/result on resolution is available at commune/ward level after three days, and at City level after seven days.

99. The operation criteria and principles for the grievance redress mechanism are described as below:

- Complainants will be free from administration and complaint charges. In case the complainant is illiterate, he will be assisted without any charge.
- An escrow account, at a commercial bank, with interest rates, for resettlement payments should be used when resolving grievances to avoid excessive delays to the project while ensuring compensation payment after the grievance has been resolved.

- All Grievance Redress Committees should maintain a system to register queries, suggestions and grievances of the APs. All queries, suggestions and grievances and their resolution should be recorded and forwarded to the PMU and its functioning monitored monthly.
- Staff, assigned by PMU, will formulate and maintain a database of the APs' grievances related to the Project, including such information as nature of grievances, sources and dates of receipt of grievances, names and addresses of aggrieved APs, actions to be taken and current status. In case of verbal claims, the reception board will record these inquiries in the grievance form at the first meeting with affected people.
- If efforts to resolve complaints or disputes are still unresolved and unsatisfactory following the project's grievance redress mechanism, the households have the right to send their concerns or problems directly to ADB's Southeast Asia Department (SERD) or through ADB Viet Nam Resident Mission. If the households are still not satisfied with the responses of SERD, they can directly contact the ADB's Office of the Special Project Facilitator as outlined in the Information Guide to the Consultation Phase of the ADB Accountability Mechanism
- The independent monitoring agency will be responsible for checking the procedures for and resolutions of grievances and complaints. This agency may recommend further measures to be taken to redress unresolved grievances. During monitoring the grievance redress procedures and reviewing the decisions, the independent monitoring agency should closely cooperate with the Vietnam Fatherland Front as well as its members responsible for supervising law enforcement related to appeals in the area.
- All cost for the GRM establishing and functioning should be included in the project cost.

100. The grievance redress mechanism will be continuously disseminated to people during project implementation. The project grievance procedure does not impede access to the court at any time.

VI. LEGAL AND POLICY FRAMEWORK

A. Relevant Laws and Regulations of Vietnam

1. National Legal and Policy Framework for Resettlement

101. The principal legal documents applied for this RP include the followings:

102. **The Constitution of the Socialist Republic of Viet Nam (2013, effective from 01 January, 2014)** confirms the right of citizens to own and protects the ownership of house and production materials of citizens; compensation by market rate is made for impacts by the projects implemented for the purposes of national defense, security or public benefits (Article 32). Similarly, organizations and individuals have land use rights certificates and law protects these rights. In the case of land recovery for the purposes of national defense, security and socioeconomic development, compensation shall follow the provisions of law (Article 54).

103. In addition to the constitution, the Government has enacted a number of laws, decrees and regulations that constitute the legal framework for land acquisition, compensation and resettlement. The principal resettlement documents include the **Land Law No. 45/2013/QH13**; the **Decree No. 43/2014/NĐ-CP** on Detailed Regulations on Implementation of the Land Law No. 45/2013/QH13; the **Decree No. 47/2014/ NĐ-CP** on Compensation, Assistance, and Resettlement when the State Recovers Lands; the **Decree No. 44/2014/NĐ-CP** on Land Prices; the **Circular No. 37/2014/BTNMT** on Detailed Guidance on Compensation and Assistance when the State Recovers Land; and **Circular No. 36/2014/TT-BTNMT** on specifying detailed methods of valuation of land prices, construction, adjustment of land prices; specific land price valuation and land price valuation consulting services. These are the key legal documents that are applied to land recovery and resettlement.

104. The **Land Law 2013** provides a comprehensive framework for land acquisition and resettlement. The main points of the Law are summarized below:

- The organization in charge of compensation and site clearance has to prepare a plan for compensation, support and resettlement. The approved plan for resettlement must be posted at Commune/Ward People's Committee (CPC/WPC) offices and at common public places where land is recovered (Article. 69).
- Under Art, 69, agencies in charge of resettlement implementation are obliged to conduct consultations on compensation plans through meetings with affected HHs; compensation plans have to be posted at ward/commune PC offices; the consultation results must be recorded in minutes which are certified by local authorities and affected HHs. Opinions from Affected Households (AF) have to be compiled; consultation has to be conducted with HHs who have objections on the plan for compensation, support and resettlement and for improving the plan.
- The Law identifies principles and methods of land valuation based on the market rate (Art. 114 3).
- Resettlement sites must be developed and fully completed before relocation of PAPs. Land recovery can only be conducted after the construction of houses and infrastructure in the resettlement area is completed. (Article 85).
- Support for training, career change and facilitating of job searching have to be provided for HHs losing agriculture land (Article 84).
- Structures and other non-land assets are not compensated for the following cases: i) where they are illegally established; ii) where they are located on land not used in accordance with the land purpose; and iii) where they have been built after the cut-off date (Article 92).
- For agricultural land, which was used before 01st July, 2004 for HHs without Land Use Right Certificate (LURC) or HHs that are not eligible for LURC, compensation is provided for land currently used for cultivation, without exceeding the land allocation standards (Art, 77.2).

- Monitoring and evaluation is required on a more general basis and is not specific to resettlement; it includes all aspects of the implementation of the Land Law (Art. 200);

105. **Decree No. 47/2014/ND-CP** of the Government of Vietnam on compensation, support and resettlement upon land recovery by the State is the main implementing Decree. The main content is summarized below:

- For HHs directly engaged in agricultural production ineligible for compensation under the Land Law, the PPC shall consider support for them (Art. 24);
- Support for stabilization of livelihood is based on the severity of impacts to agriculture land (Art. 19);
- Support for resettlement in case of recovery of residential land. HH receiving an amount of compensation for land lower than the value of the minimum resettlement lot are entitled to support for the difference between the minimum resettlement lot value and the amount of compensation for the land. In addition to compensation for land, relocated HH are entitled to a resettlement support amount (Article 22.);
- Resettlement areas shall be established for one or more than one project. Houses and residential land in resettlement areas shall be arranged in different grades and areas suitable to different levels of compensation and payment capacity of resettled persons (Article 26 3);
- Consultation plans on compensation, support and resettlement shall be posted up to solicit opinions of PAPs for at least 20 days from the starting date of posting (Article 28);
- For projects requiring relocation of the whole community, affecting the livelihood, socioeconomic situation and cultural tradition of the community, investors have to elaborate a policy framework on compensation, support and resettlement. (Art. 17.1).

106. **Decree No. 44/2014/NĐ-CP** of the Government of Vietnam identifies the mechanism for compensation at market rates. Compensation rates for land must be based on investigation, information on land plots, market rates and a suitable valuation method; Decree 44 identifies several methods for land valuation.

107. **Circular No. 36/2014/TT-BTNMT** of the Ministry of Natural Resources and Environment specifies detailed methods of valuation of land prices, construction, adjustment of land prices; specific land prices valuation and land price valuation consulting services.

108. **Circular No. 37/2014/BTNMT** of the Ministry of Natural Resources and Environment identifies the required content of plans on compensation, support and resettlement. These plans must contain the following: i) area of each category of land to be recovered; ii) estimated number of PAH; iii) estimated amounts of compensation and settlement support; iv) expected resettlement areas; v) budget and funding sources; vi) Time-bound implementation schedule (Art. 10).

109. The other regulations that may apply for the Project are the following:

- Circular No. 76/2014/TT-BTC dated 16 June 2014 of Ministry of Financial providing a manual for carry out Decree No. 45/2014/ND-CP providing the collection of land use levy.
- Decision No. 1956/2009/QĐ-TTg, dated November 17, 2009, by the Prime Minister approving the Master Plan on vocational training for rural labours by 2020.
- Decision No. 52/2012/QĐ-TTg, dated November 16, 2012, on the support policies on employment and vocational training to farmers whose agricultural land has been recovered by the State.
- Document of Prime Minister No. 1665/TTg-CN, dated October 17, 2006, regarding management of clearance of site, mine and explosive ordnance for transport construction.
- Decision No. 63/2015/QĐ-TTg dated 10/12/2015 by the Prime Minister on policies to support vocational training and employment solving for workers whose land is acquired in replacement.

- Decree No. 61/2015/ND-CP dated 9/7/2015 by the Government on policies to support vocational training and National Employment Fund.
- Decision No 96/2006/QD-TTg dated 4/5/2006 by the Prime Minister on the management and implementation of demining and explosives,

110. The main regulations from Ha Giang Province People's Committee related to compensation and resettlement are presented below:

- Decision No. 07/2015/QD-UBND dated 9 June 2015 by the PPC on issuing the compensation rate for house, constructions and structures when the state acquired land in the province.
- Decision of PPC on price list of allowances, compensation for crops/trees and fish (following the Decision No.07/2015/QD-UBND dated 09 June 2015 of the People's Committee of Ha Giang Province);
- Decision No.04/2015/QD-UBND dated 04/02/2015 of the People's Committee of Ha Giang Province on the issuance of **coefficient of land price** for the compensation;
- Decision No.22/2014/QD-UBND dated 22 December 2014 of the People's Committee of Ha Giang Province on the issuance of **land prices** for the period 2014 – 2019.

2. National Legal and Policy Framework for Ethnic Minorities

111. The Constitution of the Socialist Republic of Vietnam (2013) recognizes the equality between ethnic groups in Vietnam. Article 5 of the Constitution in 2013 provides:

- a) The Socialist Republic of Vietnam is the unified state of all nationalities living in the country of Vietnam.
- b) The nationalities equal, unite, respect and help each other to develop; prohibits any discrimination, ethnic division.
- c) The national language is Vietnamese. The nation has the right to use voice, text, preserve the national identity, promote traditions, customs and culture.
- d) The State implements a comprehensive development policy and creates reasonable conditions for the ethnic minorities to mobilize resources, along with the development of the country.

112. The Socio – Economic Development Plan and Socio – Economic Development Strategy of Vietnam specifically calls for attention to ethnic minorities. Major programs targeting ethnic minority people include Program 135 (infrastructure in poor and remote areas) and Program 134 (eradication of poor quality houses). A policy on education and health care for ethnic minorities is in place. The legal framework was updated in 2014.

113. The Government of Vietnam has developed a series of policies to develop, enhance the socio – economic conditions of ethnic minorities in the mountainous and remote regions. After the program 124 and the program 125 (phase 1 and phase 2), the government launched program 135 phase 3 with an opportunity to enhance socio – economic development in poor communes and villages located in mountainous areas or where inhabited by ethnic minorities. In addition to the overall development program for ethnic minorities, the Government assigned the Committee for Ethnic Minorities Affairs to guide provinces to implement projects to provide Development Assistance for ethnic groups with less than 1,000 people, i.e. Si La, Pu Peo, Ro Mam, Brau, O Du. The Government also conducted a Rapid and Sustainable Pro – poor Program in 61 poor districts, where many ethnic minorities live.

114. Several Decrees, circulars and decisions have been issued regarding EMs. Decree No. 05/2011/ND-CP (January 14th, 2011), provides the guidance for activities related to EMs which include support for the maintenance of language, culture and customs of EMs. According to this Decree, proposed projects affecting land, environment, or the life of EM communities, should disclose

information and consultations should be carried out with representatives of the local authorities to ensure that all investments result in improved living conditions, and are carried out in a culturally appropriate manner (article 9).

115. The Prime Minister promulgated the Decree No. 84/2012/ND-CP dated 12 October, 2012 on the functions, tasks, powers and organizational structure of the Committee for Ethnic Minorities Affairs (CEMA). The Decree stipulated that the CEMA, a government agency, performs the function of state management of ethnic affairs in the country; state management of public services falls under the jurisdiction of CEMA as stipulated by law. Decree 05/2011/ND-CP dated 14 January, 2011 on the work of EMs and Decree 84/2012/ND-CP were issued as a legal basis for CEMA to continue: implementing guidelines and policies of the State on ethnic minorities in the period of industrialization and modernization; promoting the power to unite the whole nation with the goals of enriching people, and strengthening the country, social justice, democracy and civilization, in order to ensure and promote equality, solidarity, respect and to help each other to develop and preserve the cultural identity of the peoples in the great family of ethnic groups of Vietnam.

116. The following regulations issued by the Government on the basis of democracy and the participation of local people are directly related to this EMPF. Ordinance No. 34/2007/PL-UBTVQH11, dated 20 April, 2007 (which replaced Decree 79/2003/ND-CP dated 07 July, 2003) on the implementation of democracy in communes, wards and towns provides the basis for community involvement in the preparation of development plans and supervision of community in Vietnam. Decision No. 80/2005/QĐ-TTg by the Prime Minister, dated 18 April, 2005 regulates the monitoring of community investments.

117. In 1995, The Committee of Ethnic Minority Affairs developed a framework for External Assistance through the Development of Ethnic Minorities. This framework resulted in a strategy for the development of ethnic minority people within the Government's goal of stability, sustainability growth and reduction of poverty. The key points of this framework are: a) to fight against poverty; b) to encourage active participation of the populations of ethnic minorities; d) to develop natural and human resources in sustainable manner; and e) to ensure mutual respect between, and increase the responsibility of the parties involved. The Decree No. 60/2008/NĐ-CP of the Prime Minister dated 9 May 2008 regulates the functions, tasks, powers and organizational structure of the Committee for Ethnic Minority Affairs (CEMA). The CEMA performs its functions of state management of nationwide ethnic minority affairs, public services within its authorities, and provincial departments. In provinces with a significant ethnic minority population, a Department of Ethnic Minority Affairs exists under the Provincial People's Committee. The functions of CEMA include the development of regulations on the implementation of development programs for EM, the monitoring of programs as well as acting as coordinator among different ministries of Vietnam and cooperating with international organizations within its authority as regulated by law. The legal framework was updated in 2014.

118. All legal documents related to EM are shown in Table 28.

Table 28: Legal documents relating to ethnic minority

2016	Decision No. 2086/TTR-UBDT dated 31/10/2016 on Approval of the Special policy to support socio-economic development in ethnic minority and mountainous areas in the period of 2017 - 2020
2016	Decision 2085/QĐ-TTg dated 31/06/2016 on Approval the Special policy to support socio-economic development in ethnic minority and mountainous areas in the period of 2017-2020
2016	Decision No. 12/2016/QĐ-TTg dated 11/03/2016 (On the continued implementation of Decision No 30/2012/QĐ-TTg dated 18/07/2012 on the criteria for determining particularly difficult villages, communes in ethnic minority and mountainous area in 2012-2015) and Decision No 1049/QĐ-TTg dated 26/06/2014 (Promulgating list of administrative units in disadvantaged areas)

2015	Decision No. 1557/QD-TTg dated 10/09/2015 of the Prime Minister on the approval of a number of indicators for the Millennium Development Goals for ethnic minority associated with sustainable development goals after 2015.
2014	Decision No. 456/QD-CEM dated 07/11/2014 on the issuance of the implementation plan to raise the effectiveness and efficiency of the State management of ethnic minority affairs.
2014	Directive No.28/CT-TTg dated 10/08/2014 on improving the effectiveness and efficiency of the State management of ethnic minority affairs.
2013	Joint Circular No. 05/2013-TTLT –UBDT-NNPTNT-KHDT-TC-XD dated 18/11/2013 guiding the supported program 135 on investment in infrastructure, economic development for extremely difficult communes, borderline communes, social security area, and extremely difficult village and hamlets...
2013	Decision No. 2214/QD-TTg dated 14/11/2013 of the Prime Minister, approving the scheme for Enhancing international cooperation to support the socio-economic development of Ethnic Minorities.
2013	Decision No. 56/2013/QD-TTg dated 07/10/2013 on the amendment and supplement of some provisions of Decision No 18/2011/QD-TTg dated 18/03/2011 of the Prime Minister on the policy for prestigious people in ethnic minorities.
2013	Decision No. 29/2013/QD-TTg of the Prime Minister, dated 09/06/2008 on a number of policies to support resettlement land, cultivated land and jobs for ethnic minorities and difficult households in the Mekong delta region.
2013	Decision No. 551/QD-TTg dated 04/04/2013 of the Prime Minister, approving the program supported 135 investment in infrastructure, support for production supported program 135 on investment in infrastructure, production development for extremely difficult communes, borderline communes, social security area, and extremely difficult village and hamlets.
2012	Circular No.02/2013/TT-UBDT dated 04/12/2012 guiding the implementation of some articles of Decision No. 54/2012/QD-TTg dated 04/12/2012 of the Prime Minister promulgating the loan policy for economic development for ethnic minority households with special difficulties
2012	Decision No. 42/2012/QD-TTg dated 08/10/2012 of the Prime Minister Regarding Support for organizations and units utilizing employees that are ethnic minority people in mountainous and special difficult areas
2012	Joint Circular No. 01/2012 / TTLT-BTP-CEM date on January 17, 1012 of the Ministry of Justice and the Committee for Ethnic Minorities on guidelines and legal assistance for ethnic minorities.
2010	Decision 2123/QD-TTg dated 22/11/2010 of the Prime Minister approving the scheme on educational development for ethnic minorities.
2010	Decree No.82/2010/ND-CP dated 15/07/2010 regulating for teaching and learning the spoken and written language of the ethnic minorities in general education and continuing education centers.
2009	Decision No. 61/QD-UBDT on 12/03/2009 on the recognition of the communes and districts in mountainous areas and highlands due to the adjustment of administrative boundaries.
2008	Resolution No.30a/2008/NQ-CP of government, dated 27 December 2008 on the support program for rapid and sustainable poverty reduction for 61 poorest districts
2008	Decision No. 1366/QD-TTg dated 25/09/2008 of the Prime Minister on the amendment and supplement to Decision No. 289 / QD-TTg of March 18, 2008 on the issuance of a number of policies in support of EM, social policy households, poor and nearly poor households and fishermen.
2008	Resolution No. 30a / 2008 / NQ-CP dated 20/5/2013 of the government on supporting program for rapid and sustainable poverty reduction for 61 poorest districts.

