

Resettlement Plan

Project Number: 53077-001
June 2022

People's Republic of China: Gansu Environmentally Sustainable Rural Vitalization and Development Project—Yongchang Subproject

Prepared by the Yongchang County Project Management Office for the Asian Development Bank.

Currency Equivalents

(as of 1 February 2022)

Currency Unit	=	Yuan (CNY)
USD 1.00	=	CNY 6.35
CNY 1.00	=	USD 0.15748

ABBREVIATIONS

ADB	–	Asian Development Bank
FGD	–	focus group discussion
GRM	–	Grievance redress mechanism
IA	–	Implementing Agency
KII	–	key Informant Interview
LAR	–	land acquisition and resettlement
LURT	–	land use right transfer
IA	–	implementing agency
PMO	–	project management office
PRC	–	People's Republic of China
TRTA	–	transactional technical assistance

NOTE

In this report, "\$" refers to United States dollars.

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本项目的实施必须满足亚行保障政策声明（SPS）附录 2—非自愿移民政策。本移民计划代表了亚行的一个关键要求，为项目实施土地征收及移民安置的基础，以及更新移民计划的依据。

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 (签字)  永昌县项目办
2022.7.10 (日期)

Letter of Commitment

The Ecological Protection Demonstration Project of Water Source of Jinchuan Gorge in Yongchang County (the Subproject) is one of the subprojects of the ADB-funded Environmentally Sustainable Rural Revitalization and Development Project of Gansu Province.

The Subproject must be implemented in accordance with ADB's Safeguard Policy Statement (SPS 2009), especially ADB's requirements on involuntary resettlement. This Resettlement Plan (RP) represents a key requirement of ADB and serves as the basis for land acquisition and resettlement of the Subproject and for resettlement plan updating.

Yongchang County Project Management Office hereby confirms the contents of the Resettlement Plan and promises that the budget funds in the Plan will be included in the general budget of the Project and will be in place in time. Yongchang County Project Management Office has discussed the draft Resettlement Plan with relevant units (such as Yongchang County Natural Resources Bureau, Chengguan Town and Hongshanyao Town) and obtained their recognition. The RP will be updated once final design and detailed measurement survey (DMS) completed and then submitted to ADB for review and clearance prior to awards of civil work contracts and commencement of LAR activities.

Yongchang County Project Management Office is generally responsible for the implementation of Yongchang Subproject, and Yongchang County Natural Resources Bureau and relevant townships are specifically responsible for the implementation of resettlement within their jurisdiction.

Yongchang County Project Management Office



(Signature)

2022.7.10 (Date)



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EXECUTIVE SUMMARY

A. Project Overview

1. The Yongchang Subproject of proposed Gansu Environmentally Sustainable Rural Vitalization and Development Project will be implemented in Yongchang County, Jichuang City, Gansu Province. Gansu Culture Tourism Group (where the Provincial Project Management Office established) is responsible for the implementation of the whole project; while Yongchang County Project Management Office (YPMO) is responsible for the implementation of Yongchang Subproject.

2. The Yongchang Subproject includes: (i) Carrot Characteristic Town, mainly including Smart Agriculture Demonstration Area, Flower Farm and Wellness Area, Carrot Characteristic Town Area; (ii) Reservoir ecological treatment, mainly including Reservoir Ecological Treatment Area and Supporting Facilities; and (iii) Maobula Folk Culture Exhibition Area and Planting and Breeding Base, mainly including Efficient Agricultural Planting Base, village infrastructure, Folk Intangible Cultural Heritage Exhibition Area and Featured Breeding Base. The above project activities mainly involve construction of smart agricultural greenhouses, water-saving irrigation facilities, folk cultural heritage display, circular agriculture and animal husbandry, green buildings, residential houses renovation, environmental management, landscape roads, clean energy for charging and lighting, sewage collection, garbage collection facilities and other auxiliary facilities. The total investment of the Yongcuang Subproject is CNY 302,575,900. The construction period of the Subproject is from December 2022 to November 2028.

B. Land Acquisition and Resettlement (LAR) Impacts

3. The LAR impacts of the Yongchang Subproject involve Beihaizi Village, Jinchuan East Village, Jinchuan West Village in Chengguan Town, and Maobula Village in Hongshanyao Town, Yongchang County. The Yongchang Subproject will permanently acquire 159.53 mu land, including 35.35 mu of cultivated land, 13.04 mu of forest land, and 111.14 mu of village collective wasteland. A total of 28 households of 120 persons will be affected by PLA. no affected households and persons will suffer in income losses of over 10% due to LA. No households will be affected by physical displacement.

4. According to the Subproject's feasibility study report (FSR), all construction activities will be implemented within the scope of PLA and the subproject will not involve temporary land occupation (TLO). According to the field investigation, the ground attachments to be affected are mainly scattered trees.

C. Voluntary Land Use Right Transfer (LURT)

5. According to the screening and preliminary measurement during project feasibility study stage, totally 11,787.26 mu of land will be occupied through LURT for the Yongchang Subproject, including 9,611 mu of cultivated land to be transfered, involving 163 households of 568 persons in 3 villages; and 8,504 mu of land that has been transferred, involving 540 persons in 124 households.

6. The LURT at project implementation stage will be implemented in accordance with the principles of "equality, voluntariness, openness, transparency, and fair compensation". During the project preparation period, the Gansu Province Project Management Office and the Yongchang County Project Management Office conducted due diligence on completed LURT and prepared a LURT Framework for LURT to be conducted during project implementation. See the the LURT Framework and DDR in **Annex 2**.

D. Policy Framework

7. The resettlement plan is formulated in accordance with the Land Administration Law of the People's Republic of China (PRC) (2020), the Measures for Implementing the Land Administration Law of the PRC in Gansu Province (2021), the Integrated Land Price Standard for Farmland Acquisition Areas in Gansu Province (2020), the Integrated Land Price Standard for Farmland Acquisition Areas in Jinchang City (2020) and the ADB's Safeguard Policy Statement (2009), particularly the Safeguard Requirement 2: Involuntary Resettlement.

8. The Subproject will involve permanent acquisition of cultivated land in one village, and the livelihood restoration measures for affected persons (APs) mainly include the following: i) monetary compensation; ii) improvement of agricultural production conditions and adjustment of agricultural production structure; iii) employment assistance; (iv) skill training and (v) pension insurance.

E. Information Disclosure, Public Consultation, and Grievance Redress Mechanism

9. Despite the impact of COVID-19, site visits, focus group discussions, key informant interviews, videoconferences, remote surveys, and other communication and public consultation activities were conducted during RP preparation. AP's views and concerns have been well incorporated in the RP. The RP will be disclosed on the websites of the local government and ADB after clearance by ADB, and the resettlement information booklet and the RP will be distributed to the affected persons or villages at the same time.

10. A grievance redress mechanism (GRM) has been established for this subproject to deal with appeals and complaints of APs on LAR during RP preparation and implementation. The Gansu Provincial Project Management Office, Yongchang County Project Management Office, Natural Resources Bureau, and the governments of affected towns and village committees are responsible for coordinating and resolving the complaints and appeals in the process of LAR.

F. Institutional Arrangements and Implementation Schedule

11. Yongchang County Project Management Office will be responsible for overall management and coordination of RP preparation, updating, implementation, monitoring and reporting. Yongchang County Natural Resources Bureau, affected towns, and affected villages are the resettlement implementation agencies of the Subproject and are specifically responsible for RP implementation. According to the Subproject implementation schedule, the LAR activities will be implemented from December 2022 and completed in December 2023.

G. Resettlement Budget

12. The budget for LAR expenses of this Subproject is estimated at CNY 6,697,300, accounting for 2.21% of the total investment of CNY 302,575,900 of the Yongchang Subproject. All resettlement budget has been included in the total investment of the Subproject. Yongchang County Project Management Office will use domestic counterpart funds to carry out LAR activities.

H. Monitoring, Evaluation, and Reporting

13. Internal and external monitoring and evaluation will be carried out on land acquisition and resettlement. Internal monitoring will be carried out by Gansu PMO and Yongchang PMO, and internal monitoring report will be submitted to ADB semiannually. Meanwhile, Gansu PMO will also engage an external monitor to conduct its own verification, monitoring and evaluation. The monitor will submit the M&E reports to Gansu PMO and ADB semiannually until the completion of resettlement.

1 Project Overview

1.1 Project Background

1. The Yongchang Subproject of proposed Gansu Environmentally Sustainable Rural Vitalization and Development Project will be implemented in Yongchang County, Jichuang City, Gansu Province. The Provincial Project Management Office (PPMO) located in Gansu Culture Tourism Group is responsible for the implementation of the whole project; while Yongchang County Project Management Office (YPMO) is responsible for the implementation of Yongchang Subproject.

2. The Yongchang Subproject is located in Beihaizi Village, Jinchuan East Village, Jinchuan West Village in Chengguan Town, and Maobula Village in Hongshanyao Town, Yongchang County.

1.2 Project Composition and Resettlement Impact Profile

3. The proposed activities of Yongchang Subproject includes: (i) Carrot Characteristic Town, mainly including Smart Agriculture Demonstration Area, Flower Farm and Wellness Area, Carrot Characteristic Town Area; (ii) Reservoir Ecological Treatment Area, specifically including the upgrading and reconstruction of the ecological environment on the west bank of Jinchuan Gorge Reservoir; and (iii) Maobula Folk Culture Exhibition Area and Planting and Breeding Base, including Efficient Agricultural Planting Base, reconstruction of village infrastructure, Folk Intangible Cultural Heritage Exhibition Area and Featured Breeding Base. In addition, sanitation vehicles (garbage trucks, sprinklers, etc.), solar streetlights, solar water heaters, etc will be purchased for the Yongchang Subproject.

4. According to the construction content of the Project, the Yongchang County Project Management Office (Yongchang PMO) has screened and preliminarily investigated the land acquisition and resettlement (LAR) impacts of the Subproject.

5. Yongchang County Natural Resources Bureau has issued the pre-examination of land use on 10 March 2022, clarifying that the land to be used by the Subproject will not occupy basic farmland and ecological protection area, and the project construction conforms to relevant national regulations. Refer to **Annex 1** for details.

6. LAR impacts of the Subproject involve 159.53 mu permanent land acquisition (PLA) of rural collective land, which is caused by some components in the Carrot Characteristic Town, Maobula Folk Culture Exhibition Area and planting and breeding bases. There is no physical displacement impact.

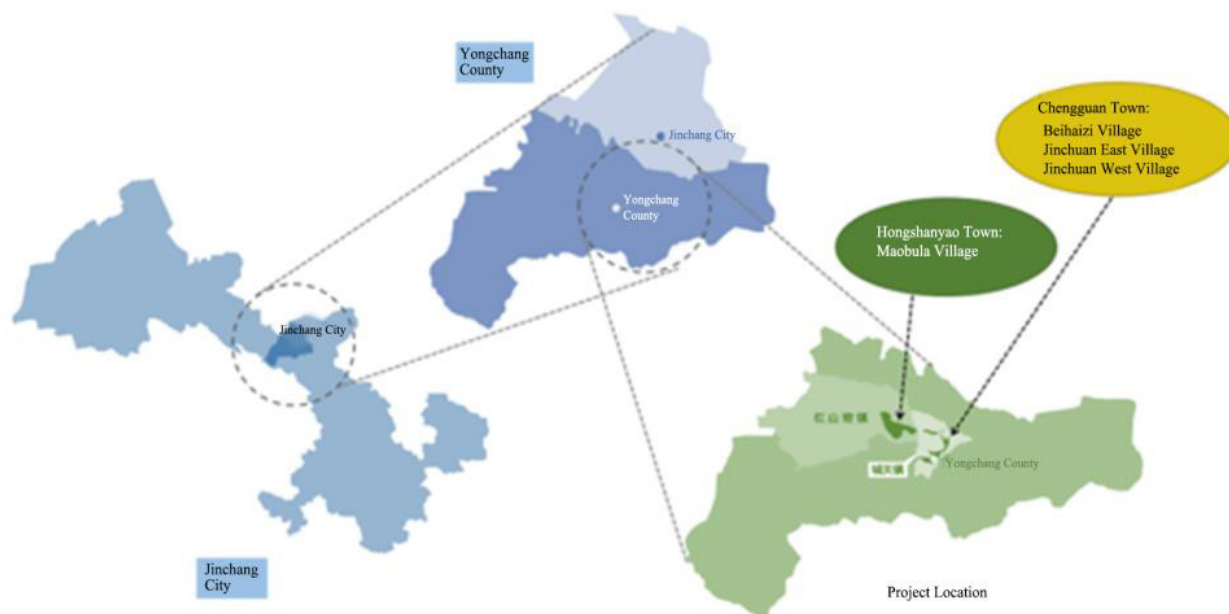
7. In addition, the Yongchang Subproject will involve the land use right transfer (LURT) on a voluntary basis for ecological environment management and efficient agricultural planting bases. LURT refers to the transfer of land use rights from communities or farmer households with contracted management rights of land to other farmer HHs or economic organizations, i.e. retaining land contracting rights and transferring use rights for a specific period of time. 11,787.26 mu of land will be used through LURT for the Yongchang Subproject, of which 8,504 mu has completed LURT process. The facilities can be constructed on the land through LURT, which is facility agricultural land according to PRC's laws and regulations. It includes the land directly used for crop cultivation, livestock and poultry breeding and aquaculture as well. Among them, the land for crop cultivation includes the nursing houses for crop production and services, storage for agricultural materials and machines, and production-related facilities for drying, sorting, packaging, fresh-keeping, and storage. The facility agricultural land for livestock and aquaculture includes the land for aquaculture production and directly related dung & stale disposal, inspection & quarantine, and production roads, excluding the land for

slaughter and meat processing. Facility agricultural land belongs to internal type adjustments of agriculture land and do not require land acquisition and conversion to state-owned land and LURT is applied according to PRC's laws and regulations

8. See Table 1-1 for details of project contents and summary of land use and impacts.
9. This RP will be updated based on the preliminary design of the subproject and the results of the detailed measurement survey (DMS). The updated RP will be submitted to ADB for review and approval before the award of civil works contracts, and the beginning of LAR.



Locations of Subprojects



Location of Yongchang Subproject

Figure 1-1 Distribution of Implementation Ranges of Yongchang Subproject

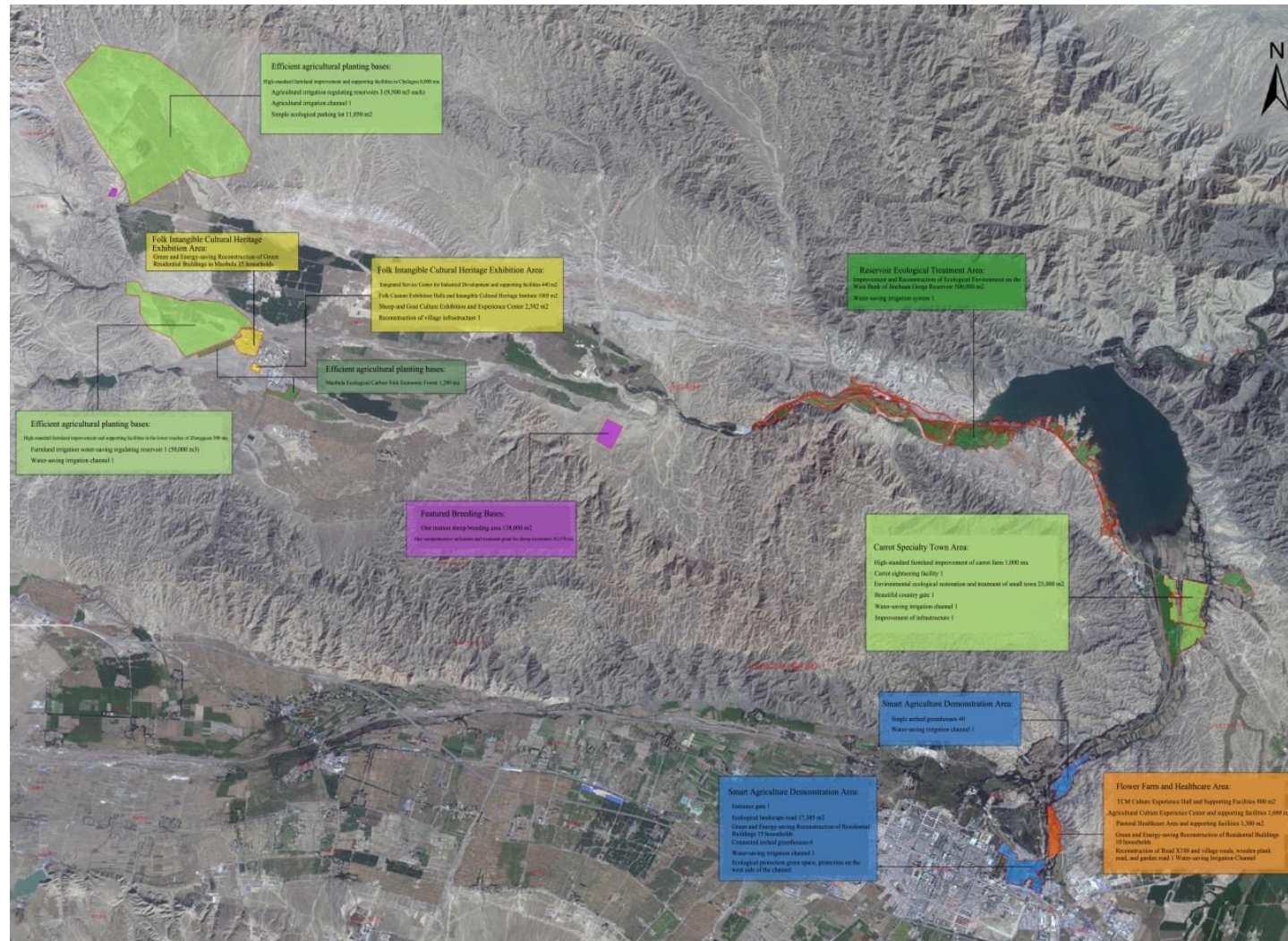


Table 1-1 Project Composition and Summary of Land Use Impacts¹

S/N	Works	Main construction contents	Township/Town	Village	Summary Land Use Impacts
I	Carrot Characteristic Town				
(I)	Smart Agriculture Demonstration Area	There are 6 connected arched greenhouses (12 m*55 m*5 m span), 40 single arched greenhouses (12 m*55 m span), 500 square meters of vehicle bridges, 8,625 square meters of ecological landscape roads, 8,760 square meters of agricultural sightseeing routes, 9,000 square meters of canal greening protection belts, 1 entrance gate, green and energy-saving renovation for 25 households, and 100,000 square meters of town environment upgrading, 7680 square meters of sidewalks and wooden plank roads, 390 meters of reconstruction of flood control culverts, 1200 square meters of ecological parking lots (including charging piles), 110 solar street lamps, and 750 square meters of roof photovoltaic panels.	Chengguan Town	Beihaizi Village	Among them, the ecological landscape roads, agricultural tourist routes, and ecological parking lots will permanently acquire 14.84 mu of cultivated land in Beihaizi Village, affecting 13 households and 51 persons. Other project activities will use 69.3 mu land through LURT.
(II)	Flower Farm and Wellness Area	835 square meters of Traditional Chinese Medicine (TCM) Cultural Experience Hall, 1,685 square meters of Agricultural Culture Experience Center, 1,300 square meters of pastoral health communities, 4,600 square meters of flower farm and community, 5,250 square meters of the greening of Flower Farm and Wellness Area, 5,740 square meters of village road upgrading in Wellness Area, 900 square meters of sightseeing platform, 5,550 square meters of X188 road reconstruction and 14,700 square meters of village road reconstruction, 720 square meters of parking space paved with grass-planting bricks in the ecological parking lots, 665 square meters of driveway paved with permeable bricks in the ecological parking lots, 410 square meters of greening of ecological parking lots, 320 square	Chengguan Town	Beihaizi Village	Among them, the TCM Cultural Experience Hall, Agricultural Culture Experience Center, the pastoral wellness area, flower farm and wellness area paving, flower farm and wellness area greening will permanently acquire 20.51 mu of cultivated land in Beihaizi Village, affecting 18 households and 69 persons. The sightseeing platform, paved parking space with grass-planting bricks in the ecological parking lots, paved driveway with permeable bricks

S/N	Works	Main construction contents	Township/Town	Village	Summary Land Use Impacts
		meters of ecological public toilets (2), 8,700 meters of trapezoidal irrigation canal, 4,700 meters of U-shaped irrigation canal, 20,880 square meters of wooden plank road and garden road, 100 solar street lamps and 1,030 square meters of roof photovoltaic panels.			in the ecological parking lots, the greening of the ecological parking lots, ecological public toilet, wooden plank road, and garden road will permanently acquire 35.84 mu of collective wasteland in Beihaizi Village. Reconstruction of village road and X188 road will be within the ROW of existing roads without additional land acquisition. Existing irrigation canals will be upgraded.
(III)	Carrot Characteristic Town Area	1,000 mu of carrot farmland reclamation, 15,500 m of U-shaped irrigation channel, 5,560 m of the reinforced concrete rectangular channel, 15,120 square meters of carrot sightseeing plank, 200 square meters of recreational sightseeing platform, 50 leisure seats, 9 recreational galleries, 2,600 square meters of ecological pavement, 25,200 square meters of agricultural production roads in Carrot Characteristic Town, 25,000 square meters of ecological environment improvement in small towns, 1 beautiful rural gate, 2,385 square meters of pavement in Carrot Characteristic Town, 2,400 square meters of greening in Carrot Characteristic Town, 90 solar energy street lamps	Chengguan Town	Jinchuan East Village	Among them, the carrot sightseeing plank road and recreational sightseeing platform will permanently acquire 25.68 mu of collective wasteland in Jinchuan East Village. Other project activities will use land through LURT for the carrot characteristic town (1,111mu)
II	Reservoir Ecological Treatment Area				
1	Improvement and Reconstruction of Ecological Environment on the West Bank	Ecological upgrading and reconstruction of 750 mu reservoir surrounding environment	Chengguan Town	Jinchuan West Village	750 mu land will be used through LURT.

S/N	Works	Main construction contents	Township/Town	Village	Summary Land Use Impacts
	of Jinchuan Gorge Reservoir ^①				
III	Maobula Folk Culture Exhibition Area and Planting and Breeding Base				
(I)	Efficient agricultural planting base	Land reclamation of 8000 mu of Chelugou, 3 agricultural irrigation regulating reservoirs (95,000 m ²), 4,050 m agricultural irrigation diversion channel (Xiaoerba), 500 mu of land reclamation in the lower reaches of Zhongquan, 1 irrigation regulating reservoir in Zhongquan (50,000m ³), 4,000 m of agricultural irrigation diversion channel (D120), 6,000 m of water-saving irrigation branch pipe in Zhongquan, 1,200 mu of Maobula featured economic forest and 11,050 m ² of the simple ecological parking lot	Hongshanyao	Maobula Village	The simple ecological parking lot will permanently acquire 16.58 mu of collective wasteland in Maobula Village, Other project activities will use land through LURT for the Maobula Folk Culture Exhibition Area and Planting and Breeding Base (9,926.26 mu).
(II)	Village Infrastructure	Improvement of 10500 square meters of the village road, 8,000 m ² (40 places) passing bays along X188 road, 50 solar streetlights, 320 square meters of ecological public toilets (2 sets), 35 square meters of roof PV panel	Hongshanyao	Maobula Village	Improvement of existing village roads without realignment or expansion will not require additional land. Solar streetlights and passing bays will be constructed within the right of way of the existing roads. Among them, two ecological public toilets permanently acquire 0.48 mu of collective wasteland in Maobula Village

^① Jinchuanxia Reservoir, constructed in 1970s, is the source of drinking water of Jinchang City. The water intake is 64,900 m³/d. The service area is the urban area of Jinchang City, serving a population of 190,000.

S/N	Works	Main construction contents	Township/Town	Village	Summary Land Use Impacts
(III)	Folk Intangible Cultural Heritage Exhibition Area	440 square meters of Integrated Service Center for Industrial Development, 1005 square meters of folk custom exhibition halls and intangible cultural heritage institutes, 2582 square meters of Sheep and Goat Culture Exhibition Experience Center, green and energy-saving reconstruction of 15 households in Maobula Village, 1 Maobula Gate, 160 square meters of ecological public toilets, 4080 square meters of permeable bricks in the folk intangible cultural heritage exhibition area, 936 square meters of grass-planting bricks in the folk intangible cultural heritage exhibition area, 4500 square meters of greening in the folk intangible cultural heritage exhibition area, 8,400 square meters of greening in farmland, 8000 square meters of permeable bricks, 165 solar street lamps, 3465 square meters of roof photovoltaic panels	Hongshanyao	Maobula Village	Permanently acquire 32.55 mu of collective wasteland in Maobula Village.
(IV)	Featured Breeding Base	Mutton sheep breeding area with an area of 138,000 square meters and one sheep excrement comprehensive utilization treatment plant with an area of 10,170 square meters	Hongshanyao	Maobula Village	222.26 mu will be used through LURT.
IV	Other facilities	3 garbage trucks and 3 sprinklers, 1 signboard, 15 electric sightseeing vehicles, 361 solar streetlights for road X188 (from Beihaizi Village to Shengrong Temple), 106 solar water heaters			Solar streetlights will be constructed within the right of way of the existing road. No land occupation will be involved.

