

Resettlement Plan

July 2013

PRC: Xinjiang Urban Transport and Environmental Improvement Project

Prepared by Xinjiang Project Management Office, Turpan 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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_____（签字）


---2014-1-24---（日期）

Letter of Commitment

Project Management Office of ADB Loan Project of Turpan City has applied for a loan from the Asian Development Bank (ADB) for finance the Turpan Roads and Environmental Sanitation Component (TRESC). 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 Turpan 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 Turpan 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 Turpan City



(Signature)

2014-1-24 (Date)

ADB Financed Project

Turpan Roads and Environmental Sanitation Component

Of

Xinjiang Urban Transport and Environmental Improvement Project

Final Resettlement Plan

Xinjiang Uygur Autonomous Region Government of PRC

Project Management Office of ADB Loan Project of Turpan City

Turpan Construction Bureau

July 30, 2013

Clarifications for Turpan City Resettlement Plan

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

The city road infrastructure projects and engineering of Turpan includes: (1) the road component, involves the construction of 12 main urban roads, the total length is 21.83km; and (2) Sanitation facilities component and associate components

LA and HD in this project is mainly caused by the construction of the West Wenhua Road, Huoyanshan Road, Donghuan Road. According to the original plan, 4 roads should be constructed in old town, but now they adjusted to newly developing area, they are New Gaochang Road, New Xingfu Road, New Guangming Road and New Muna'er Road; also, the width of red line (right-of-way) in Huoyanshan Road would adjust from 27m to 30m. So the demolition and land acquisition would be increased or decreased correspondingly.

LA and HD of the project involved 2 townships, 2 district offices, 4 villages and 2 communities of Turpan City; they are Muna'er village and Bageri village in Grape Township, Gebi village in Ya'er Township, West Wenhua Road Community. 1135 people were affected by LA and HD, including 975 minorities people (accounting for 85.90%). 806.04mu state-owned land would be acquired permanently (145.11mu state-owned construction land, 660.93mu state-owned unused land) and 183.49mu collective land has been requisitioned (including 135.63 mu grape land), for which LA affected 113 households with 555 people; also, 47.49mu Village collective construction land (roads and canals), and 0.37mu village collective unused land was requisitioned. 20223.12m² of residential buildings has been demonlished, which affected 122 households with 480 people. A market has been demolished (including 71 shops and stalls), this market had been demolished 1552.22m², (including 120.13m² brick concrete structure, 1432.09m² brick-wood structure; 137 people were affected including 22 minorities). The updated resettlement plan, including project LA, HD and impact of immigration, compensation standards, livelihood recovery and resettlement budget, implement schedule have been updated, detailed updating is concluded in the main part of the report.

The land acquisition has been completed in July 2013. 113 households affected by land acquisition have got the compensation. Among 122 households affected by house demolition, 118 HHs have been completely resettled and got the compensation already, 4 HHs of them in

Yucai Road still under demolition, and the PMO is consultating with the affected people. Market demolition has been completed, and compensation has been paid. Before demolition of the old market, all the stalls for all merchants have moved to a new market on April 28, 2011; there were no business losses for merchants and stands.

Turpan City ADB Loan Project Management Office

July 30, 2013

Letter of Commitment

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Project Management Office leader of ADB Loan Project of Turpan City


_____(Signature)
_____2014-1-24_____(Date)

LIST OF ACRONYMS AND MEASURES	
TRESC	Turpan Roads and Environmental Sanitation Component
ADB	Asian Development Bank
AP	Affected Person
CNY	Chinese Yuan
VC	Village Committee
DI	Design Institute
DMS	Detailed Measurement Survey
EA	Executing Agency
EIA	Environment Impact Assessment
FB	Finance Bureau
FSR	Feasibility Study Report
Ha	Hectare
TCB	Turpan Construction Bureau
IA	Implementing Agency
LA	Land Acquisition
TLRB	Turpan Land and Resources Bureau
MSL	Minimal Security Line
M&E	Monitoring and Evaluation
MRM	Managerial Review Meeting
NGO	Non-Governmental Organizations
PMO	Project Management Office of Xinjiang

LIST OF ACRONYMS AND MEASURES	
PPTA	Project Preparatory Technical Assistance
TPMO	Project Management Office of ADB Loan Project of Turpan City
PRC	Peoples Republic of China
RIB	Resettlement Information Booklet
ROW	Right of Way
RP	Resettlement Plan
TOR	Terms of Reference
US\$	United States Dollar
WF	Women's Federation
Km ²	square kilometer
Km	Kilometer
m ³ /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 Yuan, 1 Yuan = 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, Turpan Municipal Government (CMG) the Executing Agency (EA) is utilizing an Asia Development Bank (ADB) loan to implement the Urban Roads and Municipal Services Project in the Turpan city, which is one of component in Xinjiang Urban Transport and Environmental Improvement Project.

The Turpan Project is being implemented by TLFCB as the implementing agency (IA). This project involves the construction of 21.83km of urban roads together with ancillary works including environment and sanitation facilities. Land acquisition and resettlement activities have already been implemented/completed.

The permanent land requisition for this project directly affects 2 townships, 4 villages and 2 urban communities; land acquisition (LA) and house demolition (HD) affected 227 households (HHs) and 1 market, with 1135 people, including 975 minority people. The project permanently acquired 806.04mu of state-owned land and 183.49mu of collective-owned land. The project demolished 20223.12 m² of residential houses and 1552.22 m² of non-residential houses (including 1 market with 71 shops and stalls).

The impacts from LA were minimized by close consultation with local officials and the VCs at the feasibility study report (FSR) stage, and alternative schemes involving different road routings have been compared and the optimal scheme selected. The updated Resettlement Plan (RP) is based on both the fixed project design and the detailed measurement survey (DMS). 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 (1995).

2. Policy framework and entitlement

Based on PRC land legislation and policy, the resettlement principles established for the project 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 the 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 LA will take place unless replacement land or sufficient compensation for resettlement is given to the APs; (vi) Turpan 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

The IA is responsible for the project implementation and land resettlement and housing demolition and co-ordination. The LA 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 LA and demolition office, responsible for the work concerned with demolition and resettlement and income rehabilitation activities.

4. Public Participation

Public participation was the key to the preparation of the RP from Dec. 2007 to Feb. 2008, TPMO and DI acquired information about project impacts through total investigation to people, houses, land and other facilities in affected areas. From Feb. to Mar. of 2008 with the help of technology assistance experts, TPMO and DI did complementary survey to affected families and rural economy organizations and a number of consultation meetings have been held in the project area. Participants from the People's Government of Turpan (PGT), PMO, administrative office of project townships (AOPTs), land and resource bureau (LAB), civil department, women's federation, urban spatial planning department, the APs and consultants. Project investigation has been undertaken in both two AOPTs. These meetings and investigations have generated a lot of interest in the resettlement policies and compensation entitlements.

From December 2008 to December 2012, TPMO, 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 agreements with APs.

TPMO listened to APs' opinions and solved their problems through workshops and interviews, and ensured that all APs could join the public consultation.

5. Grievance

The APs 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 the APs in the meetings held by the IA and the district LA and HD administrative office before any action of LA and HD takes place. So far, there have been no grievances filed.

6. Costs

According to the final design and subsequent investigations, the resettlement cost was estimated at CNY 57.98 million, which may be adjusted during Project implementation. The Project has ensured that sufficient funds are made available to cover all necessary resettlement issues.

7. Schedule

The project resettlement began in Jan. 2009 and was completed in July 2013. Civil works will not begin before compensation for the APs are paid in full, which is in accordance with the promulgated State Council Decree No. 31 [2006].

8. Monitoring and Report

Internal and external monitoring and evaluation (M&E) is being conducted on the implementation of the resettlement program. IA is responsible for internal monitoring and preparing regular reports to the ADB covering the progress of the resettlement, discussing key issues about compliance with the RP and compensation policies. The PMO had engaged the Hehai University as an independent agency to conduct external M&E and prepare assessment on resettlement progress, including compensation disbursement and other measures to ensure that the APs maintain standard of living and their life or livelihood would not be adversely affected because of the Project.

I INTRODUCTION AND PROJECT DESCRIPTION

1.1 Project Background

1. Turpan Roads and Environmental Sanitation Project (TRESP) 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 Turpan component and issued the approval in Dec. 17, 2007 (XDRF [2007] No.1718).

3. The Turpan project provides good opportunities for the comprehensive development of Xinjiang infrastructure. It is significant for the infrastructure development, environment improvement and social economy promotion.

4. Turpan City, as a key area of connecting Northern Xinjiang and Southern Xinjiang, is in the east of Xinjiang Uygur Autonomous Region. An attached line of Lanzhou-Xinjiang Railway is connected with Nanjiang Railway in Daheyan Town and National Highway 312, which connects West of China with East of China, and National Highway 314, which connects South of Xinjiang, both transect this city.

5. Turpan City was a very important center on the Silk Road connecting Central Asia with the Eastern China. It has many famous tourism spots, such as Jiaohe Old Town, which is applying to United Nations Educational, Scientific and Cultural Organization (UNESCO) for World Cultural Heritage. In addition to such architecture with its distinctive Uygur features, Turpan is a quintessential Uygur city that still retains much of its past heritage.

6. Turpan City has many tourism resources. For natural tourist spots, it has snow covered mountains in the winter with ice peaks, Gobi with green belts, Huoyan Mountain, Aiding Lake, Grape Valley, and Ke'erjing, etc.; for cultural tourist spots, it has thousand-Buddha caves, rock-cut building with mural art, ancient burial sites, temples with old pagodas and beacon towers, which are all full of ethnic features. Generally, it has 90 various ancient cultural tourism spots, including 6 of national key culture relic protection units (that are Jiaohe Old Town, Gaochang Old Town, Bozikelike Thousand-Buddha Caves, Sugong Tower, Asitana Old Burial, Taizang Tower), 27 ones of regional key culture relic protection units and 65 ones of municipal key culture relic

protection units. Especially, Grape Valley is an AAAA-Graded tourism site and Ke'erjing-Grape Valley-Huoyan Mountain is named as Regional Tourism Area. In 1999, this city was nominated as China's Top Tourism Destination City, and then in 2004, this city was nominated as Historic and Cultural City of Xinjiang. The number of tourists in 2003, 2004 and 2005 was respectively 1.9 million, 2.2 million, 2.4 million with a relevant increasing rate is 16% and 9.09% and the tourism revenue of the three years was respectively CNY 0.4 billion, CNY 0.44 billion and CNY 0.48 billion.

7. All of those show that this city is developing well and is a powerful magnet for attracting economic investments, especially those related to the development of tourism. Nevertheless, city roads cannot keep abreast with socioeconomic development and this is an inhibiting factor for the further development of Turpan. The development of city infrastructure depends on the improvement of city roads. This Project can effectively improve road conditions within Turpan that will meet the needs of not just tourists but of equal importance local people.

8. Xinjiang is facing a golden opportunity of development, as Western Development Strategy is further being implemented; Central Government is according greater priorities to Xinjiang aided by the increasing integration of the regional economy into both the national and global economy. The Project provides a good opportunity for the comprehensive development of Xinjiang's Infrastructure. It will be significant for the infrastructure development, environment improvement and social economy promotion. Turpan City is determined to leverage this opportunity to enlarge its municipal infrastructure construction, stimulate socioeconomic development and improve environmental conditions to render Turpan a more livable city than it is at present.

9. Turpan Roads and Environmental Sanitation Project (TRESP) is beneficial for the following reasons:

- 1 Promoting the integrative development of Turpan economy;
- 2 Driving the development of Shanshan County and Tuokexun County;
- 3 Implementing the important strategy of "Stabilize Xinjiang and Flourish Xinjiang, Enrich People and Reinforce Frontier" and "the Eleventh Five Year Development Plan" of Turpan City;
- 4 Accelerating the economic development of Turpan City;
- 5 Improving the urban living environment and living standard, ensuring citizen's transportation safety;
- 6 Strengthen economic cooperation with the countries of Middle Asia and effectively promote the economic development of South of Xinjiang and;

- 7 Improve urban transport conditions of Turpan City so as to accelerate its socioeconomic further development and improve living standard of local people.

1.2 Brief Introduction

1.2.1 Project Sub-Components

TRESP includes: (1) Roads: Construct and upgrade 12 municipal roads, with a total length of 21.83 km, including 11 trunk roads and 1 branch road (the planned road dimensions are shown in Table I-1); and (2) Environmental sanitation: Construct 10 public toilets and 9 garbage collection stations; install 502 dustbins and 130 garbage containers; and purchase 5 garbage compaction trucks, 4 street cleaning trucks and 2 sprinkling vehicles.



Figure I- 1 Original Conditions of Donghuan Road

Table I- 1 Summary of Newly-built Urban Road

No.	Road	Road Grade	Width of Red Line(m)	Length(m)
1	Lvzhou Road	Trunk Road	30	978.9
2	Huoyanshan Road	Trunk Road	30	3842.56
3	Sichou Road	Trunk Road	30	3842.56
4	Chanyeyuan Road	Trunk Road	30	853.89
5	New GaochangRoad	Trunk Road	30	2466
6	New Xingfu Road	Trunk Road	30	1844
7	New Guangming Road	Trunk Road	30	1962.14
8	New Muna'er Road	Trunk Road	30	1751

No.	Road	Road Grade	Width of Red Line(m)	Length(m)
9	New Bozikelike Road	Branch Roads	20	1145
10	Donghuan Road	Trunk Road	41	1538.95
11	West Wenhua Road	Trunk Road	39	1043.53
12	Yucai Road	Branch Roads	12	563.83
Total			352	21832.36

(2) Environmental Sanitation Equipment

10. Environmental conditions can effectively embody a city's features, reflect its historic and present conditions and demonstrate its comprehensive functions. A good environmental sanitation, as a key indicator that judges the management level of a city, shows a good harmony between human beings and nature and represents a city's comprehensive powers and cultural development conditions. Sanitation facilities reflected in its public welfare; in this project the sanitations include dustbins and street cleaning trucks. Detailed in Table I-2.

Table I- 2 Summary of Environmental Sanitation Equipment

No.	Item	Amount	Unit	remark
1	garbage container	130	each	
2	Dustbin	502	each	
3	garbage compaction truck	5	each	
4	street cleaning truck	4	each	
5	sprinkling vehicle	2	each	

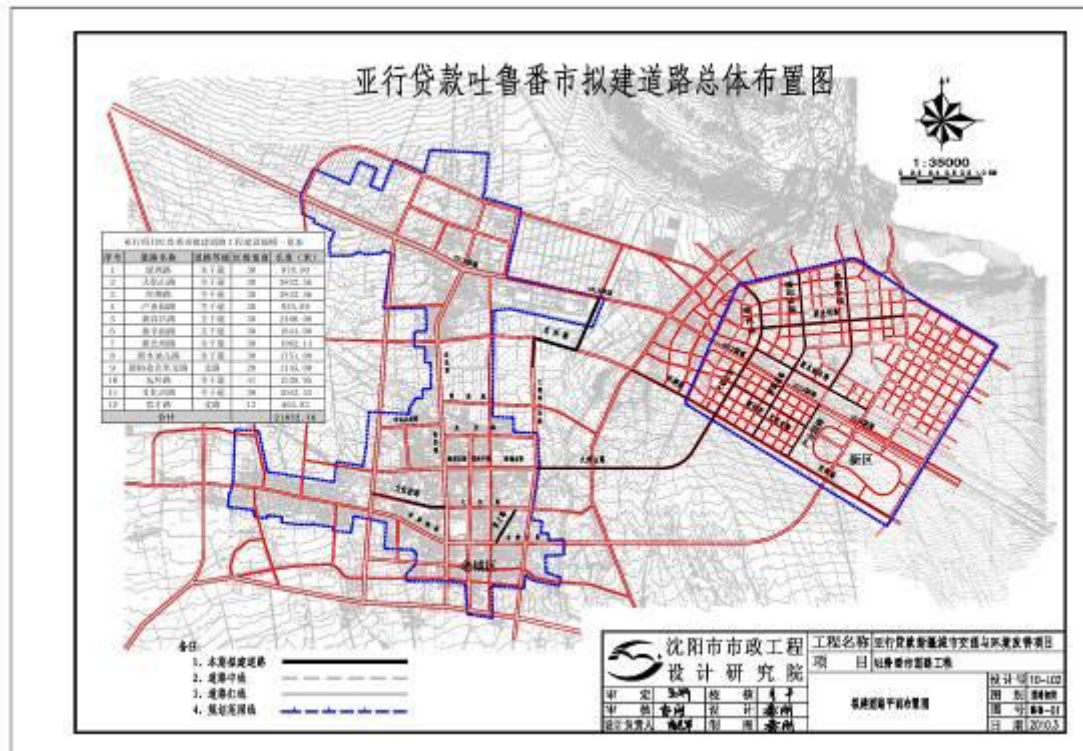


Figure I- 2 Planning Road Situation

1.2.2 Scope of LA and House Demolition, Brief Summary Impacts

11. Impacts of this project are mainly caused by trunk roads and branch roads construction. All the places that are affected by LA and project construction to the extent that the production and livelihood of the local people affected are included as affected areas of this project.

