Project Number: 42383
September, 2012

Shanxi Small Cities and Towns Development Demonstration Sector Project

Qingxu: Urban Surface Water Improvement Subproject
(Baishi River and Donghu Lake Rehabilitation Part)

Prepared by Qingxu County Project Management Office for the Asian Development Bank

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

AAOV = annual agricultural output value
ADB = Asian Development Bank
BRIIC = Baishi River Integrated Improvement Component
CNY = Chinese Yuan
DLES = Donghu Lake Expansion Subcomponent
DLIIC = Donghu Lake Integrated Improvement Component
DLQLCS = Donghu Lake and Qingquanhu Lake Connection Subcomponent
GDP = gross domestic product
IA = implementation agency
LAR = land acquisition and resettlement
NBDLLS = North Bank of Donghu Lake Landscape Subcomponent
PLA = permanently land acquisition
PLG = project leading group
PMO = project management office
PRC = People's Republic of China
QCG = Qingxu County Government
QUSWIS = Qingxu Urban Surface Water Improvement Subproject
SAR = subproject appraisal report
SLLIIC = Seven Lotus Lake Integrated Improvement Component
SPG = Shanxi Province Government
SPS = Safeguard Policy Statement
TLO = temporarily land occupation
YITCL = Yingxian Industry & Trade Corporation Limited

WEIGHTS AND MEASURES

km = kilometer
km² = square kilometer
m² = square kilometer
m³ = cubic meter
ha = hectares
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<td>20</td>
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</tbody>
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INTRODUCTION

1. In recent years, People’s Republic of China (PRC) is striving to develop small cities as a means to promote rural–urban integration and the emergence of a more harmonious society. Shanxi Small Cities and Towns Development Demonstration Sector Project is proposed to increase economic, social, and environmental sustainability of small city and town development in Shanxi Province by improving urban infrastructure and municipal services.

2. The Project to be implemented in seven subproject small cities and towns will:
   (i) help promote balanced and environmentally sustainable urbanization;
   (ii) narrow the urban–rural gap; and
   (iii) improve production, employment, and living conditions in small cities and towns in Shanxi Province.

3. Each subproject includes one or more components, consisting of capital improvements to urban infrastructure or municipal services. The eligible subsectors for the components include roads and associated services, water supply, wastewater management, solid waste management, river improvement, district heating, gas supply, area upgrading, and education. The Project include three core subprojects---Pingyao County, Wutong Town, and Youyu County; four non-core subprojects---Lingshi County, Niangziguan Town, Qingxu County, and Xinghuacun Town.

4. The Project is implemented over 6 years from late-2009 to late-2015. The investment cost of the Project is estimated at $266.15 million, of which $100 million is from the ordinary capital resources of ADB, $0.25 million is from Multi-Donor Trust Fund under the Water Financing Partnership Facility. The ADB loan and Multi-Donor TF grant was approved on 18th December 2009, and effective on 27th July 2010.

BACKGROUND

5. Qingxu County locates in south Taiyuan City in central Shanxi Province. It has an area of 609.13 km², consisting of 4 towns, 5 villages and 1 street office, with a total population of 345,900 in the county and 99238 in urban area. It is well known as
vinegar capital of China. Vinegar is one of the major contributors leading that Qingxu County ranks on the top 10 economic growth counties in Shanxi Province. In 2011, it has a gross domestic production (GDP) of CNY11.726 billion in which first industry has CNY1.451 billion, second industry has CNY7.668 billion and tertiary industry has CNY2.607 billion. Fiscal revenue reaches CNY1.179 billion. Urban per capita net income is CNY18943 and rural per capita net income is CNY10251.

6. Qingxu County is rich in water resources with 12 tributaries of rivers. Baishi River, which is a tributary of the Fen River flows through the county and has a drainage area of 62.9 km². The Donghu Lake and Seven Ancient Lotus Lakes¹ with a water surface area of 0.38 km² are situated at the urban center of Qingxu County. However, flood of Baishi River, sediment and solid waste along the lakes not only causes direct economic lose, but also undermine the image of Qingxu County as vinegar capital.

