

# Draft Resettlement Plan

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June 2015

## Multitranche Financing Facility Socialist Republic of Viet Nam: Power Transmission Investment Program

### Tranche 3

Prepared by the Southern Vietnam Power Project Management Board for Asian Development Bank.

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## **Second Transformer Bank for 220 kV Vung Tau Substation**

Multi-tranche Financing Facility  
Socialist Republic of Viet Nam: Power Transmission  
Investment Program

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Development Bank.

## **ACRONYMS AND ABBREVIATIONS**

ADB	-	Asian Development Bank
AHs	-	affected households
APs	-	affected persons
CCARB	-	City Compensation, Assistance and Resettlement Board
CP	-	compensation plan
CPC	-	Commune People's Committee
DMS	-	detailed measurement survey
DPC	-	District Peoples Committee
DPs	-	displaced persons
EA	-	executing agency
EMA	-	external monitoring agency
EVN	-	Electricity of Viet Nam
GOV	-	Government of Viet Nam
IA	-	implementing agency
IOL	-	inventory of losses
km	-	kilometer
kV	-	kilovolt
LURC	-	land use right certificate
LFDC	-	Land Fund Development Center
MOLISA	-	Ministry of Labor, Invalid and Social Affairs
m <sup>2</sup>	-	square meter
MFF	-	multi-tranche financing facility
NPT	-	National Power Transmission Corporation
PECC3	-	Power Engineering Consulting Joint Stock Company 3
PIB	-	Public Information Brochure
PICs	-	Project Implementation Consultants
PPC	-	Provincial People's Committee
PTIP	-	Power Transmission Investment Program
RCS	-	replacement cost study
ROW	-	right-of-way
RP	-	resettlement plan
SPPMB	-	Southern Vietnam Power Project Management Board
SES	-	socioeconomic survey
SPS	-	Safeguard Policy Statements
TA	-	technical assistance
TL	-	transmission line
VND	-	Vietnam Dong (Vietnamese Currency)
WPC	-	Ward People's Committee

## ELECTRICAL TERMINOLOGY

kV	(kilovolt)	1,000 volts
MW	(Megawatt)	1,000 kW
MVA	(Megavolt-ampere)	1,000 kVA
Transmission System		500 kV, 220 kV, 110 kV lines
Medium Voltage Distribution (MV)		35 kV, 22 kV or 10 kV lines supplying distribution substations
Low Voltage Distribution (LV)		400/230 V distribution and service lines
Load Factor		Ratio of average power demand to maximum power demand
Electrical Losses		Difference between energy delivered and energy sent out

## REMARKS

In this report, "\$" refers to US dollars.

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## DEFINITION OF TERMS

Affected household (AH)	-	Means any household, person, firm, private or public institution that, on account of changes resulting from the Subproject, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, salt mining and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without displacement. In the case of a household, the term DP includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a subproject or any of its components.
Broad community support	-	Expressed consent or support of affected ethnic minority community or indigenous people (EM or IP) to the project activities where EM/IP groups are deemed to be particularly vulnerable.
Consent of affected ethnic minority (EM) or indigenous people (IP) community	-	This refers to a collective expression by the affected EM Peoples communities, through individuals and/or their recognized representatives, of broad community support for the project activities. Such broad community support may exist even if some individuals or groups object to the project activities. The consent from the affected EM communities will include the formal agreements reached with EM Peoples communities and/or EM Peoples' organizations.
Cut-off date	-	Coincides with the date when the Vung Tau City Center for Land Fund Development Center (LFDC) carried out the detailed measurement survey (DMS) of affected assets for the locally funded 220 Vung Tau Substation and Access Road Project. The AHs will be informed the cut-off date policy of the Power Transmission Investment Program.
Detailed Measurement Survey (DMS)	-	With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of DPs earlier done during RP or REMDP preparation. The final cost of resettlement can be determined following completion of the DMS.
Displaced persons (DPs)	-	In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Entitlement	-	Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the DPs, depending on the type and severity of their losses, to restore their economic and social base.



Eligibility	- Means any person who has settled in the subproject area before the cut-off date that suffers from (i) loss of shelter, (ii) loss of assets or ability to access such assets, permanently or temporarily, or (iii) loss of income sources or livelihood, regardless of relocation ... will be entitled to compensation and/or assistance.
Ethnic minority (EM)/ indigenous people (IP)	- The term ethnic minority or indigenous people is used generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region. In the case of Viet Nam, there is a high degree of consistency between the Vietnamese definition of ethnic minorities and ADB's definition of Indigenous People. The main point of divergence is that, in the case of ADB's policy, a group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage. National legislation, customary law, and any international conventions to which Viet Nam is a party are taken into account for application of the ADB policy.
Income restoration	- This is the re-establishment of sources of income and livelihood of the affected households.
Income restoration program	- A program designed with various activities that aim to support affected persons to recover their income / livelihood to pre-subproject levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations.
Inventory of losses	- This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the subproject right-of-way (ROW) are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of DPs will be determined.
Land acquisition	- Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Meaningful consultation	- A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project

cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to DPs; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of DPs and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues

Rehabilitation		- This refers to additional support provided to AHs/DPs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of pre-project living standards and quality of life.
Relocation		- This is the physical relocation of an AH/DP from its pre-project place of residence and/or business.
Replacement cost		- The term used to determine the value enough to replace affected assets and/or cover transaction costs necessary to replace the affected assets without depreciation for such assets as well as material advantage, taxes and/or travel expenses.
Replacement study	cost	- This refers to the process involved in determining replacement costs of affected assets based on empirical data.
Resettlement		- Means all social and economic impacts that are permanent or temporary and are (i) caused by acquisition of land and other fixed assets, (ii) by change in the use of land, or (iii) restrictions imposed on land, as a result of a project. This includes all measures taken to mitigate any and all adverse impacts of a subproject on DP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.
Resettlement (RP)	plan	- This is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlements, actions, responsibilities, monitoring and evaluation.
Severely affected household		- This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the subproject.
Vulnerable group		- These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who are landless and with no other means of support, (v) landless households, and (vi) indigenous people or ethnic minorities.

## I. EXECUTIVE SUMMARY

### 1.1 Background

1. The Asian Development Bank (ADB) on 16 December 2011 approved a multi-tranche financing facility (MFF) in the amount of \$730 million for the Power Transmission Investment Program (PTIP). The Vietnam Electricity National Power Transmission Corporation (NPT) is the executing agency (EA), while the Southern Power Project Management Board (SPPMB) is the implementing agency (IA). ADB approved Tranche 1 in December 2011 and Tranche 2 in November 2012. Preparations for Tranche 3 are being carried out under Project Preparation Technical Assistance (PPTA) No. 7742-VIE. Nine subprojects are proposed for inclusion in Tranche 3, namely, the installation of a second transformer bank each for the (i) 220kV Duc Hoa Substation (SS), (ii) 500kV Cau Bong SS, (iii) 220kV Tra Vinh SS, (iv) 220kV Uyen Hung SS, and (v) 220kV Vung Tau SS; construction of new transmission lines that include the 220 kV Binh Long – Tay Ninh Transmission Line(TL) and the 500 kV My Tho – Duc Hoa TL; and construction of new substations that include the 500kV Chon Thanh SS and the 500kV Duc Hoa SS and Connections.

2. With the exception of the 220kV Vung Tau SS<sup>1</sup>, the installation of a second transformer bank in each of the 4 other substations (i.e., 220kV Duc Hoa SS, 500kV Cau Bong SS, 220kV Tra Vinh SS, and 220kV Uyen Hung SS) will not involve land acquisition; the second transformer banks will be installed inside the compound of these existing substations. Notwithstanding that no land acquisition will be involved in the installation of second transformer banks in the 4 existing substations, a due diligence review (DDR) of each of the 4 existing substations was carried out in March 2015. Per ADB safeguards policy, each existing substation is an “associated facility”<sup>2</sup> of the proposed subproject installation of a “Second Transformer Bank” thereat. The objectives of the DDR were to (i) look into how government carried out land acquisition when the substations were constructed, and (ii) prepare a corrective action plan (CAP), as needed, that outlines the remedial actions that government would undertake to make land acquisition carried earlier consistent with the resettlement policy of PTIP.<sup>3</sup> (See **Chapter VII** for a detailed discussion of the PTIP resettlement policy).

3. Land acquisition will be involved in the construction of the 220 kV Binh Long – Tay Ninh TL and the 500 kV My Tho – Duc Hoa TL, and in the construction of the 500kV Chon Thanh SS and the 500kV Duc Hoa SS and Connections. Therefore, an RP is required each for the 500 kV My Tho – Duc Hoa TL, the 500kV Chon Thanh SS, and the 500kV Duc Hoa SS and Connections. A resettlement and ethnic minority development plan (REMDP) is required for the 220 kV Binh Long – Tay Ninh TL because ethnic minority households are affected by this subproject.

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<sup>1</sup>Government has to prepare a resettlement plan (RP) for the 220 kV Vung Tau SS even if the proposed subproject only involves the installation of a second transformer bank in said substation because land acquisition for the site of the substation has not yet been completed and the construction of the substation has not yet started. The proposed installation of a second transformer bank (as a subproject of PTIP Tranche 3) in the 220 kV Vung Tau SS that NPT has yet to construct using government funds depends on the satisfactory implementation of the RP to be agreed by NPT and ADB. Relatedly, a DDR has been prepared for the existing 220 kV Ba Ria – Vung Tau TL because this 14 km transmission line was primarily constructed (in 2009-2014) for the purpose of connecting the yet to be built 220 kV Vung Tau SS to the Ba Ria Gas-Power-Fertilizer Plant located in Ba Ria City. In other words, the existing 220 kV Ba Ria – Vung Tau TL is an associated facility of the subproject Second Transformer Bank for 220 kV Vung Tau Substation.

<sup>2</sup>The existing substations are regarded as an associated facility of the installation of a second transformer unit (i.e., the subproject under Tranche 3) thereat because the viability and existence of the existing substations depend largely on their upgrading with the installation of said second transformer units.

<sup>3</sup>Resettlement and Ethnic Minority Development Framework (REMDF), November 2011.

4. This RP is for the 220 kV Vung Tau SS and its access road.

## 1.2 Scope of Resettlement Impacts

5. The site for the 220 kV Vung Tau SS and its access road require a total of 52,539 m<sup>2</sup> of land, of which 44,275 m<sup>2</sup> is used for growing perennial trees and 8,264 m<sup>2</sup> for residence. Thirty-five houses, with a total floor area of 5,718 m<sup>2</sup>, are affected (25 entirely and 10 partially) by the construction of the substation and access road.<sup>4</sup> Of the 35 affected houses, 31 are classified as Grade-IV structures (i.e., made of brick wall and tile roofs) and have an aggregate floor area of 5,133 m<sup>2</sup>, while 4 houses are classified as temporary structures (i.e., bamboo materials and thatched roof) and have an aggregate floor area of 585 m<sup>2</sup>. In addition, secondary structures, such as kitchen of temporary construction materials (total of 113 m<sup>2</sup>), six fences, four gates, three toilets, and 34 m<sup>2</sup> of concrete pavement, are affected and need to be acquired. A total of 3,651 fruit trees, consisting of custard apple; jackfruit; papaya; guava; and cashew, will be acquired. Also, 3,248 timber trees of various species will be acquired. Thirty-two AHs are severely affected by the loss of productive lands.

6. The 32 AHs that are severely affected by the loss of productive assets are entitled to life stabilization allowances amounting to an aggregate of VND 12,250,098,000. The 25 AHs affected by the total loss of their houses are each entitled to a relocation allowance of VND 3 million. Twenty-one of these AHs opted to self-relocate and each is entitled to a self-relocation allowance of VND 198,760,000. On the other hand, the 4 AHs that opted to shift to the government-designated relocation site will each receive a plot at a government-designated relocation site some 2 km away from the location of the Vung Tau Substation, including a rental allowance each of VND 2,500,000 per month for six months (reckoned from the time of awarding of the relocation plots). The City People's Committee has yet to decide on the unit price of each plot of land in the relocation site and the terms of payment. Relocating AHs will pay for the plots awarded to them out of the compensation they receive for their recovered landholdings.

## 1.3 Socio-economic Information on the AHs

7. Among the 73 affected households (AHs), the socioeconomic survey carried out in March 2015 was able to cover 36 AHs (49.3%) only. The 36 surveyed AHs were made up of 137 persons, or the equivalent of 3.8 persons per household. As to the educational attainment of the AH heads, 16 (44.4%) male AH heads and 8 (22.2%) of the female AH heads attended high school. One woman AH head did not attend school.

8. Based on information gathered from the detailed measurement survey (DMS) carried out in 2009 and on the compensation plans (CPs) of the AHs, the main occupation of 65 (89.0%) of the household heads revolved around non-agriculture activities, while 8 (11.0%) of the AH heads were engaged in agriculture. None of the AHs were classified as vulnerable (i.e., poor; woman-headed with no social support; headed by person with disabilities; social policy beneficiary; ethnic minority).

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<sup>4</sup>The 35 affected houses (25 entirely affected and 10 partially affected) are in the name of 27 AH heads. Of the 25 entirely affected houses, 16 are in the name of 8 AH heads that owned 2 dwellings each, while the other 9 entirely affected houses each belong to 1 AH head. So, the 25 entirely affected houses are officially in the name of 17 AH heads. The 10 partially affected houses each belong to 1 AH. Therefore, the 35 affected houses (25 entirely and 10 partially) are in the name of 27 AHs. It must be pointed out, however, that the 8 AHs that owned 2 entirely affected houses each are extended families (nuclear family plus the family of a married son). Thus, regardless of official ownership over the entirely affected houses, there are actually 25 households that are affected by the total loss of dwellings and need to relocate.

#### **1.4 Information Disclosure, Consultation, and Participation**

9. AHs and local officials were met and interviewed in March 2015 in connection with the preparation of this RP. Fourteen ward officials and 39 affected persons (APs) attended the meetings and consultations held in the Ward People's Committee Office. Their concerns and suggestions were incorporated in this RP. A summary of the draft and agreed RP in Vietnamese will be posted in the city and ward offices, in addition to the distribution of a project information brochure (PIB) to each AH to coincide with the endorsement by NPT of the RP to ADB for concurrence. A complete version of the draft and agreed RP will be posted on the ADB website.

#### **1.5 Grievance Redress Mechanism**

10. A grievance mechanism will be set up to help ensure that complaints of AHs are resolved in a timely and satisfactory manner. Through the holding of consultations during RP preparation and implementation, including the distribution of PIBs, the AHs will be made fully aware of their rights to file a complaint, as needed. The resolution of a complaint will pass through 3 stages, beginning with the ward, then the district, then the city level of the People's Committee before it is elevated to a court of law as a last resort. The NPT will shoulder all administrative costs and legal fees incurred in the resolution of grievances.

#### **1.6 Legal Framework**

11. The project resettlement policy and entitlements have been developed from the laws of the Government of the Socialist Republic of Viet Nam, principally the Constitution (2013); 2013 Land Law No. 45/2013/QH13, dated 29 November 2013, providing Viet Nam with a comprehensive land administration law; Decree No. 43/2014/ND-CP, dated 15 May 2014, guiding the implementation of some articles of the 2013 Land Law; Decree No. 47/2014/ND-CP, dated 15 May 2014 on compensation, rehabilitation and resettlement in the event of land recovery by the State; Decree No 44/2014/ND-CP, dated 15 May 2014 on land prices; and ADB's 2009 Safeguard Policy Statement (SPS), guided by Operations Manual on Involuntary Resettlement (OM Section F1/OP, dated 3 March 2010). Provisions and principles adopted in PTIP will supplement the provisions of relevant decrees currently in force in Viet Nam wherever a gap exists, consistent with 2013 Land Law and Decree No. 38/2013/ND-CP which provides that in case of "discrepancy between any provision in an international treaty on Official Development Assistance (ODA), to which the Socialist Republic of Viet Nam is a signatory, and the Vietnamese Law, the provision in the international treaty on ODA shall take precedence" (Article 46, Item 1, Article 38/2013/ND-CP).

#### **1.7 Entitlements, Assistance, and Benefits**

12. The project entitlements are based on the 2009 SPS that have been harmonized with existing GOV laws. One key policy objective governing land acquisition in PTIP is to replace or compensate for lost assets based on the principle of replacement cost. Compensation and various types of cash allowances, including income restoration assistance for AHs affected by the loss of productive lands and the vulnerable AHs, will be provided prior to displacement of AHs from their houses, land, and other assets, to help ensure that they will be at least as well off as they would have been in the absence of the subproject, and that vulnerable AHs are assisted in improving their socioeconomic status. The cut-off date for eligibility to subproject entitlements will be based on the start of the detailed measurement survey (DMS) of affected assets during RP updating.

## 1.8 Relocation of Housing and Settlement

13. Vung Tau City People's Committee (PC) has allotted plots for the 14 that opted to relocate to a government-sponsored relocation site. The relocation site is actually a housing subdivision developed by the Phuoc Son Real Estates Ltd. Company. The site is about 2 km from the location of the substation. The size of plots at the site is 75 m<sup>2</sup> to 93 m<sup>2</sup>. Van Tau City PC has yet to decide on the unit cost of the plots to be awarded to the AHs and the terms of payment for the plots.

## 1.9 Income Restoration

14. In order to assist affected persons restore livelihoods and income levels, PTIP will provide income restoration assistance in the form of allowance to severely affected AHs and the vulnerable AHs. The various types of allowances outlined in the entitlement matrix include: (i) cash allowance for job changing and job creation for AHs affected by the permanent loss of agricultural land; (ii) cash allowance for life stabilization for AHs losing 10% or more of their productive landholdings; (iii) cash allowance for vulnerable affected households; and (iv) cash assistance for income loss (i.e., affected business and employment).

## 1.10 Resettlement Budget and Financing Plan

15. The estimated cost of resettlement for the subproject Second Transformer Bank for 220kV Vung Tàu Substation is VND 100,817,140,817 (approximately USD 4,624,639), including administrative cost (at 15% of the cost of land acquisition and allowances) and contingency (at 15% of the cost of land acquisition and allowances), and the cost of external monitoring (at 2% of the cost of land acquisition and allowances). The NPT is responsible for ensuring that funds for resettlement are sufficient and are available in a timely manner.

## 1.11 Institutional Arrangement

16. Vietnam Electricity National Power Transmission Corporation (NPT), as the executing agency, is overall responsible for the PTIP. The SPPMB, as implementing agency, will carry out the updating and implementation of the RP in close collaboration with the Ba Ria-Vung Tau Province PC, the Vung Tau City PC, and member agencies of the City Compensation, Assistance and Resettlement Board (CCARB).

## 1.12 Implementation Schedule

17. A preliminary schedule of RP preparation and implementation is presented in table below. Contracts of civil works contractors will not be awarded until the RP has been updated and agreed between NPT and ADB. Moreover, the civil works contractor will not be issued a notice to proceed to commence construction works for the 220/110 kV Vung Tau SS until the RP has been implemented satisfactorily.

**Preliminary Resettlement Schedule**

Activities	Time frame
NPT to endorse the RP to ADB for concurrence	June 2015
Distribution of PIB to AHs and posting of RP in relevant government offices and on ADB website	June 2015
ADB no-objection to RP and approval of subproject	July 2015
Detailed review of the results of the 2009 DMS and 2010-2014 approved compensation plans	Aug-Sept 2015
Meeting with all 73 AHs to discuss findings of the detailed review of DMS and existing CPs	October 2015
Finalize the compensation plans of all 73 AHs based on PTIP resettlement policy	Oct-Nov 2015
NPT to endorse the finalized compensation plans to ADB for concurrence	November 2015
Payment of compensation, handing-over of acquired properties, relocation of AHs, etc.	December 2015
Internal monitoring (requires submission of quarterly reports)	Start in Oct 2015
Start of external monitoring (requires bi-annual monitoring reports)	November 2015

Activities	Time frame
SPPMB and external monitoring agency (EMA) to confirm satisfactory implementation of RP	January 2016
ADB gives concurrence to the installation of second transformer unit at 220 kV Vung Tau SS	February 2016
Post-resettlement implementation evaluation	July 2016

### 1.13 Monitoring and Reporting

18. SPPMB is PTIP3 internal monitoring body. With assistance of the Project Implementation Consultant (PIC), SPPMB will prepare quarterly monitoring reports to be submitted to NPT and ADB starting from the commencement of the detailed review of the results of the 2009 DMS and 2010-2014 approved compensation plans. In addition, NPT will hire and mobilize an external monitoring agency (EMA) 1 month following the start of the review of the results of the 2009 DMS and 2010-2014 approved compensation plans. The EMA will submit bi-annual reports to the NPT and ADB. The EMA will likewise carry out a post-subproject assessment survey within 6 to 12 months after completion of compensation and resettlement activities.

## II. INTRODUCTION

### 2.1 Project Background

19. Recognizing the need to overcome current constraints in the power sector to ensure that the rapidly growing electricity demand could be met in an economically and environmentally sustainable manner, the Government of Viet Nam (GOV) approved in 2011 the National Power Sector Development Master Plan VII (PDMP VII). Under PDMP VII, the government approved multiple power generation and transmission projects to be implemented during 2011-2020.

20. The Asian Development Bank (ADB) on 16 December 2011 approved a multi-tranche financing facility (MFF) in the amount of \$730 million for the Power Transmission Investment Program (PTIP). The Executing Agency (EA) is the National Power Transmission Corporation (NPT), Vietnam's state-owned electricity transmission company that is responsible for the planning and nationwide distribution of electricity. The Southern Power Project Management Board (SPPMB), responsible for the operation of the power system in central Vietnam, is the Implementing Agency (IA). PTIP is consistent with PDMP VII's objective of addressing the growing electricity demand of industrial, commercial, and residential consumers throughout Viet Nam, in addition to improving the operational effectiveness and efficiency of NPT. One component of the investment program is to expand Viet Nam's power transmission network by financing the construction of 500 kV and 220 kV transmission lines and associated substations. PTIP is anticipated to consist of four financing tranches. ADB approved Tranche 1 in December 2011 and Tranche 2 in November 2012. Tranche 3 is currently being prepared under Project Preparation Technical Assistance (PPTA) No. 7742-VIE.

21. The Second Transformer Bank for 220kV Vung Tàu Substation is one of 9 subprojects proposed for inclusion in PTIP Tranche 3. The proposed inclusion of this subproject is only possible once land acquisition for the site of the substation and its access road has been completed in accordance with the standards and procedures set out by the Resettlement and Ethnic Minority Development Framework (REMDF) agreed by NPT and ADB in November 2011. A resettlement plan (RP) for this purpose has been prepared; it is based on the results of the detailed measurement survey (DMS) done by government in 2009 and the socioeconomic survey (SES) of affected households (AHs) carried out by SPPMB in March 2015, including consultations with the AHs, consistent with applicable laws of the Government of Viet Nam (GOV) and with the 2009 ADB Safeguard Policy Statement (SPS).

## 2.2 Description of the Subproject

22. The subproject involves the installation of a second 220/110/22kV 250 MVA transformer bank at the 220/110kV Vung Tau SS. As explained earlier, however, the substation has not yet been constructed because land acquisition for the location of the substation and its access road could not be completed. Thirty-three of the 73 affected households (AHs) continue to reject government's proffered compensation amounts for their affected assets.

