

Environment and Social Compliance Audit Report

May 2021

Viet Nam: B.Grimm Viet Nam Solar Power Project – (Dau Tieng Project)

Prepared by IBIS Environmental and Social Consulting Asia Pte Ltd for the Dau Tieng Tay Ninh Energy Joint Stock Company and the Asian Development Bank

ABBREVIATIONS

ADB – Asian Development Bank

NOTE

- (i) In this report, "\$" refers to United States dollars.

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DRAFT REPORT

Environmental and Social Compliance Audit of Dau Tieng 2 in Viet Nam
B. Grimm Power Public Company Limited and Asian Development Bank

I DRAFT REPORT

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For and on behalf of: B. Grimm Power Public Company Limited and Asian Development Bank

Project Location: Viet Nam

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Date: 17 May 2021

This report has been prepared by IBIS Environmental and Social Consulting Asia Pte Ltd (Registration No.: UEN 201913800Z), with all reasonable skill, care and diligence within the terms of the contract with the client, incorporating our standard terms and conditions of business and taking account of the resources devoted to it by agreement with the client. We disclaim any responsibility to the client and others in respect of any matters outside the scope of the above.

TABLE OF CONTENTS

LIST OF ABBREVIATIONS	V
EXECUTIVE SUMMARY	ES - I
1 INTRODUCTION	1
1.1 Background	1
1.2 Aim and Objectives	1
1.3 Approach and Methodology	2
1.4 Applicable Standards	4
1.4.1 Applicable Vietnamese laws and regulations	5
1.4.2 International Treaties	9
1.5 Limitations	10
1.6 Report Structure	10
2 PROJECT DESCRIPTION	12
2.1 Project Assets and Facilities	16
2.1.1 DT2.....	16
2.1.2 Transmission Line and Transmission Towers	17
2.1.3 Access Road	18
2.2 Key Activities Onsite during the Operational Phase	18
2.3 Land Use at the Project Site and its Surrounding Area	20
2.3.1 Dau Tieng Reservoir	20
2.3.2 Suoi Da Commune and Tan Hung Commune	20
2.3.3 Loss of Land Use	22
3 E&S COMPLIANCE REVIEW	24
3.1 ADB SPS Environmental Safeguards	24
3.2 ADB SPS Involuntary Resettlement Safeguards	73
3.3 ADB SPS Indigenous Peoples Safeguards	81
3.4 Corporate Social Responsibility Activities	86

Table of Contents

3.5 Project Categorisation	87
4 CORRECTIVE ACTION PLAN	88

Annexures

- *Annex A: List of Documents Provided for Review;*
- *Annex B: List of Interviewees;*
- *Annex C: Aerial Imagery of the Project ;*
- *Annex D: Photolog; and*
- *Annex E: Land Acquisition Process Document*

LIST OF ABBREVIATIONS

ADB	Asian Development Bank
agl	above ground level
AHs	Affected households
amsl	Above mean sea level
bgl	Below ground level
CAP	Corrective action plan
COD	Commercial Operations Date
CPC	Commune People's Committee
CSR	Corporate Social Responsibility
Dau Tieng Reservoir Authority	Dau Tieng Phuoc Hoa Irrigation Operation One Member Company Limited or Dau Tieng Reservoir Authority
DHD	Da Nhim–Ham Thuan–Da Mi Hydro Power Joint Stock Company
DONRE	Department of Natural Resources and Environment
DT	Dau Tieng
DTE	Dau Tieng Tay Ninh Energy Joint Stock Company
E&S	Environmental & social
EHS	Environmental, health & safety
EHSS	Environmental, health & safety and social
EIA	Environmental impact assessment
EPC	Engineering, procurement and construction
ESCA	Environmental and social compliance audit
ESMP	Environmental and social management plan
ESMS	Environmental and social management system
EVN	Viet Nam Electricity Power Generation Corporation
H&S	Health & safety
Ha	Hectare
HR	Human resources
ILO	International Labour Organization
Km	Kilometre
M	Metre
MWac	Megawatt (alternating current)
MWp	Megawatt (peak)
O&M	Operation and maintenance
OHS	Occupational health and safety
PCBs	Polychlorinated biphenyls
PPA	Power purchase agreement
PPE	Personal protective equipment

List of Abbreviations

PTW	Permit to Work
PV	Photovoltaic
SCADA	Supervisory Control and Data Acquisition
SDC	Suoi Da Commune
SEP	Stakeholder engagement plan
SPS	Safeguard Policy Statement
THC	Tan Hung Commune
USGS	United States Geological Survey
WBG	World Bank Group
WHO	World Health Organization

EXECUTIVE SUMMARY

Introduction

IBIS Environmental and Social Consulting Asia Pte. Ltd. (“IBIS”) was engaged to undertake an Environmental and Social Compliance Audit (ESCA or the “Audit”) of a solar energy project situated along the western edge of Dau Tieng Reservoir in Tay Ninh Province, Viet Nam (the “Site”) for B. Grimm Power Public Company Limited (henceforth, the “Client” or “B. Grimm”) and Asian Development Bank (henceforth, the “Lender” or “ADB”).

IBIS understands that ADB is considering providing financing to the Project developed by Dau Tieng Tay Ninh Energy Joint Stock Company (“DTE”), which was originally established as a joint venture between B. Grimm (55%) and Xuan Cau Group (“Xuan Cau”; 45%), a large Vietnamese conglomerate, in Tay Ninh Province, Viet Nam. In November 2019, IBIS completed the original ESCA which covered Dau Tieng 1 (“DT1”) and Dau Tieng 2 (“DT2” or the “Project”) with a draft ESCA report and final ESCA report were produced on 22 January 2020 and 6 May 2020 respectively. Due to a change in the financing structure, DT1 was carved out and as such the original ESCA report has been updated to produce this report to only includes DT2 and other relevant shared components which will be owned and operated by B. Grimm. After restructuring, DTE will own and operate DT2 only and other project facilities, whilst Dau Tieng 1 (DT1) will be owned and operated by Xuan Cau.

Objective and Methodology

The objectives of the Audit were to independently review and assess the Environmental, Social and Health & Safety (E&S) status and performance of the Project, as well as to identify compliance gaps, issues, improvement opportunities, and develop a detailed time-bound corrective action plan (CAP) to support alignment with the Applicable Standards.

The Audit was performed using a staged approach in two phases, i.e. the original ESCA and the update to the original ESCA. Detailed tasks performed under the Audit include:

- Task 1: Task Project Initiation and Preparation;
- Task 2: Document Review;
- Task 3: Site Visit (only performed during the original ESCA);
- Task 4: Reporting; and
- Task 5: Report Update.

In addition to this ESCA report, is a parallel Land Acquisition Process Document that provides context and information on the land rights acquisition for the Project, the summarised results of which have also been incorporated in the relevant places of this document and is included in Annex E of this report.

Applicable Standards

The Audit has been carried out against the following standards and guidelines. Collectively, they are referred to as the “Applicable Standards”.

Executive Summary

- Applicable Vietnamese national and local laws and regulations and international agreements on environment, land acquisition and involuntary resettlement, indigenous peoples, human resources and labour practices, gender and other social matters fully in force at the time of authorisation of the signed Proposal dated 22 July 2020;
- ADB Safeguard Policy Statement (SPS), 2009;
- ADB Social Protection Strategy, 2001;
- ADB Gender and Development Policy, 1998;
- ADB Access to Information Policy, 2019;
- World Bank Group (WBG) General Environmental, Health & safety (EHS) Guidelines, 2007;
- WBG EHS Guidelines for Electric Power Transmission and Distribution, 2007;
- International Covenant on Economic, Cultural and Social Rights; and
- Relevant International Labour Organization (ILO) Core Labour Standards Conventions ratified by Viet Nam.

Project Categorisation

As part of the Audit, there is a need to provide an opinion on the categorisation of the proposed transaction based on the ADB SPS. Based on the work to-date, it is considered that the proposed transaction is classified as follows:

SITE	ENVIRONMENT ⁽¹⁾	INVOLUNTARY RESETTLEMENT ⁽²⁾	INDIGENOUS PEOPLES ⁽³⁾
Dau Tieng Solar Project	Category B	Category B	Category C

Notes:

- (1) Category B. Based on the information provided (including from the EIA of the Project completed to meet local regulatory requirements), environmental impacts are considered to be generally site-specific, with few, if any of them being irreversible if properly managed. Thus, the proposed environmental categorisation of the Project is B.
- (2) Category B. The proposed project categorisation of the Project is B, as the Project has resulted in both physical and economic displacement of informal land users within the Project area.
- (3) Category C. The proposed project categorization of the Project is C, as there are no known Indigenous Peoples in the Project area and no known impacts on Indigenous Peoples from the Project.

Key E&S Areas of Improvement and Timeline

Below is the CAP for the Project based on the work carried out to-date (note this also includes updates from the previous CAP prepared in the previous report, including those items now closed).

Executive Summary

REF	CORRECTIVE ACTION	DELIVERABLE	RESPONSIBILITY	TIMELINE	INDICTATIVE BUDGET/ RESOURCES	IBIS' REVIEW (APRIL 2021)
1.	Disclose the Project's EIA at the People's Committee Offices of THC and SDC.	Evidence of disclosure of its EIA at the People's Committee Offices of THC and SDC.	DTE	Condition Precedent	Management time and minor costs.	Closed
2.	Record and document volume and types of solid (general and hazardous) wastes generated onsite in the quarterly environmental monitoring report to fulfil the relevant environmental monitoring related requirements.	Evidence of quarterly environmental monitoring reporting on solid waste generation onsite.	DTE	Q1 2020	Management time and minor costs.	Closed
3.	Complete the groundwater use application process and obtain the groundwater use permit for the five groundwater wells on-site.	Groundwater use permits/approvals.	DTE	Q1 2020	Management time and minor costs.	Closed
4.	Conduct groundwater use monitoring and record groundwater use	Groundwater use record	DTE	Q3 2021	Management time and minor costs.	New issue
5.	Develop an Occupational Hazard Identification Register.	Occupational Hazard Identification Register	DTE	Q3 2021	Management time and minor costs.	Open
6.	Develop an Environmental & Social Management Plan (ESMP), which will include: <ul style="list-style-type: none"> • Environmental & Social (E&S) Policies; • All mitigation, monitoring and management measures set out in the Environmental Impact Assessment (EIA) together with any additional ADB requirements, which will be implemented over the lifetime of the Project; • Schedule, the resources and performance indicators; • Organizational Structure including defining roles and responsibilities, which include organisational structures, roles, communications and reporting process 	ESMP and its sub-plans that incorporate regulatory E&S requirements and meets ADB SPS requirements. Latest environmental monitoring reports provided to authorities.	DTE	Q3 2021.	Up to USD40k if not undertaken internally by DTE.	Open

Executive Summary

REF	CORRECTIVE ACTION	DELIVERABLE	RESPONSIBILITY	TIMELINE	INDICATIVE BUDGET/ RESOURCES	IBIS' REVIEW (APRIL 2021)
	<p>required for the implementation of the ESMP; and</p> <ul style="list-style-type: none"> • A compliance register for tracking Project status against all applicable local statutory requirements relating to E&S issues (including permit validity and conditions). <p>In addition, the ESMP output documents should also include sub-plans to address the mitigation and compensation measures:</p> <ul style="list-style-type: none"> • Environmental, Health & Safety (EHS) and Social Risks Assessment and Management Plan; • Occupational Health & Safety (OHS) Plan (see Item 7 below); • Emergency Preparedness and Response Plan (ERP) (this item should be updated in accordance with its existing ERPs developed by PowerChina by covering all risks and emergency scenarios identified in its risk and hazard register recommended under Item 5; • Waste Management Plan (including confirming that the waste disposal location(s) meet local requirements and obtain copies of the approvals in relation to the facilities); • A Code of Conduct for the security force; • A Security Management Plan; • Contractor Management Plans (the contractor management plan should include a mechanism to ensure that all E&S requirements of the Project are implemented by its contractors and subcontractors, E&S requirements are 					

Executive Summary

REF	CORRECTIVE ACTION	DELIVERABLE	RESPONSIBILITY	TIMELINE	INDICATIVE BUDGET/ RESOURCES	IBIS' REVIEW (APRIL 2021)
	<p>incorporated as part of the contractual obligations to be fulfilled by contractors and subcontractors, and there is a monitoring mechanism in place to monitor contractor and subcontractor's E&S performance);</p> <ul style="list-style-type: none"> • E&S Training and Capacity Development Plan, which should be prepared in cooperation with the HR team; • Stakeholder Engagement and Community Relations Management Plan (see Item 11 below); and • Grievance Redress Mechanism (GRM) for both internal and external stakeholders. <p>Make available latest environmental monitoring reports provided to authorities.</p>					
7.	<p>As part of the corrective action under <i>Item 6</i>, develop an OHS Management Plan ensure that potential OHS risks are assessed, and appropriate mitigation measures are identified and implemented in a programmatic and systematic manner, as part of the ESMP. The OHS Management Plan should also include, but not limited to the development of the following H&S management procedures and/or documentation:</p> <ul style="list-style-type: none"> • OHS Risk Assessment Procedure (this item can also be incorporated as part of the EHS and Social Risk Assessment and Management Plan as required by ESAP 5); • Risk and Hazard Identification Register; • Safe Work Procedures for major activities and high risk operations on-site; 	OHS Management Plan with its supplementary procedures and documentation.	DTE	Q3 2021	As part of the ESMP above (i.e. Up to USD40k if not undertaken by DTE).	Open

Executive Summary

REF	CORRECTIVE ACTION	DELIVERABLE	RESPONSIBILITY	TIMELINE	INDICATIVE BUDGET/ RESOURCES	IBIS' REVIEW (APRIL 2021)
	<ul style="list-style-type: none"> Personal Protective Equipment (PPE) Selection, Use and Maintenance Procedure; Incident and Accident Reporting and Investigation Procedure; OHS audit and inspection programmes; and OHS Training and Competency Management Procedure (this item can be included as part of the overall E&S Training and Competency Management Plan). 					
8.	Collect and dispose of solid waste discarded throughout the Project site.	Evidence of solid waste collection and disposal from the Project site.	DTE	Q1 2020	Management time and minor costs.	Closed
9.	Provide waste receptacles, where appropriate, and ensure that no littering is allowed within the Project site.	Evidence of provisions of solid waste receptacles onsite.	DTE	Q1 2020	Management time and minor costs.	Closed
10.	Emergency Preparedness and Response Plan (this item should be updated in accordance with its existing ERPs developed by PowerChina by covering all risks and emergency scenarios identified in its risk and hazard register recommended under Item 5. In addition, the document should also include community H&S preparedness and response related measures, as well as a communication protocol with contractors of the Project and other external stakeholders during emergencies).	<p>Updated Emergency Preparedness and Response Plan covering first aid related elements</p> <p>Evidence of appropriate first aid provisions onsite</p>	DTE	Q2 2021	Management time for development (excluding purchase/installation of any equipment required).	<p>Updated ERP – Open</p> <p>First aid provision - Closed</p>
11.	As part of the ESMP development, develop a gender inclusive Stakeholder Engagement Plan	SEP	DTE	Q3 2021	Management time for development of the SEP and minor costs, if any.	Open

Executive Summary

REF	CORRECTIVE ACTION	DELIVERABLE	RESPONSIBILITY	TIMELINE	INDICATIVE BUDGET/ RESOURCES	IBIS' REVIEW (APRIL 2021)
	(SEP) commensurate with the nature and scale of the operations at the Project, including: <ul style="list-style-type: none"> • Communication plan with women and men in the community; and • Employee and contractor engagement. 					
12.	As part of the ESMP development, establish a more comprehensive HR policy based on its existing documentation to ensure that the following components are covered: <ul style="list-style-type: none"> • Detailed labour and working conditions; • Non-discrimination; • Equal opportunity; • Equal remuneration for similar work; and • No child and forced labour. 	HR policy	DTE	Q3 2021	Management time and minor costs.	Open
13.	Establish an internal GRM for both direct employees and contractor workers.	An internal grievance mechanism	DTE	Q3 2020	As part of the ESMP development above.	Closed
14.	Develop, adopt and implement an anti-sexual harassment policy including an effective and accessible harassment reporting mechanism, a private and fair investigative process, a fair and transparent redress system and annual training delivered to all staff.	An anti-sexual harassment policy	DTE	Q3 2020	Management time and minor costs.	Closed
15.	Prepare a Livelihood Restoration Plan (LRP) that is proportionate to the extent/severity of impact, especially for significantly affected, poor, and vulnerable households. The LRP will include assessment of the socio-economic condition of the affected households, establishment regular stakeholder engagement activities and grievance redress mechanism, and evaluation and monitoring of livelihood restoration.	LRP	DTE	Q3 2021	Up to USD40k	Open

1 INTRODUCTION

1.1 BACKGROUND

IBIS Environmental and Social Consulting Asia Pte. Ltd. (“IBIS”) was engaged to undertake an Environmental and Social Compliance Audit (ESCA; the “Audit”) of a solar energy project situated along the western edge of Dau Tieng Reservoir in Tay Ninh Province, Viet Nam (the “Site”) for B. Grimm Power Public Company Limited (henceforth, the “Client” or “B. Grimm”) and Asian Development Bank (henceforth, the “Lender” or “ADB”).

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This Audit forms part of the financing due diligence process of the Lender. In addition to this ESCA report, is a parallel Land Acquisition Process Document that provides context and information on the land rights acquisition for the Project, the summarised results of which have also been incorporated in the relevant places of this document. Further details on the Project are provided in *Section 2* below.

1.2 AIM AND OBJECTIVES

The objectives of the Audit were to independently review and assess the Environmental, Social and Health & Safety (E&S) status and performance of the Project, as well as to identify compliance gaps, issues, improvement opportunities, and develop a detailed time-bound corrective action plan (CAP) to support alignment with the Applicable Standards (presented in *Section 1.4* below). The output of the Audit includes:

- This ESCA Report;
- Corresponding corrective action measures in the form of a CAP to address any key E&S risks/issues identified during the Audit; and
- Documentation of the land use rights resumption process, which is provided in a separate document to this report in the form of a Land Acquisition Process Document, the relevant findings of which are also incorporated into this report.

1.3 APPROACH AND METHODOLOGY

The focus of the Audit has been on understanding any significant issues in relation to the Project, commensurate with its nature and scale, and any issues that may present a concern to the Lender in terms of notable non-compliance against the Applicable Standards or a potential significant E&S-related reputational risk (as far as can be reasonably foreseen). Key relevant national laws and regulations in Viet Nam relating to the environment, health & safety (EHS), relocation of affected persons (if any), labour and working conditions, Indigenous Peoples (where applicable), and gender issues have been considered.

The Audit was performed using a staged approach that have been grouped into the following key tasks set out below:

- *Task 1: Task Project Initiation and Preparation*

A kick-off call was held with the Client, ADB and IBIS on the 4 November 2019 via teleconference. An Information Request List was provided to the Client for E&S information collection. The Client also supported the planning and arrangement of the visit to the Project and provided an initial set of documents for review.

- *Task 2: Document Review*

Under Task 2, a review of available information and publicly available resources was undertaken to assess further the components and E&S performance of the Project. A list of documents reviewed by IBIS is provided in *Annex A: List of Documents Provided for Review*. These documents included publicly available information collected by IBIS during the Audit and documented information provided by DTE and B. Grimm.

It should also be noted that the task of document review was carried out in two consecutive rounds. The initial round of the document review process was conducted in late 2019 and early 2020. The second round of the document review process was held in the last quarter of 2020/first quarter of 2021 and was undertaken to reflect the latest status of the Project and its E&S performance upon request by ADB and B. Grimm in response to a change in financing arrangements and DTE's restructuring and subsequent ownership of DT2. Where appropriate, *Annex A: List of Documents Provided for Review* notes additional documented information provided by B. Grimm (or DTE) and reviewed by IBIS during the second round of the document review.

- *Task 3: Site Visit*

The overall purpose of this Task was to visit DT1 and DT2 to understand its operations and its setting. A five-day visit to the Site was conducted between the 11 and 15 November 2019 during which the following activities were undertaken:

- A brief introductory meeting to understand historical activities, current operations and known future plans and operations of DT1 and DT2;

- An accompanied tour of DT1 and DT2, including touring along the perimeter along its eastern boundary by boat and the western boundary along the internal road in DT1 and DT2 by car;
- Interviews and discussions with knowledgeable personnel at the Site;
- Accompanied visits to local community representatives and interviews with members of households affected by the development of DT1 and DT2 (collectively referred to as the Affected Households or AHs – although note in this report the focus is only on AHs relevant to the Project); and
- A review of documentation made available on-site to IBIS.

During the site visit, IBIS was accompanied by personnel from DTE and ADB. Photographs were taken during the site visit and are presented in *Annex D: Photolog*. In addition, IBIS interviewed knowledgeable persons largely in the following three groups:

- Representatives of DTE (“Site Representatives”);
- Representatives of the local authorities (“Government Authority Representatives”), including commune leaders and representatives of Dau Tieng Reservoir Authority; and
- Selected members of the AHs.

Further details of the interviewees are provided in *Annex B: List of Interviewees*.

- *Task 4: Reporting*

Following the completion of Tasks 1 to 3 above, the original draft and final ESCA reports were produced on 22 January 2020 and 6 May 2020 respectively to document the Audit, as well as the findings with recommendations for additional work to support the Project in aligning with the Applicable Standards in the form of a CAP.

- *Task 5: Report Update*

Following the completion of Tasks 4, the original ESCA final report was updated to reflect the current financing structure, therefore DT1 was carved out from the original ESCA report. This task has been completed by IBIS through the following sub-tasks:

- Document request and review; and
- Interviews with Project representatives through teleconferences.

Where updated information is available, implementation status for some CAP items has been provided in this ESCA report. In addition, it should be noted that the Site has not been visited again since the November 2019 visit under *Task 3*.

Note that the focus of the Audit has been on assessing those issues that may present the most significant areas for non-compliance or present an obvious potential E&S related reputational risk issue.

In order to assist with setting out the context of non-compliances or misalignment identified, a colour-coded risk ranking has been provided for the findings to support prioritization of resources in addressing the E&S issues. The definition for each of the risk rankings is provided in the table below (*Table 1-1*). The risk rankings consider the potential risks and impacts reasonably associated with the E&S components under review.

TABLE 1-1 COMPLIANCE RISK RANKING

DEFINITION	COMPLIANCE RISK LEVEL
No significant issues identified with respect to alignment with Applicable Standards, or an item appears to be not applicable and as such does not have an identified compliance risk.	None identified
Item of non-alignment with Applicable Standards, however, is unlikely to create a material E&S impact, although should be rectified as a compliance matter.	Low
Item of non-alignment with Applicable Standards that is required to have additional documentation, improved management measures or allocation of responsibilities to reduce the risk, and if left unaddressed has the potential to escalate to a high risk issue. Item with potentially limited E&S risk/impacts that are few in number, generally site specific, largely reversible and are likely to be able to be managed through mitigation measures.	Medium
Clear significant item of non-alignment with Applicable Standards that has the potential (or has already) to lead to a significant adverse E&S impact(s). Has the potential (or has already) to lead to adverse media and/or NGO attention. Has the potential to trigger legal action, may lead to a major environmental incident, or may result in fatalities/serious injuries or have irreversible E&S impacts (e.g., clearance of natural forests).	High

1.4 APPLICABLE STANDARDS

The Audit has been carried out against the following standards and guidelines. Collectively, they are referred to as the “Applicable Standards”.

- Applicable Vietnamese national and local laws and regulations and international agreements on environment, land acquisition and involuntary resettlement, indigenous peoples, human resources and labour practices, gender and other social matters fully in force at the time of authorisation of the signed Proposal dated 22 July 2020);
- ADB Safeguard Policy Statement (SPS), 2009;

- ADB Social Protection Strategy, 2001;
- ADB Gender and Development Policy, 1998;
- ADB Access to Information Policy, 2019;
- World Bank Group (WBG) General Environmental, Health & safety (EHS) Guidelines, 2007;
- WBG EHS Guidelines for Electric Power Transmission and Distribution, 2007;
- International Covenant on Economic, Cultural and Social Rights; and
- Relevant International Labour Organization (ILO) Core Labour Standards Conventions ratified by Viet Nam.

1.4.1 Applicable Vietnamese laws and regulations

Based on the nature of the Project and anticipated activities onsite, the following Vietnamese laws, regulations, standards and technical regulations are considered relevant and applicable to the Project:

1.4.1.1 Environment

- Law on Environmental Protection (55/2014/QH13);
- Law on Water Resources (17/2012/QH13);
- Law on Chemicals (06/2007/QH12);
- Law on Irrigation (08/2017/QH14);
- Decree 18/2015/ND-CP – Prescribing an environmental protection master plan, strategic environmental assessment, environmental impact assessment and environmental protection plan;
- Circular 27/2015/TT-BTNMT on strategic environmental assessment, environmental impact assessment, and environmental protection plans;
- Decree 40/2019/ND-CP guiding the implementation of some articles of the Law on Environmental Protection;
- Decree 19/2015/ND-CP guiding the implementation of some articles of the Law on Environmental Protection. This decree provides some general provisions for soil contamination management;
- Decree 155/2016/ND-CP on penalties for violations in environmental protection;
- Decree 38/2015/ND-CP on waste management;
- Circular 36/2015/TT-BTNMT on hazardous waste management;

- Decree 201/2013/ND-CP guiding the implementation of the Law on Water Resources, including the issuance of groundwater extraction, surface water extraction and wastewater discharge permits;
- Decree 33/2017/ND-CP on penalties for violations in water resources and mineral resources management;
- Decree 67/2018/NĐ-CP on guiding the implementation of some articles of the Law on Irrigation;
- QCVN1 05:2013/BTNMT National Technical Regulation on Ambient Air Quality;
- QCVN 01:2009/BYT National Technical Regulation on Drinking Water Quality;
- QCVN 14:2008/BTNMT National Technical Regulation on Domestic Wastewater Discharge;
- QCVN 03-MT:2015/BTNMT Vietnamese National Technical Regulation on the Allowable Limits of Heavy Metals in the Soil;
- QCVN 08-MT:2015/BTNMT National Technical Regulation on Surface Water Quality;
- QCVN 09-MT:2015/BTNMT National Technical Regulation on Groundwater Quality;
- QCVN 07:2009/BTNMT National Technical Regulation on Hazardous Waste Thresholds;
- QCVN 26:2010/BTNMT Vietnamese National Technical Regulation on Noise; and
- TCVN 6707:2009 Hazardous wastes – Warning signs.

1.4.1.2 Health and Safety

- Law on Occupational Health and Safety (84/2015/QH13);
- Law on Fire Prevention and Firefighting (27/2001/QH10);
- Law on Chemicals (06/2007/QH12);
- Labour Code (10/2012/QH13);
- Amendment Law on Fire Prevention and Firefighting (40/2013/QH13);
- Decree 39/2016/NĐ-CP guiding the implementation of the Law on Occupational Health and Safety;
- Decree 44/2016/ND-CP on safety certification, health and safety training and industrial hygiene monitoring;
- Circular 19/2016/TT-BYT on industrial hygiene and workers' health management;

¹ TCVN - Tieu Chuan Viet Nam (Vietnamese Standards) and QCVN - Quy Chuan Viet Nam (National Technical Regulation)

- Decree 79/2014/ND-CP guiding the implementation of the Amendment Law on Fire Prevention and Firefighting;
- Decree 66/2014/TT-BCA on fire prevention and firefighting;
- Technical Regulation QCVN 06:2010 on fire prevention for houses and buildings;
- Technical Regulation QCVN 34:2018/BLDTBXH on safety in confined spaces;
- Technical Regulation QCVN 01:2008/BCT on electrical safety;
- Vietnamese Standards (TCVNs) on fire prevention and firefighting facilities/equipment;
- Decision 3733/2002/QĐ-BYT on 33 industrial hygiene (workplace environment) standards, principles and parameters;
- Circular 04/2014/TT-BLĐTBXH on personal protective equipment (PPE);
- Decree 113/2017/ND-CP guiding the implementation of the Law on Chemicals;
- Circular 32/2017/TT-BCT guiding the implementation of the Law on Chemicals and Decree 113/2017/ND-CP;
- QCVN 24:2016/BYT Vietnamese National Technical Regulation on Noise – Permissible Exposure Levels of Noise in the Workplaces;
- QCVN 27:2010/BTNMT Vietnamese National Technical Regulation on Vibration;
- QCVN 27:2016/BYT National Technical Regulation on Vibration – Permissible Levels of Vibration in the Workplace;
- QCVN 22:2016/BYT National Technical Regulation on Lighting – Permissible Levels of Lighting in the Workplace;
- QCVN 26:2016/BYT National Technical Regulation on Microclimate – Permissible Value of Microclimate in the Workplace; and
- QCVN 25:2016/BYT National Technical Regulation on Industrial Frequency Electromagnetic Fields – Permissible Exposure Level of Industrial Frequency Electromagnetic Fields in the Workplace.

1.4.1.3 Biodiversity

Biodiversity conservation in Viet Nam is primarily regulated by the following laws:

- Forestry Law (16/2017/QH14);
- Law on Biodiversity (20/2008/QH12);
- Land Law (45/2013/QH13); and
- Law on Water Resources (17/2012/QH13).

1.4.1.4 Social

The compensation, support and resettlement process and policies in Viet Nam are currently regulated by the 2013 Land Law and its relevant regulations, and these include:

- Land Law No.45/2013/QH13, dated 29/11/2013;
- Decree No.43/2014/ND-CP dated 15/5/2014 of the Government guiding in detail some articles of Land Law 2013;
- Decree No.47/2014/ND-CP dated 15/5/2014 of the Government on compensation, support, and resettlement upon land recovery by the State;
- Decree No.44/2014/ND-CP dated 15/5/2014 on Land Price;
- Decree No. 45/2014/ND-CP dated 15/5/2014 on land use fee collection;
- Decree No. 84/2013/ND-CP dated 25/7/2013 on development and management of resettlement houses;
- Circular No.07/2014/TT-BXD dated May 20, 2014 of the Ministry of Construction guiding implementation of the Government's Decree No.84/2013/ND-CP of July 25, 2013, providing the development and management of resettlement houses;
- Circular No. 36/2014/TT-BTNMT dated 30/06/2014 of the Ministry of Natural Resources and Environment on land pricing method; compilation of and adjustment to land price lists; determination of specific land prices and consultancy on land pricing;
- Circular No. 37/2014/TT-BTNMT dated 30/6/2014 detailing compensation, support and resettlement upon land recovery by the State;
- Circular No.02/2015/TT-BTNMT dated 27/01/2015 regulating some aspects of Decree No 43/2014/ND-CP and Decree No 44/2014/ND-CP dated on 15/05/2014 of the Government; and
- Local Decisions on Land Acquisition and compensation/support and resettlement of Tay Ninh Provincial People's Committee.

1.4.1.5 Grievance Mechanism

- The Law on Complaints (02/2011/QH13);
- Law on Denunciations (25/2018/QH14); and
- Law on Administrative Procedures (93/2015/QH13).

1.4.1.6 Relevant Governmental Authorities

Key relevant governmental authorities include:

- Ministry of Natural Resources and Environment;
- Viet Nam Environment Administration;
- Department of Water Resources Management;
- Provincial Department of Natural Resources and Environment (DoNRE);
- Ministry of Agriculture and Rural Development;
- Provincial Department of Agriculture and Rural Development;
- Dau Tieng Phuoc Hoa Irrigation Operation One Member Company Limited (Dau Tieng Reservoir Authority);
- Ministry of Industry and Trade; and
- Department of Industry and Trade.

1.4.2 International Treaties

International treaties related to E&S aspects that have been ratified by Viet Nam at the time of the Proposal authorisation are briefly listed below:

- Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat, 1971;
- Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972;
- Vienna Convention for the Protection of the Ozone Layer, 1985;
- Montreal Protocol on Substances that Deplete the Ozone Layer, 1987;
- Stockholm Convention on Persistent Organic Pollutants, 2001;
- The United Nations Framework Convention on Climate Change, 1992;
- Convention on Biological Diversity, 1992; and
- Conventions of the International Labour Organization (ILO)² including the following:
 - C029 – Forced Labour Convention, 1930 (No. 29);
 - C098 – Right to Organise and Collective Bargaining Convention, 1949 (No. 98);
 - C100 – Equal Remuneration Convention, 1951 (No. 100);
 - C111 – Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
 - C138 – Minimum Age Convention, 1973 (No. 138) (Minimum age specified: 15 years); and
 - C182 – Worst Forms of Child Labour Convention, 1999 (No. 182).

² https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103004

1.5 LIMITATIONS

The work was carried out as per IBIS' Proposal dated the 22 July 2020. The Audit originally focused on the Project to be developed by DTE, which was established as a joint venture between B. Grimm and Xuan Cau. The Project is expected to be solely owned and operated by B. Grimm starting from January 2021. This report has largely relied on findings made in the late 2019 audit process and on the subsequent review of documented information provided by B. Grimm in late 2020.

The Audit focused on identifying those E&S issues that are likely of greatest significance for the transaction. The Audit does not form a detailed compliance review, nor should it be considered a first-hand collection of baseline E&S data.

All conclusions and recommendations made represent the professional opinions of the IBIS consultants involved with the project, and the results of this report should not be considered a legal interpretation of existing regulations.

IBIS assumes no responsibility or liability for errors in the public data utilised, information provided by the vendor, statements from sources outside of IBIS, or developments resulting from situations outside the scope of this project. We make no warranties, expressed or implied, including, without limitation, as to merchantability or fitness for a particular purpose.

All data and information provided were assumed to be accurate and up to date.

1.6 REPORT STRUCTURE

This report documents the implementation and findings of the Audit and is structured in the following manner:

- **Chapter 1 Introduction** provides a brief introduction to the Project, describes the scope of work undertaken by IBIS, identifies E&S requirements applicable and relevant to the Project, and outlines the structure of this Audit report;
- **Chapter 2 Project Description** provides background information of the Project, including its assets, location, status, and key activities at the Project site;
- **Chapter 3 Environmental and Social Compliance Review** details the observations and findings made during the Audit and proposes corrective actions; and
- **Chapter 4 Corrective Action Plan** summarizes all corrective actions from the Audit in the tabular form of a CAP.

This report is supplemented with four annexes:

Introduction

- *Annex A: List of Documents Provided for Review;*
- *Annex B: List of Interviewees;*
- *Annex C: Aerial Imagery of the Project ;*
- *Annex D: Photolog; and*
- *Annex E: Land Acquisition Process Document.*

2 PROJECT DESCRIPTION

The Project, also referred to as Dau Tieng 2 (DT2), is situated along the western edge of Dau Tieng Reservoir (the Reservoir) in Tay Ninh Province, approximately 90 kilometres (km) northwest of Ho Chi Minh City, Viet Nam. *Figure 1* below depicts the Project site, along with an immediately adjacent solar energy development, referred as DT1, which will be solely owned and operated by Xuan Cau starting from January 2021. DT2 involves the development and operation of a solar photovoltaic (PV) power plant with an installed capacity of 240 megawatts peak (MWp) and contracted capacity of 200 megawatts (alternating current) (MWac). It occupies a total land area of 270.2 hectares (ha). At the time of preparation of this report, DT2 is in operation. Details of DT2 are summarised in *Table 2-1* below.



FIGURE 1 PROJECT SITE LOCATION

TABLE 2-1 KEY COMPONENTS OF THE PROJECT

PROJECT COMPONENT	QUANTITY	REMARKS
Land area of DT2 (ha)	270.2	The original land area of DT2 was 288 ha. Reportedly, a total of 17.8 ha of land was transferred from DT2 to DT1 due to an overlapping land area. Approximately 80-90% of the DT2 land area typically floods during the flood season.

PROJECT DESCRIPTION

PROJECT COMPONENT	QUANTITY	REMARKS
Solar power capacity (MWac)	200	Polycrystalline solar panels.
Solar power capacity (MWp)	240	-
Inverters	80	The inverters are positioned across the Project site. Each inverter has a supporting capacity of 2.5 MW. Each platform has two inverters and one transformer (separate to the main transformers below). Each platform has a top of platform height of 26.5 m amsl (top of pile at 26.2 m amsl).
Transformers (associated with the inverters)	40	Each transformer has a capacity of 5MVA and is co-located with the inverters.
Substation	Not Applicable (N.A.)	A substation is shared between DT1 and DT2 under the ownership of DTE.
Main transformers	-	The main transformers are located within the substation.
Solar panels	~ 0.76 million	The solar panels are of a polycrystalline type mounted on piles. Top of pile is at 25.9 m amsl, and the lowest point of the solar panels is 25.5 m amsl.
Concrete piles	~100,000	The piles are the support structures for mounting the solar panels.
22kV overhead line	-	This overhead line connects the inverter platforms to the substation and is a shared facility with DT1.
Internal roads	~ 11.7 km	-
Groundwater abstraction wells	2	The groundwater abstraction wells have an approximate depth between 25 and 26 m below ground level (bgl).
Transmission towers	-	One transmission tower is situated within DT1 and is a

PROJECT DESCRIPTION

PROJECT COMPONENT	QUANTITY	REMARKS
		shared facility with DT2, and the five others are outside the Project site boundary. Each transmission tower has a footprint of approximately 200 m ² . The transmission line has a minimum sagging height of 25 m.
Transmission line	-	The 220kV transmission line has a total length of 1.4 km, and whilst it is a project facility shared with DT1, it is considered to be located outside the Project site area .
Access roadway to the Project site (immediately outside the Project site)	-	This 300 m roadway has a width of 6 m and is a public road within the management area of Dau Tieng Reservoir Authority and serves as the main access road to the Project as well as to DT1. It is used by the Project, DT1 and the general public, mainly local farmers. As part of the land use right resumption, DTE compensated a farmer who previously had informal right to use the land that was required for the road expansion (representing an area of 750 m ² , i.e. 300 m in length and 2.5 m in width).

The Engineering, Procurement and Construction contractor (EPC) of the Project (and for DT1), was PowerChina Huadong Engineering Corporation Limited ("PowerChina") and Sinohydro Corporation Limited, with PV modules supplied by JinkoSolar Holding Co., Ltd. and the inverters supplied by TMEIC (a joint venture between Toshiba and Mitsubishi Electric).

At the time of preparation of this report, the Project is in operation. Construction of the Project commenced on the 15 July 2018 and concluded at the end of May 2019. In accordance with the Power Purchase Agreement (PPA), the Project reached Commercial Operation Date (COD) on the 13th June 2019 (which is slightly later than that for DT1 whose COD was on the 3 June 2019). Both DT2 and DT1 have an expected operational lifespan of 20 years. *Figure 2* summarizes the Project development timeline. Aerial imagery showing the development of the Project site is provided in *Annex C: Aerial Imagery of the Project*.

