Resettlement Plan

May 2008

PRC: Shaanxi Qinling Biodiversity Conservation and Demonstration Project

CURRENCY EQUIVALENTS
(as of 31 May 2008)

Currency unit – yuan (CNY)

CNY1.00 = $0.144046
$1.00 = CNY6.942250

ABBREVIATIONS

ADB – Asian Development Bank
PRC – People’s Republic of China
QNBG – Mt. Qinling National Botanical Garden
RP – resettlement plan

WEIGHTS AND MEASURES

ha – hectare
km – kilometer
m² – square meter
mu – a Chinese unit of measurement (15 mu = 1 ha)

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

MT. QINLING NATIONAL BOTANICAL GARDEN
SUB-COMPONENT

Land Acquisition, Relocation and Resettlement Plan

Prepared by
Mt. Qinling Botanical Garden of Shaanxi Province

Shaanxi Kexin Consulting Co., Ltd.

May 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 [Signature]

Date 19th Sept, 2008
Summary

1. Located in south of S107 Highway, 2.63 km in length and 1.85 km in width, the project is in Zhouzhi County, Shaanxi Province. The planned land for the Project is up to 269.3 ha (4,039.5 mu). The Project includes 18 special gardens, resource museums for popularizing science, and paleontology museums, like gymnosperm area, angiosperm area, area for special plants within Qinba Mountains, medical plant area and rock plant area, etc.

2. Of the total 269.3 ha (4,039.5 mu) area, the land to be permanently acquired totals up to 293.63 mu, affecting 115 households with 504 persons at Dianzhen Village, Jixian Town of Zhouzhi County; And as for the remaining land of 3,745.87 mu, the right of use is to be obtained by means of leasing of land. The leasing land is only in Dianzhen Village. (The numbers here shall be determined finally in accordance with the signed land shareholding agreement). Buildings demolished occupy up to 19,319.97 m² altogether, and there are 143 households with 617 persons requiring relocation.

3. The survey of the socio-economic impacts, land output value, and building costs were conducted in the affected area. According to laws and regulations of our country and local government and ADB's Involuntary Resettlement Policy, the project staff formulated the compensation standard and method of land acquisition and resettlement, and entitlements to address all types of impacts. These aspects have been compiled into this Resettlement Plan (RP) with the assistance from the Shaanxi Kexin Consulting Co., Ltd.

4. The total investment in the Project is estimated up to CNY402.7564 million, of which CNY123.29 million is estimated for land compensation, relocation and resettlement. The Project is planned to last for five years, commencing in 2008 and concluding by 2011.

5. Shaanxi Provincial Government and all levels of administration bureaus of the project take the land acquisition and resettlement seriously. After using a similar project in our country for reference, the project determines that the affected county government is in charge of the land acquisition and resettlement. The affected county government set up an office to undertake relevant work to make sure that the land acquisition and resettlement goes on smoothly and the production and living level of the affected persons either rises or doesn’t decline. To show the principle of fair, public and justice, the project plan formulates details of consultation, public participation, complaint and appeal, internal and external monitoring and so on.

6. The project plan learns successful experiences from similar project in our country and is revised and finalized with the help of Ms. Cui Shuli, Ms. Zhang Xuemei and Mr. Zhong Shuiyin, the consulting experts from the Asian Development Bank (ADB) technical assistance.

7. The project plan has been examined by 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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1. OVERVIEW OF THE PROJECT

1.1 Significance of the project

1. “Mt. Qinling National Botanical Garden”, co-constructed by Shaanxi Provincial People’s Government, National Forest Bureau, Chinese Academy of Science and Xi’an Municipal People’s Government, is listed as a modal project by the State Council under the loans from Asia Development Bank (ADB) for study, protection and utilization of the biological diversity of Mt. Qinling district, one of the ten biggest ecological function zones. Our country has the most abundant creature variety in the world, but she is also the country who suffers great threat to the diversity of ecosystems. Since the reform and open policy, our country government insists keeping sustainable development as national strategy, and takes environment construction as a basic national policy. Especially, the Fourth Session of the 16th CPC National Convention put forward “the human being is the first”, and the comprehensive, integrated and sustainable model of social and economic development, our country has made great progress in environment protection and research and use of diversity of ecosystems. But because of the historical reason, climate change, high human density, and backward production style, our country faces many problems of environment and ecosystem variety protection. Especially in Mt. Qinling area, the ecosystem environment is influenced seriously. The forest coverage rate is low, the living creature has less and less habitat, the soil erosion is serious, the land is increasingly poor and unproductive, and the living level of local people is very low. Therefore, to implement the project of Mt. Qinling National Botanical Garden, which mainly concerns ecologically appropriate poverty relief, reforestation, improve ecological environment and protection of living creature diversity, not only meet the international trend of environment protection, the CPC Central Committee’s demand of “scientific development and concordant society", the strategy of “environment first in the development of Western China", but also is of positive significance to improve the environment in the project area, to raise living standards of local residents, and make a good environment for our next generations. The implementation of the project is the need of social economy, and also the need of social development.

1.2 Magnitude, site selection and basic types of the project construction

2. As an important part of the general plan of “Mt. Qinling National Botanical Garden”, the Project of ex-situ conservation area aims at: Scientific study on biological diversity, popularization of scientific knowledge concerning biological diversity, protection of biological diversity and ecotourism based on biological diversity. The basic constructions are composed of ex-situ conservation of plants, commercial development and poverty relief and biological tourism.

3. Located at in Zouzhou County of Xi’an, Shaanxi Province, the planned land for the Project is up to 269.3 ha (4,039.5 mu). The affected area is 50 km from Xi’an City in the east, 40 km from Xianyang City in the north, 100 km from Baoji City in the west, is located at Dianzhen
Village. Its north boundary is Highway S107, south to north hillside of Mt. Qinling, locating between Tianyu River and Chiyu River. The length is 2.63 km from east to west, and the width is 1.85 km from south to north. The total investment is estimated about CNY397.1069 million. The Project includes 18 special gardens, resource museums for popularizing science, and paleontology museums, like gymnosperm area, angiosperm area, area for special plants within Qinba Mountains, medical plant area and rock plant area, etc. The Project will build or rebuild more than ten ancient buildings, cableway, and roads, irritating system, service building and other facilities. Of the total 269.3 ha (4,039.5 mu) area, the land to be acquired totals up to 293.63 mu,. 115 households and 504 villagers at Dianzhen Village, Jixian Town of Zhouzhi County are affected by the land acquisition. And 143 households and 617 villagers are affected by housing demolishment. And as for the remaining land, the right of use is to be obtained by means of leasing of land, which is also from 11 groups, 948 households and 3780 villagers at Dianzhen Village. The leasing land totals up to 3745.87 mu (249.72 ha).

4. The reasons why QNBG selects the current site are: (1) specific climate and geographic conditions: the project area locates in the north foot of Qinling Mountain in Zhouzhi Country, China. The climate here is warm semi-wet continental monsoon climate, and the average temperature is 13.2°Celcius. The climate is suitable for the all kinds of plants. The project area is 4039.5 mu, the south part of which is mountainous area, the middle part of which is hilly and slope land, and the north part of which is plain. The three kinds of area occupies one third of the total area respectively. The different kinds of geographic conditions are suitable for different plants, which is in accordance with the purpose of QNBG. (2) The socioeconomic level in the project area is low. In the project area, because of the historic reasons and extensive style of production, the biological environment was damaged. The coverage of forest declined, the diversity of creatures and the living area for animals decrease, soil erosion was serious, and the income of local people was low. At the end of 2006, the net income per capita in the project area is lower than US$200, which is as 68% as the income in Shaanxi Province and as 43.2% of the average in China. During the implementation of QNBG project, we will consider the situation and encourage the local people to participate in the project. And we will protect the rights and interests of the local people. So, the implementation of the project takes an active role in improving the living condition of local people. After all, the site selection of QNBG is suitable for the natural demands of the construction and the social demands for economic development.

1.3 Project investment and implementation process

5. The total investment in the Project is estimated up to CNY397.1069 million, including CNY360.0442 million. Among this, the construction cost is CNY284.3097 million, other cost in construction CNY56.6066 million, preparation fee CNY 24.7789 million, loan interest during construction CNY33.3746 million, other cost in loan CNY2.7055 million, and floating capital CNY0.9825 million. The Project is planned to last for five years, commencing in 2008 and concluding by 2011.
1.4 Economical and technological feasibility study and earlier stage work

6. The initial preparation of the Project has been carried out one after another. The reports on the feasibility studies are undertaken by Mt. Qinling Botanical Garden of Shaanxi and Shaanxi Construction Investigation and Design Co., Ltd. The Resettlement Plan is undertaken by Mt. Qinling Botanical Garden of Shaanxi with the assistance of the Shaanxi Kexin Consulting Co., Ltd.

1.5 Potential adverse effects

7. Without doubt, the Project is very significant to protect the forest recovery, ecological improvement, ecological diversity protection and ecological poverty relief. However, according to other implementations of similar project, we should pay attention to several problems especially in the project. First, the project fund should arrive in full amount and in time to guarantee the smooth implementation. Second, we should guarantee the quality of various construction to avoid possible inconvenience and security problem for the later use. Third, we should handle all the possible problems during the constructing process and any unexpected situation, with the attitude of being open, just, transparent, consultative and consistent. And we should avoid any negative influence to the project caused by the policy deviation and the responsibility oversight.

1.6 Executing and implementing agencies

8. The executing agencies of the Project are the Development and Reform Committee of Shaanxi Province and the Foreign Loan Office of Shaanxi Province. The implementing agency is Mt. Qinling Botanical Garden of Shaanxi.

2. SOCIOECONOMIC OVERVIEW OF PROJECT AFFECTED AREAS

2.1 Affected areas of the project

9. The affected area, 50 km from Xi’an city, is located at Dianzhen Village, Zhouzhi County of Xi’an, Shaanxi Province, and totals up to 4,039.5 mu. Its north boundary is Highway S107, south to north hillside of Mt. Qinling, locating between Tianyu River and Chiyu River. The length is 2.63 km from east to west, and the width is 1.85 km from south to north.

2.2 Socioeconomic overview of project affected areas

10. The Project area, locating in Zhouzhi County of Xi’an City, is in the middle of 800 Li (400 Km long) Guanzhong Plain. It connects Mt. Qinling in the south and Weihe River in the south. There are many mountains and rivers in the project area. It has a long history, excellent
natural condition and beautiful scenery, so it is famous for “Golden Zhouzhi”. The climate is the continental monsoon climate. The annual average temperature is 13.2°C in the plain. With a total area of 2,974 km², the county has farmland more than 900,000 mu, a population of 630,000 living in nine towns, 13 townships and 379 administrative villages, and it is one of the well-known large counties in Guanzhong Plain.

11. By the end of 2006, the total output value reached CNY2.35 billion, fixed assets investment CNY1.358 billion and social consumer goods sales CNY1.027 billion.

12. By the end of 2006, the average net income in the rural area was CNY1,822 per capita.

2.3 Socioeconomic condition of the affected villages

A. Population at Dianzhen Village

13. There are 948 households with 3780 persons at Dianzhen Village. Among them, there are 1929 males and 1851 females; the ratio of male to female is 1:0.96. There are 4 persons averagely in each household. There are 546 children, 756 above 60 years old, and 2478 working age adults. Respectively, the annual rate of population growth is 1.445%, 1.999%, and 6.556% for the above age groups.

14. About 20% of the total population, 756 persons received elementary education. 50%, 1890 persons received junior middle school education. 11%, 414 persons received senior middle school education. 10%, 379 persons received no education at all. The rest are children below school age. Details see Appendix 2.

B. Socioeconomic situation

15. According to household survey, by the end of 2006, there are no village enterprises or individual enterprises in Dianzhen Village. Villagers’ income is from agriculture, part-time job and household animal husbandry. The land area is 6358.5 mu in Dianzhen Village, with farmland 6157.51 mu (97%). The per capita farmland is 1.63 mu. The flat land is 2734 mu, including irrigated land and dry land. The sloping land is 3411 mu. The Project area is 4039.5 mu, which will occupy 63% of the total village area. The average housing area per household is 150 square meters. At present, more than 1000 persons (37% of the labor force) get part-time jobs mainly in Xi’an. 27 households undertake transportation for passengers and to transport agricultural products. All other people only undertake agricultural work. They plant crops such as wheat, corn and rapeseed, and economical crop such as gooseberry, peach and apricot. Some housewives manage household animal husbandry such as chicken, pig and cow. In 2006, the per capita income in Dianzhen Village was CNY1547. The income and output statistics are shown in Appendix 2.
Table 1: Social and Economic Data of the Areas Affected By the Resettlement and Preservation Project for the Qinling Mountains National Botanical Gardens Land Acquisition Project

<table>
<thead>
<tr>
<th>County/District</th>
<th>Population</th>
<th>Total Land Area (mu)</th>
<th>Farm land Area (mu)</th>
<th>Farmer Net Average Income (CNY)</th>
<th>Average Annual Output of Land (CNY/mu)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zhouzhi County of Xi'an City</td>
<td>630,000</td>
<td>4460979</td>
<td>900,000</td>
<td>1822</td>
<td>1200</td>
</tr>
<tr>
<td>Dian Zhen Village of the Zhouzhi County</td>
<td>3,780</td>
<td>6358.5</td>
<td>6,157</td>
<td>1,547</td>
<td>1110</td>
</tr>
</tbody>
</table>

C. Data analysis

16. According to the social economy survey at Dianzhen Village, Jixian Town of Zhouzhi County, the basic living level in the project area is lower than the average level in countryside of Shaanxi Province and our country. By the end of 2006, the income per capita is only CNY1547 (USD198). The number is only 68% of the average income of Shaanxi Province, and 43.2% of that of our country. The two main income sources: one is to plant agricultural plants, the other is part-time job. In order to live, they had to cultivate land on hills, hunt animals, cut woods for firewood. And because of the climate, the forest there is always deceasing. So, the habitat for animals and plants decreases, and the diversity of creature has been damaged seriously.

2.4 Poor population

17. By the end of 2006, the income per capita in countryside of our country is CNY3587. In Shaanxi Province, it is CNY2260.20. In Zhouzhi County, it is CNY1822, and at Dianzhen Village, the only affected village, it is only CNY1547, which is 68% of the average of Shaanxi, and 43.2% of that of our country. Within Dianzhen Village, there are 25 households, whose income per capita is lower than CNY600 (see Table 2). These poor households have no income resource except agriculture, and some households even live on relief funds. The income is mainly from food crops but not cash crop. The main reasons for being poor are: 1. the main labor of the household is weak or ill, 2. lack of labor (working age adults), and 3. high expense on the sick.

Table 2: Comparison of income between affected area and other area in 2006

<table>
<thead>
<tr>
<th>area content</th>
<th>China</th>
<th>Shaanxi Province</th>
<th>Zhouzhi County</th>
<th>Dianzhen Village</th>
</tr>
</thead>
<tbody>
<tr>
<td>Income per capita</td>
<td>3587</td>
<td>2260</td>
<td>1882</td>
<td>1547</td>
</tr>
<tr>
<td>Percentage of that of China</td>
<td>100</td>
<td>63</td>
<td>52.5</td>
<td>43.1</td>
</tr>
</tbody>
</table>
2.5 Minorities

18. There are no minorities living in the area. All residents are of Han ethnicity and speak Chinese.

3. PROJECT IMPACTS

19. The investigation of the affected area of the Project is the responsibility of the Development and Reform Committee and Foreign Loan Office of Shaanxi Province, and were undertaken by Mt. Qinling Botanical Garden of Shaanxi and Shaanxi Kexin Consulting Co., Ltd. The work needs 260 person-time survey staff and 30 person-time material statisticians. Mt. Qinling National Botanical Garden undertook the earlier-stage project investigation and social economy condition survey. The expert panel from Shaanxi Kexin Consultant Company is in charge of the make-out of the plan of land acquisition, housing demolition and resident resettlement.

3.1 Methodology for Impact Analysis

A. The earlier-stage investigation on the project is carried out in two sections:

20. From 2002 to 2003, when Mt. Qinling National Botanical Garden and Shaanxi Construction Investigation and Design Co., Ltd were doing the feasibility study to this project, they carried on a preliminary survey to the social economy of the affected area, and solicited the local authority and some villagers' opinions in certain scope. From 28 January 2007 to 1 March 2007, Mt. Qinling National Botanical Garden, along with over 110 persons at Jixian Town and Dianzhen Village, had a total investigation on the social economy condition of Dianzhen Village and affected persons, land, houses and attached facilities in more than one month. The investigation involves and 948 households and 3780 persons of the village. In May, 2007, the expert group from Shaanxi Kexin Consulting Co., Ltd., after analyzing and processing the data and information under the surveys, has compiled the draft “Land Acquisition, Relocation and Resettlement Plan under the Project of Ex-situ Conservation Area of Plants in Mt. Qinling National Botanical Garden”.

B. The source of materials and survey methods:

21. Because the time of this survey is short and the coverage range is wide, the materials and datum of the project affected area rely mainly on consulting files and documents in relevant functional bureaus, collecting and arranging survey and statistical datum of local governments and relevant bureaus. Other complemented methods are to hold informal discussion and to observe directly in order to affirm above-mentioned materials and datum.

22. The survey involves each household in Dianzhen Village, Jixian Town of Zhouzhi County, the project implementation area. Concrete survey method adopts both collecting materials in room and visiting villages and households outside, both having an informal discussion and questionnaire survey. That is to say, we collect relevant characters, report form and drawing
materials from project implementation bureau and other relevant bureaus. At the same time, we have an informal discussion with the project implementation area villagers, observe and survey on the spot, and fill out fixed tables. All these make the survey as relevant as possible.

C. Kinds of main contents of project impact survey and socio-economic survey:

23. The project affected area socio-economic survey and survey of villagers’ living style, the main contents are as follows:

(i) administrative area, including the basic situation of county, city and province affected by the project
(ii) Main economic index in 2003–2006 in the above affected area
(iii) The impoverished population distribution in the above affected area
(iv) The living condition of women in the above affected area
(v) The information of the affected villages, including population, farmland, per capita income
(vi) The information of the sample households, including the percentage of income from planting, breeding, sideline and industry
(vii) The working construction and average property of the sample households
(viii) The living condition, drinking water condition and life style at the affected village
(ix) The affected individuals’ attitude and opinion to the project, the compensation policy of land expropriation, housing demolition and resident relocation, and economic rehabilitation plan

24. Land expropriation, housing demolition and resident relocation impacts survey, the main contents are:

(i) The quantity of affected land expropriation, housing demolition and all kinds of special-purpose facilities, the number of affected individuals caused by the Project
(ii) The quality, output per mu and output value of occupied farmland of the project
(iii) The construction value and rebuilt value of demolishing buildings of the project
(iv) The economical situation of the affected households
(v) The economical situation of the affected villages
(vi) The duration to the land expropriation, housing demolition and resident relocation of the affected
(vii) The opinions and attitude of the project given by people

25. The survey results are in Appendix 2 Social and Economic Data of the Areas Affected by the Resettlement.

3.2 Project impact investigation and results

26. According to the implementation plan of the project, from January to March in 2007, the investigation unit surveyed the affected number and kinds. The detail is in Appendix 3 Magnitude Affected by the Resettlement. The final number and kinds will be according to the measure and check before implementation of land acquisition and resettlement.
27. Affected kinds
   (i) 2 kinds of occupied land: farmland and beach land
   (ii) 4 kinds of houses: Brick and concrete, brick and wood, brick, earth and wood, earth and wood
   (iii) house attachment
   (iv) 4 kinds of attached facilities: Fruit trees, useful woods, garden, nursery
   (v) 6 kinds of special facilities: Infrastructure, irrigating facilities, power facilities, telecommunication facilities, communication facilities

Affected number
   (i) Building

28. The project needs to demolish 19319.97 m² of buildings, among which, brick and concrete building is 776.82 m², brick and wood building 4151.19 m², brick, mud and wood building 8564.51 m², mud and wood building 5827.68 m². 143 households are affected and will need to be relocated (15% of the village total).
   (ii) Land

29. The Project will utilize 4,039.5 mu of land area, of which 293.63 mu of land will be expropriated, including 204.9 mu farmland (including 29.7 mu orchard land) and 88.73 mu beachland land (wasteland). 115 households are affected by partial land acquisition (12% of the village total). During the construction of the project, 6 mu beach land will be occupied as temporary used land for 2 years. And as for the remaining land of 3745.87 mu, the right of use is to be obtained by means of leasing of land. The entire village of 948 households will be affected by land leasing, as the Project will utilize 63.5% of the village land area.
   (iii) Affected house attachment

30. 85 heatable adobe sheds, 58 heatable concrete sheds, 40 earth stoves, 106 brick stoves, 672m earth enclosure, 448m brick enclosure, 580 m² arch (earth and wood, brick and wood, brick and concrete), 7000 m² concrete ground, and 19319.97 m² all kinds of roofing materials
   (iv) Other facilities

31. Other affected facilities are: two wells, 25.28km channel, 90 electricity poles, 5.4km electricity wire, two transformers, 95 telecommunication poles, 7km telecommunication wire and 4.5km cable line, 20km street, 300 lights.
   (v) Temporarily occupied land

32. Because of construction, 6 mu beach land will be temporarily occupied for two years.
   (vi) Total number of affected persons

33. According to survey, during the project implementation, 115 households and 504 persons will be affected by land acquisition, among which 1 household and 3 villagers are poor family. And 143 households and 617 persons will be affected by housing demolition, among which there is no poor family. The leasing of land will affect 11 groups, 948 households and 3780 persons in Dianzhen Village, among which 25 households and 84 villagers are poor
families.

