

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

HO CHI MINH GREEN TRANSPORT DEVELOPMENT PROJECT

RESETTLEMENT POLICY FRAMEWORK

February 2015

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ABBREVIATIONS

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. This 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	This 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: female headed households with dependents, disabled persons, poor households with certificates, children and elderly households who are with no other means of support, and ethnic minority people.

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.

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 22nd, 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 to develop a Green transport 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 Development Objective

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 project scope will include the following two components (the details and specific size of the components/sub-components subject to change during further project preparation):

Component 1: BRT Corridor Development 1: This component will finance the development of a demonstration BRT line on the VVKH, with an estimated length of 22 km, adopting a sustainable transport approach that will integrate investments in: i) the rehabilitation and improvement of road infrastructure on the VVKH, so as to support BRT operations; ii) the construction of complementary BRT infrastructure, such as bus depots, terminals, stations, bicycle and motorcycle parking facilities, etc; iii) the procurement of specially-designed alternative fuel buses; iv) the implementation of a broad range of intelligent transport systems (ITS), including advanced traffic management systems (i.e. smart traffic signals, cameras, e-police, etc), and advanced bus operation management systems (i.e. global positioning systems, communication equipment, etc); and v) complementary non-motorized transport infrastructure to facilitate access to the BRT services, such as pedestrian bridges and/or tunnels, bikeways, sidewalk improvements, etc., as well as public spaces like parks and plazas, and landscaping.

Component 2: Institutional Strengthening this component will finance institutional strengthening and capacity building activities essential to the successful implementation of the BRT line, and, more broadly to improve transport and urban development planning in HCMC. The component will include the development of:

- (i) training programs for the MOCPT, the DOTPW and other relevant government agencies in project management, urban transport planning and public transport operation;
- (ii) strategic support activities by technical experts on the operation of the BRT line;
- (iii) prefeasibility study of the integration (fare, operational, physical) of the BRT line with other bus services in the city and the future MRT lines;
- (iv) policy guidelines to promote transit-oriented development along VVKH corridor;
- (v) prefeasibility study of public-private partnership (PPP) opportunities and additional financing mechanisms for the expansion of BRT and MRT systems and development of complementary facilities; and
- (vi) Prefeasibility analyses of additional BRT lines and/or other follow-up investments.

1.3. Scope of land acquisition and resettlement

To realize the above PDO, land acquisition for the purpose of project is inevitable. A preliminary assessment has been made of the extent of land acquisition for *BRT Corridor Development*. Based on the technical information currently available, it is anticipated that *BRT Corridor Development* will only have a small impact on land and properties in the project areas, and that the number of affected households will be limited.

The main project activities that are likely to require permanent or temporary land acquisition will be:

- i) the rehabilitation and improvement of road infrastructure on the VVKH, so as to support BRT operations; all the civil works will be within the Right of way (RoW) of VVKH.
- ii) complementary non-motorized transport infrastructure to facilitate access to the BRT services, such as 6 pedestrian bridges and a overpass bridge, 28 stations along MCT – VVK street, bikeways, sidewalk improvements as well as public spaces like parks and plazas, and landscaping. All these infrastructures will need 1.65 ha. However, locations designed for constructing these structures are all within the RoW of VVHH. Thus, there is no land acquisition required, but a compensation budget to be allocated for compensation/removals of public works affected at these locations (if needed)
- iii) the construction of complementary BRT infrastructure, such as a bus depots, a terminals, stations, 9 bicycle and motorcycle parking facilities and Summary of these structures and its scopes of land acquisition is shown in the following table.

Table 1: Scope of land acquisition

No.	District	Structures	Quantity	Scope of land acquisition (ha)
1	Binh Tan	Station	3	Within the RoW, no land acquisition
		Private parking	1	
2	8	Station	1	
3	6	Station	4	
		Private parking	1	
4	5	Station	6	
		Private parking	4	
5	1	Station	5	
		Private parking	1	
6	2	Station	9	
		Thu Thiem Technical Facility	1	1.77
		Rach Chiec Terminal Station	1	0.58

Given the above agreed civil works (as of project appraisal), the magnitude of land acquisition is anticipated to be small, primarily related to the construction of a Technical Facility for bus maintenance (about 1.77 ha in area) in Thu Thiem New Urban Area, An Phu ward of District 2, and the construction of the End Terminal Station (about 0.58 ha in area) in Rach Chiec area of An Phu ward, District 2. Since the exact location for the Technical Facility has been determined by HCMC People’s Committee on July 11, 2014 (via document 3310/UBND-QLDA), a RAP has been prepared for this site (See RAP for details). For the construction of the End Terminal Station,

since the terminal has been decided by HCMC PC (via document 519/TB-UBND-TNMT) to be located within a sport complex project where land acquisition plan is underway, land acquisition for the purpose of the End Terminal will be in accordance with the land acquisition plan already approved by HCMC for the mentioned sport complex project. The Bank will conduct a due diligence review of how land is acquired for the land area required for the construction of the End Terminal prior to the construction of the End Terminal. The due diligence will aim assess if the land acquisition under the sport complex project is in accordance with HCMC’s regulations then, and whether the land acquisition process and outcome met the objective of Bank’s OP 4.12 on Involuntary Resettlement.

The full extent of land acquisition and resettlement impacts, and complete figures of land acquisition, houses, structures, and other affected assets will be determined during implementation after detailed designs of civil works are completed.

1.4. Objectives and Principles of the Resettlement Policy Framework

The purpose of this Resettlement Policy Framework (RPF) is to establish resettlement principles, eligibility requirements for compensation, valuation methods or other forms of assistance, and describe the legal and institutional framework, organizational arrangements, funding mechanisms, and community consultation and participation, and grievance redress mechanism to be applied to the project during the project implementation. Resettlement Action Plan (RAP) for the project will be designed to be consistent with the RPF and submitted to the World Bank for review and no objection before any construction can take place.

This RPF was prepared in compliance with the World Bank’s Operational Policy on Involuntary Resettlement (OP 4.12) and the Vietnam’s relevant laws and regulations. This RPF will be applied to all components of the Ho Chi Minh Green Transport Development Project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement that are:

- Directly and significantly related to the World Bank-funded Ho Chi Minh Green Transport Development Project
- Necessary to achieve its objectives as set forth in the project documents; and
- Carried out, or planned to be carried out, contemporaneously with the Ho Chi Minh Green Transport Development Project.

Following clearance by the World Bank and approval by the HCMC People’s Committee, this RPF shall be used as a guidance for preparation of a Resettlement Action Plan for any site-specific civil works under the Ho Chi Minh City Green Transport Development Project that require acquisition of land for project purpose.

2. LEGAL FRAMEWORKS FOR THE RESETTLEMENT POLICY FRAMEWORK

This Resettlement Policy Framework was prepared in compliance with the applicable and relevant law of the Government of Vietnam related to land acquisition, compensation, support, and resettlement, and in compliance with the World Bank’s Operational Policy on Involuntary Resettlement.

2.1. 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 RPF include the followings:

- Constitution of Vietnam 2013.
- The Land Law 2013 which has been effective since July 1, 2014.
- Decree No.43/2014/ND-CP guiding in detail some articles of Land Law 2013
- Decree No.44/2014/ND-CP provides on method to determine land price; make adjust land price brackets, land price board; value specific land price and land price consultancy activities.
- Decree No. 47/2014/ND-CP providing compensation, support, resettlement when land is recovered by the State
- Decree No. 38/2013/ND-CP of 23 April 2013, on management and use of official development assistance (ODA) and concessional loans of donors.
- Circular No. 36/2014 / TT-BTNMT dated 30 June 2014, regulating method of valuation of land; construction, land price adjustment; specific land valuation and land valuation advisory
- Circular No. 37/2014/TT-BTNMT dated 30 June 2014, regulating compensation, assistance and resettlement when the State acquires land.
- Decision No. 1956/2009/QD-TTg, dated November 17 2009, by the Prime Minister approving the Master Plan on vocational training for rural labors by 2020;
- Decision No. 52/2012/QD-TTg, dated November 16 2012, on the support policies on employment and vocational training to farmers whose agricultural land has been recovered by the State;
- Document of Prime Minister No. 1665/TTg-CN, dated October 17 2006, regarding management of clearance of site, mine and explosive ordnance for transport construction, and
- Other regulations or administrative decisions related to resettlement plan to be issued by HCMC People's Committee in relation to the Land Law 2014, and its relevant decrees and circulars.

2.2. 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.
- (iii) 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.

