

Social Monitoring Report

May 2010

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.

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CONSULTATION COMPANY EPC**

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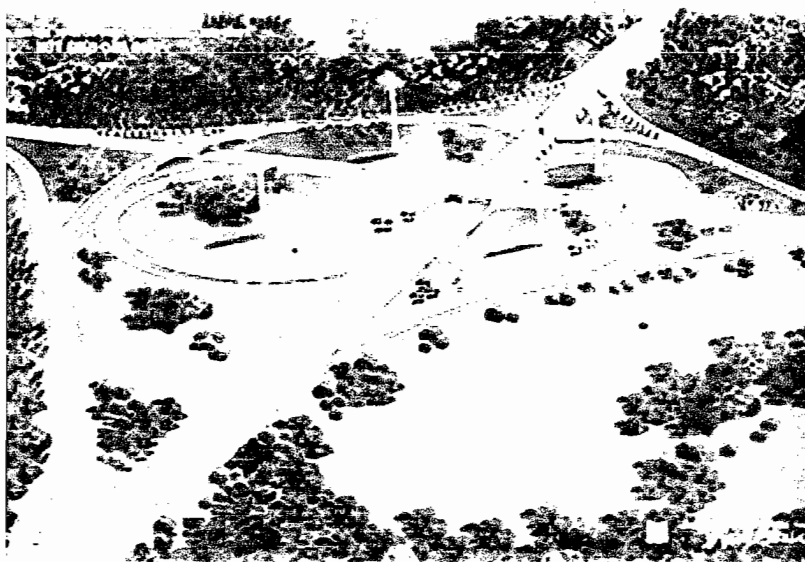
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**HO CHI MINH - LONG THANH - DAU GIAY
EXPRESSWAY PROJECT**



**INDEPENDENT MONITORING REPORT
ON IMPLEMENTING THE RESETTLEMENT PLAN (RP)**

The fifth time

**SOUTHERN EXPRESSWAY
PROJECT MANAGEMENT UNIT**

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Sig: *Hayden*

Date: *24/5/10* Time: *10g*

Ho Chi Minh City, May 2010

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**Investment and Environment Protection
Consultation Company EPC
(E.P.C Co., LTD)
No: 87/ EPC/2010**

*Submission of 5th external monitoring report
on implementation of the RP of "HLD
Expressway project"*

**SOCIALIST REPUBLIC OF VIETNAM
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Ho Chi Minh City, May 12th 2010

**TO: - THE SOUTHERN EXPRESSWAY PROJECTS 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 dated September 22nd, 2008 ref. the external monitoring (EM) on implementing the resettlement plan (RP) of the Ho Chi Minh-Long Thanh-Dau Giay Expressway project;
- Based on draft of the fifth monitoring report prepared by the EMA and sent to the Southern Expressway Management Unit (SEPMU) in April 2010,
- Based on comments, ideas of SEPMU on the draft and revision of the EMA.
- Based on request of ADB by the fax sent to SEPMU dated May 10th 2010 on existing issues mentioned in the 4th external monitoring report, the EMA updated all the actions undertaken by SEPMU and related agencies to resolve the issues and represented in the 5th monitoring report.

EPC Co., LTD today would like to submit the official report of 5th external monitoring attached to the document. The report consists of 10 copies in Vietnamese and 10 copies in English.

Sincerely yours,

Send to:

- As above
- Store at the office of EPC

**EPC Co.,LTD
DIRECTOR**



NGUYEN NAM SON

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**VIETNAM EXPRESSWAY CORPORATION**

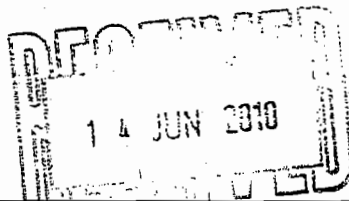
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Hanoi, June, M, 2010
Ref. No. 1064 NEC-DA

To:	Asian Development Bank (ADB) 6 ADB Avenue, Mandaluyong City 1550 Metro Manila, Philippines	
Attention:	Mr. Ayumi Konishi Country Director, VRM	Tel: 84-4-39331374 Fax: 84-4-39331373
Cc:	Mr. Le Dinh Thang Program/Project Implementation Officer, VRM	
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 Resettlement Plan (the fifth time)

Dear Mr. Konishi,

Based on project implementation progress, Vietnam Expressway Corporation (VEC) has prepared Independent Monitoring Report on Implementing the Resettlement Plan (the fifth time) under above Project mentioned. Therefore, we would like to submit this document to ADB for review and concurrence.

Thank you for your support and assistance.



Best regards, *MA*
Dr. Mai Tuan Anh
Deputy General Director
Vietnam Expressway Corporation



Cc: Mr. Tran Xuan Sanh, General Director
SEPMU
File in PD

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19 July - MS (com)

Sent draft fax to LThang - 12 Aug 10

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ABBREVIATIONS

RP	Resettlement plan
DMS	Detailed measurement survey
VEC	Vietnam Expressway Corporation
SEPMU	Southern Expressway Projects Management Board
APs	Affected person
PAHs	Affected households by the project
LURC	Land use right certificate
DCC	District 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
JBIC	Japan Bank for International Co-operation
JICA	Japan International Cooperation Agency
SGIA	Second Generation Imprest Accounts
MOT	Ministry of Transport
DONRE	Department of Natural Resources and Environment
MONRE	Ministry of Natural Resources and Environment
HLD/ HLD project	Ho Chi Minh-Long Thanh-Dau Giay Expressway project

PART I. GENERAL

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 fifth monitoring. All data in the report is updated until April 15th 2010.

1.1 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 is owned and operated by the Viet Nam Expressway Corporation (VEC) under the Ministry of Transport (MOT). VEC has established the Southern Expressway Projects Management Unit (SEPMU) in Ho Chi Minh City (HCMC) which is responsible for the management of the detailed design and construction of the Expressway.

1.1.1 Location of the project

The project is located between Ho Chi Minh City and Dong Nai province. It is a part of the national expressway network. The project starts at the interchange with the ring road No.2 (km4+000) and ends at center of Dau Giay roundabout (km54+953). Length of the project is about 51km. (Figure 1.1)

