

Resettlement Plan

June 2015
DRAFT

Socialist Republic of Viet Nam: Second Greater
Mekong Subregion Corridor Towns Development
Project

Mong Cai Subproject

Prepared by Provincial People's Committee for the Asian Development Bank .

CURRENCY EQUIVALENTS

1 USD = 21,000 VND

ABBREVIATIONS

ADB	-	Asian Development Bank
AH	-	affected household
AP	-	affected person
CARB	-	Compensation, Assistance and Resettlement Board
CPC	-	Commune Peoples, Committee
CPMU	-	central project management unit
DARD	-	Department of Agriculture and Rural Development
DCARB	-	District Compensation, Assistance, Resettlement Board
DMS	-	detailed measurement survey
DOF	-	Department of Finance
DONRE	-	Department of Natural Resources and Environment
DPC	-	District Peoples Committee
DPI	-	Department of Planning and Investment
EA	-	executing agency
EM	-	ethnic minority
FS	-	feasibility study
GOV	-	Government of Viet Nam
IMO	-	Independent Monitoring Organization
IOL	-	inventory of loss
LURC	-	Land Use Rights Certificate
MOF	-	Ministry of Finance
MOLISA	-	Ministry of Labor, Invalids and Social Assistance
MONRE	-	Ministry of Natural Resources and Environment
MARD	-	Ministry of Agriculture and Rural Development
NTP	-	notice to proceed
PCARB	-	Provincial Compensation, Assistance and Resettlement Board
PIB	-	Project Information Booklet
PPC	-	Provincial People Committee
PPMU	-	provincial project management unit
RCS	-	replacement cost study
REMDP	-	resettlement and ethnic minorities development plan
RF	-	resettlement framework
RP	-	resettlement plan
SES	-	socio-economic survey
VND	-	Vietnamese dong
WPC	-	Ward People Committee
VWU	-	Viet Nam Women's Union

LAND CLASSIFICATION

LUK	-	Land for rice planting
BHK	-	Flat land for planting annual trees
DGT	-	Land for transportation
TL	-	Irrigation
LNQ	-	Land for planting perennial fruit trees
NTTS	-	Land for aquaculture
SKC	-	Land for production and business area

DEFINITION OF TERMS

Affected person (AP) / Affected household (AH)	<ul style="list-style-type: none"> - Means any person, household, firm or private institution who, on account of changes resulting from the Project, or any of its phases or sub-projects, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, salt mining and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without displacement. <p>In the case of affected household, it includes 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.</p>
Detailed Measurement Survey (DMS)	<ul style="list-style-type: none"> - 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 RP preparation. The final cost of resettlement can be determined following completion of the DMS.
Compensation	<ul style="list-style-type: none"> - Means payment in cash or in kind to replace losses of land, housing, income and other assets caused 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.
Cut-off date	<ul style="list-style-type: none"> - Means the date of completing DMS for which land and/or assets affected by the Project are measured. The APs will be informed of the cut-off date for each subproject component, and any people or assets that settle in the subproject area after the cut-off date will not be entitled to compensation and assistance under the subproject. For Mong Cai, the cut-off date is the date that the project is approved by the PPC.
Ethnic minority	<ul style="list-style-type: none"> - People with a group status having a social or cultural identity distinct from that of the dominant or mainstream society.
Entitlement	<ul style="list-style-type: none"> - Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the APs, depending on the type and severity of their losses, to restore their economic and social base.
Host community	<ul style="list-style-type: none"> - Means the community already in residence at a proposed resettlement or relocation site.
Income restoration	<ul style="list-style-type: none"> - This is the re-establishment of sources of income and

livelihood of the affected households.

Income restoration program	- A program designed with various activities that aim to support affected persons to recover their income / livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations
Inventory of Loss (IOL)	- This is the process where 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 right-of-way (PROJECT AREA) are identified, measured, their owners identified, and their exact location pinpointed. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of APs will be determined.
Land acquisition	- Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Rehabilitation	- This refers to additional support provided to APs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life.
Relocation	- This is the physical relocation of an AP from her/his pre-project place of residence and/or business.
Resettlement and Ethnic Minorities Development Plan (REMDP)	- A plan for resettlement of an ethnic minority population, combining the resettlement plan with specific ethnic minority concerns and cultural sensitivity for the specific needs of the ethnic minority groups.
Replacement cost	- The amount needed to replace an affected asset net of transaction costs such as administrative charges, taxes, registration and titling costs.
Replacement Cost Study	- This refers to the process involved in determining replacement costs of affected assets based on empirical data and market surveys.
Resettlement	- This includes all measures taken to mitigate any and all adverse impacts of a project on AP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.
Resettlement Plan (RP)	- This is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives,

	entitlement, actions, responsibilities, monitoring and evaluation.
Severely affected households	- This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, and / or (ii) have to relocate.
Stakeholders	- Individuals, groups, or institutions that have an interest or stake in the outcome of a project. The term also applies to those potentially affected by a project. Stakeholders include land users, country, regional and local governments, implementing agencies, project executing agencies, groups contracted to conduct project activities at various stages of the project, and other groups in the civil society which may have an interest in the project.
Vulnerable groups	These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by resettlement effects and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who are landless and with no other means of support.

NOTES

- (i) The fiscal year (FY) of the Government of Viet Nam ends on 31 December.
- (ii) In this report, "\$" refers to US dollars.

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EXECUTIVE SUMMARY

1. Project Description

The main output of the PPTA will be to identify a range of subprojects that will support the agreed objectives of the Greater Mekong Sub Region (GMS): (i) enhanced connectivity; (ii) increased competitiveness; and (iii) a greater sense of community. To this extent the GMS development program has placed emphasis on developing priority transport corridors in order to link regions/countries together to promote trade, tourism, and investment.

2. Scope of Resettlement

This Resettlement Plan (RP) concerns the subproject of Mong Cai City improvements that will be implemented in Quang Ninh Province. This RP will be updated based on detailed design during project implementation. At Mong Cai City, the project will undertake infrastructure improvements that include two components:

- i. Wastewater and Stormwater Improvements in both eastern and western parts of the city and the construction of two waste water treatment plants; and
- ii. River bank protection along the Ka Long river within the city.

The project feasibility studies prepared by the project preparatory technical assistance (PPTA) team together with government agencies indicate a category B for involuntary resettlement, according to ADB's Safeguard Policy Statement 2009. The categorization has been confirmed during the loan fact finding mission in May 2015.

The main resettlement impacts concern the acquisition of agricultural land (4,279 sqm) for the two waste water treatment plants, and acquisition of productive land (6,000sqm) for the Ka Long River embankment component.

The Inventory of Losses (IOL) was compiled together with the socio-economic survey undertaken on 29-30 January and 12-13 March 2015 to identify the impacts that infrastructure construction would have on households, enterprise, and CPC.

For the construction of the eastern WWTP, 12 households (56 people) will lose 10,658sqm and 1 CPC will lose 1,355sqm agricultural land. Apart from agricultural land, the CPC also will lose 2,724sqm of transportation land; and 6,520sqm of irrigation land.

For the western WWTP, one household (4 people) will lose 17,757sqm of land for perennial trees (1,200 eucalyptus trees) and aquaculture land (1000 sqm of fish pond). 1 CPC will lose 1,062sqm land used for tree planting (200 eucalyptus trees) and 1,203sqm for transportation land.

For the Ka Long river embankment component, 1 CPC will lose 3,500sqm vacant land and 1 enterprise (a hotel) will lose 2,500sqm of land with 2,000m³ of stone embankment and 625sqm walking trails.

All of the 13 affected households (AHs) in the wastewater and storm water improvement subproject possess their own land use right certificate (LURC) for their land. The acquisition of land from the 13 households (60 people) and proper compensation should not endanger the livelihood of the households affected because the land acquisition does not amount to 10% or more of their total income-generating assets.

A survey on the socio-economic situations of the affected households was carried out with 9 of the 13 affected households for the whole subproject. An additional working session with the CPC was conducted to verify social and economic status of the remaining AHs which were not available at the time of the socio-economic survey. The survey and working session acknowledged no ethnic minority people affected and no households were poor or vulnerable

according to the national poverty line. 3 households are headed by women. However they are not vulnerable.

The AHs consider that they earn a good income from tourists visiting the park. They are concerned about the overcrowding that occurs during the peak seasons and are in favor of the project's proposed activities to expand the concourse, improve public tourist amenities, and improve water sanitation.

The initial proposed design of Ka Long river bank component would have impacted about 80 houses located within the distance of 1,050m along the river. Most of the houses along the river are 2-storey grade 3-houses with flat roof and reinforce concrete frame. The land acquisition in this area would have caused severe impacts on the local people's lives regarding habitat and business activities. Also, a large budget amount would have to be spent on compensation. Modification in the design of embankment avoided these impacts. Consequently, only one property, a hotel, was partially impacted.

Consultations

Consultations during the preparation of the draft resettlement plan consisted of interviews and public meetings with HHs concerned and CPC at the time of conducting the IOL and socio-economic surveys. Consultations/meetings held with provincial and district officials on project preparation and design also included discussions on resettlement impacts.

Concerns and suggestions (mainly on compensation) raised by the affected people have been recorded and brought into a meeting with the EA on 30 January as an issue to work further in consultations during the next phase. All concerns and suggestions are incorporated into this report. In summary, the AHs consulted welcomed the construction of the infrastructures to create a less polluted environment. They agreed to give land on condition they get fair compensation. During the discussions they were informed about the entitlements and that further consultation will be organized to keep them informed about the detailed procedures.

3. Legal Framework

The legal and policy framework for compensation, resettlement and rehabilitation under the project is defined by the relevant laws and regulations of the Government of Viet Nam, Quang Ninh Province, and the ADB Safeguards Policy Statement (2009). Some differences still remain between Government regulations and ADB's SPS. ADB's policies will prevail where gaps exist. A summary of the project policies adopted are presented in the resettlement plan.

4. Entitlements

The main entitlements are for losses of productive land that the affected households and an enterprise will experience due to construction of the two WWTPs and Ka Long river embankment. The rates for the allowances will be according to provincial resettlement policies so long as these policies remain up to date at the time of compensation and are in line with agreed project resettlement policies. The resettlement plan outlines entitlements for agriculture, aquaculture, perennial tree land, and a plot of land used for business operation (of the hotel). The RP also outlines entitlements for structures affected by the project, and other forms of allowance as regulated by the local policy. All persons owning or occupying land, or operating businesses, prior to the cut-off date are eligible for assistance.

5. Institutional Arrangements

The Provincial People Committee (PPC) is the project's executing agency (EA). The Project Coordination Unit (PCU) and Quang Ninh Project Implementation Unit (PIU) embedded in the PPC will supervise the implementation of this RP. The PCU will coordinate with the Quang

Ninh Provincial People's Committee (PPC) and PIU to ensure timely approval of the RP and its update, and that the compensation and assistances are administered according to the provisions set forth in the RP. Quang Ninh PPC will authorize the concerned district to establish a District Resettlement Committee that will ensure resettlement activities are administered according to the provisions of this plan.

6. Grievance Redress and Information Disclosure

The grievance mechanism has been designed to ensure that APs' concerns and grievances are addressed and resolved in a timely and satisfactory manner. APs will be made fully aware of their rights verbally and in writing during consultations, resettlement surveys, and at the time of compensation. Key information in the draft RP will be disclosed to APs prior to ADB's appraisal of the project and the grievance redress procedure will be well-defined in the project's Public Information Booklet. Commune and District People's Committees are primarily responsible for resolving any grievances received from the AHs. An aggrieved AP or AH will be free from any fees in connection with the lodging and resolution of complaints, as these will be borne by the PIU.

7. Budget

The basis for calculation of the value of the losses was made as per the provincial regulations and consultation with the local people. The compensation and assistance are consistent with the provisions of the policy in this RP and with ADB's SPS.

The total direct cost estimate for compensation and assistance is 19,273,403,500 VND (USD 917,781.12), and the grand total including management cost (2%) and 10% contingency is 21,586,211,920 VND (USD 1,027,914.85). The Government Viet Nam will cover the costs of resettlement.

8. Monitoring

The PCU with the support from the project implementation consultants and PIU-based Safeguards Officers will carry out the internal monitoring of the resettlement planning and implementation of resettlement activities. The scope of internal monitoring will cover an assessment of: (i) compliance with the agreed resettlement policies and procedures; (ii) timely availability and efficient use of personnel, material and financial resources; and (iii) identification of the need for remedial actions to correct any problems that may arise.

The PCU/PMU will prepare quarterly internal monitoring reports on the resettlement activities, consolidating information submitted by the PIU and consultants. Since the severity of the resettlement impacts and economic disruption is expected to be minor, the engagement of an external monitor for this subproject is not warranted. This provision can be reassessed at the time of detail design if the impacts are determined to be more significant. A process, timeline, and indicators for monitoring are provided in this RP. All data in the monitoring reports will be disaggregated by sex and ethnicity.

9. Implementation Schedule

The subproject will be implemented in two years. The commencement date is planned for the third quarter of 2015 and the start of construction on the 2nd quarter of 2016. The resettlement implementation schedule is set out below:

Resettlement Plan Updating/Implementation Activities	Schedule
RP Preparation	Quarter 2, 2015
Approval of draft RP	Quarter 3, 2015
Engagement of safeguard specialists	Quarter 3, 2015
Consultations, carry out DMS, socioeconomic surveys, and RCS.	Quarter 3, 2015
Updating of the RP and further consultations with the AHs	Quarter 3, 2015
Approval of updated resettlement plans by Mong Cai PPC and ADB	Quarter 4, 2015
Disclose approved Updated RP to AHs and Uploading on ADB website	Quarter 4, 2015
Implementation of updated resettlement plan actions. Disbursement of compensation and Payment to AHs	Quarter 1, 2016
Internal monitoring (Submission of Quarterly Progress Report).	Quarter 1, 2016
Clearance of acquired land. Start civil works	Quarter 2, 2016

I. SUBPROJECT DESCRIPTION

A. Background of the project

1. This regional Project Preparation Technical Assistance will establish the basis for proposed investments and capacity building in selected economic corridor towns in the Kingdom of Cambodia (Cambodia), the Lao People's Democratic Republic (Lao PDR) and the Socialist Republic of Vietnam (Viet Nam). The main output of the PPTA will be to identify a range of subprojects which will support the agreed objectives of the Greater Mekong Sub region (GMS): (i) enhanced connectivity; (ii) increased competitiveness; and (iii) a greater sense of community. To this extent the GMS development program has placed emphasis on developing priority transport corridors in order to link regions/countries together to promote trade, tourism, and investment. This in turn is facilitating development and investment in the associated economic corridors, principally in the corridor cities and towns, including the cross-border areas between GMS related countries. This has placed pressures on the corridor cities and towns to facilitate economic growth through a broader economic base and including the development of agri-business, tourism, industrial parks and transport/logistics facilities. This is being done with varying levels of success from town to town, but where many towns are unable to "keep up", due to lack of funding and resource capacities. Consequently, infrastructure and public service provision lags behind present and future needs and is characterized by a low level of private sector investment. The situation is aggravated by the absence of good land use planning and land management/development control, resulting in haphazard and unsustainable patterns of development, leading to worsening levels of environmental pollution and uneconomic forms of urban infrastructure investment. In this situation, social and environmental problems are increasingly common and will get worse

B. Subprojects in Vietnam

2. It is agreed that importance should be placed on addressing existing environmental problems as an essential baseline on which to build for the future. This is required to: (i) secure a sustainable environment; (ii) to provide better living conditions which are socially inclusive; and (iii) provide a secure investment platform for the private sector and the community. Thus priority is given to subproject development in the wastewater collection and treatment, urban drainage and flood prevention sectors in all three towns. River bank improvements in Mong Cai provide the opportunity to address climate change issues in a core urban area. In Mong Cai, the proposed urban component will meet the demand for accessing new development land, relieve the congestion in other parts of the town and provide vital economic and social linkages into village communities, catering for farm to market access and to cater for expanding tourist numbers. Thus, they will also provide a context for environmental upgrading and beautification elsewhere, which in turn will have further social and economic benefits.