23. The 220/110 kV Vung Tau SS and access road will require a total land area of 52,539 m<sup>2</sup>, broken down as follows:

- a. Area of the substation and control house: 38,342m<sup>2</sup>
- b. Area of access road: 14,197m<sup>2</sup>

**Figure 1: Location of the 220/110 kV Vung Tau Substation**



## 2.3 Land Acquisition Activities Carried out Prior to the RP

### 2.3.1 Approval of the Vung Tau Substation and Access Road Project

24. The Ba Ria-Vung Tau Province People's Committee (PPC) issued Decision No. 2247/QĐ-UBND on 1 July 2008 approving the "220/110 kV Vung Tau Substation and Access Road Project" paving the way for the recovery of land for the same in Ward 11 of Vung Tau City.

### 2.3.2 Public consultations with affected households (AHs)

25. Prior to this decision, SPPMB, in cooperation with local authorities, conducted public consultations in 2007 to inform households living in the location of the substation about the project and its implementation schedule. After the decision approving the Vung



Tau SS project was issued, SPPMB and the Land Fund Development Center (LFDC) of Vung Tau City held a second round of public meetings with the affected households (AHs) to inform them about the DMS schedule and government land recovery policies.

### 2.3.3 Detailed measurement survey

26. Vung Tau City LFDC, in collaboration with the SPPMB, cadastral officials, and representatives of the Ward People's Committee (WPC), carried out in 2009 the DMS of affected assets. Fifty-five (75.3%) of the 73 AHs participated in the DMS process and signed the DMS forms, while 18 AHs did not take part in the DMS process and failed to sign the accomplished DMS forms.

### 2.3.4 Approval of compensation plans

27. In October 2010, Vung Tau City PC started approving the compensation and cash allowances of the AHs based on price frames that the PPC legislated annually.<sup>5</sup> But on 12 August 2013, Ba Ria-Vung Tau PPC issued Decision No. 1776/QD-UBND, approving the land prices for compensation of recovered land in connection with the implementation of the 220/110 kV SS Project. The compensation rates mandated by Decision No. 1776/QD-UBND were higher than the prices established annually by the PPC. Subsequently, in December 2013, Vung Tau City PC issued supplemental decisions approving additional compensation and cash allowances to cover for deficits in the amounts set earlier in the approved compensation plans of the AHs.

28. Until June 2014, Vung Tau City PC has issued 5 decisions approving the compensation plans (CPs) of 40 of the 73 AHs. The remaining 33 AHs refused the amounts of compensation proffered by the government subsequent to the conduct of the DMS of their affected properties. The approved CPs of the 40 AHs covered a total 22,373.9 m<sup>2</sup> of landholdings; of this total area, 18,608.4 m<sup>2</sup> were reclassified as agricultural lands and 3,765.4 m<sup>2</sup> were residential lands. Among the 40 AHs with approved CPs, 8 AHs had to relocate. (See **Appendix 1** for the names of the 40 AHs and details of their losses and the approved compensation and allowances of each AH).

29. The approved compensation and allowances of the 40 AHs amounted to VND 25,305,530,789. Details of this amount are provided below.

**Table 1: Approved Cash Compensation and Allowances of 40 AHs**

Compensation and Allowances	Total (VND)
Lands	24,089,081,654.00
Trees and crops	350,415,772.00
Houses and structures	841,033,363.00
Cash assistances	25,000,000.00
<b>TOTAL</b>	<b>25,305,530,789.00</b>

### 2.3.5 Status of payment of compensation

30. SPPMB provided the funds for compensation and allowances. To date, however, only 21 of the 40 AHs have received their compensation and allowances amounting to VND 13,784,103,088. The remaining 19 AHs with approved CPs had a change of mind and have since been refusing to accept their compensation money and allowances.

### 2.3.6 Gaps in the implementation of land acquisition vis-a-vis the REMDF

31. Vung Tau City CARB has been implementing land acquisition and resettlement in accordance with the laws and decisions of the government. During the preparation of this RP, a preliminary review of the 40 compensation plans (CPs) that the CARB has so far approved the past years revealed that the entitlements allotted to the AHs were not

<sup>5</sup>The PPC legislated price frames do not necessarily reflect market rates.

consistent with the PTIP resettlement policy. Following summarize the gaps that have to be addressed to make land acquisition and resettlement carried out to date compliant with the Power Transmission Investment Program resettlement policy (details of the gaps in each of the 40 approved compensation plans are provided in **Appendix 2**):

- a. Even the adjusted unit prices of affected land prescribed by PPC Decision No. 1776/QĐ-UBND on 12 August 2013 were lower than the market prices and are not at replacement cost;
- b. The households whose houses were built on agricultural lands were only compensated at 50% of the unit prices according to the decision on compensation rates for affected houses and structures upon land recovery in Ba Ria-Vung Tau Province;
- c. There was no additional assistance provided for the vulnerable households;
- d. The benchmark used for determining severely affected households was the loss of 30% or more of productive lands; and
- e. The relocation site for the AHs was decided only in 2015.

32. It has to be stressed here that the implementation of this RP will require a thorough review of all approved CPs and all compensation and allowances that have already been provided to the AHs for the purpose of ensuring that the entitlements applied for all AHs, including the 33 AHs that did not have a CP each prepared for them, are according to the provisions of the PTIP resettlement policy. This is spelled out in Chapter VIII (Resettlement Strategy) of this RP.

### III. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

33. Following were the results of the detailed measurement survey (DMS) of affected assets conducted in 2009 by the Vung Tau City LFDC in collaboration with the SPPMB, cadastral officials, and representatives of the Ward People's Committee (WPC).

#### 3.1. Impacts on Lands

34. An aggregate of 52,539 m<sup>2</sup> of landholdings are to be acquired permanently in the construction of the Vung Tau SS and its access road. By classification, 44,275 m<sup>2</sup> (84.3%) of the affected landholdings are agricultural lands planted to perennial trees, while 8,264 m<sup>2</sup> (15.7%) are residential lands. Moreover, of the total 52,539 m<sup>2</sup> of landholdings that will be acquired permanently, 38,342 m<sup>2</sup> are for the site of the substation, while 14,197 m<sup>2</sup> are for the access road. Specifically, of the 38,342 m<sup>2</sup> of affected landholdings for the substation, 32,184 m<sup>2</sup> are planted to perennial trees, while 6,158 m<sup>2</sup> are used for residence. Of the 14,197 m<sup>2</sup> of affected landholdings for the access road, 12,091 m<sup>2</sup> are classified as agricultural land planted to perennial trees, while 2,106 m<sup>2</sup> are classified as residential land. However, 17 AHs have constructed residence on 3,185 m<sup>2</sup> of agricultural lands needed for the access road.

**Table 2: Affected Landholdings by Land Use**

Components	Affected Landholdings (m <sup>2</sup> )		
	Planted to Perennial Trees	Used for Residence	Total
Substation	32,184	6,158	38,342
Access Road	12,091	2,106	14,197
<b>Total</b>	<b>44,275</b>	<b>8,264</b>	<b>52,539</b>

35. A total of 73 households are adversely affected by the permanent loss of landholdings, of which 2 AHs are affected by the loss of landholdings used solely for residence; 41 AHs are affected by the loss of landholdings used solely for growing perennial trees; and 30 AHs are affected by the loss of landholdings used for residence and for growing perennial trees. Fifty-eight of the AHs will lose their landholdings in the construction of the substation, while 15 AHs will lose their landholdings in the construction of the access road. (See **Appendix 3** for the master list of AHs).

##### 3.1.1 Legal status over the affected landholdings

36. Fifty-seven (78.1%) of the 73 AHs have land use rights certificates (LURCs) for their affected landholdings, while the other 16 AHs have no LURCs for their affected properties but are eligible to apply for one.

##### 3.1.2 Status of Land Recovery

37. To date, only 18,397 m<sup>2</sup> (35.0%) of the 52,539 m<sup>2</sup> of land required for the site of the substation and the access road have been acquired. Of this number, 7,737 m<sup>2</sup> of lands planted to perennial trees and 2,166 m<sup>2</sup> of land used for residence have so far been acquired for the substation. Similarly, 7,350 m<sup>2</sup> of lands planted to perennial trees and 1,144 m<sup>2</sup> of land used for residence have so far been acquired for the access road.

**Table 3: Affected and Recovered Landholdings by Use**

Components	Required Land (m <sup>2</sup> )			Recovered Land (m <sup>2</sup> )		
	Planted to Perennials	Used for Residence	Total	Planted to Perennials	Used for Residence	Total
Substation	32,184	6,158	38,342	7,737	2,166	9,903
Access Road	12,091	2,106	14,197	7,350	1,144	8,494
<b>Total</b>	<b>44,275</b>	<b>8,264</b>	<b>52,539</b>	<b>15,087</b>	<b>3,310</b>	<b>18,397</b>

### 3.1.3 Severely Affected by the Loss of Total Productive Assets

38. The total area of agricultural and residential landholdings of the AHs within and outside of the location of the substation and access road is 279,849 m<sup>2</sup>. The information available, however, does not differentiate the residential and agricultural landholdings of the AHs. Thus, the list of 32 AHs that are affected by the loss of 10% or more of landholdings is preliminary and will have to be finalized during the detailed review of the DMS records of the AHs during RP implementation. (See **Appendix 4** for the list of the 32 AHs affected by the loss of 10% or more of landholdings).

**Table 4: AHs Losing 10% or More of Landholdings**

Number of AHs				
<10%	10%-<20%	20%-<30%	≥30%	Total
41	4	3	25	73

## 3.2. Affected Houses and Other Structures

### 3.2.1 Houses

39. The construction of the substation and access road adversely affects 35 houses. Thirty-one of these houses, with a total floor area of 5,133 m<sup>2</sup>, are classified as Grade IV structures (i.e., made of brick wall and tile roofs). The other 4 houses, with an area of 585 m<sup>2</sup>, are classified as temporary structures (i.e., made of bamboo materials and thatched roof). Ten of the houses, all located in the access road, are partially affected. However, 25 houses are totally affected.<sup>6</sup>

**Table 5: Number and Floor Area of Affected Houses**

Grade 4 Structure		Temporary Structure		Total	
Count	Area (m <sup>2</sup> )	Count	Area (m <sup>2</sup> )	Count	Area (m <sup>2</sup> )
31	5,133	4	585	35	5,718

40. Of the total 35 affected houses, 11 houses were covered with housing ownership certificates, 7 houses had no certificates, and 17 houses were built on agricultural lands. Associated with the affected houses were 29 electric meters, 29 water meters, and 2 water tanks.

41. **Dismantled houses.** Among the 35 affected houses, 17 have already been demolished. These 17 dismantled houses, 16 of which belonged to the 8 extended families, were the ones constructed on agricultural lands. Moreover, these 8 extended families were among the 21 AHs that received their compensation and allowances in 2014, amounting to VND 13,784,103,088.

**Table 6: Houses by Construction Classification**

Components	Total Affected Houses						Number of Dismantled Houses					
	Grade 4		Temporary		Total		Grade 4		Temporary		Total	
	Fully	Partly	Fully	Partly	Fully	Partly	Fully	Partly	Fully	Partly	Fully	Partly
Substation	26	-	3	-	29	-	12	-	1	-	13	-
Access Road	2	3	1	-	3	3	2	1	1	-	3	1
<b>Total</b>	<b>28</b>	<b>3</b>	<b>4</b>	<b>-</b>	<b>32</b>	<b>3</b>	<b>14</b>	<b>1</b>	<b>2</b>	<b>-</b>	<b>16</b>	<b>1</b>

<sup>6</sup>The 25 entirely affected houses are officially in the name of 17 AH heads. Eight AHs are extended families and each owns 2 dwellings – 1 for the nuclear family and another for a married son and his family. The houses of these 8 AHs have already been demolished following receipt of their compensation money and cash allowances in 2014.

### 3.2.2 Secondary structures

42. Secondary structures that are affected in the construction of the substation and access road include kitchens of temporary materials with a total floor area of 113 m<sup>2</sup>; six fences with an aggregate length of 47 m and made of brick or wood and barbed wire; 3 brick gates with an aggregate length of 12 m; 1 steel gate with a length of 7 m; 3 toilets with a total floor area of 34 m<sup>2</sup>, concrete pavements with an aggregate floor area of 34 m<sup>2</sup>; and animal sheds of temporary construction materials and with an aggregate floor area of 65 m<sup>2</sup>. Most of these secondary structures are impacted by the construction of the substation, except for three fences and two gates that will be affected by the access road. (See **Appendix 5** for details of the affected secondary structures).

**Table 7: Affected Secondary Structures**

Component	Affected other structures						
	Temporary kitchen (m²)	Temporary animal shelter (m²)	Fence (lm)	Gate (lm)		Latrines (m²)	Cement Pavement (m²)
				Brick	Iron/ steel		
Substation	113	65	28	5	-	3	34
Access road	-	-	19	4	7	-	-
Total	113	65	47	9	7	3	34

43. Demolished secondary structures. Over the past year, the following affected secondary structures have already been demolished: 100 m<sup>2</sup> of kitchens; 65 m<sup>2</sup> of animal sheds; 3 fences (total of 47 lm); 2 of the brick gates and 1 steel gate; 3 m<sup>2</sup> of toilets; and 20 m<sup>2</sup> of concrete pavement. Six AHs that owned the demolished secondary structures received a total of VND 532,544,588 in compensation for these secondary structures and were among the 21 AHs that received their compensation and allowances in 2014, amounting to VND 13,784,103,088.

**Table 8: Demolished Secondary Structures**

Component	Temporary kitchen (m <sup>2</sup> )	Temporary animal shelter (m <sup>2</sup> )	Fence (Count)	Gate (Count)		Latrines (m <sup>2</sup> )	Cement yard (m <sup>2</sup> )
				Brick	Iron/ steel		
Substation	100	65	2	2	-	3	20
Access road	-	-	1	-	1	-	-
<b>Total</b>	<b>100</b>	<b>65</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>20</b>

### 3.3. Affected Trees and Crops

44. The Project will affect 3,651 fruit trees, comprising of custard apple; jackfruit; papaya; guava; and cashew trees, and 3,248 wood trees, including eucalyptus; acacia; and almond trees. The number of fruit trees and wood trees that have already been cut totaled 4,363 trees. The 21 AHs owned the cut trees received a total of VND 183,597,200 in compensations for the trees and were among the 21 AHs that received their compensation and allowances in 2014 amounting to VND 13,784,103,088.

### 3.4. Temporary Impacts

45. This type of impacts occurs during the construction of the substation and its access road due to the requirement for temporary access of vehicles that will deliver construction materials and equipment during the construction of the facility. The project implementation consultant (PIC) and the civil works contractor will identify the sites for the access roads and for temporary workstations. The civil works contractor will pay for any damaged crops or income loss arising from the inability of AHs to plant their crops during the temporary use of their lands, in addition to restoring those temporarily affected lands to their original condition before the same are returned to the land owners. NPT will ensure that this condition is stipulated in the contract of the civil works contractors.

### **3.5. Severely Affected Households**

46. In addition to the 32 AHs that are affected by the loss of 10% or more of their total productive lands<sup>7</sup>, AHs occupying the 25 wholly affected houses are severely affected as well; they have to relocate. It will be recalled that 17 AHs own the 25 wholly affected houses. Of these 17 owners of the wholly affected houses, 10 are also severely affected by the loss of 10% or more of their productive lands.

### **3.6. Vulnerable Group**

47. One poor AH has been identified among the affected households. This poor AH is also severely affected by the entire loss of its residence.

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<sup>7</sup> As mentioned in Section 3.1.3 (Severely Affected by the Loss of Total Productive Assets), 32 have lost 10% or more of their landholdings. It could not be ascertained though if the landholdings lost by these AHs were all for productive use. This matter will be determined during RP implementation when the DMS records and compensation plans of the AHs will be reviewed.

## IV. SOCIO-ECONOMIC INFORMATION AND PROFILE

### 4.1 General Socioeconomic Information of the subproject Area

#### 4.1.1 Land Area

48. Vung Tau SS is located in Ward 11, Vung Tau City, Ba Ria- Vung Tau Province. Ward 11 has a land area of 1,020.12 ha, of which 370.41 ha is agricultural land for growing annual/seasonal crops; 259.08 ha, agricultural land for growing perennial trees; 12.45 ha, natural forest; 65.88 ha, surface water; 176.16 ha, residential land; and 152.84 ha, special used land.

#### 4.1.2 Population.

49. The population of Ward 11 in 2014 was 26,745, or the equivalent density of 262 persons per km<sup>2</sup>. Male population accounted for 50.3% (13,446 persons), while female population accounted for 49.7% (13,299 persons). There were 7,408 households in Ward 11, or the equivalent of 3.6 persons per household. About 99.7% (7,383) of the households in Ward 11 belonged to the Kinh majority population.

#### 4.1.3 Livelihood and poverty incidence

50. Commerce and service-oriented activities were the main occupation of 78% of the households. Households involved in agricultural activities and in industry/handicraft accounted for 15% and 6.5% of the population, respectively. A small number of households (0.5%) were involved in construction activities. About 26.9% of the households had incomes below the poverty line.<sup>8</sup>

#### 4.1.4 Housing and services

51. The most common (47.2%) type of houses in Ward 11 was single floor and made of brick wall and tiled roof. About 11.9% of the houses were classified as temporary houses (i.e., made of wood, with brick wall and thatched roof). All of the households in Ward 11 had electric connections. There were kindergarten, primary and secondary schools in the ward, including a government health clinic.

### 4.2 Socioeconomic Information on the AHs

52. A socioeconomic survey (SES) of 36 AHs (49.3%) out of the total 73 AHs was conducted in March 2015. (See **Appendix 6** for the SES questionnaire).

#### 4.2.1 Household Population and Labor Force

53. Of the surveyed 36 households, 23 were male-headed while 13 were women-headed. The 36 surveyed AHs were made up of 137 people, of which 70 were males (51.1%) and 67 were females (48.9%). The average household size among the surveyed AHs was 3.8 persons.

**Table 9: Demographic Characteristics of the Surveyed AHs**

No. of AHs	Male heads	Female heads	Male population	Female population	Members of 36 AHs	Household size
36	23	13	70	67	137	3.8

<sup>8</sup> Decision 45/2010/QĐ-UBND, dated 19 October 2010, by Ba Ria- Vung Tau PPC set the poverty line for urban areas of Ba Ria- Vung Tau Province for 2011-2015 period as follows: household is classified as poor if its per capita income is less than VND 900,000/month.

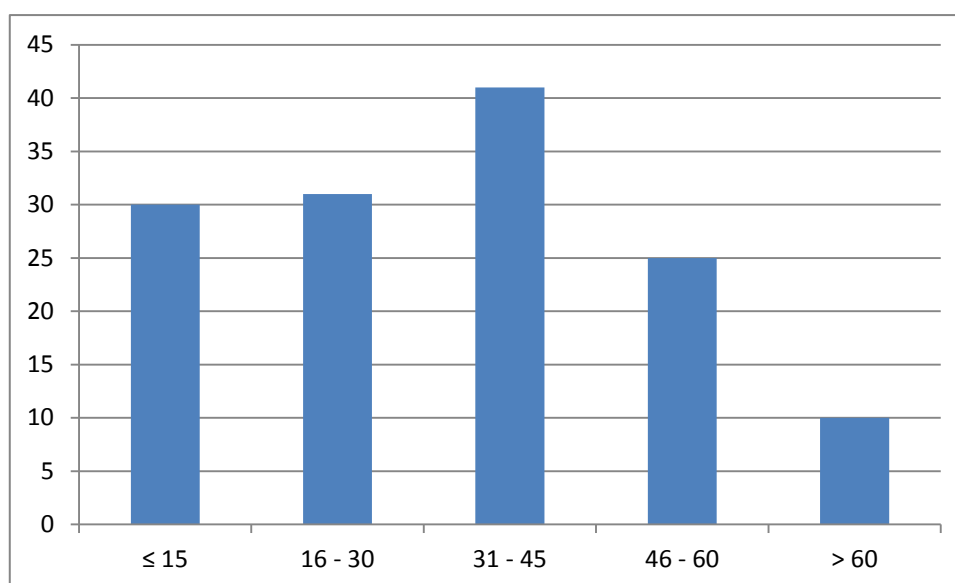
54. The average age of the AH heads was 47. Among the male AH heads, the average age was 48, while among the women AH heads, the average age was 45. Male AH heads aged 20-49 years old accounted for 56.5% of the 23 male AH heads, while female heads in the same age group accounted for 46.2% of the 13 female AH heads.

**Table 10: Household Heads According to Age Group**

Male HH heads					Female HH heads					Total
<20	20 -49	50- 60	>60	Total	<20	20 -49	50- 60	>60	Total	
-	13	6	4	23	-	6	6	1	13	36

55. As to the 137 members of the 36 surveyed AHs, 97(70.8%) were 15-60 years of age, while 10 persons (7.3%) were more than 60 years old. Thirty members (21.9%) of the surveyed AHs less than 15 years old.

**Figure 2: Age Distribution of Household Members**



#### 4.2.2 Education.

56. Of the 36 AH heads, 19 household heads (52.8%) finished high school. Nine (25.0%) of the AH heads finished secondary education. There were 5 (13.9%) AH heads that went to the university. One female AH head did not attend school.

**Table 11: Educational Attainment of AH Heads**

Did not attend school		Primary school		Secondary school		High school		University		Total
M	F	M	F	M	F	M	F	M	F	
0	1	1	1	6	3	13	6	3	2	36

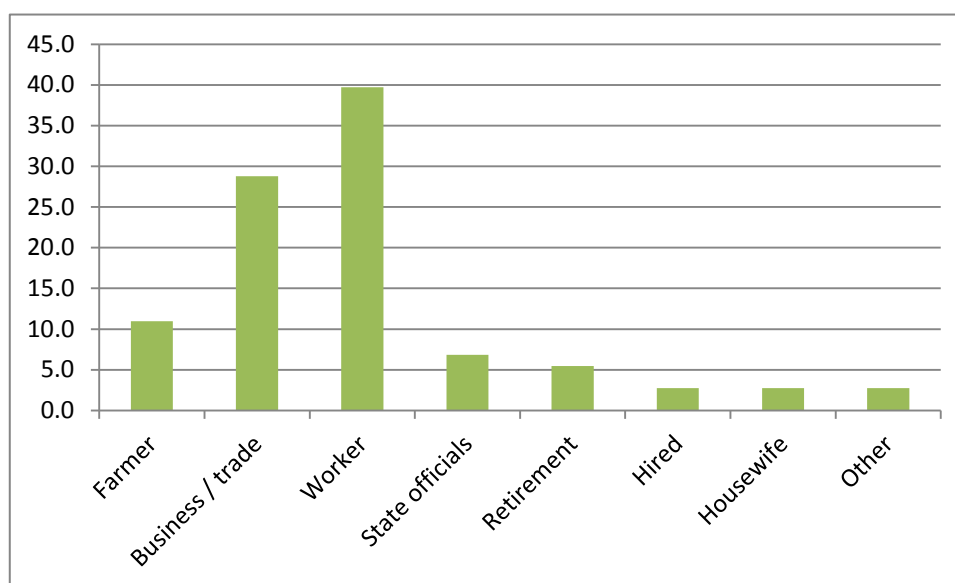
#### 4.2.3 Livelihood Occupations

57. Information from the DMS shows that only 8 (11.0%) of the 73 AHs were engaged in agriculture as their primary occupation. These 8 AHs are severely affected by the loss of 10% or more of their production lands. One of the 8 will lose all of its production land.

