

# Resettlement Plan

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January 2014

Socialist Republic of Viet Nam: Greater Mekong  
Subregion Tourism Infrastructure for Inclusive  
Growth Project

Subprojects in Lao Cai Province:  
Lao Cai Cultural Exchange & Tourist Information Center  
Ta Phin – Ban Khoang Access Road Improvements

## CURRENCY EQUIVALENTS

(as of 17 January 2014)

Currency Unit	–	Dong (D)
D1.00	=	\$0.00004
\$1.00	=	D21,074

## ABBREVIATIONS

ADB	-	Asian Development Bank
AH		affected household
AP	-	affected person
CARB	-	Compensation and Resettlement Board
CPC	-	Commune Peoples' Committee
DBST	-	double bituminous surface treatment
DCST	-	Department of Culture, Sports and Tourism
DRC	-	District Resettlement Committee
DMS	-	detailed measurement survey
DOF	-	Department of Finance
DPC	-	District Peoples' Committee
EA	-	Executing Agency
EMDP	-	Ethnic Minorities Development Plan
EMA	-	External Monitoring Agency
FS	-	Feasibility Study
IOL	-	Inventory of Losses
LFDC	-	Land Fund Development Centre
LURC	-	Land Use Rights Certificate
MCST	-	Ministry of Culture, Sports and Tourism
MOLISA	-	Ministry of Labor, Invalids and Social Assistance
MONRE	-	Ministry of Natural Resources and Environment
NTP	-	notice to proceed
PCU	-	project coordination unit
PPC	-	Provincial Peoples' Committee
RCS	-	Replacement Cost Study
RP	-	Resettlement Plan
SES	-	socioeconomic survey
VWU	-	Viet Nam Women's Union

## WEIGHTS AND MEASURES

km	kilometer
kg	kilogram
ha	hectare
m	meter
m <sup>2</sup>	square-meters

## DEFINITION OF TERMS

Affected person (AP)	- Means any person, household, firm or private institution who, on account of changes resulting from the Project, or any of its phases or subprojects, 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.
Cut-off date	- This refers to the date prior to which the occupation or use of land in the project area makes residents/users of the same eligible to be categorized as AP.
Detailed Measurement Survey (DMS)	- With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of APs earlier done during Resettlement Plan (RP) preparation. The final cost of resettlement can be determined following completion of the DMS.
Entitlement	- Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the APs, depending on the type and severity of their losses, to restore their economic and social base.
Host community	- Means the community already in residence at a proposed resettlement or relocation site.
Income restoration	- This is the re-establishment of sources of income and livelihood of the affected households.
Income restoration program	A program designed with various activities that aims to support severely affected and vulnerable 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 and subject to opportunities and resources available to the AHs where they are located.
Inventory of Losses (IOL)	- This is the listing of assets as a preliminary record of affected or lost assets during the preparation of the RP where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood

inside the Project right-of-way (PROJECT AREA) are identified, measured, their owners identified, 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.

Involuntary Resettlement	- It is the displacement of people, not of their own volition but involuntarily, from their homes, assets, sources of income and livelihood in the ROW in connection with the Project.
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 displacement of an AP from her/his pre-project place of residence and/or business.
Replacement cost	- The amount needed to replace an affected asset at prevailing market rates net of transaction costs such as administrative charges, taxes, registration and titling costs. In the case of structures, replacement cost refers to current cost of materials (no depreciation) and labor cost without deduction for salvaged materials.
Replacement Cost Study	- This refers to the process involved in determining replacement costs of affected assets based on empirical data.
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, (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to 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 elderly-headed households with no other means of support, (v) landless households, and (vi) indigenous people or ethnic minorities.

## **NOTES**

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

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## EXECUTIVE SUMMARY

### 1. Project Description

The expected outcome of the Greater Mekong Sub Region (GMS) Tourism Infrastructure for Inclusive Growth Project (the project) is that increased international tourism receipts will benefit women and men living in targeted segments of the GMS corridors. The project outputs are: (i) improved last-mile tourism access infrastructure; (ii) improved environmental services in cross-border tourism centres; (iii) strengthened institutional capacity to promote and manage inclusive tourism growth; and (iv) effective project implementation and knowledge management. In Viet Nam the project will improve tourism sites in Lao Cai, Dien Bien, Ha Tinh, Tay Ninh and Kien Giang provinces.

### 2. Scope of Resettlement

This Resettlement Plan (RP) concerns the subprojects in Lao Cai, namely (i) Lao Cai Cultural Exchange and Tourist Information Centre and (ii) Ta Phin – Ban Khoang Access Improvements.

**Lao Cai Cultural Exchange and Tourist Information Center (TIC).** The subproject the subproject will construct a 3,000 m<sup>2</sup> cultural exchange and tourism information center in Lao Cai City, including space for tour and tourism transport operators, exhibition and cultural performance areas, parking areas, and well-lit, public open spaces with vendor kiosks offering food and beverages, ethnic handicrafts and souvenirs. To ensure that visitors arriving to Lao Cai by rail are aware of tourism and provincial transportation services offered by the center, a small information kiosk will be set up at the railway station. The TIC will be constructed on public land, which is currently used as the provincial bus station which is being relocated to a new location.

The redevelopment of the site into the TIC will affect the livelihoods of two women operating food and beverage kiosks that serve bus passengers. Both women have expressed interest to continue their business at the new bus station and will be permitted by the local authorities to do so. The structures they use are moveable but compensation will be paid for the structures to ensure that the women have resources to set up at the new location.

**Ta Phin – Ban Khoang Access Road Improvements.** To help ethnic minority communities living along the road receive more tourists and improve their access to markets and services in nearby Sapa Town, the subproject will: (i) upgrade the 6 km Ta Phin access road (beginning at the intersection with Highway 4D) to double bituminous surface treatment (DBST) standard with 5-6 m carriageway, install roadside drainage, culverts, and strategically placed passing bays; (ii) rehabilitate two bridges, each 5 m wide with a 10 m span; (iii) upgrade the existing track between Ta Phin and Ban Khoang (8.7 km) to form a 3.5 m wide paved rural road; (iv) construct male and female public toilets blocks and a 2,000 m<sup>2</sup> parking area in Ta Phin; and (vi) install directional signage and information boards. In total, approximately 7,538 people in Sapa and Ta Phin communes are expected to benefit from the subproject.

According to the Inventory of Losses (IOL) finalized on 20 January 2014, Ta Phin – Ban Khoang Access Road Improvements requires the acquisition of 34,516 m<sup>2</sup> of land, with 110 affected households and 602 affected persons. The type of land to be acquired is: 535 m<sup>2</sup> of residential land; 2,445 m<sup>2</sup> of rice land; 12,930 m<sup>2</sup> for farming perennial trees; 4,714 m<sup>2</sup> for planting annual crops; and 13,892 m<sup>2</sup> are classified as forest. The land acquisition will affect 63 trees. All

affected households will have less than 10% of their total productive land affected and so there are no severely affected households.

### **3. Profile of Affected Persons.**

The two (2) women affected by relocation of the bus station where the Lao Cai TIC will be developed are Kinh, and the main occupation is their food and beverage business. Their average income each is about D 5million/month.

Of the 110 households affected by the Ta Phin – Ban Khoang access road improvement, 62 are ethnic Dao households, 38 are Hmong, and 10 are Kinh. The majority are farmers and the average income is approximately D4.5 million per household/per month. The socio-economic survey showed that approximately 10% of households are poor.<sup>1</sup>

### **4. Consultations**

Consultations during the preparation of the resettlement plan (RP) consisted of interviews with business operators at the Lao Cai TIC site, focus group discussions, and a socioeconomic survey with the ethnic minority communities living along the Ta Phin – Ban Khoang access road. The process also included consultations on project preparation and design (including resettlement) with the Lao Cai Department of Culture, Sports and Tourism (DSCT), provincial stakeholders, and district, city and commune officials. Concerns and suggestions raised by the affected people have been incorporated into the RP, including the need to ensure that tourism development is socially and economically beneficial for local stakeholders, and the potential negative impacts of tourism growth are avoided and mitigated. Specific activities have been incorporated into the project design to respond to stakeholder concerns. These include programs to: (i) combat child exploitation and human trafficking in the tourism industry, (ii) build the capacity of destination management organizations to develop and implement sustainable tourism policies, (iii) conduct public awareness programs on the benefits and potential negative impacts of tourism, (iv) disseminate information on public health and worker safety targeting local residents and tourists, and (v) improve heritage protection and management. The detailed description and budget for these activities is in the Project Administration Manual. All affected persons consulted supported the project because it would improve access to markets and services and create new employment and income generating opportunities from tourism.

### **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, Lao Cai Province and the ADB Safeguard Policy Statement (2009). Some differences still remain between Government regulations and ADB's SPS. Measures to address these gaps in a manner acceptable to both Government and ADB are discussed further in this RP and will be adopted as the project's resettlement policy

### **6. Entitlements**

The entitlement matrix sets out the provisions for compensation and other assistance to be provided under the RP. The main entitlements are (i) compensation for residential and productive land to be acquired from households for the access road improvements; (ii) other

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<sup>1</sup> The poverty line (2013) as set by MOLISA is based on average income required for basic needs; i.e. less than D 400,000 per person/month in rural areas and less than D 500,000 per person/month in urban areas.



compensation, such as for crop loss; (iii) special assistance to ensure the livelihoods of the affected ethnic minority population or other poor and vulnerable households are not negatively affected; and (iv) support to overcome the economic disruption, moving and transition that the two (2) businesses will experience when relocating from the bus station. The cut-off date is 20 January 2014, coinciding with the completion of the IOL.

## **7. Institutional Arrangements**

The Ministry of Culture, Sports and Tourism (MCST) is the project's executing agency (EA). The MCST-based Project Coordination Unit (PCU) and Lao Cai Project Implementation Unit (PIU) embedded in the provincial DCST will supervise implementation of this RP. The PCU will coordinate with Lao Cai Provincial People's Committee (PPC) and the PIU to ensure timely approval of the RP and its update, and that the compensation and assistances are administered according to the provisions set forth herein. Lao Cai PPC will authorize the relevant districts to establish District Resettlement Committees that will ensure resettlement activities are administered according to the provisions of this plan.

## **8. 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 entitlement and project related information 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 APs. An aggrieved AP or AH will be free from any fees in connection with the lodging and resolution of complaints, as these will be borne by the PIU.

## **9. Budget**

The resettlement budget is presented in Annex 1. The total cost is \$158,642 with \$140,413 for direct costs of compensation, \$10,970 for implementation, and \$7,021 allocated for contingency (5% of all costs). By subproject, the resettlement cost for the Ta Phin – Ban Khoang access road is \$155,155, and the cost for the Lao Cai TIC is \$3,487. 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. The Lao Cai Department of Finance will be responsible for the disbursement of funds. The Government 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.

## **10. Monitoring**

The PCU, with support from the project implementation consultants and PIU-based Safeguards Officers, will carry out internal monitoring of resettlement planning and implementation. 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 PCU will consolidate internal and external resettlement monitoring reports for submission to ADB. A process, timeline and indicators for monitoring are provided in

this resettlement plan. All data in the monitoring reports will be disaggregated by sex and ethnicity.

The number of affected households and scale of expected resettlement impacts does not warrant the engagement of an external monitor. This provision can be reassessed at the time of detail design if the impacts seem more significant.

## 11. Indicative Implementation Schedule

The two subprojects will be implemented from 2014 to 2019. The indicative resettlement implementation schedule is summarized below:

<b>Resettlement Plan Updating/Implementation Activities</b>	<b>Schedule</b>
Consultations, carry out DMS, socioeconomic surveys, and disclosure by subproject.	Quarter 3, Year 1
Approval of updated resettlement plan by Lao Cai PPC and ADB	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.	Continuous
Clearance of acquired land.	Quarter 3, Year 2
Start of civil works.	Quarter 4, Year 2
Consultations,	Continuous

## 1. PROJECT DESCRIPTION

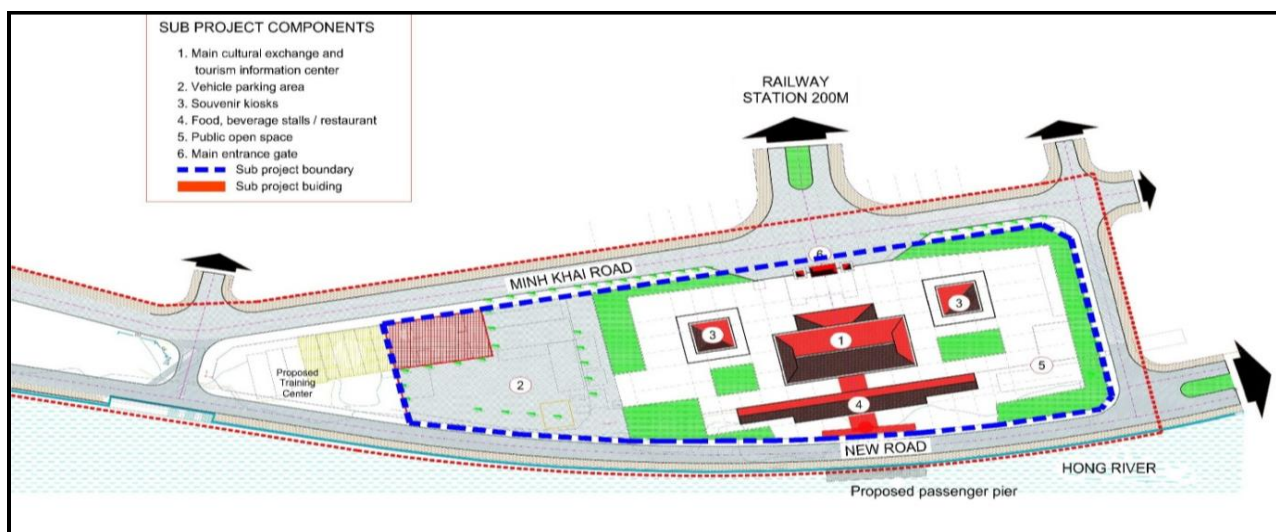
1. The Greater Mekong Subregion (GMS) Tourism Infrastructure for Inclusive Growth Project (the project) is a multi-sector, multi-country investment project financed by separate sovereign loans to Cambodia, the Lao Peoples Democratic Republic, and Viet Nam. The project will invest in transport and environmental infrastructure and capacity building in 12 provinces across the three participating countries.