Source: Project Feasibility Study Report and Field Investigation (April 2022)

1.3 Measures to Minimize LAR Impacts

10. In the feasibility study stage, an in-depth comparative study was carried out on each scheme to avoid or minimize the LAR impacts. Most of the recommended schemes for project land use are wasteland or Gobi Desert grassland. During the feasibility study stage of the project, the project site and boundary are determined as per the following principles:

- i) Avoiding or minimizing the occupation of existing cultivated land, garden, and other production lands;
- ii) Using wasteland (bare land) as the project land as much as possible; and
- iii) Selecting the scheme occupying the least land after the comparison of the schemes.

2 Land Acquisition and Resettlement Impacts

2.1 Scope of Impacts Survey

11. During the feasibility study, the Yongchang County Project Management Office and the Design Institute conducted a preliminary survey on the socio-economic profile and LAR impacts in the project-affected areas and solicited the views and recommendations of relevant government departments (such as the Natural Resources Bureau, Agriculture and Rural Affairs Bureau, Ecological Environment Protection Bureau, etc.), the affected towns, villages, and representatives of affected persons.

12. In February 2022, after the main construction contents and scope of the project were basically fixed, the resettlement planning team conducted an on-site investigation for LAR impacts survey.

13. According to the investigation of project activities and land use modes, the Yongchang Subproject will involve two land-use modes, namely permanent land acquisition (PLA) of rural collective land and voluntary land use right transfer (LURT). The principles and methods of impacts survey are as follows:

- Finally confirm the total land of the subproject, including the scope of land, nature of land, compensation standards, etc., through on-site survey.
- Land contracted to peasant households: The investigation and analysis of the impact of land acquisition shall be carried out by village groups, and the number of affected households and people shall be identified by village cadres according to the project scope;
- For land not contracted to peasant households: conduct land acquisition impact survey and analysis in villages.

14. The impact of PLA for the Subproject involves Beihaizi Village, Jinchuan East Village in Chengguan Town and Maobula Village in Hongshanyao Town of Yongchang County.

15. The total area of PLA in 3 villages for the Subproject is 159.52 mu, including 35.35 mu cultivated land, 111.13 mu village collective wasteland, and 13.04 mu woodland. A total of 28 households with 120 persons will be affected by cultivated land acquisition.

16. The Subproject does not involve any house demolition nor temporary land occupation impact.

17. About 11,787.26 mu of land will be used through LURT for the Yongchang Subproject, of which 8,504 mu has completed LURT process before project preparation. The LURT will be implemented in accordance with the principle of "equality, voluntariness, openness, fairness, and fair compensation" Therefore, the Yongchang PMO has conducted due diligence on completed LURT and prepared a LURT Framework to be conducted during project implementation. See **Annex 2** for details.

Table 2-1 **Main Land Use Impacts of the Yongchang Subproject (Unit: mu)**

City		Jinchang City				Total
County		Yongchang County				
Township/Town		Chengguan Town			Hongshanyao Village	
Village		Beihaizi Village	Jinchuan West Village	Jinchuan East Village	Maobula Village	
	Total:	84.23	0	25.68	49.61	159.52

Permanent Land Acquisition (PLA) (mu)	including cultivated land:	35.35	0	0	0	35.35
Affected population	Households (household)	28	0	0	0	28
	Population (person)	120	0	0	0	120
Land use right transfer (LURT) (mu)	Total:	69.3	750	1041.7	9,926.26	11,787.26
	of which, LURT completed:	0	0	0	8,504	8,504

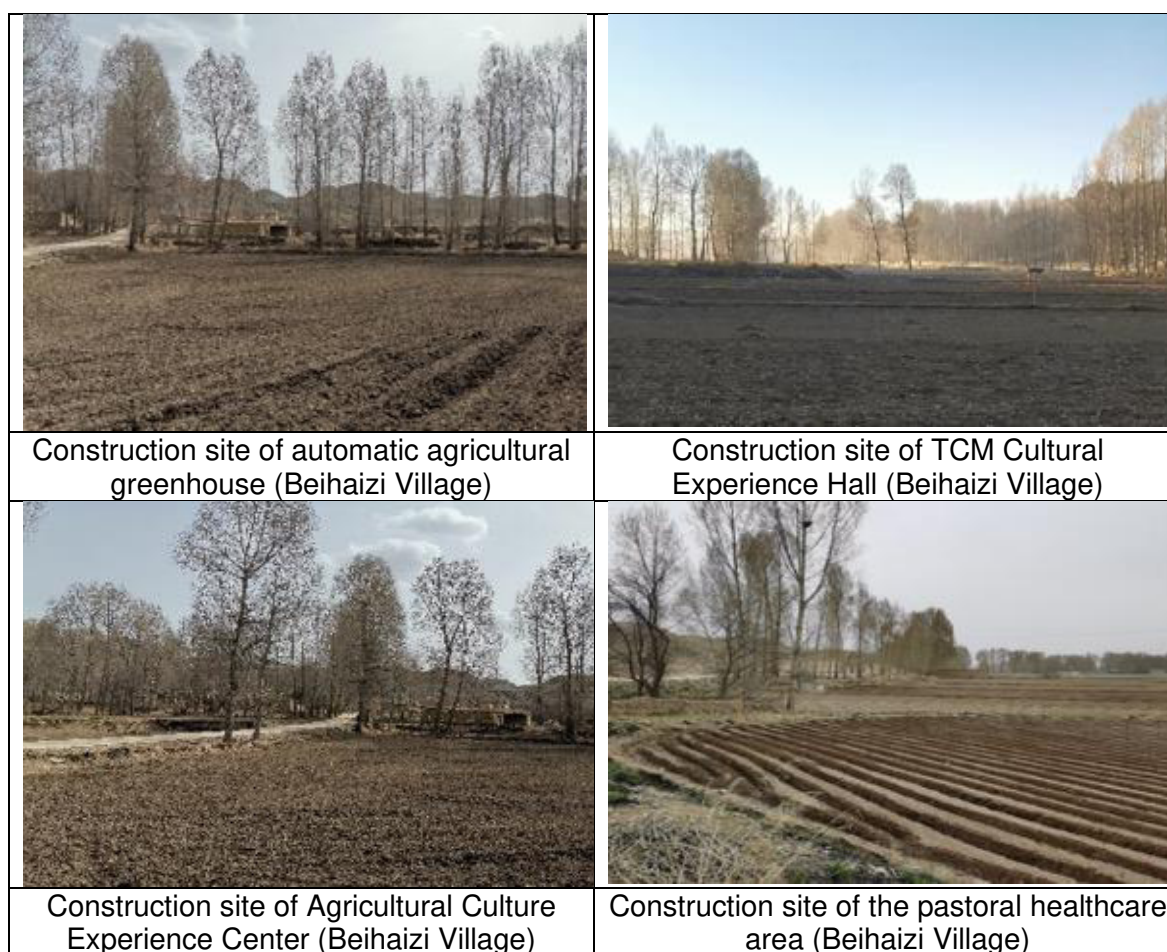
Source: Field investigation (April 2022)


2.2 LAR Impact and Analysis

2.2.1 Permanent land acquisition (PLA)

18. The total area of PLA for the Yongchang Subproject is 159.53 mu, including 35.35 mu of cultivated land, 13.04 mu of woodland, and 111.13 mu of collective wasteland. Cultivated land acquisition will affect 28 households with 120 persons. Acquisition of woodland and wasteland will not affect any persons. See Table 2-2 for the impacts of PLA by Yongchang Subproject.

Figure 2-1 Current Situation of Collective Land To be Acquired by the Subproject



	
Construction site of the parking lot (Beihaizi Village)	Construction site of farmland improvement of carrot farm (Jinchuan East Village)
	
Construction site of Sightseeing Facilities (Jinchuan East Village)	Current situation of environmental treatment of small-town (Jinchuan East Village)
	
Construction site for ecological environment improvement and reconstruction of Jinchuan Gorge Reservoir (Jinchuan West Village)	Construction site of simple ecological parking lot (Maobula Village)

	
<p>Construction site of Sheep and Goat Culture Exhibition and Experience Center (Maobula Village)</p>	<p>Green and Energy-saving Reconstruction of Residential Buildings (Maobula Village)</p>
	
<p>Construction site of mutton sheep breeding area (Maobula Village)</p>	<p>Comprehensive utilization and treatment plant for sheep excrement (Maobula Village)</p>

19. See Table 2-3 for details of loss analysis of affected households. The income loss of all affected households due to land acquisition is less than 10%.

Table 2-2 Detailed PLA Impacts of the Yongchang Subproject

S/N	Item Name	Village	Land Types (mu)				Affected Persons	
			Subtotal	Cultivated Land	Woodland	Collective wasteland	Households	Persons
I	Carrot Characteristic Town		109.92	35.35	13.04	61.53		
(I)	Smart Agriculture Demonstration Area		27.88	14.84	13.04			
1	Ecological Landscape Road	Beihaizi Village	12.94	6.47	6.47		4	19
2	Agricultural tourist routes	Beihaizi Village	13.14	6.57	6.57		4	23
3	Ecological parking lot (including charging piles)	Beihaizi Village	1.8	1.8			2	9
(II)	Flower Farm and Wellness Area		56.36	20.51		35.85		
1	TCM Culture Experience Hall and Supporting Facilities	Beihaizi Village	1.25	1.25			1	4
2	Agricultural Culture Experience Center	Beihaizi Village	2.53	2.53			2	8
3	Pastoral Healthcare Area	Beihaizi Village	1.95	1.95			2	7
4	The pavement of Flower Farm and Wellness Area	Beihaizi Village	6.9	6.9			6	23
5	The greening of Flower Farm and Wellness Area	Beihaizi Village	7.88	7.88			7	27
6	Recreational sightseeing platform	Beihaizi Village	1.35			1.35		
7	Ecological parking lot	Beihaizi Village	2.7			2.7		
8	Ecological public toilets (2)	Beihaizi Village	0.48			0.48		
9	Wooden plank roads and park paths	Beihaizi Village	31.32			31.32		
(III)	Carrot Characteristic Town		25.68			25.68		

S/N	Item Name	Village	Land Types (mu)				Affected Persons	
			Subtotal	Cultivated Land	Woodland	Collective wasteland	Households	Persons
1	Plank road for carrot sightseeing	Jinchuan East Village	22.68			22.68		
2	Recreational sightseeing platform	Jinchuan East Village	3.0			3.0		
II	Maobula Folk Culture Exhibition Area and Planting and Breeding Base		49.61			49.61		
(I)	Efficient agricultural planting base		16.58			16.58		
1	Simple ecological parking lot	Maobula Village	16.58			16.58		
(II)	Village Infrastructure		0.48			0.48		
1	Ecological public toilets (2)	Maobula Village	0.48			0.48		
(III)	Folk Intangible Cultural Heritage Exhibition Area		32.55			32.55		
1	Integrated Service Center for Industrial Development and supporting facilities	Maobula Village	0.66			0.66		
2	Folk custom exhibition halls and intangible cultural heritage institute	Maobula Village	1.51			1.51		
3	Sheep and Goat Culture Exhibition and Experience Center	Maobula Village	3.87			3.87		
4	An ecological public toilet (1)	Maobula Village	0.24			0.24		
5	Paving of permeable bricks in the folk intangible cultural heritage exhibition area	Maobula Village	6.12			6.12		

S/N	Item Name	Village	Land Types (mu)				Affected Persons	
			Subtotal	Cultivated Land	Woodland	Collective wasteland	Households	Persons
6	Paving of grass-planting brick in the folk intangible cultural heritage exhibition area	Maobula Village	1.4			1.4		
7	Greening of Folk Intangible Cultural Heritage Exhibition Area	Maobula Village	6.75			6.75		
8	Paving of water permeable brick	Maobula Village	12.0			12.0		
Total			159.53	35.35	13.04	111.14	28	120

Source: Field investigation (April 2022)

Table 2-3 List of Households to be Affected by PLA

Town	Village	S/ N	Name of the Househol d Head	Family Popula tion	Fem ale	Vulner able or Not	Contracte d Land	Land to be acquired	Main Annual Househo ld Income (CNY)	Main Sources of Household Income	Income Loss due to PLA (CNY)	Percentage of Income Loss
							Cultivated Land (mu)	Cultivated Land (mu)				
Chenggua n Town	Beihaizi Village	1	Lyu Yongjie	4	2	No	10.35	1.1	72,112	Planting, non- agricultural employment	3,960	5.5%
Chenggua n Town	Beihaizi Village	2	Yang Yanwei	7	5	No	2.61	1.8	90,100	Planting, breeding, and non-agricultural employment	6,480	7.2%
Chenggua n Town	Beihaizi Village	3	Lyu Yongmin	6	3	No	3.46	1.6	64,000	Planting, breeding, and non-agricultural employment	5,760	9.0%
Chenggua n Town	Beihaizi Village	4	Yang Haoyou	5	1	No	3.6	1.6	90,100	Planting, non- agricultural employment	5,760	6.4%
Chenggua n Town	Beihaizi Village	5	Lyu Yongzhon g	5	2	No	5.22	1.45	89,000	Planting and breeding	5,220	5.9%
Chenggua n Town	Beihaizi Village	6	Zhang Zuocheng	4	1	No	5.51	1.2	71,100	Planting, non- agricultural employment	4,320	6.1%
Chenggua n Town	Beihaizi Village	7	Lyu Yonglong	3	1	No	7.28	1.2	55,000	Planting and breeding	4,320	7.9%
Chenggua n Town	Beihaizi Village	8	Sun Yonglong	3	1	No	7.81	1	56,000	Planting and breeding	3,600	6.4%
Chenggua n Town	Beihaizi Village	9	Lyu Yongjun	3	1	No	7.31	1	52,000	Planting and breeding	3,600	6.9%
Chenggua n Town	Beihaizi Village	10	Wu Hu	4	2	No	1.4	1.4	73,000	Planting, non- agricultural employment	5,040	6.9%
Chenggua n Town	Beihaizi Village	11	Sun Yonghu	3	1	No	6.29	1	55,000	Planting and breeding	3,600	6.5%

Town	Village	S/ N	Name of the Househo ld Head	Family Popula tion	Fem ale	Vulner able or Not	Contracte d Land	Land to be acquired	Main Annual Househo ld Income (CNY)	Main Sources of Household Income	Income Loss due to PLA (CNY)	Percentage of Income Loss
							Cultivated Land (mu)	Cultivated Land (mu)				
Chenggua n Town	Beihaizi Village	12	Li Xiuhong	4	2	No	1.8	1.2	74,000	Planting, breeding, and non-agricultrual employment	4,320	5.8%
Chenggua n Town	Beihaizi Village	13	Lyu Xiuhu	4	2	No	6.72	1.3	71,000	Planting and breeding	4,680	6.6%
Chenggua n Town	Beihaizi Village	14	Zhang Wunian	4	2	No	4.17	1.2	70,000	Planting, breeding, and non-agricultrual employment	4,320	6.2%
Chenggua n Town	Beihaizi Village	15	Lyu Yongwu	5	3	No	8.81	1.2	98,000	Planting, breeding, and non-agricultrual employment	4,320	4.4%
Chenggua n Town	Beihaizi Village	16	Sun Yongxiang	3	1	No	3.15	0.9	56,000	Planting and breeding	3,240	5.8%
Chenggua n Town	Beihaizi Village	17	Zhang Zhongjun	6	3	No	5.69	1.3	110,000	Planting, breeding, and non-agricultrual employment	4,680	4.3%
Chenggua n Town	Beihaizi Village	18	Lyu Yongxing	3	1	No	6.74	0.8	51,000	Planting and breeding	2,880	5.6%
Chenggua n Town	Beihaizi Village	19	Gou Delin	4	2	No	2.65	1	69,000	Planting, breeding, and non-agricultrual employment	3,600	5.2%
Chenggua n Town	Beihaizi Village	20	Zhang Zhongguo	3	1	No	3.84	1	58,000	Planting, non- agricultrual employment	3,600	6.2%
Chenggua n Town	Beihaizi Village	21	Zhang Zhongmin	4	1	No	5.21	1.2	69,000	Planting and breeding	4,320	6.3%

Town	Village	S/ N	Name of the Househol d Head	Family Popula tion	Fem ale	Vulner able or Not	Contracte d Land	Land to be acquired	Main Annual Househo ld Income (CNY)	Main Sources of Household Income	Income Loss due to PLA (CNY)	Percentage of Income Loss
							Cultivated Land (mu)	Cultivated Land (mu)				
Chenggua n Town	Beihaizi Village	22	Lyu Yongping	5	3	No	4.55	1.4	72,000	Planting, breeding, and non-agricultrual employment	5,040	7.0%
Chenggua n Town	Beihaizi Village	23	Yang Haozhong	5	2	No	3.36	1.5	97,000	Planting, breeding, and non-agricultrual employment	5,400	5.6%
Chenggua n Town	Beihaizi Village	24	Lyu Xiurong	4	3	No	4.56	1.3	80,000	Planting, breeding, and non-agricultrual employment	4,680	5.9%
Chenggua n Town	Beihaizi Village	25	Lyu Yongjiang	4	1	No	8.5	1.4	69,000	Planting, breeding, and non-agricultrual employment	5,040	7.3%
Chenggua n Town	Beihaizi Village	26	Zhang Zhongxing	6	4	No	1.9	1.6	99,000	Planting, breeding, and non-agricultrual employment	5,760	5.8%
Chenggua n Town	Beihaizi Village	27	Wang Zhenling	6	3	No	5.46	1.5	72,300	Planting, breeding, and non-agricultrual employment	5,400	7.5%
Chenggua n Town	Beihaizi Village	28	Zhang Yongnian	3	2	No	3.74	1.2	55,000	Planting	4,320	7.9%
Total				120	56		141.69	35.35	19,07,71 2		127,260	

Source: Field survey in April 2022

2.2.2 Temporary Land Occupation

20. According to the project feasibility study report, all construction of the Subproject will be implemented within the scope of permanent land acquisition and the Subproject does not involve temporary land occupation.

2.2.3 Demolition of residential houses

21. The Subproject will not cause any house demolition impacts.

2.2.4 Ground Attachments

22. The ground Attachments to be affected by the Subproject are scattered poplar trees. See Table 2-4 for details.

Table 2-4 Affected Ground Attachment

Subproject	Village	Ground Annexs			
		Scattered Trees	Irrigation Channels	Graves	Poles
		No.	m	No.	Pcs.
Ecological Landscape Road	Beihaizi Village	180	0	0	0
Agricultural tourist routes	Beihaizi Village	80	0	0	0
Total		260	0	0	0

Source: Field investigation (April 2022)

2.3 Project Affected Population

2.3.1 Affected population

23. There are 28 households with 120 persons to be affected by PLA of the Subproject.

2.3.2 Affected vulnerable groups

24. Vulnerable groups are defined as the previously registered poor households, the living-alone elderly, persons with disabilities, and households headed by women. According to the investigation of affected households, there are no vulnerable groups affected by the Subproject.

2.3.3 Affected ethnic minorities

25. The Subproject will not affect any ethnic minorities.

3 Socioeconomic Profile

3.1 Socioeconomic conditions of project affected area

3.1.1 Jinchang City

26. Jinchang City is located in the eastern section of Hexi Corridor, the northern foot of the Qilian Mountains, and the southern edge of the Alashan Platform. It is connected to Minqin County in the north and east, Wuwei City in the southeast, Sunan Yugur Autonomous County in the south, Menyuan Hui Autonomous County in Qinghai Province in the southwest, Minle County and Shandan County in the west, and Alashan Right Banner in Inner Mongolia Autonomous Region in the northwest, with a land area of 8,896 square kilometers. Jinchang has jurisdiction over Yongchang County and Jinchuan District. There are 12 townships (towns) and 6 sub-district offices in the city. Jinchang is famous for its abundance of nickel and is known as the "nickel capital" of China.

27. As of the seventh national census in November 2020, the resident population size of the city was 438,000, and the male population was 225,300, accounting for 51.44%; the female population is 212,700, accounting for 48.56%. The sex ratio of permanent residents is 105.92.

28. In 2020, the GDP of Jinchang is CNY 35.862 billion. The added value of the primary industry is CNY 2.909 billion, of the secondary industry is CNY 22.743 billion, and of the tertiary industry is CNY 10.21 billion.

29. In 2020, the per capita disposable income of urban residents in the city was CNY 42,662. The per capita living expenditure of urban residents was CNY 28,411, and the Engel coefficient was 31%. Per capita disposable income of rural residents was CNY 16,788. The per capita living expenditure of rural residents was CNY 11,860, and the Engel coefficient was 29.6%.

3.1.2 Yongchang County

30. Yongchang County is under the jurisdiction of Jinchang, Gansu Province, located in the northwest of Gansu Province, in the east of Hexi Corridor, the northern foot of Qilian Mountains and the southern edge of Alashan Platform. It is adjacent to Wuwei in the east, Jinchuan in the north, Shandan in the west, and Sunan in the south. The longest distance from east to west is 144.8 kilometers, and the widest distance from north to south is 144.55 kilometers, with a total area of 7,439.27 square kilometers. Yongchang County has 9 towns and 1 township under its jurisdiction. The population is mainly Han, and the ethnic minorities include Mongolian, Hui, and Gaoshan. According to the seventh national census, the resident population of the county was 177,600 by the end of 2020.

31. In 2020, the regional GDP was CNY 8.72 billion, of which the added value of the primary industry was CNY 2.197 billion, that of the secondary industry was CNY 2.363 billion, and that of the tertiary industry was CNY 4.16 billion. The per capita disposable income of urban residents reached CNY 32,785, and that of rural residents reached CNY 15,604.

Table 3-1 **Social & Economic Situation of the Project Area**

S/N	Item	Unit	Gansu Province	Jinchang City	Yongchang County
1	Land Area	km ²	453700	8896	7439.27
1.1	Agricultural Acreage	Ten thousand mu	6921.45	161.61	85.6

S/N	Item	Unit	Gansu Province	Jinchang City	Yongchang County
2	Population	10,000 people	2501.98	43.80	17.76
2.1	Rural Population	10,000 people	1195.25	9.9	7.66
2.2	Non-rural Population	10,000 people	1306.73	33.9	10.11
3	GDP	CNY 100 million	10243.3	358.62	87.2
3.1	Primary industry	CNY 100 million	1364.7	29.09	21.97
3.2	Secondary industry	CNY 100 million	3466.6	227.43	23.63
3.3	Tertiary industry	CNY 100 million	5412	102.1	41.6
3.4	Per capita GDP	CNY/person	41000	80030	49099
4	Urban and Rural Per Capita Disposable Income	CNY/person	36187	42662	32785
5	Rural per capita net income	CNY/person	11433	16788	15604

Source: Local Government Statistical Bulletin

3.1.3 Socioeconomic conditions of project affected towns

1) Chengguan Town

32. Chengguan Town, Yongchang County, located at the northern foot of the Qilian Mountains in the middle of the Hexi Corridor, covers a total area of 32.26 square kilometers and has jurisdiction over 10 administrative villages with a total population of 98,909, including an agricultural population of 13,222, the male population of 50,444, Han population of 98,600 and 309 persons of ethnic minorities. In 2021, the per capita net income was CNY 16,333. Chengguan Town is the political, economic, and cultural center of Yongchang County. There are 35,061 mu of cultivated land, 2,947.2 mu of forest land, and 5,973.75 mu of grassland. It is an agricultural area with mixed irrigation of wells, rivers, and springs, and has unique natural conditions and geographical advantages for developing suburban agriculture. At the same time, Chengguan Town has a profound historical and cultural heritage and unique conditions for developing rural tourism.

2) Hongshanyao Town

33. Hongshanyao Town is located in the southwest of Yongchang County, 40 kilometers away from the county seat, bordering Shandan County in the west. Covering an area of 1,533.33 square kilometers, it is a big agricultural town that is half-farming and half-herding. It has jurisdiction over 115 cooperatives in 12 administrative villages, including Hongshanyao, Shantouzhuang, Shuiquanzi, Yongsheng, Wangxinpu, Majiaping, Jiahe, Yaojiazhai, Heyanzi, Gaogucheng, Tugou, and Maobula, with a total population of 24,660, including 12,998 males, 11,662 females, 56 persons of ethnic minorities. The per capita net income of farmers was CNY 14,572, with 45,000 mu of cultivated land, 2,500 mu of woodland, 46,000 mu of grassland, and 45,000 mu of wasteland.

3.1.4 Socioeconomic conditions of project affected villages

34. See socioeconomic profile of affected villages in the Table 3-2.

Table 3-2 **Basic Information of Affected Villages**

County	Township/Town	Village	Households (household)	Population (person)	Including: Male	Number of Labors (persons)	Cultivated Land Area (mu)	Population per Household (person)	Per Capita Cultivated Land (mu)	Per Capita Net Income of Peasant (CNY/person)
Yongchang	Chengguan Town	Beihaizi Village	621	2,235	1,124	1,312	3,150	3.6	1.41	18,028
		Jinchuan East Village	419	1,462	790	760	2,518	3.49	1.72	16,830
		Jinchuan West Village	336	809	423	325	1,235	2.41	1.53	15,342
	Hongshanya Town	Maobula Village	880	2,736	1471	1468	25,693	3.11	9.39	17,252

Source: Affected villages.

3.2 Socioeconomic Characteristics of Project Affected Population

35. To learn the socioeconomic profile of the affected persons, the RP-DI conducted a socioeconomic survey on all affected households (28 households) in February 2022, with assistance of Yongchang PMO and Chengguan Town Government.

3.2.1 Ethnic and gender structure

36. The 28 households have 120 persons (averaging 4.3 persons per household, 83 laborers and 43 women (47% of the total population). All are Han nationality. According to the survey, there is no vulnerable household nor household headed by women.