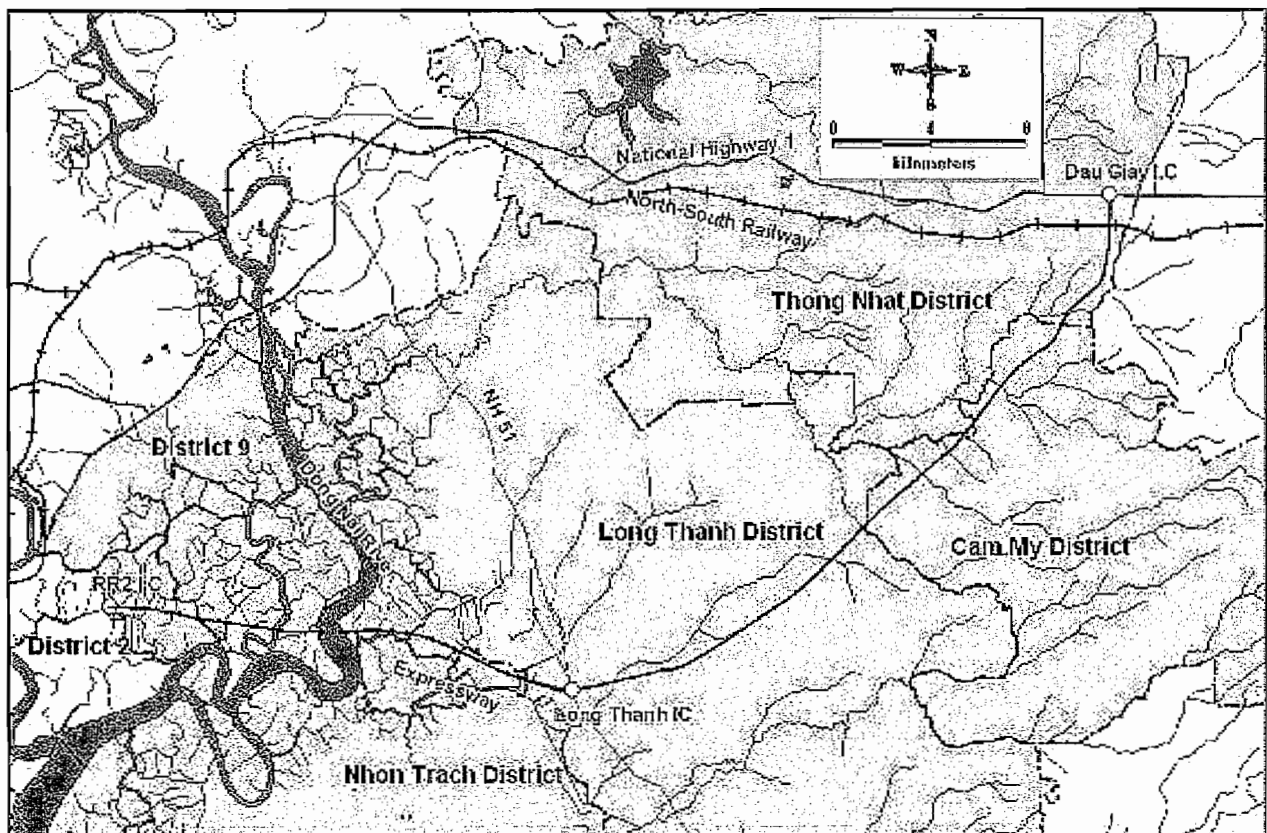


Figure 1. Location of the project and affected districts

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 at the interchange 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 2.2 km-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 Nhon Trach and Long Thanh districts, including Long Thanh townlet, its terrain is comparatively straight and flat too. From the intersection with the National Highway No.51, 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 and then sloping up at the end of the road. The expressway ends at the intersection with 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 a part of the viaduct. It plans to build underpasses or overpasses for local travelling at existing roads and to residential areas.

1.1.2 Scope of the project

The HLD project is started at the Ring Road No.2 to Dau Giay with a length of 51 km. The expressway has 3 interchanges, 12 small and medium bridges, 1 big bridge (Long Thanh bridge) and an intelligent transmission system ITS. Main parameters for the project are summarized in table 1.

Table 1: Main parameters of the project

Category	Item	Quantity	Note
Total length (Km)	Dyke	40,485m	79%
	Bridge/Elevated viaduct	10,515m	21%
Bridge	Elevated viaduct	6,517m	Over the Tac River
	Small bridges	2,277m	12 small bridges
	Long Thanh bridge	2,120m	Prefabricated concrete girder with a slope of 4%
Interchange		3 interchanges	RR2, National highway No.51, Dau Giay
Operation and maintenance system	Toll station	3 stations	Railing gate
	Traffic direction center	1 center	
Other	Technical maintenance station	2 stations	At km11 and Km41
	Management center	2 centers	

The project construction is divided into six construction bidding packages and one general package EPC, including entire work related to designing, supplying materials/equipments and constructing for establishing an intelligent transmission system recommended by the PPTA group of ADB and JBIC (SAPROF) summarized in table 2 and represented in Figure 1.2. The construction bidding packages No.1A, 1B, 2, 3 and 4 will be used the loan from JICA. The packages No.5 and 6 will be used the loan from ADB.

Table 2: Main components of each bidding package

Bidding package	Section 1 Km4+000- Km11+000 RR2 – Dong Nai River (7 km)	Section 2 Km11+000- Km14+100 Dong Nai river (3.1 km)	Section 3 Km14+100- Km23+900 Dong Nai river – interchange at National Highway No.51 (9.8 km)	Section 5&6 Km23+900-Km55+300 National Highway No.51 to Dau Giay (31.4 km)
Contract	Package 1A Package 1B	Package 2	Package 3	Package 5 Km23+900-Km37+800, Package 6 Km37+800-Km55+300
	Package 4 (ITS-general package EPC)			
Main component	Elevated viaduct Interchange at RR2 (6 km)	Long Thanh bridge Technical maintenance station	Dyke Weak ground treatment National Road No.51	Dyke Technical maintenance station Dau Giay interchange

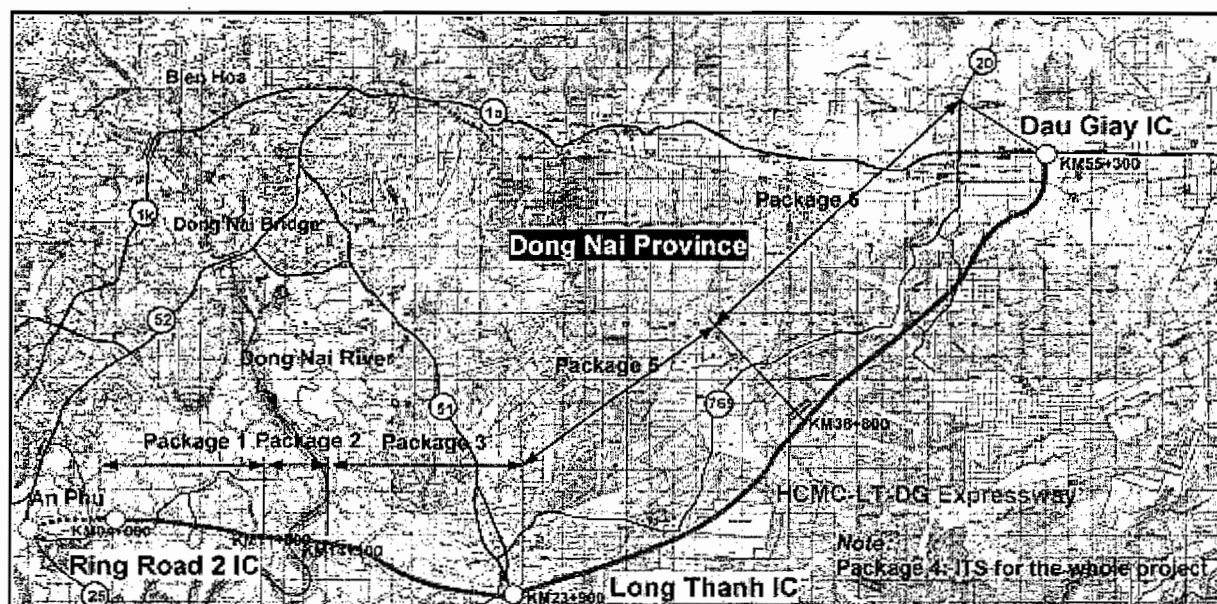


Figure 2. Construction packages of the project

1.2 Implementation progress of the project

Until April 10th 2010, 90% of the plane had been handed over for the construction as estimated. Implementation progress of the project is represented in the table below:

Table 3: Implementation progress of the project

Package	Total length (km)	Length of sections which were cleared	Date of starting work	Name of contractor	Implementation progress
1A	3.5	2.9	October 03 rd 2009	China Roads and Bridges Corporation (CRBC)	Finished 2 km of temporary road for the project
1B	3.5	3.4		Association CIENCO 6 and 8	A temporary road for the project was being constructed
2	3.1	1.8		Association CIENCO 6 and 8	The operation building was under construction
3	9.8	6.7		Posco Company-Korea	Not started work
5&6	31.4			Had not selected yet	

At a meeting between SEPMU and the People's Committee (PC) of Long Thanh district, SEPMU and the DPC had agreed to the proposed location of the technical maintenance center which will be constructed at Tam An commune, Long Thanh district. PC of Dong

Nai province issued document No. 2853/UBND-CNN dated April 13th 2010 on agreement of location of the technical maintenance center of HLD project at Tam An commune, Long Thanh district. Total area for construction of the center is about 115,316m².

It needs to recover land at some locations in Thong Nhat, Cam My and Long Thanh districts for construction of intersections, overpasses, underpasses of the project. PCs of the districts were adjusting the land use planning at these locations from agricultural land to transport land, and then would acquire land. PC of Dong Nai province issued a document dated February 5th 2010 on approval of location of overpasses, underpasses in Long Thanh district with following locations: (i) at Long An commune, total area of the construction work is about 6,512.5m² with 2 underpasses; (ii) at Binh Son commune, total area of the construction work is about 31,387m² with 1 overpass and 5 underpasses; (iii) at Binh An commune, total area of the construction work is about 810m². In sum, until April 15th 2010, only 1 location in Long Thanh district and 13 locations in Cam My and Thong Nhat districts which were planned to construct intersections, overpasses, underpasses had not been approved by the PPC yet.

There are some structures which have to be relocated due to the project, including: (i) 110kV and 220kV transmission lines; (ii) cable system; (iii) water pipe Ø 400cm and Ø 800cm. At the monitoring time, investors of these structures were hiring consultants to prepare compensation records, then would submit for appraisal.

