Updated Resettlement Plan

September 2014

VIE: Power Transmission Investment Program, Tranche 1
220kV Phu My 2 Industrial Zone Substation and Connection Lines


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**Abbreviations**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>ADB</td>
<td>Asian Development Bank</td>
</tr>
<tr>
<td>AP</td>
<td>(project) Affected Person</td>
</tr>
<tr>
<td>AH</td>
<td>(project) Affected Household</td>
</tr>
<tr>
<td>CARB</td>
<td>Compensation, Assistance and Resettlement Board</td>
</tr>
<tr>
<td>CEM</td>
<td>Committee for Ethnic Minorities</td>
</tr>
<tr>
<td>CPC</td>
<td>Commune People’s Committee</td>
</tr>
<tr>
<td>DMS</td>
<td>Detailed Measurement Survey</td>
</tr>
<tr>
<td>DP</td>
<td>Displaced Persons</td>
</tr>
<tr>
<td>DPC</td>
<td>District People’s Committee</td>
</tr>
<tr>
<td>EA</td>
<td>Executing Agency</td>
</tr>
<tr>
<td>EM</td>
<td>Ethnic Minority</td>
</tr>
<tr>
<td>EMC</td>
<td>External Monitoring Consultant</td>
</tr>
<tr>
<td>EVN</td>
<td>Vietnam Electricity</td>
</tr>
<tr>
<td>GOV</td>
<td>Government</td>
</tr>
<tr>
<td>HH</td>
<td>Household</td>
</tr>
<tr>
<td>IOL</td>
<td>Inventory of Losses</td>
</tr>
<tr>
<td>IDICO</td>
<td>Urban and Industrial Zone Development Investment Corporation</td>
</tr>
<tr>
<td>IRP</td>
<td>Income Restoration Program</td>
</tr>
<tr>
<td>LURC</td>
<td>Land Use Rights Certificate</td>
</tr>
<tr>
<td>MOLISA</td>
<td>Ministry of Labor, Invalids and Social Assistance</td>
</tr>
<tr>
<td>MONRE</td>
<td>Ministry of Natural Resources and Environment</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-governmental Organization</td>
</tr>
<tr>
<td>NPT</td>
<td>National Power Transmission Corporation</td>
</tr>
<tr>
<td>ROW</td>
<td>Right of Way</td>
</tr>
<tr>
<td>RP</td>
<td>Resettlement Plan</td>
</tr>
<tr>
<td>SAVHs</td>
<td>Severely Affected and Vulnerable Households</td>
</tr>
<tr>
<td>SES</td>
<td>Socio-Economic Survey</td>
</tr>
<tr>
<td>SPMB</td>
<td>Southern Power Project Management Board</td>
</tr>
<tr>
<td>SPS</td>
<td>Safeguard Policy Statement</td>
</tr>
<tr>
<td>PIB</td>
<td>Public Information Booklet</td>
</tr>
<tr>
<td>PPC</td>
<td>Provincial Peoples Committee</td>
</tr>
<tr>
<td>PM2 project</td>
<td>220kV Phu My 2 Industrial Zone Substation and Connection Lines</td>
</tr>
<tr>
<td>T/L</td>
<td>Transmission Line</td>
</tr>
<tr>
<td>USD</td>
<td>United States Dollars</td>
</tr>
<tr>
<td>VND</td>
<td>Viet Nam Dong (currency)</td>
</tr>
<tr>
<td>VWU</td>
<td>Viet Nam Women’s Union</td>
</tr>
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</table>
Definition of Terms

AffectedPersons (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 designated parks and protected areas.

**Detailed measurement survey**

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.

**Entitlement**

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.

**Income restoration**

This is the re-establishment of sources of income and livelihood of the affected households.

**Inventory of losses**

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.

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.

**Meaningful consultation**

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.

**Land acquisition**

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 possession of that agency for public purposes in return for compensation at replacement costs.

**Relocation**
This is the physical relocation of an AP from her/his pre-project place of residence and/or business.

**Rehabilitation**
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.

**Replacement cost**
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.

**Resettlement**
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.

**Resettlement Plan**
This is a time-bound action plan with budget setting out compensation and resettlement, ethnic minority strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation.

**Severely affected households**
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.

**Vulnerable groups**
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.
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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) 220 kV Phu My 2 Industrial Zone substation and connection lines (PM2 project). The National Power Transmission Corporation (EVNNPT) is the executing agency and the Southern Power Projects Management Board (SPMB) is the implementing agency for the subprojects.

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 persons will potentially lose more than 10% of their productive asset for the subproject 220 kV Phu My 2 Industrial Zone and Connection Lines, making this project Category B.

3. The project impacts are as follows:
   - Permanent land acquisition for substation, access road and 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 132,220.3 m² of land affected by the project. Of which 58,705 m² of land, including 49,079.3 m² handing over from Phu My 2 Industrial Zone and 1,514 m² under management of Tan Phuoc CPC, are permanently acquired for substation, access road, tower foundations and 61,790.2 m² of land occupied by 78 AHs partially affected in ROW. Productive land, such as rice paddies, fish pond, vegetable gardens, orchards, accounts for 83.3% of all affected lands. No one needs to be relocated by the project implementation.

5. A total of 80 households and 01 institution (Phu My 2 Industrial Zone) is impacted by project resulting from land acquisition, in which 22 households is acquired land for constructing substation, access road, and tower foundation. Among HHs impacted 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 are also affected (about 191 timber trees/ industrial trees and 86 fruit trees by the project). The DMS found that there are not any public facilities affected by the project.
6. The socio-economic survey shows that 100% of DPs are Kinh peoples. Particular attention to vulnerable groups such as the landless, poor, and households headed by women, disabled, elderly, or children without means of support are given.

7. Consultation meetings were held during the preparation and implementation of the RP. The opinions and suggestions were strictly taken into account. With regard to disclosure of the draft RP, key information has already been provided to the affected households during the round of 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 have been harmonized with the updated GOV laws, Ba Ria – Vung Tau PPC’s Decisions on land acquisition, resettlement and assistance. The RP updating is based on the DMS and consultations with affected peoples. The losses will be compensated at replacement cost and peoples’ livelihoods restored at their pre-project levels or better. The cut-off date for eligibility is based on the date of land acquisition announcement.

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), in which 14 AHs with houses Grade 4 and 4 AHs with houses 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 are 1 institution affected as Phu My 2 Industrial Zone.

15. In order to assist APs’ restore their livelihoods and income levels, the project provides an assistance in the form of allowances as below:

- Allowance in cash for job changing and creation, applying for AHs who entitled as permanently acquired agricultural land and directly involve in agricultural production.

- Vocational training for APs who are in the labor force and entitled as permanently acquired agricultural land.

- Allowance in cash for economic rehabilitation package, applying for AHs with losing 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 VND 15,085,476,803 or US$ 714,274 including compensation and allowances, cost for DCARCs (2% cost of compensation and allowances), 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 Phu My 2 Industrial Zone and Connection Lines. The SPMB closely cooperate and coordinate with the consultant, PPC, DPC, DCARC and CPC to update the RP and implement resettlement activities.

