Resettlement Plan

August 2008

PRC: Shaanxi Qinling Biodiversity Conservation and Demonstration Project

Prepared by the Shaanxi Provincial Rescuing, Breeding, and Research Center of Rare Wildlife for the Asian Development Bank.
CURRENCY EQUIVALENTS
(as of 30 August 2008)
Currency unit – yuan (CNY)
CNY1.00 = $0.146247
$1.00 = CNY6.837750

ABBREVIATIONS
ADB – Asian Development Bank
AP – affected person
ha – hectare
PRC – People’s Republic of China
RP – resettlement plan
SARC – Shaanxi Provincial Rescuing, Breeding, and Research Center of Rare Wildlife

NOTES
(i) The fiscal year (FY) of the Government of the People’s Republic of China and its agencies ends on 31 December. FY before a calendar year denotes the year in which the fiscal year ends, e.g., FY2008 ends on 31 December 2008.
(ii) In this report, "$" refers to US dollars.

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Shaanxi Qinling Biodiversity Conservation and Demonstration Project

Shaanxi Provincial Rescuing, Breeding and Research Center of Rare Wildlife

Resettlement Plan

The Rescuing, Breeding and Research Center of Rare Wildlife

August 2008
Letter of Authorization

To ADB

Here we certificate that the last English and Chinese version of Resettlement Plan of QBG and SARC which send to ADB recently has been reviewed by us and we agreed the content of those.

Shaanxi Foreign Loan Supporting Project Management Office

Deputy Director

Date 19th Sept, 2008
Executive Summary

The Shaanxi Provincial Rescuing, Breeding and Research Center of Rare Wildlife (SARC) is located south of S107 Highway in Zhouzhi County, Shaanxi Province. The main task of the center is to provide refuge and shelter for rare wildlife in Shaanxi, including unique species like Giant Panda, Crested Ibis, Golden Thakin, and Golden Monkey, to let them recover and return to the nature as soon as possible, as well as to raise and breed these rare species.

The total planned project investment for the Expansion Project of Shaanxi Provincial Rescuing, Breeding and Research Center of Rare Wildlife is CNY 221.3996 million. The State Forestry Bureau (SFB) will contribute 50% of this (CNY 110.6998 million). CNY 44.2799 million, 20% of the total, will come from Shaanxi provincial funding, and SARC will receive a loan of CNY 66.4199 million from the Asian Development Bank (ADB) covering the remaining 30% of the total investment. The land acquisition cost will be CNY 13.2744 million, about 6% of the total. The project will commence in late 2008 and is scheduled for completion by 2013.

The proposed area for the project extends over 1,008 ha, including the Rare Wildlife Rescuing Base, the Giant Panda Breeding Base, the Crested Ibis Breeding Base, the Golden Monkey Breeding Base, and the forage base for each of these animals. The present size of the Center is 141 ha, including some bamboo forest. Of the planned total 1,008 ha area, the new wildlife rescuing base covers 8 ha, the Giant Panda Breeding Base 70 ha in a valley south of the existing center, the Crested Ibis Breeding Base 20 ha, and the Golden Monkey Breeding Base covers 10 ha. The forage bases are located in different adjacent valleys and cover 900 ha in total.

A total of 9 ha (135 mu1) of land need to be expropriated for three components: the wildlife rescuing base (60 mu, affecting 8 households); the Crested Ibis Breeding Base (30 mu, affecting 10 households); and the Golden Monkey Breeding Base (45 mu, affecting 12 households). Of these 135 mu land to be expropriated, 45 mu are dry land, 60 mu are slope land, and 30 mu are irrigated land. No infrastructure will be impacted, and no housing demolition or relocation of housing is required. In total, 125 persons of 30 households in the three villages of West Louguan, East Louguan, and Qiandongming (all part of Louguantai township) will be affected by land acquisition. No ethnic minority people are affected by the project or land acquisition. None of the affected households is particularly poor or otherwise particularly vulnerable.

The Resettlement Plan (RP) was developed in several steps. It is based on the feasibility study of the SARC First Stage Expansion Project and the master plan for the Expansion Project. A survey was conducted in the affected areas mainly to estimate the socio-economic impacts, and the yearly output value of the land. Consultations were

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1 1 ha = 15 Chinese mu
arranged between local government agencies, village committees of the three affected villages, and affected persons (APs) in May 2007; and an initial public meeting on the land acquisition process was held in June 2007.

Based on the results of these surveys and consultations, and taking into account laws and regulations of the People’s Republic of China (PRC), local regulations on provincial and county level, and ADB’s Involuntary Resettlement Policy (1995), the project staff formulated this RP. The different compensation standards, the methodology to be used for land acquisition, and the entitlements to address all types of impacts have all been compiled into it.

The land acquired from the affected households is primarily compensated in cash or land adjustment, at preference of the households. This will be supplemented with other income restoration measures, such as giving priority to the APs in employment during the project construction and operation, and in selected employment or training opportunities.

The project administration determined that the government of the affected county is in charge of land acquisition and resettlement. Zhouzhi county government set up an office to manage land acquisition and resettlement. The basic requirement of the resettlement policies is that the production and living standard of the affected persons shall rise, or at least not decline due to land acquisition. Abiding by this requirement and the principles of a fair, transparent and just compensation and rehabilitation, the RP contains provisions describing consultation and public participation, complaint and appeal measures, and internal and external monitoring.

The project plan and the RP have been prepared by SARC; they were examined by the Foreign Loan Office of the Development and Reform Committee of Shaanxi Province, and will be reported to Shaanxi Provincial Government for formal approval.
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I. OVERVIEW

1.1 Background

Shaanxi Provincial Rescuing, Breeding and Research Center of Rare Wildlife (the Center) is located by the famous Louguantai National forest park, which is one of the ten key visitor attractions in Xi’an area. The major task of the Center is to rescue the old, weak, sick and disabled rare wildlife in Shaanxi so as to let them get recovered and return to the nature as soon as possible, as well as to raise and breed rare wildlife so that they may not be in severe danger as special populations.

As China implements the project of “Development of Western China” environmental construction plan and the natural forest protection project, Shaanxi has made continuous environmental improvement. The wildlife population has been growing stably, and the protection of wildlife becomes more important accordingly. In recent years, the Giant Panda and Golden Monkey living in the Qinling Mountains in Shaanxi have been certified as the Qinling subspecies in succession. As independent subspecies, comparatively, their population is very small, which reflects the value of protection. The world-famous endangered Crested Ibis lives only in Shaanxi throughout the world and its population is very small. Ever since Crested Ibis were moved to the Center from Yangxian County four years ago, breeding have been well done and now the Crested Ibis in the Center becomes the largest artificial population in China. The leadership of Shaanxi government, Shaanxi Forestry Department proposed the important principle that “Giant Panda should get into the mountains and Crested ibis should depend upon the mountains” so as to enhance the protection and breeding of Giant Panda and Crested Ibis. However, the present size, the human resources and the material conditions of the Center are all far from meeting the new demands. It is under this background that the project is proposed.

According to the Master Plan of the Expansion Project of Shaanxi Provincial Rescuing, Breeding and Research Center of Rare Wildlife, the project investment comes from the state and local government and loans of the Bank of China.

1.2 Project Description

According to the Master Plan of the Expansion Project of Shaanxi Provincial Rescuing, Breeding and Research Center of Rare Wildlife, the proposed construction work of the project covers an area of 1008 ha, mainly including the Rare Wildlife Rescuing Base, the Giant Panda Breeding Base, the Crested Ibis Breeding Base, the Golden Monkey Breeding Base and the forage base for each of these animals. The present size of the Center is 141 ha, including some bamboo forest.

The new wildlife rescuing base covers an area of 8 ha in the north of the ‘Center’; the Giant Panda Breeding Base covers an area of 70 ha in Hubao Valley, south to the existing center, the Crested Ibis Breeding Base covers an area of 20 ha in the West Louguan forest farm nursery, the Golden Monkey Breeding Base covers 10 ha at Dongguayu valley, just south of the ‘Center’ and the forage bases are located in Daqu Valley, WenXian Valley,
Tuanbiao Valley and Hutou Valley and totally covers 900 ha. Totally 9 ha (135 mu²) land need to be expropriated for the wildlife rescuing base, the Crested Ibis Breeding Base and the Golden Monkey Breeding Base. The Giant Panda Breeding Base and the forage/feed bases do not need any land expropriation because they are located within the existing Louguantai Forest Farm (LFF). Of the 135 mu land to be expropriated, 45 mu are dry land, 60 mu are slope land, 30 mu are irrigated land, and totally 30 households with 125 persons are affected in three villages. In addition, the land expropriation will neither lead to landless farmers, nor bring hardship to their life as the villagers have relatively plenty land and the land to be expropriated accounts for only about 3.7% of the total and is comparatively far in distance from the village. Also, the project will not result in any residential displacement or relocation.

According the master plan, by 2010, the ‘Center’ will be able to breed and feed 40 Giant Pandas, 400 Crested Ibis and 30 Golden Monkeys.

According to the investment assessment in the master plan, the total proposed investment for the ‘Center’ is CNY 221.3996 million, of which, CNY 110.6998 million, 50% of the total, will come from the financial appropriation of the State Forestry Administration, CNY 44.2799 million, 20% of the total, from Shaanxi financial appropriation fund, and the ‘Center’ will get a loan of CNY 66.4199 million from the Asian Development Bank (ADB) which is 30% of the total investment. The land expropriation and resettlement cost will be CNY 13.2744 million, about 6.0% of the total.

1.3 The Project Benefits

1.3.1 Ecological benefits

The ecological benefits of the expansion project of the ‘Center’ are as follows:

(i) The population of rare wildlife will be increased and the eco-equilibrium and positive cycle promoted.

Animals are important component in the eco-system and play an important role in the material cycle, energy and information transforming in it. The project when finished will effective strengthen the protection of wildlife, enlarge their population, increase understanding of the biological characteristics, which will help greatly in further protection, management and utilization of the wildlife. Thus, the project will be beneficial to the equilibrium and stability of the eco-system in Shaanxi.

(ii) Some rare species’ adaptability to the wild will be improved, their geographical distribution scope enlarged.

When the expansion project finished, Crested Ibis can be trained to improve its adaptability to the nature and finally be released to the wild. This will help solve its danger of extinction due to the decreased habitats and population.

(iii) The genetic pool will be effectively protected and utilized.

When completed, the project will effectively protect the genetic pool of the rare

² 1 hectare = 15 Chinese mu
species, which will not only benefit the reservation of the rare species, but also be used to improve the livestock animals.

1.3.2 Social benefits

The project will bring along distinct social benefits in the following aspects:

(i) The project plays a positive role in international exchange and world harmony.

The Center raises several rare animals that are attached significance of human culture exchange and symbolization. For instance, the Crested Ibis symbolizes the friendship and cultural exchange, and the Giant Panda is the symbol of the World Bio-diversity Organization and peace of the world. Therefore, the project will draw attention of the international societies and certainly will do well to the relationship between China and other countries.

(ii) Through the project, natural protection consciousness of citizens strengthened, and the general educational quality promoted.

The ‘Center’, when completed, will be a great station for rare wildlife research, science popularization, environmental education and tourism and thus play a positive role in scientific research, animal knowledge enlargement, and social development.

(iii) More job opportunities and improved regional economic development.

The Center is located by the famous tourist attraction Louguantai National Forest Park. The Animal Expo will be another highlight attraction in Louguantai and bring more job opportunities. The regional economy will thereby be promoted. Similarly, it will improve the socio-economic overall situation by creating new economic opportunities, thereby reducing the need for out-migration.

1.3.3 Economic benefits

The expansion project of the Center is not built for direct economic returns and should not be evaluated only by direct profits, but actually the international attention it will bring on nature reservation and wildlife protection in China means much more. However, the project nurtures an optimistic economic return as it will play an important role in improving international relationship, appealing to international friends and organizations’ support and promoting the local tourism industry.

1.4 Foundation of the Resettlement Plan

The relocation plan of the project was worked out in the following stages:

(i) The feasibility study of the First Stage Expansion Project of Shaanxi Provincial Rescuing, Breeding and Research Center of Rare Wildlife;

(ii) The master plan of the Expansion Project of Shaanxi Provincial Rescuing, Breeding and Research Center of Rare Wildlife;

(iii) The investigation data of the affected areas;
Discussions between the local government, village committee and the Affected Persons (APs);

Investigation of the social and economic situation of the land expropriation area, the land expropriation and the practicality;

The initial public meeting for land expropriation was held in June 2007.

II. SOCIO-ECONOMIC SURVEY OF THE AFFECTED HOUSEHOLDS

APs refers to those persons (with or without employment) who are affected by the land expropriation or house-demolition activities of the project (including operational rooms).

The project affects 3 villages including West Louguan, East Louguan and Qiandongming village. The Louguantai Township government, the village committee of the affected villages and the implementing agency of the project together formed an investigation team for loss of land expropriation and carried out a survey of all the affected household in May 2007. The following is the survey result.

2.1 Family and Population

There totally are 125 persons of 30 families affected in the project. The features of the families and population: there are 4.16 persons per household, the population growth rate is around 3% and the sex structure is 51%:49% male to female. The APs are all of Han nationality.

2.2 Age Structure

The survey shows that 79 persons are the young and mid-aged, 63% of the total, 21 the aged (above 60), 17%, 25 under age 14, 20% of the total. The sex structure of each life stage is about 1:1. The age structure of the APs is seen in Table 2-1.

Table 2-1: Age structure of the APs persons

<table>
<thead>
<tr>
<th>Sex</th>
<th>Mid-aged</th>
<th>Aged</th>
<th>Under 14</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>40</td>
<td>9</td>
<td>14</td>
<td>63</td>
</tr>
<tr>
<td>Female</td>
<td>39</td>
<td>12</td>
<td>11</td>
<td>62</td>
</tr>
<tr>
<td>Total</td>
<td>79</td>
<td>21</td>
<td>25</td>
<td>125</td>
</tr>
</tbody>
</table>

2.3 Education

The survey shows that among the adult APs, 95 persons have undergone systematic education, which is 76% of the total. All the middle-aged have received education ranging from elementary school to senior high school. There are 5 persons who never got systematic
education, which is 4% of the total, and they all are over 60 now. The education structure of the APs is seen in Table 2-2.