3. The improvements proposed for Mong Cai City (Quang Ninh province) subproject includes components as stated below and this resettlement plan is prepared to address the components that have resettlement impacts:

Mong Cai	
MC1	Wastewater and Storm water Improvements
MC2	Riverbank Protection

1. Description of Mong Cai Subproject

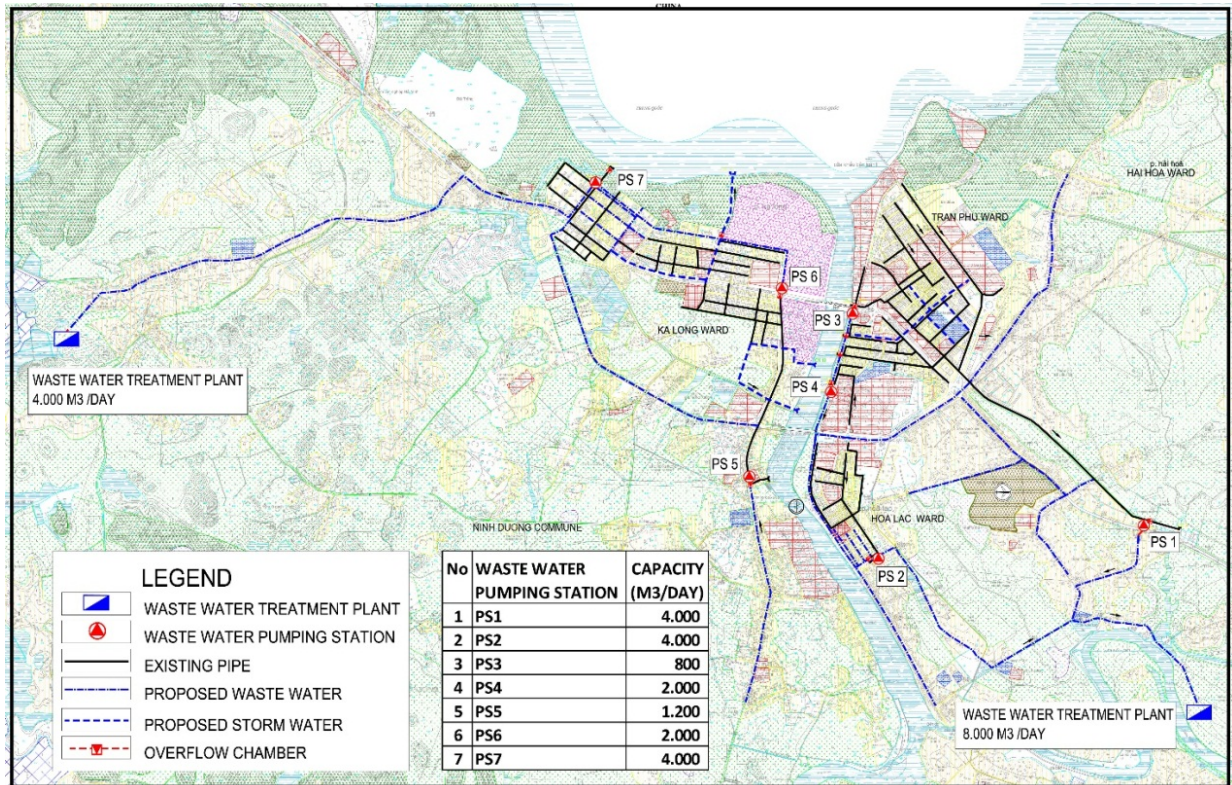
a. MC1 Wastewater and Storm water Improvements

4. Because of the poor infrastructure for drainage and waste water treatment, construction of two separate reticulated sewerage systems and treatment plants for inner city east and west areas, including concrete pipe, pump stations and diversion wells are proposed. The two systems will be combined sewers. The more populated east side has an existing reticulation system and will need a number of extensions to serve new areas, as well as 2 pump stations. The west area is less populated and has few existing drains, so new drains will be required. Connections are proposed to be free for households.

5. Construction of two waste water treatment plants with capacity 8,000m³/day for the eastern bank and 4,000m³/day for the western bank. Oxidation ditch type WWTPs are preferred. Several larger drains for mainly storm water will be installed, particularly for the western catchment.

6. The construction of the WWTP will require land acquisition in both of Hai Xuan and Hai Yen communes and the location is shown in Figure 1.

Figure 1: Location of the East and West WWTP



b. MC2 Riverbank Protection

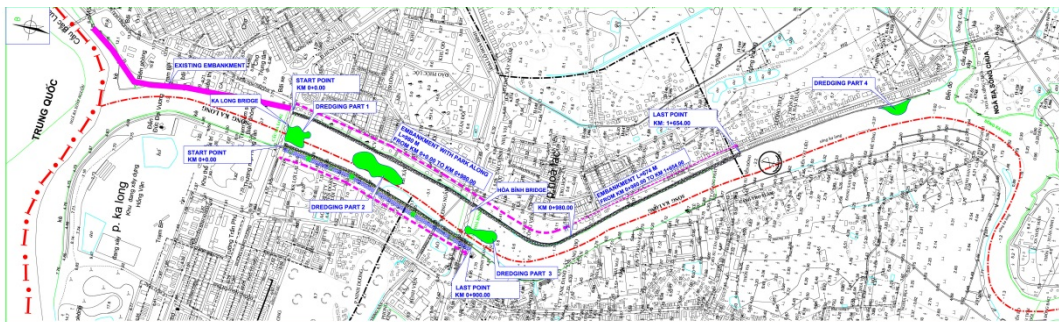
7. Dredging of riverbed and removal of dunes is proposed for five islands, with approximately 20,000m³ of material to be removed from the river.

8. Construction of an embankment protection structure is proposed along both sides of the river through the city.

9. **East bank:** The construction work is proposed from Ka Long piers with the total length of 1654m. Of which, 980m from the starting point to the end of the riverside existing park will be constructed as embankment type 1, and embankment type 2 for the earth section (64m). Embankment structure: gravity embankment with its bottom and wall made from rock and concrete M200 (4x6) poured on the spot. The work will finish at Km1+654 as the starting point of residential area.

10. **Bridge** with total length of 900m and width of 11m. 2 rows of green trees are to be planted along the route. Of which, 4.5m (including 2.5m of promenade and 2m of tree areas) is paved with wide block brick. Concrete yard with tree areas is 5.66m wide and drains of 0.84m wide. This side is not free from resettlement impacts as shown below in Figure 2.

Figure 2: Areas along the River where protection work is proposed



II. SCOPE OF RESETTLEMENT AND AFFECTED PERSONS

11. An Inventory of Losses (IOL) was undertaken together with a socio-economic survey on 29-30 January 2015 and additional trips on 12-13 March were made to Mong Cai to update the data collected due to the design/technical modification of the component and to carry out the public consultation.

12. The two components are subject to a number of resettlement impacts either by land acquisition/trees/crops and compensation for losses. There will be 13 AHs (60 APs), 3 CPCs, and 1 enterprise experience the impact in the two components. 1 AH is considered as severely affected due to the entire loss of his agricultural land. The total affected area is 48,279sqm, of which 29,415sqm belongs to the households; 2,500sqm belongs to an enterprise; and 16,364sqm belongs to 3 CPCs. No temporary impact in term of resettlement is found. The list of affected households is presented as Annex 1. The extent of land acquisition and compensation by each component is summarized below:

A. Waste Water Plant Hai Xuan (East)

13. The IOL found that a total area of 21,257 m² required land acquisition and only 10,658 m² of agricultural land belong to private owner affecting 12 households (56 people). The rest of the land (10,599sqm) belongs to the CPC, of which 1,355sqm land is used for rice plantation; 2,724sqm land is used for transportation; and 6,520sqm land is used for irrigation. All the agriculture land affected by acquisition is being cultivated with rice. Among 12 AHs, 5 will be affected by a loss of less than 10%, 5 HHs will be affected with a loss of 10-30%, 1 AH will be affected with a loss of 30-70% of their total land. Only one HH will be affected by the entire loss of his agricultural land. Based on the socio-economic information, only 1 household losing entire 100% of land holding is classified as severely affected HH. The details are given in the IOL appendices. 12 AHs are entitled for compensation for affected land and crops, and for other support as per the entitlement right provided under Vietnamese regulations and in compliance with ADB SPS. All the affected households possess LURCs. A sample of red book for land use rights is presented as Annex 4. The CPC will be entitled to compensation for the loss of agricultural land (1,355sqm) and for crops as per Quang Ninh Decision no 1766/2014/QĐ-UBND¹ (Article 16), while non-agricultural land (9,244sqm) of the CPC is not eligible for the compensation.

14. The whole area under private ownership and part of the area belonging to CPC will be entitled to compensation for loss of crops.

15. A survey on the socio-economic situations of the affected households and working session with the local authorities found that there's no female headed household with dependents, ethnic minority household, poor household in accordance with the national poverty standard, disabled person headed household, children and the elderly households who are landless and with no other means of support. Therefore, there is no vulnerable household in the component. As mentioned above, one household with the loss of 100% agricultural land is considered severely affected and shall get additional assistance as recommended.

B. Waste Water Plant Hai Yen (West)

16. The total area for the construction of the WWTP (West) is 21,022 m² and only one private household (4 persons) is affected with 18,757 m² (17,757sqm of land for tree plantation and 1,000sqm of land for aquaculture). The rest 2,265 m² belongs to the CPC of

¹ Decision no 1766/2014/QĐ-UBND on regulations on compensation, support and relocation upon land expropriation by the state under the law on land 2013 in the administrative division of Quang Ninh province.

which 1,062 m² is productive land and will require land acquisition, and 1,203sqm is land for transportation. The proportion of affected land constitutes 62.5% of total land holding.

Loss of Crops

17. There is no loss of crops in the component

Loss of Trees

18. In the western WWTP component, one affected household is entitled for compensation of affected land, crops, perennial trees (1200 eucalyptus), and aquaculture products, and other assistance in accordance with the local regulation and in compliance with ADB SPS. CPC is entitled for compensation of affected land and crops as per Quang Ninh Decision no 1766/2014/QĐ-UBND (Article 16). Additionally, 1 CPC will lose 1,062sqm land under 200 eucalyptus trees.

19. The SES was carried out in 29-30 January to identify the level of impact of the acquisition to the household income. Result of the survey reveals that major portion (50%) of household income is from salaries and wages, and only 25% of the HH income is from tree plantation and aquaculture activities. The household will lose 62.5% of the total land, causing the level of impact on income of the household is at only 15.6%. Though slightly above the threshold of 10%, the household is not severely affected due to the land acquisition.

C. West bank river protection

20. The land required for the construction of the river bank protection (6,000 m²) belongs to the Loi Lai hotel (2,500 m²) and the Ka Long ward people committee (3,500 m²). The main structure of the hotel is not affected, only extension area with concrete stone embankment along the river which represents only 4.7% of the hotel area. A consultation with the hotel on 12-13 March was conducted to identify the potential impact of the project to the hotel's business. Since the stone embankment and the footpath are located far away from the backside of the hotel's main building (as shown in the picture), there will be no impacts on the hotel's business. In contrast, the hotel will get significant benefits after the component is finished as the surrounding environment will be much cleaner and the local landscape will look much nicer. The affected area of the Ka Long ward people committee is currently vacant.

Figure 3: View of Loi Lai Hotel - An Affected Unit of River Protection Component



21. Loi Lai Hotel having land recovered: 2,500 m² accounting for 4.7% of the total land holding owned by the hotel. Their affected assets include 2,000 m³ permanent stone embankment (8 m² x 250 m) and 625 m² walking trail (2.5m x 250 m).

22. Ka Long embankment component of the project will cause a loss of 3,500 m² of land owned by the Ka Long Ward People's Committee. The CPC is entitled for compensation of land acquisition as per the local regulation.

23. The summary of impacts is described in Table II-1 and the percentage of loss of land acquired is presented in Table II-2. The list of affected households (AH) is in IOL appendices.

Severely Affected Households

24. In summary, one household will be severely affected due to the loss of 100% productive land.

Table II-1: Number of Affected Households and Areas

Affected assets	Household			CPC		Hotel	Total affected area
	# AH	# AP	Affected area (sqm)	# CPC	Affected area (sqm)	Affected area (sqm)	(sqm)
Land	13	60	29,415	3	16,364	2,500	48,279.00
Crops	12	56	10,658	1	1,355		12,013.00
Trees	1	4	17,757	1	1,062		18,819.00
Aquaculture products	1	4	1,000	-	-		1000.00
Stone embankment and walking Trail	-	-	-	-	-	2,625	-

Table II-2: Number of household affected by agricultural land (exclusive of Communal People's Committee) for the two WWTPs

Amount of land acquired over total owned	Number of AH in the Eastern	Number of AH in the Western	Total Number of AH in the two WWTPs
< 10%	5 households		5 households
>10% - 30%	5 households		5 households
>30 -<70%	1 household	1 household	2 households
>70%	1 household		1 household
Total	12 households	1 household	13 households

III. PROFILE OF AFFECTED HOUSEHOLDS

25. The socio-economic survey of the affected households was carried out on 29-30 January 2015 to assess the socio-economic profile of 8 households constituting about 69% of the AHs. Remaining 4 households were not available for surveys despite several attempts. Among the affected households surveyed the majority of them earn their main income from wages. The SES questionnaire is presented as Annex 5.

