

Resettlement Planning Document

Updated Resettlement Plan
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July 2009

VIE: Ho Chi Minh City – Long Thanh – Dau Giay
Expressway Technical Assistance Project



THE SOCIALIST REPUBLIC OF VIETNAM
MINISTRY OF TRANSPORT
VIETNAM EXPRESSWAY CORPORATION (VEC)
SOUTHERN EXPRESSWAY PROJECT MANAGEMENT UNIT (SEPMU)

HCMC
LONG THANH
DAU GIAY
EXPRESSWAY

**Ho Chi Minh City - Long Thanh - Dau Giay
Expressway Technical Assistance Project
Loan 2374-VIE**

Updated Resettlement Plan Nhon Trach District, Dong Nai Province

27 July 2009

ABBREVIATIONS

ADB	-	Asian Development Bank
AP	-	affected person
DMS	-	detailed measurement survey
EA	-	executing agency
EMA	-	external monitoring agency
GOV	-	Government of Vietnam
HH	-	Household
HLD	-	Ho Chi Minh-Long Thanh-Dau Giay
IOL	-	inventory of losses
IRP	-	Income restoration program
LARU	-	Land Acquisition and Resettlement Unit
LURC	-	land use rights certificate
MOF	-	Ministry of Finance
MOLISA	-	Ministry of Labor, Invalids and Social Assistance
MONRE	-	Ministry of Natural Resources and Environment
MARD	-	Ministry of Agriculture and Rural Development
MOT	-	Ministry of Transport
PPC	-	Peoples' Committee (Provincial/District/Commune)
RCS	-	replacement cost study
ROW	-	right-of-way
RP	-	Resettlement Plan
SEPMU	-	Southern Expressway Project Management Unit
SES	-	socio-economic survey
VEC	-	Vietnam Expressway Corporation
VND	-	Vietnamese dong

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EXECUTIVE SUMMARY

Background. A Resettlement Plan (May 2008) was approved by both the Government of Viet Nam (GOV) and Asian Development Bank. It is based on preliminary design and initial census and inventory of losses. Following detailed design, the Resettlement Plan is updated and submitted to ADB for review and approval.

Legal and Policy Framework. The legal and policy framework for compensation, resettlement and rehabilitation under the Project is defined by the relevant laws and regulations of the Government of Viet Nam and the ADB policies. Objectives of the project's policy are to avoid or minimize the unavoidable impacts raised by project's implementation.

Scope of Land Acquisition. Total area of affected land in Nhon Trach district is estimated to be 187,723 m² consisting of private land, public land and non-used land. A total of 63 households were identified. Of these affected households, 23 households will be losing more than 10% of their productive land or assets. No affected HHs has to relocate their house.

Ethnicity and Vulnerabilities: No ethnic minority households were found in the affected areas of Nhon Trach District. There are 6 vulnerable HHs in the district, including social policy HHs and HHs with disable member. A special support will be dedicated to these vulnerable HHs.

Gender Issues. Gender strategy is included in the RP, i.e., active participation of women from consultation to monitoring, representation of women s in compensation committees, capacity-building targeting women.

Income restoration program: Vulnerable and severely affected households will be entitled to participate in the income restoration program which is now currently being developed by SEPMU with the assistance of livelihood specialists from TA Loan consultants. A separated report on the income restoration program will be submitted to ADB for review and concurrence prior to implementation.

Participation, Disclosure, and Grievance Redress. Consultations, public meetings, and village discussions with APs and local officials were carried out during the resettlement planning process. The grievance mechanism has been designed to ensure that APs' concerns and grievances are addressed and resolved in a timely and satisfactory manner. Key information of the draft RP was disclosed to APs prior to ADB appraisal mission.

Implementation Arrangements. SEPMU, together with the resettlement consultants from the TA Loan, are working closely with the People's Committee and District Compensation Council. The resettlement consultants are supported by two national livelihood specialists and they are all working full time until June 2010.

Implementation Schedule. Disbursement of the payment to APs for land and non-land assets will be commenced as long as this Updated RP is approved by ADB.

Activities	Schedule
RP Updating (following detailed Design)	August 2008 – June 2009
Submission of Updated RP	July 2009
Review and approval of Updated RP	July 2009
Implementation of Updated RP	August 2009 – October 2009
Monitoring (Internal and External)	October 2008 – August 2010
Start of Civil works	November 2009

RP Budget: Total budget for the Updated RP is **12,957,482,280 VND**.

Monitoring: SEPMU/VEC will submit quarterly progress reports to ADB. An external monitor has been engaged and quarterly monitoring reports have been submitted to SEPMU and ADB. All monitoring reports will be uploaded on the ADB website.

I. INTRODUCTION

1. **Background.** A Resettlement Plan (May 2008) was approved by both the Government of Viet Nam (GOV) and Asian Development Bank. It is based on preliminary design and initial census and inventory of losses. Following the detailed design, the Resettlement Plan will be updated and submitted to ADB for review and approval.

