

Social Monitoring Report

April 2009

VIE: Ho Chi Minh City-Long Thanh-Dau Giay
Expressway Project

Prepared by EPC Co., Ltd. for the Viet Nam Expressway Corporation under the Ministry of Transport and the Asian Development Bank.

This social monitoring 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.

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CONSULTATION COMPANY EPC**

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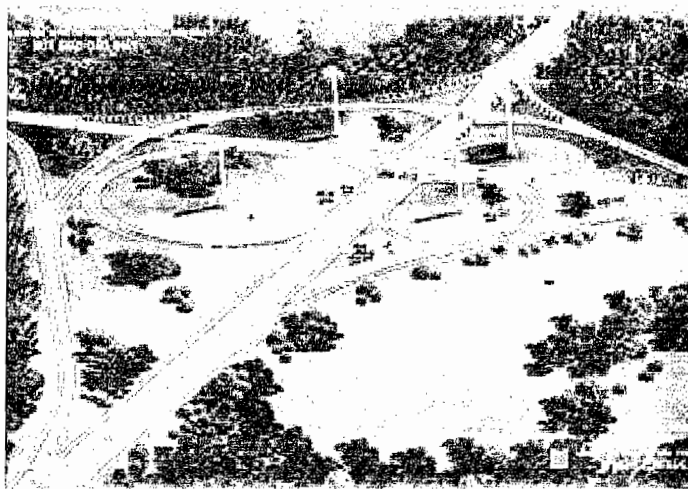
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**HO CHI MINH - LONG THANH - DAU GIAY
EXPRESSWAY PROJECT**



**INDEPENDENT MONITORING REPORT
ON IMPLEMENTING THE RESETTLEMENT PLAN**

The second time

Ho Chi Minh City, April 2009

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PROJECT MANAGEMENT UNIT

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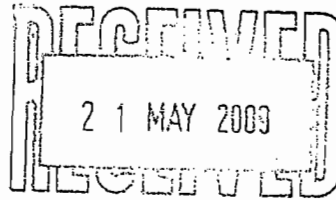
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Hanoi, May 19th, 2009

To:	Asian Development Bank (ADB) 6 ADB Avenue, Mandaluyong City 1550 Metro Manila, Phillipines	
Attention:	Mr. Ayumi Konishi Country Director, VRM	Tel: 84-4-39331374
Cc:	Mr. Le Dinh Thang Program/Project Implementation Officer, VRM	Fax: 84-4-39331373
From:	Dr. Mai Tuan Anh Deputy General Director, VEC	Tel: 84-4-36430275 Fax: 84-4-36430270

**Subject: Loan 2374-VIE(SF): Ho Chi Minh City – Long Thanh – Dau Giay Expressway
Technical Assistance Project
Independent Monitoring Report on Implementing the RP (the second time)**

Dear Mr. Konishi,

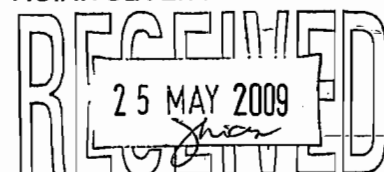
Based on project implementation progress, Vietnam Expressway Corporation (VEC) has prepared the Independent Monitoring Report on Implementing the RP (the second time) under above Project mentioned. Thus, we would like to submit this document to ADB for review.

Thank you for your support and assistance.

Best regards,

Dr. Mai Tuan Anh
Deputy General Director
Vietnam Expressway Corporation

ASIAN DEVELOPMENT BANK



Transport and Urban Development Division
SOUTHEAST ASIA DEPARTMENT



**INVESTMENT AND ENVIRONMENT PROTECTION
CONSULTATION COMPANY EPC**

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**HO CHI MINH - LONG THANH - DAU GIAY
EXPRESSWAY PROJECT**

**INDEPENDENT MONITORING REPORT
ON IMPLEMENTING THE RESETTLEMENT PLAN**

The second time

Ho Chi Minh City, April 2009

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**Investment and Environment Protection
Consultation Company EPC
E.P.C Co., LTD
No: 50/ EPC/2009**

*The second external monitoring report on
implementing the RP of "HLD Expressway project"*

**SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness
-----o0o-----**

Ho Chi Minh City, April 22nd 2009

**TO: - THE SOUTHERN EXPRESSWAY PROJECT MANAGEMENT UNIT
- NIPPON KOEI**

- Based on the agreement signed between the Investment and Environment Protection Consultation Company EPC (EPC Co.,LTD) as the external monitoring agency (EMA) and the Joint Venture (JV) of NIPPON KOEI, KRI and MKE on September 22nd, 2008 ref. the external monitoring (EM) on implementing the resettlement plan (RP) of the HLD Expressway project;
- Based on the second monitoring report, feedbacks from the Southern Expressway Management Unit (SEPMU) and revision of the EMA

EPC Co., Ltd today would like to submit the official report of the second monitoring time attached to the document. The report consists of 10 Vietnamese and 10 English copies. Attached to the report are forms to confirm that all PAHs were paid compensation sufficiently. Both the resettlement specialist of ADB and SEPMU responded several times on the forms but not finalized yet. Since the compensation time is coming soon, EMA supposes that stakeholders should review to finalize the forms.

Sincerely yours,

Send to:

- As above
- Store at the office

**EPC Co.,LTD
DIRECTOR**



NGUYEN NAM SON

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ACRONYMS

RP	Resettlement plan
DMS	Detailed measurement survey
VEC	Viet Nam Expressway Corporation
SEPMU	Southern Expressway Project Management Unit
PAHs	Project-affected households
AP	Affected person
LURC	Land use right certificate
DCC	District compensation Council
CC	Compensation Council
PC	People's Committee
HCMC	Ho Chi Minh City
EPC Co.,LTD	Investment and Environment Protection Consultation Company EPC
TOR	Term of reference
EMA	External monitoring agency
ADB	Asian Development Bank
SGIA	Second Generation Imprest Accounts
HLD	Ho Chi Minh - Long Thanh - Dau Giay Expressway

SECTION A: THE SECOND EXTERNAL MONITORING REPORT

I. INTRODUCTION

The independent monitoring on the resettlement plan (RP) of HLD Expressway project is mobilized discontinuously within 25 months, corresponding to 8 monitoring times and reports. This is the second monitoring when the RP is being updated. The RP update is based on data from the detailed measurement survey (DMS) on the affected assets and replacement cost valued at the beginning of 2009. All data related to the RP implementation progress is updated until March 31st, 2009. A brief of the project is represented below:

1.1 The project background

The HLD Expressway is designed to ensure safety for high speed (120kph) vehicles, especially heavy means of transport. It will be a toll-expressway with entrances/exits strictly controlled by toll stations. The expressway will be owned and operated by the Viet Nam Expressway Corporation (VEC) under the Ministry of Transport (MOT). VEC has established a Southern Expressways Projects Management Unit (SEPMU) in Ho Chi Minh City (HCMC) that is responsible for the management of the detailed design and construction of the Expressway.

In the first stage, 4 lanes (2 lanes in each direction) will be constructed. The expressway will traverse Long Truong, Long Phuoc, Truong Thanh and Phu Huu wards in District 9 of HCMC, a new bridge over the Dong Nai River, Long Thanh, Nhon Trach, Cam My, and Thong Nhat districts of Dong Nai province. The construction of the HLD Expressway will play a significant role in supporting regional and national economic development, improving transportation and accelerating exterior communications along and at the ends of the expressway. The expressway will be a part of the national expressway network, an eastbound arterial route of the city and will also serve for the plan to develop a new international airport in Long Thanh district of Dong Nai province.

It starts from the intersection with the ring road No.2 (currently under construction) in District 9 of HCMC to the Dong Nai river. This section has a comparatively straight flat terrain. To pass the Dong Nai river, it needs to build an about 1,721 meters long concrete bridge over the Dong Nai river. Therefore, it needs two access roads at each end of the bridge to reach a navigation height of approximately 30 meters. From the bridge to Long Thanh townlet, its terrain is comparatively straight and flat too. From the intersection with the National Highway No51, the expressway traverses the transitional area between the plain of the Dong Nai River and the Xuan Loc Highland. The terrain is mostly gently sloping down in the ending section and then sloping up at the end of the road. The expressway ends at the interchange of the expressway the National Highway No.1 at Dau Giay.

The land acquired for the expressway is partly residential land but mostly agricultural land. There will be 5 small bridges in District 9 section. For approximately 6.6 kilometers of its length in District 9 from kilometer 4+200 to kilometer 10+800 on the eastern side of the Tac River, there will be an elevated viaduct. The bridge over the Tac River is part of

the viaduct. It plans to build overpasses or underpasses for local traveling at existing roads and to residential areas.

1.2 Outlining the resettlement plan (RP) of the project and its update

The RP of the project was prepared by Finnroad Ltd, Helsinki, Finland and Bach Khoa Engineering Consultant Company Ltd in May 2008. The RP is based on the involuntary resettlement policy of Asian Development Bank (ADB) and related regulations of Vietnam. The RP was approved by competent authorities of Vietnam and ADB in 2008. The approved RP is one of bases for ADB's approval for the project loan.

During the project implementation, the borrower has to commit themselves to complying with the RP. As the approved RP, the RP has to be updated during the project implementation. That means it needs to collect exact data about quantity of affected assets and PAHs, combine with the replacement cost survey and then the updated RP has to be submitted to ADB for approval again as a base for the compensation. The borrower is responsible for updating the RP. According to the RP, it needs to have an EMA during the RP implementation.

Since the RP was in the update stage and waiting for approval of ADB, therefore in this report the consultant doesn't summarize the RP. This content will be added in the third monitoring report after the updated RP was approved by ADB.

II. THE EXTERNAL MONITORING ON THE RP IMPLEMENTATION

RP implementation is a complicated task. International sponsors always request a monitoring system including: (i) internal monitoring by investors; (ii) monitoring by sponsors and (iii) external monitoring by an independent agency. The external monitoring is to supply independent and objective information about issues arising during the RP implementation and needs to prove that the RP implementation is complied with the approved RP then propose solutions to deal with existing issues if any.

Contents of this part consist of: (i) the external monitoring agency (EMA) of the project; (ii) tasks of the EMA and (iii) monitoring methods.

2.1 The EMA of the project

The independent monitoring on implementing RP of this project is carried out by the Investment and Environment Protection Consultation Company EPC (EPC Co.,LTD). This agency has supplied several similar services to the projects financed by international organizations such as World Bank, AusAID... According to the TOR, the independent monitoring will have eight times. Tasks of the EMA as stated in the TOR are generalized in the item 2.2 below:

2.2 Main tasks of the EMA

Main objects of the independent monitoring are to check and assess periodically following issues: (i) results of the resettlement objectives achieved through the RP implementation; (ii) change in living standard and way of earning; (iii) rehabilitation of

the socio-economic status for PAHs; (iv) effect and guarantee entitlements for PAHs and (v) necessity for mitigation measures application.

By the RP monitoring and assessment, we can learn some lessons for planning and preparing policies in the next stage. It can be achieved through studying and assessing the living rehabilitation within 6-12 months after the RP implementation is completed. Main tasks of the EMA is presented in detail via the TOR attached to the annex.

2.3 Monitoring methods

Since the RP activities usually take place during a prolonged time and each stage will have different activities, therefore different methods will be used in each stage of the project. At the monitoring time, the RP was being updated. Unlike the first one, in this report, the consultant only presents monitoring methods related to the RP update activities.

2.3.1 Study documents and records

Study documents related to the project, including the RP, TOR for the external monitoring, TOR for the social consultant, DMS form, DMS procedure, questionnaires for socio-economic survey, decisions of land acquisition, land use right certificates (LURCs) of PAHs, compensation records including asset inventory minutes, compensation calculation sheets, minutes of compensation payment, complaint petitions (if any), loan agreement, procedures of disbursement, total disbursement cost and compare with one in the compensation option of the districts.

2.3.2 Discussing activities related to the RP with the project officials

Discussing with: (i) SEPMU's officials. Some information that needs to be discussed with SEPMU's officials consists of loan agreement and provisions related to disbursement, conditions of disbursement, setting up secondary accounts, procedure of disbursement, internal and independent monitoring and their reports... Besides, it also needs to collect information about agreement of SEPMU with local authorities about the RP implementation, for example progress, the RP implementation arrangement, responsibility and interest of stakeholders in the RP implementation and update, replacement cost survey, compensation payment, resettlement sites, or existing issues and difficulties encountered during the RP implementation, etc. (ii) DCCs about implementation progress of the DMS, compensation calculation and arisen issues and (iii) the social consultant about the DMS and RP update.

2.3.3 Attend/witness the RP update activities

The independent monitoring team participated in the DMS team and witnessed, observed the measurement, public consultation... for several times. Objects of the observation were officials of DCCs and commune's officials who directly participated in the DMS, PAHs and public consultation meetings hold by the social consultant.

2.3.4 Site observation and taking typical pictures

Apart from the DMS participation/witness, the monitoring team also studied on the resettlement sites preparation and the RP implementation such as reviewing the living

conditions of some PAHs, site observation and progress of the resettlement sites construction.

2.4 The second external monitoring report on implementing the RP

According to the TOR, the external monitoring will have 8 times, corresponding to 8 reports. This is the second one. Main contents of the report include: (i) the RP implementation progress and (ii) findings from the second monitoring.

III. FINDINGS FROM THE SECOND MONITORING

According to the approved RP, the RP implementation includes two main activities: updating the RP and implementing the RP (including compensation payment and land acquisition). To ensure the implementation progress of the project, the RP update was divided into each district.

3.1 Updating the RP

3.1.1 Main activities related to the RP update

The RP update was making good progress, in spite of being late and summarized in table below:

Table 1: Progress of the RP update

No	Main activities related to the RP update	Progress of the RP update	
		Finish time as planned	Actual implementation until March 31 st 2009
1	Mobilize the social and resettlement consultant	August, 2008	Finished
2	Recruit the EMA	August, 2008	Finished
3	Strengthen ability for VEC and SEPMU's officials	December, 2008	SEPMU assigned 5 officials to join the compensation and resettlement team
4	DMS	December, 2008	
4.1	HCMC-District 9		About 76%
4.2	Dong Nai province		About 70%
5	Replacement cost survey	December, 2008	Finished
6	Public consultation about the RP update and livelihood recovery program	December, 2008	Finished in District 9-HCMC and Nhon Trach district-Dong Nai province (since March, 2009)
7	Design livelihood recovery program	December, 2008	Finished
8	Identify resettlement sites ¹	December, 2008	Finished
9	Prepare the updated RP	December, 2008	Finished in 2/5 districts
10	Submit the updated RP for approval	January, 2009	Finished in 2/5 districts

¹ Results of the DMS and public consultation revealed that PAHs wanted to resettle at resettlement sites in district 9, HCMC and Long Thanh district, Dong Nai province. Other districts of Dong Nai province, PAHs didn't want to resettle at resettlement sites, therefore it doesn't need to build resettlement sites only for HLD project in these districts

Until March 31st 2009, although progress of activities related to the RP update was later than those planned in the RP report, all these activities was making good progress. The DMS was nearly finished in all the districts. Some districts started implementing the updated RP; it means that the DMS data was being inputted. Some districts started calculating the compensation for PAHs who were completed DMS data. However, main activities in the first quarter in 2009 are the DMS; replacement cost survey and updated RP preparation. Progress of these activities until March 31st 2009 is generalized below:

3.1.2 The DMS progress until March 31st 2009

Until March 31st 2009, the DMS was started in all districts and continued until the monitoring time. Detailed progress of the DMS implementation is presented below:

Table 2: Total PAHs were carried out the DMS until March 31st 2009

No	Locality	Total PAHs as predicted	Number of PAHs was completed the DMS	
			HHs	Rate (%)
I	District 9-HCMC	220	167	76
1	Phu Huu ward	95	71	75
2	Long Truong ward	60	38	63
3	Long Phuoc ward	60	56	93
4	Truong Thanh ward	5	2	40
II	Nhon Trach district - Dong Nai province	63	63	100%
1	Phuoc Thien commune	63	63	100%
III	Long Thanh district - Dong Nai province	441	252	57%
1	Binh Son commune	42	32	76%
2	Binh An commune	16	12	75%
3	Tam An commune	52	16	31%
4	An Phuoc commune	38	19	50%
5	Long Thanh townlet	85	52	61%
6	Long An commune	208	121	58%
IV	Cam My district - Dong Nai province	243	183	75%
1	Song Nhan commune	243	183	75%
V	Thong Nhat district - Dong Nai province	88	86	98%
1	Xuan Thanh commune	85	84	99%
2	Lo 25 commune	3	2	67%
	Total	1,055	751	71%

3.1.3 Progress of replacement cost survey/valuation and approval until March 31st 2009

The DMS data is the basis to identify quantity of affected assets. Beside the assets quantity, as stated in the RP, during the RP update, the investor has to hire external valuers to survey/value the replacement cost and prepare price valuation certificates for affected land, architectural works and farm produces on the acquired land in each province/city. Based on the certificates, the provincial PC will approve the cost. The approved cost will be one of bases to calculate compensation for the updated RP.

The first report presented that two external valuers were recruited and signed contracts to survey/value the replacement cost. They are the Southern Information and Valuation Corporation and the Dong Nai Valuation Corporation. The two external valuers started the replacement cost survey/valuation in January, 2009 and until the monitoring time, the valuation was nearly finished. Progress of the price valuation can be summarized below:

Table 3: Progress of replacement cost survey/valuation

No	Activity	Implementation progress	
		HCMC	Dong Nai
1	Price valuation	January, 2009	January, 2009
2	External valuers submit price valuation certificates	The price valuation certificate No. Vc 09/02/20/CCTT-BDS dated on February 19 th 2009 issued by the Southern Information and Valuation Corporation on the price for agricultural land neighboring residential area on some section in district 9	Dong Nai Valuation Corporation: - The price valuation certificate No. 121/TDG-CT dated on February 9 th 2009 ref. price for farm produces and trees; - The price valuation certificate No. 122/TDG-CT dated on February 9 th 2009 ref. price for houses, architectural works; - The price valuation certificate No. 123/TDG-CT dated on February 9 th 2009 ref. land use right
3	The provincial valuation council presided over by Department of Finance to review the price valuation certificates by external valuers and submit them to provincial PC for approval	Document No. 2315/STC-HĐTDBT-BVG dated on March 20 th 2009 issued by the city's CC ref. valuation for agricultural land neighboring residential areas to calculate compensation, assistance for HLD expressway project within district 9.	Document No. 198/STC-GCS dated on February 11 th 2009 reports on results of the meeting ref. agreement to compensation cost for land, houses, architectural works, other assets, crops for HLD expressway project.
4	Provincial PCs approve the price list for the project	Hadn't issued document of the price approval	Document No. 1062/UBND-KT dated on February 13 th 2009 issued by Dong Nai province's PC ref. land price for Long Thanh and Nhon Trach districts

3.1.2 Progress of the RP update preparation until March 31st 2009

Since the first quarter in 2009, the social consultant has been preparing the updated RP. The updated RP preparation hasn't been finished since it dependeds on the DMS data. The RP was prepared for 5 districts in the same report, whereas the updated RP was prepared separately for each district. Progress of the RP update preparation until March 31st 2009 is summarized below:

Table 4: Progress of the RP update preparation

No	Progress of the RP update preparation/submission in all districts	Until March 31 st and as predicted
1	District 9 - HCMC	Draft of the first stage (using data of PAHs until March 31 st 2009) was finished. The social consultant was waiting for PC of HCMC to approve the compensation price, and then will submit the official report.
2	Nhon Trach district - Dong Nai	Completed
3	Long Thanh district - Dong Nai	The first stage will be finished in April, 2009
4	Thong Nhat district - Dong Nai	Will finish in May, 2009
5	Cam My district - Dong Nai	Will finish in May, 2009

3.2 Resettlement need and progress of resettlement sites' preparation

3.2.1 Resettlement need

The preparation of resettlement sites is often based on the need of PAHs, where there are many PAHs. The need is often identified via consultation with PAHs during the RP preparation. The official figure of the resettlement need is often identified though DMS or public consultation. Until March 31st 2009, there weren't any public consultation meetings for DMS; therefore, the need wasn't identified. Through DMS, the resettlement need of PAHs as follows:

Table 5: Resettlement need through DMS

No	Locality	Total PAHs	HHs want to resettle at resettlement sites
I	District 9 - HCMC	220	33
1	Phu Huu ward	95	16
2	Long Truong ward	60	3
3	Long Phuoc ward	60	14
4	Truong Thanh	5	0
II	Nhon Trach district - Dong Nai	63	0
1	Phuoc Thien commune	63	0
III	Long Thanh district - Dong Nai	441	293

No	Locality	Total PAHs	HHs want to resettle at resettlement sites
1	Binh Son commune	42	Until March 31 st 2009, number of PAHs who need and satisfy standard to resettle at resettlement sites wasn't identified officially. However, as initial figure, about 293 HHs want to resettle at resettlement sites.
2	Binh An commune	16	
3	Tam An commune	52	
4	An Phuoc commune	38	
5	Long Thanh townlet	85	
6	Long An commune	208	
IV	Cam My district – Dong Nai	183	0
1	Song Nhan commune	183	0
V	Thong Nhat district – Dong Nai	88	4
1	Xuan Thanh commune	85	4
2	Lo 25 commune	3	0
	Total	995	330

In general, a quite large number of PAHs wanted to resettle at resettlement sites, the most was in Long Thanh district. However, this figure may be changed after the DMS is finished.