7. The current capacity for flood control of Baishi River does not meet the once-in-20-year-flood capacity, and the water quality is poor due to soil erosion on both banks, improperly disposed solid wastes, illegal discharges from industries and also from the county. Qinfu Spring, which was the main source of Donghu Lake and Seven Lotus Lakes, has stopped flowing; Qingzhong lotus garden has been landfilled; and the existing lotus garden is dry due to sludge deposition. The water system is severely polluted and the public place consisting of water and greening is devastatingly destroyed. Because of the long distance between Qingquanhu Lake and Qingquanxi Lake, water system is independent and lacks connection. There is no complete landscape system of water, which affects the image of county seriously. Some scenes from the Subproject present location can be seen in Annex1.

8. The proposed Qingxu subproject includes components of river system improvement and greening of the river or lake bank. The subproject will mainly improve Baishi River, rehabilitate Donghu Lake and five Lotus Lakes, provide landscaping of areas between the lakes and improve the landscape of these inner city water ways. It is anticipated that a total of 99,238 populations will benefit from the

¹ The seven ancient lotus lake is now only have five lotus ponds, but keep the habitual name “Seven Lotus Lake”.

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subproject directly and indirectly. Location of the Subproject can be seen in *Annex2*.

9. As a subsequent (non-core) subproject, Qingxu Urban Surface Water Improvement Subproject (*QUSWIS*) was agreed to be identified, selected, prepared and appraised during implementation. The Shanxi Provincial government (*SPG*), the designated Executing Agency of the Project, established a three-stage approach for subproject identification, selection, preparation and appraisal, and the QUSWIS is now in Stage 3---Subproject Appraisal and Approval.

**THE SUBPROJECT AND RESETTLEMENT IMPACT**

10. The QUSWIS can be divided into 3 components, which are Baishi River Integrated Improvement Component (*BRIIC*), Donghu Lake Integrated Improvement Component (*DLIIC*), and Seven Lotus Lakes Integrated Improvement Component (*SLLIIC*). The construction of this Subproject mainly includes:

   (i) water storage works in Baishi river;
   (ii) 3228m perimeter improvement in Donghu Lake and Seven Lotus Lakes
   (iii) 1200m pipe and 100m open canal to connect Qingquanhu Lake, Donghu Lake and Seven Lotus Lakes;
   (iv) about 38.3 ha landscaping along the construction location

