

RP1726 v2

**HO CHI MINH CITY PEOPLE'S COMMITTEE  
URBAN-CIVIL WORKS CONSTRUCTION INVESTMENT MANAGEMENT  
AUTHORITY OF HCM (UCCI)**

**HO CHI MINH GREEN TRANSPORT DEVELOPMENT PROJECT**

**ABBREVIATED**

**RESETTLEMENT ACTION PLAN**

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November 2014

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## **ABBREVIATIONS AND ACRONYMS**

DoC	Department of Construction
DMS	Detailed Measurement Survey
AP	Affected Person
DRC	District Resettlement Committee
EA	Executing Agency
EMA	External Monitoring Agency
GoV	Government of Vietnam
IMO	Independent Monitoring Organization
LURC	Land User Rights Certificate
MO	Monitoring Organization
MoC	Ministry of Construction
MoF	Ministry of Finance
ODA	Official Development Assistance
PC	People's Committee
PIB	Public Information Booklet
PMU	Project Management Unit
HCM PC	Hochiminh City People's Committee
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
VND	Vietnam Dong
WB	World Bank

## GLOSSARY

Cut-off-date	the date when project area is delineated, prior to the census, provided that the delineated project area is effectively and publicly announced by the District People's Committee, and systematically and continuously repeated after that to prevent further population influx. Project affected households and local communities will be informed of the cut-off date for each project, and that anyone moving into the Project Area after that date will not be entitled to compensation and assistance under the Project
Eligibility	the criteria to receive benefits under the resettlement program. The Resettlement Policy Framework (RPF) will provide general guidance on this but the eligibility criteria will not be definitively confirmed until the implementation of the RAP.
Replacement cost	A method of valuation of assets (including land, shelter, access to services, structures, crops, etc.) that helps determine the amount of compensation sufficient to replace lost assets, covering transaction costs, which may include taxes, fees, transportation, labor, etc. With regard to land and structures, "replacement cost" is defined as follows: For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.

Resettlement	The RPF, in accordance with the World Bank's Operational Policy on Involuntary Resettlement (OP 4.12), covers the involuntary taking of land that results in (i) relocation or loss of shelter, (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location.
Vulnerable Groups and Individuals at risk	Those who might suffer disproportionately from adverse project impacts and/or be less able to access the project benefits and compensation, including livelihood restoration and assets compensations, when compared to the rest of the PAPs. Vulnerable peoples include people who, by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage or social status, may be more heavily affected by economic or physical displacement than others and who may be more limited than the population at large in their ability to claim or take advantage of resettlement assistance and related development benefits. Vulnerable people can be an entire group (like an ethnic minority community), or individual households (HHs).
Livelihood (income) restoration	Livelihoods restoration refers to that compensation for PAPs who suffers loss of income sources or means of livelihoods to restore their income and living standards to the pre- displacement levels.

## **EXECUTIVE SUMMARY**

### **Project Development Objective**

Ho Chi Minh City is seeking assistance from World Bank for investment on technical infrastructure to develop a Green transport development project that includes a demonstration Bus Rapid Transit (BRT) line on Vo Van Kiet and Mai Chi Tho Highway (VVK-MCTH), with an estimated length of 23 km, adopting a sustainable transport approach.

### **Projects Impacts and Scope of Land Acquisition**

The Project Development Objective (PDO) is to increase accessibility to job opportunities and urban services for citizens residing in the south-western side of the city and other adjacent areas to the project corridor, by providing an alternative that is safer, more secure, more efficient, integrated with land development along the corridor and integrated with the proposed metro lines, and generates fewer emissions.

The construction of the project categories will cause land acquisition in 6 districts, Ho Chi Minh city with total permanently areas that will be affected 2,3571 hectare. Moreover, on the whole route, it is approximately 267,650 m<sup>2</sup> of public land that will not be used on a short time due to the temporary requisition of the construction process of the project items. Since the exact location for the Thu Thiem Technical Facility was already determined by HCMC People's Committee in July 2014, this RAP was prepared for this site. Construction of Thu Thiem Technical Facility will recover the land at 2 wards of District 2, HCM City, with the total land area will be acquired is about 17,771 m<sup>2</sup> of agricultural land.

### **Land Acquisition Mitigation Measures**

During project preparation process, consultations have been carried out and there have been some adjustments in design to minimize the impacts of land acquisition. The road is designed on existing roads of East-West Highway, minimizing land acquisition for the project.

However, the Project has caused adverse impacts on the community of project affected people. These adverse effects are now managed through the implementation of safeguard policies on resettlement by the World Bank and the Government of Vietnam.

### **Policy Framework and Entitlement Matrix**

A resettlement policy framework (RPF) has been prepared based on the current policies and regulations of the Government of Vietnam and the World Bank. This document is a guide to planning and implementing resettlement for the project. The overall objective of the resettlement policy and this document is to ensure that all those affected by the subproject receive compensation for the impacts of the project at the replacement cost and market value. The supports will be provided to the severely affected households, displaced households, households losing income and vulnerable groups so that they have the ability to recover income and living standards at least equal to or higher than the pre-project level.

### **Socio-economic Profile of the Affected Households**

The project will affect 2 wards in District 2 Ho Chi Minh City. 3 households (or 7 persons) will be affected by the project; Social economic survey was conducted with 3 households. Among the 3 affected HHs, main source of income of 2 affected household is business, while houses for rent is source of income of the remaining household. The average income of these 3 households is VND 8,530,000 per month. Regarding education level, 2 household heads completed secondary school level, and one obtained primary education.

No affected households will be severely affected by the project. Besides, there is no vulnerable household live at the Thu Thiem site.

### **Community Consultation and Information Dissemination**

Information dissemination to PAPs and involved agencies is an important part of Project preparation and implementation. During the project identification and preparation, information dissemination and community consultation were conducted in September 2014 with the participation of 25 people who are representatives of the social and political organizations in the districts, key stakeholders and community of affected people. Feedback and opinions of the affected people as well as stakeholders are used as input information for building this Resettlement Action Plan.

Community consultations will be organized during the project implementation. At the early stage of the preparation for compensation, assistance and resettlement plan and during the project implementation process, the Project Information Brochures (PIBs) will be prepared and distributed by the District Compensation, Assistance and Resettlement Boards to the affected households and posted at the public places.

### **Grievance Redress Mechanism**

Complaints related to any aspect of the Project will be solved through negotiation in order to reach consensus from both sides. In case of complaints, the affected households will be



exempted from all fees. This cost is calculated in the Budget for Resettlement Plan implementation. The four-step mechanism for grievance redress is established and carried out with the First Step at Commune People's Committee and the final step is at the Court

**Replacement cost survey** is conducted (i) during the RAP preparation in order to define total cost estimate for the RAP implementation; and (ii) any time during the RAP implementation when there is a fluctuation in the market.

### **Resettlement Cost**

The estimated cost for compensation, assistance and resettlement for the Thu Thiem Technical Facility is VND 77,816,606,900, equivalent to nearly USD 3.7 Million.

## **1. INTRODUCTION**

### **1.1. Project Description**

Ho Chi Minh City is a key economic area in contributing nearly 23% of the country's GDP. High population growth rate represents both the basis as well as the result of dynamic economic development (HCMC's population is expected to grow from the current 8 million to 13.5 million by 2020). Rapid urbanization brings along a wide range of challenges similar to the one of major cities in, especially in term of urban transport.

Taking this situation into account, Ho Chi Minh City Master Plan for Transport Development until 2020, with outlook beyond 2020 was approved by Prime Minister decision No.101/QĐ-TTg dated January 22<sup>nd</sup>, 2007 and Decision of Prime Minister No 568/QĐ-TTg dated April 8,2013 approving the Adjustment of Transportation Development Planning of Ho Chi Minh by 2020 with a vision after 2020 laying the foundation for the development, gradual improvement and modernization of the transport network in the city serving stable, equal and long-term sustainable development.

The Master Plan for Public Transport Development in HCMC until 2020 gives the directions for future development of transport system in the city with strong focus on public transport. Raising the use of public transport for mobility purposes up to 40-50% by 2025 compared with the current rate of 5% is the set target in the plan and developing a public transport network is crucial for achieving this target. However, to ensure the achievability of these targets, all public transport modes need to be efficiently integrated and operated.