**Table 2-2: Education structure of the APs**

<table>
<thead>
<tr>
<th>Sex</th>
<th>Total</th>
<th>Senior high school</th>
<th>Junior high school</th>
<th>Elementary school</th>
<th>Illiterate or semi-illiterate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>49</td>
<td>20</td>
<td>19</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Female</td>
<td>51</td>
<td>13</td>
<td>24</td>
<td>11</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>33</td>
<td>43</td>
<td>19</td>
<td>5</td>
</tr>
</tbody>
</table>

### 2.4 Occupation and household income

Of all the 100 affected adults, 98 are engaged in farming and 2 are teachers. Although most villagers are classified as farmers, farming makes a small contribution to the farmer’s income, because most people earn their livelihood in nearby towns.

The average annual income per household is 12,000 yuan, with the highest being 18,000 yuan, and the lowest 7,000 yuan. The average annual income per capita is 2,400 yuan, with the highest being 3,200 yuan, and the lowest being 1,600 yuan.

### 2.5 The Minority and vulnerable group

There are no minority people in the affected group. They are all majority Han people.

The survey shows that there are no poverty-stricken household or households headed by women or the old among the APs.

### III. THE PROJECT IMPACT AREA

#### 3.1 Introduction to the Project Area

Shaanxi Provincial Rescuing, Breeding and Research Center of Rare Wildlife is located in Louguantai Township, Zhouzhi County. Louguantai, the Taoist birthplace and one of the ten key tourist attraction areas in Xi’an area, only 70 km west to Xi’an city, has a favorable location with convenient transportation facilities.

The project will affect 3 villages including East Louguan, West Louguan and Qiandongming. The local residents in the region live on farming. The local government decided to take the opportunity of favorable state development strategies such as Development of the Western Part of China, Ecological Construction program, to develop tourism-related industries as Louguantai is a famous tourist attraction in China. The local economy has been developing fast in the recent years as the local residents income has increased dramatically. The net economic income per capita has grown from 1250 yuan in
2000 to 2190 yuan in 2005, growing 12.5% annually.

The plan work of the project was completed in July 2006. In order to select the optimal sites, the project planning organization and the implementing agency have made careful comparative analysis of different programs on site selection in terms of the species' living and breeding conditions, and on the climate, vegetation and topography since they started the field investigation work. They also considered the project influence on the local residents. During the plan development, the planning and designing organization and the implementer of the project made a lot discussion and negotiation, and opinions of experts in related fields were asked for so that the final plan will be able to meet the living and management needs of rare wildlife with the possibly small area for land expropriation.

Shaanxi Provincial Rescuing, Breeding and Research Center of Rare Wildlife affiliated to Louguantai Forest Farm, is under the direct leadership of Shaanxi Provincial Forestry Department. Louguantai Forest Farm protects and operates a forest area as large as 18,780 ha, of which 80% are high forest, 15% shrub woods, and 5% nursery and other multi-operational land. The Project will be constructed within in the operational area of the Louguantai Forest Farm. Only small pieces of land on the border of the forest farm need to be expropriated. The Project will not result in any residential relocation. The land to be expropriated is farmland without any structures.

3.2 Land Acquisition Scope

3.2.1 Principle and objectives

The Project will build an ecological, natural living area for the rescuing, feeding and breeding of rare wildlife, so the site has to be in an under populated area with pure natural environment and little human interference. Therefore, the sites for the ‘Center’ were all chosen to be slope forest land under the operation of the ‘Center’ so that there will only be small amount of land expropriation, and no house demolition.

The principle for land expropriation is actually to minimize the area of land expropriation, protect the rights and interests of the involved people, and improve the living conditions of the APs as the project is implemented. The expropriated land is compensated mainly in cash, supplemented with other income restoration measures, such as giving priority to the APs in employment during the project construction and operational periods, and in other employment or training opportunities, etc.

3.2.2 Investigation into the land expropriation impacts

In May 2007 Louguantai town government, the affected village committees and the ‘Center’ formed a team and made a survey of the population, economy, and farmland area of the affected households.

The investigation found that the total land to be expropriated is 135 mu and totally 30 households with 125 persons are affected. The Rare Wildlife Rescuing Center will acquire 60 mu and affects 8 households with 34 persons; the Crested Ibis Breeding Base will acquire 30 mu and affects 10 households with 40 persons; the Golden Monkey Breeding Base will acquire 45 mu and affects 12 households with 51 persons; and the Giant Panda Breeding
Base and the forage bases will not require any land acquisition or impacts on people. The detailed affected land areas to be acquired are shown in Table 3-1.

**Table 3-1: Land expropriation impacts**

<table>
<thead>
<tr>
<th>Project</th>
<th>Location</th>
<th>Residents (number)</th>
<th>Affected by land loss (number)</th>
<th>Permanent land expropriation (mu)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Urban</td>
<td>rural</td>
<td>House holds</td>
</tr>
<tr>
<td>Rare wildlife Rescuing Center</td>
<td>East Louguan village</td>
<td>0</td>
<td>34</td>
<td>8</td>
</tr>
<tr>
<td>Crested Ibis Breeding Base</td>
<td>West Louguan village</td>
<td>0</td>
<td>40</td>
<td>10</td>
</tr>
<tr>
<td>Golden Monkey Breeding Base</td>
<td>Qiandongming Village</td>
<td>0</td>
<td>51</td>
<td>12</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>0</td>
<td>125</td>
<td>30</td>
</tr>
</tbody>
</table>

**3.2.3 Temporary Land Use Impacts During Construction**

There will not be any impacts to the farmland during the construction of the facilities, including the new and widened roads. But there will be some impacts to the forestland of the existing Center.

**3.2.4 Loss of Scattered Trees**

There will not be any loss of private trees that need to be compensated to the villages or households.

**3.2.5 Loss of Housing**

There will not be any demolition of housing or relocation of people.

**3.2.6 Impacts on infrastructure**

The project will produce no impact on the infrastructure.
3.2.7 Impacts on historical sites, cultural relics and mineral resources

The project will produce no impact on historical sites, cultural relics and mineral resources.

3.2.8 The vulnerable group

The project does not involve any vulnerable group.

3.3 Impact Analysis

3.3.1 Impacts on income

According to preliminary investigation, Shaanxi Provincial Rescuing, Breeding and Research Center of Rare Wildlife will acquire 135 mu land for the project, of which 45 mu are dry land, 60 mu slope land and 30 mu irrigated land. The expropriation involves 5 village groups of 3 villages in Louguantai Township, of which the wildlife rescuing Center and Crested Ibis Breeding Base affects one village group respectively, while the Golden Monkey Breeding Base affects 3 village groups. Loss of land will bring some influence to the affected farmers. For the local economic conditions, see Table 3-2.

Table 3-2: Economic Conditions in the Project Area

<table>
<thead>
<tr>
<th>Project</th>
<th>Rare wildlife Rescuing Base</th>
<th>Crested Ibis Breeding Base</th>
<th>Golden Monkey Breeding Base</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>East Louguan village</td>
<td>West Louguan village</td>
<td>Qiandongming Village</td>
</tr>
<tr>
<td>Population (person)</td>
<td>581</td>
<td>465</td>
<td>604</td>
</tr>
<tr>
<td>Rural population (person)</td>
<td>581</td>
<td>465</td>
<td>604</td>
</tr>
<tr>
<td>Farmland per capita (mu)</td>
<td>2.04</td>
<td>2.17</td>
<td>2.35</td>
</tr>
<tr>
<td>Average income per capita (CNY/year)</td>
<td>2400</td>
<td>2100</td>
<td>2200</td>
</tr>
<tr>
<td>Gross Annual Production Value</td>
<td>140</td>
<td>98</td>
<td>133</td>
</tr>
<tr>
<td>of which, Industrial,</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
Agricultural, Migrant labor, and Others (10000 CNY)

<table>
<thead>
<tr>
<th></th>
<th>East Louguan Village</th>
<th>West Louguan Village</th>
<th>Qiandongming Village</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affected households</td>
<td>Number</td>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td>Farmland loss</td>
<td>%</td>
<td>72%</td>
<td>35%</td>
</tr>
<tr>
<td>- Dry land</td>
<td>%</td>
<td>81%</td>
<td>33%</td>
</tr>
</tbody>
</table>

From the above table, it is seen that the average annual income per person in the 3 villages related to the project is around 2,000 yuan, and the average farmland per person is about 2.2 mu. Most of the households’ income depends on non-farming employment. Farming makes a small contribution to the farmer’s income, about 15% of their total annual income. When this project is finished, local tourism will be strongly promoted and the percentage of agricultural production value will decrease.

The land loss totals 9 ha, which accounts only for 3.7% of the total land of the village. Therefore the impact to the three affected villages is not serious.

The impacts of the land loss at the household level are more serious. Table 3-3 shows the degree of impacts in terms of land loss and income loss. The most serious impact is on the 8 households in East Louguan Village, where they lose nearly all of their good farmland and about 60% of their net income. The impacts on the 10 households in West Louguan Village are also quite serious, with an average land loss of 35% and 21% of their net incomes. For the 12 households in Qiandongming Village, the land loss is 38% but it is all slopeland; still their average income loss will be about 16%. The rehabilitation plans to mitigate the losses of land and income are presented in Section 5.

Table 3-3: Degree of Impact on Affected Households

<table>
<thead>
<tr>
<th>Type of Impact by Village</th>
<th>Units</th>
<th>East Louguan Village</th>
<th>West Louguan Village</th>
<th>Qiandongming Village</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affected households</td>
<td>Number</td>
<td>8</td>
<td>10</td>
<td>12</td>
</tr>
<tr>
<td>Farmland loss</td>
<td>%</td>
<td>72%</td>
<td>35%</td>
<td>38%</td>
</tr>
<tr>
<td>- Dry land</td>
<td>%</td>
<td>81%</td>
<td>33%</td>
<td>0%</td>
</tr>
<tr>
<td>- Slope land</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Irrigated land</td>
<td>0%</td>
<td>47%</td>
<td>99%</td>
<td></td>
</tr>
<tr>
<td>-</td>
<td>92%</td>
<td>20%</td>
<td>0%</td>
<td></td>
</tr>
</tbody>
</table>

| Total annual loss of gross output value | yuan | 87,445 | 36,320 | 45,765 |
| Total annual loss of net income | yuan | 48,295 | 17,549 | 18,306 |
| Average annual income loss per capita | yuan | 1420 | 439 | 359 |
| % of total | 59% | 21% | 16% |

### IV. LAW AND POLICY

#### 4.1 Legal Background

The land expropriation for this project is based on the following laws:

(i) PRC Law of Land Administration, August 28 2004;

(ii) Implementation Regulations for PRC Law of Land Administration, Jan 1 1991;

(iii) Implementation Measures for Shaanxi Province Law of Land Administration, November 30 1999;

(iv) Temporary Measures for Non-agricultural Land Administration of Zhouzhi County, July 19 2000;


#### 4.2 Land Administration System

According to the second article of the PRC Law of Land Administration, “The People’s Republic of China resorts to the socialist public ownership of land i.e. an ownership by the whole people and ownerships by collectives. In ownership by the whole people, the State Council is empowered to be on behalf of the State to administer the land owned by the State. No unit or individual is allowed to occupy trade or illegally transfer land by other means. Land using right may be transferred by laws. The state may make expropriation or requisition on land according to law for public interests, but shall give compensations accordingly. The State introduces the system of compensated use of land owned by the State except the land has been allocated for use by the State according to laws.”

Article 8 says, “Land in urban districts shall be owned by the State. Land in the rural areas and suburban areas, except otherwise provided for by the State, shall be collectively owned by farmers including land for building houses, land and hills allowed to be retained by farmers.”
Article 9 says, “Land owned by the State and land collectively owned by farmers may be allocated to be used by units or individuals according to laws.”

Article 47 says, “In expropriating land, compensation shall be made according to the original purposes of the land expropriated. Compensation fees for land expropriated include land compensation fees, resettlement fees and compensation for attachments to or green crops on the land. The land compensation fees shall be 6-10 times the average output value of the three years preceding the expropriation of the cultivated land. The resettlement fee shall be calculated according to the number of agricultural population to be resettled. The number of agricultural population to be resettled shall be calculated by dividing the amount of cultivated land expropriated by the per capital land occupied of the unit whose land is expropriated. The resettlement fees for each agricultural person to be resettled shall be 4-6 times the average annual output value of the three years preceding the expropriation of the cultivated land. But the maximum resettlement fee per hectare of land expropriated shall not exceed 15 times of the average annual output value of the three years prior to the expropriation.

The standards for land compensation and resettlement fees for land expropriated shall be determined by various provinces, autonomous regions and municipalities in reference to the land compensation fees and resettlement fees for cultivated land expropriated.

The standards for compensating for ground attachments and green crops on the land expropriated shall be determined by various provinces, autonomous regions and municipalities.

In expropriating vegetable fields in suburban areas, the units using the land shall pay new vegetable field development and construction fund.

Whereas the land compensation fees and resettlement fees paid according to the provisions of the second paragraph of this article are not enough to maintain the original level of living, the resettlement fees may be increased with the approval of the people’s governments of provinces, autonomous regions and municipalities. But the combined total of land compensation fees and resettlement fees shall not exceed 30 times the average output value of the three years prior to the expropriation.

In special circumstances, the State Council may raise the standards for land compensation and resettlement fees for land expropriated according to the social and economic development level.”

Article 57 says, “In the case of temporary using State-owned land or land owned by farmer collectives by construction projects or geological survey teams, approval shall be obtained from the land administrative departments of local people’s governments at and above the county level. Whereas the land to be temporarily used is within the urban planned areas, the consent of the urban planning departments shall be obtained before being submitted for approval. Land users shall sign contracts for temporary use of land with relevant land administrative departments or rural collective organizations or village
committees depending on the ownership of the land and pay land compensation fees for the temporary use of the land according to the standard specified in the contracts."

