

# Basic Resettlement Plan

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## Cambodia: Livable Cities Investment Project

### Kampot

Prepared by the Ministry of Public Works and Transport under the guidance and direction of the General Department of Resettlement of the Ministry of Economy and Finance for the Asian Development Bank.



## CURRENCY EQUIVALENTS

(as of 2 September 2021)

Currency unit	–	riel (KR)
KR1.00	=	\$0.00024
\$1.00	=	KR4,086

## ABBREVIATIONS

ADB	–	Asian Development Bank
AH	–	Affected Household
AHH	–	Affected Household Head
AP	–	Affected Person
BRP	–	Basic Resettlement Plan
COD	–	Cut-off-Date
COI	–	Corridor of impact
DP	–	Displaced Person
DED	–	Detailed Engineering Design
DMS	–	Detailed Measurement Survey
DRP	–	Detailed Resettlement Plan
GDR	–	General Department of Resettlement
IOL	–	Inventory of losses
IRC	–	Inter- Ministerial Resettlement Committee
IRP	–	Income Restoration Program
LAR	–	Land Acquisition and Involuntary Resettlement
MEF	–	Ministry of Economy and Finance
MPWT	–	Ministry of Public Works and Transport
PGRC	–	Provincial Grievance Redress Committee
DCSC	–	Design and Construction Supervision Consultants
PRSC	–	Provincial Resettlement Sub-Committee
RGC	–	Royal Government of Cambodia
RCS	–	Replacement Cost Study
RD2	–	Resettlement Department 2
ROW	–	Right-of-Way
RP	–	Resettlement Plan
SES	–	Socio-Economic Survey
SOP	–	Standard Operating Procedures
SWM	–	Solid Waste Management
TRTA	–	Transaction Technical Assistance
WG	–	Working Group
WWTP	–	Wastewater Treatment Plant

## NOTE

In this report '\$' refers to US dollars.

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## **DEFINITION OF TERMS**

Affected Household	<ul style="list-style-type: none"> <li>– In the case of an affected household (AH), it includes all displaced/affected persons residing under one roof and operating as a single economic unit, who are adversely affected by the Project or any of its components.</li> </ul>
Affected Persons	<ul style="list-style-type: none"> <li>– In the context of involuntary resettlement, affected persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.</li> </ul>
Compensation	<ul style="list-style-type: none"> <li>– Refers to payment in cash or in kind for an asset or resource that is acquired or affected by a Project at the time the asset needs to be replaced. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs. In applying this method of valuation, depreciation of structures and assets should not be considered.</li> </ul>
Corridor of Impact	<ul style="list-style-type: none"> <li>– (i) Permanent. Is the area which is required to be permanently acquired by GDR for easement of the civil works and their unhindered operation &amp; maintenance (O&amp;M) in the future, and it is agreed and demarcated by the executing agency (EA). The exact location of the permanent boundaries of the easement may be required for formal confirmation of boundaries in the cadastral records.</li> <li>(ii) Temporary. Is the area within which the temporary construction activities and movements of equipment will take place during the Project implementation. The extent of the area is somewhat dependent on the types of construction method and machinery used by the contractor. Such impacts and associated remedial measures and costs are typically borne by the contractor at his own expenses depending on the contractual details.</li> </ul>
Consultation	<ul style="list-style-type: none"> <li>– A process that (i) begins early in the Project preparation stage and is carried out at different stages of the Project and land acquisition and involuntary resettlement cycle; (ii) provides timely disclosure of relevant and adequate information in Khmer Language that is understandable and readily accessible to AP; (iii) is undertaken in an atmosphere free of intimidation or coercion with due regard to cultural norms; and (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; enables to consider the incorporation of all relevant views of affected people and other stakeholders into decision making, such as Project design, mitigation measures and implementation issues.</li> </ul>
Cut-off date	<ul style="list-style-type: none"> <li>– This refers to the date after which people will not be eligible for compensation or assistance. Those persons occupying or using the Project prior to the identified date are eligible to be categorized as AHs and to receive compensation and/or assistance. Persons not covered in the census are not eligible for compensation and other entitlements unless they can show proof that (i) they have been inadvertently missed out during the</li> </ul>

census and the inventory of losses (IOL); or (ii) they have lawfully acquired the affected assets subsequent to the completion of the census and the IOL and before the conduct of the detailed measurement survey (DMS).

Detailed Measurement Survey	<ul style="list-style-type: none"> <li>– With the aid of detailed engineering design, this activity involves the finalization of the inventory of losses, severity of losses, measurement of additional losses, and 100% coverage of Socio-economic Survey and 100% census of APs.</li> </ul>
Displaced Persons (DPs)	<ul style="list-style-type: none"> <li>– In the context of involuntary resettlement, DPs are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.</li> </ul> <p>The SPS uses the term ‘affected person’ (AP) in a broader sense in the context of consultations, disclosure, and grievance redress mechanism that includes persons not directly affected by an ADB Project. However, the EA understands and uses the term AP as what the SPS calls DP. Accordingly, the term AP is used in this DRP.</p>
Economic Displacement	<ul style="list-style-type: none"> <li>– Refers to loss of land, assets, access to assets, income sources, or means of livelihood because of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.</li> </ul>
Eligibility	<ul style="list-style-type: none"> <li>– Refers to any person or persons, household, firm, private or public institution who has settled in the Project area before the cut-off date, that (i) loss of shelter, (ii) loss of assets or ability to access such assets, permanently or temporary, or (iii) loss of income sources or mean of livelihood, regardless of relocation will be entitled to be compensation and/or assistance.</li> </ul>
Entitlement	<ul style="list-style-type: none"> <li>– Refers to a range of measures comprising compensation, income restoration support, transfer assistance, relocation support, etc. which are due to the APs, depending on the type and severity of their losses, to restore their economic and social base.</li> </ul>
Grievance Redress Mechanism	<ul style="list-style-type: none"> <li>– Refers to an established mechanism to receive and facilitate the resolution of affected persons’ concerns and grievances/complaints about physical and economic displacement and other Project impacts, paying particular attention to the impacts on vulnerable groups.</li> </ul>
Income Restoration	<ul style="list-style-type: none"> <li>– Refers to re-establishing productive livelihood of the APs to enable income generation equal to or, if possible, better than that earned by the APs before the resettlement or of pre-Project levels.</li> </ul>
Inventory of Losses	<ul style="list-style-type: none"> <li>– This is the process where all fixed assets (i.e. lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of-way are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the</li> </ul>

livelihood and productive capacity of APs will be determined.

Involuntary Resettlement	<ul style="list-style-type: none"> <li>Refers to when displaced persons have no right to refuse land acquisition by the state that result in their displacement which occurs when land is acquired through (i) expropriation by invoking the eminent domain power of the state, or (ii) land is acquired through negotiated settlement when the pricing is negotiated, and the failure will result in expropriation through invoking the eminent domain of power of the state.</li> </ul>
Land Acquisition	<ul style="list-style-type: none"> <li>Refers to the process whereby individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.</li> </ul>
Major Impacts	<ul style="list-style-type: none"> <li>Refers to AHs who will (i) lose 10% or more of their total productive land and/or assets; (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the Project.</li> </ul>
Negotiated Settlement	<ul style="list-style-type: none"> <li>Negotiated settlements is used to avoid expropriation and eliminate the need to use involuntary resettlement. The Government can acquire land and other assets through a negotiated settlement, based on meaningful consultation with affected persons, including those without legal title to assets. A negotiated settlement will offer adequate and fair price for land and/or other assets. The Government will ensure that any negotiations with displaced persons openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions. For this purpose, the Government can engage an independent external party to document the negotiation and settlement processes.</li> </ul>
Physical Displacement	<ul style="list-style-type: none"> <li>Refers to relocation, loss of residential land, or loss of shelter because of (i) involuntary acquisition of land; or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.</li> </ul>
Relocation	<ul style="list-style-type: none"> <li>This is the physical relocation of a displaced person from their pre-Project place of residence and/or business.</li> </ul>
Replacement Cost	<ul style="list-style-type: none"> <li>Replacement cost involves replacing an asset at a cost prevailing at the time of its acquisition. This includes fair market value, transaction costs, interest accrued, transitional and restoration costs, and any other applicable payments, if any.</li> </ul> <p>Depreciation of assets and structures should not be taken into account for replacement cost. Where there are no active market conditions, replacement cost is equivalent to delivered cost of all building materials, labor cost for construction, and any transaction or relocation cost.</p> <p>Where land market conditions are absent or in a formative stage, the APs and host populations will be consulted with to obtain adequate information about recent land transactions, land value by types, land titles, land use, cropping patterns and crop production, availability of land in the Project area and region, and other related information.</p>
Replacement Cost	<ul style="list-style-type: none"> <li>This refers to the process involved in determining replacement</li> </ul>

Study	costs of affected assets and land and performed by an independent qualified national consultant (firm or individual) with necessary expertise to carry out asset valuation.
Resettlement Plan	– This is a time-bound action plan, with budget, setting out the resettlement objectives and strategies, entitlements the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and implementation schedule. The outline Resettlement Plan is in Annex to Appendix 2 of the ADB Safeguard Policy Statement (2009).
Right-of-Way	– It is a government owned strip of land following a centerline (such as for roads, canals, etc.) providing an area of access.
Vulnerable Groups	– These are distinct groups of APs who are likely to be more adversely affected than others and who are likely to have limited ability to re-establish their livelihoods or improve their status and specifically include: <ul style="list-style-type: none"> <li>(i) all the household living below the national poverty rate established by the Government;<sup>1</sup></li> <li>(ii) female headed households with dependents living below the national poverty rate,</li> <li>(iii) disabled household heads with no other means of support,</li> <li>(iv) elderly households who are landless and with no other means of support,</li> <li>(v) landless poor living below the national poverty rate, and</li> <li>(vi) indigenous people or ethnic minorities (who often have traditional land rights but no formal titles).</li> </ul>
Willing Buyer Willing Seller	– Process where the Government purchases a property from private owner with a fair market value, which a willing seller approves. In the arrangement neither party is being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts, and eminent domain is not used.

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<sup>1</sup> This includes squatters and those without land titles.

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## EXECUTIVE SUMMARY

### A. Project Scope

1. The proposed Livable Cities Investment Project (LCIP) will assist the government of the Cambodia to facilitate long-term sustainable and economic growth through improving the environment of secondary cities in Cambodia. The LCIP outputs include: (i) Output 1: policy and regulatory environment improved; (ii) Output 2: urban infrastructure improved; and (iii) Output 3: institutional effectiveness, and governance improved. The Project will focus on enhancing urban planning, building community resilience, and providing infrastructure. Only activities under output 2 (Table 1.1) will result in land acquisition and resettlement (LAR). Under output 2 of LCIP, only one (1) subproject is proposed to be implemented in Kampot and is Wastewater Conveyance Network Subproject (the Subproject). Table 1.1 summarizes the scope of major works under the Subproject.

**Table 1.1: Summary of Scope of Major Works under the Subproject**

Subproject Name	Component Descriptions
Wastewater Conveyance Network Subproject	<p>The wastewater component will include:</p> <ul style="list-style-type: none"> <li>• Sewerage collection: 7.5 km, corridor of impact (COI) 1.41 - 1.53 m*</li> <li>• Household connections</li> <li>• 1 vacuum truck</li> </ul> <p>The component will cover the villages of Sangkat Kampong Kandal (sewer network + household connections), Kampong Bay (household connections only) and Sangkat Krang Ampil (household connections only).</p>

\* The COI varies depending on width of pipe to be installed and installation depth, both which directly impact top width of working ditch.

2. Efforts have been made to avoid or reduce the resettlement impacts during feasibility study outline design, especially the impact caused by the sewer network. The following alternatives have been considered to avoid or minimize resettlement: (i) re-align wastewater pipe alignments away from impacts on structures or privately owned land; (ii) change of flow direction of wastewater to allow removal of wastewater pipe crossing privately owned land, (iii) construct wastewater network as much as possible within the existing Right-of-Way (ROW) of the roads and canals, and (iv) reducing any overlapping scope of works with upcoming parts of the system developed by other projects.

### B. Scope of Impacts

3. Scope of impact of the Subproject, based on IOL survey (Table 1.2), will include overall impact on assets and/or economic displacement of 25 affected households (AHs) and 89 affected peoples (APs). A total of 18 AHs/63 APs lose privately owned residential land (456.5 m<sup>2</sup>), all of which are the legal owners of the land. This land may be acquired through negotiated settlement. 18 AH/65APs will lose secondary structures, 4 AHs/17 APs timber trees and 10 AHs/35 APs fruit trees. None of the AH is vulnerable or will experience major impact.

**Table 1.2: Summary of Subproject Impact**

Impact Type	Total	
	Assets (Quantity / Unit)	AHs/ APs
No. of Affected Households/Affected Persons		25/89
No. of Vulnerable AHs/APs		None
Major Impact on AHs/APs		None
Residential land (private)	456.5 m <sup>2</sup>	18/63
Public land (ROW)	15,651 m <sup>2</sup>	None
Primary/Residential structure	None	None

Secondary/auxiliary structures	19 structures (672 m <sup>2</sup> )	18/65
No. of Timber trees	21 trees	4/17
No. of Fruit trees	57 trees	10/35

Source: TRTA Consultants IOL October-November 2020

4. This Basic Resettlement Plan (BRP) has been prepared based on an outline engineering design and inventory of losses (IOL)/socio-economic survey (SES). An IR impact screening was conducted in September-November 2020 and the Subproject was classified as category "B" for IR impact as it includes land acquisition and resettlement impacts which were not deemed significant. The project is also categorized to have high safeguards risk as per Covid-19 risk screening (see decision framework in Annex A). The BRP will be updated after the Detailed Engineering Design (DED), from results of the during Detailed Measurement Survey (DMS) and Replacement Cost Study (RCS) during the preparation of the Detailed Resettlement Plan (DRP). This BRP will be updated after DED and DMS stage and will be submitted and cleared by ADB prior to (i) the commencement of civil works; and (i) land acquisition and involuntary resettlement impacts will occur to the APs.

### C. Entitlement Matrix

5. The entitlement matrix provides agreed compensation and assistance measures to mitigate for impacts. For this Subproject, the entitlements comprise (i) loss of private land; (ii) loss of secondary and other structures; (iii) loss fruit and timber trees; and (iv) unanticipated impacts. The RCS will be conducted by an independent firm, during the preparation of DRP, which will establish the full replacement cost of the affected assets at current market rates for compensation.

6. The cut-off date for eligibility to the subproject entitlements is **11 November 2020**.

### D. Recommended Actions

7. **Consultations, public meetings and disclosure** were conducted during preparation of the BRP. The first public consultation at Subproject preparation stage was conducted on 11-18 November 2020 on one-to-one basis due to COVID-19 restrictions on public gatherings, including dissemination of public information brochure (PIB). The public consultation meetings provided good opportunity to the AHs to express their concerns mainly about actual impacts on land and the viability of farming on marginal lands after acquisition, IOL/SES, compensation payments, cut-off date (COD) and grievance redress mechanism (GRM). Further consultations will be conducted after the DED stage for (i) DMS; (ii) preparation and approval of DRP; and implementation of the approved DRP. The consultation process will follow strict precautions for preventing spread of COVID-19. This BRP and all associated documents (updates, corrective action plans etc.) approved by the Inter-ministerial Resettlement Committee (IRC) and concurred by Asian Development Bank (ADB), and semi-annual social safeguards monitoring reports, will be disclosed on Ministry of Public Works and Transport (MPWT) and ADB websites.

8. **The grievance redress mechanism (GRM)** will follow the 3-Step process as described in the Royal Government of Cambodia (RGC) Standard Operating Procedures (SOP) for Land Acquisition and Involuntary Resettlement for Externally Financed Projects in Cambodia promulgated under Sub-Decree No. 22.ANK.BK on 22 February 2018. Aggrieved AHs/APs can lodge a complaint at the Commune/District Office, General Department of Resettlement (GDR), and Provincial levels to seek timely resolution. The authority is vested with the Provincial Grievance Redress Committee (PGRC) to make the final administrative decision in the event that AH/AP is not satisfied with the resolution at the District/Commune or GDR level. If the AH/AP is not satisfied with the decision of the PGRC, s/he is free to file a lawsuit in the competent court (Municipal or Provincial court, as applicable).

9. As per **institutional arrangements**, the Subproject will be implemented by the MPWT as the executing agency (EA) through a Project Management Unit (PMU), which will support the EA to undertake overall oversight and management of the Project. However, under the oversight of the Inter-ministerial Resettlement Committee (IRC), the GDR of the Ministry of Economy and Finance (MEF), through its Resettlement Department 2 (RD2), will be the lead agency directly responsible for updating, implementing, reporting and monitoring the planning and implementation of LAR activities under the Project/Subproject. A project level Inter-ministerial Committee Working Group (IRC-WG) will be established to provide overall guidance and oversight and ensure effective coordination among various line ministries on matters related to land acquisition and LAR activities. At the provincial level, the MPWT and IRC are assisted by the GRC, Provincial Resettlement Sub-Committee (PRSC) and Provincial Resettlement Sub-Committee Working-Group (PRSC-WG). A Project Implementation Unit (PIU) will be set up in Provincial Department of Public Works and Transport (PDOPWT) in Kampot city to work with the IRC-WG and PRSC-WG in guiding, supporting, and endorsing the work.

10. **Implementation Schedule.** All LAR activities will be coordinated with the civil works schedule. This BRP will be updated into DRP, to be based on approved DED and complete DMS/SES, consultations, and RCS. The DRP shall be submitted to ADB for review and clearance. The implementation of LAR activities will commence after the approval of the DRP by IRC, concurred by ADB, and the resettlement budget approved by MEF. The compensation payments will be carried out for all AHs prior to site clearance. MPWT will not allow construction activities at affected sites until all resettlement activities have been satisfactorily completed, compensation has been paid, and the site is free of all encumbrances. However, construction that is confined to the ROW and where there are no AHs or no IR impacts will proceed based on agreement between MPWT and ADB.

11. **Monitoring and Reporting.** The Department of Internal Monitoring and Data Management (DIMDM) of the GDR will undertake regular internal monitoring. The objective of internal monitoring is to (i) measure and report on the progress in the preparation and implementation of the DRP; (ii) identify problems and risks, if any and the measures to mitigate them; and (iii) assess if the compensation and rehabilitation assistance are in accordance with the provisions under the DRP. A semi-annual social safeguard monitoring report will be prepared and submitted to the ADB by GDR.

12. The total **resettlement and compensation cost** for the Subproject is estimated at **\$189,617.00**. This includes compensation for land, structures, trees, IRP, other entitlements and allowances of the AHs, RCS, management costs for DRP implementation, and contingency. The amount will be finalized after the RCS and will be reflected in the DRP. All the costs will be financed from the national budget and no financing will be required from the ADB loan and grant. The MEF will be responsible in ensuring the timely availability of funds.

## I. PROJECT DESCRIPTION

### A. General Description of the Proposed Project

1. The proposed Livable Cities Investment Project (LCIP) will assist the government of the Cambodia to facilitate long-term sustainable and economic growth through improving the environment of secondary cities in Cambodia. It will provide interventions to improve: (i) the regulatory environment; (ii) the institution and governance arrangements pertaining to the infrastructure sector; and (iii) the urban infrastructure (with a focus on sanitation, solid waste management (SWM) and stormwater drainage sectors).

2. The proposed LCIP is aligned with the government's policies and national strategies, in particular, the government's Rectangular Strategy – Phase IV<sup>1</sup>. The Project is consistent with ADB Strategy 2030<sup>2</sup> and supports key operational priorities of tackling climate change, making cities more livable, and strengthening governance and institutional capacity. It is also aligned with the Cambodia Country Partnership Strategy 2019-2023, especially in promoting local economic development pillar.

### B. Project Areas

3. The LCIP will concentrate on three secondary cities of Bavet, Poipet and Kampot due to their economic potential and location at key trade and tourism zones (Figure 2.1). As a result of recent population growth, these cities have identified that the limited infrastructure is restricting their development potential. Existing services are no longer operating optimally and incapable of servicing demands. The LCIP proposes to adopt a holistic methodology, comprising of an integrated urban development approach, to ensure interventions consider land use, long term city needs, asset management, and asset financing for sustainable operations.

Figure 2.1: Location of Target Cities



<sup>1</sup> Rectangular strategy for growth, employment, equity and efficiency: building the foundation toward realizing the Cambodia vision 2050 phase IV of the Royal Government of Cambodia of the sixth legislature of the national assembly. Phnom Penh <http://cnv.org.kh/wp-content/uploads/2012/10/Rectangular-Strategy-Phase-IV-of-the-Royal-Government-of-Cambodia-of-the-Sixth-Legislature-of-the-National-Assembly-2018-2023.pdf>

<sup>2</sup> Strategy 2030, Achieving a Prosperous, Inclusive, Resilient, and Sustainable Asia and the Pacific. ADB, July 2018 <https://www.adb.org/sites/default/files/institutional-document/435391/strategy-2030-main-document.pdf>

### C. Expected Project Outputs

4. The LCIP outputs include:
- (i) Output 1: policy and regulatory environment improved;
  - (ii) Output 2: urban infrastructure improved; and
  - (iii) Output 3: institutional effectiveness, and governance improved.
5. The LCIP will focus on enhancing urban planning, building community resilience, and providing infrastructure. Only output 2 will result in LAR. The project components under output 2 are:
- (i) Improved wastewater management systems (pumping stations and network, and wastewater treatment plant (WWTP) in Bavet and Poipet only);
  - (ii) Improved storm water drainage systems (Bavet and Poipet only); and
  - (iii) Improved SWM systems (including landfill, waste collection & recycling, and transportation vehicles, an upgrade of environmental protection measures and activities to promote waste reduction) (Bavet and Poipet only).
6. The LCIP builds on sewer network, pump stations and wastewater treatment plant (WWTP) developed by the ADB, funded under the Greater Mekong Subregion Second Corridor Towns Development Project (GMS2) by extending the sewer network and utilizing the same pumping station, force main and WWTP.

### D. Civil Works to be Carried Out

7. Detailed description of the salient Subproject features is given in Annex B Table 2.1 summarizes the scope of major civil works under the Subproject

**Table 2.1: Summary of Major Works for the Kampot Subproject**

Subproject Name	Component Descriptions
Wastewater Conveyance Network Subproject	<p>The wastewater component includes:</p> <ul style="list-style-type: none"> <li>• Sewerage collection: 7.5 km, corridor of impact (COI) 1.41 - 1.53 m*</li> <li>• Household connections</li> <li>• 1 vacuum truck</li> </ul> <p>The component will cover the villages of Sangkat Kampong Kandal (sewer network + household connections), Kampong Bay (household connections only) and Sangkat Krang Ampil (household connections only).</p>




\* The COI varies depending on width of pipe to be installed and installation depth, both which directly impact top width of working ditch.

### E. Alternatives Considered to Avoid or Minimize Resettlement

8. Efforts have been made to avoid, and if unavoidable, minimize the resettlement impacts in the feasibility study outline design (Table 2.2). Particularly, the impact caused by the sewer network was mitigated through technically feasible design alternatives. The sewerage network shall be laid in front of existing structures and houses, and along the road. All impact avoidance and mitigation measures were coordinated closely with the transaction technical assistance (TRTA) engineers.

**Table 2.2: Measures to Minimize Land Acquisition and Resettlement Impact**

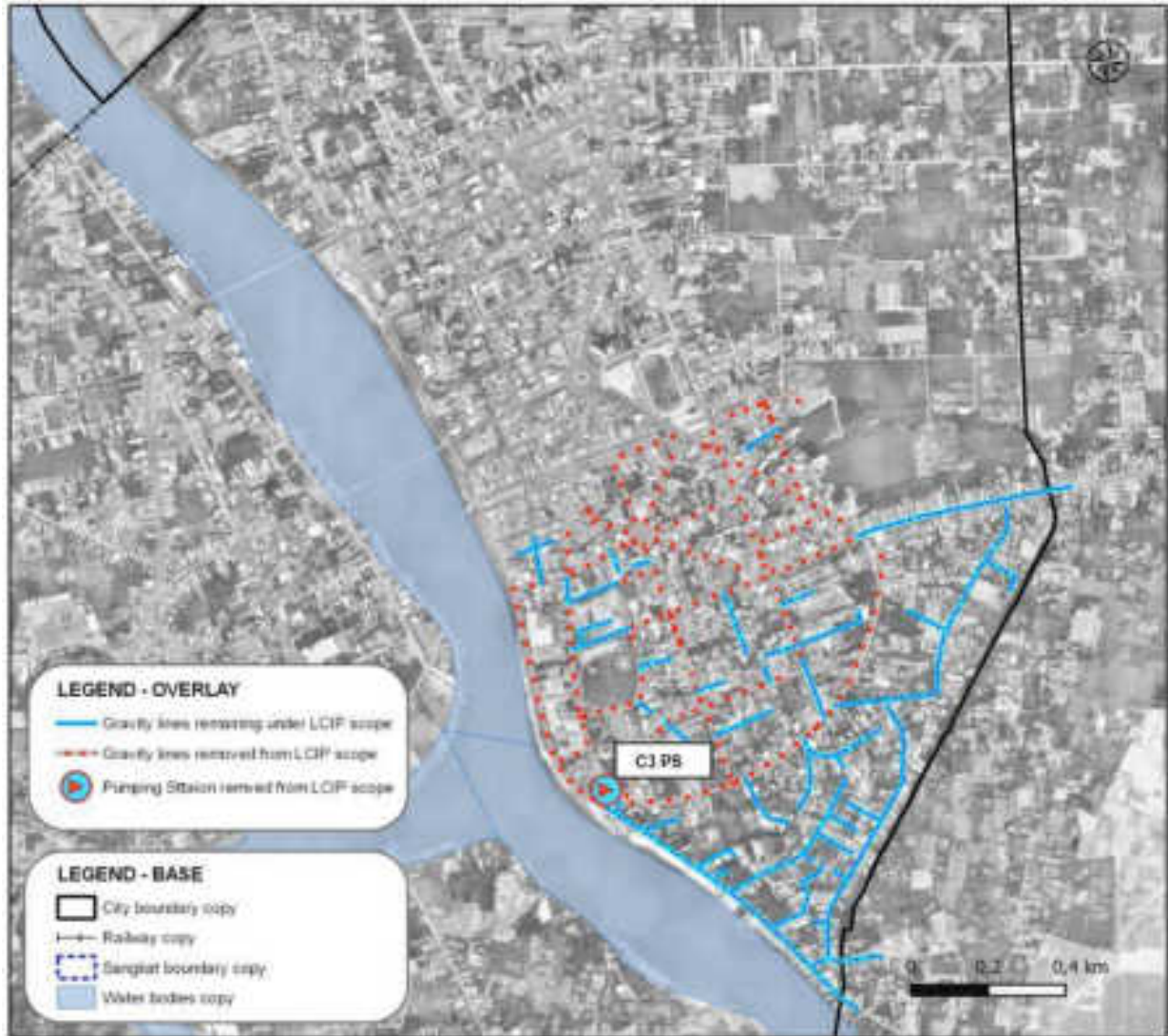
No.	Component	Expected Impact	Avoidance/mitigation Measures Applied
1	Wastewater	Point 557 impact on primary house and Forestry Administration office	The line has been shifted to the left side to not impact building of Kampot Forestry Administration and small

No.	Component	Expected Impact	Avoidance/mitigation Measures Applied
			<p>section was removed to avoid impact on a primary house</p> 
2	Wastewater	253 to 255 impact on fence and main structure near fence	<p>Point 253 to 255 alignment removed due to narrow passage. The point 253 is now connected via point 382</p>  
3	Wastewater	<p>Impact with fences, trees and main structures at Points:</p> <ul style="list-style-type: none"> <li>• 589-598</li> <li>• 399-401</li> <li>• 283-290</li> <li>• 1090-1096</li> <li>• 433-435</li> </ul>	<p>These alignments have been revised and slightly shifted to avoid impacts with the structures and assets.</p>
4	Wastewater	9 AHs / 37 APs impacted with 484 m <sup>2</sup> of private residential land, steel fence and fruit and timber trees	<p>Scope changes made due to overlap with ABD GMS2 project Works:</p> <ul style="list-style-type: none"> <li>• Reduction of gravity sewer length from 16 km to 7.5 km</li> <li>• Removal of force main works completely</li> <li>• Removal of 1 pump station works</li> </ul>

\* "Point" refers to reference points used for inventory of losses (IoL) for COI centerline locations located every 25m.



**Figure 2.2: Reduction in Scope of Works**



9. At the detailed engineering design (DED) stage the Measures to Minimize Land Acquisition and Resettlement Impact shall be provided in more detail during consultations with AHs/APs.

#### **F. Approaches to Land Acquisition and Involuntary Resettlement**

10. This Basic Resettlement Plan (BRP) describes three prone approach to land acquisition and involuntary resettlement as follows:

- (i) The acquisition of land thorough Willing Buyer Willing Seller (WBWS) methodology;
- (ii) The acquisition of land will through Negotiated Settlement methodology; and
- (iii) The acquisition of land will be through Involuntary Resettlement.

11. Where the number of AHs is small items (i) and (ii) above will apply and no DRP will be prepared. For a large number of AHs, a DRP will be prepared under item (iii) approach. While the BRP describes detail procedures for (iii) following ADB's SPS and RGC's laws and regulations, the methodology on land acquisition under items (i) and (ii) are as follows:

##### **(i) WBWS Methodology**



12. WBWS can take place where land markets are functioning, the transaction takes place with the seller's consent, and the seller receives a price consistent with prevailing market prices. This is not to be applied to infrastructure projects where there are multiple affected persons, or where there are no options to change the siting of infrastructure in the absence of agreements. In case of WBWS, the following process would be adopted:

- a) The General Department of resettlement (GDR) will conduct meaningful consultation in an understandable language with the AHs to ensure they are properly informed about the project/subproject, its benefits, the land needed for the project/subproject, resettlement policies, laws and regulations, entitlements and compensation at full replacement costs at current market rates. The GDR will discuss with the AHs on their willingness to sell the land for the construction of the project/subproject and obtain their approval.
- b) The GDR will conduct the DMS and the RCS to determine the inventory of losses and the replacement costs.
- c) The RCS will calculate the market value of the land that will need to be acquired.
- d) If there is a loss of income, the RCS consultant will calculate the amounts of losses based on the Entitlement Matrix (EM) attached to the BRP.
- e) In case of loss of fruit trees, the RCS consultant will calculate the economic loss based on maturity and formula shown in the EM.
- f) If there is physical displacement, transitional allowances will be provided at the rate shown in the EM.
- g) The total amount of compensation will be calculated and offered as a lump sum amount to each AHs.
- h) A contract will be prepared showing the breakdown and the total amount of the compensation and negotiated with each AH. Minutes will be prepared and signed by the IRC-WG and the AH.
- i) If all AHs agree with their lump sum compensation package, the lump sum amount will be paid upon signing of the contracts.
- j) Due to the confidentiality of information and the commercial nature of the contract, all documents on WBWS negotiations will be kept at GDR for verification by ADB.<sup>3</sup>

#### (ii) Negotiated Settlement

13. In case of **negotiated settlement**, the following process will be adopted to follow the process in para. 25, Appendix 2 of SPS:

- a) To ensure any negotiations with displaced persons address the risks of asymmetry of information and bargaining power of the parties involved in such transactions, the GDR will engage an independent external party to document the negotiation and settlement processes and agree with ADB on the processes, policies, calculation of costs and record-keeping requirements.
- b) The General Department of resettlement (GDR) will conduct meaningful consultation in an understandable language with the AHs to ensure they are properly informed about the project/subproject, its benefits, the land needed for the project/subproject, resettlement policies, laws and regulations, entitlements and compensation at full replacement costs at current market rates.
- c) The GDR will conduct the DMS and the RCS to determine the inventory of losses and the replacement costs.
- d) The RCS will calculate the market value of the land that will need to be acquired.
- e) If there is a loss of income, the RCS consultant will calculate the amounts of losses based on the EM attached to the BRP.
- f) In case of loss of fruit trees, the RCS consultant will calculate the economic loss based on maturity and formula shown in the EM.