58. Non-agriculture activities were the main occupation of 61(83.6%) of the total 73 household heads, including 5 who worked in the government. Four AH heads were retired and not working.



**Figure 3: Main Occupation of AHHeads**



#### **4.2.4 Monthly household income**

59. Per Decision 45/2010/QĐ\_UBND, dated 19 October 2010, by Ba Ria- Vung Tau PPC, the poverty threshold in Vung Tau City for the period 2011-2015 was 900,000/month for each household member. Only 1 AH, a male headed households, among the 36 surveyed AHs had a monthly income below the poverty line.

**Table 12: Monthly Per Capita Income of Surveyed AHs**

Male-headed AHs					Women-headed AHs				
<900	900 - 7,950	7,951 – 11,475	>11,475	Total	<900	900 - 7,950	7,951 – 11,475	>11,475	Total
1	17	3	2	23	0	10	2	1	13

#### **4.2.5 Household Utilities**

60. Thirty-two (88.9%) of the 36 surveyed AHs got water for household use from the tap, while 4 AHs got water from dug wells. All 36 AHs had electricity connections.

#### **4.2.6 Common Diseases**

61. The most common ailments that afflicted the surveyed AHs the past year were colds (16 people) and influenzas (12 people).

## V. CONSULTATION, PARTICIPATION AND DISCLOSURE

62. In compliance with the 2013 Land Law (Article 48, Article 67, and Article 69) and the PTIP resettlement policy (embodied in the Resettlement and Ethnic Minority Development Framework, November 2011), the views and suggestions of AHs and local authorities have been SPPMB representatives on 16 September 2014 met with Ward 11 officials for the purposes of (i) introducing the Power Transmission Investment Program (PTIP) and the proposed installation of a second transformer bank in the Vung Tau SS as one of the subprojects of PTIP3, (ii) explaining the activities of SPPMB and PECC3 in connection with the preparation of the RP as a requirement for the processing of the proposed subproject Second Transformer Bank for 220 kV Vung Tau SS under PTIP3. Key points raised and suggestions put forward by Ward 11 and local mass organization officials concerned the need for the executing agency to (a) adequately inform local authorities and residents of any adverse environmental and social impacts of the projects and that all concerned should agree on appropriate measures to mitigate the same; (b) closely monitor the construction and, subsequently, the operation of the substation so that any untoward incidents that might crop up could be addressed promptly; and (c) adopt a policy that would assist the local population, especially the affected people. Representatives of SPPMB explained in the consultation that the concerns raised were adequately addressed by the PTIP resettlement policy, in addition to existing safety regulations prescribed by Decree No. 14/2014/ND-CP, dated 26 February 2014. (See **Appendix 7** for the highlights of, and persons met during, the September 2014 meeting).

63. Following the conduct of the SES and RCS, a public meeting-consultation with the AHs was carried out 20 March 2015 for the purposes of (i) presenting the results of the initial review of the DMS that LFDC carried out in 2009 and the status of land recovery as of 2014; (ii) discussing PTIP resettlement policy, particularly its objectives, principles, entitlements, and the policy on cut-off date for eligibility to project entitlements; and (iii) soliciting their views and suggestions regarding the PTIP resettlement policy, especially with regard to compensation, cash assistance, income restoration measures, and relocation preference. A total of 53 persons (28 men and 25 women) participated in the meeting-consultation held at Ward 11 PC Office. Key concerns and questions raised by the participants were on: (a) how to determine whether or not the remaining unaffected portion of a land and/or a house is no longer viable for continued use, and thus ought to be acquired entirely; (b) other entitlements available to the AHs aside from compensation for affected landholdings and structures; (c) unit prices to use in compensation for affected assets (i.e., land, structures, trees, etc.); and (d) the location of the resettlement site and the unit cost of each plot. Representatives of SPPMB responded to the aforementioned concerns by explaining relevant provisions of the PTIP resettlement policy, particularly on compensation and relocation. (See **Appendix 8** for the highlights and list of participants in the April 2015 public meeting-consultation).

64. Consultations and discussions will continue to be carried out with the AHs during RP implementation. Table below lists the activities that have been carried out and those that have yet to be done to ensure that APs/AHs are always updated about the project and that their opinions and suggestions are taken into consideration.

**Table 13: Roles of Key Stakeholders in RP Preparation and Implementation**

Project Process Stage	Participatory Activities and Participants	Responsible Institution	Date/Additional Notes
Preparation			
<i>During subproject processing</i>	Consultation with government stakeholders (PPC, DPC, CPC, LFDC) and local population	SPPMB, with PECC3	March 2015

Project Process Stage	Participatory Activities and Participants	Responsible Institution	Date/Additional Notes
	about PTIP and the subproject, design of the substation, and the activities (surveys and consultations) to be carried out in connection with the preparation of the RP as a requirement of subproject processing		
	Preliminary review of the DMS done in 2009;conduct of RCS	PECC3 with assistance from CLFD	March2015
	Consultation with AHs to discuss the results of the review of the DMS and RCS, including project resettlement policy and suggestions of AHs regarding compensation; cash assistance; and relocation options	SPPMB, with PECC3 and local officials	April 2015
	Drafting of RP and project information brochure (PIB) for preliminary review byADB resettlement specialist	TA consultants	May-June 2015
	Review by ADB resettlement specialist of the draft RP	ADB	June 2015
	Revision of draft RP and submission to NPT	TA consultants	June 2015
	Endorsement of RP to ADB for concurrence	NPT	June 2015
	Distribution of PIB to the AHs and posting of summary RP at City and Ward PC offices, posting of draft/final RP on ADB website	SPPMB and NPT	June 2015
<b>Implementation</b>			
<u>RP implementation</u>	Detailed review of the results of the 2009 DMS and the 2010-2014 approved compensation plans (CPs)	City CARB with LFDC	August - September 2015
<u>Monitoring and evaluation</u>	Meeting with AHs to discuss results of review of DMS and 2010-2014 compensation plans	City CARB with LFDC and SPPMB	October 2015
	Finalize compensation plans (CPs) of all 73 AHs based on PTIP resettlement policy	PPC, City CARB with LFDC	October-November 2015
	NPT to endorse finalized CPs to ADB for concurrence	NPT	November 2015
	Payment of compensation, handing-over of acquired properties, relocation of AHs, etc.	City PC, Ward PC, with assistance by SPPMB and PIC	December 2015
	Receipt and resolution of grievances of APs/AHs	Ward PC, City PC, PPC,	October 2015-until completion of subproject
	Monitoring of the implementation of land acquisition	SPPMB and external monitoring agency	Starting in October 2015

65. Copies of the draft RP in Vietnamese language endorsed by NPT to ADB will be made available at District PC and Ward PC office. The draft RP will be uploaded on the

ADB website. Likewise, copies of the project information brochure (PIB), also in Vietnamese language, will be distributed to the APs/AHs following NPT 's submission of the draft RP to ADB in June 2015. NPT and SPPMB will ensure that the PIBs are distributed to the APs/AHs. The PIB will include the following information: (i) description of the subproject; (ii) adverse social impacts of the subproject; (iii) measures to avoid impacts, including entitlements of APs/AHs; (iii) consultation and grievance redress procedures; (iv) schedule of land acquisition and clearing of the ROW; and (v) names officials to contact for any queries (see **Appendix 9** for a copy of the PIB).

66. Copies of the final approved RP in Vietnamese language will be made available at District PC and Ward PC office. The final approved RP will be uploaded on the ADB website. Social monitoring reports on RP implementation will also be made available at the Commune PC offices and will be uploaded on the ADB website.

## VI. GRIEVANCE REDRESS MECHANISM

67. In order to ensure that all grievances and complaints of APs/AHs 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/AHs to air their grievances, this grievance redress mechanism applies to the construction of the 220 kV Vung Tau Substation and access road. All APs/AHs can send any questions to NPT and/or SPPMB about their rights in relation to entitlements, compensation policy, rates, land acquisition and grievance redress. APs/AHs 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. Complaints will pass through 3 stages described below. The complainant can, if necessary, take the matter to a court of law. It is noted that the this grievance redress mechanism does not impede access to the country's legal system, meaning that an aggrieved person is free to access a court of law even at the initial stage of his/her grievances. NPT will shoulder all administrative and legal fees that might be incurred in the resolution of grievances and complaints.

68. Moreover, an aggrieved AP may also bring his/her complaint directly to the ADB's Energy Division, Southeast Asia Department, through the Viet Nam Resident Mission. If the AP is not satisfied with the response of the Resident Mission, he/she can directly contact the ADB Office of the Special Project Facilitator.

69. The grievance redress procedure will be implemented as follows:

- a. **First Stage: Ward Peoples' Committee (WPC)** - An aggrieved AP may lodge his/her complaint before any member of the WPC through the Village Chief or directly to the WPC, in written or verbal form. It is incumbent upon the village chief to notify the WCPC about the complaint. The CWC will meet personally with the aggrieved AP and will have 15 days to resolve the complaint. The WPC secretariat is responsible for documenting and keeping file of all complaints that it handles.
- b. **Second Stage: City People's Committee (City PC)** - If after 15 days the aggrieved AP does not hear from the WPC, or if the AP is not satisfied with the decision taken on his/her complaint, the AP may bring the case, either written or verbal, to any member of City PC. The City PC has 15 days to resolve the case. The City PC is responsible for documenting and keeping files of all complaints that it handles.
- c. **Third Stage: Provincial People's Committee (PPC)** - If 15 days the aggrieved AP does not hear from the City PC, or if the AP is not satisfied with the decision taken on his/her complaint, the AP may bring the case, either in writing or verbal, to any member of the PPC. The PPC has 15 days within which to resolve the complaint to the satisfaction of all concerned. The PPC secretariat is responsible for documenting and keeping file of all complaints that it handles.
- d. **Final Stage: People's Court** - If after 15 days following the lodging of the complaint with the PPC, the aggrieved AP does not hear from the PPC, or if he/she is not satisfied with the decision taken on his/her complaint, the case may be brought to the people's court.

70. The above grievance redress mechanism will be disclosed and discussed again with the APs prior to loan appraisal by ADB to ensure their understanding of the process. SPPMB and the City CARB are responsible for following-up the grievance process of the APs.

## VII. LEGAL FRAMEWORK

71. The legal and policy framework for addressing the adverse social impacts of the construction of the 220 kV Vung Tau SS and access road is provided by relevant policies and laws of Viet Nam and of the ADB.

### 7.1. ADB Policies

72. The new ADB Safeguard Policy Statement (SPS) of 2009 consolidates three existing safeguard policies: involuntary resettlement (IR), indigenous peoples (IP), and environment.<sup>9</sup> The objectives of the IR policy are to (i) avoid involuntary resettlement, (ii) explore alternatives to avoid, (iii) restore livelihoods and (iv) improve living standards of poor and vulnerable households. The IP policy objectives are to (i) design and implement projects that fosters full respect for IP's identity, dignity, human rights, livelihoods systems, and cultural uniqueness as defined by the IP themselves and (ii) ensure that IPs receive culturally appropriate social and economic benefits, do not suffer adverse impacts as a result of projects, and can participate actively in projects that affect them.

73. The ADB Policy on Gender and Development (2006) adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate in, and that their needs are explicitly addressed in the decision-making process for, development activities. The new safeguard policy also reiterates the importance of including gender issues in the preparation of safeguards documents at all stages to ensure that gender concerns are incorporated, including gender-specific consultation and information disclosure. This includes special attention to guarantee women's assets, property, and land-use rights and restoration/improvement of their living standards; and to ensure that women will receive project benefits. Other policies of the ADB that have bearing on resettlement planning and implementation are the (i) Public Communications Policy (2011), and (ii) Accountability Mechanism (2012).

### 7.2. Compensation and Resettlement Policy of the Government of Viet Nam

74. The Constitution of the Socialist Republic of Vietnam (2013) confirms that ownership and protection of ownership of citizens of their houses. Besides, the Government has issued a number of law, decrees, and regulations to form the legal framework for land acquisition, assistance, compensation, and resettlement. Primary documents include:

#### **a. Law**

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

#### **b. Government's decrees**

- Decree No. 43/2014/ND-CP, dated May 15, 2014 guiding the implementation of Land Law 2013.
- Decree No. 44/2014/ND-CP, dated May 15, 2014 by the Government on land prices.
- Decree No. 45/2014/ND-CP dated May 15, 2014 by the Government providing the collection of land use levies.
- Decree No. 46/2014/ND-CP, dated May 15, 2014 by the Government providing the collection levies onland lease, water surface lease.

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<sup>9</sup> The policy on environment is discussed in a separate environment report.

- Decree No. 47/2014/ND-CP, dated May 15, 2014 by the Government on compensation, assistance, and resettlement in the event of land recovery by the State.
- Decree No. 38/2013/ND-CP, dated April 23, 2013 on the management and use of Official Development Assistance (ODA) and concessional loans of donors.
- Decree No. 14/2014/ND-CP, dated February 26, 2014 by the Government detailing the implementation of the Electricity Law regarding electricity safety.

**c. Decisions**

- Decision No. 1956/2009/QD-TTg, dated November 17, 2009 by the Prime Minister approving the Master Plan on vocational training for rural workers to 2020.
- Decision No. 52/2012/QD-TTg, dated November 16, 2012 on employment and vocational training support for laborers affected by agricultural land recovery.

**d. Circulars**

- Circular No. 23/2014/TT-BTNMT, dated May 19, 2014 by MONRE regulating Land Use Right Certificate (LURC), right to ownership of housing and other assets attached to land.
- Circular No. 24/2014/TT-BTNMT, dated May 19, 2014 by MONRE regulating cadastral dossiers.
- Circular No. 25/2014/TT-BTNMT, dated May 19, 2014 by MONRE, regulating cadastral maps.
- Circular No. 28/2014/TT-BTNMT, dated June 2, 2014 by MONRE regulating land statistic and inventory and development of current land use map.
- Circular No. 29/2014/TT-BTNMT, dated June 2, 2014 by MONRE regulating details of making and amending land use planning.
- Circular No. 30/2014/TT-BTNMT, dated June 2, 2014 by MONRE regulating dossiers of handing over land, leasing land, converting land use purpose, and land acquisition.
- Circular No. 36/2014/TT-BTNMT, dated June 30, 2014 on land pricing method; compilation of and adjustment to land prices; determination of specific land prices and consultancy on land pricing.
- Circular No. 37/2014/TT-BTNMT, dated June 30, 2014 on compensation, assistance and resettlement in the event of land recovery by the State.

**e. Ba Ria – Vung Tau PC's decisions**

- Decision No. 50/2013/QD-UBND, dated 19 December 2013 by Ba Ria-Vung Tau PPC on land prices in 2014 in the province.
- Decision No. 1776/QD-UBND, dated 12 August 2013 by Ba Ria-Vung Tau PPC approving the land prices for compensation upon land recovery by the State to implement the 220/110 kV SS Project in Ward 11, Vung Tau City.

- Decision No. 08/2014/QĐ-UBND, dated 1 February 2014 by Ba Ria-Vung Tau PPC on compensation and assistances for affected trees, crops, salt-making, aquaculture upon land recovery by the State in the province.
- Decision No. 52/2014/QĐ-UBND, dated 31 October 2014 by Ba Ria-Vung Tau PPC on compensation, assistance and resettlement upon land recovery by the State in the province.

### 7.3. Gaps Analysis and Project Principles

75. Since 1 July 2014, the Land Law of 2013 and its implementing decrees and circulars provide the overall framework for involuntary resettlement in Viet Nam.<sup>10</sup> There are several aspects of the 2013 Land Law that are similar to the policy objectives and principles of the ADB safeguard policy on involuntary resettlement as provided by the 2009 Safeguard Policy Statement (SPS). There is basic congruence between Viet Nam's laws and the SPS especially with regard to the entitlement of persons with legal rights/titles. Existing legislation provides guidance for the following: (i) determining market/replacement rates and payment of compensation, assistance for various types of affected assets; (ii) options for land-for-land and cash compensation assistance; (iii) provision of relocation assistance and support to displaced households during the transition period; (iv) provision of resettlement land and housing with secure tenure; (v) additional assistance for severely affected and vulnerable households; (vi) assistance for livelihood restoration and training; and (vii) notification/disclosure, consultation, and grievance mechanisms. However, the following differences remain:

- a. SPS requires that displaced persons without titles (legal rights) to land be provided with resettlement assistance and compensated for loss of non-land assets (constructed before the cut-off date). On the other hand, the Land Law does not allow compensation of land-attached assets that are illegally established<sup>11</sup> (Article 92, LL). Moreover, structures (land-attached assets) are not compensated based on the value of a new structure, except for structures used for residential purposes (Article 89.2, LL).
- b. SPS requires exploring additional revenues and services through benefit sharing schemes where possible. This is not required under the Land Law.
- c. SPS requires conducting social impact assessment to identify poor and other vulnerable groups who may be disadvantaged and disproportionately affected by land acquisition for the purpose of implementing measures to assist them. The Land Law does not clearly require projects to identify displaced poor and other vulnerable groups that are impacted by a development project and to implement measures to assist them. However, in case the amount of compensation and support is not enough to buy the minimum plot in a resettlement site, the State will shoulder the balance.
- d. The level of detail and information required for resettlement planning under SPS differs from what is required by the Land Law. The Land Law does not require the preparation of a resettlement plan or general compensation plan prior to the conduct of DMS.

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<sup>10</sup> The Land Law of 2013 replaces the Land Law of 2003. Decrees 43, 44 and 47 supersede previously issued decrees related to land acquisition including Decrees 181/2004, 188/2004, 197/2004, 17/2006, 84/2007, 123/2007, 69/2009, 88/2009, 59/2011, and 189/2013.

<sup>11</sup> There are 3 types of illegally established land-attached assets: (i) those constructed on illegal land, (ii) illegally constructed structures (not based on the approved land use purpose) on legal land, and (iii) structures constructed after land acquisition announcement.



- e. SPS requires payment of compensation and other applicable entitlements to affected persons before displacement. This requirement is not explicitly stated as a condition under the Land Law. The Land Law does require payment of compensation within 30 days since the effective date of a land acquisition decision and to subsequently adjust amount in case of delay in payment (Article 93, LL).
- f. SPS requires compensation to include interest accrued. However, under the Land Law the amount is kept in an escrow account in State Treasury without interest in case the AP refuses the proffered compensation.
- g. SPS requires the conduct and disclosure of monitoring and evaluation of resettlement activities. For projects with significant involuntary resettlement impacts, the project is required to hire an independent external monitoring agency. In the Land Law, monitoring and evaluation is required in a more general term and includes all aspects of the implementation of the Land Law (Article 200, LL). There is also no requirement for independent monitoring for projects with significant involuntary resettlement impacts.

**Table 14: Gap Analysis: 2013 Land Law and Decree 47/2014/ND-CP and ADB SPS**

ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
<b>Objectives</b>			
<i>To avoid involuntary resettlement whenever possible; to minimize involuntary resettlement by exploring project and design alternatives</i>	Land Law requires the project owner to arrange the project reasonably to save the land and the Government issued Decree 42/2012/ND-CP on the protection of paddy land;	While there is no explicit policy, land recovery in Viet Nam in practice avoids or minimize involuntary resettlement	Since the Project shall be financed by ADB loan, it will adopt the objectives of the Bank's 2009 SPS <sup>12</sup> .
<i>To enhance, or at least restore, the livelihoods of all displaced persons<sup>13</sup> in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups<sup>14</sup>.</i>	Compensates land users that fulfill the conditions for compensation as prescribed by Article 75, legitimate owners of land-attached assets (Article 88.1), persons/entities that plant/grow forests funded by state budget (Article 90.1.d). - All land users (defined in Article 5) whose land is recovered (including affected workers) are considered for receiving State support (Article 83.1 Land Law 2013 and Article 19 Decree 47/2014/ND-CP). State support is defined as assistance to those whose land is recovered in order to stabilize their livelihoods, production and development.	The 2013 Land Law does not provides compensation to land users who violate land legislation (Article 64), and owners of illegally established land-attached assets (Article 92.2), and unregistered land users of agricultural land after 1 July 2004 (Article 77.2). There is also no regulation to compensate unregistered business for income losses due to business disruption and support in re-establishing their business elsewhere.	

<sup>12</sup> In line with Item 2, Article 87, 2013 Land Law, which stipulates "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".

<sup>13</sup> Displaced persons include persons who lost the land they occupy in its entirety or in part who (i) have formal legal rights to the land lost, (ii) have claims to such lands that are recognized or recognizable under national laws, or (iii) have neither formal legal rights nor recognized or recognizable claims to such land

<sup>14</sup> Vulnerable groups are those who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status.

ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
	<p>(For displaced poor and other vulnerable groups)</p> <p>-In case the amount of compensation/support is not enough for resettled people to buy the minimum resettlement plot, requires the State to support the balance (Article 86.4 Land Law 2013 and Article 27 Decree 47)</p> <p>-Requires to compensate, support, and resettle to stabilize livelihoods of people whose recovered land is located in areas that pose risk to human life (Article 87.3 of Land Law 2013 and Articles 19, 20, and 21 Decree 47).</p>	<p>Not conflict with SPS 2009 although there is small gap in identifying vulnerable group.</p>	
<b>Scope and Triggers</b>			
<p><i>Physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.</i></p>	<p>The policy principles are not limited to the DPs but:</p> <ul style="list-style-type: none"> <li>- Have policies to create favorable conditions for people who are directly engaged in agricultural production, forestry, aquaculture, and salt-making and do not have productive land due to the restructuring of land use and economic restructuring (Article 26.4). These households/ individuals will be granted with LURCs, ownership of housing and other assets attached to land and do not have to pay land use fee (Article 101.1).</li> <li>- Covers both physical and economic displacement due to land recovery (involuntary acquisition of land)</li> <li>-Considers impacts from change of land</li> </ul>	<p>Although there is no similar principles as in the SPS 2009, this provision is consistent with the overall objective of the Bank on poverty reduction.</p> <p>The 2013 Land Law is short in matching the coverage of 2009 SPS since Article 94 and Article 157 only provide compensation for legally recognized land users.</p>	<p>Applying the objectives of the 2009 ADB SPS.</p>

ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
	use structure and economic structures (Article 26.4) -Covers both temporary and permanent land recovery -Covers remaining investment costs on land (Article 76). -Covers compensation for the damage caused by limited land use (Articles 94 and 157).		
<b>Policy Principles</b>			
<p><i>1. Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks.</i></p> <p><i>The involuntary resettlement impacts of a subproject funded by ADB is considered as significant if 200 people or more are greatly affected, defined as (i) relocating houses or (ii) losing 10% or more of their productive assets (income-generating).</i></p>	<p>-Requires that in the preparation of the district annual land use plan, the area and location of the land to be recovered to implement socioeconomic development projects should be assessed (Article 40.4.c).</p> <p>As for severely affected households when the DPs lose at least 30% of their agricultural landholdings.</p>	<p>-The Land Law does not require for screening of projects in terms of significance of involuntary resettlement impacts, with corresponding requirements for degree of preparation, implementation and monitoring.</p> <p>-Land Law 2013 (Article 87.3) and Decree No. 47/2014/ND-CP require that depending on the degree impacts, separating compensation, assistance, and resettlement activities into a stand-alone project will be decided.</p>	<p>All subprojects shall be screened and categorized according to the degree of their involuntary resettlement impacts, physical and social.</p>
<p><i>2. Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations.</i></p> <p><i><u>Inform all displaced persons</u> of their entitlements and resettlement options. Ensure their participation in planning, implementation, and</i></p>	<p>- Starts the conduct of public consultation (including affected land users) with the preparation of the district-level land use plan (Article 43).</p> <p>- Between 90-180 days before issuing decision on land recovery, State agencies are required to notify the affected land users about the land</p>	<p>Most of the provisions on consultation in the Land Law are consistent with 2009 SPS. What is missing is the provisions are the consultation with host communities and support for social and cultural institutions.</p>	<p>Participatory consultations will include non-government organizations, host communities and civic organizations will be provided with project information booklets or brochures written in</p>

ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
<i>monitoring and evaluation of resettlement programs. Establish a grievance redress mechanism<sup>15</sup> to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population.</i>	recovery (including recovery plan, investigation, survey, measurement and inventory) (Article 67). - Requires that once the plan for compensation has been approved, each person whose land is recovered ( <u>and meets the conditions for compensation</u> ) should be notified of the decision on compensation. Requires the decision to clearly show the level of compensation and support, arrangement of the resettlement land or house (if any), time and place of payment for compensation or support, time to arrange resettlement land or house and time of hand over, and site clearance. The organization in charge of compensation/resettlement conducts consultations with affected land users and record opinions/ comments raised during the consultations. In case of disagreement, the Fatherland Association will attempt to persuade those who disagree (Article 69).		language largely understand by affected persons.
<i>3. Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or</i>	-Requires that compensation be made by allocating new land with the same land use purpose with the recovered land. If there is no land available for compensation, the land users will	There are inconsistencies noted on these provisions in Land Law that do not meet this Bank policy. It does not prescribe for consulting land users on land	Livelihoods and socio cultural systems of all displaced persons shall be restored, improved and culturally appropriate from

<sup>15</sup> The grievance redress mechanism should address affected persons concerns and complaints promptly using an understandable and transparent process that is gender responsive, culturally appropriate and readily accessible to the affected persons at no cost and without retribution. The mechanism should not impede access to the country's judicial or administrative remedies. It should also pay particular attention to the impacts on vulnerable groups.

ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
<p><i>cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets<sup>16</sup> that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.</i></p>	<p>receive cash compensation calculated on the specific land price. Requires that compensation must be democratic, objective, equal, public, timely and legally compliant. (Article 74.2)</p> <p>-Requires that specific price of the affected plot should be determined and independent/licensed valuers should be engaged in establishing cash compensation rates (Articles 114.4, 115, and 116 of Land Law 2013 and Decree 44/2014/ND-CP). However, the requirement of engaging independent/licensed valuers is still vague: article 114, provision 3 says that the province-level land administration agency is entitled to (instead of “must”) hire organizations having consultancy functions for advising on the determination of specific land prices).</p> <p>-Includes the cost for moving due to land recovery in the compensation (Article 91).</p> <p>-Requires the payment of additional compensation in case of late payment (after 30 days from decision on the land recovery) (Article 93).</p>	<p>transactions, land value by types, land titles, land use, cropping patterns and crop production, availability of land in the project area and region, and other related information where market conditions are absent or in a formative stage in determining replacement value of affected assets.</p>	<p>pre-Project level. Affected livelihoods based on land shall be restored through: (i) land-based resettlement strategies, or cash compensation at replacement value for land when the loss of land does not undermine their livelihoods; (ii) prompt replacement of assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, (iv) employment in construction works; and (v) restoration of social networks of displaced persons.</p>

<sup>16</sup> The calculation of full replacement cost will be based on the following elements: (i) fair market value, (ii) transaction costs, (iii) interest accrued, (iv) transitional and restoration costs, and (v) other applicable payments, if any. Where market conditions are absent or in a formative stage, the borrower will consult with the displaced persons and host populations to obtain adequate information about recent land transactions, land value by types, land titles, land use, cropping patterns and crop production, availability of land in the project area and region, and other related information. Baseline data on housing, house types, and construction materials should be collected. Qualified and experienced experts will undertake the valuation of acquired assets. In applying this method of valuation, depreciation of structures and assets should not be taken into account (ADB SPS 2009, Appendix 2).

ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
<p><i>4. Provide physically and economically displaced persons with needed assistance, including the following: (i) secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.</i></p>	<p>-Entitles affected land users to also receive State support, including support for stabilizing livelihoods and production, support for training and career change and facilitating search for jobs, support for resettlement and other support (Article 83). -Requires resettlement sites to have uniformly developed infrastructure, ensuring construction standards, codes in accordance with the conditions, customs, practices of the specific regions, areas (Article 85.2).</p>	<p>The Land Law does not include compensation of unregistered owners of commercial structures/businesses for (i) the cost of re-establishing their business/commercial activities elsewhere; (ii) net income loss during the transition period, and (iii) cost of transferring and reinstalling plant, machinery, or other equipment.</p>	<p>Physically and/or economically displaced persons shall be provided with: (i) land use right certificates in relocation land, better housing at resettlement sites with comparable access to employment, forest resources, and/or production opportunities; (ii) transportation for transfer to resettlement sites and food subsidies to APs during transition and development assistance, such as land development, training, or employment opportunities; and (iii) access to social infrastructure and community services, as required.</p>
<p><i>5. Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.</i></p>	<p>-In case the amount of compensation/support is not enough to buy the minimum resettlement plot (as normally the case for poor households), requires the State to support the balance (Article 86.4) -Entitles people whose recovered land is located in areas that pose risk to human life (defined in Article 65.1) to receive compensation, support, resettlement to stabilize livelihoods (Article 87.3)</p>	<p>While the 2009 SPS considered them as such, women, households headed by a woman with young dependents, people with disabilities, the poor, and ethnic minority people are not automatically considered as vulnerable under the Land Law. Moreover, the Land Law has no explicit requirement to identify the poor and other vulnerable groups and to propose and implement</p>	<p>Ward PC/ CPC shall issue certificates confirming their poor social status. Other vulnerable groups as defined by ADB will be provided with assistance according to the regulations of the project.</p>

ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
	-State guarantees to develop policies to facilitate those who are directly involved in agricultural, forestry, aquaculture, salt production and who are lacking the land for production due to change of land use structure and economic structure (Article 26.4). Such households/ individuals shall be granted certificate of land use right, houses and other land-attached assets without having to pay land use fee (Article 101.1).	targeted measures to assist them in the cases of land recovery.	
<i>6. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.</i>	-Article 73 of the Land Law covers negotiated settlement for land transfer for projects, facilities for project and business purposes – not in the event of land recovery by the state.	Land Law 2013 and Decrees 43/2014/ND-CP, 44/2014/ND-CP and 47/2014/ND-CP have neither a provision for procedure nor regulation on negotiated settlement.	Per 2009 SPS <sup>17</sup> , the borrower/client will ensure that any negotiations with displaced persons openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions. The borrower/client will agree with ADB on consultation processes, policies, and laws applicable to such transactions; third-party validation; mechanisms for calculating the replacement costs of land and other assets affected; and record-keeping requirements.
<i>7. Ensure that displaced persons</i>	-For relocating households who are not	The Land Law is inadequate in	The absence of legal rights

<sup>17</sup>Appendix 2, Paragraph 25



ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
<i>without titles to land or any recognizable legal rights to land are eligible for full resettlement assistance and compensation for loss of non-land assets at 100% (as long as they settled in the project area before the cut-off date)</i>	eligible for compensation with residential land, but have no other place to live, the State sells, leases, provides rent-to-own houses or allocates land with land use fee (Article 79.2). -Not compensating for the assets which are (i) illegally created; (ii) created after the notice of land recovery; and (iii) social infrastructure and other construction facilities which are no longer in use (Article 92) of the Land Law.	meeting this 2009 SPS policy. Articles 88 and 92 do not provide compensation to non-legitimate owners of land-attached assets for non-land assets.	of affected persons on the acquired land is not a hindrance to receiving compensation for other assets and for rehabilitation assistance.
<p>8. Prepare a <u>resettlement plan</u><sup>18</sup> elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.</p> <p><i>Incorporating into the plan all of the resettlement costs when presenting the cost and benefits of the project.</i></p>	<p>The Land Law requires for a compensation plan that shows the level of compensation and support, arrangement of the resettlement land or house (if any), time and place of payment for compensation or support, time to arrange resettlement land or house (if any) and time to hand over the recovered land to the organization in charge of compensation.</p> <p>As for the projects that have significant impacts on involuntary resettlement, it is necessary to consider the implementation of the involuntary resettlement component of the project as a stand-alone project; Resettlement cost is included in the</p>	<p>At the level required under the 2009 SPS, there is no requirement for preparing a resettlement plan or Ethnic Minority Development Plan. Compensation plan is prepared only after the detailed measurement survey (DMS), and there is no requirement for preparing a draft resettlement/compensation plan.</p>	<p>Resettlement plan shall be prepared in case of land acquisition, complete with necessary information.</p>

<sup>18</sup> SPS (2009) requires that a resettlement plan should basically include the following (i) project description, (ii) scope of land acquisition and resettlement, (iii) socioeconomic information and profile, (iv) information disclosure, consultation and participation, (v) grievance redress mechanisms, (vi) legal framework, (vii) entitlements, assistance and benefits, (viii) relocation of housing and settlements, (ix) income restoration and rehabilitation, (x) resettlement budget and financing plan, (xi) institutional arrangements, (xii) implementation schedule and (xiii) monitoring and reporting

ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
	total investment.		
<i>9. Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.</i>	-Requires that the compensation plan is disclosed to the affected land user and the community where land recovery will be made.	This provision in the Land Law is somewhat similar with 2009 SPS. However, the contents of compensation plan may not be comparable with the level of detail in 2009 SPS since the Land Law provides the general guidelines on land recovery for projects assisted by multilateral development institutions and/or projects financed by the government.	Disclose a draft RP including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final RP and its updates to affected persons, and other stakeholders.
<i>10. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation</i>	-Requires that land recovery be conducted only after the construction of houses or infrastructure in the resettlement area is completed (Article 85). -Requires affected land users to handover the land within 30 days <u>after agreeing</u> to the compensation/allowances offered. Agencies making the compensation are required to pay compensation within 30 days. In case of delay, additional compensation for delayed payment should be made.	Matched against the 2009 SPS, the Land Law has no explicit condition that the affected land user should have received the compensation/allowance before handing over the affected land/asset.	RP shall be prepared as part of the Project or it may be a stand-alone document for implementation, showing the full cost of execution if the impacts shall displace persons. Compensation/allowances shall be received by the APs, before the handing over of their land or removal of their affected assets.
<i>11. Grievance redress mechanism</i>	- Citizens have the right to supervise land management including land recovery, compensation, assistance and resettlement. The competent state agencies upon receiving opinions from citizens have to examine, settle and	SPS 2009 defines a grievance redress mechanism in accordance with the National Law and easily accessed by the DPs.	A four-step grievance redress mechanism in compliant with the Complaint Law will be established and disseminated to the

ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
	<p>respond to the opinions of the reporting organizations or individuals (Article 199).</p> <p>- Allowing the DPs whose land is acquired to send petition according to the mechanism and procedures of the Law on Complaints and Denunciations. For violations committed by civil servants or public employees working at a land administration agency (including land acquisition), the petition shall be sent to the competent agencies depending on the nature of the petition and concerned civil servants or public employees (Article 209).</p>		<p>stakeholders.</p> <p>Complaint fees are the responsibilities of the project owner.</p>
<p><i>12. Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved.</i></p> <p><i>Monitoring indicators are defined for internal monitoring and external monitoring; Disclosing monitoring reports.</i></p>	<p>-Empowers citizens to supervise and report on breaches in land management and land use including land recovery, compensation, support and resettlement (Article 199).</p> <p>-Mandates the government to develop a system for monitoring and evaluation on land management and land use including land pricing, land recovery, settlement of disputes, etc. to be sent periodically to the government and the National Assembly (Article 200). Monitoring indicators are not specified.</p>	<p>Article 199 of the Land Law is consistent with the requirement of 2009 SPS. However, Article 200 does not require for the monitoring and evaluation of the resettlement outcomes and the impacts on standards of living on displaced persons. Likewise, it has requirement to engage an external expert to monitor for projects with significant involuntary resettlement/land recovery impacts.</p>	<p>Mechanism for resettlement monitoring and evaluation shall be established. An internal monitoring mechanism and/or an external monitoring agency/expert will be recruited to implement monitoring activities of the project (if necessary).</p>

#### **7.4. Resettlement Policy and Principles of the Subproject**

76. The 2011 Resettlement and Ethnic Minority Development Framework spells out the resettlement policy and principles that will guide land acquisition and resettlement in subprojects of the Power Transmission Investment Program (PTIP). Provisions and principles adopted in PTIP will supplement the provisions of relevant decrees currently in force in Viet Nam wherever a gap exists, consistent with Decree No 38/20B/ND-CP which provides that in case of “discrepancy between any provision in an international treaty on ODA, to which the Socialist Republic of Viet Nam is a signatory, and the Vietnamese Law, the provision in the international treaty on ODA shall take precedence” (Article 46, Item 1). These resettlement policy and principles have been designed to address the discrepancies between ADB SPS and relevant GOV regulations as described in the gaps analysis above, thus:

- a. Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimized where possible by exploring all alternative options.
- b. Compensation and assistance will be based on the principle of replacement cost at the time of implementation.
- c. Severely affected household (SAH) is considered when they are losing 10% or more of the household's assets shall be considered as threshold.
- d. Displaced persons without title or any recognizable legal rights to land are eligible for compensation for non-land assets at replacement cost.
- e. Residential and agricultural land for replacement should be close to the previous places as much as possible and be suitable to displaced persons.
- f. Meaningful consultation will be carried out with the displaced persons and concerned groups and ensure participation from planning up to implementation. The comments and suggestions of the DPs and communities will be taken into account.
- g. The RP or REMDP will be disclosed to DPs in a form and language(s) understandable to them
- h. Resettlement identification, planning and management will ensure that gender concerns are incorporated.
- i. Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as households headed by women, children, disabled, the elderly, landless and people living below the generally accepted poverty line.
- j. Existing cultural and religious practices will be respected and preserved, to the maximum extent practical.
- k. Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the subproject.
- l. Resettlement transition stage should be minimized. Restoration measures will be provided to displaced persons before the expected starting date of construction in the specific location.
- m. Budget for payment of compensation, assistance, and resettlement and support will be prepared sufficiently and made available during subproject implementation and by the provinces.
- n. Reporting and independent monitoring should be defined clearly as part of the management system of resettlement. Independent assessment of the duration and results of the land recovery should be carried out.
- o. The NPT will not issue notice of possession to contractors until the NPT are officially confirmed in writing that (i) payment has been fully disbursed to the displaced persons and rehabilitation measures are in place (ii) already-compensated, assisted displaced persons have cleared the area in a timely

manner; and (iii) the area is free from any encumbrances. The satisfactory resettlement to be ascertained by the independent monitor before start of the civil works.

- p. Cut-off date is the date of completing DMS for which land and/or assets affected by the Subproject are inventoried.

## **7.5. Subproject Entitlements**

### **7.5.1. Eligibility**

77. Eligibility will be determined with regard to the cut-off date, which is taken to be the date when Vung Tau City Land Fund Development Center carried out in 2009 the DMS for which land and/or assets affected by the government funded 220 Vung Tau Substation and Access Road Project were identified and measured. The APs will be informed of the cut-off date policy of the Power Transmission Investment Program (PTIP).

78. In addition, legal rights to the land concerned determine the extent of eligibility for compensation with regard to land. There are three types of APs: i) persons with Land Use Rights Certificates (LURCs) to land lost in entirety or partially, ii) persons who lost land they occupy in its entirety or partially who do not currently possess a LURC but have a claim that is recognizable under national laws, or, iii) persons who lost land they occupy in its entirety or partially who do not have any recognizable claim to that land. APs included under i) and ii) above shall be compensated for the affected land and assets upon land. APs included under iii) shall not be compensated for the affected land, but for the affected assets upon land and are entitled to assistance if they have to relocate.

### **7.5.2. Entitlements**

79. Households or individuals with sufficient basis for compensation will be compensated for land and structure losses equivalent to 100% of the price of such assets. Those without sufficient legal rights are also assisted as described in the entitlement matrix below.

**Table 15: Entitlement Matrix**

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
<b>A. Agricultural Land</b>			
A.1: Temporarily Affected Agricultural Land			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC  AND public organizations	Loss of use of the land for a period less than 1 year	No compensation for land; however, the Subproject will: (a) Pay the rent in cash, which will be no less than the net income that would have been derived from the affected property during disruption. (b) Restore of land within 1 month after using to its previous or better quality OR pay full replacement cost to the land owner if it fails to restore the affected land within 1 month after use of land	Subproject is responsible to restore the borrowed land within 1 month after use of land or negotiates with DPs to restore and pay for them. PPMBs and EMA are in charge of monitoring on restoration of the affected land. Full payment for AHs at least 03 months before site clearance
	Loss of use of land exceeds 1 year.	No compensation for land; however, the Subproject will: a/ Pay the rent in cash, which will be no less than the net income that would have been derived from the affected property during disruption. , b/ Restore of land within 1 month after using to its previous or better quality OR pay full replacement cost to the land owner if it fails to restore the affected land within 1 month after use of land.  Or  DP can ask the Subproject to acquire permanently that land affected at replacement cost	
User with lease or temporary right	Loss of use of the land for a period less than 1 year	No compensation for land; however, the Subproject will: a/ Pay the rent in cash, which will be no less than the net income that would have been derived from the affected property during disruption. , b/ Restore of land within 1 month after using to its previous or better quality OR pay full replacement cost to the land owner if it fails to restore the affected land within 1 month after use of land	Subproject is responsible to restore the borrowed land within 1 month after use of land or negotiates with DPs to restore and pay for them.  PPMBs and External monitoring agency (EMA) is in charge of monitoring on restoration of the affected land.  Full payment for AHs at least 03 months before site clearance
	Loss of use of land exceeds 1 year	No compensation for land if returned to original user; however, the Subproject will: (a) Pay the rent in cash which will be no less than the net income that would have been derived from the affected property during disruption. (b) Restore of land within 1 month after using to its previous or better quality OR pay full replacement cost to the land owner if it fails to restore the affected land within 1 month after use of land.  Or  DP entitled to compensation for the remaining value of the lease contract	
Non-titled user		No compensation for land; however, the Subproject will pay cash compensation for loss of standing crops and trees at market prices (see D, below).	Compensation will be at least equivalent to income lost as a result of the temporary acquisitions of the land.

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
<b>A.2: Permanently Affected Agricultural Land</b>			
<p>Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC</p> <p>AND public organizations</p>	<p>More than 10 percent or more of total productive landholding affected</p> <p>32 AHs</p>	<p>(a) As a priority, allocation of replacement land: (i) equal in area to affected land up to a maximum of land quota in the locality; (ii) of same category (or productive capacity); (iii) at a location satisfactory to DP; (iv) with full title in the names of both the household head and his/her spouse; and (v) without charge for taxes, registration and land transfer charges; and</p> <p>(b) Economic rehabilitation package (see G, below);</p> <p>Or, if DP opts,</p> <p>(a) Cash compensation at replacement cost); and,</p> <p>(b) Economic rehabilitation package (see G, below).</p>	<p>If remaining land holding is not economically viable i.e. is too small to be economically cultivated, the Subproject will acquire the entire land holding and not just the affected portion. The size of the entire holding will be the basis for providing replacement land or cash compensation. The economically remaining land area will be identified by DCARB for each case.</p> <p>DCARBs will determine whether the remaining holding can be viable or not and take care of this issue during DMS implementation.</p> <p>Full payment for AHs at least 01 months before site clearance</p>
	<p>Less than 10 percent of total productive landholding affected; OR No suitable replacement land available</p>	<p>Cash compensation at replacement cost at current market prices for affected portion if remaining holding is viable;</p> <p>OR</p> <p>Cash compensation at replacement cost at current market prices for entire landholding, if remaining holding is not viable.</p>	<p>Implemented by DCARBs</p> <p>Decided by DPCs</p>
	<p>Affected landholding located in urban, peri-urban or rural residential area, as per approved land use plan</p> <p>32 AHs</p>	<p>(a) Cash compensation at replacement cost for affected land; and</p> <p>(b) Additional cash allowance equal to 20 percent of the agricultural land value but the supported area is not exceeding 5 (five) times of the land quota in the locality.</p>	<p>Implemented by DCARBs</p> <p>Decided by DPCs</p>
	<p>Affected land lying intermixed with residential areas but un-certified as residential land; pond and garden land lying the same area containing residential houses along canals and along transportation lines.</p>	<p>(a) Cash compensation at replacement cost for affected land; and</p> <p>(b) Additional cash allowance equal to 40 percent of the agricultural land value but the supported area is not exceeding 5 (five) times of the land quota in the locality.</p>	<p>Implemented by DCARBs</p> <p>Decided by DPCs</p>
	<p>Affected landholding is under dispute.</p>	<p>Compensation (for land and all non-land affected assets on the affected land) held in escrow account until land dispute is resolved.</p>	<p>Implemented by DCARBs</p> <p>Decided by DPCs</p>
<p>User with lease or temporary rights</p>	<p>Any impacted items</p>	<p>Cash compensation equivalent to 30 percent of replacement cost for affected land;</p>	<p>Preceding note on viability of remaining (unaffected) portion of plot also applies</p>

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
		OR, Cash compensation for loss of net income for the remaining leased or assigned period, whichever is higher.	Implemented by DCARBs
Non-titled user	Any impacted items	(a) No compensation but to be supported for affected land at the same compensation price for the land with lowest position in the land categories of the province, and  (b) Economic rehabilitation package in lieu of compensation (see G, below).	For non-titled DPs with no other productive landholdings, local authorities will allocate replacement land with temporary or lease land rights
Eligible organizations	Any impacted items	(a) No compensation for affected land but support equivalent with 70% of compensation value of the affected land; and  (b) Cash compensation at current market prices for all non-land affected assets on the affected land and allowance for transfer assets, if any.	The compensation amount must be paid to account of affected commune and used for infrastructure improvement of the commune
<b>A.3 Impact on productive land in ROW</b>			
All AHs have trees/fruit trees in ROW	Partially impact or totally impact	(a) No compensation for land. (b) Compensation for fruit trees and others at market price.	Affected land in ROW will be rehabilitated by contractors after the subproject construction and land in ROW could be used with the restricted purposes. (Described in Decree 81, 2009, article 1)  AHs can be required to cut affected trees, subproject will pay for this work.
<b>B. Residential and/or non-agricultural land</b>			
<b>B.1. Temporarily Affected Residential and/or Non-Agricultural Land</b>			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Temporary loss of use of land	No compensation for land; however, (a) The Subproject will pay rent to DPs during temporary use; and (b) Compensation for any demolished structures at replacement cost; and (c) Restore land within 1 month after use to its previous or better.	Rent will be determined so as to be not less than the amount of income foregone due to the temporary loss of this land  PPMBs and EMA are in charge of monitoring contractors on restoration of the affected land.
User with lease or temporary right	Temporary loss of use of land	No compensation for land; however, (a) The Subproject will pay rent to DPs during the temporary use or compensation for the remaining value of the contract; and (b) Compensation for any demolished structures at replacement cost; and (c) Restore land within 1 month after use of land to its previous or better quality.  OR, if DP opts:	Rent will be determined so as to be not less than the amount of income foregone due to the temporary loss of this land  PPMBs and EMA are in charge of monitoring contractors on restoration of the affected land.



Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
		(a) Compensation for any demolished structures at replacement cost; and (b) Compensation for the remaining value of the contract. c/ Restore land within 1 month after use of land to its previous or better quality.	
<b>B.2. Permanently Affected Residential and/or Non-Agricultural Land</b>			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Loss of residential and/or non-agricultural landholding without houses and structures built thereon	As a priority, allocation of replacement land: (i) equal to area of affected land up to a maximum of land quota in province of subproject; (ii) of same type (e.g., residential, commercial); (iii) at a location satisfactory to DP; (v) with full title in the names of both the household head and his/her spouse; and (vi) without charge for taxes, registration and land transfer charges;  OR, if DP opts, Cash compensation at replacement cost for the affected land. The compensated area does not exceed the residential land quota in the locality	(a) The DPC will determine availability of replacement land (b) Affected landholding is under dispute: Compensation held in escrow account until land dispute is resolved. (c) Full payment for AHs at least 03 months before site clearance
	Affected landholding exceeds area of land quota.	(a) Cash compensation for the area greater than land quota at replacement cost based on current market prices for agricultural land plus an allowance equal to 40% of the affected residential land value; and (b) Cash compensation at replacement cost for non-land affected asset (see C below).	
	Loss of residential land/or non-agricultural landholding with houses and structures built thereon.  27 AHs (8 AHs owned 2 houses each)	DP will be entitled to one of the following options: (i) Stay and rebuild their houses/structures on the remaining land if viable, and cash compensation at replacement cost for the affected land area and the affected house/structures without depreciation of salvable materials, plus package of rehabilitation allowances (see G); OR  (ii) Relocation in resettlement site with cash compensation at replacement cost for the affected house/structures without depreciation of salvable materials, plus package of rehabilitation allowances (See G). If amount of compensation is lower than value of a standard plot or apartment in resettlement site, the difference payment is not required; OR  (iii) Self-relocation with cash compensation at replacement cost for affected land and house/structures without depreciation of salvable materials, plus package of rehabilitation allowances (see G); and relocation household is entitled to support by cash for preparation of housing foundation equal to the average investment value in infrastructure of a standard plot in resettlement site.	(a) Infrastructure in relocation site will be constructed by subproject. The resettlement sites are all close to the affected area and with completed infrastructures.  (b) Affected landholding is under dispute: Compensation held in escrow account until land dispute is resolved.
User with lease or temporary rights	Loss of residential land/or non-agricultural land	(a) Cash compensation for the remaining value of contract, and (b) Cash compensation at replacement cost for house/structures on affected land, and	Local authorities assist DP to find alternative land.

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
		(c) Package of rehabilitation assistance (see G below).	
Non-titled user	Loss of residential land or non-agriculture land	No compensation for affected land; however, (a) Non-titled DP entitled to compensation for affected structures (see C, below), and (b) Package of rehabilitation allowances (see G below)	(a) In case of non-titled DP has no other residential land/or non- agriculture land: Local authorities should consider to allocate replacement residential land or house with full title and plus package of rehabilitation allowances  (b) In case of non--titled DP has no other non-agriculture land: Local authorities should consider to allocate replacement non- agriculture land with temporary of lease land right.
Eligible organizations	Loss of non-agricultural land	(a) No compensation for land if land use fee is unpaid or paid by state funds, otherwise cash compensation for land at replacement cost; and (b) Cash compensation for affected structures and allowance of relocation if any.	
<b>B3. Impact on residential land in ROW</b>			
All AHs have house/Structure and trees in ROW	Partially impact on house or structures in ROW (affected area less than 50% of total land area without any impact to the remaining structures of the house/building)	(a) No compensation for land.  (b) Retain their houses in ROW according to the conditions regulated by Article 6 of Decree No. 106/2005/NĐ-CP and Cash compensation for directly affected parts of the houses at the replacement cost and cost for demolishing the affected part.  (c) Support for utilization restricted land	AHs will demolish the impacted part/structures and reconstruct or improve their houses themselves.  Affected land in ROW will be rehabilitated by contractors after the subproject construction and land in ROW could be used with the restricted purposes.
	Demolishing partial or totally impact on house/structures (impact > 50%, or less than 50%)	(a) No compensation for land. (b) AH could chose one of the following options: (c)Retaining their houses or building in ROW according to the conditions regulated by Article 6 of Decree 106/2005/NĐ-CP. Allowance for purchasing fireproof materials and lightning arrestors for the existing house/building. (d) Cash compensation at replacement cost for full areas of affected house/structure and cost for demolishing AHs' houses in ROW. (e) Support for utilization of restricted land	Consulting with AHs on options of retaining their house in ROW or removing out of ROW
<b>C. MAIN HOUSES AND/OR SHOPS AND OTHER STRUCTURES OR PROPERTY</b>			
<b>C.1. Main Structures (Houses and/or Shops)</b>			
Owners of houses/ structures	House/Structure partially affected and remaining portion can be used	(a) Cash compensation at replacement cost for materials and labor for affected portion with no deduction for depreciation or salvageable materials; and	

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
	10 AHs	(b) Repair allowance (see G, below).	
Owners of house or combined house/shop structures	Structure totally affected OR Structure partially affected and remaining portion no longer viable	(a) Cash compensation at replacement cost for materials and labor for whole affected structure with no deduction for depreciation or salvageable materials; and	
	25 AHs	(b) Relocation and subsistence allowances (see G, below).	
Owners of shop	Structure totally affected OR Structure partially affected and remaining portion no longer viable	(a) Cash compensation at replacement cost for whole affected structure for materials and labor with no deduction for depreciation or salvageable materials; and	
		(b) Relocation allowance (see G, below).	
Tenant	Structure partially affected and remaining portion viable	(a) Cash compensation to the structure owner for the whole affected structure at replacement cost with no deduction for depreciation or salvageable materials; and (b) Repair allowance to the structure owner (see G, below). (c) Tenant may remain with owner's agreement.	Notice to tenants by owner at least two (2) months in advance
	Remaining structure no longer viable, OR Tenant opts to move	(a) Cash compensation to the structure owner for the whole affected structure at replacement cost with no deduction for depreciation or salvageable materials; and (b) Rent allowance equivalent to 6 months' rent or the remaining value of the rental contract (whichever is higher); and, (c) Assistance to find new, affordable rental accommodation; and (d) Relocation allowance (see G, below)	
C.2. Other Structures, e.g., kitchens, toilets, animal sheds, fences, foundations, etc.			
Owners of structures	Partially or totally affected structures or other property	Cash compensation at full replacement cost for materials and labor and with no deduction for depreciation or salvageable materials; OR	Owners of structures are entitled to compensation regardless of whether or not they possess a) land use rights to the land OR b) Construction permits for the structures
	9 AHs	Cash or in-kind assistance to relocate affected structures or property; OR  Cash assistance to repair of property to original or better condition (see G, below).	
	Graves / tombs-yard/cemetery	All costs of excavation, relocation and reburial will be reimbursed in cash to the affected family as prescribed in PPC's regulation.  If the tombs-yard is required, the place and layout of the yard shall be decided by the affected households and the costs for the yard constructions shall be made by the Subproject.	Compensation to be paid directly to DPs.  For ownerless affected graves / tombs, compensation will be given to Commune PC to relocate them to new site.  Graves to be exhumed and relocated in culturally sensitive and appropriate ways

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
			according to Customary rights.  The place and layout of the yard shall be consulted with communities and affected peoples
<b>D. Annual and perennial crops, fruit and timber trees and tree/plant fences</b>			
Owners of crops and/or trees	Loss of annual crops	If standing crops are ripening and cannot be harvested, cash compensation of un-harvested crops at market values based on the average production over past 3 years.	A minimum of 2 months' notice to harvest crops;  Owners of crops and/or trees are entitled to compensation regardless of whether they possess land use rights
	Loss of perennial crops, fruit and timber trees and tree fences  65 AHs	Cash compensation at current market prices given the type, age and productive value of the affected crops and/or trees.	Compensation must equal in value to crops that would be harvested had acquisition not occurred.  A market survey shall be carried out when updating the RP or REMDPs
<b>E. COMMUNITY AND PUBLIC RESOURCES/ASSETS</b>			
Village, Ward, Government Unit	Loss of community buildings and infrastructure  (School building, Hospital, offices buildings, religious infrastructures etc.)	Repair or restoration to original or better conditions of affected community buildings and infrastructures at no cost to community; OR  Replacement, if necessary, at locations identified in consultation with affected communities and relevant authorities, at no cost to community; OR  Cash compensation at replacement cost based on current market prices for affected community assets.	If income loss is expected (e.g. irrigation, community forest, community grazing land, income from fishpond), the village, commune or district authority is entitled to compensation for the total production loss (over 3 years); this compensation should be used collectively for income restoration measures and/or new infrastructure.
	Publicly owned utilities	Relocation and/or rehabilitation to original or better conditions of affected public utilities, at no cost to public utility; OR  Cash compensation at replacement cost based on current market prices for affected public utilities.	Relocation or reconstruction of public facilities will be done with minimal disruption to public service
<b>F. LOSS OF BUSINESSES AND INCOME SOURCES (NON-LAND BASED)</b>			
F.1. Businesses that relocate and/or rebuild structures			
Households with businesses without tax declarations, e.g., small shops  (Including un- registered	Structure totally affected and must be relocated OR Structure partially affected and must be rebuilt.	(a)/ Cash assistance for loss of income based on the minimum wage in the respective province for the period of 3 months; and  (b) Cash compensation for affected structures at replacement costs; and	Affected businesses will be notified 2 months in advance to relocate and/or rebuild new structures, so as to be able to continue to operate businesses while resettling.

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
business owners)		(c) Cash assistance for relocation (see G1), if any	
Registered business owners	Structure totally affected and must be relocated OR Structure partially affected and must be rebuilt.	(a) Cash assistance for loss of income equal to 30% of taxable revenues of one year. Average annual taxable revenues determined on basis of financial statements for the past 3 years; and  (b)Cash compensation for affected structures at replacement costs; and  (c) Cash assistance for relocation (see G1), if any	
F.2 Employees and Hired Laborers			
Employees and hired laborers	Temporary loss of employment/work while employers re-organize, relocate and/or rebuild.	Cash compensation for lost wages or salary equal to basic wages or salary for each day (or month) they cannot work.	
	Permanent loss of employment/work due to land acquisition or relocation of employer.	(a) Cash assistance equal to six months wages or salary or the value of a remaining contract, whichever is higher; and  (b) Assistance to secure new employment including relevant skills training expenses if required.	
G. REHABILITATION ASSISTANCE			
G.1. Relocation Allowance			
All DPs have to relocate	Relocation of household and/or business effects and salvaged and new building materials.  35 AHs	(a) Cash assistance is minimum of VND 3,000,000 for DPs that relocate within the same province; OR Cash assistance up to VND 5,000,000 for DPs that relocate to another province.  (b) Temporary Relocation Assistance for renting temporary resettlement house: The period of assistance and administration of this provision will be as per the Provincial People's Committee regulations  NB. Not applicable for AHs rebuilding on same plot.	Eligible DPs include owners of residential structures that are totally or partially affected and remaining portion is not viable; non-titled DPs allocated alternative residential land or housing; tenants; and, businesses and eligible land use/management organizations that relocate.  At the time of compensation, the level of allowance will be re- evaluated to ensure the DPs have enough assistance to relocate.  The resettlement sites are all close to the affected area and with completed infrastructure
G.2. Transition Subsistence Allowance			
Owners of residential structures that must rebuild.	Loss of income during period to rebuild.  35 AHs	Cash assistance is equal to 30 kg of rice per month per household member for 12 months valued at market price; If relocation in hard living condition area, assistance is for 24 months.	At time of compensation, allowance will be adjusted for inflation to ensure that DPs have sufficient resources to meet basic

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
		Assistance is equal to 30 kg of rice per month per household member for 03 months if partial rebuilding only is required.	food and non-food expenditures.
G.3 Repair Allowance			
Owners of partially affected principal structures; AND Owners of other affected structures.	Damage due to dismantling of part of principal structure, or part or all of other structure	Cash assistance based on actual costs to repair the remaining part	
G.4 Infrastructure Development Allowance			
Owners of structures that relocate themselves	Provision of basic infrastructure, e.g., water supply, toilet, access, drainage  35 AHs	Cash assistance equal to the basic cost of investment unit in infrastructure of a standard plot in resettlement site according to Decree 69/2009/ND-CP.	
G.5 Economic Rehabilitation Package			
Severely affected DPs, displaced from housing or losing 10 percent or more of their productive, income generating irrespective of tenure status.	Assistance to restore livelihoods and incomes following acquisition of agricultural land or other productive assets  32 AHs	AHs directly cultivate on the affected land to be entitled: (a) Losing from 10 to 30% of agricultural land holding: Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 3 months, if not relocating; for 6 months if relocating; and for 12 months if relocating in a harsh living condition area;  (b) Losing more than 30% to 70% of total agriculture landholding. Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 6 months, if not relocating; for 12 months if relocating; and for 24 months if relocating in a harsh living condition area;  (c) Losing more than 70% of total agriculture landholding Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 12 months, if not relocating; for 24 months if relocating; and for 36 months if relocating in a harsh living condition area; AND  (d) In-kind assistance to be decided in consultation with eligible DPs. Forms of assistance may include, but are not limited to, agricultural extension assistance, and training for non-agricultural occupations. And  (e) Participating in income restoration programs (RP or REMDP).	Value of in kind assistance to be determined during RP or REMDP implementation.  Income Restoration Programs will be designed during subproject implementation with the assistance of an agency specialized in livelihoods/labor or vocational assistance and with the active involvement of the AHs.  RP or REMDP shall be prepared during the RP or REMDP updating following the needs assessment of the DPs
	Assistance for job changing and creation.  32 AHs	Cash assistance equal to 1.5 times of compensation value for affected for acquired land area but not exceed 5 (five) times of land quota in locality.  If DP has demand for training, he/she will be entitled to a free training course	Eligibility will be confirmed during DMS.

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
G.6. Special allowance for social and economically vulnerable households			
Vulnerable DPs (the poor, war invalid person, woman headed household, the elderly)	Assistance to the poor and vulnerable households to improve their social and economic conditions.  1 AH	For the poor households, cash assistance equal to 30 kg of rice (at market price) per each family member per month for at least 6 months.  For other vulnerable DPs, assistance of VND 2,000,000 per household to improve their social and economic conditions	Eligible households are those who are classed as vulnerable under MOLISA definition.
G.7 Assistance for houses/infrastructures falling in the ROW			
All DPs affected with infrastructures	Infrastructures below the 220Kv line within the ROW	Support provided to protect the infrastructures affected with necessary equipment as per regulations	The support level for protection will be the provincial regulations
G.8 Bonus to DPs that relocate on time			
All DPs that relocate		Bonus Allowance if land is handed over in a timely manner according to PPC's regulation.	

## **7.6. Strategy to Address Gender Issues**

80. The subproject includes the following specific actions to address gender issues during resettlement planning and implementation:

- a. During the review by Vung Tau City CLFD and SPPMB of the 2009 DMS forms for updating the levels of compensation and allowances of AHs, including the updating and/or preparation of their compensation plans (CPs), both men and women members of the AHs will also participate. Women from the AHs will be consulted with regard to compensation, assistance, and resettlement.
- b. For married APs, both husband and wife will be present to receive the couple's compensation and allowances for their affected assets and income sources.
- c. Women will be given equal chance in getting hired for unskilled labor and to receive equal remuneration for the same work as the men.
- d. Special measures will be adopted to help elderly-, disabled-, and women-headed households relocate or reconstruct their affected structures.

## **7.7. Strategy to Assist Vulnerable Households**

81. Vulnerable APs include the following: (i) households headed by women with dependents, (ii) household heads with disabilities, (iii) poor households, (iv) elderly households with no other means of support, and (v) landless APs. Vulnerable APs that are affected by the partial or entire loss of main structures and productive assets will be given priority for employment in project-related works. In addition, vulnerable AHs will be provided livelihood assistance.

## **7.8. Unforeseen Impacts**

82. New APs/AHs that will emerge due to changes in project design or alignment prior to or even during construction works are entitled to the same entitlements as those of the other APs/AHs. Project entitlements will not apply to new occupants of the ROW after the cut-off date.



## VIII. RESETTLEMENT STRATEGY

### 8.1. Context

83. Payment of compensation and allowance and the resettlement of households affected by the construction of the 220 Vung Tau Substation and its access road will be resumed and completed in compliance with the resettlement policy of the Power Transmission Investment Program (PTIP) as discussed in the preceding chapter of this RP. This RP takes note of the following land acquisition activities carried out by the government in 2009 to 2014 prior to the request of NPT to include the installation of a second transformer bank in the yet to be constructed 220 kV Vung Tau SS as one of 9 subprojects of PTIP Tranche 3:

- a. Vung Tau City LFDC carried out in 2009 the DMS of affected assets in collaboration with the SPPMB, cadastral officials, and representatives of the Ward People's Committee (WPC).
- b. Vung Tau City PC in October 2010 started approving the compensation plans (CPs) of the AHs.
- c. On 12 August 2013, Ba Ria-Vung Tau PPC issued Decision No. 1776/QD-UBND, approving unit rates for paying compensation for land to be recovered for the 220/110 kV Vung Tau SS Project. The compensation rates mandated by Decision No. 1776/QD-UBND were higher than the prices established annually by the PPC.
- d. Subsequent to PPC Decision No. 1776/QD-UBND, Vung Tau City PC in December 2013 approved the granting of additional compensation and allowances to cover the difference in land use rights prices of the affected households whose compensation plans were earlier approved.
- e. Until June 2014, Vung Tau City PC issued five decisions approving the CPs of 40 of the 73 AHs. The remaining 33 AHs refused to participate in the DMS and no CP has been prepared for them.
- f. The approved compensation and allowances of the 40 AHs amounted to VND 25,305,530,789. Details of this amount are provided below.

**Table 16: Approved Cash Compensation and Allowances of 40 AHs**

Compensation and Allowances	Total (VND)
Lands	24,089,081,654.00
Trees and crops	350,415,772.00
Houses and structures	841,033,363.00
Cash assistances	25,000,000.00
<b>TOTAL</b>	<b>25,305,530,789.00</b>

- g. To date, however, only 21 of the 40 AHs have received their compensation and allowances amounting to VND 13,784,103,088. The remaining 19 households subsequently had a change of mind and have since refused to accept their compensation money and cash allowances.

### 8.2. Strategy in Carrying-out Payment of Compensation and Resettlement of AHs

84. The following will be carried out by SPPMB, assisted by the City CLFD and the project supervision consultants (PIC):

- a. Review the CPs and payment vouchers of the 21 AHs that have already received their compensation and allowances to check for the year of approval of the respective CPs of the 21 AHs that already received their compensation for the purposes of (i) examining if the rates used for computing compensation

and allowances were based on the prevailing market rates at the time of the approval of the CPs, and (ii) determining if compensation and allowances were paid within the year of the approval of the CPs.

- b. If the unit rates used in the CPs of the AHs did not reflect prevailing market rates at the time of approval of the CPs, and/or if payment of compensation and allowances was not carried out within the same year of the approval of CPs, supplementary CPs will be prepared to reflect compensation and allowance deficits in what the 21 AHs ought to have received for their lost assets at the time of actual payment of their compensation and cash allowances.
- c. Find out who among the 21 AHs that already received their compensation and cash allowances lost entire houses and had to relocate. For each of the AHs that already demolished their houses and had to settle elsewhere, review their CPs and find out:
  - If the compensation the AH received was at full replacement cost, regardless of whether or not the house was constructed on agricultural land.
  - If the AH received transition subsistence allowance in cash and equal to 30 kg of rice per month per household member for 12 months at market price during the time/year of payment of compensation.
  - If the AH received relocation allowance of VND 3,000,000.
  - If the AH has already re-settled (rebuilt) on its own, for which the AH should have been provided cash assistance to self-relocate as mandated by Decree 69/2009/ND-CP, the amount of which will be decided by PPC.
  - If the AH has not yet re-settled and is still waiting for the government-assigned relocation site<sup>19</sup> to be ready for occupancy. If this is the case, find out if the AH has been provided temporary relocation assistance, the amount of which will be decided by the PPC, for renting temporary resettlement house while waiting for the government-assigned relocation site to be ready for occupancy.
  - For any of the aforementioned compensation and cash allowance not given or for any deficits in amounts provided, prepare the needed documentations to facilitate payment of the same to the AH.
- d. For the 19 AHs whose CPs have earlier been approved but who have not yet received their compensation money and cash allowances, review their respective CPs and make the necessary adjustments to reflect the entitlements provided by the PTIP resettlement policy as enumerated in the entitlement matrix.
- e. Similarly, for the 33 AHs whose CPs have not yet been prepared, review the accomplished DMS of each and compute their respective cash compensation and allowances based on the PTIP resettlement policy as enumerated in the entitlement matrix; discuss the entitlements of the 33 AHs with them; and have their CPs prepared.

85. Notwithstanding the aforementioned and for budget purposes, the following sections present the amounts of compensation and allowances due to each of the 73 AHs as if no land recovery and payment of compensation and allowance have been carried out yet. Compensation for affected fixed assets, including cash allowances, have been computed based on the results of the replacement cost study (RCS) that was conducted in March 2015 to determine the prevailing market rates of lands, structures, crops, and trees in the project area. (See **Appendix 10** for results of the RCS). The amounts of

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<sup>19</sup> The City PC has designated a subdivision developed by the Phuoc Son Real Estates Ltd. Company located about 2 km from the site of the Vung Tau SS as relocation site for relocating AHs. The size of the plots in the relocation site is between 75 m<sup>2</sup> to 93 m<sup>2</sup>.

compensation for affected assets are estimated using the unit costs suggested by the RCS and multiplying these unit costs with quantities of the affected assets. Computation of various types of allowances follows the same principle.

### 8.2.1 Compensation for permanently affected (acquired) land

86. Compensation for the 73 AHs affected by the permanent acquisition of their landholdings is estimated at VND 16,912,671,200, broken down as follows: land planted to perennial trees, VND 6,995,450,000; and land used for residence, VND 9,917,221,200.