3.2.2 Age structure

37. Among 120 persons, 27 are aged 16 years or less, accounting for 22.5%, 73 aged above 16-60 years, accounting for 60.8%, and 20 aged 61 years or above, accounting for 16.7%.

38. Among the 93 APs aged 16 years or above, 5 are illiterate, accounting for 5.4%; 16 have received primary school or below education, accounting for 17.5%; 38 have received junior high school education, accounting for 40.9%; 20 have received senior high or secondary technical school education, accounting for 21.5%; and 14 have received junior college education, accounting for 15.1%. See Table 3-3.

Table 3-3 Composition of Sample Population

Item	Male		Female		Total	
	N	Percent, %	N	Percent, %	N	Percent, %
Age						
≤16	14	21.9%	13	23.2%	27	22.5%
16-60	39	60.9%	34	60.7%	73	60.8%
> 60	11	17.2%	9	16.1%	20	16.7%
小计	64	100.0%	56	100.0%	120	100.0%
Educational level (>16 years)						
Illiterate	1	2.0%	4	9.3%	5	5.4%
Primary school	9	18.0%	7	16.3%	16	17.2%
Junior high school	21	42.0%	17	39.5%	38	40.9%
Senior high school / secondary technical school	11	22.0%	9	20.9%	20	21.5%
Junior college or above	8	16.0%	6	14.0%	14	15.1%
Subtotal	50	100.0%	43	100.0%	93	100.0%

3.2.3 House size

39. The houses of the 28 households are in masonry concrete and masonry timber structures mainly, including 26 in masonry concrete (92.1%) and 2 in masonry timber structure (7.1%), with an average size of 184 m² per household or 43 m² per capita.

3.2.4 Land resources

40. The 28 households have a total contracted land of 141.7 mu, averaging 5.06 mu per household or 1.18 mu per capita. The main crops are carrot, wheat and corn, with average annual income of about 3,600 yuan/mu.

3.2.5 Household assets

41. An average household has 3.1 mobile phones, 1.4 color TVs, 0.87 PCs, 0.64 fans, 0.21 air-conditioner, 1 washing machines, 0.95 electric bicycles/motorcycles. According to rapid assessment of household assets, the livelihood and income of APs are over average in project area due to adjacent to the downtown of Yongchang County.

3.2.6 Household income and expenditure

42. The average annual income of the 28 households is 68,132.6 yuan per household, in which outside employment income accounts for 33.1%, wage income for 8.27%, farming income for 48.9%, nonagricultural operations income for 8.3%, and other income for 1.4%.

43. The average annual expenditure of the households is 27,900 yuan, in which agricultural expenses account for 14.6%, electricity expenses for 7.6%, water expenses for 1.03%, communication expenses for 11.4%, educational expenses for 12.7%, medical expenses for 1.5%, fuel expenses for 5.6%, non-staple food expenses for 41.3%, and other expenses for 3.2%. See Tables 3-4 and 3-5.

Table 3-4 Household Income of Sample Population

Item		Average per HH (yuan)	Percent
Annual household income (yuan)	Agricultural income	33344.1	48.9%
	Nonagricultural operations income	5661.8	8.3%
	Wage income	5634.6	8.3%
	Outside employment income	22538.2	33.1%
	Other income (i.e government subsidies, grants from relatives, etc.)	953.7	1.4%
	Subtotal	68132.6	100.00%

Table 3-5 Household Expenditure of Sample Population

Item		Average per HH (yuan)	Percent
Annual household expenditure (yuan)	Agricultural expenses	4059.5	14.60%
	Electricity expenses	2114.8	7.60%
	Water expenses	287.4	1.00%
	Communication expenses	3166.7	11.40%
	Educational expenses	3529.4	12.70%
	Medical expenses	424.1	1.50%
	Fuel expenses	1573.6	5.60%
	Non-staple food expenses	11533.9	41.30%
	Home appliance and furniture expenses	318.1	1.10%
	Other	892.8	3.20%
	Subtotal	27900	100.00%

3.2.7 Gender Analysis

44. The 120 persons affected by LA include 43 females, accounting for 47%.

45. The Subproject is classified as effective gender mainstreaming. ADB's gender and development policy is a key strategy for promoting gender equality and mainstreaming. The Chinese government also attaches great importance to gender equality and women's

development and takes gender equality as a basic state policy. Gansu PMO and Yongchang PMO have developed a social development and gender action plan (SDGAP) to protect women's rights and interests, increase women's opportunities to participate in project construction and operation, improve women's employment, and realize equal pay for equal work. See Table 3-6 for detailed gender analysis.

46. At the design stage, particular attention will be paid to women's needs so that they can benefit more from the subproject, such as public facilities and services, livelihood selection, skills training and employment.

Table 3-1 Gender Analysis

Table 3-4 Gender Analysis			
Part A—Gender analysis of rural women in the project area			
1. Legal rights of women	According to laws of the PRC, women have equal legal rights with men, though some women are not fully aware of this.		
2. Social status of women	Women of the project area have relatively good social status. All key matters of a family are determined by the couple through discussion. Men are the backbone of families and attend the important meetings of the village. However, women can influence men when they make decisions at meetings.		
3. Title to land and properties	Women have the same title as men. Like other parts of China, in the project area, when a daughter is married, her land will remain in her mother's family, and she can only share the land owned by her husband's family since the household contract responsibility system was put into practice in 1982. If land acquisition, house demolition or resettlement is involved, women will have equal rights to compensation.		
4. Right to collective properties	Women have equal rights.		
5. Living and gender role	There is no restriction on gender role. Women do housework and appropriate farm work mainly, while men mostly do farm work or work outside. Women know better the economic status of their families.		
6. Contribution to household income	Women's income is from farming and household non-agricultural operations mainly and is also part of household income. According to consultations and HH survey analysis, men's contribution to HH income is about 60% and women's contribution is about 40%.		
7. Family status	Women have an equal voice in decision-making; when men are away for work, women make decisions themselves in many aspects.		
8. Educational level	As indicated in Table 3-3, there are slight differences in educational levels between male and females, for example, illiteracy ratio of women is 9.3%, which is higher than men (2.0%). Boys and girls enjoy equal opportunities in receiving education, and as long as children study hard, their parents would do their best to support their school education.		
9. Health	Women's health condition is quite good and there is no significant difference in nutrition level compared to men; however, medical expenses are rising and have become a significant burden for some households, and women may suffer more.		
10. Village and government agencies	Women are represented in all village committees. In addition, women enjoy good social status in the village and the village group. Women may participate in the election of the village committee and have the right to elect and be elected.		
Overall evaluation and key risks	Women enjoy a good status in the project area, and there is no restriction on gender role.		
B—Gender analysis of women during resettlement			
Gender issue	Concern/risk	Impact of the project	Mitigation measures

1. Land, properties and right to compensation	Are women deprived of land or properties or do they have no right to compensation?	Men and women have equal rights to compensation for land acquisition, house demolition and resettlement. The subproject will not have any significantly adverse impact on women.	(1) Cash compensation; (2) Livelihood restoration measures
2. Production and income restoration after land acquisition	Are women affected even more seriously, and do they receive less assistance?	All AHs will lose part of land only, so the AHs will lose part of income only. Compensation fees will be used at the AHs' discretion. In addition to monetary compensation, the AHs will be assisted in restoring income through supporting measures (priority in employment during construction, skills training and subsequent support, etc.)	(1) Both men and women will receive compensation fees for land acquisition; (2) At least 45% of trainees of skills training will be women; (3) at least 30% of job opportunities during construction and operation stages will be made available to women.
3. Increase of gender inequalities	Do women have a heavier burden or fewer opportunities?	The subproject will not lead to gender inequalities.	No impact
4. Social network system	Is the social network damaged?	The subproject will not affect the social network seriously.	No impact
5. Impact on health / increase of social problems	Will there be serious health or social problems due to the stress of resettlement (violence, AIDS propagation, etc.)?	The subproject will not induce such impacts.	No impact

4 Legal Framework and Policies

4.1 Relevant Policies and Regulations on Project Resettlement

47. The resettlement of the Yongchang Subproject will strictly comply with the relevant laws, regulations, and policies of the People's Republic of China, Gansu Province, and the project county, as well as ADB's safeguard policy statement, particularly the safeguard requirement 2: involuntary resettlement.

48. This resettlement plan is mainly formulated according to the following laws, regulations, and policies, including:

1) Resettlement policies of Asian Development Bank

- Safeguards Policy Statement, June 2009

2) Laws and regulations of the People's Republic of China

- Civil Code of the People's Republic of China, 2021
- Land Administration Law of the People's Republic of China (Decree No.41 of the President, 2019)
- Decision of the State Council on Deepening the Reform and Rigidly Enforcing Land Administration, GF[2004] No. 28
- Law of the People's Republic of China on the Contracting of Rural Land, 2019
- Circular on Relevant Issues on Further Strengthening the Land Control, GF[2004] No.28
- General Office of the State Council forwarded the Notice of Guiding Opinion of the Ministry of Human Resources and Social Security on Employment Training and Social Security of Landless Farmers, GF [2006] No.29
- Guiding Opinions on Perfecting Compensation and Resettlement System for Land Acquisition, GTZF [2004] No.238
- Notice on the Questions Relevant to Guarantee Social Security for Land-acquired Farmers, LSBF [2007] No. 14
- Notice of the Ministry of Land and Resources on Doing a Better Job in Land Acquisition Management, MLR [2010] No. 96

3) Relevant policies of Gansu Province and Jinchang City

- Measures of Implementing the Land Administration Law of the People's Republic of China of Gansu Province, 2021, No. 93 of Standing Committee of the Provincial People's Congress
- Location-based Land Prices for Farmland Acquisition in Gansu Province, GZF [2020] No. 41
- Notice of the General Office of the People's Government of Gansu Province on Issuance of the Work Program for Confirming, Registering, and Certifying Rural Land Contracted Management Right in Gansu Province,
- Regulations on Supply Management of State-owned Construction Land in Gansu Province, GZGF [2020] No. 6
- Location-based Land Prices for Farmland Acquisition in Jinchang City, JZF [2020] No. 62

49. Resettlement will be carried out in strict accordance with the policies defined in this action plan. After the final design of the project completed, Jinchang County Project Management Office will conduct a detailed measurement survey on LAR resettlement, update the resettlement plan and submit it to ADB for review and approval.

4.2 ADB's Policies on Involuntary Resettlement

50. The goals of ADB policies on involuntary resettlement include: (i) to avoid involuntary resettlement wherever possible; (ii) to minimize involuntary resettlement by exploring project and design alternatives; (iii) to enhance, or at least restore, the livelihoods of all displaced

persons in real terms relative to pre-project levels; and (iv) and to improve the standards of living of the displaced poor and other vulnerable groups.

4.3 Gaps between ADB Policies and Domestic Policies and Filling Measures

51. The PRC has established a comprehensive legal system governing land acquisition and resettlement. New amendments to the Land Administration Law went into effect on 1 January 2020, which strengthens upfront risk management for land acquisition to better protect the interests of affected farmers (Article 47) and substantially improved the key principles on compensation for land acquisition and resettlement to secure legal rights and livelihood sustainability for affected farmers. However, there are still some disparities and gaps between the SPS and the PRC's system. The table below presents the gaps and gap-filling measures to meet ADB SPS policy requirements.

Table 4-1 Gaps and Gap-Filling Measures

Gaps	Gap-filling measures
(i) lack of impact screening and categorization at the early stage of the project.	Screening has been done as early as project preparation.
(ii) no requirements for resettlement plan preparation, due diligence regarding past land acquisition, or existing facilities where lands have been acquired.	Resettlement plan has been prepared including due diligence for past land acquisition. There are no existing facilities in this subproject.
(iii) lack of identification of poor and vulnerable groups during the involuntary resettlement screening and preparation.	During screening, due diligence, and RP preparation, special attention was undertaken to identify any poor and vulnerable households. Impacts on women were carefully assessed.
(iv) compensation and resettlement assistance for affected households without recognizable legal rights to land.	Affected households without recognizable legal rights to land will be provided resettlement assistance and compensation for non-land assets. For this subproject, there are no households without recognizable legal rights to land.
(v) inadequate documentation of consultation and information disclosure activities and grievances received.	Consultations have been carried out and will continue throughout implementation. GRM has been set-up.
(vi) inadequate social and risk analysis.	Social surveys, impact measurement surveys have been carried out to identify impacts and risks and measures to avoid if not minimize impacts have been taken into consideration during FSR.
(vii) inadequate monitoring and evaluation.	Internal and external monitoring will be conducted. Monitoring reports will be prepared and submitted to ADB.

4.4 Cut-off Date for Compensation and Resettlement Entitlements

52. The compensation cut-off date for the Subproject is the announcement date of land acquisition issued by the Yongchang County Government, which is expected to be made in October 2022. The cut-off date will be disclosed to the APs by means of village meeting, village bulletin board, etc. Any newly claimed land, newly built house or settlement by the APs after this date will not be entitled to compensation.

4.5 Compensation and Subsidy Standards

4.5.1 Compensation rates for PLA

53. The land compensation rates of the Subproject are determined based on the requirements of the Land Administration Law of the People's Republic of China (January 1, 2020), the Measures for the Implementation of the Land Administration Law of the People's Republic of China in Gansu Province and the Integrated Land Price Standard for Farmland Acquisition Areas in Jinchang City (2021). If the LA compensation rates are updated during the updating and implementation of this RP, such new rates will apply to the Subproject.

54. The compensation rates for land acquisition of the Subproject are as follows:

(i) The cultivated land to be acquired

55. Chengguan Town is classified as Class I, and the compensation rate is as follows: the comprehensive land price in the land acquisition area of CNY 45,150/mu + standing crops compensation of CNY 3,600/mu = CNY 48,750/mu. Hongshanyao Town is classified as Class III, and the compensation rate is as follows: the comprehensive land price in the land acquisition area of CNY 37,500/mu + standing crops compensation of CNY 3,600/mu = CNY 41,100/mu. Among them, the standing crops compensation is calculated according to the average market price of local carrot: the yield per mu is 6,000 kg × CNY 0.6/kg = CNY 3,600.

56. According to on-site investigation, the cultivated land in the project area is mainly planted with carrots, with an average annual output value of about CNY 3600 per mu, and the net output value of around CNY 2,000 per mu. As a result, the land acquisition compensation will be at least 18.75 times of the net output value of the cultivated land in affected villages. The land contract signed by the villagers and the village committee is from 1998 to 2028. The compensation is 3 times of the net output value of the cultivated land in the next 6 years. Therefore, the compensation standard meets the principle of full replacement cost.

(ii) The woodland to be acquired

57. Chengguan Town is classified as Class I, and the compensation rate is as follows: the comprehensive land price in the land acquisition area is CNY 45,150/mu. Hongshanyao Town is classified as Class III, and the compensation rate is as follows: the comprehensive land price in the land acquisition area is CNY 37,500/mu. The woodland is planted with poplar trees which are used in the Northwest of China for windbreak rather than generating economic revenue. However, the compensation rate for woodland is the same as cultivated land which meets the principle of replacement cost. The trees will be compensated at market price (replacement cost) in terms of the diameters of trees. See details in Table 4-3.

(iii) Collective-owned wasteland to be acquired

58. Chengguan Town is classified as Class I, and the compensation rate is 0.1 times the comprehensive land price of the area, i.e. CNY 4,515/mu; Hongshanyao Town is classified as Class III, and the compensation rate is 0.1 times the comprehensive land price of the area, i.e. CNY 3,750/mu.

Table 4-2 Compensation Rates for PLA in Project Area

S/N	Village	Compensation Rate (CNY/mu), excluding standing crops compensation		
		Cultivated Land	Woodland	Wasteland
1	Beihaizi Village	45,150	45,150	4,515

S/N	Village	Compensation Rate (CNY/mu), excluding standing crops compensation		
		Cultivated Land	Woodland	Wasteland
2	Jinchuan East Village	45,150	45,150	4,515
3	Jinchuan West Village	45,150	45,150	4,515
4	Maobula Village	37,500	37,500	3,750

4.5.2 Provision of Basic Pension Insurance

59. Provision of basic pension insurance is an additional support for farmers according to the Land Administration Law of the People's Republic of China (2019 Revision), Land Acquisition Procedure of Gansu Province (GZGF [2021] No. 3), Implementation Measures of Gansu Province for Land-expropriated Farmers to Participate in Basic Pension Insurance (GZF [2018] No. 18), Management Regulations of Gansu Province for Land-expropriated Farmers to Participate in Basic Pension Insurance (GRS [2018] No. 246), Implementation Rules of Jinchang City for Land-expropriated Farmers to Participate in Basic Pension Insurance (2018) and actual practices of land acquisition in Yongchang County. The basic pension insurance expenses of land-expropriated farmers are calculated for the Subproject, and the calculation standard of social security fee is: the average annual salary of the employees in the province in the previous year (CNY 93,225/person in Gansu Province in 2021) is multiplied by the proportion of land acquisition, which is the number of mu of land acquired this time divided by the number of mu of existing contracted land. According to the requirements of the policy, the population included in the basic pension insurance will be persons over the age of 16. Based on the assessment, 93 persons will be entitled to the subsidy of the basic pension insurance for land-expropriated farmers. This will be further verified based on preliminary design and detailed measurement survey.

4.5.3 Compensation for ground attachments

60. The ground attachment of the Subproject is scattered trees (poplar tree), and the compensation rate will be determined based on local market price, see details in Table 4-3. In this Subproject, the diameters of most trees range from 11 cm to 25 cm, so the average rate of CNY 85/ tree is used for cost estimate. During the implementation, the final rates will not be lower than those set in Table 4-3. In addition, the owners can dispose (transplant or cut) of the trees by themselves, if they are willing to do so.

Table 4-3 Compensation Rate for Tree

No	Diameter of tree (cm)	Compensation Rate (CNY/tree)
1	Below one	5
2	2~5	10
3	6~10	30
4	11~15	50
5	16~20	70
6	21~25	100
7	26~30	150
8	Above 31	260

Data source: field survey, April 2022

4.5.4 Taxes and other costs

61. Other expenses of the Project include cultivated land reclamation fees, cultivated land occupation taxes, pension insurance fees for landless farmers, survey and design fees, resettlement test fees, implementation management fees, training fees, contingencies, etc. These expenses are shouldered by the project. The cost rate is shown in Table 4-4.

Table 4-4 Other Costs

S/N	Cost Description	Land Acquisition Rate	Basis
1	Cultivated land reclamation fees	CNY 13,340/mu	
2	Occupancy tax of cultivated land	CNY 8,004/mu	
3	Subsidy of endowment insurance for land expropriated farmers ^②	CNY 23,259/person	Implementation Measures for Land-expropriated Farmers in Gansu Province to Participate in Basic Pension Insurance (2018) and Implementation Rules for Land-expropriated Farmers in Jinchang City to Participate in Basic Pension Insurance (2018)
4	Survey and design cost	1.5% of basic resettlement expenses	
5	Resettlement monitoring fees	10% of basic resettlement expenses	
6	Implementation management cost	5% of basic resettlement expenses	
7	Training expenses	3% of basic resettlement expenses	
8	Contingencies	15% of basic resettlement expenses	

4.6 Entitlement Matrix

62. The entitlement matrix is established in accordance with the relevant policies of this chapter, as detailed in Table 4-4.

Table 4-5 Entitlement Matrix

Type of Loss	Degree of Impact	Affected Entities	Compensation and Resettlement Enlistments	Compensation Rates
Permanent acquisition of farmers' cultivated land	35.5 mu of cultivated land in Beihaizi Village	28 households of 120 persons in Beihaizi Village	<ul style="list-style-type: none"> Compensation will be based on full replacement cost. Additional support as per government regulations. 93 affected persons (above 16 years of age) 	Chengguan town: CNY 45,150/mu Hongshanyao town: CNY 37,500/mu Crops (carrot): CNY 3,600/mu

^② Calculated by multiplying the average annual salary of the on-the-job employees in the whole province in the last year (CNY 93,225/person in Gansu Province in 2021) by the land acquisition proportion (0.249), i.e. $93,225 \times 0.249 = \text{RMB } 23,259$.

Type of Loss	Degree of Impact	Affected Entities	Compensation and Resettlement Enlistments	Compensation Rates
			<p>will be entitled to subsidy of the pension insurance.</p> <ul style="list-style-type: none"> Other livelihood support or employment opportunities will be provided during RP implementation, e.g. skills training, employment assistance and agricultural development measures. 	Subsidy of endowment insurance for land expropriated farmers: CNY 23,259/person
Permanent acquisition of village collectively-managed woodland	13.04 mu of woodland in Beihaizi Village	Beihaizi Village committee, Chengguan Town	Compensation funds will be paid to the village collective for village collective public utilities, such as road renovation, village environmental sanitation treatment, agricultural water conservancy facilities, etc	Chengguan town: CNY 45,150/mu Hongshanyao town: CNY 37,500/mu
Permanent acquisition of village collectively-managed wasteland	35.85 mu in Beihaizi Village, 25.68 mu in Jinchuan East Village, 49.61 mu in Maobula Village	Beihaizi Village committee, Jinchuan committee East Village, and Maobula Village committee.	Compensation funds will be paid to the village collective for village collective public utilities, such as road renovation, village environmental sanitation treatment, agricultural water conservancy facilities, etc	Chengguan town: CNY 4,515/mu Hongshanyao town: CNY 3,750/mu
Ground Attachments	260 scattered trees	Beihaizi Village committee	Compensation based on market price (replacement cost) will be paid to owners. The owners can dispose (transplant or cut) of the tree by themselves if they are willing to do so.	See details in Table 4-3.

5 Income and Livelihood Restoration Assistance

5.1 Cash Compensation and Utilization Programs in Affected Villages

i) Beihaizi Village

63. The Subproject will permanently acquire 35.35 mu of cultivated land in Beihaizi Village, accounting for 1.12% of the total cultivated land of the village. At the household level, none of the affected farmers will be significantly affected. Compensation will be fully paid to the affected households. After receiving compensation funds, the APs can make investments in commerce, planting, breeding, and other industries with the assistance of the local governments and village committee.

64. The Subproject will permanently acquire 13.04 mu of collective woodland in Beihaizi Village, which does not involve direct affected population. It is estimated that the compensation fee is CNY 588,800 for woodland. Based on preliminary negotiation, the compensation for woodland acquisition will be retained in the village collective for the construction of village infrastructure (such as farmland water conservancy facilities, roads, etc.).

65. In addition, 35.84 mu of collective wasteland will be permanently acquired, which has no direct impact on local farmers. It is estimated that the land compensation fee is CNY 161,800 for wasteland. The Subproject will also affect 260 collective-owned trees in Beihaizi Village. After calculation, the compensation fee is CNY 22,100 for affected trees. Based on preliminary negotiation, the compensation for land acquisition will be retained in the village collective for the construction of village infrastructure (such as farmland water conservancy facilities, roads, etc.).

ii) Jinchuan East Village

66. In total, 25.68 mu of the collective wasteland of Jinchuan East Village will be permanently acquired by the subproject, which has no direct impact on farmers. It is estimated that the land compensation fee is CNY 115,900 for wasteland. Based on preliminary negotiation, the compensation for land acquisition will be retained in the village collective for the construction of village infrastructure (such as farmland water conservancy facilities, roads, etc.).

iii) Maobula Village

67. In total, 49.61 mu of the collective wasteland of Maobula Village will be permanently acquired by the Subproject, which has no direct impact on farmers. It is estimated that the land compensation fee is CNY 186,000 for wasteland. After negotiation, the compensation for land acquisition will be retained in the village collective for the construction of village infrastructure (such as farmland water conservancy facilities, roads, etc.).

5.2 Support Measures of Agricultural Development

68. The Yongchang Subproject is a rural ecological environment construction and agricultural development project. For existing wasteland, the planting value will increase after leveling and reclamation, the affected villager groups and villagers will have priority to obtain the land management right and benefit directly from the project output thereof. To be specific, followings will contribute to the agricultural development and benefit the affected population:

- i) The implementation of this Subproject will improve and accelerate the development of rural industries, improve the quality and efficiency of agricultural product supply, and enhance the market competitiveness of products. Focusing on agriculture development, Yongchang County encourages migrant workers to return to their hometowns to start businesses, thus attracting more farmers to return to their hometowns to do farming works. The farmers affected by PLA will be given

priority in the agricultural production activities related to this project, thus gaining more development opportunities.

ii) This Subproject is a combination of ecological construction and rural industrial development. It will build an ecologically livable beautiful countryside, promote the faster development of rural tourism, leisure and sightseeing agriculture, homestay economy, rural catering, etc. It will also provide a number of job opportunities and promote local farmers to set up various agricultural professional cooperatives or organizations, which will promote self-employment of affected farmers.

iii) Yongchang County Government will provide assistance (loan support, tax exemption, entrepreneurship services, subsidies, etc.) and small secured loans for migrant workers engaged in industries with local characteristics, agricultural science and technology, energy conservation and emission reduction, green economy, circular economy, modern service industries, high-tech industries, etc.

5.3 Skills Training

69. Yongchang PMP will arrange CNY 85,000 for skills training of APs, of which CNY50,000 will be shouldered by local government's training fee, and the others will be provided by the Subproject. The skills training will include agricultural technical training, pre-employment training, and vocational skills training. The main contents of agricultural technical training are carrot planting and breeding techniques, etc. The main contents of pre-employment training are the employment situation, employment policies, protection of workers' rights and interests. Skills training will be provided irregularly according to job requirements, mainly for non-agricultural technical training. Among the 400 trainees, 180 will be women.

