

# Resettlement Plan

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June 2015

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

Bac Giang Subproject

Prepared by Bac Giang 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
PMU	-	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

BHK	-	Flat land for planting annual trees
CHN	-	Land for annual trees plantation
CLN	-	Land for perennial trees plantation
DCSD	-	Land having no red certificate of land use right
DGT	-	Land for transportation
DTR	-	Land for forest plantation
GT	-	Land for transportation
LNK	-	Land for other perennial trees plantation
LNQ	-	Land for perennial fruit trees plantation
LUC	-	Land for water rice plantation ( $\geq 2$ crops per year)

- LUK - Land for water rice plantation (only 1 crop per year)
- NHK - Milpa agricultural land for other annual trees plantation
- NTD - Land of Cemetery
- NTTS - Land for aquaculture production
- ODT - Homestead land in urban areas
- ONT - Homestead land in rural areas
- RSM - Land for production forest
- SKC - Land for production and business area
- TL - Land for irrigation
- TSN - Land for aquaculture production in fresh water
- SVD - Stadium

## DEFINITION OF TERMS

Affected person (AP) / Affected household (AH)	<ul style="list-style-type: none"> <li>- 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. 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.</li> </ul>
Detailed Measurement Survey (DMS)	<ul style="list-style-type: none"> <li>- 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.</li> </ul>
Compensation	<ul style="list-style-type: none"> <li>- 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.</li> </ul>
Cut-off date	<ul style="list-style-type: none"> <li>- 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 this subproject the cut-off date will be the date of approval of the project by the Bac Giang authorities and will be following completion of all arrangements and financial matters.</li> </ul>
Ethnic minority	<ul style="list-style-type: none"> <li>- People with a group status having a social or cultural identity distinct from that of the dominant or mainstream society, having distinct language, cultural practices, and collective claim to ancestral land.</li> </ul>
Entitlement	<ul style="list-style-type: none"> <li>- 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.</li> </ul>
Host community	<ul style="list-style-type: none"> <li>- Means the community already in residence at a proposed resettlement or relocation site.</li> </ul>
Income restoration	<ul style="list-style-type: none"> <li>- This is the re-establishment of sources of income and livelihood of the affected households.</li> </ul>
Income restoration program	<ul style="list-style-type: none"> <li>- 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.</li> </ul>
Inventory of Loss (IOL)	<ul style="list-style-type: none"> <li>- This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling</li> </ul>

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, their exact location pinpointed, and their replacement costs calculated. 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.
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 collected through market investigations and other secondary sources.
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 the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who are landless and with no other means of support.

## 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. Sub-Project Description**

The main output of the PPTA is 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.

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 infrastructures and urban upgrading works. Bac Giang authorities have identified two priority (1st phase) urban expansion areas to cater for the demand, which will serve planned urban development in the north-west and towards the south-east corner of the town. Essential urban roads provisions in support of these expansion areas and to ensure cost-effective traffic circulation across the urban areas are:

- Road 1: Tran Quang Khai Road – Hoang Hoa Tam Road (National Road 17); and
- Road 2: North-East Ring Road (part).

In order to assist the town towards a better management of the storage of storm water and wastewater, another two components were agreed by the authorities and they are: Storm water improvements and Wastewater improvements.

### **2. Scope of Resettlement**

This Resettlement Plan (RP) concerns improvement and development of infrastructure within the town of Bac Giang, Bac Giang Province. The Resettlement Plan (RP) has been prepared during this PPTA and will be updated during the implementation stage following detail designs and will be based on the DMS and additional surveys as may be necessary. This subproject will undertake infrastructure improvements that include components that have agriculture land acquisition issues for the construction of 2 urban roads to ease circulation within the town center. The addition of the western and eastern roads will improve transport in the area, which should support local and regional socioeconomic growth although the acquisition of land from private owners will have consequent negative impacts in terms of loss of agricultural land.

The subproject surveys carried out by the project preparatory technical assistance (PPTA) team together with government agencies indicate category B for involuntary resettlement, according to ADB's Safeguard Policy Statement 2009. The categorization has been reviewed during the loan fact-finding mission in 11-14 May 2015. The main resettlement impacts will be on acquisition of agriculture land for the two roads and all the crops/vegetables and structures such as tombs will need compensation.

The Inventory of Losses (IOL) together with the socio-economic survey was initially undertaken during 19 January and 13 February 2015 to identify the impacts that the new infrastructure or upgrades would have on households.

The IOL was updated on 16 March and 23 April 2015 upon receiving additional information on the boundaries of the components. The survey coordinated by the resettlement specialist identified 499 households (2,027 APs) and 3 CPCs affected by loss of agriculture land for the 2 roads. Among the AHs, there are 18 AHs (equivalent to 59 APs) severely affected due to the loss of more than 10% of the household's income; and none of them are vulnerable. Additionally, 28 HH will have their remaining land (<250m<sup>2</sup>) rendered unviable for continued use. Of these, one household will also lose >10% of land holding.

All AHs possess Land Use Right Certificate (LURC). The total land acquisition for the 2 roads is 85,356.3 msq (different status of the land is detailed in the main text). In addition, there will be loss of crops and vegetable gardening. Further, 76 tombs will be affected due to the proposed alignment of roads. No temporary resettlement impacts were identified during the IOL and public consultations with the AHs. The project will not cause any adverse impacts on business incomes and there will be no loss of employment.

There will be no land acquisition and resettlement requirement for the other two component/subprojects - Wastewater Improvements, and Storm Water Improvements. To avoid land acquisition and to improve the storage of storm water the design was revised. Additionally, the construction of the embankments / walls will be limited within the pond area (public land).

The assessment of impacts on the households due to the land acquisition showed that 201 HHs would lose more than 10% of their total land holdings. To understand the impact on household incomes an additional survey was carried out on 23 April to disaggregate the income source of the 201 HHs. The result of the survey showed that majority of the AHs earns their incomes from a variety of sources including cultivation of land. Only 18 HHs (equivalent to 59 APs) out of 201 will be impacted due to the loss of more than 10 % of their total income; and 28HHs (115APs) will have remaining area rendered smaller than 250msq, which is not viable for agricultural production. Due to 1 HH (2 APs) overlaps, the total of 45HHs (172APs) are considered severely affected households.

1. The construction of the wastewater treatment plant is proposed on vacant and idle public land.
2. To improve the storage of the storm water with a surrounding wall no resettlement impact is foreseen as the construction will be done within the pond (public) area.

### **3. Socio-economic survey of affected households**

A socio-economic survey of 108 randomly affected households (AHs) out of 499 AHs was carried out on 13 February 2015, with a sample size of 21.6%. Majority of the AHs earn their livelihood primarily from productive land and secondary income comes from wage earning. All the affected households are Kinh, the majority ethnic group. No vulnerable or poor HH were found during the survey although less than 10% of the HH are headed by women. These are female headed household but not vulnerable because they have other earning members in the households. Therefore no additional support is needed to these households.

The small number of HHs (18) fully dependent on agricultural production will be duly compensated as per the provincial regulations. They will also be provided with special allowances, and an additional allowance for losses above 10% of productive assets. The need for income restoration plan will be reviewed during updating of the RP.

Along the alignment of the proposed roads 76 tombs were found, of which 56 are already exhumed and 21 are not yet exhumed. These tombs are owned by 76 HHs. These tombs need to be removed following the local customs and compensation will be applied in accordance with the project policy described in the RP. The households with tombs affected have been identified during the IOL survey. Representatives of a number of these households also participated in public consultation exercise conducted by the PPTA team to explore potential impacts by the project, as well as their needs in transferring the tombs to a new place.

### **4. Consultations**

Consultations during the preparation of the draft resettlement plan consisted of interviews and public meetings with the landowners including affected household members in the



presence of officials' representative of the town. Meetings with provincial and district officials were also conducted on project preparation and design, and potential resettlement impacts. Concerns and suggestions raised by the affected people have been incorporated into the RP and project design. Attention was paid to ensure that the proposed components development is socially and economically beneficial to the key stakeholders while minimizing the negative impacts. Consultations with affected persons identified and other stakeholders will continue throughout the detail design stage and project implementation cycle. The draft RP will be disclosed to APs prior to its approval by the provincial authorities. The findings of consultations undertaken during the project's preliminary assessment have been discussed during ADB's loan fact finding mission in May 2015.

## **5. 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, Bac Giang Province, and the ADB Safeguards Policy Statement (2009). In case of any gaps between Government regulations and ADB's SPS, ADB's policies will prevail. The project policies adopted are presented in the resettlement plan.

## **6. Entitlements**

The main entitlements to the affected households would be for the loss of productive land due to the construction of the roads. The rates of compensation for land acquisition, removal of crops/trees, displacement of structures and removal of tombs will be according to the prevalent local & provincial laws and regulations. The status of the tombs (appropriate exhumation time) will be revised at the time of updating the RP and in accordance with the entitlements policy specified in the RP. The resettlement plan outlines entitlements for affected agricultural land, loss of trees and crops, and affected structures (in this case tombs); and other assistance including income rehabilitation measures. The entitlements may be updated, as necessary, once the detailed designs are available and following DMS and additional surveys. All persons owning or occupying land, or operating businesses, prior to the establishment of cut-off date (date of approval of the project by the Bac Giang province) will be eligible for compensation and assistance.

## **7. Income Restoration Strategy and Plan**

The compensation for affected persons will ensure that they do not experience losses as a result of the subproject. The key strategy for restoration of livelihoods is to ensure that all persons affected by economic disruptions due to the project will receive compensation for their incomes losses. Any AH that permanently lose more than 10% of their productive assets (in this case productive land), will receive compensation, allowances and income restoration assistance including transitional assistance as per provincial regulations and the entitlement policy specified in this RP. Income rehabilitation measures will be formulated in consultation with the AHs during the RP updating to ensure that their needs and preferences are taken into account. The additional survey of the 201 HHs carried out on 23 April helped in identification of households that would be affected due to the loss of >10% of their household incomes as a result of loss of productive land due to the project. The result of the survey showed that only 18 HHs (59 APs) will lose more than the 10% of their incomes. Additionally, 28HHs will have their remaining land rendered unviable for continued use (one of these will also lose >10% of land holding). Therefore, a total of 45 HHs are considered severely affected. The remaining households have different sources of incomes and do not depend entirely on cultivation of land. The severely affected households will be entitled to special assistance as specified in the entitlement matrix. The analysis of IOL and SES data indicates that there are no vulnerable households affected by the project. However, in case

any vulnerable HH are identified during updating the RP, appropriate compensation and assistance will be provided in accordance with the project policy in the RP.

## **8. Institutional Arrangements**

The Provincial People Committee (PPC) is the project's executing agency (EA). The Project Management Unit (PMU) embedded in the PPC will supervise implementation of this RP. The PMU will coordinate with the Bac Giang Provincial People's Committee (PPC) to ensure timely approval of the RP and its update, and that the compensation and assistances are administered according to the provisions set forth herein. Bac Giang PPC will authorize the concerned district to establish a City/District Resettlement Committee that will ensure resettlement activities are administered according to the provisions of this plan.

## **9. 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, during 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 PMU. All expenses related to grievance will be borne by the project.

## **10. Budget**

The calculation of the value of the losses was based on the provincial regulations and consultation with the local people. The total direct cost for land acquisition, compensation and assistance is estimated at 26,890,777,435 VND, and the grand total including 2% of management cost, and 10% contingency is estimated at 30,117,664,007 VND (1,434,174.48 USD). The Government Viet Nam will cover the costs of resettlement. Applicable compensation rates will be reviewed and verified during the RP updating following RCS and consultations with the provincial authorities.

## **11. Internal Monitoring**

The PMU with support from the Project Implementation Consultants (PIC) and safeguards specialists will carry out internal monitoring of 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 arise.

The PMU will prepare quarterly internal monitoring reports on the resettlement activities, consolidating information submitted by the PMU and consultants. Since the severity of economic disruption is expected to be minor in number, with only 45 households losing more than 10% of their income and have small remaining land, the engagement of an external monitor for this subproject is not warranted. This provision can be reassessed at the time of the detail design if the impacts are determined to be more significant. A list of monitoring indicators is provided in this RP. All data in the monitoring reports will be disaggregated by gender and ethnicity.

The project falls into category B and therefore external monitoring is not required. The PMU will prepare quarterly monitoring reports and submit to ADB.

## 12. Implementation Schedule

The subproject will be implemented from 2015 to 2019. The resettlement implementation schedule is set out below:

<b>Resettlement Plan Updating/ Implementation Activities</b>	<b>Schedule</b>
Consultations, carry out DMS, socioeconomic surveys, RCS and disclosure of the updated RP	Quarter 3, Year 1 (2015)
Approval of updated resettlement plans by Bac Giang PPC and ADB	Quarter 4, Year 1
Appointment of safeguard specialists	Quarter 4, 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.	Quarterly reporting
Clearance of acquired land.	Quarter 3, Year 2
Start of civil works.	Quarter 4, Year 2

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## **I. PROJECT AND SUBPROJECT DESCRIPTION**

1. The main output of the PPTA is 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 will facilitate 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 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 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 if not managed well.

### **A. Subprojects in Bac Giang**

2. Urban growth in the context of the approved Bac Giang Master Plan will be dependent on the implementation of strategic roads infrastructure to: (i) provide access to and service the proposed development areas; and (ii) improve transport infrastructure in and around the Bac Giang urban area.

3. Over the next 10 years plus the population in Bac Giang city is forecast to grow from its present level of approximately 150,000 persons to some 190,000 persons in 2020 and 290,000 persons in 2030. Employment is anticipated to grow from a current level of around 65,000 jobs to some 91,200 jobs in 2030 and 140,000 jobs in 2030. The implications for new development are significant. Land for development within the built up area is not freely available. In the short/medium-term development of urban land (and the associated urban roads infrastructure) will be necessary to ensure that the city’s economic growth objectives are achieved. With the increase in population, the vehicle ownership, particularly ownership of cars and trucks, is likely to increase putting more pressure on the need for additional road space.

4. To cater for the demand, the Bac Giang authorities have identified two priority urban expansion areas that will need an improved access. These include: planned urban development in the north-west and towards the south-east corner of the town. Following two road sections are proposed to support the expansion areas and for improved traffic:

- Road 1: Tran Quang Khai Road – Hoang Hoa Tam Road (National Road 17); and
- Road 2: North-East Ring Road (part).

5. To minimize the resettlement impacts the alignment of the selected road sections was carefully selected to avoid major structures. Further, to avoid impact on land, the design of the embankments for the pond areas was revised so as to construct the walls within the pond areas (public land).

6. The subproject components for Bac Giang city (Bac Giang province) include: i) Urban roads, ii) Storm-water improvement and iii) Waste Water improvements. Brief description of subproject components is presented in the following section.

## **B. Description and location of the components**

### **1. Urban roads**

7. Road 1: Tran Quang Khai Road - The proposed road links Tran Quang Road to provincial road 295B. It will include a new road bridge across the Thong River. One section of the road is already constructed and the remaining section is proposed as subproject component. This section will also include a controlled railway crossing. Construction of this component will ensure smooth movement of traffic from the core urban area to the planned urban development area. The total length of new road is 1.73 kms and the design width is maximum 27m.