26. All the affected HHs possess LURCs. Based on the survey, the subproject will not impact any ethnic minorities. All affected households are Kinh. Average household size is 4.6. There were 1 female headed household with average hh size of 3.7. Socioeconomic characteristics of surveyed households are described in the following sections. The salient socio-economic characteristics of the AHs are described below for each component.

A. Wastewater Treatment Plant in Hai Xuan Commune, Mong Cai City

27. The SES covered 8 out of the total of 12 affected households.

Survey of 8 affected households indicate a total of 38 persons, forming an average household size of 4.8 persons/Hh. All the surveyed households were Kinh. None of the households had any handicapped members. Therefore, there are no vulnerable households among the surveyed households.

Education

28. In general, average education level in the area is quite high. Of 38 persons covered by the SES survey, 3 are children and below school going age. Only 1 person is illiterate (2.9%). 6 persons (17.1%) are at primary level. It is noticed that most of the surveyed persons have at least secondary level education, accounting for 48.6%.

Table III-1: Educational Level of Affected People

	Illiterate	Primary education	Secondary education	High school education	College, university
Head of household	1 (2.9%)	0 (0%)	5 (14.3%)	2 (5.7%)	0 (0%)
Other members	0 (0%)	6 (17.1%)	12 (34.3%)	8 (22.9%)	1 (2.9%)
Total	1 (2.9%)	6 (17.1%)	17 (48.6%)	10 (28.6%)	1 (2.9%)

Income

Table III-2: Average Monthly HH Income

Income	From 800,000 – 1,000,000 VND (households)	>2,000,000 VND (households)	>3,000,000 VND (households)
Households	6 (75%)	1 (12.5%)	1 (12.5%)

29. According to the SES, most of the households have the average monthly income between 800,000 – 10,000,000 VND. According to provincial classification in urban area the poor households have average monthly income below 500,000 VND. Therefore, none of the household surveyed falls below the poverty line and none are expected to fall below the poverty line due to the project.

Income sources

Table III-3: Income Sources

Main income	Agriculture	Wage earner	Allowance (staff, pensions)
Household	9	13	3

30. Most of the surveyed HHs in Hai Xuan have main income from wages & salaries, and farming. That explains why average household income of the AHs is quite high.

Utilities and assets

Table III-4: Utilities and Assets

Types of assets	%	Types of assets	%
Bike	50	Telephone	25
Motorbike	87.5	Mobile phone	87.5
TV	100	Video CD player	25
Washing machine	12.5	Computer	37.5
Electric cooker	100		

31. The type of assets owned by the AHs reflects that most of them possess bikes and motorbikes as means of transport. Almost all the surveyed households have telephone and mobile phones. 37.4 % of households also possess computers. The mobility and communication means is above 85%. In general, all surveyed households are economically well-off.

Houses on grade basis

- Grade 4²: 6 households accounting for 75%.
- Grade 3³: 2 households accounting for 25%.

32. All the structures owned by the surveyed households are of grade 3 or grade 4 quality. The houses are generally well maintained.

Utilities

- 100% of households have access to national power grid.
- Water used by households is from wells: 8/ 8 households (100%).
- 100% households have a bathroom and a toilet.
- Fuel for use includes coal, woods, electricity and gas.

² Grade 4: Structure bearing pressure is combination of brick and wood. Using time lasts 30 year at maximum; or Wall made of brick (22 or 11 cm thick); or Roof made of tile or fibro-cement; or Materials for completion are low quality materials; or Poor utilities according to the Government regulation.

³ Grade 3: Structure bearing pressure is a combination of reinforced concrete and brick or merely brick. Using time lasts more than 40 years; or Wall made of brick; or Roof made of tiles or fibro-cement; or Materials for completion are common materials; or Sufficient of basic auxiliary works with toilet bathing utilities made of common materials. Storey threshold is 2 stories according to the Government regulation.

B. Wastewater Treatment Plant (in the West of Ka Long River), Hai Yen Ward, Mong Cai City

33. Total number of affected unit:

- 1 household will be affected by loss of 18,757 m² of land accounting for 89.2% of the total acquired land area.
- 1 organization (Communal People's Committee) will have its 2,265 m² of land acquired accounting for 10.8% of the total acquired land area.
- The area of land acquired accounts for 62.5% of total land area of households.

34. Survey on socio-economic situation of the affected households: 1 affected household is Kinh and does not have any handicapped member. The household is not considered vulnerable.

Education:

- The household has relatively high education level with 3 people (75%) have bachelor degree, and 1 person (at school age) is at upper secondary level (25%)

Income:

35. The household is rather well-off with average monthly income of 10,000,000 VND/ person. Their main sources of income are wages (50%), trading (25%), and cultivation and aquaculture production (25%).

Utilities

Assets	Number	Assets	Number
Electric bike	1	Mobile phone	4
Motorbike	3	CD player	1
TV	2	Computer	1
Washing machine	1	Electric cooker	1

36. The household is fully equipped with means of transportation, cell phone, and other household electrical appliances.

37. The affected structure owned by the affected household is of Grade 4 with bathroom, kitchen, and toilet facilities. They have access to electricity and clean water.

38. The area of affected concrete road: 2.5 m x 250 m = 625 m².

IV. LEGAL AND POLICY FRAMEWORK

39. This Resettlement Plan follows laws, regulations and policies of the Government of Viet Nam and Asian Development Bank's Safeguards Policy Statement (2009) policies and guidelines.

A. ADB Policies

40. The applicable ADB Policy on Involuntary Resettlement is the Safeguard Policy Statement 2009 (the SPS 2009).

41. The main objectives of ADB's Policy on Involuntary Resettlement is to avoid or minimize impacts on people, property and businesses affected by the acquisition of land, or other impacts of the project, including impacts on livelihood and income, that arise from the implementation of the project. Where involuntary resettlement is not avoidable, it must be minimized either by exploring project alternatives, or by providing specific mitigation to enhance or at least restore the living standards of the affected people to their pre-project levels.

42. ADB's Policy on Gender and Development (2006) also has a bearing on resettlement. This policy adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate, and that their needs are explicitly addressed in the decision-making process. For projects that have the potential to cause substantial gender impacts, a gender plan is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the project. ADB's Policy on Indigenous Peoples (SPS 2009) states that the borrower/client will ensure (i) that affected Indigenous Peoples receive culturally appropriate social and economic benefits; and (ii) that when potential adverse impacts on Indigenous Peoples are identified, these will be avoided to the maximum extent possible. Where this avoidance is proven to be impossible, based on meaningful consultation with indigenous communities, the Indigenous Peoples Plan will outline measures to minimize, mitigate, and compensate for the adverse impacts.

43. Other policies of the ADB that have bearing on resettlement planning and implementation are the (i) Public Communications Policy (2011); and (ii) Accountability Mechanism (2012). According to these policies, central Project Coordination Units (PCUs) and Project Implementation Units (PIUS) are required to proactively share and disclose the project information with stakeholders and the public at large. Affected people should have easy access to the project information. The grievance redress mechanism, therefore, must be included in the resettlement plans and disclosed to the affected people.

44. Together, the ADB Safeguard Policy Statement 2009, Laws of the Government of Viet Nam, and Provincial People's Committee Decrees/Decisions on resettlement provide an adequate legal basis to identify past, present, and future involuntary resettlement impacts and risks, outlining procedures to 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. Laws regarding Land Acquisition and Resettlement in Viet Nam

45. The Constitution of the Socialist Republic of Vietnam (1992) confirms the right of citizens to own and protect the ownership of a house. In addition, the government has enacted a number of laws, decrees and regulations that constitute the legal framework for land acquisition, compensation, assistance and resettlement.

46. The principal document includes the Land Law (2013) No. 45/2013/QH13 approved by the National Assembly dated November 29 2013. The 2013 Land Law supersedes earlier versions.

47. For reference, the Laws, Decrees and Decisions on Land Acquisition and Resettlement in Viet Nam are set below:

1. Law

48. Land Law (2013) No. 45/2013/QH13 approved by the National Assembly dated November 29 2013.

2. Decrees

- Decree No. 43/2014/ND-CP dated May 15 2014 guiding the implementation of Land Law 2013.
- Decree No. 44/2014/ND-CP dated May 15 2014 by the Government on the land prices.
- Decree No. 45/2014/ND-CP dated May 15, 2014 by the Government providing on the collection of land use levies.
- Decree No. 46/2014/ND-CP dated May 15, 2014 by the Government providing on the collection levies of land lease, water surface lease.
- Decree No. 47/2014/ND-CP dated May 15 2014 by the Government on compensation, assistance, and resettlement in the event of land recovery by the State.
- Decree No. 38/2013/ND-CP dated April 23 2013 on the management and use of Official Development Assistance (ODA) and concessional loans of donors.
- Decree No. 14/2014/ND-CP dated February 26 2014 by the government detailing the implementation of the Electricity Law regarding electricity safety.
- Circular No. 23/2014/TT-BTNMT dated May 19 2014 by MONRE regulating Land Use Right Certificate (LURC), right to ownership of housing and other assets attached to land.
- Circular No. 24/2014/BTNMT dated May 19 2014 by MONRE regulating cadastral dossiers.
- Circular No. 25/2014/BTNMT dated May 19 2014 by MONRE, regulating cadastral maps.
- Circular No. 28/2014/BTNMT dated June 02 2014 by MONRE regulating land statistic and inventory and development of current land use map.
- Circular No. 29/2014/BTNMT dated June 02 2014 by MONRE regulating details of making and amending land use planning.
- Circular No. 30/2014/BTNMT dated June 02 2014 by MONRE regulating dossiers of handing over land, leasing land, converting land use purpose, and land acquisition.
- Circular No. 36/2014/TT-BTNMT dated June 30 2014 on land pricing method; compilation of and adjustment to land prices; determination of specific land prices and consultancy on land pricing.

- Circular No. 37/2014/TT-BTNMT dated June 30 2014 on compensation, assistance and resettlement in the event of land recovery by the State.
- Decision No. 1956/2009/QĐ-TTg dated November 17 2009 by the Prime Minister approving the Master Plan on vocational training for rural workers to 2020.
- Decision No. 52/2012/QĐ-TTg dated November 16 2012 on employment and vocational training support policies for labourers subject to agricultural land recovery.

49. At the local level, provinces issue Provincial Decisions, and other legal documents relevant to planning and implementation of resettlement at the provincial level. The Provincial Decisions stipulate that compensation for land shall be at the market rate following the provincially regulated price-frame that is issued each January, and provides for assistance/allowances for relocation, livelihood and production stabilization, as well as occupational training and other assistance. The relevant decisions for Quang Ninh province include:

- DECISION no. 1766/2014/QĐ-UBND on issuing Regulations on compensation, assistance and resettlement upon State land acquisition according to 2013 Land law in Quang Ninh province.
- DECISION no. 1768/2014/QĐ-UBND On issuing Regulation on residential land limit, residential land recognition limit, minimum separation of residential land area for households and individuals in Quang Ninh province.
- REGULATION On compensation PRICE LIST for assets invested in land when the state acquires land of Quang Ninh province (pursuant to Decision no. 398/2012/QĐ- UBND dated 27 February 2012 by Quang Ninh PPC).
- DECISION No. 3566/2013/QĐ-UBND dated on 26/12/2013 by PPC regarding regulations on types of land price in the province implemented in 2014.

50. Vietnam's laws and ADB's Resettlement Policy are congruent concerning the entitlement of persons with legal rights/titles. Existing legislation provides guidance in (i) determining market/replacement rates and payment of compensation and assistances for various types of affected assets; (ii) options for land-for-land and cash compensation assistance; (iii) provision of relocation assistance and support to displaced households during the transition; (iv) provision of resettlement land and housing with secure tenure; (v) additional assistance for severely affected and vulnerable households; (vi) assistance for livelihood restoration and training; and (vii) notification/disclosure, consultation, and grievance mechanisms.

51. Vietnam's policies do not apply to those without legal title or to non-registered businesses, while ADB's policy requires compensation for assets and for rehabilitation assistance for those without legal title. Non-registration of an AP's business also does not bar them from being assisted in restoring their business and income under ADB's guidelines. Provisions and principles adopted in this RP will supersede the provisions of the relevant decrees currently in force in Vietnam wherever a gap exists, as provided for under Decree 38/2013 ND-CP (April 2013), which regulates the management and use of official development assistance. The policy that will apply for the project according to ADB SPS and Vietnam law/decrees and regulations addressed in Table IV-1.

Table IV-1: Comparison between the Relevant Provisions of 2013 Land Law and Decree No. 47/2014/ND-CP and the 2009 ADB SPS

ADB SPS 2009	Land Law 2013; guidance decrees	Policy for the project
Objective: To avoid involuntary resettlement whenever possible; to minimize involuntary resettlement by exploring project and design alternatives	Land Law requires the project owner to arrange the project reasonably to save the land and the Government issued Decree 42/2012/ND-CP on the protection of paddy land;	Since the Project shall be financed by ADB loan, it will adopt the objectives of the Bank's 2009 SPS
To enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups	<p>Compensates land users that fulfill the conditions for compensation as prescribed by Article 75, legitimate owners of land- attached assets (Article 88.1), persons/entities that plant/grow forests funded by state budget (Article 90.1.d). All land users (defined in Article 5) whose land is recovered (including affected workers) are considered for receiving State support (Article 83.1 Land Law 2013 and Article 19 Decree 47/2014/ND-CP). State support is defined as assistance to those whose land is recovered in order to stabilize their livelihoods, production and development (For displaced poor and other vulnerable groups)</p> <p>-In case the amount of compensation/support is not enough for resettled people to buy the minimum resettlement plot, requires the State to support the balance (Article 86.4 Land Law 2013 and Article 27 Decree 47)</p> <p>-Requires to compensate, support, and resettle to stabilize livelihoods of people whose recovered land is located in areas that pose risk to human life (Article 87.3 of Land Law 2013 and Articles 19, 20, and 21 Decree 47).</p>	Applying the objectives of the 2009 ADB SPS.
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 covers	<p>The policy principles are not limited to the DPs but:</p> <p>- Have policies to create favorable conditions for people who are directly engaged in agricultural production, forestry, aquaculture, and salt- making and do not have productive land due to the restructuring of land use and economic restructuring (Article 26.4). These households/ individuals will be granted with LURCs, ownership of housing and other assets attached to land and do not have to pay land use</p>	Applying the objectives of the 2009 ADB SPS.

