

SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom – Happiness

FINAL RESETTLEMENT POLICY FRAMEWORK

SCALING-UP URBAN UPGRADING PROJECT

PROJECT'S LOCATION

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February 2017

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ABBREVIATIONS

CLFDC	City Land Fund Development Center
CPC	City People's Committee
CSCC	Compensation and Site Clearance Committee
DARD	Department of Agriculture and Rural Development
DMS	Detailed Measurement Survey
DOLISA	Department of Labor Invalid and Social Affairs
DPs	Displaced Persons
FS	Feasibility Study
GFU	Grievance Facilitation Unit
GIS	Geographical Information System
GOV	Government of Vietnam
HHs	Households
IMA	Independent Monitoring Agency
IOL	Inventory of Losses
LURC	Land Use Right Certificate
MDR	Mekong Delta Region
MOLISA	Ministry of Labor Invalid and Social Affairs
MONRE	Ministry of Natural Resources and Environment
NGO	Non- Government Organization
NH	National Highway
PAHs	Project Affected Households
PAPs	Project Affected Persons
PM	Prime Minister
PMU	Project Management Unit
PPC	Provincial People Committee
PR	Provincial Road
RP	Resettlement Plan
RPF	Resettlement Policy Framework
RoW	Right-of-Way
SES	Socio-Economic Survey
TOR	Terms of Reference

TV	Television
USD	US Dollar
VND	Vietnam Dong
WB	World bank
WPC	Ward People's Committee

Unit: Kilometer: km; Meter: m; Hectare: ha

GLOSSARY

Project Affected Persons (PAP): Individuals, organizations or business establishments being directly affected socially and economically by WB-funded projects caused by the involuntary acquisition of land and other assets that results in:

- a. Relocation or loss of shelter;
- b. Loss of assets or loss of access to assets;
- c. Loss of their income sources or means of livelihood, whether or not the affected persons must move to another location. and
- d. The involuntary restriction of access to legally designated parks or protected areas causing adverse impacts on their livelihoods.

Census and Inventory of Losses (IOL) If the project needs to change the use of land or acquire land for project purposes, a Census of people that will be affected and an IOL will be undertaken based on the technical design of the project. The Census will include key socioeconomic information on the PAPs, such as main occupations, sources of income, and levels of income in order to be able to determine vulnerable households as well as to establish baseline data for monitoring livelihood restoration of the PAPs. The IOL will include a detailed description of all affected lands, trees and structures, to be acquired permanently or temporarily in order to complete the Project; the names of the persons entitled to compensation (from the census); and the estimated full replacement costs, etc.

Compensation (in cash or in kind) for loss of assets and rehabilitation measures to restore and improve incomes will be determined in consultation with the PAPs. Compensation for loss of assets will be at replacement costs.

Cut-off-date date by which a project area is delineated, prior to the census. The delineated project area must be effectively and publicly announced by the respective PPC. This announcement must be systematically and continuously repeated to prevent further population influx. Project affected households and local communities will be informed of both the cut-off date for the project, and that anyone moving into the Project Area after that date will not be entitled to compensation and assistance under the Project.

Eligibility is the criteria to be used for the project to determine those PAPs who shall be entitled to be compensated and assisted under the resettlement program.

Host community: Community residing in or near the area to which affected people are to be relocated.

Land acquisition: The state issued the decision to recover the land use rights which has been given to land users in accordance with current regulations.

Livelihood (income): Is a set of economic activities, including freelance work and / or paid employment through a person's own resources (including human resources and material) to generate sufficient resources to meet needs of self and of family on a sustainable basis. This activity is usually performed repeatedly.

Livelihood (income) restoration: Livelihoods restoration refers to the compensation provided for PAPs who suffer loss of income sources or access to livelihoods to restore their income and living standards to the pre- displacement levels.

Productive land refers to the various sub-categories of land that are used for agricultural purposes (as opposed to land used for residential purpose), including agricultural, forestry, garden, aquaculture and pond land.

Replacement Cost: the amount that is required to replace an affected asset without depreciation or deductions for salvageable materials, inclusive of taxes, and/or costs of transactions. It is calculated before displacement as follows:

- (a) Productive land (agricultural, fishponds, gardens, forests) based on market prices that reflect recent land sales of comparable land in the city and other nearby areas or, in the absence of such recent sales, based on the land's productive value;
- (b) Residential land based on market prices that reflect recent transactions of comparable residential land in the city and other nearby areas or, in the absence of such recent land transactions, based on transactions in other locations with similar qualities;
- (c) Houses and other related structures based on current market prices of materials and labor without depreciation or deductions for salvaged building materials plus fees for obtaining the ownership papers;
- (d) Trees and domestic animals based on the current market value of the trees/animals at the time of compensation;

Replacement Cost Survey: the process for determining the replacement cost of land, houses and other affected assets based on market surveys.

Resettlement. This Resettlement Policy Framework (RPF), is in accordance with the World Bank's Operational Policy on Involuntary Resettlement (OP 4.12). It covers the involuntary acquisition of land that results in (i) relocation or loss of shelter, (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons are required to move to another location.

Resettlement Assistance: Additional support provided to the PAPs who are losing assets (particularly productive assets), incomes, employment or sources of living, to supplement

the compensation payment for acquired assets to achieve, at a minimum, the full restoration of living standards and quality of life to their pre-project condition.

Severely affected households. Households who lose 20% or more of their productive land area (10% or more for the vulnerable) are considered as severely affected as a result of the project.

Vulnerable Groups and Individuals at risk: a person or a group of people who might, due to project land acquisition and resettlement, suffer disproportionately from adverse impacts of the project and/or be less able to access the project benefits and asset compensation, including livelihood restoration, when compared to the rest of the PAPs. Vulnerable people include: (i) single female headed households with dependents and economic disadvantage (single, widow, disabled husband); (ii) people with physical or mental disability (loss of working ability); (iii) the poor under MOLISA standard; (iv) the elderly alone; (v) ethnic minority people; and (vi) social policy families (as defined by each province). List of the vulnerable will be determined throughout SES and public consultation during project preparation.

I. INTRODUCTION

1.1 Background

In recent years, Vietnam has made efforts to develop the country's market economy, which promotes the increase of urban population and urbanization. Vietnam is experiencing large scale, high quality and rapid urban development. Urban appearances have undergone positive changes through modernization, by forming new urban spaces, and by progressively meeting the working and living environment needs for urban citizens. Urbanization is seen as the driving force for development, economic restructuring, labor structure in each locality, each region and country. However, the process of urbanization in Vietnam is taking place spontaneously, on a large scale and in an unplanned manner. This leads to many problems including: asynchronous and overloaded technical infrastructure and social infrastructure systems; poor planning of transportation and low quality of transport infrastructure in urban areas, leading to increasingly serious traffic congestion; degraded and outdated drainage system in many urban areas resulting in frequent local flooding; Discharge of untreated waste and wastewater leading to environmental pollution.

To overcome the shortcomings mentioned above, Vietnam in general and the Mekong Delta region in particular, have set very clear objectives: to gradually establish and develop an urban system with synchronous, modern and sustainable infrastructure systems that are resilient to climate change; to enhance connections between urban areas ensuring comprehensive development of the technical infrastructure, social infrastructure and landscape; to utilize resources economically and efficiently, creating better living conditions for urban citizens; and to gradually erase the gaps between urban and rural areas. With the support of the World Bank, the Government of Vietnam will have implemented two urban upgrading projects between 2004 and 2017: 1) Vietnam Urban Upgrading Project (VUUP1), implemented in the four cities of Nam Dinh, Hai Phong, Ho Chi Minh city, Can Tho; and 2) Mekong Delta Region Urban Upgrading Project (MDR-UUP) implemented in the six cities of Can Tho, Cao Lanh, My Tho, Tra Vinh, Rach Gia and Ca Mau. The projects have brought significant benefits and improved living conditions and capacity in urban and project management for the target cities. The Government considers the cities in the Mekong Delta Region (MDR) to be special priorities due to the increasing level of high vulnerability from natural water-related risks, requiring synchronous management to ensure the resilience of the MDR cities. There is therefore a clear justification for the remaining seven cities in the MDR including Tan An, Vinh Long, Ben Tre, Long Xuyen, Soc Trang, Bac Lieu and Vi Thanh, to be targeted for a Scaling-Up Urban Upgrading Project (SUUP).

1.2 General objective of the SUUP

To improve accessibility to basic infrastructure in low-income areas, to enhance network connection of basic infrastructures with major infrastructures and to increase urban capacity for building integrated urban with resilience to climate change, improve urban management.

1.3 Specific objectives

Urban upgrading in the low-income residential areas will be implemented through a multi-sectoral investment package, helping to eliminate poverty, improve living conditions and sanitation conditions.

To enhance connectivity of network traffic, reduce traffic density for the main roads, creating urban land reserve. To improve drainage conditions and environmental sanitation for the canals in the city.

To promote construction of green infrastructures and adapt to climate change, improving access to public spaces and improve the capacity of the city in urban planning, land management and urban market and resilience.

1.4 Project components

The project is a multi-disciplinary project, with diversified investments including: road transport infrastructures; dredging, canal embankment, construction of technical infrastructures, resettlement site infrastructures, etc. Construction and technology options will be proposed based on specific type of structures, technical specifications, construction conditions and construction requirements. The design and construction will be implemented in accordance with the current construction standards, regulations and norms of Vietnam.

To achieve the Project Development Objective, four components are proposed for the project as follows: (1) To upgrade tertiary infrastructures in low income areas; (2) construction of priority primary and secondary infrastructures; (3) Resettlement Sites; and (4) Implementation Support and Capacity Building. Descriptions of each component are presented below:

1.4.1 Component 1: Tertiary Infrastructure Upgrading in Low Income Areas: This component includes: (a) construction, rehabilitation, and upgrading of roads and lanes; (b) construction and rehabilitation of drains; (c) improvements to environmental sanitation by rehabilitating or constructing public sewers, constructing septic tanks, providing access to septic management services, and house connections to public sewers; (d) improvement of water supply including the installation of metered domestic connections; (e) provision of metered domestic connections for electricity and public lighting in residential lanes and

streets; and (f) construction and rehabilitation of social infrastructure facilities such as schools, markets, community halls, public places and green spaces. The investments will utilize disaster and climate resilient technical and engineering standards.

1.4.2 Component 2 – Priority Primary and Secondary Infrastructures. Component 2 provides support to improve priority networked infrastructure in line with the broader city development agenda, and with a view to increasing connectivity with tertiary infrastructure in LIAs. It will include: (a) roads improving the connectivity among different parts of the city; (b) water supply lines; (c) drains and sewers; (d) electrical power lines; (e) river and canal embankments. Social infrastructure facilities such as markets, community halls, public places, schools and green spaces will also be included to benefit urban poor, where needed. The investments will utilize disaster and climate resilient technical and engineering standards. An initial hydraulic model will be developed for the catchment areas of the upgrading sites and integrated with existing urban plans for flood and salinity intrusion control, drainage, and waterways investments.

1.4.3. Component 3 – Resettlement Sites. Component 3 will provide support to prepare resettlement areas for affected persons, including construction of primary, secondary and tertiary infrastructure and public facilities.

1.4.4. Component 4 – Implementation Support and Capacity Building. Component 4 activities will focus on provision of support for (i) improving capacity for project implementation (management capacity for social safeguards, finance, procurement, monitoring and evaluation, including audits and learning inside/outside Vietnam); (ii) strengthening capacity of participating cities for strategic and coordinated institutional planning, land management and utilization of GIS; (iii) enhanced capacity for disaster and climate risk-informed urban planning.