2.3. Comparison between Government of Vietnam and World Bank approaches

There are differences between the Government of Vietnam’s Laws, policies, regulations related to land acquisition/resettlement, and the World Bank’s OP 4.12 on Involuntary Resettlement. The following table highlights the key differences in order to establish a basis for the design of the principles to be applied for compensation, assistance and livelihood restoration support for the affected households, which will be applied under this project.

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

<i>Subjects</i>	Bank’s OP 4.12	Government of Vietnam	Project Measures
<i>Land Property</i>			
<i>Policy objectives</i>	<i>PAPs (Project 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-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher</i>	There is a provision of support to be considered by PPC to ensure PAPs have a place to live, to stabilize their living and production. (Article 25 of Decree 47). In case the amount of compensation/support is not enough for resettled people to buy a minimum resettlement plot/apartment, they	Livelihoods and income sources will be restored in real terms, at least, to the pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

Subjects	Bank's OP 4.12	Government of Vietnam	Project Measures
		will be financially supported to be able to buy a minimum resettlement plot/apartment (Article 86.4 of Land Law 2013 and Article 27 of Decree 47)	
<i>Support for affected households who have no recognizable legal right or claim to the land they are occupying</i>	<i>Financial assistance to all project affected persons to achieve the policy objective (to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher)</i>	Agricultural land used before July 1, 2004 is eligible for compensation. (Provision 2 Article 77, Land Law 2013). Other cases are considered for assistance by PPCs according to regulations of Article 19, 20, 21, 22, 23, 24 and 25, Decree 47.	Financial assistance of an agreed amount will be given to all PAPs, regardless of their legal status, until their livelihoods and standards of living restore in real terms, at least, to pre-project levels.
<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>	PPC consider to provide supports according to Article 25, Decree 47.	Compensation at full replacement cost will be given for all structures affected, regardless of legal status of the land and structure.
Compensation			
<i>Methods for determining compensation rates</i>	<i>Compensation for lost land and other assets should be paid at full replacement costs,</i>	Independent land valuers are hired to determine compensation rates, these rates are equal to	Independent appraiser identifies replacement costs for all types of assets affected, which are

Subjects	Bank's OP 4.12	Government of Vietnam	Project Measures
		<p>replacement cost of WB (Provision 4 Article 114, Land Law 2013 and Article 18, Decree 44);</p> <p>For houses and physical structures, compensation rates are calculated according to Decision No. 66/2012/QĐ – UBND of Hochiminh City. For special structures, Independent land valuator is hired to determine compensation rates.</p>	<p>appraised by land appraisal board and approved by. City People's Committees to ensure full replacement costs.</p>
<i>Compensation for loss of income sources or means of livelihood</i>	<i>Loss of income sources should be compensated (whether or not the affected persons must move to another location)</i>	<p>According to Article 88, Land Law 2013, assistance in respect of income loss is given only for registered businesses.</p> <p>Besides, assistance measures to restore income sources are provided (Article 19, 20 and 21, Decree 47).</p>	<p>All income losses are to be compensated and, where necessary to achieve the objectives of the policy, development assistance in addition to compensation will be provided.</p>
<i>Compensation for indirect impact caused by land or structures taking</i>	<i>It is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse economic and social impacts,</i>	<p>Regulated at Article 88 Land Law 2013; Article 19, 20, 21, 22, 23, 24, 25 Decree 47.</p>	<p>Social assessment has been undertaken and measures identified and being implemented to minimize and mitigate adverse impacts, particularly</p>

Subjects	Bank's OP 4.12	Government of Vietnam	Project Measures
	<i>particularly upon poor and vulnerable groups.</i>		upon poor and vulnerable groups.
<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 (Article 19, 20, 21, 22, 23, 24 and 25 Decree 47).	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>	Consultation with PAPs on draft plan of compensation, support and resettlement and plan for training, career change and facilitating job seeking.	Consultation and participation incorporated into RAP design, along with information sharing with PAPs and stakeholders.
Grievance redress mechanism			
	<i>Grievance redress mechanism should be independent</i>	According to legal regulations, complainants can go to court at any steps as they wishes.	More effective Grievance and Redress mechanisms are to be established, built on the existing governmental system, with monitoring by an independent monitor
Monitoring & Evaluation			
	<i>Internal and independent monitoring are required</i>	Citizens have rights to supervise and report on breaches in land use and management on	Both internal and external (independent) monitoring is to be

<i>Subjects</i>	Bank’s OP 4.12	Government of Vietnam	Project Measures
		their own (or through representative organizations), including land recovery, compensation, support and resettlement (Article 199, Land Law 2013).	regularly maintained (on a monthly basis for internal and bi-annual basis for independent monitoring). An end-of-project report will be done to confirm whether the objectives of OP 4.12 were achieved.

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. According to Provision 2, Article 87 of Land Law 2013: “For projects using loans from international or foreign organizations for which Vietnam has committed to a policy framework for compensation, support and resettlement, that framework policy shall apply.” The waiver provisions are prescribed in the Article 46, Item 1 of Decree No. 38/2013/ND-CP.

This 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 this RPF.

3. PRINCIPLES AND POLICIES FOR RESETTLEMENT, COMPENSATION AND REHABILITATION

3.1. General principles

All projects 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.

- The compensation rates will be determined based on the results of independent appraisal of the land/crops/assets (associated with the land) in a timely and consultative manner. All fees and taxes on land and/or house transfers will be waived or otherwise included in a

compensation package for land and structures/or houses or businesses. The local authorities will ensure that PAP choosing relocation on their own, obtain, without additional costs, the necessary property titles and official certificates commensurate with similar packages provided to those who choose to move to the project resettlement sites

- Land will be compensated “land for land”, or in cash, according to PAP’s choice whenever possible. The choice of *land for land* must be offered to those losing 20% or more of their productive land. If land is not available, Project Management Unit (PMU) must assure itself, that this is indeed the case. Those losing 20% or more of their land will have to be assisted to restore their livelihood. The same principles apply for the poor and vulnerable people losing 10% or more of their productive landholding.
- PAPs who prefer “land for land” will be provided with land plots with the equivalent productive capacity for lost lands or a combination of land (a standard land plot) in a new residential area nearby for residential land, and cash adjustment for difference between their lost land and the land plots provided. The resettlement area will be planned properly and implemented in consultation with the PAPs. All basic infrastructures, such as paved roads, sidewalks, drainage, water supply, and electricity and telephone lines, will be provided.
- PAPs who prefers “cash for land” will be compensated in cash at the full replacement cost. These PAPs will be assisted in rehabilitating their livelihoods and making their own arrangements for relocation.
- Compensation for all residential, commercial, or other structures will be offered at the replacement cost, without any depreciation of the structure and without deduction for salvageable materials. Structures shall be evaluated individually. Any rates set by category of structure must use the highest value structure in that group (not the lowest).
- The PAPs will be provided with full assistance (including a transportation allowance) for transportation of personal belongings and assets, in addition to the compensation at replacement cost of their houses, lands and other properties.
- Compensation and rehabilitation assistance must be provided to each PAP at least 30 days prior to the taking of the assets for those who are not to be relocated and 60 days for those who will have to be relocated. Exceptions should be made in the case of vulnerable groups who may need more time.
- If, by the end of the project, livelihoods have been shown not to be restored to pre-project levels, additional measures will be provided.
- Financial services (such as loans or credits) will be provided to PAPs if necessary. The installment amounts and the schedule of payments will be within the repayment capacity of PAP.
- Additional efforts, such as economic rehabilitation assistance, training and other forms of assistance, should be provided to PAPs losing income sources, especially to vulnerable

groups, in order to enhance their future prospects toward livelihood restoration and improvement.

- The previous level of community services and resources, encountered prior to displacement, will be maintained or improved for resettlement areas.

3.2. Compensation Policies

3.2.1. Compensation Policy for Permanent impact

a) For Loss of Agricultural land

Legal land users:

If the lost area represents less than 20% of a Household's (HH's) land holding (or less than 10% for poor and vulnerable groups), and the remaining area is economically viable, compensation in cash will be at 100% replacement cost for the lost area.

If the lost area represents 20% or more of the HHs' land holding, (or 10% or more for the poor and vulnerable groups) or the remaining area is economically not viable, then "land for land" compensation should be considered as the preferred option. If no land is available, then PMU must demonstrate this to the World Bank's satisfaction before proceeding. If land is not available, or if the PAP prefers cash compensation, then cash compensation will be provided for the lost area at 100% of land replacement cost, and the PAP will be provided with rehabilitation measures to restore the lost income sources, such as agricultural extension, job training, credit access, provision of non-agricultural land at a location appropriate for running off-farm business or services. If the PAPs wish, and there is land of similar value elsewhere, the project should also assist these PAPs to visit these areas and help with legal transactions should they wish to acquire them. For agricultural land lying intermixed with residential areas, and garden and pond land lying adjacent to residential areas, apart from compensation at the price of agricultural land having the same use purpose, monetary support shall also be provided; with the prices for such support being equal to between 50% and 70% of the prices of adjacent residential land; and with the specific support levels being decided by the Ho Chi Minh City People's Committees (HCMC PC) to suit local conditions.