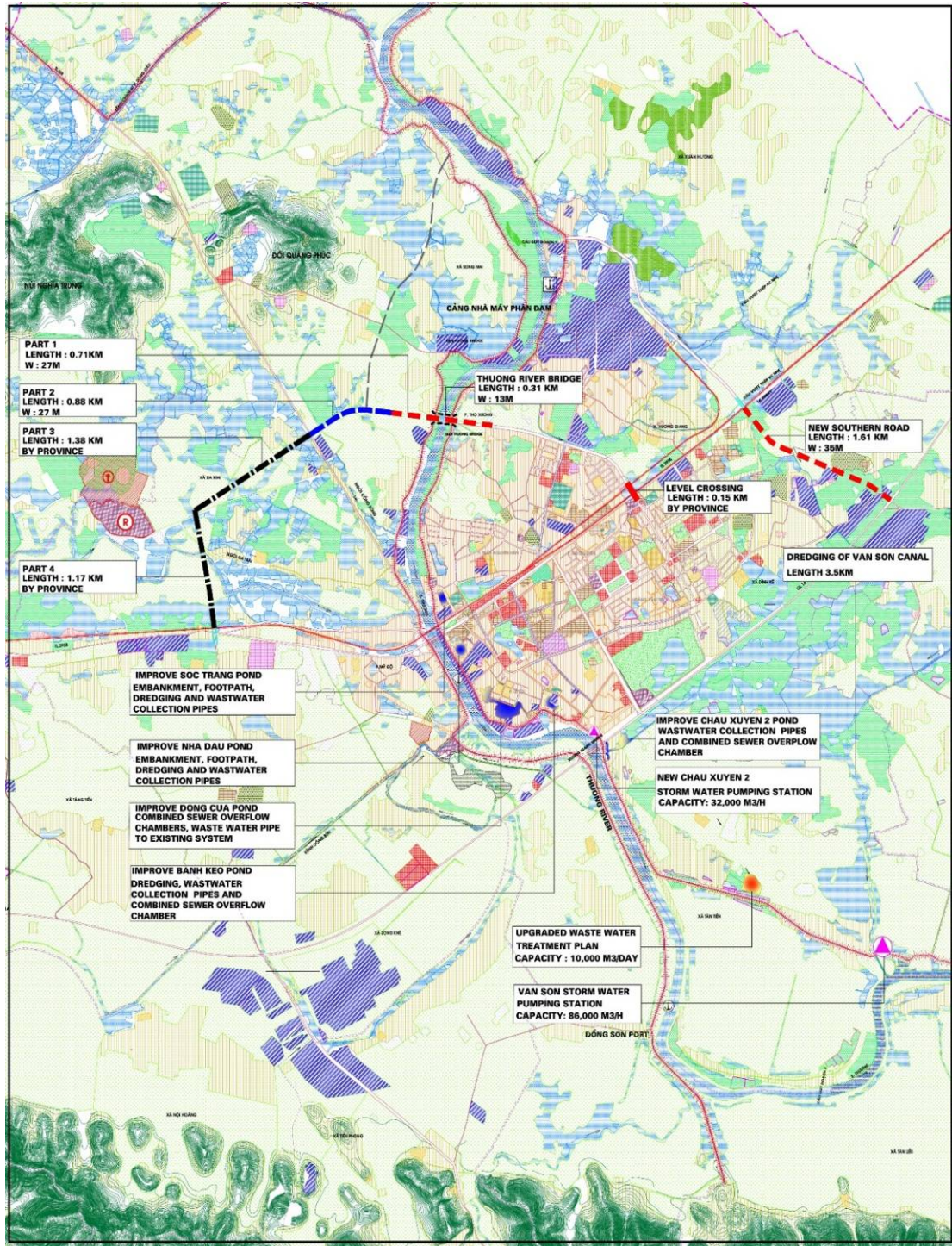
8. In accordance with the approved Master Plan the proposed road link will serve major planned urban development areas, including, commercial, government and community uses. The road will also provide, via road N17, a new convenient road link between the main urban area and the communities north and north-west of Bac Giang. Based on the forecast levels of traffic by 2020 (9,620 pcu/dn) the new road is planned at a maximum width of 27m.

9. Road 2: North-East Ring Road - part) – The proposed road links the Ha Bac Fertilizer Plant to an existing road junction close to the intersection of Roads NR1 and NR31. It has two sections. A new road will be built from Road 295B towards Road NR1 (1.75 kms) with a maximum width of 27M as part of this subproject component. North of Road 295 as far as the fertilizer plant a new road is partly constructed, but with standard construction, drainage and a purpose-built grade railway crossing will match the planned road section south of Road 295.

10. In accordance with the approved Master Plan it is estimated that the urban road link will serve major planned urban land uses, including commercial, government and community uses. The road will also facilitate direct vehicular access to and from the Ha Bac fertilizer plant to the strategic urban road network (NR1 and NR31). Based on the forecast levels of traffic by 2020 (10,019 pcu/dn) the new Road 2 is part of longer planned route, which also connects the planned North- Eastern Ring Road. This additional section of road to the north and east of the fertilizer plant will not be part of this subproject component, but will be provided under state budget at a later date.

11. Northeastern road component traverses Dinh Ke and Xuong Giang wards while the Tran Quang Khai road falls within Tho Xuong ward and Song Mai commune. The location of proposed roads is shown in Figure 1.

**Figure 1: Location of the New Road Proposed (red) and wastewater ponds (blue)**





## **2. Storm Water improvements**

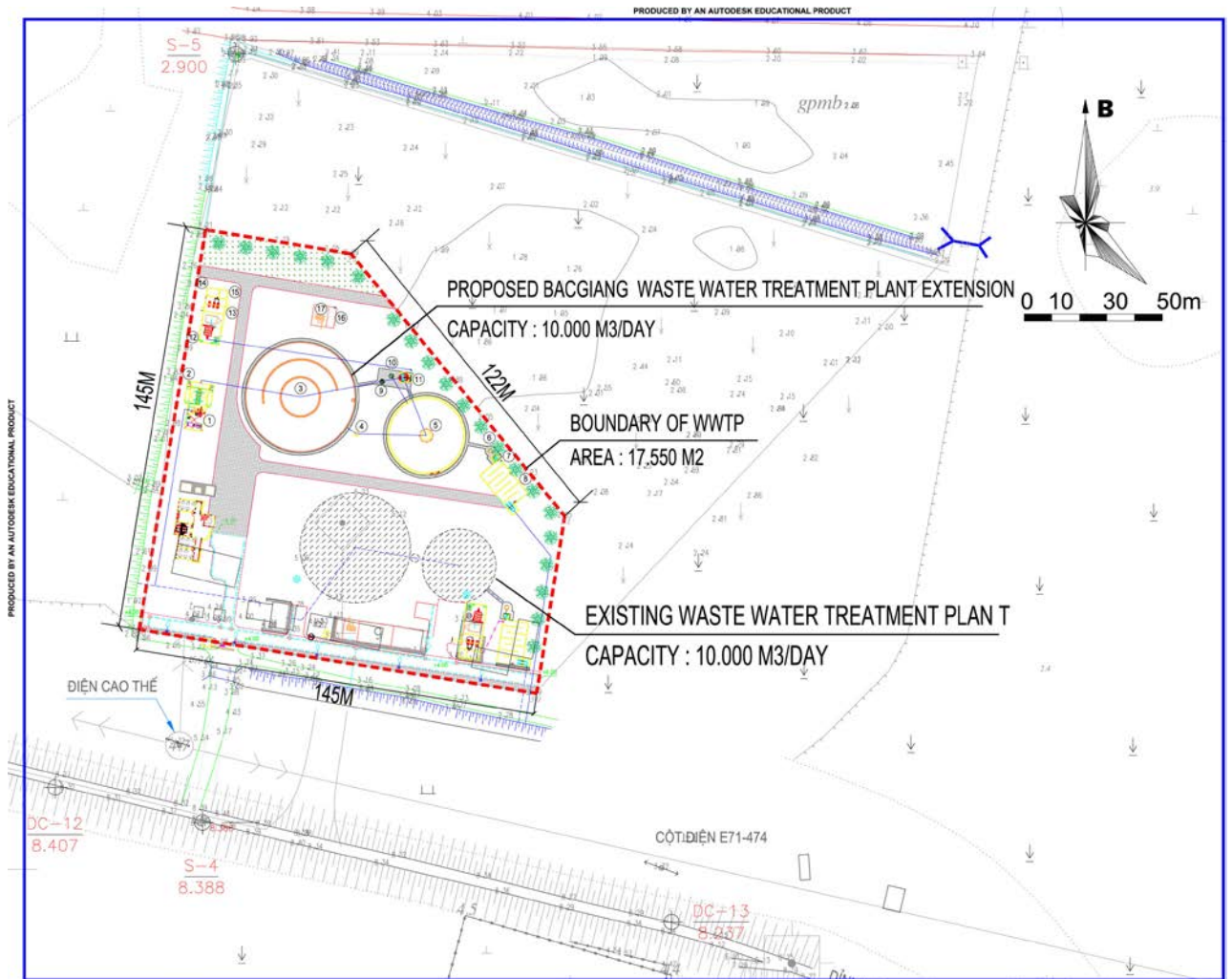
12. For better drainage for the eastern and southern city catchment area, a new earth-formed canal is proposed for part of the flow route between Ung Bo lake and the Van Son pump station, both to improve the flow and also to define the flow path so that it is reserved for the future. Some existing sections of the proposed route, about 3.5 km in length, will require dredging to complete the route. This will improve overland drainage from the city to the Van Son pump station.

13. A completely new pump station of capacity 86,000m<sup>3</sup>/hr is proposed for Van Son. The capacity has been calculated from the wider catchment area of Van Son. This pump station will be built immediately adjacent to the existing one, to enable the existing pump station to continue to operate during the construction of the new one. A smaller number of larger submersible pumps, ten altogether, are proposed to replace the current old models, plus a new pump building. The Chau Xuyen drainage pump station will also be replaced and seven new pumps of capacity 5,000m<sup>3</sup>/hr each will be installed.

## **3. Wastewater Improvements**

14. The overall objective of the component is to improve the wastewater treatment and urban sanitary environment for Bac Giang. Four out of the 10 ponds in Bac Giang have been selected for rehabilitation works, which will include dredging to increase volume, reinforcing the edges of the ponds with a structural concrete wall, inclusion of a footpath around the ponds for recreational use and importantly diversion of wastewater from the structures that surround each pond to a collector main. The subproject focuses on those ponds that require most urgent attention. There are four main catchments which need addressing, Nha Dau, Dong Cua, Chau Xuyen 1, and Chau Xuyen 2. The four ponds, selected in the subproject, associated with these catchments are Soc Trang, Nha Dhau, Banh Keo and Dong Cua (Figure 1). The collector mains will run to one of the existing wastewater pump stations which will then deliver wastewater to the WWTP. Additionally, the existing oxidation ditch type WWTP of capacity 10,000m<sup>3</sup>/d will have an extension built for a further 10,000m<sup>3</sup>/d bringing the total capacity to 20,000m<sup>3</sup>/d. This is calculated to have sufficient capacity to treat Bac Giang's wastewater for a further 20 year design period to the year 2038. The existing WWTP which was commissioned in 2010 has reached capacity. The extension will be located within the boundaries of the existing WWTP, where there is enough space to accommodate it (Figure 2).

Figure 2: Location of the new WWTP extension within the boundaries of the existing WWTP



## II. SCOPE OF RESETTLEMENT AND AFFECTED PERSONS

15. Initially an Inventory of Losses (IOL) together with a socio-economic survey was carried out during 19 January and 13 February 2015 to cover potential impacts due to the construction of new roads and bank protection of ponds to store wastewater. However, due to the change in design of embankments/walls of the pond, the resettlement impacts were avoided requiring revisions in the IOL and socio-economic data. The proposed Wastewater and Storm Water improvements components will not cause any resettlement impacts. Potential resettlement impacts due to the road components were assessed through detailed questionnaire survey covering all the affected households and documentation of affected agricultural land and other structures affected by the proposed new roads. The IOL and socioeconomic surveys were conducted in a participatory manner and supported by consultations with the households and their representatives and local authorities. Additional survey to assess degree of impact on household incomes of households affected by loss of >10% of their land holdings was conducted on 24<sup>th</sup> April 2015. The IOL and SES questionnaire is attached as Annex 8. Detailed List of Affected Households and Inventory of Losses (Annex 2 and Annex 6 respectively) are prepared separately (not attached to this RP).

16. The two new road components will impact private agricultural and public land affecting a total of 499 households or 2,027 APs, and three people's committees that own a total of 11 land holdings. The subproject will result in loss of total of 85,356.3msq. All affected households possess LURCs. Affected agricultural land is currently used in growing of flower (in Dinh Ke commune), vegetable and grains (in Song Mai, Xuong Giang, and Tho Xuong communes). The breakdown of land affected, the location and the percentage of impacts are shown in the following tables.

17. Among 11 plots of land owned by people's committees (public land), 5 are in Northeastern Road (Dinh Ke) and 6 are in Tran Quang Khai Road (2 in Tho Xuong and 3 in Song Mai). In Dinh Ke, 4 plots of land with the total area of 4,937.2sqm are used for rice plantation and perennial tree plantation; and 1 plot of land is cemetery with the area of 214.3sqm. In Xuong Giang, 1 plot of land is used for aquaculture production with the area of 340.4sqm. In Tho Xuong, 1 plot of aquaculture production with the area of 275.1sqm and 1 large plot of cemetery with the area of 1,032.4sqm will be affected. In Song Mai, only 22.6sqm of a plot of land for rice plantation and 1 plot of 681.9sqm of land for perennial tree plantation will be affected.

18. Table II-1 presents detail of land acquisition by ownership and area in Bac Giang city.

19. Currently there is no household identified cultivating or using any of these 11 plots of public land.

**Table II-1: Total Area of Land by Type and Ownership**

Component	Total area of land to acquire in msg	Managed by the People's Committee					Private Land	
		Agricultural land			Non-agricultural land		Agricultural land	
		BHK <sup>1</sup> +LUC <sup>2</sup>	TSN <sup>3</sup>	LNK <sup>4</sup>	NTD <sup>5</sup>	SVD <sup>6</sup>	BHK+LUC	TSN
<b>Northeastern Road</b>	41,646.70	4,937.20	340.4	0.0	214.3	0.0	35,824.90	329.9
<b>Tran Quang Khai Road</b>	43,709.60	22.60	275.1	681.90	1,032.40	1,533.20	39,721.30	443.10
<b>Total</b>	85,356.30	4,959.80	615.50	681.90	1,246.70	1,533.20	75,546.20	773.00

<sup>1</sup> BHK: Flat land for planting annual trees

<sup>2</sup> LUC: Land for water rice plantation ( $\geq 2$  crops per year)

<sup>3</sup> TSN: Land for aquaculture production in fresh water

<sup>4</sup> LNK: Land for other perennial trees plantation

<sup>5</sup> NTD: Land of Cemetery

<sup>6</sup> SVD: Stadium

20. According to the provincial regulation, Decision **869/2014/QĐ-UBND** issued on 31/12/2014, which follows the Decree 47/ 2014/ ND\_CP, public land is subject to compensation when it is acquired. The compensation is equal to 100% of the price for the specified agricultural land counted for compensation. The compensation shall be deposited to the State budget managed by the communal government and shall be spent for the purpose of investing into the infrastructural works serving community's needs (40%) and those of villages and counties where land is acquired (60%)<sup>7</sup>. Therefore, total area to be acquired is 85,356.2 msq.

