

Social Monitoring Report

June 2012

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

Prepared by Vietnam Expressway Corporation with Wilbur Smith Associates, Inc. for the Asian Development Bank.

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**THE SOCIALIST REPUBLIC OF VIETNAM
MINISTRY OF TRANSPORT
VIETNAM EXPRESSWAY CORPORATION
HLD EXPRESSWAY PROJECT MANAGEMENT UNIT (EPMU HLD)**

**HLD Expressway Construction Project
(Ho Chi Minh City- Long Thanh – Dau Giay)**

CONTRACT PACKAGES 5 & 6

ADB Loan 2451 VIE

**QUARTERLY PROGRESS REPORT
APRIL - JUNE 2012**



AUGUST 2012



Figure 3 – Social Services Project Location Map

STATUS OF RESETTLEMENT ACTIVITIES

The following section presents the status of resettlement activities for all districts at the end of June 2012.

Project Affected Households

The following table indicates the resettlement impacts for all sections of the project, except for the first 4 km.

Based on data provided by local authorities, a total of 1518 AHs are affected by the project. 729 AHs are severely affected (losing more than 10% of their affected land holdings, relocated HH and vulnerable). These HH are entitled to the income restoration program (IRP). Finally 292 AHs have to relocate. Most of them (260) will relocate to a serviced resettlement site (RS).

Table 7: Resettlement Impacts

District	Length (Km)	Total AHs	Severely Affected HH	Vulnerable HH	Relocated HH			
					Relocated in RS		Individual relocation	Total
					Already relocated	To be relocated		
Ho Chi Minh City								
District 9	8.6	226	60	15	0	0	17	17
Dong Nai Province								
Nhon Trach	3.1	63	47	9	0		0	0
Long Thanh	22.2	777	349	46	108	141	11	260

Cam My	12.0	220	170	28	0		4	4
Thong Nhat	5.7	232	103	20	0	11	0	11
TOTAL	51.0	1518	729	118	108	152	32	292

Handover of the Land in the ROW

At the time of this report, in District 9 (HCMC) and Nhon Trach, Thong Nhat district (Dong Nai province), all the land has already been handed over to the contractor. Only 16 HHs in Long Thanh and 1 HH in Cam My district, Dong Nai Province have complaints and not handed over yet (Table 8). A list of obstacles can be viewed in Table 13.

Table 8: Sections not Handed Over within the RoW

Package	District	Total length	Handed over	Section not handed over	No. of HH not handed over
Package 1A, 1B and 2	HCMC District 9	10.10 km	10.10 km	0	0
Package 3	Nhon Trach District	9.80 km	9.2 km	0	0
	Long Thanh District			300 m	9
Package 5	Long Thanh District	13.90 km	13.80	250 m	7
Package 6	Cam My District	17.18 km	16.85	150 m	1
	Thong Nhat District				0

Status of Compensation

All the AHs located in the RoW have been compensated. For those refusing to receive, DCCs deposited compensation in the bank. Regarding other sections, during the last 3 months 46 AHs located at the Underpass and Overpass locations in Long Thanh handed over their land to the project. There are 267 HHs have not handed over their land yet, most of them is affected by the sections outside the RoW. The following table presents the status of compensation for both ROW and other sections.

Table 9: Status of Compensation

District	Total no. of AH		Location of HH		DMS completed	Approved for compensation	HH compensated	HH handed over their land	Not handed over
	HH	Organization	ROW	Underpass, Overpass, service center, Dau Giay Interchange					
District 9	226	2	215	11	227	227	227	227	1

Nhon Trach	63	0	63	0	63	63	63	63	0
Long Thanh	777	3	610	168	777	711	781	620	160
Cam My	220	3	182	38	223	185	184	184	39
Thong Nhat	232	3	168	64	232	168	168	168	67
TOTAL	1518	11	1238	281	1522	1354	1423	1262	267

Source: Local Authorities - June 2012

The table 10 below presents the status of the compensation for sections outside the RoW.