1.5 Resettlement Policy Framework (RPF)

During project implementation, there may be new investments or adjustments to the proposed investments therefore a RPF will be necessary for preparing RPs. In addition, the RPF will help to standardize the preparation of the RPs in the seven cities.

This RPF is prepared based on the World Bank's OP 4.12 Involuntary Resettlement (December, 2001) and the Vietnam's relevant laws and regulations. The objective of this RPF is to establish resettlement principles, organizational arrangements, funding mechanisms, and design criteria to be applied to subprojects to be prepared during project implementation (OP 4.12, paragraphs 26-28). This RPF will be applied to all activities of this project that result in involuntary resettlement, regardless of the source of financing. Subproject RPs consistent with the policy framework will be submitted for the World

Bank for clearance after specific planning information becomes available (OP 4.12, paragraph 29).

1.6 Related activities

All non-Bank funded activities that in the judgment of the Bank are (i) directly and significantly related to the Bank-assisted project; (ii) necessary to achieve its objectives as set forth in the project documents; and (iii) carried out, or planned to be carried out, contemporaneously with the project, are subject to the applicability of this Resettlement Policy Framework. To this end, screening will be carried out during the preparation of the Resettlement Plan (RP) for each subproject and where relevant, mitigation measures will be subsequently developed and integrated in each RP.

1.7. Potential resettlement impacts of the Seven cities

Based on Inventory of Losses (IOL) conducted during RPs preparation, investments under components 1, 2 and 3 will affect a total of 10,166 Households (HHs) in the seven cities. Most of them (88.2%) are partially affected; only a part of their land will be acquired under the SUUP, without any relocation. A total of 1,201 HHs will need to be relocated. The number of relocated HHs ranges from 98 in Bac Lieu to 276 in Long Xuyen. Table 1 presents the number of affected HH for each city.

Due to the significant scope of impacts for each city, seven (7) full Resettlement Plans (RP) have been prepared in accordance to the provisions set forth in this RPF.

Table 1: Summary Number of HH Affected under the SUUP

	Bac Lieu	Ben Tre	Long Xuyen	Soc Trang	Tan An	Vi Thanh	Vinh Long	Total
Component 1								
Relocated households	12	6	34	7	10	21	4	94
Partially affected households	565	1,211	128	612	316	937	398	4,167
Sub-Total	577	1,217	162	619	326	958	402	4,261
Component 2								-
Relocated households	86	97	240	51	188	254	189	1,105
Partially affected households	1,373	855	439	241	387	708	713	4,716
Sub-Total	1,459	952	679	292	575	962	902	5,821
Component 3								-
Relocated households	-	-	2	-	-	-	-	2
Partially affected households	56	-	20	6	-	-	-	87
Sub-Total	56	-	22	6	-	-	-	89
Relocated households	98	103	276	58	198	275	193	1,201
Partially affected households	1,994	2,066	587	859	703	1,645	1,111	8,965
Total	2,092	2,169	863	917	901	1,920	1,304	10,166

II. LEGAL FRAMEWORKS FOR THE RPF

This Resettlement Policy Framework was prepared in compliance with the applicable and relevant law of the Government of Vietnam related to land acquisition, compensation, support, and resettlement, and in compliance with the World Bank's Operational Policy 4.12 on Involuntary Resettlement.

2.1. The Legal framework of the Government of Vietnam

The principal legal documents that apply to this RPF include the following:

The Constitution of the Socialist Republic of Viet Nam (2013, effective from 01 January, 2014) confirms the right of citizens to own and protects the ownership of house and production materials of citizens, compensation by market rate is made for impacts by the projects implemented for the purposes of national defense, security or public benefits (Article 32). Similarly, organizations and individuals have land use rights certificates and law protects these rights. In the case of land recovery for the purposes of national defense, security and socioeconomic development, compensation shall follow the provisions of law (Article 54).

In addition to the constitution, the Government has enacted a number of laws, decrees and regulations that constitute the legal framework for land acquisition, compensation and resettlement. The principal resettlement documents include the **Land Law No. 45/2013/QH13**; the **Decree No. 43/2014/NĐ-CP** on Detailed Regulations on Implementation of the Land Law No. 45/2013/QH13; the **Decree No. 47/2014/ NĐ-CP** on Compensation, Assistance, and Resettlement when the State Recovers Lands; the **Decree No. 44/2014/NĐ-CP** on Land Prices; the **Circular No. 37/2014/BTNMT** on Detailed Guidance on Compensation and Assistance when the State Recovers Land; and **Circular No. 36/2014/TT-BTNMT** on specifying detailed methods of valuation of land prices, construction, adjustment of land prices; specific land price valuation and land price valuation consulting services. These are the key legal documents that are applied to land recovery and resettlement.

The **Land Law 2013** provides a comprehensive framework for land acquisition and resettlement. The main points of the Law are summarized below:

- The organization in charge of compensation and site clearance has to prepare a plan for compensation, support and resettlement. The approved plan for resettlement must be posted at Commune/Ward People's Committee (CPC/WPC) offices and at common public places where land is recovered (Article. 69).
- Under Art, 69, agencies in charge of resettlement implementation are obliged to conduct consultations on compensation plans through meetings with affected HHs; compensation plans have to be posted at ward/commune PC offices; the

consultation results must be recorded in minutes which are certified by local authorities and affected HHs. Opinions from Project Affected Households (PAHs) have to be compiled; consultation has to be conducted with HHs who have objections on the plan for compensation, support and resettlement and for improving the plan.

- The Law identifies principles and methods of land valuation based on the market rate (Art. 114 3).
- Resettlement sites must be developed and fully completed before relocation of PAPs. Land recovery can only be conducted after the construction of houses and infrastructure in the resettlement area is completed. (Article 85).
- Support for training, career change and facilitating of job searching have to be provided for HHs losing agriculture land (Article 84).
- Structures and other non-land assets are not compensated for the following cases: i) where they are illegally established; ii) where they are located on land not used in accordance with the land purpose; and iii) where they have been built after the cut-off date (Article 92).
- For agricultural land, which was used before 01st July, 2004 for HHs without Land Use Right Certificate (LURC) or HHs that are not eligible for LURC, compensation is provided for land currently used for cultivation, without exceeding the land allocation standards (Art, 77.2).
- Monitoring and evaluation is required on a more general basis and is not specific to resettlement; it includes all aspects of the implementation of the Land Law (Art. 200);

Decree No. 47/2014/ND-CP on compensation, support and resettlement upon land recovery by the State is the main implementing Decree. The main content is summarized below:

- For HHs directly engaged in agricultural production ineligible for compensation under the Land Law, the PPC shall consider support for them (Art. 24);
- Support for stabilization of livelihood is based on the severity of impacts to agriculture land (Art. 19);
- Support for resettlement in case of recovery of residential land. HH receiving an amount of compensation for land lower than the value of the minimum resettlement lot are entitled to support for the difference between the minimum resettlement lot value and the amount of compensation for the land. In addition to compensation for land, relocated HH are entitled to a resettlement support amount (Article 22.);
- Resettlement areas shall be established for one or more than one project. Houses and residential land in resettlement areas shall be arranged in different grades and areas suitable to different levels of compensation and payment capacity of resettled persons (Article 26 3);
- Consultation plans on compensation, support and resettlement shall be posted up to solicit opinions of PAPs for at least 20 days from the starting date of posting (Article 28);

- For projects requiring relocation of the whole community, affecting the livelihood, socioeconomic situation and cultural tradition of the community, investors have to elaborate a policy framework on compensation, support and resettlement. (Art. 17.1).

Decree No. 44/2014/NĐ-CP identifies the mechanism for compensation at market rates. Compensation rates for land must be based on investigation, information on land plots, market rates and a suitable valuation method; Decree 44 identifies several methods for land valuation. **Circular No. 36/2014/TT-BTNMT** specifies detailed methods of valuation of land prices, construction, adjustment of land prices; specific land prices valuation and land price valuation consulting services.

Circular No. 37/2014/TT-BTNMT identifies the required content of plans on compensation, support and resettlement. These plans must contain the following: i) area of each category of land to be recovered; ii) estimated number of PAH; iii) estimated amounts of compensation and settlement support; iv) expected resettlement areas; v) budget and funding sources; vi) Time-bound implementation schedule (Art. 10).

The other regulations that may apply for the Project are the following:

- Circular No. 76/2014/TT-BTC dated 16 June 2014 of Ministry of Financial providing a manual for carry out Decree No. 45/2014/ND-CP providing the collection of land use levy.
- Decision No. 1956/2009/QĐ-TTg, dated November 17, 2009, by the Prime Minister approving the Master Plan on vocational training for rural labors by 2020.
- Decision No. 52/2012/QĐ-TTg, dated November 16, 2012, on the support policies on employment and vocational training to farmers whose agricultural land has been recovered by the State.
- Document of Prime Minister No. 1665/TTg-CN, dated October 17, 2006, regarding management of clearance of site, mine and explosive ordnance for transport construction.
- Decision No. 63/2015/QĐ-TTg dated 10/12/2015 by the Prime Minister on policies to support vocational training and employment solving for workers whose land is acquired in replacement.
- Decree No. 61/2015/ND-CP dated 9/7/2015 by the Government on policies to support vocational training and National Employment Fund.
- Decision No 96/2006/QĐ-TTg dated 4/5/2006 by the Prime Minister on the management and implementation of demining and explosives.

Each province Peoples' Committee issued decisions on compensation, assistance and resettlement when the State acquires land, based on the Land Law and implementing

decrees. The policies which will apply for resettlement for the proposed subprojects are the ones prepared by each province.

2.2 Involuntary Resettlement Policy of the WB OP 4.12

The experience of the World Bank shows that the resettlement required by development projects without mitigation measures, often leads to serious economic, social and environmental problems such as: a broken production system; impoverishment of people who lose their assets, production tools or income sources; relocation of people to the new environments where their skills become less relevant and the level of competition for resources becomes more intense; Weakening of community institutions and the social safety network; isolation of blood ties; impairment or loss of cultural characteristics, traditional influence and potential mutual assistance. Therefore, the policy of the Bank specified in the instruction OP 4.12 includes safeguards to handle and overcome these risks of impoverishment.

2.2.1 The WB's involuntary resettlement policy objectives

Involuntary resettlement should be avoided where feasible, or minimized by exploring all viable alternative project designs;

Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the PAPs to share in the project benefits. The PAPs should be meaningfully consulted and should have opportunities to participate in planning and implementing the resettlement programs;

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

2.2.2 Required measures for the best resettlement results

- Consulting PAPs/DPs about feasible measures for compensation and Resettlement Plans;
- Providing PAPs/DPs with options for resettlement and recovery;
- Offering PAPs/DPs opportunities to participate in and choose planning options;
- Compensating fully at replacement costs for losses attributable to the project;
- Resettlement sites must be provided with fundamental infrastructure and services which are at a minimum, the same as the DPs' previous residential areas;
- Providing DPs with allowances, supports, vocational training and income assistance to facilitate their relocation;
- Identifying special supports for vulnerable groups and;

- Setting up an institutional structure to ensure successful compensation and resettlement.

2.2.3 Compensation Criteria and Eligibility

The eligibility for obtaining entitlements to compensation follow the principles below:

- i. Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country) – in this instance, it is also useful to document how long they have been using the land or the assets associated with it;
- ii. Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets, provided that such claims are recognized under the laws of the country or become recognized through a process identified in the Resettlement Plan;
- iii. Those who have no recognizable legal right or claim to the land they are occupying.
- iv. Persons encroaching land after the cut-off date determined in the project RP are not entitled to any compensation or assistance from the project.