3.2.2 Planned resettlement sites

Table 6: Planed resettlement sites

No	Locality	HHs want to resettle at resettlement sites	Planned resettlement sites
I	District 9 - HCMC	33	- At the plot L of Long Buu - Long Binh site, district 9; - Apartment building C4 at Hiep Phu ward, district 9.
1	Phu Huu ward	16	
2	Long Truong ward	3	
3	Long Phuoc ward	14	
4	Truong Thanh ward	0	
II	Nhon Trach district - Dong Nai province	0	
1	Phuoc Thien commune	0	No need
III	Long Thanh district - Dong Nai province	293	
1	Binh Son commune	293 HHs (as predicted)	Will have 2 sites: - Lien Kim Son site at Long Thanh townlet, Long Thanh district was intended to arrange for 80 PAHs; - Long An site at Long
2	Binh An commune		
3	Tam An commune		
4	An Phuoc commune		
5	Long Thanh townlet		

No	Locality	HHs want to resettle at resettlement sites	Planned resettlement sites
6	Long An commune		An commune, Long Thanh district was intended to arrange for 236 PAHs
IV	Cam My district- Dong Nai province	0	No need
1	Song Nhan commune	0	
V	Thong Nhat district - Dong Nai province	4	
1	Xuan Thanh commune	4	Xom Ho A site at Hung Loc commune, Thong Nhat district
2	Lo 25 commune	0	

3.2.3 Progress of the resettlement sites preparation

Table 7: Progress of resettlement sites preparation

No	Locality	Planned resettlement site	Implementation progress
I.	District 9 - HCMC	- Apartment building C4 belonging to Man Thien resettlement site - Long Buu - Long Binh resettlement site	Available
II	Long Thanh district - Dong Nai province	- Lien Kim Son site at Long Thanh townlet, Long Thanh district - Long An site at Long An commune, Long Thanh district	- The Lien Kim Son site was nearly completed and could be located for 80 HHs immediately. - The Long An site: Dong Nai province's PC approved the project via the decision No. 951/QĐ-UBND dated on April 8 th 2009.
III	Thong Nhat district - Dong Nai province	Xom Ho A site at Hung Loc commune, Thong Nhat district	- Being launched on October 23 rd 2008 - Some infrastructures were going to be finished, including: road, electric, water system, park... - Will be available since May, 2009

In district 9, HCMC, 33 HHs will be resettled at Long Buu - Long Binh site with the area of 16.7 ha (at Long Binh and Long Thanh My communes, district 9). It belongs to the resettlement site of high technology zone. Until now, the infrastructure of the site was completed, including access road to the resettlement site and inside roads, electric system providing power to each plot. HHs living at the site can bring their children to schools at Long Binh and Long Thanh My communes since it isn't far.

To the apartment building C4 at Hiep Phu ward, district 9, the flats were completed and could be arranged for PAHs immediately.

3.3 Positive aspects during the RP update

Progress of the RP update was making good progress during the first quarter in 2009. It was because of some positive factors, they partly hastened progress of the RP implementation. Three main activities of the RP implementation in the first quarter in 2009 are: (i) DMS, (ii) replacement cost survey and (iii) the RP update. There were many positive factors as well as some difficulties encountered during implementation of each activity. However, most of difficulties/existing issues have been solved by local authorities and related agencies. All positive aspects and existing issues are represented below:

3.3.1 Total force mobilization in the first quarter in 2009

The most salient point in the first quarter in 2009 must be total force mobilization of all agencies related to the RP implementation of the project. As a result, all required activities in this stage such as: DMS, replacement cost survey and data processing for the RP update were making good progress. The total force mobilization as witnessed by the EMA includes:

3.3.1.1 SEPMU and the RP implementation team of SEPMU

To prepare for the RP implementation, SEPMU assigned a standing vice-director who is responsible for the plane clearance and 5 officials at the project site. All the five officials have seniority (over 40 years old), graduated university and are experienced to work at project site. All of them are responsible for carrying out the internal monitoring of SEPMU and assisting DCCs during the DMS. Each official working at project site of SEPMU is a member of DMS teams. Of the five officials, one is in charge of district 9, HCMC, three are in charge of Dong Nai province and one is in charge of all administrative formalities and public works movement.

3.3.1.2 Mobilizing DMS teams in all the districts

As presented in the first monitoring report, the DMS was carried out in district 9, HCMC and in Nhon Trach and Long Thanh districts, Dong Nai province since the fourth quarter in 2008 and continued in the first quarter in 2009 in all of the three districts. Two remaining districts (Thong Nhat and Cam My) of Dong Nai province didn't carry out the DMS in the fourth quarter in 2008. However, in the first quarter in 2009 they also mobilized a lot of teams to carry out the DMS at the project site.

Table 8: Mobilizing DMS teams

No	Locality	Number of DMS teams was mobilized at peak time	Total key officials joined the DMS teams
1	District 9 - HCMC	4	24
2	Nhon Trach Dist.- Dong Nai	1	6
3	Long Thanh Dist. - Dong Nai	9	18
4	Cam My Dist. - Dong Nai	2	8
5	Thong Nhat Dist. - Dong Nai	2	8

Apart from SEPMU's and DCCs' officials, there were also some officials of communes/wards participating regularly in DMS teams. Members of each DMS team include: (i) an official of a DCC, (ii) a cadastral official of a commune/ward; (iii) a vice-chairman of a commune/ward's PC (iv) an official of the social consultant; (v) an official of SEPMU and (vii) the head of a hamlet.

3.3.1.3 The social consultant

The social consultant wasn't mentioned in the RP of the project. According to the approved RP, the RP update is a task of DCCs. If the DCCs are responsible for updating the RP, it is very difficult for them since many officials of DCCs don't understand what the RP is. Mobilization of the social consultant during the DMS and the RP update is very sensible. That helps to solve difficulties and reduces task pressure for DCCs. The social consultant belongs to the joint-venture of NIPPON KOEI, KRI, HAFICO and MKE. The social consultant team includes 2 DSCs and some officials experienced in social safety. The team also prepared the RP for the project at the stage financed by JBIC and belonged to SAROF. Therefore, they are familiar with RP preparation.

3.3.1.4 External valuers and external monitoring agency

Replacement cost valuation is one of requirements stated in the RP. Two valuers for two province/city were recruited in the fourth quarter in 2008. The two valuers surveyed and valued replacement cost of all assets within the project site and submitted price valuation certificates for the investor, Departments of Finance of Dong Nai province and HCMC to approve the compensation price.

Beside the valuers, the external monitoring agency was recruited and mobilized since the fourth quarter in 2008. The EMA participated in/witnessed all activities related to the RP update since the fourth quarter in 2008.

In general, all force mobilization of all stakeholders in the fourth quarter in 2008 and in the first quarter in 2009 partly hastened the RP implementation. The mobilization showed the commander-in-chief role of the investor and satisfied resource to implement the RP.

3.3.2 Most of the districts were proactive in preparing detailed compensation options

Until March 31st 2009, the DMS was completed in Nhon Trach district and carried out for 183/243 PAHs (75%) in Cam My district. In Thong Nhat district, there were some plots (24 plots at Lo 25 commune and 19 plots at Tran Hung Dao hamlet, Xuan Thanh commune) didn't have technical files and land maps to inventory. In Nhon Trach and Long Thanh districts, the provincial PC approved compensation cost. Therefore, the two districts prepared detailed compensation options for PAHs. The detailed compensation option preparation was completed in Nhon Trach district (63/63 PAHs) and was finished in the first stage in Long Thanh district (74 PAHs). In Thong Nhat and Cam My districts, although land price wasn't approved, the DCCs also calculated compensation for assets on land and were waiting for land price to completed the options. PC of Dong Nai province allowed Long Thanh district to prepare the detailed compensation options for PAHs in many times since Long Thanh district has the most PAHs. Progress of the detailed compensation options preparation in the districts is summarized below:

Table 9: Detailed compensation options preparation

No	DCCs	Total PAHs	Number of PAHs who were completed DMS	Number of PAHs who were prepared detailed compensation options
1	District 9 - HCMC	220	167	0
2	Nhon Trach Dist. - Dong Nai	63	63	63
3	Long Thanh Dist. - Dong Nai	525	252	74
4	Cam My Dist. - Dong Nai	243	183	0
5	Thong Nhat Dist. - Dong Nai	88 ²	86	0

As directions of Dong Nai province's PC in the document No. 477/BS-STC dated on March 13th 2009, the compensation payment has to be finished by the end of May, 2009. Then how the funds for the compensation were prepared?

3.3.3 Preparing funds, even in case the funds from ADB can't be financed in time

Until March 31st 2009, although DMS wasn't carried out for some HHs, most of the districts prepared detailed compensation options for PAHs who were completed the DMS as presented above. Moreover, as directions of Dong Nai province's PC, all PAHs who were carried out the DMS have to be paid compensation in May, 2009. Therefore, the funds for compensation are very urgent and VEC has to prepare.

Although the finance agreement between the Government and ADB was signed on March 20th 2009, VEC will only disburse the funds for the compensation after the updated RP is approved by ADB.

To ensure enough funds to pay for PAHs after detailed compensation options are approved, SEPMU submitted a document No. 106/SEPMU-KH dated on March 20th 2009 to the general manager of VEC suggests VEC prepare funds for the disbursement in case the funds from ADB can't be financed in time. Total funds suggested in the document are 265 billion VND. Of which, 105 billion VND will be disbursed in April, 2009 and 160 billion VND in May, 2009. At the monitoring time, the director board of VEC has issued a resolution ref. using funds of VEC for the payment in the first stage and will retroactive with ADB. Via discussion with SEPMU, it was known that at the time of finishing the report, VEC has agreed to the suggestion of SEPMU and committed to preparing funds for the compensation in time. It showed the self-motion of SEPMU and VEC in the RP implementation.

3.3.4 Compensation calculation/compensation option approval in Dong Nai province and the timely recommendation from SEPMU

As directions in the document No. 477/BC-STC issued by Dong Nai's Department of Finance, Dong Nai only agreed that Long Thanh district is allowed to prepare detailed compensation options in several times. Discussing with officials of other districts, they supposed that they had to finish the DMS before preparing compensation options and submitting them to the provincial PC for approval. It partly caused late progress of the RP implementation. Therefore, SEPMU issued a document No. 149/SEPMU-KHGPMB

² Excluding number of PAHs at the intersection with the nation road No. 1A because of without technical files

dated on April 9th 2009 suggested Dong Nai province's PC allow all the DCCs to prepare compensation option and submit it in several times. Although the PC hadn't agreed to the suggestion, the issue was discussed and reached an agreement by HLD steering committee of Dong Nai at the meeting on April 14th 2009 and it will be accepted soon³.

3.3.5 Some available resettlement sites for the project

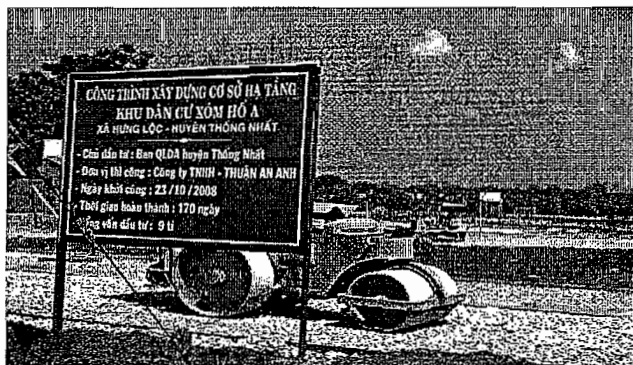
Until March 31st 2009, number of PAHs expecting to resettle at resettlement sites wasn't the official figure. However, through DMS, it revealed that many PAHs met the requirements and expected to resettle at resettlement sites. Therefore, the districts have built resettlement sites at their locality.

As results of DMS, Long Thanh was the district which had the greatest number of PAHs expecting to resettle at resettlement sites with about 293 HHs. In the first monitoring report, it presented 2 resettlement sites in Long Thanh district, they were Long An and Lien Kim Son sites. The Lien Kim Son site was completed and available for PAHs. The Long An site was waiting for approval of Dong Nai province's PC. Until now, we knew that the PC issued a decision No. 951/QĐ-UBND dated on April 8th 2009 approves Long An site development project. Like this, it can conclude that resettlement sites for the project will be solved in the main.

In district 9, HCMC, there are two available resettlement sites for PAHs: (i) the apartment building C4, belonging to Man Thien resettlement site with the area of 22 ha. The site locates at Hiep Phu and Tang Nhon Phu A wards with available houses, PAHs can buy to stay, (ii) Long Buu-Long Binh site. At the time, infrastructure of the site was completed. PAHs can buy plots in the site immediately after receiving compensation payment.

In Thong Nhat district, results of DMS showed that 6 HHs met requirements to resettle at resettlement sites, of which two wanted to self-relocate and 4 expected to resettle at resettlement sites. Thong Nhat district's CC intended to arrange the four HHs in Xom Ho A site at Hung Loc commune, Thong Nhat district. The site neighbours on the national road No.1A, therefore it is very convenient in traffic. Until March 31st 2009, infrastructure of the site was nearly completed in order to arrange the PAHs

In Cam My district, there weren't any PAHs expecting to resettle at resettlement sites.. Some pictures of Xom Ho A site in Thong Nhat district are represented below:



The infrastructure of Xom Ho A resettlement site is going to be completed

³ Until the monitoring report was submitted, the HLD steering committee of Dong Nai had agreed to SEPMMU's suggestion

3.3.6 Second Generation Imprest Accounts were ready at DCCs

All the DCCs participating in HLD project have been established for a long time to carry out the compensation for many projects at local. Therefore, all the DCCs had their own accounts at state treasuries of the districts. All are ready to receive compensation funds from VEC and ADB. Accounts set up at state treasury will have highest safety level. Until March 31st 2009, VEC has transferred the RP implementation cost for all the districts via these accounts and DCCs will directly pay for PAHs. It is suitable to the loan agreement signed with ADB.

3.3.7 Preparing forms for compensation payment certification

To prepare for compensation payment certification, the EMA co-operated with SEPMU to prepare 2 forms for two steps. In step 1, it only needs to be certified by the EMA. In step 2, based on the certification of the EMA and check of SEPMU of all compensation records, SEPMU will sign in the second form. The two forms are attached to the annexes 7 and 8.

3.4 Existing issues/difficulties in localities and timely directions of provincial PC

As presented in the first report, there were many difficulties/existing issues arising during the DMS. They were mainly because the land management of localities was very weak, not updated information even when the market fluctuation has been very high in recent years. Some issues were being solved by DCCs are summarized below:

3.4.1 Difficulties encountered during the DMS

3.4.1.1 Difference between the land acquisition decision and technical files

During the DMS at localities, it was found that figures in some land acquisition decisions of HHs were different from those in their technical files and generalized below:

Table 10: Number of PAHs whose land acquisition decisions aren't matched technical files

No	Locality	HH	Directions of provincial PC/solution of DCCs
1	District 9 - HCMC	0	0
2	Nhon Trach Dist. - Dong Nai province	0	0
3	Long Thanh Dist. - Dong Nai province	184	Department of Natural Resources and Environment, Office of land use right registration checked/reviewed and consulted for district's PC to adjust the detailed land acquisition decisions
4	Cam My Dist. - Dong Nai province	0	0
5	Thong Nhat Dist. - Dong Nai province	1	District's PC adjusted the detailed land acquisition decision

3.4.1.2 Unfound owners

Table 11: Unfound owners

No	Locality	HHs	Directions of provincial PC/solution of DCCs
1	District 9 - HCMC	16	Placed advertisement in the paper 3 times so that the owners can know and participate in the DMS
2	Nhon Trach Dist. - Dong Nai province	9	Placed advertisement in Dong Nai's newspaper 3 times (No.1575,1576, 1577) within 1 month
3	Long Thanh Dist. - Dong Nai province	54	Placed advertisement in Dong Nai's newspaper 3 times (No.1566, 1567,1568) within 1 month
4	Cam My Dist.- Dong Nai province	5	Delivered letters but the PAHs didn't come, after 3 times like that, DCCs carried out the DMS then entrusted the commune with inviting the HHs to the office to complete their records.
5	Thong Nhat Dist.- Dong Nai province	1 HHs and 50 graves	Placed advertisement in Dong Nai's newspaper 3 times (No. 1584, 1585, 1586)

3.4.1.3 Some plots didn't have technical files

Table 12: Plots without technical files

No	Locality	HHs/ plots	Directions of provincial PC/solution of DCCs
1	District 9 - HCMC	0	0
2	Nhon Trach Dist. - Dong Nai province	0	0
3	Long Thanh Dist. - Dong Nai province	0	0
4	Cam My Dist.- Dong Nai province	0	0
5	Thong Nhat Dist. - Dong Nai province	43	HLD steering committee of Dong Nai directed related agencies to solve the issue in time.

3.4.1.4 Lack of land acquisition decision

Table 13: Lack of land acquisition decision

No	Locality	HHs	Directions of provincial PC/solution of DCCs
1	District 9 – HCMC	3	Issued detailed land acquisition decisions for the HHs
2	Nhon Trach Dist. - Dong Nai	0	
3	Long Thanh Dist. - Dong Nai	0	
4	Cam My Dist.- Dong Nai	0	
5	Thong Nhat Dist. - Dong Nai	43	SEPMU provided technical file, district's PC has to issue detailed land acquisition decisions for the HHs soon

3.4.2 Directions of Dong Nai province's PC

The HLD expressway traverses 5 districts of HCMC and Dong Nai province, the most is in Dong Nai. The RP implementation in Dong Nai province had a lot of advantages. PC of Dong Nai province supposes that it is an important project in the province. Therefore, the PC established a HLD steering committee to operate and implement the project at the decision No.767/QĐ-UB dated on March 29th 2007. The steering committee is leaded by a vice-chairman of provincial PC and members are director/vice-director of provincial departments, vice-chairman of districts' PC or Head of districts' CC and representative of SEPMU. The HLD steering committee held meetings periodically monthly to direct and deal with issues arising during the RP implementation.

The steering committee held meeting on March 10th 2009 and issued document No. 477/BC-STC dated on March 13th 2009 signed by the standing commissioner, vice-director of Dong Nai department of Finance. The committee also issued document No. 2166-UBND-KT signed by vice-chairman of Dong Nai province's PC on March 26th 2009. The entire document directs in detail to deal with all existing issues during the project implementation. It revealed that competent authorities particularly paid attention to the project implementation. Main contents of the two documents are summarized below:

Table 14: Directions of competent authorities to the plane clearance and compensation

No	Issue/difficulties	Directions of the province
1	Attend periodic meetings hold by the HLD steering committee of Dong Nai	All members of the steering committee have to arrange time to attend meetings in order to hasten progress of the project.
2	Incorrect area, wrong name of HHs, overlapped border.	DCCs have to report on names of the HHs so that the steering committee and SEPMU can co-operate to deal with the issue by the end of April 2009.
3	Plant a landmark for supplementary land acquisition as reported by DCCs of Thong Nhat and Cam My	SEPMU should continue to plant a landmark additionally and complete by the end of April 2009
4	Prepare and approve the compensation option	<ul style="list-style-type: none"> - Allow the Long Thanh district's CC to prepare compensation option in several times to hasten the progress but the CC has to complete the compensation payment in 2009; - The valuation committee has to assign more officials to shorten 50% time as stipulated of valuation so that the compensation options can be submitted to provincial PC for approval soon and completed payment for the PAHs in May 2009
5	To assets which weren't approved the prices by provincial PC	DCCs have to report to districts' PC and recommend the price, then submit it to department of finance for appraisement and the provincial PC approves additionally
6	Long An resettlement site with 27.9 ha was under	- Long Thanh district's PC has to complete records of the project as required by the department of Planning and

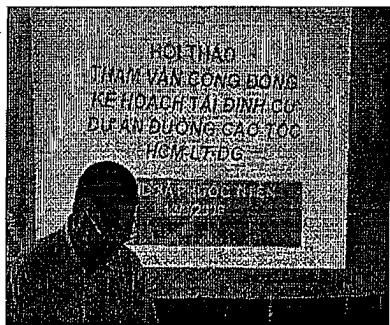

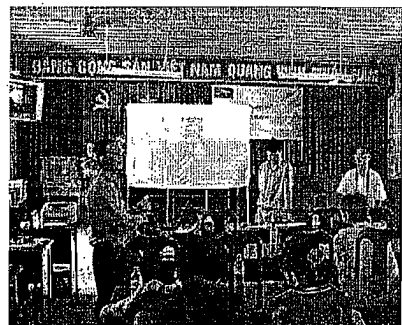
No	Issue/difficulties	Directions of the province
	preparation	Investment before day of March 13 th 2009. - The department of Planning and Investment, the department of construction shorten the appraisal time and submit to the provincial PC for approval soon
7	Software of compensation calculation	- Since software of compensation calculation provided by SEPMU has been encountered some difficulties and arisen mistakes, to ensure progress of the calculation and to avoid mistakes, the provincial PC allowed DCCs to apply current software to calculate compensation. In case if it needs to use software provided by the investor, DCCs will add later
8	Move infrastructures (electric, water, telephone...)	- Suggest governing agencies of the infrastructures plan and co-operate with DCCs to move all affected structures.