Table 5-1 Skills Training Programs

S/N	Training Delivery Institution	Training Contents	Trainee	Training Date	Number of Trainees	Training Fund (CNY 10,000)
1	Yongchang County Project Management Office entrusts Yongchang County Human Resources and Social Security Bureau or Women's Federation to implement	Agricultural planting technology (vegetable planting such as carrot, crop planting such as corn)	The labors affected by land acquisition in Beihaizi Village, Jinchuan East Village, Jinchuan West Village, and Maobula Village	2023-2024	100, including 35 women	2
2		Agricultural breeding technology (sheep raising, pig raising, etc.)		2023-2025	100, including 35 women	2
3		New industrial and new skills such as electrician, electric welding, mechanical operation, automobile driving, craft processing, electrical appliance repair, computer maintenance, and other skills		2024-2026	100, including 20 women	2
4		Hotel management, tourism service, catering service, etc.		2025-2027	50 women	1.5
5		New information industries such as e-		2025-2027	50, including 40 women	1

S/N	Training Delivery Institution	Training Contents	Trainee	Training Date	Number of Trainees	Training Fund (CNY 10,000)
		commerce and webcasting				

5.4 Employment Assistance

70. The Subproject is expected to create about 792 jobs during construction stage and about 560 jobs during operation stage, and 30% will be provided to women. Posts will include workers, facilities and equipment management and maintenance personnel, security personnel, cleaning personnel, and other auxiliary personnel on construction sites. The monthly income will be more than CNY 3,000 per capita. In the process of personnel employment, priority will be given to the labor of the HHs affected by PLA. These job opportunities are preliminarily estimated according to the feasibility study report and will be estimated in more detail during the detailed design stage of the Subproject and resettlement update stage. In addition, the affected persons can get more income by providing raw materials and services during the project construction. For example, some affected persons may provide their houses to civil work contractors as offices or accommodation for construction workers; open grocery stores to provide food, water, and other living supplies for construction personnel; or provide construction materials, accessories, and transportation services.

71. Meanwhile, with the rapid economic and social development of Chengguan Town and Hongshanyao Town in recent years, more and more enterprises are attracted for investment there, thus creating a large number of skilled and unskilled jobs. To implement the above employment aid measures, Yongchang County Project Management Office will coordinate with the local Human Resources and Social Security Bureau to assist the affected persons in following ways: (i) information collection on labor demand and supply; (ii) disclosure of labor employment information among affected villagers; and (iii) employment-related assistance to be provided to APs in during RP implementation.

5.5 Support Measures for Women's Development

72. The following support measures will be implemented to fully protect the rights and interests of women among APs during project and RP implementation.

(i) Agricultural skills training based on women's needs

73. The Yongchang PMO will pay adequate attention to the needs of women to be trained and employed in the local area. And Yongchang PMO will work with the local human resources and social security agencies to collect information on women's training needs, giving priority to women during corresponding skills training, such as organizing special training courses for women.

(ii) Women's preferential access to small loans

74. According to the relevant policies of the local Women's Federation (WF), if local women wish to start their own businesses by themselves or with others, the WF will cooperate with the financial departments and local banks to provide financial support. Women can apply for small loans through WF for businesses startup, such as clothing, handicrafts, and catering. WF will also provide women with guidance to start up their business.

6 Institutional Arrangement and Capacity Building

6.1 Resettlement Implementation and Management Organizations

6.1.1 Organization Structure

75. To ensure the smooth implementation of LAR activities and achieve the expected objectives, Gansu Provincial Government (GPG) has set up a leading team for the ADB-funded Gansu Environmentally Sustainable Rural Revitalization and Development Project, who is mainly responsible for overall leading and decision making on project preparation and implementation coordination. The Gansu Provincial Project Management Office (Gansu PPMO) is set in the Gansu Culture Tourism Group Co., Ltd., the Executive Agency (EA), who is mainly responsible for the preparation, organization, and coordination, implementation, and management of the Project. The Gansu PPMO has assigned focal persons for land acquisition and resettlement activities.

76. Regarding the Yongchang Subproject, Yongchang County Government has established a project leading group headed by the head of the county, and the leaders from the County Development and Reform Bureau, Housing and Urban-Rural Development Bureau, Natural Resources Bureau, Water Authority, Agricultural and Rural Bureau, Culture, Sports, Radio and Television Bureau, Finance Bureau, Ecological Environment Bureau, Chengguan Town, Hongshanyao Town, and Mysterious Liqian Cultural Tourism Investment Co., Ltd, who will serve as the leading group members.

77. The Yongchang PMO is responsible for subproject implementation and RP preparation and implementation. The Natural Resources Bureau of Yongchang County will be responsible for land acquisition, and Chengguan Town Government, Hongshanyao Town Government, Beihaizi Village Committee, Jinchuan East Village Committee, Jinchuan West Village Committee, and Maobula Village Committee will participate in management, coordination, and implementation of RP.

6.1.2 Responsibilities of involved organizations

78. Specific institutional arrangement for implementation of LURTF is presented in appendix 2.

i) Gansu PPMO

79. Gansu PMO under the Project Leading Group: directing, coordinating and supervising project preparation and implementation, including RP implementation and LURTF implementation :

- Organizing project preparation and ADB loan application;
- Coordinating, managing, supervising and directing project implementation;
- Entrust the Design Institute to define the scope of impact of the project and investigate the physical measurement data affected by LAR;
- Organize and coordinate the preparation and implementation of the Resettlement Plans;
- Guide, coordinate, and supervise the resettlement implementation activities and progress;
- Manage and inspect the internal monitoring activities, and prepare the project progress reports on LAR; and
- Entrust external monitoring agencies and assist relevant external monitoring and evaluation activities.

iii) Yongchang PMO

80. The Yongchang PMO will be responsible for following tasks:

- Coordinating, managing and supervising project and resettlement implementation;
 - Coordinating, managing and supervising implementation of LURTF;
 - Reporting implementation progress to PPMO and ADB;
 - Preparing, updating and disclosing this RP;
 - Coordinating and supporting TA, fieldwork and training;
 - Supervising and coordinating LAR;
 - Conducting the DMS;
 - Conducting public participation and consultation;
 - Coordinating and supervising land use agreement signing, and compensation payment;
 - Coordinating and supervising livelihood restoration measures;
 - Conducting internal monitoring;
 - Submitting internal monitoring reports to PPMO;
 - Handling, coordinating and supervising grievance redress.

iv) County / district natural resources bureaus

- Conducting preliminary land examination;
- Going through land use procedures;
- Communicating LAR policies;
- Conducting public participation and consultation, and holding a public hearing when necessary;
- Conducting LA, land use, compensation and resettlement according to the RP approved by ADB;
- Signing LAR agreements with AHs, paying compensation, and reporting to the PMO and contractors for record;
- Handling grievances;
- Participating in internal monitoring

v) Governments of Affected towns

81. Their main responsibilities on LAR related activities are:

- Assisting in communicating LAR policies;
 - Assisting in public participation and consultation;
 - Assisting in LA, compensation and resettlement;
 - Assisting in signing LAR agreements with AHs, and supervising compensation payment;
 - Participating in implementation of LURTF;
 - Participating in grievance redress;
 - Participating in internal monitoring

vi) Village committees

82. Their responsibilities on LAR related activities are:

- Assisting in the DMS and socioeconomic survey;
 - Assisting in public participation and consultation, and communicating LAR policies;
 - implementation of LURTF;
 - Assisting in agricultural and nonagricultural resettlement activities;
 - Assisting in disbursing compensation to the AHs;
 - Participating in grievance redress;
 - Reporting opinions and suggestions to superior authorities;

- Assisting in internal and external monitoring

vii) **Design Institute**

83. Design institute will be responsible for:

- Reducing the impact of project resettlement through optimized design; and
- Determining the scope of impact of land acquisition and demolition

viii) **External monitoring agency**

- Conducting external M&E on implementation of RP and LURTF, submitting semiannual external M&E reports to the GPMO, PMO and ADB on schedule; preparing and submitting a completion and evaluation report. Details of tasks and indicators are presented in Section 10 of this RP.

6.2 Staffing and Facilities

6.2.1 Staffing

84. To ensure the smooth implementation of RP, the resettlement agencies of the Subproject at all levels are equipped with special staff. The resettlement agencies at all levels are mainly composed of administrative management personnel and professional technical personnel, with personnel ranging from 1 to 8, all of whom have certain professional level and management quality, and have considerable experience in LAR. See Table 6-1 for the staffing of resettlement agencies for the Subproject.

Table 6-1 Staffing of Resettlement Agencies

Names of Agencies	Staffing	Personnel Composition
Gansu PPMO	5-8	Staff members of the Management Office of the International Financial Organization Loan Project of Gansu Culture Tourism Group
Yongchang PMO	4-6	Staff members of Mysterious Liqian Cultural Tourism Investment Company
Natural Resources Bureau of Yongchang County	2-4	Staff members of the Land and Resources Bureau
Governments of Affected towns	4 ~ 6 persons	Personnel of town government and relevant departments
Village committees and villager groups	6 ~ 8 persons	Relevant village cadres and resettlement representatives affected by the Project
External monitoring agency	4 persons	Resettlement and social experts

6.2.2 Facilities

85. Resettlement agencies of the Subproject at all levels can use the existing resources and have been equipped with basic office equipment, transportation equipment, and communication equipment, including office tables and chairs, computers, printers, telephones, fax machines, transport, and other equipment resources.

6.3 Capacity Building

86. Key staff for RP implementation and monitoring will be trained by the Gansu PPMO and the Yongchang PMO, with assistance of resettlement experts.

87. During the project preparation period, the resettlement experts of the ADB TRTA team have provided training on ADB's Safeguard Policy Statement (SPS) 2009, especially relevant requirements on involuntary resettlement, and PRC's laws and regulations on land acquisition and LURTF for the personnel of Gansu PPMO, County PMOs, the Natural Resources Bureau, the town governments and other related organizations. In addition, consultation meetings were conducted by resettlement experts to discuss with relevant agencies and personnel the key elements of the RP, such as socio-economic analysis, compensation policies and rates, livelihood rehabilitation measures and implementation arrangements, grievance redress mechanism, and internal and external monitoring.

88. The key staff of Yongchang PMO, including those who will be responsible for the implementation of the RP and LURTF, participated in these trainings and meetings. However, most of the staff are only familiar with the laws and regulations on LAR of RPC and have some experience in LAR in domestic projects. This is their first participation in the preparation and implementation of ADB-funded project, which will have more requirements for the implementation of resettlement (see Table 4-2 for details). In addition, changes in human resources may happen during the implementation of the Subproject and the RP. Therefore, more training is planned for the Subproject on RP implementation, management, coordination, monitoring, and reporting, so as to improve the capacity of relevant agencies and their staff.

89. Training Objectives. Specific objectives of the staff training:

- Management personnel for LAR – the senior management personnel for project management will undergo training on LAR, so that they can fully understand the relevant requirements of the ADB's resettlement policy and the implementation of the RP, and undertake publicizing and popularizing these knowledge and requirements to all personnel involved in LAR activities of the Subproject.
- Staff for LAR – they will undergo training to understand the content and specific requirements of the RP of the Project and familiarize themselves with the details of the resettlement policy and restoration measures to ensure the smooth implementation of LAR activities.

90. Training mode: the training of senior management personnel will be organized by the Gansu PPMO, and the resettlement experts in the project implementation consultation team and government officials of relevant authorities will be invited to provide training; the training of resettlement staff of the Subproject will be organized by Yongchang PMO.

91. Training content: including project overview and background, laws, regulations and policies related to land acquisition (use) and resettlement, specific content and requirements of the RP and LURTF of the Subproject, management and coordination of LAR, reporting procedures, financial management, monitoring and evaluation, and grievance redress mechanisms.

92. Training duration: within 1 month before the commencement of land acquisition (use) and resettlement activities.

93. Training budget: the training expenses for resettlement staff have been incorporated in the resettlement budget of the Subproject.

Table62 Training Plan for Resettlement Staff

S/ N	Organization responsible for training	Training Contents	Trainee	Scheduled time for training
	A	B	C	D
1	Gansu PMO	ADB's SPS (2009)	Staff of Gansu Province Project Management Office and Municipal and County-level Project Management Offices	October 2021, completed
2	Gansu PMO and Yongchang PMO	Experience exchange and sharing in resettlement of similar ADB projects in Gansu; implementation of LURTF	Resettlement staff of all organizations and townships	2022-2025
3	Gansu PMO and Yongchang PMO	ADB's SPS 2009 and relevant requirements, and good practices; ADB's good practice on voluntary land use	Resettlement staff of all organizations and townships	2022-2025
4	Gansu PMO and Yongchang PMO	Latest updates in national laws, regulations and policies on land acquisition and resettlement, and implementation of LURTF	Resettlement staff of all organizations and townships	2022-2025
5	Gansu PMO and Yongchang PMO	Learn the experience in resettlement fund management of similar projects	Resettlement staff of all organizations and townships	2022-2025
6	Gansu PMO and Yongchang PMO	Computer operation and data processing related to LAR activities	Resettlement staff of all organizations and townships	2022-2025
7	Resettlement consultant of PMC during the implementation phase	Resettlement procedures and policies for ADB projects, and implementation of LURTF	Resettlement staff of all organizations and townships	2022-2025

7 Information Disclosure, Public Consultation and Grievance Redress Mechanism

7.1 Information Disclosure and Public Participation

94. According to the relevant policies and regulations on land acquisition, demolition and resettlement of the State, Gansu Province, Yongchang County and the ADB, the public participation during project preparation and implementation is necessary in order to safeguard the legitimate rights and interests of the displaced persons and relocated units, reduce dissatisfaction and disputes, listen to the opinions and suggestions of the displaced persons, further formulate the relevant policies and implementation rules for LAR of the Project, prepare the resettlement plan, properly perform the work related to the implementation organization, and achieve the goal of proper resettlement.

7.1.1 Information Disclosure and Public Consultation during Project Preparation

95. During the investigation and resettlement planning, the Yongchang Project Management Office, with the assistance of consulting experts, held discussions with local government authorities, cadres of townships, towns, villages and groups and villagers in the project area to communicate and consult with them on the necessity of project construction, project content, design scheme, villagers' willingness and compensation standards, and listen to opinions, needs and suggestions. See Table 7-1 for details of information disclosure and public participation activities conducted during project preparation. Detailed information disclosure and public participation activities conducted during project preparation for LURT is presented in appendix 2. A detailed record of public participation is shown in Annex 3.

Table 71 Public Consultation and Participation Conducted during the RP Preparation

Unit	Date	Participants	Number of Participants (women)	Purpose	Main Suggestions/Concerns received	Response Measures taken in Project Design and/or RP
Chengguan Town Government	2020.3.21	design institute of the Subproject, Yongchang County Development and Reform Bureau, Bureau of Agricultural and Rural Affairs, Natural Resources Bureau, Water Supplies Bureau, Housing and Urban-Rural Development Bureau, Transportation Bureau, Bureau of Culture, Sports, Broadcasting and Television, Liqian Investment Company, Chengguan Town Government, and Hongshanyao Town Government	26 (10 women)	Discussion of the project site selection and project design scheme and introduction of the proposed project to villagers to solicit their suggestions	The involved villages expressed their supports to the Subproject	/
Yongchang PMO	2021.12.11	ADB's expert team, Li Hongxing, Deputy County Head of the County Government, Yongchang Land and Resources Bureau, Bureau of Agricultural and Rural Affairs, Water Supplies Bureau, and cadres and related personnel of Chengguan Town and Hongshanyao Town	17 (8 women)	Project feasibility study, site inspection, preliminary investigation of project impacts	Introduction of the background and purpose of the subproject and minimizing the occupation of cultivated land in project site selection. The participants expressed their supports to the proposed Subproject and thought the Subproject would improve the agricultural production condition and living circumstance as well as the LA impacts would not be significant.	Make a preliminary analysis of the impact of LA and estimate the resettlement impacts.

Unit	Date	Participants	Number of Participants (women)	Purpose	Main Suggestions/Concerns received	Response Measures taken in Project Design and/or RP
Beihaizi Village, Jinchuan East Village, Jinchuan West Village and Maobula Village	2022.2.23	ADB's resettlement experts, resettlement plan preparation organization, Yongchang County Project Management Office, Chengguan Town, Hongshanyao Town, and cadres of village committees and villagers of villages involved	120 (48 women)	Site inspection, preliminary investigation of project impacts, preparation of resettlement plan, and socio-economic investigation	During the interview and socio-economic survey on affected households, the concerns of women and men regarding LA were the same: 1) adequate and timely compensation payment, 2) job opportunities, and 3) trainings. Women also expressed that the salary should be same if the same work is done.	Timely provision of payment at replacement cost and livelihood support and opportunities were explained to participants, and the said restoration measures are now incorporated in the RP. Equal pay for equal work will be ensured.
Beihaizi Village, Jinchuan East Village, Jinchuan West Village and Maobula Village	2022.3.18	Yongchang County Project Management Office, Yongchang Land and Resources Bureau, Chengguan Town, Hongshanyao Town, and cadres of village committees and villagers of villages involved	10 (4 women)	Discussions on compensation policies and rates for land acquisition and ground attachments to finalize resettlement compensation schemes.	The rates should not lower than those regulated by Gansu province. The concerns of women and man regarding LA were same, which are 1) adequate and timely compensation payment, 2) job opportunities, and 3) trainings. Women also expressed that the salary should be same if the same work is done.	Proposed compensation rates and income restoration measures are accepted by the AHs. Equal pay for equal work will be ensured.

Figure 71 Interview with Key Informants

	
<p>Investigation and interview along with members of Yongchang Project Leading Group, officers of Yongchang Land and Resources Bureau, Bureau of Agricultural and Rural Affairs, Water Supplies Bureau and Chengguan Town, cadres and villagers of Beihaizi Village in the project site</p>	<p>Interviews with officers of Yongchang Land and Resources Bureau, Water Supplies Bureau and Chengguan Town, and cadres and villagers of Jinchuan East Village</p>

Figure 72 Discussion with Affected Households in Beihaizi Village



7.1.2 Public Consultation and Participation Plan during Implementation Period

96. During subproject and RP implementation, the Yongchang Project Management Office will carry out further public consultation and participation activities, as elaborated in Table 7-2.

Table 72 Public Participation Plan of the Subproject

Purpose	Mode	Date	Unit	Participants	Topics
Distribution of resettlement information booklets	Village committee news bulletin board and villager meeting	June 2022	Yongchang County Project Management Office, Yongchang County Natural Resources Bureau, town and township governments involved	All project-affected parties	Announcement of resettlement information booklets

Purpose	Mode	Date	Unit	Participants	Topics
Notice of land acquisition	Village committee news bulletin board and villager meeting	Oct 2022	Yongchang County Project Management Office, Yongchang County Natural Resources Bureau, town and township governments involved	All project-affected parties	Announcement of acquired land area, compensation standard and resettlement approaches
Announcement of plan for land acquisition, compensation and resettlement	Village committee news bulletin board and villager meeting	Nov 2022	Yongchang County Project Management Office, Yongchang County Natural Resources Bureau, town and township governments involved	All project-affected parties	Compensation and payment method
Resettlement impact verification	Field investigation	Dec 2022	Yongchang County Project Management Office, Yongchang County Natural Resources Bureau, town and township governments involved	All project-affected parties	Make-up of missing items, and confirming the final impact quantity Preparation of compensation agreement and basic contract
Determination of the income and livelihood restoration measures and implementation arrangements	Villager meetings	Dec 2022	Yongchang County Project Management Office, Yongchang County Natural Resources Bureau, town and township governments involved	All project-affected parties	Discussion of the final income restoration plan and the plan for use of compensation funds
Skills training plan	Villager meeting	Dec 2022	Yongchang County Project Management Office, Yongchang Bureau of Agricultural and Rural Affairs, town and township governments involved	All project-affected parties	Discussion of training needs
External monitoring on resettlement	Villagers' participation in meetings	Form Dec 2022	Yongchang County Project Management Office, Yongchang Land and Resources Bureau, town and township governments involved, and external monitoring agencies for resettlement	All project-affected parties	1) Progress of resettlement and corresponding impacts 2) Payment of compensation 3) Disclosure of information 4) Restoration of production and living

7.2 Grievance Redress Mechanism

97. During the preparation and implementation of the resettlement action plan, the public participation will be encouraged, so there will be no major complaint on RP implementation. However, some unforeseen issues will still occur in the whole process. To effectively address these issues, and ensure successful land acquisition and project construction, transparent and effective grievance channels shall be established for the Subproject, and they shall remain effective during the whole resettlement process.

7.2.1 Grievance Channels

98. During RP preparation, a sound grievance redress system has been presented in the project area, and the details are as follows:

(i) Both Yongchang County and Gansu Province have offices for accepting APs' petitions, which can receive, investigate and handle general grievances from affected villages and persons; and

(ii) Legal departments, such as administrative supervision department, auditing department, discipline inspection department, judicial department and procuratorial department at state, provincial and municipal levels may accept cases of violations of laws and disciplines related to resettlement grievances.

7.2.2 Grievance Procedures

99. Furthermore, a project-specific grievance redress mechanism (GRM) has been established since RP preparation to ensure that the concerns and opinions of affected persons on the Subproject can be handled and replied in a timely manner. The details are as follows:

Stage 1 If the affected persons suffer any right infringement in any aspect of LAR, they can report to the villager group and village committee. After receiving the grievance, the villager group and village committee will record it, and investigate and solve it along with the displaced persons within 2 weeks.

Stage 2 If the petitioner is dissatisfied with the decision of Stage 1, he/she may appeal to the town/township government after receiving the decision, and the decision to deal with the grievance shall be made within 2 weeks after acceptance.

Stage 3 If the petitioner is dissatisfied with the decision of Stage 2, he/she may appeal to the Yongchang Project Management Office after receiving the decision, and the decision to deal with the grievance shall be made within 2 weeks after acceptance.

Stage 4 If the petitioner is dissatisfied with the decision of Stage 3, he/she may appeal to the Gansu Province Project Management Office after receiving the decision, and the decision to deal with the grievance shall be made within 2 weeks after acceptance.

100. In addition, according to the *Administrative Litigation Law of the People's Republic of China*, the affected persons may appeal to the administrative organ with jurisdiction level by level for arbitration. At any stage, the affected persons may take their cases to the local courts in accordance with applicable laws and regulations of RPC.

101. Any AP may also file a grievance with the Office of the Special Facilitator or Compliance Review Panel of ADB in accordance with ADB's accountability mechanism.³

102. The above procedure has been fully discussed during RP preparation, and will be further notified to the APs by means of meeting, RIB, etc.

103. Affected persons can lodge grievances against any aspect of the resettlement, including compensation standards. The names, locations, persons in charge and telephone numbers of accepting institutions for the above-mentioned grievance channels will be informed to the affected persons through meetings, announcements and information booklets, so that the displaced persons can fully understand that they have the right for grievance. Meanwhile, mass media will be used to strengthen publicizing and reporting, and comments

³ See <http://www.adb.org/Accountability-Mechanism>.

and suggestions from all parties for the resettlement will be sorted out and presented in items of information to be investigated and handled by resettlement organizations at all levels. All organizations will accept the grievances of the affected persons free of charge, and the reasonable expenses incurred therefrom will be included in the contingencies of the Project.

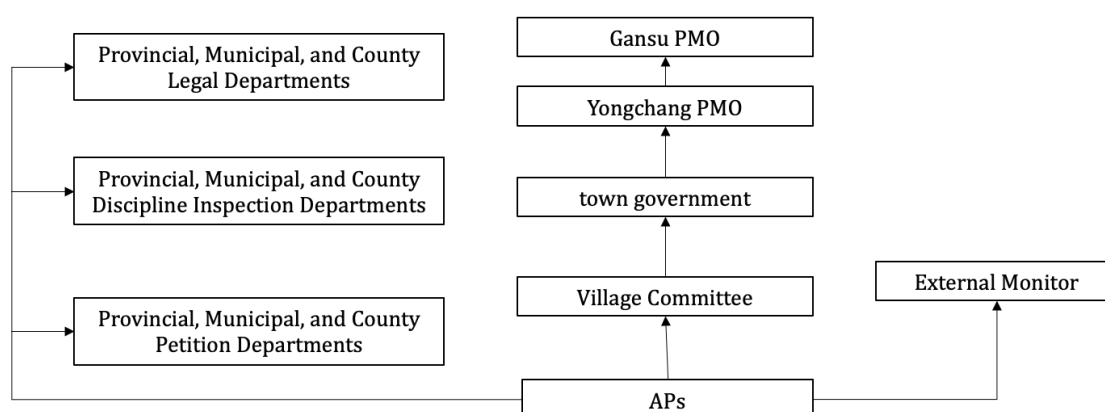
104. To completely record the grievances of the affected persons and the handling of relevant issues, the Yongchang Project Management Office has formulated a registration form of handling of grievances of the affected persons. The form is shown in Table 7-3. See Figure 7-3 for details of the resettlement grievance system.

Table 73 Registration Form of LAR Related Grievances

Undertaker:		Date:		Place:	
Name of appellant	Appel issue	Required solution		Proposed solution	Actual handling progress
Appellant (signature)				Recorder (signature)	

Notes: 1. The recorder shall truthfully record the grievance issue and demands of the petitioner. 2. The grievance process shall not be interfered with or hindered by anyone. 3. The proposed solution shall be given to the petitioner within the specified time.