PART II. INDEPENDENT MONITORING ON THE RP IMPLEMENTATION

RP implementation is a complicated task and related to social safeguard. Therefore, international sponsors always request a monitoring system on implementing the RP, including: (i) internal monitoring by the investor; (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 to prove that the RP implementation is complied with the approved one and then propose solutions to deal with existing issues if any.

Contents of this part consist of: (i) tasks of the external monitoring agency (EMA) and (ii) monitoring methods which were used in the fifth monitoring.

2.1 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) changes in living standards and way of earning of PAHs; (iii) restoration of the socio-economic status for PAHs; (iv) effect and guarantee of entitlements for PAHs and (v) necessity for application of mitigation measures. By the RP monitoring and assessment, we can learn some lessons for planning and preparing policies in the future. It can be achieved through studying and assessing the living rehabilitation carried out 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.

2.2 Monitoring methods

Since 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 fifth monitoring time, the RP had been updated in all districts and ADB approved updated RP stage-by-stage. The RP was continuously being updated and implemented. Therefore, in this report, the consultant only represents monitoring methods relating to the RP implementation and update activities. Monitoring/information collection methods include (i) Studying documents and records; (ii) Discussing some activities relating to the RP implementation and update with key stakeholders.

2.2.1 Study documents and records

In the fifth monitoring, the EMA studied documents and records including updated RPs of districts which were prepared by social consultant and approved by ADB, checked compensation records at DCCs during the compensation payment, checked complaint petitions and complaint resolution. These tasks were carried out by the EMA continuously

since the third until the fifth monitoring as the compensation payment mostly took place in this stage.

2.2.2 Discussing some activities related to the RP with the project officials

Discussing with staff of SEPMU some issues such as (i) implementation progress of the project, mainly related to design and bidding tasks; (ii) progress of reimbursement and transferring money to Districts Compensation Councils (DCCs); (iii) human resources of SEPMU for implementing RP; (iv) DMS and RP update; (v) Income recovery programs development such as proposed programs, sources of capital and estimated implementation time.

2.2.3 Monitoring on payment at sites

Until August 2009 up to now, the payment has been carried out in all five DCCs and was divided into many spells. The EMA was requested to witness and monitor the payment for all PAHs. EPC Co.,LTD assigned many staff to be present at and witness all payment spells. Monitoring on payment at the sites includes (i) checking legal documents which prove that PAHs are identified correctly and if the payment is complied with requirements of GoV and ADB, for example ID, register books, land/house use right certificates and authorized letters... (ii) Witnessing the payment and signing minutes of compensation payment.

2.2.4 Interviewing PAHs, focusing on seriously affected HHs and vulnerable groups

Interviewing vulnerable groups and seriously affected HHs in order to study and assess their economic recovery possibility. The interview was carried out (i) at the time of monitoring on compensation payment and (ii) by questionnaire.

- For this project, the EMA is requested to monitor and witness the payment for PAHs. Monitoring teams met and discussed with PAHs prior to the time of compensation payment. The discussion used to be combined with opening questions of the consultant to focus on the compensation, the pre-project employment and income of PAHs and their plan for the future. Since then the consultant could grasp their opinions and attitudes towards the issues. Objects of unofficial interview are random PAHs, not identified which categories.

- Official interview was based on structured questionnaire (see annex 5.8). Interviewing based on structured questionnaire was also focused on compensation, relocation and income recovery. List of interviewees and their addresses are enclosed at annex 5.4. Results of the interview are represented at item 3.2 below.

Monitoring/information collection methods which were used in the fifth monitoring are summarized in the table below:

Table 4: Monitoring/information collection methods in the fifth monitoring time

Date	Location	Discussed issues	Stakeholders
December 31 st 2009 to April 15 th 2010	5 DCCs and at locations of compensation payment	Monitored on compensation payment, interviewed and discussed unofficially	- DCCs; - PAHs.
March 29 th 2010	SEPMU	<ul style="list-style-type: none"> - Existing issues represented in the report of the fourth monitoring time and responses of SEPMU - Implementation progress of the project, RP update and disbursement from VEC to DCC, balance of compensation records; - Support of SEPMU for the monitoring team 	Staff of SEPMU
April 01 st 2010	CC of Thong Nhat district	- Implementation progress of DMS, compensation calculation and payment	Staff of DCCs
April 01 st 2010	CC of Cam My district	- Situation of compensation payment for PAHs;	
April 02 nd 2010	CC of Long Thanh district	- Preparation progress of resettlement sites, number of PAHs who drew lots for resettlement plots;	
April 05 th 2010	CC of district 9	- Situation of complaints and complaint resolution of PAHs;	
April 05 th 2010	CC of Nhon Trach district		
April 01 st to April 10 th 2010	PAHs	<ul style="list-style-type: none"> - Some issues relating to compensation, relocation and living standards; - Interviewed officially by questionnaire 	PAHs

2.3 Existing issues represented in the fourth monitoring report

There were some existing issues relating to the RP implementation represented in the fourth monitoring report. Resolution situation of all the issues until the fifth monitoring is represented in the table below:

Table 5: Existing issues in the fourth monitoring and resolution situation

No	Existing issues	Recommendation	Resolution situation
1	<ul style="list-style-type: none"> - 10 HHs in Long Thanh district had not been carried out the DMS since the area in land acquisition decisions did not tally with actuality - Technical records of some plots at intersections between local roads and HLD expressway and of 24 plots transferred from Cam My to Thong Nhat district had not been issued 	<ul style="list-style-type: none"> - Adjust the records soon so that the DCC can carry out the DMS - Finish technical records soon 	<ul style="list-style-type: none"> - Finished - Under implementation
2	DMS form for the inventory without presence of households is not bilingual	It needs a bilingual form for this case	Translated into English
3	Arrangement of resettlement for PAHs in Thong Nhat and Long Thanh districts was too late	Arrange resettlement for the PAHs soon	Had not been solved
4	Resettlement arrangement for dependent HHs in Long Thanh district	Consider to arrange resettlement for the HHs	Solved

PART III. FINDINGS FROM THE FIFTH MONITORING

The RP implementation during the fifth monitoring (since December 31st 2009 until April 15th 2010) was continuously making a good progress. It is one of rare big projects which have such quick compensation progress. The RP implementation was under urgent payment and land acquisition. The compensation payment has been carried out in all the districts and nearly completed in Nhon Trach, Thong Nhat and Cam My districts of Dong Nai province. Until April 15th 2010, 1,016/1,192 PAHs had received compensation, accounting for 85%. Total amount which was paid to PAHs according to approved compensation options is 517.79/550.25 billion VND, accounting for about 94% of approved cost. In this monitoring report, the consultant also generalizes all activities related to the RP implementation, firstly the RP update.

3.1 The RP implementation and update

3.1.1 Planned stages of RP update and progress of approval

Until April 15th 2010, the second stage of RP update prepared by the technical assistance consultant was approved by ADB on March 30th 2010. Progress of RP update in all districts is represented in the table below:

Table 6: Planned stages of updated RP and progress of approval until April 15th 2010

No	District	No. of stages as planned	No. of HHs approved by ADB in the first stage	No. of HHs approved by ADB in the second stage	No. of HHs approved by ADB in the third stage
1	District 9	3	166 (165 HHs + 01 organization)	48 HHs + assistance and bonus for handing over plane in a timely manner for HHs approved in first stage + electric system	40 HHs + remaining HHs at Long Phuoc ward + public structures
2	Nhon Trach district	1	63 HHs		
3	Lòng Thanh district	3	130 HHs	281 HHs + 02 organizations + electric system	Remaining HHs + public structures + overpasses, underpasses, technical maintenance center (10 locations)
4	Cam My district	3	91 (90 HHs + 01 organization)	82 HHs + 02 organizations	14 HHs + public structures + overpasses, underpasses, ammunition depots
5	Thong Nhat district	3	145 HHs	10 HHs + 01 organization	HHs at overpasses and underpasses + public structures

Until the fifth monitoring time, the technical assistance consultant had not finalized report of RP update of the third stage because: (i) land origin of some HHs was being verified; (ii) some cases which had been inventoried without presence of HHs had to be re-verified; (iii) number of HH who would be acquired land for construction of overpasses, underpasses, intersections, ... had not been identified correctly yet.

