

# Resettlement Plan

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April 2013

## PRC: Xinjiang Urban Transport and Environmental Improvement Project

Prepared by Xinjiang Project Management Office, Hami Construction Bureau for the Asian Development Bank. This is an updated version of the draft originally posted in October 2008 available on <http://www.adb.org/projects/40643-013/documents>.

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## Letter of Commitment

Project Management Office of ADB Loan Project of Hami City has applied for a loan from the Asian Development Bank (ADB) for finance the Hami Roads and Environmental Sanitation Component (TRESP). Therefore, the project must be implemented in compliance with the guidelines and policies of the Asian Development Bank for Social Safeguards Policy. This resettlement plan (RP) represents a key requirement of ADB and becomes a basis of the land acquisition, house demolition and resettlement work of this project. This RP complies with the applicable laws and regulations of the People's Republic of China (the RPC), Xinjiang Uygur Autonomous Region (XUAR) and Hami City. In order to complete the resettlement work more effectively, this RP includes some additional measures, and implementation and monitoring arrangements.

Project Management Office of ADB Loan Project of Hami City hereby approves the contents of this Resettlement Plan and guarantees the implementation of land acquisition, house demolition, resettlement, compensation and fund budget will comply with this plan. The updating of this Resettlement Plan is based on both the fixed project design and the DMS. If the final contents of project implementation are different from the Feasibility Study Report, this RP will be amended and re-submitted to the ADB for approval before its implementation.

**Project Management Office leader of ADB Loan Project of Hami City**



(Signature)



(Date)





## 承诺函

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哈密市亚行贷款项目管理办公室

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(签字)

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(日期)



ADB Financed Project

## **Final Resettlement Plan**

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Hami City Roads and Environmental Sanitation Component

Of

Xinjiang Urban Transport and Environmental Improvement  
Project

Xinjiang Uygur Autonomous Region Government of PRC  
Project Management Office of ADB Loan Project of Hami City  
Hami Construction Bureau

April 15, 2013

## **Updated Instructions for Hami City Resettlement Plan**

The updating of this Resettlement Plan is based on both the fixed project design and the DMS.

Hami City Urban Transport and Environmental Sanitation Project include the following contents: (1) the road component, involves the construction of 2 main urban roads, the total length is 5.425km; which are Bayi South Road, with 3518.64m long, the width of redline is 54m, and a 1-4.0m slab culvert bridge; And Renmin Road, with 1906.58m, the original design of Renmin Road's redline width was 40m (length is 1584.36m) and 13m (length is 322.22m), it had changed the 13m (length is 322.22m) into 40m; and 2-4.0m slab culvert bridge (2) Sanitation facilities component and associate components.

During the midterm adjustment of the project, Hami PMO applied to cancel the construction of North Bayi Road. The land acquisition and resettlement of the project is mainly caused by the construction of the road component. The original design of Renmin Road's redline width was 40m (length is 1584.36m) and 13m (length is 322.22m), it had changed the 13m (length is 322.22m) into 40m, so demolition and land acquisition would be increased correspondingly. The permanent requisition of land for this component directly affected 644 people, including 215 minority people, accounting for 33.39%. There were 30246.96 m<sup>2</sup> houses had been demolished including 25441.83 m<sup>2</sup> residential houses (including 2501.46 m<sup>2</sup> house stores). It affected a total of 108 households with 373 people, including 56 minority households with 191 people. And 3 enterprises with 51 people, 19 minorities among them, 2275.13 m<sup>2</sup> was occupied; A mosque in Crossroad of Renmin Road was demolished as well, which occupied 2530 m<sup>2</sup>, 5 minorities were affected. The project will permanently requisition 58.66mu collective land, which includes 51.06mu cultivated area, 1.96mu Greenhouses land, and 5.64mu vegetable plots; and 22.15 mu of stated land, include 10.12mu state-owned residential land and 12.03mu construction land.

The updated resettlement plan, including project land acquisition demolition and resettlement, compensation standards, livelihood recovery and resettlement budget, the schedule of implementation has been updated, all the land acquisition and house demolishment work had been completed in December 2012. Detailed updating is concluded in the main part of the report

Hami City ADB Loan Project Management Office

April 15, 2013



## Letter of Commitment

Project Management Office of ADB Loan Project of Hami City has applied for a loan from the Asian Development Bank (ADB) for finance the Hami Roads and Environmental Sanitation Component (TRESP). Therefore, the project must be implemented in compliance with the guidelines and policies of the Asian Development Bank for Social Safeguards Policy. This resettlement plan (RP) represents a key requirement of ADB and becomes a basis of the land acquisition, house demolition and resettlement work of this project. This RP complies with the applicable laws and regulations of the People's Republic of China (the RPC), Xinjiang Uygur Autonomous Region (XUAR) and Hami City. In order to complete the resettlement work more effectively, this RP includes some additional measures, and implementation and monitoring arrangements.

Project Management Office of ADB Loan Project of Hami City hereby approves the contents of this Resettlement Plan and guarantees the implementation of land acquisition, house demolition, resettlement, compensation and fund budget will comply with this plan. The updating of this Resettlement Plan is based on both the fixed project design and the DMS. If the final contents of project implementation are different from the Feasibility Study Report, this RP will be amended and re-submitted to the ADB for approval before its implementation.

**Project Management Office leader of ADB Loan Project of Hami City**

  
\_\_\_\_\_  
(Signature)  
\_\_\_\_\_  
(Date)

## LIST OF ACRONYMS AND MEASURES

ADB	Asian Development Bank
AP	Affected Person
CNY	Chinese CNY
CRC	Community Residents Committee
HUIDC	Hami Urban Investment and Development Company
DI	Design Institute
DMS	Detailed Measurement Survey
EA	Executing Agency
EIA	Environment Impact Assessment
FB	Finance Bureau
FSR	Feasibility Study Report
Homestead	Existing land in the village for building houses
Ha	Hectare
HMCB	Hami Construction Bureau
HMMG	Hami Municipal Government
IA	Implementing Agency
LAB	Land Administration Bureau
MSL	Minimal Security Line
M&E	Monitoring and Evaluation
MRM	Managerial Review Meeting
NGO	Non Governmental Organizations
PMO	Project Management Office
PPTA	Project Preparatory Technical Assistance
HMPMO	Project Management Office of ADB Loan Project of Hami City
PRC	Peoples Republic of China
RIB	Resettlement Information Booklet
RP	Resettlement Plan
ToR	Terms of Reference

# LIST OF ACRONYMS AND MEASURES

US\$	United States Dollar
WF	Women's Federation
km <sup>2</sup>	square kilometer
km	Kilometer
m <sup>3</sup> /d	Cubic Meters per day
%	Percentage
≤	Less than or equal to
≥	Greater than or equal to
#	Number
mu	Chinese area measure for land, 1mu = 1/15 ha (1 ha = 15 mu)
CNY	Chinese currency CNY, 1 CNY = 1/6.99 \$US ( \$US1=CNY 7.9)



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# EXECUTIVE SUMMARY

## 1. Outline of the project and its impact

In order to reduce traffic congestion and improve road safety, Hami Municipal Government (CMG) the Executing Agency (EA) intends to utilize part of the Asia Development Bank (ADB) loan to launch urban roads and municipal services project in the Hami city, which is one of component in Xinjiang Urban Transport and Environmental Improvement projects.

This Project is to be implemented by Hami Urban Investment and Development Co., Ltd. (HUIDC) as the implementing agency (IA). This component involves the construction of 9.02km of urban roads together with ancillary works including environment and sanitation facilities.

The updating of this Resettlement Plan is based on both the fixed project design and the DMS.

Hami City Urban Transport and Environmental Sanitation Project includes the following contents: (1) the road component, involves the construction of 2 main urban roads with a total length 5.425km , which are Bayi South Road, with 3,518.64m long, the width of redline is 54m and 1-4.0m slab culvert bridge; and Renmin Road, with 1906.58m, the original design of Renmin Road's redline width was 40m(length is 1584.36m ) and 13m(length is 322.22m), it had changed the 13m(length is 322.22m) into 40m; and 2-4.0m slab culvert bridge (2) Sanitation facilities component and associate components. During the midterm adjustment of the project, Hami PMO applied to cancel the construction of North Bayi Road.

There were 3 Community Residential Committees (CRC) and 3 villages affected by construction of Renmin Road. The permanent requisition of land for this component will directly affect 644 people, including 215 minority people, accounting for 33.39%.

30246.96m<sup>2</sup> houses have been demolished, including 25441.83 m<sup>2</sup> residential houses (including 2501.46 m<sup>2</sup> of private stores). It affected a total of 108 households with 373 people, including 56 minority households with 191 people. And 3 enterprises with 51 people, 19 minorities among them, totaling 2275.13 m<sup>2</sup> of buildings for demolition. A mosque in Crossroad of Renmin Road was demolished as well, which occupied 2530 m<sup>2</sup>, 5 minorities (staff) were affected. The project will permanently requisition 58.66mu collective land which includes 51.06mu cultivated land, 1.96mu greenhouses land, and 5.64mu vegetable plots; and 22.15 mu of state-owned land, including 10.12mu residential land and 12.03mu construction land.

The impacts from land acquisition were minimized by close consultation with local

officials and the CRCs at the feasibility study report (FSR) stage, and alternative schemes involving different road routings have been compared and the optimal scheme selected. The final Resettlement Plan (RP) is prepared in accordance with all necessary PRC state legislation, Provincial and Municipal related policies related to land and also with ADB's Policy on Involuntary Resettlement. The updating of this Resettlement Plan is based on both the fixed project design and the DMS.

## **2. Policy framework and entitlement**

Based on PRC land legislation and policy, the resettlement principles established for the component are: (i) compensation and entitlements provided to the affected persons (APs) are adequate to at least maintain their "without project" standard of living, and with prospect of improvement; (ii) All APs, titled or non-titled, will be provided with resettlement assistance and granted fair compensation; (iii) where post- requisition cultivated land per capita is not sufficient to maintain livelihood, compensation in cash or kind for replacement land for other income-generating activities will be provided for the APs; (iv) all the APs will be adequately informed on eligibility, compensation rates and standards, livelihood and income restoration plans, project timing, and will be involved in the RP implementation process; (v) no land requisition will take place unless replacement land or sufficient compensation for resettlement is given to the APs; (vi) Hami Municipal Government (HMG), the executing agency (EA) and an independent / third party will monitor compensation and resettlement operations; (vii) vulnerable groups should receive special assistance to ensure they are better off, so that the APs listed in the RP will have the opportunity to benefit from the project; (viii) RP will be combined with the overall City / County / District planning; and (ix) the resettlement budget will adequately cover the full aspects of all compensation required.

## **3. Responsible Organizations**

CUIDC will be responsible for the project implementation and land resettlement and house demolition and co-ordination. The land acquisition and demolition office is composed of officials from land administration departments and urban construction departments. All affected residential committees and villages provide one staff member respectively to the land acquisition and demolition office, responsible for the work concerned with demolition and resettlement and income rehabilitation activities.

## **4. Public Participation**

Public participation has been the key to this RP, from December 2007 to May 2008, Hami PMO and DI acquired information about project impacts through census investigation of people, houses, land and other facilities in affected areas. From February to March of 2008 with the help of technology assistance experts, Hami PMO and DI did complementary

survey of affected families and rural economy organizations and a number of consultation meetings have been held in the project area. Participants from the CMG, PMO, urban Community Resident Committees (CRCs), land administrative bureau (LAB), civil department, women's federation, urban spatial planning department, APs and Consultants. Project investigation has been undertaken in affected sub-district, CRCs and villages. These meetings and investigations have generated a lot of interest in the resettlement policies and compensation entitlements. More consulting meetings will be required in the future. Affected people have participated in the preparation of the resettlement plan and their concerns and comments have been included in the resettlement plan already.

From December 2008 to September 2012, Hami PMO, demolition and resettlement office, officers from communities and village, did DMS to finalize the impacts of occupied land, and the losses of the affected people, signed the agreement with APs. The PMO listened to APs' opinions and solved their problems through workshops, interviews, so that all APs could join the public consultation.

## **5. Grievance**

Affected people can propose any complaint related to land acquisition, resettlement, income rehabilitation and compensation. The grievance procedure is described clearly in the resettlement plan (RP) and explained to APs in the meetings held by CUIDC and the district land acquisition and demolition office before any action of land acquisition and demolition takes place.

## **6. Costs**

According to the project detailed design and DMS, the resettlement cost is estimated at CNY 5,394.43 million. CUIDC will ensure that sufficient funds are made available to cover all necessary resettlement issues.

## **7. Schedule**

The land requisition and resettlement began in June 30th, 2009 and to be completed in December 31st, 2013. Civil works will not begin before compensation for the APs are paid in full, which is in accordance with the State Council Decree #31.

## **8. Monitoring and Report**

Internal and external monitoring will be conducted on the implementation of the resettlement program. CUIDC will be responsible for internal monitoring and prepare regular reports to the ADB covering the progress of the resettlement, discussing key issues about compliance with the RP and compensation policies. The PMO engaged the National Research Center for Resettlement of Hehai University as an independent agency to conduct external monitoring and assessment and prepare an assessment on resettlement

progress, compensation disbursement, and other measures to ensure that the APs maintain standard of living and do not change their living style because of the Project. The first resettlement monitoring report was submitted in August 2012.



## **I Introduction and Project Description**

### **1.1 Project Background**

1. Hami City Urban Transport and Environmental Sanitation Project is a component of the Asian Development Bank (ADB) financed Xinjiang City Urban Transport and Environmental Improvement Project.

2. In Nov, 2007, the development and reform committee of Xinjiang Uygur Autonomous Region and some experts reviewed the suggestions on Xinjiang Urban Transport and Environmental Improvement Asian Development Bank Financed Project, including Hami subject and issued the approval in Dec, 17, 2007, (XDRF [2007] No.1718).

3. The start of Project provides good opportunities for the comprehensive development of Xinjiang Infrastructure. It will be significant for the infrastructure development, environment improvement and social economy promotion.

4. Located in the east of Xinjiang Uygur Autonomous Region, Hami City is a vital communication line of Xinjiang to line different parts of mainland China, which is also crowned as “a key position in the west and a traffic junction between east and west”. Lanxin railroad, National Road 312, and Asian—European land bridge all go through Hami City. Easy transportation ensures the social and economic development of Hami City. The overall plan for the economic development of Hami City is as follows: regard resource industry as its major industry and marketing agriculture and tourism as minor; regard city construction as framework and establish a modern industrial system featured in resources transfer; form nonferrous metal industry, metallurgical industry, and farm and sideline product processing industry; establish four industrial producing bases and four planning regions for town industry, to be more specific, nonferrous metal and metallurgical industry, coal industry, chemical industry and food processing industry. Agriculture should aim at marketing and distinctive features, so as to establish bases for melons and fruits of high quality such as Hami melon, grape, and Hami jujube. Tourism should take the full advantage of special features, in order to establish a fine tourist region with Hami feature of “new, peculiar, unique and perilous”. Meanwhile,

structure of production should be rationalized and service quality improved. As to city construction, road network should be constantly perfected, city should be greened to beautify its image and all kinds of functions should be added to establish an emerging new city. The state policy of exploring the west brings golden opportunities of development to Hami City, and Hami City is making great efforts to foster good financing environment, and make the most of its advantages to promote the sustainable, sound and cohesive development of the region.

5. With the policy of further developing western regions, the state government's preference for Xinjiang area as well as the rapid development of economic globalization, Xinjiang is faced with unprecedented historical moments. It is of great significance that the ADB financed Xinjiang City Urban Transport and Environmental Improvement Project will provide good opportunities for infrastructure construction, environmental improvement and social and economic development of Xinjiang City. Hami City is determined to seize this golden chance to accelerate its infrastructure construction, explore further development, beautify the city environment and create a bright future.

6. Hami City Urban Transport and Environmental Improvement Project is beneficial to:

- Promoting the integrative development of Hami economy;
- Driving the development of Yiwu and Balikun counties and so on;
- Implementing the important strategy of “Stabilize Xinjiang and Flourish Xinjiang, Enrich People and Reinforce Frontier” and “the Eleventh Five Year Development Plan” of Hami City;
- Accelerating the economic development of Hami City;
- Improving the urban living environment and living standard, ensuring citizen's transportation safety.
- Strengthening the economic cooperation between China and other Asian countries, hence stimulating and promoting the economic development of Xinjiang.
- Perfecting the road network of Hami City, and promoting the economic development of Hami City and improving people's living standard.

## 1.2 Brief Introduction

### 1.2.1 Project Sub-Components

7. Hami Urban Roads and Environment Sanitation Project Component includes: (1) Roads: Construction of 2 main roads, with a total length 5.425km; And 1-4.0m slab culvert for South Bayi Road, a 2-4.0m slab culvert for Renmin Road (2) Environment sanitation and appurtenant works.

#### (1) Roads

Road construction consists of main roads and culvert bridges.



Figure I-1 Original Renmin Road

**Table I-1 Urban Road Construction Plan**

Name of Road	Beginning of Road	End of Road	Road grade	Length (m)	Redline width (m)	Bridge	Lamp
Bayi South Road	Huancheng Road	Bayi Northern Road	main road	3518.64	54.0	one 1-4.0m slab culvert bridge	192
Renmin Road	Huancheng Road	Zhongshan Road	main road	1906.58	40	one 2-4.0m slab culvert bridge	84
Total				9021.75		3 units	505

#### (2) Environment sanitation

8. Environment sanitation embodies the overall image of a city, reflecting the popularity and reputation showed by the city's history and reality and multifunction. Good environment sanitation indicates that human beings and nature are in harmony with each other, reflects the comprehensive strength and civilization of a city, and serves as a criterion to judge a city's managerial level; its basic feature is its "public welfare"; Environment sanitation in the present project includes: trash cans that put along the roadside and purchase of road cleaning cars. As is shown in Table I-2.

**Table I-2 Environmental Sanitation Equipment**

Name of road	Trash cans
Bayi Southern Road	70
Renmin Road	40
Total	182

**Table I-3 Table of slab culvert bridge**

Name of road	Plan for slab culvert bridge	Code of post
Bayi Southern Road	one 1-4.0m slab culvert bridge	K2+899.60
Renmin Road	one 2-4.0m slab culvert bridge	K1+180



Figure I-2 Planning Road Situation

### 1.2.2 Scope of Land Acquisition and House Demolition, Brief Summary and Impacts

9. The land acquisition impacts of this project are caused by Renmin road project. All the places that are affected by land acquisition and project construction to the extent that the production and livelihood of the local people are affected are included as affected areas of this project.

10. During this phase, land acquisition impacts are identified based on the final project design and DMS.

The land acquisition impacts of this project will affect 3 CRCs and 3 villages of Hami City, respectively these are Binhe Road Community, South zhongshan road Community, North zhongshan road Community, Xicaiyuan Village, Beicaiyuan Village, Dayingmen Village. Land acquisition and house demolition will affect 644 people, including 215 minority people, accounting for 33.39%. There are 30246.96m<sup>2</sup> houses to be demolished, including 25441.83m<sup>2</sup> residential houses (including 2501.46 m<sup>2</sup> house stores). It will affect a total of 108 households with 373 people, including 56 minority households with 191 people. And 3 enterprises with 51 people, 19 minorities among them, and 2275.13 m<sup>2</sup> will be occupied. A mosque in Crossroad of Renmin Road was demolished as well, which occupied 2530 m<sup>2</sup>, 5 minorities were affected (see Appendix 6 for Due Diligence Report of Mosque Relocation). The project will permanently acquire 58.66mu collective lands, which include 51.06mu cultivated area, 1.96mu greenhouses land, and 5.64mu vegetable plots; and 22.15 mu of state-owned land, including 10.12mu residential land and 12.03mu construction land. Project impact summary is shown in Table I-4, details in chapter II.

11. Summary of Project Impacts: see, Table I-4, details see chapter II.

**Table I-4 Summary of Project Impacts**

City County		Updated RP	Original RP
Affected villages or communities		3 CRCs and 3 villages	3 CRCs and 3 villages
Permanent LA — collective	Total	58.66	72.07

City County		Updated RP	Original RP
land (mu)	Including: cultivated area	51.06	31.82
	greenhouses land	1.96	10.95
	forest land	0	3
	vegetable plots	5.64	0.57
	residential area	0	25.73
Permanent LA – state-owned land (mu)	Total	22.15	24.07
	Including: residential area	10.12	18.7
	construction area	12.03	5.37
House demolition (m <sup>2</sup> )	Rural residential house	12771.46	12757.04
	Urban residential house	10168.91	7687.6
	House store	2501.46	2580.61
	Enterprise	4805.13	
	Subtotal of affected area (m <sup>2</sup> )	30246.96	23025.25
Directly affected population	Households only affected by Land Acquisition (LA)	49	1
	Persons only affected by LA	215	3
	Households affected by LA and house Demolition (HD)	3	29
	Persons affected by LA and HD	16	98
	Households only affected by HD	105	69
	Persons only affected by HD	357	221
Subtotal of directly affected households		157	99
Subtotal of directly affected persons		588	322
enterprises and public institutions		4	4
Persons affected by enterprises demolition		56	128
Total of directly affected persons		644	450

### 1.2.3 Social and economic Benefits of the Project

12. The project will construct various public infrastructures, including city roads and associated facilities<sup>1</sup>, environmental sanitation facilities<sup>2</sup> and vegetation<sup>3</sup>. The

<sup>1</sup> Associated facilities are those utilities constructed beneath or beside the road including water, waste

project is mainly to improve the relatively run-down living mode and environment for people of the city, and strengthen access to social economy and culture. The improvement of urban infrastructures and environment will increase the value of land along the roads and promote the development of land and trade.

13. The crossroads area of Renmin Road in Hami City used to be the most prosperous downtown area. However, now it is an old section of the city with narrow roads and poor living conditions, which has caused great inconvenience to local residents and serious pollution to the environment. The poor road conditions also have limited the racial commodity market nearby whose business during the past 5 years was rather unsatisfactory. The present project will stimulate the business and increase the house value.

14. The construction of city infrastructure will bring following benefits:

1. The construction of city infrastructure will stimulate local economic development and improve people's living standards. It is also hoped that people's appreciation of the environment will be enhanced, encouraging them to actively participate in the city's environmental protection activities.

2. The construction of public green space, environmental sanitation facilities and road vegetation will greatly improve the city's green coverage rate, reduce the rate of baren land, and effectively reduce the impacts of noise, dust, solid waste and sewage on road, and improve people's living environment so that the city's environment will be continuously improved. The project will bring obvious improvement to urban environment.

3. According to the design, the project is anticipated to create 105 direct jobs and 90 indirect jobs, including 15 managerial technicians, 35 skilled workers and 55 unskilled workers; indirect jobs include 20 managerial technicians, 30 skilled workers and 40 unskilled workers. In the implementation of project, PMO will provide non-technological employment to affected women (at least 45% of technological workers). Affected female labors will be considered first in skill training to protect their economic status. Training will help 600 APs, including and female APs not fewer than

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water, and district heating and in some cases power lines.

<sup>2</sup> Environmental sanitation facilities mean public toilets, garbage storage and collection facilities, waste treatment facilities.

<sup>3</sup> Vegetation means roadside planting, landscaping and general re-greening.

300 (accounting for 50%).

#### **1.2.4 Cost Estimate and Implementation Plan**

15. The resettlement cost adds up to RMB 5394.43 million CNY, CUIDC will ensure that sufficient funds are made available to cover all necessary resettlement issues.

16. This project implementation period is from 2007 to 2013 which includes: (i) preparation phase of 2 years (2007~2008); preparing the project, such as project identification, survey and design, environment evaluation and loan negotiation. (ii) Construction phase of 5 years (2009~2013), at the end of which the project will be put into use when urban road illumination, traffic security facilities, road vegetation and environmental sanitation should be completed.

#### **1.2.5 Measures to Avoid or Minimize Land Acquisition and House Demolition**

17. The project design has given consideration to minimizing land acquisition and house demolition by observing the following major principles:

- Avoid or minimize the occupation of residential areas(rural and urban), existing or planned;
- Avoid or minimize the occupation of high-quality cultivated area;
- Make use of national or local roads for the proposed construction sites;
- Avoid or minimize the occupation of environmentally or culturally sensitive places; and
- Any relocation must conform to the local development plan.

18. When selecting road alignments for the project, people in charge should avoid occupying the current and original buildings and try their best not to replace orchard lands of high quality. Meanwhile, according to the project implementation, APs shall be informed in advance before the land acquisition so as to decrease their losses.

19. Construction of Renmin Road involved the demolishment of shops, residential houses and the mosque in Grand Crossing. The mosque was located inside the Renmin Road construction red line, so combined with the renovation work of temples inside it, it's better to have the overall reconstruction. From 17 April to 17 May, 2008,



Hami City Construction Bureau conducted reconstruction project publicity; the reconstruction of this mosque was incorporated into Hami City reconstruct projects in 2009. April 1st, 2009 Hami Municipal Construction Bureau had signed the demolition compensation agreement with the mosque. The mosque demolition had completed in April 2009, Hami Municipal government rent an underground warehouse which is in the opposite of the mosques as a transition place for prayers, the transition period is 18 months, that was from April 1, 2009 to October 1, 2010. and the New mosque formally put into uses in October 2010.

**Table I-5 Minimizing Resettlement Impacts**

Item		Unit	Before Mitigation	After Mitigation	Deference Between Before-After
Permanent LA	collective-owned land	mu	103.48	72.07	31.41
	state-owned land	mu	54.59	24.07	30.52
	Sub-total	mu	158.07	96.14	61.93
Temporary land occupation		mu	0		
House demolition	Residential (rural)	m <sup>2</sup> era	14458.58	12757.04	1701.54
	Residential (urban)	m <sup>2</sup> era	9818.25	7687.6	2130.65
	Enterprises	m <sup>2</sup> era	7799.23	2580.61	5218.62
	Shops	m <sup>2</sup> era	797.34	0	797.34
	Sub-total	m <sup>2</sup> era	32873.4	23025.25	9848.15
Permanent LA	APs	Person	653	450	203
House demolition	Rural Residents	HH	49	49	0
	Urban Residents	HH	75	49	26
	Shops	No	9	0	9
	Enterprise	No	9	4	5
	Sub-total	No	142	102	40

## II Project Impact

### 2.1 Project Impact Identification

20. According to the analysis of the real survey, the major categories of project impacts will include the following four types:

- (1) Loss impacts caused by land acquisition or occupation.
- (2) Impacts caused by demolition of residential houses and associated facilities.
- (3) Impacts caused by demolition of non-residential buildings.
- (4) Impacts caused by loss of public facilities and infrastructure.

## 2.2 Methods for Project Impacts Survey

21. To identify the project impacts, according to the requirements of the ADB, HM PMO and the DI organized a socioeconomic investigation team and investigated the affected population, houses, land and special facilities from December, 2007 to February, 2008 and obtained detailed information about the project impacts. Under the guidance of the technical assistance consultants, a complementary survey on affected families and village collective economic organizations was carried out from February to March in 2008.

From December 2008 to September 2012, Hami PMO, demolition and resettlement office, officers from communities and village, did DMS to finalize the dates of occupied land, and the losses of the affected people, signed the agreement with APs.

22. The survey covered land acquisition, impacts on APs caused by land acquisition and house demolition, house and asset demolition, destruction or damage to scattered trees, rural facilities for living and production and special facilities, etc.

**Survey on land acquisition:** The design organization identified land acquisition scope on the spot, and then according to the present uses of land, investigation groups counted the area of land of different uses and corresponding occupants/owners.

**Survey on APs:** A sample survey on the affected population was carried out, including ethnicity, age structure, educational background and employment characteristics, etc.

**Survey on houses and associated facilities demolition:** The measurement of demolished houses was on the spot and was carried out house by house. A register was compiled detailing the different house structures, ownership and land types.

**Survey of scattered trees:** Trees were identified and recorded one by one in the range of land acquisition, and recorded according to ownership, size and species.

**Survey on public facilities:** Affected public facilities such as irrigation works, electric power lines/poles, telecommunication infrastructure, etc. was surveyed based on present information coming from departments, enumerators and persons concerned, then such information was registered on the spot.

23. All land acquisition impacts are caused by construction of new roads. The area within the range of project land acquisition and all the places that are affected by the land acquisition and project construction to the extent that the production and livelihood of the local people are affected are included in the resettlement survey.

24. At this stage, the impacts of land acquisition and house demolition surveys were based on both the fixed project design and the DMS.

25. The land acquisition impacts of this project affected 3 CRCs and 3 villages of Hami City, respectively these are Binhe Road Community, South zhongshan road Community, North zhongshan road Community, Xicaiyuan Village, Beicaiyuan Village, Dayingmen Village. Land acquisition and house demolition affected 644 people, including 215 minority people, accounting for 33.39%. There are 30246.96m<sup>2</sup> houses demolished, including 25441.83m<sup>2</sup> residential houses (including 2501.46 m<sup>2</sup> house stores). It affected a total of 108 households with 373 people, including 56 minority households with 191 people. And 3 enterprises with 51 people, 19 minorities among them, 2275.13 m<sup>2</sup> was occupied. A mosque in Crossroad of Renmin Road was demolished as well, which occupied 2530 m<sup>2</sup>, 5 minorities were affected (see Appendix 6 for Due Diligence Report of Mosque Relocation). The project permanently acquired 58.66mu collective lands, which include 51.06mu cultivated area, 1.96mu greenhouses land, and 5.64mu vegetable plots; and 22.15 mu of state-owned land, including 10.12mu residential land and 12.03mu construction land.

26. To sum up, the total population affected by the project is 644. There are 49 households with 215 persons affected by land acquisition; 3 households with 16 persons are affected both by land acquisition and house demolition. 105 households with 357 persons are only affected by house demolition. 55 households with 205 persons are affected by rural house demolition while 53 households with 168 persons are affected by urban house demolition. Among the total, 4 non-residential houses including enterprises and public institutions are affected, one of them is a Mosque with 5 working people who are minorities, and the rest of the 3 are enterprises and public institutions with a population of 51, including 24 minorities.

## 2.3 Land Occupation Impact

### 2.3.1 Permanent LA of Collective (Non-Residential) Land in the country

The land acquisition of this project affects 3 villages of Hami City, respectively these are Xicaiyuan Village, Beicaiyuan Village, Dayingmen Village. 58.66 mu of collective land had been acquired. Classified according to the use and types of land, 51.06mu cultivated area is occupied, accounting for 87.04%; 5.64mu vegetable plots, accounting for 9.61%; and 1,96mu greenhouse land, accounting for 3.34%. Details are shown in Table II-1. Analysis of LA impacts on affected villages in Table II-2.

**Table II-1 Permanent Collective Land Acquisition**

Sub-district	Villages	Collective Land Acquisition					
		Total	Cultivated land	Vegetable land	Greenhouse land	Forest land	Homestead
Ren Min Road	Dayingmen Village	51.06	51.06	0	0	0	0
	Beicaiyuan Village	1.50	0	1.50	0	0	0
	Xicaiyuan Village	6.10	0	4.14	1.96	0	0
Total		58.66	51.06	5.64	1.96	0	0

**Table II-1 Impact analysis of land expropriation on the each village**

Village	Before land acquisition				Impact of land acquisition			Annual income losses		
	total Household (HH)	total population (Person)	Cultivated land (mu)	Cultivated land for average household (mu/hh)	Cultivated land (mu)	Land acquisition rate (%)	The average loss of land (mu/hh)	Annual loss of Village (10,000 )	Annual loss of household (yuan/hh)	Annual loss of person (yuan/person)
Bei Caiyuan	4	14	6.32	1.58	1.50	23.73	0.375	0.27	675	192.86
Da Yingmen	40	191	124.80	3.12	51.06	40.91	1.28	9.19	2297.7	481.20

Xi Caiyuan	8	26	7.60	0.95	6.10	80.26	0.76	1.098	1372.50	422.31
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Note: Village annual loss = annual output value of the compensation standard × the number of acres to land acquisition, compensation standard annual output value is 1800 yuan / mu.

27. In all affected 52 households, (permanent collective land acquisition affects 49 household and HD and LA affect 3 households), 3 households lose all their land, accounting for 5.77% of total affected households; 13household lose 81%~99% of their land, accounting for 25% of total affected household; 8 households lose 51%~80%, accounting for 15.38%; 25 households lose 21%~50%, accounting for 48.08%; 3 household lose 11%~20%, accounting for 5.77%. Analysis of Affected Household by Land Acquisition is concluded in Table II-2; Extent of Land Loss by Households (see Table II-3).

**Table II-2 Analysis of Affected Households by Land Acquisition**

Towns/ Streets	Villages	Land Loss												Total	
		<10%		11%~ 20%		21%~50%		51%~ 80%		81%~ 99%		100%			
		HH	Pop	HH	Pop	HH	Pop	HH	Pop	HH	Pop	HH	Pop	HH	Pop
Renmin Road	Beicaiyuan Village	0	0	0	0	4	14	0	0	0	0	0	0	4	14
	Xicaiyuan Village	0	0	0	0	0	0	4	12	3	11	1	3	8	26
	Daying men Village	0	0	3	18	21	83	4	24	10	57	2	9	40	191
Total		0	0	3	18	25	97	8	36	36	68	3	12	52	231

Note: permanent land acquisition affects 49 household of 215 persons. Both LA and HD affect 3 households 16 persons.