2. The expected outcome of the project in Viet Nam is that increased international tourism receipts benefit men and women living in targeted segments of the GMS corridors. Project outputs are: (i) improved last-mile tourism access infrastructure; (ii) improved environmental services in cross-border tourism centers; (iii) strengthened institutional capacity to promote inclusive tourism growth; and (iv) effective project implementation and knowledge management. In Viet Nam the project includes the provinces of Dien Bien, Ha Tinh, Kien Giang, Lao Cai and Tay Ninh.

3. This Resettlement Plan (RP) is for the (i) Lao Cai Cultural Exchange and Tourist Information Centre (TIC) and (ii) Ta Phin – Ban Khoang Access Improvements subprojects, which will be implemented in Lao Cai Province.

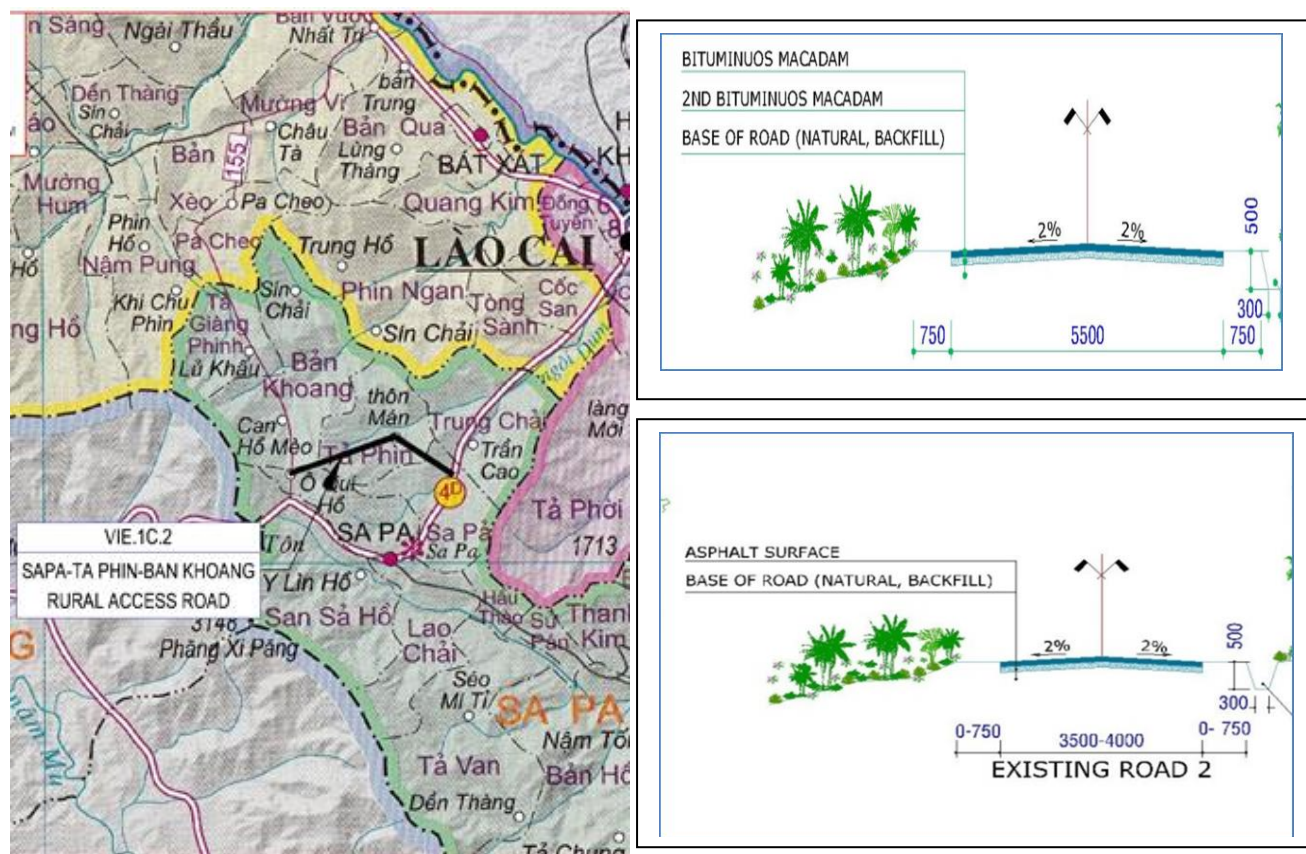
4. **Lao Cai Cultural Exchange and Tourist Information Center.** Lao Cai received nearly 950,000 visitors in 2012, of which 40% were international tourists. While Lao Cai possesses a wide range of cultural and natural attractions, the majority of tourism activity is centered on Sapa and Bac Ha districts due to limited market awareness about other provincial destinations and a lack of conveniently accessible transportation and tour services for independent travellers. To address these constraints, the subproject will construct a 3,000 m<sup>2</sup> cultural exchange and tourism information center in Lao Cai City, including space for tour and tourism transport operators, exhibition and cultural performance areas, parking areas, and well-lit, public open spaces with vendor kiosks offering food and beverages, ethnic handicrafts and souvenirs. To ensure that visitors arriving to Lao Cai by rail are aware of tourism and provincial transportation services offered by the center, a small information kiosk will be set up at the railway station. The preliminary site layout of the Lao Cai TIC is presented in Figure 1.

**Figure 1: Site Plan of Lao Cai Cultural Exchange and Tourist Information Center**



5. **Ta Phin–Ban Khoang Access Road Improvement.** Despite offering pleasant rural scenery and opportunities to purchase traditional handicrafts and other local products, the ethnic Dao and Hmong villages living along the rural road linking Ta Phin and Ban Khoang to the popular tourists destination of Sapa is in poor condition, discouraging tourists from visiting the area and hindering the local populations access to markets and social services. To address these problems, the subproject will: (i) upgrade the 6 km Ta Phin access road (beginning at the intersection with Highway 4D) to double bituminous surface treatment (DBST) standard with 5-6 m carriageway, install roadside drainage, culverts, and strategically placed passing bays; (ii) rehabilitate two bridges, each 5 m wide with a 10 m span; (iii) upgrade the existing track between Ta Phin and Ban Khoang (8.7 km) to form a 3.5 m wide paved rural road; (iv) construct male and female public toilets blocks and a 2,000 m<sup>2</sup> parking area in Ta Phin; and (vi) install directional signage and information boards. In total, approximately 7,583 people living in Sapa and Ta Phin communes are expected to benefit from increased tourism and better access to markets and social services as a result of the subproject. The location of the access road and typical road cross sections are shown in Figure 2.

**Figure 2: Ta Phin–Ban Khoang Access Road with Typical Cross Sections**



## 2. SCOPE OF RESETTLEMENT AND AFFECTED HOUSEHOLDS

6. Lao Cai Province has two subprojects that will have resettlement impacts Lao Cai TIC and Ta Phin – Ban Khoang Access Road Improvements. This RP will be updated during project implementation at which time resettlement impacts will be verified through detailed measurement surveys (DMS).

## **2.1 Lao Cai Cultural Exchange and Tourist Information Centre**

### **2.1.1 Scope of Resettlement Impacts**

7. The Lao Cai TIC will be constructed on public land, which is currently used as the provincial bus station. The city development plan includes construction of a new provincial bus station (currently underway with separate, Government funding) and redevelopment of the site according to the parameters of the proposed subproject. Consequently land acquisition for this subproject can be avoided.

8. The only resettlement impact, according to the IOL conducted in August 2014 is that the redevelopment of the site will affect the livelihoods of two (2) women operating food and beverage kiosks, mainly serving bus passengers and employees.

9. Both women have expressed interest to continue their business at the new bus station as they are familiar with these customers. As an alternative, the women could be offered a retail/food stall in the new TIC. When consulted on this possibility, both stated that they prefer to continue to service bus passengers/employees. This choice will be made available to them again during updating of the RP, after they have had more time to consider the options.

10. The food and beverage kiosks are moveable but compensation will be paid for the structures to ensure that the women have resources to set up at a new location. The women estimated their investment in the structures is about D10,000,000 each (about \$500). Both affected households earn their main livelihood from their business. Both are in households that have at least one other source of income. One woman has 2 family members and the other has 6 family members for a total of 10 affected persons. The women are both married and not classified as poor. The income each earns (estimated at D5million/month) is sufficient for their needs when combined with other household sources.

11. Construction of the Lao Cai TIC will be sequenced so that the women can continue to operate their business until the bus station at the existing site is closed, at which time they will move to a kiosk in the new bus location.<sup>2</sup> The women cannot afford a disruption to their livelihood activity and require support for moving their business, income for business losses, and transition assistance to support them while the business is dismantled and re-established at the new location. Both women live in Lao Cai City close to the present bus station and are Kinh, the majority ethnic group in Viet Nam.

## **2.2 Ta Phin-Ban Khoang Access Road Improvement**

### **2.2.1 Scope of Resettlement**

12. The PPTA consultants and trained surveyors from Lao Cai carried out an IOL assessment from 1 to 31 August 2013 and again from 12 to 20 January 2014 to determine the resettlement impacts based on the subproject's preliminary design. The surveys were carried out in the sections of road where upgrades are planned in Sapa, Ta Phin and Ban Khoang Communes of Sapa District. The local authorities in these areas did not have cadastral maps of the land areas affected, and so the IOL had to be completed in two phases. During the first period of the IOL survey the surveyors documented the total area expected to be affected by the road design, prepared an initial list of affected households and held consultations with commune

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<sup>2</sup> Alternatively, if the new bus station is completed before/during construction of the new TIC, the women may move at their discretion.

officials and representatives of affected households. Due to difficulties in accessing more remote areas of the road, a second round of surveys and consultations was undertaken in January 2014 to verify the area of affected land and list of affected households. The IOL was completed on 20 January 2014, which is the cut-off date for this resettlement plan.

13. Concerns and suggestions raised by the affected people have been incorporated into resettlement planning and the overall project design, including the need to ensure that tourism development is socially and economically beneficial for local stakeholders, and the potential negative impacts of tourism growth are avoided and mitigated. Specific activities to respond to stakeholder concerns include programs to: (i) combat child exploitation and human trafficking in the tourism industry, (ii) build the capacity of destination management organizations to develop and implement sustainable tourism policies, (iii) conduct public awareness programs on the benefits and potential negative impacts of tourism, (iv) disseminate information on public health and worker safety targeting local residents and tourists, and (v) improve heritage protection and management. The detailed description and budget for these activities is in the Project Administration Manual.

14. The preliminary design has been prepared to ensure that land acquisition is minimized by (i) upgrading the road surface following the existing alignment; and (ii) limiting the carriageway to 5 to 6 m wide for the main Sapa (Route 4D) to Ta Phin section and to 3.5 m wide for the Ta Phin to Ban Khoang section. Much of the area along the existing road is unused hill land and so the amount of residential and productive land that needs to be acquired is minimal. The road alignment is not expected to be altered in any way that will result in permanent impacts on houses or shops.

15. A summary of the IOL findings is presented in Table 1. The land acquisition and resettlement impact for the Ta Phin-Ban Khoang Access road improvements involves total land acquisition of 34,516 m<sup>2</sup> with 110 affected households (602 affected persons), of which 535 m<sup>2</sup> is categorized residential land; 2,445 is rice land; 12,930 m<sup>2</sup> is for perennial trees; 4,714 m<sup>2</sup> is for planning annual crops; and 13,892 m<sup>2</sup> is categorized as forest land. The land acquisition will affect about 180 trees. All affected households have less than 10% of their total productive land affected and so there are no severely affected households. Affected households comprise 62 Dao households, 38 Hmong households, and 10 Kinh households.

**Table 1: Affected Households and Area – Ta Phin-Ban Khoang Access Road**

Type of Land	Area (m <sup>2</sup> )	AHs	Aps
Residential land	535	8	37
Rice land	2,445	15	97
Land for perennial tree	12,930	50	268
Land for Annual Crop	4,714	127	26
Forest land	13,892	26	157
<b>Total</b>	<b>34,516</b>	<b>110</b>	<b>602</b>

## 2.2.2 Profile of Affected Households

16. The socio-economic survey sampled 20 affected households and was undertaken between 11 and 20 January 2014. The survey respondents were all male married heads of household except for one widowed woman head of household. The age of respondents is shown in Table 2 and their civil status is in Table 3. The respondents included 11 Dao, 8 Hmong and 1 Kinh. As shown in Table 4 the main occupation is farming.

**Table 2: Age of Respondents**

Age Group	Men		Women		Total	%
	N	%	N	%		
20 - 30 years	2	11.1	-	-	2	10.0
31 - 45 years	12	66.7	1	50.0	13	65.0
46 - 60 years	4	22.2	1	50.0	5	25.0
<b>Total</b>	<b>18</b>	<b>90.0</b>	<b>2</b>	<b>10.0</b>	<b>20</b>	<b>100.0</b>

**Table 3: Civil Status of Affected Households**

Civil Status	Men		Women		Total	%
	N	%	N	%		
Married	18	100.0	1	50.0	19	95.0
Widowed	-	-	1	50.0	1	5.0
<b>Total</b>	<b>18</b>	<b>90.0</b>	<b>2</b>	<b>10.0</b>	<b>20</b>	<b>100.0</b>

**Table 4: Main Occupation of Affected Households**

Main occupation	Men		Women		Total	%	% of Time:
	N	%	N	%			
Farmer (own farm)	15	83.3	1	50.0	16	80.0	92
Government employee	3	16.7	-	-	3	15.0	97
Retirement	-	-	1	50.0	1	5.0	100
<b>Total</b>	<b>18</b>	<b>90.0</b>	<b>2</b>	<b>10.0</b>	<b>20</b>	<b>100.0</b>	<b>93</b>

17. The education level of heads of households surveyed is presented in Table 5. The majority of respondents have completed primary school with only 4 not having any education/not completing primary education. About 11% of respondents completed upper secondary school and 11% completed post-secondary education. The majority of households had large families (Table 6), which is not unusual for ethnic minority communities living in rural areas of northern Viet Nam.

