

Resettlement Plan

January 2018
Project 49387-002

Kingdom of Cambodia: Second Greater Mekong Subregion Tourism Infrastructure for Inclusive Growth Project

Preah Sihanouk Province, Cambodia
Seaside Access and Environmental Improvements

Prepared by Ministry of Tourism with Preah Sihanouk province for the Asian Development Bank.
This is an updated version of the draft originally posted in March 2018 available on
<https://www.adb.org/projects/documents/cam-49387-002-rp>.

CURRENCY EQUIVALENTS

(as of 20 January 2018)

Currency unit	–	Riel (KR)
KR1.00	=	\$0.0002
USD1.00	=	KR 4.116

ABBREVIATIONS

ADB	–	Asian Development Bank
AHs	–	Affected Households
APs	–	Affected Persons
CARM	–	Cambodia Resident Mission (ADB)
CTG	–	Community Tourism Group
DMS	–	Detailed Measurement Survey
DOT	–	Department of Tourism
DPWT	–	Department of Public Works and Transport
EA	–	Executing Agency
EMA	–	External Monitoring Agency
EMP	–	Environmental Management Plan
GAP	–	Gender Action Plan
GDR	–	General Department of Resettlement
GMS	–	Greater Mekong Subregion
HHs	–	Households
HIV/AIDS	–	Human Immune Virus/Acute Immune Deficiency Syndrome
IOL	–	Inventory of Losses
IRC	–	Inter-Ministerial Resettlement Committee
IRC-WG	–	Inter-Ministerial Resettlement Committee-Working Group
MEF	–	Ministry of Economy and Finance
MOT	–	Ministry of Tourism
MPWT	–	Ministry of Public Works and Transport
NGOs	–	Non-Government Organizations
O&M	–	Operation and Maintenance
PCU	–	Project Coordination Unit
PIC	–	Project Implementation Consultant
PIU	–	Project Implementation Unit
PPTA	–	Project Preparatory Technical Assistance
PRC	–	Provincial Resettlement Committee
PRSC	–	Provincial Resettlement Sub-Committee
RCS	–	Replacement Cost Survey
RGC	–	Royal Government of Cambodia
RP	–	Resettlement Plan
SERD	–	Southeast Asia Regional Department
SES	–	Socio-Economic Survey
SPS	–	Safeguard Policy Statement (2009)
USD	–	United States Dollar

WEIGHTS AND MEASURES

km	–	kilometer
kg	–	kilogram
ha	–	hectare
m ²	–	square-meters

GLOSSARY

Affected Person (AP)	- Refers to any person or persons, household or entity, physically (relocation, loss of residential land or loss of shelter) and/or economically (loss of land, assets, access to assets, income sources, or means of livelihood) affected as a result of land acquisition and involuntary resettlement.
Affected Household (AH)	- Refers to all members residing under one roof and operating as a single economic unit, who are adversely affected by a project or any of its components.
Compensation	- Refers to payment in cash or in kind for an asset or resource that is acquired or affected by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs. In applying this method of valuation depreciation of structures and assets should not be taken into account.
Cut-off Date for Eligibility	- This refers to the date prior to which the occupation or use of the Project area makes residents/users of the same eligible to be categorized as affected people. Persons not covered in the census are not eligible for compensation and other entitlements, unless they can show proof that (i) they have been inadvertently missed out during the census and the inventory of losses (IOL); or (ii) they have lawfully acquired the affected assets following completion of the census and the IOL and prior to the conduct of the detailed measurement survey (DMS).
Detailed Measurement Survey (DMS)	- With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of APs earlier done during the RP preparation. The final cost of resettlement can be determined following completion of the DMS.
Displaced Person (DP)	- In the context of involuntary resettlement, displaced persons are those who are physically displaced and/or economically displaced (see below) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas in connection with the Project.
Economic	- Refers to loss of land, assets, access to assets, income sources, or Displacement means of livelihood as a result of (i) involuntary acquisition of land, or (ii) involuntary

		restrictions on land use or on access to legally designated parks and protected areas
Physical Displacement	-	Refers to relocation, loss of residential land, or loss of shelter as a result of (i) involuntary acquisition of land; or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. access.
Eligibility	-	Refers to any person or persons, household, firm, private or public institution who has settled in the Project area before the cut-off date, that (i) loss of shelter, (ii) loss of assets or ability to access such assets, permanently or temporary, or (iii) loss of income sources or mean of livelihood, regardless of relocation will be entitled to be compensation and/or assistance.
Entitlement	-	Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. depending on the type and severity of losses, to restore APs economic and social base.
Inventory of Losses	-	It is the process whereby all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the project corridor of impact (COI) are recorded based on the preliminary design of the project/subprojects.
Land Acquisition	-	The process whereby an individual, household, firm or private institution is compelled to relinquish all or part of the land s/he/it owns or agrees to grant land to government for public purpose in return for compensation at replacement cost.
Rehabilitation	-	This refers to additional support provided to AHs losing productive assets, incomes, employment or sources of living to supplement payment of compensation for acquired assets, to improve or at least restore the living standards of the AH. This term is synonymous with “livelihood restoration”. Rehabilitation measures are provided in the entitlement matrix as an integral part of the entitlements.
Relocation	-	This is the physical displacement of an AH from her/his pre-project place of residence and/or business.
Replacement Cost	-	Refers the method of valuing assets at current market value, or its nearest equivalent, plus any transaction costs such as administrative charges, taxes, registration and titling costs. In applying this method of valuation depreciation of structures and assets should not be taken into account.

- | | | |
|------------------------------|---|--|
| Right-of-Way | - | ROW is the area, owned or still to be acquired, reserved for public use or for a government project. |
| Severely Affected Households | - | This refers to AHs who will be (i) physically displaced from housing, or (ii) those losing 10% or more of their total productive assets (income generating) |
| Vulnerable Group | - | These are distinct groups of displaced persons who are likely to be more adversely affected than others and who are likely to have limited ability to re-establish their livelihoods or improve their status and specifically include: (i) households falling under the Cambodia national poverty rate, (ii) female headed households with dependents living below the national poverty rate, (iii) disabled household heads with no other means of support, (iv) elderly households who are landless and with no other means of support, (v) landless poor living below the national poverty rate, and (vi) indigenous people or ethnic minorities. |

This resettlement plan is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature. Your attention is directed to the "terms of use" section of this website.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	9
A. INTRODUCTION	11
1. The Greater Mekong Subregion Tourism Infrastructure for Inclusive Growth Project	11
b. Preah Sihanouk Seaside Access and Environmental Improvements Subproject	11
B. LEGAL AND POLICY FRAMEWORK FOR LAND ACQUISITION AND RESETTLEMENT	12
a. Cambodia Laws and Regulations	12
b. ADB Policies	15
c. Gaps between ADB's SPS (2009) and RGC's Legislation and Gap-filling Measures	17
d. Project Principles	20
C. CENSUS AND SAMPLE SOCIOECONOMIC INFORMATION	21
a. Census on the Impacts	21
b. Sample Socioeconomic Information	23
D. COMPENSATION, INCOME RESTORATION AND RELOCATION	27
a. Eligibility	27
b. Entitlements	27
c. Income Restoration and Rehabilitation	31
d. Relocation	31
E. CONSULTATION, PARTICIPATION AND DISCLOSURE	32
a. Public Consultation and Participation	32
c. Disclosure Requirements	34
F. GRIEVANCE REDRESS MECHANISM	35
G. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION	37
a. Institutional Arrangements	37
b. Implementation Schedule	40
H. RESETTLEMENT BUDGET AND BUDGET DISBURSEMENT	42
I. MONITORING AND REPORTING	44
ANNEXES	45
Annex 1: Involuntary Resettlement Impact Screening Checklist	45
Annex 2: List of Participants in the Public Consultation Meeting in Village 6	46
Annex 3: List of Participants in the Public Consultation Meeting in Village 4	46
Annex 4: Minutes of the Public Consultation Meetings	48
Annex 5: Project Information Booklet	50
Annex 6: IOL Results at Ochheuteal and Otres Beach	54
Annex 7: Template of the Socio-economic survey of AHs / Business Owners	55
Annex 8: Some photos on consultations and IOL preparation	60

LIST OF FIGURES

Figure 1: Lay-out of the Subproject.....	12
--	----

LIST OF TABLES

Table 1: Gaps between ADB's SPS and RGC's Legislation and Gap-filling Measures.....	18
Table 2: Number of Affected Households and Affected Persons by Subproject.....	22
Table 3: Number of Households Having Business Affected by Locations	22
Table 4: Impacts on Structures by the Subproject.....	22
Table 5: Impacts on Trees.....	23
Table 6: Affected Household Respondents' Gender	23
Table 7: Age Brackets of Household Heads Disaggregated by Gender	23
Table 8: Marital Status of Household Heads	23
Table 9: Household Heads' Occupations.....	24
Table 10: EducationLevelsof HouseholdHeads	24
Table 11: Population by Gender of Surveyed Households.....	24
Table 12: Age Bracket of Household Members	24
Table 13: Education Levels of Household Members	25
Table 14: Main Occupation of Household Members.....	25
Table 15: Rate of Employment of Household Members	25
Table 16: Monthly Household Income of Affected HH Respondents	26
Table 17: Household Assets Owned by Affected Households	26
Table 18: Entitlement Matrix.....	28
Table 19: Summary of Concerns and Opinions During the Public Consultation Meetings.....	32
Table 20: Indicative Implementation Schedule of Resettlement Plan	40
Table 21: Indicative Resettlement Budget	42
Table 22: Monitoring and Reporting Indicators	44

EXECUTIVE SUMMARY

1. The Greater Mekong Subregion (GMS) Tourism Infrastructure for Inclusive Growth Project (the Project) will improve urban-rural transport infrastructure and urban environmental services, strengthen capacity to implement regional tourism standards, and strengthen tourism destination management in Cambodia. It will help transform secondary towns in the GMS Economic Corridors into green, inclusive and competitive international tourism nodes to boost trade in services and deepen market linkages between members of the GMS and Association of Southeast Asian Nations (ASEAN). The Project will build on the ongoing GMS Tourism Infrastructure for Inclusive Growth Project, implemented in Cambodia, the Lao PDR, and Viet Nam (CLV) during 2014–2019.
2. The Preah Sihanouk Seaside Access and Environmental Improvements Subproject (the Subproject) has been included for investment support under the Project. The Subproject aims to provide continuous, attractive seafront access along 7.0 km of Ochheuteal and Otres beaches, and will provide a standard 8.0 m width reinforced concrete road, drains, footpaths, and street lighting.
3. Involuntary resettlement screening of the Subproject was undertaken by Project Preparatory Technical Assistance (PPTA) consultants using the Involuntary Resettlement Impact Screening Checklist (*Annex 1*). The Subproject is classified as category B. According to the result of Inventory of Loss (IOL) carried out by Ministry of Tourism (MOT), General Department of Resettlement (GDR) and PPTA consultants in July 2017, twenty-three (23) affected households (AHs) will have permanent impacts to portions of their physical assets in the Subproject locations at Ochheuteal, Village 4; and Otres 1 and 2, Village 6. Of these, 12 AHs (40 affected persons) will experience impacts on their businesses during construction and 11 AHs (36 affected persons) will have concrete pavement or sidewalk, toilet, and fences affected. Five (5) shops will be entirely affected and ten (10) shops will be partially affected. A total of 1,246 m² of the main and secondary structures will be partially impacted including the 15 shops with a total area of 255 m²; one (1) toilet with a total area of 40m², 723 m² of concrete pavements; 228 m² of concrete fence; and 7.0 m of wooden fence. A total of 13 fruit trees will be cut including 2 coconut trees and 11 banana trees.
4. The first public consultation meeting was held with 27 affected persons (18 females) of 23 AHs on 12 July 2017. All are owners of tourism related business establishments in Village 4 and Village 6. The meeting was arranged by MOT with the assistance of the provincial authorities and participated by GDR. The purpose of the meeting was to provide the AHs with generic information about the Project and the Subproject, the benefits and potential impacts, the anticipated land requirements, compensation policy, eligibility, and entitlements; and the grievance redress mechanism. Opinions, suggestions and concerns of affected households raised in the consultation meetings have been addressed in this Resettlement Plan (RP). Information dissemination and consultations will continue (i) after this RP is approved by Inter-Ministerial Resettlement Committee and ADB; (ii) during updating of the RP following the detailed measurement survey (DMS) and the detailed engineering design; and (iii) through-out the implementation of the updated RP. A Public Information Booklet (PIB) for the Project, which was prepared by the EA with the assistance of the PPTA consultants and endorsed by GDR, was made available to the commune/village council offices and distributed to all the attendees during the meeting. The information disclosure will follow ADB's Public Communication Policy, 2011. The approved RP and the updated RP will be translated into Khmer and disclosed to the APs, the project implementers, and local authorities by posting in accessible public places. The RP and the updated RP will be uploaded to the project and the ADB websites. The Project Information Booklet that covers the key information on land acquisition and resettlement will be delivered to all affected households and communities and concerned agencies.