In addition, decision No. 280/QĐ-TTg dated March 08, 2012 approving the proposal for bus transport development in 2012-2020 period is the basis for Ho Chi Minh city efforts in re-planning the existing bus network while interpreting with investments in BRT, metro and other mass transit systems in the coming time.

Ho Chi Minh City is seeking assistance from World Bank for investment on technical infrastructure to develop a Green transport development project that includes a demonstration Bus Rapid Transit (BRT) line on the Vo Van Kiet and Mai Chi Tho Highway (VVK-MCTH), with an estimated length of 23 km, adopting a sustainable transport approach.

The HCMC PC has designated the Urban - Civil Works Construction Investment Authority of Ho Chi Minh City (UCCI) as the Project Owner by Document No. 2293/UBND-DTMT dated 20/5/2011. UCCI is expected to work closely with the Department of Transport (DOT) and other relevant HCMC Government agencies during Project preparation and

implementation. UCCI will be responsible for the overall project implementation, including resettlement to be taken place as a result of the project.

## 1.2. Project Impacts

### *Positive effects*

The Project Development Objective (PDO) is to increase accessibility to job opportunities and urban services for citizens residing in the south-western side of the city and other adjacent areas to the project corridor, by providing an alternative that is safer, more secure, more efficient, integrated with land development along the corridor and integrated with the proposed metro lines, and generates fewer emissions.

### *Adverse impacts*

The construction of Thu Thiem Technical Facility of the project will cause land acquisition in Binh Khanh and An Phu Wards, District 2 of Ho Chi Minh City. There will be 3 HHs and 2 companies affected by the project. According to the F/S design, the project will require the acquisition of 17,771 m<sup>2</sup> agricultural land and affect around 1,206 trees and 158 m<sup>2</sup> of annual crops. Besides, 200 m<sup>2</sup> temporary housing will have to disassemble (house used for the purpose of looking the land and crops). No AP will be severely affected due to the project. Table 1 presents the project impacts regarding land acquisition and affected assets.

**Table 1: Project Impacts at Thu Thiem site**

No.	Name of affected HH	Area required (m <sup>2</sup> )	Land use	Structures	Trees/Crops	The total land holding
1	Nguyen Thi To Quyen	100	Agricultural land.	-	8 areca palms	1000 m <sup>2</sup>
2	Nguyen Thi Xuan Thu	100	Vacant land not suitable for cultivation	-	2 woody trees	1000 m <sup>2</sup>
3	Nguyen Thi Tiet	200	Agricultural land, being used for breeding fish and poultry	Shelter (50 m <sup>2</sup> )	20 bananas; 6 coconut trees	3200 m <sup>2</sup>
4	Phuc Nguyen Limited Company	12,068	Agricultural land, planned for future development	Category 4 house (150 m <sup>2</sup> )	Ground nut & vegetables (112 m <sup>2</sup> ). 950 trees	-
5	Hoang Hung	5,304	Agricultural		286 trees	-

	<b>Real Estate Company</b>		land, planed for future development			
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Almost the affected land belongs to two private companies: Phuc Nguyen Limited Company and Hoang Hung Real Estate Company. They are limited liability companies, headquartered in District 1 & 2, HCMC. They own tens of ha of land in Thu Thiem Area for future development.

More over, on the whole route, it is approximately 267,650 m<sup>2</sup> of public land that will not be used on a short time due to the temporary requisition of the construction process of the project items.

### **1.3. Land Acquisition Mitigation Measures**

During project preparation process, consultations have been carried out and there have been some adjustments in design to minimize the impacts of land acquisition. The road is designed on existing roads of East-West Highway, minimizing land acquisition for the project.

However, the Project has caused adverse impacts on the community of project affected people. These adverse effects are now managed through the implementation of safeguard policies on resettlement by the World Bank and the Government of Vietnam.

### **1.4. Objectives of the Resettlement Action Plan**

This Resettlement Action Plan is prepared based on the Resettlement Policy Framework (RPF) which meets the requirements and policies of the World Bank on involuntary resettlement. This RAP identifies the number of affected people due to the construction of the project as well as its adverse impacts, mitigation measures, compensation and other assistances for people affected by unavoidable impacts.

The RAP is prepared based on the following:

- Policies by the Government of Vietnam related to land acquisition and resettlement;
- OP 4.12 on Involuntary Resettlement by the World Bank;
- Project Resettlement Policy Framework;
- Decisions by Ho Chi Minh PC on compensation, assistances and resettlement in the event of land recovery by the State in Ho Chi Minh city;

- Basis design of the project;
- Results of socio-economic survey of the project affected people;
- Results of inventory of losses for land, assets on land and livelihoods of the project affected people;
- Results of community consultations with the affected people;
- Results of consultations with the key stakeholders of the project;
- Results of social assessment to ethnic minority groups affected by the project.

RAP will be updated after the finalization of detailed technical design and Detailed Measurement Survey (DMS) will be conducted to identify the specific scope and area of impacts of the project.

## **2. Legal Framework of the Resettlement Action Plan**

### **2.1. Legal Framework**

#### **The Legal Frameworks of the Government of Vietnam:**

The legal framework with respect to land acquisition, compensation and resettlement is based on the Constitution of the Socialist Republic of Vietnam (2013), and the Land Law 2013 (revised), and other relevant decrees/guidelines. The principal legal documents applied for this RAP have been described in RPF of the project.

#### **The World Bank's Operation Policy on Involuntary Resettlement (OP 4.12)**

The World Bank recognizes that involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. The Bank's Resettlement Policy OP 4.12, includes safeguards to address and mitigate the economic, social, and environmental risks arising from involuntary resettlement.

The WB's involuntary resettlement policy objectives are the following:

- (i) Involuntary resettlement should be avoided where feasible, or minimized after exploring all viable alternatives in project design;
- (ii) Where resettlement cannot be avoided, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the people affected by the Project to share in benefits. Affected Persons should be meaningful consulted and should have opportunities to participate in planning and implementing resettlement programs.

Affected Persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-project levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

**Comparison between Government of Vietnam and World Bank approaches**

The differences between the Government's Laws and Decrees and World Bank Policy with regard to resettlement and compensation for this RAP, and how to address these gaps are shown in Table 2 below.

**Table 2. Comparison of Vietnam's and World Bank's Policies related to Involuntary Resettlement**

<b><i>Subjects</i></b>	<b>Bank's OP 4.12</b>	<b>Government of Vietnam</b>	<b>Project Measures</b>
<i>Compensation for illegal structures</i>	<i>Compensation at full cost for all structures regardless of legal status of the PAP's land and structure.</i>	No compensation	Compensation at full replacement cost will be given for all structures affected, regardless of legal status of the land and structure.
<i>Methods for determining compensation rates</i>	<i>Compensation for lost land and other assets should be paid at full replacement costs,</i>	Compensation for lost assets is calculated at price close to transferring the assets in local markets or the cost of newly-built structures. City People's Committees are granted to identify compensation prices for different categories of assets. Independent land valuator can be used to determine land prices, which will be appraised by land appraisal board before Provincial/City People's Committee approval.	Independent appraiser identifies replacement costs for all types of assets affected, which are appraised by land appraisal board and approved by. City People's Committees to ensure full replacement costs.
<i>Compensation for loss of income sources or means</i>	<i>Loss of income sources should be compensated (whether or not the</i>	Assistance in respect of income loss is given only for registered	All income losses are to be compensated and, where

<b><i>Subjects</i></b>	<b>Bank's OP 4.12</b>	<b>Government of Vietnam</b>	<b>Project Measures</b>
<i>of livelihood</i>	<i>affected persons must move to another location)</i>	businesses. Assistance measures to restore income sources are provided.	necessary to achieve the objectives of the policy, development assistance in addition to compensation will be provided.
<i>Livelihood restoration and assistance</i>	<i>Provision of livelihood restoration and assistance to achieve the policy objectives.</i>	Livelihood restoration and assistance measures are provided. No follow-up for full livelihood restoration after resettlement completion.	Provision of livelihood restoration and assistance measures to achieve the policy objectives. These will be monitored as detailed in the RAP
<i>Consultation and disclosure</i>	<i>Participation in planning and implementation, specially confirming the eligibility criteria for compensation and assistance, and access to Grievances Redress Mechanisms</i>	Focus mostly on consultation during planning (consultation on draft plan of compensation, support and resettlement and plan for training, career change and facilitating job searching); information sharing and disclosure.	Consultation and participation incorporated into RAP design, along with information sharing with PAPs and stakeholders.