**Table II-2: Total Number of Affected Households (AHs) by Road Components**

Component	Total		Dinh Ke ward		Xuong Giang ward		Tho Xuong ward		Song Mai Commune	
	No. AHs	No. APs	No. AHs	No. APs	No. AHs	No. APs	No. AHs	No. APs	No. AHs	No. APs
<b>Northeastern Road</b>	<b>217</b>	<b>806</b>	94	351	123	455	-	-	-	-
<b>Tran Quang Khai Road</b>	<b>282</b>	<b>1221</b>	-	-	-	-	60	262	222	959
<b>Total</b>	<b>499</b>	<b>2027</b>	94	351	123	455	60	262	222	959

### Degree of Impact

21. Around 60% (298) of the AHs will lose less than 10% of their productive land, while 194 HH (786 APs) will lose between 10-70% and another 7 HHs (28 APs) will lose more than 70% of their productive land. Details on the number of households by degree of impact are given in Table II-3.

22. In the northeastern road component 134 HHs (499 APs) will be affected by loss of <10% of their land. Of the 134 HHs, 28 are women headed households, however they are not considered vulnerable as these households have other earning members. In the Tran Quang Khai road component, 164 AHs (714 APs) will be affected by loss of <10% of their land holding. Of these, 27 are female headed HHs but are not vulnerable.

23. The distribution of 201 HH affected by loss of >10% of land holdings by ward/commune is shown in Table II-3. The consultants conducted additional survey of these HHs on 24<sup>th</sup> April 2015 to assess degree of impacts on their livelihood and household incomes. The analysis of data identified that:

- For 43 HHs (Dinh Ke ward: 26 HHs, Xuong Giang ward: 13 HHs, Tho Xuong ward: 4 HHs) the impact due to the loss of agricultural land will not cause any impact on household incomes as the affected land is not cultivated and the household have other sources of income.
- For 140 HHs the main sources of household incomes are from non-agricultural activities (business, employment in government services, etc.) and loss of agricultural land will cause loss of less than 10% of their total household incomes. More information on types of occupation is provided in Chapter III.
- 18 HHs (Dinh Ke Ward 13 HHs, Xuong Giang 1 HH, Tho Xuong ward 4 HHs) will be severely affected due to the loss of between 10-70% of agricultural land.

<sup>7</sup> Article 18, Decision 869/2014/QĐ-UBND, 31/12/2014.

**Table II-3: Number and Percentage of HH Affected by Agricultural Land**

Component / ward, commune	< 10% of total land			10% - 70%			>70%			Total		
	Number of AHs	Number of APs	% of AHs	Number of AHs	Number of APs	% of AHs	Number of AHs	Number of APs	% of AHs	Total of AHs	Total APs	% of AHs
<b>Northeastern Road</b>	<b>134</b>	<b>499</b>	<b>26.9%</b>	<b>80</b>	<b>296</b>	<b>16.0%</b>	<b>3</b>	<b>11</b>	<b>0.6%</b>	<b>217</b>	<b>806</b>	<b>43.5%</b>
Dinh Ke ward	36	137	7.2%	55	203	11.0%	3	11	0.6%	94	351	18.8%
Xuong Giang ward	98	362	19.6%	25	93	5.0%	0	0	0.0%	123	455	24.6%
<b>Tran Quang Khai Road</b>	<b>164</b>	<b>714</b>	<b>32.9%</b>	<b>114</b>	<b>490</b>	<b>22.8%</b>	<b>4</b>	<b>17</b>	<b>0.8%</b>	<b>282</b>	<b>1221</b>	<b>56.5%</b>
Tho Xuong ward	15	69	3.0%	41	176	8.2%	4	17	0.8%	60	262	12.0%
Song Mai Commune	149	645	29.9%	73	314	14.6%	0	0	0.0%	222	959	44.5%
<b>Grand Total</b>	<b>298</b>	<b>1213</b>	<b>59.7%</b>	<b>194</b>	<b>786</b>	<b>38.9%</b>	<b>7</b>	<b>28</b>	<b>1.4%</b>	<b>499</b>	<b>2027</b>	<b>100.0%</b>

24. Of the 499 households, 28 HHs were found to have remaining area after acquisition rendered smaller than 250msq and unviable for agriculture production (Table II-4). The following table presents the allocation of households who have unviable remaining areas.

**Table II-4: Households with small remaining area after acquisition**

<b>Commune</b>	<b>&lt; 10% of total land</b>	<b>10-70% of total land</b>	<b>&gt;70% of total land</b>	<b>Total</b>
<b>Northern road</b>	-	2	3	5
Dinh Ke		1	3	4
Xuong Giang		1		1
<b>Tran Quang Khai road</b>	3	16	4	23
Tho Xuong	3	14	4	21
Song Mai		2		2
<b>Total</b>	3	18	7	28

25. One household in Tho Xuong having 250msq of land area left after the acquisition is also affected by loss of >10% of land holding and is assessed to lose more than 10% of his HH income.

26. Most of the households (18) with unviable (<250msq) remaining areas lose between 10-70% of their total land, and 7 households who lose more than 70% of their land holdings are severely affected. Only three households affected by loss of <10% of land holding have their remaining land rendered smaller than 250 m2 and hence considered severally affected.

27. During the implementation phase and following DMS the project authorities will conduct further consultations with 28 households (5 in Northern road and 23 in Tran Quang Khai road) who will have their remaining land rendered too small and unviable for agriculture to determine whether they would wish to retain ownership of the remaining plot or wish to get compensation. Criteria for unviable land will be further finalized in consultation with AHs and provincial authorities.

#### **Severely Affected Households:**

28. A total of 18 (59 APs) households would be severely affected due to the loss of >10% of their income-generating (productive assets). Additionally, 28 households (115 APs) whose remaining area is smaller than 250msq and not viable for agriculture production will be considered as severely affected. 1 household (2 APs) is eligible to both criteria (loss of more than 10% of income and have small remaining area). Therefore, a total of 45 households (172 APs) will be considered severely affected.

#### **Impact on Tombs**

Along the alignment of the proposed roads 76 tombs were found (61 tombs in Tho Xuong commune, and 15 tombs in Dinh Ke commune), of which 56 are already exhumed and 21 are yet to be exhumed, and they will need to be transferred to a new location through consultation with the relatives and the local authorities following the local customs that are practiced in the area. The public consultation with the representatives of the households affected by transferring the tombs revealed that the local people are mainly concerned about the proposed timeframe for transfer of the remaining tombs. In view of the proposed shifting of tombs, the cemeteries are not currently being used. It is proposed to transfer 15 tombs in

2015 and the remaining 6 in 2016, all prior to startup of civil works. At present, all exhumed tombs are built with reinforced concrete. The other 15 tombs which have not been exhumed yet are covered with earth only. However, after relocation these tombs may be finished with better building material like bricks, concrete and stone slabs. Compensation, or assistance, and site for relocation of tombs will be determined in consultation with relevant households, and local authorities. All the 76 households who will be impacted by transferring the tombs have been identified. The provisions for removal are provided in the entitlement matrix. The customs followed for shifting of tombs in Bac Giang province are explained in Annex 3.

## Loss of Crops and Trees

**Table II-1: Total area of private land with crops, trees, and aquaculture products affected (sqm)**

Household	Dinh Ke	Xuong Giang	Tho Xuong	Song Mai	Total
Peach flower trees	13,608.70				13,608.70
Gladiolus flower	<b>2,245.40</b>				2,245.40
Dog rose flower	<b>1,435.70</b>				1,435.70
Rice	1506.5	15,731.10	9,017.10	30,704.20	56,958.90
Vegetables	1297.5				1,297.50
Aquaculture		329.9	443.1		773.00
<b>Total</b>	<b>20,093.80</b>	<b>16,061.00</b>	<b>9,460.20</b>	<b>30,704.20</b>	<b>76,319.30</b>

29. Cultivation and aquaculture of a total of 76,319.3sqm of private land will be affected by the project.

30. Area under rice cultivation is the most affected among different types of crops and trees, with an area of 56,958.9sqm, of which 1,506.5sqm in Dinh Ke, 15,731.1sqm in Xuong Giang, 9,017.1 sqm in Tho Xuong, and 30,704.2sqm in Song Mai.

31. Dinh Ke is one of the main source of flower supply in the province, and they will be affected with a loss of 13,608.7sqm of peach flower trees and msq,245.4sqm of gladiolus and 1,435.7sqm of dog rose flower.

32. There will be minor impact on vegetable cultivation and aquaculture. 1,017.1sqm of vegetables will be affected in Dinh Ke, while there are 329.9sqm in Xuong Giang and 443.1sqm in Tho Xuong of aquaculture activities will be affected. The aquaculture activities comprise of growing fish (with low value).

**Table II-2: Total area of public land with crops, trees, and aquaculture products affected (sqm)**

CPC	Dinh Ke	Xuong Giang	Tho Xuong	Song Mai	Total
Rice	461.9			22.60	484.50
Perennial trees	4475.3			681.9	5,157.20
Aquaculture			340.4	275.1	615.50
<b>Total</b>	<b>4,937.20</b>	<b>0.00</b>	<b>340.40</b>	<b>979.60</b>	<b>6,257.20</b>

33. Only a small area of rice cultivation will be affected in Dinh Ke and Song Mai CPC. The major impact will be on perennial trees in Dinh Ke (4,475.3sqm of white cedar and 4,475 acacia trees) and in Song Mai (681.9sqm with 200 of white cedar trees). Apart from that, two CPCs (Tho Xuong and Song Mai) also will be affected with loss of 615.5sqm in total of



aquaculture production. Household affected by the loss of areas under crops, trees, and aquaculture products are entitled for compensation as per the local government regulation.

**Loss of Business Incomes/employment**

34. The subproject will not cause any loss of businesses or employment.

### III. SOCIO-ECONOMIC PROFILE OF AFFECTED HOUSEHOLDS

35. A socio-economic survey of 108 affected households out of the 499 AHs, forming a sample size of 21%, was carried out on 13 February 2015 to assess the socio-economic profile. The sample of surveyed households was selected based on stratified random sampling method.

36. All the selected 108 HHs have LURC. Based on the findings of the survey the subproject will not impact any ethnic minorities. All affected households are Kinh. Average household size is 4.1. Of the 108 households surveyed there were 42 female headed households with average hh size of 3.7. Socioeconomic characteristics of surveyed households are described in the following sections. General socioeconomic characteristics are shown in Table III-2.

#### A. Education

37. General literacy level in the subproject area is quite high. Of the 108 households (442 APs) surveyed there were only 6 persons that may be considered illiterate. 133 persons have upper secondary education and 11 persons have college/university level of education. There is no significant difference between the level of education in the 4 areas, most of the households heads have a lower secondary school education and it is noticed that the Song Mai commune has the highest number of persons with upper secondary level education.

**Table III-1: Education Level**

Components/ level of education	Northeastern Road		Tran Quang Khai Road		Total
	Dinh Ke ward	Xuong Giang ward	Tho Xuong ward	Song Mai Commune	
<b>Households' heads</b>	0				
- Illiterate	1	1		1	3
- Elementary	3	11	1	2	17
- Lower secondary school	15	8	12	36	71
- Upper secondary school	1		3	13	17
- College, University			0		0
<b>Household members</b>					0
- Illiterate	2			1	3
- Elementary	8	3	4	23	38
- Lower secondary school	32	25	10	60	127
- Upper secondary school	12	13	20	71	116
- College, University	5			6	11

**Table III-2: Socio-economic Information of the AHs**

Component / ward, commune	Number of households surveyed					Female headed				Male headed			
	# of AHs	%	# of APs	%	Average number of people per household	# of AHs	%	# of APs	Average number of people per household	# of AHs	%	# of APs	Average number of people per household
<b>Northeastern Road</b>	<b>40</b>	<b>100</b>	<b>150</b>	<b>100</b>	<b>3.7</b>	<b>15</b>	<b>37.5</b>	<b>47</b>	<b>3.1</b>	<b>25</b>	<b>62.5</b>	<b>103</b>	<b>4.1</b>
Dinh Ke ward	20	50	84	56	4.2	6	30	18	3	14	70	66	4.7
Xuong Giang ward	20	50	66	44	3.3	9	45	29	3.2	11	55	37	3.3
<b>Tran Quang Khai Road</b>	<b>68</b>	<b>100</b>	<b>292</b>	<b>100</b>	<b>4.3</b>	<b>27</b>	<b>39.7</b>	<b>108</b>	<b>4.0</b>	<b>41</b>	<b>60.3</b>	<b>184</b>	<b>4.5</b>
Tho Xuong ward	16	23.53	53	18.15	3.3	7	43.8	23	3.3	9	56.2	30	3.3
Song Mai Commune	52	76.47	239	81.85	4.6	20	38.5	85	4.2	32	61.5	154	4.8
<b>Grand total</b>	<b>108</b>		<b>442</b>		<b>4.1</b>	<b>42</b>		<b>155</b>	<b>3.7</b>	<b>66</b>		<b>287</b>	<b>4.3</b>

## B. Income

**Table III-3: Average Monthly HH Income**

Component /Income	From 500,000 – 1,000,000 VND (households)	>1,000,000 VND – 1,500,000 VND (households)	>1,500,000 VND -2,000,000 VND (households)	> 2,000,000 VND (households)
<b>Northeastern Road</b>				
Dinh Ke ward	3	8	5	4
Xuong Giang ward	11	2	2	5
<b>Tran Quang Khai Road</b>				
Tho Xuong ward	2	7	4	3
Song Mai Commune		10	10	32

38. According to the sample survey 12% of the households have average monthly income between 500,000 – 1,000,000 VND, and the majority of these households live in Xuong Giang Ward. According to provincial classification in urban area the poor households have average monthly income below 500,000 VND. None of the household surveyed fall below the poverty line and none are expected to fall below the poverty line due to the project.

## C. Income source

**Table III-4: Income Sources**

Component /Profession	Farming	Wage workers (officers, workers, retired people)	Business and service	Freelance	Handicraft (carpenter)	Work overseas
<b>Northeastern Road</b>						
Dinh Ke ward	19	17	2	8		
Xuong Giang ward	34	6	0	2		
<b>Tran Quang Khai Road</b>						
Tho Xuong ward	17	8	1	14		
Song Mai Commune	78	57	13		3	3

39. Most of surveyed HHs in Song Mai participate in agricultural activities. Therefore, during the non-farming season they do other job for additional income (construction assistants, part-time workers, taxi motorbike drivers, etc.). That explains why HHs in Song Mai have higher proportion of income from wages.

40. The figures presented in the table above show the income source of surveyed HHs. To get to know the impact level on HHHs' income, the Consultant team conducted additional survey among 201 HHs who lose more than 10% of their productive land. The results are indicated in para 23.

## D. Assets

41. The type of assets owned by the AHs reflects that most of them possess bicycle, motor cycle or cars as means of transport. Most of the households possess cell phones. The mobility and communication means is above 90%. In general all surveyed households are economically well-off.