12. Based on both the fixed project design and the DMS, there were 4 villages and 2 urban communities affected in this project, respectively, they are Muna'er village, Gebi village, Bageri village, West Wenhua Road Community in Turpan City. LA and HD affected 998 people (including 953 minority people, accounting for 95.49%). Permanent land acquisition is 989.53mu, including (i) 806.04mu of state-owned land, (including 145.11mu construction land and 660.93mu unused land); and (ii) 183.49mu of LA is collective-owned land, including 135.63mu grape land with 113 households and 555 people affected, 47.49mu construction land (roads and canals) and 0.37 mu unused land. The project demolished residential buildings 20223.12m². HD affected 122 HHs with 480 people; including 8191.21m² (40.50%) rural residents houses, 12031.91m² (59.50%) urban residents houses). 1 market had been demolished (including 71 shops and stalls), the market area was 1552.22m² (including 120.13m² brick concrete structure and 1432.09m² brick-wood); the market demolition affected 137 people, including 22 minorities.

Table I- 2 Summary of Project Impacts

Item		Sub-total
CRC/Villages Affected		6
Collective-owned Land Acquisition (mu)	Sub-total	183.49
	Grape land	135.63
	Construction Land	47.49
	Unused Land	0.37
State-owned (mu)	Sub-total	806.04
	Construction Land	145.11
	Unused Land	660.93
Temporary Land Occupation (mu)	Sub-total	0
	Cultivated land	0
HD (m²)	Sub-total	21775.34
	Houses in rural area	8191.21
	Houses in urban area	12031.91
	Non-residential houses	1552.22
Persons Directly Affected	HHs only affected by LA	105
	Persons only affected by LA	518
	HHs affected by LA and HD	8
	Persons affected by LA and HD	37
	HHs only affected by HD	114
	Persons only affected by HD	443
Directly APs (HHs)		227
Directly APs		998
Shops Affected (one market will be demolished, which will affect 71 shops,)		1
Affected Persons/workers due to market relocation		137
Sum of Directly Affected Persons		1135

1.2.3 Socioeconomic Benefits of Project

13. The project mainly constructs various public infrastructures, including city roads and associated facilities¹, environmental sanitation facilities² and vegetation³. The 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.

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 bare land, and effectively reduce the impacts of noise, dust, solid waste and sewage on road surface, 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.

15. The project is anticipated to create about 200 direct construction jobs. Maintenance and operations of the project infrastructure and environmental improvements will create about 600 indirect jobs including road maintenance workers, cleaners and gardening workers which are low skill demand. In the implementation of project, TPMO will provide non-technological employment to affected women (at least 30% of technological workers). Affected female labors will be considered first in skill training to protect their economic status. The project will provide 1,500 person-times for the APs with technical training, including no less than 750 person-times for women (50%).

1.2.4 Measures to Avoid or Minimize LA and House Demolition

16. The project design has given consideration to minimizing LA and house demolition by observing the following major principles:

- Avoid or minimize the occupation of residential areas, existing or planned

¹ Associated facilities are those utilities constructed beneath or beside the road including water, waste water, and district heating and in some cases power lines.

² Environmental sanitation facilities mean public toilets, garbage storage and collection facilities, waste treatment facilities.

³ Vegetation means roadside planting, landscaping and general re-greening.

whether in rural area or in urban area;

- Avoid or minimize the occupation of high-quality arable land;
- 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.

17. The project would mainly construct the new road by following the old alignment; in this way, the project could avoid or reduce occupied the buildings. Also, the project would do its best to reduce occupied the high quality farmland. Meanwhile, the TPMP would inform affected HHs to reduce their loss, according to the construction schedule plan.

18. Through the adjusting of interim design, the construction of south Xihuan Road was cancelled which led to the area of land acquisition to decrease by 170.95 mu, with the affected farmers decreased by 46 persons, the area of house demolition decreased by 14661.92 m² and with the affected households and enterprises decreased by 17.

Table I- 3 Minimizing Resettlement Impacts

Item		Unit	Before Mitigation	After Mitigation	Difference
					Before and After Mitigation
Permanent LA	Collective-owned land	mu	367.88	183.49	-184.39
	State-owned land	mu	406.72	806.04	399.32
	Sub-total	mu	774.6	783.1	214.93
Temporary land occupation		mu			
House Demolition	Residential (rural)	m ²	37664.25	8191.21	-29473.04
	Residential (urban)	m ²	8071.56	12031.91	12200.26
	Market	m ²	883	1552.22	669.22
	Enterprises	m ²	1236.11	0	-1236.11
	Sub-total	m ²	47854.92	21775.34	-26079.58
Permanent LA	APs	Person	508	555	47
House demolition	Rural Residents	HH	230	45	-185
	Urban Residents	HH	94	77	-17
	Market	No	1	1	0
	Enterprise	No	4	0	-4
	Sub-total	HH	329	123	-206

II Project Impact

2.1 Project Impact Identification

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

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

2.2 Methods for Project Impacts Survey

20. To identify the project impacts, according to the requirements of the ADB, TPMO 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.

21. From January 2009 to December 2012, TPMO, demolition and resettlement office, officers from communities and village, did DMS to finalize the dates of LA and HD, and the losses of the affected people, published a notice, and confirm the final quantity and the asset list of the losses, and prepare the compensation agreement

22. The survey covered LA, impacts on APs caused by LA and house demolition, house's attachments demolition, destruction or damage to scattered trees, rural facilities for living and production and special facilities, etc.

Survey on LA: The design organization identified LA 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 LA, 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 person's concerned, then such information was registered on the spot.

23. All LA impacts are caused by construction of new roads. The area within the range of project LA and all the places that are affected by the LA and project construction to the extent that the production and livelihood of the local people are affected are included in the resettlement survey. The impacts of LA and HD surveys were based on both the fixed project design and the DMS.

24. Based on both the fixed project design and the DMS, there were 4 villages and 2 urban communities affected in this project, respectively, they are Muna'er village, Gebi village, Bageri village, West Wenhua Road Community in Turpan City. LA and HD affected 998 people (including 953 minority people, accounting for 95.49%). Permanent land acquisition is 989.53mu, including (i) 806.04mu of state-owned land, (including 145.11mu construction land and 660.93mu unused land); and (ii) 183.49mu of LA is collective-owned land, including 135.63mu grape land with 113 households and 555 people affected, 47.49mu construction land (roads and canals) and 0.37 mu unused land. The project demolished residential buildings 20223.12m². HD affected 122 HHs with 480 people; including 8191.21m² (40.50%) rural residents houses, 12031.91m² (59.50%) urban residents houses). 1 market had been demolished (including 71 shops and stalls), the market area was 1552.22m² (including 120.13m² brick concrete structure and 1432.09m² brick-wood); the market demolition affected 137 people, including 22 minorities.

25. A total of 1135 persons in 227 HHs were affected by the project LA and HD. 1 market with 137 persons and 105 HHs with 518 persons were only involved in permanent collective-owned LA; 105 HHs with 518 persons were only involved in HD; 8 HHs with 37 persons were involved in both LA and HD. As for HD, there were 45 HHs with 190 persons involved in rural area and 77 HHs with 290 persons involved in urban area; 1 market demolition affected 137 persons/workers.

2.3 Land Occupation Impact

2.3.1 Permanent Collective-owned LA

26. Project permanent land acquisition involves 3 villages: Bageri Village, Muna'er Village, Gebi Village. A total area of the required land was 183.49mu, from the type of the land, including 135.63mu of grape land (accounting for 73.92%); 47.49mu construction land (accounting for 35.02%); 0.37mu unused land (accounting for 0.78%). Details of the three villages are shown as Table II -1. Table II -2 shows the analysis of LA impacts by village.

Table II- 1 Permanent Collective-owned LR

Unit: mu

Road	Village	Collective land (mu)			
		Construction land	Unused land	Grape land	Total
Donghuan Road	Gebi village	0.68	0.37	60.2	61.25
Huoyanshan Road	Bageri village	25.11	0	54.7	79.81
	Muna'er village	21.7	0	20.73	42.43
Total		47.49	0.37	135.63	183.49

Table II- 2 Analysis of LA Impacts by Village

Village	Before LA				LA impact			Annual income loss		
	total HH	total POP	grape land (mu)	Average grape land (mu/household)	grape land (mu)	LA rate per village (%)	Average land loss (mu/household)	Annual loss of village (CNY 10,000)	Average annual loss (CNY/household)	Average annual loss (CNY/person)
Bageri Village	41	207	236.61	5.72	54.70	23.12%	1.33	19.69	4802.93	951.30
Muna'er Village	32	157	186.55	5.83	20.73	11.11%	0.65	7.46	1820.20	360.52
Gebi Village	40	191	240.92	6.02	60.20	24.99%	1.51	21.67	5285.85	1046.96

Note: village annual loss=Annual Output Value × LA amount (mu). According to a statistics of Turpan, AAOV (annual average output value) is CNY3600 per mu

Of the 113 HHs affected by land acquisition (including 105 HHs affected only by LA, 8 HHs affected by LA and HD), nobody lost 100% of land, 5 HHs lost 81% to 99% of land (accounting for 4.42%); 12HHs lose 51% to 80% of land (10.62%); 36 HHs lost 21% to 50% of land (31.86%); 26 HHs lost 10% to 20% of land (20.01%); 34 HHs lost land less than 10% (30.09%). Detailed analysis for land loss is shown as Table II-4. Land Loss by Households is shown as Table II-3

Table II- 3 Analysis of LA on Affected Households

Towns	Village	Land Loss												total	
		<10%		10%~20%		21%~50%		51%~80%		81%~99%		100%			
		HH	Pop	HH	Pop	HH	Pop	HH	Pop	HH	Pop	HH	Pop	HH	Pop
Ya'er Township	Bageri Village	10	47	10	58	11	63	6	26	4	13	0	0	41	207
	Gebi Village	6	35	10	51	17	77	6	25	1	3	0	0	40	191
Grape Township	Muna'er Village	18	97	6	21	8	39	0	0	0	0	0	0	32	157
Total		34	179	26	130	36	179	12	51	5	16	0	0	113	555

Table II- 4 Extent of Land Loss by Households

Total land holding	Extent of Loss						Subtotal
	<10%	10- 20%	21 – 50%	51-80%	81 – 99%	100%	
<3 mu	0	5	7	4	2	0	18
3~5mu	9	6	10	7	2	0	34
5~7mu	17	5	13	1	1	0	37
>7mu	8	10	6	0	0	0	24
total	34	26	36	12	5	0	113

There were 113 HHs affected by LA, including 18 HHs contracting farmland less than 3mu, 34 HHs contracting farmland from 3mu to 5mu, 37 HHs contracting farmland from 5mu to 7mu and 24 HHs contracting land over 7mu.

To sum up, land acquisition has little economic impact on the affected villages. Bageri Village has 2870mu grape land, 0.81mu per capita. After LA, the percentage of land taken is 1.91%, with 0.8mu per capita remaining. Muna'er Village has 3666mu grape land, 0.82mu per capita. After LA, the percentage of land taken is 0.57%, with 0.81mu per capita remaining. Gebi Village has 9780mu cultivated land and orchard land, 1.89mu per capita. After LA, the percentage of land taken is 0.62%, with 1.88mu per capita remaining.

2.3.2 Permanent Acquisition of State-owned land

27. There were 806.04mu of state-owned land permanently acquired; it involved 660.93mu unused land (Gebi) and 145.11mu of construction land. Permanent State-Owned Land Acquisition is shown in Table II-5.

Table II- 5 Permanent State-Owned Land Acquisition

No.	Road	State-owned Unused Land	State-owned Construction Land	Total
2	Lvzhou Road	44.05		44.05
1	Huoyanshan Road		38.83	38.83
3	Sichou Road	172.92		172.92
4	Chanyeyuan Road	38.43		38.43
5	New Gaochangnan Road	109.33	1.64	110.97
6	New Xingfu Road	82.98		82.98
7	New Guangming Road	88.3		88.3
8	New Muna'er Road	78.8		78.8
9	New Bozikelike Road	34.35		34.35
10	Donghuan Road		45.24	45.24
11	West Wenhua Road		61.04	61.04
12	Yucai Road	8.57	1.58	10.15
Total		660.93	145.11	806.04

2.3.3 Temporary Land Occupation

28. The temporary land occupied will be mainly used to build aggregate 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 section by section construction techniques and the temporarily occupied land will all be along the road alignment.

2.4 Demolition of Houses/Structures

2.4.1 Demolition of Residential House

29. HD affected 122 HHs with 480 persons, total area was 20223.12m². In urban area, 77 HHs with 290 persons were involved in HD, all houses had been demolished completely, and the total area was 12031.91m². In rural area, there were 45 HHs with 190 persons affected by HD, total area was 8191.21m², and 37 HHs were demolished completely, the area was 7645.30m², or 206.63m² per HH. In addition, 8 HHs of rural area had been partly demolished with 545.91 m², which mainly involved walls, simple houses and air-drying houses. Also, there were 20 HHs involved in air-drying, the total area of air-drying demolition was 962.67 m² and average area per HH of 48.13m². Detailed conditions of such HD is shown in Appendix 5.

(1) Demolition of Residential Houses in Rural Area

30. The project demolished residential houses of 8191.21m² in rural area, there were 45HHs with 190 persons affected by construction of Huoyanshan Road. HD in rural area includes brick-concrete structure 692.92m² (accounting for 8.46%), brick-wood structure 896.50 m² (10.94%), earth-wood structure 1703.01m² (20.79%), soil mixed structure 363.83m² (4.44%) , civil brick of outsourcing 1087.33 m² (13.27%) , simple houses 736.34m² (earth-wood structure 655.99m², brick-wood structure 80.35m²), (8.99%) and other accessory buildings 1924.77.m² (brick-wood warehouse 48.95m², earth-wood warehouse 14.85m², earth-wood warehouse 189.57, basement 306.21 m², asbestos roof shelter 143.80m², shade-shed 1221.39), (23.50 %). In addition, 17 HHs were affected by air-drying house demolition (including brick-wood structure 244.76m² and earth-wood structure 541.75 m²). Detailed conditions of such HD is shown in Table II-6.

Table II- 6 Demolition of Residential Houses in Rural Area

Road	Affected village	Affected Pop																		Total
				Residential Houses m2					Simple house		Other accessory buildings						Air-drying			
		HH s	Pop	Brick-conc rete	Brick-w ood	Soil mix	Earth-w ood	Civil brick of Outsourc ing	Earth-w ood	Brick- wood	Brick-woo d Warehou se	Earth Cave dwelli ng	Earth- wood Wareho use	Basem ent	Asbest os	shade-s hed	brick	Earth-w ood		
Huoyans han Road	Muna'er Village	36	148	347.03	586.53	363.83	1488.53	860.96	547.34	80.35	45.35	0	120.99	306.21	58.8	887.82	211.89	541.75	6447.38	
	Bageri village	5	24	61.62	82.41	0	174.65	56.63	108.65	0	0	0	41.28	0	0	134.42	32.87	0	692.53	
Yucai Road	Laochengdong gmen village	4	18	284.27	227.56	0	39.83	169.74	0	0	3.6	14.85	27.3	0	85	199.15	0	0	1051.3	
Total		45	190	692.92	896.5	363.83	1703.01	1087.33	655.99	80.35	48.95	14.85	189.57	306.21	143.8	1221.39	244.76	541.75	8191.21	

(2) Demolition of Residential Houses in Urban Area

31. The project demolished 12031.91m² in urban area, there were 77 HHs with 290 persons affected by construction of West Wenhua Road, including brick-concrete structure 4952.42m² (accounting for 41.66%), brick-wood structure 3539.10m² (29.41%), earth-wood structure 1570.52m² (13.05%), civil brick outsourcing 1145.53 m² (9.52%) and soil mix 166.04 m² (1.38%), color plate 36.75 m² (0.31%), simple houses 76.24m²(brick basement 10.50 m², earth kiln 122.47m², kiln cave 124.18m²) (2.25%). Details of which are shown in Table II-7.