18. Table 0-1 below summarizes the steps involved in the implementation of land acquisition, compensation and resettlement activities for 220kV Phu My 2 Industrial Zone and Connection Lines.
Table 0-1 Implementation schedule of the project

<table>
<thead>
<tr>
<th>Activities</th>
<th>Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>RP preparation</td>
<td>Jan 2011 - Aug 2011</td>
</tr>
<tr>
<td>ADB approval of draft RP</td>
<td>Nov 2011</td>
</tr>
<tr>
<td>Disclosure RP to local authorities and APs</td>
<td>Dec 2011</td>
</tr>
<tr>
<td>Start DMS and RP updating after loan negotiation</td>
<td>May 2013 - Dec 2013</td>
</tr>
<tr>
<td>Submission and ADB approval of updated RP</td>
<td>1st week of Apr 2014</td>
</tr>
<tr>
<td>Disclosure updated RP to local authorities and APs</td>
<td>Apr 2014</td>
</tr>
<tr>
<td>Construction of project</td>
<td>Jun 2014</td>
</tr>
<tr>
<td>Internal monitoring (Submission of Quarterly Progress Reports)</td>
<td>2013 up to 6 months after completion of construction</td>
</tr>
<tr>
<td>External monitoring (intermittent)</td>
<td>2013 up to 12 months after completion of construction</td>
</tr>
</tbody>
</table>

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. According to the final design report, 220kV Phu My 2 Industrial Zone Substation and Connection Lines are composed of 220kV Substation, 220kV and 110kV connection lines.

**Table 1-1: Scope of Phu My 2 Industrial Zones and Connection Lines**

<table>
<thead>
<tr>
<th>No.</th>
<th>Subproject component</th>
<th>Voltage level</th>
<th>Number of circuits</th>
<th>Beginning point</th>
<th>Ending point</th>
<th>Length (m)</th>
<th>Number of angle tower</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>220kV Phu My 2 Industrial zone substation</td>
<td>220/110/22kV</td>
<td>Capacity: 3x250MVA, initial stage 2x250MVA</td>
<td>Location: Phu My 2 Industrial Zone (Tan Phuoc commune, Tan Thanh district, Ba Ria - Vung Tau)</td>
<td>Area: 56,000 m² (included substation and access road)</td>
<td>1,707</td>
<td>8</td>
</tr>
<tr>
<td>2</td>
<td>The 220kV connections</td>
<td>220kV</td>
<td>4</td>
<td>N242-66DN</td>
<td>220kV gate tower of the 220kV Phu My 2</td>
<td>1,707</td>
<td>8</td>
</tr>
<tr>
<td>3</td>
<td>The 110kv connections</td>
<td>110kV</td>
<td>4</td>
<td>110kV gate tower of the 220kV Phu My 2</td>
<td>tower T15/8 of the 110kV Phu My - Thi Vai and Posco</td>
<td>1,743</td>
<td>10</td>
</tr>
<tr>
<td>3.1</td>
<td><strong>Part 1: 110kV connection line</strong></td>
<td>110kV</td>
<td>4</td>
<td>110kV gate tower of the 220kV Phu My 2</td>
<td>tower T15/8 of the 110kV Phu My - Thi Vai and Posco</td>
<td>831</td>
<td></td>
</tr>
<tr>
<td>3.2</td>
<td><strong>Part 2: 110kV connection line</strong></td>
<td>110kV</td>
<td>4</td>
<td>110kV gate tower of the 220kV Phu My 2</td>
<td>tower T15/8 of the 110kV Phu My - Thi Vai and Posco</td>
<td>912</td>
<td></td>
</tr>
</tbody>
</table>

1.2 Project Location

21. The 220kV Phu My 2 Industrial Zone and Connection Lines project is located at Tan Phuoc commune, Tan Thanh district, Ba Ria-Vung Tau province.
22. The main part of project is located in Phu My 2 Industrial Zone that occupied total area of 620.6 ha in Tan Phuoc commune, Tan Thanh district, Ba Ria-Vung Tau province. A total of one commune is directly affected by the project.
1.3 Efforts in Minimizing 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 location of substation and the alignment of connection lines. Therefore, the selected station location is a least impacted option.

24. The proposed layouts of the 220kV Phu My 2 Industrial Zone and Connection Lines is also displayed and discussed again in the respective RP community meetings.

25. The draft layouts of the substation and connection have been communicated by SPMB to the relevant agencies i.e. provincial, district and commune People’s Committees, Department of Natural Resources and Environment, provincial/district/ commune cadastral services etc. for comments and public disclosure.

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. Design of the substation and connection lines is selected to make sure that the project will be minimized for the social adverse impacts and especially minimize impacts resettlement to the individual households and to natural environment. The project with less impacts on land acquisition because the substation and connection lines are mainly located in the Phu My 2 Industrial Zone.

28. The substation location and routes selected are shortest possible with the station location of optimal services. Such substation location and routes are relatively close to public roads/canals to avoid land acquisition for access roads and minimize cost during construction, operation and maintenance.

29. The connections is designed to avoid traversing or running close to the important projects (i.e. gasoline, explosive storages, radio stations), sensitive locations (i.e. historic and cultural assets) protected forests and areas with high trees. Slope sides and turnings are also avoided to reduce levelling and angle towers.

30. 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. 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 to connect from the main roads to the site of the tower foundation. The materials and equipment will 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 IMPACTS

2.1 Summary of impacts

38. The DMS shows that a total of 80 AHs and 01 affected institution as Tan Phuoc CPC are affected by the implementation of the 220kV Phu My 2 Industrial Zone Substation and Connection Lines. In which 38 AHs and 01 institution with permanently affected land, 78 HHs and 01 institution having assets in ROW, and none to be relocated.

39. The project is mainly impact to agricultural land. Details as below:

- The 220kV Phu My 2 Industrial Zone substation is constructed in the site of Phu My 2 Industrial Zone characterized as grazing land that adjacent to the salt beds and aquaculture area.

- The 220kV connection line will have a length of 1,707 m and 8 towers. It starts from the existing tower No.136 and end at the 220kV gate tower of the Phu My 2 industrial zone substation. The construction of the 220kV connection line with ROW of 22m affects 55 HHs and Tan Phuoc CPC.

- The 110kV-1 transmission line will have a length of 831m and a ROW of 11m. The line will start at the 220kV Phu My 2 industrial zone substation and end at tower T15/8 of the 100kV Phu My-Thi Vai and Posco transmission lines. The area traversed by the 110kV-1 transmission line is characterized by wetland and aquaculture area.

- The 110kV-2 transmission line has a length of 912m and a ROW of 11m. The 110kV-2 connection line starts at the 220kV Phu My 2 industrial zone substation and end at tower T15/8 of the 100kV Phu My-Thi Vai and Posco transmission lines. The area traversed by the 110kV-2 transmission line is characterized by wetland and aquaculture area. The 110kV transmission line involves the construction of 10 towers. Total 19 HHs and Tan Phuoc CPC are affected by the 110kV transmission line.

- Access road with length of 864m will be rehabilitated from an existing road. This section affects 9 HHs and Tan Phuoc CPC.