**Table 5: Education Level of Respondents**

Education	Men		Women		Total	%
	N	%	N	%		
No education or primary not completed	4	22.2	1	50.0	5	25.0
Primary, completed	10	55.6	-	-	10	50.0
Lower Secondary, completed	-	-	1	50.0	1	5.0
Upper Secondary, completed	2	11.1	-	-	2	10.0
Post-secondary, completed	2	11.1	-	-	2	10.0
<b>Total</b>	<b>18</b>	<b>90.0</b>	<b>2</b>	<b>10.0</b>	<b>20</b>	<b>100.0</b>

**Table 6: Number of Family Members in Household**

	Total	
	N	%
3-4 people	1	5.0
5-6 people	11	55.0
7-8 people	4	20.0
9-11 people	4	20.0
<b>Total</b>	<b>20</b>	<b>100.0</b>

18. Among the respondent households 10% were classified as poor,<sup>3</sup> however, given the substantial number of family members living in each household and average household income of only D4,342,000 per month, the incidence of poverty is likely much higher. The two women heads of household reported average household income of D1,322,000 per month or about one-third of the overall average shown in Table 7.

**Table 7: Average Household Income**

Average Income	Men	Women	Average
Average income/year (VNĐ)	56,133,000	15,865,000	52,107,000
Average income/month (VNĐ)	4,678,000	1,322,000	4,342,000

19. As shown in Tables 8 and 9 the majority of APs lived in wooden structures with a metal roof and obtained water from natural springs using gravity-fed systems. Access to sanitation varied (Table 10) with about 28% having no toilet; 33% use simple latrines; and 39% of households use toilets with septic tanks.

**Table 8: Type of House**

House	Men		Women		Total	%
	N	%	N	%		
Two storey concrete house	1	5.6	-	-	1	5.0
House with part concrete, part wood	2	11.1	-	-	2	10.0
Wooden house with metal roof	12	66.7	2	100.0	14	70.0
Wooden house with wood shingle roof	1	5.6	-	-	1	5.0
Traditional wooden house, hardwood	2	11.1	-	-	2	10.0
<b>Total</b>	<b>18</b>	<b>90.0</b>	<b>2</b>	<b>10.0</b>	<b>20</b>	<b>100.0</b>

**Table 9: Water Source**

Water for family	Men		Women		Total	%
	N	%	N	%		
Water tap / public supply	1	5.6	-	-	1	5.0
Gravity fed source (springs)	16	88.9	2	100.0	18	90.0
Piped water	1	5.6	-	-	1	5.0
<b>Total</b>	<b>18</b>	<b>90.0</b>	<b>2</b>	<b>10.0</b>	<b>20</b>	<b>100.0</b>

**Table 10: Access to Sanitation**

Toilet	Men		Women		Total	%
	N	%	N	%		
Open pit latrine	2	11.1	1	50.0	3	15.0
Covered latrine	4	22.2	-	-	4	20.0
Toilet & septic tank	7	38.9	-	-	7	35.0
No toilet	5	27.8	1	50.0	6	30.0
<b>Total</b>	<b>18</b>	<b>90.0</b>	<b>2</b>	<b>10.0</b>	<b>20</b>	<b>100.0</b>

20. **Vulnerable households.** Of the 110 households affected by the Ta Phin–Ban Khoang access road upgrade, 100 are Dao and Hmong ethnic minority families and there are 10 Kinh families; of these 10% of those surveyed are poor, however this percentage will need to be

<sup>3</sup> The poverty line (2013) as set by MOLISA is based on average income required for basic needs; i.e. less than 400,000 per person/month in rural areas and less than D500,000 per person/month in urban areas.



verified during RP updating. Since classification as an ethnic minority is one of the criteria for vulnerability, there are 100 vulnerable households. The group of affected households surveyed included 10 households that are classified as poor;<sup>4</sup> and one women-headed household, which are also criteria for vulnerability as outlined in the entitlements matrix.

### **3. LEGAL AND POLICY FRAMEWORK**

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

#### **3.1 Laws Regarding Land Acquisition and Resettlement in Viet Nam**

22. The Constitution of the Socialist Republic of Viet Nam (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.

23. The principal documents include the Land Law No.13/2003/QH11 providing comprehensive land administration regulations. The 2003 Land Law supersedes earlier versions of 1987 and 1993. Article 39 of the 2003 Land Law requires disclosure of information to the APs prior to recovery of agricultural and non-agricultural lands for a minimum of 90 and 180 days respectively. The Ministry of Natural Resources and Environment (MONRE) issued Circular No. 14/2009/TT-BTNMT on the allocation of new residential land, or a resettlement house or monetary compensation for APs that need to relocate. The circular grants authority to People's Committees to determine whether certain structures built after 1 July 2004 violated approved land use.

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

- Land Law No. 13/2003/QH11 promulgated on 26/11/2013;
- Decree No. 181/2004/ND-CP of the Government, guiding the implementation of the Land Law in 2003
- Decree No. 197/2004/ND-CP dated 03/12/2004 of Government on compensation, rehabilitation and resettlement in the event of land recovery by the State.
- Decree 69/2009/ND-CP, dated 13 August 2009, regulating additional planning of land use, land prices, land acquisition, compensation, assistance and resettlement
- Decree No. 17/2006/ND-CP, amending Decree No. 181/2004/ND-CP, Decree No. 197/2004/ND-CP and other decrees.
- Decree No. 188/2004/ND-CP, specifying methods for land pricing and land price frameworks in the event of land recovery by the State.
- Ordinance No: 34 /2007/PL-UBTVQH dated 20 April 2007 of Central Committee Parliament on democracy exercitation at communes, wards, towns.
- Decree No. 38/2013/NĐ-CP on management and utilization of the official development assistance (ODA) and concessional loans from donors.

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<sup>4</sup> According to threshold of average income of less than D400,000 per month/person in rural areas and less than D500,000 per person/month in urban areas as set by the Ministry of Labour, Invalids and Social Affairs (2012).

- Decree 84/2007/ND-CP, on 25<sup>th</sup> May 2007 on supplementary regulations on granting land use certificate, orders and procedures for compensation, assistance and resettlement when the State acquires land and settling complaints on land.
- Circular 06/2007/TT-BTNMT, dated 15 June 2007, of the Ministry of Natural Resources and Environment providing guidelines for executing Decree 84 of the Government.
- Decree 123/2007/ND-CP, dated 27 July 2007, relating to amendments and additions to Decree 188/2004/ND-CP above.
- Circular 145/2007/TT-BTC, dated 6 December 2007, of the Ministry of Finance providing guidelines for executing Decree 123 of the Government and replacing Circular 144 of MOF on guidance of executing Decree 188/2004/ND-CP.
- Circular 14/2009/TT-BTNMT issued by the Ministry of Natural Resources and Environment dated on October 1st 2009 guiding implementation Decree 197/2004 and decree 69/2009 on detailed regulations on compensation, support and resettlement and the order and procedures for land acquisition, land allocation, land lease.
- Decree No: 11/2010/NĐ-CP dated 24 February 2010 of the Government on traffic infrastructure management and protection;
- Decree No: 42/2012/NĐ-CP dated 11 May 2012 of the Government on management of paddy land use.
- Complaint Law No. 02/2011/QH13 dated 11 November 2011 of the National Assembly of the Socialist Republic of Viet Nam.
- Denunciation Law No. 03/2011/QH13 dated 11 November 2011 of the National Assembly of the Socialist Republic of Viet Nam.
- Decree No. 75/2012/ND-CP dated 03 October 2012 of Government on detailed regulations of Complaint Law.
- Decree No. 76/2012/ND-CP dated 03 October 2012 on detailed regulations for executing some articles of the Denunciation Law.

25. At the local level, provinces issue Provincial Decisions, consolidating Decree 69/2009/ND-CP 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 Lao Cai are:

- Decision 52/2013/QĐ-UBND issued by Lao Cai PPC setting provincial compensation rates for land
- Decision 26/2013/QĐ-UBND issued by Lao Cai PPC setting provincial compensation rates for structures, crops and other assets.

### **3.2 ADB Policies**

26. The applicable ADB Policy on Involuntary Resettlement is the Safeguard Policy Statement 2009 (the SPS 2009) and detailed in ADB's OM Section F1/OP (issued on 4, March, 2010).

27. 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 unavoidable, 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.

28. Another ADB Policy that has a bearing on resettlement planning and implementation include is ADB's Policy on Gender and Development (2006). 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.

29. ADB's Policy on Indigenous Peoples (ADB SPS 2009) states that the borrower/client will ensure (i) that affected Indigenous Peoples receive culturally appropriate social and economic benefits; and (ii) that when potential adverse impacts on Indigenous Peoples are identified, these will be avoided to the maximum extent possible. Where this avoidance is proven to be impossible, based on meaningful consultation with indigenous communities, the Indigenous Peoples Plan will outline measures to minimize, mitigate, and compensate for the adverse impacts<sup>5</sup>.

30. Other policies of the ADB that have bearing on resettlement planning and implementation are the: (i) Public Communications Policy (2011); and (ii) Accountability Mechanism (2012). According to these policies, central Project Coordination Units (PCUs) and PIUs are required to proactively share and disclose the project information with stakeholders and the public at large. Affected people should have easy access to the project information. People adversely affected by the project should be able to freely voice their views and seek solutions to their problems during and after resettlement. A grievance redress mechanism, therefore, must be included in the resettlement plans and disclosed to the affected people.

31. Together, the ADB Safeguard Policy Statement 2009, the Government of Viet Nam's Laws, and the Provincial People's Committee resettlement decrees provide the 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.

#### **4. RESOLVING INCONSISTENCIES ON INVOLUNTARY RESETTLEMENT**

32. With the promulgation of Decree 197/2004/ND/CP (3/12/2004) and Decree 69/2009/ND/CP, the policies and practices of the Government have become more consistent with ADB's social safeguards policies.

33. Viet Nam'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, 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)

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<sup>5</sup> An Ethnic Minorities Development Plan has been prepared for this project that sets out actions to addressing how ethnic minority groups will benefit from this project and negative impacts will be avoided/mitigated.

provision of resettlement land and housing with secure tenure; (v) additional assistance for severely affected and vulnerable households; (vi) assistance to livelihood restoration and training; and (vii) notification/disclosure, consultation, and grievance mechanisms.

34. Viet Nam'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 Viet Nam 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 differences between the Government's Laws and Decrees and ADB Policy with regard to resettlement and compensation, and how these gaps will be addressed, are shown in Table 11.

**Table 11: Gaps between National Resettlement Laws and ADB Policy**

Key Issues	National Laws	ADB Policy	Project Policy
Non-titled users	Decree 69: Article 23: Persons whose main income is derived from agricultural production whose land is acquired by the Government and cannot satisfy LURC and compensation conditions stipulated in Decree 197/2004, Articles 6 and 121, the Peoples' Committees of the provinces or centrally-run cities shall consider providing such support on case-by-case basis	Non-titled APs, including displaced tenants, sharecroppers and squatters, are not entitled to compensation for land but are entitled to payment for non-land assets and assistance to restore their pre-project living standards. If they are poor and vulnerable, appropriate assistance must be provided to help them improve their socio-economic status.	Land users who have no formal legal rights or recognized or recognizable claims to such land will be compensated at full replacement cost for non-land assets and investment on land. Apart from this compensation, any poor and vulnerable non-titled users will be provided additional assistance to help them improve their socio-economic status as described in this RP.
Compensation of land at replacement cost	Article 9, Decree 197/2004: The compensation rates for land shall be determined by the PPC in accordance with the Government regulations for the type of land which has been used for at the time of land acquisition. Decree 69, Art 11, Art 16: Compensation is land for same-use land. If not available the AP can be compensated in cash based upon the market transfer price of such land at the time of the decision to acquire. Compensation limited to the allowable land quota, unless land over limit due to inheritance or legally transferred from other persons, or unused land developed according to the land use plan approved by the authorities. If not, compensation only for improvements on that land.	All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market value, plus any transaction costs such as administrative charges, taxes, registration and titling costs. In the absence of a functioning market, a compensation structure is required that enables affected people to restore their livelihoods to level at least equivalent to those maintained at the time of dispossession, displacement, or restricted access.	Payment for land will be based on the principle of replacement cost.
Houses and structures	Decree 69 Art 24, Compensation for House, Structures on Acquired Land. Clause (1) – Compensation for APs	For non-land assets, all eligible affected people, whether titled, legitimate, or non-titled; need to be	Structures, regardless of tenure status, will be compensated at full replacement cost without

Key Issues	National Laws	ADB Policy	Project Policy
	residential structures based on value of newly constructed house/structure equal to technical standard issued by DOC and based on house area and unit prices issued by PPC. Clause(2) other structures compensation equal to total present value using unit costs for newly constructed house/structure using DOC technical standards and depreciated to present value of acquired house/structure. Maximum value cannot exceed 100% of new value of acquired house/structure.	compensated at replacement cost, through cash or replacement assets.	deduction of salvageable materials. Additional cash or in-kind assistance will be provided on a case-by-case basis, depending on type and severity of impact and whether or not the AH is vulnerable
Non-registered business	Decree 197/2004, Articles 26-28: Only registered businesses are eligible for assistance.	For non-land assets, all eligible affected people, whether titled, legitimate, or non-titled; need to be compensated at replacement cost, through cash or replacement assets. Included among these APs are renters of buildings, tenants and employees of affected businesses.	Non-registered businesses will be eligible for cash or in-kind assistance
Provision of rehabilitation assistance	Decree 197/2004, Articles 28-29 and Decree 69/2009 Art 20: APs losing more than 30% of productive land will be entitled to living stabilization and training/job creation assistance; provides for the long term assistance to poor households.	Rehabilitation assistance is required for those who lose 10% or more of their productive income generating assets and/or being physically displaced. Focus on strategies to avoid further impoverishment and create new opportunities to improve status of the poor and vulnerable people.	Rehabilitation assistance will be provided to those who lose 10% or more of their productive income generating assets and/or being physically displaced. The project will focus on strategies to avoid further impoverishment and create new opportunities to improve status of the poor and vulnerable people. Affected persons will be given priority for inclusion in output 3 training/capacity building activities.