Table II- 7 Statistical Results of Residential HD in Urban Area

Road	Main house demolition (m ²)								Simple attachment (m ²)		other ancillary buildings (m ²)						total
	H Hs	Pop	Brick-con crete	Brick- wood	Earth-w ood	Civil Brick Outsourcing	Soil mix	Color Plate	Brick-w ood	Earth-w ood	The arbor	Earth-wood cool room	Brick cool room	crypt	Cave dwelling	Brick-concrete warehouse	
West Wenhua Road	70	25 7	4907.58	3411. 50	1026.9 5	1145.53	166. 04	36.75	0.00	0.00	0.00	0.00	0.00	122. 47	124.18	10.50	10940 .50
New Gaochang Road	7	33	44.84	127.6 0	543.57	0.00	0.00	0.00	52.84	23.40	123.0 0	165.50	10.66	0.00	0.00	0.00	1091. 41
Total	77	29 0	4952.42	3539. 10	1570.5 2	1145.53	166. 04	36.75	52.84	23.40	123.0 0	165.50	10.66	122. 47	124.18	10.50	12031 .91

3) House Loss Extent Analysis

32. There were 122 HHs affected in this project. 10 HHs had been partially demolished affected, the project just demolished their walls, other ancillary buildings and air-drying room, the demolition area was 691.25m² (accounting for 8.2%). The other 112 HHs had been demolished completely, total area was 19531.87m² (accounting for 81.80%).

2.4.2 HD and LA for the Market

33. There was only 1 market involved in this project, which was named Gaochang Market. It is located west of West Wenhua Road and Gaochang Road. It was built in 1984 by Laochengdongmen Village. The market was demolished 1552.22m² (including 34 shops and 37 stalls). All shops and stalls were rented out. The demolished market structure including 120.13m² brick-concrete structure, 1432.09m² brick-wood structure, 34 shops affected with 77 people, and 37 stalls affected with 60 people, so total APs were 137. The market shops and stalls had been rented out according to annual contracts. At present, this market is contracted by a villager Keyimu, all shops and stalls were rented to be used for selling fruit and vegetables, meats, and food condiments. Detailed conditions of such HD is shown in Table II-8.

Table II- 8 Gaochang Market Demolition

Township	Road	Area of Demolished Houses (m ²)		Shops		Stalls	
		Brick-	Brick-	Each	APs	Each	APs
		concrete	wood				
Ya'er Township	West Wenhua Road	120.13	1432.09	34	77	37	60

34. According to the contract of renting signed by tenants and property owners, the term of renting is one year and once demolition had happened, the contract should be stopped and the property owners should pay back the remaining rent back to the tenants and make an advance to them before 3 months.

During the demolition negotiation process, Laochengdongmen Village committee demanded cash compensation, which was used for other collective investments. The TPMO offered the old DongMen Village cash compensation, and in considering the interests of the merchants in the market, TPMO resettled the market shops and stalls in a new market in the Wenhua Road, which is adjacent to the youth grape corridor and beside the Turpan pedestrian street. It is about 800m away from the old market, and located downtown area, so the environment in this market is better than original opening market, and with larger people flow, the merchants could engage in original industry.

35. The economic and social status of the shop and stall owners and operators in the affected market is shown in Table II -9.

Table II- 9 Detailed Condition of the Affected Market

No.	Name of Those Self-employed Individuals	Main Business	Annual Income (CNY)	Persons Involved (workers)	shop front	
					Rental	House Structure
1	Li Guangmi	Fruit	7000	1	Yes	Stalls
2	Xu Zhaimai	Fruit	5000	2	Yes	Stalls
3	Chen Baojin	Food	7000	1	Yes	Stalls
		Condiments				
4	Fang Maojun	Food	8000	2	Yes	Stalls
		Condiments				

5	Cui Xueqin	Food Condiments	5000	2	Yes	Stalls
6	Cui Shouqi	Food Condiments	10000	2	Yes	Stalls
7	Fang Maoyin	Food Condiments	50000	2	Yes	Stalls
8	Aihemaiti	Beef	5000	1	Yes	Stalls
9	Ayixiamu	Beef	5000	2	Yes	Stalls
10	Yu Chunqiang	Vegetable	50000	2	Yes	Stalls
11	Fang Qiuxiang	Food Condiments	5000	1	Yes	Stalls
12	Zhao Xiuying	Food Condiments	5000	1	Yes	Stalls
13	Wong Guihua	Vegetables	5000	1	Yes	Stalls
14	Zhou Dejie	Vegetables	4000	2	Yes	Stalls
15	Wei Qiong	Vegetables	5000	1	Yes	Stalls
16	Chen LI	Vegetables	5000	1	Yes	Stalls
17	Wang Chunxia	Vegetables	4000	1	Yes	Stalls
18	Ma Xiuhua	Vegetables	4000	1	Yes	Stalls
19	Ma Xiangnian	Vegetables	4000	1	Yes	Stalls
20	He Lixiu	Vegetables	10000	2	Yes	Stalls
21	Wei Xinyan	Vegetables	8000	1	Yes	Stalls
22	Ma Fangli	Vegetables	5000	2	Yes	Stalls
23	Xu Ping	Vegetables	7000	1	Yes	Stalls
24	Sun Miyuan	Vegetables	7000	2	Yes	Stalls
25	Sun Huayuan	Vegetables	7000	2	Yes	Stalls
26	He Bifang	Vegetables	5000	2	Yes	Stalls
27	Abulimiti	Vegetables	5000	1	Yes	Stalls
28	Liang Chunfeng	Vegetables	5000	1	Yes	Stalls
29	Ma Mingfang	Vegetables	5000	2	Yes	Stalls
30	Zhou Mei	Vegetables	5000	2	Yes	Stalls
31	Tian Xuefu	Vegetables	4000	1	Yes	Stalls
32	Jiang Juan	Vegetables	5000	2	Yes	Stalls
33	Tan Xuefeng	Vegetables	5000	2	Yes	Stalls
34	Liu Xuxiu	Bean Products	7000	2	Yes	Stalls
35	Liu Haiyan	Bean Products	10000	2	Yes	Stalls
36	Zhang Qiaoling	Bean Products	10000	3	Yes	Stalls
37	Pengcuihua	Bean Products	7000	3	Yes	Stalls
38	Dai Jinyin	Seafood	40000	3	Yes	Earth-wood
39	Cai Zhiwei	Groceries	30000	2	Yes	Simple
40	Zhang Xiaoming	Seafood	30000	2	Yes	Earth-wood
41	Yang Xiaolan	Seafood	30000	4	Yes	Brick-wood
42	Ren Xingrong	Groceries	30000	4	Yes	Brick-wood
43	Cao Yonggang	Cool Dish	30000	2	Yes	Simple

44	Ma Yougui	Cool Dish	70000	2	Yes	Simple
45	Xu Yongkui	Cool Dish	40000	3	Yes	Brick-concrete
46	Liu Jijun	Supermarket	40000	5	Yes	Brick-wood
47	Wusiman	Making Nong (a kind of food)	10000	1	Yes	Earth-wood
48	Zhang Dinghua	Vegetable and Condiments	20000	2	Yes	Earth-wood
49	Zhang Deli	Noodle Machining	30000	2	Yes	Brick-wood
50	Wang Dejun	Vegetables	15000	2	Yes	Brick-wood
51	Liu Xuezhi	Chicken	20000	3	Yes	Brick-wood
52	Liu Youpeng	Chicken	20000	3	Yes	Brick-wood
53	Zhang Chunhua	Chicken	20000	2	Yes	Brick-wood
54	Wang Dongsheng	General Merchandise	20000	2	Yes	Brick-wood
55	Hu Ling	Chicken	20000	2	Yes	Brick-wood
56	Ainiwa	Making Nong (a kind of food)	20000	2	Yes	Brick-wood
57	Aini	Chicken	10000	2	Yes	Brick-wood
58	Yang Jiayun	Chicken	20000	2	Yes	Brick-wood
59	Ge Benyou	Chicken	20000	2	Yes	Brick-wood
60	Wang Junying	General Merchandise	15000	2	Yes	Brick-wood
61	Zhai Tao	Pork	20000	2	Yes	Brick-concrete
62	Tong Lijiang	Foodgrain & Cooking Oil Store	20000	2	Yes	Brick-concrete
63	Xi Chunming	Foodgrain & Cooking Oil Store	20000	2	Yes	Brick-concrete
64	Zhu Xiume	Foodgrain & Cooking Oil Store	20000	2	Yes	Brick-wood
65	Wen Guohua	Vegetables	15000	2	Yes	Brick-wood
66	Keyimu	Toilet	4000	1	Yes	Brick-concrete
67	Xu Xibing	Eggs	100000	1	Yes	Brick-concrete
68	Tamu'er	Mutton	20000	2	Yes	Simple
69	Apa'er	Mutton	10000	3	Yes	Simple
70	Wusiman	Mutton	10000	1	Yes	Simple
71	Kada'er	Mutton	10000	3	Yes	Simple

2.5 Directly Affected Population

There were 1135 people affected by the project, including 975 ethnic minorities (accounting for 85.90%), 227 HHs affected by LA and HD. 1 market with 137 persons involved in demolition for non-residential houses (including 71 Shops and stalls); 105 HHs with 518 persons only involved in permanent collective-owned land acquisition; 114 HHs with 443 persons only involved in HD; 8 HHs with 37 persons involved in LA and HD. Summary of directly affected population is shown in Table II -10.**Error!**

Reference source not found.

Table II- 10 Directly Affected Population – All Categories

Category	LA only		Residential HD only		LA and residential HD		Markets		Total		
	AHs	APs	AHs	APs	AHs	APs	No	APs	AHs	No	APs
Total	105	518	114	443	8	37	1	137	227	1	1135

2.6 Ethnic Minorities

36. There were 227 HHs with 998 people affected by LA and residential HD, of which 215 HHs with 953 persons were ethnic minorities (accounting for 95.49%). Analyzing all the affected HHs by LA and HD, this could represent the level of ethnic minorities groups. Most of ethnic minorities of this project are **Uygur People and Hui People**. Affected ethnic minorities are equal to Han in social class, economic class, and keep their own ethnic features in living customs and religious faith. According to the social economical survey, number of affected ethnic minorities by road and by group is shown in Table II -11.

Table II- 11 Summary of Ethnic Minorities Affected

Road	Village Affected	Total of APs		minority		Uygur		Hui		Rate
		Total	Total	HHs	APs	HHs	APs	HHs	APs	
West Wenhua Road	West Wenhua Road Community	70	257	66	245	61	230	5	15	95.33%
Huoyanshan Road	Muna'er Village	63	280	63	280	63	280	0	0	100.00%
Huoyanshan Road	Bageri Village	43	219	43	219	40	204	3	15	100.00%
New Gaochang Road	Dapusangai Community	7	33	4	17	4	17	0	0	51.52%
Yucai Road	Laochengdongmen village	4	18	3	14	2	10	1	4	77.78%
Donghuan Road	Gebi Village	40	191	36	178	20	100	16	78	93.19%
Total		227	998	215	953	190	841	25	112	95.49%

2.7 Analysis of Vulnerable Groups

37. In the survey of resettlement impacts, 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 external monitoring survey, there are no vulnerable persons in this project. Please use the following link for details: <http://www.adb.org/sites/default/files/projdocs/2013/40643-013-prc-smr-04.pdf>

2.8 Affected Trees, Public Facilities and Infrastructure

38. TPMO compensates or restores the trees, public facilities and infrastructure at replacement price. Details are shown in Tables II -12 and 13.

Table II- 12 Affected Trees

Species	compensation standard (DBH)						Ownership
	> 30cm	15-30cm	5-15cm	< 5cm	Above 3 Years	Within three years	
broad-leaved tree	6	3	4	5			individual
Pear Tree	9	5	3	3			individual
Chinese Jujube		5					individual
Mulberry	60	20	21	8			individual
Walnut Tree		3		2			individual
Almond Trees	20	17	3	2			individual
ShaZao Tree	11						individual
Poplar trees	22	16	4	2			individual
Elm	35	6	1	1			individual
The FIG tree	1						individual
The Pomegranate	1						individual
Small ChunShu	26						individual
Grape					55	2	individual
Total	191	75	36	23	55	2	individual

Table II- 13 Affected Facilities and Infrastructure

Items	Unit	Number	Price	Ownership
Soakaway	each	30	300	individual

Naan Pit	each	32	200	individual
Portable toilet	each	1	200	individual
Earth Toilet	each	7	300	individual
Earth-wood Toilet	each	19	400	individual
Brick Toilet	each	10	500	individual
Tube well	each	32	300	individual

III PARTICIPATION, CONSULTATION AND GRIEVANCE REDRESS

3.1 Identification of Stakeholders

39. Public participation and consultation are important procedures according to ADB policies and Chinese laws and regulations. All the stakeholders should be identified at an early stage. According to the feature of the proposed project, the stakeholders can be categorized as primary and secondary stakeholders.

40. Primary stakeholders are identified as those directly adversely affected and those who purely benefit from the project, it mainly includes: (i) People directly affected by land and property losses; (ii) Social and public institutions affected by LA and resettlement; (iii) 4 townships, 2 district offices, 2 villages and 2 urban communities affected by the road construction; and (iv) all institutions and companies directly involved in the project construction and operation, such as construction contractors.

41. The secondary stakeholders include the indirectly beneficiaries such as the construction material suppliers, government organization involving in the project processing as well as those who are interested in the project and participated in the project related activities.

42. The purpose of identifying the project stakeholders is to ensure extensive public participation of and consultation to the APs particularly those adversely affected in order 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.

3.2 Consultation during Project Preparation

3.2.1 Public Consultation

43. The public consultation process for the Project began in December 2007 with a series of surveys by the Project DI and TPMO, including social mobilization measures (45% women participated). This was followed by further surveys and consultations carried out by the TPMO and an in-depth socio-economic survey conducted by local survey teams supervised by the PPTA Consultants from February to March in 2008. This survey also served to make the IA and DI aware of local conditions and of the APs' concerns. A summary of the key consultations/meetings and issues discussed is contained in Table IV-1. The details of the summary of FGDs (Focus Group Discuss) are shown in Appendix 4.

Table III- 1 Summary Consultation Records

Institute	Date	Participants	No. of people	Objectives	Feedback/discussion of main issues
TPMO and DI	2007.12 ~ 2008.1	APs, village cadres and engineering and technical personnel	70	Look over on the spot, primary survey of project impacts	Introduce the background and purpose of the project; Choose the site with less cultivated acquired
TPMO	2008.1 ~ 2008.2	Representatives of affected villages and persons in charge of Grape Township and Ya'er township.	150	Assess community and other impacts, assess local livelihoods, ethnic minority concerns, scope of impacts, design measures for vulnerable groups, women.	Detailed in the public consultation record. People seem anxious for project start so that they can get through the disturbances and start to experience the benefits.
PPTA Consultants ,TPMO and DI	2008.2 ~ 2008.3	Relevant government departments and representatives of 5 affected villages and 2 townships.	100	Prepare the income recovery plan of affected groups in each villages	Consult the compensation scheme and the income recovery scheme.
PPTA Consultants ,TPMO and DI	Feb 26 th 2008	Person in charge of Gaochang Market and representatives of tenants.	26	Prepare the income recovery plan of affected market	Take consul together as how to rebuild the market and the compensation scheme.
TPMO	March 10 th 2008	Person in charge of	15	Prepare the Gaochang	Further consultations about recovery programme, Choose

Institute	Date	Participants	No. of people	Objectives	Feedback/discussion of main issues
		Gaochang Market and representatives of tenants.		market demolition and relocation plan	to move address, etc.

44. Through socioeconomic survey, APs of LA concern about employment, intensive plant in left land and nearby cultivated land protection. APs of HD concern about reasonable compensation.

45. It is important to decide compensation standards and discuss the income restoration plan and training plan on the basis of these meetings and surveys.

3.2.2 Public Participation and Consultation Plan

46. Notwithstanding the amount of public consultation already carried out. As the project preparation and execution moved forward, according to the project's progress, TPMO, Street Office and village collectives, under each section, have conducted further public participation in phases.

47. From December 2008 to December 2012, TPMO, Demolition Office, District office and village cadres did DMS to finalize the dates of occupied land, and the losses of the affected people, published a notice, and confirmed the final quantity and the asset list of the influence of immigration occupied land and the loss, and prepared the village and household compensation agreements. Table IV-2 contains a schedule and activity of the consultation plan.