them whether such losses and involuntary restrictions are full or partial, permanent or temporary.	<p>fee (Article 101.1).</p> <ul style="list-style-type: none"> - Covers both physical and economic displacement due to land recovery (involuntary acquisition of land) -Considers impacts from change of land use structure and economic structures (Article 26.4) -Covers both temporary and permanent land recovery -Covers remaining investment costs on land (Article 76). -Covers compensation for the damage caused by limited land use (Articles 94 and 157). 	
Project Policies		
<p>1. Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks.</p> <p>The involuntary resettlement impacts of a subproject funded by ADB is considered as significant if 200 people or more are greatly affected, defined as (i) relocating houses or (ii) losing 10% or more of their productive assets (income-generating).</p>	<p>-Requires that in the preparation of the district annual land use plan, the area and location of the land to be recovered to implement socioeconomic development projects should be assessed (Article 40.4.c).</p> <p>As for severely affected households when the DPs lose at least 30% of their agricultural landholdings.</p>	All subprojects shall be screened and categorized according to the degree of their involuntary resettlement impacts, physical and social
<p>2. Carry out meaningful consultations with affected persons, communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Establish a grievance redress mechanism⁶ to receive and facilitate resolution of the host affected persons' concerns.</p>	<ul style="list-style-type: none"> - Starts the conduct of public consultation (including affected land users) with the preparation of the district-level land use plan (Article 43). -Between 90-180 days before issuing decision on land recovery, State agencies are required to notify the affected land users about the land recovery (including recovery plan, investigation, measurement inventory)(Article 67). -Requires that once the plan for compensation has been approved, each person whose land is recovered (and meets the conditions for compensation) should be notified of the decision on compensation. Requires the decision to clearly (including plan, survey, and 	Participatory consultations will include non-government organizations, host communities and civic organizations will be provided with project information booklets or brochures written in language largely understood by affected persons.
Support the social and cultural institutions of displaced persons and their host population.	show the level of compensation and support, arrangement of the resettlement land or house (if any), time and place of payment for compensation or support, time to arrange resettlement land or house	

	and time of hand over, and site clearance. The organization in charge of compensation/resettlement conducts consultations with affected land users and record opinions/comments raised during the consultations. In case of disagreement, the Fatherland Association will attempt to persuade those who disagree (Article 69).	
3. Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land where or 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.	<p>-Requires that compensation be made by allocating new land with the same land use purpose with the recovered land. If there is no land available for compensation, the land users will receive cash compensation calculated on the specific land price. Requires that compensation must be democratic, objective, equal, public, timely and legally compliant. (Article 74.2)</p> <p>-Requires that specific price of the affected plot should be determined and independent/licensed valuers should be engaged in establishing cash compensation rates (Articles 114.4, 115, and 116 of Land Law 2013 and Decree 44/2014/ND-CP). However, the requirement of engaging independent/licensed valuers is still vague: article 114, provision 3 says that the province-level land administration agency is entitled to (instead of "must") hire organizations having consultancy functions for advising on the determination of specific land prices).</p> <p>-Includes the cost for moving due recovery compensation (Article 91).</p> <p>-Requires the payment of additional compensation in case of late payment (after 30 days from decision on the land recovery) (Article 93).</p>	Livelihoods and socio cultural systems of all displaced persons shall be restored, improved and culturally appropriate from pre-Project level. Affected livelihoods based on land shall be restored through: (i) land-based resettlement strategies, or cash compensation at replacement value for land when the loss of land does not undermine their livelihoods; (ii) prompt replacement of assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, (iv) employment in construction works; and (v) restoration of social networks of displaced persons.
4. Provide physically economically displaced persons with needed assistance, including the following: (i) secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities; and (ii) transitional support and development assistance, such as land development, credit	<p>-Entitles affected land users to also receive State support, including support for stabilizing livelihoods and production, support for training and career change and facilitating search for jobs, support for resettlement and other support (Article 83).</p> <p>-Requires resettlement sites to have uniformly developed infrastructure, ensuring standards, accordance conditions, practices of the specific regions, areas (Article construction codes in with the customs</p>	Physically and/or economically displaced persons shall be provided with: (i) land use right certificates in relocation land, better housing at resettlement sites with comparable access to employment, forest resources, and/or production opportunities; (ii) transportation for transfer to resettlement sites and food

facilities, training, employment opportunities; and (iii) civic infrastructure and community services, as required.	85.2),	subsidies to APs during transition and development assistance, such as land development, training, or employment opportunities; and (iii) access to social infrastructure and community services, as required
5. Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and in urban areas provide them appropriate income sources and legal and affordable access to adequate housing.	<p>-In case the amount of compensation/support is not enough to buy the minimum resettlement plot (as normally the case for poor households), requires the State to support the balance (Article 86.4)</p> <p>-Entitles people whose recovered land is located in areas that pose risk to human life (defined in Article 65.1) to receive compensation, support, resettlement to stabilize livelihoods (Article 87.3)</p> <p>-State guarantees to develop policies to facilitate those who are directly involved in agricultural, aquaculture, salt production and who are lacking the land for production due to change of land use structure and economic structure (Article 26.4). Such households/ individuals shall be granted certificate of land use right, houses and other land- attached assets without having to pay land use fee (Article 101.1).</p>	Ward PC/ CPC shall issue certificates confirming their poor social status. Other vulnerable groups as defined by ADB will be provided with assistance according to the regulations of the project
6. 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.	-Article 73 of the Land Law covers negotiated settlement for land transfer for projects, facilities for project and business purposes – not in the event of land recovery by the state.	As per 2009 SPS, the borrower/client will ensure that any negotiations with displaced persons openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions. The borrower/client will agree with ADB on consultation processes, policies, and laws applicable to such transactions; third-party validation; mechanisms for calculating the replacement costs of land and other assets affected; and record-keeping requirements
7. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for full resettlement	-For relocating households who are not eligible for compensation with residential land, but have no other place to live, the State sells, leases, provides rent-to-own houses or	The absence of legal rights of affected persons on the acquired land is not a hindrance to receiving

assistance and compensation for loss of non-land assets at 100% (as long as they settled in the project area before the cut-off date)	allocates land with land use fee (Article 79.2). -Not compensating for the assets which are (i) illegally created; (ii) created after the notice of land recovery; and (iii) social infrastructure and other construction facilities which are no longer in use (Article 92) of the Land Law.	compensation for other assets and for rehabilitation assistance
8. 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. Incorporating into the plan all of the resettlement costs when presenting the cost and benefits of the project.	The land law requires for a compensation plan that shows the level of compensation and support, arrangement of the resettlement land or house (if any), time and place of payment for compensation or support, time to arrange resettlement land or house (if any) and time to hand over the recovered land to the organization in charge of compensation. As for the projects that have significant impacts on involuntary resettlement, it is necessary to consider the implementation of the involuntary resettlement component of the project as a stand-alone project; Resettlement cost is included in the total investment.	Resettlement plan shall be prepared in case of land acquisition, complete with necessary information
9. Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner before appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons other stakeholders	-Requires that the compensation plan is disclosed to the affected land user and the community where land recovery will be made.	Disclose a draft RP including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final RP and its updates to affected persons, and other stakeholders.
10. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation	-Requires that land recovery be conducted only after the construction of houses or infrastructure in the resettlement area is completed (Article 85). -Requires affected land users to handover the land within 30 days after agreeing to the compensation/allowances offered. Agencies making the compensation are required to pay compensation within 30 days. In case of delay, additional compensation for delayed payment should be made.	RP shall be prepared as part of the Project or it may be a stand-alone document for implementation, showing the full cost of execution if the impacts shall displace persons. Compensation/allowances shall be received by the APs, before the handing over of their land or removal of their affected assets.

<p>11. Grievance redress mechanism</p>	<ul style="list-style-type: none"> - Citizens have the right to supervise management land compensation, assistance and resettlement. The competent state agencies upon receiving opinions from citizens have to examine, settle and respond to the opinions of the reporting organizations or individuals (Article 199). - Allowing the DPs whose land is acquired to send petition according to the mechanism and procedures of the Law on Complaints and land including recovery, Denunciations. For violations committed by civil servants or public employees working at a land administration agency (including land acquisition), the petition shall be sent to the competent agencies depending on the nature of the petition and concerned civil servants or public employees (Article 209). 	<p>A four-step grievance redress mechanism in compliant with the Complaint Law will be established and disseminated to the stakeholders.</p> <p>Complaint fees are the responsibilities of the project owner.</p>
<p>12. 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.</p> <p>Monitoring indicators are defined for internal monitoring and external monitoring; Disclosing monitoring reports.</p>	<ul style="list-style-type: none"> -Empowers citizens to supervise and report on breaches in land management and land use including land recovery, compensation, support and resettlement (Article 199). -Mandates the government to develop a system for monitoring and evaluation on land management and land use including land pricing, land recovery, settlement of disputes, etc. to be sent periodically to the government and the National Assembly (Article 200). <p>Monitoring indicators are not specified.</p>	<p>Mechanism for resettlement monitoring and evaluation shall be established. An internal monitoring mechanism and/or an external monitoring agency/expert (in case of significant impacts) will be recruited to implement monitoring activities of the project (if necessary).</p>

V. PROJECT PRINCIPLES, ELIGIBILITY AND ENTITLEMENTS

A. Project Resettlement Principles

52. The basic principles of this project relating to involuntary resettlement are the following:

- 1) Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimized where possible by exploring all alternative options;
- 2) APs residing, working, doing business and cultivating land within the required project area during the census survey carried out during the updating of the RP (the cut-off-date when the project is approved) will be entitled to compensation and rehabilitation assistance to assist them in improving, or at least maintaining, their pre-project living standards and productive capacities;
- 3) No land acquisition or site clearing will be done inside the ROW in anticipation or ahead of it being considered for implementation under the Project. Similarly, no land acquisition or site clearing will be done inside the ROW until and after the updated RP has been agreed upon by GOV and ADB, and until and after all entitlements due to the AHs as provided for in this resettlement policy have been delivered
- 4) Lack of formal legal title or rights will not be a bar to eligibility for compensation and assistance under the project. AHs without title or any recognizable legal rights to land are eligible for resettlement assistance and compensation for non-land assets at replacement cost;
- 5) APs will not be displaced until they have been compensated as per the provisions of this RP and rehabilitation measures are in place;
- 6) All compensation will be based on the principle of replacement cost at the time of compensation. For houses and other structures, this will involve the costs for materials and labour at the time of acquisition, with no deduction for depreciation or for salvageable materials. Compensation for land will be replacement land or, in cases where replacement land is not available or the household opts for cash compensation, cash adequate to purchase land locally of equivalent size and quality, cover the cost of transaction, necessary fee to obtain legal titles (LURC) and where required to improve land if the land provided as replacement is of inferior quality;
- 7) The rate for compensation will follow the entitlement matrix (below) that will be revised at the time of updating the RP
- 8) The process and timing of land and other physical asset acquisition will be determined in consultation with APs to minimize disturbance;
- 9) If unanticipated involuntary resettlement impacts or temporary impacts occur during project implementation, the project is required to conduct a social impact assessment and then update the resettlement plan or formulate a new resettlement plan. All temporary and unanticipated impacts will be addressed as per the principles in this RP;
- 10) APs will be systematically informed and consulted about the project, the rights and options available to them and proposed mitigating measures. The comments and suggestions of APs and communities will be taken into account;
- 11) The key information in the RP such as measurement of losses, detailed asset valuation, compensation and resettlement options, detailed entitlements and special provisions, grievance procedures, timing of payments and displacement schedule will be disclosed to APs in an understandable format including through the distribution of

public information booklets (PIBs) prior to submission to ADB for review and approval. The RP will also be translated in to Vietnamese and disclosed at the project office;

- 12) Resettlement planning and implementation will ensure that gender concerns are incorporated, including gender-specific consultation and information disclosure. This includes special attention to guarantee women's assets, property, and land-use rights, and to ensure the restoration of their income and living standards;
- 13) Existing cultural and religious practices will be respected and, to the maximum extent practical, preserved;
- 14) Special measures will be incorporated in the RP to protect socially and economically vulnerable groups such as ethnic minorities, women-headed households, children, households headed by the disabled, the elderly, landless and people living below the generally accepted poverty line. Vulnerable APs will be provided with appropriate assistance to help them improve their standard of living through asset building strategies such as provision of land, replacement housing of minimum standards and increased security of tenure;
- 15) There will be effective mechanisms for hearing and resolving grievances during updating and implementation of the RP;
- 16) Institutional arrangements will be in place to timely and effectively implement the land acquisition, compensation, resettlement, and rehabilitation programs with full participation and meaningful consultation with AHs;
- 17) Adequate budgetary support will be fully committed and made available to cover the costs of land acquisition and resettlement within the agreed implementation period;
- 18) Culturally-appropriate and gender-sensitive appropriate reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system;
- 19) Voluntary donation will not be applied for any assets;
- 20) Civil works contracts will not be awarded for a specific subproject or geographic area until (i) compensation payment and relocation (as required) have been satisfactorily completed for that subproject or geographic area; (ii) agreed rehabilitation program is in place; and (iii) the area is free from all encumbrances as per approved RP;
- 21) Cash compensation or replacement land for affected households losing entire residential land will be made available well ahead of civil works to allow the affected households sufficient lead time to reconstruct their houses; and
- 22) No demolition of assets will be done until the affected household is fully compensated and relocated.

B. Eligibility and Entitlements

53. **Eligibility.** All APs who were identified in the project-impacted areas on the cut-off date will be entitled to compensation for their affected assets and to 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 based on the date of completion of DMS and approval of the project by the Mong Cai City authorities. Those who encroach into the subproject area after the cut-off date will not be entitled to compensation or any other assistance.

