

# **Program Safeguard Systems Assessment (DRAFT)**

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Project Number: 50201  
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## **Proposed Results-Based Loan People's Republic of China: Public-Private Partnerships Demonstration Program to Transform Local Government Delivery of Elderly Care Services**

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## **PROGRAM SAFEGUARD SYSTEMS ASSESSMENT**

### **A. Program Description**

1. The proposed results-based loan (RBL) to the People's Republic of China (PRC) on Public-Private Partnerships Demonstration Program to Transform Local Government Delivery of Elderly Care Services (the program) will build the capacity of the Yichang Municipal Government (YMG) of Hubei Province in developing, procuring, and managing transparent PPPs, and finance a socially inclusive, efficient, and of high quality demonstration PPP for elderly care services (ECS). The program will serve as a demonstration for other local governments, and create more opportunities for the Asian Development Bank (ADB) to finance inclusive and efficient service delivery in the PRC.

2. This Program Safeguard Systems Assessment (PSSA) summarizes (a) the potential environmental and social impacts and risks of the program; (b) examines the adequacy of the environmental and social management system (ESMS) of YMG to address them so that the program can promote sustainable development and pro-poor benefits; and (c) proposes an action plan to address weaknesses in implementation effectiveness of the ESMS.

### **B. Program's Environmental and Social Impacts and Risks**

#### **(i) Environmental Impacts and Risks**

3. The program will remodel or demolish and rebuild the existing buildings at the four program sites in Yichang City to meet the ECS facility requirements. The four sites are located in Xiling District of Yichang City. :

- The vacated Yichang Art School site at the intersection of Xinghuo Road and Qixiangtai Road: This building will be remodeled.
- The vacated Yichang Business School site on Desheng Street: Core buildings will be remodeled, and several ancillary buildings will be demolished or modified.
- The vacated Gezhouba Tourism School site on Yemingzhujiawan Road: Some buildings would be retained and remodeled while others would be demolished. New buildings and ancillary facilities will also be constructed.
- The vacated building of the Xiling Branch of Yichang Municipal Public Security Bureau located next to the Yichang Art School: The buildings will either be remodeled, or demolished and rebuilt.

4. A potential environmental benefit of the program is the opportunity to incorporate 'green building' and 'green spacing' features in the program's building designs. Potential adverse environmental impacts will include (i) fugitive dust generated at demolition, rehabilitation, and construction sites; (ii) noise pollution at work sites; (iii) wastewater and site runoff affecting public drainage systems, public roads, and streets; (iv) inadequate disposal of solid wastes from the construction and demolition sites; and (v) occupational health and safety risks for site construction workers. Removal of debris and the bringing in of construction material to the facility construction sites can congest the roads, especially the inner roads,



affecting adversely businesses in the vicinity of the construction sites. However, these adverse environmental impacts are temporary.

5. Key adverse environmental impacts during the program operation phase will include the generation of wastewater and solid waste by ECS facilities. They will pose a challenge to the municipal sewer system, and municipal solid waste collection system. Inmates at the ECS facilities at the Yichang Art School and the Xiling Branch of Yichang Municipal Public Security Bureau ECS will be impacted by nearby road traffic noise, necessitating special design specification for noise insulation of the facility buildings.

6. Potential adverse environmental impacts of the program are minimal and manageable. There will be no environmental impacts on virgin land, protected areas, ecologically sensitive habitats and cultural heritage sites. The environment category B for the program is therefore confirmed.

## (ii) Social Impacts and Risks

7. **Involuntary Resettlement.** YMG has identified 108 *mu* [72,112 square meters (m<sup>2</sup>)] of state-owned land at the four sites for the program. The program will need no additional urban land, as its physical scope is limited to the four sites. The program's land-related activities will, therefore, be confined to land grants and transfer of unencumbered state land, controlled by YMG. Such transactions will not have any impact on persons, households, or communities. The program will not impact on income and livelihood sources of any person or household or community.

8. The program will directly benefit the elderly including the poor, unemployed, low income earners, and the pensioners who cannot afford to pay for private ECS. Direct access to ECS facilities will help them in improving their quality of life. The program will generate temporary employment opportunities for skilled and unskilled workers at construction and building remodeling sites, and medium- and long-term employment opportunities for qualified ECS providers.

9. The construction and operation of program facilities at the 4 sites will not obstruct the access to parks, common properties, and natural resources. The program will have no impact on cultural heritage sites or historical sites. Based on these findings and observations, category C for involuntary resettlement impact is confirmed.