Figure 77 -3Flow Chart of LAR related GRM



7.2.3 Contact for Grievance

105. To facilitate the affected persons to raise their grievances (if any) in a timely manner, contact persons and the contact information have been disclosed in project areas, as shown in Table 7-4.

Table 7-4 List of Contact Persons for GRM

Department	Responsible Person	Title	Tel.
Gansu Provincial Project Management Office	Gao Jing	Director of Project Management Office	18893168006
Yongchang Project Leading Group	Zhang Shiming	Deputy County Head	13830585177

Department	Responsible Person	Title	Tel.
Yongchang Project Leading Group	Wang Ruiqing	Deputy Director	15693576789
Yongchang Project Management Office	Mao Erze	General Manager	13519563286
People's Government of Chengguan Town	Lu Yantong	Deputy Town Chief	19909453545
People's Government of Hongshanyao Town	Yang Wannian	Deputy Town Chief	13884501179
Beihaizi Village, Chengguan Town	Li Shengjiang	Secretary	13689451996
Jinchuan East Village, Chengguan Town	Liu Wentao	Secretary	15009452681
Jinchuan West Village, Chengguan Town	Zhang Deqi	Secretary	13830593379
Maobula Village, Hongshanyao Town	Su Yongguo	Secretary	13830581575

8 Resettlement Budget

8.1 Budget Estimate

106. The LAR cost has been included in the total budget of the Subproject. According to the price in April 2022, the total resettlement budget of the Subproject is estimated at CNY6,697,300. The total resettlement budget includes survey and design fees, cultivated land reclamation fees, cultivated land occupation taxes, resettlement monitoring fees, implementation management fees, training fees, pension insurance fees and contingencies related to collective land acquisition. See Table 8-1 for details.

107. From the perspective of LAR impact categories, the fee for permanent collective land acquisition is CNY 2,805,300 (accounting for 52% of the total resettlement cost), the survey and design fee is CNY 42,100 (accounting for 1%), the cultivated land reclamation fee is CNY 473,600 (accounting for 7%), the cultivated land occupation tax is CNY 284,100 (accounting for 4%), the resettlement monitoring fee is CNY 280,500 (accounting for 4%), the implementation management fee is CNY 140,300 (accounting for 2%), the training fee is CNY 84,200 (accounting for 1%), the insurance fee for landless peasants is CNY 2,166,400 (accounting for 32%), and the contingency is CNY 420,800 (accounting for 6%).

Table 8-1 Land Acquisition Cost of the Project

S/N	Item	Unit	Beihaizi Village			Jinchuan East Village			Maobula Village			Total of expenses (CNY)	Proportion (%)
			Standard (CNY/unit)	Quantity	Cost (CNY)	Standard (CNY/unit)	Quantity	Cost (CNY)	Standard (CNY/unit)	Quantity	Cost (CNY)		
1	Acquisition of rural collective land				2503299			115945			186037.5	2805281.3	42
1.1	Cultivated Land	Mu	48750	35.5	1730625	48750						1730625	
1.2	Woodland	Mu	45150	13.04	588756	45150						588756	
1.3	Wasteland	Mu	4515	35.84	161817.6	4515	25.68	115945	3750	49.61	186037.5	463800.3	
1.4	Ground attachments	No.	85	260	22100							22100	
2	Survey and design cost	CNY	1.50%		37549.48			1739.18			2790.56	42079.22	1
3	Cultivated land reclamation fees	CNY	13340		473570							473570	7
4	Occupancy tax of cultivated land	CNY	8004		284142							284142	4
5	Resettlement monitoring fees	CNY	10%		250329.86			11594.5			18603.75	280528.13	4
6	Implementation management cost	CNY	5%		125164.93			5797.26			9301.88	140264.07	2
7	Training expenses	CNY	3%		75098.96			3478.36			5581.13	84158.44	1
8	Pension insurance	Person	23295	93	2166435							2166435	32
9	Contingencies	CNY	15%		375494.79			17391.78			27905.63	420792.2	6
	Total				4983597			155946			250220.4	6697250.35	100

8.2 Sources and Management of Resettlement Funds

108. According to the project construction plan, the resettlement funds of the Project will be raised and paid by the governments of Yongchang County, Chengguan Town and Hongshanyao Town, and the resettlement funds are expected to be fully paid in 2023.

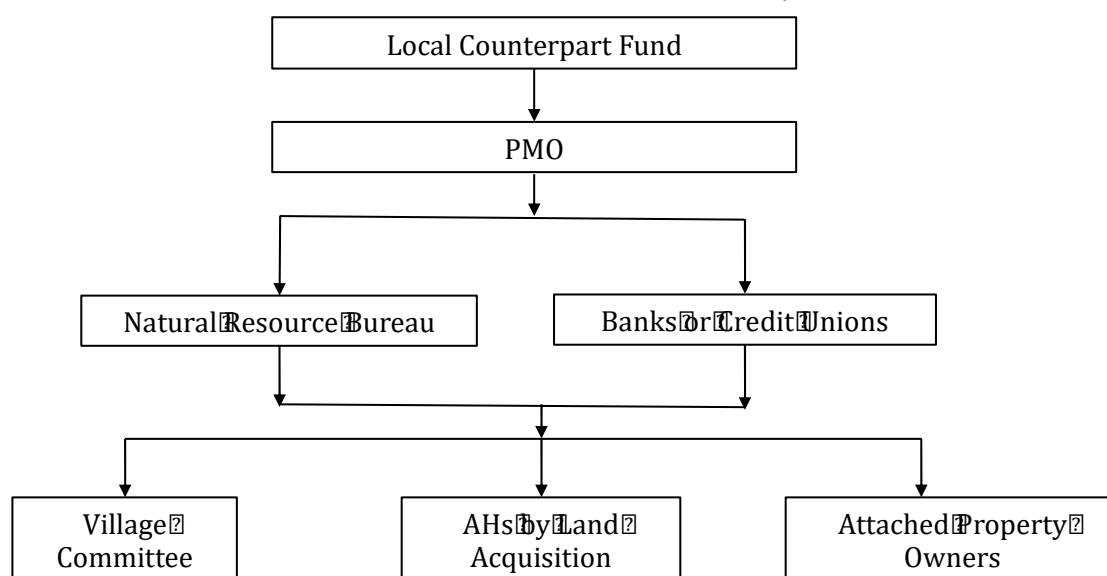
109. The compensation for collective-owned land will be directly paid by Yongchang County Natural Resources Bureau to the collective economic organizations affected; and then, the later will convene a villager meeting for use of such compensation fees.

110. As for the compensation for land contracted by individuals, Yongchang County Natural Resources Bureau will entrust Chengguan Town and Hongshanyao Town or the Village Committee (Party A to the Contract) to sign land acquisition and compensation agreements with the affected households (Party B to the Contract), and the deposit bank will pay the land acquisition compensation fee on behalf of Party A. The affected households can receive the land acquisition compensation fee from the bank by virtue payment notices and ID cards.

111. For the social security funds, after the land acquisition approval, the Natural Resources Bureau of Yongchang County, in conjunction with the Yongchang Human Resources and Social Security Bureau, will calculate the subsidy funds, and then submit to the Financial Bureau of Yongchang County. After approval, the later will transfer the social security subsidy funds into the individual pension account of the land expropriated farmers.

112. The appropriation of compensation payment will be subject to supervision and auditing of Gansu Provincial Audit Bureau and Jinchang Municipal Audit Bureau. All expenses related to land acquisition and resettlement will be included in the general investment of the Subproject, and the land compensation will be fully paid before land acquisition. To ensure the smooth implementation of LAR, financial and supervision institutions at all levels will take responsibilities to ensure that all funds are allocated properly on time.

8-1 Flow Chart of Resettlement Fund Payment



9 Resettlement Implementation Schedule

9.1 Resettlement Implementation Principles

113. According to the schedule of project implementation, the Subproject has a construction period of 6 years, commencing in November 2022 and ending in October 2028. To achieve smooth coordination between the resettlement schedule and the construction schedule of the Subproject, it is planned to commence collective land acquisition in December 2022 and complete such work by November 2023. The basic principles of resettlement implementation are as follows:

- The land acquisition shall be completed within 3 months before the commencement of civil works under the Subproject, and the specific commencement time shall be determined according to the needs of LAR.
- During RP and project implementation, affected persons shall have adequate time and opportunities to make proper readiness for LAR activities of the Subproject. Prior to the commencement of the construction, an announcement of land acquisition scope shall be issued, resettlement information booklets shall be distributed, and work related to public consultation and participation shall be properly conducted.
- All compensation shall be directly paid to property owners in full amount within 3 months from signing of land acquisition and compensation agreements. Any organizations or individuals shall not use these property compensations on behalf of property owners and shall not lower such compensation for any reason.

9.2 RP Implementation Schedule

114. The overall resettlement schedule of the Subproject is proposed according to the schedule of Yongchang Subproject. The specific implementation timeline may be adjusted properly due to deviations in overall progress of the Subproject. Refer to Table 9-1 for the details of the resettlement schedule.

Table 91 Schedule of Resettlement Activities

S/N	Task	Objective	Responsible organization	Deadline
1	Consultation and information disclosure			
1.1	Disclosure of the RIB and RP	Affected villages and persons	Gansu PMO and Yongchang PMO	Jun 2022
1.2	Disclosure of the resettlement plan on ADB's website and local government website	ADB	Gansu PMO and Yongchang PMO	Jun 2022
2	Update of the resettlement plan			
2.1	Detailed resettlement survey (DMS)	Beihaizi Village, Jinchuan East Village, and Maobula Village	Gansu PMO and Yongchang PMO	Aug 2022
2.2	Verification of DMS Results	Beihaizi Village, Jinchuan East Village, and Maobula Village	Gansu PMO and Yongchang PMO	Sep 2022
2.3	Conducting Social Stability Risk Assessment and Organizing a Public Hearing	Beihaizi Village, Jinchuan East Village, and Maobula Village	Gansu PMO and Yongchang PMO	Sep 2022
2.4	RP updating			Oct 2022
2.5	Approval of updated resettlement budget (including compensation rates)	/	Yongchang PMO	Nov 2022
2.6	Submission of Updated RP to ADB for review and approval	/	Gansu PMO and Yongchang PMO	Nov 2022
2.7	Disclosure of Updated RP	/	ADB and Yongchang PMO	Nov 2022
3	Capacity building			
3.1	Discussions with villages involved to establish final scope of the Subproject	Beihaizi Village, Jinchuan East Village, and Maobula Village	Yongchang PMO, Governments of Chengguan Town and Hongshanyao Town	Sep~Nov 2022
3.2	Capacity building of the County-level Project Management Office	3 staff members	Yongchang PMO	Oct~Dec 2022
3.3	Selection of persons responsible for LAR in villages	6 persons in 3 villages	Yongchang County Project Management Office and Town Government	Dec 2022
4	Commencement and completion of land acquisition and resettlement			
4.1	Issuance of land acquisition pre-notice	3 affected villages	Yongchang County Government	Dec 2022
4.2	Agreements reached with affected villager groups and households	Beihaizi Village, Jinchuan East Village, and Maobula Village	Yongchang PMO and Natural Resources Bureau	Dec 2022

S/N	Task	Objective	Responsible organization	Deadline
4.3	Issuance of land acquisition and compensation scheme	Beihaizi Village, Jinchuan East Village, and Maobula Village	Yongchang PMO and Natural Resources Bureau	Dec 2022
4.4	Payment of land acquisition compensation	Beihaizi Village, Jinchuan East Village, and Maobula Village	Yongchang PMO and Natural Resources Bureau	Dec 2022~Apr 2023
4.5	Completion of land acquisition	Beihaizi Village, Jinchuan East Village, and Maobula Village	Yongchang PMO and Natural Resources Bureau	May 2023
5	Skills training			
5.1	Skills training	All persons involved in resettlement	Gansu PMO and Yongchang PMO	Dec 2022
6	Capacity building of the resettlement implementation agency			
6.1	Training staff of Yongchang Project Management Office and the resettlement implementation agency	All persons involved in resettlement	Gansu PMO and Yongchang PMO	Nov 2022
6.2	Training of town and township personnel involved in LAR of the Project	All persons involved in resettlement	Gansu PMO and Yongchang PMO	Nov 2022
7	Monitoring & assessment			
7.1	Establishment of an internal monitoring system		Gansu PMO and Yongchang PMO	from Oct 2022
7.2	Internal monitoring and reporting	Semi-annual report	Gansu PMO and Yongchang PMO	July and January of every year
7.3	Engagement of an external monitoring agency		Gansu PMO	Oct 2022
7.4	External resettlement monitoring report	Semi-annual report	Gansu PMO and external Monitor	July and January of every year
7.5	Resettlement completion report	Completion report	Gansu PMO and external Monitor	Dec 2028
8	Public consultation			ongoing
9	Grievance redress			ongoing
10	Payment of compensation			
10.1	To towns and townships	Affected towns	Yongchang PMO	Nov 2022
10.2	To affected villages and households	Affected villages and villagers	Yongchang PMO, Township Governments	Dec 2022
11	Commencement of civil works		Yongchang PMO	Dec 2022

10 Monitoring and Evaluation

115. To ensure the successful implementation of the RP and realize the objectives of resettlement properly, LAR activities will be subject to periodic M&E, including internal and external monitoring. In the event of any restrictions due to COVID-19 outbreak or other unforeseeable phenomena, virtual meetings (videoconference, telephone calls, wechat) will be carried out. The Subproject will strictly adhere to social distancing, wear protective masks/equipment during in-person meetings in line with government protocols and guidelines.

116. Specific requirements for internal and external monitoring of LURTF is presented in Annex 2.

10.1 Internal Monitoring

10.1.1 Implementation Procedure

117. The internal monitoring will be conducted by the Gansu PPMO and the Yongchang PMO during the project implementation, and the resettlement expert of the project management consulting agency will provide technical guidance during the project implementation.

10.1.2 Monitoring Scope

118. The scope of internal monitoring includes:

- Implementation of land approval procedures for the Subproject;
- Implementation progress of land acquisition;
- Negotiation and signing of land acquisition agreements;
- Payment of land compensation;
- Compensation for standing crops and ground attachments;
- Implementation of income and livelihood support measures for the persons affected by land acquisition;
- Implementation of supporting measures for women;
- Payment and use of project land acquisition funds;
- Information disclosure, participation and consultation of affected persons (including indicators on the adequacy and frequency of public consultation, and public discussion and document preservation conditions);
- Recording and handling of complaints and appeals of APs;
- Training and capacity building of resettlement implementation and management agencies and personnel;and
- Internal monitoring findings and follow-up actions.

119. The Gansu PMO will submit a consolidated internal monitoring report of all subprojects (including Yongchang Subproject) to the ADB for review semiannually, along with the project progress report. The report shall include tables to show the key information such as the impact and progress of the land acquisition for the Subproject in the past six months, the implementation of livelihood restoration measures and the payment of land compensation fees. The resettlement experts of the project implementation consulting agency will provide technical support and guidance for the internal monitoring and preparation of internal monitoring reports during project implementation.

10.2 External Monitoring

120. Gansu PPMO will recruit a qualified external resettlement monitoring agency with 10 years or more of experience in foreign loan-financed projects.

121. The external monitoring and evaluation agency will carry out a baseline survey before LAR, regularly conduct follow-up monitoring and assessment of resettlement activities, monitor the impact of land acquisition, land compensation and resettlement progress, performance, fund payment, satisfaction and complaints, put forward relevant suggestions, keep track of the affected persons' satisfaction and livelihood restoration, and submit the monitoring and evaluation reports to the Gansu PMO, Yongchang PMO and ADB.

122. This external monitoring and evaluation agency will also be the same external monitoring and evaluation agency on LURT implementation.

10.2.1 External Monitoring Items and Methods

1) Baseline Survey

123. The external monitoring agency will conduct a baseline survey on the villages affected by land acquisition of the Subproject to obtain the base data of the production and living standards (living, production and income levels) of the monitored resettlement households. Random sampling surveys will be conducted on not less than 20% of affected households and 100% of vulnerable groups, if any identified during RP implementation. The survey will be completed before the implementation of LAR, and the content of the baseline survey report will be included in the first external monitoring report.

2) Regular Monitoring and Evaluation

124. The external monitoring agency shall carry out regular follow-up monitoring on the resettlement of the Subproject twice a year during RP implementation of the Subproject. Through on-site observation, follow-up investigation on sample households and random interviews with affected persons, the follow-up investigation on typical samples will be made. Specific external monitoring activities are as follows:

- Actual impact of land acquisition;
- Implementation progress of land acquisition;
- Negotiation and signing of land acquisition agreements;
- Progress of payment of land compensation, subsidies and rents;
- Compensation for standing crops and ground attachments;
- Schedule and progress of land acquisition and resettlement activities;
- Implementation of income and livelihood restoration measures for the persons affected by land acquisition;
- Implementation and effectiveness of skills training for affected persons;
- Changes in the livelihood modes and production and living standards of the affected persons;
- Sharing of benefits of the Project with the affected persons;
- Implementation of supporting measures for women and vulnerable groups (if any identified during RP implementation);
- Information disclosure, participation and consultation of affected persons;
- Recording and handling of complaints and appeals;
- Ability of resettlement implementation management agencies and implementation personnel in the project area and the implementation of training programs;
- Collecting data on gender-specific livelihoods restoration for analysis and presentation in monitoring reports; and
- Main findings and suggestions on land acquisition and resettlement.

3) Public Consultation and Negotiation

125. External monitoring agencies will participate in some public consultation and negotiation meetings held during resettlement implementation of the Subproject, where appropriate. Through participation in these negotiation meetings, external monitoring agencies

can evaluate the effectiveness of public consultation and participation. The indicators on the adequacy and frequency of public consultation and documentation will be monitored regularly and reported in external monitoring reports.

4) Complaints

126. External monitoring agencies shall regularly visit project-affected villages and interview relevant town governments and implementation agencies to follow up the handling of complaints, if any. If any unresolved problems are found during the monitoring, corrective measures will be proposed to the Gansu PMO and Yongchang PMO to ensure the effective solution of such issues.

10.2.2 External Monitoring Report

127. The external monitoring agencies will prepare the external monitoring reports based on the observation and investigation results in field and then submit external monitoring reports to ADB semianually via the Gansu PPMO.

128. The external monitoring will start from May 2023 until the resettlement is completed, and the production and living of the affected persons are restored.

Table 10-1 Monitoring and Assessment Plan

S/N	Report	Report submission date	Monitoring period	Remarks
1	First report	July 2023	Date of loan coming into effect ~ June 2023	Semi-annual report
2	Second report	January 2024	July ~ December 2023	Semi-annual report
3	Third report	January 2025	January ~ December 2024	Annual report
4	Fourth report	January 2026	January ~ December 2025	Annual report
5	Fifth report	January 2027	January ~ December 2026	Annual report
6	Sixth report	January 2028	January ~ December 2027	Annual report
7	Seventh report	November 2028	January ~ October 2028	Completion report

10.3 Resettlement Completion Report

129. After the completion of the Subproject, the resettlement activities will be subject to the completion review on the basis of monitoring and evaluation. The successful experience in land acquisition and resettlement will be assessed to provide reference for future similar projects. The completion review will be carried out by an external monitoring and evaluation agency engaged by Gansu PPMO. The monitoring and evaluation agency will develop a work plan for completion review to establish the evaluation indicator system, carry out social and economic survey and analysis, and prepare the Resettlement Completion Report which will be submitted to the ADB via Gansu PPMO.

Annex 1 Pre-examination of Land Use by Yongchang Natural Resources Bureau

1) Pre-examination of land use for project activities in Chengguan Town

According to the preliminary review opinions on the land for project activities in Chengguan Town issued by Yongchang County Natural Resources Bureau in March 2022, the Project strictly follows the national regulations, without occupying basic farmland and ecological protection red line.

永昌县自然资源局

永昌县自然资源局

关于亚行贷款甘肃省乡村环境可持续发展示范项目 金昌市永昌县子项目城关镇段用地审查的意见

城关镇政府：

你镇报来《关于申请办理亚行贷款甘肃省乡村环境可持续发展示范项目金昌市永昌县子项目城关镇段用地预审意见书的报告》收悉，经研究，提出如下审查意见：

一、拟建设的亚行贷款甘肃省乡村环境可持续发展示范项目金昌市永昌县子项目城关镇段，包括智慧农业示范区、花卉农庄及康养区、胡萝卜特色小镇区，以上项目总计占地约 139.25 亩。其中花卉农庄及康养区涉及新增建设用地，具体为：中医药文化体验馆及配套设施占地 1.25 亩；农耕文化体验中心 2.53 亩；花卉农庄及康养区铺装 6.9 亩、康养区道路拓宽 8.61 亩、休憩观景平台 1.35 亩，生态公厕（2 座）0.48 亩。

二、经核查，花卉农庄及康养区项目涉及新增建设用地，具体为：中医药文化体验馆及配套设施占地 1.25 亩；农耕文化体验中心 2.53 亩；花卉农庄及康养区铺装 6.9 亩、康养区道路拓宽 8.61 亩、休憩观景平台 1.35 亩，生态公厕（2 座）0.48 亩。以上项目总计 21.12 亩，不占用基本农田，不占用生态保护红线，项目用地已列入正在编制的相关村庄规划。项目建设严格按照国

家相关规定，不得以设施农业为名，占用耕地和基本农田大搞观光旅游，确需使用土地的要依法办理农用地转用审批和供地手续。

三、根据有关规定，智慧农业示范区和胡萝卜特色小镇区无需出具土地预审意见。

四、该项目为不涉及国有建设用地划拨的项目，无需办理规划选址意见书。

五、本意见仅用于项目立项手续前期办理。



2) Pre-examination of land use for project activities in Hongshanyao Town

According to the preliminary review opinions on the land for project activities in Hongshanyao Town issued by Yongchang County Natural Resources Bureau in March 2022, the Project strictly follows the national regulations, without occupying basic farmland and ecological protection red line.

永昌县自然资源局

永昌县自然资源局

关于亚行贷款甘肃省乡村环境可持续发展示范项目 金昌市永昌县子项目红山窑段用地审查的意见

红山窑镇政府：

你镇报来《关于申请办理亚行贷款甘肃省乡村环境可持续发展示范项目金昌市永昌县子项目红山窑段用地预审意见书的报告》收悉，经研究，提出如下审查意见：

一、拟建设的亚行贷款甘肃省乡村环境可持续发展示范项目金昌市永昌县子项目红山窑段包括 13 个项目，具体为：1、车辘沟高标准农田整治用地面积 8000 亩；2、农业灌溉调蓄池（9.5 万方）3 座；3、简易生态停车场用地面积 16.57 亩；4、中泉下游高标准农田整理用地面积 500 亩；5、中泉农田灌溉调蓄池（5 万方）1 座；6、生态公厕 3 座用地面积 0.72 亩；7、村道改造用地面积 15.74 亩；8、X188 局部会车区用地面积 11.99 亩；9、产业发展综合服务中心用地面积 0.66 亩；10、民俗展馆及非遗传习所用地面积 1.51 亩；11、羊文化展示体验中心用地面积 3.87 亩；12、肉羊养殖小区 1 座用地面积 206.9 亩；13、羊粪综合利用处理场 1 座用地面积 15.25 亩。

二、经核查，生态公厕 3 座用地面积 0.72 亩，村道改造用地面积 15.74 亩，X188 局部会车区用地面积 11.99 亩，产业发

展综合服务中心用地面积 0.66 亩，民俗展馆及非遗传习所用地面积 1.51 亩，羊文化展示体验中心用地面积 3.87 亩共 6 个项目 34.49 亩涉及新增建设用地，不占用基本农田，不占用生态保护红线，项目用地已列入正在编制的相关村庄规划。项目建设严格按照国家相关规定，不得以设施农业为名，占用耕地和基本农田大搞观光旅游，确需使用土地的要依法办理农用地转用审批和供地手续。

三、根据有关规定，除涉及新增建设用地的 6 个项目外的其他项目无需出具土地预审意见。

四、该项目为不涉及国有建设用地划拨的项目，无需办理规划选址意见书。

五、本意见仅用于项目立项手续前期办理。



Annex 2 Land Use Right Transfer Framework and Due Diligence

Environmentally Sustainable Rural Revitalization and Development Project of Gansu

Province Funded by ADB

– Ecological Protection Demonstration Project of Water Source of Jinchuan Gorge in

Yongchang County

Land Use Right Transfer Framework and Due Diligence Report

Yongchang County Project Management Office

June 2022

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1 Project Overview

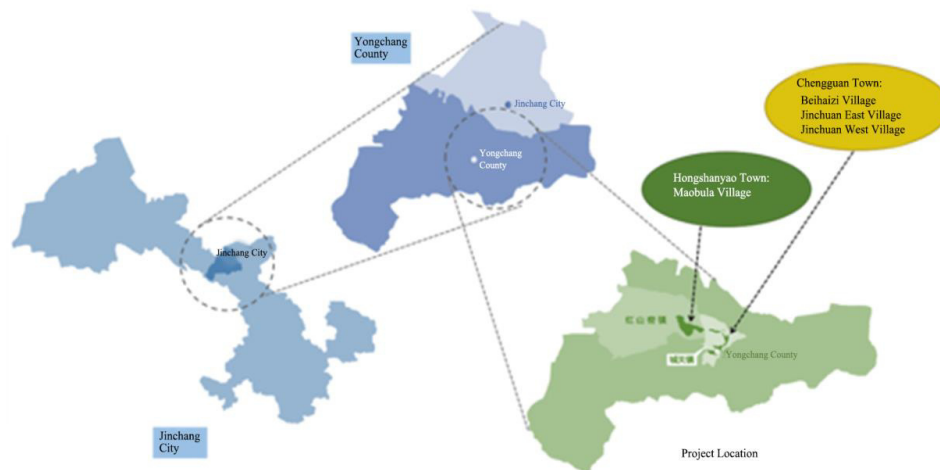
1.1 Project Background

1. Ecological Protection Demonstration Project of Water Source of Jinchuan Gorge in Yongchang County (Yongchang Subproject) is one of the subprojects of the ADB-funded Environmentally Sustainable Rural Revitalization and Development Project of Gansu Province.