Table 1. Location, lengths and project corridors

District	Ward/Commune	Section	Length
Ho Chi Minh City			
District 9	Phu Huu	Km04+000 – Km07+000	3.0
District 9	Long Truong	Km07+000 – Km10+000	3.0
District 9	Truong Thanh	Km10+000 - Km10+375	0.375
District 9	Long Phuoc	Km10+375 – Km12+568	2.193
Sub-Total			8.568
Dong Nai Province			
Long Thanh	Tam An, An Phuoc, Long Thanh Town, Long An, Binh Son, Binh An	Km12+568 – Km18+500 Km 21+400- Km 37+255	21.787
Nhon Trach	Phuoc Thien	Km18+500 – Km21+400	3.1
Cam My	Song Nhan, Xuan Que	Km37+255 – Km49+300	12.045
Thong Nhat	Lo 25, Xuan Thanh	Km49+300 – Km54+982	5.682
Sub-Total			42.614
Total Length			50.982

2. This Updated Resettlement Plan covers all 63 affected households in Nhon Trach districts, Dong Nai Province (Km18+500 – Km21+400). These affected households were identified based on the census and detailed measurement surveys and data provided by DCC of Nhon Trach. The Updated RP includes compensation and allowances for all 63 affected households.

3. **Poor and vulnerable households.** There are 6 households requiring special assistance. All vulnerable households will be entitled to participate in the income restoration program which is currently being developed by SEPMMU with the assistance of livelihood specialists from the TA Loan consultants. A separate report on the income restoration program will be submitted to ADB for review and concurrence prior to implementation.

4. This Updated RP should be read in conjunction with the agreed Resettlement Plan.

II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT IMPACTS

5. **Cut-off Date of Eligibility.** The Project's cut-off date is 2 January 2008 following the official announcement of the concerned Provincial and City Peoples' Committees in HCMC and Dong Nai Province. Detailed measurement survey was carried out from January 2009 to March 2009 based on final detailed design.

6. **Total Number of Households.** There are 63 affected households who will lose agricultural land in Phuoc Thien Commune of Nhon Trach district. Of these, there are a total 23 households who will lose more than 10% of productive agriculture land. However, only nine households derive their main source of income from the affected agricultural land. Mr. Nguyen Thanh Tai with loss of more than 10,000 m² (15,140 m²) is entitled to 25% of resettlement allowance. . No

relocated household is found during the DMS. The land is not used for farming purposes but for investment purposes only. Mr. Tai will not be severely affected by the loss of his land.

7. Total Affected Land Area. In Nhon Trach district, total area of affected land is estimated to be 187,723 m² consisting of private and public land. Of the total area, 166,793 m² are agricultural land.

8. Affected Non-Land Assets. As showed in previous parts, most of expropriated land in Nhon Trach district is agricultural land, thus, secondary structure or fixed asset on land is not significantly affected by the project except some temporary cottages or cement sluices.

9. Crops and Trees. The types of affected crops and trees are shown in the table 2. Standing trees affected are bananas, coconuts, mangos and some other fruit trees. Uses of these trees are mainly for self-consumption.

10. Summary of Impacts. Table 2 shows the breakdown of the affected non-land assets.

Table 2. Summary of Impacts in Nhon Trach district

	Items	Unit	Quantity
Total Number of Affected Households			
1	Relocating Households	no.	0
2	Losing more than 10% of productive assets	no.	23
Land			
1	Residential	m ²	0
2	Agriculture/ Annual crop land	m ²	166,793
Main structures (Houses)			0
Secondary structures			
1	Temporary cottages	m2	247
2	Sluices	no.	75
Annual crops			
1	Paddy field	m ²	149,954
3	Pineapple	m ²	155
Perennial tree			
1	Fruit tree (Mangoes, coconuts, Jack-fruit, Plums...)	Tree	170
2	Bamboo	Tree	96
3	Bananas	Tree	79
4	Nipa palm	M ²	3,870
5	Others	tree	21

III. PROJECT ENTITLEMENTS

11. Compensation and allowances. For this updated RP, project entitlements will cover the payments of compensation for land and non-land assets and other allowances such as life stabilization, occupational conversion allowances, timely moving bonus etc.,.

12. The entitlements of APs are expected to meet the agreed updated RP while following the policies of Dong Nai Provincial People's Committee including:

(1) Decision No. 10/2007/QD-UBND dated on 10 January 2007 with specific policies for compensation and other allowances;

(2) Decision No. 26/2008/QD-UBND dated on 07/4/2008 about vocational training and job creating programs for APs of entire project in Dong Nai;

(3) Decisions No. 05/2008/QD-UBND dated on 15/01/2008 and No. 12/2008/QD-UBND dated on 12/02/2008 about regulations on school fee and health insurance allowances for APs, and

(4) Another supplementary decision No. 4242/QD-UBND issued on 11/12/2008 by the People's Committee of Dong Nai about allowances for vulnerable groups, labours without contract and small business/family-production HHs without registration or permission that affected by HLD project in Dong Nai; and decision No. 18/2009/QD-UBND dated 24 March, 2009.

Table 3. Project Entitlements (including compensation and allowances)

Impacts	Eligible HHs	Project Entitlements
Impacts on Agricultural Land	63 HHs with LURC	<ul style="list-style-type: none"> Cash compensation at current market value. Households will be free from paying transaction costs such as administrative charges, taxes and registration and titling costs). Allowances for those losing more than 10% agricultural land: <ul style="list-style-type: none"> (i) Allowance for all persons in the HH: They will receive allowance in cash with amount equivalent to 30 kg of rice per household member per month for 3 months (ii). Allowance for persons in working age: a lump sum amount of 4.6 Million VND will be paid to each person. Bonus Allowance for Timely Moving will be between 0.5 million VND to 6 million VND per household * (See note below) One HH losing more than 10,000 m2 of paddy land will receive 25% of resettlement allowance (20,000,000 VND)
Crops and Trees	63 HHs	<ul style="list-style-type: none"> Cash compensation for crops or tree at replacement cost; For perennial trees, cash compensation at replacement cost equivalent to current market value given the type, age and productive value (future production) at the time of compensation. Cash compensation for pre-harvesting aquaculture products at replacement cost but not for harvestable products at the time of compensation.
Higher risks of hardship/ impoverishment	6 HHs	<ul style="list-style-type: none"> Entitled to take part in the income restoration program. Allowance per household as per Government regulation (social policy households¹, etc).