4.3 Involuntary Resettlement Policy of Asian Development Bank

ADB’s Involuntary Resettlement Policy was issued in 1995 and is applied to all projects that ADB helps to finance. The key policy principles can be summarized as follows:

(i) Try to avoid or minimize involuntary resettlement if possible.

(ii) If resettlement is inevitable, resettlement should be planned and executed with sustainable development program. Sufficient fund should be provided so that the migrants can share the benefits of the project. Serious negotiations should be done with migrants so that they have the chances to participate into the drafting and implementation of the resettlement plan.

(iii) The resettled APs should get compensation at replacement cost and assistance so that their future economic and social status will be as favorable as not affected by the project.

(iv) The APs should be fully aware of all the choices concerning resettlement and compensation and related consultation should be given to them.

(v) The existing social and cultural organizations of the residents to be resettled should be supported and utilized as much as possible. Resettlers should get adapted to the new settlement area economically and socially.

(vi) Some APs may not have a legal ownership of the land and this should not be a problem for them to get compensation. Special care should be given to families headed by women and other vulnerable groups like the aborigines and the minority people and proper assistance should be provided to improve their current status.

(vii) Encourage the APs to get involved in the project and treat resettlement as a component of the project implementation.

(viii) The ADB policy requires special care to the poverty-stricken families, women-headed families and other vulnerable groups. Special help should be given to them to improve their living conditions.

The ADB involuntary resettlement policy also developed specific operational procedures for its policy, including developing a resettlement plan or a resettlement policy framework, to assure the APs’ rights to get timely and effective compensation at the full resettlement price, and to get assistance and re-employment training during and after the resettlement. It also includes the resettlement standards and related measures to help the APs to improve their living conditions or restore their living conditions to its original level while sustainable development after resettlement is maintained and potential conflicts with migrants resolved. The policy also gives special attention to the needs of the vulnerable groups, particularly to those under the general poverty line, the landless, the old, women, children, the ethnic minority group or those who may not get compensation through the state land law.
Concerning the resettlement implementation and monitoring, ADB also has specific regulations that the borrower should report periodically to the ADB the progress of the resettlement and be responsible of monitoring and assessment of the resettlement. ADB will provide regular supervision and direction to the resettlement work to ensure it is implemented in compliance with this Resettlement Plan and ADB policy.

4.4 Comparison of the PRC and ADB Resettlement Policies

The resettlement policy of our country is: (i) save land of construction, especially the farmland; (ii) to use the land legally during construction; (iii) to balance the interest of country, group and residents in using the construction land; (iv) to combine country’s compensation with relocated people’s own efforts; (v) resettlement in reservoir mainly in agriculture resettlement; (vi) our country advocate and support developing resettlement, and adopt the method of compensation and subsidy in the early stage and help to produce in the later stage; and (vii) to help the relocated people to live well and not to decrease relocated people’s income and to raise gradually.

ADB’s policy on relocation and resettlement aims to ensure that the relocated people can benefit from the Project. In specific, the policy includes the following items: (i) Try to avoid the involuntary resettlers or reduce the number of the involuntary resettlers to the minimum in a feasible way; (ii) If it is inevitable to relocate people, relevant relocation and resettlement plan shall be formulated. The policy of ADB is to help improve or, at least restore the life of the relocated people; (iii) The relocated people are entitled to compensations for their property loss, and to the profits generated from the Project, as well as obtain help in the process of relocation and resettlement; (iv) The relocated people shall be supported in terms of restoring their previous livelihood, income and production strength; (v) The special demand of the disadvantaged relocated people shall be fulfilled; (vi) Public participation is encouraged in the process of planning and implementation of the relocation and resettlement; (vii) The relocated people shall be integrated with the residents from the resettlement area in terms of social and economic aspects; and (viii) Farmers affected by the Project shall be provided with land, house, infrastructures and other compensations.

ADB’s policy on resettlement place, living level of relocated residents and survey of social economy is the similar with that of our country. However, the ADB’s standard is higher than that of our country. ADB’s policy pays great attention to organizational responsibilities, community participation and integration with host populations, legal framework, environmental protection and management and implementation schedule, monitoring, and evaluation.

Comparatively speaking, the relocation policies between ADB and China are the same in the following aspects: trying to reduce the number of the relocated people; appropriately resettling down the production and life of the relocated people; ensuring that the livelihood and production level of the relocated people can keep pace with the previous level and even be greatly improved. The relocation policy of China advocates the exploitable relocation, and underlines that the concept of national compensation along with self-reliability shall be applied in relocation and resettlement work; while ADB emphasizes public
participation and special concerns for the disadvantaged groups. Moreover, there are some differences of demand and procedure between ADB’s and our country’s resettlement plan, such as compensation for relocated residents, implementation schedule, monitoring and evaluation, organizational responsibilities and public participation.

Because the main contents of ADB’s policy is the same as our country’s policy, so they are both the basic foundation of the resettlement plan of the project. So, the resettlement plan of the project can meet the demands both of the ADB’s policy and our country’s policy.

ADB’s demand is higher than our country’s demand in resettlement plan. So, when working out the resettlement plan with ADB’s loan, we should grasp ADB’s policy’s spirit, and reflect ADB’s demand in the plan, such as public participation, to open compensation information, organization, legal framework, and financial management and so on. Meanwhile, we take our country’s policy such as resettlement place, living way of relocated residents, resume of life into consideration, and work out a plan to meet ADB’s policy. If any unanticipated gap exists between PRC and ADB policy, a mitigating measure will be formulated to ensure compliance with both policies.

4.5 Land Expropriation Compensation Policy and Standards

A. Land Administration Measures of Zhouzhi County

According to the 8th article of the Temporary Administration Measures of Land for Non-agricultural Construction Use (July 19 2000), “unit of the land expropriated shall support the land expropriation for state construction and apply for compensation according to regulations, and should not interfere with the unified land expropriation with borrowed excuses.”

Article 7 says that land expropriated for construction project must be expropriated unified by laws. It is forbidden that the construction unit negotiates with the villages of the land expropriated on land expropriation, nor to sign any private contract of land expropriation. The total amount of compensation for land expropriation shall not exceed the regulated limit.

Article 8 says that unit of the land expropriated shall support the land expropriation for state construction and apply for compensation according to regulations, and should not interfere with the unified land expropriation with borrowed excuses.

Article 9 says that the compensation and settlement subsidy standards for the land expropriated are: the compensation fee for land expropriated for the planned area of township, along the road above county level, or for tourism and industrial development areas is 20,000 yuan per mu, no higher than 30,000 yuan per mu.

Article 10 Compensation for green crop: 600-1000 yuan per mu for early summer green crop, 400-600 yuan per mu for late summer green crop, and half of these standards for planted but non-emergent crop.

(i) Houses, irrigation works shall be compensated in terms of the actual conditions and related regulations. However, none are affected by the Project.
(ii) Fruit trees shall be compensated at 1000-3000 yuan per mu in terms of the tree species, age, production and market price (note: this excludes the land value).

Article 12 The State fosters the system of compensations to cultivated land to be occupied. The land reclamation fees must be charged for new farmland reclamation only. The standards for the land reclamation fees are:

(i) 18,000 yuan per mu (27 yuan per square meter) shall be charged for occupying the farmland in the county seat planned area.

(ii) 15,000 yuan per mu (22.5 yuan per square meter) shall be charged for occupying the farmland in the planned area of township, along the road above county level, or for tourism and industrial development areas.

Article 13 the standards for the occupying tax of farmland: 7.8 yuan per square meter for the county seat and township seat planed area, 5.5 yuan for other areas. Irrigation fund standards: 3 yuan per square meter for the county seat and township seat planned area, 1.5 yuan for other areas.

Article 14 State-owned land leasing fee

The state-owned land shall be leased generally through bidding or auction. The following standards shall be adopted provided that agreement leasing is necessary:

(i) 75 yuan per square meter (50,000 yuan per mu) for the constructed land in county seat

(ii) 45 yuan per square meter (30,000 yuan per mu) for land in the planned area of township, along the road above county level, or for tourism and industrial development areas.

B. Compensation standards for land expropriation

The land expropriation compensation standards adopted for the project was determined after negotiations with the affected, related governmental agencies, in light of the related regulations in the Temporary Administration Measure of Land for Non-agricultural Construction Use.

According to the statistics of Zhourzhi Agriculture Bureau, the average crop produce and production value per mu in the 3 years before the expropriation is shown in Tables 4-1 and 4-2.

Table 4-1: Crop Produce of the Land Expropriated for the Project

<table>
<thead>
<tr>
<th>Land type</th>
<th>Area (mu)</th>
<th>Year</th>
<th>Average in the previous 3 years</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2004</td>
<td>2005</td>
<td>2006</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Land type</th>
<th>Area (mu)</th>
<th>Wheat produce (kg/mu)</th>
<th>Corn produce (kg/mu)</th>
<th>Wheat price (CNY/kg)</th>
<th>Corn price (CNY/kg)</th>
<th>Average annual production value (CNY/mu)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dry land</td>
<td>45</td>
<td>313.4</td>
<td>440.0</td>
<td>1.7</td>
<td>1.5</td>
<td>1192.1</td>
</tr>
<tr>
<td>Slope land</td>
<td>60</td>
<td>261.7</td>
<td>381.2</td>
<td>1.7</td>
<td>1.5</td>
<td>1016.7</td>
</tr>
<tr>
<td>Irrigated land</td>
<td>30</td>
<td>420.0</td>
<td>743.4</td>
<td>1.7</td>
<td>1.5</td>
<td>1829.1</td>
</tr>
</tbody>
</table>

**Table 4-2: Crop Production Value of the Land Expropriated for the Project**

1. Land compensation standards

   Dry land: 23 times of the average annual production value in the previous 3 years, the compensation rate per mu will be 27,418.3 yuan.

   Slope land; 23 times of the average annual production value in the previous 3 years, the compensation rate per mu will be 23,384.1 yuan.

   Irrigated land; 23 times of the average annual production value in the previous 3 years, the compensation rate per mu will be 42,069.3 yuan.

2. Green crop compensation standards

   Dry land: same as the average annual production value in the previous 3 years, the compensation rate per mu will be 1192.1 yuan.

   Slope land; same as the average annual production value in the previous 3 years, the compensation rate per mu will be 1016.7 yuan.

   Irrigated land; same as the average annual production value in the previous 3 years, the compensation rate per mu will be 1829.3 yuan.
The compensation fees of all the types of land are shown in Table 4-3.

Table 4-3: Compensation Price for All Land Types

<table>
<thead>
<tr>
<th>Land type</th>
<th>Land compensation fee</th>
<th>Green crop compensation fee</th>
<th>Integrated compensation price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dry land (CNY/mu)</td>
<td>27,418.3</td>
<td>1192.1</td>
<td>28,610.4</td>
</tr>
<tr>
<td>Slope land (CNY/mu)</td>
<td>23,384.1</td>
<td>1016.7</td>
<td>24,400.8</td>
</tr>
<tr>
<td>Irrigated land (CNY/mu)</td>
<td>42,069.3</td>
<td>1829.1</td>
<td>43,898.4</td>
</tr>
</tbody>
</table>

4.6 Entitlement Matrix of compensation rights and measures

A compensation rights matrix is developed on the above statement and standards is shown in Table 4-4.
### Table 4-4: Entitlement Matrix

<table>
<thead>
<tr>
<th>Loss type</th>
<th>Impact</th>
<th>Affected group</th>
<th>Compensation policy and standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent land acquisition</td>
<td>Permanent agricultural and crop loss.</td>
<td>The affected village gets compensation fee. 30 households shall get crop compensation. The APs will get monetary compensation if the village cannot provide them new farmland so as to restore their living conditions.</td>
<td></td>
</tr>
<tr>
<td>(30 households with 125 persons</td>
<td>Totally 135 mu (9 ha)</td>
<td></td>
<td>Land compensation fee includes land compensation and crop compensation (for details, see Table 4-3). The APs will get land compensation (no less than 80%) if the village cannot provide them with new farmland so as to restore their income conditions.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The township government, village committee should coordinate to employ the APs locally.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The project implementation must give priority to the APs’ job opportunity in the Center, including training.</td>
</tr>
<tr>
<td>Measures for income restoration</td>
<td>Loss of land for the project</td>
<td>30 households will get green crop compensation fee. They will get land compensation (no less than 80%) if the village cannot provide them new farmland so as to restore their income and living conditions.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Compensate the green crop loss (for details, see Table 4-3). The APs will get land compensation (no less than 80%) if the village cannot provide them new farmland, averagely 103,972 yuan per household.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The township government, village committee must coordinate to get the APs employed in other local industries. This is a feasible measure for livelihood restoration. At least one person out of each affected family would need a new job.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The project implementation must give priority to the APs job opportunity in the ‘Center’, including training.</td>
</tr>
<tr>
<td>Vulnerable group (the poor, the minority, the old, the weak, the diseased, the disabled, social welfare, or women-supported family)</td>
<td>The project involves no vulnerable group.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appeal</td>
<td>Any aspect of resettlement</td>
<td>All APs may appeal</td>
<td>The APs will not pay any cost for appeal</td>
</tr>
</tbody>
</table>
V. INCOME REHABILITATION MEASURES

5.1 Choice of land expropriation and migration and compensation

An investigation team of the project implementation was set up to ask for the opinions of the APs about land expropriation compensation. The result show that 28 households, 93% of the total, agree on land expropriation, 2 households, 7% of the total ask for new land allocation.

As for the farmland compensation, 30 households want compensation in cash and demand that the project implementation unit give them priority in job opportunities in future.

During the preparatory stage of land expropriation, the `Center’ will need to confirm with the final choice of the affected areas with QNBG and the relevant government agencies (such as the county or township) and the village committees), and at the same time provide them with full information so that the APs will be consulted on the final decisions. This will assure maximum satisfaction of the demand and expectations of the affected persons.