Table 10: Status of Compensation for sections outside the ROW

	Affected HHs	Affected organizations	Approved for compensation	HH compensated	Status
Long Thanh district	162	6	102	86	
Overpass of road No. 25A	109	3	102	86	46 HHs handed over their land to contractor.
Overpasses, underpasses	23	3			
Maintenance area at Tam An commune	30				Compensation documents have been reviewed by the PC of Tam An commune. The district office of land registration is examining legal documents.
Cam My district	37				
Overpasses, underpasses	37	-	-	-	All compensation plans have been submitted for approval.
Thong Nhat District	60	4			
Dau Giay Interchange	33	2	-	-	33 HHs do not agree with the compensation rate for land in the safety corridor of the National road 1 A. Being waiting PPC decision.
Overpasses, underpasses	27	2	-	-	Compensation plans of 27 HHs and 2 organizations have been submitted
TOTAL	259	10	101	86	

Situation of the first 4 km

The original project scope did not include direct connection to the East-West Highway, which is connected to the HCMC center. ADB approved to finance the pre-construction activities (including resettlement activities) of this 4 km "missing link" under the TA Loan in January 2010. Ho Chi Minh City will finance the cost of land acquisition and resettlement.

District 2

A draft Resettlement plan for district 2 submitted to ADB on 21 May 2012. 220 HHs were identified as affected following the DMS. ADB's comments on the draft RP were received on 29 May 2012. However, before the PSC revised the draft RP, payment to affected HHs in district 2 already commenced on 31 May 2012. Local authorities explained that payments were made based on requests by the AHs. Therefore, ADB's review mission at the beginning of June informed that a due diligence report should be submitted to ADB instead of a revised RP to verify compliance as per agreed RP. To meet this requirement, additional information from DCC of district 2 has been collected and a quick interview to 15 AHs have been conducted to get further information for the due diligence report. The report is under preparation and will be submitted to ADB by mid July.

District 9

DMS is being conducted in District 9 and will be completed in July 2012. A total of 165 AHs will be affected by the project. Payment to affected HHs in district 9 will start in August 2012. EPMU will work closely with DCC of district 9 and prepare updated RP right after completion of DMS. If compensation payments commence at the time of due diligence of district 2, it will be included in the due diligence report.

Relocation in Long An Resettlement Site

Most of the 195 HHs that received land plots in the RS have settled in the Long An RS, with the exception of 3 HHs that will complete construction of houses by the end of June. Recently, 12 dividing HHs requested more land plots in the RS and have been allocated. Additionally, the DCC of Long Thanh is reviewing the entitlement of one more dividing HHs. It should be noted that some HHs who have many family members want to have their land and houses in the RS sold to buy smaller land plots in surrounding areas at lower prices.

Obstacles on the RoW

In HCM, removal of communication utilities has been finished. For the 110KV electric line, the relocating plan was approved and it is being removed (see table 13).

In Long Thanh district (Dong Nai), the budget for removal of the high voltage line (110-220HV) was approved, but it has not been implemented yet due to technical issues. The budget for removing the water supply pipe F400 and communication cable have not been approved yet. For other utilities such as low voltage electric lines, lighting system at NH 51 and communication cable a NH 51 interchange, these are being removed partly, because it requires land acquisition.

In Cam My and Thong Nhat districts, only electric lines being used by 33 HHs in Dau Giay interchange have not been removed. Remaining utilities in Cam My district are only low voltage electric lines in 4 positions, it is suggested these lines be put underground.

Impacts during Construction

Conflict between a farmer, Mr Hoang Van Quang, in Lo 25 commune and Hansin E&C (Package 6 Contractor). Mr. Quang complained that the Contractor caused the flood damaged his bamboo farm, and requested compensation of 160 million VND. However, Hanshin E&C explained that the drainage system constructed by the company is in good condition and the flood was caused by the heavy rain. The case was brought to the District court of Thong Nhat for judgement. The

court has requested the both parties to submit supporting documents. After that, the court will inform the date of judgement.

GRIEVANCE STATUS

Delay of handover of plot of land at Long An resettlement site:

According to recommendation of ADB's mission in June 2012, EPMU needs to review the compensation for affected structures because affected HHs were compensated in 2009/2010, while handover of land to AHs only commenced in 2011. They have complained that there was a significant increase in construction materials and cost of labour in 2011, the time of construction houses in Long An RS. EPMU with assistance of PSC is reviewing these cases to determine the rate of inflation of construction material during this period and discuss with local authorities if any adjustment is reasonable.