**Table 17: Permanently Acquired Land**

Components	Planted to Perennial Trees			Used for Residence		
	Area (m <sup>2</sup> )	Unit Cost (VND/m <sup>2</sup> )	Amount (VND)	Area (m <sup>2</sup> )	Unit Cost (VND/m <sup>2</sup> )	Amount (VND)
Substation	32,184	158,000	5,085,072,000	6,158	1,200,000	7,389,600,000
Access Road	12,091	158,000	1,910,378,000	2,106	1,200,000	2,527,621,200
<b>Total</b>	<b>44,275</b>	<b>158,000</b>	<b>6,995,450,000</b>	<b>8,264</b>	<b>1,200,000</b>	<b>9,917,221,200</b>

#### 8.2.2.1 Cash assistance for losing production lands

87. Among the 73 AHs, 32 are affected by the loss of production land totaling 44,275 m<sup>2</sup>. These AHs are each entitled to an aggregate assistance of VND 10,493,175,000 for loss of production lands.

#### 8.2.2.2 Life stabilization allowances for severely affected AHs

88. Thirty-two AHs are entitled to life stabilization allowance<sup>20</sup> because they will lose 10% or more of their aggregate production lands and income sources. Depending on the percentage of loss of its total productive lands, each severely affected AH will receive cash assistance equal to 30 kg of rice (valued at market price) per month per household member for at least 3 months. The unit cost of milled rice in March 2015 was VND 17,000 per kg, while the average size of the AHs is 3.8 persons. In addition, each of the 32 severely affected AHs is entitled to receive cash allowance for changing job and for vocational training. In all, the 32 AHs are entitled to receive life stabilization, changing job, and vocational training cash allowances of VND 12,250,098,000.

### 8.2.2 Compensation for affected main structures

89. Compensation at replacement cost for the 35 affected houses is estimated at VND 28,998,476,400, of which VND26,023,283,400 is for 31 houses of Grade IV building classification and with an aggregate floor area of 5,133 m<sup>2</sup>, and VND 2,975,193,000 for 4 houses of temporary building classification and with an aggregate floor area of 585 m<sup>2</sup>.

**Table 18: Compensation for Affected Houses**

Grade 4 Structure			Temporary Structure		
Affected Area (m <sup>2</sup> )	Unit Cost (VND/m <sup>2</sup> )	Amount (VND)	Affected Area (m <sup>2</sup> )	Unit Cost (VND/m <sup>2</sup> )	Amount (VND)
5,133	5069,800	26,023,283,400	585	5,085,800	2,975,193,000

<sup>20</sup>Life stabilization allowance is computed thus: (a) Losing from 10 to 30% of agricultural land holding: cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 3 months, if not relocating; for 6 months if relocating; and for 12 months if relocating in a harsh living condition area; (b) Losing more than 30% to 70% of total agriculture landholding: cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 6 months, if not relocating; for 12 months if relocating; and for 24 months if relocating in a harsh living condition area; and (c) Losing more than 70% of total agriculture landholding: cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 12 months, if not relocating; for 24 months if relocating; and for 36 months if relocating in a harsh living condition area.

### **8.2.2.1 Relocation and transition subsistence allowance**

90. There are 25 totally affected houses. Each of the 25 relocating AHs will receive a relocation allowance of VND 3 million, or an aggregate of VND 75,000,000. Also, each of the 25 relocating AHs is entitled to a transition subsistence allowance equivalent to 30 kg of rice per month per household member for 12 months. At a unit cost of VND 17,000 per kg and an average household size of 3.8 persons, the transition subsistence allowance due to each 25 relocating AHs for 12 months is VND 23,256,000, or an aggregate of VND 581,400,000.

### **8.2.2.2 Self-relocation allowance and rental allowance**

91. Twenty-one of the relocating AHs have opted to self-relocate. As mandated by Decree 69/2009/ND-CP, each of them is entitled to a self-relocation allowance of VND 198,760,000, or an aggregate of VND 4,173,960,00.

92. The remaining 4 relocating AHs have not yet demolished their houses. Following the awarding of their plots at the government-designated relocation site, each will be provided a rental allowance of VND 2,500,000 to cover for the period of 6 months to construct their new dwellings, reckoned from the time of awarding of their plots at the government-designated relocation site.<sup>21</sup>In all, the 4 AHs will get an aggregate of VND 60,000,000.

### **8.2.3 Compensation for affected secondary structures**

93. Compensation for secondary structures is estimated at VND 112,282,000. (See **Appendix 11** for the detailed breakdown of compensation for secondary structures).

### **8.2.4 Compensation for timber trees and perennials**

94. A total of 3,651 fruit trees, comprising of custard apple; jackfruit; papaya; guava; and cashew trees, and 3,248 timber trees. At prevailing market rates in March 2015, the compensation for these trees is estimated at VND 2,708,352,430. (See **Appendix 12** for the detailed breakdown of compensation for trees).

### **8.2.5 Mitigating temporary impacts on land and incomes**

95. During the construction of the substation and its access road, the civil works contractor and the PIC will identify the specific locations and the dimensions of lands that will be affected temporarily as access road and work place. The civil works contractor will pay for any damaged property during the temporary use of their lands, in addition to restoring those temporarily affected lands to their original condition before the same are returned to the AHs. NPT will ensure that this condition is stipulated in the contract of the civil works contractors.

### **8.2.6 Cash assistance to vulnerable AHs**

96. One AH is a poor household. It is entitled to a special allowance equivalent to 30 kg of rice per month per household member for 6 months. At a unit cost of VND 17,000 per kg and an average household size of 3.8 persons, the transition subsistence allowance due to the AH for 6 months is VND 11,628,000.

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<sup>21</sup>After the Vung Tau City People's Committee decides on the base unit cost (i.e., without including the infrastructure development cost of the relocation site), the plots of the 4 relocating AHs would be awarded to them with a contract that states the terms of payment of the awarded plots. A land use rights certificate (LURC) will be given to each AH following completion of payment for the relocation plot.

### **8.3. Review of DMS, Compensation Plans, and RP Implementation**

97. SPPMB, with assistance from the City CLFD and the Project Implementation Consultants (PIC), is responsible for reviewing the DMS forms and the updating or finalization of the compensation plans of the AHs subject to the resettlement policy of PTIP and as outlined in this Resettlement Strategy. Ba Ria – Vung Tau PPC will hire an independent expert that will carry out a replacement cost study (RCS). Following the review of the DMS and subsequent to the completion of the RCS, SPPBM, with assistance from the PIC and City CARB/LFDC will hold disclosure meetings-consultations with the AHs to discuss their entitlements and to solicit the views and suggestions of the AHs regarding their resettlement. After the holding of the disclosure meeting-consultation, City CARB/LFDC will finalize the CPs of the AHs for approval by the City PC and the PPC.

98. It should be stressed that the aforementioned could be carried only after ADB gives its concurrence to this RP.

## IX. RESETTLEMENT COSTS

99. Funds for land acquisition and implementation of resettlement are part of the subproject budget. Costs have been estimated based on the review of the results of the DMS done in 2009 and the RCS conducted in March 2015. As mentioned in the preceding chapter, and for budget purposes, the costs of resettlement presented herein are based on prevailing (2015) market rates as if no land recovery and payment of compensation and allowance have been carried out yet. This way, the budget would be enough to cover whatever compensation and cash allowance deficits there might be to pay the AHs that have already received their compensation and allowances based on government procedures but not of PTIP resettlement policy.

### 9.1. Procedures for flow of funds

100. NPT will bear the full cost of resettlement. It is responsible for ensuring that funds for resettlement are sufficient and are available in a timely manner. NPT will disburse funds for resettlement to the imprest account of Vung Tau City CARB. With assistance of the LFDC, City CARB will deliver the compensation and allowances of the AHs at the Ward 11 PC Office. AHs will be notified in advance of the date of payment of their compensation and allowances. AHs will likewise be advised to bring with them their copy of their approved compensation plans.

### 9.2. Cost estimates and inflation adjustment

101. NPT and SPPMB, in collaboration with the PPC will ensure that adjustments are made to compensation rates and to other cash entitlements to reflect current market rates when payment of compensation and allowances is not done within the year of the conduct of the RCS.

### 9.3. Implementation, administration and contingency costs

102. Implementation costs cover payment of allowances and per diem of concerned CARB and LFDC staff members involved in the review of the DMS forms and compensation plans and in the implementation of the RP. Administrative costs and contingencies amounting to 15% each have been added on top of the cost of resettlement.

### 9.4. Estimated cost of resettlement

103. The cost of implementing resettlement for the 220 kV Vung Tau Substation is estimated at VND 100,817,140,817 (or US\$ 4,624,639 at \$1 = VND21,800). Table below gives a breakdown of resettlement costs.

**Table 19: Resettlement Budget (in VND)**

No.	Cost Items	Unit	Quantity	Amount (VND)
<b>A</b>	<b>Permanently acquired land</b>			<b>16,912,250,000</b>
1	Planted to perennial tree	m <sup>2</sup>	44,275	6,995,450,000
2	Used for residence	m <sup>2</sup>	8,264	9,917,221,000
<b>B.</b>	<b>Cash assistance for losing productive land</b>	<b>m<sup>2</sup></b>	<b>44,275</b>	<b>10,493,175,000</b>
<b>C.</b>	<b>Allowances for severely affected AHs</b>			<b>12,250,098,000</b>
1	Life stabilization allowance	AHs	32	12,250,098,000
<b>D.</b>	<b>Compensation for trees (various species)</b>	<b>VND</b>	<b>6,899</b>	<b>2,708,352,430</b>
<b>E.</b>	<b>Compensation for main structures</b>			<b>28,998,476,400</b>
1.	Grade IV houses	m <sup>2</sup>	5,133	26,023,283,400
2.	Temporary grade houses	m <sup>2</sup>	585	2,975,193,000
<b>F.</b>	<b>Relocation and transition subsistence allowance</b>			<b>656,400,000</b>

No.	Cost Items	Unit	Quantity	Amount (VND)
1.	Relocation allowance (25 AHs)	VND	3,000,000	75,000,000
2.	Transition subsistence allowance (25 AHs)	VND	23,256,000	581,400,000
<b>G.</b>	<b>Self-relocation allowance and rental allowance</b>			<b>4,233,960,000</b>
1.	Self-relocation allowance (21 AHs)	VND	198,760,000	4,173,960,000
2.	Rental allowance (4 AHs)	VND	15,000,000	60,000,000
<b>H.</b>	<b>Compensation for secondary structures</b>	<b>VND</b>	<b>assorted</b>	<b>112,282,000</b>
<b>I.</b>	<b>Special assistance for poor AH (1 AH)</b>	<b>VND</b>		<b>11,628,000</b>
	<b>Sub-total: Direct cost of resettlement (A+...+I)</b>	VND		<b>76,376,621,830</b>
	Cost contingencies (15% of direct costs)	VND		11,456,493,275
	Administrative costs (15% of direct costs)	VND		11,456,493,275
	External monitor (2% if direct costs)	VND		1,527,532,437
	<b>Grand TOTAL*</b>	VND		<b>100,817,140,817</b>

\*Equivalent to US\$ 4,624,639 at \$1 = VND21,800 exchange rate.

## **X. INSTITUTIONAL ARRANGEMENTS**

104. Implementation of the RP requires the participation of relevant agencies from the central to province, district, and commune level. NPT has the overall responsibility for the implementation of the RP. The CARB of Vung Tau City will be mobilized consistent with Decree 47/2014ND-CP date on the 15 of May 2014 (On Compensation, Assistance, Relocation when the State carry out Land Acquisition).

### **10.1. Central Level**

105. The NPT is the executing agency and is mandated to:

- a. Provide overall management and coordination of PTIP Tranche 3 (PTIP3);
- b. Liaise with SPPMB to carry out PTIP3;
- c. Coordinate with ADB in providing resettlement consultant services for PTIP3;
- d. Support SPPMB for updating RPs/REMDPs of PTIP3;
- e. Consolidate project progress reports on land acquisition and resettlement submitted by the SPPMB for relevant ministries and ADB;
- f. Recruit a consulting agency consisting of international specialist and national specialist to support project implementation; and
- g. Recruit or authorize SPPMB to recruit a qualified external monitoring agency to conduct independent monitoring of RP implementation.

106. The SPPMB is the implementing agency and is mandated to:

- a. Actively participate in the review of the DMS forms done in 2009 and in RP implementation activities in collaboration with the concerned organization at the Province, City and Ward levels;
- b. Liaise with the PPC to facilitate the mobilization of the CARB at the provincial and city levels;
- c. Provide an orientation to the concerned People's Committees of the province, city, and ward, the City CARB and related groups on the project, its resettlement policy, process flow, and on the specific tasks of these groups relative to the implementation of the RP;
- d. Take the lead in public disclosure of the subproject in coordination with concerned People's Committees, and participate in project information dissemination and holding of consultation meetings with AHs and other stakeholders;
- e. Monitor grievances related to the project and calls the attention of concerned government offices where complaints have remained outstanding beyond prescribed action periods;
- f. Design and implement an internal monitoring system that will capture the overall progress in RP/REMDP updating and implementation; and prepare quarterly progress reports for submission to NPT and ADB.

### **10.2. Provincial Level**

107. The main responsibilities of the PPC include: (i) establishment and mobilization of PCARB and City CARB; (ii) organization and mobilization of all organizations and individuals concerning compensation, support and resettlement policies and ground clearance according to the land recovery decisions of competent State bodies; (iii) recruitment of consultant to determine replacement unit cost of affected private and public



assets; (iv) planning resettlement arrangements, job change training plans according to their assigned competence; (v) authorizing the City PC to approve compensation, assistance support to APs/AHs; (vi) providing guidance to concerned agencies on the impartial settlement of citizens' complaints, complaints related to compensation, support and resettlement; and (vii) authorizing the City PC to apply legal measures to cases of deliberately failing to abide by the State's land recovery decisions.

### 10.3. City and Ward Levels

108. **City People's Committee (City PC)** is responsible for the following: (i) extension of support for the implementation of the RP; (ii) issue land acquisition decisions and/or represent PPC to issue land acquisition decisions (if authorized) for the affected households and organizations; (iii) review and submit the RP to PPC as endorsed by the CARB; (iv) review the accuracy of and validate the cost estimates for compensation and assistance; (v) acquisition of Land Use Rights Certificates (LURCs) for households and individuals who have lands and/or houses entirely-recovered; (vi) adjustment of LURCs for households and individuals whose lands and houses have been partially affected; (vii) assist in the redress of complaints and grievance of APs/AHs; (viii) concurrence with the schedule of RP implementation and monitor the progress thereon; (ix) mobilization of the CARB that will appraise the compensation and assistance to APs/AHs; as well as (x) the provisions of lands to APs, as needed.

109. **City Compensation, Assistance and Resettlement Board (City CARB)**. The responsibilities of the City CARB are the following: (i) organize and carry out resettlement activities in the city on behalf of the City PC; (ii) assist in the DMS review, public consultations and disclosure activities; (iii) review and submit to City PC the proposed compensation, assistance and resettlement alternatives; (iv) assist in the identification and allocation of land for the APs/AHs, as needed; (v) along with the Ward PC, assist SPPMB in the timely delivery of compensation payment and other entitlements to APs; and (vi) assist in the resolution of complaints and grievances:

110. **Ward People's Committee (WPC)** will assist the SPPMB and the City CARB in the following tasks: (i) inform the APs about the compensation plan and the process of delivery, income restoration plans, relocation strategies and land clearance requirements based on the approved RP; (ii) maintain a list of eligible APs after the 2009 DMS has been reviewed; (iii) assign commune officials to extend assistance in the implementation of the RP; (iv) identify replacement lands for the APs, as needed; (v) sign the Agreement Compensation Forms along with the APs; and (vi) assist in the resolution of grievances and in other related-resettlement activities and concerns.

### 10.4. Project Implementation Consultants

111. The Project implementation consultants (PIC) will include one international resettlement consultant and a national resettlement consultant to assist in the implementation of the RP.

### 10.5. Implementation Schedule of Resettlement

112. Table below is a tentative schedule of RP planning and implementation. ADB in February 2016 will give its approval of the installation of the second transformer unit at the 220 kV Vung Tau SS following receipt of confirmation from SPPMB and the external monitoring agency (EMA) on the satisfactory completion of payment of compensation, handing-over of acquired properties, and relocation of AHs.

**Table 20: Subproject Implementation Schedule**

Activities	Time frame
NPT to endorse the RP to ADB for concurrence	June 2015
Distribution of PIB to AHs and posting of RP in relevant government offices and on ADB website	June 2015

<b>Activities</b>	<b>Time frame</b>
ADB no-objection to RP and approval of subproject	July 2015
Detailed review of the results of the 2009 DMS and 2010-2014 approved compensation plans	Aug-Sept 2015
Meeting with all 73 AHs to discuss findings of the detailed review of DMS and existing CPs	October 2015
Finalize the compensation plans of all 73 AHs based on PTIP resettlement policy	Oct-Nov 2015
NPT to endorse the finalized compensation plans to ADB for concurrence	November 2015
Payment of compensation, handing-over of acquired properties, relocation of AHs, etc.	December 2015
Internal monitoring (requires submission of quarterly reports)	Start in Oct 2015
Start of external monitoring (requires bi-annual monitoring reports)	November 2015
SPPMB and external monitoring agency (EMA) to confirm satisfactory implementation of RP	January 2016
ADB gives concurrence to the installation of second transformer unit at 220 kV Vung Tau SS	February 2016
Post-resettlement implementation evaluation	July 2016

## **XI. MONITORING AND REPORTING**

113. The implementation of resettlement will be monitored regularly to help ensure that the RP is implemented as planned and that mitigating measures designed to address adverse social impacts are adequate and effective. Towards this end, resettlement monitoring will be done by an internal body and by an external organization.

### **11.1. Monitoring and Reporting**

114. The objectives of monitoring and evaluation are to (i) ensure that the standards of living of APs are restored or improved; (ii) monitor whether the time lines are being met; (iii) assess if compensation and rehabilitation measures are sufficient; (iv) identify problems or potential problems; and (v) identify methods of responding immediately to mitigate problems.

### **11.2. Internal Monitoring**

115. SPPMB will conduct internal monitoring of RP implementation and will include its findings in the quarterly project progress report it submits to NPT and ADB. Internal monitoring will cover the following concerns:

- a. Payment of compensation, relocation to new sites, and rehabilitation assistance being in place before the awarding of civil works contract.
- b. Payment of compensation to all APs in various categories, according to the compensation policy described in the RP.
- c. Delivery of technical assistance, relocation, payment of subsistence and other allowances.
- d. Delivery of income restoration and social support entitlements.
- e. Public information dissemination and consultation procedures.
- f. Adherence to grievance procedures and outstanding issues requiring management's attention.
- g. Coordination and completion of resettlement activities and award of civil works contract.

### **11.3. External Monitoring**

116. The key objectives of external monitoring and evaluation are to: (i) assess whether or not resettlement objectives have been met, specifically the restoration of livelihoods and the enhancement of affected persons' living standards; (ii) assess resettlement efficiency, effectiveness, impact and sustainability; and (iii) identify further mitigation measures as needed. External monitoring will be carried every 6 months. The external monitoring agency (EMA) will submit its monitoring report directly to NPT and ADB. The EMA will look into the following concerns:

- a. Capacity of affected persons to restore livelihoods and living standards. This will include assessment on the effectiveness and/or inadequacy of technical assistance, allowances and other measures, and to what extent the affected persons have maintained their livelihoods and living standards to pre-project levels.
- b. Public consultation and awareness of resettlement plan policies. EMA will validate if the affected persons have been fully informed and consulted about land acquisition and relocation activities. It will also inquire the affected

persons and other stakeholders if they were aware of the compensation and entitlements policies and various options available to affected persons. Included in EMA's validation is the process on how the public consultations were conducted, the problems and issues raised during the meeting and the solutions proposed either by the affected persons and stakeholders or from the side of NPT/SPPMB.

- c. Level of affected persons' satisfaction. EMA will assess the APs' level of satisfaction with the compensation, allowances and assistance received as well as on resettlement plan implementation, and the degree of efficiency and equity in handling grievances and resolution of complaints.
- d. Change in living standards. Some indicators in the performance evaluation of resettlement plan implementation are very useful in assessing the living standards of the affected persons. From the indicators, EMA will compare and assess the progress of affected persons in coping with the restoration of their livelihoods that define their living standards. Special attention to disparities between their pre-project and post-resettlement social conditions will be analyzed, and disaggregated by gender and per capita income levels. Any factors or issues relevant to restoration of the affected persons' living standards will be disclosed in the social impact evaluation report. The EMA will discuss its findings with the ADB and advice follow-up actions, where appropriate, to bring to closure the social issues arising from land acquisition and resettlement.

