

Hubei Jingzhou Historic Town Restoration and Conservation Project
Resettlement Policy Framework

**Jingzhou Historic Town Conservation
Project Management Office
July, 2015**

A. Project Summary

1. Jingzhou Historic Town Restoration and Conservation Project Financed by World Bank consists of four core tasks: 1) protect cultural heritage and promote tourism development; 2) improve ecological environment and water environment of the historic town; 3) improve transport in the historic town; 4) project management. This project is planned to be completed in five years from November 2015 to October 2020. In the preparation phase, impacts of land acquisition and house demolition of all identified sub-projects are involved in Resettlement Action Plan formulated by the Project Office.
2. As the project is currently in the preparation stage, design and construction of relevant sub-projects may be subject to change. Especially in restoration sub-project of historic buildings in Dongdi Street and Nanda Street, it is still pending. Whether the affected residents are relocated at the original site or not depends on the following three factors: 1) overall planning of urban construction and tourism development in Dongdi Street and South Gate area; 2) specific technical lines and implementation program for restoration of every ancient building; 3) how to use ancient buildings after restoration. Because these factors are unsettled at present, it is still not made clear whether this sub-project involves land acquisition and house demolition or how much land is requisitioned. **Also, during the implementation of the project, some land acquisition and house demolition maybe caused by project variations, project component modification and linked projects, which is unexpected at present.** Just in case, Jingzhou Historic Town Restoration and Conservation Project Office has formulated the Resettlement Policy Framework. In case any resettlement works as defined by the Policy Framework are required, the Projects Office will undertake to provide detailed information and policies regarding these works, and formulate a concise Resettlement Plan according to World Bank requirements, and submit the Plan to World Bank for approval before its execution.

B. Project Impact

3. According to the preliminary survey, restored ancient buildings are under two ownerships. Public rental houses of 1260.77 square meters are under the ownership of Real Estate Board, including 30 households involving 35 persons. Houses of 830.75 square meters are owned by private persons, involving 11 households with 22 affected persons. Refer to Table 1 and Table 2 for details.

Table 1 Affected residents in public rental houses

No.	Current house No.	Lessee	Family size	Living area (square meter)
1	No.8, Dongdi Street	Real estate management organ		230
		Shi Zuxiang	2	39.67
		Dai Lun	3	57.3
		Ye Dingcui	0	18.6
		Zhou Dicheng	1	40

		Huang Fayan	0	9
		Zhang Dongmei	0	21
		Cheng Xianxia	0	19.22
3	No.12, Dongdi Street	Mei Zhengquan	2	51.2
4	No.14, Dongdi Street	Zhao Xinfu	3	39
5	No.16, Dongdi Street	Dai Juhua	2	28.94
6	No.40, Dongdi Street	Liu Meiping	0	38.5
		Xie Fagui	2	40.36
		Hu Junyou	0	15
		Wang Longxing	1	23
		Liu Mei	2	38.33
		Yang Fengxiang	1	49.15
7	No.11, Dongdi Street	Liu Benjun	0	40
		Yu Jinfeng	1	46.3
11	No.13, Dongdi Street	Zhou Xianmei	2	45.76
		Shao Lifeng	1	39.64
		Zhang Fugui	0	28.9
12	No.23, Dongdi Street	Xiong Wumei	1	30
		Sun Ping	0	32
		Wan Guanfeng	1	16.8
		Jiang Guoying	1	30.4
	No.23, Dongdi Street	Yin Bingzhang	2	33
	No.25, Dongdi Street	Huang Hongxin	1	25
		Wang Tongxiang	1	19
		Gao Feng	2	45.6
14	No.27, Dongdi Street	Ye Xiaohua	3	70.1
Total			35	1260.77

Table 2 Affected private households

No.	Current house No.	Property owner	Family size	Living area (square meter)
1	No.10, Dongdi Street	Chen Ping	1	58.8
		Qi Tonghua	0	56.4
2	No.14, Dongdi Street	Guan Yongzhen	0	36
3	No.15, Dongdi Street	Huang Bin	1	36.6
4	No.17, Dongdi Street	Wei Tingying	4	176.66
5	No.19,21, Dongdi Street	Dai Zhongying	6	128.86
6	No.23, Dongdi Street	Mao Boyuan	2	53.3
7	No.25, Dongdi Street	Huang Hongxin	1	50
		Gong Qiong	5	107.5
		Fang Lianxiu	1	70.16