**Table II-3 Extent of Land Loss by Households**

Total land holding	Extent of Loss						Total
	<10%	11- 20%	21 – 50%	51-80%	80 – 99%	100%	
<3 mu	0	3	25	8	13	3	52
3~5mu	0	0	0	0	0	0	0

5~7mu	0	0	0	0	0	0	0
>7mu	0	0	0	0	0	0	0
Total	0	3	25	8	13	3	52

28. Of the 52 affected households, all have landholdings of less than 3 mu. These 52 affected households planted wheat, corn, and vegetables, once a year in Hami. The net income of wheat is 250CNY/mu, corn is 400~500CNY/mu. So the net income per capital is about 500CNY per mu.

29. To sum up, land acquisition has some impact on villagers. Beicaiyuan Village has 250mu cultivated land, 1.58mu per household. After LA, the percentage of land taken is 0.6%, at least 1.57mu per household. Xicaiyuan Village has 265mu cultivated land, 0.953mu per household. After LA, the percentage of land taken is 2.3%, at least 0.931mu per household. Dayingmen Village has 988mu cultivated land and orchard land, 1.81mu per household. After LA, the percentage of land taken is 5.2%, at least 1.72mu per household.

### 2.3.2 Permanent Acquisition of State-owned land

30. 22.15mu state-owned lands was permanently acquired because of the construction, including 12.03mu enterprises and public institutions, 10.12mu state-owned homesteading communities and villages (residential areas). The details are shown in Table II-5.

**Table II-5 Permanent State-Owned Land Acquisition**

Category	Affected Enterprises	Area (mu)		Total (mu)
		Construction Land	Homesteading Land	
Enterprises and public institutions	Hami Crossing Mosque	2.37	0	2.37
	Hami Local Taxation Authorities	0	0	0
	Hami Social Insurance Authorities	2.49	0	2.49
	Hami Grassland Management Office	7.17	0	7.17
Community/village	Binhe Road Community	0	0.13	0.13

	North zhongshan road Community	0	0.30	0.3
	South zhongshan road Community	0	1.19	1.18
	Bei Caiyuan Village	0	0.72	0.72
	Xi Caiyuan Village	0	0.93	0.9
	Dayingmen Village	0	6.86	6.86
Total		12.03	10.12	22.15

### 2.3.3 Temporary Land Occupation

31. The temporary land occupied will be mainly used to build sandstone plant, asphalt mixture plant, soil borrow-discard plant, production and living areas for construction workers and temporary roads during construction, etc. The project will adopt construction techniques section by section and the temporarily occupied land will all take up the land within the redline of the road, so there are no impacts on people.

## 2.4 Demolition of Houses/Structures

### 2.4.1 Demolition of Residential Houses

32. House demolition of the project affects 108 households of 373 persons. The demolition area is 22940.37 m<sup>2</sup>, including brick-concrete structure 6354.43m<sup>2</sup> (accounting for 27.70%), brick-wood structure 7819.35m<sup>2</sup> (accounting for 34.09%), earth-wood structure 8554.65m<sup>2</sup> (accounting for 37.29%), basement 211.94m<sup>2</sup> (accounting for 0.92%). 53 urban residential houses were completely demolished, affecting 168 persons with an area of 10168.91 m<sup>2</sup> and 191.87m<sup>2</sup> per household. 55 rural residential houses were completely demolished, affecting 205 persons with an area of 12771.46 m<sup>2</sup> and 235.70 m<sup>2</sup> per household. See annex 6.

#### (1) Demolition of rural residential houses and its impact

33. 12771.46m<sup>2</sup> rural residential houses were demolished, affecting 55 households of 205 persons, as a result of constructing Renmin Road. Among these houses, there are 2879.22m<sup>2</sup> brick-concrete structure (accounting for 22.54%), brick-wood structure 5282.09m<sup>2</sup> (accounting for 41.36%), earth-wood structure 4520.15m<sup>2</sup> (accounting for 35.39%); basement 90 m<sup>2</sup> (accounting for 0.70%). Details

see Table II-6.

**Table II-6 Statistical Results of Rural Residential Houses Demolition**

Road	Village/Community	AHs	APs	Area(㎡)				Total
				Brick-	Brick-	Earth-	Basement	
				concrete	wood	wood		
Renmin Road	Beicaiyuan	10	34	432. 5	392. 15	774. 38	20	1619
	Village							
	Xicaiyuan	7	21	95. 84	597. 04	978. 48	0	1671. 4
	Village							
	Binhe Road	38	150	2350. 88	4292. 9	2767. 29	70	9481. 1
	Community							
Total		55	205	2879. 22	5282. 09	4520. 15	90	12771

## (2) Demolition of urban residential houses and its impact

34. 10168.91 m<sup>2</sup> urban residential houses were demolished, affecting 53 households of 168 persons, as a result of constructing Renmin Road. Among these houses, there are brick-concrete structure 3475.21m<sup>2</sup> (accounting for 34.17%), brick-wood structure 2537.26 m<sup>2</sup> (24.95%), earth-wood structure 4034.50 m<sup>2</sup> (39.67%), basement 121.94 m<sup>2</sup> (1.20%). Details see Table II-7.

**Table II-7 Statistical Results of Urban Residential Houses Demolition**

Road	Village/ Community	Extent	AHs	APs	Area(m <sup>2</sup> )		
					brick-	brick-	Basement
					concrete	wood	
Road	Binhe Road Community	100%	13	43	1705.18	383	0
	Zhongshan Northern Road Community	100%	11	33	0	0	0
	Zhongshan Southern Road Community	100%	29	92	1770.03	2154	121.9
	Total		53	168	3475.21	2537	121.9

35. The house demolition and relocation are the key issues for APs, both for agricultural and non-agricultural. In order to avoid any risk, the household income as well as future employment of APs should be borne in mind for the RP preparation and



implementation. The positive impact for house demolition is that APs' housing condition will be improved, and for those affected by both land acquisition and resettlement, it does provide a chance to convert their status during the urbanization process.

#### **2.4.2 Demolition of Enterprises and public institutions**

House demolition and state-owned land acquisition affect 4 enterprises and public institutions with 4805.13m<sup>2</sup>. 3 enterprises were completely demolished with an area of 2275.13m<sup>2</sup> affecting 51 people. Respectively are Hami Local Taxation Authorities with an area of 206.83m<sup>2</sup>, affecting 41 people; Hami Social Insurance Authorities with an area of 541.08m<sup>2</sup>, affecting 5 people; Hami Grassland Management Office with an area of 1527.22m<sup>2</sup>, affecting 7 people. And Hami Crossing Mosque was demolished too, with an area of 2530m<sup>2</sup>, affecting 5 people. And all the house loss extents are 100%. The area of these buildings amounts to 4805.13m<sup>2</sup> and 12.03mu state-owned land has been occupied. The details are showed in Table II-8. The impacts analysis is in Table II-9.

**Table II-9 Residential House Demolition Loss Extent Analysis**

Towns/ Streets	Villages	House Demolition												Total	
		<10%		11%~20%		21%~50%		51%~80%		81%~99%		100%			
		HH	Pop	HH	Pop	HH	Pop	HH	Pop	HH	Pop	HH	Pop	HH	Pop
Xihe sub-district office	Beicaiyuan Village	0	0	0	0	0	0	0	0	0	0	10	34	10	34
	Xicaiyuan Village	0	0	0	0	0	0	0	0	0	0	7	21	7	21
	Binhe Road Community	0	0	0	0	0	0	0	0	0	0	13	43	13	43
	North zhongshan road Community	0	0	0	0	0	0	0	0	0	0	11	33	11	33
	South zhongshan road Community	0	0	0	0	0	0	0	0	0	0	29	92	29	92
	Dayingmen Village	0	0	0	0	0	0	0	0	0	0	38	150	38	150
Total		0	0	0	0	0	0	0	0	0	0	108	373	108	373

**Table II-8 Project Impact on Enterprises and Public Institutions**

District	Road	Title	Demolition impact								
			Staff	Female	Type	Occupied area(mu)	brick-concrete (m <sup>2</sup> )	earth-wood (m <sup>2</sup> )	Simple (m <sup>2</sup> )	Extent	Notes
Xihe sub-district office	Renmin Road	Hami Grass Management Office	7	2	public institution	7. 17		1153. 32		100%	
		Hami Local Taxation Authorities	41	15	public institution	0		206. 83		100%	
		Hami Social Insurance Authorities	3	1	public institution	2. 49	541. 1			100%	
		Hami Crossing Mosque	5	0	Religion institution	2. 37		2530		100%	
Total			56	18		12. 03	541. 1	3890. 15			

## 2.5 Directly Affected Population

36. The project affects a population of 644 persons, while LA and HD affect 157 households with 588 persons, and affect 4 non-residential houses of enterprises and public institutions with 56 persons. For detailed information see Table II-10.

**Table II-10 Directly Affected Population – All Categories**

LA only		Residential HD only		LA and residential HD		Enterprises and public institutions		Total		
AHs	APs	AHs	Aps	AHs	APs	No	APs	AHs	No	APs
49	215	105	357	3	16	4	56	157	4	644

## 2.6 Ethnic Minorities

37. Among the affected population of LA and residential HD, that is, 157 HHHs with 588 persons, 86 HHHs with 363 persons are ethnic minorities, accounting for 61.73%. Most of them are Uyghur and Hui. Affected ethnic minorities are equal to Han in social class, economic status, and their own ethnic features in terms of customs and religions are well preserved. Based on the social economic survey, details are shown in Table II-11.

**Table II-11 Ethnic Minority APs**

Street	Village	Total APs and Ahs		Ethnic Minority		Hui		Uyghur		others		Proportion
		Total AHs	Total APs	AHs	APs	AHs	APs	AHs	APs	AHs	APs	
Renmin Road	Beicaiyuan Village	14	48	1	5	1	5	0	0	0	0	10.42%
	Xicaiyuan Village	15	47	0	0	0	0	0	0	0	0	0.00%
	Binhe Road Community	13	43	5	16	1	4	4	12	0	0	37.21%
	Zhongshan Northern	11	33	1	2	0	0	1	2	0	0	6.06%

	Road Community											
	Zhongshan Southern Road Community	29	92	5	19	5	19	0	0	0	0	20.65%
	Dayingmen Village	75	325	74	321	69	305	5	16	0	0	98.77%
	Total	157	588	86	363	78	333	10	30	0	0	61.73%

## 2.7 Analysis of Vulnerable Groups

38. In the survey of impacts brought by resettlement, all conditions concerning ethnicity, age structure, education and employment were surveyed and analyzed. The affected vulnerable groups were defined by structure of family and comparative analysis with information from the local civil administration department. According to the survey, there was no vulnerable group affected.

## 2.8 Affected Ground Attachments, Public Facilities and Infrastructure

39. HMPMO will compensate or restore the Ground attachments, public facilities and infrastructure at replacement price. Details are shown in Table II-12.

**Table II-12 Affected Ground Attachments, Public Facilities and Infrastructure**

Item	Unit	Renmin Road	Total
Greenhouse	m <sup>2</sup>	1306.67	1306.67
Big tree(not fruit tree)	each	292	292
Small tree(not fruit tree)	each	33	33
Grape Plant	each	309	309
Tree (grown)	each	225	225
Fruit tree (grown)	each	2735	2735
Fruit tree (young)	each	1904	1904
well killing;	set	13	13
percolation well	set	19	19
Local food baking facility	each	9	9
lavatory	Set	12	12
vegetable cellar	set	6	6

### III SOCIAL ECONOMIC FEATURES AND IMPACT ASSESSMENT

#### 3.1 Social and Economic Status

40. Economic strength of Hami is in the medium level among the cities of Xinjiang. It is estimated that, in 2006, total production value is increased by 12.9% to CNY 6.761 billion, including: the first industry CNY 0.779 billion (increased by 8.8%); the secondary industry CNY 2.321 billion (increased by 14.1%); and the tertiary industry CNY 3.661 billion (increased by 13.1%). In the GDP of secondary industry, industrial production value is CNY 1.847 billion, 15% increased. The proportion of agriculture, industry and tertiary industry is 11.55: 34.23: 54.22. It is estimated that overall finance income is CNY 0.58 billion, including: local financial income of CNY 0.29 billion (increased by 27%); financial expenditure of CNY 0.524 billion (increased by 34%). The total volume of retail sales of the whole year is estimated to be CNY 2.006 billion, 16% increased over the previous year. The official unemployment rate is 3.9%. Natural growth rate of population is controlled within 7.36‰. Municipal total investment of fixed assets is predicted to be CNY 1.4 billion, 1.06 times of that in last year, and finished 140% of the assigned goal. Fifty key construction projects are determined in the whole city. An investment of CNY 1.003 billion (increased by 57.5%) and an investment of CNY 0.983 billion on fixed assets (146%) are predicted to be finished. Municipal accumulated financial investment is CNY 0.11 billion, 1 times of the last year. Among it: 13 agricultural key projects (investment estimated to be CNY 0.173 billion) will finish 97% of its annual plan; 12 industrial key projects (investment estimated to be CNY 0.273 billion) will finish 131% of its annual plan; 16 urban construction key project (estimated to be CNY 0.535 billion) will finish 111% of its annual plan; and its estimated to invest CNY 22.13 million in 9 social construction projects.

41. The major target of national economic development and social development of Hami in 2007 is: total output value of the city should attain the goal of CNY 8 billion, increased by 15%. Among it: the first industry comes up to 0.885 billion CNY (increased by 10%); the secondary industry CNY 2.892 billion (increased by 20%); and the tertiary industry CNY 4.223 billion (increased by 12.9%). In the output value of secondary industry, industrial production value should come up to CNY 2.31 billion, 29% increased.

Financial expenditure is CNY 0.55 billion, increased by 18.3% with the same caliber. Municipal total investment of fixed assets should come to CNY 1.82 billion, increased by 30%. The total volume of retail sales of the whole year should come up to CNY 2.307 billion, 15% increased over the previous year. Net income of the farmers and should reach to CNY 4100, CNY 400 increased. The official unemployment rate is 4%. Ecological environment is further improved, each kind of undertaking and urban and rural lineaments is greatly developed and progress is made in harmonious society constructing.

42. The eleventh five-year planning objectives of economic and social development is: to 2010, gross production value should achieve the goal of planned CNY 8.218 billion with an annual increase above 10%; GDP per capita should double that in 2000; annual increase of fixed asset investment should be above 18%; annual increase of the total volume of social consumer goods retail should be above 16%; and annual increase of local financial income should be above 20%.

43. Industrial structure optimization and upgrading. Annual increase of the first industry in the next 5 years should be above 8%, the second industry above 19% (industrial production above 20%), and the tertiary industry above 12%. The proportion of agriculture, second, and tertiary industry is 8:47:45.

44. A continuous increase of rural and urban residents' income. Average disposable income for each urban resident comes up to 10 thousand or so, increased by 10%; average net income of each rural resident is over CNY 5000, with an annual increase of CNY 310.

### 3.2 Current Social and Economic Status of Affected Sub-districts

45. 3 communities in 1 sub-district and 3 villages are affected by the project. The 3 villages are being transformed from rural villages to urban CRCs; and almost in each family, at least 1 person is engaged in non-agricultural production. Most of the elderly and women are still engaged in agricultural production. The general information for the affected roads is shown in Table III-1.

**Table III-1 General Information of Affected Towns/Sub-district**

Index	Unit	Xihe Sub-District Office
Household amount	Household	15861
Population	Persons	52963
Including: agricultural population	Persons	4323
Woman	Persons	25422
Han	Persons	12540
Uygur	Persons	18544
Kazak	Persons	21345
Hui	Persons	534
Cultivated land	Mu	5211.99
Total production value	CNY10 <sup>4</sup>	12693
Including: agricultural	CNY10 <sup>4</sup>	1190
Industrial	CNY10 <sup>4</sup>	10471
Tertiary industry	CNY10 <sup>4</sup>	
Annual net income per capita	CNY/person	6252

### 3.3 Current Social and Economic Status of Affected villages and communities

46. The LA and HD of this project will affect 3 communities and 3 villages of Hami: Binhe Road Community, South Zhongshan Road Community, North Zhongshan Road Community, Xicaiyuan Village, Beicaiyuan Village, and Dayingmen Village. The average population per household is 3.13. The affected villages locate in suburban area, with convenient traffic, enough employment chances, little cultivated land, and in nearly every household there are family members are engaged in agricultural work. The agricultural crops are wheat, corn and cotton. Also some economic plants are grown such as vegetables and fruit trees. See Table III-2.



Table III-2 Social and Economic Status of affected village

street	Village/community	population						Land amount					production value(10000CNY/year)			Net income per capita(CNY/year)			
name	name	total household	total population	male	Agricultural population	Non-Agricultural population	minorities	cultivated land	Orchard land	Forest land	housing site	construction land and others	agriculture	industry	Tertiary industry	farmer net income per capita	Including: agriculture (%)	Industry (%)	Tertiary industry (%)
Xihe Sub-district Office	Dayingmen Village	545	1904	790	1904	-	1404	988	380	20	1718	300	342	110	166	6392	20	40	40
	Beicaiyuan Village	158	473	2225	473	-	51	250	-	30	70	-	900	-	400	5800	50	-	50
	Xicaiyuan Village	278	909	317	909	-	104	265	-	9	15.3	-	1100	-	400	6250	60	-	40
	Binhe Road	2114	10570	4807	-	10570	7363	-	-	-	-	-	-	-	-	12000	-	-	-
	North Zhongshan Road	3829	11516	5904	-	11516	3180	-	-	-	-	-	-	64	20	13200	-	-	-
	South Zhongshan Road	2103	8467	5139	-	8467	5268	-	-	-	-	-	-	-	60	12000	-	-	-

### 3.4 The Socioeconomic Survey

47. This survey was undertaken by the HMPMO under the supervision of PPTA consultants in January and May 2008. Socioeconomic survey was updating in external monitor baseline survey report. Please use the following link for details: <http://www.adb.org/sites/default/files/projdocs/2013/40643-013-prc-smr-03.pdf>.

48. The vulnerable group has been identified based on the survey results and include the disabled, the elderly and female householders. The households which expend a lot because of illness or accidents should be identified vulnerable group. There is no APs are vulnerable according to conducted survey..

## IV Participation, Consultation and Grievance Redress

### 4.1 Identification of Stakeholders

49. Public participation and consultation are important procedures according to ADB policies and Chinese laws and regulations. Above all, the stakeholders should be identified. According to the feature of the proposed project, the stakeholders can be categorized as primary and secondary.

50. Primary stakeholders are identified as those directly impacted and those who purely benefit from the project, it mainly includes: (i) People directly affected by land and property losses; (ii) Enterprises and public institutions affected by land acquisition and resettlement; (iii) 3 Villages, 3 Communities as well as 1 sub-district (Jie Dao Ban) are affected by the road improvement; and (iv) all institutions and companies directly involved in the project construction and operation, such as construction contractors.

51. The secondary stakeholders include the indirectly beneficiaries such as the construction material suppliers, government organization involved in the project as well as those who are interested in the project and participate in the project related activities.

52. The purpose of identifying the project stakeholders is to ensure extensive

public participation of and consultation to APs particularly those impacted, so as to ensure the smooth implementation of the proposed project without affecting the AP's livelihood. The following paragraphs describe what has been done and what still needs to be done in the process of achieving this goal.

## 4.2 Consultation during Project Preparation

### 4.2.1 Public Consultation

53. From December, 2008, a series of socio-economic surveys and public consultations (45% women participated) have been conducted by Designing Institutions (DI) and Hami Project Office (HMPMO), under the direction of Project Preparation Technical Assistance (PPTA) Consultants and further surveys were carried out from February to March, 2008. The surveys also served to make DI and IA aware of local conditions and APs' concerns. A summary of some key consultations/ meetings is contained in table IV-1. The details of the summary are shown in Appendix 4.

**Table IV-1 Summary Consultation Records in Project Preparation**

Institute	Date	Participant	Number of people	Objectives	Feedback/discussion of main issues
HMPMO and DI	2007.12-2008.1	APs, village cadres and engineering and technical personnel	60	Project resettlement, perambulation, primary survey of project impacts	Introduction on background and purpose of the project; choose the site with less cultivated land acquired
Survey team of HMPMO	2008.1- 2008.2	People in charge of Renmin Road Neighborhood Office, People in charge and villager representatives of Dayingmen Village, Beicaiyuan Village, Xicaiyuan Village, representatives of	100	Preparation for resettlement plan, socio-economic survey of resettlement impacts	Assist in impact investigation of the project; Villagers are strongly anxious for the project; Socio-economic survey and investigation to APs

Institute	Date	Participant	Number of people	Objectives	Feedback/discussion of main issues
		Binhe Community, Zhongshan Northern Road Community and Zhongshan Southern Community			
PPTA Consultants, 4HMPMO, and DI	2008.2- 2008.3	Principals of unaffected Road Sub-district, villager representatives of 3 affected villages and 3 Communities	100	Preparation for income restoration plan	Consultation on compensation scheme and income restoration scheme

54. Through socio-economic survey, APs of land acquisition concerns about: a) the employment; b) how to make a more reasonable intensive plant on the left area and increase the efficiency; and c) the protection of the nearly cultivated land. APs of house demolition concerns about reasonable compensation.

55. It is important to decide reasonable compensation standard, prepare for income restoration plan and discuss training plan of these meetings and surveys.

#### 4.2.2 Public Participation and Consultation Plan

56. With the continuous progress of preparation and implementation of the project, HMPMO, Sub-district Office and village collective will carry on a further public participation. From December 2008 to September 2012, Hami PMO, demolition and resettlement office, officers from communities and village did DMS to finalize the dates of occupied land, and the losses of the affected people, signed the agreement with APs. Details are shown in table IV-2.

**Table IV-2 Public Participation Plan**

Purpose	Tasks	Time	Institution	Participants	Remark
Publish RP or information	Provide the handbook	2008. 12	HMPMO	APs, affected	Publish compensation standard, appeal channels

Purpose	Tasks	Time	Institution	Participants	Remark
handbook				enterprises and institution	and so on
Publish RP	ADP Website	2008.12			
Bulletin of land acquisition	Villager news board and villager meetings	2009.1	HMPMO	All APs	Inform of the area of acquired land, compensation standard, resettlement approaches and so on
Bulletin of compensation and resettlement scheme for land acquisition	Villager news board and villager meetings	2009.1	HMPMO, cadre of road offices and villages	All APs	Compensation and its payment
Physical Index recheck	Field survey	2009.1- 2012.9	HMPMO, cadre of road offices and villages	All APs	Final determination of the impacts; Lists on land loss and asset loss; Preparation for compensation agreement
Determination of income restoration plan	Villager meetings	2009.1	HMPMO, cadre of road offices and villages	All APs	Discussion on final income restoration plan and compensation usage scheme
Inform the compensation and its payment date	Villager meetings	2009.1	HMPMO, cadre of road offices and villages	All APs	Inform the compensation and its payment date
Monitoring on APS	Family interview	2008.12-2013.6	HMPMO, cadre of road offices and villages	Random Sampling	Know about resettlement plan implementation and APs' livelihood restoration etc.

### 4.3 Appeals and Grievance Redress

57. In the compilation and implementation of resettlement plan (RP), public participation is encouraged, and thus there should not be any major controversy or grievances. However, there may be some unforeseen issues happening during such a detailed process. In order to effectively resolve such issues and ensure a smooth implementation of the project construction and land acquisition, an effective and transparent channel for lodging complaints and grievances has been established. The detailed are shown Chart 4-1. The basic channel for grievance redress are as following:

Step 1: APs could submit an oral or written complaint/petition to village committee/community committee, if they are not satisfied with RP. For an oral complaint, the village committee/community committee should make written records and give a clear reply; for a written petition, the village committee/community committee should solve it within 2 weeks.

Step 2: APs could appeal to the township government/sub-district office after receiving the reply, if they are still unsatisfied; the township government/sub-district office should deal with the grievance within 2 weeks.

Step 3: if they are still unsatisfied, they could appeal to Hami land administration bureau (HMLAB)/Hami demolition office (HMDO), and they must reply in 30 days.

Step 4: if they are still not satisfied with the reply, they can appeal to HMPMO for an administrative re-discussion, or they also have the right to appeal to the civil court within 3 months.

58. The AP can appeal against any aspect of resettlement program including the compensation rate. The appeal process in the above, institutions, sites, leaders, and telephone numbers for redress of grievances will be publicized to APs via meetings, notices and the information handbook. In this way, APs will fully realize their rights of appeal. Meanwhile, the system of information dissemination will be strengthened through the media, and all AP feedback will be compiled and distributed to all involved organization.

59. Relevant institutions shall accept APs' complaints and grievances free of charge. The reasonable charges as incurred shall be covered by the contingency of the project. During the whole project construction, these grievance procedures remain valid so that the APs may deal with relevant issues in it.

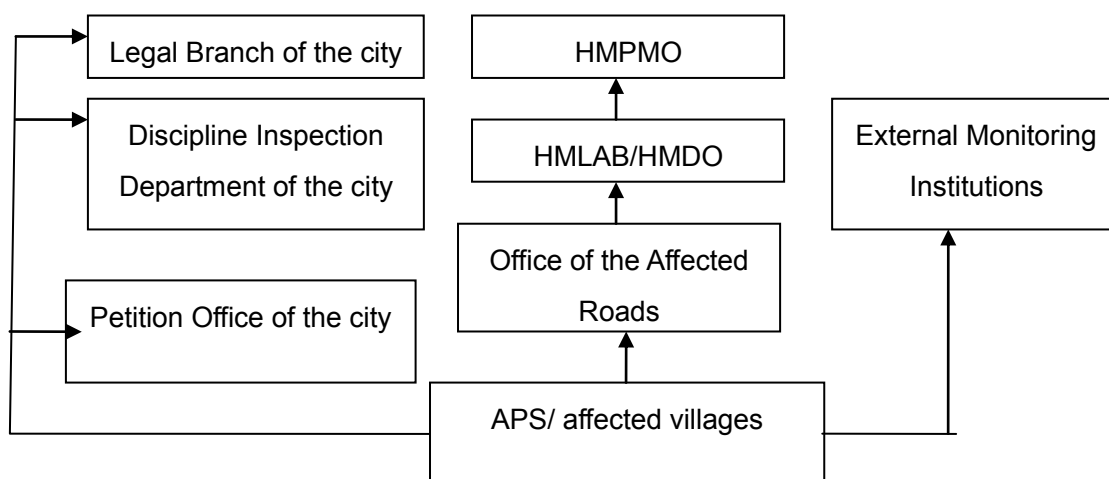


Figure IV-1 Diagram of Grievance Procedure for APs

## V LEGAL FRAMEWORK AND RESETTLEMENT POLICIES

### 5.1 Applicable Laws, Regulations & Policies for Resettlement

60. The resettlement policy in the project is established mainly in accordance with the relevant laws and regulations of the Asian Development Bank and China. This includes:

#### ADB Policies

- Involuntary Resettlement (effective as of November, 1995)
- Handbook on resettlement *A Guide to Good Practice* (effective as of 1998)
- Operations Manual-F2 on Involuntary Resettlement (effective as of October, 2003, revised in September, 2006).
- ADB's Public Communications Policy
- Gender and Resettlement Checklist

#### Laws and Regulations of PRC

- Land Administration Law of the People's Republic of China (effective as of January, 1, 1999, latest version on August 28, 2004)

- Regulations on Administration of the Housing Demolition and Relocation in Cities (promulgated by Decree No. 305 of the State Council of the People's Republic of China, and effective as of November 1, 2001)
- The State Council's Decision on Deepening Reform and Managing Strictly Land (State Council made[2004]28) (effective as of October 21, 2004)
- Guidelines on Improving the System of Land Acquisition Compensation and Resettlement (the Ministry of Land and Resources made) (effective as of November 3, 2004)
- Real Rights Law of the People's Republic of China (No. 62 order of the President of the People's Republic of China, and effective as of October 1, 2007).
- " state-owned land on the housing levy and Compensation Ordinance ( People's Republic of China State Council Decree No. 590 ) from January 21, 2011
- Notice on the issuance of state-owned land on the housing levy assessment approach , building [ 2011 ] No. 77

#### **Relevant Policies of Xinjiang Uygur Autonomous Region and Hami City**

- The Notice of Party Committees and People's Government of the Xinjiang Uygur Autonomous Region on implementing The Notice of the CPC Central Committee and the State Council on Further Strengthening the Management of Land and Protection of Cultivated Land (Party Committees of Xinjiang Uygur Autonomous Region[1997] number 13, and effective as of June 27, 1997)
- Procedures of Xinjiang Uygur Autonomous Region on the Implementation of the Land Administration Law of the People's Republic of China (People's Congress of Xinjiang Uygur Autonomous Region [1999] number IX-13, and effective as of October 1, 1999)
- Implementation of Xinjiang Uygur Autonomous Region Regulations on Administration of the Housing Demolition and Relocation in Cities (People's Congress of Xinjiang Uygur Autonomous Region [2004] number 127, and effective as of December 21, 2004)
- Regulations made by planning committee New Evaluation Houses [2001] No.500.



- Notice on the implementation of the regional land acquisition unified annual output value standard (new GTZF [ 2011 ] No.19)
- Notice on the issuance of " regional key construction project land acquisition and relocation compensation standards ( National land resource administration, [2009] Number 131)
- **Regulations of the housing expropriation and compensation on state-owned land in Xinjiang Uygur Autonomous Region**
- Hami City resettlement plan about land acquisition compensation and
- Housing expropriation and compensation on state-owned land in Hami City
- **Announcement on Tentative Plans for APs Benefiting from Low Social Welfare (Municipal Government of Hami [2007] number100)**
- **Measures on the Administration of Low-Rent Housing in Towns of Hami (Municipal Government of Hami [2007] number 3)**
- **Announcement on Issues about Cadre Workers and the Masses Purchasing Economical Houses (Municipal Government of Hami [2007] number 65)**
- **Official Reply to Prices of the House Demolition and Relocation (Municipal Government of Hami [2007] number 93)**
- **Announcement on Criterion for Temporary Settlement of House Demolition in Hami City in 2007 (Municipal Government of Hami [2007] number 31)**
- Notice on eight public exposures and one supervision " for Hami City Urban Housing Demolition (for Trial Implementation ) , **Municipal Government of Hami [ 2009 ] No. 196**

## 5.2 The ADB Involuntary Resettlement Policies

61. The three important elements of the involuntary resettlement policy are (i) compensation to replace lost assets, livelihood, and income; (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and (iii) assistance for rehabilitation to achieve at least the same level of well-being with the project as without it. Some or all of these elements may be present in a project involving involuntary resettlement. For any ADB operation requiring involuntary resettlement, resettlement planning is an integral part of project design, to be dealt with from the earliest stages of the project cycle, taking into account the following basic

principles:

- 1) Involuntary resettlement should be avoided whenever feasible.
- 2) Where population displacement is unavoidable, it should be minimized by providing viable livelihood options.
- 3) Replacing what is lost. If individuals or a community must lose all or part of their land, means of livelihood, or social support systems so that the project can proceed, they will be compensated and assisted through replacement of land, housing, infrastructure, resources, income sources, and services, in cash or kind, so that their economic and social circumstances will be at least restored to the pre-project level. All compensation is based on the principle of replacement cost.
- 4) Involuntary resettlement is conceived and executed as part of a development project or program. ADB and executing agencies or project sponsors, during project preparation, assess opportunities for affected people to share project benefits. The affected people need to be provided with sufficient resources and opportunities to reestablish their livelihoods and homes as soon as possible, with time-bound action in coordination with the civil works.
- 5) The affected people are to be fully informed and closely consulted. Affected people are to be consulted on compensation and/or resettlement options, including relocation sites, and socioeconomic rehabilitation. Pertinent resettlement information is to be disclosed to the affected people at key points, and specific opportunities provided for them to participate in choosing, planning, and implementation options. Grievance redress mechanisms for affected people are to be established. Where adversely affected people are particularly vulnerable groups, resettlement planning decisions will be preceded by a social preparation phase to enhance their participation in negotiation, planning, and implementation.
- 6) Social and cultural institutions. Institutions of the affected people, and, where relevant, of their hosts, are to be protected and supported. Affected people are to be assisted to integrate economically and socially into host communities so that adverse impacts on the host communities are minimized and social harmony is promoted.
- 7) No formal title. Indigenous groups, ethnic minorities, pastoralists, people who claim for such land without formal legal rights, and others, who may have usufruct or customary rights to affected land or other resources, often have no formal legal title

to their lands. The absence of a formal legal title to land is not a bar to ADB policy entitlements. The survey indicated that there are no non-titled households affected by the project.

