

# Updated Resettlement Plan

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September 2014

## VIE: Power Transmission Investment Program, Tranche 1 220kV Song May-Uyen Hung Transmission Line

Prepared by Southern Power Projects Management Board for the Asian Development Bank. This is an updated version of the draft originally posted in November 2011 available on <http://www.adb.org/projects/documents/power-transmission-investment-program-viet-nam-rrp>.

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# Resettlement Planning Document

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Resettlement Plan

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

### **Resettlement Plan and Due Diligence of 220kV Song May - Uyen Hung Transmission Line**

The Resettlement Framework is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

## Abbreviations

ADB	Asian Development Bank
AP	(project) Affected Person
AH	(project) Affected Household
CARB	Compensation, Assistance and Resettlement Board
CEM	Committee for Ethnic Minorities
CPC	Commune People's Committee
DLFDC	District Land Fund Development Center
DMS	Detailed Measurement Survey
DP	Displaced Persons
DPC	District People's Committee
EA	Executing Agency
EM	Ethnic Minority
EMC	External Monitoring Consultant
EVN	Vietnam Electricity
GOV	Government
HH	Household
IOL	Inventory of Losses
IDICO	Urban and Industrial Zone Development Investment Corporation
IRP	Income Restoration Program
LURC	Land Use Rights Certificate
MOLISA	Ministry of Labor, Invalids and Social Assistance
MONRE	Ministry of Natural Resources and Environment
NGO	Non-governmental Organization
NPT	National Power Transmission Corporation
ROW	Right of Way
RP	Resettlement Plan
RF	Resettlement Framework
SAVHs	Severely Affected and Vulnerable Households
SES	Socio-Economic Survey
SPMB	Southern Power Project Management Board
SPS	Safeguard Policy Statement
SMUH	220kV Song May-Uyen Hung Transmission Line
PIB	Public Information Booklet
PPC	Provincial Peoples Committee
T/L	Transmission Line
USD	United States Dollars
VND	Viet Nam Dong (currency)
VWU	Viet Nam Women's Union

## **Definition of Terms**

**Affected Persons (APs)** Refers any person or persons, household, firms, or public or private institutions who on account of a development project would have their; (i) standard of living adversely affected; (ii) right, title or interest in all or any part of a house, land (including residential, commercial, agricultural, plantations, forest and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence, or habitat adversely affected, with or without displacement. DPs therefore include; i) persons affected directly by the right-of-way or construction work area; (ii) persons whose agricultural land or other productive assets such as trees, standing crops are affected; (iii) persons whose businesses are affected and who might experience loss of income due to the project impact; (iv) persons who lose work/employment as a result of project impact; and (v) people who lose access to community resources/property as a result of the project.

**Compensation** Payment in cash or in kind for an asset or a resource that is acquired or affected by a project at the time the asset needs to be replaced.

**Cut-off-date** This refers to the date when those who live, own or use any part of land in the project area had been recognized as affected persons. In this project, the survey cut-off date coincides with the date of the publication of the project's land acquisition policy/ending of the inventory of losses. Those who are not named in the survey and inventory of losses will not be entitled to the compensation and other benefits unless they can prove that (i) they were missed out in the process of the survey and inventory of loss, or (ii) their lawful assets existed before the date of land acquisition policy announcement of the project.

**Displaced Persons (DP)** In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally

*(Will replace as per ADB  
SPS the APs used in  
various documents)*

	designated parks and protected areas.
<b>Detailed measurement survey</b>	With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses, severity of impacts, and list of APs earlier done during RP preparation. The final cost of resettlement can be determined following completion of the DMS.
<b>Entitlement</b>	Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, 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.
<b>Income restoration</b>	This is the re-establishment of sources of income and livelihood of the affected households.
<b>Inventory of losses</b>	<p>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 (ROW) are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated.</p> <p>Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of APs will be determined.</p>
<b>Meaningful consultation</b>	A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to displaced people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of displaced people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues
<b>Land acquisition</b>	Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and

	<p>possession of that agency for public purposes in return for compensation at replacement costs.</p>
<b>Relocation</b>	<p>This is the physical relocation of an AP from her/his pre-project place of residence and/or business.</p>
<b>Rehabilitation</b>	<p>This refers to additional support provided to APs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of pre-project living standards and quality of life.</p>
<b>Replacement cost</b>	<p>The term used to determine the value enough to replace affected assets and/or cover transaction costs necessary to replace the affected assets without depreciation for such assets as well as material advantage, taxes and/or travel expenses.</p>
<b>Resettlement</b>	<p>Means all social and economic impacts that are permanent or temporary and are (i) caused by acquisition of land and other fixed assets, (ii) by change in the use of land, or (iii) restrictions imposed on land, as a result of a project.</p>
<b>Resettlement Plan</b>	<p>This is a time-bound action plan with budget setting out compensation and resettlement, ethnic minority strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation.</p>
<b>Severely affected households</b>	<p>This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the project.</p>
<b>Vulnerable groups</b>	<p>These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households without support, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who are landless and with no other means of support, and (v) landless households, and (vi) ethnic minorities.</p>

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## EXECUTIVE SUMMARY

1. The Socialist Republic of Viet Nam has received a loan from the Asian Development Bank (ADB) towards the cost of the Power Transmission Investment Program, Tranche 1. Part of the proceeds of the loan will be applied for the construction of the (i) Song May - Uyen Hung 220kV Transmission Line (SMUH). The National Power Transmission Corporation (EVNNPT) is the executing agency and the Southern Power Projects Management Board (SPMB) is the implementing agency for the projects.

2. The subproject's involuntary resettlement category is to be determined by the category of its most sensitive component in terms of involuntary resettlement impacts. The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating). Less than 200 affected people will potentially lose more than 10% of their productive asset for the subproject 220 kV Song May - Uyen Hung transmission line, making this project Category B.

3. The major impacts of the project are as follows:

- Permanent land acquisition for tower foundations.
- Limitation of land use and other houses/structures in ROW.
- Cutting trees, crops.
- Temporary acquired land and cutting tree/crop during construction phase.

4. The DMS implemented since August 2013 shows that about 469,006.2 m<sup>2</sup> of land are affected by the project. Of which 20,879.3 m<sup>2</sup> of land, including 8,185.8 m<sup>2</sup> managed by the Government, is permanently acquired for tower foundations and 448,126.9 m<sup>2</sup> of land affected by ROW. Affected lands are categorized as rice paddies, vegetable gardens, and forest in which rubber and eucalyptus plantation accounts for 50% of all affected lands. Non-productive land, such as residential land and other land (irrigated land), accounts for 2%. There is no AH identified as severely affected by the project implementation. Therefore, it is not necessary to implement Income restoration program.

5. A total of 209 households and 08 institutions are impacted by project resulting from affected land, in which 63 households and 4 institutions are acquired land for constructing tower foundation. Among AHs in ROW, there are 19 households impacted with structures and houses. Types of houses and structures in ROW is houses grade 4, houses grade 5. In addition, trees with commercial value, as eucalyptus, rubber, and cashew are also affected. The DMS found that there are not any public facilities, historical and cultural structures affected by the project.

6. The socio-economic survey shows that 100% of APs are Kinh peoples. Particular attention to vulnerable groups has been taken into account.

7. Consultation meetings were held during the preparation and implementation of the RP. The opinions and suggestions have been strictly taken into account. With regard to disclosure of the draft RP, key information has already been provided to the affected households during public consultation meetings.

8. Consultations, public meetings and village discussions with affected households and local officials were carried out during the preparation and implementation of resettlement plan. These activities will continue throughout the project cycle. Grievance mechanism has been designed to ensure that affected households concerns and grievances are addressed and resolved in a timely and satisfactory manner. Affected households will be fully aware of their rights for grievance mechanism during consultation, survey, and at the time of compensation.

9. The project resettlement policy and entitlements have been developed based on the Project Resettlement and Ethnic Minority Development Framework (REMDF) approved by ADB that reflecting both by the relevant Vietnamese laws and Safeguard Policy of the ADB. The main goal is to ensure that APs will be compensated for their losses at replacement cost and provided with other assistance and rehabilitation measures to improve, or at least restore their pre-project conditions, particularly the poor and vulnerable households.

10. The legal and policy framework for compensation, resettlement and rehabilitation under the project is defined by the existing laws, regulations of the GOV and ADB's Safeguard Policy Statement (June 2009). The principles adopted in this project will supplement the provisions of relevant decrees currently in force in Vietnam wherever a gap exists, consistent with Decree No.38/2013/ND-CP which provides that in case of "discrepancy between any provision in an international agreement on Official Development Assistance, to which the Socialist Republic of Viet Nam is a signatory, and the Vietnamese Law, the provision in the international agreement on ODA shall take precedence" (Article 6, Item 7).

11. The project entitlements are based on ADB Safeguard Policy statement that has been harmonized with the updated GOV laws, provincial decisions on land acquisition, resettlement and assistance. The detailed engineering design determines the extent of the ROW and the RP updating is based on the DMS and consultations with affected peoples. The losses will be compensated at replacement cost and peoples' livelihoods will be restored at their pre-project levels or better. The cut-off date for eligibility is based on the date of announcement for land acquisition and the DMS.

12. One of the key objectives of the project is to replace or compensate lost assets. Compensation and provision of assistance is made to ensure AHs' living condition will be at least as well off as they would have been in the absence of the project, and the poor affected households and vulnerable groups are assisted to help improve their socio-economic status.

13. There are 19 AHs with their houses/structures affected (in ROW) with houses grade 4 and grade 5. According to Decree No.14/2014/NĐ-CP (previously Decree No.106/2005/NĐ-

CP dated August 17, 2005 and Decree 81/2009/NĐ-CP dated October 12, 2009), all their houses/structures do not need to be relocated, they could be remained or existed in ROW if meeting fully stipulated conditions (roofs and surrounding walls are made of fire-proof materials, metal structures are earthed according to regulations on earth connection techniques, etc.). Hence, they will be compensated and supported in cash to improve and install grounding conductors and fireproof material for safety reason.

14. Apart from the affected individual/households there is 8 institutions affected but do not require relocation.

15. Assistance in the form of cash allowance will be provided as below:

- Allowance in cash for job changing and creation, applying for AHs with permanently acquired agricultural land.
- Allowance in cash for economic rehabilitation package, applying for AHs with of land with more than 10% of their productive land.
- Allowance in cash for poor households and other vulnerable AHs.

16. The total cost for resettlement implementation is estimated at 33,453,607,590 VND or US\$ 1,583,978. This budget includes compensation and allowances, cost for DCARCs (2.8% cost of compensation and allowances), cost of review (0.7%), and cost of external monitoring. NPT and SPMB will ensure the timely provision of counterpart funds for resettlement to meet any unforeseen obligations in excess of the resettlement budget estimates in order to satisfy resettlement requirements and objectives.

17. The NPT established a project steering committee at its headquarters to oversee the overall administrative and financial aspects of 220kV Song May-Uyen Hung Transmission Line. The SPMB will closely cooperate and coordinate with the consultant, PPCs, DPCs, DCARBs and CPCs to update the RP and implement resettlement activities.

18. Table 0-1 below summarizes the tentative schedule and the steps involved in the implementation of land acquisition, compensation and resettlement activities for 220kV Song May-Uyen Hung Transmission Line.

**Table 0-1 Implementation schedule of the project**

<b>Activities</b>	<b>Schedule</b>
RP preparation	Jan 2011 - Aug 2011
ADB approval of draft RP	Nov 2011
Disclosure RP to local authorities and APs	Dec 2011
Start DMS and RP updating after loan negotiation	May 2013 - Dec 2013
Submission and ADB approval of updated RP	Apr 2014 - Jun 2014
Disclosure updated RP to local authorities and APs	Jun 2014
Implementation of updated RP	Jun 2014 - Jul 2014
Construction of project	Jul 2014
Internal monitoring (Submission of Quarterly Progress Reports)	2014 up to 6 months after completion of construction
External monitoring (intermittent)	2014 up to 12 months after completion of construction

19. The NPT and SPMB are responsible for internal monitoring of resettlement activities. Quarterly progress reports will be submitted to ADB. An external monitoring consultant has been mobilized since December 2013 after starting RP's updating. The external monitoring consultant is required to submit an inception report one month following its mobilization and semi-annually monitoring reports on RP updating and implementation, and provide recommendations regarding the issues identified. The external monitoring consultant will likewise conduct a Post-Resettlement Implementation Evaluation Study 6-12 months after completion of resettlement activities.

## 1. PROJECT DESCRIPTION

### 1.1 Project design

20. The Song May - Uyen Hung 220kV transmission line, with the length of 21.68 km starting at existing 500kV Song May substation located at Trang Bom district, Dong Nai province and ending at the proposed 220kV Uyen Hung substation, Tan Uyen district, Binh Duong province, is under the implementation of Southern Vietnam Power Projects Management Board (SPMB).