3.1.2 Progress of design of income recovery programs

Until the monitoring time, the income recovery programs had been prepared by technical assistance consultant, were being finalized and would be submitted to ADB for approval

in April 2010 as planned. After draft of income recovery programs had been prepared, the technical assistance consultant consulted with Association of Farmer of districts and Vocational Center of Long Thanh district. The draft was in the main highly agreed to by these agencies. At the time, the technical assistance consultant was preparing draft of contract to submit to VEC for consideration of implementation cost. Then contracts would be signed by these agencies on implementation of income recovery programs after these programs are officially approved by ADB.

Objectives of income recovery programs are to: (i) use effectively remaining land area for production; (ii) create employment opportunities for seriously affected HHs through training courses on industry extension and vocational training courses; (iii) provide technical assistance services for HHs who want to transfer into business work. The programs also focus on building capacity for organizations and persons who will participate in management and implementation of income recovery programs.

Main activities of the programs are: (i) providing capital and technical assistance for seriously affected HHs and vulnerable groups who still remain productive land to implement livelihood pilots effectively, including providing capital and technical assistance for implementing pilots of business, services; (ii) organization of supplementary vocational training courses to ensure that members of seriously affected the seriously affected HHs and vulnerable groups will be qualified to work after being trained and (iii) consulting on suitable vocational training courses, introduction of employment and business chances to combine these activities. The programs also look for support from companies/enterprises which need to recruit labors as members of seriously affected HHs and vulnerable groups of the project, especially companies/enterprises which can get learners for practice. Entire assistance cost for income recovery programs will be transferred to the agencies participating in the implementation of the programs. The seriously affected HHs and vulnerable groups will not be paid in cash, but by training courses or in kinds for implementation of agriculture/industry extension pilots,...

Estimated number of HHs who will participate in the income recovery programs are represented in the table below:

Table 7: Estimated number of PAHs participating in the income recovery programs

No	Localities	Number of PAHs participating in the income recovery programs			Total
		Need of capital	Vocational training	Both capital and vocational training	
1	District 9, HCMC	28	16	16	60
2	Long Thanh district	169	126	0	295
3	Nhon Trach district	13	12	0	25
4	Cam My district	67	33	0	100
5	Thong Nhat district	43	23	0	66
	Total	320	210	16	546

PC of Dong Nai province issued document No.1220/TB-UBND dated February 24th 2010 on suggesting Long Thanh, Thong Nhat, Nhon Trach and Cam My districts support SEPMU to implement income recovery programs of HLD project within the districts.

3.1.3 Progress of the DMS until April 15th 2010

Until April 15th 2010, the DMS was in the main finished in all the districts. Number of PAHs who had been carried out asset inventory is presented below:

Table 8: Number of PAHs who had been carried out the DMS¹

No	Locality	Number of PAHs		No. of PAHs who had been carried out DMS	
		According to the approved RP report	In reality until April 15 th 2010	No. of PAHs	Percentage (%) (compared with reality)
1	District 9 - HCMC	220	220	220	100%
2	Nhon Trach district	63	63	63	100%
3	Long Thanh district	502	599	599	100%
4	Cam My district	186	184	184	100%
5	Thong Nhat district	152	158	158	100%
	Total	1,123	1,224	1,224	100%

The previous monitoring report mentioned 34 DMS records wherein DMS was carried out in the absence of the owners in District 9. Until the fifth monitoring time, only 10 HHs had come and suggested the DCC re-inventory. Compensation options of 34 HHs had been approved. According to DCC, for HHs whereof DMS was carried out in the absence of the owners and detailed compensation decisions were issued but did not come to receive compensation, the DCC sent their compensation amount to the bank. If anyone of them require, the DCC will re-inventory with witness of the HHs (even detailed compensation records had been issued). In case there are any gaps in term of quantity of affected assets in the compensation records and in reality, the DCC will re-prepare compensation options and re-submit them for approval. However, such mistakes are rarely met.

In district 9, during the construction, the contractor found 5 graves (within Long Truong ward) and prepared minutes with witness of investor, CC of district 9, contractor and PC of Long Truong ward. Then DCC announced their relatives to disinter the graves for reburial. For graves whose relatives did not come, the DCC prepared compensation records and disinterred for reburial. Until the time, 3 graves had been disinterred for reburial by the DCC and 2 had been done by their relatives.

In Thong Nhat district, during the DMS, DCC had identified that land being used by HHs of Nguyen Van Hao, Tran Thi Ut and Nguyen Thi That was public land since they did not

¹ This data is not mentioned number of PAHs at following locations: (i) intersections, overpasses, underpasses within Cam My and Thong nhat districts; (ii) Technical maintenance center. The DMS could not be done at these locations since land recovery decisions had not been issued.

have land use right certificates. After that the HHs sent complaint petitions to PC of Dong Nai province. Result of verification showed that the land was belonged to the HH since they have used before the year of 1993 and did not conflict with anyone. Until the time, CC of Thong Nhat district was finalizing the supplementary compensation records for the HHs.

3.1.4 Progress of survey, appraisalment and approval of the replacement cost until April 15th 2010

Until April 15th 2010, Dong Nai Valuation Corporation issued valuation certificates for 2010, including: (i) Valuation certificate No. 389/TDG-CT dated March 29th 2010 for land use right; (ii) Valuation certificate No. 388/TDG-CT dated March 29th 2010 for house, construction objects, machines and devices; (iii) Valuation certificate No. 387/TDG-CT dated March 29th 2010 for crops and trees. The Appraisalment council of Dong Nai province was considering the valuation certificates before they are submitted to PC of Dong Nai province for approval. For district 9, until the monitoring time, the external valuation agency had not issued valuation certificates yet. Some more information about the survey, appraisalment and approval of the replacement cost until the fifth monitoring are represented below:

- In Cam My district: PC of Dong Nai temporarily lended Military Zone No.7 a part of land in Cam My district (expired year is 2000). Then the Military Zone No.7 rented the land out to some HHs for production. Until 2000, PC of Dong Nai province did not recover the land and the HHs therefore continued their cultivation. Since the land is affected by HLD project, CC of Cam My district carried out the asset inventory and collected legal documents for preparation of compensation option but their compensation records could not be prepared (including 7 HHs, see annex 1). Through discussing with staff of CC of Cam My district, we knew that the CC had proposed to assist for the affected land as agricultural land (*note that only assistance for land, not compensation*). At the meeting presided by PC of Cam My district, the DPC agreed to the proposal of DCC and then DPC sent a statement to submit to PC of Dong Nai province for consideration of compensation options of the HHs.

- In district 9, PC of HCMC issued decision No. 1649/QD-UBND dated April 12th 2006 on allowing labor union of Southern Steel Company at Phu Huu ward, district 9 to use land for construction of house for staff of the company. The HLD project affected 10,649.2m² of the land (over total area with 51,165m²). However, the detailed planning map 1/500 of the area had not been approved by competent agencies. Thus, PC of district 9 did not have any legal bases to calculate compensation (at the time, this area was uncultivated land and the detailed planning map will help to identify land use purpose of each specific location and then calculate compensation for each location). PC of district 9 sent document No. 1946/UBND-BBT dated December 30th 2009 to appraisalment council of HCMC on suggestion of compensation for 10,649.2m² of Labor Union of Southern Steel Company as agricultural land in residential area. Accordingly, PC of HCMC issued

document No. 148/TB-VP directing that “to hand over the plane for the construction in time, in the short term, DCC shall calculate compensation for the land as agricultural land out of residential area after subtracting the area which is directly managed by the state and shall re-consider when MONRE directs to deal with the issue”. Until April 15th 2010, CC of district 9 had still not prepared compensation options for the land of Labor Union of Southern Steel Company affected by the project.

3.1.5 Preparing, submitting and approving detailed compensation options

Basing on DMS data and approved prices for all assets, DCCs had prepared detailed compensation option for each PAH. The detailed compensation options would be submitted to Provincial Appraisement Council for approval. Until April 15th 2010, DCCs had prepared detailed compensation options. Progress of detailed compensation option preparation and approval in all districts is represented in detail below:

Table 9: Progress of detailed compensation option preparation and approval

No	District	Number of PAHs			
		According updated RP	In reality until April 15 th 2010 ²	Submitted compensation options	Approved compensation options
1	District 9	220	220	212	212
2	Nhon Trach district	63	63	63	63
3	Long Thanh district	502	599	599	589
4	Cam My district	186	184	170	170
5	Thong Nhat district	152	158	158	158
	Total	1,123	1,224	1,202	1,192

In Long Thanh district, DCC had prepared detailed compensation options for the rest with 182 HHs (from spell 22 to spell 26) and submitted to Appraisement council of Dong Nai province for appraisal. PC of Dong Nai province issued decisions of approval of detailed compensation options for spell 23 and spell 26 with 99 HHs on April 12th 2010.