Table III- 2 Consultation Plan

Purpose of Event	Tasks	Timing	Implementation Agency	Participants	Remark
Publish RP or information handbook	Provide the handbook	2008.10	TPMO	APs and enterprises	Publish compensation standard and appeal channels
Publish the RP	ADB website	2008.11			
Bulletin of LA	Village news board and villagers' conference	2009.1	TPMO	APs	LA area, compensation standard and resettlement

Purpose of Event	Tasks	Timing	Implementation Agency	Participants	Remark
Bulletin of LA and resettlement	Village news board and villagers' conference	2009.1	TPMO and the persons in charged of sub-districts and villages	APs	compensation and payment
Practicalities check	Field survey	2009.1	TPMO and the persons in charged of sub-districts and villages	APs	Final affirmation to impact amount; asset list of LA and loss of APs; preparation for compensation agreements
Affirm the income recovery plan and implementation	Villagers' conference	2009.1	TPMO and the persons in charged of sub-districts and villages	APs	Discussion to final income restoration plan and compensation usage plan
Inform the compensation and the payment date	Villagers' conference	2009.1	TPMO and the persons in charged of sub-districts and villages	APs	notice of compensation and payment date
Impact monitoring	Family visits	2008.12~ 2013. 12	TPMO and the persons in charged of sub-districts and villages	Random sample	The RP implementation and living hood restoration

3.3 Appeals and Grievance Redress

48. During the preparation of the RP, public participation was encouraged, and thus there should not be any major issues or grievances. However, there may be some unforeseen issues happening during such a detailed process. In order to effectively settle such issues and ensure the smooth implementation of the project construction and LA, an effective and transparent channel for lodging complaints and grievances has been established, as shown in Figure IV-1. The basic stages for grievance redress are:

Step 1: The APs submit an oral or written petition/complaint to the village committee. For an oral complaint, the village committee must make written records properly and give a clear reply within 2 weeks.

Step 2: If the complainant is not satisfied with the reply in Step 1, s/he can appeal to the township government/sub-district after receiving the reply in Step 1 and the township government/sub-district will deal with the grievance within 2 weeks.

Step 3: If the affected person is still not satisfied with the reply of township government, s/he can appeal to Turpan Land Resource Bureau or Demolition Administration Office, and the Turpan Land Resource Bureau or Demolition Administration Office must give a reply within 30 days.

Step 4: If the affected person is still not satisfied with the reply of Turpan Land Resource Bureau or Demolition Administration Office, s/he can appeal to the PMO after the receiving the reply of Step 3. They also have the right to appeal to the civil court within 3 months of receiving of the reply.

49. Relevant institutions will accept the complaints and grievances lodged by APs free of charge. The reasonable charges as incurred will be covered by the contingency of the project. During the whole process of project construction, these grievance procedures remain valid so that the APs may deal with relevant issues. If the affected people believe that the implementation of LA does not match with the RP, or is not compliant with the requirements of ADB Involuntary Resettlement Policy, in accordance with ADB's Accountability Mechanism, they can direct their complaint to ADB⁴. In addition, affected people may resort to the law at any stage, and not necessarily through the above steps

50. The AP can appeal against any aspect of the resettlement and rehabilitation program including the compensation rate. The appeal process, 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 use of the media, and all AP feedback will be compiled and distributed to all involved organizations.

51. Relevant institutions will accept the complaints and grievances lodged by APs free of charge. The reasonable charges as incurred will be covered by the un-predicted cost of the project. During the whole process of project construction, these grievance

⁴ Before using ADB accountability mechanism, APs should try the best to communicate with ADB sector departments and reflect the problems. If not satisfied with the results, accountability mechanisms can be used for complaints. (<http://www.adb.org/Accountability-Mechanism/default.asp>)

procedures remain valid so that the APs may deal with relevant issues.

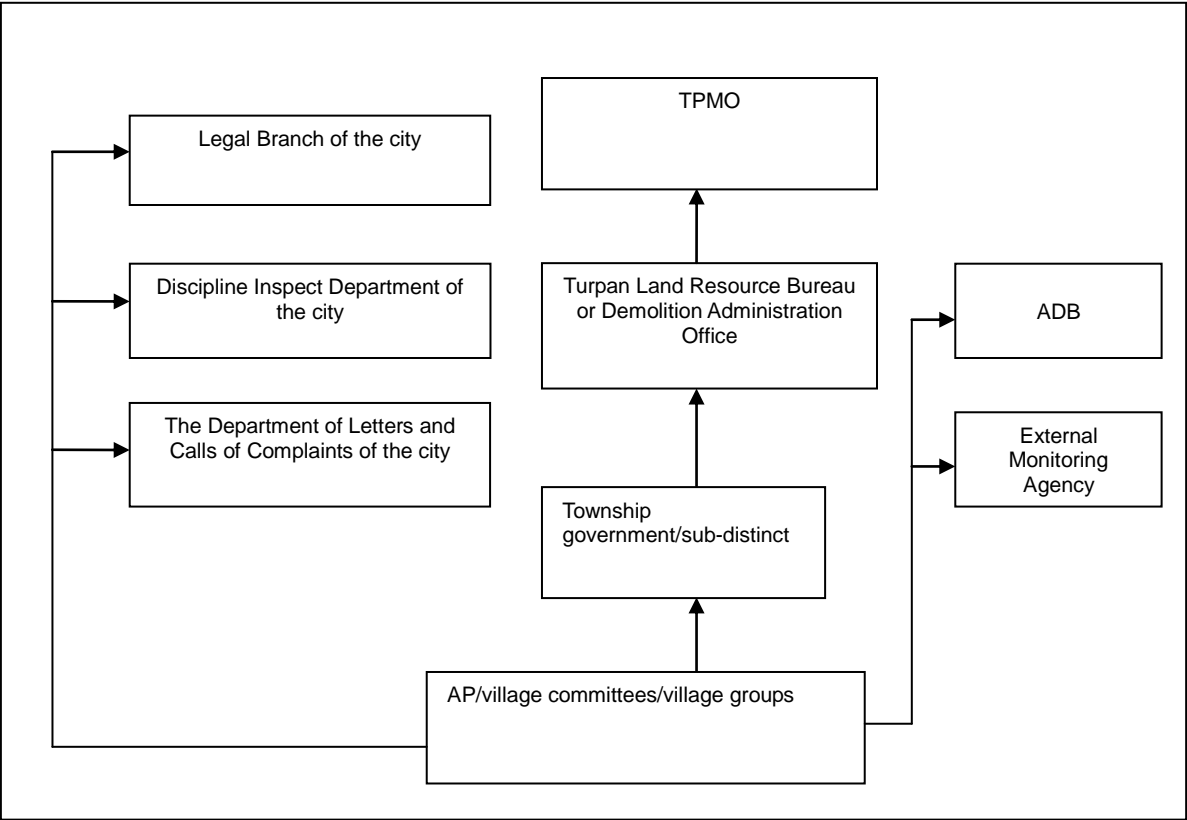


Figure III- 1 Diagram of Grievance Procedure for APs

IV LEGAL FRAMEWORK AND RESETTLEMENT POLICIES

4.1 Applicable Laws, Regulations & Policies for Resettlement

52. The resettlement policy in the project is established mainly in accordance with the relevant PRC laws and regulations and policies of the Asian Development Bank. 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, 2001)
- *The State Council's Decision on Deepening Reform and Managing Strictly Land* (State Council Decree [2004] No. 28) (effective as of October 21, 2004)
- *Guidelines on Improving the System of LA 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 Turpan City

- The Notice of Party Committees and Peoples 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)
- Relevant rules in Document [Xinjiang (2001) 500] by Development and Planning Committee and Finance Department, Xinjiang Uygur Autonomous Region
- Notice on the implementation of the regional land acquisition unified annual output value standard (new GTZF [2011] Number 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 Xinjiang Uygur Autonomous Region on state-owned land on the housing levy and compensation valuation
- Compensation and Resettlement Plan of House Demolition of West Wenhua Road in Turpan (September, 2011)
- Houses Demolition Preferential Policy of Grape Township and Grape valley Management Committee

4.2 The ADB Involuntary Resettlement Policies

53. The three important elements of the involuntary resettlement policy are (i) compensation to replace the 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 APs to share project benefits. The APs 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 APs are to be fully informed and closely consulted. APs 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 APs at key points, and specific opportunities provided for them to participate in choosing, planning, and implementation options. Grievance redress mechanisms for APs are to be established. Where adversely APs 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 APs, and, where relevant, of their hosts, are to be protected and supported. APs 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. APs 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 APs, 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 un-predicted cost 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.

54. 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.

4.3 Laws and Regulations of PRC

55. The mainly policy in this Project LA is Land Administration Law of the People's Republic of China. At the same time, state council issued State Council's Decision on Deepening Reform and Managing Strictly Land (State Council made[2004]28), which in order to define the compensation principles and standard, produce and supervision mechanism in October 2004 . To match laws, the Ministry of Land and Resources promulgated the "Guidelines on Improving the System of LA Compensation and Resettlement" in November 2004 (the Ministry of Land and Resources made [2004] 238), which was listed in the chapter 5.1, these policy files of the project resettlement provides important guidelines.

56. Because the project involves the transition of the old and new demolition polic 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 "*the housing levy and Compensation Ordinance for houses on state-owned land*".

57. To HD on the state-owned land in urban area planning area, the main applicable policy are "Regulations on Administration of the HD and Relocation in Cities" and "State-owned Land on the Housing Levy and Compensation Ordinance; In order to assort the policy, Xinjiang Autonomous Region and Turpan City has established the corresponding policies.

4.4 Gaps between ADB and China Policies

58. In comparing the gaps between ADB and PRC policies, Table V-1 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 Turpan has well prepared local by-laws for LA and resettlement, and there are no substantial differences from ADB policies.

Table IV- 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 APs 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	

No	ADB IR Policy	Comparison	Remark
		statement "as early as 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 LA for national key development projects shall be included in the overall project budget.	ADB procedure has been and will be followed

59. Although there are minor differences in clauses or statements, the most significant difference is on procedures. ADB requires RP preparation starting from the beginning of project preparation, but in the PRC process 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. TPMO have endeavored to make IAs fully understand ADB requirements and PRC policies on involuntary resettlement.

4.5 Resettlement Principles and Eligibility for Compensation

4.5.1 Compensation Principles

60. 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. The details of resettlement principles agreed upon for this Project are shown in Table V-2.

Table IV- 2 Resettlement Principles

Principles	
1	Involuntary resettlement should be avoided whenever feasible

2	Living standards of the APs obtaining compensation and entitlements will be at least restored to the pre-project level, or better
3	Whether they have legal title or not, APs 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	APs 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 APs 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 APs shall have opportunities to benefit from the project.
10	The resettlement funds will provide a comprehensive coverage of all project impacts.

4.5.2 Eligibility for Compensation and Benefits

61. The cut-off date for compensation of this project was the date when the local government issues the order for stopping building activities, the date of compensation was in May 1, 2010. After this date, any growing and building in the project area shall not be eligible for compensation and relocation.

4.6 Compensation Standards

4.6.1 Compensation Standards for Acquisition of Collective-owned land

62. Documents issued by the Development and Reform Commission and Finance Bureau of the Xinjiang Uygur Autonomous Region which stipulated that the average output value for cultivated land have 3 levels, they are superior-level, medium-level and inferior-level, compensation for different level of lands are CNY 1200 per mu (superior-level), CNY 640 per mu (medium-level), and CNY 480 per mu (inferior-level). The documents also stipulated yearly output value of the cultivated land growing special crop, vegetable fields and garden should be higher than the average highest output per mu; compensation for cotton field, garden land, vegetable land and grape land should not beyond 1.5 times, 2 times, 3 times and 4 times.

63. Through investigation and calculation, PMO negotiated with TLRB and affected HHs to confirm the project compensation standards. The Compensation standards would be settled according to the actual living level in affected area, annual output value standards in project area and compensation multiple, PMO determined compensation

standards for different types land. Grape land annual output value standard is 3600 Yuan / mu in affected land, the compensation multiple and standard Details are given in Table V-3. Collective-owned construction land and unused land compensation details are in Table V-4.

Table IV- 3 Compensation Standards for Grape LA

Land Types	Annual Output Value (Yuan/Mu)	Compensation Multiple (Times)			Compensation Standard (Yuan/Mu)				
		Compensation for LA	Allowance for Compensation	Crop Compensation	Compensation for LA	Resettlement Allowance	Crop Compensation	Ground Attachment	Total
grape land	3600	9	20	3	32400	72000	10800	4800	120000

Table IV- 4 Compensation Standards for Collective-owned LA

Land Types	Annual Output Value (Yuan/Mu)	Compensation Multiple (Times)	Compensation Standard (Yuan/Mu)	
		Compensation for LA	Compensation for LA	Total
Collective-owned Construction and unused land	3600	7	25200	25200

64. The resettlement allowances for all grape LA, crops and ground attachments is paid to APs directly. Since the land ownership belongs to village collective, land compensation is paid to the village collective and its allocation is decided by village representatives. For the 3 affected villages, it was agreed that land compensation would be used in land consolidation and other village infrastructure.

65. The 3 villages also had losses of collective construction and unused land acquisition. According to the regulation, compensation for village collective construction land and unused land is paid to the village collective directly.

4.6.2 Compensation Standards for Acquisition of State-Owned Land

66. The State-owned land shall be transferred by the government as the project is constructed for public affairs. The use rights of the state-owned land have been obtained through administrative transfer and the compensation standard for state-owned LA is CNY 2-30 per m². Jiancheng District of Turpan City is involved in state-owned land transfer and relevant compensation standard is CNY 20 per m². The benchmark land-price standard of Turpan is shown as Table V-5.

Table IV- 5 Turpan Benchmark Land-Price StandardsUnit: CNY/m²

Item	First-leveled land	Second-leveled land	Third-leveled Land
Land used for commerce	620	388	267
Land used for living	396	288	196
Land used for industry	242	181	134

Benchmark Land-price of roads involved in the project is shown as Table V-6.

Table IV- 6 Benchmark Land-Price Grades of Roads in the Project

Road	Benchmark Land-price	Grade	State-owned Construction Land
Lvzhou Road	3		Unused of State-owned
Huoyanshan Road	3		Land Used for Agriculture
Sichou Road	3		Unused of State-owned
Chanyeyuan Road	3		Unused of State-owned
New Gaochang Road	3		Unused of State-owned
New Xingfu Road	3		Unused of State-owned
New Guangming Road	3		Unused of State-owned
New Muna'er Road	3		Unused of State-owned
New Bozikelike Road	3		Unused of State-owned
Donghuan Road	3		Land used for Agriculture
West Wenhua Road	3		Land Used for Living
Yucai Road	3		Unused of State-owned

67. The project involves unused of state-owned land, the compensation standard is CNY 10 to 20 per m², fees for land and source administration is CNY 1.5 per m² and fees for administration of requiring or transferring unused state-owned land for non-agricultural construction is CNY 50 per mu.

68. The procedure for the application is as follows: (i) applicant—hearing and accepting—undertaking by staffs responsible; (ii) primary examination—spot field investigation—examination by a manager responsible of land department; (iii) collective examination; (iv) approval of the vice-leader responsible; (v) approval of the leader—undertaking accomplishment; (vi) submit the application to higher-leveled department for examination and approval: the total process takes 15 working days from

initial application.

4.6.3 Compensation Standards for House Demolition

69. Because the project involves the transition from the old to the new demolition policy, based on "Housing Levy and Compensation Ordinance for Houses on the State-owned land", houses that had been legally issued demolition permits before January 21, 2011, would continue to be compensated by following the "Urban Housing demolition Management Regulations" (2001). Whereas house demolition after 21 January 2011 would be performed in accordance with the new "Housing Levy and Compensation Ordinance for Houses on State-owned land".

(i) House Demolition Compensation Standards for AHs who got the legal demolition permission before January 21, 2011

70. In the project all 52 HHs involved HD in Huoyanshan road have obtained the legal house demolition permission before January 21, 2011, so the compensation for those AHs was in accordance with the "Urban Housing demolition Management Regulations" (2001). The compensation price for the demolished house was based on the replacement house price in 2009, but the final compensation was determined after the site assessment by the Real Estate company. The details of compensation standards are shown in Table V-7.

Table IV- 7 Compensation Standard for obtaining legal demolition permits before January 21, 2011

Type	Item	Unit	Standard	Remark
Residential house	brick-concrete structure (1-2 floors)	CNY/m ²	559	
	Brick-wood structure	CNY/m ²	453	
	Soil mix	CNY/m ²	534	
	earth-wood structure	CNY/m ²	363	
	Civil outsourcing brick	CNY/m ²	428	
Subsidiary house	Simple Civil outbuildings	CNY/m ²	50	
	Simple brick outbuildings	CNY/m ²	100	
	earth kiln cave	CNY/m ²	100	
Other Subsidiary	Brick-wood	CNY/m ²	60	

house	warehouse			
	earth-wood warehouse	CNY/m ²	130	
	basement	CNY/m ²	160	
	Asbestos Roof Tent	CNY/m ²	16	
	Shade-shed	CNY/m ²	20	
Drying room	Brick	CNY/m ²	300	
	earth-wood	CNY/m ²	200	
Other subsidies				
Subsidy for moving		CNY/HH	1200	
Interim housing subsidy		CNY/HH/Month	700	Basic period is 18 months, beyond this period; Allowance would accord the actual transition period to allowance.