10. **Indigenous Peoples.** According to the 6th National Census, there are 45 ethnic minorities with 472,000 persons in the Yichang City, who account for 12% of its total population. The main ethnic minority groups are Bai, Hui, Hunyi, Man, Miao, Tujia, and Zhuang. In addition, there are Uygur and Salar ethnic minority residents in Yichang City, who are Muslims. They are migrants who live in Yichang City as a mobile population, and earn their living mainly as street vendors and casual workers.

11. According to the Yichang Municipal Ethnic Minority & Religious Affairs Bureau, most of minority ethnic residents in Yichang City have already been assimilated into the PRC's social mainstream. But, several ethnic minority groups, especially those who follow the faith of Islam, continue to maintain their cultural and ritual identities across socioeconomic strata in the city.

12. About 1,500 elders of ethnic minority groups live in Yichang City, and about 800 of them live close to the program site at the Art School. A social risk is that the project implementing agencies may not recognize their presence in the program areas to include them as its beneficiaries. Moreover, because of their rampant poverty, they may not be able to obtain ECS, even if they were recognized as a vulnerable social group, who constitutes a subset of the program beneficiaries, unless special arrangements are in place to accommodate them.

13. The 5th session of the 5th YMG Chinese People's Political Consultative Conference (CPPCC) has examined the Hui ethnic minority's religious and cultural beliefs, traditional customs, and the way of life. The study found that most of them are the poor and vulnerable and constitute the marginalized segment of the Yichang City population. As a result, some unskilled workers of minority ethnic origin may not get equal opportunities compared to others in finding employment at ECS facilities during their construction phase. If they get employed at such sites, the implementing agency may overlook their special needs such as prayer rooms and separate cafeterias. This risk may also apply to those skilled ethnic minority members who want to work as ECS workers at the program facilities. These potential social risks were discussed at several focus group consultations held with the Bai and Hanyi ethnic minority communities. Notwithstanding the social risk of these vulnerable groups not being included in the target group for the ECS under the PPP program, there are no negative impacts of the program on them. The anticipated program impacts on ethnic minorities are positive. The categorization of the program's potential impacts on ethnic minorities is confirmed as B.

## B. Environmental Safeguard Policy Principles Triggered

14. Table 1 shows that 10 out of 11 environmental safeguard policy principles of the Safeguard Policy Statement (2009) will be triggered by the program. Policy principle 8 on implementing project activities in areas of critical habitats will not be triggered as such areas and locations are excluded from the sites selected for ECS facilities. For policy principle 11 on physical cultural resources, although avoidance during site selection was applied, buried artifacts might be discovered during the construction phase of the program.

**Table 1: Environmental Safeguard Policy Principles Triggered**

Environmental Safeguard Policy Principles	Description
<b>Principle 1.</b> Screen each proposed project early to determine the extent and type of environmental assessment needed.	In order to ascertain environmental impacts and to exclude sites with environmental category A impacts, early screening of program sites was conducted.
<b>Principle 2.</b> Conduct an environmental assessment for each proposed project to identify potential direct, indirect, cumulative, and induced impacts and risks to physical, biological, socioeconomic and physical cultural resources. Use strategic environmental assessment where appropriate.	The program involves remodeling, construction and/or demolition of buildings which would have potential environmental impacts on nearby sensitive receptors. Operation of the facilities would generate domestic wastewater and municipal solid waste.
<b>Principle 3.</b> Examine alternatives to the project's location, design, technology, and components and their potential environmental and social impacts and document the rationale for selecting the particular alternative proposed. Also consider the no project alternative.	The program involves the design of facilities for elderly care services. Several alternative locations were examined before selecting the 4 sites. "Green building" designs will be considered in choosing building materials and energy efficient appliances and fixtures.
<b>Principle 4.</b> Prepare an EMP with the proposed mitigation measures, environmental monitoring and reporting requirements, related institutional arrangements, capacity development measures, implementation schedule, cost estimates, and performance indicators.	The program would have potential environmental impacts during construction and operation. Implementation of mitigation measures and environmental monitoring during the construction and operation phases would be required to reduce impacts to acceptable levels.
<b>Principle 5.</b> Carry out meaningful consultation with affected people and facilitate their informed participation. Involve stakeholders early in the project preparation process and ensure that their views and concerns are made known to and understood by decision makers and taken into	The program involves provision of elderly care services in the communities. Understanding the views of the communities and future users are important to providing effective and efficient services. Construction of these facilities in the urban area could