5. A project level grievance redress committee will be established to handle grievances for the Subproject. The process and procedures for the grievance redress mechanism is outlined in paragraphs 70 to 71 of this RP.
6. This Resettlement Plan (RP) is prepared according to the laws and decrees of the Royal Government of Cambodia (RGC) and Asian Development Bank's (ADB Safeguards Policy Statement, 2009) policies. The full entitlements are set out in the entitlement matrix. The entitlements cover compensation for all affected structures and trees, including possible temporary disruption of business where income restoration will be compensated. Compensation for affected structures (1,246 m²) will follow the principle of replacement cost. Compensation for affected trees will be according to the Replacement Costs Survey (RCS). An income restoration program will be provided for the AHs if there is permanent loss of livelihood source due to physical relocation; and for vulnerable groups.
7. This RP is prepared based on the preliminary design of the Subproject and will be updated following the Subproject's detailed engineering design. The updates will consider any changes in the design that alters the resettlement impacts, including the identification of affected assets and affected persons. RP updating will involve another public consultation with all AHs. In addition, another socioeconomic survey (SES) will be conducted to gather fresh information on the socio-demographic and economic profiles of all AHs which will serve as baseline information. The IOL data will be validated through the DMS, as well as firming-up the compensation packages for affected assets through the RCS by a qualified and independent replacement cost appraiser.
8. The total indicative cost of Subproject land acquisition and resettlement is estimated at \$64,175.55 and will be financed by the Royal Government of Cambodia (RGC) from its national budget. The resettlement budget will be updated when updating the RP following the results of DMS, RCS and additional consultations with affected households.
9. The Ministry of Tourism (MOT) is the Project/Subproject executing agency, however, the GDR is the agency which will be directly responsible for all land acquisition and resettlement activities under the Subproject. The role of MOT is minimal and is only related to the compilation of the reporting requirements for the Subproject and reporting to GDR of any bottlenecks posed by resettlement during the construction phase of the Subproject. The Preah Sihanouk Provincial Department of Tourism (DOT) will establish a PIU with a focal person for resettlement and will establish a Resettlement Committee (RC) at the provincial level comprised of concerned provincial departments to attend to and support the GDR and PIU in resettlement plan updating, implementation and monitoring. At the village level, the Community Tourism Group (CTG) will be organized to support the PIU in the monitoring of the safeguards plans (RP and EMP) as well as the GAP. The grievance redress committee composition will follow Cambodia's Expropriation Law (2010).
10. Implementation will start from Quarter 4 2018 with DMS, additional consultations and RCS carried out. The RP will be updated and payment to affected households is expected in Quarter 1 of 2019. The detailed activities and schedule of land acquisition, compensation and assistance are presented in this RP.
11. All monitoring and reporting on the preparation and implementation of the updated RP will be carried out by the GDR (Department of Internal Monitoring and Data Management) in accordance with the principles agreed under the Subproject. The PIU under the Preah Sihanouk Provincial DOT will also perform of internal monitoring jointly with the GDR and prepare and submit to ADB semi-annual safeguards monitoring reports that incorporate/reflect progress made on land acquisition and resettlement implementation. Since the project is not deemed to have significant impacts and is categorized B, external monitoring is not required.

A. INTRODUCTION

1. The Greater Mekong Subregion Tourism Infrastructure for Inclusive Growth Project

12. The Greater Mekong Subregion Tourism Infrastructure for Inclusive Growth Project will improve urban-rural transport infrastructure and urban environmental services, strengthen capacity to implement regional tourism standards, and strengthen tourism destination management in Cambodia. It will help transform secondary towns in the Greater Mekong Subregion (GMS) Economic Corridors into green, inclusive and competitive international tourism nodes to boost trade in services and deepen market linkages between members of the GMS and Association of Southeast Asian Nations (ASEAN). The project will build on the ongoing GMS Tourism Infrastructure for Inclusive Growth Project, implemented in Cambodia, the Lao PDR, and Viet Nam (2014–2019).
13. The expected impact of the project is sustainable, inclusive, and more balanced tourism development, as envisaged in the ASEAN Tourism Strategic Plan 2016–2025. The expected outcome of the project is to increase the tourism competitiveness of secondary towns in Cambodia and the Lao PDR. The outputs of the project include: (i) urban-rural access infrastructure and urban environmental services improved, (ii) capacity to implement ASEAN tourism standards strengthened, and (iii) institutional arrangements for tourism destination management and infrastructure operations and maintenance (O&M) is strengthened.

2. Preah Sihanouk Seaside Access and Environmental Improvements Subproject

14. Preah Sihanouk Seaside Access and Environmental Improvements subproject will be implemented in Preah Sihanouk City, Preah Sihanouk province. Preah Sihanouk province received 2.1 million visitors in 2016 and visitor arrivals are projected to rise to about 4 million in 2026. Ad-hoc development of Ochheuteal-end and Otres 1 and 2 beaches restricts pedestrian access and causes congestion, and unsanitary drainage with intermittent flooding.
15. The subproject layout plan is shown in Figure 1 and will cover the following sections:
- **Section 1 - Ochheuteal Beach:** Main north-western end of Ochheuteal beach. There will be footpath improvements and streetlights installed along the existing 10.0 m alignment on seaward side and 5.0 m alignment on landward side.
 - **Section 2 - In front of Sokha Land:** Widen existing 6.0 m road to 8.0 m, with 2.5m footpath rebuilt on the seaward side. Box culvert drain within the 8.0 m road on both sides with concrete covers suitable for car traffic loading and manholes under footpaths. Street lighting along seaward side every 25.0 m.
 - **Section 3 - End of Ochheuteal Beach (340.0 m):** This requires a short length of curved road connecting section 2 to the existing road which is closer to the sea. The road will be 8.0 m wide with 3.5m footpaths either side. Box culvert drain within the 8.0 m road on both sides with concrete covers suitable for car traffic loading and manholes under footpaths. Footpaths may need width reducing depending on final design. Landscaping and street lighting along seaward side every 25.0 m.
 - **Section 4 - Peninsula:** Repair the existing path around the seaward side of the peninsula and add street lighting every 25.0 m.
 - **Section 5 - In front of Queenco Land:** Widen road to 8.0 m with 3.5m foot/cycle paths either side. Provide box culvert drain within the 8.0 m road on seaward side only with concrete covers suitable for car traffic loading and manholes under footpaths. Street lighting along seaward side every 25.0 m.
 - **Section 6 - South East of Ores Corner (“Ores 1”):** Provide 8.0 m road and 3.5m footpaths either side. Provide box culvert drain within the 8.0 m road on both sides

with concrete covers suitable for car traffic loading and manholes under footpaths. Street lighting along seaward side every 25.0 m.

- **Section 7 - Ores 1 Underdeveloped Section:** Underdeveloped beach section linking “Ores 1” and Ores 2”. Widen road to 8.0 m with 3.5m foot/cycle paths either side. Provide box culvert drain within the 8.0 m road on the seaward side only with concrete covers suitable for car traffic loading and manholes under footpaths. Street lighting along seaward side every 25.0 m. Four access roads to beachfront, each approximately 130.0 m, with parking bays.
- **Section 8 - Ores 2 -** At south east end of beach widen road to 8.0 m with 3.5m foot/cycle paths either side. Provide box culvert drain within the 8.0 m road on both sides with concrete covers suitable for car traffic loading and manholes under footpaths. Street lighting along seaward side every 25.0 m. Two access roads to beachfront, approximately 150.0 m and 60.0 m, with parking bays.
- **For all Beach Sections:** Public toilet blocks with outdoor showers every 500.0 m, within the 50.0 m coastal strip of public land. This amounts to 7 blocks on Otres beach and 6 blocks on Ochheuteal beach.

16. Subproject planning and implementation will be coordinated with the ADB financed “Provincial Water Supply and Sanitation Sector Project” which will ensure that the area is also served by new sewage mains feeding back to the Preah Sihanouk wastewater treatment plant. The Subproject will benefit 41 hotels and guesthouses with 2,167 bedrooms, 240 shops/restaurants and other commercial premises, and 12,878 residents.



Figure 1: Lay-out of the Subproject

B. LEGAL AND POLICY FRAMEWORK FOR LAND ACQUISITION AND RESETTLEMENT

17. The legal and policy framework for compensation and resettlement under the Project is defined by the relevant laws and regulations of the RGC and the ADB Safeguard Policy Statement (2009), Public Communications Policy (2011), and Accountability Mechanism (2012).

1. Cambodia Laws and Regulations

1993 Constitution

18. The 1993 Constitution of Cambodia sets two basic principles for land acquisition. The first is Article 44 which states that the “right to confiscate properties from any person shall be

exercised only in the public interest as provided by law and shall require fair and just compensation in advance” (Article 44). The second principle is Article 20 that stipulates that “nobody shall be forced to transfer his or her ownership, if forcing is not necessary in the public interest and (if) no proper and just indemnity has been paid to the owner”.

19. Articles 73 and 74 of the Constitution provide for special consideration and support to vulnerable people including mothers and children, the disabled and families of combatants who sacrificed their lives for the nation. Indigenous minorities however are not explicitly included in these two articles but included in the Land Law.

2001 Land Law

20. The 2001 Land Law governs land and property rights in Cambodia. Based on the provisions of the 1993 Constitution, it defines the regime of ownership of immovable properties, such as land, trees and fixed structures. The rights and responsibilities of the government with respect to eminent domain are specified in the Land Law. The government can acquire private land for public purposes but must pay a fair and just compensation in advance of the land acquisition. The Land Law, Article 5, states that “No person may be deprived of his ownership, unless it is in the public interest. An ownership deprivation shall be carried out in accordance with the forms and procedures provided by law and regulations and after the payment of fair and just compensation in advance”. Other provisions of the Land Law that are relevant to land acquisition, compensation and resettlement include:

- (i) Article 6: Legal possession as defined by the Law is the sole basis for ownership, and all transfers or changes of rights of ownership shall be carried out in accordance with the required general rules for sale, succession, exchange and gift or by court decision.
- (ii) Article 7: Any regime of ownership of immovable property prior to 1979 shall not be recognized.
- (iii) Articles 8 and 66: Only persons or legal entities of Khmer nationality are entitled to own land in Cambodia; or to buy or sell land.
- (iv) Article 15: State public land includes, among other categories, any property a) that has a natural origin, such as forests, courses and banks of navigable and floatable rivers or natural lakes; b) that is made available for public use such as roads, tracks, oxcart ways, pathways, gardens, public parks and reserved land; or, c) that is allocated to render a public service, such as public schools, public hospitals or administrative buildings.
- (v) Article 19: Persons that illegally occupy possess or claim title to State public land cannot claim any compensation. This includes land established by the Government as public ROWs for roads and railways. Moreover, failure to vacate illegally occupied land in a timely manner is subject to fines and/or imprisonment.
- (vi) Article 26: Ownership of the lands is granted by the State to indigenous communities as collective ownership, including all the rights and protections enjoyed by private owners. The exercise of collective ownership rights are the responsibility of the traditional authorities and decision-making mechanisms of the indigenous community, according to their customs and subject to laws such as the law on environmental protection.
- (vii) Article 28: No authority outside the community may acquire any rights to immovable properties belonging to an indigenous community.
- (viii) Article 30: Persons with legally valid possession of land for five years (at the time the law came into effect) can be registered as the owner of the land.

- (ix) Article 31: Persons who (at the time the law came into effect) held legal possession but had not yet completed the five years were allowed to remain in possession until they were eligible to be registered as the owner.
- (x) Articles 29 and 34: Temporary possession claims made by persons after the law comes into effect will not be recognized, rescinding a previous right under the 1992 Land Law for acquiring land by taking possession.
- (xi) Articles 50 and 51: Landless people may apply for land for residential and subsistence farming purposes at no cost, as part of a social land concessions scheme. The concessionaire may obtain ownership of this land after fulfilling conditions set out in a separate Sub-Decree on Social Land Concessions.
- (xii) Articles 80-84: Acquisition of land through gifts is permitted with the following conditions: (a) the gift of immovable property is only effective if it is made in writing and registered with the Cadastral Registry Unit; (b) once accepted, gifts of immovable property are irrevocable; and, (c) the donor may retain the right of usufruct in the property, and the right of use and habitation of an immovable property.

Expropriation Law

21. The Expropriation Law promulgated on 4 February 2010, provides clear procedures on acquiring private properties for national and public interests. Key articles of the Law are listed below:

- (i) Article 2: The law has the following purposes: (a) ensure reasonable and just deprivation of a legal right to ownership of private property; (b) ensure payment of reasonable and just prior compensation; (c) serve the public and national interests; and (d) development of public physical infrastructure.
- (ii) Article 7: Only the State may carry out an expropriation for use in the public and national interests.
- (iii) Article 8: The State shall accept the purchase of part of the real property left over from an expropriation at a reasonable and just price at the request of the owner of and/or the holder of right in the expropriated real property who is unable to live near the expropriated scheme or to build a residence or conduct any business.
- (iv) Article 12: An expropriation committee shall be established and headed by a representative from the Ministry of Economy and Finance (MEF) and composed of representatives from relevant ministries and institutions. The organization and functioning of the expropriation committee shall be determined by a sub-decree.
- (v) Article 22: An amount of compensation to be paid to the owner of and/or holder of rights in the real property shall be based on the market value of the real property or the alternative value as of the date of the issuance of the Prakas on the expropriation scheme. The market value or the alternative value shall be determined by an independent commission or agent appointed by the expropriation committee.

Other Relevant Laws and Regulations

- 22. There are also other laws, decrees, sub-decrees, regulations, and guidelines relevant to resettlement under the Project. The Sub-Decree on Social Concessions of March 2003 provides legal basis for allocations of State private land for purposes of the alleviation of landlessness and poverty, including the replacement of land lost in the context of involuntary resettlement.
- 23. Private ownership of land in Cambodia was re-established in 1989 and confirmed in the 2001 Land Law (Article 4). The present legal status of land use in can be classified as follows:

- (i) Privately owned land with title: The owner has official title to the land, and both owner and the Cadastral Administration Office have a copy of the deed.
 - (ii) Privately owned land without title: The owner has made an application for title to land and is waiting for the issuance of a title deed.
 - (iii) Land use rights certified by the government: In this case, a receipt for long-term land use has been issued. This land use right is recognized by the Cadastral Administration Office.
 - (iv) Lease land: The government or private owners lease the land, usually for a short period. There is provision for the owner to reclaim land if it is needed for development.
 - (v) Non-legal occupation: The user has no land use rights to state land that he/she occupies or uses. The Cadastral Administration Office does not recognize the use of this land.
24. In addition, Prakas No. 6, entitled “Measures to Crack Down on Anarchic Land Grabbing and Encroachments”, sets ROW. In support of this Prakas, MEF issued Decree No. 961 in April 2000 prohibiting compensation for structures and other assets located in the ROWs.
25. The government approved and issued Sub-Decree No.115 dated 26 May 2016, regarding the upgrading of the Resettlement Department to the General Department of Resettlement (GDR). This is more of a procedural instrument which outlines the roles and responsibilities of the GDR in respect of the preparation and implementation of Land Acquisition and Resettlement Plans and in coordinating the Inter-Ministerial Resettlement Committee (IRC). This is incorporated into this RP implementation procedures.