54. **Entitlements.** The entitlement matrix in Table V-1 includes the main types of losses and the corresponding nature and scope of entitlements. The detailed civil works design, DMS and socioeconomic surveys will be the basis for verifying actual impacts on land, structures (walking trail and stone embankment), crops and trees, and aquaculture products. Compensation and assistance described in the Entitlement Matrix are consistent with the SPS requirements. Standards rates and compensation entitlements described in the Entitlement Matrix will not be lowered but can be enhanced in the updated subproject RP as required

55. Voluntary donation will not be applied for any assets.

56. The basis for compensation rates are the detailed engineering designs, DMS and socioeconomic surveys.

Table V-1: Project Entitlement Matrix

Types of loss/impacts	Level of impact	Entitled persons	Entitlements	Implementation issues
1. Land				
Productive land (agriculture land, aquaculture land, land used for perennial tree plantation, land used for production and business operation)	Full and Partial loss	Legal owners of land with LURCs or legalizable 13 AHs (60 APs) 1 enterprise 3 CPCs	Compensation at cash for permanently acquired land based on replacement cost; and Compensation for affected assets on land at replacement cost, see below item 2	AHs will fully receive the compensation at the replacement cost before site clearance. They will keep using the remaining part for their production purposes. Land-for-land option will not be applicable in this project as all AHs have shown preference for compensation in cash.
2. Crops and trees				
Tree and crops (paddy rice, eucalyptus)	Loss of or damage to vegetation	Owners regardless of tenure status Crops: 12 AHs and 1 CPC Trees: 1 AH and 1 CPC	For trees and crops, compensate at cash, current market price at moment of compensation. As per provincial latest regulations.	APs have the right to use salvageable trees. APs will be given three months notice that the land/fishponds on which their products are located will be recovered and that they must harvest their produce on time. APs will receive cash compensation at current market cost for any unharvested produce that are near or ready to harvest at the time of land

Types of loss/impacts	Level of impact	Entitled persons	Entitlements	Implementation issues
				acquisition
3. Aquaculture products				
Aquaculture products (fish)	Loss of or damage to aquaculture products	Owners regardless of tenure status 1 AH (4 APs)	For aquaculture products, compensate at cash, current market price at moment of compensation. As per provincial latest regulations.	APs will be given three months notice that the land/fishponds on which their products are located will be recovered and that they must harvest their produce on time. APs will receive cash compensation at current market cost for any unharvested produce that are near or ready to harvest at the time of land acquisition
4. Private structures				
Concrete works Embankment/walk way	Loss or damage to assets	HH or private organizations or CPC 1 enterprise	Compensation by replacement costs or restoration of affected works same as their original status	Compensation by cash as per estimated as per market price either per by m ² or cubic meter.
5. Assistance				
Assistance for job training/creation	Losing productive land	AHs who will lose productive land 13 AHs (60 APs)	- The assistance for land of annual trees plantation, land of aquaculture, land of salt making shall be 2.5 times as much as that for agricultural land	-The assistance provided will be 2.5 times the cost the land at market price
Assistance to living settlement	Permanent loss (losing 10% and more productive assets)	AHs who will lose 10% and more productive assets 13 AHs (60 APs)	APs that lose 10% or more productive assets will be entitled to participate in an income restoration package and be compensated as follows: @ Loss<10% = 2000VND/m ² @ 10%≤loss<70% = 30kg rice /month/person X 6 months @Loss>70% = 30	The project will apply the entitlements stipulated in the national and provincial decree/decisions

Types of loss/impacts	Level of impact	Entitled persons	Entitlements	Implementation issues
			kg rice/month/personX1 2 months	
Assistance for severely affected AHs	Household who loss of 100% productive land permanently	Household who loss of 100% productive land permanently 1 AH (4 APs)	The AH severely affected with mean of production will be given cash assistance for the loss of productive land equivalent to 30% of the annual average for the last 3 years net income (this amount is equivalent to 100% of monthly net income for 3.6 months)	The AH severely affected with mean of production will be given cash assistance for the loss of productive land equivalent to 30% of the annual average for the last 3 years net income (this amount is equivalent to 100% of monthly net income for 3.6 months)
Unanticipated impacts /assistance	Severe Losses identified during updating RP	Applicable to AHs or APs	To be determined or revised during RP updating. All unanticipated impacts to be addressed as per principles in the RP.	Will assist / compensate to the extent of the loss in agreement with provincial regulations Organisation of training and microcredit support by the PPC

C. Income Restoration Strategy

57. The compensation and rehabilitation measures for affected persons will ensure that they do not experience losses as a result of the subproject. Public consultations during the RP updating stage the affected persons will be given guidance on business planning to encourage them to save their compensation to re-invest in their business following the subproject improvements. In addition, affected persons will be included in the lists of participants taking part in micro- and small-enterprise development training and tourism service training supported by the project, given that tourism and micro- and small- trading business is very popular in the border town. The DRC/PPC will organize training course based on the ability of APs and support with microcredit to launch their activities. During the implementation of RP further consultations with the APs will be carried out to determine their needs and preferences and to formulate appropriate income rehabilitation measures.

58. If during detailed design it is determined that any business needs to relocate, such businesses will be provided with a new suitable location to establish their business. .

59. **Gender and Vulnerable Groups:** There are no vulnerable households found among the affected households. Only 1 household is headed by woman. The socio-economic survey and IOL during the updating the RP will further verify presence of any vulnerable household and formulate appropriate rehabilitation measures. A number of strategies will be adopted to ensure gender-sensitive resettlement and rehabilitation measures, and to engage women actively in the planning and implementation of the resettlement program as well as other programs. The DRC, resettlement specialists, and gender specialists will be directly involved in RP updating and implementation to ensure that these measures are adequately implemented.

60. The DRCs and resettlement specialists will make concerted efforts to consult with women APs (household heads and women in AP households). This will be done through individual and women focus group discussions. The involvement of local VWU representatives will be crucial in facilitating these consultations and ensuring women's specific needs are met. Women will also be consulted specifically to determine the support services and skills training activities to be provided. Compensation payments will be signed off by both spouses, or in the case of female headed households, by the affected women.

VI. UPDATING AND IMPLEMENTATION OF THE RESETTLEMENT PLAN

A. Updating

61. This RP will be updated once the subproject's detailed civil works design is complete. The updating will consider any change in design that alters the resettlement impacts, and required compensation/livelihood restoration. Updating of the RP will involve the following steps:

- Undertake a Detailed Measurement Survey (DMS) of all losses of AHs. Before undertaking the DMS, all AHs will be informed (without discrimination) about the subproject, its likely impacts, and principles and entitlements as per the RP;
- Update the socioeconomic information gathered during project preparation to establish the baseline of APs as required;
- Identify and document the process for compensation for the affected persons and that they will receive proposed allowances/training for restoration of their livelihoods as set out in the entitlement matrix;
- Determine the losses in accordance with the entitlement matrix and update the compensation rates for allowances, and verify rates in accordance with ADB guidelines;
- Provide project and resettlement information to all persons affected in a form and language that are understandable to them, and closely consult them on compensation and resettlement options, including measures to compensate for economic losses and relocation (if necessary);
- Prepare the final RP with time-bound implementation schedule, procedures for grievance redress, monitoring and evaluation, and a budget;
- Translate it into Vietnamese; and
- Disclose the draft and final RP to the affected communities and on the ADB website, in accordance with ADB's Public Communications Policy (2011). The draft RP will be disclosed to APs prior to ADB's staff review meeting. The final RP will be disclosed during implementation. An updated public information brochure based on updated resettlement plan will be provided to APs. Surveys to be used to gather information to update the RP are shown in Table VI-1.

Table VI-1: Surveys for Resettlement Plan Updating

<p>Detailed Measurement Survey (DMS)</p>	<p>The DMS will cover 100% of APs following detailed engineering design. The data collected during the DMS will constitute the formal basis for determining AP entitlements and levels of compensation. For each AP, the scope of the data will include:</p> <ul style="list-style-type: none"> (i) Total and affected areas of land, by type of land assets; (ii) Total and affected areas of structures, by type of structure (main or secondary) and construction grade; (iii) Legal status of affected land and structure assets, and duration of tenure and ownership; (iv) Quantity and types of affected crops and trees; (v) Quantity of other losses, e.g., business or other income, jobs or other productive assets; estimated daily net income from informal shops; (vi) Quantity/area of affected common property, community or public assets, by type; (vi) All the impacted assets will be quantified and the severity of the losses will be assessed during the DMS (viii) Summary data on AP households, by ethnicity, gender of head of household, household size, primary and secondary source of household income viz-a-viz poverty line, income level, and whether household is headed by the elderly, disabled, poor or indigenous peoples; (ix) Identify whether affected land or source of income is primary source of income; and (x) AP knowledge of the subproject and preferences for compensation and, as required, relocation sites and rehabilitation measures.
<p>Socioeconomic Survey (SES)</p>	<p>The SES will collect information from 100% of affected households/APs, disaggregated by gender and ethnicity. The purpose of the SES is to provide baseline data on APs to assess resettlement impacts, and to be sure proposed entitlements are appropriate, and to be used for resettlement monitoring. The scope of data to be collected includes:</p> <ul style="list-style-type: none"> (i) Household head: name, sex, age, livelihood or occupation, income, education and ethnicity; (ii) Household members: number, livelihood or occupation, school age children and school attendance, and literacy, disaggregated by gender; iii) Land tenure status with all the variation if multiple, (iv) List of assets and the mode of ownership over the assets (iii) Living conditions: access to water, sanitation and energy for cooking and lighting; ownership of durable goods; and (iv) Access to basic services and facilities.
<p>Replacement Cost Survey (RCS)</p>	<p>The PCU/PIU will engage a specialist to conduct the RCS in parallel with DMS and SES activities by collecting information from both secondary sources and primary sources (direct interviews with people in the affected area, material suppliers, house contractors), and from both those affected and those not affected. The government rates will be adjusted, as necessary, based on the findings of a RCS. Compensation rates will be continuously updated to ensure that APs receive compensation at replacement cost at the time of compensation payment.</p>

B. Implementation

62. Land acquisition, compensation and relocation (if necessary) of AHs cannot commence until the RP has been reviewed and agreed on by the Government of Viet Nam and ADB. All resettlement activities will be coordinated with the civil works schedule. The Notice to Proceed for civil works contractors will not be issued for subprojects with resettlement impacts until compensation payment has been fully disbursed to AHs, agreed rehabilitation assistance is in place, and the site is free of all encumbrances.

VII. INSTITUTIONAL ARRANGEMENTS

63. The role and functions of each organization responsible for resettlement implementation is outlined below:

64. **Executing Agency:** The Provincial People Committee is the project's executing agency (EA). The PPC-based Project Coordination Unit (PCU) and Project Implementation Unit (PIU) embedded in the Quang Ninh Provincial People's Committee will be responsible for updating and implementation of this RP. The PCU will coordinate with the Provincial People's Committee and the PIU to ensure that the compensation is administered according to the provisions of this RP.

65. **Provincial People's Committee (PPC).** The Quang Ninh PPC is responsible for resettlement activities within its administrative jurisdiction. The main responsibilities of the PPC include:

- Review and approve the updated Resettlement Plan to be developed following the subproject detail design;
- Providing guidance in the updating and implementation of the RP; Issuing decisions on approving land valuations applied for compensation, allowances and other supports to APs, especially vulnerable groups, based on principles of RP;
- Approve and allocate budget for compensation, support and resettlement; Directing and supervising relevant departments of the province to effectively implement the RP;
- Authorizing the district-level People's Committee to approve compensation, assistance and resettlement plans; Settling APs' complaints and grievances related to compensation, assistance and resettlement according to their law-prescribed competence;
- Instruct the Land Fund Development Centre (if applicable) to conduct the Detailed Measurement Survey in coordination with the District.

66. **District People's Committee (DPC)** is responsible for following primary tasks:

- Establishing the DRC and directing the DRC and relevant district departments to appraise and implement the detailed compensation, assistance and resettlement;
- Approving the compensation plans in line with the resettlement plan if authorized by the PPC and monitoring the progress of land acquisition and resettlement implementation in compliance with the updated RP;
- Directing Commune People's Committees and relevant organizations on various resettlement activities;
- Resolving complaints and grievances of APs.

67. **District Resettlement Committee (DRC)** its composition includes the Vice-Chairperson of the DPC (playing role as the head of DRC), the representatives of Department of Natural Resources and Environment, Department of Finance, Department of Agriculture, CPC Chairmen, members of District Farmers' Association and the Women's Union. The main responsibilities of the DRC are the following:

- Organize, plan and carry out compensation, assistance and resettlement activities;
- Conduct the Detailed Measurement Survey, consultation and disclosure activities;
- Design and implementation of income restoration programs in coordination with various stakeholders;

- Prepare compensation plans in line with the resettlement plan and submit to the DPC for approval. Implement compensation, assistance and resettlement; Take responsibility for legal basis applied in compensation, assistance and resettlement policy following approval of the RP;
- Lead and coordinate with the CPCs in the timely delivery of compensation payment and other entitlements to affected households;
- Assist in the resolution of APs' grievances.

68. **Commune People's Committee (CPC)** will assist the DRC in their resettlement tasks. Specifically, the CPC will be responsible for the following:

- Assign commune officials to assist the DRC in the updating of the RP and implementation of resettlement activities;
- Sign the Compensation Agreement Forms along with the affected households;
- Assist in the resolution of grievances; and,
- Actively participate in all resettlement activities and concerns.

69. **Project Implementation Consultants.** The project will engage an international social safeguards specialist (3 months) and a national social safeguards specialist (12 months) to support the PCU and PIUs in handling resettlement issues. The TORs for the same is included in the Annex 6. The resettlement consultants will have experience in both planning and implementation of resettlement plans in Viet Nam.

70. The specific tasks of the international social safeguards specialist will include:

- According to the provisions in the social safeguard plans, assist in preparing the materials and strategy for information campaigns, public consultation and community participation;
- Review the survey materials and method to complete the detailed measurement survey during detailed design and recommend improvements as required;
- Update the Resettlement Plans, and follow-up to ensure their approval by the PPC;
- Update and support implementation of the RP; in coordination with the Gender Specialist, prepare training modules;
- Brief officials at all levels on the content and procedures for implementing the social safeguard plans and improve, if necessary, procedures for the coordination of resettlement, compensation and implementation of RP activities;
- Ensure that mechanisms to address grievances promptly and properly are in place and functioning well;
- Establish and implement procedures for ongoing internal monitoring;
- Train PCU and PIU assigned social safeguard focal persons to carry out internal monitoring and reporting of social safeguards plans.

71. The national social safeguards specialist will:

- Support the PCU and provincial PIUs in implementing the Resettlement Plans for all subprojects;
- Assist in the conduct of the information campaigns, public consultation and community participation on social safeguards;

- Coordinate the detailed measurement survey with district officials at the time of the detailed design and update the list of affected persons; Assist the international social safeguards specialist to update the Resettlement Plans;
- Advise PCU and international social safeguards specialist on how to improve procedures for the coordination of resettlement, compensation and implementation of actions;
- Verify the calculations of compensation made by the Provincial and District Resettlement Committee in relation to the provisions of the RP entitlement matrix, and advise the PCU/PIU on any required measures to take to ensure compensation levels are made according with the RP provisions;
- Monitor compensation payment and advise the PCU/PIU of an actions to take to ensure compensation is paid in full and in a timely manner; Ensure that grievances are addressed promptly and properly and that the grievance redress mechanism is functioning well;
- Provide periodic training on grievance redress if needed; Establish and implement liaison mechanisms to ensure proper technical and logistical support to the PCU local administrative authorities, resettlement committees and concerned government departments;
- Establish and implement procedures for ongoing internal monitoring;
- Design and deliver capacity development activities on ADB social safeguard policies for all relevant agencies, as needed, including requirements for participation, communication and gender mainstreaming;
- Train PCU and PIU assigned social safeguards focal persons to carry out internal monitoring and reporting on the RPs; and Monitor grievance process from all the affected households.