In Cam My district, 14 HHs had not been prepared the detailed compensation options, of which: (i) compensation records of 7 HHs were being considered (including separation of land plot, adjustment of land acquisition decision, requiring to acquire the remaining land which was too small to use); (ii) decision of land assistance for 7 HHs who rent land of Military Zone No.7 had not been issued. For the first case, DCC would finalize compensation records for submission in April 2010. For the second case, after the decision of land assistance is issued, the DCC would prepare compensation records for the HHs immediately.

In district 9, 7 HHs and 1 organization had not been approved detailed compensation records. Until the monitoring time, CC of district 9 was finalizing compensation records of

² The data in reality was provided by DCCs

the 7 HHs for submission to PC of district 9. As for the organization-Labor union of Southern Steel company, DCC was waiting for approval of compensation price for land. At the fifth monitoring time, PC of Long Thanh district adjusted on detailed compensation options of some HHs at Long An commune. PC of Dong Nai province issued decision No. 1788/QD-UBND dated June 26th 2009 on approval of detailed compensation options for section passing Long Thanh district (spell 2, 5), concurrently the PPC issued decision No. 631/QD-UBND adjusting decision No. 1788/QD-UBND dated March 11th 2010. Compensation amount of 9 HHs were changed to 0 VND. The reason was during the preparation of records, the DCC had not subtracted the area which had been compensated by the “upgrading and improvement of national highway No.51” project. Therefore, the HHs had been calculated compensation 2 times. However, the HHs had not been paid compensation yet and after decision No.631/QD-UBND was issued, the DCC also informed to PAHs. List of HHs in the decision are represented in annex 2.

3.1.6 VEC transferred money for compensation payment to DCCs

Based on decisions approving detailed compensation option, DCCs prepared financial plans and submitted them to VEC, and then VEC transferred compensation money to DCCs for payment. Amount transferred to DCCs by VEC until April 15th 2010 is represented in the table below:

Table 10: The amount that VEC had transferred to DCCs until April 15th 2010

No	DCCs	Amount that had been transferred by VEC (VND)
1	DCC of District 9	367,896,681,200
2	DCC of Nhon Trach district	143,462,933,262
3	DCC of Long Thanh district	12,803,414,000
4	DCC of Cam My district	40,300,000,000
5	DCC of Thong Nhat district	34,200,000,000
	Total (VND)	598,663,028,462
	Convert to USD	31,508,580 USD³

3.1.7 Compensation payment

Once PAHs agree to the project, they all expect to receive the compensation soon. After compensation price units were approved and announced to PAHs, most of PAHs agreed to the prices and wanted to be paid compensation soon to stabilize their living. So far, all five districts have paid compensation for PAHs from money transferred by VEC. Compensation progress for PAHs until April 15th 2010 is summarized in the table below:

³ Rate exchange: 1 USD = 19,000 VND

Table 11: Progress of compensation payment until April 15th 2010

No	Locality	Issued approval decisions of compensation price		Received compensation	
		PAHs	Amount (billion VND)	PAHs ⁴	Amount (billion VND)
1	District 9	212	363.90	212	351.57
2	Long Thanh	589	115.23	425	96.48
3	Nhon Trach	63	12.70	60	12.70
4	Thong Nhat	158	25.82	152	24.67
5	Cam My	170	32.60	167	32.37
	Total (VND)	1,192	550.25	1,016	517.79
	Convert to USD		28,960,526 USD		27,252,105 USD

Until April 15th 2010 since updated RPs have been approved, 1,016 HHs had received compensation (included HHs who compensation amount had been sent to the bank), accounting for (919/1,093) = 85% of PAHs and 94% of reimbursement.

3.1.8 Progress of land acquisition through commitment of PAHs

Until April 15th 2010, progress of land acquisition of the project was very quick. Progress of land acquisition in all districts is generalized below:

Table 12: Progress of the land acquisition in all districts until April 15th 2010

No	Localities	Total land needs to be acquired (km)	Acquired in reality	Rate (%)
1	District 9	8.6	8.0	93%
2	Long Thanh district	22.2	14.1	63.51%
3	Nhon Trach district	3.0	3.0	100%
4	Thong Nhat district	6.633	6.633	100%
5	Cam My district	10.55	10.35	98%
	Total	50.983	42.083	82.54%

The table above shows that in most of the districts, number of PAHs who committed to hand over plane when they received compensation was high. Three districts of Nhon Trach, Thong Nhat and Cam My, Dong Nai province had the highest rate. Particularly in Nhon Trach and Thong Nhat district, 100% PAHs committed to hand over plane.

3.2 Living rehabilitation assessment

Besides contents of compliance with the RP report, in the fifth monitoring time, the consultant also focused on assessment of living recovery possibility of PAHs. However, in this report, the EMA only preliminarily assesses living recovery possibility of some HHs

⁴ Including some HHs whose compensation amount had been sent to the bank, concretely: (i) in Long Thanh district, DCC paid for 340 HHs and sent to the bank for 85 HHs; (ii) in district 9, DCC paid for 176 HHs and sent to the bank for 36 HHs

who had moved to new relocation sites. In coming reports, this content will be represented more sufficiently.

To assess living recovery possibility of PAHs, the monitoring team collected and analyzed information from three following sources: (1) DCCs, (2) PAHs interview and (3) direct observation of living conditions of PAHs at the new relocation sites. Findings and results of assessment are represented below:

3.2.1 Living of PAPs according to DCCs

** Positive points of compensation and assistance policies*

On compensation policies: although there were many complaints, the compensation policies of this project were much better than other projects financed by GoV. For example, compensation cost was surveyed by an external valuation agency and results of the valuation were based on to submit compensation price for approval. Average area of a plot at resettlement sites varies from 100 to 150 m², living conditions of the HHs at the new sites were quite good.

On assistance policies: at the RP preparation stage, SEPMU particularly paid attention to assistance policies for PAHs. Main assistance policies are represented in the table below:

Table 13: Main assistance policies in the RP

Types of assistance	Long Thanh district
Assistance for moving	<ul style="list-style-type: none"> - HHs who have to relocate are provided with 3,000,000 per HH - HHs who only repair house and do not relocate are assisted with 50% of above value
Assistance for living stabilization	30 kg rice per person * 6 months (1,722,000 VND/person)
Assistance for temporarily renting houses	600,000/HH/6months
Assistance for vocational training	4,600,000/person
Self-relocation	20,000,000/HH
Bonus for living in a timely manner	3,000,000-6,000,000/HH

Results of the previous monitoring times revealed that all the assistance items mentioned above were paid to PAHs. Application of such compensation and assistance policies partly helped PAHs recover their living.

** Difficulties which were encountering by PAPs*

Until the time of assessment of recovery possibility, there were 86 PAHs in Long Thanh district who are eligible for relocate to the new site. Of which, decisions on resettlement arrangement of 16 HHs had not been issued, 25 HHs were arranged to relocate to the Lien Kim Son site (20 HHs drew lots for resettlement plots and 5 HHs built houses), 39 HHs were issued decisions on resettlement arrangement at Long An site, 6 HHs self-relocated.

Although the relocation sites were well-prepared but at the time, the HHs still met some following difficulties:.

- The HHs were impacted on their income due to land acquisition;
- At the monitoring time, there were not many people staying at the resettlement sites, thus the HHs could not do business to earn their living;
- Some infrastructures of Lien Kim Son site such as the access road were not finished;
- Although some HHs had been issued decisions on resettlement arrangement at Long An site, until the monitoring time, the Long An site was being cleared the plane for the construction, had not been ready to arrange PAHs.