2. ADB Policies

26. On 29 June 2009, ADB updated its safeguards policies by integrating its policies on involuntary resettlement, indigenous peoples and the environment into one common SPS. The SPS was approved by the ADB Board on 20 July 2009 and became effective on 20 January 2010.
27. **Objectives** of ADB's Policy are to (i) avoid involuntary resettlement wherever possible; (ii) minimize involuntary resettlement by exploring project and design alternatives; (iii) enhance or at least restore the livelihoods of all displaced persons in real terms relative to pre-project levels; and (iv) improve the standards of living of the displaced poor and other vulnerable groups.
28. **Scope and Triggers.** The Involuntary Resettlement Safeguard covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It also covers whether such losses and involuntary restrictions are full or partial, permanent or temporary.
29. **Involuntary Resettlement Policy principles** include:
- a. Screen early to identify involuntary resettlement impacts and risks and determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
 - b. Carry out meaningful public consultations with displaced persons and affected local communities. Inform all displaced persons of their entitlements and resettlement options and ensure their participation in various stages of the project especially

- vulnerable and poor groups. Establish a grievance redress mechanism to receive and facilitate resolution of the displaced persons' concerns. Support the social and cultural institutions of displaced persons and their host population.
- c. 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 benefit sharing schemes where possible.
 - d. 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.
 - e. Improve the standards of living of the displaced poor and vulnerable group 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.
 - f. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
 - g. 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 non-land assets.
 - h. Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
 - i. Disclose both the draft and final resettlement plan in a form and language understandable to displaced persons and other stakeholders.
 - j. 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.
 - k. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
 - l. 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.
30. Calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. In the calculation, depreciation of structures will not be taken into account. It is expected that qualified and experienced experts will undertake the valuation of acquired assets.

31. Persons or households without formal legal rights nor recognized or recognizable claims to the acquired land are still entitled to be compensated for their loss of assets other than land, such as dwellings or other improvements on the land at full replacement cost, provided that they have occupied/used the land or structures in the affected land prior to the cut-off date.

3. Gaps between ADB's SPS (2009) and RGC's Legislation and Gap-filling Measures

32. In general, the main principles of the government policies on land acquisition, compensation, assistance and resettlement reflect those in ADB's SPS 2009. However, there are some gaps between ADB resettlement policy and the government's legislation. The main gaps between ADB Resettlement Policy and the Government legislation are highlighted in Table 1, with gap-filling measures:

Table 1: Gaps between ADB's SPS and RGC's Legislation and Gap-filling Measures

No.	Items with Difference in Policy	Legislation of RGC	ADB Policy	Measures to Address the Difference in the Project
1	Eligibility for compensation and assistance does not include APs without land title	Illegal occupants are not entitled to compensation due to violation on declared land use plan; or if they have constructed without permit or have encroached on demarcated land for ROW	Those without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets. Improve standard of living of the displaced poor and other vulnerable groups, particularly women.	<ul style="list-style-type: none"> • All APs are eligible for resettlement assistance and compensation for loss of non- land assets. • Particular focus on improving the standards of living of the displaced poor and other vulnerable groups, including women.
2	No compensation for those illegally settled on the ROW.	Individuals who have illegally occupied the ROW or public properties are not entitled to any compensation or social support, regardless of their being an affected household or a member of vulnerable groups.	All affected households including those without titles or are within the ROW are eligible to resettlement assistance and compensation for loss of non-land-based assets.	<ul style="list-style-type: none"> • Resettlement assistance will be provided by the Project for those who occupied the ROW to move out of the affected area. • Allowances will be provided for those who are making living within the ROW and certified by commune authority. • Additional cash assistance will be provided (if the vulnerable household has movable kiosk or small shop affected)
3	Immoveable assets.	Any regime of ownership of immovable property prior to 1979 shall not be recognized (Article 7).	All affected person shall be entitled for resettlement assistance and compensation for non-land-based assets.	<ul style="list-style-type: none"> • All affected persons including those without titles or are within ROW are eligible to resettlement assistance and compensation for loss of non-land assets.
4	Unregistered businesses.	Recognizes businesses or economic entities only if they hold a business certificate (i.e. excludes non-registered businesses).	For non-land assets, all eligible affected households, whether titled, legitimate, or non-titled need to be compensated at replacement cost through cash or replacement assets. Included among these AHs are renters of buildings,	<ul style="list-style-type: none"> • Inclusion of those who are economically displaced, even those who are not formally registered (e.g. unregistered, businesses, employees without labor contracts). All affected persons will be assisted to ensure that their income sources are

No.	Items with Difference in Policy	Legislation of RGC	ADB Policy	Measures to Address the Difference in the Project
			tenants and of affected business	restored to at least pre-project levels.
5	Entitlements on severity of losses.	No specific legislation on severity of losses on productive land.	ADB policy defines affected persons to have experienced severe losses when they are physically displaced from housing or lose 10% or more of their productive assets (income generating).	<ul style="list-style-type: none"> • AHS who will lose 10% or more of their productive assets (income generating) or who will be physically displaced will be provided with additional assistance and income restoration measures to ensure that their income sources are restored to at least pre-project levels.
6	Livelihood restoration or improvement for APs	There are no provisions for livelihood restoration or improvement	Assistance to APs to restore or improve their livelihoods.	<ul style="list-style-type: none"> • Inclusion of livelihood support programs, training and other measures to reestablish sources of livelihoods for those APs who have lost their sources of livelihood.
7	Land valuation.	The price for land compensation is calculated based on the prevailing cost of land at the time of land acquisition which is defined by the GDR. Land payment is usually based on negotiated price between land owner and the government “willing buyer-willing seller” approach.	ADB policy requires an independent/qualified land appraiser who has working knowledge on property valuation and that the appraisal methodology used is consistent with international standards.	<ul style="list-style-type: none"> • An independent/qualified land appraiser will be engaged to conduct the replacement cost study during the DMS for the project and the result of the replacement cost study will be used for preparation of resettlement plan(s) and to compensation for the affected land and assets.

4. Project Principles

33. To achieve the RP's objectives, the Project will adhere to the principles of the RP as set forth below:

- (i) Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided, if not minimized, where possible by exploring all alternative options.
- (ii) Compensation will be based on the principle of replacement cost reflecting the current market price and other administrative costs.
- (iii) All the AHs (without any discrimination such as household headed by women, disabled elderly, landless and people living below the national poverty line) confirmed to be residing in, doing business, or having right over resources within the Subproject affected areas or land to be acquired or used for Subproject during the conduct of DMS and census of AH (before cut-off date) are eligible for compensation and assistance for land and assets at replacement cost as mentioned in the entitlement matrix, plus with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income earning capacity and production levels.
- (iv) Meaningful public consultation will be carried out with the AHs, affected communities and concerned groups and ensure participation from planning up to implementation. The comments and suggestions of AHs and communities will be considered.
- (v) The final draft and any updates on the RP will be disclosed at relevant village/sangkat Offices in Khmer language after approval from the Government and ADB.
- (vi) Resettlement identification, planning and management will ensure that gender concerns are incorporated.
- (vii) Provide all affected households requiring relocation with needed assistance including the following; assistance and allowances, secure tenure to the relocated land, and better living conditions at resettlement sites.
- (viii) Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as households headed by women, children, disabled, the elderly, landless and people living below the generally accepted poverty line.
- (ix) Existing cultural and religious practices will be respected and, to the maximum extent possible preserved.
- (x) Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the Subproject.
- (xi) Adequate resources will be identified and committed during the preparation of the RP which shall include sufficient budgetary support and made available to cover resettlement costs within the agreed implementation period.
- (xii) No civil works shall commence for any segment of the Subproject, until (i) compensation has been fully paid to AHs; (ii) agreed rehabilitation measures are in place (iii) the area is free from all encumbrances.

C. CENSUS AND SAMPLE SOCIOECONOMIC INFORMATION

1. Census of Impacts

34. To minimize adverse impacts of the Subproject on land acquisition and resettlement, the following mitigation measures were considered by the MOT and local authorities:
- Subproject's components have been discussed with local authorities and communities. Selected locations for the subproject's components are the areas with the least or no land acquisition impacts.
 - The road alignments and street side improvements avoid acquisition of residential land and impacts on the existing structures of the households and communities.
 - Construction will be monitored by local people in the subproject areas and communities to ensure the impacts on surrounding land and assets of households are minimized.
 - Standing crops and trees on any affected land, if any, will be harvested prior to the start of civil works by informing AHs at least three months in advance of the schedule for handing over of subproject-acquired land.
 - Other than the, MOT and IRC will ensure that the payment of compensation and assistance for AHs are completed prior to the issuance of notice to proceed to start construction works.

2. Screening and Classification of Impacts

35. The ADB's SPS (2009) requires that all subprojects will be screened to determine whether they involve involuntary resettlement. Preliminary screening of the Subproject on Involuntary Resettlement was carried out by the PPTA consultants in July 2017 as part of the project preparation. The Involuntary Resettlement Impact Screening Form is attached in the *Annex 1*. The Subproject addresses ADB's SPS required criteria to avoid or minimize land acquisition and resettlement. Any impact noted during detailed design will be minimized by comparing alternatives in the technical design and construction methods. Subprojects were classified at the earliest stage of preparation through screening according the ADB's classification system (Annex 1, Footnote 1, ADB's SPS) to reflect potential involuntary resettlement impacts. The Subproject has been classified category B for Involuntary Resettlement. Given that only 23 AHs are involved, the full impacts have been initially evaluated, 100% of census conducted, and the initial Subproject RP prepared. The RP will be reviewed and approved by GDR and ADB. If the scope of the subproject changes, the RP will be updated based on policies and principles in the RP.

3. Impacts on Land

36. **Permanent Land Acquisition.** The feasibility design considered road sections which would require no land acquisition. This will be reviewed in detail and confirmed during the Subproject detailed design stage. All affected households are renting the land from the Government except for the two plots under Sokha and Queenco Companies that are being partially operated on allocated public land.
37. **Temporary Land Acquisition.** For any temporary site installation, the contractor will have to propose a site installation and access plan and obtain no objection from the PIU. The contractor shall be responsible for paying all costs, including any rental/lease fees for any land that it requires. Both private and public space shall be returned in the same or improved condition compared with pre-project situation.
38. The PPTA consultants jointly with key staffs from MOT, DOT of Preah Sihanouk province, and GDR conducted the IOL at Ochheuteal-end Village 4, and at Otres 1 and 2 in Village 6 on 11 July 2017. The number of AHs by the Subproject is summarized in Table 2 below.

Table 2: Number of Affected Households and Affected Persons by Subproject

Subproject Locations	Number of Affected Households	Number of Affected Persons
Ochheuteal -End Village 4	10	33
Otres 1 and 2, Village 6	13	43
Total	23	76

Source: IOL, PPTA, 2017.

4. Impacts on Businesses

39. Of the total 23 AHs, 12 AHs or 40 affected persons (APs) will have impacts on their businesses. It is noted that one AH in Village 4 will have four shops affected. Of 15 affected shops, five (5) shops belonging to 2 AHs will be affected entirely and ten (10) shops belonging to 10 AHs will be partially affected. According to the IOL results, the affected shops are operated by the shop owners and there are no employees/hired labor losing their jobs because of impact on the business. Most of the AHs are engaged in tourism-related business with registration such as guest houses, restaurants, bars, and retail as their primary income source. All the affected shops are independent business place -there is no house-cum-store among the affected structures. The impacts on businesses is summarized in the below Table 3.

Table 3: Number of Households Having Business Affected by Locations

Subproject Locations	No. of AHs (HH)	No. of Affected Shops	Floor Area of Shops (m ²)	Impact on Shops	
				Entirely	Partially
Ochheuteal-End, Village 4	3	3	37	1	2
Otres (1&2), Village 6	9	12	218	4	8
Total	12	15	255	5	10

Source: IOL, PPTA, 2017.

40. A construction strategy/mitigating measures will be adopted by civil works contractors to avert/minimize any temporary income reduction resulting from Subproject construction. The construction process will be segmented to avoid business disruption. Civil works contractors may also install temporary walkways to ensure continuous business operations of the AHs.

5. Impacts on Structures

41. About 1,246 m² of various types of structures consisting of shops, extended eaves, toilets, concrete pavement and concrete and wooden fences will be permanently affected in two locations. Of these, concrete pavements constitute the largest affected areas at 723 m² and wooden fence, the least, in terms of area which is only 7.0 m. Regarding AHs whose shops will be entirely affected, they have enough space to reconstruct their affected shops. Table 4 summarizes the impacts on structures

Table 4: Impacts on Structures by the Subproject

Type of Structures	Unit	Ochheuteal- End Village 4	Otres 1, 2, Village 6	Total Area
Shops	m ²	37.00	218.00	255.00
Toilets	m ²	0.00	40.00	40.00
Concrete Pavement	m ²	545.00	178.00	723.00
Concrete Fence	m ²	0	228.00	228.00
Wooden Fence	m	0	7.00	7.00

Source: IOL, PPTA, 2017.