B. ADB Policies

1. ADB Safeguard Policy Statement (2009) on Involuntary Resettlement

119. The objectives of the ADB Safeguard Policy Statement (2009) are (a) to avoid impacts on people and the environment, where possible; (b) where avoidance is not possible, minimize, mitigate, or compensate for adverse project impacts on the environment and the affected people; and (c) help the executing agency strengthen its safeguard system. Towards this end, ADB resettlement policy includes the following principles:

- Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of affected persons, including a gender analysis, specifically related to resettlement impacts and risks.
- Improve, or at least restore, the livelihoods of all affected persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation 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 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 affected 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 affected poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement.
- Ensure that affected persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- Prepare a resettlement plan elaborating on affected persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- Prepare a resettlement plan elaborating on affected persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an acceptable place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's cost 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 affected 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.

120. The objective of ADB Policy on Indigenous Peoples as set out in the Safeguard Policy Statement (2009) is to design and implement projects in a way that fosters full respect for Indigenous Peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the Indigenous Peoples themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them.

121. The ADB Policy on Gender and Development (2006) adopts gender mainstreaming as a key strategy for stimulating gender equity, and for guaranteeing that women participate and that their needs are unambiguously addressed in the decision-making process for development activities. For projects that have the potential to have substantial gender impacts, a gender plan (GAP) is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the project.

122. Along with the ADB Safeguard Policy Statement (2009), ADB's Public Communications Policy (2011) also requires timely disclosure of key Project information to the general public and Project stakeholders, including women, the poor and other vulnerable groups in a manner, form, and language(s) accessible to them and in an accessible place. Information to be disclosed includes the scope of land acquisition, compensation and rehabilitation policy and measures that will be taken to restore the living standards of Project-affected persons to at least pre-project level.

Reconciliation of Government and ADB Policies on Resettlement

123. With the promulgation of Land Law 2013, the Decree 47/2014/ND-CP and relevant decrees stated above, the policies and practices of the Government have become more consistent with ADB's social safeguards policies. Nonetheless, provisions and principles adopted in this RP will supersede the provisions of the relevant decrees currently in force in Viet Nam wherever a gap exists, as provided for under Decree 38/2013/ND-CP (April 2013), which regulates the management and use of official development assistance.

124. It should also be noted that as per Decree 47/2014/ND-CP, Article 25, it states "Apart from the supports prescribed in Article 19, 20, 21, 22, 23 and 24 of this Decree, basing themselves on the local realities, the provincial-level People's Committee Chairmen shall decide on other supporting measures to stabilize life and production of persons who have land recovered; special cases shall be submitted to the Prime Minister for decision", therefore, if additional gaps not mentioned below are found during REMDP updating, the required assistance or support will be included in the Updated REMDP.

125. The differences between the Government's Laws and Decrees and ADB Policy with regard to resettlement and compensation, and how to address these gaps for this Project are shown in the table below.

Table 29: Gaps between National Laws and ADB Policies and Gap Filling Measures

Items	Vietnam Regulations	ADB SPS (2009)	Project Policy
Policy objectives	<p>Provision of support to be considered by PPC/CPC to ensure they have a place to live, to stabilize their living and production. (Article 25 of Decree 47/2014/ND-CP).</p> <p>In the case where land is being recovered from people who are resettled without sufficient compensation and support to buy the minimum resettlement plot, the State shall make up the deficit.</p> <p>(Clause 4, Article 86 of Land Law 2013 and Article 27 of Decree 47)</p>	<p>To enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable group</p>	<p>Livelihoods and income sources will be restored in real terms, at least, to the pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.</p>
Methods for determining compensation rates	<p>Compensation for lost assets is calculated at price close to transferring the assets in local markets or the cost of newly-built structures. The City People's Committee is required to identify compensation prices for different categories of assets. A land valuator can be used to determine land prices, which will be appraised by a land appraisal board before approval by the City People's Committee</p>	<p>Compensation for lost land and other assets should be paid at full replacement costs</p>	<p>Independent appraiser identifies replacement costs for all types of assets affected, which are appraised by land appraisal board and approved by the City People's Committee to ensure full replacement costs.</p>
Severely AHs losing productive land	<p>Decree 47/2014/ND-CP, Article 19, Item 3: APs losing from more than 30% of productive land are considered severely impacted and are entitled to livelihood restoration measures</p>	<p>AHs who are (i) physically displaced from housing or (ii) losing from 10% of their productive assets (income generating) are considered severely impacted</p>	<p>APs losing from 10% or more of their productive assets (income generating) or who are physically displaced shall be considered as severely affected</p>
AHs without LURC	<p>Land Law 2013, Art. 77, Item 2 & Art. 92: Person who has used land before 1st July 2004 & directly involved in agriculture production on the acquired land without LURC or legalizable will be compensated for the acquired land area but not exceed quota of agricultural land allocation. 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, đ, e, l, clause 1, article 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</p>	<p>APs who have neither formal legal rights nor recognized or recognizable claims to such land are entitled to be compensated for the loss of non-land assets other than land, and also for other improvements to the land, at full replacement cost (including temporary and partial losses), if they occupied the land or structures prior to the cut-off date.</p>	<p>APs without LURC or recognizable 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 created before cut-off date at replacement cost. 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</p>

Items	Vietnam Regulations	ADB SPS (2009)	Project Policy
	acquisition; and (iii) unused public infrastructures and other works		
Compensation for affected houses/ structures	Land Law 2013, Art. 89, Item 1: house/structure used for living purpose will be compensated at replacement cost. Decree 47/2014/ND-CP, Art 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 exceeding value of the new house/structure	Non-land assets, including house/structure created before the cut-off date will be compensated at 100% of replacement cost without deduction for salvageable materials or depreciation	Full compensation at the cost of new house/structure with similar technical standard will be paid for all affected houses/structures without any deductions for salvageable materials or depreciation
Compensation for loss of income/business households affected	Only apply to business, production households with business licenses. Level of compensation/support equal to 30% of their yearly incomes after taxing based on their average yearly incomes of the 3 previous continuous years confirmed by the tax agency. (Section b, Clause 4, Article 19, ND47/2014/ND-CP)	To all affected household business.	Non-registered business will be also assisted
Livelihood restoration and assistance	Livelihood restoration and assistance measures are provided. No follow-up for full livelihood restoration after resettlement completion	Provision of livelihood restoration and assistance to achieve the policy objectives	Provision of livelihood restoration and assistance measures to achieve the policy objectives. These will be monitored as detailed in the REMDP.
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 implementation	The EA to undertake internal monitoring according to the critical indicators.

2. ADB Safeguard Policy Statement (2009) on Indigenous People

126. The Indigenous Peoples' Policy states that safeguards are triggered if a project/subproject directly or indirectly affects the dignity, human rights, livelihood systems, or a culture of Indigenous People own, use, occupy, or claim as an ancestral domain or assets. The term Indigenous People is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; customary cultural, economic social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region.

127. In considering these characteristics, national legislation, customary law, and any international conventions to which the country is a party will be taken into account. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under this policy. Projects financed and/or administered by ADB are expected to observe the following policy principles related to indigenous people:

- (i) Screen early on to determine (i) whether Indigenous Peoples are present in, or have collective attachment to, the project area; and (ii) whether project impacts on Indigenous Peoples are likely;
- (ii) Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples. Give full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and inter-generationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples;
- (iii) Undertake meaningful consultations with affected Indigenous Peoples communities and concerned Indigenous Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance Indigenous Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns;
- (iv) Ascertain the consent of affected Indigenous Peoples communities to the following project activities: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples;
- (v) Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected Indigenous Peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.;
- (vi) Prepare an Indigenous Peoples' Plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected Indigenous Peoples communities during project implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize,

- mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures;
- (vii) Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected Indigenous Peoples communities and other stakeholders;
 - (viii) Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.
 - (ix) Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.

Challenges and gaps in the legal systems for Indigenous People

128. In terms of the national legal framework, equality and rights of Ethnic Minorities (EM) are stipulated clearly in the Viet Nam Law. The new Constitution of Viet Nam (2013) acknowledges equality among ethnic groups and includes general principles such as: i) All the ethnicities are equal, unified and respect and assist one another for mutual development; all acts of national discrimination and division are strictly forbidden; ii) The national language is Vietnamese. Every ethnic group has the right to use its own language and system of writing, to preserve its national identity, to promote its fine customs, habits, traditions and culture.; and iii) The State implements a policy of comprehensive development, and provides conditions for the ethnic minorities to promote their physical and spiritual abilities and to develop together with the nation.

129. Several Decrees, circulars and decisions have been issued regarding EMs. Decree No. 05/2011/ND-CP on ethnic minorities' works (Article 9) indicates that investors of planning and construction projects that affect the land, environment, ecology and life of ethnic minority groups shall publicize these projects, collect opinions of inhabitants in affected areas, organize resettlement and create conditions for relocated people to enjoy a better life in new areas.

130. Some gaps remain, they are discussed below:

- No provision is made in the legal framework for a separate indigenous peoples' plan (IPP) or for a separate social impact assessment to be prepared. However, for projects with impacts on socioeconomic status and cultural traditions, a framework policy has to be prepared (Land Law No: 45 /2013/QH13. Article 87 and Decree No. 47/2014/ND-CP Art. 17.1).
- The legal framework doesn't clearly recognize customary rights on land. However, under the land law, land used stably before 1st July 2014, is entitled to compensation. Land Law (At. 131) also, specifies that the use of agricultural land by communities is regulated as follows: a) Communities are allocated land or recognized land use rights by the State to preserve national dignity associated with the traditions and customs of the peoples. Under the Project, customary rights on land, if any, will be recognized.
- The existing legislation doesn't require the consent of ethnic minorities for commercial exploitation of their culture and knowledge, their physical relocation from their traditional land, or the commercial development of natural resources on their traditional land. They are treated like other citizens with the same rights. There is no specific mechanism to assess community support for the project. Under this Project, the broad community support for the Project will be sought

VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS

A. Eligibility

131. Eligibility for compensation and assistance follows the cut-off-date. The cut-off date for eligibility will be the date when the Ha Giang City's People's Committee will officially inform the public about the Project and its locations.

132. Anyone who occupies or encroaches into the defined boundaries of the Project area after this date is not entitled to compensation and other assistance for affected assets and incomes.

133. For affected persons who have Land Use Rights Certificate (LURC) or eligible to have LURC allocated following the Government's regulations – full compensation and assistance shall be made for affected land and assets upon land. For those who have no LURC or not eligible to have LURC allocated, compensation shall not be provided for the affected land but the affected assets upon land shall be compensated by replacement cost and entitled for resettlement assistance.

B. Entitlements

134. Affected lands and structures shall be compensated at replacement cost. Affected crops and trees shall be compensated by market rates. The following entitlement matrix summarizes entitlements that AHs in Ha Giang City are entitled to and are based on both GOV policy and laws and ADB policy.

C. Unforeseen Impacts

135. If during the DMS, additional adverse social impacts are identified and/or additional AHs are found, these persons and households are entitled to receive Project entitlements as the others on condition that it can be ascertained that they have actually been in the Project area before the cut-off date for eligibility. New AHs that will emerge due to changes in Project design or alignment prior to or even during construction works are likewise entitled to the same entitlements as those of the other AHs, consistent with the Project RF.

Table 30: Entitlement Matrix

	Impacts	Affected Persons	Entitlements	Implementation Issues
1. Impacts on Agricultural/Production Land				
a	Loss less than 10% of total production land holding (171 households)	Owners with LURC or eligible to have LURC allocated	<p>a. Cash compensation at replacement cost for the affected land area; and</p> <p>b. Entitled to allowance for job change and creation by cash equal to:</p> <ul style="list-style-type: none"> - 2.5 times of value of the affected area for annual and perennial crops; - 2 times of value of the affected area fishery production; - 1.0 time of value of the affected area for forestry land <p>c. Assistance for relocation of fish ponds (90,000 VND/m²)</p>	<ul style="list-style-type: none"> • If the remaining area of the land plot is no-longer economically viable (too small, the shape is difficult for cultivation) and if the owner requests, the entire plot shall be acquired and compensated by replacement cost. • The Resettlement Committee shall engage qualified replacement cost appraiser to appraise the replacement cost of the affected land. • LURC shall be adjusted at no cost for the owner.
b	Loss more than 10% of total agricultural land holding (severely affected households) (No household identified during IOL)	Owners with LURC or eligible to have LURC allocated	<p>a. As priority, land for land compensation for the affected land (same area, production conditions and distance) with LURC. If land is unavailable in the local for compensation, cash compensation at replacement cost shall be made for the affected area; and</p> <p>b. Entitled to allowance for life stabilization:</p> <ul style="list-style-type: none"> - Loss from 10% to 30% of total agricultural land holding: Cash compensation equal to 30 kg of rice/head/month²⁸ for all family members for 03 months – if not required to relocate; 06 months if required to relocate; 12 months if required to relocate to socio-economic difficulty area declared - Loss more than 30% to 70% of total agricultural land holding: Cash compensation equal to 30 kg of rice/head/month for all family members for 06 months 	

²⁸ Correspond to the food support standard in Vietnam

	Impacts	Affected Persons	Entitlements	Implementation Issues
			<ul style="list-style-type: none"> - if not required to relocate; 12 months if required to relocate; 24 months if required to relocate to socio-economic difficult area. - Loss more than 70% of total agricultural land holding: Cash compensation equal to 30 kg of rice/head/month for all family members for 12 months – if not required to relocate; 24 months if required to relocate; 36 months if required to relocate to socio-economic difficulty area. c. Entitled to allowance for job change and creation by cash equal to: <ul style="list-style-type: none"> - 3 times of value of the affected area for wet paddy cultivation; - 2 times of value of the affected area for upland rice, annual trees and fishery production; - 1.5 time of value of the affected area for perennial trees; - 1.0 time of value of the affected area for forestry land; d. Assistance for relocation if fish ponds (90,000 VND/m2) 	
			<ul style="list-style-type: none"> e. Entitled to participate in Income Restoration Program (IRP) 	<ul style="list-style-type: none"> • IRP is a part of resettlement implementation program.
c	Affected agricultural land (non-title users) (No household identified during IOL)	Owners without LURC and/or not eligible to have LURC allocated	<ul style="list-style-type: none"> a. No compensation for the affected land. b. Affected crops and trees on the land shall be compensated at replacement cost. c. Entitled for cash assistance for investment made on land improvements. d. Entitled to all other benefits as per legal users (i.e. various allowances, IRP etc.) 	<ul style="list-style-type: none"> • Resettlement Committee will assess the investment made on land improvement of the households to determine the assistance.

	Impacts	Affected Persons	Entitlements	Implementation Issues
d	Temporary impacts on agricultural land Nb of HH TBD	- Owners with LURC - Owners without LURC but are using the land for cultivation (with certification from the CPC)	a. Cash payment for the rent of land by the net-income that would have been derived from the affected land area during the period of disruption. b. Restoration of land within 1 month after use of land to its previous or better quality OR pay full replacement cost to the land owner if it fails to restore the affected land within 1 month after use of land.	<ul style="list-style-type: none"> If the net-income that would have been derived from the affected land area cannot be identified, the rental rate for that land-type following the provincially regulated price-frame could be used to discuss and agree with the land-owner.
2. Impacts on Residential Land				
e	Partly Affected (the remaining residential land area is still sufficient to stay following the local regulations) (210 households)	Owners with LURC or eligible to have LURC allocated	a. Compensation at replacement cost for the affected area.	<ul style="list-style-type: none"> The Resettlement Committee shall engage qualified replacement cost appraiser to appraise the replacement cost of the affected land. LURC shall be adjusted at no cost for the owner. The minimum viable land is defined by PPC and should be sufficient to re-establish a residence of the same size as the pre-project one
f	Fully Affected (entire of the plot is affected or partly affected but the remaining area is insufficient to stay following the local regulations) (12 households)	Owners with LURC or eligible to have LURC allocated	<p>a. As priority, replacement land for the affected land (same land position and living conditions) with LURC shall be allocated. The area of allocated land shall not exceed the ceiling of residential land allocation per a household in the local area. OR,</p> <p>b. Cash compensation at replacement cost for the affected land..</p> <p>c. If the land owner receives cash compensation and opts to self-relocation, an additional cash assistance of VND 50,000,000 shall be made to the household on-top of compensation.</p> <p>d. In case the loss of structure leads to loss of income and livelihood, the household will be entitled for IRP based</p>	<ul style="list-style-type: none"> Replacement land should be the same position and conditions as these of the affected land and is leveled to be ready for housing construction. The price of replacement land (per m²) shall be equal or lower than the compensation rate for the affected land so that the affected household can afford to purchase the land at the resettlement site. Fees for LURC allocation for the replacement land such as administration fees and paper cost shall be exempted to households.