2. The Yongchang Subproject includes: Carrot Characteristic Town – Smart Agriculture Demonstration Area, Flower Farm and Wellness Area, and Carrot Characteristic Town Area; reservoir ecological governance and supporting facilities; Maobula Folk Culture Exhibition Area and Planting and Breeding Base – Efficient Agricultural Planting Base, village infrastructures, Folk Intangible Cultural Heritage Exhibition Area and Featured Breeding Base, specifically involving smart agricultural greenhouses, water-saving irrigation facilities, folk intangible cultural heritage exhibition, circular agriculture and animal husbandry, green buildings, residential renovation, environmental management, landscape roads, clean energy for charging and lighting, sewage collection, garbage collection facilities and other aspects. The total investment of the project is CNY 302,575,900. The construction period of the Project is from December 2022 to November 2028.

3. The Subproject involves Beihaizi Village, Jinchuan East Village, Jinchuan West Village in Chengguan Town, and Maobula Village in Hongshanyao Town, Yongchang County.

4. Figure 1 Schematic Diagram of Project Location



1.2 Overview of Project Composition and Land Use

5. The Yongchang Subproject includes: (1) Carrot Characteristic Town, mainly including Smart Agriculture Demonstration Area, Flower Farm and Wellness Area, Carrot Characteristic Town Area; (2) Ecological Governance Area of the Reservoir, specifically including the upgrading and reconstruction of the ecological environment on the west bank of Jinchuan Gorge Reservoir, with an area of 650 mu; (3) Maobula Folk Culture Exhibition Area and Planting and Breeding Base, including Efficient Agricultural Planting Base, reconstruction of village infrastructures, Folk Intangible Cultural Heritage Exhibition Area and Featured Breeding Base. In addition, sanitation vehicles (garbage trucks, sprinklers, etc.), solar street lamps, water heaters, etc. will be purchased for the Yongchang Subproject.

6. For the Yongchang Subproject, most of the project land will be obtained through land use right transfer (LURT). The LURT will be implemented in accordance with the principle of

"equality, voluntariness, openness, transparency, and compensation" and therefore will not trigger the ADB involuntary resettlement (IR) policy. This report deals with the land use right transfer framework of the Subproject for guiding the LURT during the implementation of the Subproject, and the due diligence on the completed LURT.

7. According to the feasibility study report of the Subproject and the on-site investigation, 11,787.26 mu of land needs to be transferred for the Yongchang Subproject, including 9,611 mu of cultivated land contracted by farmers, involving 287 households and 1,108 people in 3 villages, and 2,176.26 mu of villages' collective-owned unused land, which is not contracted to any farmer.

8. By February 2022, 8,504 mu of land has been transferred, involving 124 households and 540 people, including 8,500 mu of cultivated land and 4 mu of villages' collective-owned unused land. The Yongchang PMO conducted the due diligence on the completed LURT. According to the due diligence, Party A for LURT is a village collective or farmers, and Party B is the Mysterious Liqian Cultural Tourism Investment Co., Ltd.; the LURT complies with the corresponding laws and regulations of China; the LURT costs was paid to the village collective and farmers in time according to the contract agreement, and there is no complaint related to LURT. See **Annex 4-1** for the due diligence on completed LURT.

1.3 Definition of Relevant Terms

9. **Land use right transfer (LURT):** refers to the transfer of land use right from communities or farmers with contracted management right of land to other farmers or economic organizations, i.e. retaining land contracting right and transferring use right for a specific period of time.

1.4 LURT Costs and Implementation Schedule

10. For this LURT framework, the annual LURT cost of the Subproject is calculated. The LURT cost in construction stage (6 years) is included in project cost, while the LURT cost incurred year by year during operation stage is included in the project operation cost.

11. According to the project implementation schedule, all LURT agreements will be signed from December 2022 to November 2023.

2 Impact of LURT and Socio-economic Background

2.1 LURT of the Project

12. A total of 11,787.26 mu of land needs to be transferred for the Subproject, including 9,611 mu of cultivated land contracted by farmers, involving 287 households and 1108 people in 3 villages, and 2,176.26 mu of villages' collective-owned unused land, which does not affect any farmer. According to the investigation, 8,504 mu of land has been transferred in Maobula Village, including 8,500 mu of cultivated land and 4 mu of villages' collective-owned unused land. The cultivated land involves 124 households and 540 people. In addition, 3,283.26 mu of land will still be transferred for the Yongchang Subproject.

13. From the perspective of project activities, the land to be transferred for each subproject activity is as follows:

- A total of 1,111 mu of land is to be transferred in the Carrot Characteristic Town, all being cultivated land, including 69.3 mu of land for the Smart Agriculture Demonstration Area, all in Beihaizi Village, involving 15 households and 53 people; 1,041.7 mu of land for the Carrot Characteristic Town Area, located in Jinchuan East Village, involving 148 households and 515 people.
- For the upgrading and reconstruction of the ecological environment on the west bank of Jinchuan Gorge Reservoir, 750 mu of collective wasteland in Jinchuan West Village is to be transferred, involving no farmer.
- In the Maobula Folk Culture Exhibition Area and Planting and Breeding Base, a total of 9,926.26 mu of land needs to be transferred, in which 8,500 mu of cultivated land and 4 mu of unused land has been transferred, involving 124 households and 540 people in Maobula Village; 1,421.26 mu of villages' collectively-owned unused land is to be transferred for the Subproject.

14. The LURT of the Subproject is shown in Table 1.

Figure 2 Status of Land to be Transferred in the Subproject



Table 1 List of Land Use Right Transfer of the Project

Project activity	Township/Town	Village	LURT														
			Total					To be transferred					Transferred				
			Total area (mu)	Cultivated land (mu)	Unused land (mu)	Households	Persons	Subtotal (mu)	Cultivated land (mu)	Unused land (mu)	household	person	Subtotal (mu)	Cultivated land (mu)	Unused land	Households	Persons
1. Carrot Characteristic Town	Chengguan Town		1111	1111	0	0	0	1111	1111	0	0	0	0	0	0	0	0
1.1 Smart Agriculture Demonstration Area	Chengguan Town	Beihazi Village	69.3	69.3	0	15	53	69.3	69.3	0	15	53	0	0	0	0	0
1.2 Carrot Characteristic Town Area	Chengguan Town	Jinchuan East Village	1041.7	1041.7	0	148	515	1041.7	1041.7	0	148	515	0	0	0	0	0
2. Upgrading of Ecological Environment on the West Bank of Jinchuan Gorge Reservoir	Chengguan Town	Jinchuan West Village	750	0	750	0	0	750	0	750	0	0	0	0	0	0	0
3. Maobula Folk Culture Exhibition Area and Planting and Breeding Base	Hongshanyao Village	Maobula Village	9926.26	8500	1426.26	124	540	1422.3	0	1422.26	0	0	8504	8500	4	124	540
Total			11787.26	9611	2176.26	124	540	3283.3	1111	2172.26	163	568	8504	8500	4	124	540

Source: Field investigation (April 2022)

2.2 Socio-economic Profile of the Project Area

2.2.1 Yongchang County

15. Yongchang County is located in the northwest of Gansu Province and in the east of the Hexi Corridor. It covers a total area of 7439.27 square kilometers and has 9 towns and 1 township under its jurisdiction, with a permanent resident population of 177,600. In 2020, its GDP was CNY 8.72 billion, the per capita disposable income of urban residents was CNY 32,785 and the per capita disposable income of rural residents was CNY 15,604.

2.2.2 Chengguan Town

16. Chengguan Town is the political, economic and cultural center of Yongchang County, with a total area of 32.26 square kilometers, a total population of 98,909 and a per capita net income of CNY 16,333 in 2021. The existing cultivated land has an area of 35,061 mu, including 2,947.2 mu of woodland and 5,973.75 mu of grassland.

2.2.3 Hongshanyao Town

17. Hongshanyao Town is located in the southwest of Yongchang County, 40 kilometers away from the county, covering an area of 1533.33 square kilometers, with a total population of 24,660 and a per capita net income of CNY 14,572. It has 45,000 mu of cultivated land, 2,500 mu of woodland, 46,000 mu of grassland and 45,000 mu of wasteland.

2.2.4 Participating Villages

18. Beihaizi Village has nine villagers' groups under its jurisdiction, with a total of 2,235 people, a per capita cultivated land of 1.41 mu and a per capita net income of CNY 18,028. There are 1,462 people in Jinchuan East Village, with a per capita net income of CNY 16,830. Jinchuan West Village has 336 households (809 persons) in 6 villagers' groups, with a total of 1235 mu of cultivated land and 1130 mu of woodland. In 2021, the per capita net income was CNY 15342. Maobula Village has 10 villagers' groups with 880 households and 2,736 persons. The whole village has a cultivated land area of 25,000 mu and a wasteland area of 4,600 mu. The per capita disposable income is CNY 17,252.

2.3 Willingness of Villagers

19. During the project preparation period, random sampling survey was conducted on 120 households, including 20 households in Chengguan Town, 20 households in Hongshanyao Town, 20 households in Beihaizi Village, 20 households in Jinchuan East Village, 20 households in Jinchuan West Village and 20 households in Maobula Village. Women accounted for 50% of the surveyed people. The findings are as follows:

20. The number of households who were clear about the construction of the Subproject was 101, accounting for 84.17% of the total number of households surveyed; 115 households supported the construction of the Subproject, accounting for 95.83% of the total number of households surveyed; most people were in favour of the procedures, lease term, rent and rent payment method of LURT; most of the respondents believed that the Subproject can improve the living environment and the ecological environment, and increase employment and income; most of the respondents believed that the adverse impact of the Subproject lies in the construction period and includes the possible increase in living costs; no one believed that the Subproject will have adverse impact on LAR; the respondents were willing to participate in training on employment capacity improvement; and they were also willing to participate in environmental protection, waste sorting, project design scheme consultation, etc.

21. According to the above survey and analysis data on willingness for project construction, the investigated households have a relatively high degree of understanding of the Subproject. They believe that the project construction has absolutely positive significance and show high

support. Moreover, they believe that the project construction is conducive to the local social and economic development, and will promote the income growth of rural households, and they are willing to actively participate in relevant activities of project construction. In general, the masses of the two villages show high support for the project construction, and believe that the project construction has good social economic and environmental benefits.

3. Legal Framework for LURT

3.1 Policy Basis

22. The basic purpose of the LURT policy framework is to ensure that the implementation of LURT conforms to the *Law of the People's Republic of China on the Contracting of Rural Land* and the *Measures for the Administration of Transfer of Rural Land Contracted Management Right*, as well as the relevant policy requirements of Gansu Province as cities and counties (districts) under it on LURT. The specific policy framework is detailed in the following table. The laws, regulations and policies hereunder form the legal and effective policy framework for LURT, providing powerful support for LURT. See Table 2 for the main policy basis.

Table 2 Key Policy Framework

Policy Level	Laws and Regulations	Document No. or Effective Date
State and ministries	Civil Code of the People's Republic of China	2021.1.1
	Land Administration Law of the People's Republic of China	January 1, 2020/ Decree No. 41 of the President of the People's Republic of China
	Law of the People's Republic of China on the Contracting of Rural Land	January 1, 2019/ Decree No. 73 of the President of the People's Republic of China
	Measures for the Administration of Transfer of Rural Land Contracted Management Right	2021.3.1
	Circular of the State Council on Intensifying the Land Control	No. 28 [2004] of the State Council
	Circular of Guidance on Employment Training and Social Security for Land-expropriated Farmer sent by the General Office of the State Council to the Ministry of Labor and Social Security	GBF [2006] No. 29
	Guidance on Improving Compensation and Resettlement Systems for Land Acquisition	No. 238 [2004] of the Ministry of Land and Resources
	Law of the People's Republic of China on the Mediation and Arbitration of Rural Land Contract Disputes	2010.1.1
	Rules on the Arbitration of Rural Land Contracting Disputes issued by the Ministry of Agriculture of the People's Republic of China	2010.1.1
	Notice on Provision of Social Security for Land-expropriated Farmers	No. 14 [2007] of the Ministry of Labor and Social Security
	Notice of the Ministry of Land and Resources on Further Implementation of Land Acquisition Management	No. 96 [2010] of the Ministry of Land and Resources

Policy Level	Laws and Regulations	Document No. or Effective Date
Gansu Province	Notice of the General Office of the People's Government of Gansu Province on Actively and Prudently Promoting the Transfer of Rural Land Contracted Management Right	GZBF [2009] No. 130
	Measures of Implementing the Land Administration Law of the People's Republic of China of Gansu Province;	2021, No. 93 of Standing Committee of the Provincial People's Congress
	Location-based Land Prices for Farmland Acquisition in Gansu Province	GZF [2020] No. 41
	Notice of the General Office of the People's Government of Gansu Province on Issuance of the Work Program for Confirming, Registering and Certifying Rural Land Contracted Management Right in Gansu Province	GZBF [2015] No.27
	Provincial Interim Measures of Administration of Funds for Transfer of Rural Land Contracted Management Right by Means of Replacing Subsidies with Rewards of Gansu Province	2009
	Notice of Gansu Provincial Department of Agriculture and Rural Affairs and Gansu Provincial Department of Finance on Issuance of the Guidelines for Application of Rural Land Contracted Management Right Transfer Support Projects in 2011	2011.5.1
	Regulations on Supply Management of State-owned Construction Land in Gansu Province	GZGF [2020] No. 6
Jinchang City	Location-based Land Prices for Farmland Acquisition in Jinchang City	JZF [2020] No. 62

3.2 Major Policy Requirements

23. The land use right transfer must comply with the *Law of the People's Republic of China on the Contracting of Rural Land* and the *Measures for the Administration of Transfer of Rural Land Contracted Management Right* and relevant policies of the local governments, as well as ADB's good practices on voluntary land agreements. The main legal and policy requirements are as follows:

(i) Land Administration Law of the People's Republic of China

24. The farmland, woodland and grassland collectively owned by farmers and those owned by the State and collectively used by farmers according to law, as well as other land used for agriculture according to law, shall be contracted by households in rural collective economic organizations. Barren mountains, ditches, hills and beaches that are not suitable for household contracting can be contracted through bidding, auction or public negotiation for planting, forestry, animal husbandry and fishery production. The contract period of farmland contracted by households is 30 years, that of grassland is 30 to 50 years, and that of forestland is 30 to 70 years. The contract period of farmland will be extended for 30 years upon expiration, and that of grassland and forestland will be extended accordingly upon expiration.

25. State-owned land used for agriculture according to law can be contracted by organizations or individuals for planting, forestry, animal husbandry and fishery production.

26. The lessor and the leasee shall conclude a contract according to law, stipulating the rights and obligations of both parties. Organizations and individuals having contracted management right of land shall have the obligation to protect and rationally utilize the land for the purposes agreed in the contract.

(ii) Law of the People's Republic of China on the Contracting of Rural Land

27. Article 44 of the *Rural Land Contracting Law* stipulates that the LURT shall not change the relationship between the farmers and the collective organizations under the household responsibility system, i.e. the farmers retain the original land contracting rights and have the right to benefit from it in the form of negotiated rent by transferring their land use rights. When the land lease expires and the lease contract is invalid or terminated, the land management rights shall be returned to the previous farmer household. This mechanism can ensure that land leases do not deprive farmers of their land contracting rights or undermine the status of rural collectives to exercise land ownership.

28. Village collectives shall contract farmland to farmer households, with a statutory contract period of 30 years for farmland, or 30-50 years for grassland, or 30-70 years for forestland. The contract period may be extended upon expiration. Paragraph 2, Article 27 of the law further supplements that the land contracting rights of farmer households that migrate to urban areas shall be strictly protected, and farmer households' permanent settlement in urban areas shall not affect their contracted management rights. Therefore, the law ensures long-term land contracting rights of farmer households regardless of whether their registered residence ("Hukou") has changed or whether they have moved to urban areas.

29. The *Rural Land Contracting Law* strengthens the **principle of voluntary transfer of land use rights** to protect farmers from forced transfer of land. Article 38 of the law stresses that the transfer of land use rights shall be based on following principles: (i) land use rights transfer shall be carried out on a lawful, voluntary, and non-gratuitous basis, and no organization or individual is allowed to force or hinder the transfer of land management rights; (2) It is not allowed to change the nature of land ownership and the agricultural purpose of land, or to damage the comprehensive agricultural productive capacity and agricultural ecological environment; (3) the transfer period shall not exceed the remaining period of the contract period; (4) the lessee shall have agricultural operation capacity or qualification; (5) Under the same conditions, the members of the collective economic organization have priority for LURT. Article 60 reiterates that forced LURT will be invalid.

30. The *Rural Land Contracting Law* **consolidates and improves contract management requirements**. The general terms of a LURT agreement shall at least include but not be limited to: (i) Names and domiciles of the parties; (ii) Description, location, area and quality grade of relevant land; (iii) Term and starting and ending dates of land lease; (iv) Purpose of the LURT; (v) Rights and obligations of the parties; (vi) Land lease price and payment method; (vii) The beneficiary of compensation arising from land expropriation, acquisition, and occupation according to law; (viii) Liabilities for breach of contract (Article 40). In addition, according to Article 41 of the law, the State encourages the parties to register the land lease with the registry office in case of a land lease period of more than five years. The amendment on contract terms aims to standardize and strengthen the management of large and medium land leases encouraged by the government.

31. The *Rural Land Contracting Law* introduces more explicit provisions on the termination of land lease contracts, to protect the rights and interests of farmers and lessees. Farmers are not allowed to terminate land lease contracts without authorization, except for any of the following circumstances: (i) The lessee uses the land for purposes other than agricultural purposes without authorization; (ii) The lessee discontinues farming and leaves the land out of cultivation for more than two consecutive years; (iii) The lessee causes serious damage to

the land or to the land ecological environment; and (iv) The lessee has other serious violations. With the prior consent of the farmer households, the lessee may invest to improve the soil, build auxiliary and supporting facilities for agricultural production according to law, and obtain reasonable compensation for its investment in accordance with the contract.

32. In order to avoid and reduce the social risks brought by the increasing land leasing, **the participating enterprises needs to be screened according to their qualification in the early stage**. The Rural Land Contracting Law (Article 45) supplements that local people's governments at or above the county level shall establish a system of qualification examination, project review and risk prevention for social capital such as industrial and commercial enterprises to obtain land management rights through leasing. In addition to qualification examination, the local government is seeking to strengthen the monitoring of land leasing through a series of measures (e.g. remote sensing survey, regular field visits, etc.) in practices, so as to ensure that the land is used for agricultural purposes and that farmer households' will is well respected and that the land leasing is not implemented in a forced manner. This is essential to protect the rights and interests of farmer households, especially land leasing at the rural and township levels.

33. The *Rural Land Contracting Law* protects **women's equal land rights and equal rights to obtain land lease income**. Article 6 of the law supports gender equality in land contracting rights and protects lawful rights of women. Thus, women enjoy the same rental income from land use rights transfer as men in the same household.

34. The *Rural Land Contracting Law* emphasizes **dispute resolution mechanisms**. Article 55 of the law stipulates the mechanisms for handling various disputes and appeals related to rural land contracting or leasing, including applying for mediation by the relevant village committee and township government and applying for arbitration at the special arbitration agency for rural land contracting. These complaints are also not excluded from judicial proceedings and the parties may bring actions in the local court.

(3) Administration Measures of Transfer of Rural Land Use Right

35. In January 2021, the Ministry of Agriculture and Rural Affairs issued the Measures for the Administration of Transfer of Rural Land Use Right, which mainly includes the following clauses:

- The period of land use right transfer must be within the land contract period;
- Negotiation between the lessor and the lessee;
- The transfer of land use rights shall proceed in accordance with legal procedures;
- Standard contracts (approved by the third party);
- Official registration and filing of transfer of land use rights;
- The contracts will be approved by township agricultural stations.

(4) Mediation and Arbitration Law of Rural Land Contract Disputes

36. The *Mediation and Arbitration Law of Rural Land Contract Disputes of the People's Republic of China* and relevant implementation measures of the county/district involved in the Project - mediation and arbitration of disputes through the bottom-up appeal resolution mechanism.

(5) ADB's Good Practices on Voluntary Land Use

37. In the process of signing and implementing voluntary land use agreements, the following requirements shall be met:

- (i) the principles of fairness, openness, impartiality, and voluntariness.
- (ii) the principle of gender equality.
- (iii) the principle of meaningful consultation.
- (iv) establishment and operation of grievance redress mechanism (GRM);
- (v) third party validation
- (vi) external monitoring during implementation.
- (vii) Any adverse impacts are avoided, if not mitigated. Land attachments (crops, trees, or structures) that will require removal shall be compensated based on the principle of replacement cost; and
- (viii) households who are not willing to participate will be fully respected and ensure that the said households will continue to have access to their land.

4 LURT Scheme

4.1 Principles of LURT

38. The following principles will be adopted by LURT:

- i) Equality, voluntariness, legal procedure, and fair compensation. Equality means both parties have equal legal status. Voluntariness means the transfer of land contracting management right must be completely voluntary for both parties, and neither party shall force the other party to transfer or accept land transfer. Legal procedure means that LURT must be concluded per legal procedure with legal agreement. Fair compensation means the transferred land shall be compensated for at the negotiated market price.
- ii) Unchanged ownership and agricultural use of transferred land. LURT means transferring use right, not ownership, therefore ownership of transferred land shall remain unchanged. Yet future users of transferred land shall not change the agricultural land use nature, i.e., shall not convert transferred land for non-agricultural uses.
- iii) Government's direction and administration. Pingchuan PMO, township government, the Agriculture and Rural Affairs Bureau and the Natural Resources Bureau, etc. shall direct and administrate the legal transfer of rural land.
- iv) Conflict resolution through GRM. The GRM of the Subproject should be used to resolve grievances and conflicts, if any.
- v) Any adverse impacts are avoided, if not mitigated. Land attachments (standing crops, trees, or structures) that will require removal shall be compensated based on the principle of replacement cost; and
- vi) households who are not willing to participate will be fully respected and ensure that the said households will continue to have access to their land

4.2 Responsibilities and Rights of Parties Involved in LURT of the Project

39. According to relevant laws and regulations, relevant county and town governments shall manage and guide the transfer of rural land use right within their administrative areas. The specific responsibilities of parties involved in the Project are as follows.

40. Gansu PMO and Yongchang PMO will take responsibilities to:

- i) Publicize policies for transfer of rural land use right;
- ii) Guide orderly transfer of land use right according to law;
- iii) Direct arbitration and resolution of disputes; and
- iv) Strengthen and standardize transfer of rural land use right;
- v) Employ an external monitor to review and verify the contract, and make a review report as part of monitoring report for to be submitted to ADB.

41. A resettlement and land use specialist, to be hired by Gansu PPMO under the PMC will verify, monitor and evaluate the consultation process, the result of the consultation and negotiation, the signing and implementation of voluntary land-use agreements in monitoring reports every six months. If any non-compliance issues are identified, corrective action plans will be prepared and agreed with ADB and actions will be closely monitored and reported to ensure compliance. The specialists will also provide necessary support and trainings to district/county PMOs.

42. Responsibilities of the governments of Chengguan Town and Hongshanyao Town are to:

- 1) Provide specific policy guidance for LURT and review LURT applications of the parties;
- 2) Provide a LURT contract template and assist the parties in signing the contract;
- 3) Assess and review the operation capacity and operating items of the lessee;
- 4) Confirm and authenticate the signed contract as the third party;
- 5) File, submit and issue documents for land use right transfer;
- 6) Settle disputes related to the transfer of rural land use right;
- 7) Provide consulting services.

43. The rights and obligations of the lessors (Beihaizi Village, Jinchuan East Village, Jinchuan West Village and Maobula Village) are as follows:

Rights:

- 1) Obtain LURT payment as agreed in the contract;
- 2) Supervise Party B to use the transferred land according to the purpose agreed in the contract;
- 3) After the contract expires or is terminated, recover the transferred land.

Obligations:

- 4) The lessee shall go through registration, filing and other formalities with relevant departments;
- 5) The lessee shall not interfere with Party B's normal production and operation activities;
- 6) The lessee shall not use or occupy the land transferred to Party B shall not be used or occupied in any form.

44. Rights and obligations of the lessee are as follows:

Rights:

- 1) The lessee is entitled to independent production and operation right, management right, product disposal right and usufruct over the transferred land;
- 2) Where the acquisition or occupation of transferred land according to law causes economic losses, the lessee is entitled to corresponding compensation.

Obligations:

- 1) Carry out production and operation activities within the scope permitted by national laws, regulations and policies, and pay the LURT price in full and on time according to the contract;
- 2) The lessee may not use the transferred land for purposes other than its designated purposes without authorization, nor leave the land out of cultivation;
- 3) Protect the transferred land during the contract period and do not damage it;
- 4) Restore the transferred land if it is damaged after the expiration or termination of the contract;
- 5) Strengthen work safety to prevent accidents, and bear the responsibilities in case of losses arising from accidents;
- 6) If the land use right occurs during the transfer, inform the transferor of relevant matters.