As a World Bank member country, the Government of Vietnam has committed that, should the international agreements signed or acceded to by Vietnam with the World Bank contain provisions different from those in the present resettlement legal framework in Vietnam, the provisions of the international agreements with the World Bank shall prevail. The waiver provisions are prescribed in the Article 46, Item 1 of Decree No. 38/2013/ND-CP.

The RPF confirms that in approving this instrument, the Government of Vietnam and the Ho Chi Minh City People's Committee, grant the waivers to the relevant articles in various Vietnamese laws that contradict or are not consistent with the objectives set forth in this RPF. The measures taken to address the differences and comply with World Bank involuntary resettlement policies are addressed under the RPF.

## **2.2. General Principles**

According to RPF, all project affected people (PAP) who have assets within or reside within the area of project land-take before the cut-off date are entitled to compensation for their losses. Those who have lost their income and/or subsistence will be eligible for livelihood rehabilitation assistance based on the criteria of eligibility defined by the project in consultation with the PAPs. If, by the end of the project, livelihoods have been shown not to be restored to pre-project levels, additional measures will be provided.

## **2.3. Project Entitlements**

The Entitlement Matrix, presented in Table 3, covers the impacts currently identified during project preparation. It covers also the impacts which could arise during the construction period.

**Table 3. Entitlement Matrix**

Type of Loss/ Impacts	Application/ Entitled Person	Entitlements	Implementation Arrangements
<b>1. Productive land<sup>1</sup></b> (Agricultural, garden, pond land, etc.) either in or out of the residential area.	<u><b>Legal land users</b></u>  Marginal loss (<20% of land holding):  3 affected HHs and 2 private companies	Cash compensation at replacement cost (free from taxes and transaction costs) for the affected area of the land.	<ul style="list-style-type: none"> <li>- Affected households to be notified at least ninety days before land recovery by the Project.</li> <li>- The owner of land will hand over the land within 20 days from the date District Compensation Board fully pays compensation for land.</li> </ul>

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<sup>1</sup>The sub-categories of productive land such as agricultural, forestry, garden, aquaculture and pond will be compensated at different rates. These will be specified and detailed in the Resettlement Action Plans to ensure the compensation is reflective of current rates and takes into account geographic variation. Land on which businesses are located will be compensated as detailed in the section on relocation of business.

Type of Loss/ Impacts	Application/ Entitled Person	Entitlements	Implementation Arrangements
<b>2. Structures</b>	<p><b>Full impact</b> (i.e., house is partially acquired by the project but no longer viable for continued use or the entire structure is acquired):</p> <p>One HH and 1 company</p>	<ul style="list-style-type: none"> <li>- Compensation in cash for entire affected structures will be provided at 100% of the full replacement cost for materials and labor, regardless of whether or not they have title to the affected land or permit to build the affected structure. The amount will be sufficient to rebuild a structure the same as the former one at current market prices. No deductions will be made for depreciation or salvageable materials.</li> <li>- Compensation for other structures/fixed assets will be at full replacement cost and will be in cash. Tenants of state or organization's houses will be: (i) entitled to rent or buy a new apartment of the area at least equal to their affected ones; or (ii) provided an assistance equal 60% of replacement cost of the affected land and houses. Any investments such as structures, trees, crops etc. made on the land by the PAPs will be compensated at their full replacement cost.</li> </ul> <p>The tenants who are leasing a private house for living purposes will be provided with transportation allowance for moving their assets. They will also be assisted in identifying alternative accommodation</p>	<p>The calculation of rates will be based on the actual affected area and not the useable area.</p>

Type of Loss/ Impacts	Application/ Entitled Person	Entitlements	Implementation Arrangements
<b>3. Crops and Trees, aquaculture products</b>	Owners regardless of tenure status:  3 HHs and 2 companies	For annual and perennial standing crops or trees, aquaculture products regardless of the legal status of the land, compensation in cash will be paid to the affected persons, who cultivate the land, at full replacement cost in local markets to ensure the compensation is sufficient to replace the lost standing crops, trees or aquaculture products.	PAPs will be given notice several months in advance regarding evacuation. Crops grown after issuance of the deadline will not be compensated.
<b>4. Other Allowances/ Assistances</b>	<b>Loss of land and non-land assets</b>  3 HHs and 2 companies	<i>Incentive Bonus:</i> All PAPs who vacate the affected land immediately after receiving compensation and allowances will be given an incentive allowance of 3-5 mil VND.	
<b>5. Temporary impacts</b>	<b>Temporary loss of land and assets.</b>	Compensation for all damaged or lost assets, including trees, crops at full replacement cost  Rental in cash for the land acquired at a rate which will be no less than the net income that would have been derived from the affected property during disruption;	If the quality of land is radically changed when returned to PAPs, requiring PAPs to change in the types of land use; then PAPs should be compensated for all envisaged cost of losses.

Type of Loss/ Impacts	Application/ Entitled Person	Entitlements	Implementation Arrangements
		Restoration of the land within 3 months after use: The contractor is expected to return the land in its original condition within 3 months of the termination of the civil works.	

### **3. COMPENSATION AND RESETTLEMENT STRATEGIES**

#### **3.1. Procedures for Payment of Compensation and Allowances**

*District 2 Resettlement Board (DRB)* is responsible for payment of compensation and allowances to APs. This will be done with assistance from commune and hamlet authorities. The procedures to be followed include:

(i) Complying with the RAP approved by the PPC. According to approval decision, approved plans of compensation, assistance for resettlement, overall and detailed site clearance of the district.

1/ Money for plot measure, making compensation plan and evaluation of the compensation plan is transferred via the district treasury to the district compensation councils.

2/ Budget for compensation, assistance and reward are paid directly for the affected households in several times by PMU.

(ii) The DCARB and local authorities notify AHs about the date, time and place as well as documentation required, for payment of compensation and allowances; compensation is paid in each commune. At least one week notice is given to AHs; notification is made by posting an announcement at commune and hamlet offices.

(iii) At the time of payment, the head of AHs signs a compensation document to acknowledge the amount and receipt of payment.

(iv) Representatives of the CPCs and mass organizations including the Youth Union, Women's Union and Farmer Association will supervise the compensation payment process.

#### **3.2. Income Restoration Strategy**

The IoL shows that all 3 affected HHs are not land-based income and no HH will loss more than 20% of their productive land. This needs to be confirmed during the implementation of this RAP. If any severely affected HHs found due to changes in designs, they will be entitled to the following assistances:

- From 20% (10% for poor and vulnerable households) to 30% of their productive land/ income-generated assets will be provided with cash or in-kind assistance equivalent to 30 kg of rice (at current market price) per person per month for 3 months if no relocation, 6 months if relocation, and 12 months if relocation to sites with harsh socioeconomic conditions.
- More than 30% to 70% of their productive land/ income-generated assets will be provided with cash or in-kind assistance equivalent to 30 kg of rice (at current market price)

per HH member per month for 6 months if no relocation, 12 months if relocation, and 24 months if relocation to sites with harsh socio-economic conditions.

- More than 70% of their productive land/ income-generated assets will be provided with cash or in-kind assistance equivalent to 30 kg of rice (at current market price) per HH member per month for 12 months if no relocation, 24 months if relocation, and 36 months if relocation to sites with harsh socio-economic conditions.
- For households losing agricultural land, apart from compensation and assistances as described above, they are entitled to job supporting and vocational training policy for people in the working age (Decree 52/2012). Accordingly, APs losing agricultural land will be provided with the following assistances free of charge:
  - Vocational training assistance including: short-term vocational training (primary level and vocational training less than 3 months) or intermediate and college level with one-course fee paid by the State. Vocational training expenditures are included in the total cost of the investment project or approved compensation, assistance and resettlement plan;
  - Job-creation: consulting for vocational training, introducing jobs free of charge at the Job Centers under the provincial Department of Labor, Invalids and Social Affairs (DOLISA). In case a business receives several labors who lose agricultural land to work will be entitled to preferential policies regarding land, credit, and tax according to current regulations.
- Severely affected households due to loss of 20% of productive land or more (10% for vulnerable households) are entitled to: (i) provision of replacement land or supporting in buying replacement plan; (ii) agricultural input materials to increase productivity on the remaining land area and/or replacement land; and (iii) income restoration programs will be designed and carried out in consultation with the APs during the project implementation period.