## 5. PROJECT PRINCIPLES, ELIGIBILITY AND ENTITLEMENTS

### 5.1 Project Resettlement Principles

35. The basic principles of this project relating to involuntary resettlement are as follows:

- (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 as of the completion date of the census and Inventory of Loss (the cut-off-date) 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) 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
- (iv) APs will not be displaced until they have been compensated as per the provisions of this RP and rehabilitation measures are in place;
- (v) 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, and where required to improve land to achieve suitable quality;
- (vi) The process and timing of land and other asset acquisition will be determined in consultation with APs to minimize disturbance;
- (vii) Where houses and structures 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;
- (viii) 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;
- (ix) 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;
- (x) 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;
- (xi) Existing cultural and religious practices will be respected and, to the maximum extent practical, preserved;
- (xii) 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;
- (xiii) There will be effective mechanisms for hearing and resolving grievances during updating and implementation of the RP.
- (xiv) 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;
- (xv) Adequate budgetary support will be fully committed and made available to cover the costs of land acquisition and resettlement within the agreed implementation period;
- (xvi) Appropriate reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system.
- (xvii) Voluntary donation will not be applied for any assets;

- (xviii) 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;
- (xix) 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
- (xx) No demolition of assets will be done until the affected household is fully compensated and relocated.

## 5.2 Eligibility and Entitlements

36. **Eligibility.** All APs who are identified in the project-impacted areas as of 20 January 2014, the final date of the IOL, 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. Those who encroach into the subproject area after the cut-off date will not be entitled to compensation or any other assistance.

37. **Entitlements.** The entitlement matrix in Table 12 includes the main types of losses and the corresponding nature and scope of entitlements. The detailed design of the civil works together with the DMS and socioeconomic surveys will be the basis for determining actual impacts. A replacement cost study (RCS) will be carried out to determine actual replacement costs and rates. Entitlements described in this RP will not be lowered during RP updating but can be enhanced as required. Voluntary donation will not be applied for any assets.

**Table12: Project Entitlement Matrix**

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
Productive Land (agriculture, garden, forest)	Legal owner or occupant identified during DMS. Estimated AH = 110	For loss of less than 10% of land, cash compensation at replacement cost which is equivalent to the current market value of land within the village, of similar type, category and productive capacity, free from transaction costs (taxes, certification costs, administration fees).	Voluntary donation of land will not be allowed by the project.
Residential Land	Legal owner or occupant identified during DMS. AH = 8	With remaining land sufficient to rebuild houses/structures of same size. Cash compensation at replacement cost which is equivalent to the current market value of land of similar type and category, and free from transaction costs (taxes, certification costs, administration fees).	Voluntary donation of land will not be allowed by the Project
Totally Affected Houses/Shops, and Secondary Structures	Owners of affected shops/houses whether or not land is owned.  AH = 2	Cash compensation at replacement cost for the entire structure equivalent to prevailing market prices of (i) materials, with no deduction for depreciation of the structure or salvageable materials; (ii) materials transport; and (iii) labor cost to cover cost for dismantling, transfer and rebuild.	<ul style="list-style-type: none"> <li>Adequate time provided for APs to dismantle their kiosks and move to new bus station.</li> </ul>
Loss of business income during relocation or during dismantling/repair of affected	Owners of shops. AH = 2	Cash compensation equivalent to the reported average monthly income pro-rated to the number of days of business disruption.	

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
portion.			
Crops and Trees.	Owner of crops and trees whether or not land is owned. AH = 110	If annual crops were planted at the time of construction, and cannot be harvested, cash compensation at replacement cost equivalent to the highest production of crop over the last three years multiplied by the current market value of crops For perennial crops and trees, cash compensation at replacement cost equivalent to current market value based on type, age, and productive capacity. For timber trees, cash compensation at replacement cost equivalent to current market value based on type, age and diameter at breast height (DBH) of trees	APs to have advance notification and to the extent possible can harvest crops prior to construction.
Livelihood Stabilization Allowance.	Relocating shops. AH = 2	Relocating shops will receive (i) moving allowance and (ii) an additional transition assistance of 30 kg of rice for 3 months for each household member.	
Impacts on vulnerable APs including ethnic minority households, poor households, and other vulnerable households.	Vulnerable APs such as the poor, households headed by women, the elderly, disabled, ethnic minority households AH = 100	<ul style="list-style-type: none"> <li>• Ethnic minorities allowance of 30 kg of rice per person in the household for 3 months.</li> <li>• Poor households; households headed by women, the elderly or disabled eligible for additional allowance of 30 kg of rice per person in the household for 3 months.</li> <li>• The contractors will make all reasonable efforts to recruit APs and vulnerable APs as laborers for civil works.</li> <li>• Eligible to participate in income restoration program.</li> </ul>	Poor households are those under Ministry of Labour, Invalids and Social Affairs poverty level of average income of less than D 400,000 per month in rural areas and less than D 500,000 in urban areas.
Temporary Use of Land.	Legal owner or occupant	<ul style="list-style-type: none"> <li>• If any agricultural and residential land to be used by the civil works contractor as by-pass routes or for contractor's working space, (i) cash compensation at replacement cost for affected fixed assets (e.g., structures, trees, crops); and (ii) full restoration of land to pre-impact conditions.</li> </ul>	

## 6. RELOCATION AND INCOME RESTORATION

### 6.1 Relocation Strategy

38. At the Lao Cai TIC the 2 businesses affected will be able to restore their livelihoods through the strategies employed to compensate them for relocating to the new bus station, and to provide them some life stabilization to ensure the move does not cause them any loss of livelihood. The affected stall operators will be guaranteed a new area to sell in the new bus station or offered a new kiosk (to rent) in the Lao Cai TIC.

### 6.2 Vulnerable Households

39. **Restoration of ethnic minority livelihoods.** The compensation for affected persons' productive land will ensure that they do not experience losses as a result of the subproject. The Ta Phin – Ban Khoang Access Road Improvements subproject will affect Dao and Hmong ethnic minority households who are the majority of the population in this area. While the project resettlement impacts are limited, ethnic minorities are at greater risk of impoverishment when



assets are affected. They will be provided with assistance of 30 kg of rice per family member for 3 months.

40. The project has also prepared an Ethnic Minorities Development Plan (EMDP) that recognizes the need to implement specific measures to ensure that the ethnic minorities living in the project area have capacity to equally benefit from project activities and continue to be meaningfully consulted throughout project implementation. Improvements to the access road to Ta Phin and Ban Khoang will result in improved road transport conditions/services and new employment and income generating opportunities for the local population.

41. All affected ethnic minority households living along the Ta Phin to Ban Khoang Access road will be given priority for inclusion in tourism-related service training, or enterprise support so that they can secure employment in the tourism sector or take advantage of other opportunities gain income from tourism such as producing and selling local crafts to tourists, or boosting production of local products that are consumed by tourists. Ethnic minority women household members in all affected households will be targeted to receive micro- and small-enterprise support services and training to be provided under output 3 of the project. The specific measures include: (i) inclusion of one or more ethnic minority woman from each affected family in micro-enterprise development/management, hospitality training, and tour guide training; (ii) skills and marketing training targeting women-led home industries such as handicraft and food production; and (iii) targeting ethnic minority women for inclusion in training to operate kiosks, ticket booths, and other tourist amenities.

42. **Other vulnerable households:** The socioeconomic survey identified there were at least 10% poor households among the affected households. The entitlement matrix provides for an extended period (3 months) of compensation equivalent to 30 kg of rice per family member for poor households, women-headed households, and households with a disabled person. The civil works contracts will have a provision to hire local labor comprising 40% women, poor household members, and ethnic minorities for unskilled labor during construction. If during the DMS civil works design changes affect more vulnerable households, they will be provided with additional compensation for extended periods of time as per the entitlement matrix.

43. **Gender:** As noted above, the targeting of women household members for participation in project-supported training will help them to gain employment and income from tourism. In addition, women will participate in consultations on the design of civil works, the DMS, and disbursement of compensation and other forms of assistance. Women and men participated in the resettlement consultations during project preparation and such consultations will be continued during the time of RP updating. The project will ensure that information about resettlement compensation and opportunities to participate in project-support training is explained directly to Dao, Hmong, and any other ethnic minority in project areas using the appropriate ethnic language.

44. The District Resettlement Committee (DRC), resettlement specialists, and gender specialists will be involved in updating and implementation of the RP to ensure that these measures are adequately implemented. Similarly, DRCs and the 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 Women's Union representatives will be crucial in facilitating these consultations and ensuring women's specific needs are met. Women will also be consulted specifically to determine the business support services and skills training activities to be

provided under output 3. Compensation payments will be signed off by both spouses, or in the case of female headed households, by the affected women.

## 7. UPDATING AND IMPLEMENTATION OF THE RESETTLEMENT PLAN

### 7.1 Updating

45. This Resettlement Plan will be updated once the subproject's detailed design is complete. The updating will consider any change in design that alters the resettlement impacts, including the identification of acquired land and affected persons, as well as measure the extent of land acquisition and required compensation and livelihood restoration in more detail. The updating will involve the following steps:

- (i) Undertake the Detailed Measurement Survey (DMS)<sup>6</sup> of all losses of all APs. At the same time, inform potential APs (without discrimination) of the subproject, it's 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) Identify and document the process for how the Lao Cai DCST will provide replacement space for the affected cafe owners and that APs will receive proposed allowances/training for restoration of their livelihoods as set out in the entitlement matrix;
- (iv) Determine the losses in accordance with the entitlement matrix and update the compensation rates for allowances, and verify rates in accordance with ADB guidelines;
- (v) 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 relocation sites (if necessary) and economic rehabilitation;
- (vi) Prepare the final RP with time-bound implementation schedule, procedures for grievance mechanism and monitoring and evaluation, and a budget;
- (vii) Translate it into Vietnamese; and
- (viii) Disclose the final RP to the affected communities (the written version in Vietnamese augmented by presentations on its content in ethnic minority languages) 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 for updating the RP are shown in Table 13.

**Table 13: Surveys for Resettlement Plan Updating**

<b>Detailed Measurement Survey (DMS)</b>	<p>The DMS of lost assets 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> <ol 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> </ol>
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<sup>6</sup> Data will be disaggregated by gender and ethnicity.

	<ul style="list-style-type: none"> <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) 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>(viii) Identify whether affected land or source of income is primary source of income; and</li> <li>(ix) AP knowledge of the subproject and preferences for compensation and, as required, relocation sites and rehabilitation measures.</li> </ul>
<b>Socioeconomic Survey</b>	<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;</li> <li>(iii) Living conditions: access to water, sanitation and energy for cooking and lighting; ownership of durable goods; and</li> <li>(iv) Access to basic services and facilities.</li> </ul>
<b>Replacement Cost Survey (RCS)</b>	<p>The PCU/PIU will engage a specialist to conduct the RCS in parallel with DMS and SES activities by collecting information from both secondary sources and primary sources (direct interviews with people in the affected area, material suppliers, house contractors), and from both those affected and those not affected. The government rates will be adjusted, as necessary, based on the findings of a RCS. Compensation rates will be continuously updated to ensure that APs receive compensation at replacement cost at the time of compensation payment.</p>

## 7.2 Implementation

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

## 8. INSTITUTIONAL ARRANGEMENTS

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

48. **Executing Agency.** The Ministry of Culture, Sports and Tourism (MCST) is the project's executing agency (EA). The MCST-based Project Coordination Unit (PCU) and Project Implementation Unit (PIU) embedded in the Lao Cai Provincial Department of Culture, Sports and Tourism (DCST) will be responsible for updating and implementation of this RP. The PCU will coordinate with the Provincial People's Committee and the PIU to ensure that the compensation is administered according to the provisions of this RP.

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

- i. Review and approve the updated Resettlement Plan to be developed following the subproject detail design;
- ii. Providing guidance in the updating and implementation of the RP;
- iii. Issuing decisions on approving land valuations applied for compensation, allowances and other supports to APs, especially vulnerable groups, based on principles of RP;
- iv. Approve and allocate budget for compensation, support and resettlement;
- v. Directing and supervising relevant departments of the province to effectively implement the RP;
- vi. Authorizing the district-level People's Committee to approve compensation, assistance and resettlement plans;
- vii. Settling APs' complaints and grievances related to compensation, assistance and resettlement according to their law-prescribed competence;

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

- i. Establishing DRC and directing DRC and relevant district departments to appraise and implement the detailed compensation, assistance and resettlement;
- ii. 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 updated RP;
- iii. Issuing LURC, certificate on land owning right of the households and individuals who have land/house entirely-recovered; adjusting LURC for households and individuals who have land, house partially recovered, in accordance with provincial Decisions;
- iv. Directing Commune People's Committees and relevant organizations on various resettlement activities; and
- v. Resolving complaints and grievances of APs.