6. Impacts on Trees

42. There are two (2) AHs whose trees will be affected by the Subproject. Thirteen (13) trees consisting of 2 coconut trees and 11 banana trees will be permanently cut. Three (3) trees will be cut in Ochheuteal-end; and the other ten (10) trees will be cut in Otres 1 and 2. The below Table 5 summarizes the impact on trees.

Table 5: Impacts on Trees

Type of Trees	Quantity of Affected Trees		Total
	Ochheuteal-end Village 4	Otres 1 and 2, Village 6	
Coconut	2	0	2
Banana	1	10	11
Total	3	10	13

7. Sample Socioeconomic Information

43. The 23 AHs have 76 APs. 19 AHs with 63 APs participated in the socio-economic survey (82.60%). All surveyed households are shop owners. Of the 19 socioeconomic survey (SES) respondents, 68% (13 persons) are males while 32% (6 persons) are females. Table 6 summarizes SES respondents by gender.

Table 6: Affected Household Respondents' Gender

Subproject location	No. of affected households		No. of surveyed HHS		Male - headed HHS		Female - headed HHS	
	No. of HHS	No. of persons	No. of HHS	No. of persons	#	%	#	%
Ochheuteal -End Village 4	10	33	8	27	6	75	2	25
Otres 1 and 2, Village 6	13	43	11	36	8	72.72	3	27.28
Total	23	76	19	63	14	73.68	5	26.32

Source: SES, PPTA, 2017.

44. Ages of household heads reveal that all belong to the economically active population sector where majority at 36.8% (7 household heads) fall within the age bracket of 31-40 years old while the rest at 21.1%. The age brackets of household heads are shown in Table 7.

Table 7: Age Brackets of Household Heads Disaggregated by Gender

Gender	Age bracket					Total
	<15	15-30	31-40	41-60	>60	
Male	1	2	5	1	4	13
Female	1	0	2	3	0	6
Total	2	2	7	4	4	19

Source: SES, PPTA, 2017.

45. Of the 19 AHs who responded to the SES, 14 are married while 5 are widows. In terms of household headship, 14 of these are male-headed households while 5 are female-headed households. All AHs are Khmer, and no one belongs to an ethnic minority and none of the respondents have physical disabilities. Table 8 gives a detailed description of the SES variables.

Table 8: Marital Status of Household Heads

Gender	Number of Surveyed Households	Marital Status of Household Heads			
		Married		Widow	
		#	%	#	%
Male	13	13	100	-	-
Female	6	1	16.67	5	83.33
Total	19	14	73.7	5	26.3

Source: SES, PPTA, 2017

46. All 19 HH heads shared information on their occupation. A majority at 57.9% (11) are engaged in tourism-related business in the Subproject areas while remaining 8 HH heads are into various types of occupations like farming (1 HH respondent) and selling goods and agricultural products (1 HH head). Three (3) HH heads are employed in an unspecified service sector, one (1) is a government employee and two (2) are tuk-tuk drivers. The details of the above discussion are in Table 9.

Table 9: Household Heads' Occupations

Subproject location	Occupations						Total
	Farming	Selling goods/ agricultural products	Employees in unspecified service sector	Government Employment	Business	Tuk - tuk Driver	
Ochheuteal - End Village 4	1	-	1	-	5	1	8
Otres 1 and 2, Village 6	-	1	2	1	6	1	11
Total	1	1	3	1	11	2	19

Source: SES, PPTA, 2017.

47. Of the 19 HH heads, a majority of these at 36.84% or 7 HH heads graduated from vocational training, of which 5 HH heads are male and two are female. One female HH head graduated from University and none of household heads are illiterate. The educational attainment of HH heads is presented in the Table 10 below.

Table 10: Education Levels of Household Heads

Gender	Education Levels of Household Heads					
	Primary school	Secondary school	High school	Vocational training	College	University
Male	1	3	3	5	1	-
Female	-	1	2	2	-	1
Total	1	4	5	7	1	1

Source: SES, PPTA, 2017.

48. Of surveyed households, the total number of household members in Village 4 and Village 6 is 63, of which 39 are male, (61.9%) and 24 females (38.1%). The average size of households in two sections 3.31 persons per household. Table 11 presents the demographic data of AHs in the affected sections disaggregated by gender.

Table 11: Population by Gender of Surveyed Households

Subproject location	No. of Surveyed households	No. of affected persons				Total	Size of affected household
		Male		Female			
		#	%	#	%		
Ochheuteal -End Village 4	8	15	55.55	12	44.45	27	3.38
Otres 1 and 2, Village 6	11	12	33.33	24	66.67	36	3.28
Total	19	27	42.9	36	57.1	63	3.31

Source: SES, PPTA, 2017.

49. Data on ages of the 63 surveyed HH members indicate that most of them fall within labor ages 15-60 years old at 79.36% (50). These are considered the economically active members which are engaged in various income generating occupations. On the other hand, there is also some significant numbers of the young population (children and youth) at 19.1% (12) at ages 15 years old and below; and an elderly (1.6%) whose age is above 60 years. The age bracket of household members is in Table 12.

Table 12: Age Bracket of Household Members

Subproject location	Gender	Age bracket					Total
		<15	15-30	31-45	46-60	>60	
Ochheuteal -End Village 4	Male	2	5	4	1	1	13
	Female	2	3	7	2	-	14
Otres 1 and 2, Village 6	Male	3	2	6	3	-	14
	Female	5	5	9	3	-	22
Total	Male	5	7	10	4	1	27
	Female	7	8	16	5	-	36

Source: SES, PPTA, 2017.

50. From the SES data, it can be deduced that educational levels of 63 surveyed HH members are low. Majority of the household members at 49.2% (31 HH members) only went to high school and others reached secondary level. Five (5) HH members (7.9%) did not attend school. Although most reached only high school and secondary school or did not attend primary school, HH members are literate and can read and write Khmer language. Table 13 summarizes the education levels of household members, disaggregated by gender.

Table 13: Education Levels of Household Members

Gender	Total surveyed persons	Education Levels of Household Members					
		Not go to school	Primary school	Secondary school	High school	Vocational training	College/ University
Male	27	2	4	8	5	-	8
Female	36	3	6	9	6	-	12
Total	63	5	10	17	11	-	20

Source: SES of AHs, PPTA, 2017.

51. Of the 63 surveyed HH members, 34.7% said they own businesses. Others are into farming (1) or sell goods/agricultural products (4). Another 4 are tuk-tuk drivers or employed in jobs in the service sector (4); 2 are private employees and 1 is a government employee. It is significant that there are HH members which are unemployed (5) and students (20) which too are unemployed. The main occupations of household members are in Table 14.

Table 14: Main Occupation of Household Members

Gender	Main occupation									Total
	Farming	Selling of goods/ agricultural products	Employed in unspecified jobs in service sector	Government Employee	Student	Unemployed	Private employee	Business owner	Tuk Driver	
Male	1	2	1	-	8	2	1	8	4	27
Female	-	2	3	1	12	3	1	14	-	36
Total	1	4	4	1	20	5	2	22	4	63

Source: SES of AHs, PPTA, 2017.

52. Table 15 shows 38 HH members are employed, comprising 17 males (44.7%) and 21 females (55.2%). Most other household members are students.

Table 15: Rate of Employment of Household Members

Subproject location	No. family members	No. employed members	Of which			
			Male		Female	
			#	%	#	%
Ochheuteal -End Village 4	27	15	7	46.67	8	53.33
Otres 1 and 2, Village 6	36	23	10	43.48	13	56.52
Total	63	38	17	44.74	21	55.26

Source: SES of AHs, PPTA, 2017

53. The latest Government poverty index of poor households in urban areas outside of Phnom Penh (as Preah Sihanouk and Kep are categorized) is KR 2,677 per person/day. Based on this amount and multiplying it by 3 which is the average household size results in a daily income threshold of KR 8,031.00 and a monthly income of KR 240,930.00 (about \$60) per poor household. Using these data as basis for determining poor HH respondents, it can be inferred that it is likely that the two poor HH respondents could have a monthly income of \$300 and below, but still higher than \$60. It appears most of the 19 HH respondents are not poor. Table 16 summarizes estimated monthly incomes.

Table 16: Monthly Household Income of Affected HH Respondents

Household monthly income	Male-headed households	Female-headed households	Total
\$300 and Below	2	2	4
\$301 - \$600	7	1	8
\$602 - \$900	2	2	4
\$901 - \$1200	1	-	1
\$1,201 and Above	2	-	2
Total	14	5	19

Source: SES of AHs, PPTA, 2017.

54. Computers appears to be the predominant household asset mentioned (23.5% of total responses) followed by refrigerator (15.9%), washing machine and bicycles (14.4%), and motorbikes (13.6%). The data seem to imply that these are basic household/business necessities which are also essential in their tourism related businesses, particularly computers which are means to connect with destination management organizations to secure tourists reservations. Likewise, bicycles and motorbikes are necessary for mobility and faster travel to the city proper since the Subproject sites are outside the city center. Refrigerators are also necessary in the tourism business particularly if selling food. Power generators are used as back up during outages. Air-condition units are necessary in hotels, guesthouses and restaurants, among others to ensure comfort of tourists and other guests. Table 17 summarizes household assets.

Table 17: Household Assets Owned by Affected Households

Household Assets	Responses	
	#	%
Motorbike	18	13.6%
Bicycle	19	14.4%
Power Generator	5	3.8%
Air-Condition	8	6.1%
Refrigerator	21	15.9%
Computer	31	23.5%
Washing Machine	19	14.4%
Mobile phone/ land line etc.	11	8.3%
Total	132	100.0%

Source: SES of AHs, PPTA, 2017.

55. The sources of domestic water supply for all 19 HH respondents are public faucets. However, it is not known whether these public faucets are from groundwater and treated with chlorine to ensure cleanliness and safety. Un-treated water or raw water without chlorine may increase risk of water-borne diseases. Ochheuteal-end and Otres 1 and 2 are not covered by the water utility service area and appear to have lower access to clean, safe, reliable water. It is likely that restaurants and hotels in Ochheuteal-end and Otres 1 and 2 use water from the public faucets for domestic activities, however, drinking water are likely purchased from water vendors/water refilling stations.
56. HH respondents in the Subproject areas have good access to sanitation facilities. All own toilets with septic tanks. All are connected to the public power grid which provides 24-hour daily power supply.
57. SES results indicate 100% have access to communication facilities. All HH own and use mobile phones and have reliable service. HH respondents did not cite any other types of communication facilities other than using mobile phones.
58. HH respondents disclosed that public and private health facilities like village/sangkat health centers, and public and private hospitals are located 1.5 – 5 km from their homes.
59. The distance to educational facilities, including nurseries/kindergartens, primary schools, secondary and high school as well tertiary schools like colleges, universities are more

than 1.5 km from SES respondent's homes. These institutions are mostly located in the city center where school children and students must travel by tuk-tuk or by motorbikes and bicycles. Colleges are also in the city center, while universities could be in Phnom Penh which is more than 200 km from Sihanoukville.

D. COMPENSATION, INCOME RESTORATION AND RELOCATION

1. Eligibility

60. Eligibility for compensation and assistance is based on the cut-off date. All APs conducting business and/or residing in the Subproject-impacted areas on the cut-off date will be entitled to compensation for their affected assets, including transaction costs, and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels.
61. Cut-off- date will be the completion date of the DMS of loss by the Subproject. The date will be announced publicly in the affected areas of the Subproject.
62. Those who encroach into the Subproject area after the cut-off date will not be entitled to compensation or any other assistance under the Subproject. The principle and definition of cut-off date were discussed in the consultation meetings with affected households and communities and reflected in the Project Information Booklet (PIB) that delivered to all meeting participants.

2. Entitlements

63. The entitlement matrix in the Table 18 summarizes the main types of losses and the corresponding nature and scope of entitlements. The entitlements cover all types of impacts identified based on the carried-out IOL and will be enhanced or improved in the updated RP during the detailed design stage based on the DMS, in case there will be resettlement related impacts that will be identified and/or may arise during the project implementation stage.

Table 18: Entitlement Matrix

No.	Type of Loss/Impact	Eligible Persons	Entitlement	Implementation Issues
1	Loss of Structures (residential and commercial structures)			
1.1	Partial impact (i.e. unaffected portion of the structure is still viable for use and no relocation required) (10 AHs, 31 persons)	Owners of houses, buildings and structures.	<ul style="list-style-type: none"> • Cash compensation equal to replacement cost of the affected house/building/structure with no deduction for depreciation, taxes or salvageable materials. 	<ul style="list-style-type: none"> • AHs will remove their structures from the subproject areas within one month after receiving compensation. • AHs will get cash compensation at least two months ahead of civil works in the locality to provide them sufficient time to gradually re-organize the shop to avoid livelihood disruption.
1.2	Entire impact (i.e. entire main structure is affected, or the unaffected portion is no longer viable for continued use. The entire structure to be acquired). (2 AHs, 9 persons)	Owners of houses, building and structures.	<ul style="list-style-type: none"> • Cash compensation at replacement cost for the affected house/building/structure with no deduction for depreciation, taxes or salvageable materials. AHs will be provided with a fixed lump sum transportation assistance allowance based on the Replacement Cost Survey. • Entitled to participate in the income restoration program (i.e. tourism and small enterprise training and support). 	<ul style="list-style-type: none"> • AHs and tenants will be informed 3 months in advance of the actual date.
		Tenants or leaseholders .	<ul style="list-style-type: none"> • Cash compensation at replacement cost for any improvements of construction by tenants or leaseholders. 	