The 6 month rental allowance will also be reviewed to assess if the 6 months period was sufficient. Assessment of the situation and proposed corrective actions, if any, will be completed by the end of July 2012.

Compulsory handover

During the last 3 months, compulsory hand over have been made for 3 HHs in Long Thanh district. EPMU and local authorities have followed the grievance process in accordance with the agreed RP and as per Government laws and regulations. Some new compulsory hand over will take place in the coming months in Long Thanh district and district 9 (HCMC). Once hired, the external monitor will confirm that the procedures are following in accordance with the RP and laws prior to any compulsory hand over.

33 AHs in DAU GIAY INTERCHANGE

ADB's mission in June 2012 advised EPMU to review 18 AHs located within Dong Nai Housing Company and if found that these households already applied for LURCs, these households should be entitled to full compensation.

EPMU has reviewed these cases with Thong Nhat DCC. Among 18 HHs, 4 HHs bought the land and house according to the provision of Decree 61/NĐ-CP³ and therefore received the LURC. 14 HHs were entitled to apply the Decree, but had not received the LURC. It is suggested that these HHs will be paid full compensation, less the land use fee only⁴. The recommendations will be submitted to Dong Nai PPC for review and approval. EPMU will inform the final decision of Dong Nai PPC for the next quarterly report.

Allowance to Affected Shop Owners

Two (2) shops located on public land, near the Dau Giay Interchange, didn't get the allowance for affected business. These 2 shops should receive this allowance.

³ This Decree manages the sale of houses owned by the State to lessees.

⁴ According to Decree 61/NĐ-CP, to get the LURCs, the 4 HHs had to pay land use fee which are equals to government's rate of land. The same regulation will be applied for 14 HHs remaining.

INCOME RESTORATION PROGRAM

The Income Restoration Program (IRP) is separated into two stages: stage 1, which started in April 2011, is ongoing with the implementation of agriculture and small business demonstrations and vocational trainings for Dong Nai province and District 9 of Ho Chi Minh City; and stage 2, which was approved (for the proposal and budget) in April 2012 by ADB/VEC will be started soon in Dong Nai province.

This report presents results of stage 1 up to the present and some critical issues in the implementation of the IRP stage 1 and 2.

IRP Stage 1

The results showed that most of the demonstrations/models are running good and providing stable incomes for the participants with the exception of cow raising/breeding models. The households are estimated to earn around 3-6 mil. VND per month and the income is higher than earlier as stated by the farmers and also participants conducting small business.

There were 92 SAPs that have participated in short vocational training courses in which 82 participants have completed the following courses: body care (30 persons: 25 women and 5 men), home cooking (29 women and 1 man), electricity (17 men), accountant (1 woman), computer assembly (2 men and 1 woman) and fork lift running (1 man). The other 10 participants are taking a car-driving course. Among the trainees, more than 30 persons have been consulted and introduced to jobs in companies, 7 of the trainees were provided with equipment to open small business demonstrations and these HHs are earning stable income from 3-3.5 mil. VND per month. 100% of HHs who are conducting agricultural and small business demonstrations/models are satisfied with the project and 90% of APs are satisfied with the training courses provided.

in District 9 HCMC, there were 15 APs that have participated in short training courses: body care (8 women and 1 man), seamstress (1 woman) and electronic repairs (5 men). The Vocational training school has also opened 3 small business demonstrations in total 10 selected models (2 home cooking models and 1 motorcycle repair shop).

Table 11: Participants in the IRP Stage 1

Activity	Agricultural model (HH)	Small business (HH)	Vocational trainings (person)
Dong Nai			
Long Thanh district	23	1	15
Nhon Trach district	5		3
Cam My district	11	3	71
Thong Nhat district	9	2	3

District 9 HCMC	8	5	15
Total	58	11	107

IRP Stage 2

In Stage 2, implementing organizations from Stage 1 (Vocational school for Long Thanh-Nhon Trach and Farmer Unions of Long Thanh, Nhon Trach, Cam My and Thong Nhat districts) will continue to conduct small business/service models and vocational training and agricultural extension activities respectively.