51. **District Resettlement Committee:** The composition of the DRC includes Vice-Chairman 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' Associations and Women's Unions. The main responsibilities of the DRC are the following:

- i. Organize, plan and carry out compensation, assistance and resettlement activities;
- ii. Conduct the DMS (with support of the LFDC, where established), consultation and disclosure activities; design and implementation of income restoration programs in coordination with various stakeholders;
- iii. Prepare the compensation plan in line with the resettlement plan and submit it to the DPC for approval. Implement compensation, assistance and resettlement; Take responsibility for legal basis applied in compensation, assistance and resettlement policy following approved RP;
- iv. Assist in the identification and allocation of space for relocation of shops during the reorganization/construction at beachfront area;
- v. Lead and coordinate with the CPCs in the timely delivery of compensation payment and other entitlements to affected households; and
- vi. Assist in the resolution of APs' grievances.

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

- i. Assign Commune officials to assist the DRC in the updating of the RP and implementation of resettlement activities;
- ii. Identify replacement land for affected households;
- iii. Sign the Agreement Compensation Forms along with the affected households;
- iv. Assist in the resolution of grievances; and,
- v. Actively participate in all resettlement activities and concerns.

53. **Project Implementation Consultants.** The project will engage an international social safeguards specialist (4 months) and a national social safeguards specialist (12 months) to support the PCU and PIUs in handling resettlement issues. The resettlement consultants will have experience in both planning and implementation of resettlement plans in Viet Nam.

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

- i. Ensuring that due diligence is carried out in implementing the Resettlement Plans and the Ethnic Minorities Development Plan (EMDP) for all subprojects;
- ii. According to the provisions in the social safeguard plans, assist in preparing the materials and strategy for information campaigns, public consultation and community participation;
- iii. Review the survey materials and method to complete the detailed measurement survey during detailed design, and recommend improvements as required;
- iv. Update the Resettlement Plans, and follow-up to ensure their approval by the PPC;
- v. Update and support implementation of the EMDP; in coordination with the Gender Specialist, prepare training modules on inclusion of ethnic minority groups in tourism activities as part of the training and capacity development programs under the project's institutional strengthening components (output 3 & 4);
- vi. 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 EMDP activities;
- vii. Ensure that mechanisms to address grievances promptly and properly are in place and functioning well;
- viii. Establish and implement procedures for ongoing internal monitoring;
- ix. Design and deliver capacity development activities for all relevant agencies, as needed, in the areas of ADB resettlement and indigenous peoples policies, participation and communication, and grievance procedures; and
- x. Train PCU and PIU assigned social safeguard focal persons to carry out internal monitoring and reporting of social safeguards plans.

55. The national social safeguards specialist will:

- i. Support the PCU and provincial PIUs in implementing the Resettlement Plans and EMDP for all subprojects;
- ii. Assist in the conduct of the information campaigns, public consultation and community participation on social safeguards;
- iii. Coordinate the detailed measurement survey with district officials at the time of the detailed design and update the list of affected persons;
- iv. Assist the international social safeguards specialist to update the Resettlement Plans and EMDP;

- v. Advise PCU and international social safeguards specialist on how to improve procedures for the coordination of resettlement, compensation and implementation of actions in the Indigenous Peoples Plan;
- vi. Verify the calculations of compensation made by the Provincial and District Resettlement Committee in relation to the provisions of the RP entitlement matrix, and advise the PCU/PIU on any required measures to take to ensure compensation levels are made according with the RP provisions;
- vii. Monitor compensation payment and advise the PCU/PIU of an actions to take to ensure compensation is paid in full and in a timely manner;
- viii. Ensure that grievances are addressed promptly and properly and that the grievance redress mechanism is functioning well;
- ix. Provide periodic training on grievance redress if needed;
- x. Establish and implement liaison mechanisms to ensure proper technical and logistical support to the PCU local administrative authorities, resettlement committees and concerned government departments;
- xi. Establish and implement procedures for ongoing internal monitoring;
- xii. 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;
- xiii. Train PCU and PIU assigned social safeguards focal persons to carry out internal monitoring and reporting on the RPs and EMDPs; and
- xiv. Monitor grievance redress process from all the affected households.

## **9. CONSULTATION AND DISCLOSURE**

### **9.1 Consultation during Design**

56. The PPTA consultants with support from district and commune officials held consultations with affected persons during project preparation. A total of 22 women and 10 men participated in two consultation sessions in Ta Phin on 24 August 2013 and Ban Khoang on 25 August 2013. All were from Dao and Hmong ethnic minority households. Men and women attended the meeting together were then separated and asked questions separately. In addition, affected persons provided views on the subproject activities and impacts during the interviews for the IOL. Discussions covered the proposed road improvements as well as the expected resettlement impacts that would arise from the subproject. Participants' views were sought on the subproject benefits and potential drawbacks, strategies to minimize resettlement impacts, and how to avoid and mitigate any potential negative social and environmental impacts. The objectives of the census, IOL, and socio-economic surveys were explained to all APs consulted. Eligibility requirements for compensation, including the cut-off date, were also disclosed during the discussions. A record of the consultation is in Annex 3.

57. The participants discussed their perspectives on the benefits of the project, issues of concern, and their main recommendations on how they felt benefits could be enhanced, and negative impacts avoided. Key points included:

- Improvements to the road would bring new business opportunities and more tourists.
- Children could travel to school easier.
- There would be better access to markets and social services in Sapa.
- More and cheaper transportation options.

58. The main concern expressed regarding potential negative impacts and how benefits could be enhanced were:

- Temporary inconveniences during construction and the loss of some land.
- The need for fair compensation for acquired land, crops, trees, etc.
- More injuries from traffic accidents.
- Affected people should be provided with training in business development and handicraft production to increase their incomes.
- Possible increases in trafficking of women.

59. As mentioned above (paras. 13 – 14), measures to address concerns raised have been incorporated into the project's activities to promote inclusive and responsible tourism growth, and the RPs entitlements matrix.

## **9.2 Consultation during Implementation**

60. The MCST and DCSTs will ensure that consultations with APs will be carried out throughout the project cycle, starting with when the PIUs are mobilized, so that APs needs and preferences can be incorporated into the detailed design arrangements where practicable. They will also participate in the 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.

61. 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 PIU, the DRC will be responsible for the disclosure of the RP to affected persons. After the detail design and prior to the DMS, the Public Information Booklet (PIB) will be updated and disclosed to the affected people. The updated RP will be posted on the ADB website following the DMS at the detail design stage. Monitoring reports on resettlement will also be uploaded on ADB's website.

## **10. GRIEVANCE REDRESS MECHANISM**

62. It is the responsibility of Commune and District authorities and the Lao Cai PPC to help to resolve confusion, misunderstandings or problems about land acquisition, compensation rates, rehabilitation and relocation. To ensure that all grievances of those affected by any aspect of land acquisition, compensation, relocation, and determination and payment of entitlements are resolved in a timely and satisfactory manner, and that all avenues for airing grievances are available, detailed procedures for hearing and redressing grievances, including appeal processes, will be made public through an effective public information campaign. The grievance redress procedure shall also be made available in the project's Public Information Booklet.

63. Grievances related to any aspect of the project/subprojects will handled through negotiation aimed at achieving consensus. 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 EA.

64. Grievances redress mechanisms of the project will follow Article 138 Land Law 2003; Law on complaint No. 02/2011/QH13; Article 63 and Article 64 of Government Decree

84/2007/NĐ-CP; Clause 2, Article 40 of Decree 69/2009, and the regulation on grievance in Government Decree 75/2012/NĐ-CP dated 20/11/2012.

65. Where complaints about administrative decisions or administrative acts regarding land management are settled for the first time by the People's Committees of rural districts, urban districts, provincial capitals or provincial towns, but the complainants disagree with the settlement decisions, they are entitled to initiate lawsuits at People's courts or continue to complain with the provincial/municipal People's Committees.

66. The statute of limitation for complaining about administrative decisions or administrative acts regarding land management will be ninety days (90) as from the date of receiving such administrative decisions or knowing about such administrative acts. In case the complainant is not able to appeal in accordance with the statute of limitations because of illness, natural disasters, sabotage, travel, distant learning or other objective obstacles, that time not included in the time limit for lodging.

67. According to Decree No. 75/2012/ND-CP dated 3 October 2012:

- i. Within 15 days from the decision to settle the complaint, those who are competent to settle the complaint are responsible for publication of decision on complaint settlement in one of the forms prescribed in Clause 2 of Article 41 of the Law on Complaints;
- ii. In case of publication of the decision at the meeting, the meeting participants must include the person who makes the decision to resolve the complaint; the complainant or his/her representatives; and concerned agencies, organizations and individuals. Before conducting the public meetings the person that is competent to settle complaints must send notice to the concerned agencies, organizations and individuals. The advance notice period should be three days in advance;
- iii. The notice of the decision on announcing settlement of complaints on the mass media is radio, television, print and electronic press. Persons who are competent to settle complaints are responsible for choosing the type of media to make the announcement. In case the agency or person who is competent to settle complaints has established an e-portal or electronic information page, it must be publicized on that e-portal or electronic information page. The number of times the decision is to be publicized on the radio is at least 2 times; on television at least 2 times; by print at least 2 times. If posting on the internet or on an electronic information page, it should be posted for at least 15 days from the date of notification; and
- iv. When the decision is posted in offices of organizations that have resolved the complaints, decisions shall be posted for at least 15 days from the date of notification.

68. Grievance redress can be summarized in the steps set out below:

69. **First Stage: Commune People's Committee.** An aggrieved affected household may bring his/her complaint to any member of the Commune People's Committee, either through the Village Chief or directly to the CPC, in writing or verbally. It is incumbent upon said member of CPC or the village chief to notify the CPC about the complaint. The CPC will meet personally with the aggrieved affected household and will have 30 days (or 45 days for complicated case) following the lodging of the complaint to resolve it (in remote and mountainous areas or complicated case, the complaint should be resolved within 45 or 60 days, respectively). The CPC secretariat is responsible for documenting and keeping a file of all complaints that it handles.



70. Upon issuance of the decision of the CPC, the affected household can make an appeal within 30 days (45 days for mountainous area). If the second decision has been issued and the household is still not satisfied with the decision, the affected household can elevate his/her complaint to the DPC.

71. **Second Stage: District People's Committee.** Upon receipt of the complaint from the household, the DPC will have 45 days (or 60 days for complicated case) and 60 days for remote and mountainous areas (or 70 days for complicated case) following the lodging of the complaint to resolve the case. The DPC is responsible for documenting and keeping a file of all complaints that it handles.

72. Upon issuance of the decision of the DPC, the affected household can make an appeal within 30 days. If the second decision has been issued and the affected household is still not satisfied with the decision, the affected household can elevate his/her complaint to the PPC.

73. **Third Stage: Provincial People's Committee.** Upon receipt of the complaint from the affected household, the PPC will have 45 days (or 60 days for complicated case) and 60 days for remote and mountainous areas (or 70 days for complicated case) following the lodging of the complaint to resolve the case. The PPC is responsible for documenting and keeping a file of all complaints

74. Upon issuance of the decision of the PPC, the affected household can make an appeal within 30 days if they disagree. If the second decision has been issued and the affected household is still not satisfied with the decision, the affected household can elevate his/her complaint to the court within 45 days.

75. **Final Stage, the Court of Law Arbitrates.** Should the complainant file his/her case to the court and the court rules in favor of the complainant, then the PIU will have to increase the compensation at a level to be decided by the court. In case the court will rule in favor of PPC, then the complainant will receive compensation approved by PPC.

76. The affected people will be provided with support and assistance by locally based organizations, in case they have limited capacity or in case they have questions or complaints.

77. 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.

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

79. Updating and dissemination of the resettlement plan is integral to the project's Stakeholder Communication Strategy, detailed on the Project Administration Manual. Key activities in the strategy that are designed to support review, updating and dissemination of the RP include: (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.

## 11. MONITORING AND EVALUATION

80. Monitoring and evaluation of the RP allows project owners to ensure smooth progress of RP implementation by providing for a review of information on the progress of implementation of RP activities. Importantly, monitoring must also address the degree to which the resettlement activities have achieved their desired outcomes, particularly where this involves the rehabilitation of AP's housing, livelihoods and lifestyles.

81. These monitoring objectives will be addressed through internal monitoring by the MCST and PPCs with support from the national and international resettlement specialists.

### 11.1 Internal Monitoring

82. The role of internal monitoring and evaluation is to ensure that resettlement institutions are well functioning during the course of project implementation, and that the resettlement activities are undertaken in accordance with the entitlements and implementation schedule described in the RP. In this way, the protection of APs' interests and the schedule for civil works can be assured.

83. The primary responsibility for internal monitoring lies with the MCST-based PCU safeguards officers and the PIU safeguards officer that will be appointed in the Lao Cai PIU. MCST will be responsible for overseeing the formation, function, and activities of the PIU, and through quarterly monitoring reports to ADB, summarize progress and issues in implementing the RP. All monitoring data will be disaggregated by gender and ethnicity. The quarterly progress reports will also include financial statements to verify disbursement of counterpart funds for resettlement. Examples of internal monitoring and evaluation indicators are shown in Table 14.