**Table 1-1 Scope of Song May - Uyen Hung 220kV transmission line**

<b>Project component</b>	<b>Length (m)</b>	<b>Starting point</b>	<b>Ending point</b>	<b>Quantity of towers</b>
Transmission line in Dong Nai province	6,940	500kV Song May substation	G28	32
Transmission line in Binh Duong province	14,740	G28	220kV Uyen Hung substation	38
<b>Total</b>	<b>21,680</b>			<b>70</b>

### 1.2 Project location

21. The proposed Song May - Uyen Hung 220kV transmission line traverses from Song May 500kV substation at Bac Son commune, Trang Bom district, Dong Nai province to Uyen Hung 220kV substation at Uyen Hung commune, Tan Uyen town, Binh Duong province.



**Figure 1-1 Location of the project**

22. Due to the new administrative boundaries of Binh Duong province, the project is passed through 3 districts and one town. The details of project area presented in Table 1-2.

**Table 1-2 Project affected area**

Province	District	Commune	Number of AHs	Number of affected institution
<b>Dong Nai</b>	Trang Bom	Bac Son	7	1
	Vinh Cuu	Tan An	110	2
<b>Binh Duong</b>	Bac Tan Uyen	Thuong Tan	42	3
		Tan My	50	1
	Tan Uyen town	Uyen Hung	-	1
<b>Total</b>			<b>209</b>	<b>8</b>

### 1.3 Measures taken to minimize impacts

#### 1.3.1 Consultation and participation

23. SPMB has conducted several surveys on the project impacts. The survey teams have also conducted group discussions and consultations with local authorities and local people on the possible impacts caused by the project, particularly the alignment of T/L routes so as the selected line routes with the least impact option.

24. The layouts of the T/L routes of Song May – Uyen Hung (from Bac Son commune of Trang Bom district of Dong Nai province to Uyen Hung commune, Tan Uyen town) is also discussed in community meetings.

25. The layouts of T/L routes have been consulted to other stakeholders such as provincial, district and commune People's Committees, provincial/district/commune/town cadastral services etc. for comments.

26. The feedback of local authorities and APs were taken into account for detailed design and implementation stages.

#### 1.3.2 Measures taken to mitigate negative impacts during detailed design stage

27. **Route selection.** The project impacts mitigation measures have been considered during the detailed design stage, particularly for the route selection. Appropriate route would reduce the project cost and adverse impacts on the local communities and environment.

28. The following principles were followed:

- The routes selected are shortest possible with the station location of optimal services. Such routes are relatively close to public roads/canals to avoid land acquisition for access roads and minimize cost during construction, operation and maintenance.
- The transmission line (TL) avoids traversing or running close to the important projects (i.e. gasoline, explosive storages, radio stations), sensitive locations (i.e. historic and cultural assets) and areas with high trees. Slope sides and turnings are also avoided to reduce leveling and angle towers.

29. To avoid adversely impacts, certain changes in direction of the routes and many turning angles (up-to 70°) of the routes are applied.

30. **Tower distance.** The average tower distance is around 400 m, however, in some areas this distance is shortened depending on the specific topographic conditions or avoiding other structures.

31. **Dimension of tower foundation.** Application of different dimensions for tower foundations that is suitable to their functions and the selected locations has been thoroughly studied. Area of tower foundation varies from the average straight line tower of 5.2 x 5.2m to the average angle tower of 7.8 x 7.8m.



### ***1.3.3 Measures taken to mitigate negative impacts during construction stage***

32. **Clearance site.** During the initial stage of project implementation, the final survey of ROW will be conducted to finalize the sites of the tower foundations where the impacts of temporary and permanent acquisition of lands can be further minimized. The clearance of any value will be further minimized or avoided. Seasonal crops such as rice and maize will be harvested first, when possible, prior to fabrication of the towers and the swinging of the cables, in consultation with the APs who are using the lands.

33. **Clearing tree along ROW.** Clearing of tall trees and vegetation at the tower sites in the ROW will be carried out by hand tools prior to stringing works. The clearing activities will not use heavy machinery or herbicides.

34. **Access road.** The construction work will initiate construct temporary access roads from the main roads to the site of the tower foundation. Construction materials such as cement, sand, stone and equipment parts of the tower lattices, insulators and conductors will be transported to the site of the towers using trucks and unloaded along road sides near the sites of each tower. Consent of the local authorities shall be secured during the construction of the towers. The materials and equipment will then be transported using small vehicles or manually transported along the paths to avoid significant disturbance of land.

35. **Construction of Tower Foundation.** After verification of the location of the tower foundation, construction will begin with the excavation of the tower foundations and then casting of concrete. All excavated soil will be retained and used for back filling of the tower foundations.

36. **Tower Erection.** The electrical materials such as conductors, lightning wire, and optical cables will be transported to a temporary storage facility in the project area and at road sides near the construction sites. These are also brought manually to the site of each tower. The transmission towers are then assembled manually on site through bolts and nuts and raised in sections.

37. **Stringing of Cables.** The conductor and lightning wire are then stretched at each anchor in a mechanical and tension stringing operation to prevent damage to the wires and conductors caused by scrubbing on the ground or vegetation. Workers will be provided with radio communications equipment to ensure safety and smooth operation.

## 2. PROJECT IMPACT

### 2.1 Summary of impacts

38. Results of Detailed Measurement Survey (DMS) show that the implementation of the project will cause limitation of land and land acquisition in 5 communes, of which 2 communes belong to Dong Nai province namely Bac Son (Trang Bom district), Tan An (Vinh Cuu district) and other 3 communes in Binh Duong province as Thuong Tan, Tan My (Bac Tan Uyen district) and Uyen Hung (Tan Uyen town).

39. The DMS has been carried out since August 2013 shows that a total of 209 AHs and 08 institutions are affected by the implementation of the 220kV Song May-Uyen Hung Transmission Line project. Of which 92 AHs and 05 institution in Binh Duong province and 117 AHs and 03 institutions belonging to Dong Nai province were surveyed. Details as below:

- Starting at Trang Bom district at the 500kV Song May substation, the transmission line will pass through the Bac Son commune in Trang Bom district, Dong Nai province. There are 7 houses and one institution affected at this section.
- At the Vinh Cuu district, the route runs parallel with connection line of 220kV Tri An-Long Binh transmission line. The route goes through the Tan An commune in Vinh Cuu district, Dong Nai province. The route will cross rice paddy field, cajuput and rubber tree plantations. The route of the transmission line from G5B to G6 will run parallel with the 500kV Phu My-Song May transmission line. It will cross cajuput trees, rice land, the 200kV Tri An- Hoc Mon transmission line, and 110kV Tri An-Tan Hoa transmission line. Totally, there are 110 houses and 2 institutions affected at this section.
- At Bac Tan Uyen district area, the G6 to G7 towers will be built and the line will run parallel with the new 500kV Song May - Tan Dinh transmission Line. The route will go through the Thuong Tan and Tan My communes in Bac Tan Uyen district, Binh Duong province. The route will cross some cajuput trees, rice land, and rubber trees. From G7 to G9, the route goes through rubber trees and indigo trees but will not affect houses at this section. From G9 to G12, the ROW will run parallel with the existing 500kV Pleiku-Tan Dinh transmission line and cross rubber tree and cajuput plantations. There are 92 affected houses and 4 affected institutions identified at this section.
- At Tan Uyen town, from G12 to the connection line to the 220kV Uyen Hung substation, the route will cross the DH411 road and some cajuput trees.

40. During project implementation, land temporarily impacted by temporary access of vehicles that will deliver the pre-fabricated steels, equipment, cables and utilities as well as construction materials in the work areas.

## 2.2 Impacts on land

41. A total of 209AHs and 08 institutions are affected by the project implementation. Total of 63 HHs, 04 institution are entitled as permanently affected land with 20,879.3 m<sup>2</sup>, in which 8,185.8 m<sup>2</sup> belonging to the Government. There are 63 HHs identified into category of permanently affected land for tower foundation but none AH considered as severely affected due to losing of more than 10% of productive land.

**Table 2-1 Affected land by province**

Category of land	Binh Duong			Dong Nai		
	Acquired land (m <sup>2</sup> )	Land in ROW (m <sup>2</sup> )	Total (m <sup>2</sup> )	Acquired land (m <sup>2</sup> )	Land in ROW (m <sup>2</sup> )	Total (m <sup>2</sup> )
Residential land (rural area)	-	502.6	502.6	-	694.5	694.5
Agricultural land	3,692.7	161,883.1	165,575.8	6,168.7	130,539.5	136,708.2
Productive forest land	1,708.3	60,938.5	62,646.8	1,123.8	37,650.6	38,774.4
Forest land (managed by Forest Protection Unit)	1,227.4	28,074.6	29,302.0	-	-	-
Others (pond, not used, State land)	5,898.8	8,906.5	14,805.3	1,059.6	18,937.0	19,996.6
<b>Total</b>	<b>12,527.2</b>	<b>260,305.3</b>	<b>272,832.5</b>	<b>8,352.1</b>	<b>187,821.6</b>	<b>196,173.7</b>

### 2.2.1 Permanently affected land

42. The total of 12,527.2 m<sup>2</sup> in Binh Duong province is permanently occupied by construction of tower foundations (38 towers) of which only 5,401 m<sup>2</sup> belonging to AHs. While the total area for constructing 32 tower foundations in Dong Nai is 8,352.1 m<sup>2</sup> including 1,059.6 m<sup>2</sup> propertyed by the local GOV that will not be compensated.

43. Details for some types of permanently affected land are presented in Table 2-2.

### 2.2.2 Affected land in ROW

44. Totally there are 202 HHs and 7 institutions having land under ROW. Affected land in ROW is categorized as residential land, rice cultivation land, annually crop land, rubber and eucalyptus plantation, road. Among 448,126.9 m<sup>2</sup> affected land in ROW, approximately 15% of them belongs to the GOV included planted production forest, road, and drainage system.

45. Details of affected land in ROW are showed in Table 2-3.

**Table 2-2 Details of land acquisition**

Province	District/Town	Commune	Unit	Res. Land (m <sup>2</sup> )	Paddy field (m <sup>2</sup> )	Aqua. land (m <sup>2</sup> )	Crop land (m <sup>2</sup> )	Planted production forest (m <sup>2</sup> )	Land managed by the State (m <sup>2</sup> )	Total affected land (m <sup>2</sup> )
<b>Dong Nai</b>	Trang Bom	Bac Son	HH	-	-	-	-	-	-	1Inst
			m <sup>2</sup>	-	-	-	-	-	937.6	937.6
	Vinh Cuu	Tan An	HH	-	26	-	8	11HHs+1Inst	1	35HHs+01Inst
			m <sup>2</sup>	-	5,013.9	-	1,154.8	1,123.8	122.0	7,414.5
<b>Binh Duong</b>	Bac Tan Uyen	Thuong Tan	HH	-	7	-	-	-	-	7HHs+1Inst
			m <sup>2</sup>	-	1,026.1	-	-	-	5,898.8	6,924.9
		Tan My	HH	-	9	-	8	8	-	21HHs+1Inst
			m <sup>2</sup>	-	1,478.6	-	1,188	1,708.3	497.8	4,872.7
	Tan Uyen town	Uyen Hung	HH	-	-	-	-	-	-	-
			m <sup>2</sup>	-	-	-	-	-	729.6	729.6

*Note: 1 HH may fall into more than one type of impact*

**Table 2-3 Affected land in ROW**

Province	District	Commune	Unit	Res. land	Paddy field	Aqua. land	Crop land	Planted production forest	Land managed by the State	Total affected land
<b>Dong Nai</b>	Trang Bom	Bac Son	HH	-	-	-	-	7	1	7HHs+1Inst
			m <sup>2</sup>	-	-	-	-	1,399.9	14,646.8	16,046.7
	Vinh Cuu	Tan An	HH	4	71	3	25	12	2	109HHs+2Inst
			m <sup>2</sup>	694.5	94,333.7	1,089.7	35,116.1	36,250.7	4,290.2	171,774.9
<b>Binh Duong</b>	Bac Tan Uyen	Thuong Tan	HH	2	23	-	15	1	2	38HHs+2Inst
			m <sup>2</sup>	502.6	30,210.7	2,068.7	25,685.6	1,314.3	8,906.5	68,688.4
		Tan My	HH	-	30	-	16	14	1	35HHs+1Inst
			m <sup>2</sup>	-	79,043.1	-	24,875	59,624.2	24,229.6	187,771.9
	Tan Uyen town	Uyen Hung	HH	-	-	-	-	-	-	1 Inst
			m <sup>2</sup>	-	-	-	-	-	3,845	3,845

*Note: 1 HH may fall into more than one type of impact*

### 2.3 Impacts on house, structure, and other assets

46. According to the Decree No.14/2014/ND-CP (previously Decree No.81/2009/ND-CP dated Aug.17, 2005 and Decree No.81/2005/ND-CP dated October 12, 2009), HHs with total/partial impact on houses/structures can be existed in ROW, if meet requirements (i) their roofs and surrounding walls are made of fire-proof materials; (ii) these structures do not obstruct paths for examination, maintenance or replacement of parts of high-voltage power grid works; (iii) the distance from any part of the houses or works to the nearest transmission cables in the maximum sagging state is not lower than 6 m; (iv) the metal structure of the houses, structures must be grounded conductors prescribed in grounding techniques.