3.2.2 Living of PAHs as their opinions

With support of CC of Long Thanh district, the monitoring team met and interviewed some PAHs in Long Thanh district who had moved to Lien Kim Son site to study their living recovery possibility. Through discussion with the HHs, the assessment team re-introduced main policies of the RP was “to ensure that the PAHs will be improved or as least restored their pre-project living standards and income-earning capacity”. The monitoring team also (i) studied on their living and assessed their living recovery possibility at the post-resettlement time, (ii) took notes some difficulties which the PAHs encountered during the RP implementation and (iii) took notes suggestions of PAHs to deal with current difficulties. Results of the interview are represented below:

** Change of the main income source of PAHs due to impacts of resettlement*

In fact, change of job will significantly impact on income and living of PAHs. Results of the interview revealed that most of PAHs at Lien Kim Son site were not impacted on their main income source. Change of the main income source of HH heads are represented below:

Table 14: Employment of surveyed HH heads (of 5 HHs who had moved to relocation site)

Type of employment	As stated in DMS (HHs)	In reality (HHs)
State employee	0	0
Farmer	0	0
Business/service	0	0
Worker	1	1
Hired labor	4	4
Total	5	5

The table above shows that the main source income of interviewed HHs did not change compared with the pre-resettlement time.

** Change in quality of houses (class of house) of PAHs and public infrastructures*

Change in quality of houses (class of house) of PAHs

The change in quality of house is one of indicators which the most clearly reveal the change of quality of living. There are three classes of house which are mentioned in the DMS data carried out before the RP implementation, including: class-3 houses, class-4 houses and temporary houses. There were not any class-2 houses, class-1 houses or villas. Via direct observation of the monitoring team, it showed that there was a big change in class of house of PAHs. Most of houses which had been built in Lien Kim Son site are class-3 houses, even class-2 houses.

Table 15: Change in classes of house of PAHs

District	No. of surveyed PAHs	Class of house (In DMS)			Class of house (At the post-resettlement time)			
		Class 3	Class 4	Temporary house	Class 2	Class 3	Class 4	Temporary house
Long Thanh	5	0	5	0	1	4	0	0
Total	5	0	5	0	1	4	0	0

The table shows that in Long Thanh district, all class-4 houses of PAHs were re-built as class-3 and class-2 houses. It means that house quality of many PAHs were improved.

In sum, class of house at the post-resettlement time has been improved with increasing class-3 houses and class-2 houses and decreasing even no more class-4 houses and temporary houses. The analysis reveals that housing quality of PAHs are partly improved.

Change in public infrastructures

Another indicator which is used to assess living conditions of PAHs is basic infrastructures, public services at the post-resettlement time. Six basic infrastructures and services provided at the time of monitoring include: transport road, electricity, water drainage system, water supply system, school and environmental sanitation. Results on interviewing 5 HHs who moved to Lien Kim Son site are shown in the table below:

Table 16: Improvement of infrastructures and services

Infrastructures and services	5 interviewees in Long Thanh district		
	Better	Not much changed	Worse
Access road to their dwelling	1	1	3
Electricity	5	0	0
Water supply system	5	0	0
Water drainage system	5	0	0
School	1	4	0
Environmental sanitation	3	2	0

The table shows that of 6 indicators which are used for assessment of infrastructures development at the post-resettlement time, not to mention the access road to the resettlement site which was not satisfied with by PAHs (road access to Lien Kim Son site

was small and muddy in rainy season since its plane had not been cleared for the construction), the rest 5 indicators were agreed to by most of PAHs. It means that quality of infrastructures at the new place of PAHs was much better than those at pre-resettlement time.

Possibility of economic recovery of PAHs

Since the five HHs who were interviewed in the fifth monitoring time were not impacted on their main income source, they all believed in their possibility of living recovery.

To assess more exactly and sufficiently the possibility of living recovery of PAHs, this content will be paid attention to and represented for more detail.

Self-assessment of PAHs at the post-resettlement time

To verify information about living of PAHs at the post-project time, the assessment team interviewed PAHs by questionnaire. Results of the survey are represented below:

Table 17: General self-assessment of PAHs about their living at the post-project time

Locality	Total		Better		Not much changed		Worse	
	HHs	%	HHs	%	HHs	%	HHs	%
Long Thanh district	5	100	4	80	1	20	0	0

Results of the survey show that most of PAHs supposed that their living became better and better compared with the pre-project time (4/5 HHs, accounting for 80% of interviewees). The rest supposed that their living was not much changed. The HHs believed that their living would be better in the future.

In sum, we can conclude that:

- Living conditions, infrastructures, housing, transport access of PAHs were much better than those at the pre-resettlement time;
- Although the PAHs had to relocate, they were not impacted on main income sources;
- The PAHs were encountering some difficulties. However, the income recovery programs will contribute to improve their living in the future;
- Main objective of the RP is “to ensure that the PAHs will be improved or as least restored their pre-project living standards and income-earning capacity” was partly achieved.

3.3 Resettlement

3.3.1 Resettlement sites

If relocated HHs prefer to resettle at resettlement sites, the districts will arrange them in residential areas or resettlement sites which had been or were being developed in the districts.

District 9, HCMC, planned to arrange APs at block L of Long Buu-Long Binh site, district 9 and site C4 at Hiep Phu ward. These are residential areas in district 9 which had been

developed infrastructures such as electricity, water, internal roads and about 4-5km far from the area which was acquired land. Based on valuation certificate, PC of district 9 issued decision dated September 14th 2009 on approval of unit cost for transaction of apartments at C4 building, Hiep Phu ward, district 9 and PC of HCMC issued decision No.308/QD-UBND dated August 18th 2009 on approval of unit cost for plots at Long Buu resettlement site for HLD expressway project within district 9 (unit cost is represented in detail at annex). At the monitoring time, CC of district 9 had been planned to organize the drawing lots for allocation of resettlement plots.

Long Thanh district has the most relocated HHs with about 293 HHs as estimated. PC of Long Thanh district planned to arrange the HHs at 2 sites (i) Lien Kim Son site and (ii) Long An site:

- Lien Kim Son site is located at Long Thanh townlet. This site had been planned and developed resettlement site for projects within Long Thanh district for a long time. So far, some infrastructures such as internal roads, electric were available. Of 103 plots in the resettlement site, Long Thanh district planned to arrange 80 plots for HLD project. According to officials of SEPMU, VEC and ADB agreed to transfer money to buy 80 plots at Lien Kim Son site and the investor officially handed over plots for HLD project for resettlement arrangement. Until April 15th 2010, five HHs received plots and were building or had built houses at Lien Kim Son site (see annex). The availability of Lien Kim Son site created a good condition for relocation.

- Besides Lien Kim Son site, Long Thanh district also has Long An site at Long An commune. This site has a convenient location, about 500-600m far from National Highway No.51 and about 1.5-2km far from center of Long Thanh townlet. Ground of the site was being planted rubber trees which only belonged to Dong Nai Rubber Company, thus it was not difficult to acquire land. VEC and ADB agreed to transferred 40% cost to buy 300 plots to the investor of Long An site. VEC had transferred 5.14 billion VND to the investors of Lien Kim Son site. As for Long An site, VEC would send to the investor of the site 20 billion VND at the beginning of June, 2010. At the fifth monitoring time, rubber trees were being chopped and the ground were being levelled (over 27.4 ha of the resettlement site, 14 ha of rubber trees was chopped). As we know, the groundbreaking ceremony of Long An site would be taken place on April 15th 2010 and Phuc Hieu Co.,LTD is the construction contractor of the Long An site. The site include: (i) 185 plots as resettlement garden-house with an area of 200-300m² per each plot, (ii) 62 plots as consecutive houses with an area of 90-108m² per each plot and a height of 2-3 floors. As estimated, PAH could only be arranged at this site no sooner than September 2010. The PAHs who are arranged at this resettlement site will draw lots to choose plots. Cost of each resettlement plot will base on area of the plot, not base on location. According to policies of Dong Nai province, PAHs who relocate at resettlement site will only pay for cost of resettlement plot, not pay for cost of infrastructures development. As for dependent

HHs, besides pay for cost of resettlement plot, they have to pay for 50% of cost of infrastructures development.

Of 5 districts affected by the project, apart from district 9, HCMC and Long Thanh district, Dong Nai province, Thong Nhat district also has the relocated HHs who preferred to relocate to resettlement site. Thong Nhat district planned to arrange them at Xom Ho A site at Hung Loc commune, Thong Nhat district, Dong Nai province. The site borders on National Highway No.1A that is convenient for travelling. Until the monitoring time, infrastructures such as electricity, water, internal asphalted roads of the site were completed and ready to arrange the HHs.

In sum, preparation of resettlement sites in the main satisfied requirements.