- 8) Identification. Affected people are to be identified and recorded as early as possible in order to establish their eligibility through a population record or census that serves as an eligibility cutoff date, preferably at the project identification stage, to prevent a subsequent influx of encroachers or others who wish to take advantage of such benefits.
- 9) The Poorest. Particular attention must be paid to the needs of the poorest affected people, and vulnerable groups that may be at high risk of impoverishment. This may include those without legal title to land or other assets, households headed by females, the elderly or disabled and other vulnerable groups, particularly ethnic minority groups. Appropriate assistance must be provided to help them improve their socio-economic status.
- 10) The full resettlement costs are to be included in the presentation of project costs and benefits. This includes costs of compensation, relocation and rehabilitation, social preparation and livelihood programs as well as the incremental benefits over the without-project situations (which are included in the presentation of project costs and benefits). The budget also includes costs for planning, management, supervision, monitoring and evaluation, land taxes, land fees, and physical and price contingencies. Where loans include subprojects, components or investments prepared only after project approval and loans through financial intermediaries that are likely to cause involuntary resettlement, sufficient contingency allowance must be allocated for resettlement prior to approval of the loan. Similarly, resettlement plans should also reflect the timeframe for resettlement planning and implementation.
- 11) Eligible costs of compensation. Relocation and rehabilitation may be considered for inclusion in ADB loan financing for the project, if requested, to assure timely availability of the required resources and to ensure compliance with involuntary resettlement procedures during implementation.

62. The major difference between ADB regulations and local regulations is that in the case of business interruption through resettlement/relocation, this constitutes an impact on an affected person's livelihood and therefore compensation is payable.

Where a difference exists such as this on an ADB-funded project, ADB regulations will be followed.

### 5.3 Laws and Regulations of PRC

63. "Land Administration Law of the People's Republic of China is the main policy basis for the project land acquisition. Meanwhile, in order to further clarify the principle of compensation for land acquisition compensation and resettlement, compensation standards, land acquisition procedures and oversight mechanisms, in October 2004, the State Council promulgated the "Decision of the State Council on Deepening the Reform of strict land management (Government Notice [2004] No.28). Ancillary in November 2004, the Ministry of Land and Resources issued the "Guiding Opinions on Improving the system of land compensation and **resettlement**" (Land and resource ministration [2004] No. 238), as listed in Chapter 5.1, these policy documents of the project resettlement provides important guidelines.

Because the project involves the demolition of the old and new policies , alternately , issued by the State - owned land on the housing levy and Compensation Ordinance , January 21, 2011 has been legally obtained demolition permits project will continue in accordance with the " Urban Housing demolition Management Regulations " to execute the project in January 21, 2011 has been legally obtained demolition permits housing will continue to perform in accordance with the " Urban Housing demolition Management Regulations " ; in January 2011 after 21 imposed by the demolition of housing, will be performed in accordance with the new *Ordinance on housing levy and Compensation on state-owned land* .

64. For required demolition on State-owned land within a planned urban area, the applicable policy is the *Regulations on Administration of the Housing Demolition and Relocation* and *Ordinance on housing levy and Compensation on state-owned land in Cities*. The Xinjiang Uygur Autonomous Region and Hami City formulated related local policies.

### 5.4 Gaps between ADB and China Policies

65. In comparing the gaps between ADB and PRC policies, Table 5-2 shows that the distinctive differences are in the aspects of information disclosure and consultation which are lacking in content or in time delays. For some domestic central government funded small-scale projects, the only budget provided was for engineering works and the RP costs were left to the county or township government. Fortunately,

this situation is changing and this Project is beyond that scope, as Hami has well prepared local by-laws for land acquisition and resettlement, and there are no substantial differences from ADB policies.

**Table V-1 Gaps between ADB and PRC Policies on Involuntary Resettlement**

No	ADB IR Policy	Comparison	Remark
1	Involuntary resettlement should be avoided whenever feasible	No difference Usually conducted with technical and financial optimization (alternative analysis)	
2	Where population displacement is unavoidable, it should be minimized by providing viable livelihood options	No difference c.f. Clause 13 of No. 28 document	
3	Replacing what is loss	No difference With compensation and assistance	
4	Each involuntary resettlement is conceived and executed as part of a development project or program.	Slight difference Also see No. 10	ADB procedure has been and will be followed
5	The affected people are to be fully informed and closely consulted.	Different. Usually no consultation, and the information disclosure are conducted after RP approval in China	ADB procedure has been and will be followed
6	Social and cultural Institutions	No difference. With compatibility analysis, China is experienced on this aspect	
7	No formal title	No difference. Negotiation on a agreed compensation price in China	
8	Identification	No difference (ADB statement — as early as	

No	ADB IR Policy	Comparison	Remark
		possible" is vague)	
9	The poorest	No difference Provided assistance	
10	The full resettlement costs are to be included in the presentation of project costs and benefits	Slight difference c.f. point of clause 12, No 28 doc. The full costs of land acquisition for national key development projects shall be included in the overall project budget.	ADB procedure has been and will be followed

66. Notwithstanding the minor difference in clause or statement, the most significant difference is on procedures, ADB requires RP preparation starting from the beginning of project preparation, but it will only be considered during the project land approval stage with no detailed social economic survey and no consultations with potential APs at that time. Meanwhile, during the time of project preparation, there are no specific persons responsible for RP affairs on a proposed project. It is very unlikely that project resettlement can achieve a successful result without a well-prepared RP. In short, the successful implementation of resettlement work needs strong enforcement of currently improved regulations and policies. Efforts have been made on this Project to bridge this gap by training and coaching IA staff.

## 5.5 Resettlement Principles and Eligibility for Compensation

### 5.5.1 Compensation Principles

67. The principle for compensation and entitlement of this project is based on the existing laws and policies of PRC and ADB with the objective of ensuring APs be provided with sufficient compensation and assistance measures to enable them at least to restore the living standards to their pre-project levels. For details of resettlement principles, see TableV-3.

**Table V-2 Resettlement Principles**

Principles	
1	Involuntary resettlement should be avoided whenever feasible

2	Living standards of the affected persons obtaining compensation and entitlements will be at least restored to the pre-project level, or better
3	Whether they have legal title or not, affected persons should be compensated and assisted
4	Economic compensation should be to ensure that the economic livelihood of people affected by the project is at least restored to the pre-project level after resettlement
5	If the land remaining after acquisition can not provide a living for an AP family, cash or other compensation to enable performance of activities to making money shall be provided.
6	Affected persons shall fully understand entitlements, the mode of compensation, livelihood and income restoration programs, the project time line, and take part in the implementation of the resettlement plan.
7	Land shall not be requisitioned before the affected persons are satisfied with the compensation and resettlement plan.
8	The executing agencies and an independent third party will monitor the operation of compensation and resettlement.
9	Special aid or treatment given to vulnerable groups will ensure they improve their socio-economic status. All affected persons shall have opportunities to benefit from the project.
10	The resettlement funds will provide a comprehensive coverage of all project impacts.

### **5.5.2 Eligibility for Compensation and Benefits**

68. The cut-off date for compensation of this project (May 31<sup>st</sup>, 2009) shall be the date when the local government issues the order for stopping building activities. After this date, any growing and building in the project area shall not be eligible for compensation and relocation.

## **5.6 Compensation Standards**

### **5.6.1 Compensation Standards for Acquisition of Collective Land**

#### **(i) Standards**

69. According to "approval on the unified annual output value standard for land acquisition " issued by Xinjiang Uygur Autonomous Region ( Government Notice [ 2010 ] No. 323 ) and " Notice on Further Improving the approval of construction land ( MLR [ 2010 ] No. 140 ), the land requisition compensation standards of this project is determined as follows ( see Table v-4):

70. According to site surveys and calculations, the compensation standards of the project have been determined based on consultation with the Land Resources

Bureau of Hami and affected households. The standards for all kinds of land requisition are determined in accordance with the actual living level in affected areas and standards of annual output value and multipliers for compensation in the project areas. Details are given in TableV-3.

**Table V-3 Compensation Standards for Land Acquisition**

Type	Annual Output Value (CNY/mu)	Multipliers of Compensation (Time)			Compensation rates (CNY/mu)			
		Land	Resettlement subsidy	Young crops	Land	Resettlement subsidy	Young crops	Total
Cultivated land	1800	10	20	-	18000	36000	15000	69000
Vegetable plot	3600	10	20	-	36000	72000	15000	123000

**(ii) Resettlement**

71. According to *Announcement on Tentative Plans for APs Benefiting from Low Social Welfare* issued by Municipal Government of Hami, the government is to try this policy in 7 villages of 3 communities.

72. Qualified villagers whose land is acquired are able to enjoy the land loser minimum living security, which is in accordance with Urban Minimum Living Security and the standard is the same as Minimum Standard of Living (MSL). In 2007, the highest MSL reaches 130 CNY/mu/person/month. Now the Minimum living standard is 200CNY/mu/person/month , it would be paid based on the government policy documents, so 200CNY/mu/person/month were paid to APs.

73. The criterion and calculating method for security fund will be based on the amount of land villagers have lost during house demolition, and the number of persons who live together to share their security fund.

**Villagers, whose family has lost all their land,** will receive 130 CNY/mu/person/month.

**Villagers whose families have lost part of their land,** the security fund will be based on the difference between the cultivated area of each person after land acquisition and the criterion. Here is the formula: security fund the villager



supposed to get= the land he loses (mu) / the land he possesses × the criterion of security fund. For example: a household has 3 persons, 1.5mu cultivated area, that is 0.5mu/person, and the project has taken 0.5mu land, so the security fund this family gets is  $0.5/1.5 \times 3 \times 130 = 130$  CNY/mu. It can also be understood that one family member has lost his whole land, and he can join the urban minimum living security, that is 130 CNY/mu/month.

Rules regulating the years when villagers can enjoy the land loser minimum living security:

1. Among the villagers, the single old, the disabled, the young, the heavily sick, and students and enjoy the low security fund in the long run.
2. Within the labor age as required by law, villagers who are able to work will be given 3 years to restore business or jobs, and during this 3 years, they can enjoy the security fund; 3 years later, the policy of security fund will be carried out flexibly according to the regulations. The restoration period starts from the first month of the plan.
3. The affected villagers who lose their land again during the 3 years will be increased on the basis of the original lost land.

#### 5.6.2 Compensation Standards for Acquisition of State-Owned Land

74. The State-owned land shall be appropriated by the government without charge because the project is constructed for public affairs. Use right of State-owned land in towns will be obtained through appropriation and the state-owned land acquisition compensation is 2-30 CNY/m<sup>2</sup>. This project involves the state-owned land appropriation in Hami District and its compensation standard is 15-18 CNY/m<sup>2</sup>. As for state-owned land occupation of enterprises, use right of land can be obtained when compensation based on benchmark land-price is paid. Hami benchmark land-price standard see TableV-4.

**Table V-4 Hami Benchmark Land-Price Standard**

Unit: CNY/m<sup>2</sup>

Grade	Grade one	Grade two	Grade three	Grade four
Business land	762	503	310	188

Residential land	421	284	176	132
Industrial land	283	216	168	125

75. Benchmark Land-price of roads in the project sees TableV-5.

**Table V-5 Benchmark Land-Price of Roads in the Project**

Road	Benchmark Land-price grade	Type
Renmin Road	284CNY/m <sup>2</sup> grade two	Residential land
	503CNY/m <sup>2</sup> grade two	Business land
	216CNY/m <sup>2</sup> grade two	Industrial land

### 5.6.3 Compensation Standards for House Demolition

76. Because the project involves the transition of the old and new demolition policies, based on " housing levy and Compensation Ordinance for houses on the State - owned land", houses has been legally issued demolition permits before January 21, 2011, will continue to be compensated by following the " Urban Housing demolition Management Regulations ". House demolition after 21 January 2011 will be performed in accordance with the new policy " the housing levy and Compensation Ordinance for houses on state-owned land".

77. Regarding this Project, all houses to be demolished will be compensated by the same compensation standards and resettlement programs. In terms of policy, "Urban Housing demolition Management Regulations" and "the housing levy and Compensation Ordinance on state-owned land" have some differences in compensation procedures, but there are no differences in the compensation standards and resettlement programs.

#### (i) Compensation for urban houses

##### ● Compensation Standard

78. Compensation standard for resettlement of urban houses is the same as for the rural houses. The difference is that compensation for land acquisition of urban

houses includes compensation for state-owned land. See Table V-6.

**Table V-6 Urban House Compensation Standard**

Type	Item	Unit	Standard	Remark
Residential house	House compensation			
	Brick-concrete structure	CNY/m <sup>2</sup>	1350	
	Brick-wood structure	CNY/m <sup>2</sup>	1350	
	Earth-wood structure	CNY/m <sup>2</sup>	1350	
	Land compensation			
	Compensation fee for state-owned land	CNY/m <sup>2</sup>	416.35	Second-grade residential land
		CNY/m <sup>2</sup>	376.21	Third-grade residential land
Following subsidy will be given to the APs with house demolition:				
Other compensation	movement fee	CNY/HH	350	
	temporary transition fee ( building with two or more storey )	CNY /month/ HH	500	Transition period starts from the moving-out day and lasts until the moving-back day. Reasonable period is 1 year, if it is more than 1 year, the compensation continues.
	award fee	CNY/HH	10000	Move out within 5 days after signing the agreement.
		CNY/HH	5000	Move out within 5-15 days after signing the agreement.
		CNY/HH	2000	Move out within 15-20 days after signing the agreement.

**(ii) Compensation for rural house**

- Compensation Standard

See table V-7.

**Table V-7 Rural House Compensation Standard**

Type	Item	Unit	Standard	Remark
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Type	Item	Unit	Standard	Remark
Residential house	House compensation			
	Brick-concrete structure	CNY/m <sup>2</sup>	1350	
	Brick-wood structure	CNY/m <sup>2</sup>	1350	
	Earth-wood structure	CNY/m <sup>2</sup>	1350	
	Land compensation			
	Residential area	CNY/m <sup>2</sup>	38	
Following subsidy will be given to the APs with house demolition:				
Other compensation	moving fee	CNY/household	350	
	temporary transition fee	CNY/m <sup>2</sup> /month	500	Transition period starts from the moving-out day and lasts until the moving-back day. Reasonable period is 1 year, if it is more than 1 year, the compensation continues.
	award fee	CNY/household	10000	Move out within 5 days after signing the agreement.
		CNY/household	5000	Move out within 5-15 days after signing the agreement.
		CNY/household	2000	Move out within 15-20 days after signing the agreement.

**(iii) Compensation standards for state owned enterprises**

79. Compensation standards for enterprises see V-8. If enterprises suffer losses due to interruption, then compensation should be given after agreement is made between the two.

**Table V-8 Compensation standards for state-owned enterprises**

type	item	unit	standard	Remark
houses	house compensation			
	brick-concrete structure	CNY/m <sup>2</sup>	561.6	
	brick-wood structure	CNY/m <sup>2</sup>	480.84	
	earth-wood structure	CNY/m <sup>2</sup>	312.6	

type	item	unit	standard	Remark
	land compensation	CNY/m <sup>2</sup>		
	Reward fee for using land	CNY/m <sup>2</sup>		
Other compensation	moving fee	CNY/HH	300-350	
	temporary transition fee	CNY /m <sup>2</sup> / month	500	Transition period starts from the moving-out day and lasts until the moving-back day. Reasonable period is 1 year, if it is more than 1 year, the compensation continues.
	award fee	CNY/HH	10000	Move out within 5 days after signing the agreement.
		CNY/HH	5000	Move out within 5-15 days after signing the agreement.
		CNY/HH	2000	Move out within 15-20 days after signing the agreement.

#### 5.6.4 Compensation Standards for Public Facilities, Ground Attachment

80. Compensation Standard for Attachments and Special Facilities are contained in V-9.

**Table V-9 Compensation Standard for Attachments and Special Facilities**

Item	Unit	standard	Amount
Greenhouse	m <sup>2</sup>	65	1306. 67
Big tree(not fruit tree)	each	45	292
Small tree(not fruit tree)	each	45	33
Grape Plant	each	80	309
Tree (grown)	each	45	225
Fruit tree (grown)	each	70	2735
Fruit tree (young)	each	70	1904
well killing;	set	1600	13
percolation well	set	250	19
Local food baking facility	each	300	9
lavatory	Set	100	12

vegetable cellar	set	400	6
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### 5.6.5 Other Costs and Taxes

81. Other compensation standard for land acquisition and house demolition see TableV-10.

**Table V-10 other compensation standard**

No.	item	standard	remark
1	land compensation fees for new construction land	24 CNY /m <sup>2</sup>	Eleventh category of area
2	land cultivation fees	3000 CNY /mu	First-level cultivated land
3	cultivated occupation tax	5 CNY /mu	
	construction fund for new vegetable plot	3000 CNY /mu	
4	management fees of land acquisition	Calculated at 4% of land acquisition and resettlement compensation fees	
5	survey and design fees	Calculated at 3% of land acquisition and resettlement compensation fees	
6	implementation management fees	Calculated at 3% of land acquisition and resettlement compensation fees	
7	technical training fees	Calculated at 1% of land acquisition and resettlement compensation fees	
8	fees for external resettlement monitoring and evaluation	Calculated at 1.5% of land acquisition and resettlement compensation fees	

No.	item	standard	remark
9	contingency	Calculated at 10% of land acquisition and resettlement compensation fees	

### 5.6.6 Vulnerable and Ethnic Minority Groups

82. Apart from the above compensation policies, affected vulnerable groups can also receive other preferential policies :

- 1) Skills training, employment information and guidelines will be provided to vulnerable families free of charge.
- 2) In the course of project implementation, workers from vulnerable families will be given priority for non-technical jobs.
- 3) 10000 CNY/mu should be provided if sudden disease occurs to the vulnerable groups.
- 4) Low-rent house should be provided to the affected vulnerable groups. And renting fee should be reduced even be free from charge in the first transition period if they have serious financial trouble.
- 5) The special concern should be given to the living restoration of vulnerable groups. If they run shops, at least the same area house should be given to them in a good place. Help should be provided during relocation and support to prevent them from losing income source.

### 5.7 Entitlement Matrix

83. The Entitlement Matrix has been developed in line with the policies described above, and is shown in Table V-11.

**Table V-11 Entitlement Matrix**

Type of Impact	Extent of Impact	Entitled Persons	Entitlement	Compensation policies and rates
Permanent acquisition of collective land	58.66 mu land will be involved in land acquisition, including 51.06mu cultivated land, 5.64mu vegetable plot, 1.96mu Greenhouse, 3 villages had been affected.	village collective and land-user	<p>(1) Village collective, villagers or APs shall obtain the land compensation.</p> <p>(2) APs obtain resettlement subsidy and young crops fees</p> <p>(3) It is estimated that when the project starts 105 direct jobs and 90 indirect jobs will be created, including 15 managerial technicians, 35 skilled workers and 55 unskilled workers; indirect jobs include 20 managerial technicians, 30 skilled workers and 40 unskilled workers. APs will have priority for employment</p> <p>(4) PMO will provide non-technological work to affected women (at least 45% of technicians). Affected female labors will be considered first in skill training to protect their economic status. Training will help 600 APs and female APs can not be fewer than 300 (accounting for 50%).</p>	<p>AAOV of Cultivated area/wasteland/forest land: 1800CNY/mu</p> <p>AAOV of Vegetable plot: 3600CNY/mu</p> <p>Land compensation is 10 times that of annual production, relocation compensation is 20 times, while wasteland is only given land compensation.</p> <p>Young crops compensation is 15000CNY/mu, vegetable plot is 15000CNY/mu.</p> <p>One third of the land compensation is given to the village committee, and the rest two thirds and relocation compensation and young crops compensation are given to land-users.</p>
Rural house demolition	55 rural houses of 205 persons will be affected, with an area of 12771.46 m <sup>2</sup> . That's 232.21 m <sup>2</sup>	householders	<p>Compensating for the house at replacement standard which is laid down by local price authority and structural engineer budgeting specialist. The compensation standard shall be above the market price.</p> <p>(1) compensated at replacement rates</p>	<p>Concrete and brick structure: 1350CNY/m<sup>2</sup>;</p> <p>Brick and wood structure: 1350CNY/ m<sup>2</sup>;</p> <p>Wood and earth structure: 1350 CNY/ m<sup>2</sup>,</p> <p>Moving fee: 350 CNY/household</p> <p>Temporary transition fee: 350CNY/household /month for</p>



Type of Impact	Extent of Impact	Entitled Persons	Entitlement	Compensation policies and rates
	/household		<p>(2) Select freely the means of resettlement, including cash compensation and resettlement house purchase and rebuilding in free housing site.</p> <p>(3) Get a moving fee, temporary transition fee and award fee</p>	<p>building with two or more storeys; 3 CNY/ m<sup>2</sup> /month for single-storey houses. Paid for 12 months. But it will pay as actual transition period if exceed 12 months</p> <p>Award fee: 2000CNY /household to 10000CNY/household.</p>
Urban house demolition	53 urban houses of 168 persons will be affected, with an area of 10168.91 m <sup>2</sup> . That's 191.87 m <sup>2</sup> /household	householders	<p>(1) compensated at replacement rates</p> <p>(2) Select freely the means of resettlement, including cash compensation and resettlement house purchase and rebuilding in free housing site.</p> <p>(3) Get a moving fee, temporary transition fee and award fee</p>	<p>Concrete and brick structure: 1350CNY/m<sup>2</sup>; Brick and wood structure: 1350CNY/ m<sup>2</sup>; Wood and earth structure: 1350CNY/ m<sup>2</sup>, Moving fee: 300-350 CNY/household</p> <p>Temporary transition fee: 350CNY/household /month for building with two or more storey; 3 CNY/ m<sup>2</sup>/month for single-storey houses. Paid for 12 months. But it will pay as actual transition period if exceed 12 months</p> <p>Award fee: 2000CNY/mu/household to 10000CNY/mu/household.</p> <p>Compensation fee for the state-owned: for Second-grade residential land is 416.35 CNY/m<sup>2</sup>, Third-grade residential land is 376.21CNY/m<sup>2</sup>.</p>
Enterprises and	House demolition and stated land	proprietor	Compensating for the structure at replacement standard which is laid down by local price authority and structural	<p>Concrete and brick structure: 561.6CNY/m<sup>2</sup>; Brick and wood structure: 480.84 CNY/ m<sup>2</sup>;</p>

Type of Impact	Extent of Impact	Entitled Persons	Entitlement	Compensation policies and rates
public institutions	acquisition affect 4 enterprises. 3 enterprises will be completely demolished with an area of 4805.13 m <sup>2</sup> , affecting 56 people, the house loss extents are 100%. and 12.03mu state-owned land had been occupied.		<p>engineer budgeting specialist. The compensation standard shall be above the market price.</p> <p>(1) Compensated at replacement rates</p> <p>(2) Get award fee</p> <p>(3) Get business interruption compensation</p>	<p>Wood and earth structure: 312.6 CNY/ m<sup>2</sup>,</p> <p>Moving fee: 300-350 CNY/household</p> <p>Temporary transition fee: 350CNY/household /month for building with two or more storeys; 3 CNY/ m<sup>2</sup> /month for single-storey houses. Paid for 12 months. But it will pay as actual transition period if exceed 12 months</p> <p>Award fee: 2000CNY/ household to 10000CNY/mu/household.</p> <p>If enterprises suffer losses due to stop of production, compensation should be given according to agreement made between the two parties.</p>
Vulnerable groups	No APs	householders	<p>(1) Occupational training and all kinds of employment information and guidelines shall be provided to vulnerable families.</p> <p>(2) Workers in vulnerable families shall be given priority.</p>	<p>The compensation rate of house demolition and land acquisition is the same to other APs.</p> <p>The PMO will provide 50 m<sup>2</sup> free resettlement house for two households and the vulnerable groups can choose to purchase shops with lower price than market price. The PMO also provide skill trainings and public welfare positions for them.</p>
Minority groups	56 households with 191 persons	householders	<p>(1) Get land acquisition compensation</p> <p>(2) Get priority in project employment</p> <p>(3) Get priority in free technological skill training</p>	The compensation rate of house demolition and land acquisition is the same to other APs.

Type of Impact	Extent of Impact	Entitled Persons	Entitlement	Compensation policies and rates
Women	265 persons		<p>(1) It is estimated that when the project starts 105 direct jobs and 90 indirect jobs will be created, including 15 managerial technicians, 35 skilled workers and 55 unskilled workers; indirect jobs include 20 managerial technicians, 30 skilled workers and 40 unskilled workers. APs will have priority for employment</p> <p>(2) PMO will provide non-technological work to affected women (at least 45% of technicians). Affected female labors will be considered first in skill training to protect their economic status. Training will help 600 APs and female APs can not be fewer than 300 (accounting for 50%).</p> <p>(3) APs can get resettlement information and participate in resettlement.</p>	<p>The compensation rate of house demolition and land acquisition is the same to other APs.</p> <p>There are 6 women headed households will be affected by this project. The pivotal problem of income restoring plan on 6 women headed households is provide more job opportunities. For one thing, the PMO will provide public welfare positions with the monthly income of CNY 600 to 700 to them. For another thing, they can purchase the shops for doing business. If they don't want to purchase shops, the PMO will give CNY 5000 per household. The affected households can choose these schemes voluntary. Among them, 3 households choose to purchase shops and 3 households choose to get money compensation.</p>
Ground attachm ents		Owner of house property	Buildings and ground Attachments will be compensated as replacement price or will be rebuilt as former standard.	

## **VI Resettlement Measures**

### **6.1 Resettlement Targets**

84. According to the actual living standard of resettlement in 2009 and the 11th-five- year plan for national economic and social development and the 2015 Long-term Targets, the objectives of resettlement for this project have been analyzed and determined as follows:

- (1) To ensure that annual net income per-capita of the displaced families can be restored to the previous level before resettlement, and to increase it based on the regional economic development speed.
- (2) To ensure that the overall living conditions of the displaced families won't be worsened by the implementation of the project.
- (3) The conditions of public utilities, infrastructure, schooling, medical treatment, natural environment, etc. will be improved or kept the same compared with the situation before the project.

### **6.2 Principles for Resettlement and Rehabilitation**

85. According to the relevant national laws and ADB's policies for involuntary resettlement, resettlement should adhere to the following basic principles:

- (1) Optimization of design to minimize project impacts and the need for resettlement;
- (2) Resettlement and compensation policies should be smoothly implemented, so that living and production level of APs will be improved or at least restored to the pre-project level;
- (3) The resettlement plan should be compiled on the basis of material object index and compensation rate of land acquisition and house demolition. According to the requirements of fund-limited planning, the construction scale and standard of resettlement should follow the principle of restoring the previous scale and standard without an investment gap;
- (4) Full consultation on resettlement plan should be made with the affected persons;

- (5) Layout planning should be formulated based on the principle of ~~facilitating~~ production, benefiting people's living";
- (6) Resettlement should be combined with the local urban development plan, resource exploitation, economic development and environmental protection. Feasible measures should be practically made to develop and restore production, with the adaptation to local conditions, and create the necessary conditions for self-development.

### 6.3 Summary of Rehabilitation Plan for Affected Villages

86. The total area of collective land acquisition of the project is 58.66mu, including cultivated land 51.06mu (87.4%); vegetable plot 5.64mu (9.61%); greenhouse 1.96mu (3.34%). The main impacts of land acquisition are caused by road construction, which has a linear distribution. Most of APs only lose part of land. Therefore, land acquisition has little impact to their agricultural production and income. See the detailed analysis of land acquisition is shown in Section 2.4.

87. According to sampling survey on resettlement wills of the 52 affected families, all the APs demand monetary compensation and no land readjustment. However, compensation must be paid timely without delay. The compensation will be mainly used in subsistence allowance, buying shares in land compensation, business, planting industry, livestock breeding, and for skill training.

88. Three villages are involved in permanent land acquisition of the project. Five main measures for livelihood restoration are as follows:

a) Direct monetary compensation. Compensation standard and the amount of the acquired cultivated land should be determined, strictly following the related national and local policies. Compensation and resettlement subsidy should be paid to APs directly and timely. The compensation could be used to plant economic crops, improve livestock breeding and engage in non-agricultural production.

b) Land-lost peasants should be put into the category for subsistence allowance. That is to say, land-lost peasants, in accordance with the requirements, could enjoy subsistence security. Standard of subsistence allowance for land-lost peasant should be decided referring to urban minimum livelihood protection. For those losing land totally, they will enjoy full subsistence allowance.

c) Land exchange for street store

Affected households can exchange land for street stores according to their wishes, to solve the employment of landless peasants. The standard is that 1mu acquired arable land can be exchanged for 25 m<sup>2</sup> (housing construction area) store per household. Each household can get additional 10 m<sup>2</sup> stores with increased 1 mu acquired arable land. For household with acquired land less than 1 mu, they can purchase store at price of 1,200 yuan / square meter (including the additional area). Households can buy more area at 3000 yuan / square meter.

If the AP does not get stores in 2 years, they can buy one anywhere in downtown themselves, and the government will pay them 3000yuan/m<sup>2</sup>. Before they get the store, government will pay the subsidy 20 yuan/m<sup>2</sup>/month (given 2 years at one time) .

## 6.4 Rehabilitation Plan for Affected Villages

89. Dayingmen village, Beicaiyuan village and Xicaiyuan village of Xihe sub-district are affected by land acquisition in the project, with 52 households impacted. Among them, Dayingmen village is the most affected one, which has had recent experience in resettlement for landless peasants.

### **Scheme 1: To put into the guarantee system of subsistence allowance.**

90. Land-lost peasants, in accordance with the requirements, could enjoy urban subsistence security. Standard of subsistence allowance for land-lost peasant should be decided referring to urban subsistence security. For those losing land totally, they will enjoy full subsistence allowance. The highest standard of subsistence allowance for landless peasant is 130CNY/month per capita in 2007, which would be readjusted according to that of urban subsistence allowance of Hami. For those who lose land partly, they will get subsistence allowance, based on landless percentage. Monthly subsistence allowance per peasant=the area of lost land (mu) /the previous area of land × the standard of subsistence allowance.

91. The length of enjoying subsistence allowance for landless peasant is different to each groups:

1. For the lonely elderly, the disabled, the children, the physically ill and the school students in landless peasant, they will enjoy a long-term

subsistence allowance.

2. For those having working capacity in the legitimate age to participate in production, 3 years will be given to them for production restoration or employment. During the 3 years of restoration, they could enjoy subsistence allowance according the degree of land-losing; after the period of 3-year, policy of subsistence allowance will be carried out, according to the principle of dynamic management. Restoration period starts from the first month that experimental scheme is implemented.
3. If APs lose land again in the restoration period of 3 years, subsistence allowance will be increased on the basis of the area of pervious acquired land.

92. Standard of subsistence allowance for landless peasant and its calculation method is based on the area of acquired land and on the amount of family members in accordance with the requirements for enjoying subsistence allowance.

93. **(1) Dayingmen Village**

Dayingmen Village has a population of 1904 in 545 households, including 1404 minorities. There is cultivated land 988mu (1.81mu per household), orchard land 380mu (0.7mu per household), forest land 20mu (0.04mu per household) and homestead 1718mu. The annual net income per capita is about CNY 6392. The typical crops are wheat, corn and vegetables.

94. Permanent collective land acquisition of Dayingmen Village is 51.06mu, accounting for 5.17% among that the sub-total of cultivated land. There are 40 households with 191 people affected by the project, accounting for 10.03% of total households in the village. The average cultivated land acquisition amounts to 1.28mu per capita.

According to the main agriculture structure (wheat, corn and vegetable), the annual net income of cultivated land is about 500 CNY /mu. It is calculated that the average annual net income loss in the village would amount to CNY25.5 thousand, which is CNY638 per household and CNY134 per capita. After land acquisition, the average area of cultivated land per household is 1.72mu.

**Table VI-1 Income Loss and Compensation of Dayingmen Village**

Village	A. Estimated income loss (10,000 CNY/year)	B. Compensation on Land Compensation					B/A
		Land type	Land compensation	Resettlement subsidy	Young crop compensation	Total	
Dayingmen village	2.55	Cultivated land	91.91	183.82	76.59	352.32	138
Total	2.55		91.91	183.82	76.59	352.32	138

95. According to calculation, the compensation total is CNY 3523.2 thousand, including land acquisition compensation CNY 919.1 thousand, resettlement subsidy CNY1838.2 thousand and young crop compensation CNY765.9 thousand. The compensation is 138 times of the anticipated annual income loss. Details are shown in VI-1.

96. Through survey analysis and consultation, all the APs are willing to be brought into urban subsistence security system. It is calculated that, for the 40 households (191 people) affected by land acquisition, they could obtain urban subsistence allowance of 53.19CNY/month per household. Details are shown in Table VI-2.