There are nearly 200 HHs who will participate in the IRP Stage 2 of which 122 HHs selected the agricultural models, 34 HHs chose small business/service models and the other 30 participants will join short and intermediate training programs. All participants were selected from community consultation meetings participated by District's and Commune's FUs, Commune's PC, Women Union, Youth Union and affected persons themselves. Before selecting the models of income restoration, APs were provided with leaflets showing some results from the demonstration stage of the IRP. The leaflets presented both benefits and difficulties for each demonstration model which was experienced by households from stage 1.

APs are not able to change their options of models since the budget was fixed for each model and district. Changing in the type of model (e.g. from cow to pig raising model) will change the budget and cause some difficulties for auditing the account.

As discussed with the FUs in Stage 1, by end of the contract, direct investment will be reimbursed to FUs and FUs have to manage the money by investing to other affected people of the HLD project and/or other farmers with difficult circumstances. However, VEC is planning to take back Stage 2's investments. In this case, all or part of direct investments (agriculture and small business models) will finally return to VEC.

According to the ADB Mission (June 2012), this issue will soon be responded to by EPMU/VEC and the IRP Stage 2 can start in September 2012.

ACTIONS TO TAKE

The main actions to take for resettlement issues that will require the monitoring of EPMU and the PSC are presented in the following table.

Table 12: Actions to Take on Resettlement Issues for the HLD Project

Issue	Actions to take	By whom	By when
Relocation of HH at Long An RS - Nearly all HHs have settled at the RS, excepts some HHs who recently received land. - Due to a delay in the hand-over of plots in the RS, the compensation for building materials and labour increased significantly at the time of construction.	- Follow-up of relocation of AHs (in particular capacity of HH to build houses) - Review the compensation for affected structures - Review of the rental allowance	- PSC/EMA - EPMU/PSC - EPMU/PSC	- Until completion of relocation - July 2012 - End of July 2012
14 HH affected in Dau Giay Interchange entitled to LURC - 4 HH among the 18 HH in the Dau Giay Interchange could get LURC before the PPC stopped the process due to the Project and received full compensation for land; - The 14 remaining HH couldn't get the LURC	- Propose to Dong Nai PC to pay full compensation for the 14 HH that were entitled to get the LURC before the PPC stopped the issuance. - The HH will have to pay the fees for the issuance of the LURC.	- EPMU/Dong Nai PC - EPMU/Dong Nai PC	- End of July 2012 - End of July 2012
Two Shops located on public land at Dau Giay Interchange These 2 shops didn't receive the allowance for relocating their business (1M VND)	- Review the allowance for business relocation to these 2 shops	- EPMU, Center for Land Fund Development Thong Nhat	- July 2012
Handover land for remaining sections within the RoW So far, there are some sections have not been handed over to Contractor's (with 17 HHs)	- Continue to work with local authorities to solve these cases, manage the handed over land and transferred to contractors	- Centers for Land Fund Development - EPMU + PSC	- July 2012
Compensation of AHs for approaches to Underpasses and Overpasses 102 HH and organizations (per 168 HHs) was approved for compensation in Long Thanh, of those 86 HHs organizations were paid. All compensation plans in Cam My and Thong Nhat are under process of approval; no compensation was done, up to now, and HHs remain on the site;	- Approval of compensation plans as soon as possible - Public consultation/information; posting the approval compensation plan in public places - Payment of AHs	- Dong Nai Province Peoples' Committee - Various communes and districts PCs - EMA - Centers for Land Fund Development	- July-August 2012 - When compensation plan approved - When approved compensation plan are agreed by AHs
Removal of public works Many public works are preparing removal plan, some are under process of approval	- Approval of removal plans as soon as possible - Follow-up and facilitating payment for public work owners,	- Dong Nai Province Peoples' Committee - EPMU, PSC, EMA	- July-August 2012 - July 2012