71. To protect the affected people's legitimate rights and interests effectively, and properly relocate APs caused by road construction, Turpan government researched and decided that houses demolished completely and chose resettlement residential building in neighborhood for low-income families demonstration community, according to residence status, regard house site as unit and provided subsidies of 50,000 yuan per household.

(ii) House Demolition Compensation Standards for AHs who got the legal demolition permission after January 21, 2011

72. For AHs who got the legal demolition permission after January 21, 2011, the compensation for those was in accordance with the new regulation, whereby the compensation for demolished house would be based on the market price, consulting with the AHs based on the price fluctuations, and the final compensation would be determined after the site assessment by the Real Estate company. House demolition compensation does not only include compensation for house structure, but also includes compensation for land and subsidiaries. The details of compensation standards are shown in Table V-8.

Table IV- 8 Compensation Standards for HD after January 21, 2011

Type	Item	Unit	Standard	Remark
Residential house	brick-concrete structure (1-2 floors)	CNY /m ²	1700	
	Brick-wood structure(1-2 floors)	CNY /m ²	1700	
	earth-wood structure CNY per m2 350	CNY /m ²	1700	
	Civil outsourcing brick	CNY /m ²	1700	
	Soil mix	CNY /m ²	1700	
	color plate	CNY /m ²	1700	
Other Outbuildings	earth kiln	CNY /m ²	1700	
	kiln	CNY /m ²	1700	
	brick-concrete basement	CNY /m ²	1700	
Other subsidies				
subsiby for moving		CNY /HH	1200	
Interim subsidy		CNY/HH/Month	700	Basic period is 18 months, beyond this period, Allowance would accord to the actual transition period to allowance

73. To improve the progress of West Wenhua Road housing levy, Turpan City Housing Levy Office combined with West Wenhua Road area actual situation, West Wenhua Road housing levy leadership team meeting to discuss and decide on August 28, 2012. The people who chose property exchange would accord to the actual measured survey area with different structures to give cash compensation, the compensation detailed in following Table V-9.

Table IV- 9 Cash Compensation Standards for Selecting the Replacement Property

Type	unit	standard	Remark
brick-concrete structure 1 floor	CNY /m ²	100	
brick-concrete structure 2 floor	CNY /m ²	120	
Brick-wood structure 1 floor	CNY /m ²	80	
Brick-wood structure 2 floor	CNY /m ²	100	
Civil outsourcing brick	CNY /m ²	65	
Soil mix	CNY /m ²	65	
earth-wood structure	CNY /m ²	50	
color plate	CNY /m ²	80	
brick-concrete basement	CNY /m ²	100	
earth kiln	CNY /m ²	50	
Kiln cave	CNY /m ²	50	

(iii) Compensation Standards for the Market

74. The Gaocheng commercial/public market was demolished in this project, which was build by Laochengdongmen Village and this market occupied state-owned construction land. At present, shops and stalls are used for renting and the village collective gets rental and management fees. Compensation for the market demolition was paid to Laochengdongmen Village directly, and then with full consultation, tenants received the remaining rent and stopped their business or shifted their business in a new market. Detailed compensation standard for market demolition is shown as Table V-10.

75. According to the contract of renting signed by tenants and Laochengdongmen Village, the term of renting is one year and if shops are demolished, the contract should be stopped and the property owner should pay back the remaining rent to the tenants and make an advance to them before 3 months.

76. During the demolition negotiation process, Laochengdongmen Village committee demanded cash compensation for other collective investments. The TPMO offered Laochengdongmen Village cash compensation, and considering the interests of the merchants in the market, TPMO resettled the market shops and stalls in a new market in the Wenhua Road, adjacent to the youth grape corridor which is beside the Turpan pedestrian street. It is about 800m from the old market, the new market is located in the downtown area, so the environment is much better than original market, with larger people flow, and the merchants could engage in original business.

Table IV- 10 Compensation Standards of Demolished Market

Types	Item	unit	standard	Remark
Market	Brick-concrete structure	CNY/m2	550	
	Brick-wood structure	CNY/m2	450	
Other subsidies	Temporary Transition fee	CNY/HH/Month	400	Basic period is 18 months, if beyond this period, Allowance would accord to the actual transition period to allowance

77. Through the survey, TPMO consulted with the property owner and shop lessees; the market property owner and shop lessees hoped to move to new market before demolition. In order not to affect the businesses, TPMO permitted the market to be demolished after all the shops moved to the new market. There was uniform relocation managed by TPMO.

4.6.4 Compensation Standards for Trees and Facilities

Compensation standards for trees and facilities are in Table V-11.

Table IV- 11 Compensation Standard for Trees and Facilities

Species	compensation standard (DBH)						Ownership
	>30cm	15-30cm	5-15cm	<5cm	Above 3 Years	Within three years	
broad-leaved tree	45	35	25	15			individual
Pear Tree	120	100	60	40			individual
Chinese Jujube	120	100	60	40			individual
Mulberry	120	100	60	40			individual
Walnut Tree	120	100	60	40			individual
Almond Trees	120	100	60	40			individual
ShaZao Tree	120	100	60	40			individual
Poplar trees	45	35	25	15			individual
elm	90	70	50	30			individual
The FIG tree	100						individual

Species	compensation standard (DBH)						Ownership
	>30cm	15-30cm	5-15cm	<5cm	Above 3 Years	Within three years	
The Pomegranate	100						individual
Small ChunShu	15						individual
Grape					110	70	individual

Affected Facilities and Infrastructure

Items	Unit	Amount	Price	Ownership
Soakaway	each	30	300	individual
Naan Pit	each	32	200	individual
Portable toilet	each	1	200	individual
Earth Toilet	each	7	300	individual
Earth-wood Toilet	each	19	400	individual
Brick Toilet	each	10	500	individual
Check well	each	32	300	individual

4.6.5 Other Costs and Taxes

Other compensation fees and taxes for LA and house demolition are in Table V-12.

Table IV- 12 Other Compensation Fees and Taxes

No	Items	Standard	Remark
1	fees for new compensated use construction land	CNY 20 per m ²	12 th category of area
2	land reclamation fees	CNY 3000 per mu	First-level cultivated land
3	cultivated occupation tax	CNY 2.3 per m ²	
4	management fees of land acquisition	Calculated at 4% of LA and resettlement compensation fees	
5	survey and design fees	Calculated at 3% of LA and resettlement compensation fees	
6	fees for management implementation	Calculated at 3% of LA and resettlement compensation fees	

No	Items	Standard	Remark
7	technical training fees	Calculated at 1% of LA and resettlement compensation fees	
8	fees for external resettlement monitoring and evaluation	Calculated at 1.5% of LA and resettlement compensation fees	
9	un-predicted cost (contingency)	Calculated at 10% of LA and resettlement compensation fees	

4.6.6 Vulnerable and Ethnic Minority Groups

78. 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.

4.7 Entitlement Matrix

79. The Entitlement Matrix was developed in line with the policies described above, and is shown in Table V-13.

Table IV- 13 Entitlement Matrix

Type of Impact	Extent of Impact	Entitled Persons	Entitlement	Compensation policies and rates
Permanent acquisition of collective-owned land	The project levy collective-owned land 183.49mu, including grape land 135.63mu, collective-owned construction land 47.49mu, collective-owned unused land 0.37mu. Involved 3 villages Bageri village, Gebi village and Muna'er village.	village collectives and land users	<p>(1) Village collectives, villagers groups or the APs shall be paid the land compensation.</p> <p>(2) The APs shall be paid resettlement subsidy, compensation fees for standing crops and ground attachments.</p> <p>(3) The project is anticipated to create about 200 direct construction jobs. Maintenance and operations of the project infrastructure and environmental improvements will create about 600 indirect jobs including road maintenance workers, cleaners and gardening workers which are low skill demand. The APs will have priority for employment. The project will provide 1,500 person-times for the APs with technical training, including no less than 750 person-times for women (50%).</p> <p>(4) In the course of project implementation, TPMP will provide CNY 200,000 per year to offer APs technical training free of charge.</p>	<p>According to Xinjiang Uygur Autonomous Region Development and Planning Commission, Ministry of Finance [new valuation Room (2001) 500] document. The document provides 3 kinds of cultivated land average yield, ,respectively high land is 1200 Yuan / mu, medium land is 640 Yuan / mu and the low land is 480 Yuan / mu, and it also provides specialty crops cultivated land, vegetable land, orchard land should be higher than the highest average annual output value standards, cotton should not beyond 1.5 times, the orchard should not beyond 2 times, vegetable land should not beyond 3 time , grape land should not beyond 4 times. After investigation, and calculation, Compensation standard was determined by negotiating with TLRB and affected HHs. This determined was also according to the project area the actual level of living, and annual output value standard and compensation multiple to ensure different kind of lands compensation standard, Affected grape land compensation standards is 3600 Yuan / mu. Compensation fee is 9 times of annual output value Resettlement subsidies take 20 times, the standard is 72000 Yuan/mu Crop compensation take 3 times, the standard is 10800 Yuan/mu; Attachments is 4800 Yuan/mu; The village collective construction land and unused land take 7 times of annual output value, the standard is 25200 Yuan/mu. The compensation for all grape LA, crops and ground attachments would pay to APs directly; Compensation for land would pay to village collective. Because The land ownership belongs to village collective,, compensation would be used in land consolidation and other infrastructure. Compensation for collective</p>

Type of Impact	Extent of Impact	Entitled Persons	Entitlement	Compensation policies and rates
				construction land and unused land would pay to village collective directly according to compensation standard.
HD in rural area	There are 45 HHs with 190 persons affected by HD in rural area, including 37 HH completely demolished area is 7645.30 m ² and 8HHs was part of demolished with area 545.91 m ² , the 8 HHs mainly involves demolished walls and simple outbuildings or air-drying room ; There are 17 HHs involved in air-drying HD with a total area of 786.51 m ² and an average area of 46.27 m ² .	Property owners	<p>The project involved houses demolition in Yucai Road, New Gaochang Road and Huoyanshan road, all 52 HHs rural houses have obtained the house demolition permits legally before January 21, 2011, This type of HD would continue execute refer to " Regulations on Administration of the Housing Demolition and Relocation in Cities, and Regulations on Administration house demolition in Xinjiang Uygur Autonomous region ". Demolition compensation refers to replacement price of 2009; The final compensation price will be determined after field evaluation by Real Estate Valuation Surveying Company.</p> <p>(1) compensated at replacement rates</p> <p>(2) Select freely the means of resettlement, including cash compensation, rebuilding new houses in the planned homestead, purchasing the new ones and transferring property rights.</p> <p>(3) get a moving fee and temporary transition fee</p>	<p>Houses with brick-concrete structure: CNY 559 per m2; Brick-wood structure: CNY 453 per m2. Earth-wood structure: CNY 363 per m2 Civil outsourcing brick: CNY 428 per m2. Soil mix: CNY 534 per m2. Brick air-drying CNY 300 per m2. Earth-wood air-drying CNY 200 per m2. Earth-wood sample structure: CNY 50 per m2. Brick sample structure: CNY 100 per m2 earth-wood warehouse CNY 60 per m2, brick-wood warehouse CNY 130 per m2, shade-shed CNY 20 per m2, basement CNY 160 per m2, Asbestos Roof Tent CNY 16per m2.</p> <p>Moving fees standard: CNY 1,200 per HH.</p> <p>Temporary transition fees standard is CNY 700 per HH one month, which will last for 18 months. After the 18 months, the APs will be paid relevant transition fees according to their transitional term. To houses demolished completely, and choose resettlement residential building in Anju Fuming demonstration Community , according to residence status of the dismantled,regard house site as unit subsidies 50,000 yuan per household</p>

Type of Impact	Extent of Impact	Entitled Persons	Entitlement	Compensation policies and rates
HD in urban area	10940.50 was demolished in urban area, affected 70 HHs with 257 persons affected by construction of West Wenhua Road, including brick-concrete structure 4907.58 m ² (accounting for 44.86%), brick-wood structure 3411.5 m ² (31.18%), earth-wood structure 1026.95 m ² (9.39%), civil brick outsourcing 1035.53 m ² (10.47%) and soil mix 166.04 m ² (1.352%), color plate 36.75 m ² (0.34%), simple houses 246.42 m ² (brick basement 10.50 m ² , earth kiln 122.47m ² , kiln cave 124.18m ²) (2.25%).	Property owners	The project involves HD after January 21, 2011 (West Wenhua Road), and implement refer to the new "Regulations on Administration of the Housing Demolition and Relocation in Cities". Demolition compensation reference 2009 house demolition replacement price; The final compensation price will be determined after assessment on the spot by Real Estate Valuation Surveying Company. (1) compensated at replacement rates (2) Select freely the means of resettlement, including cash compensation, exchange the new ones, transferring property rights and offering low-rental houses to lower-income HHs. (3) get a moving fee and temporary transition fee	Houses with brick-concrete structure (1-2 floors): CNY 1700 per m ² . Brick-wood structure (1-2 floors): CNY 1700 per m ² . Earth-wood structure: CNY 1700 per m ² . Civil outsourcing brick: CNY 1700 per m ² . Soil mix structure: CNY 1700 per m ² . Earth kiln: CNY 1700 per m ² . Kiln: CNY 1700 per m ² . Color plate: CNY 1700 per m ² . Temporary transition fees standard is CNY 700 per HH one month, which would last for 18 months. After the 18 months, the APs would be paid relevant transition fees according to their transitional term. To the people who choose transferring property rights, According to the actual mapping acreage would compensation again. Standards as follow: brick-concrete 1 floor CNY 100 per m ² . Brick-concrete 2 floor CNY 120 per m ² . Brick-wood structure (1 floor): CNY 80 per m ² . Brick-wood structure (2 floors): CNY 100 per m ² . Brick-concrete basement 100 per m ² . Color plate CNY 80 per m ² . Civil outsourcing brick: CNY 65 per m ² . Soil mix structure: CNY 65 per m ² . Earth-wood structure: CNY 50 per m ² . Earth kiln: CNY 50 per m ² . Kiln: CNY 50 per m ² .
Market demolition	Influenced market by this project is Gaochang market, which is located west side of West Wenhua Road and Gaochang Road, this market was built in 1984 by Laochengdongmen Village collective, which including 34 shops and 37 stalls, all the shops and stalls are the lessee stores. 1552.22m ² stores in front in this market was demolished, including brick-concrete 120.13m ² , Brick-wood structure 1432.09m ² : Affected 34 shops with 77 people, 37 stalls affected with 60 people, It totally affected 137 people.	Property owners and tenants	Compensation fund for HD would pay to Laochengdongmen Village directly, Village collective consult with lessees, tenants can ask for the left rent and stop their business or continue to run their business in new market. (1) Obtain compensation for house (2) Moving to the new market	Houses with brick-concrete structure: CNY 550 per m ² . Brick-wood structure: CNY 450 per m ² . Temporary transition fees standard is CNY 400 per HH one month, which will last for 18 months. After the 18 months, the APs will be paid relevant transition fees according to their transitional term. Uniform Relocation by PMO.

Type of Impact	Extent of Impact	Entitled Persons	Entitlement	Compensation policies and rates
Ethnic minorities	There are 208 HHs with 922 persons of ethnic minorities who are mainly Uyghur People and Hui People.		(1) get LA and house compensation (2) get priority in project employment (3) get priority in free technological skill training	
women	507 women involved		(1) Affected women (at least accounting for 30% of workers) have a chance of getting the unskilled work. (2) In the course of project implementation, the project office will ensure a certain amount of affected women workers have a priority to get non-technical jobs. So as to ensure their economic status will not be impaired. There are totally 1,500 person-times of training, including minimum 50% provided to women labors. (3) APs can get resettlement information and participate in resettlement. (1) get LA compensation (2) get priority in project employment (3) get priority in free technological skill training	
attachments and facilities		Property owners	Related compensation fees shall be paid to the property owners. Buildings and ground attachments will be compensated as replacement price or will be rebuilt as former standard.	
Special facilities		Property owners	Affected special facilities would be rebuilt as former standard. PMO would depend on special usage and rebuild as "former function, scope and standard".	

V Resettlement Measures

5.1 Resettlement Targets

80. According to the actual living standard of resettlement in 2011 and the eleventh five- year plan for national economic and social development and the long-term plan through the year 2015, the objectives of resettlement for this project have been analyzed and determined as follows:

- 1) Adopt measures to ensure that the average annual income per-capita of the displaced families can be restored to the previous levels before resettlement, in order to improve regional economic development;
- 2) Make sure that the overall living conditions of the displaced families won't be worsened by the execution of this project;
- 3) The conditions of infrastructure, schooling, medical treatment, social welfare, natural environment, traffic, etc. will be improved or upgraded remarkably when compared with the situation before the project.