Table 3 Different Aspects Affected by the Resettlement and Preservation Project for the Qinling Mountains National Botanical Gardens Land Acquisition Project

<table>
<thead>
<tr>
<th>aspect areas</th>
<th>Total Land Area (mu)</th>
<th>Total Area Affected (mu)</th>
<th>Land Acquisition Area (mu)</th>
<th>Number of Households Affected (People / Households)</th>
<th>Shareholder Land Area (mu)</th>
<th>Houses and Buildings Demolished (m²)</th>
<th>Affected persons by leasing land (People / Households)</th>
<th>Population Affected (People / Households)</th>
<th>Young Crops Affected (mu)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dian Zhen Village</td>
<td>6358.5</td>
<td>4039.5</td>
<td>293.63</td>
<td>504/115</td>
<td>3745.9</td>
<td>19319.97</td>
<td>3780/948</td>
<td>617/143</td>
<td>3907.9</td>
</tr>
</tbody>
</table>

3.3 Measures to decrease the impacts of land acquisition and resettlement

A. Principles

34. During the stage of survey and design, the project is discussed by local government and experts. The project will not decrease its technical standard and environment protection standard, and then, the location and direction of the project is decided according to the following principles:

(i) The design organ should design the project to occupy farmland as less as possible, taking advantage of barren hill, barren land and barren beach to minimize land acquisition.

(ii) To avoid humane scenery (including temples for religious activities) and the key protection unit of cultural relics.

(iii) To avoid densely inhabited area to minimize affected persons.

(iv) To protect the exiting water conservation facilities. To resume irrigation affected by the project and to maintain the original irrigating system.

B. Method

35. (i) At the stage of feasibility study, when choosing the project place, we first decided on key areas and key places to avoid, and decided on the project area taking construction, environment, resettlement into consideration.

(ii) To have an fieldwork survey of the project area, to collect topography, landforms, cultural relics, mineral resource and economy development program, and to solicit local government and residents’ opinion of the position scope.

(iii) To have fieldwork measure of land acquisition and resettlement, survey of residents’ opinion and social economy According to the relevant laws and policy
of our country, to determine the compensation standard of affected land and resettlement, to survey the number of all kinds of land and building, and to survey land, farmland, population construction, economic condition, etc.

(iv) To collect detailed data of cultural relics in the affected area.
(v) To negotiate with villages in the affected area and plan department, and to choose places to construct, and not to occupy the high-quality farmland.
(vi) According to the results of the survey, to compute the total expenses of land acquisition and resettlement and the project (including the environmental protection fee). To have a joint meeting with three parties of engineering, environmental protection and resettlement, to consider local development program, government, and residents’ opinions, to analyze and compare the survey result as follows.
   a. Comparison of construction investment
   b. The possibility of the labor force setting, the analysis of environment capacity in certain area
   c. The project impacts to production and life water, if it is easy to resume
   d. From the point of local economy develop potential, to analyze if it is easy to resume or raise the living level of local residents after land acquisition and to make sure the production and living level will not decrease after land acquisition
   e. The analysis and comparison of the construction benefit and social benefit of the project

36. By comparing the above items, improving the plan, and consulting local residents, the final draft is decided.

37. In the stage of survey, the construction unit will make further survey on the implementation area to choose the best draft and to minimize land acquisition. In the stage of implementation, the project owner and supervision engineers will check construction design of the construction unit to minimize land occupation and farmland damage; in the stage of resettlement, the resettlement unit will minimize fertile land occupation when they choose place for rebuild housing and other buildings.

3.4 Evaluation of Resettlement Impacts

   A. Land Acquisition Impacts:

38. According to the design draft and fieldwork survey, the land acquisition of the project will not affect local residents’ farmland seriously. At Dianzhen Village, the farmland per capita before land acquisition is 1.63 mu, and after land acquisition, it is 1.55 mu. According to the survey, the income from agriculture of affected households ranges from 2004 to 206 yuan, the average income per capita is CNY1333. The main source is from cash crops such as Chinese gooseberry, apricot, and peach planting and agricultural crops such as wheat, corn and rapeseed. The annual income is shown in Table 4.
39. What needs to be mentioned is that, the income in countryside doesn’t include labor cost. If considering labor cost, the net income of wheat, corn or rape is very low, even minus. The orchard or nursery needs to be looked at after all the year, the labor cost is CNY1000-2000 every mu/year, so the net income per mu is only CNY400. So, if we don’t take the income and compensation from land leasing into consideration, the permanent farmland acquisition per capita is only 0.08 mu less than before, and the income from the land is only CNY32 less per capita than before every year. So, the impact of permanent land acquisition is not significant.

### Table 4: Agricultural crop income in project area in 2006

<table>
<thead>
<tr>
<th>Kind</th>
<th>Output (jin/mu)</th>
<th>Average price last 3 years (jin/mu)</th>
<th>Total income except labor cost (Yuan/mu)</th>
<th>net income (yuan/mu)</th>
<th>labor cost (yuan/mu)</th>
<th>net income from crop including labor cost (yuan/mu)</th>
</tr>
</thead>
<tbody>
<tr>
<td>wheat</td>
<td>600</td>
<td>0.6</td>
<td>396</td>
<td>200</td>
<td>19</td>
<td>356 CNY350 two crop seasons per year</td>
</tr>
<tr>
<td>corn</td>
<td>600</td>
<td>0.6</td>
<td>360</td>
<td>200</td>
<td>16</td>
<td>500</td>
</tr>
<tr>
<td>rapeseed</td>
<td>200</td>
<td>1.5</td>
<td>300</td>
<td>200</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Chinese gooseberry</td>
<td>4000</td>
<td>0.6</td>
<td>2400</td>
<td>800</td>
<td>1600</td>
<td>1000</td>
</tr>
<tr>
<td>peach</td>
<td>3000</td>
<td>0.9</td>
<td>2700</td>
<td>1000</td>
<td>1700</td>
<td>1200</td>
</tr>
<tr>
<td>apricot</td>
<td>2500</td>
<td>0.7</td>
<td>1750</td>
<td>600</td>
<td>1150</td>
<td>800</td>
</tr>
<tr>
<td>plum</td>
<td>2500</td>
<td>0.6</td>
<td>1500</td>
<td>600</td>
<td>1200</td>
<td>800</td>
</tr>
<tr>
<td>cherry</td>
<td>400</td>
<td>5</td>
<td>2000</td>
<td>800</td>
<td>1200</td>
<td>700</td>
</tr>
<tr>
<td>persimmon nursery</td>
<td>2500</td>
<td>0.3</td>
<td>750</td>
<td>200</td>
<td>700</td>
<td>400</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3000</td>
<td>1000</td>
<td>2000</td>
<td>1600</td>
</tr>
</tbody>
</table>

B. Evaluation of Gender Impacts:

40. According to the survey (data in appendices), there are 3780 people at Dianzhen Village. There are 1929 men and 1851 women, so the rate of men with women is 1:0.96. Because of
the need of the society, most of the labor force working outside are men. There is more than a thousand people work outside, among whom are less than 200 women. Women stay at home to do housework and undertake breeding industry. So the income of the women labor force is mainly from agriculture and breeding industry. Typically, women account for 25 to 35 percent of household income.

41. The women working outside mainly undertake service industry and housing work, the annual income is only 60% as the income of men. So, the impacts of land acquisition to the women labor force has two aspects:

42. One is that because of land acquisition and leasing land, the income from agriculture ends. However, because of land compensation and dividend of leasing land (see Chapter 5, Policy and compensation standards), the affected women can get CNY610 fixed dividend every person every year. After the implementation of this Project, the land per capita is 1.55 mu. The fixed dividend standard is CNY540 per mu for irrigated land, CNY380 per mu for dry land, and CNY280 per mu for slope land. The average fixed dividend is CNY400 per mu and CNY610 per capita. According to the land leasing agreement by QNBG and Dianzhen Village, QNBG also agrees to give CNY2.50 from every gate ticket to Dianzhen Village as the profit dividend from the day when the ticket is sold. According to the feasibility report of QNBG and calculation, the QNBG will receive visitors in 2011 and sell 600,000 tickets every year. And the visitors will increase 2% every year. So, Dianzhen Village will receive CNY1,500,000 profit dividend in 2011. The average profit dividend is CNY400 per mu and CNY621 per capita. So, the two kinds of dividends will make the women's income rise a lot. The other is that according to the economic rehabilitation plan of this Project, the affected villagers have the priority to work for this Project and get relevant income. This policy will mainly benefit for women labor force, because the men labor force prefers to work outside. Based on the above analysis, this Project will bring active influence to the women.

C. Evaluation of Project Impacts on Vulnerable Persons

43. In Dianzhen village, the only village affected by resettlement, 25 households are considered poor and vulnerable. Although the project will utilize 63.5% of the village land, overall negative impacts on the vulnerable households are minor. These households, with an annual per-capita income below CNY600, will be better off economically after land acquisition. They will have a stable income from land lease that is higher than their current income from agriculture, and they will profit from better overall social and public services during and after project implementation.

4. POLICIES FOR LAND ACQUISITION AND RESETTLEMENT AND RELEVANT LAWS

4.1 National Laws and Regulations Concerning Acquisition and Relocation

44. In accordance with the following legal documents, the construction unit is entitled to the land acquired upon compensating the affected units and people.


46. Main contents: formulations on land ownership, land using overall plan, farmland protection, land for construction, supervision and inspection, legal responsibility, including land expropriation compensation, subsidy standard for relocation, and relocation way of relocated people.


(iii) Regulations on the Protection of Basic Farmland (No.257 Decree of the State Council of The People’s Republic of China on December 27,1998)

48. Main contents: in line with Agriculture Law of the People's Republic of China and the Land Administration Law of the People’s Republic of China, concrete formulations for the country’s protection of basic farmland, including delimitation, protection, supervision and management, legal responsibility, and so on.

(iv) Interim Regulations of Farmland Use Tax of the People’s Republic of China (No. 27 Document of the State Council on April 1, 1987)

49. Main contents: formulations about tax contribution standard and contribution range of state construction occupied farmland.


(vi) Detailed Implementation Regulations on Regulations on the Protection of Basic Farmland of Shaanxi Province (No. 30 Decree of the People’s Government of
Shaanxi Province on April 4, 1996)

51. Main contents: in line with the Land Administration Law of the People’s Republic of China, Regulations on the Protection of Basic Farmland by the State Council, relevant laws and regulations, and the reality in Shaanxi Province, concrete formulations on the protection of the basic farmland in Shaanxi Province.

(vii) Decision on Furthering Reform of Land Management of the State Council (Guofa [2004] No. 28)

52. Main contents: In order to use the land properly, to protect the legal rights of the peasants whose land is expropriated, to maintain social stability, and to perfect the land expropriation and resident relocation system, the decision puts forward the guide principle and way to perfect the compensation of land expropriation. The decision asks all the county, city and province governments to take useful measures to make sure that the peasants’ living standard will not decrease after their land is expropriated, and that according to laws in force, the land compensation, relocation compensation, ground attachment and young crop compensation are paid in full and in time. If according to laws in force, after the payment of land compensation and relocation compensation, the peasants whose land is expropriated cannot maintain the original living standard, and their social security can not be paid, the province, autonomous region and municipality government should agree to add relocation compensation. If the sum of land compensation and relocation compensation reaches the legal upper limit, but the peasants whose land is expropriated couldn’t remain the living standard as before, the local people’s government can subsidy with the state-owned land income. The government of province, autonomous region and municipality should work out and promulgate the standard of output value or price of land. The land expropriation should be the same land the same price. The national key construction project should take the expense of land expropriation into its budget.


53. The main contents: to put forward how to carry through <The Decision of the State Council on Deepening the Reform and Strictly Enforcing Land Administration> especially aiming at some problems during the land expropriation compensation and relocation system. There are two aspects:

(i) to formulate unified annual output value standard. The province land and resources administrative organ along with relevant organs woks out the lowest unified annual output value of every county in the province, then announce and carry out it after the approval of the province government. The workout of unified annual output value standard should consider the type and quality of expropriated land, the investment on the land, the price of agricultural products,
the grade of land, and so on.

(ii) The affirmation of unified annual output value times. The unified annual output value times of land compensation and relocation subsidy should ensure the peasants whose land is expropriated retain a standard no lower than before and be worked out within the legal limit. According to the legal unified annual output value times, if the land compensation and relocation subsidy couldn't ensure the peasants whose land is expropriated couldn't remain the original living level and couldn't pay for their social security, the times can be increased after the approval of province government. If the sum of land compensation and relocation subsidy is 30 times as the unified annual output value, the peasants whose land is expropriated couldn’t remain the original living standard, the local government can subsidy from the state-owned land income. If the basic farmland is expropriated by the legal approval, the land compensation should be carried out according to the highest compensation standard announced by the local government.

4.2 ADB’s Policy on Involuntary Resettlement

54. For its supported construction project, ADB formulates its policy—ADB’s Policy on Involuntary Resettlement (1995). Its main contents are same as our country’s relevant laws and regulations, and only a few items are different. The main idea of ADB’s Policy on Involuntary Resettlement are:

55. Involuntary resettlement should be an important consideration in project identification. For any project that requires relocating people, resettlement should be an integral part of project design and should be dealt with from the earliest stages of the project cycle, taking into account the following basic principles:

   (i) Involuntary resettlement should be avoided where feasible.
   (ii) Where population displacement is unavoidable, it should be minimized by exploring all viable project options.
   (iii) If individuals or a community must lose their land, means of livelihood, social support systems, or way of life in order that a project might proceed, they should be compensated at replacement cost and assisted so that their economic and social future will generally be at least as favorable with the project as without it. Appropriate land, housing, infrastructure, and other compensation, comparable to the without project situation, should be provided to the adversely affected population, including indigenous groups, ethnic minorities, and pastoralists who may have usufruct or customary rights to the land or other resources taken for the project.
   (iv) Any involuntary resettlement should, as far as possible, be conceived and executed as a part of a development project or program and resettlement plans should be prepared with appropriate time-bound actions and budgets.
Resettlers should be provided sufficient resources and opportunities to reestablish their homes and livelihoods as soon as possible.

(v) The affected people should be fully informed and closely consulted on resettlement and compensation options. Where adversely affected people are particularly vulnerable, resettlement and compensation decisions should be preceded by a social preparation phase to build up the capacity of the vulnerable people to deal with the issues.

(vi) Appropriate patterns of social organization should be promoted, and existing social and cultural institutions of resettlers and their hosts should be supported and used to the greatest extent possible. Resettlers should be integrated economically and socially into host communities so that adverse impacts on host communities are minimized. One of the effective ways of achieving this integration may be by extending development benefits to host communities.

(vii) The absence of formal legal title to land by some affected groups should not be a bar to compensation. Affected persons entitled to compensation and rehabilitation should be identified and recorded as early as possible, preferably at the project identification stage, in order to prevent an influx of illegal encroachers, squatters, and other nonresidents who wish to take advantage of such benefits. Particular attention should be paid to the needs of the poorest affected persons including those without legal title to assets, female-headed households and other vulnerable groups, such as indigenous peoples, and appropriate assistance provided to help them improve their status.

56. The ADB Policy on Involuntary Resettlement set out policies principles: the following are relevant for this Project: Where population displacement is unavoidable, a detailed resettlement plan with time-bound actions specified and a budget are required. Resettlement plans should be built around a development strategy; and compensation, resettlement, and rehabilitation packages should be designed to generally improve or at least restore the social and economic base of those to be relocated. Monetary compensation for land alone may not be adequate. Voluntary relocation by some affected persons may form part of a resettlement plan, but measures to address the special circumstances of involuntarily resettled people should also be included. Preference should be given to resettlement of people dislocated from agricultural settings unto similar settings. This is particularly important for indigenous peoples whose degree of acculturation to mainstream society is limited. If suitable land is unavailable, other strategies built around opportunities for wage employment or self-employment may be used.

57. There are regulations about the implementation and monitoring of resettlement, the loan party should report to ADB about the progress of resettlement during the project implementation; and in charge of the monitoring and evaluating of resettlement; ADB will supervise the implementation of resettlement in order to make sure if the implementation matches the resettlement plan.
4.3 Comparison of Relocation Policies between ADB and China

A. Comparison analysis on resettlement policy

58. 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.

59. The policy on relocation and resettlement launched by ADB 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.

60. 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.

B. Comparison analysis of resettlement plan

61. Before ADB evaluates a project, it requires a satisfactory “resettlement plan” from the project owner. In the content and coverage, the ADB’s demand is much more specific than that of our country, so there is some distance between them. That is also the difficult point to work out ADB’s resettlement plan. The main contents of our country’s resettlement plan are: (i) the affected scope of affected land, to survey the amount of affected lose and all kinds of
residents; (ii) to choose the year of plan; (iii) according to the possible resettlement place provided by the local government, to collect data of natural resources, social economy, agricultural region and economic development program; (iv) determine production and living standard of relocated residents; (v) to balance the resettlement of production and relocated people; (vi) to balance the living plan and the relocated residents; (vii) to analyze the input and output, to predict the living level of relocated resident and to give a total evaluation; (viii) to give a budget of investment; and (ix) according to the process of the project, to put forward the annual pace of resettlement. ADB’s resettlement plan is as follows: The contents and level of detail of resettlement plans, which will vary with circumstances, especially the magnitude of resettlement, should normally include a statement of objectives, policies, and strategy, and should cover the following essential elements: (i) organizational responsibilities; (ii) community participation and integration with host populations; (iii) socioeconomic survey; (iv) legal framework including mechanisms for resolution of conflicts and appeals procedures; (v) identification of alternative sites and selection; (vi) valuation of and compensation for lost assets; (vii) land ownership, tenure, acquisition, and transfer; (viii) access to training, employment, and credit; (ix) shelter, infrastructure, and social services; (x) environmental protection and management; and (xi) implementation schedule, monitoring, and evaluation.

62. 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.

63. 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.

4.4 Conclusion

64. 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.