45. **LURT supervision departments:** including the Agriculture and Rural Affairs Bureau and the Natural Resources Bureau, review and supervise the administrative management procedures and compliance of LURT to ensure the legitimate rights and interests of all parties.

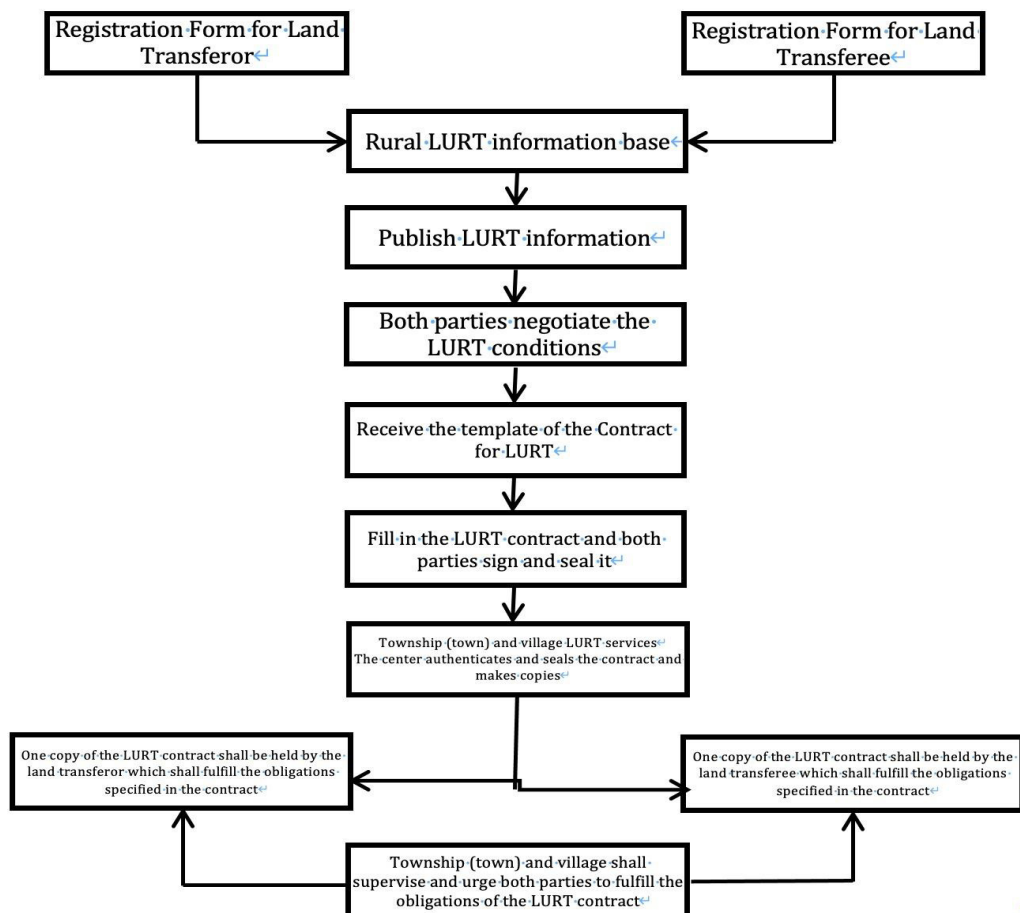
4.3 Procedures and Methods of LURT

46. According to the survey and policies on LURT, the basic procedures of LURT are as follows:

- 1) The lessors (involving village collectives) shall fill in the LURT application, including name, village name, area, land description, land type, price, term, contact number, etc.

- 2) After the villagers' representative meetings are held in villages involved and the LURT applications are approved, the village committees submit the approved LURT applications to the LURT service stations of Chengguan Town and Hongshanyao Town.
- 3) The lessor files an application with the township (town) LURT service station and fills in the LURT application form, including: name, unit, transfer area, land type requirements, intended transfer period, proposed operating items and contact number. The township (town) LURT service station handles the application and files with the county LURT service center.
- 4) The LURT service stations of Chengguan Town and Hongshanyao Town register the transfer after reviewing the operation capacity and operating items of the lessee.
- 5) Transfer price evaluation: The transfer parties determine the transfer price through negotiation or entrust the town LURT service station to organize relevant personnel to evaluate the LURT price as a reference basis.
- 6) The LURT service stations of Chengguan Town and Hongshanyao Town release information at the transaction service place, including the transfer price and term agreed by both parties and the basic information provided by both parties.
- 7) The LURT parties reach an agreement through negotiation and conclude a LURT contract in a unified format according to the procedures.
- 8) The LURT contract to be authenticated and filed shall be made in quadruplicate and authenticated by relevant town governments. Both parties shall hold one copy of the contract, and the other two copies shall be filed by the township (town) and county respectively.

Figure 3 LURT Procedure of the Project



4.4 Measures to Protect the Rights and Interests of the Parties to the Contract

47. The following measures will be taken to protect the rights and interests of both parties:
- 1) If the LURT is seriously damaged due to natural disasters or force majeure during the contract period, both parties shall terminate or change the contract through negotiation, and the land shall be returned to the original user for cultivation.
 - 2) All of the land leasing contracts will be signed by both husband and wife in case of involving individual households.
 - 3) The LURT contract shall be approved and signed off by the township free of charge.
 - 4) The term of LURT shall be negotiated by both parties but shall be within the contract term of rural land or in accordance with corresponding laws and regulations.
 - 5) The land use right transfer price shall be determined according to the land type, feasibility and grade, and with reference to the transfer price of nearby villages.

4.5 Agreements Preliminarily Reached for the Project

48. With the agreement of both parties on LURT and the consent of representatives of farmers and the approval of local government departments, the following agreements are preliminarily reached:

- 1) LURT period: 2022-2032, 10 years in total
- 2) Land use mode: LURT with rent;
- 3) Transfer price will be determined based on negotiation and market price of existing LURT contracts in Yongchang County. Final rent will be discussed before signing of the contract.

See **Annex 2-2** for details of letter of initial intent for LURT.

49. Both parties will discuss the details of LURT contract, including the land area to be transferred and the transfer price to be determined according to the detailed measurements, and will formally sign the LURT contract.

4.6 Payment Method

50. The LURT price will be paid by bank transfer: After the LURT contract is signed, the land lessee will directly transfer the transfer price to the bank accounts of the villages or villagers involved according to the contract. The payment will be made annually, i.e. the LURT price for the following year will be paid before January 31 of each year (paying the transfer price before using the land).

4.7 Use and Management of Income from LURT

51. The income from LURT is included in the village-level financial accounting and used for the construction of village collective public welfare undertakings, including expenditures for rural construction, improvement of people's livelihood, public security, recreation and sports activities, etc. The LURT incomes of peasant households are transferred to the accounts of the peasant households themselves. In addition, the involved farmers will be given job priorities in the bases and get wages.

52. The management of income from LURT shall be subject to separate management in terms of account, right to use and money. That is to say, Chengguan Town and Hongshanyao Town are to be responsible for plan review, bill accounting and accounting, the right to use is to be determined by the village collectives according to the prescribed procedures, and the village accountants are to be responsible for collection and submission, cash withdrawal, settlement and reimbursement.

53. The village affairs supervision committee is to supervise and review the income and expenditure and publicize the use of the money quarterly on the village affairs notice board and at the villagers' representative meeting or villagers' meeting.

4.8 LURT Action Plan and Schedule

54. Refer to Table 3 for LURT schedule and action plan.

Table 3 Action Plan for LURT

Date	Specific Activities	Parties Involved
October 2022	Carry out preliminary consultation with village cadres and villagers' representatives on LURT mode, rent standard, payment method, etc., and reach an agreement	Yongchang PMO, the land lessee, Natural Resources Institutes of Chengguan Town and Hongshanyao Town, Chengguan Town, Hongshanyao Town, and villagers' representatives of Beihaizi Village, Jinchuan East Village, Jinchuan West Village and Maobula Village
December 2022	Convene a meeting of villagers' representatives	Chengguan Town, Hongshanyao Town, and villagers' representatives of Beihaizi Village, Jinchuan East Village, Jinchuan West Village and Maobula Village
December 2022	File an application to the rural economy department of the town government for review and registration	The land lessee, Chengguan Town, Hongshanyao Town, Beihaizi Village, Jinchuan East Village, Jinchuan West Village and Maobula Village
January 2023	Enter into agreements	Yongchang PMO, the land lessee, Chengguan Town, Hongshanyao Town, Beihaizi Village, Jinchuan East Village, Jinchuan West Village and Maobula Village
January 2023	Pay the first payment of LURT rent	Yongchang PMO, the land lessee, Chengguan Town, Hongshanyao Town, Beihaizi Village, Jinchuan East Village, Jinchuan West Village and Maobula Village

5 Public Participation and Appeal Mechanism

5.1 Public Participation during Project Preparation

55. From October 2021 to March 2022, the Yongchang PMO carried out various forms of public participation activities in Jinchuan East Village, Jinchuan West Village, Beihaizi Village and Maobula Village, including key person focus group, interview and questionnaire survey which were all conducted in person. Through the completed public participation activities, it can be found that:

- After the participants basically understand the project activities, they all express support for the Subproject;
- The main benefits of the Subproject include economic improvement, environmental improvement and increase of employment opportunities, with the negative impacts is minimal
- In case of dissatisfaction, in general, villagers will raise their complaints to the village committee.
- Most people recognize that the LURT income from unused collective-owned land will be used for community public welfare undertakings.

56. Public consultation and participation activities during project preparation are detailed in Table 4. The procedures undertaken (and will continue during implementation) are as follows: (i) to carry out public consultation at the early stage of project preparation and throughout the project cycle based on the principle of regular and uninterrupted; (ii) to disclose relevant information in a timely and sufficient manner so that the involved people can easily understand and know it; (iii) to implement it in an atmosphere free from intimidation or coercion; (iv) to include different genders, and answer all the questions, and adjust according to the needs of involved groups; and (v) consider all relevant views of the involved population and other stakeholders when making decisions, such as project design, mitigation measures, sharing of development benefits and opportunities, and implementation issues. The procedures and results of public consultation has been and will continue to be documented, monitored and reported semiannually to Gansu PMO and ADB.

Table 4 Public Participation Activities during Project Preparation

Description	Mode	Date	Participants	Number of Participants	Number of Women	Topics	Focus	Measures/outcomes
Villagers' meeting	Meeting	December 2021	Cadres and villagers' representatives of affected communities	24	8	Project construction content and willingness for LURT	Willingness for LURT	The LURT under the Subproject has no impact on the on the community income, and preliminary agreements have been reached with the communities on LURT
Interviews with village cadres	Interview	December 2021	Village cadres	7	2	Get information of income from the land and suggestions for LURT	Village cadres approved LURT and were interested in transfer rent	Determine a rent slightly above market price
Discussion with the United Front Work Department of Yongchang County	Discussion	December 2021	District cadres	5	1	Impact of project construction on ethnic minorities	Impact on ethnic minorities	Project site selection, construction scale and adoption of engineering technical measures have no negative impact on ethnic minorities
Community meetings	Meeting	February 2022	Cadres and villagers' representatives of affected communities	12	4	Discussion on LURT scheme	Rent, term and rent payment method of land lease	Preliminary agreements on LURT scheme have been made and written consent for LURT has been issued

Description	Mode	Date	Participants	Number of Participants	Number of Women	Topics	Focus	Measures/outcomes
Discussion with Yongchang County	Meeting	February 2022	Natural Resources Bureau and Agricultural and Rural Affairs Bureau of Yongchang County	11	3	Negotiate specific implementation measures for LURT	The participants were interested in LURT procedures and fund security	Fund security is required
Door-to-door sample questionnaire survey	Door-to-door questionnaire survey in the form of interview	February 2022	Survey of affected households	120	38	Willingness for LURT	The participants were interested in LURT rent management	The LURT income will be included in the village collective income for management and use for public undertakings. The use of funds will be decided by the village collective according to the prescribed procedures, and the village affairs supervision committee will supervise and review the income and expenditure

5.2 Participation Plan during Implementation Period

57. As the project preparation and corresponding implementation proceed, the PIA will further carry out public consultation and participation. See Table 5 for details of information disclosure and public participation during LURT implementation..

Table 5 Public Participation Plan during Implementation Stage

Purpose	Mode	Date	Responsible Unit	Participants	Topic/Contents
Disclosure of LURT framework	ADB's and local governments' websites Village committee	June 2022	Gansu Provincial PMO	Yongchang PMO	Online disclosure Hard copy will be disclosed in two villages
LURT implementation scheme	Post the LURT contract copies in the villages	August 2022	Chengguan and Hongshanyao towns	All project-involved parties	Disclosure of LURT information
Announcement of LURT	Convene villagers' meetings and post copies of the LURT contract	October 2022	Village cadres	All project-involved parties	Post the contract in the communities and report the main contents of the contract at the meeting
Physical measurement results confirmation	Carry out field investigation and survey, post survey results	January 2023	Village cadres, the land lessee, as well as Chengguan and Hongshanyao towns	All project-involved parties	1) Confirm the final measurement results; 2) Finalize and sign the LURT contracts
Monitoring	Participation of villagers	January 2023-December 2027	Gansu PMO, Monitoring agency and Yongchang PMO	All project-involved persons	1) Progress and procedures of LURT 2) Payment of LURT fee 3) Disclosure of information

5.3 Complaints and Appeals

58. The LURT contract will signed on basis of negotiation and mutual consultation, so complex disputes are unlikely to occur. However, there may be some unexpected problems during and after the LURT. According to the Law of the People's Republic of China on Mediation and Arbitration of Rural Land Contract Disputes, the project has established a transparent and effective procedure and grievance compensation procedure to resolve disputes and breach of contract following the transfer of land use rights.

59. The basic appeal channels of the Subproject are as follows:

Stage 1: If the involved persons have problems or complaints about LURT, they can lodge an appeal to the cadres of the village committee, and the village committee will explain or arrange for handling in person, and the reply must be given within 1 week;

Stage 2: If the involved persons are not satisfied with the handling or reply in stage 1, they can appeal to involved town governments which shall explain or arrange for handling in person, and the reply must be given within 2 weeks;

Stage 3: If the involved persons are not satisfied with the handling or reply of involved Town Governments, they can appeal to the Yongchang PMO which shall give a reply or make a handling decision within 2 weeks.

60. The involved persons may bring a lawsuit to the civil court at any stage according to the Civil Procedure Law. The involved persons can lodge an appeal against any aspect of LURT including the LURT standard.

61. Villagers will be informed of their right to appeal via the above-mentioned appeal channels through meetings and public notices.

62. The affected persons can lodge appeals against any aspect of LURT, including the LURT rate, LURT fee and expenditure disclosure. The above-mentioned appeal channels and the name, location, person in charge, and telephone number of the accepting agency will be informed to the relocated persons through meetings, notification and other means, so that the relocated persons can fully understand their right to appeal.

63. In order to completely record the complaints of the affected population and the handling of relevant issues, the Yongchang PMO has formulated a registration form for handling of complaints and appeals of the affected population. The form is shown in Table 6-3. See Figure 6-2 for details of the resettlement appeal system.

Table 6 Registration Form of Resettlement Complaints and Appeals

Undertaker:		Date:		Place:	
Name of appellant	Appel issue	Required solution		Proposed solution	Actual handling progress
Appellant (signature)				Recorder (signature)	
<p>Note: 1) The recorder shall truthfully record the appeal issue and demands of the appellant.</p> <p>2) The appeal process shall not be interfered with or hindered by anyone.</p> <p>3) The proposed solution shall be given to the appellant within the specified time.</p>					

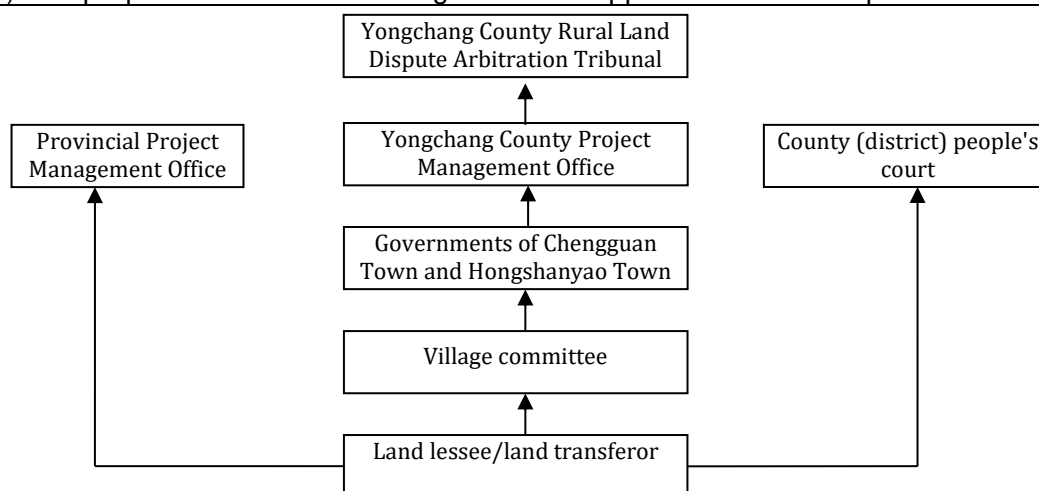


Figure 4 Procedures for LURT Complaints & Appeals

64. All organizations will accept the involved persons' complaints and appeals free of charge, and any reasonable costs incurred thereby will be included in the contingencies of the Project. The appeal procedures shall be effective throughout the entire implementation period of the Subproject to ensure that those can be applied by the involved persons to deal with relevant issues.

Table 7 List of Project Contact Persons

Department	Responsible Person	Title	Tel.
Gansu Provincial Project Management Office	Gao Jing	Director of Project Management Office	18893168006
Yongchang Project Leading Group	Zhang Shiming	Deputy County Head	13830585177
Yongchang Project Leading Group	Wang Ruiqing	Deputy Director	15693576789
Yongchang Project Management Office	Mao Erze	General Manager	13519563286
People's Government of Chengguan Town	Lu Yantong	Deputy Town Chief	19909453545
People's government of Hongshanyao Town	Yang Wannian	Deputy Town Chief	13884501179
Beihaizi Village, Chengguan Town	Li Shengjiang	Secretary	13689451996
Jinchuan East Village, Chengguan Town	Liu Wentao	Secretary	15009452681
Jinchuan West Village, Chengguan Town	Zhang Deqi	Secretary	13830593379
Maobula Village, Hongshanyao Town	Su Yongguo	Secretary	13830581575

65. ADB's Accountability Mechanism. If the complainant/aggrieved party is still not satisfied and believes they have been harmed due to noncompliance with ADB policy and they have made good faith efforts to solve their problems by working with the concerned town government, PMO, and as well as ADB Project Team, they may submit a complaint to ADB's Office of Special Project Facility or Office of Compliance Review in accordance with ADB's Accountability Mechanism (<https://www.adb.org/site/accountabilitymechanism/main>).

6. Monitoring and Evaluation

66. In order to ensure successful implementation of LURT as planned, two supervision modes are applied at the same time, i.e. two agencies supervise the implementation in different ways: First, internal monitoring will be carried out by the Gansu PMO and Yongchang PMO; Second, external monitoring and evaluation will be carried out by an independent external resettlement monitoring agency (same agency for RP) through social investigation and visits to involved persons.

6.1 Internal Monitoring

67. Internal resettlement monitoring for the Subproject will be jointly implemented by the PMOs and other relevant departments, and Gansu PMO will prepare a detailed internal monitoring plan. The reporting will include but not limited to:

- Compliance audit of the LURT contracts;
- Whether the LURT has changed the land purpose and nature;
- Payment and availability of funds for LURT;
- Public participation activities and degree during implementation, including women's participation
- Use, supervision and management of LURT funds during implementation.
- complaints and grievances and solutions

68. The Gasu PMO will submit an internal monitoring report to ADB every six months, and the internal monitoring report on LURT will be an integral part of the project progress report. If non-compliance issues are identified, corrective action plans should be prepared and agreed with ADB and actions will be closely monitored and reported to ensure compliance.

6.2 External Monitoring

69. Gansu PMO will employ a qualified external monitor with rich experience in ADB-financed projects as the external monitoring and evaluation agency on LURT implementation.

70. The external monitoring and evaluation agency will regularly track and monitor and assess the implementation activities of LURT, monitor the progress, quality, funds, satisfaction and appeal cases of LURT, and put forward consultation opinions, and submit the monitoring and evaluation reports to Gansu PMO and the Asian Development Bank semiannually.

71. During the implementation of LURT, the external monitoring agency will carry out regular tracking monitoring and evaluation twice a year. This will include review of documents, site visits, interviews with communities and various stakeholders. Surveys and interviews will also be undertaken for households within the villages who are benefiting from the project (e.g., those engaged during construction or planting activities, and other project-related opportunities). The monitoring items include:

- Review of existing LURT contracts or contracts to be signed at the time of monitoring
- Payment of the LURT fee and compensation for any standing crops and ground attachments;
- Disclosure and publicity of LURT fee in communities
- Evaluation of public participation activities and satisfaction degree during LURT implementation.
- Use of LURT fee of communities, public consultation process and results;
- Responses to appeals and resolution;
- Presence of third party and validation process
- Women's participation
- Staffing and availability of funds
- Grievance redress mechanism

- project-related jobs and opportunities for communities

Table 9 Content of LURT Due Diligence

No.	Key requirement	Verification of indexes of various requirements
1	Transparency	Has the counterparty (family or village collective) obtained information about the Project?
		Has the counterparty obtained information about the specific use of the land?
		Does the counterparty support the Project and the intended land use?
2	Consultation	Is the counterparty involved in the consultation process (for example, meeting)?
		Has the content of the agreement been explained to the counterparty?
		Have consultations also been held with spouses and/or other family members of the counterparty?
3	Voluntary	Does the counterparty sign the agreement without pressure?
		Do spouses and/or other family members agree on leasing the counterparty's land?
4	Equity/equality	Is the rent equivalent to the average annual output value or market price of the land?
		Is there any provision for regular rent adjustment?
		In case of disputes, can the counterparty turn to GRM?
		Does the counterparty receive the rent according to the contract? Is it paid in cash or through the bank?
5	No adverse effects	Is the counterparty likely to be adversely affected (livelihoods, etc.)?
		Does the contract address any potential impact?
6	Written documents	Has the counterparty been provided a written contract?
		Is the contract written in words that are easy for the counterparty to understand?
7	Third-party verification	Is the contract verified/certified by a third party?
		Is a copy of the contract provided to a third party? Such as agriculture affairs office and/or land management office under town government.
8	Legal and policy compliance	Does the contract comply with relevant laws and policies?

72. The external monitoring agency will prepare the external monitoring report based on the information obtained from observation and investigation, and submit the report every six months to Gansu PMO, which shall submit it to ADB after review. Monitoring will begin from July 2023 and continue until LURT activities are completed.

Table 10 Schedule of Resettlement Monitoring and Evaluation

S/N	Report	Report submission date	Monitoring period	Remarks
1	First report	July 2023	Date of loan coming into effect ~ June 2023	Semi-annual report
2	Second report	January 2024	July ~ December 2023	Semi-annual report
3	Third report	January 2025	January ~ December 2024	Annual report
4	Fourth report	January 2026	January ~ December 2025	Annual report

5	Fifth report	January 2027	January ~ December 2026	Annual report
6	Sixth report	January 2028	January ~ December 2027	Annual report
7	Seventh report	November 2028	January ~ October 2028	Completion report

Annex 2-1 Due Diligence for Completed LURT

1 Overview of LURT involved in the Project

1. The land to be obtained through LURT includes the land for arched greenhouses in the smart agriculture demonstration area and the carrot farm of the Carrot Characteristic Town; the efficient agricultural planting base and the featured breeding base in the Maobula Folk Culture Exhibition Area and the Planting and Breeding Base, with a total area of 11,787.26 mu, of which 8,504 mu of land has been transferred. Of 8,504 mu of land that has been obtained through LURT 8,500 mu is contracted dryland in Maobula Village and 4 mu is unused collective-owned land of the village.



Land Transferred in Maobula Village

2 Methodologies

2. 1) Documents reviewed include: The relevant LURT information mainly involving documents and materials such as project LURT agreements and policies related to LURT, public participation information and materials related to LURT was collected and reviewed.
3. 2) Field visit & interview: Direct communications with stakeholders were carry out to collect relevant information and data through field visits and investigation.

3 Populations Involved in LURT

4. 8,504 mu land has been transferred, and 124 HHs with 540 persons are involved.

Table 1 Information of Land Transferred

S/N	Township/Town	Village	Completed LURT			involved population	
			Subtotal	Cultivated Land	Collectively owned wasteland of village	HH	preson
1	Hongshanyao Village	Maobula Village	8,504	8,500	4	124	540

Source: Field survey (2022.4)

4 Price Standard for LURT

5. According to the Land Administration Law of the People's Republic of China and relevant requirements of Jinchang City and the quality of the transferred land, the cost standard of the transferred land is determined to be between CNY 450/mu/year and CNY 550/mu. The total cost of the 8,500 mu of transferred land is CNY 4.2925 million per year, the average unit price is about CNY 505/mu/year, the unit price of the 4 mu of transferred wasteland is CNY

50/mu/year, and the cost is CNY 200 per year. The LURT does not change the nature of agricultural land, and the villagers have a strong willingness to transfer the land use right. The main reasons are: 1) due to no irrigation system, the average annual output of the land is about CNY 400/mu/year, and the rent is higher without any inputs; 2) the surplus labor can provide labor services and obtain income from non-agricultural production in addition to the rent. The LURT of the Subproject conforms to the overall land use plan of Yongchang County.