11. The total investment of the Subproject will be CNY 170.32 million, including civil works, materials and equipments CNY 124.95 million, other cost CNY 15.64 million, contingency CNY 8.45 million, strengthening and capacity building CNY 2.1 million, loan interest CNY 5.48 million. The resettlement cost estimates to be CNY 13.694 million resourced from the Seven Lotus Lakes Integrated Improvement Component. The fund resource includes a loan of $11.6 million from ADB, and the rest is counterpart fund from Qingxu County. The detailed description of the Subproject can be seen in Table 1.
<table>
<thead>
<tr>
<th>No</th>
<th>Component</th>
<th>Sub-component</th>
<th>Works Description</th>
<th>Acquired Land (ha)</th>
<th>Certificate of Land Use Rights</th>
<th>Investment Cost² ($ million)</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>BRIIC</td>
<td>S1 Baishi River Water Storage Works</td>
<td>dredge 64000m³; embankment length 2000m; 2 gate dams</td>
<td>54.78</td>
<td>QingGuoyong(2009)No.0009</td>
<td>2.45</td>
</tr>
<tr>
<td></td>
<td></td>
<td>S2 Baishi River Landscape</td>
<td>both sides 5.5km long from east to west; total land area is 28.2ha divided into 3 parts (the remainder is water surface)</td>
<td></td>
<td>QingGuoyong(2009)No.00011</td>
<td>4.42</td>
</tr>
<tr>
<td>C2</td>
<td>DLIIC</td>
<td>S3 Donghu Lake Expansion</td>
<td>62500 m³ cutting and filling works; 1578m perimeter Improvements;</td>
<td>38.5</td>
<td>QingGuoyong(2009)No.00012</td>
<td>0.36</td>
</tr>
<tr>
<td></td>
<td></td>
<td>S4 Donghu Lake and Qingquanhu Lake Connection</td>
<td>1.2 km ductile iron pipe(DN600); 2 control valve wells, 3 air valve wells;</td>
<td>0.002</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>S5 North Bank of Donghu Lake Landscape</td>
<td>total area 11.2ha including 1.82 ha water area, 1.37 ha square area, 0.96 ha road and 7.05 ha gardening area</td>
<td>11.82</td>
<td>QingGuoyong(2009)No.00013</td>
<td>9.13</td>
</tr>
<tr>
<td>C3</td>
<td>SLLIIC</td>
<td>S6 Seven Lotus Lakes Water Improvement</td>
<td>66800 m³ cutting and filling works; 1650m perimeter improvements; 100m open channel to connect with Donghu Lake</td>
<td>6.08</td>
<td>QingGuoyong(2009)No.00014</td>
<td>1.49</td>
</tr>
<tr>
<td></td>
<td></td>
<td>S7 Seven Lotus Lakes Landscape</td>
<td>8.53 ha means the land scope of S7, of which 6.08 ha is state-owned land and the use rights had been attained by Qingxu Construction</td>
<td></td>
<td>QingGuoyong(2009)No.00015</td>
<td></td>
</tr>
</tbody>
</table>

² According to the Subproject Appraisal Report, the exchange rate used CNY7 equals $1. The cost includes the construction on civil works, materials, equipments, because other cost like expenditures for preparation, management, survey and design, supervision, bidding, and so on are usually combined together.
Bureau. The rest 2.45 ha land will be acquired by land acquisition and house demolition.

<table>
<thead>
<tr>
<th></th>
<th>3</th>
<th>7</th>
<th>111.18</th>
<th>9</th>
<th>17.85</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>3</td>
<td>7</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
12. A Project Leading Group (PLG) was established by Qingxu County Government (QCG), aiming to guide and support the Subproject. The Qingxu Project Management Office (PMO) was located in Qingxu Construction Bureau and will work under the administration of PLG. The chief officials from the governmental offices will leading the PMO. The Implementation Agency (IA) of the Subproject is Qingxu Construction Bureau. The Preliminary Design Report for the Subproject was prepared by Shanxi Academy of Urban & Rural Planning Design, and approved by Shanxi Provincial Development and Reform Commission on 31st May 2011, which is shown in Annex3.

13. The Subproject Appraisal Report (SAR) for the Subproject is consisted of two parts, one is Baishi River and Donghu Lake Rehabilitation SAR, which refers to BRIIC and DLIIC; the other is Seven Lotus Lake Rehabilitation SAR, which refers to SLLIIC. The present report has been prepared for the named Subproject and describes the findings of the initial studies which focused on the Subproject possible impact in terms of Involuntary Resettlement. The results of the study suggest that the land acquisition and resettlement (LAR) for the Subproject is only involved into SLLIIC, which will acquire 2.066 ha land, demolish 6098 m² house, and affect 61 persons, the details can be seen in the Subproject Resettlement Action Plan.

14. The construction of BRIIC and DLIIC does not incur land acquisition or resettlement, which was verified by the resettlement consultant. The reasons for this outcome are as follows:

   (i) construction of barrages, embankment, dredging can be located on sites that are already existing and/or land owned by the responsible government authorities;

   (ii) lake connection pipelines will be laid alongside the existing roads with right of way or on vacant land;

   (iii) land plots for air-valve wells and control-valve wells will be freely provided by local government; and

   (iv) landscaping construction will use vacant state-owned land, which had been freely provided in an administrative allocation manner.