47. The result of survey shows that some supported structures such as kitchen, fence, gate, toilet, will be affected by the project due to located in ROW. These structures could be existed in ROW as Government's regulation but they need to be improved fireproof material for safety. No one needs to be relocated their structures.

48. List of affect house/supported structures is presented in Table 2-4.

**Table 2-4 Affected structures in ROW**

Location		Type of structure	Number of HH	Area (m <sup>2</sup> )
Dong Nai	Trang Bom	Grade 4	1	30.0
		Grade 5	1	295.5
	<i>Subtotal</i>		<b>1</b>	<b>325.5</b>
	Vinh Cuu	Grade 4	9	1,040.0
		Grade 5	9	883.7
		Pond	2	2,110.5
<i>Subtotal</i>		<b>09</b>	<b>4,034.2</b>	
Binh Duong	Bac Tan Uyen	Grade 4 type 3	5	375
		Grade 4 type 4	5	161
		Temporary structure type A	1	42
		Temporary structure type B	1	18
		Store	1	220
	<i>Subtotal</i>		<b>09</b>	<b>816</b>
<b>TOTAL</b>			<b>19</b>	<b>5,175.7</b>

## 2.4 Impacts on crops and trees

49. Affected trees, belonging to the GOV in Dong Nai and Binh Duong provinces, are mostly eucalyptus, rubber, and melaleuca. About 116 HHs, having trees under ROW, will be affected by cutting down their tree due to the project implementation.

50. Table 2-5 for more information on trees affected by the project implementation.

**Table 2-5 Impacted trees in the project area**

Type of tree	Number of tree in Dong Nai	Number of tree in Binh Duong	Total
Eucalyptus	591	46,464 <sup>(*)</sup>	47,055
Melaleuca	4,580	-	4,580
Rubber	150	10,821 <sup>(*)</sup>	10,971
Cashew	957	1,887	2,844
Longan	198	99	297
Pomelo	136	13	149
Mango	19	18	37
Jackfruit	4	15	19
Custard-apple	-	5	5
Coconut	10	-	10
Lemon	-	5	5
Banana	48	-	48
Bamboo	54	-	54

*Note: (\*) seedling*

51. Crops and trees are compensated as replacement cost. AHs are allowed to harvest standing crops as well as fruits in season. However, any un-harvested annual crops will be compensated at prevailing market rates.

### 3. SOCIO-ECONOMIC INFORMATION

#### 3.1 Source of information

52. The socio-economic information presented in this section is based on the results of the SES conducted by PECC3 (SPMB's Consultant for RP preparation) in the project area of Dong Nai and Binh Duong province in August 2011 that covering 20% of the project affected HHs, along with the supplementary information collected in parallel with the DMS implementation in 2013 which used to identify the vulnerable household such as the poor and ethnic minority, etc. The purpose of the SES is to provide baseline data on households to assess resettlement impacts and resettlement monitoring. The socioeconomic survey had been carried out for the project affected households by using the survey questionnaire attached in Annex 5. Additionally, SPMB's resettlement consultant also carried out in depth interview with leaders and people of the affected commune, district on the socioeconomic conditions of commune, district and to obtain further detailed information.

#### 3.2 Profile of the affected households

53. The SES results serve to provide a baseline against which the effectiveness of the compensation and assistance measures can be evaluated and monitored.

54. **Gender equality:** according to the result of DMS, among AHs there are 78 HHs having female-headed households (37.3%) and the remaining HHs led by male (62.7%). It is demonstrated that women have had an important role in their family and also participate in community decision making.

55. **Education level of headed AHs:** among female headed HHs, there are 5.1% of headed AHs not attending education system while the percentage of headed AHs completing primary, secondary, and high school are 20.5%, 69.3%, and 5.1% respectively. For male headed AHs, the percentage of headed AHs attending primary, secondary, and high school are 16%, 58.8%, and 17.6%, respectively. Only 3.8% of male headed AHs have not educated and 08% of male headed AHs reach college education.

56. **Occupation of headed AHs:** the female household-heads is multiple livelihood sources. However, as would be expected in a predominantly agriculture-based economy, most of the household heads (96.4 %) reported farming as their main occupation, 3.6% of them had received money from other sources (support from family member in Vietnam and foreign countries, etc.). The male - head of affected households were also reported to be engaged in multiple sources of livelihood. Similar to the female HH heads, most of the respondents (91.2 %) reported farming as their main occupation, 1.6% of them earned money from breeding, while only 0.8% doing small business. Total 4.0% of male headed AHs works as workers and the last of 2.4% getting money from other sources (received support from family member in Vietnam and foreign countries, etc.).



57. **Monthly income:** the results show that there is not any AHs having monthly income below the Government's poverty standard of VND 2,000,000/month/household.

58. **Facility access:** all affected households reported that their main source of water for washing and drinking were dug or drilled wells.

59. Regarding toilet facilities, all of the affected households (100%) answered that they use water closet, however, they do not determine the water closet with or without septic tanks.

60. The most common causes of morbidity within the project area reported by the affected households in the past 12 months were cases of upper respiratory type of diseases such as cough/rhino rhea (69.7%), influenza or flu (51%).

61. Majority of the affected households sought the services of public health centre for the treatment of their ailments at the commune if their cases were not seriously. Those AHs that have serious cases seek medical treatment at hospital for their ailments.

62. The most commonly-used power source for lighting is electricity, with 100% of the affected households reporting to use it. None are using generator, wood, coal or even petrol for their lighting needs. Regarding fuel for cooking, most of the affected households (98.9%) used wood for daily cooking while 26% of them answered that gas also considered as other source of fuel for cooking.

### 3.3 Gender issue

63. According to the survey results, the equality of women and men is relatively high. The role of women in their family is not only house work but also contribute house's income. Women have performed their role in family's decision making as well as their participation in community's decision making.

42. In addition, women are actively participating in local mass organizations, mainly in Commune Women's Union, Farmer Association, Veteran Union, Elderly, and Youth Union.

### 3.4 Vulnerable groups

64. The project resettlement policy recognizes specific group of AHs as vulnerable which includes (i) female headed households without support; (ii) disabled household heads; (iii) poor households; (iv) children and the elderly headed households with no other means of support; (v) landless households; (vi) and ethnic minorities. No affected household shall become vulnerable household due to the land acquisition of the project.

65. The DMS identified that no AH is classified as the poor according to the poverty standard of Binh Duong and Dong Nai provinces. Similarly, none of AH is entitled as vulnerable in consistent with MOLISA's criteria. There is not any ethnic minority household affected by the project implementation.

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

##### **4.1 Consultation and participation**

66. Public consultation has played an important role to the success of the project. A meaningful consultation includes:

- i. Meaningful consultation begins early in the project cycle and carried out throughout the project cycle to ensure that APs are well informed about the project's information.
- ii. Timely provide relevant and adequate information that is understandable and accessible to APs prior any decision making.
- iii. Consultations are conducted in an atmosphere of transparency, without intimidation or coercion.
- iv. Consultation and participation of women, the needs of disadvantaged and vulnerable groups are included.
- v. Incorporation of all relevant opinions of affected people and other stakeholders in decision making such as project design, implementation, entitlements, provision for assistance, and income restoration.

67. During the updating of RP, meaningful consultations have been continued to provide information on the project, impacts and mitigation measures as well as implementation arrangements. The participation of women has been actively encouraged. All information has been provided in both written and oral form accessible to the APs. Consultation meetings also provided opportunities for the APs and stakeholders to discuss for further information.

68. All affected households are invited to participate in the meetings held at the commune office where women and other vulnerable groups can express their opinions on the projects and their proposals for minimizing negative social and environmental impacts.

69. At the time of RP implementation, DCARB is assigned by DPC to take responsibility for compensation, support and resettlement tasks, including the representatives of relevant local authority and organization such as department of Natural Resources and Environment, department of Inspection, department of Justice, department of Labour Invalid and Social Affair, SPMB, CPC, and AHs to encourage the involvement of relevant stakeholders in the project implementation.

70. In the process of DMS, the team survey including staff of DCARB, PECC3, SPMB, and the representatives of hamlet, APs was established. This team measured affected assets at every AH with the participation of the head of AH and the result of DMS was then certified by CPC.

71. After DMS completion, DCARBs implement a series of community meetings to provide information regarding compensation, allowance and resettlement policies. The community meetings are necessary to (i) disseminate information on the results of DMS and

valuation, (ii) inform to each AP the amount of compensation and assistance, (iii) listen to opinions and suggestions of APs, and (iv) modify incorrect data, if any.

72. At the same time, DLFDC also post the information on the notice boards of the CPC offices within 20 days (Article 30 (2c) of Decree 69). Posting notices are recorded in the official form and certified by the CPCs, the commune Fatherland Fronts and APs. After the expiration of a notice (Article 30 (3a) of Decree 69), all comments and feedbacks are summarized. Records are attached in Annex 2.

73. The following information has been provided to APs:

- **Project information.** Detailed information about the project, impacts of the project on the life and work of people in the project areas, including explanations on the requirement for land acquisition for the construction of the project.
- **Entitlements of affected people.** Affected people are entitled as different categories such as permanently impacted agricultural land, affected land in ROW, and affected house/structure/tree/crop in ROW. Compensation and allowance in each category is paid to ensure that their living standard prior to the project implementation shall be restored or better-off.
- **Valuation of compensation.** All affected persons were given an explanation on how to calculate their compensation value and assistance.
- **Grievance redress mechanism.** All APs have been informed about policy of the project and the grievance redress procedures that stated any unclear about any aspects of the project could be explained by DCARBs. If they have complaints on land acquisition, compensation and allowance such as the compensation unit prices for land and other assets, they are entitled to lodge their grievances. Additionally, it is explained how to access the grievance redress procedures under the mechanism of the project and the Law on Complaints and Denunciations of the Government.
- **The responsibilities of organizations.** APs were informed about the mass organizations, levels of government authorities and their responsibilities and obligations on process of RP implementation. Name and title of government officials as well as their hot line are available at some communes.
- **Schedule.** The tentative schedule for the resettlement activities, site clearance, and construction were informed to APs. APs have the right to hand-over the site after receiving compensation and allowance for their affected assets.

74. After the meetings with APs, communities and other stakeholders, the DCARBs have completed (i) list of participant; (ii) record of meetings including all questions, comments, and decisions resulted in the meetings; (iii) distribute leaflets to APs.

75. Since July 2011, a series meetings have been organized with (i) local government at different levels, (ii) local community particularly APs, and (iii) local mass organizations.

76. The purpose of the initial consultation in the preparation stage is to notify and provide information to the departments, districts, and communes affected by the project about drafted RP approved by ADB in November 2011. Consultation is also to discuss with the relevant stakeholders the objectives and principles of land acquisition, compensation, assistance, resettlement, and special support for vulnerable groups that complied with ADB's safeguard policy; preparation of detailed measurement survey and other information relevant to the preparation of the draft updated RP.

**Table 4-1 Summary of consultation in the project area**

Date		Venue	Participant	Consultation content
Binh Duong	Dong Nai			
Jul-Aug. 2011	Jul-Aug. 2011	CPCs	AHs, CPC, Farmer's Association of commune, Fatherland Front of Commune, Women's Union of commune, PECC3, SPMB	Scale of the project, procedure of land acquisition and clearance; Policy of the project such as compensation, allowance, and other support to stabilize APs' condition; Social and environmental impacts of the project.
Jan. 2013	Apr. 2010	CPCs	AHs, CPC, DLFDC, PECC3, SPMB	Announcement of land acquisition; Tentative schedule of DMS, compensation, and clearance;
Mar. 2013	May 2013	DPC	DPC, DLFDC, PECC3, SPMB	Establishment of DCARBs
Sep.2013	Jan. 2013	CPCs	DCARB, DLFDC, PECC3	Consultation on compensation, allowance, and other supports.
Mar 2014	Jul. 2013- Apr.2014	CPCs	AHs, CPC, DCARB, DLFDC, SPMB	Result of detailed measurement survey, the project's policy, entitlements, schedule of compensation and site clearance, complaints and grievances redress mechanism.

77. Consultations for the stage of updating RP, consultation was to provide and discuss information in all aspects of the project such as the project's policy, cut-off date, entitlements, schedule of compensation and site clearance, complaints and grievances redress mechanism, etc.

## 4.2 Information disclosure

78. ADB Safeguards Policy Statement requires that the following documents shall be submitted to ADB for disclosure on ADB's website:

- i. Resettlement Policy Framework submitted to the ADB prior to the project appraisal;
- ii. Drafted RP after completion of SES and IOL;
- iii. Updated RP with adjustment from DMS or other changes (if any);
- iv. Resettlement Monitoring Report;

79. Key information of RP was disclosed to APs through public consultations, conducted from July 2011 to date, and dissemination of the public information booklet. The draft RP prepared in November 2011 was uploaded on ADB's website for public disclosure. The updated RP will likewise be uploaded on ADB's website following the government endorsement and ADB concurrence. A summary of the updated RP will be translated into Vietnamese and made available and accessible for APs at all CPC offices in the project area.

80. Disclosure of the draft updated RP to PPCs, DPC, and APs has been carried out prior to its submission to ADB for review and approval. Key information in the updated RP to be disseminated include (i) compensation, relocation and rehabilitation options, (ii) DMS results, (iii) detailed asset valuations, (iv) entitlements and special provisions, (v) grievance procedures, (vi) timing of payments, and (vii) displacement schedule.