5.2 Rehabilitation Objectives

In order to ensure the APs do not worry about the land expropriation and help them to recover economically, the rehabilitation objectives of the project are:

(i) All the APs (125 persons of 30 households) will get appropriate land reallocation in terms of the family size and area of land expropriated. The Survey shows that 22 households prefer cash to land and 8 prefer land to cash.

(ii) During the construction and operational process in future, there will be about 40 job opportunities for animal feeding, security guards, etc. Each of the affected household will get at least one job in the `Center’.

(iii) Each of the affected households will get no less than CNY 100,000 for land and green crop compensation.

5.3 Rehabilitation Policy

The land expropriation will not result in any loss or damage of the ground structure. Most part of the land expropriated for the ‘center’ are dry farmland and slopelands.

Investigation found that totally 125 persons of 30 households are affected, of which, the Rare wildlife Rescuing Base affects 8 households, 34 persons, the Crested Ibis Breeding Base affects 10 households, 40 persons, the Golden Monkey Breeding Base affects 12 households, 51 persons. However, the economic income of the affected 30 households, though all rural residents and engaged mainly in farming, is consisted of mostly external employment in other industries, agricultural income makes no more than 15% of their total income. Therefore, agriculture is no longer their major income source. At the same time, the affected households have comparatively sufficient land, about 2mu per person. The land permanently expropriated comprises only 3.7% of the total farmland in the affected villages, so it is possible to reallocate farmland if desired by the affected households.
In terms of gender shares of livelihoods and income generation, most off-farm activities are shared by men and women. However, women are less mobile and thus account for less of the off-farm income. The older people continue to provide labor inputs for farming well past retirement age, although this work generates little cash income. Many of the women and older people can be engaged in planting and maintenance of the SRAC grounds, since they already have suitable skills.

Measures will also be taken by the project implementing agency, Louguantai government and village committee to solve any living difficulties:

(i) Sufficient land compensation for the land expropriated: 80% of the land compensation fee will be directly given to the affected household, 20% will be kept as preservation fee for the village committee. The village committee will not take any green crop compensation fee. Thus the average land compensation fee will be 23100 CNY per mu.

(ii) The village committee shall reallocate land to the APs, under the supervision of the Louguantai town government, unless they choose cash compensation. Most of the affected land is dryland or slopeland, so similar farmland is available within the existing villages, if requested by the affected households.

(iii) The project implementation unit will give job/temporary labor priority to the APs, including road, fence maintenance, animal feeding, security guards, forest warden, sanitary staff, etc.

(iv) Priority shall be given to the APs in other projects in Louguantai, labor transformation and training etc arranged by the county and township government.

5.4 Village Rehabilitation Plans

In East Louguan Village, the 8 affected households lose nearly all of their good farmland. To mitigate these impacts, most of the affected households prefer to get replacement land from the village, although some still prefer cash compensation to expand their existing non-agricultural activities. In West Louguan Village, 10 affected households will lose about one-third of their farmland; most prefer to get cash compensation because they still have adequate farmland and they wish to diversify their income sources by investing in sideline business. For the 12 households in Qiandongming Village, the land loss is 38% but it is all slopeland; rather than get replacement slopeland, these affected households prefer to receive cash compensation which they can use to (i) improve production on their good farmland, (ii) expand livestock and other sideline activities, and (iii) start of expand household level commercial businesses. In addition, the affected households will receive preferential treatment to get job opportunities during the construction and operation of the project.

The East Louguan Village can participate in road, afforestation and landscape construction work of the Wildlife Rescuing Base. The West Louguan Village can participate in the road, wetland improvement, afforestation and the enclosure work of the Crested Ibis Breeding Base. The Qiandongming Village can participate in constructing the protective walls
and, roads of the Golden Monkey Breeding Base. To support the re-employment of APs, skills training will be provided as shown in Table 5-1. In addition, all 70 of the working aged APs (ages 17-60) will be provided skills training, although older people can also receive training if desired. Roughly half of the trainees will be women.

### Table 5-1: Training Plan for the APs

<table>
<thead>
<tr>
<th>Year</th>
<th>Persons to be trained</th>
<th>Cost per person Unit: Yuan</th>
<th>Total</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>20</td>
<td>400</td>
<td>8000</td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>20</td>
<td>400</td>
<td>8000</td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>20</td>
<td>400</td>
<td>8000</td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>10</td>
<td>400</td>
<td>4000</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>70</td>
<td>400</td>
<td>28,000</td>
<td></td>
</tr>
</tbody>
</table>

This training will include orchard, nursery, and small business skills.

### VI. ENVIRONMENTAL PROTECTION AND MANAGEMENT

#### 6.1 Environmental Protection

The first stage expansion project of Shaanxi Provincial Rescuing, Breeding and Research Center of Rare Wildlife will produce remarkable ecological, social and economic benefits, play a positive role in Shaanxi tourism development, and enhance the sustainable economic, social development in the region. However, there might also be some negative impacts on the surrounding environment, though inevitable and temporary. Therefore, we need to pay more attention to the environmental protection and take strong measures to protect the environment and control pollution in the project implementation and operation so as to minimize the impacts.

#### 6.2 Environmental Impacts Analysis

##### 6.2.1 The major pollution sources

**A. Construction period**

(i) Air pollution source: waste of vehicles and large-size machines; dust produced in the earthwork digging, filling, transporting and concrete mixing process.

(ii) Water pollution source: washing water of the machines and concrete curing, domestic sewage, etc.

(iii) Noise pollution source: Machines such as digging machine, mixers, vehicles.

(iv) Solid waste: wastes produced in the construction of the infrastructures, facilities, domestic waste.

**B. Operation period**

(i) The animal waste, food debris, waste water;
(ii) Visitors’ littering such as food debris, food bags, drink containers;

(iii) The domestic waste in the wildlife rescuing base and the staff apartments.

6.2.2 Assessment of environmental impacts

During the implementation of the first stage expansion project of Shaanxi Provincial Rescuing, Breeding and Research Center of Rare Wildlife, negative impacts on the environment may come along. However, these impacts are partial or temporary, and some are inevitable. Active and effective prevention and control measures will help to eliminate or minimize them. Generally, the construction of the project will play a positive role in the environment improvement, esp. in the rare wildlife protection, growth and breeding.

6.3 Environmental Protection Measures

A. The construction period.

   (i) Appropriate working hours arranged to minimize the social impacts.

   (ii) Appropriate transportation routes chosen to minimize influence to the local residents.

   (iii) Enclosure fence built to keep children from entering the construction site.

   (iv) Special devices installed to all the vehicles and machines to control noise and air pollution.

B. The operation period.

   (i) Strengthen legal education.

   (ii) Strengthen environmental monitoring to understand the environmental changes.

   (iii) Water protection should be strengthened. No non-treated waste water should be discharged. No waste or polluted water should be discharged into rivers. Sound water supply and sewage system should be set up, sewage tanks should be built and waste water treated before harmless discharge.

   (iv) Set up sound sanitary management system and facilities. Fixed waste collection station, dustbins along road should be installed. The trash waste should be buried deep in the ground or treated harmlessly. Workers employed to clean the waste and road. No littering boards should be set up.

   (v) Sanitation treatment. Public lavatories and septic tanks should be built by busy areas. Animal dejection should be treated in the composted way.

   (vi) Strengthen the fire prevention work with sound fire equipments. Allocate fixed spots for fire use.
VII. PUBLIC PARTICIPATION AND CONSULTATION

7.1 Public Participation Strategy

According to the policy of the ADB, people involved in the project should fully understand and negotiate on all the choices about land expropriation and compensation. Participation in land expropriation plan and management helps ease their concerns and they have the chance to participate in the big decision which may influence their life dramatically.

7.2 Public participation during the report development

The main public participation during the report development process includes:

(i) On April 12 2007, the Louguantai local government arranged a special visit and investigation to the families affected by the project.

(ii) On April 25 2007, the project implementing agency arranged a meeting in which leaders of the local township government, village and the affected household representatives discussed to coordinate the compensation standards for the land expropriation.

(iii) On May 10 2007, a special investigation team consisting of the township government, the project implementing agency, the village leadership did an entire measurement of the expropriated land and the opinions and demands of the affected households were asked.

(iv) On May 13-16 2007, villager representative meetings in East Louguan, West Louguan and Qiadongming villages were held to discuss land expropriation issue.

(v) On May 15-20 2007, all the villages participated in a questionnaire survey about the land expropriation issue. The result showed that 107 out of 126, i.e., 85% households agree on land expropriation and reallocation of new land to the affected households, 12 households did not express their opinion, 7 did not return the questionnaire. Meanwhile, 95% of the villagers think that the project will bring positive effects to the local social and economic development, 75% believe that the project will bring good to themselves, no one believes the project will bring negative effects to the local society and economy.

The main issues that resulted from this consultation include: (i) compensation standards, (ii) desire for cash compensation versus replacement land, and (iii) job opportunities. Income restoration was not a major consideration because the options for cash compensation or land reallocation are adequate. Based on the proposed compensation standards, the APs are quite satisfied and thus, the majority prefers cash compensation. However, a few households prefer replacement land and the villages have agreed to accommodate these wishes. Also, the Project will give preference to APs for employment in construction and operations.
7.3 Public Participation Plan

Negotiations with the APs will continue in order to fully explain the land expropriation issue until the project starts and the residential reallocation plan starts to be implemented. Each affected household will have a chance to negotiate on the basis of an assessment report before signing with the land acquisition organization. The detailed public participation plan is shown in Table 7-1. The APs have already been informed about the Project but the formal notification will be made once the Project is approved by Shaanxi Development and Reform Commission, which is anticipated in August 2008. At that time the final Resettlement Plan will be disclosed to the APs.

**Table 7-1: Public Participation Plan**

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Means</th>
<th>Time</th>
<th>Implementing agency</th>
<th>Participants</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide the general information of the land expropriation and ask for the APs' opinions</td>
<td>Public meeting</td>
<td>Preparatory stage (August, September 2007)</td>
<td>Louguantai Township government, project implementing agency, village committees</td>
<td>All the APs</td>
<td>Completed</td>
</tr>
<tr>
<td>Disclose the final Resettlement Plan to affected villages</td>
<td>Public and community meeting</td>
<td>The final report drafting and implementing (August 2008)</td>
<td>Louguantai Township government, project implementing agency, village committees</td>
<td>All the APs</td>
<td></td>
</tr>
<tr>
<td>Inform the beneficiary about the project process, the final design and the construction work schedule</td>
<td>Community meeting</td>
<td>Loan approval (December 2008)</td>
<td>Project implementing agency</td>
<td>All the beneficiary and the APs</td>
<td>Meeting with the beneficiary and the APs</td>
</tr>
<tr>
<td>Inform the affected households of the</td>
<td>Public meeting</td>
<td>Implementation (March 2009)</td>
<td>Louguantai Township government, project</td>
<td>All the APs</td>
<td>Residential meeting for rights and interest</td>
</tr>
</tbody>
</table>
VIII. ORGANIZATIONAL FRAMEWORK

Proper organization framework plays a key role in successfully carrying out the project land expropriation plan. It includes the execution organization and the field execution organization. The organizations will be committed to plan land expropriation implementation and compensation and the economical restoration of the APs, etc.

The project organization framework is already developed. The land expropriation organizational hierarchy and functions are as follows:
The Land Expropriation Leadership Team will include representatives from the County Government, Township Government, Land Bureau and the Project Management Office.

8.1 Shaanxi Provincial Rescuing, Breeding and Research Center of Rare Wildlife

The Shaanxi Provincial Rescuing, Breeding and Research Center of Rare Wildlife, the executive agency of the project, is responsible for all the plan and implementation work of the land expropriation, compensation.

Special land expropriation unit will be established, which will be staffed with 4 employees (see Table 8-1). The unit will be responsible for the entire routine execution and coordination work of land expropriation and residential reallocation. Of the 4 employees, there must be one female. External supervision training must be provided to them in the aspects of the related policies of the ADB, related laws and policies of China and the specific land expropriation program.

The specific functions of the project executive agency are:

(i) Coordinate with the design organization for a reasonable and scientific plan, so as to minimize the land to be expropriated.

(ii) Carry out specific investigation of the land expropriation and the affected villagers, together with the Louguantai government, village committees

(iii) Apply for the Land Use Certificate. Presently, the application for the land use certificate is under processing from the Zhouzhi County Land Administration.

(iv) Develop budget, and pay the land acquisition cost.

(v) Work out special economic restoration measures for the APs.

(vi) Be responsible of the internal supervision of the land expropriation.

(vii) Commit an independent organization for the external monitoring.

(viii) Examine the monitoring report and work out improvement measures as needed.

Table 8-1 Staff of the Center’s Land Expropriation Unit

<table>
<thead>
<tr>
<th>Position</th>
<th>Gender</th>
<th>Education</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief</td>
<td>Male</td>
<td>College graduate or above</td>
</tr>
<tr>
<td>Accountant</td>
<td>Male</td>
<td>College graduate or above</td>
</tr>
<tr>
<td>Staff member</td>
<td>Male</td>
<td>College graduate or above</td>
</tr>
<tr>
<td>Staff member</td>
<td>Female</td>
<td>College graduate or above</td>
</tr>
</tbody>
</table>
8.2 Louguantai Township Government

The project will commission Louguantai government as the implementer of the land expropriation (see table 8-2). And Louguantai government will set up a special organization staffed with 4 employees. One of the employees must be female.

The functions of this executive agency are:

(i) Specific land expropriation investigation together with the village committees;
(ii) Negotiate with the project executive agency on the land expropriation compensation amount;
(iii) Sign the land expropriation agreement and land expropriation compensation agreement with the project executive agency;
(iv) Negotiate with higher government agencies and village committees on land expropriation compensation amount and sign land expropriation agreement and compensation agreement;
(v) Pay compensation to the APs;
(vi) Help the APs to restore their economy and living.
(vii) Solve the appeal issues concerning land expropriation and compensation;
(viii) Carry out internal land expropriation monitoring;
(ix) Compile internal monitoring report, work out improvement measures when needed.