* Note: Timely moving bonus will be paid for affected HHs who hand-over the affected land as required time for the project. This bonus rate is calculated as follows:

<i>If the total amount of compensation and allowance received</i>	<i>Bonus rate</i>
<10 Millions VND	500,000 VND
From 10 Millions to < 20 Millions	1,000,000 VND
From 20 Millions to < 50 Millions	2,000,000 VND
From 50 Millions to < 100 Millions	3,000,000 VND
From 100 Millions to < 200 Millions	4,000,000 VND

¹ Social policy households are those households who receive special cash allowances from the Government. These households have household members who are invalids, who have heroic mothers, martyrs, and those who made contribution to the revolution.

From 200 Millions to < 300 Millions
> 300 Millions

5,000,000 VND
6,000,000 VND

IV. REHABILITATION STRATEGY

13. **Losing more than 10% of Productive (Income Generating) Assets.** Twenty-three households were found to be losing more than 10% of agricultural land. Only 9 HHs have main source of income from farming (Table 4), they will receive transition allowances equivalent to from 16 to 20 kg of rice per person.

Table 4. HHs losing more than 10% and are involved in land-based income

No.	Name	Total land area (m2)	Total area acquired (m2)	Remaining area (m2)	Transition Allowance received (VND)	Notes
1	Phan Thị Màng	4,943.0	816.0	4,127.0	21,460,000	Remaining land still viable
2	Nguyễn Văn Em	2,972.0	1,145.0	1,827.0	10,730,000	
3	Mã Văn Nhân	17,714.0	7,251.0	10,463.0	16,095,000	Remaining land still viable
4	Nguyễn Văn Tèo	2,841.0	1,223.0	1,618.0	16,095,000	
5	Nguyễn Nam Hùng	4,942.0	2,559.0	2,383.0	16,095,000	
6	Phan Văn Mẹo	8,279.0	6,505.0	1,774.0	21,460,000	
7	Huỳnh Thị Chín	11,170.0	2,428.0	8,742.0	16,095,000	Remaining land still viable
8	Lê Văn Chín	4,923.0	3,336.0	1,587.0	16,095,000	
9	Phan Duy Huân	5,397.0	3,005.0	2,392.0	10,730,000	

14. All 23 households losing more than 10% of their productive land/assets are considered as severely affected by the HLD project and eligible to participate in the Income Restoration Program (IRP). The IRP is designed to focus on implementing pilot livelihood models and job replacements. Pilot **livelihood models**: prepared for households who have agriculture land that is still viable after being expropriated while **Job replacements** focus on vocational trainings that are mainly for young labors from 16 to 34 years old. The implementation of Pilot livelihood models which are applicable to the local natural conditions are for finding economically effective models and collecting experiences to encourage affected households to follow. Besides, consultation on vocational trainings and job introduction is provided under the IRP to set the linkage between training courses and job. Details of the IRP for Dong Nai Province have been composed in a separated report which will be submitted to ADB for review and concurrence before implementation..

15. **Vulnerable Households.** According to the DMS with reference from affected communal leaders, there are totally 6 households that are categorized as vulnerable households including 03 (three) social-policy HHs and 03 (three) HH with disabled members. Supplementary information of these households is in Annex 3 of this report.

Table 5. Vulnerable HHs

Vulnerable groups	Number of HHs
Poor HHs	0
Social-policy HHs	3
HHs with disables	3
Alone-elderly HHs (over 65 years old)	0
Female-headed with dependents	0
Total	6

16. In accordance with the policies of Dong Nai province, vulnerable households will be eligible to receive different assistance including cash allowances depending on their loss in terms of land or non-land assets. In case of one HH belongs to several vulnerable categories, they will be given the highest level of allowance. This approach would support vulnerable households to overcome the short term difficulties and re-establish their life.

V. ETHNICITY AND GENDER ISSUES

17. **Ethnic Minorities.** There is no household of indigenous people living in Phuoc Thien of Nhon Trach will be affected by the project.

18. **Gender.** It is stipulated in the Constitution of Viet Nam that the status of women is equal to that of men. In order to tackle gender issues in the Project, gender considerations are mainstreamed into all resettlement activities. The main activities relating to gender issue are summarized and presented below:

- Attendance of women was observed in the group discussion, PRA survey and consultation meeting held in Phuoc Thien Commune of Nhon Trach district. At all meetings, almost 100% of invited women have participated in project related meetings
- The presence of women as members in District Compensation Council (DCC) was identified. The People Committee in Districts officially decided inclusion of local women in decision – making process of compensation, support, resettlement and land clearance of HLD project. There are 4 women out of 12 members in the DDC of Nhon Trach district. The fact that female representatives join in DCC and supervising organizations and take part in the implementation has made gender equity strategies become more effective.
- Inquiries relating to women are included in questionnaire for affected and vulnerable households used in Socio- Economic Survey and Detailed Measurement Survey (DMS). The result of survey shows that the rate of households headed by women is 30.7% meanwhile 19.2% HHs with women generating main income or sharing works to generate main income with husband. In the course of interview survey to women, 12 interviewees out

of 15 women stated that they joined meetings to discuss about compensation and resettlement of HLD project and their ideas were respected. Despite of high presence of women in family and high participation of them in public meetings, their opinions tend to be not fully heard within their families, implying that the gender inequality inside family has to be duly taken into account.