Issue	Actions to take	By whom	By when
Impacts during construction period Conflict between a farmer, Mr Hoang Van Quang, in Lo 25 commune and Hanshin E&C (PK6). The case has been brought to the District court of Thong Nhat for judgement.	Follow-up of the process of solving, final decision from the district court of Thong Nhat.	- PSC, EMA	When the final judgement is available
Income Restoration Program (IRP) It is required that the financial liquidation for the advance payments from Stage 1 be completed before implementing the IRP stage 2. It was agreed that before starting Stage 2, staff of FU and VTS will be guided in using different forms applied for the IRP including financial and technical forms It was advised that the IRP Stage 2 will start in September 2012 and it needs to be clarified where the investment will be returned (VEC or FUs or to whom)	Review all liquidation documents sent by FU and VTS; Work with FU and VTS to solve the issue and finalize the financial reports.	- Farmers' Union - Vocational Training School - PSC	June -July, 2012
	Verify and approve the forms (monthly report, contracts, meeting minutes, disbursement and in due liquidations), etc.	PSC EPMU – HLD/VEC	July - August 2012
Discrepancy on entitlements as per RP and payments made to households affected by the project, especially by Overpasses and Underpasses, Differences were noticed between payment as per RP especially for Overpasses and Underpasses	Review the differences and propose adjustment. Detail explanations will be provided for all cases	- PSC - District authorities	When all compensation is paid
RP for the first 4 km and due diligence report A due diligence report requested to prepare for district 2 instead of a revised RP;	Prepare the due diligence report based on supplement information collected from DCC of District 2 and interview affected HHs.	- Project Supervision Consultant (PSC) and District 2 resettlement committee	- July 2012
District 9 is conducting the DMS.	Supervise DMS in District 9 and prepare the URP for district 9	- PSC and District 9 resettlement committee.	- July-August 2012
Grievance process The grievance process needs to be followed-up; especially those cases that complained recently asking for allowance according to Decree 69 and allowance for inflation for construction materials	- Ensure the fair solving of grievances - Ensure APs making complaints are informed about the results of the decision on time - Review the rate of inflation of construction materials in 2010 and 2011	- EPMU - EMA - PSC	- All along the project ROW

Issue	Actions to take	By whom	By when
Compulsory handover Compulsory land acquisition has conducted in Dong Nai province It will be applied for 1 HH in Hochiminh City (in the Control station)	<ul style="list-style-type: none"> - Follow up the process of compulsory hand-over in accordance with the agreed RP and as per Government laws and regulations; - Representatives of EPMU and EMA have to be present during compulsory handover - Prepare disbursement forms for relevant district 	<ul style="list-style-type: none"> - EPMU - EMA - PSC 	<ul style="list-style-type: none"> - All along the project ROW and other section (if any)
External Monitoring Agency to be engaged by JICA <ul style="list-style-type: none"> - JICA will discuss the Addendum with VEC the contract amount. - It is expected that the external monitoring organization will be mobilised no later than mid July 2012. 	<ul style="list-style-type: none"> - Sign contract between Nippon Koei and the EMA 	VEC/EPMU	Mid July 2012

Table 13: List of Obstacles

Location	Name/Type	Reason	Status
Package 2			
Km 13+700	Nguyen Van Lang (881.7 m2)	Request to be compensated for land on riverbank and canal	Compulsory hand-over applied
Package 3			
Km 14+701	Nguyen Van Thieu	Request to be compensated for land on riverbank and canal	Compulsory hand-over applied
Km 15+700	Nguyen Van Nam	Request to be compensated for land on riverbank and canal	Compulsory hand-over applied
Km 23+000 (Long Thanh town)	Duong Thi Em	The HHs claim for more plots of land in the RS;	Center for Land fund development submitted documents for approval
Km 23 + 260	Nguyen Minh Chuc	Claims for a plot in the RS, area of acquired land	Under investigation by Long Thanh CFLD; Agreed to hand-over
Km 23 + 670	Le Van Ty (Nguyen Trong Nhiem using)	Claim for more plots of land in the RS	Agreed to hand-over on 11 May 2012
Km 23 + 710	Nguyen Thi Tuyet	Claim of compensation, conflicts between family members	Agreed to hand-over on 11 May 2012
Km 23+300	Trần Thụy Vĩnh	Claim for adjusting the acquired land; (in the safety corridor of NH 51)	Complaint recently made
Km 23+300	Ng. Thanh Sơn-Tr.T.K Dung	Claim for adjusting the acquired land; (in the safety corridor of NH 51)	Complaint recently made
Km 23+300	Đặng Thị Kim Đồng	Claim for allowance for inflation of construction materials	Complaint recently made
Package 5			
Km 23+910	Nguyen Duc Hoa	Claim for more plots of land in the RS,	District agreed. Documents are being prepared.
Km 25+050	Le Duc Thanh	Claim on area of acquired land	Under investigation by Long Thanh CFLD;
Km 25+150	Tran Minh Xuan (Phan Thi Mo)	Claim on allowances following Decree 69	Claim was rejected. To be compulsory handed over.
Km 25+350	Nguyen Van Xanh	Claim on allowances following Decree 69	Claim was rejected. To be compulsory handed over