	Impacts	Affected Persons	Entitlements	Implementation Issues
			on case to case determination during detailed designing. For assistance, please see below.	
g	Affected residential land (non-title users) (No case identified during IOL)	- Owner without LURC and/or not eligible to have LURC allocated - and have other places to stay. - Owner without LURC and/or not eligible to have LURC allocated - but have no other places to stay.	a. No compensation for the affected land but the assets and structures on the land shall be compensated at replacement cost. a. No compensation for the affected land but the assets and structures on the land shall be compensated at replacement cost. b. b. Affected household will be considered during detailed design for assistance with provision of one plot allocation in the resettlement site. The area of the plot shall not exceed the ceiling area of residential land allocation in the local area per household. The price of the plot is decided by Ha Giang Province People's Committee.	<ul style="list-style-type: none"> If the household has several generations living together, each couple in the household who meets the conditions to separate to be an independent household following the Government's regulations is entitled to purchase a plot of land in the resettlement site at the price (per m²) that equals to the compensation rate for the affected land. If does not meet the conditions to be an independent household, they ate entitled to purchase a plot of land in the resettlement site at the price issued by the City People's Committee; In case the land compensation rate is lower than the value of a local minimum land plot in the resettlement site, the State will cover the difference with an amount not exceeding the difference between the land compensation and the local minimum resettlement plot. .
h	Temporary impacts on residential land Nb households TBD	- Owners with LURC - Owners without LURC but are using the land for living (with certification from the CPC)	a. Pay for the rent of land for the period of use following the provincially regulated price-frame. b. b. Restore of land within 1 month after using to its previous or better quality OR pay full replacement cost to the land owner if it fails to restore the affected land within 1 month after use of land.	
3. Compensation for Affected Houses and Structures				
i	Partly affected (the remaining parts just require repairs)	- Owners of house/ structures - Owners of houses/ structures without construc-	a. Compensation at replacement cost for the affected portion, and b. Entitled for rental allowance outside the affected area (structure) for 01 month to enable the household during	<ul style="list-style-type: none"> Replacement cost based on the market costs of construction materials and labours to newly construct the affected portion, without deduction for

	Impacts	Affected Persons	Entitlements	Implementation Issues
	(9 households)	tion permit; or constructed on agricultural land but the local authorities have not issued notice in writing to the owner to dismantle the structures prior to cut off date	repair works based on the price-frame issued by the PPC.	depreciation or salvageable materials. City Resettlement Committee will engage qualified replacement cost appraiser to appraise the replacement cost for affected houses and structures.
j	Structure fully affected. (12 households)	<ul style="list-style-type: none"> - Owners of house/ structures - Owners of houses/ structures without construction permit; or constructed on agricultural land but the local authorities have not requested the owner in writing to dismantle the structures 	<ul style="list-style-type: none"> a. Compensation at replacement cost for the entire affected house/structures; and b. Entitled to rental allowance for six months (06) if the household has to relocate out of the affected residential land as follow: <ul style="list-style-type: none"> - Within wards of HG City: VND 1.5 M/HH/month - Center of district town; VND 1.0 M/HH/month - Other areas: VND 800,000/HH/month a. Compensation for transportation cost based on Ha Giang Province policy: c. If income and livelihoods of the affected households are affected because of relocation (changed livelihoods, reduced income) the resettlement households are entitled to participate in IRP. 	<ul style="list-style-type: none"> • Replacement cost based on the market costs of construction materials and labours to newly construct the affected portion, without deduction for depreciation or salvageable materials. City Resettlement Committee will engage qualified replacement cost appraiser to appraise the replacement cost for affected houses and structures. • Fees for construction permit allocation and construction management fees are exempted to the resettlement households. • If replacement land/resettlement site is not ready to allocate to the households for housing construction at time of making compensation payment, inflation rate of construction materials and increased labour cost (if any) shall be made for the households counting from the time of compensation made to the time of allocating replacement land for the households. Centre for Land Fund Development shall calculate the inflation rate to pay for the households.
k	Houses/structures constructed illegally and the local authorities requested the owner in	- Illegally constructed houses/structures and local authorities requested the owner in writing	Compensation by 100% for the affected house/structures at replacement cost.	

	Impacts	Affected Persons	Entitlements	Implementation Issues
	writing to dismantle to house/structures. (No case identified during IOL)	to dismantle but the house/structures still exist before 1 July 2014.		
4. Compensation for affected crops and trees				
l	Affected crops and trees (329 HH)	Owners of affected crops and trees	<p>a. Affected crops: Cash compensation at market rate for the average productivity of the affected crop for one-harvesting season. The average productivity of the crop bases on the average production over past three years.</p> <p>b. Affected trees: Cash compensation at current market prices given the type, age and productive value of the affected trees.</p>	<ul style="list-style-type: none"> City Resettlement Committee will engage qualified replacement cost appraiser to appraise the market rate for affected crops and trees
5. Compensation for Graves				
m	Affected graves (No grave identified during IOL)	Households/ individuals who have graves	<p>a. All costs of excavation, relocation and reburial of graves will be reimbursed in cash to the affected households as follow</p> <ul style="list-style-type: none"> Moving graves within province: VND 3.0 M /grave; Moving graves to other provinces: VND 4.0 M /grave; Moving graves without name will be implemented by local authority: VND 2.0 M/grave. 	<ul style="list-style-type: none"> Graves to be exhumed and relocated in culturally and spiritually sensitive manner by qualified representatives under project costs.
6. Other Assistancess				
n	Assistancess for production-business income disrupted.	With business license (3 businesses)	<p>a. Cash assistance equals to 30% of one year income after tax from the production-business; and</p> <p>b. Cash compensation for transport of equipment to the new place based on the actual costs.</p>	<ul style="list-style-type: none"> City Resettlement Committee will work with the tax agencies to determine the one year income after tax from production-business of the households based on their tax receipts. City Resettlement Committee will determine the actual cost for transport of equipment of the households.

	Impacts	Affected Persons	Entitlements	Implementation Issues
	(8 households)	Without business license (5 businesses)	a. Cash assistance according to PPC decision b. Households or individuals using residential land in combination with trading and services in which the main source of income derives from trading and services, and need to be relocated: households or individuals are entitled to participate in IRP;	<ul style="list-style-type: none"> If the business has to be relocated, the project will assist in finding an alternative site with an advantageous location and physical attributes similar to the land lost, and with easy access to a customer base, satisfactory to the AP
o	Assistance for vulnerable households (32 households)	(i) Poor HH; (ii) HH that are headed by women with dependents, (iii) HH heads with disabilities, children, elderly without any support, (iv) landless HH (iv) social policy benefited households.	a. Vulnerable HH with registered at ward level will receive an allowance as follow: <ul style="list-style-type: none"> - Relocated HH: VND 200,000/member/month during 48 months; - HH losing less than 30% of their productive land: VND 200,000/member/month during 6 months: b. All vulnerable households are entitled to participate in IRP	
p	Affected public utilities/structures	Structures, housing, public architectures, forests, feeding land, other land, permanently/temporarily affected irrigation system.	a. If some public infrastructures/ buildings are damaged by the project, the PMU shall consult with affected communities and specify that these structures are restored or repaired soon to mitigate negative impacts on communities, while the affected communities do not pay for such repair costs.	
q	Bonus to move on time (All 426 AH)		a. For legal land or land can be legalized: <ul style="list-style-type: none"> - Residential, annual, perennial land and fish ponds: VND 2,000/m² x area of acquired land; - Forestry land: VND 1,000/m² x area of acquired land. b. For house: <ul style="list-style-type: none"> - House to be demolished and relocated, level of support is: <ul style="list-style-type: none"> - Temporary house, one floor house: VND 5.0 M/HH - Concrete/permanent house: VND 7.0 M/HH - House partially demolished and to be relocated, the level of support will be: <ul style="list-style-type: none"> - Temporary, one floor house: VND 2.5 M/HH - Concrete/permanent house: VND 3.5 M/HH 	

	Impacts	Affected Persons	Entitlements	Implementation Issues
r	Unforeseen impacts		a. Unforeseen impacts will be addressed in accordance with this REMDP. The entitlements specified in this entitlement matrix can-be upgraded but cannot be down graded	

VIII. RESETTLEMENT ARRANGEMENTS

1. Resettlement Options

136. There are three options for resettlement: (i) on-site resettlement (on the AH's remaining land area); (ii) self – relocation where AHs are entitled to compensation/resettlement for the land but prefer to find their new residential areas by themselves and (iii) serviced resettlement site where AHs are provided with plots of land in the resettlement site.

2. On-site Resettlement

137. The on-site resettlement option is applicable to households whose houses are partly or totally affected but the remaining area is sufficiently large to rebuild their houses. In cases where the AH's remaining area is agricultural land that is located in a planned residential area of the city, they will be supported by the local government to change the land use purpose from agricultural land into residential land to be resettled.

3. Self-relocation

138. This resettlement option is offered to households whose entire house is affected. These households receive compensation for self – relocation. In this case, the affected households, in addition to receiving compensation at replacement cost, are supported with an amount for self-relocation of 50 million VND/HH based on Ha Giang PPC regulation.

4. Relocation in resettlement site

139. The HH to be relocated under the SCDPII could be allocated plots in two RS:

- Quang Trung Group 1 RS in Quang Trung ward;
- Quang Trung Group 8 RS in Quang Trung ward

140. Quang Trung Group 1 RS, is an existing RS developed in 2000 by the City. The RS is mainly occupied; 8 plots are still available for HH to be relocated under the SCDPII.



Quang Trung Group1 RS

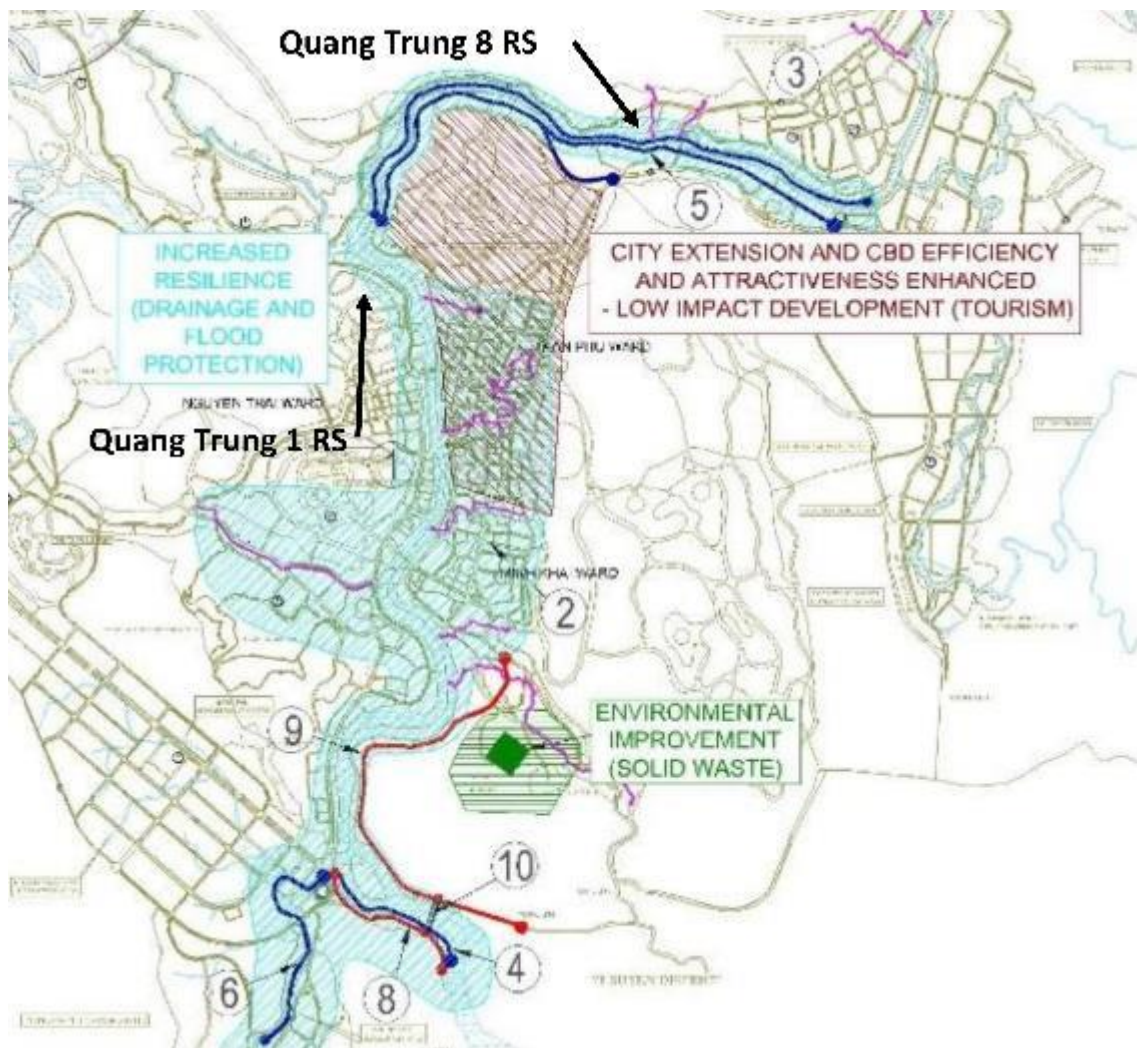
3 available plots in Quang Trung Group 1 RS

141. Quang Trung Group 8 RS, is an existing RS developed in 2016 by the City. The land was public land so no land acquisition took place. All infrastructures are in place. Currently some plots have been allocated but no construction took place. Around 20 plots are available.



Quang Trung Group 8 RS developed with full infrastructures; plots are available to be built

Figure 8: Location of resettlement site



5. Resettlement Demand

142. The results of consultation on the selection and needs of HHs shows that currently, the 12 HH who need to be relocate opted preliminary for self-relocation. 5 of them own another land in the city and will relocate on this land. While the remaining 7 HH will found a new plot of land by themselves. However, during DMS, HH will be questioned again on their choice for relocation.

6. Impacts on the Host Community

143. The RS are existing resettlement sites. Quang Trung Group 1 RS is nearly completed and few plots are available, Quang Trung Group 8 RS is under development. The RS is built in an area where there are available infrastructures and public utility services as well as social services, such as health centers, schools, markets and commercial centers.

144. Due to the anticipated none or low number of relocated HH, no impact on the host community is anticipated. Following DMS, once the final number of HH who will opt for relocation in a serviced RS, acceptance of the host community will be conducted in each RS.

IX. INCOME RESTORATION AND REHABILITATION

A. General Provisions

145. The Project will bring about direct and indirect benefits to the people in Ha Giang city through the investments in flood control, drainage connecting transport and building urban management capacity. The project may also have negative impacts on PAHs' livelihoods. Chapter II shows that the Project will acquire 4.2 ha of productive land (171 HH), mainly forestry land. No HH will be severely affected and 6 households will have to relocate their business bases. 32 HH are also considered as vulnerable.

1. Objectives

146. According to the policy objectives of the project, the livelihoods and incomes of the affected persons must be restored to at least equal to or higher than pre-project levels.

147. An IRP is therefore needed to support severely affected households to recover their incomes, improve their access to social infrastructure services and to meet the Project goals.

148. A number of specific income restoration measures are already included in the entitlement matrix as summarized below:

Table 31: Income Restoration Measures already included In the Project Resettlement Policy

Affected Livelihood	Income Restoration Measures
Farmers	Stabilization allowance (income support) for 6-24 months (cash allowance)
	Income restoration allowance (equivalent to 1.5 to 2.5 times the PPC compensation rate per m ² for agriculture land (cash allowance)
	<ul style="list-style-type: none"> ➤ For annual and perennial trees: cash allowance by 2.5 times of same type of land; ➤ Cash allowance by 2 times for lost area of land for fishery land; ➤ Cash allowance by 1.5 times for production forestry land

Affected Livelihood	Income Restoration Measures
	Households and individuals affected through loss of agricultural land shall be provided with support for production stabilization, including support for plant seeds and animal breeds for agricultural production; agricultural, forestry and fishery extension services. Plant protection, veterinary, cultivation, breeding and technical skills for production and business of trade-commercial services, the level of support is 7,000,000 VND per household.
Affected businesses (registered and non-registered)	Compensation for lost income (cash allowance)
Affected employees	Compensation for 6 months lost income
Vulnerable	Assistance to poor HH extended to all categories of vulnerable HH

149. Cash assistance, as described above, does not necessarily lead to stabilization of AHs. Therefore the implementation of an Income Restoration Program (IRP) is necessary. The IRP aims to provide supplemental assistance to severely affected HH and vulnerable, enhancing opportunities for them to improve incomes through training and provision of inputs.

2. Beneficiaries

150. The IRP will be prepared during the detailed design phase. The 115 AHs entitled to the IRP are the following:

- **Farmers not Fully Compensated in 2009 (4 HH)** HH affected in 2009 and not yet fully compensated;
- **Relocated businesses (6 HH)** HHs who conduct business or any other income generating activity in their house and the HHs have to be relocated (6 businesses).
- **Vulnerable Households (32 HH):** People on account of their position in society and/or their physical and economic situation are less capable of re-establishing themselves than the others and, therefore, face greater risks of hardship or impoverishment (32 HH).
- **Ethnic Minority HH (73 HH)**

151. The overall objective of the IRP is to stabilize the livelihood activities and sources of income of participants by focusing on diversified activities to bring immediate income such that they will be able to produce for their basic needs and long-term livelihood management capacity.

3. Proposed IRP Activities

152. The IRP will be developed on the basis of the demand of the project severely affected households and relocated business and other affected households, experience and capacity of institutions that will provide public and private services in order to assist the income generation for local people as well as the existing (income) rehabilitation program available in Ha Giang City. Based on the public consultation conducted with AH, the activities proposed as part of the income restoration/recovery programs include:

Activity 1 - Vocational training and career change

153. **Vocational Training Center in Ha Giang:** The center often organizes counseling, vocational training; job placement and labor export, as well as conducting surveys of employment needs and job counseling for target groups. The centers receive resumes from people looking for a job and refers them to businesses and companies in Ha Giang province.

154. **Careers:** The center provides the following types of training: Sewing, car wire installation, electronic assembly, aquaculture, mechanical engineering, power industry, sales, and accounting (Table 32 below).