3.5 The updated RP preparation was rather late

Beside positive aspects and difficulties during the RP implementation were deal with by competent authorities, the updated RP preparation was later than its progress required in the RP and progress of the project's bidding-packages.

Until March 31st 2009, Dong Nai province's PC approved compensation prices for Nhon Trach and Long Thanh districts, the others were being reviewed. The compensation prices in HCMC will be approved soon.

The social consultant held 3 public consultation meetings in district 9, HCMC and 01 in Nhon Trach district. Some figures of public consultation meetings hold by the social consultant are presented below:

		
Mr.Long, leader of social consultant team spoke at the public consultation meeting at Phuoc Thien commune, Nhon Trach district	A PAH expressed his idea at the public consultation meeting at Long Truong commune, district 9.	Representative of SEPMU spoke at the public consultation meeting at Long Truong commune, district 9

Progress of the updated RP preparation was rather late. Main reasons are the DMS data wasn't enough and the compensation prices at some districts weren't approved. To hasten progress of the RP update, the EMA will recommend some ideas in the recommendation items

IV. CONCLUSION, EXISTING ISSUES AND RECOMMENDATION

4.1 Conclusion

Via the monitoring, it can conclude that the RP implementation was complied with the approved RP. The RP was being updated. The updated RP will be prepared separately for each district to hasten the implementation progress. Data used in the updated RP includes: (i) results of the DMS. Until March 31st 2009, there were 751/1,055 PAHs (about 71%) and only 1 district (Nhon Trach district, Dong Nai province) was completed the DMS, (ii) the replacement cost was surveyed by external valuers and approved by provincial PC. Until March 31st 2009, only Dong Nai province approved the prices in Nhon Trach and Long Thanh districts, (iii) public consultation and information dissemination about the project and the RP. Until March 31st, 2009 the social consultant held 4 public consultation meetings during the RP update. Of which, 3 in district 9 and 1 in Nhon Trach, (iv) resettlement sites preparation. All of three districts where PAHs expected to resettle at resettlement sites had their own available sites or were being built. Progress of the resettlement sites construction matched the RP implementation progress.

Progress of the updated RP preparation was rather late. Until March 31st 2009, the social consultant team only submitted the RP update drafts of 2 districts, including district 9, HCMC and Nhon Trach district, Dong Nai province. However, the RP draft of district 9 wasn't completed since the DMS data in district 9 weren't finalized.

Existing issues presented in the first monitoring report include: (i) difficulties related to DMS were being solved by competent authorities, (ii) the comparison and choice of PAHs to resettle at the Lien Kim Son and the Long An site in Long Thanh district may cause the late progress of movement and land acquisition for the project. Discussing with Long Thanh PMU, the investor of the two resettlement sites, it was known that the arrangement of PAHs will base on the locality. It means that PAHs will be relocated at the resettlement site nearer to the commune they live. Therefore, the PAHs can't choose the site.

The RP has just been started implementing, including compensation payment and movement. To prepare for the RP implementation, CC of Nhon Trach district prepared detailed compensation options for 63 HHs. The option was waiting for approval by the Dong Nai PC. CC of Long Thanh district in the first stage submitted compensation option for 74 HHs to Dong Nai PC for approval. Other districts were going to calculate compensation and will submit compensation option after prices are approved by Dong Nai and HCMC's PC.

In general, although progress of the RP update was rather late in comparison with the plan in the approved RP, with total humane source mobilization and activeness of all related agencies, especially Dong Nai PC and co-operation of SEPMU showed that the RP implementation was making good progress. The possibility of handing over the plane for some bidding-packages in June, 2009 can be achieved if the updated RP will be approved soon so that the payment can be started in beginning of May, 2009⁴.

In the third monitoring report, the EMA will switch to monitor, assess and report on the RP implementation in the stage of compensation payment, movement and handing over the plane for the project.

⁴ Only acquired agricultural land, not acquired land of moved PAHs yet

4.2 Existing issues and recommendation

Issue 1: progress of the RP update was rather late because of DMS data.

Recommendation: (i) suggest that ADB allows dividing the RP into 2 volumes, the first volume is policy framework and the second is resettlement plan, (ii) the social consultant divides the RP into two volumes. The first volume- policy framework will be submitted immediately in April 2009. The second one - resettlement plan will be prepared in two stages. In the first stage, using DMS data of PAHs who were carried out the DMS, for example until March 31st 2009⁵. In the second one, the remaining HHs will be supplemented, (iii) suggest that ADB reviews updated RP drafts, comment for revision if any and approves the updated RP soon, (iv) 4 remaining DCCs (except Nhon Trach district) have to complete DMS and finalize number of PAHs in order to help the social consultant complete the RP update.

Issue 2: The prices were approved late. Until March 31st 2009, only Long Thanh and Nhon Trach districts, Dong Nai province were approved compensation prices.

Recommendation: PC of Dong Nai and PC of HCMC should approve the prices soon.

Issue 3: Compensation option preparation in Dong Nai was rather late. Until now only Long Thanh district was allowed to prepare and approve the compensation option in several times.

Recommendation: allow all the districts to prepare and approve the compensation option in several times

4.3 Suggesting some forms for the disbursement purpose

The EMA suggests some forms for the disbursement purpose as below:

- Compensation payment minute confirmed by the EMA as the annex 7.
- General compensation payment confirmed by SEPMU, EMA and DCC as the annex 8.

Recommendation: It suggests that ADB should approve the two forms as soon as possible.

4.4 Summarizing existing issues and responsibility

Table 15: Summarizing existing issues and responsibility

No	Existing issues	Recommendation	Agency
1	Progress of the RP update was rather slow because of the DMS data	- Allow to divide the RP preparation into two volumes and approve the second volume in two stages - Divide the updated RP into two stage - Prepare the updated RP according to the stage	- ADB - The social consultant
2	Late approval of the prices	Approve soon	PC of Dong Nai and PC of HCMC
3	Late compensation option preparation	Allow the districts to prepare and approve the compensation options in several times	PC of Dong Nai province
4	Compensation payment minute and general compensation payment form	The forms should be approved soon	ADB

⁵ The first stage of DMS was ended. The remaining HHs have wrong name, wrong area, ... and waiting for verifying again.

SECTION B: ANNEXES

ANNEX A

ATTACHED LEGAL DOCUMENTS

List of documents attached

No	Document	Number	Date	Agency
1	Document No. 1344/TTg-KTN ref. policy framework for plane clearance and resettlement of HLD expressway project	1344/TTg-KTN	August 15 th 2008	Prime Minister
2	Decision No. 2570/QĐ-BGTVT ref. approval of policy framework for plane clearance and resettlement of HLD expressway project	2570/QĐ-BGTVT	August 22 nd 2008	Ministry of Transport
3	Document No. 767/STC-HĐTĐBT-BVG ref. ADB's policy on involuntary resettlement will be applied for HLD expressway project in district 9 section	767/STC-HĐTĐBT-BVG	January 21 st 2009	City Valuation Council for compensation
4	Document No. 1062/UBND-KT ref. compensation/assistance cost for HLD expressway project, Dong Nai section	1062/UBND-KT	February 13 th 2009	Dong Nai's PC
5	Valuation certificate No. 121/TĐG-CT ref. valuing price of crop and trees in Dong Nai province for HLD expressway project's compensation	121/TĐG-CT	09/02/2009	Dong Nai Valuation Corporation
6	Valuation certificate No. 122/TĐG-CT ref. valuing price of houses and construction objects in Dong Nai province for HLD expressway project's compensation	122/TĐG-CT	09/02/2009	Dong Nai Valuation Corporation
7	Valuation certificate No. 123/TĐG-CT ref. valuing price of land use right in Dong Nai province for HLD expressway project's compensation	123/TĐG-CT	09/02/2009	Dong Nai Valuation Corporation
8	Valuation certificate No. Vc09/02/20/CCTT-BĐS ref. land use right of agricultural land alternate with residential area for perennial-tree land and annual-tree land near roads in district 9 section, HCMC for the project's compensation.	Vc09/02/20/CCTT-BĐS	19/02/2009	Southern Information and Valuation Corporation

PRIME MINISTER

No. 1344/TTG-KTN

*Ref. policy framework for plane
clearance and resettlement of HLD
expressway project*

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

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Ha Noi, August 15th 2008

TO: MINISTRY OF TRANSPORT

Considering the suggestion of MOT at the document No. 4611/BGTVT-KHĐT dated on June 18th 2008 and document No. 5839/BGTVT-KHĐT dated on August 7th 2008 ref. application of policy framework for plane clearance and resettlement of HLD expressway project, the prime minister has opinions as below:

Agree in principle to the policy framework for plane clearance and resettlement of HLD expressway project, financed by ADB.

Assigning the MOT to approve the policy framework and guide PC of provinces to implement plane clearance and resettlement activities according to this document as well as other related regulations.

Send to:

- As above;
- Prime minister
- ...
- PC of Dong Nai
- PC of HCMC
- Saved: Office

**PP. PRIME MINISTER
DEPUTY PRIME MINISTER**

(Signed and sealed)

Hoang Trung Hai

MINISTRY OF TRANSPORT
No. 2570/QĐ/BGTVT

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Ha Noi, August 22nd 2008

DECISION

Ref. approval of policy framework for plane clearance and resettlement of HLD expressway project

MINISTER OF TRANSPORT

- Based on the Decree No. 51/2008/NĐ-CP dated on April 22nd 2008 of the GOV stipulates tasks, responsibilities, rights and framework of organization of MOT;
- Based on 334/QĐ-BGTVT dated on February 13th 2007 and No. 2445/QĐ-BGTVT issued by the Minister of Transport approves the HLD expressway project, financed by ADB.
- Considering the suggestion of the general director of VEC at document No. 723/TTr-VEC dated on August 15th 2008 suggests approval of policy framework for plane clearance and resettlement of HLD expressway project
- As suggestion of Head of Investment and Planning department.

DECIDE

Article 1. Approving policy framework for plane clearance and resettlement of HLD expressway project

Article 2. Assigning head of VEC to implement the policy framework and guide PC of provinces during the implementation according to this document as well as other related regulations of GOV and of ADB.

Article 3. Head of VEC, Head of Investment and Planning department, head of construction management and transport project quality department and head of related agencies are responsible for implementing this decision.

Send to:

- As article 3;
- Minister (report)
- Office (save)

PP. MINISTER
DEPUTY MINISTER

(Signed and sealed)

Ngo Thinh Duc

**PEOPLE'S COMMITTEE OF HCMC
CITY EVALUATION COUNCIL for
COMPENSATION**

No. 767/STC-HĐTĐBT-BVG

Ref. ADB's policies on involuntary
resettlement will be applied for the HLD
Expressway Project in District 9 section

**SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

Ho Chi Minh City, January 21st, 2009

To: People's Committee of Ho Chi Minh City

In order to implement the City People Committee's guidelines in document No. 6776/VPĐTMT, dated 29th August, 2008 about ADB's policies on involuntary resettlement will be applied for the Ho Chi Minh City - Long Thanh - Dau Giay Expressway Project.

About this issue, City Evaluation Council for Compensation reports/submits to People's Committee of HCMC as followings: I-On 13rd October, 2008, Southern Expressway Project Management Unit (SEPMU) has submitted document No. 258/SEPMU-KH to generalize and to propose solutions for covering differences between ADB's and HCMC's policy framework on land clearance for the HLD Expressway Project. II-On 14th November, 2008, City Evaluation Council for Compensation has held a meeting to discuss on the above-mentioned issue. The below ideas have been agreed to report to People's Committee of HCMC:

Based on document No. 1344/TTg-KTN dated 15th August, 2008 of the Prime Minister about policy framework for land clearance and resettlement for the HLD Expressway Project.

Based on Decision No. 2570/QĐ-BGTVT dated 22 August, 2008 of the Ministry of Transport to approve policy framework for land clearance and resettlement for the ADB loaned HLD Expressway Project.

Based on document No. 258/SEPMU-KH dated 13rd October, 2008 of SEPMU to generalize and to propose solutions for covering differences between ADB's and HCMC's policy framework on plan clearance for the HLD Expressway Project.

Following the Prime Minister's guidelines, Ministry of Transport has approved project policy framework on compensation and plan clearance. In comparison with the City's policy, this policy framework on compensation, support and resettlement has some differences. Therefore, in principle the policy framework has to follow policy framework on compensation and land clearance that has approved by the Ministry of Transport on Decision No. 2570/QĐ-BGTVT dated 22nd August, 2008.

SEPMU has issued document No. 258/SEPMU-KH dated 13rd October, 2008 to generalize and to propose solutions for covering differences.

City Evaluation Council for Compensation has recognized 4 main differences as followings:

1. Difference on compensation for affected people who are lacking of formal title to affected assets:

1.1. Project policy framework:

The affected people without formal title to affected assets shall be fully compensated for all their on-land affected assets.

Affected households having no land will be provided land at free cost.

Poor/vulnerable people without formal title shall be suitably supported to improve their social and economic status.

Non-registered businesses will be eligible for cash or in-kind assistance; this includes owners and employees.

1.2. SEPMU proposes:

Target group	Policy of the City	Proposed project policy
1. Affected people without formal title to on-land affected assets	Article 7, 20 and 21, Decision No. 17/2008/QĐ-UBND	*Compensation: House and other structures which were built before the cut-of-date without building permission, and at the time of building, no land use plans were publicized by competent authorities or built in line with the land use planning without encroaching upon the work protection corridors, are eligible for compensation prescribed in article 19 of Degree 197. *Support: receive the same supports with households having formal title.
2. PAHs are not eligible for receiving agriculture land compensation	Article 7, Decision 17/2008/QĐ-UBND	Affected households losing more than 10% of their productive land which they are cultivating on and have dominant income from, will be entitled to take part in Income Restoration Program.
3. Employees without labor contract	None	Employees without labor contract of small/family-sized production place will receive cash compensation equivalent to 1.5 months minimum salary regulated by Vietnamese Government; if submitted local authority confirmation in a form that created by consultant and being published at local PC.
4. Non-registered business households	None	Small business households without registration license or not paying tax will receive one-time support of 1.000.000 VND; if submitted local authority confirmation in a form that created by consultant and being published at local PC.

1.3. Opinions of City Evaluation Council for Compensation:

a. For households/people without formal title to on-land affected assets:

- Eligible timeline for compensation/support: It is agreed by Representative of People Committee of District 9 and SEPMU that the applied timeline were on date 2nd January, 2008 when transferring the sub-project for land clearance and compensation to District Compensation Committee as project investor. City Evaluation Council for Compensation did not agree with People Committee of District 9 and SEPMU on proposal to apply timeline on date 22nd April, 2002 according to Decision No. 17/2008/QĐ-UBND on date March 14th, 2008 issued by HCMC's PC.

Reasons to apply: according to article 20, 21 on decision 17/2008/QĐ-UBND and item 5, article 1, decision No. 65/2008/QĐ-UBND.

b. Affected households are not eligible for receiving agriculture land compensation: following Decision No. 156/2006/QĐ-UBND issued by HCMC's PC but expanding acquired land from

30% to 10%.

c. Non-contracted labors/employees: having no policy to apply.

d. Non-registered business households: it is agreed with SEPMU that these households will receive one-time support with 1.000.000 VND, if submitted local authority confirmation in a form that created by consultant and being published at local People Committee.

2. Difference on price:

2.1 Policy framework:

Compensation price for land and on-land assets will be calculated by Independent Evaluation Consultant in normal conditions to assure that replacement cost will be applied to affected people.

Replacement cost will be applied as compensation principle. This principle is a method to determine the value of assets according to market price of recent transactions, in normal conditions and adding some expenses such as administration expense, tax, registration expense, etc. Houses and other constructions will be determined according to market price of materials, labor cost, machines or equipments without calculating depreciation or deducting material breaking-down.

2.2 SEPMU proposes:

On 27 and 28th August, 2008, District Compensation Committee of District 9 in collaboration with authority of affected wards has organized meetings to announce project comprehensive plan. The majority of affected households did not agree with agriculture compensation price. Thus, District Compensation Committee of District 9 has proposed to adjust compensation price in statement No. 941/TTr-BBT on date 1st October, 2008.

SEPMU has agreed with ideas of District Compensation Committee to propose People Committee of Ho Chi Minh City to re-consider agriculture compensation price based on Valuation Certificate No. VC 08/07/54/CCTT-BDS on date 5th July, 2008 from Southern Information & Valuation Corporation in order to assure expected acquisition timeline.

2.3 Opinions from City Evaluation Council for Compensation:

- Land compensation price: proposes to apply as stipulated in Decision No. 17/2008/QĐ-UBND on date 14th March, 2008; Decision No. 65/2008/QĐ-UBND on date 18 August 2008 and Decision No. 82/2008/QĐ-UBND on 1st December 2008 issued by People Committee of Ho Chi Minh City.

- Physical construction compensation price: apply as stipulated in Decision No. 12/2008/QĐ-UBND on date 20 February, 2008 and Decision No. 64/2008/QĐ-UBND on date 31 July, 2008 issued by People Committee of Ho Chi Minh City.

3. About two remaining differences (income restoration program for affected people and caring about vulnerable households):

These issues refer to other supports for affected people such as providing health insurance support, changing occupation support, etc.). Thus the City Evaluation Council for Compensation has agreed that: for supports presented in Decision No. 17/2008/QĐ-UBND on date 14 March, 2008 will be applied as the above-mentioned decision; for supports not-presented in Decision No. 17/2008/QĐ-UBND will be applied as in policy framework for land clearance and resettlement, ADB loaned HLD Expressway Project which was approved by the Ministry of Transport in Decision No. 2570/QĐ-BGTVT on date 22nd August, 2008.

Propose People's Committee of HCMC to consider and decide.

Send to:

- As above
- People's Committee of District 9
- SEPMU Vice Head of Department of Finance
- Office

**On behalf of the DCC
CHAIRMAN**

Signed

Ta Quang Vinh

PC OF DONG NAI PROVINCE

No. 1062/UBND-KT

*Ref. determining compensation/
assistance cost for HLD expressway
project, Dong Nai section*

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

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Bien Hoa, February 13th 2009

To: - Department of Finance

- Department of Natural Resources and Environment

- Department of Construction

- PC of Long Thanh, Nhon Trach, Thong Nhat and Cam My districts

- SEPMU

After considering the suggestion of Department of Finance at the report of meeting No. 198/STC-GCS dated on February 11th 2009 ref. agreement to the recommended cost for land, house, architectural works and other assets, crops applied for HLD expressway project, Chairman of Dong Nai province's PC has opinions as below:

1. Agree to the cost for land, houses, architectural works, other assets and crops to compensate, assist for Dong Nai section of the HLD expressway project.

2. Assign Department of Finance to preside and co-operate with Department of Construction, PC of Long Thanh, Nhon Trach, Thong Nhat and Cam My districts, SEPMU and related agencies to implement the compensation/assistance calculation for the project as presented in the item 1 according to regulations.

Send to:

- As above;
- Chairman/vice-chairman of provincial PC
- MOT
- Office (save)

**PP. CHAIRMAN
VICE CHAIRMAN**

(Signed and sealed)

Dinh Quoc Thai



No: 124 /TĐG-CT

Bien Hoa, 09th February, 2009

VALUATION CERTIFICATE

Attn: Joint venture of NIPPON KOEI Co., Ltd – KRI – HAFICO – MKE.