5.2 Principles for Resettlement and Rehabilitation

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 impacts and the need for resettlement;
- 2) Resettlement and compensation policies should be implemented in steps, so that level of production and life will be at least restored to the pre-project level;
- 3) The resettlement plan should be budgeted on the basis of unit prices for material products and compensation rates. According to the requirements of the plan budget, the construction scale and standard of resettlement compensation should conform to the principle of restoring the original scale and standard without an investment gap;
- 4) Resettlement should be planned and implemented in full consultation with APs;
- 5) The plan should be established based on the principle of "facilitating production, benefiting people's living";
- 6) Resettlement should be combined with the local urban development plan, such as plans for resource exploitation, economic development and environmental protection. Feasible measures should be practically made to develop and restore

production suited to local conditions, and create the necessary conditions for self-development.

5.3 Rehabilitation Plan for Affected Villages

81. Project permanent land acquisition involves 3 villages; they are Bageri Village, Muna'er Village, Gebi Village. The project levy collective land 183.49mu, according to land types and usage, including 135.63mu grape land (accounting for 73.92%), 47.49mu collective construction land (accounting for 35.02%), village collective unused land 0.37mu (accounting for 0.78%). Land acquisition is mainly caused by road construction, and these roads are line layout, the APs just lose small part of their land and the income is not badly impacted. Detailed analysis for the impacts of LA can be referred to Table 2.3.

82. According to sampling surveys of resettlement willingness, **all 113 HHs demand cash compensation and the land will not be readjusted.** Compensation must be paid timely. The compensation will be mainly invested to establish small businesses, improve crop cultivation, livestock rising, and for skills training.

Plan 1: Cash Compensation and Investment for Each HH, Especially with the Help of Tourism

83. With Turpan City further multi-functional and the urban size, local commerce and service industry developed well, which shall offer more employment opportunities. Thus, those land-lost farmers can be engaged in these industries with the compensation fund. For example, they can purchase cars and run a taxi business to increase their income.

Plan 2: Training

84. The whole period of resettlement and produce recovery, PMO would organize APs attend the skills training. For example, the training for planting economic plants and breeding aquatics will be performed.

- 1) During the period of project construction, APs will have priority in getting jobs, which would offer them cash incomes.
- 2) APs have priority to got job if there is labor force exporting transfer programs in the affected villages.
- 3) Invited technical personnel labor related to the agricultural sector social security department to the resettlement area and give training on agriculture and farming, Affected household at least accept a agricultural production technology training and non-agricultural production technology training one time (such as ethnic handicrafts, etc.), through these measures, APs could improve crop quality and yield increase their

economic incomes and restore the livelihood.

85. In particular, handicrafts of Turpan are demanded in China and abroad, due to their special ethnic features. This can broaden the employment channels and increase their employment rates effectively. Living level and income would be restored to the pre-project level. Apart from compensation, relocation plans must conform to households' present status through full consultation with APs development of the production settlement plan. Project LA affects 3 villages with 113 HHs, including: Bageri Village's 41 HHs with 207 persons and the rate of loss land per HH is 23.12%; Muna'er Village's 32 HHs with 157 persons and the rate of loss land per HH is 11.11% and; Gebi Village's 40 HHs with 191 persons and the rate of loss land per HH is 24.99%. Rehabilitation Plans are respectively made for these 3 villages.

86. Summarized the compensation and resettlement plan, land compensation are mainly used as the following aspects: the investment business, engaged in tourism, planting greenhouse vegetables. Detailed condition of the compensation is shown as table V-1.

Table V- 1 Schemes to Restore Affected Households Income

Item		initial outlay	income	remark	Responsible Organization
Investing Business	Transportation	Investment is bigger in transport or taxicab, it would need 80000 Yuan to buy a car and do as, but profitable.	Earn 50000 Yuan per year, the tourist season and harvest season can achieve exceeds 500 Yuan per day.	Turpan is a tourist city, and close to Urumqi, convenient transportation, transportation conditions mature. So this industry returns quickly and highly. Need training driving	Training and employment were in charge of Labor and Social Security Department
	Shops	30000yuan	Earn 25000yuan per year	The affected households who have street house choose this program, don't need to rent the house	
	Cloth Store	40000yuan	Earn 30000yuan per year	The tourist season, the Muslim holiday the store sells national costumes, at ordinary times sell fashion, minority love fashion, so clothing store business income is very high. May to October is the tourist season, 2000 Yuan per day.	

Related to Tourism	Catering Industry	45000yuan	Earn 30000yuan per year	Operate generally is national food, which could meet the needs of the nearby. In the season of tourism, home visits, etc, July to August, the income can reach 500-600 Yuan.	
	National Handicrafts	10000-20000 yuan	Earn 20000yuan per year	Through training to make national handicrafts, which can sell or can also be acquired by tourist shops, mainly are the national women who choose this solution.	
Cultivation greenhouse vegetables		25000yuan per year, and then 5000-10000yuan per year	net income 21000 per Yuan , twice than before	There were two questions need to solve: meet the land need, after LA, APs land reduced, but greenhouse need less land, 0.2-0.5mu needed each, after LA the affected HHs owned land greater than 2.38mu (Table 2-2), so the land could meet the need, 2: Technical requirements. Due to APs don't have greenhouse planting technology, which is their expectations. The project trains the affected households planting and cultivation technology for free. Build vegetable greenhouses and technical training needs 2 months. With the period of LA for training, in this way they can save one month. So that they can quickly gain income from the investment.	Training and employment were in charge of Labor and Social Security Department

5.4 House Reconstruction Plan

87. HD involved 122 HHs with 480 persons, total area was 20223.12 m², including 6353.40 m² residential area and 786.51 m² air-drying houses. In urban area, 77 HHs with 290 persons involved in HD, **all houses were demolished completely**, and the total area was 10940.50m², 156.29 m² for per HH. In rural area, there were 45 HHs with 190 persons affected by HD, total area was 8191.21 m², 154.96 m² for per HH, but 8 HHs of rural area had been partially demolished with 545,91 m², which mainly involved walls,

simple houses and air-drying houses. There were 20HHs involved in air-drying demolition, the total area of air-drying demolition was 786.51 m² and average area per HH of 48.13m².

88. 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 that had been legally issued demolition permits before January 21, 2011, would continue to be compensated by following the "Urban Housing Demolition Management Regulations". House demolition after 21 January 2011 would be performed in accordance with the new "Housing Levy and Compensation Ordinance for houses on state-owned land".

(i) Resettlement option for the AHs whose house demolition permission was legally obtained before January 21, 2011

89. The project involved HD in Huoyanshan Road, Yucai Road and New Gaochang Road. All 52 HHs had obtained HD permits before January 21, 2011. In accordance with the relevant regulations that Urban and Rural Housing Demolition Management Regulations and the implementation of the Xinjiang Uygur Autonomous Region *Urban Housing Demolition Management Regulations* rules, and autonomous regions shantytowns transformation policies, combined with the actual situation within the scope of the demolition. In order to protect the legitimate rights and interests of rural residents effectively, and proper resettlement for the affected people caused by road construction, accelerate build the new villages, the following resettlement options were prepared:

90. House demolished affected households can choose the following resettlement modes: cash compensation, property exchange, or purchase of replacement house after cash compensation. After receiving house compensation, the AHs may choose a resettlement mode based on affordability and individualized needs, such as cash compensation, property exchange, purchase of replacement house after cash compensation, purchasing commercial housing. AHs may choose the proper resettlement mode based on individualized needs and economic situation.

91. **Cash Compensation:** The cash compensation would be given after demolished house evaluated according to the real estate appraisal agencies of house specific location, building structure, building area, road grade, decoration and other factors. If Ahs don't want to property exchange, they can request cash compensation, to meet their individual needs, according to their willingness, they can buy commercial house or resettlement house. In addition, they can also use the other investments after the cash compensation, or buy houses in other city. Project no longer interfere with these

affected HHs.

92. According to relocation survey, among 52 HHs obtained house demolition permits before in January 21, 2011, 11 HHs chose cash compensation; including 10HHs with partial demolition, the demolition area was 691.25 m², which involved walls, simple house and air-drying room, which had no effect to the main house. So 10 HHs chose cash compensation, which could be used for other investments. 1 HH was demolished completely but because the AH has another house in Turpan city, they choose cash compensation, which would be used for other investment.

93. **Buy Resettlement Housing:** The demolished house would be evaluated by the real estate appraisal agencies according to house specific location, building structure, building area, road grade, decoration and other factors. Before assessing the value of demolished house compared with real estate market price, the real estate assessment agencies listened to the AHs' views first. If the AHs agreed to buy resettlement house, according to the Urban and Rural Housing Demolition Management Regulations and shanty towns transformation policy, combined with the actual household residential area. They can buy the resettlement house at cost price, with floor prices as follows: the first floor is 1530 yuan/ m², the second floor is 1605 yuan/ m², the third floor is 1590 Yuan/ m², the fourth floor is 1275 Yuan/ m². The extra part of cash compensation would be purchased by AHs as floor cost price. Each family can choose different model and area based on their own needs. They can choose the floor freely if they actively cooperate with house acquisition officers to make agreement. Also, 50,000 Yuan would be given to the AHs whose houses were completely demolished, and choose resettlement residential building in neighborhood low-income families Community.

94. According to the resettlement wishes survey, among 52 HHs obtain housing demolition permit before in January 21, 2011, 37 HHs choose cash compensation and then buy resettlement housing. Before the demolition, the houses are mainly earth-wood and brick-wood structure, residential house in bad repair and don't have centralized heat supply, water supply, drainage system, poor road lead to travel inconvenienced. At present, the PMO has consulted with the 4 affected HHs in Yucai Road.

95. **Case:** The demolished house would be evaluated by the real estate appraisal agencies according to house specific location, building structure, building area, road grade, decoration and other factors, etc., and after combined with price of the real estate market to afford cash compensation, and buy resettlement housing. For example: One family with 3 people, a total of 96.75 m² earth-wood structure was demolished, after

assessment compensated 107700 yuan, plus 50000 yuan allowance by government, summed to 157700 yuan. The dismantled house could be replaced with a new house which has 120 m². The house has 3 living rooms and 2 halls. The family also could gain Temporary Transition fee; housing with running water, centralized heat supply, etc., conditions of life and house structure are much better than before.

96. Introductions of neighborhood for low-income families Community:

Neighborhood for low-income families Community located in Huoyanshan Road in Turpan city, which is 3km away from the center of Turpan. Neighborhood for low-income families Community was built by Turpan Shengyuan Construction Engineering Limited liability Company. Total area 348201.90 m², residential area 265703.46 m², commerce construction area 24710.60, 4164m² service construction (including: Kindergarten, Village Committee). This community is planned 2200 residents, with 738 parking spaces and greenbelt rate of 38.72%. Neighborhood for low-income families Community are built following standard for living area plan in urban. It would have commona service facility, kindgarten, Health Station, Cultural Station, Village Committee, Property Management and commerce services, etc. Two kinds of house construction areas 80-130 m², including 2 bed-room and 2 living room, and 3 bed-room and 2 living room.



Figure V- 1 Plan of Neighborhood for low-income families Community



**Figure V- 2 Current Situation of Neighborhood for low-income families
Community**

**(ii) Resettlement option for the AHs whose house demolition
permission legally obtained after January 21, 2011**

97. In order to protect legitimate rights and interests of the people whose houses were demolished, and proper compensation could be paid for the affected HHs, and the principles of people oriented, justice, equitability are followed during the compensation period. According to Law of Programming in Urban and Rural of People Republic of China, Land Administration Law of the People's Republic of China and State-owned Land on the Housing Levy and Compensation Ordinance, combined with actual situation, Turpan LA and HD office laid down the plan of West Wenhua Road compensation for HD.

98. The resettlement options for affected households caused by demolition include: cash compensation or property exchange. AHs could follow their own choice according to their economic conditions and individualized demand.

99. **Property Replaced:** According to the date of announcement by the real estate assessment company which have relevant aptitude, the company's assessment depends on the similar price of real estate market and should listen to the views of AHs. If the AH agreed to property exchange, they would be include in the house resettlement plan.

100. The household should have legally registered property evidence and the evidence of state-own land using right. AHs who have two evidences could get the replaced property homealographic as the actual measure area. The left area after they get property exchange, would be compensated in cash at an average rate of 1700yuan/ m² and adjusted with floors difference price (difference price in exchange floors: first floor 1785yuan/ m², second floor 3393 Yuan/ m², third floor 3333.00 Yuan/ m², fourth floor

1666 Yuan/ m², fifth floor 1275 Yuan/ m²,). The purchase of additional floorspace, beyond the area of property exchange, would be calculated following the average market price of 3030 Yuan/ m² (adjusted with difference floors price in market: first floor 3181.50yuan/ m², second floor 3393.60 Yuan/ m², third floor 3333.00 Yuan/ m², fourth floor 2969.40 Yuan/ m², fifth floor 2272.50 Yuan/ m².)

101. If the area of the house less than 50 m², the government would provide a 50 m² exchange house according to the lowest guarantee policy, and they do not need to pay the difference. After signing the demolition compensation agreement, they would get full specified amount compensation if they choose cash compensation. If AHs choose property exchange, they can get a resettlement house. AHs who signs the agreement earlier can choose the orientations, place, floor, etc. the one signed the property exchange agreement can get a basement for free.

102. Temporary Transition fee 700 yuan/month, according to the actual need. Moving fee 1200 yuan/HH.

103. According to the survey of the resettlement wishes, affected after State-owned Land on the Housing Levy and Compensation Ordinance, 70 HHs get housing demolition permits after in January 21, 2011, and all 70 HHs choose exchange property. Before the demolition, the houses were mainly earth-wood and brick-wood structure, with residential houses in bad repair, no centralized heat supply, or water supply, or drainage system, and the poor road conditions was an inconvenience for residents.

104. **Case:** AHs should have legal registered property evidence, and evidence of use rights of state-owned land. IF AHs have two evidences completely, they obtain the property exchange. A family with 5 people, 70 m² brick-wood house was demolished, earth-wood air-drying room 70 m², 30 m² earth-wood simple house was demolished. AHs chose exchange property based on area registered, so they can get 70 m² apartment with 2 bed-rooms and 2 living-rooms. Beside they can get a 30 m² house and compensation for attachments. If AHs want a house on first floor, the house area is 105m² (3 bed-rooms and 2 living-rooms), and he should pay the additional 5 m² at the market price of 3181.50yuan/ m². Totally, this AH should pay 15908 for 5 m². The new housing has running water, centralized heat supply, etc., so conditions of life and house structure are much better than before.

105. **Cash Compensation:** Affected HHs can also choose cash compensation. According to the date of announcement by the real estate assessment company which has relevant aptitude, the company assessment depends on the similar price of real estate market (assess price including the right of using land) to calaculate cash

compensation. To the people who don't want to property exchange, they can require that cash compensation to buy commercial housing in Turpan city and do other investment.

106. Introductions of West Wenhua Road Resettlement community: West Wenhua Road Resettlement community beside the new section of West Wenhua Road, which is located in center area of old town. There were important commerce and commonality buildings in east, in west is suburb, south is commerce, school and hospital. Hospital, school, bank, communication and culture market are within 1 km. Commerce atmosphere is strong, and have high value of residence and commerce. Resettlement community area is 20050.00 m², including residence of 322875 m², green land 70153.5 m², and total construction area is 300500 m², including residential construction area 291518 m². It is planned for 892 HHs with 3122 people. There are 1009 parking space on the ground, 890 parking spaces underground. Construction started in September 2012, and residents can move in by November 2013. Common service facility: nursery, kindergarten, health station, cultural station, community service centre, property management and commerce services, 3 types of apartments: 2 bed-room and 2 living-room (80.86 m²、81.74 m²、95.86 m²)、3 bed-room and 2 living-room (94 m²、94.50 m²、94.70 m²、95.60 m²) , and large 3 bed-room and 2 living-room (101.36 m²、103.55 m²、116.38 m²、118.36m²、122.36m²) .



Figure V- 3 Plan of Neighborhood for low-income families Community



Figure V- 4 Current Situation of West Wenhua Road Community (July 2013)

5.5 Rehabilitation Plan for Gaochang Market

107. The project involved a free market demolition, which was owned by Laochengdongmen Village and occupied state-owned construction land. At present, shops and stalls are used for renting and the village collective gets rent and management fees. The entire compensation fund was paid to the village collective directly; the land would take back by Land Bureau. Tenants are entitled to the remainder of their rental agreements; they can choose to stop their business or continue to run their business in new market.