Those affected people of the type (i) and (ii) above shall be compensated for acquired land and other support. Those affected people of (iii) type will be supported with resettlement instead of compensation for the acquired land and other assistance, if necessary, to achieve the objectives set out in this policy, provided that they hold the land located in the project area before the cut-off date specified in the Resettlement Plan.

2.2.4 Valuation and compensation for losses

Methods used for the valuation of losses in WB funding projects are based on full replacement costs. For this project, the losses consist of damages to land, structures and other assets and these replacement costs will be evaluated as follows:

- The full replacement cost of land includes the land value as defined in accordance with the prevalent market price plus administration fees (i.e. costs for transaction, LURC etc.).
- For affected houses and other structures, the valuation is based on the market prices of construction materials and labor costs to build a replacement house of equal or better quality and area as the affected one.
- For public utilities, partly or wholly affected by the project, the compensation includes the market price of building materials plus costs for transportation, labor and contractor fees, registration fees and transfer taxes. Asset depreciation and value of salvaged materials are not deducted.

2.3 Comparison between GOV and WB approaches

The GOV's policies and practices both in resettlement and compensation are mostly compatible with the WB's guidelines. The most compatible domains are as follows:

- The GOV has procedures that allow compensation for losses of people who have no legal land use rights but possibly satisfy conditions of land legalization.
- Registered permanent residents are entitled to choose what form of compensation they want such as relocation to a better resettlement site, receiving cash, or combination of both resettlement and receiving cash.
- New resettlement locations for DPs should have better infrastructure and public services than DP's previous locations as well as better living conditions.
- There will be mechanism to assist PAPs/DPs during the transition period and keep people informed so that they can negotiate for compensation and voice their grievances.
- For the PAPs who are not entitled to the compensation, the GOV has support policies in accordance with the WB policy to help them restore their livelihood.

Besides the compatible points, there are several differences between the GOV's regulations and WB's policies in terms of compensation, assistance resettlement and livelihood rehabilitation for PAPs. The summary of differences between the two policies and a proposed harmonizing policy to be approved for basic principles of compensation and assistance and resettlement for this project, is presented in Table 2.

Table 2: Summary of differences between the GOV's policies and WB's policies and proposed policies for the Project.

Subjects	Bank's OP 4.12	Government of Vietnam	Project Measures
<i>Land Property</i>			
Policy objectives	PAPs should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.	Provision of support to be considered by PPC/CPC to ensure they have a place to live, to stabilize their living and production. (Article 25 of Decree 47/2014/ND-CP). In the case where land is being recovered from people who are resettled without sufficient compensation and support to buy the minimum resettlement plot, the State shall make up the deficit. (Clause 4, Article 86 of Land Law 2013 and Article 27 of Decree 47)	Livelihoods and income sources will be restored in real terms, at least, to the pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

Subjects	Bank's OP 4.12	Government of Vietnam	Project Measures
Support for affected households who have no recognizable legal right or claim to the land they are occupying	No compensation but giving financial assistance to all PAPs to achieve the policy objective (to rehabilitate or improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher)	Only agricultural land used before July 1, 2004 is eligible for compensation. Other cases may be considered for assistance by PPC/CPC if needed (Clause 2, Article 77 of Land Law, 2013)	Support and restore livelihoods for all affected people regardless of their legal status or land use right. Agricultural land used prior to 1/7/2004 is supported with an amount of equal to 100% of the land at full replacement cost; Agricultural land used after 1/7/2004 will be supported with an amount of 60% of the land value Residential land and non-agricultural land will be supported with an amount of at least 60% of the land at the replacement cost
Methods for determining compensation rates	Compensation for lost land and other assets should be paid at full replacement costs,	Compensation for lost assets is calculated at the price close to transferring the assets in local markets or the cost of newly-built structures. The PPC is required to identify compensation prices for different categories of assets. A land valuator can be used to determine land prices, which will be appraised by a land appraisal board before approval by the PPC.	Independent appraiser identifies replacement costs for all types of assets affected, which are appraised by land appraisal board and approved by the PPC to ensure full replacement costs.
Compensation/assurances			
Houses or other structures to be acquired on land are not eligible to the compensation	Support 100% of new construction prices plus fees for relevant administrative procedures.	Support construction cost for new structures with equivalent technical standards, depending on the "legal status".	Support of 100% of new construction prices plus fees for relevant administrative procedures (transaction cost).
Resettlement Arrangement	For all relocated households	Only apply to relocated households whose land and houses are eligible for the compensation. In case of ineligibility for compensation, if DPs have no other accommodations, they will be considered on a case by case basis.	Households and individuals whose entire houses and land are acquired and eligible for compensation or for whom the remaining area after being acquired is smaller than the local minimum allocation quotas of residential land, if they have no other land in the wards being affected by the project will be: (i)

Subjects	Bank's OP 4.12	Government of Vietnam	Project Measures
			<p>allocated a plot in RS, and (ii) in case, the acquired land compensation amount is lower than that of the minimum land plot in the resettlement site, receive the difference from the State. This compensation amount shall not exceed the difference between the amount of the compensation and the cost of a minimum plot in the Resettlement Site.</p> <p>In the case of DPs who are encroaching on land beyond canals/rivers and who are not entitled to the resettlement, but have no shelter in the city these DPs will be allocated a minimum land plot in the project resettlement area and will be charged a land-use fee.</p>
Compensation for loss of income / business households affected	To all affected household business.	Only apply to business, production households with business licenses. Level of compensation/support equal to 30% of their yearly incomes after taxing based on their average yearly incomes of the 3 previous continuous years confirmed by the tax agency. (Section b, Clause 4, Article 19, ND47 / 2014 / ND-CP)	<p>Allowance for Business Loss: All affected businesses and production households having registered businesses whose income is affected will be compensated and/or supported for losses in business equivalent to 50% of their actual annual income based on their average yearly income as declared with the taxation agency over the previous three years;</p> <p>Permanently affected DPs who are running small businesses or services at home and who do not declare to the taxation agency, will be provided with a monthly average income of their business for a maximum of 6 months but not lower than 2 million VND.</p> <p>Temporarily affected DPs who are running small businesses or services at home and who do not declare to the taxation agency will be provided with a monthly average income of their business during the project construction for a maximum of 3 months but not lower than 1 million VND</p> <p>Employees who have had labor</p>

Subjects	Bank's OP 4.12	Government of Vietnam	Project Measures
			contracts for at least 12 months with the private or state enterprises/businesses or organizations that are affected by the project and have to relocate will have an allowance equivalent to the minimum salary as per the PPC regulations to affected employees during the transition period with a maximum of 6 months.
Threshold of severe impacts on income resources due to acquiring agricultural land	Losing 20% or more (10% or more for the vulnerable) of agricultural land.	Losing over 30% of agricultural land	Losing 20% or more (10% or more for the vulnerable) of agricultural land.
Compensation for indirect impact caused by losses of land or structures	It is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse economic and social impacts, particularly upon poor and vulnerable groups.	Not addressed.	Social assessment has been undertaken and measures identified and being implemented to minimize and mitigate adverse impacts, particularly upon poor and vulnerable groups.
Livelihood restoration and assistance	Provision of livelihood restoration and assistance to achieve the policy objectives	Livelihood restoration and assistance measures are provided. No follow-up for full livelihood restoration after resettlement completion.	Provision of livelihood restoration and assistance measures to achieve the policy objectives. These will be monitored as detailed in the RP.
Consultation and disclosure	Participation in planning and implementing RP, specially confirming the eligibility criteria for compensation and assistance, and access to Grievances Redress Mechanisms (GRM)	Focus mostly on consultation during planning (consultation on draft plan of compensation, support and resettlement and plan for training, career change and facilitating job searching); information sharing and disclosure.	Consultation and participation incorporated into RP preparation, along with information sharing with PAPs and stakeholders.
<i>Grievance redress mechanism (GRM)</i>			
Grievance redress mechanism	Grievance redress mechanism should be independent	PAPs are entitled to send complaints/grievances of any issues related to the compensation, assistance	More effective Grievance and Redress mechanisms are to be established, built on the existing governmental system, with

Subjects	Bank's OP 4.12	Government of Vietnam	Project Measures
		and resettlement to the competent agencies to handle the grievances at the first and second stages. At the same time, complaints may be taken to court at any stage as the PAP wishes (Articles 28, 32, 33 of Law on Grievance No. 02/2011/QH13 dated 11 November, 2011	monitoring by an independent monitoring consultant;
Monitoring & Evaluation			
Monitoring and evaluation Mechanisms on compensation & resettlement	Internal & independent monitoring is required	Citizens are allowed to supervise and report on breaches in land use and management on their own (or through representative organizations), including land recovery, compensation, support and resettlement (Article 199, Land Law 2013). There are no explicit requirements on monitoring of the resettlement works, including both internal and independent (external) monitoring	Both internal and external (independent) monitoring is to be regularly maintained (on a monthly basis for internal and bi-annual basis for independent monitoring). An end-of-project report will be completed to confirm whether the objectives of OP 4.12 were achieved.

As a WB member country, the GOV has committed that, should the international agreements signed or acceded to by GOV with the WB contain provisions different from those in the present resettlement legal framework in Vietnam, the provisions of the international agreements with the WB shall prevail. According to Clause 2 of Article 87 of the Land Law 2013, "for the projects using loans from foreign and international organizations for which the State of Vietnam has committed to a policy framework for compensation, support, resettlement, the framework is applied".

This RPF confirms that in committing to this instrument, the GOV and each PPC grant the waivers to the relevant articles in various Vietnamese laws that contradict or are not consistent with the objectives set forth in this RPF. The measures taken to address the differences and comply with the WB policy are addressed under this RPF.

Each Provincial People's Committee will endorse the RPF. Through this endorsement, they commit to apply the RPF and to fill the gaps identified in the table above

III. PRINCIPLES AND POLICIES FRAMEWORK FOR RESETTLEMENT, COMPENSATION AND REHABILITATION

3.1 Required Waivers

To comply with WB OP 4.12 policy on Involuntary Resettlement, articles in the laws and regulations of Vietnam that do not guarantee the PAPs' right to compensation at replacement costs, or eligibility articles that do not extend the right of being restored and/or assisted to households without valid land papers, or otherwise limit the compensation required by WB OP 4.12, will not apply. The requirements of WB OP 4.12 will fully apply in all cases.

3.2 Principles and Objectives

The principles mentioned in WB OP 4.12 are used for the preparation of this RPF. The following principles and objectives will be applied:

- (a) Land acquisition and asset impacts as well as resettlement of DPs must be minimized as far as possible.
- (b) All PAPs residing, working, doing business or farming in the project areas will be provided with rehabilitation measures, sufficient enough for them to improve or at least maintain their living standards, income earning and production capacity the same as their pre-project conditions. Lack of legal rights to acquired land will not prevent PAPs from their entitlement to access such rehabilitation measures.
- (c) Plans for land acquisition and other assets and provision of rehabilitation measures must be taken under the consultation with PAPs to minimize their disturbance. Entitlements shall be provided to PAPs prior to the expected commencement of works at the respective project areas.
- (d) Existing public services shall be maintained or improved.
- (e) Budget for resettlement shall be available in the project implementation stages.
- (f) The executing organization must ensure that the design, planning, consultation and implementation of the RP is effectively and timely.
- (g) Checking, monitoring and evaluating the implementation of RP timely and effectively should be conducted.
- (h) All PAPs who have assets within or reside within the area of project land acquisition before the cut-off date are entitled to compensation for their losses as per this RPF. Those who have lost their income and/or subsistence will be eligible for livelihood rehabilitation assistance based on the criteria of eligibility defined by the project in consultation with the PAPs. If, by the end of the project, livelihoods have been shown not to be restored to pre-project levels, additional measures should be considered.