Pursuant to the Agreement on External valuer for the conduct of Replacement cost study between **Joint venture of NIPPON KOEI Co., Ltd – KRI – HAFICO – MKE** and **Dong Nai Valuation joint stock Corporation** for HCMC-Long Thanh-Dau Giay expressway project in Dong Nai province that signed on 19/12/2008 (about crop and trees).

1. Valuation purpose: Providing replacement cost for compensation of HCMC-Long Thanh-Dau Giay expressway project.

2. Valuation time: February 2009.

3. Legal framework for valuation:
- Details prescribed in enclosed Appendix.

4. Valuation assets:

4.1. Legal characters of assets:
- Details prescribed in enclosed Appendix.

4.2. Economic-technology characters of assets:
- Details prescribed in enclosed Appendix.

5. Market value basis of valuation:

- Market value is defined according to Vietnam Valuation Standard TĐGVN01 (enclosed Decision No: 24/2005/QĐ-BTC on 18/04/2005 of Minister of Finance):

Market value is the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an objective and independent transaction and normal trading condition (Vietnamese Valuation Standard 01).

6. Valuation principles and approaches:

6.1 Valuation principles:

- Replacement principle;
- Contribution principle;
- Demand-Supply principle.

6.2 Valuation approaches:

- Directly Comparison Approach;
- Cost Approach.

7. Results, conditions, and restrictions together with valuation results:

7.1. Valuation results:


Base on documents delivered by Joint venture of NIPPON KOEI Co., Ltd – KRI – HAFICO – MKE passed through Southern Express Project Management Unit (SEPMU) and result of survey, gathering information for each grade, level of house, construction as stipulated in Appendix 2, Dong Nai Valuation Joint Stock Corporation hereby notifies the valuation results as following:

- Details prescribed in enclosed Appendix 3.

7.2. Conditions and restrictions together with valuation results:

- All information about crop and trees have given above pursuant to Economic-technology characters, cultivating procedure for each kind of tree in locality combining with survey and gathering market information.

Valuer



Nguyen Cong Tien

Valuer Card No: 105025



Ho Ngoc Tuan

Valuer Card No: 06085D1

RESTRICTIONS OF VALUATION CERTIFICATE

1. Valuation results shall only be applied for a unique sole **“valuation purpose”** at client's request which noted at top part of page 01 of the certificate. Client must be totally responsible in case of wrong use of the required purpose.
2. Only the original or its duplicate granted by Dong Nai Valuation Joint Stock Corporation is valid. Any acts of use of valuation certificate duplicate without the approval of Dong Nai Valuation Joint Stock Corporation will lead to law violation and non-valued.
3. Client's request for valuation and valuer instructor carrying out assets valuation shall be totally responsible for information relating to the economic-technical characteristics, features, and legality of the assets under valuation provided to Dong Nai Valuation Joint Stock Corporation at time and place of valuation.
4. Dong Nai Valuation Joint Stock Corporation shall bear no responsibility on the inspection of information of documents relating to legality of the assets under valuation in comparison with the original.
5. In case of market fluctuation the valuation results must be re-valued after a period of 3 months since the time of valuation.



APPENDIX

TĐG-CT, on 09/02/2009 of Dong Nai Valuation Joint Stock Corporation).

I- Legal framework for valuation:

- Pursuant to the Agreement on External valuer for the conduct of Replacement cost study between **Joint venture of NIPPON KOEI Co., Ltd – KRI – HAFICO – MKE** and **Dong Nai Valuation joint stock Corporation** for HCMC-Long Thanh-Dau Giay expressway project in Dong Nai area that signed on 19/12/2008.
- Clause 3 Chapter II Price Ordinance No 40/2002/PL-UBTVQH10 on 26/04/2002 of National Assembly Standing Committee X that stipulated about valuation.
- Decree 170/2003/NĐ-CP on 25/12/2003 of Government on detailed regulations on implementation of a number of articles of the Price Ordinance.
- Decree 75/2003/NĐ-CP on 09/06/2008 on modification and amendment a number of articles of Decree No 170/2003/NĐ-CP on 25/12/2003 of Government on detailed regulations on implementation of a number of articles of the Price Ordinance.
- Circular No 104/2008/TT-BTC on 13/11/2008 of Ministry of Finance on guiding implementation of Decree No 170/2003/NĐ-CP on 25/12/2003 and Decree No 75/2008/NĐ-CP on 09/06/2008 of Government.
- Decree No 101/2005/NĐ-CP on 03/08/2005 of Government about valuation.
- Circular No 17/2006/TT-BTC on 13/3/2006 of Ministry of Finance on guiding implementation of Decree No 101/2005/NĐ-CP on 03/08/2005 of Government about valuation.
- Decision No 24/2005/QĐ-BTC on 18/04/2005 of Minister of Finance on promulgation of 03 Vietnam Valuation standards in the 1st time.
- Decision No 77/2005/QĐ-BTC on 01/11/2005 of Minister of Finance on promulgation of 03 Vietnam Valuation standards in the 2nd time.
- Decision No 55/2008/QĐ-BTC on 15/07/2008 of Minister of Finance on promulgation of examination status, award, using, manage Valuer Card.
- Decision No 06/2005/QĐ-BTC, on 18/01/2005, of Minister of Finance on promulgation of asset, good, service calculation status.
- Circular No 116/2004/TT-BTC on 07/12/2004 on guiding implementation of Decree No 197/2004/NĐ-CP on 03/12/2004 of Government on compensation, support and resettlement when the State revokes land.
- Decision No 30/2008/QĐ-UBND on 14/4/2008 on promulgation of compensation unit price when the State revokes land in Dong Nai area.

II- Characteristic of Valuation assets:

Crop and trees that are dispersing cultivated or mustering cultivated have characteristics as following:

II.1 – Perennial trees:

1- **Pepper:** is interposing cultivated with other kinds of tree (eg: fruit tree). Stakes are made from timber trees like: *khaya senegalensis*, *wrightia annamensis* or *tectona grandis* (living stakes). Average productivity is about 1.5 tons/ha (10-12kgs/stake height 5-6m).

2- **Cashewnut:** specializing cultivation cashewnut gardens usually do not follow right technical method so the output is not high. Farmers rarely put down fertilizer and water, supplying source of trees mostly depends on nature (raining).

3- **Coffee:** Coffee trees in Long Thanh area mostly cultivates at Binh Son commune but productivity is not high, farmers usually interposing cultivate coffee with durian, mangosteen and pepper. Average productivity is 3.5 tons/ha/year.

4- Rubber:

- Mustering cultivation under control of Co-operative farm, right technical cultivation, unaffected from market pressure, quality of latex is pretty high.

- Rubber trees under control of household, incorrect technical cultivation, investment follows market trend (investment only when latex price rises). When latex price falls, farmers do not take care of rubber trees and do not harvest also (because latex selling price is not even equal to harvesting cost)

5- **Guava:** normal guava, premium guava, sour sop, custard-apple, mango, lime, jack-fruit...are not specializing cultivated, mostly cultivated on household's gardens, low productivity.

6- **Coconut:** mostly interposed cultivation on household's gardens, low cultivation cost, low productivity.

7- **Rambutan:** includes 3 types: normal rambutan, sweet rambutan and Thai rambutan. Production of each type depends on cultivation process of each household.

8- **Durian:** is interpose cultivated with coffee or rambutan. most of them are perennial garden, old variety; farmers have no money to invest so productivity is low. High-yield durian trees (flat seed) consume high cultivation cost but giving high output.

9- **Star-apple, tamarind:** kinds of fruit tree, low investment and cultivation cost. From 6th to 7th year, tree will give fruit and get high productivity from 8th year:

10- **Pomelo:** Average density is around 200 trees/ha. This area usually cultivates of smoothing skin sweet pomelo or normal pomelo. High cultivation cost, high cost for fertilizer and insecticide. Trees will give fruit from 4th year.

11- **Mangosteen:** is interposing cultivated with coffee and pepper, high cultivation cost.

12- **Nulgar bamboo:** usually cultivates at slots between plots of land.

13- **Cajuput:** usually cultivates on poorly soil that cannot cultivate other fruit trees, mostly cost is variety, tendance, weeding and preventing fire.

II.2 – Annual plants:

1- **Rice:** have 02 crops. The Winter-Spring crop is mainly important; the Summer-Autumn crop gives low productivity because the field is flooded (output is not even equal to expenses).

2- **Neptunia and Lotus:** Mostly income of farmers is from Neptunia peak and Lotus root. Farmers at Phuoc Thien commune cultivate neptunia and lotus on deep fields, high cultivation cost but profitable.

3- **Sea Coconut:** local people said most of sea coconut trees are perennial and be harvested year by year (03 times annual), no cultivation cost, average productivity: 3,000 leaves/1000 m²/time.

4- **Fish pond:** farmers are normally breeding fishes by Garden – Pond – Sty model. Main food source of fish is muck mixed with a little of bran. Households breeding fish with small area of pond usually breed many kinds of fish in the same pond (saving of expenditure). Kinds of fish are being bred at Long Thanh, Nhon Trach such as: *Ctenopharyngodon idella*, carp, *hypophthalmichthys*, *Anabas testudineus*, catfish...

II.3 – Density of tree:

In the interposing cultivated garden of one or many kinds of tree, compensation cost is applied for highest valued trees that follow the Rule of cultivation density. Number of trees which exceed the Rule of cultivation density is not compensated. If trees have not totally cover the garden (not yet reaching Grade A), density of trees can be increased by 50% or calculating number of interposing cultivated trees also.

Rule of cultivation density:

+ Cajuput, Sandalwood	: 5.000 trees/ha.
+ Alum cajuput	: 10,000 trees/ha.
+ Teckwood	: 3,750 trees/ha.
+ Starwood, keruingwood, others of timber:	832 trees/ha.
+ Rubber, pomelo, orange, rambutan	: 770 trees/ha.
+ Coffee, lime	: 1,600 trees/ha.
+ Kinds of mangroves	: 7,500 trees/ha.
+ Pepper trees with living stakes	: 3.000 stakes/ha.
+ Pepper trees with building stakes	: 1,600 stakes/ha.
+ Cashewnut, coconut	: 312 trees/ha.
+ Jack-fruit, mango, star-apple, longan	: 500 trees/ha.

III- Valuation results.

1- Perennial trees (dispersing cultivated):

No	Types of tree	Unit	Evaluated value
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No	Types of tree	Unit	Evaluated value
1	Pepper tree		
1.1	Pepper tree/living stake	VND/tree	200,000
1.2	Pepper tree/building stake	VND/stake	300,000
2	Cashewnut tree		
2.1	High-yield cashewnut tree, stump diameter $\varnothing > 25\text{cm}$	VND/tree	350,000
2.2	Normal cashewnut tree, stump diameter $\varnothing > 25\text{cm}$	VND/tree	300,000
3	Coffee tree, stump diameter $\varnothing > 10\text{cm}$	VND/tree	120,000
4	Rubber tree, stump diameter $\varnothing > 20\text{cm}$	VND/tree	200,000
5	Normal guava tree, stump diameter $\varnothing > 10\text{cm}$	VND/tree	15,000
6	Premium guava tree, stump diameter $\varnothing > 7\text{cm}$	VND/tree	32,000
7	Sour sop, Custard-apple tree, stump diameter $\varnothing > 10\text{cm}$	VND/tree	70,000
8	Coconut	VND/tree	220,000
9	Longan tree, stump diameter $\varnothing > 15\text{cm}$	VND/tree	200,000
10	Lime tree, stump diameter $\varnothing > 10\text{cm}$	VND/tree	100,000
11	Mango tree		
11.1	Hoa Loc sweet-mango tree, stump diameter $\varnothing > 20\text{cm}$	VND/tree	450,000
11.2	Others mango tree, stump diameter $\varnothing > 25\text{cm}$	VND/tree	450,000
12	Jack-fruit tree, stump diameter $\varnothing > 25\text{cm}$	VND/tree	200,000

No	Types of tree	Unit	Evaluated value
13	Marang tree, stump diameter Ø >20cm	VND/tree	250,000
14	Rambutan tree, stump diameter Ø >25cm	VND/tree	500,000
15	Apple tree, stump diameter Ø >10cm	VND/tree	75,000
16	Durian tree, stump diameter Ø >25cm	VND/tree	900,000
17	Allospondias lakonensis	VND/tree	120,000
18	Star-apple tree, stump diameter Ø >25cm, cinnamon tree, stump diameter Ø > 15cm	VND/tree	300,000
19	Orange, mandarin tree, stump diameter Ø >15cm	VND/tree	160,000
20	Plum tree, stump diameter Ø >15cm	VND/tree	120,000
21	Avocado tree	VND/tree	900,000
22	Areca tree	VND/tree	100,000
23	Pomelo tree, stump diameter Ø >25cm	VND/tree	200,000
24	Tamarind tree, stump diameter Ø >25cm	VND/tree	120,000
25	Dragon fruit	VND/tree	90,000
26	Mangosteen tree, stump diameter Ø >25cm	VND/tree	600,000
27	Langsat	VND/tree	240,000
28	Flacourtia jangomas tree, stump diameter Ø >20cm	VND/tree	100,000
29	Sapodilla tree, stump diameter Ø >15cm	VND/tree	120,000

No	Types of tree	Unit	Evaluated value
30	Phyllanthus acidus tree, stump diameter Ø >15cm	VND/tree	40,000
31	June plum tree, stump diameter Ø >25cm	VND/tree	120,000
32	Barbados cherry tree, stump diameter Ø >15cm	VND/tree	80,000
33	Star-fruit, cotton, canistel, malabar almond, soyabean residue, flamboyant, jasmine, tea, wrightia annamensis, peach, cassia grandis timbers, stump diameter Ø >20cm	VND/tree	45,000
34	Starwood, redwood, keruingwood, Anisoptera timber, barian kingwood trees, stump diameter Ø ≤ 25cm	VND/tree	452,000
35	Syzygium cumuni, erythrina, stump diameter Ø >15cm	VND/tree	15,000
36	Yellow apricot blossom tree with stump diameter Ø <10cm, pectinidés tree	VND/tree	30,000
37	Bamboo	VND/tree	800
38	Bamboo (construction material) tree, stump diameter Ø >12cm	VND/tree	4,000
39	Cajuput, sandalwood, margose, Sesbania grandiflora, Annona reticulata, acacia trees, stump diameter Ø >20cm	VND/tree	20,000
40	Khaya senegalensis timber, stump diameter Ø >30cm	VND/tree	40,000
41	Curry tree	VND/tree	120,000
42	Nulgar bamboo tree, stump diameter Ø >5cm	VND/tree	3,000

- Unit price is made for Grade A tree in highest harvested time.

- Grade B tree: is nearly harvesting or harvesting tree but low output; reaching 4/5 time of growing up or passing of highest harvested time but not yet be liquidated. Compensation cost of Grade B tree is calculated as 50% of Grade A tree.

- Grade C tree: reaching 2/5 to 4/5 time of growing up or due to liquidation. Compensation cost of Grade C tree is calculated as 25% of Grade A tree.

- Grade D tree: reaching 1/5 to 2/5 time of growing up. Compensation cost of Grade D tree is calculated as 12.5% of Grade A tree.

- Grade E tree: reaching below 1/5 time of growing up. Compensation cost of Grade D tree is calculated as 6.25% of Grade A tree.

Classification of tree to Grade A, B, C, D, E will be done by Inventory Committee.

In the case of tree reaching highest harvested time but giving low output (below 50% of average productivity of the same kind of tree), compensation cost is calculated as 70% of the price above.

In the case of dispersing cultivated garden, normally growing up process (neither provined tree nor grafted tree) that gives higher productivity or specializing cultivated garden of high-yield fruit tree, compensation cost is calculated as 150% of the price above.

2- Timber trees:

* In the case of farmers are not allowed to withdraw of trees, compensation cost is defined:

a- Barian kingwood:

Diameter Ø 25-40cm 25,000,000VND/m³

Diameter Ø 20-25cm 12,000,000VND/m³

b- Redwood:

Diameter Ø >70cm 23,000,000 VND/m³

Diameter Ø 50-70cm 17,000,000 VND/m³

Diameter Ø 25- 50cm 10,000,000 VND/m³

c- Starwood:

Diameter Ø >50cm 8,500,000 VND/m³

Diameter Ø 30-50cm 4,500,000 VND/m³

Diameter Ø 25- 30cm 3,000,000 VND/m³

d- Keruingwood:

Diameter Ø >50cm 4,000,000 VND/m³

Diameter Ø 25-50cm 3,000,000 VND/m³

e- Anisoptera timber:

Diameter Ø >50cm 4,000,000 VND/m³

Diameter Ø 25-50cm 2,200,000 VND/m³

f- Khaya senegalensis timber:

Diameter Ø >30cm 1,200,000 VND/m³

* In the case of farmers are allowed to withdraw of trees, compensation cost equals to cutting down cost: 50,000VND/m³.

3- Annual plants:

No	Types of tree	Unit of measurement	Evaluated value
1	Rice, corn, tapioca, peanut and all kind of vegetables	VND/m ²	2,000
2	Neptunia	VND/m ²	2,000
3	Lotus	VND/m ²	3,000
4	Sugar cane	VND/m ²	3,000
5	Tobacco	VND/m ²	3,000
6	Pineapple (normal)	VND/m ²	2,000
7	Papaya	VND/tree	25,000
8	Banana	VND/tree	15,000
9	Cayen pineapple (imported)	VND/m ²	3,000
10	Sea coconut	VND/m ²	3,000

- Unit price for each grades of tree (from A to E) is defined same as perennial tree at highest harvested time.

4- Mustering cultivated Cajuput tree:

All kinds of timber such as: cajuput, sandalwood, margose, sesbania grandiflora, kinds of mangroves, annona reticulata, acacia trees are mustering cultivated with the area $\geq 1.000\text{m}^2$

4.1 – Cajuput tree:

Unit of currency: VND

No	Cultivation year	Unit	Evaluated value
1	1 st year	ha	8,678,000
2	2 nd year	ha	12,144,000
3	3 rd year	ha	14,794,000
4	4 th year	ha	15,206,000
5	5 th year	ha	15,618,000
6	6 th year	ha	16,029,000

In case of cajuput trees over 5 years old or sandalwood trees over 4 years old that have not yet harvested, compensation price is defined by adding recycled cost (equal as cultivated cost in 1st year): 3,722,000 VND/ha. For mustering cultivated trees over 6 years old, adding 411,000 VND/ha for every additional year.

4.2 – High-yield Cajuput tree:

Unit of currency: VND

No	Cultivation year	Unit	Evaluated value
1	1 st year	ha	15,120,000
2	2 nd year	ha	18,144,000
3	3 rd year	ha	20,664,000
4	4 th year	ha	22,344,000
5	5 th year	ha	30,744,000

In 5th year, if trees have not yet harvested, adding recycled cost of 6,000,000 VND/ha.

5- Compensation of breeding (fishery cultivation):

5.1- Compensation for stopping of production of shrimp pond: improved extensive cultivated pond: 15,000,000 VND/ha/crop, intensive cultivated pond: 20,000,000 VND/ha/crop.

5.2- Compensation for stopping of production of fish pond: improved extensive cultivated pond: 12,000,000 VND/ha/crop, intensive cultivated pond: 17,000,000 VND/ha/crop.



No: 122 /TĐG-CT

Bien Hoa, 09th February, 2009

VALUATION CERTIFICATE

Attn: Joint venture of NIPPON KOEI Co., Ltd – KRI – HAFICO – MKE

Pursuant to Agreement on External valuer for the conduct of Replacement cost study between **Joint venture of NIPPON KOEI Co., Ltd – KRI – HAFICO – MKE** and **Dong Nai Valuation joint stock Corporation** for HCMC-Long Thanh-Dau Giay expressway project in Dong Nai province that signed on 19/12/2008.

1. **Valuation purpose:** Providing replacement cost for compensation of HCMC-Long Thanh-Dau Giay expressway project.
2. **Valuation time:** February 2009.
3. **Legal framework for valuation:**
 - Details prescribed in enclosed Appendix 1.
4. **Asset:**
 - 4.1. **Economic-technology characters of assets:**
 - Details prescribed in enclosed Appendix 2.
5. **Market value basis of valuation:**
 - *Market value is the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an objective and independent transaction and normal trading condition (Vietnamese Valuation Standard 01).*
 - *Non-market value of an asset is an estimated price which is determined under basis different from the market value or can be bought, sold or exchanged by price that do not reflect the market value such as: value of assets under using process, investment value, insurance value, special value, liquidation value, asset value on compulsory sale, firm value, special-purposed asset value with restricted-market, value for tax imposition etc (Vietnamese Valuation Standard 02).*
6. **Valuation principles and approaches:**
 - 6.1 **Valuation principles:**
 - Replacement principle.
 - Contribution principle.
 - 6.2 **Valuation approaches:**
 - Directly Comparison Approach.
 - Cost Approach.