81. Information disclosure and dissemination will be done also through entire period of the RP implementation with the updated policies of the government.

82. Proposed disclosure and consultation measures for the next step of RP are presented in Table 4-2

**Table 4-2 Proposed consultation and disclosure measures**

Issue	Object	Method	Responsibility	Schedule
Disclosure of updated resettlement plan	AHs, CPCs	PIB, place RP accessible in CPCs' Office, uploaded on ADB website.	SPMB, DCARBs/DLFD C with support of Consultant. PIB disseminated by CPCs. ADB for uploading	Upon final approval of updated RP

<b>Issue</b>	<b>Object</b>	<b>Method</b>	<b>Responsibility</b>	<b>Schedule</b>
Implementation schedule of RP	AHs	Public consultation meetings	DLFDC, CPCs, SPMB	Ongoing prior to implementation and upon significant adjustment.
Timing of compensation payment	AHs	Announce to each AHs	DCARBs/DLFD C and CPCs	Minimum 1 week prior to compensate
Disclosure of periodically External Resettlement Monitoring Reports	Public, local authorities, mass organizations	Uploaded on ADB website; Translated in Vietnamese made available at DPC offices for public access upon request.	ADB, SPMB, DCARBs	Upon submission of External Resettlement Monitoring Reports
Other assistance such as opportunity for project work	Local community	Public announcements in local community.	CPCs, contractors, SPMB	Ongoing during implementation.

## 5. GRIEVANCE REDRESS MECHANISM

83. The grievance redress mechanism is set up to address questions and complaints on the land acquisition, compensation and resettlement in a timely manner. All affected persons have been made aware of their rights and complaint procedures.

84. Affected persons may lodge their complaints relating to any aspects of land acquisition and resettlement entitlement, prices, payment or procedures for resettlement and income restoration programs etc. Their complaints may be made orally or in writing. Where oral complaints are lodged, the agencies in charge shall record in writing the first meeting with affected persons.

85. The People Committees at all levels will be responsible for receiving and resolving complaints in the level order. Grievances redress mechanism will be implemented in three steps at CPCs, DPCs and PPCs. If complaints are not resolved at these three levels or APs is not satisfied with decision, the Courts will be responsible for the decisions and handling of complaints.

86. Official grievances redress mechanism includes these steps as below:

- a) **First Stage - At Commune People's Committee:** An aggrieved AP may bring his/her complaint to any member of the CPC, in writing or verbally. It is incumbent upon said member of CPC to notify the CPC about the complaint. The CPC will meet personally with the aggrieved AP and will have 15 days following the lodging of the complaint to resolve it. The CPC secretariat is responsible for documenting and keeping file of all complaints waiting at the CPC for settlement.
- b) **Second Stage - At District People's Committee:** If after 15 days the aggrieved AP does not hear from the CPC, or if the CPC gives its solutions, but AP is not satisfied with the decision taken on his/her complaint, the AP may bring the case, either in writing or verbally, to any member of DPC or District Compensation and Site Clearance Committee. DCARB in turn will have 15 days to resolve the case. DCARB is responsible for documenting and keeping file of all complaints that it handles.
- c) **Third Stage - At the Provincial People's Committee:** If after 15 days the aggrieved AP does not hear from the District Compensation and Site Clearance Committee, or if the AP is not satisfied with the decision taken on his/her complaint, the AP may bring the case, either in writing or verbally, to any member of the PPC. The PPC has 15 days within which to resolve the complaint to the satisfaction of all concerned. The PPC is also responsible for documenting and keeping file of all complaints that it handles.
- d) **Final Stage - Court of Law:** If after 15 days following the lodging of the complaint with the PPC, the aggrieved AP does not hear from the PPC, or if he/she is not

satisfied with the decision taken on his/her complaint, the case may be brought to a court of law for The judgments of the Court is the final results that the concerned parties have to comply with.

87. The process of the grievance redress mechanism for the project is consistent with the provisions of the National Assembly regarding the levels of power and sequence for settlement of complaints and denunciations aimed at protecting fairness, transparency and democracy as set out in the following documents:

- Administrative Procedure Law No.64/2010/QH12 dated 24/11/2010 of the National Assembly.
- The Law on Complaints No.02/2011/QH13 dated 11/11/2011 of the National Assembly.

88. Basically, there is no difference between the two mechanisms under the ADB policy and the National Assembly of Vietnam; both protect the fairness, transparency and democracy of the process.

89. During the updating of the RP, the above-mentioned grievance redress mechanism was disclosed to and discussed with the APs in the public consultation to ensure their fully understanding of the process. The process is also included in the project's information booklet (PIB). The SPMB and the DCARBs are responsible for following-up the grievance process of the APs.

90. SPMB and the DCARBs develop and maintain a database of complaints received related to the project which contains the following information such as source and date of receiving complaints, name and address of complainant, actions and current status. So far, non complaint has been recorded.

91. The external monitoring consultant will be responsible for checking the procedures for and resolutions of grievances and complaints. The external monitoring consultant may recommend further measures to be taken to redress unresolved grievances. The Consultant of project will provide the necessary training to improve grievance procedures and strategy for the SPMB and district staff if required.



## 6. LEGAL FRAMEWORK

92. As described in the Project Resettlement Policy Framework, compensation, assistance and resettlement policy proposed for the 220kV Song May-Uyen Hung Transmission Line is based on Laws, Decrees, Guideline Circulars and Decision of compensation and resettlement of the Vietnam Government and involuntary resettlement policy of the ADB.

### 6.1 Asian Development Bank Policy

93. If involuntary resettlement under projects is not minimized, it often caused impacts on economy, society and environment such as destroying production system, damages on material and immaterial assets (i.e building, land, forest resource, cultural destinations, economic assets and cultural and social activities). Such impacts may be permanently or temporary. Therefore, the ADB Safeguard Policy Statement (2009) includes safeguard measures to resolve and minimize these risks.

94. The overall objectives of the ADB's policy on involuntary resettlement are the following:

- a) Involuntary resettlement should be avoided or minimize where feasible, or minimized, exploring all viable alternative project designs.
- b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

95. Those, who are affected by the project, will be eligible for compensation as follows:

- a) Those who have legal rights to land or other assets;
- b) Those who currently have no legal rights to land or other assets but have submitted declarations for legalization of land-use right certificates according to the State regulations, which are based on archives and documents such as invoices for land-tax payment, certificates of residence status, or permission for residence and permission for use of the land affected by the Project the local governments granted for them;
- c) Those who have no legal rights but are in the declarations for legal land-use certificates for the land they are living on.

96. Persons who are subject to (a) and (b) are compensated for their land and other affected assets at replacement costs and provided with other assistances. Persons who are subject to (c) are provided with resettlement assistances in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date. Persons who encroach on the area after the cut-off date determined in each RP are not entitled to compensation or any other form of resettlement assistance (though they may be entitled to some support).

97. The cut-off date for this RP is the date for land acquisition announcement: January 21, 2013 in Binh Duong province and April 27, 2010 in Dong Nai province.

## **6.2 Legislation documents of Vietnam Government on Resettlement**

98. Legislation documents such as Laws, juridical documents of the Socialist Republic of Vietnam and decisions made by PPC are applied as follows.

### *a. Laws:*

- Land law dated November 26, 2003;

### *b. Government Decrees*

- Decree No.181/2004/ND-CP of the Vietnam Government dated October 29, 2004, guiding the implementation Land Law;
- Decree No.188/2004/ND-CP of the Vietnam Government dated November 16, 2004, on methods of determining land prices and land price framework;
- Decree No.197/2004/ND-CP of the Vietnam Government dated December 03, 2004 on compensation, assistance and resettlement when the State acquires land;
- Decree No.198/2004/ND-CP of the Vietnam Government dated December 03, 2004 on collection of land use fee;
- Decree No.38/2013/ND-CP dated April 23, 2013 on the management and use of Official Development Assistance (ODA);
- Decree No.84/2007/ND-CP of the Vietnam Government dated May 25, 2007 on additional regulations on granting land-use rights certificates; land acquisition; implementing land-use rights; settling land claims; and orders and procedures for compensation and resettlement when the State acquires land;
- Decree No.123/2007/ND-CP of the Vietnam Government dated July 27, 2007 on amendment and supplement of a number of articles in Decree No.188/2004 on Nov 16, 2004 on determination methods of land prices and land price frame;

- Decree No.69/2009/ND-CP of the Vietnam Government dated August 13, 2009 on additional regulations on land use planning, land prices, land acquisition, compensation, assistance and resettlement;
- Decree No.14/2014/ND-CP of the Vietnam Government dated February 26, 2014 on protection of high voltage power grid.

*c. Circulars*

- Circular No.114/2004/TT-BTC of the Finance Ministry dated November 26, 2004 on guidelines on Decree No.188/2004/ND-CP of Nov 16, 2004 on identification methods of land prices and land price frame;
- Circular No.06/2007/TT- BTNMT issued on June 15, 2007 of the Ministry of Natural Sources and Environment on the implementation guidelines of Decree No.84/2007ND-CP issued on 25<sup>th</sup> May 2007 regarding additional regulations on granting land using certificate, land acquisition, implementation of land using, procedures for compensation, assistance and resettlement when the State acquires land and redress grievances about land acquisition;
- Circular No.145/2007/TT-BTC dated December 6, 2007 guiding on the implementation of Decree No.188/2004/ND-CP dated November 16, 2004 on methods of determining land prices and land price frame;
- Circular No.14/2009/TT-BTNMT dated January 10, 2009 of the Ministry of Natural Resource and Environment, regulating detailed regulations on compensation, assistance and resettlement and procedures of land acquisition, land allocation and land lease.

*d. Current decisions of Binh Duong and Dong Nai provinces*

- Decision No.26/2012/QD-UBND dated April 3, 2012 of Dong Nai PPC on procedures of compensation, assistance and resettlement in the event of land recovery in Dong Nai.
- Decision No.12/2012/QD-UBND dated February 23, 2012 of Dong Nai PPC on compensation unit price allowance for assets in the event of land recovery in Dong Nai.
- Decision No.14/2012/QD-UBND dated February 24, 2012 of Dong Nai PPC on compensation unit price for house in the event of land recovery by the State.
- Decision No.76/2012/QD-UBND dated December 19, 2012 of Dong Nai PPC on land price in Dong Nai province 2013.

- Decision No.75/2013/QD-UBND dated December 20, 2013 of Dong Nai PPC on land price in Dong Nai province 2014.
- Decision No.87/2009/QD-UBND dated December 21, 2009 of Binh Duong PPC on procedures of compensation, assistance and resettlement in the event of land recovery in Binh Duong.
- Decision No.1837/2013/QD-UBND dated July 25, 2013 of Binh Duong PPC on compensation rate, allowance, and support on land and other assets in the event of site clearance for the project of Song May-Uyen Hung.
- Decision No.58/2011/QD-UBND dated December 19, 2011 of Binh Duong PPC on compensation unit price for house, structure, tree, and crop in the event of land recovery by the State.
- Decision No.12/2012/QD-UBND dated April 6, 2012 of Binh Duong PPC amending Decision No.58/2011/QD-UBND on compensation unit price for house, structure, tree, and crop in the event of land recovery by the State.

### **6.3 Discrepancies between regulations of Government and ADB Policies**

99. There is basic congruence between Viet Nam's laws and ADB's Resettlement Policy especially with regard to the entitlement of persons with legal rights/titles. Existing legislation provides guidance in (i) determining market/replacement rates and payment of compensation, assistances for various types of affected assets; (ii) options for land-for-land and cash compensation assistance; (iii) provision of relocation assistance and support to displaced households during the transition; (iv) provision of resettlement land and housing with secure tenure; (v) additional assistance for severely affected and vulnerable households; (vi) Assistance to livelihood restoration and training; and (vii) notification/disclosure, consultation, and grievance mechanisms.

100. However, ADB Policy does not consider the absence of legal rights of affected persons on the acquired land as an impediment to receiving compensation for other assets and for rehabilitation assistance. Non-registration of APs' business also does not bar them from being assisted in restoring their business.

101. Provisions and principles adopted in this project will supplement the provisions of relevant decrees currently in force in Vietnam wherever a gap exists, consistent with decree No.38/2013/ND-CP which provides that in case of "discrepancy between any provision in the signed international treaties and Vietnamese laws and regulations relating to a same matter, the provisions in such international treaties shall take precedence." (Article 6, Item 7).

102. Key differences between ADB Resettlement Policy and Viet Nam's resettlement legislation, and policy of the project are outlined in the table below.