117. The EMA will likewise conduct an assessment of resettlement 6 to 12 months after completion of RP implementation.

## Appendix 1 List of 40 AHs with Approved Compensation Plans

No.	Name	Address	Acquired area	Land category		Compensation			Assistances	Total	No. of compensation decisions	Date of compensation payment	Received compensation amount
				Residential land	Agricultural land	For land	For crops	Houses and structures					
1	Huỳnh Kim Quyên Đoàn Thị Kim	Ward 8	1.520,70		1.520,70	437.145.600	6.685.900			443.831.500	6051 14/12/2010	08/01/2014	443.831.500
2	Cao T. Hồng Nguyên Phạm Nam Khương	Ward 3	85,50		85,50	35.952.750	2.971.200			38.923.950	6051 14/12/2010	19/12/2013	38.923.950
3	Lê Thị Ba	Ward 7	102,20		102,20	42.975.100	3.024.600			45.999.700	6051 14/12/2010	19/12/2013	45.999.700
4	Nguyễn Đắc Liệt	Ward 1	361,40		361,40	151.968.700	8.229.200			160.197.900	6051 14/12/2010	19/12/2013	160.197.900
5	Vũ T. Thanh Huyền Hoàng Thanh Tuấn	Ward 7	257,90		257,90	108.446.950	3.979.500	279.840		112.706.290	6051 14/12/2010	19/12/2013	112.706.290
6	Vũ Thị Châu Lê Văn Thắng	Ward 7	838,60		838,60	329.373.800	6.392.500			335.766.300	6051 14/12/2010	19/12/2013	335.766.300
7	Trương Trọng Hân Nguyễn Thị Thơm	Ward 3	764,80		764,80	317.713.400	235.500			317.948.900	6051 14/12/2010	18/12/2014	317.948.900
8	Vương Quốc Hùng	Ward 2	99,00		99,00	41.629.500	3.417.200			45.046.700	6051 14/12/2010	02/04/2014	45.046.700
9	Vũ Thị Thu Hương	Ward Thắng nhất	104,70		104,70	44.026.350	3.858.000			47.884.350	6051 14/12/2010		47.884.350
10	Lê Trọng Vinh	Ward 7	99,00		99,00	41.629.500	2.981.600			44.611.100	6051 14/12/2010	19/12/2013	44.611.100
11	Nguyễn T. Thanh Hải	Ward 7	1.291,00		1.291,00	400.853.000	23.546.500			428.825.500	6051 14/12/2010	19/12/2013	428.825.500
12	Nguyễn Văn Nhan	Ward11	42,80		42,80	22.812.400	1.247.900	1.621.500		25.681.800	3383 25/8/2010	23/9/2010	25.681.800
13	Phan Hữu Hiệp	Ward 3	414,80		414,80	174.423.400	1.392.000			175.815.400	3383 25/8/2010	23/9/2010	175.815.400
14	Mai Văn Bành	Ward 3	695,00		695,00	292.247.500	2.142.800			294.390.300	3383 25/8/2010	23/9/2010	294.390.300
15	Võ Văn Tám Huỳnh Lý Cháng	Ward11	500,00		500,00	210.250.000	11.319.600			221.569.600	3383 25/8/2010		221.569.600
16	Nguyễn Thế Môn	Ward11	100,00		100,00	42.050.000	103.000	3.100.800		45.253.800	3383 25/8/2010	19/12/20...	45.253.800
17	Đào Huy Chư	Ward11	328,00		328,00	137.966.050	7.818.000	1.570.000		147.354.050	3383 25/8/2010	08/01/2014	147.354.050
18	Lê Thị Cầu	Ward 8	1.728,50		1.728,50	469.978.000	27.872.400			497.850.400	3383 25/8/2010		497.850.400
19	Bùi Hoàng Hường	Ward Thắng	1.706,60		1.706,60	466.517.800	16.776.000			483.293.800	3383 25/8/2010		483.293.800

No.	Name	Address	Acquired area	Land category		Compensation			Assistances	Total	No. of compensation decisions	Date of compensation payment	Received compensation amount
				Residential land	Agricultural land	For land	For crops	Houses and structures					
		Tam											
20	Nguyễn Văn Sửu Nguyễn Thị Hoè	Ward11	1.367,30		1.367,30	412.908.400	10.558.800			423.467.200	3383 25/8/2010	23/12/2014	423.467.200
21	Đinh Bá Cảnh	Ward 9	416,20		416,20	175.012.100	198.600			175.210.700	3383 25/8/2010	19/12/2014	175.210.700
22	Trần Thị Mận	Ward10	100,00		100,00	42.050.000				42.050.000	3383 25/8/2010		42.050.000
23	Mai Thị Hồng Nhung Nguyễn V Trọng Lực	Ward11	80,00		80,00	33.640.000	51.750			33.691.750	3383 25/8/2010		33.691.750
24	Phan Thành Trung	Ward11	100,00	100,00		26.250.000	2.458.200	18.996.040	12.000.000	59.704.240	3383 25/8/2010		59.704.240
25	Phan T. Thanh Thiện	Ward11	100,00		100,00	42.050.000	394.000			42.444.000	3383 25/8/2010		42.444.000
26	PhanT.Thanh Nguyễn	Ward11	100,00		100,00	42.050.000	1.405.200			43.455.200	3383 25/8/2010		43.455.200
27	Phạm Thị Tồn	Ward11	2.106,50	150,00	1.956,50	584.752.000	34.834.500	254.162.075	13.000.000	886.748.575	3383 25/8/2010		886.748.575
28	Đinh Thế Giám	Ward11	7,00		7,00	2.943.500				2.943.500	3383 25/8/2010		2.943.500
29	Võ Thị Nhiều	Ward11	3.079,30		3.079,30	742.654.400	51.093.800	14.939.780		808.687.980	4909 25/10/2011		
30	Lê Thanh Tuấn	Ward11	31,50		31,50	15.734.250	360.000			16.094.250	4909 25/10/2011	08/01/2014	16.094.250
31	Vũ Minh Cẩn Nguyễn Thị Thoa (Nguyễn Văn Chiến)	Ward11	147,00		147,00	73.426.500	729.000			74.155.500	4909 25/10/2011		
32	Nguyễn Huy Thoại	Ward10	127,60		127,60	63.736.200	219.000			63.955.700	4909 25/10/2011		
33	Hoàng Thị Kim Nữ	Ward10	55,40		55,40	26.973.000	1.680.000			28.653.000	4909 25/10/2011	19/12/2014	28.653.000
34	Võ Văn Tám Huỳnh Lý Cháng	Ward11					248.400	15.964.880		16.213.280	4909 25/10/2011		
35	Nguyễn Thị Non Trần Văn Châu	Ward11	1.343,00		1.343,00	3.506.726.600	32.097.850	263.430.615		3.801.255.065	2620 27/6/2014	30/7/2014	3.801.255.065
36	Trần Thanh Tâm Trần Thị Phương	Ward11	1.480,30		1.480,30	3.797.376.700	64.534.550	262.541.833		4.124.453.083	2620 27/6/2014	30/7/2014	4.124.453.083
37	Đào Huy Chư (Trần Văn Thịnh Lương Thị Hà Trần Thị Thủy)	Ward11	94,10		94,10	92.076.850	1.409.700			93.486.550	2620 27/6/2014		
38	Đào Huy Chư (Trịnh Văn Thái Nguyễn Thị Thân)	Ward11	132,00		132,00	129.162.000	3.145.750			132.307.750	2620 27/6/2014		

No.	Name	Address	Acquired area	Land category		Compensation			Assistances	Total	No. of compensation decisions	Date of compensation payment	Received compensation amount
				Residential land	Agricultural land	For land	For crops	Houses and structures					
	Trần Văn Chức)												
39	Phạm Thị Tồn (Nguyễn Hữu Minh Nguyễn T. Thuý Nga)	Ward11	213,00		213,00	208.420.500	11.718.500			220.139.000	2620 27/6/2014		
40	Nguyễn Huy Thoại Đinh Thị Xuyên	Ward11	150,00		150,00	146.775.000	6.072			146.781.072	2620 27/6/2014		
40	Nguyễn Huy Thoại Đinh Thị Xuyên	Ward11	103,00		103,00	100.785.500	278.200			101.063.700	2620 27/6/2014		

#### Additional Assistance to 33 AHs per PPC Decision Adjusting Unit Rates of Affected Assets of 40 AHs with Approved CPs

No.	Name	Address	No. of Decision	Amount	Reason for additional assistances	Date of payment
1	Nguyễn Văn Nhan	Ward 11	6412 06/12/2013	25.316.200	Additional assistance for the difference in land use right value.	19/12/2013
2	Phạm Hữu Hiệp	Ward 11	6412 06/12/2013	231.458.400	Additional assistance for the difference in land use right value.	19/12/2013
3	Mai Văn Bành Nguyễn Thị Xuân	Ward 11	6412 06/12/2013	387.810.000	Additional assistance for the difference in land use right value.	19/12/2013
4	Võ Văn Tám Huỳnh Lý Cháng	Ward 11	6412 06/12/2013	279.000.000	Additional assistance for the difference in land use right value.	
5	Nguyễn Thế Môn	Ward 11	6412 06/12/2013	55.800.000	Additional assistance for the difference in land use right value.	19/12/2013
6	Đào Huy Chư	Ward 11	6412 06/12/2013	183.079.800	Additional assistance for the difference in land use right value.	
7	Lê Thị Cầu	Ward 11	6412 06/12/2013	887.201.500	Additional assistance for the difference in land use right value.	
8	Bùi Hoàng Hường	Ward 11	6412 06/12/2013	876.711.400	Additional assistance for the difference in land use right value.	
9	Nguyễn Văn Sửu Nguyễn Thị Hoè	Ward 11	6412 06/12/2013	714.186.700	Additional assistance for the difference in land use right value.	
10	Đinh Bá Cảnh Ngô Thị Hiền	Ward 11	6412 06/12/2013	232.239.600	Additional assistance for the difference in land use right value.	19/12/2013
11	Trần Thị Mân	Ward 11	6412	55.800.000	Additional assistance for the difference in land	

No.	Name	Address	No. of Decision	Amount	Reason for additional assistances	Date of payment
			06/12/2013		use right value.	
12	Mai Thị Hồng Nhung Nguyễn Văn Trọng Lực	Ward 11	6412 06/12/2013	44.640.000	Additional assistance for the difference in land use right value.	
13	Phan Thành Trung	Ward 11	6412 06/12/2013	61.636.650	Additional assistance for the difference in land use right value.	
14	Phan Thị Thanh Thiện	Ward 11	6412 06/12/2013	55.800.000	Additional assistance for the difference in land use right value.	
15	Phan Thị Thanh Nguyên	Ward 11	6412 06/12/2013	55.800.000	Additional assistance for the difference in land use right value.	
16	Phạm Thị Tồn	Ward 11	6412 06/12/2013	1.181.323.450	Additional assistance for the difference in land use right value.	
17	Đinh Thế Giám	Ward 11	6412 06/12/2013	3.906.000	Additional assistance for the difference in land use right value.	
18	Huỳnh Kim Quyên Đoàn Thị Kim	Ward 8	6051 14/12/2010	787.665.300	Additional assistance for the difference in land use right value.	
19	Cao Thị Hồng Nguyên Phạm Nam Kương	Ward 3	6051 14/12/2010	47.709.000	Additional assistance for the difference in land use right value.	19/12/2013
20	Lê Thị Ba	Ward 7	6051 14/12/2010	57.027.600	Additional assistance for the difference in land use right value.	19/12/2013
21	Nguyễn Đắc Liệt	Ward 1	6051 14/12/2010	201.661.200	Additional assistance for the difference in land use right value.	19/12/2013
22	Vũ Thị Thanh Huyền Hoàng Thanh Tuấn	Ward 7	6051 14/12/2010	143.908.200	Additional assistance for the difference in land use right value.	19/12/2013
23	Vũ Thị Châu Lê Văn Thắng	Ward 7	6051 14/12/2010	460.939.400	Additional assistance for the difference in land use right value.	19/12/2013
24	Trương Trọng Hân Nguyễn Thị Thơm	Ward 3	6051 14/12/2010	425.589.200	Additional assistance for the difference in land use right value.	
25	Vương Quốc Hùng	Ward 2	6051 14/12/2010	55.242.000	Additional assistance for the difference in land use right value.	
26	Vũ Thị Thu Hương	P. Thắng Nhất	6051 14/12/2010	58.422.600	Additional assistance for the difference in land use right value.	
27	Lê Trọng Vinh	Ward 7	6051 14/12/2010	55.242.000	Additional assistance for the difference in land use right value.	19/12/2013
28	Nguyễn Thị Thanh Hải	Ward 7	6051 14/12/2010	677.639.000	Additional assistance for the difference in land use right value.	19/12/2013



No.	Name	Address	No. of Decision	Amount	Reason for additional assistances	Date of payment
29	Võ Thị Nhiều	Ward 11	4909 25/10/2011	1.474.984.700	Additional assistance for the difference in land use right value.	
30	Lê Thanh Tuấn	Ward 11	4909 25/10/2011	15.088.500	Additional assistance for the difference in land use right value.	
31	Vũ Minh Căn Nguyễn Thị Thoa (Nguyễn Văn Chiến)	Ward 11	4909 25/10/2011	70.413.000	Additional assistance for the difference in land use right value.	
32	Nguyễn Huy Thoại	Ward 10	4909 25/10/2011	61.120.400	Additional assistance for the difference in land use right value.	
33	Hoàng Thị Kim Nữ	Ward 10	4909 25/10/2011	25.866.000	Additional assistance for the difference in land use right value.	19/12/2013

## Appendix 2 Shortcomings in Compensation and Allowances in CPs of 40 AHs

No	Name of AP	Shortcomings in Compensation and Allowances in CPs
1.	Huỳnh Kim Quyện Đoàn Thị Kim	Lost agricultural land but not provided with life stability support
2.	Cao T. Hồng Nguyên Phạm Nam Khương	No shortcoming
3.	Lê Thị Ba	Lost agricultural land but not provided with life stability support
4.	Nguyễn Đắc Liệt	Lost agricultural land but not provided with life stability support
5.	Vũ T. Thanh Huyền Hoàng Thanh Tuấn	Lost agricultural land but not provided with life stability support
6.	Vũ Thị Châu Lê Văn Thắng	Lost agricultural land but not provided with life stability support
7.	Trương Trọng Hân Nguyễn Thị Thơm	Lost agricultural land but not provided with life stability support
8.	Vương Quốc Hùng	No shortcoming
9.	Vũ Thị Thu Hương	Lost agricultural land but not provided with life stability support The compensation rate is low according to the PAH
10.	Lê Trọng Vinh	No shortcoming
11.	Nguyễn T. Thanh Hải	Lost agricultural land but not provided with life stability support
12.	Nguyễn Văn Nhan	Not compensated for their partly affected house but only compensated for other structures; no rental allowance is provided during the rebuilding and house repairing period.
13.	Phan Hữu Hiệp	Lost agricultural land but not provided with life stability support
14.	<i>Mai Văn Bành</i>	Lost agricultural land but not provided with life stability support
15.	Võ Văn Tám Huỳnh Lý Cháng	Lost agricultural land but not provided with life stability support The compensation rate is low according to the PAH
16.	Nguyễn Thế Môn	Not compensated for affected house built on agricultural land; Not provided with relocation allowance and life stability support after relocation; No land-for-land compensation
17.	Đào Huy Chư	Not compensated for affected house; Not provided with relocation allowance and life stability support after relocation; No land-for-land compensation
18.	Lê Thị Cầu	Lost agricultural land but not provided with life stability support The compensation rate is low according to the PAH
19.	Bùi Hoàng Hường	Not compensated for affected house; Not provided with relocation allowance and life stability support after relocation; No land-for-land compensation
20.	Nguyễn Văn Sửu Nguyễn Thị Hoè	Not compensated for affected house; Not provided with relocation allowance and life stability support after relocation; Not provided with resettlement arrangement or minimum resettlement plot; Lost agricultural land but not provided with life stability support
21.	Đinh Bá Cảnh	Lost agricultural land but not provided with life stability support

No	Name of AP	Shortcomings in Compensation and Allowances in CPs
		support
22.	Trần Thị Mận	Lost agricultural land but not provided with life stability support The compensation rate is low according to the PAH
23.	Mai Thị Hồng Nhung Nguyễn V Trọng Lực	Not compensated for affected structures and not provided with relocation allowance The compensation rate is low according to the PAH
24.	Phan Thành Trung	Lost agricultural land but not provided with life stability support The compensation rate is low according to the PAH
25.	Phan T. Thanh Thiện	Not compensated for affected structures and not provided with relocation allowance The compensation rate is low according to the PAH
26.	PhanT.Thanh Nguyên	Not compensated for affected structures and not provided with relocation allowance The compensation rate is low according to the PAH
27.	Phạm Thị Tồn	Not provided with resettlement arrangement or minimum resettlement plot;
28.	Đinh Thế Giám	Not compensated for affected structures and not provided with relocation allowance The compensation rate is low according to the PAH
29.	Võ Thị Nhiều	Lost agricultural land but not provided with life stability support The compensation rate is low according to the PAH Not provided with relocation allowance and rental allowance No land-for-land compensation
30.	Lê Thanh Tuấn	No shortcoming
31.	Vũ Minh Cẩn Nguyễn Thị Thoa ( <i>Nguyễn Văn Chiến</i> )	Not compensated for affected house; Not provided with relocation allowance and life stability support after relocation.
32.	Nguyễn Huy Thoại	Lost agricultural land but not provided with life stability support The compensation rate is low according to the PAH
33.	Hoàng Thị Kim Nữ	Not compensated for affected house; Not provided with relocation allowance and life stability support after relocation.
34.	Võ Văn Tám Huỳnh Lý Cháng	Not provided with relocation allowance and rental allowance No land-for-land compensation Lost agricultural land but not provided with life stability support The compensation rate is low according to the PAH
35.	Nguyễn Thị Non Trần Văn Châu	Not provided with relocation allowance and rental allowance Not provided with resettlement arrangement or minimum resettlement plot
36.	Trần Thanh Tâm Trần Thị Phương	Not provided with relocation allowance and rental allowance Not provided with resettlement arrangement or minimum resettlement plot
37.	Đào Huy Chư ( <i>Trần Văn Thịnh</i> <i>Lương Thị Hà</i> <i>Trần Thị Thuỷ</i> )	Lost agricultural land but not provided with life stability support The compensation rate is low according to the PAH
38.	Đào Huy Chư ( <i>Trịnh Văn Thái</i> <i>Nguyễn Thị Thân</i> <i>Trần Văn Chức</i> )	Lost agricultural land but not provided with life stability support The compensation rate is low according to the PAH
39.	Phạm Thị Tồn ( <i>Nguyễn Hữu Minh</i> <i>Nguyễn T. Thuý Nga</i> )	Lost agricultural land but not provided with life stability support The compensation rate is low according to the PAH

No	Name of AP	Shortcomings in Compensation and Allowances in CPs
40.	Nguyễn Huy Thoại Đinh Thị Xuyên	Lost agricultural land but not provided with life stability support The compensation rate is low according to the PAH

### Appendix 3 Master List of AHs

Name	Type of affected land (m2)		Legal status			No. of affected houses	Affected house								No. of house outside the location of SS	Area of house outside the location of SS (m2)
			Have LURCs	Without LURCs but eligible to the issuance of LURCs	Not eligible		Total area of grade -IV house	Total affected area of grade IV house	Type of impacts (partial =1; fully =2)	Legal status: With LURCs=1; Without LURCs=2; Built on agricultural land=3; Rented house=4	Total area of temporary house	Total affected area of temporary house	Type of impacts (partial =1; fully =2)	Legal status: With LURCs=1; Without LURCs=2; Built on agricultural land=3; Rented house=4		
	Land for growing perennial crops	Residential land														
Nguyễn Văn Nhan		382.8		x		1	382.8	82	1	3						
Phạm Văn Hiệp	414.8		x													
Mai Văn Bành	695.0		x											1	180	
Võ Văn Tám	620.0		x			1					120	120	2	3	1	125
Nguyễn Thế Môn		310	x			1	310	310	2	1					1	120
Đào Huy Chư	328.1	86	x			1	80	80	2	2						
Lê Thị Cầu	1,728.5		x											1	120	
Bùi Hoàng Hường	1706.6	243		x		1	243	243	2	1				1	120	
Nguyễn Thị Hoè	1367.3	298	x			1	298	298	2	2						
Đinh Bá Cảnh	416.2		x											1	309	
Trần Thị Mận	100		x													
Mai Thị Hồng Nhung	80	228	x			1	228	228	2	1						
Phan Thành Trung	100	75	x			1					75	75	2	3		
Phan Thị Thanh Thiện	100	80	x			1	80	80	2	3						
Phan Thị Thanh Nguyên	100	120	x			1	120	120	2	2						
Phạm Thị Tồn	70	153	x			1	153	153	2	3						
Đinh Thế Giám	70	153		x		1	153	153	2	3						
Đoàn Thị Kim	1520		x													
Cao T.Hồng Nguyên	85.5		x											1	80	
Lê Thị Ba	102.2		x											1	140	
Nguyễn Đắc Liệt	361.4		x											1	180	

Name	Type of affected land (m2)		Legal status			No. of affected houses	Affected house								No. of house outside the location of SS	Area of house outside the location of SS (m2)
			Have LURCs	Without LURCs but eligible to the issuance of LURCs	Not eligible		Total area of grade -IV house	Total affected area of grade IV house	Type of impacts (partial =1; fully =2)	Legal status: With LURCs=1; Without LURCs=2; Built on agricultural land=3; Rented house=4	Total area of temporary house	Total affected area of temporary house	Type of impacts (partial =1; fully =2)	Legal status: With LURCs=1; Without LURCs=2; Built on agricultural land=3; Rented house=4		
	Land for growing perennial crops	Residential land														
Vũ Thị Thanh Huyền	257.9			x											1	210
Vũ Thị Châu	838.6		x												1	130
Trương Trọng Hân	764.8			x											1	130
Vương Quốc Hùng	99.0		x												1	140
Nguyễn T.Thanh Hải	1100		x												1	48
Lê Trọng Vinh	99		x												1	75
Vũ Thị Thu Hương	104.7		x												1	91
Võ Thị Nhiều	3079.3	579	x			1	579	50	1	3						
Lê Thanh Tuấn	31.5		x												1	80
Vũ Minh Cấn	147	89		x		1	89	89	2	1						
Nguyễn Huy Thoại	127.6		x												1	300
Hoàng Thị Kim Nữ	55.4	372	x			1	372	372	2	3						
Nguyễn Thị Non	10709	350	x			1	350	350	2	3						
Trần Thanh Tâm	1480.3	120	x			1	120	120	2	2						
Trần Thị Thủy	94.1	120		x		1	120	120	2	3						
Trần Văn Chức	132	270		x		1	270	270	2	2						
Nguyễn Hữu Minh	213.0		x												1	120
Lê Văn Lực	150	89	x			1	89	89	2	1						
Nguyễn Văn Giới	103		x												1	80
Vũ Văn Nở	513.8	120	x			1	120	120	2	3						
Nguyễn Thị Huyền	175	370	x			1					370	370	2	3		
Vũ Thanh Lâm	76.1		x			1					20	20	2	3		
Nguyễn Công Phúc	528			x											1	78
Đoàn Xuân Trường	127.3		x												1	75
Lê Văn Cải	42.4	120		x		1	120	120	2	2						
Nguyễn Vạn Lý	34.8	120	x			1	120	120	2	1						
Nguyễn Văn Hải	84.3		x			1	60	20	1	1						

Name	Type of affected land (m2)		Legal status			No. of affected houses	Affected house								No. of house outside the location of SS	Area of house outside the location of SS (m2)
			Have LURCs	Without LURCs but eligible to the issuance of LURCs	Not eligible		Total area of grade -IV house	Total affected area of grade IV house	Type of impacts (partial =1; fully =2)	Legal status: With LURCs=1; Without LURCs=2; Built on agricultural land=3; Rented house=4	Total area of temporary house	Total affected area of temporary house	Type of impacts (partial =1; fully =2)	Legal status: With LURCs=1; Without LURCs=2; Built on agricultural land=3; Rented house=4		
	Land for growing perennial crops	Residential land														
Bùi Thị Xuân	17.2		x													
Phạm Văn Thà	1018	178	x			1	178	178	2	1						
Phan Văn Khỏe	95.3	64	x			1	64	64	2	1						
Nguyễn Tiến Dũng	385.3		x												1	80
Nguyễn Văn Thân	153		x												1	110
Phạm Thị Hồng	1,317.2			x											1	300
Nhữ Văn Chính	98.7	279		x		1	98.7	98.7	2	2						
Đỗ Khắc Thoa	2,448.5		x												1	120
Vũ Duy Năm	828.0			x		1	75	75	2	3						
Nguyễn Văn Sửu	382.2		x													
Phạm Văn Hoa	2,448.5		x												1	120
Đỗ Ngọc Hải	65.3		x													
Hà Ngọc Quyên	40.5	380		x		1	380	380	2	3						
Nguyễn Hữu Thoại	100.0		x													
Đào Văn Dự	92.1	430	x			1	200	200	2	3					1	200
Trịnh Văn Thái	126.4		x												1	79
Nguyễn Xuân Hinh	118.8		x												1	74
Nguyễn Văn Hiên	111.2	376	x			1	376	376	2	3						
Hà Văn Thành	100		x													
Phạm Thế Từ	54	170	x			1	54	54	2	1						
Nguyễn Văn Hợi	774.1			x											1	79.5
Võ Đình Hóa	798.3		x												1	150.7
Nguyễn Thanh Cao	1388	375	x												1	147
Nguyễn Văn Hùng	4.58	1163.73	x			1	120	120	2	1						
Nguyễn Thị Lư	176.4			x											1	150