5 LURT procedures and payment and use of funds

6. The LURT contracts have been signed for 8,504 mu of land in the Subproject, with a LURT period of one year (from September 30, 2021 to September 30, 2022). It was confirmed that all the LURT contracts were based on voluntary, equal and open negotiation between the two counterparts. All contracts were in hard copies and signed formally with the signatures of different parties. The contract will be renewed according to the needs of the project after its expiration. The Letter of Intent for LURT signed by the village committee and villager representative of Maobula Village, Hongshanyao Township in 2022 confirmed that the land will be transferred on time during the the implementation of the Subproject, and the transfer period will be determined as per the needs of land use of the Subproject.

7. The LURT agreement were signed upon a consensus with the villagers, and had been filed with the town government. Then the LURT fee had been paid via the bank annually. The funds for land transferred from the villagers of Maobula Village was paid by Party B via the bank to the villagers' personal bank accounts. Reportedly, these funds were basically used for commercial operation and agricultural production investment or daily expenses.

8. The funds for unused collective-owned transferred from the village collectives of Maobula Village had been paid by Party B to Maobula Village Stock Economic Cooperative's account via the bank. These funds were generally used in two ways, (i) distributed to villagers on average, and (ii) used as funds of the village collectives mainly for public undertakings, such as road renovation, catchwork construction, village greening & illumination works, and construction of other public service facilities.

6 Information Disclosure, Public Participation and Grievance Redress Mechanism

9. As consulted with the PMO and village committee, the information of related projects/activities were transparent to the related communities and people, and the context of related LURT contracts were fully discussed with the related villager groups during the implementation of LURT. It is also identified that the documentation on information disclosure, public participation, and grievance redress mechanism (GRM) need to be strengthened.

10. If the involved households were dissatisfied with the LURT-related matters, they may request the villagers' committee or the town government to mediate for settlement. The villagers' committee may directly consult with the local agency responsible for LURT for settlement. If the mediation or negotiation fails, it may appeal to the superior LURT implementation management agency in oral or written form. After receiving the appeal, the superior LURT implementation agency will record it and discuss to solve it with the village committee and local LURT implementation agency within a reasonable working period. In case of disputes that cannot be settled through negotiation, the village committee may, in accordance with the Administrative Procedure Law of the People's Republic of China, file a complaint to the administrative organ with jurisdiction level by level according to the appeal channel. If still refusing to accept the solutions, the village committee may file a lawsuit to the people's court,

11. According to the interview and investigation, the involved households agreed with the LURT procedure, and it was found there were no complaints the about the LURT.

7 Conclusions

12. All LURT contracts were signed according to the willingness of farmers and generated in words that are easily understood by both parties. They are informed of the content, and after consultation, both parties of the LURT are completely voluntary and equal.

13. The LURT contracts were signed by the householder, but the decisions were made by the family members, especially the spouses, based on internal family discussions.

14. All parties have obtained the contract, and the contract has been verified by a third party who has kept the copy.

15. The contracts were carried out in accordance with the legal procedures stipulated in the legal agreement, with complete LURT procedures handled, including effective consultation and information disclosure.

16. All contracts were performed normally, and the rent was paid in time. It was found that there were no relevant complaints about LURT.

8 Next Steps

17. Monitoring and reporting. First, internal monitoring will be carried out by the Gansu PMO and Yongchang PMO; Second, external monitoring and evaluation will be carried out by an external resettlement monitoring agency through investigation and visits to affected persons. Monitoring and evaluation will further ensure the rights and interests of villagers and village collectives.

18. Documentation for information disclosure, public participation and GRM processing will be maintained by PMO during the implementation.

Attachment 2-1-1 Signed LURT Contract of Maobula Village

1) LURT Contract signed by Group 6 of Maobula Village on September 30, 2021

[illegible]

根据《中华人民共和国民法典》《中华人民共和国农村土地承包法》和《农村土地经营权流转管理办法》等相关法律法规，本着平等、自愿、公平、诚信、有偿的原则，经甲乙双方协商一致，就土地经营权出租事宜，签订本合同。

一、当事人

甲方（出租方）：毛小湖村农社
 □社会信用代码：
 □身份证号码：620321196601011233
 法定代表人（负责人/农户代表人）：李永录
 身份证号码：620321196601011233
 联系地址：毛小湖村 联系电话：15214166791
 经营主体类型：☒ 自然人 ☐ 农村承包经营户 ☐ 农民专业合作社 ☐ 家庭农场 ☐ 农村集体经济组织 ☐ 公司 ☐ 其他：_____

乙方（承租方）：李永录
 □社会信用代码：620321196601011233
 □身份证号码：
 法定代表人（负责人/农户代表人）：李永录
 身份证号码：
 联系地址：甘肃省兰州市 联系电话：13793592143
 经营主体类型：☒ 自然人 ☐ 农村承包经营户 ☐ 农民专业合作社 ☐ 家庭农场 ☐ 公司 ☐ 其他：_____

二、租赁物

（一）经自愿协商，甲方将 1506 亩土地经营权（具体见下表及附图）出租给乙方。

序号	村（组）	地块名称	地块代码	坐落（四至）				面积（亩）	质量等级	土地类型	承包经营权人
				东	南	西	北				
1	毛小湖村	大河		大河	大河	大河	大河	200	上	耕地	
2	毛小湖村	大河		大河	大河	大河	大河	306	上	耕地	
3	毛小湖村	大河		大河	大河	大河	大河	200	上	耕地	

（二）出租土地上的附属建筑和资产情况现状描述：

 出租土地上的附属建筑和资产的处置方式描述（可另附件）：

三、出租土地用途
 出租土地用途为：种植小麦

四、租赁期限
 租赁期限自2021年9月20日起至2022年9月20日止。

五、出租土地交付时间
 甲方应于2021年9月20日前完成土地交付。

六、租金及支付方式
 （一）租金标准
 双方当事人选择第1种租金标准。
 1. 现金，即每年每年人民币540元（大写：伍佰肆拾元整）

4. 租赁期限届满后收回土地经营权;
5. 其他: 河道渠道和土地无损坏。

(二) 甲方的义务

1. 按照合同约定交付出租土地;

2. 合同生效后 日内依据《中华人民共和国农村土地承包法》第三十六条的规定向发包方备案;

3. 不得干涉和妨碍乙方依法进行的农业生产经营;

4. 其他: 。

八、乙方的权利和义务

(一) 乙方的权利

1. 要求甲方按照合同约定交付出租土地;

2. 在合同约定的期限内占有农村土地, 自主开展农业生产经营并取得收益;

3. 经甲方同意, 乙方依法投资改良土壤, 建设农业生产附属、配套设施, 并有权按照合同约定对其投资部分获得合理补偿;

4. 租赁期限届满, 有权在同等条件下优先承租;

5. 其他: 。

(二) 乙方的义务

1. 按照合同约定及时接受出租土地并按照约定向甲方支付租金;

2. 在法律政策规定和合同约定允许范围内合理利用出租土地, 确保农业用途, 符合当地粮食生产等产业规划, 不得弃耕抛荒, 不得破坏农业综合生产能力和农业生态环境;

3. 依据有关法律政策保护出租土地, 禁止改变出租土地的农业用途, 禁止占用出租土地建窑、建坟或者擅自出租土地上建房、挖砂、采石、采矿、取土等, 禁止占用出租的永久基本农田发展林果业和挖塘养鱼;

4. 其他: 。

九、其他约定

(一) 甲方同意乙方依法

☐ 投资改良土壤 ☒ 建设农业生产附属、配套设施

☐ 以土地经营权融资担保 ☐ 再流转土地经营权

其他: 。

(二) 该出租土地的财政补贴等归属: 。

(三) 乙方向 缴纳 ☐ 缴纳的 风险保障金 元 (大写:)。合同到期后的处理: 。

(四) 本合同期限内, 出租土地被依法征收、征用、占用时, 有关地上附着物及青苗补偿费的归属: 。

(五) 其他事项: 。

十、合同变更、解除和终止

(一) 合同有效期内, 因不可抗力因素致使合同全部不能履行时, 本合同自动终止, 甲方将合同终止日至租赁期内的期限内已收取的租金退还给乙方; 致使合同部分不能履行的, 其他部分继续履行, 租金可以作相应调整。

(二) 如乙方在合同期满后需要继续经营该出租土地, 必须在合同期满前 日内书面向甲方提出申请。如乙方不再继续经营的, 必须在合同期满前 日内书面通知甲方, 并在合同期满后 日内将原出租的土地交还给甲方。

(三) 合同到期或者未到期由甲方依法提前收回出租土地时, 乙方依法投资建设的农业生产附属、配套设施处置方式:

☐ 由甲方无偿处置。

☐ 经有资质的第三方评估后, 由甲方支付价款购买。

☐ 经双方协商后, 由甲方支付价款购买。

☐ 由乙方恢复原状。

□ 其他: 。

十一、违约责任

(一) 任何一方违约给对方造成损失的, 违约方应承担赔偿责任。

(二) 甲方应按合同约定按时向乙方交付土地, 逾期一日应向乙方支付年租金的 百分之三 (大写: 叁拾) 作为违约金。逾期超过 15 日, 乙方有权解除合同, 甲方应当赔偿损失。

(三) 甲方出租的土地存在权属纠纷或经济纠纷, 致使合同全部或部分不能履行的, 甲方应当赔偿损失。

(四) 甲方违反合同约定擅自干涉和破坏乙方的生产经营, 致使乙方无法进行正常的生产经营活动的, 乙方有权解除合同, 甲方应当赔偿损失。

(五) 乙方应按照合同规定按时足额向甲方支付租金, 逾期一日乙方应向甲方支付年租金的 百分之三 (大写: 叁拾) 作为违约金。逾期超过 日, 甲方有权解除合同, 乙方应当赔偿损失。

(六) 乙方擅自改变出租土地的农业用途, 弃耕抛荒连续两年以上, 给出租土地造成严重损害或者严重破坏土地生态环境的, 甲方有权解除合同, 收回该土地经营权, 并要求乙方赔偿损失。

(七) 合同期限届满的, 乙方应当按照合同约定将原出租土地交还给甲方, 逾期一日应向甲方支付年租金的 百分之三 (大写: 叁拾) 作为违约金。

十二、合同争议解决方式

本合同发生争议的, 甲乙双方可以协商解决, 也可以请求村民委员会、乡(镇)人民政府等调解解决。当事人不愿协商、调解或者协商、调解不成的, 可以依据《中华人民共和国农村土地承包法》第五十五条的规定向农村土地承包仲裁委员会申请仲裁, 也可以直接向人民法院起诉。

十三、附则

(一) 本合同未尽事宜, 经甲方、乙方协商一致可签订补充协议。补充协议与本合同具有同等法律效力。

补充条款 (可另附件): 。

(二) 本合同自甲乙双方签字, 盖章或者按指印之日起生效。本合同一式 3 份, 由甲方、乙方、农村集体经济组织、乡(镇)人民政府农村土地承包管理部门, , 各执一份。

甲方: 乙方:

法定代表人 (负责人/农户代表人) 签字: 李秋福 法定代表人 (负责人/农户代表人) 签字: 李秋福

签订时间: 2021 年 9 月 30 日 签订时间: 2021 年 9 月 30 日

签订地点: 孙明云社 签订地点: 五之社

2) LURT Contract signed by Group 3 of Maobula Village in October 2021

根据《中华人民共和国民法典》《中华人民共和国农村土地承包法》和《农村土地经营权流转管理办法》等相关法律法规，本着平等、自愿、公平、诚信、有偿的原则，经甲乙双方协商一致，就土地经营权出租事宜，签订本合同。

一、当事人

甲方（出租方）：

☐社会信用代码：_____

☐身份证号码：_____

法定代表人（负责人/农户代表人）：

身份证号码：

联系地址： 联系电话：

经营主体类型：☐自然人 ☐农村承包经营户 ☐农民专业合作社
☐家庭农场 ☐农村集体经济组织 ☐公司 ☐其他：_____

乙方（承租方）：

☐社会信用代码：

☐身份证号码：_____

法定代表人（负责人/农户代表人）：

身份证号码：

联系地址： 联系电话：

经营主体类型：☐自然人 ☐农村承包经营户 ☐农民专业合作社
☐家庭农场 ☐公司 ☐其他：_____

二、租赁物

（一）经营范围。甲方将 亩土地经营权（具体见下表及附图）出租给乙方。

1. 现金, 即每亩每年人民币 150 元(大写: 壹佰伍拾元)

2. 实物或实物折价计价, 即每亩每年 公斤(大写:)

☐小麦 ☐玉米 ☐稻谷 ☐其他 或者同等实物按照 ☐市场价 ☐国家最低收购价 为标准折合或定价。

3. 其他:

租金变动: 根据当地土地流转价格水平, 每 年调整一次租金。

具体调整方式:

(二) 租金支付

双方当事人选择第 1 种方式支付租金。

1. 一次性支付。乙方应于 2022 年 2 月 10 日前支付租金 1500 元
(大写: 壹仟伍佰元)

2. 分期支付。乙方应于每年 月 日前支付 (☐当 ☐后一)

年租金 元(大写:)。

3. 其他:

(三) 付款方式

双方当事人选择第 1 种付款方式。

1. 现金

2. 银行汇款

甲方账户名称:

银行账号:

开户行:

3. 其他:

七、甲方的权利和义务

(一) 甲方的权利

1. 要求乙方按合同约定支付租金;

2. 禁止占用出租土地建窑、建灶或者擅自出租土地建房、晒场、采石、采矿、取土等, 禁止占用出租的永久基本农田发展林果业和挖建鱼池;

3. 其他:

九、其他约定

(一) 甲方同意乙方依法:

☐投资改良土壤 ☐建设农业生产附属、配套设施

☐以土地经营权融资担保 ☐再流转土地经营权

☐其他:

(二) 该出租土地的所有权人和归属:

(三) 乙方向 ☐抵押 ☐质押 风险保证金 元(大写:)。合同到期后的处理:

(四) 本合同期限内, 出租土地被依法征收、征用、占用时, 有关地上附着物及青苗补偿费的归属:

(五) 其他事项:

十、合同变更、解除和终止

(一) 合同有效期内, 因不可抗力因素致使合同全部不能履行时, 本合同自动终止。甲方将合同终止日至租赁到期日的期限内已收取的租金退还给乙方; 致使合同部分不能履行的, 其他部分继续履行。租金可以作相应调整。

(二) 如乙方在合同期满后需要继续租赁该出租土地, 必须在合同期满前 日内书面向甲方提出申请。如乙方不再继续租赁的, 必须在合同期满前 日内书面通知甲方, 并在合同期满后 日内将原出租的土地交还甲方。

(三) 合同到期或者未到期由甲方依法提前收回出租土地时, 乙

方依法经营农业的合法生产成果，因自然灾害造成损失的，

□由甲方承担赔偿责任。

□经双方协商的第三分作比例，由甲方支付赔偿损失。

□经双方协商后，由甲方支付赔偿损失。

□由乙方恢复原状。

□其他_____。

十一、违约责任

(一) 任何一方违约造成损失的，违约方应承担赔偿责任。

(二) 甲方应按本合同约定向乙方交付土地。逾期一日应向乙方支付年租金的百分之30 (大写：叁拾) 作为违约金。逾期超过15 日，乙方有权解除合同，甲方应当赔偿损失。

(三) 甲方出租的土地被征收或用于其他用途，致使合同全部或部分不能履行的，甲方应当赔偿损失。

(四) 甲方违反本合同约定干涉或妨碍乙方的生产经营，致使乙方无法正常生产经营的，乙方有权解除合同，甲方应当赔偿损失。

(五) 乙方应按本合同约定足额向甲方支付租金。逾期一日乙方应向甲方支付年租金的百分之30 (大写：叁拾) 作为违约金。逾期超过15 日，甲方有权解除合同，乙方应当赔偿损失。

(六) 乙方擅自改变出租土地的农业用途，并持续连续两年以上，或者出租土地造成严重损害或者严重破坏土地生态环境的，甲方有权解除合同，收回该土地经营权，并要求乙方赔偿损失。

(七) 合同期限届满的，乙方应当按照本合同的约定将出租土地交还甲方。逾期一日应向甲方支付年租金的百分之30 (大写：叁拾) 作为违约金。

十二、合同争议解决方式

本合同发生争议的，甲乙双方可以协商解决，也可以请求村民委员会、乡(镇)人民政府等调解解决。当事人不愿协商、调解或者协商、调解不成的，可以依据《中华人民共和国农村土地承包法》第五十五条的规定向农村土地承包仲裁委员会申请仲裁，也可以直接向人民法院起诉。

十三、附则

(一) 本合同未尽事宜，经甲方、乙方协商一致后可签订补充协议。补充协议与本合同具有同等法律效力。

补充条款(可另附件)：_____。

(二) 本合同自甲乙双方签字、盖章或者按指印之日起生效。本合同一式_____份，由甲方、乙方、农村集体经济组织、乡(镇)人民政府农村土地承包管理部门、_____，各执一份。

甲方：_____

乙方：_____

法定代表人(负责人/户主)签字：_____

法定代表人(负责人/户主)签字：_____

签订时间：2021年10月20日

签订时间：2021年10月20日

签订地点：_____

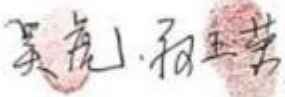
签订地点：_____

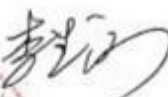
Annex 2-2 Letter of Intent for LURT**1) Beihaizi Village**

19. The Letter of Intent for LURT issued by the village committees of Chengguan Town and Beihaizi Village, to ensure that the land can be transferred on time for the construction of the Project.

土地流转意向书

亚行贷款甘肃省乡村环境可持续发展示范项目金昌市永昌县子项目涉及城关镇北海子村相关建设项目，届时项目所需土地保证能够按时流转。

村民代表签字（手印）：

北海子村党支部书记签字（盖章）：

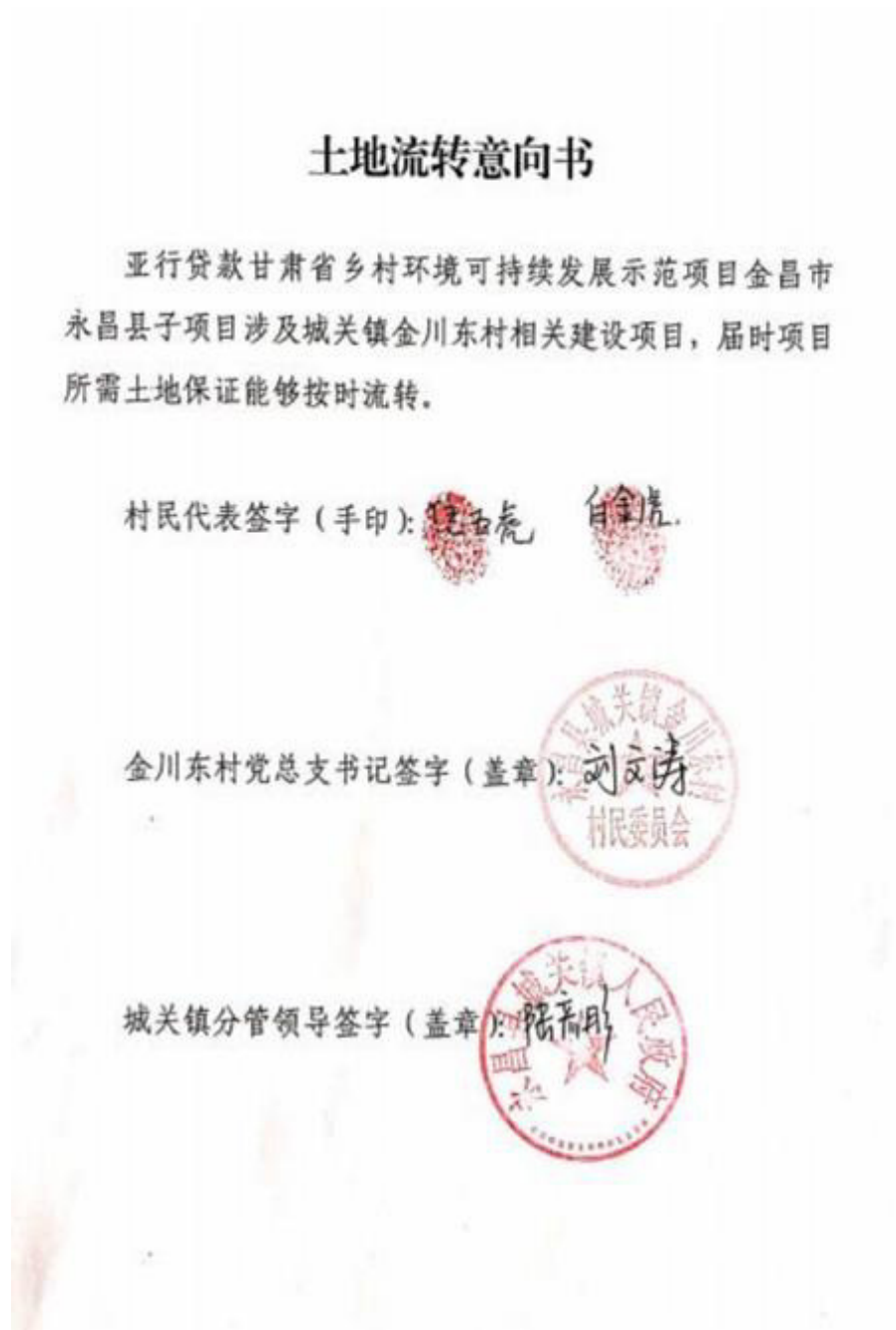


城关镇分管领导签字（盖章）：



2) Jinchuan East Village

20. The Letter of Intent for LURT issued by the village committees of Chengguan Town and Jinchuan East Village, to ensure that the land can be transferred on time for the construction of the Project.



3) Jinchuan West Village


21. The Letter of Intent for LURT issued by the village committees of Chengguan Town and Jinchuan West Village, to ensure that the land can be transferred on time for the construction of the Project.

土地流转意向书

亚行贷款甘肃省乡村环境可持续发展示范项目金昌市永昌县子项目涉及城关镇金川西村相关建设项目，届时项目所需土地保证能够按时流转。

村民代表签字（手印）：

金川西村党支部书记签字（盖章）：

城关镇分管领导签字（盖章）：


4) Maobula Village

22. The Letter of Intent for Land Transfer issued by Maobula Village Committee, to ensure that the land can be transferred on time for the construction of the Project.



Annex 3 Records for Completed Public Participation of the Subproject

During the preparation of the resettlement plan, Yongchang PMO conducted extensive consultation and participation activities along with stakeholders (Natural Resources Bureau, Bureau of Agricultural and Rural Affairs, and affected towns, townships, villages and households). Topics discussed include construction content of the Subproject, resettlement impacts, resettlement compensation policies and standards, compensation allocation and payment, and resettlement plan.

Date	2022.2.10
Location	Beihaizi Village, Chengguan Town
Organizer	Yongchang PMO
Participant	Mao Erze and Cao Lei from Yongchang PMO, officers from Chengguan Town Government, cadres and villagers from Beihaizi Village
Topics	Introduce the construction content of the Project, and the occupation and transfer of land, and ask for opinions on occupation of villagers' cultivated land and intent for transfer of villages' collective-owned unused land.
Main content and results	The staff of Yongchang PMO introduced the basic information about the project construction, the cultivated land acquisition and LURT of the Subproject, and the compensation policies of the State, province and Yongchang County for land acquisition and transfer. During the meeting, the PMO and township government also emphasized that households who are not willing to participate will be fully respected and ensure that the said households will continue to have access to their land. The village committee and the villagers' representatives held positive discussions and inquiries, and relevant personnel of Yongchang PMO made explanations and answered questions to make the villagers understand the compensation standards. Most of the villagers expressed support for the project construction. The villagers required that the compensation for occupying cultivated land must be paid in full and on time according to relevant regulations. The compensation for occupying villages' collective owned land must be used for collective public utilities, such as irrigation canals, village road reconstruction and water conservancy construction.
Site photos	

Date	February 22, 2022		
Location	Jinchuan West Village, Chengguan Town		
Organizer	Yongchang PMO and Resettlement Plan Investigation Team		
Participant	Mao Erze and Cao Lei from Yongchang PMO, Feng Yonghong, Deputy Director of the County Land and Resources Bureau, Zhou Guoping, Deputy Town Chief of Chengguan Town, Lu Zhexing, a cadre, cadres of Village Committee and Villager Representatives of Jinchuan West Village, and Resettlement Plan Investigation Team		
Topics	Land occupation of the Project, identification of resettlement impacts, and suggestions on minimizing resettlement impacts		
Main content and results	In the reservoir management area, the on-site investigation and discussion were made on the construction of the apricot planting and agricultural products exhibition center with an area of 350 mu in Xinghua Folk Culture Village. The local government and villagers believed that efforts shall be made for the Project to avoid or minimize the impact of resettlement, make the best use of wasteland or Gobi Desert grassland, and reduce the impact of LAR on the economic and social development and people's life in the project implementation area. After discussion, those suggestions were fed back to the Designer and the Owner. In the ecological governance area of the reservoir, the apricot planting and agricultural products exhibition center with an area of 350 mu was canceled; and thus, the area of land to be permanently acquired was reduced by 12 mu, and that of land to be transferred was reduced by 350 mu.		
Site photos		