**Table 6-1 Main differences between ADB and Viet Nam's Legislation**

<b>Item with difference in policy</b>	<b>The ADB Requirements</b>	<b>Viet Nam Legislation</b>	<b>Project policy</b>
<b>Severely impacted APs losing productive land</b>	For an ADB-supported project, APs are considered with significant impact if they are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating).	Decree 69/2009/ND-CP, Article 20: For significantly impacted APs, livelihood restoration measures cut in when AP loses at least 30% of productive agriculture land.	Losing 10% or more of the household's assets shall be considered as threshold.
<b>APs without LURC</b>	Those APs without legal title to land will be included in consultations. 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 including dwellings, structures and other improvements to land such as crops irrigation, at full replacement cost. Safeguards cover involuntary restrictions on land use or on access to legally designated parks and protected areas. Covers temporary and partial losses.	Decree 69/2009/ND-CP, Article 23: Persons whose main income is derived from agricultural production whose land is acquired by the Government and cannot satisfy LURC and compensation conditions stipulated in Article 8 of Decree No.197/2004/ND-CP and Articles 44, 45 and 46 of Decree No. 84/2007/ND-CP will be referred to the Provincial Peoples' Committee for consideration of the level of assistance to be provided in conformity with the locality's actual conditions.	Project affected people, without legal or recognizable legal claims to land acquired, will be equally entitled to participation in consultations and project benefit schemes where possible, and be compensated for their lost non-land assets such as dwellings and structures occupied before cut-off date. They will be entitled to resettlement assistance and other compensation and social support to assist them

<b>Item with difference in policy</b>	<b>The ADB Requirements</b>	<b>Viet Nam Legislation</b>	<b>Project policy</b>
			to improve or at least restore their pre-project living standards and income levels.
<b>Compensation for lost land</b>	Land based livelihoods restoration based upon land based strategies where possible, or cash compensation at replacement value provided loss of land does not undermine livelihoods for those with legal rights to land. Provide adequate and appropriate replacement land. If land not available non-land based options built around opportunities for employment, self-employment should be provided in addition to cash compensation for land and non-land assets lost.	Decree 197/2004/ND-CP, Article 9: The compensation rates for land shall be determined by the PPC in accordance with the Government regulations for the type of land which has been used for at the time of land acquisition. Decree 69/2009/ND-CP, Article 11, Article 16: Compensation is land for same-use land or if not available the AP can be compensated in cash based upon the market transfer price of such land at the time of the decision to acquire. Compensation limited to the allowable land quota, unless land over limit due to inheritance or legally transferred from other persons, or unused land developed according to the land use plan approved by the authorities. If or not, compensation only for improvements on	Where appropriate land-based compensation is not viable replacement cost surveys have been carried out and will be carried out by the project to ensure that project rates for all categories of loss will be equivalent to replacement cost at current market value, to be updated at the time of compensation and combined with other assistance and livelihood restoration measures to ensure full restoration and improvements. Provided AP has legal or recognizable claim, compensation is for

Item with difference in policy	The ADB Requirements	Viet Nam Legislation	Project policy
		that land.	full amount of land acquired.
<b>Differences between compensation rates and market rates</b>	Provide physically and economically APs with needed assistance including 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 APs economically and socially into host communities; ii) transitional support and development assistance such as land development, credit facilities, training or employment opportunities and; iii) civil infrastructure as required	Decree 69/2009/ND-CP, Article 14(2): If compensation is through new land or allocation of land at a resettlement area or by housing and the replacement is valued at less than the land acquired, the price difference will be paid in cash. Decree 69/2009/ND-CP, Article 14(2a): If replacement residential land or the amount compensated to purchase a replacement house is more than the actual replacement cost, the AP still receives the full amount is less than the replacement residential land and house the AP will pay the difference themselves except for cases covered by Article 19(1)- this will not apply to (poor) APs who will be assisted by the State. If the AP does not receive land or house at the resettlement site the AP will receive the cash difference.	Physically displaced (relocated) APs are to receive relocation assistance, secured tenure to relocated land, with comparable access to production and employment opportunities, and civic infrastructure and community services as required, transitional support and development assistance such as land development, credit facilities, training or employment opportunities.
<b>Compensation</b>	Rate of compensation for acquired housing,	Decree 69/2009/ND-CP, Article 24:	Full compensation at

<b>Item with difference in policy</b>	<b>The ADB Requirements</b>	<b>Viet Nam Legislation</b>	<b>Project policy</b>
<b>for structures</b>	land and other assets will be calculated at full replacement costs, based upon; i) fair market value; ii) transaction costs; iii) interest accrued; iv) transitional and restoration costs; v) other applicable payments.	Compensation for House, Structures on Acquired Land. Clause (1) – Compensation for APs residential structures based on value of newly constructed house/structure equal to technical standard issued by Ministry of Construction (MoC) and based on house area and unit prices issued by PPC. Clause (2) other structures compensation equal to: a) total present value using unit costs for newly constructed house/structure using MoC technical standards and depreciated to present value of acquired house/structure. Maximum value cannot exceed 100% of new value of acquired house/structure.	replacement cost will be paid for all affected structures without any deductions for salvageable materials or depreciation, full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments
<b>Compensation for registered businesses</b>	Affected business owners are entitled to i) costs of re-establishing commercial activities elsewhere; ii) the net income lost during the transition period; iii) costs of transferring and reinstalling plant,	Decree 197/2004/ND-CP, Articles 26: Only registered businesses are eligible for assistance. Decree 69/2009/ND-CP, Article 20(2): If business must be suspended AP is compensated with max	Affected business owners are entitled to i) costs of re-establishing commercial activities elsewhere, ii) the net income lost during the



<b>Item with difference in policy</b>	<b>The ADB Requirements</b>	<b>Viet Nam Legislation</b>	<b>Project policy</b>
	machinery and equipment.	30% of after tax income in one year, averaged over last 3 years as certified by Tax Dept.	transition period, iii) costs of transferring and reinstalling plant, machinery and equipment.
<b>Compensation for non-registered businesses</b>	No distinction between registered or non-registered businesses in regards to compensation entitlement for lost income and other assistance.	Decree 69/2009/ND-CP only recognizes formal registered businesses as entitled to compensation for lost income based upon Tax Office records	The DPC must certify that the AP has a business in current operation and approve the level of lost income.
<b>Monitoring</b>	Monitoring indicators specified for internal and external monitoring and reporting	No monitoring indicators indicated	The Executing Agency (EA) must appoint an independent external monitor and undertake internal monitoring according to the critical indicators.

## **7. ELIGIBILITY AND ENTITLEMENTS**

### **7.1 Eligibility**

103. Eligibility is determined with regard to the cut-off date, which is taken to be the date of completing inventory of loss for which land and/or assets affected by the projects are measured. The APs is informed of the cut-off date for each project component, and any people who settle in the project area after the cut-off date will not be entitled to compensation and/or assistance under the project.

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

### **7.2 Entitlements**

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



**Table 7-1 Entitlement Matrix**

Entitled Persons	Type & Level Of Impact	Number of AHs	Compensation Policy	Implementation Issues
<b>A. AGRICULTURAL LAND</b>				
<i>A.1 Permanently affected agricultural land</i>				
<p>Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC AND public organizations</p>	<p>More than 10 percent or more of total productive landholding affected</p>	<p>0AHs</p>	<p>a/ As a priority, allocation of replacement land: (i) equal in area to affected land up to a maximum of land quota in the locality; (ii) of same category (or productive capacity); (iii) at a location satisfactory to AP; (iv) with full title in the names of both the household head and his/her spouse; and (v) without charge for taxes, registration and land transfer charges; and                      b/ Economic rehabilitation package (see G, below);                      Or, if AP opts,                      a/ Cash compensation at replacement cost; and,                      b/ Economic rehabilitation package (see G, below).</p>	<p>AHs to be notified on reason of land acquisition, schedule and plan, compensation plan on compensation, site clearance, resettlement at least 90 days prior to land acquisition (Land Law 2003, Article 39).                      The compensation rate for agricultural land was paid according to Dong Nai and Binh Duong PPC's compensation rate. Additionally, allowance for agricultural land acquisition accounts for 50% and 60% of compensation rate for land in Binh Duong and Dong Nai province respectively.                      Full payment for affected land to AHs at least 01 months before site clearance.</p>

Entitled Persons	Type & Level Of Impact	Number of AHs	Compensation Policy	Implementation Issues
	Less than 10 percent of total productive landholding affected	63AHs and 04 institution	Cash compensation at replacement cost at current market prices for affected portion if remaining holding is viable; OR Cash compensation at replacement cost at current market prices for entire landholding, if remaining holding is not viable.	
<i>A.2 Impact on productive land in ROW</i>				
All AHs have productive land in ROW	Partially impact or totally impact	Agricultural land: 169 AHs, 4 institutions Rubber plantation: 34AHs, 2 institutions	a/ No compensation for land b/ Compensation for fruit trees and others at market price. c/ Support for utilization of restricted land	Allowance for limitation of land use is equal to 80% and 60% of compensation rate for land in Binh Duong and Dong Nai province respectively. AHs receive compensation for tree/crop without returning compensated tree/crop
<b>B. RESIDENTIAL AND/OR NON-AGRICULTURAL LAND (e.g., commercial)</b>				
<i>B.1 Impact on residential and/or non-agricultural land in ROW</i>				
All AHs have residential and/or non-agricultural land in ROW	Partially impact or totally impact	2 AHs, 1 institution	a/ No compensation for land b/ Allowance for purchasing fireproof materials and lightning arrestors for the existing house/structure or cash compensation at replacement cost of affected house/structure c/ Support for utilization of restricted land	Allowance for limitation of land use is equal to 80% and 70% of compensation rate for residential land in Binh Duong and Dong Nai province, respectively. For house/structure under ROW, allowance is paid by 70% of its

Entitled Persons	Type & Level Of Impact	Number of AHs	Compensation Policy	Implementation Issues
				compensation rate.
<b>C. MAIN HOUSES AND OTHER STRUCTURES IN ROW</b>				
<i>C.1. Main house in ROW</i>				
All AHs have house/structure and trees in ROW	Partially impact on house or structures in ROW (affected area less than 50% of total land area without any impact to the remaining structures of the house/building)	11AH	a/ Retain their houses in ROW according to the conditions regulated by Article 13 of Decree No. 14/2014/NĐ-CP and cash compensation for directly affected parts of the houses at the replacement cost and cost for demolishing the affected part	Allowance for limitation of house/structure use is equal to 70% of its compensation rate.
	Demolishing partial or totally impact on house/structures (impact >50%, or less than 50%)	0AHs	a/ AH could chose one of the following options: Retaining their houses or building in ROW according to the conditions regulated by Article 13 of Decree 14/2014/NĐ-CP. Allowance for purchasing fireproof materials and lightning arrestors for the existing house/building. Cash compensation at replacement cost for full areas of affected house/structure and cost for demolishing AHs' houses in ROW. b/ Support for utilization of restricted house and impacts on daily-life activities	
<i>C.2 Other Structures, e.g., kitchens, toilets, animal sheds, fences, foundations, etc. in ROW</i>				
Other structures	Structures affected	21 AHs	Support for improvement of installing	For structure without improvement,

Entitled Persons	Type & Level Of Impact	Number of AHs	Compensation Policy	Implementation Issues
	due to location in ROW of the T/L		fireproof materials and lightning arrestors	allowance is paid by 70% of its compensation rate. For structure with improvement, allowance is paid at PPC's rate for rehabilitation of installing fireproof materials and lightning arrestors.
<b>D. ANNUAL AND PERENNIAL CROPS, FRUIT AND TIMBER TREES AND TREE/PLANT FENCES</b>				
Crops and/ or trees	Loss of annual crops	22 AHs	If standing crops are ripening and cannot be harvested, cash compensation of un-harvested crops at market values based on the average production over past 3 years.	AHs to be notified at least 2 months for harvesting crops; Compensation is made depending on the species, age, and value of affected tree/crop. AHs receive compensation for tree/crop without returning compensated tree/crop.
	Loss of perennial trees, fruit and timber trees and tree fences	115 AHs, 1 institution	Cash compensation at current market prices given the type, age and productive value of the affected crops and/or trees.	
<b>G. REHABILITATION ASSISTANCE</b>				
<i>G.1 Economic Rehabilitation Package</i>				
Severely affected persons, displaced from housing or losing 10 percent or more of their productive, income generating irrespective of tenure status.	Assistance to restore livelihoods and incomes following acquisition of agricultural land or other productive assets	0 AHs	AHs directly cultivate on the affected land to be entitled: (i) Losing from 10 to 30% of agricultural land holding: Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 3 months, if not relocating; for 6 months if relocating; and for 12 months if relocating in a harsh living condition area; (ii) Losing more than 30% to 70% of total	It is not necessary to implement IRP due to none severely affected house identified.