	Wang Tongxiang	1	56.47
Total		22	830.75

C. Principles and Objectives

4. All project tasks that involve in voluntary resettlement shall comply with the principles provided by this Policy Framework, in order to reduce the amount of resulting land expropriation and resettlement. After the impact of land expropriation and resettlement tasks have been identified, a Resettlement Plan shall be prepared, based on the policies and procedures provided by this Framework.
5. The resettlement policy in China and Jingzhou City shows some differences from that of the World Bank due to some specific reasons. The main gaps are presented in the table below. However, PMO promises that all the policies covered by RPF will be consistent with those of OP 4.12 requirements.

Table1: Resettlement policy differences between China and the World Bank

	Policy of China and Jingzhou	Policy of the World Bank
Goal	Guarantee the construction project can be finished in time and effectively, ensure social stability and harmony.	Avoid or minimize involuntary resettlement as far as possible; ensure living standard of relocated person is not lower than before.
Compensation approach	<ul style="list-style-type: none"> ●land acquisition is generally compensated by currency, supplemented by employment assistance and social security. ●Demolition is generally compensated by money; real house can be taken as compensation if conditions permitted. ●When real house is chosen as compensation, the location and type of resettlement house have been determined. 	<ul style="list-style-type: none"> ●land replacement resettlement shall be provided for population depending on land. ●Affected people have their own right to choose be compensated by currency or real house. ●Location of the resettlement house can be chosen freely by the relocated person.
Calculation method of compensation fees	Take the price of second-hand house that of the same type and purpose at the same district as the compensated price.	The price shall be calculated based on estimated replacement cost, without considering depreciation.
compensation for illegal building	No compensation shall be provided for illegal buildings.	Compensation is provided for illegal buildings.
Public participation	Public participation system is not sound enough, public can only participate in some phases of the project implementation.	Has a complete and sound public participation plan, public can participate in the whole process of the project.
Monitoring arrangement	Internal management mechanism of project owner and resettlement implementation agency conducts the monitoring process.	Including internal monitoring from the internal management mechanism of project owner and resettlement implementation agency and external monitoring from the external independent monitoring unit.
Grievance mechanism	Set up specialized agency to accept public grievance.	Public can appeal through multiple channels and ways, including community, sub-district, project owner, external monitoring agency, etc.

For the above differences, the Project Management Office will summarize the operable resettlement policy that not only abides by basic principle of the World Bank but also takes real situation of Jingzhou City into consideration, which balanced the involuntary resettlement policy of the World Bank and policy in China and was practical.

6. This Policy Framework is aimed to ensure reasonable compensation, and assistance can be provided to the population affected by construction works in the project. Therefore, their original production capacity, income level and living standard can be maintained or improved upon.

7. The project-affected people herein refer to:

(a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);

(b) 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;

8. (c) those who have no recognizable legal right or claim to the land they are occupying. The World Bank OP/BP 4.12 principles were utilized for the preparation of this Framework, namely:

(a) Implementation of the Resettlement Action Plan shall be based on socio-economic survey of affected area and statistics of affected physical indicators, national and local resettlement policies and laws, and the principles of World Bank's Operational Policy OP/BP 4.12 (Involuntary Resettlement).

(b) Optimize project design to minimize impact of resettlement, avoid densely populated areas, and minimize involuntary resettlement. Apply convenient measures in construction, and apply construction plan that causes the least disturbance to local residents.

(c) Compensation and resettlement of displaced persons shall be considered one part of the project. Provide compensation to the displaced persons in a timely manner and make them benefit from the project.

(d) Ensure all affected persons to obtain all compensations to their damages prior to commencement of project. Provide reasonable life accommodation and effective measures of production restoration, and provide subsidy or assistance to help overcome any temporary difficulties.

(e) Ensure the affected population's original living standard, production capacity and income level before the resettlement can be restored or improved upon after the resettlement.

(f) The compensation for the demolished houses, specialized facilities and land attachments shall be calculated according to the replacement cost. The 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. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard.

(g) Compensation options, including physical resettlement and monetary compensation, shall be offered to the affected persons to choose from at their own discretion.

(h) The relocated persons will receive compensation during the transition period and relocation process.