5. RESETTLEMENT POLICY AND COMPENSATION STANDARDS

5.1 Policy and principle

65. To protect relocated people’s legal rights and to guarantee relocated quality of the relocated people are both our country’s relevant policy and laws and ADB’s resettlement policy for the relocated people. The implementation of this project inevitably needs some land expropriation, building demolition and resident relocation. In accordance with legal
regulations concerning land acquisition and relocation by the national and local governments and guiding principles of ADB concerning relocation and resettlement, and especially in order to carry out the construction of the Project, the Project shall be implemented in adherence to improving or not lowering the production conditions and living standard of the affected people. The affected residents are entitled to get compensations from the implementation party that should help the affected residents to resume or improve the level of their income and life. In conformity to the above principles, the Foreign Loan Office of Shaanxi Province, the executing agencies, and Mt. Qinling Botanic Garden of Shaanxi, the implementing unit, together with Shaanxi Provincial Department of Land Resources and other related departments, draw out relative policies and measures in respect of the Project. The standard of output value of Shaanxi Province is being formulated. When the draft is formulated, it needs to be witnessed and revised, and then can be put in practice after the approval of the Shaanxi Provincial Government. Therefore, in accordance with the reality in Shaanxi Province, the project will base on the spirit and demand of Decision on Furthering Reform of Land Management of the State Council (Guofa [2004] No. 28) and Notice on Printing the Suggestions for Completing Compensation and Relocation System of Land Expropriation by the Ministry of Land Resources of People’s Republic of China (Nov. 3, 2004, Guotuzifa [2004] No. 238) and work out the plan of compensation. If the new policy of Shaanxi Province is put in practice, the project will be based on it.

66. In order to do the land expropriation, building demolition and resident relocation compensation well, the Project will apply the following principles.

(i) To make sure the affected individual people can raise, at least resume, their original production and living level in the shortest time.
(ii) The compensation of land acquisition, temporarily occupied land, young crops, attached facilities and affected houses should be formulated in the legal limits and considering the affected persons' opinions.
(iii) Any damage of villagers' life and production caused by construction should be paid according to the damage level. The compensation should restore or improve their original life and production level.
(iv) Anyone who lose his house should get a new one as replacement, the resettlement site should be around the original site, no more than 1,000 meters at most. The new houses should be planned by the villagers' committee and built by villagers themselves. However, if there are any difficulties, the local government or village committee should help them. Since land adjustment is to distribute benefits from land among villagers equally, the principle for land adjustment of a village should be approved by villagers' committee.
(v) The compensation of all the affected houses and other facilities should be calculated according to the latest price, and without any depreciation. Anyone who loses his house should get a new one around the original site and the new resettlement has been determined.
(vi) Land expropriation, building demolition and resident relocation compensation should be completed at least one month before the project construction begins. Otherwise, the project cannot begin.

(vii) In line with the principle of guaranteeing the country’s construction land and saving farm land at most, don’t occupy farm land as far as possible if deserted land or hillside fields are available.

(viii) If the land doesn’t change its ownership (the land occupied by village public facilities, villager sanitation, potable water facilities), the land will not be expropriated and paid compensation.

5.2 Compensation standards

A. Affected houses

67. Compensation shall be made in accordance with the actual condition of the demolished houses, regardless of their ownerships, in order to ensure that the demolished households can obtain the houses of the same structure and areas as their demolished ones stipulated in RP. According to the guide for house relocation settlement and the structure and type of houses, the people affected by house demolition shall be compensated directly, and their previous houses shall not be depreciated; besides, the affected residents are entitled to salvage the construction materials of their previous house.

68. For villagers who lose their houses, the village and township government shall allocate land bases for them to build houses by themselves with the assistance of compensation fees and house removal fees; or they can ask the village and township government to build the house for them. No matter which way of rebuilding is adopted, the house cannot be demolished until the demolished households have removed to their new houses.

69. In accordance with the assessment and approval of the real estate management bureaus of the county or the city, the compensation standard is calculated according to the replacement costs according to the current market prices of materials and labor. The standard is as shown in Table 5 below.

<table>
<thead>
<tr>
<th>Type</th>
<th>Brick and Concrete (m²)</th>
<th>Brick and Wood (m²)</th>
<th>Brick, earth and Wood (m²)</th>
<th>Earth and wood (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit: CNY/m²</td>
<td>511.18</td>
<td>475.44</td>
<td>422.94</td>
<td>316.41</td>
</tr>
</tbody>
</table>
70. For illegal and temporary constructions, if any, the appropriate sum of replacement or removal costs shall be granted for timely demolition; they shall be treated as any other construction.

B. Affected Land Compensation Standard

71. Standard for land compensation fee and relocation subsidy – In line with the spirit and requirement of the Decision on Furthering Reform of Land Management of the State Council and 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, land compensation fee and relocation subsidy will be calculated together:

72. Land compensation fee and relocation subsidy shall be calculated within the legal upper limit of both land compensation fee and relocation subsidy, namely, totally 30 times of the average output of the land within the project area in the first three years before the land is expropriated according to the Land Administration Law of PRC. We also compare the standard of a World Bank project in the similar area: Shaanxi-Sichuan Expressway, that is, 20 times, and we surveyed the affected people’s opinions, so we formulate the compensation standard: 21 times as the average output value before three years.

73. The young crops compensation shall be calculated according to the maximum of 40% to 90% of the average output of the land with damaged young crops in the first three years; this will more than cover replacement costs.

74. Compensation for orchard, residential base and barren land shall be calculated according to the Implementation of ‘Land Administration Law of the Peoples Republic of China’ of Shaanxi Province: compensation for farmland shall be made according to four to six times of the average annual output of the medium-sized arable land in the local county (city or district) with expropriated land in the first three years; the relocation subsidy of other used land is paid by the 30%-60% of the middle-class farmland compensation standard of the relevant count. In the Project, the compensation standard of the beach land compensation and relocation subsidy is 16 times as the average annual output value in three years before the land acquisition. The local government, the People’s Government of Zhouzhi County, has approved the compensation standard of the Project in the document of Zhouzhi Government Document(2007) NO. 26. The upper-level government, Xi’an Municipal Government also approved in Xi’an Municipal Government Document (2007) No. 117. The compensation standards are shown in Table 6 based on comprehensive AAOVs (see Table 7). These standards have been discussed and agreed upon with villagers.

<table>
<thead>
<tr>
<th>Land type</th>
<th>Farmland</th>
<th>Beach land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual output value</td>
<td>1193</td>
<td>1062</td>
</tr>
</tbody>
</table>
### Table 7: AAOV of the Affected Areas
(based on the average of the three years from 2003-2006)

<table>
<thead>
<tr>
<th>Land type</th>
<th>Farmland</th>
<th>Beach land (including orchard, garden, slope land)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average annual output value (yuan/mu)</td>
<td>1193</td>
<td>1062</td>
</tr>
</tbody>
</table>

According to Article 47 of Land Administration of the Peoples Republic of China and the relevant regulations released by Shaanxi Provincial People’s Government, the formula for calculating the compensation fee for arable land is as follows:

\[ Q_1 = A \times a \]

(\text{e.g.: farmland is 26000 yuan/mu} = 1,193 \text{ yuan/mu} \times 21)

Among which:

- \( Q_1 \) = land compensation fee
- \( A \) = average output of the land in the three years before the land is expropriated
- \( a \) = combined multiple of land compensation fee and relocation subsidy = 21

The formula for calculating the compensation fee for beach land is as follows:

\[ Q_1 = A \times a + A \times b \]

\( Q_1 \) = land compensation fee and relocation subsidy

- \( A \) = average output of the land in the three years before the land is expropriated
- \( a \) = land compensation fee multiple = 6
- \( b \) = relocation subsidy multiple = 10

Compensation for young crops is calculated according to 90% of the average annual output of the land before expropriation in the first three years. See Table 8 for the compensation standard.

### Table 8: Young Crop Compensation Standard

<table>
<thead>
<tr>
<th>Type</th>
<th>Vegetable (10% of the young crop total)</th>
<th>Other young crops (mainly grain crops)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit: CNY/mu</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard</td>
<td>1,000</td>
<td>500</td>
</tr>
</tbody>
</table>

D. Other Affected Facilities
77. (i) The affected ground attachments mainly include: fruit trees, useful woods, gardens, nurseries and so on. The compensation standards are shown in Table 9. These rates have been disclosed to affected villages and are considered appropriate; where there are discrepancies on quality, some negotiation of the final payment is allowed.

<table>
<thead>
<tr>
<th>Scattered Fruit Trees (each)</th>
<th>Young Fruit Trees (each)</th>
<th>Useful Woods (each)</th>
<th>Young woods (each)</th>
<th>Gardens and nurseries (each)</th>
</tr>
</thead>
<tbody>
<tr>
<td>30–190</td>
<td>5–30</td>
<td>30–700</td>
<td>5–30</td>
<td>10–40</td>
</tr>
</tbody>
</table>

Note: During the compensation of the affected ground attachment, the compensation is according to the assessment on the ground attachment and the compensation standard.

78. (ii) All specialized facilities, including facilities for hydraulic work, power and communication, as well as yards, pools and vault storeroom, shall be compensated according to relevant regulations of Shaanxi Provincial People’s Government and their real construction cost, replacement cost or alternative value.

E. Evaluation of the Compensation Standard

79. According to the spirit and requirement of the Decision on Furthering Reform of Land Management of the State Council (Guofa [2004] No. 28) and the Notice on Suggestions for Completing Compensation and Relocation System of Land Expropriation (Guotuzifa [2004] No. 238) released by the Ministry of Land and Resources, the compensation standards for houses, affected land and young crops of this Project are proposed by Shaanxi Foreign Loan Office, namely the executing agent and the implementation agent of the Project along with Shaanxi Provincial Department of Land and Resources and Shaanxi Provincial Bureau of Statistics, in the light of the social and economic development strength and features within the Project area of Shaanxi province, incorporating the part of suggestions put forward by every district when they enact the uniform standard for annual output. Therefore, these standards have been increased by a large margin compared with the previous ones. For example, the compensation standard of Xi’an-Yumenkou Expressway is 15 times as the average annual output of the land before expropriation in the first three years. However, the compensation standard of some projects (such as some projects in Northern Shaanxi) is a bit lower, because the average annual output of the land there is much lower than that in the Guanzhong Plain. The compensation standard for land and young crops of the Project has been stipulated with incorporation of the suggestions of the local government and residents, so it is rated highly by the local government and residents according to consultation feedbacks. The compensation of house and the attachment is according to the rebuilt price and the price is decided by the professional asset valuation agency. So, the affected villagers’ living standard will rise in some degree. For example, Lei Zhihua, a villager in Group 10, Dianzhen village, with 6 other household members, lives in a 150 m² brick and concrete house. The house is in the middle of the mountain, so the life and communication is not
convenient. And the natural disaster makes the house unsafe. The planned new houses have good infrastructure, right site and suitable space. The new house of Lei’s will cost CNY90,000 and Lei will get house compensation and attachment compensation of CNY95000, so Lei can easily build his new house. These compensation policies make the local people support the Project.

80. According to the regulations of Article 16 of Regulations on the Protection of Basic Farmland issued by the State Council of the People’s Republic of China, if the construction land is in the protection scope of basic farm land designated by the local government, people should reclaim the same quantity and quality as the occupied basic farmland; if there is no condition to reclaim wasteland or the reclaimed land does not meet the need, people should pay farmland reclamation fee according to the concrete formulations of Regulation on the Protection of Basic Farmland of Shaanxi Province.

F. Payment of Compensation Fee

81. Compensation fee for land expropriation (including relocation subsidy) takes a part in the total investment of the Project, thus it has already been considered in the budgetary estimation. All the compensation fees are allocated by Shaanxi Qinling Botanical Garden; they shall be given to the affected collectives and people, and no one shall intercept or embezzle them. The land expropriator shall sign contract with the previous owner of the expropriated land; the compensation fee shall be drawn with the signature of the payee; and all the materials shall be kept in archives. Relocation subsidy is for the agriculture population whose production material is land and whose living source is from land. Relocation subsidy should be paid directly to the affected persons.

(i) Land compensation fee and relocation subsidy

82. In this Project, land compensation fee belongs to rural collective economic group, thus it shall be given directly to the village committee in a bid to develop production and restore the economic strength of the affected people. The affected people are entitled to discuss and participate in the economic restoration plan.

83 Relocation subsidy should be paid directly to the affected persons. In this Project, the land compensation fee and relocation subsidy are adder together in order to get the maximum amount of compensation permitted by national laws and policies. (The compensation for farmland is 6—10 times as the average annual output value during three years before the land acquisition. Relocation subsidy is no more than 15 times as the average annual output value during three years before the land acquisition. However, if adding the land compensation and relocation subsidy together, the maximum amount should be 30 times as the average annual output value during three years before the land acquisition. See Item 47 of the Land Administration Law of PRC).
(ii) Compensation fee for house, specialized facilities and auxiliary facilities, as well as young crops shall be directly paid to the entitled people.

G. Temporary occupied land

84. (i) Temporary occupied land is the occupied road, material ground, construction ground occupied by construction unit during the project construction. The compensation of temporary occupied land is the average annual output value of the occupied land times the occupied years. When returned, the land should to be the original state, or paying some fee to the farmers for recovering it.

(ii) The surface mellow soil of the occupied land should be stored until the occupied land is due. Then the construction unit should renovate the land to the state that the land can be planted, and then return it to the state that the land can be planted, and then return it to the affected individuals.

(iii) About temporary occupied land, there is only compensation, but no resettlement or permanent impacts.

Table 10: Temporary occupied land compensation standard

<table>
<thead>
<tr>
<th>Land Type</th>
<th>Farmland</th>
<th>Other farmland</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>(including orchard, nursery and slope land)</td>
</tr>
<tr>
<td>standard</td>
<td>1193</td>
<td>1062</td>
</tr>
</tbody>
</table>

H. House Relocation and Transition Subsidies

85. (i) The affected people shall be paid the house relocation and transition subsidies in addition to the house compensation fee according to the standards, including temporary transition fees, house removal fee and compensating fees for infrastructure.

   a. The standard of temporary transition fee: is CNY500 each household.
   b. The standard house relocation/moving fee: is CNY500 each household. If the Land Acquisition and Resettlement Coordinating Office offer transportation, no fee needs to be paid.
   c. Compensating fees for infrastructure is used to construct infrastructure for removed households to compensate construction expenses on access to three basic facilities and smooth road.

(ii) The transition period is no longer than the production rehabilitation time.
I. Compensation scope of land acquisition and resettlement

86. The Project will utilize 4,039.5 mu of land area, of which 293.63 mu of land will be expropriated permanently. All the land belongs to Dianzhen Village of Jixian Town. 115 households and 504 persons will be affected by the permanent land acquisition. And the rest of the land required for the Botanical Gardens will be utilized by the farmers within the project area through voluntarily receiving shares and annual dividend payments (land leasing). The land leasing involves 11 groups, 948 households and 3780 persons at Dianzhen Village (i.e., everyone in the village is affected; on average, the affected land is two-thirds of the total farmland in the village). The project has to demolish 19,320 m² of buildings, most of which are residential houses. The house resettlement involves 143 households with 617 persons who are located in Groups 8 and 9. These affected households can be resettled within Dianzhen village; most will relocate to the main village centre. The total compensation fee for land acquisition and resettlement of the project is estimated to be CNY123.288 million.

5.3 Land Compensation and Dividend for the Voluntarily Leased Land within the Project Area

87. The Project will utilize 4,039.5 mu of land area, of which 293.63 mu of land will be expropriated, and the rest of the land, totally 3,745.87 mu, shall be leased from the village with the affected persons receiving fixed and profit dividends from the Qinling Botanical Gardens. The land utilization and compensation of the leased area includes two aspects: the compensation for ground attachment and young crops; and the policy on dividend for the leased land. The standard for the former two items shall comply with the relevant requirements of the national policy and ADB.

A. Compensation and payment for the ground attachment and young crops of the leased land within the project area

88. (i) According to the research report on The Project of Land Expropriation, Relocation and Conservation of Mt. Qinling National Botanical Garden, it is preliminarily confirmed that the leased land is 3,745.87 mu, of which the irrigable land and dry land take up 1,126.07 mu, orchard land 60 mu, and hillside land 2,559.8 mu (68%). The compensation standard for the ground attachment and young crops of the leased land shall conform to that of the expropriated land of the Project. See Table 11.

<table>
<thead>
<tr>
<th>Type</th>
<th>Vegetable (10% of the young crop total)</th>
<th>Other young crops (mainly grain crops)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit: CNY/mu</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard</td>
<td>1,000</td>
<td>500</td>
</tr>
</tbody>
</table>
Table 12: Affiliated Facilities Compensation Standard in the leasing land

<table>
<thead>
<tr>
<th>Scattered Fruit Trees (each)</th>
<th>Young Fruit Trees (each)</th>
<th>Useful Woods (each)</th>
<th>Young woods (each)</th>
<th>Gardens and nurseries (each)</th>
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<tbody>
<tr>
<td>30–190</td>
<td>5–30</td>
<td>30–700</td>
<td>5–30</td>
<td>10–40</td>
</tr>
</tbody>
</table>

Note: This is only a basic standard. During the compensation of the affected ground attachment, the compensation is according to the assessment on the ground attachment and the compensation standard.

89. (ii) According to Item 4, Chapter 1 of the Land Administration Law of PRC, the definition of agricultural land is “including farmland, forestry land, grassland, land for irrigating facilities, water for breeding industry and so on; construction land refers to land for buildings and structure”. The leased land shall not change its nature for agricultural use, thus all kinds of specialized facilities on the ground of the leased land for hydraulic work, power, communication, as well as yard, vault storeroom shall not be damaged or relocated. If compensation is necessary in the Project, it shall be paid in accordance with the relevant regulations of the Xi’an Municipal People’s Government and the real construction cost, or the alternative price.

90. (iii) The compensation and payment for the ground attachment and young crops of the pooled land shall be fulfilled a month earlier prior to the implementation of the Project.

91. (iv) Consultation, complaints, appeal, public participation, supervision and assessment procedure and method concerning the above-mentioned compensation standard and payment shall be in conformity with that of the expropriated land of the Project.

B. Land Leasing

92. According to settlement policy on leasing of land in Instruction on Consummation of Land Appropriation Compensation System by the Ministry of Land and Resources (Guotuzifa, 2004, No.238), “for the project-used land with long-term income, the countryside economic organ can use either compensation fee or the use right of construction land as shareholders. These shareholders are regarded as capital stock-preferred to get profit sharing.” The Project will acquire land-use right of 3,745.87 mu by the way that farmers are shareholders with free will. Besides compensation of ground attachment and green seedling of appropriated land, the original land user will share profits with the affected farmers (and village collective) through annual dividend payments. In order to protect the interest of the original user on the appropriated land, profit sharing for the original land user will be calculated by fixed profit sharing and revenue profit sharing. The duration of the leasing land is 50 years.

93. (i) The standard of the fixed dividend is CNY540 for irrigating land and orchard, CNY380 for dry land, and CNY280 for slope land. The fixed dividend is calculated by year.
The receiver is each villager group. Each group distributes the compensation to the original users according to their proportion of their leasing land. The QNBG agrees to pay one-year fixed dividend in cash or in check within 3 months after the signing of the leasing land contract, which was done in October 2007. Then, at the end of each September, the next year’s fixed dividend will be paid.

94. (ii) From the year Mt. Qinling National Botanical Garden gains admission income (i.e., 2011), the original land user will enjoy operation profit sharing and the standard and policy of the fixed profit sharing will not be altered.

95. The operation profit shared by original leasing land users is calculated by the Garden and each village, and then the villages contribute it to their own groups. The amount that each group can receive is calculated according to its capital stock from its land use right. The capital stock is calculated as follows.

96. CNY13,500 for the irrigated land, CNY9500 for the dry land and CNY7000 for the slope land. The amount of operation profit sharing is calculated according to the proportion of the capital stock in the Garden.

97. If there is no operation profit sharing, in order to protect the interest of the original users of the leasing land, the QNBG agrees to pay CNY2.50 from every ticket to the groups of Dianzhen Village as the operation profit sharing according to their capital stock. Each group can decide their own distribution plan after the original users’ meeting.