Entitled Persons	Type & Level Of Impact	Number of AHs	Compensation Policy	Implementation Issues
			<p>agriculture landholding.</p> <p>Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 6 months, if not relocating; for 12 months if relocating; and for 24 months if relocating in a harsh living condition area;</p> <p>(iii) Losing more than 70% of total agriculture landholding</p> <p>Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 12 months, if not relocating; for 24 months if relocating; and for 36 months if relocating in a harsh living condition area; AND</p> <p>(iv) In-kind assistance to be decided in consultation with eligible APs. Forms or assistance may include, but are not limited to, agricultural extension assistance, and training for non-agricultural occupations. And</p> <p>(v) Participating in income restoration programs (IRP).</p>	
<i>G.2 Assistance for job changing and creation</i>				
AHs with agricultural land permanently affected	Assistance for job changing and creation.	44 AHs	Cash assistance equal to 1.5 time of compensation value for affected for acquired land area but not exceed 5 (five) times of land quota in locality, according to	Binh Duong: Cash assistance for permanently agricultural land affected accounts for 50% of compensation rate for residential



Entitled Persons	Type & Level Of Impact	Number of AHs	Compensation Policy	Implementation Issues
			PPC's regulation. If AP has demand for training, he/she will be entitled to a free training course	land nearby. Dong Nai: Cash assistance for permanently agricultural land affected equals to 1.5 times of compensation value for acquired land.
<i>G.3 Special allowance for social and economically vulnerable households</i>				
Vulnerable APs (the poor, war invalid person, woman headed household, the elderly)	Assistance to the poor and vulnerable households to improve their social and economic conditions.	0 AHs	For the poor households, cash assistance equal to 30 kg of rice (at market price) per each family member per month for at least 6 months For other vulnerable APs, assistance of VND 2,000,000 per household to improve their social and economic conditions	No one entitled as vulnerable AP.
<i>G.4 Assistance for houses in ROW</i>				
AHs with house in ROW	Assistance to improve house or install fireproof materials and lighting arrestors. And assistance to mitigate impacts due to restricted usability and impacts on daily activities.	19 AHs	With houses grade 4, allowance for installing fireproof materials and lighting arrestors. With houses grade 5, allowance for rehabilitation. Allowance due to restricted usability and impacts on daily activities (according to Decree 14/2014/ND-CP, it is $\leq 30\%$ value of house).	For house under ROW, allowance for limitation of use is paid by 70% of its compensation rate.
<i>G.5 Assistance for other structures in ROW</i>				

Entitled Persons	Type & Level Of Impact	Number of AHs	Compensation Policy	Implementation Issues
AHs with other structures in ROW	Assistance to improve structure or install fireproof materials and lighting arrestors.	13 AHs	With structure grade 4, allowance for installing fireproof materials and lighting arrestors. With structure grade 5, allowance for rehabilitation.	For structure under ROW, allowance for limitation of use is paid by 70% of its compensation rate.
<i>G.6 Assistance for land in ROW</i>				
AHs with land in ROW	Assistance to mitigate impacts due to restricted usability of land	202 AHs and 7 institutions	Allowance for agricultural land, residential land, production planted, production forest, non-agricultural land in ROW (according to GOV Decree No.14/2014/ND-CP)	Allowance for limitation of residential land use is equal to 80% and 70% of its compensation rate in Binh Duong and Dong Nai province, respectively. Allowance for limitation of productive land use is equal to 80% and 60% of its compensation rate in Binh Duong and Dong Nai province respectively. For planted production forest, compensation for land is not paid but allowance for exploitation, maintenance, and investment for land accounts for 60.000 VND/m <sup>2</sup> .

## **8. RESETTLEMENT**

106. There are 19 AHs with their houses affected due to location in ROW, in which 9 AHs with houses Grade 4, 10 AH with houses Grade 5, and other 8 AHs with temporary structures. According to Decree No.14/2014/NĐ-CP, all their houses/structures are not required to be relocated, they could be existed in ROW if meeting fully stipulated conditions (roofs and surrounding walls are made of fire-proof materials, metal structures are earthed according to regulations on earth connection techniques, etc.).

107. No AH requires to be relocated, so it is not necessary to arrange land for resettlement. The AHs having house/structure affected is compensated and supported in cash to improve and install grounding conductors and fireproof material for safety.

## **9. INCOME RESTORATION PROGRAM**

108. It is not necessary to implement an income restoration and rehabilitation program because the impacts on the lands are only the marginal and no one become vulnerable and none of their livelihoods is at risk.

## 10. RESETTLEMENT COST AND ALLOCATION PLAN

### 10.1 Unit prices for compensation and allowance

109. Resettlement cost of the project is based on project policy, current decisions of Dong Nai and Binh Duong provinces, DMS data. These decision included:

- Decision No.12/2012/QD-UBND dated February 23, 2012 of Dong Nai PPC on compensation unit price allowance for assets in the event of land recovery in Dong Nai.
- Decision No.1837/2013/QD-UBND dated July 25, 2013 of Binh Duong PPC on compensation rate, allowance, and support on land and other assets in the event of site clearance for the project of Song May-Uyen Hung.

**Table 10-1 Compensation rate**

No	Item	Unit	Binh Duong (Bac Tan Uyen)	Dong Nai (Vinh Cuu & Trang Bom)
<b>1</b>	<b>Land</b>			
	Residential land (rural area)	VND/m <sup>2</sup>	1,125,000-1,500,000	1,050,000-1,500,000
	Perennial tree land (orchard)	VND/m <sup>2</sup>	75,000-140,000	45,000-100,000
	Paddy field	VND/m <sup>2</sup>	120,000-180,000	45,000-80,000
	Annual crop land	VND/m <sup>2</sup>	120,000-180,000	45,000-100,000
	Aquaculture land	VND/m <sup>2</sup>	80,000	30,000 - 60,000
	Planted production forest	VND/m <sup>2</sup>	60,000	35,000 - 65,000
<b>2</b>	<b>Structures</b>			
	Grade 4 (brick wall, wooden frame with tiled roof)	VND/m <sup>2</sup>	1,884,000	2,326,000
	Grade 5 (bamboo and wooden frame with palm roof)	VND/m <sup>2</sup>	628,000	659,000
<b>3</b>	<b>Crops and trees</b>			
	Paddy, Annual crops	VND/m <sup>2</sup>	6,500	3,000
	Eucalyptus	VND/tree	15,500	26,000
	Cajuput	VND/tree	15,500	26,000
	Jackfruit	VND/tree	240,000	260,000-325,000
	Longan	VND/tree	360,00	260,000
	Mango	VND/tree	500,000	585,000
	Custard apple	VND/tree	80,000	98,000

No	Item	Unit	Binh Duong (Bac Tan Uyen)	Dong Nai (Vinh Cuu & Trang Bom)
	Lemon	VND/tree	60,000	130,000
	Banana	VND/tree	12,000	20,000

### 10.2 Resettlement cost

110. Total cost for RP implementation includes cost for compensation, allowance, and resettlement, cost for DCARB and DoNRE.

**Table 10-2 Total cost of RP implementation**

No	Item	Binh Duong (VND)	Dong Nai (VND)
<b>I</b>	<b>COMPENSATION &amp; ALLOWANCE COST</b>		
1	Compensation for land	589,518,000	4,178,579,600
2	Compensation for tree/crop	1,148,046,000	645,050,000
3	Allowance for land impacted by ROW	20,306,236,800	Added in item (1)
4	Allowance for houses/structures affected by ROW	1,902,885,855	880,753,280
5	Assistant for job changing and creation	2,080,125,000	238,428,500
6	Bonus for site clearance on time	0	446,000,000
<b>II</b>	<b>COST FOR DLFDCs, DoNREs</b>	520,536,233	200,508,322
<b>III</b>	<b>EXTERNAL MONITORING</b>		316,940,000
	<b>TOTAL (I+II+III)</b>		<b>33,453,607,590</b>
		<i>Approximate US\$ 1,583,978</i>	
		<i>(exchange rate US\$ 1 = 21,120 VND)</i>	

### 10.3 Budget allocation

111. Budget for RP implementation of 220kV Song May-Uyen Hung transmission line is under NPT/SPMB responsibility. The NPT/SPMB has transferred budget of compensation, allowance, and other support to DCARBs at Trang Bom, Vinh Cuu, Bac Tan Uyen district and Tan Uyen town. The DCARBs are responsible for delivery compensation and allowance to AHs.

## **11. IMPLEMENTATION ARRANGEMENTS**

112. The institutional arrangement for the preparation and implementation of RP is guided by Chapter VI of the Decree 197/2004-ND-CP and Chapter V of the Decree 84/2007-ND-CP and Document No.1665/TTg-CN dated 17/10/2006. The responsibilities of key parties are described in Decree 197/2004; Decree 84/2007/ND-CP; Decree 69/2009 and in the decisions of the People's Committees of the project provinces.

### **11.1 Executive agency – National Power Transmission Corporation (NPT)**

113. NPT is the Executing Agency, through SPMB to manage the resettlement issues. The SPMB is implementing agencies that are mandated for the overall management and supervision of projects. For the management of a particular project, the NPT creates the SPMB within its organization that is supported by full-time qualified and experienced social safeguard specialist to manage the resettlement related issues.

114. The NPT will:

- Provide overall management and coordination of the project;
- Liaise with IAs to carry out the project;
- Coordinate with ADB in providing resettlement consultant services for the project;
- Support the SPMB for updating RP of the project;
- Consolidate project progress reports on land acquisition and resettlement submitted by the SPMB for relevant ministries and ADB; and
- Recruit and supervise the external independent organization (or consultants) for external resettlement monitoring.

### **11.2 Implementing agency – Southern Power Project Management Board (SPMB)**

115. Actively participate in the RP updating and implementation activities in collaboration with the concerned organization at the Province, District and Commune levels;

116. Liaise with the Province People's Committee (PPC) to facilitate the establishment of the CARB at the provincial/city and district levels.

117. Provide an orientation, to the concerned People's Committees of the province, district and commune, the DCARB and related groups on the project, its resettlement policy, process flow, and on the specific tasks of these groups relative to the updating and implementation of RP at the district level;

118. Take the lead in the public disclosure of the project RP in coordination with the concerned People's Committees, and participate in project information dissemination and holding of consultation meetings with AHs and other stakeholders;

119. Monitor grievances related to the project and calls the attention of concerned government offices where complaints have remained outstanding beyond prescribed action periods;

120. Design and implement an internal monitoring system that shall capture the overall progress of the RP updating and implementation; and prepare quarterly progress reports for submission to NPT and ADB;

121. Hire and closely coordinate with an external monitoring consultant that shall perform a third-party monitoring and evaluation of the RP updating and implementation.

### **11.3 Provincial level**

122. The main responsibilities of the PPC in each province include (i) directing, organizing, advocacy, disseminating all organizations and individuals on the policy of compensation, support, resettlement and site clearance in accordance with the State's policy. Raising awareness of project for all relevant organizations and other levels of administration in the province; (ii) organization and mobilization of all organizations and individuals concerning compensation, support and resettlement policies and ground clearance according to the land recovery decisions of the State; (iii) updating the unit costs to reflect the replacement cost of project-affected private and public assets; (iv) planning resettlement arrangements, job change training plans according to their assigned competence; (v) authorizing the DPC to approve compensation, assistance support to APs; (vi) providing guidance to concerned agencies on the neutral settlement of citizens' complaints, denunciations related to compensation, support and resettlement; (vii) authorizing the DPC to apply coercion to cases of deliberately failing to abide by the State's land recovery decisions.

### **11.4 District level**

123. The DPC will be responsible for the following (i) support for updating and preparation as well as implementation of the RP; (ii) review and submit all RP to PPC; (iii) review the accuracy of and validate the cost estimates for compensation and assistance; (vi) acquisition of Land Use Rights Certificates (LURCs) for households and individuals who have lands and/or houses entirely-recovered; (vii) adjustment of LURCs for households and individuals whose lands and houses have been partially affected; (viii) assist in the redressed of complaints and grievance from APs; (ix) concurrence with the schedule of RP implementation and monitor the progress thereon; and (x) mobilization of the respective DCARC that will appraise the compensation and assistance to APs; as well as (xi) the provisions of lands to APs.

124. The responsibilities of the DCARC will be the following (i) organize and carry out resettlement activities in the district on behalf of the DPC; (ii) assist in the DMS, public consultations and disclosure activities; (iii) review and submit to DPC the proposed compensation, assistance and resettlement alternatives; (iv) assist in the identification and allocation of land for the APs; (v) along with the CPC, assist PECC3 in the timely delivery of compensation payment and other entitlements to APs; and (vi) assist in the resolution of complaints and grievances.



### **11.5 Commune level**

125. The CPCs will assist the SPMB and the DCARBs in the following tasks (i) remind the APs about the compensation plan and the process of delivery, income restoration plans, relocation strategies and land clearance requirements based on the approved RP; (ii) public the list of eligible APs that will be provided after the DMS completed; (iii) assign commune officials to assist in the update and/or preparation as well as the implementation of the RP; (iv) identify replacement lands for the APs; (v) sign the Agreement Compensation Forms along with the APs; and (vi) assist in the resolution of grievances and in other related resettlement activities and concerns.