<sup>3</sup> Aide Memoire Attachment 3, Item 4 (1) of the Safeguard Policy Dialogue Mission 22-23 August 2019.

- g) If there is physical displacement, transitional allowances will be provided at the rate shown in the EM.
- h) The total amount of compensation will be calculated and offered as a lump sum amount.
- i) A contract will be prepared showing the breakdown and the total amount of the compensation and negotiated with each AH. Minutes will be prepared by the independent external party and signed by the IRC-WG and the AH and witnessed by the Commune or Village official.
- j) If all AHs agree with their lump sum compensation package, the lump sum amount will be paid upon signing of the contracts.
- k) In case an AH does not agree on the negotiated settlement, the offer of negotiated settlement for all the AHs will be withdrawn and GDR will proceed to prepare the DRP for submission to ADB for review and approval. Principles agreed in this BRP will apply, if DRP will need to be prepared upon failure of negotiations. In such cases, ADB's involuntary resettlement requirements laid out in the SPS will apply.
- l) The information on the negotiated settlement will be included in the monitoring reports after the process is completed and submitted to the ADB.<sup>4</sup>

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<sup>4</sup> Aide Memoire Attachment 3, Item 4 (2) of the Safeguard Policy Dialogue Mission 22-23 August 2019.

## II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

### A. Subproject's Potential Impact

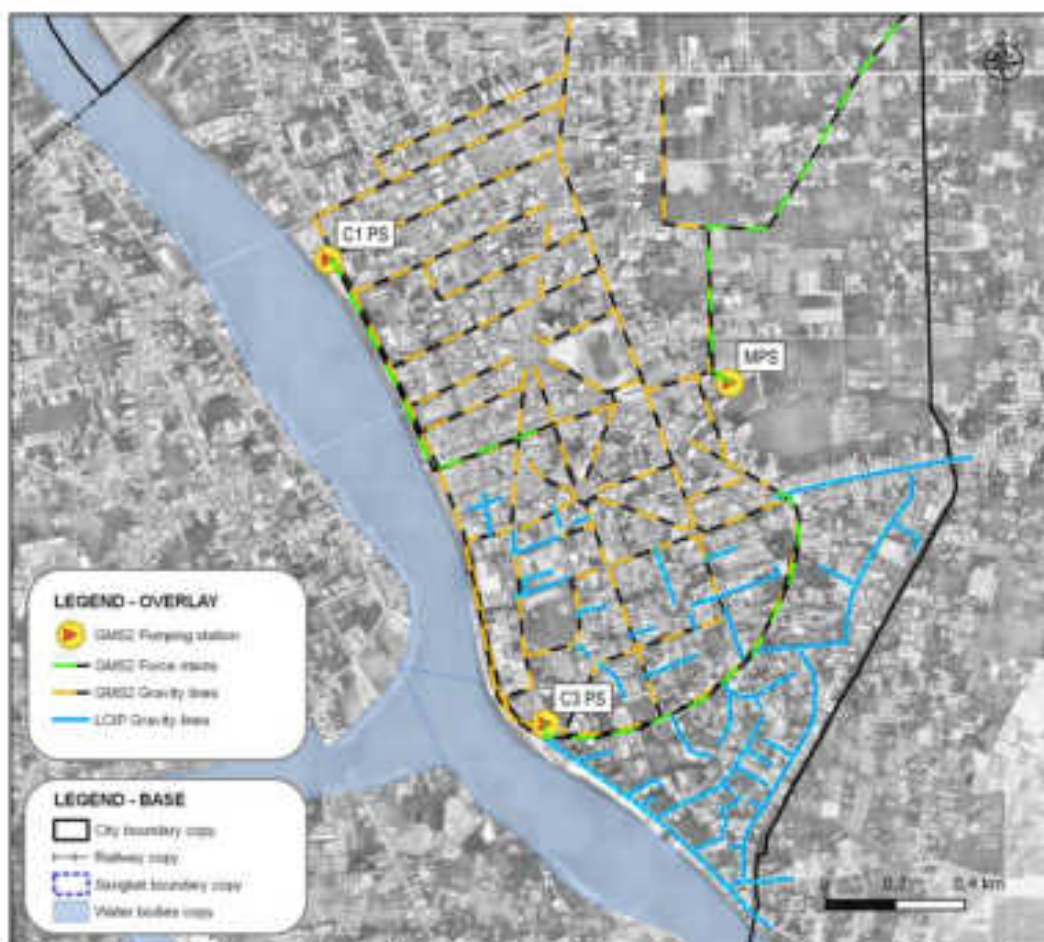
14. Wastewater system collector sewer (7.5 km) will be mainly located on the existing ROW of the streets (see network in Figure 3.1) requiring 15,651 m<sup>2</sup> of public land within the ROW. The ROW for the roads is government owned (public) land, administered by the Ministry of Public Works and Transport (MPWT)<sup>5</sup>. The ROW is free of encumbrances, except for tree impacts (para. 20) and temporary impacts (para. 27-29). Sewerage collectors' COI is between 1.41 - 1.53 m (PVC pipes of DN 200 to 315 mm). The existing ROW naturally varies from road to road depending on their classification and is 14 - 20 m (7-10 m from centerline) for small roads and 30 m for general roads (15 m from centerline). The collector lines will provide for the connection to the individual houses/buildings. They will be installed under the sidewalks or within road shoulders to avoid impact. In sections where other underground utilities are installed under the sidewalk or in narrow roads the lateral lines will have to be installed closer to the houses. The collector sewer will have minor impact on private land, as well as secondary and other structures built illegally on top of public sidewalks within the existing ROW of the streets. The IR impact is unavoidable due to network design, which dictates the depth of sewer lines, flow direction and network connectivity.

15. The design complements the GMS2 sewer network, and will utilize the same pumping station, force main and WWTP. Hence, these components are covered under GMS2 for any IR impacts. Linkages between the projects were discussed in multi-stakeholder meeting on 1<sup>st</sup> October 2020 (Annex C).

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<sup>5</sup> Article 8, Letter No. 1221 of Ministry of Interior, dated 24 August 2012

**Figure 3.1: Wastewater component overview with key locations for impact on AHs**



## **B. Scope of Land Acquisition**

16. An IR impact screening was conducted in September-November 2020 and the Subproject was classified as category "B" for IR impact as it includes land acquisition and resettlement (LAR) impacts which were not deemed significant. Public consultation with AHs on the Project scope and entitlements and IOL/SES with AHs/APs was conducted by TRTA consultant from October-November 2020 to determine the potential impacts on land and physical and economic assets of the AHs/APs (see Annex D). IOL/SES was conducted digitally using Kobo Toolbox and SW Maps software on tablets and smart phones. Kobo Toolbox contained a digital IOL/SES survey form, whereas SW Maps was used to record georeferenced pictures of the impacted assets. These were combined into one dataset to ensure reliability and completeness. The data has been shared between GDR, MPWT and ADB. The assessment of scale of impact on land and other physical assets was done by the survey team via a transect walk-through of the entire stretch of the wastewater network alignment to demarcate the COI. All assets within COI, such as privately owned land, secondary and other structures, and trees among others were measured. The TRTA consultant measured the areas of affected land and structures, identified the types of materials of affected secondary structures, and the types of trees to be impacted. Georeferenced pictures of assets and gender disaggregated IOL/SES data obtained information on the names of the AHs and all assets that are within the COI.

17. The cut-off date (COD) was set at **11 November 2020** as the date of beginning of public consultations. The COD was also confirmed with a letter from MPWT to Kampot Provincial authorities (Annex E). As per COD letter, the Provincial Officials of Kampot are responsible to ensure strict compliance of the established COD, and that close coordination amongst local

offices within the municipality will be undertaken on the monitored and controlled issuance of new building and land use permits within the vicinity of the project. The information about the COD will be disseminated throughout the subproject area during DMS/SES.

### C. Summary of Affected Assets and Displaced Persons

18. The Subproject will require total of 16,107.50 m<sup>2</sup> of land, out of which 15,651 m<sup>2</sup> is government owned (public) land (within ROW) while the Subproject will acquire 456.5 m<sup>2</sup> private residential land for wastewater collection network through negotiated settlement procedures stated in para. 13 of this BRP. Overall, the Subproject will cause impact on assets and/or economic displacement of 25 AHs (89 APs), out of which 21 AH heads (AHHs) are male (84%) and 4 AHHs are female (16%). Out of all AHs, none of the AH is vulnerable or experience major impacts. No AHs are relocated or have impact on primary structures, but 18 AH/65 APs will have impact on 19 units of secondary structure (672 m<sup>2</sup>). 4 AHs/17 APs have impact on 21 timber trees and 10 AHs/35 APs have impact on 57 fruit trees. Summary of LAR impacts are in Table 3.1.

**Table 3.1: Summary of LAR Impact Type under the Subproject**

Impact Type	Total	
	Assets (Quantity / Unit)	AHs/ APs
No. of Affected Households/Affected Persons		25/89
No. of Vulnerable AHs/APs		None
Major Impact on AHs/APs		None
Residential land (private)	456.5 m <sup>2</sup>	18/63
Public land (ROW)	15,651 m <sup>2</sup>	None
Primary/Residential structure	None	None
Secondary/auxiliary structures	19 structures (672 m <sup>2</sup> )	18/65
No. of Timber trees	21 trees	4/17
No. of Fruit trees	57 trees	10/35

Source: TRTA Consultants IOL October-November 2020

### D. Anticipated Subproject Impacts

#### (i) Impact on Land

19. The Subproject component will impact private residential land of 18 AHs/63 APs (456.5 m<sup>2</sup>) and public land (total 15,651 m<sup>2</sup>) within the existing ROW of the roads encroached by 2 AHs/3 APs (498 m<sup>2</sup>). This is on average 2.86% land loss overall for all AHs, whereas the average is 2.63% for private land loss of the entire residential land holdings of the AHs (17,371 m<sup>2</sup>). Out of all the 18 AHs having impact on private residential land, all 18 AHs are the legal owners with land title (Table 3.2). No agricultural or commercial land is impacted. The narrow strips of private land required for wastewater collection network will be acquired through negotiated settlement procedures stated in para. 13 of this BRP.

20. Public land within ROW has 14 coconut and areca trees of 2 AHs/3 APs, but otherwise is unused and unencumbered land. Neither of the AHs with impact on trees on public ROW have impact on any structures or businesses.

**Table 3.2: Details of Private Land Impact**

No.	AH ID	APs	Land Impact			Percentage of Loss (%)	Land ownership
			Total Land Area (m <sup>2</sup> )	Impacted Private Land Area (m <sup>2</sup> )	Impacted Public Land Area (m <sup>2</sup> )		
1	2	4	437	19	0	4	Legal owner, but no land title
2	3	3	475	19	0	4	Legal owner, but no land title
3	5	2	2,000	100	50	8	Legal owner, but no land title

4	6	4	150	10	0	7	Legal owner with land title
5	7	2	1,000	10	0	1	Legal owner with land title
6	8	4	330	15	0	5	Legal owner with land title
7	15	3	600	50	0	8	Legal owner, but no land title
8	18	5	1,200	50	0	4	Legal owner, but no land title
9	19	4	90	7	0	8	Legal owner with land title
10	20	3	120	5	0	4	Legal owner, but no land title
11	21	1	340	16	0	5	Legal owner, but no land title
12	22	5	924	20	0	2	Legal owner with land title
13	24	5	6,000	10	0	0	Legal owner with land title
14	25	3	340	8.5	0	3	N/A
15	29	4	690	42	0	6	Legal owner with land title
16	30	5	375	30	0	8	Legal owner with land title
17	31	5	300	25	0	8	Legal owner with land title
18	35	1	2,000	20	0	1	Legal owner, but no land title
19	34	1	16,000	0	448	3	N/A
<b>Total</b>		<b>64</b>	<b>33,371</b>	<b>456.50</b>	<b>498</b>	<b>2.86 (average)</b>	

Source: TRTA Consultants IOL October-November 2020

## (ii) Impact on Structures

21. There is no impact on primary structures, or houses, and hence no need for relocation. One temporary living shed (30 m<sup>2</sup>), which is temporarily used by construction workers next to the private house construction, will be impacted (see Picture 3.1). The temporary shed will be removed after the construction of the private house nearby is completed. This construction is expected to complete within the next six months; hence this is not an impact by the time of the Subproject implementation.

**Picture 3.1: Temporary Living Shed**



22. The Subproject will cause impact on 19 secondary structures (18 AHs/65 APs) with total impacted area of 672 m<sup>2</sup> as detailed in Table 3.3 and Table 3.4 respectively. Some of the AHs can have impact on more than one kind of other structures.

**Table 3.3: Summary of Secondary Structure Impact**

No	Type of Structure	Total	
	Secondary structure	Units	AHs/APs
1	Temporary Living Shed	1	1/3
2	Brick fence (all types)	9	9/35
3	Concrete pole + Wire mesh	4	3/12
4	Steel fence + Wire mesh	3	3/6
5	Steel gate + Wire mesh	1	1/4
6	Stone Pole	1	1/5
	<b>Total</b> (without double counting)	<b>19</b>	<b>18/65</b>

Source: TRTA Consultants IOL October-November 2020

**Table 3.4: Details of Secondary Structure Impact Areas**

No	Structure	AHs	APs	Total Areas	Affected Areas
1	Temporary Living Shed	1	3	30	30
2	Brick fence	1	4	240	60
3	Brick Fence	1	4	160	40
4	Brick fence 10cm	1	1	400	192
5	Brick fence 20cm	6	26	884	193
6	Concrete pole + Barbed Wire	1	3	38	19
7	Concrete pole + Wire mesh	3	14	175	76
8	Steel fence + Wire mesh	3	6	226	51
9	Steel gate + Wire mesh	1	4	9	9
10	Stone Pole	1	5	2	2
<b>Grand Total</b> (without double counting)		<b>18</b>	<b>65</b>	<b>2,164</b>	<b>672</b>

Source: TRTA Consultants IOL October-November 2020

**(iii) Impact on Trees**

23. Total of 10 AHs/35 APs have impact on 57 fruit trees, and 4 AHs/17 APs have impact on 21 timber trees. The AHs with impacted trees are not reliant on the trees as their income source, which will be confirmed during DMS. The age, type and number of the trees has been recorded during IOL, which is the basis for the compensation rate for each of the tree species. Table 3.6 summarizes the affected trees by type and component and details of impact on trees per tree type, number and age is in Table 3.7.

**Table 3.6: Summary of Tree Impact**

Trees	Unit	AHs/APs*
Fruit	57	10/35
Timber	21	4/17
<b>Total</b>	<b>78</b>	<b>11/38</b>

\* Without double counting

Source: TRTA Consultants IOL October-November 2020

**Table 3.7: Details of Tree Impact**

Tree Types	Name of Tree	Age Classification by years			TOTAL	Each House Information*		Detail Impact each tree types**	
		1 to 3 yrs	3 to 5 Yrs	Over 5 yrs		AHs	APs	AHs	APs
Fruit Tree	Ambarella		1		1			1	5
	Areca Palm	12			12			2	3
	Banana	1			1			1	3
	Coconut	4	3	12	16			7	24
	Jackfruit		2		2			1	5
	Kanteum	1			1			1	1
	Longan	1			1			1	5
	Mango	7	12		19			7	25
	Manila Tamarind			1	1			1	4
<b>Sub-total 1</b>		<b>26</b>	<b>18</b>	<b>13</b>	<b>57</b>	<b>10</b>	<b>35</b>	<b>24</b>	<b>75</b>

Timber Tree	Acacia	2			2			1	3
	Big Flower	8			8			1	4
	Nhor	2			2			1	3
	Srol		6		6			1	4
	Ta Sek		3		3			1	2
<b>Sub-total 1</b>		<b>12</b>	<b>9</b>	<b>0</b>	<b>21</b>	<b>4</b>	<b>17</b>	<b>5</b>	<b>16</b>
<b>Grand total</b>		<b>38</b>	<b>27</b>	<b>13</b>	<b>78</b>	<b>11</b>	<b>38</b>	<b>29</b>	<b>91</b>

\*AHs/APs counted for tree impact per fruit or timber categories (without double counting on tree species within each category)

\*\* AHs/APs counted for per tree species impact

Source: TRTA Consultants IOL October-November 2020

#### (iv) Impact on Businesses

24. There is no business disruption anticipated from the Subproject.

#### (v) Major Impact

25. None of the AHs/APs will have major impact on their productive agricultural land.

#### (vi) Impact on Vulnerable Groups

26. No encroachers, squatters or any other non-title holders are affected. The SES also verified there is no potential vulnerable AHs, hence there is no vulnerable AH eligible for special assistance. At the DMS stage the latest national poverty line will apply and vulnerability status of AHs will be re-confirmed and reflected in the DRP.

### E. Temporary Impact

27. As the construction of civil works will be carried out within existing road ROW, public facilities such as existing roads of bituminous surface and walkways will be temporarily impacted during construction. Design of the wastewater network includes improvement of roads and sidewalks along the alignments. Thus, these temporarily affected public facilities will not just be restored but will be enhanced after construction as part of the Subproject design. This temporary impact also concerns the movement and storage of construction equipment and materials. These will be addressed during the Subproject implementation based on actual impacts and in accordance with the national laws and ADB's safeguards policy statement (SPS, 2009).

28. Some of the private houses and shops have either extended their properties illegally on the walkways or are temporarily using the walkway for businesses or as storage areas. Majority of these private assets are light-weight or mobile. The households will be given advance notice to move their mobile assets away from the COI prior to construction. The civil works contract as well as EMP will also require the construction contractor to reinstate the temporary private structures within the COI and any impacted structures along the construction works area to their pre-subproject condition after the installation of pipes is completed, including pavements/walkways, roadside kerbs, signposts, spirit houses and eaves. If reinstatement is not possible, any impact caused by contractor during construction will be compensated at replacement cost based on the entitlement matrix. The contractor is to record the pre-subproject situation with drawings and georeferenced pictures. The safeguard related provisions stipulated in the loan agreement and a summary of measures on resettlement will be included in the bid documents and civil works contracts to ensure that contractors appropriately implement the agreed measures. Bidding documents will include the Bill of Quantities with respective provisions to address temporary resettlement impacts caused during construction. The EM from the DRP will guide contractor during construction in case any compensation is required above the/in lieu of reinstatement, for instance, if any businesses are disrupted. During IOL/SES approximately 25 cases of likely minor temporary impact during construction were identified, which will need to



be reinstated by the construction contractor. During contract signing the contractor will be provided with the approved DRP which confirms the temporary impacts and the measures to be taken by the contractor.

29. For any temporary site installation, workers camp, storage, pre-casting site or other area, the contractor will have to propose in a site installation and access plan and obtain approval from the PMU. Where possible, unoccupied, and unused public land will be used for temporary construction use, worker camp site or storage. The contractor shall rent the private space with agreed rental fee. Both private and public space shall be returned in the same or improved condition compared with pre-project situation. Through a transparent and contractual approach, the PMU will provide the contractor with the Project's land acquisition and compensation principles to ensure that (i) official compensation rates are applied, (ii) re-instatement of affected assets contractually defined, (iii) consultation takes place, (iv) the grievance mechanism is followed, (v) the EMP is applied, and (vi) other items specified are complied with, in compliance with the ADB SPS and RGC's SOP.

#### **F. Unanticipated Impact**

30. In case there are changes in the Subproject's scope and/or location during implementation, social impact screening of new impacts shall be conducted, and corrective action plan prepared, if required. Unanticipated impacts will be documented and mitigated based on the principles provided in this BRP. Any new APs that will be identified (i.e., those who will be included among the adversely affected because of changes to the Subproject design or alignment prior to or even during construction works) are entitled to the same entitlements as those of the other APs. The new APs will not include any occupant entering the COI or construction area after the cut-off date. In case of unanticipated impact, social impacts assessment shall be conducted and the DRP will be updated and submitted to ADB for review and clearance.

### III. SOCIO ECONOMIC INFORMATION AND PROFILE

#### A. Survey Methodology

31. A socio-economic survey (SES) of the 25 AHs/89 APs, or 100% of AHs, was conducted in parallel with IOL. The SES respondents consisted of affected household heads (AHHs) or household (HH) representatives. The SES questionnaire contained demographic variables (age, marital status, employment, and gender of respondents), means of employment of APs, households' monthly income and expenditures. The SES provides baseline information on the socio-economic situation of the AHs/APs in gender disaggregated format.

#### B. Demographic Information of the AHs

32. Out of the 25 AHHs of the Subproject, the majority or 21 AHHs are males (84%) and remaining 4 AHHs are females (16%). As for age, the largest groups of AHHs are 46-64 years (60%), followed by two age groups 31-45 (20%) and over 65 years (16% each). Finally, the age group of 21-30 years makes up to only (4%). The elderly household heads (over 65 years) are considered vulnerable in case they are landless and with no other means of support. Based on the SES, all the 4 elderly AHHs still have income and are not landless. As none is poor (<\$33) or without any support, or had IDPoor status/card, they are not categorized as potentially vulnerable.<sup>6</sup>

33. Majority or 21 AHHs (84%) are married, 2 AHHs or 8% are widowed (2 female AHHs) and one female AHH (4%) is single and one female AHH is divorced (4%). One of the female divorced AH income/AP is \$94/month/AP and the other \$125/month/AP. Based on SES none of the widowed, divorces or single female AHHs are landless, poor or disabled, and hence none of them are potentially vulnerable.

34. Seven (7) or 28% of the AHHs are Cham Muslim (5 male and 2 female), while all remaining AHHs are Khmer. Table 4.1 summarizes gender and age of AHHs per Subproject component.

**Table 4.1: Summary of Gender and Age of AHHs**

Component	Gender (AHH)	Under 20 yrs	21 - 30 yrs	31 - 45 yrs	46 - 64 yrs	Over 65 yrs	TOTAL	
		No.	No.	No.	No.	No.	AH	%
Wastewater	Male		1	5	12	3	21	84
	Female				3	1	4	16
<b>Total</b>			<b>1</b>	<b>5</b>	<b>15</b>	<b>4</b>	<b>25</b>	<b>100</b>
Percentage (%)		0	4	20	60	16	100,00	

Source: TRTA Consultants SES October-November 2020

35. Largest age group in affected persons is 26-45 years (28%), followed closely by 6-16 years (27%), and then 46-64 years old (9%) and 17-25 years old (9%). Average AH size is 3.6 persons/household. Table 4.2 summarizes gender and age of APs per Subproject component.

**Table 4.2: Summary of Gender and Age of APs**

Component	Gender of AP	<5 yrs	6-16 yrs	17-25 yrs	26-45 yrs	46-64 yrs	>65 yrs	TOTAL	
								APs	%
Wastewater	Male	6	3	2	5	2	1	19	48
	Female		14	7	13	7	4	45	52
<b>Total</b>		<b>6</b>	<b>17</b>	<b>9</b>	<b>18</b>	<b>9</b>	<b>5</b>	<b>64</b>	<b>100</b>
Percentage (%)		9	27	14	28	14	8	100	

<sup>6</sup> At the stage of the preparation of the BRP, GDR and consultants did not have an up-to-date poverty threshold as per latest CSES, but the poverty rate published by Ministry of Planning/National Institute of Statistics (2014) will apply. However, as soon as the up-to-date rates are made available, they will be applied during DRP preparation and/or implementation/the contract offer.

### C. Education Attainment

36. A total of 12 AHHs (48%), including all 4 female AHHs, have attained primary education, 3 male AHHs (12%) reported attaining secondary education, 4 male AHHs (16%) have attained high school education and 5 male AHHs (20%) have attained collage/university level education. Only one male AHH has no education (4%). The male AHHs of the Subproject are better educated than females, especially for higher education. During the IOL consultations, the TRTA team assisted the illiterate AH by reading out all the information in the PIBs to them. Table 4.3 summarizes the education attainment levels of the AHHs by gender.

**Table 4.3: Summary of Education Attainment Level of AHHs**

Subproject	Gender of AHH	None/illiterate	Primary School	Secondary School	High School	College/University	Total
Wastewater	Male	1	8	3	4	5	21
	Female		4				4
<b>Total</b>		<b>1</b>	<b>12</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>25</b>
Percentage (%)		4	48	12	16	20	100

Source: TRTA Consultants SES October-November 2020.

37. Out of the total of 64 APs, 29 APs (45%) have primary education level or are in process of attaining it, followed by high school for 19 APs (30%) and secondary education for 13 APs (20%). Total of 2 APs have no education as they have not started school yet or are illiterate (3%). There is no significant difference in education attainment between male and female APs. Table 4.4 summarizes the education attainment levels of the APs by gender.

**Table 4.4: Summary of Education Attainment Level of APs**

Component	Gender (AP)	None/illiterate	Primary	Secondary	High School	University	Total
Wastewater	Male	2	9	4	4	0	19
	Female	0	20	9	15	1	45
<b>Total</b>		<b>2</b>	<b>29</b>	<b>13</b>	<b>19</b>	<b>1</b>	<b>64</b>
Percentage (%)		3	45	20	30	2	100

Source: TRTA Consultants SES October-November 2020.

### D. Occupation, Income and Expenditure

38. For the Subproject, 10 AHHs (40%) are self-employed, followed by 4 AHHs (16%) who are government employees and 4 AHHs (16%) who are working as employees in private sector. The percentage of self-employed is high due to Kampot's tourism business being a major part of the local economy. None of the AHHs are farmers, and only 2 AHHs (8%) are fisher folk. Out of 25 AHHs, only 1 male AHHs (3%) have secondary occupation as tuk tuk driver. The Subproject does not cause permanent business disruption. Table 4.5 summarizes the primary occupation of the AHHs.

**Table 4.5: Summary of Occupation of AHHs**

Component	Gender of AHH	Unemployed or Children support	Casual labour	Construction	Fisher folk	Govt. employee	Private sector/ NGO employee	Self-employed /business/trade	Total
Wastewater	Male	2	1	2	1	4	4	7	21
	Female				1			3	4
<b>Total</b>		<b>2</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>4</b>	<b>10</b>	<b>25</b>
Percentage (%)		8	4	8	8	16	16	40	100

Source: TRTA Consultants SES October-November 2020

39. The most common occupation amongst the AP is also self-employment (16 APs or 25%), the second is government employment or transport sector (2 APs or 3% each) and finally private sector (1 AP or 2%). A total of 43 APs (67%) are not working or are students/retired. Female employment is more prevalent on self-employment, while male employment is more on government and transport sectors. Table 4.6 summarizes the primary occupation of the APs.

**Table 4.6: Summary of Occupation of APs**

Component	Gender of APs	Not working/ unemployed /Children support	Casual labour	Constru ction	Fisher folk	Govt. employee	Private sector/ NGO employee	Self- employed /business /trade	Transport ation/ motobike/ tuk tuk driver	Total
Wastewater	Male	14				2		1	2	19
	Female	29					1	15		45
<b>Total</b>		<b>43</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>16</b>	<b>2</b>	<b>64</b>
Percentage (%)		67				3	2	25	3	100

Source: TRTA Consultants SES October-November 2020

40. Regarding income, all AHs self-reported income higher than the Cambodian poverty line (\$33/AP/month). Out the 25 AHs, 9 AHs income is below \$100/AP/month (36%), 10 AHs from \$100 to \$199/AP/month (40%) and 5 AHs over \$200/AP/month (20%). 1 AH did not report their income level (AH ID 34). Meanwhile the monthly expenditure for 18 AHs (72%) was under \$300/month/AH and for just 1 AHs (4%) over \$600/month/AH. One (1) AH did not report their expenditure level (AH ID 34).

## **E. Poverty**

41. Cambodia uses an absolute poverty line definition. In 2013, the Ministry of Planning (MOP) introduced new poverty lines. The revisions to the poverty lines include (a) food poverty line based on 2,200 calories per person per day (up from 2,100); and (b) a non-food component that is estimated separately for Phnom Penh, other urban, and rural areas. Cambodia Socioeconomic Survey 2014 identified those who earned less than \$33 per person per month considered living under poverty line for other urban area. The poverty line may be updated accordingly during DRP preparation as per latest national poverty line in case this becomes available during the DRP implementation<sup>7</sup>.

42. As part of the social impact assessment conducted during the preparation of the BRP, the poor and vulnerable AHs who may be differentially or disproportionately affected by the subproject were reviewed based on the criteria established by the Royal Government of Cambodia and self-reported income status or IDPoor<sup>8</sup> registration during the SES. As a verification measure, Ministry of Planning IDPoor Program definition and allocation of poor category to AHs will also be used during DMS to verify self-reported income information. Based on SES none of the AHs of the Subproject have income less than \$33 per person per month or have IDPoor status.

## **F. Indigenous Peoples**

43. There are 7 AHs/30 APs ethnic Cham Muslim impacted by the subproject. However, the AHs can read, write and speak Khmer, and are fully integrated in the society. Cham practice their culture, religion and norms, while enjoying equal rights and are regarded as Cambodian citizens. Cham, as one of the mainstream Cambodian ethnic groups, are not considered vulnerable. In addition, IOL/SES confirmed that these AHs are not categorized as vulnerable (below the poverty line, the landless, the elderly, women and children) as per para. 26. During DMS it will be verified whether there are any AHs that are considered an IP based on possession

<sup>7</sup> At the stage of the preparation of the BRP, GDR and consultants did not have an up-to-date poverty threshold as per latest CSES, but the poverty rate published by Ministry of Planning/National Institute of Statistics (2014) will apply. However, as soon as the up-to-date rates are made available, they will be applied during DRP preparation and/or implementation/the contract offer.

<sup>8</sup> The Royal Government of Cambodia promulgated Sub-Decree 291 on Identification of Poor Households in December 2011. This Sub-Decree regulates the management and implementation of identification of poor households, and the utilization of poor household data, in Cambodia

of the characteristics of IP as per ADB SPS (2009) Safeguard Requirement 3 (para. 6) classification.

#### **G. Women**

44. As demonstrated by SES data, women are equally affected by the resettlement impacts as men under the Subproject. Arrangements will be made during DMS/SES and subproject implementation to conduct DMS/SES and interviews with women, including AH heads, commune leaders in the affected communes. Information disclosure and consultations will be regularly undertaken in separate meetings with men and women APs in case of underrepresentation or where needed. The meetings will allow women to express their views and opinions, and their grievances will be responded to and properly documented to be considered in decision-making. The Project has specific gender action plan targeting women for their employment opportunities in key project activities for their socioeconomic enhancement. The vulnerable group will be provided with priority for employment opportunity under the subproject.