2.2 Impacts on land

40. A total of 80 AHs and 01 institution are affected by the project implementation. Total permanently affected land is 58,705 m², in which 49,079.3 m² belongs to Phu My 2 Industrial Zone and 1,514 m² under management of Tan Phuoc CPC. There are 22 AHs identified into category of permanently affected land for substation, access road, and tower foundation with total land acquisition of 8,111.7 m² of which only 50 m² of residential land.
41. There is no temporary affected land for construction of substation, access road, and tower foundation.

42. Total 61,790.2 m², mostly agricultural land (99%) occupied by HH, is categorized as partial affected land that under ROW. Totally there are 78 AHs are affected due to under ROW, of which 68 AHs having agricultural land in ROW. Additionally, about 9,678 m² managed by Tan Phuoc CPC and 2,047.1 m² from Phu My 2 Industrial Zone are affected due to ROW.

43. Details of affected land are presented in table below.

<table>
<thead>
<tr>
<th>Type of impact</th>
<th>Unit</th>
<th>Household’s land</th>
<th>State land</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Residential land</td>
<td>Agricultural land</td>
<td></td>
</tr>
<tr>
<td>Permanently affected land</td>
<td>m²</td>
<td>50.0</td>
<td>8,061.7</td>
<td>50,593.3</td>
</tr>
<tr>
<td></td>
<td>HH</td>
<td>01</td>
<td>22</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>22HHs</td>
</tr>
<tr>
<td>Affected land in ROW</td>
<td>m²</td>
<td>603.1</td>
<td>61,187.1</td>
<td>73,515.3</td>
</tr>
<tr>
<td></td>
<td>HH</td>
<td>10</td>
<td>78</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>80HHs</td>
</tr>
<tr>
<td>Total</td>
<td>m²</td>
<td>653.1</td>
<td>69,248.8</td>
<td>132,220.3</td>
</tr>
<tr>
<td></td>
<td>HH</td>
<td>11</td>
<td>78</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>80HHs</td>
</tr>
</tbody>
</table>

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

*State land managed by Tan Phuoc CPC and Phu My 2 Industrial Zone*

2.3 Impacts on house, structure, and other assets

44. 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.

45. 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.

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

Table 2-2 Affected houses in ROW

<table>
<thead>
<tr>
<th>Type of house</th>
<th>Number of HH</th>
<th>Area (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grade 3</td>
<td>1</td>
<td>32.4</td>
</tr>
<tr>
<td>Grade 4</td>
<td>14</td>
<td>2,522.0</td>
</tr>
<tr>
<td>Grade 5</td>
<td>4</td>
<td>90</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>19</strong></td>
<td><strong>2,646.4</strong></td>
</tr>
</tbody>
</table>

2.4 Impacts on crops and trees

47. There are 17 HHs having trees/crops affected by the project implementation.

Table 2-3 Impacted trees

<table>
<thead>
<tr>
<th>Type of tree</th>
<th>Number of HHs</th>
<th>Number of tree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eucalyptus</td>
<td>3</td>
<td>2,100(*)</td>
</tr>
<tr>
<td>Cajuput</td>
<td>10</td>
<td>810(*)</td>
</tr>
<tr>
<td>Jackfruit</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Longan</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Mango</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Custard apple</td>
<td>6</td>
<td>14</td>
</tr>
<tr>
<td>Lemon</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Banana</td>
<td>14</td>
<td>65</td>
</tr>
</tbody>
</table>

*Note: (*) seedling

48. AHs are allowed to harvest standing crops as well as fruits of season. If not, un-harvested annual crops will be compensated.
3. **SOCIO-ECONOMIC INFORMATION**

3.1 **Source of information**

49. 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 Tan Phuoc commune, Tan Thanh district, Ba Ria-Vung Tau province in July 2011 that covering 30% 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**

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

51. **Gender equality:** according to the result of DMS, among AHs there are 27 HHs having female-headed households (33.7%) and the remaining HHs led by male (66.3%). It is demonstrated that women have had an important role in their family and also participate in community decision making.

52. **Education level of headed AHs:** there are 61.3% of headed AHs attending primary school while the percentage of headed AHs educated either secondary or high school is 13.8%. The rest of 5.5% is presented to the percentage of headed AHs studying in college and for those who are illiterate.

53. **Occupation of headed AHs:** total 27.5% of headed AHs are construction worker and the same percentage doing farm. There are 16.3% of AHs having small business while 8.8% of them doing as worker with professional training.

54. **Monthly income:** the results of SES show that non affected households have monthly income below the poverty standard of VND 2,000,000 per month/household.

55. **Facility access:** Almost all affected households (about 82%) reported that their main source of water for washing and drinking were tap water.

56. Regarding toilet facilities, all of the affected households (100%) claimed to use water closet. However, they do not determine the water closet with or without septic tanks.
57. 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 (45.1%), Influenza or Flu (32.4%); and no answer (34.5%).

58. 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.

59. 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 (73.85%) used gas/oil for fuel, and 12 % reported to use wood.

3.3 Gender issue
60. According to the survey results, the level of 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
61. 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.

62. The DMS identified that no AH is classified as the poor according to the poverty standard of Ba Ria-Vung Tau province. 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. PUBLIC CONSULTATION AND INFORMATION DISCLOSURE

4.1 Consultation and participation

63. 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.

64. During the updating of RP, 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.

65. 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.

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

67. In the process of DMS, the team survey including staff of Tan Thanh DLFDC, SPMB, and division of Natural Resources and Environment, 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 Tan Phuoc CPC.

68. After DMS completion, DCARB implements 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.

69. 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.

70. 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.

71. After the meetings with APs, communities and other stakeholders, DCARB has completed (i) List of participant; (ii) Record of meetings including all questions, comments, and decisions resulted in the meetings; (iii) Distribute leaflets to APs.

72. Since Apr 2011, a series meetings have been organized with (i) local government at different levels, (ii) local community particularly APs, and (iii) local mass organizations.
73. 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

<table>
<thead>
<tr>
<th>Date</th>
<th>Venue</th>
<th>Participant</th>
<th>Consultation content</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apr. 2011</td>
<td>CPC</td>
<td>AHs, CPC, Farmer’s Association of commune, Fatherland Front of Commune, Women’s Union of commune, SPMB</td>
<td>Scale of the project, procedure of land acquisition and clearance; Announcement of land acquisition; Tentative schedule of DMS, compensation, and clearance;</td>
</tr>
<tr>
<td>Jul-Aug. 2011</td>
<td>CPC</td>
<td>AHs, CPC, DLFDC, SPMB</td>
<td>Policy of the project such as compensation, allowance, and other support to stabilize APs’ condition; Social and environmental impacts of the project.</td>
</tr>
<tr>
<td>Aug. 2012</td>
<td>DPC</td>
<td>DPC, DLFDC, SPMB</td>
<td>Establishment of DCARB</td>
</tr>
<tr>
<td>Nov. 2013-March 2014</td>
<td>CPC</td>
<td>AHs, DCARB, CPC, DLFDC, SPMB</td>
<td>Result of detailed measurement survey, the project's policy, entitlements, schedule of compensation and site clearance, complaints and grievances redress mechanism.</td>
</tr>
</tbody>
</table>

74. 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

75. 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;

76. 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.