15. Part of the land used for North Bank of Donghu Lake Landscape Subcomponent
was acquired by QCG in 2007. A due diligence process was conducted to examine these issues in more detail\(^3\), particularly with respect to the requirements of the ADB Safeguard Policy Statement (2009) and the active legislation of PRC. This report describes the findings in BRIIC and DLIIC, provides copies of relevant maps, legal documents, and considered final conclusions.

16. The Baishi River and Donghu Lake Rehabilitation is unlikely to have any involuntary resettlement impacts, thus it is classified by ADB as a Category C (i.e., no IR impacts). However, safeguard compliance monitoring will still be conducted by the IA during the Subproject implementation and civil works activities\(^4\).

**Baishi River Integrated Improvement Component**

17. Based on the status of Baishi River, the proposed works of BRIIC includes (a) add 2 barrages which named 0# Barrage and 5# Barrage, 0# Barrage will be built at 500m downstream of existing 1# Barrage, and 5# Barrage is at 700m upstream of existing 4# Barrage; (b) construction of 3503m river embankment, one part is around 0# Barrage at a length of 783m, the other part is around 5# Barrage at a length of 2720m; (c) landscaping 28.2 ha area owned by Qingxu Government consisting of 3 parts, Part A Green Gallery with an area of 8.74 ha, Part B Leisure Park with an area of 4.27 ha, Part C Wetland Park with an area of 15.16 ha (Annex3). All the activities are planned along the existing Baishihe River or riverside, and do not cause any adverse impact on persons or structures. No permanent or temporary loss of land/assets is expected within the construction of this component. The certificate of the land use rights had been allocated to Qingxu Construction Bureau in March 2009.

**Donghu Lake Integrated Improvement Component**

18. The DLIIC is consisted of 3 subcomponents, which are Donghu Lake Expansion Subcomponent (DLES), Donghu Lake and Qingquanhu Lake Connection Subcomponent (DLQLCS), and North Bank of Donghu Lake Landscape

\(^3\)Due diligence was essential to abiding objectivity by undertaking fact finding assessment designed to protect the subproject by making sure that all factors were duly considered before committing to it.

\(^4\) Safeguard Compliance monitoring on the BRIIC and DLIIC will be included in the regular Internal Resettlement Monitoring & Evaluation Reports submitted to ADB.
Subcomponent (NBDLLS). Although there are ruins of Jade Emperor Temple within Donghu Lake, none of the subcomponents will encroach into these areas.

19. The DLES which is focused on improvement of the water environment will expand water surface of 5.8 ha through cutting and filling works, construct 1578 m lake bank. As the rehabilitation and maintenance activities will be conducted within the existing scope of Donghu Lake, based on the certificate of land use rights QingGuoyong [2009] No.11 (8442.727m²), QingGuoyong[2009] No.12 (376540.58m²), there is no impact on economic resources, which was confirmed by the resettlement consultant.

20. The DLQLCS is proposed for connecting Qingquanhu Lake and Donghu Lake with 1.2 km ductile iron pipeline (DN600). Water sourced from Qingquanhu Lake going through the pipeline by gravity and operating by 5 facilities. The subcomponent will temporarily occupy 18900 m² land and permanently acquire 25.2m² land. All the land for construction is the state-owned land, with no impacts on people or structures.

21. The temporarily land occupation (TLO) due to the installment of 1.2 km ductile iron pipelines or steel pipelines, which will be divided into several sections. The duration for each section implement takes about 10 days that has little impact. Any disturbance will be limited to construction period. All pipelines will be buried along the existing roadways or state-owned vacant land in trenches. Therefore, no involuntary resettlement impacts are caused by undertaking civil works related to the laying of pipes.

22. The permanently land acquisition (PLA) for DLQLCS due to 5 facilities for pipelines, including 2 controlling valve wells and 3 air valve wells, are located on vacant state-owned land, and no compensation needs to be paid.