Table 32: Vocational training characteristics in Ha Giang Vocational Center

Training sectors	Training time (months)	Training cost	Lunch support
Outsource sewing	1,5- 4	1.500.000- 2.000.000 VND/trainee/month	50,000 VND/trainee/day
Motorcycle and engine repairing	5	2- 3.000.000 VND/trainee/month	50,000 VND/trainee/day
Refrigeration engineering, basic electricity, lathe tools, electro-mechanical	3-5	2.000.000- 3.000.000 VND/trainee/month	50,000 VND/trainee/day
Masonry	5	2.500.000 VND/trainee/month	50,000 VND/trainee/day

155. The Project will pay for all costs of vocational training.

Activity 2: Job creation program

156. The construction contractors for this project must prioritize the recruitment of local labor that meets the skill requirements of the civil works. If affected persons want to work for the project, they can directly apply for jobs with contractors or through the PMU which will transfer their name to the contractors. The PMU will negotiate with construction contractors to provide appropriate employment for APs in need of a job.

157. In the course of project implementation, staff (or consultants hired by the PMU) will track livelihood restoration programs, work regularly with representatives of the contractor and identify the need to recruit and inform households that would like to find employment through local government.

Activity 3 – Loan credits via various organizations

158. During public consultation, households were interested in obtaining loans. The households' desire for loans is primarily for use for business purposes/small business in order to provide capital for their business; some households will use loans for farming and livestock development.

159. The loans from the Social Policy Banks will be in the form of a trust through the guarantee of the local mass organizations: Supporting concessional credits to create jobs; supporting tuition loans to students, pupils with difficulties; lending policy households; lending for building houses for poor households. Households demand to receive support from the project so that they can have access to preferential loans.

160. During the implementation process, affected households will be surveyed again about their need for credit support. Households who require credit support should provide proofs that they are households affected by the project, including (i) resident registration book; (ii) relevant documents for compensation, or their copies certified by the ward.

161. The Project will also assist these HH to get loans and to prepare application forms. PMU will coordinate with the Social Policy Bank to facilitate access to loans.

4. Cost Estimates for the IRP

162. The cost estimates for the implementation of the income restoration program is VND 1,821,600,000 (80,200 USD).

163. This amount includes vocational training and management costs. The funding for the implementation of the IRP is outlined in Table 33 below:

Table 33: The funding for the implementation of the income restoration program

Proposed programs	Estimated cost	Notes
1. Vocational training program	1,656,000,000	The funding is based on 115 households whose income is affected and for vulnerable and EM who want to participate in the vocational training (fees 2.5 M/ month for 4 months = 10 M + allowance 50,000 VND/day for 4 months = 4.4 M) total for one trainee: 14.4 M
2. Job creation program	There is no fee charged for each household. The costs for PMU to arrange personnel or recruit consultant will be included in the management costs	Under PMU management costs
3. Loans for production and business.	Under existing programs in Ha Giang City.	The funding for this item will come from the credit funds of the current organizations in Ha Giang city. PMU will coordinate and assist under its own budget
4. The funding for management implementation (Estimated 10%)	165,600,000	This funding is from the Project
The total implementation cost for the income restoration program	1,821,600,000	This funding is from the Project

5. The budget sources

164. The budget for the IRP is taken from the counterpart fund and is included in the total compensation costs of the Project.

B. Specific Measures for Ethnic Minorities

165. The following measures will be developed for Ethnic Minorities in the Project Area.

1. Entitlement to the IRP

166. All 73 EM HH will be entitled to the IRP as presented above and could choose one of the proposed activities (i) vocational training; ii) Job creation program and iii) Credit Program). The costs for this activity will be under the IRP budget. Among the 73 HH one person per HH will be entitled to training (at least 40% of women). The people being selected should have appropriate educational background, clear plans to ensure that the project's assistance can be efficient and feasible. In lieu of education, suitable experience should also be considered as an appropriate qualification

2. Establishment of a Community Monitoring Group (CMG)

167. One CMG will be established in Phu Linh and Phuong Thien communes where EM are the vast majority of AH. The CMG will include with at least 30% women members, and will be composed of representatives from the PMU, CEMA, women's unions, fatherland association, youth union, elderly association, resident group leaders, and commune people's committees.

168. The CMG will be tasked to support the PMU on (a) conducting community consultations, especially among EM, gathering feedback, and resolving grievances or complaints from project feasibility stage to operations and maintenance stage, (b) monitor actual construction activities and progress of project implementation, and (c) monitor activities/targets/outputs of REMDP, the social and gender plans and communication and participation plans.

3. Education for raising community awareness

169. Lack of appropriate and sustainable environmental behaviours among the community including EM people (i.e. discharging waste in canal, encroachment on canals etc.) may hamper the benefits of the Project. Also, the community needs to be supported to understand its role to protect and maintain investments through an awareness program that should be developed. The awareness program should have the following content:

- The training and education for raising community awareness to disseminate general information on the project to 100% of Ethnic minority people in the project area, as well as to propagate information on environmental sanitation and gender equality with following specific content;
- Analyzing the benefits (improvement of job opportunities and living conditions) and rights/duties of people when the project is implemented; making them aware of their roles and responsibilities in making the comments, suggestions as well as their management and supervision responsibilities;
- Propagating and disseminating knowledge on environmental sanitation as well as the relationship between sanitation and public health and economic development. Accordingly, community awareness of EM will be raised for the protection of the environment (no littering, no discharging directly into canals, using hygienic latrines etc.);
- Disseminating knowledge on gender and gender equality, encouraging women to participate in the activities of the project.

170. This activity will be conducted during the preparation phase of the project through 04 public meetings in the Phu Linh and Phuong Thien communes. The work will be implemented with the help of local officials/government (head of the residential area, Women's Union, Farmers Union etc.) because they are close to the people and are trusted by the people. In addition, the content for education and communication should be provided to people in the form of brochures/flyers

Secondary City Development Project II (Green City) Draft Resettlement & Ethnic Development Plan for Ha Giang City presented in a simple and easy to understand format in order to ensure (i) clear, understandable and specific dissemination of information to EM communities; (ii) security and order during the meeting (each meeting should be limited to less than 100 participants).

171. The costs for implementing these activities include: costs for hiring the venue, furniture, drinking water for the community, costs for training staff; the cost for printing leaflets/flyers.

4. Budget for Specific Measures for EM

172. The costs for specific measures to Ethnic Minority People is presented in Table 34. The amount is 259,600,000 M VND (11,500 USD).

Table 34: Budget for Specific Measures for Ethnic Minority Groups

Activities	Beneficiaries	Implementation Arrangements	Quantity	Costs (VND)
Income Restoration Program	- 1 member of each 73 EM HH affected (at least 40% of women)	Under IRP management		Under IRP costs
Establishment of a Community Monitoring Group (CMG)	- 1 CMG in Phu Linh and Phuong Thien communes	- Commune People's Committee - PMU - Women's Union - Donor		- Implementation and monitoring of the CMG is included in the loan assurances
Education for raising community awareness	- EM in Phu Linh and Phuong Thien communes	- CMG - CEMA - Commune People's Committee - PMU	4 meetings in each commune	259,600,000 (See detailed costs in Annex 9)
TOTAL				259,600,000

X. RESETTLEMENT BUDGET AND FINANCING PLAN

A. Arrangements for Compensation

173. The compensation will follow the principles of compensation and resettlement of ADB, to harmonize Vietnam's policies and ADB's policies as well as Ha Giang's policies.

- (i) Identify and commit sufficient resources for the compensation and resettlement during the preparation of REMDP. This includes commitment and preparation of sufficient funding to cover the costs of land acquisition, compensation, resettlement and upgrade during the project implementation that was agreed, commitment and preparation of sufficient human resources to monitor, communicate the activities of land acquisition and resettlement;
- (ii) The suitable evaluation, monitoring and reporting mechanism will be set as part of the resettlement management system.
- (iii) Public infrastructure and temporarily affected land will be restored as pre-project;
- (iv) Basic information in REMDP, including inventory of losses, property valuation, compensation and resettlement options, details of eligible people for compensation, special rules, complaints procedures, and payment time and relocation schedule will be distributed to the affected HH;
- (v) The construction will not be allowed until the completion of compensation payment;
- (vi) The cut-off date is the date when the Ha Giang Province People's Committee and the Project Management Unit (PMU) officially inform the public about the Project and its locations.
- (vii) Anyone who occupies or encroaches into the defined boundaries of the Project area after the cut-off date is not entitled to compensation and other assistance for affected assets and incomes

B. Compensation and assistance

1. Compensation and assistance for land

174. A survey was conducted in February 2017 on replacement costs. This survey takes into account the PPC rates issued in 2015 and the real market rates based on transactions that occurred in the project area.

175. Ha Giang issued a decision on the issuance of **coefficient of land price** for the land compensation to update the compensation rates issued in 2015 by the PPC. These coefficients aim to reflect market rates. Following discussion with local authorities and affected HH coefficients were taken to reflect market rates for residential land as presented in the Table below.

Table 35: Coefficient used for Land

	Location	Type of land	PPC price (average price)	Coefficient Used
1	Tran Phu ward	- Residential	- 2,520,000-4,194,000	- 3-3.5
2	Mien river	- Annual plant; - Perennial tree - Fishery - Paddy land	- 73,000 - 103,000 - 45,000 - 50,000	- 2.22 - 2.14 - 3.53 - 2.28
3	Yen Bien bridge (on Mien river in Tran Phu ward)	- Residential - Annual tree	- 4,194,000 - 65,000	- 2.93 - 2.30

2. Compensation for Structures and other fixed assets

- **Structures and other fixed assets:**

- Regarding compensation rates for houses and structures, the compensation rates issued by the PPC will be used (Decision No.07/2015/QD-UBND dated 09 June 2015 by Ha Giang PPC) as no significant difference was found between these rates and replacement costs during the survey

3. Compensation for crops and trees

- Regarding compensation rates crops and trees, the compensation rates issued by the PPC will be used (Decision No.07/2015/QD-UBND dated 09 June 2015 by Ha Giang PPC) as no significant difference was found between these rates and replacement costs during the survey.

C. Estimated Costs of Resettlement

176. Table 36 summarizes the project resettlement costs including: (i) compensation for land acquired; (ii) compensation for structures and other fixed assets, crops and trees; (iii) Rehabilitation; and (iv) implementation cost. This costs do not include cost of replacement cost survey.

177. These costs are based on current market value and don't include the costs for RCS preparation. RCS cost will be covered under the ADB loan.

178. The total site clearance and resettlement cost is estimated at 86,000,000,000 VND equivalent to 3,856,000 USD (exchange rate: VND 22,300 = USD 1).

179. A Replacement Cost Survey (RCS) will be conducted at the time of the DMS (see Chapter XII, 2, p67). Site clearance and resettlement cost of the project will be updated in accordance with the detailed design and at the time of compensation based on the RCS.

D. Funding sources

180. Budget for compensation, resettlement and assistances for the projects will be taken from the project counterpart fund.

Table 36: Summary of compensation and allowance costs

	Categories	Unit	Quantity	Unit Rate	Amount (VND)
A	Land				62,005,250,000
1	Residential land	m2	8227	6,500,000.00	53,475,500,000
2	Agricultural land	m2	7,027	250,000	1,756,750,000
3	Forestry Land	m2	30748	100,000	3,074,800,000
4	Garden land	m2	4040	800,000	3,232,000,000
5	Fish pond	m2	3885	120,000	466,200,000
B	Main Structures				
1	House Cat 2	m2	0		3,003,325,000
2	House Cat 3	m2	260	4,500,000	1,170,000,000
3	House Cat 4	m2	415	3,755,000	1,558,325,000
4	Temporary house	m2	110	2,500,000	275,000,000
C	Secondary Structures	various			1,860,000,000
C	Trees, crops				1,587,805,500
1	Annual crops (paddy)	m2	1,357	1,500	2,035,500
2	Annual crops (other)	m2	3,953	90,000	355,770,000
3	Fruit trees	unit	88		350,000,000
4	Timber trees	unit	12,110		880,000,000
D	Allowances				6,242,334,000
1	Transportation allowance	HH	12	5,000,000	60,000,000
2	Renting allowance	HH	12	9,000,000	108,000,000
3	Life stabilization	HH members	140	2,700,000	378,000,000
4	Career change for agr. Land	m2	7,027	170,000	1,194,590,000
	Career change for fish pond	m2	3,885	66,000	256,410,000
	Career change for forestry Land	m2	30,748	33,000	1,014,684,000
5	Fish pond relocation	m2	3,885	90,000	349,650,000.00
6	Vulnerable	HH	32	3,000,000	96,000,000
7	Business registered	Business	3	10,000,000	30,000,000
8	Unregistered business	Business	5	5,000,000	25,000,000
9	Relocation allowance	HH	12	50,000,000	600,000,000
10	Bonus to handover land on time	HH	426	5,000,000	2,130,000,000
E	Total of A+B+C+D				74,698,714,500
1	Management Cost (2%)				1,368,541,980
2	Contingencies (10%)				6,842,709,900
F	TOTAL RESETTLEMENT				82,909,966,380
G	OTHER EXPENSES²⁹				3,081,200,000
1	Independent Monitoring	Activities			1,000,000,000
2	Measures to Maximize Benefits on EM	Activities			259,600,000
3	Income Restoration Program	Activities			1,821,600,000
H	TOTAL F+G				85,991,166,380
	Rounded				86,000,000,000
	USD Exchange rate (22,300 vnd/usd)				3,856,106

²⁹ Regarding other expenses, the independent monitoring and the IRP will be paid based on completion/success rate of the various activities included in each items.

XI. INSTITUTIONAL ARRANGEMENTS

181. Ha Giang Provincial People's Committee (PPC) is the executing agency (EA) for the Ha Giang subproject and its City People's Committee will be the implementing agency (IA). Based on the Decree 59 issued by the Office of Government in June 2015, each provincial government should have the centralized PMU that manages projects of oversea development assistance (ODA) as well as key domestically funded project.

A. Provincial People's Committee of Ha Giang Province

182. The Provincial People's Committee (PPC) of Ha Giang Province is the executing agency (EA) and will oversee all subproject activities including the implementation of REMDP. PPC is the highest authority to promulgate regulations, solve issues concerning guidelines and policies, and give instructions for the Project implementation and are the links between the functional organizations in the Project implementation. The Ha Giang PPC will have to endorse the REMDP. The Ha Giang PPC could also delegate such endorsement to the Ha Giang City PC or to the PMU.

183. The PPC will take on the following responsibilities:

- a. Promulgating regulations to solidify the mechanisms for compensation, assistance and resettlement in accordance with the laws and practices of the city.
- b. Giving instructions to its departments, divisions, agencies and Commune/Ward PCs for:
 - Making plans for construction of the project resettlement site to meet the requirements of compensation, site clearance and land acquisition.
 - Preparing compensation, assistance and resettlement plans within their competency.
 - Approving compensation, assistance and resettlement plans.
- c. Making decisions or authorizing chairpersons of City PCs to implement land recovery for those who deliberately do not comply with the land acquisition decision made by PPC when all the grievances steps have been exhausted.
- d. Giving instructions and punishing violations of compensation, assistance and resettlement.

B. Ha Giang City People's Committee

184. The Ha Giang City People's Committee (PPC) is the implementing agency (IA) and will oversee all subproject activities including the implementation of the RP. The CPC will be responsible for:

- a. Giving instructions, organizing propaganda and mobilizing every concerned agency, household, and individual to execute the compensation, assistance and resettlement and site clearance policy pursuant to the decisions of the state competent agencies.
- b. Giving instructions to its Resettlement Committees on preparing, assessing and approving compensation and resettlement plans based on the PPC's decentralization; and co-coordinating to the implementation of compensation, assistance and resettlement for the project set up by the Resettlement Committees, which directly reports to the DONRE.
- c. Assessing and checking original source of lands prepared by the WPCs/CPCs.

- d. Coordinating with concerned departments, divisions, agencies, organizations and the PMU to develop and implement the project investment and construction for local resettlement areas as assigned by the PPC.
- e. Solving people's disputes, complaints, denunciations and petitions related to compensation, assistance and resettlement within their authority; making land recovery decisions for site clearance and land acquisition within their competence or are authorized by the PPC in case that all grievance steps have been exhausted

C. Project Management Unit (PMU)

185. The PMU shall be responsible for the implementation of the Project RP and its main tasks are:

- a. Preparation of the resettlement plan or updating the resettlement plan to submit to the PPC for approval;
- b. Identification of resettlement sites before organizing household relocation to new residential area;
- c. Planning detailed implementation of the Resettlement and Site Clearance Plan; Signing contracts with related entities to perform the compensation, support and resettlement;
- d. Joining the project Resettlement Committees, providing all necessary information related to the Project and the compensation, support plans to serve the evaluation process of the Resettlement Committees;
- e. Instructing the implementation of project policies in compliance with the RF and the REMDP of the Project;
- f. Planning and conducting internal monitoring of the implementation of resettlement activities of the Project to ensure that all activities are in compliance with the project policies;
- g. Recruiting, supervising and considering the recommendations on the process of implementing the REMDP regularly made by IMA;
- h. Getting sites handed over by PAPs and handing them over to the construction contractors;
- i. Preparing quarterly periodic reports on resettlement activities to the WB

D. Resettlement Committee (RC)

186. RC, an agency under the Ha Giang CPC, is in charge of the implementation of compensation and site clearance activities.

- a. Sign a contract with the PMU, support PMU in implementing compensation, assistance and resettlement;
- b. Blueprint for the implementation of RP and land clearance for the project;
- c. Support the PMU in conducting community meetings to disclose the project information, RF, GRM and information on resettlement sites;
- d. Conduct DMS of all affected assets, establishment and disclosure of detailed compensation measures of each PAP;
- e. Conduct payment of compensation and assistance to all PAPs;
- f. Receive and resolve complaints made by APs related to land acquisition and resettlement to be submitted to the Resettlement Committees for further deal with the issues beyond their competent.