77. Disclosure of the draft updated RP to Ba Ria-Vung Tau PPC, Tan Thanh 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.

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

79. 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

<table>
<thead>
<tr>
<th>Issue</th>
<th>Object</th>
<th>Method</th>
<th>Responsibility</th>
<th>Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disclosure of updated resettlement plan</td>
<td>AHs, CPC</td>
<td>PIB, place RP accessible in CPC’s Office, uploaded on ADB website.</td>
<td>SPMB, DCARB/DLFDC with support of Consultant. PIB disseminated by CPC. ADB for uploading</td>
<td>Upon final approval of updated RP</td>
</tr>
<tr>
<td>Implementation schedule of RP</td>
<td>AHs</td>
<td>Public consultation meetings</td>
<td>DLFDC, CPC, SPMB</td>
<td>Ongoing prior to implementation and upon significant adjustment.</td>
</tr>
<tr>
<td>Timing of compensation payment</td>
<td>AHs</td>
<td>Announce to each AHs</td>
<td>DCARB/DLFDC and CPC</td>
<td>At least one week prior to compensate</td>
</tr>
<tr>
<td>Disclosure of periodically External Resettlement Monitoring Reports</td>
<td>Public, local authorities, mass organizations</td>
<td>Uploaded on ADB website; Translated in Vietnamese made available at DPC offices for public access upon request.</td>
<td>ADB, SPMB, DCARB</td>
<td>Upon submission of External Resettlement Monitoring Reports</td>
</tr>
<tr>
<td>Other assistance such as opportunity for project work</td>
<td>Local community</td>
<td>Public announcements in local community.</td>
<td>CPC, contractors, SPMB</td>
<td>Ongoing during implementation.</td>
</tr>
</tbody>
</table>
5. COMPLAINT AND GRIEVANCES

80. 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.

81. 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.

82. 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 CPC, DPC and PPC. 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.

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

   a) First Stage - At Tan Phuoc 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 Tan Thanh 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 DCARB. 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 Ba Ria-Vung Tau Provincial People’s Committee: If after 15 days the aggrieved AP does not hear from the DCARB, 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 - People's Court of Ba Ria-Vung Tau: 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.

84. 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:


85. 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.

86. 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. The SPMB and the DCARB are responsible for following-up the grievance process of the APs.

87. SPMB and the DCARB develop and maintain a database of complaints received relevant 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.

88. 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

89. As described in the Project Resettlement Policy Framework, compensation, assistance and resettlement policy proposed for the 220kV Phu My 2 Industrial Zone Substation and Connection Lines project is based on Laws, Decrees, Guideline Circulars and Decision of compensation and resettlement of the Vietnam Government and the ADB’s SPS.

6.1 Asian Development Bank Policy

90. 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.

91. 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.

92. 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.
93. 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).

94. The cut-off date for this RP is the date for land acquisition announcement: April 25, 2011.

6.2 Legislation documents of Vietnam Government on Resettlement

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

a. Laws:
   - The Land Law 2013 No.45/2013/QH13 dated November 29th, 2013;

b. Government Decrees
   - The Construction Law No.16/2003/QH11 dated November 26th, 2003;
   - Decree No.43/2014/ND-CP dated May 15th, 2014 guiding the implementation of the Land Law 2013;
   - Decree No.44/2014/ND-CP dated May 15th, 2014 regulating land price;
   - Decree No.45/2014/ND-CP dated May 15th, 2014 regulating collection of land use levy;
   - Decree No.47/2014/ND-CP dated May 15th, 2014 on compensation, assistance, rehabilitation and resettlement in the event of land recovery by the State;
   - Decree No.14/2014/ND-CP dated February 26th, 2014 specifically regulating the Law on Power on power safety protection;
   - Decree No.38/2013/ND-CP dated April 23rd, 2013 on the management and use of Official Development Assistance (ODA);
   - Decree No.120/2010/ND-CP dated December 30th, 2010 supplementing and amending some articles of the Decree No.198/2004/ND-CP on land use levy;
   - Decree No.198/2004/ND-CP dated December 3rd, 2004 on land use levy;

c. Circulars
   - Circular No.30/2014/TT-BTNMT dated June 2nd, 2014 regulating profiles for land allocation, land lease, land use purpose transfer, and land acquisition;
- Circular No.23/2014/TT-BTNMT dated May 19th, 2014 regulating land use right certificate, house and other upon land assets ownership;

- Circular No.14/2009/TT-BTNMT dated October 1st, 2009 on detailed regulations on compensation, assistance, resettlement, on the order and procedure of land acquisition, allocation and renting;

- Joint Circular No.14/2008/TTLT/BTC-BTNMT dated January 31st, 2008 guiding the implementation of some articles of the Decree No.84/2007/ND-CP;

- Circular No.145/2007/TT-BTC dated December 6th, 2007 guiding the implementation of the Decree 188/2004/ND-CP.

d. Current decisions of Ba Ria – Vung Tau province

- Decision No.13/2010/QD-UBND dated April 1, 2010 of Ba Ria - Vung Tau PPC on procedures of compensation, assistance and resettlement in the event of land recovery by the State in Ba Ria - Vung Tau province.

- Decision No.32/2011/QD-UBND dated July 25, 2011 of Ba Ria - Vung Tau PPC promulgated the order and procedures for compensation, support and resettlement in the event of land recovery by the State in Ba Ria – Vung Tau province.

- Decision No.27/2012/QD-UBND dated August 14, 2012 of Ba Ria - Vung Tau PPC promulgated on type of house, unit prices for house and structure in the province of Ba Ria - Vung Tau.

- Decision No.46/2013/QD-UBND dated December 2, 2013 of Ba Ria - Vung Tau PPC on amendment and supplement of a number of articles in Decision No.13/2010/QD-UBND procedures on compensation, assistance and resettlement in the event of land recovery by the State in Ba Ria - Vung Tau province.

- Decision No.08/2014/QD-UBND dated February 17, 2014 of Ba Ria - Vung Tau PPC promulgated compensation rates, support tree fruit crops, salt, aquaculture in the event of land recovery by the State in Ba Ria - Vung Tau province.

6.3 Discrepancies between regulations of Government and ADB Policies

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.

97. 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.

98. 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).