Table 18: Resettlement sites

No	Locality	Planned resettlement sites
1.	District 9 – HCMC	- At block L belonging to Long Buu - Long Binh site, district 9 - Apartment building C4, Hiep Phu ward, district 9
2	Nhon Trach district	No need
3	Long Thanh district	Two planned sites: - Lien Kim Son site at Long Thanh townlet, Long Thanh district was intended to arrange for 80 PAHs; - Long An site at Long An commune, Long Thanh district was intended to arrange for 236 PAHs
4	Cam My district	No need
5	Thong Nhat district	Xom Ho A site at Hung Loc commune, Thong Nhat district

3.3.2 Resettlement need through DMS and consideration of DCCs

The preparation of resettlement sites is often based on need of PAHs, where there are many PAHs who prefer to relocate to resettlement sites. 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, public consultation and compared with resettlement criteria. The resettlement need of PAHs until April 15th 2010 is represented below:

Table 19: Resettlement need

No	Locality	HHs who relocate to resettlement sites
		HHs prefer to relocate to resettlement site and are eligible to relocate to resettlement site
1	District 9, HCMC	17
2	Nhon Trach district, Dong Nai province	0
3	Long Thanh district, Dong Nai province	86 ⁵
4	Cam My district, Dong Nai province	0
5	Thong Nhat district, Dong Nai province	6
	Total	98

In general, resettlement need is rather high, mainly in Long Thanh district. However, number of HHs who are eligible for relocating to resettlement site will change since the final data depends on consideration of DCCs.

3.3.3 Progress of resettlement arrangement

In district 9, the consideration of resettlement arrangement was finished and 17 HHs were eligible for resettlement arrangement (including 13 resettlement plots and 4 resettlement apartments). Until the monitoring time, 12 HHs agreed to receive plots and apartments; the rest 5 HHs did not represent their ideas. Since the contractor wanted to clear the plane soon, they convinced local people to hand over the plane. However, for HHs who are relocated, it took a time to rebuild house at the resettlement time. Through discussing with staff of DCC, we knew that the contractor was co-operating with the DCC and the investor to negotiate with HHs to assist PAHs within transition time so that the HHs can rent house when waiting for re-building house. As initial information, HHs who have less than 4 members will be provided with 1,000,000 VND/HH/month within 6 months for HHs who are allocated resettlement plots and 1,000,000 VND/HH/month within 3 months for HHs who are allocated resettlement apartments and HHs who have 4 HH members and above will be assisted with 250,000 VND/person/month.

In Long Thanh district, the consideration of resettlement arrangement was under implementation. Until April 15th 2010, 86 HHs were eligible for resettlement arrangement (of which, 16 HHs had not been issued decisions on resettlement arrangement), concretely:

+ Of 25 HHs who are arranged resettlement at Lien Kim Son site, 2 HHs were allocated 2 plots (each HH were allocated 1 plot for the main HH and 1 plot for the dependent HH) since these HHs has more than 8 members but less than 12 members. Area of each plot varies from 100 to 150 m². Cost of resettlement plots will base on the area but not base on

⁵ Of 86 HHs who were considered eligibility of resettlement, 16 HHs had not been issued decisions on resettlement arrangement by PC of Long Thanh district

the location. Cost of a resettlement plot in Lien Kim Son site in 2009 is 170,000 VND/m² and about 500,000 VND/m² in 2010. 20 HHs had drawn lots and 5 HH had built houses (see annex 7);

+ Long An resettlement site: 39 HHs who are arranged at this resettlement site were issued decisions, 16 HHs had been considered but had not been issued decisions. Until the monitoring time, the HHs were not arranged at the site. As planned, the section of HLD project passing Long An commune will be constructed in June 2010, while time of handing over resettlement plots for PAHs is no sooner than September, 2010. This is a difficult of the project;

+ 6 HHs self-relocated since the HHs has large acquired area and preferred to self-relocate (they received assistance in cash with equal to 25% of resettlement value)

Previous monitoring report mentioned that there were some cases wherein parents let their sons/daughters build houses but the land plots were not separated in LURC. According to item 4 of article 4 of decision No.08/2007/QĐ-UBND dated January 10th 2007 issued by Dong Nai province, for HHs who build houses on land of their parents or of other people prior to the time of land acquisition, have their own register books but do not have inheritance papers or HHs who live on land of other people as well as who build houses on land of other people prior to time of land acquisition were not eligible for resettlement arrangement. To ensure living of these HHs, PC of Long Thanh district sent document No. 4353/UDND-KT dated December 21st 2009 to PC of Dong Nai province to ask for direction of Dong Nai province's PC on resettlement arrangement for HHs who build houses on land of other people. At the meeting about resolution of resettlement within Long Thanh district dated March 24th 2010 presided by Mr. Phan Van Linh, Vice-chairman of Environment and Natural Resources Department of Dong Nai province, Mr. Linh said that: *"HHs who build houses on land of their parents prior to time of land acquisition, have their own register book but do not have any inheritance papers or who live on land of other people as well as build house prior to time of land acquisition and have their own register books are eligible for resettlement arrangement, but they have to pay for cost of land use and infrastructures use"*. In general, HHs who build houses or live on land of other people will receive a good policy of resettlement. At the time, PC of Long Thanh district were issuing decisions on resettlement arrangement for these HHs.

Table 20: Progress of the resettlement arrangement for HHs in Long Thanh district

Name of resettlement sites	Progress of resettlement arrangement			
	Issued decision	Have not issued decision	Drew lots for resettlement plots	Received plots and built houses
Lien Kim Son site	25	0	20	5
Long An site	39	16	0	0
Self-relocation	6			
Total	70	16	20	5

In Thong Nhat district, although the consideration of resettlement arrangement had been finished for a long time but PC of Thong Nhat district had not issued decisions on resettlement arrangement for the HHs (6 HHs).

In Cam My district, 4 HHs have to relocate and they all preferred to self-relocate. At the monitoring time, 3 HHs had relocated to new places and built houses, the rest one HHs had bought land near their old house (300m from their present house). Locations to build new houses are better than those at old places. New houses were solidly built (see illustrative pictures in annex 6).

3.4 Preparation of compensation option and moving of public structures

Progress of movement of public structures in Long Thanh district is represented below:

- + Telecommunications agencies: after working with SEPMMU, the Dong Nai Telecommunications Company issued Document No. 33/VTDN-DTXDCB dated January 19th 2010 which states that the movement of telecommunications system will be used budget of the company since they previously committed that they would self-relocate the telecommunications system when the road is improved or widen. Only the telecommunications agency of region No.2 had not issued any documents of movement of telecommunications system. CC of Long Thanh district therefore sent document No.188/CV-HDBT to suggest the telecommunications agency of region No.2 prepare cost estimate for the movement and send it to the DCC for submission;

- + Long Thanh electricity: agreed to the technicality with SEPMMU, the appraised record was sent to DCC on December 3rd 2009 and being considered by PC of Dong Nai province;

- + Water supply system of Dong Nai Water Supply Company: the company was agreeing to the technicality with SEPMMU and had not prepared the plan for sending it to the DCC yet.

For movement of electric system and cable system within Cam My district and Thong Nhat district, external valuation agency had been surveyed cost and the cost estimate was under consideration for approval.

In district 9: for movement of underground cable: Industry and Commercial Department of HCMC was appraising record of cost estimate.

3.5 Complaints and complaint resolution

In district 9: 14 HHs complained by petitions with following main issues: (i) compensated insufficiently for crops; (ii) required to compensate for architectural works,... At the monitoring time, the complaints were solved by DCC as follows: (i) for HHs who complained about being compensated insufficiently for crops, the DCC re-inventoried and supplemented; (ii) some HHs complained and required to compensate for their architectural works since at the time of asset inventory, the HH head did not co-operate with the inventory team, the inventory team could not identify time of building

houses/structures and took notes as “supplemented later”. At the monitoring time, the DCC were verifying to adjust the compensation.

In Cam My district: HH of Phan Van Thuan at hamlet 6, Song Nhan commune complained and required resettlement arrangement. Content of the complaint was that: their house was fully affected, the remaining land is agricultural land (3-crop-rice land) with an area in reality is 80m² (area in cadastral map is 112m²). According to regulations, the HH can not build house on the remaining land since it is 3-crop-rice land. However, in fact PC of Song Nhan commune determined the remaining land as 1-crop-rice land which can be used to build house. Thus the HH was not considered for resettlement arrangement. The CC of Cam My district was reviewing legal documents and would response soon for this case.