19. The following steps will be followed during implementation process of compensation and resettlement activities:

- Both husband and wife will have their names in land use right certificate when they receive land or apartment in resettlement sites.
- In community meetings or workshops relating to compensation and resettlement, female participants will be invited and encourage them to express their opinions about practical issues relating to their daily lives.
- Single mothers and households headed by women will be assisted in preparation of documents of compensation, resettlement as well as to provide advise about legal procedure if required.
- Additional cash or in-kind assistance (such as provision of labor, vehicle) will be provided to help relocate the elderly, the disabled, and households headed by women.
- Close monitoring will be carried out by the PMU and external monitor during implementation.

VI. CONSULTATION AND DISCLOSURE ACTIVITIES

20. A Project brochure, which covers a brief description about the Project, proposed project schedule (from planning to construction), activities to be carried out during RP preparation (census, social surveys, valuation, etc.) and contact persons of VEC, was prepared for distribution to each affected household. Announcements were also done using loudspeakers in the wards for 7 consecutive days prior to the public meetings.

21. Consultation meetings were conducted from August to October 2007 and December 2007 – January 2008 during IOL. During RP updating, the Project organized consultation meetings with the affected households from August 2008 to April 2009. Separate meetings were also held with poor and vulnerable households to assess the special needs of these groups as part of determining the necessary cash and in-kind assistance and the income restoration program. Expectations as well as concerns of affected persons also were recorded in these meetings. It is planed that right after the approval of updated RP, some meetings with vulnerable HHs and ethnic minorities will be hold to identify first priorities in terms of livelihood alternatives and income rehabilitation.

22. With regard to disclosure of the updated RP, key information in the updated RP was disclosed to the affected people through community consultation workshops which were held on 13 March

2009. Copies of public information booklet (PIB) were distributed to the APs. The PIB has the following information: (i) a brief background of the Project, specifically the civil works to be undertaken, (ii) a broad indicative time scale for the implementation of the project and the adverse social impacts, (iii) compensation cost, (iv) relocation plan, (v) livelihood restoration strategy; (vi) the entitlements due to the households, included in a summary entitlement matrix, (vii) procedures to hear and redress grievances; (viii) monitoring and evaluation procedures. For non-literate households, the PIB were disclosed during the meetings and through the assistance of neighbors and commune officials. Draft Updated RP was sent to PC Phuoc Thien Commune and Nhon Trach District 7 days prior the meeting.

Table 5. Summary of consultation meetings

Date/Time/Venue; Topic	Responsible Organization	No. of participants (No of Males & Females)	Issues Raised/Agreements Reached
Date 11 /12 /2008 8:00-11:00: Phuoc Thien Commune Announcement of Land acquisition of each affected HHs.	DCC of Nhon Trach district; Communal People's Committee; Resettlement consultants	All representatives of affected HHs and leaders of commune, hamlets	Detailed Land acquisition Decisions were provided to affected HHs. Procedure of DMS according to ADB requirements, obligations and rights of affected HHs were explained to communities.
Date 13/3/2009 13:30-16:30: Phuoc Thien Commune Community consultation on the draft updated RP	DCC of Nhon Trach district; Communal People's Committee Resettlement consultants	All representatives of affected HHs and leaders of commune, hamlets	Affected persons agreed with the Draft Updated RP, especially for the IRP is going to implement in 3 years. Concerns of participants on issues of compensation rates, relocation plan, procedure of payments were explained.

VII. COMPENSATION BUDGET

23. Land. According to approved project policy, compensational land price will be determined by an external valuer in a basis of without project situation to ensure replacement cost applied for APs. In this RP, compensational price for land is derived from Valuation Certificate No. 123/TDG-CT issued by the Dong Nai Valuation Corporation. This certificate was approved by PPC of Dong Nai according the document No. 1062/UBND-KT dated 13 February 2009.

24. Crops and trees. Crops and trees compensation price are derived from Valuation Certificate No. 121 /TDG-CT issued by the Dong Nai Valuation Corporation. The price was approved by PPC of Dong Nai according the document No. 1062/UBND-KT dated 13 February 2009.

25. Compensation Plan. The Summary DMS or "compensation plan" showing detailed information on affected land and non-land assets and corresponding payment is indicated in Annex 5. Total budget of RP for Nhon Trach district is **12,957,482,280 VND**.

Table 6. Budget of RP

Items	Cost (VND)
1. Compensation for land	11,661,510,000
2. Compensation for non-land assets	432,044,000
2.1. Compensation for temporary houses & physical structures	69,708,000
2.2. Compensation for crops & tree	362,336,000
3. Allowances	363,360,000
4. Timely moving bonus	246,500,000
Sum (1- 4)	12,703,414,000
Local implementation cost (2% of Sum 1- 4)	254,068,280
Total	12,957,482,280

VIII. INSTITUTIONAL ARRANGEMENTS

26. The SEPMU, together with resettlement consultants from the TA Loan, are working closely with the Peoples' Committee and DCCs of affected districts. The resettlement consultants including one international resettlement specialist working part-time, and supported by two national livelihood specialists working full time. Their contract has been extended until June 2010. It is expected that the Loan Supervision Consultants will be mobilized in May 2010. The TA Loan Consultants and Loan Supervision Consultants will have at least one month overlap to properly hand-over remaining resettlement activities.

IX. INTERNAL AND EXTERNAL MONITORING

27. SEPMU/VEC will submit quarterly progress reports will be submitted to ADB. An external monitor has been engaged and quarterly monitoring reports have been submitted to SEPMU/VEC and ADB. All monitoring reports will be uploaded on the ADB website.