**Table VI-2 Monthly Subsistence Allowance per Household Affected by Land Acquisition of Dayingmen Village**

Village	Dayingmen village	Total
Land type	Cultivated land	
Affected household	40	40
Affected population	191	191
Affected population per household	4,78	4,78
Land loss per household	1.28	1.28
Land area per household before land acquisition	3.12	3.12
Total area of land acquisition	51.06	51.06
Total land area before land acquisition	124.80	124.80
Subsistence allowance	53.19	53.19



Substance allowance standard per capita(month/CNY)	130	130
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## (2) Xicaiyuan Village

Xicaiyuan Village has a population of 909 in 278 households, including 104 minorities. There is cultivated land 265mu (0.95mu per household), forest land 0.03mu. The annual net income per capita is about CNY 6250. The typical crops are wheat, corn and vegetables.

Permanent collective land acquisition of Xicaiyuan Village is 6.10mu, accounting for 2.30% among that the sub-total of cultivated land. There are 8 households with 26 people affected by the project, accounting for 2.88% of total households in the village, 2.86% of total population in this village. The average vegetable land acquisition amounts to 0.75mu per household.

According to the main agriculture structure (wheat, corn and vegetable), the annual net income of cultivated land is about 1500 CNY /mu. It is calculated that the average annual net income loss in the village would amount to CNY9.2 thousand, which is CNY1144 per household and CNY352 per capita. After land acquisition, the average area of cultivated land per household is 0.94mu.

**Table VI-3 Income Loss and Compensation of Xicaiyuan Village**

Village	A. Estimated income loss (10,000 CNY/year)	B. Compensation on Land Compensation					B/A
		Land type	Land compensation	Resettlement subsidy	Young crop compensation	Total	
Xicaiyuan village	0.92	Cultivated	21.96	45.75	9.15	76.86	84
Total		land	21.96	45.75	9.15	76.86	

97. According to calculation, the compensation total is CNY 768.6 thousand, including land acquisition compensation CNY 219.6 thousand, resettlement subsidy CNY457.5 thousand and young crop compensation CNY91.5 thousand. The compensation is 84 times of the anticipated annual income loss. Details are shown in

Table VI-3.

98. Through survey analysis and consultation, all the APs are willing to be brought into urban subsistence security system. It is calculated that, for the 8 households (26 people) affected by land acquisition, they could obtain urban subsistence allowance of 104 CNY/month per household. Details are shown in Table VI-4.

**Table VI-4 Monthly Subsistence Allowance per Household Affected by Land Acquisition of Xicaiyuan Village**

Village	Xicaiyan village	Total
Land type	Vegetable spot	
Affected household	8	8
Affected population	26	26
Affected population per household	3.25	3.25
Land loss per household	0.76	0.76
Land area per household before land acquisition	0.95	0.95
Total area of land acquisition	6.10	6.10
Total land area before land acquisition	7.6	7.6
Subsistence allowance	104	104
Substance allowance standard per capita(month/CNY)	130	130

### (3) Beicaiyuan Village

Beicaiyuan Village has a population of 473 in 158 households, including 51 minorities. There is cultivated land 250mu (1.58mu per household), forest land 30mu. Homestead 70mu. The annual net income per capita is about CNY 5800. The typical crops are wheat, corn and vegetables.

Permanent collective land acquisition of Beicaiyuan Village is 1.50mu, accounting for 0.6% among that the sub-total of cultivated land. There are 4 households with 14 people affected by the project, accounting for 2.53% of total households in the village, 2.96% of total population in this village. The average vegetable land acquisition amounts to 0.38mu per households.

According to the main agriculture structure (wheat, corn and vegetable), the annual net income of cultivated land is about 1500 CNY /mu. It is calculated that the average annual net income loss in the village would amount to CNY2.3 thousand, which is CNY563 per household and CNY161 per capita.

**Table VI-5 Income Loss and Compensation of Beicaiyuan Village**

Village	A. Estimated income loss (10,000 CNY/year)	B. Compensation on Land Compensation					B/A
		Land type	Land compensation	Resettlement subsidy	Young crop compensation	Total	
5.4	1.08	2.25	5.4	1.08	2.25	8.73	38
Total			5.4	1.08	2.25	8.73	

According to calculation, the compensation total is CNY 87.3 thousand, including land acquisition compensation CNY 54 thousand, resettlement subsidy CNY10.8 thousand and young crop compensation CNY22.5 thousand. The compensation is 38 times of the anticipated annual income loss. Details are shown in Table VI-5.

Through survey analysis and consultation, all the APs are willing to be brought into urban subsistence security system. It is calculated that, for the 4 households (14 people) affected by land acquisition, they could obtain urban subsistence allowance of 30.85 CNY/month per household. Details are shown in Table VI-6.

**Table VI-6 Monthly Subsistence Allowance per Household Affected by Land Acquisition of Beicaiyuan Village**

Village	Beicaiyuan village	Total
Land type	Vegetable spot	
Affected household	4	4
Affected population	14	14
Affected population per household	3.5	3.5
Land loss per household	0.375	0.375
Land area per household before land acquisition	1.58	1.58
Total area of land acquisition	1.5	1.5

Total land area before land acquisition	6.32	6.32
Subsistence allowance	30.85	30.85
Substance allowance standard per capita(month/CNY)	130	130

### **Option 2: Land Exchange for Store**

Affected households can exchange land for street stores according to their wishes, to solve the employment of landless peasants. The standard is that 1mu acquired arable land can be exchanged for 25 m<sup>2</sup> (housing construction area) store per household. Each household can get additional 10 m<sup>2</sup> stores with increased 1 mu acquired arable land. For household with acquired land less than 1 mu, they can purchase store at price of 1,200 yuan / square meter (including the additional area). Households can buy more area at 3000 yuan / square meter.

If the AP does not get stores in 2 years, they can buy one anywhere in downtown themselves, and the government will pay them 3000yuan/m<sup>2</sup>. Before they get the store, government will pay the subsidy 20 yuan/m<sup>2</sup>/month (given 2 years at one time) . Exchange stores lie inside Huikang Yuan community, Yikang Yuan community, and ShuminYuan community, or along the roads which are near the new resettlement communities.

## **6.5 Residential House Reconstruction Plan**

99. In this project, 108 households (373 people) are affected by residential house demolition and total demolition area is 22940.37m<sup>2</sup>, including brick-concrete structure 6354.43m<sup>2</sup> (accounting for 27.70% of the total), brick-timber structure 7819.35m<sup>2</sup> (accounting for 34.09% of the total), earth-wood structure 8554.65m<sup>2</sup> (accounting for 37.29% of the total), basement 211.94m<sup>2</sup> (accounting for 0.92% of the total). Among them, urban residential house demolition affects 53 households with a population of 168 (to be entire demolition). The total demolished area is 10168.91m<sup>2</sup> and demolition area per household is 191.87m<sup>2</sup>; rural residential house demolition affects 55 households with a population of 205 (to be entire demolition). The total demolished area is 12771.46m<sup>2</sup> and demolition area per household is 235.70m<sup>2</sup>. The total demolished area of 4 enterprises is 4805.13 m<sup>2</sup>, affecting 56 people.

### **6.5.1 Resettlement Choices**

100. The affected households may choose (i) cash compensation to buy a

replacement house or (ii) property exchange with an available commercial houses provided by the local government at one of the resettlement housing schemes.

In case of property exchange, a commercial store will be appraised by a real estate appraisal agency based on location, building structure, building size, floor and decoration, and by reference to market price. The real estate appraisal agency will listen to an AH's comments before fixing its house's appraised price; if the AH agrees with property exchange, its house will be exchanged based on approved (licensed) floor space at the same area. For the exchange house under 6 floor (6 floor is included), the exchange ratio is 1:1, for exchange the tall building about higher than 6 floor, the exchange ratio is 1: 0.8 (Excluding floor coefficient) . For those property exchange in different places (if government has different resettlement communities can be chosen by), according to the state-own land price standard, moving to a upper grade place, area would reduce 25%; to a lower grade place, area would increase 25%; the same grade place, the area would keep the same. AP should obey following principles when has property exchange:

(1) Exchange for one unit house, take the AP's healthy condition and age as the main consideration. Younger than 30, the resettlement houses are in 5<sup>th</sup> or 6<sup>th</sup> floor.; age at 30 to 40, the resettlement houses are in 4<sup>th</sup> or 5<sup>th</sup> floor.; age at 40 to 50 the resettlement houses are in 3<sup>th</sup> or 4<sup>th</sup> floor; age at 50 to 60, the resettlement houses are in 1<sup>th</sup> to 3<sup>th</sup> floor; older than 60 could choose anyone. The disabled one, or very sick one, could have the 1<sup>st</sup> floor if they had the disabled license or proof from regular hospital.

(2) Exchange for two units houses, resettlement houses are in mixed floors. That 1<sup>st</sup> and 4<sup>th</sup> floor; 2<sup>nd</sup> and 6<sup>th</sup> floor; 3<sup>rd</sup> and 5<sup>th</sup> floor;

(3) Exchange for three suits houses, 4<sup>th</sup> floor must be obtained, and the rest two according principle No. 2.

(4) Exchange for 4 suits houses, the same with principle 2.

The AHs choosing property exchange will get the compensation after a real estate appraisal agency evaluate the property based on location, building structure, building size, floor and decoration, and by reference to market price. Moving fee 350yuan/household, this is based on the actual expenses on moving in Hami. Who chooses the future delivery of house as the property exchange can get double moving fee; yard-land compensation is based on state-own land price standard.

When the resettlement house is bigger than the old one during the property exchange,

the extra area would be paid as marketing price; for the other facilities, cash compensation would be paid after evaluation; public area is included in property exchange.

AP who choose to transition by themselves, government would pay 500yuan/household each month, which is according to the standard approved by Hami government in 2011

AP who lives in the transition house which is provided by government would get no transition fee. The fee for living, such as electricity, water, heat, will be paid by AP. After moving into resettlement house, AP should return the transition house.

Transition time for residential resettlement: from the day moving out to the day move into new house, should no more than 18 months.

According to the willing survey, among the 108 households affected, 77.78% choose property exchange. Before demolition, the old houses are mainly in soil and wood structure or brick and wood structure, which are in bad condition about heating, supply water, water drain. The bad road condition causes inconvenient to people.

**Cash compensation:** In case of cash compensation, the affected house will be appraised by a real estate appraisal agency based on location, building structure, building size, floor and decoration, and by reference to market price.

For the AH who do not want the property exchange can get cash compensation, the AHs may choose a resettlement mode based on affordability and individual needs, such as purchasing commercial housing or secondhand housing or making other investments. According the survey, for the 108 affected people, 22.22% have chosen cash compensation, because most of these Ahs had brought commercial houses in Hami, after getting cash compensation to make other investments.

**Resettlement and Restoration Program for households with commercial shops:** shops in such case had the same structures with residential house. The only difference is that shops are in the former of yard or backyard. These shops are mainly engaged as the food and beverage service, commonly known as the "agri-tourism ". The shops were run in summer, normally for 5 months, considering the business running, the PMO made two options for APs to choose. They are:

***1.Cash compensation (consistent with the compensation rates for residential***

**houses**): The compensation price for a demolished house will be paid up at a time based on appraisal. After receiving house compensation, the AHs may choose a resettlement mode based on affordability and individualized needs, such as purchasing commercial housing or secondhand housing or making other investments.

**2. Property exchange:** if APs want to obtain shops and living house, they can choose a store in resettlement communities. For those store exchange in different places(if government has different resettlement communities can be chosen by ), according to the state-own land price standard, moving to a upper degree place, area would reduce 25%; to a lower grade place, area would increase 25%; the same grade place, the area would keep the same. If store exchange is for residential place, the ratio is 1:1.5.

For the losses by demolition and resettlement, government will pay the business losses for 3 to 6 months (according to the tax record). So AP has to provide the taxes tickets for the whole year. For others facilities, the compensation would be paid after evaluation; for the stores place, resettlement stores would be offered first to whoever moves first. Public area is included in the property exchange. Property exchange for stores lie in Huikangyuan Community, Yikangyuan Community, Shumingyuan Community.

During the resettlement implementation, PMO would tell the store owner in advance, so that the owner can find another place to run the business. Owner of the affected stores can choose the stores beside the streets of the resettlement communities. Or the place where **has many potential customers**. Before the shop demolition, shop lessee should be noticed in advance so that they would have enough time to find the substitute to continue to operate. Relocation compensation and transition costs should be made up for the loss of discontinued operations, the shop compensation belongs to the shop property owners , property owners should return the unrealized rental money. In accordance with the lease agreement signed before by both parties. It has little impact for the renters, because of the

agreement signed before is legal. The contract states that during the rental period if land acquisition and resettlement occurs, the property owners would give proper compensation for the renters, and the contract ends; on streets near affected shops, there are a lot of prepared house for leasing, so it is easy to find the right street store nearby; prior to the start of the project the IA will provide advance notice to the lessee, so that they can make preparation to move.

#### **Other compensation**

AP who is facing difficulties, such as disable, sick, can apply to the community can apply the one time assistance fee 5,000yuan to 10, 000yuan (sick, or disable license are needed).



## 6.5.2 Introduction on Relocation Sites

### (1) Brief introduction on Huikangyuan Resettlement Community

101. Huikangyuan Community and low-rent house in Beijiao Road are people-benefit projects for urban demolition household, low-income family and poor family, which are all constructed by Hamin Hengan Urban Construction Investment Limited Company.

102. Huikangyuan Community covers an area of 593mu and plans to construct 51 buildings. Roads convert an area of 78mu, residential house covers an area of 227mu and the greening area amounts to 40% of the community. 51 buildings are to be constructed (260 thousand m<sup>2</sup>). The community is divided into 4 (A, B, C, D) residential districts. Among them, 720 households are in A district, mainly to be buildings and commercial stores; 480 households are in B district, mainly to be flat house and independent two-layer building; 216 households are in C district and 360 households are in D district, mainly to be buildings. Huikangyuan is a communed community with economical housing, low-rent housing, and commercial housing. Kindergarten, medical station, business-net spot, parking spot and leisure square are equipped in the community. Its construction started in 2006 and 2800 households and more than 8500 people could be contained in it after completing it. At the gate of the community, there is the terminal station of Bus. 14. The community has a good location, with the famous tourist site of Hami Palace nearby. At present, the main construction projects are 10 buildings, 50 flat houses with red top, 18 flat houses with blue top, self-built house by APs and the whole matched. Demolished farmers partly-losing land can purchase resettlement flat house. Besides, they could choose to be resettled in the independent two-storey building. The project is undertaken by Hamin Hengan Urban Construction Investment Limited Company. The total investment of the project is planned to be 71.4486 million CNY, and the actual investment is 53.54million CNY.



Figure VI-1 Demolished urban residential house demolished rural residential house



Figure VI-2 House of different type in Huikangyuan Community (top left: shop front of the building; upper-right; bottom left: self-built house; bottom-right: independent two-storey building)



Figure VI-3 the construction of self-built house in Huikangyuan Community (top-left: heating radiator which connected to the central heating system; top-right: courtyard.

## (2) Brief introduction on Yikangyuan Resettlement Community

Hami Yikangyuan Resettlement Community is located south of Renmin Road, which has beautiful surroundings and is very convenient for living, with a planned land area of 42565 m<sup>2</sup>, including 72.5 thousand m<sup>2</sup> of housing land, 5.5 thousand m<sup>2</sup> public commercial construction land, the total building area is 78 thousand m<sup>2</sup> and public green spaces accounting for 37.2%. The community is planned to accommodate 776 households with 2,716 persons, and has 232 aboveground and 98 underground parking spaces. The community started constructing from May, 2011, and delivered to households in November 2012. It constructed in strict conformity with the Building Code for urban residential district planning and design, and has such public facilities as nursery, Community Owner Committee, Security defense room, kindergarten, cultural activity station, health center, public lavatory, community service center, property management and commercial services. And nearby there are primary school, savings office, postal office. There are two kinds of room layouts – two bedrooms and two living rooms, and three bedrooms and two living rooms. 4 kinds of housing sizes are available –70 m<sup>2</sup>, 80 m<sup>2</sup>, 90 m<sup>2</sup> and 100m<sup>2</sup>.



Figure 6-3 Yikangyuan resettlement community plan

## (2) Brief introduction on Shuminyuan Resettlement Community

Hami Shuminyuan Residential Community—This community is located south of Renmin Road, in close vicinity to Shixi Park and Tianbei New District, which has beautiful surroundings and is very convenient for living, with a planned land area of 182315m<sup>2</sup>, the total building area is 434.2 thousand m<sup>2</sup> and public green spaces accounting for 41%. Including 382.4 thousand m<sup>2</sup> of housing land, 51.7 thousand m<sup>2</sup> public commercial construction land, planned area for Mosque construction is 0.6 thousand m<sup>2</sup>, planned area for kindergarten construction is 1.2 thousand m<sup>2</sup>. The community is planned to accommodate 2748 households with 9618 persons, and has 1615 parking space. The community started constructing from May, 2011, and delivered to households in November 2012. It constructed in strict conformity with the Building Code for urban residential district planning and design, and has such public facilities as nursery, Community Owner Committee, Security defense room, kindergarten, cultural activity station, health center, public lavatory, community service center, property management and commercial services. And nearby there are primary school, savings office, postal office. There is a kind of room layouts – two bedrooms and two living rooms, 3 kinds of housing sizes are available –70 m<sup>2</sup>, 75 m<sup>2</sup> and 80 m<sup>2</sup>.





Figure 6-3 Shuminyuan resettlement community plan

#### 6.5.4 Application Procedure

103. After signing agreement on demolition and resettlement, APs could obtain sufficient cash compensation directly, if choosing monetary compensation; agreement on asset for asset will be signed, and APs could select floor, area and orientation on basis of their classes, if choosing asset for asset. The selected floor, area and orientation should be definite. If price difference exists, the time the house is handed over to APs, it should be made up and real estate formality should be gone through.

#### 6.6 Restoration Plan for Enterprises and public institutions

104. House demolition and stated land acquisition affect 4 enterprises and public institutions with 4805.13m². 3 enterprises completely demolished with an area of 2275.13m² affecting 51 people. Respectively are Hami Local Taxation Authorities with an area of 206.83m², affecting 41 people; Hami Social Insurance Authorities with an area of 541.08m², affecting 5 people; Hami Grassland Management Office with an area of 1527,22m², affecting 7 people. And Hami Crossing Mosque was demolished too, with an area of 2530m², affecting 5 people. And all the house loss extents are 100%. The area of these buildings amounts to 4805.13m² and 12.03mu state-owned land had

been occupied.

4 enterprises and public institutions are included in demolition. Among them, 3 are entirely demolished and 1 is partly demolished (demolition of its management office building or attached house).

105. According to the investigation, 3 enterprises are entirely demolished and they all demand monetary compensation, and will build in a proper place by themselves; 1 enterprise demands to be rebuilt in the present location. Details are shown in Table VI-3. Hami Crossing Mosque lies in Jiefang west Road and was built in 1986, and rebuilt in 1987 with the investment of Muslims people in 2009. Hami Crossing Mosque was included in the Hami city master plan to be rebuilt, and the new Mosque was put into use in September 2010. The external monitoring agency conducted social due diligence, review in July in 2012. The detailed DDR was in Appendix 6.

**Table VI-3 Enterprise Resettlement Will**

No.	Enterprises and public institutions	Main business	Fixed assets (10 <sup>4</sup> CNY)	Annual production value	Annual interest	Management state	Damage degree	Resettlement will
				(10 <sup>4</sup> CNY)	(10 <sup>4</sup> CNY)			
1	Hami Grass Management Office	public institution	100	-	-	Ordinary	completely demolition	Cash compensation,
2	Hami Local Taxation Authorities	public institution	1500	-	-	Ordinary	Completely demolition	Cash compensation,
3	Hami Social Insurance Authorities	public institution	30	28	15	Ordinary	completely demolition	Cash compensation,
4	Hami Crossing Mosque	Religious institution	100	360	30	Ordinary	Completely demolition	Cash compensation, rebuild by government

## 6.8 Training and Employment for APs

106. The farmers affected by land acquisition and the demolition households will get monetary compensation. Besides, public welfare positions will be provided to the APs. For the affected place lies in the suburb of Hami, employment market is well developed, and at least one person of each family works in the city of Hami. Therefore, 20%-30% of the APs at the age of 40-50 demand a job. Road maintenance staff and cleaners will be increased after completing road construction, and APs will be given priority to these jobs, income of which is 600-700 CNY. It will be helpful to their income restoration. And certain training will be provided to APs. On basis of industrial structure and market demand of Hami and the surrounding regions, technical skill trainings will be focused on planting, livestock breeding, service industry and construction. Training types are mainly to be: vegetable training, fruit tree planting, poultry breeding, domestic animal breeding, livestock reproduction, tiler, agricultural machinery operating, agricultural machinery repairing, motorbike repairing, stone-mason, painter, electric welding, clothing cutting, concreter, waterproofing, bricklaying, animal inspecting and quarantining, veterinarian and so on.

107. Training programs are mainly to be professional skill training, single-capacity training, post training. Professional skill training is managed by labor and social security administrative department, and conducted by various education training organization, and employment units, focus of which is on agricultural techniques, livestock breeding, and forestry planting. Single-capacity training is a kind of training that is both practical and relevant. The trainee can enjoy single-capacity training no more than 3 times within 3 years, mainly to be serving industry. Post training aims at the profession and work with complex technique, high skill requirement, strict operating rules, this is directly related with product quality, consumer's health and safe living.

## 6.9 Protection of Women's' Rights and Interests

108. The affected area has a balanced sex ratio. Women enjoy the same rights as men in the affected rural communities, including land rights, education, family planning and participation in voting in rural communities. Of the surveyed female labors, most believe that they should enjoy the same rights as men, such as making independent choices regarding jobs, undertaking small business or farming on the land.



In affected urban suburbs, women also enjoy the same rights as men. Generally, men take responsibility for discussion of specific matters outside. But the decision is generally made through consultation with wives, women's opinions often even taking precedence. In the survey we also found that women not only keep the money but also do financial management. As for men, in addition to earning money, they are primarily responsible for export-oriented services such as funerals and weddings. Therefore, there is an old saying, "Husbands are the Cashiers; Wives are the Accountants." It is traditionally believed that men dominate in Muslim families. In the survey, however, it was found that women have the same voice in significant family events. Both women and men of each affected household will negotiate and sign the house demolition contract with the PMO. Women feel they have good skills to help in this process due to their experience in purchasing household goods and managing the household. This pivotal role in the relocation process will further promote women's status within the family. The urban road construction will be beneficial for women who need to purchase household goods. The relocation community will be equipped with an agricultural market and sports and cultural facilities, which will be good to women's' daily life. Therefore, the project construction and land acquisition will bring about net benefits to women and no identified adverse effects.

109. It is estimated that when the project starts 105 direct jobs and 90 indirect jobs will be created, including 15 managerial technicians, 35 skilled workers and 55 unskilled workers; indirect jobs include 20 managerial technicians, 30 skilled workers and 40 unskilled workers. APs would be given priority to employment. In the implementation of the project, the project office will ensure affected women of such employment opportunities (at least 45% of technical workers). Affected women labors will also have priority for technical training, so as to ensure their economic status will not be impaired in relation to men. The project will provide 600 person-days of AP skill training, including no less than 300 person-days for women (50% or so).

## 6.10 Development of Ethnic Minorities

110. Among the affected persons, affected ethnic minority groups' amount to 86 households with a population of 363 persons. The majorities are Uyghur and Hui. Affected ethnic minorities have equal social status and economic conditions as the Han ethnic group. They preserve their own ethnic features of living habit, food, language and religious beliefs.

111. In the affected ethnic minorities, the Kazak ethnic group is skilled in livestock breeding, the Uygur is skilled in livestock selling, and the Hui is skilled in restaurant service. Therefore, each ethnic minority increase their income and living in making use of their advantages and geography.

112. For land acquisition, house demolition and resettlement, ethnic minority groups have the same compensation rights as the Han ethnic group, and have a priority for project employment, skill training and so on. To promote the development of ethnic minority groups, an Ethnic Minority Development Plan (EMDP) has been prepared under this project. Details are shown in EMDP report.

## 6.11 Rehabilitation of Infrastructure and Special Facilities

113. In restructure such as water channels, small bridge, and water supply pipelines affected by the project will be rehabilitated during the new road construction. The original specifications of such infrastructure will be substituted by the bridge, culverts and water supply pipes designed in the feasibility research report. This investment has been included in the total cost estimate of project. For affected trees, cash compensation will be given to the affected persons or collectives directly.

## VII BUDGET ON COMPENSATION AND RESETTLEMENT

### 7.1 Resettlement Costs

114. All the expenses arising from land acquisition and resettlement will be covered by the total budget of the project. On the basis of the prices of the second half year of 2009, the resettlement cost is CNY 54.0944 million in total, see Table 7-1.

115. **Permanent land acquisition of collective land:** The compensation fee for permanent collective land occupation includes a land occupation fee, a resettlement subsidy and a compensation fee for above-ground assets and young plants. The total costs of permanent land occupation are CNY 4.4579 million (8.24% of total costs).

116. **Permanent land acquisition of state-owned land:** The compensation fee for permanent state-owned land occupation is CNY 4.5887 million (8.48% of total costs) including paid for the state-owned land and compensation fee for state-owned land.

117. **House demolition :** The compensation fee for house demolition is CNY 34.8364 million (accounting for 64.40% of the total costs). Among the house demolition there are CNY 18.3057 million for rural house demolition (accounting for 33.84% of the total costs), 14.7536 million (27.27% of total costs) for urban house demolition, CNY 1.7771 million (accounting for 3.29% of the total costs) for enterprises.

118. **Infrastructure and ground attachments:** The compensation fee is CNY 0.4910 million (accounting for 0.91% of the total).

119. **Taxes:** The compensation fee for taxes happened in the procedure of land acquisition is CNY 1.5112 million (accounting for 2.80% of the total).

120. **Other fees:** CNY 8.0591 million (accounting for 14.90% of the total) for reconnaissance design expense, implementation management expense, technical training fee and contingencies fee.

**Table VII-1 Resettlement Cost Estimates**

Items	Unit	Compensation standard (CNY/Unit)	Total	Total	Proportion (%)
				Amount	
Collective-owned LR	Mu			445.79	8.24%
Cultivated land	Mu				
LA compensation	Mu	18000	51.06	91.91	
resettlement subsidies	Mu	36000	51.06	183.82	
Standing crops compensation fees	Mu	15000	51.06	76.59	
Vegetable land	Mu				
LA compensation	Mu	36000	7.6	27.36	
resettlement subsidies	Mu	72000	7.6	54.72	
Standing crops compensation fees	Mu	15000	7.6	11.40	
State-owned LR				458.87	8.48%
Fees of Compensated use state-owned land	m <sup>2</sup>	15-18 (18Yuan)	12756.28	22.96	
Compensation fees adopted for business houses(grade two)	m <sup>2</sup>	503	0	0.00	
Compensation fees adopted for residential houses(grade two)	m <sup>2</sup>	416.35	1744.52	72.63	
Compensation fees adopted for industry houses(grade two)	m <sup>2</sup>	416.35	1580	65.78	
Compensation fees adopted for business houses(grade three)	m <sup>2</sup>	310	0	0.00	
Compensation fees adopted for residential houses(grade three)	m <sup>2</sup>	376.21	4651.26	174.99	
Compensation fees adopted	m <sup>2</sup>	256.26	4780.5	122.51	

for industry houses(grade three)					
Rural house demolition				1830.57	33.84%
House compensation					
brick-concrete structure	m²	1350	2879.22	388.69	
Brick-wood structure	m²	1350	5282.09	713.08	
earth-wood structure	m²	1350	4520.15	610.22	
Simple structure	m²	1350	90	12.15	
moving fee	HH	350	55	1.93	
temporary transition fee	Yuan/ Month/ HH ( 18 Months )	500	55	49.50	
moving subsidies	HH	10000	55	55.00	
Urban house demolition				1475.36	27.35%
House compensation					
brick-concrete structure	m²	1350	3475.21	469.15	
Brick-wood structure	m²	1350	2537.26	342.53	
earth-wood structure	m²	1350	4034.5	544.66	
Basement	m²	1350	121.94	16.46	
moving fee	HH	350	53	1.86	
temporary transition fee	Yuan/ Month/ HH ( 18 Months )	500	53	47.70	
moving subsidies	HH	10000	53	53.00	
Enterprise house demolition				177.71	3.29%
House compensation					
brick-concrete structure	m²	561.6	541.08	30.39	
Brick-wood structure	m²	480.84	373.9	17.98	
earth-wood structure	m²	312.6	3890.15	121.61	
moving fee	HH	350	4	0.14	
temporary transition fee	Yuan/ Month/ HH ( 18 Months )	500	4	3.60	
moving subsidies	HH	10000	4	4.00	
Attachments of houses				49.10	0.91%
Subtotal 1-6				4437.40	82.26%
Other fee				820.92	15.18%

Survey and design expense	The percentage of land acquisition and resettlement compensation fee	3%		133.12	
Fees for management implementation	The percentage of land acquisition and resettlement compensation fee	3%		133.12	
Technical training fees	The percentage of land acquisition and resettlement compensation fee	1%		44.37	
Supervisory monitoring and evaluation fee	The percentage of land acquisition and resettlement compensation fee	1.50%		66.56	
Contingency fees	The percentage of land acquisition and resettlement compensation fee I	10%		443.74	
LA tax and fee				151.12	2.79%
Fees for new compensated use construction land	m <sup>2</sup>	24	39106.67	93.86	
Farmland reclamation fee	Mu	3000	58.66	17.60	
Farmland occupation tax	m <sup>2</sup>	5	39106.67	19.55	
New vegetable land construction funds	Mu	3000	7.6	2.28	
Land management fee	The percentage of land acquisition and resettlement compensation fee	4%	445.79	17.83	
Total				5394.43	100.00%

## 7.2 Annual Investment Plan

121. All project funds for resettlement and land acquisition are from local counterpart funds. Before and during implementation of this project component, in order to avoid negative impacts on the production and living conditions of the households whose lands will be acquired, the investment will be divided into different phases. Table VII-2 shows the resettlement investment plan.

**Table VII-2 Annual Resettlement Investment Plan**

Year	2009	2010	2011	2012
Investment (10,000 CNY)	539.44	1618.33	1618.33	1078.89
Rate (%)	40%	40%	15%	5%

## 7.3 Management of Resettlement Funds & Disbursement

### 7.3.1 Cash Flow

122. According to the compensation policies and compensation rate set in the RP, all costs of compensation will be paid to relevant units and APs by the PMO through the sub-project office. The anticipated cash flow is shown in graph VII-1:

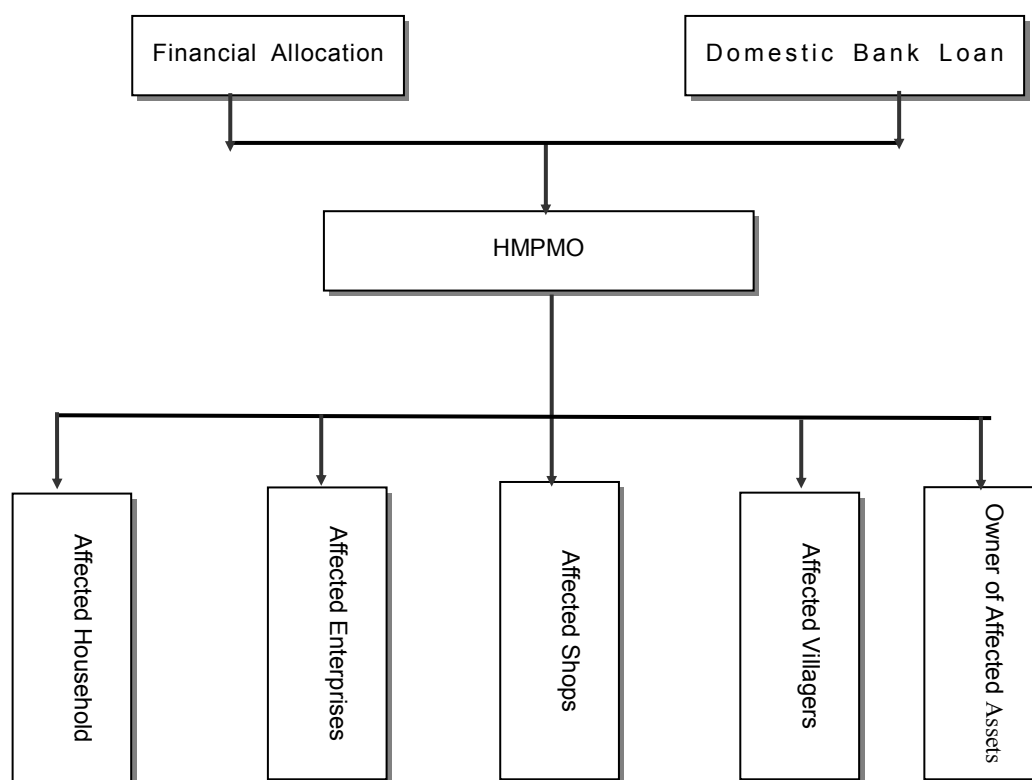


Figure VII-1 Capital Flow Figure

### 7.3.2 Management of Resettlement Funds & Disbursement

123. Land compensation and resettlement subsidies will be disbursed based on full consultation with APs. Crop compensation will be paid directly to APs; housing relocation compensation fees, infrastructure and associated compensation will be paid to the affected unit or individuals directly.