7. Results, conditions, and restrictions together with valuation results:

7.1 Valuation results:

Base on documents delivered by Joint venture of NIPPON KOEI Co., Ltd – KRI – HAFICO – MKE passed through Southern Express Project Management Unit (SEPMU) and result of survey, gathering information for each grade, level of house, construction as stipulated in Appendix 2, Dong Nai Valuation Joint Stock Corporation hereby notifies the valuation results as following:

a. Houses and buildings:

Unit of currency: VND

No	Houses and buildings	Unit of measurement	Evaluated value
A	3rd grade house		
1	G3, LV1	m ²	2,871,000
2	G3, LV 2	m ²	2,584,000
3	G3, LV 3	m ²	2,153,000
4	G3, LV 4	m ²	1,890,000
B	4th Grade house		
1	G4, LV 1	m ²	1,436,000
2	G4, LV 2	m ²	1,220,000
3	G4, LV 3	m ²	1,005,000
4	G4, LV 4	m ²	813,000
C	Under 4th Grade house		
1	< G4, LV 1	m ²	718,000
2	< G4, LV 2	m ²	563,000
3	< G4, LV 3	m ²	407,000
D	Temporary house	m ²	280,00

Note: G: Grade of House, LV: level of House

b. Other constructions :

Unit of currency: VND

No	Other constructions	Unit of measurement	Evaluated value
1	Digging well (Φ 0,8 – 1,0m, depth 10m):		
+	Hand-made digging well (easy to dig).	m	48,000
+	Hand-made digging well (hard to dig).	m	60,000
+	Hand-made digging well (hard to dig, with rock).	m	120,000

No	Other constructions	Unit of measurement	Evaluated value
2	Cement base thickness 5cm, ground.	m ²	30,000
3	Macadam cement base.	m ²	60,000
4	Digging well with cement pipe (includes installation):		
+	Digging well with cement pipe, length 1m, Φ 1.2m.	m	298,000
+	Digging well with cement pipe, length 1m, Φ 1m.	m	248,000
+	Digging well with cement pipe, length 1m, Φ 0.8m.	m	198,000
5	Hand-made drilling well Φ 60.	m	36,000 - 60,000
6	Hand-made drilling well Φ 90.	m	72,000
7	Industrial drilling well (drilling set):		
+	Plastic pipe, iron pipe Φ (49 – 60)	m	144,000
+	Plastic pipe, iron pipe Φ (90 – 110)	m	240,000
8	Brick cistern, smoothing cement.	m ³	180,000 - 300,000
9	Brick reservoir (cesspool...).	m ³	84,000 - 200,000
10	Eaves, suncreens, veranda	m ²	60,000 - 216,000
11	Decorated wall higher than 2m (no count of B40 net or barbed wire fence)	m ²	240,000
12	Brick wall, height from 1,6 – 2m	m ²	180,000
13	Brick wall, height under 1,6m.	m ²	120,000
14	Brick piggery:		
+	Brick piggery higher than 1m, concrete base. covering tile or fibro cement toles.	m ²	357,000
+	Brick piggery height 1m, semi-brick base, covering tile or toles fibro cement	m ²	222,000
+	Brick piggery covering leaves, semi-brick base.	m ²	36,000 - 222,000
15	Grave, tomb and shrine:		
+	Soil grave.	unit	1,800,000
+	Laterite grave	unit	3,000,000
+	Simple built grave	unit	3,600,000 – 4,800,000
+	Shrine and tomb	unit	120,000 – 360,000
16	Pond and water sump		
+	Hand-made digging pond, volume =< 1000	m ³	15,000

No	Other constructions	Unit of measurement	Evaluated value
	m ³		
+	Hand-made digging pond, volume > 1000 m ³	m ³	-15,000 VND per m ³ from 1 to 1,000 th m ³ -6,000 VND per m ³ from 1,001 st m ³ onwards
+	Machine-made digging pond	m ³	6,000
+	Improved pond from stream bed, lagoon or bomb crater	m ³	≤ 5,000
17	Water meter. Electric meter and telephone subscriber		
+	Principal electric meter	unit	800,000
+	Accessory electric meter	unit	400,000
+	Principal water meter	unit	400,000
+	Accessory water meter	unit	200,000
+	Telephone subscriber	unit	800,000

7.2. Conditions and restrictions together with valuation results:

a. Conditions together with valuation results:

All information about houses, buildings and other constructions have given above pursuant to Economic-technology characters according to Decision No 30/2008/QĐ-UBND on 14/04/2008; Decision No 72/2008/QĐ-UBND on 30/10/2008 of Dong Nai People Committee combining with survey and gathering market information.

b. Restrictions together with valuation results (see details overleaf).

Valuer



Nguyen Cong Tien

Valuer Card No: I05025



Director

Ho Ngoc Tuan

Valuer Card No: 06085Đ1

RESTRICTIONS OF VALUATION CERTIFICATE

1. Valuation results shall only be applied for a unique sole **"valuation purpose"** at client's request which noted at top part of page 01 of the certificate. Client must be totally responsible in case of wrong use of the required purpose.
2. Only the original or its duplicate granted by Dong Nai Valuation Joint Stock Corporation is valid. Any acts of use of valuation certificate duplicate without the approval of Dong Nai Valuation Joint Stock Corporation will lead to law violation and non-valued.
3. Client's request for valuation and valuer instructor carrying out assets valuation shall be totally responsible for information relating to the economic-technical characteristics, features, and legality of the assets under valuation provided to Dong Nai Valuation Joint Stock Corporation at time and place of valuation.
4. Dong Nai Valuation Joint Stock Corporation shall bear no responsibility on the inspection of information of documents relating to legality of the assets under valuation in comparison with the original.
5. In case of market fluctuation the valuation results must be re-valued after a period of 3 months since the time of valuation.



1 (FOUNDATIONS AND LEGISLATIONS FOR VALUATION)

valuation certificate No.: ~~XX~~...TNG-CT dated ..09../.09../2009 by
Dong Nai Valuation Joint Stock Corporation

Pursuant to the Agreement on External valuer for the conduct of Replacement cost study between **Joint venture of NIPPON KOEI Co., Ltd – KRI – HAFICO – MKE** and **Dong Nai Valuation joint stock Corporation** for HCMC-Long Thanh-Dau Giay expressway project in Dong Nai area that signed on 19/12/2008.

- Clause 3 Chapter II Price Ordinance No 40/2002/PL-UBTVQH10 on 26/04/2002 of National Assembly Standing Committee X that stipulated about valuation.
- Decree 170/2003/NĐ-CP on 25/12/2003 of Government on detailed regulations on implementation of a number of articles of the Price Ordinance.
- Decree 75/2003/NĐ-CP on 09/06/2008 on modification and amendment a number of articles of Decree 170/2003/NĐ-CP on 25/12/2003 of Government on detailed regulations on implementation of a number of articles of the Price Ordinance.
- Circular No 104/2008/TT-BTC on 13/11/2008 of Ministry of Finance on guiding implementation of Decree No 170/2003/NĐ-CP on 25/12/2003 and Decree No 75/2008/NĐ-CP on 09/06/2008 of Government.
- Decree No 101/2005/NĐ-CP on 03/08/2005 of Government about valuation.
- Circular No 17/2006/TT-BTC on 13/3/2006 of Ministry of Finance on guiding implementation of Decree No 101/2005/NĐ-CP on 03/08/2005 of Government about valuation.
- Decision No 24/2005/QĐ-BTC on 18/04/2005 of Minister of Finance on promulgation of 03 Vietnam Valuation standards in the 1st time.
- Decision No 77/2005/QĐ-BTC on 01/11/2005 of Minister of Finance on promulgation of 03 Vietnam Valuation standards in the 2nd time.
- Decision No 55/2008/QĐ-BTC on 15/07/2008 of Minister of Finance on promulgation of examination status, award, using, manage Valuer Card.
- Pursuant to Land Law on 26/11/2003 and Documents under the Law on guiding implementation of the Land Law.
- Decision 28/2007/ QN.UBND on 17/04/2007 by Dong Nai People Committee on promulgation of residential building unit price for compensation when the State revokes land in order to sell houses under State authority to person under rent; to valuate in court cases, court execution and to valuate in other economic transaction in Dong Nai area.
- Construction unit price in Dong Nai province enclosed Decision No 8778/QĐ-UBND on 21/09/2006 of Dong Nai People Committee.
- Construction estimate norm promulgated together with Decision 24/2005/QN-BXD on 29/07/2005 by Minister of Construction.
- Guidance 368/HD-SXD on 18/03/2008 by Dong Nai Construction Department of on establishment and management of construction investment project cost in Dong Nai area”.

- Pursuant to Guidance 2106/ SXD on 31/12/2007 by Dong Nai Province Department of Construction on “establishment and management of construction investment project cost in Dong Nai area”.
- Decision No 30/2008/QĐ-UBND of Dong Nai People Committee on promulgation of compensation unit price for constructions and trees.
- Pursuant to Construction material price notice in 11/2008 No 3155/CBLS on 08/12/2008 of Interdepartmental of Finance-Construction.
- Pursuant to result of survey and gathering market information in Dong Nai area that related to valuation assets.



APPENDIX 2 (ECONOMIC-TECHNICAL CHARACTERS OF ASSETS)

Valuation deed No.: 111...TNG-CT dated 29...01.../2009 by

Dong Nai Valuation Joint Stock Corporation.

a. Houses and Buildings

❖ Classification of 3rd Grade Houses according to the Decision No 72/2008/QĐ-UBND, on 30/10/2008 of Dong Nai People Committee:

No	Type	Type of Materials	Classification of 3 rd grade houses			
			LV1	LV2	LV3	LV4
1	Floor	- Ferro-concrete floor. - Wooden floor.	LV1	LV2	LV3	LV4
2	Roof	- Tile, toles. - Fibro cement.	LV1	LV2	LV3	LV4
3	Ceiling	- Cool toles, new materials. - Smoothing of mortar-cement, plywood.	LV1	LV2	LV3	LV4
4	Base	- Ceramic tile, grindstone. - Ceramic tile (common class). - Red tile, flowered tile.	LV1	LV2	LV3	LV4
5	Door	- Iron-glass door, iron door, high quality wooden door. - Medium quality wooden door.	LV1	LV2	LV3	LV4
6	Toilet area	- Good equipment, ceramic tile wall. - Medium equipment, enamelled tile wall. - Common equipment, cement tile wall.	LV1	LV2	LV3	LV4

❖ Classification of 4th Grade Houses according to the Decision No 72/2008/QĐ-UBND, on 30/10/2008 of Dong Nai People Committee:

No	Type	Type of Materials	Classification of 4 th grade houses			
			LV1	LV2	LV3	LV4
1	Roof	- Tile. - Toles. - Fibro cement.	LV1	LV2	LV3	LV4
2	Ceiling	- Plywood, coolly toles, new materials. - Smoothing of mortar-cement, cheap materials - Carton or No ceiling.	LV1	LV2	LV3	LV4

No	Type	Type of Materials	Classification of 4 th grade houses			
			LV1	LV2	LV3	LV4
3	Base	- Medium quality ceramic tile. - Common class ceramic tile, red tile, cement tile. - Smoothing of mortar-cement.				LV4
4	Door	- Iron-glass door, iron door - Common class wooden door.	LV1	LV2	LV3	LV4
5	Toilet area	- Common equipment, ceramic wall. - Common equipment, smoothing cement.	LV1	LV2	LV3	LV4

❖ Classification of Under 4th Grade houses according to the Decision No 72/2008/QĐ-UBND, on 30/10/2008 of Dong Nai People Committee:

No	Type	Type of Materials	Classification of Under 4 th grade houses		
			LV1	LV2	LV3
1	Roof	- Tile, fibro cement. - Oil paper.	LV1	LV2	LV3
2	Ceiling	- Carton. - No roof.	LV1	LV2	LV3
3	Base	- Common tile. - Smoothing of mortar-cement.	LV1	LV2	LV3
4	Door	- Iron-glass door, iron door. - Common class wooden door.	LV1	LV2	LV3
5	Toilet area	- Smoothing of mortar-cement. - No equipment.	LV1	LV2	LV3
6	Surrounding wall	- Brick wall (no Smoothing of mortar-cement). - Wooden board. - Oil paper and other momentary-time materials.	LV1	LV2	LV3

b. Other constructions:

No	Constructions
1	Digging well (Φ 0,8 – 1,0m, depth 10m):
+	Hand-made digging well (easy to dig).
+	Hand-made digging well (hard to dig).
+	Hand-made digging well (hard to dig, with rock).
2	Cement base thickness 5cm, ground.

No	Constructions
3	Macadam cement base.
4	Digging well with cement pipe (includes installation):
+	Digging well with cement pipe, length 1m, Φ 1.2m.
+	Digging well with cement pipe, length 1m, Φ 1m.
+	Digging well with cement pipe, length 1m, Φ 0.8m.
5	Hand-made drilling well Φ 60.
6	Hand-made drilling well Φ 90.
7	Industrial drilling well (drilling set):
+	Plastic pipe, iron pipe Φ (49 – 60)
+	Plastic pipe, iron pipe Φ (90 – 110)
8	Brick cistern, smoothing cement.
9	Brick reservoir (cesspool...).
10	Eaves, suncreens, veranda
11	Decorated wall higher than 2m (no count of B40 net or barbed wire fence)
12	Brick wall, height from 1,6 – 2m
13	Brick wall, height under 1,6m.
14	Brick piggery:
+	Brick piggery higher than 1m, concrete base, covering tile or fibro cement toles.
+	Brick piggery height 1m, semi-brick base, covering tile or fibro cement toles.
+	Brick piggery covering leaves, semi-brick base.
15	Grave, tomb and shrine:
+	Soil grave.
+	Laterite grave
+	Simple built grave
+	Shrine and tomb
16	Pond and water sump
+	Hand-made digging pond, volume $\leq 1000 \text{ m}^3$
+	Hand-made digging pond, volume $> 1000 \text{ m}^3$
+	Machine-made digging pond
+	Improved pond from stream bed, lagoon or bomb crater
17	Water meter, Electric meter and telephone subscriber

No	Constructions
+	Principal electric meter
+	Accessory electric meter
+	Principal water meter
+	Accessory water meter
+	Telephone subscriber



No: 125 /TĐG-CT

Bien Hoa, 09th February, 2009

VALUATION CERTIFICATE

Attn: Joint venture of NIPPON KOEI Co., Ltd – KRI – HAFICO – MKE.

Pursuant to the Agreement on External valuer for the conduct of Replacement cost study between **Joint venture of NIPPON KOEI Co., Ltd – KRI – HAFICO – MKE** and **Dong Nai Valuation joint stock Corporation** for HCMC-Long Thanh-Dau Giay expressway project in Dong Nai province that signed on 19/12/2008.

1. **Valuation purpose:** Providing replacement cost for compensation of HCMC-Long Thanh-Dau Giay expressway project.

2. **Valuation time:** February 2009.

3. **Legal framework for valuation:**
- Details prescribed in enclosed Appendix 1.

4. **Characteristic of Valuation assets:**
- Details prescribed in enclosed Appendix 2.

5. **Market value basis of valuation:**
- Market value is defined according to Vietnam Valuation Standard TĐGVN01 (enclosed Decision No: 24/2005/QĐ-BTC on 18/04/2005 of Minister of Finance):
- *Market value is the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an objective and independent transaction and normal trading condition (Vietnamese Valuation Standard 01).*
- *Market value of LUR that stipulated as Term of reference of this Agreement: is the amount for which land should exchange ownership (or land using right – LUR) on the date of valuation between a willing buyer and a willing seller in an arm's-length transaction after proper marketing in which the parties had each acted knowledgeably, prudently, and without compulsion or restriction.*

6. **Valuation principles and approaches:**

6.1 **Valuation principles:**

- Replacement principle.
- Contribution principle.

6.2 **Valuation approaches:**

- Directly Comparison Approach according to TĐGVN07 (enclosed Decision No 129/2008/QĐ-BTC, on 31/12/2008 of Ministry of Finance).

7. Results, conditions, and restrictions together with valuation results:

7.1 Valuation results:

Base on documents delivered by Joint venture of NIPPON KOEI Co., Ltd - KRI - HAFICO - MKE passed through Southern Express Project Management Unit (SEPMU) and result of survey, gathering information for each grade or level of house, construction as stipulated in Appendix 2, Dong Nai Valuation Joint Stock Corporation hereby notifies the valuation results as following:

- Details prescribed in enclosed Appendix 3.

7.2. Conditions and restrictions together with valuation results

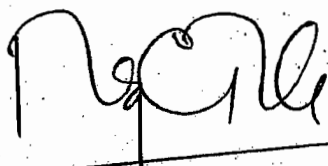
a. Conditions together with valuation results:

- The valuation results above only have effects on LUR at Phuoc Thien commune, Nhon Trach district and Long Thanh town, Long An, An phuoc, Binh Son, Binh An, Tam An communes, Long Thanh district, Dong Nai province which has Economic-technology characters according to Clause 4 on demand of Joint venture of NIPPON KOEI Co., Ltd - KRI - HAFICO - MKE at valuation time and location.

- Valuation results only take effect when land owners complete all legal procedures and financial duties for LUR according to Vietnamese Law.

b. Restrictions together with valuation results (see details overleaf).

Valuer



Nguyen Cong Tien

Valuer Card No: 105025



Director

Ho Ngoc Tuan

Valuer Card No: 06085011

RESTRICTIONS OF VALUATION CERTIFICATE

1. Valuation results shall only be applied for a unique sole **“valuation purpose”** at client's request which noted at top part of page 01 of the certificate. Client must be totally responsible in case of wrong use of the required purpose.
2. Only the original or its duplicate granted by Dong Nai Valuation Joint Stock Corporation is valid. Any acts of use of valuation certificate duplicate without approval of Dong Nai Valuation Joint Stock Corporation will lead to law violation and non-valued.
3. Client's request for valuation and valuer instructor carrying out assets valuation shall be totally responsible for information relating to the economic-technical characteristics, features, and legality of the assets under valuation provided to Dong Nai Valuation Joint Stock Corporation at time and place of valuation.
4. Dong Nai Valuation Joint Stock Corporation shall bear no responsibility on the inspection of information of documents relating to legality of the assets under valuation in comparison with the original.
5. In case of market fluctuation the valuation results must be re-valued after a period of 3 months since the time of valuation.



APPENDIX 1: FOUNDATIONS AND LEGISLATIONS FOR VALUATION

FDG-CT, on 09/02/2009 of Dong Nai Valuation Joint Stock Corporation).

Pursuant to the Agreement on External valuer for the conduct of Replacement between Joint venture of NIPPON KOEI Co., Ltd – KRI – HAFICO – FDG-CT and Dong Nai Valuation joint stock Corporation for HCMC-Long Thanh-Dau Say expressway project in Dong Nai area that signed on 19/12/2008.

- Clause 3 Chapter II Price Ordinance No 40/2002/PL-UBTVQH10 on 26/04/2002 of National Assembly Standing Committee X that stipulated about valuation.

- Decree 170/2003/NĐ-CP on 25/12/2003 of Government on implementation of detailed regulations of a number of articles of the Price Ordinance.

- Decree 75/2003/NĐ-CP on 09/06/2008 on modification and amendment a number of articles of Decree 170/2003/NĐ-CP on 25/12/2003 of Government on detailed regulations on implementation of a number of articles of the Price Ordinance.

- Circular No 104/2008/TT-BTC on 13/11/2008 of Ministry of Finance on guiding implementation of Decree No 170/2003/NĐ-CP on 25/12/2003 and Decree No 75/2008/NĐ-CP on 09/06/2008 of Government.

- Decree No 101/2005/NĐ-CP on 03/08/2005 of Government about valuation.

- Circular No 17/2006/TT-BTC on 13/3/2006 of Ministry of Finance on guiding implementation of Decree No 101/2005/NĐ-CP on 03/08/2005 of Government about valuation.

- Decision No 24/2005/QĐ-BTC on 18/04/2005 of Minister of Finance on promulgation of 03 Vietnam Valuation standards in the 1st time.

- Decision No 77/2005/QĐ-BTC on 01/11/2005 of Minister of Finance on promulgation of 03 Vietnam Valuation standards in the 2nd time.

Decision No 55/2008/QĐ-BTC on 15/07/2008 of on promulgation of examination status, award, using, manage Valuer Card.

- Decision No 06/2005/QĐ-BTC on 18/01/2005 of Ministry of Finance on promulgation Status of calculating asset, good, service value.

- Pursuant to Land Law on 26/11/2003 and Documents under the Law on guiding implementation of the Land Law.