99. 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

<table>
<thead>
<tr>
<th>Item with difference in policy</th>
<th>The ADB Requirements</th>
<th>Viet Nam Legislation</th>
<th>Project policy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Severely impacted APs losing productive land</strong></td>
<td>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).</td>
<td>Decree 47/2014/ND-CP, Article 19: Supports for life stabilization for the subjects determined in this article shall be applied to AHs acquired from 30% or more.</td>
<td>Losing 10% or more of the household’s assets shall be considered as threshold.</td>
</tr>
<tr>
<td><strong>APs without LURC</strong></td>
<td>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.</td>
<td>Decree 47/2014/ND-CP, Article 13: Where land recovered by the State the land users without LURC as specified in Clauses 1, 2 and 3 Article 100 of the Land Law and Article 18 of the Decree No.43/2014/ND-CP are sufficiently eligible for issuing the LURC, ownership on house and other properties attached to land prescribed in Article 101 and 102 of the Land Law, Articles 20, 22, 23, 25, 27 and 28 of the Decree No.43/2014/ND-CP shall be compensated for land. Decree 47/2014/ND-CP, Article 25: Persons whose main income is derived from agricultural production whose land is</td>
<td>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 to improve or at least restore their pre-project living standards and income levels.</td>
</tr>
<tr>
<td>Item with difference in policy</td>
<td>The ADB Requirements</td>
<td>Viet Nam Legislation</td>
<td>Project policy</td>
</tr>
<tr>
<td>-------------------------------</td>
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</tr>
<tr>
<td><strong>Compensation for lost land</strong></td>
<td>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.</td>
<td>Land Law 2013, Article 3: Land compensation means the State returns the value of land use rights for the recovered land area to the land users. Land Law 2013, Article 74: The compensation must be made in the form of allocating new land with the same land use purpose with the recovered land. If there is no land available for compensation, the land users shall receive compensation in cash calculated according to the specific land price of the type of recovered land which is decided by the PPC at the time of the recovery decision. Land Law 2013, Article 84: For households 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,</td>
<td></td>
</tr>
<tr>
<td>Item with difference in policy</td>
<td>The ADB Requirements</td>
<td>Viet Nam Legislation</td>
<td>Project policy</td>
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</tr>
<tr>
<td>and individuals directly engaged in agricultural production, when the State recovers agricultural land and there is no agricultural land available for compensation, in addition to receiving compensation in money, they are entitled to support for vocational training, occupation change and job seeking. Land Law 2013, Article 93: For land users who are entitled to compensation upon land recovery by the State but have not fulfilled land-related financial obligations as prescribed by law, the amount of these financial obligations must be deducted from the compensation amount and paid back to the state budget.</td>
<td></td>
<td>physically displaced (relocated) APs are to receive relocation assistance, secured tenure to relocated land, with comparable access to production and employment opportunities, and</td>
<td>compensation is for full amount of land acquired.</td>
</tr>
</tbody>
</table>

<p>| Differences between compensation rates and market rates | 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 | Land Law 2013, Article 74: Land used for a certain purpose which is recovered by the State shall be compensated with new land with the same use purpose. If no land is available for compensation, compensation in cash according to specific land prices | Physically displaced (relocated) APs are to receive relocation assistance, secured tenure to relocated land, with comparable access to production and employment opportunities, and |</p>
<table>
<thead>
<tr>
<th>Item with difference in policy</th>
<th>The ADB Requirements</th>
<th>Viet Nam Legislation</th>
<th>Project policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>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</td>
<td>decided by PPC at the time of land recovery decision will be paid.</td>
<td>Civic infrastructure and community services as required, transitional support and development assistance such as land development, credit facilities, training or employment opportunities.</td>
<td></td>
</tr>
<tr>
<td>Compensation for structures</td>
<td>Rate of compensation for acquired housing, 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.</td>
<td>Decree 47/2014/ND-CP, Article 9: Rate of compensation for house and structures equal to total current value of the lost house and structures plus with an amount calculated by percentage of the current value of the house and structures. Current value of lost house, structures is determined by percentage of the remainder quality of the house and structures multiplied by newly-built value of the house, structures at equivalent technical standards issued by the specified ministry. The amount of money as percentage of current value of the house and structures shall be determined by PPC, but the compensation rate should not exceed 100%</td>
<td>Full compensation at 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</td>
</tr>
<tr>
<td>Item with difference in policy</td>
<td>The ADB Requirements</td>
<td>Viet Nam Legislation</td>
<td>Project policy</td>
</tr>
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<tr>
<td></td>
<td>of newly-built value of the house, structures at technical standards equal to lost house, structures.</td>
<td>Decree 47/2014/ND-CP, Article 19: Only registered businesses are eligible for assistance. For economic institutions, households, and individuals doing business subjected to point d Clause 1 of this Article will be supported in cash for production stabilization with maximum 30% of after-tax income in one year, the average level of the last 3 years.</td>
<td>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, MACHINERY AND EQUIPMENT.</td>
</tr>
<tr>
<td>Compensation for registered businesses</td>
<td>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, machinery and equipment.</td>
<td>Decree 47/2014/ND-CP only recognizes formal registered businesses as entitled to compensation for lost income based upon Tax Office records</td>
<td>The DPC must certify that the AP has a business in current operation and approve the level of lost income.</td>
</tr>
<tr>
<td>Compensation for non-registered businesses</td>
<td>No distinction between registered or non-registered businesses in regards to compensation entitlement for lost income and other assistance.</td>
<td>The Executing Agency (EA) must appoint an independent external monitor and undertake internal monitoring according to the critical indicators.</td>
<td></td>
</tr>
<tr>
<td>Monitoring</td>
<td>Monitoring indicators specified for internal and external monitoring and reporting</td>
<td>No monitoring indicators indicated</td>
<td></td>
</tr>
</tbody>
</table>
7. ELIGIBILITY AND ENTITLEMENTS

7.1 Eligibility

100. Eligibility is determined regarding 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.

101. 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

102. 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>
<thead>
<tr>
<th>Entitled Persons</th>
<th>Type &amp; Level Of Impact</th>
<th>Number of AHs</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. AGRICULTURAL LAND</strong></td>
<td></td>
<td>0AHs</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A.1 Permanently affected agricultural land</strong></td>
<td>Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC AND public organizations</td>
<td>More than 10 percent or more of total productive landholding affected</td>
<td>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).</td>
<td>AHs to be notified on reason of land acquisition, schedule and compensation plan on compensation, site clearance, resettlement at least 90 days prior to land acquisition (Land Law 2003, Article 39). The compensation at market price is paid for agricultural land acquired. Allowance for agricultural land acquisition accounts for 50% compensation rate for land. Full payment for affected land to AHs at least 01 months before site clearance.</td>
</tr>
<tr>
<td>Entitled Persons</td>
<td>Type &amp; Level Of Impact</td>
<td>Number of AHs</td>
<td>Compensation Policy</td>
<td>Implementation Issues</td>
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</tr>
<tr>
<td>Less than 10 percent of total productive landholding affected</td>
<td>22AHs</td>
<td>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.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**A.2 Impact on productive land in ROW**

All AHs have tree/fruit tree in ROW

<table>
<thead>
<tr>
<th>Impact</th>
<th>Number of AHs</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Partially impact or totally impact</td>
<td>78AHs</td>
<td>a/ No compensation for land b/ Compensation for fruit trees and others at market price.</td>
<td>Compensation for tree/crop at PPC’s rate. However, AHs receive compensation for tree/crop without returning compensated tree/crop. Additionally, allowance for limitation of land use is equal to 50% of compensation rate for land.</td>
</tr>
</tbody>
</table>

**B. RESIDENTIAL AND/OR NON-AGRICULTURAL LAND (e.g., commercial)**

**B.1 Impact on residential and/or non-agricultural land**

Owners with LURC, owners in process of acquiring LURC, Loss of residential land/non-agricultural land with house and structure built thereon