**Table 14: Internal Monitoring and Evaluation Indicators**

Type	Indicator	Examples of Variables
Input Indicators	Staffing and Equipment	<ul style="list-style-type: none"> <li>Number of project-dedicated staff in PCU and PIUs</li> <li>Confirmation of establishment of each DRC</li> <li>Number of DRC members and job function</li> <li>Adequate equipment for performing functions (including grievance recording)</li> <li>Trainings undertaken</li> <li>Construction contractor meeting local employment targets for unskilled labour</li> </ul>
	Finance	<ul style="list-style-type: none"> <li>Funds disbursed to APs in a timely manner (compensation for non-land assets and economic losses, and allowances)</li> </ul>
Process Indicators	Consultation, Participation, and Grievance Resolution	<ul style="list-style-type: none"> <li>Distribution of PIB to all APs</li> <li>Summary RP available in all districts</li> <li>Translation of materials in ethnic minority villages and for individual minority APs in villages of other ethnicity</li> <li>Number of focal points established</li> <li>Number of consultations (meetings/individual) undertaken as scheduled in the RP and stakeholder communication plan</li> <li>Grievances by type and resolution</li> <li>Number of local-based organizations participating in project</li> </ul>
Output Indicators	Acquisition of Land	<ul style="list-style-type: none"> <li>Area of land acquired</li> </ul>
	Buildings	<ul style="list-style-type: none"> <li>Number, type and size of private houses/structures acquired</li> </ul>
	Trees and Crops	<ul style="list-style-type: none"> <li>Number and type of private trees acquired</li> <li>Number and type of government/community trees acquired</li> </ul>

Type	Indicator	Examples of Variables
	Compensation and Rehabilitation	<ul style="list-style-type: none"> <li>• Number of households affected (land, buildings, trees, crops)</li> <li>• Number of owners compensated by type of loss</li> <li>• Amount compensated by type and owner</li> <li>• Number and amount of payment paid</li> <li>• Compensation payments made on time</li> <li>• Compensation payments according to agreed rates</li> <li>• Number of replacement businesses constructed by APs</li> <li>• Number of vulnerable groups provided additional assistance</li> </ul>
	Reestablishment of Community Resources	<ul style="list-style-type: none"> <li>• Number of community buildings repaired or replaced</li> <li>• Number of seedlings supplied by type</li> </ul>

## 12. BUDGET

84. The resettlement budget is presented in Annex 1 including rates of compensation and supporting calculations. The total estimated cost is \$158,642, with \$140,413 for direct costs of compensation, \$10,970 for implementation, and \$7,021 allocated for contingency (5% of all costs). By subproject, the estimated resettlement cost for Lao Cai TIC is \$155,155. For Ta Phin – Ban Khoang Access Road Improvements the estimated cost is \$3,487.

85. 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 Lao Cai Department of Finance will be responsible for the disbursement of funds. The Government 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.

## 13. IMPLEMENTATION SCHEDULE

86. The two subprojects will be implemented from 2014 to 2019. The indicative resettlement implementation schedule is summarized in Table 15.

**Table 15: Resettlement Plan Implementation Schedule**

Resettlement Plan Updating/Implementation Activities	Schedule
Consultations, carry out DMS, socioeconomic surveys, and disclosure by subproject.	Quarter 3, Year 1
Approval of updated resettlement plan by Lao Cai PPC and ADB	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.	Continuous
Clearance of acquired land.	Quarter 3, Year 2
Start of civil works.	Quarter 4, Year 2
Consultations,	Continuous

## Annex 1: Resettlement Budget

		Ta Phin – Ban Khoang Access Road					Lao Cai Culture Exchange and TIC				TOTAL	
No.		Unit	Rate/unit	Quantity	Amount (D)	Amount (\$)	Rate/unit	QTY	Amount (D)	Amount (\$)	Amount (D)	Amount (\$)
1	Land						0					
1.1	Agriculture Land - Rice	m <sup>2</sup>	87,000	2,445	212,715,000	10,129	0	0	0	0	212,715,000	10,129
1.2	Agriculture Land – Annual crops	m <sup>2</sup>	60,000	4,714	282,840,000	13,469	0	0	0	0	282,840,000	13,469
1.3	Land perennial trees		36,000	12,930	446,040,000	21,240	0	0	0	0	208,380,000	9,923
1.4	Forest Land	m <sup>2</sup>	15,000	13,892	208,380,000	9,923						
1.5	Residential	m <sup>2</sup>	1,500,000	535	802,500,000	38,214	0	0	0	0	802,500,000	38,214
	Sub-total 1				1,952,475,000	92,975			0	0	1,952,475,000	92,975
2	Structures						0					0
	Kiosk		0	0	0	0	10,000,000	2	20,000,000	952	20,000,000	952
	Sub-total 2				0	0					0	0
4	Crops											0
4.1	Rice	m <sup>2</sup>	5,300.0	11,000	58,300,000	2,776	0	0	0	0	58,300,000	2,776
	Other crops	m <sup>2</sup>	4,714	4,200	19,798,800	943	0	0	0	0	19,798,800	943
	Perennial trees	tree	87,000	170	14,790,000	704	0	0	0	0	14,790,000	704
	Fruit trees		514,000	15	7,710,000	367						
	Sub-total 4				92,888,800	4,423			0	0	92,888,800	4,423
	SUB-TOTAL REPLACEMENT COST I				2,045,363,800	97,398			20,000,000	952	2,065,363,800	98,351
5	Life stabilization											
5.1	Moving Allowance	no.	0	0	0	0	6,000,000	2	12,000,000	571	12,000,000	571
5.2	Transition support (relocating kiosks)	APs					1,350,000	10	13,500,000	643	13,500,000	643
5.3	Temporary disruption; estimate 1 month of income	month	0	0	0	0	5,000,000	2	10,000,000	476	10,000,000	476
6	Special Assistance											
6.1	Poor HH and other vulnerable groups 30 kg x person x 3 months	APs	1,350,000	60	81,000,000	3,857					81,000,000	3,857
6.2	Ethnic minorities 30 kg x person x 3 months	APs	1,350,000	568	766,800,000	36,514	0	0	0	0	766,800,000	36,514
												0
	SUB-TOTAL ASSISTANCE II				847,800,000	40,371			35,500,000	1,690	883,300,000	42,062
											0	

		Ta Phin – Ban Khoang Access Road					Lao Cai Culture Exchange and TIC				TOTAL	
No.		Unit	Rate/unit	Quantity	Amount (D)	Amount (\$)	Rate/unit	QTY	Amount (D)	Amount (\$)	Amount (D)	Amount (\$)
	<b>SUB-TOTAL DIRECT COSTS (I +II)</b>				<b>2,893,163,800</b>	<b>137,770</b>			<b>55,500,000</b>	<b>2,643</b>	<b>2,948,663,800</b>	<b>140,413</b>
<b>7</b>	<b>Implementation</b>											
7.1	Conduct DMS Survey		2,000	34,586	69,172,000	3,294	Lump Sum		3,000,000	143	72,172,000	3,437
7.2	Community consultations		5,000,000	6	30,000,000	1,429	5,000,000	2	10,000,000	476	40,000,000	1,905
7.3	Capacity building for implementation RP	Lump-sum			20,000,000	952			0	0	15,000,000	714
7.4	Monitoring	1.50%			43,397,457	2,067			832,500	40	44,229,957	2,106
7.5	Administrative Costs	2%			57,863,276	2,755			1,110,000	53	58,973,276	2,808
	<b>SUB-TOTAL IMPELEMENTATION</b>				<b>220,432,733</b>	<b>10,497</b>			<b>14,942,500</b>	<b>712</b>	<b>235,375,233</b>	<b>10,970</b>
	Contingency	5%			144,658,190	6,888			2,775,000	132	147,433,190	7,021
					<b>3,258,254,723</b>	<b>155,155</b>			<b>73,217,500</b>	<b>3,487</b>	<b>3,331,472,223</b>	<b>\$158,642</b>

## Annex 2: List of Affected Persons

### Ta Phin – Ban Khoang Access Road

	Name of HHs	Address	No. of APs	Residential land m <sup>2</sup>	Rice Land m <sup>2</sup>	Land for perennial tree m <sup>2</sup>	Land for annual crops m <sup>2</sup>	Production forest land m <sup>2</sup>	Land at project site m <sup>2</sup>	Total land m <sup>2</sup>	% of land lost
1	Lý Quầy Phẫu	Thôn Can Hồ A - Bản Khoang	8		150				6,670	20,000	1.12
2	Chảo Đào Siêu	Thôn Can Hồ A - Bản Khoang	8		100				3,000	10,000	1.00
3	Tần Tà Mây	Thôn Can Hồ A - Bản Khoang	3				120		2,000	6,000	2.00
4	Chảo Duẩn Quáng	Thôn Can Hồ A - Bản Khoang	8		165				4,000	9,000	1.83
5	Chảo Phù Dìn	Thôn Can Hồ A - Bản Khoang	6		630				5,000	15,000	7.00
6	Chảo Duẩn Tá	Thôn Can Hồ A - Bản Khoang	9		80				3,000	10,000	0.88
7	Tần Sành Tịnh	Thôn Phìn Hồ - Bản Khoang	5				420	280	6,000	15,000	4.66
8	Lý Quầy Tá	Thôn Phìn Hồ - Bản Khoang	6					140	8,000	22,000	0.63
9	Lý Đào Nhàn	Thôn Phìn Hồ - Bản Khoang	6					490	7,000	17,000	2.88
10	Lý Đào Vầy	Thôn Phìn Hồ - Bản Khoang	9					1,658	6,000	20,000	8.29
11	Lý Quầy Chiêu	Thôn Phìn Hồ - Bản Khoang	5					280	5,000	16,000	1.64
12	Lý Quầy Tinh	Thôn Phìn Hồ - Bản Khoang	5					266	4,000	13,000	2.04
13	Lý Đào Nhàn	Thôn Phìn Hồ - Bản Khoang	4					900	5,000	18,000	5
14	Lý Quầy Minh	Thôn Phìn Hồ - Bản Khoang	6		170				4,500	17,000	1.00
15	Lý Quầy Tinh	Thôn Phìn Hồ - Bản Khoang	7			460			1,500	14,000	3.28
16	Tần Sành Tịnh	Thôn Phìn Hồ - Bản Khoang	6		45				1,600	6,000	0.75
17	Chảo Duẩn Phẫu	Thôn Can Hồ A - Bản Khoang	6		80				8,000	12,000	0.66
18	Lý Phù Siêu	Thôn Phìn Hồ - Bản Khoang	7			350			6,000	15,000	2.33
19	Lý Đào Vầy	Thôn Phìn Hồ - Bản Khoang	7					600	10,000	13,000	4.61
20	Lý Quầy Và	Thôn Phìn Hồ - Bản Khoang	11					200	3,000	10,000	2.00
21	Lý Quầy On	Thôn Phìn Hồ - Bản Khoang	11				200	300	4,300	20,000	2.50
22	Lý Quầy Phú	Thôn Phìn Hồ - Bản Khoang	4				100		4,000	11,000	0.91
23	Lý Quầy Siêu	Thôn Phìn Hồ - Bản Khoang	6					1,000	7,000	20,000	5.00
24	Lý Quầy Chòi	Thôn Phìn Hồ - Bản Khoang	4					200	3,000	13,500	1.48
25	Lý Quầy Hang	Thôn Phìn Hồ - Bản Khoang	6					500	5,500	19,000	2.63
26	Giảng A Thông	Thôn Suối Thầu - Tả Phìn	7		525				4,000	17,000	3.09
27	Giảng A Vàng	Thôn Suối Thầu - Tả Phìn	4					450	6,000	14,000	3.21
28	Chang A Vàng	Thôn Suối Thầu - Tả Phìn	5					500	6,300	15,000	3.33
29	Chang A Sà	Thôn Suối Thầu - Tả Phìn	6					350	4,000	16,000	2.19
30	Chang A Tăng	Thôn Suối Thầu - Tả Phìn	4					500	6,000	18,000	2.78
31	Vàng A Trai	Thôn Lù Khẩu - Tả Phìn	6			200			3,000	10,000	2.00
32	Vàng A Tinh	Thôn Lù Khẩu - Tả Phìn	7			500			3,500	11,000	4.54
33	Vàng A Sờ	Thôn Lù Khẩu - Tả Phìn	4			120			4,500	9,000	1.33
34	Chang A Nhà	Thôn Lù Khẩu - Tả Phìn	5			120			2,000	9,500	1.26
35	Vàng A Sà	Thôn Lù Khẩu - Tả Phìn	2			400			2,000	8,000	5.00
36	Phản Đào Tá	Thôn Lù Khẩu - Tả Phìn	8			100			3,400	12,000	0.83
37	Vàng A Sái	Thôn Lù Khẩu - Tả Phìn	6			200			1,000	13,500	1.53
38	Thào A Rùa	Thôn Lù Khẩu - Tả Phìn	5			200			2,000	8,000	2.50