98. According to the plan and the procedure, the Garden will become a company in 6 years. Then, the operation profit sharing will be calculated according to their capital stock in the Garden. In order to protect the interest of all the original users, the Garden agrees that if the 6% operation profit sharing is lower than the amount of CNY2.50 from each ticket, the Garden will get the amount of CNY2.50 from each ticket and the Garden doesn't run as a company. If the Garden runs as a company, the Garden will not pay the amount of CNY2.50 from each ticket any more.

99. Operation profit sharing for the original land user can be a dividend according to land-use right for 50 years to be paid for shares. This amounts to 6%, according to the land investment proportion on the total capital stock of the Garden.

100. Legal representative of fixed profit sharing and operation sharing is the Villager's Committee of Dianzhen Village, Zhouzhi County in affected areas, which shall grade the participating land according to its practical type and make sure that the amount of every mu is allocated to the participating original land user.
C. Revenue analysis of land leasing

101. The relocation and conservation project of Mt. Qinling National Botanical Garden will achieve the use right of 3745.87 mu land by farmers’ voluntary leasing land in the project area. At present, the 3745.87 mu land can obtain an annual net income of CNY1,195,800, or about CNY320 every year per mu on average. The fixed dividend after the leasing is CNY400 for each mu every year on average. So the income after the leasing is CNY1,498,300. Therefore, the annual income of farmers could increase significantly merely from fixed dividend of land.

102. According to the land leasing agreement by QNBG and Dianzhen Village, QNBG agrees to give CNY2.50 from every ticket to Dianzhen Village as the profit dividend from the day when the ticket is sold. According to the feasibility report of QNBG and calculation, the QNBG will receive visitors in 2011 and sell 600,000 tickets every year. And the visitors will increase 2% every year. So, Dianzhen Village will receive CNY1,500,000 profit dividend in 2011. The average profit dividend is CNY400 per mu and CNY621 per capita. After the implementation of the Project, the Garden will be run as a company. Then the profit dividend sharing will be calculated according to the proportion of leasing land in the Garden. According to the feasibility report and the assessment of the data, the total investment of the Garden is CNY402,756,400. The villagers’ leasing land accounts for CNY24,165,400, about 6% of the total investment. So, according to this 6%, the villages will receive an estimated CNY2,516,200 profit dividend in 2015 (see profit estimations in Table 14). However, in another way, the villagers may choose the way of getting CNY2.50 for every ticket instead of 6% sharing, in such case, the villagers in Dianzhen village will receive an estimated CNY1,624,000 in 2015. The estimated income of the leasing land is shown in Table 13.
### Table 13: Shareholder Land Profit in Dian Zhen Village

<table>
<thead>
<tr>
<th>Dian Zhen Village</th>
<th>Land (mu)</th>
<th>Original Net Profit (CNY 10,000)</th>
<th>Original Net Profit (Yuan/ Mu)</th>
<th>Regular Profit After Becoming Shareholder (CNY 10,000)</th>
<th>Earnings after opening business (CNY2.5 from every ticket in the first 6 years, then 6% of annual profit) (CNY10,000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before becoming Shareholder</td>
<td>3.745.87</td>
<td>119.58</td>
<td>319.23</td>
<td>149.83</td>
<td>150.0 (600,000 tickets every year) 162.4 from tickets or 251.62 from profit Annual after-tax profit is 41, 93.67</td>
</tr>
<tr>
<td>After becoming Shareholder</td>
<td>3.745.87</td>
<td></td>
<td></td>
<td>150.0</td>
<td>162.4 from tickets or 251.62 from profit Annual after-tax profit is 41, 93.67</td>
</tr>
</tbody>
</table>

Note: The income cost and financial assessment after the project operation have been analyzed in detail in the project feasibility report.

### Table 14: Income forecast table after the project completion Unit: CNY10000

<table>
<thead>
<tr>
<th>Year</th>
<th>2011</th>
<th>2015</th>
<th>2020</th>
<th>2025</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross income annually</td>
<td>8,634.00</td>
<td>9,345.72</td>
<td>10,573.82</td>
<td>11,963.31</td>
</tr>
<tr>
<td>Total cost evaluation</td>
<td>5,473.19</td>
<td>5,148.05</td>
<td>4,874.29</td>
<td>4,639.89</td>
</tr>
<tr>
<td>Annual profit</td>
<td>3,160.81</td>
<td>4,193.67</td>
<td>5,699.53</td>
<td>7,323.42</td>
</tr>
</tbody>
</table>

Note: The gross income annually consists of the income from ticket, food service, various facilities service, etc. The visitors spend CNY143.92 each visit on average.

103. Therefore, income of land leasing affected households falls into two parts after the construction of Mt. Qinling National Botanical Garden: One is the annual fixed distribute bonus of CNY 400 /mu on average; the other is land sharing distributed income based on the profit of the Garden. And both of these two kinds of income shall greatly increase the income of farmers enjoying land share once the project is implemented. In 2011, the project will come into operation. The profit share of the leasing land is CNY506.29 per mu. That is, the income will increase so as to greatly improve the farmers’ living standard in the project area.

D. Risk analysis

104. QNBG is approved by Shaanxi Provincial Government, National Bureau of Forestry, National Academy of Sciences and Xi’an Municipal Government, using the loan of ADB. The
feasibility report of QNBG shows the operation income, cost, financial condition and profit. The conclusion is: the total investment is CNY402,756,400, the profit rate after paying taxes is 12.13%, the duration of paying back investment is 10.94 years, the net financial value is CNY84,386,700, the average profit rate is 18.34% and the tax rate is 20.06%. According to the financial assessment, the Project can pay debts easily. For the original land users, the risk is that the operation is far from the expectation and the profit dividend sharing is not confirmed. So the villager committee of Dianzhen village proposes that before the 6% profit dividend sharing, QNBG will pay CNY2.5 from every ticket. Once the Garden is profitable, the original land users can choose to share the 6% profit dividend sharing. If the operation profit sharing is lower than the amount of CNY2.50 from each ticket, the original land users will get the amount of CNY2.50 from each ticket. Under the condition of no profit or low profit, the original land users will always get CNY400 fixed dividend, which is higher than the average annual income of CNY319.2 before the implementation of the Garden. So, the Project will provide a higher and stable income to the villagers with no risk. Plus, villages can earn more income from employment and other business activities either in the QNBG or in the surrounding area.

E. Land Leasing Agreement Process

105. (i) The Project will utilize 3,745.87 mu, which shall leased from the Dianzhen villagers through voluntarily receiving shares in exchange for a 50-year land use arrangement. The land includes 1108 mu farmland and 1029.03 mu “basic” farmland. According to Regulations on the protection of Basic Farmland by the State Council and Detailed Implementing Rules of Shaanxi Province on Regulations on the protection of Basic Farmland, the country’s construction: “if the project location can not avoid basic farmland protection area and needs to occupy the farmland in the protection area, the project should draw and fill in the form of basic farmland occupation license from county-level land administration bureau. And after the approval of county-level land administration bureau, the project should apply basic farmland occupation license from province-level land administration bureau. “Mt. Qinling National Botanical Garden”, co-constructed by Shaanxi Provincial People’s Government, National Forest Bureau, Chinese Academy of Science and Xi’an Municipal People’s Government, is listed as a model project by the State Council under the loans from ADB for study, protection and utilization of the biological diversity of Mt. Qinling district, one of the ten biggest ecological function zones. At present, Zhouzhi County government, Shaanxi Province, is applying basic farmland occupation license from Land Administration Bureau of Shaanxi Province, and will authorize the county’s land administration bureau to adjust the plan of basic farmland protection area, and to cultivate the same size of new farmland in the county. The new protection plan will be implemented after the approval of the county government and the provincial government.

106. (ii) According to the regulations of the Land Administration Law of People’s Republic of China and Regulations on the Protection of Basic Farmland issued by the State Council of the People’s Republic of China, if the construction land is in the protection area of basic farm land designated by the local government, people should open up the same
quantity and quality as the occupied basic farmland; if there is no condition to open up wasteland or the open-up land does not meet the need, people should pay farmland reclamation fee according to the concrete formulations of Regulation on the Protection of Basic Farmland of Shaanxi Province.

107. (iii) At present, the villagers at Dianzhen Village of Zhouzhi County, the project area, show their willingness for land leasing to the project owner and have authorized the village committee to sign the agreement of dividend with the project owner. On October 16, 2007, all villager groups in Dianzhen village signed the land leasing contract (see Appendix 4 Leasing Land Contract of QNBG). So, the right and duty relationship between the original land users and the Garden is now legal. It is important for the implementation of the Project. The contracts with other groups will be signed soon.

108. (iv) The Project needs to permanently acquire 294mu of farmland for the construction of the QNBG buildings. According to the plan of Zhouzhi county, the Project will acquire 29 mu land first. Now, the land use plan was approved by the land administration bureau of county-level and city-level and the province-level land administration bureau is checking the land use plan. In 2008 and 2009, QNBG will ask for the approval of the other 264 mu of farmland.

109. (v) Compensation of the ground attachment: the QNBG will use 4039.5mu of land. At present, the compensation of the ground attachment has begun. By the end of April, 2008, the confirmation of the ground attachment was finished. Now, the calculation is being done and the affected people’s advice is taken into consideration. The payment will be done according to Xi’an Municipal Government’s document (No.117 in 2007) and the document of the leading group of Zhouzhi county. The payment will be finished at the end of 2008.

5.4 Payment and monitoring of village-level land compensation

110. The construction unit will pay land compensation and resettlement subsidy of the project construction through administrative procedures. According to the formulations of The Land Administration Law of the People’s Republic of China, the land compensation is paid to the land owners or land users, and resettlement subsidy is paid to help settle down the rural residents after the land expropriation. So, the land compensation should be arranged and spent by the village committee; and the resettlement subsidy is arranged and spent by people who help settle down the rural residents. If the affected individuals find a job or resettle themselves, resettlement subsidy will be retained by the APs. Nobody can hold back or divert land compensation or resettlement subsidy. The transfer, usage management and monitoring of village-level land compensation and resettlement subsidy will be undertaken as per following procedure:

A. Inspection and preparation before transferring the fund

111. (i) According to society survey data, the affected village should hand in detailed
affected situation to higher level Resettlement Arrangement Office for inspection.

(ii) All-level Resettlement Arrangement Office, External Monitor, and local government in affected villages should train village-level management department, and guide them to work out a development program which is suitable for the local reality and using plan of resettlement fund, according to local social economy development reality and prospect.

(iii) Relevant departments should guide, inform, consult and negotiate with APs and the village-level management to work out the utilization plan of village-level fund and report it to county-level project office for inspection.

(iv) County-level Resettlement Arrangement Office inspects and gives guidance to perfect the utilization plan of the village-level fund. If the using plan of fund is not available, the fund will not be transferred.

B. Management and monitoring of fund utilization

112. (i) County-level Resettlement Arrangement Office inspects and confirms the utilization plan of village-level resettlement fund, and then transfers compensation and resettlement fund according to the village bank account.

(ii) Village committee will report utilization situation of compensation and resettlement fund to town and county Resettlement Arrangement Office every month. And county-level Resettlement Arrangement Office reports to the municipal Resettlement Arrangement Office every three months.

(iii) Besides monitoring fund utilization situation of village-level through report forms, county and town project offices should inspect on site the development of agriculture infrastructure or enterprises which use compensation or resettlement fund.

(iv) External Monitor will verify the utilization situation of compensation and resettlement fund of village-level units, evaluate the using effect of fund, offer advice to village-level units, and provide feedback monitoring to all-level project offices. Investigations will include sampling survey, site inspection, and discussions with affected individuals.

C. Auditing

113. The project implementation agencies will be audited by auditing authorities according to our country’s formulations. The main content of auditing is land expropriation, housing demolition and resident relocation fund.

5.5 Summary of Resettlement Entitlements

114. The land resettlement policies and specific entitlements for each type of impact are
summarized in Table 15.
<table>
<thead>
<tr>
<th>Kinds of loss</th>
<th>Applicable object</th>
<th>Persons or villages enjoying the rights</th>
<th>Number of Persons or villages enjoying the rights and interests</th>
<th>Compensation policy</th>
<th>Compensation rights and interests</th>
<th>Implementation item</th>
</tr>
</thead>
</table>
| Occupied land | land in the project area | a) village owning the land  
b) villagers using the land | a) Dianzhen Village  
b)115 households and 505 persons who lose land | a) land compensation paid to village,  
b). redistribute land to villagers;  
c)pooling land to get bonus which is enough to maintain or raise the level of economic and social condition,  
d) compensation for all the woods and crops in the farmland | Compensations paid to the villages and villagers that own or use the land. How to distribute compensations between households with land and without land is decided by villagers committee | Village committee decides how to use the fund, redistribute land and investment Higher level government examine and supervise suggestions and demands of the villages, and provide aid for training. |
<p>| Temporarily occupied land | Land for construction in or near the project area | Villagers using the land | Decided during the construction | Currency compensation according to the loss, rehabilitation as without the project, affected persons’ life at least as before | Compensations paid to villagers who lose the crops according to the standard | Villagers committee should inform villagers using the land in advance and compensate |</p>
<table>
<thead>
<tr>
<th>Lose of habitat or property</th>
<th>In the project area or affected habitat or property</th>
<th>Persons and households who lose building and houses</th>
<th>143 households, 617 persons</th>
<th>To compensate to affected persons, including the compensation of housing land and houses. Transition fee and removal fee is CNY1000 each household.</th>
<th>Villages and affected persons decide the new housing sites. The constructor is in charge of leveling the housing sites and connecting with existing public facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-farm land loss</td>
<td>Non-farm land in the project area</td>
<td>Persons or villages using the land</td>
<td>Dianzhen Village</td>
<td>currency compensation</td>
<td>villages compensatio according to the project plan</td>
</tr>
<tr>
<td>Affected special facilities</td>
<td>All kinds of facilities in the project area</td>
<td>Owners of all kinds of facilities</td>
<td>Dianzhen Village</td>
<td>Compensation according to current price</td>
<td>To get Compensation according to current price</td>
</tr>
<tr>
<td>Vulnerable groups</td>
<td>The aged, the weak, women, children the disabled the poor households, households without labor</td>
<td>Persons and households in accordance with vulnerable groups</td>
<td>25 households</td>
<td>1% as the total resettlement budget will be spent on the implementation of the measures for the vulnerable groups, and assist the villages to help them</td>
<td>Aid from relevant government bureau</td>
</tr>
<tr>
<td>Leasing land</td>
<td>The leasing land which is used by the project in the</td>
<td>Dianzhen Village and villagers who use the land before</td>
<td>Dianzhen Village, and 948 households and 3780</td>
<td>to compensate for the ground attachments fixed dividend and operation profit sharing, and</td>
<td></td>
</tr>
</tbody>
</table>
6. REHABILITATION OF AFFECTED HOUSEHOLDS

115. The objective of the resettlement and rehabilitation plan is to guarantee the affected infrastructure can be restored, the affected laborers can find job again, and the affected persons’ incomes and living conditions can be improved or at least as well-off as they would have been in the absence of the project. According to this target, the most important of the economic rehabilitation measures is to redistribute land fairly, to work out fair distribution plan of the leasing land, and other economy resume measures.

6.1 Rehabilitation Planning Principles

116. (i) The implementation organ should compensate for the land the works has occupied according to national laws.

(ii) Houses affected by the project and was reconstructed should be compensated by the implementation organ. The local government should distribute land for housing plots so the affected households can build new houses themselves.

(iii) Since the villagers are relocated in the same place, the infrastructure in which (road, water supply and electricity line) should be compensated by the implementation organ according to the local situation.

(iv) For the affected special-purpose facilities, the implementation organ (i.e., QNBG) should pay the fund, and the township and county governments will help the Dianzhen village, to build new facilities; or compensate according to replacement value after the legal house appraisal company provides an assessment.

(v) For all the attached facilities, QNBG should compensate according to the market or replacement value, whichever is larger. For the trees which can be transplanted, people can transplant them in suitable season before the construction demolition begins.

(vi) To redistribute land seriously. For the acquired land, the village will sign new land contract with affected villagers.

(vii) Guide the affected individuals to join non-agricultural industry to raise their labor income. During the project construction, guide the affected persons, especially the poor, to provide labor service for construction and operation of the botanical
gardens. When the construction is completed, the working force in the project area has the priority to work for this Project.

(viii) Provide at least 3 times systematic and consistent skill training to the affected households in 2008. Taking county or town as a unit, according to the need of local industry structure, provides training on horticulture and tourism in order to make each household gain relevant employment skills. (see Table 16)

Table 16: Training plan of Dianzhen village on the first stage of the Project implementation (January 2007–December 2011)

<table>
<thead>
<tr>
<th>Principal And purpose</th>
<th>Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2007</td>
</tr>
<tr>
<td></td>
<td>2008</td>
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<td>2009</td>
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<tr>
<td></td>
<td>2010</td>
</tr>
<tr>
<td></td>
<td>2011</td>
</tr>
</tbody>
</table>

6.2 Housing rehabilitation program

During the implementation of this Project, 19319.97 square meters of buildings need to be demolished, which affects 143 households with 617 villagers, accounting for 15.1% of the total 948 households and 16% of the total population at Dianzhen Village. In order to relocate these affected villagers, the villagers committee of Dianzhen Village study again and again with all the villagers, especially the affected villagers. They decided to level 60 mu of deserted land in the northwest of the village and make water, electricity and road services available. Then, the new Dianzhen Village will be constructed there. The village plan is to supply houses for all the affected villagers and provide for future expansion. The average housing plot for each household is up to 150 square meters which is 15% more than the average 130 square meters at Dianzhen Village at present. After the relocation of the affected villagers, they will live in more concentrated and modern village, which is better for commercial activities. The new village is near the highway, so the communication is convenient. The new village is near the elementary school and the clinic, which is easy for
health and education. From the viewpoint of living environment, the infrastructure will be much better than before. So, the construction of this Project will not bring bad effect to the affected villagers. Figure 1 and Figure 2 show the proposed location of the new village site.

Figure 1

秦岭国家植物园迁地保护区移民安置规划图

PLAN OF RESETTLEMENT OF MIGRANT IN QINLING BOTANICAL GAVDEN RESERVE
6.3 Economic rehabilitation program and guarantee measures

118. There is no extra land at Dianzhen Village. In order to make all the villagers enjoy the profit from this Project, the village redistributed the land after the admission of the villagers’ committee. The villagers whose land declines after the redistribution will be compensated with the land compensation. Every villager enjoys the same share of leasing land. The remained land after the land acquisition is redistributed to villagers equally in order that the villagers can get some income for daily consumption of vegetables.

119. To keep and improve living standard of the villagers during construction period, intent letter has been signed with project implementing unit. The project implementing unit has promised that if the villagers are willing to do so, they will participate in the construction of the project. This includes: (i) in the same condition, the small construction and service components should be done by local villagers in priority such as transporting soil, beverage
etc.; (ii) after putting into operation, the project will hire at least 200 local villagers monthly. Their salary should be subjected to stipulations of Labor Laws as other staff; and (iii) completely consider the participation of women in the project. They will take up at least 30% of the construction labor force. According to preliminary forecast, the above measures should add about CNY 300,000 to villagers in Dianzhen Village and CNY 316 per household annually.

120. At present, the villagers in Dianzhen village have participated in the preparation work of the Project. For example, from March to April 2008, the villagers planted trees for the Project and got some income. 2500 labors every day of the Group 10 of Dianzhen village took the job. And 60% of the labors were women. The wage is CNY40 per day per labor. So, the Group 10 received CNY100,000, accounting for 36.4% of the total annual income of 178 persons of 43 households of the group. The villagers received the satisfactory income, so they are willing to support the Project. Also, the Project plays an active role in improving the local people’s living standards.