Environmental Safeguard Policy Principles	Description
account. Continue consultations with stakeholders throughout project implementation to address issues related to environmental assessment. Establish a GRM to receive and facilitate resolution of the affected people's concerns and grievances.	generate dust and noise impacts during construction, affecting nearby residents resulting in complaints. A program-specific grievance redress mechanism is needed to address and resolve complaints received.
<b>Principle 6.</b> Disclose an environmental assessment (including the EMP) in an accessible place and in a form and language(s) understandable to affected people and other stakeholders.	The program triggers Principles 2, 4, and 5, and it needs to disclose the findings, recommendations, mitigation measures, and monitoring results to the affected persons and stakeholders. ESSA, SSSA and PSSA will be disclosed.
<b>Principle 7.</b> Implement the EMP and monitor its effectiveness. Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.	This is in support of the program triggering Principles 2, 4, 5, and 6. An environmental action plan is included in ESSA and PSSA.
<b>Principle 9.</b> Apply pollution prevention and control technologies and practices consistent with international good practices. Adopt cleaner production processes and good energy efficiency practices.	The program will apply best practices in dust and noise pollution prevention and control to mitigate potential environmental impacts of the program. The program will adopt good energy efficiency practices.
<b>Principle 10.</b> Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease. Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize adverse impacts and risks to the health and safety of local communities.	The program involves the construction of elderly care service facilities. Due to its nature, the construction industry is considered to be one of the most hazardous industries where construction activities could be hazardous to the safety and health of the construction workers. The program will apply local and international safety standards.
<b>Principle 11.</b> Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment. Provide for the use of "chance find" procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation.	The program has avoided cultural heritage sites during the program site selection. However, buried cultural heritage artifacts could be discovered during construction, in which case domestic requirements will be followed to protect such resources.

EMP = environmental management plan, ESSA = environmental safeguard system assessment, GRM = grievance redress mechanism, PSSA = program safeguard systems assessment, SSSA = social safeguard systems assessment.

Source: Asian Development Bank.

### (i) Social Safeguard Policy Principles Triggered

15. **Involuntary Resettlement.** A due diligence was conducted to check whether the four sites will have any involuntary resettlement impacts. It found that program-related refurbishment, remodeling, demolishing, and other construction activities will be carried out on unencumbered state lands, and at the buildings provided by YMG for the program. There is no encroachment or squatting on the four program sites. The due diligence conducted at the sites indicated that none of the involuntary resettlement safeguards policy principles of ADB, other than principle 1 will be triggered by the program. As a result, the need for an assessment of equivalence between domestic laws and regulations and ADB's involuntary resettlement safeguard policy principles, and for a diagnostic assessment of institutional capacity for resettlement planning and implementation does not arise.

**Table 2: Involuntary Resettlement Safeguard Policy Principles Triggered**

Involuntary Resettlement Policy	Description
1. Screen the project early to identify past, present, and future resettlement impacts and risks.	Each program site was screened to ascertain whether the site triggers involuntary resettlement safeguard policy principles. This principle will apply to any new program site selected in future.

Source: Asian Development Bank.

16. **Indigenous Peoples (Ethnic Minorities).** The program will have no impact on the identity, ancestral domain, language, and socio-cultural rights of ethnic minorities who live in Yichang City. It will not physically or economically displace any ethnic minority person or

community. It will not usurp their indigenous knowledge or their right to use natural resources, if any.

**Table 3: Ethnic minority Safeguard Policy Principles Triggered**

Indigenous Peoples/Ethnic Minority Safeguard Policy Principles	Description
1. Screen to (i) determine whether ethnic minorities are present in, or have collective attachment to, the project area; and (ii) whether the program would impact on them.	PSA identified several ethnic minorities in YMG area who meet all the characteristics of indigenous peoples outline in SPS 2009, except the collective attachment to the program area. The program will positively impact on them.
2. Assess potential positive and negative impacts of the program on them.	Identified positive impacts: (i) employment opportunities, and (ii) improved access to ECS as vulnerable and poor persons. A potential negative impact would be that program implementation agencies might overlook to provide these benefits to ethnic minority groups.
3. Conduct meaningful consultations on design and tailoring program benefits in a culturally appropriate manner. Establish a GRM to address their grievances.	Focus group discussions and personal interviews identified their views and recommendations on construction and implementation of ECS facilities. The need to obtain their consent for the program does not arise. The program's GRM will address their grievances, if any.

ECS = elderly care services, GRM = grievance redress mechanism, PSA = poverty and social analysis.