**Table III-5: Type of Assets in AHs (%)**

Component/ Type of assets	Northeastern Road		Tran Quang Khai Road	
	Dinh Ke ward	Xuong Giang ward	Tho Xuong ward	Song Mai Commune
<b>Bicycle</b>	95	90	93.7	100
<b>Motorbike</b>	80	85	87.5	100
<b>Car</b>	0	0	6.2	9.6
<b>Air-conditioner</b>	5	5	0	15.4
<b>Washing machine</b>	40	0	25	57.7
<b>T.V</b>	85	80	100	100
<b>Landline</b>	0	15	12.5	15.4
<b>Cell phone</b>	80	70	93.7	98
<b>Video player</b>	0	25	56.2	98
<b>Computer</b>	20	15	12.5	40.4

## E. Housing Types

**Table III-6: Type of Houses of AHs**

Component /Type of houses	Temporary house <sup>8</sup>		House Grade 4 <sup>9</sup>		House Grade 3 <sup>10</sup>		Total	
	Number	%	Number	%	Number	%	Number	%
<b>Northeastern Road</b>								
Dinh Ke ward	1	5%	16	80%	3	15%	<b>20</b>	<b>100%</b>
Xuong Giang ward			14	70%	6	30%	<b>20</b>	<b>100%</b>
<b>Tran Quang Khai Road</b>								
Tho Xuong ward			12	75%	4	25%	<b>16</b>	<b>100%</b>
Song Mai Commune			52	100%			<b>52</b>	<b>100%</b>

<sup>8</sup> House for temporary use: Structure of bearing pressure is of bamboo; or House is sheltered by toocxi or earth wall; Roofing materials are leaves or straw; or Poor utilities according to the Government regulation

<sup>9</sup> 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.

<sup>10</sup> Grade 3: Structure bearing pressure is a combination of reinforced concrete and brick or merely brink. 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>Total</b>	<b>1</b>	<b>-</b>	<b>94</b>	<b>-</b>	<b>13</b>	<b>-</b>	<b>108</b>	<b>-</b>
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42. Almost all the structures owned by the surveyed households are grade 3 or grade 4 quality. The houses are generally well maintained.

#### F. Access to Utilities (%)

**Table III-7: Utilities of AHs**

Component	Power	Water		Toilet	Bathroom
		Tap water	Drilled well		
<b>Northeastern Road</b>					
Dinh Ke ward	100	100		100	100
Xuong Giang ward	100	100		100	100
<b>Tran Quang Khai Road</b>					
Tho Xuong ward	100	100		100	100
Song Mai Commune	100	84.6	15.4	100	100

43. All the surveyed households have access to electricity, and bathroom and toilet facilities. 84.6 percent of households have access to piped water supply while the remaining 15.4 percent households get water from deep wells.

#### G. Access to Sources of Energy

**Table III-8: Number of Households by Sources of Energy**

Component	Wood	Coal	Power	Gas
<b>Northeastern Road</b>				
Dinh Ke ward		10 (50%)	6 (30%)	13 (65%)
Xuong Giang ward	10 (50%)	15 (75%)	15 (75%)	17 (85%)
<b>Tran Quang Khai Road</b>				
Tho Xuong ward	5 (31.2%)	13 (81.2%)	16 (100%)	15 (93.7%)
Song Mai Commune	46 (88.5%)			52 (100%)

44. As shown in Table III-8 above, most households use multiple sources of energy in their houses. While 50 households in Xuong Giang Ward still use wood in their kitchen, all households in Song Mai use gas as the only source of energy. In general electricity and gas are the major sources of energy in all houses.

45. From the survey of 108 households among the AHs it appears that the HHs in Song Mai commune are better off in terms of income, education, housing and most of the other indicators studied compared to the other areas.

#### **IV. LEGAL AND POLICY FRAMEWORK**

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

##### **A. ADB Policies**

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

48. 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. The SPS 2009 stresses that the living standards affected people should be improved.

49. 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, the Indigenous Peoples Plan will outline measures to minimize, mitigate, and compensate for the adverse impacts.

50. 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 Management Units (PMUS) 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.

51. 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**

52. 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.

53. 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.

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

**1. Law**

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

**2. Government's 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/QD-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/QD-TTg dated November 16 2012 on employment and vocational training support policies for laborers subject to agricultural land recovery.



55. At the local level, provinces issue Provincial Decisions, consolidating national Decrees 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 decrees for Bac Giang province include:

- DECISION no. 36/2911-QD-UBND on issuing some specific regulations on compensation, support and resettlement upon land acquisition by State in Bac Giang province;
- DECISION no. 177/2012/QD-UBND on issuing order and procedure for the State's land recovery, compensation, support, and resettlement; land allocation, land lease to implement investment projects in Bac Giang;
- DECISION no. 703/QD-UBND on issuing Land price list for Bac Giang province in 2014.

56. 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.

57. 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 fulfil 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 them whether such losses and involuntary restrictions are full or	<p>The policy principles are not limited to the DPs but:</p> <ul style="list-style-type: none"> <li>- 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 fee (Article 101.1).</li> <li>- Covers both physical and economic displacement due to land recovery (involuntary acquisition of land)</li> <li>-Considers impacts from change of land</li> </ul>	Applying the objectives of the 2009 ADB SPS.

<p>partial, permanent or temporary.</p>	<p>use structure and economic structures (Article 26.4)</p> <ul style="list-style-type: none"> <li>-Covers both temporary and permanent land recovery</li> <li>-Covers remaining investment costs on land (Article 76).</li> <li>-Covers compensation for the damage caused by limited land use (Articles 94 and 157).</li> </ul>	
<p>Project Policies</p>		
<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>	<p>All subprojects shall be screened and categorized according to the degree of their involuntary resettlement impacts, physical and social</p>
<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 mechanism<sup>6</sup> to receive and facilitate resolution of the host affected persons' concerns.</p>	<ul style="list-style-type: none"> <li>- Starts the conduct of public consultation (including affected land users) with the preparation of the district-level land use plan (Article 43).</li> <li>-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).</li> <li>-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</li> </ul>	<p>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.</p>
<p>Support the social and cultural institutions of displaced persons and their host population.</p>	<p>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</p>	

	<p>record opinions/ comments raised during the consultations. In case of disagreement, the Fatherland Association will attempt to persuade those who disagree (Article 69).</p>	
<p>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>	<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>	<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.</p>
<p>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; (ii) transitional support and development assistance, such as land development, credit facilities, training, employment opportunities; and (iii) civic infrastructure and community services, as required.</p>	<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 85.2), construction codes in with the customs</p>	<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 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</p>

		required
<p>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>	<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>	<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</p>
<p>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.</p>	<p>-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.</p>	<p>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</p>
<p>7. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for full resettlement 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)</p>	<p>-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 allocates land with land use fee (Article 79.2).</p> <p>-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.</p>	<p>The absence of legal rights of affected persons on the acquired land is not a hindrance to receiving compensation for other assets and for rehabilitation assistance</p>

<p>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.</p>	<p>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.</p> <p>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;</p> <p>Resettlement cost is included in the total investment.</p>	<p>Resettlement plan shall be prepared in case of land acquisition, complete with necessary information</p>
<p>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</p>	<p>-Requires that the compensation plan is disclosed to the affected land user and the community where land recovery will be made.</p>	<p>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.</p>
<p>10. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation</p>	<p>-Requires that land recovery be conducted only after the construction of houses or infrastructure in the resettlement area is completed (Article 85).</p> <p>-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.</p>	<p>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>
<p>11. Grievance redress mechanism</p>	<p>- 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).</p> <p>- Allowing the DPs whose land is acquired</p>	<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</p>

	<p>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>	<p>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. Monitoring indicators are defined for internal monitoring and external monitoring; Disclosing monitoring reports.</p>	<p>-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). 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

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

- (i) Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimized where possible by exploring all alternative options;
- (ii) 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;
- (iii) 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;
- (iv) 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;
- (v) APs will not be displaced until they have been compensated as per the provisions of this RP and rehabilitation measures are in place;
- (vi) 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 compensation to improve land if the land provided as replacement is of inferior quality;
- (vii) The rate for compensation will follow the entitlement matrix (below) that will be revised at the time of updating the RP;
- (viii) The process and timing of land and other asset acquisition will be determined in consultation with APs to minimize disturbance;
- (ix) Where houses, structures, and other physical assets are partially affected to the degree that the remaining portion is not viable for its intended use, the project will acquire the entire asset, and APs will be entitled to compensation at replacement cost for the entire asset. Currently there has not yet been any regulation in Bac Giang in term of the minimum area of a plot of land. Therefore the EA in consultation with the AHs when updating the RP will determine whether the project will acquire the entire structure or only the affected area;
- (x) 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;



- (xi) 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;
- (xii) 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;
- (xiii) 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;
- (xiv) Existing cultural and religious practices will be respected and, to the maximum extent practical, preserved;
- (xv) 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;
- (xvi) There will be effective mechanisms for hearing and resolving grievances during updating and implementation of the RP;
- (xvii) 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;
- (xviii) Adequate budgetary support will be fully committed and made available to cover the costs of land acquisition and resettlement within the agreed implementation period;
- (xix) Culturally-appropriate and gender-sensitive reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system;
- (xx) Voluntary donation will not be applied for any assets;
- (xxi) 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;
- (xxii) 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
- (xxiii) No demolition of assets will be done until the affected household is fully compensated and relocated.

## B. Eligibility and Entitlements

59. **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 Bac Giang City authorities. Those who encroach into the subproject area after the cut-off date will not be entitled to compensation or any other assistance.

60. **Entitlements.** Table below 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 determining actual impacts on land, structures (tombs), crops and trees. 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.

61. The final selection of land for construction of the wastewater treatment plant will be on vacant and idle public land. The District Resettlement Committee (DRC) has confirmed that the identified land is free to be used for the WWTP. Details on WWTP land together with supporting documents, will be included in the updated RP

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

**Table V-1: Entitlement Matrix**

Types of loss/impacts	Level of impact	Entitled persons	Entitlements (To be revised during updating of the RP)	Implementation issues
<b>1. Land</b>				
Productive agriculture land	Partial loss	Legal owners of land with LURCs or legalizable 499 AHs (2027 APs)	Compensation at cash for permanently acquired land based on replacement cost; and Compensation for affected assets on land at replacement cost, including transaction costs. 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. All the transactions cost involved will be paid for or reimbursed. Land-for-land option will not be applicable as the Ahs had expressed preference for compensation in cash.
<b>2. Structures</b>				
Affected graves (See Annex 3) for local customs)	Digging up and removing the tombs  Other assistance	Relatives to the persons exhumed and commune /ward committees 76 AHs	A. Tombs which have not been exhumed yet (Long tombs): 5,000,000 VND/tomb.	Cost for digging up, removing the tombs, buying new land and setting the tombs: 1. Tombs which have not been exhumed yet (Long tombs):

Types of loss/impacts	Level of impact	Entitled persons	Entitlements (To be revised during updating of the RP)	Implementation issues
	to remove the tombs		<p>B. Tombs which have been exhumed already: 2,000,000 VND/tomb.</p> <p>a) Cost of assistance for spiritual merits following the local traditions and customs:</p> <ul style="list-style-type: none"> <li>- Tombs whose owners are unidentified: 500,000 VND/tomb.</li> <li>- Other cases: 1,500,000 VND/tomb.</li> </ul> <p>b) Assistance for the removal of tombs that the HHs do by themselves: 2,000,000 VND/tomb (not applicable to tombs whose owners are unidentified). (Article 14)</p>	<p>5,000,000 VND/tomb.</p> <p>2. Tombs which have been exhumed already: 2,000,000 VND/tomb</p> <p>Other assistance to remove the tombs shall be as the follows:</p> <p>a) Cost of assistance for spiritual merits following the local traditions and customs:</p> <ul style="list-style-type: none"> <li>- Tombs whose owners are unidentified: 500,000 VND/tomb.</li> <li>- Other cases: 1,500,000 VND/tomb.</li> </ul> <p>b) Assistance for the removal of tombs that the HHs do by themselves: 2,000,000 VND/tomb</p>
<b>3. Trees and crops</b>				
Crops, vegetables, gardening, rice, vegetables, flowers, acacia, white cedar.	Loss of or damage to vegetation	Owners regardless of tenure status 499 AHs (2027 APs)	In case trees and crops have been identified, 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 acquisition

Types of loss/impacts	Level of impact	Entitled persons	Entitlements (To be revised during updating of the RP)	Implementation issues
<b>4. Aquaculture products</b>				
Aquaculture products (fish)	Loss of or damage to aquaculture products	Owners regardless of tenure status 2 AHs	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 un-harvested produce that are near or ready to harvest at the time of land acquisition
<b>5. Assistance</b>				
Livelihood allowance	Applicable for all households when the State acquires land for agricultural production	Applicable for all households when the State acquires land for agricultural production. 499AHs	a) Assistance for land for annual tree plantation, land for aquaculture and land for other agricultural production 10,000 VND/msq b) Assistance for land for fruit trees, perennial trees 7,000 VND/msq c) Assistance for land for productive forest with stipulated trees' density and height from and above 1.2m: 5,000 VND/m <sup>2</sup> ; For land of poor forest: 1,500 VND/m <sup>2</sup> .(Article 19)	The project will apply the entitlements stipulated in the national and provincial decree/decisions
Assistance for job training	Losing productive land	AHs who will lose productive land 499 AHs	- When the State acquires land for agricultural production, the household then will be offered with assistance for job training/ creation in cash. The amount is 03 times as much as the price of agricultural land in the same list (Article 20)	-The assistance provided will be 3 times as much as the cost the land at market price

<b>Types of loss/impacts</b>	<b>Level of impact</b>	<b>Entitled persons</b>	<b>Entitlements (To be revised during updating of the RP)</b>	<b>Implementation issues</b>
Other assistance	Applicable to households who have more than 70% of their authorized field area acquired	Applicable to households who have more than 70% of their authorized field area(*) acquired 7 AHs	Assistance for job training for 01 individual at working age in cash of 3,500,000 VND/individual at working age (Article 22)	Assistance for job training for 01 individual at working age in cash of 3,500,000 VND/individual at working age (Article 22)
Loss of Income-generating Assets	Applicable to households who loss more than 10% of their income generating assets	Applicable to households who loss more than 10% of their productive assets 18 AHs (59 APs)	The AH severely affected with mean of production will be given cash assistance for the loss of business income 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 business income 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)
Remaining area smaller than 250sqm	Applicable to households who remaining areas are smaller than 250sqm and unviable for agricultural production	Applicable to households who remaining areas are smaller than 250sqm and unviable for agricultural production 28 AHs (includes one HH who also loses >10% of assets)	The AH severely affected with mean of production will be given cash assistance for the loss of business income 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 HH receiving assistance of the loss of income-generating asset will not be eligible for this entitlement	The AH severely affected with mean of production will be given cash assistance for the loss of business income 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 HH receiving allowance of the loss of income-generating asset will not be eligible for this entitlement
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

63. The calculation of the compensation and support for affected people is based on the consultation with local people and the provincial regulations of Bac Giang City as mentioned below.

- Decision 869/2014/QĐ- UBND dated 31/12/2014 of Bac Giang PPC on stipulating some specific regulations applicable for the whole of Bac Giang province on land acquisition, compensation, assistance and resettlement when the State acquires land;
- Decision No.861/QĐ-UBND dated 30/12/2014 on introducing the list of land price for the period of 2015-2019 in Bac Giang province.

### **C. Income Restoration Strategy**

64. The compensation to affected persons will ensure that they do not experience loss of livelihood and living standards as a result of the subproject. The key strategy for restoration of livelihoods in Bac Giang is to ensure that all affected persons that are permanently and temporarily affected by economic disruptions (mostly land) will receive compensation for their incomes losses, and additional assistance in line with the project principle and stipulated in the entitlement matrix

65. During consultations to update the RP severely affected persons entitled to income restoration assistance 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 by the project, given that micro- and small business is very popular in handicraft villages in Bac Giang (production of noodle, rice cracker, ratana, etc). 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.