PROJECT DESCRIPTION



FIGURE 2 DEVELOPMENT TIMELINE OF THE PROJECT (AND DT1)

As DT2 and DT1 were initially designed and constructed to operate as a combined unit, and a number of supporting facilities will be shared between the two solar projects after DTE's restructuring. Based on information provided by B. Grimm, ownership and usage of the following components and supporting facilities will be arranged as described below:

- The 270.8 ha solar energy plant within the physical boundary of DT2 – solely owned and operated by DTE, which is now wholly owned by B. Grimm;
- The 216 ha solar energy plant within the physical boundary of DT1 – solely owned and operated by Xuan Cau;
- A 1.4 km long 220 kV transmission line and six transmission towers, five of which are located outside the physical boundary of DT2 and DT1 – under DTE's ownership, although the use is shared between the Project and DT1;
- An administration compound, which houses a single-storey administration building, a single-storey warehouse (for the solar plant's operation), a single-storey canteen, a single-storey workshop, a single-storey staff rest area, and a guard house– the land will be owned by DTE. The shared usage of the buildings between DT1 and DT2 is understood to be currently under discussion;
- A substation, including two fire-fighting water storage tanks – under DTE's ownership, although the use is shared between DT2 and DT1;
- A single-storey warehouse (for the substation's operation, known as "Substation") – under DTE's ownership and to be used for storage of substation spare parts;
- A guard house (for Substation) – under DTE's ownership but of shared use with DT1;
- An internal 22 kV overhead transmission line with 140 towers – owned by DTE but shared with DT1;

PROJECT DESCRIPTION

- Some sections of the internal roadways – which are in common use as agreed between DT2 and DT1;
- Underground and overhead connecting cables – which are in common use as agreed between DT2 and DT1;
- A hazardous and chemical material storage (with three partitioned units) – the land will be owned by DTE, and the shared usage of the building is under discussion; and
- A 300 m public access road immediately outside DT1 (leading up to the main entrance of the administration compound) – which is in common use by DT1 and DT2 as per their agreement. It should be noted that this road is considered a public road and as such is not considered an asset of DT2 or DT1.

Further details of the major components of the Project are provided below.

2.1 PROJECT ASSETS AND FACILITIES

2.1.1 DT2

DT2 has a contracted capacity of 200MWac and covers a total land area of 270.8 ha. It is situated immediately southeast of DT1 which has a contracted capacity of 150MWac and a total land area of 216ha. DT1 and DT2 share a common border traversing from west to east. The land area of DT2 is situated mainly in Suoi Da Commune (SDC) in Duong Minh District. A small portion of DT2 land, where shared facilities with DT1 are located, is situated in Tan Hung Commune (THC) in Tan Chau District.

DTE gained the land use rights of the DT1 and DT2 areas from Dau Tieng Reservoir Authority who, in turn, resumed the land use rights from a total of 73 households, all of whom were informal land users, for the development of DT2, through a land use resumption and transfer process. The land use resumption and transfer process is further detailed in a separate document, the *Land Acquisition Process Documentation*.

DT2 (and DT1) are accessible via three entrances along the western boundary. DT2 and DT1 share the following common facilities, as described above:

- A substation, including two firefighting water storage tanks;
- An internal 22kV overhead transmission line with 140 towers;
- An administration compound, which houses a single-storey administration building, a single-storey warehouse (for the solar plant's operation, known as "Solar"), a single-storey canteen, a single-storey workshop; a single-storey staff rest area; and a guard house (for Solar);
- Some sections of the internal roadways;
- Underground and overhead connecting cables;

PROJECT DESCRIPTION

- A hazardous and chemical material storage (with three partitioned units);
- A single-storey warehouse (for the substation's operation, known as "Substation");
- A guard house (for Substation); and
- One transmission tower (please note that the other five transmission towers are situated outside the boundaries of DT1 and DT2).

According to the Flooding Study of DT1 and DT2 prepared by Team Group, dated April 2018, the water level within the Reservoir at its peak is expected to reach 25.1 metres above mean sea level (m amsl) (on a 200-year return period), which is also reported as the historical highest water level in the Reservoir. Land elevation of the entire DT2 area generally ranges approximately from 20 to 24 m amsl, and approximately 80-90% of the DT2 area is inundated with water during the wet season for a period of approximately six months each year from October to March. By elevation, DT2's land area is distributed as follows:

- Land area at an elevation between 24.0 and 24.4m – ~ 7.2 ha;
- Land area at an elevation between 23.0 and 24.4 m – ~ 59.5 ha; and
- Land area at an elevation between 22.0 and 23.0 m – ~ 203.5 ha (including some small areas in some land plots with elevation between 21.0 and 22.0m, e.g. A55 and A58).

It should be noted that the substation and the administration compound are located outside of the inundation area. At the time of the visit, the area of DT2 (and DT1) was fenced along its southwestern boundary on land, and partially secured along its eastern flooded boundary towards the Reservoir. The fence along the eastern boundary towards the Reservoir has a total length of 8.5 km, and construction of a portion (approximately 5 km) of the water-facing fence line had been completed. Construction of the remaining portion of the fence-line along the Project site has reportedly been completed, and the entirety of the Project site is now fenced.

2.1.2 Transmission Line and Transmission Towers

The 1.4 km long 220kV transmission line and the six transmission towers are project facilities of DT2 and are shared facilities with DT1. The transmission line connects the Project's substation to the existing power grid managed by Viet Nam Electricity Power Generation Corporation (EVN), a state-owned power company in Viet Nam.

As mentioned above, one of the six transmission towers is located within the boundary of DT1, and the remaining five transmission towers are located east of DT1 and DT2 over a distance of 1.4 km. The spacing between each tower ranges from 244 to 440 metres (m). The height of the transmission lines ranges from the lowest point at 27 m above ground level (m agl) to the highest point at 65 m agl. DTE acquired land use rights for the construction of the five transmission towers and along the 1.4 km long

PROJECT DESCRIPTION

transmission line (with a corridor of 14 m each side of the transmission line) from a total of 14 households who were also considered as informal land users.

In addition, an 22kV transmission line was constructed within the Project site (and DT1). According to information provided by PowerChina, a total of 140 transmission towers were constructed along the DT2 and DT1 boundary with a height ranging from 14 to 18 m agl.

2.1.3 Access Road

For the development of DT2 (and DT1), DTE undertook a road upgrade exercise, which involved one section of a public access road under the management of the local commune and a 300m section of another public access road linking directly to the main entrance of DT1 (and DT2). This 300 m long public access road was described as narrow, unpaved and was mainly used by local farmers to access their fields and for the transportation of their crops. In order to widen the access road, DTE offered financial compensation to a farmer who had occupied the land for agricultural purposes and was an informal land user. The affected area was said to cover 750 m² (i.e. 300m by 2.5m). DTE then upgraded the 300m access road and widened it to 6 m. However, no documented information was available in relation to the financial compensation paid to the farmer. According to Project Representatives and IBIS' interview with the affected farmer, the financial compensation was reached through informal discussion and mutual agreement between DTE and the farmer.

2.2 KEY ACTIVITIES ONSITE DURING THE OPERATIONAL PHASE

The Project's operational permit was issued by Dau Tieng Reservoir Authority and is subject to renewal every five years. Based on the Environmental Impact Assessment (EIA) of the Project (and DT1) and according to information provided by Site Representatives, the Project (together with DT1) has a total of 20 permanent full time employees. After the official transfer of ownership of DTE (DT2) to B. Grimm, DTE is expected to retain 15 of these permanent employees and the remaining five employees will be transferred to Xuan Cau (DT1).

During the operational phase of the Project, key activities include solar panel cleaning, maintenance and repair of equipment and facilities. Solar panel cleaning is performed five times a year using specialised vehicles equipped with water tanks (with the water abstracted from groundwater on-site). During the wet season, local service workers operating from floating platforms manually clean solar panels located in areas that are submerged in water. Post DTE restructuring, the routine operations of the Project will be supported by three key subcontractors responsible for:

1. Maintenance of the solar panels at DT2 (representing approximately 18 people);
2. Maintenance of the substation (representing approximately 12 people); and
3. Security services (representing approximately 33 people).

PROJECT DESCRIPTION

Groundwater is used to supply non-potable fresh water used for cleaning of solar panels, handwashing, general cleaning and washing in the canteen. Drinking water is supplied in bottles, sourced from a third party. A total of two groundwater wells are present on-site, and they are referred to as G3 and G4 dedicated for use in DT2. The depth of these two groundwater abstraction wells ranges from 25 to 26 m bgl. According to the groundwater design drawings, each of the two wells was equipped with a 4 horsepower pump, designed to operate for four hours at a pump rate ranging from 20 to 25 m³ per hour. The groundwater is treated using a filtration system at each of the groundwater pads before use. A meter has been installed on-site to monitor water use since September 2020. According to B. Grimm, groundwater use reports are expected to be available from January 2021 onwards.

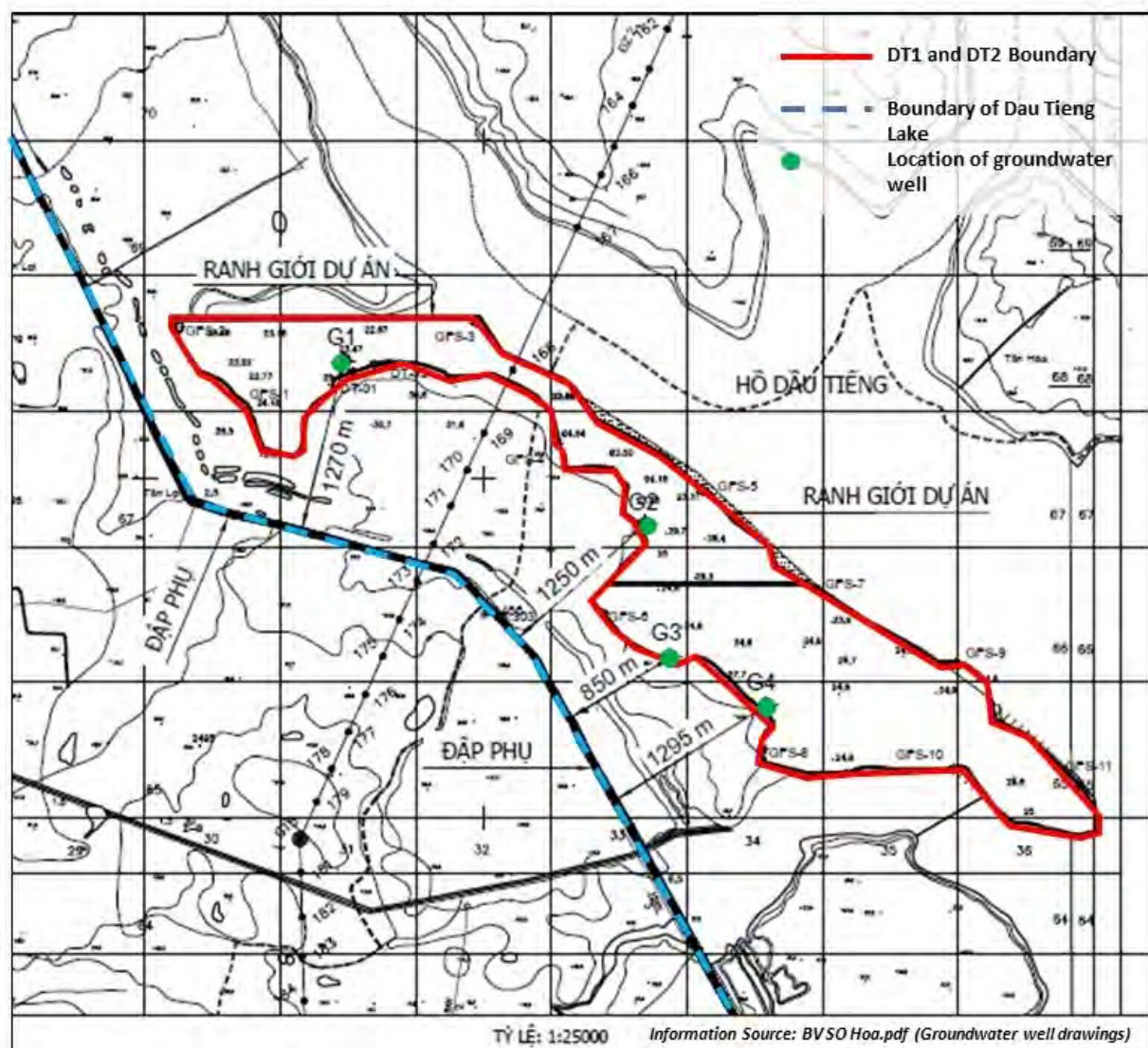


FIGURE 2-3 GROUNDWATER ABSTRACTION WELL LOCATIONS

PROJECT DESCRIPTION

No drainage is installed on-site for surface runoff management, except along the internal road under which drainage conduits are installed to allow movement of flood water up and down gradient of the internal road.

2.3 LAND USE AT THE PROJECT SITE AND ITS SURROUNDING AREA

The Project site (and its associated facilities, including the land area of DT1) is legally recognised as state-owned land under the management of Dau Tieng Reservoir Authority, which is tasked with managing Dau Tieng Reservoir and its surrounding land area under the elevation of 27.0 m amsl. Dau Tieng Reservoir Authority is locally referred to as the “Lake Owner”.

DTE entered into a 50-year land lease agreement with Tay Ninh Province People’s Committee to utilise the land for the development of the Project. Since the Project area is situated within the periphery of Dau Tieng Reservoir, the land was not fully utilised by the State. However, informal land users (i.e. farmers) did use the land, mainly for seasonal agricultural purposes. This mainly included cultivation of cassava during the dry season, when the water level in the Reservoir was low, typically spanning a period of six months a year from April to September. Dry land surrounding the Project site and partly within the Project site were also known to be used for cultivation of sugar cane, sugar apples and rubber trees. Dau Tieng Reservoir Authority also confirmed the use of the Reservoir’s waterbody for fishing.

Based on IBIS’s observations, surrounding areas to the west of the Project were mainly used for rubber tree plantations and agricultural crop production, including sugar apples and sugar cane. Historical imagery of the Project area is presented in *Annex C: Aerial Imagery of the Project Site*.

2.3.1 Dau Tieng Reservoir

Immediately east of the Project is Dau Tieng Reservoir. The dam for the Reservoir was constructed between 1981 and 1985, designed to have a peak water level at 26.1 m amsl. The reported highest water level in the Reservoir is 25.1 m amsl. The Reservoir has a water surface area of approximately 270 km² at its normal water level of 24.4 m amsl. It stores 1.58 billion cubic metres (m³) of water and is located within the three Provinces of Tay Ninh, Binh Phuoc and Binh Duong. The largest portion of the Reservoir lies within Tay Ninh Province. The catchment area of the Reservoir is approximately 2,700 km². The Reservoir supplies water for irrigation, industrial and domestic activities in Tay Ninh and Binh Duong Provinces and part of the northern area of Ho Chi Minh City, and in addition to providing a waterbody for local aquaculture. Land below the elevation of 24.6 m amsl is usually flooded on a seasonal basis.

2.3.2 Project Area Communes

This subsection covers the socio-economic characteristics and land-use impacts arising from the Project in Suoi Da Commune (SDC) and Tan Hung Commune (THC). Figure 2-4 below provides a visual

PROJECT DESCRIPTION

presentation of the Project components. Note that the Project is mainly located within the 285ha land in SDC. The areas used in THC, comprising 15 ha, are for the substation, overhead 22kV powerline and access road (noting this was the widening of an existing roadway).

According to Government Authority Representatives and publicly available information, SDC has an approximate total area of 12,000 ha and a population of approximately 12,000, representing roughly 4,700 households. The average yearly income per household is approximately VND 50m, and around 80% of household income is from agriculture. It is estimated that 9% of the households are considered as “poor”. (Please note that the definition of “poor” was not defined by Government Authority Representatives during an interview with IBIS.) Of the 12,000 ha, approximately 7,000 ha are situated within the state-owned land area of Dai Tieng Reservoir Authority. The largest single land use right owner has a land area of 30 ha, whilst the smallest land use right owner has about 500 m².

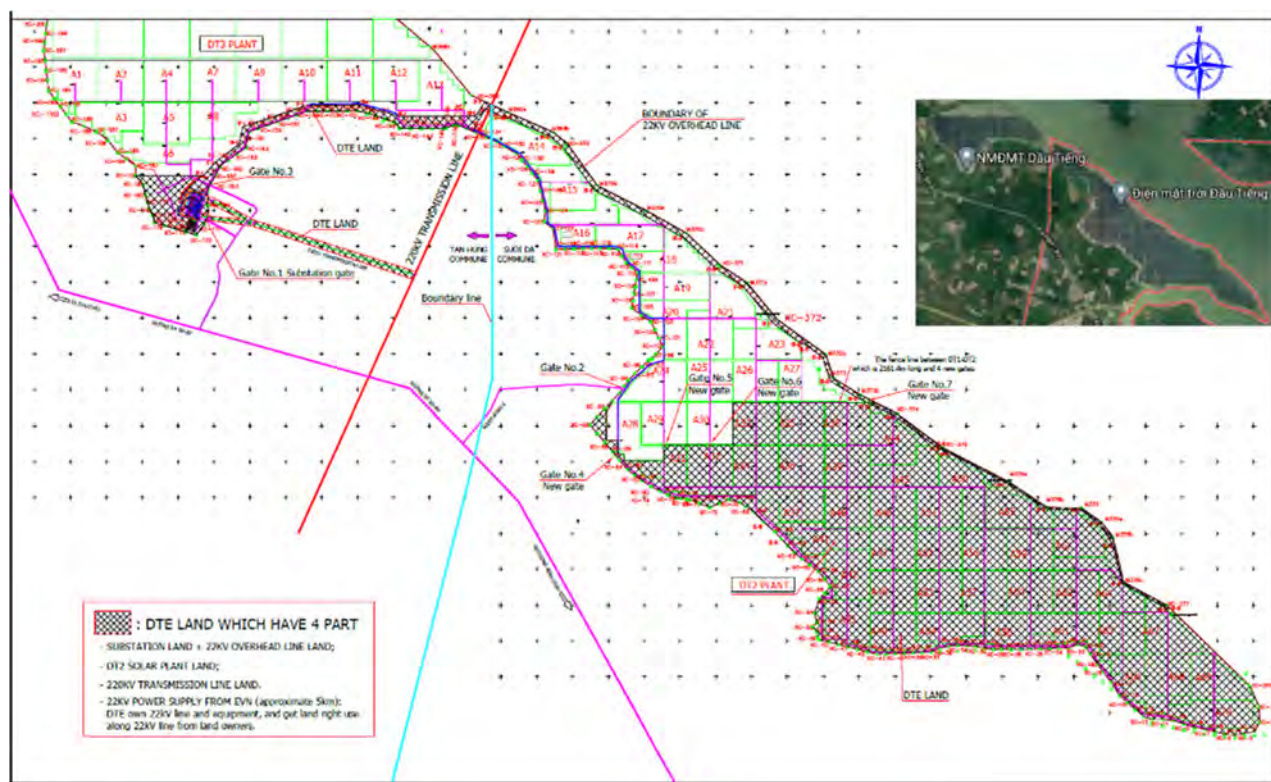


FIGURE 2-5 PROJECT LAND AREA

2.3.3 Loss of Land Use

As noted above, the vast majority of the Project area is legally designated as state-owned land under the management of Dau Tieng Reservoir Authority. As such, no land use right acquisition from private landowners was undertaken, except for the installation of the transmission line. Nonetheless, resumption of informal land use rights was undertaken in order to consolidate the Project's land acquisition. No overarching Resettlement Plan or Livelihood Restoration Plan covering all of the Project-affected land users was developed; rather the Project employed an approach for each area. In total, there are 73 households affected by the land acquisition process of the Project.

According to information provided by Government Authority Representatives, the original land area of 383 ha from SDC used for the DT1 and DT2 project had 108 households affected by the Project. This consisted of 30% local residents from SDC and 70% non-local residents from outside of SDC. The Government Authority Representatives estimated that seven households surrendered more than 10% of their total land area as a result of the original Project, as such based on the information indicates that seven households lost >10% of their land as a result of the Project.

2.3.3.1 DT2

According to the requirements of *Land Law 2013* and related decrees and circulars, a Land Acquisition, Assistance and Resettlement Plan is typically prepared for land use right acquisition in Viet Nam. This document usually details land area, land type, land use, and corresponding compensation rates proposed

PROJECT DESCRIPTION

by DoNRE or Land Fund Development Centre (LFDC). However, in the case of DT2, no land use right acquisition was required, as no private landowners were present within DT2 land area. Instead, the 270.2 ha land was resumed from the informal land users through the informal land use right resumption process.

According to Site Representatives, the land use right resumption process was undertaken by Xuan Cau and involved the participation of LFDC and the Communes, which started in January 2018 and was completed in June 2018. The consultation and negotiation process with the informal land users and payment of compensation were undertaken in groups.

According to Government Authority Representatives, 10 households in THC were issued land certificates within the state-owned land of Dau Tieng Reservoir in the 1980s. Through investigation, the issuance of these land certificates to these households were found to be an administrative error, and the land certificates were considered to be invalid and therefore void.

The Project has resulted in physical displacement of one temporary dwelling, which belonged to one household with two members and was used for guarding their crops during the growing season. Due to the acquisition of seasonally flooded land, the Project also impacted 73 households through the economic displacement of informal land users. Those who were economically displaced typically mainly grew cassava during the dry season. Government Authority Representatives reported that seasonal agricultural activities within the Project site did not represent a main source of income for the AHs.

2.3.3.2 Transmission Line

The land use right acquisition planning for the transmission line was led by DTE. Given the relatively short length of the transmission line and its close proximity to DT1 and DT2, DTE representatives engaged the 14 AHs directly and individually and consulted with them on the land use right acquisition process for the transmission line.

2.3.3.3 300m Public Access Road

The land use right resumption process for the expansion of the 300m public access road was reportedly carried out by DTE through direct discussion and negotiation with one informal land user who was using the immediately surrounding area for crop production. The land area permanently affected by the road expansion was estimated at approximately 750 m², which was calculated based on the length of the road (300 m) and the widening of 2.5 m. IBIS understands that no land survey was conducted, and no official documents of the land use right resumption were made. After the road upgrade and expansion work, the road remains for public use and is legally under the management of Dau Tieng Reservoir Authority. Both DTE and the AH do not hold any legal right to the land.

Further details in relation to land resumption/acquisition and livelihood restoration are provided in a separate document, *Land Acquisition Process Documentation*.

3 E&S COMPLIANCE REVIEW

3.1 ADB SPS ENVIRONMENTAL SAFEGUARDS

TABLE 3-1 COMPLIANCE REVIEW: ADB SAFEGUARD REQUIREMENT 1 – ENVIRONMENT

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
1 Environmental Assessment					
	Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment so that appropriate studies are undertaken commensurate with the significance of potential impacts and risks. Conduct an environmental assessment for each proposed project to identify potential direct, indirect, cumulative, and induced impacts and risks to physical, biological, socioeconomic (including impacts on livelihood through environmental media, health and safety, vulnerable groups, and gender issues), and physical cultural resources in the context of the project's area of influence. Assess potential transboundary and global impacts, including climate change. Use strategic environmental assessment where appropriate. Examine alternatives to the project's location, design, technology, and components and their potential E&S impacts and document the rationale for selecting the particular alternative proposed. Also consider the no project alternative.	<p>Environmental Safeguard, Policy Principles 1, 2 and 3 Law on Environmental Protection (55/2014/QH13)</p> <p>Decree 18/2015/ND-CP on environmental planning, strategic environmental assessment, environmental impact assessment and environmental protection plan</p> <p>Circular 27/2015/TT-BTNMT on strategic environmental assessment, environmental impact assessment and environmental protection plan</p>	<p>Environmental Impact Assessment Two EIAs were prepared by a local EIA consultant, Saigon Environment Consulting JSC, for DT1 and DT2 in line with the local regulatory requirements. The following facilities were covered by the EIA for DT2:</p> <ul style="list-style-type: none"> • 200MW solar power plant; • One additional 22/220kV – 250MVA transformer at the substation; and • Ancillary facilities (e.g. access roads, gates, fence, and internal roads). <p>The EIA for DT1 included the 220kV power transmission line (as well as the DT1 solar power plant).</p> <p>The following environmental baselines were established during the EIA exercise based on samples collected on-site and off-site:</p> <ul style="list-style-type: none"> • Ambient air quality; • Ambient noise; • Soil quality; • Ambient water quality; • Groundwater; and 		None identified.



REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
		<p>Decree 40/2019/ND-CP guiding the implementation of some articles of the Law on Environmental Protection</p> <p>Decree 19/2015/ND-CP guiding the implementation of some articles of the Law on Environmental Protection. This decree provides some general provisions for soil contamination management Irrigation Law (08/2017/QH14)</p>	<ul style="list-style-type: none"> • Biodiversity. <p>Apart from the environmental baselines established in the EIA, socio-economic conditions of SDC and THC were also assessed as part of the EIA.</p> <p>Regarding impact assessment, the following topics were assessed for their impacts during the construction phase of DT2 in the EIA:</p> <ul style="list-style-type: none"> • Dust and air emissions; • Wastewater; • Hazardous wastes; • Noise and vibration; and • Regional traffic. <p>The EIA included a socioeconomic impact assessment as part of the scope of work; however, the socioeconomic impact assessment mainly focused on the positive socioeconomic impacts generated by the Project at a macro level. Impacts on livelihoods of the local communities due to the construction and operation of the Project were not considered.</p> <p>According to information provided by Site Representatives, information provided in the EIA and a review of the historical aerial imagery, the Project site is located on seasonally flooded land and historically mainly used for agricultural purposes. No physical cultural resources were identified in the</p>		





Project area or known to have existed by Site Representatives prior to the development of the Project.

The EIA was submitted to DoNRE of Tay Ninh Province for review and approval. The Project obtained approvals for the EIA from the People's Committee of Tay Ninh Province in June 2018. The EIA was disclosed at the People's Committee Offices of THC and SDC in April 2018.

No activities under the ADB Prohibited Investment Activities List have been identified at the Project, and none was reported by Site Representatives.

The Project is designed to have an operational lifespan of 20 years according to its PPA. According to the approved EIA, the Project should conduct the following environmental performance monitoring:

- Surface water quality monitoring;
- Domestic wastewater quality monitoring;
- Electromagnetic field testing;
- Solid waste generation recording (daily, including the types of solid wastes); and
- Hazardous waste generation recording (quarterly).

A cumulative impact assessment was incorporated in the EIA to evaluate potential E&S risks and impacts arising from its planned expansion and any

other potential (and reasonably anticipated) developments in the surrounding area of the Project.

Please refer to *Item 5* below for further details regarding the environmental performance monitoring programmes under the EIA approval.

Natural Disaster and Climate Risk Assessment

Flood Risks

As part of its risk assessment process, a flood study was conducted for DT1 and DT2 by a third-party consultant, TEAM Consulting Engineering and Management PCL., in April 2018. According to information provided in the flood study, the Project site is situated within Dau Tieng Reservoir area under the elevation of 24.6 m amsl. Normal water elevation in Dau Tieng Reservoir is approximately 24.4 m amsl with a surcharged water elevation of 25.1 m amsl, which is the historical peak water level in the Reservoir. A summary of the reservoir flood analysis results from the flood study is presented in the table below:

Return Period	Reservoir Water Level (m amsl)
200-year	25.1
100-year	25
50-year	24.7

The table below provides the elevation of the lowest points of key components of the Project.

Key Components	Lowest Point (m amsl)
Solar panels	25.5
Top of the pile of solar panels	25.9
Inverter platforms	26.5
Top of the pile of inverter platforms	26.234
Top of pavement within Administration Compound	26.3
Top of pavement of internal road	24.6

A comparison between the 200-year maximum water level and the lowest point of the solar panels shows that these key components are at least 0.4 m above the reservoir water level at a 200-year return period. According to the Project, the 1 in 200 year flood assessment is a stipulation of the Ministry of Agriculture and the design must comply with this standard so as not to compromise the operation of the reservoir (or Project).

Earthquake

According to information published by the United States Geological Survey

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			(USGS), the Project site in Viet Nam is not located in an earthquake prone area. According to a review of the USGS Earth Map and List Database (https://www.usgs.gov/natural-hazards/earthquake-hazards , accessed by IBIS on 21 November 2019), the Project area is not located within a seismic zone. Based on a review of earthquake information captured by the database, no earthquake events were recorded within the Project area and 100 km radius from the Project location. Therefore, earthquake related risks are considered as low for the Project.		

2 Environmental Planning and Management

	Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management. Prepare an environmental management plan (EMP) that includes the proposed mitigation measures, environmental monitoring and reporting requirements, related institutional or organizational arrangements, capacity development and training measures, implementation schedule, cost estimates, and performance indicators. Key considerations for EMP preparation include mitigation of potential adverse	Environmental Safeguard, Policy Principle 4 Law on Environmental Protection (55/2014/QH13)	No formal Environmental and Social Management Plan (ESMP) has been developed by DTE for the management of its environmental (and social) performance, and none is required by law in Viet Nam. Environmental performance of the Project is currently managed through statutory environmental monitoring and reporting programmes. <u>Environmental Management Programme</u> Various high-level EHS management programmes regarding waste management, stormwater management,		DTE should develop an ESMP, which will include: <ul style="list-style-type: none"> • E&S Policies; • All mitigation, monitoring and management measures set out in the EIA together with any additional ADB requirements, which will be implemented over the lifetime of the Project; • Schedule, resources and performance indicators;
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REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
	impacts to the level of no significant harm to third parties, and the polluter pays principle.	<p>Law on Water Resources (17/2012/QH13)</p> <p>Law on Chemicals (06/2007/QH12)</p> <p>Irrigation Law (08/2017/QH14)</p> <p>Decree 38/2015/ND-CP on waste management</p> <p>Circular 36/2015/TT-BTNMT on hazardous waste management</p> <p>Vietnamese technical regulations on environments (QCVNs)</p> <p>Decree 201/2013/ND-CP guiding the implementation of the Law on Water Resources, including the issuance of groundwater extraction, surface water extraction and wastewater discharge permits</p>	<p>occupational health and safety (OHS), and fire safety for the operational phase of the Project were identified as part of the requirements from the approved EIA for the management of EHS performance of the Project, however, detailed environmental management plans have not been developed by DTE for DT2 to-date.</p> <p>No compliance register has been developed by the Project to identify and document all E&S related compliance requirements and available permits/licences (and corresponding renewal dates, if any).</p> <p>IBIS reviewed draft versions of the following E&S documents:</p> <ul style="list-style-type: none"> • an Emergency Prevention and Response Plan; • a Code of Conduct on Sexual Harassment; • Internal Grievance Mechanism; • The Code of Conduct for Security; and • Hazard Identification, Risk Assessment and Control Procedure. <p>These documents will be finalised and adopted by DT2 after DTE restructuring is complete. IBIS consider that the content and structure is broadly</p>		<p>In addition, the ESMP output documents should also include sub-plans to address the mitigation and compensation measures:</p> <ul style="list-style-type: none"> • EHS and Social Risks Assessment and Management Plan; • OHS Plan; • Emergency Preparedness and Response Plan (this item should be updated in accordance with its existing Emergency Response Plans (ERPs) developed by PowerChina by covering all risks and emergency scenarios identified in its risk and hazard register recommended under <i>Item 9</i>. In addition, the document should also include community H&S preparedness and response related measures recommended under <i>Item 9b</i>, as well as a communication protocol with contractors of the Project and other external stakeholders in the event of an emergency); • Waste Management Plan; • Security Management Plan;



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			satisfactory if implemented properly by the Project should be appropriate.		<ul style="list-style-type: none"> Contractor Management Plans (please refer to <i>Item 9</i> for further details); E&S Training and Capacity Development Plan; Stakeholder Engagement and Community Relations Management Plan (see further below); and Grievance Redress Mechanism (GRM) for internal and external stakeholders. <p>In addition, a compliance register should be developed by the Project to identify and document all E&S related compliance requirements and available permits/licences (and corresponding renewal dates, if any).</p>
	Organizational E&S capacity assessment		<p>The Project has provided a certification for its EHS Officer who holds a Bachelor of Engineering (BEng) in Environmental Management and Technology from Vietnam University of Technology in HCMC. The EHS Officer also holds a certificate in energy management.</p> <p>A job description for the role of EHS Officer has also been provided which details the underlying duties of the role</p>		<p>DTE should develop:</p> <ul style="list-style-type: none"> Definitions of roles and responsibilities, which include organisational structures, roles, communications and reporting process required for the implementation of the ESMP; and Formal approaches to supporting training and

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
			<p>in the day to day management of EHS matters.</p> <p>The qualifications and the job description are considered to be aligned with the expectations for a Project of this nature and scale. The effectiveness of the role in implementing and maintaining the E&S management system needs to be reviewed during ongoing monitoring to demonstrate that the role is appropriately scoped and staffed.</p> <p><u>Training and Capacity Building</u></p> <p>No training and capacity building programmes regarding environmental management (occupational health & safety (OHS) elements are considered further below) have been developed by DTE. Based on observations on-site, there is a need to establish formal approaches to supporting training and capacity building at the Project for E&S management.</p>		capacity building at the Project for E&S management.
3	Consultation and Participation				
	Carry out meaningful consultation with affected people and facilitate their informed participation. Ensure women's participation in consultation. Involve stakeholders, including affected people and concerned nongovernment organizations, early in the project	<p>Environmental Safeguard, Policy Principle 5</p> <p>Environmental Protection (55/2014/QH13)</p>	The Project (at the same time as DT1) has conducted public consultations with both local government authorities and communities as part of the scope under its EIA preparation. The following aspects were conveyed/disclosed as		As part of the recommendation under <i>Item 2</i> , DTE should develop a gender-inclusive SEP commensurate with the nature and scale of the operations of the Project, including:



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	preparation process and ensure that their views and concerns are made known to and understood by decision makers and considered. Continue consultations with stakeholders throughout project implementation as necessary to address issues related to environmental assessment. Establish a grievance redress mechanism to receive and facilitate resolution of the affected people's concerns and grievances regarding the project's environmental performance.	<p>Decree 18/2015/ND-CP on environmental planning, strategic environmental assessment, environmental impact assessment and environmental protection plan</p> <p>Circular 27/2015/TT-BTNMT on strategic environmental assessment, environmental impact assessment and environmental protection plan</p> <p>Decree 40/2019/ND-CP guiding the implementation of some articles of the Law on Environmental Protection</p>	<p>part of the Project's public consultations:</p> <ul style="list-style-type: none"> • Introduction of the Project; • Potential environmental impacts identified in the EIA; • Mitigation measures for potential environmental impacts; and • Commitment from DTE regarding implementing environmental monitoring and management programmes identified in the EIA. <p>As mentioned under <i>Item 1</i> above, the Project has disclosed its EIA at the People's Committee Offices of THC and SDC and, as presented in the EIA document, consultation meetings took place at both communes on 16 April 2018.</p> <p>According to DTE, no complaints have been received by DTE from external stakeholders (i.e. community, surrounding neighbours or regulatory authorities) so far. According to Site Representatives, no formal stakeholder engagement plan (SEP) and formal external grievance mechanism have been developed by DTE for external stakeholder engagement.</p> <p>IBIS encountered no complainants regarding the Project during interviews with stakeholders when visiting the area around the Project, which included government officials and AHS,</p>		<ul style="list-style-type: none"> • Communication plan with men and women in the community; and • Employee and contractor engagement. <p>This should include GRM (the internal grievance mechanism should also be communicated to and made available to contractor workers, who do not have a formal access to a grievance mechanism).</p>



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4	Information Disclosure				
	Disclose a draft environmental assessment (including the EMP) in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected people and other stakeholders. Disclose the final environmental assessment, and its updates if any, to affected people and other stakeholders.	Environmental Safeguard, Policy Principle 6	Public consultation was completed as part of the scope of work of the EIA for the Project (and DT1). The Project has disclosed its EIA report at the local commune offices for public disclosure. In addition, as part of the internal procedure of ADB, this report may be disclosed on ADB's website for information disclosure.		As part of the recommendation under <i>Item 2</i> , DTE should include ADB's E&S monitoring and reporting related requirements in its ESMP.
5	Monitoring & Reporting				
	Implement the EMP and monitor its effectiveness. Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.	Environmental Safeguard, Policy Principle 7 Law on Environmental Protection (55/2014/QH13) Circular 43/2015/TT-BTNMT on environmental monitoring Decree 44/2016/NĐ-CP on industrial hygiene monitoring Law on Water Resources (17/2012/QH13) Decree 39/2016/NĐ-CP guiding the implementation of	As mentioned in <i>Item 1</i> above, the following five environmental performance monitoring programmes are required of the Project during the operational stage: <ul style="list-style-type: none"> • Surface water quality monitoring; • Domestic wastewater quality monitoring; • Electromagnetic field testing; • Solid waste generation recording (daily, including the types of solid wastes); and • Hazardous waste generation recording (quarterly). These are required to be conducted on a quarterly basis. The Project has completed its first round of operational-stage environmental performance monitoring (with the following monitoring programmes) in Q3 2019: <ul style="list-style-type: none"> • Surface water quality monitoring; 		As part of the recommendation under <i>Item 2</i> , DTE should incorporate monitoring and reporting related requirements into its ESMP to record and document the volume and types of solid (general and hazardous) wastes generated on-site in its quarterly environmental monitoring report to fulfil the relevant environmental monitoring related requirements. In addition, as mentioned under <i>Item 2</i> , the ESMP shall incorporate regulatory E&S monitoring and reporting related obligations, as well as ADB's E&S monitoring and reporting requirements, e.g., OHS data, grievance redress



REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
		the Law on Occupational Health and Safety	<ul style="list-style-type: none"> Domestic wastewater quality monitoring; and Electromagnetic field testing. <p>The Q3 2019 environmental monitoring reports were submitted to DoNRE of Tay Ninh Province. Based on a review of the environmental monitoring reports, no exceedances against their respective local regulatory standards were identified. However, it should be noted that the volume and types of solid (general and hazardous) wastes generated on-site were not recorded by the Project as part of its environmental monitoring requirements.</p> <p>In addition, during the construction stage of the Project, four rounds of environmental monitoring were conducted by the Project, i.e. Q3 and Q4 2018, and Q1 and Q2 2019. The construction-stage environmental monitoring programme only included the monitoring of surface water quality. No exceedances were identified based on the review of the monitoring reports prepared by the Project for submission to the local authority.</p> <p>The latest environmental monitoring reports were requested by IBIS, however, these documents were not made available to IBIS at the time of drafting this report.</p>		<p>records, consultation meeting summary and Corporate Social Responsibility (CSR) programmes to ensure the relevant compliance requirements are fulfilled by the Project.</p> <p>Make available latest environmental monitoring reports submitted to local authority.</p>



REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
6	Unanticipated Environmental Impacts				
	Where unanticipated environmental impacts become apparent during project implementation, the borrower/client will update the environmental assessment and EMP or prepare a new environmental assessment and EMP to assess the potential impacts, evaluate the alternatives, and outline mitigation measures and resources to address those impacts.	Environmental Safeguard, Policy Principle 7	The Project was constructed in line with the operations identified in its EIA. No significant unanticipated impacts were reported by the Project or identified by IBIS.		None identified.
7	Biodiversity Conservation and Sustainable Natural Resources Management				
	Do not implement project activities in areas of critical habitats, unless (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated. If a project is located within a legally protected area, implement additional programs to promote and enhance the conservation aims of the protected area. In an area of natural habitats, there must be no significant conversion or degradation, unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated. Use a precautionary approach to the use,	Environmental Safeguard, Policy Principle 8	Based on the information available, the entire Project area is situated with the area of Dau Tieng Reservoir under the management of Dau Tieng Reservoir Authority. The majority of the Project area is seasonally flooded and was previously used for informal agricultural purposes. In addition, areas around the Project site that are not inundated are generally used for agricultural purposes. The Reservoir was established in the early to mid-1980s. Based on information provided in the EIA, the Project area is not within any ecologically sensitive or biodiversity conservation area, and no ecologically significant species were identified in the area and is not known to support migratory birds, based on discussion with Dau Tieng Reservoir authorities (and is not a RAMSAR site). .		None identified.



REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
	development, and management of renewable natural resources.		According to a review of the Protected Planet Database ³ and the Integrated Biodiversity Assessment Tool (IBAT) ⁴ , two database managed by the United Nations Environment World Conservation Monitoring Centre, the Project is not situated in or adjacent to any natural conservation areas.		
8	Pollution Prevention and Abatement				
a	<p><i>Pollution Prevention, Resource Conservation</i></p> <p>Apply pollution prevention and control technologies and practices consistent with international good practices as reflected in internationally recognized standards such as the World Bank Group's Environmental, Health and Safety Guidelines. Adopt cleaner production processes and good energy efficiency practices. Avoid pollution, or, when avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges, including direct and indirect greenhouse gases emissions, waste generation, and release of hazardous materials from their production, transportation, handling, and storage. Avoid the use of hazardous materials subject to international bans or phaseouts.</p>	<p>Environmental Safeguard, Policy Principle 9</p> <p>Law on Environmental Protection (55/2014/QH13)</p> <p>Law on Water Resources (17/2012/QH13)</p> <p>Law on Chemicals (06/2007/QH12)</p> <p>Irrigation Law (08/2017/QH14)</p>	<p><u><i>Air Emissions</i></u></p> <p>Based on observations on-site, the only air emission source from the Project's operations is a back-up diesel-fuelled generator of the EPC office to provide electricity in the event of a power cut. No air emission permit for it is required under Vietnamese regulations for the operation of the back-up generator. The EIA of the Project did not require air emissions monitoring of the generator during the construction phase. Site Representatives reported that the generator is rarely operated, as power supply is relatively stable at the Project. During the operational phase, no back-up generators will reportedly be needed and the generators were intended to be removed during the operational phase. No other significant point sources of air emissions were identified.</p>		None identified.



³ <https://www.protectedplanet.net/>, accessed and reviewed by IBIS on 19 November 2019.

⁴ <https://www.ibat-alliance.org/>, accessed and reviewed by IBIS on 15 January 2020.

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
		Decree 38/2015/ND-CP on waste management	<u>Wastewater</u> The only sources of wastewater identified on-site is domestic and sanitary wastewater and solar panel washing.		
		Circular 36/2015/TT-BTNMT on hazardous waste management	The domestic and sanitary wastewater is first collected on-site in in-ground septic tanks and then treated in a wastewater treatment system (an in-ground sedimentation and aeration system) before being released into the ground via a soak-away sump.		
		Vietnamese technical regulations on environmental and discharge quality (QCVNs)	Wastewater generated from solar panel cleaning will be allowed to drain directly to land or the reservoir. Reportedly, no soap or cleaning reagents are used for solar panel cleaning. It is understood that solar panel cleaning will be undertaken by an automated system during the dry season twice annually. In the wet season, the flooding makes access difficult for the automated system and a manual system will be used for cleaning.		
		Decree 201/2013/ND-CP guiding the implementation of the Law on Water Resources, including the issuance of groundwater extraction, surface water extraction and wastewater discharge permits	<u>Stormwater Runoff</u> At the time of the site visit, no drainage system had been installed at the Project. Run-off from building roofs and hardstanding drains naturally along the contour of the ground surface towards the Reservoir, or infiltrates into the unpaved ground surfaces. No notable		
		Decree 67/2018/ND-CP guiding the implementation of the Irrigation Law			



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			<p>sources of potential stormwater runoff contamination were observed during the site visit.</p> <p>To facilitate the natural drainage, runoff drainage channels are constructed along and below the internal roads, which otherwise may obstruct natural drainage. This is consistent with commitments in the EIA.</p> <p><u>Water Supply</u> The Project uses bottled water for drinking and cooking.</p> <p>Water used for toilets, washing and cleaning at the Administration Compound is sourced from a groundwater well in the Administration Compound area and used without filtration or treatment.</p> <p>Fresh water for solar panel washing is sourced from two groundwater abstraction wells located within the Project site. The water is treated in a filtration system and stored in a storage tank close to the location of each well. A groundwater use permit (Permit no.: 607/GP-TCTL-PCTTr), dated 26 December 2019 with a validity of five years, has been obtained by the Project. Water use is monitored on-site through water meters. Groundwater use report will be available after DTE restructuring.</p>		



REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
			<p>No groundwater quality testing has been conducted by DTE since EIA preparation, and none is required by the approved EIA or its environmental monitoring obligations. However, according to the EIA, groundwater sampling and analysis were performed in 2017 during the EIA preparation process. As part of this, a groundwater sample was collected from a residential dug well 1,600 m southwest of the Project site, and analysis results indicated compliance with national standards. No other groundwater data is available. According to information provided in the EIA report, the maximum water supply required by the Project during its operational stage is 91 m³/day. Given the usage rate and the location of the Project, the potential to cause water competition between the Project and the nearby community is considered to be low.</p> <p><u>Electricity Supply</u> Electricity is supplied from the national grid. There is a back-up generator as discussed under <i>Air Emissions</i> above.</p>		

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
b	Wastes	<p>Environmental Safeguard, Policy Principle 9</p> <p>Decree 38/2015/ND-CP on waste management</p> <p>Circular 36/2015/TT-BTNMT on hazardous waste management</p>	<p>Based on IBIS' observations and information provided by Site Representatives, key waste streams from the Project include:</p> <ul style="list-style-type: none"> • Domestic waste generated from the canteen within the Administration Compound; • Office waste generated from the Administration Compound; • Damaged solar panels; and • Hazardous waste (i.e. waste transformer oil, lubricants, used fluorescent bulbs, used printer cartridges, empty paint tins from building maintenance) generated from operation and maintenance (O&M) and repair activities on-site anticipated in the future. <p>Non-hazardous waste (domestic and office waste) is collected onsite by a contractor (Thanh Tam Co. Ltd.) under a contract signed with the security contractor (319 Corporation).</p> <p>At the time this report was prepared, it was reported that some damaged solar panels had been generated at DT2 and these damaged solar panels were stored in the waste storage room and will be managed by the EPC contractor under the warranty of the product. The Project provided an extract from the warranty, and solar panels are guaranteed for 10 years for defects and 25 years for performance.</p>		<p>As part of the recommendation under <i>Item 2</i>, the Project should review and update the current draft Regulations on Waste Storage, as a solid waste management plan, to ensure that appropriate management of solid wastes is in place (including collection, storage, labelling and disposal/ recycle/ reuse).</p> <p>In addition, please refer to <i>Item 5</i> for solid waste and hazardous waste monitoring and reporting related recommendation.</p> <p>In addition, DTE should implement a contractor (solid waste) management program to ensure that the collected solid waste is collected, stored and disposed of in accordance with regulatory requirements as well as the contractor services agreements.</p>



REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
			<p>The composition of damaged solar panels has been tested against the standards stipulated in the National Technical Regulations on Hazardous Waste Classification (QCVN 07: 2009 / BTNMT) to demonstrate their benign nature as non-hazardous waste.</p> <p>A copy of the solar PV panel composition testing report issued by the Analysis and Environmental Centre and Quatest 3 dated 30 June 2020 was made available to IBIS for review. The composition test covered samples from the metal and polymer lining part and the solar PV panel. All parameters were below the standards stipulated in the relevant regulations for hazardous wastes eligibility. According to B. Grimm, the test report has been submitted to the authority for review and is currently pending the authority's reply.</p> <p>Given that some solid waste collection and disposal is carried out by the Project's contractors, it is recommended that the Project implements a contractor solid waste management program to ensure that the collected solid waste is collected and disposed of in accordance with the local regulatory requirements as well as the service agreements between DTE and its contractors.</p>		



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			<p>A copy of the waste disposal contract the Project has in place was reviewed with Tan Chau Service-Trade-Agriculture Cooperative, with reference to laws in Viet Nam including the Law on Environmental Protection 201 and associated guiding documents. Based on the solar panel guarantee period and their acceptance as non-hazardous waste it is unlikely that significant amounts of waste of this nature shall emanate from the Project prior to decommissioning at which time it is expected that a suitable recycling process will be accessible, failing which, they will be suitable for disposal to a non-hazardous waste landfill site.</p> <p>For hazardous waste, a hazardous waste storage area has been constructed at the administrative compound and shared between DT1 and DT2. The hazardous waste storage area is sheltered, secured (with restricted access), and equipped with spill prevention measures (i.e., a concrete bund). According to B. Grimm, no hazardous waste has been generated so far and no hazardous waste collectors have been engaged by the company currently.</p> <p>According to Site Representatives, the Project will contract a licenced hazardous waste vendor with a local</p>		



REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
			<p>presence to collect and dispose of the waste once hazardous waste is generated, and DTE has reviewed the hazardous waste collection capacities of various service providers.</p> <p>Depending on the volume of hazardous waste generated, the Project may be required to obtain a registration of hazardous waste generator from DoNRE. However, given the nature of the Project's operation understood by IBIS at this point, it is unlikely that the annual volume of hazardous waste will reach the limit of 600 kg/year triggering the need for such registration with DoNRE.</p> <p>In the EIA, the Project committed to monitoring domestic waste (weight and types, daily) and hazardous waste (weight and types, quarterly) during the operational phase. Based on documented information provided by B. Grimm, monitoring for domestic waste generation has been conducted, and a formal waste disposal agreement, dated 12 December 2019, has been established between a general waste disposal service provider and DTE.</p> <p>No burning or burial of solid waste was observed on-site, and none was reported by Site Representatives. However, during the site walkover, waste packaging materials and waste</p>		

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
			<p>food and beverage containers were seen discarded at various locations throughout the Project area. No waste receptacles were identified in areas where site personnel would frequent, operate, or be required to be stationed, e.g., security posts. Post-site visit, waste bins have been installed at designated locations across the Site, and housekeeping and waste collection at the Site have been completed based on photographic evidence and a waste bin location map subsequently provided to IBIS.</p> <p>As noted above, a Project-specific solid waste management plan has been drafted and will be adopted by DTE after its restructuring. However, based on a review of the draft Regulations on Waste Storage, the current draft document is considered to be too brief and does not provide sufficient guidance on waste identification, monitoring, storage and disposal.</p>		

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
c	<i>Hazardous Materials</i>	<p>Environmental Safeguard, Policy Principle 9</p> <p>Law on Chemicals (06/2007/QH12)</p> <p>Law on Occupational Health and Safety (84/2015/QH13)</p> <p>Decree 39/2016/ND-CP guiding the implementation of the Law on Occupational Health and Safety</p> <p>Decree 113/2017/ND-CP guiding the implementation of the Law on Chemicals</p> <p>Circular 32/2017/TT-BCT guiding the implementation of the Law on Chemicals and Decree 113/2017/ND-CP</p>	<p>The Project has not developed a hazardous materials management plan for its operations.</p> <p>The transformers are oil-filled and equipped with secondary containment. Reportedly, new and used transformer oils (from maintenance) will be temporarily stored on-site during transformer maintenance/oil change, and a storage room has been newly constructed with secondary containment for this purpose. It was empty at the time of the site visit by IBIS. Viet Nam ratified the Stockholm Convention in 2002 which includes a ban on the production and use of polychlorinated biphenyls (PCBs) which have historically been used in transformer oils, therefore the likelihood of PCBs being present at the Project is considered to be low.</p> <p>Except minimal volumes of diesel stored in small cans at the laydown areas of the EPC contractor at the time of the site visit, no other hazardous materials were observed or reported to be used or stored on-site. No flammable gases, such as propane, were identified on-site (cooking in the canteen is performed using an induction stove).</p> <p>As the Project is situated within Dau Tieng Reservoir catchment area, it is</p>		<p>Develop a hazardous materials management plan, as part of the ESMP (with reference to Vietnamese requirements and the WBG EHS Guidelines).</p> <p>Review and ensure that contractors operating at the Project site have adopted appropriate hazardous materials management plan(s).</p>



REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
			critical to ensure that hazardous material management is in full compliant with the regulatory requirements at all times and there is containment so as to prevent contamination of the Reservoir. This should also apply to the Project's contractors operating at the Project site.		
d	<i>Pesticide Use and Management</i>	<p>Environmental Safeguard, Policy Principle 9 Law on Chemicals (06/2007/QH12)</p> <p>Decree 113/2017/ND-CP guiding the implementation of the Law on Chemicals</p> <p>Circular 32/2017/TT-BCT guiding the implementation of the Law on Chemicals and Decree 113/2017/ND-CP</p>	<p>No pesticides or herbicides have reportedly been used on-site, and no signs of such were observed during the site visit (e.g. traps, treated areas, etc.). Site Representatives confirmed that the use of pesticides or herbicides would not be required for the operational phase of the Project. Vegetation will be cut manually or using machinery, e.g. trimmers.</p> <p>At this point, no issues were identified in relation to pesticide and herbicide use and management. However, as a best management practice, pesticide and herbicide use and management should be incorporated in the ESMP in case such use ever occurs given the sensitivity of Dau Tieng Reservoir.</p>		Incorporate the pesticide and herbicide use and management in the ESMP (including selection, storage, application and disposal of containers).

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
e	<i>Greenhouse Gas Emissions</i>	Environmental Safeguard, Policy Principle 9 Circular 47/2011/TTLT-BCT-BTNMT.	<p>During the operational phase of the Project, no combustion sources are expected to be present on-site, other than from road vehicles and outboard motors on small boats. Reportedly no back-up diesel generator is required on-site during the operational phase. Collectively, these GHG emissions are considered minimal.</p> <p>The Site has individual air conditioning units within the Administration Compound and the substation control room. Based on information available these are charged with R22. Viet Nam has ratified the Montreal Protocol. As such, the country has been implementing a road map on phasing out R22. However, this gas is still currently permissible for use in Viet Nam until 2030.</p> <p>No significant issues were identified in relation to GHG emissions.</p>		None at this point.
9	Health & Safety				
a	<p><i>Worker Health & Safety</i> Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease.</p> <p>Under the Social Protection Strategy, it recommends the project proponent to provide safe and healthy working environment for its employees as well as its contractors/ subcontractors and</p>	<p>Environmental Safeguard, Policy Principle 10</p> <p>Social Protection Strategy</p>	<p>Health and Safety</p> <p><u>General Management</u> A formal OHS Management System has not been established by the Project for the management of its OHS performance. Daily OHS matters on-site are currently managed by the Health, Safety and Environmental Officer of DTE who is overseen by the</p>		As part of the ESMP development, DTE should supplement its OHS Management Plan to ensure that potential OHS risks are assessed, and appropriate mitigation measures are identified and implemented in a programmatic and systematic manner. The OHS

comply with the national labour laws and take measures to comply with the core labour standards. The ADB SPS mandate that the identified OHS issues must be identified, assessed, and addressed in an EIA for proposed projects.

Chief Operating Officer of the Company. An additional EHS Officer has also been recruited specifically for DT2 to provide EHS support.

OHS related matters, including risk assessment of activities conducted on-site are managed through the Permit to Work (PTW) System developed by DTE, which includes the following components:

- Task Registration (a form which will document general information of tasks to be performed on-site);
- Task Checklist (a checklist developed for the provision of overall guidance regarding hazard identification and administrative requirements of the PTW System, such as fall hazards);
- Task Safety Risk Analysis (a form which will facilitate risk assessment discussions); and
- Work permit (including PTW within commissioning zones, hot work permit, electrical work permit and work at night and holiday work permit).

A Hazard Identification, Risk Assessment and Control Procedure, dated August 2020, has been drafted for DT2. The document follows the structure and approach suggested by the ADB SPS 2009 Item 10a for identifying and managing risks relating to occupational health and safety.

Management Plan should also include, but not limited to the development of the following OHS management procedures and/or documentation:

- Risk and Hazard Identification Register;
- Safe Work Procedures for major activities and high risk operations on-site;
- PPE Selection, Use and Maintenance Procedure;
- Incident and Accident Reporting and Investigation Procedure;
- OHS audit and inspection programmes (including for the transmission line); and
- OHS Training and Competency Management Procedure (this item can be included as part of the overall E&S Training and Competency Management Plan).

In addition, the Project should review and further update its Emergency Prevention and Response Plan to consider the following areas for improvement:

- The emergency prevention and response plan should clearly identify the location of the emergency assembly

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
			<p>Identification and monitoring of occupational hazards relevant to the operation of the Project have not been systematically carried out as yet but the framework for completing this review exists.</p> <p>In addition, no information regarding the Occupational Hazard Identification Register was made available to IBIS for review. This finding is considered as a non-compliance issue against the relevant Vietnamese regulatory requirements.</p> <p>Monitoring and reporting of OHS performance is currently conducted every six months through the submission of the statutory Labour Accident Report to the Department of Labour, Invalids and Social Affairs of Tay Ninh Province. Copies of the 2020 H1 and 2019 Labour Accident Reports were made available to IBIS for review, and the report reported no accidents. According to information provided by Site Representatives, no reportable accidents took place on-site since the commencement of its operation.</p> <p>In addition, DTE has not yet established a training and capacity management plan to ensure the Company and its contractors have the relevant capacity and competency to manage OHS matters on-site and to comply with</p>		<p>point within DT2 (and if appropriate, outside DT2);</p> <ul style="list-style-type: none"> It is highly recommended that a buddy system is available to the vulnerable, i.e., pregnant women and people with a disability, in the event of an emergency evacuation; and The emergency evacuation plan should also take into account the fact that the Project is operated on a 24 hour basis, 365 days of the year. <p>Provide an appropriate first aid facility on-site and corresponding emergency response/first aid provisions as required by law and in accordance with scenarios identified in the latest ERP tailored for the Project.</p> <p>In addition, the Project should ensure all management plans and procedures are translated into the language which can be easily understandable for all workers working on-site and establish a mechanism to ensure that all OHS regulatory</p>



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			<p>Vietnamese Labour Code 2012. A training matrix has not yet been prepared by DTE to identify its OHS training needs. However, it is noted that the newly hired HSE officer is expected to provide EHS related orientation and toolbox talks.</p> <p><u>Contractor OHS Performance Management</u></p> <p>Contractor OHS performance is currently managed through contractual obligations between DTE and its contractors. According to Site Representatives, compliance with relevant Vietnamese laws has been included as part of the contractual obligations of all contractors. No other mechanisms have been established or adopted by DTE for the management of contractors' OHS performance. For the substation of the Project (that will be managed by the Project), a standardised PTW system developed by EVN has been adopted by the contractor operating the substation, Da Nhim–Ham Thuan–Da Mi Hydro Power Joint Stock Company (DHD). The PTW system implemented within the substation covers maintenance and inspection related operations within the substation and all permits will require approval from the regional officer of EVN. According to information provided by a DHD representative, no other OHS procedures or management</p>		requirements have been fulfilled by the Project.



REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
			<p>plans have been developed by the company for the management of OHS aspects at the substation.</p> <p>A contractor, PowerChina, has been retained by DTE for the provision of O&M services to DT2. According to documentation made available to IBIS during the site visit, PowerChina has developed a H&S Management Plan which includes high-level H&S management strategies and mechanisms for the O&M activities carried out for DT2. The following OHS aspects are covered by the OHS Management Plan developed by PowerChina:</p> <ul style="list-style-type: none"> • HSE Policy of PowerChina; • Roles and responsibilities; • HSE training; • Inspections and audits; • HSE meetings; • Risk management; • Incident and accident investigation; • Emergency response; • PPE; • Safe work practices; • Logout/Tagout procedure; • Transportation safety; and • Fire prevention and firefighting. <p>In addition, to ensure workers' safety during operations conducted over water, the O&M contractor has developed a safe work procedure,</p>		

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
			<p><i>Method Statement for Work on the Water.</i> This requirements shall be extended to the transmission line as an associated facility and the H&S audit programme used to ensure adherence to this procedure. It is understood that the Project uses a PTW system for all transmission line maintenance activity. The PTW includes provisions to support that the teams deployed have undergone adequate training to carry out the maintenance activity in line with the OHS requirements of the Vietnamese labour laws. Where specialist third party contractors are used to address particular issues these are also subject to the PTW system and the activities undergo the same risk assessment prior to commencing work.</p> <p><i>Life & Fire Safety</i> <u>Emergency Preparedness and Response</u> An Emergency Prevention and Response Plan, dated August 2020, has been drafted for DT2 and is broadly satisfactory if implemented sufficiently (with notes below on recommendations for improvement). The plan is expected to be formalized and implemented when B. Grimm officially takes ownership of DT2, in the name of DTE. The Emergency Prevention and Response Plan covers the following aspects:</p>		

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
			<ul style="list-style-type: none"> • Roles and responsibilities within DT2 for the management of emergencies; • Emergency scenarios and response measures; and • Emergency contacts, including emergency response team members' phone numbers. <p>Based on a review of the current draft Emergency Prevention and Response Plan, there are a number of areas for improvement to be considered:</p> <ul style="list-style-type: none"> • The emergency prevention and response plan should clearly identify the location of the emergency assembly point within DT2 (and if appropriate, outside DT2); • It is highly recommended that a buddy system is available to the vulnerable, i.e., pregnant women and people with a disability, in the event of an emergency evacuation; and • The emergency evacuation plan should also take into account the fact that the Project is operated on a 24- hour basis, 365 days of the year. <p>At the time that this report was prepared, emergency response was understood to be mainly managed by the O&M contractor through the contractor's ERPs, i.e., <i>Emergency</i></p>		



REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
			<p><i>Response Plan for Operation and Maintenance and Emergency Response Plan for Solar PV Panel Fire Event.</i> The following emergency scenarios have been identified and covered in the aforementioned ERPs:</p> <ul style="list-style-type: none"> • Medical emergency; • Hazardous material spill; • Natural disasters (including flooding, typhoon and strong wind event); and • Fire prevention and fire event. <p>Apart from the ERP developed by the O&M contractor, a "Notification and Call-out Procedure" has been developed by DTE to provide general guidance to on-site personnel during emergencies, i.e., an emergency response flow chart and emergency numbers.</p> <p>A new ERP is currently under development by DTE and will be implemented after the restructuring of the Project. A work in progress version of the ERP was made available to IBIS for review, and the following emergency scenarios were covered in the document:</p> <ul style="list-style-type: none"> • Occupational accident and illness; • Fire and explosion; • Chemical spill and waste spill; • Natural disaster; and • Epidemic. 		

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
			<p>In addition to the ERPs, Emergency Evacuation Plans for both the Administration Compound and the substation have been developed by DTE. However, based on an interview with Site Representatives and a review of the plans, there is a lack of communication regarding procedures to be followed during emergencies within DTE. Additionally, an inappropriate assembly point was indicated on the Emergency Evacuation Plan of the substation: an assembly point is currently located next to a substation transformer, which can be considered as a potential safety hazard during an emergency.</p> <p><u>First Aid</u> A total of 28 DTE staff and key contractor staff attended a basic first aid training on 16 October 2020. According to the Emergency Prevention and Response Plan, a first aid kit is provided by DTE containing 27 items as prescribed in Circular 19/2016 / TT-BYT of the Ministry of Health.</p> <p>According to Site Representatives, the nearest medical centre is approximately 15-20 minutes' drive from the Project site. During the operational phase of the Project, the site will be serviced by the local ambulance service (20 to 30 minutes from the Site). As an</p>		



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			<p>alternative, a passenger vehicle is available at all times when needed to bring the injured to a medical facility.</p> <p>Currently, the Project site does not store or keep any anti-venom antidote or snake-bite kits for use in a snake-bite event. Although Site Representatives reported no poisonous snakes were known to be present in the Project site, the provision of a snake-bite kit is strongly recommended particularly during the grass cutting operation at the Project site, although it is not legally required.</p> <p><u>Fire Safety</u> A firefighting team of 20 personnel has been established by DTE to provide emergency response support during fire events. The firefighting team is led by the HSE officer of DTE and consists of two groups of people with representatives from both DTE and its contractors. In addition, a firefighting plan has been prepared by DTE and made available to IBIS for review during the site visit. The firefighting plan has been approved by the local fire department.</p> <p>An automatic fire alarm system has been installed at the Administration Compound, the substation and platforms within DT2 (platform hosting inverters and transformers). The</p>		





following firefighting equipment and system have been installed within DT2:

Administration compound:

- Powder type portable fire extinguishers;
- Carbon dioxide (CO₂) portable fire extinguishers; and
- Wheeled CO₂ fire extinguishers.

Substation:

- Automatic water mist firefighting system for two substation transformers;
- Powder type portable fire extinguishers;
- CO₂ portable fire extinguishers; and
- Wheeled CO₂ fire extinguishers

Platform (inverters and transformers within the solar powerplant):

- Automatic powder fire extinguishers (three extinguishers for each platform); and
- Wheeled CO₂ fire extinguishers (three extinguishers for each platform).

In addition, DT2 (and DT1) have been equipped with a Supervisory Control and Data Acquisition (SCADA) system (a control system which is designed to collect real time operation data from the power plant). According to Site Representatives, the SCADA system will be able to alert O&M staff if solar panels are on fire.

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
			<p>According to Site Representatives, fire extinguishers on-site were inspected on a monthly basis. The fire alarm system installed for the Project and the automatic firefighting system installed for the substation will be inspected on an annual basis.</p> <p>Reportedly, the last fire drill was conducted on-site on 25 September 2020. The local fire department also participated the fire drill as part of the regulatory inspection. According to the fire drill meeting minutes, the recommendations derived from the fire drill included undertaking fire drills regularly and seriously and involving the support fire response team regularly. No material concerns were identified in relation to the fire drill.</p>		
B	<i>Community Health & Safety</i> Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize, adverse impacts and risks to the health and safety of local communities.	Environmental Safeguard, Policy Principle 10 <i>Decree No. 102/2017/ND-CP</i> on registration of security measures	<p>The Project site is mainly surrounded by agricultural land and Dau Tieng Reservoir. Agricultural land is located along the Project's western boundary.</p> <p>Although the Site is located at a relatively remote location, the Site may give rise to some community H&S issues due to the use of the access road by the general public. To date, this has not been considered by the Project.</p> <p>Given the context and observations on-site, considerations for community H&S emergency response should be</p>		<p>As part of the Emergency Prevention and Response Plan, which is expected to be formalised and implemented in January 2021, the Project should include community H&S preparedness and response related measures and communicate the relevant information to the community and relevant government authorities as appropriate.</p> <p>DTE should implement the code of conduct for its security force and ensure that</p>



REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
			<p>incorporated into the draft Emergency Prevention and Response Plan to provide preparedness and response measures for possible community H&S issues due to the operation of the Project. This should include identifying points of community contact to engage with in the event of an emergency or other incident e.g., a fire.</p> <p><u>Security</u> Security at the Project is subcontracted to a third party security service provider. Security personnel in Viet Nam are required to undergo mandatory training and to be registered as security personnel under <i>Decree No. 102/2017/ND-CP</i> on registration of security measures. No firearms are used or kept on-site by the security personnel.</p> <p>A security code of conduct has been drafted and is pending finalisation and implementation after the DTE restructuring. A work in progress version of the document was provided to IBIS for review. Based on the document provided to IBIS, the security</p>		all security personnel adhere to the code of conduct.

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
			code of conduct covers the following aspects: <ul style="list-style-type: none"> • Roles and responsibilities of security personnel; • Equipment for security personnel; and • Security control related rules for employees, visitors and contractors. 		
10	Physical Cultural Resources				
	Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment. Provide for the use of "chance find" procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation.	Environmental Safeguard, Policy Principle 11 Law on Cultural Heritages (28/2001/QH10) and Amendment (32/2009/QH12)	<p>The Project site is situated in a seasonally flooded area historically used for agricultural purposes. No physical cultural structures were identified within the Project area, and none was reported by Site Representatives or local residents.</p> <p>Based on a review on readily available historical aerial imagery going back to November 2017 (prior to development of the Site), there did not appear to be any obvious large features of tangible cultural heritage. At this stage, impacts on physical cultural resources are not considered to be an issue.</p>		None required.

Table 3-2 Labour and Working Conditions

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
1	Child Labour				
	Appropriate steps should be taken to ensure that procurement of goods and services, contractors, subcontractors, and consultants, comply with the country's labour legislation as well as with the Core Labor Standards. The Core Labour Standards consist of (a) freedom of association and the effective recognition of the right to collective bargaining, (b) the abolition of all forms of forced or compulsory labour, (c) effective abolition of child labour, and (d) elimination of discrimination in respect of employment and occupation.	ADB's Social Protection Strategy (2001)	<p>Viet Nam has ratified ILO conventions, including <i>Minimum Age Convention, 1973 (No. 138)</i> and <i>Worst Forms of Child Labour Convention, 1999 (No. 182)</i>.</p> <p>According to information provided by Site Representatives, a Child Labour Policy has not yet been established by DTE, however, relevant regulatory requirements have been followed by the Company during recruitment. In addition, the same regulatory requirements have been imposed by DTE on its contractors through compliance-related contractual obligations. Whilst no explicit age requirements have been formally established by DTE for its contractors, the O&M contractor has developed a Child Labour Policy as part of its OHS Management Plan and indicated its commitment to fulfil the relevant regulatory prohibitions against the employment of minors.</p> <p>Detailed date of birth related information for employees employed by DTE, the O&M contractor, substation operation contractor, and EPC contractor were made available to IBIS for review. IBIS identified no employees under the age of 18</p>		<p>DTE should establish a more comprehensive HR policy/ system based on its existing documentation to ensure that the following components are covered:</p> <ul style="list-style-type: none"> • Detailed labour and working conditions; • Equal remuneration for equal work; and • No child and forced labour. <p>In addition, DTE should implement a contractor management plan which includes a mechanism to ensure that contractor workers are paid fairly (including any overtime) and on-time, have the right to join a union freely and that the company HR policy is adhered to.</p>

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
			<p>years old at the time of signing their employment contract.</p> <p>Given that the majority of O&M and security related activities are performed by the Project's contractors, it is recommended that a contractor management plan is put in place for manpower management.</p>		
2	Forced Labour				
	Appropriate steps should be taken to ensure that procurement of goods and services, contractors, subcontractors, and consultants, comply with the country's labour legislation as well as with the Core Labor Standards. The Core Labour Standards consist of (a) freedom of association and the effective recognition of the right to collective bargaining, (b) the abolition of all forms of forced or compulsory labour, (c) effective abolition of child labour, and (d) elimination of discrimination in respect of employment and occupation.	ADB's Social Protection Strategy (2001)	During the Site visit, no observations of the potential use of forced labour were noted. Additionally, Viet Nam has not yet ratified <i>ILO convention C105 – Abolition of Forced Labour Convention, 1957</i> . Force labour related requirements are currently managed through compliance related contractual obligations during the engagement of contractors.		See above.
3	Payment of Wages				
	Appropriate steps should be taken to ensure that procurement of goods and services, contractors, subcontractors, and consultants, comply with the country's labour legislation as well as with the Core Labor Standards. The Core Labour Standards consist of (a) freedom of association and the effective recognition of the right to collective bargaining, (b) the	Social Protection Strategy (2001)	<p>All direct employees reportedly have contracts with DTE, and contractor workers have contracts with the relevant contractors.</p> <p>DTE has drafted its "<i>Regulations of Bonuses, Wages and Regimes for Employees</i>" and "<i>Company Policies on Welfare and Internal</i></p>		See above.

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
	abolition of all forms of forced or compulsory labour, (c) effective abolition of child labour, and (d) elimination of discrimination in respect of employment and occupation.		<p><i>Expenditure</i>", which detail DTE's requirements regarding payment of wages and staff benefits. These documents are currently under review and, reportedly, are expected to be approved by the Board of Director by the end of November 2019. These two documents include information relating to employment such as wages (including overtime calculations), leave, benefits etc. Reportedly, employees' wages are currently paid in arrears on the 8 to 10 calendar day in the following calendar month. In addition, the "<i>Regulation of Bonuses, Wages and Regimes for Employees</i>" explicitly states that employees must be paid above minimum wage issued by the National Wage Council of Viet Nam and employees under probation will be paid at least 85% of the salary of their positions. No issues of wage payment have been reported by Site Representatives interviewed by IBIS.</p> <p>Site Representatives reported that payments of compulsory social insurance for employees are made in accordance with regulatory requirements. In addition, a separate private commercial healthcare insurance policy has been purchased by DTE with the same coverage level for all employees.</p>		

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
			A mechanism to oversee the working conditions agreed between contractors and their employees has not been established by DTE. Given the involvement of contractors during the operation of the Project, it is recommended that a process is put in place to ensure that contractor workers have appropriate terms in place and there is a process to confirm that wages are being paid to contractor workers appropriately (including overtime) and contributions e.g., social insurance, are being made as required.		
4	Working Hours and Overtime				
	Appropriate steps should be taken to ensure that procurement of goods and services, contractors, subcontractors, and consultants, comply with the country's labour legislation as well as with the Core Labor Standards. The Core Labour Standards consist of (a) freedom of association and the effective recognition of the right to collective bargaining, (b) the abolition of all forms of forced or compulsory labour, (c) effective abolition of child labour, and (d) elimination of discrimination in respect of employment and occupation.	Social Protection Strategy (2001)	<p>As mentioned above, DT1 and DT2 operate on a 24-hour basis on a two-shift pattern, except for the administrative staff. Shift patterns for different operations are summarised as below:</p> <p>Administrative staff:</p> <ul style="list-style-type: none"> Monday – Friday: 08:00 to 17:00 hrs (including a one hour lunch break); and Saturday: 08:00 – 12:00 hrs. <p>Security, O&M (Contractor Staff):</p> <ul style="list-style-type: none"> Day shift: 06:00 to 18:00 hrs; and Night shift: 18:00 to 06:00 hrs. 		See above.

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
			<p>As mentioned above, the “<i>Regulations of Bonuses, Wages and Regimes for Employees</i>” is currently pending approval by the Board of Directors of DTE, and the overtime payment related requirements will only be able to be communicated with employees after the approval of the Company regulations.</p> <p>As noted above, a mechanism to oversee working hours and overtime of contractors’ employees have not been established by DTE. Given the involvement of contractors during the operation of the Project, it is recommended that there a process is put in place to ensure that contract workers’ working hours and overtime is under the supervision of DTE (and that payment is made).</p>		
5	Non-Discrimination and Equal Opportunity				
	Appropriate steps should be taken to ensure that procurement of goods and services, contractors, subcontractors, and consultants, comply with the country’s labour legislation as well as with the Core Labor Standards. The Core Labour Standards consist of (a) freedom of association and the effective recognition of the right to collective bargaining, (b) the abolition of all forms of forced or compulsory labour, (c) effective abolition of child labour, and (d) elimination of	Social Protection Strategy (2001)	Whilst the Company has not developed any formal non-discrimination policy, it is noted that Viet Nam has ratified the ILO <i>Convention relating to Non-Discrimination (C111) and Equal Remuneration (C100)</i> and DTE has developed an Anti-sexual Harassment Policy for DT2. Site Representatives of DTE indicated there were no issues in relation to this topic.		None identified.



discrimination in respect of employment and occupation.

According to information provided by Site Representatives, DTE, after restructuring will employ 15 people. A document, entitled, *Measures for the Implementation of Gender Balance for Dau Tieng Tay Ninh Energy JSC*, dated 31 August 2020, was provided for review. The company requires “fairness, transparency, no gender discrimination, no discrimination in the process of recruiting and working at the company”. The document further stated gender targets of the company, and one of the targets was to maintain the ratio of female and male staff from 40 to 60% in the period between 2020 and 2025.

Please see section 9 for disaggregated staffing levels by gender.

No issues regarding non-discrimination and equal opportunity were reported by Site Representatives. No evidence of issues regarding discrimination have been identified based on the information available. However, it is noted that non-discrimination and equal remuneration or equal opportunities are not explicitly mentioned in DTE’s company requirements.

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
			<p>A draft internal GRM for workers on-site has been developed and is pending implementation after DTE restructuring. Such mechanism is therefore expected to be communicated and made accessible to employees of the Project shortly after DTE restructuring.</p> <p>IBIS considers that the workplaces policies and legal framework in Vietnam give an acceptable level of protections for workers in areas noted in the reference framework and therefore considers there to be no gap.</p>		
6	Freedom of Association				
	Appropriate steps should be taken to ensure that procurement of goods and services, contractors, subcontractors, and consultants, comply with the country's labour legislation as well as with the Core Labor Standards. The Core Labour Standards consist of (a) freedom of association and the effective recognition of the right to collective bargaining, (b) the abolition of all forms of forced or compulsory labour, (c) effective abolition of child labour, and (d) elimination of discrimination in respect of employment and occupation.	Social Protection Strategy (2001)	It is understood from discussions on-site that a workers' union has been established by DTE as part of the regulatory requirements in Viet Nam, and currently the union is under the management of the HR Manager of the Company. It is noted that Viet Nam has not yet ratified the ILO convention <i>C087 Freedom of Association and Protection of Right to Organise Convention</i> , 1948 (No. 87); however, requirements regarding the establishment of a trade union and collective bargaining are included in Viet Nam's Labour Code.		None required at this stage.

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
8	Supply Chain Management				
	Appropriate steps should be taken to ensure that procurement of goods and services, contractors, subcontractors, and consultants, comply with the country's labour legislation as well as with the Core Labor Standards. The Core Labour Standards consist of (a) freedom of association and the effective recognition of the right to collective bargaining, (b) the abolition of all forms of forced or compulsory labour, (c) effective abolition of child labour, and (d) elimination of discrimination in respect of employment and occupation.	Social Protection Strategy (2001)	Due to the nature of its operations, the Project is exposed to relatively limited supply chain risks during its operational phase. However, as mentioned above, given contractors' extensive involvement for the operation of the Project, a contractor management plan should be developed by DTE to manage contractors' social and environmental performance.		See contractor management plan related requirement under <i>Item 1</i> above.
9	Gender				
	<p>The policy recognises the need to improve the status of women and to promote their potential role in development practices. The strategy of the policy is based on the consideration of social justice and gender equity that investment in women is vital to achieving economic efficiency and growth. The key elements of the policy relates to the following:</p> <p><i>Gender Sensitivity:</i> Focuses on how the operations of the project proponent will affect women and men, and to take into account women's needs and perspectives in planning its operations.</p> <p><i>Gender Analysis:</i> Focuses on the systematic assessment of the impact of a project on men and women, and on the</p>	Gender and Development Policy (1998).	<p>As noted above, gender-related measures have been drafted in <i>Measures for the Implementation of Gender Balance for Dau Tieng Tay Ninh Energy JSC</i> to promote non-gender-based discrimination and to set gender-related targets.</p> <p>According to the information provided by Site Representatives, an anti-sexual harassment policy has been drafted by DTE for DT2 and an internal grievance redress mechanism has also been drafted to provide access for reporting sexual harassment related incidents, if any. These draft documents are pending finalization and adoption after DTE's restructuring.</p>		Adopt and implement an anti-sexual harassment policy including the internal grievance redress mechanism and relevant training.



REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION																														
	<p>economic and social relationship between them.</p> <p><i>Gender Planning:</i> Focuses on specific strategies that aim to bring about equal opportunities for men and women.</p> <p><i>Gender Mainstreaming:</i> Focuses on the consideration of gender issues in all aspects of the project proponent's operations, accompanied by efforts to encourage women's participation in the decision-making process in development activities.</p> <p><i>Agenda Setting:</i> Focuses on the formulation of strategies to reduce gender disparities and in developing plans and targets for women's and girls' education, health, legal rights, employment, and income-earning opportunities.</p>		<p>Disaggregated staffing data by gender is provided in the table below.</p> <table><tr><th>CONTINUT</th><th>MALE</th><th>FEMALE</th></tr><tr><td>Board Directors :</td><td>03: Mr.ToDung; Mr.Thu; Mr.Peradach</td><td>02: Mrs.Preeyanart; Ms.Sirwong</td></tr><tr><td>Senior Management team</td><td>04: Mr. Hoai Anh; Mr. Sukit; Mr.Son and Mr.Minh</td><td></td></tr><tr><td>Professional Technical team (incl engineers)</td><td>06: Mr.Cuong; Mr.Van Anh; Mr. Thuan; Mr. Tien; Mr.Tam; Mr.Thinh</td><td>01: Ms.Loan</td></tr><tr><td>Non-technical Professionals</td><td>01: Mr.Huynh</td><td>04: Ms. Diem; Ms. Tram; Ms.Ngan; Ms.Hanh</td></tr><tr><td>Junior office workers</td><td></td><td>02: Ms.Phuong; Ms.Oanh</td></tr><tr><td>PV cleaner</td><td>~90</td><td>~10</td></tr><tr><td>Grass cutter</td><td>2</td><td>0</td></tr><tr><td>Guard and other junior project site workers</td><td>60</td><td>0</td></tr><tr><td>Total</td><td>166</td><td>19</td></tr></table> <p>Currently, there is no specific professional development programme run by the Project however it intends to implement a plan to address this with support from a third party including the following gender-specific targets (currently in draft form):</p> <ul style="list-style-type: none">• Internship program implemented with at least 50% of internships offered to women by Q4 2023;	CONTINUT	MALE	FEMALE	Board Directors :	03: Mr.ToDung; Mr.Thu; Mr.Peradach	02: Mrs.Preeyanart; Ms.Sirwong	Senior Management team	04: Mr. Hoai Anh; Mr. Sukit; Mr.Son and Mr.Minh		Professional Technical team (incl engineers)	06: Mr.Cuong; Mr.Van Anh; Mr. Thuan; Mr. Tien; Mr.Tam; Mr.Thinh	01: Ms.Loan	Non-technical Professionals	01: Mr.Huynh	04: Ms. Diem; Ms. Tram; Ms.Ngan; Ms.Hanh	Junior office workers		02: Ms.Phuong; Ms.Oanh	PV cleaner	~90	~10	Grass cutter	2	0	Guard and other junior project site workers	60	0	Total	166	19		
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REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
			<ul style="list-style-type: none"> At least 50% of jobs in grass cutting are held by women by 2024; Code of conduct on anti-sexual harassment endorsed and implemented by DTE by 2022; At least 80% of staff trained on the code of conduct on anti-sexual harassment by 2023; and Number of jobs provided to women by DTE and its contractors increased to at least 3 in a technical or supervisory role by 2025. <p>The company also plans to develop the following as part of its HR policies by no later than Q3 2021:</p> <ul style="list-style-type: none"> Written leadership commitment to gender equality and gender diversity/inclusion within the company; Equal employment and non-discrimination Equal compensation policy; Professional development and promotion; Flexible work arrangements; Care support arrangements e.g. childcare; Health and safety, e.g. health and safety protocols include reference to health, safety and hygiene needs of women; and 		

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
			<ul style="list-style-type: none"> Provision for parental leave <p>Reportedly these items were cited in its submission to the labour office of Tay Ninh province. It also plans to include gender sensitisation training as part of this plan by Q3 2021.</p>		

3.2 ADB SPS INVOLUNTARY RESETTLEMENT SAFEGUARDS

The ADB Involuntary Resettlement Safeguards are triggered for this Project. According to Paragraph 5 of the ADB Safeguard Requirements 2: Involuntary Resettlement, the involuntary resettlement requirements apply to physical displacement resulting from involuntary acquisition of land or involuntary restrictions on land use or on access to legally designated parks and protected areas. Resettlement is considered involuntary when displaced individuals or communities do not have the right to refuse land acquisition that results in displacement. In the case of this Project, the Project site is situated on state-owned land and is legally under the management of Dau Tieng Reservoir Authority. No legally recognised private landowners were reported by Site Representatives, and none was reported by Dau Tieng Reservoir Authority. However, informal land users were found to have been using the state-owned land mainly for agricultural purposes and for residential purposes in the case of one household (with two family members). Agricultural production within the Project site included mainly cassava and, to a limited extent, sugar apples and sugarcane. Based on information collected during this Audit, a total of 88 households (about 352 persons), of which 7 affected households (about 28 persons) were assessed to have lost 10% or more of their income sources. There were 73 households (about 292 people) directly affected by the Project through land use right resumption for the development DT2 solar farm. With respect to other project facilities, 14 AHs (about 56 people) were impacted by land acquisition along the transmission line, and one AH with approximately 4 household members for the 300m access road. Also see the Land Acquisition Process Document in Annex E of this report.

Table 3-3 Safeguard Requirements 2: Involuntary Resettlement

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
1 Screening					
	Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender	Involuntary Resettlement, Policy Principle 1	Prior to the resumption of land rights (and prior to any involvement by ADB) by the government and thereafter transfer to the Project/company, the land was used for agricultural purposes, mostly plantation for single cropping of cassava by informal land users. As such, the Project has identified 73 AHs (approximately 292 people) that		Further assessment of any vulnerabilities as a result of the Project land take should be undertaken and a Livelihood Restoration Plan (LRP) that is proportionate to the extent/severity of impact



REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
	analysis, specifically related to resettlement impacts and risks		<p>were economically displaced by the construction and operation of DT2. In addition, a single AH was been physically displaced (from a temporary dwelling used seasonally to guard crops). As noted above the AHs were identified as using the land without title for the cultivation of cassava for the periods of the year where the site is not inundated (approximately 6 months of the year). The process of informal land use right resumption was undertaken by Xuan Cau, in collaboration with LFDC and the respective communes. Compensation was determined via a process of self-declaration in August 2018 and verified by local government officials. Payment was completed in December 2020.</p> <p>Also see the Land Acquisition Process Document in Annex E of this report</p>		<p>should be prepared and implemented, especially for significantly affected, poor and vulnerable households. The LRP will be prepared and implemented for the benefit of affected/vulnerable willing/suitable families. It will build on the livelihood support already provided to the affected households to further address any long-term impact of land and livelihood losses. The LRP will include assessment of the socio-economic condition of the affected households and the provision of opportunities for skills building and alternative livelihood to ensure the restoration of livelihood status to at least pre-Project level.</p>
2 Consultation and Participation					
	Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially	Involuntary Resettlement, Policy Principle 2	<p>According to information provided by Project Representatives, at least 20 sessions of community and AH consultation were held in the two communes as well as at the Project site (including general meetings with AHs, group discussions with AHs and individual meetings with AHs). All consultations were free-of-charge and conducted in Vietnamese. None of the AHs interviewed by IBIS expressed any grievance or concern over the information disclosure, consultation and participation process. Also see <i>Section 4.5 Grievance Redress Mechanism</i> of the</p>		<p>See item 1, above.</p> <p>The LRP will include provisions on the conduct of stakeholder engagement to affected households and users of land along the transmission line. A project-level grievance redress mechanism for affected households will be established through the LRP.</p>



REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
	those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.		Land Acquisition Process Document. Under local regulations, grievances are to be lodged by the complainant and managed by the district-level People's Committee. If required, the complainant can escalate his/her case to the PPC under the Vietnamese regulatory LA framework, in terms of grievance management. In relation to the development of the Project, according to information provided by representatives of THC and SDC, a total of 12 AHs had reportedly filed formal complaints to the local authority in relation to the land use right certificate (10 cases) and the compensation process (2 cases). As of 15 December 2020, all the above cases had been fully resolved. No pending complaints or legal cases were reported. <i>Also see the Land Acquisition Process Document</i>		
3 Livelihood Restoration					
	Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through	Involuntary Resettlement, Policy Principle 3	No social baseline study or survey was conducted prior to resumption of land use rights from informal land users of the Project site and is not legally required in Viet Nam. No formal Resettlement Action Plan or Livelihood Restoration Plan in line with international standards has been developed to-date by the Project or by the local communes. It is worth noting that some financial support has been made to several AHs, albeit the efficacy is still to be determined through a process of evaluation undertaken as part of an LRP. No information was available on LR of the AHs from the Project during the site visit and at the time of this report preparation, as no monitoring or evaluation has been conducted by the Project in terms of social impact assessment and LR. No		See item 1, above.



REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
	benefit sharing schemes where possible.		provisions have been allocated to facilitate such monitoring and evaluation. <i>Also see the Land Acquisition Process Document in Annex E</i>		
4 Assistance					
	Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.	Involuntary Resettlement, Policy Principle 4	A single AH was physically displaced from within the footprint of the DT2 Project. It is understood that a temporary structure was used seasonally for guarding of crops given the seasonal flooding of the land (rather than this being a permanent place of residence). This was a structure of <30m ² . Relocation was to a 150m ² plot of land provided by the commune of SDC. A 48m ² dwelling was constructed with assistance from Xuan Cau (VND 40m). Discussions with the displaced household during the site visit determined that they are pleased with the improvements in their living standards brought about by the resettlement process and considered themselves to have been well compensated for the inconvenience. Compensation for loss of land was paid at the prevailing rate as determined by the land classification (Class III) and the availability of land (period of inundation). Compensation for loss of crops was paid at 100% of the market value as well as an additional incentive of VND25m per Ha to encourage the timely removal of crops / harvest, essentially compensating above market rate. The main crop produced on the land is cassava believed to have a market rate of around VND 40m / ha. The entitlements for this crop set out by government in Decision No. 62/2015/QĐ-UBND dated 29th December 2015 is VND 30m / Ha however the combination of the market rate		See item 1, above.



REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
			and the incentive offered set compensation at 37.5% higher than the market value. <i>Also see the Land Acquisition Process Document in Annex E.</i>		
5 Vulnerable Groups					
	Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.	Involuntary Resettlement, Policy Principle 5	No evidence was identified to indicate that the informal land use right resumption process for DT2 took into consideration factors concerning vulnerable groups, such as the elderly, the poor, and/or those who had lost significant informal or formal landholding as a result of the Project. Based on the information available from SDC, it is estimated that no more than seven AHs surrendered more than 10% of their total (temporary) land area used as a result of the Project. The households of 19 land users are living below the poverty line. No land user belongs to a household with disabled or mentally impaired member. The number land users belonging to women-headed household is not known. <i>Also see the Land Acquisition Process Document in Annex E</i>		See item 1, above.
6 Negotiated Settlement					
	Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same	Involuntary Resettlement, Policy Principle 6	Not applicable. The standards applied are set out in Vietnamese Law however the process allowed for self-declaration of assets, verified by government agencies. <i>Also see the Land Acquisition Process Document in Annex E</i>		See item 1, above.

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
	or better income and livelihood status.				
7 Land Rights					
	Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of nonland assets.	Involuntary Resettlement, Policy Principle 7	<p>As a result of the Project development, the informal land use rights were resumed from a total of 73 households through a land use right resumption process resulting in economic displacement of 73 AHs and the physical displacement of one AH (who was also considered to be economically displaced). Whilst DTE was under no legal obligation to do so, (since the majority of land occupied by the Project was situated on state-owned land), the Project nonetheless undertook an informal land use rights resumption process that included compensation. This was undertaken in collaboration with the relevant government authorities and provided financial compensation to affected informal land users located within the boundary of DT2. It should be noted that the process of informal land use right resumption for DT2 was led by Xuan Cau, prior to the establishment of DTE, and land use right acquisition for the TL and transmission towers and financial compensation associated with the expansion of the 300m public access road were led by DTE.</p> <p><i>Also see the Land Acquisition Process Document in Annex E</i></p>		
8 Resettlement Plan					
	Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy,	Involuntary Resettlement,	As noted above, the process for obtaining land rights was undertaken (and prior to any involvement by ADB) by the government and		The Project should develop a LRP with a focus on those who were significantly affected by the Project and the vulnerable,



REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
	institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.	Policy Principle 8	<p>thereafter transfer to the Project/company to align with Vietnamese requirements.</p> <p>No LRP has been developed, particularly for those who were severely affected and the vulnerable.</p> <p>Although some livelihood restoration related financial support was identified to have been made to selected AHs, it is not clear whether this support was sufficient and effective.</p> <p>The number of AHs for DT2 is 73 and there is around 292 individuals within these AHs.</p> <p><i>Also see the Land Acquisition Process Document in Annex E</i></p>		<p>including the poor and the elderly.</p> <p><i>Note: Where appropriate, the LRP can be designed in conjunction with the Project's Corporate Social Responsibility program, which may include seasonal employment opportunities for the vulnerable and community initiatives, such as vocational training, but with an explicit focus on targeting and including those vulnerable AHs impacted by LA. The LRP shall be made available to all economically displaced informal land users. Poor and vulnerable households shall be prioritised.</i></p>
9 Disclosure					
	Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.	Involuntary Resettlement, Policy Principle 9	<p>As the resettlement process and eligible compensation is grounded in Vietnamese Law, information relating to rates of compensation is publicly available. Compensation plans were publicly displayed and for comment and feedback during the process between July and August 2018.</p> <p><i>Also see the Land Acquisition Process Document in Annex E</i></p>		

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
10 Involuntary Resettlement					
	Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.	Safeguard Requirement 2: Involuntary Resettlement, section 10	Please note commentary under Item 4 "Assistance" <i>Also see the Land Acquisition Process Document in Annex E</i>		
11 Implementation					
	Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	Safeguard Requirement 2: Involuntary Resettlement, section 11	Payments have been completed as of December 2020. Confirmation of their suitability in order to achieve the required outcomes under this safeguard requirement will be established in the development of the LRP. <i>Also see the Land Acquisition Process Document in Annex E</i>		See item 1, above.
12 Monitoring and Reporting					
	Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.	Safeguard Requirement 2: Involuntary Resettlement, section 12	Not completed. <i>Also see the Land Acquisition Process Document in Annex E</i>		See item 1, above. The LRP will include monitoring and reporting of livelihood restoration activities and will be reported to ADB and disclosed on the ADB website.

3.3 ADB SPS INDIGENOUS PEOPLES SAFEGUARDS

Based on the information available, it is considered that the Indigenous Peoples Safeguards are not triggered for this Project. According to Paragraph 9 of the ADB Safeguard Requirements 3: Indigenous Peoples, the safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of Indigenous Peoples or affects the territories or natural or cultural resources that Indigenous Peoples own, use, occupy, or claim as their ancestral domain. This has not been the case for this Project as, according to information collected from interviews with Project Representatives, no Indigenous Peoples were located within the Project area.

Table 3-4 Safeguard Requirements 3: Indigenous Peoples

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
1	Screening				
	Screen early on to determine (i) whether Indigenous Peoples are present in, or have collective attachment to, the project area; and (ii) whether project impacts on Indigenous Peoples (IPs) are likely.	Indigenous Peoples, Policy Principle 1	<p>According to Project Representatives, no IPs were located on-site or are known to be in the surrounding area near the Project site. None were identified by IBIS during interviews with external stakeholders, including Government Authority Representatives and AHs.</p> <p>At this stage, no further action is considered to be warranted for this Safeguard.</p>		None required.
2	Social Impact Assessment				
	Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples. Give full consideration to options the	Indigenous Peoples, Policy Principle 2	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
	affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and intergenerationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples.				
3	Consultation and Participation				
	Undertake meaningful consultations with affected Indigenous Peoples communities and concerned Indigenous Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance Indigenous Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance	Indigenous Peoples, Policy Principle 3	See above.	See above.	See above.



REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
	mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.				
4	Consent				
	<p>Ascertain the consent of affected Indigenous Peoples communities to the following project activities: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples. For the purposes of policy application, the consent of affected Indigenous Peoples communities refers to a collective expression by the affected Indigenous Peoples communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities.</p>	Indigenous Peoples, Policy Principle 4	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>



REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
5	Access				
	Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected Indigenous Peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.	Indigenous Peoples, Policy Principle 5	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>
6	Indigenous Peoples Plan				
	Prepare an Indigenous Peoples plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected Indigenous Peoples communities during project implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or	Indigenous Peoples, Policy Principle 6	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>

REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
	compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.				
7	Information Disclosure				
	Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected Indigenous Peoples communities and other stakeholders.	Indigenous Peoples, Policy Principle 7	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>
8	Land Rights				
	Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned	Indigenous Peoples, Policy Principle 8	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>



REF	ADB'S SAFEGUARD PRINCIPLES/REQUIREMENTS	REFERENCE	COMMENTARY/ FINDINGS	RISK RANKING	CORRECTIVE ACTION
	or customarily used or occupied, or (ii) involuntary acquisition of such lands.				
9	Monitoring and Reporting				
	Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.	Indigenous Peoples, Policy Principle 9	<i>See above.</i>	<i>See above.</i>	<i>See above.</i>

3.4 CORPORATE SOCIAL RESPONSIBILITY ACTIVITIES

Currently the Project has not yet established a formal CSR program. However, according to a document entitled *Plan – Organizing Activities for Mid-autumn Festival, Traditional New Year and Surveying Life for Families with Difficult and Unstable Income in the Area of Land Acquisition in Dau Tieng 1, Dau Tieng 2 Solar Power Plant*, dated, 31 August 2020, a number of activities were implemented for “families with difficult and unstable income” by DT1 and DT2. These activities included:

- Gifts provided to the identified families during local festivities, such as Mid-autumn festival and traditional New Year;
- Identification of employment opportunities through job centres and subcontractors; and
- Monitoring of the wellbeing of these families.

The employment assistance was said to commence in November 2020 through till end of April 2021 when monitoring of the families' wellbeing is expected to complete. Thereafter, it would continue to “plan, follow up and help” the families in need.

3.5 PROJECT CATEGORISATION

Following the ADB's SPS Categorisation System and based on the compliance review conducted above, the proposed categorizations of the Project are presented below in *Table 3-5*.

Table 3-5 Proposed Categorisation of the Project

SITE	ENVIRONMENT ⁽¹⁾	INVOLUNTARY RESETTLEMENT ⁽²⁾	INDIGENOUS PEOPLES ⁽³⁾
Dau Tieng Solar Project	Category B	Category B	Category C

Notes:

- (1) Category B. Based on the information provided (including from the EIA of the Project completed to meet local regulatory requirements), environmental impacts are considered to be generally site-specific, with few, if any of them being irreversible if properly managed. Thus, the proposed environmental categorisation of the Project is B.
- (2) Category B. The proposed project categorization of the Project is B, as the Project has resulted in both physical and economic displacement of informal land users within the Project area.
- (3) Category C. The proposed project categorization of the Project is C, as there are no known Indigenous Peoples in the Project Area and no known impacts on Indigenous Peoples from the Project.

4 CORRECTIVE ACTION PLAN

This section summarises the proposed list of corrective actions that should be undertaken by the Project to address the gaps against the Applicable Standards identified in *Section 1.4* of the Audit. These proposed action items are provided below in TABLE 4-1 in the form of a CAP, along with proposed timelines and specific action items (note this also includes updates from the previous CAP prepared in the previous report, including those items now closed).

TABLE 4-1 PROPOSED CORRECTIVE ACTION PLAN FOR THE PROJECT

REF	CORRECTIVE ACTION	DELIVERABLE	RESPONSIBILITY	TIMELINE	INDICATIVE BUDGET/ RESOURCES	IBIS' REVIEW (JAN 2021)
1	Disclose the Project's EIA at the People's Committee Offices of THC and SDC.	Evidence of disclosure of its EIA at the People's Committee Offices of THC and SDC.	DTE	Condition Precedent	Management time and minor costs.	Closed
2	Record and document volume and types of solid (general and hazardous) wastes generated onsite in the quarterly environmental monitoring report to fulfil the relevant environmental monitoring related requirements.	Evidence of quarterly environmental monitoring reporting on solid waste generation onsite.	DTE	Q1 2020	Management time and minor costs.	Closed
3	Complete the groundwater use application process and obtain the groundwater use permit for the five groundwater wells on-site.	Groundwater use permits/approvals.	DTE	Q1 2020	Management time and minor costs.	Closed
4	Conduct groundwater use monitoring and record groundwater use	Groundwater use record	DTE	Q3 2021	Management time and minor costs.	New issue
5	Develop an Occupational Hazard Identification Register.	Occupational Hazard Identification Register	DTE	Q3 2021	Management time and minor costs.	Open
6	Develop an Environmental & Social Management Plan (ESMP), which will include: <ul style="list-style-type: none"> • Environmental & Social Policies; • All mitigation, monitoring and management measures set out in the Environmental Impact Assessment (EIA) together with ADB monitoring requirements, which will be implemented over the lifetime of the Project; • Schedule, the resources and performance indicators; • Organizational Structure including defining roles and responsibilities, 	ESMP and its sub-plans that incorporate regulatory E&S requirements and meets ADB SPS requirements. Latest environmental monitoring reports provided to authorities.	DTE	Q3 2021.	Up to USD40k if not undertaken internally by DTE.	Open



REF	CORRECTIVE ACTION	DELIVERABLE	RESPONSIBILITY	TIMELINE	INDICATIVE BUDGET/ RESOURCES	IBIS' REVIEW (JAN 2021)
	<p>communications and reporting process required for the implementation of the ESMP; and</p> <ul style="list-style-type: none"> • A compliance register for tracking Project status against all applicable local statutory requirements relating to E&S issues (including permit validity and conditions). <p>In addition, the ESMP output documents should also include sub-plans to address the mitigation and compensation measures:</p> <ul style="list-style-type: none"> • Environmental, Health & Safety (EHS) and Social Risks Assessment and Management Plan; • Occupational Health & Safety (OHS) Plan (see Item 7 below); • Emergency Preparedness and Response Plan (ERP) (see item 10 below) • Waste Management Plan (including confirming that the waste disposal location(s) meet local requirements and obtain copies of the approvals in relation to the facilities); • A Code of Conduct for the security force; • A Security Management Plan; • Contractor Management Plans (the contractor management plan should include a mechanism to ensure that all E&S requirements of the Project are implemented by its contractors and subcontractors, E&S requirements are incorporated as part of the contractual 					



REF	CORRECTIVE ACTION	DELIVERABLE	RESPONSIBILITY	TIMELINE	INDICATIVE BUDGET/ RESOURCES	IBIS' REVIEW (JAN 2021)
	<p>obligations to be fulfilled by contractors and subcontractors, and there is a monitoring mechanism in place to monitor contractor and subcontractor's E&S performance);</p> <ul style="list-style-type: none"> E&S Training and Capacity Development Plan, which should be prepared in cooperation with the HR team; Stakeholder Engagement and Community Relations Management Plan (see Item 11 below); and Grievance Redress Mechanism (GRM) for both internal and external stakeholders. <p>Make available the latest environmental monitoring reports provided to authorities.</p>					
7	<p>As part of the corrective action under <i>Item 6</i>, develop an OHS Management Plan ensure that potential H&S risks are assessed, and appropriate mitigation measures are identified and implemented in a programmatic and systematic manner, as part of the ESMP. The OHS Management Plan should also include, but not limited to the development of the following OHS management procedures and/or documentation:</p> <ul style="list-style-type: none"> Risk and Hazard Identification Register; Safe Work Procedures for major activities and high risk operations on-site; 	OHS Management Plan with its supplementary procedures and documentation.	DTE	Q3 2021	As part of the ESMP above (i.e., Up to USD40k if not undertaken by DTE).	Open

REF	CORRECTIVE ACTION	DELIVERABLE	RESPONSIBILITY	TIMELINE	INDICATIVE BUDGET/ RESOURCES	IBIS' REVIEW (JAN 2021)
	<ul style="list-style-type: none"> Personal Protective Equipment (PPE) Selection, Use and Maintenance Procedure; Incident and Accident Reporting and Investigation Procedure; OHS audit and inspection programmes; and OHS Training and Competency Management Procedure (this item can be included as part of the overall E&S Training and Competency Management Plan). 					
8	Collect and dispose of solid waste discarded throughout the Project site.	Evidence of solid waste collection and disposal from the Project site.	DTE	Q1 2020	Management time and minor costs.	Closed
9	Provide waste receptacles, where appropriate, and ensure that no littering is allowed within the Project site.	Evidence of provisions of solid waste receptacles onsite.	DTE	Q1 2020	Management time and minor costs.	Closed
10	Emergency Preparedness and Response Plan (this item should be updated in accordance with its existing ERPs developed by PowerChina by covering all risks and emergency scenarios identified in its risk and hazard register recommended under Item 5. In addition, the document should also include community H&S preparedness and response related measures, as well as a communication protocol with contractors of the Project and other external stakeholders during emergencies).	<p>Updated Emergency Preparedness and Response Plan covering first aid related elements</p> <p>Evidence of appropriate first aid provisions onsite</p>	DTE	Q2 2021	Management time for development (excluding purchase/installation of any equipment required).	<p>Updated ERP – Open</p> <p>First aid provision - Closed</p>



REF	CORRECTIVE ACTION	DELIVERABLE	RESPONSIBILITY	TIMELINE	INDICATIVE BUDGET/ RESOURCES	IBIS' REVIEW (JAN 2021)
	Provide an appropriate first aid facility onsite and corresponding emergency response/first aid provisions as required by law and in accordance with scenarios identified in DTE's Emergency Response Plan.					
11	As part of the ESMP development, develop a gender inclusive Stakeholder Engagement Plan (SEP) commensurate with the nature and scale of the operations at the Project, including: <ul style="list-style-type: none"> • Communication plan with women and men in the community; and • Employee and contractor engagement. 	SEP	DTE	Q3 2021	Management time for development of the SEP and minor costs, if any.	Open
12	As part of the ESMP development, establish a more comprehensive HR policy based on its existing documentation to ensure that the following components are covered: <ul style="list-style-type: none"> • Detailed labour and working conditions; • Non-discrimination; • Equal opportunity; • Equal remuneration for similar work; and • No child and forced labour. 	HR policy	DTE	Q3 2021	Management time and minor costs.	Open
13	Establish an internal GRM for both direct employees and contractor workers.	An internal grievance mechanism	DTE	Q3 2020	As part of the ESMP development above.	Closed
14	Develop, adopt and implement an anti-sexual harassment policy including an effective and accessible harassment reporting mechanism, a private and fair investigative process, a fair and transparent redress system and annual training delivered to all staff.	An anti-sexual harassment policy	DTE	Q3 2020	Management time and minor costs.	Closed
15	Prepare a Livelihood Restoration Plan (LRP) that is proportionate to the extent/severity of	LRP	DTE	Q3 2021	Up to USD40k	Open



REF	CORRECTIVE ACTION	DELIVERABLE	RESPONSIBILITY	TIMELINE	INDICATIVE BUDGET/ RESOURCES	IBIS' REVIEW (JAN 2021)
	impact, especially for significantly affected, poor and vulnerable households. The LRP will include assessment of the socio-economic condition of the affected households, establishment of regular stakeholder engagement activities and grievance redress mechanism, and evaluation and monitoring of livelihood restoration.					

ANNEX A: LIST OF DOCUMENTS PROVIDED FOR REVIEW

REF.	DOCUMENT NAME (VN)	DOCUMENT NAME (EN)	DOCUMENT TITLE
Documents Reviewed During Initial ESCA			
General			
1.	Thông tin dự án điện mặt trời Dầu Tiếng 1 và 2	Project Overview Slide deck	BGP_ADB.pptx
2.	Sơ đồ tổ chức Công ty Cổ phần Năng lượng Dầu Tiếng Tây Ninh	DTE Organisation Chart	DTE Organization Chart.pdf
3.	Tọa độ ranh giới dự án Dầu Tiếng 1	Boundary Coordinates of DT1	Coordinate Dau Tieng 1-2.xlsx
4.	Sơ đồ dự án Dầu Tiếng 1, 2	Site Layout for DT1 and DT2	4- LAYOUT OF DT1-2.pdf
5.	Báo cáo nghiên cứu khả thi dự án Dầu Tiếng 1	Feasibility Study for DT1	3-1 FS-DT1.pdf
6.	Báo cáo nghiên cứu khả thi dự án Dầu Tiếng 2	Feasibility Study for DT2	3-2 FS DT2.pdf
7.	Video giới thiệu dự án	Drone view video of the project	DJI_0391.MP4
8.	Video giới thiệu dự án	Drone view video of the project	DJI_0399.MP4
9.	Video giới thiệu dự án	Drone view video of the project	DJI_0407.MP4
10.	Video giới thiệu dự án	Drone view video of the project	DJI_0421.MP4
11.	Video giới thiệu dự án	Drone view video of the project	DJI_0427.MP4
12.	Sơ đồ mặt bằng	Levelling plan for Substation and its access road	DT1-XD-02 Leveling plan.pdf
13.	Thiết kế khung đỡ tấm pin mặt trời	Civil structure design of mounting system for DT1	DTTN-DT1-PC-CHS-DC-0006-1 B Civil structure calculation of mounting system.pdf
14.	Bản vẽ các inverter	Structure drawings of Inverter transformer stations	DTTN-DT1-PC-GDW-ST-0003-01 E Structure drawings of Inverter transformer stations(type A).pdf
15.	Bản vẽ các inverter	Detailed drawings of Inverter transformer stations	DTTN-DT1-PC-GDW-ST-0003-02 E Detailed drawings of Inverter transformer stations (type A).pdf
16.	Thiết kế khung đỡ tấm pin mặt trời	Civil structure design of mounting system for DT2	DTTN-DT2-PC-CHS-DC-0006-1 B Civil structure calculation of mounting system.pdf

Annex A: List of Documents Provided for Review

REF.	DOCUMENT NAME (VN)	DOCUMENT NAME (EN)	DOCUMENT TITLE
17.	Sơ đồ khu điều hành dự án	Project Administrative Area Layout Map	DTTN-SUB-P1-GDW-BU-5003.pdf
18.	Bản vẽ các mặt cắt Taluy	Talus Cross-section	TR2-18-03D-DT1.XD-02-1 Talus section.pdf
19.	Báo cáo địa chất công trình	Geological Investigation Borehole Log	VNDT_Geologicalinvestigationholelayout.dwg
20.	Nghiên cứu về lũ, Dự án DT1, 2, của Team Group, 4/2018	Flooding Study of DT1 and DT2 prepared by Team Group, dated April 2018	P04758 Draft Final Report Dau Tieng rev.0 24042018.pdf
21.	Hợp đồng thuê đất, 10/9/2018	Land Lease Contract	HD thuê đất-QDgiao đất-Bản vẽ, cv vẽ thuê đất.pdf
22.	Giấy phép hoạt động trong phạm vi bảo vệ công trình thủy lợi, 27/6/2018	Permit to Operate within the Boundary of the Reservoir Protection Zone	S? 1269 GP-UBND.pdf
23.	Quyết định phê duyệt chủ trương đầu tư nhà máy điện mặt trời Dầu Tiếng 1, UBND tỉnh Tây Ninh, 18/12/2017	Decision from the People's Committee of Tay Ninh Province regarding the in-principle approval of the DT1 development	5- 3066-QD.PDF
24.	Báo cáo lần 2 kết quả thẩm tra hồ sơ thiết kế cơ sở dự án Dầu Tiếng 1	Report on the 2nd Appraisal by EVN of the Technical Design of DT1	6- VB số 79_TVTT_Bộ công an thẩm tra TKCS dự án DT1.pdf
25.	Bản đồ các thửa đất trong xã Tân Hưng chịu ảnh hưởng của dự án	Land plot map for the land affected by the Project in the Tan Hung Commune	Physical information provided to IBIS
Environmental			
26.	Bản vẽ vị trí và cấu tạo các giếng khoan	Groundwater well location map and as built drawings	BV SO Hoa - Groundwater wells.pdf
27.	Phê duyệt đánh giá tác động môi trường Dầu Tiếng 1 150MW và đường dây 220KV, 12/6/2018	EIA approval for DT1 and the 220kV transmission line A copy of Decision No. 1484/QĐ-UBND issued by Tay Ninh PC dated 12 June 2018 on approval of EIA report for DT1 project (150 MW) and 220 kV Transmission Line.	07- Environment healthy safety approved.pdf
28.	Phê duyệt báo cáo đánh giá tác động môi trường nhà máy Dầu Tiếng 2, 200MW	EIA approval for DT2 It summarises requirements stated in the EIA document, with one additional requirement being to post the content of the EIA and the environmental management plan at the local communities.	QD-phê duyệt DTM-DT.2-1483QD-UBND.PDF
29.	Bản dịch tiếng Anh tóm tắt của các bản đánh giá tác động môi trường dự án Dầu Tiếng 1, 2	English translation of Section 4 of the DT1, DT2 and 220kV transmission line EIA report	DT1-DT2 and 220 kV Substation -- EIA- Section 4 - English Translation.pdf
30.	Đánh giá tác động môi trường Dầu Tiếng 1	EIA report for DT1 Brief summary	EIA-DTM-DAU TIENG 1-FINAL.pdf

Annex A: List of Documents Provided for Review

REF.	DOCUMENT NAME (VN)	DOCUMENT NAME (EN)	DOCUMENT TITLE
		This is EIA report of the DT1 project. This EIA report is prepared under the provisions of the Law on Environmental Protection and relevant decrees and circulars. The summary of environmental impacts and mitigation measures in this report has been translated into English in <i>'DT1-DT2 and 220 kV Substation -- EIA- Section 4 - English Translation'</i>	
31.	Đánh giá tác động môi trường Dầu Tiếng 2	EIA report for DT2 Brief summary This is EIA report of the DT2 project. This EIA report is prepared under the provisions of the Law on Environmental Protection and relevant decrees and circulars. The summary of environmental impacts and mitigation measures in this report has been translated into English in <i>'DT1-DT2 and 220 kV Substation -- EIA- Section 4 - English Translation'</i>	EIA-DTM-DAU TIENG 2 - FINAL.pdf
32.	Công văn của UBND tỉnh Tây Ninh về báo cáo công tác bảo vệ môi trường trong quá trình triển khai dự án năng lượng mặt trời, gửi công ty cổ phần năng lượng Dầu Tiếng Tây Ninh, 7/8/2019	Official Letter from the People's Committee of Tay Ninh Province regarding the request to report environmental management/protection measures implemented by the Project	7.8.19 fr S? TNMT-B o c o c"ng t c BVMT trong qu trình tri?n khai d? n NLMT.PDF
33.	Công văn của công ty gửi UBND tỉnh Tây Ninh về báo cáo công tác bảo vệ môi trường, 16/8/2019	DTE's response to the People's Committee of Tay Ninh Province regarding the environmental management/protection measures implemented by the Project	BC_14_16.8.2019.pdf
34.	Đơn đề nghị cấp phép sử dụng nước ngầm, 10/10/2019	Application Letter for the Permit to Use of Groundwater	DON CAP PHEP - HDTL.pdf
35.	Hợp đồng dọn dẹp vệ sinh công trường	General waste collection contract	Waste collection Contract.pdf
36.	Các báo cáo quan trắc môi trường giai đoạn xây dựng	Environmental monitoring reports for the construction stage	Reviewed on-site
37.	Các báo cáo quan trắc môi trường giai đoạn vận hành	Environmental monitoring reports for the monitoring stage	Reviewed on-site

Annex A: List of Documents Provided for Review

REF.	DOCUMENT NAME (VN)	DOCUMENT NAME (EN)	DOCUMENT TITLE
Social			
General			
38.	Công văn của UBND huyện Dương Minh Châu gửi Công ty Cổ phần Năng lượng Dầu Tiếng về việc sử dụng nguồn quỹ an sinh xã hội huyện Dương Minh Châu 28/10/2019	Official Letter from the People's Committee of the Duong Minh Chau District to DTE regarding the use of public welfare fund of the district, dated 28/10/2019	28.10.19 So^i 906-UBND vv su?? du?ng nguoi^'n Quy~ An sinh Xa~ ho?^i huye?^n DMC.pdf
39.	Công văn của UBND huyện Tân Châu gửi Công ty Cổ phần Năng lượng Dầu Tiếng về việc sử dụng nguồn hỗ trợ 500 triệu đồng của Công ty, 20/10/2019	Official Letter from the People's Committee of the Tan Chau District to DTE regarding the use of VND 500 million donated by DTE, dated 28/10/2019	29.10.19 So^i 3021-UBND vv su?? du?ng nguoi^'n ho^~ tro?? 500tr cu?a Cty CP NLDT TNinh.pdf
Land Acquisition			
40.	Tổng hợp đã thực hiện đền bù dự án điện năng lượng mặt trời 1, 2, xã Suối Đá và Tân Hưng đến ngày 31/10/2019	Land compensation register for DT 1 and 2 in the Suoi Da Commune and Tan Hung Commune, dated 31 Oct 2019	LAND COMPENSATED EXPENSES_31Oct2019.xlsx
41.	Báo cáo tiến độ giải phóng mặt bằng dự án nhà máy điện mặt trời Dầu Tiếng 1, 2, 3 until August 2018	Progress report of land acquisition for DT 1,2 and 3	02.B o c o ti?n d? d?n 03.8.2018.xlsx
42.	Danh sách các hộ dân đã nhận tiền hỗ trợ sản xuất trong khu vực dự án nhà máy điện mặt trời Dầu Tiếng 1, 2, 3	List of households received monetary support of production in Dau Tieng 1, 2 and 3 project area	01.DS h? dfn x/E Su?i D c?p nh?t ng...y 03.8.2018.xls
43.	Công văn của Sở TNMT Tây Ninh về việc đề xuất chủ trương khi thu hồi đất thực hiện dự án nhà máy điện mặt trời DT1,2,3, 29/3/2018	Official Letter from the Department of Natural Resources and Environment regarding Proposing the Principles of Land Acquisition for DT1,2 and 3	2019 11 13 1796.TTr.STNMT.pdf
44.	Công văn của Công ty cổ phần năng lượng Dầu Tiếng gửi UBND huyện Tân Châu và các xã Tân Hưng, Tân Phú về thưởng tiến độ bàn giao mặt bằng để thực hiện dự án DT1, 2, 3, 20/6/2018	Official Letter from DTE to the People's Committee of Tan Chau District, Tan Hung Commune and Tan Phu Commune regarding the Bonus for Returning the Land situated within DT1,2 and 3	2019 11 13 19.2018.CV.pdf
45.	Công văn của Công ty cổ phần năng lượng Dầu Tiếng gửi UBND huyện Dương Minh Châu và xã Suối Đá về thưởng tiến độ bàn giao mặt bằng để thực hiện dự án DT1, 5/7/2018	Official Letter from DTE to People's Committee of Duong Minh Chau District regarding the Bonus for Returning the Land situated within DT1	2019 11 13 27A.2018.CV.pdf
46.	Công văn của UBND tỉnh Tây Ninh về việc Hỗ trợ giao đất để thực hiện dự án DT1,2,3, 4/4/2018	Official Letter from the People's Committee of Tay Ninh Province regarding the allocation of land for DT 1, 2 and 3	2019 11 13 790.UBND.KTTC.pdf