Users with temporary or leased rights to use communal/public land (PAPs who rent communal or public land): Cash compensation at the amount corresponding to the remained investment put on the land or corresponding to the remained value of the land rental contract, if it exists.

For PAPs currently using land assigned by State-owned agricultural or forestry farms on a contractual basis for agricultural, forestry, or aquaculture purposes (excluding land under special use forests and protected forests), compensation shall be provided for investments made on the land, but not for the land itself, and these PAPs will also receive additional support for income rehabilitation if they are directly involved in agricultural activities as per Government's regulations. Where PAPs receive land on a contractual basis but are other than the individuals specified as above, they shall only receive compensation for investments made on the land.

Land Users who do not have formal or customary rights to the affected land. Instead of compensation, these PAPs will receive rehabilitation assistance at 80% of the land value in cash. Agricultural land used before July 1, 2004 will be compensated at 100% as per Article 77.2 of the Land Law. These PAPs will be entitled to the rehabilitation measures mentioned above, to ensure that their living standards are restored.

In cases where the land is rented through civil contracts between individuals, households or organizations, then the compensation for crops, trees or aquaculture products will be paid to the affected land users and PMU shall assist the renter to find similar land to rent.

In cases when PAPs utilize public land (or protected areas), with an obligation to return the land to the Government when requested, the PAPs will not be compensated for the loss of use of the land. However, these PAPs will be compensated for crops, trees, structures and other assets they own or use, at full replacement cost.

The social and baseline assessment should consider if a physical impediment caused by the Ho Chi Minh Green Transport Development Project (such as a new public safety restriction) will impose additional costs on PAPs, and whether additional compensation is required to offset these costs.

b) For Loss of Residential Land

Loss of residential land without structures on it: for legal and/or legalizable land users, all compensation for loss of land will be made in cash at full replacement cost. For land users who have no recognizable land use right, financial assistance will be provided. The amount will be determined by the respective HCMPC.

Loss of residential land with structures built thereon, where the remaining (non-acquired) land is adequate to rebuild the structure (reorganizing PAP):

Compensation for loss of land will be made in cash at (i) full replacement cost for legal and legalizable land users; (ii) Financial assistance of an agreed amount will be provided to land users **who do** not have recognizable land use rights.

Loss of residential land with structures built thereon, and the remaining land is not adequate to rebuild the structure (relocating PAP):

(i) For PAPs who have legal or legalizable rights to the affected land:

- A land plot of equivalent size and quality, in a well-developed resettlement site. Where land is not available, an apartment will be provided to the PAP. This will be done in consultation with the PAP. Full ownership title to the land or apartment will be given at no cost to the PAP.

OR,

- On request of and with full consultation with the PAP, cash compensation at full replacement cost, plus the amount equivalent to the value of the infrastructure

investments calculated as an average for each household in a resettlement site. In this case, the household will be expected to relocate themselves.

In the event that the compensation amount to be paid is less than the cost of a minimum land plot /apartment in the project's resettlement site, PAPs will be given the support needed to allow them to acquire the new land plot/apartment at no additional cost to them. If a land plot/apartment in the resettlement site is not PAP's chosen option, a financial assistance, equivalent to the difference in the value of the chosen and actually received land plot/apartment will be provided to them.

(ii) PAPs who do not have formal or customary rights to the affected land:

- Financial assistance of an amount to be determined by City People's Committee will be given.
- If the PAP has no place to move, a land plot or an apartment satisfactory to them will be provided in the resettlement site and they can either pay in installment or rent it for living.

In case the relocated PAPs belong to poor or vulnerable groups or households, additional assistance (in cash and kind) will be provided to ensure that they are able to fully relocate to a new site.

c) For Loss of House/Structures

Compensation or assistance in cash will be made for all affected private-owned houses/structures, at 100% of the replacement costs for materials and labor, regardless of whether or not they have title to the affected land or a construction permit for the affected structure. The compensation/assistance amount will be sufficient to rebuild the affected house/structure of the same quality. As per OP 4.12 cash compensation will be at full replacement cost in local markets. No deductions will be made for depreciation or salvageable materials.

If the house/structure is partially affected, a financial assistance will be provided to enable PAPs to repair the affected house/structures to restore it to the former condition, or better, at no additional cost to them.

Tenants

- Tenants of state-owned or organization-owned houses will be: (i) entitled to rent or buy a new apartment of an area at least equal to their affected ones or (ii) provided a financial assistance equivalent to 60% of replacement cost of the affected land and houses. The affected structures built at the PAP's own costs will be compensated for at full replacement costs.
- Tenants who are leasing a private house for living purposes will be provided with transportation allowance for moving assets, and will be assisted in identifying alternative accommodation.

d) For Loss of Standing Crops and Trees or aquaculture products

For annual and perennial standing crops, trees or aquaculture products, regardless of the legal status of the land, cash compensation at full replacement cost will be paid to the affected persons who cultivate the land. The compensation will be sufficient to replace the lost standing crops, trees or aquaculture products at local market rates. Perennial crops or trees will be compensated at a rate calculated on their life time productivity. Where affected trees can be removed and transported, compensation will be paid for the loss of the tree plus the transportation cost.

e) For Loss of Income and/or Business/Productive Assets

For PAPs losing income and/or business/productive assets as a result of land acquisition, the mechanism for compensating will be:

- Allowance for Business Loss: All affected businesses and production households whose income is affected will be compensated and/or supported for losses in business equivalent to 50% of their actual annual income: (i) For licensed businesses the compensation will be based on their average yearly income as declared with the taxation agency over the previous three years, and (ii) For unregistered affected businesses but have made their tax obligations the compensation will be supported by 50% of the specified support.
- Employees who are affected by acquisition of residential/commercial land acquisition, public land or land of enterprises: Allowance equivalent to the minimum salary as per the City regulations to affected employees during the transition period which can be for a maximum of 6 months. Assistance in finding alternative employment will also be given.
- If the business has to be relocated, the project will provide an alternative site with location advantage and physical attributes similar to the land lost, and with easy access to a customer base, satisfactory to the PAP. Alternatively, the PAP will receive compensation in cash for the affected land and attached structures at replacement cost, plus transportation allowance for movable assets.

f) Compensation for Graves

Compensation for the removal of graves/ tombs will include the cost of excavation, relocation, reburial and other related costs which are necessary to satisfy customary requirements. Compensation in cash will be paid to each affected family or to the affected group as a whole as is determined through a process of consultation with the affected community. The level of compensation will be decided in consultation with the affected families/communities. Household and individual graves are considered physical cultural resources (PCR) and even though the costs associated with their relocation will be covered in the resettlement plan, the WB OP 4.11 on Physical Cultural Resources should be triggered and relevant cross references should be made to the Environmental Management Plan or Project Implementation Manual.

g) Compensation for other assets

In the case of the affected households is equipped with telephone system, water meter, electric meter, cable TV, internet access (subscription), well shall be compensated according to unit price of installing new units offer service announcement or relocation costs due to service providers

regulations.

h) Compensation for Loss of Public Structures

In cases where community infrastructure such as schools, factories, water sources, roads, sewage systems, medical centers, distribution/transmission, communication and fiber cable are damaged and the community wishes to reuse them, the project will ensure that these are restored or repaired as the case may be, at no cost to the community. Public infrastructure directly related to people's livelihoods and developmental needs, such as irrigation canals, school, clinic, etc. will be restored/rebuilt to pre-project or higher quality levels or compensated at replacement cost, as determined through consultation with the affected community.

3.2.2. Compensation Policy for Temporary Impact during Construction

When PAPs are adversely impacted by project works on a temporary basis, they are entitled to the following:

- Compensation for all affected assets/investments made on the land, including trees, crops etc., at full replacement cost;
- Cash compensation for rental loss, which is at least equivalent to the net income that would have been derived from the affected property during the period of disruption;

Damages caused by contractors to private or public structures: Damaged property will be restored to its former condition by contractors, immediately upon completion of civil works. Under their contract specifications, the contractors will be required to take extreme care to avoid damaging property during their construction activities. Where damages do occur, the contractor will be required to repair the damage and may also be required to pay compensation to the affected families, groups, communities, or government agencies at the same compensation rates that are applied to all other assets affected by the Project.