## C. Diagnostic Assessment

### (i) Assessment Methodology and Resources

17. **Review of documents.** An environmental and social safeguard system assessment was conducted by qualified consultants with the ADB's staff support. They reviewed (a) SPS of 2009; (b) PRC's policies, laws, and announcements on elderly care; (c) PRC policies, laws, and regulations related to land, land use and the procedures of state land granting for PPP programs in elderly care; (d) environmental laws, regulations, decrees, and announcements, technical guidelines, and environmental standards and limits; and (e) YMG's strategy and planning documents on elderly care. The poverty and social assessment (PSA) of the program provided recent information and data on the structure and organization of the elderly population including ethnic minorities in the Yichang Prefecture and Yichang City.

18. **Consultations and field visits.** The environmental safeguard specialists and social safeguard specialists visited the potential program sites to conduct environmental and social due diligence, and consulted with the International Division of the Yichang Finance Bureau (existing PMO), the Yichang Civil Affairs Bureau, and the Yichang Housing Investment Company to ascertain their institutional capacities in applying environmental and social safeguard best practices to the program. During field visits and focus group consultations, social inclusiveness, environmental sustainability, and potential program benefits for all segments of the elderly population of Yichang City were discussed. Altogether 20 focus group consultations and many more personal interviews were conducted with potential program beneficiaries during PSA.

### (ii) Environmental Safeguard Assessment

19. **PRC's Legal Framework.** The PRC has established a comprehensive legal and regulatory framework for safeguarding the environment. Review and diagnostic assessment on 61 relevant environmental safeguard laws, decrees, regulations, and technical guidelines revealed that they as a legal framework address all 10 SPS' environmental safeguard principles triggered by the program (Appendix 1).

20. The most far-reaching environment law is the Environmental Protection Law (EPL) of 1989 (item #3 in Appendix 1), and its amendment of 2014. Public participation and environmental information disclosure provisions are among the significant changes introduced in the amended EPL which are further supported by the decrees on the preparation of EIA summaries for the purpose of public disclosure (item #21), and methods for public participation in environmental management (item #25). For grievance redress, a hotline number 12369 has been established at each level of environmental protection authority throughout the nation since March 2011 for receiving and resolving environmental complaints in accordance with the Management Measures for Operation of the Environmental Complaint Hotline (MEP Decree [2010] No. 15] (item #19).

21. Environmental impact assessment (EIA) is governed by the Environmental Impact Assessment Law (2002) (item #11), covering EIAs of (i) new development areas and new industrial parks, and strategic studies which could also be deemed as strategic environmental assessment, and (ii) construction projects. The two regulations pertaining to this law are: the Construction Project Environmental Protection Management Ordinance (1998) (item #14) and the Plan Environmental Impact Assessment Ordinance (2009) (item #16) which requires an early screening and environmental categorization, environmental impact assessments for construction projects, environmental monitoring, and public consultation.

22. MEP has issued a series of technical guidelines for preparing EIAs. These include impact assessment guidelines on general EIA program and principles (items #28 and 33 in Appendix 1), atmospheric environment (item #29), ambient air quality (item #39), surface water (item #30), ground water (item #35), noise (item #31), ecology (items #32 and 34), quality management on environmental monitoring (item #38), biodiversity assessment (items #37, 40–48). The requirements specified in the technical guideline on general EIA program (item #28) cover all 10 SPS environmental safeguard principles triggered by the program.

23. MEP issued two types of environmental standards: environmental quality standards and pollutant emission/discharge standards. The former sets standards for ambient air quality (item #49), environmental noise (item #50) and vibration (item #53), surface water quality (item #51), ground water quality (item #55), soil (item #57) and environmental and hygiene standards for construction sites (item #61). The latter controls noise from construction sites (item #53), community noise (item #59), air pollutant emission (item #58) and wastewater discharge (item #52). As described above, future residents at the Yichang Art School site facility could be impacted by nearby road traffic noise. Design specification for noise insulation of buildings (item #60) would be relevant to this site and other sites that might also be affected by high levels of road traffic noise.