	Name of HHs	Address	No. of APs	Residential land m <sup>2</sup>	Rice Land m <sup>2</sup>	Land for perennial tree m <sup>2</sup>	Land for annual crops m <sup>2</sup>	Production forest land m <sup>2</sup>	Land at project site m <sup>2</sup>	Total land m <sup>2</sup>	% of land lost
39	Giàng A Sô	Thôn Lù Khẩu - Tả Phìn	7			200			1,000	13,500	1.53
40	Vàng A Tăng	Thôn Lù Khẩu - Tả Phìn	5			60			1,000	13,500	0.46
41	Giàng A Vàng	Thôn Lù Khẩu - Tả Phìn	3			1,500			2,500	19,000	7.89
42	Giàng A Chô	Thôn Lù Khẩu - Tả Phìn	4		100	200			1,000	13,500	2.31
43	Phản Đào Chiu	Thôn Lù Khẩu - Tả Phìn	5			150			2,000	11,000	1.36
44	Giàng A Đế	Thôn Lù Khẩu - Tả Phìn	8					900	5,000	17,000	5.29
45	Phản Trần Liềm	Thôn Lù Khẩu - Tả Phìn	8				150		2,500	9,500	1.58
46	Giàng A Nhà	Thôn Lù Khẩu - Tả Phìn	6			1,069			3,000	21,000	5.09
47	Giàng A Nổ	Thôn Lù Khẩu - Tả Phìn	5				100		3,400	12,000	0.83
48	Vàng A Trai	Thôn Lù Khẩu - Tả Phìn	6					100	5,000	11,200	0.89
49	Giàng A Vàng	Thôn Lù Khẩu - Tả Phìn	3		100				3,400	9,800	1.02
50	Lý Phù Vạn	Thôn Sả Ség - Tả Phìn	5				60		500	8,000	0.75
51	Chảo Quầy Vạn	Thôn Sả Ség - Tả Phìn	4					40	600	7,500	0.53
52	Lý Phù Luông	Thôn Sả Ség - Tả Phìn	3					80	700	10,800	0.74
53	Lý Phù Và	Thôn Sả Ség - Tả Phìn	5					90	900	11000	0.82
54	Vàng A Xăng	Thôn Lù Khẩu - Tả Phìn	5				60		1,000	9,300	0.64
55	Giàng A Vàng	Thôn Lù Khẩu - Tả Phìn	4				40		1,500	12,000	0.33
56	Giàng A Chảo	Thôn Lù Khẩu - Tả Phìn	4				40		750	13,000	0.31
57	Giàng A Tung	Thôn Lù Khẩu - Tả Phìn	4			60			1,000	12,000	0.50
58	Giàng a Từ	Thôn Lù Khẩu - Tả Phìn	8			80			2,000	14,000	0.57
59	Vàng A Páo	Thôn Lù Khẩu - Tả Phìn	6			40			2,100	13,000	0.31
60	Vàng A Sĩa	Thôn Lù Khẩu - Tả Phìn	6			20			1,200	10,000	0.20
61	Giàng A Vàng	Thôn Lù Khẩu - Tả Phìn	3			100			3,000	16,000	0.62
62	Vàng A Trư	Thôn Lù Khẩu - Tả Phìn	6			40			2,000	11,000	0.36
63	Giàng A Nổ	Thôn Lù Khẩu - Tả Phìn	4			60			2,000	11,000	0.54
64	Giàng A Xóa	Thôn Lù Khẩu - Tả Phìn	8			60			2,000	11,000	0.54
65	Giàng A Chia	Thôn Lù Khẩu - Tả Phìn	6			60			3,000	14,500	0.41
66	Giàng A Sinh	Thôn Lù Khẩu - Tả Phìn	7					80	7,000	15,000	0.53
67	Vàng A Khô	Thôn Lù Khẩu - Tả Phìn	6			60			3,000	13,200	0.454
68	Giàng A Khoa	Thôn Lù Khẩu - Tả Phìn	6			40			400	9,000	0.44
69	Giàng A Seng	Thôn Lù Khẩu - Tả Phìn	4			60			300	17,000	0.35
70	Vàng A Khai	Thôn Lù Khẩu - Tả Phìn	4			70			2,500	10,000	0.70
71	Lý Láo Tả	Thôn Sả Ség - Tả Phìn	6	30			145		1,600	15,000	0.96
72	Lý Mùi Chạn	Thôn Sả Ség - Tả Phìn	4				110		800	12000	0.91
73	Phản Đào Tinh	Thôn Sả Ség - Tả Phìn	7					1,332	7,000	16,000	8.32
74	Hà Tiến Dũng	Thôn Sả Ség - Tả Phìn	4	70			420		700	6,000	7.00
75	Lý Sài Vạn	Thôn Sả Ség - Tả Phìn	5				120		800	8,000	1.50
76	Lý Sài Kinh	Thôn Sả Ség - Tả Phìn	9	75		400		1,392	4,000	19,000	9.43
77	Phản Đào Quan	Thôn Sả Ség - Tả Phìn	6			400			1,200	10,000	4.00
78	Nhà Quân Đình	Thôn Sả Ség - Tả Phìn	4	40			749		1000	8,000	9.36

	Name of HHs	Address	No. of APs	Residential land m <sup>2</sup>	Rice Land m <sup>2</sup>	Land for perennial tree m <sup>2</sup>	Land for annual crops m <sup>2</sup>	Production forest land m <sup>2</sup>	Land at project site m <sup>2</sup>	Total land m <sup>2</sup>	% of land lost
79	Vũ Ngọc Thanh	Thôn Sả Ség - Tả Phìn	4				140		2,000	2,000	7.00
80	Phản Đào Tả	Thôn Sả Ség - Tả Phìn	10			303			1,000	10,000	3.00
81	Lý Tả Mây	Thôn Sả Ség - Tả Phìn	2			454			2,000	8,000	5.67
82	Nguyễn Thế Kỹ	Thôn Sả Ség - Tả Phìn	4			520			3,000	7,000	7.42
83	Trang A Xà	Thôn Sả Ség - Tả Phìn	4			160		1,264	5,000	15,000	9.61
84	Trang A Cáng	Thôn Sả Ség - Tả Phìn	5				440		2,300	5,000	8.80
85	Trang A Lung	Thôn Sả Ség - Tả Phìn	4			150			1,200	6,500	2.30
86	Vàng A Măng	Thôn Sả Ség - Tả Phìn	4			60			900	7,800	0.77
87	Vàng A Tú	Thôn Sả Ség - Tả Phìn	6			1,240			4,000	13,000	9.54
88	Lý Quỳ Trình	Thôn Sả Ség - Tả Phìn	4	120		1,500			6,000	16,000	9.37
89	Đặng Thị Thôn	Thôn Sả Ség - Tả Phìn	2	70		30			1,100	1,100	2.73
90	Trần Đình Báu	Thôn Giàng Tra - Sa Pả	4				210		3,000	7,000	3.00
91	Má A Vành	Thôn Giàng Tra - Sa Pả	4	70			110		1,800	6,000	1.83
92	Đất Việt Pháp	Thôn Giàng Tra - Sa Pả					500		29,000	29,000	1.72
93	Má A Chợ	Thôn Giàng Tra - Sa Pả	6			320			1,000	8,000	4.00
94	Cô Hà giáo viên	Thôn Giàng Tra - Sa Pả	4	60			60		1,000	1,000	6.00
95	Má A Kỹ	Thôn Giàng Tra - Sa Pả	4			78			3,000	8,000	0.98
96	Má A Sinh	Thôn Giàng Tra - Sa Pả	10			80	120		1,900	10,000	2.00
97	Má A Xóa	Thôn Giàng Tra - Sa Pả	7		20				3,000	6,000	0.33
98	Má A Phủng	Thôn Giàng Tra - Sa Pả	4			100			2,000	7,000	1.43
99	Hạng A Dinh	Thôn Giàng Tra - Sa Pả	4			256	80		800	5,000	6.72
100	Đặng Đình Dũng	Thôn Giàng Tra - Sa Pả	4				40		500	500	8.00
101	Đặng Thanh Cấp	Thôn Giàng Tra - Sa Pả	4				60		700	700	8.57
102	Hạng A Sang	Thôn Má Tra - Sa Pả	5			45			1,000	1,000	4.50
103	Hạng A Thông	Thôn Má Tra - Sa Pả	4			75			2,000	2,000	3.75
104	Hạng A Sở	Thôn Má Tra - Sa Pả	7				120		4,000	4,000	3.00
105	Má A Tra	Thôn Má Tra - Sa Pả	7			20			1,000	1,000	2.00
106	Hạng A Chu	Thôn Má Tra - Sa Pả	3			80			3,000	3,500	2.29
107	Má A Thông	Thôn Má Tra - Sa Pả	8			80			2,000	3,000	2.67
108	Má A Giảng	Thôn Má Tra - Sa Pả	6		40				1,000	3,000	1.33
109	Giàng A Giá	Thôn Má Tra - Sa Pả	6		80				3,000	4,000	2.00
110	Giàng A Cờ	Thôn Má Tra - Sa Pả	7		160				2,500	4,500	3.56
Total			602	535	2,445	12,930	4,714	13,892	350,820	1,221,400	

#### Affected households – Lao Cai Cultural Exchange Tourism Information Centre

Name	No of APs	Occupation
Mrs. Nguyen Thi Tuyen	7	Food kiosk operator – Lao Cai bus station
Mrs. Ly	3	Food kiosk operator – Lao Cai bus station



### **Annex 3: Record of Consultations with Affected Persons (Ta Phin)**

Date: 24 August 2013

Venue: Ta Phin Commune People's Committee Office

Participants: 16 (10 women and 6 men)

#### **The PPTA consultants presented the following information:**

- Proposed infrastructure improvements;
- Temporary and permanent resettlement impacts;
- Entitlement and compensation;
- Objectives of the census and Inventory of Losses and socio-economic surveys, and eligibility for compensation including the cut-off date;
- Need for active participation of the community.

#### **Information about the communities:**

- Information about socio-economic condition was given by participants and by the President of Ta Phin commune as follows:
- Number of households (HHs) HHs: 566 =2,996 people (Hmong people: 312 HHs; Dao people: 211 HHs; Kinh people: 43 HHs). Number of poor HHs under poverty line of MOLISA accounts for 162 HHs; number of poor women-headed HHs is 7.
- The commune has 1 primary school, divided into 6 divisions. There is one 1,000m<sup>2</sup> health-care centre.
- There is one market under construction in the commune centre.
- The commune has 1 association established by women to produce traditional brocade goods. This association has been supported by many international and local NGOs in vocational training and English training. The person in charge of this association is the former president of commune Women's Union. Presently, its products have been purchased by Craft Link organization to sell to foreign tourists in Hanoi. However, income of women working here reaches only about D 5 million per month.
- The main income of commune's population derives from agriculture such as rice, corn farming and vegetables, cardamom planting. Cardamom is the type of plants which brings the highest income with price at D 130,000/kg for dried fruits, mainly sold to Chinese traders for making medicine.
- Rice is farmed only one season per year because of lack of water. Rice is farmed from January to August. In winter, people plant vegetables in gardens but fields are left fallow due to lack of water. Rice is enough for family's consumption, not for sale.
- In recent years, some HHs have planted orchids which brings the high income, for example, 20 orchids pots can be sold for D20 million.
- Beside agriculture, the HHs also farm goats, chickens, pigs, cattle. A type of Salmon is often farmed in Ban Khoang village.
- Dao and Hmong women practice weaving and embroidering, primarily serving the family. The household do weaving also and manufacture a number of products to sell to tourists. 18 out of 566 households gain income from "home stay" tourism service.
- How is the poor supported by State's preferential policies? Children are exempted from school fees and provides with health insurance. The poor are also granted rice and fertilizer. The average income of the poor accounts very low at D 250,000 per month.
- According to president of commune, approximate 50% of women are literate because almost all completed the fourth grade education (of primary school). The parents themselves often say education will not help their girls and "often force their girls to quit school so they can trade/making sales" (president of Sapa WU). Moreover, the children don't like going to school. The literacy for men is 90%.

## **Gender relationship**

- Women do most of the household chores, men do not help much but entrust completely women with it, especially Hmong women.
- For Dao women, they seem to be more active and have better earning capacity and thus make their voice heard. Dao women can earn income from collecting and selling forest products used for medicinal bathing. The recipes for natural remedies are handed down from generation to generation.

## **Affected persons views on the subproject, its benefits, how to avoid impacts on structures and businesses and minimize environmental and resettlement impacts**

- Only the leaders of Ta Phin commune were informed about the subproject prior to the consultation, through meetings with the People's Committee of Sapa District and Department of Culture, Sports and Tourism. Some women said that they thought there would be a project because they saw foreign consultants coming for work, but knew of no other details.
- There was high support for the proposed road improvements.
- Participants noted the existing road is seriously downgraded; causing difficulty in travelling for both local people and tourists, thus, the investment will benefit all people using the road.
- The proposed tourist information centre will be a highlight of Lao Cai City and facilitate arrangements and organization of tourist activities.
- The project will encourage tourists come to the tourist destinations throughout province thanks to information they get about those destinations.
- Better arrangement and organization will satisfy tourists.
- The local authority will benefit from the project because the increased number of tourists will drive to economic development and promote production to meeting demand of people in commune. It also creates a more comprehensively developed face for the commune.
- The community will benefit from increase of number of tourists thanks to more income gained and production increased.
- If the road is upgraded, it will connect 3 villages, people in the further villages will greatly benefit to improved access to services and the market. The upgraded road will also facilitate tourists to travel to distant villages to discover natural caves and cultural life of local community, or enjoy services such as medicine bathing of the Dao people. The women also have chances to participate into production of tourists goods.
- Women will much benefit from the subproject: "Currently, each time going to market for sale of vegetables and goods, we face many difficulties due to the poor condition of the road e.g. near old monastery on Sapa – Ta Phin road), we always call for help from others to push the bicycles".
- The poor will also benefit from the subproject because they can be involved in production of goods, tourist activities or other employment such as motor taxi or porter. The trading exchanges then become more easily. A Dao farmer in Xeng village said: *"We plant many orchids to sell to tourists and people during Tet festival. If the access road to village is available, guests can approach the village by car way, number of buyers will increase and products will be also well transported, we then will not have to work so hard to transport anymore"*.
- Children also benefit. Currently, the schools are located far from some villages and the children ride bikes in the dry season and walk during the rainy season. A new road will make their travel easier.
- "We wish the project will be soon implemented".

**Photo: Consultations in Ta Phin (24 August 2013)**



## Attendance Sheet: Consultations in Ta Phin (24 August 2013)



**Công ty cổ phần Xây dựng và Môi trường Việt Nam (ViCen)**  
 Trụ sở chính: Số 160 Đê Tô Hoàng - Hai Bà Trưng - Hà Nội  
 Tel: (+84) 4 32781535 Fax: (+84) 4 32781553  
 Văn phòng: 15B/53 - Hoàng Cầu - Đống Đa - Hà Nội  
 Tel: (+84) 4 36248598 Fax: (+84) 4 3624 8599 Email: vichen@vnn.vn

### LIST OF PARTICIPANTS DANH SÁCH THAM DỰ

Content/ Nội dung: ... Họp dân xã Ta Phin ...