Annex A: List of Documents Provided for Review

REF.	DOCUMENT NAME (VN)	DOCUMENT NAME (EN)	DOCUMENT TITLE
47.	Quyết định của UBND tỉnh Tây Ninh về việc cho Công ty TNHH Xuân Cầu Tây Ninh thuê 7200000m ² đất tại 2 huyện Dương Minh Châu và Tân Châu, tỉnh Tây Ninh để thực hiện dự án Dầu Tiếng 1,2,3, 7/5/2018	Decision from the People's Committee of Tay Ninh Province regarding the lease of land to Xuan Cau Tay Ninh Co., Ltd for the development of DT 1, 2 and 3 A copy of Decision No. 1228/QĐ-UBND issued by Tay Ninh PC dated 07 May 2018 on agreeing to Xuan Cau Tay Ninh Co., Ltd. lease the land area of 720 ha in Tan Chau and Duong Minh Chau district to implement DT1, DT2 and DT3 solar power projects. Of which: At Suoi Da Commune – Duong Minh Chau District: 3,835,859.8 m ² ; Tan Hung Commune – Tan Chau District: 2,710,514.8 m ² ; and Tan Phu Commune – Tan Chau District: 653,625.4 m ² . Origin of land area: Public land and managed by Dau Tieng – Phuoc Hoa Irrigation Works Management and Exploitation Company. Type of land lease: Rent and pay annually (in 50 years).	02- Land anquisition.pdf
48.	Giấy nhận tiền hỗ trợ hạn chế sử dụng trong hành lang an toàn đường dây của ông Nguyễn Đình Tân, 2/8/2019	Acknowledgement from Mr. Nguyen Dinh Tan (the local land user) on the receipt of support payment for limiting his activities under the transmission line, dated 2/8/2019 This is a receipt for money receiving of an affected household (Mr. Nguyen Dinh Tan - Tan Hung Commune - Tan Chau District, Tay Ninh Province). This household is supported with the amount of 63,684,112 VND due to land use restriction due to the impacts of the Transmission Line (no land acquisition, only limited ability to use land with a total affected area of 4,186.6 m ²).	04-Sample individual content.pdf
49.	Giấy nhận tiền hỗ trợ hạn chế sử dụng trong hành lang an	Acknowledgement from Mr. Chau Ngoc Hoi (the local land user) on the receipt of support payment for limiting his	04-Sample individual content 1.pdf

Annex A: List of Documents Provided for Review

REF.	DOCUMENT NAME (VN)	DOCUMENT NAME (EN)	DOCUMENT TITLE
	toàn đường dây của ông Châu Ngọc Hội, 2/8/2019	activities under the transmission line, dated 2/8/2019 This is a receipt for money receiving of an affected household (Mr. Chau Ngoc Hoi - Tan Hung Commune - Tan Chau District, Tay Ninh Province). This household is supported with the amount of 91,742,408 VND due to land use restriction due to the impacts of the Transmission Line (no land acquisition, only limited ability to use land with a total affected area of 5,556.9 m ²).	
50.	Bản trích đo chỉnh lý bản đồ địa chính	Cadastral map of DT 1 and DT 2 Map of the land with landmarks of the project according to VN2000 reference system. This is a mandatory technical file to carry out land acquisition activities in accordance with the Land Law 2013.	Cadastral maps Dau Tieng 1, 2 (updated).pdf
51.	Bản trích đo chỉnh lý bản đồ địa chính cho đường dây 220kv	Cadastral map of the transmission line Map of land acquisition for 220 kV Transmission Line, including list of the affected households (individual AHs and organizations), type of land affected and affected area of land acquisition and area of land restriction for each AH.	TL Land Acquisition.pdf
52.	Tờ trình đề xuất chủ trương khi thu hồi đất thực hiện dự án điện mặt trời Dầu Tiếng, 1, 2, 3, Sở TNMT Tây Ninh, 29/3/2018	Official Letter from the Department of Natural Resources and Environment to the People's Committee of Tay Ninh Province regarding the proposal of the principles on the implementation of the land acquisition for DT1, 2 and 3	7-1796.TTr- STNMT.pdf
53.	Công văn của UBND tỉnh Tây Ninh về việc hỗ trợ giao đất để thực hiện dự án Dầu Tiếng 1, 2, 3, 4/4/2018	Official Letter from the People's Committee of Tay Ninh Province regarding the Allocation of Land for DT 1, 2 and 3	8- 790.UBND-KTTC.pdf

Annex A: List of Documents Provided for Review

REF.	DOCUMENT NAME (VN)	DOCUMENT NAME (EN)	DOCUMENT TITLE
54.	Quyết định phê duyệt giá đất cụ thể bồi thường hỗ trợ cho dự án xây dựng đường dây 220KV Bình Long - Tân Châu đoạn qua địa bàn huyện Tân Châu, 25/9/2018	Approval of the Price Regime to be Adopted for the Land Compensation for the Construction of the National Grid between Binh Long and Tan Chau	9- 2378-QD-UBND. PHÒ DUY?T DON GI?N B? HUY?N T?N CH?U.pdf
55.	Bảng tổng hợp số thửa, diện tích, chủ sử dụng, quản lý đất theo hiện trạng trích đo địa chính. Tuyến đường 220KV thuộc dự án điện mặt trời Dầu Tiếng đầu nối vào hệ thống điện quốc gia,	Register of land plot, land users and land use for the land within the corridor of the 220kV transmission line	10- DEN BU 220KV update 16.3.2019.xlsx
56.	Giấy nhận tiền tạm ứng tiền đền bù công trình đường dây 220KV của 14 người dân.	Acknowledgement from 14 people on the receipt of payment of monetary support for the land impacted by the construction of the transmission line	11-D?n b— d?t DTE du?ng gify 220kV.pdf
57.	Công văn của UBND huyện Tân Châu gửi công ty TNHH Xuân Cầu về việc đầu tư nâng cấp tuyến đường thi công vận hành dự án Dầu Tiếng 1, 2, 2/5/2018	Official Letter from the People's Committee of Tan Chau District to Xuan Cau Co., Ltd regarding the Improvement of the Access Road of the Project	12-13. S? 906 UBND_Th?a thu?n d?u n?i giao th?ng.pdf
58.	“Thông báo về việc chi trả tiền hỗ trợ sản xuất và giao mặt bằng để thực hiện dự án Nhà máy điện mặt trời Dầu Tiếng 1,2,3” của UBND xã Tân Hưng – Huyện Tân Châu – Tỉnh Tây Ninh ngày 10/5/2018 gửi hộ Ông Lê Văn Hiệp, địa chỉ Ấp Tân Đông, xã Tân Hưng, huyện Tân Châu, tỉnh Tây Ninh. Đính kèm bảng tính chi tiết các khoản bồi thường hỗ trợ.	Notice on payment of production support and handing over the land for implementation of Dau Tieng 1,2,3 - Solar Power Project, dated 10 May 2018 issued by Tan Hung Commune People's Committee to Mr. Lê Văn Hiệp – Tan Dong Hamlet, Tan Hung Commune, Tan Chau District, Tay Ninh Province. Detailed Compensation Sheet is attached.	Physical information
59.	Thông báo về việc chi trả tiền hỗ trợ sản xuất và giao mặt bằng để thực hiện dự án Nhà máy điện mặt trời Dầu Tiếng 1,2,3” của UBND xã Tân Hưng – Huyện Tân Châu – Tỉnh Tây Ninh ngày 10/5/2018 gửi hộ Ông Huỳnh Văn Quyền, địa chỉ xã Hiệp Tân, huyện Hòa Thành, tỉnh Tây Ninh. Đính kèm bảng tính chi tiết các khoản bồi thường hỗ trợ.	Notice on payment of production support and handing over the land for implementation of Dau Tieng 1,2,3 - Solar Power Project, dated 10 May 2018 issued by Tan Hung Commune People's Committee to Mr. Huynh Van Quyen – Hiep Tan Commune, Hoa Thanh District, Tay Ninh Province. Detailed Compensation Sheet is attached.	Physical information
60.	Thông báo về việc chi trả tiền hỗ trợ sản xuất và giao mặt bằng để thực hiện dự án Nhà máy điện mặt trời Dầu Tiếng 1,2,3” của UBND xã Tân	Notice on payment of production support and handing over the land for implementation of Dau Tieng 1,2,3 - Solar Power Project,	Physical information

Annex A: List of Documents Provided for Review

REF.	DOCUMENT NAME (VN)	DOCUMENT NAME (EN)	DOCUMENT TITLE
	Hưng – Huyện Tân Châu – Tỉnh Tây Ninh ngày 09/5/2018 gửi hộ Ông Nguyễn Thế Vũ, địa chỉ xã Ninh Phú, huyện Bàu Nang, tỉnh Tây Ninh. Đính kèm bảng tính chi tiết các khoản bồi thường hỗ trợ.	dated 09 May 2018 issued by Tan Hung Commune People's Committee to Mr. Nguyen The Vu – Ninh Phu Commune, Bau Nang District, Tay Ninh Province. Detailed Compensation Sheet is attached.	
61.	Bảng tổng hợp các hộ dân bị ảnh hưởng của xã Tân Hưng, Tân Châu, Tây Ninh	List of Affected Households at Tan Hung Commune, Tan Chau District, Tay Ninh Province.	Physical information
62.	Hồ sơ Pháp lý” – Tài liệu tuyên truyền cho Dự án điện mặt trời Dầu Tiếng 1,2,3. Địa điểm: Huyện Tân Châu và Huyện Dương Minh Châu. Tháng 01/2018.	Legal Documents” - Propaganda materials for the Dau Tieng 1,2,3 Solar Power Projects at Tan Chau and Duong Minh Chau Districts – Tay Ninh Province. January 2018.	Physical information
63.	Quyết định - Ban hành bảng giá bồi thường, hỗ trợ hoa màu, cây trái và vật nuôi khi nhà nước thu hồi Đất trên địa bàn tỉnh tây ninh Ủy ban nhân dân tỉnh	Decision No. 62/2015/QĐ-UBND dated 29 December 2015 of Tay Ninh PPC on unit prices for trees and crops affected	62-2015-QĐ-UBND.pdf
64.	Quyết định - Ban hành bảng đơn giá nhà, công trình xây dựng, vật kiến trúc trên địa bàn tỉnh Tây Ninh Ủy ban nhân dân tỉnh	Decision No. 81/2014/QĐ-UBND dated 31 December 2014 of Tay Ninh PPC on unit prices for houses/structures affected	81-2014-QĐ-UBND.pdf
Health and Safety			
65.	Báo cáo tai nạn lao động 2019	Labour Accident Report for 2019	2. B o c o tai n?n lao d?ng 2019.doc
66.	Yêu cầu cho công tác bảo vệ của dự án	Security Operation Requirements from DTE	A.Security Operation Requirement.docx
67.	Đào tạo an toàn cơ bản cho nhân viên mới	Basic Safety Induction Training Material	Basic Safety Training.pdf
68.	Quy trình thông báo sự cố	Emergency Response Plan Developed by DTE	Call Out and Notification Procedure.docx
69.	Nguyên tắc vận hành và bảo trì dự án	Operation And Maintenance Philosophy Developed by the O&M Contractor	Dau tieng DT1(180MWp) &DT2(240MWp)O&M PHILOSOPHY.pdf
70.	Quy trình vận hành và bảo trì dự án	Operation And Maintenance Procedure Developed by the O&M Contractor	Dau tieng DT1(180MWp) &DT2(240MWp)O&M PROCEDURE.pdf
71.	Danh sách quy trình an toàn môi trường sức khỏe của nhà thầu PowerChina	List Of HSE Documents Developed by the O&M Contractor	DOCUMENT LIST FROM PC O&M.xlsx
72.	Kế hoạch ứng phó sự cố cháy tắt pin	Emergency Response Plan Developed By The O&M Contractor For The Power Plant	EMERGENCY RESPONSE PLAN FOR A PV PANEL FIRE.pdf

Annex A: List of Documents Provided for Review

REF.	DOCUMENT NAME (VN)	DOCUMENT NAME (EN)	DOCUMENT TITLE
73.	Kế hoạch ứng phó sự cố khẩn cấp trong vận hành	Emergency Response Plan Developed by the O&M Contractor for Operation and Maintenance	EMERGENCY RESPONSE PLAN FOR O&M.pdf
74.	Sổ kiểm tra hệ thống chữa cháy	Firefighting Equipment Inspection Register	Firefighting system inspection book in substation1.pdf
75.	Kế hoạch an toàn sức khỏe giai đoạn vận hành	HSE Management Plan Developed by the O&M Contractor	HEALTH AND SAFETY MANAGEMENT PLAN FOR O&M.pdf
76.	Quy trình làm việc trên mặt nước	Procedure of Work on the Water Developed by the O&M Contractor	Method state for work on the water.pdf
77.	Quy trình vệ sinh máy biến áp và inverter	Transformer and Inverter Filter Cleaning Procedure Developed by the O&M Contractor	TANSFORMER AND INVERTER FILTER CLEANING PROCEDURE (1).pdf
78.	Giấy đăng ký làm việc (Hệ thống giấy phép làm việc)	Permit to Work System - Registration Of Work	Registration For Work.pdf
79.	Phân tích an toàn và rủi ro (Hệ thống giấy phép làm việc)	Permit to Work System - Task Safety Assessment	Safety Task Analysis Risk.pdf
80.	Biểu mẫu danh sách nhân viên (Hệ thống giấy phép làm việc)	Permit to Work System - List Of Working Staff	Staffs List Attached.pdf
81.	Danh mục kiểm tra nhiệm vụ công việc (Hệ thống giấy phép làm việc)	Permit to Work System - Task Checklist	TASK CHECKLIST.pdf
82.	Kế hoạch huấn luyện bảo trì và vận hành	O&M Contractor Training Plan	Training Plan.pdf
83.	Quyết định của Bộ Quốc Phòng về tổ chức thực hiện công tác rà phá bom mìn vật nổ dự án Dầu tiếng 1, 17/3/2018	Decision from the Ministry Of Defence Regarding the Implementation of Unexploded Ordnance Survey And Clearance for DT1	10. 802.QD-BQP_Ra pha bom min DT 1.pdf
84.	Quyết định của Bộ Quốc Phòng về tổ chức thực hiện công tác rà phá bom mìn vật nổ dự án Dầu tiếng 2, 17/3/2018	Decision from the Ministry of Defence Regarding the Implementation of Unexploded Ordnance Survey and Clearance for DT2	9. 807.QD-BQP_Ra pha bom min DT 2.pdf
Labour and Working Conditions			
85.	Bản thảo chính sách của công ty về phúc lợi và chi tiêu nội bộ	Draft DTE Company Policy Regarding Welfare and Internal Expenditure	HR03 - Policy on Welfare and Internal Expenditure.doc
86.	Bản thảo quy chế lương thưởng và chế độ cho người lao động	Draft DTE Company Policy Regarding Bonus, Wages and Employment Regime	HR04 - Regulations of bonuses, wages and regimes for employee.docx
87.	Danh sách nhân viên (công ty và nhà thầu)	List Of Workers Working Onsite (Including Contractors)	Manpower List1.xlsx
88.	Danh sách nhân viên (Nhà thầu EPC)	List Of Workers Working Onsite (EPC Contractors)	BOD OF EPC Manpower List.xlsx

Annex A: List of Documents Provided for Review

REF.	DOCUMENT NAME (VN)	DOCUMENT NAME (EN)	DOCUMENT TITLE
Documents Reviewed During ESCA Update in Q4 2020			
89.	-	DTE corrective action plan - Sep 30, 2020	DTE corrective action plan - Sep 30, 2020
90.	Ref. 1 EIA Approvals.pdf	-	
91.	Ref. 2 Log - Waste Monthly Generation.pdf	-	
92.	Ref. 2 Waste Generation.pdf	-	
93.	Ref. 3 Groundwater permit.pdf	-	
94.	Ref. 4 Hazard Identification, Risk Assessment and Control Procedure (EN).pdf	-	
95.	Ref. 4 Hazard Identification, Risk Assessment and Control Procedure (VN).pdf	-	
96.	Ref. 7 Housekeeping Activities and Waste Collection.pdf	-	
97.	Ref. 8 Regulations on Waste Storage.pdf	-	
98.	Ref. 8 Waste bin location.pdf	-	
99.	Ref. 8 Waste Disposal Contract.pdf	-	
100.	Ref. 9 Emergency Preparedness and Response Plan.pdf	-	
101.	Ref. 9 Emergency Prevention and Response Plan (VN).pdf	-	
102.	Ref. 9 First Aid Basic Education.pdf	-	
103.	Ref. 9 First Aid Provisions.pdf	-	
104.	Ref. 9 List First Aid Supplies.pdf	-	
105.	Ref. 10 Gender Balance Management Measures.pdf	-	
106.	Ref. 10 Social Activities for the Vulnerable.pdf	-	
107.	Ref. 12 Internal Grievance Mechanism (VN).pdf	-	
108.	Ref. 12 Internal Grievance Mechanism.pdf	-	
109.	Ref. 13 Code of Conduct on Sexual Harassment.pdf	-	
110.	Ref. 13 Code of Conduct on Sexual Harassment (VN).pdf	-	
111.	ADB Ref. 1 EHS Officer Certificate 2.pdf	-	
112.	ADB Ref. 1 EHS Officer Certificate.pdf	-	

Annex A: List of Documents Provided for Review

REF.	DOCUMENT NAME (VN)	DOCUMENT NAME (EN)	DOCUMENT TITLE
113.	ADB Ref. 1 EHS Officer Job Description.pdf	-	
114.	DT2 Update - Q_A Tracker-SKA Nov 12, 2020-Rev1.docx		
115.	DTE corrective action plan - Sep 30, 2020.xlsx		

ANNEX B: LIST OF INTERVIEWEES

Site Representatives

1. Mr. Le Ngoc Son, Financial Controller cum Chief Account of DTE;
2. Ms. Pham Thi Hong, Human Resources Manager of DTE;
3. Mr. Nguyen Hong Ngu, EHS Manager of DTE;
4. Mr. Nguyen Van Anh, Electrical Engineer of DTE;
5. Mr. Truong Van Phuc, Team Leader of Substation O&M Contractor (DHD);
6. Mr. Zhao Chun Lai, Manager of PowerChina;
7. Mr. Tran Dinh Du, EHS Officer of PowerChina;
8. Mr. Vu Hung Cuong, Operation Manager of DTE;
9. Sukit Angsuwan, Saksit Noiphrom, Manager, Renewable Operation and Maintenance of B. Grimm; and
10. Apisit Injun of B. Grimm.
11. A female member of staff from DTE (on-site; name unknown)

Government Authority Representatives

12. Mr. Tran Quang Hung of Dau Tieng Reservoir Authority (interview held on 13th November 2019)
13. Mr. Bui Xuan Dai, Deputy Director of Dau Tieng Reservoir Authority (interview held on 13 November 2019)
14. Mr. Nguyen Vu Manh, Secretary of Commune Communist Party of SDC (interview held on 14 November 2019)
15. Ms. Ha Thi Hue Nhung – Chairman of Commune People’s Committee (CPC) of SDC (interview held on 14 November 2019)
16. Mr. Thai Minh Diep – Vice Chairman of CPC of THC (interview held on 13 November 2019)
17. Mr. Nguyen Van Tu – Land Management Officer of Tan Hung Commune – Tan Chau District (interview held on 13th November 2019)
18. Mr. Pham Van Ly – Former Chairman CPC of THC (interview held on 13 November 2019).
19. Mr. Nguyen Minh Xung – Head of Compensation Department of Tay Ninh Land Fund Development Center (interview held on 13 November 2019)

Annex B: List of Interviewees

External Stakeholders and Selected Affected Households

Meetings held at DTE on 13 November 2019

20. Mr. Dinh Duy Sang – Tan Long Hamlet – THC (previous user of temporary land for agricultural production in the reservoir area)
21. Mr. Le Van Rong - Tan Long Hamlet – THC (previous user of temporary land for agricultural production in the reservoir area)
22. Mr. Nguyen Phuoc Lanh - Tan Long Hamlet – THC (land used for the 220 kV transmission line and 300m long road upgrading)
23. Mr. Chau Ngoc Hoi - Tan Long Hamlet – THC (previous user of both temporary land for agricultural production in the reservoir area and 220 kV transmission line)

Meetings held at local residential homes

24. Mr. Vo Thanh Sang and his wife of SDC, whose residence was relocated from within the Project site to a new house (funded by DTE) within SDC; and
25. Mr. Nguyen Phu Nguyet – Head of Phu Binh 1 Hamlet – SDC, who is a hamlet officer within SDC and whose land use right of 6,000 m2 of land was returned to Dau Tieng Reservoir Authority as a result of the Project.

Please note that IBIS was not able to interview Mr. and Mrs. Vo Van Hung, as they were not at their new residence at the time of IBIS' visit on 15 November 2019. Mr. and Mrs. Vo Van Hung were one of the two AHs physically displaced from the Project site to a new house (funded by another donor – An Thai Company) within SDC.

Fishmen at Dau Tieng Reservoir

26. Two individuals (names were not obtained) fishing in the vicinity of the Project site in Dau Tieng Reservoir encountered by IBIS on 12 November 2019.

ANNEX C: AERIAL IMAGERY OF THE PROJECT SITE



Figure C-1 Google Earth Imagery of the Site in October 2019 after Construction Completion



Figure C-2 Google Earth Imagery of the Site in December 2018 during the Construction Phase



Figure C-3 Google Earth Imagery of the Site in November 2018 during the Construction Phase

Annex C: Aerial Imagery of the Project Site



Figure C-4 Google Earth Imagery of the Site in October 2018 when it was Inundated



Figure C-5 Google Earth Imagery of the Site in November 2017 prior to Construction



Figure C-6 Google Earth Imagery of the Site in December 2017 when it was Inundated and prior to Construction

ANNEX D: PHOTOLOG

Within DT2 (and part of DT1)



Photo 1 Main Entrance to the Administration Compound within DT1 Used by DT2



Photo 2 Administration Building (right) and Motorcycle Parking Area (left)



Photo 3 Staff Rest Area



Photo 4 Canteen (left), Workshop (centre), and Warehouse (Right of photo)



Photo 5 Guard House at the Main Entrance to the Administration Compound



Photo 6 Substation and Two of the Transmission Towers immediately East of the Administration Compound



Photo 7 Hazardous Materials and Waste Storage Facility immediately outside the Main Entrance to the Administration Compound



Photo 8 A Bunded Area within One of the Storage Room in the Hazardous Material and Waste Storage Facility



Photo 9 Wastewater Sump within the Administration Compound



Photo 10 EPC Office Area



Photo 11 Road Construction being Undertaken by EPC at the Time of the Visit



Photo 12 EPC Laydown Area



Photo 13 A View of the Inverter Platform



Photo 14 A View of the Solar Panels in Flooded Area



Photo 15 Floating Platforms Used by the Project to Access Flooded Areas within DT1 and DT2



Photo 16 Partially Constructed Fenceline along the Eastern Boundary of the Project Site



Photo 17 A Security Monitoring System along the Eastern Boundary of the Project Site



Photo 18 A Platform Consisting of a Groundwater Abstraction Well and a Water Filtration System



Photo 19 Boats Used by the Project to Access Flooded Areas

Outside DT2 (and DT1)

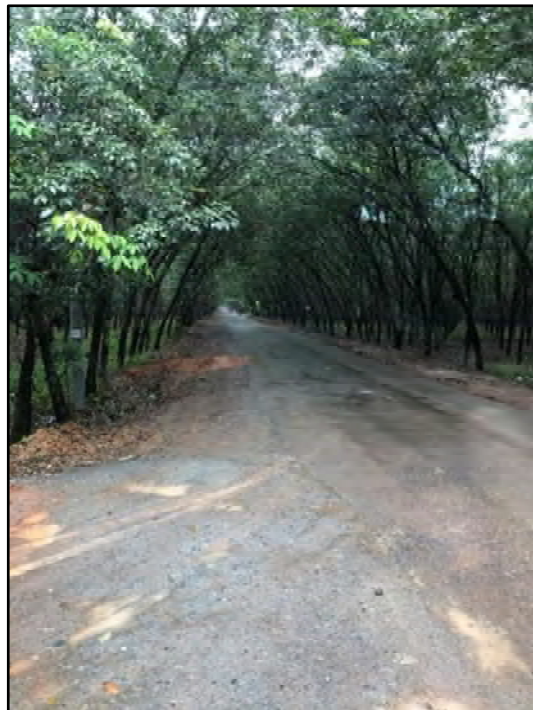


Photo 20 The Main Road towards Southeast



Photo 21 Fishmen Encountered during the Site Visit



Photo 22 Rubber Tree Plantation along the Roadside to the Project Site



Photo 23 Rubber Harvesting near the Project Site



Photo 24 Security Post Placed outside the Project Site



Photo 25 An Eatery and Resting Area Established Immediately outside the Project Site by External Community Business Person



Photo 26 Commune Office of SDC



Photo 27 A Newly Built Home (Left) for One of the Affected Households



Photo 28 Visit to One of the AHs Relocated as a Result of the Project



Photo 29 One AH Interviewed by IBIS during the Visit



Photo 30 Entrance to Dau Tieng Reservoir Authority Administration Office

ANNEX E: LAND ACQUISITION PROCESS DOCUMENT

Annex E: Land Acquisition Process Document

Land Acquisition Process Document for Dau Tieng Tay Ninh Energy Joint Stock Company
Project Number: 54013-001
May 2021

Viet Nam: B.Grimm Viet Nam Solar Power Project (Dau Tieng Project)

Prepared by IBIS Environmental and Social Consulting Asia Pte Ltd as a requirement of the Asian Development Bank.

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DRAFT REPORT

Land Acquisition Process Documentation of Dau Tieng 2 in Viet Nam
B. Grimm Power Public Company Limited and Asian Development Bank

I DRAFT REPORT

Land Acquisition Process Documentation of Dau Tieng 2 in Viet Nam



For and on behalf of: B. Grimm Power Public Company Limited and Asian Development Bank

Project Location: Viet Nam

Prepared by: Stuart Mackenzie and Eric Ji

Reviewed by: Oliver Warner

IBIS Ref: 0290-1519

Signed by:

Signature in Final version

Position: Director

Date: 13 May 2021

This report has been prepared by IBIS Environmental and Social Consulting Asia Pte Ltd (Registration No.: UEN 201913800Z), with all reasonable skill, care and diligence within the terms of the contract with the client, incorporating our standard terms and conditions of business and taking account of the resources devoted to it by agreement with the client. We disclaim any responsibility to the client and others in respect of any matters outside the scope of the above.

TABLE OF CONTENTS

LIST OF ABBREVIATIONS.....	V
EXECUTIVE SUMMARY	VI
1 INTRODUCTION.....	1
1.0 Background	1
1.1 Aim and Objectives	1
1.2 Report Structure	2
2 METHODOLOGY, APPLICABLE STANDARDS AND LIMITATIONS	3
2.1 Methodology.....	3
2.2 Applicable Standards	5
2.2.1 Applicable Vietnamese laws and regulations	5
2.3 Limitations	7
3 PROJECT DESCRIPTION.....	8
3.1 Project Assets and Facilities	12
3.1.1 DT2.....	12
3.1.2 Transmission Line and Transmission Towers	13
3.1.3 300 m Long Access Road	13
3.2 Background Information of the Project Site and its Surrounding Area	14
3.2.1 Dau Tieng Reservoir	14
3.2.2 Project Area Communes.....	14
4 LAND USE RIGHTS ACQUISITION	17
4.1 Alternatives Considered and Measures Implemented to Reduce Land Acquisition	17
4.2 Land Affected by the Project.....	18
4.3 Land Use Right Resumption and Acquisition Planning	19
4.3.1 DT2.....	19
4.3.2 TL	28
4.3.3 300m Public Access Road	33

Table of Contents

4.4	Assessment of Unit Rates by Replacement Value Equivalence.....	33
4.5	Grievance Redress Mechanism.....	36
5	LIVELIHOOD RESTORATION PROCESS.....	38
6	CONCLUSION AND RECOMMENDATIONS	40

LIST OF ABBREIVATIONS

ADB	Asian Development Bank
agl	aboveground level
AH	Affected households
amsl	above mean sea level
bgl	below ground level
COD	Commercial Operations Date
CPC	Commune People's Committee
Dau Tieng Reservoir Authority	Dau Tieng Phuoc Hoa Irrigation Operation One Member Company Limited or Dau Tieng Reservoir Authority
DoNRE	Provincial Department of Natural Resources and Environment
DT	Dau Tieng
DTE	Dau Tieng Tay Ninh Energy Joint Stock Company
EIA	Environmental impact assessment
EPC	Engineering, procurement and construction
ESCA	Environmental and social compliance audit
EVN	Viet Nam Electricity Power Generation Corporation
Ha	hectare
HP	horsepower
JV	Joint venture
Km	kilometre
LA	Land acquisition
LFDC	Land Fund Development Centre
LR	Livelihood restoration
MoNRE	Ministry of Natural Resources and Environment
MWac	Megawatt (alternating current)
MWp	Megawatt (peak)
PV	Photovoltaic
RoW	Right of way
SDC	Suoi Da Commune
SEP	Stakeholder engagement plan
SPS	Safeguard Policy Statement
THC	Tan Hung Commune
TL	Transmission line
WBG	World Bank Group
WHO	World Health Organization

EXECUTIVE SUMMARY

IBIS Environmental and Social Consulting Asia Pte. Ltd. (“IBIS”) was engaged to undertake an Environmental and Social Compliance Audit (ESCA; the “Audit”) of a solar energy project situated along the western edge of Dau Tieng Reservoir in Tay Ninh Province, Viet Nam (the “Project” or Dau Tieng 2 (DT2) for B. Grimm Power Public Company Limited (henceforth, the “Client” or “B. Grimm”) and Asian Development Bank (henceforth, the “Lender” or “ADB”).

IBIS understands that ADB is considering providing financing to the Project developed by Dau Tieng Tay Ninh Energy Joint Stock Company (“DTE”), which was established as a joint venture (JV) between B. Grimm (55%) and Xuan Cau Group (referred to hereinafter as “Xuan Cau”; which has held 45% of the JV), a large Vietnamese conglomerate, in Tay Ninh Province, Viet Nam. DTE owns and operates two solar developments, namely Dau Tieng 1 (DT1) and DT2. DTE will undergo restructuring such that DT2 will be solely owned and operated by B. Grimm starting from January 2020 (“the Project”) and other project facilities, whilst DT1 will be owned and operated by Xuan Cau.

The purpose of this LA process documentation was to:

- Retrospectively document the LA and LR process undertaken for the development of the Project based on available information;
- Assess the current status of the LA and LR of the Project and identify gaps against relevant national requirements and the ADB Safeguard Policy Statement (SPS, 2009); and
- Provide recommendations, on a prioritized but non-exhaustive basis, to close key gaps for regulatory compliance and alignment with the ADB SPS.

The list of proposed corrective actions that should be undertaken by the Project to address priority gaps against the Applicable Standards is presented below, in the form of a CAP, along with proposed timelines and specific action items. Please note that since some critical actions normally carried out in resettlement programs meeting international standards, such as the development of a full socio-economic baseline of Affected Households, must be concluded prior to land acquisition and payment of compensation, the below list of gaps and recommendations for meeting international standards is constrained by these factors.

Executive Summary

NO.	TOPIC	SPS 2009	LAND LAW 2013 AND RELEVANT REGULATIONS	RECOMMENDATIONS
1.	Collection of LA-related documentation			<p>Following DTE's restructuring, DTE should collect, consolidate and review LA-related documentation in relation to the Project.</p> <p>This information should be used to sense check compensation rates and inform the development of the LRP.</p>
2.	Social baseline study No social baseline study or survey has been conducted. Very limited information was available to determine the living standard of the AHs pre and post Project development.	SPS seeks to identify households who are severely impacted by involuntary resettlement. Affected Peoples (APs) who are (i) physically displaced from housing or (ii) losing from 10% of their productive assets (income generating) are considered severely impacted.	A social baseline study is not required by law in Viet Nam. Note: Decree 47/2014/ND-CP, Article 19, Item 3: APs losing more than 30% of productive land are considered severely impacted and are entitled to livelihood restoration measures.	There is a need for the Project to assess the impacts of the Project on livelihoods of the AHs, particularly the vulnerable and those who were severely affected. This can be carried out as part of the LRP below.
3.	Risks and impacts of the	SPS seeks to identify and assess risks and impacts of	See above.	See below.

Executive Summary

NO.	TOPIC	SPS 2009	LAND LAW 2013 AND RELEVANT REGULATIONS	RECOMMENDATIONS
	<p>informal land use acquisition</p> <p>No social impact assessment (SIA) has been conducted.</p> <p>Very limited information was available to inform the risks and impacts of the Project's informal land use right acquisition on the AHs, particularly the vulnerable or the severely affected people.</p>	the land acquisition.		
4.	<p>Livelihood restoration</p> <p>No LRP has been developed, particularly for those who were severely affected and the vulnerable.</p> <p>Although some livelihood restoration related financial support was identified to have been made to selected AHs, it is not clear whether this support was sufficient and effective.</p>	SPS seeks to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.	See above.	<p>The Project should develop a LRP with a focus on those who were severely affected by the Project and the vulnerable, including the poor and the elderly.</p> <p>Note: Where appropriate, the LRP can be designed in conjunction with the Project's Corporate Social Responsibility program, which may include seasonal employment opportunities for the vulnerable and community initiatives, such as vocational training, but with an explicit focus on targeting and including those vulnerable AHs</p>

Executive Summary

NO.	TOPIC	SPS 2009	LAND LAW 2013 AND RELEVANT REGULATIONS	RECOMMENDATIONS
	The number of AH's for DT2 is 73 and there is around 292 individuals within these AH's			<p>impacted by LA.</p> <p>The LRP shall be made available to all economically displaced informal land users. Poor and vulnerable households will be prioritized.</p>
5.	<p>Grievance redress mechanism</p> <p>At the time of this document preparation, the Project has not developed a GRM for its external stakeholders.</p>	<p>A mechanism will be established to receive and facilitate the resolution of APs' concerns and grievances about physical and economic displacement and other project impacts, paying particular attention to the impacts on vulnerable groups.</p> <p>This mechanism should be made known to APs.</p>	<p>Steps and procedures for grievance redress that relate to land and administrative decisions shall follow the steps and procedures regulated by the Law on Grievance (Article 204 of the Land Law 2013), particularly Articles 7, 27,28, 33, 37 and 38 of Law on Grievances.</p>	<p>The Project should develop and implement an external GRM and ensure that it is made known to the AHs.</p>
6.	<p>Evaluation and Monitoring</p> <p>The Project currently does not have any evaluation or monitoring program for its land</p>	<p>Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons,</p>	<p>Monitoring and evaluation are required in a more general term and includes all aspects of the implementation of the Land Law</p>	<p>The evaluation and monitoring of livelihood restoration shall be part of the LRP.</p>

Executive Summary

NO.	TOPIC	SPS 2009	LAND LAW 2013 AND RELEVANT REGULATIONS	RECOMMENDATIONS
	acquisition and livelihood restoration program. No provisions have been made to facilitate the evaluation and monitoring.	and whether the objectives of the resettlement plan have been achieved. A close-out audit is also required as part of the monitoring.	2013 (Article 33 of Decree No 47/2014/NĐ-CP).	
7.	Communication on Land Use Restriction No formal communication has been made to inform existing land users along the TL corridor with regards to land use restriction.	SPS seeks to ensure a fair and transparent information disclosure to external stakeholders, particularly those affected by the Project.	EVN land use restriction related and regulations	A communication shall be made to inform the existing land users along the TL corridor about land use restrictions as part of the project Stakeholder Engagement Plan (SEP).

1 INTRODUCTION

1.0 BACKGROUND

IBIS Environmental and Social Consulting Asia Pte. Ltd. (“IBIS”) was engaged to undertake an Environmental and Social Compliance Audit (ESCA; the “Audit”) of a solar energy project situated along the western edge of Dau Tieng Reservoir in Tay Ninh Province, Viet Nam (the “Project” or Dau Tieng 2 (DT2) for B. Grimm Power Public Company Limited (henceforth, the “Client” or “B. Grimm”) and Asian Development Bank (henceforth, the “Lender” or “ADB”). Further description of the Project is provided in *Section 3* below.

IBIS understands that ADB is considering providing financing to the Project developed by Dau Tieng Tay Ninh Energy Joint Stock Company (“DTE”), which was established as a joint venture (JV) between B. Grimm (55%) and Xuan Cau Group (referred to hereinafter as “Xuan Cau”; which has held 45% of the JV), a large Vietnamese conglomerate, in Tay Ninh Province, Viet Nam. DTE owns and operates two solar developments, namely Dau Tieng 1 (DT1) and DT2. DTE will undergo restructuring such that DT2 will be solely owned and operated by B. Grimm starting from January 2020 (“the Project”) and other project facilities as specified further below, whilst DT1 will be owned and operated by Xuan Cau.

The Audit formed part of the pre-investment due diligence process. As a part of the Audit, IBIS prepared this document describing the land acquisition (LA) and livelihood restoration (LR) process for DT2. Given that no overarching, Project-wide planning document for land acquisition and resettlement, such as a Resettlement Action Plan based on international standards, was prepared, the present document does not constitute an audit as such, but rather a descriptive summary and first-level analysis against Applicable Standards that attempts to highlight key gaps and potential areas for improvement in the Project’s practices.

1.1 AIM AND OBJECTIVES

The purpose of this LA process documentation was to:

- Retrospectively document the LA and LR process undertaken for the development of the Project based on available information;
- Assess the current status of the LA and LR of the Project and identify gaps against relevant national requirements and the ADB Safeguard Policy Statement (SPS, 2009); and
- Provide recommendations, on a prioritized but non-exhaustive basis, to close key gaps for regulatory compliance and alignment with the ADB SPS.

As many key processes for meeting international resettlement standards, such as collection of baseline socio-economic data for Affected Households (AHs), must be carried out prior to compensation,

resettlement and livelihood restoration, there are certain important gaps that cannot be remedied as land acquisition has already taken place.

1.2 REPORT STRUCTURE

This report documents the LA and LR process undertaken for the development of the Project in Tay Ninh Province, Viet Nam, and it is structured in the following manner:

- **Chapter 1 Introduction** provides a brief introduction to the Project, the objectives, and the structure of this report;
- **Chapter 2 Methodology, Applicable Standards and Limitations** details the methodology undertaken by IBIS, the Applicable Standards adopted, and limitations;
- **Chapter 3 Project Description** provides background information on the Project, including its location and historical land use;
- **Chapter 4 Land Use Rights Acquisition** describes the LA process undertaken by the Project with regard to each of the different Project areas (the solar park itself, known as DT2, the transmission line or TL and the 300 m access road);
- **Chapter 5 Livelihood Restoration Process** describes the LR process implemented by the Project; and
- **Chapter 6 Conclusion and Recommendations** provides a conclusion and recommendations against the Applicable Standards.

It should be noted that the approach in which land acquisition and compensation was organized for each Project component – DT2 solar farm area itself, the TL and the access road – means that there is no overarching framework under which all of these processes were carried out. Rather, due to the relevance of different authorities (such as Viet Nam Electricity Power Generation Corporation - EVN for the TL and the local communes and the Dau Tieng Reservoir Authority for DT2 and the access road), different approaches were taken, aligned with relevant policies and practices.