(i) The relocated non-residential organizations will receive relocation subsidy and compensation for production and business suspension.

(j) Special attention shall be given to the vulnerable group, including help in selecting the resettlement houses and relocation into the new houses.

(k) Compensation shall be given to the owners of the infrastructure for the relocation and restoration of infrastructure affected by the project.

(l) Full replacement cost shall be given to the expropriated land and related losses.

(m) All compensations for the expropriated land shall be paid within three months starting from the date when the resettlement plan is approved, no later than the date when construction works start on affected land.

(n) During the preparation and implementation stages of resettlement work, the relocated people shall be encouraged to participate in the process, so as to solicit their suggestions on the resettlement work and publicize the resettlement policy in time.

(o) Great attention shall be given to the complaints and grievances of affected persons. Timely and reasonable assistance shall be given to them to mitigate their difficulties and inconveniences during the resettlement process. The disputes on the compensation rate shall be solved through consultations as soon as possible. If consultation fails, it can be submitted for arbitration or even litigation.

(p) Coordination and collaboration shall be emphasized between all institutions involved in resettlement works. Resettlement institutions shall be established at each level. All workers shall be properly trained.

(q) Any major changes during the implementation process shall be submitted to World Bank beforehand, such as changes to compensation standards, location, size of land expropriation and demolition, and addition of new subprojects.

D. Preparation and Review Process of Resettlement Plan

9. The resettlement plan for populations and organizations affected by the subproject will be prepared and implemented according to the following procedures:

(a) Upon the completion of preliminary project design, the Project Office shall prepare a brief resettlement plan according to policies specified in this Framework.

(b) The brief resettlement plan shall be submitted to the World Bank for approval one month prior to its implementation.

(c) The Project Office, external monitoring units and World Bank can conduct field inspections on the implementation progress of resettlement plan. The organizations involved in project works shall cooperate with their inspection. In case of any problem in the resettlement works, World Bank will request the Project Management Office to take immediate measures to mitigate the problem.

10. In case 200 or more individuals are likely to be adversely affected by the project, then a full RAP must be prepared. If the Census survey determines that less than 200 individuals will be adversely affected by the project activities, then an Abbreviated RAP (ARAP) can be prepared.

An ARAP should include:

(a) Resettlement impact survey and appraisal of affected assets;

(b) Resettlement compensation and other assistance to displaced people;

(c) Soliciting the opinions of displaced populations regarding acceptable alternative plans;

(d) Institutions responsible for implementing the resettlement works, and grievance procedure;

(e) Arrangements for monitoring and implementation;

(f) Time schedule and budget.

A full RAP should include:

(a) Description of the Project

(b) Resettlement Impacts

(c) Socio-economic survey

(d) Policy Objectives, Legal Framework, and Definitions

(e) Valuation and Compensation

(f) Income and Livelihood Rehabilitation Measures

(g) Institutional Arrangements

(h) Budget and Funding Arrangements

(i) Consultation, Disclosure and Grievance Procedures

(j) Monitoring Arrangements

(k) Entitlement Matrix

E. Compensation Standard

11. Compensation standard policy aims to give proper compensation to the affected

people for property losses incurred by the project, and restore or improve their living standard as soon as possible. In overall, the resettlement and restoration plan will encompass the following: (1) compensation for property losses such as houses; (2) provision of living expense allowances as compensation for temporary impact on the displaced persons' livelihood and economic activities; (3) provision of job opportunities or vocational training for unemployed persons in order to restore their income level, with support from enterprises; (4) provision of community facilities and services for affected communities.

12. People who have lost their farmland are entitled to the following compensation:

(a) Monetary compensation for farmland, resettlement and young crops.

(b) For temporary expropriation of farmland, appropriate compensations will be provided for the crop losses, income losses, damage to infrastructure, and costs of reclamation.

13. People who have lost their houses and the houses' affiliated structures are entitled to the following compensation:

(a) The option for physical resettlement of a grade no less than the original house after the completion of the project;

(b) The option for monetary compensation at the replacement price;

(c) Relocation subsidies;

(d) Allowances for expenses during the transitory period, which is determined by the length of the period.

