

Social Safeguards Due Diligence Report

Project No. 50099
May 2018

CAM: Fourth Greater Mekong Subregion Corridor Towns
Development

Kampong Cham

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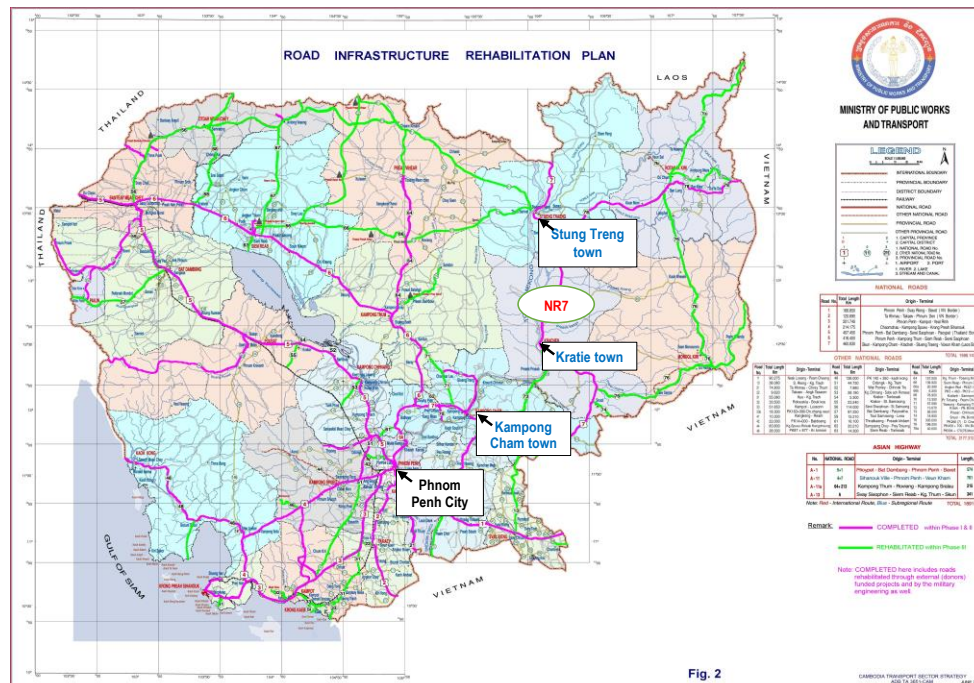
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I. INTRODUCTION

1. The Fourth Greater Mekong Subregion Corridor Towns Development Project (GMS-CTDP-4 or Project) will support the Governments of Cambodia and the Lao People's Democratic Republic in enhancing the competitiveness of selected towns located along the Central Mekong Economic Corridor in the Greater Mekong Subregion (GMS). It is aligned with the Government of Cambodia's Rectangular Strategy for national development. In Cambodia, the Project will improve urban services and enhance regional economic connectivity in the participating towns of Kampong Cham, Kratie, and Stung Treng. **Figure 1** presents the location map of the participating towns.

Figure1: Location Map of Participating Towns



II. KAMPONG CHAM SUBPROJECT DESCRIPTION AND COMPONENTS

2. The Kampong Cham Subproject has two components: (i) a lagoon-based wastewater treatment system, and (ii) a municipal solid waste controlled landfilled and associated equipment. Each component is described below.

3. **Component 1.1 Kampong Cham lagoon-based wastewater treatment system.** This system includes both a combined sewer system (CSS) and a new wastewater treatment plant (WWTP). The proposed WWTP will be located within the 35-hectare Boeng Bassac area in Sambor Meas Commune. Figure 2 presents the proposed combined sewer service area and location of the WWTP in Kampong Cham.

Figure 2: Proposed Combined Sewer Service Area and Location of Wastewater Treatment Plant in Kampong Cham



4. **Kampong Cham municipal solid waste-controlled landfill and equipment.** This component will consist of a controlled landfill, with volume capacity of 900,000 m³ that will receive generated waste from Kampong Cham until 2040. The controlled landfill will be developed on an 11-hectare government-owned site located in Phkay Proek Village, Mien Commune, Prey Chor District, which is about 17 kilometers from Kampong Cham town center.