- (i) Agricultural land that is lost will be compensated through “land for land”, or in cash, according to PAP’s choice and the availability of local land fund. The choice of land for land must be offered to those losing 20% or more of their productive land (10% or more of their productive land for the vulnerable).
- (j) PAPs who have to relocate will be resettled as regulated; their houses, lands and other properties affected by the project will be compensated in cash at full replacement cost.
- (k) Compensation for all residential, commercial, or other structures will be offered at the replacement cost, without any depreciation of the structure and without deduction for salvageable materials.
- (l) The PAPs will be provided with a transportation allowance for transporting personal belongings and assets to a new resettlement place, in addition to the compensation at replacement cost of their houses, lands, and other properties.
- (m) Land acquisition for the project will be announced to PAPs by a state competent agency at least 90 days prior to the acquisition for agricultural land and 180 days for non- agricultural land. The announced contents will include a plan of land acquisition, investigation, surveys, and detailed measurements.
- (n) Transfer of the acquired lands to the project will be completed within 30 days of the PAPs receiving full compensation or assistance from the project.
- (o) Public services and resources at the resettlement area will be improved to be better than those in the PAP’s previous location.
- (p) Temporary resettlement: Relocation of any households more than once, should be avoided because it leads to PAPs being impacted twice or more and will delay the livelihood restoration process. If this happens, these households should be considered for additional benefits as they have been impacted twice. Temporary resettlement will only occur if the PMU has verified that temporary resettlement is unavoidable for reasons such as:
 - DPs who are planning to resettle in the project resettlement site are requested to hand over their land to the project but the project resettlement site is not ready to receive them.
 - PAPs whose houses are partly affected and require rebuilding and repair, need temporary resettlement in the period during which their houses are being of rebuilt or repaired.
 - DPs who select the self - relocation option need temporary resettlement while searching for a new residence.

3.3 Compensation Policies

3.3.1 Compensation Policy for households' residential land

a. *Land users are entitled to be compensated (Legal and legalizable land users)*

- The project affected land-users will be compensated for the actually affected area in cash at 100% of the replacement cost;
- Where PAPs lose residential land and their remaining land is not viable for their residence (ineligible for building a new house as stipulated) according to the threshold identified in the Province's resettlement policy, if the PAPs agree, the state will acquire the remaining land and compensate the PAPs in cash at 100% of the replacement cost;
- Land users who are eligible for compensation of acquired land (legal and legalizable land-users) with lands that are in dispute, will be compensated at 100% of the replacement cost. These land users will receive the compensation amount only when their disputes are resolved. The compensation amount will be held in an escrow bank account.

b. *Land users are not eligible to be compensated including those living beyond canals/rivers*

- The households whose land is affected will be assisted in cash with an amount of at least 60% of the land at the replacement cost. For PAPs with houses encroaching beyond canals/rivers, the affected land area will be calculated as the area of the largest floor of their houses but not exceeding the land allocation quotas stipulated by each PPC.

3.3.2 Compensating policies for affected non-agricultural land with structures on land

- If affected lands are eligible to the compensation, PAPs will be compensated in cash at 100% of the replacement cost.
- If affected lands are not entitled to be compensated, PAPs will be assisted in cash with an amount of at least 60% of the land at the replacement cost. Severely affected persons and vulnerable households will be provided with an allowance to ensure their livelihood restoration.

3.3.3 Compensation policies for agricultural Land

a. *For land users entitled to the compensation (Legal and Legalizable land users)*

- If the land area acquired from PAPs is less than 20% (10% for the vulnerable) of their total productive land and the remaining area is economically viable

according to threshold identified in each province resettlement policy, PAPs will be compensated by cash at 100% replacement cost for the acquired area.

- If PAPs have loss of 20% or more (10% or more for the vulnerable) of their total arable landholding or the remaining area is not economically viable according to threshold identified in each Province resettlement policy, PAPs will be compensated by cash at 100% of the replacement cost, while receiving income rehabilitation measures such as extension services, vocational training, access to credit or others based on aspiration of the PAPs.

b. For land users with no legal rights or claim on land

- PAPs whose affected land was used before 01 July 2004 will be supported in cash with 100% of the land at the replacement cost;
- PAPs whose affected land was used after 01 July 2004 will be assisted in cash with not less than 60% of the land at the replacement cost.
- The supported land areas are within the land allocation quotas under Article 129, Land Law 2013.

c. For users hiring land affected

- PAPs who use public land (or reserves) with a previous agreement on returning the land to the Government whenever it requests will not be compensated for land lost, but compensated for crops, trees, and other assets on land in cash at the replacement cost, while PAPs will be assisted in recovering the loss of investment in the affected land with an amount equal to 30% of the affected land value at the time of acquisition.

3.3.4 Compensation policies for loss of House/Structures including those living beyond canals/rivers

- a. Regardless of their titles to the affected land or possession of a construction permit for the affected structures/houses¹, compensation or assistance in cash will be made for all affected private-owned houses/structures at 100% of the replacement costs. For houses/structures that are being partly affected, but the remaining area is insufficient to be used, compensation or assistance in cash will be made at 100% of the replacement cost for the whole affected houses/structures. In case the remaining area of the affected houses is sufficient to be repaired for living, the PAPs will be paid in cash at 100% of the replacement cost for the dismantled area, while being provided with an additional amount equivalent to 30% of the replacement cost of the dismantled portion to rehabilitate the houses/structures to a higher level. The replacement cost is counted for rebuilding the new houses/structures to a similar standard without deductions of depreciation or salvageable materials.

¹ Including organizations not belonging to the State

- b. PAPs whose houses/structures are built on encroached land beyond canals/rivers will be supported in cash at 100% of the replacement cost to rebuild their new houses/structures.
- c. For affected state-owned houses/structures, compensation in cash will be made at 100% of the replacement cost for the remaining value of the houses/structures after the deduction of the used values that have been annually recorded by a state competent agency. The payment will be submitted to the city state treasury, following the state financial procedures.

3.3.5 Compensation policies for tenants

- a. Tenants who are residing in leased state houses: (i) will not be compensated for the land area and houses owned by the state but fully compensated in cash at the replacement costs for the improved, repaired and upgraded works; (ii) will be entitled to rent or buy plots in the project resettlement area to resettle with minimum area; (iii) if the project has no plot in its resettlement site for them to rent/buy, DPs will be supported in cash with not less than 60% of the replacement cost of land and house to be self - resettled (Item 2, Article 14, Decree 47/2014/ND-CP dated May 15, 2015);
- b. Tenants who are residing in leased private houses will be provided with a transportation allowance for moving assets to their new residential areas.

3.3.6 Compensation policies for Loss of trees and livestock

- a. Cash compensation at full replacement cost will be made to PAPs at time of compensation for the trees/ livestock planted/raised on the land;
- b. Where affected trees/animals can be relocated, compensation will be paid for the loss of the trees/animals plus the transportation cost.

3.3.7 Compensation policies for Loss of Income and/ or Business/ Productive Assets

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

- a. Allowance for Business Loss: All affected businesses and production households having a registered business whose income is affected will be compensated and/or supported for losses in business equivalent to 50% of their actual annual income based on their average yearly income as declared with local taxation agency over three previous years.
- b. PAPs with small business or service establishments at home without license that are not tax registered and who are permanently affected by the project, will be provided with a monthly average income of their business for a maximum of 6 months but not lower than 2 million VND.
- c. PAPs with small business or service establishments at home without license that are not tax registered and who are temporarily affected will be provided with a monthly

average income of their business during the project construction for a maximum of 3 months but not lower than 1 million VND;

- d. Employees who have had labor contracts at least for 12 months with private or state enterprises/businesses or organizations that are affected by the project and have to relocate will receive an allowance equivalent to the minimum salary as per the City regulations to affected employees during the transition period with a maximum of 6 months.
- e. If the business has to be relocated, the project will assist in finding an alternative site with an advantageous location and physical attributes similar to the land lost, and with easy access to a customer base, satisfactory to the PAP.
- f. This compensation and assistance will be provided in the baseline information and will be monitored during project implementation. In case that the livelihood of a PAP cannot be actually restored, the support level should be adjusted accordingly. Monitoring of this situation will continue until it can be determined that they are at least no worse off than before the project impacts.

3.3.8 Compensation policies for Affected Public Utilities

If some public infrastructures/buildings are damaged by the project, the PMU shall consult with affected communities and specify that these structures are restored or repaired as soon as possible in order to mitigate negative impacts on communities and ensure that the affected communities do not pay for such repair costs.

3.3.9 Compensation policies for affected graves/tombs

Compensation for the removal of graves/tombs will include the cost of excavation, relocation, reburial and other related costs, which is relevant to customary requirements. The removal option and level of compensation to the affected will be decided in consultation with the affected families/communities based on the relevant Provincial regulation.

3.3.10 Compensation policies for other assets

Households' other assets are affected such as: Telephone line, water meter, electric meter shall be compensated in cash as regulated;

PAPs whose cable TV, internet access (subscription), wells affected by the project shall be compensated in cash with an amount equal to value of the new installation.

3.3.11 Compensation policies for temporary impacts during construction

If private or state structures are temporarily affected by contractors during the construction phase, contractors shall have to bear all responsibilities for compensation to the affected at the replacement cost as those are permanently affected by the project. Assistance shall be

provided to rehabilitate temporarily affected land to its original condition or to a better condition.

3.4 Allowance and rehabilitation assistance in the transition period

In addition to direct compensation for property damage, the PAPs will receive additional payments to cover the costs of the transition. The support level including inflation and rising costs will be taken into account at the time of payment. These grants include, but are not limited to:

3.4.1 Supporting for moving and temporary residence

Support moving to new residential areas:

- a. PAHs requiring relocation inside or outside the area of the province will receive funding support for traveling costs based on the relevant provincial regulation.

Support for temporary residence:

- a. PAPs who are planning to resettle on the project resettlement site must hand over their land to the project. Prior to the completion of the resettlement area, they will be supported through temporary resettlement while waiting, with an additional six months of time for constructing a house with a rental rate not exceeding twice of that regulated by the relevant province.
- b. PAPs with main houses that are partially acquired and who need to rebuild new houses on the remaining land area will be supported through temporary resettlement for three months with a rental rate not exceeding twice that regulated by the relevant province.
- c. PAPs with main houses that are partially acquired and who need to rehabilitate their houses will be supported through temporary resettlement for two months with a rental rate not exceeding twice that regulated by the relevant province.
- d. RPs who choose self-relocation (with written commitments that they will self-relocate) will be assisted in temporary resettlement for at least three months with a rental rate not exceeding twice that regulated by the relevant province.

3.4.2 Support for training for career change

- a. PAPs whose cultivated agricultural land is affected (confirmed by their WPCs) will be supported by job training and career change through an amount of 1.5 to five times the land price for the acquired land area based on the relevant provincial regulation; and
- b. Where the agricultural land of PAPs is affected and PAPs require training or an apprenticeship, they will be admitted to a vocational center within the city with

exemption from tuition fees for the training course for those PAPs that are of a working age (not applicable for those who enroll for vocational trainings outside the city).