Center for Land Fund Development

72. A new resettlement organization was established at the provincial and district level. Since 2010⁴, the Centers for Land Fund Development (CLFD) have been given more responsibilities. CLFD at the provincial level are under DONRE while at the district/City level they are under the District/City People's Committees.

73. In Mong Cai, the CLFD was established on 29 April 2010, under management of Mong Cai City People's Committee, with the functions of compensating, assisting, and conducting resettlement; creating land fund to hold auctions of land use right, developing economy and society as well as stabilizing real estate market; conducting transferring of land use right; developing resettlement areas; investing in construction of infrastructure; bidding land use right; procuring projects using land; managing land fund acquired, transferred, created, developed in terms of resettlement and land clearance.

74. In this specific project, the CLFD will execute the following tasks:

- Issue Notice of Land Acquisition when the project will be formally approved;
- Inform AHs about Detailed Measurement Survey process;
- Conduct Detailed Measurement Survey;

⁴ Circular No 01/2010/TTLT-BTNMT-BNV-BTC Guiding the functions, tasks, powers, organizational structure and financial mechanism of land fund development organizations.

- Prepare AHs database;
 - Prepare compensation plans in line with resettlement plans;
 - Prepare individual “AH Compensation Forms” which detail all types of losses with its corresponding established compensation rates. This will also include all types of relocation and rehabilitation assistance.
 - Inform AHs regarding payment schedule at least two (2) weeks in advance.
 - Present proposed compensation amounts to AHs and explain in detail the AH’s rights and entitlements based on Project policies and explain how compensation amounts were calculated.
 - If compensation payments are acceptable to AHs, process payment and inform AHs of exact date of release of payment.
 - Effect compensation payment. Copies of compensation payment documents will be provided to AHs. Copies will also be provided to the Implementation and Support Consultants and external agency for monitoring and reporting.
 - Review grievances in consultation with main stakeholders and HH who raised grievances. Submit recommendation to solve grievance to District and Province PC;
75. Prepare and update regularly a database and lists of AHs, including information regarding disbursement dates for monitoring purposes.

VIII. INFORMATION DISCLOSURE, CONSULTATION, AND PARTICIPATION

A. Stakeholders

76. Publication and dissemination of information are not only the requirements of international donors but also regulations of the Government of Vietnam in Article 69, Law on Land (2013), and Article 28 (item 2) of Decree No. 47/2014/ND-CP.

77. In accordance with the Article 69 of Land Law 2013, and the 2011 Public Communications Policy by ADB, Ha Long PPC representative will foster the participation of the key stakeholders of the project. The stakeholders will participate in information disclosure and dissemination processes as well as consultation activities at community level, including (i) District People Committee; (ii) CPCs; (iii) local mass organizations; (iv) representatives of the affected companies/organizations; and (v) local communities in the project area.

B. Objectives of consultation

78. The overall objectives of the consultation program and community information campaign are to disseminate information and collect feedback from key related parties on aspects of compensation and resettlement planning:

- Minimize possible conflicts.
- Minimize the risk of project delays.
- Ensure that the preparation and implementation of resettlement plan is conducted transparently.

79. Key objectives and principles are:

- To share main information about the project to the affected persons, local authorities and other related parties (project background, objectives, plans for study, environmental and relocation issues).
- To gather information on the need and priorities of the affected persons, local communities, local governments, non-governmental organizations as well as reactions/feedback against the compensation, support and resettlement policies, as well as other related activities.
- To attain the cooperation and participation of the affected persons, the relevant units through all stages of planning and implementation of site clearance and resettlement.
- To ensure transparency in all activities related to land acquisition, compensation, resettlement and rehabilitation measures.

80. Through the full and active participation, needs and desires of the local population will be discussed and listened to. Households and other related parties will be consulted during the preparation and implementation of resettlement plan. This is a two-way process to publish and disseminate information and collect feedback and recommendations to prepare and implement the resettlement plan.

81. Dissemination of information, consultation and participation should be carried out in the resettlement plan preparation stage and will continue throughout the implementation phase of the resettlement plan.

C. Public consultations during RP preparation

82. Two rounds of public consultation for the waste water treatment plant were conducted in the village in Hai Xuan commune. The consultation with concerned stakeholders took place at the community hall of Dong village on the 30th of January 2015. The participants were PPTA Resettlement Specialist, Representative of Hai Dong Communal Leadership – the Head and Deputy of Dong village – 8 representatives of affected households (out of 12 AHs) including 2 women and 6 men. Another consultation with 1 affected household and representative of Hai Yen Communal Leadership was conducted on 29th January 2015. The list of attendees and photos are provided in the Annex 2.

83. The participants were provided information on the project objectives; project components in Mong Cai City in general and Hai Xuan and Hai Yen communes in particular; potential benefits and adverse impacts; key principles of compensation policy of the ADB and its differences compared with prevalent laws and regulations in Vietnam; and the grievance redress mechanism.

84. Comments from participating AHs:

- Mr. Tran Van Duong: strongly supports the Project. The project is expected to be implemented as soon as possible.
- Ms. Nguyen Thi Thu: we are farmers whose income mainly comes from agricultural production. When the State acquires the land, we are willing to support the project. However, we hope that there would be a proper compensation policy to assist us stabilizing our lives.
- Mr. Tran Duc Thinh: there should be a careful calculation of compensation option.
- Ms. Tran Thi Yen (wife) representing household's head of Dang Van Lan: we support the project. However, we would like to request the project to acquire the rest of our land as the remaining area will be too small to continue cultivating.
- Mr. Nguyen Van Sinh: we have no objection to this project. We are concerned on the price and assistance. We are also worried about the potential pollution caused by the wastewater treatment plant.
- Ms. Hoang Anh: our family fully supports the project, which will help us to have better sanitation conditions. We expect the project to fairly compensate at market price at the time of acquisition.

85. Feedback from the consultant:

- The Consultant has received all the constructive comments of AHs and will report to the project authorities.
- The treatment plant will be constructed with advance technology that is expected to help better environmental conditions.
- As this is just a preparatory phase of the project, all information is just preliminary. When the project is approved, there will be more meetings for public consultation. The community is expected to support the project.
- All specific information on price unit of compensation at the moment is not accurate as it is always updated. According to the new law promulgated in 2013, there will be a price survey and compensation option for each component.

86. A consultation with representative of Loi Lai hotel (1 deputy director and 1 staff), representatives of Ka Long ward people committee, and representative of Mong Cai people committee (chairman), bureau of urban management was held on 12 March 2015 to identify the level of impact to the enterprise and people committee.

87. Ka Long ward people committee and Mong Cai people committee confirmed their ownership of the land plot of 3,500sqm belong to the ward.

88. All of the participants confirmed status of the land owned by the hotel, the boundary of the hotel, and the loss of 2,500sqm of land and structure due to the embankment of the river. The hotel confirmed their full support to the project, which will bring benefit to the city people in general and to the hotel in particular.

D. Consultation and information disclosure plan during project implementation process

89. The consultations with APs will be carried out throughout the project cycle, starting with mobilization of the PMUs so that APs needs and preferences can be incorporated into the detailed design arrangements, where practicable. APs will also be encouraged to participate in various RP processes such as the: (i) DMS, (ii) RCS, (iii) identification of sites, (iv) payment of compensation and delivery of other assistance, (v) monitoring of impacts and benefits, and (vi) discussion and settlement of grievances. The scope of information to be provided to APs includes: (i) descriptions of the project/subprojects and overall schedule, (ii) DMS and RCS results, (iii) policy principles and entitlements and special provisions, (iv) grievance procedures, (v) timing for payments and temporary displacement schedule, and (vi) institutional responsibilities.

E. Post-project implementation

90. The PPC will inform the ADB following the Project completion. As part of the appraisal, all aspects of the Project such as technical, finance, economics, environment and RP shall be evaluated if their respective objectives have been met as to their relevance, efficacy, efficiency and sustainability. The Quang Ninh PPC will coordinate with the commune and village officials to inform the APs to participate in the consultations and interviews that shall be conducted by the Bank's Independent Evaluation Division.

F. Disclosure

91. The RP will be translated and distributed to the provincial and district authorities and will be posted on ADB's website prior to project appraisal. With support from the PMU, the DRC will be responsible for the disclosure of the RP to affected persons. After the detail design and prior to the DMS, the Public Information Booklet (PIB) will be updated and disclosed to the affected people. The updated RP will be posted on the ADB website following the DMS at the detail design stage. Monitoring reports on resettlement will also be uploaded on ADB's website. The draft PIB is attached as Annex 3.

92. Updating and dissemination of the resettlement plan is integral to the project's Stakeholder Communication Strategy designed to support review, updating and dissemination of the RP through (i) establishment, and regular consultation with, local focal points in all subproject areas; (ii) community meetings in parallel with detailed infrastructure design; (iii) individual consultations with potential/affected persons; and (iv) joint meetings between officials, potential/affected persons, project staff, and civil society/mass organizations on matters of resettlement planning, implementation, and monitoring.

IX. GRIEVANCE REDRESS MECHANISM

93. In order to ensure that all APs' grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to APs to air their grievances, a well-defined grievance redress mechanism needs to be established. All APs can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition and grievance redress. APs are not required to pay any fee during any of the procedures associated with seeking grievance redress including if resolution requires legal action to be undertaken in a court of law. All expenses related to grievance will be borne by the project.

94. The grievance redress procedure shall be implemented as follows:

First Stage, Commune/Ward People's Committee.

95. An aggrieved APs may bring his/her complaint to the One Door Department of the Ward People's Committee, in writing or verbally. The member of WPC at the One Door Department will be responsible to notify the WPC leaders about the complaint for solving. The Chairman of the WPC will meet personally with the aggrieved APs and will have 30 days following the receiving date of the complaint to resolve it. The WPC secretariat is responsible for documenting and keeping file of all complaints handled by the WPC.

Second Stage, District People's Committee.

96. If after 30 days the aggrieved affected household does not hear from the WPC/CPC, or if the APs is not satisfied with the decision taken on his/her complaint, the APs may bring the case, either in writing or verbally, to any member of the DPC of the district. The DPC in turn will have 30 days following the receiving date of the complaint to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles and will inform the DCARB of district of any decision made.

Third Stage, City People's Committee (City PC).

97. If after 30 days the aggrieved APs does not hear from the DPC, or if the APs is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing or verbally, to any member of the City PC. The City PC has 45 days within which to resolve the complaint to the satisfaction of all concerned. The City PC is responsible for documenting and keeping files of all complaints handled by the City PC.

Final Stage, the Court of Law Arbitrates.

98. If after 45 days following the lodging of the complaint with the City PC, the aggrieved affected household does not hear from the City PC, or if he/she is not satisfied with the decision taken on his/her complaint, the case may be brought to a court of law for adjudication. Decision by the court will be the final decision.

99. Decision on solving the complaints must be sent to the aggrieved APs and concerned parties and must be posted at the office of the People's Committee where the complaint is solved. After three days, the decision/result on solution is available at commune/ward level and after seven days at district or city level. The Grievance redress procedure shall also be made available in the project's Public Information Booklet. The PMU and the DCARBs are responsible for following-up the grievance process of the APs.

100. If efforts to resolve complaints or disputes are still unresolved and unsatisfactory following the project's grievance redress mechanism, the households have the right to send their concerns or problems directly to ADB's Southeast Asia Department (SERD) or through ADB Viet Nam Resident Mission. If the households are still not satisfied with the responses of SERD, they can directly contact the ADB's Office of the Special Project Facilitator as

outlined in the Information Guide to the Consultation Phase of the ADB Accountability Mechanism.

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

102. The above grievance redress mechanism will be disclosed and discussed again with the APs prior to loan appraisal by ADB and during the updating of this RP to ensure that the grievance redress mechanism and its procedures are fully understood by the APs. The PPC and the DCARBs are responsible for following-up the grievance process of the APs.

X. MONITORING AND EVALUATION

103. The implementation of the updated RP will be monitored regularly to ensure that it is implemented as planned and that mitigating measures designed to address the Project's adverse social impacts are adequate and effective. The resettlement monitoring will be done by the community, and internally by the PMU.

A. Community Monitoring

104. Community-based monitoring (CBM) is a form of public oversight, ideally driven by local information needs and community values, to increase the accountability and quality of social services or to contribute to the management of ecological resources. Within the CBM framework, members of a community affected by a social program or environmental change generate demands, suggestions, critiques and data that they then feedback to the organization implementing the program or managing the project.

105. People in the subproject area are encouraged to monitor the implementation of RP, especially the affected people by comparing what they received with what stated in the RP.

B. Internal Monitoring

106. The objectives of internal monitoring and evaluation is to assess:

- (i) Compliance with the agreed RP;
- (ii) The availability of resources and the efficient, effective use of these resources to implement land acquisition and resettlement activities;
- (iii) That resettlement institutions are well-functioning during the course of project implementation;
- (iv) Resettlement activities are undertaken in accordance with the implementation schedule described in the RP;
- (v) To identify problems, if any, and remedial actions.

107. Primary responsibility for internal monitoring lies with the PMU as the project-implementing agency. The PMU will be responsible for overseeing the formation, function, and activities of each of the provincial and district bodies responsible for resettlement. The PMU will ensure that information on resettlement progress flows from DCARBs. The DCARB will submit monthly progress reports to the PMU. The PMU will consolidate all provincial reports into the project performance monitoring system, which will be used to prepare regular quarterly progress reports to submit to ADB. All data will be gender and ethnicity disaggregated. Monitoring reports will be uploaded on the project website and will be disclosed to the key stakeholders.

108. The PMU will develop an internal monitoring schedule, indicators, procedures and reporting requirements for all subprojects. Internal monitoring indicators will include but not limited to:

- (i) Payment of compensation to affected persons in accordance with the agreed Resettlement Policy specified in the RP;
- (ii) Coordination and completion of land acquisition, compensation and all resettlement activities prior to commencement of civil works;
- (iii) Adherence to public information dissemination consultation procedures, and report on activities; and
- (iv) Adherence to grievance redress procedures, and report of activities. Sample indicators to be monitored regularly.

109. The number of severely affected APs is low. Therefore, external motoring is not required in the subproject.

XI. BUDGET

110. The RP budget is presented below. The estimated total direct cost for compensation and assistance is 19,273,403,500 VND (USD 917,781.12), and the grand total including 2% for management cost and 10% contingency is 21,586,211,920 VND (USD 1,027,914.85). The basis for calculation of the value of the losses of land was made as per provincial regulations and consultation with the local people. The compensation rates for crops, trees, aquaculture products, and structures are following the Decision 1766/2014/QD-UBND issued on 13/08/2014 by Quang Ninh PPC. The details for the different costs are provided in Table XI-1 to XI-13. During updating of the RP compensation rates for different types of affected assets will be finalized based on the RCS and further consultations with the provincial and commune authorities.