Secondary PAPs: This refers to PAPs affected by development of individual resettlement or group resettlement sites. Because all secondary PAPs are likely to be affected in similar ways as primary ones, they will be entitled to compensation and rehabilitation assistance in accordance with the impacts on them and according to the same compensation rates and procedures that apply to all PAPs affected in this project.

Compensation for Loss of Community Assets: In cases where community infrastructure such as schools, bridges, factories, water sources, roads, sewage systems are damaged, the project will ensure that these will be restored or repaired at no cost for the community, and be done to a standard that meets the community's satisfaction.

Any other impacts that may be identified during implementation

Any other impacts identified during project implementation will be compensated in accordance with the principles of this RPF and World Bank OP 4.12. Any disruption of business will be compensated in accordance with the principles of this RPF.

3.2.3. Allowances and Rehabilitation Assistance

Besides the compensation for affected assets, PAPs will be provided with financial assistance to cover their expenses during the transition period. The assistance levels will be adjusted, taking into account inflation factor and price increase to be appropriate to the payment time. They include, but are not limited to:

For Impacts on Residential Land:

a. *Transportation Allowance* to relocating PAP:

The support level moving to new location: moving in the city will be supported 6,000,000VND/household; particularly for level 4 housing and temporary housing will be supported 4,000,000VND/household. If moving out of city will be supported 10,000,000VND/household.

In case of eligibility for rebuilding house in the old place on the remaining land area shall be calculated 50% of the support of the case moving other places.

- b. *Removal Support*: Organizations and PAPs that are allocated or leased land by the state or are lawfully using land and have to relocate their productive and/or business establishments are entitled to financial support for dismantling, relocating and re-installation of the establishment. Support levels will be determined by actual costs at the time of removal, based on self-declaration of the organizations and verification by the agency in charge of compensation. This will then be submitted to the relevant authorities for approval.
- c. *House Renting Allowance* or temporary accommodation will be provided to PAPs who may be forced to relocate from their original homes and are still awaiting the replacement land plots or apartments. In the case of replacement land plots, the rental allowance will extend to the period during which the new house is being built.

For Impacts on Agricultural Land:

- *Allowance for Loss of Livelihood (during transition period)*: (i) PAPs losing 20 - 70% of their agricultural landholding (or 10 - 70% for the poor and vulnerable groups) will be provided with compensation by three hundred (300) thousand VND /person/month for 6 months if they do not have to relocate, and for 12 months in case of relocation. In some special cases, in extremely difficult areas, the compensation may be provided for a maximum of 24 months; (ii) PAPs losing more than 70% of their agricultural landholding will be assisted at the above rate for a period of 12 months if they do not have to relocate, and 24 months in case of relocation. In some special cases, in extremely difficult areas, the compensation may be provided up to a maximum of 36 months; (iii) Households *affected by loss of less than 20% of land, where the remaining land is rendered unviable for continued use*, will be assisted with the above support plus any additional support as determined, for a period of 12 months. In case of land-for-land compensation, PAPs will be assisted with seedlings, agricultural-forestry extension programs, husbandry etc.

- **Support for Skill/Job Change:** The project will offer a range of training options in consultation with the affected PAPs and relevant to the market demand and needs of the area. The financial compensation will at most 5 times the agricultural land prices established by HCMPC of the acquired agricultural land, but subject to the local land allocation limit as per Government's regulations.
- **Support for training, apprenticeships on vocational training establishments:** At least one member of each affected household will be entitled to vocational training and assistance in getting employment in the HCMC PC. The PAPs participating in such training programs will be exempted from payment of tuition fees. After finishing training courses, they will be given priorities to be recruited in local manufacturing industries.
- **Assistance for agricultural, garden and pond land adjacent to, but not included in the category of residential land:** Additional assistance (equivalent 40% of the cost of compensation for the adjacent residential plot) for garden land and pond land; and (at 50% of the cost of compensation for the adjacent residential plot) for agricultural land.
- **Other allowances/ assistance:**
 - Incentive Bonus: All PAPs who vacate the affected land immediately after receiving compensation and allowances will be given an incentive allowance of 3-5 million VND.
 - Repair Allowance: If house/structure is partially affected and the remaining structure is viable for continued use, the project will provide a repair allowance equivalent to 20% of the compensation for the affected part of the structure, to enable PAPs to restore it to former or better conditions.
 - Relocated households which eligible for resettlement, but self accommodation: an amount supported for investment in infrastructure cost/m2 announced by the Ministry of Construction, the land area to support is the actual recovery land but not exceeding the limit of land allocation in accordance with regulations.
 - Households relocating with school-going children will be supported with 1-year tuition as regulated by the Ministry of Education

Allowances/ Assistance Targeted to Vulnerable Households:

- **For landless households:** Assistance through provision of an apartment with either payment by installment to buy it or rent it for living (at PAP's choice). Additional assistance will be considered if needed to ensure the PAP have a place to live.
- **Social Policy:** (i) Relocated Households which included heroic mothers, heroic armed force, heroic labor, war veterans, wounded or dead soldiers will be provided with support as regulated by the PPCs from 2 million to 6 million VND per household: (ii) Poor Relocated Household or Poor Household whose 10% or more of their productive land affected or where <10% land affected but the remaining land is rendered unviable: 3-5 mil/HH (to be certified by local authority).
- **Other vulnerable groups:** Female headed households with dependents, household with disabled persons, elderly without any source of support and ethnic minority households

will get the same additional support given to poor households in accordance with the provincial policy but not less than VND 3 mil per household.

- PAPs who will lose income sources will be entitled to take part in Income Restoration Programs. Rehabilitation measures like agricultural extension services, job training and creation, credit access and/or other measures as appropriate will be given to PAPs losing income sources to ensure their livelihood could be restored to the pre-project level.

Apart from the assistances mentioned above, based on the actual situation, the Project may consider other assistances to secure life stabilization, culture, production and livelihoods of APs.

4. ELIGIBILITY CRITERIA AND ENTITLEMENTS

Project affected people.

People directly affected by a project through the loss of land, residences, other structures, business, assets, or access to resources, specifically are:

- Persons whose agricultural land will be affected (permanently or temporarily) by the Project;
- Persons whose residential land/houses will be affected (permanently or temporarily) by the Project;
- Persons whose leased-houses will be affected (permanently or temporarily) by the Project;
- Persons whose businesses, occupations, or places of work will be affected (permanently or temporarily) by the Project;
- Persons whose crops (annual and perennial)/ trees will be affected in part or in total by the Project;
- Persons whose other assets or access to those assets, will be affected in part or in total by the Project; and
- Persons whose livelihoods will be impacted (permanently or temporarily) due to restriction of access to protected areas by the Project.

Identification of vulnerable groups or Households (HHs): the initial rapid socioeconomic surveys, the vulnerable groups will generally include the following:

- Poor and poorest households as identified by DOLISA and other pertinent national survey results. (Decision No. 37/2012/QD-UBND, HCM City date 08/16/2012 on promulgating standards near poor households apply for the period 2011-2015). Poor rural landless households, especially those that are heavily natural resource dependent;
- Poor landholders that have limited productive land (this will be determined by the minimum amount of farm land needed to be a viable farmer in the project area)
- Ethnic minority Households

- Mentally and physically handicapped people or people in poor physical health; infants, children and women without assistance;
- Poorest women-headed households or women-headed households with no other support;
- Other PAP identified by the project management unit and who may not be protected through national land compensation or land titling; or
- Any additional groups identified by the socio economic surveys and by meaningful public consultation.

Eligibility: The eligibility for entitlement to compensation is determined by asset ownership criteria:

- (i) Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country. In the consideration, it is also useful to document how long they have been using the land or the assets associated with it);
- (ii) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan;
- (iii) Those who have no recognizable legal right or claim to the land they are occupying.

Persons covered under (i) and (ii) are provided compensation for the land they lose, and other assistance. Persons covered under (iii) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established by the borrower and acceptable to the Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (i), (ii), or (iii) are provided compensation for loss of owned or used assets other than land.

Entitlements: With respect to a particular eligibility category, entitlements are the sum of compensations and other forms of assistance provided to project affected persons. Please refer to Annex 1 for the Full Entitlement Matrix.

New households after the cut-off-date:

Those households splitting from the large families after the cut-off-date who meet the following conditions will be eligible for resettlement benefits as stand-alone households and are recognized as PAPs:

- a. Households splitting from a family with minimum of two couples and having minimum of six persons; and
- b. Endorsement by the District authority, with verification of commune's People's Committee that the household has split.

Newly born children, spouses of persons named in the household registration books, people who have completed military service, and people who have just returned from schools to live with the

affected households prior to the cut-off date will be entitled to the compensation and support measures outlined in this document.