14. People who have lost production and business opportunities are entitled to the following compensation:

(a) Provision of locations for production and business activities elsewhere, which are deemed acceptable by the affected persons;

(b) Reasonable compensation for the relocation and/or damage of facilities;

(c) Compensation for suspension of production and business during the transition period;

(d) Compensation for fixed assets such as houses that are partially or totally affected by the project according to the replacement price.

F. Legal Framework

15. The resettlement work shall be based on the following legislations and policies:

- *Property Law of the People's Republic of China;*

- *Regulations of the People's Republic of China on Disclosure of Government Information;*

- *Regulations on Expropriation of Buildings of State-owned Land and Compensation;*

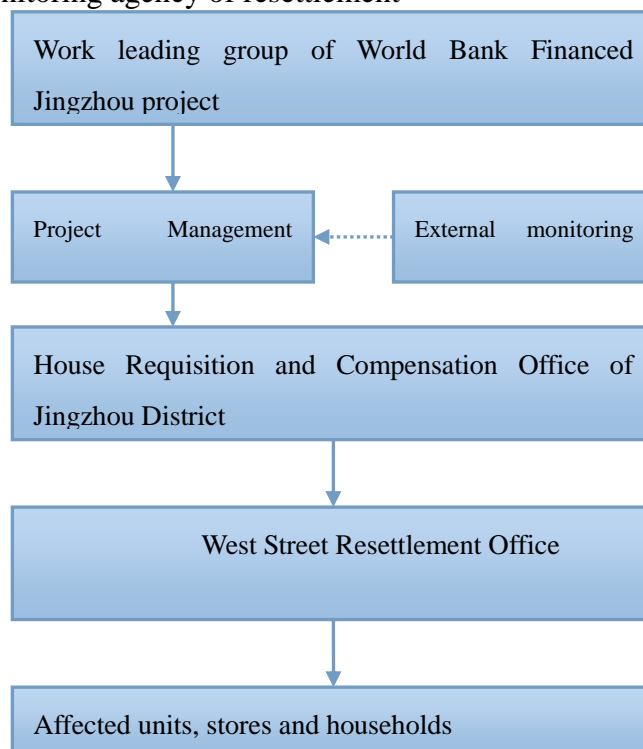
- *Assessment Methods for Expropriation of Buildings on State-owned Land;*

- *Notice on Issuing Unified Annual Production Value and Integrated Land Section Price* of Hubei Provincial People’s Government;
- *Notice on issuing Interim Regulations on Compensation and Resettlement for Land Acquisition in Central Urban Areas of Jingzhou City* by Jingzhou Municipal People’s Government;
- *Opinions on Implementation of Land Acquisition and Compensation on State-owned Land in Central Urban Areas* of Jingzhou Municipal People’s Government;
- World Bank Operating Policy OP4.12 *Involuntary Resettlement* and its appendices;
- World Bank Business Procedure BP4.12 *Involuntary Resettlement* and its appendices.

G. Organizations

16. The major organizations related to the resettlement under this Jingzhou Historic Town Conservation Project are:

- Work leading group of World Bank Financed Jingzhou project
- Jingzhou Historic Town Conservation Project Office
- House Requisition and Compensation Office of Jingzhou District
- West Street Resettlement Office
- Resettlement work group of affected village (Neighborhood Committee)
- External monitoring agency of resettlement



Resettlement organizations of the Jingzhou Historic Town Conservation Project

17. Responsibilities of each organization

Work leading group of World Bank Financed Jingzhou Project

- Fully lead and coordinate preparation and implementation of the project;
- Make decisions on significant policies of resettlement;
- Coordinate relations between resettlement organizations and related authorities.

Project Management Office (PMO)

- Apply to related authorities for Land Planning Permit and Land Construction Permit;
- Formulate policies in the Resettlement Action Plan;
- Coordinate the progress of the construction and implementation of the Resettlement Action Plan;
- Coordinate the work of resettlement organizations;
- Train principals of all sub-project resettlement offices;
- Report the progress of resettlement to the World Bank;
- Communicate with other departments during the implementing phase of resettlement;
- Audit the resettlement fund plan of each sub-project and appropriate resettlement fund;
- Guide and supervise the implementation of resettlement of each sub-project;
- Manage the data and files of resettlement;
- Conduct internal monitoring of resettlement;
- Receive resettlement experts from the World Bank during preparatory and implementing phase;
- Handle the grievance and appeals of relocated people during resettlement;
- Communicate with independent monitoring organizations during the implementation of resettlement.