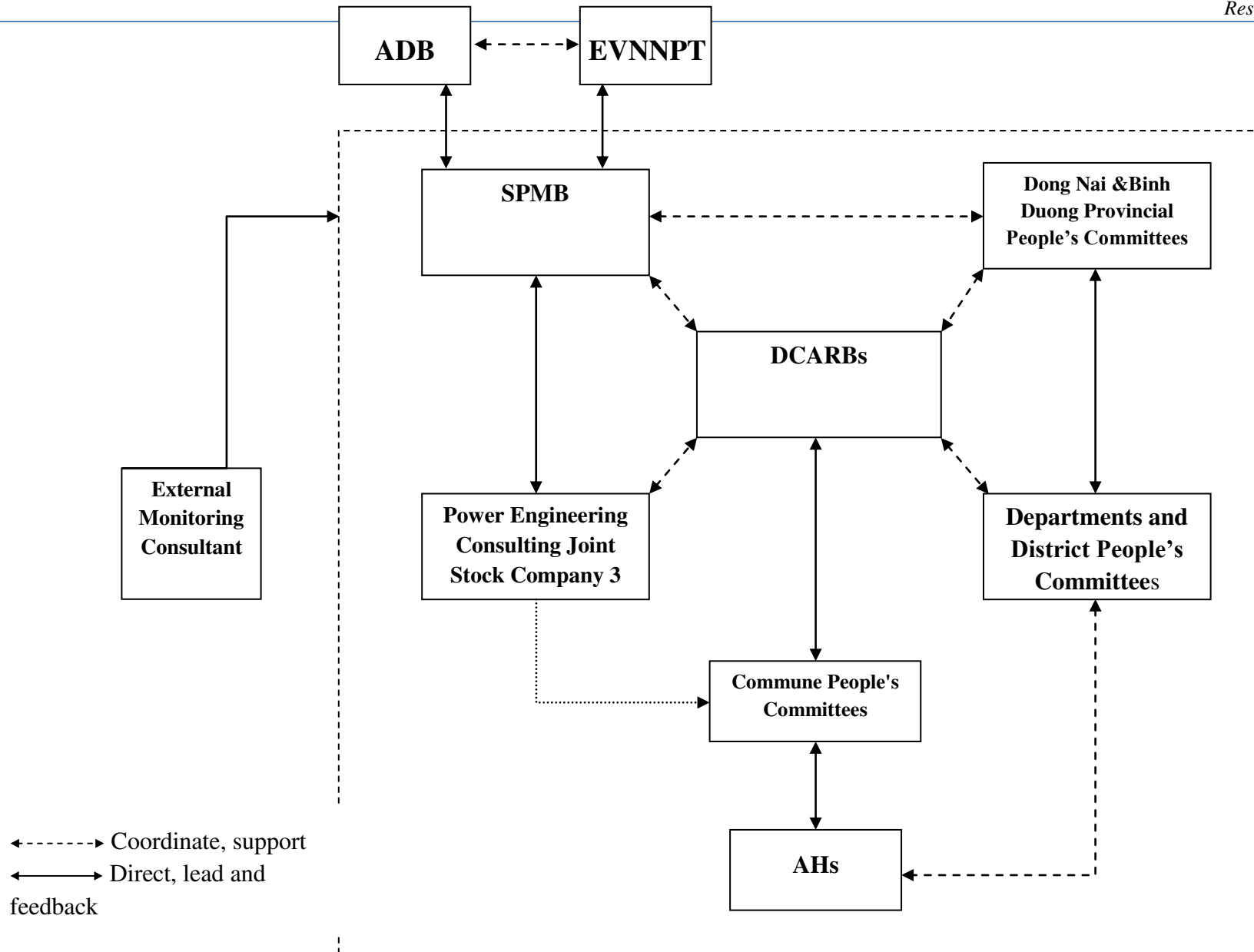


Figure 11-1 Institutional arrangement

## **12. MONITORING AND EVALUATION**

### **12.1 Internal Resettlement Monitoring**

126. Internal Monitoring is the responsibility of SPMB with support from the project consultants. Internal resettlement monitoring aims to:

- a) Ensure payment of compensation to affected people are provided based on the type of losses and categories of impacts
- b) Ensure resettlement activities are conducted according to the compensation policies as an approved RP. Monitor the assistance from local authorities and communities in helping the households who are partially or fully affected on houses, have to buy land to move to new places or have to prepare for the partly affected houses.
- c) Determine if the required transition, income restoration measures and relocation assistance are provided on time.
- d) Assess if income source recovery and recovery support have been provided and propose remedial measures if objectives of restoring income of households have not been met.
- e) Disseminate information and procedures openly
- f) Determine if complaint procedures are followed and if there are pending issues that require management attention.
- g) Give priority to affected persons' concerns and needs, specially the poor and vulnerable households
- h) Ensure transition between relocation or site clearing and commencement of civil works is smooth and that sites are not handed over for civil works until affected households have been satisfactorily compensated, assisted and relocated.

### **12.2 External Resettlement Monitoring**

127. The main objective of external resettlement monitoring is to provide an independent periodically review and assessment of (i) achievement of resettlement objectives; (ii) changes in living standards and livelihoods; (iii) restoration of the economic and social base of the affected people; (iv) effectiveness and sustainability of entitlements; and (v) the need for further mitigation measures as required.

128. The external resettlement monitoring address specific issues such as the following:

- a) Public consultation and awareness of resettlement policy and entitlements;
- b) Documentation of impacts and payments (DMS forms, compensation documents) as an approved RP;
- c) Coordination of resettlement activities with construction schedule;

- d) Land acquisition and transfer procedures;
- e) Construction/rebuilding of replacement houses and structures on residential land or to new relocation sites; Monitor the assistance from local authorities and communities in helping the households who are partially or fully affected on houses, have to buy land to move to new places or have to repair for the partly affected houses.
- f) Level of satisfaction of APs with the provisions and implementation of the RPs;
- g) Grievance redress mechanism (documentation, process, resolutions, complaint issues etc);
- h) Effectiveness, impact and sustainability of entitlements and rehabilitation measures and the need for further improvement, as required. Implementation of the livelihood restoration activities and evaluation of their restoration or improvement level. Propose the need for the improvement if there are households are worse off.
- i) Gender impacts and strategy;
- j) Capacity of APs to restore/re-establish livelihoods and living standards. Special attention provided or to be provided to severely affected and vulnerable households;
- k) Resettlement impacts caused during construction activities;
- l) Participation of APs in RP planning, updating and implementation;
- m) Institutional capacity, internal monitoring and reporting.
- n) Information of government's funds for payment of land, non-land assets and allowances to the affected households (if being implemented) should be transparently, efficiently and effectively.

129. Monitoring of RP implementation will be based on desk review and field visits, meetings with various local officials, and affected households. Separated meetings will be held with women and vulnerable households.

130. Between 6 to 12 months following completion of resettlement, the external resettlement monitoring consulting services will conduct an evaluation study to determine whether or not the objectives of resettlement have been achieved. The methodology for the evaluation study will be based mainly on a comparison of the socio-economic status of severely affected households prior to and following displacement. If the findings of the study would indicate that the objectives of the RP have not been achieved, the external monitoring will propose appropriate additional measures to meet the RP objectives. Activities will include the following:

- Evaluate baseline data that was collected under the socio-economic survey to assess changes in household income and expenditures, expenditure composition patters,

primary and secondary occupations, borrowing amounts and debts patterns, materials conditions and possessions of consumer items, land area and tenure arrangements, school attendance of children, child malnutrition and general health, and distances to public services and infrastructure.

- Collect qualitative indicators on the APs' own assessment of changes in living standards before and after the project at households and community levels, which may be collected through open-ended questions, semi-structured interviews, case-studies, or group discussions.
- Verify with the APs that community services and resources damaged during construction works have been fully restored to their previous conditions and operational capacity.

131. The external resettlement monitoring will be carried out semi-annual monitoring reports and submitted to SPMB. The monitoring reports will highlight the issues and problems arising and, if required, suggest time-bound and specific mitigation measures. In terms of submission, reports will be submitted to SPMB as follows:

- a) A brief inception report to be submitted within two weeks after completion of the inception activity.
- b) Compliance monitoring reports and final monitoring report within two weeks after completion of the monitoring activity.
- c) Post- evaluation report will be submitted within two weeks after completion of the monitoring activity.

### 13. IMPLEMENTATION SCHEDULE

132. Based on the actual situation of the management of land and resources of each local government, which implements the site clearance of the projects and in accordance with the progress of the project requirements. The compensation payment shall be completed satisfactorily prior to the commencement of the relevant project components, which include taking position of the land for construction of the sub-project.

133. The implementation schedule is as follows:

**Table 13-1 Implementation Schedule for the Project**

Activities	Schedule
RP preparation	Jan 2011 - Aug 2011
ADB approval of draft RP	Nov 2011
Disclosure RP to local authorities and APs	Dec 2011
Start DMS and RP updating after loan negotiation	May 2013 - Dec 2013
Submission and ADB approval of updated RP	Apr 2014 - Jun 2014
Disclosure updated RP to local authorities and APs	Jun 2014
Implementation of updated RP	Jun 2014 - Jul 2014
Construction of project	Jul 2014
Internal monitoring (Submission of Quarterly Progress Reports)	Dec 2013 up to 6 months after completion of construction
External monitoring (intermittent)	Dec 2013 up to 12 months after completion of construction

## **14. DUE DILIGENCE**

### **14.1 Rationale for Due diligence**

134. During the project implementation, the construction of tower foundation has been started in December 2013 prior to completion of compensation and allowance activities that non-compliance with ADB's policy. That is the reason why due diligence needs to be taken into account to ensure that the implementation of RP meets the requirements of ADB.

135. Additionally, according to the conclusion of ADB's mission taken place in December 2013, Due Diligence section should be added in updated RP to clarify the level of compliance of ADB's policies during implementation of compensation and allowance.

### **14.2 Construction of tower foundation**

136. Due to the rearrangement of administrative boundary in Binh Duong province, the project implementation will impact to Bac Tan Uyen district and Tan Uyen town instead of Tan Uyen district as before. Therefore, the development and approval of compensation plan in Tan Uyen town is still waiting for the establishment of new functional department/division. However, the only one affected institution in Tan Uyen town is Tan Uyen Forest Protection Unit propertyed by Government that will not get compensation for land.

137. DMS shows that totally 38 tower foundations built will affect 28 AHs and 03 institutions in Binh Duong province; another 32 tower foundations located in Dong Nai province will impact to 35 AHs. Land affected by tower foundation in Binh Duong includes land for perennial tree, annually tree, and rubber and eucalyptus plantation while tower foundation in Dong Nai is mainly constructed in land for crop.

138. The DMS have started since August 2013, but it takes few months to complete compensation plan because of legal procedures. To follow the progress of the project implementation, contractors of construction themselves have signed agreements with AHs that certified by CPC. In the agreement, the contractor gives payment to AHs in advance then they can construct the foundation of towers in the affected land. Records of agreement are attached in Annex 4.

139. Additionally, AHs want to hand over their land after doing DMS in order to get payment and sell their products with good price. Some are willing to hand their land over without any payment.

140. The field survey carried out in December 2013 found that land transferred from AHs to contractor is mainly eucalyptus plantation. Each HHs, popularly, occupied hundred thousand square meters of plantation land so it is small amount of land handing over in advance for foundation construction (from 200 m<sup>2</sup> to 300 m<sup>2</sup> of each tower foundation)



**Figure 14-1 Foundation of tower under construction in Bac Tan Uyen**

141. List of AHs signed agreements to handover their land and location of tower foundation is described in Table 14-1.

**Table 14-1 List of AHs handing land over in advance**

No.	Name of AHs	Acquired land (m <sup>2</sup> )	Location of tower foundation
<b>Thường Tân Commune – Bac Tan Uyen District</b>			
1	Nguyễn Văn Thu	204.5	29
2	Nguyễn Ngọc Hoà	196.4	30
3	Huỳnh Văn Nô	144.0	31
4	Võ Văn Trung	3.8	32
5	Thuong Tan CPC	137.6	32
6	Thuong Tan CPC	144.1	33
7	Đỗ Thị Phượng	144.0	34
8	Trương Thị Thanh	153.2	35
9	Thuong Tan CPC	176.9	36
10	Huỳnh Văn Hai	158.9	37
11	Huỳnh Tấn Khanh	15.3	37
<b>Tân Mỹ Commune – Bac Tan Uyen District</b>			
1	Nguyễn Thị Phúc	144.0	38
2	Nguyễn Văn Tra	144.0	39
3	Lê Thị Thu	144.0	40
4	Huỳnh Ngọc Hạnh	120.2	41
5	Nguyễn Thị Lùng	56.7	41



No.	Name of AHs	Acquired land (m <sup>2</sup> )	Location of tower foundation
6	Phùng Văn Phú	176.9	42
7	Trần Thị Kim Chi	176.9	48
8	Đoàn Quang Tú		51, 52, 53
9	Nguyễn Công Luận	235.6	59
10	Phạm Thị Thuy Thủy	176.9	61
11	Vương Hoàn Huỳnh	176.9	62

### 14.3 Summary of RP implementation

142. There are five main issues related to resettlement plan implemented as below:

- i. Public consultation and information disclosure;
- ii. Detailed measurement survey;
- iii. Compensation, allowance, and resettlement;
- iv. Income restoration; and
- v. Other support.

143. *Public consultation and information disclosure.* Public consultations were conducted with AHs prior DMS. Information disclosure has been carrying out at local community to ensure APs are well-informed and satisfied with the result of DMS, the project's policy, entitlements, grievance redress mechanism.

144. *Detailed measurement survey.* DMS had been completed for all AHs in the project area. The owners of the affected assets were invited to witness the measurement of the team survey. All of detailed measurement records are certified by CPCs.