121. In addition, The Qinling Mountain project will greatly promote local tourism development. Dianzhen Village intends to use CNY 1 million of the compensation fees to reconstruct infrastructure, beautify environment and help villagers to hold agricultural household happiness activities with the approval by villagers’ committee.

6.4 Economic rehabilitation program for vulnerable groups

122. For the vulnerable groups, such as the aged, the disabled, the poor and households lacking labor, the project will provide added financial and technical assistance as necessary. The investigations revealed that 25 households are vulnerable (2.6% of total affected households), but most are only affected by the impact of land leasing. For these vulnerable households, a series of measures will be implemented to decrease the adverse effects, to assist them to relocate and rehabilitate their household economy. In addition, a special rehabilitation fund, which is 1% of the total resettlement budget, will be spent on the implementation of the measures for the vulnerable groups. These are:

123. (i) to provide special consultant; (ii) to choose housing land first; (iii) to send labor to help build new houses; (iv) to give extra resettlement and rehabilitation subsidy; (v) to give priority to get other economy rehabilitation measures; and (vi) the poor, the disabled, the aged and women will get special attention and priority to receive special education and skill training.

124. QNBG and Dianzhen village have reached an initial agreement on the above principles. The relevant local government agencies also promise to assist the vulnerable groups to rehabilitate their economic and living conditions according to the plan.
6.5 Special Measures for Women

125. China has put the Protection Law of Women and Children of PRC in practice, which means that Chinese government takes women’s rights and interests seriously. The law regulates that men and women have the same rights, women should not be looked down upon, and women’s rights and interests should not be deprived.

126. The project takes women’s rights and interests seriously. In order to protect affected women’s rights and interests, the project puts forward the following measures:

(i) In the process of resettlement and economic rehabilitation, women’s opinions on choosing new housing site and economic rehabilitation programs will be taken into account. In order to fulfill the target, the representatives of the Women’s Union should have a meeting with affected women to get the information on women’s concerns and demands.

(ii) Women’s low training and education level limits their chances to choose way to get more money. The choice of profession and livelihood is vitally important for women. In order to provide convenience of income and life rehabilitation for the affected persons, the project proposes several training program (see No.11 of item 6.5.1). The project will give 40—60% training chances to affected women. The Women’s Union and the labor bureau in affected area should assist to formulate and implement training program.

(iii) Besides the rights and interests formulated by the laws of China, the project will provide special assistance to the women, such as to propaganda on the Marriage Law of PRC and the Protection Law of Women and Children of PRC, to provide medical care to the affected women and elderly, and to promote health condition of affected women and children.

Within 2008, the implementation organ will have a free psychological consultant for the affected women villagers. Later, the similar work will be done again.

6.6 Rehabilitation program of special facilities

127. The affected special facilities are electricity line and telecommunication line. In the early stage of feasibility study, the survey of impact on residents from the relocation of the affected special facilities has been done. The project plan takes their opinions and suggestions into account after consulting with affected villages’ leaders, relevant agencies and affected households. For example, when rebuilt, the electricity line and telecommunication line poles can be raised; the relevant agencies should design and rebuild the electricity facilities and telecommunication facilities if necessary.
7. ORGANIZATIONAL ARRANGEMENTS

7.1 Implementing agencies

A. Qinling National Botanical Garden

128. In December, 2001, Qinling National Botanical Garden was approved to be set up by Shaanxi Provincial Government. On 7th December, 2006, Shaanxi Provincial People’s Government, National Forest Bureau, Chinese Academy of Science and Xi’an Municipal People’s Government named the original Qinling Botanical Garden as Qinling National Botanical Garden, which is the project implementing agency and from then on, the staff began to work.

B. Coordinating Committee of the Qinling National Botanical Garden Construction

129. The Development and Reform Committee of Shaanxi Province, together with some relevant bureaus, set up the Coordinating Committee of the Qinling National Botanical Garden Construction, which is in charge of some important issues such as seeking for domestic fund, infrastructure construction, and policy of Qinling National Botanical Garden.

C. Coordinating Office of the Qinling National Botanical Garden

130. Coordinating Committee of the Qinling National Botanical Garden Construction sets up the coordinating office of the Qinling Botanical Garden the same as the original Qinling National Botanical Garden, which is in charge of the project plan, coordinating all the relations, seeking for fund and the implementation of Qinling National Botanical Garden.

D. Development and Reform Committee of Shaanxi Province and the Foreign Loan Office of Shaanxi Province

131. The Development and Reform Committee of Shaanxi Province and the Foreign Loan Office of Shaanxi Province are in charge of applying loan from ADB and grant fund from GEF and to coordinate the implementation of the resettlement plan.

E. Coordinating Committee of the Qinling National Botanical Garden Construction Director’s Office (Resettlement Arrangement Office)

132. After the commencement of the project, the implementation organ of the Project will set up Coordinating Committee of the Qinling National Botanical Garden Construction Director’s Office (Resettlement Arrangement Office). Their duty is as follows:

(i) According to the decisions by Coordinating Committee of the Qinling National Botanical Garden Construction, in charge of organizing and coordinating land acquisition and resettlement, and signing agreement of and acquisition and resettlement with Zhouzhi County Land Acquisition and Resettlement
Coordinating Directors.

(ii) In charge of surveying the land acquisition, listening to the opinions of affected people, accepting all kinds of complaints and requests, and dealing with them in time.

(iii) In charge of payment and utilization of the compensation of land acquisition and removing.

(iv) In charge of guiding the county, towns and village to formulate an economic rehabilitation plan and exchange the experiences.

F. Zhouzhi County Land Acquisition and Resettlement Coordinating Directors

133. Zhouzhi County, the affected area, sets up Zhouzhi County Land Acquisition and Resettlement Coordinating Directors, consisting of a county leader, respectively 2 persons from land administration, communication, city construction, and environment protection, totally about 7 persons. The Coordinating Directors has set up an Office.

134. The duty of Zhouzhi County Land Acquisition and Resettlement Coordinating Directors and their Office is as follows:

(i) Based on Coordinating Committee of the Qinling National Botanical Garden Construction Director’s Office’s task and demand, in charge of checking the quantity of affected land, removed buildings, special-purpose facilities and attached materials.

(ii) In charge of assessing and formulating compensation standard of affected special-purpose facilities.

(iii) In charge of the concrete affairs of compensation of land acquisition, assuring the building of new houses and the timely progress of all compensation.

(iv) In charge of surveying the land acquisition, listening to the opinions of affected area and people, accepting all kinds of complaints and requests, and dealing with them in time.

(v) In charge of usage of the compensation of land acquisition and removing of the villages

(vi) In charge of guiding the towns and villages to formulate economy resume plan and checking and supervising

(vii) In charge of reporting the project process to Coordinating Committee of the Qinling National Botanical Garden Construction Director’s Office (Resettlement Arrangement Office), and handing in relevant statistical data.

G. Jixian Town Government

135. The duty of the government is to help implement land acquisition and resettlement; to assist to work out the “Land Acquisition, Relocation and Resettlement Plan under the Project of Ex-situ Conservation Area of Biodiversity in Mt. Qinling National Botanical Garden”; to organize villagers to consult; to explain the resettlement policy; to help to get application
and approval of land acquisition and resettlement; to deal with problems during implementation; to assist to finish internal supervision; to assist socio-economic survey in the affected area; to provide training of the working staff for land acquisition and resettlement; to supervise the land acquisition and resettlement by village committee; to work out the progress of implementation and submit it in to Coordinating Committee of the Qinling National Botanical Garden Construction Director’s Office.

H. Villagers committee of Dianzhen Village and all the villager groups

136. Authorized by villagers’ convention, they are in charge of right use of resettlement compensation and payment to the affected persons; to take part in the socio-economic survey and project impact survey; assist to work out the “Land Acquisition, Relocation and Resettlement Plan under the Project of Ex-situ Conservation Area of Biodiversity in Mt. Qinling National Botanical Garden”; to organize the villagers to take part in the project and to explain the relevant policies; to implement, check, supervise and record land acquisition and resettlement activities in their village; to organize villagers to build new houses and the help to get building approval; to choose resettlement place and distribute housing land for relocated households; to adjust land distribution and implement economy rehabilitation; to supervise land acquisition, housing and attached facilities demolishing and reconstruction; to deal with grievances and appeals, to investigate and fulfill the relevant work; to help relocated persons to solve all the problems during relocation; to report the progress in land acquisition and resettlement; and to help vulnerable households to relocate.

137. Jixian Town government and Dianzhen Village should assign special persons in charge of the land acquisition and resettlement, cooperate and take part in the work of the land acquisition and resettlement, and implement the rehabilitation plan on behalf of town government and villagers committee.

7.2 Internal supervision agencies

138. Coordinating Committee of the Qinling National Botanical Garden Construction Director’s Office sets up an internal supervision office for land acquisition and resettlement. The office is at the Qinling National Botanical Garden, consisting of 3 persons. The duty of the office is to guarantee all the land acquisition and resettlement officers can fulfill their tasks, carry out the terms in “Land Acquisition, Relocation and Resettlement Plan under the Project of Ex-situ Conservation Area of Biodiversity in Mt. Qinling National Botanical Garden”, and guarantee all the affected persons can get their rights and interests. The organization is as follows:
Table 17: Qinling National Botanical Garden Relocation Protection Project – Land Acquisition, Demolition, Resettlement Organizations

<table>
<thead>
<tr>
<th>Shaanxi Provincal Gov’t.</th>
<th>Asian Development Bank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coordinating Committee of the Qinling National Botanical Garden Construction Director’s Office (Resettlement)</td>
<td>External Supervising Organization</td>
</tr>
<tr>
<td></td>
<td>Internal Supervising Organization</td>
</tr>
<tr>
<td></td>
<td>Zhouzhi County Land Acquisition and Resettlement Coordinating Directors and Their Offices</td>
</tr>
<tr>
<td></td>
<td>Jixian Town Land Acquisition Coordinators (2 people)</td>
</tr>
<tr>
<td></td>
<td>Dianzhen Village Land Acquisition Coordinators</td>
</tr>
</tbody>
</table>

7.3 Prophase monitoring agencies

139. The investigation and supervision over the affected area of the Project are in the charge of the Development and Reform Committee and Foreign Loan Office of Shaanxi Province, and undertaken by Mt. Qinling Botanical Garden of Shaanxi and Shaanxi Kexin Consulting Co., Ltd. respectively. The work needs 260 person-time survey staff and 30 person-time material statisticians. Mt. Qinling National Botanical Garden undertook the earlier-stage project investigation and social economy condition survey. The expert panel from Shaanxi Kexin Consultant Company is in charge of the make-out of the plan of land acquisition, housing demolition and resident resettlement.

140. Experience of the monitoring agency: Entrusted by Bureau of Communications of Shaanxi Province, Shaanxi Academy of Social Sciences set up the World Bank loan project -----Shaanxi Jiangtangfa expressway project (project 1: Shaanxi Province Jiangzhang—Famensi--Tangyu expressway)----- land acquisition, housing demolition and resident resettlement consultation expert panel to undertake the external supervision and evaluation in 1994. Later, in order to strengthen the management, Shaanxi Kexin Consultant Company was set up on the basis of the expert panel. The company continued to undertake the external supervision and evaluation of land acquisition, housing demolition and resident resettlement of project 1. After the Project 1 was finished, the company made out some plans of resident resettlement in succession of the expressway projects which used the loan from World Bank and Asian Development Bank in Shaanxi and Shanxi province. And the company also undertook the monitoring of land acquisition, housing demolition and resident resettlement.
resettlement. The main work includes Asian Development Bank (ADB) loan project Shaanxi Yanyu expressway (project 2: 1997—2005), World Bank loan project Shaanxi anti-poverty highway (1997—2001), Asian Development Bank loan project Shanxi Houyu expressway (2000—2005), and Asian Development Bank loan project Xian city development project (Xian 3rd Ring Road). Every year the company will hand in some monitoring and evaluating reports to World Bank and ADB. The company receives affirm and appraise from the owners, World Bank and Asian Development Bank. The company owns more than 20 consulting experts and information investigators, among whom 10 have advanced title. At present, Shaanxi Kexin Consultant Company has become a famous consulting organ of land acquisition, housing demolition and resident resettlement in northwest of China.

8. RESETTLEMENT IMPLEMENTATION SCHEDULE

141. The land acquisition, housing demolition and resident resettlement plan is divided into 4 stages: the first, preparation; the second, implementation; the third, rehabilitation, and the fourth, inspection/monitoring/assessment (internal and external monitoring will be in the all implementation process).

8.1 Preparation stage (January 2007–December 2008)

142. (i) To set up project administration organs at different levels. This job is undertaken by Shaanxi Using Overseas Loan Office and Xi’an Municipal Government.

(ii) To make use of newspapers, radio, TV and poster to make the project known, in order to get understanding and support of affected collective, individuals and the society. The job to explain the policy of resettlement compensation is undertaken by Mt. Qinling National Botanical Garden.

(iii) To erect boundary markers of the occupied land. To mark the boundary of the occupied land and leased land, measure and erection of the boundary markers are undertaken by Mt. Qinling National Botanical Garden and the county project office.

(iv) To measure and check kind and quantity of affected land, housing and other facilities in site. This job is undertaken by Mt. Qinling National Botanical Garden and the county project office.

8.2 Implementation stage (December 2008—March 2009)

143. (i) Coordinating Committee signs an agreement on land expropriation, housing demolition and resident relocation compensation with Zhouzhi County government; then, county government signs relevant agreements with Jixian Town government, Dianzhen village committee, and affected individuals.

(ii) Coordinating Committee and Shaanxi Province Using Overseas Loan Office report documents of occupied land.

(iii) QNDBG transfers land and housing compensation to Zhouzhi county government through the Construction Bank of China.
(iv) Affected villagers, together with county government, town government and villagers committee, choose place, identify house structure and begin to build.

(v) Land compensation and resettlement subsidy should be paid to village committee. Housing compensation should be paid directly to affected persons. Land reclamation compensation should be paid to land administration bureau to reclaim new farmland.

(vi) County government transfers land expropriation, housing demolition and resident relocation compensation to town and village committee though the Construction Bank of China.

(vii) Both the county and town government and village committee redistribute land to those who lose land (at the same village or nearby).

(viii) County government pays housing, young crops, all kinds of attached facilities, transition subsidy, and removal subsidy to affected persons.

(ix) County government pays infrastructure construction subsidy of new resettlement and help to construct infrastructure.

(x) Demolish old houses when new houses are built. The county and town governments are in charge of demolishing affected ground attachment and transferring construction land to the project construction unit after finishing the land expropriation, housing demolition and resident relocation.

8.3 Rehabilitation stage (March 2009–October 2009)

144. The main tasks are to:
   (i) Adjust land;
   (ii) Implement economic recovery plan and measures; and
   (iii) Provide affected individuals with skill training.

8.4 Monitoring and Evaluation stage (July 2008–December 2011)

145. The internal supervision is a continuous work, which begins when the land acquisition begins and finishes when the project completes. Relevant local agencies can inspect and supervise the work of the project management unit (QNBG). They will set up an organ to undertake daily inspection and supervision in order to guarantee the implementation according to RP terms.

146. The first job of external supervision is socio-economic baseline survey (January 2008), and will continue annually until the project completes, and give an assessment of the resettlement implementation and changes in the economic and living conditions of APs.

147. The contents of the monitoring and evaluation stage are:
   (i) Payment situation of all affected individuals and collective.
   (ii) Condition of new housing in the new sites.
   (iii) The payment of all kinds of subsidy to the affected individuals.
   (iv) Infrastructure situation in new sites.
(v) The implementation of economic recovery plan and measures for affected households and Dianzhen village.
(vi) Deal with and solve the opinions of land acquisition, housing demolition and resident resettlement from the affected individuals.

Table 18: Schedule of land acquisition, housing demolition and resident resettlement

<table>
<thead>
<tr>
<th>Timing</th>
<th>Organ in charge</th>
<th>Work contents</th>
</tr>
</thead>
</table>
| 2007.1–2007.5     | Affected county governments, Shaanxi Kexin Consultant Company (SKCC), Mt. Qinling National Botanical Garden (QNBG) | · set up project office  
                    |                  | · consultation  
                    |                  | · socio-economic survey |
| 2007.6–2008.5     | Shaanxi Using Overseas Loan Office (SUOLO), QNBG | · work out Resettlement Plan  
                    |                  | · ask for opinions of government and affected individuals  
                    |                  | · consultation further |
| 2008.1–12         | SUOLO, Government agencies of Zhouzhi county, QNBG | · publish (information handbook)  
                    |                  | · erect boundary markers  
                    |                  | · measure and check affected quantity |
| 2008.10–2009.3    | SUOLO, Government agencies of Zhouzhi county, QNBG, Project villages, Independent consulting agency | · go through formalities of occupied land  
                    |                  | · sign compensation contract  
                    |                  | · independent supervision on land acquisition and resettlement and hand in report |
| 2008.10–2009.3    | SUOLO, Project villages, Independent consulting agency | · transfer land compensation  
                    |                  | · transfer all kinds of compensation to the affected individuals  
                    |                  | · adjust land  
                    |                  | · work out economic resume plan  
                    |                  | · skill training for affected individuals  
                    |                  | · independent supervision on land acquisition and resettlement and hand in report |
| 2008.7–2009.3     | SUOLO, SKCC    | · inspect the work process  
                    |                  | · supervise and inspect payment of compensation |
| 2008.8            | SUOLO, SKCC, Government agencies of Zhouzhi county | · receive all complaints  
                    |                  | · inspect usage of the fund  
                    |                  | · internal and external supervision  
                    |                  | · track survey to the affected villages  
                    |                  | · assess the land acquisition, housing demolition and resident resettlement |
Table 19: Schedule of land acquisition, building demolition and resident resettlement

<table>
<thead>
<tr>
<th>Activities</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
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<td></td>
<td>4th Qtr</td>
<td>1st Qtr</td>
<td>2nd Qtr</td>
</tr>
<tr>
<td>1  Set up office</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>2  Consultation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3  Work out plan of land acquisition, building demolition and resident resettlement</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4  Ask for opinions of government and affected individuals</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5  Publish (information handbook)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6  Erect boundary markers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7  Measure and check affected quantity</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>8  Sign compensation contract</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9  Go through formalities of occupied land</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>10 Transfer land compensation</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>11 Inspect the work process</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>12 Transfer all kinds of compensation to the affected individuals</td>
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<td></td>
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<tr>
<td>13 Supervise and inspect payment of compensation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14 Inspect usage of the fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15 Receive all complaints</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16 Internal and external supervision</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>17 Tracking survey of the affected villagers</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Legend:
(i) the relevant numbers in the table are: 1. set up project office, 2. consultation, 3. socio-economic survey, 4. work out plan of land acquisition, building demolition and resident resettlement, 5. ask for opinions of government and affected individuals, 6. publish (information handbook), 7. erect boundary markers, 8. measure and check affected quantity, 9. sign compensation contract, 10. go through formalities of occupied land, 11. transfer land compensation, 12. transfer all kinds of compensation to the affected individuals, 13. inspect the work process, 14. supervise and inspect payment of compensation, 15. receive all complaints, 16. inspect usage of the fund, 17. internal and external supervision, 18. tracking survey of the affected villagers.

(ii) the blue part stands for time arrangement of the task.

9. RESETTLEMENT COSTS AND FUNDING

9.1 Total cost

A. Basic cost

148. The land acquisition, housing demolition and resident resettlement compensation is part of the total investment of the project construction and is including in the project annual investment plan. The total resettlement cost is CNY123.29 million, among it, the basic cost is CNY43.17 million. See Table 21.

149. The villagers in the project area will lease 3745.87 mu land to QNBG, for which they get dividends. The fixed dividends, as actual expenses on the construction of the project, should be included in construction cost of the project. Therefore the total expenditure should be CNY 65.16 million.