X. IMPLEMENTATION SCHEDULE

28. Disbursement of payment to APs for land and non-land assets will commence as soon as this Updated RP is approved by ADB. Implementation schedule is as belowed.

Table 7. Implementation Schedule

Year	2008			2009									Oct 09-2010
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	
Works items													
Consultation with Ahs	■		■		■		■		■		■		▶
Detailed Measurement Surveys			■	■	■								
Social survey of vulnerable and severely affected households			■	■	■								
Replacement Cost Survey		■	■	■	■								
Prepare the draft updated RP (Stage 1)					■	■							
Public disclose						■							
Finalizing and submitting updated RP to ADB for approval							■	■		■			
Review and approval URP										■			
Implementation of the URP											■	■	▶
Design and Implementation of IRP**									■	■	■	■	▶
Construction Activities*													▶
Internal monitoring (Qtrly)			■			■			■			■	
External monitoring (Qtrly)			■			■			■			■	

* Construction will start on areas where full payment has been disbursed to Ahs and areas where there are no houses

* Income restoration program is being designed in consultaion with Ahs. It will be submitted to ADB for review prior to implementation

ANNEX 1. PROFILE OF POOR AND VULNERABLE HOUSEHOLDS

No	Name of land owner	Address	Age	Source of income	Person creating income	No. of members in the HH	Total land area (m2)	Acquired area (m2)	Remained area (m2)	Priorities in IRP
I HHs with disable members										
1	Đông Thị Kim Hoa	Ben San village, Phuoc Thien, Nhon Trach	38	Other	Husband	5	3,845.0	3,417.0	428.0	Provided with vocational training, consultation and job creating for family members
2	Phan Thị Le	Ben San village, Phuoc Thien, Nhon Trach	70	Worker and service	Children	6	6859.0	1,769.0	5090.0	Provided with assistance for developing new livelihood model
3	Phan Văn Mẹo	Cho village, Phuoc Thien, Nhon Trach	68	Land-based cultivation	Couples	6	8,279.0	6,505.0	1,774.0	Provided with vocational training, consultation and job creating for family members, support to operated livelihood model
II Social-policy HHs										
4	Huỳnh Văn Đăng	Ben San village, Phuoc Thien, Nhon Trach	65	Land lessor	Land owner	5	16,177.0	7,419.0	8,758.0	Provided with assistance for developing new livelihood model
5	Mã Thị Mỹ Liên	Ben San village, Phuoc Thien, Nhon Trach	69	Teacher	Daughter	3	3,007.0	2,912.0	95.0	The HH has no demand for training or livelihood modeling, so will be supported if necessary.
6	Phan Thị Huân	Trau village, Phuoc Thien, Nhon Trach	63	Land-based cultivation	Children	5	3,677.0	3,577.0	100.0	Provided with vocational training, consultation and job creating for family members

ANNEX 2. PROVINCIAL PEOPLE'S COMMITTEE DECISIONS

2A. Decision No. 4242/QD-UBND

DONG NAI PEOPLE'S COMMITTEE

Ref:4242/QD- UBND

SOCIALIST REPUBLIC OF VIET NAM
Independence - Freedom - Happiness

Bien Hoa, December 11, 2008

DECISION

Subject: Assignment of compensation, support and resettlement for land acquisition of Ho Chi Minh City - Long Thanh - Dau Giay Expressway Project in Dong Nai Province.

DONG NAI PEOPLE'S COMMITTEE

Based on the Law in organization of People's Council and People's Committee approved by National Assembly dated on Nov 26, 2003;

Based on Land Law approved by National Assembly dated on Nov 26, 2003;

Based on the Decree no. 181/2004/ND-CP dated on Oct 29, 2004 by Government on implementing the Land Law;

Based on the Decree no. 197/2004/ND-CP dated on Dec 03, 2004 by Government on compensation, support and resettlement since there has Government's land acquisition;

Based on the Decree no. 84/2007/ND-CP dated on May 25, 2007 by Government on issuing certificates for land use and procedure for land acquisition, compensation, support and resettlement as well as complaint proceedings when HHs' land is acquired by Government's projects;

Based on the Decision no. 2570/ QD- BGTVT dated on Aug 22, 2008 by Ministry of Transport on approval of ground clearance and resettlement Policies for ADB Loaned HCMC- LT- DG Expressway Project;

According to the suggestion of the Department of Finance in Statement no. 3168/ STC- GCS dated on Dec 09, 2008.

DECISION

Item 1. Assignment of compensation, support and resettlement whereas land acquisition applied for organizations, individuals whose lands are acquired in HCMC- LT- DG Expressway Project of Dong Nai Province.

Item 2. Land Compensation and Supports:

Conditions for receiving compensation and support: Based on Decree no. 197/ 2004/ ND-CP dated on Dec 03, 2004 and Decree no. 84/ 2007/ ND-CP dated on May 25, 2007 by the Government.

Compensation Prices: A consultation unit is responsible for independent survey, evaluation and the People's Committee, Compensation Councils of Long Thanh, Nhon Trach, Cam My, Thong Nhat districts and Provincial Evaluation Council are responsible for evaluation and agreement to submit to Provincial People's Committee for decision and performance.

Item 3. Compensation and support of housing, physical structures, plants and other assets:

1. Conditions for receiving compensation and supports:

- Houses, physical structures and other assets which have legal certificates for compensation as assigned in Decree no. 197/2004/ND-CP dated on Dec 03, 2004 and Decree no. 84/2007/ ND-CP dated on May 25, 2007 by the Government.