### **3.3. Gender Strategy**

Based the consultation meeting, specific activities will be formulated and carried out during the project implementation process as follows:

- During the Detailed Measurement Survey, the other opinions should be discussed for survey implementation. Woman should know their rights and choices, and their voices must be listened.
- A representative of the commune women's union will be invited to participate into the resolution of grievances and complaints.

The female headed households will be encouraged and supported to fully participate in planning and implementation of income restoration programs.

Disaggregated monitoring indicators by gender will be developed for monitoring social benefits, economic opportunities and livelihood as well as in the restoration of livelihoods and living standards during post-project implementation.

#### **4. SOCIO-ECONOMIC PROFILE OF THE AFFECTED HOUSEHOLDS**

According to socio- economic survey, total of member of the 3 affected households is 7 persons, in which one male-headed households and 2 female-headed households. The result also showed that there was not discriminate against gender in the distribution of the role of the household head in affected households by project. About members of the affected households, the survey showed that the average number of members per household is 2.33 people.

The education level of the 3 affected household head is not generally high, one person completed of primary school level and 2 persons obtained secondary school level. The education level of the other members of affected households as follows: 3 persons graduated university and one finished high school.

Agricultural labor was reported by two household heads of the affected household as the main occupation while the other is freelance labor. Among 4 persons who are family member of the 3 affected HHs, 2 persons are agricultural workers, and 2 persons are students. However, the survey shows that they are not land-based income. Among the 3 affected HHs, main source of income of 2 households is business (one ornamental trees trading and one hair dressing), while houses for rent is source of income of the remaining household. Average income of these households in the project is 8,530,000 VND / month. Besides, only a small proportion of the total land area of each household will be recovered by project. Particularly, two households will be affected 10 percent of agricultural land and one household will be lost 6.25 percent of agricultural land for the project. The data from survey and the consultation meeting presented that land acquisition by the project will not affect the livelihoods of households.

The survey also showed that no relocating households; no household will be severely affected by project as well as no affected household in vulnerable groups by land acquisition for the project

Two private companies whose agricultural land was uncultivated and was not used will be acquired



## **5. CONSULTATION AND DISCLOSURE**

Information dissemination through consultation with and participation of the affected people and key stakeholders will (i) reduce the potential of conflicts, (ii) minimize the risk of project delays, and (iii) enable the project to design the resettlement and rehabilitation program as a comprehensive development measure to fit the needs and priorities of the affected persons, thereby maximizing the economic and social benefits of project development.

The general objectives of the consultation and information disclosure are to inform and get feedback from key stakeholders about all aspects of compensation and resettlement planning. Specific objectives are as follows:

- To fully share key information about the project with the affected persons.
- To obtain information about the needs and proposed priorities of the affected persons as well as their reactions/feedback to proposed resettlement policies, RAP and other relevant activities.
- To obtain the cooperation and participation of the affected persons through all phases of resettlement planning and implementation.
- To ensure transparency in all activities related to land acquisition, resettlement, and rehabilitation.

Participation provides for the occasion and the process by which stakeholders influence and become co-responsible for development initiatives and decisions that affect them. Through their full and active involvement, the needs and priorities of the local populace are ventilated and heard. The households and other stakeholders are being consulted during the preparation and implementation of the resettlement plan. This exercise is a two-way process – information dissemination and gathering of feedbacks and suggestions.

### **5.1. Consultation during RAP preparation.**

During RAP preparation, information dissemination, consultation and participation were carried out through different meetings, such as:

- Meetings with district and ward leaders and representatives of their key departments to study about the compensation and relocation policies of Hochiminh City; the principles of determining the compensation cost, replacement costs in localities and potential of resettlement sites, among others.
- Meetings with local organization such as women's unions, farmer's association, and

farther front, veteran's association etc.

- Meetings with all affected households.

During SES and IoL survey, 100% affected households had chances to give opinions about the project proposals for land acquisition activities as well as other concerns of the different affected groups.

On 27 September 2014, community consultation meeting were conducted at An Phu Ward. Total number of participants of the meeting is 25. Of those, there are 6 project affected persons (3 are women); 5 participants are representatives of UCCI; 4 participants are representatives of An Phu and Binh Khanh Ward PC. There are 6 representatives of mass organizations of the two wards and 4 project consultants. Minute of the meeting and list of participants are enclosed in Annex 1. The objectives of meeting are (i) to inform affected persons about the project; proposed progress of compensation and resettlement, and project's policies; (ii) affected persons express their request on resettlement and other supports.

In addition, the presentation material explained outline of RAP (i.e. the compensation policy to be applied, preliminary assessment of land acquisition impact, grievance redress mechanism, and procedure of land acquisition) was distributed and explained. As for the compensation policy to be applied for this project, general idea of compensation policy in the case of World Bank funded projects was explained at the time of consultation meetings.

Summary of affected households' comments and aspiration on resettlement issues through minutes of the public consultation meetings are:

- The affected people and local authorities support the green transport project;
- APs want to be informed more detail of project's information: affected areas of each household, compensation rates and allowances amount; They were explained that compensation rates are not yet decided at this stage. The rates will be proposed by external valuer and approved by PPC. Detail information on land acquisition will be disclosed when the RAP is implemented.
- APs requested adequate compensation rates, issued specifically by HCMC PC for this project. They want to be informed clearly about the project implementation phase and on compensation, relocation schedules

- One company (Phuc Nguyen Company), who will lose land at the proposed Thu Thiem Technical Facility, requested the project to revise the location of this site because they do not want to hand over the land to the project.
- Project owner and the employers should preferentially utilize local labors, especially relatives of PAPs. Local authorities should carry out regular inspections and management of workforce to avoid negative impacts on locality.

## 5.2. Consultation during RAP implementation

During RAP implementation, UCCI's staffs and their consultants will assist the affected districts in organizing the consultation meetings. Meetings will be held with and information dissemination to stakeholders to inform them about the policy, implementation process (e.g., mechanisms of DMS, land recovery, participation and consultation procedures, publicize for the approvals, complaint redress mechanism, monitoring and evaluation etc).

The DPC will then apply prices, calculate compensation entitlements, and complete the Compensation Forms for each affected household. Information on entitlements will then be presented on an individual basis to APs in a DMS follow-up visit to each household. The Compensation Form, showing a household's affected assets and compensation entitlements, will then need to be signed by the APs to indicate their agreement with the assessment. Any complaints the APs have about the contents of the form will be recorded at the time.

## 6. GRIEVANCE REDRESS MECHANISM

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

The mechanism of complaint and complaint and grievances resolution steps are as below:

### **First Stage - Commune/Ward People's Committee**

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

### **Second Stage - At District People's Committee (DPC)**

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

### **Third Stage - At HCM People's Committee (HCMPC)**

If after 30 days the aggrieved PAP does not hear from the DPC, or if the PAP is not satisfied with the decision taken on his/her complaint, the PAP may bring the case, either in writing or verbally, to any member of the HCMPC or lodge an administrative case to the District People's Court for solution. The HCMPC has 45 days within which to resolve the complaint to the satisfaction of all concerned. The HCMPC secretariat is also responsible for documenting and keeping file of all complaints that it handles. Affected households can also bring their case to Court if they want.

### **Final Stage - Court of Law Decides**

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

Decision on solving the complaints must be sent to the aggrieved APs and concerned parties and must be posted at the office of the People's Committee where the complaint is solved. After three days, the decision/result on solution is available at commune/ward level and after seven days at district or city level.

In order to minimize complaints to the provincial level, PMU will cooperate with the District Resettlement Committee to participate in and consult on settling complaints;

Personnel: The Environmental and Resettlement staff assigned by PMU will formulate and maintain a database of the PAPs' grievances related to the Project including information such as nature of the grievances, sources and dates of receipt of grievances, names and addresses of the aggrieved PAPs, actions to be taken and current status.

In case of verbal claims, the reception board will record these inquiries in the grievance form at the first meeting with affected people.