B. Contingency cost

150. The unforeseen physical and price increases in land acquisition, housing demolition and resident resettlement compensation is budgeted as the contingency cost, which equals
16.6% of the basic cost of land acquisition, housing demolition and resident resettlement compensation of the project.

C. Management cost

151. The management cost equals 2.5% of the basic cost of land acquisition, housing demolition and resident resettlement compensation. This cost doesn’t include in the total cost of land acquisition, housing demolition and resident resettlement compensation. Among it, the county and town can use 1% respectively, and villagers’ committee use 0.5%.

9.2 Fund Process

152. Land acquisition, relocation compensation cost shall be paid directly to villager’s committee and affected individual by the County Project Office through the Bank and the Project Office of affected County People’s Government. QNBG will be responsible for repayment of this cost, as part of the overall Project investment cost.

9.3 Approval of added cost

153. QNBG have the right to use the contingency cost in the budget. For the physical and price contingencies, Shaanxi Province Development and Reform Committee and Shaanxi Province Using Overseas Loan Office should report it to the National Development and Reform Committee and Ministry of Finance, and after their approval, they will be added to the budget. The procedure will be no more than one month. See Table 20.

Table 20: Compensation fund process of land acquisition, housing demolition and resident resettlement

<table>
<thead>
<tr>
<th>Shaanxi Province Using Overseas Loan Project Office (SUOLPO) in charge of fund on behalf of Mt. Qinling National Botanical Garden</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank</td>
</tr>
<tr>
<td>County Project Office</td>
</tr>
<tr>
<td>Dianzhen Village Committee (land compensation)</td>
</tr>
<tr>
<td>Affected Villagers (housing, trees, etc)</td>
</tr>
</tbody>
</table>
### Table 21: Land Acquisition and Resettlement Budget

<table>
<thead>
<tr>
<th>Breakdown</th>
<th>Total (CNY)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Basic Costs</strong></td>
<td>43,165,198.4</td>
</tr>
<tr>
<td>1. Land Compensation (including resettlement subsidy)</td>
<td>6,188,710</td>
</tr>
<tr>
<td>a. Paid to Village Committee</td>
<td>3,094,355</td>
</tr>
<tr>
<td>b. Paid to Affected households</td>
<td>3,094,355</td>
</tr>
<tr>
<td>2. Housing compensation and Attachments</td>
<td>8,753,141.4</td>
</tr>
<tr>
<td>3. Young Crop Compensation (3907.9 mu) – see Table 25</td>
<td>2,149,350</td>
</tr>
<tr>
<td>4. Attachments (trees, wells, fences, etc.) – see Table 24</td>
<td>21,893,697</td>
</tr>
<tr>
<td>5. House Relocation Subsidy</td>
<td>71,500</td>
</tr>
<tr>
<td>6. Temporary Housing Subsidy</td>
<td>71,500</td>
</tr>
<tr>
<td>7. Village Housing Infrastructure and other facilities for New Housing</td>
<td>3,357,500</td>
</tr>
<tr>
<td>8. Livelihood training program</td>
<td>100,000</td>
</tr>
<tr>
<td>9. Economy recovery compensation for vulnerable groups</td>
<td>200,000</td>
</tr>
<tr>
<td><strong>B. Lease Leasing Payments (2008-2058)</strong></td>
<td>65,159,500</td>
</tr>
<tr>
<td><strong>C. Planning and Management Costs</strong></td>
<td>2,701,896.8</td>
</tr>
<tr>
<td>1. Administration Costs (2.5% of Basic Costs)</td>
<td>1,064,498</td>
</tr>
<tr>
<td>2. Service Charge (3% of the Basic Costs)</td>
<td>1,277,398.8</td>
</tr>
<tr>
<td>3. Monitoring and Evaluation Cost</td>
<td>280,000</td>
</tr>
<tr>
<td>4. Planning Cost</td>
<td>80,000</td>
</tr>
<tr>
<td><strong>D. Taxes and Fees</strong></td>
<td>5,874,068</td>
</tr>
<tr>
<td>1. Cultivating Land Compensation</td>
<td>1,957,631</td>
</tr>
<tr>
<td>2. Farmland Compensation</td>
<td>880,890</td>
</tr>
<tr>
<td>3. Soil Erosion Compensation</td>
<td>293,630</td>
</tr>
<tr>
<td>4. Land Use Fees for Newly Converted Construction Land</td>
<td>2,741,917</td>
</tr>
<tr>
<td><strong>E. Costs for unexpected items</strong></td>
<td>6,386,993.7</td>
</tr>
<tr>
<td>1. Physical Contingency (5% of Basic Costs)</td>
<td>2,128,997.9</td>
</tr>
<tr>
<td>2. Price Contingency (10% of Basic Costs)</td>
<td>4,257,995.8</td>
</tr>
<tr>
<td><strong>Total Resettlement Cost (including land lease agreement for 50 years)</strong></td>
<td>123,287,656.8</td>
</tr>
</tbody>
</table>

Note: The standard of the supervision fee and working-out fee is based on Notice of Fee about Environment Influence Consulting formulated by the Committee of Plan and Development of China and General Bureau of Environment Protection of China (Ji price [2002] No.125).
Table 22: Land Compensation Detailed Items

<table>
<thead>
<tr>
<th>Type</th>
<th>Farmland</th>
<th>Beachland</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantity (mu)</td>
<td>175.2</td>
<td>118.43</td>
<td>294</td>
</tr>
<tr>
<td>Compensation</td>
<td>26,000</td>
<td>17,000</td>
<td></td>
</tr>
<tr>
<td>Compensation Costs (CNY)</td>
<td>4,555,200</td>
<td>2,013,310</td>
<td>6,568,510</td>
</tr>
</tbody>
</table>

Table 23: Land Compensation Detailed Items

<table>
<thead>
<tr>
<th>Type</th>
<th>Brick and Concrete (m²)</th>
<th>Brick and Wood (m²)</th>
<th>Brick, Earth and Wood (m²)</th>
<th>Earth and Wood (m²)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantity (m²)</td>
<td>776.82</td>
<td>4,151.2</td>
<td>8,564.51</td>
<td>5,827.68</td>
<td>19,319.97</td>
</tr>
<tr>
<td>Compensation Standard (CNY/m²)</td>
<td>511 . 18</td>
<td>475 . 44</td>
<td>422 . 94</td>
<td>316 . 41</td>
<td></td>
</tr>
<tr>
<td>Compensation Costs (CNY)</td>
<td>397,094.8</td>
<td>1,973,646.5</td>
<td>3,622,273.9</td>
<td>1,843,936.2</td>
<td>7,836,951.4</td>
</tr>
</tbody>
</table>

Table 24: Demolition Breakdowns

<table>
<thead>
<tr>
<th>Type</th>
<th>Brick Enclosing Wall</th>
<th>Earth Enclosing Wall</th>
<th>Cement Kang</th>
<th>Earth Kang</th>
<th>Archover gateway (m²)</th>
<th>Earth Oven</th>
<th>Brick Oven</th>
<th>Cement Floor (m²)</th>
<th>Roofs (m²)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantity</td>
<td>896</td>
<td>1344</td>
<td>58</td>
<td>85</td>
<td>580</td>
<td>40</td>
<td>106</td>
<td>7,000</td>
<td>19,320</td>
<td></td>
</tr>
<tr>
<td>Compensation Standard (CNY/m²)</td>
<td>80CNY/ m²</td>
<td>160CNY m²</td>
<td>240CNY</td>
<td>140</td>
<td>CNY for one Kang</td>
<td>80</td>
<td>160</td>
<td>CNY/ m²</td>
<td>CNY/ m²</td>
<td></td>
</tr>
<tr>
<td>Compensation Costs (CNY)</td>
<td>215,040</td>
<td>215,040</td>
<td>13,920</td>
<td>11,900</td>
<td>29,000</td>
<td>3,200</td>
<td>16,960</td>
<td>309,120</td>
<td>916,190</td>
<td></td>
</tr>
</tbody>
</table>

Table 25: Detailed Demolition Compensation Fees for Special Facilities

<table>
<thead>
<tr>
<th>Type</th>
<th>Irrigation Pipeline (m)</th>
<th>Electric Wire (m)</th>
<th>Lighting Facilities</th>
<th>Electric Transformer</th>
<th>Communication Poll</th>
<th>Water Well</th>
<th>Communication Road (KM)</th>
<th>Other Facilities (KM)</th>
<th>Total (CNY)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantity</td>
<td>25280</td>
<td>12400</td>
<td>300</td>
<td>90</td>
<td>2</td>
<td>95</td>
<td>2</td>
<td>4.5</td>
<td>23.7 some</td>
</tr>
<tr>
<td>Compensation</td>
<td>50CNY</td>
<td>15CNY</td>
<td>300C</td>
<td>300C</td>
<td>6000</td>
<td>300C</td>
<td>100</td>
<td>25 CNY/m</td>
<td>15 thou</td>
</tr>
<tr>
<td>Standard</td>
<td>1Y/m</td>
<td>1Y/m</td>
<td>NY for</td>
<td>NY CNY</td>
<td>000</td>
<td>000</td>
<td>000</td>
<td>000</td>
<td>000 CNY</td>
</tr>
<tr>
<td>Compensation Costs (CNY)</td>
<td>12640</td>
<td>18600</td>
<td>90000</td>
<td>2700</td>
<td>120000</td>
<td>28500</td>
<td>200</td>
<td>112500</td>
<td>829500</td>
</tr>
</tbody>
</table>

60
### Table 26: Compensation Details for Ground Attachment

<table>
<thead>
<tr>
<th>Type</th>
<th>Fruited trees</th>
<th>Unfruited trees</th>
<th>Wood trees</th>
<th>Young wood trees</th>
<th>Nursery Gardening plant</th>
<th>Others (Grape, mulberry trees)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compensation Costs (CNY)</td>
<td>8971859</td>
<td>2990619</td>
<td>3344943</td>
<td>1114980</td>
<td>4832710</td>
<td>638586</td>
<td>21893697</td>
</tr>
</tbody>
</table>

### Table 27: Young Crop Compensation

(covering Shareholder Land Young Crops)

<table>
<thead>
<tr>
<th>Type</th>
<th>Vegetables</th>
<th>Other Crops</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantity (mu)</td>
<td>390.8</td>
<td>3,517.1</td>
<td>3,907</td>
</tr>
<tr>
<td>Compensation Standard (CNY)</td>
<td>1,000</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Compensation (CNY)</td>
<td>390,800</td>
<td>1,758,550</td>
<td>2,149,350</td>
</tr>
</tbody>
</table>

### Table 28: Fixed Dividend Standards of land shareholder

<table>
<thead>
<tr>
<th>Type</th>
<th>Irrigated Farmland (fruit land included)</th>
<th>Dry farmland</th>
<th>Hillside farmland</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land area (Mu)</td>
<td>848.3</td>
<td>337.8</td>
<td>2,559.8</td>
<td>3,745.9</td>
</tr>
<tr>
<td>Fixed Dividend Standards</td>
<td>540CNY/Mu</td>
<td>380 CNY/Mu</td>
<td>280 CNY/Mu</td>
<td></td>
</tr>
<tr>
<td>Fixed Dividends for 50 years in total</td>
<td>22,904,100</td>
<td>6,418,200</td>
<td>35,837,200</td>
<td>65,159,500</td>
</tr>
</tbody>
</table>

### 10. COMPLAINTS, APPEALS AND PUBLIC PARTICIPATION

#### 10.1 Complaints and Appeals

154. In order to protect the affected individual's interest, if anyone feel dissatisfied about the allocation work, he or she may make complaint and appeal to project offices at correspondent levels, further, he or she may take judicial proceedings to the People's Court of county or municipal level.
A. Agencies transacting complaint and appeals and the appeal transaction agencies

155. Agencies transacting complaint and appeals are: Construction and Coordination Commission of Mt. Qinling National Botanical Garden and affiliated Construction and Coordination Office of Mt. Qinling National Botanical Garden, the Project Construction of the County, Coordination and Guidance Group and Project Office, People’s Government of the town and the Dianzhen Village Committee.

156. The appeal transaction agencies are People’s Count of the County and the Municipal Intermediate People’s Count. The appeal transaction agencies and procedures are listed as follows:

Table 29: Appeal and lawsuit agencies and procedure

B. The reason of complaint and claim.

(i) Complaint caused by land, housing and other facilities compensation.
(ii) Complaint caused by unsuitable dealing in the process of demolition or forcing the price down on purpose.
(iii) Complaint that the compensate standard is too low
(iv) Complaint that the project construction damages others’ benefit.
(v) Complaint that the staff damage the affected enterprises or individuals’ interest or damage others benefit.
(vi) Complaint that the affected individuals think the compensation standard is lower than the replacement value.

C. The procedure of claim

157. If the resident complains about land acquisition, housing demolition and resident resettlement work, first, they can tell it to the village committee in written form or orally, and ask for a solution or response. If the problem cannot be solved, the county (district) project office should coordinate and resolve. If the resident doesn’t receive any response in three weeks or is not satisfied, he/she can claim to the project management office at higher level in written form.

158. The project management office at upper level should solve in three weeks after receiving claims from the affected individuals. If the problem is not solved in three weeks or the affected individuals are not satisfied, they can make a lawsuit to county (district) people’s court according to legal procedure.

159. If the affected individuals are not satisfied with the judgment made by county(district) people’s court, they can appeal to the city intermediate people’s court. The judgment made by the intermediate people’s court is final; the affected individuals must obey the judgment.

10.2 Public Participation

A. Information and Consultation

160. As a vital social activity for land acquisition, resettlement and compensation, information and consultation should be well-prepared with the aim to make every correlative individual acquaint with the significance, processes, appropriation, compensation, appeal and the way of settlement and problems existing in the project construction and consultation shall be carried on before hand.

161. The information and consultation process is as follows:

   (i) Land acquisition, resettlement and compensation shall be carried out by two methods: first, social medium; second, correspondent management mechanism.

   (ii) Make good use of newspaper, radio, TV, and bulletin in order to get understanding and support from every aspects of the society.

   (iii) The project administration office consultation to affected individuals in forms of meeting, document, notice, and so on, before the project begins.
162. The contents of the information and consultation
   (i) To explain the significance of the construction, time of the project.
   (ii) To explain the principle and procedure of land acquisition, housing demolition and resident resettlement in RAP, and plan and measures of economic rehabilitation.
   (iii) To explain all levels of project administration and their duty scope.
   (iv) To explain compensation standard of land acquisition, housing, other property and all kinds of specialized facilities.
   (v) To explain the distribution and usage of compensation fund.
   (vi) To explain the way of submitting a grievance claim during the land acquisition, housing demolition and resident resettlement compensation.
   (vii) To explain the duty and jurisdiction of claim accepting organ at all different levels, and make the affected individuals or enterprises to protect their own benefits and right through legal way.
   (viii) To explain internal supervision organ and external supervision organ and their activity contents in the compensation work.
   (ix) The information of land acquisition, housing demolition and resident resettlement must be explained to women, the disabled and other vulnerable groups.

163. By above mentioned activities, make all the affected individuals aware of impacts and entitlement so they are more willing to accept and support the project.

164. Timing of information disclosure and consultation.

165. Since the implementation of the Project in January of 2007, the implementation organ of the Project propaganda widely through mass media and all-level project administration. After the revised RP is approved by December of 2008, the RP should be printed and distributed to affected county (district) project office, township offices and Dianzhen Village. At the same time, the information handbook of land acquisition, housing demolition and resident resettlement (revised edition) should be distributed to all the affected villagers.

B. Public participation

166. Besides efficient information and consultation, people's governments at all levels and representatives of affected individuals will be invited to take part in the Project. They will know the whole process of land acquisition, housing demolition and resident resettlement compensation. And they can monitor whether all the work is undertaken in line with RP terms and ensure that the benefit of affected individuals is well considered.

167. In terms of holding meetings or soliciting individuals' opinions, the project implementation organ has already solicited opinions and suggestions from the
governments at all levels along the project construction line and the representatives of affected units in the stage of design and preparation. For example, on August 3, 2008, a villagers meeting was held at Dianzhen village. During the meeting, the No. [2007] 117 Document by the municipal government and the compensation standard of ground attachment formulated by the leading group of QNBG were handed out to the villagers. The meeting was welcomed by the villagers and the villagers present at the meeting were over a thousand. In fact, the local government and the affected villagers have been taking part in the following activities in the process of land acquisition, housing demolition and resident resettlement.

(i) Survey and design stages (January 2007–December 2008)
   a. Comparison of project implementation draft
   b. Sorting and measuring of affected land and housing
   c. The survey and check of trees, wells, enclosures, etc.
   d. The survey and check of irrigation, electricity, communication and other facilities
   e. Sorting the compensation scope and definition of compensation standard

(ii) Implementation stage (December 2008–March 2009)
   a. Sign of compensation agreement
   b. Choosing new relocation spot and building the new houses
   c. Redistribution of land
   d. Rehabilitation plan (by use of compensation funds)
   e. Survey and coordination of grievance claim and redressal measures
   f. Monitoring and evaluation of resettlement implementation and results.

C. Public Hearings

168. The contents of public hearings are about all the aspects such as target, scope, policy of land acquisition, housing demolition and resident resettlement, compensation standard, payment way, executive organ, implementation plan and so on.

169. The responsible agency of public hearing is the land administration bureaus at all levels, with close coordination with the village committee. Once the project implementation begins, the key persons person in charge of resettlement administration at all levels, office address and telephone number should be announced in the affected areas.
D. Resettlement Information Booklet

170. In order to ensure that affected objects acquaint with the detailed information of resettlement plan, QNBG compiled Land Acquisition and Resettlement Information Booklet on:

- (i) Project introduction
- (ii) Affected scope
- (iii) Compensation standard
- (iv) Resettlement policy
- (v) Responsibility institutions
- (vi) Public participation
- (vii) Public hearings
- (viii) Grievance and Appeal process

171. This Booklet was sent to all the affected households and village officials at the end of October 2007. See Annex I for the draft Booklet.

11. MONITORING AND EVALUATION

172. In order to guarantee the smooth process of the land acquisition, housing demolition and resident resettlement compensation, there are two kinds of supervision carried out simultaneously by two independent organizations in different ways: the first, an internal supervision system by the government to monitor according to RP terms in the angle of administrative management; and the second, an external monitoring and evaluation system by sociologists to assess whether resettlement objectives have been met.

11.1 The internal supervision

A. The contents of the internal supervision

173. The contents of the internal supervision consist of two aspects: (i) the supervision to the relevant area administrative management department, including project management organization of county and village government; and (ii) the supervision to the compensation for the affected individuals according to RP terms.

174. The basic contents of the work:

- (i) If resident resettlement is carried out according to RP terms
- (ii) If the affected individuals get enough compensation according to the formulations.
- (iii) If more job opportunities are provided to the local residents taking advantage of the project implementation.
(iv) If the affected individuals are satisfied with the new land for housing
(v) If the affected individuals are satisfied with the compensation program.
(vi) If the living condition of the affected individuals are safe and proper
(vii) If the affected individuals get the redistributed land according to relevant regulation
(viii) If the affected individuals, who lose land, are satisfied with the quantity and quality of redistributed land, living condition and production condition.
(ix) If the affected individuals are satisfied with their income change and rehabilitation situation after land acquisition.
(x) If the affected individuals are satisfied with the project staff’s working method, attitude and effect.
(xi) If the information, notification, consultation and coordination are given to the affected individuals according to the formulations.
(xii) If the expense is recorded in written form, especially the description of the cause of overspending and resource of supplement.
(xiii) If the affected individuals are permitted to appeal according to the formulations.
(xiv) If the affected individuals or enterprises and satisfied with the results that some staff get punishment because of their possible activities against the law.
(xv) If the implementation activities are completed in time which should be completed a month before the project begins.