124. In order to ensure the funds for land acquisition and resettlement is paid to APs in full and in a timely manner in line with the compensation policies and standards of the resettlement plan, a strict fund appropriation plan has been established, the principles of which is as follows:

- All the costs related to resettlement are covered in the total budget of this project.
- The fund appropriation for land acquisition compensation and relocation assistance must be finished before the implementation of land acquisition, in order to ensure all APs are relocated well.
- To ensure the land acquisition and resettlement can be implemented successfully, financial and supervisory institutions will be set up to ensure all funds can be appropriated in a timely manner.

125. The budget is based on the resettlement cost estimate. The resettlement costs may increase due to changes in the actual resettlement impacts and other factors such as inflation. As per the actual changes in the project, CJPMO guarantees the payment of compensation based on the detailed measurement survey (DMS) of the actual impacts. Meanwhile, the resettlement budget includes a contingency fee and will be modified based on the actual needs.



## VIII Institutional Organization and Responsibilities

### 8.1 Responsible Institutions for Resettlement Implementation

126. The departments responsible for planning, implementation, management, and monitoring of the Hami ADB loan project component resettlement activities are:

➤ Road construction Leading Group of ADB Loan Project of Hami City (Leading Group of

➤ Project Management Office of ADB Loan Project of Hami City (HMPMO)

➤ Hami Construction Bureau (HMCB)

➤ Hami Land Resource Bureau (HMLRB)

➤ Hami Demolition Administration Office (HMDAO)

➤ Renmin Road sub-district office

➤ Bin Helu CRC, Zhong Shan Bei Lu CRC, Zhong Shan Nan Lu CRC

➤ Da Ying men Villager committee, Xi Cai CNY Villager committee, Bei Cai CNY Villager committee

➤ Design Institute

**Road construction Leading Group of ADB Loan Project of Hami City** is in charge of management of the project land acquisition, demolition and relocation, and development, implementation and supervision of the RP.

**Project Management Office of ADB Loan Project of Hami City** is in charge of resettlement investigation, development of the RP and implementation of demolition.

**Hami Construction Bureau** is the specific project implementing agency. Responsible for the socio-economic investigation and supporting the RP. Coordination manager with the Hami Land Resource Bureau, governments and affected village committees, and for implementation of RP activities.

**Hami Land Resource Bureau** is responsible for collective land and housing demolition and land acquisition, directing the implementation of resettlement, organizing and coordinating.

**Hami Demolition Administration Office** is responsible for housing demolition, directing the implementation of resettlement, organizing and coordinating.

**Affected sub-district offices** are responsible for the project impact investigation, and assisting the Land Resource Bureau to sign relocation agreements with land

departments and APs in order to implement land acquisition, housing demolition and resettlement.

**Villager committees/ affected communities** Responsible for providing the land contract, assisting with or participating in the various surveys and land acquisition work after the demolition of house sites. Coordinating with the contractor to provide some APs with work. Community mobilization activities for publicity, and accompanied by the relevant technical personnel undertake verification of the measurement, valuation and finalization of demolition agreements after AP negotiations. Providing a list of the local vulnerable groups.

**Design institute** Responsible for the design of the project and defining the scope of affected land, buildings and assets.

## 8.2 Organization Chart

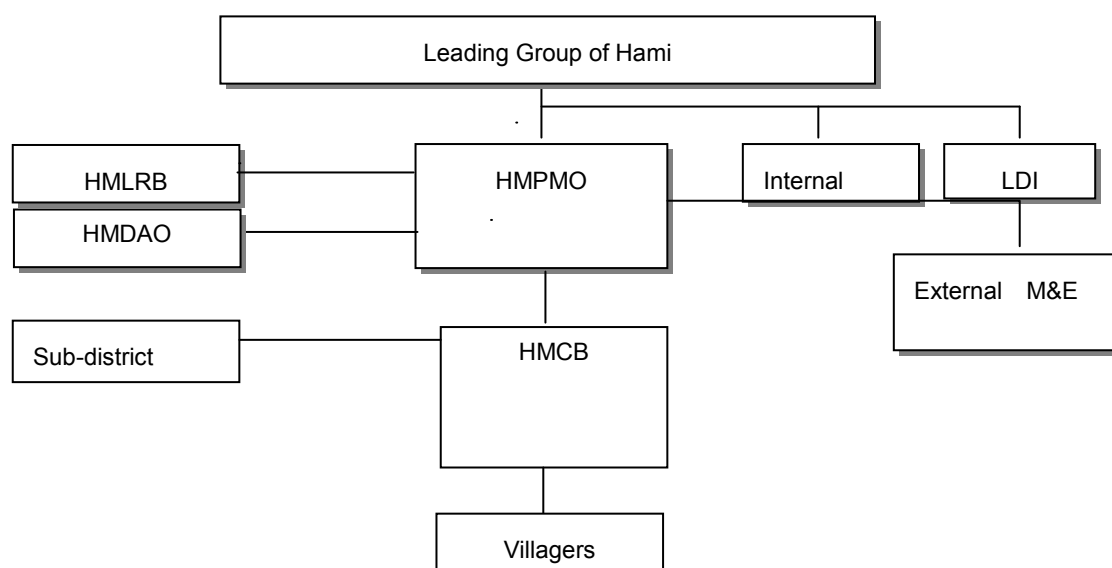


Figure VIII-1 Hami City Resettlement Organization Chart

### 8.3 Institutional Capacity for Resettlement Implementation

127. Key resettlement Implementation staff includes senior professionals from the people's government at many levels and administrative departments of Hami. Resettlement team members have organized many municipal engineering projects in the past which have involved resettlement and land acquisition, so they have much experience in this respect. They are experienced in the type of cooperative work and interaction required to efficiently work together and assist each other during the land acquisition, demolition and resettlement. Other involved organizations also consist of staff with much administrative experience on urban construction and reconstruction.

128. Under the guidance of the leading group and their affiliated office, the following are the details of the staff of organizations in charge of concrete tasks for land acquisition and resettlement.

Team Leader:	Mohemaiti-Niyazi	vice director of city committee, mayor
Deputy Team Leader:	Han Xuefeng	vice director of city committee, vice mayor
	Wang Xiaosheng	Member of city committee, vice mayor
Members:	Zhong Ruifeng	Mayor Assistant, Director of City DRC
	Li Hui	Director of Municipal construction bureau
	Du Min	Director of Municipal Environmental Protection Bureau
	Feng Jinsong	Director of Municipal Civil Affairs Bureau
	Aihmaiti`Simayi	Director of Municipal religious management committee
	Zhao Huaibin	Urban Planning Bureau
	Wang Xinmin	General Engineer of Municipal Construction Bureau
	Zhou Weigang	Director of Municipal land and resource bureau
	Wang Xinli	Director of sub-district office in Xihe District

### 8.4 Key Tasks of Resettlement Institutions

#### 8.4.1 Road construction Leading Group of ADB Loan Project of Hami City

- Lead, organize, coordinate, make the policies, review the Resettlement Action Plan, implement internal monitoring and resolve any problems during the resettlement process.

#### **8.4.2 Project Management Office of ADB Loan Project of Hami City**

- Contract the design institute to define the scope of area impacts
- Conduct socioeconomic survey
- Apply for Land Usage Planning and Construction Permission License from Urban Land Planning Bureau
- Organize and coordinate the compilation of the RP
- Formulate the policies of the RP
- Confirm and coordinate the implementation of the RP according to project construction schedule
- Allocate resettlement funds and supervise the utilization of funds
- Direct, coordinate and supervise the implementation of the RP
- Organize and carry out internal monitoring, determine which institution will carry out external monitoring and coordinate external monitoring activities
- Review monitoring reports
- Coordinate the resolution of any conflicts and issues encountered in the implementation of RAP
- Submit reports on progress of land acquisition, house demolition, utilization of funds and the quality of implementation to the ADB regularly

#### **8.4.3 Hami Construction Bureau**

- Conduct the socio-economic survey
- Carry out an inventory of loss for land acquisition and demolition
- Organize public participation and relevant activities
- Consult on the resettlement process, develop the RP
- Carry out house demolition regulations
- Carry out relevant State regulations regarding land use for projects
- According to relevant policies, draft resettlement entitlements and compensation rates and submit them for approval
- Go through the formalities for land and house acquisition
- Apply for a Land Usage Planning and Construction Permission License
- Carry out the RP
- Sign compensation agreements with APs along with relevant district and county officials
- Review all resettlement activities undertaken

- Conduct information management of land acquisition, house demolition and rehabilitation
- Train staff
- Assist in the resolution of issues raised during resettlement
- Punish people undertaking illegal actions, either administrative or other
- Report to the Project Office on progress in land acquisition, house demolition and rehabilitation.

#### **8.4.4 Affected sub-district offices**

Managed by the leaders of Party and Government Offices, the Land Management Office, and assisted by village leaders, the main duties of the town government are to:

- Participate in the socioeconomic survey and assist in its completion;
- Organize public participation, and publicity of the resettlement policy;
- Implement, inspect, monitor and record the resettlement activities within the town area;
- Implement land acquisition and relocation;
- Pay and manage the land compensation funds;
- Supervise land acquisition, house and other affected asset reconstruction and/or relocation;
- Report on land acquisition, demolition and relocation progress to the PMO and Land Resource Bureau;
- Handle any conflicts and problems in the process of implementation

#### **8.4.5 Villager committees/ affected communities**

Village committees/communities are composed of the village commissions and main leaders of each community. They will:

- Participate in the socioeconomic survey and project impact survey;
- Organize public consultation, advocate the relocation policy;
- Select the resettlement sites, and assist with house site allocation for relocatees;
- Allocate and adjust land, organize production and other resettlement activities;
- Manage and allocate funds;
- Convey opinions and suggestions of APs to superior departments;
- Report on progress in the implementation of resettlement;

- Assist poor families affected by land acquisition;
- Coordinate with the relevant work of land acquisition and demolition.

#### **8.4.6 Design institute**

- Minimize the project effects through optimum design
- Define the scope of land acquisition and house demolition

### **8.5 Measures for Strengthening the Capacity of Resettlement Institutions**

129. To ensure smooth implementation, staff in charge of land acquisition and resettlement will undertake relevant training, as detailed in the following training plan. The training workshops will be organized by the Xinjiang PMO.

#### **8.5.1 Training Plan for Resettlement Management Staff**

130. A system for staff training and human resource development will be established at all levels of resettlement management institutions. The contents of training will include specialist lectures, technical training seminars, inspection of other similar projects and site training etc. The training plan is shown in Table VIII-1, while the training contents will include:

**Table VIII-1 Schedule for Resettlement Implementation Training**

<b>Time</b>	<b>Location</b>	<b>Training methods</b>	<b>Recipients</b>	<b>Training content</b>
2009,12	Hami	Centralized course	Resettlement work staff	Resettlement business training
2009,1-2013.12	Urumqi City	Seminars	Resettlement work staff	Discuss the resettlement experience and the problems
2009,1-2013.12	Domestic	Learn from the demonstration	Key personnel of the office	The implementation site visit of the ADB project

- Resettlement principles and policies;
- Planning and management of projects with resettlement;
- Resettlement planning and design;
- Resettlement progress management;
- Resettlement financial management;

- Resettlement quality control;
- Management information system;
- Resettlement monitoring assessment; and
- Resettlement project management.

### **8.5.2 Measures for Improving Resettlement Institutions**

- 1) Clearly define responsibilities of the resettlement management institutions at all levels and strengthen monitoring and management;
- 2) Gradually enhance the strength of the resettlement institutions at all levels, especially in the aspects of technical strength and management quality, provision of necessary equipment such as computers, monitoring devices and transport tools etc.;
- 3) Strictly select the working staff, enhance the occupational and technical training for the managerial and technical staff for the purpose of upgrading their work capacity and management level;
- 4) Assign women leaders and ensure their full participation in resettlement implementation;
- 5) Establish a computer database, enhance the information feedback process and thus ensure effective information exchange at all levels so that the key resettlement issues can be resolved by the resettlement steering committee in a timely manner;
- 6) Enhance the reporting system, strengthen the internal monitoring and promptly solve any problems; and
- 7) Strengthen the assessment mechanism for external monitoring through establishing an early-warning system.

## **IX Resettlement Implementation Plan**

131. According to the implementation schedule, the project will begin in 2007 and finish in 2013, in stages, with Project preparation from 2007-2009 and then construction from 2009-2013. The resettlement schedule plan is consistent with the construction plan. House demolition and relocation began in Jan, 2009, and public assets were fully restored by the end of construction in June, 2011. The basic principles for resettlement implementation are:

- Land acquisition must be completed 1 month prior to the commencement of construction. The starting time for land acquisition shall be determined according to the actual work of land acquisition and resettlement.
- During the resettlement, APs will have the chance to participate in the project. Before the construction, the range of land acquisition must be announced, information booklets must be distributed and public participation must be properly arranged.
- All types of compensation will be paid to property owners directly within 3 months of signing the land acquisition contract. No entities or individuals shall be allowed to utilize such compensation on behalf of APs. No interception or misappropriation of such funds in any cases shall be allowed.

### **9.1 Activities Prior to Resettlement**

#### **➤ Determine scope of land requisition and dismantling of houses**

According to project design and layout, identify and peg land requisition areas based on detailed designs. Resettlement will be announced to the affected CRCs through meetings and notices regarding land acquisition will be displayed in the sub-district offices. Hami PMO will organize investigation and registration of the status of land, households, subsidiaries, and house properties within the pegged area.

#### **➤ Field check of land requisition and dismantlement areas**

The Hami PMO will organize appropriate staff of Land Administration Bureau and Demolition and Resettlement Administration Office to visit the affected sites, check and register land, houses, subsidiaries, utilities, equipment etc, and determine the nature and proprietary rights of infrastructure, and record the information in detail.

#### **➤ Draw up the plan of land acquisition and resettlement and confirm and**



### **compile the budget**

The RP will be updated based on the detailed design and DMS and will be sent to the ADB for approval prior to commencement of land acquisition, demolition or civil works. According to findings of investigation, the Hami PMO will prepare the compilation of the land acquisition and resettlement plan and prepare a budget based on relevant policies and regulations, and then will submit the plan and budget to Hami Municipal Construction Committee for review.

#### **➤ Contract signing**

Under the coordination and guidance of the PMO, Hami Municipal Construction Committee will sign the land requisition contract agreement with relative District Land Administration Bureau and Demolition and Resettlement Office, and pay them the total contract amount. Sign land acquisition and compensation agreement according to the compensation rates set out in the RP, which are consistent with the related laws and regulations of resettlement stipulated by the State, Province, Municipality and agreed by the ADB. The Land Administration Bureau and Demolition and Resettlement Office respectively, consult and negotiate with village committees, APs, shops and enterprises on the aspects of compensation and resettlement. Sub-district offices/Village committees, in turn, consult with households who will be affected. When agreements are reached land acquisition and resettlement agreements are signed instantly by persons requiring resettlement, Municipal Land Administration Bureau and Resettlement Office. The APs will be provided a copy of the agreement they have signed. The Municipal Land Administration Bureau supervises and witnesses the process.

## **9.2 Activities during Resettlement**

132. Concerned Land Administration Bureau will disburse the land compensation fees to the village committee/villagers according to the signed agreement. Villages provide land, through the readjustment of village land distribution. On the premise agreed by 2/3 villagers, villages can use the funds of land acquisition and compensation fees to adjust industrial structure and increase villagers' income. The Demolition and Resettlement Office will provide houses for those affected by dismantled households, or allocate the displacement compensation fees to the affected people.

#### **➤ Land usage permission**

Project IA should make efforts in going through the formalities of obtaining land usage permission so as to complete the procedure timely. IA will apply for the land use permission to land administration department level by level. Land acquisition certificates must be

approved prior to payment of compensation and dispossession of land, housing and private assets.

➤ **Facilities displacement and reconstruction**

. The dismantling of facilities and utilities affected by the project will be supervised by the EA. Hami Municipal Construction Committee will disburse compensation fees to the proprietor and the proprietor arranges displacement, restoration and reconstruction of these facilities and utilities.

➤ **Resettlement**

APs can choose cash compensation and build new houses on planned homestead or buy resettlement house offered by village. Whatever self-building or purchasing, great improvements will be made in living conditions.

➤ **Internal and external monitoring and evaluation**

Internal monitoring will be responsibility of the local PIA and they will prepare and submit a monitoring report to the EA every 6 months. External monitoring will be the responsibility of the EA, who will contract this work to an independent consultant and will submit monitoring reports every year to the ADB. The external monitoring targets at the AP's income rehabilitation and maintenance of their livelihood after land acquisition and demolition. In case the targets are not achieved, constraints will be identified.

As affected communities and villages are in the suburb of Hami city, per capita land is getting less along with urbanization of Hami. As a result, there is not much room for agriculture development in these areas. This project offers an opportunity to change employment and the second and third industries are encouraged such as small restaurants, shops, food processing plants. AP would have opportunities to find jobs since the communities/villages keep good relation with these entities and the business is expanded. APs can get new jobs easily with good employment market and some village enterprises.

### **9.3 Activities after Resettlement**

➤ Continue internal and external monitoring and evaluation

➤ Filing and Documentation

133. When resettlement work is completed, responsible persons will write a resettlement complementation report. Hami Municipal Construction Committee will review and file it.

134. According to the schedule of LA and HD, resettlement schedule is made; implementation time will be adjusted with project schedule. See Table IX-1. Figure IX-1 shows resettlement implementation schedule.

**Table IX-1 Resettlement Implementation Schedule**

<b>No.</b>	<b>Resettlement Tasks</b>	<b>Target</b>	<b>Responsible Agency</b>	<b>Completion Deadline</b>	<b>Status and Additional Deadlines</b>
<b>1.</b>	Disclosure				
1.1	Information booklet	650 copies	HMCB	June 30, 2008	Finished
1.2	Resettlement plan distribution to resettlement offices/villages/APs	8 copies	HMCB	July,2008	Finished
1.3	RP placed on ADB website		ADB	Aug,2008	Finished
<b>2.</b>	Detailed Measurement Survey (DMS)				
2.1	Updated RP based on DMS with assessment on household land and income loss			Jan.2009-Sep.2012	Finished
2.2	Updated RP based on DMS Distribution to resettlement offices/villages/APs	12 copies		2013	Finished
<b>3.</b>	Detailed Rehabilitation Plans				
3.1	Village Rehabilitation Initial Plans(if available)	not available	-	-	-

No.	Resettlement Tasks	Target	Responsible Agency	Completion Deadline	Status and Additional Deadlines
3.2	Village Rehabilitation Plans revision (if available)	not available	-	-	-
3.3	Cultivated adjustment agreement (if available)	not available	-	-	-
3.4	Assistance for Vulnerable Groups	13 households	Hami Social Security Bureau/Civil Bureau	April,2009	Finished
3.5	Technical training plan for AF	600 APs	HMPMO	June,2009-Oct.2013	Finished
4.	Resettlement Plan and Budget				
4.1	Complete redline survey (map)		HMCB	DEC.2008	Finished
4.2	Approval of RP & budget		Hami Municipal Government	July,2008	Finished
4.3	Approval of compensation rates		Hami Municipal Government	July,2008	Finished
4.4	Staking survey		Hami Municipal Government	NOV. 2008	Finished
5.	Compensation Agreements				
5.1	CRC/Village agreements	3CRCs and 3 villages	HMCB	Jan,2009	Finished

No.	Resettlement Tasks	Target	Responsible Agency	Completion Deadline	Status and Additional Deadlines
5.2	Enterprise/shop agreements	4 Enterprise	HMCB	Jan,2009	Finished
5.3	Household agreements	99 HHs	HMCB	Jan,2009	Finished
6.	Implementation Capacity				
6.1	district resettlement staff	10	HMCB	NOV.2008	Finished
6.2	Designate village representatives	9	HMCB	NOV.2008	Finished
6.3	Training of staff	10	Renmin Road Sub-district Office	DEC.2008	Finished
6.4	Setting up grievance redress committees	5 of staff	HMCB	NOV. 2008	Finished
7.	Monitoring and Evaluation				
7.1	Baseline survey	10% of APs	External Monitor	DEC.2008	Finished
7.2	Set-up internal supervision	As per RP	HMCB	NOV. 2008	Finished
7.3	Contract external monitor	As per RP	HMCB	NOV. 2011	Finished
7.4	Internal monitoring reports	Quarterly	IA	NOV. 2008	Finished
7.5	external monitoring reports	Semi-annual	External Monitor	Nov.. 2011-May 2014	Being constructed
7.6	Evaluation reports (tracer surveys)	Annual	External Monitor	Nov.. 2011-May 2014	Being constructed

No.	Resettlement Tasks	Target	Responsible Agency	Completion Deadline	Status and Additional Deadlines
7.7	Resettlement Completion Report		External Monitor /HMCB	MAY. 2014	Being constructed
8.	Documentation of Consultation	As per RP	HMCB	Dec.2008	Finished
9.	Documentation of Grievances	As required	HMCB	not available	
10.	Flow of Funds / Compensation		HMCB		
10.1	Executing or Implementing Agency		HMCB	DEC.2008	Finished
10.2	PMO–Resettlement Unit or NGO Resettlement Implementer		HMCB	DEC.2008	finished
10.3	To affected households	108 households, 373 APs		Jan,2009-Dec.2012	Finished
10.4	To affected enterprises and shops	3 enterprises, 51 APs		Jan,2009-Dec.2012	Finished
11.	Commence Resettlement				
11.1	Land acquisition	58.66 mu, 52 HH, 231APs	HMCB	Jan2009-Dec. 2012	Finished
11.2	House removal	30246.96m <sup>2</sup> ,373 APs	HMCB	Jan2009-Dec. 2012	Finished
11.3	enterprises and shops removal	3 state-owned enterprises with 2275.13 m <sup>2</sup> , 51APs		Jan2009-Dec. 2012	Finished

## **X Monitoring and Evaluation**

135. In order to ensure resettlement plan is implemented smoothly and realizes the objectives of the RP, based on the requirements of ADB policies, will be monitored and evaluated regularly. The monitoring consists of two parts: resettlement institution internal monitoring and external monitoring. Resettlement institution internal monitoring was conducted by Hami PMO, external monitoring was conducted by the National Research Center for Resettlement of Hehai University. All the LAR and HD related to this project had been completed in December 2012.

### **10.1 Internal Monitoring**

#### **10.1.1 Objective**

136. The objective of internal monitoring is to ensure the effectiveness and integrity of the resettlement process from preparation to implementation. Monitoring will enable progress to be continuously tracked and measured against expected outcomes and objectives. In this way changes can be made as required to accommodate successful implementation as circumstances dictate. This should prevent things from going off course, and enable smooth implementation.

#### **10.1.2 Institution and Staffing**

137. The resettlement internal monitoring agency of this project is CJPMO and other related departments (such as Hami Land Administrative Department). This department will appoint special leaders to take charge of resettlement issues involved in the project. These leaders are knowledgeable and experienced in resettlement, and can efficiently correspond with each department involved in the resettlement process.

#### **10.1.3 Content of Internal Monitoring**

138. Xinjiang PMO and CJPMO will prepare a detailed internal monitoring plan for land acquisition and resettlement, the monitoring will include:

- (1) Situation of the house moving, relocation sites and reconstruction etc.

- (2) The situation of payment, utilization and availability of the land acquisition compensation funds, as well as progress and quality of the development projects conducted by the displaced people;
- (3) Investigation, coordination and suggestions for solving the major issues of the IA and resettlement during resettlement implementation;
- (4) Situation of income restoration of the affected households after relocation;
- (5) Situation of rehabilitation of the vulnerable groups;
- (6) Payment, utilization and availability of land acquisition compensation funds;
- (7) Degree of participation and discussion with APs during land acquisition, house demolition and resettlement implementation;
- (8) Technical training and its effectiveness; and
- (9) Working institutions, training, working time and working efficiency of the local resettlement offices.

#### 10.1.4 Internal Monitoring Reporting

139. The Xinjiang PMO shall submit a semi-annual report to the ADB for internal monitoring. Such report shall adopt the present statistical data for the past six months in tabulated format, through comparison of the planned and the actual progress, the progress of land acquisition, resettlement and utilization of compensation. Table X-1 and Table X-2 offer the format.

Table X-I Progress Report on Land Acquisition and Resettlement

_____Region (County)_____Town _____					
Cut-off Date: ____/____/____ (d/m/y)					
Date: ____/____/____ (d/m/y)					
Item	Unit	Planned Qty.	Completed Qty.	Accumulated Qty.	% of Completion
Permanent land acquisition	Mu				
Temporary land use	Mu				
Paid land compensation	10000 CNY				



Training accepters					
Employments accepters					
Land adjusted	Mu				
Reporter:	Sign (Director):	Cachet:			

Table X-II Execution Progress on Funds Utilization

_____ Region (County)_____ Town_____						
Cut-off date: _____/_____/_____ (d/m/y)						
Date: _____/_____/_____ (d/m/y)						
Affected institutions	description <sup>4</sup>	unit/amount	Investment Required (¥)	Compensation Received (¥)	Compensation Adjusted	Compensation rate
Village 1						
Village 2						
Collective						
households of resettlement						
Units						
Reporter: _____ Sign (Director): _____ Cachet: _____						

## 10.2 External Monitoring

140. According to the requirement of ADB policies, Xinjiang PMO will employ an independent and qualified institution which has relevant experience in ADB-financed project monitoring as the independent monitoring agent for resettlement. Please use the following link for details <http://www.adb.org/sites/default/files/projdocs/2013/40643-013-prc-smr-03.pdf>.

141. The external monitoring and evaluation institution shall undertake regular monitoring and evaluation of the resettlement implementation activities and provide necessary consultative proposals on aspects of resettlement progress, quality and funds. In addition, the production and living standards of the APs shall be also monitored. Monitoring reports shall be submitted to Xinjiang PMO and ADB. The terms

<sup>4</sup> —Description" blank should be filled with labor training, employment or vulnerable group subsidy.

of reference for external monitoring and evaluation are shown in Appendix 4.

### **10.2.1 Content and Methods of External Monitoring**

#### **(1) Baseline survey**

142. The external monitoring agency shall conduct the required baseline survey, from which, the baseline information of the production and livelihood levels of the APs shall be acquired. The investigation of production and living levels shall be conducted on a semi-annual basis to follow up the changes of the displaced people in this connection. This is to adopt the methods of typical sample follow-up survey (random samplings: 20% for households affected by land acquisition and house demolition; 50% for affected villages; 50% for affected small shops), casual interviewing and site visits etc. to acquire necessary relevant information. Accordingly, a statistical analysis shall be made on this basis to evaluate progress and quality.

#### **(2) Regular monitoring evaluation**

143. The external monitoring agency shall, during the implementation of the resettlement plan, conduct regular follow-up monitoring of the resettlement twice a year. This will be done through site observation, sample follow-up investigation and casual interviewing of APs. The following activities shall be monitored:

- payment and amount of compensation funds;
- adequacy of preparation of relocation sites;
- housing reconstruction;
- relocation for APs;
- training;
- support for vulnerable groups;
- rehabilitation of infrastructure and special facilities;
- production relocation and rehabilitation;
- compensation for the loss of property;
- compensation for loss of work time;
- transition subsidies
- schedule of above actions;
- resettlement organization;
- usage of collective land acquisition compensation and APs' income conditions
- Increasing condition of labor employment and income.

#### **(3) Public consultation**

144. The external monitoring agency will take part in public conferences in the resettlement implementation period. By participating in these conferences, the external monitoring agency will evaluate the public participation effects.

#### **(4) Complaints**

145. The external monitoring agency will visit the affected villages periodically; go deep into the resettlement offices of CJPMO, townships and implementation agencies to consult on the outcomes of complaints and their treatment. Meanwhile, the agency may interview the APs who have made complaints and propose measures and suggestions for improvement. In this way the resettlement implementation will become more effective.

#### **10.2.2 External Monitoring Reporting**

146. The external monitoring and evaluation agency will submit semi-annual reports to Xinjiang PMO and ADB. Table X-3 shows the schedule of reporting.

Table X-III Reporting Schedule for Resettlement Monitoring and Evaluation

	Resettlement report	Date
1	The first stage monitoring report(included baseline survey)	2012.12
2	The second stage monitoring report	2014.1
3	The third stage monitoring report	2014.6
4	The fourth stage evaluation report	2015.1
5	The fifth stage evaluation report	2015.6
6	The final report	2015.12

#### **10.3 Post Assessment for Resettlement**

147. Upon completion of the project, on the basis of the monitoring evaluation, the theory and method of post assessment will be used to review the resettlement activities of this project component. Post assessment will cover the successful experiences and lessons learned in all aspects of land acquisition and house demolition that can be referred to by future resettlement projects. The institution entrusted to conduct the post assessment for this project component must prepare Terms of Reference for post assessment, build up an assessment index system, undertake necessary social and economic analysis and surveys and prepare a Resettlement Post

Assessment Report for the Hami Urban Transport and Environmental Sanitation Project that will be submitted to the PMO of Xinjiang and the ADB. In case the assessment reveals that there are outstanding issues related to income restoration measures, especially for the vulnerable population and the ethnic minority households then remedial actions will be implemented by the EA and IA immediately.

## **Appendix**

### **Appendix 1: Relevant Regulations**

#### **Relevant provisions in Regulations on the Expropriation of Houses on State-owned Land and Compensation Decisions on Expropriation**

Article 8 In order to protect national security, promote economic and social development and for other public interests, if houses are absolutely required to be expropriated in any of the following circumstances, decisions on house expropriation shall be made by municipal and county governments:

Article 9 The various construction activities that absolutely need house expropriation pursuant to Article 8 hereof shall comply with the economic and social development planning, overall land use planning, urban and rural planning and special planning. The construction of affordable residential houses and reconstruction of old city districts shall be included in the annual plans of cities and counties for national economic and social development.

Article 10 House Expropriation Departments shall draft compensation programs for expropriation and submit the same to city and county people's governments.

City and county people's government shall organize relevant departments to conduct feasibility studies on compensation programs for expropriation and disclose the same to the general public for public comment. The period for soliciting public opinions shall not be less than 30 days.

Article 11 City and county people's government shall disclose the information on the solicitation of public opinions and any amendment made to the proposal on the basis of public opinions to the public in a timely manner.

Article 12 Prior to making decisions on house expropriation, city and county people's governments shall make an assessment of social stability risk in accordance with relevant provisions. Any decision on house expropriation that involves a relatively large number of Persons Whose Houses Are to Be Expropriated shall be discussed and made by the executive meeting of the government.

Prior to making decisions on house expropriation, the compensation for expropriation shall be fully paid, deposited in special accounts and used exclusively for special purposes.

Article 13 After having made decisions on house expropriation, city and county people's governments make a public announcement thereof in a timely manner. The announcement shall specify the program for expropriation compensation, and administrative reconsideration, administrative litigation rights and other matters.

City and county people's governments and House Expropriation Departments shall do a good job of the publicity and explanation of house expropriation and compensation therefor.

If any houses have been expropriated according to, the state-owned land use rights are recovered at the same time.

Article 14 If any Persons Whose Houses Are to Be Expropriated have objection to the decisions on house expropriation made by city and county people's governments, such persons may apply for administrative reconsideration or file an administrative action according to law.

Article 15 The House Expropriation Departments shall organize survey and registration of the ownership, location, use, floor areas and other matters of the houses in the scope of the house expropriation, the Persons Whose Houses Are to Be Expropriated shall cooperate. The survey results shall be disclosed to the Persons Whose Houses Are to Be Expropriated within the scope of house expropriation.

Article 16 After the scope of house expropriation has been determined, no new construction, expansion or reconstruction of houses within the scope of house expropriation may be carried out, and the purposes of the houses may not be altered, and any other acts aimed at receiving more compensation may not be carried out. If such acts are carried out in violation of the regulations, no compensation shall be paid.

House Expropriation Departments shall send a notice to the relevant departments of the matters set forth in the preceding paragraph in writing and inform the same of suspending relevant formalities. The written notice of suspending relevant formalities shall specify the time period for suspension. The time period for suspension shall not exceed 1 year.

#### Compensation

Article 17 The compensation to be paid by the city and county people's governments that have made the decisions on house expropriation to the Persons Whose Houses Are to Be Expropriated shall include:

- (1) The compensation for the value of the houses to be expropriated;
- (2) The compensation for relocation and temporary resettlement arising from the house expropriation; and
- (3) The compensation for losses arising from production and business suspension caused by the house expropriation.

City and county people's governments shall formulate the procedures for subsidies and incentives, and grant subsidies and incentives to the Persons Whose Houses Are to Be Expropriated.