No.	Type of Loss/Impact	Eligible Persons	Entitlement	Implementation Issues
			<ul style="list-style-type: none"> Rental allowance is equivalent to 1 months' rent fee; and assistance to find affordable alternative accommodation. 	
2	Loss of Secondary Structures (detached kitchens and latrines)			
2.1	Loss of, or damage to, assets (11 AHs, 36 persons)	Owners of houses, building and structures.	<ul style="list-style-type: none"> Cash compensation at replacement cost for the affected portion with no deduction for depreciation, taxes or salvageable materials. 	<ul style="list-style-type: none"> AHs will remove their structures from the subproject areas within one month after receiving compensation. AHs will be notified 3 months in advance of the start of civil works in the locality.
3	Loss of Trees			
3.1	Trees (2 AHs, 8 persons)	Owners regardless of tenure status.	<p>Compensation according to replacement Cost Survey, based on formulas below:</p> <p>For fruit trees.</p> <p>[quantity harvested per-year) x (market price) x (number of years tree will bear fruit)] + cost of seedling</p> <p>For perennial trees.</p> <p>Sapling trees under 1 year. Cost of seedling provided for replanting.</p> <p>Young tree (1 to 3 years), 1/3 of its full price as it can be replanted, plus cost of seedlings</p> <p>Young tree (more than 3 years) bearing some fruits, 2/3 of its full price, plus cost of seedlings</p> <p>Mature tree (more than 5 years), full bearing fruit is</p>	<ul style="list-style-type: none"> Advance notice to harvest, at least three months before civil work, and APs will be allowed to harvest their annual and perennial crops prior to construction.

No.	Type of Loss/Impact	Eligible Persons	Entitlement	Implementation Issues
			valued at full price, plus cost of seedlings	
4	Loss of Income/Livelihood			
4.1	Loss of income/livelihood due to disruption of business or employment (12 AHs, 40 persons)	Owners or shop renter (regardless of tenure status) and employees/ laborers of affected assets.	<ul style="list-style-type: none"> Cash compensation equivalent to the daily net income as reflected in tax receipts x number of days of business disruption. If tax receipts not available, lump sum equivalent of 3 months income based on the following formula [the Government's official monthly poverty rate x number of AH members x 3]. 	
5	Impacts on Vulnerable Groups			
5.1	Any loss or impact on vulnerable AHs (05 AHs, 16 persons)	Vulnerable AHs	<ul style="list-style-type: none"> One-time cash assistance of \$100 per vulnerable AH. Priority for employment in the project construction works. Be entitled to take part in the income restoration program. 	<ul style="list-style-type: none"> Classification to be confirmed during the DMS.

3. Income Restoration and Rehabilitation

64. The compensation for affected persons for their structure and businesses losses will ensure that they do not experience any losses because of the subproject. The key measures are to ensure that all affected persons/businesses will not be losing their income as the civil works are on-going and to ensure that contractors will set up measures to enable continuous business and minimize or prevent reduction in business income. Likewise, all types of salvageable and non-salvageable materials to be dismantled at the frontage areas of the business establishments located within the planned road expansion will be compensated at full replacement cost.
65. All affected households whose shops will be partly or entirely affected, and five female-headed households will be included in the list of business owners to receive business support services and training on how to increase their incomes from tourism under the project's capacity development activities (Outputs 2 and 3). This includes training for (i) business planning and management; (ii) how to access microfinance and financial literacy; (iii) service/production group formation/strengthening;(iv) handicraft/food production/culinary and marketing, and service quality enhancement, and (v) marketing. The training is to be financed by loan proceeds, coursed through MOT and DOT. The project will result in higher numbers of tourists and local traffic in the subproject area and the affected persons will benefit from these investments in tourism training.
66. For budget estimation, the entitled households will receive the allowance of \$100 per household. It is noted that during the detailed needs assessment and additional consultations during updating RP to finalize the income restoration program (IRP), the rate may be adjusted if necessary to ensure that income restoration activities are implemented effectively and develop livelihoods for eligible households.

4. Relocation

67. According to the IOL carried out in July 2017, the Subproject does not cause any displacement of affected households. Relocation of physically displaced persons, therefore, is not required.

E. CONSULTATION, PARTICIPATION AND DISCLOSURE

1. Public Consultation and Participation

68. During the preparation of the resettlement plan, the PPTA consultants together with MOT and DOT representatives and the local village authorities conducted interviews and first public consultative meeting with the affected communities and the potential displaced persons who operate businesses at the Preah Sihanouk seaside, at Villages 4-Ochheuteal and Village 6 Otres on 12 July 2017. The meeting was arranged by MOT with assistance of the provincial authorities and GDR participation. The consultation meeting discussed and provided the community and the APs with generic information about the Project/Subprojects, the benefits and potential impacts, the anticipated land requirement, compensation policy and entitlement and eligibility and the grievance redress mechanism. A Project Information Booklet (PIB) for the Project prepared by the EA with the assistance of the PPTA Consultants and endorsed by the GDR was made available at the commune/village council offices and distributed to all the attendees during the meeting. A total of 27 participants attended the meeting out of which 12 were women. Lists of meeting attendants are in the Annexes 2 and 3. The minutes of the consultations are in Annex 4.
69. During the public consultations, AHs shared their views and concerns mostly on the Subproject design. They asked to expedite construction to increase tourist arrivals, especially during the rainy season when it is difficult to reach the subproject area because the roads are muddy. Likewise, public sanitation facilities like toilets and public showers are much needed by beach-goers. All expressed their support for Subproject implementation and would like to be regularly informed through meetings on status of project implementation, particularly, informing them earlier about the time to start the dismantling of the portions of their affected assets so that they have ample time to prepare for these activities. The Table 19 below summarizes the concerns and opinions of affected households and how these concerns and opinions have been addressed and incorporated in the RP.

Table 19: Summary of Concerns and Opinions During the Public Consultation Meetings

Issues discussed	Concerns and Opinions Raised by The Participants	Agreements Reached with the Affected Households
Subproject components	All participants requested the project to expand the road from Ochheuteal to Otres at least 8-12 m.	Road expansion is to 8 meters with 3.5-meter footpaths and foot cycle on both right and left side of the road - this is in line with construction standards and minimizes land acquisition and resettlement, particularly to avoid of significant impacts on business of local people.
	Ms. Kim Ny, shop owner asked if the project will construct public toilets along the beach.	Yes, the improvements at both beaches will incorporate 12, 35m ² public showers and toilet blocks.
	Ms. Chan Sophos, shop owner asked, what is the length of the expanded road; the road length at beach side; and the length of left and right footpaths.	The road will be widened to 8.0 m with 3.5m foot/cycle paths either left and right side.
	Participants requested to expand road at left side only.	The road will be expanded on both sides in line with right of way.
	Participants requested to expand and increase waste collection service along the beach.	Project will not cover this concern, but the shop owners can communicate with the provincial and city authorities to improve solid waste collection and management.

Issues discussed	Concerns and Opinions Raised by The Participants	Agreements Reached with the Affected Households
	Participants request provincial hall to stop discharging waste water from waste water treatment plant to sea.	As per design, waste water from the treatment plant is already processed and safe to discharge into the sea.
Entitlements on compensation and assistance	Cut-off date must be defined and publicly announced to affected households and affected communities.	All APs conducting business and/or residing in the project-impacted areas on the cut-off date will be entitled to compensation for their affected assets, and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels. The cut-off date will be the completion date of the detailed measurement survey of loss based on the detailed design of the subproject and the date will be announced publicly to the affected households and communities.
	Compensation for AHs whose shops will be affected due the subproject construction.	AHs whose businesses will be disrupted due to the subproject construction will be eligible to be compensated for lost income.
	Voluntary donations of compensation on affected assets	Voluntary donations are not allowed by ADB for this type of project but in exceptional cases, these can be approved provided the conditions set by ADB and Government on approving voluntary donations.
Grievance Redress Mechanism	Costs involved in resolving complaints	All costs involved in resolving the complaints (e.g. meetings, consultations, communication and reporting/information dissemination) of the Grievance Committee as well as all court litigation will be borne by MOT, the executing agency.
Implementation schedule	All participants requested the project to do the construction of road during the rainy season because during the dry season all the shop owners along the beach are busy with their businesses.	Construction strategy will consider the peak season for tourism; measures will minimize impacts of construction to business.
		AHs will be informed at least three months prior to the commencement of civil works construction.

70. Under ADB's policy on Involuntary Resettlement, donation of compensation of affected assets is not usually accepted; however, four criteria must be followed if donation of compensation of affected assets is considered: (i) the main income generating asset of the affected household is not affected more than 5% by the subproject; (ii) affected household is not among the vulnerable households (poor, female headed households, etc.); (iii) it is a legitimate donation, i.e. affected households know that they can get compensation and assistance for the affected asset(s) based on the project's policy but they still wish to voluntarily donate compensation for affected assets to the subproject (both husband and wife will sign for the donation); and (iv) the donation is verified by a third party as a legitimate donation by the affected households.

71. During project implementation, upon completion and approval of the detailed engineering design, the RP updating then commences. AHs and business owners/operators, mobilized by the CTG, will participate in the various RP updating processes during project implementation such as in the conduct of the DMS, RCS, compensation and provision of other entitlements, monitoring of impacts and benefits, and discussion and settlement of grievances. Consultation activities will be continued during updating of this RP and during implementation of the updated RP.

2. Disclosure Requirements

72. Relevant sections of this RP and the updated RP for the Subproject (the Project and the Subproject, the impacts of the Subproject, eligibility and entitlements for the impacts of the Subproject, implementation schedule of land acquisition and compensation, and the grievance redress mechanism) will be made available in Khmer language to the AHs and sent to MOT, local authorities, concerned agencies and the communities. The RP, updated RP and the semi-annual monitoring reports will be uploaded in ADB and the MOT websites.
73. The internal monitoring reports carried out by GDR and PIU will also be posted in public places and shared to village leaders, relevant agencies and uploaded to ADB's and the project websites.

F. GRIEVANCE REDRESS MECHANISM

74. In response to potential grievances of AHs/APs, a grievance redress mechanism will be established before the detailed measurement survey started. Herein, complaints regarding compensation to affected structures and income will be given attention by the grievance committees in various organizational levels in a timely and satisfactory manner. A grievance committee will be established at provincial, district and sangkat/village level where mediation/arbitration will follow a bottom-up approach, that is, filing of complaints begins at the sangkat grievance committee level comprised of sangkat/village leaders who will be trained on how to address/arbitrate grievances from AHs/APs as practiced. To expedite resolution of complaints and to avert delays in project implementation due to resettlement-related complaints, members of the sangkat grievance committee shall maximize all their efforts to immediately settle AP's issues by summoning the complainant to a consultation meeting, listening to the complaint and agreeing on the best solution and action taken with the complaint which is satisfactorily accepted by both parties. All minutes of the complaint and arbitration process will be recorded, and a copy will be furnished to the complainant AH/APs. The composition of the Grievance Committee(s) will follow the Expropriation Law (2010).
75. The procedures/stages for grievance redress are set out below:
- **Stage 1:** Affected household (AH) will file a letter of complaint/request to the village/Sangkat grievance committee. The grievance committee will acknowledge receipt of the complaint and enter this in its logbook. The sangkat/village grievance committee will convene within 15 days to act and deliberate on the complaint. If after 15 days the aggrieved AH/AP does not hear from the village/sangkat grievance committee, or if the AH is not satisfied with the decision reached in the first stage, the complainant may elevate his/her complaint to the District Grievance Committee (within the District Resettlement Sub-committee).
 - **Stage 2:** The complaint is filed at the District Grievance Committee and it is recorded in their logbook to acknowledge its receipt. The District Grievance Committee has 15 days to deliberate and resolve the complaint to the satisfaction of all concerned particularly the complainant. When the complaint is not acted upon after 15 days or if the complainant is dissatisfied with the results, this will be elevated to the Provincial Grievance Committee.
 - **Stage 3:** Upon receipt of the complaint the Provincial Grievance Committee acting as one body meets with the aggrieved party and acts to resolve the complaint within 30 days. During the deliberation process, depending on the nature of the complaint, the Committee may request for a review of the DMS by a third party, likely the Project Implementation Consultant (PIC) acting as internal monitor in behalf of the Committee or come up with a solution on issues related with compensation and entitlement which is mutually satisfying to both the committee and the complainant. Within 30 days after the filing of the complaint, the Committee must make a written decision and submit a copy of the same to MOT, PIU, the IRC and the AH/AP.
76. At any stage in the grievance redress mechanism, the complainant may have the option to elevate the complaint to authorized local courts for litigation following the rules of court. During the litigation of the case, Royal Government of Cambodia will request from the court that the project proceed without disruption while the case is being heard. If any party is dissatisfied with the ruling of the provincial court, that party can elevate the case to a higher court. The Royal Government of Cambodia shall implement the decision of the court. However, the mechanism should not impede access to the country's jurisdiction or administrative remedies.

77. If efforts to resolve disputes using the grievance procedures remain unresolved or unsatisfactory, complainants - as a last resort - have the right to directly discuss their concerns or problems with the ADB's Southeast Asia Department (SERD) through the ADB Cambodia Resident Mission (CARM). If APs are still not satisfied with the responses of SERD, they can directly contact the ADB Office of the Special Project Facilitator.¹ The Office of the Special Project Facilitator procedure can proceed based on the Accountability Mechanism in parallel with the subproject implementation.
78. All costs involved in resolving the complaints (e.g. meetings, consultations, communication and reporting/information dissemination) of the Grievance Committees as well as all court litigation will be borne by MOT, the executing agency.