E. Ward/Commune People's Committee (W/CPCs)

187. WPC/CPC is responsible for the following:

- a. Organizing dissemination of information for APs about the objectives for land acquisition, and the Project policy of compensation, assistance and resettlement.
- b. Coordinating with agencies in charge of compensation, assistance and resettlement implementation to guide APs in enumerating and certifying their inventory of land and assets associated with land.
- c. Preparing and taking responsibility for the accuracy of the copies of documents concerning land sources, family members, registered members, beneficiaries of social policies, and proposals for resettlement of AHs.
- d. In coordination with the Employer, implementing payment of compensation, assistance and resettlement for APs and ensuring good conditions for the Project's site clearance.

F. External Monitor consultant

188. PMU will hire an independent External Monitor consultant (EMC) to monitor the implementation of RP. The EMC should be mobilized soon before the implementation of DMS.

189. The EMC shall be responsible for preparing periodic reports on the progress of implementing RP and recommending for resolving any social issues related to REMDP implementation during its monitoring period.

G. Mass Organization

190. Mass organizations relevant to the various AH profiles, needs and impacts will participate in the development and implementation of assistance measures for AHs. Mass organizations in Viet Nam are types of community based organizations. Such organizations would include the Fatherland Front, Women's Union, Farmer's Union and other relevant organizations.

H. Implementation Support Consultants

191. The Implementation Support Consultant (ISC) will include one international resettlement specialist and one local resettlement specialist, to assist and supervise all social and resettlement- related activities. Their responsibilities include the following;

- a. Work closely with PMU, Resettlement Committees, local authorities at all levels on all resettlement-related activities;
- b. Assist in the conduct of the information campaigns, public consultation and community participation;
- c. Assist in the verification of census, inventory of losses and detailed measurement survey activities;
- d. Check the accuracy of the AH database prepared and provide improvements if necessary;
- e. Assist in the preparation of an updated RP;
- f. Assist and improve, if necessary, procedures for the coordination of resettlement and compensation activities;
- g. Ensure that grievances are addressed promptly and properly and that grievance redress mechanism is functioning well;
- h. Provide necessary training on grievance if needed;

- i. Establish and implement liaison mechanisms to ensure proper technical and logistical support to PMU, local administrative authorities, resettlement committees and concerned government departments;
- j. Establish and implement procedures for ongoing internal monitoring;
- k. Design and deliver capacity development activities for all relevant agencies, as needed, in the areas of ADB resettlement policy; participation and communication; gender and development; and livelihood restoration.

192. After the detailed design is approved and in addition to the steps mentioned above, the PMU should hire a resettlement consultant to support the resettlement implementation under the SCDPII. The resettlement consultant will also support the PMU for internal monitoring

XII. IMPLEMENTATION SCHEDULE

A. REMDP Updating and Implementation

193. Following completion of detailed engineering design, the REMDP will be updated. Resettlement implementation including any economic displacement can only commence once ADB has reviewed and given its concurrence to the updated REMDP. Consultations with the AHs will be carried out on a continuing basis, paying particular attention to the vulnerable and severely affected households.

1. Conduct of Detailed Measurement Survey

194. The conduct of the updated Census and Detailed Measurement Survey (DMS) will be undertaken, following final design, by the City Resettlement Committee. The DMS data, together with the result of the replacement cost study as reviewed and approved by the EA, will be the basis of preparation of the Compensation Plan.

195. At the time of DMS activities, all AHs are required to submit copies of LURCs or any legal papers to assist RC in the preparation of the Compensation Plan. All DMS forms are to be reviewed and signed by AHs. AHs will be informed of their right to note any objections to the DMS assessment on the form.

196. The DMS will be conducted with the participation of AHs. The official list of AHs, their losses, and corresponding payments due will be disclosed to the affected people.

197. Any disagreement on the DMS and Compensation Plan will not be signed by the respective AH until it is resolved either through direct discussion with relevant agency or following the grievance redress process.

198. During the DMS, data collection will incorporate criteria to identify vulnerable persons beyond those who fall below the official poverty level. Such other vulnerable groups would include female headed households (especially those with high dependency ratios, those with low incomes and those whose livelihoods are affected), elderly residing alone, disabled and landless households.

2. Conduct of a replacement cost study

199. In accordance with ADB Safeguard Policy Statement, “the rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs”.

200. A private appraiser, external and independent to the implementation institutions, will be engaged by the EA to carry out replacement cost survey for land and non-land assets. The said

appraiser will undertake its activity in parallel with the DMS activities. The RCS report will be submitted to the PMU, EA and Project Implementation and Support Consultants.

B. Indicative implementation schedule of the REMDP

201. The implementation schedule for resettlement activities for the Project “Secondary City Development Project II (Green Cities)” is presented in the following table including (i) activities that have been completed to prepare the REMDP; (ii) resettlement implementation activities; and, (iii) monitoring activities.

Table 37: Indicative Schedule of Resettlement and Compensation Activities

Activities	Schedule
ADB concurrence on REMDP	April 2017
Distribution of PIB among the AHs	April 2017
Project appraisal	December 2017
Loan effectiveness	March 2018
Prepared detailed design	Quarter II 2018
Conduct detailed measurement survey	Quarter III/2018
Update replacement cost	Quarter III/2018
Prepare and approve the updated REMDP & the detailed Compensation, Assistance and Resettlement Plan	Quarter IV/2018
Payment of compensation, assistance	Quarter IV/2018
Hand over of acquired land	Quarter IV/2018
Start of Construction	2019

XIII. MONITORING AND REPORTING

A. Internal Monitoring & Evaluation

1. Internal supervision

202. PMU is directly responsible for internal monitoring of RP implementation. In particular, PMU will supervise and manage monitoring of resettlement activities and implementation arrangements.

203. The objectives of the monitoring program are (i) to ensure that the standard of living of AHs are restored or improved; (ii) to monitor whether the overall project and resettlement objectives are being met; (iii) to assess if rehabilitation measures and compensation are sufficient; (iv) to identify problems and risks; and (v) to identify measures to mitigate problems.

204. The principal indicators for internal monitoring of resettlement activities include the following:

- Timely and complete disbursement of compensation to AHs according to the compensation policy agreed in the REMDP;
- Timely and complete delivery of rehabilitation allowances and assistance measures;
- Public information dissemination and consultation procedures;
- Adherence to grievance procedures and identification of outstanding issues that require further attention and resolution;
- Completion of resettlement activities required before the award of civil works contracts.
- Participation of poor and vulnerable HH throughout the process;
- Restoration and improvement of socioeconomic conditions of AHs;

205. On a quarterly basis, PMU will prepare a resettlement monitoring report. The report will be submitted to PCC and ADB. The scope of the report will include:

- The number of AHs by category of impact and the status of compensation payments,
- The amount of funds allocated and disbursed for a) resettlement program operations and b) compensation, assistance and resettlement activities.
- The activities, levels of participation, outcomes and issues of the Information Dissemination and Consultation Program.
- The status and outcomes of complaints and grievances and any outstanding issues requiring further attention by provincial or district authorities, or ADB assistance.
- Implementation problems, including delays, y, insufficient funds, etc.; proposed remedial measures; and, revised resettlement implementation schedule.

2. External supervision

206. PMU will hire an independent External Monitor consultant (EMC) to monitor the implementation of the REMDP. The EMC should be mobilized soon before the implementation of DMS.

207. The main objectives of external resettlement monitoring are:

- a. To verify the results of internal monitoring reports prepared by PMU and Resettlement Committee of Ha Giang City;
- b. To examine whether provision of compensation and other agreed forms of assistance complies with the approved RPs;
- c. To assess whether supplemental assistance measures have been provided in accordance with the IRPs, and the extent to which they have been effective in restoring incomes and living standards for severely affected households;

- d. To assess whether the measures to maximize benefits for EMP have been implemented and have been effective.
- e. To assess the effectiveness, impact and sustainable level of resettlement management agencies and procedures;
- f. To propose necessary adjustments in the implementation of RPs, IRPs and measures for EMP to improve implementation effectiveness.

208. Strategic lessons for future policy formulation and planning will also be drawn from the monitoring and evaluation of resettlement. This is possible through a Post-Resettlement Implementation Evaluation Study that will be carried out carry out 6-12 months following completion of all resettlement activities.

209. The external monitor will cover specific issues such as, but not be limited to, the following:

- a. Public consultation and disclosure activities;
- b. Awareness of affected people on resettlement rights and entitlements, grievance redress, resettlement process, and project schedule;
- c. Establishment of market rates for land and non-land assets;
- d. Documentation of impacts and payments (DMS, compensation documents,) as per agreed REMDP;
- e. Coordination of resettlement activities with construction schedule;
- f. Land recovery and transfer procedures;
- g. Relocation of households, public assets, and sacred structures;
- h. Quality of preparation and adequacy of planned relocation sites;
- i. Level of satisfaction of AHs with the provisions and implementation of the REMDP;
- j. Effectiveness and efficiency of grievance redress mechanism (documentation, process, resolution);
- k. Effectiveness, impact and sustainability of entitlements and rehabilitation measures/income restoration programs, and the need for further improvement, as required;
- l. Gender impacts and strategy;
- m. Capacity of AHs to restore/re-establish livelihoods and living standards, especially the severely affected, EMP and vulnerable households. Monitor and assess the assistance and support provided or to be provided to these households;
- n. Unanticipated impacts, or any resettlement impacts caused during construction activities;
- o. Participation of AHs and especially EMP in REMDPP planning, updating and implementation;
- p. Institutional capacity, internal monitoring and reporting;
- q. Channeling of government funds for payment of land, non-land assets and allowances to the affected households (if done transparently, efficiently, and effectively);
- r. Integration with host community;
- s. EMP benefit from the project;

t. Restoration/improvement of affected public, communal, and community assets.

210. Monitoring of REMDP implementation will be based on desk review and field visits, meetings with various ministries and local officials, and affected households. Review baseline data that was collected under the socio-economic survey during RP preparation and updating to assess changes in: household income and expenditures, expenditure composition patterns, primary and secondary occupations, borrowing amounts and debts patterns, materials conditions and possessions of consumer items, land area and tenure arrangements, school attendance of children, health, and distances to public services and infrastructure. Additional survey may be carried out as necessary. Separate meetings will be held with EMP, women and vulnerable households. Monitoring indicators and findings will be disaggregated by gender.

211. The External Monitor Consultant (EMC) will be recruited before DMS.

212. Monitoring reports will also include a summary of outstanding issues and how these issues were addressed, and if there are still outstanding issues that require further action, including a number of case studies that require follow-up monitoring. If the findings indicate that REMDP objectives have not been achieved, the external monitor will propose appropriate alternative actions or approaches. The reports will also describe any good practice and lessons learned that may be useful for future activities.

180. The EMC will submit semi-annual monitoring report to ADB and PMU within two weeks after completion of the monitoring activity. The type of reports to be submitted to PMU and ADB are: (i) Inception Report; (ii) Semi-annual Monitoring Reports; and (iii) Post evaluation Report.

Annex 1: Questionnaire Used for Inventory of Losses

PART 1: IDENTIFICATION AND GENERAL HOUSEHOLD / HOUSING INFORMATION

1.1	Name of Sub-component	1.	2.	3.	
		4.	5.	6.	
1.2	Name of city/ward				
1.4	Name of Respondent				
1.4	Age of Respondent	(a) 18 to 24	(b) 25 to 34	(c) 35 to 44	(d) 45 to 54
		(e) 55 to 64	(f) over 65		
1.5	Sex	1 - Male		2 - Female	
1.6	Civil Status	1 - Single	2 - Married	3 - Widow	4 - other, please specify
1.7	Position of Respondent	1	Head of household		
		2	Spouse of head of household		
		3	Other, please describe (<i>how is respondent related to Head of HH</i>)		
1.8	How many people live in the house?	Adults (include yourself)	M:	F:	
		Minors	Boy:	Girl:	
1.9	Do you or your household belong to a minority ethnic group (i.e. other than Kinh)?	1 - Yes	Which group?		
		2 - No			
	Language normally spoken at home?	1-Vietnamese		2-Other: (specify)	
1.10	What is your level of education?	1- Illiterate		4- Lower secondary	
		2- Primary, not completed		5- Upper secondary	
		3- Primary, completed		6- Other: (specify)	
1.11	What is the level of education of the most educated member of your HH?				
1.12	Are you or any member of your household a part of a community or people's organization in your area?	1 - Yes	1. Women's Union		4. Cooperatives
		<i>Multiple response</i>	2. Savings and Credit Group		5. Others, specify
		2 - No	3. Farmer's Union		
1.14	Does your HH belong to one of these categories?	1 - Yes	1. Poor (certified by the commune)		4. HH heads with disability
		<i>Multiple response</i>	2. Near poor (certified by the commune)		5. Elderly HH who are alone;
			3. HH that are headed by women with dependents		6. Landless HH (i.e. house built on public land on or another owner land)
					7. Social Policy HH
1.15	What is the occupation of the principal income earner in the household?	1. Farming / agricultural products			7. Professional – teacher, health worker, etc.
		2. Fish farming / aquaculture			8. Unemployed; looking for work
		3. Business owner/self-employed			9. Does not work: retired, housewife, etc.
		4. Employee – private sector business			10. Other (specify).....
		5. Hired labourer			
		6. Government employee			
1.16	How many people in your household contribute to the household income?				
1.17	How much is your monthly HH income?	_____ Dong per month			

PART 2: AFFECTED LAND HOLDINGS

2.1 Affected Land		Land areas		Land occupancy status		
		Total land holdings (m ²)	Affected Area (m ²)	LURC / can be legalized	Lease / temporary right	No right / illegal
		1	2	3	4	5
2.1.1	Residential					
2.1.3	Agricultural					
2.1.3	Fish / shrimp pond					
2.1.4	Garden					
2.1.5	Forest					
2.1.6	Other (specify)					

PART 3: AFFECTED PRINCIPAL AND SECONDARY STRUCTURES

3.1 Principal Structures		Total area (m ²)	Affected area (m ²)	House category	Actual use of structure	Does AP rent structure?		How is structure affected?	
						Yes	Monthly Rent (VND)	Totally	Partially
		1	2	3	4	5	6	7	8
3.1.1	Main structure								

House category:

- 1- Category 1 = Villa
- 2- Category 2 = Concrete floors, construction material and equipment are high quality
- 3- Category 3 = Concrete floors, average quality for material and equipment
- 4- Category 4 = Brick wall, wooden frame with tile or tole roof
- 5- Temporary = Bamboo and wooden frame with tole or nipa palm roof

Actual use of structure:

1- Housing only	4- Community use (school, etc.)
2- Commercial only	5- Industrial, commercial and/or storage
3- Combined living/commercial	6- Other: (specify)

3.2 Secondary structures: list only affected secondary structures (temporary commercial kiosk, separate kitchen, separate toilet, animal sheds, wells, fence, grave, etc.)

	Secondary Structure Type	Affected portion:		
		m ²	M	No.
		2	3	4
3.2.1				
3.2.2				
3.2.3				
3.2.4				
3.2.5				
3.2.6				

PART 4: ANNUAL CROPS AND AQUACULTURE

List all affected crops (rice, upland crops, vegetables, shrimp, fish)

	Type of crop	Affected area (m ²)	Notes
4.1	Rice		
4.2	Other annual crops		
4.3	Vegetables		

PART 5: PERENNIAL CROPS AND TREES (FRUIT TREES, TIMBER TREES)

List all affected perennial crops, fruit trees & timber trees by using groups 1 to 8

	Group of perennial crop or tree*	Affected Quantity		*Group of fruit trees and perennial crops and wooden trees)
		No.	M ²	
		2	3	
5.1				1- Coconut, mango, star-apple
5.2				2- Longan, orange, mandarin, pomelo, custard-apple, seri
5.3				3- Guava, cashew, pepper, blue-dragon
5.4				4- Papaya, banana, others
5.5				5- Timber trees (acacia, eucalyptus)

PART 6: LOSS OF BUSINESS AND OTHER INCOME

APs with affected businesses

	Type of business*	Tax status of business		Number of employees		Average monthly net income (VND)
		Registered	Non-registered	Full-time	Seasonal	
	1	2	3	4	5	6
6.1						

*Type of business: 1- Small shop/kiosk
 2- Retail store
 3- Services (e.g., barber)
 4- Gas station, garage
 5- Warehouse
 6- Ice factory
 7- Shrimp hatchery / farm
 8- Other:.....