Table 8-2: Relevant Staff from the Louguantai Township Government's Land Expropriation Unit

<table>
<thead>
<tr>
<th>Position</th>
<th>Gender</th>
<th>Education</th>
<th>Work experiences</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief</td>
<td>Male</td>
<td>College graduate or above</td>
<td>5-year experience in land expropriation</td>
</tr>
<tr>
<td>Accountant</td>
<td>Male</td>
<td>Secondary technical school graduate or above</td>
<td></td>
</tr>
<tr>
<td>Staff member</td>
<td>Male</td>
<td>Secondary technical school graduate or above</td>
<td>2-year experience in land expropriation</td>
</tr>
<tr>
<td>Staff member</td>
<td>Female</td>
<td>Secondary technical school graduate or above</td>
<td>2-year experience in land expropriation</td>
</tr>
</tbody>
</table>
8.3 Village committees

The main functions of the village committees are:

(i) Re-allocate farmland for the APs;
(ii) Work out land development plan for the APs, to assure the land for displacement;
(iii) Work and carry out measures to increase farmers’ income;
(iv) Implement the plan of economic restoration and livelihood for the APs;
(v) Coordinate the internal monitoring during the land expropriation process;
(vi) Provide necessary support to the APs during the land expropriation process;
(vii) Coordinate the monitoring process of the project.

8.4 Land Expropriation Leadership Team

A leadership team consisting of the Zhouzhi government, Louguantai government, the project executive agency, the project supervisory agency and the land administrative agency will be established. The team will provide policy help and supervision to the project. Its main functions are:

(i) Examine and approve the land expropriation plan, including the actions, budget and organization arrangement;
(ii) Examine and approve the assessment and monitoring reports;
(iii) Check the appeal events and work out action plans.

8.5 Non-Governmental Organization

There are no relevant non-governmental organizations in the Project area. However, the Women’s Association will be invited as semi-nongovernmental organization to participate in the land expropriation of the project to strengthen the supervision over the issue.

8.6 Training of the Land Expropriation Staff

It is important to give technical training to the land expropriation staff. The training will take about two weeks, including the land expropriation principles, methods and consultation techniques etc.

IX. APPEALS PROCEDURES

9.1 Possible Appeals and Solution

The land expropriation report takes all possibilities in the project area into full consideration. However, during the executive process, there might be some appeals due to changes or differences from the plan, which may include disputes over land, compensation standards, payment mode and amount, and the economic restoration plan for the APs.
9.2 Appeal Channels and Procedures

Active participation of the APs during the land expropriation report development will help minimize the possible appeals. In order to assure that there is a way for the APs to complain if an appeal does take place, the report has developed the following detailed procedure to solve the appeals.

A. The APs come up with complaints to the residential committee/village committee;

B. When the residential committee/village committee is not able to solve the problem within 10 days, they can go to the following departments for complaint;
   (i) Local land administrative agencies;
   (ii) Xi’an land administrative agency;
   (iii) Shaanxi land administrative agency;
   (iv) Independent monitoring agency;
   (v) Zhouzhi County Complaints Office;
   (vi) Xi’an Municipal Commission for Discipline Inspection;

C. The AP has the right to go to the court if the appeals are not responded with a satisfactory reply.

The appeals of the APs may involve any aspects of land expropriation, including the compensation rate of their loss.

The APs will also learn about appeal in the public meetings, booklets or other media to assure their right of appeal.

The APs should be exempted of any cost due to appeal events. When going to the court, the APs should be given free legal consultation.
Figure 9-1: Appeal Procedure

- Court

- Shaanxi Land Administrative Department

- Xi'an Municipal Commission for Discipline Inspection

- Xi'an Land Administrative Department

- Zhouzhi County Complaints Office

- Local land administrative agencies

- Independent monitoring agency

- Residential committee/villager committee

- The Affected households
X. RESETTLEMENT BUDGET

10.1 Cost Estimate of Land Expropriation and Resettlement

The land expropriation cost for the project construction is included in the total investment budget of the project. Based on the land price in May, 2007, the total land expropriation and resettlement cost is estimated to CNY 13,274,400. The land expropriation cost was worked out in terms of the relevant state and local laws, regulations and criteria. The detailed cost estimate of the project is seen in Table 10-1.

Table 10-1: Land Expropriation Cost Estimate

<table>
<thead>
<tr>
<th>Items</th>
<th>Unit</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Total (CNY)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Land Compensation Fee</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry land</td>
<td>Mu</td>
<td>45</td>
<td>27,418.3</td>
<td>1,234,000</td>
</tr>
<tr>
<td>Slope land</td>
<td>Mu</td>
<td>60</td>
<td>23,384.1</td>
<td>1,403,000</td>
</tr>
<tr>
<td>Irrigated land</td>
<td>Mu</td>
<td>30</td>
<td>42,069.3</td>
<td>1,262,000</td>
</tr>
<tr>
<td><strong>2. Green Crops Compensation</strong></td>
<td>Mu</td>
<td>135</td>
<td></td>
<td>170,000</td>
</tr>
<tr>
<td>Dry land</td>
<td>Mu</td>
<td>45</td>
<td>1192.1</td>
<td>54,000</td>
</tr>
<tr>
<td>Slope land</td>
<td>Mu</td>
<td>60</td>
<td>1016.7</td>
<td>61,000</td>
</tr>
<tr>
<td>Irrigated land</td>
<td>Mu</td>
<td>30</td>
<td>1829.1</td>
<td>55,000</td>
</tr>
<tr>
<td><strong>sum of parts 1 and 2</strong></td>
<td></td>
<td></td>
<td></td>
<td>4,069,000</td>
</tr>
<tr>
<td><strong>3. Other Expenses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Expropriation Leadership Team</td>
<td></td>
<td>4,069,000</td>
<td>1%</td>
<td>41,000</td>
</tr>
<tr>
<td>Training</td>
<td></td>
<td>4,069,000</td>
<td>1%</td>
<td>41,000</td>
</tr>
<tr>
<td>Training for the APs</td>
<td></td>
<td>70</td>
<td>400</td>
<td>28,000</td>
</tr>
<tr>
<td>For the officials</td>
<td></td>
<td>20</td>
<td>650</td>
<td>13,000</td>
</tr>
<tr>
<td>Items</td>
<td>Unit</td>
<td>Quantity</td>
<td>Unit Price</td>
<td>Total (CNY)</td>
</tr>
<tr>
<td>------------------------------</td>
<td>------</td>
<td>----------</td>
<td>------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Monitoring and Assessment</td>
<td></td>
<td>4,069,000</td>
<td>1%</td>
<td>41,000</td>
</tr>
<tr>
<td>Internal</td>
<td></td>
<td>2,034,500</td>
<td>0.5%</td>
<td>20,500</td>
</tr>
<tr>
<td>External</td>
<td></td>
<td>2,034,500</td>
<td>0.5%</td>
<td>20,500</td>
</tr>
<tr>
<td><strong>Sum of part 3</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>123,000</strong></td>
</tr>
</tbody>
</table>

4. Tax on Land Expropriation

<table>
<thead>
<tr>
<th>Items</th>
<th>Unit</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Total (CNY)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration Fee</td>
<td></td>
<td>8,100,000</td>
<td>3%</td>
<td>243,000</td>
</tr>
<tr>
<td>Farmland Reclamation Fee</td>
<td>Mu</td>
<td>135</td>
<td>15,000</td>
<td>2,025,000</td>
</tr>
<tr>
<td>Land Leasing Fee</td>
<td>Mu</td>
<td>135</td>
<td>30,000</td>
<td>4,050,000</td>
</tr>
<tr>
<td>Farmland use tax</td>
<td>Mu</td>
<td>135</td>
<td>5000</td>
<td>675,000</td>
</tr>
<tr>
<td><strong>Sum of part 4</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>6,993,000</strong></td>
</tr>
</tbody>
</table>

| Sum of parts 1-4           |      |          |            | **11,062,000**|

5. Contingency

<table>
<thead>
<tr>
<th>Items</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical contingency</td>
<td>6%</td>
<td></td>
<td></td>
<td>663,720</td>
</tr>
<tr>
<td>Price contingency</td>
<td>4%</td>
<td></td>
<td></td>
<td>442,480</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>13,274,400</strong></td>
</tr>
</tbody>
</table>

Notes:

(a) Land compensation fee: 80% of the fee will be directly paid to the APs, and the rest 20% preserved by the village committee as collective income;
(b) Green crop compensation fee will be directly paid to the APs;
(c) Administration fee accounts for 3% of the total expense;
(d) Farmland reclamation fee is 15,000 yuan per mu;
(e) Land leasing fee is 30,000 yuan per mu; and
(f) Farmland use tax is 5,000 yuan per mu.
10.2 Fund appropriation

10.2.1 Principles
The following principles shall be adopted in the payment of the compensation fee.

(i) All expenses related to land expropriation shall be included in the total investment of the project; the land expropriation compensation fee together with other expenses shall be paid by the construction organization directly to the relevant units and people;

(ii) The land compensation fee and green crop compensation fee shall be paid 2 months before land expropriation; and

(iii) To guarantee successful land expropriation, financial and supervision agencies on all levels shall be established so as to assure timely payment.

10.2.2 Fund Administration Regulations

(i) The local village committee shall take care of the compensation fees for land and green crops;

(ii) The local taxation department shall take care of the land expropriation tax;

(iii) The implementing agency shall take care of the contingency fee under joint decision made by the Zhouzhi County government, Louguantai Township government and the Center; and

(iv) The fund will flow from the construction organization to the implementing agency, and from the agency to the APs, that is, from Shaanxi Provincial Rescuing, Breeding and Research Center of Rare Wildlife to Louguantai Township Government, then to the Village committees, and then to the APs. All levels of organizations must strictly abide by regulations of accounting and auditing, and regularly check and report on fund distribution and use.

10.2.3 Fund Flow
The fund flows as follows:

Special Account: the implementing agency should open a special bank account for the land expropriation compensation fund. An agreement must be signed by both parties on the fund’s use scope, plans and supervision. Both the agreement and an endorsement of the land expropriation compensation fee from the bank must be turned in to the local land administration department (The Land Administration Department of Zhouzhi County). Therefore the administration department ought to watch over the fund, check and report on the fund installment and use regularly.

Agreement: “Agreement on Land Expropriation” should be signed in terms of the authorized polices and criteria of compensation for land expropriation,

Fund appropriation: the implementation department (Shaanxi Rare Wildlife Rescuing, Breeding and Research Center) shall pay all the land expropriation fund to Louguantai
government, which then distributes the fund through bank in one time to the relevant village committees. The village committee finally pays the money to the APs.

An independent auditor should send report on annual land expropriation fund appropriation to the Asian Development Bank.

10.2.4 Inflation Expense

The cost of the land expropriation is calculated on the basis of the price in May, 2007. Therefore the yearly budget adjustment should be carried out at the inflation rate of the previous year. This adjustment should be made in April every year. Accordingly, the compensation price to the APs and the village committee will be adjusted following the annual inflation; the compensation agreement will also be made regularly with different representing bodies, due to different annual inflation factors and need of adjusting unit price of compensation. The sum of money caused by the above reasons will be covered by the 10% contingency line of the project budget.

10.2.5 Contingency

The contingency budget line shall include the designing fee and other unexpected fees and price inflation. The actual estimate of contingency fee accounts for 10% of the total investment.

XI. SUPERVISION, MONITORING AND EVALUATION

According to the P.R.C Constructions Supervision Regulations issued by the Ministry of Construction in 1995, any project construction must be strictly supervised. It is also required by the Asian Development Bank that loans for project with resettlement impacts be closely supervised and monitored during implementation, and evaluated after completed to ensure the project is successful. In order to guarantee the implementation of the land expropriation plan, the project needs “internal” and “external” supervision and monitoring.

The project implementing agency—Shaanxi Provincial Rescuing and Breeding Research Center of Rare Wildlife is responsible for comprehensive daily internal supervision on the project construction; and Shaanxi Provincial Academy of Social Science will monitor and evaluate the resettlement activities externally.

The supervision and monitoring work starts as soon as the project commences and the evaluation ends two years after the land is expropriated, totally five years.

11.1 Objectives and Requirements of Supervision, Monitoring and Evaluation

The supervision, monitoring and evaluation are with purposes of checking the project schedule, budget of the project, project goals and principles. They include:

(i) Supervising and monitoring land expropriation development and validity; and

(ii) Evaluation the economic recovery conditions of the APs and villages.
11.2 Internal Supervision and Monitoring

During the project implementation, Louguantai Town government of Zhouzhi County together with Shaanxi Provincial Rescuing and Breeding Research Center of Rare Wildlife should gather and archive information of the whole land expropriating process. Every internal supervision outline and principle should be regularly inspected and affirmed by both Louguantai town government of Zhouzhi County and Shaanxi Provincial Rescuing and Breeding Research Center of Rare Wildlife. The internal supervision is to be carried out every half a year in this period.

Key monitoring indicators are:

(i) Timely payment of all compensation fees;
(ii) Income recovery program and its implementation;
(iii) Actions taken in inspecting claims registration and solution; and
(iv) Assessment on income rehabilitation and development of sustaining people’s living standards before project.

11.3 External Monitoring and Evaluation

The external monitoring and evaluation has to be carried out every half a year in the implementation period, and every year thereafter for two years. At the starting stage, a background investigation and baseline survey needs to be made first. All the report files are to be submitted to the Louguantai Town Government of Zhouzhi County and Shaanxi Provincial Rescuing and Breeding Research Center of Rare Wildlife, as well as to the Asian Development Bank at the same time. All levels of professional workers will be trained in supervision and monitoring requirements. In order to verify the amount of finished work, sample checks of all types of work are to be made based on the internal supervision report. This is to ensure the accuracy of the reports and progress reflected in the internal supervision report.

A. Sources for verifying information

(i) Louguantai Town Government of Zhouzhi County and Shaanxi Provincial Rescuing and Breeding Research Center of Rare Wildlife;

(ii) Villager’s committee; and

(iii) The APs.