3.4.3 Allowance for life and production stabilization

- a. PAPs whose agricultural land is affected with 20% to 70% (10% to 70% for vulnerable households) will be supported by a payment equivalent to 30kg of rice per month for one person based on local average price at the time of support for living stability within 6 months if not relocated and within 12 months if relocated; and
- b. PAPs with more than 70% of their agricultural land affected will be supported with the amount mentioned under point (i) above within 12 months if not relocated and within 24 months if relocated.

3.4.4 Allowances targeted to the vulnerable to be relocated

Apart from the compensation and support regulated by the policies, the vulnerable who must relocate will have a further allowance to facilitate them in rehabilitating their life sooner with the following specific amount:

- a. Social policy HH, as defined by each province, will get an allowance from 2.000.000 VND-7.000.000 VND for each household as regulated by the relevant provincial regulation.
- b. PAHs of other vulnerable groups such as (i) single female headed households with dependents and economic disadvantage (single, widow, disabled husband); (ii) people with physical or mental disability disabled (loss of working ability); (iii) the poor under MOLISA standard; (iv) the elderly alone; (v) ethnic minority people will get the same additional support given to social policy households as identified in point a. above.

3.4.5 Bonus for handing over land on schedule: According to each PPC regulation.

3.5 Policies for Resettlement Issues

Relocation alternatives: There are three (03) major options for relocation, namely (i) serviced resettlement site where PAHs are allocated plots of land in the resettlement site; HH have to pay land-use fee for this plot; (ii) self – relocation where PAHs are entitled to compensation/resettlement for the land but prefer to find their new residential areas by themselves and (iii) On-site resettlement, in the case of PAHs whose residential land has been acquired but who still have agricultural land or garden land that is planned to become a residential area. PAHs should be supported to change the agricultural land into residential land for building a house.

Households or individuals who have all of their legal houses and land acquired and their remaining land areas are less than the limits of local land allocation; (i) will be entitled to resettlement arrangements; and (ii) if they chose resettlement in a serviced resettlement site, in case the compensation for affected land is lower than the investment cost of a land plot on a resettlement site, the households will be supported by the project to cover the difference. The support amount will not be in excess of the difference between the land compensation cost and cost for a minimal land plot of the local allocation.

Other land-users who are not eligible for the project full land compensation (including HHs who have land encroaching on canals) and have no shelters in the city, as confirmed by local authorities, will be allocated minimum land plots in the project resettlement site for building houses and will pay land-use fees. As per legal PAPs, in case the compensation for affected land is lower than the investment cost of a land plot on a resettlement site, the households will be supported by the project to cover the difference. The support amount will not be in excess of the difference between the land compensation cost and cost for a minimal land plot of the local allocation

DPs who select self-relocation will be supported based on the relevant Provincial regulation.

Pursuant to the resettlement requirements, the PMU shall prepare the project resettlement site in the city or purchase plots of land in existing RS for DPs who are eligible for resettlement and have a resettlement demand. The resettlement site must ensure that basic social infrastructure and services for people living at new places are at least equal to or better than their previous places.

3.6 Voluntary Land Donation

Voluntary Land Donation (resettlement) refers to any resettlement not attributable to eminent domain or other forms of land acquisition backed by powers of the state. The operative principles in voluntary resettlement are “informed consent” and “power of choice”. Regarding Project Component 1 (Tertiary Infrastructure Upgrading), residents in low income areas, who are direct beneficiaries may contribute to the upgrading cost. The Contribution Cost will be confirmed in the Community Upgrading Plan for each community. Partly affected DPs may choose to either voluntarily donate affected land or contributing through labor.

Major Principals for Voluntary Land Donation

- Households are fully provided with information on project compensation and resettlement policy;
- Residents are really willing to donate land;

- Households themselves decide the scope of land acquisition for the Project and the scope of their voluntary land donation;
- The scope of affected land is small (less than 10% of their land holding and DPs are not relocated)²;
- A suitable mechanism for complaint redress exists.

Process for Voluntary Land Donation

- The PMU provides residents with complete information on upgrading components which include compensation and resettlement policies and principles for voluntary land donation.
- The Community determines the scope of land acquisition for the purposes of the project, in the implementation of community upgrading planning.
- The Community unifies the level of land donation. Where the majority of community members want to donate all affected land but some do not, the community must find an appropriate solution to compensate for such DPs who do not accept all land donations, including a mechanism of sharing loss. If the community cannot find out solution, the project will compensate for those DPs.
- The statistic table of affected land and properties and the compensation cost is sent to HHs.
- HHs sign to confirm the scope of donated land. Other losses of architectures/structures and properties are compensated.
- The PMU makes information on compensation and donated land available in public places.

Monitoring and Evaluation: The PMU must report the land donation to the PPC and the WB to review before implementing the land donation. Reporting should be carried out on a regular basis and submitted to PPC and WB's for review and agreement.

Independent monitoring must be conducted for approximately 20% of voluntary households to check their real willing to donate land and assess whether they are seriously affected by their donation or not.

² Where DPs are able to donate more land than expected, the Project can accept the additional land provided that the Independent Monitoring Agency confirms that the land donation does not affect the DPs' living condition.

IV. ELIGIBILITY CRITERIA AND ENTITLEMENTS

4.1 Project affected people (PAP)

(i) Individuals/families

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

- Persons whose agricultural land will be affected (permanently or temporarily) by the Project;
- Persons whose non - agricultural land but not residential land will be affected (permanently or temporarily) by the project;
- Persons whose residential land/houses will be affected (permanently or temporarily) by the Project;
- Persons whose leased state/private houses/ land will be affected (permanently or temporarily) by the Project;
- Persons whose businesses, occupations. or places of work will be affected (permanently or temporarily) by the Project;
- Persons whose trees and domestic animals will be affected in part or in total by the Project;
- Persons whose other assets or access to those assets will be affected in part or in total by the Project; and
- Persons whose livelihoods will be impacted (permanently or temporarily) due to restriction of access to protected areas by the Project.

(ii) Community/state assets, facilities

- Community assets and facilities that will be temporarily/permanently affected by the project;
- Land, houses, structures of state that will be temporarily/permanently affected by the project;

4.2 Identification of vulnerable groups

Based on the initial rapid socioeconomic surveys, the vulnerable groups will generally include the following:

- The poor families identified by DOLISA of the city and registered at commune/ward level;
- Ethnic minority Households;
- Mentally and physically handicapped people or people in poor physical health; infants, children and women without assistance;
- Poor women-headed households or women-headed households with dependents and with no other support;

- The social-policy households as per PPC policy;
- Other PAP identified by the project management unit and who may not be protected through national land compensation or land titling; or
- Any additional groups identified by the socio-economic surveys and by meaningful public consultation.

4.3 Entitlement

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

4.4. Eligibility

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

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

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

4.5 New households

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

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

Newly born children, spouses of persons named in the household registration books, people who have completed military service, and people who have just returned from schools to live with the affected households prior to the cut-off date will be entitled to the compensation and support measures outlined in this document.

V. CONSULTATIONS WITH PROJECT AFFECTED PEOPLE'S

This chapter describes briefly how the consultation has to be conducted with project stakeholders, particularly with potentially affected households under the Project.

5.1 Objectives of Public Information and Consultation

Information dissemination to PAPs and involved agencies is an important part of project preparation and implementation. Consultation with PAPs and ensuring their active participation will reduce the potential for conflicts and minimize the risk of project delays. This will also enable the Project to design the resettlement and livelihood restoration program as a comprehensive development program to suit the needs and priorities of the PAPs, thereby maximizing the economic and social benefits of investments. The objectives of the public information and consultation program are as follows:

- a. To ensure that local authorities, as well as representatives of PAPs, will be included in the planning and decision-making processes. The PMU will work closely with PPC, the project WPCs and related line departments and agencies during project implementation. PAPs involvement in implementation will continue thereafter by requesting the project city to invite PAP's representatives to be members of the Compensation and Resettlement Committees and take part in the resettlement activities (property evaluation, compensation, resettlement, and monitoring).
- b. To fully share information about the proposed project components and activities with the PAPs.
- c. To obtain information about the needs and priorities of the PAPs, as well as receiving information about their reactions to proposed policies and activities.
- d. To ensure that PAPs are able to make fully informed decisions that will directly affect their incomes and living standards, and that they will have the opportunity to participate in activities and decision-making about issues that will directly affect them.
- e. To obtain the cooperation and participation of the PAPs and communities in activities necessary for Resettlement Planning and implementation.

- f. To ensure transparency in all activities related to land acquisition, resettlement, and rehabilitation.

5.2 Community consultation and participation

Methods of information dissemination and community consultation may include the rural participatory rapid assessment method, consultations with the stakeholders, visits to affected areas, interviews of affected households, community meetings, focus group discussions and socio-economic surveys. A Community Upgrading Plan (CUP) will be prepared for each LIA. The CUP is based on extensive community consultations and social surveys to identify and design priority investments. Investments are designed with flexible standards, attention to universal accessibility and screened to minimize social and environmental impacts.

Even in the early stage of project preparation, local governments at all levels have been informed about the project, its objectives, components and project operations and were consulted and participated in the discussions about local development needs and priorities in a constructive way. Local authorities were consulted on the assessment of potential negative impacts of the project, measures to minimize impacts and increase benefits of the project. Local authorities were also consulted on their consensus and commitment to implement the resettlement policy as is described in the RPF. After the project is approved, central and local mass media, including TV programs and the press will widely introduce the project at public places, including information on the objectives, components and operations of the project.

Consultations with affected households and stakeholders, on the RPF, were conducted from July to October 2016 in the different cities as presented in the Table below. The main content of the discussions are also indicated in the table.

Table 3: Consultation Process during RPF Preparation

City	Dates of RPF Consultation	Main Content
Bac Lieu	26, 27, 28, 29 and 30 September 2016	<ul style="list-style-type: none"> - Eligibility criteria; - Entitlements, compensation and support policy of the project; compensation principles and the compensation conditions; - Resettlement policy for households who must be relocated; - Consultation Process; - Grievances Redress Mechanism; - Implementation Arrangement; - Monitoring and Evaluation;
Ben Tre	26, 27, 28, 29 and 30 September 2016	
Long Xuyen	26, 27, 28, 29 and 30 September 2016	
Soc Trang	18, 22, 23 and 26 August 2016	
Tan An	21, 22, 25, 26 and 28 July 2016	
Vinh Long	22, 23, 26, 27 and 28 September 2016	
Vi Thanh	14, 17, 18, 19 and 20 October 2016	

Public consultation in the project implementation phase: During project implementation, the PMU will organize information dissemination and consultation with PAPs throughout the project implementation process; updating the compensation rates of the City, reaffirming land acquisition scale and impacts on assets based on the results of the detailed measurement survey (DMS), in consultation with PAPs, mailing/questions concerning the relocation plans to all RPs (a) to inform them about the Resettlement Plans (clearly explain the consequences of each alternative option) and the Project resettlement site and (b) suggest affected people to affirm their choice of Resettlement Plans.

Community meeting: Before beginning the detailed design, community meetings in each affected ward will be conducted to provide additional information for PAPs and provide opportunities for them to participate in public discussions on resettlement policy and procedures. Details are described in the following Table.