<table>
<thead>
<tr>
<th>Impact</th>
<th>Number of AHs</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1AHs</td>
<td>AHs will be entitled to stay and rebuild their house/structure on the remaining land if viable, and cash compensation at replacement cost for the affected land area</td>
<td>Compensation at market price for residential/non-agricultural land. Compensation at PPC’s rate for</td>
</tr>
<tr>
<td>Entitled Persons</td>
<td>Type &amp; Level Of Impact</td>
<td>Number of AHs</td>
<td>Compensation Policy</td>
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</tr>
<tr>
<td>owners eligible to acquire LURC</td>
<td></td>
<td></td>
<td>and the affected house/structure without depreciation of salvable materials, plus package of rehabilitation allowance (see G)</td>
</tr>
</tbody>
</table>

C. MAIN HOUSES AND OTHER STRUCTURES IN ROW

C.1. Main house in ROW

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 | 1AHs | a/ No compensation for land  
b/ 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  
c/ Support for utilization of restricted land | Allowance for limitation of house/structure use is equal to 50% of its compensation rate.  
Allowance for limitation of land use is equal to 50% of its compensation rate. |

Demolishing partial or totally impact on house/structures (impact >50%, or less than 50%)

| AHs | a/ No compensation for land  
b/ AH could chose one of the following options  
(i) Retain their houses in ROW according to the conditions regulated by Article 13 of Decree No. 14/2014/NĐ-CP;  
(ii) Allowance for purchasing fireproof materials and lighting arrestors for the existing house/structure;  
(iii) Cash compensation at the replacement cost for full area of affected house/structure and |
<table>
<thead>
<tr>
<th>Entitled Persons</th>
<th>Type &amp; Level Of Impact</th>
<th>Number of AHs</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>cost for demolishing house in ROW.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>c/ Support for utilization of restricted land</td>
<td></td>
</tr>
<tr>
<td><strong>C.2 Other Structures, e.g., kitchens, toilets, animal sheds, fences, foundations, etc. in ROW</strong></td>
<td></td>
<td></td>
<td></td>
<td>Allowance for structure in ROW accounts for 50% of its compensation rate. For structure with improvement, allowance is paid at PPC’s rate for rehabilitation of installing fireproof materials and lightning arrestors.</td>
</tr>
<tr>
<td>Owners of structure</td>
<td>Structure partially affected and remaining portion can be used</td>
<td>18AHs</td>
<td>a/ Cash compensation at replacement cost for materials and labor for affected portion with no deduction for depreciation or salvageable materials and b/ Repair allowance (see G)</td>
<td></td>
</tr>
<tr>
<td><strong>D. ANNUAL AND PERENNIAL CROPS, FRUIT AND TIMBER TREES AND TREE/PLANT FENCES</strong></td>
<td></td>
<td></td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>Owner of crops and/or trees</td>
<td>Loss of annual crops</td>
<td>27AHs</td>
<td>If standing crops are ripening and cannot be harvested, cash compensation of unharvested crops at market values based on the average production aver past 3 years.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Loss of perennial trees, fruit and timber trees and tree fences</td>
<td>20AHs</td>
<td>Cash compensation at current market prices given the type, age and productive value of the affected crops and/or trees.</td>
<td></td>
</tr>
<tr>
<td><strong>G. REHABILITATION ASSISTANCE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>G.1 Economic Rehabilitation Package</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Severely affected</td>
<td>Assistance to restore</td>
<td>0AHs</td>
<td>AHs directly cultivate on the affected land</td>
<td>Cash assistance is equal to 1.5 times</td>
</tr>
<tr>
<td>Entitled Persons</td>
<td>Type &amp; Level Of Impact</td>
<td>Number of AHs</td>
<td>Compensation Policy</td>
<td>Implementation Issues</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------</td>
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<td>---------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>persons, displaced from housing or losing 10 percent or more of their productive, income generating irrespective of tenure status.</td>
<td>livelihoods and incomes following acquisition of agricultural land or other productive assets</td>
<td></td>
<td>to be entitled:</td>
<td>of compensation value of acquired land areas. Vocational training card is given for all family members of labor force, equivalent to the amount of VND 6,000,000 per member.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(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;</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(ii) Losing more than 30% to 70% of total agriculture landholding: 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;</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(iii) Losing more than 70% of total agriculture landholding: 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;</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(iv) In-kind assistance to be decided in</td>
<td></td>
</tr>
</tbody>
</table>
Entitled Persons | Type & Level Of Impact | Number of AHs | Compensation Policy | Implementation Issues
---|---|---|---|---

Consultation with eligible APs. Forms of assistance may include, but are not limited to, agricultural extension assistance, and training for non-agricultural occupations. And (v) Participating in income restoration programs (IRP).

| Assistance for job changing and creation. | 6AHs | Cash assistance is equal to 1.5 times of compensation value of acquired land areas but not exceed 5 (five) times of land quota in locality, according to PPC’s regulation.
If AP has demand for training, he/she will be entitled to a free training course. |
| 4 AHs (13 members) |

G.2 Special allowance for social and economically vulnerable households

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. | 01AH | 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. | Cash assistance for 01 elderly AH costs VND 40,000,000. |

G.3 Assistance for houses/infrastructures in the ROW
<table>
<thead>
<tr>
<th>Entitled Persons</th>
<th>Type &amp; Level Of Impact</th>
<th>Number of AHs</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>All APs affected with infrastructures</td>
<td>Infrastructures under ROW of connection line</td>
<td>19 AHs</td>
<td>Allowance due to restricted usability and impacts on daily activities (according to Decree 14/2014/ND-CP, it is ≤ 30% value of house).</td>
<td>For structure under ROW, allowance for limitation of use is paid by 50% of its compensation rate.</td>
</tr>
</tbody>
</table>
8. RESETTLEMENT

103. There are 19 AHs with their house/structure affected due to location in ROW, in which 18 AHs with houses Grade 4 and 1 AH with houses Grade 3. 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.).

104. The AHs having house/structure partially affected will be compensated and supported in cash to improve and install grounding conductors and fireproof material for safety.

105. No AH requires to be relocated, so it is not necessary to arrange land for resettlement.
9. INCOME RESTORATION PROGRAM

106. The objects for income restoration program include severely affected HHs who lost 10% or more of their productive land or those who have to be relocated.

107. Based on the result of DMS, there is no AH entitled as severely affected. 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 becomes vulnerable and none of their livelihoods are at risk.
10. RESSETLEMENT COST AND ALLOCATION PLAN

10.1 Unit prices for compensation and allowance

108. Resettlement cost of the project is based on project policy, DMS data and the result of market price survey, current decisions of Ba Ria - Vung Tau province. Those include:

- Decision No.27/2012/QD-UBND dated August 14, 2012 of Ba Ria – Vung Tau PPC promulgated on type of house, unit prices for house and structure in the province of Ba Ria - Vung Tau.

- Decision 08/2014 QD-UBND dated February 17, 2014 by PPC Ba Ria - Vung Tau on Regulations for price of fruit crops, salt, aquaculture serving the clearance compensation when the State recovers land in the province of Ba Ria - Vung Tau.