24. **Institutional Arrangement for Environmental Safeguard Implementation and Enforcement.** In the PRC, the enforcement of environmental laws and regulations rests with the environmental protection authorities at each level of the government. At the national level, MEP is the regulatory, enforcement, and supervision authority. MEP promulgates laws, regulations, environmental standards, and technical guidelines on environmental impact assessment, and pollution prevention and control. Each province has an Environmental Protection Department (EPD). The EPD acts as the gate-keeper for environmental impact assessment, and pollution prevention and control at the provincial level. The provincial EPD is often delegated the authority by MEP to approve environmental impact assessment reports for development planning and construction projects in the province, except those with national interest and those that cross provincial boundaries that would need MEP's approval. The environmental management authority at the municipal or county level is the Environmental

Protection Bureau (EPB). The EPB enforces environmental laws and conducts environmental monitoring within city or county limits. The EPB could be delegated the authority to approve environmental impact assessments by the provincial EPD. The EPD and EPBs are supported by environmental monitoring stations (who are the qualified entities to carry out environmental monitoring) and environmental protection research institutes (who are among the qualified entities to prepare environmental impact assessment reports). The PRC has a qualification and registration system for environmental impact assessment, and only qualified and registered institutes and individuals are allowed to undertake environmental impact assessment. Under the recently issued Management Measures for the Qualification of Environmental Impact Assessment for Construction Projects (MEP decree [2015] No. 36) (item #26), qualified institutes who prepare environmental impact reports or tables for construction projects in the PRC can no longer be a subsidiary of an environmental authority responsible for approving domestic environmental impact reports or tables as of 1 November 2015. The Yichang Environmental Protection Bureau is the authority to enforce environmental laws and regulations pertinent to the program.

25. A recent MEP decree, the Directory for the Management of Construction Project Environmental Impact Assessment Categorization (MEP Decree [2015] No. 33) (item #24), classified environmental impact assessments for 199 construction project types/items into 3 categories with different reporting requirements, based on the 'significance' of potential environmental project impacts and their environmental sensitivity as described in this Directory. An environmental impact report (EIR) is required for construction projects with potential significant environmental impacts. An environmental impact table (EIT) is required for construction projects with less significant environmental impacts. An environmental impact registration form (EIRF) is required for construction projects with the least significant environmental impacts.

26. Construction project type/item 162 in the above Directory refers to sanatoriums, welfare homes, and nursing homes requiring the preparation of an EIT for construction of such facility with floor area  $\geq 50,000 \text{ m}^2$ , and EIRF for the others. This program therefore needs either an EIT or an EIRF for each of its ECS facility depending on the total floor area of the facility.

27. There are no major gaps between the domestic safeguard system and the ADB's safeguard policy requirements. If the domestic legal requirements and procedures are implemented and enforced during the program planning and implementation, the program can meet ADB's environmental safeguard policy requirements. However, there are two weaknesses in the domestic environmental safeguard system which would affect the effectiveness of safeguard system.

- (i) Information disclosure and public participation requirements specified in items #3, 11, 21, and 25 apply to EIR, but not to EIT and EIRF. Therefore the domestic procedure of adopting EITs and EIRFs for ECS facilities of the Program might not fully satisfy ADB's environmental safeguard policy principles 5 and 6.
- (ii) The preparation of EIRs and EITs are to be done by qualified environmental institutes. But the agencies who prepare EIRFs do not require any specific qualifications. This means that the project proponent who might not have any expertise or experience in environmental safeguard could prepare the EIRFs.

28. The above weaknesses as well as other potential environmental and/or institutional risks identified in the assessment are addressed in the environmental safeguard action plan.

### (iii) Social Safeguard Assessment

29. **PRC's Legal Framework.** The PRC's regulatory framework for land acquisition, compensation and resettlement consists of laws, regulations and administrative decrees issued by the State Council and the Ministry of Land Resource (MOLR). The main aspects of the legal system include the collective land acquisition, procedures for transferring collective land to the state, house demolition on collective land in rural areas and house demolition on state-owned land in urban areas triggering the need for compensating and resettling persons, households and communities. The program, as stated earlier, will not trigger any of the above.

30. **Ethnic Minorities Policy.** 'A unified multi-ethnic country' is considered as one of the fundamental realities of the PRC. This policy highlights the importance of 'safeguarding national unification and ethnic unity', as its overarching goal of ethnic minority affairs management and policies. The Common Program adopted by the Chinese People's Political Consultative Conference (CPPCC) in September 1949 stipulated that 'all the ethnic groups within Chinese territory were equal.' The state takes various measures to guarantee that ethnic minorities benefit equally from state-sponsored development efforts while allowing them to maintain their distinct cultural and religious identities and practices. The YMG follows these basic policies in its development programs. As a result, it will provide special concessions to ethnic minorities who fall within the category of 'poor and vulnerable elders' to benefit from the program's ECS facilities.