Article 18 If the residential houses of any individuals are to be expropriated and the Persons Whose Houses Are to Be Expropriated meet the conditions for affordable houses, the city and county people's governments that have made the decisions on house expropriation shall give priority to providing affordable houses to such persons. The specific procedures shall be formulated by the authorities of provinces, autonomous regions and municipalities directly under the central government.

Article 19 The compensation for the value of houses to be expropriated shall not be less than the market price of the real estate comparable to the houses to be expropriated on the date of the public notice of the house expropriation decisions. The value of the houses to be expropriated shall be assessed and determined by real estate appraisal agencies with appropriate qualifications in accordance with the procedures for evaluating houses to be expropriated.

Anyone who has objection to the value of the houses to be expropriated that has been assessed and determined may apply to the real estate appraisal agency for reassessment. Anyone who disagrees with the results of the review may apply to the real estate appraisal expert committee for appraisal.

The procedures for the appraisal of the houses to be expropriated shall be formulated by the competent department of the State Council for housing and urban and rural construction. In the process of the formulation, opinions shall be solicited from the general public.

Article 20 Real estate appraisal agencies shall be selected by the Persons Whose Houses Are to Be Expropriated through consultation. If consultations fail, the same shall be determined by majority decision, random selection and other methods. The specific procedures shall be formulated by the authorities of provinces, autonomous regions and municipalities directly under the central government.

Real estate appraisal agencies shall carry out the assessment of the houses to be expropriated in an independent, objective and fair manner, free from interference from any unit or individual.

Article 21 The Persons Whose Houses Are to Be Expropriated may choose monetary compensation or house property rights exchange.

If the Persons Whose Houses Are to Be Expropriated select house property rights exchange, city and county people's governments shall provide the houses to be used for property rights exchange, and, jointly with the Persons Whose Houses Are to Be Expropriated, calculate and settle the price difference between the values of the houses to be expropriated and the values of the houses to be used for property rights exchange.

If personal houses are required to be expropriated due to reconstruction of old city districts, and the Persons Whose Houses Are to Be Expropriated choose property rights exchange with houses located at the site of reconstruction, the city and county people's governments that have made the decisions on house expropriation shall provide the houses located at or near the sites of reconstruction.

Article 22 If any relocation is caused by house expropriation, the house expropriation department shall pay relocation costs to the Persons Whose Houses Are to Be Expropriated. If any persons choose house property rights exchange, the house expropriation department shall, prior to the delivery of the houses to be used for property rights exchange, pay temporary resettlement costs or provide transitional houses to the Persons Whose Houses Are to Be Expropriated.

Article 23 The compensation for any losses arising from production and business suspension caused by house expropriation shall be determined according to profits, duration of production and business suspension and other factors prior to the house expropriation. The specific measures therefor shall be formulated by the authorities of provinces, autonomous regions and municipalities directly under the central government.

Article 24 City and county people's governments and their relevant departments shall strengthen the supervision and management of construction activities according to law, and shall deal with any construction in violation of urban and rural planning according to law.

Prior to making decisions on house expropriation, city and county people's governments shall organize relevant departments to lawfully investigate, identify and handle any buildings within the scope of expropriation that have not been registered. With respect to any temporary buildings that are identified as legal buildings and have not exceeded the approved time limit, compensation shall be paid, while with respect to any temporary buildings that are identified as illegal buildings and have exceeded the approved time limit, no compensation shall be paid.

Article 25 The House Expropriation Departments and the Persons Whose Houses Are to Be Expropriated shall, pursuant to these Regulations, enter into compensation agreements with respect the compensation method, the compensation amount and payment terms, the location and area of the houses to be used for property rights exchange, relocation costs, temporary resettlement costs or transitional houses, losses arising from production or business suspension,

period of relocation, methods and periods of transition and other matters.

If, after any compensation agreement is entered into, one party fails to perform its obligations set forth in the compensation agreement, the other party may file an action according to law.

Article 26 If any House Expropriation Departments and any persons whose houses are expropriated fail to enter into compensation agreements within the time limit for contract execution specified in the expropriation compensation program, or the owners of the houses to be expropriated are uncertain, the House Expropriation Departments shall request the city and county people's governments that have made the decisions on house expropriation to make decisions on compensation in accordance with the expropriation compensation program and publish the same to the public in the areas of house expropriation pursuant to these Regulations. Compensation decisions shall be fair and shall contain matters in relation to the compensation agreements as set forth in Paragraph 1 of Article 25 hereof.

If any person whose house is to be expropriated has objection to the compensation decision, such person may apply for administrative reconsideration or file an administrative lawsuit according to law.

Article 27 In carrying out house expropriation, compensation shall be paid first before relocation.

After the city and county people's governments that have made the decisions on house expropriation shall pay compensation to the Persons Whose Houses Are to Be Expropriated, the Persons Whose Houses Are to Be Expropriated shall complete the relocation the period of relocation as agreed upon in the compensation agreements or determined in the compensation decisions.

No unit or individual may compel the persons whose houses are expropriated to relocate through violence, threat or other illegal methods such as water, heat, gas, power supply and road access suspension in violation of the regulations. Construction units shall be prohibited from participating in relocation activities.

Article 28 If the persons whose houses are expropriated fail to apply for administrative reconsideration or institute administrative proceedings within the statutory time limit, and fail to relocate within the period set forth in the compensation decision, the city and county people's governments that have made the decisions on house expropriation shall petition the people's court for enforcement.

The applications for enforcement shall include materials such as the amount of compensation and special account number, the locations and areas of the houses used for property rights exchange and transitional houses as attachments.

Article 29 The House Expropriation Departments shall establish files of house expropriation and compensation, and disclose the information on compensation paid to individual households to the persons whose houses are expropriated in the areas of house expropriation.

Auditing organs shall strengthen their supervision over the management and use of the expenses for expropriation compensation, and disclose the audit results to the public.

**Relevant provisions in Assessment Methods for the Expropriation of House on State-owned Land**



Article 1 These methods are formulated in accordance with Regulations on the Expropriation of Houses on State-owned Land and Compensation Therefor in order to regulate the appraisal activities for the expropriation of houses on state-owned land, and protect the objectiveness and fair of house expropriation appraisal result.

Article 2 The methods are applied to assess the houses to be expropriated and the houses to be used for property rights exchange on state-owned land, compute the market price of the houses to be expropriated similar to that of real estate, and reassess and appraise the relevant assessment result.

Article 3 The members of real estate appraisal agencies, real estate assessor and the real estate appraisal expert committee (hereinafter referred as the appraisal expert committee) shall perform house expropriation assessment and appraisal independently, objectively and justly, and be with responsibility for the assessment and appraisal opinions that are issued by them.

No unit or individual is allowed to intervene house expropriation assessment or appraisal activity. Challenge system shall be observed for any unit or individual who has any interest with the interested party of house expropriation.

Article 4 The real estate appraisal agency shall be selected by the Persons Whose Houses Are to Be Expropriated with negotiation within a stated period; otherwise the House Expropriation Departments shall determine the real estate appraisal agency by a majority vote through organizing the Persons Whose Houses Are to Be Expropriated, or determine by such random mode as lottery. The specific method shall be established by the province, autonomous region or the municipality directly under the Central Government.

The real estate appraisal agencies are not allowed to contract house expropriation

assessment business by such undue means as catering for improper request of the interested party, false promotion or malicious low charge etc.

Article 5 The house expropriation assessment of the same expropriation project shall be assumed by one real estate appraisal agency in principle. In the event of large scope of house expropriation, two or more real estate appraisal agencies may assume it jointly.

In the event that two or more real estate appraisal agencies assume the project, one of them shall be determined to be the leading one after negotiation; the leading one shall organize relevant real estate appraisal agencies to communicate on assessment object, assessment time point, value connotation, assessment foundation, assessment assumption, assessment principle, assessment technical line, assessment method, selection of important parameters, and the method of determining assessment result etc. for the purpose of unified standard.

Article 6 After the selection or determination of real estate appraisal agency, House Expropriation Departments shall usually issue a power of attorney for house expropriation assessment as the client to the real estate appraisal agency, and sign a contract of mandate for house expropriation assessment with it.

The power of attorney for house expropriation assessment shall include the name of the client, the name of entrusted real estate appraisal agency, assessment purpose, scope of assessment object, assessment requirements and entrustment date etc.

The following items shall be indicated in the contract of mandate for house expropriation assessment:

1. Basic information of the client and the real estate appraisal agency;
2. The registered real estate assessor with responsibility for the assessment project;
3. The basic items of assessment such as assessment purpose, assessment object, and

assessment time point etc.;

4. Data necessary for the assessment that shall be provided by the client;
5. Rights and obligations of two parties during the assessment;
6. Assessment fee and collecting mode;
7. Time and mode for delivering the appraisal report;
8. Liabilities for breach of contract;
9. Methods for settlement of dispute;
10. Other items that shall be explained.

Article 7 The real estate appraisal agencies shall assign sufficient registered real estate assessor competent for the workload of the house expropriation assessment project to perform the assessment.

The real estate appraisal agencies are not allowed to transfer or transfer in disguised form the house expropriation assessment business with it they are entrusted.

Article 8 The value assessment purpose of the houses to be expropriated shall be defined as “to provide foundation and reference for value compensation of the houses to be expropriated that is determined by House Expropriation Departments and Persons Whose Houses Are to Be Expropriated, and assess the value of the houses to be expropriated”.

The value assessment purpose of the houses to be used for property rights exchange shall be defined as “to provide foundation and reference House Expropriation Departments and Persons Whose Houses Are to Be Expropriated to compute the value of the houses to be expropriated and the price difference of the houses to be used for property rights exchange, and assess the value of the houses to be used for property rights exchange”.

Article 9 Prior to the house expropriation assessment, House Expropriation Departments

shall organize the relevant units to survey the houses to be expropriated, and define assessment object. The assessment object shall be complete and objective without any omission or invention.

House Expropriation Departments shall provide the information about the houses within the expropriation scope to the entrusted real estate appraisal agencies, including the registered houses and the cognizance and treatment of non-registered buildings. The findings of investigation shall be publicized to the Persons Whose Houses Are to Be Expropriated within the scope of house expropriation.

For the kind, purpose and building area of the registered houses, the building property title certificate and the house registry usually prevail; for any discrepancy between the building property title certificate and the house registry, the house registry shall prevail unless there does is any evidence proving any mistake in the house registry. For the non-registered buildings, the assessment shall be performed according to the cognizance and treatment result of city- or county-level people's government.

Article 10 The value assessment time point of the houses to be expropriated is the proclamation date of house expropriation decision.

The value assessment time point for the houses to be used for property rights exchange shall be consistent with that for the houses to be expropriated.

Article 11 The value of the houses to be expropriated refers to the transaction amount of the houses to be expropriated and the land-use right within its occupancy scope by both transaction parties of free will with fair dealing who are familiar with the information under normal transaction conditions and at the assessment time point, without considering the impact of the factors such as lease, mortgage or sequestration of the houses to be expropriated.

That no impact of lease factor is considered in the previous article refers to the value assessment of the houses to be expropriated without limitation of lease; that no impact of mortgage or sequestration factor is considered refers to that the amount of credit for mortgage guarantee of the houses to be expropriated, the construction work cost in arrears and other claims of statutory priority are not deducted from the value assessment.

Article 12 The real estate appraisal agencies shall arrange the registered real estate assessor to perform field survey about the houses to be expropriated, investigate conditions of the houses to be expropriated, make video data such as photos about the internal and external conditions of the houses to be expropriated, make and keep field reconnaissance record in a proper way.

The Persons Whose Houses Are to Be Expropriated shall assist the registered real estate assessor in field reconnaissance of the houses to be expropriated, provide or assist to collect information and data necessary for value assessment of the houses to be expropriated.

House Expropriation Departments, the Persons Whose Houses Are to Be Expropriated and the registered real estate assessor shall sign or seal on the field reconnaissance record for acknowledgement. For the Persons Whose Houses Are to Be Expropriated who refuse to sign or seal on the field reconnaissance record, House Expropriation Departments, the registered real estate assessor and the third part without interest shall witness, and the relevant conditions shall be explained in the appraisal report.

Article 13 The registered real estate assessor shall perform applicability analysis about the market method, revenue method, cost method and assumed development method etc. according to assessment objects and local real estate market conditions before selecting one or more methods for value assessment of the houses to be expropriated.

Market method shall be adopted for the houses to be expropriated with similar real estate transaction; revenue method for the houses to be expropriated or its similar real estate with economic benefit; and assumed development method for the houses to be expropriated that is the construction work in process.

For two or more of above-mentioned assessment methods may be adopted for assessment, two or more of above-mentioned assessment methods shall be adopted for assessment, and the assessment result shall be determined reasonably after verification and comparison analysis of all computation results of the assessment methods.

Article 14 For value assessment of the houses to be expropriated, the factors with impact on the value of the houses to be expropriate such as location, purpose, building construction, age, building area and floorage as well as land-use right of the houses to be expropriated shall be considered.

The interior decoration value of the houses to be expropriated, removal cost of machinery equipment and materials, and the compensation for production stop or business closed shall be negotiated and determined by and between the parties of expropriation; otherwise a real estate appraisal agency could be entrusted for assessment and determination.

Article 15 RMB yuan shall be adopted as the currency for the house expropriation assessment value, and the amount shall be defined by yuan.

Article 16 The real estate appraisal agencies shall provide preliminary assessment result by household to House Expropriation Departments according to the power of attorney for house expropriation assessment or the contract of mandate. The preliminary assessment result by household shall cover composing, basic information and assessment value of the assessment objects. House Expropriation Departments shall publicize the preliminary

assessment result by household to the Persons Whose Houses Are to Be Expropriated within the expropriation scope.

During the publication, the real estate appraisal agencies shall arrange the registered real estate assessor to provide field explanation about the preliminary assessment result by household. The real estate appraisal agencies shall make correction if there is any error found out.

Article 17 After the expiration of the publication period about the preliminary assessment result by household, the real estate appraisal agencies shall provide an overall appraisal report and an appraisal report by household on the houses to be expropriated within the entrusted assessment scope to House Expropriation Departments. House Expropriation Departments shall deliver the appraisal report by household to the Persons Whose Houses Are to Be Expropriated.

The overall appraisal report and the appraisal report by household shall be signed by more than two registered real estate assessors who are responsible for the house expropriation assessment project, and sealed with the common seal of the real estate appraisal agencies. No common seal is allowed to replace the signature.

Article 18 After the completion of house expropriation assessment, the real estate appraisal agencies shall assort and file the appraisal reports and relevant data.

Article 19 If the Persons Whose Houses Are to Be Expropriated or House Expropriation Departments have any question about the appraisal reports, the real estate appraisal agencies issuing the appraisal reports shall provide explanation and interpretation to them.

Article 20 If the Persons Whose Houses Are to Be Expropriated or House Expropriation Departments have any objection to the assessment result, they shall apply for reassessment to

the real estate appraisal agencies within 10 days at receipt of the appraisal reports.

For the application for reassessment, a written reassessment application shall be submitted to the original real estate appraisal agencies, and the problems existing in the appraisal reports shall be pointed out.

Article 21 The original real estate appraisal agencies shall review the assessment result within 10 days at the receipt of the written application for reassessment. For the original assessment result shall be revised after the review, an appraisal report shall be issued again; for no change to the assessment result, the applicant for reassessment shall be informed of that in written.

Article 22 If the Persons Whose Houses Are to Be Expropriated or House Expropriation Departments have any objection to the review result by the original real estate appraisal agencies, an appraisal shall be applied at the appraisal expert committee in the place where the houses to be expropriated is located within 10 days at the receipt of the review result. If the Persons Whose Houses Are to Be Expropriated still have any objection to the compensation, the Article 26 in Regulations on the Expropriation of Houses on State-owned Land and Compensation Therefor shall be followed for disposal.

Article 23 An appraisal expert committee shall be established by the departments in charge of housing and rural-urban construction in each province or autonomous region, and the real estate administration of the cities where districts are established for the appraisal of review result issued by the real estate appraisal agencies.

The appraisal expert committee shall consist of real estate assessors and the experts in price, real estate, land, urban planning and laws.

Article 24 The appraisal expert committee shall assign its members to be an expert team



for appraisal of the review result. The members of the expert team shall be an odd number more than 3 persons, and the number of real estate assessors shall be half at least.

Article 25 The appraisal expert committee shall review such assessment technical issues as assessment procedures, assessment foundation, assessment assumption, assessment technical line, selected assessment methods, selected parameters, and the manner of determining assessment result of the assessment report to be applied for appraisal within 10 days at the receipt of the appraisal application, and issue a written appraisal opinion.

If there is no technical problem is found out after the appraisal by the appraisal expert committee appraisal, the appraisal report shall be maintained; otherwise the real estate appraisal agencies that issued the appraisal report shall make correction and reissue an appraisal report.

Article 26 During the course of house expropriation assessment, the real estate appraisal agencies shall explain the relevant issues about the assessment in accordance with the requirements of the appraisal expert committee. For any field reconnaissance or survey necessary for the houses to be expropriated, the units or individuals concerned shall provide assistance.

Article 27 For any necessity for inquiring about the property of the houses to be expropriated and the houses to be used for property rights exchange, and the relevant real estate transaction information due to the house expropriation assessment, reassessment or appraisal, the real estate administration and other departments concerned shall facilitate it.

Article 28 During the course of house expropriation assessment, if House Expropriation Departments or the Persons Whose Houses Are to Be Expropriated do not coordinate or refuse to provide any relevant data, the real estate appraisal agencies shall explain the relevant issues

in the appraisal report.

Article 29 Unless otherwise the government has special regulations on the price of the houses to be used for property rights exchange, the market value of the houses to be used for property rights exchange shall be determined by assessment.

Article 30 The real estate similar to the houses to be expropriated refers to the real estate that is the same as or similar to the houses to be expropriated in location, purpose, title kind, grade, age, size and building construction.

The market price of the real estate similar to the houses to be expropriated refers to the average transaction value of the real estate similar to the houses to be expropriated at assessment time point. The market price of the real estate similar to the houses to be expropriated shall be determined after the accidental cause and abnormal factors are eliminated.

Article 31 The house expropriation assessment and appraisal costs shall be born by the client. If the original assessment result is altered with the appraisal, however, the appraisal cost shall be born by the original real estate appraisal agencies. The reassessment cost shall be born by the original real estate appraisal agencies. The house expropriation assessment and appraisal cost shall be collected in accordance with the charging standards stated by the competent department of the government for price issues.

Article 32 Among the house expropriation assessment activities, for any violation of law or regulation of the real estate appraisal agencies and real estate assessor, the entity shall be punished in accordance with Regulations on the Expropriation of Houses on State-owned Land and Compensation Therefor, Administration Methods of Real Estate Appraisal Agencies, and Administration Methods of Registered Real Estate Assessors. For any charge violating any

regulation, the competent department of the government for price issues shall punish such entities in accordance with Price Law of the People's Republic of China.

Article 33 This Law shall enter into force on the date of promulgation. The Opinions of Directing Assessment of Urban House Demolition issued by the former Ministry of Construction on Dec. 1, 2003 shall be abrogated therefrom. For the projects with house demolition licenses obtained prior to the implementation of Regulations on the Expropriation of Houses on State-owned Land and Compensation Therefor, however, the original provisions can continue to be followed.

**Regulations on the Expropriation and Compensation Appraisal of Houses on State-owned Land of Xinjiang Uygur Autonomous Region Implemented by Xinjiang Uygur Autonomous Region**

1 General Provisions

Article 1 These Rules are formulated for the purpose of implementing Code for Real Estate Appraisal (GB/T50291-1999 hereinafter referred to as Code for Appraisal), unifying the procedures and methods for value appraisal of the houses to be expropriated (hereinafter referred to as "Expropriation Appraisal") as well as maintaining the legitimate rights and interests of both parties in relation to the expropriation.

Article 2 These Rules are applicable to the activities of expropriation appraisal of houses on urban and town's state-owned land within the adjustment scope of Regulations on the Expropriation of Houses on State-owned Land and Compensation Therefor (hereinafter referred to as Expropriation Regulations).

The expropriation appraisal of the houses on collectively owned land and demolition land and their accessories shall not be applicable to these Rules, unless otherwise the houses in rural and

urban fringe zone and “urban village” without readjusting collective land for construction or homestead.

Article 3 Expropriation appraisal should consider current value of appraisal object and real estate appreciation profit arising from release of the right to use of land for construction, reasonably determine expropriation compensation price; the expropriation of residential houses should ensure the dwelling condition of the people with houses to be expropriated.

## 2 Term of Expropriation Appraisal

Article 4 Expropriation appraisal refers to the appraisal of objective and reasonable price or value for the purpose of expropriation compensation for appraisal object, which is performed by professional appraisal personnel in accordance with Code for Appraisal and These Rules after being entrusted by expropriation party.

Article 5 Appraisal object refers to the real estate to be appraised in one specific appraisal project, including house's material substance and its accessories and rights and interests relying on material substance, as well as the right to use of land for construction occupied by the owners of houses to be expropriated.

Article 6 House refers to residential houses and non-residential houses classified according to functions of use. Non-residential houses can be divided into non-residential commercial buildings and other non-residential houses.

Article 7 Appraisal time point is the date when expropriation organ issues expropriation decision. After expropriation decision announcement is issued, if transaction price of real estate market changes to a large extent, the price index should be adjusted when issuing appraisal report.

Article 8 Current value of the houses to be expropriated refers to the carrying value

achieved through appraisal of material substance of the houses to be expropriated by calculating based on replacement price of building, deducting depreciation and surveying the house's actual situation.

Article 9 Real estate appreciation profit of appraisal object refers to the value appreciation that is most possibly formed in public market according to land purpose, building plot ratio and other conditions planned and permitted by the city or town where the houses to be expropriated locate.

### 3 Principles of Expropriation Appraisal

Article 10 Expropriation appraisal should be independent, objective and fair, abiding by Code for Appraisal and these Rules, Expropriation Regulations and the stipulations of autonomous region in relation to expropriation.

Article 11 Where the appraisal object is residential house, expropriation appraisal should not be lower than average market price of medium-priced commodity houses newly established in the same zone; where appraisal object is non-residential houses, the impact of future expected profit on price should be fully considered.

Article 12 Expropriation appraisal shall conform to the principle of integrated disposal of house's ownership and land-use right. The part that land-use area of appraisal object exceeding house's building area shall be separately appraised according to the market price of land.

Article 13 The non-residential houses with land-use right achieved by payment shall be appraised according to the corresponding market price of the land's remaining service life. Where land's remaining service life is not determined, it shall be appraised according to the economy and durability life of the building.

The economy and durability life of the building shall be determined according to Code for Appraisal 5.4.10-5.4.11.

Article 14 Expropriation appraisal will not consider the impact of house lease, pledge, seizure and other factors on value of appraisal object. The following costs should be independently calculated and listed in total costs of expropriation compensation, and should not be used expropriation appraisal item:

- (1) Temporary settlement allowance;
- (2) Moving expenses;
- (3) Compensation fee for losses of production or business suspension arising from expropriation of operating houses;
- (4) Damage compensation fee of independently decorated part of the houses to be expropriated;
- (5) Various subsidies and rewarding costs paid to expropriated people and lessees as specified by municipal and county-level governments.

Temporary settlement fee shall be implemented according to the standard determined and published by the people's government of the city or county where the houses locate according to the market price of house lease, unless otherwise the temporary settlement houses with rent standard determined by the government.

Loss compensation fee for production and business suspension and decoration damage compensation fee shall be determined through negotiation between expropriation people and expropriated people; if no consensus can be reached, they can entrust real estate appraisal institution to appraise separately.

Article 15 Material substance situation and rights and interests situation of expropriation

appraisal object shall be subject to the record of house ownership register; where material substance situation and rights and interests situation of expropriation appraisal object have changed and house ownership registration has not been settled before expropriation announcement is issued, the appraisal object should be appraised according to the investigation, identification and disposal results of relevant departments organized by municipal and county-level people's governments, and revised.

Article 16 Expropriation appraisal should be implemented in strict accordance with the appraisal program specified in Code for Appraisal 4.0.1-4.0.6. Appraisal personnel shall go to appraisal object site to survey appraisal object, verify, collect and supplement appraisal data, and shoot image data.

Where the appraisal object cannot be surveyed on site due to the reason of expropriated people, the same category of appraisal object should be used to complete site survey. Survey activity should be witnessed by the third person uninterested in expropriation appraisal and explained in the appraisal report.

#### 4 Appraisal Approaches

##### 4.1 Application of expropriation appraisal approaches

Article 17 Expropriation appraisal shall apply to market comparison approach, income approach and cost approach.

Article 18 The same appraisal object should be appraised with more than appraisal approaches. If more than appraisal approaches cannot be adopted, sufficient reason should be provided and explained in the appraisal report.

Article 19 Where the appraisal object belongs to transactional house (e.g. various dwelling, office buildings, shopping malls, standard plants, etc.), market comparison approach

should be used as main appraisal approach.

Article 20 Where market comparison approach cannot be used and rent or operating income can be obtained from the appraisal object, income approach should be used as main appraisal approach.

Article 21 Where appraisal object belongs to non-transactional house (e.g. special plant, historic building, temple, memorial architecture, library, gymnasium, hospital, school, non-commercial office building and other public benefit houses), construction in progress, or the house cannot be appraised with market comparison approach and income approach, cost approach can be used as main appraisal approach.

#### 4.2 Market comparison approach

Article 22 Appraisal with market comparison approach should be implemented as specified in Code for Appraisal 5.2 and the following procedures:

- (1) Extensively collect transaction cases and accurately master the market price information of real estate;
- (2) In case of expropriation of non-residential houses, select comparable cases according to Code for Appraisal 5.2.5-5.2.9, and revise the comparable cases to evaluate comparison benchmark price;
- (3) In case of expropriation of residential houses, select market transaction price of medium-priced commodity house newly established in the same zone of the removed project to determine comparison benchmark price.

Article 23 During selection of comparable cases, regional or individual factors, average price of houses, knocked down price, transaction date, terms of payment and other conditions should be defined and explained in the report.



Article 24 The principle and technology of market comparison approach can also be used in evaluation of relevant parameters in other appraisal approaches.

#### 4.3 Income approach

Article 25 Income approach should be applied according to the specifications and procedures of Code for Appraisal 5.3.

Article 26 Expropriation appraisal of capitalization rate of profitable real estate shall apply to market collection approach and safety interest rate plus risk adjustment value approach. Where capitalization rate exceeds 5%, calculating data and text description should be attached.

Article 27 When evaluating the net profit of profitable real estate, the future net profit flow should be reasonably evaluated according to the variation of net profit in the past, current time and future.

#### 4.4 Cost Approach

Article 28 Cost approach appraisal should be applied according to the specifications and procedures of Code for Appraisal 5.4.

Article 29 Where appraisal object is calculated at replacement price or reconstruction price, market comparison approach and benchmark land price coefficient correction approach should be used in value calculation of land-use right value to directly evaluate land market price at appraisal time point. Unless land and planning departments identify as illegal land occupation or authorized construction that should be removed or confiscated in accordance with law, the land market price within occupation scope of appraisal object should not be deducted to determine expropriation appraisal.

Article 30 Where appraisal object is non-residential house, newness rate can be

determined according to the specifications of straight line approach and newness discount approach of Code for Appraisal 5.4.9. Evaluation report should be attached with calculation process. Where appraisal object is residential house, the difference in price revised according to service life will not be deducted.

Article 31 Durability of building shall be calculated according to the specifications of Code for Appraisal 5.4.10-5.4.11.

## 5 Results and Report of Expropriation Appraisal

Article 32 Results and report of expropriation appraisal should be in conformity with the specifications of Code for Appraisal 7.0.1-8.0.7.

Where the houses to be expropriated are appraised with market comparison approach or cost approach, the present value of the houses to be expropriated should be appraised as the reference for municipal and county-level people's governments in preparation of subsidy and reward regulations.

Article 33 The purpose of expropriation appraisal is only described as “appraise the market price of real estate in order to determine the value of the houses to be expropriated”.

Article 34 Monetary unit of expropriation appraisal shall be as exact as yuan in RMB.

Article 35 In case of vast stretches of expropriation, the appraisal institution should issue overall appraisal report and branch appraisal report. Overall appraisal report should adopt word description, and branch appraisal report can use form description.

Article 36 Before issuing branch appraisal report, the appraisal institution should publish the first draft of appraisal report to expropriation parties and fully listen to the opinions of both parties in relation to the expropriation.

Where expropriation parties have doubts about appraisal report, they can consult the appraisal

institution. The appraisal institution should explain the basis, principle, program, method and parameter selection of demolition appraisal as well as generation process of appraisal results to the expropriation parties.

Where the appraisal report has errors, the appraisal institution should timely revise and adjust.

## 6 Re-appraisal and Identification Program

Article 37 Where expropriated people have doubts on the appraisal report and apply the original appraisal institution for appraisal review, the appraisal institution should make review conclusion within 5 days upon receiving the application of written appraisal review; issue new appraisal report in case of variation of appraisal results; and issue written notification in case of no change of appraisal results.

Article 38 Where expropriation parties have doubts on appraisal report and apply Committee of Experts of Autonomous Region Real Estate Price Appraisal (hereinafter referred to as Committee of Experts) for identification, it shall be implemented according to relevant specifications.

Committee of Experts shall review the appraisal basis, technical route of appraisal, selection of appraisal approaches, parameter selection, determination method of appraisal results and other technical appraisal items for identification of appraisal report, and issue written identification opinions. Where the appraisal report has errors through the identification of Committee of Experts, the appraisal institution should revise, adjust and issue a new appraisal report.

In case of any doubts on the identification opinions of Committee of Experts, the appraisal institution may apply housing and urban and rural construction authority in the autonomous region for disposal.

## 7 Code of Appraisal Conduct

Article 39 When engaging in appraisal activities, the appraisal personnel and the appraisal institution should abide by the specifications of Regulations on the Expropriation of Houses on State-owned Land and Compensation Therefor and Code for Appraisal 9.0.1-9.0.6.

### **Circulation on Adjusting Standards of Grassland Compensation Fee & Resettlement**

#### **Subsidy Fee by Xinjiang Uygur Autonomous Region**

In order to enhance grassland protection, management, construction and rational utilization as well as protect vital interests of farmers and herdsmen of all ethnic groups, in the spirit of [2010] 91 Reply on Adjusting Standards of Grassland Compensation Fee and Resettlement Subsidy Fee by Xinjiang Uygur Autonomous Region People's Government and after combining the actual situation in Xinjiang, it is hereby notifying concerned issues as follows :

1. Adjust standard of grassland compensation fee and resettlement subsidy fee. Compensation standard in grassland shall be 6-10 times of average annual output value of three years of the grassland prior to the requisition; as for resettlement subsidy standard, similarly, shall be 4-6 times of average annual output value of three years of the grassland prior to the requisition, and each hectare shall not exceed 15 times of that to the maximum. Abovementioned grassland compensation fee and resettlement fees shall not exceed 30 times of the average annual output value three years of the grassland prior to the requisition.

2. In case of the need for temporary use of grasslands, including dredging, mining, earth, gold mining, geology (oil) exploration, road construction, erection (laying) pipeline, construction of tourist spots, etc., the fee of temporary use grasslands should be paid in line with grassland compensation base. In the event of units and individuals purchase or excavate medicinal plants or economic plants on grassland, they need pay grassland medicinal (economic) plant resources

compensation fee, that is 5-10% of purchase price of on that same year.

3. Administration departments in Xinjiang Uygur Autonomous Region, along with departments in charge of price and finance issue, should further improve periodic evaluation and adjustment mechanism on grassland value, to regularly assess the value of grassland and determine the compensation base of grassland. The mechanism shall be promulgated and implemented after getting the approval from government of Xinjiang Uygur Autonomous Region.

4. The unit which charge the fees should go to government department in charge of price to go through change procedures of Charging License. They should charging price transparently by using price tag, and standardized financial vouchers printed by financial department, and consciously accept the supervision and inspection from farmers and herdsmen, and such departments in charge of prices, finance etc.

5. The standard stipulated in this notice shall be implemented from the date of circulation. In case of any discrepancy between the provision of this notice and previous one, namely, Notice on Charge Standards of Grassland Supervision ( [1999] 3) by Price Bureau and Finance Bureau of Xinjiang Uygur Autonomous Region, Notice on Supplementary Regulations of Charge Standards of Grassland Supervision ( [2005] 1138 ) by Xinjiang Uygur Autonomous Region Development and Reform Commission, Ministry of Finance, the provisions of this notice shall prevail.

## **Regulations of XUAR for the Implementation of the Land Administration Law of the PRC**

### **Chapter 1 General Provisions**

Article 2 These Regulations shall be complied with by all those who engage in land protection, development, utilization, supervisory and administrative activities within the

jurisdiction of Xinjiang Uygur Autonomous Region.

Article 6 State-owned land shall be used on a compensated basis according to law, and shall not be invaded, traded or transferred illegally by any entity or individual in any form.