### **IV. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION**

45. Public consultation and participation aim to develop and maintain avenues of communication between the Project, stakeholders, and AHs. To ensure that the views and concerns of the AHs are considered in Project/Subproject preparation and implementation and to reduce or offset adverse impacts and enhance benefits from the Project, a strategy of meaningful participatory has been adopted by and implemented under the Project for information disclosure, consultation and participation. All consultations have been presented verbally in Khmer language for the illiterate to fully understand and be able to participate, while using visual tools such as maps, banners and drawings. During the IOL consultations, the PIU/TRTA team explained the Project scope and distributed the PIBs. For the illiterate people, the PIU/TRTA team assisted the illiterate AHs by reading out all the information in the PIBs to them.

#### **A. Meaningful Consultation and Participation During BRP Preparation**

46. The **first meaningful public consultations** in Kampot were conducted during the feasibility study of the Subproject between 11 to 18 of November 2020 with AHs of the Subproject areas (Annex F). The consultations were conducted prior to the commencement of IOL/SES as one-to-one consultations with each household (HH) due to COVID-19 public gathering restrictions. Summary of topics that were discussed, questions, and answers are in Tables 5.1 and 5.2, respectively. The PIB, including the Subproject details as well as key contact persons were distributed and explained to all attendees (Annex G).

**Table 5.1: Summary of Consultations**

<b>No.</b>	<b>Date and time</b>	<b>Location</b>	<b>Topic</b>	<b>Participants</b>
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1	Date: 11-18 November 2020	One-to-one consultation at each of AHs residence or mobile vendor location of business	Initial consultation with affected households and beneficiaries. Presentation of details on: <ul style="list-style-type: none"> <li>• Project scope, location, Works and schedule</li> <li>• standard procedure on resettlement policies (ADB and Government of Cambodia)</li> <li>• types of impact</li> <li>• standard entitlements, eligibility, allowances and typical entitlement matrix</li> <li>• compensation, RCS and compensation process</li> <li>• cut-off date</li> <li>• GRM and complaint process</li> <li>• IOL/SES process.</li> </ul>	36 HHs (10 male / 26 female)  Local authorities 4 male / 4 female
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47. Table 5.2 summarizes the key discussion points on the questions from the AHs and responses provided at the first public consultation meetings.

**Table 5.2: Typical Key Discussion Points and Questions**

No.	Date and time	Question/ Discussion point	Answer/ Conclusion
1	One-to-one consultation between 11-18 November 2020	Can the project back fill pits immediately after the excavation of each pit in front of our house?	This is the first and foremost priority for the project to find the best solution for each pit excavated during construction to avoid impact with all of your business and livelihood.
2		Can the project inform us at least 1 week before the construction start?	The project will inform all the mobile vendors along the project construction areas at least 1 week before start construction. The temporary relocation site will be responsibility of the city authorities. After finish construction, all the mobile vendors will be allowed to move back to the original locations. The daily selling is not disrupted, but just need to relocate from one side of road to another side of the road during construction.
3		How many days does the construction take at mobile vendor area?	The construction of the pumping station will be around 4 weeks for main excavation and construction.
4		We appreciate the project and support it 100%. We wish the construction would happen soon and also finish in schedule.	

## **B. Meaningful Consultation and Participation During DRP Preparation**

48. The IRC-working group (WG) and Provincial Resettlement Sub-Committee (PRSC)-WG. together with the local authorities will conduct meaningful consultation with APs during the DRP preparation while ensuring the consultations are gender inclusive and special attention is made to ensure the participation of women and the vulnerable group of APs, as much as possible. All efforts will be made to incorporate mitigation measures to address their concerns, where relevant and possible.

49. In situation where COVID-19 is not a safety risk, the meetings will be held in a public place at the commune or village for all AHs and commune/village representatives and the updated PIB with final information on the Subproject will be provided and explained to all AHs after completion of the DED. A public consultation with the AHs will take place prior to the DMS stage and is undertaken jointly by the IRC-WG and PRSC-WG with the participation of local and provincial authorities including the Commune and Village Chiefs. Prior to the commencement of the DMS, consultation meeting will be held with the affected communities at the commune or village level explaining the DMS process and the information and data to be collected to complete the DMS Questionnaire.

50. In case COVID-19 situation in Cambodia worsens and causes increased risks, number of precautions will be adopted in the subproject consultations, preparation and implementation. Social distancing, face-masks and hand washing will be compulsory for all staff and experts conducting the consultations and DMS, and for all participants to public consultation meetings. In situations where public consultation meetings are too risky, either one-on-one individual consultations will be conducted during the DMS/SES, or the survey questionnaires are to be conducted via telephone with pre-recorded subproject presentation made available to the AHs followed by field verification of impacted assets only.

51. The PIB will be updated in Khmer by the GDR with the information about the entitlements, local GRM, including contact persons. All consultations and disclosure during implementation will be presented and explained verbally in Khmer for illiterate to fully understand and be able to participate. For the ethnic minority AHs not fluent in Khmer, the information will be explained in an understandable language to them as needed. The detailed guidelines on GRM will be included in the updated PIB as an attachment. Updated PIBs will be read out and explained after consultations to the illiterate AHs. The updated PIB for the subproject, its GRM attachment and the DMS Questionnaire will be made available and explained to all attendees. The establishment of the provincial grievance redress committee, the operationalization and fully functioning GRM will be confirmed to the AHs. The APs will be informed that they will be provided with the ID cards detailing their affected assets, income, and land after the DMS. Focus groups discussions with poor and vulnerable will be conducted after the DMS once DMS data has been analyzed.

52. The updated PIB will also be shared and explained to individual APs during the house-to-house DMS and measurements of land and property losses. The APs will be required to confirm the loss of assets and the measurements and get a full understanding of the basis on which the compensation will be paid for the loss assets and other entitlements.

### **C. Consultation and Participation During DRP Implementation**

53. The schedule for contract signing by the AHs with deadlines and the legal requirements to receive the compensation (national ID, evidence of land ownership etc) will be explained to the AHs in consultations meetings after the DRP approval by IRC, concurred by ADB and the budget for resettlement approved by MEF. And the Each AH will be provided with the draft contract and the compensation amounts explained to the satisfaction of the AH on one-to-one basis. The AHs will be given option to sign the contract there and then or given three (3) working days to submit the signed contract to the IRC-WG through the village council office. For those AHs who are unable to participate in the meeting, best efforts will be made to visit them at their houses or seek the assistance of the village office to contact them.

54. The final consultative meeting will be conducted when the compensation payments are ready to be disbursed and will be undertaken jointly by IRC-WG and PRSC-WG. The schedule for compensation payments will be informed to all the AHs at least one week in advance through the commune and village offices. The meeting will be held in the commune or village and prior to the commencement of compensation payment, all AHs will be again informed about the GRM under the Subproject, the setup of the local GRM committees in their province and the

procedures that will be followed in case they have any complaints about the compensation payments. Compensation payments will be made on household-to-household basis and each AH will be provided an opportunity to seek clarifications about the compensation package prior to receiving the payment. In risky situations caused by Covid-19 the meetings and process of compensation payments will be organized on one-to-one basis with effective social distancing and use of face masks.

#### **D. Information Disclosure**

55. Information regarding the project policies and processes, and subproject scope was disclosed during the first round of public consultation meetings. The PIB was prepared and distributed to all AHs during the consultation meetings and made available at the Provincial Department of Public Works and Transport and will be disclosed at MPWT website. The PIB included information about the project scope, policies, eligibility, cut-off date, entitlements, GRM, and contact persons on technical and GRM matters regarding the subproject (Annex G).

56. The approved DRP will be translated in the Khmer language and posted at city and Sangkat offices for easy and free access to the AHs and the affected communities. For illiterate people, suitable other communication methods will be used based on the discussion and in consultation with the AHs (as explained above). DRP will also be disclosed on website of the MPWT.

57. Particular attention in disclosure will be given to women, the poor and other vulnerable AHs. All consultation and disclosure activities will be properly documented; minutes of meetings, photos, and attendance sheets will be prepared and recorded.

58. For this Subproject, the following documents will be submitted to the ADB for disclosure on ADB's website:

- i) BRP and DRP approved by the IRC and concurred by ADB;
- ii) DRP updates, if any; a new DRP, an updated DRP, and corrective action plan prepared during the Subproject implementation, if any; and
- iii) Semi-annual social safeguards monitoring reports.



## V. GRIEVANCE REDRESS MECHANISM

### A. Objective of the GRM

59. 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 the AHs to seek judicial redress in case they dispute the decision of the GRC. Details of the GRM has been included in the PIBs and distributed to the AHs during the IOL/SES.

### B. Grievance Redress Process

60. A Provincial Grievance Redress Committee (PGRC) will be established, trained, operationalized, and fully functioning in Kampot Province for the Subproject prior to DMS. Training on GRM will be provided by GDR for the PGRC prior to DMS. The information on PGRC will be included in the updated PIB to be distributed to AH prior to DMS. The PGRC comprises representatives from the relevant provincial authorities and MEF as follows:

1. Provincial Governor – Chair
2. Director of Provincial Department of Land management, Urban Planning and Construction – Vice Chair
3. Director of Provincial Department of Ministry of Economy and Finance - Member
4. Director of Provincial Department of Public Works and Transport - Member
5. Chief of Provincial Office of Law and Public Security - Member.
6. District Governor – Member
7. A Representative of Locally Based Civil Society Organization - Member.

61. At the time of the BRP preparation, the PGRC established under the GMS2 for the Kampot subproject was in operation and any likely complaints would be channeled through it during BRP preparation.

62. The grievances will be handled thorough a 3-step formal approach detailed below. However, prior to the First Step, the AH may informally seek the assistance of the commune chief or a community elder to discuss and find an amicable solution to his/her complaint or grievance with the leader of the PRSC-WG. This is done verbally and informally, and no recording is required, and moreover its aim is to resolve the matter to avoid lodging formal written complaints. Any activities in resolving grievances at this stage (commune-level) will be recorded by the commune authorities and reported in the quarterly internal monitoring reports. If this problem solving does not resolve the complaint to the satisfaction of the AH, s/he can seek the formal route for lodging the grievance. Formal lodging can be done verbally (to community elder or representative who will record the complaint) or in writing. In addition, APs will have the flexibility to convey their grievances or concerns either through complaint/suggestions boxes that will be installed in accessible locations, mobile/telephone, email should be honored, etc. taking into account the literacy and education levels of the APs; and contact information of the GRC will be made available in the project site. The GRM process as outlined in the SOP is detailed below:

- (i) **First Step:** The aggrieved AH can lodge a written complaint to the Head of the District Office where the Subproject is located. The AH can bring a **community elder or representative** to mediate in the matter at the District level. The IRC-WG will appraise the Head of the District Office about the matter. The conciliation meeting must be held, and a decision taken within **15 working days** after the date of registration of the complaint by the District Office. If the complaint is resolved at the District Level to the satisfaction of the AH, the IRC-WG will inform GDR's Department of Internal Monitoring and Data Management (DIMDM), which will review and seek

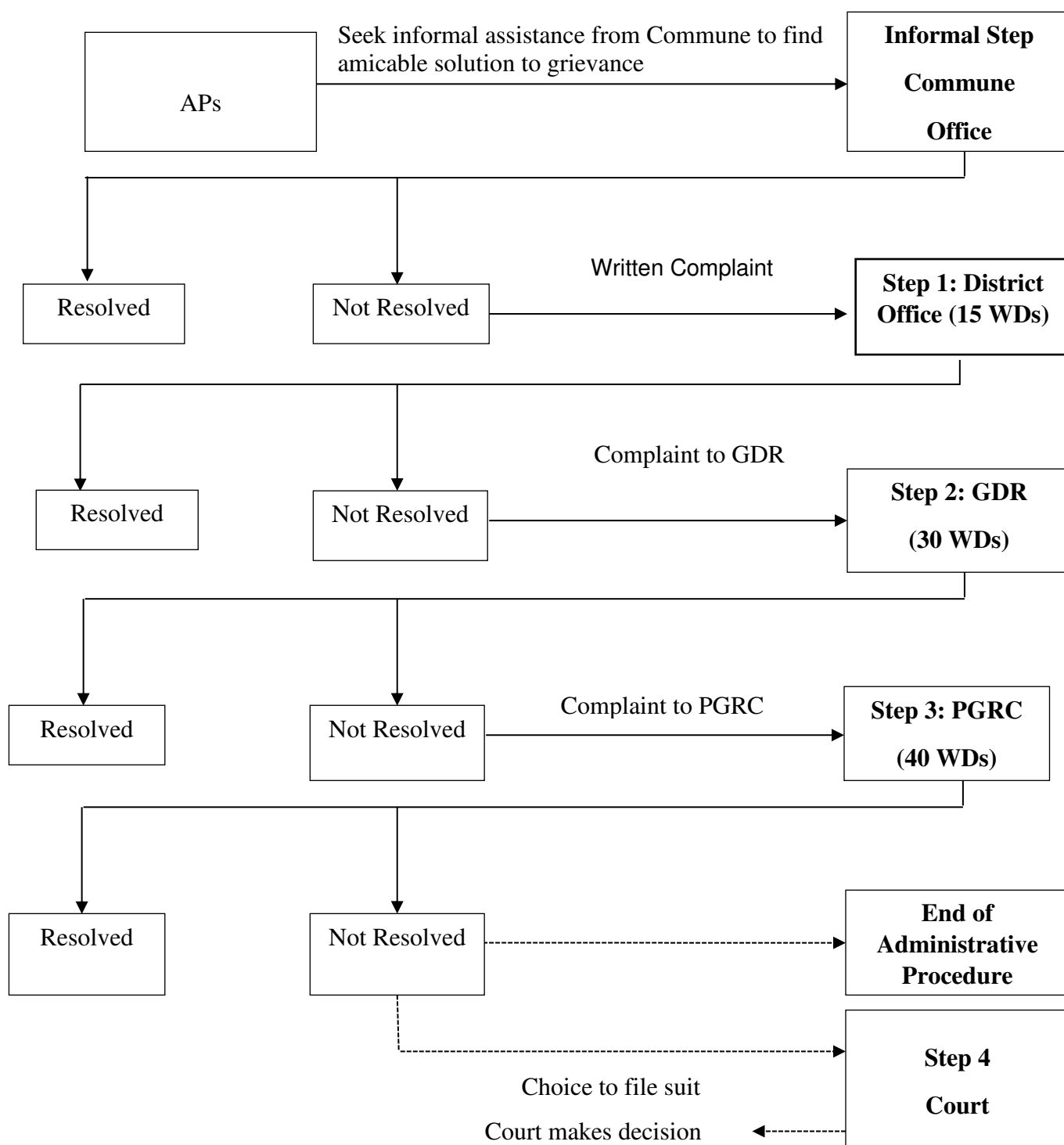
the approval of the Director General, GDR for appropriate remedial action. The AH will be informed in writing by the GDR of the decision and the remedial action that will be taken within **15 working days** from the receipt of the letter from the District Office. If the complaint is rejected at this stage, the District Office will inform the AH in writing and if the AH is not satisfied with the result, s/he can proceed to the next step and lodge a written complaint to the GDR for resolution.

- (ii) **Second Step:** The GDR through its DIMDM will carry out a holistic review of the complaint and submit a report on its findings with the relevant recommendations, if any, to the Director General, GDR for a decision. It may also conduct a field visit to meet the aggrieved AH and the IRC-WG to gather the relevant details. The final report must be completed **within 30 working days** from the date of receipt of the complaint and submitted to the Director General, GDR for a final decision within **5 working days** of receipt of the final report. In the event that the subject matter requires a policy level intervention, it will be referred to the IRC for a decision in which case **10 more working days** will be added to the deadline for final decision.
- (iii) **Third Step:** The AH will submit a written complaint with the PGRC through the Provincial Governor's Office. The AH or a representative will be given an opportunity to present its case during the meeting and the PGRC may consider any compelling and special circumstances of the AH when reaching a decision. The GDR will send a representative, as a non-voting member, to provide explanation for the rejection of the complaint at the second step by the GDR. The decision of the PGRC must be reached on a consensus basis and will be final and binding except when the matter relates to any policy of the Government. Decisions on Government policy matters on LAR is decided by the IRC. The PGRC will have **40 working days** from the date of receipt of the complaint to reach a final decision. The decision of the PGRC will be sent to the IRC through the GDR for endorsement before taking any remedial action.

63. The handling of the complaint at the administrative stage ends at the Third Step. There are no fees or charges levied on the AH for lodging and processing of the complaints under the First, Second and Third Steps. However, as provided for in the Expropriation Law, the aggrieved AH can file a suit at the Provincial/Municipal Courts, as applicable, to seek a resolution. At this stage, there is no involvement of the GDR, PRSC or IRC-WG unless there is a judicial order from the competent court. AHs can lodge their complaints at no cost and without retribution and it will not impede the GRM should not prevent them from accessing the country's judicial or administrative remedies.

64. If an AH is still not satisfied and believes s/he has been harmed due to non-compliance with ADB policy and s/he has made good faith efforts to solve the problems by working with the ADB Project Team, s/he may submit a complaint to ADB's Office of Special Project Facilitator or Office of Compliance Review in accordance with ADB's Accountability Mechanism. The information can be found at [www.adb.org/site/accountability-mechanism/main](http://www.adb.org/site/accountability-mechanism/main).

65. The GRM details have been circulated and explained the Guidelines for GRM to the AHs during consultations during the BRP preparation. These guidelines outline each of the above Steps and include the administrative procedures for receiving and redressing complaints during the consultative meetings as described in the Consultation, Participation and Disclosure section of this BRP. The GRM guidelines will be again explained in detail to all AHs during the preparation of the DRP. Cost of GRM (meetings, consultations, communication, information dissemination, etc.) will be handled at District, GDR and Provincial levels and will be covered from administrative budgets, respectively. Figure 5.1 illustrates the flow chart of the GRM process.

**Figure 5.1: Flow Chart of Procedures of Grievance Redress Mechanism**

**C. Grievance Register, Records and Documentation**

66. RGC's Land Acquisition and Involuntary Resettlement: Standard Operating Procedures (SOP) for Externally Financed Projects in Cambodia (2018) details the GRM process, registers, records and documentation. The form is included in Annex H<sup>9</sup> for individual complaint form, register of complaint and Letter from Head of District-Khan to be used for grievance documentation.

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<sup>9</sup> The SOP Appendix 8.1-8.3 also has individual complaint form, register of complaint and Letter from Head of District-Khan to be used for grievance documentation.

## VI. LEGAL AND POLICY FRAMEWORK

67. This BRP is prepared based on the applicable legal and policy framework of the RGC, and ADB's SPS (2009). It describes the key legal and regulatory documents of the RGC pertinent to land acquisition and resettlement as well as the key principles of the ADB SPS, analyses and discusses for any gaps and provides clarifications on them as applicable for the Subproject.

68. There are existing laws that govern land acquisition and resettlement in Cambodia. These laws, along with the ADBs SPS, shall govern the procedures for land acquisition and resettlement for the Subproject.

- Constitution of Cambodia (1993)
- Land Law (2001)
- Expropriation Law (2010)
- Sub-Decree No. 22 ANK/BK (2018) on Standard Operating Procedures (SOP) for Land Acquisition and Involuntary Resettlement for Externally Financed Projects in Cambodia and LAR
- Sub-Decree on Social Land Concession (2003)

### A. 2010 Expropriation Law

69. The RGC's **2010 Expropriation Law** is the main legal document that governs land acquisition and involuntary resettlement. The **2010 Expropriation Law** has listed the development of public infrastructure as one of its objectives and extended the definition of public infrastructure to any infrastructure *"required by the Nation in accordance with the determination made by the government."* Public interest is also understood in a broad manner as *"the use of land or property by the public or by public institutions or their agents."* The expropriation of the ownership of immovable property and real right to immovable property can be exercised only if the Expropriation Committee has paid fair and just compensation in advance to the owner and/or holder of real right.

70. Some of the Key Articles of the 2010 Expropriation Law are listed below:

- (i) Article 2: the law has the following purposes: (i) ensure just and fair deprivation of a legal rights to private property; (ii) ensure prior fair and just compensation; (iii) serve the national and public interests; and (iv) development of public physical infrastructure.
- (ii) Article 7: Only the State may carry out an expropriation for use in the public and national interests.
- (iii) Article 8: The State shall accept the purchase of part of the real property left over from an expropriation at a reasonable and just price at the request of the owner of and/or the holder of right in the expropriated real property who is unable to live near the expropriated scheme or to build a residence or conduct any business.
- (iv) Article 12: An Expropriation Committee shall be established and headed by a representative from the MEF and composed of representatives from relevant ministries and institutions. The organization and functioning of the Expropriation Committee shall be determined by a sub-decree [Sub Decree No 22 ANK/BK promulgated on 22 February 2018].
- (v) Article 16: Before proposing an expropriation project, the Expropriation Committee shall publicly conduct a survey with detailed description about the owner and/or rightful owner of the immovable property and other properties which might need compensation; and all other problems shall be recorded as well. In conducting this survey, the Expropriation Committee shall arrange a public consultation with the authorities at provincial, district and commune level, the commune councils and village representatives or the communities affected by the expropriation to give them clear and specific information and to have all opinions from all concerned parties about the proposed public infrastructure project.

71. Under the Article 3 of the 2010 Expropriation Law that governs the provision for projects financed by development partners in Cambodia, the RGC issued in 2018 the Standard Operating Procedures (SOP) for Land Acquisition and Involuntary Resettlement (LAR).<sup>10</sup> The **SOP for Externally Financed Projects in Cambodia and LAR** (2018), reflects RGC's laws and regulations relating to the acquisition of land and the involuntary resettlement of AP and the safeguard policies and procedures of Development Partners as applied to public infrastructure investment projects, such as the proposed the Project. Where appropriate, the SOP includes references to international good practices in resettlement planning, implementation, monitoring and reporting. The SOP has been promulgated under **Sub Decree No. 22 ANK/BK** on 22 February 2018 and applies to all externally financed projects in the Kingdom of Cambodia. The GDR of the Ministry of Economy and Finance (MEF) is responsible for providing guidance and clarification to users of the SOP. Given that the Subprojects under the Project are funded by ADB, the provisions of SOP will apply to the Subprojects and therefore should be read together with this BRP.

## **B. ADB Safeguards Policy Statement (SPS) 2009**

### **1. ADB Policy on Involuntary Resettlement**

72. The objectives of the ADB SPS (2009) are to: (i) avoid involuntary resettlement, wherever possible; (ii) minimize involuntary resettlement by exploring project and design alternatives; (iii) enhance or at least restore the livelihoods of all APs in real terms relative to pre-project levels; and (iv) improve the standards of living of the displaced poor and other vulnerable groups.

73. The involuntary resettlement safeguard covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of: (i) involuntary acquisition of land or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It also covers whether such losses and involuntary restrictions are full or partial, permanent or temporary

74. ADB's Involuntary Resettlement Policy principles include:

- (i) Screen early to identify involuntary resettlement impacts and risks and determine the scope of resettlement planning through a survey and/or census of APs, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with APs and affected local communities. Inform all APs of their entitlements and resettlement options and ensure their participation in planning, implementation, monitoring and evaluation of resettlement and pay attention to the needs of poor and vulnerable groups especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the APs' concerns. Support the social and cultural institutions of APs and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be prepared by a social preparation phase.
- (iii) Improve, or at least restore, the livelihoods of all APs through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets

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<sup>10</sup> Accessible at [https://www.mef.gov.kh/documents/laws\\_regulation/LAR-SOP-Final-13032018.pdf](https://www.mef.gov.kh/documents/laws_regulation/LAR-SOP-Final-13032018.pdf).

that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.

- (iv) Provide physically and economically APs with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and vulnerable group to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- (vii) Ensure that APs without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- (viii) Prepare a RP elaborating on APs' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (ix) Disclose a draft resettlement plan, including documentation on the consultation process in a timely manner before project appraisal, in an accessible place and a form and language(s) understandable to APs and other stakeholders. Disclose the detailed resettlement plan and its updates to all APs and other stakeholders.
- (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the RP under close supervision throughout project implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of APs, and whether the objectives of the RP have been achieved by considering the baseline conditions and the results of resettlement monitoring and disclose monitoring reports.
- (xiii) Should unanticipated involuntary resettlement impacts be determined during subproject implementation, GDR will ensure the conduct of a social impact assessment and update this BRP or development of a corrective action plan.

## 2. Other Considerations

75. **Indigenous Peoples.** Subprojects involving involuntary resettlement of Indigenous People will not be considered under this Subproject.<sup>11</sup>

76. **Gender.** Gender concerns and issues will be considered in resettlement planning. Gender differentiated benefit-sharing measures are included in the resettlement plans to ensure that the women and men of the households are treated equally. Therefore, both women and men

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<sup>11</sup> Indigenous people will be identified in accordance with ADB SPS Safeguards Requirement 3.

were invited to actively participate in the consultation meetings. A separate gender action plan has been prepared for the Project and updated.

77. In general, the main principles of the RGC's policies on land acquisition, compensation, and resettlement assistance reflect those provided in ADB's SPS 2009. However, key gaps analysis between ADB resettlement policy and the RGC's SOP are summarized in Table 7.1.

**Table 7.1: Gap Analysis and Reconciliation of ADB's SPS (2009) and RGC's SOP**

No	ADB's SPS Requirements on Involuntary Resettlement (IR) and SR-2	Land Acquisition and Involuntary Resettlement Standard Operating Procedures (SOP), 2018	Gap between ADB SPS and SOP	Clarifications
1	<p>Meaningful Consultations and Disclosure</p> <ul style="list-style-type: none"> <li>Carry out Meaningful consultations with APs including vulnerable groups (VGs), relevant stakeholders and information disclosure on entitlements and resettlement options.</li> <li>(VGs include: those below poverty line, the landless, the elderly, female headed households, women and children, IPs, and those without legal title to land).</li> <li>To comply with ADB SPS IR Principles 2, 9, 12 (page 17), para 54 (page 20), para.73 (page 26), Appendix 2, para 18 (page 47), para 26, 27, 28 (page 49)</li> </ul>	<ul style="list-style-type: none"> <li>The SOP, in its chapter IV and under its key tasks in basic resettlement plan preparation, mentions about consultation as one of the tasks which aims at bringing awareness about the Project to the affected communities and inform them about the possible alignment and seek their feedback.</li> <li>In Chapter V, under key tasks in detailed resettlement plan (updated RP after detailed design), it mentions about consultation as one of the tasks which aims to inform APs about the overall entitlements and methods of compensation and the GRM procedures; about relocation to Resettlement Sites; and house to house consultation to confirm measurement survey.</li> <li>Chapter- VIII of SOP describes in detail the need for public consultations, participation and disclosure. In para 126, it mentions that the consultation is undertaken throughout the project cycle.</li> </ul>	<ul style="list-style-type: none"> <li>The SOP mostly complies with the requirement of SPS, 2009, however, it does not specifically mention about disclosing the entitlement matrix (EM) to the people during consultation. However, it mentions that the BRP/RP and the DRP/UDRP are disclosed at the Commune Offices for disclosure to affected communities. The EM is integral part if these documents and hence are disclosed to the affected communities. This is explained in more detail in Appendix 7. It is clearly pointed out that the EM and the entitlements under the EM is explained to each AH during the household-to-household consultation.</li> <li>Also, there is no mention of disclosure of monitoring reports. The SOP does not specifically mention about particular attention to women and vulnerable groups for their inclusion during consultation.</li> </ul>	<p>Some of the proposed clarification include:</p> <ul style="list-style-type: none"> <li>Personal detailed information of the displaced persons and their socio-economic status and other sensitive information compromising their privacy will not be disclosed at any time.</li> <li>RPs/updated RPs/resettlement monitoring reports contain summary of AP consultations (including VGs) through- out the project cycle.</li> <li>RPs/updated RPs/resettlement monitoring reports are disclosed on the ADB and project websites and Khmer versions left at communes and district levels offices.</li> <li>SOP para. 120; generic information for the PIB includes the compensation policy (the generic entitlements) as stated in para 119.</li> <li>Four specific consultation meetings are mentioned in the SOP but as the SOP states consultation will be carried out as an on-going process throughout implementation.</li> </ul>



No	ADB's SPS Requirements on Involuntary Resettlement (IR) and SR-2	Land Acquisition and Involuntary Resettlement Standard Operating Procedures (SOP), 2018	Gap between ADB SPS and SOP	Clarifications
				<ul style="list-style-type: none"> <li>• ADB staff may participate in consultation meetings.</li> <li>• Efforts will be made to consult with potentially vulnerable affected people (as defined in para 53-55) and will be done throughout implementation.</li> </ul>
2.	<p>Grievance Redress Mechanism</p> <ul style="list-style-type: none"> <li>• Establish a grievance redress mechanism that is understandable, readily accessible, transparent procedures, gender responsive and culturally appropriate.</li> </ul> <p><i>To comply with ADB SPS IR Principle 2 (page 17), para 59, 60 (page 22), Appendix 2, para 29 (page 49)</i></p>	<p>Chapter IX of the SOP deals with Grievance Redress Mechanism.</p> <ul style="list-style-type: none"> <li>• The GRM is established as a locally based arrangement at the provincial level for receiving, recording, assessing and facilitating the resolution of complaints and grievances raised by the affected persons in relation to their compensation and entitlements for the expropriation of land and other immovable property under the Law on Expropriation.</li> </ul>		<ul style="list-style-type: none"> <li>• Status of complaints at the commune level will be included in the periodic monitoring report to ADB.</li> <li>• Appendix 8.2 is the Register of Complaint, however when reporting, the status of complaints will be included.</li> </ul>
3.	<p>Compensation and assistance</p> <ul style="list-style-type: none"> <li>• Provide physically and economically APs with compensation and needed assistance</li> </ul> <p><i>To comply with ADB SPS policy principle 3, 4, 5, 7 (pg 17) and Appendix 2, paras 7, 8, 9, 10 (page 45), 11 and 12 (page 46), 16 and 17 (page 47).</i></p>	<ul style="list-style-type: none"> <li>• The SOP includes the compensation and transition/disturbance allowance to the APs in its entitlement.</li> <li>• SOP has provisions for relocation land (for APs with titles or recognized rights to land) and are subject to conditions i.e availability of government land. This does not apply to illegal squatters or occupiers.</li> <li>• SOP has provisions for loss of livelihoods for all DPs (limited to selection of 1 out of 3 pre-defined programs)</li> <li>• SOP has provisions for providing relocation site to eligible DPs which is selected factoring in location, the availability of the basic social services and infrastructure development, depending on availability of land at affordable prices and availability of State land near the project area.</li> </ul>		<ul style="list-style-type: none"> <li>• SOP EM 2b transitional allowance to be commensurate with the time taken to relocate the business.</li> <li>• Livelihood restoration will be commensurate with the impact assessed during DMS social economic survey of the APs.</li> <li>• For vulnerable groups except for illegal squatters, provision of legal and affordable access to adequate housing and income sources.</li> <li>• Valuation rates are valid for a period of one year from the date of endorsement of RCS report by the IRC and thereafter updated.</li> <li>• Affected people with legal rights both with hard and soft titles are treated the same.</li> </ul>

No	ADB's SPS Requirements on Involuntary Resettlement (IR) and SR-2	Land Acquisition and Involuntary Resettlement Standard Operating Procedures (SOP), 2018	Gap between ADB SPS and SOP	Clarifications
4.	<p>Procedures for Negotiated Settlement</p> <p>Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement</p> <p><i>To comply with ADB SPS IR safeguards policy principle 6 (page 17), para 73, (page 26), Appendix 2, para 25 (page 48-49)</i></p>	<p>Chapter-X (Section-B) of the SOP mentions that in the case of acquisition of private land where the seller is willing to sell and the buyer is willing to buy, such land may be acquired under a commercial contract. The price will be negotiated as part of commercial norms.</p>		<p>1. For the willing buyer willing seller cases (where expropriation will not be used), ADB will have access to all the documentation for on-site verification at GDR. If agreement between the willing buyer and willing seller cannot be reached, alternate site will be selected.</p> <p>2. Where negotiated settlement is applied in lieu of compulsory land acquisition based on SR 2 requirements para 25 will be followed, documented and described in the resettlement plan and information of the negotiations included in the monitoring reports.</p> <ul style="list-style-type: none"> <li>• A negotiated settlement will offer adequate and fair price for land/or other assets.</li> <li>• Ensure that any negotiations with displaced persons openly addresses the risks of asymmetry of information and bargaining power of the parties involved in such transactions.</li> <li>• Negotiated settlement procedures will follow para, 25 of Appendix 2 of SPS and agreed with ADB.</li> </ul>

No	ADB's SPS Requirements on Involuntary Resettlement (IR) and SR-2	Land Acquisition and Involuntary Resettlement Standard Operating Procedures (SOP), 2018	Gap between ADB SPS and SOP	Clarifications
5.	<p>AHs (without titles or recognizable rights to land)</p> <ul style="list-style-type: none"> <li>• Ensure that APs without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets</li> </ul> <p><i>To comply with ADB SPS IR policy principles 2, 5, 7 (page 17), Appendix 2, paras 9, 11, 12, 16 and 17 (pages 45, 46 and 47).</i></p>	<p>Chapter-VII:</p> <p>Section B para 104 says:</p> <ul style="list-style-type: none"> <li>• No compensation for land will be paid for AP occupying land in the ROW.</li> </ul> <p>Section C of the SOP states that:</p> <ul style="list-style-type: none"> <li>• The entitlement to compensation of affected persons largely depends on the legality of possession or ownership to the land and other assets at the time of the Cut-Off Date. The following types of displaced persons shall be eligible to compensation, but compensation would vary depending on their situation:</li> <li>• Legal owners and holders of title or rights to land, including customary rights.</li> <li>• Tenants and leaseholders, including employees, workers and hawkers.</li> <li>• Those who have no formal title or rights to the land (illegal occupiers) who are engaged in farming or businesses.</li> <li>• Poor and vulnerable groups.</li> </ul>	<p>Clarification needed for how poor and vulnerable APs are provided legal and affordable access to land.</p>	<ul style="list-style-type: none"> <li>• Social land concession is not an entitlement. However, IRC can just inform the relevant and competent local authorities about the affected poor, landless households who may be eligible to apply for social land concession. Criteria for providing social land concession will be defined by other competent authority. The decision on granting a social land concession will also be made at the sole discretion of the relevant authorities in accordance with Cambodia regulations on social land concession.</li> <li>• GDR will provide information if there is any social land concession program available in the Project area in its monitoring report</li> </ul>

Source: Aide Memoire Attachment 3 of the Safeguard Policy Dialogue Mission 22-23 August 2019.

## VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS

78. The Subproject entitlements have been defined in accordance with the various impacts identified based on the results of the IOL and SES. The eligibility for entitlements applies to all AHs impacted by the Subproject which is categorized in the Entitlement Matrix (EM). The EM is presented in the Table 8.1 indicating each type of loss and degree of impact with corresponding benefits applicable to the specific condition. The impacts on AHs and standards set in the entitlement matrix maybe upgraded but will not be downgraded during DRP preparation and update of the EM.

### A. Cut-off Date for Eligibility to Subproject Entitlements

79. All three categories of APs are covered for entitlements as per ADB SPS (2009):

- (i) Persons with formal legal rights to land;
- (ii) Persons with no formal legal rights to land but have recognized or recognizable claims under national laws; and
- (iii) Persons who have neither formal legal rights nor recognized or recognizable claims to land.

80. Only persons and organizations with fixed assets and sources of income in the Subproject COI at the time of the cut-off date (COD) are eligible to receive the Subproject entitlements agreed between the RGC and ADB. Those who encroach into the Subproject area after the COD date will not be entitled to compensation or any other assistance, except if changes in the Subproject design or additional land take entail a modification of the Subproject area.

81. The COD was set at **11 November 2020** during public consultations. The COD was also confirmed with a letter from MPWT to Kampot Provincial authorities (Annex E, which has been disclosed during public consultations meetings with APs and the copy of the Letter at Sangkat and District offices.

### B. Unit Rates of Affected Assets

82. The IOL confirmed that there will be no relocation, and the only impacts are loss of structures, trees and access to land use in the corridor of impact (COI) under the Subproject. For resettlement budgeting, indicative pricing from a recent RCS of similar Projects in the region have been used for this BRP.<sup>12</sup> Adjustments were not made to the unit rates. The validity of the RCS only covers until year 2022, hence a full RCS will be conducted after DMS to update the resettlement budget and all unit rates in the BRP.

83. The GDR will recruit a professional independent appraiser/firm (RCS Consultant) to conduct RCS to determine compensation rates during DMS. The rate of compensation for acquired housing, and other assets will be calculated at full replacement costs. The calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. RCS will also collect baseline data on housing, house types, and construction materials. In applying this method of valuation, depreciation of structures and assets will not be considered.

84. The principles of valuation are that lost asset values are calculated at replacement cost without deduction for taxes and/or costs of transaction as follows:

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<sup>12</sup> Second Urban Environmental Management in the Tonle Sap Basin Project: (i) Battambang Wastewater System Subproject (August 2020) and (ii) Stung Saen Wastewater System, Drainage, and Solid Waste Management Subprojects (May 2020), and Integrated Urban Environmental Management in the Tonle Sap Basin Project: Kampong Chhannong Sewerage, Flood Protection and Wastewater Treatment Subproject BRP (November, 2020).

- a) Loss of privately owned land on replacement cost at current market prices;
- b) Secondary structures valuation is based on actual current market prices, (as per agreed RCS), for materials, transportation and labor without depreciation or deduction for salvaged building materials;
- c) Trees compensation will be at full replacement cost, which shall be based on productive ages as per agreed formula in the entitlement matrix; and
- d) Loss of land use valuation is based on replacement value of productive land improvements and potential loss of income.

**Table 8.1: Entitlement Matrix**

No.	Type of Loss	Application	Category of AH / AP	Entitlements	Clarification / Implementation
1. Loss of Land					
1a	Loss of Land	Residential land	Legal owners and holders of real right of land, including those covered by customary rights, and recognizable/legalizable right holders and non-title holders  18 AHs/63 APs residential land	<ul style="list-style-type: none"><li>For the affected portion of the private land: cash compensation at full replacement cost</li><li>Includes option of compensation at same replacement cost for affected land that remain after acquisition if remaining land becomes unviable or unusable.</li></ul>	<p>In case the remaining land is not viable for continued use (to be determined during DMS by GDR DMS team), the entire plot is acquired on replacement cost. RCS will determine the rates.</p> <p>AHs to be notified at least 3 months in advance of the actual date that the land will be acquired by the subproject.</p> <p>AHs will be allowed to harvest their annual and perennial crops and timber products prior to construction, if any.</p> <p>If the head of household is married, compensation will be paid at the presence of both husband and wife.</p> <p>Land title adjustments will be made by MLMUPC to title documents.</p>
1b	Loss of Land	Residential and commercial land	Tenants and Leaseholders  No AHs/APs	<ul style="list-style-type: none"><li>No compensation for loss of land as not legal owners of land, but compensation for any improvements made to the land.</li></ul>	
1c	Loss of Land		Illegal occupiers/squatters without legal titles or rights to land 2 AHs/3 APs	<ul style="list-style-type: none"><li>No compensation for loss of land as not legal owners of land, but compensation for any improvements made to the land.</li></ul>	
2. Loss of Trees					

No.	Type of Loss	Application	Category of AH / AP	Entitlements	Clarification / Implementation
2a	Loss of Fruit and Timber Trees	Agricultural land	<p>All AHs regardless of land ownership/tenure status.</p> <p>4 AHs/17 APs for timber trees</p> <p>10 AHs/35 APs for fruit trees</p>	<ul style="list-style-type: none"> <li>For fruit trees, replacement cost of loss based on the following formula:  <math display="block">[(\text{Quantity Harvested per Year}) \times (\text{Market Price}) \times (\text{Number of years it will bear fruit})] + \text{cost of seedlings.}</math> </li> <li>Timber trees that have a growth period of more than 5 years are classified as follows: <ul style="list-style-type: none"> <li>Sapling trees under 1 year: not compensated as it can be replanted. Cost of seedling provided;</li> <li>Young tree (1 to 3 years): valued at one-third of its full price as it can be replanted plus cost of seedlings;</li> <li>Young tree (3 to 4 years): valued at two-thirds of its full price plus cost of seedlings;</li> <li>Mature tree (more than 5 years): valued at full price plus cost of seedlings</li> </ul> </li> </ul>	<p>RCS will determine the rates.</p> <p>Market Price is based on Farm-Gate Price.</p> <p>Advance notice to harvest at least three months before commencement of civil work, and APs will remove their trees from the Subproject areas within one month after receiving compensation.</p>
<b>3. Loss of Structures</b>					
3a	Loss of, or damage, to houses and structures	Residential, commercial structures and other assets	<p>All owners of the structures whether or not land is owned; with or without building permit</p> <p>18 AHs/65 APs for secondary structures</p>	<ul style="list-style-type: none"> <li>Cash compensation equivalent to replacement value of lost portion of the house/building/structure. If the owner rents or leases, compensation for any improvements/ construction carried out by the renter/leaseholder will be deducted from the compensation payment to the owners.</li> <li>In case of loss of only part of the houses/buildings/structure and the remaining portion is not livable or useable, compensation will be paid</li> </ul>	<p>RCS will determine the rates. Viability of the remaining house/structure to be determined during DMS by GDR DMS team.</p> <p>AH can retain the materials from demolition of their structures at no cost.</p> <p>AHs to get cash compensation at least one month ahead of civil works in the locality to provide them sufficient time to gradually re-organize the house and/or</p>

No.	Type of Loss	Application	Category of AH / AP	Entitlements	Clarification / Implementation
				for complete structure at same replacement cost.	shop, thereby avoiding any disruption in the livelihood of the same.  If the head of household is married, compensation will be paid at the presence of both husband and wife.
<b>3b</b>	Loss of, or damage, to houses and structures	Residential, commercial structures and other assets	Tenants and Leaseholders  No AHs/APs	<ul style="list-style-type: none"> <li>• Cash compensation at replacement cost for any improvements or construction by the tenants or leaseholders.</li> <li>• In case of no improvements or construction, no compensation is paid.</li> <li>• Transfer/Disturbance Allowance equivalent to 1 month of rental or lease amount.</li> </ul>	RCS will determine replacement cost.  Documentary evidence or confirmation by the owner/commune/village, as relevant, is required.
<b>3c</b>	Loss of, or damage, to houses and structures	Residential, commercial structures and other assets	Illegal occupiers/squatters without legal titles or rights to land  No AHs/APs	<ul style="list-style-type: none"> <li>• Cash compensation equivalent to replacement value of loss of structures constructed by illegal occupier/squatters</li> </ul>	RCS will determine replacement value.
<b>3d</b>	Loss of Houses and Structures (Transport Allowance)	Transport allowance for household and personal goods	AHs  No AHs/APs	<ul style="list-style-type: none"> <li>• Fixed Lump Sum allowance per AH based on average cost of transportation to new relocation place.</li> <li>• Up to 5 km.</li> <li>• More than 5 km.</li> </ul>	RCS will determine the lump sum amount for the 2 rates.
<b>4. Loss of Livelihood and Income Restoration</b>					



No.	Type of Loss	Application	Category of AH / AP	Entitlements	Clarification / Implementation
4a	Permanent Loss of Livelihood Source	Income Restoration	<p>AHs who lose their source of livelihood permanently</p> <p>No AHs/APs</p>	<ul style="list-style-type: none"> <li>Entitled to participate in any one of the Livelihood Restoration/Support Programs:</li> <li>Land Based Livelihood Restoration for AHs engaged in land-based livelihood. (i) facilitate access to other land-based sources of income, if affordable productive land is available, like vegetable gardening, fruit tree, livestock and other similar land-based income generating sources; (ii) provision of training in farming or livestock; and (iii) lump sum cash grant of \$200 to re-start land based livelihood.</li> <li>In case of unavailability of suitable land, the AHs can opt for either employment or business-based livelihood program.</li> <li>Employment Based Livelihood Restoration for AHs who lose employment permanently. (i) provision of employment skills training; and (ii) lump sum cash grant equivalent to 3 months of income based on official poverty rate to supplement income support during the training period.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>Business Based Livelihood Restoration for AHs who lose businesses permanently or AHs who opt for this as an alternative livelihood source. (i) provision of business skills;</li> </ul>	<p>The program will be based on the choice of the AP.</p> <p>Land Based for AHs who lose land-based livelihood</p> <p>Employment Based lump sum cash grant for AHs who lose employment -based livelihood is calculated as:</p> <p><b>3 months of income based on poverty rate= (Monthly Poverty Rate X Number of Members in DH X 3).</b></p> <p>Business Based for AHs who lose business-based livelihood. This can also be available to AHs who do not want to continue with land or employment-based livelihood at their own choice.</p>

No.	Type of Loss	Application	Category of AH / AP	Entitlements	Clarification / Implementation
				<p>and (ii) a lump sum cash grant of \$200 to assist in starting micro or home-based business.</p> <p>OR</p> <ul style="list-style-type: none"> <li>\$200 cash assistance and \$300 instead of IRP vocational training</li> </ul>	AHs will only be eligible for <b>any one of the above three options.</b>
<b>4b</b>			<p>Poor and Vulnerable AHs</p> <p>No AHs/APs</p>	<ul style="list-style-type: none"> <li>For <b>Poor and Vulnerable AHs.</b> In addition to skills training, (i) above lump sum cash grant will be <b>doubled</b> i.e. from \$200 to \$400 under land-based (and business-based livelihood restoration and lump sum cash grant from 3 months to 6 months of income based on official poverty rate under employment-based livelihood restoration; and (ii) priority in any <b>employment opportunity</b> under the Subprojects.</li> </ul>	
<b>4c</b>	Loss of Income during Transition Period - Subsistence Allowance	Business Income Loss	<p>AHs who are engaged in business and have to relocate or temporarily close business during construction.</p> <p>No AHs/APs</p>	<ul style="list-style-type: none"> <li>Cash compensation equivalent to the daily net income (as reflected in tax receipts or other documentation) multiplied by the days of business disruption.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>For unregistered/business owners who cannot show any tax receipt and cannot otherwise confirm income amount: Lump sum amount equivalent to 3 months of income based on the official monthly poverty rate established by the Government.</li> </ul>	<p>Details to be determined during DMS and RCS.</p> <p>Both registered and unregistered businesses are compensated except when the nature of business is illegal.</p> <p>For this BRP \$33/month/capita poverty line is applied. If at the DRP preparation or implementation/contract offer stage for compensation payments, an updated poverty line is available, the latest poverty line applies.</p>

No.	Type of Loss	Application	Category of AH / AP	Entitlements	Clarification / Implementation
				<b>Monthly Poverty Rate X Number of Members in AH X 3</b>	
4d		Loss of Employment Income	<p>APs who loss income from temporary loss of employment in businesses disrupted</p> <p>No APs</p>	<ul style="list-style-type: none"> <li>Cash compensation equivalent to the daily net income (as reflected in tax receipts or other documentation) multiplied by the days of business disruption.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>Lump sum amount equivalent to 3 months of income based on the official monthly poverty rate established by the Government.</li> </ul> <p><b>Monthly Poverty Rate X Number of Members in AH X 3</b></p>	
<b>5. Special Assistance</b>					
5a	Vulnerable Households	Income Restoration	No AHs/APs	<ul style="list-style-type: none"> <li>Lump sum amount equivalent to 3 months of income based on the official monthly poverty rate established by RGC.</li> <li><b>Monthly Poverty Rate X Number of Members in AH X 3</b></li> </ul>	<p>Vulnerable households to be verified during the DMS. In case vulnerable are identified, provisions of the EM will apply to them.</p> <p>At the DRP stage, the latest poverty line will be applied, and vulnerability status reconfirmed based on the latest poverty line as provided by MOP.</p>
<b>6. Temporarily affected properties during construction</b>					
6a	Temporarily affected land and non-land	Temporary impact on structures	Owner of temporarily affected land and non-	<ul style="list-style-type: none"> <li>Contractor will pay rent for any land/structure required for</li> </ul>	As part of the civil works contract, all pavements/walkways/access roads/driveways to properties

No.	Type of Loss	Application	Category of AH / AP	Entitlements	Clarification / Implementation
	assets during construction		land assets, regardless of land ownership status  TBD	<p>construction workspace outside the ROW.</p> <ul style="list-style-type: none"> <li>For identified temporarily impacted assets within the Corridor of Impact (COI), no compensation, but construction contractor will be responsible to restore/rebuild all these temporary impacted assets to pre-subproject condition or better (such as pavement, driveways, signposts, spirit houses and light weight extended eaves). If reinstatement is not an option, then principles of the EM apply and cash compensation at replacement cost to be paid.</li> <li>For assets impacted by contractor outside of COI, then principles of the EM apply and cash compensation at replacement cost to be paid.</li> </ul>	<p>adjacent to the road will be repaired or replaced including culverts and other facilities, to a condition equal or better than the present.</p> <p>AHs will be notified at least one month in advance of the actual date that the land/non-land asset will be temporarily used or affected by the Subproject.</p> <p>Contractor will be required by contract and EMP to cover these costs. Construction and maintenance will be carried out so as to minimize damage and the disruption period will be minimized as much as possible.</p>
<b>7. Unanticipated Impact</b>					
<b>7a</b>	Unanticipated involuntary resettlement Impacts	Any impact not accounted for	Eligible displaced persons  TBD	<ul style="list-style-type: none"> <li>New displaced persons that will be identified (i.e., those who will be included among the adversely affected because of changes in the Subproject design or alignment prior to or even during construction works) are entitled to the same entitlements as those in this EM.</li> </ul>	GDR shall ensure the conduct of a social assessment and update or formulate a new RP or a DRP addendum depending on the extent of the impact changes. Unanticipated impacts will be documented and mitigated based on the principles provided in this BRP.

Source: SOP 2018, Appendix 6.

## VIII. RELOCATION AND REHABILITATION

85. There is no relocation of any AH to another site, or impact on residential land or primary structures. All affected secondary/auxiliary structures of AHs will be shifted back within the ROW but outside the COI.

## IX. INCOME RESTORATION AND REHABILITATION

### A. General Provisions

86. There are neither any vulnerable AHs/APs nor their livelihoods/income significantly impacted under the Subproject. In case during the DMS and any unanticipated impacts cause AHs to be significantly impacted that lead to permanent loss of their source of livelihood, they will be entitled to participate in the income restoration program.

87. Under IRP the eligible members of the AHs that are within the working age (15 to 60 years old) will be provided skills training, as needed, and referred to establishments in need of workers. This component of the strategy is also intended to bring in cash for the other basic needs of the AHs. The contractor will be requested to implement preferential hiring of AHs experiencing major impacts and vulnerable AHs for non-skilled labor during civil works. Compliance will be monitored by the PMU during implementation and documented in the quarterly progress report submitted to ADB.

### B. Income Restoration Program

88. Eligible APs, depending on their preferred choice, are entitled to participate in any of the three IRP as reflected in this BRP.

89. **Land-based Livelihood Restoration Program.** (i) Access to other land-based source of income, if affordable productive land is available, like vegetable gardening, fruit tree, livestock and other similar land-based income generating source. The Subproject will not provide the land except in the case of land for land swap. APs will need to acquire the land at their own costs. Specifically, designed skills training in farming and livestock will be provided to the APs. (ii) Financial support in the form of a lump sum cash grant of \$200/AH to assist in re-establishing the livelihood.<sup>13</sup>

90. **Employment-based Livelihood Restoration Program.** (i) Provision of employment skills training. (ii) Financial support in the form of cash grant equivalent to 3 months of income based on the official poverty rate prescribed by the government to support the displaced person during the training period. The amount will be the monthly poverty rate x number of members in the AH x 3. (iii) Access to temporary job opportunities at the construction site, at the office, or other places that may be available under the Subproject.

91. **Business-based Livelihood Restoration Program.** (i) Provision of business skills training focusing on micro- or home-based businesses. (ii) Financial support in the form of a lump sum cash grant of \$200/AH to assist in starting or re-establishing micro or home-based businesses.

92. For those AHs who chose not to participate in the any of the training programs under the IRP, they will be entitled for a cash grant of \$200 and \$300/AH instead of IRP.

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<sup>13</sup> In case no alternative agricultural land is available, these APs will be offered the option to participate either in the employment or business-based livelihood restoration program.

### C. Poor and Vulnerable Group Special Assistance

93. Any vulnerable AH identified during DMS or in subproject implementation are eligible for special vulnerability allowance. They will be provided with special assistance of a lump sum amount equivalent to 3 months of income based on the official poverty rate established by RGC and is calculated as **Monthly Poverty Rate X Number of Members in AH X 3**. They will have priority access to employment under the Subproject. They will be further facilitated by IRC-WG with access to employment under Cash for Work Program as special assistance for poor and vulnerable AHs. The RGC is implementing Cash for Work Program (CFWP) for Rural Development and Livelihood Enhancement Project in 18 out of 25 provinces in Cambodia with the objective is to help reduce poverty, improve livelihood and welfare of rural people and poor farmers by providing short-term job opportunities through cash for work program, which will not only support short-term livelihood, but also enable to increase capital for investment in agriculture or other related businesses, and improving agriculture and rural infrastructure. The project started with support for 12 provinces with a \$50 million budget allocation and has been extended to 18 provinces with budget allocation increased to \$100 million. The program is implemented in Kampot Province, and during the DMS stage, any identified vulnerable AH will be linked to the CWFP.

94. **Special Package for Poor and Vulnerable Groups.** To assist the poor and vulnerable AHs (who will permanently lose their source of livelihoods) to improve their standard of living, additional financial assistance will be provided in comparison with other AHs. The lump sum grant under the livelihood restoration/support programs will be **doubled from \$200 to \$400** for land and business-based programs and **from 3 months' income to 6 months' income** for employment-based program. They will also be provided with priority for employment opportunity under the Subproject.

## **X. RESETTLEMENT BUDGET AND FINANCING PLAN**

### **A. Source of Funds for Resettlement**

95. The cost for all compensation, resettlement assistances under the Subproject will be financed from the national budget and no financing will be required from the ADB loan and grant.

### **B. Flow of Funds for Compensation and Cash Assistance**

96. After approval of DRP and budget and prior to consultation with the AHs, GDR will prepare compensation plan, consult and draft contracts for compensation payments to the AHs (Figure 11.1). Compensation payments will be done in full after the contracts have been signed, and completion of payments will be reported in the DRP Compliance Report submitted to ADB.

97. The GDR will be responsible and accountable for all financial management functions relating to the use of the budgeted funds. The Government will set up a designated account, called the counterpart funds account for the project at the National Bank of Cambodia. The funds for LAR are provided to the GDR from the counterpart funds account. The budget is prepared by the GDR and submitted to MEF for approval once the DRP is approved by IRC and cleared by ADB. The GDR will submit a request for the release of the allocated budget to the General Department of International Cooperation and Debt Management which will process the request and submit to the General Department of National Treasury. The funds are released and deposited into a project designated account established by the GDR for the subproject at the National Bank of Cambodia. The funds are released from project designated account, as and when necessary, and provided to the PRSC which is responsible for the disbursement of payments to the AHs.

98. The compensation payments will be made in a public place by the PRSC-WG in close collaboration with IRC-WG. The PRSC-WG will inform the commune or the village office on the schedule dates for the commencement of the payments at least 3 days in advance. A notice will be placed at the commune and village office and community hall, if any, at the same time. The commune and village office will make best efforts to inform the APs about the schedule dates for commencement of payments. On the date for the payments, a public consultation meeting will be also conducted to explain the procedures that will be followed prior to the commencement of the payment to each individual AP. Figure 11.1 illustrates the fund flow diagram.

### **C. Implementation, Administration and Contingency Costs**

99. Administrative costs relative to the preparation and implementation of the BRP, in addition to the cost of monitoring, are included in other budget items of the whole Project. Therefore, only the cost of compensation, cash allowances, and a 10% contingency are reflected in this BRP. The administrative and contingency funds will ensure that adequate funds are made available as and when necessary for the efficient and timely implementation of resettlement planning activities.

### **D. Estimated Cost of Resettlement**

100. The calculation for compensation and assistance for the Subproject presented in this BRP are based on the results of the IOL and estimated market prices at full replacement cost,

as surveyed by other recent RCS for ADB funded projects in the Tonle Sap region<sup>14</sup> and is indicative only. The estimated cost of resettlement for the Subproject is calculated at \$189,617.00. At the DRP stage, the RCS will be conducted, and detailed unit rates of affected assets and resettlement budget will be calculated based on the actual impact as per DED. Table 11.1 summarizes the estimated resettlement cost. The estimated cost includes: (i) \$156,347.00 as direct cost of compensation for affected land, secondary and other structures, trees (ii) \$2,000.00 for replacement cost study; (iii) administrative cost of \$15,635.00; and (iv) contingency cost of \$15,635.00. These amounts will be finalized after DMS and RCS and reflected in the DRP.

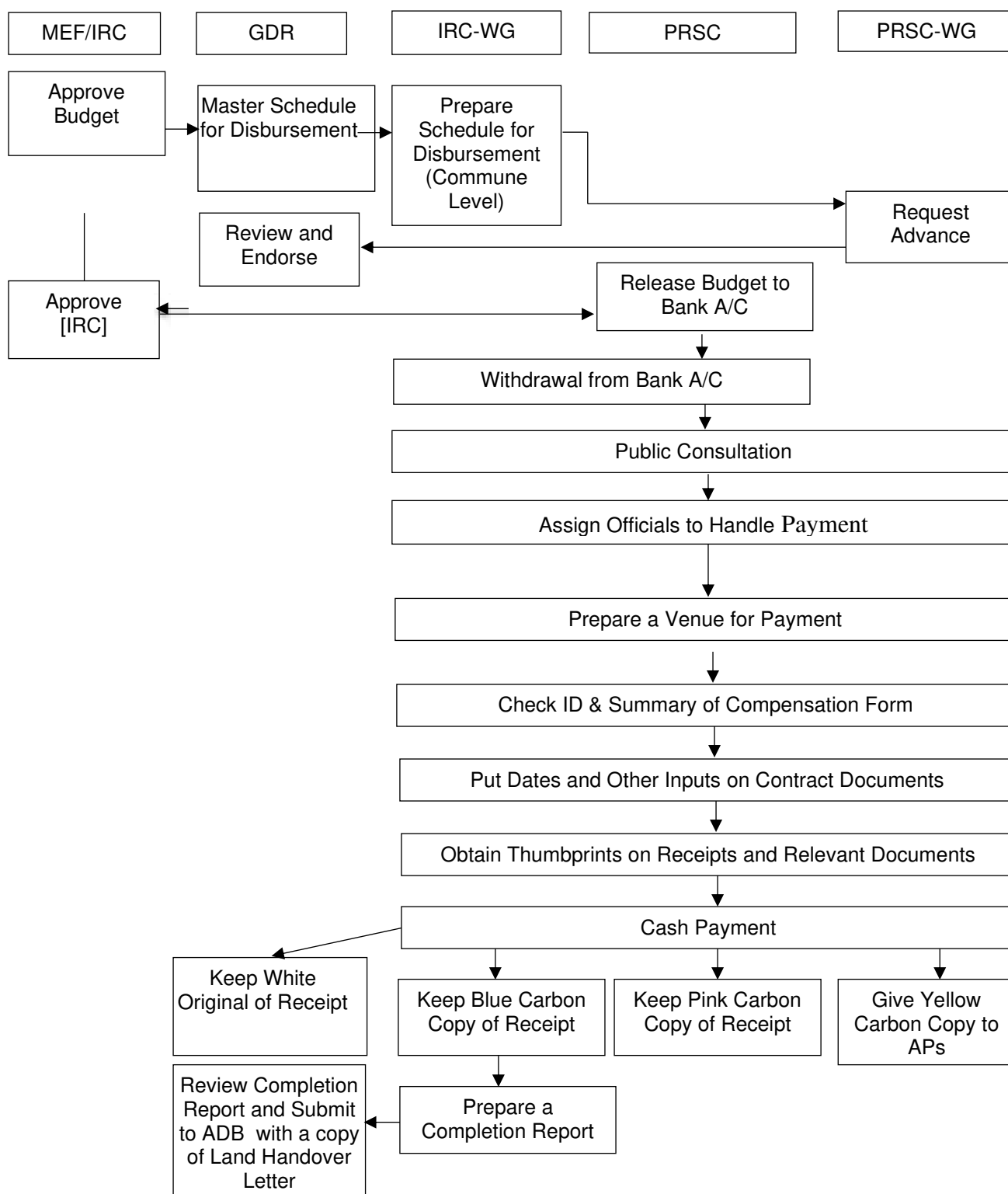
**Table 11.1: Estimated Resettlement Costs**

No.	Components	Unit	Quantity	Estimated Unit Cost (\$)	Total (\$)
<b>A</b>	<b>Loss of Land</b>				
1	Privately owned residential land	m <sup>2</sup>	456.50	300.00	136,950.00
	<b>Total A</b>				<b>136,950.00</b>
<b>B</b>	<b>Secondary and other structures</b>				
1	Temporary shed	m <sup>2</sup>	30.00	14.50	435.00
2	Concrete pole and wire/barb mesh	m <sup>2</sup>	95.00	9.00	855.00
3	Brick fence	m <sup>2</sup>	485.00	30.00	14,550.00
4	Steel fence	m <sup>2</sup>	51.00	16.00	816.00
5	Steel gate and wire mesh	m <sup>2</sup>	9.00	25.00	225.00
4	Stone pole	structure	1.00	26.00	26.00
	<b>Total B</b>				<b>16,907.00</b>
<b>C</b>	<b>Loss of Trees*</b>				
1	Fruit trees (average rate)	Tree	57.00	40.00	2,280.00
2	Timber trees (average rate)	Tree	21.00	10.00	210.00
	<b>Total C</b>				<b>2,490.00</b>
	<b>Total Direct Cost (A) + (B) + (C)</b>				<b>156,347.00</b>
	Replacement Cost Study (lump sum)				<b>2,000.00</b>
	Administration Cost (10% of direct cost)				<b>15,635.00</b>
	Contingency (10% of direct cost)				<b>15,635.00</b>
	<b>Total Resettlement Cost</b>				<b>189,617.00</b>

\* Species specific rate for all tree species was not available from recent RCS data

<sup>14</sup> Second Urban Environmental Management in the Tonle Sap Basin Project: (i) Battambang Wastewater System Subproject (August 2020) and (ii) Stung Saen Wastewater System, Drainage, and Solid Waste Management Subprojects (May, 2020).