- For houses and buildings not meet the condition of compensation as assigned in Decree no. 197/ 2004/ ND-CP dated on Dec 03, 2004 and Decree no. 84/ 2007/ ND-CP dated on May 25, 2007 by the Government and built before the cut-off date (Jan 02, 2008) will be compensated for 80% of value while other physical structures and assets on land will be in supported with 100% of value.

2. Compensation price:

- Followed the Decision no. 72/2008/QD-UBND dated on Oct 30, 2008 of Dong Nai People's Committee on assigning unit price of house building for compensation since there has Government's land acquisition; Decision no. 30/2008/QD-UBND dated on Apr 14, 2008 by Dong Nai People's Committee on regulations of asset compensation prices since there has Government's land acquisition in Dong Nai Province.

Item 4. Resettlement Policies

Followed the Decision no. 08/ 2007/ QD-UBND dated on Jan 10, 2007 by Dong Nai People's Committee on issuing regulations of procedures, policies and standards for resettlement since there has Government's land acquisition.

Item 5. Supporting policies

1. Support tuition fee for resettled households' pupils as identified in the Decision no. 08/2007/QD-UBND dated on Jan 15, 2008 by Dong Nai People's Committee;

2. Support medical services to resettled people in accordance with Decision no. 12/2008/QD-UBND dated on Feb 12, 2008 by Dong Nai People's Committee;

3. Support for movement, house renting fees, and for vulnerable HHs including Heroic Vietnamese mother, revolutionary martyr families, HHs of wounded soldiers, poor HHs and HHs of ethnic minority as mentioned in Item 3 of Decision no.10/ 2007/ QD-UBND dated on Jan 10, 2007 by Dong Nai People's Committee;

4. Support vocational trainings and career orientation programs for affected persons who are directly work on agricultural production and lost more than 10% of agriculture land at Decision no.26/2008/QD-UBND dated on Apr 7, 2008 by Dong Nai People's Committee;

5. Support production and living stabilization (supporting for family' members) to agriculture-based households and individuals who lost more than 10% of agriculture productive lands as followed Clause 2, Item 4 of Decision no.10/2007/QD-UBND dated on Jan 10, 2007 by Dong Nai People's Committee;

6. Supporting interrupted businesses:

a. Support to economic organizations, production households or businesses with legal registration whose activities are interrupted by the land acquisition for HLD project as identified in Clause 3, Item 4 of Decision no. 10/ 2007/ QD-UBND dated on Jan 10, 2007 by Dong Nai People's Committee.

b. Support to people without labour contract or labours working in small businesses or family production households with a 1.5 standard salary month assigned by the Government's regulation and need to get the confirmation from Communal People's Committee (CPC) corresponding to the form of HLD project;

c. Once- time support of 1,000,000 VND/HH to small production households, businesses whose activities are interrupted by HLD project without registration or business license. Receivers of this support also need to have confirmation of Communal People's Committee corresponding to the forms of HLD project and be publicized at the headquarter of CPC.

7. Other aids:

a. Eligible for resettled households: support once of 5,000,000 VND/HH to elderly households (over 65 years old) living alone; households headed by women with dependants. Receivers of this support need to have confirmation of Communal People's Committee in accordance with the form of HLD project and publicized in Communal People's Committee.

b. Eligible for resettled households: support once of 5,000,000 VND/HH to HHs with severely handicapped members (people without physical ability to work or help themselves such as paralyzed

and people with mental disorder). Receivers of this support need to have confirmation of Communal People's Committee in accordance with the form of HLD project and publicized at CPC.

c. Resettled households with handicapped people of deaf, blind, or crippled will be supported once of 2,000,000 VND/person . Receivers also to have confirmation of Communal People's Committee following the form of HLD project and publicized at CPC.

Item 6. Timely Moving Bonus: Followed the Decision no. 10/2007/QD- UBND dated on Jan 10, 2007 by Dong Nai People's Committee.

Item 7. This Decision is valid since the signing date.

Item 8. Office manager of Provincial People's Committee; Directors of Departments of Finance, Natural Resources and Environment, Construction and Transport; and the President of People's Committee of Long Thanh, Nhon Trach, Cam My, Thong Nhat Districts as well as leaders of relevant agencies are responsible for implementing this Decision.

Achieved:

- As in Item 8;
- President and Vice-Presidents
- Office Manager
- VEC
- Saved: VT, CNN, KT

PP PRESIDENT
VICE PRESIDENT
DINH QUOC THAI

(Signed and sealed)

2B. Document No. 1062/UBND-KT

**PEOPLE'S COMMITTEE
DONG NAI PROVINCE**

**THE SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom – Happiness**

Ref. 1062/UBND-KT

Bien Hoa, 13th February 2009

About compensation price and supports
to affected households of HCMC-LT-DG
Expressway project in Dong Nai province.

Addressed to:

- Department of Finance;
- Department of Natural Resources and Environment;
- Department of Construction;
- The District People's Committee of Long Thanh, Nhon Trach, Thong Nhat and Cam My;
- HLD Expressway Project Management Unit

After reviewing the suggestion of Financial Department in the official meeting report No. 198/STC-GCS on 11/02/1009 about compensation price of acquired land, houses, structures, other assets and cultivated crops/trees for HLD expressway project; the President of Dong Nai People's Committee has following advices:

1. Agree to use the compensation price for land, houses, structures, other assets and cultivated crops/trees acquired by HLD project in Dong Nai province following the suggestion of Financial Department as resulted in meeting report No. 198/STC-GCS on 11/02/1009 (attachment).
2. Entrust the Financial Department with main tasks in cooperating with Department of Natural Resources and Environment, Department of Construction, The District People's Committee of Long Thanh, Nhon Trach, Thong Nhat and Cam My, HLD Expressway Project Management Unit and other relating stakeholders to apply and implement the regulation on compensation price and support as mentioned in (1).