- Circular No 145/2007/TT-BTC on 06/12/2007 of Ministry of Finance guiding implementation Decree No 188/2004/NĐ-CP on 16/11/2004 of Government about determining method of land value and land frame price and Decree No 123/2007/NĐ-CP on 27/07/2007 of Government on modification and amendment a number of articles of Decree No 188/2004/NĐ-CP.

- Decree No 198/2004/NĐ-CP on 03/12/2004 of Government on collecting land using charges.

- Circular No 117/2004/TT-BTC on 07/12/2004 of Ministry of Finance guiding implementation Decree No 198/2004/NĐ-CP on 03/12/2004 of Government on collecting land using charges.

- Pursuant to Decision No 92/2008/QĐ.UBND of Dong Nai People Committee on promulgation land price in Dong Nai area (2009).

APPENDIX 2: ECONOMIC-TECHNICAL CHARACTERS OF ASSETS

HCMC-Long Thanh-Dau Giay Expressway project passes via Nhon Trach district (agricultural land outside of residential area at Phuoc Thien commune) and via Long Thanh district (01 town and 05 communes). Land at An Phuoc and Tam An communes is all agricultural land outside of residential area whereas land at Long Thanh town and Long An, Binh Son, Binh An communes is both residential land and agricultural land. So Dong Nai Valuation joint stock Corporation sets up the compensation price for the project as following:

1. Land using right at Nhon trach district:

- Agricultural land Position 3 outside residential areas at Phuoc Thien commune.

2. Land using right at Long Thanh district:

a/ Long Thanh town:

*** Residential land:**

- Urban residential land from Position 1 to Position 4.
- Residential land with length >40m (from landmark) Position 1, next to provincial way 769.

*** Agricultural land:**

- Agricultural land in residential area: all kinds of agricultural land alternate with residential area; garden land, land with water surface connecting to residential area.

- Agricultural land outside residential area.

b/ Long An, Binh Son and Binh An communes:

*** Residential land:**

- In front of main road-Highway 51 (a part via Long An commune from An Lam T-junction to nearby Long Phuoc commune).
- Land with 40m of length (from landmark), Highway 51 (a part via Long An commune).
- Rural residential land from Position 1 to Position 6.

*** Agricultural land:**

- Agricultural land in residential area: all kinds of agricultural land alternate with residential area, garden land, land with water surface connecting to residential area.

- Agricultural land outside residential area.

c/ An Phuoc and Tam An communes:

- Agricultural land outside residential area.

APPENDIX 3 : VALUATION RESULTS

Unit of currency: VND

No	Properties	Position	Section	Evaluated value (VND/ m ²)
I	Phuoc Thien commune, Nhon Trach district.			
	Agricultural LUR outside rural residential area.	Position 1		140,000
		Position 2		98,000
		Position 3		70,000
II	Long Thanh town, Long Thanh district.			
1	Urban residential LUR (ODT)	Position 1, next to provincial way 769	1 st --> 40 th metre	1,875,000
			41 st --> 100 th metre	937,500
			101 st --> 150 th metre	562,500
			From 151 st metre onwards	530,000
		Position 2, provincial way 769		1,050,000
		Position 3, provincial way 769		530,000
		Position 4, provincial way 769		170,000
2	Urban agricultural LUR in residential area (includes: agricultural land alternate with residential area; garden land, land with water surface connecting to residential area).	Connecting to and alternate with urban residential land position 1, next to provincial way 769	1 st --> 40 th metre	712,500
			41 st --> 100 th metre	431,250
			101 st --> 150 th metre	318,750
			From 151 st metre onwards	309,000
		Connecting to and alternate with urban residential land position 2		465,000
		Connecting to and alternate with urban residential land position 3		309,000
		Connecting to and alternate with urban residential land position 4		201,000
3	Urban agricultural LUR outside residential area			150,000
III	Long An commune, Long Thanh district.			

No	Properties	Position	Section	Evaluated value (VND/ m ²)
1	Residential LUR in rural residential area and in front of main road.	In front of Highway 51, Long An commune.	1 st --> 40 th metre	900,000
			41 st --> 100 th metre	450,000
			From 101 st metre onwards	270,000
		Position 1		780,000
		Position 2		600,000
		Position 3		360,000
		Position 4		240,000
		Position 5		180,000
		Position 6		120,000
2	Agricultural LUR in rural residential area (includes: agricultural land alternate with residential area; garden land, land with water surface connecting to residential area).	Agricultural land position 1 connecting to and alternate with front land of Highway 51, Long An commune.	1 st --> 40 th metre	410,000
			41 st --> 100 th metre	275,000
			From 101 st metre onwards	221,000
		Agricultural land position 1 connecting to and alternate with rural residential land position 1		374,000
		Agricultural land position 1 connecting to and alternate with rural residential land position 2		320,000
		Agricultural land position 1 connecting to and alternate with rural residential land position 3		248,000
		Agricultural land position 1 connecting to and alternate with rural residential land position 4		212,000
		Agricultural land position 1 connecting to and alternate with rural residential land position 5		194,000
		Agricultural land position 1 connecting to and alternate with rural residential land position 6		176,000
		Agricultural land position 2 connecting to and alternate with rural residential land position 1		332,000
		Agricultural land position 2 connecting to and alternate with rural residential land position 2		278,000

No	Properties	Position	Section	Evaluated value (VND/ m ²)
		Agricultural land position 2 connecting to and alternate with rural residential land position 3		206,000
		Agricultural land position 2 connecting to and alternate with rural residential land position 4		170,000
		Agricultural land position 2 connecting to and alternate with rural residential land position 5		152,000
		Agricultural land position 2 connecting to and alternate with rural residential land position 6		134,000
		Agricultural land position 3 connecting to and alternate with rural residential land position 1		304,000
		Agricultural land position 3 connecting to and alternate with rural residential land position 2		250,000
		Agricultural land position 3 connecting to and alternate with rural residential land position 3		178,000
		Agricultural land position 3 connecting to and alternate with rural residential land position 4		142,000
		Agricultural land position 3 connecting to and alternate with rural residential land position 5		124,000
		Agricultural land position 3 connecting to and alternate with rural residential land position 6		106,000
3	Agricultural LUR outside rural residential area.	Position 1		140,000
		Position 2		98,000
		Position 3		70,000
IV	An Phuoc commune, Long Thanh district.			
	Agricultural LUR outside rural residential area.	Position 1		140,000
		Position 2		98,000
		Position 3		70,000
V	Tam An commune, Long Thanh district.			
	Agricultural	Position 1		140,000

No	Properties	Position	Section	Evaluated value (VND/ m ²)
	LUR outside rural residential area.	Position 2		98,000
		Position 3		70,000
VI	Binh Son commune, Long Thanh district.			
1	Rural residential LUR (ONT)	Position 1		780,000
		Position 2		600,000
		Position 3		360,000
		Position 4		240,000
		Position 5		180,000
		Position 6		120,000
2	Agricultural LUR in rural residential area (includes: agricultural land alternate with residential area; garden land, land with water surface connecting to residential area).	Agricultural land position 1 connecting to and alternate with rural residential land position 1		374,000
		Agricultural land position 1 connecting to and alternate with rural residential land position 2		320,000
		Agricultural land position 1 connecting to and alternate with rural residential land position 3		248,000
		Agricultural land position 1 connecting to and alternate with rural residential land position 4		212,000
		Agricultural land position 1 connecting to and alternate with rural residential land position 5		194,000
		Agricultural land position 1 connecting to and alternate with rural residential land position 6		176,000
		Agricultural land position 2 connecting to and alternate with rural residential land position 1		332,000
		Agricultural land position 2 connecting to and alternate with rural residential land position 2		278,000
		Agricultural land position 2 connecting to and alternate with rural residential land position 3		206,000
		Agricultural land position 2 connecting to and alternate with rural residential land position 4		170,000

No	Properties	Position	Section	Evaluated value (VND/ m ²)
		Agricultural land position 2 connecting to and alternate with rural residential land position 5		152,000
		Agricultural land position 2 connecting to and alternate with rural residential land position 6		134,000
		Agricultural land position 3 connecting to and alternate with rural residential land position 1		304,000
		Agricultural land position 3 connecting to and alternate with rural residential land position 2		250,000
		Agricultural land position 3 connecting to and alternate with rural residential land position 3		178,000
		Agricultural land position 3 connecting to and alternate with rural residential land position 4		142,000
		Agricultural land position 3 connecting to and alternate with rural residential land position 5		124,000
		Agricultural land position 3 connecting to and alternate with rural residential land position 6		106,000
		3	Agricultural LUR outside rural residential area.	Position 1
Position 2				98,000
Position 3				70,000
VII Binh An commune, Long Thanh district.				
1	Rural residential LUR (ONT)	Position 1		780,000
		Position 2		600,000
		Position 3		360,000
		Position 4		240,000
		Position 5		180,000
		Position 6		120,000
2		Agricultural land position 1 connecting to and alternate with rural residential land position 1		354,000
		Agricultural land position 1 connecting to and alternate with		300,000

No	Properties	Position	Section	Evaluated value (VND/ m ²)
	Agricultural LUR in rural residential area (includes: agricultural land alternate with residential area; garden land, land with water surface connecting to residential area).	rural residential land position 2		
		Agricultural land position 1 connecting to and alternate with rural residential land position 3		228,000
		Agricultural land position 1 connecting to and alternate with rural residential land position 4		192,000
		Agricultural land position 1 connecting to and alternate with rural residential land position 5		174,000
		Agricultural land position 1 connecting to and alternate with rural residential land position 6		156,000
		Agricultural land position 2 connecting to and alternate with rural residential land position 1		318,000
		Agricultural land position 2 connecting to and alternate with rural residential land position 2		264,000
		Agricultural land position 2 connecting to and alternate with rural residential land position 3		192,000
		Agricultural land position 2 connecting to and alternate with rural residential land position 4		156,000
		Agricultural land position 2 connecting to and alternate with rural residential land position 5		138,000
		Agricultural land position 2 connecting to and alternate with rural residential land position 6		120,000
		Agricultural land position 3 connecting to and alternate with rural residential land position 1		294,000
		Agricultural land position 3 connecting to and alternate with rural residential land position 2		240,000
		Agricultural land position 3 connecting to and alternate with rural residential land position 3		168,000
		Agricultural land position 3 connecting to and alternate with rural residential land position 4		132,000

No	Properties	Position	Section	Evaluated value (VND/ m ²)
		Agricultural land position 3 connecting to and alternate with rural residential land position 5		114,000
		Agricultural land position 3 connecting to and alternate with rural residential land position 6		96,000
3	Agricultural LUR outside rural residential area.	Position 1		120,000
		Position 2		84,000
		Position 3		60,000

Note: ODT: urban residential land; ONT: rural residential land; LUR: land using right

Ho Chi Minh City, February 19th 2009

VALUATION CERTIFICATE

- **Name of customer:** Joint-Venture of NIPPON KOEI Co., LTD-KRI-HAFICO-MKI
- **Address :** No.12-14 C10, Nhieu Loc street 2, ward 2, Phu Nhuan district, HCMC
- **Valuation assets:** land use right of agricultural land alternate with residential area for perennial-tree land and annual-tree land neighboring to roads.
- **Valuation place:** front of and not front of Do Xuan Hop, Nguyen Duy Trinh, Bung Ong Thoan, Lien Phuong, Tam Da, Truong Luu, Long Phuoc and 12 streets belonging to HLD expressway project, district 9, HCMC.
- **Valuation purpose:** providing replacement cost for compensation of HLD expressway project
- **Valuation time:** January, 2009.

1. Valuation bases

Foundation

- Agreement on external valuer for the conduct of replacement cost study between Joint-Venture of NIPPON KOEI Co., LTD-KRI-HAFICO-MKI and Southern Information and Valuation Corporation for HLD expressway project in District 9, HCMC that signed on December, 17th 2008.
- Decree-law of price and guideline documents.

Valuation methods: Comparison with market price

2. **Legal framework for valuation:** see item 1 of the appendix attached for more detail
3. **Characteristic of valuation assets:** see item 2 of the appendix attached for more detail
4. **Diagram of valuation assets' position:** see item 3 of the appendix attached for more detail
5. **Valuation results:** the average market price of 1m² of land use right belonging to HLD expressway project in district 9, HCMC until January 2009 is summarized below:

Unit: VND/m²

1. Do Xuan Hop street		
Agricultural land alternate with residential land		
Land for planting annual crops	Neighbor to the road	3,114,000
	Not neighbor to the road, width of lane 2-4m, grade 1, position 2	1,350,000
Land for planting perennial crops	Neighbor to the road	3,460,000
	Not neighbor to the road, width of lane 2-4m, grade 1, position 2	1,500,000
2. Nguyen Duy Trinh street		
Agricultural land alternate with residential land		
Land for planting annual crops	Neighbor to the road	3,100,000
	Not neighbor to the road, width of lane <5m, grade 1, position 2	1,350,000
Land for planting perennial crops	Neighbor to the road	3,435,000
	Not neighbor to the road, width of lane <5m, grade 1, position 2	1,500,000

3. Bung Ong Thoan street		
Agricultural land alternate with residential land		
Land for planting annual crops	Neighbor to the road	2,460,000
	Not neighbor to the road, width of lane 3-5m, grade 1, position 2	1,200,000
Land for planting perennial crops	Neighbor to the road	2,734,000
	Not neighbor to the road, width of lane 3-5m, grade 1, position 2	1,320,000
4. Lien Phuong street		
Agricultural land alternate with residential land		
Land for planting annual crops	Neighbor to the road	2.763.000
	Not neighbor to the road, width of lane 3-5m, grade 1, position 2	1.200.000
Land for planting perennial crops	Neighbor to the road	3.070.000
	Not neighbor to the road, width of lane 3-5m, grade 1, position 2	1.320.000
5. Tam Da street		
Agricultural land alternate with residential land		
Land for planting annual crops	Neighbor to the road	1,850,000
	Not neighbor to the road, width of lane 1-3m, grade 1, position 3	750,000
Land for planting perennial crops	Neighbor to the road	2,000,000
	Not neighbor to the road, width of lane 1-3m, grade 1, position 3	850,000
6. Truong Luu street		
Agricultural land alternate with residential land		
Land for planting annual crops	Neighbor to the road	1,650,000
	Not neighbor to the road, width of lane 1-3m, grade 1, position 3	750,000
Land for planting perennial crops	Neighbor to the road	1,780,000
	Not neighbor to the road, width of lane 1-3m, grade 1, position 3	850,000
7. Long Phuoc street		
Agricultural land alternate with residential land		
Land for planting annual crops	Neighbor to the road	1,800,000
	Not neighbor to the road, width of lane 3-5m, grade 1, position 2	783,000
Land for planting perennial crops	Neighbor to the road	2,000,000
	Not neighbor to the road, width of lane 3-5m, grade 1, position 2	870,000
8. street 12		
Agricultural land alternate with residential land		
Land for planting annual crops	Neighbor to the road	1,440,000
	Not neighbor to the road, width of lane 1-2m, grade 1, remaining position	690,000
Land for planting perennial crops	Neighbor to the road	1,600,000
	Not neighbor to the road, width of lane 1-2m, grade 1, remaining position	765,000

6. **Conditions and restrictions together with valuation results:** see item 4 of the appendix attached for more detail

7. **Commitment of valuer to the price:**

Valuer doesn't have any economic relations or economic rights such as stocks contribution, lend or borrow with interest from the customer, not a shareholder controlled by the customer or doesn't sign any contract/agreement about working as a goods consumption agency for the customer.

8. **Notes**

- This certificate can't replace legal documents of asset ownership certificate.
- This certificate are issued with 04 main copies: 3 are sent to the customer and 1 is saved at SIVC

VALUER

Signed

Dao Quang Duong
Valuer card No IV 60174

**PP. DIRECTOR
VICE-DIRECTOR**

Signed, sealed

Truong Van Ri
Valuer card No 06077

ANNEX B

OTHER ANNEXES

- Annex 1: Policy framework issued by HCMC's PC
- Annex 2: Policy framework issued by Dong Nai province's PC
- Annex 3: Unfound owners in district 9 – HCMC
- Annex 4: Unfound owners in Dong Nai province
- Annex 5: List of HHs not participating in the DMS in Nhon Trach district
- Annex 6: Task of the EMA (extracted from the TOR for external monitoring)
- Annex 7: Form of compensation payment minute (form 1)
- Annex 8: Form of general compensation payment minute (form 2)
- Annex 9: List of contacted agencies/officials

ANNEX 1. Policy framework issued by HCMC's PC

A. OBJECTIVES

1. The overall objectives of project policies are (i) to avoid, if not, minimize resettlement impacts; (ii) if impacts are unavoidable, RP is prepared in a way to ensure that affected persons are not worse off; rather, they should be able to at least maintain or otherwise improve their pre-project living standards and income-earning capacity.

B. RECONCILIATION OF GOVERNMENT AND ADB POLICY ON RESETTLEMENT

2. With the promulgation of Decree 197/2004/ND/CP (3/12/2004), 84/2007/NĐ-CP (25/5/2007) and relevant decrees stated above, the policies and practices of the Government have become more consistent with ADB's social safeguards policies.

3. It should also be noted that as per Decree 197/2004, Article 32, it states "*Apart from the supports prescribed in Articles 27, 28, 29, 30 and 31 of this Decree, basing themselves on the local realities, the provincial-level People's Committee presidents shall decide on other supporting measures to stabilize life and production of persons who have land recovered; special cases shall be submitted to the Prime Minister for decision*".

4. For HLD project, major discrepancies between the Government's Laws and Decrees and ADB policy with regard to resettlement and compensation have been analyzed by VEC in order to propose solutions to bridge the gaps. The proposed solutions after consulting with ADB was submitted to the Prime Minister for approval by MOT and MPI under documents 4611/BGTVT-KHĐT issued 18/6/2008 and 5839/BGTVT-KHĐT issued 07/8/2008.

Government Policies on Compensation, Support and Resettlement Plan for APs

5. According to the Prime Minister's document 1344/TTg-KTN issued 15/8/2008 on resettlement and compensation policy for HLD project, the Prime Minister has agreed on principles of the proposed policy and nominated MOT to approve the policy and guide affected Provinces to implement land acquisition and resettlement based on existing procedures.

6. Based on the Prime Minister's document, MOT issued decision 2570/QĐ-BGTVT issued 22/8/2008 to approve the policy on resettlement and compensation of HLD project that borrow loan from ADB. MOT has assigned Director of VEC to realize the approved policy and guide government of affected provinces to implement the resettlement activities followed existing procedures and ADB guideline on involuntary resettlement.

Policies of Ho Chi Minh city on Compensation, Support and Resettlement Plan

7. In HCMC, based on the Prime Minister's Decisions and ADB's regulations, the Project's Resettlement Consultants prepared and submitted to People's Committee of HCMC and other concerned authorities a detail proposal of policies for compensation, support and resettlement applying for HLD Expressway project. Afterward, the Evaluation for Compensation Council of HCMC submitted document No. 767/STCHĐTĐBT-BVG dated 21 January 2009 regarding to resettlement policies for the project, to People's Committee of HCMC for getting approval. On 11 March 2009, HCMC People's Committee issued document No. 950/UBND-ĐTMT to approve the said resettlement policies

8. The mentioned resettlement policies bridged the gaps between ADB and Vietnamese Government policies on compensation and supports for affected households. According to this document, not only affected HHs losing more than 10% of productive land and other income-generating assets but also affected HHs without legal land use right certification can be beneficiaries of income restoration program. Moreover, vulnerable people such as poor HHs, social-policies HHs, alone-elderly HHs, female-headed HHs with dependents or HHs with disable members (unable to work or take care themselves...) will also be taken into account for relevant supports

C. CUT-OFF DATE AND ELIGIBILITY

9. There is no specific requirement to establish a cut-off date regulated in Vietnamese law (the Land law). However, according to decree No. 197/2004/ND-CP, any changes to property on land to be recovered established after public disclosure of decision to recover land are not eligible for compensation. For this project, after consulting with ADB, MOT issued decision No. 2570/QĐ-BGTVT dated 22 August 2008 to approve the policy on resettlement and compensation of HLD project that borrow loan from ADB. In this decision, the cut-off date of the project was determined as 02 January 2008.

10. Types of households eligible for compensation and rehabilitation will include: (a) those who have formal legal rights to land or other assets; (b) Those who initially do not have formal legal rights to land or other assets but have a claim to legal rights based upon the laws of the country; upon the possession of documents such as land tax receipts and residence certificates; or upon permission of local authorities to occupy or use the project affected plots; and (c) Those who have no recognizable legal right or claim to the land they are occupying.