145. *Compensation for residential land.* No one is acquired residential land for tower construction. There are few AHs having residential land affected by ROW. Therefore, compensation is applied in accordance with PPC's policy. The allowance paid for limitation of land use is equal to 70%-80% of its compensation rate.

146. *Compensation for agricultural land.* Permanently affected land, used to construct tower foundation, is compensated by applying PPC's compensation rate. However, AHs also receive allowance approximately 50%-70% of value of compensation for land depending on land category.

147. *For forest land.* SPMB will contribute to provincial Forest Protection and Development Fund to plant forest covering the affected area.

148. *Compensation for non-land assets.* Houses, structures, crops, trees, and other assets in the project area are affected due to under the ROW of transmission line that could limit the use of assets. Therefore, compensation and allowance for non-land assets is applied by the

government policy and PPC’s compensation rate that may slightly lower than the market price. However, the full package of compensation and allowances could make houses/structures with better conditions.

149. *Income restoration.* According to the policy of the project, AH losing more than 10% of their productive land are considered as severely affected and entitled to join income restoration program. For transmission lines, land acquisition is used to construct the foundation of towers that vary from 200 m<sup>2</sup> to 300 m<sup>2</sup>. AHs, therefore, are impacted as losing less than 10% of their total productive land. So it is not necessary to implement IRP.

150. *Resettlement.* No one needs to be relocated due to the project implementation.

151. *Other support.* During construction work, the contractors have given advance payment and supported to the AHs in order to construct tower foundation before compensation plan approved. Temporary affected assets due to construction are compensated at the real situation.

**Table 14-2 Summary of RP implementation by province**

No.	Issues	Implementation of RP in Binh Duong province	Implementation of RP in Dong Nai province
1.	Public Consultation and Information Disclosure	Public consultations were conducted with AHs prior DMS. Information disclosure has been carrying out at local community to ensure APs are well-informed and satisfied.	Public consultations were conducted with AHs prior DMS. Information disclosure has been carrying out at local community to ensure APs are well-informed and satisfied.
2.	Compensation for residential land	No residential land acquired for tower foundation. Only residential land impacted due to ROW; Allowance for limitation of land use is equal to 80% of compensation rate for residential land.	No residential land acquired for tower foundation. Few AHs having residential land affected by ROW; Allowance for limitation of land use is equal to 70% of compensation rate for residential land
	Compensation for agricultural land	<i>Land acquired for construction of tower foundation:</i> -The compensation rate for agricultural land was paid according to Binh Duong PPC’s compensation rate; -Allowance for agricultural land	<i>Land acquired for construction of tower foundation:</i> -The compensation rate for agricultural land was paid according to Dong Nai PPC’s compensation rate; -Allowance for agricultural land

No.	Issues	Implementation of RP in Binh Duong province	Implementation of RP in Dong Nai province
		<p>acquisition accounts for 50% of compensation rate for residential land nearby.</p> <p><i>Land impacted by ROW:</i></p> <p>-Allowance of agricultural land affected by ROW accounts for 80% of compensation rate for agricultural land;</p> <p>There is no HH losing more than 10% of productive land.</p>	<p>acquisition equals 1.5 times of compensation amount for land.</p> <p><i>Land impacted by ROW:</i></p> <p>-Allowance for limitation of land use is equal to 60% of compensation rate for land;</p> <p>There is no HH losing more than 10% of productive land.</p>
	Allowance for planted production forest	<p>No compensation for land because it is the Government land.</p> <p>Allowance for exploitation and protection of forest land is paid.</p>	<p>No forest land impacted.</p>
	Compensation for house, structure, crop, and tree	<p>Compensation plan was done according to Binh Duong PPC compensation rate.</p> <p>AHs receive compensation for the permanently affected house/structures and no deductions are made for the value of the salvageable material from their original structures;</p> <p>For house/structure under ROW, allowance is paid by 70% of its compensation rate;</p> <p>AHs receive compensation for tree/crop without returning compensated tree/crop.</p>	<p>Compensation plan was done according to Dong Nai PPC compensation rate.</p> <p>AHs receive compensation for the permanently affected house/structures and no deductions are made for the value of the salvageable material from their original structures;</p> <p>For house/structure under ROW, allowance is paid by 70% of its compensation rate;</p> <p>AHs receive compensation for tree/crop without returning compensated tree/crop.</p>
3.	Income restoration	<p>It is not necessary to implement income restoration program because of none severely affected AH in the project area.</p>	<p>It is not necessary to implement income restoration program because of none severely affected AH in the project area.</p>

No.	Issues	Implementation of RP in Binh Duong province	Implementation of RP in Dong Nai province
4.	Resettlement	Not any AH needs to be relocated	Not any AH needs to be relocated
5.	Other support	SPMB and construction contractor have supported to AH during construction work.	SPMB and construction contractor have supported to AH during construction work.  Bonus is also paid to AHs handing clean site on time.

#### 14.4 Findings and Corrective Action Plan

152. Although the process of project implementation has not complied with the agreed Project Resettlement Framework, however, the key resettlement activities have been implemented.

153. Public consultation and information disclosure on compensation, allowance, and grievance redress mechanism have been implemented at all communes in the project area. APs are well informed about the project.

154. Compensation for affected assets is applied by PPC's compensation rate. However other assistances are paid and finally the full package of compensation are fair.

155. Only poor AHs and special policy HHs have been entitled as vulnerable AH. Other vulnerable group such as (i) female headed households without support; (ii) disabled household heads; (iii) children and the elderly headed households who are landless and with no other means of support; (iv) landless households has not been identified.

156. There is no public facility directly affected by the project, however, during construction work construction vehicle could damage access road, drainage system, etc. Rehabilitation budget for community property should be taken into account.

157. A Corrective Action Plan has been prepared to ensure RP implementation compliance with the agreed Resettlement Framework.

**Table 14-3 Corrective Action Plan**

<b>Issue</b>	<b>Corrective action</b>	<b>Responsibility</b>	<b>Timing</b>
<p><b>Vulnerable group</b> Only the poor and other special policy AHs, no other vulnerable groups have been identified</p>	<p>Check in the DMS list and through local organizations if potential vulnerable AH ((i) female headed AH with dependents, (ii) disabled AH heads, (iv) children and the elderly AH who are landless and with no other means of support, and (v) landless AH are identified; According to the agreed RF, the poor AHs should receive a cash allowance equivalent to 30 kg of rice per family member per month for at least six months. For other vulnerable AHs, assistance of 2,000,000 VND per household to improve their social and economic conditions.</p>	<p>SPMB/DCARBs collaboration with Women’s Union, Farmer’s Union, Association of the Elderly</p>	<p>End of August 2014</p>
<p><b>Temporary impact</b> Impact during construction</p>	<p>SPMB in coordination with CPCs to follow-up the rehabilitation of community facility affected by construction activities.</p>	<p>SPMB/EMC</p>	<p>Report the status in the monitoring report</p>
<p><b>Monitoring</b> External monitoring</p>	<p>Conduct monitoring in accordance with agreed RF; Special attention on the needs of women through specific consultation with women;</p>	<p>SPMB/EMC</p>	<p>Every 6 months</p>

## **ANNEX 1 Public Information Booklet (PIB)**

### **Question 1: What is the ADB Project?**

**Answer:** ADB is to help EVNNPT mobilize long-term and competitive funding from commercial banks to sustain the GOVs initiatives reducing the cost of electricity and improve the reliability of the electricity supply so as to promote economic growth and improve the living standard of the poor. The Song May-Uyen Hung 220kV transmission line is one of projects that SPMB is requesting ADB for financing.

### **Question 2: How will the ADB Project affect the local population?**

**Answer:** The development of new Substations and Transmission Lines and/or upgrading the existing ones provincial and district roads will/may require some land acquisition. However, their design will attempt to avoid or at least to minimize the negative impacts on households and communities. The final location of Power Substations and TL alignments will be selected after public consultations have been carried out. If land acquisition is necessary, the Project displaced people will be properly compensated for their affected land, houses, structures, crops and/or trees. Relocation and income restoration assistance will also be provided to Displaced Persons (DPs) who will be severely affected by the Project. Details are included in a Resettlement Plan that is available at your commune office. Please also refer to other relevant Public Information Brochures.

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

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

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

**Answer:** If land is available, your affected land will be replaced with land of equal area and productive capacity and at a location suitable and acceptable to you; *or* if, after being fully informed about your options, you prefer cash, compensation can be paid in cash at replacement value at current market prices, *or* a compensation partly in cash and partly in land might be possible.

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

**Answer:** No, lack of formal legal rights to land does not prevent any Displaced Persons (DPs) from receiving compensation or assistance measures. Those DPs who possess a land use rights certificate (LURC) or any other form of written or verbal agreement to utilize the land are entitled to compensation for the lost land as well as assets on the land.

Those DPs who do not have legal/legalize or temporary/lease rights for land will still be compensated for the assets on the land, such as any structures, crops and trees.

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

**Answer:** Yes. Compensation will be applied for all affected assets including houses, shops and other structures as well as other fixed assets at replacement value at current market prices (including material and labor) without any deductions for building depreciation or salvageable building materials. This will ensure that the Displaced Persons are able to reconstruct houses and other structures of better or at least the same quality as before.

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

**Answer:** Affected crops, fruit and timber trees and tree fences will be compensated in cash at current market prices. Compensation for non-harvested crops will be based on the average production in the past 3 years multiplied by current market prices.

Compensation for trees will be based on the type, age and productivity of trees. A Replacement Cost Survey will be conducted during detailed design of the Project to establish market prices for compensation. If there are delays in paying compensation, prices will be updated to take inflation into consideration.

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

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

Severely affected households: Households that lose more than 10% of their total productive landholdings will receive an economic rehabilitation package in accordance with provisions of Decree 69/2009/CP.

Households that relocate: Households that must relocate to new residential land will receive a transition subsistence allowance equivalent to 30kg of rice per person per month for six months for during transition; if have to be relocated, or for 3 months if have to rebuild main house on the remaining land behind; a transportation allowance of between VND 1,000,000 and 5,000,000 in cash or assistance; and, an incentive bonus not exceeding VND 5,000,000 if DPs demolish their affected houses or structures in a timely manner.

Business owners that lose income while they relocate or rebuild their shops/businesses: Households with small, unregistered businesses will receive cash compensation equal to the provincial minimum wage for three months. Owners of registered businesses will receive cash

compensation at maximum equal to 30% of their after-tax annual revenue as provided by Decree 69/2009/CP.

Employees and hired laborers who lose their jobs: will receive cash compensation for lost salary/wages for each month they cannot work, if the loss is temporary; or, if the loss is permanent, cash compensation equivalent to the provincial minimum wage for six months or cash compensation for remaining contract period whichever is higher.

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

**Answer:** No. Entitled Displaced Persons (DPs) are those persons or households that are surveyed during the detailed measurement survey (DMS) activities. The DPs and local authorities will be informed of the cut-off date (the date of DMS) for the sub-project.

Anyone moving into the Project area after cut-off date will not be entitled to compensation and assistance under the Project.

**Question 10: What if I have been told to move but was not included in the survey?**

**Answer:** During the detailed design of the Project, some minor changes may occur. This could affect the results of original inventory of losses. These DPs will be entitled to the same compensation as all other DPs. Once the actual position and alignment of the road are known, a detailed measurement survey (DMS) will be conducted in the presence of DPs to inventory the losses for compensation and rehabilitation.

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

**Answer:** A consultation and public information program will be organized in your commune to ensure that DPs receive complete and timely information about the Project.

DPs will be provided information on project components, impacts, their rights and entitlements, grievance mechanism, rights of participation and consultation, resettlement activities, responsibilities of institutions and implementation schedule. DPs will participate in resettlement planning and implementation and they will also be consulted on the following issues: a) resettlement options according to their entitlement, b) training and training preferences in current or new occupations, c) other project aspects.

This program will enable the Project to design the resettlement and rehabilitation program to meet the needs of DPs, and help DPs to make informed decisions about compensation and relocation. Consultations with DPs and local authorities will reduce the potential for conflicts and minimize the risk of project delays, and maximize the economic and social benefits of the Project.



**Question 12: If there are any disagreements or problems about land acquisition, compensation or other general disputes during project implementation, do DPs have the right to voice their complaints?**

**Answer:** Yes, Displaced Persons (DPs) can voice their complaints (in verbal or written form) to responsible local authorities and resettlement committees. Their complaints can be filed first at the ward or commune level, and can be elevated to the district and provincial level and taken to district court if the DPs are not satisfied with the decision of lower levels. DPs will be exempted from all taxes, administrative and legal fees. All complaints of DPs on any aspect of land acquisition, compensation, resettlement and implementation will be addressed in a timely and satisfactory manner.

**Question 13: As a resident in the project area, how can I help?**

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

**Question 14: How will you know if the objectives of this project are met?**

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

**FOR FURTHER INFORMATION**

Please contact the SPMB, DCARCs where you live:

1. Southern Power Project Management Board (SPMB):

Address:.....

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

2. District Compensation, Assistance Resettlement Committee (DCARC) of ... District;

Address:.....

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

## **ANNEX 2 Public Consultation and Information Disclosure**

**ANNEX 3 Records of AHs' agree for construction**

## **ANNEX 4 SES questionnaire**