108. Gaochang market, which is located west side of West Wenhua Road and Gaochang Road, was built in 1984 by Laochengdongmen Village collective, including 34 shops and 37 stalls, all leased out.. 1552.22 m² in this market had been demolished, including brick-concrete 120.13 m², brick-wood structure 1432.09 m², affecting 34 shops with 77 owners/employees and 37 stalls with 60 owners/employees. It totally affected 137 people. This market was rented out annually. At present, this market is contracted by a villager whose name is Keyimu and all shops and stalls are rented to merchants for selling fruit and vegetables, meats, and condiments.

109. According to the contract of renting signed by tenants and property owners, the term of renting is one year and if houses demolition had happened the contract should be stop and the property owners should pay back the remaining rental amount to the tenants and make an advance notice to them before 3 months.

110. During the demolition negotiation process, Laochengdongmen Village Committee demanded cash compensation to be used for other collective investments. The PMO offered the LaochengDongMen Village cash compensation, and considering the interests of the merchants in the market, PMO agreed to arrange the market shops and

stalls in new market in the West Wenhua Road. The new market adjacent to the youth Grape Corridor and beside the turpan pedestrian street, it is about 800m from the old market and located downtown area. The New market environment is much better than old open market. This area has larger population density. The merchants could engage in original buisniesses. To the operator, they don't need bear cold, no matter safety or comfortable all have improved than before.



Figure V- 5 New Market of West Wenhua Road

111. Through the survey, PMO consulted with market property owners and shop lessees. Market property owners and shop lessees wanted to move to new market before demolition; not wanting the lessee business affected, the PMO permit that demolition of the old market be started after after all the shops moved to the new markets. All shops and stalls had moved to new market with PMO's helping on 28 April, 2011. All commercial tenant felt satisfied with resettlement.

5.6 Training and Employment for APs

112. A special skill training plan for APs of Turpan ADB project has been established, designed for those with an elementary education. The project plans to train 1,500 persons in total.

(1) Training target group

113. The training target group is the rural labor force with Turpan residence registration, affected by LA or housing demolition under the project, aged between 16 to 50, above junior secondary school age. The APs will receive a Job-Hunting Registration Book and be entitled to training under the Rural or Urban Poor Labor Training Preference scheme handled by the Bureau of Personnel and Social Security of Turpan.

(2) Training Content

114. According to the industrial structure and market demand in Turpan and the surrounding area, skill training will focus on crop farming, livestock raising, service industry skills and the building industry. The following jobs can be chosen: vegetable worker, fruit tree worker, domestic animal raising worker, fowl raising worker, poultry breeding worker, poultry reproduction worker, brick layer, agricultural machinery operator, farm machinery repairman, motorcycle repairman, stoneworker, construction painter, electric welder, tailor, concrete worker, waterproofing worker, construction worker, animal quarantine, prevention and treatment of animal plague and so on.

(3) Training Forms

115. The types of training include skills training, individual capacity building and on-the-job training. The skill training is managed by the Social Security Administration Department. The main points of training provided by all kinds of education and training institutions, and employers, are practical skills in agriculture, animal husbandry and forestry. A trainee may participate in 3 courses of individual capacity building training in 3 years, which is service industry-oriented training. On-the-job training aims at the industries and jobs which demand complicated techniques, technical skills, standardized operations, and direct abilities related to production quality, customer health and safety.

(4) Organization

116. Turpan Municipal Party Committee and the Turpan Municipal Government have set up a pre-job training leading team for the shifting of surplus rural labor to non-agricultural industries. A technical training workgroup will be subordinate to the leading team. The office of the leading team is located at the Personnel Labor and Social Security Bureau of Turpan. Each village will establish a corresponding leading team.

(5) Training in Learning Chinese Language

117. Community consultations and the poverty and social analysis have highlighted the importance of bi-lingual abilities for employment with both private and government entities. Contrarily, it is difficult even to engaging in tour business in villages. Language training during the project for workers and ethnic minorities seeking advancement will be provided.

5.7 Protection of Women's Rights and Interests

118. The affected area has a balanced sex ratio. Women enjoy the same rights as men in the affected rural communities, including land rights, education, and family planning

and participating in voting in rural communities. Of the surveyed female workers, most believe that they should enjoy the same rights as men, such as making independent choices regarding jobs, undertaking small business or working 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 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 and the wives are the Accountants."

119. 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 undertake much local travel to purchase household goods. The relocation community will be close to an agricultural market and sports and cultural facilities, which will be a good place for women to meet, undertake classes or exercise, and plan group activities. Therefore, the project construction and LA will bring about net benefits to women and no identified adverse effects.

120. In the course of project implementation, the project office will ensure 30% of such jobs go to affected women. Affected women workers 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 1,500 person-times for the APs with technical training, including no less than 750 person-times for women (50%).

5.8 Development of Ethnic Minorities

121. Among the APs, affected ethnic minority group's amount is 208 HHs with 922 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 most obviously regarding living habit, food, language and religious beliefs.

122. Among these affected ethnic minorities, Uyghur People are good at grape

cultivation, Kazak People are good at stockbreeding and Hui People are good at catering and serving. They can thoroughly make use of their special and outstanding customs and cultures to raise their income and live better lives.

123. 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, documented separately.

5.9 Rehabilitation of Infrastructure and Special Facilities

124. Infrastructure such as water channels and water supply pipelines affected by the project will be rehabilitated during the construction of the new roads. The original specifications of such infrastructure will be substituted by the project-designed culverts and water supply pipes built in conjunction with the roads. This investment has been included in the total cost estimate of project. For affected trees, cash compensation will be given to the APs or collectives directly.

VI BUDGET ON COMPENSATION AND RESETTLEMENT

6.1 Resettlement Costs

All the expenses arising from LA and resettlement will be covered by the total budget of the project. The entire fund comes from domestic funds. The resettlement cost is CNY 57.98 million in total.

Permanent LA of collective-owned land: The total costs of permanent land occupation are estimated to be CNY 17.4817 million (30.15% of total costs).

Permanent LA of state-owned land: The compensation fee for permanent state-owned land occupation is CNY2.6288 million (4.53% of total costs) including paid for the state-owned land and compensation fee for residential land.

House demolition: The compensation fee for house demolition is CNY 24.0275 million (accounting for 42.31% of the total costs). Among the house demolition there are. Compensation for structure, allowance for moving, Temporary Transition fee

Market demolition: The total costs of 0.7105 million (1.23% of total costs), including the compensation fee for shops and house, allowance for moving, Temporary Transition fee

Infrastructure and ground attachments: The compensation fee is CNY 0.1480 million (accounting for 0.26% of the total).

Other fees: CNY 9.0517 million (accounting for 15.61% of the total) for reconnaissance design expense, implementation management expense, technical training fee and contingencies fee. Contingencies fee has included in project budget and not repeatedly count.

Fee for demolition: 3.1225 million, accounting for 5.39% of the total

Table VI- 1 Resettlement Cost Estimates

No.	Items	Unit	Compensation standard (CNY/Unit)	Total Quantity	Cost (CNY 10,000)	Proportion (%)	Remark
1	Collective-owned LA	mu		183.49	1748.17	30.15%	
1.1	grape land	mu					
	LA compensation	mu	32400	135.63	439.44		
	resettlement subsidies	mu	72000	135.63	976.54		

	Standing crops compensation fees	mu	10800	135.63	146.48		
	Attachments on ground	mu	4800	135.63	65.1		
1.2	Vegetable construction land	mu	25200	47.49	119.67		
1.3	Vegetable unused land	mu	25200	0.37	0.93		
2	Occupied state-owned land	mu			262.88	4.53%	
	Gebi	mu					
2.1	pay for using state-owned land	m ²	10-20	96740	193.48		
2.2	management fee of land	m ²	1.5	440620	66.09		
2.3	management fee of land non-agricultural construction unused land		50	660.93	3.3		
3	House demolition				2402.75	42.84%	
3.1	Housing demolition permits before January 21, 2011				353.1	7.49%	
	House compensation						
	brick-concrete structure	CNY/m ²	559	408.65	22.84		
	Brick-wood structure	CNY/m ²	453	668.94	30.3		
	soil mix	CNY/m ²	534	363.83	19.43		
	earth-wood structure	CNY/m ²	363	1663.18	60.37		
	civil outstanding brick	CNY/m ²	428	917.6	39.27		
	Sample earth-wood structure	CNY/m ²	50	655.99	3.28		
	Sample	CNY/m ²	100	80.35	0.8		

	brick-wood structure						
	brick-wood warehouse	CNY/m ²	60	45.35	0.27		
	earth-wood warehouse	CNY/m ²	130	162.27	2.11		
	basement	CNY/m ²	160	306.21	4.9		
	Asbestos Roof Tent	CNY/m ²	16	58.8	0.09		
	Shade-shed	CNY/m ²	20	1022.24	2.04		
	Air-drying houses with brick structure	CNY/m ²	300	244.76	7.34		
	Air-drying houses with earth-wood structure	CNY/m ²	200	541.75	10.84		
	Other subsidies						
	compensation for attachments	CNY			105.04		
	temporary transition fee	household per month	700	32	40.32		Basic period is 18 months, if beyond this period,
							according to the actual transition period to allowance
	Allowance for moving	HH	1200	32	3.84		
3.2	Housing demolition permits after January 21, 2011				2049.64	35.35%	
	brick-concrete structure	CNY/m ²	1700	4907.58	834.29		
	Brick-wood structure	CNY/m ²	1700	3411.5	579.96		
	earth-wood structure	CNY/m ²	1700	1026.95	174.58		

	civil outstanding brick	CNY/m ²	1700	1035.53	194.74		
	soil mix	CNY/m ²	1700	166.04	28.23		
	color plate	CNY/m ²	1700	36.75	6.25		
	earth kiln	CNY/m ²	1700	122.47	18.95		
	kiln	CNY/m ²	1700	124.18	21.11		
	brick-concrete basement	CNY/m ²	1700	10.5	1.79		
	compensation standard for after choose exchange property	CNY/m ²			93.16	1.61%	
	brick-concrete structure 1 floor	CNY/m ²	100	4664.57	46.65		
	Brick-wood structure 2 floor	CNY/m ²	120	243.1	2.92		
	earth-wood structure 1 floor	CNY/m ²	80	2877.69	23.02		
	earth-wood structure 2 floor	CNY/m ²	100	533.81	5.34		
	civil outstanding brick	CNY/m ²	65	1035.53	7.45		
	soil mix	CNY/m ²	65	166.04	1.08		
	earth-wood	CNY/m ²	50	1026.95	5.13		
	color plate	CNY/m ²	80	36.75	0.29		
	brick-concrete basement	CNY/m ²	100	10.5	0.11		
	earth kiln	CNY/m ²	50	122.47	0.56		
	kiln	CNY/m ²	50	124.18	0.62		
	other allowance				96.6		
	temporary transition fee	HH per month	700	70	88.2		Basic period is 18 months, if beyond this period, according to the actual transition period to allowance

	Allowance for moving	HH	1200	70	8.4		
	market demolition				71.05	1.23%	
	compensation for house						
	brick structure	CNY/m²	550	120.13	6.61		
	brick wood structure	CNY/m²	450	1432.09	64.44		
	other allowance						
	temporary transition fee	HH per month	700				The project permit move to new market before demolished old market, so there is no temporary transition fee
	Allowance for moving	HH	1200				
	Attachments on ground						
	Total				14.38	0.26%	
	1-5 total				4580.57		
	other fee				905.17	15.61%	
	reconnaissance design expense	According to construction land and resettlement percentage	3%	4690.09	140.7		
	implementation management expense	According to construction land and resettlement percentage	3%	4690.09	140.7		
	technical training fee	According to construction land and	1%	4690.09	46.9		

		resettlement percentage					
	assessment fee	According to construction land and resettlement percentage	1.50%	4690.09	70.35		
	contingencies fee	According to construction land and resettlement percentage	10%	4690.09	469.01		
	Fee for demolition	Local regulation	?		312.25	5.39%	
7	new construction using fee	CNY/m ²	20	90420	180.84		
	Farmland reclamation fee	CNY/Mu	3000	135.63	40.69		
	Farmland occupation tax	CNY/m ²	2.3	90420	20.8		
	LA management fee	The percentage of subtotal 4	4%	1748,14	69.93		
Total					5679.14	100.00%	

6.2 Annual Investment Plan

All project funds for resettlement and LA 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 VI- 2 Annual Resettlement Investment Plan

Year	2009	2010	2011	2012	2013
Investment (CNY 10,000)	579.80	1739.40	1739.40	1159.60	579.80
Rate (%)	10%	30%	30%	20%	10%

6.3 Management of Resettlement Funds & Disbursement

6.3.1 Cash Flow

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 as Figure 4.

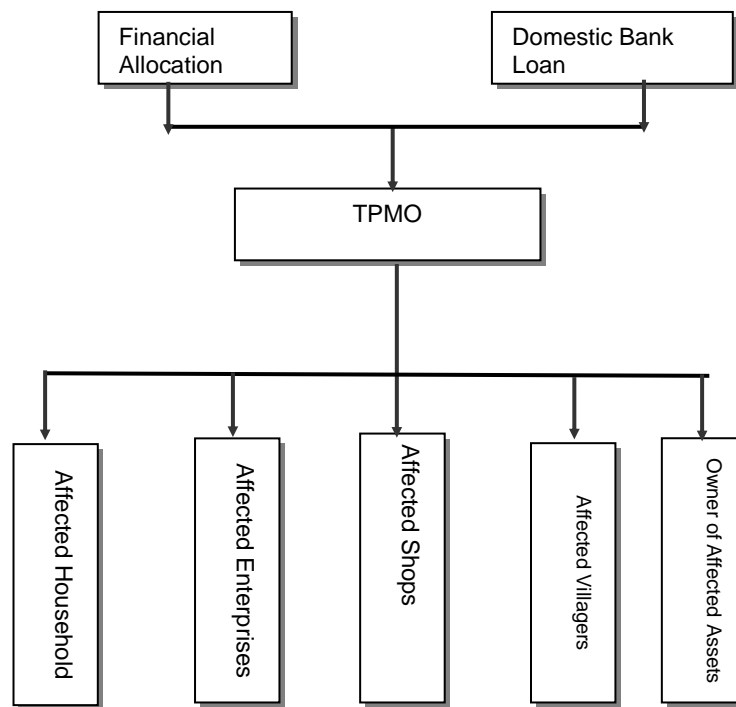


Figure VI- 1 Capital Flow Figure

6.3.2 Management of Resettlement Funds & Disbursement

Land compensation fees and resettlement subsidies will be disbursed based on full consultation with APs. Compensation fees for standing crops and attachments of ground will be paid directly to APs; compensation fees for houses demolition and compensation fees for infrastructure and attachments of ground will be paid to relevant affected unit or individuals directly.

In order to ensure the funds for LA and resettlement fund 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 LA 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 LA 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.

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, TPMO guarantees the payment of compensation based on the detailed measurement survey (DMS) of the actual impacts. Meanwhile, the resettlement budget includes an un-predicted cost fee and will be modified based on the actual needs.

VII Institutional Organization and Responsibilities

7.1 Responsible Institutions for Resettlement Implementation

The departments responsible for planning, implementation, management, and monitoring of TRESP are:

- Leading Group of TRESP
- Project Management Office of TRESP (TPMO)
- Turpan Construction Bureau (TCB)
- Turpan Land and Resource Bureau (TLRB)
- Turpan Houses Levy Office (THDAO)
- Grape Township and Ya'er Township (PY)
- Villages committurs (VC) of Bageri Village、Muna'er Village、Gebi Village
- Design Institute (DI)

Road construction Leading Group of TRESP 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 TRESP is in charge of resettlement investigation, development of the RP and implementation of demolition.

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

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

Turpan Houses Levy Office is responsible for housing demolition, directing the implementation of resettlement, organizing and coordinating.

Grape Township and Ya'er Township is 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 Responsible for providing the land contract, assisting with or participating in the various surveys and LA work after the demolition of house sites. Coordinating with the contractor to provide vulnerable groups 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.