#### ***Gender and Vulnerable Groups:***

66. The RP recognizes that women, the poor and other vulnerable groups may be less able to restore their living conditions, livelihoods and income levels, and therefore, will be at greater risk of impoverishment when their land and other assets are acquired. 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. During the survey carried out for the RP no vulnerable household were identified. The DRC, resettlement specialists, and gender specialists will be directly involved in RP updating and implementation to ensure that rehabilitation measures and other assistance is provided in case vulnerable groups are found.

67. 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. Compensation payments will be signed off by both spouses, or in the case of female headed households, by the affected women.

**Households affected by loss of >10% of land holding:**

68. An additional survey was conducted to assess the impacts on income of the 201 HHs affected due to the loss of more than 10% of their land holdings. The survey results revealed that: 1) many HHs engage in a variety of income-generating activities besides land cultivation; 2) some HHs earn incomes from sources other than cultivation; 3) only few HHs are fully depending on the income products of the land.

69. The HHs (18) fully dependent on agricultural production will be compensated as per the provincial regulations with special allowances, and an additional allowance for loss of >10% of their productive assets. These households will also be entitled to income restoration assistance. The need of income restoration plan will be reviewed during updating of the RP. For the households who are fully dependent on cultivation of land and affected by loss of major portion of their owned land, the DRC with support from PPC will organize training to assist them find suitable alternative sources of income. These HHs will also be assisted in obtaining microcredit facilities to start their new job. The plan for training and microcredit will be developed during updating of the RP. Budget for livelihood restoration is included in the estimated resettlement cost in Chapter XI.

## **VI. UPDATING AND IMPLEMENTATION OF THE RESETTLEMENT PLAN**

### **A. Updating**

70. 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, including the identification of additional affected persons and extent of temporary economic disruption, and required compensation/livelihood restoration. Updating of the RP will involve the following steps:

- (i) Undertake a Detailed Measurement Survey (DMS) of all losses of all APs. 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;
- (ii) Update the socioeconomic information gathered during project preparation to establish the baseline of APs as required;
- (iii) Review the process of compensation level through consultation with the DRC and Bac Giang PPC for the allowances that will be provided to the APs entitled.
- (iv) Conduct comprehensive public consultations with severely affected households to determine their needs and priorities for income restoration assistance and to formulate income rehabilitation measures that respond to peoples' needs.
- (v) Determine the losses in accordance with the entitlement matrix and update the compensation rate based on the results of the replacement cost survey, and verify rates in accordance with ADB guidelines;
- (vi) 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 sites for shops (if necessary);
- (vii) Prepare the final RP with time-bound implementation schedule, procedures for grievance redress, monitoring and evaluation, and a budget;
- (viii) Translate it into Vietnamese; and
- (ix) 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"> <li>(i) Total and affected areas of land, by type of land assets;</li> <li>(ii) Total and affected areas of structures, by type of structure (main or secondary) and construction grade;</li> <li>(iii) Legal status of affected land and structure assets, and duration of tenure and ownership;</li> <li>(iv) Quantity and types of affected crops and trees;</li> <li>(v) Quantity of other losses, e.g., business or other income, jobs or other productive assets; estimated daily net income from informal shops;</li> <li>(vi) Quantity/area of affected common property, community or public assets, by type;</li> <li>(vii) All the impacted assets will be quantified and the severity of the losses will be assessed during the DMS</li> <li>(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;</li> <li>(ix) Identify whether affected land or source of income is primary source of income; and</li> <li>(x) AP knowledge of the subproject and preferences for compensation and, as required, relocation sites and rehabilitation measures.</li> </ul>
<p>Socioeconomic Survey</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"> <li>(i) Household head: name, sex, age, livelihood or occupation, income, education and ethnicity;</li> <li>(ii) Household members: number, livelihood or occupation, school age children and school attendance, and literacy, disaggregated by gender;             <ul style="list-style-type: none"> <li>1. (iii) Land tenure status with all the variation if multiple,</li> <li>2. (iv) List of assets and the mode of ownership over the assets</li> </ul> </li> <li>(v) Living conditions: access to water, sanitation and energy for cooking and lighting; ownership of durable goods; and</li> <li>(vi) Access to basic services and facilities.</li> <li>(vii) Special skills of the household members if any</li> </ul>
<p>Replacement Cost Survey (RCS)</p>	<p>The PMU 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**

71. Land acquisition, compensation and relocation (if necessary) of APs cannot commence until the RP has been reviewed and agreed on by the Government of Vietnam and approved by the 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

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

### **Executing Agency:**

73. The Provincial People Committee is the project's executing agency (EA). The Project Management Unit (PMU) embedded in the Bac Giang PPC will be responsible for updating and implementation of this RP. The PMU will coordinate with the Provincial People's Committee and ensure that the compensation is administered according to the provisions of this RP.

### **Provincial People's Committee (PPC):**

74. The Bac Giang 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.

### **District People's Committee:**

75. (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.

### **District Resettlement Committee (DRC):**

76. 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.

### **Commune People's Committee (CPC)**

77. The 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.

78. **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 PMUs in handling resettlement issues. TOR for the social safeguards specialists is included in Annex 9. The resettlement consultants will have experience in both planning and implementation of resettlement plans in Vietnam.

79. 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 on-going internal monitoring;
- Train PMU assigned social safeguard focal persons to carry out internal monitoring and reporting of social safeguards plans.

80. The national social safeguards specialist will:

- Support the provincial PMUs 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 PMU 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 PMU on any required measures to take to ensure compensation levels are made according with the RP provisions;
- Monitor compensation payment and advise the PMU 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 PMU 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 PMU 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**

81. A new resettlement organization was established at the provincial and district level. Since 2010<sup>11</sup>, 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.

82. In Bac Giang, the CLFD was established in March 10, 2010, under management of Bac Giang City People's Committee, with the functions of organizing and implementing compensation, assistance, resettlement when the government acquires land which are approved, managing acquired land fund which has not been assigned, hired in the area, managing public land fund.

83. 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;

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<sup>11</sup> Circular No 01/2010/TTLT-BTNMT-BNV-BTC Guiding the functions, tasks, powers, organizational structure and financial mechanism of land fund development organizations.

- Conduct Detailed Measurement Survey;
- 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;
- Prepare and update regularly a database and lists of AHs, including information regarding disbursement dates for monitoring purposes.

## VIII. CONSULTATION AND DISCLOSURE

### A. Consultation during Design

84. Affected persons were consulted about the impacts of resettlement during the IOL interview process. While conducting the interviews the PPTA consultants and local authorities sought APs views on the proposed infrastructure improvements and the temporary economic losses that could be expected based on the project's preliminary design. Policies on entitlement and compensation, the objectives of the census and IOL and socio-economic surveys, and eligibility for compensation including the cut-off date were also discussed. There were 3 public consultation meetings, one for each component organized by the resettlement specialist and representatives from the PMU, representatives from Tran Phu Ward People's Committee's, representatives from Dinh Ke Ward People's Committee and Song Mai Commune People's Committee. Details on the participants are included as Annex 1a and Annex 1b.

- Consultation meeting for the Storm water improvement (pond embankment) component was organized at the Meeting hall of Tran Phu Ward People's Committee's Office on the 12 March 2015 attended by 31 representatives from 31 AHs (17 women and 14 men);
- Construction of the 2 roads: One meeting for Northeastern road and Tran Quang Khai road in Cho village community house – Dinh Ke ward on 11 of March 2015 and one in Meeting hall of Song Mai Commune People's Committee on 12 March 2015 attended by 75 representatives from 75 AHs (35 women and 30 men).

85. The participants expressed their perceived views on the benefits of the project, issues of concern and their main recommendations for project implementation to enhance benefits and avoid negative impacts, including the fair compensation for losses of assets at market prices. Highlights of the discussion included:

#### 1. Storm water improvement (pond embankment)

86. Comments from the participating households:

- Mr Ngo Van Vinh: Nha Dau Pond has been polluted for a while. The local people are looking forward to the embankment. However, the IOL and census should be conducted in a transparent manner and local people should be contacted directly to reduce the concerns from the household.
- Ms. Hoang Thi Van: Nha Dau pond embankment has been expected by all people living nearby. All households are happy if the project is implemented.
- Ms. Nguyen Thi Hoan: the contamination is mainly from the beer manufacturing plant. They expect to have a special wastewater collection system constructed to collect all the wastewater from the beer manufacturing plant. Once it is done, the embankment will then be efficient.
- Mr Dinh Tien Manh: the contamination of the pond has been a big concern for local people for many years. We hope the project would be implemented soon such that people's lives could be better.

87. Comments from the consultant:

- The consultant has received all comments from APs and will report to the Project team further.
- All activities of compensation and assistance for resettlement will be conducted following the stipulated procedures with the participation of the AHs.

- The price unit of compensation shall be always updated. According to the new Land law in 2013, there will be a price survey and compensation option for each component.

## **2. Construction of the 2 Roads:**

88. Comments from the participating households:

- Mr Nguyen Van Tam: the intention of investing in the North-eastern road and Tran Quang Khai road meets the expectation of local people for the sake of convenience in travelling and local socio-economic development. The land to be acquired is all agricultural land. As people's main income is from agricultural production; therefore, there must be reasonable compensation.
- Mr Nguyen Van Cuong: some rice field land owners have switched the purpose of use. If so, will they still be compensated or assisted with some money for restoration/rehabilitation?
- Mr Nguyen Van Vinh: the project acquires the village's stadium, on a public land of the commune. If so, will a new stadium be constructed?
- Ms Nguyen Thi Vui: it is requested to pay some money to the village such that they can construct a new stadium.
- Ms Nguyen Thi Nam: as many households do not have red certificate of land use, the total area is not large, they hope the project would acquire the whole plot of land as the rest is too small for any production activity.
- Mr Nguyen Van Thang: the project is expected to be implemented soon. And it shall have no impact on the nearby plots that are not acquired.

89. Comments from the consultants:

- The consultant has received all comments from APs and will report to the Project.
- As this is just a preparatory phase of the project, all information is just initial ones. When the project is approved, there will be more meetings for public consultation on policies of compensation and assistance such that the households can be updated.
- The project will compensate for the acquisition of the stadium such that there will be a new stadium constructed.
- The price unit of compensation shall be updated. According to the new Land law in 2013, there will be a price survey and compensation option for each component.

90. The full content of the public consultations held in the subproject with list of attendees and photos is provided in the annex.

## **3. Consultation during Implementation and Disclosure:**

91. The consultations with APs will be carried out throughout the project cycle, starting with the mobilization of PMU, so that APs' needs and preferences can be incorporated into the detailed design arrangements where practicable. They will also participate in various RP processes such as the: (i) DMS, (ii) RCS, (iii) identification of sites, (iv) hand-over of entitlements, (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.



92. This 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. Sample PIB is attached as Annex 5. 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.

93. 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

94. It is the responsibilities of Commune and District authorities and of Bac Giang PPC to help resolve confusion, misunderstandings or problems about land acquisition, compensation rates, rehabilitation and relocation. 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 and/or complaints 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 costs relating to grievance will be borne by the project.

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

### ***First Stage, Commune/Ward People's Committee:***

96. 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:***

97. If after 30 days the aggrieved affected household does not hear from the 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 or the DCARC 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 DCARC of district of any decision made.

### ***Third Stage, Provincial People's Committee (PPC):***

98. 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 PPC. The PPC has 45 days within which to resolve the complaint to the satisfaction of all concerned. The CPC is responsible for documenting and keeping files of all complaints that have been submitted.

### ***Final Stage, the Court of Law Arbitrates:***

99. If after 45 days following the lodging of the complaint with the PPC, the aggrieved affected household does not hear from the PPC, 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.

100. 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 town level.

101. The grievance redress mechanism will be continuously disseminated to people during project implementation. Peoples Committee will maintain complete record of the grievances, including actions taken to resolve the issues. All complaints received verbally will be documented. 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 they fully understand the procedures. The Grievance redress procedure shall also be made available in the project's Public Information Booklet. The PMU and the DCARCs are responsible for following-up the grievance process of the APs.

103. 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.

## **X. MONITORING AND EVALUATION**

104. 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 by the PMU, as internal monitoring.

### **A. Community Monitoring**

105. 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 feed back to the organization implementing the program or managing the project.

106. 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**

107. 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.

108. 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.

109. 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.

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

## XI. BUDGET

111. The RP budget is presented below. The total cost estimate is 30,117,664,007 VND (30,117.6 million VND), including direct costs of compensation as 26,890,771,435 VND (26,890.8 million VND), internal monitoring and management cost at 2 % and with 10% contingency. The basis for calculation of the value of the losses was made as per provincial regulations and consultation with the local people. The details for the different costs are provided in the tables below.

112. Compensation Rates. Compensation rates applied for this project for different types of losses are based on the current rates established by the Bac Giang peoples Committee, attached as Annex 4. 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 perennial tree plantation) to the AHs**

Commune	# AH	Affected area (sqm)	Unit price (VND/ msq )	Amount (VND)
Dinh Ke	94	20,093.80	75,000	1,507,035,000
Xuong Giang	123	15,731.10	75,000	1,179,832,500
Tho Xuong	60	9,017.10	75,000	676,282,500
Song Mai	222	30,704.20	75,000	2,302,815,000
<b>Total</b>	<b>499</b>	<b>75,546.20</b>		<b>5,665,965,000</b>

**Table XI-2: Compensation for Agricultural land (Land used for rice plantation and perennial tree plantation) to the CPCs**

Commune	# plot	Affected area (sqm)	Unit price (VND/ msq)	Amount (VND)
Dinh Ke	5	4,937.20	75,000	370,290,000
Xuong Giang				-
Tho Xuong				-
Song Mai	1	22.60		-
<b>Total</b>		<b>4,959.80</b>		<b>370,290,000</b>

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

Commune	# AH	Affected area (sqm)	Unit price (VND / msq)	Amount (VND)
Dinh Ke			65,000	-
Xuong Giang	1	329.9	65,000	21,443,500
Tho Xuong	1	443	65,000	28,801,500
Song Mai			65,000	-
<b>Total</b>		<b>773</b>		<b>50,245,000</b>

**Table XI-4: Compensation for Loss of Aquaculture Land to the AHs**

Commune	# plot	Affected area (sqm)	Unit price (VND/ msq)	Amount (VND)
Dinh Ke			65,000	-
Xuong Giang	1	340.40	65,000	22,126,000
Tho Xuong	1	275.10	65,000	17,881,500
Song Mai			65,000	-
<b>Total</b>		<b>615.50</b>		<b>40,007,500</b>

**Table XI-5: Compensation for Land used for perennial tree plantation to the CPCs**

Commune	# plot	Affected area (sqm)	Unit price (VND/ msq)	Amount (VND)
Dinh Ke				-
Xuong Giang				-
Tho Xuong				-
Song Mai	1	682	70,000	47,733,000
<b>Total</b>		<b>682</b>		<b>47,733,000</b>

**Table XI-6: Compensation for Land under Cemeteries to the CPCs**

Commune	# plot	Affected area (sqm)	Unit price (VND/ msq)	Amount (VND)
Dinh Ke	1	214.3	75,000	16,072,500
Xuong Giang				-
Tho Xuong	1	1,032	75,000	77,430,000
Song Mai				-
<b>Total</b>		<b>1,247</b>		<b>93,502,500</b>

**Table XI-7: Compensation for Land under Stadium to the CPCs**

Commune	# plot	Affected area (sqm)	Unit price (VND/ msq)	Amount (VND)
Dinh Ke				-
Xuong Giang				-
Tho Xuong				-
Song Mai	1	1,533	75,000	114,990,000
<b>Total</b>		<b>1,533</b>		<b>114,990,000</b>