### D. Safeguard Program Actions

31. The program's environmental and social safeguard impacts are likely to be minor to moderate, and they can be addressed adequately and efficiently by using the local regulatory frameworks. The YMG and ECS providers will have the capacity to implement and monitor the PAP, and to disseminate information about ECS facilities among the potential elderly beneficiaries of ethnic minorities. In cases where local safeguard systems need strengthening, such strengthening will be done in light of the safeguard policy principles and procedures of ADB. As part of the safeguard system assessment process, ADB consulted with relevant stakeholders and took necessary steps to make the program's diagnostic social and environmental assessments and PSSA available to the public. Table 4 presents the regulatory framework to be followed by EA and IA to meet the PRC and YMG environmental legal requirements, and ADB's environmental policy safeguard requirements. The table specifies that domestic environmental impact assessment shall use EIT together with specific actions that are listed in the detailed environmental action plan. The plan will also form a checklist to check whether the program actions have met the ADB's environmental safeguard policy requirements.

**Table 4: Detailed Environmental Action Plan**

Environmental Safeguard Action	Domestic Procedures and Requirements during RBL Program Implementation	ADB Environmental Safeguard Policy Principles and Other Requirements
1 1.1 Prepare Environmental Impact Table [EIRFs shall not be used for ECS facilities in this Program]	The EIT shall be prepared in accordance with the following: 1. To adequately address ADB's environmental safeguard policy principles, the content of the EIT shall adopt reporting requirements for EIR specified in Article 17 of the <i>Environmental Impact Assessment Law, 2002</i> , and Articles 25 and 26 of the <i>Management measures for the qualification of environmental impact assessment for construction projects</i> (MEP decree [2015] No.36. The EIT shall be prepared by qualified institutes in accordance with Articles 3 and 7 of the <i>Management measures for the qualification of environmental impact assessment for construction projects</i> (MEP decree [2015] No. 36).	Principle 2 Principle 3 Principle 4

Environmental Safeguard Action	Domestic Procedures and Requirements during RBL Program Implementation	ADB Environmental Safeguard Policy Principles and Other Requirements
	<p>2. The technical content of the EIT shall comply with the requirements in Articles 3 to 15 in HJ 2.1-2011 <i>Technical guidelines for environmental impact assessment – general program</i>.</p> <p>3. Air quality impact assessment shall be in accordance with the requirements and procedures in HJ 2.2-2008 <i>Guidelines for environmental impact assessment – atmospheric environment</i>.</p> <p>4. Noise impact assessment shall be in accordance with HJ 2.4-2009 <i>Technical guidelines for noise impact assessment</i>.</p> <p>5. Surface water quality assessment shall be in accordance with HJ/T 2.3-93 <i>Technical guidelines for environmental impact assessment – surface water environment</i> and the discharge of wastewater during construction and operation shall comply with the <i>Water Pollution Prevention and Control Law, 1984</i> (amended in 2008) and GB 8978-1996 <i>Integrated wastewater discharge standard</i>.</p> <p>6. Ecological impact assessment shall be in accordance with HJ 19-2011 <i>Technical guidelines for environmental impact assessment – ecological impact</i>.</p> <p>7. Solid waste impact assessment and management during construction and operation shall be in accordance with the <i>Solid Waste. Environmental Pollution Prevention and Control Law, 1995</i> (amended in 2004) and <i>Specifications on the management of urban construction and demolition waste</i> (Ministry of Construction Decree [2005] No. 139).</p> <p>8. Alternative analysis shall be in accordance with the requirements in Article 14 of the HJ 2.1-2011 <i>Technical guidelines for environmental impact assessment – general program</i>.</p> <p>9. Pollution prevention and control shall be in accordance with the “Three Simultaneity” (specified in Article 41 of the <i>Environmental Protection Law, 1989</i> (amended in 2014); Article 16 of the <i>Construction Project Environmental Protection Management Ordinance, 1998</i>.</p> <p>10. An environmental management plan (EMP) shall be prepared in accordance with Article 17 of the <i>Environmental Impact Assessment Law, 2002</i>; Article 8 of the <i>Construction Project Environmental Protection Management Ordinance, 1998</i>; and Article 10 of HJ 2.1-2011 <i>Technical guidelines for environmental impact assessment – general program</i> to include environmental management/protection measures and environmental monitoring during project implementation.</p> <p>11. The EIT shall obtain approval from the Yichang Environmental Protection Bureau.</p>	
1.2 Conduct public consultation and information disclosure	During EIT preparation, public consultation and information disclosure shall be conducted in accordance with Articles 53 and 56 of the <i>Environmental Protection Law, 1989</i> (amended in 2014); Article 21 of the <i>Environmental Impact Assessment Law, 2002</i> , <i>Method for public participation in environmental protection</i> {MEP Decree [2015] No. 35} and Article 8 of HJ 2.1-2011 <i>Technical guidelines for environmental impact assessment – general program</i> .	Principle 5 Principle 6
2	<b>Implement the following during project construction and operation</b>	
2.1 Environmental management plan	Implementation of the EMP during project implementation shall be in accordance with Article 19 of the <i>Construction Project Environmental Protection Management Ordinance, 1998</i> and Article 10 of HJ 2.1-2011 <i>Technical guidelines for environmental impact assessment – general program</i> .	Principle 7 Principle 9
2.2 Grievance redress mechanism	The GRM during project implementation shall adopt the environmental complaint hotline number 12369 and its operation and management shall be in accordance with <i>Management measures for operation of the environmental complaint hotline</i> (MEP Decree [2010] No. 15).	Principle 5
2.3 Occupational health and safety	Protection of the occupational health and safety of construction workers shall be in accordance with Article 54 of the <i>Labor Law, 1994</i> ; the <i>Occupational Disease Prevention and Control Law, 2001</i> ; and JGJ 146-2004 <i>Environmental and hygiene standards for construction sites</i> .	Principle 10
2.4 Environmental supervision	Environmental supervision shall be conducted during facility construction according to the <i>method for environmental supervision</i> (MEP Decree [2012] No. 21)	Principle 7
2.5 Physical cultural	Handling of buried cultural heritage artifacts discovered during program	Principle 11