**Figure 11.1: Fund Flow Diagram**

## XI. INSTITUTIONAL ARRANGEMENT

102. **Ministry of Public Works and Transport (MPWT).** The Subproject will be implemented by MPWT as the executing agency (EA) through the Project Management Unit (PMU), which will support MPWT in undertaking overall oversight and management of the Project. It will be supported by consultants to ensure that procedures are followed and that the implementation schedules are kept on track. However, it will not be responsible for carrying out the land acquisition and resettlement activities which is mandated to the GDR. MPWT and its PMU will coordinate closely with the IRC-WG on all matters concerning involuntary resettlement, working closely with RD2 of GDR to prepare, update, and implement the DRP.

103. **Project Management Unit (PMU) under MPWT.** A dedicated PMU has been established in MPWT to carry out the day-to-day tasks in the overall implementation of the Project. However, it is not mandated to carry out resettlement activities but will coordinate with GDR in the implementation of DRP which is the lead agency directly responsible for all LAR activities in the ROW. The PMU has a designated focal person on resettlement and is tasked to undertake specific PMU responsibilities with regards to LAR and coordinate with GDR, the PRSC and the PIU in all matters concerning LAR planning and implementation. The specific tasks of the PMU related to LAR include the following:

- Conduct social impact assessment of the Project/Subproject;
- Prepare the draft BRP based on pre-detailed design alignments/demarcation of Subproject site for GDR's review and endorsement;
- Set out the demarcation of the land requirement along the final alignment within a month after completion of the DED in coordination with GDR;
- Provide GDR with the proposed construction schedule identifying the completion schedule of LAR and handover of sites by sections to the contractor before planned contract award date;
- Inform GDR in a timely manner if progress of construction is hampered by LAR issues or any anticipated bottleneck;
- Assist and cooperate with GDR in seeking solutions to problems encountered during Project/Subproject implementation;
- Invite GDR to participate in supervision missions and wrap-up meetings with APs and ensure that GDR's comments on LAR issues are incorporated in Aide Memoires (AMs), Memorandum of Understanding (MOU) and Minutes of Discussions (MOD); and
- Ensures that no further encroachment on the ROW after handover by GDR of the land for the Project/Subproject.

104. **Inter-Ministerial Resettlement Committee (IRC).** The IRC is the decision making and oversight body for LAR activities. It has the mandate to review and evaluate the resettlement impact and land acquisition for public physical infrastructure development Projects in the Kingdom of Cambodia. The IRC is a collective entity, permanently chaired and led by the Ministry of Economy and Finance (MEF), with members from different line ministries. The IRC carries out its roles through a IRC-WG which is established by MEF for each public investment Project. Key responsibilities of IRC include:

- Provide effective oversight and ensure LAR complies with the laws and implementing rules and regulations;
- Ensure effective coordination between line ministries, provincial/local authorities and GDR in carrying out the LAR;
- Review and approve the DRP and endorse DRP prior to submission to ADB for its review and the approval;
- Initiate the establishment PGRC; and

- Provide overall guidance on implementing rules and regulations for LAR and propose updates as necessary.

105. **General Department of Resettlement (GDR).** The GDR is the permanent technical Secretariat of the IRC and the lead agency for the preparation, implementation, and monitoring and reporting of LAR. The GDR will carry out activities under the Kampot sewerage network improvement Subproject through its Resettlement Department 2 (RD2). For this, detailed tasks of RD2 of GDR includes:

- Coordinate and collaborate with line ministries, MPWT, and other agencies involved in LAR activities;
- Conduct public consultations and Focus groups discussions with the affected persons and vulnerable groups;
- Prepare the DRP for the Subproject and submit to ADB for review and acceptance;
- Develop terms of reference and recruit the replacement cost surveyor;
- Prepare and secure the necessary budget for the implementation of the DRP;
- Calculate, prepare contracts, and make payments for compensation for each AH based on the entitlement matrix in the DRP;
- Implement all LAR activities in compliance with the DRP;
- Ensure proper functioning of the GRM;
- Supervise, monitor, and report on implementation progress of the DRP;
- Send Land Handover Letter to MPWT with a copy to ADB;
- Prepare and submit to ADB quarterly progress and semi-annual monitoring reports;
- Prepare, agree with ADB and implement corrective action plan, if any, during implementation; and submit the corrective action plan implementation report to ADB for concurrence and disclosure;
- Conduct awareness workshops for MPWT, line ministries, local authorities, and construction contractor on the implementing rules and regulations as specified in the DRP; and
- Serve as the focal knowledge center for resettlement of the Project or Subprojects.

106. In addition, the DIMDM of GDR is responsible for carrying out the internal monitoring of the implementation of the DRP and the verification and validation of the compliance of the entitlements and compensation payments with the provisions of the entitlement matrix in the DRP. Its role extends to internal verification of all LAR activities for compliance with the provisions under the agreed DRP and reports directly to the Director General of GDR. In addition, it records and reviews all complaints and grievances submitted by displaced persons; investigates them and makes recommendations on compliance to the Director General of GDR. After the payment of compensation and other entitlements is completed, GDR will prepare and submit to ADB the DRP implementation report to obtain “no objection” for civil works. In addition, DIMDM will prepare and submit quarterly progress reports to MPWT and semi-annual social safeguard monitoring reports to ADB, the latter report for review and disclosure.

107. **Cadastral Administration Office.** The Cadastral Administration Offices under the Ministry of Land Management, Urban Planning and Construction (MLMUPC) is responsible for issuing titling documents, including the certificate of land use rights, hard titles and social land concession as part of securing tenure for landless and issuing title documents for the land plots acquired in favor of MPWT.

108. The **concerned local administrative authorities (district, commune, and village).** The districts, communes, and villages where the Subproject is located will coordinate and work closely with the PRSC-WG and IRC on the DRP preparation and implementation. Their roles and responsibilities include:

- Identify and coordinate the venue for the public consultation meetings and invite AHs to participate in the consultation activities, such as DMS, SES, RCS and other resettlement related activities; and
- Assist the IRC-WG, PRSC-WG, and GDR in developing suitable measures to assist the vulnerable AHs by the Subproject.

109. **Inter-Ministerial Resettlement Committee Working Group (IRC-WG).** The IRC-WG will carry out the day-to-day LAR activities under the Project which is led by the Deputy Director/Chief of the Department of Resettlement of the GDR and comprise technical PMU staff of the MPWT/PMU, staff of the Resettlement Department and staff of the Ministry of Land Management, Urban Planning and Construction. The IRC-WG will be responsible for all the field work under the supervision of the Director of the Resettlement Department and overall guidance and direction of the Director General of the GDR.

110. **Provincial Resettlement Sub-Committee (PRSC).** The PRSC will be established by the Kampot Provincial Governor at the request of the IRC for the Subproject. The role of the PRSC is as follows:

- Provide the coordination and supporting role to the GDR, IRC and IRC-WG for LAR activities at the local level;
- Ensure all relevant provincial and local government authorities provide the necessary support for LAR;
- Manage the public consultation meetings at Provincial Level;
- Oversee and monitor the work of PRSC-WG;
- Responsible and accountable for the disbursements of the compensation payments at the provincial level; and
- Assist the IRC-WG in developing measures to assist vulnerable households by the Subprojects.

111. **Provincial Resettlement Sub-Committee Working Group (PRSC-WG).** The PRSC-WG will be established by the Kampot Provincial Governor and is mainly responsible for technical functions of the PRSC and works with the IRC-WG in carrying out the LAR activities at the provincial level. The PRSC, through the provincial and district working groups are responsible for the following functions:

- Facilitate public information campaign, ensuring that the public, especially the AHs, are updated on any developments regarding the Subproject and resettlement activities;
- Participate in the DMS and updating of the census of AHs, including the updating of the entitlements
- Spearhead the selection, acquisition, and preparation of replacement plots, including the preparation of a coordinated schedule of delivery of compensation and other entitlements, the relocation of people, harvesting of standing crops, and the start of civil works in a particular section of the Project road sections;
- Spearhead the delivery of compensation and other entitlements to the AHs;
- Receive and act on the complaints and grievances of AHs in accordance with the Project resettlement policy; and
- Maintain a record of all public meetings, grievances, and actions taken to address complaints and grievances.

112. **Design and Construction Supervision Consultants (DCSC).** The DCSCs will assist MPWT in the management and supervision of civil works activities and will ensure that the contractor adhere to with the terms of their contracts relative to avoiding and/or minimizing resettlement impacts. The DSCC role is minimal in the implementation of DRP and is only related to the compilation of the reporting requirements for the Project and reporting to RD2

of GDR on any bottlenecks posed by resettlement during the construction phase of the Project/Subproject.

## XII. IMPLEMENTATION SCHEDULE

113. All resettlement activities will be coordinated with the civil works schedule of the Subproject. The DRP will be implemented after the approval of the DRP by IRC and ADB and the budget by MEF. Civil works cannot commence until compensation is paid in full for all the losses, including loss of income, if any, where these impacts are identified, according to the provisions of this DRP. MPWT can issue a notice of possession of the specific sites to the contractor for construction. However, construction can proceed on sections free from encumbrances, based on agreement between MPWT and ADB. The tentative implementation schedule for resettlement actions is summarized in Table 13.1.

**Table 13.1 Tentative Resettlement Implementation Schedule**

<b>BRP PREPARATION</b>			
<b>Activity Description</b>	<b>Responsibility</b>	<b>Start</b>	<b>Completion</b>
Preparation of the BRP	TRTA Consultant	October 2020	December 2020
Community Consultations and Focus Group Discussions	TRTA Consultant	October 2020	November 2020
IOL and SES	TRTA Consultant	October 2020	November 2020
Submission of the draft BRP to GDR and ADB for comments and approval	TRTA Consultant	December 2020	December 2020
ADB/GDR comments addressed	TRTA Consultant	February 2021	March 2021
Submission of the draft BRP to GDR for comments and approval	ADB	June 2021	July 2021
BRP approval/no objection by IRC and the government	ADB/GDR	July 2021	July 2021
Disclosure of BRP on ADB and EA websites	ADB/EA	August 2021	August 2021
<b>DRP PREPARATION AND IMPLEMENTATION</b>			
<b>Activity Description</b>	<b>Responsibility</b>	<b>Start</b>	<b>Completion</b>
Establishment of PMU/Social Safeguards Consultant Team and PIU	EA	October 2021	August 2022
Review DED for impact mitigation and avoidance	DCS/GDR	October 2022	December 2022
Establish IRC, IRC-WG	GDR	January 2023	March 2023
Establish PRSC and PRSC-WG	Kampot Governor	January 2023	March 2023
Establish PGRC	Kampot Governor	January 2023	March 2023
Consultation with AHs regarding Project scope, entitlements and replacement cost	GDR/DCSC	April 2023	May 2023
Detailed Measurement Survey	GDR	April 2023	May 2023
Replacement Cost Survey	RCS Consultant	May 2023	May 2023
Prepare Draft DRP and submit to ADB	GDR/DCSC	April 2023	May 2023
Finalize DRP with ADB comments	GDR/DCSC	June 2023	June 2023
Approval of DRP	IRC/ADB	June 2023	June 2023
Disclosure of DRP	ADB/PMU	June 2023	June 2023
DRP Implementation started	GDR	July 2023	August 2023
Handing over of the land to the EA with a copy of DRP implementation report	MPWT/PMU	September 2023	September 2023
Commencement of civil works	PMU/Contractor	October 2023	
<b>CONTINUOUS TASKS</b>			
<b>Activity Description</b>	<b>Responsibility</b>	<b>Start</b>	<b>Completion</b>
Internal Monitoring: Quarterly monitoring reports for submission to MPWT*	DIMDM/GDR	Every Quarter after DRP approval. Actual dates will be specified in the DRP	
Semi-annual social safeguards monitoring reports for submission to ADB*	DIMDM/GDR	Every 6 months after DRP approval. Actual dates will be specified in the DRP.	

\* Denotes of the reports will be ceased to be prepared once the subprojects are completed.

### **XIII. MONITORING AND REPORTING**

114. While the MPWT (PMU and DCSC) will be responsible for monitoring of the overall implementation of the Project and Subproject, the DIMDM of GDR will be directly responsible for the monitoring and reporting of the implementation of the DRP.

#### **A. Internal Monitoring**

115. All internal monitoring and reporting on the implementation of the DRP will be carried out by the Department of Internal Monitoring and Data Management (DIMDM) of GDR in accordance with the principles agreed in this BRP and the monitoring indicators in Annex I. DIMDM of the GDR will perform routine internal monitoring. The objective of internal monitoring is to (i) measure and report on the progress in the preparation and implementation of the DRP; (ii) identify problems and risks, if any and the measures to mitigate them; and (iii) assess if the compensation and rehabilitation assistance are in accordance with the provisions under the DRP. Internal monitoring with results will be reported to IRC and MPWT/PMU on a quarterly basis. The IRC-WG and the PRSC-WG will gather data and information on the progress of the LAR from the field and prepare and will submit monthly reports to RD2. The RD2 will compile the field reports and prepare a consolidated report on the implementation of DRP on monthly basis. The report will be submitted to the DIMDM which will (i) review the monthly progress reports, including fielding its own missions to verify the progress and the validity of the data and information, if deemed necessary; and (ii) compile quarterly monitoring report for submission to the Director General of GDR. The GDR will provide MPWT a quarterly progress report by 15th of following month from end of each quarter. DIMDM will compile semiannual social safeguards monitoring reports and submit them to ADB for disclosure on ADB website by 30th of following month from end of the last quarter for the semi-annual report in question.

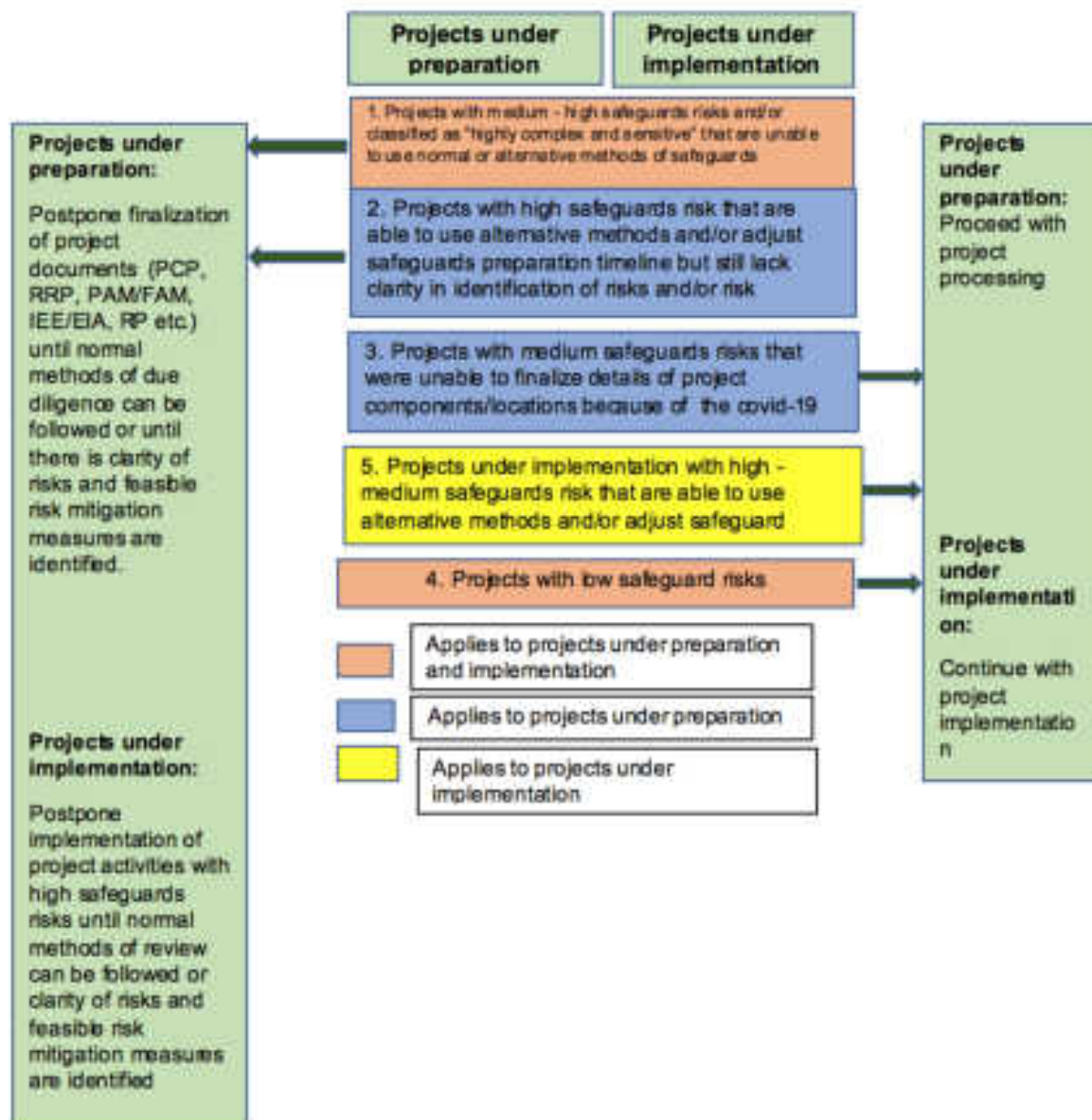
116. The internal monitoring indicators are in Annex I of this BRP. The internal monitoring report summarizes progress on resettlement activities and notifies ADB of approval by IRC-GDR's of any changes, as required, to the implementation of the DRP. The contents of the report include the status of the following:

- (i) Set up of Institutional Arrangements
- (ii) Compensation Payments for Entitlements
- (iii) Development of Resettlement Sites and Relocation, if any
- (iv) Grievance Redress
- (v) Public Consultations
- (vi) Budget Expenditures
- (vii) Livelihood Support Program, where applicable
- (viii) Distribution/placement and temporary move of vendors from market site
- (ix) Overall Progress against agreed Implementation Schedule
- (x) Major Problems and Issues
- (xi) Proposed Remedial Actions

117. The DIMDM will also validate that the (i) entitlements and the corresponding compensation are paid in accordance with the entitlement matrix in the approved DRP; and (ii) GRM is functioning as per the guidelines. During subsequent monitoring periods, the DIMDM will look into whether or not corrective actions agreed to address land acquisition and resettlement issues in the past monitoring period (i.e., outstanding resettlement issues) have been resolved.

## ANNEXES

## A. Project Decision Framework





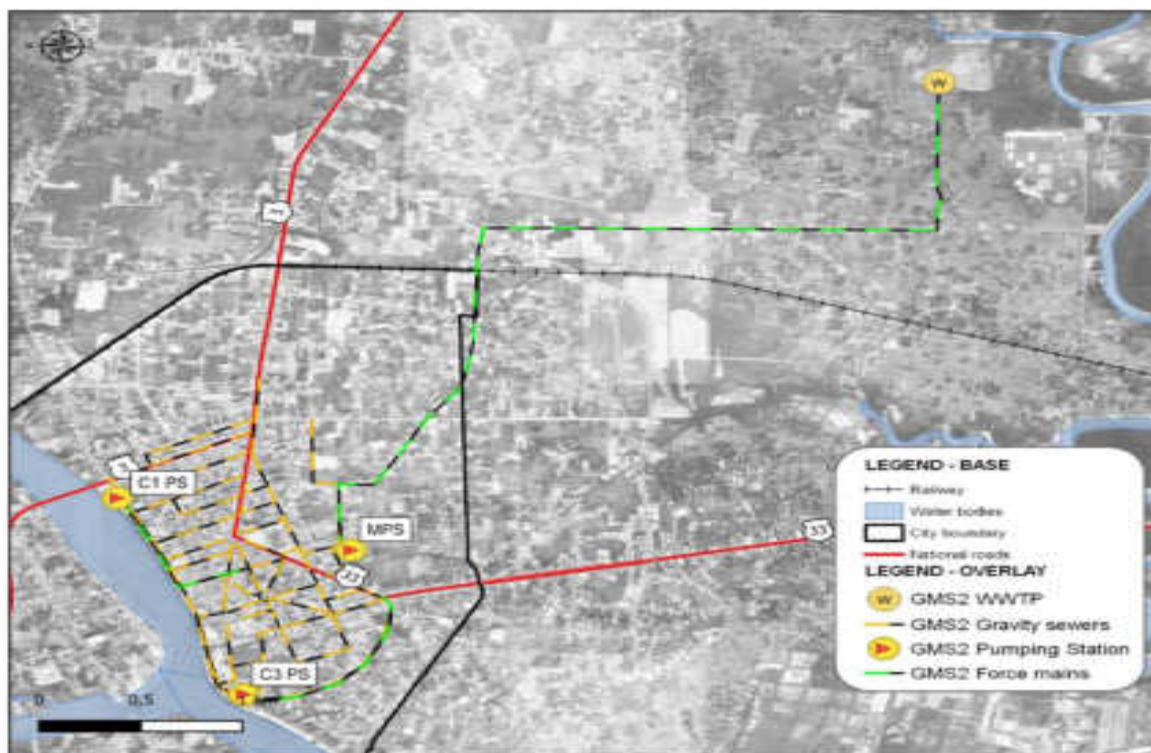
## B. Detailed Salient Subproject Features

### (i) Wastewater

1. Kampot municipality comprises built-up areas and rural areas with a total population of 38,595 and is expected to grow to 76,707 by the year 2040, including a large number of temporary workers and tourists. The Project focuses on the development of a sewerage system for the areas delineated by the zoning 2025 (short term area) but provides the infrastructure designed for future expansion needs are considered. The total population connected to the wastewater system will be 13,722 people by 2025, 18,059 people by 2030 and 33,617 people by 2040.

2. There is currently no central wastewater treatment plant (WWTP) operating in Kampot. Wastewater flows directly to the Preaek Tuek Chhu River through combined sewers and road drains, or indirectly via a canal into the open water. A new sewerage system will be constructed and commissioned as part of the Second Greater Mekong Subregion Corridor Towns Project (GMS 2). GMS2 also includes a WWTP, which will be located approximately 6 km from the Kampot city centre and will service about 30% of the city center area in Kampong Kandal, Krang Ampil and Kampong Bay districts (Figure A.1). The treatment plant will comprise of waste stabilization ponds and has been designed to cater to a domestic waste generation of 1,474m<sup>3</sup>/day in 2020 and to increase to 2,056m<sup>3</sup>/day (see PISCB DED Report 2018). The plant will include a septage receiving chamber for septage from household septic tanks. However, this plant will not be sufficient to cater to the future growth of the city, and expansion will be required in the medium term. GMS2 will also construct associated force main and pump stations.

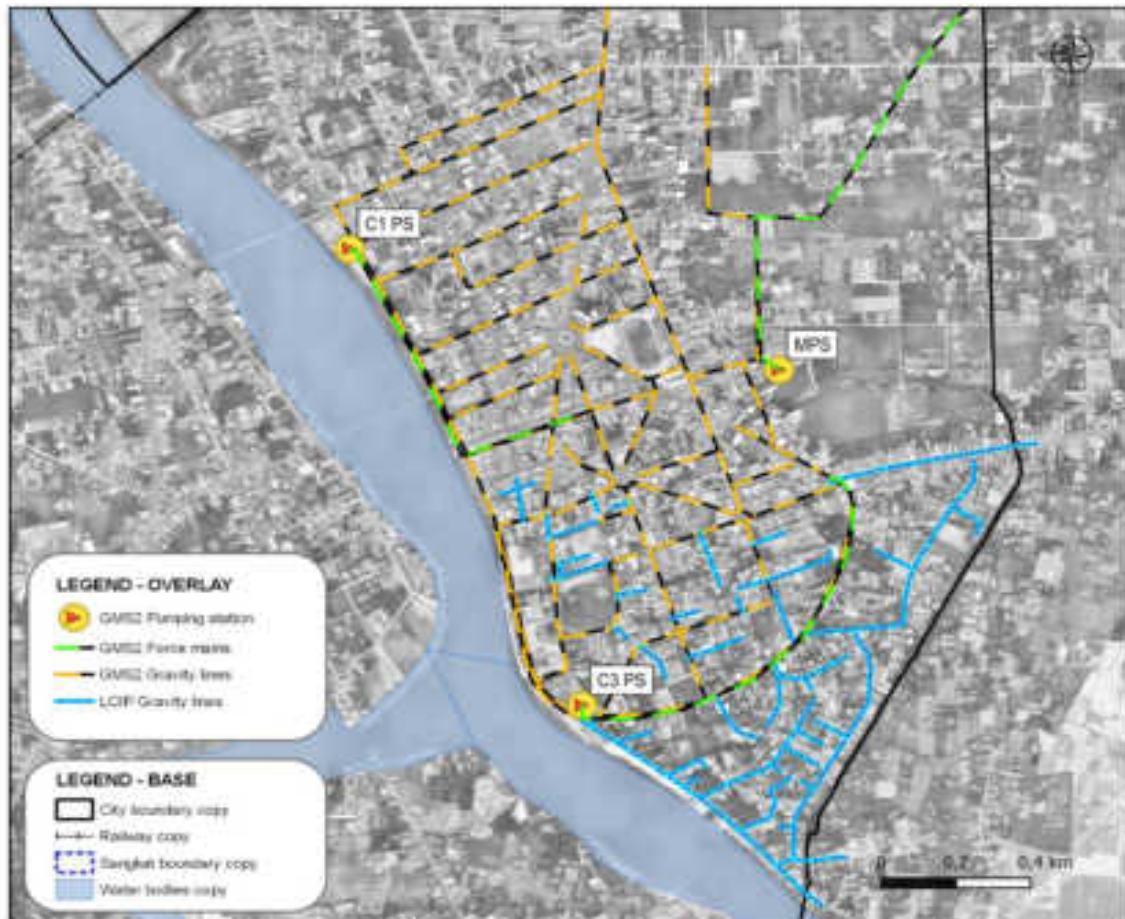
**Figure A.1 Sewerage Treatment System Service Area**



3. Because GMS2 is already addressing a major part of the city centre, only extension of the GMS2 proposed network are considered. The proposed wastewater collection system expansion in Kampot will consist of wastewater sewer lines of 7.5 km and household

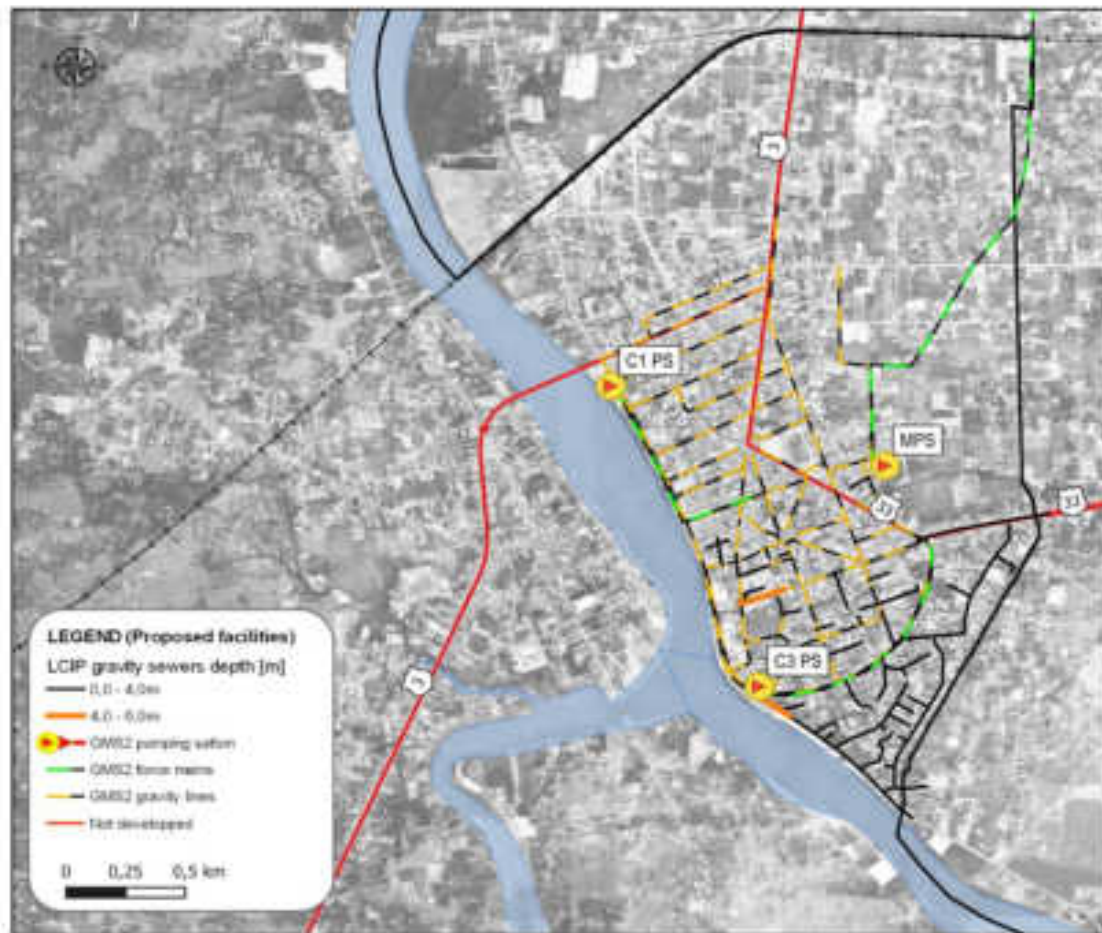
connections. The location of the sewer network is shown in Figure A.2, including pump stations (PS) and force main of GMS2. To fit the budget requirement, part of the infrastructure designed (shown in red/grey in Figure A.2) has not been integrated into the final investment proposed. These extensions will connect directly to the main pumping station being implemented under GMS2.

**Figure A.2 Sewerage Treatment System Service Area**



4. The wastewater collection system is focused on the furniture of sewerage system for the areas delineated by the zoning 2025 (short term area, within budget allocation) but provides infrastructure designed for future (up to horizon 2040) needs. The area serviced by the GMS2 pumping stations is expended with the creation of new gravity lines. The network will be constructed with maximal depth of 6 m constructed with uPVC pipes (Figure A.3). The network is designed to carry wastewater flows has been split into several zones called “service areas”. Each service area corresponds to the whole gravity network connected to a connection point with a GMS2 pumping station (Figure A.1 shown below displays the splitting between the several service areas). The purpose of these connection points is to allow future connections of the additional catchment that will be developed at mid-term and long-term master plan strategy.

**Figure A.3 Location of deep networks**



5. Depending on the depth the top ditch width of the sewers will be between 1.41 to 1.53 m. A 0.60 m wide clearance reserved as minimum to allow a proper compaction around sewer mains and as construction operations reserve. All sewerage flow will be conveyed to the proposed pumping station and then pumping mains shall convey the wastewater through force main to the WWTPs.

6. The proposed sewerage network has been designed following GMS2 pumping station stations. The GMS2 gravity line aim to drain the wastewater to a new pumping station (C3 PS), deservng the south part of the city.

7. A general fact observed in classical Cambodian houses is that toilets are usually located at the back of the house (opposite side of the street). Work inside the household's property is normally paid for by the household. The connection of households will be made from the wastewater collection system to the control box located at the boundary of each private property. There are provisional sums for household connections. An incentive programs for households to connect will be designed during the DED.