5. The landfill will include the following features: (i) four waste cells sized at 85m x 85m and 10 m deep, lined with compacted clay/earth and geomembrane (HDPE), (ii) leachate pond, recirculation system and treatment lagoon, (iii) sorting and recycling area, (iv) separate disposal and incineration area for hazardous wastes, (v) site office with toilet, (vi) water supply and monitoring boreholes, (vii) power supply, (viii) concrete access road (1.5 km and 4m wide) and all-weather site roads, (ix) site drains, (x) perimeter fencing, (xi) six waste collection and compaction vehicles and one crane. Existing dumpsite in Kampong Cham are privately owned. Hence, its closure has not been considered for inclusion in the Project. **Figure 3** presents the proposed location of the landfill.

Figure 3: Location of the Proposed Kampong Cham Controlled Landfill



Source: PPTA Consultant

III. OBJECTIVE OF DUE DILIGENCE AND METHODOLOGY

A. Objective and Scope of Due Diligence

6. The objective of this DDR is to examine the land acquisition and resettlement issues of the Kampong Cham subproject to verify its compliance with ADB Safeguard Policy Statement (SPS) 2009. More specifically, to examine whether the Safeguard Requirements 2 of ADB's Safeguard Policy Statement (2009) will be triggered by the proposed civil works.

7. Such requirement applies to all ADB-financed and/or ADB-administered sovereign and non-sovereign projects, and their components regardless of the source of financing, including investment projects funded by a loan; and/or a grant; and/or other means, such as equity and/or guarantees. The requirements also cover involuntary resettlement actions conducted by the borrower/client in anticipation of ADB support.

8. The involuntary resettlement requirements apply to full or partial, permanent or temporary physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) resulting from (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. Resettlement is considered involuntary when displaced individuals or communities do not have the right to refuse land acquisition that results in displacement. This occurs in cases where (i) lands are acquired through expropriation based on eminent domain; and (ii) lands are acquired through negotiated settlements, if expropriation process would have resulted upon the failure of negotiation.

9. The due diligence was conducted in August 2017 by the PPTA consultants. It will be updated following the detailed engineering design to re-confirm if there are no impact resulted from change of scope, alignment for the WWTP or the landfill that would entail such impacts and disclosed on ADBs website.

B. Methodology

10. The following approach and methodology was adopted in conducting the due diligence to define the land acquisition and resettlement (LAR) impacts:

- Review of the engineering designs, and site reconnaissance to collect and assess baseline conditions;
- Collection and review of available data on land use and ownership for the proposed lagoon-based WWTP and municipal solid waste-controlled landfill; and
- Meetings and discussions with residents near the impact areas.

IV. PROPOSED PROJECT IMPLEMENTATION ARRANGEMENTS

11. Ministry of Public Works and Transport (MPWT) is the Executing Agency for the Project. It will be responsible for overall Project management, including the following:

- Provide policy guidance during the implementation
- Serve as focal agency to ADB and development partners, government offices whose coordination, endorsement or approval and monitoring activities are required and/or mandated by existing policies or laws
- Coordination with other line ministries including MEF, MOPT, MOC, MOI, and MONRE
- Procurement of DBO contracts, civil works, consulting services
- Administration of loan disbursements
- Assist Provincial PIU as required

12. Project Management Unit (PMU) in General Department of Public Works, Ministry of Public Works and Transport will be responsible for the day to day Project implementation. PMU will be responsible for the following specific tasks:

Project Management and Administration:

- Manage, coordinate and monitor project activities.
- Responsible for day-to-day administration and implementation project
- Guidance and direction to Provincial PIUs
- Liaison with ADB
- Liaison/coordination with local governments
- Establish project accounts
- Ensure adequate counterpart funds allocation
- Budgeting and financial planning/management, disbursement
- Ensure auditing of loan proceeds and maintenance of all accounts
- Submit external auditor report to ADB
- Provide to ADB all disbursement-related documentation
- Consolidate PIU reports and submit quarterly project progress reports to ADB in agreed format
- Preparation of reports mandated under the loan agreements and the framework financing agreement to ADB;
- Establish, maintain and update the project performance monitoring system