B. The method of internal supervision

175. Different contents of supervision is carried out in different ways. The local project management organization should provide all kinds of data about land acquisition, housing demolition and resident resettlement compensation:

(i) According to some quantified data such as land area, compensation standard, compensation amount, resident’s income, questionnaire survey is adopted and the sample households should not be lower than 20% of relocated households and 10% of the total affected households. The obtained data of the sample households should be restored for the purpose that it can be compared with a new one.
(ii) For some qualitative data such as resident’s opinions, attitude, complaints and activities, the random interview or focused group discussions can also be used for supervision. The ways of asking questions should be scientific.

C. The implementation of the internal supervision

176. According to land acquisition, housing demolition and resident resettlement
compensation program, the internal supervision is at both the preparation stage and implementation stage.

D. The responsibilities of supervision agencies

177. The supervision agencies should investigate the compensation standard, compensation amount and scope carried out by the implementation organ, and the right to assess, investigate and supervise the finished work or finishing work done by county-level project organs.

178. The supervision agencies should report or rectify the quantity, unit, and slope which doesn’t accord with the formulations. Furthermore, the supervision organ also has the right to announce to the public what is not correct after rectifying.

179. The supervision agencies should report and help deal with some fierce problems put forward by effected individuals or enterprises or announce it to the public.

180. The supervision agencies should prosecute to the local judicial office, if any staff member hurt any individual’s or enterprise’s benefit taking advantage of his power.

181. The supervision agencies should announce any incident which has been dealt with but didn’t get enough effect and to prosecute again any activities against the law which doesn’t get concerning punishment.

E. Procedure and demand of supervision agencies

182. The supervision agencies should combine the responsibility to the government with the responsibility to the affected individuals. They should summarize experiences and lessons, and make a work record (log). The supervision agencies can have a meeting at regular or irregular intervals and report relevant circumstances. Each season, the supervision organ should give a written report to the project implementation organization about the supervision work and dealing with the supervised incidents. Every three months, a brief progress report of all the Project supervision work should be submitted to ADB; summary of progress on resettlement should be included as applicable.

183. The county-level project management organ should collect supervision data from the town(village)-level office and the monthly sample investigation. These data should contain both household level and village level data. The collected data of every relevant individual/household should be stored electronically and revised after every supervision investigation.
The internal supervision report will be discussed in every regular meeting of the project implementation organ.

**11.2 The external monitoring and evaluation**

In order to do the land acquisition, housing demolition and resident resettlement compensation well, the project needs not only internal but also external supervision by a qualified and independent monitor. The implementation organ will invite famous social consultant organ to carry out independent external monitoring on the compensation of land and relocation in order to fulfill the ADB’s policy thoroughly and correctly. The supervision outline is as follows:

**Resettlement Plan Monitoring and Evaluation Outline**

Shaanxi Province Using Overseas Loan Project Office will engage famous social consultant organ to undertake independent and fair monitoring and evaluation of the process of land acquisition, housing demolition, compensation, residential relocation and economic rehabilitation, in order to fulfill the ADB’s policy thoroughly and correctly.

A. The contents of monitoring and evaluation

(i) To check if the land acquisition, housing demolition, compensation and residential relocation and economic rehabilitation is carried out according to RP terms.

(ii) To ensure if the activities are completed that should be completed before the construction.

(iii) To determine the general target of land acquisition, housing demolition and resident resettlement compensation and implementation degree of RP.

(iv) To determine if the compensation amount matches the property loss and whether the affected individuals can resume their original income levels.

(v) To determine how satisfied the affected individuals are with the land acquisition, housing demolition, compensation, residential relocation, economic rehabilitation and living conditions.

(vi) Satisfaction degree of affected individuals about land acquisition and resettlement and quality and quantity of redistribution land.

(vii) Satisfaction degree of affected individuals about location of resettlement and difference of environment with the original location.

(viii) Satisfaction degree of affected individuals about compensation standard and method of dismantled houses, buildings, ground attachment.

(ix) Satisfaction degree of affected individuals about subsidy standard and amount in resettlement.

(x) In the course of acquisition and resettlement, whether correlative
institution and local government consult fully with and assist affected individuals and whether any forced/rushed dismantling and resettlement happened.

(xii) Supervision on fund flow of land acquisition and resettlement.

B. Measures of supervision

(i) To inspect in the land acquisition, housing demolition, compensation, residential resettlement and economic rehabilitation progress and listen to review reports prepared by the local project implementation organs.

(ii) As soon as the land acquisition and relocation begin, the Baseline Survey on the affected area starts at the same time. The supervision number will be not lower than 10% of the total households at Dianzhen Village.

(iii) The survey measures to the affected individuals are based on sampling and tracer surveys. Mainly, the on-the-spot survey measure is adopted. To set up files of affected villages and sample households. To collect data in regular interval and set up tracer card. The sample survey should cover 20% of relocated households and no less than 10% of the total affected households.

(iv) Random sample survey in regular and irregular intervals: mainly adopt symposium and official household visit to understand the affected individuals’ problems and the causes in the process of land acquisition, housing demolition and resident resettlement compensation and understand the real information.

C. Schedule of External Monitoring, Evaluation and Reporting

187. The external monitoring will begin as soon as the Project starts and will complete when the Project finishes and a total evaluation of the external monitoring is handed in.

(i) External Monitor will first conduct the Baseline Survey and prepare a report for submission to QNBG and ADB. External Monitor will monitor resettlement implementation to assess whether the principles and proposed plans for land acquisition, housing demolition, compensation, residential resettlement and economic rehabilitation are adequate, and will propose recommended actions to rectify or improve implementation. This will be based on survey and discussions with the affected individuals.

(ii) After the first supervision survey and from the first year of the project implementation, External Monitor will conduct investigations and survey every six months during peak time of resettlement implementation; thereafter, evaluations will be conducted once each year.
a. Inspect and supervise the realization of the previous issues, recommended actions and follow-up on the results.
b. Carry on according to all the terms of this supervision outline.

(iii) If the supervision agencies think it is necessary, External Monitor can inspect and survey more frequently.

(iv) The external supervision agencies should record every supervision activity in detail and prepare a written report for submission to QNBG and ADB. The contents in the report should include the experiences in the land acquisition, housing demolition compensation, residential resettlement, economic rehabilitation, living conditions, and the existing or remaining problems. The executive organ should find way to solve the existing problems to improve their work after they receive the report.

(v) After resettlement is completed, External Monitor should prepare a complete, correct, detailed and objective completion report. Then, the company should discuss and exchange ideas with QNBG; External Monitor should then finalize and submit the report to ADB and prompt the construction organ to address any remaining problems.
Appendix I

Project of Ex-situ Conservation Area of Plants
in Mt. Qinling National Botanical Garden
Land Acquisition, Relocation and Resettlement Information Manual

1. Overview

“Mt. Qinling National Botanical Garden”, co-constructed by Shaanxi Provincial People’s Government, National Forest Bureau, Chinese Academy of Science and Xi’an Municipal People’s Government, is listed as a modal project by the State Council under the loans from Asia Development Bank (ADB) for study, protection and utilization of the biological diversity of Mt. Qinling district, one of the ten biggest ecological function zones.

As an important part of the general plan of “Mt. Qinling National Botanical Garden”, the Project of ex-situ conservation area aims at: scientific study on biological diversity, popularization of scientific knowledge concerning biological diversity, protection of biological diversity and tour of biological diversity. The basic constructions are composed of ex-situ conservation of plants, industrial development and poverty relief and biological tourism.

The total investment in the Project is estimated up to RMB402.7564 million Yuan. The planned land for the Project is up to 269.3 hectare (4039.5 mu). The Project includes 18 special gardens, resource museums for popularizing science, and paleontology museums, like gymnosperm area, angiosperm area, area for special plants within Qinba Mountains, medical plant area and rock plant area, etc. The Project, by plan, is to begin in 2007 and completed by 2011, lasting for five years.

2. Impact

Located at in Zhouzhi County, Shaanxi Province, the planned land for the Project is up to 269.3 hectare (4039.5 mu). Of the total 269.3 hectare (4039.5 mu) area, the land to be acquired totals up to 293.63 mu; and as for the remained land of 3745.87 mu, the right of use is to obtained by means of pooling of land. (The numbers here shall be determined finally in accordance with the signed agreement). Buildings demolished occupy up to 19319.97 m² altogether, and there are 504 villagers in 115 households under the impact of the land acquisition, 617 in 143 households under the impact of the relocation. The pooling of land affects 11 groups, 948 families and 3780 persons.

3. Policies for Land Acquisition, Relocation and Resettlement

A. Legal documents: the construction unit is entitled to the land acquired upon compensating the affected units and people according to relevant legal documents and policy.
(i) Law of Land Administration of the People's Republic of China (Enforced on 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)
(v) 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)
(vi) 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)
(vii) Decision on Furthering Reform of Land Management of the State Council (Guofa [2004] No. 28)

B. Relevant documents of ADB concerning relocation and resettlement. Relevant documents: ADB’s policy for its supporting construction project----Involuntary Resettlement policies and strategies. (ADB’s document R1-79-95, Involuntary Resettlement, September, 12th, 1995)

C. Compensation and Resettlement Policy

I. Affected house

(i) Compensation shall be made in accordance with the actual condition of the demolished houses, regardless of their ownerships, in order to ensure that the demolished households can obtain the houses of the same structure and areas as their demolished ones stipulated in RAP. According to the guide for house relocation settlement and the structure and type of houses, the people affected by demolishment shall be compensated directly, and their previous houses shall not be depreciated; besides, the affected residents are entitled to the construction materials of their previous house.

(ii) For villagers who lose their houses, the village and township government shall allocate land bases for them to build houses by themselves with the assistance of compensation fees and house removal fees; or they can ask
the village and township government to build the house. No matter which way of rebuilding is adopted, the house cannot be demolished until the demolished households have removed to their new houses. In accordance with the assessment and approval of the real estate management bureaus of the county or the city, the compensation standard is as follows:

Table 1: Housing Compensation Standards

<table>
<thead>
<tr>
<th>Type</th>
<th>Brick and Concrete (m²)</th>
<th>Brick and Wood (m²)</th>
<th>Earth and Wood (m²)</th>
<th>Simple (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard</td>
<td>511.18</td>
<td>475.44</td>
<td>422.94</td>
<td>316.41</td>
</tr>
</tbody>
</table>

Unit: CNY/m²

II. Affected land compensation standard

Standard for land compensation fee and relocation subsidy is in line with the spirit and requirement of the Decision on Furthering Reform of Land Management of the State Council and 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.

Table 2: Project Land Compensation Standard (Unit: CNY/mu)

<table>
<thead>
<tr>
<th>Type</th>
<th>Farmland</th>
<th>Wasteland</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual output value</td>
<td>1,193</td>
<td>1,062</td>
</tr>
<tr>
<td>Compensation rate</td>
<td>21</td>
<td>16</td>
</tr>
<tr>
<td>Compensation standard</td>
<td>26,000</td>
<td>17,000</td>
</tr>
</tbody>
</table>

III. Compensation for young crops is calculated according to 90% of the average annual output of the land before expropriation in the first three years. See the table below for the compensation standard:

Table 3: Young Crop Compensation Standard (Unit: CNY/mu)

<table>
<thead>
<tr>
<th>Type</th>
<th>Vegetable (10% of the young crop total)</th>
<th>Other young crops (mainly grain crops)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard</td>
<td>1,000</td>
<td>500</td>
</tr>
</tbody>
</table>

IV. Other affected facilities

The affected ground attachment mainly includes: fruit trees, useful woods, gardens, nurseries and so on. The compensation standard is as follows:
Table 4: Affiliated Facilities Compensation Standard (Unit: CNY)

<table>
<thead>
<tr>
<th>Scattered Fruit Trees (each)</th>
<th>Young Fruit Trees (each)</th>
<th>Useful Woods (each)</th>
<th>Young Woods (each)</th>
<th>Gardens and nurseries (each)</th>
</tr>
</thead>
<tbody>
<tr>
<td>30–190</td>
<td>5–30</td>
<td>30–700</td>
<td>5–30</td>
<td>10–40</td>
</tr>
</tbody>
</table>

Note: During the compensation of the affected ground attachment, the compensation is according to the assessment on the ground attachment and the compensation standard.

All specialized facilities, including facilities for hydraulic work, power and communication, as well as yards, pools and vault storeroom, shall be compensated according to relevant regulations of Shaanxi Provincial People’s Government and their real construction cost or alternative value.

V. Payment of compensation fee

Compensation fee for land expropriation takes a part in the total investment of the Project, thus it has already been considered in the budgetary estimation. All the compensation fees are allocated by Shaanxi Foreign Loan Office; they shall be given to the affected collectivities and people, and no one shall intercept or embezzle them: land expropriator shall sign contract with the previous owner of the expropriated land; the compensation fee shall be drawn with the signature of the payee; and all the materials shall be kept in archives. Relocation subsidy is for the agriculture population whose production material is land and whose living source is from land. Relocation subsidy should be paid directly to the affected persons.

(i) Land compensation fee and relocation subsidy

In this project, land compensation fee belongs to rural collective economic group, this is shall be given directly to the village committee in a bid to develop production and restore the economic strength of the affected people. The affected people are entitled to discuss and participate in the economic restoration plan.

Relocation subsidy should be paid directly to the affected persons. In this project, the land compensation fee and relocation subsidy are added together in order to get the maximum amount of compensation permitted by national laws and policies. So, we didn’t work out the separate land compensation and relocation subsidy standard. In order to operate smoothly, the amount of land compensation and relocation subsidy in this project will be determined as half of the total compensation and subsidy respectively.

(ii) Compensation fee for house, specialized facilities and auxiliary facilities, as well as young crops shall be directly paid to the entitled people.
VI. Demolition subsidy

The affected people shall be paid the demolition subsidy in addition to the house compensation fee according to the standards, including transition fees and the standard house removal fee of RMB 500 Yuan to every household per month.

4. Land Compensation and Dividend for the Voluntarily Pooled Land within the Project Area

The Project will utilize 4,039.5 mu of land area, of which 293.63 mu of land will be expropriated, and the rest part of land, totally 3,745.87 mu, shall be utilized by the peasants within the project area through voluntarily buying shares. The land utilization and compensation of this area includes two aspects: the compensation for ground attachment and young crops of the pooled land; and the policy on dividend for the pooled land. The standard for the former two items shall comply with the relevant requirements of the national policy and ADB (Asia Development Bank).

A. Compensation and payment for the ground attachment and young crops of the pooled land within the project area

(i) The Project preliminarily confirmed that the pooled land is 3,745.87 mu, of which the irrigable land and dry land take up 1,126.07 mu, orchard land 60 mu, and hillside land 2,559.8 mu. The compensation standard for the ground attachment and young crops of the pooled land shall conform to that of the expropriated land of the Project.

(ii) The pooled land shall not change its nature for agricultural use, thus all kinds of specialized facilities on the ground of the pooled land for hydraulic work, power, communication, as well as yard, vault storeroom shall not be ravaged or relocated. If compensation is necessary in the Project, it shall be fulfilled in accordance with the relevant regulations of the Shaanxi Provincial People’s Government and the real construction cost, or the alternative price.

(iii) The compensation and payment for the ground attachment and young crops of the pooled land shall be fulfilled a month earlier prior to the implementation of the Project.

(iv) Consultation, complaints, appeal, public participation, supervision and assessment procedure and method concerning the above-mentioned compensation standard and payment shall be in conformity with that of the expropriated land of the Project.
B. Profit-sharing

According to settlement policy on pooling of land in *Instruction on Consummation of Land Appropriation Compensation System* by the Ministry of Land and Resources (Guotuzifa [2004] No.238), “for the project-used land with long-term income, the countryside economic organ can use either compensation fee or the use right of construction land as shareholders. These shareholders are regarded as capital stock-preferred to get profit sharing.” ---the Project shall acquire land-use right of 3,745.87 mu by the way that farmers are shareholders with free will. Besides compensation of ground attachment and green seedling of appropriated land, the original land user shall share profit. In order to protect the interest of the original user on the appropriated land, profit sharing of the original land user shall be counted by fixed profit sharing and revenue profit sharing. The duration of leasing land is 50 years.

(i) The standard of the fixed dividend is CNY540 for irrigated land and orchard, CNY380 for dry land, and CNY280 for slope land. The fixed dividend is calculated by year. The receiver is each villager group. Each group distributes the compensation to the original users according to their proportion of leased land. The QNBG agrees to pay one-year fixed dividend in cash or in check within 3 months after the signing of the leasing land contract. Then, at the end of each September, the next year’s fixed dividend will be paid.

(ii) From the year Mt. Qinling National Botanical Garden gains admission income, the original land user shall enjoy operation profit sharing and the fixed profit sharing will not ascend.

The operation profit shared by original leasing land users is calculated by the Garden and each village, and then the villages distribute it to their own groups. The amount that each group can receive is calculated according to its capital stock from its land use right. The capital stock is calculated as follows:

CNY13,500 for irrigated land, CNY9,500 for dry land and CNY7,000 for slope land. The amount of operation profit sharing is calculated according to the proportion of the capital stock in the Garden.

If there is no operation profit sharing, in order to protect the interest of the original users of the leased land, the QNBG agrees to pay CNY2.50 from every ticket to the groups of Zhendian Village as the operation profit sharing according to their capital stock. Each group can decide their own distribution plan after the original users’ meeting.

According to the plan and the procedure, the Garden will become a company in 6 years. Then, the operation profit sharing will be calculated according to the shareholders capital stock in the Garden. In order to protect the interest of all the original users, the Garden agrees that if the 6% operation profit sharing is lower than the amount of CNY2.50 from each ticket, the Garden will get the amount of CNY2.50 from each ticket and the Garden doesn’t
run as a company. If the Garden runs as a company, the Garden will not pay the amount of CNY2.50 from each ticket anymore.

Legal representative of fixed profit sharing and operation sharing is Villager’s Committee of Dianzhen Village, Zhouzhi in affected areas, which shall grade the participating land according to its practical type.

5. Organizational Agencies

A. Implementing agencies

The Development and Reform Committee of Shaanxi Province, together with some relevant bureaus, set up the Coordinating Committee of the Qingling National Botanical Garden Construction, which is in charge of some important issues such as seeking for domestic fund, infrastructure construction, and policy of Qingling National Botanical Garden.

Coordinating Committee of the Qingling National Botanical Garden Construction sets up the coordinating office of the Qingling Botanical Garden, the same as the original Qingling National Botanical Garden, which is in charge of the project plan, coordinating all the relations, seeking for fund and the implementation of Qingling National Botanical Garden.

B. Land acquisition and resettlement agencies

After the implementation of the project, the implementing agencies of the Project will set up Resettlement Office of the Qingling National Botanical Garden Construction Director’s Office, which is in charge of organizing and coordinating land acquisition and resettlement, to sign agreement of and acquisition and resettlement with Zhou Zhi County Land Acquisition and Resettlement Coordinating Directors. Their duty is as follows:

(i) According to the decisions by Coordinating Committee of the Qingling National Botanical Garden Construction, in charge of organizing and coordinating land acquisition and resettlement, to sign agreement of and acquisition and resettlement with Zhou Zhi County Land Acquisition and Resettlement Coordinating Directors.

(ii) In charge of surveying the land acquisition, listening to the opinions of affected area and people, accepting all kinds of complaints and requests, and dealing with them in time.

(iii) In charge of payment and usage of the compensation of land acquisition and removing

(iv) In charge of guiding affected villages to formulate economy resume plan and exchange the experiences

Zhou Zhi County, the affected county, sets up Zhou Zhi County Land Acquisition and Resettlement Coordinating Directors, whose duty is:
(i) Based on Coordinating Committee of the Qingling National Botanical Garden Construction Director’s Office’s task and demand, in charge of checking the quantity of affected land, removed buildings, special-purpose facilities and attached materials.

(ii) Be in charge of assessing and formulating compensation standard of affected special-purpose facilities.

(iii) Be in charge of surveying the land acquisition, listening to the opinions of affected area and people, accepting all kinds of complaints and requests, and dealing with them in time.