B. Data and information sources collecting

(i) Questionnaires (one-third of affected households);

(ii) Visiting and receiving the affected families;

(iii) Meeting specific groups to confirm special problems and issues; for example, the old people and women affected by the project.
The collected data and information should be analyzed according to the affected areas, affected time, affected types as well as compensation rate.

11.4 Main Duties

The supervision and assessment will focus on disbursing fund to the APs and guaranteeing their rights and interests, and also on the comparison of social and economic conditions of the APs and regions before and after the land expropriation.

Supervision and assessment indicators are as follows:

(i) Realization of the rights and interests of the APs; compensation and lands promised in the land expropriation plan;

(ii) The APs’ satisfaction rates with the land expropriation plan in all aspects;

(iii) Efficiency of the appeals claims inspecting and correcting system; and

(iv) In the whole implementing process, the tendency of the APs’ living standards development must be observed; hidden problems must be pinpointed and reported in recovery of the APs’ living standards. The external supervision body will do comprehensive research on the affected households after the project implementation, so that certain knowledge can be drawn about the living standards and conditions of the APs after land expropriation.

11.5 Special Considerations

Special considerations should be given to vulnerable groups in the process of supervision. They are:

(i) Women social status and role should be learnt intently. The supervising and assessing departments should offer advice and help to the project implementation department in terms of women related issues;

(ii) Special attention should also be paid to vulnerable groups like old people and others. Particular supervision should be give to their living conditions after land expropriation so as to help them out of hardships; and

(iii) Special consideration must also be taken on providing information about the use of land expropriation fund and its sufficiency or insufficiency.

11.6 Content and Submission of the External Supervision Reports

External supervision reports should consist the following:

(i) Background investigation of land expropriation;

(ii) Progress of land expropriation;

(iii) Use and distribution of land compensation fee;
(iv) Use of collective compensation fee;
(v) Recovery of livelihood and income;
(vi) Capability assessment of the land expropriation representative body;
(vii) Recovery of vulnerable groups;
(viii) Gender issues;
(ix) Participation and consultation;
(x) Claims;
(xi) Problems and suggestions;
(xii) Satisfaction rate of the APs;
(xiii) Assessment conclusion;
(xiv) Major and hidden problems, including confirmed ones; and
(xv) Advice and precautions on alleviating negative influence.

XII. RESETTLEMENT IMPLEMENTATION SCHEDULE

12.1 Principle for Schedule Arrangement

The land expropriation should be completed before the construction work starts. The pre-expropriation publicity work should be well done to get the villagers' understanding and support. The action plan for land expropriation should also be worked out early so that opinions of all aspects can be asked and the APs have time to fully understand the relevant policies and regulations.

12.2 Specific Procedures for the Land Expropriation

12.2.1 The final decision of area of land expropriated

Louguantai government, Shaanxi Provincial Rescuing, Breeding and Research Center of Rare Wildlife, the related village committees together see to the actual area of the land expropriated and report to the superior administrative department for approval, whereby will compensation amount and other relevant issues be determined and other relevant departments shall also be notified. In the meantime, the Shaanxi Land and Resource Department approved in principle the land use for this Project on 27 September 2007 (see Attachment 5). This date represents the cut-off date for making changes to the utilization of the required lands.

12.2.2 Approval of the land expropriation

Land expropriation must get the approval of the land administration department. The land expropriation for the project must get the approval of the land administration department (Zhouzhi Country Land Administration) before reporting to Xi’an Land Administration for
approval around June 2008. Any land expropriation work must start after the examining and approving of Zhouzhi Land Administration and the issuing of 'Land Use Certificate', anticipated for end of 2008, otherwise it will be illegal. Legally, the project units have to apply for the documents at the Zhouzhi Land Administration.

12.2.3 Land expropriation agreement

The land expropriation agreement shall clearly state the following:

(i) Basic information including area, location, type of the land expropriated and the means of acquisition;

(ii) Compensation means for the land expropriated;

(iii) Land expropriation period;

(iv) Compensation amount of the land expropriated and its payment and time limit;

(v) Liabilities for breach of contract; and

(vi) Other issues the parties think important to notify.

The printed agreement of land expropriation compensation will be finalized by the project implementing agency, village committee and the APs. The agreement, signed as a legal document, will be the basis of rights and duties to both parties.

12.2.4 Schedule

The schedule for the land expropriation shall concur with that of all the construction. According to the plan, the land expropriation schedule shall be related and connected to the civil work plan. The schedule shall be executed in the full process.

The brief schedule of the project is seen in Table 12-1 and the land expropriation schedule is seen in Table 12-2.
### Table 12-1: Executive Schedule of the Project

<table>
<thead>
<tr>
<th>Items</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
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<td>1</td>
<td>2</td>
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<td>4</td>
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<td>4</td>
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</tr>
<tr>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Project planning and designing</td>
<td>※</td>
<td>※</td>
<td>※</td>
<td>※</td>
<td></td>
</tr>
<tr>
<td>Project FS approval</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Land expropriation</td>
<td></td>
<td></td>
<td></td>
<td>※</td>
<td>※</td>
</tr>
<tr>
<td>Detailed Plan preparation and completion</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>Bidding</td>
<td></td>
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</tr>
<tr>
<td>Construction</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

※: Indicates the specific time the activity occurred.
### Table 12-2: Schedule of Land Expropriation and Immigration

<table>
<thead>
<tr>
<th>Land expropriation and resettlement plan</th>
<th>Year</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Month</td>
<td>7</td>
<td>8</td>
<td>9</td>
</tr>
<tr>
<td>Detailed survey</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Determination of the APs and the poverty-stricken</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Finalize the resettlement plan</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public disclosure</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application of Land use certificate</td>
<td></td>
<td></td>
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<tr>
<td>Sign the land expropriation and resettlement agreement</td>
<td></td>
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</tr>
<tr>
<td>Permanent land expropriation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payment of compensation fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restoration</td>
<td>Year</td>
<td>2007</td>
<td>2008</td>
<td>2009</td>
</tr>
<tr>
<td>------------------------------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td></td>
<td>Month</td>
<td>7</td>
<td>8</td>
<td>9</td>
</tr>
<tr>
<td>Re-employment of the APs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Training</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other recovery measures</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monitoring and evaluation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Establishment of the internal monitoring system, program, format</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hire monitoring organization</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Approval of Asian Development Bank</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resettlement personnel training</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monitoring land expropriation and immigration</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monitoring of income recovery</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evaluation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
EXTERNAL MONITORING AND EVALUATION TERMS OF REFERENCE

1. Introduction

According to the Regulations of Construction Supervision promulgated by PRC Ministry of Construction in 1995, construction supervision should be conducted strictly. ADB also requires that projects resulting in house demolition must be strictly monitored and evaluated. Therefore, to ensure the implementation of the land expropriation and immigration plan, internal and external monitoring and evaluation should be conducted during construction and after it is completed.

An independent monitoring agency selected through bidding shall conduct external monitoring and evaluation. Experts with rich experiences in house demolition and resettlement projects with ADB or World Bank shall be employed. Meanwhile, internal house demolition and resettlement experts will help with external monitoring and evaluation work.

Monitoring and evaluation work includes:

(i) Monitoring of the progress and effectiveness of the land expropriation plan, and

(ii) Evaluating the income recovery and living conditions of the affected persons and communities after land expropriation.

2. Objectives and requirement of monitoring and evaluation

In order to keep the objectives of the monitoring and evaluation meet the land expropriation plan of the project, the monitoring and evaluation during land expropriation should include:

(i) The economic situation before and after land expropriation

(ii) Timely fund payment.

(iii) Environmental conditions

(iv) Social adaptability of the APs after land expropriation.

(v) Recovery of the vulnerable groups.

(vi) Recovery measures by the village committee for the affected households.

(vii) Compare the living conditions and economic situation of the affected and un-affected households after the expropriation.

The monitoring and evaluation shall conduct social and economic baseline studies of the APs’ situation before land expropriation, the routine monitoring during the land expropriation and evaluation of the living conditions one or two years after land expropriation. Quantitative surveys will be used to evaluate the living conditions of the APs. Interviews with the project organization, local government leaders, village leaders, 15-20% of the affected...
households will be conducted. Special attention shall be paid to women, poor families and other vulnerable groups.

3. Monitoring and evaluation index

According to relevant regulations and the resettlement plan, the monitoring and evaluation shall adopt the following index:

   (i) Realization of the rights and interests of the APs: the compensation, farmland and employment regulated in the house demolition and resettlement plan.

   (ii) Economic development: re-employment opportunities of the APs, number of person employed and un-employed.

   (iii) Restoration of the public facilities: all the public facilities should at least be restored as well as they used to be; the compensation for public facilities must be sufficient to restore to their original status.

   (iv) Satisfaction degree of the APs: satisfaction level in the relevant aspects of land expropriation; negative impacts control systems, speed and measures

   (v) Living standard: observation of the living standards during the whole process, determine and report on potential problems in living conditions recovery. Experts shall do a comprehensive survey of living conditions during one to two years after land expropriation is completed, until full recovery of the APs’ living conditions.

   (vi) Social adaptability: impacts on children and other vulnerable groups, public participation, and the attitude and response of the land expropriator after land expropriation, complaints and appeals, implementation of favored policies, measures for income recovery, improvement of women’s status.

4. Special care

Supervision of special care to vulnerable groups, including:

   (i) Status and role of women: closely monitor the change of women’s status, role and conditions. The supervision and evaluation agency should provide relevant suggestions and help concerning women issue.

   (ii) Care to the vulnerable groups: closely monitor the living conditions of the aged and other vulnerable groups after house demolition to help them get out of hard times.

   (iii) Information of the land expropriation fund use and its availability should be provided in monitoring and evaluation. Zhouzhi County Finance Bureau shall check the bank account and fund for land expropriation and the checking results shall be written in the internal monitoring progress.
5. Contents of external supervision report and submission

The monitoring report should also include:

(i) Results of survey and evaluation;

(ii) Major problems, both existing and potential.

(iii) Necessary suggestions for controlling impacts and prevention measures.

(iv) Future action plan.

The external monitoring report shall be submitted to the project implementing agency and Louguantai Township government, land expropriation leadership team and land expropriation coordination team every 6 months after expropriation starts. Yearly monitoring and evaluation report shall also be submitted after the completion of land expropriation, till all impacts die away.

All reports shall be in Chinese and English. The project organization should verify that the land expropriation progress and other relevant aspects are included in the report by the monitoring agency. The project organization shall submit a copy of the report to the Asian Bank Projects Office, Development and Reforming Committee of Shaanxi to submit to Asian Bank. When the post-expropriation impact evaluation report is worked out by the monitoring agency, the Shaanxi Academy of Social Sciences will submit to ADB the Completion Report of Land Expropriation and House Demolition and Resettlement, to further certify the negative impact and its mitigation.

6. Time and frequency for field work

The consultation service of the project will last 4 years.

During the implementation stage, the external monitoring report will be worked on during one month and submitted in the following month.

7. Monitoring schedule

<table>
<thead>
<tr>
<th>Items</th>
<th>Time of implementation</th>
<th>Date of submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Baseline survey</td>
<td>2008, 11</td>
<td>2008, 12, 30</td>
</tr>
<tr>
<td>ii. External monitoring</td>
<td>2009, 2</td>
<td>2009, 3, 30</td>
</tr>
<tr>
<td>iii. External monitoring</td>
<td>2009, 7</td>
<td>2009, 8, 30</td>
</tr>
<tr>
<td>iv. External monitoring</td>
<td>2010, 2</td>
<td>2010, 3, 30</td>
</tr>
<tr>
<td>v. Post evaluation</td>
<td>2010, 12</td>
<td>2011, 1, 30</td>
</tr>
<tr>
<td>vi. Post evaluation</td>
<td>2011, 10</td>
<td>2011, 11, 30</td>
</tr>
</tbody>
</table>
**Attachment 2**

**QUESTIONNAIRE SURVEY FOR THE APS**

The first stage expansion project of Shaanxi Rare Wildlife Rescuing, Breeding and Research Center

<table>
<thead>
<tr>
<th>Name</th>
<th>Sex</th>
<th>Birthday</th>
<th>Education</th>
<th>Home address</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Family member</th>
<th>Father</th>
<th>Mother</th>
<th>Education</th>
<th>Occupation</th>
<th>Children</th>
<th>Age</th>
<th>Occupation</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Existing Household farmland (mu)</th>
<th>Slope land</th>
<th>Dry land</th>
<th>Irrigated land</th>
<th>Total</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Annual household income per capita Yuan</th>
<th>Agriculture</th>
<th>Business</th>
<th>Others</th>
<th>Total</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>How much land was expropriated in your home for the project?</th>
<th>Slope land</th>
<th>Dry land</th>
<th>Irrigated land</th>
<th>Total</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Do you and your family member agree the expropriation of your land?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>What did you require for the land expropriated</th>
<th>Cash</th>
<th>Land</th>
<th>Others</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Do you have any other requirement after expropriation</th>
<th>Resettlement</th>
<th>Others</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Do you think land expropriation has cited your life?</th>
<th>Serious</th>
<th>Medium</th>
<th>Slight</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Do you believe the project will bring god to your family in future?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Do you think the project will seriously influence the local environment?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Are you willing to participate in the public activities of the project?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Your suggestions

---

55
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>others</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Attachment 3

Document of Zhouzhi County People's Government

Zhouzhi Government No. [2000]48

Notice on printing and distributing Zhouzhi Interim Administration Measures of Land for Non-agricultural Construction Use

Zhouzhi County People's Government

July 19 2000

All the township governments, agencies of Zhouzhi county government, affiliated organizations,

The Interim Administration Measures of Land for Non-agricultural Construction Use of Zhouzhi, discussed and approved at the standing committee meeting of the Zhouzhi County People's government, shall be printed and distributed and implemented from today.

Interim Administration Measures of Land for Non-agricultural Construction Use of Zhouzhi County
Chapter 1: General Provisions

Article 1. In order to strengthen administration of land for non-agricultural construction use, to standardize land administration, to coordinate the administration procedures, and in terms of the PRC Law of Land Administration, Implementation Regulations for PRC Law of Land Administration, Administration Measures of Land for Construction Use, Implementation Measures for Land Administration Law of Shaanxi, and the Trial Administration Measures of Examining, Application and Approving of Land for Construction Use of Shaanxi, these measures are enacted.