**Table XI-8: Compensation for Tombs**

Commune	Number of tombs	Removing (VND)		Spiritual assistance (VND)		Total (VND)
		Unit price	Amount	Unit price	Amount	
<b>Dinh Ke</b>	<b>15</b>		<b>30,000,000</b>		<b>22,500,000</b>	<b>52,500,000</b>
Not-yet exhumed	0	5,000,000	-	1,500,000	-	-
Exhumed	15	2,000,000	30,000,000	1,500,000	22,500,000	52,500,000
<b>Tho Xuong</b>	<b>61</b>		<b>185,000,000</b>		<b>91,500,000</b>	<b>276,500,000</b>
Not-yet exhumed	21	5,000,000	105,000,000	1,500,000	31,500,000	136,500,000
Exhumed	40	2,000,000	80,000,000	1,500,000	60,000,000	140,000,000
<b>Total</b>	<b>76</b>		<b>215,000,000</b>		<b>114,000,000</b>	<b>329,000,000</b>

**Table XI-9: Compensation for standing paddy (Rice + Vegetable) Crops to AHs.**

Commune	Rice				Vegetables			
	# AH	Area (msq)	Unit price (VND/msq <sup>2</sup> )	Total	Area (msq)	Unit price (VND/msq <sup>2</sup> )	Total	Area (msq)
Dinh Ke								
Xuong Giang	5	1506.5	7200	10,846,800	6	1297.5	7200	9,342,000
Tho Xuong	123	15731.1	7200	113,263,920				-
Song Mai	59	9017.1	7200	64,923,120				-
Total	222	30704.2	7200	221,070,240				-
	<b>409.00</b>	<b>42,800.90</b>		<b>410,104,080.00</b>	<b>6.00</b>	<b>1,297.50</b>		<b>9,342,000.00</b>

**Table XI-10: Compensation for standing paddy (Rice) Crops to CPCs.**

Commune	Rice			
	# plot	Area (msq)	Unit price (VND/msq)	Total
Dinh Ke	2	461.9	7200	3,325,680
Xuong Giang			7200	-
Tho Xuong			7200	-
Song Mai	1	22.6	7200	162,720
Total	<b>3.00</b>	<b>484.50</b>		<b>3,488,400.00</b>



**Table XI-11: Compensation for Standing Flowers crops to AHs**

Commune	Peach tree flower				Gladiolus				Dog rose			
	# AH	Area	Unit price (VND/ msq)	Total	# AH	Area	Unit price (VND/ msq)	Total	# AH	Area	Unit price (VND/ msq)	Total
Dinh Ke	74	13608.7	34,100	464,056,670	4	2,245	24,200	54,338,680	6	1,436	29,150	41,850,655
Xuong Giang			34,100	-			24,200	-				-
Tho Xuong			34,100	-			24,200	-				-
Song Mai			34,100	-			24,200	-				-
<b>Total</b>		<b>13,608.70</b>		<b>464,056,670.00</b>		<b>2,245.40</b>		<b>54,338,680.00</b>		<b>1,435.70</b>		<b>41,850,655.00</b>

**Table XI-12: Compensation for Perennial Trees to the CPCs (4,475 acacia trees and 200 white cedars)**

Commune	Perennial trees			Total
	# tree	Area (msq)	Unit price (VND/ tree)	
Dinh Ke	4,475	4475.3	84000	375,900,000
Xuong Giang				-
Tho Xuong				-
Song Mai	200	200	72000	14,400,000
<b>Total</b>		<b>4,675.30</b>		<b>390,300,000.00</b>

**Table XI-13: Assistance for job transition, living settlement, and other allowance as per local government regulation**

Commune	Support for job transition (2.5 times of land price ) (VND)	Support for living settlement (VND)	Other assistance (VND)	Total (VND)
Dinh Ke	4,521,099,600	200,937,760	10,500,000	4,732,537,360
Xuong Giang	3,603,832,500	160,610,200		3,764,442,700
Tho Xuong	2,115,261,135	94,602,450	14,000,000	2,223,863,585
Song Mai	6,908,438,925	307,041,730		7,215,480,655
<b>Total</b>	<b>17,148,632,160</b>	<b>763,192,140</b>	<b>24,500,000</b>	<b>17,936,324,300</b>

**Table XI-14: Assistance for severely affected household**

Commune	Allowance for severely AH	Total
Dinh Ke	277,200,000	277,200,000
Xuong Giang	8,280,000	8,280,000
Tho Xuong	513,798,000	513,798,000
Song Mai	58,680,000	58,680,000
<b>Total</b>	<b>857,958,000</b>	<b>857,958,000</b>

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

114. 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 Bac Giang province 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.

**Table XI-15: Bac Giang Total Resettlement Cost**

	Urban Roads by section/ward	Land (VND)	Crops + Trees (VND)	Aquaculture products (VND)	Livelihood restoration Measures / Assistance: job, training, education (VND)	Livelihood allowance (VND)	Tombs (VND)	Assistance of severely AHs (VND)	Other assistance (VND)	Total (VND)
1	Dinh Ke ward – Bac Giang city	1,893,397,500	959,660,485	0	4,521,099,600	200,937,760	52,500,000	277,200,000	10,500,000	7,915,295,345
2	Xuong Giang ward – Bac Giang city	1,223,402,000	113,263,920	2,276,310	3,603,832,500	160,610,200		8,280,000		5,111,664,930
3	Tho Xuong ward – Bac Giang city	800,395,500	64,923,120	5,406,150	2,115,261,135	94,602,450	276,500,000	513,798,000	14,000,000	3,884,886,355
4	Song Mai commune – Bac Giang city	2,467,233,000	235,632,960	1,898,190	6,908,438,925	307,041,730		58,680,000		9,928,630,691
	<b>Grand total direct cost</b>	<b>6,384,428,000</b>	<b>1,373,480,485</b>	<b>9,580,650</b>	<b>17,148,632,160</b>	<b>763,192,140</b>	<b>329,000,000</b>	<b>857,958,000</b>	<b>24,500,000</b>	<b>26,890,771,435<sup>12</sup></b>
1	Management Fees 2 %	127,688,560	27,469,610	191,613	342,972,643	15,263,843	6,580,000	17,159,160	490,000	536,809,546
2	Contingency 10 %	638,442,800	137,348,049	958,065	1,714,863,216	76,319,214	32,900,000	85,795,800	2,450,000	2,684,047,732
	<b>Grand total</b>	<b>7,150,559,360</b>	<b>1,538,298,143</b>	<b>10,730,328</b>	<b>19,206,468,019</b>	<b>854,775,197</b>	<b>368,480,000</b>	<b>960,912,960</b>	<b>27,440,000</b>	<b>30,117,664,007<sup>13</sup></b>

<sup>12</sup> Grand total direct cost: USD 1,280,512.93 at an exchange rate of 1USD=21,000VND.

<sup>13</sup> Grand total cost: USD 1,434,174.48 at an exchange rate of 1USD=21,000VND

## XII. IMPLEMENTATION SCHEDULE

115. The subproject will be implemented from 3<sup>rd</sup> Quarter of 2015 to the end of 2019. An indicative implementation schedule is presented in Table XII-1.

**Table XII-1: RP Implementation Activities Schedule**

<b>Resettlement Plan Implementation Activities</b>	<b>Schedule</b>
Public Consultations carry out DMS, socioeconomic surveys, and disclosure by subproject.	Quarter 3. Year 1 2015
Approval of updated resettlement plans by Bac Giang PPC and ADB	Quarter 4, Year 1
Engagement of safeguards specialists	Quarter 1 year 1
Updating of RP	Quarter 1, Year 1
Implementation of updated resettlement plan actions.	Quarter 2 and Quarter 3, Year 2
Award of civil works contracts.	End of Quarter 3, Year 2
Clearance of acquired land.	Quarter 4, Year 2
Start of civil works.	Quarter 4, Year 2

## **ANNEX 1A: REPORT ON PUBLIC CONSULTATION NO 1**

### **(Nha Dau – Tran Phu Ward – Bac Giang City)**

Component : Storm water improvement (pond embankment)  
Venue : Meeting hall of Tran Phu Ward People's Committee's Office  
Time : 12 March 2015  
Participants : - Resettlement specialist  
- Representatives from the PMU  
- Representatives from Tran Phu Ward People's Committee's  
- 31 representatives from 31 AHs (17 women and 14 men)

#### 1. Contents:

- Briefing about components in Bac Giang
- Resettlement policy of the Project (Compensation, Assistance)
- Rights of affected people
- Grievance redress mechanism
- Timing
- Discussion and concerns of APs;

#### 2. Comments from participating households

- Mr Ngo Van Vinh: Nha Dau Pond has been polluted for a while. The local people are looking forward to the embankment. However, the counting job should be conducted in a transparent manner and local people should be contacted directly to reduce the concerns from the household.
- Ms. Hoang Thi Van: Nha Dau pond embankment has been expected by all people living nearby. All households are happy if the project is implemented.
- Ms. Nguyen Thi Hoan: The contamination is mainly from the Beer manufacturing plant. They expect to have a special collecting system constructed to collect all the wastewater from the beer manufacturing plant. Once it is done, the embankment will then be efficient.
- Mr Dinh Tien Manh: That the pond is contaminated has been a big concern for local people for many years. We hope the project would be implemented soon such that people's lives could be better.

#### 3. Comments from the consultant:

- The consultant receives all comments from Aps and will report to the Project
- All activities of compensation and assistance for resettlement will be conducted following the stipulated procedures with the participation of the AHs. The price unit of compensation shall be always updated. According to the new Land law in 2013, there will be a price survey and compensation option for each component.
- The meeting ends at 16h on 12 March 2015.



**Nha Dau – Tran Phu Ward – Bac Giang City**

ADB TA: 8425 REG  
SECOND GREATER MEKONG SUBREGION CORRIDOR TOWNS  
DEVELOPMENT PROJECT

1. Town: Bắc Giang  
2. Component: Nha Dau Lake embankment  
3. Location (Commune/ District): Trần Phú ward - Bắc Giang city  
4. Activity: Public Consultation

LIST OF ATTENDEES/ RESPONDENTS

	Name	Address	Signature
1.	Dinh Tiên Mạnh		[Signature]
2.	Nguyễn Văn Mạnh		[Signature]
3.			
4.	Phạm Thị Phương		[Signature]
5.	Lưu Thị Thanh		[Signature]
6.	Đoàn Thị Hiền		[Signature]
7.	Phạm Mạnh Tú		[Signature]
8.	Trương Thị Vân		[Signature]
9.	Hà Văn Long		[Signature]
10.	Nguyễn Ngọc Nhân		[Signature]
11.	Trần Thị Châu		[Signature]
12.	Đỗ Thị Mỹ		[Signature]
13.	Nguyễn Thị Yến		[Signature]
14.	Nguyễn Văn Việt		[Signature]
15.	Lưu Thị Châu		[Signature]
16.	Phạm Thị Ngọc		[Signature]
17.	Đoàn Thị Ngọc		[Signature]
18.	Vũ Thị Ngọc		[Signature]
19.	Nguyễn Thị Ngọc		[Signature]
20.	Nguyễn Thị Ngọc		[Signature]
21.	Nguyễn Thị Ngọc		[Signature]
22.	Nguyễn Thị Ngọc		[Signature]

	Name	Address	Signature
23.	Khanh Van Chau		[Signature]
24.	Hoang Thy Hoa		[Signature]
25.	Nguyen Thi Phao		[Signature]
26.	Vu Van Long		[Signature]
27.	Le Nhung		[Signature]
28.	Nguyen Thi Chau		[Signature]
29.	Nguyen Thi Dung		[Signature]
30.	Nguyen Thanh Song		[Signature]
31.	Nguyen Xuan Tuy		[Signature]
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## **ANNEX 1B: REPORT ON PUBLIC CONSULTATION NO 2**

### **(Dinh Ke Ward, Song Mai Commune, Bac Giang City)**

- Component : Construction of the 2 roads: Northeastern road and Tran Quang Khai road.
- Venue : - Cho village community house – Dinh Ke ward  
- Meeting Commune People’s Hall of Song Mai Commune People’s Committee
- Time : - 11 March 2015  
- 12 March 2015
- Participants : - Resettlement specialist  
- Representatives from Dinh Ke Ward People’s Committee and Song Mai Commune People’s Committee  
- Representatives from Tran Phu Ward People’s Committee’s  
- 75 representatives from 75 AHs (35 women and 30 men)

#### 1. Contents:

- Briefing about components in Bac Giang
- Resettlement policy of the Project (Compensation, Assistance)
- Rights of affected people
- Grievance redress mechanism
- Timing
- Discussion and concerns of APs;

#### 2. Comments from the participating households

- Mr Nguyen Van Tam: The intention of investing in the Northeastern road and Tran Quang Khai road is the same as expectation of local people for the sake of convenience in travelling and local socio-economic development. The land to be acquired is all agricultural land. As people’s main income is from agricultural production; therefore, there must be reasonable compensation.
- Mr Nguyen Van Cuong: Some rice field land owners have switched the purpose of use. If so, will they still be compensated or assisted with some money for restoration/rehabilitation?
- Mr Nguyen Van Vinh: the project acquires village’s stadium, public land of the commune. If so, will a new stadium be constructed?
- Ms Nguyen Thi Vui: it is requested to pay some money to the village such that they can construct a new stadium.
- Ms Nguyen Thi Nam: As many households do not have red certificate of land use, the total area is not large, they hope the project would acquire the whole plot of land as the rest is too small for any production activity.
- Mr Nguyen Van Thang: The project is expected to be implemented soon. And it shall have no impact on the nearby plots which are not acquired.



### 3. Comments from the consultants:

- The consultant receives all comments from Aps and will report to the Project
- As this is just a preparatory phase of the project, all information is just initial ones. When the project is approved, there will be more meetings for public consultation on policies of compensation and assistance such that the households can keep updated.
- The project will do compensation for the acquisition of the stadium such that there will be a new stadium constructed.
- The price unit of compensation shall be always updated. According to the new Land law in 2013, there will be a price survey and compensation option for each component.