111. The details on compensation rates as applicable for types of losses and compensation amounts are provided below:

Table XI-1: Compensation for Agricultural land (Land used for rice plantation and flat land for annual plantation) to the AHs

Commune	# AHs	Affected area (sqm)	Unit price (VND)	Amount (VND)
Hai Xuan	12	10,658	75,000	799,350,000
Hai Yen			75,000	-
Ka Long				
Total	12	10,658		799,350,000

Table XI-2: Compensation for Agricultural land (Land used for rice plantation and flat land for annual plantation) to the CPCs

Commune	# of plot	Affected area (sqm)	Unit price (VND)	Amount (VND)
Hai Xuan	1	1,355	75,000	101,625,000
Hai Yen	1	1,062	75,000	79,650,000
Ka Long	1	3,500	75,000	262,500,000
Total	3	5,917		443,775,000

Table XI-3: Compensation for Loss of Aquaculture Land to the AHs

Commune	# AHs	Affected area (sqm)	Unit price (VND)	Amount (VND)
Hai Xuan	0			-
Hai Yen	1	1,000	51,000	51,000,000
Ka Long	0			-
Total	1	1,000		51,000,000

Table XI-4: Compensation for Land used for perennial tree plantation to the AHs

Commune	# AHs	Affected area (sqm)	Unit price (VND)	Amount (VND)
Hai Xuan	0			-
Hai Yen	1	17,757	65,000	1,154,205,000
Ka Long	0			-
Total	1	17,757		1,154,205,000

Table XI-5: Compensation for land for production and business operation to the enterprise

Commune	# of plot	Affected area (sqm)	Unit price (VND)	Amount (VND)
Hai Xuan				-
Hai Yen				-
Ka Long	1	2,500	3,600,000	9,000,000,000
Total	1	2,500		9,000,000,000

Table XI-6: Compensation for standing paddy (Rice) Crops to the AHs

	Rice crops		
Commune	Affected area (sqm)	Unit price (VND)	Amount (VND)
Hai Xuan	10,658	5,000	53,290,000
Hai Yen			-
Ka Long			-
Total	10,658.00		53,290,000.00

Table XI-7: Compensation for standing paddy (Rice) Crops to the CPCs

	Rice crops		
Commune	Affected area (sqm)	Unit price (VND)	Amount (VND)
Hai Xuan	1,355	5,000	6,775,000
Hai Yen			-
Ka Long			-
Total	1,355.00		6,775,000.00

Table XI-8: Compensation for Perennial Trees (Eucalyptus) to the AHs.

Commune	Affected area (sqm)	# of trees	Unit price (VND)	Amount (VND)
Hai Xuan	0			-
Hai Yen	17,757	1,200	15,000	18,000,000
Ka Long				-
Total	17,757.00	1,200		18,000,000.00

Table XI-9: Compensation for Perennial Trees (eucalyptus) to the CPCs.

Commune	Affected area (sqm)	# of trees	Unit price (VND)	Amount (VND)
Hai Xuan				-
Hai Yen	1,062	200	15,000	3,000,000
Ka Long				-
Total	1,062.00	200.00		3,000,000.00

Table XI-10: Compensation for aquaculture products to the AHs

Commune	Affected area (sqm)	Unit price (VND)	Amount (VND)
Hai Xuan			-
Hai Yen	1,000	3,300	3,300,000
Ka Long			-
Total	1,000.00		3,300,000.00

Table XI-11: Compensation for structures.

Commune	Permanent stone embankment			Concrete walking trail		
	Affected area (sqm)	Unit price (VND)	Amount (VND)	Affected area (sqm)	Unit price (VND)	Amount (VND)
Hai Xuan						
Hai Yen						
Ka Long	2,000	1,142,392	2,284,784,000	625	437,000	273,125,000
Total	2,000		2,284,784,000	625		273,125,000

Table XI-12: Additional allowance as per the local regulation to the AHs

Commune	# AHs	Support for job transition (2.5 times of land price) (VND)	Support for living settlement (VND)	Total (VND)
Hai Xuan	12	1,998,375,000	105,892,000	2,104,267,000
Hai Yen	1	3,013,012,500	11,520,000	3,024,532,500
Ka Long				
Total	13	5,011,387,500		5,128,799,500

Table XI-13: Additional allowance for severely affected HHs

Commune	# AHs	Allowance for severely affected HHs
Hai Xuan	1	54,000,000
Hai Yen	0	
Ka Long		
Total	1	54,000,000

Table XI-14: Compensation, Assistance, and Resettlement Costs (Market Price)

No.	Component/commune	Land (VND)	Assistance for job transition (VND)	Assistance for living settlement (VND)	Assistance for severely affected HHs	Crops + Trees (VND)	Aquaculture products (VND)	Structure (VND)	Total (VND)
1	Hai Xuan WWTP	900,975,000	1,998,375,000	105,892,000	54,000,000	60,065,000	0	0	3,119,307,000
	Hai Xuan	900,975,000	1,998,375,000	105,892,000	54,000,000	60,065,000	0		3,119,307,000
2	Hai Yen WWTP	1,284,855,000	3,013,012,500	11,520,000	0	21,000,000	3,300,000	0	4,333,687,500
	Hai Yen	1,284,855,000	3,013,012,500	11,520,000	0	21,000,000	3,300,000		4,333,687,500
3	Ka Long embankment	9,262,500,000	0	0	0	0		2,557,909,000	11,820,409,000
	Ka Long	9,262,500,000			0			2,557,909,000	11,820,409,000
A	Grand total direct cost	11,448,330,000	5,011,387,500	117,412,000	54,000,000	81,065,000	3,300,000	2,557,909,000	19,273,403,500⁵
B	Management Fees 2 %	228,966,600	100,227,750	2,348,240	1,080,000	1,621,300	66,000	51,158,180	385,468,070
C	Contingency 10 %	1,144,833,000	501,138,750	11,741,200	5,400,000	8,106,500	330,000	255,790,900	1,927,340,350
D	Grand total	12,822,129,600	5,612,754,000	131,501,440	60,480,000	90,792,800	3,696,000	2,864,858,080	21,586,211,920⁶

112. Compensation rates will be updated during the RP implementation stage, as necessary, to reflect prevalent market rates.

113. The Government of Viet Nam will cover the costs of land acquisition and resettlement within the agreed implementation period. The budget will cover compensation costs, allowances and rehabilitation measures, administration costs, and contingency and will be part of the Government's counterpart fund. The Quang Ninh Department of Finance will be responsible for the disbursement of funds. The PPC will ensure timely provision of counterpart funds for resettlement to meet any unforeseen obligations in excess of the resettlement budget estimates in order to satisfy resettlement requirements and objectives.

⁵ Grand total direct cost: USD 917,781.12

⁶ Grand total cost: USD 1,027,914.85

XII. IMPLEMENTATION SCHEDULE

114. The subproject will be implemented in two years. The commencement date is planned for the third quarter of 2015 and the start of construction on the 2nd quarter of 2016. An indicative implementation schedule is presented in Table XII-1.

Table XII-1: Implementation Schedule

Resettlement Plan Updating/Implementation Activities	Schedule
RP Preparation	Quarter 2, 2015
Approval of draft RP	Quarter 3, 2015
Engagement of safeguard specialists	Quarter 3, 2015
Consultations, carry out DMS, socioeconomic surveys, and RCS.	Quarter 3, 2015
Updating of the RP and further consultations with the AHs	Quarter 3, 2015
Approval of updated resettlement plans by Mong Cai PPC and ADB	Quarter 4, 2015
Disclose approved Updated RP to AHs and Uploading on ADB website	Quarter 4, 2015
Implementation of updated resettlement plan actions. Disbursement of compensation and Payment to AHs	Quarter 1, 2016
Internal monitoring (Submission of Quarterly Progress Report).	Quarter 1, 2016
Clearance of acquired land. Start civil works	Quarter 2, 2016

ANNEX 1 - LIST OF AFFECTED PERSONS

1. East WWTP Hai Xuan commune

1	Phạm Văn An
2	Nguyễn Thị Yên
3	Trần Đức Thịnh
4	Ngô Vĩnh Thành
5	Đặng Văn Lan
6	Trần Đức Thành
7	Trần Đình Y
8	Nguyễn Văn Sinh
9	Nguyễn Thị Thu
10	Đặng Văn Hợi
11	Trần Văn Đông
12	Trần Văn Dương
13	Commune People's Committee

2. West WWTP Hai Yen commune

1	Hoàng Anh
2	Commune People's Committee

3. Ka Long River Protection Embankment

1	Loi Lai Hotel
2	Ka Long Ward People's Committee

ANNEX 2 - CONSULTATIONS WITH AFFECTED HOUSEHOLDS IN HAI XUAN COMMUNE IN MONG CAI

ADB TA 8425 REG
SECOND GREATER MEKONG SUBREGION CORRIDOR TOWNS DEVELOPMENT PROJECT
DỰ ÁN PHÁT TRIỂN CÁC ĐÔ THỊ HÀNH LANG TIỂU VÙNG SÔNG MÊ-KÔNG LẦN THỨ HAI

1. Town (Tỉnh/ thành phố) : TP. Mong Cai

2. Component (Hợp phần) : Water supply

3. Location (Vị trí)
(Commune- Xã/ District – Huyện) :

4. Activity (Hoạt động) :

LIST OF ATTENDEES/ RESPONDENTS DANH SÁCH NGƯỜI THAM DỰ/ TRẢ LỜI CÂU HỎI

	Name Họ và tên	Address Địa chỉ	Signature Chữ ký
1.	Trần Văn Y	Thôn Đông, xã Hai Xuân	Y
2.	Trần Văn Dũng	nt	Dũng
3.	Nguyễn Văn Sinh	nt	Sinh
4.	Nguyễn Thị Khu	nt	Khu
5.	Trần Đức Phình	nt	Phình
6.	Đặng Văn Hải	nt	Hải
7.	Ngô Văn Thành	nt	Thành
8.	Ngô Ngọc Lan		Lan
9.	Phạm Văn An		An
10.	Chu Bá Tung		Tung
11.	Nguyễn Văn Lập		Lập
12.	Hoàng Anh	Tổ 1, khu 4, P Hải Yên	Anh
13.	Xương Thị Tuất	nt	Tuất
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			



ANNEX 3 - SAMPLE PUBLIC INFORMATION BOOKLET

GMS CTD

What is the GMS CTD?

This regional Project Preparation Technical Assistance will establish the basis for proposed investments and capacity building in selected economic corridor towns in the Kingdom of Cambodia (Cambodia), the Lao People's Democratic Republic (Lao PDR) and the Socialist Republic of Vietnam (Viet Nam). The main output of the PPTA will be to identify a range subprojects which will support the agreed objectives of the Greater Mekong Sub region (GMS): (i) enhanced connectivity; (ii) increased competitiveness; and (iii) a greater sense of community. To this extent the GMS development program has placed emphasis on developing priority transport corridors in order to link regions/countries together to promote trade, tourism, and investment. This in turn is facilitating development and investment in the associated economic corridors, principally in the corridor cities and towns, including the cross-border areas between GMS related countries.

In order to lay out the foundations for future economic growth, importance is placed on the potential to assist social and economic development by providing basic infrastructure and urban upgrading works. Here in Vietnam, in particular it is proposed to assist implementation of the urban master plan development priorities through strategic road in Mong Cai, Bac Giang and Sa Pa. In Bac Giang the proposed urban component will meet the demand for accessing new development land, relieve the congestion in other parts of the town and provide vital economic and social linkages into village communities, catering for farm to market access and to cater for expanding tourist numbers. Thus, they will also provide a context for environmental upgrading and beautification elsewhere, which in turn will have further social and economic benefits.

What will happen to the people losing assets and sources of livelihood?

Compensation will be paid at replacement cost in cash or in-kind (for example, land-for-land) for all assets affected, including sources of livelihood. Other forms of assistance will also be provided to households depending on the severity of project impacts.

What is "replacement cost"?

This is the amount needed to replace an affected asset without deductions for taxes or costs of transactions. Replacement costs relevant for this project are calculated as follows:

- Residential land based on market prices that reflect recent land sales, and in the absence of such recent land sales, based on similar location attributes;
- Houses and other related structures based on current market prices of materials and labor without depreciation nor deductions for salvaged building materials; What are the key principles for helping affected households under the project?
- Avoid, if not minimize, land acquisition and relocation, and impacts on sources of livelihoods of people;
- Restore the standard of living of affected households;
- Replace and compensate lost assets at replacement cost, on top of providing allowances and income restoration support, as warranted;
- Inform and consult the affected households about the project, impacts, options for compensation and assistance, and grievance redress mechanism;
- Protect social/cultural institutions;

- Non-titled affected households (those who have no title to the land or customary rights) have rights to receive Project entitlements provided that they meet the cut-off date for eligibility;
- Identify and assist vulnerable groups at high risk of impoverishment, such as female-headed households with dependents, disabled household heads, households falling under the generally accepted indicator for poverty, children and the elderly households who are landless and with no other means of support, landless households, and ethnic minorities; and

No demolition of assets/entry to properties will be done until the affected household is fully compensated and relocated.

Who are eligible to be compensated and assisted under the project?

All affected people, households, and institutions/organizations that satisfy the cut-off date for eligibility are eligible to be compensated and assisted under the project. The cut-off date coincides with the period the census of affected persons (regardless of tenure status) and the inventory of losses (IOL) that were initially done in January 2015, to be validated and updated later during the detailed measurement survey (DMS). 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 IOL; or (ii) they have been included among the affected due to changes in project design.

What are the entitlements of affected households?

Project entitlements listed in Table 1 are based on the impacts identified during the census and IOL. The entitlements will be adjusted and updated, as needed to be consistent with the project resettlement policy, based on the results of the DMS, to reflect a more precise inventory and assessment of impacts on assets and on the people.