Nonetheless, this report seeks to provide recommendations for how to strengthen the approach to date, and aim to align the process with the intent of the Applicable Standards, particularly the international safeguards. These recommendations are presented in a synthesized fashion under each Project component and then consolidated in a single table of recommendations in Sections 6.

This report is supplemented with four annexes:

- *Annex A: List of LA-related Documents Provided for Review;*
- *Annex B: List of Interviewees;*
- *Annex C: Aerial Imagery of the Project ; and*
- *Annex D: Photolog.*

2 METHODOLOGY, APPLICABLE STANDARDS AND LIMITATIONS

2.1 METHODOLOGY

For the preparation of this report, IBIS adopted the following approach for information collection, analysis and reporting:

- *Task 1: Task Project Initiation and Preparation*

A project kick-off call was held with DTE, ADB and IBIS on the 4 November 2019 via teleconference. An Information Request List was provided to DTE for E&S information collection. DTE also supported the planning and arrangement of the visit to the Project and provided an initial set of documents for review.

- *Task 2: Document Review*

Under Task 2, a review of available information and publicly available resources was undertaken to assess further the components of the Project. A list of documents reviewed by IBIS is provided in *Annex A: List of LA-related Documents Provided for Review*. These documents included publicly available information collected by IBIS during the Audit and documentation provided by DTE and B. Grimm. IBIS requested a range of additional LA-related documentation for review. This included Project-specific government policies on compensation, land compensation disbursement summary, and selected examples of detailed measurement surveys (DMS), where available. The list of LA-related documents submitted to IBIS for review is provided in *Annex A: List of LA-related Documents Provided for Review*. Please note that information gaps are noted in this document, where they present a potential material gap.

It should also be noted that document review was carried out in two rounds. The initial round was conducted in late 2019 and early 2020, in conjunction with the Site visit. The second round of document review was undertaken in the last quarter of 2020 and first quarter of 2021 to reflect the latest status of the Project and its E&S performance upon request by ADB and B. Grimm in response to a change in financing arrangements and DTE's restructuring and subsequent ownership of DT2. Where appropriate, additional information provided by B. Grimm and/or DTE was reviewed by IBIS during the second round of the document review; these documents are noted in *Annex A: List of LA-related Documents Provided for Review*.

- *Task 3: Interviews with Knowledgeable Persons during the Site Visit*

The overall purpose of this Task was to visit the Project site (the Site) to understand its operations and its setting. A five-day visit to the Site was conducted between the 11 and 15 November 2019 during which the following activities were undertaken:

- A brief introductory meeting to understand historical activities, operations and known future plans and operations of the Project;
- An accompanied tour of the Project, including touring the Project perimeter along its eastern boundary by boat and the western boundary via the Project's internal road by car;
- Interviews and discussions with knowledgeable personnel at the Site;
- Accompanied visits to local community representatives and interviews with members of households affected by the Project (collectively referred to as the Affected Households or AHs); and
- A review of documentation made available on-site to IBIS.

During the site visit, IBIS was accompanied by personnel from DTE and ADB. Photographs were taken during the site visit and are presented in *Annex D: Photolog*. In addition, IBIS interviewed knowledgeable persons largely in the following three groups:

- Representatives of DTE ("Site Representatives");
- Representatives of the local authorities ("Government Authority Representatives"), including commune leaders and representatives of Dau Tieng Reservoir Authority; and
- Selected members of the AHs.

Specifically, these interviews focused on:

- Interviews with selected AHs on the implementation process of compensation provisions, support and resettlement, including plans and/or actions undertaken by the AHs using the compensation payment received. These AHs included one AH that was physically relocated and was considered a low-income household from Suoi Da Commune (SDC);
- Interviews with local officials, including the staff-in-charge of Land Fund Development Centre (LFDC) of Tay Ninh Province and leaders and staff-in-charge of Tan Hung Commune (THC) and SDC and other government stakeholders, i.e. Dau Tieng Reservoir Authority and members of Commune People's Committee (CPC), collectively referred to Government Authority Representatives, to understand their views, awareness and participation in relation to the LA and LR planning and implementation process associated with the Project; and
- Staff of the Project who were familiar with or involved in the LA process and compensation disbursement, collectively referred to as Site Representatives.

Further details of the interviewees are provided in *Annex B: List of Interviewees*.

- *Task 4: Reporting*

Based on the available information, a review of the LA and LR process for the Project was conducted. Relevant information and findings from the analysis are presented in this report, including key parameters of the LA, unit prices for compensation and support, and current status of the LA and LR process.

2.2 APPLICABLE STANDARDS

The Audit has been carried out against the following standards and guidelines. Collectively, they are referred to as the “Applicable Standards”.

- Applicable Vietnamese national and local laws and regulations and international agreements on environment, land acquisition and involuntary resettlement, Indigenous Peoples, human resources and labour practices, gender and other social matters fully in force at the time of authorisation of the signed Proposal (22nd July 2020);
- ADB Safeguard Policy Statement (SPS), 2009;
- ADB Social Protection Strategy, 2001;
- ADB Gender and Development Policy, 1998;
- ADB Access to Information Policy, 2019;
- World Bank Group (WBG) General Environmental, Health & safety (EHS) Guidelines, 2007;
- WBG EHS Guidelines for Electric Power Transmission and Distribution, 2007;
- International Covenant on Economic, Cultural and Social Rights; and
- Relevant International Labour Organization (ILO) Core Labour Standards Conventions ratified by Viet Nam.

2.2.1 Applicable Vietnamese laws and regulations

Based on the nature of the Project and activities onsite, the following Vietnamese laws, regulations, standards and technical regulations are considered relevant and applicable to the Project:

2.2.1.1 LAND ACQUISITION AND COMPENSATION

The compensation, support and resettlement process and policies in Viet Nam are currently regulated by the Land Law 2013 and its relevant regulations, and these include:

- Land Law No.45/2013/QH13, dated 29 November 2013;

- Decree No.43/2014/ND-CP dated 15 May 2014 guiding in detail some articles of Land Law 2013;
- Decree No.47/2014/ND-CP dated 15 May 2014 on compensation, support, and resettlement upon land recovery by the State;
- Decree No.44/2014/ND-CP dated 15 May 2014 on land price;
- Decree No. 45/2014/ND-CP dated 15 May 2014 on land use fee collection;
- Decree No. 84/2013/ND-CP dated 25 July 2013 on the development and management of resettlement houses;
- Circular No.07/2014/TT-BXD dated 20 May 2014 of the Ministry of Construction providing guidance on aspects of the Government's Decree No.84/2013/ND-CP of 25th July 2013 on the development and management of resettlement houses;
- Circular No. 36/2014/TT-BTNMT dated 30 June 2014 of the Ministry of Natural Resources and Environment on land pricing method, compilation of and adjustment to land price lists, determination of specific land prices and consultancy on land pricing;
- Circular No. 37/2014/TT-BTNMT dated 30 June 2014 detailing compensation, support and resettlement upon land recovery by the State;
- Circular No.02/2015/TT-BTNMT dated 27 January 2015 regulating aspects of Decree No 43/2014/ND- CP and Decree No 44/2014/ND–CP dated 15 May 2014;
- Local Decisions on Land Acquisition and Compensation/Support and Resettlement of Tay Ninh Provincial People's Committee (Document No. 790/UBND-KTTC dated 4 April 2018);
- Decision No. 62/2015/QĐ-UBND dated 29 December 2015 – regulations on compensation unit prices for trees, crops and pets when the State recovers land in Tay Ninh Province; and
- Decision No. 81/2014/QĐ-UBND dated 31 December 2014 – regulations on compensation unit prices for houses/structures when the State recovers land in Tay Ninh Province.

2.2.1.2 Grievance Mechanism

- The Law on Complaints (02/2011/QH13), Law on Denunciations (25/2018/QH14) and Law on Administrative Procedures (93/2015/QH13).

2.2.1.3 Relevant Governmental Authorities

Key relevant governmental authorities include:

- Ministry of Natural Resources and Environment;
- Viet Nam Environment Administration;
- Ministry of Industry and Trade;

- Ministry of Agriculture and Rural Development;
- Department of Water Resources Management;
- Provincial Department of Natural Resources and Environment (DoNRE);
- Provincial Department of Agriculture and Rural Development;
- Provincial Department of Industry and Trade; and
- Dau Tieng Phuoc Hoa Irrigation Operation One Member Company Limited (Dau Tieng Reservoir Authority).

2.3 LIMITATIONS

The work was carried out as per IBIS' Proposal dated 22nd July 2020. The full Environmental and Social Compliance Audit (ESCA) originally focused on the Project to be developed by DTE, which was established as a JV between B. Grimm and Xuan Cau. However, as of January 2021, the Project is now to be solely owned and operated by B. Grimm.

This report – which constitutes a summary of land acquisition and resettlement practices carried out by the Project, including an analysis against Applicable Standards, and not a resettlement audit as such – has largely relied on information gathered and findings made during the late 2019 ESCA process and the desk-based document review of information provided by B. Grimm in late 2020 and early 2021.

The ESCA focuses on identifying those E&S issues that are likely of greatest significance for the transaction. The present report does not constitute a detailed compliance review nor should it be considered a first-hand collection of baseline E&S data. Rather, it seeks to summarize in one document the diverse practices employed for acquiring land use rights, compensating and providing resettlement support for the AHs in three distinct Project areas: the DT2 site where the solar park is located, the TL and the 300 m access road. As no overarching Resettlement Action Plan or Livelihood Restoration Plan exists (including with full baseline data on the AHs, exists for all project components), and as IBIS did not have access to the Land Acquisition, Assistance and Resettlement Plan prepared for DT2, IBIS' recommendations are limited to the highest-priority gaps against Applicable Standards that can still be addressed or practices that can still be improved upon by the Project.

All conclusions and recommendations made represent the professional opinions of the IBIS consultants involved with the project, and the results of this report should not be considered a legal interpretation of existing regulations.

IBIS assumes no responsibility or liability for errors in the public data utilised, information provided by the vendor, or statements from sources outside of IBIS, or developments resulting from situations outside the scope of this project. We make no warranties, expressed or implied, including, without limitation, as to merchantability or fitness for a particular purpose.

All data and information provided were assumed to be accurate and up to date.



3 PROJECT DESCRIPTION

The Project, also referred to as DT2, is situated along the western edge of Dau Tieng Reservoir (the Reservoir) in Tay Ninh Province, approximately 90 kilometres (km) northwest of Ho Chi Minh City, Viet Nam. *Figure 1* below depicts the Project Site, along with an immediately adjacent solar energy development, referred to as DT1.

DT2 involves the development and operation of a solar photovoltaic (PV) power plant with an installed capacity of 240 megawatts peak (MWp) and contracted capacity of 200 megawatts (alternating current) (MWac). Details of DT2 are summarized in *Table 3-1* below.



FIGURE 1 PROJECT SITE LOCATION

TABLE 3-1 KEY COMPONENTS OF THE PROJECT

PROJECT COMPONENT	QUANTITY	REMARKS
Land area of DT2 – solar farm (ha)	270.2	The original land area of DT2 was 288 ha. Reportedly, a total of 17.8 ha of land was transferred from DT2 to DT1 due to an overlapping land area. Approximately 80-90% of the DT2 land area is typically inundated during the flood season.

Project Description

PROJECT COMPONENT	QUANTITY	REMARKS
Solar power capacity (MWac)	200	Polycrystalline solar panels.
Solar power capacity (MWp)	240	-
Inverters	80	The inverters are positioned across the Project site. Each inverter has a supporting capacity of 2.5 MW. Each platform has two inverters and one transformer (separate to the main transformers below). Each platform has a top of platform height of 26.5 m amsl (top of pile at 26.2 m amsl).
Transformers (associated with the inverters)	40	Each transformer has a capacity of 5MVA and is co-located with the inverters.
Substation	Not Applicable (N.A.)	A substation is shared between DT1 and DT2 under the ownership of DTE.
Main transformers	-	The main transformers are located within the substation.
Solar panels	~ 0.76 million	The solar panels are of a polycrystalline type mounted on piles. Top of pile is at 25.9 m amsl, and the lowest point of the solar panels is 25.5 m amsl.
Concrete piles	~100,000	The piles are the support structures for mounting the solar panels.
22kV overhead line	-	This overhead line connects the inverter platforms to the substation and is a shared facility with DT1.
Internal roads	~ 11.7 km	-
Groundwater abstraction wells	2	The groundwater abstraction wells have an approximate depth between 25 and 26 m below ground level (bgl).
Transmission towers	-	One transmission tower is situated within DT1 and is a



Project Description

PROJECT COMPONENT	QUANTITY	REMARKS
		shared facility with DT2, and the five others are outside the Project site boundary. Each transmission tower has a footprint of approximately 200 m ² . The transmission line has a minimum sagging height of 25 m.
Transmission line	-	The 220kV transmission line has a total length of 1.4 km, and whilst it is a project facility shared with DT1, it is considered to be located outside the Project site area.
Access roadway to the Project site (immediately outside the Project site)	-	This 300 m roadway has a width of 6 m and is a public road within the management area of Dau Tieng Reservoir Authority and serves as the main access road to the Project as well as to DT1. It is used by the Project, DT1 and the general public, mainly local farmers. As part of the land use right resumption, DTE compensated a farmer who previously had informal right to use the land that was required for the road expansion (representing an area of 750 m ² , i.e. 300 m in length and 2.5 m in width).

At the time of preparation of this report, the Project is in operation. The land handover has been fully completed. Construction of the Project commenced on the 15 July 2018 and concluded at the end of May 2019. In accordance with the Power Purchase Agreement (PPA), the Project reached Commercial Operations Date (COD) on the 13 June 2019, slightly later than COD for DT1 on the 3 June 2019. Both DT2 and DT1 have an expected operational lifespan of 20 years. *Figure 2* summarises the Project development timeline. Aerial imagery showing the development of the Project site is also provided in *Annex C: Aerial Imagery of the Project*.

Project Description



FIGURE 2 DEVELOPMENT TIMELINE OF THE PROJECT (AND DT1)

As DT2 and DT1 were initially designed and constructed to operate as a combined unit, and therefore use various shared supporting facilities, some of these supporting facilities are shared between the two solar projects after DTE's restructuring. Based on information provided by B. Grimm in December 2020, ownership and usage of the following components and supporting facilities will be arranged as described below:

- The 270.8 ha solar energy plant within the physical boundary of DT2 – solely owned and operated by DTE, which is now wholly owned by B. Grimm;
- The 216 ha solar energy plant within the physical boundary of DT1 – solely owned and operated by Xuan Cau;
- A 1.4 km long 220 kV transmission line and six transmission towers, five of which are located outside the physical boundary of DT2 and DT1 – under DTE's ownership, although the use is shared between the Project and DT1;
- An administration compound, which houses a single-storey administration building, a single-storey warehouse (for the solar plant's operation), a single-storey canteen, a single-storey workshop, a single-storey staff rest area, and a guard house – the land will be owned by DTE. The shared usage of the buildings between DT1 and DT2 is understood to be currently under discussion;
- A substation, including two fire-fighting water storage tanks – under DTE's ownership, although the use is shared between DT2 and DT1;
- A single-storey warehouse (for the substation's operation, known as "Substation") – under DTE's ownership and to be used for storage of substation spare parts;
- A guard house (for Substation) – under DTE's ownership, although shared use with DT1;
- An internal 22 kV overhead transmission line with 140 towers – owned by DTE but shared with DT1;

Project Description

- Some sections of the internal roadways – which are in common use as agreed between DT2 and DT1;
- Underground and overhead connecting cables – which are in common use as agreed between DT2 and DT1;
- A hazardous and chemical material storage (with three partitioned units) – the land will be owned by DTE, and the shared usage of the building is under discussion; and
- A 300 m public access road immediately outside DT1 (leading up to the main entrance of the administration compound) – which is in common use by DT1 and DT2 as per their agreement. It should be noted that this road is considered a public road and as such is not considered an asset of DT2 or DT1.

Further details of the major components of the Project are provided below.

3.1 PROJECT ASSETS AND FACILITIES

3.1.1 DT2

The solar development area of DT2 covers a total land area of 270.2 ha immediately adjacent to the Reservoir. The land area of DT2 is situated mainly in Suoi Da Commune (SDC) in Duong Minh District. A small portion of DT2 land, where shared facilities with DT1 are located, is situated in Tan Hung Commune (THC) in Tan Chau District.

The Project site (and other project facilities as well as the land area of DT1) is legally recognised as a state-owned land under the management of Dau Tieng Reservoir Authority, who is tasked to manage the Reservoir and the surrounding land under the elevation of 27.0 m average mean sea level (amsl). Dau Tieng Reservoir Authority is therefore also locally referred to as the “Lake Owner”. The 50-year land lease agreement covering the DT2 site, Land Lease Agreement No. 02/09-HDTD dated 10 September 2018, was obtained from Tay Ninh PPC for the 288 ha of land from Suoi Da commune. A separate agreement is in place for the land used for DT1.

Land elevation of the entire DT2 area generally ranges approximately from 20 to 24 m amsl. Up to 90% of the land of the Project is seasonally flooded and inundated with water during the wet season for a approximately six months, typically from October to March. Since the Project area is situated within the periphery of Dau Tieng Reservoir, the land had not been fully utilised by the State. Prior to the establishment of DT2, informal land users (i.e. farmers) occupied and used the land area for agricultural purposes. These informal land uses included mainly cultivation of cassava during the dry season when the water level in the Reservoir is low, typically from April to September. Dry land surrounding the Project site and partly within the Project site was also used for cultivation of sugar cane, sugar apples and rubber trees. Based on IBIS's observations, surrounding areas to the west of the Project were mainly used for rubber tree plantations and agricultural crop production, including sugar apples and sugar cane. Dau



Tieng Reservoir Authority also confirmed the use of the Reservoir's waterbody for fishing. As a result of the Project development, the informal land use rights were resumed from a total of 73 households through a land use right resumption process resulting in economic displacement of 73 AHs and the physical displacement of one AH (who was also considered to be economically displaced). The process is further detailed in *Section 4*.

3.1.2 Transmission Line and Transmission Towers

A 1.4 km long 220kV transmission line (TL) and the six transmission towers are project facilities of DT2 and are shared facilities with DT1. The TL has a corridor of 14 m each side of its route. The TL connects the Project's substation to the existing power grid managed by Viet Nam Electricity Power Generation Corporation (EVN), the state-owned power company in Viet Nam.

One of the six transmission towers is located within the physical boundary of DT1 (expected to be under the ownership of DT2 after DTE restructuring), and the remaining five transmission towers are located northwest of DT2 over a distance of approximately 1.4 km. The spacing between each tower ranges from 244 to 440 m. The height of the transmission line ranges from the lowest point at 27 m above ground level (m agl) to the highest point at 65 m agl.

Prior to the establishment of the five transmission towers, the land was informally occupied and used by farmers without legal land entitlement. As the land was under the management of Dau Tieng Reservoir Authority, DTE formally acquired land use rights for the establishment of the five transmission towers from Dau Tieng Reservoir Authority. In addition, DTE undertook a land use right resumption process for the construction of the TL and the transmission towers from a total of 14 households.

3.1.3 300 m Long Access Road

For the development of DT2 (and DT1), DTE widened a 300m long public road directly linking the main entrance of DT2 and DT1. This public road was previously unpaved, narrow and mainly used by local farmers to access their fields and for transportation of their crops. In order to widen the public road, DTE offered financial compensation to an informal land user who had occupied the land alongside the public road for agricultural purposes. The affected area was said to cover 750 m² (i.e. 300m by 2.5m). DTE upgraded the 300m public road and widened it by 2.5m to a total width of 6 m.

According to Project Representatives and IBIS' interview with the affected farmer, finalisation of the financial compensation was reached through informal discussions and then mutual agreement between DTE and the farmer.

According to Site Representatives, this 300m long public road remains as a public road under the management of Dau Tieng Reservoir Authority and no land use right acquisition was made by DTE from Dau Tieng Reservoir Authority. Hence, this public road is not considered part of the Project assets. However, in relation to LA and LR, the farmer was considered to be an AH due to economic displacement as a result of the Project.



According to information collected from interviews with Project Representatives, no Indigenous Peoples were identified within the Project area.

3.2 BACKGROUND INFORMATION OF THE PROJECT SITE AND ITS SURROUNDING AREA

3.2.1 Dau Tieng Reservoir

Surrounding the Project to the north, east and south is Dau Tieng Reservoir. The dam for the Reservoir was constructed between 1981 and 1985, designed to have a peak water level at 26.1 m amsl. The reported highest water level in the Reservoir is 25.1 m amsl. The Reservoir has a water surface area of approximately 270 km² at its normal water level of 24.4 m amsl. It stores 1.58 billion cubic metres (m³) of water and is located within the three provinces of Tay Ninh, Binh Phuoc and Binh Duong. The largest portion of the Reservoir lies within Tay Ninh Province. The catchment area of the Reservoir is approximately 2,700 km². The Reservoir supplies water for irrigation, industrial and domestic activities in Tay Ninh and Binh Duong Provinces and part of the northern area of Ho Chi Minh City, and it also provides a waterbody for local aquaculture. Land below the elevation of 24.6 m amsl is usually flooded on a seasonal basis.

3.2.2 Project Area Communes

This subsection covers the socio-economic characteristics and land-use impacts arising from the Project in Suoi Da Commune (SDC) and Tan Hung Commune (THC). Figure 3 below provides a visual presentation of the Project. Note that the Project is mainly located within the 285ha land in SDC. The areas used in THC, comprising 15 ha, are for the substation, overhead 22kV powerline and access road.

According to Government Authority Representatives, the Project and publicly available information, SDC has an approximate total area of 12,669 ha and a population of approximately 12,000 representing roughly 4,700 households. The average yearly income per household is approximately VND 50M, and around 80% of household income is reportedly from agriculture. It is estimated that 9% of the households are considered as “poor”. (Please note that the definition of “poor” was not defined verbally by Government Authority Representatives during an interview with IBIS.) Of the 12,000 ha, approximately 7,000 ha are situated within the state-owned land area under the management of Dau Tieng Reservoir Authority. The largest single land right use owner has a land area of 30 ha, while the smallest land-owner has about 500 m². Tan Hung commune has a population of approximately 24,000 people (2018) across an area of around 5,800ha.¹ DTE confirmed that there are no known indigenous peoples living in the



¹ Numbers being confirmed.

Project Description

project area or in the surrounding area. This was also confirmed by the leader of the commune during the site visit.

Project Description

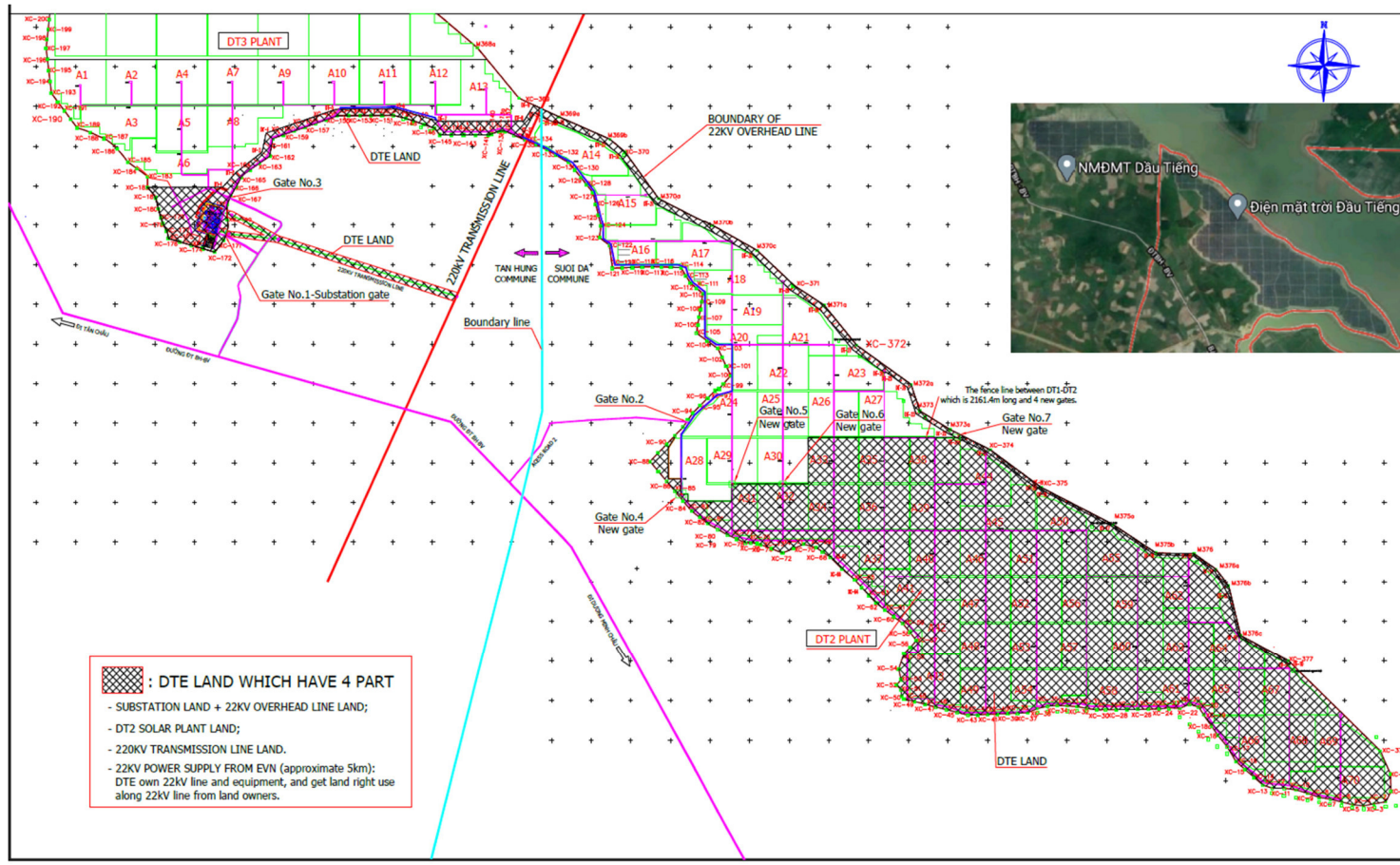


FIGURE 4 PROJECT LAND AREA

4 LAND USE RIGHTS ACQUISITION

This section describes the land use rights acquisition process undertaken by DTE (or Xuan Cau prior to the establishment of DTE as a JV between B. Grimm and Xuan Cau).

4.1 ALTERNATIVES CONSIDERED AND MEASURES IMPLEMENTED TO REDUCE LAND ACQUISITION

A basic objective of the ADB SPS regarding land acquisition and involuntary resettlement is to avoid such impacts wherever possible by exploring project and design alternatives. Based on discussions with Site Representatives, alternatives for the location of the Project were considered during the planning and pre-feasibility stage of the Project to minimise negative impacts of the Project, taking into account factors including technical, financial, scope of LA and other relevant components for site screening and selection. It was reported that, at the time of the Project planning in the pre-feasibility stage, five site options were initially considered in the land selection process for the Project. The selection of the current Project location and site layout was primarily driven by:

- **Minimising economic impacts on existing land users** – The fact that the Project area is seasonally flooded played a significant role in the site selection process for the Project. According to Government Authority Representatives, a key driver for the selection of the current Project location was that the majority of the Project land area is seasonally flooded for approximately six months a year. As such, the land was therefore not fully utilised for agricultural purposes throughout the year by informal land users, and economic output from the agricultural activities was considered low compared to that from permanently dry land located elsewhere on higher ground around the periphery of the Reservoir or outside the Reservoir area. In addition, information collected through interviews with AHs and Government Authority Representatives indicated that economic output from the agricultural activities on the seasonally flooded land generally served as a secondary source of income. Economic impacts on the informal land users of the Project were therefore anticipated to be limited.
- **None, or very limited, physical displacement** – According to the Feasibility Studies of DT1 and DT2 (Doc. No. 5 & 6 in *Annex A*), a social-related site selection criterion included “*Không ảnh hưởng đến các khu dân cư*” which is translated to “*does not affect residential area*”. Within the Reservoir, including its surrounding area under the elevation of 27.0 m amsl, no residential households or immovable assets were expected or legally permitted as the land area was legally

considered part of the Reservoir. Therefore, selection of the Project area was itself considered a measure to minimise if not avoid entirely any physical displacement².

- **Minimisation of land-take** – The elongated layout of DT2 and its setting along the edge of the Reservoir allowed the Project to maximise the use of the seasonally flooded area while minimising occupation of dry land. It also minimised potential adverse impacts on private land users.

With regards to consideration of alternatives and measures to reduce land acquisition, it can be summarised as follows:

- Alternative site locations were considered in the process of site selection for the Project; and
- The selection of the current Project location explicitly and significantly took into account decision criteria to minimise negative social impacts of the Project.

4.2 LAND AFFECTED BY THE PROJECT

According to information provided by representatives of Dau Tieng Reservoir Authority, no private land ownership is legally permitted in, and around, the Reservoir on land under an elevation of 27.0 m amsl. However, Dau Tieng Reservoir Authority acknowledged that informal land users (i.e. farmers without official land use rights) used state-owned land around the Reservoir for agricultural production, mainly for the cultivation of cassava in the seasonally flooded area during the dry season, when the water level in the Reservoir was low (typically from three to six months a year). The expectant net profit for the crop production (Cassava) is VND 40 million / hectare. For a period of 6 months of the year the water level prevents the land being used other sources of income are sought. The Project suggested that the land area per household is around 2 to 3 ha on average. On land that was not seasonally flooded, cultivation of sugar cane, sugar apples and rubber trees by informal land users was also reported. Historical imagery of the Project area presented in *Annex C: Aerial Imagery of the Project Site* shows extensive seasonal flooding at the Project site and evidence of agricultural practices on the seasonally flooded area.

To develop DT2, DTE entered into a 50-year land lease agreement with Tay Ninh Provincial People's Committee (PPC) to utilise the state-owned land for the development of the Project. The table below summarises the land area affected by DT2 and the other project facilities.

² Approximately 90% of the land area occupied by DT2 is seasonally flooded, as such there were no permanent houses within the DT2 area. However, there was one temporary dwelling which was physically displaced during the land acquisition process, whose residents had used the structure to guard their fields (not used as a permanent residence).



TABLE 4-1 TENURE OF PERMANENTLY AND TEMPORARILY AFFECTED LAND

PROJECT COMPONENTS	STATE LAND (HA)	STATE LAND WITH INFORMAL PRIVATE USERS (HA)	PRIVATE LAND USERS WITH LAND USE RIGHT CERTIFICATE (HA)	TOTAL (HA)	NO. OF AFFECTED HOUSEHOLDS	NO. OF AFFECTED PERSONS (EST. BASED ON AVERAGE HOUSEHOLD SIZE)
DT2 Solar Farm	-	270.2	-	270.2	73	292
Transmission Towers (each with a footprint of approximately 388.1 to 715 m ²)	-	0.25046	-	0.25046	14	56
TL (Total TL corridor area = 3.57 ha)	0.838	3.49066		3.57446		
300m Access Road	-	0.075	-	0.075	1	4
Total	0.838	274.016		274.1	88	352

Sources: Doc. No. 40 & 55 in Annex A

4.3 LAND USE RIGHT RESUMPTION AND ACQUISITION PLANNING

As noted above, the majority of the Project area is legally designated as state-owned land under the management of Dau Tieng Reservoir Authority. Thus, no land use right acquisition from private landowners was undertaken, except for the installation of the TL.

Whilst DTE was under no legal obligation to do so, (since the majority of land occupied by the Project was situated on state-owned land), the Project nonetheless undertook an informal land use rights resumption process. This was undertaken in collaboration with the relevant government authorities and provided financial compensation to affected informal land users located within the boundary of DT2. It should be noted that the process of informal land use right resumption for DT2 was led by Xuan Cau, prior to the establishment of DTE, and land use right acquisition for the TL and transmission towers and financial compensation associated with the expansion of the 300m public access road were led by DTE.

The following section describes the land use right resumption and acquisition planning for each of the three components.

4.3.1 DT2

According to the requirements of the *Land Law of 2013* and related decrees and circulars, a Land Acquisition, Assistance and Resettlement Plan is typically prepared for land use right acquisition in Viet Nam. This document usually details land area, land type, land use, and corresponding compensation



unit rates proposed by DoNRE or LFDC. However, in the case of DT2, no land use right acquisition was required, as no private landowners were present within DT2 land area. Instead, the 270.2 ha land was resumed from the informal land users through the informal land use right resumption process. In consultation with local communal officials and the Dau Tieng Reservoir Authority, Xuan Cau and then DTE led this process for DT2 based on the relevant Vietnamese policies, regulations and practices. There are some noteworthy gaps with regard to alignment with international resettlement safeguards (such as ADB SPS), as specified in *Section 6 Conclusion and Recommendations*.

According to Site Representatives, the land use right resumption process was undertaken by Xuan Cau and involved the participation of LFDC and the Communes. Based on the verbal information provided to IBIS, it is understood that the informal land use right resumption process for DT2 was undertaken as follows:

- **Implementation Timeline** - The informal land use right resumption process for DT2 officially commenced in January 2018, at which time the informal land users were officially notified in writing. The eligibility cut-off date of 25 January 2018 was set to coincide with the onset of the seasonal flooding at the Project site and around the Reservoir and, reportedly, before any seasonal farming activities would usually commence. According to AHs interviewed by IBIS, multiple consultation sessions of with AHs were held at the respective communes and at the Project site. The table below presents the key implementation timeline of the informal land use right resumption process.

TABLE 4-2 INVOLUNTARY RESETTLEMENT IMPLEMENTATION AND MONITORING SCHEDULE AND PERCENTAGE OF COMPLETION

ACTIVITIES	START	COMPLETE
Issued the Notice of Land Acquisition	January 2018	January 2018
Detailed Measurement Surveys (DMS) ³	May 2018	July 2018
Prepared the draft version of the detailed compensation plans	May 2018	July 2018
Publicly posted and received comments/feedback of the AHs on the detailed compensation plans	July 2018	August 2018
Issued the Decision on Compensation, Assistance and Resettlement for each AH.	August 2018	August 2018

³ Note that the Detailed Measurement Survey only documents physical assets rather than being a socio-economic baseline.

ACTIVITIES	START	COMPLETE
Payment of compensation/assistance	August 2018	Completed as of February 2019
Handing over of land to the Project	March 2018	June 2018

Source: Verbal information provided by DTE and CPCs in November 2019

- **Information Disclosure, Consultation and Participation Activities** - According to AHs interviewed by IBIS during the Site visit, multiple sessions of consultation with the AHs were held at the respective communes and at the Project site. The consultation and negotiation sessions and subsequent payment of compensation were undertaken in groups by Xuan Cau in collaboration with Dau Tieng Reservoir Authority and relevant government authorities, including Provincial Land Development Center and CPC of SDC and THC.

According to information provided by Project Representatives, at least 20 sessions of community and AH consultation were held in the two communes as well as at the Project site (including general meetings with AHs, group discussions with AHs and individual meetings with AHs). These consultation sessions were reportedly documented in meeting minutes and kept by LFDC of Tay Ninh Province and Xuan Cau. Information collected from interviews with Government Authority Representatives and AHs confirmed that these consultation sessions were indeed held and attended by community members, including the AHs and leaders of the two communes, and representatives of the relevant government officials and Xuan Cau. Information conveyed in the consultation sessions reportedly included Project planning information, relevant regulatory requirements, informal land use right resumption process and compensation policy and relevant regimes of the government. All consultations were free-of-charge and conducted in Vietnamese. None of the AHs interviewed by IBIS expressed any grievance or concern over the information disclosure, consultation and participation process (please refer to **Annex B** for the list of AHs interviewed by IBIS).

- **Collection and Verification of Land and Asset Details** – A land survey of the affected area was led by the local government to collect details on land size, land use, crop type and, if any, other assets present. The details were compiled in the form of a detailed measurement survey (DMS) for each identified AH. The DMS formed the basis on which the financial compensation was calculated. The compiled DMS document was co-signed by multiple parties, including the AH and LFDC. Two sample DMSs were provided to IBIS for review and a request has been made to the Project to supply the entirety of these DMS documents for use in the preparation of the livelihood restoration plan. According to Site Representatives, for each AH, a land use survey was prepared and submitted by the AH and then verified on-site by representatives from Dau Tieng Reservoir Authority, representatives of the communes and Xuan Cau. IBIS understands that each of the CPCs of the two communes have kept these DMS documents for each AH, and

one sample set of this documentation was sighted by IBIS during a visit to the CPC office of SDC. The viewed document, entitled “*Self-declaration and Verification and Verification Results*”, contained the following information items:

Self-Declaration Section

- Information of the owner of a semi-submerged land, including name of the person, address, and phone number;
- Information on the sale of submerged land plots of the household, including:
 - Total land area in m²;
 - Land area at an elevation between 23.0 and 24.4 m amsl;
 - Land area at an elevation between 22.0 and 23.0 m asml; and
 - Surrounding land use (to the east, south, west, and north);
- Property on land; and
- Any relevant documents submitted.

Verification Result Section

- Names of individuals from:
 - Office of Natural Resources and Environment;
 - Provincial LFDC; and
 - Xuan Cau Company Limited.

Results of Verification and Verification⁴

- Information on the land parcel;
- The total area of semi-submerged land in the Project area;
- Cultivated land area at the two elevation ranges;
- Location of the parcel (i.e. inside Plot No. 70);
- Assets on the land, including:
 - Crops and trees (i.e. cassava planting prior to the 25th January 2018);
 - Houses and other structures objects (e.g. wells); and
 - Others items;
- Signatures of six parties, including head of the AH, hamlet chief, commune representative, investor, and LFDC of Tay Ninh Province, and Office of Natural Resources and Environment; and
- A drawing of the land plot.

The form also showed evidence that inputs from the AH were documented, and according to the sample of DMS provided to IBIS, the land survey results were reviewed and verified by the AH.



⁴ Note this is the title in the document

The compiled document was co-signed by multiple parties, including the AH and LFDC. Based on the data in the form, individual level entitlements and total compensation were calculated and accepted. It should be noted that, under Vietnamese requirements, informal land users without formal land titles are not entitled to any compensation when their access to the land ceases.

- **Compensation for Land and Assets** - The compensation rates were determined based on a number of factors, including elevation of the affected land, the type of crops and assets present. Due to the seasonal flooding cycle, the elevation of the affected land area governs the length of the growing season and thus the potential economic output from agricultural activities on a given plot of land. Land at a higher elevation has a longer growing season and therefore is more productive and valuable (this is reflected in the compensation rates, please see further below). According to information provided by B. Grimm, DT2's land area was said to comprise:
 - Land area at an elevation between 24.0 and 24.4m amsl – ~7.2 ha;
 - Land area at an elevation between 23.0 and 24.0 m amsl – ~59.5 ha; and
 - Land area at an elevation between 22.0 and 23.0 m amsl – ~203.5 ha (inclusive of some small areas in some land plots with elevation between 21.0 and 22.0m amsl, e.g. plots A55 and A58).

The compensation unit rates for loss of informal land use rights were set in relation to elevation of the land (and therefore the duration over which it is inundated):

- Land area at an elevation between 23.0 and 24.4 m amsl- VND52.2M per ha, equivalent to 18% of the standard compensation unit rate (it is noted that this range includes land would not typically inundated); and
- Land area at an elevation between 22.0 and 23.0 m amsl- VND29.0M per ha, equivalent to 10% of the standard compensation unit rate.