- Carry out periodic quality audit of the civil works contracts with the support of project consultants
- Coordinate Project Steering Committee meetings
- Preparation of project completion report with the support of the project consultants
- Provide support to ADB missions

Procurement of Goods, Works, and Services:

- Evaluate bidding documents (e.g. DB, works, consulting services) and process for further approval
- Conduct procurement and consulting service recruitment activities including advertisement, evaluation, negotiation, contracting
- Prepare updated procurement plans (18 month) in consultation and submit to ADB for review and approval
- Provide support and guidance to provincial PIUs during contract management process
- Submit annual contract award and disbursement projections by December of each year
- Prepare for periodic ADB loan review missions

Technical Oversight and Support:

- Provide technical support and overall guidance to provincial PIUs
- Review and approve DED and estimates
- Approve any variations during execution of works contracts
- Carry out periodic technical quality audit of the civil works contracts

Safeguards Compliance:

- Monitor and ensure compliance with ADB's safeguards policy and government requirements
- Obtain statutory clearances
- Coordinate for obtaining right of way clearances
- Review monthly provincial PIU monitoring reports and submit consolidated semi-annual safeguards monitoring report to ADB
- Establish and manage project grievance redress mechanism and ensure project related grievances addressed satisfactorily within timely manner.
- Provide capacity support to provincial PIUs

Capacity Building:

- Oversee governance improvement and performance
- Approve and conduct training and capacity building programs
- Oversee public relations
- Oversee gender action plan and stakeholder communication strategy

13. The field level day to day implementation is responsibilities of the Project Implementation Units (PIUs).

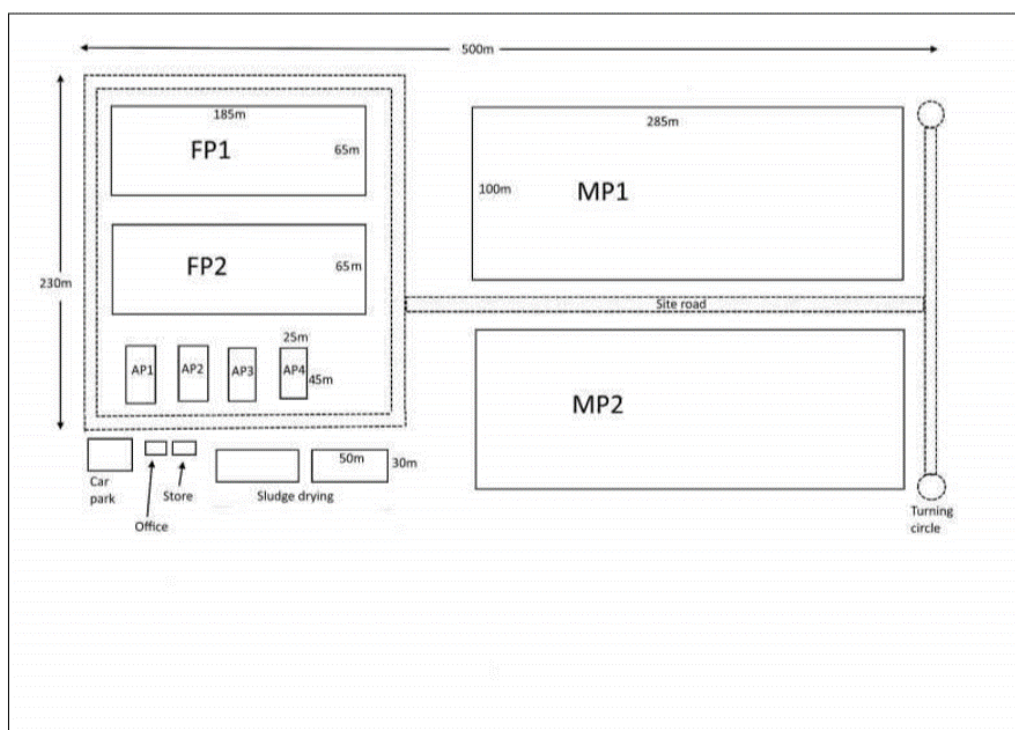
V. PHYSICAL WORKS

14. **Kampong Cham Lagoon-based Wastewater Treatment System.** As previously stated, this system includes both a CSS and a new WWTP. It is designed to treat wastewater and storm water flows up to year 2040. The following will be delivered under the project:

- (i) Lagoon-based WWTP with capacity of 5,050 m³/d;
- (ii) 9.476 km trunk sewer/CSO with D1500 mm;
- (iii) 3.478 km trunk sewer/CSO pipes with D1200 mm;
- (iv) 2.156 km trunk sewer/CSO pipes with D1000 mm;
- (v) 0.756 km trunk sewer D 800mm;
- (vi) 0.687 km trunk sewer D 600mm;
- (vii) 120 km wastewater collection pipes;
- (viii) 0.89 km box culverts 2-3m wide;
- (ix) 4.309 km open channels, 5-7m wide; and
- (x) Four pump stations with a maximum capacity of 165 l/s.

15. The conceptual layout of the Kampong Cham Wastewater Treatment Plant is provided below.

Figure 4: Conceptual Layout of the Kampong Cham Wastewater Treatment Plant



16. The construction of drainage channels will utilize the shoulders of main roads, although this will not permanently impact on private assets, such as driveways. However, during the construction stage, minor access disruptions may be experienced by residences and businesses that will be clarified during the detailed design stage.

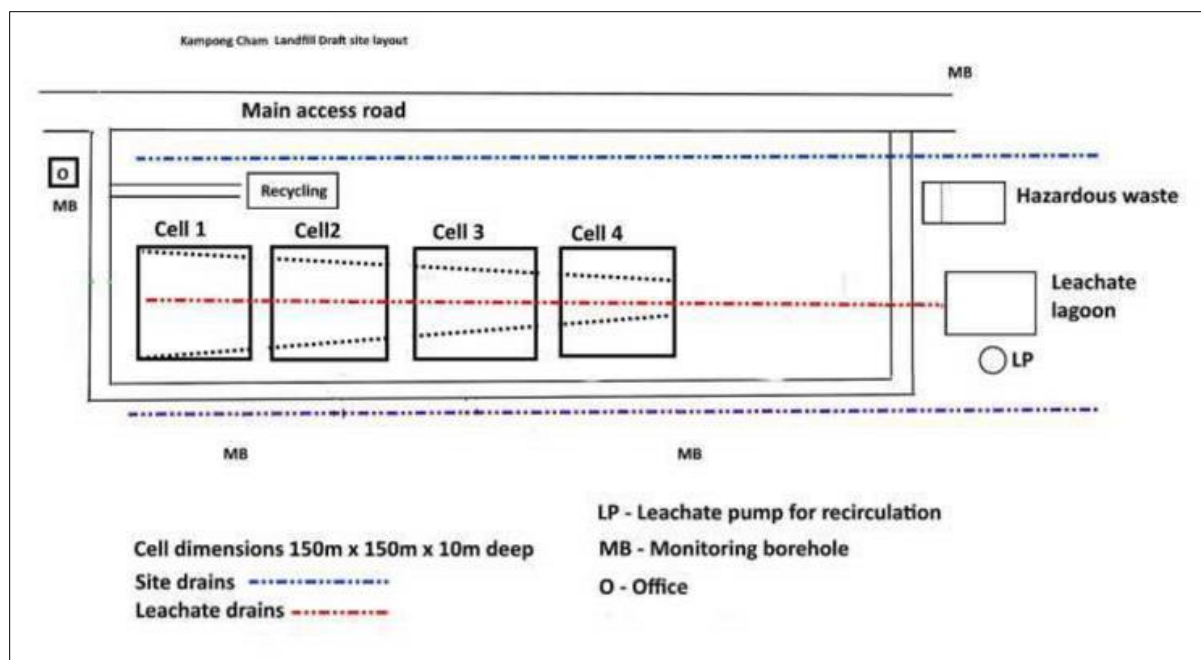
17. **Municipal Solid Waste Controlled Landfill.** Currently, the province has a contract with a private company, CINTRI, to collect solid waste and transport it to a dumpsite located 28 km away. The province has a medium- to long-term plan¹ to take over the operation of solid waste services for Kampong Cham, but this requires a new site for a managed landfill as the current site is owned by CINTRI.