Steps	Preparation and implementation of community meetings
Step 1	<p>PMU has responsibility for preparing meeting contents and meeting agenda. Meeting schedule will be registered with project WPCs so that they may collaborate with the PMU in inviting PAPs with at least 30% of women as expected and arranging suitable positions and time for participants. Meeting contents must cover the main information as follows:</p> <ul style="list-style-type: none"> - Provide PAPs with final RoW delineations of project structural items and information data on project resettlement sites with adequate information on physical and social infrastructures and price of minimum land plots; - Disclose the project RPF approved by PM, applying for the SUUP. - Mechanism of grievance and redress related to land acquisition and resettlement established for SUUP. <p>The contents will be sent to the project WPCs at least 5 days in advance, so that they could provide the PAPs with the meeting contents at least 3 days before meeting starts.</p>
Step 2	<p>Conduct community meetings to disclose clear information to all PAPs, score and take ideas of PAPs into consideration during detail engineering designing. The meeting should include representatives of WPCs, CSCCs, DLFDCs and PMU. Minute meetings should be prepared during the meeting and signed by all representatives of stakeholders.</p>
Step 3	<p>Disclose the project key information, resettlement and compensation policies and GRM at a place of project WPC's office where is easy to be visited by PAPs.</p>

5.3. Disclosure

As per Bank's requirement (OP 4.12, paragraph 29), the RPF was disclosed in Vietnamese at local level, at the office of PMU, City PC, Ward/Commune PCs on 10 January 2017 and the English version of this RPF was also disclosed at the World Bank Info Shop in Washington D.C. on 12 January 2017.

After approval by the GoV and clearance by the WB, the final RPF will also be disclosed as per the draft RPF at local level in Vietnamese and at the World Bank InfoShop in English.

VI. IMPLEMENTATION ARRANGEMENTS

6.1 Organizational Arrangements

The implementation of resettlement activities requires the involvement of agencies at the city and ward levels. The PPC will be responsible for the overall implementation of this RPF and RP prepared under the RPF. The City Compensation and Site Clearance Committee (CCSCCs) will be established in each city in compliance with Decree No. 47/2014/ND-CP. This RPF is a legal basis for implementing compensation, assistance and resettlement for the project.

The following is an overview of key implementation responsibilities of each unit involved in the resettlement implementation under the project.

6.1.1 Province level

PPC is the highest authority to promulgate regulations, solve issues concerning guidelines and policies, and give instructions for the Project implementation and are the links between the functional organizations in the Project implementation. The PPC will take the below responsibilities:

- a. Promulgating regulations to solidify the mechanisms for compensation, assistance and resettlement in accordance with the laws and practices of the city.
- b. Giving instructions to its departments, divisions, agencies and WPCs for:
 - Making plans for construction of the project resettlement site to meet the requirements of compensation, site clearance and land acquisition.
 - Preparing compensation, assistance and resettlement plans within their competency.
 - Approving compensation, assistance and resettlement plans.

- c. Making decisions or authorizing chairpersons of City PCs to implement land recovery for those who do not comply with the land acquisition decision made by PPC once all the grievances steps have been exhausted.

6.1.2 Project Management Unit (PMU)

PMU that is the implementing agency assists the investor PPC and directly manages the project implementation. The PMU shall be responsible for the implementation of the Project RP and its main tasks are:

- a. Preparation of the resettlement plan or updating the resettlement plan to submit to the PPC for approval;
- b. Identification of resettlement sites before organizing household relocation to new residential area;
- c. Planning detailed implementation of the Resettlement and Site Clearance Plan; Signing contracts with related entities to perform the compensation, support and resettlement;
- d. Joining the project CSCCs, providing all necessary information related to the Project and the compensation, support plans to serve the evaluation process of the CSCCs;
- e. Instructing the implementation of project policies in compliance with the RPF and the RP of the Project;
- f. Planning and conducting internal monitoring of the implementation of resettlement activities of the Project to ensure that all activities are in compliance with the project policies;
- g. Recruiting, supervising and considering the recommendations on the process of implementing the RP regularly made by IMA;
- h. Getting sites handed over by PAPs and handing them over to the construction contractors;
- i. Preparing quarterly periodic reports on resettlement activities to the WB.

6.1.3 Compensation and Site Clearance Committees (CSCCs)

CSCCs are the agencies that support their City PCs in organizing and implementing the compensation, assistance and resettlement. CSCCs are established by their CPCs including the following assignments:

- a) To plan and implement daily resettlement activities within the city.

- b) To be responsible for directing and monitoring the compensation for site clearance and resettlement to ensure the implementation of compensation and resettlement including: listing of land acquisition, completing the compensation schedule, preparing the aggregate compensation tables, evaluating the plan to support the resettlement compensation to submit to the PPC of the province or the city (if authorized) for approval and cooperating with the PMU to pay direct compensation for each affected subject after receiving compensation funds;
- c) To be responsible for coordinating with relevant units to make conciliation to solve any claims by affected people on compensation policy and compensation rights.
- d) To establish, if necessary, a Committee of compensation for damages at commune/ward level and to direct their activities in implementing the resettlement activities.
- e) To pay special attention to the needs and wishes of particular groups (ethnic minorities) and vulnerable people (children, the elderly, female-headed households/single).
- f) To work closely with the independent monitoring organization.

6.1.4 City Land Fund Development Centers (CLFDCs)

CLFDC is in charge of the preparation and implementation of all resettlement activities.

CLFDCs will:

- a. Sign a contract with the PMU, support CSCCs in implementing compensation, assistance and resettlement;
- b. Blueprint for the implementation of RP and land clearance for the project;
- c. Support the PMU in conducting community meetings to disclose the project information, RPF, GRM and information on resettlement sites;
- d. Conduct DMS of all affected assets, establishment and disclosure of detailed compensation measures of each PAP;
- e. Conduct payment of compensation and assistance to all PAPs;
- f. Receive and resolve complaints made by PAPs related to land acquisition and resettlement to be submitted to CSCCs for further deal with the issues beyond their competent.

6.1.5 Ward People's Committee (WPCs)

WPC is responsible for the following:

- a. Organizing dissemination of information for PAPs about the objectives for land acquisition, and the Project policy of compensation, assistance and resettlement.
- b. Coordinating with agencies in charge of compensation, assistance and resettlement implementation to guide PAPs in enumerating and certifying their inventory of land and assets associated with land.
- c. Preparing and taking responsibility for the accuracy of the copies of documents concerning land sources, family members, registered members, beneficiaries of social policies, and proposals for resettlement of DPs.
- d. In coordination with the Employer, implementing payment of compensation, assistance and resettlement for PAPs and ensuring good conditions for the Project's site clearance.

6.2 Preparation of procedures for approval of RP

6.2.1 Preparation of RP

a. Screening

At the project identification stage, an initial assessment of social issues shall be made to determine the level of impact resulting from project investment as well as land acquisition and land use changes. Based on the social appraisal result, the PMU will make a decision to require a method of detailed site survey and data necessary including statistic data, studies and other results of the socio-economic surveys.

b. Resettlement Instruments

The scope and details of a RP depends on the resettlement scale and complexity; therefore, the two RP instruments to be tentatively applied for the Project are:

b.1 Abbreviated RP

- When the total number of affected people is less than 200 and there is no physical resettlement required for any PAPs, an abbreviated RP will be required, subject to review and acceptance by the WB.
- An abbreviated RP will cover at least the following elements: (1) census survey of affected persons and asset evaluation; (2) description of compensation and other assistance for resettlement; (3) consultation with PAPs on compensation options; (4) institutional responsibility for implementation and procedures for grievance redress; (5) arrangements for monitoring and implementation, and (6) a timetable and budget. In case of PAPs losing 10% of productive assets or requiring relocation, the plan must also include the socio-economic survey and the income restoration measures.

- Abbreviated RP should be completed four months before the expected commencement date of construction for the project phase. Abbreviated RP should be submitted to the WB three months before the construction of project work for review and approval. The activities of compensation, resettlement and economic recovery can be started only when the WB and PPC approve the abbreviated RP. The compensation payment and resettlement should be completed before signing construction contracts for project.

b.2 Full RP

- When the impact involves more than 200 PAPs and there are households losing 20% or more (10% or more for the vulnerable) of their productive assets or having to be relocated, a full RP shall be made according to the terms and conditions of this RPF, and it must be approved by PPC and endorsed by WB.
- A full RP needs to have the following sections: Executive Summary (1) Introduction :description of project; potential impacts; objective of RP; (2) Land Acquisition Impacts; (3) socio-economic studies; (4) legal framework; (5) Eligibility and Entitlement Policy; (6) Income Restoration Measures (7) Resettlement arrangements; (8) community consultation and participation;; (9) grievance procedures; (10) organizational responsibilities; (11) RP Implementation Plan; (12) implementation schedule; (13) costs and budget; and, (14) Monitoring and evaluation.
- Full RP should be completed no later than six months before the expected commencement of the work. A full RP should be submitted to the WB no later than three months before the commencement of the project works for review and approval. Activities for compensation and support can be started only when the WB and the PPC have approved the RP. The payment for compensation, allowances and other supports or assistance should be completed before signing construction contracts for the project.

c. Preparation of RP

- Due to the scope of resettlement in each City (see Table 1), a full RP will be prepared for each city under the SUUP.
- Based on the RPF, the consultants hired by the PMU shall prepare a RP for the Project and submit it to PPC for review and approval. The RP will subsequently be submitted to the WB for approval before there is the final approval by the PPC. Personnel responsible for this task shall cooperate with PAPs, government agencies at all levels, and local social organizations to implement the detailed RP.

- The RP's preparation requires community participation and analysis in all aspects to be included in a social assessment and evaluation. The following procedures are implemented in the planning phase of a Project:

Step 1. Based on the preliminary design of the project, it will be categorized as one of the following types (according to the impact of resettlement³): (i) no resettlement impacts (ii) Limited resettlement impacts and (iii) considerable resettlement impacts. Both (ii) and (iii) require a brief resettlement plan or full resettlement plan.

Step 2. Completion of the preliminary designs for the project based on consultation with potential PAPs and professional engineers so as to minimize resettlement impacts as much as possible. For example, choosing design alternatives, revision of road alignment and prioritizing the existing traffic systems, and/or utilizing public space to reduce the resettlement impact on PAPs significantly;

Step 3. If projects fall into (ii) and (iii) of step 1 social assessment and evaluation surveys are required. Social assessment includes statistics on family members and surveys of households that may be affected. It contains socio-economic information of PAPs, determines types of impacts, impact levels and inventory of PAPs' property. The survey is conducted with the participation of concerned local authorities at all levels.

Step 4. In parallel with the affected family surveys, consultations with PAPs will be made to determine their expectations and demands. The results of these consultations should be included in the RP. Replacement cost survey for land, farm products and assets from the governments of each project city, ward as well as the current market, will be the foundation for estimating the costs in the RP.

Step 5. Preparation of Resettlement plan: the entitlements stipulated in the RPF are summarized in the Entitlement matrix (Appendix 1) for the project. The number of PAPs and assets and total amount of compensation should be determined for each type of effect.

Step 6. Disseminating the draft RP in community meetings; comments and ideas contributed at these meetings shall be reviewed and included in the final draft RP.

d. Appraisal of RP

- One of the project assessment criteria is the RP preparation (if necessary), which is consistent with the RPF. This RP must be developed in bilingual languages, Vietnamese and English. The English version must be submitted to the WB for approval before WB conducts a project appraisal. The social assessment and statistics on household resettlement impacts may reveal new affected groups and

³ "Resettlement impact" indicates both relocation and losses of crops and incomes. The resettlement should be minimized but when it is avoidable, entitlement policy of the RPF should be applied.

new types of impact which are not mentioned in the Entitlement Matrix of the RPF. If new types of impact arise, the relevant agency should update them into the RPF and the RP.