ADB TA: 8425 REG  
SECOND GREATER MEKONG SUBREGION CORRIDOR TOWNS  
DEVELOPMENT PROJECT

1. Town: Bắc Giang  
2. Component:  
3. Location (Commune/ District): Gráp Hai - Đình Kế ward - BG city  
4. Activity: Public Consultation

LIST OF ATTENDEES/ RESPONDENTS

Name	Address	Signature
1. Vũ Thị Tĩnh	Tổ dân phố Gráp Hai	<i>[Signature]</i>
2. Nguyễn Thị Cầu	nt	<i>[Signature]</i>
3. Nguyễn Thị Thoa	nt	<i>[Signature]</i>
4. Bùi Kim Nhung	nt	<i>[Signature]</i>
5. Lê Thị Thanh Hải	nt	<i>[Signature]</i>
6. Nguyễn Thị Chiến	Nguyễn Thị Chiến	<i>[Signature]</i>
7. Nguyễn Văn Chiến	nt	<i>[Signature]</i>
8. Nguyễn Văn Đạt	nt	<i>[Signature]</i>
9. Vũ Văn Tâm	nt	<i>[Signature]</i>
10. Giáp Văn Thọ	nt	<i>[Signature]</i>
11. Nguyễn Văn Hùng	nt	<i>[Signature]</i>
12. Nguyễn Văn Đức	nt	<i>[Signature]</i>
13. Trần Văn Công	nt	<i>[Signature]</i>
14. Trần Văn Bình	nt	<i>[Signature]</i>
15. Giáp Văn Lê	nt	<i>[Signature]</i>
16. Vũ Thị Hương	nt	<i>[Signature]</i>
17. Nguyễn Thị Hương	nt	<i>[Signature]</i>
18. Giáp Văn Kiên	nt	<i>[Signature]</i>
19. Nguyễn Văn Kiên	nt	<i>[Signature]</i>
20. Nguyễn Văn Kiên	nt	<i>[Signature]</i>
21. Trần Văn Kiên	nt	<i>[Signature]</i>
22. Nguyễn Văn Kiên	nt	<i>[Signature]</i>

Name	Address	Signature
23. Nguyễn Văn Hải	nt	<i>[Signature]</i>
24. Nguyễn Thị Minh	nt	<i>[Signature]</i>
25. Nguyễn Thị Trọng	nt	<i>[Signature]</i>
26. Trần Đức Lai	nt	<i>[Signature]</i>
27. Bùi Kim Quyên	nt	<i>[Signature]</i>
28. Nguyễn Thị Tiên	nt	<i>[Signature]</i>
29. Nguyễn Thị Liên	nt	<i>[Signature]</i>
30. Trần Ngọc Phương	nt	<i>[Signature]</i>
31. Trần Ngọc Phương	nt	<i>[Signature]</i>
32. Nguyễn Văn Lê	nt	<i>[Signature]</i>
33. Nguyễn Văn Lương	nt	<i>[Signature]</i>
34. Trần Văn Đoàn	nt	<i>[Signature]</i>
35. Nguyễn Thị Hải (Giáo)	nt	<i>[Signature]</i>
36. Nguyễn Văn Chi	nt	<i>[Signature]</i>
37. Trần Thị Hiền	nt	<i>[Signature]</i>
38. Nguyễn Hải Lai	nt	<i>[Signature]</i>
39. Vũ Thị Bình	nt	<i>[Signature]</i>
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ADB TA: 8425 REG  
SECOND GREATER MEKONG SUBREGION CORRIDOR TOWNS  
DEVELOPMENT PROJECT

1. Town: Bắc Giang  
2. Component:  
3. Location (Commune/ District): Tổ dân phố Gráp Hai - Phường Đình Kế  
4. Activity: Public Consultation

LIST OF ATTENDEES/ RESPONDENTS

Name	Address	Signature
1. Lê Quang Toàn	Tổ trưởng tổ dân phố	<i>[Signature]</i>
2. Nguyễn Văn Tế	Bí thư chi bộ	<i>[Signature]</i>
3. Hoàng Đình Thông	Tổ phó	<i>[Signature]</i>
4. Nguyễn Văn Đoàn	Tổ phó	<i>[Signature]</i>
5. Vũ Văn Kỳ	Tổ phó	<i>[Signature]</i>
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ADB TA: 8425 REG  
SECOND GREATER MEKONG SUBREGION CORRIDOR TOWNS  
DEVELOPMENT PROJECT

1. Town : ..... Kai Giang .....  
 2. Component : ..... Tam Quang Khai Road .....  
 3. Location (Commune/ District) : ..... Song Nai .....  
 4. Activity : ..... Public consultation .....

LIST OF ATTENDEES/ RESPONDENTS

	Name	Address	Signature
1.	<u>Ha Van Vinh</u>	<u>Thôn Tân Cường - SNT</u>	<u>Vinh</u>
2.	<u>Nguyen Van Son</u>	<u>"</u>	<u>Son</u>
3.	<u>Nguyen Thi Kim</u>	<u>"</u>	<u>Kim</u>
4.	<u>Nguyen Van Xuan</u>	<u>"</u>	<u>Xuan</u>
5.	<u>Nguyen Van Binh</u>	<u>"</u>	<u>Binh</u>
6.	<u>Nguyen Thi Minh</u>	<u>"</u>	<u>Minh</u>
7.	<u>Nguyen Van Tai</u>	<u>"</u>	<u>Tai</u>
8.	<u>Nguyen Van Na</u>	<u>"</u>	<u>Na</u>
9.	<u>Nguyen Thi Thanh</u>	<u>"</u>	<u>Thanh</u>
10.	<u>Nguyen Thi Thanh</u>	<u>"</u>	<u>Thanh</u>
11.	<u>Nguyen Thi Thanh</u>	<u>"</u>	<u>Thanh</u>
12.	<u>Nguyen Thi Thanh</u>	<u>"</u>	<u>Thanh</u>
13.	<u>Nguyen Thi Thanh</u>	<u>"</u>	<u>Thanh</u>
14.	<u>Nguyen Van Son</u>	<u>"</u>	<u>Son</u>
15.	<u>Nguyen Thi Thanh</u>	<u>"</u>	<u>Thanh</u>
16.	<u>Nguyen Van Thanh</u>	<u>"</u>	<u>Thanh</u>
17.	<u>Nguyen Van Thanh</u>	<u>"</u>	<u>Thanh</u>
18.	<u>Nguyen Van Thanh</u>	<u>"</u>	<u>Thanh</u>
19.	<u>Nguyen Van Thanh</u>	<u>"</u>	<u>Thanh</u>
20.	<u>Nguyen Thi Thanh</u>	<u>"</u>	<u>Thanh</u>
21.	<u>Nguyen Thi Thanh</u>	<u>"</u>	<u>Thanh</u>
22.	<u>Nguyen Thi Thanh</u>	<u>"</u>	<u>Thanh</u>

	Name	Address	Signature
23.	<u>Trang Thi Thanh</u>		<u>Thanh</u>
24.	<u>Nguyen Thi Thanh</u>		<u>Thanh</u>
25.	<u>Nguyen Thi Thanh</u>		<u>Thanh</u>
26.	<u>Nguyen Thi Thanh</u>		<u>Thanh</u>
27.	<u>Nguyen Thi Thanh</u>		<u>Thanh</u>
28.	<u>Nguyen Thi Thanh</u>		<u>Thanh</u>
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## **ANNEX 2: LIST OF AFFECTED PERSONS**

Huge excel file with details to be supplied on request

## ANNEX 3: CUSTOMS IN CASE OF TOMBS REMOVAL IN BG

(Focus Group Discussion, Meeting Minute on 12 March 2015)

Town: Bac Giang City, Tho Xuong commune

Component: Urban road (Tran Quang Khai section)

Participants: Representatives of the families who have tombs in the cemetery that the road crosses through.

### Main findings:

#### 1. Traditional customs:

- Similar to other areas in Northern of Vietnam, in Bac Giang (and in Tho Xuong commune in specific) the local people believe that making a person in the afterlife is very important (or actually is a must to alive people).
- After a person died, s/he will be buried in a coffin (which makes the tomb in rectangle shape or so called long tomb). Care for the dead after the funeral is important as people believe that if the dead may cause troubles if they are not honored properly.
- After 3 years, when the dead are well decomposed, the dead are exhumed (taken up) into a small urn/coffin (see photo). Usually at this time families of the dead will move the urn into a new place and burry for the second time. The tombs then will be smaller (in round shape and so called round tombs). The ritual is performed during this time of relocation, shaman/monks may be invited, and families of the dead often offer meal to neighbors and relatives.
- Usually rarely tombs within the first 3 years are removed. Round tombs are removable.
- Exhumation is usually undertaken from Lunar August to December (about September – January in solar calendar).



Photo of urn 1

#### 2. Impacted tomb statistics:

- Round tombs: around 40
- Long tombs: 21, of which 15 are removable by the end of 2015, 6 are removable by the end of 2016.

#### 3. Planning:

- Currently the local people are informed with the project plan; therefore no more tomb is accepted to this location.
- According to the above statistics, by the time the construction is taken place, all tombs are removable. In the case the construction is carried out earlier, the round tombs which are not due will be removed to nearby place.
- The commune is building up a new cemetery with more than 500msq area, frames of tomb are prepared in advance so that it's more convenient for the local people to remove the tomb there.
- The city currently has a policy to give support (abt 5 VND mil) to families of the dead who use the cremation service. Therefore the pressure of land for tombs is less.

#### 4. Comments of the affected households:

- Proper compensation is required to remove the tombs

- Removal plan should be informed in advanced appropriately
- New cemetery should be prepared available to remove the tombs into
- Local people have interest in employment in constructing the new cemetery



**Photo of AHs 1**

## ANNEX 4 – PROCEDURES FOR CALCULATION OF UNIT PRICE

### UNIT PRICE AND CALCULATION METHOD FOR COMPENSATION OF HOUSES, WORKS, STRUCTURES ON LAND; CRITERIA AND GUIDANCE ON UNIT PRICE APPLICATION TO COMPENSATE FOR HOUSES, WORKS, STRUCTURES; CALCULATION AND DEFINITION OF INVESTMENT UNIT COST OF INFRASTRUCTURE IN RESETTLEMENT AREA

*(enclosed with Decision 869/2014/QĐ- UBND dated 31/12/2014 of Bac Giang PPC on stipulating some specific regulations applicable for the whole of Bac Giang province on land acquisition, compensation, assistance and resettlement when the State acquires land*

#### A. UNIT PRICE FOR COMPENSATION OF HOUSES AND STRUCTURES

Unit: VND/ ĐVT: VNĐ

No	Types of works	Unit	Commune, ward, town in the plain area	Commune, ward, town in the mountainous area
<b>I</b>	<b>Housing</b>			
1	Nhà ở biệt thự	đ/m <sup>2</sup> sàn	4.890.000	5.120.000
2	Nhà ở cấp III loại 1 (công trình khép kín từ 3 đến ≤7 tầng có kết cấu khung chịu lực)	đ/m <sup>2</sup> sàn	4.611.000	4.834.000
3	Nhà ở cấp III loại 2 (công trình khép kín từ 1 đến 3 tầng có kết cấu khung hoặc tường chịu lực).	đ/m <sup>2</sup> sàn	3.487.000	3.668.000
4	Nhà ở cấp III loại 3 (công trình khép kín 1 tầng mái bằng, có kết cấu tường chịu lực)	đ/m <sup>2</sup> sàn	3.159.000	3.318.000
5	Nhà ở cấp IV loại 1 (độc lập, không có công trình phụ, 1 tầng mái ngói)	đ/m <sup>2</sup> XD	2.427.000	2.544.000
6	Nhà ở cấp IV loại 2 (độc lập, không có công trình phụ, 1 tầng mái ngói dạng đơn giản)	đ/m <sup>2</sup> XD	2.025.000	2.131.000
<b>II</b>	<b>Auxiliary works:</b>			
	(for works outside of the house)			
7	Nhà Bếp loại A	đ/m <sup>2</sup> XD	912.000	954.000
8	Nhà Bếp loại B	đ/m <sup>2</sup> XD	774.000	806.000
9	Nhà Bếp loại C	đ/m <sup>2</sup> XD	668.000	700.000
10	Khu chăn nuôi loại A	đ/m <sup>2</sup> XD	784.000	827.000
11	Khu chăn nuôi loại B	đ/m <sup>2</sup> XD	636.000	668.000
12	Khu chăn nuôi loại C	đ/m <sup>2</sup> XD	572.000	594.000
13	Nhà vệ sinh loại A	đ/m <sup>2</sup> XD	1.060.000	1.113.000
14	Toilet graded B <sup>14</sup>	VND/m <sup>2</sup> XD	668.000	710.000

<sup>14</sup> Toilet grade B: is brick toilet which is plastered both inside and outside. Toilet bowl is reinforced concrete; the wall is covered by lime.

15	Toilet graded C <sup>15</sup>	VND/m <sup>2</sup> XD	297.000	307.000
16	Nhà vệ sinh chất lượng thấp	đ/m <sup>2</sup> XD	191.000	201.000
<b>III Other works</b>				
17	Kiốt loại A	đ/m <sup>2</sup> XD	647.000	678.000
18	Kiốt loại B	đ/m <sup>2</sup> XD	382.000	403.000
19	Kiốt loại C	đ/m <sup>2</sup> XD	180.000	191.000
20	Gác xếp gỗ nhóm 4, 5	đ/m <sup>2</sup> sàn	318.000	297.000
21	Gác xếp bê tông	đ/m <sup>2</sup> sàn	604.000	636.000
22	Tường rào xây gạch 110mm bổ trụ	đ/m <sup>2</sup>	307.000	329.000
23	Tường rào xây gạch dày 220mm	đ/m <sup>2</sup>	413.000	435.000
24	Tường rào xây cay xỉ nghiêng bổ trụ	đ/m <sup>2</sup>	117.000	127.000
25	Tường rào xây cay xỉ dày 250mm	đ/m <sup>2</sup>	180.000	191.000
26	Tường rào xây cay đất	đ/m <sup>2</sup>	64.000	64.000
27	Bán mái có kết cấu: cột , kèo, xà gồ (đòn tay) làm bằng gỗ hồng sắc hoặc bạch đàn, lợp Fibrô xi măng không có tường bao che	đ/m <sup>2</sup> XD	138.000	148.000
28	Bán mái có kết cấu: cột , kèo, xà gồ (đòn tay) làm bằng sắt các loại (sắt góc, sắt hộp 40-60, thép bản các loại) lợp tôn Austnam màu, không có tường bao che	đ/m <sup>2</sup> XD	604.000	625.000
29	Khung lưới sắt B 40 làm rào chắn	đ/m <sup>2</sup>	159.000	159.000
30	Nền lát gạch liên doanh KT 30x30; 40x40	đ/m <sup>2</sup>	233.000	244.000
31	Sân bê tông gạch vỡ láng vữa xi măng cát mác 150 dày 2-:- 3 cm	đ/m <sup>2</sup>	85.000	85.000
32	Sân lát gạch chỉ	đ/m <sup>2</sup>	95.000	106.000
33	Sân lát gạch lá nem	đ/m <sup>2</sup>	106.000	106.000
34	Sân vôi (dày 5 -:- 10 cm)	đ/m <sup>2</sup>	53.000	53.000
35	Bể nước không có tấm đan bê tông			
	- Thành 110 trát vữa xi măng 1 mặt	đ/m <sup>3</sup>	615.000	657.000
	- Thành 110 trát vữa xi măng 2 mặt	đ/m <sup>3</sup>	742.000	795.000
36	Bể nước có tấm đan bê tông			
	- Thành 110 trát vữa xi măng 1 mặt	đ/m <sup>3</sup>	1.049.000	1.124.000

<sup>15</sup> Toilet grade C: has lower quality than toilet grade B.