¹ Provincial Governor, ADB meeting at Kampong Cham 12 October 2017

18. The controlled landfill will include the following features: (i) four waste cells sized at 85m x 85m and 10 m deep, lined with compacted clay/earth and geomembrane (HDPE), (ii) leachate pond, recirculation system and treatment lagoon, (iii) sorting and recycling area, (iv) separate disposal and incineration area for hazardous wastes, (v) site office with toilet, (vi) water supply and monitoring bore holes, (vii) power supply, (viii) concrete access road (1.5 km and 4m wide) and all-weather site roads, (ix) site drains, (x) perimeter fencing, (xi) six waste collection and compaction vehicles and one crane. Existing dumpsite in Kampong Cham is privately owned therefore the Project does not consider including its closure.

19. The conceptual layout of the proposed Kampong Cham Controlled Landfill is provided below.

Figure 5: Conceptual Layout of the Proposed Kampong Cham Controlled Landfill



VI. DUE DILIGENCE FINDINGS

A. Land Acquisition and Impact Screening

20. The proposed lagoon based WWTP will have an area of 10-hectares and will be constructed in public land, and part of an 88-hectare sized wetland at Bung Bassac Sangkat. There are no residents or agricultural activities inside the proposed site. There is a wide access road from the town center leading to the proposed site. The proposed Kampong Cham site is waterlogged almost continually and is proposed within an existing lagoon area. It should be noted that only general location of the proposed site is identified for Kampong Cham WWTP. The detailed engineering design stage will allow to confirm and provide the demarcated area for the site. The nearest housing community from the lagoon is approximately 140 to 150 meters from the northwestern edge of Boeng Bassac as shown in **Figure 6**.

Figure 6: Location map of the proposed Boeng Bassac Lagoon



21. There are no agricultural activities and habitation within the sites. The drainage channels will be embedded along road shoulders which have a wide right of way (ROW) and are free of encroachments from residents and businesses. Photos of the WWTP site and the pump house are shown below (**Figure 7**).

Figure 7: Photos of WWTP Site and the Pump House



22. In August 2017 and January 2018, site assessments were conducted by the MPWT together with the PPTA team to validate the suitability of land proposed for the construction of a new controlled landfill, located in Pkay Preuk Village, Mien Commune Prey Chhor District, Kampong Cham. The team was accompanied by provincial officials. The proposed site is classified as public as attested by the provincial government and a copy of the land certificate location map has been annexed to this document. There are no residents within the vicinity, the nearest house is around 500 m away from the site. The site represents degraded idle shrubs and grassland not used by either illegal squatters or encroachers. **Figure 8** shows photos of the proposed controlled landfill site in Kampong Cham.

Figure 8: Photos of the Proposed Controlled Landfill Site in Kampong Cham



The transmission line and electric pole in the proposed landfill site (the north part at entrance)

B. Temporary Disturbance

23. Although the project does not need acquiring land from private land owners or users and/or households, there might be some temporary disturbance caused by the civil works to the communities. Those mainly relate to environmental impacts, as both the WWTP and landfill sites are surrounded by agricultural lands and have available access roads to be used during the construction.

24. To ensure that temporary impacts during construction of the subproject are minimized, if not avoided, the contract for civil works will include the following provisions: (a) contractor to pay rent for any land required for construction work space outside of the ROW; (b) to the extent possible, only idle land will be used as construction work space to avoid disruption to households and business establishments; and (c) temporary use of land will be restored or improved to its pre-project condition. The PMU, assisted by the design and implementation support consultants, will review any written agreement with the affected households, payment records, and disbursement of payments to ensure proper monitoring and compliance with the Project's resettlement policy.

C. Consultations

25. Various consultations were conducted with communities during the IEE preparation stage by the team of the MPWT, DPWT together with PPTA consultants. Individual interviews were conducted along the alignment of the drainage channel. No individual consultations were conducted in the proposed WWTP and controlled landfill sites given that these are idle wetland and shrubs and grassland not used for any purposes, free from encroachment or squatters. However, the interviews with the local residents and commune and provincial authorities were held during numerous field visits by the PPTA teams together with the MPWT and DPWT representatives confirmed the state ownership of land plots. The list of persons met and photos are attached as **Appendix 2**.