Environmental and Resettlement personnel selected by PMU will develop and maintain a database of the affected people's complaints received related to the Project which will contain the following information: nature of the complaint, source & date of receiving complaints, name and address of complainant, action taken, and current status.

The independent monitoring agency will be responsible for checking the procedures for and resolutions of grievances and complaints. The independent monitoring agency may recommend further measures to be taken to redress unresolved grievances. During monitoring the grievance redress procedures and reviewing the decisions, the independent monitoring agency should closely cooperate with the Vietnam Fatherland Front as well as its members responsible for supervising law enforcement related to appeals in the area;

The grievance resolution process for the Project, including the names and contact details of Grievance Focal Points and the Grievance Facilitation Unit (GFU), will be disseminated through information brochures and posted in the offices of the People's Committees at the communes and districts and Office.

At the same time, an escrow account for resettlement payments should be used when grievance is resolving to avoid excessive delay of the project while ensuring compensation payment after the grievance has been resolved.

## **7. IMPLEMENTATION ARRANGEMENTS**

### **7.1. Ho Chi Minh City People's Committee (HCMC PC)**

As a line agency, HCMC PC is responsible for the overall outcome of any RAP that will be prepared and implemented under this project. HCMC PC will maintain an overall oversight of the RAP preparation and implementation, and will provide guidance to relevant Departments, District People's Committee to ensure effective and timely collaboration and coordination between these agencies in the preparation and implementation of site specific RAP. When a Resettlement Action Plan is prepared, HCMC PC will ensure the RAP is

prepared in accordance with the requirements set forth in this RPF. Once a RAP is concurred by the World Bank (via a No Objection), HCMC PC will approve the final RAP, or designate a relevant District PC to ratify the RAP to enable RAP implementation. The HCMC PC will also assure it will cover all the costs related to compensation to affected, and their resettlement, if any, under this Project, and ensure the compensation. Resettlement, and livelihoods restoration of affected households will be implemented and monitored in accordance with this RPF.

## **7.2. Urban - Civil Works Construction Investment Authority of Ho Chi Minh City (UCCI)**

The Urban - Civil Works Construction Investment Authority of Ho Chi Minh City (UCCI) is the Project Owner, and is directly under HCMC Department of Transport. Under this project, UCCI is expected to work closely with the DOT, District PCs, and other relevant departments under HCMC PC to ensure the RAP for any site specific civil works is prepared, approved and implemented in accordance with the RPF. UCCI has set up the Project Management Unit (PMU) for the implementation of the Project, known as HCMC Green Transport Development Project Management Unit (HGTP PMU)

## **7.3. HCMC Green Transport Development Project Management Unit (HGTP PMU)**

HGTP PMU is a unit established in accordance with Document No. 2293.UBND-ĐTMT dated May 20, 2011 issued by HCMC PC for implementation and management of this Project. HGTP PMU will be responsible for day-to-day implementation of the Project, including preparation and implementation of RAP, where required. HGTP PMU will be in charge of technical, institutional, social & environmental safeguards, financial and administrative management aspects of the Project. With regards to RAP preparation and implementation, HGTP PMU's key responsibilities include, but not be limited to, the followings:

During RAP preparation:

- Work closely with the WB to prepare the agreed RAP in accordance with the RPF.
- Develop and provide orientation training on the requirements of the RPF to ensure District PC, and relevant stakeholders involved in RAP planning and implementation understand the requirement for RAP – as set forth in this RPF.
- Coordinate with the relevant departments under HCMC PC and relevant District PC to obtain their comments/suggestions, and their consensus on RAP preparation and implementation.
- Ensure the RAP is prepared in accordance with the RPF.

During RAP implementation:

- a. Take lead in recruitment of consultants who will carry out a replacement costs survey, and independent monitoring of RAP implementation.
- b. Ensure the required budget for RAP implementation is timely allocated and available for compensation payment/resettlement. Update RAP and conduct internal monitoring of RAP implementation as per requirements set out in the RPF.
- c. Designate staff with profound experience in resettlement and familiar with Bank's OP 4.12 as a social focal point for PMU. This/these staff will provide regular support to provincial governments in RAP implementation. If such experienced staffs are not available, a consultant should be recruited. ToR for this consultant is subjected to Bank's prior review.
- d. Prepare bi-annual progress reports and submit to the WB
- e. Conduct training on requirements of project's RPF and RAP; work closely with District's People's Committee and District Resettlement Board in updating RAPs following the completion of detailed measurement survey, consultation, and replacement costs survey.
- f. RAP of the HCMC PC must reflect the replacement costs surveys, local compensation rates, and consultation with affected households. The RAPs must be submitted to the Bank for prior review and no-objection prior to proceeding with civil works and compensation payment

#### **7.4. District People's Committee (DPC)**

*DPC* is responsible for establishing a District Compensation Council (DCC) exclusively for this Project to implement a site-specific Resettlement Action Plan, including conducting key important activities such as detailed measurement survey, consultation with affected households, and updating RAP under the technical guidance of HGTP PMU. The DCC established for the Project, in addition to representatives from various project stakeholders, as the current governmental practice, should also include representative of HGTP PMU.

#### ***District Resettlement Board (DRB)***

The DRB will be responsible for:

- a. Oversee and coordinate the planning, updating, and implementing of this RAP among relevant stakeholders, particularly with PMU of Project, Project's District Resettlement

Council, and An Phu Ward PC. In close collaboration with Project's District Resettlement Council, and An Phu Ward PC, conduct the DMS, consult with PAP, update the RAP, and finalize the compensation/support packages for affected households.

b. Submit the updated RAP to District 2 PC to review before submission to HCMC PC for appraisal and approval prior to RAP implementation. Prepare available land and carrying out procedures for relocation of resettled PAPs, where applicable.

c. Assist DRC to redress PAPs' grievances related to resettlement policies and entitlements.

d. Pay special attention to the needs and demands of specific groups and vulnerable people (the elderly, woman/single headed households...).

e. Extend full cooperation and working closely with IMA, and with the independent monitoring consultant.

#### **7.5. Ward/Commune People's Committee**

*The Ward/Commune PC* will assist the DCC in implementing the RAP. Specifically, the Ward/Commune People's Committee will be responsible for the followings:

- a. Assist the DPC, DCC in organizing public meetings, consultations and information dissemination during RAP implementation;
- b. Form working groups at the commune and direct their functions, assign commune officials to assist the DCC to conduct Detailed Measurement Survey, prepare land acquisition dossiers for the project, prepare and implement resettlement activities;
- c. Identify replacement land for the affected households who are eligible and propose income restoration programs appropriate to the conditions of the people and the locality;
- d. Supervise and implement the resettlement support measures and cooperate with DCC to find resettlement land for the relocating households;
- e. Resolve complaints at the first level as prescribed by the existing law;
- f. Actively participate in the land acquisition, compensation payments, and in other related-resettlement activities and concerns.

#### **Replacement Costs Survey**

As required by the World Bank's OP 4.12 on Involuntary Resettlement, Replacement Costs Survey (RCS) will need to be done to establish basis for calculation of replacements costs for



all the lands/crops/structures/assets that will be affected by the Project. An independent price appraisal consultant is specialized in assessing costs of land/assets/structures to be affected under the Project, will be engaged by HCMC GTDP to conduct replacement costs survey.

District People's Committee, and District Compensation Board will ensure compensation payment proposed to affected households is at the replacement costs (for land and structures), and at market prices (for crops/trees)

## **8. MONITORING AND EVALUATION**

### **Purpose**

Monitoring and evaluation of the implementation of the RAP are important. Good monitoring and evaluation of RAP implementation will not only enable IMA to identify shortcomings during implementation, thereby making timely corrective actions but also enable them to make sure the objective of the RAP is met when RAP implementation is completed.

Good monitoring enables timely and sufficient collection of the right information related to RAP implementation whereas good evaluation of the RAP implementation outcome enables IMA to determine if the objective of the RAP is met upon completion of RAP, and whether or not the livelihoods of affected households have restored to the pre-project level, or even better.

### **Monitoring methods:**

Monitoring could be done in two ways – internal monitoring by the IMA, and external monitoring by an independent monitoring agency.