According to *Decision No. 71/2014/ND-CP*, dated 22 December 2014, SDC and THC belong to Class II communes. Due to the nature of the seasonally submerged land, agricultural production was generally considered unfavourable. It was reported that, based on this rationale, the land at DT2 was therefore considered as a Class III (or Position or Zone 3) land type. Based on the proposals of DoNRE, Tay Ninh PPC approved the below production support levels in April 2018, according to a document (No. 790/UBND-KTTC), dated 4 April 2018 from Tay Ninh PPC. According to the above land classification criteria, the price of annual crop agricultural land would be valued at VND 29,000 per m². Taking into consideration of seasonal flooding of the land and the limited crop yield, a discount to the land price was then applied, as follows:

- *Level 1 Production Support – VND 5,220 per m² (VND 52.2M per ha)*

18% of the unit price of the annual crop agricultural land at an elevation between 23.0 and 24.4 m amsl on the basis that the land was submerged for less than 6 months out of a year and could potentially be used for crop production during the dry period; and

- *Level 2 Production Support – VND 2,900 per m² (VND 29.0M per ha)*

10% of the unit price of the annual crop agricultural land at an elevation between 22.0 and 23.0 m amsl on the basis that the land was submerged for more than 6 months out of a year and could potentially be used for crop production only during the dry period (i.e., ~3 months).

In addition to compensation for loss of land use, the loss of assets identified on the land, as documented in the DMS, would also be compensated as follows:

- Crops and trees - at 100% of the standard compensation unit rate; and
- Physical property on land, including structure and installation – at 40% of the standard compensation unit rates.

It should also be noted that a discount provided was imposed on the compensation unit rates for physical property on land to reflect the limited usefulness of the land due to seasonal flooding in the area and the fact that the AHs did not hold any formal land titles.

Compensation unit rates adopted by the Project for DT2 were derived mainly from the following two decisions:

- *Decision No. 62/2015/QĐ-UBND*, dated 29 December 2015 – regulations on compensation unit prices for trees, crops and pets when the State recovers land in Tay Ninh Province; and
- *Decision No. 81/2014/QĐ-UBND*, dated 31 December 2014 – regulations on compensation unit prices for houses/structures when the State recovers the land in Tay Ninh Province.

In addition to the above compensation components, according to the available financial compensation documents (Doc. No. 40, 43 – 46 in *Annex A*), AHs in SDC were also given additional financial incentives at a rate of VND25M per ha to encourage crop harvesting and site clearance in a timely manner. Interviews with representatives from THC also indicated that the incentive was also provided to AHs of THC, however, information on the exact amount of the incentive was not explicitly reflected in the above-mentioned financial compensation documents. Although the compensation rates for crops were dated in 2015 and not reflective of the market rates at the time of the land resumption, the additional financial incentive of VND25M per ha provided additional support to close the difference between the crop compensation rate and the market price.

Based on information provided by the Land Management Officer of SDC, it was estimated that a total of seven households surrendered 10% or more of their total landholding as a result of the Project (and DT1).

In relation to economic displacement, key entitlements are summarised in the table below.

TABLE 4-3 ENTITLEMENT MATRIX

TYPE OF LOSS	ENTITLEMENT
Land resumption	Based on the Document No. 790/UBND-KTTC dated 4 April 2018, households using seasonally flooded land for agricultural production would be supported at two different levels depending on elevation of the land area: <ul style="list-style-type: none"> • Level 1: For elevations 24.4 to 23.0m: VND52.2M/ha + crop price + temporary house price + bonus (VND25M/ha). • Level 2: For elevations 23 to 22.0: VND29M/ha + crop price + temporary house price + bonus (VND25M/ha).
Cassava	Compensation at a unit price at VND3,000/m ² (VND30M/ha) as specified in Decision No. 62/2015/QĐ-UBND dated 29 December 2015.
Corn	Compensation at a unit price from VND3,500 to 4,500/m ² (from VND35M to 45M per ha, depending on the type of corn) as specified in Decision No. 62/2015/QĐ-UBND dated 29 December 2015.
Sugar cane	Compensation at a unit price from VND7,000 to 9,000/m ² (from VND70M to 90M per ha, depending on the age of sugar cane) as specified in Decision No. 62/2015/QĐ-UBND dated 29 December 2015.
Rice	Compensation at a unit price at VND3,600 /m ² (VND36M per ha for paddy land area that has not yet been harvested) as specified in Decision No. 62/2015/QĐ-UBND dated 29 December 2015.
Sugar-Apples	Compensation at a unit price from VND4,000 to 200,000 per tree (depending on the age of the sugar-apple tree) as specified in Decision No. 62/2015/QĐ-UBND dated 29 December 2015.
Rubber Trees	Compensation at a unit price from VND70,000 to 400,000 per tree (depending on the age of the rubber tree) as specified in Decision No. 62/2015/QĐ-UBND dated 29

TYPE OF LOSS	ENTITLEMENT
	December 2015.
Additional support	In addition, the AHs would receive additional support (from the Project) for timely crop harvesting and site clearance at a rate of VND25M/ha.
<i>Note: the entitlement matrix was applied to both DT1 and DT2 projects as part of the land resumption process.</i>	

As previously noted, Cassava as the key crop in the area, is believed to achieve a market rate of about VND 40 million per hectare. Considering the VND 25 million supplement and the cassava compensation rate set out in Table 4-4, the compensation offered exceeds the likely income from this crop by 37.5%.

- **Physical Displacement** - For the development of DT2 (and DT1), two AHs were physically displaced, one of which was located in DT2. IBIS was able to interview one of the two physically displaced AHs during the Project visit. Although no information was available to indicate which of the two AHs had actually been located with the footprint of DT2, it was understood that the two AHs were physically displaced as a result of the development of DT2 and had undergone the same process of land use resumption, compensation and resettlement process.

Based on verbal information provided by Project Representatives and Government Authority Representatives, IBIS understands the interviewed AH formerly resided near the boundary of DT1 and DT2 and within the state-owned land under the management of Dau Tieng Reservoir Authority were informal settlers (with no legal land use right entitlement) prior to the Project. They were living in temporary dwellings with a floor area of <30 m² without electricity or fresh water supply and relied on income mainly from working as farm labourers during the dry season and fishing during the wet season. Both AHs were considered low-income households in SDC. Both AHs were relocated in June 2018 from the Project site to a land plot (150 m²) offered by the CPC of SDC, within SDC, free-of-charge as part of the support for low-income families. For the AH affected by the physical displacement during the land acquisition for DT2, the son and the father of this household used the temporary structure within the Project site, however, it should be noted that the mother and the daughter in law stayed at another location. In addition to the land use right of the community land plot, the AHs were also provided with some financial support from Xuan Cau for construction of a new house with approximately 48 m² in area at the community land plot. According to a letter issued to one of the two AHs, dated 25 September 2018, the construction cost of the house was VND60M. Of this, VND40M was provided by Xuan Cau, and VND20M was paid by the AH itself through loan obtained from a loan and savings association. According to the interviewed AH, their living standards have improved significantly since their relocation, and they were pleased with the new accommodation arrangement. They continued to be farm labourers and occasionally fishermen. No issues or grievances were raised by the

physically displaced AH during IBIS' visit. Based on IBIS' understanding of the living conditions of the AH prior to their relocation, the living standards of the AH have improved significantly, and they were well compensated.

- **Identification of Severely Impacted AHs and Vulnerable Groups** – No evidence was identified to indicate that the informal land use right resumption process for DT2 took into consideration factors concerning vulnerable groups, such as the elderly, the poor, and/or those who had lost significant informal or formal landholding as a result of the Project. This vulnerability analysis should also take into account those households who might not have been considered vulnerable prior to displacement, but whose vulnerability would likely increase as a result. Data from SDC indicated that seven land users lost 10% or more of their farm landholding including 2 who lost all. The households of 19 land users are living below the poverty line. No land user belongs to a household with disabled or mentally impaired member. The number land users belonging to women-headed household is not known.
- **Land Clearance and Payment of Compensation** - The land clearance process was undertaken by the Provincial Government of Tay Ninh, THC and SDC, which commenced in March 2018 and was reportedly completed in June 2018. At the time of this report preparation, payment of compensation, which was made in cash by Xuan Cau and DTE to the AHs at the commune offices or at the Project site, had been accepted by all AHs.

Based on the above information, the informal land use right resumption process for DT2 may be summarised as below:

- A total of 270.2 ha of land was resumed from 73 AHs (estimated to equate to approximately 292 people), all of whom were informal land;
- A process of informal land use right resumption was undertaken by Xuan Cau, in collaboration with LFDC and the respective communes;
- The informal land use right resumption process involved a formal notification of the cut-off date to the AHs, information disclosure through multiple sessions of consultation, affected land and asset survey, and payment of compensation, despite that informal land users without formal land titles are generally not entitled to any compensation within the existing legal framework in Viet Nam;

For economic displacement, the compensation unit rates were determined based on a number of factors, including elevation of the affected land, type of crops and assets present on the affected land and the fact that the land was informally occupied and used by the AHs without any legally recognised land titles. Based on information provided by the Land Management Officer of SDC, it was estimated that a total of seven households (approximately 28 people) surrendered 10% or more of their total landholding as a result of the Project (and DT1);

- For physical displacement, the AHs were provided with support from both Xuan Cau and the communes and resettled in the community of SDC with a significantly improved standard of living (recognising that there was one AH in the DT2 area, the other was in DT1);

- DTE 1,2 xã Suối Đá, huyện DMC, Tây Ninh dated 28/02/2019 – Summary of compensation payment for DT 1 and 2 – signed by both the Soui Da Commune and DTE shows that all compensation was paid as of 28/02/2019 for the 73 AH for DT2;
- No information was available to indicate that the informal land use right resumption process for DT2 took into consideration factors concerning vulnerable groups;
- The process of informal land use right resumption for DT2 was documented by Xuan Cau that included a DMS of each AH, and information disclosure and public and stakeholder consultation in an informal manner; and
- At the time of this report preparation, the land use right resumption process has been completed, and compensation and resettlement arrangement had reportedly been accepted by all AHs.

4.3.2 TL

The land use right acquisition planning for the TL was led by DTE applying local regulatory policies and practices relevant to a TL.

Once the location of DT1 and DT2 were determined, there were relatively limited options for the establishing the alignment of the TL given the relatively short length of the TL (1.4 km) and the proximity to DT1 and DT2. DTE representatives engaged the 14 AHs directly and individually and consulted with them on the land use right acquisition process for the TL. Land tenure related information in relation to these 14 AHs is presented in Table 4-5 below.

TABLE 4-4 TENURE OF AFFECTED LAND IN RELATION TO TL

COMPONENTS	NO. OF AH	STATE LAND	STATE LAND WITH INFORMAL PRIVATE USER (HA)	PRIVATE LAND USER WITH LAND USE RIGHT CERTIFICATE (HA)
TL Tower	5	-	0.25046	-
TL Corridor	9	0.838	3.49066 ⁵	

IBIS was informed by Site Representatives that the land use right acquisition and land use restriction process was conducted with reference to EVN's policies, which involved disclosure of Project information, consultation, gathering of land use data through land survey, production of DMS, explicit consents from the AHs, and compensation to the AHs. During IBIS' site visit, 9 sets of affected asset agreements were

⁵ Details regarding the land area of state land with informal private users and the land area of private land users with land use right certificate were not available, however, only restrictions in relation to land-use were imposed due to the construction of the TL.

Land Use Rights Acquisition

provided to IBIS for review (Doc. No. 56 in Annex A). The information provided in these documents is summarised in Table 4-6 below. In addition, 13 sets of receipts (one not available) issued to the AHs affected by the TL were also reviewed by IBIS (Doc. No. 56 in Annex A). The receipts, dated in February, March and August 2019, indicate the total compensation in cash and the affected land area as well as its land location.

With regards to the land affected by the TL, there was no variability in compensation rates between informal and private landowners. Rates of support (compensation) were agreed in authority letter 790/UBND-KTTC 4.04.2018. There was a variation in compensation based on the elevation of the land as described in TABLE 4-3 above.

Table 4-5 INFORMATION PROVIDED ON THE 13 RECEIPTS OF PAYMENT FOR ASSETS BY THE TRANSMISSION LINE

NO.	NAME OF AHS	LOCATION OF AFFECTED LAND	AFFECTED LAND AREA (M ²)	PAYMENT RECEIVED (VND)	REMARKS
1	Nguyen Dinh Tan	04A to 05A and 04A to 06A	4,186.6	80,000,000	The names of these recipients and the amount of compensation did not appear to be fully aligned with those identified in the affected asset agreements. In addition, the compensation amounts shown in the signed receipts did not appear to be aligned with the amounts listed in the compensation register for the TL (Doc. No. 56 in Annex A). No reasons were specifically known by the Site Representatives for the differences. It is recommended that these discrepancies are resolved as part of the preparation of the LRP for the Project.
2	Dang Yam Trung	02A to 03A	5,330	142,985,700	
3	Chau Ngoc Hoi	04A to 05A and 04A to 06A	5,586.9	100,000,000	
4	Le Thi Ut	04A to 05A and 04A to 05A	2,293.2	98,378,280	
5	Ta Van Nghiep	02A to 01A	8,257.9	283,411,128	
6	Lulu Van Danh	03A to 04A	792.5	33,998,250	
7	Vo Duy Tan	02A to 01A	1,167.5	50,085,750	
8	Lo Mong Bao	04A to 05A and 04A to 06A	705.2	30,253,080	
9	Luu Nan Tung	04A to 03A and 03A to 02A	4,363.2	149,745,024	
10	Huyoh Dai Huu	02A to 01A	2,935.4	100,742,928	
11	Huynh Dai Hiu	04A to 03A	1,041.7	35,751,149	
12	Chau Ngoc Hoi	06A and 05A to 04A	5,586.9	91,742,408	
13	Nguyen Dinh Tan	05A to 04A	4,186.6	63,684,112	
		Total land area (m ²)	46,433.60	-	This land area is equivalent to 4.64 ha, which differs from the affected land area (3.57 ha + 0.25 ha) provided in the compensation register for the TL. This area may include area that was damaged during the construction of the TL.
	Total compensation received (VND) based on the signed receipts			1,260,777,809	Based on the compensation register for the TL, dated March 2019, a total amount of VND 1,105,351,284 had been given to the AHS.

* The names of the representative of households may not be correctly spelt due to the illegibility of the handwriting.

Based on the review of the TL compensation summary, the compensation covered land use right acquisition for the foundation of the transmission towers, land use right restriction below the corridor of the TL, and compensation for loss of assets, e.g. crops. For the land use right acquisition for the TL and towers, according to Site Representatives, the Project followed a similar consultation process and in line with EVN's LA compensation policy (*Decision No. 2378/QĐ-UBND*, dated 25 September 2018; Ref. No. 54 in *Annex A*). A land survey was conducted to identify the affected land area.

Based on the information available to IBIS, IBIS understands that a land use right restriction was imposed on a land area of 35,744.6 m² (i.e. the area under the TL corridor), whilst the land use right of a land area 2,504.6 m² was acquired (i.e. the area for the footprint of transmission towers themselves). In total, an area of 38,249.2 m² was taken over by the Project for the construction of the TL, and DTE was required to provide compensation for its land use right acquisition or land use restriction. Please note that an additional land area of 1,374.2 m² from DTE is used as part of the TL, which makes up to the approximately footprint of the TL (i.e. 28 m × 1,400 m = 39,200 m²).

As shown in the table below, four categories of compensation were noted in the compensation register, and they were for:

- Loss of land use right;
- Loss of crops;
- Vocational training provision for those who lost crops; and
- Land use restriction for the land area along the TL corridor.

TABLE 4-6 COMPENSATION UNIT RATES ADOPTED FOR THE TRANSMISSION LINE

ASSET AFFECTED	UNIT RATE (VND)	REMARKS
Land use right loss	100,000 to 143,000 per m ²	The range in unit price are due to the location of the land area.
Loss of crops (sugar apple and rubber trees)	240,000 to 400,00 per tree	Amongst the four AHs who lost crops as a result of the TL, each of them had been compensated for a loss of 55 trees according to the compensation register for the TL (Doc. No. 55 in Annex A). However, based on the receipts of compensation received by the AHs (Doc. No. 56 in Annex A), the number of trees affected by the TL varied from 22 to 33 trees.
Land use right restriction (in the transmission line corridor)	42,900 per m ² (30% of the unit rate for land use right loss)	The AHs were able to continue the current land use at the affected area. At least five AHs were compensated 20% less than the original compensation estimate. No specific rationale was given for the differences.

Based on IBIS' review of the compensation register for the TL, dated 15 March 2019, the affected asset agreements, and the compensation receipts, several misalignments were identified between the receipts and the TL compensation summary, including the total land area affected by the TL, the compensation unit rates adopted in the compensation computation, and the recipients of the compensation. As such, IBIS cannot verify whether all AHs affected by the TL were compensated in accordance with the unit rates stipulated in the government approval and whether all AHs had received full payment, despite that IBIS was informed that all AHs had accepted the compensation.

According to verbal information from Site Representatives and one interviewed AH affected by the TL, no land use restriction was imposed on the existing land users along the 28m wide TL corridor. It was also reported that the land below the TL was mainly used for crop production, including plantations of sugar apple and rubber trees. With the height of 25 m at the sagging point of the TL, there may need to be some form of land use restriction in terms of height (based on EVN policies).

Based on the above information, the land use right resumption process for the TL and the transmission towers can summarised as below:

- A total of 14 AHs (five AHs affected by the construction of the TL towers and 9 AHs affected by the TL corridor) were impacted as a result of the land use right acquisition for the footprint of the transmission towers (approximately 0.25ha) and the land use restrictions under the TL corridor (approximately 3.57 ha);
- Whilst all AHs were reported as having accepted the compensation, much of the agreement appeared to be informal in relation to the land acquisition related activities for the TL and transmission towers, except for the TL compensation summary (in MS Excel form);

- There appears to be areas of misalignment among the affected asset agreements, the compensation receipts and the compensation summary; and
- No formal communication was made to restrict land use along the TL corridor to the existing land users.

4.3.3 300m Public Access Road

The land area permanently affected by the road expansion was estimated as being approximately 750 m², which was calculated based on the length of the road (300 m) and the widening of 2.5 m. The land use right resumption process for the expansion of the 300m public access road was reportedly carried out by DTE through direct discussion and negotiation with one informal land user who was using part of the required area for crop production. The land use right resumption process allows the land to be taken back from the informal land user and be returned to Dau Tieng Reservoir Authority for the road to be used as a public road. After the road upgrade and expansion work, the road remains open for public use and is legally under the management of Dau Tieng Reservoir Authority. Both DTE and the AH do not hold any legal right to the land.

IBIS interviewed the AH involved during the site visit who confirmed the discussion and negotiation with DTE and acceptance of payment in cash as a compensation for the loss of his crop and informal access to the affected land area. Based on verbal information provided by Site Representatives, the AH was compensated at a unit compensation rate of VND110,000 per m², inclusive of the land and crops (which was agreed by the local authorities). In the absence of a DMS, no information was available to indicate the number of trees or crop area affected. By comparison of the price of annual crop agricultural land at VND 29,000 per m² according to the relevant land classification criteria, the land compensation rate offered was considered to be generous. It is noteworthy to mention that the AH expressed the upgrade and widening of the access road made it easier to access the other land in this area that he continues using for crop production.

4.4 ASSESSMENT OF UNIT RATES BY REPLACEMENT VALUE EQUIVALENCE

Support Levels for Agricultural Land Affected:

LAND

DT2

As noted above, the land of the Project is situated within Dau Tieng Reservoir under the management of Dau Tieng Reservoir Authority and is considered as state land. On this basis, the land take for the Project is considered land use right resumption from informal land users who did not have legal land use titles to Dau Tieng Reservoir Authority, who, in turn, lease the land to the Project. It was stated that, legally, the informal land users were not entitled to any compensation under the Vietnamese law, as they did not hold any land use rights of the land. However, it was recognized that these informal land users had been



using the land for some time, mainly for cassava cultivation and the income generated from the agricultural activities would serve as their secondary income. As such, financial support in the form of support for production land, crops, houses and structures, was provided to the informal land users. Therefore, in terms of land use right resumption compensation, the support was not intended to provide a financial compensation equivalent to a similar land plot in terms of size and location on a like-for-like basis.

Based on information provided by Site Representatives and IAHs, multiple sessions of consultation were held with the AHs to discuss the land use right resumption process and its implementation. Through these consultation sessions, support for agricultural production based on 10 and 18% of the land use right compensation unit price of a similar land type would be provided to the AHs. As noted above, the adjustments were made based on the elevation of the land and therefore duration of the window for agricultural use (due to flooding), and the support levels for agricultural production were specified and approved in Document No. 790/UBND-KTTC dated 4 April 2018 by Tay Ninh PPC. Given the fact that these AHs were not legally entitled to any compensation for their informal land use rights, the AHs were considered well compensated. It should be noted that AHs interviewed by IBIS during the site visit expressed satisfaction over the support and compensation received from the Project.

Transmission Line

There were two types of land use right acquisition for the TL. One was where land use right was acquired from the informal land users based on the land use right compensation unit rates in the Approval of the Price Regime to be Adopted for the Land Compensation for the Construction of the National Grid between Binh Long and Tan Chau, dated 25 September 2018. The other was where a land use restriction was imposed on the land situated under the TL corridor, which was compensated at 30% of the total land use right compensation unit rate. The land unit price for compensation was provided by the government approval. The compensation unit rates were generally higher than those adopted for DT2, as a reference point.

300m Access Road

According to Site Representatives, the support level for the 750m² land area required for the access road expansion was made largely out of good will to a neighbour, also partly due to the collaboration of this AH during the entire construction phase of the Project. It was recognized that the financial support was significantly higher than to those assigned for the TL or DT2. This was verbally discussed and negotiated between the Project and the AH. Considering this AH did not hold any land title, he was therefore considered to be very well compensated.

Compensation Unit Prices for Trees/Crops Affected:

As noted above, compensation unit prices for trees/crops were determined based on the compensation policy for crops. The policy was developed and issued at the end of 2015. As the compensation process was implemented about 3.5 years later (i.e. the cut-off date of 25 January 2018), the adopted unit prices



for trees/crops may not match the market prices at the time of payment due to inflation/other market drivers. As cassava was the most dominant type of crop in DT1 and DT2, a comparison is made below between the compensation unit rate of cassava and the market price of cassava. According to available information⁶ the cassava market price in January 2018 ranged between VND2,550 and 2,650 per kg. In Tay Ninh Province, cassava yield in 2019/2020 was reported at 30 to 35 tons of cassava per hectare⁷. With a yield of about 30 to 35 tons of cassava per hectare, one hectare of land would typically generate a revenue between VND 38,250,000 and 46,375,000. As noted earlier, the land within DT2 is seasonally flooded and has a limited window for crop cultivation, therefore an adjustment to cassava yield should be made. Assuming that cost of growing cassava represented half of the revenue, the estimated income from selling cassava at the market price would generate a net income between VND 9,562,500 to 23,187,500 per hectare of land. This is equivalent to an estimated adjusted net income range between VND956 and 2,318 per m² of land. By comparison, in general, the cassava compensation unit price at VND3,000 per m² adopted by the Project was higher than the income that would have been generated from selling the cassava at the estimated market price.

TABLE 4-7 NET INCOME FROM SELLING CASSAVA AT MARKET PRICE

SCENARIO	YIELD (KG/HA)	MARKET PRICE (VND/KG)	REVENUE (VND PER HA)	NET INCOME (VND/HA)	ADJUSTMENT TO THE GROWING PERIOD	ESTIMATED INCOME FROM CASSAVA BASED ON MARKET PRICE (VND/HA)
Lower case	30,000	2,550	76,500,000	38,250,000	25% for a growing period of 3 months (i.e., for land below the elevation of 23.0m amsl)	9,562,500
Upper case	35,000	2,650	92,750,000	46,375,000	50% for a growing period of 6 months (i.e., for land between 23.0 and 24.4m amsl)	23,187,500

⁶ <http://agromonitor.vn/gia-san-cu-tuoi-tai-tay-ninh-ngay-3-1-2019--gia-on-dinh--luong-mi-cu-tu-campuchia-dua-ve-nhieu-hon-125896.html>, accessed by IBIS on 15 January 2020

⁷ <http://thitruongsan.com/nang-suat-san-tai-tay-ninh-nien-vu-2019-2020-duoc-uoc-tinh-tuong-duong--tham-chi-thap-hon-so-voi-nam-truoc-do-kho-han-keo-dai-va-benh-kham-la-7450.html>, accessed by IBIS on 15 January 2020)

Transmission Line

Some crops were affected by the construction of the TL, and the loss of the crop was compensated per tree depending on the types of trees. The lowest compensation unit rate was reported as VND 240,000 per tree. This was comparable with the unit compensation rate for crops affected by DT2.

Compensation Unit Prices for Houses/Structures Affected:

DT2

Compensation unit prices for houses/structures were calculated according to the unit prices specified in Decision No. 81/2014/QĐ-UBND dated 31 December 2014. The AH previously occupying the temporary structure located in the Project site was relocated with a higher standard of permanent housing provided. Land use rights for a land plot within SDC was awarded to the AH from the CPC of SDC, free-of-charge as part of the support for low-income families. Xau Cau provided VND40M for the construction of the new house and VND20M was shouldered by the AH through a loan obtained from the loan and savings association. The AH confirmed that their living standards have improved significantly since their relocation.

Transmission Line

No houses or structures were affected by the construction of the TL, and none was reported by Site Representatives nor identified in the compensation register.

4.5 GRIEVANCE REDRESS MECHANISM

The Project itself did not establish a Grievance Redress Mechanism (GRM) at the time of the LA implementation, as this is not a formal requirement in Viet Nam.

However, according to Project Representatives, a GRM for resolving the complaints during Project implementation (including issues related to LA), administered by the local communes and local authorities, was established in accordance with the local regulatory requirements. This is consistent with general local practices in Viet Nam where community members usually lodge complaints and concerns with their commune representatives. The principles and procedures of the commune-managed GRM are based on provisions of the *Land Law* (2013), the *Law on Grievances* (2011) and other related legal documents including *Decree No. 75/2012/NĐ-CP* dated 3 October 2012 providing details of some articles of the *Law on Complaints* (2011); Circular No. 07/2013/TT-TTCP dated 31 October 2013 defining the process for resolving administrative complaints; Circular No. 02/2016/TT-TTCP dated 20 October 2016 on the amendment of some articles of Circular No. 07/2013/TT-TTCP dated 31 October 2013; and the specific regulations of the Tay Ninh PPC. Under local regulations, grievances are to be lodged by the complainant and managed by the district-level People's Committee. If required, the complainant can



escalate his/her case to the PPC under the Vietnamese regulatory LA framework, in terms of grievance management. No documented information in relation to these grievances was available for review. At the time of IBIS' visit, limited verbal information was available on the details of these grievances and their status. IBIS understands that DTE or the Project does not manage the grievances raised by the AHs and hence has limited oversight on the GRM process.

In relation to the development of the Project, according to information provided by representatives of THC and SDC, a total of 12 AHs had reportedly filed formal complaints to the local authority in relation to the land use right certificate (10 cases) and the compensation process (2 cases). As of 15 December 2020, all the above cases had been fully resolved. No pending complaints or legal cases were reported.

5 LIVELIHOOD RESTORATION PROCESS

No social baseline study or survey was conducted prior to resumption of land use rights from informal land users of the Project site and is not legally required in Viet Nam. No formal Resettlement Action Plan or Livelihood Restoration Plan in line with international standards has been developed to-date by the Project or by the local communes. It is worth noting that some financial support has been made to several AH's, albeit the efficacy is still to be determined through a process of evaluation undertaken as part of an LRP. No information was available on LR of the AHs from the Project during the site visit and at the time of this report preparation, as no monitoring or evaluation has been conducted by the Project in terms of social impact assessment and LR. No provisions have been allocated to facilitate such monitoring and evaluation.

According to information provided by Government Authority Representatives at the time of the Site visit, cassava cultivation within the Project site served as a secondary income to the AHs, which provided a source of additional annual income. Based on information provided by one AH in SDC, the AH worked as a farm labourer and fisherman prior to the Project. He indicated that his income from fishing remained relatively stable, whilst his income as a labourer has reduced by roughly 20%. Similarly, another AH, who was elderly (i.e. over 60 years old) also indicated a decrease in his income from cassava cultivation. Based on the site visit and the information garnered on-site, cassava cultivation as a source of income, is only possible during periods of the year when the water level exposes the areas being used for cultivation and therefore this activity is not the sole source of income for AHs. The Project has confirmed that the DT2 area is inundated for approximately 6 months of the year and therefore cultivation at this time is not possible. Based on information provided by the Land Management Officer of SDC (the commune in which the solar farm is located), it was estimated that a total of seven households surrendered 10% or more of their total landholding as a result of the Project (and DT1).

DTE has developed a plan to regularly engage households with economic difficulties and unstable economic income in the surrounding area of the Project site. According to the plan, this community engagement will be conducted on a regular basis during the Mid-autumn Festival and the Lunar New Year (Tet) period. In September 2020, DTE conducted its first engagement with households nearby DT2 which were potentially affected by the Project. Three copies of engagement survey questionnaires were made available to IBIS for review, however, based on the information provided in the questionnaires, IBIS could not identify if these households visited by DTE were AHs. Festival gifts, e.g. mooncakes, were donated to the visited households as the engagement was conducted during the Mid-autumn Festival. A questionnaire was developed and used by DTE for collecting feedback from households potentially affected by the land acquisition and the operation of DT2. The questionnaire covers the following aspects:

- Basic information of the interviewed households, e.g. number of people in the households, number of people under working age (18 to 55 years old for female, and 18 to 60 years old for male);



Livelihood Restoration Process

- Potential impacts on the households due to the construction and operation of the Project; and
- Willingness of household members to work for DTE on a part-time basis when there are economic needs for the family, etc.

Three sample questionnaires were reviewed by IBIS. No livelihood impacts to the interviewed households during the construction and operation of the Project were documented in these questionnaires. It is noted that there is currently not a systematic and programmatic way of monitoring of livelihood of the AHs. According to information provided by B. Grimm at the time of this report preparation, DTE has engaged regularly with the AHs through its corporate social events and made festive offerings to the AHs.

6 CONCLUSION AND RECOMMENDATIONS

This section summarises the proposed list of corrective actions that should be undertaken by the Project to address priority gaps against the Applicable Standards identified. These proposed action items are provided below in *Table 6-1*, in the form of a CAP, along with proposed timelines and specific action items. Please note that since some critical actions normally carried out in resettlement programs meeting international standards, such as the development of a full socio-economic baseline of AHs, must be concluded prior to land acquisition and payment of compensation, the below list of gaps and recommendations for meeting international standards is therefore naturally constrained by these factors.

TABLE 6-1 RECOMMENDATIONS DEVELOPED BASED ON THIS DOCUMENTATION OF THE PROCESS

NO.	TOPIC	SPS 2009	LAND LAW 2013 AND RELEVANT REGULATIONS	RECOMMENDATIONS
1.	Collection of LA-related documentation	-	-	Following DTE's restructuring, DTE should collect, consolidate and review LA-related documentation in relation to the Project. This information should be used to sense check compensation rates and inform the development of the LRP.
2.	Social baseline study No social baseline study or survey has been conducted. Very limited information was available to determine the living standard of the AHs pre and post Project development.	SPS seeks to identify households who are severely impacted by involuntary resettlement. Affected Peoples (APs) who are (i) physically displaced from housing or (ii) losing from 10% of their productive assets (income generating) are considered severely impacted.	A social baseline study is not required by law in Viet Nam. Note: Decree 47/2014/ND-CP, Article 19, Item 3: APs losing more than 30% of productive land are considered severely impacted and are entitled to livelihood restoration measures.	There is a need for the Project to assess the impacts of the Project on livelihoods of the AHs, particularly the vulnerable and those who were severely affected. This can be carried out as part of the LRP below.
3.	Risks and impacts of the informal land use acquisition No social impact assessment	SPS seeks to identify and assess risks and impacts of the land acquisition.	See above.	See below.



Conclusion and Recommendations

NO.	TOPIC	SPS 2009	LAND LAW 2013 AND RELEVANT REGULATIONS	RECOMMENDATIONS
	(SIA) has been conducted. Very limited information was available to inform the risks and impacts of the Project's informal land use right acquisition on the AHs, particularly the vulnerable or the severely affected people.			
4.	<p>Livelihood restoration</p> <p>No LRP has been developed, particularly for those who were severely affected and the vulnerable.</p> <p>Although some livelihood restoration related financial support was identified to have been made to AHs, it is not clear whether this support was sufficient and effective.</p> <p>The number of AH's for DT2 is 73 and there are around 292 individuals within these AH's.</p>	SPS seeks to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.	See above.	<p>The Project should develop a LRP with a focus on those who were severely affected by the Project and the vulnerable, including the poor and the elderly. The LRP will build on the livelihood restoration financial support already provided to the AHs.</p> <p>Note: Where appropriate, the LRP can be designed in conjunction with the Project's Corporate Social Responsibility program, which may include seasonal employment opportunities for the vulnerable and community initiatives, such as vocational training, but with an explicit focus on targeting and including those vulnerable AHs impacted by LA. The LRP shall be made</p>



Conclusion and Recommendations

NO.	TOPIC	SPS 2009	LAND LAW 2013 AND RELEVANT REGULATIONS	RECOMMENDATIONS
				available to all economically displaced informal land users. Poor and vulnerable households shall be prioritized.
5.	Grievance redress mechanism At the time of this document preparation, the Project has not developed a GRM for its external stakeholders.	A mechanism will be established to receive and facilitate the resolution of APs' concerns and grievances about physical and economic displacement and other project impacts, paying particular attention to the impacts on vulnerable groups. This mechanism should be made known to APs.	Steps and procedures for grievance redress that related to land and administrative decisions shall follow the steps and procedures regulated by the Law on Grievance (Article 204 of the Land Law 2013), particularly Articles 7, 27,28, 33, 37 and 38 of Law on Grievances.	The Project should develop and implement an external GRM and ensure that it is made known to the AHs.
6.	Evaluation and Monitoring The Project currently does not have any evaluation or monitoring program for its land acquisition and livelihood restoration program. No	Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have	Monitoring and evaluation are required in a more general term and includes all aspects of the implementation of the Land Law 2013 (Article 33 of Decree No 47/2014/NĐ-CP).	The evaluation and monitoring of livelihood restoration shall be part of the LRP.



Conclusion and Recommendations

NO.	TOPIC	SPS 2009	LAND LAW 2013 AND RELEVANT REGULATIONS	RECOMMENDATIONS
	provisions have been made to facilitate the evaluation and monitoring.	been achieved. A close-out audit is also required as part of the monitoring.		
7.	Communication on Land Use Restriction No formal communication has been made to inform existing land users along the TL corridor with regards to land use restriction.	SPS seeks to ensure a fair and transparent information disclosure to external stakeholders, particularly those affected by the Project.	EVN land use restriction related and regulations	A communication shall be made to inform the existing land users along the TL corridor about land use restrictions as part of the project Stakeholder Engagement Plan (SEP).