¹ Complainants can send their concerns to the Office of the Special Project Facilitator using the information at: <http://www.adb.org/accountability-mechanism>

G. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

1. Institutional Arrangements

79. **The Ministry of Tourism (MOT).** MOT is the project's executing agency (EA) and will oversee all project activities including resettlement plan preparation. MOT will coordinate closely with the Inter-Ministerial Resettlement Committee and IRC-WG on all matters concerning involuntary resettlement and work closely with the GDR. MOT's specific tasks include the following:

- (i) Carry out the Assessment of Social Impacts (ASI) of the Project through a sample SES covering at least 20% of the anticipated affected persons/households (AP/AH) at the project feasibility stage.
- (ii) Conduct 100% census of the APs with the assistance rendered by the PPTA consultants
- (iii) Prepare the draft RP based on pre-detailed design alignment/ demarcation of site for review and endorsement of GDR.
- (iv) Set out the demarcation of the land requirement along the final alignment within one month after completion of the detailed designs jointly with GDR.
- (v) Provide GDR with the proposed construction schedule identifying the schedule for completion of LAR and handover of sites by sections to the contractor at least 6 months before planned contract award date.
- (vi) Inform GDR in a timely manner if construction progress is hampered by LAR or in case of any anticipated bottleneck.
- (vi) Assist and cooperate with GDR in seeking solutions to problems encountered during implementation of the project.
- (vii) Invite GDR to participate in supervision missions and wrap up meetings with ADB and ensure GDR comments on LAR issues are incorporated in Aide Memoires (AM), Memorandum of Understandings (MOU) and Minutes of Discussions (MODs).
- (viii) Responsible for ensuring there is no further encroachment on the ROW after it has been handed over by GDR.

80. **The Preah Sihanouk Provincial Department of Tourism (DOT).** DOT will establish a Project Implementation Unit comprising staff of the DOT, DPWT and DONRE. The PIU will have one full time Safeguards Officer to coordinate implementation of the RP. The PCU will provide technical assistance to PIU as necessary.

81. **Inter-Ministerial Resettlement Committee (IRC).** The IRC mechanism was established by the Prime Minister's Decision No. 13 dated 18 March 1997, updated on 16 February 1999 by the Decision No. 98; and Decision dated 3 December 2010, with the mandate to review and evaluate the resettlement impact and land acquisition for public physical infrastructure development projects in the Kingdom of Cambodia. The IRC, by virtue of the Prime Minister's Decision, exercises the authority of the Expropriation Committee under the Expropriation Law and is a collective entity, permanently chaired and led by the MEF, and with members from different line ministries. The IRC carries out its role and responsibilities through the IRC-WG which is established for each public investment project by MEF. The powers of the IRC are delegated to its permanent Chairman. The key responsibilities of IRC include:

- (i) Provide effective oversight and ensure land acquisition and resettlement (LAR) complies with the laws and implementing rules and regulations.
- (ii) Ensure effective coordination between line ministries, provincial/local authorities and GDR in carrying out LAR.

- (iii) Provide overall guidance on implementing rules and regulations for LAR and propose updates; as necessary.
- (iv) Initiate the establishment of PRC.
- (v) Approve of resettlement plan, and updated resettlement plan.

82. **General Department of Resettlement (GDR).** The GDR is the Permanent Secretariat of the IRC and the lead agency for LAR for public investment projects. It is responsible for the preparation, implementation, monitoring and reporting of resettlement plans in accordance with the laws and implementing rules and regulations related to LAR and the mandatory requirements of the safeguard policies of the development partners. The key responsibilities include:

- (i) Coordinate and collaborate with line ministries, MOT and other agencies involved in LAR activities.
- (ii) Guide the MOT and /or the project preparation consultants in carrying out the sample (SES) and in the preparation of the RP during project feasibility.
- (ii) Review and endorse the RP prepared by MOT during the project preparation phase for approval by IRC.
- (iv) Review and endorse all issues related to LAR contained in the AMs, MOUs and MODs prepared by ADB during the project preparation, loan processing and loan approval stage.
- (v) Review and endorse covenants related to LAR in draft Project Administration Manual (PAM)/ Project Implementation Manual (PIM) and draft financing agreements and participate in their negotiations, as necessary.
- (vi) Conduct consultation with AHs and local authorities during the preparation of the RP.
- (vii) Prepare updated RP based on the DMS.
- (viii) Prepare and secure the necessary budget for the implementation of updated RP.
- (ix) Implement all LAR activities in compliance with the RP or the updated RP.
- (x) Calculate, prepare contracts and make payments for compensation for each affected household based on the entitlement matrix in the RP or the updated RP.
- (xi) Ensure proper functioning of the Grievance Redress Mechanism (GRM).
- (xii) Supervise, monitor, and report on implementation progress of the RP or the updated RP. Conduct awareness workshops for MOT, line ministries and local authorities on the implementing rules and regulations as specified in the RP or the updated RP.
- (xiii) Serve as the focal knowledge center for LAR.

83. **Provincial Resettlement Sub-Committee (PRSC):** The PRSC is established by the Provincial Governor at the request of the IRC for the project and comprises of (i) the Provincial Governor or the Deputy Provincial Governor as the Head and (ii) Provincial Department Directors of the Line Ministries represented in the IRC and (iii) the respective chiefs of the Districts and Communes of the locations affected by the project as Members. The key role of the PRSC is as follows:

- (i) Provide the coordination and supporting role to the GDR, IRC and IRC-WG for the preparation, implementation and monitoring of the resettlement plan in the field and at the local level.
- (ii) Ensure all relevant provincial and local government authorities provide the necessary support for LAR.
- (iii) Manage the public consultation meetings at Provincial Level.

- (iv) Assist the IRC-WG in the selection of possible sites for resettlement
- (v) Oversee and monitor the work of the PRSC-WG.
- (vi) Responsible and accountable for the disbursements of the compensation payments at the provincial level

84. **The concerned District/Town and Sangkat/Village:** where subproject is located will coordinate and work closely with the provincial resettlement sub-committee and as the need for such with IRC through GDR during RP implementation. Their roles and responsibilities include:

- (i) Identify and coordinate the venue for the public consultation with AHs during the DMS and other resettlement-related activities;
- (ii) Conduct discussions with AHs/ business owners/operators during the negotiation and compensation process of affected structures;
- (iii) Monitor the entry of new business establishments in the area and indicate the names of the owners/operators in a registration format; and
- (iv) Inform all existing business establishment owners/operators as well as new business owners to refrain from building new structures in the areas where there will be improvement/construction.

85. **Project Implementation Consultant (PIC):** An international and a national social safeguards specialist (3 months of the international specialist and 6 months for the national specialist on an intermittent basis) will be hired to support the PCU, PIU, and GDR in updating the RP and in performing internal monitoring of RP implementation in behalf of the PCU and the PIUs for all subprojects under the project. The resettlement consultants will have at least 5 years of suitable experience planning and implementation resettlement plans in the Greater Mekong Subregion (GMS), with knowledge of Cambodia; and assist in capacity development of the national, provincial and local staffs/implementers responsible for updating, implementation, and internal monitoring of the RP. Specific tasks include:

- (i) Assist PIU and GDR in updating the RP and provide needed technical support to facilitate its approval and subsequent implementation and monitoring;
- (ii) Ensure MOT and other line agencies' compliance with due diligence requirements in implementing the RP;
- (iii) Design and actual facilitation of capacity development activities for all project management/implementers on ADB's social safeguards policies particularly on involuntary resettlement, environment and indigenous people's development; also includes gender mainstreaming of all women's concerns in the project implementation cycle as well as how to facilitate information campaigns and other activities with project beneficiaries;
- (iv) Assist the PCU and PIUs in concept-building of an effective approach to information dissemination to project beneficiaries on the project, its progress and on community and beneficiary participation;
- (v) Provide technical assistance in the development and production of Information materials using as context the local situation in project area;
- (vi) Backstop the PIU and local authorities in the actual conduct of the information campaigns, public consultation, and community participation on the social safeguards;
- (vi) Coordinate the DMS/community consultations, incorporating information from the infrastructure detailed design to update the list of affected persons;

- (vii) Verify the calculations of compensation during the RP updating, based on the DMS/ community consultations, conducted by the IRC-WG and PRSC-WG, in relation to the provisions of the RP entitlement matrix;
- (viii) Participate and monitor compensation payments to AHs and advise the IRC-WG and PRSC-WG of any actions needed to ensure compensation is paid in full and in a timely manner;
- (ix) Ensure that grievances are addressed promptly and properly, the grievance redress mechanism is functioning well, and the project progress/monitoring reports reflect status of grievances received and addressed per period;
- (x) Provide periodic training on grievance redress procedures;
- (xi) Establish and implement liaison mechanisms to ensure proper technical and logistical support to PIUs, local administrative authorities, resettlement committees and concerned government departments;
- (xii) Establish and implement procedures for internal monitoring;
- (xiii) Train PIUs and PCU assigned social safeguards focal persons to carry out internal monitoring and reporting of the RP implementation;
- (xiv) Review the survey materials and methods that will be used to complete DMS during detailed design, and recommend improvements as may be required;
- (xv) Coordinate with IRC-WG and PRSC-WG in implementing the RP;
- (xvi) Together with members of the IRC-WG, brief officials at all levels on the content and procedures for implementing the RP and if necessary, provide suggestions to improve procedures for the coordination of resettlement and compensation; and
- (xvii) Prepare quarterly status reports and periodic spot checks on the implementation of RP, to be submitted to IRC, GDR and ADB through the PIUs and PCU.

2. Implementation Schedule

86. All resettlement activities will be coordinated with the civil works schedule. The civil works contract shall not be awarded until the updated RP has been reviewed and approved by IRC and ADB; and all compensation payments are fully paid, and grievances are addressed/resolve. All resettlement impacts are expected to be limited to the construction period and hence will be further reviewed, assessed and paid based on actual loss. The indicative project implementation period after approval in Q4 2018 is five (5) years, commencing in Q4 2018 until Q3 2023.

87. The tentative implementation schedule for resettlement actions is in the below Table 20.

Table 20: Indicative Implementation Schedule of Resettlement Plan

Activities	Schedule
Preparation and Finalization of initial RP during PPTA	Quarter 1, 2018
Approval of initial RP (both IRC and ADB) during PPTA	Quarter 1, 2018
Disclose RP on Project and ADB websites during PPTA	Quarter 1, 2018
DMS, RCS and additional SES	Quarter 1, 2019
Update the RP	Quarter 1, 2019
Approval of Updated RP (both IRC and obtain ADB)	Quarter 2, 2019
Disclosure of the Updated RP on Project and ADB websites	Quarter 2, 2019
Start implementation of the updated RP	Quarter 2, 2019
Fist semi-annual safeguards compliance monitoring report	Quarter 4, 2019

Contracts for civil works	Quarter 1, 2020
No objection for civil work/Start of Civil work	Quarter 1, 2020

H. RESETTLEMENT BUDGET AND BUDGET DISBURSEMENT

88. The cost for land acquisition and resettlement will be covered from the counterpart funds of the Executing Agency (MOT). At the official request of the IRC, the executing agency shall provide the funds for the implementation of the resettlement plan in a timely manner through the Provincial Department of Economy and Finance.
89. A rapid replacement cost study was conducted by PPTA Consultants in July 2017 for affected structures and trees (as only trees and structures will be affected due to the Subproject construction). Market rate of trees (bananas and coconuts) was gathered from the AHs, local authorities and the local fruit-vendors. In addition, the consultants conducted interviews with construction material vendors and construction agencies on the current cost of materials (no depreciation) and labor cost without deduction for salvaged materials, which make up the replacement cost for affected structures. The result of the rapid replacement cost study is used to calculate compensation budget for affected structures and trees in this RP.
90. Budget calculation for compensation and assistance for the Subproject presented in this RP are based on the IOL that was completed in July 2017; entitlements of AHs which have been consulted with the AHs, local authorities and concerned agencies and the result of the rapid replacement cost study. The budget will be updated during the RP updating following the results of DMS, RCS and additional consultations with the AHs.
91. The total indicative resettlement budget is \$64,175.55 in which \$44,259.00 is the direct cost for compensation and assistance, \$8,851.80 is the administrative cost, \$6,638.85 is the cost for external monitoring cost, and the contingency cost amounts to \$4,425.90.

Table 21: Indicative Resettlement Budget

No.	Description	Unit	Rate (USD)	Quantity	Amount (USD)
A	Crops and trees				
1	Coconut trees	Tree	52.00	2	104.00
2	Banana	Tree	2.00	11	22.00
	Sub-Total A				126.00
B	Loss of Structures (house-cum-store, shops/store)				
3	Concrete Shops	M ²	75.00	60	4,500.00
4	Wooden Shops	M ²	41.00	195	7,995.00
	Sub-Total B				12,495.00
C	Loss of Secondary Structures				
5	Toilets	No/M ²	67.00	40	2,680.00
6	Wooden Fence	ML	5.00	7	35.00
7	Concrete Fence	M ²	35.00	228	7,980.00
8	Concrete Slab (Pavement)	M ²	11.00	723.00	7,953.00
	Sub Total C				18,648.00
D	Loss of Livelihood/Income due to Disruption of Business				
9	One-time Cash Assistance for unregistered business	HH	100.00	0	0.00
10	Cash compensation for registered business	HH	982.50	12	11,790.00
	Sub Total D				11,790.00
E	Vulnerable Cash Assistance				
11	One-time Cash Assistance	HH	100.00	5.00	500.00

No.	Description	Unit	Rate (USD)	Quantity	Amount (USD)
	Sub Total E				500.00
F	Income Restoration Program				
12		HH	100.00	7.00	700.00
	Sub Total F				700.00
	Total (A, B, C, D, E and F)				44,259.00
G	Administrative Cost (20%)				8,851.80
H	Cost for internal monitoring activities (15%)				6,638.85
I	Contingency Cost (10%)				4,425.90
GRAND TOTAL					64,175.55

92. An accounting procedure and format for the disbursement of compensation will be prepared by the GDR for approval by the IRC. Payment of compensation and any allowances shall be given to the AHs in the office of the village/sangkat by the Provincial Department of Economy and Finance in the presence of IRC-WG, Provincial Resettlement Subcommittee (PRSC), village chief or committee, and representatives of the AHs. The RGC will ensure timely provisions of counterpart funds for resettlement to meet any unforeseen obligations more than the resettlement budget estimates to meet the social safeguards objectives under the project.