	- Thành 110 trát vữa xi măng 2 mặt	đ/m <sup>3</sup>	1.399.000	1.495.000
37	Giếng khoan thủ công có ống vách lọc, hút nước sâu ≤50 m	đ/mdài	117.000	117.000
38	Giếng ĐK ≤ 0,8 m, sâu ≤6 m			
	- Giếng đất đào cổ xây gạch	đ/cái	2.544.000	2.671.000
	- Giếng cuốn gạch từ đáy lên	đ/cái	3.625.000	3.880.000
39	Giếng ĐK từ 0,9 -:- 1,0 m, sâu 7-:-10 m			
	- Giếng đất đào cổ xây gạch	đ/cái	4.007.000	4.208.000
	- Giếng cuốn gạch từ đáy lên	đ/cái	5.851.000	6.265.000
40	Giếng ĐK từ 1-:-1,5 m, sâu >10 m			
	- Giếng đất đào cổ xây gạch	đ/cái	4.473.000	4.706.000
	- Giếng cuốn gạch từ đáy lên	đ/cái	8.628.000	9.233.000
41	Mộ đã cải táng, diện tích chiếm đất (DTCD)			
	- Mộ đất	đ/mộ	912.000	965.000
	- Brick tombs which are plastered with cement mortar MSQ5 to M50, covered with lime, cement or paint			
	+ Dưới 400 viên, DTCD ≤1,5 m <sup>2</sup>	đ/mộ	1.940.000	2.078.000
	+ using more than 400 bricks, with area of 1,5 m <sup>2</sup> -:- 2 m <sup>2</sup>	VND/tomb	2,502,000	2,682,000
	+ Trên 500 viên, DTCD từ 2 m <sup>2</sup> -:- 2,5 m <sup>2</sup>	đ/mộ	2.735.000	2.926.000
	+ Trên 800 viên, DTCD >2,5 m <sup>2</sup>	đ/ Mộ	3.572.000	4.017.000
	- Mộ xây gạch ốp xung quanh bằng gạch men sứ các màu, vữa mác 50:			
	+ Dưới 400 viên, DTCD ≤ 1,5 m <sup>2</sup>	đ/mộ	3.053.000	3.265.000
	+ Trên 400 viên, DTCD từ 1,5 m <sup>2</sup> -:- 2 m <sup>2</sup>	đ/mộ	3.657.000	3.911.000
	+ Trên 500 viên, DTCD từ 2 m <sup>2</sup> -:- 2,5 m <sup>2</sup>	đ/mộ	4.314.000	4.622.000
	+ Trên 800 viên, DTCD >2,5 m <sup>2</sup>	đ/mộ	5.194.000	5.565.000
42	Tombs which are not exhumed	VND/tomb	5,226,000	5,587,000
43	Mộ trẻ nhỏ (mới sinh đến 48 tháng)	đ/mộ	975.000	975.000
44	Ao thả cá (không tính xây bờ, cống)			
	- Trường hợp đất đào 100 %	đ/m <sup>3</sup>	16.000	16.000

	- Trùng hợp đất đào 50 %, đắp 50%	đ/m <sup>3</sup>	11.000	11.000
	- Đắp bờ 100 %	đ/m <sup>3</sup>	11.000	11.000
45	Cổng sắt: khung làm bằng (ống kẽm, sắt góc, sắt hộp,...) phần dưới bịt tôn, phần trên chần song bằng sắt hình, sắt tròn, hoa sắt, sơn màu.	đ/m <sup>2</sup>	753.000	806.000
46	Hàng rào làm bằng sắt hình các loại, sắt tròn (từ Φ10 :-Φ14) có điểm hoa sắt, sơn màu.	đ/m <sup>2</sup>	329.000	350.000
47	Chuồng nuôi gà, vịt xây gạch, mái Fibrô ximăng, cao ≥1,5m (tính DTXD).	đ/m <sup>2</sup>	403.000	424.000
48	Khối xây gạch dày từ 330mm trở lên	đ/m <sup>3</sup>	943.000	996.000
49	Khối xây đá	đ/m <sup>3</sup>	806.000	859.000
50	Dây thép gai	đ/m dài	5.000	7.000
51	Bờ rào cấm bằng cây dóc, nửa khoảng cách 20cm/cây.	đ/mdài	11.000	11.000
52	Khối bê tông mác 200	đ/m <sup>3</sup>	1.505.000	1.590.000
53	Khối Bê tông cốt thép mác 200	đ/m <sup>3</sup>	2.883.000	3.085.000
54	Nhà tạm Loại A	đ/m <sup>2</sup> XD	1.049.000	1.102.000
55	Loại B	đ/m <sup>2</sup> XD	880.000	933.000
56	Loại C	đ/m <sup>2</sup> XD	763.000	795.000

## ANNEX 5: SAMPLE PUBLIC INFORMATION BOOKLET

### Bac Giang Public Information Booklet

The Bac Giang Province People's Committee, with the assistance from the Asian Development Bank (ADB), is addressing the needs for the urban development of Bac Giang City. A Project Management Unit (PMU) has been established at the City level to manage the Project. The Project includes 3 components

**Component 1 – Urban Road:** Construction of 2 new roads: (i) Tran Quang Khai Road – Hoang Hoa Tham Road, including a new road bridge across the Thuong River, the total length of new road is 1.73kms and the design is maximum 27m; and (ii) North-East Ring Road which links the Ha Bac Fertilizer Plants to an existing road junction to close the intersection of Roads NR1 and NR31.

**Component 2 – Wastewater Improvements:** Four of the urban ponds (Soc Trang, Nha Dau, Banh Keo, and Dong Cua) have been selected for rehabilitation works, which will include dredging to increase volume, reinforcing the edges of the ponds with a structural concrete wall, inclusion of a footpath around the ponds for recreational use and importantly diversion of wastewater from the many households that surround each pond to a collector main.

**Component 3 – Stormwater Improvements:** A new earth-formed canal is proposed for part of the flow route between Ung Bo lade and the Van Son pump station, both to improve flow and also define the flow path so that it is reserved for the future. There are sections of this already existing, but a 3.5km length will require dredging to complete the route. This will improve overland drainage from the city to the Van Son pump station.

#### **Why is this Project necessary to implement?**

The urban roads will serve urban planned urban development in the north-west of Bac Giang; and will serve planned urban development towards the south-east corner of the town. Essential urban roads provision in support of the expansion areas, and to ensure cost-effective traffic circulation across the urban area.

Wastewater improvements component will reduce flood risk in the urban area, reduce pollution, and generally improve sanitation of the city.

Stormwater improvement component will help to reduce flood risk, reduce potential economic loss and social disruption to the residents and business, and improve the stormwater system management in Bac Giang

#### **Scope of impact**

There will be no requirement for land acquisition or relocation relating to the wastewater improvements and stormwater improvements components.

For the urban road component, about 502 households will be affected generally partially. No household will be relocated, and all of the affected household will be acquired agricultural land.

#### **Who are the affected households (AHs)?**

Entitled AHs are those persons who are located within the affected area at the date the project will be publicly announced.

#### **Applicable Cut-Off date**

The cut-off-date for eligibility will be the date of approval of the project by the Bac Giang authorities and will be following completion of all arrangements and financial matters. Persons who encroach into the area after the cut-off-date will not be entitled to compensation or any other form of resettlement assistance.

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

The basic resettlement principles of the Project are:

- a) All APs are entitled to be compensated for their lost assets, incomes and businesses at replacement cost, and provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, incomes and productive capacity.

- b) Lack of legal rights to the assets lost will not prevent APs from entitlement to compensation.
- c) Compensation for affected assets shall be provided at market rates.
- d) Preparation of resettlement plans and their implementation is to be carried out with participation and consultation of affected people.
- e) Payment of compensation for affected assets of AHs will be completed prior to commencement of any construction activities.
- f) Specific assistance will be provided for poor, ethnic minorities, female headed-households, families with disabled, and other vulnerable families.

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

This activity will be carried out after the detailed design of the urban component has been completed. The DMS will identify all affected assets (land, trees, crops etc.) of each HH. The DMS team will be composed of project representatives (PMU staff), the Center for Land Fund Development, commune staff. The DMS will only be carried out in the presence of the AHs. AHs will be informed prior to the survey.

**When the Project is expected to commence?**

The detailed design will take will start when the project is approved. Land acquisition and resettlement are expected to take place after approval of the project and the civil works for all components are expected to start when the resettlement have been fully compensated.

***When other consultation will take place?***

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

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

Any AH may file a complaint or grievance. The Project includes a Grievance Redress Process and AHs may present their complaints to the concerned local administrative officials and RCs, either verbally or in writing.

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

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

Mr. Nguyen Tien Tung – Director of Bac Giang Drainage and Environmental Sanitation Project Management Unit, No. 02, Nghia Long Street, Tran Phu Ward, Bac Giang City, Bac Giang Province, Tel: 0913 3257888.

## **ANNEX 6: INVENTORY OF LOSSES**

*Detailed IOL data, to be provided on request*

**ANNEX 7: SAMPLE OF A LAND USE RIGHT CERTIFICATE**

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM  
Độc lập – Tự do – Hạnh phúc

ỦY BAN NHÂN DÂN

THỊ XÃ BẮC GIANG

**CHỨNG NHẬN**

Họ ông: *Nguyễn Văn Dê* Năm sinh: 1965

Được quyền sử dụng (1650,3) m<sup>2</sup> đất.

Tại: *Thôn Phúc Hòa - xã Song Mai*  
*Thị xã Bắc Giang - tỉnh Bắc Giang*

Theo bảng liệt kê dưới đây:

Số tờ thửa	Số thửa	Diện tích (m <sup>2</sup> )	Mục đích sử dụng	Thời hạn sử dụng	Phần ghi thêm
4	355	494,9	Canh tác	10/2013	
10	196-3	173,1	Canh tác	10/2013	
11	329-6	186	Canh tác	10/2013	
11	398	284,0	Canh tác	10/2013	
11	531	308,0	Canh tác	10/2013	
11	531-23	128,3	Canh tác	10/2013	
10	212-3	76,0	Canh tác	10/2013	

Ngày 15 tháng 12 năm 2000

Chủ tịch UBND

Vào sổ cấp giấy chứng nhận  
Quyền sử dụng đất  
Số ..... 00577/QSDD/...652-QĐ-UB-TX



NHỮNG THAY ĐỔI SAU KHI CẤP GIẤY CHỨNG NHẬN

Ngày tháng năm	Số và nội dung quyết định	Xác nhận của cơ quan có thẩm quyền

NGƯỜI ĐƯỢC CẤP GIẤY CHỨNG NHẬN QUYỀN SỬ DỤNG ĐẤT CẦN CHƯ Ý!

- 1- Được hưởng quyền và phải thực hiện nghĩa vụ của người sử dụng đất theo các điều 73, 74, 75, 76, 77, 78, 79 Luật Đất đai 1993.
- 2- Khi có thay đổi về hình thức, quy mô sử dụng, mục đích sử dụng và người sử dụng kho đất, phải mang giấy chứng nhận này đến đăng ký với cơ quan Nhà nước có thẩm quyền.
- 3- Không được tự ý sửa chữa, tẩy xóa bất kỳ một nội dung nào trong giấy chứng nhận. Khi bị mất hoặc làm hư hỏng giấy chứng nhận phải khai báo ngay với cơ quan cấp giấy.



GIẤY CHỨNG NHẬN  
QUYỀN SỬ DỤNG ĐẤT

ỦY BAN NHÂN DÂN

*Thị xã Bắc Giang, Tỉnh Bắc Giang*

**CHỨNG NHẬN**

*Họ tên : Thân Thị Thu, sinh năm 1962*

*Thôn Phúc Thượng, Xã Song Mai, Thị xã Bắc Giang, Tỉnh Bắc Giang*

Được quyền sử dụng ..... (2065,9) ..... m<sup>2</sup> đất.

Tại : *Xã : Song Mai* .....

*Thị xã : Bắc Giang* .....

*Tỉnh : Bắc Giang* .....

Theo bảng liệt kê dưới đây:

Số tờ bản đồ	Số thửa	Diện tích (m <sup>2</sup> )	Mục đích sử dụng	Thời hạn sử dụng	Phần ghi thêm
4	57	396.9	Sản xuất nông nghiệp	10/2013	Đồng sử dụng
4	59	198.9	Sản xuất nông nghiệp	10/2013	Đồng sử dụng
4	395	413.0	Sản xuất nông nghiệp	10/2013	Đồng sử dụng
4	395	362.0	Sản xuất nông nghiệp	10/2013	Đồng sử dụng
4	435	143.5	Sản xuất nông nghiệp	10/2013	Đồng sử dụng
4	737	261.9	Sản xuất nông nghiệp	10/2013	Đồng sử dụng
10	415	181.2	Sản xuất nông nghiệp	10/2013	Đồng sử dụng
10	487	108.5	Sản xuất nông nghiệp	10/2013	Đồng sử dụng

Ngày...09...tháng...8...năm 2000

Chủ tịch UBND

Vào sổ cấp giấy chứng nhận

Quyền sử dụng đất


Số...00386...QSDĐ/.....413/QĐ-UBND



NGUYỄN SỸ NHẬN




**NHỮNG THAY ĐỔI SAU KHI CẤP GIẤY CHỨNG NHẬN**

Ngày tháng năm	Số và nội dung quyết định	Chức vụ và họ tên người cấp giấy chứng nhận
10/2/2014	Đã thu hồi toàn bộ thửa đất số 57, 59, tờ bản đồ số 04, tại Quyết định số 235/QĐ-UBND ngày 30/12/2005 của UBND thành phố Bắc Giang.	 CHỦ TỊCH PHÓ CHỦ TỊCH ỦY BAN NHÂN DÂN THỊ GIAM ĐỐC PHÓ THỊ GIAM ĐỐC TRẦN QUANG BẢO

**NGƯỜI ĐƯỢC CẤP GIẤY CHỨNG NHẬN QUYỀN SỬ DỤNG ĐẤT CẦN CHÚ Ý !**

- 1- Được hưởng quyền và phải thực hiện nghĩa vụ của người sử dụng đất theo các điều 73, 74, 75, 76, 77, 78, 79 Luật Đất đai 1993.
- 2- Khi có thay đổi về hình thức, quy mô sử dụng, mục đích sử dụng và người sử dụng khu đất, phải mang giấy chứng nhận này đến đăng ký với cơ quan Nhà nước có thẩm quyền.
- 3- Không được tự ý sửa chữa, tẩy xóa bất kỳ một nội dung nào trong giấy chứng nhận. Khi bị mất hoặc làm hư hỏng giấy chứng nhận phải khai báo ngay với cơ quan cấp giấy.



**GIẤY CHỨNG NHẬN  
QUYỀN SỬ DỤNG ĐẤT**

**ANNEX 8: FORM OF IOL AND SES QUESTIONNAIRES**

**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(msq)	Total number of existing pieces (parcels) of the household	Grand total of affected land (msq)	Of which		Map #	Note
		Certificated	Acknowledged	Not acknowledged						Permanent (msq)	Temporary (msq)		
1	2	3	4	5	6	7	8	9	10	11	12	14	15

**Form 2: Inventory of households affected by loss of structures**

**Component:**

**Province:**

**District:**

**Village:**

No.	Name of HHs	Type of affected work	Eligible		Total area of existing land of the household(msq)	Total area of affected land of the household(msq)	The household must be displaced or just improving the façade	Other losses			
			Yes	No				Losing living place	Losing trading place	Losing income source	Others
1	2	3	4	5	7	8	9	10	11	12	13

**Form 3: Inventory of households affected by loss of crops and trees**

**Name of component:**

Province:		District/town:			Commune:		Village:		
No.	Name of HHs	Types of affected crops and trees (Please specify)	Unit (tree/msq)	Areas of affected crop (msq)	Types of trees (Please specify)	Of which:			Amount
						Big	Medium	Small	
1	2	3	4	5	6	7	8	9	10

### Form 4: Socio-economic data of affected households

Subproject:

Province: District/town: Commune: Village:

No. Code	Full name of members	Relationship with household's head	Gender	Age	Ethnic group	Education	Occupation 1	Income 1	Occupation 2	Income 2	Job status	Total income	Notes
1	2	3	4	5	6	7	8	9	10	11	12	13	14
		Household's head											



## **ANNEX 9 : TOR OF SAFEGUARD SPECIALIST**

### **Social Safeguards Specialist (Resettlement and Ethnic Minorities)**

The Social Safeguards Specialist 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.

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 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.