## **(ii) Temporary Impacts**

8. Temporary impacts concern mainly disruption of the use of roads, tracks, driveways footpaths, and/or property road access points along the public ROW caused by the Subproject construction works and the movement of construction plant and materials and will be

addressed during the Subproject implementation based on actual impacts and in accordance with the national laws and ADB's SPS (2009). Civil works contract and environmental management plan (EMP) will require contractors to reinstate the ROW to its original condition after the installation of pipes is completed. Effective construction supervision and monitoring at all stages of Subproject implementation will ensure this outcome.



## C. Consultation, participation and disclosure details

### B.1 Minutes of Multi-Stakeholder Consultation with Line Agencies

<b>Date of the meeting</b>	1 <sup>st</sup> Oct.2020
<b>Purpose of the meeting</b>	<b>Orientation Meeting with stakeholders at the Provincial level for Discussion on Feasibility Study results</b>
<b>Issuer</b>	Benjamin Biscan, TL-LCIP project Taing Sophanara, DTL-LCIP project Khoun Komar, Legal specialist - LCIP project
<b>Location</b>	Provincial Hall, Kampot province, Cambodia

### Distribution

<b>Attendants</b>	
<b>MPWT</b>	<b>TA-Consultants Team</b>
H.E. Vong Pisith, Under Secretary of State/PD	Benjamin Biscan – TL/WS expert, Egis
Vong Daputhea, Deputy director/Project Manager	Teemu Jantunen – Resettlement specialist, Egis
	Taing Sophanara - DTL/WW specialist, KCC
<b>Kampot province</b>	Khoun Komar – Legal specialist, KCC
Oeng Chhay, Dep. Governor	Huoth Ratanak- Social & Gender specialist, KCC
Thorn Saravuth, Dep. director of DPWT	Mel Sophanna- Resettlement specialist, KCC
Mok Saysovanna, Dep. director of DLMUPC	Bun Sangvar- Procurement specialist, KCC
Huot Ry, Dep. director of DWA	Pich Linvolak- Admin manager
Prum Sopheap, Dep. director of DASVYR	<b>MEF/GDR</b>
Sok Kimcheoun, Dep. of DISTI	Et Vannak, Vice office
Chum Song, Chief office of DWRAM	Khun Sokleang, Officer
Hean Ngon, Dep. director of DAFF	<b>Kampot City</b>
Kim Chanpanha, Chief of EDC	Chem Pa, Dep. governor
Prum Visith, Dep. director of DE	
Ouk Chhoeun, Chief cabinet of provincial hall	
Ty Kean, Director of Kampot Water Supply	

*See attached attendant list*

## Agenda

- Team introductions
- Present the results of FS (CTOP)
- Confirmation of the priority coverage area by the provincial government and the municipality
- Discussion on land, resettlement, and institutional arrangement
- Commitment from Kampot Provincial Administration and Kampot MA
- Next steps

## Minutes of the Meeting (MoM)

### Team Introductions

All participants introduce themselves

Warm welcome by the Deputy Governor, on behalf of the Provincial Governor and colleagues of different departments and institutions under PA, expressed their readiness to cooperate with the study team for the success of the project study.

Opening remarks by H.E. Vong Pisith, Under-secretary of state of MPWT and Project Director in following points:

- H.E. Vong Pisith briefed the meeting on the project, highlighting the steps of municipality development from a clean city to a smart city.
- He further stressed, to be a clean city, the importance is to have the environmental sustainability for the city, improving the management of the WW and SWM. The LCIP has 3 subprojects for consideration, WW, SWM and Drainage/Flood protection. The process of selecting the subprojects is based on a bottom-up approach through the discussion and consultation at the sub-national level to suit the need of local people. The outcomes of the project will be environmental policy and regulations improved, and necessary city infrastructures improved.
- H.E. Vong Pisith drew the attention of the meeting that this meeting will discuss the subproject for Kampot municipality on Wastewater system.

### Presentation

TRTA Consultants present the brief results of the feasibility study (FS) in both languages English and Khmer, and starting from city's challenges, selected scenarios of priority infrastructure of SMP, and commitment from PA and MA on land available and institutional model arrangement.

The presentation is attached to this MoM.

### Discussion topic

Following the presentation, 3 key topics were put for discussion

- Priority coverage area based on the need of the municipality
- Land acquisition and resettlement issues, and documentation requested
- Institutional arrangements for ensuring sustainable O&M

### Result from discussion

#### **Topic 1: Priority coverage area and technical option**

- Dep. Director of Dep. of Industrial Technology Science and Innovation (DITSN) questioned whether we could consider adding a subproject for the riverbank protection for flood protection purposes, reducing some budget from the storm drainage and WW. He also expressed his concerns regarding the location of the proposed WWTP is close to the Prek Kbal Romea, whether it cause any negative impacts to the river and the sea.
- The deputy governor of the province raised an idea for consideration in relation to flood protection, which is whether we dredge the river and dig a canal to increase the flow capacity and then drain the water during flood periods. The TRTA

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Consultants responded that at this stage is difficult to recommend any option but if a study is conducted, different options could be considered. In terms of flood protection structure, it may lead to significant resettlement issues due to the existing settlement and other development activities along the river.

- The deputy governor proposed, if after study, the subproject for flood protection is too difficult to implement, other sub-component should be considered, like improving the water supply for Kampot municipality.
- The director of Water Supply Unit of Kampot clarified that, currently, the supply capacity is nearly at its limit and may face difficulty in the near future. It is needed to expand the water supply to meet the future needs in accordance with the projected increase in the population and many development activities, including commercial and SEZ. The PA has reserved 5ha of land located at the former airport of Kampot, 5km from the city center close to the Preah Reach Samphear High School. Actually, the 5ha land in the previous airport has been approved by the national level.
- With regards to the administration process and in the case of the MA and PA would like to include the water supply component in the LCIP, it was indicated by the TRTA Consultants that the PA should request support from the Ministry of Industry Technology Science and Innovation.
- **After discussion, the PA and MA agreed on the recommended technical option for the wastewater. The PA and MA recommend that the flood control study be conducted before deciding which component should be prioritized.**

***Topic 2: Land acquisition and resettlement, and documentation requested***

- H.E. Vong Piseth explained that from the total budget of US\$ 207 million allocated by ADB is a loan of US\$ 180 million and the contribution of RGC is US\$ 27 million. For the budget, there will be competition between the 3 cities, Kampot, Bavet and Poipet in getting their own subprojects approved. The MA should first have the land secured for the subproject sites. The availability of land for the subproject is the key step to get it approved.
- The TRTA team clarified that the land title for the pump station is needed as a support document for the project approval and should be ready before the end of October 2020 for further action.
- TRTA resettlement specialists briefly explained the ADB involuntary resettlement policies, including compensation for all impacted assets at full replacement cost, meaningful consultations, GRM and resettlement process.
- The TRTA consultant team reminded the meeting regarding the cut-off-date (COD), which shall be set on the date of conducting the first public consultation meeting on corridor of impact (COI) during the inventory of losses being conducted as part of the FS of LCIP in Kampot city. The importance of COD is to prevent the encroaching activities from the people on the prosed sites for the pump-station site. The PA and MA should not issue new building or land use permits within the COI and project sites and monitor that the sites are kept free of any new encumbrances. At the same time, it is not allowed for PA and MA to start any resettlement activities by removing existing private assets or relocating people from the project sites until the resettlement documentation has been prepared and approved.
- PDLMUPC confirmed that Kampot has a social land concession but located over 90km from the city. They also confirmed that there is sufficient space for the construction of flood embankment following the railway, which has 25-30m ROW

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for Kampot central areas, and 50-100m for outside city. The existing creek on the East side of the city has ROW of 25m.

- It was confirmed by PA and MA to re-establish the Provincial grievance redress committee as many of the members of the previous one from GMS2 project are not working or changed their positions.
- The TRTA consultant team requested to the PDLMUPC to provide cadastral index map and right of way (ROW) of the proposed project sites for completing the requirements for the resettlement plan.

**Topic 3: Institutional arrangement for ensuring sustainable O&M**

- H.E. Vong Piseth explained that it has been observed that the inclusion of the WW fee into WS bill is good. The bill for WW and WS shall be in one bill. Therefore, the sub-national administration shall consider this issue as soon as possible, addressed by H.E. Vong Piseth. It depends on each PA/MA to consider and discuss among their concerned department on the model for the management of the WW, he added. There is no specific model to be applied, but a model that suits to the local situation of each municipality/province.
- It was also agreed by the PA and MA that for the time being the WW and storm drainage shall be managed by the municipality with appropriate training, an increase of staff and capacity improvement. The WW shall be under the state operation as the first step.

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**Closing**

- Flood protection subproject could be considered with the storm drainage, and different technical option for the flood control.
- WS should be considered in LCIP to meet the future water demand. But requested procedure from WS Unit and PA through MITS is required.
- Concerning the land availability, the PA will send the letter to PDLMUPC to deliver the land title for the location of Pumping Station PS3 as selected in project design. The recommended deadline is the end of the October.
- In summary, the MPWT affirmed that the WWT should be at the start of a state-owned entity. The second step would be a semi-autonomous entity before finally becomes a public enterprise or autonomous entity.



### Pictures



**D. Inventory of Losses Questionnaire****CENSUS, INVENTORY OF LOSSES AND SOCIO-ECONOMIC SURVEY****LIVABLE CITIES INVESTMENT PROJECT**

Survey Code of AP/AH:

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**I. CENSUS****A. Location of the affected household (AH) and information on Household (HH) Head**

1a. Location of affected household (HH): Project Component:		1b. Town/city:	
1c. Commune:		1d. Village:	
1e. Picture and georeference (GPS coordinates) of the house/impacted asset, and AHH/respondent			
2a. Name of respondent* : head (Y/N):		2b. Is the respondent HH	
3. If not HH head (HHH), what is respondent's relation to HHH:			
4a. Household size: APs (of which male / female ) (of which male / female )		4b. Dependents: APs	
<b>Information about household head (HHH)*</b>			
5. Name:		6. Tel.	
7. Age:	8. Physical condition: [ ] Normal [ ] Disabled (specify)	9. Gender: [ ] Male [ ] Female	
10. Ethnic affiliation: [ ] Khmer [ ] Cham [ ] Vietnamese [ ] Thai [ ] Other, specify:			
11. Religion of AH head:		12. Marital status: [ ] Married [ ] Single [ ] Divorced/Separated [ ] Widow(er) [ ] Other, specify:	
13. Mother tongue:		14. Fluency in written Khmer:	
15. Landless (Y/N):		16a. Officially classified as poor (Y/N)**: [ ] 1 or [ ] 2 16b. if yes, IDPoor:	

**\*NOTE:** The HOUSEHOLD (HH) HEAD should ideally participate in the survey and be the RESPONDENT to the questions below. If the RESPONDENT is NOT the household head, it should be the SPOUSE of the household head. For any questions to which there is no response, leave the cell empty. For questions that are not relevant, leave the cell empty.

\*\* Check IDPoor card / document

**II. IOL****B. Impacted land and crops**

No.	Land Types (1)	Total Area (m <sup>2</sup> /ha)	Affected Area (m <sup>2</sup> /ha)	Land Ownership Status (2)	Crops on the affected land		
					Type of Crop	Seasonality (wet/dry/both)	Affected Areas of Crop
1							
2							
3							
4							
Total Areas							

1 Land Types: 1: Residential 2: Agricultural 3: Commercial 4 Other land (specify)

2 Land Ownership Status: 1: Legal owner with land title 2: Legal owner, but no land title 3: Tenure/leased 4: No legal right / Public land

**C. Impacted structures**

Type/use of affected structures						Total area (m <sup>2</sup> ) of the structure	Area (m <sup>2</sup> ) of the affected portion of the structure	in case structure potentially impacted, will it be acquired / affected <b>PARTIALLY or TOTALLY</b> 1. Partially 2. Totally
Structure Type (1)	Structure Code (2 or 3)	Roof Types (4)	Wall types (4)	Floor Types (4)	Land Ownership Status (5)			

**1 Structure Type:** 1. Main/Primary Structure 2. Secondary Structure

**2 Primary / main structures Codes:**

1. House 2. House-and-store/business 3. Store/Shop/Workshop/Warehouse

**3 Secondary Structure Codes:**

1\_Kitchen 2\_Toliet/Bathroom 3\_Eaves/extended roof 4\_Storage 5\_Shed for agriculture

6\_Shop/Stall 7\_Gate 8\_Wall/Fence 9\_Pole 10\_Other structure

**4 Construction materials of the affected structure(s):**

1= Simple (hatch/sack, bamboo, clay/earth) 2= Timber with Tin Roof 3= Wood and brick 4= Brick and concrete  
5= Temporary/Unstable

**5 Land Ownership Status:** 1: Legal owner with land title 2: Legal owner, but no land title 3: Tenure/leased 4: No legal right / Public land

#### D. Impacted trees

Type of tree (1)	Tree species	1-3 years old	4-5 years old	more than 6 years old	Total
<b>Total</b>					

**1 Type of tree:** 1. Fruit 2. Timber 3. Other \_\_\_\_\_

#### E. Impacted business

<b>1. Business impact expected (Y/N)?</b>	<b>2. Type of business*:</b>
<b>3. Does business need to be physically relocated?</b> <b>3.1 If yes, permanently or temporarily?</b>	<b>4. Number of employees?</b>
<b>5. Business registered (Y/N)?</b>	<b>6. Average monthly income of business?</b>

\* Options: 1 Shop/kioks, stall, 2 Food preparation or selling, 3 Mechanic or repair shop, 4 Cafe, restaurant, bar, 5 Mobile vendor, 6 Other, Specify

#### F. Relocation options (only for AH to be relocated!)

<b>1. IF there is a need for relocation, do you prefer:</b> 1 Relocation at resettlement site land plot, with: (a) Ready built house, or (b) In-kind (materials) and cash to cover all cost of house construction 2 Self-relocation with cash only at replacement cost, if yes, where? _____ 3 Other, what? _____
<b>2. Preference of amenities at relocation site (Rating [1] Most important [2] Important [3] Least important)*:</b> 1. Close proximity to existing residence location ____ 2. Availability of land for vegetable garden/chicken farming ____ 3. Proximity to fishing port / fishing grounds ____ 4. Availability of agricultural land ____ 5. An area near tourist areas ____ 6. An area near religious center ____
<b>3. Is your livelihoods located near your place of residence:</b> 1. Agricultural fields (on legally owned land) ____ 2. Agricultural fields (on public land) ____ 3. Fishing grounds / boat landing ____ 4. Business ____
<b>4. What will cause difficulties in available resettlement site for maintaining livelihoods and income generation (Rating [1] Most important [2] Important [3] Least important)*:?</b> 1. Cost of extra travel ____ 2. Time of extra travel ____ 3. Safety of equipment, boats, and property ____ 4. Distance/location of new shop/place of business from customers ____ 5. Restriction on access to resources (e.g. fishing grounds) ____ 6. Other, what ____

\* one rating option can be used more than once



If eligible, how many household members would be interested / available in vocational training?	What kind of training would you or your family members prefer? If yes, how many members of the family in each option?	If interested in agriculture or fisheries, would you need project-backed loan or material support to start new or improve current practices?	If interested in business, would you need project-backed loan or material support to start new business / income generating opportunity?
1 Male  2 Female	1 Agricultural (land based) 2 Fishing / Aquaculture 3 Employment based 4 Enterprise based (business) 5 Project related employment (construction) 6 Other: _____	1 Yes 2 No 3 Maybe	1 Yes 2 No 3 Maybe

#### J. Waste picking / collecting (waste pickers only)

1. Number of HH members involved in waste picking:	1c. Do you have any other source of livelihood? Yes [ ] No [ ]
1b. Is waste picking your main source of livelihood? Yes [ ] No [ ]	2. How long engaged in waste picking:
3. Number of HH members in waste processing etc:	4. Where do you live: [ ] At dumb site [ ] Outside dumbsite
5a. If at dumb site, approximate area of the house _____m2 and type of structure: [ ] semi-permanent [ ] temporary	
6a. If outside dumb site, how far from the dumb site _____ km	
7. Do you receive any support from NGO? Yes [ ] No [ ]. If yes, what is name of NGO?	8. If yes, what assistance / support is provided the NGO?
9. In case waste picking is allowed in new landfill, do you have means to travel to the new site?	10. In case waste picking is not allowed in the new landfill, would you be interested in working at the material recovery / recycling facility?

## E. Cut-Off Date Letter

### Kingdom of Cambodia Nation, Religion, King

Ministry of Public Works and Transport

No. 4590 SK.GTR

Phnom Penh, December 21, 2020

To

**H.E Governor of Kampot Provincial Board of Governors**

**Objective:** The application the Cut-off-Date for the subprojects wastewater collection system and wastewater treatment plant in Kampot city of LCIP.

**Reference:** Safeguard Policy Statement (SPS) of the Asian Development Bank (ADB-2009), and Standard Operating Procedures (SOP) for land acquisition and involuntary resettlement of the Ministry of Economy and Finance (MEF-2018).

As above statement in the objective and reference I would like to inform **the H.E. Governor** aware that: The Ministry of Public Works and Transportation held a public consultation on November 11, 2020, in Kampot City to develop the Preliminary Resettlement Plan for the proposed Livable City Investment Project ( LCIP). This is a requirement part of the Asian Development Bank ( ADB) and the General Department of Resettlement (GDR) of the Ministry of Economic and Finance (MEF) to approve the LCIP regarding to the Safeguard Policy Statement document.

On November 11, 2020, a public consultation was held at Kampot City Hall to provide the preparation, notification, and proclamation on the COD for the right to receive compensation from the project. Therefore, COD was approved **on November 11, 2020**, for the full right receiving compensation from the project.

The purpose and benefits of the COD for the right to receive compensation from the project are: (1) to prevent the influx of people into the project site; (2) to prevent illegal encroachment on public land/state land, (3) Determine the properties within the right of way (ROW) in order to receive compensation from the project and (4) inform the local people and the provincial authorities to keep the right of way ( ROW) vacant without any encroachment or construction activities.

The meeting had been clearly explained to the owner of the construction affected landowners will be affected and the local authorities. For all new buildings, additional construction or proposed construction, or trees and cultivate new areas for the COD project, the project pays no compensation after the date's expiration. Ministry of transport and prompting officials Kampot ensure thorough compliance with ( COD) and collaborates closely with local officials in the Municipality to monitor and prevent a resurgence of new construction and land use permit in the vicinity of the project site.

However, no resettlement activities have been done by the provincial administration at the stage of the project development, including relocation, clearance, or restrictions on using land by affected families, unless have a guidance from the MPWT after the detailed resettlement planning was approved by the ADB and GDR.

Finally, the copy document on COD will be posted at the provincial hall, Khan/district and Sangkat/commune information board, and sent to ADB and TA Consultants of LCIP as information and properly implementing activities.

As mentioned above please H.E. Governor review and approve respectively.

Please H.E. Governor accept my highest lovely.

For **Minister of Public Works and Transport**

**Under Secretary of State**

**Vasim Sorya**

**Copy:**

- Ministry of Economy and Finance
- Project Management Unit
- Project Implementation Unit
- Kampot City Hall
- Departments, Units and Relevant Authorities
- Documents timeline





**ព្រះរាជាណាចក្រកម្ពុជា**  
**ជាតិ សាសនា ព្រះមហាក្សត្រ**

**ក្រសួងសាធារណការ និងដឹកជញ្ជូន**

លេខ: ៤៥៨.០ សក.អទ

ថ្ងៃ ចន្ទ ទី ២១ ខែ មេសា ឆ្នាំ ២០២០ ព.ស ២៥៦៤  
រាជធានីភ្នំពេញ, ថ្ងៃទី ២១ ខែ ៤ ឆ្នាំ ២០២០

**គោរពជូន**

**ឯកឧត្តមអភិបាល នៃគណៈអភិបាលខេត្តកំពត**

**កម្មវត្ថុ:** សំណើសុំកំណត់អសាវាទនៃកាលបរិច្ឆេទ (Out-of-Date) សម្រាប់អនុគម្រោងប្រព័ន្ធប្រមូល  
ទឹកកន្ទក់ និងស្ថានីយប្រព្រឹត្តិកម្មទឹកកន្ទក់ក្រុងកំពត នៃគម្រោងអភិវឌ្ឍន៍ទីក្រុងដែលត្រូវ  
ចង់រស់នៅ។

**យោង:** គោលនយោបាយសុវត្ថិភាពបរិស្ថាន (SPS) របស់ធនាគារអភិវឌ្ឍន៍អាស៊ី (ADB-2009)  
និងបទដ្ឋានដំណើរការនីតិវិធីសម្រាប់ការទទួលបានដី និងការតាំងលំនៅដ្ឋានសារជាថ្មី ដោយ  
មិនស្ម័គ្រចិត្តរបស់ក្រសួងសេដ្ឋកិច្ច និងហិរញ្ញវត្ថុ (SOP-2018)។

សេចក្តីដូចមានចែងក្នុងកម្មវត្ថុ និងយោងខាងលើ ខ្ញុំសូមជម្រាបជូន **ឯកឧត្តមអភិបាល**  
មេត្តាជ្រាបថា៖ ក្រសួងសាធារណការ និងដឹកជញ្ជូន បានធ្វើកិច្ចពិគ្រោះយោបល់ជាសាធារណៈ នៅថ្ងៃ  
ទី១១ ខែវិច្ឆិកា ឆ្នាំ២០២០ នៅសាលាក្រុងកំពត ដើម្បីរៀបចំផែនការតាំងលំនៅដ្ឋានសារជាថ្មីបឋម  
សម្រាប់គម្រោងស្នើសុំគម្រោងវិនិយោគទីក្រុងដែលត្រូវចង់រស់នៅ (LCIP)។ នេះជាផ្នែកមួយនៃការ  
ពិធនាគារអភិវឌ្ឍន៍អាស៊ី (ADB) និងអគ្គនាយកដ្ឋានដោះស្រាយផលប៉ះពាល់ដោយសារគម្រោងអភិវឌ្ឍន៍  
នៃក្រសួងសេដ្ឋកិច្ច និងហិរញ្ញវត្ថុ (GDR) ដើម្បីអនុម័តសម្រេចលើគម្រោង LCIP ពាក់ព័ន្ធនឹងឯកសារ  
សុវត្ថិភាពនៃការតាំងលំនៅដ្ឋានសារជាថ្មីដោយមិនស្ម័គ្រចិត្ត។

កិច្ចពិគ្រោះយោបល់ជាសាធារណៈ ត្រូវបានប្រារព្ធឡើងនៅថ្ងៃទី១១ ខែវិច្ឆិកា ឆ្នាំ២០២០  
នៅសាលាក្រុងកំពត បានផ្តល់ការរៀបចំបង្កើត ជូនដំណឹង និងការយល់ព្រម ស្តីពីការប្រកាសអសាវាទ  
នៃកាលបរិច្ឆេទ (COD) ដែលបានកំណត់សម្រាប់សិទ្ធិទទួលបានសំណងពីគម្រោង។ ដូចនេះ COD គឺ  
ទទួលបានការយល់ព្រម នៅថ្ងៃទី១១ ខែវិច្ឆិកា ឆ្នាំ២០២០ សម្រាប់សិទ្ធិទទួលបានសំណងពីគម្រោង។

គោលបំណង និងគុណប្រយោជន៍នៃការប្រកាសអសាវាទ នៃកាលបរិច្ឆេទចំពោះសិទ្ធិ  
ទទួលបានសំណងពីគម្រោងគឺ៖ (១) ទប់ស្កាត់លំហូរចូលនៃប្រជាពលរដ្ឋទៅក្នុងទីតាំងគម្រោង (២) ទប់ស្កាត់  
ការទន្ទ្រានចូលដោយខុសច្បាប់ទៅលើដីសាធារណៈ/ដីរដ្ឋ (៣) កំណត់ទ្រព្យសម្បត្តិនៅក្នុងចំណីផ្តុំដើម្បី  
ទទួលបានសំណងស្របច្បាប់ពីគម្រោង និង(៤) ជូនដំណឹងដល់ប្រជាពលរដ្ឋក្នុងមូលដ្ឋាន និងអាជ្ញាធរ  
ខេត្តរក្សាដីចំណីផ្តល់ (ROW) នៅទំនេរគ្មានការទន្ទ្រានកាន់កាប់ ឬសាងសង់អ្វីឡើយ។

កិច្ចប្រជុំបានពិភាក្សាលើយ៉ាងក្បោះក្បាយជូនចំពោះម្ចាស់សំណង់ ម្ចាស់ដីដែលនឹងត្រូវរងផល  
ប៉ះពាល់ក្រុមទាំងអាជ្ញាធរមូលដ្ឋានថា៖ រាល់សំណង់ថ្មី ឬសំណង់បន្ថែម ឬសំណង់ស្នើសុំ ឬដើមឈើ  
និងតំបន់ដាំដុះថ្មីក្នុងរយៈពេល COD របស់គម្រោង មិនត្រូវបានផ្តល់ជូនសំណងដោយគម្រោងឡើយ  
បន្ទាប់ពីអសាវាទនៃកាលបរិច្ឆេទ។ ក្រសួងសាធារណការ និងដឹកជញ្ជូន ជំរុញឱ្យមន្ត្រីខេត្តកំពតធានាបាន



ហ្មត់ចត់អនុលោមតាមការបង្កើតអសាវត្ថុនៃកាលបរិច្ឆេទ (COD) នេះ និងសហការយ៉ាងជិតស្និទ្ធ ជាមួយមន្ត្រីមូលដ្ឋានក្នុងសាលាក្រុង ដើម្បីអនុវត្តការពិនិត្យតាមដាន និងទប់ស្កាត់ការលេចចេញនូវ ការសាងសង់ថ្មី និងការអនុញ្ញាតប្រើប្រាស់ដីនៅតំបន់វិស្វកម្មខាងលិចទីតាំងគម្រោង។

ទោះជាយ៉ាងនេះក្តី គ្មានសកម្មភាពនៃការតាំងលំនៅសារជាថ្មីត្រូវបានអនុវត្តដោយរដ្ឋបាល ខេត្តឡើយ ក្នុងពេលនៃការរៀបចំគម្រោងនេះ រាប់ទាំងការផ្លាស់ប្តូរទី តាមរយៈវិស័យអាជីវកម្ម ឬការរឹតត្បិត នៃការប្រើប្រាស់ដី ដោយគ្រួសារដែលរងផលប៉ះពាល់ រហូតដល់មានការណែនាំពីក្រសួងសាធារណការ និងដឹកជញ្ជូន បន្ទាប់ពីផែនការលម្អិតនៃតាំងលំនៅសារជាថ្មី ត្រូវបានអនុម័តដោយធនាគារអភិវឌ្ឍន៍ អាស៊ី (ADB) និងអគ្គនាយកដ្ឋានដោះស្រាយផលប៉ះពាល់ដោយសារគម្រោងអភិវឌ្ឍន៍ (GDR)។

ចុងបញ្ចប់ឯកសារចម្លងមួយច្បាប់ពីដំណោះស្រាយនេះ នឹងត្រូវបិទផ្សាយ នៅសាលាខេត្ត សាលាស្រុក និងសាលាសង្កាត់ និងផ្តល់ជូនទៅធនាគារអភិវឌ្ឍន៍អាស៊ី (ADB) ព្រមទាំងក្រុមប្រឹក្សា សិក្សាគម្រោង LCIP សម្រាប់ជាព័ត៌មាន និងអនុវត្តសកម្មភាពឱ្យបានត្រឹមត្រូវ។

អាស្រ័យដ្ឋានបានជម្រាបជូនខាងលើ សូម **២.កងក្នុងអភិបាល** មេត្តាពិនិត្យ និងសម្រេច ដោយអនុគ្រោះ។

សូម **២.កងក្នុងអភិបាល** មេត្តាទទួលនូវការគោរពបំផុតពីស្នាក់នៅស្រុកអំពីខ្ញុំ។

**៣. រដ្ឋមន្ត្រីក្រសួងសាធារណការ និងដឹកជញ្ជូន**

  
វ៉ាស៊ីម សុខិយា

- ចម្លងផ្តល់៖
- ក្រសួងរដ្ឋបាល និងស្ថាប័ន
  - អង្គភាពគ្រប់គ្រងគម្រោង
  - អង្គភាពអនុវត្តគម្រោង
  - សាលាក្រុងកំពង់
  - មន្ទីរអភិបាល អគ្គនាយកដ្ឋាន
  - ឯកសារ-ការងារផ្សេងៗ

## **F. Minutes of 1st Public Consultation Meeting in Kampot (11-18 November 2020)**

### **Introduction**

1. ADB is committed to put meaningful consultation processes into practice. Meaningful consultation is a process that:
  - begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle;
  - provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people;
  - is undertaken in an atmosphere free of intimidation or coercion;
  - is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and
  - enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.
2. ADB requires borrowers/clients to engage with communities, groups, or people affected by proposed projects, and with civil society through information disclosure, consultation, and informed participation in a manner commensurate with the risks to and impacts on affected communities.
3. Consistent with these efforts, the objectives of the consultation and participation plan and related stakeholder communication strategy are to:
  - fully disclose information on the proposed project, its components, and its activities with the beneficiary communities and stakeholders;
  - obtain information about the opinions, needs and priorities of beneficiary communities and stakeholders;
  - solicit input and feedback on beneficial and mitigative measures;
  - encourage the participation of beneficiary communities and stakeholders in project activities such as the preparation of tourism development plans that affect them, civil works construction, enterprise support programs, awareness raising activities, and monitoring;
  - obtain the consent and cooperation of beneficiary communities and stakeholders for activities required to be undertaken for project planning and implementation;
  - establish a clear, easily accessible and effective grievance redress mechanism; and
  - ensure transparency in all project activities.

### **Consultation During Project Design**

4. As a first step in preparing the consultation and participation plan a stakeholder analysis was completed to identify the key actors, their interests, and strategies to maximize their participation in the project. Information was gathered from (i) the different government organizations that will be involved in project implementation, (ii) civil society, (iii) public and private actors, and (iv) community members living near all project sites.
5. During project design members of the project preparatory technical assistance team comprising international and national social development specialists conducted broad and meaningful consultations to solicit stakeholder input on the design of the project using the following methods:

- key informant interviews with provincial, district and village officials to determine project priorities, socio-economic objectives, and confirm linkages with local development plans and aspirations; and
- surveys and focus group discussions with men and women living near the project sites.

6. The information and recommendations gathered from the various stakeholder consultations has been incorporated into the design of the project to ensure that the investments align with local priorities and development plans, and that they will deliver equitable socio-economic benefits to the intended project beneficiaries.

### **Agenda of Public Consultation**

7. The survey team was trained to follow the instruction of the standard format of consultation details below before conducting the IOL/SES and consultations with the AHs. The survey team conducted the consultation only as one to one consultation with the households due to COVID-19 restrictions on public gatherings. The consultation was done simultaneously with IOL/SES with the AHs. The project background was explained to each AH in detail and the AH were encouraged to raise up all their concerns, suggestions, comments, and questions during the discussion part of the consultation. PIB was distributed and explained to all AHs. The details of the project and project policy was detailed to each AH as listed below.

#### **a. Introduction**

- Details about the project purpose, scope of Works and schedule.
- Funding and institutional arrangements of the project. Who is responsible for this project.
- Detail about project location and expected benefits.