5. IMPLEMENTATION ARRANGEMENTS

The following section specifies the key responsibilities of relevant stakeholders with respect to implementation of Resettlement Action Plan for site specific civil works/subprojects that will be finalized/determined during project implementation.

5.1. Responsibility of Project Stakeholders

5.1.1. 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.

5.1.2. 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)

5.1.3. 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:

- a. Work closely with the WB to prepare the agreed RAP in accordance with the RPF.

- b. 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.
- c. 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.
- d. Ensure the RAP is prepared in accordance with the RPF.

During RAP implementation:

- e. Take lead in recruitment of consultants who will carry out a replacement costs survey, and independent monitoring of RAP implementation.
- f. 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.
- g. 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.
- h. Prepare bi-annual progress reports and submit to the WB
- i. 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.
- j. 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

5.1.4. 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 PAP's 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.

5.1.5. 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.

5.2. 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). .

5.3. Preparation and Approval procedures for a Resettlement Action Plan (RAP)

5.3.1. Preparation of a RAP:

Where a RAP is required during project implementation, it will be prepared by HCM GTD PMU in compliance with the requirements of this RPF, and in consultation with HCMC PC and relevant

departments, District PC(s). The following section presents typical elements that would be required for a RAP, and steps in RAP preparation:

Elements of RAP:

Depending on the scope of land acquisition impact, a full RAP or an abbreviated RAP could be prepared

A full RAP is required when the project social assessment identifies significant resettlement effects. It must be prepared before the appraisal of the subproject. A full RAP should contain the following elements:

- (i) Description of the Project;
- (ii) Project potential resettlement impacts;
- (iii) Objectives;
- (iv) Socio-economic studies;
- (v) Legal framework;
- (vi) Eligibility for compensation and rehabilitation;
- (vii) Valuation of assets and compensation for losses;
- (viii) Resettlement measure site selection, site preparation and relocation;
- (ix) Housing, infrastructure and social services;
- (x) Organizational responsibilities;
- (xi) Public participation, consultation and grievance resolution mechanisms;
- (xii) Implementation schedule for resettlement activities;
- (xiii) Cost estimates and budget, and
- (xiv) Monitoring and Evaluation.

Where impacts on the entire affected population are minor (if the affected people are not physically displaced and less than 10 percent of their productive assets are lost), or fewer than 200 people are affected, an abbreviated RAP may be prepared.

As a minimum, an abbreviated RAP should cover the following:

- (i) a census survey of APs and affected assets;
- (ii) a description of compensation and other resettlement assistance to be provided;
- (iii) consultations with affected people about alternatives;
- (iv) institutional responsibility for implementation, and
- (v) a timetable and budget.

Please contact the Bank’s Task Team for further guidance on preparation of site-specific RAP when required.

RAP Preparation

The preparation of RAP involves community participation, and a multi-dimensional analysis, including a social assessment. In the planning stage of the project, the following steps may be followed:

Step 1. Based on the preliminary project design for the subproject, make preliminary assessment on the magnitude of social impact to determine the scope of social assessment of the project (magnitude of land acquisition, or resettlement).

Step 2. On the basis of the known social impact, make recommendations to project design, if needed, to avoid, minimize, or mitigate the subproject impact.

Step 3. If Step 2 is not necessary, conduct a census survey to understand clearly the magnitude of impact at households level. This may involve collection of socioeconomic data on the affected households against the magnitude of land acquisition impact. The following types of data should be collected as part of the socioeconomic survey:

(i) Data about APs, total number of APs:

- Demographic, education, income, and occupational profiles;
- Inventory of all property and assets affected;
- Socioeconomic production systems and use of natural resources;
- Inventory of common property resources if any;
- Economic activities of all affected people, including vulnerable groups;
- Social networks and social organization;
- Cultural systems and sites;
- Public utilities such as clinics, post offices, water supply, power supply, markets, etc;

(ii) Data on land and the area:

- Map of the area and villages affected by land acquisition
- Total land area acquired for the Project
- Land type and land use
- Ownership, tenure, and land use patterns
- Land acquisition procedures and compensation
- Existing civic facilities and infrastructures

Step 4. In parallel with the AP census survey, consultation with APs will continue to identify their preferences and the special needs that should be addressed in the RAP. In addition, study on replacement costs for land, crops, and other assets needs to be conducted so that the cost estimates for the RAP can be provided.

Step 5. Prepare a RAP. The Entitlement Matrix in this framework (Annex 1) should be used for the project.

Step 6. Once the draft RAP is acceptable to the Bank, disclose the RAP at public meetings for the project to consult with potentially affected households, and the general public,

5.3.2. Appraisal of RAP

A RAP prepared for the project must be in accordance with this RPF. Once the RAP document is finalized, it should be sent to the World Bank for review and No Objection. After that, HCMC PC will be responsible for approval of the RAP and all resettlement-related issues, to enable RAP

implementation. The WB shall not approve any civil works contracts for any project's sections to be financed from the loan unless the compensation payment and provision of rehabilitation measures in the respective sections have been satisfactorily completed, in accordance with the project's RPF.

6. CONSULTATION WITH PROJECT AFFECTED PEOPLE

6.1. Objectives of Consultation

First, consultation with APs aims to ensure the active participation of potentially affected households, and other relevant stakeholders will reduce the potential conflicts/grievance, which may potentially affect the project implementation progress. Second, consultation with potentially affected households, and other relevant stakeholders will enable the Project to design the resettlement/ rehabilitation program that could meet the needs and expectations of of the potentially affected households. The objectives of the consultation exercise are as follows:

- (i) to ensure that both local authorities and representatives of APs, are included in the planning and decision-making processes related to project design, RAP preparation and implementation. The PMU needs to work closely with the DPCs during project implementation to ensure affected households are appropriately consulted during RAP preparation and implementation.
- (ii) to fully share information about the proposed project components and activities with the APs;
- (iii) to obtain information about the needs and priorities of the APs, as well as information about their reactions to proposed policies and activities;
- (iv) to ensure that APs are able to make fully informed decisions that will directly affect their incomes and living standards, and that they will have the opportunity to participate in activities and decision-making about issues that will directly affect them;
- (v) to obtain the co-operation and participation of the APs and communities in activities necessary for resettlement planning and implementation, and
- (vi) to ensure transparency in all activities related to land acquisition, resettlement, and rehabilitation.

6.2. Consultation Approach adopted for preparation of this RPF

This Resettlement Policy Framework (RPF) was developed on basis of the consultations with potentially affected households which were conducted at various consultation meetings from August to September 2014. Participants in the consultation include potentially affected households (at the Rach Chiec End Terminal and Thu Thiem Technical Facility), and government officials.

The consultation outcomes are not only useful for informing the formulation of this RPF, but also beneficial to the design of various projects activities. They help address and mitigate adverse impacts and maximizing project benefits on the directly and indirectly targeted population.

6.3. Consultation approach that is recommended for Preparation of sub project RAP during project implementation.

During the identification and preparation for sub-RAP, public information and consultation will be conducted to gather information for assessing the project resettlement impacts and to provide recommendations on possible alternative technical options to reduce and/or mitigate potential negative resettlement impacts on local population and to proactively address issues or problems that may emerge during implementation.

The methods used for project information and public consultation may include participatory rapid appraisal, stakeholder consultations through site and household visits, public meetings, focus group discussions and household socio-economic survey.

Local authorities and leaders of different administrative will be informed about the project proposal, its objectives and proposed activities, at an early stage of project preparation. They will be intensively consulted and actively participated in discussions on the development needs and priorities of the area they are responsible for, and about their perception toward the project objectives. PAPs will be consulted on project potential impacts and possible measures to reduce potential negative impacts, and improve benefits for local people.

The local authorities will be consulted on their agreement and commitments to follow the project resettlement policy described in the RPF, reflecting both the Government and WB resettlement objectives and principles.

After the project is approved, mass media, including both central and local TV programs and newspapers will introduce the proposed project to the broad public, including its objectives, and on-going activities.

During project implementation, Project Management Unit will undertake the following:

- Information Dissemination:
 - i. Provide information to resettlement committees at all levels through training workshops. Detailed information on the project policies and implementation procedures will be provided.
 - ii. Conduct information dissemination to, and consultation with PAPs throughout the life of the project.
 - iii. Update the compensation unit prices, and confirm land acquisition and impact on properties/assets through a Detailed Measurement Survey (DMS) in consultation with PAPs.
 - iv. The DRCs 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 PAPs in the DMS follow-up visit to each household.
 - v. The Compensation Forms, showing the household's affected assets and compensation entitlements will be signed by the PAPs to indicate their agreement with the

assessment. Any complaints the PAPs have about the contents of the form will be recorded at this time.