I. MONITORING AND REPORTING

1. While the PIU will be responsible for monitoring of the overall implementation of the Subproject, the GDR will be responsible for the monitoring and reporting of the implementation of the LAR.
2. **Internal Monitoring.** The objective of internal monitoring will be to (i) measure and report on the progress in the preparation and implementation of the RP or updated RP; (ii) identify problems and risks, if any, and the measures to mitigate them; and (iii) assess if the compensation and rehabilitation assistance are in accordance with the provisions under the updated RP.
3. The Department of Internal Monitoring and Data Management (DIMDM) of GDR will be responsible for carrying out the internal monitoring jointly with the PIU which will (i) review the monthly progress reports provided by the relevant Resettlement Department, including fielding its own missions to verify the progress and the validity of the data and information, where necessary; and (ii) compile quarterly monitoring report. The DIMDM will validate that the (i) entitlements and the corresponding compensation are paid in accordance with the Entitlement Matrix in the updated RP; and (ii) GRM is functioning as per the guidelines. The GDR and PIU will submit the quarterly monitoring report to the MOT.
4. **External Monitoring.** Since the Subproject is not deemed to have significant involuntary resettlement impacts, no external monitoring will be required for this Subproject.
5. The potential indicators that will be monitored are in Table 22.

Table 22: Monitoring and Reporting Indicators

Type	Indicator	Examples of Indicators
Process Indicators	Consultation, Participation, and Grievance Resolution	<ul style="list-style-type: none"> • PRSC-WG established • PIU in Preah Sihanouk organized and mobilized • Summary RP available in Preah Sihanouk DOT Office; approved detailed design plan posted in subproject area at strategic locations within villages where the impacted assets at Preah Sihanouk Seaside are located • Public Consultations and community participation undertaken as scheduled in the RP • Grievances by type and resolution acted upon and recorded • Number of other locally-based private organizations participating in project implementation
Output Indicators	Compensation and Rehabilitation	<ul style="list-style-type: none"> • Sex-disaggregated number of business owners/operators identified and subjected to a census • Sex-disaggregated number of business owners compensated by type of losses in structures • Amount compensated by type and owner • Number and amount of payment paid • Number of business owners requesting additional assistance • Number and types of grievance and complaints acted upon and registered/recorded by gender

ANNEXES

Annex 1: Involuntary Resettlement Impact Screening Checklist

Potential Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Involuntary Acquisition of Land				
1. Will there be land acquisition?		X		Only 1,246 m ² of structures affected
2. Is the site for land acquisition known?				n.a.
3. Is the ownership status and current usage of land to be acquired known?				n.a.
4. Will easement be utilized within an existing Right of Way (ROW)?	X			
5. Will there be loss of shelter and residential land due to land acquisition?		X		
6. Will there be loss of agricultural and other productive assets due to land acquisition?		X		
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?	X			13 fruit trees will be cut
8. Will there be loss of businesses or enterprises due to land acquisition?	X			12 AHs (40 affected persons) will experience temporary impacts on their businesses
9. Will there be loss of income sources and means of livelihoods due to land acquisition?	X			12 AHs will have income source temporarily affected.
Involuntary restrictions on land use or on access to legally designated parks and protected areas				
10. Will people lose access to natural resources, communal facilities and services?		X		
11. If land use is changed, will it have an adverse impact on social and economic activities?		X		
12. Will access to land and resources owned communally or by the state be restricted?		X		
Information on Affected Persons:				
Any estimate of the likely number of persons that will be affected by the Project/Subproject? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes				
If yes, approximately how many? 76 persons Category for IR impacts ¹ : A <input type="checkbox"/> B <input checked="" type="checkbox"/> C <input type="checkbox"/>				
Are any of them poor, female-heads of households, or vulnerable to poverty risks? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes : 5 female-headed households				

¹ Likely to have significant impacts are classified as Category A when 200 or more persons experience major resettlement impacts either through being physically displaced from housing or losing 10% or more of their productive (income generating) assets. Not deemed to have significant impacts (i.e. other than category A) will be classified as Category B. No impacts will be classified as Category C.

Potential Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Are any displaced persons from indigenous or ethnic minority groups? [X] No [] Yes				
Potentially affected lands by Project's/Subproject's interventions/components: n.a.				

Annex 2: List of Participants in the Public Consultation Meeting in Village 6

Venue: Village 6

Date: 11-07-2017

No	Name	Sex	Age	Position	Address	Phone Number
1	Seng Nim	M	47	Sangkat Chief	Sangkat 4	016 333766
2	Tuy Bren	M	53	Dep. Vill. Head	Sangkat 4	087 50 44 46
3	Chea Sovann	F	49	Shop owner	Village 6	016 76 00 31
4	Heng Sok By	M	35	Shop Manager	Village 6	070 364 378
5	Hong Heng	F	49	Shop owner	Village 6	089 38 64 30
6	Horn Mean	M	35	Shop owner	Village 6	070 4000 32
7	Sok Srey Mom	F	30	Shop owner	Village 6	015 70 98 90
8	Say Vutha	M	55	Shop owner	Village 6	089 38 64 30
9	Lin Sasa	F	27	Shop Manager	Village 6	096 223 67 68
10	Plung Bun Heng	M	32	Shop staff	Village 6	097 955 7555
11	Horn Lady	M	30	Shop owner	Village 6	015 59 8009
12	Lev Kim Eng	F	36	Shop owner	Village 6	016 422 055
13	Dejn Rodul	M	33	Shop Assistance	Village 6	096 678 55 92
14	Morn Raskmey	M	25	Staff	Village 6	069 210 129
15	Chheun Pisey	M	28	Staff	Village 6	016 99 66 26
16	Mao Samean	F	38	Shop owner	Village 6	070 777 878
<ul style="list-style-type: none"> - Female participants = 6 - Male participants = 10 - Total = 16 						

Annex 3: List of Participants in the Public Consultation Meeting in Village 4

Venue: Village 4

Date: 12-07-2017

No	Name	Sex	Age	Position	Address	Phone Number
1	Seng Nim	M	47	Sangkat Chief	Sangkat 4	016 333766
2	Kuy Kiri	M	58	Village Head	Village 4	016 393 857
3	Chan Somphos	F	50	Shop owner	Village 4	012 62 90 07
4	Ly Thida	F	58	Shop owner	Village 4	095 666 066
5	Lim Ny	F	36	Shop owner	Village 4	012 926 772
6	Tep Sereymach	F	27	Guesthouse GM	Village 4	078 370 887
7	Keo Chanry	F	49	Shop owner	Village 4	096 240 1567
8	Nov Mora	M	50	Police	Village 4	088 6220 222
9	Seeger Gerald	M	53	Shop owner	Village 4	010 35 10 83
10	Seak Bunly	M	28	Staff	Village 4	088 736 3576

11	Tith Lean	F	62	Shop owner	Village 4	N/A
<ul style="list-style-type: none">- Female participants = 6- Male participants = 5- Total = 11						

Annex 4: Minutes of the Public Consultation Meetings

TA 9090 REG: Preparing the Second Greater Mekong Sub-Project Tourism Infrastructure for Inclusive Growth Project

Minutes on the Public Consultation on Resettlement

Name of Sub-project: village 4, Sangkat 4, Sihanoukville, Preah Sihanouk province

Country: Cambodia

Date: 12-07-2017

Place: Ochheuteal

Facilitator: Mel Sophanna, National Resettlement Specialist

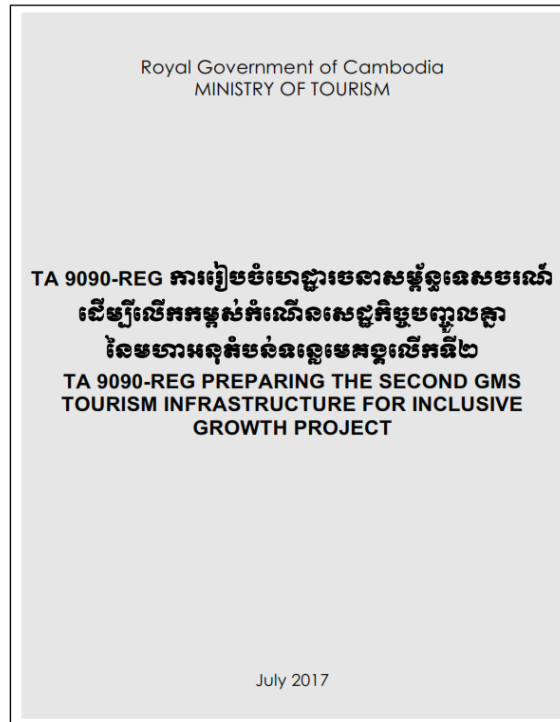
Recorder: Chhun Bunmeng, National Social Development Specialist

The following concerns were expressed by the AHs during the Public Consultation on 12 July 2017:

Issues discussed	Concerns and Opinions Raised by The Participants	Agreements Reached with the Affected Households
Subproject components	All participants requested the project to expand the road from Ochheuteal to Otres at least 8-12 m.	Road expansion is to 8 meters with 3.5-meter footpaths and foot cycle on both right and left side of the road - this is in line with construction standards and minimizes land acquisition and resettlement, particularly to avoid of significant impacts on business of local people.
	Ms. Kim Ny, shop owner asked if the project will construct public toilets along the beach.	Yes, the improvements at both beaches will incorporate 12,35m ² public showers and toilet blocks.
	Ms. Chan Sophos, shop owner asked, what is the length of the expanded road; the road length at beach side; and the length of left and right footpaths.	The road will be widened to 8.0 m with 3.5m foot/cycle paths either left and right side.
	Participants requested to expand road at left side only.	The road will be expanded on both sides in line with right of way.
	Participants requested to expand and increase waste collection service along the beach.	Project will not cover this concern, but the shop owners can communicate with the provincial and city authorities to improve solid waste collection and management.
	Participants request provincial hall to stop discharging waste water from waste water treatment plant to sea.	As per design, waste water from the treatment plant is already processed and safe for toxicity and e-coli, thus safe to discharge this to the sea.
Entitlements on compensation and assistance	Cut-off date must be defined and publicly announced to affected households and affected communities.	All APs conducting business and/or residing in the project-impacted areas on the cut-off date will be entitled to compensation for their affected assets, and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels. The cut-off date will be the completion date of the detailed measurement survey of loss based on the detailed design of the subproject and the date will be announced publicly to the affected households and communities.
	Compensation for AHs whose shops will be affected due the	AHs whose businesses will be disrupted due to the subproject construction will be eligible

Issues discussed	Concerns and Opinions Raised by The Participants	Agreements Reached with the Affected Households
	<p>subproject construction.</p> <p>Voluntary donations of compensation on affected assets</p>	<p>to be compensated per approved RP.</p> <p>Voluntary donations are not allowed by ADB for this type of project but in exceptional cases, these can be approved provided the conditions set by ADB on approving voluntary donations. This issue will be further discussed during updating of resettlement plan.</p>
Grievance Redress Mechanism	Costs involved in resolving complaints	All costs involved in resolving the complaints (e.g. meetings, consultations, communication and reporting/information dissemination) of the Grievance Committee as well as all court litigation will be borne by MOT, the executing agency.
Implementation schedule	All participants requested the project to do the construction of road during the rainy season because during the dry season all the shop owners along the beach are busy with their businesses.	<p>Construction strategy will consider the peak season for tourism; measures will minimize impacts of construction to business.</p> <p>AHs will be informed at least three months prior to the commencement of civil works construction.</p>

Annex 5: Project Information Booklet



1. What is the Second GMS Tourism Infrastructure for Inclusive Growth Project? –

The proposed project will improve urban-rural transport infrastructure, urban environmental services, strengthen capacity to implement regional tourism standards, and strengthen tourism destination management in Cambodia. It will help transform secondary towns in the Greater Mekong Subregion (GMS) Economic Corridors into green, inclusive and competitive international tourism nodes to boost trade in services and deepen market linkages between members of the GMS and Association of Southeast Asian Nations (ASEAN). The project will build on the ongoing GMS Tourism Infrastructure for Inclusive Growth Project, implemented in Cambodia, the Lao PDR, and Viet Nam (2014–2019).

The description of the subproject components including as the following:

- (i) Main north-western end of Occheuteal beach – landscaping and domain improvements where possible. New wastewater main behind beach (by others).
- (ii) Sokha land – widen road, footpaths and storm water drains. New wastewater main behind beach (by others). Landscaping on seaward side.
- (iii) New path along front of peninsula between Ochheuteal and Otres beaches.
- (iv) Queenco land – widen road, foot/cycle paths either side. Planting & landscaping. Provide storm water drains. New wastewater main behind beach (by others).
- (v) South east of Otres Corner (“Otres 1”) – built up both sides –improve road and paths within width available. Pockets of landscaping. Provide storm water drains. New wastewater main behind beach (by others).

(vi) Undeveloped section between “Otres 1” and Otres 2” – improve road foot/cycle paths. Current landscaping to remain. Provide storm water drains. New wastewater main behind beach (by others).

(vii) “Otres 2” at south east end of beach – improve road and paths within width available. Pockets of landscaping. Provide storm water drains. New wastewater main behind beach (by others).

2. QUESTION: Who is responsible for the Project?

ANSWER: The Royal Government of Cambodia represented by the Ministry of Tourism will execute the Project. The Inter-Ministerial Resettlement Committee (IRC) will supervise the preparation and implementation of resettlement plan in case there is a need for the relocation of people living at the proposed project areas.

3.QUESTION: Does the whole project intended to benefit us?