- The PPC will be responsible for approval of each sub-project RP for each city and other resettlement contents. After the detailed technical designs are complete, the number of PAPs, compensation unit prices for all types of impacts, and levels of allowance or support will be reviewed and updated according to the results of the replacement cost investigation.
- After the WB approves the RP, PPC will take general responsibility for RP implementation. WB will not approve any loans for construction contracts unless the City has completed the compensation, resettlement and land acquisition included the measures to recover the living conditions of the affected people.

6.2.2 RP Approval Procedure

The RP of the project will have to be submitted to the PPC and the WB for approval before any compensation and resettlement activities are implemented. After the RP is approved, the contents of the RP should be summarized and disclosed to the relevant PAPs for their information and feedback. A copy of the approved RP will be disclosed at relevant Ward's PC so that the PAPs can conveniently access the RP. The RP will also be disclosed in Vietnamese at the WB's VDIC in Hanoi, and in English at Bank's Info shop in Washington DC.

6.3 Replacement Costs Survey (RCS)

As required by the World Bank's OP 4.12 on Involuntary Resettlement, RCS will need to be carried out to establish the basis for calculation of replacement costs for all the lands/crops/structures/assets affected by the Project. In relation to this, RCS needs to be completed to establish compensation rates for all RPs that are prepared under the Project. The local authority will contract a consulting firm which specialized in conducting land price appraisal and it will work closely with PMU, the project DPCs, and the CCSCCs for this Project to ensure compensation payment is at the replacement costs for land and structures, and at market prices for crops/trees.

VII. GRIEVANCE REDRESS MECHANISM (GRM)

PAPs are entitled to the complaints regarding their interests and responsibilities in the Project implementation including but not limited to entitlements, compensation policy, unit prices, land acquisition, resettlement and other entitlements related to the recovery support programs. Complaints can also concern issues related to construction safety and nuisances caused by construction. Grievance procedures should include affordable and accessible procedures for third party settlement of disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

The steps of Grievance Redress Mechanism are as follows:

First Stage - Commune/Ward People's Committee (CPC/WPC)

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

Second Stage - At City People's Committee (City PC)

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

Third Stage - At Province People's Committee (PPC)

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

Final Stage - Court of Law Decides

If, after 45 days following the lodging of the complaint with the PPC, the aggrieved PAP 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 a court of law for adjudication. Decision by the court will be the final decision.

Decision on solving the complaints must be sent to the aggrieved PAPs and concerned parties and must be posted at the office of the People's Committee where the complaint is resolved. The decision/result on resolution is available at commune/ward level after three days, and at City level after seven days.

At the beginning of the project implementation, Grievance Redress Committees will be established from communal/ward to provincial levels based on the existing structures consisting of concerned departments, mass organizations, women and ethnic representatives. At the communal level the community-based organization will incorporate the existing grievance mechanisms that will be chaired by the leader of the CPC. The grievance mechanism and procedures will resolve complaints, and with the availability of local resources resolve conflicts not only on safeguard issues but also on other issues during project implementation. Based on this structure, the community-based organization would assist during the project preparation, design, implementation, and future developments. The grievance mechanism will be applied to persons or groups that are directly or indirectly affected by a project, as well as those that may have interests in a project and/or have the ability to influence its outcome either positively or negatively.

In order to minimize complaints to the provincial level, the PMU will cooperate with the City Resettlement Committee to participate in and consult on settling complaints. Staff, assigned by the PMU, will formulate and maintain a database of the APs' grievances related to the Project including information such as the nature of the grievances, sources and dates of receipt of grievances, names and addresses of the aggrieved PAPs, actions to be taken and current status. In the case of verbal claims, the reception board will record these inquiries in the grievance form at the first meeting with affected people.

The grievance resolution process for the Project, including the names and contact details of Grievance Focal Points and the Grievance Facilitation Unit (GFU), will be disseminated through information brochures and posted in the offices of the People's Committees at the wards/communes and city and at the PMU. All complaints and grievances will be properly documented and filed by the commune and City PCs as well addressed by PPMUs through consultations in a transparent and proactive manner. These grievance documents and reports will be made public accessible. All costs associated with the grievance handling process incurred by the claimant and/or her/his representatives are to be covered by the project developer. To ensure that the grievance mechanisms described above are practical

and acceptable to APs, local authorities and communities, taking into account specific cultural attributes as well as traditional-cultural mechanisms for raising and resolving complaints and conflicting issues.

An escrow account for resettlement payments should be used when resolving grievances to avoid excessive delays to the project while ensuring compensation payment after the grievance has been resolved.

Communities and individuals who believe that they are adversely affected by a World Bank (WB) supported project may submit complaints to existing project-level grievance redress mechanisms or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm has occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/GRS>. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.

VIII. COST AND BUDGETS

To prepare the budget for the Project, preliminary cost estimation will be made. Costs for the RP implementation will be made based on updated compensation unit prices of the City, reflecting the replacement cost of all affected assets at the time the RP is implemented.

PPC will be responsible for funding the Project's site clearance and compensation costs.

Training costs for RP implementation, development of the project resettlement site (when requested), and Independent Monitoring Agency (IMA) cost will be taken from the Project's ODA fund.

IX. MONITORING AND EVALUATION

9.1 Monitoring

Monitoring of implementation is a continuous process during project implementation. It provides concerned agencies with updated information on the Project's status. It will determine the Project's actual progress, its likelihood of success, and any difficulties arising, and facilitate adjustments to implementation of the Project implementation as soon as possible. It consists of internal and external monitoring.

9.1.1 Internal Monitoring

Internal monitoring of the RP implementation is the main responsibility of the PMU with the support of the project consultants, which will be regularly implemented through progress reports made by the PMU in coordination with project CPCs and WPCs. The findings will be recorded in quarterly reports before being submitted to the PPC and WB. Internal monitoring reports will include the following information:

- Number of PAHs according to different impact types, condition of the compensation reimbursement, relocation and income recovery of the PAHs;
- Finance allocation to the activities or reimbursement of compensation and the reimbursed budget for each activity.
- Final result on complaints redress and any remaining issue which require the administrative authorities of some levels to solve;
- Arisen issues during the implementation stage;
- Implementation schedule of the updated actual resettlement
-

9.1.2 External Monitoring (Independent Monitoring)

An independent agency will be hired by the PMU to monitor the implementation of the resettlement plan. The agency is called the Independent Monitoring Agency (IMA). The independent agency can be a research institution/company, a non-governmental organization or an independent consulting firm etc. The agency must have expertise in the social sciences and considerable experience in independent monitoring of the implementation of resettlement. The implementation of the independent monitoring mission should be based on the terms of reference approved by WB. The independent monitoring agency will begin its work as soon as the project implementation begins.

The overall objective of independent monitoring is to provide a periodic independent evaluation of the results of implementing the resettlement objectives, the changes in living standards and employment, income rehabilitation and the social basis of those affected, effectiveness, impacts and sustainability of citizen entitlements, the need for additional measures to minimize the damage (if any), and identifying strategic lessons for making and planning policies in the future.

In addition to the evaluation of the information provided in the assessment report of the internal monitoring unit, the Independent Monitoring consultant will also conduct sample

testing every 6 months. The sample size should be 50% of displaced households and affected households, and at least 10% of the remaining households in each resettlement plan in order to:

- Determine whether or not the procedures for the participation of affected people, and procedures for compensation and rehabilitation for affected persons matches the policy framework and resettlement plan.
- Ensure the process of project implementation, procedures for consultation and information dissemination, publicity and compensation policies is conducted and is transparent.
- Evaluate whether the objectives of the policy framework on improving or at least recovering the income and living standards of affected persons are being met.
- A set of quantitative indicators of socio-economic impacts of the implementation of the project for those affected.
- Propose amendments, where required, during the process of implementing the resettlement plan, in order to achieve the principles and objectives of the policy framework.
- The level of satisfaction of affected persons on different aspects of the resettlement plan will be monitored and recorded. The operation of the grievance redress mechanism and the time required to resolve a complaint may be monitored.
- During the process of implementation, trends in living standards are observed and investigated. Any potential problems in the restoration of living standards are reported.
- The Independent Monitoring Agency must submit a periodic report every 6 months, outlining the findings of the monitoring process. This monitoring report will be discussed with PMU before submission to World Bank.

9.2 Evaluation

Evaluation will be carried out under the project in the form of an assessment at the specified time on the impact of relocation and whether the objectives have been achieved. Independent monitoring will make an assessment of the resettlement process and impacts within 6-12 months of the completion of all resettlement activities.

If through the evaluation, the affected households are found not to have recovered their livelihood accordingly, and the objectives of the project have not been achieved, the affected households will be supported with appropriate funding. The Independent Monitoring Report, should be sent to the PMU and directly to the World Bank in order to monitor/supervise the progress and effectiveness of compensation. The Bank will continue to conduct their surveillance until the resettlement activities noted in the resettlement plan report have been implemented. Upon the completion of the project, the implementation completion report (ICR) will evaluate the achievements of the resettlement and the lessons to be drawn which will be incorporated into the evaluation of PMU. This is a requirement of OP/BP 4.12 (paragraph 12.24). If this evaluation determines that the objectives of the resettlement work have not been achieved as expected, the ICR will evaluate the suitability of future resettlement measures.

The evaluation will be made on the basis of the socio-economic survey among affected households, to be conducted at the end of the project (or the end of the sub-project).

Criteria which need to be considered and evaluated after the end of the project include:

- The policy of compensation, support and resettlement has been applied
- The promulgation of information
- The consultation of stakeholders
- The implementation of compensation, support and resettlement
- The existing problems
- Standard of living and restoration of the lives of the affected people
- Implementation capacity
- Claims and claim settlement
- Compare entitlement policies between approved URP and implementation in real terms in order to evaluate the degree of compliance degree and achieve the project policy objectives.

To evaluate the performance of the entire RP, a sample survey of the socio-economic profile of PAHs and an assessment of the affected households and the post-assessment for the project will be carried out in line with the above-mentioned criteria within 6 months to 1 year after the completion of the activities of the RP. A selected sample survey of households will be taken from the list of households in the baseline survey before the implementation of compensation and site clearance, in order to compare the change in status before and after the impact of the project. The household sample survey needs to ensure adequate representation of affected persons and must include 10% of households affected and 100% of households severely affected.