- vi. A letter/questionnaire about resettlement options will be given to all PAPs entitled to relocation (a) to inform them about resettlement options (a clear explanation of the consequences of choosing each option will be given), (b) to request that PAPs confirm their choice of resettlement option and their preliminary confirmation of resettlement site location, and (c) to request that PAPs indicate services such as education/health/markets that they are currently using and their current distance from such services.
- vii. Consultation regarding PAPs preferred option for rehabilitation assistance: This applies to severely affected and vulnerable PAPs. The resettlement committee will inform the PAPs of options and entitlement to rehabilitation assistance before asking them to indicate preferences for such rehabilitation assistance.

- **Public Meetings**

Prior to the beginning of the detailed design, a public meeting will be held in each ward/commune to provide PAPs with additional information and an opportunity for open discussion about resettlement policies and procedures in each affected commune. A letter of invitation will be sent to all PAPs before the meeting in their area. This meeting is intended to clarify information that has been given to date and to provide PAP with the opportunity to discuss issues of concern and obtain clarification. In addition to a letter informing the PAP, other means will be used to inform PAP and the general public such as posters in prominent locations in the communes and districts where PAP currently reside. Radio and newspapers will also be used to convey information and elicit response. These announcements and notices will advise the time and location of the meeting, and who can attend. Both men and women from affected households will be encouraged to attend, as well as other interested community members. The meeting will explain the Project, and households' rights and entitlements. There will be opportunities to ask questions. Such meetings will be conducted periodically during the life of the Project.

Relevant information will be given to the PAP at the meetings (verbally, graphically, and/or on printed information sheets). Extra copies of the printed information sheets will be available at township and district offices throughout the project area. The meetings are proposed to have the following format:

- i. Explanations given verbally and in visual format, including written information and drawings of the proposed design for the different works supported by the Project.
- ii. Adequate opportunities will be provided for PAPs to respond with questions and comments. PAPs will be encouraged to contribute their ideas for PAP rehabilitation options.
- iii. DRCs will establish a complete list of all PAPs present at the meetings.
- iv. DRCs will make a complete record of all questions, comments, opinions and decisions that arise during the information/consultation meetings, and present a report of all the meetings to the Project Management Unit.

The following information will be given to PAPs:

- i. **Project components and projects.** This includes the places where they can obtain more detailed information about the Project.
- ii. **Project impacts.** Impacts on the people living and working in the affected areas of the project, including explanations about the need for land acquisition for each project.
- iii. **PAPs rights and entitlements.** These will be defined for PAPs. A cut-off date will be announced to establish eligibility. The rights and entitlements for different impact on PAPs, including the entitlements for those losing businesses, jobs and income will be explained. Available options include for land-for-land and cash compensation, options regarding reorganizing and individual resettlement, provisions and entitlements to be provided for each PAP, entitlement to rehabilitation assistance and opportunities for project-related employment will all be discussed and explained.
- iv. **Grievance mechanism and the appeal process.** PAPs will be informed that the project policies and procedures are designed to ensure their pre-project living standards are restored. PAPs will also be informed that if there is any confusion or misunderstanding about any aspect of the Project, the resettlement committee can help resolve problems. If they have complaints about any aspect of the land acquisition, compensation, resettlement, and rehabilitation process, including the compensation rates being offered for their losses, they have the right to make complaints and to have their complaints heard. PAPs will receive an explanation about how to access grievance redress procedures. They will be given information with details of which office to contact and local contact points for grievance redress.
- v. **Right to participate and be consulted.** The PAPs will be informed about their right to participate in the planning and implementation of the resettlement process. The PAPs will be represented in District's resettlement committees, and the representative for the PAP will be present whenever commune/district/provincial committees meet so that their participation in all aspects of the project is assured.
- vi. **Resettlement activities.** PAPs will be given an explanation regarding compensation calculations and compensation payments; monitoring procedures which will include interviews with a sample of PAPs; relocation to an individual location/self-relocation; and preliminary information about physical works procedures.
- vii. **Organizational responsibilities.** PAPs will be informed about the organizations and levels of Government involved in resettlement and the responsibilities of each, as well as the names and positions of the government officials with phone numbers, office locations, and office hours if available.
- viii. **Implementation schedule.** PAPs will receive the proposed schedule for the main resettlement activities and informed that physical works will start only after the completion of all resettlement activities and clearance. It will be clarified that they will be expected to move only after receiving full payment of compensation for their lost assets. Implementation schedules and charts will be provided to resettlement committees at all levels.

The information provide to PAP should be summarized in a Project Information Booklet (PIB) that could be distributed to affected households for their use, as well as their family members' study (Please see Annex 3 for suggestive type of information that need to be included in a (PIB).

7. PUBLIC DISCLOSURE

As per Bank's requirement, the RPF will be disclosed in Vietnamese at local level, particularly at the office of PMU, District PCs, Ward/Commune PCs and the World Bank's Vietnam Development Information Center (VDIC) in Hanoi before and after it is approved by the Government of Vietnam. The English version of this RPF will be also disclosed at the World Bank Info Shop in Washington D.C. before and after the project appraisal.

8. 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.

9. COSTS AND BUDGET

For purpose of preparing the Project costs, a preliminary budget estimate is prepared. Compensation rates for residential and agricultural land, houses, structures, trees and crops used to estimate resettlement budget 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. Following Table summarize the estimated resettlement budget of the project.

Table 3. Estimated resettlement budget of the project

No.	Items	Total (VND)	Total (USD)
A. Thu Thiem Technical Facility		76,966,758,000	3,630,507
1	Agricultural land	48,579,200,000	2,291,472
2	Pond	8,288,000,000	390,943
3	House	747,000,000	35,236
4	Secondary structures	80,000,000	3,774
5	Crops & trees	611,950,000	28,866
6	Allowances	2,000,000	94
	Total (1-6)	58,308,150,000	2,750,384
7	Implementation cost (2% of total 1-6)	1,166,163,000	55,008
8	Contingency (30%)	17,492,445,000	825,115
B	Rach Chiec Station	37,196,707,680	1,754,562
1	Residential land	7,679,750,000	362,252
2	Agricultural land	17,212,800,000	811,925
3	House	2,395,380,000	112,990
4	Secondary structures	476,304,000	22,467
5	Crops & trees	382,090,000	18,023
6	Allowances	33,000,000	1,557
	Total (1-6)	28,179,324,000	1,329,213
7	Implementation cost (2% of total 1-6)	563,586,480	26,584
8	Contingency (30%)	8,453,797,200	398,764
C	Public works	19,080,000,000	900,000
D	Monitoring	1,220,000,000	57,547
	TOTAL A + B + C + D	134,463,465,680	6,342,616

The cost for the allowances and resettlement assistance includes of the items which were described in the entitlement matrix.

Regarding monitoring cost, UCCI is responsible for contracting with a 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 1.22 Billion VND for 6 quarterly monitoring reports and one post-resettlement evaluation. An 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.

For the contingency cost, it is learned from the implemented projects; the rate for contingency should be at about 30% 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.

A budget of more than 19 billion VND is allocated for compensations/removals of public works may be affected by the project.

Total cost for compensation of land and non-land assets and allowances is about **134.5** billion VND, equivalents more than US\$ 6.342 million (US\$1 = 21.200 VND).

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. 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.

10. MONITORING AND EVALUATION

10.2. 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.

10.3. 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 Team are 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.

10.4. 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.

Annex1. Entitlement Matrix

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
<p>1. Productive land¹(Agricultural, garden, pond land, etc.) either in or out of the residential area.</p>	<p><u>Legal land users</u></p> <p>1.1. Marginal loss (<20% of land holding or <10% for vulnerable group) The remaining area of affected plot is still economically viable for use or meets the expected</p>	<p>Cash compensation at replacement cost (free from taxes and transaction costs) for the affected area of the land.</p>	<p>- Affected households to be notified at least ninety days before land recovery by the Project.</p> <p>- The owner of land will hand over the land within 20 days from the date District Compensation Board fully pays compensation for land.</p> <p>-</p>

¹The 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	Entitlements	Implementation Arrangements
	<p>personal yield.</p> <p>1.2. Loss >20% or >10% for vulnerable groups</p>	<p>Land for land compensation should be as the preferred option. If land is not available, or at the PAP's choice, cash compensation can be provided for the lost area at 100% of land replacement cost. The PAP will be provided with the additional rehabilitation measures to restore the lost income sources</p>	<ul style="list-style-type: none"> - Other assistance options which city could decide based on the locality conditions. - Affected households to be notified at least ninety days before land recovery by the Project - The owner of land will hand over the land within 20 days from the date District Compensation Board/ has paid compensation and other allowances in full. - For poor, vulnerable and severely affected farmers, including landless, allocation of arable land equal to per capita arable land in commune, or if there no land available for allocation or, on the PAPs request through informed