(iv) Be in charge of usage of the compensation of land acquisition and removing of the villages.

(v) Be in charge of guiding the towns and villages to formulate economy resume plan and checking and supervising.

(vi) Be in charge of reporting the project process to Coordinating Committee of the Qinling National Botanical Garden Construction Director’s Office (Resettlement Arrangement Office), and handing in relevant statistic data.

C. Jiixan Town government

The duty of the government is to help implement land acquisition and resettlement; to assist to work out the “Land Acquisition, Relocation and Resettlement Plan under the Project of Ex-situ Conservation Area of Plants in Mt. Qinling National Botanical Garden”; to organize villagers to consult; to disseminate the resettlement policy; to help to get application and approval of land acquisition and resettlement; to deal with problems during implementation; to assist to finish internal and external supervision; to assist social economy survey in the affected area and the training of the working staff for land acquisition and resettlement; to supervise the land acquisition and resettlement by villagers committee; to work out the progress of implementation and hand it in to Coordinating Committee of the Qinling National Botanical Garden Construction Director’s Office.

D. Villagers committee of Zhendian Village and all villagers group

Authorized by villagers convention, they are in charge of right use of resettlement compensation and payment to the affected persons; to take part in the social economy survey and project affection survey; assist to work out the “Land Acquisition, Relocation and Resettlement Plan under the Project of Ex-situ Conservation Area of Plants in Mt. Qinling National Botanical Garden”; to organize the villagers to take part in the project and to propaganda policy; to implement, check, supervise and record land acquisition and resettlement activities in their own villages; to organize villagers to build new houses and the help to get building approval; to choose resettlement place and distribute housing land for relocated families; to adjust land distribution and implement economy rehabilitation; to supervise land acquisition, housing and attached facilities demolishing and reconstruction; to deal with appeal, to investigate and fulfil the relevant work; to help relocated persons to solve all the problems during relocation; to report the progress in land acquisition and resettlement;
to help vulnerable families to relocate.

Jixian Town government and Zhendian Village should assign special persons in charge of the land acquisition and resettlement, cooperate and take part in the work of the land acquisition and resettlement, and implement the rehabilitation plan on behalf of town government and villagers committee.

6. Complain, appeal and public participation

A. Complain and appeal

In order to protect the affected individual’s interest, if anyone feel dissatisfied about the allocation work, he or she may make complaint and appeal to project offices at correspondent levels, further, he or she may take judicial proceedings to the People’s Count of county or municipal level.

Institutes transacting complaint and appeals are: Construction and Coordination Commission of Mt. Qinling National Botanical Garden and affiliated Construction and Coordination Office of Mt. Qinling National Botanical Garden, the Project Construction of the County, Coordination and Guidance Group and Project Office, People’s Government of the town and the Villager’s Committee.

B. Dissemination and public participation

Land acquisition, resettlement and compensation shall be carried out by social medium and correspondent management mechanism. The propaganda shall cover relevant contents about land acquisition, resettlement and project construction, and upon the approval of Amendment of APR shall be issued to Project Offices of affected counties and the Land Acquisition and Resettlement Information Manual (Revised edition) shall be sent to affected villages at the same time.

Besides the propaganda, wide public participation shall also be taken into consideration, including inviting representatives of People’s Government of all levels and affected individuals to take part in the activity and have a better understanding about the courses of land acquisition, resettlement and compensation in accordance with the concrete articles of RAP and taking into consideration the interest of units and individuals.

C. Public inquiry

Public inquiry includes objective, scope, land acquisition and resettlement policy, compensation standard, method of payment, executing institution and accomplishment plan etc. The acceptance institutions shall be project management institutions and villager’s committee. After the start-up of the Project, principals of project management institutions, their office address and telephone number shall be notified in the affected areas.
D. Resettlement information manual

In order to ensure that affected objects acquaint with the detailed information of resettlement plan, the project executing institution compiled *Land Acquisition, Resettlement and Information Manual* which include project introduction, affected scope, compensation standard, resettlement policy, responsibility institution, public participate, inquiry and appeal process.
## Appendix II

### Affected families data at Zhendian Village (1)

<table>
<thead>
<tr>
<th>Village &amp; group</th>
<th>Year</th>
<th>Surveyed families</th>
<th>Population</th>
<th>Below 16</th>
<th>17–60</th>
<th>Above 61</th>
<th>Illiteracy</th>
<th>Labor number</th>
<th>Agricultural population%</th>
<th>Non-agricultural population%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>male</td>
<td>female</td>
<td>total</td>
<td></td>
<td>male</td>
<td>female</td>
<td>total</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>2006</td>
<td>Group 1,</td>
<td>25</td>
<td>47</td>
<td>49</td>
<td>96</td>
<td>15</td>
<td>61</td>
<td>20</td>
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<td>2006</td>
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<td>16</td>
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<td>8</td>
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<td>187</td>
<td>26</td>
<td>125</td>
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<td></td>
<td></td>
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<td>2006</td>
<td>15</td>
<td>34</td>
<td>29</td>
<td>63</td>
<td>8</td>
<td>41</td>
<td>14</td>
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</tr>
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<td></td>
<td></td>
<td>2006</td>
<td>9</td>
<td>18</td>
<td>19</td>
<td>37</td>
<td>5</td>
<td>26</td>
<td>6</td>
</tr>
</tbody>
</table>
## Affected families data at Zhendian Village (2)

<table>
<thead>
<tr>
<th>Village &amp; group</th>
<th>Surveyed families</th>
<th>Total income per family (CNY)*</th>
<th>PLANTING %</th>
<th>AQUATICS %</th>
<th>INDUSTRY %</th>
<th>TOTAL EXPENSE PER FAMILY (cny)</th>
<th>Production cost %</th>
<th>Living expense %</th>
<th>Other expense %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 1, Zhendian Village</td>
<td>25</td>
<td>9065</td>
<td>49.39%</td>
<td>6.49%</td>
<td>44.13%</td>
<td>6271</td>
<td>21.55%</td>
<td>34.97%</td>
<td>12.65%</td>
</tr>
<tr>
<td>Group 2</td>
<td>27</td>
<td>7709</td>
<td>17.51%</td>
<td>8.50%</td>
<td>73.99%</td>
<td>5485</td>
<td>12.43%</td>
<td>39.53%</td>
<td>19.19%</td>
</tr>
<tr>
<td>Group 3</td>
<td>19</td>
<td>4039</td>
<td>22.98%</td>
<td>14.47%</td>
<td>62.55%</td>
<td>3962</td>
<td>15.39%</td>
<td>63.23%</td>
<td>19.48%</td>
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<tr>
<td>Group 4</td>
<td>20</td>
<td>8692</td>
<td>24.76%</td>
<td>6.38%</td>
<td>68.85%</td>
<td>5948</td>
<td>11.55%</td>
<td>38.89%</td>
<td>17.98%</td>
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<tr>
<td>Group 5</td>
<td>16</td>
<td>7805</td>
<td>34.66%</td>
<td>7.69%</td>
<td>57.65%</td>
<td>5542</td>
<td>13.26%</td>
<td>44.06%</td>
<td>13.68%</td>
</tr>
<tr>
<td>Group 6</td>
<td>45</td>
<td>6897</td>
<td>57.31%</td>
<td>9.18%</td>
<td>33.51%</td>
<td>4805</td>
<td>22.60%</td>
<td>36.28%</td>
<td>10.78%</td>
</tr>
<tr>
<td>Group 7</td>
<td>21</td>
<td>10751</td>
<td>60.89%</td>
<td>5.45%</td>
<td>33.66%</td>
<td>7015</td>
<td>18.95%</td>
<td>31.80%</td>
<td>14.50%</td>
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<tr>
<td>Group 8</td>
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<td>14638</td>
<td>55.05%</td>
<td>3.96%</td>
<td>40.99%</td>
<td>9342</td>
<td>22.49%</td>
<td>26.19%</td>
<td>15.14%</td>
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<tr>
<td>Group 9</td>
<td>15</td>
<td>7441</td>
<td>46.42%</td>
<td>6.99%</td>
<td>46.59%</td>
<td>6800</td>
<td>38.89%</td>
<td>35.90%</td>
<td>16.59%</td>
</tr>
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<td>Group 10</td>
<td>14</td>
<td>9585</td>
<td>54.62%</td>
<td>6.04%</td>
<td>39.35%</td>
<td>5902</td>
<td>19.93%</td>
<td>26.79%</td>
<td>14.86%</td>
</tr>
<tr>
<td>Group 11</td>
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<td>5643</td>
<td>41.52%</td>
<td>11.22%</td>
<td>47.25%</td>
<td>4821</td>
<td>19.40%</td>
<td>45.81%</td>
<td>20.22%</td>
</tr>
</tbody>
</table>

*Including the value of planting and aquatics which is consumed by the surveyed families themselves*
### Affected families data at Zhendian Village (3)

<table>
<thead>
<tr>
<th>Village &amp; group</th>
<th>Surveyed families</th>
<th>Farmland (mu)</th>
<th>Farm land per capita</th>
<th>Rooms</th>
<th>House area (m²)</th>
<th>Area per capita (m²)</th>
<th>Production machinery</th>
<th>Value (CNY)</th>
<th>Main living utensil*</th>
<th>Value (CNY)</th>
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</thead>
<tbody>
<tr>
<td>Group 1, Zhendian Village</td>
<td>25</td>
<td>211.6</td>
<td>2.21</td>
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<td>2,237</td>
<td>23.4</td>
<td>3</td>
<td>45,647</td>
<td>54</td>
<td>69,390</td>
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<tr>
<td>Group 2</td>
<td>27</td>
<td>88.5</td>
<td>0.78</td>
<td>0.64</td>
<td>3,549</td>
<td>31.1</td>
<td>5</td>
<td>90,533</td>
<td>71</td>
<td>90,810</td>
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<tr>
<td>Group 3</td>
<td>19</td>
<td>37.7</td>
<td>0.50</td>
<td>0.42</td>
<td>1,996</td>
<td>26.7</td>
<td>2</td>
<td>37,805</td>
<td>53</td>
<td>68,105</td>
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<tr>
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<td>60.4</td>
<td>0.77</td>
<td>0.61</td>
<td>1,915</td>
<td>24.5</td>
<td>4</td>
<td>66,514</td>
<td>58</td>
<td>73,953</td>
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<td>Group 5</td>
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<td>58.6</td>
<td>0.95</td>
<td>0.66</td>
<td>1,882</td>
<td>30.4</td>
<td>3</td>
<td>54,320</td>
<td>47</td>
<td>60,395</td>
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<td>1.52</td>
<td>0.39</td>
<td>4,333</td>
<td>25.9</td>
<td>4</td>
<td>69,641</td>
<td>121</td>
<td>155,485</td>
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<tr>
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<td>21</td>
<td>168.8</td>
<td>2.06</td>
<td>0.49</td>
<td>2,660</td>
<td>32.5</td>
<td>3</td>
<td>45,769</td>
<td>54</td>
<td>69,212</td>
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<tr>
<td>Group 8</td>
<td>15</td>
<td>196.8</td>
<td>2.96</td>
<td>0.53</td>
<td>2,214</td>
<td>33.3</td>
<td>6</td>
<td>108,639</td>
<td>60</td>
<td>77,100</td>
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<tr>
<td>Group 9</td>
<td>15</td>
<td>213.5</td>
<td>3.46</td>
<td>0.37</td>
<td>1,784</td>
<td>28.9</td>
<td>1</td>
<td>23,617</td>
<td>40</td>
<td>51,959</td>
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<tr>
<td>Group 10</td>
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<td>2.41</td>
<td>0.41</td>
<td>1,689</td>
<td>30.5</td>
<td>2</td>
<td>28,166</td>
<td>42</td>
<td>53,970</td>
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<td>Group 11</td>
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<td>1,122</td>
<td>28.4</td>
<td>1</td>
<td>18,107</td>
<td>31</td>
<td>40,156</td>
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</tbody>
</table>

*Including telephone, mobile phone, motorbike, television, etc
<table>
<thead>
<tr>
<th>Village &amp; group</th>
<th>Family number</th>
<th>Population</th>
<th>Smooth land (dry land and irrigated land)</th>
<th>Sloping land</th>
<th>Total farmland</th>
<th>Per capita</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 1, Zhendian Village</td>
<td>119</td>
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<td>331.9</td>
<td>675.5</td>
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<tr>
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<td>486</td>
<td>173.3</td>
<td>203.7</td>
<td>376.98</td>
<td>0.83</td>
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<td>Group 3</td>
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<td>358</td>
<td>105.2</td>
<td>75.2</td>
<td>180.43</td>
<td>0.61</td>
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<tr>
<td>Group 4</td>
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<td>383</td>
<td>226.9</td>
<td>69.3</td>
<td>296.12</td>
<td>0.92</td>
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<tr>
<td>Group 5</td>
<td>76</td>
<td>294</td>
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<td>106.4</td>
<td>278.43</td>
<td>1.18</td>
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<tr>
<td>Group 6</td>
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<td>435</td>
<td>390.5</td>
<td>271.9</td>
<td>662.33</td>
<td>1.74</td>
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<tr>
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<td>421</td>
<td>594.0</td>
<td>274.3</td>
<td>868.34</td>
<td>2.41</td>
</tr>
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<td>Group 8</td>
<td>74</td>
<td>328</td>
<td>411.3</td>
<td>559.8</td>
<td>971.08</td>
<td>3.23</td>
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<tr>
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<td>48.8</td>
<td>933.3</td>
<td>982.11</td>
<td>4.07</td>
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<tr>
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<td>178</td>
<td>188.3</td>
<td>241.5</td>
<td>429.82</td>
<td>3.50</td>
</tr>
<tr>
<td>Group 11</td>
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<td>158</td>
<td>104.5</td>
<td>0.0</td>
<td>104.47</td>
<td>0.85</td>
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<tr>
<td>Total</td>
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<td>3780</td>
<td>2746.7</td>
<td>3410.8</td>
<td>6,157.51</td>
<td>1.63</td>
</tr>
</tbody>
</table>
Appendix III
Appendix IV

Mt. Qinling National Botanical Garden

Contract No.:
The Second Scheme of Ex-situ Conservation Area of Plants in Mt. Qinling National Botanical Garden Land Acquisition

Land Leasing Contract

Item 1 The two parties of the contract:

(Party A hereinafter)

Address:

Postcode:

Telephone number:

Member as of right: name: post:

name: post:

Mt. Qinling National Botanical Garden (Party B hereinafter)

Address:

Postcode:

Telephone number

Member as of right: name: post:
Under friendly and close consult between Party A and Party B, in order to speed up the construction of Mt. Qinling National Botanical Garden, to build a platform for development and to fulfil win-win purpose, Party A agrees to pool some use right of land into Party B, and Party B agrees that Party A pools the use right of land. According to Contract Law of PRC and relevant laws and the equal consultation of the two parties, the contract is signed to definitude two parties’ duty and to protect the two parties’ legal rights and interests.

Item 2 According to the contract, Party A only pools the use right of the land, and the ownership of the land belongs to the village.

Item 3 The leasing land from Party A to Party B is, and the location and limit will be shown in the attached map, which was signed and sealed by both Party A and Party B.

During the leasing time, if the government legally acquires the land for the benefit of the public, the land acquisition land contract will end. However, Party A should notify Party B 100 days in advance.

Item 4 The purpose of the pooling land in the contract, according to the general layout of Mt. Qinling National Botanical Garden which is approved by the provincial government, is for forestry, agriculture, scientific research, scientific education, reservation and tourism.

Item 5 The period of the pooling land of the contract is 50 years, from October 1, 2007 to October 1, 2057.

Party A should supply the land of the contract to Party B before October 10, 2007.

Item 6 If Mt. Qinling National Botanical Garden expropriate the land for its development, the pooling relationship of the contract will be out of practice automatically.

Item 7 In order to guarantee the villagers’ income and stabilize the villagers’ living level, Party B agrees to calculate the fixed profit sharing and the operation profit sharing as Party A’s interests according to the land area.

The fixed profit sharing standard: CNY500 for the irrigated land, CNY380 for the dry land and CNY280 for the slope land. The fixed profit sharing land area and sharing amount: mu for irrigated land, CNY; mu for dry land, CNY; and mu for slope
land, CNY; The total area of the land is mu, and the total sharing is CNY. The fixed profit sharing is calculated by year.

From the year when the Garden receives revenue from tickets, Party A can get operation profit sharing.

The operation profit sharing of Party A is calculated by the Garden and each village, and then the villages contribute it to their own groups. The amount that each group can receive is calculated according to its capital stock from its land use right. The capital stock is calculated as follows.

CNY13,500 for the irrigated land, CNY9500 for the dry land and CNY7000 for the slope land. The total leasing land area and capital stock: mu for irrigated land, CNY; mu for dry land, CNY; and mu for slope land, CNY. The total area of the land is mu, and the total capital stock is CNY.

The amount of operation profit sharing is calculated according to the proportion of the capital stock in the Garden. The land categories are decided by Party A, Party B and the government of Jixian Town after their negotiation.

If there is no operation profit sharing, in order to protect the interest of the Party A, Party B agrees to pay CNY2.50 from every ticket to the groups of Zhendian Village and Jinfeng Village as the operation profit sharing according to their capital stock.

In order to run the business well and to protect the interest of all the parties, the Garden will become a company in the sixth year after the signing of the contract. If the operation profit sharing is lower than the amount of CNY2.50 from each ticket, the Party A will get the amount of CNY2.50 from each ticket and the Garden doesn't run as a company. If the Garden runs as a company, Party A will not get the amount of CNY2.50 from each ticket any more.

The legal receiver of fixed profit sharing is the villager groups. The legal receiver of operation profit sharing is the village committee.

**Item 8** The two parties agree that after the Garden becomes a company, the company will be dealt with according to the Company Law of PRC. And then, Party A's shares is put into Shaanxi Qinyuan Ecology Construction Ltd, then Party A becomes its shareholder and enjoys the profit.

**Item 9** The two parties agree that the ground attachment will be dealt with after other negotiations.

**Item 10** Party B agrees that the one year fixed profit sharing should be paid by
cash or cash check with three months from the signment of the contract. And then, the next year fixed profit sharing should be paid by the end of this year.

**Item 11** If Party B cannot pay the amount in time, within 6 months overdue time, Party B should pay penalty amount of 0.5% of relevant amount. If the overdue time is over 10 months, Party A has the right to claim the loss which Party A suffers in reality.

**Item 12** If Party A cannot provide the land of the contract to Party B, Party A should pay 0.5% penalty amount of the relevant amount to Party B. If the overdue time is over 10 months, Party B can claim the loss which Party B suffers in reality.

**Item 13** If the period of the pooling land of the contract reaches its end, except the land use right is acquired by the government, Party B has the priority to continuing to sign the land leasing contract under the same condition.

**Item 14** Each party shall not be held liable in consequence of any Force Majeure incidents, but each party should undertake all possible measures to reduce loses and inform the other party in written form.

**Item 15** The contract will become effective from on the date of two parties singing and deal of the contract. The attached map and the contract are of the same legal right.

**Item 16** The contract is signed in Zhouzhi County, Xian City, Shaanxi Province.

**Item 17** The signing, effectiveness, explanation, fulfillment and deal of dispute are under the protection and adjustment of relevant laws of People's Republic of China.

**Item 18** All disputes in connection with this contract shall be settled friendly through negotiations. In case no settlement can be reached, the case may then be submitted to (1) Zhouzhi Arbitration Committee for arbitration, (2) Zhouzhi People's Court for lawsuit.

**Item 19** The contract contains three pages and attached map. There are four copies of the contract, including one copy for the two parties respectively, one copy for archives, and one copy for the government of Jixian Town.
Party A:_______________
             (seal)
Legal representative:___________(signature)

Party B:_______________
             (seal)
Legal representative:___________(signature)

Villager representatives:___________(signature)

Witness: the government of Jixian Town (seal)

Sign date:     yy     mm       dd