#### **b. Detail Explanation about Resettlement Policy**

- Detail about RGC and ADB resettlement policies (SPS 2009).
- Detail about project involuntary resettlement framework:
  - What are the affected people and vulnerable groups of the project?
  - Corridor of impact (COI) vs Right-of-Way (ROW).
  - Framework for compensation and entitlement.
  - Cut-off date (11 November 2020) and eligibility for compensation.
  - Grievance Redress Mechanism and PRSC.
- Detail about IOL/SES process.
- Distribute the Khmer language PIBs.
  - If AHs cannot read or unclear, the outreach team assisted by reading and explaining the PIB to all illiterate AHs.
- Question and answer, and any comment or recommendation

### **Summary of the consultation outcome**

8. The one-to-one consultations with the AHs during conducting the IOL/SES is summarized in tables below.

<b>Background and Objective of the Meeting</b> <ul style="list-style-type: none"> <li>House-to-house consultation (one-to-one basis with each AH)</li> <li>Consultation meetings: <ul style="list-style-type: none"> <li>Detail explanation about the Project/Subproject scope of works and resettlement policy</li> <li>All affected household/person</li> <li>All mobile stalls along the subproject site</li> </ul> </li> </ul>		
<b>Summary Activities</b> <ul style="list-style-type: none"> <li>Detail description about project, location and objective of the Project/Subproject</li> <li>RGC IR policies and ADB's Safeguards Policy Statement 2009</li> <li>Details about Land Acquisition and Involuntary Resettlement: <ol style="list-style-type: none"> <li>Impact types; land, structures, tree, crop, people and vulnerable group in project etc.</li> <li>Corridor of Impact (COI) vs Right of Way (ROW), and impact screening is conducted under the subproject</li> <li>Framework for compensation and Entitlement</li> <li>Eligibility for allowance and entitlement</li> <li>Cut-off-date</li> <li>Grievance Redress Mechanism (GRM) and PGRC</li> </ol> </li> <li>Encouragement all the people during met raise up all their concerns, comments, suggestions, and any questions during the discussion as part of the consultation</li> <li>Suggesting to all affected household join with work team conducting IOL/SES and prepare any document for registration in Inventory of Losses</li> </ul>		
<b>Date of Meeting</b>  11 – 18 November 2020	Kampot Subproject Kampot city, Kampot province Sewerage Network	<b>Prepared by</b>  Chan Narith National Resettlement Specialist
<b>Participants:</b> <ul style="list-style-type: none"> <li>PIU and Local Authorities</li> <li>National Resettlement Specialist</li> <li>Survey team assisting to distribute the PIBs and reading to AHs in detail and explaining before conducting the IOL/SES</li> </ul>		
<b>Summary Attendant List</b> Total the affected household covered by the consultation <ul style="list-style-type: none"> <li><b>36 (10 male / 26 female)</b></li> </ul>		
<b>Minutes of Meeting</b>		
<b>General Ideas</b> <ul style="list-style-type: none"> <li>The AH understood about the subproject description, location and project benefits</li> <li>The AH understood about subproject policy and especially the resettlement framework compensation and entitlement.</li> <li>The AH understood about and GRM, PRSC and how to apply the complaint form or letter by detail explanation and show all GRM form attached with PIBs.</li> <li>The AH understood about key person and contact number in the PIBs was distributed.</li> <li>The AH agreed that the subproject is a good opportunity for Kampot city to develop separated system from wastewater and drainage. This will assist in increasing the social and environment welfare.</li> <li>The AH appreciates the explaining on the potential subproject impacts on private properties/assets and compensation for them, and that the contractor will reinstate temporary structures to the pre-subproject condition.</li> <li>The AH thanked for the opportunity for one-to-one consultation during the COVID-19, especially after the MOH informed on 10 November 2020 on the ban of gatherings in a safe way for AH by avoiding group discussions or meetings. Also, one-to-one consultation is preferred by AHs to provide enough time for discussion and asking questions without worry or shame.</li> </ul>		
<b>a. Questions, Suggestions and Recommendations</b>		

Question: Can the subproject reduce the noise disruption during construction?

Response: The subproject will try the best for avoiding noise and vibration (environment impact) during construction. Based on subproject discussion, the Social Safeguards and Environment will support the community for avoiding all the impact expected to happen during construction and the EMP and monitor the compliance by the construction contractor.

Question: We are suggesting that, please provide adequate traffic management during construction.

Response: Yes, this is very important, and the project already discussed and prepared in EMP for the construction site for:

- i. Traffic management
- ii. Detour road
- iii. Safety Construction site and
- iv. Environmental management

Question: Can the subproject back fill immediately after the excavation of each pit in front of our house?

Response: This is the first priority for the subproject to find the best solution for each pit excavation during construction to avoid impact with all of your business and livelihood.

Comment: We appreciate the subproject and support it 100%. We wish the construction would happen soon and also finish in schedule.

Question: Please provide detailed explanation again about the compensation by subproject.

Response: Yes, of course, I would like to detail about compensation process such as

- i. Everything is detailed in the PIBs that was distributed to you by the team before discussion
- ii. This is the project preparatory/feasibility study stage and now the IOL/SES is conducted
- iii. In the second step of the subproject (DED stage) will conduct DMS and RCS

Temporary structure will be reinstated by the contractor to pre-project condition. Compensation is under MEF/GDR responsibility. DMS will record the eligible households impacts on private assets such as land, structure, tree and any allowance for vulnerable AHs etc. The schedule is:

1. Conduct the DMS (registration and DRP preparation)
2. Contract agreement with AHs
3. The compensation based on the rates of RCS
4. Compensated processing.

Question: Can the subproject conduct digging/excavation in short distance only (30m to 50m) for avoiding business disruption, and do back filling quickly?

Response: The subproject always focusses on avoiding the impact such as business disruption. Sections with potential business disruption will be constructed in short distance to be avoid business disruption.

Question: Can the subproject back fill after digging/excavation quickly?

Response: Yes, all the trenches/pit will be back filled after excavation of the section. Also, the contractor will reinstate temporary structures to their pre-subproject condition.

Question: Can the subproject speed up the construction schedule?

Response: Yes, all the construction sites will try their best and follow the construction schedule as fast as possible to avoid long-time disturbances.

Question: Can the subproject inform us at least 1 week before the construction start?

Response: The subproject will inform all of mobile vendors along the project construction areas at least 1 week before start construction. The temporary relocation site will be responsibility of the city authorities. After finish construction, all of the mobile vendors will be allowed to go back to the original location. The daily selling is not disturbed, but just need to relocate from one side of road to another side of the road during construction.

Question: Can the subproject prepare a temporary location for use near the original location for mobile vendors.

Response: Based on the discussion with provincial authorities, all mobile vendors along the subproject construction COI will be provided with a temporary relocation sites near the original one for not impacting the daily business of vendors.

Question: Does the subproject will conduct more consultations?

Response: The subproject will consult with all of you again at DMS stage, and at implementation stage to inform about the construction schedule.

### List of participants

Location/Venue		Sewerage Network	
Date		11 to 18 November 2020	
Participant		36 (10 male / 26 female)	
Local Authority		8 (4 male / 4 female)	
No	Name	Gender	Occupation/Status
1	Man Masitas	Female	Villager
2	Som Sokunthea	Male	Villager
3	Penh Sony	Male	Villager
4	Teacher Chet	Male	Villager
5	Ly Say	Male	Villager
6	Ros Souvdes	Female	Villager
7	LY Rany	Male	Villager
8	Toch Kea	Male	Villager
9	Kerm Oun	Female	Villager
10	Bean Sarim	Female	Villager
11	Kim Sophol	Female	Villager
12	Manh Pholla	Female	Villager
13	Tot Minphealim	Male	Villager
14	Bon Sopheap	Female	Villager
15	Seurn Sopheap	Female	Villager
16	Meas Sokhom	Male	Government Officer
17	Cheat Rotana	Female	Government Officer
18	Chan Dara	Male	Government Officer
19	Toch Pholla	Female	Villager
20	Nak Son	Female	Villager
21	Kong Serb	Male	Villager
22	Ourn Theurn	Female	Villager
23	Ser Rohayert	Female	Villager
24	Kheam Sombor	Female	Villager
25	Sros Mas	Female	Villager
26	Chin Tola	Male	Villager
27	E Smach	Male	Villager
28	Ourn Thol	Male	Villager
29	Kong Hor	Male	Villager
30	Ouy Sioun	Female	Villager
31	Lerng Sovan	Male	Villager
32	Ram Sokhom	Female	Villager
33	Srey Sor	Female	Villager
34	Srey Sok	Male	Villager
35	Cheom Pholly	Female	Villager
36	Sotheavy	Female	Villager





**Picture of individual consultations**





## G. Public Information Brochure

### **PUBLIC INFORMATION BROCHURE** **Proposed Livable Cities Investment Project (LCIP)**

**September 2020**

The purpose of this Public Information Brochure (PIB) is to provide Proposed **Livable Cities Investment Project (LCIP)** related information to persons and households at the LCIP subproject sites, who may be physically (relocation, loss of residential land or loss of shelter) or economically (loss of land, assets, access to assets, income sources or means of livelihood) affected by land acquisition and involuntary resettlement. This PIB is for the proposed subprojects in Kampot under the proposed LCIP.

#### **A. PROJECT BACKGROUND**

##### **1. What is Proposed Livable Cities Investment Project (LCIP)?**

The Asian Development Bank (ADB) is supporting the Royal Government of Cambodia (RGC) to facilitate long-term sustainable and economic growth. The proposed LCIP will concentrate on secondary cities of Bavet, Poipet, and Kampot, due to their economic potential and location at key trade and tourism zones. The loan approval is expected in 2021. The Ministry of Public Works and Transport (MPWT) will be the Executing Agency for the proposed LCIP.

##### **2. What is the objective of the proposed LCIP**

The objective of the proposed LCIP is to improve (i) the regulatory environment; (ii) the institution and governance arrangements pertaining to the infrastructure sector; and (iii) the urban infrastructure (with a focus on water supply, sanitation, solid waste management and stormwater drainage sectors).

##### **3. What are proposed LCIP Outputs**

There are three outputs of proposed LCIP: (i) policy and regulatory environment improved, (ii) urban infrastructure improved, and (iii) institutional effectiveness and governance improved.

##### **4. What are the proposed LCIP subproject?**

The proposed LCIP subproject for Kampot city is Kampot Wastewater Treatment Subproject. The map showing the location of is in **Appendix 1**.

##### **5. What are the scope of land acquisition and resettlement and likely impacts?**

There will be impacts on land and non-land assets by the proposed subproject components. After the detailed engineering design (DED), the project management unit (PMU) in MPWT and design consultants will place demarcation pegs on the ground before the detailed measurement survey starts. Resettlement planning will be done in parallel to the proposed subproject design, and all compensation will be paid prior to start of the construction.

##### **6. What are the Right of Way (ROW) and Corridor of Impact (COI) of the subprojects**

The ROW is the state or government-owned land allocated for future widening or construction of public infrastructure, such as roads, drainage and sewer lines. The COI area of land that will be directly impacted where the proposed works are to be carried out.

The exact COI dimensions are subject to adjustment after the DED is completed. Further consultations will be conducted with the affected households and affected persons (AHs/APs) at the commune or village level after the completion of the DED to inform them of the DED and any adjustments to the COI.

##### **7. What is the cut-off date for eligibility?**

The cut-off date (COD) is the date established by RGC that establishes the eligibility of the AHs/APs to receive compensation and resettlement assistance under the proposed subprojects. For this subproject the COD is **11 November 2020**. Only those AHs/APs who are in the COI or lose their assets before the COD will be eligible for compensation. Any person who occupies land after the COD will be ineligible for receiving compensation. However, any new construction of new structures or expansion to existing structure within the COI is considered illegal and is neither eligible nor entitled for compensation. The AHs/APs will have to vacate the COI after the payment of compensation to allow the civil works to start.

##### **8. What is the inventory of losses and detailed measurement survey, and when will they be**

## conducted?

A census, socio-economic survey (SES) and Inventory of Losses (IOL) is initial estimate of scope of impact on private and public property of the proposed subprojects, including land, structures, crops, trees, businesses and loss of livelihoods. A combined IOL and SES will be conducted by the MPWT after the outline design of the proposed subproject is being completed and first public consultation with potentially affected people has been conducted. It will allow initial estimation of the impacts, their preliminary estimated cost and direct impact mitigation and avoidance during detailed design. The census will determine the list of AHs who will be eligible for compensation for their loss of assets.

The detailed measurement survey (DMS) is a detailed survey and measurement of all affected assets including land, houses and structures, shops, crops, and trees of all the AHs. It will be conducted for each AH to record and agree on all the AH's losses of assets. The survey will also collect information and data on socioeconomic status, sources of livelihood, income, education levels of AH heads and APs, vulnerability etc. This is carried out in the presence of the AH and witnessed by a commune or village official. The DMS will be the basis for the calculation of the compensation package for each AH. The DMS will be conducted after the DED is completed. The affected people and the local authorities will be informed in advance of this activity.

## 9. What will be the compensation and entitlements?

Households/People affected by the proposed Project are entitled to receive compensation for affected assets under the following key compensation principles:

- Provisions of fair and just compensation in advance.
- Full compensation paid before expropriation or clearance.
- Compensation is based on the replacement costs of lost assets at market prices that will be determined by an independent consultant through replacement cost study (RCS) without any deductions made for depreciation, salvage materials and transaction costs.

### (a) Will I be compensated for lost land?

The ROW is state land and AHs who occupy land on the ROW will not be compensated for the land. However, they will be compensated for any loss resulting from using the land like for example, for structures, operating a stall or planting crops or fruit trees.

In case, after the completion of DED, it becomes necessary to acquire private land for new alignments or land on which the AH has a legal right that falls **outside of the ROW**, then compensation will be paid at the replacement cost of the land to be acquired.

### (b) Will I be compensated for affected house and structures that I own?

Yes. Private houses and structures that are affected by the proposed subproject will be compensated at replacement cost. No amount from the replacement cost will be deducted for depreciation, salvage materials or transactions costs. Structures include fences, wells, latrines, concrete pavements, gates and other similar structures for which the AH can show ownership. If the house or structure is partially affected, then the compensation will be paid for the affected portion unless it can be shown that the remaining portion can no longer be useful after the removal of the affected portion. In such cases, compensation will be paid for the whole structure.

### (c) Will I be compensated for my crops and trees?

Yes. For annual crops that are produced on annual seasonal basis like rice will be compensated for **Net Annual Income for One Year**. In addition, sufficient notice will be provided to the AHs so that they can harvest the crops in time. No compensation is paid for crops in this case. For standing crops that are ripening but cannot be harvested by the time the land is required, the AHs will be compensated for the lost crop on replacement cost basis.

For perennial crops (trees that produce fruits for multiple years like mango tree), the AHs will be compensated for the loss of fruit which will take into account the loss of potential income and the time required to re-establish the perennial trees.

### (d) If I have to relocate my house or shop, is there any relocation assistance?

Yes. All efforts will be made during the detail design stage of the subprojects to avoid any physical displacement of AHs. For any physical relocation of houses or similar residential structures from the

COI will be provided transition allowance, relocation assistance and option to relocate at relocation site. There may be some relocation of stalls where they will be required to self-relocate or move back outside of the ROW. Apart from the compensation for the structures at replacement cost, transitional allowances will be paid as follows: (i) fixed lump sum transportation allowance for moving the assets; and (ii) loss of business income in case of stalls carrying out business. In case, the AHs are classified as poor and vulnerable, the allowances in (ii) above will be **doubled**.

**(e) In case my livelihood is affected, how will I be compensated?**

The DMS will take note of the livelihoods of the AHs and whether there is any impact on them. Under the proposed subproject, for AHs whose livelihood is impacted they will be provided with income loss or restoration support:

- (i) Loss of income during the transitional period where physical relocation is required. This will cover loss of income during the period of self-relocation.
- (ii) When main source of livelihood source is permanently lost, a livelihood restoration/support program will be provided to assist the AHs/APs to rebuild/restore their livelihood.

In case the AHs are classified as poor and vulnerable, these cash grant under the chosen livelihood restoration/support will be doubled. In addition, the proposed subproject will seek to provide work opportunities during the construction period.

**10. How will the replacement cost be decided, and compensation calculated?**

The payment for compensation will be made based on the market value or full replacement cost of the lost assets without deduction being made for salvage materials, depreciation, or transaction costs. A Replacement Cost Study (RCS) will be carried out by a local qualified independent consultant with the necessary experience in asset valuation to determine the prevailing market rates. This will be done immediately after the DMS. The RCS consultant will carry out a detailed analysis of the market rates for all types of assets prevailing in the proposed subproject or subproject area and prepare the unit rates for each category of the loss asset. These will be used to calculate the replacement value. The General Department of Resettlement (GDR) of the Ministry and Economy and Finance will select the RCS consultant before the commencement of the DMS.

**11. Do I have right to complain about disagreements, compensation issues, resettlement or other related issues, if yes how?**

Yes, you have right to lodge your complaint to Grievance Redress Committee (GRC) if you are unclear or unhappy with resettlement activities during implementation of the proposed subproject. The members of GRC at all time are ready to assist you. The attempt to redress your grievance will commence at village level through the Village Chief. However, you can lodge your verbal complaint to any member of the GRC (i.e. at village, commune or resettlement working group). The GRC will record and document your complaint and advise you of the resolution.

**12. Who do I contact in case I need clarifications or have a problem/complaint?**

At this stage of the preparation of the proposed LCIP, the contact persons and their mobile numbers are provided in the box below who can provide you with clarifications on the proposed subproject related technical issues. At this point in time, the eligibility, loss of assets, the DMS and the compensation packages have not been decided and hence any complaints relating to them will not be entertained.

Given that the proposed LCIP is yet to be approved by the ADB, the Inter-Ministerial Resettlement Committee of the Ministry of Economy and Finance is yet to establish a Grievance Redress Mechanism (GRM) under which RCs will be established at the local District level and at the Provincial level. These Committees will be set up and made operational before the commencement of the DMS. Any complaints or grievances on any aspects of the compensation package will need to be sent to these Committees for resolution. An updated PIB with all the details on the GRM will be circulated and explained in detail by GDR to the AHs during a separate public consultation meeting before the commencement of the DMS.



If you have further queries and suggestions, please contact us at:

#### **Contacts Persons Related to Land Acquisition and Resettlement**

**Mr. Sun Sokny**, Deputy Director, General Department of Resettlement, Ministry of Economy and Finance, Phnom Penh.

Tel: 012929955

**Mr. Vong Daputhea**, Project Manager, Project Management Unit, Ministry of Public Works and Transport, Phnom Penh

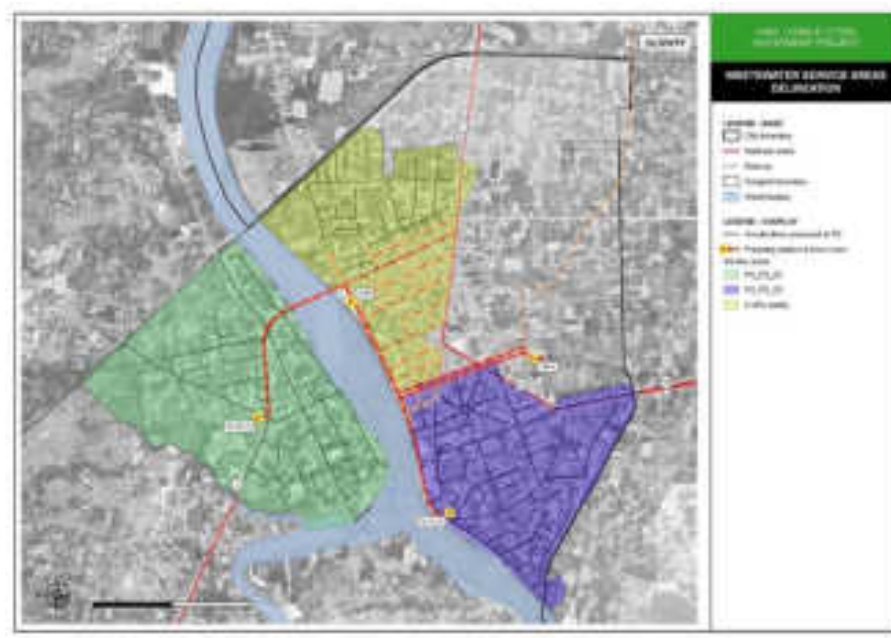
Tel: 092 465 060

**Mr. Thorn Soravuth**, Project Implementation Unit, Department of Public Works Kampot City

Tel: 012 330 166

## **Appendix 1**

**Figure 1: Map of Location for Kampot Wastewater Treatment Subproject**



### Individual Complaint Form

#### Second Integrated Urban Environmental Management in the Tonle Sap Basin Project

Date of Complaint		DMS No.
Name of Complainant		
ID Number		
Family Book		
Contact (Mobile No)		
Address		
Summary of Complaint		
List of Supporting Documents/Evidence		

**Name:** \_\_\_\_\_ **(Head of Household)**

**Sign/Thump Print:** \_\_\_\_\_

**Date:** \_\_\_\_\_

### Register of Complaint

#### Second Integrated Urban Environmental Management in the Tonle Sap Basin Project

Municipality-District-Kahn: \_\_\_\_\_

Capital-Province: \_\_\_\_\_

Date of Receipt of Complaint	Case No.	Name and ID of Complaint		Main Points of Complaint
		Name	ID Number / Family Book	

**Royal Government of Cambodia**  
**Nation Religion King**  
**Letter from Head of District-Khan**

Municipality-District-Kahn: \_\_\_\_\_

Capital-Province: \_\_\_\_\_

<b>Individual Complaint</b>		
Case No.		
Name of Complainant		
Date of Complaint		
<b>Summary of Complaints</b> <i>(Same as in Individual Complaint Register Form)</i>		
<b>GRC Meeting Held</b>		
Date:	Time:	Location:
Participants		
Summary of Discussion		
Date of Field Inspection (if any)		
<b>Result of the Meeting / Decision</b>		
<ul style="list-style-type: none"> <li>Reject-No basis as per Entitlement Matrix</li> <li>Has Merit - Complaint forwarded to Resettlement Department for necessary action</li> </ul>		

**Name:**

**Position:**

**Sign/Thump Print:**

**Date:**



**ខិត្តប័ណ្ណព័ត៌មានសាធារណៈ**  
**គម្រោងវិនិយោគកែលម្អផ្លូវជាតិលេខ១ ( LCIP )**  
**ខែ កញ្ញា ឆ្នាំ ២០២០**

គោលបំណងនៃខិត្តប័ណ្ណព័ត៌មានសាធារណៈនេះត្រូវបានផ្តល់ នូវព័ត៌មានពាក់ព័ន្ធទៅនឹង គម្រោងវិនិយោគកែលម្អផ្លូវជាតិលេខ១ (LCIP) ជូនដល់បុគ្គល និងគ្រួសារដែលរស់នៅក្នុង ទីតាំងអនុគម្រោងនៃគម្រោង LCIP ដែលអាចរើ្ន ខូចខាតសំណង់រូបវន្ត (ការផ្លាស់ប្តូរទី លំនៅ ការបាត់បង់ដីលំនៅដ្ឋាន ឬការបាត់បង់ទីដីជ្រកជានិមិត្ត) ឬខូចខាតផ្នែកសេដ្ឋកិច្ច (ការបាត់បង់ដីធ្លី, ទ្រព្យសម្បត្តិ, ផ្លូវចេញចូលមកផ្ទះឬហាងលក់ដូរ, ប្រភពចំណូលឬ មធ្យោបាយទ្រទ្រង់ជីវភាពរស់នៅ) ដែលរងផលប៉ះពាល់ពីគម្រោងសម្រាប់គម្រោង និង ការតាំងទីលំនៅដ្ឋានសារជាថ្មីដោយមិនមានការស្ម័គ្រចិត្ត។ ខិត្តប័ណ្ណព័ត៌មាន(PIB)នេះគឺ សម្រាប់អនុគម្រោងក្នុងក្រុងកំពតក្រោមគម្រោងស្នើសុំ LCIP ។

**A. សាវតាកម្រោង**

**1. តើមានហេតុផលអ្វីដែលត្រូវបានស្នើសុំសម្រាប់គម្រោងវិនិយោគកែលម្អផ្លូវជាតិលេខ១ (LCIP)?**

ធនាគារអភិវឌ្ឍន៍អាស៊ី (ADB) កំពុងគាំទ្រដល់រាជរដ្ឋាភិបាលកម្ពុជា (RGC) ដើម្បីជួយសម្រួល ដល់កំណើនសេដ្ឋកិច្ចប្រកបដោយចីរភាព និងរយៈពេលវែង ។ គម្រោងស្នើសុំ LCIP នេះ នឹង ផ្ដោតលើក្រុងកំពតទីពីររួមមាន៖ ក្រុងបាវិត ក្រុងបោយប៉ែត និងក្រុងកំពត ដោយសារតែក្រុងទាំង នោះមានទីតាំង និងសក្តានុពលសេដ្ឋកិច្ច ដែលស្ថិតនៅតំបន់ពាណិជ្ជកម្ម និងទេសចរណ៍សំខា ន់។ ការអនុវត្តគម្រោងនេះនឹងរំពឹងទុកក្នុងឆ្នាំ 2021 ។ ក្រសួងសាធារណការនិងដឹកជញ្ជូន (MPWT) នឹងក្លាយជាទីភ្នាក់ងារប្រតិបត្តិសម្រាប់គម្រោង LCIP ។

**2. តើអ្វីទៅជាគោលបំណងនៃគម្រោងស្នើសុំ LCIP?**

- គោលបំណងនៃគម្រោង LCIP ដែលបានស្នើឡើងគឺដើម្បីធ្វើឱ្យប្រសើរឡើងនូវ៖
- (i) បទប្បញ្ញត្តិបរិស្ថាន
  - (ii) ការរៀបចំស្ថាប័ននិងអភិបាលកិច្ចទាក់ទងនឹងវិស័យហេដ្ឋារចនាសម្ព័ន្ធ និង
  - (iii) ហេដ្ឋារចនាសម្ព័ន្ធទីក្រុង (ដោយផ្ដោតលើការផ្គត់ផ្គង់ទឹកស្អាតប្រព័ន្ធអនាម័យ ការ គ្រប់គ្រងសំណល់រឹង និងប្រព័ន្ធរំដោះទឹកភ្លៀង) ។

**3. តើអ្វីជាលទ្ធផលរំពឹងទុកនៃគម្រោងស្នើសុំ LCIP ?**

លទ្ធផលរំពឹងទុកនៃគម្រោងស្នើសុំ LCIP មានបីគឺ៖

- (i) ការកែលំអគោលនយោបាយ និងបទប្បញ្ញត្តិបរិស្ថាន
- (ii) ការកែលំអហេដ្ឋារចនាសម្ព័ន្ធទីក្រុងឱ្យមានភាពប្រសើរឡើង និង
- (iii) ការកែលំអស្ថាប័ន និងអភិបាលកិច្ចឱ្យមានប្រសិទ្ធភាព។

**4. តើអនុគម្រោងនៃគម្រោងស្នើសុំ LCIP មានអ្វីខ្លះ?**

អនុគម្រោងនៃគម្រោងស្នើសុំ LCIP សម្រាប់ទីក្រុងកំពតរួមមាន៖

- 1) អនុគម្រោងការគ្រប់គ្រងកាកសំណល់រឹង
- 2) អនុគម្រោងការប្រមូល និងធ្វើប្រព្រឹត្តិកម្មសំណល់កាកសំណល់រឹង
- 3) អនុគម្រោងប្រព័ន្ធរំដោះទឹកភ្លៀង។

**5. តើទំហំការងារទទួលបានដី និងការតាំងទីលំនៅដ្ឋានថ្មី និងផលប៉ះពាល់មានអ្វីខ្លះ?**

ផលប៉ះពាល់នឹងមានចំពោះទ្រព្យសម្បត្តិជាប្រភេទដី និងមិនមែនដី ដោយសារសមាសភាពនៃ អនុគម្រោងដែលបានស្នើឡើង។ បន្ទាប់ពីការរចនាប្លង់វិស្វកម្មលំអិត(DED) អង្គភាពគ្រប់គ្រង គម្រោង(PMU) ក្នុងក្រសួងសាធារណការនិងដឹកជញ្ជូន និងក្រុមទីប្រឹក្សាបច្ចេកទេសសិក្សារៀបចំ ប្លង់និងបោះបង្គោលព្រំដែនលើដីមុនពេលការចុះវាស់វែងលម្អិត(DMS)ចាប់ផ្តើម។ ការរៀបចំ ដែនការផ្លាស់ប្តូរទីលំនៅ នឹងត្រូវធ្វើឱ្យរួចរាល់ស្របពេលជាមួយគ្នានឹងការរចនាប្លង់លំអិតនៃអនុ គម្រោងស្នើសុំ ហើយរាល់ការទូទាត់សំណង់ទាំងអស់នឹងត្រូវធ្វើឱ្យបានចប់សព្វគ្រប់ មុននឹងចាប់ ផ្តើមការសាងសង់។

**6. តើដីចំណីផ្លូវ (ROW) និងទំហំដីដែលរងការប៉ះពាល់ (COI) មានអ្វីខ្លះនៅក្នុងអនុគម្រោង?**

ROW គឺជាដីដែលគ្រប់គ្រងដោយរដ្ឋឬរដ្ឋាភិបាលដែល ត្រូវបានបម្រុងទុកសម្រាប់ការពង្រីកឬ សាងសង់ហេដ្ឋារចនាសម្ព័ន្ធសាធារណៈនាពេលអនាគតដូចជា ផ្លូវ ប្រព័ន្ធរំដោះទឹក និងបណ្តាញ លូ ។ COI គឺជាទំហំដីដែលនឹងត្រូវរងផលប៉ះពាល់ដោយផ្ទាល់ នៅកន្លែងការងារដែលអនុ គម្រោងស្នើសុំនឹងត្រូវអនុវត្ត។

វិមាត្ររបស់ COI ពិតប្រាកដ គឺត្រូវមានការកែតម្រូវបន្ទាប់ពីការបញ្ចប់ការរចនាប្លង់វិស្វកម្មលំអិត (DED) ។ ការពិគ្រោះយោបល់បន្ថែម នឹងត្រូវធ្វើឡើង ជាមួយគ្រួសារ/ជនដែលរងផលប៉ះពាល់ (AHs/APs)នៅថ្នាក់ឃុំឬភូមិបន្ទាប់ពីការបញ្ចប់ DED ដើម្បីជូនព័ត៌មានអំពី DED និងការកែសំរួល ណាមួយចំពោះ COI ។

**7. តើកាលបរិច្ឆេទបញ្ចប់សម្រាប់ការទទួលបានសិទ្ធិជាអ្វី?**

កាលបរិច្ឆេទបញ្ចប់ (COD) គឺជាកាលបរិច្ឆេទដែលត្រូវបានបង្កើតឡើងដោយរាជរដ្ឋាភិបាល កម្ពុជា ដែលសិទ្ធិទទួលបានរបស់គ្រួសារ/ជនដែលរងផលប៉ះពាល់ (AH/AP) ដើម្បីទទួលបាន សំណងនិងជំនួយការតាំងទីលំនៅថ្មី ក្រោមអនុគមន៍ដែលបានស្នើសុំ ។ មានតែAHs ដែលស្ថិតនៅក្នុង COI ឬបាត់បង់ទ្រព្យសម្បត្តិរបស់ពួកគេមុនពេលCODប៉ុណ្ណោះ ដែលនឹងមានសិទ្ធិទទួលបានសំណង។ ជនណាកាន់កាប់ដីធ្លីបន្ទាប់ពី COD នឹងមិនមានសិទ្ធិទទួលបានសំណងឡើយ។ ម៉្យាងវិញទៀត រាល់ការសាសង់សំណង់ថ្មី ឬការពង្រីករចនាសម្ព័ន្ធដែលមានស្រាប់នៅក្នុងCOI ត្រូវបានចាត់ទុកថា ខុសច្បាប់ហើយមិនមានសិទ្ធិទទួលបានសំណងឡើយ។