VII. GRIEVANCE REDRESS MECHANISM

26. A well-structured and functioning Grievance Redress Mechanism (GRM) will be established at the local level following standard government procedures to resolve grievances and complaints in a timely and satisfactory manner as required under the ADB SPS 2009. The Expropriation Law of the RGC provides for a Grievance Redress Committee (GRC) to handle complaints with the additional provision for affected persons to seek judicial redress in case they dispute the decision of the GRC.

27. A Provincial Grievance Redress Committee (PGRC) will be established in each of the three provinces where the subprojects are located. The PGRC has the power, at the administrative level, to make binding decisions on the resolution of eligible complaints. Details of the GRC will be included in the Project Information Booklets (PIBs) and distributed to affected communities during the consultations. The GRM guidelines, including procedures and forms in Khmer language will be distributed as an attachment to the PIB. The PGRC will comprise representatives from the relevant provincial authorities and MEF as follows:

- Provincial Governor – Chair
- Director of Provincial Department of Land Management, Urban Planning and Construction - Vice Chair
- Director of Provincial Department of MEF - Member
- Chief of Provincial Office of Law and Public Security - Member

- District Governor - Member
- One Representative of Local Based CSO - Member

28. The grievances will be handled thorough a 3 Step formal approach detailed in the approved RF for the Project.

29. In addition, the grievance redress mechanism dealing with the environmental impacts during construction will also be established with grievance logs maintained at the contractor's office and records kept on the grievances received per type and their status. The information about both mechanisms will be circulated during various consultation events throughout the project cycle, including those that will be conducted during the detailed design stage.

VIII. CONCLUSION AND RECOMMENDATION

30. Based on the above cited, the findings of the due diligence, desk study, field visits, interviews with local authorities, communities and individual interviews, none of both WWTP and controlled landfill sites involve impacts on private owners of lands and/or assets associated with the land plots owned by the state.

31. The land plots proposed for the lagoon-based WWTP and new landfill site are classified as public land and the respective land certificates are attached as **Appendix 1**.

32. The subproject will not entail involuntary land acquisition. No adverse impacts on private assets, households or institutions are expected. However, to allay potential anxieties of residents regarding impacts of the proposed subproject, the Department of Public Works and Transport (DPWT) of Kampong Cham will continuously engage with the community to explain the scope of the subproject and the potential benefits that will be derived by the community.

33. During the construction phase, there will be some minor disturbances that will be experienced by the community, such as minor access restrictions to residences and other facilities, as well as minor disruptions to businesses brought about by construction activities.