Location	Name/Type	Reason	Status
Km 25 + 670	Dinh Van Nhanh	Claim on allowances following Decree 69	Claim was rejected. To be compulsory handed over
Km 26 + 250	Tran Thi Hoa	Claim for a plot in the RS	Claim was rejected. To be compulsory handed over
Km 27 + 940	Vo Thi Ly-Nguyen Van Vy	Conflicts with land users	Under investigation by Long Thanh CFLD;
Package 6			
Km 46+950 to km 47+160 (Cam My district)	Le Van Nhat (9,035 m ²)	Owner of cashew farm don't agree with the compensation rate	Claim was rejected by PPC of Dong Nai.

Table 14: List of Public Utilities on the ROW

No	Description	Section km	PK	Location	Remarks	Current situation
I	Low tension distribution lines					
7	Electric lines of low and medium voltage	22+750	3	Long Thanh	Provincial road 25A	Removed
8	Electrical and Lighting (BVEC)	23+300			Interchange NH 1	
9	Electric lines of low and medium voltage	23+300			Interchange NH 1	
	Electric lines of low and medium voltage (Thai Lac 3)	24+000	Interchange NH 1		The approval of Dong Nai PPC was obtained. The compensation procedures are being processed.	
10	Electric lines of low and medium voltage	24+750	Local Road			
	Electric lines of low and medium voltage (Thai Lac 3)	25+250	Provincial Road 769			
11	Electric line of medium voltage (Binh Son)	31+800	Local Road			
12	Electric line of medium voltage (Bau Tre 5 and Bau Tre 7)	36+480 37+150				
13	Electric line of Low voltage (binh Son)	37+300				
14	Electric line of low voltage	41+100	6	Cam My	Local Road	The approval of Dong Nai PPC was obtained. The compensation has been paid.
15	Electric line of medium voltage	47+300			Local Road	
16	Electric line of medium voltage (to Weapon storehouse)	47+616			Local Road	
17	Electric lines of low and medium voltage (Nui Nua)	49+100		Thong Nhat		The approval of Dong Nai PPC was obtained. The compensation has been paid.
18	Electric line of medium voltage	50+500				
19	Electric lines of low and medium voltage - hamlet 94	51+100			Local Road	
20	Electric lines of low and medium voltage - hamlet 94	51+200				

21	Electrical and Lighting	54+973			Dau Giay Interchange	Being removed
II	High voltage transmission line					
1	High voltage electric line of 110 Kv	05+880	1	District 9	Cat Lai - Eastern of Thu Duc	Being removed
2	High voltage electric line of 220 Kv	22+300	3	Long Thanh	Long Binh - Long Thanh	Being submitted for verification. Provided the valuation cert. as requested
3	High voltage electric line of 110 Kv	22+250			Long Binh - Long Thanh	Procedures are being implemented
III	Water supply pipes					
2	Water supply pipe F400	22+760	3	Long Thanh	Long Thanh Town	Being submitted for verification. Provided supplementary documents
3	Water supply pipe F800	24+473	5		Long An Commune - Long Thanh Dist.	The owner suggested for no removal, apply the safety measures while constructing the HLD
IV	Communication lines					
2	Phone cable along provincial road 25A	22+750	3	Long Thanh	Long Thanh Town	There is feed-back from the ownership companies to land development center to make the compensation profile.
3	Phone cable, fiber optic F42 cable at Interchange NH51.	23+300			Long An Commune - Long Thanh Dist.	
4	Phone cable along provincial road 769	31+800	5		Binh Son Commune - Long Thanh Dist.	
5	-Phone cable at Dau Giay interchange	54+975	6	Thong Nhat	Xuan Thanh Commune - Long Thanh Dist.	-Compensation profile is being prepared by Viettel and VNPT
V	Bullet store A6/QK7					
1	Compensation plan for bullet store A6/QK 7		6	Cam My	Song Nhan Commune - Cam My Dist.	Compensation plan was approved