### **Internal Monitoring**

Internal monitoring of the RAP implementation is the main responsibility of the PMU, inter alia, in addition to project implementation and management. Monitoring of RAP implementation does not only focus on actual RAP implementation, but also on RAP preparation to ensure the RAP is timely and appropriately prepared and implemented in accordance with the project's RPF. Monitoring of RAP implementation is required by PMU, on a monthly and quarterly basis, to ensure the RAP implementation is on track and that any emerging issues/shortcomings, including complaints from affected households are timely solved.

Internal monitoring aims to:

- a. Make sure the RAP is disclosed and disseminated to the PAHs and affected organizations by provincial government prior to compensation payment.
- b. Replacement costs survey is done to establish the compensation rates for affected households, and inform design of the livelihoods restoration.
- c. Ensure that a baseline of living standard of affected households is established (prior to compensation payment/resettlement) to enable monitoring and additional support/intervention from PMU side, if needed.
- d. To ensure all affected households, particularly those severely affected, restore their living standards to the pre-project level, or even improve, as a result of the support from the project.
- e. Ensure a livelihood restoration plan is prepared and implemented, taking into the account the feedback from the affected households, particularly those who are severely affected, to ensure their livelihood is restored to the pre-project level.
- f. Funds for implementing the RAP are provided in a timely manner and in amounts sufficient for their purposes, and that such funds are used in accordance with the provisions of the RAP.
- g. Monitor all grievances and their resolution and coordinate with the relevant parties to ensure that complaints are solved satisfactorily in a timely manner.
- h. Monthly and Quarterly Internal Monitoring Reports should be submitted to Bank for implementation support, information sharing and coordination purposes.

### **Independent/External Monitoring and Evaluation**

In addition to internal monitoring by PMU, an independent monitoring agency (an academic or a consulting firm with proven track record in resettlement monitoring and evaluation) will be recruited by PMU to carry out monitoring of the RAP implementation.

The contracted independent monitoring agency will provide independent monitoring and evaluation of the implementation of the two RAPs, focusing on the criteria set forth in Annex 4. The service of independent monitoring will be maintained during project implementation until restoration of livelihoods of affected households has been re-established to pre-project levels.

The main indicators of independent monitoring include:

- a. Full payment of compensation for land, housing and other assets to PAPs prior to land acquisition.
- b. Adequacy of compensation in enabling PAPs to replace affected assets.
- c. Provision of technical support for house construction to affected households who rebuild their structures on their remaining land, or build their own structures in new places as arranged by the project, or on newly assigned plots.
- d. Provision of income restoration support.
- e. Restoration of productive activities.
- f. Restoration or replacement of community infrastructure and services
- g. Operation and results of grievance procedures (to check if the GRM functions properly and if grievances are fully and timely addressed to ensure the objective of RAP is met).
- h. Throughout the implementation process, household income trends will be observed and surveyed. Any potential problems in the restoration of living standards will be reported.

During RAP implementation, PMU (internal monitoring), PMU's consultant (independent monitoring), and the World Bank's Task Teammate expected to work closely with each other. A Terms of Reference for the Independent Monitoring Consultant will be prepared by PMU and approved by the World Bank. Technical support will be provided by the Bank in the finalization of the ToR. Monthly and Quarterly Internal Monitoring Reports should be submitted to Bank for coordination and support purpose.

### **Subscribe to the complaints outstanding issues of East-West Highway Project**

East – West Highway project is an important project connecting with Green Transport Development Project. Up to now, East – West Highway project was finished and put into operation, but in the fact of 19 households who have not yet received their compensation payment - due to several reasons as mentioned in the DDR report. In these cases, UCCI and World Bank will need to continue the monitoring the progress of compensation payments until completion.

UCCI and UCCI monitoring consultation will conduct follow-up schedule for payment of compensation under these affected cases every 6 months and the process will be maintained until the completion of the payment process. The results of the monitoring activities will be reflected in the quarterly internal monitoring reports submitted to World Bank

**Table 4: Outstanding issues**

No.	District	No. of outstanding issue	Reason
1	District 2	6	Not satisfy with the agricultural land's price
		1	Conflict on rights of ownership of house
		2	The agricultural land was affected but they want to be compensated for residential land
2	Binh Chanh	1	Insist that the affected area isn't in the project's area
		1	Disagree with the type of land compensation
		1	Disagree with the agricultural land's price
3	Binh Tan	2	The agricultural land was affected but they want to be compensated for residential land
4	District 5	3	Conflicts between members of families
		1	Violation of the project's boundary
5	District 6	1	Land use

### **Costs and Budget for Internal and External Monitoring**

PMU is required to work out an estimate of costs necessary to undertake both Internal and External Monitoring of all RAP(s) that will be implemented under the Project and to ensure the objective of both Internal and External Monitoring are met. A Terms of Reference for External Monitoring should be prepared during project preparation and submitted to the Bank for review and suggestions.

### **9. RESETTLEMENT BUDGET**

Compensation rates for residential and agricultural land, houses, structures, trees and crops used to estimate resettlement budget of this RAP are based on a quick replacement cost survey conducted by consultants and staffs of UCCI. In order to establish a set of reference market prices, affected people and Compensation Board of District 2 were consulted on compensation rates.

The compensation rates will be updated before RAP implementation. UCCI will contract a licensed independent land price appraiser for all the affected assets based on the prevalent market prices. The findings of the RCS will be used to propose the unit compensation costs at

the replacement values to the HCMC PC for their review and approval. ToR for the external valuer is attached in the. Final rates established by the HCMC PC would be compared with the rates obtained through the Replacement Cost Study and, in case of significant differences, updates as necessary. The final rates thus determined and approved will be applied to the compensation plan to the APs.

### **Compensation for land**

Compensation rates for land were referred to the rates applied for current projects in District 2. The latest project is “Land acquisition for constructing the Road No. 1, road No. 2 and residential area of 1.36 ha in Binh Khanh Ward, District 2”. DCC of district 2 engaged the services of Southern Information and Valuation Corporation (SIVC) as external valuer to conduct the replacement cost survey in March 2014. Based on the Valuation Certificate provided by the external valuer, the People’s Committee of Ho Chi Minh City issued the document No. 2228/UBND\_ĐTMT dated 21/5/2014 to approve the compensation rates for affected land of the project. The following table shows the land prices regulated by HCMC for 2014, compensation rates applied for the latest project in District 2 and the rates recommended for the BRT Project.

**Table 5: The compensation rate for project**

<b>Street name- Location</b>	<b>HCMC 2014 rates</b> (Decision 60/2013/QĐ-UBND 26 December 2013)	<b>Rates apply for current project (April 2014)</b> (Decision No. 2228/UBND_ĐTMT dated 21/5/2014)	<b>Recommended rates applied for the BRT Project</b>
<b>Agricultural land</b>	380,000	3,200,000	<b>3,200,000</b>

### **Compensation for Structures**

According to Decision 35/2010/QĐ-UBND of HCM PC, Department of Construction is responsible for determining the compensation rates for houses and other structures on affected land. In 2012, based on market survey and recommendations of Department of Construction, HCMC issued Decision No. 66/2012/QĐ-UBND dated 28 December 2012 on rates of physical structures and houses. The rates have been applied for several projects in District 2 such as Hochiminh City –Long Thanh –Dau Giay Expressway project. According

to Compensation Board of District 2, so far, no complaint was noticed related to compensation for structures.

No new compensation rates for structures were issued after 2012 by HCMC PC. Then, for calculating compensation budget of structures, we suggest to use the rates issued by HCMC in 2012, multiplied with a factor of 1.2 (increase 20%) to compensate the inflation in 2013 and 2014.

### **Compensation for Crops and Trees**

In HCMC, crops and trees compensation rates are derived from Decision No. 35/2010/QĐ-UBND on the price of non-land assets issued by PC of HCMC on 28 May 2010. Due to the almost absence of cultivated land in the Project area, identification of market rates is difficult. Trees are shade trees while trees have no productive value, because as mentioned earlier, land were idle/left uncultivated. All AHHs have been consulted on the compensation rates for crops and trees. They agreed that the compensation rates should be increased about 50% compared with the rates regulated by HCMC in the Decision No. 35/2010/QĐ-UBND.

### **Others**

The cost for the allowances and resettlement assistance includes of the items which were described in the entitlement matrix and detailed pricing is attached in the Annex 1.