11. Persons who occupy the project area after the cut-off date will not be eligible to any compensation or assistance.

D. PRINCIPLE OF REPLACEMENT COST

12. All compensation is based on the principle of replacement cost, which is based on market rates before the project without deduction for taxes and/or costs of transaction as follows:

- APs will be compensated for affected assets in cash or in kind at replacement cost, such that their economic and social conditions will be at least restored to pre-project levels.
- All compensation is based on the principle of replacement cost, which is the method valuing assets to replace the loss at market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs. Replacement cost is based on market rates before the project.
- Where the national law does not meet the standard, the replacement cost will be supplemented as necessary. In the absence of functioning markets, compensation is required that enables APs to restore their livelihoods to levels at least equivalent to those maintained at the time of dispossession, displacement or restricted access.
- Preference should be given to land-based resettlement options where APs rely on land for their livelihoods. Land-based compensation includes ensuring greater security of tenure and upgrading the livelihoods of APs without formal land title. Resettlement assistance to non-titled APs may include replacement land.
- Allocation of replacement land to any AP must include a LURC issued at no cost to the AP. As relevant, the names of both spouses should be included on the LURC.
- Compensation for structures will be paid at replacement cost at current market prices, with no depreciation or deduction for salvaged materials.
- Compensation amounts should include all land and transfer taxes and fees associated with allocation of replacement land, replacement housing in resettlement sites.

13. In District 9, the Southern Information and Valuation Corporation conducted the replacement cost study and issued the Valuation Certificate No. Vc 09/02/20/CCTTBDS on 19/2/2009.

E. PROJECT ENTITLEMENTS

14. The project entitlements developed and presented in the entitlement matrix below correspond to the impacts identified during the surveys. Entitlements adopted are based on Government and decisions of People's Committee of city, and ADB funded projects in Viet Nam.

Table: Entitlement policies

Type of Loss	Application	Eligible Persons	Policy of HCMC
1	2	3	4
I. FOR AFFECTED LAND			
		Owners with	• Cash compensation at replacement cost (which is

Type of Loss	Application	Eligible Persons	Policy of HCMC
Productive land - Agricultural or aquacultural land	Loss less than 10%	LURC; in the process of acquiring LURC or are eligible to acquire LURC.	equivalent to current market value plus any transaction costs such as administrative charges, taxes and registration and titling costs), and <ul style="list-style-type: none"> Cash compensation at replacement cost for crops and trees on acquired land.
	Loss more than 10%	Owners with LURC; in the process of acquiring LURC or are eligible to acquire LURC.	<ul style="list-style-type: none"> Cash compensation at replacement cost for entire acquired land; Agricultural land, orchard between residential land or pond closes to residential land will be compensated for the same type of agriculture land and other subsistence of not more than 40% of adjacent residential land price; Agriculture-based HHs with loss more than 10% agricultural land of/with: <ul style="list-style-type: none"> <i>Annual crop land</i>: Life stabilization allowance of 500,000 VND/person (for the HHs without relocation) or 1,000,000 VND/person (for HHs with relocation) <i>Perennial tree land</i>: allowed twice as for annual crop land <i>Acquired area of the HH $\geq 1,000m^2$</i>: allocated with a plot of residential land or an apartment (following the HH's demand); <i>Acquired area of the HH $\geq 5,000m^2$</i>: If the project still have land plots, DCC will consider and suggest District PC to allocate one more land plot or apartment; Cash compensation at replacement cost for crops and trees on acquired land.
	Non-titled APs	Land users without LURC or are not eligible to acquire LURC.	<ul style="list-style-type: none"> Cash allowance equivalent to preliminary investment on acquired land, and Cash compensation at replacement cost for crops and trees on acquired land.
Temporary impacts on productive land during construction	Temporary impacts during construction	Owners with LURC; in the process of acquiring LURC; are eligible to acquire LURC.	<ul style="list-style-type: none"> No cash compensation for temporary acquired land. Cash compensation at replacement cost for crops and trees on acquired land and Cash compensation for income interrupted during disruption. Restoring land status to pre-project.
Residential Land (no impacts on structures)	Acquired land without structures	Owners with LURC; in the process of acquiring LURC; are eligible to acquire LURC.	<ul style="list-style-type: none"> Cash compensation at 100% replacement cost for acquired land Affected HHs who lose residential land are entitled to receive resettlement benefits
Residential Land (impacts on)	Marginal loss (i.e., land is still viable for use and house)	Owners with LURC; in the process of acquiring LURC;	<ul style="list-style-type: none"> For the portion to be acquired permanently: Cash compensation at replacement cost (free from taxes and/or transaction costs); For the portion to be used temporarily during

Type of Loss	Application	Eligible Persons	Policy of HCMC
structures)	not requiring relocation)	are eligible to acquire LURC.	<p>construction: rental in cash which will be not less than the net income that would have been derived from the affected property during disruption; (ii) restoration of the land within 3 months after use;</p> <ul style="list-style-type: none"> On-site moving allowance equivalent to 50% of HHs with moving house to other place; Timely move bonus equivalent to 50% of HHs whose all residential land and house is acquired.
	Severe loss (i.e., no or insufficient remaining land for viable use)	Owners with LURC; in the process of acquiring LURC; are eligible to acquire LURC.	<ul style="list-style-type: none"> Cash compensation at replacement cost for the entire land, or land-for-land of equivalent; APs can select either cash compensation or land-for-land or combination of cash and land at replacement cost equivalent to legal lost land area; APs want to resettle in a new place will be allocated in the resettlement plots of the project; Life stabilization allowance up to 1,000,000 VND/person for all members named in permanent residential certificate or KT3 temporary residential certificate; Timely moving bonus up to 5,000,000 VND/HH; A tuition fee and facility charge allowance to pupils in preliminary, secondary and high school within three years of learning; Support 50% tuition fee for students in Vietnam Colleges/Universities (for remaining school time but not over than 3 years); Vocational training allowance up to 3,000,000 VND/course for medium-term training program and 250,000 VND/person/month for short-time training program; Living expense 200,000 VND/person/month will be paid for vocational training candidates.
	Marginal Loss or Severe loss (as defined above)	Households Living with Relatives/ friends on the same land	<ul style="list-style-type: none"> No plan from HCMC PC
	Marginal Loss or Severe loss (as defined above)	<p>Leaseholder of Private land</p> <p>Land users without LURC or are not eligible to acquire LURC.</p>	<ul style="list-style-type: none"> No plan from HCMC PC Allowance equivalent to 80% of value following the new construction price for house and structures on illegal land that were built before land use plan/strategy or conformed to the land use plan/strategy and, at the time of building, not broke the secure corridor of substructure before 22/4/2002; Allowance equivalent to 40% of value following the new construction price for house and structures on illegal land that were built before 22/4/2002 even broke the secure corridor of substructure; After 22/4/2002, no allowance will

Type of Loss	Application	Eligible Persons	Policy of HCMC
			be paid; <ul style="list-style-type: none"> No compensation/assistance for house or structures which were financial fined because of illegal construction.
II. FOR PROPERTY ON AFFECTED LAND			
House and shops	Marginal impact (i.e., unaffected portion of the house is still viable for use and require no relocation.	Owners of the structures with or without acceptable proof of ownership over the land; with or without building permit	<ul style="list-style-type: none"> Cash compensation at replacement cost (i.e., no depreciation and no deduction for salvage materials) for the affected portion; Repair allowance not more than 20% of the compensated construction or repair/improve allowance for remaining part as pre-project.
	Severe impact (i.e., house is no longer viable for continued use and the entire structure is to be acquired	Owners of the structures with or without acceptable proof of ownership over the land; with or without building permit	<ul style="list-style-type: none"> Cash compensation at replacement cost 100% value of the house and structure following the new construction price issued by HCM City People's Committee; HHs without other house to live while waiting for resettlement will be arranged a temporary house or support for house renting fee.
Secondary Structures	Loss of or damage to assets	Owners of the structures with or without acceptable proof of ownership over the land; with or without building permit	<ul style="list-style-type: none"> Cash compensation based on current market prices of materials (i.e., no depreciation and no deduction for salvage materials) and construction cost for the affected portion.
Crops and Trees, aquaculture products	Loss of or damage to assets	Owners regardless of tenure status	<ul style="list-style-type: none"> Cash compensation for crops or tree at replacement cost; For perennial trees, cash compensation at replacement cost equivalent to current market value given the type, age and productive value (future production) at the time of compensation. Cash compensation for pre-harvesting aquaculture products at replacement cost but not for harvestable products at the time of compensation.
Graves	Damage to graves	Affected households	<ul style="list-style-type: none"> All costs of excavation, relocation and reburial will be reimbursed in cash to the affected family. Graves to be exhumed and relocated in culturally sensitive and appropriate ways
Public Facilities	Loss of or damage to assets	Organizations using or managing the structures	<ul style="list-style-type: none"> Cash compensation equivalent to a new construction with the same structure/technical standard as before For disassemble and movable structures, compensate costs for detachment, movement, re-installation and other damage during this process. Compensation will not be paid for no longer usable facilities
Loss of	Stopping	Registered	<ul style="list-style-type: none"> <i>For organizations:</i> Allowance equivalent to

Type of Loss	Application	Eligible Persons	Policy of HCMC
Income/ livelihood due to loss of productive land	production or business; Labors loss jobs	organizations, companies, individuals with business license; Labors with legal contract	<p>30% of net income within one year (following the average income of last three years with certification of the Tax department)</p> <ul style="list-style-type: none"> • <i>For personal production:</i> once assistance if turn over of <ul style="list-style-type: none"> - Less than 2,000,000 VND/month: allowance 2,000,000 VND/HH - 2,000,000 - less than 4,000,000: allowance 4,000,000 VND/HH - 4,000,000 - less than 6,000,000: allowance 6,000,000 VND/HH - 6,000,000 - less than 8,000,000: allowance 10,000,000 VND/HH - Over than 8 millions/month: Allowance equivalent to 30% of net income within one year (following the average income of last three years with certification of the Tax department) • HHs with partly affected land but have disrupted business/production will be supported for 50% of above allowances.
		Non-registered kiosk owners or non registered business, Labour/ worker without legal contract	<ul style="list-style-type: none"> • Allowances equivalent to 50% of fully registered organizations/individuals as mentioned above • HHs with partly affected land but have disrupted business/production will be supported for 25% of allowances of HHs with permission, registration and tax paying.

IILFOR VULNERABLE GROUP

Loss of agricultural land, residential land or stopping- business due to loss land	Severe impact (i.e., house is no longer viable for continued use and the entire structure is to be acquired)	Social policy households	<p>Supplementary assistance to:</p> <ul style="list-style-type: none"> - Heroic Mothers, Heroes of the People's Armed Forces and Heroes of Labour: 6,000,000 VND/HH - Revolutionary Martyr HHs and wounded soldiers: 4,000,000 VND/HH - HHs have contributed to the revolution, retired persons...: 2,000,000 VND/HH
Loss of agricultural land, residential land or stopping- business due to loss land	Severe impact (i.e., house is no longer viable for continued use and the entire structure is to be acquired)	Vulnerable group	<ul style="list-style-type: none"> - Poor Households: <ul style="list-style-type: none"> • Supplementary assistance of 2,000,000 VND/HH • Create best conditions for business/production and life stabilization. - Other vulnerable groups: <ul style="list-style-type: none"> • Entitled to be given supplementary assistance of 2,000,000 VND/HH like poor HHs. • Entitled to take part in Income Restoration Program

ANNEX 2. Policy framework issued by Dong Nai province's PC

A. OBJECTIVES

1. The overall objectives of project policies are (i) to avoid, if not, minimize resettlement impacts; (ii) if impacts are unavoidable, RP is prepared in a way to ensure that affected persons are not worse off; rather, they should be able to at least maintain or otherwise improve their pre-project living standards and income-earning capacity.

B. RECONCILIATION OF GOVERNMENT AND ADB POLICY ON RESETTLEMENT

2. With the promulgation of Decree 197/2004/ND/CP (3/12/2004), 84/2007/NĐ-CP (25/5/2007) and relevant decrees stated above, the policies and practices of the Government have become more consistent with ADB's social safeguards policies.

3. It should also be noted that as per Decree 197/2004, Article 32, it states "*Apart from the supports prescribed in Articles 27, 28, 29, 30 and 31 of this Decree, basing themselves on the local realities, the provincial-level People's Committee presidents shall decide on other supporting measures to stabilize life and production of persons who have land recovered; special cases shall be submitted to the Prime Minister for decision*".

4. For HLD project, major discrepancies between the Government's Laws and Decrees and ADB policy with regard to resettlement and compensation have been analyzed by VEC in order to propose solutions to bridge the gaps. The proposed solutions after consulting with ADB was submitted to the Prime Minister for approval by MOT and MPI under documents 4611/BGTVT-KHĐT issued 18/6/2008 and 5839/BGTVT-KHĐT issued 07/8/2008.

Government Policies on Compensation, Support and Resettlement Plan for APs

5. According to the Prime Minister's document 1344/TTg-KTN issued 15/8/2008 on resettlement and compensation policy for HLD project, the Prime Minister has agreed on principles of the proposed policy and nominated MOT to approve the policy and guide affected Provinces to implement land acquisition and resettlement based on existing procedures.

6. Based on the Prime Minister's document, MOT issued decision 2570/QĐ-BGTVT issued 22/8/2008 to approve the policy on resettlement and compensation of HLD project that borrow loan from ADB. MOT has assigned Director of VEC to realize the approved policy and guide government of affected provinces to implement the resettlement activities followed existing procedures and ADB guideline on involuntary resettlement.

Policies of Dong Nai province on Compensation, Support and Resettlement Plan

7. Based on the Government's Decisions and ADB's regulations, the Resettlement Consultant Group prepared and submitted to People's Committee of Dong Nai and other concerned authorities a proposed policies for compensation, support and resettlement in Dong Nai. On 11 December 2008, Dong Nai People's Committee has issued the Decision No. 4242/QĐ-UBND which define the compensation, support as well as resettlement regime to people whose land acquired for HLD project in Dong Nai.

8. The Decision No. 4242/QĐ-UBND defined clearly that the condition for receiving compensation and supports will be based mainly on the Decree No.197/2004/ND-CP issued 03 December 2004 and No. 84/2007/ND-CP of Vietnamese Government. For compensation price, an independent valuation company was hired to determine the replacement cost of land and other assets on acquired land for HLD project. Final compensation price list was sent to the Provincial Price Evaluation Council for final examination and then submit to PPC for approval before implementing.

9. Decision No. 4242/QĐ-UBND bridged the gaps between ADB and Vietnamese Government policies on compensation and support regimes for affected households. Following this decision, not only affected HHs with the loss over 10% of land and other income-generating assets but also affected HHs without legal land use right certification can be beneficiaries of income restoration program. Moreover, vulnerable groups of people such as poor HHs, social-policies HHs, elderly-alone HHs, female-headed HHs with dependents or HHs with disable members (unable to work or help themselves...) will also take into account specially in the income restoration program

C. CUT-OFF DATE AND ELIGIBILITY

10. There is no specific requirement to establish a cut-off date regulated in Vietnamese law (the Land law). However, according to decree No. 197/2004/ND-CP, any changes to property on land to be recovered established after public disclosure of decision to recover land are not eligible for compensation. For this project, after consulting with ADB, MOT issued decision No. 2570/QĐ-BGTVT dated 22 August 2008 to approve the policy on resettlement and compensation of HLD project that borrow loan from ADB. In this decision, the cut-off date of the project was determined as 02 January 2008.

11. Types of households eligible for compensation and rehabilitation will include: (a) those who have formal legal rights to land or other assets; (b) Those who initially do not have formal legal rights to land or other assets but have a claim to legal rights based upon the laws of the country; upon the possession of documents such as land tax receipts and residence certificates; or upon permission of local authorities to occupy or use the project affected plots; and (c) Those who have no recognizable legal right or claim to the land they are occupying.

12. Persons who occupy the project area after the cut-off date will not be eligible to any compensation or assistance.

D. PRINCIPLE OF REPLACEMENT COST

13. All compensation is based on the principle of replacement cost, which is based on market rates before the project without deduction for taxes and/or costs of transaction as follows:

- APs will be compensated for affected assets in cash or in kind at replacement cost, such that their economic and social conditions will be at least restored to pre-project levels.
 - All compensation is based on the principle of replacement cost, which is the method valuing assets to replace the loss at market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs. Replacement cost is based on market rates before the project.
 - Where the national law does not meet the standard, the replacement cost will be supplemented as necessary. In the absence of functioning markets, compensation is required that enables APs to restore their livelihoods to levels at least equivalent to those maintained at the time of dispossession, displacement or restricted access.
 - Preference should be given to land-based resettlement options where APs rely on land for their livelihoods. Land-based compensation includes ensuring greater security of tenure and upgrading the livelihoods of APs without formal land title. Resettlement assistance to non-titled APs may include replacement land.
 - Allocation of replacement land to any AP must include a LURC issued at no cost to the AP. As relevant, the names of both spouses should be included on the LURC.
 - Compensation for structures will be paid at replacement cost at current market prices, with no depreciation or deduction for salvaged materials.
 - Compensation amounts should include all land and transfer taxes and fees associated with allocation of replacement land, replacement housing in resettlement sites.
14. In Dong Nai, according to the external contract of price valuation between Nippon Koei-KRI-Hafico-MKE and Dong Nai Valuation Corporation (DVC) dated 19/12/2008, DVC has evaluated the replacement cost for HLD project. And, based on the Valuation Certificate, Dong Nai People's Committee issued the official document No. 1062/UBND-KT on 13/02/2009 to approve the compensation prices for land, houses and other assets... being acquired by HLD project.

E. PROJECT ENTITLEMENTS

15. The project entitlements developed and presented in the entitlement matrix below correspond to the impacts identified during the surveys. Entitlements adopted are based on Government and Dong Nai's Peoples' Committees' Decisions, and ADB funded projects in Viet Nam.

Table: Entitlement policies

Type of Loss	Application	Eligible Persons	Policy of Dong Nai	Implementation issues
1	2	3	5	6
I. FOR AFFECTED LAND				
Productive land - Agricultural or aquacultural land	Loss less than 10%	Owners with LURC; in the process of acquiring LURC or are eligible to Acquire LURC.	<ul style="list-style-type: none"> Cash compensation at replacement cost (100%) for acquired land, and Cash compensation at replacement cost for crops and trees on acquired land. 	<ul style="list-style-type: none"> This will be determined by the DCC and concurred with by the affected households during DMS. If remaining land no longer viable for continued use or does not meet the expected personal yield, therefore the entire property to be acquired and APs will shift to below item for consideration.
	Loss more than 10%	Owners with LURC; in the process of acquiring LURC or are eligible to acquire LURC.	<ul style="list-style-type: none"> Cash compensation at replacement cost for the entire land, or land-for-land of equivalent productive value and with secure tenure; Cash compensation at replacement cost for crops and trees on acquired land and receive supports for job change for family member within the working age (16-65 year old) at amount of 2.8 million VND per person. Receive life stabilization supports for 3 months if they must not be relocated and for 6 months if they must be relocated. The level of monetary support per household member per month is equivalent to 30 kg of rice, calculated at the average local price. Where they must be relocated to places with difficult or especially difficult socio-economic conditions, they shall receive supports for 12 months at most. Eligible to joint the IRP 	<ul style="list-style-type: none"> This will be determined by the DCC and concurred with by the affected households during DMS; Priority to be compensated land-for-land of equivalent area and productive value in the same or nearby commune. If affected HHs lose more than 10% their productive land which they are cultivating on and have dominant income from, they will be entitled to take part in Income Restoration Program Affected HHs losing more than 1000 m2 want to be compensated by residential land, will be allocated land lot in resettlement sites
	Non-titled APs	Land users without LURC or are not eligible to acquire LURC.	<ul style="list-style-type: none"> Cash allowance equivalent to preliminary investment on acquired land, and Cash compensation at replacement cost for crops and trees on acquired land. 	<ul style="list-style-type: none"> Poor and vulnerable households will be entitled to take part in the Income Restoration Program.