Table 10-1 Compensation unit prices

<table>
<thead>
<tr>
<th>No.</th>
<th>Item</th>
<th>Unit</th>
<th>Unit cost (VND)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Land in Tan Phuoc commune, Tan Thanh district</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Residential land</td>
<td>VND/m²</td>
<td>489,000-3,631,000</td>
</tr>
<tr>
<td></td>
<td>Agricultural land</td>
<td>VND/m²</td>
<td>88,000-227,000</td>
</tr>
<tr>
<td>2</td>
<td>Structures</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Grade 4 (brick wall, wooden frame with titled roof)</td>
<td>VND/m²</td>
<td>1,537,000</td>
</tr>
<tr>
<td></td>
<td>Grade 5 (bamboo and wooden frame with palm roof)</td>
<td>VND/m²</td>
<td>641,000</td>
</tr>
<tr>
<td>3</td>
<td>Tree and crops</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Paddy</td>
<td>VND/m²</td>
<td>3,500-4,400</td>
</tr>
<tr>
<td></td>
<td>Annual crops</td>
<td>VND/m²</td>
<td>8,400 - 20,000</td>
</tr>
<tr>
<td></td>
<td>Eucalyptus</td>
<td>VND/tree</td>
<td>3,800 - 81,700</td>
</tr>
<tr>
<td></td>
<td>Cajuput</td>
<td>VND/tree</td>
<td>3,800 - 81,700</td>
</tr>
<tr>
<td></td>
<td>Jackfruit</td>
<td>VND/tree</td>
<td>51,000 - 1,130,000</td>
</tr>
<tr>
<td></td>
<td>Longan</td>
<td>VND/tree</td>
<td>37,500 - 734,500</td>
</tr>
<tr>
<td></td>
<td>Mango</td>
<td>VND/tree</td>
<td>61,500 - 2,352,000</td>
</tr>
<tr>
<td></td>
<td>Custard apple</td>
<td>VND/tree</td>
<td>51,000 - 380,000</td>
</tr>
<tr>
<td></td>
<td>Lemon</td>
<td>VND/tree</td>
<td>39,500 - 338,500</td>
</tr>
<tr>
<td></td>
<td>Banana</td>
<td>VND/tree</td>
<td>27,500 - 84,000</td>
</tr>
</tbody>
</table>

10.2 Resettlement cost

109. Cost for implementation of compensation is 2% of total cost of compensation and assistances.
110. In fact, the cost of compensation and assistance at the time of payment will be slightly difference compared to the cost proposed.

Table 10-2 Total cost of RP implementation

<table>
<thead>
<tr>
<th>No</th>
<th>Item</th>
<th>Amount (VND)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Compensation and rehabilitation</td>
<td>14,478,957,650</td>
</tr>
<tr>
<td></td>
<td>Compensation for land</td>
<td>4,635,015,900</td>
</tr>
<tr>
<td></td>
<td>Allowance for land in ROW</td>
<td>2,934,851,450</td>
</tr>
<tr>
<td></td>
<td>Compensation for crops and trees</td>
<td>151,168,500</td>
</tr>
<tr>
<td></td>
<td>Compensation for houses, structures and other assets</td>
<td>5,638,721,800</td>
</tr>
<tr>
<td></td>
<td>Other allowances</td>
<td>1,119,200,000</td>
</tr>
<tr>
<td>II</td>
<td>Cost for DCARBs = 2%*(I)</td>
<td>289,579,153</td>
</tr>
<tr>
<td>III</td>
<td>External monitoring</td>
<td>316,940,000</td>
</tr>
<tr>
<td></td>
<td>Total (I+II+III)</td>
<td>15,085,476,803</td>
</tr>
</tbody>
</table>

Approximate US$ 714,274  
(exchange rate US$ 1 = 21,120 VND)

10.3 Budget allocation plan

111. The budget for implementation of the RP of 220kV Phu My 2 Industrial Zone Substation and Connection Lines project is allocated by NPT/SPMB. The NPT/SPMB is responsible transferred budget of compensation, allowance, and other support to Tan Thanh’s DCARB. DCARB will be responsible for delivering payment directly to AHs with respect to affected land, structures, crops and trees.

112. A full RP’s cost will be updated after compensation plan approved.
11. IMPLEMENTATION ARRANGEMENTS

113. 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)

114. 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, an intermittent qualified and experienced social safeguard specialist has been mobilized to manage the resettlement related issues.

115. The NPT will:

   - Provide overall management and coordination of the project;
   - Liaise with SPMB 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 consultant for external resettlement monitoring.

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

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

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

118. Provide an orientation, to the concerned People’s Committees of the province, district and commune, the CARB 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;

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

121. 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;

122. 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 -Ba Ria-Vung Tau PPC

123. 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 -Tan Thanh DPC

124. 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 DCARB that will appraise the compensation and assistance to APs; as well as (xi) the provisions of lands to APs.

125. The responsibilities of the DCARB 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 SPMB 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 - Tan Phuoc CPC

126. The CPC will assist the SPMB and the DCARB 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
127. 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
128. 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.

129. 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.

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

131. 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 patterns, 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.

132. 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

133. 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.

134. The implementation schedule is as follows:

Table 13-1 Implementation Schedule for the Project

<table>
<thead>
<tr>
<th>Activities</th>
<th>Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>RP preparation</td>
<td>Jan 2011 - Aug 2011</td>
</tr>
<tr>
<td>ADB approval of draft RP</td>
<td>Nov 2011</td>
</tr>
<tr>
<td>Disclosure RP to local authorities and APs</td>
<td>Dec 2011</td>
</tr>
<tr>
<td>Start DMS and RP updating after loan negotiation</td>
<td>May 2013 - Dec 2013</td>
</tr>
<tr>
<td>Submission and ADB approval of updated RP</td>
<td>1st week of Apr 2014</td>
</tr>
<tr>
<td>Disclosure updated RP to local authorities and APs</td>
<td>Apr 2014</td>
</tr>
<tr>
<td>Construction of project</td>
<td>Jun 2014</td>
</tr>
<tr>
<td>Internal monitoring (Submission of Quarterly Progress Reports)</td>
<td>2013 up to 6 months after completion of construction</td>
</tr>
<tr>
<td>External monitoring (intermittent)</td>
<td>2014 up to 12 months after completion of construction</td>
</tr>
</tbody>
</table>
14. DUE DILLIGENCE

14.1 Rationale for Due diligence
135. 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.

136. 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 work
137. Total land acquisition for the construction of substation, tower foundation, and improvement of access road is 58,705 m², of which 49,079.3 m² belonging to Phu My 2 Industrial Zone and 1,514 m² under management of Tan Phuoc CPC.

138. Construction of substation tower foundation has been started since the fourth quarter of year 2013 in the land area of Phu My 2 Industrial Zone and Tan Phuoc CPC.

139. There are 2 tower foundations constructed in land of Tan Phuoc CPC.

![Figure 14-1 Tower foundation constructed in land of Tan Phuoc commune](image)

140. A foundation of bridge has been carrying out earth work since February 2014. This activity was taken place in the land of State which has not been influenced by the compensation procedure.
141. Among 864 m access road, 690 m has been completed earth work in land of the State.