XI. ANNEX

Annex 1: Entitlement Matrix

No	Type of loss	Application	Type of PAPs	Compensation/allowance policies	Implementation issues
I. Land					
1	Residential land is permanently acquired	Residential land is acquired and DPs are eligible for land compensation. (indicate nb of HH)	All households whose residential land acquired	<u>Compensation for lost land</u> <ul style="list-style-type: none"> - The PAPs will be compensated for the area actually affected in cash at 100% of the replacement cost; - In the case of PAPs losing residential land where their remaining land is not viable enough for their residence (ineligible for building new house as stipulated), if the PAPs agree, the state will acquire the remaining land and compensate for the acquired land in cash at 100% of the replacement cost; - Land-users who are eligible for compensation of acquired land (legal and legalizable land-users) but who's lands are in dispute will be compensated at 100% of the replacement cost and they will receive the compensation amount only when their disputes are resolved. 	
			Households have to relocate	<u>Relocation</u> <p>Households or individuals with all or part of their residential land acquired, where the remaining parts of land are less than the limits of local land allocation (1) will</p>	The allocation of resettlement lots will take account of the needs of extended

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				be entitled to resettlement arrangement and (2) where the compensation for affected land is lower than the investment cost of a land plot in the resettlement site, the households will be supported by the project which will cover any difference, however, the support amount will not be in excess of the difference between the land compensation cost and cost for an minimal land plot of the project resettlement site.	families to be co-located.
		Land users, whose acquired residential land is ineligible for land compensation (indicate nb of HH)	All households are acquired with residential land	<p><u>Land compensation/assistance</u></p> <p>PAPs whose land is affected will be assisted in cash with an amount at least 60% of the land at the replacement cost.</p> <p>In case HH have built a house on agriculture land in urban area, they will be compensated at 60% for land.</p> <p>The affected land area will be calculated equal to the area of a floor of the affected house but not exceed land allocation quotas stipulated by the each PPC.</p>	
			Households have to relocate	<p><u>Relocation</u></p> <p>Relocated persons who have no shelters in the city, which is confirmed by local authorities (i) will be allocated minimum land plots in the project resettlement site for building houses and (ii) pay land-use fee</p>	

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2	Residential land is permanently acquired	Acquired residential lands which are rented from the State have to relocate.	Relocated households are using state-owned land	In addition to the compensation for their affected property on land at replacement cost, relocated persons will be entitled to rent/buy apartments in the project resettlement site to reside in. If the project does not have apartments in the project resettlement site, apartments in local social houses shall be introduced to the PAPs for renting/buying at a price regulated by each PPC. Relocated persons are also supported to move their assets and belongings to their new residences.	
3	Non-agricultural land other residential land with structures on land	Non-agricultural land is acquired	All households are acquired with non-agricultural land	<p><u>Land compensation/assistance</u></p> <p>If affected lands are eligible to be compensated, PAPs will be compensated in cash at 100% of the replacement cost.</p> <p>If affected lands are not entitled to the compensation, PAPs will be assisted in cash with an amount of at least 60% of the land at the replacement cost.</p>	
4	Permanent loss of arable land	Households whose agricultural land is acquired permanently	PAPs are eligible for compensation	If PAPs are acquired less than 20% (10% for the vulnerable) of their total land and the remaining area is economically viable, PAPs will be compensated in cash at 100% of the replacement cost for the	

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	Permanent loss of arable land			<p>acquired area. In addition, the vulnerable will be entitled to take part in the project income restoration program.</p> <p>If PAPs have losses of 20% or more (10% or more for the vulnerable) of their land or the remaining area is not economically viable, PAPs will be compensated in cash at 100% of the replacement cost, while receiving income rehabilitation measures such as extension services, vocational training, access to credit or others based on aspiration of the PAPs.</p>	
		Households whose agricultural land is acquired permanently	Land users are not entitled to compensation as per regulation in Article 75 of the Land Law, 2013.	<p>PAPs whose affected land is used before 01 July 2004 will be compensated in cash with 100% of the land at the replacement cost.</p> <p>PAPs whose affected land is used after 01 July 2004 will be assisted in cash at not less than 60% of the land value at the replacement cost.</p> <p>The supported/compensated land areas are within the land allocation quotas under Article 129, Land Law 2013.</p>	
		Households whose agricultural land is acquired permanently	Land users use auctioned land or rent public land	PAPs will not be compensated for the acquired land, but will be compensated for affected crops, plant mortars, and	For those who rent land from other households or

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			with a previous agreement on returning the land to Government whenever it requests	other assets on land in cash at the replacement cost, while PAPs will be assisted in recovering the loss of investment in the affected land with an amount equal to 30% of the affected land value at the time of acquisition.	individuals, compensation money on land will be paid to land-owners.
II. On-land property					
5	Housing/structures	Housing/structures in land acquiring area.	Owners of the affected structures are households and individuals	<p>Regardless their titles to the affected land or possession of a construction permit for the affected structure, compensation or assistance in cash will be made to the affected houses/structures at 100% of the replacement costs; and</p> <p>For houses/structures being partly affected but the remaining area is not sufficient to be used, compensation or assistance in cash will be made at 100% of the replacement cost for the whole affected houses/structures.</p> <p>In case the remaining area of affected houses is sufficient to be repaired for living, PAPs will be paid in cash at 100% of the replacement cost for the dismantled area, as well as being provided with an additional amount equivalent to 30% of the replacement cost of the dismantled portion to rehabilitate the houses/structures to an</p>	Compensation at replacement cost without deductions of depreciation or salvageable materials.

No	Type of loss	Application	Type of PAPs	Compensation/allowance policies	Implementation issues
				improved standard. PAPs whose houses/structures are built on encroached land by canals/rivers will be supported in cash at 100% of the replacement cost to rebuild their new houses/structures.	
6	Tenants	State ownership	Tenants (who rent state houses) have to relocate	Tenants who are leasing state houses for living will (i) not be compensated for the land area and houses owned by the state but will be fully compensated in cash at the replacement costs for the improved, repaired and upgraded works; (ii) will be entitled to rent or buy plots in the project resettlement area to resettle with minimum area; (iii) if the project has no plot in its resettlement site for them to rent/buy in order to resettle, APs will be supported in cash with not less than 60% replacement cost of land and house to resettle (Clause 2, Article 14, Decree 47/2014/ND-CP dated May 15, 2015).	
		Private ownership	Tenants (who rent private houses) have to relocate	RPs will be provided with transportation allowance for moving their assets and belongings to new residential places;	
7	Annual crops and perennial trees	Trees and domestic animals affected	Owners of affected trees and domestic animals	Cash compensation at full replacement cost will be made to PAPs at the time of compensation for the affected trees/ domestic animals planted/raised on the	Households will be notified of the requirement to hand over land 30 days after the date of

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				land. Where affected trees/animals can be removed to new places, compensation will be paid for the loss of the trees/animals plus the transportation cost.	compensation.
III. Assistance					
8	Affected income and production/business facilities	Loss of income sources and properties for production/business	Those who lost income source/owners of affected properties used for production /business	<p><u>Allowance for Business Loss:</u> All affected businesses and production households, registered as a business whose income is affected will be compensated and/or supported for losses in business equivalent to 50% of their actual annual income dependent on three years of continued tax obligations;</p> <p>PAPs with small business or service establishments at home, without license, that are not tax registered and who are permanently affected by the project, will be provided with a monthly average income of their business for a maximum of 6 months but not lower than 2 million VND.</p> <p>PAPs with small business or service establishments at home, without license, that are not tax registered and who are temporarily affected will be provided with a monthly average income of their business during the project construction</p>	<p>If the business has to be relocated, the project will provide an alternative site with local advantage and physical attributes similar to the land lost with easy access to the customers' base, satisfactory to the PAP.</p> <p>This compensation and assistance will be provided in baseline information and will be monitored during project implementation. In case that their livelihood cannot be actually restored, the support level should be</p>

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				<p>for a maximum of 3 months but not lower than 1 million VND</p> <p>Employees who have had labor contracts for at least 12 months with the private or state enterprises/businesses or organizations that are affected by the project and have to relocate will have an allowance equivalent to the minimum salary as per the City regulations for affected employees during the transition period with a maximum duration of 6 months.</p>	adjusted accordingly. Monitoring of this situation will continue until it can be determined that they are at least no worse off than before the project impacts
9	Affected public utilities/structures	Structures, housing, public architectures, forests, feeding land, other land, permanently/temporarily affected irrigation system.	Villages, urban zones, administration agencies.	If some public infrastructures/buildings are damaged by the project, the PMU shall consult with affected communities and specify that these structures are restored or repaired soon to mitigate negative impacts on communities, while the affected communities do not pay for such repair costs.	
10	Graves	Affected graves	Families/groups	Compensation for the removal of graves/tombs will include the cost of excavation, relocation, reburial and other related costs, which is relevant to customary requirements. The removal option and level of compensation to the affected will be decided in consultation	

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				with the affected families/communities and based on each Province Policy	
11	Other assets	Telephone system, water meter, electric meter, cable TV, internet access (subscription), well...	Families/ companies affected	Households' other assets are affected such as: Telephone line, water meter, electric meter shall be compensated in cash as regulated; Cable TV, internet access (subscription) well of households/communities are affected by the project, PAPs shall be compensated in cash at the new installation.	
12	Temporarily affected	Assets affected during construction phase	Households/ Organizations in the project areas	If private or state structures are temporarily affected by contractors during construction phase, contractors shall bear all responsibilities for compensation to the affected at the replacement cost as those are permanently affected by the project. Temporarily affected land shall be assisted to be rehabilitated to its original or better conditions;	
13	Supporting relocation for	Resettlement rehabilitation	Relocate to new places	Based on the relevant provincial regulation	The specific amount will be adjusted according to the percentage of inflation at the time the support is provided.

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14	Supporting for temporary residence	Life stabilization	Households moving to resettlement sites, self-relocated HH and HH who are temporarily relocated during the time of rebuilding their houses	<ul style="list-style-type: none"> i. PAPs who are planning to resettle in the project resettlement site and who are required to hand over their land to the project, prior to completion of the resettlement area will be supported with temporary resettlement during the waiting period plus six months for construction of a house with a rental rate not exceeding twice of that regulated by the relevant PPC. ii. PAPs with main houses that are partially acquired and who need to rebuild new houses on the remaining land area will be supported through temporary resettlement for three months with a rental rate not exceeding twice that regulated by the relevant province. iii. Relocated persons who opt for self-relocation (with written commitments for self-taking care of their relocation) will be assisted in temporary resettlement for at least months with a rental rate not exceeding twice of that regulated by the relevant PPC. 	
15	Supporting for training on career changes	Loss of productive lands	Severely affected households	<ul style="list-style-type: none"> i. PAPs whose agricultural land being cultivated is affected (confirmed by WPCs) will be supported for job training and career change with an 	Method of supporting will be delivered based on results of consultation with the

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				<p>amount of 1.5 to five times the land price for the acquired land area as regulated by the respective PPC; and</p> <p>ii. In case PAPs whose agricultural land is affected need a training or apprenticeship, they will be admitted to a vocational center within the city with the exemption from tuition fees for the training course for those within working ages;</p>	affected households
16	Supporting for life rehabilitation	Resettlement restoration	Relocated persons who have aspiration of self-relocation.	DPs who select self- relocation will be supported with a cash allowance based on each Province Policy;	
		Income restoration	Households whose agricultural land affected	<p>HH whose agricultural land is affected by 20% to 70% (10% to 70% for vulnerable households) will be supported by a payment equivalent to 30kg of rice per month for one person based on the local average price at the time of support for living stability within 6 months if not relocated and within 12 months if relocated; and</p> <p>In case more than 70% of agricultural land is affected, PAPs will be supported within 12 months if not relocated and within 24 months if relocated</p>	

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17	Social welfare	Additional support for the vulnerable	Relocated vulnerable households	<p>i. Social policy HH, as defined by each province, will get an allowance from 2.000.000VND-7.000.000VND for each household as regulated by PPC.</p> <p>ii. Other vulnerable groups such (i) single female headed HH with dependents and economic disadvantage (single, widow, disabled husband); (ii) people with physical or mental disability disabled (loss of working ability); (iii) the poor under MOLISA standard; (iv) the elderly alone; (v) ethnic minority people; will get the same additional support given to social policy HH as identified in point i. above</p>	If the PAHs are eligible to two or more categories, the highest benefit will be applied.
18	Incentive support for handing over site soon	Progress bonus	Households handing over their affected land to the project in time or prior to regulation	According to the relevant provincial regulation.	Handing over of the acquired lands to the project will take place 30 days after the PAPs have received full compensation or assistance from the project.