23. The NBDLLS is to increase green and land view of north bank of Donghu Lake, and the impact does not extend over collective-owned land. The construction of a new landscape has required allocation of a total 11200 m² land plot located in north bank of Donghu Lake, which is the state-owned and vacant land now. Since this land plot was selected as the most suitably located for landscaping a decision was made at QCG level that the land use rights were allocated to Qingxu Construction Bureau.
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with Certificate Code QingGuoyong [2009] No.10 (90055.995m²), QingGuoyong [2009] No.13 (5296.92m²), QingGuoyong [2009] No.14 (22800m²). However, 73880.3 m² of the land in QingGuoyong [2009] No.10 was initially under the ownership of Yingxian Village and permanently acquired in 2007.

REVIEW OF PERMANENT LAND ACQUISITION

24. The section describes the PLA process of land plot located in the north bank of Donghu Lake and had been transferred to Qingxu County from Yingxian Village with a total area of 73880.3m² in 2007.

25. Yingxian Village located in the central urban area of Qingxu County, comprises of 10 production teams, has a population of 5020 persons and 1790 households. The village possess only 6.6 ha crop land, about 13m² per capita so that agricultural production accounting for 0.3% in the GDP.

26. The same as many cities in PRC, Urban-village Reconstruction Plan had been taken as a measure for rural and urban integration in Qingqu County. As one of four core urban-villages in Qingxu County urban area, the Yingxian Village had implemented some important transitions according to the Urban-village Reconstruction Plan from late 2005. It included:

   (i) all villagers were transferred to non-agricultural household registration, which means they were benefit from the social insurance system and urban employment management system;

   (ii) the Yingxian Village disintegrated with the original functions, of which the administrative services were undertaken by the Yingxin Community; and

   (iii) the rural economic collectivity was transferred to an asset management corporation named Yingxian Industry and Trade Corporation Limited (YITCL).

27. Furthermore, YITCL was established in late 2006 through villager elections. Firstly, 97 representatives were elected from 5000 villagers, and then board of directors (9 persons) and board of supervisors (5 persons) were elected from the representatives. The YITCL was belongs to all Yingxian Village member whom can get dividend each year, such as CNY 1200 per capita from 2007. By the way, YITCL next to Yingxin Community Committee located in the original site of Yingxian Village.
Committee to provide services to the villagers conveniently.

28. The news on PLA was informed to the villagers in 2005. Through various methods such as meetings, interviews, group discussions, public participation in the meetings and community negotiations, etc, all the affected people have been informed of the content of the PLA plan. The land survey and rights confirmation found out about 200 households were affected, meant that each household would lose 0.036ha land, and then a draft restoration plan was made out. After the pre-examination of PLA got official reply from Shanxi Provincial Land Resources Bureau on 10th April, 2006 (Jinzhengdizi [2006] No.159), notice on PLA and draft restoration plan were announced to the public. Opinions on PLA or restoration plan from the affected persons or public were considered and adopt to finalize the restoration plan. Based on the approval of restoration plan by QCG, the Land Development and Reserved Center of Qingxu County represented QCG to sign the PLA contract with YITCL on 4th January 2007, and the comprehensive compensation standard of the PLA was CNY 1.5 million per ha.

29. For the land that is permanently acquired, which produced cotton, vegetables, grape at an average AAOV of CNY 22500 per ha according to the previous 3 years status, while the fixed unified AAOV was CNY 31500 per ha in 2006. Therefore, the comprehensive compensation standard is more than 40 times contrast with the unified AAOV at that time, more or less contrast with the present compensation standard in Table 2 as well. Because the physical activities of PLA was implemented in 2007 after harvest, the compensation between YITCL and affected households didn’t include green crops after negotiation, and the executed land compensation standard was fixed at CNY 0.9 million per ha, about 28 times than the unified AAOV at that time. The remaining CNY 0.6 million was retained by the Yingxian village committee (YITLC). Compensation for the attachments was also paid. All the compensation had been paid to the affected households in cash in May 2007.