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
			choice, training/ rehabilitation programs will be provided to at least restore, if not improve, their income and living standards.
	<u>Land Users with temporary or leased rights to use land.</u>	Cash compensation at the amount corresponding to the remaining investment on the land.	
	<u>Land Users who do not have formal or customary rights to the affected land</u>	<p>Agricultural land used before July 1, 2004 will be compensated at 100% as per Article 77.2 of the Land Law. In addition to above, rehabilitation/training assistance will be provided.</p> <p>Other cases will be considered by HCMPC to provide supports according to Articles 19, 20, 21, 22, 23, 24, 25 Decree 47 for ensuring the entitlements of PAPs.</p> <p>In case the PAP uses public land where there was previous agreement to return the land to the Government when so requested, they will not be compensated for the acquired public land but will be compensated for structures, crops, trees and other assets on the land at 100% of the replacement cost.</p>	

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
2. Residential land	2.1. Marginal loss (i.e., land is still viable for use and not requiring relocation).	<p>Compensation for loss of land in cash at (i) replacement cost to the legal and legalizable land users; (ii) An financial assistance of an agreed amount to the land users not having recognizable land use right.</p> <p>If PAPs have to rebuild their houses, they will receive a house rental allowance for 3 months in recognition of the time needed to rebuild their houses.</p>	<ul style="list-style-type: none"> - Affected household to be notified at least 180 days before land recovery by the Project. - The owner of land will hand over the land within 20 days from the date District Compensation Board/ has paid compensation in full.
	2.2. Relocated PAPs	<p><i>i) Legal or legalizable land users:</i></p> <p>A land plot in a resettlement site or apartment will be provided to the PAP, in consultation with them. They will have full land title or apartment ownership title without any cost to them.</p> <p>Or, on request of the PAPs through informed choice, cash compensation at full replacement cost plus the amount equivalent to the value of the infrastructure investments calculated averagely for each household in a resettlement site. In this case, they will be expected to relocate themselves.</p> <p>If the compensation amounts is less than the cost of a minimum land plot/apartment in the project's resettlement site, PAPs will be provided additional supported to enable them to acquire the land</p>	<ul style="list-style-type: none"> - Affected household to be notified at least 180 days before land recovery by the Project. - The process of compensation for a plot/apartment for legal and legalizable PAPs at the resettlement site will be as follows: - If the selling cost of minimum plot(s)/apartment at the new

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
		<p>plot/apartment (or cash assistance will be provided equivalent to this difference for self-relocated PAPs).</p> <p><i>(ii) PAPs who do not have formal, or customary rights to the affected land:</i></p> <p>An identified financial assistance of agreed amount will be provided. If the PAP has no place to move, an apartment in the resettlement site will be provided and the PAP can either pay in installment to buy or rent it for living</p> <p>In case the relocated PAP belong to poor or vulnerable groups or HHs, the project will provide assistance to ensure that the PAP is able to relocate and re-establish themselves to a new site.</p>	<p>site is more than the value of the affected residential land, PAPs receive new plot/apartment at no additional cost.</p> <p>- If the plot(s)/apartment at the new site is equal the value of affected residential land, PAPs receive new plot/apartment at the new site without any balance.</p> <p>- If the plot(s)/apartment at the new site is less than the value of affected residential land, PAPs will receive plot/apartment and the difference in cash.</p> <p>The planning and detailed design for the relocation sites will be done by consultant of DCB in consultation with stakeholders and then approved</p>

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
			<p>by the CPC.</p> <p>Detailed regulation on plot/apartment allocation will be developed by DCB through consultation with commune and PAPs, followed by approval of CPC.</p> <p>For relocating households, assistance is in form of land-for-land of similar characteristics with title at no cost. The replacement land is no less than 40m², or compensation in cash with equal value if PAPs for self-relocation.</p> <p>Area and number of land plot/apartment in resettlement sites will be decided in consultation with PAPs.</p>

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
			For poor or vulnerable PAPs who have no other residential land in the same as their affected commune, the project will provide an apartment and the PAPs can either pay in installment to buy or rent it for living
3. Houses	3.1. Partial impact: Unaffected portion of the house is still viable for use and could be remained from the technical viewpoints, therefore, require no relocation.	<ul style="list-style-type: none"> - If house/structure is partially affected and the remaining structure is viable for continued use, the project will provide a house/structure repair cost, in addition to the compensation for affected portion at replacement cost, to enable PAPs to restore it to former or better conditions. - Compensation for other structures/fixed assets will be at full replacement cost and will be in cash. 	The calculation of rates will be based on the actual affected area and not the useable area.

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
	<p>3.2. Full impact (i.e., house is partially acquired by the project but no longer viable for continued use or the entire structure is acquired).</p>	<p>- 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.</p> <p>- 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.</p> <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>
<p>4. Crops and Trees, aquaculture products</p>	<p>Owners regardless of tenure status</p>	<p>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</p>	<p>PAPs will be given notice several months in advance regarding evacuation. Crops grown after issuance of the</p>

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
		sufficient to replace the lost standing crops, trees or aquaculture products.	deadline will not be compensated.
5. Public structures	Loss of, or damage to assets	Either in (i) cash compensation to cover the cost of restoring the facilities or (ii) in kind compensation based on the negotiation between District Compensation Board and owners of assets.	For public structures, the displacement will be carried out by the owners prior to the start of works.
6. Communal-owned assets, collective assets	Loss of, or damage to assets of village, ward, commune, district, provincial government unit.	Either (i) cash compensation to cover the cost of restoring the facilities or (ii) in kind compensation based on the negotiation between DCB and owners of assets.	For the communal owned assets directly affecting lives and production activities of the community, restoration must be done prior to the start of works.
7. Graves	Have to move the graves or tombs	<ul style="list-style-type: none"> - All costs of excavation, relocation and reburial will be reimbursed in cash to the affected family. - Graves to be exhumed and relocated in culturally sensitive and appropriate ways. 	
8. Loss of Income/ Livelihood due to	Impacts due to permanent loss	- <i>Allowance for Loss of Livelihood:</i> Affected person will be compensated with one-time payment at cash of three hundred (300)	

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
<p>loss of productive land</p>	<p>of 20% or more of their total productive land or where <20% land affected but the remaining land is rendered unviable.</p> <p>(Legal, legalizable land users and PAPs with lease agreement over the affected land)</p>	<p>thousand VND/person/month, including:</p> <p>(a) : Affected households losing 20% to 70% of their agricultural land will be assisted for 6 months if the remaining land is viable for continued use, and for 12 months in case the remaining land is rendered unviable and entire land is acquired by the project. In some special cases, in extremely difficult areas, the assistance may be given up to a maximum of 24 months;</p> <p>(b) Affected households losing more than 70% of their agricultural land acquired will be assisted for 12 months if the remaining land is viable for continued use, and for 24 months in case the remaining land is rendered unviable and entire land is acquired by the project. In some special cases, in extremely difficult areas, the assistance may extend to a maximum of 36 months; In addition, these PAPs will be targeted for livelihood restoration program;</p> <p>(c) households affected by loss of <20% of land and the remaining land is rendered unviable for continued use, the PAPs will be provided assistance for 12 months; <i>Assistance for agricultural, garden and pond land in the residential area adjacent to residential land, but not recognized as residential land</i>: Additional assistance (40% of the cost of compensation for the adjacent residential plot) for garden land and pond land; and (at 50% of the cost of compensation for the adjacent residential plot) for</p>	

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
		<p>agricultural land.</p> <p>In case of land-for-land compensation, PAP will be assisted with seedlings, agricultural-forestry extension programs, husbandry etc.</p> <p><i>Vocational conversion assistance:</i> Every PAP affected by loss of productive land, irrespective of the degree of impact, will be provided with additional assistance equivalent to at most 5 times the agricultural land price established by PPC/CPC.</p> <p><i>Support for vocational training and job creation:</i> At least one member of households affected by loss of productive land will be entitled to vocational training and assistance in getting employment in the city. The PAPs participating in such training programs will be exempted from payment of tuition fees course will be paid directly to the vocational training centers. After finishing training courses, they will be given priority to be recruited in local manufacturing industries.</p>	
9. Loss of Income/ Livelihood due to relocation of business	Marginal impacts		