Monitoring cost: UCCI is responsible for contracting with an external monitoring agency, specialized on social sciences or anthropology to carry out the independent monitoring of the project resettlement implementation. Because the cost of monitoring work has not yet detailed norms set by the Government, it is estimated as 0.5 Billion VND for 5 quarterly monitoring reports and one post-resettlement evaluation. One or some interested independent monitoring institutions will prepare the technical and financial proposals for bidding and actual cost will be decided through procurement for independent monitoring.

Administration and management cost of 2% of resettlement cost is included in total cost of compensation and resettlement.

Contingency cost: It is learned from the implemented projects; the rate for contingency should be at about 10% of total cost of compensation and RAP preparation. The contingency budget of will be used in cases of adjusting compensation rates due to inflation, or any adjustment during implementation of the approved RAP.

Total cost for compensation of land and non-land assets and allowances is about **77.816 million VND**, equivalents nearly **US\$ 3.7 million** (US\$1 = 21.200 VND).

**Table 6: Budget of RAP**

	<b>Items</b>	<b>Quantity</b>	<b>Unit</b>	<b>Rate</b>	<b>Total</b>
<b>I</b>	<b>Agricultural land</b>				
1	An Phú	10067	m <sup>2</sup>	3,200,000	32,214,400,000
2	Bình Khánh	5114	m <sup>2</sup>	3,200,000	16,364,800,000
	<b>Total I</b>	<b>15,181</b>			<b>48,579,200,000</b>
<b>II</b>	<b>Pond</b>				
1	An Phú	2000	m <sup>2</sup>	3,200,000	<b>6,400,000,000</b>
2	Bình Khánh	590	m <sup>2</sup>	3,200,000	<b>1,888,000,000</b>
	<b>Total II</b>	<b>2,590</b>			<b>8,288,000,000</b>
<b>III</b>	<b>House</b>				
1	Category 4, class 1	150	m <sup>2</sup>	4,980,000	<b>747,000,000</b>
	<b>Total III</b>	<b>150</b>			<b>747,000,000</b>
<b>IV</b>	<b>Secondary structures</b>				
1	Shelter	50	m <sup>2</sup>	1,600,000	80,000,000
	<b>Total IV</b>	<b>50</b>			<b>80,000,000</b>
<b>V</b>	<b>Crops &amp; trees</b>				
	<b>Crops</b>				
	Ground nut & vegetables	158	m <sup>2</sup>	15,000	2,370,000
	<b>Fruit trees</b>				
1	Banana	50	Tree	405,000	20,250,000
2	Coconut	450	Tree	765,000	344,250,000
3	Custard apple	400	Tree	405,000	162,000,000
4	Others	300	Tree	270,000	81,000,000
	<b>Timber wood</b>				
1	Others (Eucalyptus, Acacia.)	80	Tree	26,000	2,080,000
	<b>Total V</b>				<b>611,950,000</b>
<b>VI</b>	<b>Allowances</b>				

	Allowance for Living/Production Stabilization	2	Person	1,000,000	2,000,000
1	<b>Total VI</b>				<b>2,000,000</b>
2	<b>Total (I-VI)</b>				<b>58,308,150,000</b>
<b>VII</b>	<b>Implementation cost (2% of total I-VII)</b>				<b>1,166,163,000</b>
<b>VII I</b>	<b>Contingency (30% of total I-VII)</b>				<b>17,842,293,900</b>
<b>IX</b>	<b>External monitoring</b>				<b>500,000,000</b>
	<b>Total budget</b>				<b>77,816,606,900</b>

With regard to the recruitment of external monitoring agency, a budget amounting to 0.5 billion VND will be allocated. All budget for implementing compensation and resettlement are from budget of HCMC.



**Annex 1: The minute of a public consultation meeting**

*Ho Chi Minh City Green Transport Development Project*

*An Phu Ward, September 27, 2014*

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## **MINUTE OF PUBLIC CONSULTATION MEETING**

### **ON THE ENVIRONMENTAL AND SOCIAL IMPACTS OF THE HO CHI MINH CITY GREEN TRANSPORT DEVELOPMENT PROJECT**

- + Location                    - An Phu Ward, District 2, Ho Chi Minh City
- + Date                        - September 27, 2014 – Time: 8:30 AM to 11:10 AM
- + Hosts                      1/ Representative of An Phu Ward:  
  
                                 Mr. Hoang Le Phuong – Vice chairman of An Phu Ward People’s  
                                 Committee, District 2  
  
                                 2/ Representative of Binh Khanh Ward:  
  
                                 Mr. Do Duy Thuy – Vice chairman of Binh Khanh Ward People’s  
                                 Committee, District 2  
  
                                 3/ Representative of the investor:  
  
                                 Ms. Nguyen Ngoc Tien – Vice director of Urban – Civil Works  
                                 Construction Investment Management Authority of Ho Chi Minh City  
                                 (UCCI)  
  
                                 4/ Representative of the social consultants  
  
                                 Dr. Le Buu Thach – social consultant of the project  
  
                                 5/ Representative of the environmental consultants:  
  
                                 Mr. Hoang Bao Phu – environmental consultant of the project

**Participants** (see the attachment)

- Representatives of PC of An Phu and Binh Khanh wards
- Representative of District 2 Resources and Environment

- Representatives of District 2 Urban Management
- Representatives of District 2 Compensation Board
- Urban – Civil Works Construction Investment Management Authority of Ho Chi Minh City
- An Phu and Binh Khanh Ward Unions
- Fatherland Front Unions of An Phu and Binh Khanh Wards
- An Phu and Binh Khanh wards Communist Party
- Representative of the social consultant group

## **I. Introduction:**

### **Mr. Hoang Le Phuong – Vice chairman of An Phu Ward PC**

- To make the opening speech, state the meeting's purpose and significances
- To present the representatives
- To acknowledge that the local authorities and representatives' opinions as well as their mutual understanding and support contribute an important role in the success of the Project.

### **Ms. Nguyen Ngoc Tien – Vice director of Urban- Civil Works Construction Investment Management Authority of Ho Chi Minh City, represented the Investor**

- **The conference's purpose:** (i) To generally introduce the project, its purpose and significance; (ii) To present environmental and social impacts; (iii) To consult stakeholders' opinions about these impacts
- **General introduction:** The HCMC Green Transport Development Project contains two components: (1) developing a Bus Rapid Transit line on the Vo Van Kiet – Mai Chi Tho Highway and (2) institutional strengthening. The project aims to provide a public transportation service with rapid buses along Mai Chi Tho – Vo Van Kiet Highway, which contributes to reduce traffic congestion, shorten travel time from the West to the East. The project also reorganizes urban space, increasing greenery along the route and motivating the local development in area that the project will go through.

## **II. Conference summary:**

**1. Introduction of the HCMC Green Transport Development Project (presented by Ms. Nguyen Ngoc Tien)**

- To generally introduce the project, the route, its length, direction and components
- To introduce the No.1 Line
- To present project's purpose and significance
- To conclude

**2. Environmental impacts (presented by Mr. Hoang Bao Phu)**

- To introduce the detailed design
- To forecast of environmental impacts during preparation, implementation and operation stages
- To propose the mitigation measures and preventions

**3. Social impacts – Resettlement Policy Framework (presented by Mr. Le Buu Thach)**

- The purpose of the social and resettlement study
- Scope of land acquisition
- Scope of affected land
- Legal framework and Compensation, Assistance and Resettlement policy
- Land acquisition and resettlement process

**4. Comments and questions**

<b>Comments and Questions</b>	<b>Responds from the Project Consultant and Ward People's Committee</b>
<b>1. Ms. Nguyen Thi To Quyen (affected people)</b> <ul style="list-style-type: none"><li>- The project should consider the compensation rate. It is unsuitable to apply rates from the previous years, for example: the compensation rate in Decision No. 66. The HCMC PC should issue a new compensation rate</li></ul>	<b>Mr. Le Buu Thach – project's social consultant:</b> <ul style="list-style-type: none"><li>- The compensation rate applied in the project is a replacement rate, approved by HCMC PC. District 2 Compensation Department will hire a valuation agency to evaluate the rate. The HCMC PC then will approve the</li></ul>