Article 2. The basic state policy "treasure and properly use land, protect farmland" shall be seriously carried out. Under the unified administration principle, the land use administration shall be earnestly done to stop improper and illegal land use.

Article 3. The Zhouzhi Land Administration shall be responsible for the implementation of the measures.

Chapter 2: Administration of land for state construction use

Article 4. Land for state construction use must agree with the master plan and yearly plan of land use and farmland equilibrium of occupation. Compensation shall be fostered in terms of principle of "reclaiming a same size of land occupied"

Article 5. Any units or individuals must apply to the Zhouzhi County Land Administration for use of state-owned land or expropriation of the collective land for construction purpose.

Article 6. When land need to be expropriated for construction purpose, relevant formalities are to be followed as regulated in the Trial Administration Measures of Examining, Application and Approving of Land for Construction Use of Shaanxi Province. The specific work will be taken care of by Zhouzhi County Land Expropriation Office with support from relevant local land administrative offices.

Article 7. Land expropriated for project construction must be expropriated unified by laws. It is forbidden that the construction unit negotiates with the villages of the land expropriated on land expropriation, or to sign any private contract of land expropriation. The total amount of compensation for land expropriation shall not exceed the regulated limit.

Article 8. The Unit managing the expropriated land shall support the land expropriation for state construction and apply for compensation according to regulations, and should not interfere with the unified land expropriation with borrowed excuses.

Article 9. The compensation and settlement subsidy standards for the land expropriated are:

(i) In the county seat area, the total of compensation fee for land expropriated, settlement subsidy is 40000 CNY per mu, no higher than 50000 CNY.

(ii) In the planned area of township, along the road above county level, or tourism
Article 10. Green Crop compensation fee: 600-1000 CNY per mu for summer green
crop, 400-600 CNY per mu for late summer green crop, half of the standards for planted but
non-emergent crop.

Article 11. Compensation for attachments to the land:

(i) Houses, irrigation works shall be compensated in terms of the actual conditions
and related regulations.

(ii) Fruit trees shall be compensated for 1000-3000 CNY per mu in terms of the tree
species, age, production and market price.

(iii) For other economic forest, the compensation fee shall be determined in
reference to fruit trees.

Article 12. “The State fosters the system of compensations to cultivated farmland to
be occupied.” The land reclamation fees must be charged for new farmland reclamation only. The standards of the land reclamation fees are:

(i) 18000 CNY per mu (27 CNY per square meter) shall be charged for occupying
the farmland in the county seat planned area.

(ii) 15000CNY per mu (22.5 CNY per square meter) shall be charged for occupying
the farmland in the planned area of township, along the road above county level,
or for tourism and industrial development areas.

(iii) 10000 CNY per mu (15 CNY per square meter) shall be charged for occupying
other cultivated land in the plain area.

(iv) 5000 CNY per mu (7.5 CNY per square meter) shall be charged for occupying
cultivated land in the mountainous area.

(v) For all projects over 5 million CNY of investment, the reclamation fee shall be
charged at half of the above standards; for projects over 10 million CNY of
investment, the reclamation fee shall be charged at 30% of the above standards.

Article 13. The standards for the occupying tax of farmland: 7.8 CNY per square meter
for the county seat and township seat planed area, 5.5 CNY for other areas. Irrigation fund
standards: 3 CNY per square meter for the county seat and township seat planned area, 1.5
CNY for other areas.
Article 14. State-owned land leasing fee;

The state-owned land shall be leased generally through bidding or auction. The following standards shall be adopted provided that contracted leasing is necessary:

(i) 75 CNY per square meter (50000 CNY per mu) for the constructed land in county seat.

(ii) 45 CNY per square meter (30000 CNY per mu) for land in the planned area of township, along the road above county level, or for tourism and industrial development areas.

(iii) 18 CNY per square meter (12000 CNY per mu) for other cultivated land in the plain area.

(iv) 9 CNY per square meter (6000 CNY per mu) for the cultivated land in the mountainous area.

(v) For all projects over 5 million CNY of investment, the land leasing fee shall be charged at half of the above standards; for projects over 10 million CNY of investment, the land leasing fee shall be charged at 30% of the above standards.

Article 15. New construction land use fees: 8 CNY per square meter. Administration fee: charged 2-4% of the total of land expropriation and settlement fee.

Article 16. For the temporary use of land for project construction, a 2000 CNY deposit of re-cultivation guaranty will be required, which shall be returned after checked and accepted. The standard of administration fee for interim land use is 500 CNY per mu and the use time limit is generally no more than 2 years (not including 2 years).

Chapter 3: Administration of Land use for enterprise and public welfare purpose in the township or village

Article 17. Land used for the town- and village-supported enterprises, public welfare purpose must accord with the master plan and yearly plan of land use, and conduct the regulated formalities in terms of article 60, 61 of the PRC Law of Land Administration, and article 11, 16, 19, 36 of the Trial Administration Measures of Examining, Application and Approving of Land for Construction Use of Shaanxi Province.

Article 18. Application for constructional farmland use shall not be conducted only if it accord with the master plan of land use and obtain the quota in the yearly land use plan.

Article 19. Any units or individuals applying for constructional land must present a printed application, approved by the village committee, together with the documents regulated in the Trial Administration Measures of Examining, Application and Approving of Land for Construction Use of Shaanxi Province, for verification by the local land administration office. After verifying, the application shall be sent to the township government for examination. When examination is passed, it shall be sent to the Zhouzhi County Land
Administration for approval by the local administration office or to other authorized agency for approval by Zhouzhi County Land Administration.

Article 20. The unit or individual obtaining land use admittance shall pay 3 CNY per square meter administration fee, and pay the farmland use tax, irrigation fund fee in terms of the land conditions. Reclamation fee shall be paid if cultivated farmland is occupied.

Article 21. For land used for kiln purpose, besides the farmland use tax, irrigation fund, administration fee, re-cultivation guaranty of 2000 CNY per mu shall also be required. The base area of the kiln is calculated by 60% of the land occupied by the kiln. When re-cultivation is checked and accepted within the time limit, the guaranty shall be returned.

Article 22. When the application is approved, the land shall be appropriated and recorded on site by the local land administration office, together with township government, village and sub-village team.

Article 23. Land approved for private, individual and joint venture enterprises’ use purpose should be returned in time when the time limit is due if application for continual use is not conducted 60 days before the due time.

Article 24. To support the rural economic structure and justification and industrial development, the land used by the villager of the same village for animal husbandry, plantation purpose can follow related contract operation policy, while recorded at the local land administration office. But no permanent structures shall be set up, otherwise see article 19, 20 of the measures.

Chapter 4: Land reserve administration

Article 25 Government adopts the land reserve system, which refers to a system for government use of the market system, in accordance with lawful procedures, in terms of the land use master plan and urban plan, to withdraw, purchase, exchange, expropriate land and to conduct preliminary development and reserve, so as to supply and adjust and control the demand of land for constructional purposes, and ensure the monopoly of land by the government.

Article 26 The land scope for governmental reserve:
(i) Unused state-owned flood land;
(ii) No remuneratively withdrawn unused land owned by the state
(iii) Purchased unused land of the state-owned enterprise.
(iv) Exchanged state-owned land (bottomland)
(v) Reserved land for pre-expropriation

Article 27. Government shall set up a special fund for land reserve. The fund source shall be:
(i) Land unused fee.

(ii) Land leasing fee, fine and confiscated fee.

(iii) Action income of unused land

Article 28. Government conducts pre-expropriation of reserved land in the planned area and sign an agreement with the collective unit or farmers on land size, location, scope, general compensation etc. and prepay 20% of the compensation fee. The land can be previously used by a collective unit or farmers. When there is a construction project, the government shall pay the remaining compensation fee in one time. The prepaid fee and the relevant fee and tax paid to the provincial and municipal agencies will be paid to the land administration bureau to pay or be withdrawn from the special fund for land reserve.

Article 29. The government reserved land will be administrated by the Zhouzhi Land Administration Bureau, the land reserve special fund will be taken care by Zhouzhi Financial Bureau. The land reserve plan shall be worked out in the beginning of each year and implemented in stages. The background, size, location and scope of the reserved land should be reported to Zhouzhi County Government for records.

Chapter 5: Administration of land for housing use of rural residents

Article 30. Land for house purpose by rural residents must fall into the land use master plan and yearly plan of the township. And regulated fatalities must be conducted according to the article 62 of PRC Law of Land Administration, article 11,32 of the Trial Administration Measures of Examining, Application and Approving of Land for Construction Use of Shaanxi Province.

Article 31. Rural residents' house construction occupies farmland. The yearly land use plan controlling must be adopted. The county Land Administration distributes the house land quota to be jointly finalized to the township governments, the local land administration offices and the household intending to build a house.

Article 32. The following principles must be followed in applying for and approving house land.

(i) “one site for one household”

(ii) “Occupying one and supplementing one”. The cultivated land in the basic farmland preserve shall not be occupied.

(iii) Use the original house site and the unused land in village.

(iv) Farmland quota for house use shall not be broken.

(v) Abide by the construction plan of the village and township.

Article 33. The house land application shall not be approved to those if one of the following happens.
(i) Anyone breaking the family planning law.
(ii) Applying for house land after selling, leasing or donating the old house.
(iii) The existing house land is larger than 2 times of the standards.
(iv) Those who do not support their parents
(v) Those married at age younger than the legal marriage age. The dependant.

Article 34. The procedure of application and approval of house land for rural residents

(i) Rural residents short of house land should present a printed application for house land.

(ii) Villagers’ meeting should be called to discuss and accept the applications, which shall be made public in order. When farmland is used, local land administration office shall distribute “house land application form for rural residents of Xi’an” to those who have obtained the house land quota and whose application passed at the villager meeting. When at the original house site, unused land is used for house construction, the local land administration office shall verify this before distributing the “house land application form for rural residents of Xi’an” to those who have obtained the house land quota and whose application passed at the villager meeting. The filled form, signed and sealed at the village committee, should be sent to the local land administration office for checking and verifying, and then examined at the township government. With the verification of the township government, the application shall be sent to Zhouzhi Land Administration Bureau for approval.

(iii) When approved, the house land shall be appropriated in spot and recorded by the land office, together with the township government and the village committee. The land office shall monitor the full process of the land use.

Article 35. Relevant tax and fee standards:

(i) If cultivated farmland is used, farmland reclamation fee shall be paid: 15 CNY per square meter (10000 CNY per mu) in the county seat and township seat, 7.5 CNY per square meter (5000 CNY per mu) in other areas.

(ii) Farmland occupation tax: 2.9 CNY per square meter in the county seat and township seat, 2.25 CNY per square meter other areas.

(iii) Irrigation fund: 1.5 CNY per square meter (1000 CNY per mu) in the county seat and township seat, 0.75 CNY per square meter (500 CNY per mu) in other areas.

(iv) Administration fee: 3-4.5 CNY per square meter

Chapter 36 If the appropriated house land is not used to construct house within one year, the land shall be withdrawn to the collective and the approved certificate invalidated thereby.
Chapter 6: State-owned land using rights leasing

Article 37. State-owned land using rights leasing mainly includes the operational use of previously appropriated state-owned land. The State-owned land using rights leasing fee will be paid with the following standards:

(i) 2-7 CNY per square meter per year in the county seat planned area.
(ii) 1.5-4 CNY per square meter per year in the Township seat planned area.
(iii) 0.5-2 CNY per square meter per year in other areas.

Article 38. The time limit of State-owned land using rights leasing shall generally not exceed 5 years, and land leasing fee shall be paid if it exceeds 6 years.

Chapter 7: State-owned land using rights transferring

Article 39. The appropriated state-owned land can be transferred only after the land leasing fee is paid. The following tax and fees shall be charged with the transferring of land using rights.

(i) Land leasing fee: no less than 40% of the transaction amount;
(ii) Contract tax: 3-5% of the transaction amount;
(iii) Added value tax: fourth level graduated tax rate
(iv) Administration fee: 4% of the transaction amount;

Article 40. When the land using rights is transferred through leasing, the contract tax, added value tax and administration fee should be paid as stated in article 39.

Chapter 8: Administration of unused land

Article 41. Land approved for project use yet remaining unobstructed over one year from the date of approval, or the construction stopped for over one year, or not returned to the original rural collective organization yet planted by the land using unit, is regarded as unused land.

Article 42. Land unused fee shall be charged to the unused land by the following standards:

(i) To the leasing land, 20% of the total leasing fee.
(ii) To the appropriated land, 0.2 CNY per square meter per month.
(iii) Government shall withdraw the land using rights without any compensation if the approved land is not used continually for two years.
Chapter 9: Penalties

Article 43. Violation of Article 4, Article 17 and Article 30 of the Regulation is addressed in accordance with relevant law and regulations.

Article 44. Violation of Article 7 and Article 8 of the Regulation, unauthorized utilization, purposeful interference of unified expropriation, extortion, or stirring up trouble among the masses will be forwarded to the judicatory bodies.

Article 45. Violation of Article 10 of the Regulation, which says that land leasing fee must be paid, is addressed to claim legal responsibilities in accordance with relevant law and regulations.

Article 46. Violation of Article 16 and Article 21 of the Regulation that fields must be plowed before the set time is addressed by forfeiting of the caution money for field-plowing and punishment according to relevant regulation.

Article 47. Land management staff, for dereliction of duty and abuse of power or bending the laws constituting a crime, are to be held criminally responsible, not constituting a crime shall be given administrative punishment.

Chapter 10: Supplementary Articles

Article 48 Land use tax, water base, land leasing fee and contract tax will be levied by the county finance bureau, the farming revenue department or township agricultural revenue department, value-added tax by the local revenue department and other fares collected by local land management office.

Article 49 The Regulation is interpreted by Zhouzhi County Land Management Bureau.