PP PRESIDENT
VICE PRESIDENT
DINH QUOC THAI
(Signed and sealed)

Achieved:

- As above;
- President and Vice Presidents of Provincial People's Committee;
- Department of Transport;
- Chief and Deputy Chief of the Secretariat;
- Saved: Office

2C. Document No. 198/STC-GSS

**DONG NAI PEOPLE'S COMMITTEE
MINISTRY OF FINANCE**

Ref: 198/STC-GSS

**SOCIALIST REPUBLIC OF VIET NAM
Independence - Freedom - Happiness**

Bien Hoa, Feb 11, 2009

MEETING'S RESULT REPORT

**Subject: Agreement of compensation price proposal for land, housing and other structure buildings;
plants applied in Ho Chi Minh- Long Thanh- Dau Giay Expressway Project.**

To: Dong Nai People's Committee

At the Department of Finance's Office on Feb 09, 2009, a meeting was held to have agreement of proposing price compensation for lands housing- physical structures- other assets and plants applied in Ho Chi Minh- Long Thanh- Dau Giay Expressway Project in order to submit to the Provincial People's Committee. Participants of the meeting include members of Management Board, Management of Departments and Branches as below:

- Mr. Huynh Van Hue Deputy Director of Department of Finance- Permanent Deputy Board
Vice President of Cam My and Thong Nhat Districts- Commissioner
- Mr. Nguyen Minh Hoang People's Committee Vice President of Nhon Trach District-
Commissioner
- Mr. Giang Chi An People's Committee Vice President of Cam My District-
Commissioner
- Mr. Huynh Tan Thin People's Committee Vice President of Thong Nhat District-
Commissioner
- Mrs. Nguyen Thi Thuy Lien Representative of Construction Department
- Mr. Vu Van Tung Representative of Department of Natural Resources and Environment
Representative of Department of Rural Development
- Mr. Nguyen Quoc Dung District Compensation Committee of Nhon Trach
- Mr. Vu Manh Ta District Compensation Committee of Thong Nhat District
- Mr. Hoang Cuong Director of Southern Expressway Project Management Unit
- Mr. Ngo Thanh Tung Project Resettlement Consultant
- Mr. Le Manh Hung Director of Dong Nai Valuation Corporation
- Mr. Le Buu Thach
- Mr. Ho Ngoc Tuan

After listening to Representative's ideas of Dong Nai Valuation Corporation reflected in the report of price evaluation certificate on lands, housing- other structural buildings and plants in places which there have land acquisition to implement the Ho Chi Minh- Long Thanh- Dau Giay Expressway Project: Certificate no. 123/ TDG- CT dated on Feb 2, 2009 on right of land use (Long Thanh, Nhon Trach Districts); Certificate no. 121/ TDG- CT dated on Feb 02, 2009 on farm products. The participants of the meeting discussed and agreed on proposal of Provincial People's Committee as below:

I. Policies of Price compensation on land, housing- physical structures- other assets; plants are proposed for the expressway.

1. Price compensation for lands:

Based on Dong Nai Valuation Corporation's reports and proposals in certificate no. 123/ TDG- CT dated on Feb 09, 2009 on right of land use (Long Thanh and Nhon Trach Districts), there now has little the

transference of right of land use at communes in which there have land acquisition for implementing the expressway. There no difference between lands transferred prices on market at the moment and prices assigned in price list of land issued by the Provincial People's Committee at the beginning of 2009. And the assessment result of land prices is similar with price list of lands assigned by the provincial People's Committee nowadays.

Therefore, the meeting agreed and proposed the provincial People's Committee to apply corresponding with Decision no. 92/ 2008/ QD- UBND dated on Dec 30, 2008 by Provincial People's Committee on issuing prices for types of land on areas of Dong Nai province in 2009 in order to calculate prices compensation for people whose lands are acquired and belonged to Ho Chi Minh- Long Thanh- Dau Giay Expressway Project, which is in Long Thanh, Nhon Trach Districts.

2. Compensational Prices of Housing- Physical Structure- Other assets:

Nowadays, prices of building materials are not in fluctuated any more. Housing prices assigned by Provincial People's Committee nowadays are appropriate with prices of building materials on market, the result of price evaluation on unit price of house building undertook by Dong Nai Evaluation Corporation is similar with policies of Provincial People's Committee. Therefore, participants of the meeting agreed and proposed the provincial People's Committee to apply corresponding with Decision no. 72/ 2008/ QD-UBND dated on Oct 30, 2008 by Provincial People's Committee on issuing land price since the Government implements the policy of land acquisition for households in clearance areas of HLD Expressway project.