6.4	If your business is affected by land acquisition, what will be the impacts?	1- Minor: Shift back on remaining land and rebuild; little/no loss of income
		2- Medium: Shift back on remaining land and rebuild; loss of income estimated at months
		3- Major: Relocate to new site; rebuild completely; loss of income estimated at months

PART 7: COMPENSATION AND RESETTLEMENT OPTIONS

7.1	If your <u>agricultural or fish/shrimp pond land</u> or other productive land is affected, what are your preferences for compensation?	1- I want to buy replacement land of same category and equal area and/or productivity if available
		2- I want cash compensation equal to market rates for similar land
		3- Not yet decided
7.2	Do you have sufficient <u>remaining residential or non-agricultural land</u> to rebuild your affected structures?	1- Yes
		2- No
7.3	If you cannot rebuild structures on remaining land, what are your preferences for relocation?	1- I want to self-relocate to another land that I own
		2- I want to self-relocate to a new land
		3- I want to relocate to a group resettlement site, if available
		4- I want to relocate to an individual plot allocated by the commune
7.4	Do you have any comments?	1. Yes: if yes specify:
		2. No

PART 8 – ATTITUDE TOWARDS PROJECT

8.1	Do you support the proposed investment project?	1. Fully support 2. Partly support 3. Do not support	If answer is 2 or 3: provide reason for partial/no support:
8.2	Are you concerned about any negative impact the project may have on the environment, safety or cultural resources during the construction period?	1. Yes, very much 2. Yes, partially 3. Not concerned	If answer is 1 or 2: clarify main concern(s)

Annex 2: Questionnaire Used for Socio-Economic Survey

PART 1: IDENTIFICATION AND GENERAL HOUSEHOLD INFORMATION (SAME AS IOL)

1.1	Name of Sub-component	1.	2.	3.			
		4.	5.	6.			
1.2	Name of district/commune/						
1.3	Name of Respondent						
1.4	Age of Respondent	(a) 18 to 24	(b) 25 to 34	(c) 35 to 44	(d) 45 to 54		
		(e) 55 to 64	(f) over 65				
1.5	Sex	1 - Male		2 - Female			
1.6	Civil Status	1 - Single	2 - Married	3 - Widow	4 – other, please specify		
1.7	Position of Respondent	1	Head of household				
		2	Spouse of head of household				
		3	Other, please describe (<i>how is respondent related to Head of HH</i>)				
1.8	Information on Households Members			Male	Female	Total	
		People in household who work					
		School age children (6-15 years)					
		School age children who attend school					
		People older than 15 years who are literate					

PART 2: HOUSEHOLD LIVING CONDITIONS

2.1	Source of drinking/cooking water	1. Rain water 2. Traditional shallow well 3. Deep well	4. Public tap 5. Piped water 6. Canal, river pond	7. Other specify
2.2	Source of washing/bathing water	1. Rain water 2. Traditional shallow well 3. Deep well	4. Public tap 5. Piped water 6. Canal, river pond	7. Other specify
2.3	How do you consider the quality of water (from well, public tap or piped water)?	1. Good	2. Acceptable	3. Not good Explain why
2.4	What type of sanitation facility do you have?	1. Pit latrine 2. Fish pond toilet 3. Public water-seal toilet	4. Toilet in house with septic tank 5. Toilet in house with septic tank led to sewage	6. Toilet in house Led directly to water bodies 7. No Toilet
2.5	What is your main source of energy for lighting?	1. Electricity from public network 2. Electricity from private network	3. Private generator 4. Gas/kerozene 5. Cylinder gas 6. Batteries	7. Other specify
2.6	What is your main source of energy for cooking?	1. Electricity from public network 2. Electricity from private network	3. Private generator 4. Gas/kerozene 5. Cylinder gas 6. Wood	7. Other specify
2.7	If you are connected to the public network do you experience cut of power	1. Every week 2. Every month	3. Rarely 4. Never	
2.8	Do you own one or several of these assets?	1. Bicycle 2. Motorbike 3. Car 4. TV 5. CD/DVD player	6. Generator 7. Water pump 8. Rice cooker 9. Mobile phone 10. Desk phone	11. Refrigerator 12. Computer 13. Sewing Machine 14. Truck
2.9	What are the common sicknesses within households during wet and dry season?			

PART 4: HOUSEHOLD INCOME SOURCES AND EXPENDITURES

4.1	What is the household main source of income?	1. Agriculture 2. Fish / shrimp raising 3. Trading – retail/wholesale 4. Services (café, tailor, hairdresser..._	5. Wages / salary from private sector 6. Wages / salary from government 7. Manual / daily labor 8. Lease / rental of property	9. Government pension 10. Financial support from relatives Computer 11. Other
4.2	What is the household secondary source of income?	1. Agriculture 2. Fish / shrimp raising 3. Trading – retail/wholesale 4. Services (café, tailor, hairdresser..._	5. Wages / salary from private sector 6. Wages / salary from government 7. Manual / daily labor 8. Lease / rental of property	9. Government pension 10. Financial support from relatives Computer 11. Other
4.3	Which HH members are responsible for primary source of income	1. HH head only 2. HH head and spouse	3. Adult children only 4. HH head, spouse and adult children	5. Others
4.4	Average monthly household income from main source of income			VND/month
4.5	Average monthly household income from all source of income			VND/month

Annex 3: Resettlement Policy Framework

		Regulations, Compensation/allowances in accordance with Land Law No: 45 /2013/QH13 Decrees No. 44, 45 and 47/2014/ND-CP, and provincial policies ³⁰	Project Policy
A. Compensation items			
1	Compensation for Permanent loss of land (agriculture, residential, forestry, garden)	<ul style="list-style-type: none"> - Land Law/Decree 44 identified mechanism for compensation at market rates. - Independent Appraisal Committee to be established to identify compensation rates (Ha Giang, Vinh Yen) or to adjust PPC compensation rates by a coefficient in Thua Thien Hue every year. 	<ul style="list-style-type: none"> - Compensation at replacement cost; - Independent Appraisal Committee to establish compensation rates at replacement cost in Ha Giang and Vinh Yen - Appraisal Committee to adjust PPC rates at replacement cost for Hue.
2	Compensation for severely affected farmers	<ul style="list-style-type: none"> - AHs losing more than 30% of their productive land will be considered as severely affected and entitled to income restoration measures 	<ul style="list-style-type: none"> - AHs losing 10% and more of their productive land will be considered as severely affected and entitled to income restoration measures
3	Non-titled land users	<ul style="list-style-type: none"> - APs not meeting conditions of land ownership specified in Land Law 2013 decrees 44 & 47/2014/ND-CP are not entitled to be compensated for the land (but assistance may be considered); assets on affected land may not be compensated (Land Law 2013). 	<ul style="list-style-type: none"> - APs without legal or legalizable land use rights (LURs) will not be compensated for the land, BUT entitled to compensation for all the assets (structures, trees, crops, etc.) existing on the land. - Provide assistance for relocation for landless APs
4	Compensation for houses and structures	<ul style="list-style-type: none"> - Land Law does not allow compensation for assets which are illegally established, or existing after Notice of land acquisition (Article 92.2 LL). - Residential structures (attached land assets) are compensated based on the value of the new structure. However, for non-residential structures (used for other non-residential purpose) compensation may not be based on the value of the new structure (Article 89.2 LL) 	<ul style="list-style-type: none"> - If partially affected, cash compensation at replacement cost equivalent to current market prices of materials and labor without depreciation or deductions for salvaged building materials for the affected portion; - Repair compensation in accordance with Provincial Decision /Regulations - If totally affected, cash compensation at replacement cost equivalent to current market prices of materials and labor without depreciation or deductions for salvaged building materials for the entire structure

³⁰ Ha Giang Decision No. 07/2015/QD-UBND; Vinh Phuc: Decision No. 35/2014/QD-UBND; and Thu Thien Hue Decision No. 46/2014/QD-UBND

		Regulations, Compensation/allowances in accordance with Land Law No: 45 /2013/QH13 Decrees No. 44, 45 and 47/2014/ND-CP, and provincial policies³⁰	Project Policy
5	Compensation for Loss of crops, trees (including trees on public allocated land)	- Compensation shall be made in accordance with PPC rates	- Compensation at Replacement Cost.
B. Supporting & Rehabilitation Policy			
1	Transport allowance for AHs who lost land and have to be relocated	- Transport allowance shall be provided	- In accordance with Provincial Decision /Regulations
2	Accommodation allowance for severely affected HH (farmers losing more than 10% of their productive land and relocated HH).	- Accommodation allowance shall be provided	- In accordance with Provincial Decision /Regulations
3	Allowance for HH who relocate individually	- Relocation allowance shall be provided	- In accordance with Provincial Decision /Regulations
4	Allowance for loss of business with registered book.	- Allowance for registered business shall be provided	- In accordance with Provincial Decision /Regulations for Registered Businesses
5	Assistance for non-registered business	- APs operating non-registered business will not be entitled for any assistance.	- Assistance to be determined with each PPC/PMU - Assistance for loss of income based on the actual number of days or for period of 3 months?
6	Assistance for employees of relocated HH	- Assistance for loss of income	- In accordance with Provincial Decision /Regulations
7	Allowance for Poor HH (registered at commune level).	- Allowance for poor HH shall be provided following PPC policy/ regulations	- In accordance with Provincial Decision /Regulations
8	Allowance for vulnerable AHs ((i) HH that are headed by women with dependents, (ii) HH heads with disabilities, (iii) landless HH and (iv) ethnic minorities;	- No provision	- Allowance for poor will be provided to all vulnerable HH; - If AH is poor and at the same time falls under the vulnerable group (e.g. disabled or female-headed HH), only 1 cash allowance (the highest) will be given to AH
9	Allowance for HH who are using public land for agricultural, forestry & fishery production.	- Allowance shall be provided	- In accordance with Provincial Decision /Regulations
10	Allowance for agricultural land located in inhabitant area and garden land, fish pond.	- Allowance shall be provided	- In accordance with Provincial Decision /Regulations

		Regulations, Compensation/allowances in accordance with Land Law No: 45 /2013/QH13 Decrees No. 44, 45 and 47/2014/ND-CP, and provincial policies³⁰	Project Policy
11	Career change allowance which does not exceed 5 times the price of agricultural land of the same category in the local land price frame for the entire recovered agricultural land area (Decree 47/2014 Art.20 1) a)	- Allowance shall be provided	- In accordance with Provincial Decision /Regulations
12	Income restoration measures	- Allowance in cash	- Income & livelihood restoration measures will be included in the resettlement plans with focus on poor and other vulnerable groups, including women
13	Households who benefit of government social policy (Heroic Vietnam Mother, Hero of the people's armed force, Hero of labor etc.).	- Allowance shall be provided	- In accordance with Provincial Decision /Regulations
14	Allowance for tenants (houses).	- Allowance shall be provided	- In accordance with Provincial Decision /Regulations
15	Bonus to move on time.	- Allowance shall be provided	- In accordance with Provincial Decision /Regulations
C. Monitoring			
1	Internal monitoring	- Internal monitoring mechanism established by Project Management Unit (PMU)	- In accordance with Provincial Decision /Regulations; - The TA will provide support to PMUs to hire safeguards specialists. - Monitoring and reporting requirements shall be included in the resettlement plans.
2	External monitoring	- No provision	- Because the project is categorized B, no external monitoring will be required
D. Indigenous People			
1	Participation and benefits for IP in Ha Giang City	- No provision	- Measures to enhance participation of IP (especially of women) and to maximize benefits on IP communities will be included in the RP for Ha Giang City. -

Annex 4: Minutes of Meetings and List of Participants

DATE OF MEETING: 06 MARCH 2017 8:30AM TO 10H30 AM	VENUE AND TIME: CULTURAL HOUSE OF MINH KHAI WARD, HA GIANG CITY, HA GIANG PROVINCE; Southern Ring Road Sub-project
PARTICIPANTS : <ul style="list-style-type: none"> - Pierre Arnoux ADB Consultant Resettlement Specialist - Dang Huu Luu ADB Consultant Resettlement Specialist - Dao Tuan Kien ADB Consultant Environment Specialist - Mrs Ngo Huong Department of Investment and Construction of the City PC; - Mr. Trinh Thanh Cong Vice Chairman of Minh Khai Ward - Affected HH of Minh Khai Ward 20 persons (11 men, 9 women) 	
OBJECTIVES OF THE MEETING: <ol style="list-style-type: none"> a) To present the SCDP II Project b) To present the Sub-Projects in the city and in the ward (Southern Ring Road) c) To present ADB policy on resettlement and grievance and monitoring process; d) To present and discuss resettlement and environmental issues for the project; e) To receive concerns from affected people regarding environment, resettlement and ethnic minorities issues. 	
GENERAL COMMENTS: <ul style="list-style-type: none"> - HH in general support the project as it will give a better access to the City; - HH are concerned on impacts in agricultural land and ponds; - HH want the project to be implemented as soon as possible as the road construction started, for one section, more than 7 years ago; - HH want fair compensation rates; 	
QUESTIONS FROM PARTICIPANTS:	
Mr. Do Quang Dieu <p>Question. Currently we don't have enough technical information on the project and in particular how many land will be affected. Marks on the ground to identify the project corridor should be installed. We should be provided more information on the impacts.</p> <p>Answer: This is a preliminary meeting to prepare the resettlement plan. IOL has just been conducted. Once the project will be approved, marks will be put on the ground and a DMS will be conducted with your participation. However, we will request PMU to provide you more technical information as currently available.</p>	
Mr Hoang Van Hoa <p>Question. This project will request a lot of land acquisition (agriculture garden land, forestry land, ponds). Some other options should be studied to reduce resettlement such as upgrading the existing road. A local pond about 3ha in group 1 currently used for aquaculture will be affected by the road. Construction activities may affect the water quality and fish productivity</p> <p>Answer: The proposed new ring road is a by-pass around the south-eastern side of the city centre from the River Lo Bridge, and NH2, to the southern edge of the city centre. It is a not at local level project so upgrading the existing road is not an option. To minimize resettlement is one of the main principles of ADB policy and we will reduce as much as possible resettlement impacts during detailed design.</p>	

Mrs. Do Thi Ngan Leader of Group 1 in Minh Khai ward)

Question: The road alignment changed 3 times; the 1st option was the upgrading of the existing road; the second was a change of alignment to avoid a school; the 3rd option is this new road alignment;

I recently joined the site visit to visit the connecting points for the road alignment. However, we are a little mixed with the various options and need more accurate information.

Answer: We understand the need for more technical information. We will request PMU to provide more technical information. The current alignment is the one presented today. During detailed design, some adjustments could be made.

Mr. Nguyen Tan Trong

Question: This Project has been undertaken 7 years ago, by upgrading a section of the existing road. Land clearance took place and trees were cut. We didn't receive full compensation at this time, just some advance. Now it is prohibited to plant trees in the RoW and we cannot invest in the last 7 years. We are 4 HH in this situation:

- Nguyen Tan Trong
- Phan Duy Truc
- Tran Xuan Thuy
- Vien Thi Kien (sold the land)

Are we going to be fully compensated?

Answer: This situation seems not in compliance with the local regulations. We will review this issue with PMU. If you are affected again you will receive full compensation.

Other information collected

- All HH have a LURC;
- Ethnic minority is not an issue on the section of the road in Minh Khai ward;
- The farmers in this area are organized in a cooperative (42 farmers); the cooperative in particular manage a fish pond that will be affected by the project; HH worry about the impacts on the fish pond as it generates income for the farmers.

LIST OF PARTICIPANTS

Payment Receipt of participants in the Public Consultation

Project name: Southern Ring Road, Minh Khai ward.

6 Mar 2017 (AM)

Meeting location: Minh Khai ward, Ha Giang City.

	Name of participant	Address	Payment (VND)	Signature
1	Trinh Thanh Cong	PCT UBNDP Minh Khai	50,000 VND	[Signature]
2	Ngô Thị Hương	Phong QLĐT	50,000 VND	[Signature]
3	Nguyễn Văn Thương	Tổ 1 Minh Khai	50,000	[Signature]
4	Nguyễn Văn Thương	nt	50,000	[Signature]
5	Nguyễn Đình Dân	nt	50,000	[Signature]
6	Nguyễn Văn Lộc	nt	50,000	[Signature]
7	Đỗ Mạnh Cường	nt	50,000	[Signature]
8	Phan Hồng Duy	nt	50,000	[Signature]
9	Chang Thị Xuân	(Minh) nt	50,000	[Signature]
10	Nguyễn Thị Tuyết	(Hà) nt	50,000	[Signature]
11	Nguyễn Thị Hòa	nt	50,000	[Signature]
12	Tào Thị Phương	nt	50,000	[Signature]
13	Nguyễn Duy Hoàn	nt	50,000	[Signature]
14	Vũ Thị Sương	(Cộng) nt	50,000	[Signature]
15	Nguyễn Đình Tô	nt	50,000	[Signature]
16	Hoàng Văn Hòa	(Hiếu) nt	50,000	[Signature]
17	Đỗ Quang Kiên	(Sinh) nt	50,000	[Signature]
18	Nguyễn Văn Thắng	Giảng (Hải) nt	50,000	[Signature]
19	Đỗ Thị Ngọc	nt	50,000	[Signature]
20	Phạm Thị Huệ	(nt)	50,000	[Signature]
21				
22			1,000,000 VND	
23				
24				
25				
26				

Certified by ward/commune Authority

U.B.N.D PHƯỜNG MINH KHAI
K.T CHỦ TỊCH



Trinh Thanh Cong

<p>DATE OF MEETING: 06 MARCH 2017 2:30PM TO 4H30 PM</p>	<p>VENUE AND TIME: CULTURAL HOUSE OF HAMLET 1, PHU LINH COMMUNE, VI XUYEN DISTRICT, HA GIANG PROVINCE Southern Ring Road Sub-project</p>
<p>PARTICIPANTS : Pierre Arnoux ADB Consultant Resettlement Specialist Dang Huu Luu ADB Consultant Resettlement Specialist Dao Tuan Kien ADB Consultant Environment Specialist Mr. Phung Minh Manh PMU Ha Giang Mr. Nguyen Van Chuyen Vice- Chairman of Phu Linh Commune Mr. Vu Hong Van Land Management Officer of Phu Linh commune Mr. Hoa Van Toan Secretary of Communist Party of Hamlet 1, Phu Linh commune 1 Mr. Luc Van Tai, head of Hamlet Lap 1, Phu Linh commune Affected HH of Phu Linh commune (Tay Ethnic Group) 25 persons (22 men, 3 women)</p>	
<p>OBJECTIVES OF THE MEETING:</p> <ol style="list-style-type: none"> To present the SCDP II Project To present the Sub-Projects in the city and in the commune (Southern Ring Road) To present ADB policy on resettlement and grievance and monitoring process; To present and discuss resettlement and environmental issues for the project; To receive concerns from affected people regarding environment, resettlement and ethnic minorities issues. To receive concerns and comments by the Tay community; 	
<p>GENERAL COMMENTS:</p> <ul style="list-style-type: none"> - The participants anticipate high benefits from the road; by and easy access to the City; no negative impacts is seen on the community and especially on the Tay community; - The Tay community is fully integrated with the Kinh; - The participants want the project to be implemented as soon as possible; <p>QUESTIONS FROM PARTICIPANTS:</p> <p>Mr. Luc Van Linh</p> <p>Question: We are concerned about the proposed compensation rates. How they will be established??</p> <p>Answer: Compensation rates will be established following replacement costs not according to government rates; The survey will be carried out by an independent agency when the project will be approved. The compensation rates will be published ta the commune PC.</p> <p>Mr Nguyen Van Duong – hamlet 7</p> <p>Question: There are about 4 households who are fishing along the Lo river. Due to the close distance with the ring road, during construction and operation phase, noise, dust, machine operation... could affect severely their livelihood. He asked for the solution to handle this impact when the fishing is the main income of his family?</p> <p>Answer: If livelihood is affected, the fishermen will be entitled to an income restoration program, (IRP) to be implemented in the RP.</p>	

Mr. Hoa Van Toan

Question. Farmers are concerned on how to restore their income if a large part of their land is affected.