142. The DMS 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 and give money to AHs in advance so they can use land for constructing the foundation of 2 towers. Records of agreement are attached below.
Table 14-1 List of AHs handing land over in advance

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of AHs</th>
<th>Acquired land (m²)</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Nguyễn Thị Tuyết</td>
<td>653.82</td>
<td>1 tower foundation</td>
</tr>
<tr>
<td>2</td>
<td>Trần Văn Huynh</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Vũ Thị Kim Oanh</td>
<td>500</td>
<td>2 tower foundations</td>
</tr>
</tbody>
</table>

14.3 Summary of RP implementation

143. 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.

144. 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.

145. 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.

146. Compensation for residential land. Market price survey for residential land was conducted that meets ADB’s policy. There are few AHs having residential land affected by the project. For residential land affected permanently, full compensation at market price is paid. For those who have residential land in ROW, the allowance paid for limitation of land use is equal to 50% of its compensation rate.

147. Compensation for agricultural land. Permanently affected land is compensated by applying the result of market price survey. For those who are directly involved in cultivation, cash allowance accounts for 1.5 times of its compensation for agricultural land. For HHs who has agricultural land in ROW, the allowance paid for limitation of land use is equal to 50% of its compensation rate.
148. **Compensation for non-land assets.** Houses, structures, crops, trees, and other affected assets in the project area are mostly affected due to under the ROW of connection lines that could limit the use of assets. Therefore, compensation for non-land assets is established by the Government policy and Ba Ria-Vung Tau 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 agreed RF, farmers losing more than 10% of their productive land are considered as severely affected and entitled to income restoration. For connection lines with length of 3.45 km, land acquisition is used to construct the foundation of towers that vary from 200 m$^2$ to 300 m$^2$. AHs, therefore, are mainly impacted as losing less than 10% of their total productive land. No specific income restoration is implemented. However, household and individual who directly involved in agricultural production in the event of land recover by the State with no agricultural land for compensation, along with the cash compensation for acquired land, job changing and creation in cash is paid equivalent to 1.5 times of compensation value of agricultural land. Moreover, if the family member of affected households in the age of labour force has the demand for vocational training then they will get an apprenticeship card with the value of VND 6,000,000 per card.

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

<table>
<thead>
<tr>
<th>No.</th>
<th>Issues</th>
<th>Implementation</th>
<th>Remark</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Public Consultation and Information Disclosure</td>
<td>Public consultations were conducted with AHs prior development of RP. Information disclosure has been carrying out at local community.</td>
<td>APs are well-informed and satisfied with an existing resettlement plan particularly compensation, support, and resettlement from the project. Redress mechanism has been noticed to make sure that APs clearly understand the process of complaint when needed.</td>
</tr>
<tr>
<td>2.</td>
<td>Compensation for residential land acquired.</td>
<td>Compensation at market price for residential land acquired.</td>
<td>Only one household having</td>
</tr>
<tr>
<td>No.</td>
<td>Issues</td>
<td>Implementation</td>
<td>Remark</td>
</tr>
<tr>
<td>-----</td>
<td>--------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>residential land</td>
<td>Allowance is equal to 50% of compensation rate for residential land in ROW.</td>
<td>residential land affected.</td>
</tr>
<tr>
<td>2</td>
<td>Compensation for agricultural land</td>
<td>The compensation rate for agricultural land is applied at the market rate. Allowance is equal to 50% of compensation rate for agricultural land in ROW.</td>
<td>Some agricultural land plots locate in the residential area, therefore, the compensation rate for these plots as same as the price for residential land in that area.</td>
</tr>
<tr>
<td>3</td>
<td>Compensation for house, structure, crop, and tree</td>
<td>Other non-land assets are compensated at Ba Ria-Vung Tau PPCs’ rates that are slightly lower than market rates.</td>
<td>AHs received compensation for the structures and no deductions were made for the value of the salvageable material from their original structures. It meant that new structures will be built with better quality than the original ones.</td>
</tr>
<tr>
<td>4</td>
<td>Income restoration</td>
<td>No specific income restoration program implemented. Allowance for life stabilization is equal to 1.5 times of compensation rate for agricultural land; Vocational training: AP receives one apprenticeship card and can select any training course depending on their need.</td>
<td>Power substation, main part of the project, is constructed in the Phu My 2 Industrial Zone. For connection lines (3.5km), agriculture land is acquired for construction of foundation towers. Thus, it is not serious impact to APs.</td>
</tr>
<tr>
<td>5</td>
<td>Other support</td>
<td>SPMB and construction contractor have supported to AH for the temporary impacts during construction work.</td>
<td></td>
</tr>
</tbody>
</table>
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. However, gender issue has not been emphasized during public consultation.

154. Job changing and creation is paid in cash for AHs who are entitled as permanently affected agricultural land. Additionally, apprenticeship card is provided to APs for vocational training depending on their needs.

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. A Corrective Action Plan has been prepared to ensure RP implementation compliance with the agreed Resettlement Framework.
### Table 14-3 Corrective Action Plan

<table>
<thead>
<tr>
<th>Issue</th>
<th>Corrective action</th>
<th>Responsibility</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Severely AHs and Income restoration</strong></td>
<td>One HH usually owns several land plots so it is not easy to clarify the percentage of their land holding affected. From the list identified in the DMS, check the number of AH losing more than 10% of their total productive land holding.</td>
<td>SPMB/DCARB/E MC</td>
<td>End of August 2014</td>
</tr>
<tr>
<td></td>
<td>No specific income restoration measure has been implemented but assistance for job changing as well as vocational training is available. The identification of HH losing more than 10% of their affected productive land is unclear.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Vulnerable</strong></td>
<td>Check the DMS list and through local organizations if vulnerable AH (i) female headed AH with dependents, (ii) disabled AH heads, (iii) children AH who are landless and with no other means of support, and (iv) 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.</td>
<td>SPMB/DCARB collaboration with Women’s Union, Farmer’s Union, Association of the Elderly</td>
<td>End of August 2014</td>
</tr>
<tr>
<td></td>
<td>Only the poor and other special policy AHs, no other vulnerable AHs have been identified.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Temporary impact</strong></td>
<td>SPMB in coordination with CPC to follow-up the rehabilitation of community facility affected by construction activities.</td>
<td>SPMB/EMC</td>
<td>Report the status in the monitoring report</td>
</tr>
<tr>
<td>Impact during construction</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Issue</td>
<td>Corrective action</td>
<td>Responsibility</td>
<td>Timing</td>
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<td>---------------------</td>
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<td>-------------------</td>
</tr>
<tr>
<td>Monitoring</td>
<td>Conduct monitoring in accordance with agreed RF; Special attention on the needs of women through specific consultation with women.</td>
<td>SPMB/EMC</td>
<td>Every 6 months</td>
</tr>
<tr>
<td>External monitoring</td>
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</tbody>
</table>
ANNEX 1 Public Information Booklet (PIB)

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

**Answer:** ADB is to help EVN/NPT 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 220kV Phu My 2 Industrial zone substation and connection 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 labour) 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.

- 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 The result of market price survey for land
ANNEX 4 Records of AHs’ agree for construction
ANNEX 5 SES questionnaire