#### Appendix 4 List of AHs Severely Affected by Loss of Productive Assets

Name of AH Head	Total Area of Productive landholdings (within and outside of substation and its access road)	Area of Affected Productive Landholdings (in the substation and its access road)	Percentage of Loss
1. Mai Văn Bành	1,090	695	64%
2. Trương Trọng Hán	1,067	765	72%
3. Lê Thị Cầu	2,178	1,729	79%
4. Huỳnh Kim Quyên	3,171	1,521	48%
5. Nguyễn Văn Sửu	5,509	1,772	32.2%
6. Bùi Hoàng Hường	4,347	1,707	39%
7. Đinh Bá Cảnh	1,357	416	31%
8. TRỊNH Văn Thái	382	132	35%
9. Vũ Thị Châu	5,088	839	16%
10. Nguyễn Thị Thanh Hải	3,791	1,291	34%
11. Lê Trọng Vinh	349	99	28%
12. Phạm Thị Hồng-	2,034	1,317	65%
13. Nguyễn Văn Giới	239	99	41%
14. Mai Thị Hồng Nhung	532	82	15%
15. Phan Thành Trung	100	100	100%
16. Phan Thị Thanh Thiện	100	100	100%
17. Phan Thị Thanh Nguyên	100	100	100%
18. Phạm Thị Tồn	15,822	2,189	14%
19. Đoàn Thế Kim	1,522	277	18%
20. Vũ Minh Cẩn	4,072	4,072	100%
21. Trần Thị Thủy	344	94	27%
22. Nguyễn Văn Học	75	75	100%
23. Nguyễn Văn Lực	75	75	100%
24. Vũ Thanh Lâm	152	76	50%
25. Nhữ Văn Chính	98.7	98.7	100%
26. Đào Văn Dự	92.1	92.1	100%
27. Nguyễn Văn Hiện	111	111	100%
28. Đỗ Ngọc Hải	205	65	100%
29. Nguyễn Thanh Cao	6,388	1,393	22%
30. Phạm Thế Từ	54	54	100%
31. Lê Văn Lực	75	75	100%
32. Nguyễn Thị Lư	147	147	100%



## Appendix 5 Affected Secondary Structures

Name	Affected structures under the ROW															
	Kitchen (m2)		Animal shelter (m2)		Fence (piece)		Gate (piece)			Latrines/ Bathroom		Water container (m3)			Pavement (m2)	
	Type (Temporary=1; Grade IV=2)	Area (m2)	Type (Temporary= 1; Grade IV=2)	Area (m2)	Brick	Barbwire or wood	Brick	Iron, steel	Wood, bamboo	Brick, concrete =1	Bamboo, thatched =2	Brick, concrete	Inox	Plastic	Cement	Brick
Nguyễn Văn Nhan					1		1									
Phan Thành Trung					1											
Nguyễn Thị Non															14.16	
Trần Thanh Tâm	1	12.86														
Vũ Văn Nở	1	10	1	40												
Vũ Thanh Lâm			1	10						1						
Nhữ Văn Chính					1			1								
Đào Văn Dự	1	80	1	15	1		1							1		
Nguyễn Văn Hiện	1	10			1		1			1					20	

## Appendix 6 Socioeconomic Questionnaire

### Socio Economic Survey Questionnaire

Transmission line: .....

Questionnaire code: \_\_\_\_/\_\_\_\_/\_\_\_\_; Survey date: \_\_\_\_/\_\_\_\_/2015

#### A-BACKGROUND INFO

1. Name of head of household: .....Age..... Gender: [ ] (Male=1; female=2)

- a) Ethnicity: [ ] (1=Kinh; 2=Kho Me; 3=Cham; 4=Hoa; 5=Others)
- b) Education Level: [ ] (1=Illiterate; 2=Primary school; 3=Secondary school; 4= Yet graduated from high school; 5=High school; 6=Vocational training; 7=University and post graduate; 8=Others)
- c) Main occupation: [ ] (1= Agriculture; 2=Livestock husbandry; 3=Bussiness; 4=Factory worker; 5=official; 6=private company; 7=Retired; 8= season employee 9=driver 10= receive economic support from relatives; 11=receive economic support from state ; 12=housewife; 13=Others)
- d) Secondary jobs: [ ] (1=Livestock husbandry; 2=perennial crops; 3=aquaculture; 4=handicraft; 5=forestry; 6=small business; 7=mechanic)

2. Home address: Village: .....Commune: .....District.....Province .....

3. Vulnerable group: [ ] (Woman headed=1; Ethnic minority=2; Disabled=3; Poor household=4; Social policy household=5)

#### B. SOCIO-ECONOMIC SURVEY

4. Household component (including head of household)

No.	Name	Gen der	Relation to the household head	Age	Ethnicity	Main Occupation	Education level (7 and above)
		1= Male 2=Female	0=head 1=Husband/wife 2=Father/mother 3=Son/daughter 4=Son-in-law/Daughter-in-law 5=Grand child		1=Kinh; 2=Kho Me; 3=Cham; 4=Hoa; 5=Others	1= Agriculture; 2=Livestock husbandry; 3=Bussiness; 4=Factory worker; 5=official; 6=private company; 7=Retired; 8= season employee 9=driver 10= receive economic support from relatives;	1=Illiterate; 2=Primary school; 3=Secondary school; 4= Yet graduated from high school; 5=High school; 6=Vocational training; 7=University and post graduate; 8=Others
1							
2							
3							
4							
5							
6							
7							
8							

9							
---	--	--	--	--	--	--	--

#### 6. Access to public facilities

Facilities/Social service	1.Yes	2.No	1= under1 km	2= from 1 to 2 km	3= from 2 to 5 km	4= over 5 km
<b>a. Health service</b>						
1. Communal health center						
2. Hospital/General Clinic						
3. Private medical center						
4. Pharmacy						
<b>b. Market</b>						
<b>c. Kindergarden and school</b>						
5. Kindergarden						
6. Primary school						
7. Secondary school						
8. High school						
9. Community college/Vocational training						
<b>d. Other community facilities</b>						
10. Cultural communal house						
11. Pagodas, temples, churches						
12. Sport center, stadium						

#### 7. Water use: water sources for domestic use (tick the corresponding bracket)

- |                              |     |                 |     |
|------------------------------|-----|-----------------|-----|
| 1) Dug well                  | [ ] | 2) Village well | [ ] |
| 3) Tap water                 | [ ] | 4) Rain water   | [ ] |
| 5) River, stream, pond, lake | [ ] | 6) Buy water    | [ ] |
| 7) Creek                     | [ ] | 8) Others       | [ ] |

**8. Main energy for lighting for household?**

- |                     |                          |                               |                          |
|---------------------|--------------------------|-------------------------------|--------------------------|
| 1) Grid electricity | <input type="checkbox"/> | 2) Power generator/hydropower | <input type="checkbox"/> |
| 3) Battery          | <input type="checkbox"/> | 4) Kerosene lamp              | <input type="checkbox"/> |
| 5) Wood/coal        | <input type="checkbox"/> | 6) Others                     | <input type="checkbox"/> |

**9. Main energy for cooking of the household? (Can select more than 1)**

- |                    |                          |              |                          |
|--------------------|--------------------------|--------------|--------------------------|
| 1) Electricity     | <input type="checkbox"/> | 2) Biogas    | <input type="checkbox"/> |
| 3) Power generator | <input type="checkbox"/> | 4) Others    | <input type="checkbox"/> |
| 5) Gas/oil         | <input type="checkbox"/> | 6) No answer | <input type="checkbox"/> |
| 7) Wood            | <input type="checkbox"/> |              |                          |

**10. Common diseases among the community (specify)**

- |                         |                          |                |                          |
|-------------------------|--------------------------|----------------|--------------------------|
| 1. Catch a cold         | <input type="checkbox"/> | 2. Dysentery   | <input type="checkbox"/> |
| 3. Influenza            | <input type="checkbox"/> | 4. Hepatitis   | <input type="checkbox"/> |
| 1) Respiratory diseases | <input type="checkbox"/> | 2) Intoxicated | <input type="checkbox"/> |
| 3) Malaria              | <input type="checkbox"/> | 4) Others      | <input type="checkbox"/> |
| 5) Cholera              | <input type="checkbox"/> | 6) No answer   | <input type="checkbox"/> |

**11. Annual household income: ..... VND****Main household income sources are from:**

Agricultural production activities	Amount_____VND
Business	Amount_____VND
Salary	Amount_____VND
Other sources (for example, overseas remittances)	Amount_____VND

**12. Annual household expense: ..... VND**

For food	Amount_____VND
For health	Amount_____VND
For education	Amount_____VND
For housing and living facilities	Amount_____VND
Other (detail)	Amount_____VND

**13. Has the living condition of the household changed during the last 3 years ?**

- 1) Remain the same ☐ ; Reason \_\_\_\_\_
- 2) Better ☐ ; Reason: \_\_\_\_\_

3) Worse [ ]; Reason: \_\_\_\_\_

**Surveyor**

**On behalf of the household**

## Appendix 7 Highlights and List of Participants in 16 September 2014 Meeting

Date	Comment of local authorities, mass organizations	Feedbacks from the Representative of SPPMB
16/9/2014	<p>The local authorities and people are informed and aware of the environmental and social impacts caused by the Project and agree on the mitigation measures.</p> <p>The project owner must pay due attention to regularly monitor and check the implementation and operation of the project and have coping plan in case of incident.</p> <p>The project owner must ensure the construction progress as per the approved design; ensure the order, safety and security and implement the Environmental Protection Commitment in the area.</p> <p>Should have policies on assistances and job creation for the local labors, especially affected people.</p>	<p>Commit to implement environmental protection measures during construction period.</p> <p>Limit the environmental pollution and impacts on crops.</p> <p>Adequate assistances for the affected households.</p> <p>Commit to restore to the original state when completing the project.</p>

### Persons Met

No	Name	M	F	Position
1	Đo Mạnh Lục	x		Chairman of Fatherland Front of Ward 11
2	Mai Ngọc Oanh		x	Chairman of Ward 11 People's Committee

## Appendix 8 Highlights and List of Participants in 20 March 2015 Public Consultation

Local Name	Comment of local authorities, mass organizations and affected person	Feedbacks from the Representative of Project Owner and Consultancy Unit
<b>Vung Tau</b> Hall of CPC Time: 14 h, dated 20/3/2015	<p>1) The remaining area is not viable, thus it is required that the Project should acquire the remaining area or change the route.</p> <p>2) There are only compensation for affected land and house, please clarify the policies on other compensation and assistances.</p> <p>3) Resettlement land should be arranged. Please inform the APs about the location of the resettlement site and unit cost for a resettlement plot.</p> <p>4) Our house is built on agricultural land with the area of 100m2. 94 m2 of which is acquired. Thus it is required that the project should acquire the remaining area and compensate the AH with a similar land plot or an amount that can be used to buy a similar plot.</p> <p>5) Please clarify the unit prices and compensation regulations.</p> <p>6) Some households request for compensation decisions; if not, please inform so that they can have another plan.</p>	<p>Provide information related to policies on compensation, assistance and resettlement according to the prevailing laws.</p> <p>As to the households that have unviable remaining productive and residential lands, these households can send requests to the Ward PC for consideration and solution.</p> <p>As to the households built houses on agricultural land, they will be allocated land in the new place.</p>

### List of Participants

No TT	Họ và tên (Name)	Nam (M)	Nữ (F)	Chức vụ (Position)
1		x		Deputy Chairman of the Ward PC
2			x	Deputy Chairman of the Fatherland Front
3		x		Cadastral officer
4		x		Cadastral officer
5		x		Chairman of Farmers' Association
6			x	Member of Fatherland Front
7			x	AP
8			x	AP
9		x		AP
10		x		AP
11		x		AP
12		x		AP
13			x	AP
14		x		AP
15		x		AP

No TT	Họ và tên (Name)	Nam (M)	Nữ (F)	Chức vụ (Position)
16		x		AP
17		x		AP
18		x		AP
19		X		AP
20		X		AP
21			X	AP
22			X	AP
23		X		AP
24			X	AP
25		X		AP
26			x	AP
27			X	AP
28			X	AP
29			X	AP
30		X		AP
31			X	AP
32		X		AP
33			X	AP
34		X		AP
35		X		AP
36		X		AP
37			X	AP
38			X	AP
39			X	AP
40			X	AP
41		x		AP
42		x		AP
43		X		AP
44		X		AP
45			X	AP
46			X	Juridical officer
47			X	Vice Secretary of Youth Union
48			X	Chairwoman of Women's Union
49			X	Administration
50		X		Ward Office
51			X	Ward Office
52			X	Ward Office
53		X		Ward Office

Note: Names of participants were deleted for confidentiality.



## **Appendix 9 Project Information Brochure**

1. *Name of the Project:* 220/110 kV Vung Tau Substation Second Transformer Unit
  2. *Executing agency:* National Power Transmission Corporation (NPT)
  3. *Representative of the executing agency:* Southern Vietnam Power Project Management Board (SPPMB)
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### ***Question 1: What is the Construction of 220/110 kV Vung Tau Substation Second Transformer Unit?***

The installation of the 220/110 kV Vung Tau Substation Second Transformer Unit is implemented in the Ward 11 of Vung Tau City and will be connected to the existing 220 kV Ba Ria- Vung Tau Transmission Line. In the first phase, only a 250 MVA transformer is installed. Seven tower foundations will be built in the project area. Public consultations are conducted to minimize social and environment impacts on people in the area.

### ***Question 2: How 220/110 kV Vung Tau Substation Second Transformer Unit subproject affect local communities?***

Answer: According to the Decree No. 14/2014/ND-CP dated 26/02/2014 on the safety protection of high voltage power grid, the subproject will cause the following impacts:

- Permanently cut down trees on the affected land area;
- Restriction to the use of land area/house/structure in the RoW.

#### ***Details of impacts in Vung Tau District:***

The subproject will cause impacts on 52,539 m<sup>2</sup> of land, of which 44,275 m<sup>2</sup> is used for growing perennial trees and 8,264 m<sup>2</sup> for residence. Thirty-five houses are entirely affected with a total floor area of 5,718 m<sup>2</sup>.

### ***Question 3: What is the main objective of resettlement plan?***

Answer: The main objective of the Resettlement Plan is to ensure that all APs will be at least as well-off, if not better-off, than they would have been in the absence of the Project.

### ***Question 4: What if my land is affected by the project?***

Answer: (i) In case the subproject acquires more land of the households, you will be offered a choice of replacement land as priority of equal area and productive capacity at a location acceptable to you OR cash compensation at replacement value at current market prices.

(ii) In case the affected land is leased land, the value of land shall not be compensated but the investment costs in land will be compensated.

### ***Question 5: Do we need to have a land title in the order to be compensated?***

Answer: No, lack of formal legal rights to land does not prevent any APs from receiving compensation, allowances and rehabilitation assistance. Those APs who possess a land use rights certificate (LURC) or any other form of written agreement to utilise the land are entitled to compensation for the lost land as well as assets on the land. Those APs who do not have legal/legalisable or temporary/lease rights for affected land will be compensated for the assets on affected land.

### ***Question 6: Is the compensation applied for affected houses and structures?***

Answer: Yes. Compensation will be applied for all affected assets including houses, stores, wells, and fences as well as other fixed assets at replacement value at current

market prices without any deductions for building depreciation or salvageable building materials. This will ensure that the Affected Persons are able to reconstruct houses and other structures of better or at least the same quality as before.

**Question 7: What about affected crops and trees?**

Answer: (i) Permanently affected crops and trees will be compensated in cash at current market prices.

(ii) As for trees and crops temporarily affected during construction period:

- Compensation for non-harvested crops will be based on the time of impacts and the average production in the past 3 years.
- Trees and crops will be compensated at market prices at the time of land acquisition.

**Question 8: Besides the compensation, how can the project help?**

Answer: In addition to compensation for loss of land and other assets, the Project will provide rehabilitation assistance to eligible APs to ensure that their standard of living is maintained or improved after the Project. Eligible APs for rehabilitation assistance include:

- **Some affected households:** these households losing more than 10% of their productive landholdings will receive the following assistances: (i) life stabilization allowances; (ii) income restoration allowances and provision of technical assistance and agricultural extension techniques to improve output in the remaining area, existing credit programs or employments related to the project;
- **Households that relocate** shall receive (i) relocation allowances; (ii) assistances to mobilize life during transition period; (iii) rental allowances at market prices. Assistance levels are identified clearly in the project policies.
- **Business owners that lose income** while they relocate or rebuild their shops/businesses: Households with small, unregistered businesses will receive cash compensation equal to the provincial minimum wage for three months. Owners of registered businesses will receive cash compensation equal to 30% of their taxed income of one year. The annual taxed income is determined in the financial reports of the previous three years.
- **Employees and hired labors who lose their jobs:** will receive cash compensation for lost salary/wages for each month they cannot work, if the loss is temporary; or, if the loss is permanent, cash compensation equivalent to the provincial minimum wage for six months or cash compensation for remaining contract period whichever is higher.
- **Job changing allowances:** As for the affected households who have or have not registered for LURC after resettlement and do not have job, if you are in the working age, you can participate in a vocational training in the area without tuition fee.

**Question 9: Does that mean that anybody in our community can claim for compensation?**

Answer: No. Entitled APs are those persons or households that will lose land or property based on the detailed measurement survey (DMS) that will be conducted following

completion of the final designs for the subproject. Affected communes and local authorities will be informed of the cut-off date (the date of DMS) for the subproject.

**Question 10: If there are any disagreements or problems about land acquisition, compensation or other general disputes during project implementation, do APs have the right to voice their complaints?**

Answer: Yes, APs can voice their complaints (in verbal or written form) to responsible local authorities and resettlement committees. Their complaints can be filed first at the ward or commune level, and can be elevated to the district and provincial level and taken to provincial court if the APs are not satisfied with the decision of lower levels. APs will be exempted from all taxes, administrative and legal fees.

**Question 11: How will APs be consulted and informed?**

Answer: A consultation and public information program will be organized in your commune to ensure that APs receive complete and timely information about the Project. APs will be provided information on project components, impacts, their rights and entitlements, grievance mechanism, rights of participation and consultation, resettlement activities, responsibilities of institutions and implementation schedule. APs will participate in resettlement planning and implementation and they will also be consulted on the following issues: a) resettlement options according to their entitlement, b) training and training preferences in current or new occupations, c) other project aspects.

**Question 12: As a resident in the project area, how can I help?**

Answer: We would like you to participate in all consultation meetings and other subproject related activities in order to ensure that you are fully informed and consulted. Your active participation during the detailed measurement survey (DMS) and implementation will allow us to determine measures to mitigate impacts, to identify problems or potentials problems and to identify ways of responding immediately to solve these problems.

**Question 13: How will you know if the objectives of this project are met?**

Answer: NPT through SPPMB will ensure internal monitoring all Project activities. In addition, SPPMB will engage an independent external monitoring agency to conduct external monitoring of resettlement activities during Project implementation. Every 6 months, the independent monitoring agency will submit a report to SPPMB and ADB on resettlement implementation progress. A post-resettlement impact evaluation will assess whether negative impacts have been mitigated adequately and pre-project standards of living of APs have been restored as a result of resettlement and the Project.

FOR FURTHER INFORMATION AND SUGGESTIONS –

Please contact the PCARCs and DCARCs where you live:

1. Provincial Compensation, Assistance and Resettlement Committee (PCARC),

Address:.....

Person in charge:.....Tel.....

2. District Compensation, Assistance Resettlement Committee (DCARC)

## Appendix 10 Results of Replacement Cost Study

### Unit Costs of Land

No.	Type of land	Unit	Unit price of the City/ Province Quyết định số: 50/2014/QĐ-UBND	Market price	Proposed unit price
	<b>Ward 11</b>				
1	Residential land	VND/m <sup>2</sup>	1.875,000	1,200,000	1,200,000
2	Perennial tree land	VND/m <sup>2</sup>	158,000	158,000	158,000
3	Paddy field	VND/m <sup>2</sup>	158,000	158,000	158,000
4	Other annual crop land	VND/m <sup>2</sup>	158,000	158,000	158,000

### Unit Costs of Crops and Trees

No.	Type of trees	Unit	Unit price of the City/ Province Quyết định số: 66/2014/QĐ-UBND	Market price	Proposed unit price
1	Xoài	VND/cây	533,000	600,000	600,000
2	Bạch đàn	VND/cây	425,000	520,000	520,000

### Unit Costs of Houses and Other Structures

No.	Type of structure	Unit	Unit price issued by City/Province Quyết định số: 53/2014/QĐ-UBND	Surveyed Price	Proposed Unit price
<b>A</b>	<b>Unit price for main houses</b>				
1	Temporary (poor wood, wattle, leaf roof, earthen floor), Grade 5	m <sup>2</sup>	4,046,000	5,085,800	5,085,800
2	Semi- permanent house (Brick pile and foundation, wood girder, brick wall, metal roof, cement floor), Grade 4	m <sup>2</sup>	4,551,000	5,069,800	5,069,800
3	Permanent floor house (concrete foundation, brick wall, concrete girder, metal roof, ceramic floor, ceiling, auxiliary works), Grade 3	m <sup>2</sup>	5,277,000	6,500,800	6,500,800
<b>B</b>	<b>Unit price for other structures and works</b>				
1	Store house	m <sup>2</sup>	4,046,000	5,085,800	5,085,800
2	Fence	m <sup>2</sup>	406,000	750,000	750,000
3	Concrete pillar	Pillar	167,00	350,300	350,000

### Appendix 11 Details of Compensation for Secondary Structures

Items	Unit	Area	Unit price	Amount (VND)
Temporary kitchen	m2	113	475,000	53,675,000
Temporary animal shelter	m2	65	180,000	11,700,000
Fence	lm	47	750,000	35,250,000
Brick Gate	lm	9	350,000	3,150,000
Iron/ steel Gate	lm	7	190,000	1,330,000
Latrines	m2	3	545,000	1,635,000
Cement Pavement	m2	34	163,000	5,542,000
<b>Total</b>				<b>112,282,000</b>

## Appendix 12 Details of Compensation for Trees

<b>Trees</b>	<b>Number of trees</b>	<b>Unit price</b>	<b>Amount (VND)</b>
Longan	1872	785,000	1,469,520,000
Custard apple	1734	390,000	676,260,000
Mango	22	600,000	13,200,000
Jackfruit	2	469,000	938,000
Papaya	7	160,000	1,120,000
Pomegranate	1	142,000	142,000
Guava	1	355,000	355,000
Coconut	12	666,000	7,992,000
Annona	133	24,510	3,259,830
Cashew	756	449,000	339,444,000
Eucalyptus	2293	81,700	187,338,100
Acacia	55	81,700	4,493,500
Almond	11	390,000	4,290,000
<b>Total</b>	<b>6,899</b>		<b>2,708,352,430</b>