Answer: The Project will implement an income restoration program for severely affected farmers. It will be supplementary to the allowances already provided by the PPC.

Other information collected

- Ethnic minorities account for 80% of the commune; Tay is the main ethnic group; however, there is no need for presentation in Tay language as all can talk Vietnamese. At home, they talk both Vietnamese and Tay. The EM have some specific cultural activities but few differences are found with the Kinh
- All HH have a LURC;
- Only 1 HH will have to be relocated and he has enough remaining land to move back
- No agriculture land is available in the commune;
- The commune plan to develop Lake Nong for tourist activities. Binh Lam pagoda is another spot that can attract tourist
- Very few selling and buying land in the commune; so, market rate will be difficult to establish;

LIST OF PARTICIPANTS

6 Mar 2017 (PM)

Payment Receipt of participants in the Public Consultation

Project name: Southern Ring Road, and Bridge located in Phu Linh commune.

Meeting location: Phu Linh commune, Vi Xuyen district, Ha Giang province.

	Name of participant	Address	Payment (VND)	Signature
1	Nông Trọng Quang		50.000 VND	
2	Vũ Hồng Văn		50.000 VND	
3	Hoàng Văn Toàn		50.000 VND	
4	Lục Văn Tân		50.000 VND	
5	Lục Văn Ninh		50.000 VND	
6	Lý Văn Tỉnh		50.000 VND	
7	Lý Thị Nga		50.000 VND	
8	Lý Quốc Hoàn		50.000 VND	
9	Lý Đức Quyền		50.000 VND	
10	Lý Văn Lâm		50.000 VND	
11	Vì Văn Dương		50.000 VND	
12	Lý Văn Bình		50.000 VND	
13	Hoàng Văn Cường		50.000 VND	
14	Hoàng Văn Bình		50.000 VND	
15	Lục Văn Đức		50.000 VND	
16	Lý Văn Hiệp		50.000 VND	
17	Lục Văn Sơn		50.000 VND	
18	Lục Văn Giang		50.000 VND	
19	Hoàng Thị Tuấn		50.000 VND	
20	Phạm Thị Mân		50.000 VND	
21	Nguyễn Văn Dương		50.000 VND	
22	Nguyễn Văn Thương		50.000 VND	
23	Phùng Minh Mạnh		50.000 VND	
24	Hoàng Văn Tâm		50.000 VND	
25	Hoàng Văn Hùng		50.000 VND	
26			1,250,000 VND	

Certified by ward/commune Authority

K/T CHỦ TỊCH
PHÓ CHỦ TỊCH

Nguyễn Văn Chuyên

<p>DATE OF MEETING: 07 MARCH 2017 8:30AM TO 10H30 AM</p>	<p>VENUE AND TIME: CULTURAL HOUSE OF CHANG HAMLET, PHUONG THIEN COMMUNE, HA GIANG CITY Southern Embankment of Me Stream Upgrading and expansion of National Road no.2 Western Embankment of Lo River</p>
<p>PARTICIPANTS : Pierre Arnoux ADB Consultant Resettlement Specialist Dang Huu Luu ADB Consultant Resettlement Specialist Dao Tuan Kien ADB Consultant Environment Specialist Mr. Le Van Toi Vice Chairman of Phuong Thien commune Mr. Tran Duy Huan PMU Mr. Nguyen The Dao Head of Chang Hamlet, Phuong Thien commune Mr. Nguyen Dinh Thinh, Land Management Officer of Phuong Thien commune Affected HH of Phuong Thien commune (Tay Ethnic Group) 25 persons (16 men, 9 women); 6 Kinh, 19 Tay</p>	
<p>BACKGROUND AND OBJECTIVES OF THE MEETING:</p> <ol style="list-style-type: none"> To present the SCDP II Project To present the Sub-Projects in the city and in the commune (Southern Embankment of Me Stream, Upgrading and expansion of National Road no.2, Western Embankment of Lo River) To present ADB policy on resettlement and grievance and monitoring process; To present and discuss resettlement and environmental issues for the project; To receive concerns from affected people regarding environment, resettlement and ethnic minorities issues. 	
<p>GENERAL COMMENTS:</p> <ul style="list-style-type: none"> - The participants support the project embankment; - The Tay community is in majority in the commune and is fully integrated with the Kinh; - All participants want the project to start as soon as possible as it has been delayed and delayed; - The participants want fair compensation; 	
<p>QUESTIONS FROM PARTICIPANTS:</p> <p>Mr. Mai Trung Tinh</p> <p>Question: Local people want the embankment to be built on both side of the stream; currently only embankment on the Southern side is planned. On the Northern side, there are rice fields. During flooding the rice field will be flooded and there will be risks of erosion and loss of arable land.</p> <p>Answer: Stabilization is planned only for Southern embankment where residences are much closer to the river. However, we will raise the issue with the technical team and during detailed design it could be assessed.</p>	

Mrs. Hoang Tho Thom

Question: I was affected by the construction of the new Me Bridge along NH 2 in 2009. I had a house and a shop partially affected. Now I am affected again by the enlargement of NH2. For the construction of the Me Bridge, I didn't receive any support allowance by the City, I don't know why. Can the project help me? We also hope we will have enough time to move our shop.

Answer: We cannot compensate for a project not under ADB fund completed 8 years ago. We suggest you write a complaint to the local authorities. For the sub-project under ADB fund you will receive all allowances you are entitled to. Regarding sufficient time to move your shop, yes you will hand over your and when the shop will be moved.

Mrs. Nguyen Thi Xuan

Question: I also want the project to have an embankment on both side of the Me Stream. Flooding may be more serious on the other side if only one embankment is built.

Answer: As already indicated we will raise this issue with the technical team.

Mr. Nguyen Ching Quyen

Question: On behalf of local people we prefer that an independent monitor agency will closely monitor the project to be sure all the benefits will go to local people. We also think that the project will benefit the local people. We have much concern about the design of the embankment along the Me stream, especially due to the hydrology of the stream.

Answer: The RP to be prepared will include independent monitoring.

Other information collected

- Ethnic minorities account for 95% of the commune Tay 80%, Dao 15%, Kinh 5%); Tay is the main ethnic group;
- No need for presentation in Tay language as only some old persons cannot talk Vietnamese. In the house family talk in both Vietnamese and Tay. Children can generally understand Tay
- 60-70% have LURC have; remaining HH have legal rights;
- Regarding the 4 HH who have to relocate they all have sufficient remaining land to move back;
- The commune has some landscape that can attract tourism
- Regarding IRP, the most important vocational training and credit program; because they lost agriculture and want their children to find new jobs not in agriculture.
- The hamlet has a cultural house built 2 years ago; it is used for public meetings and traditional events;
- A Resettlement Site is planned in the commune but no decision has been approved up to now.

LIST OF PARTICIPANTS

Payment Receipt of participants in the Public Consultation

Project name: Embankment of Lo river, Me stream and NR2, Phuong Thien commune.

Meeting location: Phuong Thien commune, Ha Giang City.

	Name of participant	Address	Payment (VND)	Signature	
1	Nguyễn Văn Kỳ	Thôn Chàng	50,000 VND		Tây
2	Nguyễn Thị Cát		50,000 VND		Tây
3	Hoàng Thị Thơm	Cầu mè, Tò 1	50,000		Kinh
4	Nguyễn Thị Thọ	Tò 1, Cầu mè	50,000		Kinh
5	Mai Trung Kính	Cầu mè	50,000		Tây
6	Ngô Quốc Khánh	Cầu mè	50,000		Kinh
7	Ngô Chính Quyền	Cầu mè	50,000		Kinh
8	Ngô Thế Thiện	Thôn Chàng	50,000		Tây
9	Ngô Thế Quốc	Thôn Chàng	50,000		Tây
10	Ngô Thế Quốc	"	50,000		Tây
11	Vũ Thị Lan	Cầu mè	50,000		Kinh
12	Ngô Văn Ngân	Thôn Clây	50,000		Tây
13	Nguyễn Quốc Trí	"	50,000		Tây
14	Ngô Văn Thuận	"	50,000		Tây
15	Ngô Văn Dũng	"	50,000		Tây
16	Ngô Thị Mến	"	50,000		Tây
17	Ngô Thị Túy	"	50,000		Tây
18	Nguyễn Văn Mạnh				Tây
19	Ngô Thị Xuân	"	50,000		Tây
20	Đào Xuân Lan	Cầu mè	50,000		Tây
21	Ngô Thị Thọ	Thôn Chàng	50,000		Tây
22	Ngô Thị Xuân	"	50,000		Tây
23	Cả Văn Tài	P. Chi tiết xã	50,000		Kinh
24	Trần Huy Hoàn	BALPA	50,000		Kinh
25	Ngô B.T. Thiệt	Đ. Chiết	50,000		Kinh
26	Ngô Thế An	Thôn Clây	50,000		Tây

Total = 1,250,000 VND

ỦY BAN QUẢN LÝ PHƯƠNG THIỆN
CHỦ TỊCH
Certified by ward/commune Authority



Nguyễn Văn Hoàn

<p>DATE OF MEETING: 07 MARCH 2017 3 PM TO 4H30 PM</p>	<p>VENUE AND TIME: CULTURAL HOUSE OF RESIDENTIAL GROUP 13, NGUYEN TRAI WARD, HA GIANG CITY Drainage for Tran Phu and Nguyen Trai wards</p>
<p>PARTICIPANTS : Pierre Arnoux ADB Consultant Resettlement Specialist Dang Huu Luu ADB Consultant Resettlement Specialist Dao Tuan Kien ADB Consultant Environment Specialist Mr. Tran Duy Huan PMU, Mrs Nguyen Thi Nguyet land management officer, Nguyen Trai Ward Mrs Nguyen Thi Nhung, head of residential group 13 Mrs Chu Hong Tuyen, Head of Administration Office, Nguyen Trai Ward; Affected HH of Nguyen Trai Ward 35 persons (15 men, 20 women); all Kinh</p>	
<p>BACKGROUND AND OBJECTIVES OF THE MEETING:</p> <ol style="list-style-type: none"> To present the SCDP II Project To present the Sub-Projects in the city and in the ward (Drainage for Tran Phu and Nguyen Trai wards) To present ADB policy on resettlement and grievance and monitoring process; To present and discuss resettlement and environmental issues for the project; To receive concerns from affected people regarding environment, resettlement and ethnic minorities issues. 	
<p>GENERAL COMMENTS:</p> <ul style="list-style-type: none"> All participants insist on the need for the project to be implemented as soon as possible to improve environmental and sanitation conditions. Resettlement is limited and should not be a problem <p>Mr. Nguyen Van Duyen</p> <p>Question: I participated in many meetings for the project; the first time 19 sub-projects were selected and now only 9. Local people strongly support this sub-project as they will get strong benefits through improvement of environmental conditions and sanitation for the people. Resettlement impacts will be limited and the project is easy to build. it will be also important to identify the trees in private land and trees on public land.</p> <p>Answer. This subproject has been selected as it will bring great environmental benefits for the local people. Trees were identified during IOL and they will be identified during DMS. Trees will be compensated on both private and public land to the owner.</p> <p>Mrs. Le Thi Thu</p> <p>Question: A lot of people encroached on the drainage system with secondary structures. What will be compensation for them?</p> <p>Answer: As per project policy, structures will be compensated at replacement cost but land where structures are built will not be compensated.</p> <p>Other information collected</p> <ul style="list-style-type: none"> No relocation will take place; No ethnic minority issue as the ward is located in the center of the City; No IRP necessary; All HH have LURC. 	

LIST OF PARTICIPANTS

Payment Receipt of participants in the Public Consultation

Project name: Drainage System in Nguyen Trai ward, (Ha Giang City)

7 Mar 2017 (PM)

Meeting location: Nguyen Trai ward, Ha Giang City.

	Name of participant	Address	Payment (VND)	Signature
1	Lê Thị Khánh	Tổ 14	50,000 VND	<i>[Signature]</i>
2	Lai Thị Kim Hoàn	Tổ 1	50,000	<i>[Signature]</i>
3	Ngô Thị Dung	Tổ 14	50,000	<i>[Signature]</i>
4	Ngô Thị Tuyết	Tổ 14	50,000	<i>[Signature]</i>
5	Phạm Thị Quý	Tổ 14	50,000	<i>[Signature]</i>
6	Lê Thị Tuấn	Tổ 12	50,000	<i>[Signature]</i>
7	Trần Thị Sáu	Tổ 12	50,000	<i>[Signature]</i>
8	Trần Thị Bích	Tổ 12	50,000	<i>[Signature]</i>
9	Mai Thị Chúc	Tổ 12	50,000	<i>[Signature]</i>
10	Phạm Sỹ Quốc	Tổ 13	50,000	<i>[Signature]</i>
11	Nguyễn Văn Hải	Tổ 13	50,000	<i>[Signature]</i>
12	Nguyễn Văn Nghi	Tổ 12	50,000	<i>[Signature]</i>
13	Nguyễn Thị Hồng	Tổ 12	50,000	<i>[Signature]</i>
14	Nguyễn Thị Hải Yến	Tổ 13	50,000	<i>[Signature]</i>
15	Lai Hữu Dũng	Tổ 1	50,000	<i>[Signature]</i>
16	Nguyễn Văn Tuấn	Tổ 12	50,000	<i>[Signature]</i>
17	Nguyễn Văn Tân	Tổ 12	50,000	<i>[Signature]</i>
18	Nguyễn Hoàng Lương	Tổ 12	50,000	<i>[Signature]</i>
19	Nguyễn Ngọc Lâm	Tổ 1	50,000	<i>[Signature]</i>
20	Nguyễn Thị Nhung	Tổ 13	50,000	<i>[Signature]</i>
21	Lê Thị Đức	Tổ 13	50,000	<i>[Signature]</i>
22	Nguyễn Ngọc Nguyễn	Tổ 14	50,000	<i>[Signature]</i>
23	Nguyễn Lan Phương	Tổ 13	50,000	<i>[Signature]</i>
24	Đo Văn Trinh	Tổ 13	50,000	<i>[Signature]</i>
25	Nguyễn Thị Thu	Tổ 13		<i>[Signature]</i>
26	Đinh Văn Thành	Tổ 13		<i>[Signature]</i>

- 27 Đặng Tuấn Nghĩa
- 28 Hà Văn Quy
- 29 Nguyễn Thị Giang
- 30 Phạm Thị Nghĩa
- 31 Nguyễn Văn Huyền
- 32 Đinh Thị Nga
- 33 Nguyễn Văn Cường
- 34 Hoàng Thị Nhung

[Signature] 35 Ngô Thị Tâm Tuấn
 Certified by ward/commune Authority



[Signature]
 Chue Hằng Thuận

$\Sigma = 35 \times 50,000 = 1,750,000 \text{ VND}$

Annex 5: Photos of the Public Meetings

MONDAY 6 MARCH 2017, CULTURAL HOUSE OF MINH KHAI WARD, HA GIANG CITY, HA GIANG PROVINCE SOUTHERN Ring Road Sub-project



**MONDAY 6 MARCH 2017, PHU NINH COMMUNE, VU XUYEN DISTRICT. HA GIANG PROVINCE
Southern Ring Road Sub-project (Tay community)**



TUESDAY 7 MARCH 2017, CULTURAL HOUSE OF CHANG HAMLET, PHUONG THIEN COMMUNE, HA GIANG CITY, HA GIANG PROVINCE



TUESDAY 7 MARCH 2017, CULTURAL HOUSE OF RESIDENTIAL GROUP 13,

NGUYEN TRAI WARD, HA GIANG CITY, HA GIANG PROVINCE



Annex 6: Public Information Booklet

SECONDARY CITY DEVELOPMENT PROJECT II (GREEN CITY) SUBPROJECT IN HA GIANG CITY - PUBLIC INFORMATION BOOKLET

The ADB is funding the “Secondary City Development Project II - Green Cities” (SCDP II), in Ha Giang City. The project supports: provision of improved strategic infrastructure and access to basic urban services.

Nine subprojects are proposed in Ha Giang City i) **Drainages Subprojects (3)**: i) in Tran Phu and Nguyen Trai wards; ii) in Quang Trung Ward; and iii) in Minh Khai ward. **Embankment rehabilitation (3)**: i) western embankment of Lo River; section of Goc Gao to new Me Bridge (Minh Khai ward); ii) embankment and roads on both sides of Mien River, section from Suoi Tien to Bridge 3/2 (Quang Trung, Tran Phu and Ngoc Ha wards); and iii) the southern embankment of Me Stream, from old Me bridge to Chang spillway (Phuong Thien commune). **Roads (3)**. i) upgrading of National Road, No 2 (Phuong Thien commune); ii) building Southern Ring Road (SSR) (Minh Khai ward and Phu Linh commune); and ii) Bridge to link the SSR to MH 2 ((Minh Khai ward and Phuong Thien commune).