Article 50 The Regulation comes into force on its promulgation.
Attachment 4  Map of the Project Areas
陕西省珍稀野生动物抢救饲养研究中心区位图

图例

省界 ———— 高速公路
市界 ———— 县级
县界 ———— 铁路

Shanxi Province's Rescue, Breeding, and Research Center of Rare Wildlife
Response of Issue of Project-I Land Use of Shaanxi Rescuing, Feeding, and Research of Rare Wildlife

The case has been received about the issue of Project-I Land Use of Shaanxi Rescuing, Feeding, and Research of Rare Wildlife (Provincial Forestry [2007] No. 412). Through the consideration, we replied as follows:

The project is the key constitution of National Qinling Mountain Arboretum of Shaanxi Province, which has been listed in the total programming of the National Qinling Mountain Arboretum. To improve the speed of the project, strengthen the protection of rare wildlife, effectively preserve the provincial rare wildlife, and rescue the rare species, we consent to the plan of land use in principle, and will start the pre-examination as soon as possible according to the requirements of project design and examination. But before the approval, forbid to use the land randomly.
1. Project Overview

The Shaanxi Provincial Rescuing, Breeding and Research Center of Rare Wildlife (SARC) is located south of S107 Highway in Zhouzhi County, Shaanxi Province. The main task of the center is to provide refuge and shelter for rare wildlife in Shaanxi, including unique species like Giant Panda, Crested Ibis, Golden Thakin and Golden Monkey, to let them recover and return to the nature as soon as possible, as well as to raise and breed these rare species. It is part of the Qinling National Botanical Garden, set up by the Development and Reform Committee of Shaanxi Province.

The total planned project investment for the Expansion Project of Shaanxi Provincial Rescuing, Breeding and Research Center of Rare Wildlife is CNY 221.3996 million. The State Forestry Bureau (SFB) will contribute 50% of this (CNY 110.6998 million). CNY 44.2799 million, 20% of the total, will come from Shaanxi provincial funding, and SARC will receive a loan of CNY 66.4199 million from the Asian Development Bank (ADB) covering the remaining 30% of the total investment. The land acquisition cost will be CNY 13.2744 million, about 6.0% of the total. The project will commence in late 2008 and is scheduled for completion by 2013.

2. Impact of Land Acquisition

The proposed area for the project extends over 1008 ha, mainly including the Rare Wildlife Rescuing Base, the Giant Panda Breeding Base, the Crested Ibis Breeding Base, the Golden Monkey Breeding Base and the forage base for each of these animals. The present size of the Center is 141 ha, including some bamboo forest. Of the planned total 1008 ha area, the new wildlife rescuing base covers 8 ha, the Giant Panda Breeding Base 70 ha in a valley south of the existing center, the Crested Ibis Breeding Base 20 ha, and the Golden Monkey Breeding Base covers 10 ha. The forage bases are located in different adjacent valleys and cover 900 ha in total.

A total of 9 ha (135 mu) of land need to be expropriated for three components: the wildlife rescuing base (60 mu, affecting 8 households), the Crested Ibis Breeding Base (30 mu, affecting 10 households) and the Golden Monkey Breeding Base (45 mu, affecting 12 households). Of these 135 mu land to be expropriated, 45 mu are dry land, 60 mu are slope land, 30 mu are irrigated land. No infrastructure will be impacted, and no housing relocation or demolition of housing is required. In total, 125 persons of 30 households in the three villages of West Louguan, East Louguan and Qiandongming (all part of Louguantai township) will be affected by land acquisition. None of the affected households is particularly poor or otherwise particularly vulnerable.
The APs have already been informed about the Project but the formal notification will be made once the Project is approved by Shaanxi Development and Reform Commission, which is anticipated in August 2008. At that time the final Resettlement Plan will be made publicly available. This resettlement information booklet provides a summary of the impacts, entitlements and rehabilitation measures and is being provided to all affected households.

3. Documents and Policies governing Land Acquisition

The construction unit is entitled to the land acquired upon compensating the affected units and people according to legal documents and policies governing these processes:

(i) Law of Land Administration of the People's Republic of China (Jan. 1, 1999)
(ii) Implementation Regulations for PRC Law of Land Administration (No. 256 Decree of the State Council of the People’s Republic of China on Dec. 27, 1998)
(iii) Regulations on the protection of Basic Farmland (No. 257 Decree of the State Council of the People’s Republic of China on Dec. 27, 1998)
(iv) Implementing Measures of Shaanxi Province on ‘Law of Land Administration of the People’s Republic of China’ (Approved by the standing committee at the 12th session of the Ninth People’s Congress of Shaanxi, on Nov. 30, 1999, and enforced on Jan. 1, 2000)
(v) Detailed Implementing Rules of Shaanxi Province on Regulations on the protection of Basic Farmland (issued upon the No. 30 Decree of Shaanxi Provincial People’s Government on April 4, 1996)

Relevant documents of ADB concerning relocation and resettlement

4. Compensation Standards for Land Acquisition

A total of 135 mu of land will be acquired for the project, affecting 30 households in three villages. These households will receive compensation for their lost land, and be subject to other rehabilitation activities. All these measures will be disclosed to and discussed with them, and appeal and complaints procedures are put into place at no costs for the APs.

Standards for land compensation were established in line with the requirements of the Decision on Furthering Reform of Land Management of the State Council, the Notice on
Printing the Suggestions for Completing Compensation and Relocation System of Land Expropriation (Guotuzifa [2004] No. 238) released by the Ministry of Land and Resources, and the land administration Measures of Zhouzhi County, as laid out in the Temporary Administration Measures of Land for Non-agricultural Construction Use (July 19 2000). Compensation fees for land acquisition are part of the total investment of the Project and of the budgetary estimation.

Land compensation standards were developed evaluating average crop production and production value per mu in the 3 years before land acquisition. These standards, shown in Table 1, were adopted after consultations with the affected households in April and May 2007, and with relevant local government agencies.

**Table 1: Land Compensation Standards**

<table>
<thead>
<tr>
<th>Land type</th>
<th>Compensation fee (CNY/mu)</th>
<th>Land compensation fee</th>
<th>Green crop compensation fee</th>
<th>Integrated compensation price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dry land</td>
<td>27,418.3</td>
<td>1192.1</td>
<td>28,610.4</td>
<td></td>
</tr>
<tr>
<td>Slope land</td>
<td>23,384.1</td>
<td>1016.7</td>
<td>24,400.8</td>
<td></td>
</tr>
<tr>
<td>Irrigated land</td>
<td>42,069.3</td>
<td>1829.1</td>
<td>43,898.4</td>
<td></td>
</tr>
</tbody>
</table>

The compensation standards were computed taking into according to the agricultural classification of the land, with a specific fee for standing green crops. Dry land, slope land, and irrigated land will be compensated at 23 times of the average annual production value in the previous 3 years. At least 80% of the land compensation fee will be directly given to the affected household to rehabilitate their income loss; a maximum of 20% may be retained by the village committee for collective benefits. Alternatively, the APs can opt to get replacement farmland with production output at least equivalent to the land lost, in which the village committee will retain the land compensation fee.

Green crops will be compensated according to the land classification, on dry land, slope land and irrigated land with the same as the average annual production value in the previous 3 years. The village committee will not receive any share of the green crop compensation fee. If any attachments on the land are affected, these will be compensated according to the relevant local regulations.

Beyond financial compensation for the land acquisition, local governments and village committees will coordinate to employ the APs locally, and the APs will have priority for employment in SARC construction and operation. To improve their competitiveness in job
selection, they are entitled to receive skills training. Around 40 job opportunities will be available at SARC, so that each household may get at least one job there.

5. Organizational Overview

The following diagram shows the relationships between the different organizations and institutions involved in implementing the RP.

**Figure 1: Land Acquisition Implementation – Organizational Structure**

A. SARC

SARC, the executing agency of the project, is responsible for the planning and implementation of the land acquisition and compensation processes. A special land acquisition unit will be established under SARC, which will be staffed with four employees. The unit will be responsible for the entire routine execution and coordination work of land acquisition and residential reallocation. The specific tasks of the project executing agency for this land acquisition process are:

(i) Coordinate RP with the design institute;
(ii) Survey land acquisition impact together with local government and village committees;
(iii) Apply for the Land Use Certificate (presently under processing by Zhourzhi County);
(iv) Manage land acquisition budget and disburse land compensation fees;
(v) Work out special economic restoration measures for the APs;
(vi) Be responsible of the internal supervision of the land acquisition; and
(vii) Work out improvement measures as needed, based on internal and external
B. Louguantai Township Government

The project will commission Louguantai township government to implement the land acquisition. Louguantai township government will set up a specialized unit, equally staffed with four employees. The following are the tasks of this specialized unit:

(i) Survey land acquisition impact together with the village committees;
(ii) Negotiate with the project executing agency on the land acquisition compensation standards;
(iii) Sign the land acquisition agreement and land acquisition compensation agreement with the project executing agency;
(iv) Negotiate with higher government agencies and village committees on land acquisition compensation standards and sign land acquisition agreement and compensation agreement;
(v) Pay compensation to the APs;
(vi) Assist APs in restoring their livelihoods;
(vii) Solve appeal issues concerning land acquisition and compensation; and
(viii) Carry out internal land acquisition monitoring and provide recommendations.

C. Village Committees

The main functions of the village committees in implementing the RP are:

(i) Re-allocate farmland to the APs
(ii) Assist APs to develop their land use plans
(iii) Implement the plan for economic restoration and livelihood for the APs
(iv) Coordinate internal monitoring during the land acquisition process
(v) Provide support to APs during the land acquisition process
(vi) Organize village meetings and other venues for public information and participation

D. Land Acquisition Leadership Team

The Land Acquisition Leadership Team will include representatives of Zhouzhi county government, Louguantai township government, the project executing agency SARC, the project supervisory agency and the land administration authorities. The team will provide policy assistance and supervision to the project on land acquisition issues. Its main functions are:

(i) Examine and approve the land acquisition plan, including activities, budget and organizational arrangements;
(ii) Examine and approve the assessment and monitoring reports; and
(iii) Check the appeals brought forward by APs and work out responses.
6. Complaint and Appeal, Information and Public Participation

A. Complaint and appeal

In order to protect the affected individual’s interest, if anyone feels dissatisfied land acquisition or related issues, he or she may file a complaint and appeal to project offices at correspondent levels. Equally, he or she may start judicial proceedings at the People’s Court at county or township level.

Institutions transacting complaints and appeals are the Project Construction of the County, the Coordination and Guidance Group and Project Office, the People’s Government of the township, and the Village Committees.

The land acquisition planning takes all possibilities into consideration. However, there may be appeals during the implementation process due to changes or differences from the plan, which may include disputes over land, compensation standards, payment mode and amount, and the economic rehabilitation of the APs. To ensure that it is possible for the APs to file a complaint or appeal, the RP provides the following detailed procedure:

Step 1: The AP comes up with complaints to the residential committee/village committee

Step 2: If the residential committee/village committee is not able to solve the problem within 10 days, the AP’s complaint will be forwarded to the following departments, or the APs may approach these departments directly:

- (i) Township or county land administration offices
- (ii) Xi’an land administration office
- (iii) Shaanxi land administration office

Besides approaching the different land administration offices, the APs may file a complaint at one of the following independent arbitration institutions:

- (i) Independent monitoring agency
- (ii) Zhouzhi County Complaints Office
- (iii) Xi’an Municipal Commission for Discipline Inspection

Step 3: As ultimate recourse and if the appeals are not responded with a satisfactory reply, the AP has the possibility to field a complaint with a provincial court.

The appeals of the APs may involve any aspects of land acquisition, including the compensation rate of their loss. The project administration is in charge to inform APs about complaint and appeal procedures in public meetings, via booklets or other media to assure they are aware and able to take advantage of their right of appeal. The APs will be exempted of any cost due to appeal events. When going to the court, the APs will receive free legal consultation.
B. Communication and public consultation

Land acquisition procedures and compensation standards were discussed publicly and with individual households during April and May 2007. In this period, surveys and interviews allowed individuals, households and groups to voice their concerns concerning land acquisition. Table 2 shows the further planned activities for public participation and consultation.

C. Public inquiry

The public can freely inquire and obtain information on the project. This includes, but is not limited to, the objectives of the project, the details of land acquisition and resettlement policy, the compensation standards, applied methods of payment, and the different executing institutions. The responding institutions shall be the project management institutions and villager’s committees. After the start of the project, the names of the principals of project management institutions, their office addresses and telephone numbers shall be published in the affected areas.
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Means</th>
<th>Time</th>
<th>Implementing agency</th>
<th>Participants</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide the general information of the land acquisition issue and ask for</td>
<td>Public meeting</td>
<td>Preparatory stage (August, September</td>
<td>Louguantai Township government, project implementing agency, village committees</td>
<td>All the APs</td>
<td>Completed</td>
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<tr>
<td>the APs' opinions</td>
<td></td>
<td>2007)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disclose the final Resettlement Plan to affected villages</td>
<td>Public and community meeting</td>
<td>The final report drafting and implementing</td>
<td>Louguantai Township government, project implementing agency, village committees</td>
<td>All the APs</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>(August 2008)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inform the beneficiary about the project process, the final design and</td>
<td>Community meeting</td>
<td>Loan approval (December 2008)</td>
<td>Project implementing agency</td>
<td>All the beneficiary and the</td>
<td>Meeting with the beneficiary and</td>
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<tr>
<td>the construction work schedule</td>
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<td></td>
<td></td>
<td>APs.</td>
<td>the APs</td>
</tr>
<tr>
<td>Inform the affected households of the compensation amounts and</td>
<td>Public meeting</td>
<td>Implementatio n (March 2009)</td>
<td>Louguantai Township government, project implementing agency,</td>
<td>All the APs</td>
<td>Residential meeting for rights and</td>
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<tr>
<td>the date of payment</td>
<td>Supervision of the resettlement activities</td>
<td>Household visit</td>
<td>After the land acquisition (Mar. 2009 ~ Dec. 2010)</td>
<td>External supervisor independent of the Louguantai Township government, project implementing agency, village committees</td>
<td>Random sampling</td>
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