Table 1: Project Entitlement Matrix

Types of loss/impacts	Level of impact	Entitled persons	Entitlements	Implementation issues
1. Land				
Productive land (agriculture land, aquaculture land, forestry land, garden land)	Partial loss	Legal owners of land with LURCs or legalizable	Compensation at cash for permanently acquired land based on replacement cost; and Compensation for affected assets on land at replacement cost, see below item 2	AHs will fully receive the compensation at the replacement cost before site clearance. They will keep using the remaining part for their production purposes.
Temporary impact on land	For the temporary use of land for agricultural purposes and permanently affected crops on it, crop compensation will be in cash based on the average yield of the recent three consecutive years of production			
2. Structures, crops and trees				
Tree and crops	Loss of or damage to vegetation	Owners regardless of tenure status	For trees and crops, compensate at cash, current market price at moment of compensation. As per provincial latest regulations.	<p>APs have the right to use salvageable trees.</p> <p>APs will be given three months notice that the land/fishponds on which their products are located will be recovered and that they must harvest their produce on time.</p> <p>APs will receive cash compensation at current market cost for any unharvested produce that are near or ready to harvest at the time of land acquisition</p>
3. Private structures				
Concrete works Embankment/walk way	Loss or damage to assets	HH or private organizations or CPC	Compensation by replacement costs or restoration of affected works same as their original status	Compensation by cash as per estimated as per market price either per by m ² or cubic meter.
4. Assistance				
Assistance for job training/creation	Losing productive land	AHs who will lose productive land	- The assistance for land of annual trees plantation, land of aquaculture, land of salt making shall be 2.5 times as much as that for agricultural land.	-The assistance provided will be 2.5 times the cost the land at market price

Types of loss/impacts	Level of impact	Entitled persons	Entitlements	Implementation issues
Assistance to AH according to % impact severity	Permanent loss (losing 10% and more productive assets)	AHs who will lose 10% and more productive assets	<p>APs that lose 10% or more productive assets will be entitled to participate in an income restoration package and be compensated as follows:</p> <p>@ Loss<10% = 2000VND/m²</p> <p>@ 10%≤loss<70% = 30kg rice /month/person X 6 months</p> <p>@ Loss>70% = 30 kg rice/month/personX12 months</p>	The project will apply the entitlements stipulated in the national and provincial decree/decisions

Provincial Decisions that will be followed

- DECISION no. 1766/2014/QĐ-UBND On issuing Regulations on compensation, assistance and resettlement upon State land acquisition according to 2013 Land law in Quang Ninh province
- DECISION no. 1768/2014/QĐ-UBND On issuing Regulation on residential land limit, residential land recognition limit, minimum separation of residential land area for households and individuals in Quang Ninh province
- REGULATION On compensation PRICE LIST for assets invested in land when the state acquires land of Quang Ninh province (pursuant to Decision no. 398/2012/QĐ- UBND dated 27 February 2012 by Quang Ninh PPC)
- DECISION No. 3566/2013/QĐ-UBND dated on 26/12/2013 by PPC regarding regulations on types of land price in the province implemented in 2014

How are the grievances of affected persons (or households) heard and resolved?

An aggrieved affected household may bring his/her complaint before any member of the Commune People's Committee (CPC), either through the Village Chief, a project staff, or directly to the CPC, in writing or verbally. The CPC will meet personally with the aggrieved person (or household) and will have 15 days to resolve the complaint. If the affected person (or household) is not satisfied with the action taken by CPC on his/her complaint, the aggrieved person (or household) may bring the case, either in writing or verbally, to any member of the District People's Committee (DPC). The DPC has 15 days to resolve the case. If the affected person (or household) is not satisfied with the action taken by DPC on his/her complaint, the aggrieved person (or household) may bring the case, either in writing or verbally, to any member of the Provincial People's Committee (PPC). The PPC has 15 days to resolve the case. If the affected person (or household) is not satisfied with the action taken by PPC on his/her complaint, the aggrieved person (or household) may bring the case to a court of law for adjudication. All legal and administrative costs incurred by an affected person/household and their representatives are to be covered by the project.

What is the tentative schedule for implementing resettlement? (2016 – 2019)

Resettlement Plan Updating Activities	Schedule
Consultations carry out DMS, socioeconomic surveys, and disclosure by subproject.	Quarter 1, Year 1
Approval of updated resettlement plans by Quang Ninh PPC and ADB	Quarter 2, Year 1
Implementation of updated resettlement plan actions.	Quarter 1 and Quarter 2, Year 2
Award of civil works contracts.	End of Quarter 2, Year 2
Internal monitoring.	Continuous
Clearance of acquired land.	Quarter 3, Year 2
Start of civil works.	Quarter 4, Year 2
Consultations	Continuous

How can an affected person or household participate in the Project?

All affected persons or households are encouraged to participate in all consultation meetings and other project related activities in order to ensure that they are fully informed and consulted. Their active participation during the DMS and implementation of the Resettlement Plan will help MCST determine the appropriate measures to mitigate impacts, identify problems or potentials problems, and identify ways of responding expeditiously to solve any problems.

Cut-Off-date

Cut-off-date of the project will be the date of approval of the project by the Mong Cai authorities. Anyone not included in the IOL/DMS as of the cut-off-date will not be entitled to any compensation and assistance in the project.

Where can affected households get additional information about resettlement related information?

The full RP, detailed project entitlements and compensation unit rates are available from the CPC, DPC, and PPC of Province

Who might be contacted for any inquiries about the Project?

Province, District, Commune Committees:

Asian Development Bank (Manila, Philippines)

Southeast Asia Department, Tel. +63-2-632-4444

Asian Development Bank, Viet Nam Resident Mission

Unit 701 - 706, Sun Red River Building, 23 Phan Chu Trinh Street Hanoi, Viet Nam, Tel: 84 4 933 1374

ANNEX 4 - RED CERTIFICATE OF LAND USE RIGHT

HỘI LÃNH DẠO QUANG TRUNG VIỆT NAM
Độc lập - Tự do - Hạnh phúc

CỘNG HÒA NHÂN DÂN

Huyện Hải Ninh

CHỨNG NHẬN

Ông Đinh Văn Chính

Được quyền sử dụng 1637 m² (1637) m² đất.

Tại: Thôn 5
Xã Hải Xuân - Huyện Hải Ninh

Theo bảng liệt kê dưới đây:

Số tờ bản đồ	Số thửa	Diện tích (m ²)	Mục đích sử dụng	Thời hạn sử dụng	Phân ghi thêm
16	61	1635	Lưu	đời đời	
16	21	315	"	"	
16	111	316	Lưu giữ	"	
18	311	450	Lưu	"	
87	15	320	Mưu	"	

Ngày 25 tháng 8 năm 1983

Chủ tịch UBND

TÀI LƯU THỦ XÃ HỘI CHỦ NGHĨA
K/T CHỦ TỊCH
PHÓ CHỦ TỊCH

Vào sổ cấp giấy chứng nhận

Quyền sử dụng đất
Số 629...H.X.QSDĐ/N...

The image shows a Vietnamese land use right certificate (Giấy chứng nhận quyền sử dụng đất) and its red cover. The certificate is on the left, with a table containing columns for 'Ngày nhận đất' (Date of land receipt), 'Số và nội dung quyết định' (Number and content of the decision), and 'Xếp phân cho ai (quanh có thẩm quyền)' (Assignment to whom (competent authority)). The cover is on the right, featuring the national emblem of Vietnam and the title 'GIẤY CHỨNG NHẬN QUYỀN SỬ DỤNG ĐẤT' in large yellow letters. A faint circular stamp is visible on the bottom right of the cover.

ANNEX 5 - SOCIO-ECONOMIC QUESTIONNAIRE ABOUT AFFECTED HOUSEHOLDS

(Sample: 100% of heavily affected households and 10% of the rest households)

Code:

Name of the Subproject :

Province : District :

Commune : Village.....

I- General information of households:

1. Affected items:

2. Name of household's head:

3. Name of wife/husband of the household:

4. Is the household (HH) eligible for receiving social welfare: Yes : No :

If yes, please specify: 4.1. Ethnic minority HH.....

4.2. Poor HH.....

4.3. HH contributing to the revolution:.....

4.4. HH having dead and wounded soldiers.....

4.5. Helpless old people:.....

4.6. HH having the disabled:.....

4.7. Others.....

5. Information of Members in the household

No.	Relationship with household head	Ethnic group	Gender	Age	Education	Occupation		Average income(1000 VND/month)		Total income (1000 VND/Month)
						Major	Minor	Major	Minor	
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										

6. Economic activities of the family

If the household do business or production at home, please specify:

.....

7. Total average expenditures/month of the family (1000 VND/Month):

8. Utilities:

8.1 Electricity: a) Yes : _____ b) No : _____

8.2 Fresh water: a) Yes : _____ b) No : _____

8.3. Water source that is being used:

- a) Piped water : _____ b) Drilled well water : _____
c) Dug well water : _____ d) Stormwater : _____
e) River/canal water : _____ f) Buying clean water : _____
i) Others: _____

8.4 WC: a) Yes: _____ b) No : _____

8.5. Bathroom: a) Yes: _____ b) No : _____

8.6. Fuel: a) Firewood: _____ b) Coal: _____ c) Electricity: _____
d) Gas: _____ e) Kerosene _____ f) Others: _____

9. Current assets of the HH: (specify quantity)

Type of assets	Quantity	Type of assets	Quantity
Bicycle		Landline	
Motorbike		Cellphone	
Car		Music player/tape player	
Air-conditioner		Computer	
Washing machine		Rice cooker	
Expensive bed/cabinet/wooden furniture		Production machine	
TV			

10. The type of current house is

- a) Grade 3 house: _____
b) Grade 4 house: _____
c) Temporary house: _____

II. Awareness on the project, compensation and resettlement:

1. Recovery measures:

If your incomes are affected, what is your expectation on the livelihood:

- ☐ a) Keeping the same occupation.
- ☐ b) Changing into a new job.
- ☐ c) No idea.

Which the recovery measure below do you prefer?

- ☐ a) Training the current occupation
- ☐ b) Training a new occupation. Specify:
- ☐ c) Support the capital (loan) for production/business investment
- ☐ d) Support the capital for agricultural investment (fertilizer, seeds...)
- ☐ e) Technical assistance for agricultural production (fishery and agricultural extension)
- ☐ f) Establishing new business place
- ☐ g) Others (specify):
-
-

1.3. If you have to move your living place, what methods of moving do you prefer?

- 1.3.1. Receiving compensation in cash and arranging new living place on your own
- 1.3.2. Receiving new land compensated for the old land or moving to resettlement area
- 1.3.3. Others (specify):

1.4. If the HH moves to resettlement area, what type of resettlement area do you intend to move to? (please specify):

.....

.....

IV. Comment/evaluation of enumerator:

.....

.....

Hanoi, date _____, month _____, year 20__

Name of enumerator: _____

Form 1: Inventory of household affected by loss of land

Subproject:

Province:		District:			Commune:			Village:					
No.	Name of HHs	Land use right			Land under dispute (yes/no)	Type/ classification	Total area of affected land of the household(m2)	Total number of existing pieces (parcels) of the household	Grand total of affected land (m2)	Of which		Map #	Note
		Certificated	Acknowledged	Not acknowledged						Permanent (m2)	Temporary (m2)		
1	2	3	4	5	6	7	8	9	10	11	12	14	15

Form 2: Inventory of household affected by loss of structures

Component:

Province:

District:

Village:

[illegible]

Form 3: Inventory of household affected by loss of crops and trees

Name of component:

Province:

District/town:

Commune:

Village:

[illegible]

Form 4: Socio-economic data of affected households

Subproject:

[illegible]

ANNEX 6 - TOR OF SAFEGUARD SPECIALIST

Social Safeguards Specialist (Resettlement and Ethnic Minorities)

The Social Specialist Specialist (Resettlement and Ethnic Minorities) will hold a Master's degree from a recognized university in social sciences, sociology or another relevant discipline. He/she will have at least 10 years of work experience in resettlement planning and social development, including 5 years with donor-funded projects. He/she will have an in-depth understanding of national and international best practices and policy on involuntary resettlement issues, social development, gender issues, and poverty reduction. Extensive experience in community mobilization and analysis of resettlement issues in Viet Nam will be an advantage. He /she must have a clear understanding of resettlement checklists and guidelines of ADB or other international donor agencies and be familiar with ADB Safeguards Policy Statement.

As a member of the Project Implementation Consultants team, the Social Safeguard Specialist will report directly to the Team Leader. The specialist will provide support and advice to both PMUs regarding social safeguards and resettlement activities. The expert's responsibilities will include but not be limited to the following tasks:

- i. Review and update the Resettlement Plans (RP) prepared during the Project Preparatory Technical Assistance (PPTA) and make necessary revisions based on DED and DMS following consultative meetings with EA and PMUs including affected households;
- ii. Review and reconfirm resettlement support packages and make necessary updating acceptable to the government and ADB;
- iii. Define categories of impact and eligibility of affected household for compensation, and finalize entitlement matrix covering compensation for lost assets and income including assistance to achieve to achieve full replacement costs for lost assets, income and livelihoods in accordance to national laws and regulations and ADB's Safeguards Policy Statement (SPS) ;
- iv. Review the grievance redress mechanism and address any issues that arise during the project in accordance with the updated resettlement plan;
- v. Assist and improve, if necessary, procedures for the coordination of resettlement and compensation activities;
- vi. Ensure that grievances are addressed promptly and properly and that grievance redress mechanism is functioning well and provide necessary training on grievance if needed;
- vii. Establish and implement liaison mechanisms to ensure proper technical and logistical support to PMUs, local administrative authorities, resettlement committees and concerned government departments;
- viii. Assist in the conduct of the information campaigns and public consultation and prepare consultation plans and formats for documenting consultations with affected people in accordance with ADB policies, and provide technical assistance in the conduct of consultations with affected persons and project stakeholders;
- ix. Assess stakeholder's concerns and recommend possible changes in project designs to minimize land acquisition and resettlement impacts and assist EAs and PMUs get the endorsement of the updated resettlement plan prior to submission to ADB review and concurrence;
- x. Ensure that gender and indigenous peoples issues are fully covered in the subproject implementation and subsequent investment planning as necessary;
- xi. Assist in the development of the monitoring systems for social safeguards

- elements during project implementation and in the preparation of regular reports;
- xii. Develop information, education and communication (IEC) programs to generate public awareness on the Project and assist in monitoring impact of IEC programs;
 - xiii. Liaise with various stakeholders (i.e. agriculture extension centers, vocational training centers etc.) to prepare Income Restoration Programs (IRPs) and prepare Memorandum of Understandings (MOU) between PMU and stakeholders regarding IRP;
 - xiv. Organize Detailed Needs Assessment among IRP beneficiaries in order to record their choice for IRP activities;
 - xv. Assist the Center for Land Fund Development (CFLD) in applying the PPC-approved unit rates based on the replacement cost survey for affected land and non-land assets and
 - xvi. Provide resettlement training to Project Staff of EAs, PMUs on:
 - a. national laws and regulations;
 - b. ADB policy and procedural requirements,
 - c. resettlement planning, implementation and supervision,
 - d. monitoring and evaluation
 - xvii. Together with the PMUs, the PISC will supervise civil works activities to ensure that the contractors adhere with the terms of their contract relative to avoiding and/or minimizing resettlement impacts.