Why is this Project necessary to implement?

Drainage subprojects will help to reduce flooding and ensure better sanitation. Rehabilitation of embankments will result in better flood protection. Linear parks will also be incorporated on top of the embankments. Roads will ensure better interconnectivity within the city and the rural/peri urban areas where infrastructures and services, are generally poor.

Scope of impact

The project will permanently acquire 5.4 ha of land of which 3.1 ha of forestry land, 0.7 ha of agriculture land, 0.39 ha of fish ponds, 0.4 ha of garden land and 0.82 ha of residential land. 426 households will be affected by the project including 21 houses; 12 HH will have to be relocated.

Who are the affected households (AHs)?

Entitled AHs are those persons who are located within the affected area at the date the project will be publicly announced. The cut-off-date for eligibility is the date of the notification for land acquisition. Persons who encroach into the area after the cut-off-date will not be entitled to compensation or any other form of resettlement assistance.

What are the resettlement policies and principles of the Project for affected households?

The basic resettlement principles of the Project are:

- a) All APs are entitled to be compensated for their lost assets, incomes and businesses at replacement cost, and provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, incomes and productive capacity.
- b) Lack of legal rights to the assets lost will not prevent APs from entitlement to compensation.
- c) Compensation for affected assets shall be provided at market rates.
- d) Preparation of a resettlement plan and their implementation is to be carried out with participation and consultation of affected people.
- e) Payment of compensation for affected assets and relocation of AHs to new sites will be completed prior to commencement of any construction activities.
- f) Specific assistance will be provided for ethnic minorities, female headed-households, families with disabled, and other vulnerable families.

When the Detailed Measurement Survey (DMS) will take place?

This activity will be carried out after the detailed design of the components (Q4 of 2018) has been completed. The DMS will identify all affected assets (land, structure, trees, crops etc.) of each HH. The DMS team will be composed of project representatives (PMU staff), the Resettlement Committees of the city, wards and communes staff. The DMS will only be carried out in the presence of the AHs. AHs will be informed prior to the survey.

When the Project is expected to commence?

The detailed design will take place by early 2018. Land acquisition and resettlement will take place by the end of 2018 and the civil works for the component construction is expected to start by early 2019.

When other consultation will take place?

Consultation with AHs will continue during the detailed design phase and before the DMS. AHs will receive a written invitation to join the public meetings.

If there are disagreements or problems arising during the Project such as compensation or general project-related disputes, do I have the right to complain?

Any AH may file a complaint or grievance. The Project includes a Grievance Redress Mechanism and AHs may present their complaints to the concerned local administrative officials and

Resettlement Committee, either verbally or in writing.

The complaint can be filed first at the commune level and can be elevated to the highest provincial level if the AHs are not satisfied with the decisions made by the ward/commune or city. AHs will be exempted from all taxes and administrative and legal fees associated with filing and resolving the dispute.

Anybody who has questions or concerns about the Project, can contact the following persons:

Ha Giang City: Investment and Construction
Project Management Unit of the City
Add: 105 Tran Hung Dao street, Tran Hung Dao
ward, Ha Giang City
Mrs. Nguyen Thi Phuong Lan, Director
Mobile: 0912 054 754.
Email: lanhagiang@gmail.com

Annex 7: Detailed Costs for Organizing Community Consultation Meetings

	Activities			Costs
1	Preparation of related documents (A1)	Lump sum	5,000,000	5,000,000
2	Hiring meeting hall, instruments, media equipment...(A2)	Lump sum	10,000,000	10,000,000
3	Salary for specialist/staff (A3)	2 people	5,000,000	10,000,000
4	Support for participants (A4)	30 people	150,000	4,500,000
5	Total A5 = (A1) + (A2) + (A3) + (A4)			29,500,000
6	Contingency cost A6=10%*A5			2,950,000
7	Cost for organizing 1 meeting(A7)			32,450,000
8	Total cost for organizing 8 meetings A8 = 8*A7			259,600,000

ANNEX 8: List of Affected Households in Ha Giang City

Nb	Component	Ward/commune	Name of AHHs
I	DRAINAGE SYSTEM	NGUYEN TRAI - TRAN PHU	96
1			ĐINH CAO ĐIỀN
2			ĐỖ THỊ HOÀ
3			NGUYỄN THỊ HƯỜNG
4			LẠI HỮU VẤN
5			NGUYỄN VĂN THƯỜNG
6			PHẠM VĂN SÂM
7			NGUYỄN NGỌC LÂM
8			NGUYỄN ĐÌNH THANH
9			NGUYỄN VĂN DUYÊN
10			NGUYỄN CAO CƯỜNG
11			NGUYỄN VĂN VIỆT
12			NGUYỄN THỊ MAI
13			NGUYỄN VĂN CHUYÊN
14			NGUYỄN ĐÌNH SƠN
15			NGUYỄN NGỌC THÌN
16			PHẠM VĂN BẰNG
17			PHẠM THỊ NGHĨA
18			TRẦN THỊ LAN
19			NGUYỄN THỊ HẢI YẾN
20			NGUYỄN VĂN QUỐC
21			TRẦN TRÍ THÀNH
22			TRẦN THỊ CÁN
23			ĐẶNG TUẤN NGHĨA
24			TRẦN THU HÀ
25			NGUYỄN THỊ GIA
26			KHÔNG MINH THẮNG
27			HOÀNG VĂN MẠNH
28			VŨ XUÂN HOÁ
29			VŨ HỮU TOÀN
30			HỒ THỊ NHẠC
31			ĐỖ VĂN TRỌNG
32			NGUYỄN VĂN THANH
33			PHẠM THỊ SƠN
34			LÊ ĐẠI ĐỨC
35			NGUYỄN THỊ DUNG
36			BÀ HỒNG
37			VŨ THỊ PHÚC
38			HÀ DUY BÌNH
39			NGUYỄN VĂN CHÍ
40			ĐINH VĂN KHÁ
41			NGUYỄN VĂN TÂN

42			NGUYỄN ĐỨC ĐÀN
43			TRẦN HẢI HÙNG
44			TRẦN VĂN SỰ
45			TRẦN THỊ CÔM
46			HOÀNG THỊ NHÌNH
47			NGUYỄN THỊ HẠNH
48			TRẦN THỊ SÁU
49			LÊ THỊ TOÀN
50			TRẦN THỊ THÊU
51			TRẦN THỊ THẨM
52			LÊ THỊ TÌNH
53			NGUYỄN THỊ QUẾ
54			NGUYỄN GIA LƯƠNG
55			DƯƠNG THÀNH KHÁNH
56			ĐOÀN THỊ NGÀ
57			Nguyễn Đình Thanh
58			Nguyễn Ngọc Châu
59			Phạm Văn Đản
60			Vương Đình Cường
61			Trần Văn Minh
62			Đặng Tuấn Nghĩa
63			Đình Thị Thinh
64			Đình Văn Mỡn
65			Đình Văn Thành
66			Đỗ Thị Hòa
67			Hoàng Trung Cường
68			Dương Mạnh Hùng
69			Đỗ Văn Trịnh
70			Trịnh Thị Thanh Tâm
71			Trịnh Thị Thanh Thủy
72			Nguyễn Thị Lợi
73			Lê Văn Lựu
74			Not identified
75			Not identified
76			Not identified
77			LUYẾN
78			CẠNH LUYẾN
79			CHANH
80			CẠNH NHÀ GIANG
81			PHƯƠNG THẮNG
82			HUÊ
83			NHUNG NGHỊ
84			HANH
85			Construction Company
86			NGUYỄN

87			VĂN
88			Not identified
89			Not identified
90			Not identified
91			TUYÊN
92			Not identified
93			CHIẾU
94			LƯƠNG
95			TÍNH
96			TUÂN
II	EMBANKMENT OF SOUTHERN ME STREAM	PHUONG THIEN COMMUNE	36
1			NGUYỄN VĂN KẾ
2			NGUYỄN VĂN TÁO
3			NGUYỄN THẾ QUẾ
4			NGUYỄN VĂN DUNG
5			HOÀNG VĂN LONG
6			VƯƠNG QUỐC TRƯỞNG
7			NGUYỄN VĂN TRÁNG
8			MAI XUÂN THÚY
9			NGUYỄN VĂN TIỆN
10			NGUYỄN VĂN HẠNH
11			NGUYỄN THẾ LỘC
12			NGUYỄN VĂN KHUYẾN
13			NGUYỄN VĂN THỨC
14			PHẠM VĂN DŨNG
15			NGUYỄN THỊ XUYỀN
16			NGUYỄN THỊ PHƯƠNG
17			NGUYỄN VĂN CHUYÊN
18			VƯƠNG THỊ HIỀN
19			NGUYỄN THỊ TUYÊN
20			VƯƠNG THỊ HOẠT
21			NGUYỄN VĂN CHIẾN
22			NGUYỄN THỊ DI
23			NGUYỄN THỊ ĐÀO
24			NGUYỄN VĂN XOAN
25			NGUYỄN VĂN THỤY
26			NGUYỄN VĂN THUẬN
27			NGUYỄN XUÂN ĐIỀU
28			NGUYỄN THỊ GIẢ
29			NGUYỄN THỊ THỎA
30			NGUYỄN VĂN PHỎ
31			NGUYỄN VĂN KIM
32			NGUYỄN VĂN CHUNG
33			NGUYỄN VĂN NGÁN

34			NGUYỄN THỊ CHÚC
35			NGUYỄN VĂN HÙNG
36			NGUYỄN VĂN PHIÊN
III	NATIONAL ROAD # 2	PHUONG THIEN COMMUNE	154
1			DƯƠNG LỆ THANH
2			VŨ ĐÌNH BẢY
3			ĐÀO QUANG HÀO
4			BÙI HƯỜNG
5			ĐÀM XUÂN LAN
6			MAI TRUNG TÍNH
7			HOÀNG THỊ LAN
8			NGUYỄN THỊ THANH
9			NGUYỄN VĂN THẠCH
10			Nguyễn Thị Ngơi
11			NGUYỄN VĂN HUY
12			NGUYỄN THỊ CÒI
13			NGUYỄN VĂN SÊN
14			ĐẶNG QUY TUYẾN
15			NGUYỄN CHÍNH QUYÊN
16			NGUYỄN THỊ THỌ
17			NGUYỄN XUÂN CHIÊU
18			NGUYỄN THỊ THU HIỀN
19			HOÀNG THỊ THƠM
20			Lương Đình Thế
21			Lê Công Cường
22			Nguyễn Đức Trung
23			Đặng Quang Tuyên
24			Trần Nhật Khánh
25			Nguyễn Tiên Phong
26			Nguyễn Thu Phương
27			Nguyễn Văn Ngọc
28			Trần Đức Thiện
29			Nguyễn Thị Tâm
30			Đình Xuân Bình
31			Anh Đường vâu
32			Trịnh Duy Thu
33			Nông Tú Khâu
34			Nguyễn Văn Tài
35			Nguyễn Văn Tiến
36			Nguyễn Văn Tấn
37			Trịnh Thị Thanh
38			Đàm Thị Hồng Ngọc
39			Not identified HH head
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150			Not identified HH head
151			Not identified HH head
152			Not identified HH head
153			Not identified HH head
154			Not identified HH head
IV	SOUTHERN RING ROAD	PHU LINH COMMUNE	36
1			LÝ VĂN TÍNH
2			LÝ QUỐC HOAN
3			LÝ THỊ NGÀ
4			LÝ ĐỨC QUYỀN
5			LỤC VĂN NINH
6			LÝ VĂN LÂM
7			VI VĂN ĐƯỜNG
8			LÝ VĂN BÌNH
9			PHÍ THỊ MÀM
10			HOÀNG VĂN BÌNH
11			HOÀNG VĂN TOÀN
12			HOÀNG VĂN TRUNG
13			LỤC VĂN ĐỨC
14			LÝ VĂN HIỆP
15			LỤC VĂN SƠN
16			LỤC VĂN GIANG
17			HOÀNG THỊ TƯƠI

18			LA VĂN CẦU
19		MINH KHAI	TRẦN THỊ PHƯƠNG
20			NGUYỄN ĐỨC HOÀN
21			NGUYỄN VĂN LỢI
22			ĐOÀN THỊ HỮU
23			LÊ THỊ SỬU
24			TRẦN ANH TUẤN
25			NGUYỄN VĂN THẮNG
26			NGUYỄN QUỐC CÔNG
27			NGUYỄN VĂN MINH
28			NGUYỄN VĂN HÀ
29			NGUYỄN TIẾN ĐẠT
30			NGUYỄN TẤN TRỌNG
31			NGUYỄN VĂN TRÚC
32			DUY TRƯỜNG BAN
33			CAO THANH LÂM
34			NÔNG ĐÌNH TỐ
35			HÀ THỊ THƠM
36			HIỀN-ĐẾ
V	NEW BRIDGE		3
			NGUYỄN VĂN LAI
			Not identified HH head
			Not identified HH head
VI	EMBANKMENT OF MIEN RIVER	QUANG TRUNG WARD	58
1			ĐÀO TRỌNG HIỆP
2			HỒNG - NINH
3			NGUYỄN VĂN HÀ-LAN
4			LÊ VĂN NGÀ
5			HOÀNG VĂN HÂN
6			NGUYỄN ĐÌNH NGỌC
7			HẠ ĐỨC LƯƠNG
8			PHẠM THỊ LƯU
9			NGUYỄN VĂN MINH
10			PHẠM MINH QUANG
11			NGUYỄN VĂN KHẢI
12			PHÙNG THỊ HÀ
		NGOC HA WARD	
13			NGUYỄN THỊ TỐ
14			VŨ THỊ THƠ
15			LỘC QUỐC HÙNG
16			ĐÀO VĂN CƯỜNG
17			LÊ XUÂN YÊN
18			NGUYỄN VĂN HIẾU
19			NGUYỄN KHẮC HÙNG

20			NGUYỄN THỊ OANH
21			NGUYỄN XUÂN BÀNG
22			NGUYỄN VĂN TIẾN
23			ĐỖ TIẾN CƯƠNG
24			TRỊNH VĂN NHÂN
25			HOÀNG THỊ PHƯƠNG
26			LƯU VĂN ĐIỆN
27			NGUYỄN THỊ THUẬN
28			NGUYỄN THỊ OANH
29			BÙI VĂN TIẾN
30			LÊ VĂN NGỌ
31			PHÙNG THỊ BẢY
32			ĐỖ THỊ CHÁP
33			NGUYỄN XUÂN TÂM
34			NGUYỄN THỊ HƯƠNG
35			NGUYỄN KHẮC THẮNG
36			HOÀNG THỊ HỒNG
37			NGUYỄN VIỆT SINH
38			NGUYỄN THỊ THANH XUÂN
39			VŨ THỊ THẢO
40			PHẠM THỊ GÁI
41			NGUYỄN VĂN HẬU
42			NGUYỄN THỊ HÀ
43			NGUYỄN THỊ NHÀN
44			BÙI THỊ THỦY
45			NGUYỄN THỊ NHUNG
46			LÊ VĂN GIANG
47			ĐẶNG THỊ NGUYỆT
48			TRẦN THỊ NGÂN
49			HOÀNG NGỌC SƠN
50			HOÀNG TẤN VĨ
51			HOÀNG NGỌC BẢO
52			ĐỒNG THỊ LOAN
53			HOÀNG VĂN DŨNG
54			NGUYỄN VĂN TRÃI
55			NGUYỄN THỊ HỒNG
56			HOÀNG THỊ TOÀN
57			HOÀNG THỊ KIM TIẾN
58			HOÀNG VĂN BÌNH
VII	EMBANKMENT OF WESTERN LO RIVER	PHUONG THIEN COMMUNE	17
1			NGUYỄN VĂN TUẤN
2			NGUYỄN THỊ BÍCH
3			NGUYỄN XUÂN TRỊNH

4			Not identified HH head
5			Not identified HH head
6			Not identified HH head
7			Not identified HH head
8			Construction material company
9			ÔNG SINH
10			HOÀNG THỊ LAN
11			Wood stores
12			Not identified HH head
13			Not identified HH head
14			Not identified HH head
15			Not identified HH head
16			Not identified HH head
17			Not identified HH head
VIII	DRAINAGE SYSTEM	MINH KHAI WARD	5
1			NGUYỄN THỊ ĐỘ
2			NGUYỄN VĂN TỐI
3			ĐỖ MẠNH CƯỜNG
			TÙNG (VẮNG MẶT)
			ĐỘ (VẮNG MẶT)
IX	DRAINAGE SYSTEM	QUANG TRUNG WARD	21
1			CẦU THỊ TUYẾN
2			LÊ THỊ HIỀN
3			ĐÀO THỊ DÂN
4			CẦU THÀNH VANG
5			CẦU THỊ ĐÔNG
6			QUẢN VĂN GIANG
7			TẠ THỊ YẾN
8			MAI THỊ ÁNH
9			PHẠM THẾ SỸ
10			VI THỊ KÉN
11			PHẠM THỊ NGHĨA
12			NGUYỄN TUẤN PHONG
13			NGUYỄN XUÂN HẢI
14			HỒ THỊ HÀ
15			NGUYỄN THỊ VÂN
16			ĐOÀN THÁI TRUNG
17			NGUYỄN THỊ BÌNH
18			HOÀNG THỊ CHUA
19			THÈN VĂN MINH
20			CHÁNG CÒ LÈNG
21			PHẠM VĂN TUẤN
TOTAL AFFECTED HOUSEHOLDS OF 9 COMPONENTS			426