Governments at all levels shall take steps to plan, strictly manage, conserve and develop land resources, and prohibit illegal land occupation.

## **Chapter 2 Land ownership and use rights**

Article 8 Users of state-owned land and owners or users of collective land must apply for land registration with the administrative authority for land of a county-level or above government, and obtain a permit to use state-owned land or certificate of ownership or permit to use collective land.

## **Chapter 4 Farmland protection and land reclamation**

Article 20 A compensation system for farmland occupation is practiced in Xinjiang Uygur Autonomous Region. Anyone who occupies farmland for nonagricultural construction with approval must be reclaim farmland of the same amount and quality as the occupied farmland or obtain it by land consolidation; where conditions do not permit farmland reclamation, farmland reclamation fees shall be paid at a rate of 15,000-45,000 yuan per hectare based on the rating of the occupied farmland to be used specifically for farmland reclamation.

Article 21 Anyone who occupies basic farmland with legal approval and has to pay farmland reclamation fees shall pay such fees at 1.5 times the rate for ordinary farmland reclamation.

Article 25 The following types of land shall not be reclaimed:

- (1) Prohibited areas identified in overall land utilization plans;
- (2) Natural hay fields, artificial pastures, fenced pastures and high-grade pastures;
- (3) Woodland and river or lake flat;

(4) Sloping land with a gradient of over 25 degrees and desert land exposed directly to sandstorm; and

(5) Areas whose ownership is disputed.

## **Chapter 5 Land for Construction**

Article 31 The examination and approval procedures for converting agricultural land to construction uses shall be gone through in accordance with the following provisions in case land is occupied by state construction.

(1) In the range of the land for village and town construction defined in the overall planning of township land utilization, the use of the land collectively owned by farmers and herdsmen for construction of township and village enterprises, rural common facilities, public utilities, rural roads, water conservancy projects and other facilities is subject to the approval of autonomous prefecture or municipal people's government or administrative office according to the control quotas defined by the yearly plan for land use.

(2) In the range of the land for village and town construction defined in the overall planning of land utilization, the use of the land for implementation of the planning is subject to the approval of the People's Government of the autonomous region or shall comply with the provisions of the laws and regulations approved by the State Council.

Article 35 Land expropriated for state construction shall be compensated according to the following standards:

(1) 8 to 10 times the annual output value of local cultivated land shall be compensated for expropriated basic farmland;

(2) 7 to 9 times the annual output value of local cultivated land shall be compensated for expropriated irrigable land and fish pond other than basic farmland;

(3) 7 to 8 times the annual output value of local cultivated land shall be compensated for expropriated dry cultivated land other than basic farmland;

(4) 6 to 7 times the annual output value of local cultivated land shall be compensated for expropriated forest land, artificial grassland, house site, rural road, threshing floor and other lands;

(5) 6 times the annual output value of local grassland shall be compensated for expropriated natural grassland;

The land as sated in Point (1), (2), (3) and (4) expropriated for construction of major transport, water conservancy and other projects approved by the state or the autonomous region shall be compensated 6 times the annual output value of local cultivated land.

The output values of all types of cultivated lands and grasslands shall be determined to the average annual production value of the three years before requisition.

Article 36 The young crops and their attachments on expropriated land shall be compensated to the following standards:

(1) Common young crops shall be compensated to their average output value of in the last three years. Young root crops shall be compensated to 2 to 3 times their average output value of in the last three years.

(2) The buildings, structures, other facilities and forest trees on expropriated land shall be compensated according to the actual losses under the relevant stipulations.

(3) For the relocation of the tombs on expropriated land, the local people's government makes an announcement on and time limit of and reimbursement for reburial in pursuance of the relevant prescriptions. Unclaimed tombs and those having not been relocated within the time limit will be removed by the associated department as organized by the local people's



government.

Article 37 The relocation subsidy for expropriated arable land shall be paid under the Land Administration Law of the PRC, Article 47, Clause 2. The relocation subsidy may be appropriately increased provided that the per capita arable land is less than 0.1 hectare before land requisition. However, the total sum of the land compensation and relocation subsidy for expropriated land shall not exceed 30 times its average annual output value before land requisition.

The relocation subsidy for expropriated fish pond shall be paid with reference to that for adjacent cultivated land.

The relocation subsidy for expropriated forest and grass lands shall be determined with reference to that for cultivated land requisitioned. No relocation subsidy shall be paid for the requisition of house sites, rural roads and threshing floor.

Article 39 The compensation for expropriated rural land of collective economic organization is owned by the rural collective economic organization. The compensation for the attachments and young crops on the land is owned by their respective owners.

The collective economic organization expropriated of land shall make the incomings and outgoings of the compensation for land requisition to its members and subject itself to supervision. Misappropriation and peculation of the compensation for the land requisition and other related funds are prohibited.

Article 40 When the people expropriated of land are to be resettled by a rural economic organization, the resettlement subsidy shall be paid to the organization, which manages and uses the money according to laws. If they are to be resettled by other organization, the resettlement subsidy shall be paid to the corresponding resettling organization. In case no unified

resettlement is required, the resettlement subsidy shall be paid to the individuals to be resettled or used for pay their insurance expense with their approval. The resettlement subsidy shall be earmarked its specified purposes only without speculation.

Municipal, county and township governments shall enhance the supervision of the use of resettlement subsidy.

Article 46 The areas of the house sites of rural villagers shall follow the following standards (by county for per capita cultivated land).

(1) The area of the house site of each household shall not be greater than 200m<sup>2</sup> if the per capita cultivated land is less than 0.04 hectare.

(2) The area of the house site of each household shall not be greater than 300m<sup>2</sup> if the per capita cultivated land is 0.04 to 0.07 hectare.

(3) The area of the house site of each household shall not be greater than 400m<sup>2</sup> if the per capita cultivated land is 0.07 to 0.1 hectare.

(4) The area of the house site of each household shall not be greater than 500m<sup>2</sup> if the per capita cultivated land is 0.1 to 0.14 hectare.

(5) The area of the house site of each household shall not be greater than 600m<sup>2</sup> if the per capita cultivated land is 0.14 to 0.34 hectare.

(6) The area of the house site of each household shall not be greater than 800m<sup>2</sup> if the per capita cultivated land is over 0.34 hectare.

The above standards for the areas of house sites may be appropriately raised up to twice if unused lands are used for building houses.

#### Applicable provisions of the Grassland Law of the PRC

#### Chapter II Ownership of Grasslands

Article 9 The grasslands are owned by the State, with the exception of the grasslands owned by collectives as provided for by law. With respect to the State-owned grasslands, the State Council shall exercise the right of such ownership on behalf of the State.

No unit or individual may take illegal possession of, trade in or illegally transfer in other forms the grasslands.

Article 10 The State-owned grasslands may, in accordance with law, be allocated for use to the units under the ownership by the whole people and to collective economic organizations.

All units that use the grasslands shall fulfill the protecting, developing and rationally using the grasslands.

Article 11 With respect to the State-owned grasslands which, in accordance with law, are allocated for use to units under the ownership by the whole people and to collective economic organizations, the people's governments at or above the county level shall register such grasslands, issue certificates for the right of use to the said units and organizations after verification and thus establish their right to use such grasslands.

With respect to the State-owned grasslands, for which the right of use is not allocated, the people's governments at or above the county level shall register such grasslands and shall be responsible for their protection and control.

With respect to the grasslands owned by collectives, the people's governments at or above the county level shall register such grasslands, issue to the collectives the certificates of ownership after verification and establish their right of ownership of such grasslands.

Where the ownership of grasslands is changed in accordance with law, the formalities for registration of shall be completed.

Article 12 The right of ownership and the right of use of the grasslands registered in

accordance with law shall be protected by law, and no unit or individual may infringe upon such ownership or right.

Article 13 The grasslands owned by collectives or the State-owned grasslands which have been allocated for use to collective economic organizations may be contracted for management by households individually or jointly within the said collective economic organizations.

No adjustment may be made to the grasslands used by the contractors within the term of contractual management of the grasslands; where appropriate adjustments need be made to a few pieces of grasslands, the matter shall be subject to agreement by two-thirds or more members of the villagers (herdsmen) assembly, or two-thirds or more villagers' (herdsmen's) representatives, of the collective economic organization concerned and shall be reported for approval to the township (town) people's government and the competent administrative department for grasslands under the people's government at the county level.

Where grasslands owned by a collective or the State-owned grasslands which are allocated for use to a collective economic organization in accordance with law are contracted to units or individuals other than the ones of the said organization, the matter shall be subject to agreement by two-thirds or more members of the villagers (herdsmen) assembly, or two-thirds or more villagers' (herdsmen's) representatives, of the collective economic organization concerned and shall be reported for approval to the township (town) people's government.

Article 14 For contractual management of a piece of grasslands, the party contracting out the grasslands and the contracting party shall sign a written contract. The contents of the grassland contract shall include the rights and obligations of both parties, the four boundaries, area and grade of the contracted grasslands, the term of the contract and the starting and expiration dates, the purpose of use of the grasslands and the liabilities for breach of the contract,

etc. At the expiration of the term of the contract, the original contractor shall, under equal conditions, have the priority of the right to contract.

The units and individuals for contractual management of grasslands shall fulfill the obligations of protecting, developing, and rationally using the grasslands in adherence to the purpose of use as agreed upon in the contract.

Article 15 The right to contractual management of grasslands is protected by law, and it may be transferred in accordance with law and on the principles of voluntariness and compensation.

The transferee of the right to contractual management of grasslands shall have the capability of pursuits in animal husbandry and shall fulfill the obligations of protecting, developing, and rationally using the grasslands in adherence to the purpose of use as agreed upon in the contract.

The transfer of the right to contractual management of grasslands shall be subject to agreement by the party contracting out the grasslands. The term of transfer agreed upon in the transfer contract by the contractor and the transferee may not exceed the remaining period of the original contract.

Article 16 Disputes over the ownership or the right of use of grasslands shall be settled by the parties through consultation; and where consultation fails, the disputes shall be handled by the people's government concerned. Disputes between units shall be handled by the people's government at or above the county level; disputes between individuals or between individuals and units shall be handled by the township (town) people's government or the people's government at or above the county level.

Pending the settlement of a dispute over ownership of grasslands, none of the parties may

change the status quo in which the grasslands is being used, or damage the grasslands in question or the facilities thereon.

## **Chapter V Use**

Article 33 Contractors for grassland management shall make rational use of the grasslands, and they may not exceed the stock-carrying capacity verified by the competent administrative department for grasslands; and they shall take such measures as growing and reserving forage grass and fodder, increasing the supplies of forage grass and fodder, readjusting their disposition of livestock, optimizing the mix of livestock and increasing the number of heads of livestock for sale, in order to keep the balance between grass yield and the number of livestock raised.

The standard for grassland stock-carrying capacity and the measures for control of the balance between the grass yield and the number of livestock raised shall be formulated by the competent administrative department for grasslands under the State Council.

Article 34 Contractors for grassland management in pastoral regions shall practice regional rotation grazing, rational distribution of herds and balanced use of grasslands.

Article 35 The State encourages rearing livestock in pens in rural areas, in semi-rural and semi-pastoral areas and in the pastoral areas where conditions permit. Contractors for grassland management shall, according to the kinds and number of livestock they raise, readjust and reserve forage grass and fodder and employ new techniques such as forage grass and fodder ensiling and processing, in order to gradually change the mode of production in which grazing depends solely on natural grasslands.

In areas where grazing is prohibited or closed grazing or rotation grazing is practiced, the State gives grain or funds as subsidies to people who raise livestock in pens, and the specific measures in this respect shall be formulated by the State Council or the relevant department

authorized by it.

Article 36 For people working on haying grounds or bases for breeding wild grass seeds, shoots or tissues, the competent administrative departments for grasslands under the people's governments at or above the county level shall specify a rational period of time for grass mowing and variety collecting as well as the height for the stubble left and intensity for cutting and collecting, in order to practice rotation mowing and collecting.

Article 37 Where, under special circumstances such as natural disaster, it is necessary to temporarily readjust the use of grasslands, the matter shall, on the principles of voluntariness and mutual benefit, be resolved through consultation by the two parties concerned. Where it is necessary to temporarily readjust the use of grasslands between counties, the matter shall be resolved through consultation arranged by the relevant people's governments at the county level, or by the people's government at a higher level to which the people's governments at the county level are both subordinated.

Article 38 No grasslands, or as little grasslands as possible, may be occupied for exploiting mineral resources and engineering. Where it is necessary to acquisition or use grasslands, the matter shall be subject to examination and approval by the competent administrative department for grasslands under the people's government at or above the provincial level, and, the examination and approval formalities for the use of land for construction shall be completed in accordance with the laws and administrative regulations on land administration.

Article 39 Where grasslands owned by collectives are to be acquired for construction, compensation shall be made to the said collectives in accordance with the Land Administration Law of the People's Republic of China; and where State-owned grasslands are to be used for construction, compensation shall be made to the contractors for grassland management in

accordance with the relevant regulations of the State Council.

Where grasslands are to be acquired or used for construction, fees for restoration of grassland vegetation shall be paid. Such special fees shall be used for special purposes, that is, to be used in accordance with relevant regulations by the competent administrative department for grasslands to restore grassland vegetation, and no unit or individual may withhold or misappropriate them. The measures for collection, use and management of the fees for restoration of grassland vegetation shall be formulated by the competent administrative department for pricing and the financial department under the State Council jointly with the competent administrative department for grasslands under it.

Article 40 Where it is necessary to occupy a piece of grasslands temporarily, the matter shall be subject to examination and approval by the competent administrative department for grasslands under the people's government at or above the county level.

The time limit for temporary occupation of grasslands shall not exceed two years and no permanent building or structure may be put up on the grasslands that are temporarily occupied; and at the expiration of the time limit, the unit using the grasslands shall restore the vegetation and return the grassland without delay.

#### **Regulations of XUAR for the Implementation of the Grassland Law of the PRC**

Article 17 The requisition of collectively owned grassland for state construction shall comply with the Land Administration Law of the PRC and the Regulations of XUAR for the Implementation of the Land Administration Law of the PRC. The use of the grassland owned by the whole people for state construction shall be allocated with the approval in accordance with the procedure and approving authority of land expropriation for state construction. The



construction unit shall properly compensate the original use unit for losses thus incurred and appropriately resettle the living and production of herdsmen, provide them with grassland or arrange the employment of conforming herdsmen. The construction unit shall be responsible for relocation of the original use unit if required.

The examination and approval of the expropriation or use of grassland for state construction shall ask for the advices from the concerned department in charge of animal husbandry in advance. Grassland compensation shall be used only for grassland construction other than other purposes. The appropriation or use of grassland in an autonomous prefecture or county for state construction shall give consideration of its interests and make arrangements in favor of its economic construction.

Article 19 The temporary use of grassland for geological prospecting, erection of lines above ground, laying of underground pipeline, military exercise, etc is subject to the approval of the quantity, location and time limit from the local county people's government by presenting the approval document or prospecting certificate issued by the higher competent authority. Consideration shall be given to the advices of the concerned department in charge of animal husbandry on approval of land use. For temporary use of grassland, the grassland shall be compensated year by year according to its average annual output value in the last three years,

grassland vegetation recovered and the grassland returned as scheduled.

The grassland shall be compensated 2 to 4 times its average annual output value of in the last three years in case of serious damage (irrecoverable within three years) of grassland vegetation and 4 to 5 times in case of fundamental damage (irrecoverable naturally).

### **Applicable provisions of the Forest Law of the PRC**

Article 3 The forest resources shall belong to the state, unless the law stipulates they belong to the collective.

For the forests, trees and woodlands owned by the state and the collective and the trees and woodlands owned by private individuals, the people's government above the county level shall register and record them, issue certificates and confirm the ownership and the right to use. The State Council may authorize the competent forestry authorities under the State Council to register and record the forests, trees and woodlands in key forest districts determined by the State Council to be owned by the state, issue certificates and inform relevant local people's governments.

The legitimate rights and interests of the owners and the users of the forests, trees and woodlands shall be protected by the law; no organization and private individual shall such rights and interests.

Article 10 The competent forestry authorities under the State Council shall be responsible for the forestry work nationwide. The competent forestry authorities under the people's government above the county level shall be responsible for the forestry work in their jurisdiction. The people's government at the township level shall set up full-time or part-time posts responsible for the forestry work.

Article 18 Prospecting, mining and various construction projects shall not occupy or occupy as little as possible woodlands; in case of necessary occupancy or expropriation of woodlands, upon examination and approval of the competent forestry authorities under the people's government above the county level, the examination and approval formalities for land needed for construction shall be gone through in line with relevant land administration laws and administrative regulations; and the land-use organization shall pay forest vegetation recovery expenses in line with the applicable provisions of the State Council. The forest vegetation recovery payments shall be used for designated purposes; the competent forestry authorities shall use them, according to relevant stipulations, for forestation, recovery of forest vegetation; the area of forestation shall not be smaller than the area of forest vegetation reduced as a result of woodlands occupied or expropriated. The competent forestry authorities at a higher level shall periodically urge and inspect the competent forestry authorities at a lower level in the organization of forestation and recovery of forest vegetation.

No organization and private individual shall divert the forest vegetation recovery payments. The competent auditing authorities of the people's government above the county level shall strengthen their supervision of the situation in connection with the use of the forest vegetation recovery payments.

#### **Regulations of XUAR for the Implementation of the Forest Law of the PRC**

Article 15 The occupation or requisition of forest land for mineral exploration and mining and other construction projects is subject to the approval of the competent forestry authority of the people's government above county level. For occupation or expropriation of the forest land directly administered by the competent forestry authority of prefecture (city), county (city) or

autonomous region, an application form shall be submitted to the authority and the relevant formalities gone through in compliance with the laws and regulations on forest and land administration.

Article 16 The organization approved to occupy or expropriate forest land shall pay forest cover recovery charges to the competent forestry authority of the people's government above county level and forest land compensation, forest compensation and resettlement subsidy to the owners of the land.

The standards for forest cover recovery charges shall be developed by the competent forestry authority of the autonomous region together with competent pricing authority in pursuance of the concerned regulations of the state and submitted to the people's government of the autonomous region for approval before execution. Forest land compensation, forest compensation and resettlement subsidy shall comply with the Regulations of XUAR for the Implementation of the Land Administration Law of the PRC. It is required to go through examination and approval procedures as per Article 15 for conversion of forest land to non-forestry construction uses by a forest operator within the range of its forest land except the facilities directly used for forestry production.

Article 17 The organization approved to occupy or expropriate forest land shall pay forest cover recovery charges to the competent forestry authority of the people's government above county level and forest land compensation, forest compensation and resettlement subsidy to the owners of the land.

The erection and arrangement of power transmission line, communication line and tourist cableway, laying of pipeline and construction (expansion) of road shall avoid forest. When it is unavoidable and required to fell an entire forest belt or forest, the construction unit shall present

an application to the competent forestry authority of prefecture (city) in advance. For felling of odd woods, an application shall be submitted to the competent forestry authority of county (city) and associated procedures handled according to laws and the owner of the woods compensated economically.

For temporary occupation of forest land, the organization or individual occupying the forest land temporarily shall sign an agreement on temporary use of land with the organization or individual having the right to use the forest land, apply for examination and approval of the competent forestry authority above county level and pay vegetation recovery charge to the authority. If it is required to cut woods, the operator or owner of the forest shall be compensated for the woods.

#### **Chapter Four Protection of Cultivated Land and Reclamation of Land**

**Article 20** The autonomous region fosters the system of compensations to cultivated land to be occupied. Occupying cultivated land for non-agricultural construction, should be responsible for reclaiming or the land treatment compensated the same amount of land in the same quality as that occupied; Whereas units which occupy the cultivated land are not available with conditions of reclamation of land, should pay land reclamation fees according to the level of reclaiming land as the standard of 15000-45000 CNY per hectare, for cultivation the land reclaimed.

**Article 21** With the approval of acquisition the basic cultivated, according to law, should pay 1.5 times the cultivated land reclamation fees

**Article 25** The acquisition of the following land is forbidden:

- 1) forbidden reclamation areas defined in the general plan for the utilization of the land
- 2) natural grassland, artificial lawn, fenced meadows and high quality pasture
- 3) forest land and beaches of rivers and lakes
- 4) desert in the front of sand and hillsides with a slope of over 25 degrees
- 5) disputed area of owners of land

## **Chapter Five Land for Construction Purposes**

**Article 31** Whereas occupation of State land for construction purposes involves the conversion of agricultural land into land for construction purposes, the examination and approval procedures in this regard shall be required.

- 1) Whereas occupying of land owned by peasant and herdsmen collectives for villages and market towns, construction of township enterprises, public facilities and public welfare, rural roads, water conservancy undertakings of infrastructure construction and townships (towns) and rural villagers' houses, within the amount of land used for construction purposes as defined in the general plans for cities, shall be approved by the people's governments of autonomous regions, municipalities within the controlled targets setting in the general plans for land use.
- 2) Whereas agricultural land is converted into construction purposes as part of the efforts to implement the general plans for the utilization of land within the amount of land used for construction purposes as defined in the general plans for cities, villages and market towns, land for construction has to be approved by the people's governments of autonomous regions. Whereas laws and regulations approved by State Council shall be followed.

**Article 35** For acquisition of land by the State construction, compensation for the land should be made according to the following standards:

- 1) In acquisitioning basic cultivated, the land compensation fees shall be 8-10 times the local yearly output value of the cultivated land;
  - 2) In acquisitioning paddy field and fishponds outside the basic cultivated, the land compensation fees shall be 7-9 times the local yearly output value of the cultivated land;
  - 3) In acquisitioning dry land outside the basic cultivated, the land compensation fees shall be 7-8 times the local yearly output value of the cultivated land;
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- 4) In acquisitioning forest land, artificial meadow, house plot, rural roads and threshing floors, the land compensation fees shall be 6-7 times the local yearly output value of the cultivated land;

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In acquisitioning natural meadow, the land compensation fees shall be 6 times the local yearly output value of the cultivated land;

In acquisitioning land in the provisions of 1, 2,3 and 4 of the preceding paragraph, for large key construction projects such as communications and water conservancy, approved by the State and the autonomous region, its compensation fees shall be 6 times the local yearly output value of the cultivated land;

The output value of all kinds of cultivated land and meadow shall be calculated by that of the three years preceding the acquisition of the cultivated land, regularly announced by the people's government of the autonomous region

**Article 36** The standards for compensating for ground attachments and green crops on the land acquisitioned are as follows:

Compensation fees for green crops of common crops shall be its average yearly output value of the latest three years, compensation fees for green crops of perennial root crops shall be 2-3 times its average yearly output value of the latest three years;

Buildings, structures, other installations and forest trees on the land acquisitioned, according to the actual loss, should be compensated according to the relevant provisions;

If Graves on the land acquisitioned need be removed, the local people's governments shall make an announcement of transfer within a time limit, and pay the transfer fee according to the relevant provisions; if beyond the time limit and graves without an owner, the local people's government shall organize departments concerned to transfer instead.

**Article 37** The rates of resettlement fee shall be paid in accordance with the standard of the provisions of paragraph 2 of Article 47 of the Land Management Law. The per-capita land occupied of the unit is less than 0.1 hectare before land acquisitioned; the resettlement fees may be increased properly. But the combined total of land

compensation fees and resettlement fees shall not exceed 30 times the average output value of the three years prior to the acquisition.

In acquisitioning fishponds, the resettlement fee shall be made by comparison with the standard of adjacent cultivated land. In acquisitioning forest land and meadow, the resettlement fee shall be calculated by comparison with the standard of adjacent cultivated land. In acquisitioning house plot, rural roads and threshing floors, was no the resettlement fee.

**Article 39** In acquisitioning land of rural collective economic organizations, the land compensation fees shall be owned by rural collective economic organizations; compensation for attachments to or green crops on the land shall be owned by the owner of attachments to or green crops.

Rural collective economic organizations shall make public to its members the receipts and expenditures of the land compensation fees for land acquisitioned and accept their supervision. It is forbidden to embezzle or divert the land compensation fees and other related expenses.

**Article 40** The number of agricultural population to be resettled by rural collective economic organizations, the resettlement fee shall be paid to rural collective economic organizations, and be legally managed and used by rural collective economic organizations; if resettled by other unit, the resettlement fee shall be paid to the resettlement unit; there is no need for a unify arrangement, the resettlement fee shall be paid to individuals or used for their insurance costs payment after their approval. The resettlement fee shall be used exclusively for its designated purpose and shall not be used for any other purpose.

People's government of cities, counties and townships (towns) shall strengthen their supervision of the situation in connection with the use of the resettlement fee.

**Article 46** The area of the house plot shall be performed as the following standards (per-capita land occupied for a county):

- 1) with the per-capita cultivated land being below 0.04 hectare, the maximum of each household living area is 200 square meters;
- 2) with the per-capita cultivated land being above 0.04 hectare but below 0.07 hectare, the maximum of each household living area is 300 square meters;



- 3) with the per-capita cultivated land being above 0.07 hectare but below 0.1 hectare, the maximum of each household living area is 400 square meters;
- 4) with the per-capita cultivated land being above 0.1 hectare but below 0.14 hectare, the maximum of each household living area is 500 square meters;
- 5) with the per-capita cultivated land being above 0.14 hectare but below 0.34 hectare, the maximum of each household living area is 600 square meters;
- 6) with the per-capita cultivated land being above 0.34 hectare but below 0.07 hectare, the maximum of each household living area is 800 square meters;
- 7) The use of unused land for building houses, the standard of the area of house plot shall be appropriately relax, but the maximum shall not exceed once the standard of preceding paragraph.

**Relevant rules in Document [Xinjijiafang (2001) 500] by Development and Planning Committee and Finance Department, Xinjiang Uygur Autonomous Region**

### **Compensations Rates of Cultivated Land**

**Table 1.1**

**Unit: CNY/mu**

Category	The first level (superior cultivated)	The second level (medium cultivated)	The third level (inferior cultivated)
Compensation rates	1200	640	480
explanation	1. The rates of this Table is fit for cultivated land growing food crop 2. The yearly output value of the cultivated land growing special crop, vegetable fields and Orchard should be higher than that of the first-level cultivated land; the maximum of cotton fields, Orchard land, vegetable land and grape land shall not respectively exceed 1.5 times, 2 times, 3 times and 4 times of it . Other economic crops are estimated by their actual yearly output value.		

### **Compensations Rates of Meadow**

**Table1. 2**

**Unit: CNY/mu**

level compensation rates Rank	First superior	Second medium	Third inferior
1	328	262	120
2	262	148	88
3	136	96	63
4	80	69	50

## Rates of Resettlement Fee

**Table1. 3**

the per-capita area of cultivated land ( mu )	times of the average output value of three years
Above 3.5 mu	IV-----5
3.0-----3.5	VI-----7
2.V-----3.0	VIII-----9
2.0-----2.5	X-----12
1.V-----2.0	1III-----15
1.0-----1.5	1VI-----18
0.V-----1.0	1IX-----20

## Compensation Rates of Arbor and Cash Trees

**Table 1.4**

Items Types of Trees	specification of trees ( diameter, cm)	compensation rates (CNY)
broad-leaf forest	below 5 cm	10—15
	V-15 cm	15—25
	1V-30 cm	25—35
	above 30 cm	45
Conifer	below 5 cm	20—30
	V-15 cm	30—50
	1V-30 cm	50—70
	above 30 cm	90
fruit trees	below 5 cm	20—40
	V-15 cm	40—60
	1V-30 cm	60—100
	above 30 cm	120
Grape	no fruit below 3 years	30—70
	with fruit above 3 years	70—110

Remark: the standards for trees compensation in protection zones raise 50% according to this rate.

## Appendix 2 Resettlement Information Booklet (RIB)

\_\_\_\_\_ ((Name of APs))

In order to reduce traffic congestion and improve road safety, Hami Municipal Government (HMMG) the Executing Agency (EA) intends to utilize part of the Asia Development Bank (ADB) loan to launch urban roads and municipal services project in the Hami city, which is one of component in Xinjiang Urban Transport and Environmental Improvement projects.

The project will affect the location of your family (unit) to some extent. The booklet is distributed to inform you on the basic status of the sub-component of the Project, relevant land acquisition and relocation policies of the state and the impacts on your household.

Hami City Urban Transport and Environmental Sanitation Project includes the following contents: (1) the road component, involves the construction of 2 main urban roads with a total length 5.425km, and one 1-4.0m slab culvert bridge will be built in Bayi South Road; and another 2-4.0m slab culvert bridge will be built in Renmin Road; (2) Sanitation facilities component and associate components.

This Project is to be implemented by Hami Urban Investment and Development Co., Ltd. (HUIDC) as the implementing agency (IA). This component involves the construction of 5.452 km of urban roads together with ancillary works including environment and sanitation facilities. The roads are Renmin road, West Bayi road, and their environmental sanitation.

The Project planned to build 3 roads, including Renmin Road, Bayi South Road, and Bayi North Road. While during the midterm adjustment of the project, Hami PMO applied to cancel the construction of North Bayi Road. Because of this, the Resettlement Plan is not applied to the Aps, who are in the Bayi North Road.

There were 3 Community Residential Committees (CRC) and 3 villages affected by the construction. They are Binhe Road Community, Zhongshan South Road Community; Zhongshan North Road Community; the West Caiyuan Village; North Caiyuan Village; and Dayingmen Village. The permanent requisition of land for this component will directly affect 644 people, including 215 minority people, accounting for 33.39%.

There were 30246.96m<sup>2</sup> houses have been demolished, including 25441.83 m<sup>2</sup> residential houses (including 2501.46 m<sup>2</sup> of private stores). It affected a total of 108 households with

373 people, including 56 minority households with 191 people. And 3 enterprises with 51 people, 19 minorities among them, totaling 2275.13 m<sup>2</sup> of buildings for demolition. A mosque in Crossroad of Renmin Road was demolished as well, which occupied 2530 m<sup>2</sup>, 5 minorities (staff) were affected. The project will permanently requisition 58.66mu collective land which includes 51.06mu cultivated land, 1.96mu greenhouses land, and 5.64mu vegetable plots; and 22.15 mu of state-owned land, including 10.12mu residential land and 12.03mu state-owned construction land.

### 1) compensation standard

The compensation rates of land acquisition and resettlement are determined on the basis of sufficient surveys, with reference to involuntary resettlement principle of Asian Development Bank, state laws and regulations and Xinjiang Autonomous Region and Hami by-laws and aimed to restore and improve living standard of affected persons in short period after resettlement.

The compensation rates applied to the Hami City Roads and Environmental Sanitation Component include collective land compensation standard, stated land compensation standard, house demolition compensation standard (rural house, shops and enterprises houses), and attachment compensation standard. And other charges and taxes see Table2.1-2.9. (To be filled in based on different components by IA based on RP, particularly the entitlement matrix and budget table).

**Table2.1 Compensation Standards for Collective Land Acquisition**

Type	Annual Output Value (CNY/mu)	Multipliers of Compensation (Time)			Compensation rates (CNY/mu)			
		Land	Resettlement subsidy	Young crops	Land	Resettlement subsidy	Young crops	Total
Cultivated land	1800	10	20	-	18000	36000	15000	69000
Vegetable plot	3600	10	20	-	36000	72000	15000	123000

**Table2.2 Compensation Standards for Stated Land Acquisition**

grade	grade one	grade two	grade three	grade four
Business land	762	503	310	188

Residential land	421	284	176	132
Industrial land	283	216	168	125

**Table 2.4 Urban House Compensation Standard**

Type	Item	Unit	Standard	Remark
Residential house	House compensation			
	Brick-concrete structure	CNY/m <sup>2</sup> era	1350	
	Brick-wood structure	CNY/m <sup>2</sup> era	1350	
	Earth-wood structure	CNY/m <sup>2</sup> era	1350	
	Land compensation			
	Reward fee for state-owned land	CNY/m <sup>2</sup> era	416.35	Second-degree residential land
		CNY/m <sup>2</sup> era	376.21	Third-degree residential land
Following subsidy will be given to the APs with house demolition:				
Other compensation	movement fee	CNY/household	350	
	temporary transition fee (building with two or more storey)	CNY/month/household	500	Transition period starts from the moving-out day and lasts until the moving-back day. Reasonable period is 1 year, if it is more than 1 year, the compensation continues.
	award fee	CNY/household	10000	Move out within 5 days after signing the agreement.
		CNY/household	5000	Move out within 5-15 days after signing the agreement.
		CNY/household	2000	Move out within 15-20 days after signing the agreement.

**Table 2.5 Rural House Compensation Standard**

Type	Item	Unit	Standard	Remark
Residential house	House compensation			
	Brick-concrete structure	CNY/m <sup>2</sup> era	1350	
	Brick-wood structure	CNY/m <sup>2</sup> era	1350	
	Earth-wood structure	CNY/m <sup>2</sup> era	1350	
	Land compensation			
	Residential area	CNY/m <sup>2</sup> era	38	
Following subsidy will be given to the APs with house demolition:				
Other compensation	moving fee	CNY/household	350	
	temporary transition fee	CNY/m <sup>2</sup> era/month	500	Transition period starts from the moving-out day and lasts until the moving-back day. Reasonable period is 1 year, if it is more than 1 year, the compensation continues.
	award fee	CNY/household	10000	Move out within 5 days after signing the agreement.
		CNY/household	5000	Move out within 5-15 days after signing the agreement.
		CNY/household	2000	Move out within 15-20 days after signing the agreement.