Dated on/Thời gian: 24/8/2013 Location/Địa điểm: Xã Ta Phin - H. Sa Pa

No. STT	Full name Họ và Tên	Agency/ Unit Đơn vị công tác	Amount Số tiền	Sign Ký Nhận
01	Lý Mỹ Pham	Xã Ta Phin	20.000	<i>[Signature]</i>
02	Tôn Lào San	Xã ta phin, thôn xã sảng	20.000	<i>[Signature]</i>
03	giang A cang	xã ta phin thôn cam nư	20.000	<i>[Signature]</i>
04	Chào Quế Siem	Xã ta phin xã xẩy	20.000	<i>[Signature]</i>
05	Lý Lào Tà	Xã Ta phin Tả Chải	20.000	<i>[Signature]</i>
06	Vàng Thị Mui	Xã Ta Phin Lạn Ngai	20.000	<i>[Signature]</i>
07	Thào Thị Sông	xã ta phin	20.000	<i>[Signature]</i>
08	tân mướp Sinh	xã ta phin	20.000	<i>[Signature]</i>
09	Lý tư mây	xã ta phin - thôn xã xẩy	20.000	<i>[Signature]</i>
10	ly Lào U	xã ta phin - thôn xã xẩy	20.000	<i>[Signature]</i>
11	Lý Mây Chắp	Thôn tá Chải xã tp	20.000	<i>[Signature]</i>
12	Lý Lào Mây	Thôn tá Chải xã tp	20.000	<i>[Signature]</i>
13	Lý Mây Chao	Thôn xã sảng	20.000	<i>[Signature]</i>
14	Chay A Xơ	Xã Ta Phin	20.000	<i>[Signature]</i>
15	Đỗ Thanh Hà	Xã Ta Phin	20.000	<i>[Signature]</i>
16	Phan Dao Quan	Thôn xã sảng	20.000	<i>[Signature]</i>

Prepared by: Người lập biểu

*[Signature]*  
 Hoàng Thu Huyền

### **Annex 3: Record of Consultations with Affected Persons (Ban Khoang)**

Date: 25 August 2013

Venue: Ban Khoang People's Committee Office

Participants: 16 people (12 women and 4 men)

#### **The PPTA consultants presented the following information:**

- Proposed infrastructure improvements;
- Temporary and permanent resettlement impacts;
- Entitlement and compensation;
- Objectives of the census and Inventory of Losses and socio-economic surveys, and eligibility for compensation including the cut-off date;
- Need for active participation of the community.

#### **Desires and proposed solutions**

- If the road is constructed, the first priority should be taken to controlling safety during construction and limiting impact on people's travelling.
- Materials should be properly used and waste managed properly.
- Space should be allocated to poor Households (HHs) in Lao Cai information centre site.
- By priority, the needs of people in the area were listed as:
  - (i) Improvement of road so that tourist cars and coaches can access the commune and local people can travel easily;
  - (ii) Drinking water: The State supports the populated areas with water from upstream. People in the sparsely populated areas have to obtain water far from their HHs. Depending on distance; the average cost of approximately D 2 mil to connect to water pipeline is unaffordable for most HHs.
  - (iii) A central market in the village to do business. Before, would sell as mobile vendors in Sapa town but are now forbidden, thus a market is requested by all HHs.
  - (iv) Irrigation channels to fields;
  - (v) Electricity. Only 70% of population is served by electricity. Sa Xeng village is located only 1.5km far from the centre but still lacking of electricity because the people cannot afford to connect to the grid.

#### **Concerns of people during subproject construction:**

- The main issue raised was the need for safe conditions for travelling during construction phase.
- Need to provide tourists with information on the customs and habits of the indigenous people before they visit.
- Road access still will not reach highland region
- Effects on natural mountainous landscape for tourists

#### **To promote community development, the following solutions were proposed by the local people:**

- Exploiting potential of eco-tourism, developing business activities that such as medicinal herb baths of the Dao people, products made of traditional brocade and other local goods for tourists.
- Training for doing business or providing services like "home stay".
- Training in English and tourism services.

- Vocational training/guiding to produce the community-based tourism products and new souvenirs for tourists.
- Training on professional operation for local tourist-related business and enterprises.
- Support for exchange visits with other community-based tourism enterprises.
- Encouraging ethnic men to share housework with women.
- Prevent trafficking of women, especially the ethnic minority people.
- Training to increase awareness of local people and tourists on environmental protection.

**Photo: Consultations in Ban Khoang (25 August 2013)**





# Attendance Sheet: Consultations in Ban Khoang (25 August 2013)



Công ty cổ phần Xây dựng và Môi trường Việt Nam (ViCen)

Trụ sở chính: Số 160 Đê Tô Hoàng - Hai Bà Trưng - Hà Nội

Tel: (+84) 4 32781535

Fax: (+84) 4 32781553

Văn phòng: 15B/53 - Hoàng Cầu - Đống Đa - Hà Nội

Tel: (+84) 4 36248598

Fax: (+84) 4 3624 8599

Email: vicen@vnn.vn

## LIST OF PARTICIPANTS DANH SÁCH THAM DỰ

Content/ Nội dung: S. lập. dân. xã. Ban. Khoang

Dated on Thời gian: 25/8/2013 Location/Địa điểm: Ban. Khoang. Sa. Pa.

No. STT	Full name Họ và Tên	Agency/ Unit Đơn vị công tác	Amount Số tiền	Phone/email Liên hệ
01	Lý Phú An	Xã Ban Khoang	20.000	Liên
02	Lý Quỳ Phú	Xã Ban Khoang	20.000	Phú
03	Lý Quỳ Chấn	Xã Ban Khoang	20.000	Chấn
04	Tân Văn Phi	Xã Ban Khoang	20.000	Phi
05	Lý Quỳ Phấn	Xã Ban Khoang	20.000	Phấn
06	Lý Phú Văn	Xã Ban Khoang	20.000	Liên
07	Lý Phú Văn	Xã Ban Khoang	20.000	Liên
08	Tân Văn Hạng	Xã Ban Khoang	20.000	Hạng
09	Tân Văn Vũ	Xã Ban Khoang	20.000	Vũ
10	Lý Sơn Đào	Xã Ban Khoang	20.000	Đào
11	Chào Tạ Mây	Xã Ban Khoang	20.000	Mây
12	Quỳ A Phấn	Xã Ban Khoang	20.000	Phấn
13	Lý Quỳ Phú	Xã Ban Khoang	20.000	Phú
14	Lý Sơn Mây	Xã Ban Khoang	20.000	Mây
15	Lý Thị Su	Xã Ban Khoang	20.000	Su
16	Sung Thị Lữ	Xã Ban Khoang	20.000	Lữ

Prepared by/ Người lập biểu

*[Signature]*  
Hương Anh Huyền

## **Annex 3: Sample Public Information Booklet**

### **Resettlement Plan Sample Public Information Booklet GMS Tourism Infrastructure for Inclusive Growth Project Viet Nam Ministry of Culture, Sports and Tourism**

#### ***What is the GMS Tourism Infrastructure for Inclusive Growth Project?***

The proposed GMS Tourism Infrastructure for Inclusive Growth Project will improve last mile tourism access and environmental infrastructure and provide capacity building support to promote inclusive tourism growth in the GMS corridors. The Ministry of Culture, Sports and Tourism and Lao Cai Department of Culture, Sports and Tourism are implementing the project, with financial assistance from the Asian Development Bank (ADB).

#### ***How extensive is the need to acquire land and other assets for the project?***

The project will construct the Lao Cai Cultural Exchange and Tourist Information Center (TIC) on public land, specifically in the site which is currently used as the provincial bus station. The only resettlement impact is that the redevelopment of the site to accommodate the center will affect the livelihoods of two women operating food and beverage kiosks serving bus customers.

The Ta-Phin Ban Khoang Access Road Improvements subproject will: (i) upgrade the 6 km Ta Phin Access Road (beginning at the intersection with Highway 4D) to DBST standard with 5-6.0 m carriageway with drainage and passing bays; (ii) rehabilitate two bridges, each 5 m wide with a 10 m span; (iii) upgrade the existing track between Ta Phin and Ban Khoang (8.7 km) to form a 3.5 m wide paved rural road; (iv) construct male and female public toilets blocks and a 2,000 m<sup>2</sup> parking area in Ta Phin; and (vi) install directional signage and information boards.

The resettlement impact for the Ta Phin-Ban Khoang Access Road Improvement is the acquisition of 34,516 m<sup>2</sup> of land with 110 affected households (602 affected persons) of which 535 m<sup>2</sup> is residential land, 2,445 m<sup>2</sup> is rice land, 12,930 m<sup>2</sup> is for perennial trees, 4,714 m<sup>2</sup> is crop land, and 13,892 m<sup>2</sup> is forest. The land acquisition will affect 63 trees. All affected households will have less than 10% of their total productive land affected and so there are no severely affected households.

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

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

#### ***What is “replacement cost”?***

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

- Residential land based on market prices that reflect recent land sales, and in the absence of such recent land sales, based on similar location attributes;
- Houses and other related structures based on current market prices of materials and labor without depreciation nor deductions for salvaged building materials;

#### ***What are the key principles for helping affected households under the Project?***

- Avoid, if not minimize, land acquisition and relocation, and impacts on sources of livelihoods of people;
- Restore the standard of living of affected households;
- Replace and compensate lost assets at replacement cost, on top of providing allowances and income restoration support, as warranted;
- Inform and consult the affected households about the Project, impacts, options for compensation and assistance, and grievance redress mechanism;
- Protect social/cultural institutions;



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

#### ***Who are eligible to be compensated and assisted under the Project?***

All affected people, households, and institutions/organizations that satisfy the **cut-off date for eligibility** are eligible to be compensated and assisted under the Project. The cut-off date coincides with the period the census of affected persons (regardless of tenure status) and the inventory of losses (IOL) which was completed by 20 January 2014 to be validated and updated later during the detailed measurement survey (DMS). Persons not covered in the census are not eligible for compensation and other entitlements, unless they can show proof that (i) they have been inadvertently missed out during the census and the IOL; or (ii) they have been included among the affected due to changes in project design.

#### ***What are the entitlements of affected households?***

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

**Table 1: Entitlement Matrix**

<b>Type of Losses</b>	<b>Entitled Persons</b>	<b>Entitlements</b>	<b>Implementation Issues</b>
Productive Land (agriculture, garden, forest)	Legal owner or occupant identified during DMS. Estimated AH = 110	For loss of less than 10% of land, cash compensation at replacement cost which is equivalent to the current market value of land within the village, of similar type, category and productive capacity, free from transaction costs (taxes, certification costs, administration fees).	Voluntary donation of land will not be allowed by the project.
Residential Land	Legal owner or occupant identified during DMS. AH = 8	With remaining land sufficient to rebuild houses/structures of same size. Cash compensation at replacement cost which is equivalent to the current market value of land of similar type and category, and free from transaction costs (taxes, certification costs, administration fees).	Voluntary donation of land will not be allowed by the Project
Totally Affected Houses/Shops, and Secondary Structures	Owners of affected shops/houses whether or not land is owned.  AH = 2	Cash compensation at replacement cost for the entire structure equivalent to prevailing market prices of (i) materials, with no deduction for depreciation of the structure or salvageable materials; (ii) materials transport; and (iii) labor cost to cover cost for dismantling, transfer and rebuild.	• Adequate time provided for APs to dismantle their kiosks and move to new bus station.
Loss of business income during relocation or during dismantling/repair of affected portion.	Owners of shops. AH = 2	Cash compensation equivalent to the reported average monthly income pro-rated to the number of days of business disruption.	
Crops and Trees.	Owner of crops and trees whether or not land is owned. AH = 110	If annual crops were planted at the time of construction, and cannot be harvested, cash compensation at replacement cost equivalent to the highest production of crop over the last three years multiplied by the current market	APs to have advance notification and to the extent possible can harvest crops prior to construction.

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
		value of crops For perennial crops and trees, cash compensation at replacement cost equivalent to current market value based on type, age, and productive capacity. For timber trees, cash compensation at replacement cost equivalent to current market value based on type, age and diameter at breast height (DBH) of trees	
Livelihood Stabilization Allowance.	Relocating shops.  AH = 2	Relocating shops will receive (i) moving allowance and (ii) an additional transition assistance of 30 kg of rice for 3 months for each household member.	
Impacts on vulnerable APs including ethnic minority households, poor households, and other vulnerable households.	Vulnerable APs such as the poor, households headed by women, the elderly, disabled, ethnic minority households AH = 100	<ul style="list-style-type: none"> <li>• An additional allowance of 3 months supply of 30 kg of rice per person in the household.</li> <li>• The contractors will make all reasonable efforts to recruit APs and vulnerable APs as laborers for civil works.</li> <li>• Eligible to participate in income restoration program.</li> </ul>	Poor households are those under Ministry of Labour, Invalids and Social Affairs poverty level of average income of less than D400,000 per month in rural areas and less than D500,000 in urban areas.
Temporary Use of Land.	Legal owner or occupant	<ul style="list-style-type: none"> <li>• If any agricultural and residential land to be used by the civil works contractor as by-pass routes or for contractor's working space, (i) cash compensation at replacement cost for affected fixed assets (e.g., structures, trees, crops); and (ii) full restoration of land to pre-impact conditions.</li> </ul>	

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

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

#### ***What is the tentative schedule for implementing resettlement?***

Resettlement Plan Updating Activities	Schedule
Consultations carry out DMS, socioeconomic surveys, and disclosure by subproject.	Quarter 3, Year 1
Approval of updated resettlement plans by PPC and ADB	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.	Continuous
Clearance of acquired land.	Quarter 3, Year 2
External Monitoring	Quarter 4, Year 2
Start of civil works.	Quarter 4, Year 2
Consultations	Continuous

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

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

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

The full RP, detailed project entitlements and compensation unit rates are available from the CPC, DPC, and PPC, and from the office of the Provincial Implementation Unit.

***Who might be contacted for any inquiries about the Project?***

Mr. Tran Van Ngoi Ngoi, Ministry of Culture, Sports and Tourism. Phone number:

**Asian Development Bank (Manila, Philippines)**

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

**Asian Development Bank, Viet Nam Resident Mission**

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