In Long Thanh district: According to inspector of Long Thanh district, this agency had received 82 complaint petitions of PAHs and had solved 9 cases. Main contents of complaints are: (i) unsatisfied with compensation price; (ii) compensated insufficiently for affected assets; (iii) compensation prices for house and structures are lower than market price (not mentioned increasing price); (iv) suggested to receive assistance for vocational training in cash; (v) required resettlement arrangement at Long An site at a sooner time; (vi) suggested assistance according to Decree No.69 of GoV. Resolution of these complaints will be: (i) for complaints about insufficiency of inventoried assets, DCC will verify and supplement if correct; (ii) compensation price for land and architectural works are based on decision of PC of Dong Nai province. At the time, PC of Dong Nai province did not issue any documents to direct the application of decree No.69; (iii) assistance for vocational training will not be paid in cash for PAHs, it must be transferred to vocational training agencies.

In Thong Nhat district: 9 HHs complained by petitions, main contents of the complaints are: (i) compensation prices for land and crops are too low; (ii) Number of HH members of some HHs who are eligible for assistance of living stabilization were not provided such assistance; (iii) some HHs who used the land within corridor of railway prior to 1993 but were not compensated or assisted for this affected land. After receiving complaint petitions, CC of Thong Nhat district consulted for the DPC to resolve the complaint: (i) compensation price for land and crops were based on regulations, thus the complaints were incorrect; (ii) some HHs whose members were not provided assistance for living stabilization would be supplemented by DCC; (iii) based on decision No. 92/2008/QD-UBND dated December 31st 2008 issued by PC of Dong Nai province on compensation price for all categories of land within Dong Nai province in 2009 and based on legal document of land origin, the affected land are not compensated. However, the HHs has reclaimed it, the DCC therefore suggested the project consider for assistance.

3.6 Difficulties and existing issues in localities

3.6.1 Arrangement of resettlement plots in Thong Nhat and Long Thanh districts was late

According to the RP, relocated HHs have to be paid compensation and arranged resettlement plots/apartments prior to time of land acquisition at least 6 months. 6 months is the time enough for HHs to rebuild house and move to the new places. Although resettlement consideration in Thong Nhat district was finished with 6 eligible HHs, concurrently the HHs received compensation and handed over the plane for project, until the fifth monitoring time, Thong Nhat district had not issued decision to approve list of HHs who are eligible for resettlement yet. The HHs had therefore not arranged resettlement yet.

At Long An resettlement site: as planned, time for construction of HLD at Long An site is June 2010. While the resettlement plots of Long An site will only be allocated for PAHs is September 2010. Thus, PAHs who are arranged resettlement at this site will meet some difficulties although they received assistance for renting house within 6 months with 600,000 VND/HH/month, but such assistance is not appropriate because of following reasons:

- + With 600,000VND/HH/month for renting house, it will be difficult for the PAHs to find a house to rent since it is not much, especially for HHs having many members;

- + It is about several months since the HH rent houses until the build house at the resettlement site. When the HH build house at the resettlement site, they may encounter some difficulties in finance because of increasing cost of construction materials and labors. As a result, the compensation amount is not enough for them to build house. In other projects, some PAHs had to borrow money to re-build houses and they were in straitened circumstances.

3.6.2 Directly paying the vocational training assistance for PAHs

In Long Thanh district, the assistance for vocational training will not be paid directly for PAHs, DCCs have to transfer to training vocational center to organize training courses for eligible APs. Most of PAHs who are eligible for this assistance wanted to receive the assistance in cash. Accordingly, PC of Long Thanh had sent to PC of Dong Nai province to ask for direction of the province but until the monitoring time, the PC of Dong Nai province had not responded yet. According to document No. 600/STC-GCS dated March 31st 2009 issued by Dong Nai province's Finance Department provides the guideline to carry out the policy about assistance for vocational training and job creation; policy about decreasing tuition fees when the State acquires land, it states that *"To policy about assistance for vocational training and job creation, if the eligible APs aren't able to attend the training (due to the elderly, health or other special reasons), the Chairman of district's PC should consider to pay directly for the APs"*. However, in opinion of the Labor and Social Welfare Service of Dong Nai province, it should be complained with decision No. 26/2008/QD-UBND dated April 7th 2008 issued by PC of Dong Nai province. It means that assistance amount of vocational training must be transferred to a financial agency and then transferred to vocational centers. Obviously, there is a gap in viewpoint of the agencies. Until the monitoring time, CC of Long Thanh district had transferred the

assistance amount of vocational training with 1,853,800,000 VND to Finance Department of the district and the money has not been used yet. The monitoring team also discussed with the Finance Department of Long Thanh district and knew that the department had not been directed in detail use of the money yet. For example, if a PAH participate in a training course and the tuition fee is less than the assistance amount that the HH will be received from the project, will the HH be received the remaining amount? Or in case PAHs do not participate in training courses, then how will deal with the assistance amount?

3.6.3 Compensation price framework for some special cases

In Cam My district: 7 HHs rent land of Military zone No.7. Up to now, PC of Dong Nai province has not issued any documents directing to deal with these cases, if the HHs are assisted for land loss and how much is the assistance.

In Long Thanh district: CC of Long Thanh district encountered difficulties with some land plots at Tam An commune which do not have any road access since the DCC could not identify location of the plots compared with the nearest road for compensation calculation (these HHs are using waterway or using the road and then pass on land of other people).

At the meeting on resettlement resolution in Long Thanh district on March 24th 2010, Mr. Phan Van Linh, vice-chairman of Environment and Natural Resources Department of Dong Nai province concluded: "Agreed to suggest PC of Dong Nai province allow applying land price at location 4 for compensation calculation for the plots which do not have any road access". At the monitoring time, CC of Long Thanh district was waiting for response of PC of Dong Nai province on the cases to calculate compensation for the HHs.

In district 9: CC of district 9 met difficulties in compensation calculation for land of labor union of the Southern steel company. PC of HCMC directed that "*calculate compensation with price of agricultural land and will re-consider in case the MONRE directs to deal with the issue*". Until the time, the agency was not paid compensation yet.

PART IV. CONCLUSION, EXISTING ISSUES AND RECOMMENDATION

4.1 Conclusion

We can conclude that until the fifth monitoring time, the RP implementation was quite smooth and complied with the approved RP report. (i) RP was being updated stage-by-stage. The updated RPs of the project in the second stage including Long Thanh, Cam My, Thong Nhat and District 9 had been approved by ADB. (ii) Since there were some difficulties due to limitation of land management in the localities, the DMS was rather delayed. However, the DMS had also been finished with 100% of PAHs. (iii) The compensation payment was also smooth. Until April 15th 2010, 1,106/1,192⁶ received compensation, accounting for 85%. Progress of the reimbursement was about 94% of approved compensation cost. (iv) Preparation of resettlement sites has been making good progress. Especially, construction progress of Long A resettlement site where is arranged resettlement for the most PAHs (300 HHs) was also improved. The Long An site would be started construction on April 15th 2010 and planned to hand over the resettlement plots for PAHs in September 2010.

Through meeting with some HHs who built houses at Lien Kim Son site and some HHs who self-relocated in Cam My district, we realized that the PAHs were satisfied since their houses were rebuilt more spacious, infrastructures at new places were better. Some HHs did not receive compensation although DCCs had sent invitation letters many times. Then DCCs sent the compensation amount to the bank. The PAHs would be paid all, including interest of the amount. The well-done RP contributed to speed up implementation progress of the project. However, during the implementation, there were also some existing issues that need to be solved soon.

4.2 Existing issues and recommendations

4.2.1 Late arrangement of resettlement plots in Thong Nhat and Long Thanh district

In Thong Nhat district: PC of Thong Nhat district had not issued decisions of resettlement arrangement for the 6 HHs. The consultant proposes that: (i) the DPC has to issue decisions of resettlement arrangement for the 6 HHs soon; (ii) SEPMU should urge the district to arrange resettlement for the HHs to avoid the case that the HHs do not hand over the plane for the construction since they do not have resettlement plots to build houses.

In Long Thanh district: construction progress of Long An resettlement site would be later than time of relocation of PAHs (about 3 months later). That will cause some difficulties for the HHs. In opinion of the consultant, in case the HHs have to hand over plane but not

⁶ 1.192 is the number of PAHs who had been issued the detailed compenstion options.