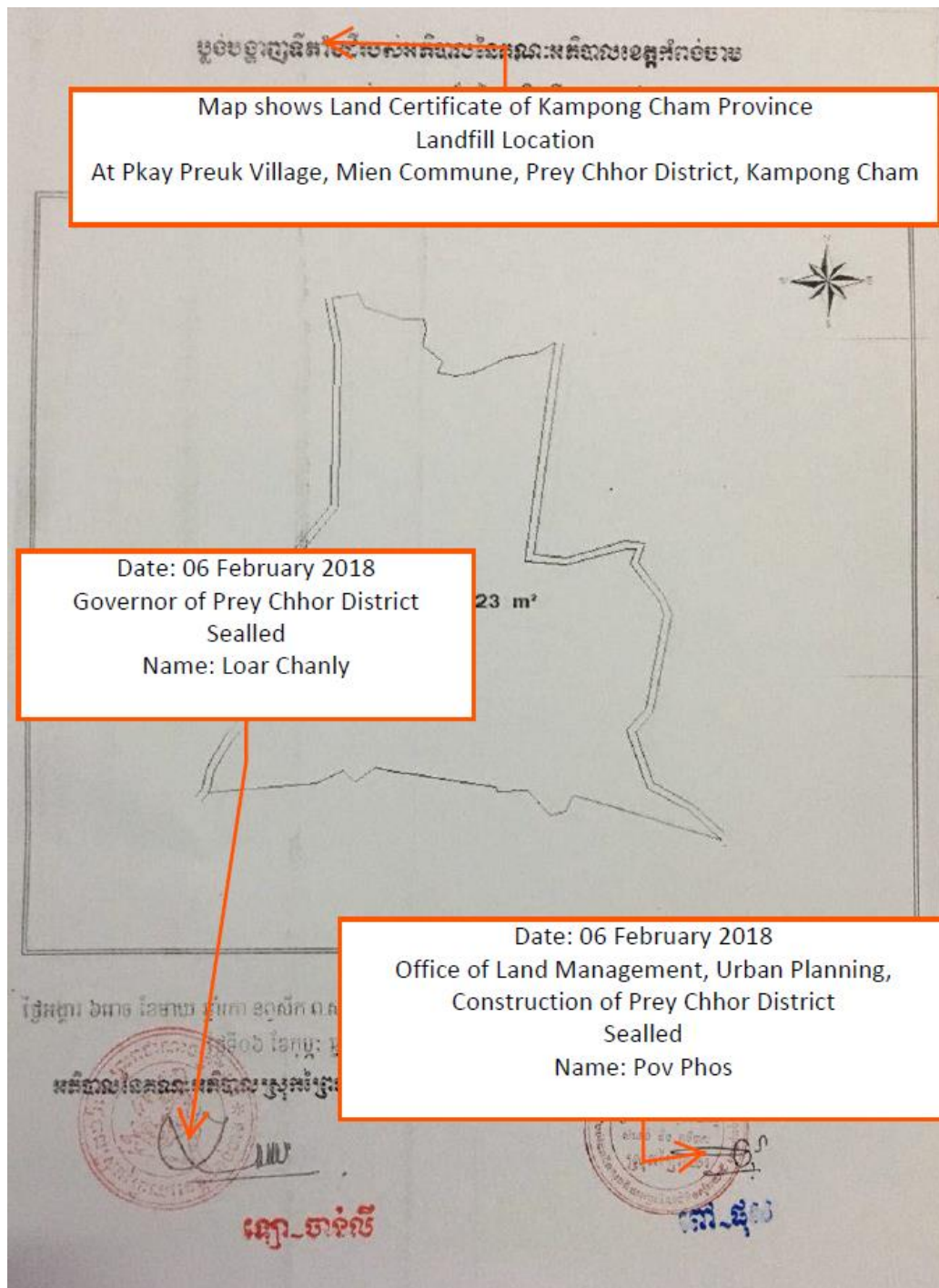
34. To minimize if not avoid this, the contract of the service contractor should include the following provisions: (a) contractor to pay rent for any land required for construction work space outside the ROW; (b) to the extent possible, only idle land will be used as construction work space to avoid disruption to households and business establishments; (c) temporary use of land will be restored or improved to its pre- project condition; (d) barriers should be placed in areas where there are excavations, and should be provided with lights during night time; and (e) the contractor should submit an implementation work plan before commencement of civil works. The PMU, assisted by the design and implementation support consultants, will review written agreements with the AHs, payment records, and disbursement of payments to ensure proper monitoring and compliance with the Project's resettlement policy.

35. Any grievances by local people will be addressed through the grievance redress mechanisms established under the project.

36. Based on the detailed design due diligence will need to be updated to further assess and verify impacts. The due diligence will include detailed assessment of any past and present impacts of the land to be acquired for the Project. If during the detailed design or implementation any unanticipated impacts or additional impacts are identified then the MPWT PMU will promptly inform GDR and the latter will prepare the Resettlement Plan in accordance with the ADB's

Safeguard Policy Statement 2009, the RGC laws and regulations and provisions and principles laid out in the Resettlement Framework prepared for the Project and endorsed by the government and ADB and disclosed to ADB website. Until such planning documents are formulated, approved by government, concurred by ADB, and disclosed, MWPT will not proceed with civil works.

Figure 2: Kampong Cham Landfill Land Certificate



List of Persons Met and Photos

List of Persons Met

1. Mr. Bun Sen (Me may village, Sangkat Boengkok)
2. Mr. Sim Sean (Chong Thanl 1 village, Sangkat Boengkok)
3. Mr. Sun Sam (Chong Thanl 1 village, Sangkat Boengkok)
4. Mr. Chuon Chamheng (Chong Thanl 1 village, Sangkat Boengkok)

Figure 1: Photos of Individual Interviews