For Digging well of cement pipe (includes installation): the meeting agreed with the Provincial People's Committee' ideas on calculation of compensation as in evaluated unit price of Dong Nai Evaluation Corporation as below:

- Digging well of cement pipe, length 1m, Φ 1.2m: 360.000d/m
- Digging well of cement pipe, length 1m, Φ 1.0m: 300.000d/m
- Digging well of cement pipe, length 1m, Φ 0.8m: 255.000d/m

3. Compensational Prices for Plants:

According to evaluation result of plant prices performed by DN Evaluation Corporation, most prices of plants are appropriate with Prices assigned by Provincial People's Committee. Therefore, the meeting agreed to apply corresponding to Decision no. 30/2008/ QD-UBND dated on Oct 30, 2008 by Provincial People's Committee on issuing land price since the Government implements the policy of land acquisition for households in clearance areas of HLD Expressway project. In proposal with provincial People's Committee on supplementing compensational prices for several types of plants as below:

- Neptunia 2000 vnd/ m²
- Lotus 3000 vnd/ m²

II. Contents of guideline, supervision and speeding up the performance:

The meeting agreed the proposal of Provincial People's Committee in managing Departments and Branches to undertake following contents:

Ministry of Finance is recommended to preside and coordinate with relevant Departments in reviewing unit prices of physical structures and graves; Department of Agriculture and Rural Development is recommended to preside and coordinate with other Departments in reviewing unit prices of compensation for types of plants assigned in Decision no. 30/2008/ QD-UBND dated on Oct 30, 2008 by Dong Nai People's Committee on proposing them to revise and supplement in appropriated with reality nowadays as well as submit to the Provincial People's Committee before Mar 15, 2009.

Department of Finance represents participants of the meeting to report for the Provincial People's Committee have consideration and guideline in performance.

Achieved:

- As above;
- Mr. Dinh Quoc Thai- Vice President of Dong Nai PC
- Participants

Saved: VT- GCS

ON BEHALF OF DIRECTOR

(Signed and sealed)

Huynh Van Hue

ANNEX 3. VALUATION CERTIFICATES

ANNEX 4. DMS TABLE -COMPENSATION PLAN

MASTERLIST OF USED TERMS IN DMS TABLE UPDATED RESETTLEMENT PLAN FOR NHON TRACH AND LONG THANH DISTRICTS

1. Land

Đất ở tại TT. Long Thành VT1	Residential land at Long Thanh town, location 1
Đất NN tại TT. Long Thành	Agricultural land at Long Thanh Town
Đất NN, vị trí 3	Agricultural land, location 3
Đất nuôi trồng thủy sản	Aquaculture land

2. Secondary structures

Bể nước bê tông	Concrete water tank
Chuồng bò, heo	Breeding facilities
Ao đào	Digging pond
Bồn Inox	Inox tank
Cổng sắt	Iron gate
Hàng rào kẽm gai, sắt	Iron fence
Trụ bê tông	Concrete pillar
Điện thoại thuê bao	Telephone
Đồng hồ điện chính	Electricity meter
Gác gỗ	Wooden mezzanine
Giếng đào	Digging well
Giếng khoan	Drilling well
Giếng thả ống ciment 1m, pi 1,2m	Digging well of cement pipe, length 1m, 1.2m diameter
Hồ chứa	Water pool
Mái hiên	Lean to
Bàn thiên	Outdoor altar
Mộ đá	Stone tomb
Mộ đất	Ground tomb
Nền xi măng	Cement foundation
Nhà tạm	Temporary house
Ống cống bê tông	Concrete pipe
Ống nhựa	Plastic pipe
Móng kết cấu bằng bê tông	Concrete structure
Tường gạch	Brick wall

3. Houses

Nhà cấp 1	House, Grade 1
Nhà cấp 2	House, Grade 2
Nhà cấp 3	House, Grade 3
Nhà cấp 4	House, Grade 4
Nhà cấp 5	House, Grade 5

4. Crops and trees

Bạch đàn	Eucalyptus
Bàng	Terminalia
Bàng lằng	Lagerstromia speciosa
Bình bát	Annona reticulata

Bơ, cau	Avocado, areca
Bưởi	Grape-fruit
Cà phê	Coffee
Cam, quýt	Orange
Cao su	Rubber
Cây bản	Mangrove tree
Cây quế	Cinamum tree
Chanh	Lemon
Chôm chôm	Rambutan
Chuối	Banana
Cỏ nuôi bò	Grass for livestock breeding
Cóc	Yellow mombin
Dầu	Dipterocarp
Dâu da	Local lichee
Đậu và rau các loại	Beans and vegetables
Điệp	Sunshine tree
Điều thường	Cashew
Đu đủ	Papaya
Dứa	Pine-apple
Dừa	Coconut
Dừa nước	Nipa palm
Gòn	Kapok
Hàng rào dâm bụt	Shoe flower
Khoai Mì	Cassava
Lồng mực	Wrightia annamensis
Lúa	Paddy rice
Mai	Ochna
Mận	Plum
Mãng cầu	custard-apple
Mãng cụt	Mangosteen
Me	Tamarind
Mít thường	Jack-fruit
Nhãn	Longan
Ôi thường	Guava
Phát tài	Cornstark-plant
Sapoche	Sapodilla
Sầu riêng	Durian
Sen	Lotus
Sơ ri	Barbados cherry
Tầm Vong	Solid bamboo
Tiêu nọc cây	Pepper
Tràm	Cajuput
Tràm	Wild fruit tree
Tràm trồng 3-6 tuổi	Cajuput (3-6 y.o.)
Tre	Bamboo
Trúc	Ivory bamboo
Vông	Indian Coral tree
Xoài	Mango
Xoan	Chinaberry

5. Allowances

Hỗ trợ di chuyển	Materials transport allowance
Hỗ trợ tiền thuê nhà 6 tháng	Renting house for 6 months
Hỗ trợ gạo 6 tháng	Rice-support for 6 months
Hỗ trợ gạo 3 tháng	Rice-support for 3 months
Hỗ trợ chuyển đổi nghề	Transition allowance (for persons in working age)
Thưởng di dời	Timely moving bonus