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
	<i>Owner of the affected business and employees</i>	<p>For PAPs losing income and/or business/productive assets as a result of land acquisition, the mechanism for compensating will be:</p> <p>(i) Allowance for Business Loss: All affected businesses and production households whose income is affected will be compensated or supported for losses in business equivalent to 50% of their actual annual income: (a) For licensed businesses the compensation will be based on their average yearly income declared with the taxation agency over the previous three years, and (b) For unregistered affected businesses but have made their tax obligations the compensation will be supported by 50% of the specified (ii) Employees who are affected by acquisition of residential/commercial land acquisition, public land or land of enterprises: Allowance equivalent to the minimum salary as per the provincial regulations to affected employees during the transition period for a maximum of 6 months, and will be assisted in finding alternative employment.</p>	
	<i>Relocating shop owners regardless of tenure status.</i>	<p>If the business has to be relocated, the project will provide alternative site with local advantage and physical attributes similar to the land lost with easy access to customers base, satisfactory to the PAP, OR compensation in cash for the affected land and attached structures at replacement cost, plus transportation allowance for movable attached assets.</p>	<p>PAPs will be given priority for business relocation at conveniently located in order to maximize their benefit from business opportunities. At the time of compensation,</p>

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
			allowances will be adjusted to account for inflation.
10. Allowances /Assistance Targeted to Vulnerable Households	Loss of land and non-land assets <i>Affected vulnerable groups regardless of severity of impacts. The vulnerable groups were defined as in Terms of Terminology</i>	<p>Specific assistance to vulnerable groups would be as follows:</p> <ul style="list-style-type: none"> - <i>For landless households</i>, assistance through provision of an apartment that PAP can either pay in installment to buy or rent it for living. -Social Policy: (i) Relocated Households that include heroic mothers, heroic armed force, heroic labor, war veterans, wounded or dead soldiers families will be provided with support as regulated by the PPCs from 2 million to 6 million VND per household; (ii) Poor Relocated Households or Poor Households where 20% or more of their productive land is affected or where <20% land is affected but the remaining land is rendered unviable: 3-5 mil/HH (to be certified by local authority). - Other vulnerable groups affected by the Project, whether they have to relocate or not, (female headed households with dependents, households with disabled persons, elderly without any source of support, ethnic minority households) will get the same support given to poor households in accordance with the provincial policy but not 	<ul style="list-style-type: none"> - Allowance for households as per Government regulation (social policy households, heroic mothers, wounded, dead soldiers). If the household eligible to more than one additional support allowance for the vulnerable people, only one package with the highest value will be applied

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
		<p>less than VND 3 mil per household.</p> <p>- These households are entitled to take part in Income Restoration Program</p>	
<p>11. Other Allowances/ Assistances</p>	<p>Loss of land and non-land assets</p>	<p><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.</p> <p><i>Repair Allowance:</i> If house/structure is partially affected and the remaining structure is viable for continued use, the project will provide a repair allowance equivalent of 20% of compensation for the affected part of the structure to enable PAPs to restore it to former or better conditions.</p> <p>The relocating households with children who are going to schools will be supported with 1-year tuition as regulated by the Ministry of Education</p> <p>Based on the actual situation of the locality, the HCMPC Chairman issues other allowances to ensure accommodation and livelihood restoration for PAPs.</p>	
<p>12. Temporary impacts</p>	<p>Temporary loss of land</p>	<p>Compensation for all damaged or lost assets, including trees, crops at full replacement cost</p>	<p>If the quality of land is radically changed when returned to PAPs, requiring</p>

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
	and assets.	<p>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;</p> <p>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.</p>	PAPs to change in the types of land use; then PAPs should be compensated for all envisaged cost of losses.
13. Any other impacts that may be identified during implementation	Individuals, organizations in the project area	<p>Entitlements to compensation and other assistance would be provided in accordance with the compensation policy.</p> <p>Secondary impacts on production and business or PAPs isolated from access to resources temporarily have to be compensated and supported in accordance with RAP.</p>	In case of impacts on livelihoods of PAPs, the contractors, construction units have to agree with the households on payment for disruption of business.

Annex 2. Indicators of monitoring implementation of RAP

Monitoring implementation of RAP will be conducted (but not only) according to the following indicators:

Public participation and consultation:

- Verify whether the affected people in the project areas get access to the project information or not;
- Which sources of information did the affected people get from;
- Whether community meeting, popularization on local broadcasting programs, notifications in the local public places, delivery of the project leaflets was implemented;
- Assess with PAPs whether they felt that they received adequate and timely information regarding the sub-project to enable them to participate in aspects of planning and implementation as described in the RAP;
- Verify whether the publicity of information on Resettlement Action Plan and compensation plan are implemented in accordance with the project regulations or not.
- Assess with PAPs whether they felt able to address and resolve grievances and complaints adequately through the mechanisms outlined in the RAP.

Compensation and other entitlements:

- Verify with PAPs who had to relocate on whether they have been adequately consulted about the resettlement site.
- Verify that the Compensation Plans adheres to the RAP and the project Resettlement Policy Framework.
- Verify with PAPs that they received full and accurate compensation and other entitlements in accordance with provisions in RAP
- Verify with PAPs and through a Market Survey that the pricing on the ACF reflects adequately "replacement value"
- Verify with PAPs that allowances and other rehabilitation assistance provided for in the RAP have been adequate and acceptable to them.
- Verify with PAPs that replacement land has been of equal value and productive capacity as the land acquired for the project and that the PAP has a Land User Rights Certificate for the replacement land.
- Verify with PAPs that funds and other assistance provided for reconstruction of structures (houses, stores or other infrastructures of them), rehabilitation of land, or relocation (temporary or permanent) have been adequate and acceptable to them.

- Verify with PAPs that compensation payments were made in due time to allow them to relocate or make other preparations necessary before commencement of road construction works.
- Verify that every reasonable effort has been made to avoid or minimize land acquisition
- Enquire whether all person affected by land acquisition were informed of their rights to compensation and/or resettlement
- Independently evaluate compensation unit price for types of houses, tress, crops, etc.,
- Assess income levels of affected households prior to and after compensation or resettlement
- Determine whether all land acquisition, compensation or resettlement issues have been dealt with in accordance with the Resettlement Policy Framework
- Confirm that PAPs have actually received the compensation as had been assessed before.

Resettlement

- Resettlement households are consulted and participated in selection as well as going to the resettlement area;
- PAPs are consulted and participated in selecting house model – in case that housing construction in the resettlement area was implemented by the contractors;
- PAPs participate in monitoring construction of infrastructure;
- The resettlement areas are completed infrastructure before PAPs move in;
- The resettlement area quality (infrastructure, utility services, house quality – if the house is built by model);

Income restoration

- Income restoration program is built and implemented;
- Severely affected households are recovered their life standard as before the project is implemented;
- Rate of PAPs participating in vocational training;
- Rate of PAPs switching their jobs and income;
- Rate of households participating in livelihood model (by model) and result;
- Evaluate trend of the households' life standard;

Post-project standards:

- Collect the following data on quantitative indicators to measure changes in living standards, income earning capacity and production levels before and after the project; if any:
- Household monthly income (from all sources)

- Amount of debts and savings
- Expenditure pattern (e.g., food, basic supplies, school and health, investment, travel, etc.
- Amount of consumer items (e.g., bicycle, motorbike, TV, radio, etc.)
- Occupation type of household members
- Travel time to place of work
- Attendance of children in school
- Travel time to school for children
- Identification of health problems or ailments
- Travel time to health stations or hospitals
- Travel time to markets, roads, government offices and other public services, as appropriate.
- Collect qualitative indicators on PAP's own assessment of changes in living standards before and after the project at the household and community level.
- Verify with PAPs that community services and resources damaged during road construction works have been fully restored to their previous conditions and operational capacity.

Grievances and complaints:

- Verify with PAPs who processed complaints that the complaints were resolved to their satisfaction.
- Verify with PAPs that they paid no fees for activities or services related to addressing, processing or resolving complaints.

Other issues:

- Address with PAPs other issues arising from the household survey or interviews with the main agencies and institutions involved in the project;
- Collect qualitative indicators on PAP's volume of land lost and affected assets including temporary and permanent.

Annex 3 - Public Information Booklet (PIB)

To ensure that PAPs, their representatives, and local governments in the affected areas fully understand the details of the resettlement program, and are also informed about the compensation and rehabilitation packages applicable to the Project, a Public Information Booklet (PIB) will be prepared by the project management unit, in consultation with the World Bank. This booklet will be distributed to all PAPs in the project area. General contents of the PIB will include the following:

- Brief Description of the Project,
- Implementation Schedule,
- Project Impacts,
- Entitlements and Rights of PAP,
- Resettlement and Rehabilitation Policies
- Impacts of the Project,
- Institutions Responsible for Resettlement,
- Information Dissemination Procedures
- Consultations with Project affected households,
- What To Do if a PAP has a Question or Problem,
- Grievance Procedure, and
- Independent Monitoring.