Type of Loss	Application	Eligible Persons	Policy of Dong Nai	Implementation issues
Temporary impacts on productive land during construction	Temporary impacts during construction	Owners with the LURC; in the process of acquiring LURC; are eligible to acquire LURC.	<ul style="list-style-type: none"> No cash compensation for temporary acquired land. Cash compensation at replacement cost for crops and trees on acquired land and Cash compensation for income interrupted during disruption. Restoring land status to pre-project. 	<ul style="list-style-type: none"> Contractors will be responsible for paying rental in cash which will be not less than the net income that would have been derived from the affected property during disruption. Restoration of land within 3 months after use Affected non-land assets cause during construction will be paid at replacement cost by the Contractor VEC will remind contractor to pay full replacement cost if contractor fails to restore affected land within 3 months after end of use Assessment to restore land status in case severely affected land and pollution during disruption.
Residential Land (no impacts on structures)	Acquired land without structures	Owners with the LURC; in the process of acquiring LURC; are eligible to acquire LURC.	<ul style="list-style-type: none"> Cash compensation at 100% replacement cost for acquired land Affected HHs who lose residential land are entitled to receive resettlement benefits 	<ul style="list-style-type: none"> This will be determined by the DCC and concurred with by the affected households during DMS;
Residential Land (impacts on structures)	Marginal loss (i.e., land is still viable for use and house not requiring relocation)	Owners with the LURC; in the process of acquiring LURC; are eligible to acquire LURC.	<ul style="list-style-type: none"> For the portion to be acquired permanently: Cash compensation at replacement cost (free from taxes and/or transaction costs); For the portion to be used temporarily during construction: (i) rental in cash which will be not less than the net income that would have been derived from the affected property during disruption; (ii) restoration of the land within 3 months after use; For non-land assets, Cash compensation at replacement cost (i.e., no depreciation and no deduction for salvage materials) for the affected portion. 	<ul style="list-style-type: none"> Affected household to be notified at least 6 months prior to the date that the land will actually be acquired by the Project; This will be determined by the DCC and concurred with by the affected households during the DMS; VEC will remind contractor to pay full replacement cost if contractor fails to restore affected land within 3 months after end of use.
	Severe loss (i.e., no or	Owners with the LURC; in the	<ul style="list-style-type: none"> Cash compensation at replacement cost (free from taxes and transaction costs) for the entire land, or land-for land of 	<ul style="list-style-type: none"> This will be determined by the DCC and concurred with by the affected

Type of Loss	Application	Eligible Persons	Policy of Dong Nai	Implementation issues
	insufficient remaining land for viable use)	process of acquiring LURC; are eligible to acquire LURC.	<p>similar attributes with secure tenure</p> <ul style="list-style-type: none"> • If affected HHs wish to relocate to resettlement sites, they will be allocated land lot in resettlement sites. • Receive support for life stabilization which is equivalent 30kg of rice per household member during 24 months • If they must be relocated within the city or to another province, they shall each receive a support maximum of VND 3,000,000 or VND 5,000,000 respectively; • For the time waiting of creating new residences (arrangement for resettlement), receive monetary supports of 600,000 VND per household with less than 6 household member for renting dwelling houses; if the number of household member is more than 6, from the sixth member the assistance is 250,000 VND/person/month, but not exceeding 1.2 million VND. • To be provided Voluntary Health Insurance 	<p>household during DMS</p> <ul style="list-style-type: none"> • Affected household to be received compensation in cash or land-for-land or both at replacement cost and equivalent to acquired land. • Affected households to be notified at least 6 months prior to the date that the lands will actually be acquired by the Project • The Project, through the DCC and the Ward People's Committee, will develop a resettlement site if at least 10 affected households losing entire residential land in a ward are willing to shift to proposed resettlement site in lieu of cash compensation for their lost residential land. Resettlement site will be facilitated with standard infrastructures.
	Marginal Loss or Severe loss (as defined above)	Households living with relatives/friends on the same land	<ul style="list-style-type: none"> • For non-land assets, Cash compensation at replacement cost (i.e., no depreciation and no deduction for salvage materials) for the affected portion • Transition subsistence allowance • To be considered to receive resettlement benefits • Cash assistance to cover 3 months rental of the land. • For non-land assets, Cash compensation at replacement cost 	
	Marginal Loss or Severe loss (as defined above)	Leaseholder of Private land		
		Land users without LURC or are not eligible to acquire LURC.	<ul style="list-style-type: none"> • House and other structures which were built before the cut-of-date without building permission, and at the time of building, no land use plans were publicized by competent authorities or built in line with the land use planning without encroaching upon the work protection corridors, are eligible for compensation prescribed in article 19 of Degree 197. 	<ul style="list-style-type: none"> • To be notified for supports like the households who have valid document;
II. FOR PROPERTY ON AFFECTED LAND				

Type of Loss	Application	Eligible Persons	Policy of Dong Nai	Implementation issues
House and shops	Marginal Impact (i.e., unaffected portion of the house is still viable for use and require no relocation.	Owners of the structures with or without acceptable proof of ownership over the land; with or without building permit	<ul style="list-style-type: none"> Cash compensation based on current market prices of materials (i.e., no depreciation and no deduction for salvage materials) for the affected portion; Repair allowance not less than 20% of replacement cost of the affected portion or equivalent to the actual cost of repair; 	<ul style="list-style-type: none"> This will be determined by the DCC and the People Committee and concurred with by the affected household during DMS
	Severe impact (i.e., house is no longer viable for continued use and the entire structure is to be acquired	Owners of the structures with or without acceptable proof of ownership over the land; with or without building permit	<ul style="list-style-type: none"> Cash compensation based on current market prices of materials (i.e., no depreciation and no deduction for salvage materials) for the affected portion; Poor and vulnerable households whose houses are below class-4 category, will be given additional allowance to improve new house to meet the minimum standard house in the area; 	<ul style="list-style-type: none"> This will be determined by the DCC and CPC and concurred with by the affected household during DMS
Secondary Structures	Loss of or damage to assets	Owners of the structures with or without acceptable proof of ownership over the land; with or without building permit	<ul style="list-style-type: none"> Cash compensation based on current market prices of materials (i.e., no depreciation and no deduction for salvage materials) and construction cost for the affected portion. 	<ul style="list-style-type: none"> In the country sides, having LURC is obvious having the right to build structure. No need to ask for building permission.
Crops and Trees, aquaculture products	Loss of or damage to assets	Owners regardless of tenure status	<ul style="list-style-type: none"> Annual crops and aquaculture products equivalent to current market value of crops/aquaculture products at the time of compensation; For perennial crops trees, cash compensation at replacement cost equivalent to current market value given the type, age and productive value (future production) at the time of compensation; Timber trees based on diameter at breast height at current market value. All costs of excavation, relocation and reburial will be reimbursed in cash to the affected family; 	
Graves	Damage to graves	Affected households	<ul style="list-style-type: none"> All costs of excavation, relocation and reburial will be reimbursed in cash to the affected family; 	<ul style="list-style-type: none"> Graves to be exhumed and relocated in culturally sensitive and appropriate ways.

Type of Loss	Application	Eligible Persons	Policy of Dong Nai	Implementation issues
Public Facilities	Loss of or damage to assets	Organizations using or managing the structures	<ul style="list-style-type: none"> Cash compensation to cover the cost of restoring the structures. 	<ul style="list-style-type: none">
Loss of Income/ livelihood due to loss of productive land	Stopping production or business; Labors loss jobs	Registered organizations, companies, individuals with business license; Labors with legal contract	<ul style="list-style-type: none"> Receive allowance of 20% of one year's after-tax incomes, calculated according to the average level of the last three years, which is certified by the tax office; If organizations, registered production and business households employing laborers under labor contracts have to stop production and business due to land recovery by the State, laborers shall receive compensation according to the job stoppage allowance regime prescribed in Clause 3, Article 62 of the Labor Code; the subjects entitled to compensation shall be laborers defined at Point a and Point b, Clause 1, Article 27 of the Labor Code; the period for compensation calculation shall be the period of production and business stoppage but must not exceed 6 month 	<ul style="list-style-type: none"> Legal contracts must be provided to authorized agency
III.FOR VULNERABLE GROUP	Severe impact (i.e., house is no longer viable for continued use and the entire structure is to be acquired)	Non-registered kiosk owners or non-registered business, Labour/worker without legal contract	<ul style="list-style-type: none"> Business disruption allowance will be once payment as 1 million VND. Cash compensation equivalent to 1.5 months minimum salary regulated by Vietnamese government. 	<ul style="list-style-type: none"> People's Committee of commune should give confirmation for these households or labors At the time of compensation, allowance will be adjusted to meet inflationary level
		Social policy households	<ul style="list-style-type: none"> Vietnamese Heroic Mothers, Labor Hero, wounded or disabled soldier, and those ones who receive social assistance similar to war disable persons losing more than 81% human working capacity, relatives of military martyr who are receiving monthly social allowance, are entitled to assistance of 20.000.000 VND/HH. Wounded soldier, disabled soldier, and those who receive social assistance similar to war disable persons losing from 61% to 80% of human working capacity are entitled to assistance of 10.000.000 VND/HH; from 21% to 60% 	<ul style="list-style-type: none"> Legal papers/documents must be provided to authorized agency

Type of Loss	Application	Eligible Persons	Policy of Dong Nai	Implementation issues
			<p>of human working capacity are entitled to assistance of 5.000.000 VND/HH.</p> <ul style="list-style-type: none"> The HHs who currently are receiving other social assistance (poor HHs, ethnic minority HHs) are entitled to assistance of 5.000.000 VND/HH Entitled to joint the IRP. 	
Loss of agricultural land, residential land or stopping business due to loss land	Severe impact (i.e., house is no longer viable for continued use and the entire structure is to be acquired)	Vulnerable group	<ul style="list-style-type: none"> Alone-elderly HH (more than 65 year old), female headed HHs with dependent are entitled to assistance of 5 million VND. Disable HHs with members losing human working capacity are entitled to assistance of 5 million VND. Disable HHs with members are blind, dumb, deaf are entitled to assistance of 2 million VND. Entitled to joint the IRP 	<ul style="list-style-type: none"> All these cases needed to be confirmed by the People's Committee of commune.

ANNEX 3. Unfound owners in district 9-HCMC

No	Name	Address	Sheet of map	Plot	Area (m ²)
1. Phu Huu ward					
1	Ton Nu My Tam	289/178P Nguyen Tieu La, W.8, D.10	22	63-1	799.0
2	Lam Thuy Dan Thanh	248/74 Hoang Hoa Tham, W.5, Binh Thanh district	21	66-1	648.7
3	Le Thi Van Anh	162 A3 Dien Bien Phu, W.17, Binh Thanh dist.	21	24-1	529.7
4	Le Minh Sang	65 Su Van Hanh, W.12, Dist.10	21	22-1	1,956.5
5	Le Thi Tho	235/8613 Nam Ky Khoi Nghia, W7, Dist.3,	21	26-1	375.3
6	Tran Quoc Trung	260/4/19 Nguyen Thai Binh, W.12, Tan Binh Dist.	21	18-1	1,008.0
7	Nguyen Thi Lanh	60 street 33, Trung 2 hamlet, Binh Trung Tay ward, Dist.2	28	4-1	673.2
8	Tran Dong Thuy	192/8D/14 Ngo Quyen, ward 8, Dist.10	28	11-1	322.6
2. Long Truong ward					
1	Duong Thi Banh	65 Tam Da, Truong Thanh ward, Dist. 9	49	160-1	937.0
			49	163-1	802.5
2	Nguyen Hai	481/23/6 Tan Ky Tan Quy, Tan Phu ward, Tan Phu Dist.	45	119-1	2,343.9
			45	146-1	45.8
3	Ta Thanh Hien	2A Nguyen Thi Minh Khai, Da Kao Ward, Dist. 1	46	17-1	208.9
4	Nguyen Thi Lan Phuong	236/6 Nguyen Hong Dao, W13, Tan Binh Dist.	46	18-1	7.1
5	Huynh Van Duc	37 Phuoc Hiep hamlet, Long Truong ward, Dist.9	50	65-1	1,402.8
6	Nguyen Van Lep	45 Ong Nhieu hamlet, Long Truong ward, Dist.9	46	12-1	989.1
7	Le Van Muoi	31 Ong Nhieu hamlet, Long Truong ward, Dist.9	46	6-1	1,267.8
3. Long Phuoc ward					
1	Dang Van Tam	83A KP Truong Khanh, Long Phuoc ward, Dist.9	77	6-1	169.2

ANNEX 4. Unfound owners in Dong Nai province

No	Name	Address
Nhon Trach district		
1	Le Van Chin	Phuoc Thien manioc pier
2	Tran Thi Yen	Phuoc Thien manioc pier
3	Dong Kim Hoa	Phuoc Thien manioc pier
4	Tran Thanh Huong	59E CMT8 , W.11, dist. 3
5	Phan Thi Mang	Unknown address
Thong Nhat district		
1	Lam Quang Thuan	

ANNEX 5. List of HHs not participating in the DMS in Nhon Trach district

No	Name	Address
Nhon Trach district		
1	Duong Kim Bach Lan	Hamlet 1, Hiep Phuoc commune
2	Nguyen Van Cu	149 Ly Thai To, Ward 9, Dist.10, HCMC
3	Nguyen Huong Giang	Long Thanh townlet
4	Tran Duc Tri	224 zone B , district 9
5	Nguyen Van Thao	Hamlet 1, Hiep Phuoc commune
6	Nguyen Van Uoc	116B Tan Dien, dist.9
7	Nguyen Van Bon	69 Nguyen Dinh Chieu, Phu Nhuan dist
8	Nguyen Thi Kim Thu	Long Tan
9	Nguyen Thi Bich Hong	F24, Ward 13, Tan Binh Dist.
Cam My district		
1	Tran Dung Kiet	Hamlet 1, Song Nhan commune
2	Vu Thi Truong	Hamlet 1, Song Nhan commune
3	Tran Van Chinh	Hamlet 1, Song Nhan commune
4	Nguyen Thi Phuong Yen	Hamlet 1, Song Nhan commune
5	Pham Goc	Hamlet 1, Song Nhan commune

Apart from the HHs presented above, in Long Thanh, Thong Nhat and Cam My districts, Dong Nai province still have some HHs whose compensation records were under completion. List of the HHs will be collected and attached to annex of the third monitoring report.

ANNEX 6. Task of the EMA (extracted from the TOR for external monitoring)

1. Main Activities: Resettlement External Monitoring activities are a part of Technical Assistance (TA) of the Project. Relative to compliance monitoring during resettlement implementation, the main activities of the EMA will revolve around the following:

- a. Review existing baseline data and gather additional socio-economic information, as necessary, on sample AP households;
- b. Monitor updating and implementation of the RP;
- c. Identify any discrepancy between policy requirements and actual implementation of resettlement;
- d. Monitor the resolution of complaints and grievances of APs;
- e. Provide recommendations for improving resettlement updating and implementation;
- f. Review compliance with regard to use of ADB loan funds for land acquisition and resettlement;
- g. Issuing certification that each AP has received the full payment; and
- h. Post-Resettlement Implementation Evaluation Study.

2. Specific Issues: Specific to resettlement updating and implementation activities, the EMA will address specific issues such as the following:

- i. Public consultation and awareness of resettlement policy and entitlements;
- ii. Coordination of resettlement activities with construction schedule;
- iii. Land acquisition and transfer procedures;
- iv. Construction/Rebuilding of replacement houses and structures on residual ROW or to new relocation sites (outside the ROW);
- v. Level of satisfaction of APs with the provisions and implementation of the RP;
- vi. Grievance redress mechanism (documentation, process, resolution);
- vii. Effectiveness, impact and sustainability of entitlements and income restoration programs and the need for further improvement and mitigation measures;
- viii. Relocation site development (housing and market) from identification of sites in consultation with APs, to resettlement site development and relocation of APs. Land title issues and process of land title granting;
- ix. Capacity of APs to restore/re-establish livelihoods and living standards. Special attention will be given to severely affected APs and vulnerable APs;
- x. Resettlement impacts caused during construction activities; and
- xi. Participation of APs in RP updating and implementation.

3. With regard to use of ADB loan funds for land acquisition and resettlement, the EMA will monitor and assess the following:

- i. Identify whether APs are covered under the RP and that they are all eligible for compensation, resettlement and rehabilitation assistance, irrespective of tenure status, social or economic standing, and any such factors that may discriminate against achieving

the project objectives. Timing of disbursement of payment and documentation DMS and payments;

- ii. Channeling of funds (if done transparently, efficiently and effectively);
 - iii. Compliance to use of loan funds (thru Second Generation Imprest Account or SGIA) which are limited to VEC providing funds for payments: (a) to project affected persons for land and other assets acquired to facilitate the construction of the HLD Expressway; (b) to AP for resettlement compensation and allowances as set out in the approved updated Project Resettlement Plan, and (c) for incremental expenses incurred by the City, Provincial and District Resettlement Committees necessary for the implementation of the approved updated RP (e.g., relocation site development, income restoration program); and
 - iv. Proper documentation on liquidation of any amount paid from any SGIA for land or other assets (a) a valid validation certificate issued by an independent valuer acceptable to both the Government and ADB; (b) the results of the detailed measurement survey (DMS) for the AP receiving the payment, signed as agreed by AP, setting out the assets to be acquired; (c) that receipt of payment is acknowledged by the AP.
4. The EMA is also required to be present during disbursement of compensation to APs and to issue certification that each AP has received the full payment.

ANNEX 7. Form of compensation payment minute (form 1)

..... District PC
..... district compensation council

Socialist Republic of Vietnam
Independence – Freedom - Happiness
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Payment voucher No: _____

**COMPENSATION PAYMENT MINUTE
HO CHI MINH CITY – LONG THANH – DAU GIAY EXPRESSWAY PROJECT**

- Based on the minute of DMS No. _____ /BBKK dated on _____
- Based on the decision No. _____ /QD-UB-BBT dated on _____ regarding the approval of compensation value.

I. Affected Household (should be the same as in the DMS Form):

Name of Affected Household: _____
Address of Affected Household: _____
Affected Household ID Number: _____
Affected Household National ID _____

II. Particulars of Payment

No	Details	Amount (Unit: Vietnam dong)
1	Land	
2	Structures	
3	Farm produce	
4	Bonuses	
5	Other allowances	
	Total	
In words:		

Attachments: (a) DMS Form, (b) Decision on compensation value approval are provided to APs.

III. Acknowledgement Receipt

This is to confirm that we have reviewed, agreed and received full compensation payment as affected household in the amount specified above.

Signature over Printed Name
Name of Husband

Signature over Printed Name
Name of Wife

If Affected Household is single, widow/er, state status: _____
(If AHs cannot accept payment:)

Signature Over Printed Name of Authorized Representative:
(Attach to Authorization Letter Certified by District/commune official)

Address and Contact Number:
Relationship with Affected Household:

IV. Certification and Verification of DCC

District compensation council of

Signature

Printed Name

Date:

V. Confirmation from External Monitor

Name of External Monitor
Signature over Printed Name

EMA agencies
Sign seal

Date:

NOTE: AP should sign ALL pages.

ANNEX 8. Form of general compensation payment minute (form 2)**HLD Expressway Project**

Loan No. 2374.VN

No. /EPC

Socialist Republic of Vietnam

Independence - Freedom - Happiness

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GENERAL COMPENSATION PAYMENT MINUTE**HO CHI MINH-LONG THANH-DAU GIAY EXPRESSWAY PROJECT****Codes districts:****Ward/communes:****Payment time:****Payment date:**

- Based on the decision No /QD-UBND dated on by provincial/city PC on the compensation/ allowance value approval for APs by HLD
- Based on the compensation payment minutes certified by EMA
- Based on number of households actually received compensation corresponding the above decision. The agencies involving in the payment and SEPMU certify number of APs and paid amount as following:

Unit: Vietnam dong

No	Name of APs	Payment particulars					Total
		Land	Structures	Farm produce	Allowances	Bonus	
I	District/commune						
1							
2							
3							
	Total						

Total of compensation cost of the payment time is (in word):

.....

Dated month year

SEPMU

Sign, seal

Dated month year

EMA

Sign, seal

Dated month year

District compensation council

Sign, seal

ANNEX 9. LIST OF CONTACTED AGENCIES/OFFICIALS

No	Agency	Name	Title
1	SEPMU	Le Manh Hung	Director
2		Bui Van Canh	Vice-director
3		Tran Khac Tien	Official
4		Dang Truong Tuyn	Official
5		Phan Tho Quang	Official
6		Do Quoc Tuy	Official
7		Tran Thanh Phong	Official
8		Nguyen Luong Quang	Official
9		Dinh Xuan Vinh	Official
10	Social consultant (CBD)	Vu Ngoc Long	Resettlement specialist
11		Le Buu Thach	Resettlement specialist
12		Nguyen Thi Tuyet Le	Subsistence specialist
13	Nhon Trach district's CC	Hoang Van Cuong	Vice-chairman
14		Vo Van No	Official
15	Cam My distict's CC	Bui Thai Trieu	Vice-chairman
16		Ngo Minh Phuong	Official
17	Long Thanh district's CC	Vo Duc Toan	Vice-chairman
18		Le The Hung	Vice-chairman
19		Nguyen Long Chau	Head of speciality team
20	Thong Nhat district's CC	Ngo Thanh Tung	Deputy manager of Finance and Planning Dept.
21		Pham Van Giap	Official
22		Nguyen Thi Minh	Vice-chairman
23	District 9's CC	Nguyen Anh Duc	Head of speciality team
24		Phan Thi Hong Hanh	Official