<p>and DMS to compensate each individual households</p> <ul style="list-style-type: none"> <li>- The specific acquired land area of each household?</li> </ul>	<p>proposed rate.</p> <p><b>Mr. Nguyen Truong Ninh – Land Administration Officer of Binh Khanh Ward:</b></p> <ul style="list-style-type: none"> <li>- The acquired land area of each household has not been announced because there has only been a preliminary survey. The exact area will be available after DMS. However, the project is staking and demarcating the project's border, you can estimate the affected area of each household. To be specific, Ms. Quyen and Ms. Tiet households will be partially affected. According to the border, the affected area is mostly in An Phu Ward (70%), the remaining 30% is in Binh Khanh Ward.</li> </ul>
<p><b>2. Ms. Suong – representative of Phuc Nguyen Company</b></p> <ul style="list-style-type: none"> <li>- Why don't you move the proposed Thu Thiem Technical Facility's location to Binh Khanh Ward – the 38 ha area, where the land is large and won't affect any company? If the project acquired the proposed land, it will affect our company.</li> <li>- Our company has had the HCMC PC's approval in land use. As of the present, our company is waiting for the approval of Department of Resources and Environment for</li> </ul>	<p><b>Ms Nguyen Ngoc Tien – Vice director of UCCI:</b></p> <ul style="list-style-type: none"> <li>-The project's location has been carefully considered. The present location has been approved by the HCMC PC and relevant departments.</li> <li>-We acknowledge your comments, if possible, can you provide related documents so we can apply to our supervisors?</li> </ul>

<p>building permit</p> <ul style="list-style-type: none"> <li>- The company had bought the local's land 15 years ago. The inflation and our investments throughout these years make the compensation impossible to fully compensate. Can you arrange a "land for land" exchange in surrounding area?</li> </ul>	
<p><b>3. Mr. Pham Minh Chat</b></p> <ul style="list-style-type: none"> <li>- DMS will complete in March, 2015, what is the specific number of affected land plot?</li> </ul>	<p><b>Ms. Nguyen Ngoc Tien – Vice director of UCCI</b></p> <ul style="list-style-type: none"> <li>- Like we had just demarcated, the measurement probably will complete in this week and at the end of next week, the detailed boundaries map will be ready.</li> <li>- The exact land area might larger than expected because the project will acquire the rest of the land, if the remaining land isn't suitable for house building or by people's request</li> </ul> <p><b>Mr. Do Duy Thuy – Vice chairman of Binh Khanh Ward PC</b></p> <p>The conference today had just presented the project, to acquire your land, it will need more stages, including identify the bounder, issue land acquisition decision, DMS, the land's origin, etc. From now on until the project's complete, there will be more conferences to consult everybody about the general plan of compensation,</p>

	announce the affected area and the detailed compensation plan.
<p><b>4. Mr. Nguyen Truong Ninh - Land administration officer of Binh Khanh Ward</b></p> <ul style="list-style-type: none"> <li>- About the social impacts, you should contact the local authorities for proper management during the construction period, preventing workers from the project cause local disorderly. To be specific, how do you arrange workers' accommodation? Renting house or building temporary shelter?</li> <li>- During the construction period, if the construction site causes pollution, there should be solutions such as spraying water, cleaning, wash vehicles going in and out of Mai Chi Tho, and if during transporting materials, these vehicles damage the infrastructure or affect the local, there should be a proper solution to return the infrastructure to its origin.</li> <li>- There should be a parking lot for people using the bus.</li> <li>- A bus station might have problems such as unmanaged trading on the road, theft, etc. The project should</li> </ul>	<p><b>Ms. Nguyen Ngoc Tien – Vice director of UCCI</b></p> <ul style="list-style-type: none"> <li>- The project will directly contact the local authorities to find a solution to minimize environmental and social impacts, manage the implementation and operation stages.</li> <li>- If the project affects the local or damages the infrastructure, the investor must have the responsible to remedy.</li> <li>- The project had also considered parking lots for passengers' motorbikes at the bus shelters.</li> <li>- This is a logistics park, not a bus station, so the trading on the road or theft won't be problematic.</li> </ul>

also have a solution for these problems also.	
<p><b>5. Ms. Nguyen Thi To Quyen (affected household)</b></p> <ul style="list-style-type: none"> <li>- Can you be more specific about the scope of the Thu Thiem affected area?</li> <li>- Land acquisition will start in March, 2015, during this process, can people file grievances?</li> </ul>	<p><b>Ms. Nguyen Ngoc Tien – Vice director of UCCI</b></p> <p>Thu Thiem Technical Facility needs an entrance road for buses. The acquired area will be more than 0.5 ha for the road and 1 ha for the park. The road is 80m long and 7m wide.</p> <p><b>Mr. Nguyen Truong Ninh - Land administration officer of Binh Khanh Ward:</b></p> <p>As the presented design, Ms. Quyen household might have an affected area of 200 m<sup>2</sup>. Everybody have the right to file grievance during the project implementation.</p>
<p><b>6. Representative of An Phu Ward Women's Group</b></p> <ul style="list-style-type: none"> <li>- I recommend hiring local people during the implementation and operation of the project.</li> </ul>	<p><b>Mr. Le Buu Thach – social consultant of the project</b></p> <ul style="list-style-type: none"> <li>- The project acknowledges your comments.</li> </ul>
<p><b>7. Ms. Nguyen Thi To Quyen (affected household)</b></p> <ul style="list-style-type: none"> <li>- Can you explain the compensation policy for acquiring more than 20% land area in detail?</li> </ul>	<p><b>Mr. Le Buu Thach – social consultant of the project</b></p> <ul style="list-style-type: none"> <li>- According to current regulations, households who lose more than 30% of productive land are received stable production assistance. However, according to the policies of the World Bank, the affected people who lost more than 20% of productive land are consider severely affected. Therefore, the</li> </ul>

	project proposes a support for those who lose over 20% of their productive land. This support policy needs the HCMC PC to approve before being applied.
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### **III. Conclusions**

#### **Mr. Do Duy Thuy – Vice chairman of Binh Khanh Ward PC:**

On behalf of the two ward PC, we thank you and acknowledge your opinions in the public consultation on environmental and social impacts of the HCMC Green Transport Development Project. It is needed more steps to carry out the land acquisition. The ward PCs will support the project and everybody in the implementation of compensation, assistance and resettlement in accordance with regulations approved by the city PC for the project to handover the land to the investor soon.

**Representative of the investor**  
(Name, position)

**Representative of An Phu Ward PC**  
(Name, position, stamp)

**Fatherland Front Representative**( Name,  
position)

**Representative of affected people**  
(Name, occupation, address)

**Representative of environmental consultant**  
(Name, position)

**Representative of social consultant**  
(Name, position)

**Representative of Binh Khanh Ward**  
(Name, position, stamp)



## Annex 2: Some pictures of the public consultation conference



Figure 1: An officer of An Phu PC introduced the meeting's agenda



Figure 2: The meeting participants



Figure 3: Mr. Hoàng Lê Phương speeched on opening remarks at the meeting



Figure 4: Mr. Le Buu Thach presented the social impacts of the project



Figure 5: Ms. Nguyễn Ngọc Tiên presented the project design



Figure 6: An affected people asked for the project information



Figure 7: Ms. Sương – the representative people for Phuc Nguyen company speeched the company desires



Figure 8: Ms. Nguyễn Trường Ninh speeched the local suggestions for project



**Annex 3: Some pictures at the affected area by project**



#### Annex 4: The profile of affected HHs in Thu Thiem site (~1.77 ha)

(Source: Interviewing the affected HHs on 28<sup>th</sup> August, 2014)

No.	Name of affected HH	Total affected land area (m <sup>2</sup> )	Land use type	Total land holding	Number of person in HH	Main source of income	HH's income
1.	Nguyễn Thị Tổ Quyên	100	Agricultural land	1000 m <sup>2</sup>	2	Trading of ornamental trees	6 Million VND/month
2.	Nguyễn Thị Xuân Thu	100	Agricultural land	1000 m <sup>2</sup>	1	Hair dressing shop	7 Million VND/month
3.	Nguyễn Thị Tiết	200	Agricultural land	3200 m <sup>2</sup>	4	Houses for rent and farming	11.6 Million VND/month
Total		400					