Environmental Safeguard Action	Domestic Procedures and Requirements during RBL Program Implementation	ADB Environmental Safeguard Policy Principles and Other Requirements
resources	implementation shall follow requirements in the <i>Cultural Relics Protection Law, 2002</i> and the <i>Cultural Relics Protection Law Implementation Ordinance, 2003</i> .	
2.6 Public consultation	Public consultation shall be conducted during project implementation in accordance with Articles 53 and 56 of the <i>Environmental Protection Law, 1989</i> (amended in 2014); Article 21 of the <i>Environmental Impact Assessment Law, 2002</i> ; <i>Method for public participation in environmental protection</i> [MEP Decree [2015] No. 35; and Article 8 of HJ 2.1-2011 <i>Technical guidelines for environmental impact assessment – general program</i> .	Principle 5
2.7 Reporting	For ADB environment category B projects, the executing agency shall submit an EMR to ADB annually until PCR is accepted by ADB.	ADB reporting requirement

ADB = Asian Development Bank, EIT = environmental impact table, EMP = environmental management plan, EMR = environmental monitoring report, GRM = grievance redress mechanism, PCR = project completion report.

Source: Asian Development Bank.

### Safeguard Program Action Plan

Action Required	Responsible Agency	Time Frame
<b>General</b>		
PMO will assign a staff member to coordinate safeguard application to all program components; conduct training workshops for PMO, YHIDC, construction supervision companies, civil works contractors, YCAB, and the PPP contractor on program's environment and social safeguard requirements.	PMO	by the end of Q2 2017
If there are new environmental or social safeguard impacts as a result of site location changes or other unanticipated events, PMO will promptly notify ADB together with an initial impact assessment, and proposed adequate mitigation measures.	PMO	As needed
Establish a locally accessible grievance redress mechanism for the benefit of program beneficiaries including ethnic minorities.	PMO	by Q2 2017
Provide access to program information on the YMG website and at construction sites to all stakeholders, and continue consultations with them during the project cycle.	YHIDC/PMO	by Q2 2017
<b>Environment</b>		
Environmental assessments at the selected program sites are to follow the domestic EIT procedures to ensure that they are formulated by qualified institutions. EITs shall include requirement for alternative analysis, information disclosure, public consultation, and environmental management plan as described in the environmental action plan (Table 4).	YHIDC	2016
Handling of buried cultural heritage artifacts discovered during program implementation shall follow requirements in the <i>Cultural Relics Protection Law, 2002</i> and the <i>Cultural Relics Protection Law Implementation Ordinance, 2003</i> .	YHIDC	When needed
YHIDC will ensure that all construction and rehabilitation activities are undertaken by following the detailed actions defined in ESSA and PSSA. It will (i) assign qualified personnel to coordinate the implementation of the detailed environmental action plan; and (ii) establish and coordinate an inspection, monitoring, and information disclosure mechanism for program environmental safeguards.	YHIDC	(i) by Q1, 2017 (ii) by Q2, 2017
Prior to commencement of construction, mobile street vendors in the vicinity of the construction sites will be given sufficient notice, so that they can move temporarily to other locations to continue with their businesses.	PMO/YHIDC	by Q1
Ensure environment safeguard contract clauses are inserted in all construction contracts and provide contractors with copies of the relevant environmental and social actions as part of the contract details.	YHIDC	2017
<b>Social (Ethnic Minorities)</b>		
The program will widely publicize the special arrangement and concessions for the poor and vulnerable elders at ECS facilities. Ensure that ethnic minority elders get the information and access to such facilities.	PMO	2017
PMO will maintain an updated list of elders including ethnic minority elders in Yichang city.	PMO	by Q2, 2017