**Table 2.6 Compensation Standard of Demolished Enterprises**

Type	item	unit	standard	remark
Residential houses	house compensation			
	brick-concrete structure	CNY/m <sup>2</sup> era	561.6	
	brick-wood structure	CNY/m <sup>2</sup> era	480.84	
	land compensation			

Type	item	unit	standard	remark
	reward fee for state-owned land	CNY/m <sup>2</sup> era		Rural houses taken as shops are not included.
Other compensa tion	moving fee	CNY/hou sehold	350	
	temporary transition fee	CNY /m <sup>2</sup> era/ month	500	Transition period starts from the moving-out day and lasts until the moving-back day. Reasonable period is 1 year, if it is more than 1 year, the compensation continues.
	award fee	CNY/hou sehold	10000	Move out within 5 days after signing the agreement.
		CNY/hou sehold	5000	Move out within 5-15 days after signing the agreement.
		CNY/hou sehold	2000	Move out within 15-20 days after signing the agreement.

## 2) Rights and Obligations of Affected Persons

### (1) Rights of affected objects

Get all kinds of deserved compensation in complete conformity with the above compensation rates; reflect opinion and suggestions to municipal government, sub-district offices, community land acquisition and relocation offices or project resettlement offices, district progressively, specific contents of which including base number of compensation quantity, compensation rate, time of compensation payment, site selection for house reconstruction, etc. various resettlement offices must reply to complaints of affected people and problems subordinate resettlement office reflects within 7 days.

Generally there are five channels for grievance redress in Hami City: (i) village committee/ community, (ii) the township/CRC (iii) Hami Labs and Resettlement Offices (iv) the Hami PMO/ government or (v) by taking legal action.

### (2) Obligation of affected persons

1. Actively cooperate with implement of state project.



2. New buildings shall not be constructed within the scope of the resettlement survey; otherwise the compensation fund will be canceled.
3. Demolish buildings within the red-line /blue-line (outer limits of road width or river width respectively) scope of project planning.

### **3) Assistance to Vulnerable Households**

Vulnerable households would get non-cash assistance as listed below:

1. Labor assistance. CRC/Village would provide labor assistance in house relocation and reconstruction for those households lack of labor
2. Give them priority in site selection for house reconstruction in the rural area, and provide guidance on relocation
3. Give them priority in preferential policies.

## **Appendix 3 TOR for External Monitoring and Evaluation**

### **1. Objectives**

The objectives of the external M&E are:

According to ADB's Resettlement Handbook and ADB's Social Analysis Guideline, an independent monitoring and assessment will be made on the resettlement to analyze and compare the change of living level of APs by checking and tracking the progress and fund and management relative to resettlement.

The report that is provided to the ADB, the EA and concerned departments will provide sufficient information and suggestions for reference to the concerned departments to keep them informed on the progress and status of resettlement, so as to assure them that the problems and the proposed solutions for improvements are identified.

### **2. Tasks for Monitoring and Evaluation**

Tasks for M&E are shown below.

Progress of land acquisition and demolition includes:

- Progress of land acquisition;
- Progress of temporary land occupation;
- Affected progress of the project.
- Progress of house demolition and resettlement includes:
- Progress of house demolition and status of compensation;
- Progress of house construction for resettles;
- Progress of removal.
- Progress of funds availability and payment includes:
- Payment of fund allocation;
- Expenditure (budget and factual expenditure).

Monitoring and assessment on living level of AP includes:

- Living level of AP prior resettlement;
- Living level of AP after resettlement;
- Employment of AP prior and after resettlement.

Monitoring on availability of compensation, rehabilitation and reconstruction of public facilities and progress of construction;

AP's participation in the processes of preparation of RP, land acquisition and resettlement and income rehabilitation; Monitoring on the mechanisms and efficiency of grievance procedures; Collection of monitoring data and establishment of a data file; Comparison analysis; Report submission.

### **3. Technical Procedures**

Prepare RP working outline; prepare questions and tables for investigation; prepare the scheme of random sampling; base investigation; set up information management system; supervise survey; establish data files; compare analysis and make assessment; prepare monitoring report; check the completion of monitoring; draw conclusion.

### **4. Independent Monitoring Agency**

An independent monitoring agency will be engaged to take the responsibility of monitoring on the resettlement of the project by PMO or separately by IAs.

The PMO will provide assistance to the external monitoring and evaluation agency, particularly in the aspects of field survey, staffing and logistics.

### **5. Monitoring and Evaluation Methods**

A combined method of field survey, analysis and comprehensive assessment will be undertaken;

An overall and site survey of progress, funds, institution and management and a random sampling survey.

Sampling according to classification. Tracking the samples at 10% of house-demolished households and 10% of households who loss land.

Overall survey including table investigation, meetings, and file review.

Collection of photos, tape records, video records, physical substance except for written documents.

**6. Schedule of Monitoring and Assessment**

	Resettlement report	Date
1	The first stage monitoring report(included baseline survey)	2012.12
2	The second stage monitoring report	2014.1
3	The third stage monitoring report	2014.6
4	The fourth stage evaluation report	2015.1
5	The fifth stage evaluation report	2015.6
6	The final report	2015.12

#### Appendix 4 Summary of Public Participation Conference

Focus Groups Discussion I	
<b>Time</b>	2008-1-21
<b>Place</b>	The Meeting Room in Hami Construction Bureau
<b>Participants</b>	Hami PMO, Hami Land Resources Bureau, Hami Municipal Plan Bureau, the Representative of APs, staff of LDI
<b>Main contents of the conference</b>	<ul style="list-style-type: none"> <li>➤ The Hami PMO introduced basic information of the project including road location, and which roads will be upgraded etc. They asked the residential representatives to identify if they can benefit from the road improvement, is it necessary to rebuild these roads, and do they have more suggestions about the road improvement.</li> <li>➤ Hami Municipal Plan Bureau explained the situation of the road, and answers the questions of residents of representatives.</li> <li>➤ Discuss the immigration measures of potential impact of resettlement.</li> <li>➤ The mainly problem on this project in the view of the representatives is the demolition of Dashizi Mosque because the construction of Rinmin Road. Most of the representatives can't accept this issue directly at that moment. They ask for more consultation about this issue.</li> <li>➤ After this meeting, the PMO organized more than 5 meetings with the representatives of Mosque, Muslim people, Ethnic Religious Affairs Bureau and Islam Religious Institution. At the end, they agreed with the representatives' opinions and changed the design which avoids the demolition of Mosque.</li> </ul>
Focus Groups Discussion II	
<b>Time</b>	2008-2-27
<b>Place</b>	The Meeting Room in Xihe Sub-District Office
<b>Participants</b>	Hami PMO, Hami Land Resources Bureau, Xihe Sub-district office, PPTA team, the Representative of APs and staff of LDI.

<p><b>Main contents of the conference</b></p>	<p>The main purpose of the conference is to make the people who are affected or benefited by the construction of Renmin Road know the necessity and the content of the construction, to tell them the effect from the project construction and to ask broad comments from the public through the communication and discussion. The main contents are as follows:</p> <ul style="list-style-type: none"> <li>➤ Local advisor illustrated the importance of the resettlement plan of ADB loan project and analyzed its differences from that of domestic resettlement plan,</li> <li>➤ Hami land resource bureau presented the way of resettlement compensation in detail, and suggested the cash compensation resettlement through the discussion;</li> <li>➤ Gave the instructional suggestion of rebuilding or compensation once only for compensation of demolition and acquisition,</li> <li>➤ Land resource bureau introduced compensation rate of land, the time and procedure of examination and approval of land, and discussed the problem of land policy with local advisor in detail.</li> <li>➤ Group discussion was conducted dealing with the following aspects: ① Compensation standard; ② forms of compensation, the plan of skill training and the details of resettlement housing; ③the project scope.</li> <li>➤ The Hami PMO introduced the status of resettlement community including location, scope and infrastructure of the community, construction process of resettlement housing, etc. They definitely pointed out that the compensation will be done according to the relevant laws and regulations of the State. The forms of compensation will be based on the consultation results with the affected people and</li> </ul>
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	<p>the compensation will reach the affected households. The compensation standard, forms and coverage will be further made known to the public.</p> <p>➤ The designers of the Institute gave answers to the above questions in accordance to the Resettlement Plan.</p>
<b>Focus Groups Discussion III</b>	
<b>Time</b>	2008-2-28
<b>Place</b>	The meeting room in Dayingmen village committee
<b>Participants</b>	Hami PMO, Hami Land Resources Bureau, Xihe Sub-district office, PPTA team, the Representative of APs and staff of LDI
<b>Main contents of the conference</b>	<p>The main contents of the meeting is to discuss recovery plan on the affected village level, the main views are as follows:</p> <p>➤ As for housing demolition, APs think that property exchange and cash compensation are both available.</p> <p>➤ Some APs have significant concern in living in a house with courtyard after demolition because they can build trees, feed sheep and dancing with relatives in the courtyard. But in winter time, they'd like to live in a building with central heating system which they didn't have in the village before. The PMO explained that the villagers who loss part of their land can build house in the planned homestead or buy a new single-storey house with central heating system in resettlement community. If they want to live in building, they can asset for asset the resettlement housing in resettlement community.</p> <p>➤ Employment training should be pertinent. Young people need not basic</p>

	<p>technology training but the skills adapting times like computer; elderly people can be provided agriculture modernization training or special position training.</p> <p>➤ Enterprises should provide five insurances to dispel the worries of APs.</p>
<b>Focus Groups Discussion of Vulnerable Groups</b>	
<b>Time</b>	2008-2-29
<b>Place</b>	At the home of affected vulnerable group
<b>Participants</b>	Hami PMO,PPTA team, the Representative of APs and staff of LDI
<b>Main contents of the conference</b>	<p>The main purpose of the interview is to get the affected household's view to the resettlement and their opinions about the project. The main contents are as follows:</p> <p>➤ As the project is to improve the living conditions of residents of the projects that can bring more convenient transportation to facilitate travel, the participants support the implementation of the project;</p> <p>➤ Resettlement will: reasonable compensation should be given by government and also help them in resettlement.</p> <p>➤ They hope family members can get temporary job thought the construction period and be employed after the project.</p> <p>➤ Justice and reasonable compensation should be given by government and also help them in living restoration .</p>



## Appendix 5 Impacts of House Demolition

NO.	Community / village	head of the household	Demolished house area(m <sup>2</sup> )				Demolished House Store area(m <sup>2</sup> )			Extent of Demolition
			brick-concrete	Brick-wood	earth-wood	Basement	brick-concrete	Brick-wood	earth-wood	
1	Da Yingmen Village	Abudu • Abulaizi	587.4							100%
2	Da Yingmen Village	Abudukermu • Kelimu			79.4					100%
3	Da Yingmen Village	Abudureheman • Shabier			488					100%
4	Da Yingmen Village	Aqwahan • Shali			446.63					100%
5	Da Yingmen Village	Abudureyimu • Keremu		86.91						100%
6	Da Yingmen Village	Ayixiamu • Niyazi		297.93						100%
7	Da Yingmen Village	Amidanmu • Abulimiti			381.52				88.46	100%
8	Da Yingmen Village	Abula • Erxiding	174.77							100%
9	Da Yingmen Village	Abulimiti • Tuohuti	73.16					26		100%
10	Da Yingmen Village	Alimu • Tayier		79.72				60.11		100%
11	Da Yingmen Village	Cui Xiuying			112.13					100%
12	Da Yingmen Village	Dawuti • Aizezi		200				100		100%
13	Da Yingmen Village	Dilixiati • Keranm		102		17				100%
14	Da Yingmen Village	Hader • Abulizi			150					100%
15	Da Yingmen Village	Kemali • Keranm		85						100%
16	Da Yingmen Village	Maimaiti • Aili		590.2						100%
17	Da Yingmen Village	Patam • maimaiti			59				37.15	100%

18	Da Yingmen Village	Xianmixihan • Balati	198.16					321.99		100%
19	Da Yingmen Village	Yang Xingcheng		262						100%
20	Da Yingmen Village	Yibulayin • Shali		678.73				40		100%
21	Da Yingmen Village	Yimair • Yahefu		124				63.2		100%
22	Da Yingmen Village	Yimiti • Tayi							143.5	100%
23	Da Yingmen Village	Yiming • Awamusitim			113.21					100%
24	Da Yingmen Village	Yunusi • Tuohuti		476.12				162.22		100%
25	Da Yingmen Village	Rebiyanmu • Dawuti		157.7				77		100%
26	Da Yingmen Village	Reweiguli • Aili		136.4				42.2		100%
27	Da Yingmen Village	Reshamu • Supi	446.61							100%
28	Da Yingmen Village	Mamuti • Wusiman	106.28		376.38				77.03	100%
29	Da Yingmen Village	Maren			156					100%
30	Da Yingmen Village	Yishake • Zunong			113.33					100%
31	Da Yingmen Village	Sharemu • Yunusi		435		53		85		100%
32	Da Yingmen Village	Sikandan • Abulimiti								100%
33	Da Yingmen Village	Tajihan • Niyazi			59.49				32	100%
34	Da Yingmen Village	Tuerxun • Shabimu			291.69					100%
35	Da Yingmen Village	Erxiding • Taji		581.19				53.02		100%
36	South zhongshan road Community	Gou Shuhua			41.5					100%
37	South zhongshan road Community	Gou Shurong			46.7					100%
38	South zhongshan road Community	Hu Quanshou			58.19					100%

39	South zhongshan road Community	Kerem • Shadike			75.7					100%
40	South zhongshan road Community	La Jianguo		484.5		20				100%
41	South zhongshan road Community	La Jianxia		172.5		13.34				100%
42	South zhongshan road Community	Ma Shiyang			554.7	12.6				100%
43	South zhongshan road Community	Ma Jianxin		350.62						100%
44	South zhongshan road Community	Liu Yuhe		671		28				100%
45	South zhongshan road Community	Liu Zhijing			111.38					100%
46	South zhongshan road Community	Ma Shibin			242.45					100%
47	South zhongshan road Community	Mi Guicang		136.09					38.28	100%
48	South zhongshan road Community	Mi Jianxin			73.5				15.3	100%
49	South zhongshan road Community	Qi Jianyi	1125.9			20				100%
50	South zhongshan road Community	Yuan Bingwu			73.84					100%
51	South zhongshan road Community	Ruan Guangrong	80							100%
52	South zhongshan road Community	Sun Bin			44.09					100%
53	South zhongshan road Community	Sun Fuzhong			101.96					100%
54	South zhongshan road Community	Tayi • Shadike			173					100%
55	South zhongshan road Community	Tian Zhongshi	474.13							100%
56	South zhongshan road Community	Turdi • Yahefu		111		28				100%
57	South zhongshan road Community	Turxun • Yiming			351.2				47.23	100%
58	South zhongshan road Community	Wang Shisong			86.51					100%
59	South zhongshan road Community	Wang Wanlin	90							100%

60	South zhongshan road Community	Wang Yuying			95.37					100%
61	South zhongshan road Community	Wulam • Wufu		228.55						100%
62	South zhongshan road Community	Wu Chengxiang			160				46.7	100%
63	South zhongshan road Community	Wu Dayue			148.04				110.29	100%
64	South zhongshan road Community	Yuan Bingwu			73.84					100%
65	North zhongshan road Community	Ma Yanjun			45				60	100%
66	North zhongshan road Community	Hai Zhongqing			67				26	100%
67	North zhongshan road Community	Hai Zhongshan			97					100%
68	North zhongshan road Community	Hai Zhongshi							31	100%
69	North zhongshan road Community	Hai Zhongxiu							31	100%
70	North zhongshan road Community	Hai Zhongyu							31	100%
71	North zhongshan road Community	Liu Shengwen			82.35				259.8	100%
72	North zhongshan road Community	Liu Guiying			77.33				56.35	100%
73	North zhongshan road Community	Liu Jixuan			115				30.15	100%
74	North zhongshan road Community	Liu Zhixin			86.51					100%
75	North zhongshan road Community	Liu Zhizhong							30.15	100%
76	Binhe Road Community	Ma Jinmei			110.85					100%
77	Binhe Road Community	Ma Likuan		383						100%
78	Binhe Road Community	Huang Jingui			150				25	100%
79	Binhe Road Community	Huang Jintang			140				21.39	100%
80	Binhe Road Community	Kelimu • Shadike							96	100%

81	Binhe Road Community	Zhao Guoqing			52.39				32.94	100%
82	Binhe Road Community	Shan Xueyi			190.58					100%
83	Binhe Road Community	Fan Guilan			82.18					100%
84	Binhe Road Community	Ma Shunbing	824.38							100%
85	Binhe Road Community	Ma Xiaohong	286							100%
86	Binhe Road Community	Ma Xiuzhen			226.34					100%
87	Binhe Road Community	Ma Zhijun	580							100%
88	Binhe Road Community	Shao Yongsheng	14.8							100%
89	Xicaiyuan Village	Du Jiaoe		365.54						100%
90	Xicaiyuan Village	Fan Genfu			284					100%
91	Xicaiyuan Village	Fan Xiaohua			191.67					100%
92	Xicaiyuan Village	Zheng Yumei		231.5						100%
93	Xicaiyuan Village	Gao Wenrong			284.06					100%
94	Xicaiyuan Village	He Xiulan	95.84							100%
95	Xicaiyuan Village	Wang Xiaoquan			218.75					100%
96	Beicaiyuan Village	Su Defa			110.35					100%
97	Beicaiyuan Village	Su Decai			81.26					100%
98	Beicaiyuan Village	Su Dexin			190					100%
99	Beicaiyuan Village	Su Haijun			190					100%
100	Beicaiyuan Village	Su Haizhong			133.62					100%
101	Beicaiyuan Village	Zhang Juhua			57.25					100%

102	Beicaiyuan Village	Wang Yanjiong			11.9					100%
103	Beicaiyuan Village	Zhang Yanqing	432.5			20				100%
104	Beicaiyuan Village	Li Jinsheng		169.95						100%
105	Beicaiyuan Village	Gao Jianying		222.2				104		100%

# **Social Due Diligence Report for Hami Urban Transposition and Environment Improvement Project**

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**Report NO.1**

**NATIONAL RESEARCH CENTER FOR RESETTLEMENT, HOHAI  
UNIVERSITY  
August 2012**

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# 1 Project Overview

## 1.1 Project Instruction

Since some of the architectures of Dashizi Mosque were included in the red line of Renmin Road extend project, the mosque was demolish and reconstructed entirely in accordance with reconstruction plan.

The Dashizi is located in Hami Jiefang West Road. The Mosque was built in Guangxu 22 Year (1896), funded by Aibashanyi and other people. Muslims raised fund again to repair the buildings in 1987. The style of the main architecture belongs to Muslim. Dashizi Mosque is covered in the reconstruction work of urban planning. The construction of Mosque was completed in September 2010. Now it is charged by Dashizi Mosque Committee.

## 1.2 Social Due Diligence Report

The compilation of the social due diligence report for this project is undertaken by National Research Center for Resettlement (NRCR) of Hohai University. The research team from Hohai University visited Hami Ethnic Affair Committee, Xihe region street office, construction bureau, land resource management bureau, Dashizi Mosque management committee; gathered relevant documents about land acquisition, house demolition, compensation and resettlement agreement; visited the newly constructed Mosque; and interviewed some Muslim. The main context of this social due diligence report includes: realization of the practical situation of Dashizi Mosque; reviews of the demolition and reconstruction process; awareness of the public participation and complains; assessment of the reconstruction performance; and the conclusion.

## **2 Review of Demolishment and Reconstruction Process**

### **2.1 The influencing quantity of LA and HD**

The Muslim made donation to build the mosque in 1987. The temple gates is dome roof with patterns of meniscus on that; both sides of the gate are pointed arch chevron. There are 4 commercial shops on the two sides of the gate. There are another two steeples next to the shops. Walking into the gate, there is two-floor worship temple. The demolishing area is 2530 m<sup>2</sup>, including 2470 m<sup>2</sup> of residential building, 160 m<sup>2</sup> commercial building. The building are earth and wood structure with property ownerships. The spare area is 1580 m<sup>2</sup>.

### **2.2 The process of LA and HD**

Hami construction bureau published the announcement of reconstruction project between April 17<sup>th</sup> and May 17<sup>th</sup>, 2008. The Dashizi Mosque is subordinated to the scope of Hami city reconstruction project in 2009. Hami construction bureau signed the house demolition agreement with Dashizi Mosque on April 1<sup>st</sup>, 2009. The new Mosque was formally put into use in October, 2010.

### **2.3 The compensation of LA and HD**

Monetary compensation has been adopted in the project. The compensation fee is 3,992,333 Yuan, including 3,334,500 Yuan compensation for houses and 657,833 Yuan for attachments. Hami construction bureau paid the one-off compensation fee before the demolition of Mosque. The government paid 6.5 million Yuan on reconstruction.

The commercial residences (132 m<sup>2</sup>) adopted "asset for asset". The compensation assets include 2 sets of apartments (75 m<sup>2</sup>) for each, and 160 m<sup>2</sup> of shops. They can be obtained by the APs by the end of 2012. The local

government rent a commercial storeroom that is opposite the mosque as the temporary religious activity places. The transition period is 18 months from April 1<sup>st</sup>, 2009 to October 1<sup>st</sup>, 2010.

## **2.4 The effect of the reconstruction resettlement**

The new Mosque is designed by a Uyghur professor in Xijiang University. The new mosque is capacious and bright with sufficient facilitates, with gain the ratification of abbot and believers. The new Mosque has three floors, and the first and second floors are used for worship. The area of the prayer room has been doubled to 1600 m<sup>2</sup> with capable of 1000 people. At the same time, Hami construction bureau has built a two-floor building next to the Mosque, including office, living room, bath room, toilet, and mortuary. There are 26 beds in the mosque for visitors for 20 Yuan per night, which can bring income for the Mosque.

**Interview**

**Time:** July 6<sup>th</sup>, 2012

**Location:** Dashizi Mosque, Hami

**Interviewee:** Resitanmu

**Ask: Can you introduce yourself and your position in the Mosque?**

**Answer:** my name is Resitanmu, Uyghur, born in Hami. I graduated from Xinjiang uygur autonomous region islamic theology school in 1995, and I was assigned to work in Dashizi Mosque after graduation. Since the previous Imam was old, I became the new Imam by election in Hami Islamic association in 2009.

**Ask: Can you explain some situation of Mosque management committee for us?**

**Answer:** there are five members in the Mosque management committee. I am the Imam, also called Big Iraq and Jose, who in charge of the organization of Jumah, Eid-ul-Fitr, and Corban festival; the 70-year-old previous Imam helps with the management, and participates in the important decisions for the Mosque; Mahamuti, 35-year-old Vice Iraq and Jose, graduated from islamic theology school in 2008. He is currently my assistant; Yu Supu and Ayafu are normal members who are in charge of managing restaurant, dormitory, the cold storage, the wash room, and toilets.

**Ask: Can you talk about the situation of original Mosque?**

**Answer:** The Muslim made donation to build the mosque in 1987. The temple gates is dome roof with patterns of meniscus on that; both sides of the gate are pointed arch chevron. There are 4 commercial shops on the two sides of the gate. There are another two steeples next to the shops. Walking into the gate, there is two-floor worship temple. The old prayer room was cramped for long years out of repair. The facilitates were old that cause difficulties for worship.

**Ask: How about the Mosque demolition and resettlement?**

**Answer:** Hami construction bureau public the announcement of reconstruction project between April 17th and May 17th, 2008. The Dashizi Mosque is subordinated to the scope of Hami city reconstruction project in 2009. Hami construction bureau signed the house demolition agreement with Dashizi Mosque on April 1st, 2009. The new Mosque was formally put into use in October, 2010. Monetary compensation has been adopted in the project. The compensation fee is 3,992,333 Yuan. Hami construction bureau paid the one-off compensation fee before the demolition of Mosque. The government paid 6.5 million Yuan on reconstruction. The commercial residences (132 m<sup>2</sup>) adopted "asset for asset". The compensation assets include 2 sets of apartments (75 m<sup>2</sup>) for each, and 160 m<sup>2</sup> of shops. They can be obtained by the APs by the end of 2012. The local government rent a commercial storeroom that is opposite the mosque as the temporary religious activity places. The transition period is 18 months from April 1st, 2009 to October 1st, 2010.

**Ask: Can you describe the situation of new Mosque?**

**Answer:** The new Mosque is designed by a Uyghur professor in Xijiang University. The new mosque is capacious and bright with sufficient facilities, with gain the ratification of abbot and believers. The new Mosque has three floors, and the first and second floors are used for worship. The area of the prayer room has been doubled to 1600 m<sup>2</sup> with capable of 1000 people. At the same time, Hami construction bureau has built a two-floor building next to the Mosque, including office, living room, bath room, toilet, and mortuary. There are 26 beds in the mosque for visitors for 20 Yuan per night, which can bring income for the Mosque. Now the new Mosque is the biggest Mosque in Hami city.

**Ask: What are the attitudes of Muslim toward the new Mosque?**

**Answer:** The original Mosque is earth-wood structure, and it was extreme old after 20 years of using. The Muslim reflected the situation to management committee for many times, requiring to build a new Mosque. Therefore, the Muslim are grateful for that Hami government rise the fund for Mosque reconstruction. The design of the Mosque also consulted the opinion of Muslim after visiting the Mosques in Urumchi and Yining. Ten meetings were held for discussing the demolition and reconstruction of the Mosque. The Mosque management committee and Muslim agree with the reconstruction, and are satisfied with the new Mosque all round.

### 3 Public Participation

The implementation agencies conducted sound consultation with Mosque management committee and Muslims by holding more than one meeting, by listening the opinions and suggestions of community groups, government departments, community residents and Muslims.

(1) Inviting Muslim representatives to take part in the resettlement work.

Regarding to the implementation process of detail survey for land acquisition and house demolition, formulation of compensation standard, negotiation of house demolition compensation agreement, as well as the allocation and utilization of compensation, the Muslims were invited to participate in the process to make sure the resettlement work to be just, fair, reasonable and transparent.

(2) Holding negotiation meeting

Before land acquisition and Mosque relocation, focus groups discussions with Muslim representatives were held to investigate their special issues. Their opinions and suggestions were carefully listened, recorded and considered in the implementation.

(3) Holding public meeting

Before the implementation of land acquisition and mosque relocation plan, the implementation agencies explained the relevant policies, laws, regulations, compensation standards, resettlement plans to the mass public; they also listen carefully to the opinions and suggestion of the public.

(4) Organizing Muslims to visit other Mosque

In the process of the Mosque planning and building design, Hami construction bureau organized some Muslim and committee members to visit the Mosques of Uruemqi and Yining to allow them participate in the project design.

(5) Using media tools to report land acquisition and relocation policies

Hami construction bureau used radio, television, newspaper, Internet and other media tools to advertise land acquisition and relocation policies in the implementation process to inform the APs, especially the Muslim.

(6) Publishing land acquisition and relocation announcement

The main content of the announcement: the project survey, land acquisition and relocation scope, resettlement policy, and schedule, etc.

The research team visited Hami construction bureau, original staffs of demolition office, Xihe street offices, the imam of DaShiZi mosque, and some Muslims. Through the field visit, the team realized the acquisition and relocation policies, influence quantity, compensation standards and resettlement measures by conducting interviews and questionnaires. The team also organized focus group discussions with some Muslims to find out the public participation in the process of Mosque demolition, asking for their opinions and suggestions. It has been shown in the investigation result that Mosque managers and Muslims well participated in the Mosque reconstruction; their opinions and suggestions are adopted and they are satisfied with resettlement and compensation. 100% of the interviewees agreed with the Mosque reconstruction. They think the new Mosque has reasonable design, beautiful appearance, complete facilities, convenient for worship, accommodation, and festival celebration, has new source of income, and is convenient for routine maintenance and management.

### **Public participation I**

**Time:** March 18th, 2008

**Location:** meeting room of Dashizi Mosque

**Participants:**

Wang Xinmin (male) chief engineer of construction bureau; Lou Xinhua (female) project department engineer of construction bureau, Wang Lingyan (female) engineer of planning and design bureau; Mihere (female) engineer of city planning bureau; Alimu (male) Muslim; Keremu (male) general director of the Ethnic Affairs Committees; Aibibureyimamu (male) Muslim; Aider.Amaiti (male) Mosque Iraq and Jose; Yumusishamaiti (male) muslim; Kadieryunusi (male) Imam; Awahanshali (female) Muslim; Aexiding (male) Muslim; Tajiding. Aji (male) Muslim; Kasimu.Aji (male) Muslim

**Meeting topic:**

Opinions about the demolition of Dashizi Mosque

**Conclusion:**

Iraq and Jose, Imam and Muslims agreed with Mosque demolition

**Implantation:**

The new Mosque will move north compared with the original location according to informant's opinion



### **Public participation II**

**Time:** March 21st, 2008

**Location:** meeting room of Dashizi Mosque

**Participants:**

Wang Xinmin (male) chief engineer of construction bureau; Lou Xinhua (female) project department engineer of construction bureau, Wang Lingyan (female) engineer of planning and design bureau; Mihere (female) engineer of city planning bureau; Tuerdi.Niyazi (male) Muslim; Abudureyimu (male) general director of the Ethnic Affairs Committees; Kelimu.Mohemaiti (male) Muslim; Aider.Ali (male) Mosque Iraq and Jose; Mamuti.Wusiman (male) muslim; Zaoerhan.yusupu (female) Muslim; Awahanshali (female) Muslim; Niyazi. Ali (male) Muslim; Yasen (male) staff of the Ethnic Affairs Committees; Ma Lianggui (male) Muslim

**Meeting topic:**

Opinions about the plan and building schedule of Dashizi Mosque

**Conclusion:**

- (1) Asking for bigger area of construction with more facilities;
- (2) Asking for three-floor building, and adding a basement;
- (3) Asking for façade rooms to pay for the water, electricity and heating cost.

**Implantation:**

With the permission of Hami government leaders, construction bureau and the Ethnic Affairs Committees organized the representatives of Muslims to voice their opinions. It was shown that they actively supported to the planning and building schedules of new Mosque construction.

### **Public participation III**

**Time:** March 24th, 2008

**Location:** zhongshan South Road community committee, Xihe district

**Participants:**

## 4 Grievance and Appeal

If there is dispute in the reconstruction process, the Muslims can appeal their grievance to relevant institutions.

The grievance and appeal channel can be seen as follows:

- Way 1: If Muslims have doubt about land acquisition and house demolition, they can appeal their grievance to Hami construction bureau, Xihe district streets, community related working staff. The panel organized by these departments will answer the doubt face to face, and consult solution to affected people;
- Way 2: Muslims can directly appeal their grievance to the government special complaint institution or national religious committee.
- Way 3: According to the "Administrative procedure law of the People's Republic of China", Muslims can appeal their grievance to administrative organ that have jurisdiction step by step, seeking for the arbitration. If they are not satisfied with the arbitration decision, they can sue to civil court after receiving the decision according to the civil procedure law.

Muslims can appeal their grievance targeting any aspects of resettlement work, including compensation standards. Muslims should be informed to fully understand they have the right to appeal by meetings or other kind of promotions. At the same time, media tools should be used to strengthen publicity report. Opinions from Muslims should be gathered and sorted, then sent to each level of institutions. The grievance appeal is free for the Muslims.

According to the conversation of project leaders, there is no complaint and grievance appeal in the process of land acquisition and house demolition of Dashizi Mosque project. The Mosque management committee and Muslims are satisfied with the new Mosque. The effect of compensation and resettlement is good.

## 5 Conclusion

In prophase and process of Mosque demolition, the relevant departments organized different forms of public participation, including ten meetings with Imam and Muslims. The opinions of Muslims were fully respected and were carried out in the implementation of the project. In the process of planning and design, Hami construction bureau organized some Muslims visited some Mosques in Urumchi and Yining to decide the building scheme together. Generally speaking, the effect of public participation is good without any unsolved problem.

In the process of project implementation, the channel of grievance and appeal is smooth. So far, no complaint has happened. The mass of Muslims are support the Mosque construction and are satisfied with the results of new Mosque.

## 6 Annex



**Picture 6-1 Original Mosque (Built in 1987)**



**Picture 6-2 New Mosque (Built in 2010)**



**Picture 6-3 Interview with Imam**



**Picture 6-4 Worship Room**



**Picture 6-5 Corpse Ice Locker**



**Picture 6-6 Corpse Trolley**





**Picture 6-7 Dining room in the underground one**



**Picture 6-8 Kitchen and Dishes**



**Picture 6-9 Toilets**



**Picture 6-10 Water Basin**