ANNEX A: LIST OF LA-RELATED DOCUMENTS PROVIDED FOR REVIEW

REF.	DOCUMENT NAME (VN)	DOCUMENT NAME (EN)	DOCUMENT TITLE
Documents Reviewed During Initial ESCA			
General			
1.	Thông tin dự án điện mặt trời Dầu Tiếng 1 và 2	Project Overview Slide deck	BGP_ADB.pptx
2.	Sơ đồ tổ chức Công ty Cổ phần Năng lượng Dầu Tiếng Tây Ninh	DTE Organisation Chart	DTE Organization Chart.pdf
3.	Tọa độ ranh giới dự án Dầu Tiếng 1	Boundary Coordinates of DT1	Coordinate Dau Tieng 1-2.xlsx
4.	Sơ đồ dự án Dầu Tiếng 1, 2	Site Layout for DT1 and DT2	4- LAYOUT OF DT1-2.pdf
5.	Báo cáo nghiên cứu khả thi dự án Dầu Tiếng 1	Feasibility Study for DT1	3-1 FS-DT1.pdf
6.	Báo cáo nghiên cứu khả thi dự án Dầu Tiếng 2	Feasibility Study for DT2	3-2 FS DT2.pdf
7.	Video giới thiệu dự án	Drone view video of the project	DJI_0391.MP4
8.	Video giới thiệu dự án	Drone view video of the project	DJI_0399.MP4
9.	Video giới thiệu dự án	Drone view video of the project	DJI_0407.MP4
10.	Video giới thiệu dự án	Drone view video of the project	DJI_0421.MP4
11.	Video giới thiệu dự án	Drone view video of the project	DJI_0427.MP4
12.	Sơ đồ mặt bằng	Levelling plan for Substation and its access road	DT1-XD-02 Leveling plan.pdf
13.	Thiết kế khung đỡ tấm pin mặt trời	Civil structure design of mounting system for DT1	DTTN-DT1-PC-CHS-DC-0006-1 B Civil structure calculation of mounting system.pdf
14.	Bản vẽ các inverter	Structure drawings of Inverter transformer stations	DTTN-DT1-PC-GDW-ST-0003-01 E Structure drawings of Inverter transformer stations(type A).pdf
15.	Bản vẽ các inverter	Detailed drawings of Inverter transformer stations	DTTN-DT1-PC-GDW-ST-0003-02 E Detailed drawings of Inverter transformer stations (type A).pdf
16.	Thiết kế khung đỡ tấm pin mặt trời	Civil structure design of mounting system for DT2	DTTN-DT2-PC-CHS-DC-0006-1 B Civil structure calculation of mounting system.pdf
17.	Sơ đồ khu điều hành dự án	Project Administrative Area Layout Map	DTTN-SUB-P1-GDW-BU-5003.pdf
18.	Bản vẽ các mặt cắt Taluy	Talus Cross-section	TR2-18-03D-DT1.XD-02-1 Talus section.pdf
19.	Báo cáo địa chất công trình	Geological Investigation Borehole Log	VNDT_Geological investigation borehole layout.dwg

Annex A: List of LA-related Documents Provided for Review

REF.	DOCUMENT NAME (VN)	DOCUMENT NAME (EN)	DOCUMENT TITLE
20.	Nghiên cứu về lũ, Dự án DT1, 2, của Team Group, 4/2018	Flooding Study of DT1 and DT2 prepared by Team Group, dated April 2018	P04758 Draft Final Report Dau Tieng rev.0 24042018.pdf
21.	Hợp đồng thuê đất, 10/9/2018	Land Lease Contract	HD thuê đất-QD giao đất-B?n đất, cv v? thuê đất.pdf
22.	Giấy phép hoạt động trong phạm vi bảo vệ công trình thủy lợi, 27/6/2018	Permit to Operate within the Boundary of the Reservoir Protection Zone	S? 1269 GP-UBND.pdf
23.	Quyết định phê duyệt chủ trương đầu tư nhà máy điện mặt trời Dầu Tiếng 1, UBND tỉnh Tây Ninh, 18/12/2017	Decision from the People's Committee of Tay Ninh Province regarding the in-principle approval of the DT1 development	5- 3066-QD.PDF
24.	Báo cáo lần 2 kết quả thẩm tra hồ sơ thiết kế cơ sở dự án Dầu Tiếng 1	Report on the 2nd Appraisal by EVN of the Technical Design of DT1	6- VB s? 79_TVTT_B o c o KQ th?m tra TKCS d? n DT1.pdf
25.	Bản đồ các thửa đất trong xã Tân Hưng chịu ảnh hưởng của dự án	Land plot map for the land affected by the Project in the Tan Hung Commune	Physical information provided to IBIS
Environmental			
26.	Bản vẽ vị trí và cấu tạo các giếng khoan	Groundwater well location map and as built drawings	BV SO Hoa - Groundwater wells.pdf
27.	Phê duyệt đánh giá tác động môi trường Dầu Tiếng 1 150MW và đường dây 220KV, 12/6/2018	EIA approval for DT1 and the 220kV transmission line A copy of Decision No. 1484/QĐ-UBND issued by Tay Ninh PC dated 12 June 2018 on approval of EIA report for DT1 project (150 MW) and 220 kV Transmission Line.	07- Environment healthy safety approved.pdf
28.	Phê duyệt báo cáo đánh giá tác động môi trường nhà máy Dầu Tiếng 2, 200MW	EIA approval for DT2 It summarises requirements stated in the EIA document, with one additional requirement being to post the content of the EIA and the environmental management plan at the local communities.	QD-phê duyệt DTM-DT.2-1483QD-UBND.PDF
29.	Bản dịch tiếng Anh tóm tắt của các bản đánh giá tác động môi trường dự án Dầu Tiếng 1, 2	English translation of Section 4 of the DT1, DT2 and 220kV transmission line EIA report	DT1-DT2 and 220 kV Substation -- EIA-Section 4 - English Translation.pdf
30.	Đánh giá tác động môi trường Dầu Tiếng 1	EIA report for DT1 Brief summary This is EIA report of the DT1 project. This EIA report is prepared under the provisions of the Law on Environmental Protection and relevant decrees and circulars. The summary of environmental impacts and mitigation measures in this report has been translated into English in 'DT1-DT2 and 220 kV Substation -- EIA-Section 4 - English Translation'	EIA-DTM-DAU TIENG 1-FINAL.pdf
31.	Đánh giá tác động môi trường Dầu Tiếng 2	EIA report for DT2 Brief summary	EIA-DTM-DAU TIENG 2 - FINAL.pdf

Annex A: List of LA-related Documents Provided for Review

REF.	DOCUMENT NAME (VN)	DOCUMENT NAME (EN)	DOCUMENT TITLE
		This is EIA report of the DT2 project. This EIA report is prepared under the provisions of the Law on Environmental Protection and relevant decrees and circulars. The summary of environmental impacts and mitigation measures in this report has been translated into English in <i>DT1-DT2 and 220 kV Substation -- EIA-Section 4 - English Translation</i>	
32.	Công văn của UBND tỉnh Tây Ninh về báo cáo công tác bảo vệ môi trường trong quá trình triển khai dự án năng lượng mặt trời, gửi công ty cổ phần năng lượng Dầu Tiếng Tây Ninh, 7/8/2019	Official Letter from the People's Committee of Tay Ninh Province regarding the request to report environmental management/protection measures implemented by the Project	7.8.19 fr S? TNMT-B o c o c"ng t c BVMT trong qu trình tri?n khai d? n NLMT.PDF
33.	Công văn của công ty gửi UBND tỉnh Tây Ninh về báo cáo công tác bảo vệ môi trường, 16/8/2019	DTE's response to the People's Committee of Tay Ninh Province regarding the environmental management/protection measures implemented by the Project	BC_14_16.8.2019.pdf
34.	Đơn đề nghị cấp phép sử dụng nước ngầm, 10/10/2019	Application Letter for the Permit to Use of Groundwater	DON CAP PHEP - HDTL.pdf
35.	Hợp đồng dọn dẹp vệ sinh công trường	General waste collection contract	Waste collection Contract.pdf
36.	Các báo cáo quan trắc môi trường giai đoạn xây dựng	Environmental monitoring reports for the construction stage	Reviewed on-site
37.	Các báo cáo quan trắc môi trường giai đoạn vận hành	Environmental monitoring reports for the monitoring stage	Reviewed on-site
Social			
General			
38.	Công văn của UBND huyện Dương Minh Châu gửi Công ty Cổ phần Năng lượng Dầu Tiếng về việc sử dụng nguồn quỹ an sinh xã hội huyện Dương Minh Châu 28/10/2019	Official Letter from the People's Committee of the Duong Minh Chau District to DTE regarding the use of public welfare fund of the district, dated 28/10/2019	28.10.19 So^i 906-UBND vv su?? du?ng nguoa^n Quy~ An sinh Xa~ ho?^i huye?^n DMC.pdf
39.	Công văn của UBND huyện Tân Châu gửi Công ty Cổ phần Năng lượng Dầu Tiếng về việc sử dụng nguồn hỗ trợ 500 triệu đồng của Công ty, 20/10/2019	Official Letter from the People's Committee of the Tan Chau District to DTE regarding the use of VND 500 million donated by DTE, dated 28/10/2019	29.10.19 So^i 3021-UBND vv su?? du?ng nguoa^n ho^~ tro?? 500tr cu?a Cty CP NLDT TNinh.pdf
Land Acquisition			
40.	Tổng hợp đã thực hiện đền bù dự án điện năng lượng mặt trời 1, 2, xã Suối Đá và Tân Hưng đến ngày 31/10/2019	Land compensation register for DT 1 and 2 in the Suoi Da Commune and Tan Hung Commune, dated 31 Oct 2019	LAND COMPENSATED EXPENSES_31Oct2019 .xlsx
41.	Báo cáo tiến độ giải phóng mặt bằng dự án nhà máy điện mặt trời Dầu Tiếng 1, 2, 3 until August 2018	Progress report of land acquisition for DT 1,2 and 3	02.B o c o ti?n d? d?n 03.8.2018.xlsx
42.	Danh sách các hộ dân đã nhận tiền hỗ trợ sản xuất trong khu vực dự án nhà máy điện mặt trời Dầu Tiếng 1, 2, 3	List of households received monetary support of production in Dau Tieng 1, 2 and 3 project area	01.DS h? d?n xE Su?i D c?p nh?t ng...y 03.8.2018.xls
43.	Công văn của Sở TNMT Tây Ninh về việc đề xuất chủ trương khi thu hồi đất thực hiện	Official Letter from the Department of Natural Resources and Environment regarding Proposing the Principles of	2019 11 13 1796.TTr.STNMT.pdf

Annex A: List of LA-related Documents Provided for Review

REF.	DOCUMENT NAME (VN)	DOCUMENT NAME (EN)	DOCUMENT TITLE		
	dự án nhà máy điện mặt trời DT1,2,3, 29/3/2018	Land Acquisition for DT1,2 and 3			
44.	Công văn của Công ty cổ phần năng lượng Dầu Tiếng gửi UBND huyện Tân Châu và các xã Tân Hưng, Tân Phú về thưởng tiền độ bàn giao mặt bằng để thực hiện dự án DT1, 2, 3, 20/6/2018	Official Letter from DTE to the People's Committee of Tan Chau District, Tan Hung Commune and Tan Phu Commune regarding the Bonus for Returning the Land situated within DT1,2 and 3	2019 19.2018.CV.pdf	11	13
45.	Công văn của Công ty cổ phần năng lượng Dầu Tiếng gửi UBND huyện Dương Minh Châu và xã Suối Đá về thưởng tiền độ bàn giao mặt bằng để thực hiện dự án DT1, 5/7/2018	Official Letter from DTE to People's Committee of Duong Minh Chau District regarding the Bonus for Returning the Land situated within DT1	2019 27A.2018.CV.pdf	11	13
46.	Công văn của UBND tỉnh Tây Ninh về việc Hỗ trợ giao đất để thực hiện dự án DT1,2,3, 4/4/2018	Official Letter from the People's Committee of Tay Ninh Province regarding the allocation of land for DT 1, 2 and 3	2019 790.UBND.KTTC.pdf	11	13
47.	Quyết định của UBND tỉnh Tây Ninh về việc cho Công ty TNHH Xuân Cầu Tây Ninh thuê 7200000m2 đất tại 2 huyện Dương Minh Châu và Tân Châu, tỉnh Tây Ninh để thực hiện dự án Dầu Tiếng 1,2,3, 7/5/2018	Decision from the People's Committee of Tay Ninh Province regarding the lease of land to Xuan Cau Tay Ninh Co., Ltd for the development of DT 1, 2 and 3 A copy of Decision No. 1228/QĐ-UBND issued by Tay Ninh PC dated 07 May 2018 on agreeing to Xuan Cau Tay Ninh Co., Ltd. lease the land area of 720 ha in Tan Chau and Duong Minh Chau district to implement DT1, DT2 and DT3 solar power projects. Of which: At Suoi Da Commune – Duong Minh Chau District: 3,835,859.8 m2; Tan Hung Commune – Tan Chau District: 2,710,514.8 m2; and Tan Phu Commune – Tan Chau District: 653,625.4 m2. Origin of land area: Public land and managed by Dau Tieng – Phuoc Hoa Irrigation Works Management and Exploitation Company. Type of land lease: Rent and pay annually (in 50 years).	02- Land anquisition.pdf		
48.	Giấy nhận tiền hỗ trợ hạn chế sử dụng trong hành lang an toàn đường dây của ông Nguyễn Đình Tân, 2/8/2019	Acknowledgement from Mr. Nguyen Dinh Tan (the local land user) on the receipt of support payment for limiting his activities under the transmission line, dated 2/8/2019 This is a receipt for money receiving of an affected household (Mr. Nguyen Dinh Tan - Tan Hung Commune - Tan Chau District, Tay Ninh Province). This household is supported with the amount of 63,684,112 VND due to land use restriction due to the impacts of the Transmission Line (no land acquisition, only limited ability to use land with a total affected area of 4,186.6 m2).	04-Sample content.pdf		individual
49.	Giấy nhận tiền hỗ trợ hạn chế sử dụng trong hành lang an toàn đường dây của ông Châu	Acknowledgement from Mr. Chau Ngoc Hoi (the local land user) on the receipt of support payment for limiting his activities	04-Sample content 1.pdf		individual


IBIS
LAND ACQUISITION PROCESS DOCUMENTATION

Annex A: List of LA-related Documents Provided for Review

REF.	DOCUMENT NAME (VN)	DOCUMENT NAME (EN)	DOCUMENT TITLE
	Ngọc Hội, 2/8/2019	under the transmission line, dated 2/8/2019 This is a receipt for money receiving of an affected household (Mr. Chau Ngoc Hoi - Tan Hung Commune - Tan Chau District, Tay Ninh Province). This household is supported with the amount of 91,742,408 VND due to land use restriction due to the impacts of the Transmission Line (no land acquisition, only limited ability to use land with a total affected area of 5,556.9 m ²).	
50.	Bản trích đo chỉnh lý bản đồ địa chính	Cadastral map of DT 1 and DT 2 Map of the land with landmarks of the project according to VN2000 reference system. This is a mandatory technical file to carry out land acquisition activities in accordance with the Land Law 2013.	Cadastral maps Dau Tieng 1, 2 (updated).pdf
51.	Bản trích đo chỉnh lý bản đồ địa chính cho đường dây 220kv	Cadastral map of the transmission line Map of land acquisition for 220 kV Transmission Line, including list of the affected households (individual AHs and organizations), type of land affected and affected area of land acquisition and area of land restriction for each AH.	TL Land Acquisition.pdf
52.	Tờ trình đề xuất chủ trương khi thu hồi đất thực hiện dự án điện mặt trời Dầu Tiếng, 1, 2, 3, Sở TNMT Tây Ninh, 29/3/2018	Official Letter from the Department of Natural Resources and Environment to the People's Committee of Tay Ninh Province regarding the proposal of the principles on the implementation of the land acquisition for DT1, 2 and 3	7-1796.TTr- STNMT.pdf
53.	Công văn của UBND tỉnh Tây Ninh về việc hỗ trợ giao đất để thực hiện dự án Dầu Tiếng 1, 2, 3, 4/4/2018	Official Letter from the People's Committee of Tay Ninh Province regarding the Allocation of Land for DT 1, 2 and 3	8- 790.UBND-KTTC.pdf
54.	Quyết định phê duyệt giá đất cụ thể bồi thường hỗ trợ cho dự án xây dựng đường dây 220KV Bình Long - Tân Châu đoạn qua địa bàn huyện Tân Châu, 25/9/2018	Approval of the Price Regime to be Adopted for the Land Compensation for the Construction of the National Grid between Binh Long and Tan Chau	9- 2378-QD-UBND. PHÒ DUY?T DON GI? D?N Bê HUY?N T?N CH?U.pdf
55.	Bảng tổng hợp số thửa, diện tích, chủ sử dụng, quản lý đất theo hiện trạng trích đo địa chính. Tuyến đường 220KV thuộc dự án điện mặt trời Dầu Tiếng đầu nối vào hệ thống điện quốc gia,	Register of land plot, land users and land use for the land within the corridor of the 220kV transmission line	10- DEN BU 220KV update 16.3.2019.xlsx
56.	Giấy nhận tiền tạm ứng tiền đền bù công trình đường dây 220KV của 14 người dân.	Acknowledgement from 14 people on the receipt of payment of monetary support for the land impacted by the construction of the transmission line	11-D?n b— d?t DTE du?ng gify 220kV.pdf
57.	Công văn của UBND huyện Tân Châu gửi công ty TNHH Xuân Cầu về việc đầu tư nâng cấp tuyến đường thi công vận hành dự án Dầu Tiếng 1, 2,	Official Letter from the People's Committee of Tan Chau District to Xuan Cau Co., Ltd regarding the Improvement of the Access Road of the Project	12-13. S? 906 UBND_Th?a thu?n d?u n?i giao th?ng.pdf

Annex A: List of LA-related Documents Provided for Review

REF.	DOCUMENT NAME (VN)	DOCUMENT NAME (EN)	DOCUMENT TITLE
	2/5/2018		
58.	“Thông báo về việc chi trả tiền hỗ trợ sản xuất và giao mặt bằng để thực hiện dự án Nhà máy điện mặt trời Dầu Tiếng 1,2,3” của UBND xã Tân Hưng – Huyện Tân Châu – Tỉnh Tây Ninh ngày 10/5/2018 gửi hộ Ông Lê Văn Hiệp, địa chỉ Ấp Tân Đông, xã Tân Hưng, huyện Tân Châu, tỉnh Tây Ninh. Đính kèm bảng tính chi tiết các khoản bồi thường hỗ trợ.	Notice on payment of production support and handing over the land for implementation of Dau Tieng 1,2,3 - Solar Power Project, dated 10 May 2018 issued by Tan Hung Commune People's Committee to Mr. Lê Văn Hiệp – Tan Dong Hamlet, Tan Hung Commune, Tan Chau District, Tay Ninh Province. Detailed Compensation Sheet is attached.	Physical information
59.	Thông báo về việc chi trả tiền hỗ trợ sản xuất và giao mặt bằng để thực hiện dự án Nhà máy điện mặt trời Dầu Tiếng 1,2,3” của UBND xã Tân Hưng – Huyện Tân Châu – Tỉnh Tây Ninh ngày 10/5/2018 gửi hộ Ông Huỳnh Văn Quyền, địa chỉ xã Hiệp Tân, huyện Hòa Thành, tỉnh Tây Ninh. Đính kèm bảng tính chi tiết các khoản bồi thường hỗ trợ.	Notice on payment of production support and handing over the land for implementation of Dau Tieng 1,2,3 - Solar Power Project, dated 10 May 2018 issued by Tan Hung Commune People's Committee to Mr. Huynh Van Quyen – Hiep Tan Commune, Hoa Thanh District, Tay Ninh Province. Detailed Compensation Sheet is attached.	Physical information
60.	Thông báo về việc chi trả tiền hỗ trợ sản xuất và giao mặt bằng để thực hiện dự án Nhà máy điện mặt trời Dầu Tiếng 1,2,3” của UBND xã Tân Hưng – Huyện Tân Châu – Tỉnh Tây Ninh ngày 09/5/2018 gửi hộ Ông Nguyễn Thế Vũ, địa chỉ xã Ninh Phú, huyện Bàu Nang, tỉnh Tây Ninh. Đính kèm bảng tính chi tiết các khoản bồi thường hỗ trợ.	Notice on payment of production support and handing over the land for implementation of Dau Tieng 1,2,3 - Solar Power Project, dated 09 May 2018 issued by Tan Hung Commune People's Committee to Mr. Nguyen The Vu – Ninh Phu Commune, Bau Nang District, Tay Ninh Province. Detailed Compensation Sheet is attached.	Physical information
61.	Bảng tổng hợp các hộ dân bị ảnh hưởng của xã Tân Hưng, Tân Châu, Tây Ninh	List of Affected Households at Tan Hung Commune, Tan Chau District, Tay Ninh Province.	Physical information
62.	Hồ sơ Pháp lý” – Tài liệu tuyên truyền cho Dự án điện mặt trời Dầu Tiếng 1,2,3. Địa điểm: Huyện Tân Châu và Huyện Dương Minh Châu. Tháng 01/2018.	Legal Documents” - Propaganda materials for the Dau Tieng 1,2,3 Solar Power Projects at Tan Chau and Duong Minh Chau Districts – Tay Ninh Province. January 2018.	Physical information
63.	Quyết định - Ban hành bảng giá bồi thường, hỗ trợ hoa màu, cây trái và vật nuôi khi nhà nước thu hồi Đất trên địa bàn tỉnh tây ninh Ủy ban nhân dân tỉnh	Decision No. 62/2015/QĐ-UBND dated 29 December 2015 of Tay Ninh PPC on unit prices for trees and crops affected	62-2015-QĐ-UBND.pdf
64.	Quyết định - Ban hành bảng đơn giá nhà, công trình xây dựng, vật kiến trúc trên địa bàn tỉnh Tây Ninh Ủy ban nhân dân tỉnh	Decision No. 81/2014/QĐ-UBND dated 31 December 2014 of Tay Ninh PPC on unit prices for houses/structures affected	81-2014-QĐ-UBND.pdf
Health and Safety			
65.	Báo cáo tai nạn lao động 2019	Labour Accident Report for 2019	2. Báo cáo tai nạn lao động 2019.doc

Annex A: List of LA-related Documents Provided for Review

REF.	DOCUMENT NAME (VN)	DOCUMENT NAME (EN)	DOCUMENT TITLE
66.	Yêu cầu cho công tác bảo vệ của dự án	Security Operation Requirements from DTE	A.Security Operation Requirement.docx
67.	Đào tạo an toàn cơ bản cho nhân viên mới	Basic Safety Induction Training Material	Basic Safety Training.pdf
68.	Quy trình thông báo sự cố	Emergency Response Plan Developed by DTE	Call Out and Notification Procedure.docx
69.	Nguyên tắc vận hành và bảo trì dự án	Operation And Maintenance Philosophy Developed by the O&M Contractor	Dau tieng DT1(180MWp) &DT2(240MWp)O&M PHILOSOPHY.pdf
70.	Quy trình vận hành và bảo trì dự án	Operation And Maintenance Procedure Developed by the O&M Contractor	Dau tieng DT1(180MWp) &DT2(240MWp)O&M PROCEDURE.pdf
71.	Danh sách quy trình an toàn môi trường sức khỏe của nhà thầu PowerChina	List Of HSE Documents Developed by the O&M Contractor	DOCUMENT LIST FROM PC O&M.xlsx
72.	Kế hoạch ứng phó sự cố cháy tấm pin	Emergency Response Plan Developed By The O&M Contractor For The Power Plant	EMERGENCY RESPONSE PLAN FOR A PV PANEL FIRE.pdf
73.	Kế hoạch ứng phó sự cố khẩn cấp trong vận hành	Emergency Response Plan Developed by the O&M Contractor for Operation and Maintenance	EMERGENCY RESPONSE PLAN FOR O&M.pdf
74.	Sổ kiểm tra hệ thống chữa cháy	Firefighting Equipment Inspection Register	Firefighting system inspection book in substation1.pdf
75.	Kế hoạch an toàn sức khỏe giai đoạn vận hành	HSE Management Plan Developed by the O&M Contractor	HEALTH AND SAFETY MANAGEMENT PLAN FOR O&M.pdf
76.	Quy trình làm việc trên mặt nước	Procedure of Work on the Water Developed by the O&M Contractor	Method state for work on the water.pdf
77.	Quy trình vệ sinh máy biến áp và inverter	Transformer and Inverter Filter Cleaning Procedure Developed by the O&M Contractor	TANSFORMER AND INVERTER FILTER CLEANING PROCEDURE (1).pdf
78.	Giấy đăng ký làm việc (Hệ thống giấy phép làm việc)	Permit to Work System - Registration Of Work	Registration For Work.pdf
79.	Phân tích an toàn và rủi ro (Hệ thống giấy phép làm việc)	Permit to Work System - Task Safety Assessment	Safety Task Analysis Risk.pdf
80.	Biểu mẫu danh sách nhân viên (Hệ thống giấy phép làm việc)	Permit to Work System - List Of Working Staff	Staffs List Attached.pdf
81.	Danh mục kiểm tra nhiệm vụ công việc (Hệ thống giấy phép làm việc)	Permit to Work System - Task Checklist	TASK CHECKLIST.pdf
82.	Kế hoạch huấn luyện bảo trì và vận hành	O&M Contractor Training Plan	Training Plan.pdf
83.	Quyết định của Bộ Quốc Phòng về tổ chức thực hiện công tác rà phá bom mìn vật nổ dự án Dầu tiếng 1, 17/3/2018	Decision from the Ministry Of Defence Regarding the Implementation of Unexploded Ordnance Survey And Clearance for DT1	10. 802.QD-BQP_Ra pha bom min DT 1.pdf
84.	Quyết định của Bộ Quốc Phòng về tổ chức thực hiện công tác rà phá bom mìn vật nổ dự án Dầu tiếng 2, 17/3/2018	Decision from the Ministry of Defence Regarding the Implementation of Unexploded Ordnance Survey and Clearance for DT2	9. 807.QD-BQP_Ra pha bom min DT 2.pdf
Labour and Working Conditions			
85.	Bản thảo chính sách của công ty về phúc lợi và chi tiêu nội bộ	Draft DTE Company Policy Regarding Welfare and Internal Expenditure	HR03 - Policy on Welfare and Internal



IBIS

LAND ACQUISITION PROCESS DOCUMENTATION

Annex A: List of LA-related Documents Provided for Review

REF.	DOCUMENT NAME (VN)	DOCUMENT NAME (EN)	DOCUMENT TITLE
			Expenditure.doc
86.	Bản thảo quy chế lương thưởng và chế độ cho người lao động	Draft DTE Company Policy Regarding Bonus, Wages and Employment Regime	HR04 - Regulations of bonuses, wages and regimes for employee.docx
87.	Danh sách nhân viên (công ty và nhà thầu)	List Of Workers Working Onsite (Including Contractors)	Manpower List1.xlsx
88.	Danh sách nhân viên (Nhà thầu EPC)	List Of Workers Working Onsite (EPC Contractors)	BOD OF EPC Manpower List.xlsx
Documents Reviewed During ESCA Update in Late 2020			
89.	-	DTE corrective action plan - Sep 30, 2020	DTE corrective action plan - Sep 30, 2020
90.	-	-	Ref. 1 EIA Approvals.pdf
91.	-	-	Ref. 2 Log - Waste Monthly Generation.pdf
92.	-	-	Ref. 2 Waste Generation.pdf
93.	-	-	Ref. 3 Groundwater permit.pdf
94.	-	-	Ref. 4 Hazard Identification, Risk Assessment and Control Procedure (EN).pdf
95.	-	-	Ref. 4 Hazard Identification, Risk Assessment and Control Procedure (VN).pdf
96.	-	-	Ref. 7 Housekeeping Activities and Waste Collection.pdf
97.	-	-	Ref. 8 Regulations on Waste Storage.pdf
98.	-	-	Ref. 8 Waste bin location.pdf
99.	-	-	Ref. 8 Waste Disposal Contract.pdf
100.	-	-	Ref. 9 Emergency Preparedness and Response Plan.pdf
101.	-	-	Ref. 9 Emergency Prevention and Response Plan (VN).pdf
102.	-	-	Ref. 9 First Aid Basic Education.pdf
103.	-	-	Ref. 9 First Aid Provisions.pdf
104.	-	-	Ref. 9 List First Aid Supplies.pdf
105.	-	-	Ref. 10 Gender Balance Management Measures.pdf
106.	-	-	Ref. 10 Social Activities for the Vulnerable.pdf
107.	-	-	Ref. 12 Internal

Annex A: List of LA-related Documents Provided for Review

REF.	DOCUMENT NAME (VN)	DOCUMENT NAME (EN)	DOCUMENT TITLE
			Grievance Mechanism (VN).pdf
108.	-	-	Ref. 12 Internal Grievance Mechanism.pdf
109.	-	-	Ref. 13 Code of Conduct on Sexual Harassment.pdf
110.	-	-	Ref. 13 Code of Conduct on Sexual Harassment (VN).pdf
111.	-	-	ADB Ref. 1 EHS Officer Certificate 2.pdf
112.	-	-	ADB Ref. 1 EHS Officer Certificate.pdf
113.	-	-	ADB Ref. 1 EHS Officer Job Description.pdf
114.	Tổng Hợp Đã Thực Hiện Đền Bù Dự Án Điện Năng Lượng Mặt Trời 1,2 - Xã Suối Đá Đến Ngày 28/02/2019	Summary of Compensation for Solar Power Project 1,2 - Suoi Da Commune To Date 28/02/2019	DTE 1,2 xã Suối Đá, huyện DMC, Tây Ninh.pdf
115.	Tổng Hợp Phương Án Hỗ Trợ Đền Bù Nhà Máy Điện Mặt Trời Dầu Tiếng 2 - Xã Suối Đá	Summary of Compensation Support Plan for Dau Tieng Solar Power Plant 2 - Suoi Da Commune	Households list.pdf
116.	Dự Án: Nhà Máy Điện Mặt Trời Dầu Tiếng 1,2,3 - Khu Vực Bắc Xã Suối Đá Huyện Dương Minh Châu, Tỉnh Tây Ninh	Dau Tieng Solar Power Plan 1,2,3 – North Area Suoi Da Commune Duong Minh Chau District, Tay Ninh Province (Map)	Survey.jpg

ANNEX B: LIST OF INTERVIEWEES

Site Representatives

1. Mr. Le Ngoc Son, Financial Controller cum Chief Account of DTE;
2. Ms. Pham Thi Hong, Human Resources Manager of DTE;
3. Mr. Nguyen Hong Ngu, EHS Manager of DTE;
4. Mr. Nguyen Van Anh, Electrical Engineer of DTE;
5. Mr. Truong Van Phuc, Team Leader of Substation O&M Contractor (DHD);
6. Mr. Zhao Chun Lai, Manager of PowerChina;
7. Mr. Tran Dinh Du, EHS Officer of PowerChina;
8. Mr. Vu Hung Cuong, Operation Manager of DTE;
9. Sukit Angsuwan, Saksit Noiphrom, Manager, Renewable Operation and Maintenance of B. Grimm; and
10. Apisit Injun of B. Grimm.
11. A female member of staff from DTE (on-site; name unknown)

Government Authority Representatives

12. Mr. Tran Quang Hung of Dau Tieng Reservoir Authority (interview held on 13th November 2019)
13. Mr. Bui Xuan Dai, Deputy Director of Dau Tieng Reservoir Authority (interview held on 13th November 2019)
14. Mr. Nguyen Vu Manh, Secretary of Commune Communist Party of SDC (interview held on 14th November 2019)
15. Ms. Ha Thi Hue Nhung – Chairman of Commune People's Committee (CPC) of SDC (interview held on 14th November 2019)
16. Mr. Thai Minh Diep – Vice Chairman of CPC of THC (interview held on 13th November 2019)
17. Mr. Nguyen Van Tu – Land Management Officer of Tan Hung Commune – Tan Chau District (interview held on 13th November 2019)
18. Mr. Pham Van Ly – Former Chairman CPC of THC (interview held on 13th November 2019).
19. Mr. Nguyen Minh Xung – Head of Compensation Department of Tay Ninh Land Fund Development Center (interview held on 13th November 2019)

External Stakeholders and Selected Affected Households

Meetings held at DTE on 13 November 2019

20. Mr. Dinh Duy Sang – Tan Long Hamlet – THC (previous user of temporary land for agricultural production in the reservoir area)
21. Mr. Le Van Rong - Tan Long Hamlet – THC (previous user of temporary land for agricultural production in the reservoir area)

Annex B: List of Interviewees

22. Mr. Nguyen Phuoc Lanh - Tan Long Hamlet – THC (land used for the 220 kV transmission line and 300m long road upgrading)
23. Mr. Chau Ngoc Hoi - Tan Long Hamlet – THC (previous user of both temporary land for agricultural production in the reservoir area and 220 kV transmission line)

Meetings held at local residential homes

24. Mr. Vo Thanh Sang and his wife of SDC, whose residence was relocated from within the Project site to a new house (funded by DTE) within SDC; and
25. Mr. Nguyen Phu Nguyet – Head of Phu Binh 1 Hamlet – SDC, who is a hamlet officer within SDC and whose land use right of 6,000 m² of land was returned to Dau Tieng Reservoir Authority as a result of the Project.

Please note that IBIS was not able to interview Mr. and Mrs. Vo Van Hung, as they were not at their new residence at the time of IBIS' visit on 15 November 2019. Mr. and Mrs. Vo Van Hung were one of the two AHs physically displaced from the Project site to a new house (funded by another donor – An Thai Company) within SDC.

Fishmen at Dau Tieng Reservoir

26. Two individuals (names were not obtained) fishing in the vicinity of the Project site in Dau Tieng Reservoir encountered by IBIS on 12 November 2019.

A teleconference call with Project Representatives on 15 December 2020

ANNEX C: AERIAL IMAGERY OF THE PROJECT SITE



Figure C-1 Google Earth Imagery of the Site in October 2019 after Construction Completion



Annex C: Aerial Imagery of the Project Site

Figure C-2 Google Earth Imagery of the Site in December 2018 during the Construction Phase



Figure C-3 Google Earth Imagery of the Site in November 2018 during the Construction Phase

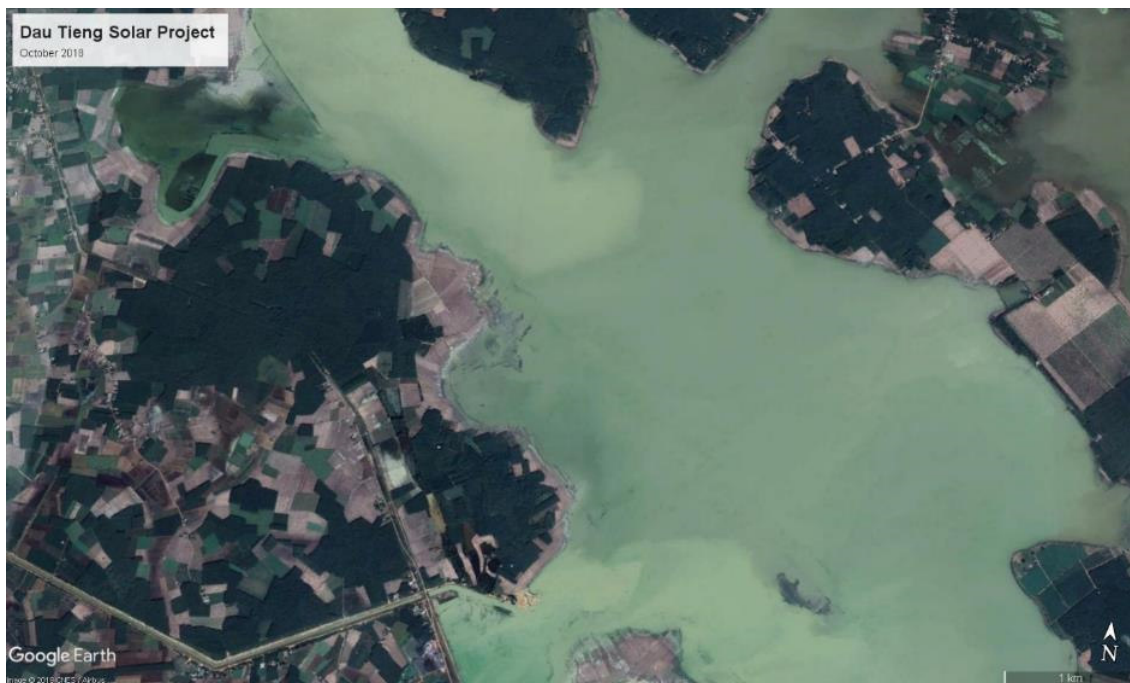


Figure C-4 Google Earth Imagery of the Site in October 2018 when it was Inundated

Annex C: Aerial Imagery of the Project Site



Figure C-5 Google Earth Imagery of the Site in November 2017 prior to Construction

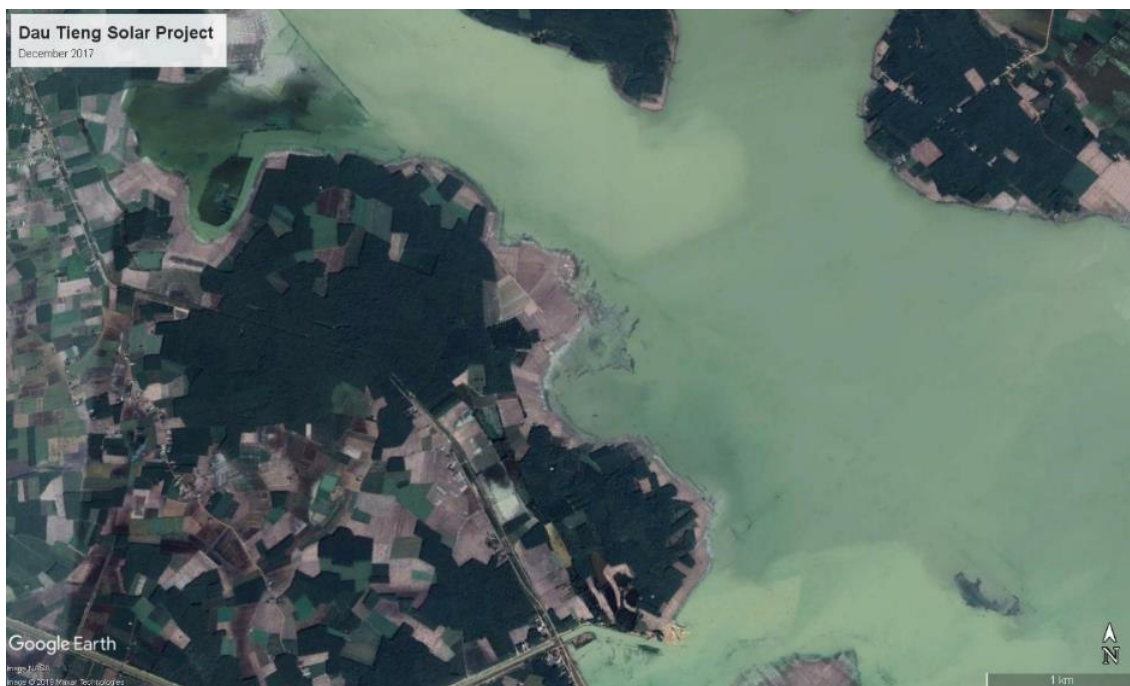


Figure C-6 Google Earth Imagery of the Site in December 2017 when it was Inundated and prior to Construction

ANNEX D: PHOTOLOG

Within DT1 and DT2



Photo 1 Main Entrance to the Administration Compound within DT1 and DT2



Photo 2 Administration Building (right) and Motorcycle Parking Area (left)



Photo 3 Staff Rest Area



Photo 4 Canteen (left), Workshop (centre), and Warehouse (Right of photo)



Photo 5 Guard House at the Main Entrance to the Administration Compound



Photo 6 Substation and Two of the Transmission Towers immediately East of the Administration Compound



Photo 7 Hazardous Materials and Waste Storage Facility immediately outside the Main Entrance to the Administration Compound



Annex D: Photolog

Photo 8 A Bunded Area within One of the Storage Room in the Hazardous Material and Waste Storage Facility



Photo 9 Wastewater Sump within the Administration Compound



Photo 10 EPC Office Area

Annex D: Photolog



Photo 11 Road Construction being Undertaken by EPC at the Time of the Visit



Photo 12 EPC Laydown Area



Photo 13 A View of the Inverter Platform



Photo 14 A View of the Solar Panels in Flooded Area



Photo 15 Floating Platforms Used by the Project to Access Flooded Areas within DT1 and DT2



Photo 16 Partially Constructed Fenceline along the Eastern Boundary of the Project Site

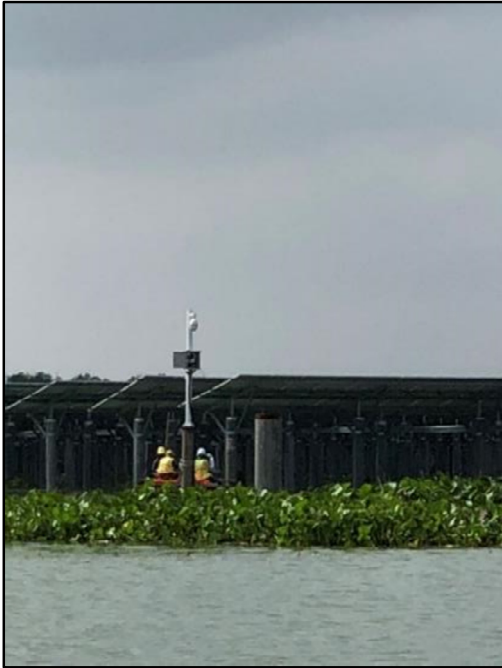


Photo 17 A Security Monitoring System along the Eastern Boundary of the Project Site



Photo 18 A Platform Consisting of a Groundwater Abstraction Well and a Water Filtration System



Photo 19 Boats Used by the Project to Access Flooded Areas

Annex D: Photolog

Outside DT1 and DT2



Photo 20 The Main Road towards Southeast



Photo 21 Fishmen Encountered during the Site Visit



Photo 22 Rubber Tree Plantation along the Roadside to the Project Site



Photo 23 Rubber Harvesting near the Project Site



Photo 24 Security Post Placed outside the Project Site



Photo 25 An Eatery and Resting Area Established Immediately outside the Project Site by External Community Business Person



Photo 26 Commune Office of SDC



Photo 27 A Newly Built Home (Left) for One of the Two Affected Households



Photo 28 Visit to One of the AHs Relocated as a Result of the Project



Photo 29 One AH Interviewed by IBIS during the Visit



Photo 30 Entrance to Dau Tieng Reservoir Authority Administration Office

Singapore

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Republic Plaza

Singapore, 048619

Hong Kong

19/F, Lee Garden One,

33 Hysan Avenue, Causeway Bay

Hong Kong SAR

Johannesburg

1st Floor, Acacia Building

The Avenue Office Park

45 Homestead Road, Rivonia

Johannesburg, 2191

Nairobi

5th Floor, Western Height

Karuna Road

Westlands

Nairobi, 00100

Paris

3 Rue de l'Arrivée

75749 Paris

Cedex 15

France

Morocco

59, boulevard Zerktouni

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Casablanca, Morocco