House Acquisition and Compensation Office of Jingzhou District

- Organize surveys on resettlement of sub-projects;
- Implement resettlement work of sub-projects;
- Formulate and report resettlement fund plan;
- Appropriate resettlement funds;
- Handle the grievance and appeals of relocated people during resettlement;
- Cooperate with independent monitoring organizations of resettlement;
- Collect and classify all data required in internal monitoring report of this sub-project;
- Submit resettlement files to Project Management Office;
- Work with the Project Management Office to deal with the inspection of resettlement experts from the World Bank.

West Street Resettlement Office

- Organize surveys on resettlement of sub-projects in streets;
- Implement resettlement work of sub-projects;
- Appropriate resettlement funds;
- Supervise and manage collective fund of villages;

- Handle the grievance and appeals of relocated people during resettlement;
- Cooperate with independent monitoring organizations of resettlement;
- Collect and classify all required data of internal monitoring report of this sub-project;
- Work with the Project Management Office to deal with the inspection of resettlement experts from the World Bank.

External monitoring agency

During the implementation of resettlement, the external monitoring organization, which takes charge of the resettlement, shall submit external monitoring reports of resettlement to the Project Management Office and the World Bank. The responsibility of independent monitoring organization has been clearly demonstrated in the chapter of External Monitoring.

H. Implementation Procedures

18. The resettlement documents will include a detailed implementation plan encompassing all tasks to be performed. The compensation fund (monetary or physical compensation) and other subsidies will be paid in time according to the actual progress of resettlement work.

I. Grievance Procedures

19. To ensure affected people to express their complaints about the resettlement work, this Framework gives detailed complaints procedures, aiming to respond to residents' complaints in time and avoid complex formalities. The specific complaints procedures are as follows:

Stage 1: affected persons can make their complaints to the Sub-district Land Compensation Office in oral or written form. The Office must make proper written records for oral complaints. The Office must provide a definite answer to any complaint within two weeks.

Stage 2: If the answer from Stage 1 fails to satisfy the affected persons, they may appeal to the Project Management Office within one month after receiving the Stage 1 answer, and the Office shall make decisions to settle the complaint within three weeks.

Stage 3: If the Project Management Office's answer still fails to satisfy the affected persons, they may submit the case to a civil court within 15 days after receiving the answer.

J. Compensation Policies

20. Compensation policies for house demolition of this project shall conform to relevant national laws and regulations, and World Bank policies regarding involuntary resettlement. They include the following main guidelines:

Compensation for land acquisition:

Collective land (rural) will be compensated according to the standard annual production value and district general land price as stipulated by the Hubei Provincial Government. State-owned land (urban) will be compensated according to the compensation measures and market evaluation prices for expropriation of state-owned land as stipulated by the Jingzhou Municipal Government.

House demolition compensation and resettlement:

For expropriation of residential buildings, the option of monetary compensation and property right replacement will be offered as choices for affected persons at their own discretion.

The compensation price of demolished buildings will be determined through market evaluation, using national policies and procedures regarding the selection and working of evaluation institutions.

For expropriation of corporate or institutional buildings or storefronts, monetary compensation will be offered according to market evaluation prices, using national policies and procedures regarding the selection and working of evaluation institutions.

K. Public Participation and Consultation

21. Jingzhou Historic Town Restoration and Conservation Project Office will be responsible for the public participation and consultation procedures within the project zone. The specific measures proposed by the resettlement plan, including resettlement area, compensation policy, compensation standard, measures for restoring production and living standard, etc., shall be widely recognized by the affected population before it is approved and implemented.
22. The affected population shall participate in the whole process from the preparation to implementation of the resettlement plan. To this end, before the resettlement plan is formulated, public meetings will be held to inform the general public of this Resettlement Policy Framework. The local governments shall inform the affected households or non-residential organizations of the compensation standards and their options specified in the resettlement plan.

L. Monitoring

23. Jingzhou Historic Town Restoration and Conservation Project Office is responsible for internal monitoring of resettlement impacts. Monitoring is an integral component of the implementation process, and will evaluate the effects of resettlement according to the planned targets, amend the resettlement plan when necessary, and report any major problem to World Bank promptly. The external monitoring is performed by a qualified independent institution as required by World Bank.