ANSWER: Yes. The expected impact is sustainable, inclusive, and more balanced tourism development. The expected outcome is to increase the tourism competitiveness of secondary towns in Cambodia, Lao PDR and Viet Nam. Outputs include: (i) urban-rural access infrastructure and urban environmental services improved, (ii) capacity to implement ASEAN tourism standards strengthened, and (iii) institutional arrangements for tourism destination management and infrastructure operations and maintenance (O&M) is strengthened. Somehow, the Project will help the people in reducing poverty from these anticipated benefits.

4. QUESTION: How will the Project affect land and assets on land of communities and households?

ANSWER: Twenty-three (23) affected households (AHs) are expected to have permanent impacts to portions of their physical assets in two subproject locations at Ochheuteal –End at Village 4; and Otres 1 and 2 in Village 6. Of these, 12 AHs (40 persons) will experience impacts on their businesses during construction and 11 AHs (36 persons) will be affected on concret pavement on the sidewlk, toilet, fence only. It is noted that one out of the 12 AHs has four (04) shops affected, therefore, a total of 15 shops will be affected. According to the IOL result, five (05) shops will be entirely affected and ten (10) shops will be partially affected. A total of 1,246 m² of the main and secondary structures will be partially impacted including: 15 shops with a total area of 255 m²; one (1) toilet with a total area of 40m², 723 m² of concrete pavements; 228 m² of concrete fence; and 7m of wooden fence. A total of 13 fruit trees will be cut including 02 coconut trees and 11 banana trees.

5. QUESTION: What happens instead if I lose the land due to the project implementation?

ANSWER: People with land affected by the project retirement will be compensated for the cost of land at the replacement cost rate If the plot of land will be acquired permanently. During the detailed design, all affected persons and the people in your communities will be consulted to solicit their opinions on how the impacts of the subprojects shall be minimized.

However, the persons whose houses, structures and/or crops that will be affected will be properly compensated in cash or in kind and even communal properties for them to restore their lost asset, resource or income. Rehabilitation

assistance will also be provided to affected persons (APs) who will be required to relocate in another location

6. QUESTION: Does compensation apply to my affected houses or structures?

ANSWER: Yes. Houses and structures that will be affected by the Project shall be compensated at replacement cost without deduction for depreciation or salvageable materials, plus provision of labor cost for dismantling and reconstruction. The APs will enable them to build a replacement structure.

7. QUESTION: What about my crops and trees?

ANSWER: For annual crops, APs will be given 2 months' notice that the land on which their crops are planted will be used by the Project and that they must harvest their crops in time. If standing crops are ripening and cannot be harvested, eligible APs shall be compensated for the loss of un-harvested crops at their current market values.

For perennial crops, APs will be compensated for the loss of fruit and timber trees planted on the project area.

8. QUESTION: In case there will be relocation of houses or small businesses, how can the Project help me rebuild my house during relocation?

ANSWER: Houses or other property, which must be relocated or demolished, will be paid for at the cost of rebuilding with new materials. Apart from the compensation for loss of land and other assets at replacement costs, the Project will ensure that the

standard of living of APs are maintained or better improved after the Project. Therefore, the Project will provide mitigation and subsistence allowance to relocating APs and will ensure that any movement of houses will be assisted. Shops or stalls will be within only a short distance of the existing structures. Shops and stalls will be relocated in consultation with the owners and with community representatives.

9. QUESTION: If there will be disagreements or problems that arise during project implementation such as compensation, technical and general project-related disputes, do I have the right to voice my complaint?

ANSWER: Yes. If it is not clear to APs or is not satisfied with the compensation package being offered or, if for any reason, the compensation does not materialize according to the agreed schedule, the APs have the right to lodge their complaints.

The APs may file their complaints to the concerned local administrative officials and grievance committees and may be assisted to file complaints. The complaint can be elevated to the Project Management Unit of MOT in writing. Attempts will be made to settle the issues at the village level through community consultation, involvement of social and resettlement experts as required, NGOs and mediators and facilitators if required.

The concerned resettlement committees will properly document all complaints and resolutions. PS will be exempted from all taxes, administrative and legal fees.

10. QUESTION: When will the Project be implemented?

ANSWER: The Project will be implemented between 2018-2024.

11. QUESTION: How will you know if the undertakings are kept and the objectives of the Project are met?

ANSWER: During Project implementation, all project activities will be monitored by IRC, Provincial Sub-Committee, and the Ministry of Tourism, and the external monitor. Monthly Report and Quarterly Reports will be prepared and submitted to the government and ADB. A post-resettlement impact evaluation will also be undertaken to assess whether the impacts of the Project have been mitigated adequately and the pre-project standard of living of APs have been restored because of the resettlement and the project. The ADB will also monitor these activities in its regular supervision missions during the period of project implementation.

If you have further queries and suggestions, please contact us at:

- Ministry of Tourism
Telephone: _____
- _____
- _____
- _____

PROJECT MAP



Annex 6: IOL Results at Ochheuteal and Otres Beach

PREPARING THE SECOND GMS TOURISM INFRASTRUCTURE FOR INCLUSIVE GROWTH PROJECT

បញ្ជីរងគ្រោះអ្នកលក់ដាច់ដី

Inventory of Losses

Name of sub-project: **The Second GMS Tourism Infrastructure for Inclusive Growth Project**

Location (District/ commune): **Village 4, Sangkat 4, Sihanoukville (Ochheuteal Beach-End)**

No.	ឈ្មោះអ្នកប៉ះពាល់ ឬស្ថាប័ន	Name of Household/ organization	អាយុ	ភេទ	Affected Area/Quantity														
					Shop/Business (m ²)				Other Structures				Kind of Tree						
					Kind	Partially	Entirely	area (m ²)	Concrete Toilet	Concret Pavement	Wooden Fence	Concrete Fence	Coconut	Banana					
					Type of Impacts	Partially	Entirely	area (m ²)	Qty (m ²)	Qty (m ²)	Qty (m)	Qty (m ²)	Qty (N)	Qty (N)					
1	នូវ បូរ៉ា	Nov Bora	50	Male	Store/Business			1	16										
2	មិនស្គាល់ម្ចាស់	Guest house Spayliti		Male															
3	ប៊ាន ផាត់	Sunset Lounge Beach Resort		Female															
4	មិនស្គាល់ម្ចាស់	MK Hotel (Former)																	
5	តាំង ហ្គីចហ្គុយ	Tan Guechhouy		Female															
6	យូ សុង	Khou Sung	55	Male															
7	ហេង ប៊ុនទី	Heng Bunty	56	Male															
8	លី សុខខន	Ly Sokheng		Female															
9	គង់ សុភក្រី	Kong Sopheak	53	Male	Store&Business	1			10										
10	ទិត លាន	Tit Lean	62	Female	Store/Business	1			11										
TOTAL																			
						2.00	1.00	37.00		545.00									1.00

TA 9090-REG

PREPARING THE SECOND GMS TOURISM INFRASTRUCTURE FOR INCLUSIVE GROWTH PROJECT

បញ្ជីរងគ្រោះអ្នកលក់ដាច់ដី

Inventory of Losses (IOL)

Name of sub-project: **The Second GMS Tourism Infrastructure for Inclusive Growth Project**

Location (District/ commune): **Village 6, Sangkat 4, Sihanouk Ville (Otres Beach)**

No.	ឈ្មោះអ្នកប៉ះពាល់ ឬស្ថាប័ន	Name of Household/organization	អាយុ	ភេទ	Affected Area/Quantity														
					Shop/Business				Other structures				Kind of Tree						
					Type of Structures	Nature of impact, Area			Concrete Toilet	Concret Pavement	Wooden Fence	Concrete Fence	Coconut	Banana					
						Partially	Entirely	area (m ²)							Qty (m ²)	Qty (m ²)	Qty (m)	Qty (m ²)	Qty (N)
1	មិនស្គាល់ម្ចាស់ (Queenco)	Denis Bozhevskiy (Renter)		Male	Store+Business			4	120										
2	ចាន សុភក្រី	Chan Sopheak	29	Male	Store+Business	1			8										
3	ឯក ធាន	Ek Vithean (Ticketing Store)	32	Male	Store+Business	1			12.5										
4	សុខ ស្រីម៉ុំ	Sok Sreymom	30	Female	Store+Business	1			24										
5	កូវ រដ្ឋា	Kov Ratha (Khmer Massage)	35	Male	Store+Business	1			10										
6	គង់ វិចៃ	Khung Vichhaly	28	Male	Store+Business	1			5.5										
7	សាន គីមសេម	San Kimsem (Sand Beach Bar)	39	Male	Store+Business	1			12										
8	មិនស្គាល់ម្ចាស់	Diana Blare (Foot Print Rest.)		Female															
9	ឡី ឡាយ	Ley Lay	34	Male	Store+Business	1			14										
10	ទៀង វី:	Teing Vireak		Male					12										
11	មិនស្គាល់ម្ចាស់	Mary Resort																	
12	មិនស្គាល់ម្ចាស់	The Secret Garden		Female															
13	ម៉ុំ វណ្ណា	Mom Vanna	53	Male															
TOTAL																			
						8	4	218.00	40.00	178.00	7.00	228.00		2	10				

**Annex 7: Template of the Socio-economic survey of AHs / Business Owners
Affected Households, Business Operators/Owners Socio-economic and Impact Survey**

Table A6.1: Affected Households, Business Operators / Owners Socioeconomic and Impact Survey

1	Household Composition									
1.1	Head of Household (HH)									
	Sex	Female			Male					
	Age	<65			>65					
	Widowed	Yes			No					
	EM									
	FHH									
	Poor HH									
	Disabled	Yes			No					
	Owner of Land	Yes			No					
	Occupation									
	Monthly Income									
1.2	Location of Affected Area									
	Name									
	Village									
	Commune									
	District									
	Province									
1.3	Number of Household Members									
No	Name of Household Member	Age	Sex	Relationship to HH head	School Grade Reached	illiteracy	Major Occupation	Other Occupation		
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
Total Number of Household Members					Number of members living in household					
1.6	Households income source (s)									
	Income Source	VND/Riel/Kip /Year			Income	VND/Riel/Kip				

				Source	Year
		Farming		Fishing	
		Manual labor		Business/trade	
		Agricultural products		Salary/Wages	
		Non-timber forest products		Livestock	
		Handicraft		Other/ Specify	
		Household Monthly Income in VND/Riel/Kip			

Table A5.2: Access to Basic Services and Utilities

2.1. Source of Domestic Water	Yes	No
Creek		
Pond		
Open/Dug Well		
Public Faucet		
Water Utility Company		

Table A5.3: Source of Power / Electricity

Power/Electricity Source	Yes	No
Kerosene Lamp		
Generator Set		
Public Utility/Grid		
Private Utility/Power grid		
Others, specify		

Table A5.4: Source of Communication / Telecommunication

Source (s)	Yes	No
Mobile phone		
Landline Phone		
Cable Television		
Local authorities		
Others, please specify		

Table A5.5: Access to Toilet and Sanitation Facility

Type of Toilet facility	Yes	No
Pour flush		
Sanitary toilet with septic tank		
Pit toilet		
No toilet		
Other, please		

Table A5.6: Access to Health Facilities

Type of Health Facility	Distance from House		
	Less than 1 kilometer	1-1.5 Kilometer	More than 1.5 kilometers
Village/Commune Health Center/Clinic			
District Public Hospital/Clinic			
District Private Hospital Clinic			
Others, specify			

Table A5.7: Access to Educational Facilities

Type of Educational Facility	Distance from House		
	Less than 1 kilometer	1-1.5 Kilometer	More than 1.5 kilometers
Nursery/Kindergarten			
Primary School			
Secondary School			
High School			
College/University			
Vocational School			

Table A5.8: Household Assets Owned

Household Assets (please check more than 1 asset)	Yes, I own	No, I don't
Motorbike		
Bicycle		
Power generator		
Air-condition		
Refrigerator		
Computer		
Washing Machine		
Mobile phone/telephone		
Cable/Television/Video		
Savings account booklet		
Others please specify		

Table A5.9: Land Ownership (for subprojects with land acquisition)

Affected Area	Total area affected in m ²	Land Ownership Status		
		LURC/Title	Pending LURC/Title Claim	Illegally occupied
Residential land				
Commercial/Business land				
Agricultural land				
Orchard land				
Garden land				
Forest land				

Table A5.10: Types of Housing Materials

Type of Materials	Nature of Impact		Area affected		
	Temporary	Permanent	Whole	Portions	Area (sq. m ²)
Concrete house					
Brick house with tiles and metal roofing					
Stilt house or traditional house with tiles and metal roof					
Stilt house or house with asbestos-cement roof					
House made of bamboo and earth wall					
No house					

Table A5.11: Types of Materials for Affected Business Establishment / Shops / Guesthouse / Restaurant

Type of Materials	Nature of Impact		Area affected		
	Temporary	Permanent	Whole	Portions	Area (sq. m ²)
Concrete with tiles/metal roofing					
Semi concrete with tiles/metal roofing					
Wood and with galvanized iron roofing					
Bamboo walls and galvanized iron roofing					
Others please specify					

Table A5.12: Affected Structures

Name of Structure		
Fence		
Electric pole		
Improved well		
Concrete post		
Gate of house/driveway		
Others, please specify		

Table A5.13: Affected Trees

Name of Tree	Total Number	Description		
		Age	Fruit Bearing	Diameter
1. Coconut				
2. Bamboo				

Name of Tree	Total Number	Description		
		Age	Fruit Bearing	Diameter
3. Tamarind				
4. Jackfruit				
5. Grapefruit				
6. Mango				
7. Banana				
8. Guava				
9. Acacia				
10. Cashew				
11. Papaya				
12. Avocado				
13. Others, please specify				

Annex 8: Some photos on consultations and IOL preparation