30. Take the compensation in 10th Production Team as example. 2.45 ha land was acquired from this Team, which had been contracted by 57 households and the Team got CNY 2,209,144 land compensation in May 2007. Also, the villagers received
CNY64500 in total for the demolished attachments, like green house at a standard of CNY 100 per meter, big pits CNY 500 per set, small pits CNY 300 per set, vegetable cellar CNY 2000 per set, grape vine CNY 45 per tree. The accounting documents are shown in Annex 8. The channel for appeal was already established and all organizations, including YITCL, Qingxu Land Resources Bureau, QCG would listen to the complaints or appeals from the affected persons free of charge.

Table 2 Land Compensation Based on Unified AAOV in Qingxu County

<table>
<thead>
<tr>
<th>Rank</th>
<th>Regional Name</th>
<th>AAOV (CNY/ha)</th>
<th>Compensation (CNY/ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Land</td>
</tr>
<tr>
<td>1</td>
<td>Urban area</td>
<td>61500</td>
<td>492000</td>
</tr>
<tr>
<td>2</td>
<td>Industry and Mining area</td>
<td>18000</td>
<td>144000</td>
</tr>
<tr>
<td>3</td>
<td>Small town area</td>
<td>12150</td>
<td>97200</td>
</tr>
<tr>
<td>4</td>
<td>Central &amp; Southern plains</td>
<td>15000</td>
<td>120000</td>
</tr>
<tr>
<td>5</td>
<td>North mountain area</td>
<td>12750</td>
<td>102000</td>
</tr>
<tr>
<td></td>
<td>County Average Standard</td>
<td>16170</td>
<td></td>
</tr>
</tbody>
</table>


31. Because Yingxian Village is close to the county seat, the price for the collective land is higher than that for other areas. Measure for the restoration of income for the affected people from PLA was compensation in cash. Since the land loss does not cause a significant income impact, the affected households invested the money into non-agricultural production, for instance bought a transport vehicles, skills training, house renting etc. All APs accepted the distribution ratio and had signed their names. The YITCL used the compensation fund (CNY 0.6 million) for development of collective economy and public utilities.

CONCLUSIONS

32. The preliminary design report of the Subproject has gotten the approval of Shanxi Provincial Development and Reform Commission on 11th May, 2011.

33. The Subproject is urgent to start implementation for providing ecosystem services to the public and improving the water environment.

34. SAR for the Subproject is consisted of two parts, one is Baishi River and Donghu Lake Rehabilitation SAR, the other is Seven Lotus Lake Rehabilitation SAR. LAR for the Subproject is only involved into Seven Lotus Lake Rehabilitation, the details can
be seen in the Subproject Resettlement Action Plan.

35. The results of this Due Diligence study conclude that, there should be no issues of permanently land acquisition and resettlement related to Baishi River and Donghu Lake Rehabilitation Construction.

36. No permanent or temporary loss of land/assets is expected within the construction of BRIIC for all the activities are planned along the existing Baishihe River or riverside.

37. All pipelines will be installed along the existing roads, vacant land and crop land in trenches that induces 18900m² TLO; 5 facilities for the pipelines induce 25.2m² PLA on the state-owned vacant land. The compensation for the tiny impact is included into the base cost as Other Item.

38. Qingxu County Government completed the land acquisition in north bank of Donghu Lake in 2007. The land has transferred to state-owned from collective since then, and keeping vacant at present. Compensation rates for PLA comply strictly with the national and provincial policies; all compensation was paid in a timely manner. It was confirmed that there were no outstanding issues or grievances with respect to the compensation and resettlement.

39. The previous land acquisition didn’t cause any critical or remaining problems. Living conditions and livelihoods of affected households have been improved and recovered.
Annexes
Annex 1: Current Status of the Subproject Location

Baishi River

Lotus Lake

Donghu Lake
Annex 2: Subproject Location Plan
Annex3: Sketch Map of the Landscaping Area in Baishi River
Annex 4: Sketch Map of Qingquanhu Lake and Donghu Lake Connection
Annex 5: Example of Land Use Rights Certificate (Baishi River)
Annex 6: Yinxian Industry & Trade Co., Ltd and Yinxin Community Committee

YITCL

Yinxin Community Committee