គ្រួសារ/ជនដែលរងផលប៉ះពាល់ (AHs/APs)នឹងត្រូវចាកចេញពី COI បន្ទាប់ពីការទូទាត់សំណងបានធ្វើរួចរាល់ ដើម្បីឱ្យការងារសាងសង់របស់គម្រោងចាប់ផ្តើម។

**៨.តើអ្វីទៅជាសារពើភ័ណ្ឌនៃការខាតបង់ និងការស្ទង់មតិវាស់វែងលម្អិត, ហើយពេលណាទើបអនុវត្ត?**

ការធ្វើជំរឿន ការស្ទង់មតិសេដ្ឋកិច្ចសង្គម (SES) និងសារពើភ័ណ្ឌនៃការខាតបង់ (IOL) គឺជាការព្យាករណ៍ប្រភេទទំហំនៃផលប៉ះពាល់ទៅលើទ្រព្យសម្បត្តិឯកជន និងសាធារណៈដោយអនុគមន៍ស្នើសុំ ដោយមានរួមបញ្ចូលទាំងដី, រចនាសម្ព័ន្ធ, ដំណាំ, ដើមឈើ, អាជីវកម្ម និងការបាត់បង់ផ្សេងទៀតក្នុងជីវភាពរស់នៅ។ ការរួមបញ្ចូលគ្នាIOL និង SES នឹងត្រូវបានធ្វើឡើង ដោយក្រសួងសាធារណការចុះបន្ទាប់ពីការរចនាគ្រោងនៃអនុគមន៍ស្នើសុំ ត្រូវបានបញ្ចប់ ហើយការពិគ្រោះយោបល់ជាសាធារណៈលើកដំបូងជាមួយពលរដ្ឋដែលរងផលប៉ះពាល់នឹងត្រូវអនុវត្ត។ វានឹងអនុញ្ញាតឱ្យមានការប៉ាន់ប្រមាណដំបូងនៃផលប៉ះពាល់ ការប៉ាន់ស្មានបឋម និងការកាត់បន្ថយផលប៉ះពាល់ដោយផ្ទាល់ និងការបញ្ចៀសហេតុប៉ះពាល់ក្នុងកំឡុងពេលរចនាសម្ព័ន្ធ។ ជំរឿន នឹងកំណត់បញ្ជីឈ្មោះគ្រួសារដែលរងផលប៉ះពាល់(AHs) ដែលមានសិទ្ធិទទួលបានសំណងសម្រាប់ការបាត់បង់ទ្រព្យសម្បត្តិរបស់ពួកគេ។

ការវាស់វែងលម្អិត (DMS) គឺជាការចុះអង្កេតលម្អិតនិងការវាយតម្លៃទ្រព្យសម្បត្តិដែលរងផលប៉ះពាល់ទាំងអស់រួមទាំងដី ផ្ទះនិងរចនាសម្ព័ន្ធ, ហាង, ដំណាំ , និងដើមឈើរបស់គ្រួសារដែលរងផលប៉ះពាល់ទាំងអស់។ ការចុះអង្កេតលម្អិតនឹងត្រូវបានធ្វើឡើងចំពោះគ្រួសារដែលរងផលប៉ះពាល់នីមួយៗ ដើម្បីកត់ត្រានិងឯកភាពលើរាល់ការបាត់បង់ ទ្រព្យសម្បត្តិរបស់ពួកគេ។ ការការចុះអង្កេតស្ទង់មតិនេះក៏នឹងប្រមូលព័ត៌មាននិងទិន្នន័យស្តីពីស្ថានភាពសេដ្ឋកិច្ចសង្គម ប្រភពនៃការទ្រទ្រង់ជីវភាព ប្រាក់ចំណូល កំរិតវប្បធម៌របស់គ្រួសារ ដែលរងផលប៉ះពាល់ និងផលដែលរងផលប៉ះពាល់ ជនងាយរងគ្រោះ។ល។ វាត្រូវបានធ្វើឡើងដោយមានវត្តមានរបស់គ្រួសារដែលរងផលប៉ះពាល់ និងសក្សីដោយមន្ត្រីឃុំឃ្នកមី។ DMS នឹងក្លាយជា មូលដ្ឋានសម្រាប់ការគណនាកញ្ចប់សំណងសម្រាប់ គ្រួសារដែលរងផលប៉ះពាល់នីមួយៗ ។ DMS នឹងត្រូវបានធ្វើឡើងបន្ទាប់

ពី DED ត្រូវបាបបញ្ចប់។ ប្រជាជនដែលរងគ្រោះនិងអាជ្ញាធរមូលដ្ឋាន នឹងត្រូវជូនដំណឹងជាមុនអំពីអំពីសកម្មភាពនេះ ។

**៩. តើសំណងនិងសិទ្ធិទទួលបានអ្វីខ្លះ?**

គ្រួសារ/ជនដែលរងផលប៉ះពាល់ដោយគម្រោង ស្នើសុំមានសិទ្ធិទទួលបានសំណងសម្រាប់ទ្រព្យសម្បត្តិដែលរងផលប៉ះពាល់ ក្រោមគោលការណ៍សំណងសំខាន់ៗដូចខាងក្រោម:

- ការផ្តល់សំណងសមរម្យ និងយុត្តិធម៌ជាមុន
- សំណងពេញលេញដែលត្រូវបង់ មុនធ្វើអស្សាមិករណ៍ ឬរុះរើសំអាត
- សំណង គឺផ្អែកលើតម្លៃនៃការផ្លាស់ប្តូរ ការបាត់បង់សម្រាប់ទ្រព្យសម្បត្តិ តាមតម្លៃលើទីផ្សារដែល នឹងត្រូវកំណត់ដោយទីប្រឹក្សាឯករាជ្យតាមរយៈការសិក្សាតម្លៃទូទាត់សំណង (RCS) ដោយគ្មានការកាត់ចេញដែលធ្វើឡើងសម្រាប់ការរំលោះសម្ភារៈនិងថ្លៃប្រតិបត្តិការ។

**(a) តើខ្ញុំនឹងទទួលបានសំណងចំពោះការបាត់បង់ដីឬទេ?**

ដីចំណីផ្លូវ (ROW) គឺជាដីរបស់រដ្ឋ ហើយគ្រួសារដែលរងផលប៉ះពាល់កាន់កាប់ដីដែលជាចំណីផ្លូវនេះនឹងមិនត្រូវបានទទួលសំណងឡើយ។ ទោះជាយ៉ាងនេះក្តី ពួកគេនឹងត្រូវបានផ្តល់សំណងសម្រាប់ការបាត់បង់ដែលបណ្តាលមកពីការប្រើប្រាស់ដីនេះ ជាឧទាហរណ៍ សំណង់អគារ តូបកំពង់លក់ដូរ ឬ ដំណាំដាំដុះឬដើមឈើរូបវន្ត។

ក្នុងករណីបន្ទាប់ពីការបញ្ចប់នៃការរចនាវិស្វកម្មលម្អិត (DED) ចាំបាច់ត្រូវធ្វើការទូទាត់លើដីឯកជនសម្រាប់ខ្សែបន្ទាត់ថ្មី ឬទំហំដីដែលគ្រួសារដែលរងផលប៉ះពាល់មានសិទ្ធិស្របច្បាប់ដែលដីនោះស្ថិតនៅក្រៅដីចំណីផ្លូវ (ROW) បន្ទាប់មកសំណងនឹងត្រូវបង់តាមតម្លៃទូទាត់សងនៃដីដែលត្រូវទទួលបាន។

**(ខ) តើខ្ញុំនឹងទទួលបានសំណងសម្រាប់ផ្ទះនិងសំណង់ដែលរងផលប៉ះពាល់ដែរឬទេ?**

ពិតជាទទួលបាន។ ផ្ទះឯកជននិងសំណង់ដែលរងផលប៉ះពាល់ដោយសារអនុគមន៍ស្នើសុំនឹងត្រូវបានសងដោយតម្លៃទូទាត់សំណង។ តម្លៃទូទាត់សំណង មិនកាត់បន្ថយទឹកប្រាក់សម្រាប់ថ្លៃរំលោះចំពោះការប្រើប្រាស់ ឬថ្លៃសម្ភារៈឡើងចុះ និងតម្លៃអន្តរកាលទេ។ សំណង់ទាំងនោះរួមមាន ៖ របង អណ្តូងទឹក បង្គន់អនាម័យ ផ្លូវក្រាលបេតុង ភ្លោងទ្វារនិងសំណង់ស្រដៀងគ្នាផ្សេងទៀតដែលគ្រួសារដែលរងផលប៉ះពាល់បង្ហាញពីភាពជាម្ចាស់។ ប្រសិនបើផ្ទះឬសំណង់ផ្សេងៗត្រូវបានរងផលប៉ះពាល់ដោយផ្នែកខ្លះៗ នោះសំណងនឹងត្រូវបានបង់សម្រាប់តែផ្នែកដែលរងផលប៉ះ

ពាល់លើកលែងតែត្រូវបានបង្ហាញថាផ្នែកដែលនៅសល់មិនអាចមានប្រយោជន៍ទៀតទេបន្ទាប់ពីផ្នែកដែលរងផលប៉ះពាល់ត្រូវបានដកចេញ ។ ក្នុងករណីបែបនេះសំណងនឹងត្រូវបង់សងសម្រាប់សំណងទាំងមូល។

(c) តើខ្ញុំនឹងទទួលបានសំណង សម្រាប់ដំណាំនិង ដើមឈើរបស់ខ្ញុំទេ?

ពិតជាទទួលបាន។ ចំពោះដំណាំប្រចាំឆ្នាំដែល បានផ្តល់ផលិតផល តាមរដូវកាលប្រចាំឆ្នាំ ដូចជាស្រូវ នឹងត្រូវបានផ្តល់សំណងសម្រាប់ ប្រាក់ចំណូលប្រចាំឆ្នាំសុទ្ធ សម្រាប់មួយឆ្នាំ។ លើសពីនេះទៀត ការជូនដំណឹងគ្រប់គ្រាន់ នឹងត្រូវផ្តល់ជូនគ្រួសារដែលរងផលប៉ះពាល់ ដើម្បីឱ្យពួកគេអាចប្រមូលផលដំណាំបានទាន់ពេលវេលា។ ក្នុងករណីនេះ គឺគ្មានសំណងត្រូវបានបង់សម្រាប់ដំណាំដែលបានប្រមូលផលរួចហើយ។ ចំពោះដំណាំដែលកំពុងរងចាំទុំប៉ុន្តែ មិនអាចប្រមូលផលបាន នៅពេលដែលការទទួលបានដីសម្រាប់គម្រោង គ្រួសារដែលរងផលប៉ះពាល់នឹងត្រូវផ្តល់សំណងសម្រាប់ដំណាំដែលបាត់បង់ដោយផ្អែកលើតម្លៃទូទាត់សំណងជាមូលដ្ឋាន ។

ចំពោះដំណាំដែលមានអាយុច្រើនឆ្នាំ (ដើមឈើដែលមានផ្លែច្រើនឆ្នាំដូចជាដើមស្វាយ) គ្រួសារដែលរងផលប៉ះពាល់នឹងត្រូវទូទាត់សងសម្រាប់ការបាត់បង់ផ្លែឈើដែល នឹងគិតតួរពីការបាត់បង់ចំណូលសក្តានុពល និងពេលវេលាដែលត្រូវការដើម្បីដាំដើមឈើដែលមានអាយុច្រើនឆ្នាំឡើងវិញ។

(d) ប្រសិនបើខ្ញុំត្រូវផ្លាស់ប្តូរទីលំនៅ ឬហាងរបស់ខ្ញុំតើមានជំនួយផ្លាស់ប្តូរទីតាំងដែរឬទេ?

ពិតជាមាន។ កិច្ចខិតខំប្រឹងប្រែងទាំងអស់នឹងត្រូវធ្វើឡើងក្នុងដំណាក់កាលរចនាសម្ព័ន្ធនៃអនុគម្រោងដើម្បីជៀសវាងការផ្លាស់សំណង់នានារបស់គ្រួសារដែលរងផលប៉ះពាល់។ ចំពោះការផ្លាស់ប្តូរទីនៃសំណង់លំនៅដ្ឋាន ឬសំណង់ប្រហាក់ប្រហែលគ្នាពីដីដែលគម្រោងសាងសង់ផ្លូវត្រូវការ(COI) នឹងត្រូវផ្តល់ប្រាក់ឧបត្ថម្ភផ្លាស់ប្តូរទី និងជំនួយក្នុងការផ្លាស់ទី។ អាចមានការផ្លាស់ប្តូរទីនៃតួបដែលពួកគេ នឹងតម្រូវឱ្យផ្លាស់ប្តូរតាមទីតាំងដែលចាត់បានដោយខ្លួនឯង ឬខិតទៅក្រោយខាងក្រៅដីចំណីផ្លូវ។ ក្រៅពីសំណងសម្រាប់ការផ្លាស់ប្តូរទីសំណង់ទាំងនោះ ប្រាក់ឧបត្ថម្ភអន្តរកាលនឹងត្រូវបង់ដូចខាងក្រោម៖

- (i) ប្រាក់ឧបត្ថម្ភដឹកជញ្ជូនសរុបមួយចំណែកសម្រាប់ការរើទ្រព្យសម្បត្តិ; និង
- (ii) ការបាត់បង់ប្រាក់ចំណូលពីអាជីវកម្មក្នុងករណីតួបដែលធ្វើអាជីវកម្ម។

ក្នុងករណី គ្រួសារដែលរងផលប៉ះពាល់ត្រូវបានចាត់ថ្នាក់ជាអ្នកក្រ និងងាយរងគ្រោះ នោះប្រាក់ឧបត្ថម្ភក្នុងចំនុច(ii)ខាងលើនឹងត្រូវកើនឡើងទ្វេដង។

(e) ក្នុងករណីដែលជីវភាពរបស់ខ្ញុំរងផលប៉ះពាល់តើខ្ញុំនឹងទទួលបានសំណងយ៉ាងដូចម្តេច?

ការចុះអង្កេតរៀបចំផែនការផ្គត់ផ្គង់(DMS) នឹងកត់សំគាល់ពីជីវភាពរបស់គ្រួសារដែលរងផលប៉ះពាល់ថា តើមានផលប៉ះពាល់អ្វីខ្លះដល់ពួកគេ ។ នៅក្រោម អនុគម្រោងស្នើសុំ សម្រាប់គ្រួសារដែលរងផលប៉ះពាល់ជីវភាពរបស់ពួកគេ ពួកគេនឹងត្រូវបានផ្តល់ទូទាត់ចំពោះការខាតបង់ប្រាក់ចំណូលឬការគាំទ្រការស្តារឡើងវិញ៖

- (i) ការបាត់បង់ប្រាក់ចំណូលក្នុងកំឡុងពេលអន្តរកាល ដែលត្រូវការការផ្លាស់ទីលំនៅថ្មី។ វានឹងគ្របដណ្តប់លើការបាត់បង់ប្រាក់ចំណូលក្នុងកំឡុងពេលផ្លាស់ប្តូរទីលំនៅដោយខ្លួនឯង។
- (ii) នៅពេលដែលប្រភពចម្បងនៃការចិញ្ចឹមជីវិត ត្រូវបានបាត់បង់ជាអចិន្ត្រៃយ៍ កម្មវិធីស្តារនិងទ្រទ្រង់ជីវភាព នឹងត្រូវបានផ្តល់ជូនដល់គ្រួសារ/ជនដែលរងផលប៉ះពាល់ ដើម្បីជួយកសាង/ស្តារជីវភាពរបស់ពួកគេឡើងវិញ។

ក្នុងករណីគ្រួសារដែលរងផលប៉ះពាល់ត្រូវបានចាត់ថ្នាក់ជាអ្នកក្រ និងងាយរងគ្រោះជំនួយថវិកាទាំងនេះក្រោមការស្តារនិងគាំទ្រជីវភាពដែលបានជ្រើសរើសនឹងកើនឡើងទ្វេដង។ លើសពីនេះទៀត អនុគម្រោងស្នើសុំ នឹងត្រូវផ្តល់ឱកាសការងារក្នុងកំឡុងពេលសាងសង់។

10. តើផ្លែទូទាត់សងគិតយ៉ាងដូចម្តេច, និងការផ្តល់សំណងគណនាដោយវិធីណា?

ការទូទាត់សំណង នឹងត្រូវធ្វើឡើងដោយផ្អែកលើតម្លៃលើទីផ្សារ ឬតម្លៃពេញលេញនៃទ្រព្យសម្បត្តិដែលបាត់បង់ដោយមិនចាំបាច់កាត់ប្រាក់សម្រាប់តម្លៃឡើងចុះ តម្លៃរំលោះសម្ភារៈ ឬតម្លៃអន្តរកាលឡើយ។ ការសិក្សាតម្លៃទូទាត់សាង (RCS) នឹងត្រូវបានអនុវត្តដោយអ្នកពិគ្រោះយោបល់ឯករាជ្យដែលមានលក្ខណៈសម្បត្តិគ្រប់គ្រាន់ក្នុងមូលដ្ឋានជាមួយ និងបទពិសោធន៍ចាំបាច់ក្នុងការវាយតម្លៃទ្រព្យសម្បត្តិដើម្បីកំណត់អត្រាលើទីផ្សារទូទៅ។ ការងារនេះនឹងត្រូវបានធ្វើឆ្លាមរបបនាប្រាក់DMS ។ ទីប្រឹក្សាពិគ្រោះយោបល់សម្រាប់RCS នឹងអនុវត្តការវិភាគលំអិតនៃអត្រាទីផ្សារសម្រាប់ទ្រព្យសម្បត្តិគ្រប់ប្រភេទដែលមាននៅក្នុងតំបន់អនុគម្រោងស្នើសុំ ហើយរៀបចំអត្រាតម្លៃឯកតា សម្រាប់ប្រភេទនីមួយៗនៃទ្រព្យសម្បត្តិដែលបាត់បង់។ ទាំងនេះនឹងត្រូវបានប្រើដើម្បីគណនាតម្លៃទូទាត់សង។ អត្តនាយកដ្ឋាននៃការតាំងទីលំនៅថ្មី (GDR) នៃក្រសួងសេដ្ឋកិច្ចនិងហិរញ្ញវត្ថុ នឹងជ្រើសរើសទីប្រឹក្សាពិគ្រោះយោបល់ RCS មុនពេលចាប់ផ្តើម DMS ។

11. តើខ្ញុំមានសិទ្ធិប្តឹងតវ៉ាអំពីការមិនចុះសម្រុងបញ្ជាសំណងការតាំងទីលំនៅថ្មីឬបញ្ជាដែលទាក់ទងផ្សេងទៀតទេប្រសិនបើមាន?

ពិតជាមាន។ អ្នកមានសិទ្ធិដាក់ពាក្យបណ្តឹងរបស់អ្នកទៅកាន់គណៈកម្មាធិការដោះស្រាយបណ្តឹង  
តវ៉ា (GRC) ប្រសិនបើអ្នកមិនច្បាស់ឬមិនសប្បាយចិត្ត នឹងសកម្មភាពតាំងទីលំនៅថ្មីក្នុងអំឡុង  
ពេលអនុវត្តអនុគម្រោង។ សមាជិកនៃ GRC គ្រប់ពេលវេលាត្រៀមខ្លួនជួយអ្នក។ ការព្យាយាម  
ដោះស្រាយបណ្តឹងតវ៉ារបស់អ្នកនឹងចាប់ផ្តើមនៅថ្នាក់ភូមិតាមរយៈមេភូមិ។ ម្យ៉ាងវិញទៀត អ្នក  
អាចដាក់ពាក្យបណ្តឹងដោយពាក្យសម្តីទៅកាន់សមាជិកណាមួយនៃ GRC (ឧទាហរណ៍នៅភូមិ  
ឃុំ ឬក្រុមការងារតាំងទីលំនៅថ្មី) ។ GRC នឹងកត់ត្រានិងចងក្រងពាក្យបណ្តឹងរបស់អ្នកហើយ  
ណែនាំអ្នកអំពីដំណោះស្រាយ។

**12. តើខ្ញុំត្រូវទាក់ទងអ្នកណាក្នុងករណីដែលខ្ញុំត្រូវការការបំភ្លឺឬមានបញ្ហា/បណ្តឹង?**

នៅដំណាក់កាលនៃការរៀបចំ LCIP ដែលបានស្នើសុំនេះ សូមទំនាក់ទំនងទៅឈ្មោះ និងលេខ  
ទូរស័ព្ទរបស់ពួកគេដែលបង្ហាញជូននៅក្នុងប្រអប់ខាងក្រោម ដែលអាចផ្តល់ឱ្យអ្នកនូវការបំភ្លឺអំពី  
បញ្ហាបច្ចេកទេសដែលទាក់ទងនឹងអនុគម្រោង។ នៅពេលនេះនៅក្នុងពេលវេលាសិទ្ធិទទួលបាន  
ការខាតបង់ទ្រព្យសម្បត្តិ DMS និងកញ្ចប់សំណងមិនត្រូវបានគេសម្រេចនៅឡើយទេ ហេតុដូច្នេះ  
ហើយពាក្យបណ្តឹងដែលទាក់ទងនឹងពួកគេនឹងមិនត្រូវបានផ្តល់ឡើយ។

ដោយលើកឡើងថាគំរោងស្នើសុំ LCIP មិនទាន់ត្រូវបានយល់ព្រមដោយធនាគារអភិវឌ្ឍន៍  
អាស៊ី គណៈកម្មាធិការតាំងលំនៅថ្មីអន្តរក្រសួងនៃក្រសួងសេដ្ឋកិច្ចនិងហិរញ្ញវត្ថុមិនទាន់បង្កើត  
យន្តការដោះស្រាយបណ្តឹងតវ៉ា (GRM) ដែល RCs នឹងត្រូវបានបង្កើតឡើងនៅថ្នាក់ស្រុកនិង នៅ  
ថ្នាក់ខេត្តនៅឡើយទេ។ គណៈកម្មាធិការទាំងនេះនឹងត្រូវបានបង្កើតឡើងនិងធ្វើប្រតិបត្តិការមុន  
ពេលចាប់ផ្តើម DMS។ រាល់បណ្តឹងតវ៉ាឬការតវ៉ាអំពីផ្នែកណាមួយនៃកញ្ចប់សំណង នឹងចាំបាច់  
ត្រូវបញ្ជូនទៅគណៈកម្មាធិការទាំងនេះដើម្បីរកដំណោះស្រាយ។ PIB ដែលបានធ្វើបច្ចុប្បន្នភាព  
ជាមួយនឹងព័ត៌មានលម្អិតទាំងអស់ស្តីពី GRM នឹងត្រូវបានផ្សព្វផ្សាយនិងពន្យល់លម្អិតដោយ  
GDR ដល់គ្រួសារដែលរងផលប៉ះពាល់ក្នុងអំឡុងពេលប្រជុំពិគ្រោះយោបល់សាធារណៈដាច់  
ដោយឡែកមុនពេលចាប់ផ្តើមនៃ DMS ។

ប្រសិនបើអ្នកមានសំណួរនិងយោបល់បន្ថែមសូមទាក់ទងមកយើងខ្ញុំតាម៖ អ្នកទំនាក់  
ទំនងដែលទាក់ទងនឹងការទទួលបានដី និងការតាំងទីលំនៅថ្មី

**លោក ចាន់វិបុល គឹម** អគ្គនាយករងនៃអគ្គនាយកដ្ឋានការតាំងទីលំនៅថ្មីនៃក្រសួងសេដ្ឋ  
កិច្ចនិងហិរញ្ញវត្ថុរាជធានីភ្នំពេញ។

ទូរស័ព្ទលេខ ០៩៥ ៥៥៥ ៦៩៩

**លោក វង្ស ដាពុន្ទា** ប្រធានគម្រោងអង្គភាពគ្រប់គ្រងគម្រោងក្រសួងសាធារណការនិង  
ដឹកជញ្ជូនរាជធានីភ្នំពេញ

ទូរស័ព្ទលេខ ០៩២ ៤៦៥ ០៦០

**លោក ឆន សុវណ្ណ** អង្គភាពអនុវត្តគម្រោងមន្ទីរសាធារណៈការក្រុងកំពត

ទូរស័ព្ទលេខ ០១២ ៣៣០ ១៦៦

ពាក្យបណ្តឹងបុគ្គល

គម្រោងកែលម្អគ្រប់គ្រងបរិស្ថានក្នុងជុំវិញបឹងទន្លេសាប ជំហាន ២

កាលបរិច្ឆេទបណ្តឹង		លេខ DMS
ឈ្មោះអ្នកដាក់ពាក្យបណ្តឹង		
លេខអត្តសញ្ញាណប័ណ្ណ សៀវភៅគ្រួសារ		
លេខទំនាក់ទំនង		
អាសយដ្ឋាន		
សេចក្តីសង្ខេបនៃពាក្យបណ្តឹង		
បញ្ជីឯកសារគាំទ្រ ភស្តុតាង /		

ឈ្មោះ:

(មេគ្រួសារ)

ហត្ថលេខា/ស្នាមមេដៃ:

កាលបរិច្ឆេទ:

ការចុះពាក្យបណ្តឹង

គម្រោងកែលម្អគ្រប់គ្រងបរិស្ថានក្រុងជុំវិញបឹងទន្លេសាប ជំហាន ២

ក្រុង-ស្រុក-ខណ្ឌ: \_\_\_\_\_

រាជធានី-ខេត្ត: \_\_\_\_\_

កាលបរិច្ឆេទ នៃការទទួល ពាក្យបណ្តឹង	ករណី លេខ	ឈ្មោះនិងអត្តសញ្ញាណប័ណ្ណអ្នកដាក់ពាក្យបណ្តឹង		ចំណុចសំខាន់នៃពាក្យបណ្តឹង
		ឈ្មោះ	អត្តសញ្ញាណប័ណ្ណសៀវភៅ/ ត្រួសារ	

**ព្រះរាជាណាចក្រកម្ពុជា**  
**ជាតិ សាសនា ព្រះមហាក្សត្រ**

លិខិតពីអភិបាលខណ្ឌ-ស្រុក

ក្រុង-ស្រុក-ខណ្ឌ: \_\_\_\_\_

រាជធានី-ខេត្ត: \_\_\_\_\_

បណ្តឹងបុគ្គល		
ករណីលេខ÷		
ឈ្មោះអ្នកដាក់ពាក្យបណ្តឹង		
កាលបរិច្ឆេទបណ្តឹង		
សេចក្តីសង្ខេបនៃពាក្យបណ្តឹង ( ដូចគ្នានឹងពាក្យសុំចុះឈ្មោះបណ្តឹងឆ្នាំម្នាក់ៗ )		
កិច្ចប្រជុំគណៈកម្មការដោះស្រាយបណ្តឹងឆ្នាំ		
កាលបរិច្ឆេទ:	ម៉ោង:	ទីតាំង:
អ្នកចូលរួម		
សេចក្តីសង្ខេបនៃការពិភាក្សា		
កាលបរិច្ឆេទនៃការចុះពិនិត្យទីតាំង ប្រសិនបើ ( មាន		
លទ្ធផលនៃការប្រជុំ/សេចក្តីសម្រេច		

បដិសេធ - គ្មានមូលដ្ឋានយោងតាមការវាយតម្លៃទទួលបានសំណង

សមនឹងទទួល - បណ្តឹងបញ្ជូនបន្តទៅអគ្គនាយកដ្ឋានដោះស្រាយឥណទានដល់ដោយសារគម្រោងអភិវឌ្ឍន៍ដើម្បី ចាត់វិធានការ

ឈ្មោះ:

តួនាទី:

ហត្ថលេខា/ស្នាមមេដៃ:

កាលបរិច្ឆេទ:



## H. Grievance Redress Forms

### Individual Complaint Form

#### Second Integrated Urban Environmental Management in the Tonle Sap Basin Project

Date of Complaint		DMS No.
Name of Complainant		
ID Number		
Family Book		
Contact (Mobile No)		
Address		
Summary of Complaint		
List of Supporting Documents/Evidence		

**Name:** (Head of Household)

**Sign/Thump Print:**

**Date:**

### Register of Complaint

#### Second Integrated Urban Environmental Management in the Tonle Sap Basin Project

Municipality-District-Kahn: \_\_\_\_\_

Capital-Province: \_\_\_\_\_

Date of Receipt of Complaint	Case No.	Name and ID of Complaint		Main Points of Complaint
		Name	ID Number / Family Book	

**Royal Government of Cambodia**  
**Nation Religion King**  
**Letter from Head of District-Khan**

Municipality-District-Kahn: \_\_\_\_\_

Capital-Province: \_\_\_\_\_

<b>Individual Complaint</b>		
Case No.		
Name of Complainant		
Date of Complaint		
<b>Summary of Complaints</b> <i>(Same as in Individual Complaint Register Form)</i>		
<b>GRC Meeting Held</b>		
Date:	Time:	Location:
Participants		
Summary of Discussion		
Date of Field Inspection (if any)		
<b>Result of the Meeting / Decision</b>		
<ul style="list-style-type: none"> <li>Reject-No basis as per Entitlement Matrix</li> <li>Has Merit - Complaint forwarded to Resettlement Department for necessary action</li> </ul>		

**Name:**

**Position:**

**Sign/Thump Print:**

**Date:**

## I. Internal Monitoring indicators

Purpose	Activities	Monitoring Indicators
Identification of compensation recipients	Verify the list of compensation recipients against eligibility criteria for compensations	Number of persons in the list of compensation recipients, who do not meet eligibility criteria (included by mistake)
	Identification of persons, who may claim eligibility for compensation, but are not included in the lists of compensation recipients. Separate verification should be performed on each type of compensation	Number of persons who meet the criteria, but are not included in the list of compensation recipients (excluded by mistake)
Verification of affected area	Confirmation of the areas of affected assets (including land plots and real property) against the RP	Area of land subject to acquisition, for which compensation has been
		Area of structures subject to acquisition for which compensation has been paid
Verification of compensation amount, processing and payment	Examination of financial documents	Number of persons who received compensation in time and in full amount disaggregated by compensation types
	Identification and analysis of reasons for compensations not being paid in full amount and in time.	Number of persons who did not receive compensation in time and in full amount, disaggregated by compensation types
		Amount of funding allocated for payment of compensations
	Identification of reasons for which funds for compensations have been under/overspent	Rate of spending of funds allocated for compensations, % of amount envisaged in the RP
Verification of compensation timeline	Identification of reasons for which payment of compensations was delayed (e.g. due to the court trial, inheritance issue, etc.)	Number of persons who received compensation with delay, disaggregated by compensation types and reasons of delay; changes in amount of compensation (if any) should also
Verification of consultation and participation	Determine the level of involvement and identification of reasons of inadequate participation	Number of compensation recipients who participated in consultations and coordination meetings at each stage of land acquisition
	Examination of grievance cases; analysis of disputes and complaints content, and resolution of conflicts	Number of complaints received
		Number of complaints resolved