<b>Action Required</b>	<b>Responsible Agency</b>	<b>Time Frame</b>
YMG will include in the PPP contract that ECS providers will (i) make adequate provision for the requirements of ethnic minority elderly including their specific dietary, cultural and recreational needs; and (ii) provide preferential employment opportunities for ethnic minority workers at program's construction sites, and for ethnic minority ECS professionals at ECS facilities.	PMO	2017

ADB = Asian Development Bank, ECS = elderly care services, EIT = environmental impact training, ESSA = environmental safeguard systems assessment, PMO = program management office, PPP = public-private partnerships, PSSA = program safeguard systems assessment, SSSA = social safeguard systems assessment, YCAB = Yichang Civil Affairs Bureau, YHIDC = Housing Investment Development Company, YMG = Yichang Municipal Government.

Source: Asian Development Bank.



PRC Environmental Safeguard System Relevant to this RBL Program		ADB Safeguard Policy Statement (2009)									
		Environmental Safeguard Policy Principles (see below)									
		1	2	3	4	5	6	7	9	10	11
	assessment on construction projects										
37	HJ 623-2011 Standard for the assessment of regional biodiversity										
38	HJ 630-2011 Technical guideline on environmental monitoring quality management										
39	HJ 663-2013 Technical regulation for ambient air quality assessment )										
40	HJ 710.1-2014 Technical guidelines on biodiversity monitoring - terrestrial vascular plants										
41	HJ 710.2-2014 Technical guidelines on biodiversity monitoring -lichens and bryophytes										
42	HJ 710.3-2014 Technical guidelines on biodiversity monitoring - terrestrial mammals										
43	HJ 710.4-2014 Technical guidelines on biodiversity monitoring – birds										
44	HJ 710.5-2014 Technical guidelines on biodiversity monitoring – reptiles										
45	HJ 710.6-2014 Technical guidelines on biodiversity monitoring – amphibians										
46	HJ 710.7-2014 Technical guidelines on biodiversity monitoring - inland water fish										
47	HJ 710.8-2014 Technical guidelines on biodiversity monitoring - freshwater benthic macro invertebrates										
48	HJ 710.9-2014 Technical guidelines on biodiversity monitoring – butterflies										
<b>Standards (environmental quality and emission / discharge)</b>											
49	GB 3095-2012 Ambient air quality standards										
50	GB 3096-2008 Environmental quality standard for noise										
51	GB 3838-2002 Environmental quality standards for surface water										
52	GB 8978-1996 Integrated wastewater discharge standard										
53	GB 10070-88 Standard of environmental vibration in urban area										
54	GB 12523-2011 Emission standard of environmental noise for boundary of construction site										
55	GB/T 14848-93 Quality standard for ground water										
56	GB/T 15190-2014 Technical specifications for regionalizing environmental noise function										
57	GB 15618-1995 Environmental quality standard for soils										
58	GB 16297-1996 Air pollutant integrated emission standards										
59	GB 22337-2008 Emission standard for community noise										
60	GB 50118-2010 Design specifications for noise insulation of buildings for civil use										
61	JGJ 146-2004 Environmental and hygiene standards for construction sites										
<b>Notes:</b>											
 ADB's environmental safeguard principle addressed by the PRC document											
<b>ADB</b> = Asian Development Bank, <b>EIA</b> = environmental impact assessment; <b>EIR</b> = environmental impact report; <b>EIRF</b> = environmental impact registration form; <b>EIT</b> = environmental impact table; <b>EMP</b> = environmental management plan; <b>MEP</b> = Ministry of Environmental Protection; <b>PRC</b> = Peoples' Republic of China											