7.2 Organization Chart

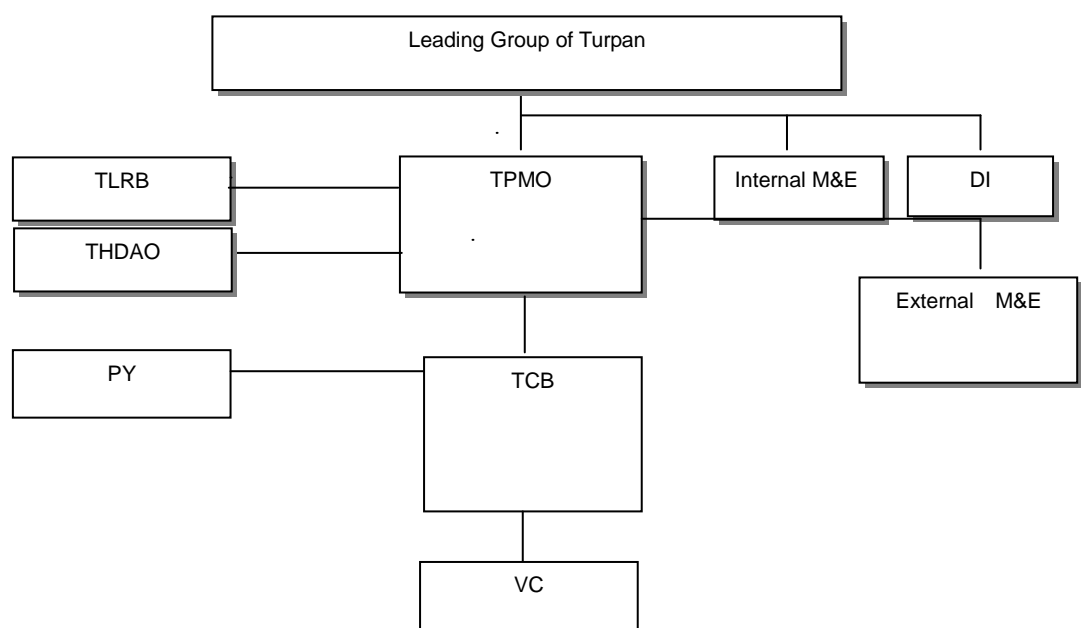


Figure VII- 1 Turpan City Resettlement Organization Chart

7.3 Institutional Capacity for Resettlement Implementation

Key resettlement Implementation staff includes senior professionals from the people’s government at many levels and administrative departments of Turpan. 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.

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 LA and resettlement.

Table VII- 1 Staffs of TRESA Resettlement Institution

Position in the project	Name	Title
Group leader	Xiao Jianwu	Secretary Municipal Committee of Turpan
Executive Vice-leader of the Group	Aihemaiti-Wupuer	Vice-secretary Municipal Committee of Turpan and Mayor of Turpan
Vice-leader of the Group	Yuan Xiaohua	Vice-secretary Municipal Committee of Turpan and Secretary of the Discipline Inspection Commission
	Yang Jian	Vice-secretary Municipal Committee of Turpan
	Wang Haiqin	Chairman of Municipal People's Congress of Turpan
	Wang Deming	Secretary, Party Leadership Group of the Municipal Committee of Turpan People's Political Consultative Conference
	Abuduniyazi Mahemuti	Secretary of the Municipal Committee of Turpan People's Political Consultative Conference
	Lu Chunjing	Standing Committee (member) of the Municipal Government Committee of Turpan and Executive Vice-Mayor of Turpan
	Liang Hongkai	Standing Committee (member) of the Municipal Government Committee of Turpan and Director of Public Security Bureau
	Zu Jianpin	Standing Committee (member) of the Municipal Government Committee of Turpan and Director of Organization Department of Turpan
	Jiapaer-Rexiti	Standing Committee (member) of the Municipal Government Committee of Turpan and Director of Propaganda Department
	Maimaitiming Maitiniyazi	Vice-Chairman of Municipal People's Congress of Turpan
	Jin Zhongmei	Vice-mayor of government
	Shu Taincheng	Vice-Mayor of Turpan
Staff	Chen Hao	from Office of the Municipal Committee of Turpan
	Zhang Xinguo	from Office of People's Government of Turpan
	Wang Lixu	from the Discipline Inspection Commission of Turpan
	Chen Hongwei	from Turpan Environment and Sanitation Bureau
	Deng Ming	from Development and Reforming Commission of Turpan
	Wang Xujiang	from Turpan Financial Bureau
	Li Rufu	from TCB
	Fei Guobing	from TCB
	Ma Liming	from Turpan Planning Bureau

7.4 Key Tasks of Resettlement Institutions

7.4.1 Leading Group of TRESC

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

7.4.2 TPMO

- 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 M&E and coordinate External M&E 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

7.4.3 Turpan Construction Bureau

- Conduct the socio-economic survey
- Carry out an inventory of loss for LA 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.

7.4.4 Affected Sub-district Administration 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 LA 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

7.4.5 Village Committees Involved

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 relocates;
- 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 LA and demolition.

7.4.6 Design Institute

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

7.5 Measures for Strengthening the Capacity of Resettlement Institutions

To ensure smooth implementation, staff in charge of LA and resettlement has conducted relevant training, as detailed in the following training plan. The training workshops were organized by the Xinjiang PMO.

7.5.1 Training Plan for Resettlement Management Staff

A system for staff training and human resource development was established at all levels of resettlement management institutions. The contents of training 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 include:

- 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.

Table VII- 2 Schedule for Resettlement Implementation Training

Time	Location	Training methods	Recipients	Training content
2007,12	Turpan	Centralized course	Resettlement work staff	Resettlement business training
2008,1	Urumqi City	Seminars	Resettlement work staff	Discuss the resettlement experience and the problems
2008,2	Domestic	Learn from the demonstration	Key personnel of the office	The implementation site visit of the ADB project

7.5.2 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 M&E through establishing an early-warning system.

VIII Monitoring and Evaluation

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: internal monitoring conducted by the resettlement institution and External M&E by an independent third party.

8.1 Internal Monitoring

8.1.1 Objective

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.

8.1.2 Institution and Staffing

The resettlement internal monitoring agency of this project is TPMO and other related departments (such as TLRB. This bureau 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.

8.1.3 Content of Internal Monitoring

Xinjiang PMO and TPMO will prepare a detailed internal monitoring plan for LA 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 LA 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 LA 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.

8.1.4 Internal M&E Reporting

The Xinjiang PMO shall submit a semi-annual report to the ADB for internal M&E. 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 VIII- 1 Progress Report on LA 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 LA	Mu				
Temporary land use	Mu				
Paid land compensation	10000 CNY				
Training accepters					
Employments accepters					
Land adjusted	Mu				
Reporter: _____		Sign (Director): _____		Cachet: _____	

Table VIII- 2 Execution Progress on Funds Utilization

_____Region (County)_____Town_____						
Cut-off date: _____/_____/_____ (d/m/y)						
Date: _____/_____/_____ (d/m/y)						
Affected institutions	description	unit/amount	Investment Required (¥)	Compensation Received (¥)	Compensation Adjusted	Compensation rate
Village 1						
Village 2						
Collective						
households of resettlement						
units						
Reporter: _____			Sign (Director): _____		Cachet: _____	

8.2 External M&E

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.

The external M&E 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. External M&E reports shall be submitted to Xinjiang PMO and ADB. The terms of reference for External M&E and evaluation are shown in Appendix 4.

8.2.1 Content and Methods of External Monitoring

(1) Baseline survey

The External M&E 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 LA 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. Please use the link for details of baseline survey of this component:

<http://www.adb.org/sites/default/files/projdocs/2013/40643-013-prc-smr-04.pdf>

(2) Regular M&E

The External M&E 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-owned LA compensation and APs' income conditions
- Increasing condition of labor employment and income.

(3) Public consultation

The External M&E agency will take part in public conferences in the resettlement implementation period. By participating in these conferences, the External M&E agency will evaluate the public participation effects.

(4) Complaints

The External M&E agency will visit the affected villages periodically; go deep into the resettlement offices of TPMO, 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.

Appendix

Appendix 1: Relevant Regulations

The Relevant Regulations in *Land Administration Law of the People's Republic of China*

Ownership of Land and Rights to the Use of Land

Article 8 Land in the urban areas of the cities is owned by the State.

Land in rural and suburban areas is owned by peasant collectives, except for those portions of land which belong to the State as provided for by law; house sites and private plots of cropland and hilly land are owned by peasant collectives.

Article 10 Land owned by peasant collectives that belong lawfully to peasant collectives of a village shall be operated and managed by collective economic organizations of the village or by villagers committees; land already owned by different peasant collectives that belong to two or more different collective economic organizations in the village shall be operated and managed by the rural collective economic organizations in the village or by villager's groups; land already owned by a peasant collective of a township (town) shall be operated and managed by the rural collective economic organization of the township (town).

Article 11 Land owned by peasant collectives shall be registered with and recorded by people's governments at the county level, which shall, upon verification, issue certificated to confirm the ownership of such land.

Land owned by peasant collectives to be lawfully used for non-agricultural construction shall be registered with and recorded by people's governments at the county's level, which shall, upon verification, issue certificates to confirm the right to the use of land for such construction.

State-owned land to be lawfully used by units or individuals shall be registered with and recorded by people's government at or above the county level, which shall, upon verification, issue certificates to confirm their rights to the rights to the use of such land to be used by central or State organs shall be determined by the State Council.

Ownership or the right to the use of forest land or grassland and the right to the use of water surfaces or tidal flats for aquaculture shall be confirmed respectively in accordance with the relevant provisions of the Forestry Law, the Grassland Law and the

Fisheries Law of the People's Republic of China.

Article 12 Any change to be lawfully made in land ownership, in the right to the use of land or in the purpose of use of land shall be registered.

Article 13 The lawfully registered ownership of land and right to the use of land shall be protected by law and may not be infringed upon by any units or individuals.

Article 14 Land owned by peasant collectives shall be operated under a contract by members of the economic organizations of the peasant collective for crop cultivation, forestry, animal husbandry or fishery. The duration of such contract is 30 years. The party that gives out a contract and the party that undertakes it shall sign a contract in which to stipulate the rights and obligations of both parties. A peasant who undertakes to operate a piece of land under a contract shall have the obligation to protect the land and rationally use it in conformity with the purpose of use provided for in the contract. The rights of a peasant to operate land under a contract shall be protected by law.

Within the duration of the contract for operation of land, any appropriate readjustment of the land between individual contractors shall be made with the agreement of at least two-thirds of the members of the villagers assembly or of the representatives of villagers and the matter shall be submitted to the township (town) people's government and the agriculture administration department of the people's government at the county level for approval.

Overall Plan for Land Utilization

Article 19 Overall plan for land utilization shall be drawn up in accordance with the following principles:

- (1) strictly protecting the capital cultivated and keeping land for agriculture under control lest it shall be occupied and used for non-agricultural construction;
- (2) increasing the land utilization ratio;
- (3) making overall plans for the use of land for different purposes and in different areas;
- (4) protecting and improving ecological environment and guaranteeing the sustainable use of land; and
- (5) Maintaining balance between the area of cultivated land used for other purposes and the area of land developed and replaced.

Article 22 the area of land to be used for urban construction shall conform to the norm set by State regulations. Attention shall be paid to making full use of the existing land earmarked for construction and using little or no land earmarked for agriculture.

The overall plans of cities and the plans of villages and towns shall be dovetailed with the overall plan for land utilization, and the area of land to be used for construction fixed in the former shall not exceed the area fixed in the latter for the cities, villages and towns.

Article 24 People's governments at all levels shall exercise close supervision over the plans for land utilization and keep control over the total area of land to be used for construction.

Article 26 any revision of an approved over all plans for land utilization shall be subject to approval by the organ that originally approved the plan; without such approval, no change may be made in the purposes of land use as defined in the overall plan for land utilization.

Where a change needs to be made in an overall plan for land utilization to meet the demand for land for the construction of such large infrastructure projects as energy, communications or water conservancy projects that have been approved by the State Council, it shall be made in accordance with the document of approval issued by the State Council.

Protection of Cultivated Land

Article 31 The State protects cultivated land and strictly restricts conversion of cultivated land to non-cultivated land.

The State applies the system of compensation for use of cultivated land for other purposes. The principle of "reclaiming the same area of land as is used" shall be applied to any unit that, with approval, uses cultivated land for construction of non-agricultural projects, that is, the unit shall be responsible for reclaiming the same area and quality of the cultivated land it uses. If conditions for such reclamation do not exist or if the reclamation in accordance with the regulations set by people's governments of provinces, autonomous regions and municipalities directly under the Central Government, and the money shall exclusively be used for reclamation.

Article 32 Local people's governments at or above the county level may require the units that wish to use cultivated land to move the cultivated layer of cultivated land to the reclaimed land or to land of inferior quality, or to other cultivated land for improving soil.

Article 33 People's governments of provinces, autonomous regions and municipalities directly under the Central Government shall strictly implement the overall plans and yearly plans for land utilization and take measures to ensure that the total area of cultivated land within their administrative regions remains unreduced. Where the total area of cultivated land is reduced, the State Council shall order the government concerned to reclaim land, within a time limit, of the same quality and area as is reduced, and the land administration department together with the agriculture administration department under the State Council shall inspect the land reclaimed before acceptance. Where individual governments of provinces or municipalities directly under the Central Government, for lack of land reserves, cannot reclaim enough land to make up for the cultivated land they used for additional construction projects, they shall apply to the State Council for approval of their reclaiming less or no land within their own administrative regions and of their reclaiming land in other regions.

Article 36 In non-agricultural construction, attention shall be paid to economizing on the use of land. Where wasteland can be used, no cultivated land may be used; where land of inferior quality can be used, no land of superior quality may be used.

Article 41 The State encourages land revitalization. County and township (town) people's governments shall make arrangements for rural collective economic organizations to conduct, in accordance with overall plans for land utilization, all-round improvement of the fields, water conservancy, roads and forests and development of the villages in order to improve the quality of the cultivated land, increase the efficient area of cultivated land and better the conditions of agricultural production and the ecological environment.

Local people's governments at all levels shall take measures to transform the medium and low-yield fields and improve idle and waste land.

Article 42 Land users that cause damage to land as a result of digging, subsiding or crumbling under heavy weight shall be responsible for recultivating the land in accordance with the relevant regulations of the State. Where conditions do not permit such recultivation or the land recultivated does not meet the requirements, the user shall pay charges for recultivation, which shall exclusively be used for the purpose. The land recultivated shall first be used for agriculture.

Land to Be Used for Construction

Article 43 All units and individuals that need land for construction purposes shall, in

accordance with law, apply for the use of State-owned land, with the exception of the collective economic organizations and peasants of such organizations that have lawfully obtained approval of using the land owned by peasant collectives of these organizations to build township or town enterprises or to build houses for villagers and the units and individuals that have lawfully obtained approval of using the land owned by peasant collectives to build public utilities or public welfare undertakings of a township (town) or village.

“The State-owned land” mentioned in the preceding paragraph includes land owned by the State and land originally owned by peasant collectives but expropriated by the State.

Article 44 Where land for agriculture is to be used for construction purposes, the formalities of examination and approval shall be gone through for the conversion of use.

Where land for agriculture is to be converted to land for the construction of road, pipeline or large infrastructure projects, for which approval has been obtained from people’s governments of provinces, autonomous regions and municipalities directly under the Central Government, or for the construction of projects for which approval has been obtained from the State Council, the conversion shall be subject to approval by the State Council.

Where land for agriculture is to be converted to land for construction of projects in order to carry out the overall plan for land utilization within the limits of the area of land fixed in the plan for construction projects of cities, villages or towns, the conversion of use of land shall, in accordance with the yearly plan for land utilization, be subject to approval in batches by the organ that originally approved the overall plan for land utilization. Land to be used for construction of specific projects within the limits of the area of land for agriculture, conversion of the use of which has been approved, may be subject to approval by people’s governments of cities or counties.

Where land for agriculture is to be converted to land for construction projects other than what is provided for in the second and third paragraphs of this Article the conversion shall be subject to approval by people’s governments of provinces, autonomous regions and municipalities directly under the Central Government.

Article 45 Expropriation of the following land shall be subject to approval by the State Council:

(1) Capital cultivated;

(2) Cultivated land, not included in capital cultivated, that exceeds 35 hectares;

Expropriation of land other than that provided for in the preceding paragraph shall be subject to approval by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government and be submitted to the State Council for the record.

Land for agriculture shall be expropriated after conversion of use of the land is examined and approved in accordance with the precisions in Article 44 of this law. Where conversion of use of such land is subject to approval by the State Council, acquisition of the land shall be examined and approved at the same time, and there is no need to go through the formalities of examination and approval for the acquisition separately. Where conversion of use of land is subject to approval by people's governments of provinces, autonomous regions and municipalities directly under the Central government within the limits of their approval authority over the acquisition of land, expropriation of the land shall be examined and approved at the same time, and there is no need to go through the formalities of examination and approval for the expropriation separately; if the land to be expropriated is beyond the limits of their approval authority, it shall be examined and approved separately in accordance with the provisions of the first paragraph in this Article.

Article 46 Where land is to be expropriated by the State, the expropriation shall, after approval is obtained through legal procedure, be announced by people's governments at or above the county level, which shall help execute the acquisition.

Units and individuals that own or have the right to the use of the land under expropriation shall, within the time limit fixed in the announcement, register for compensation with the land administration department of the local people's government by presenting their certificates of land ownership or land-use right.

Article 47 Land expropriated shall be compensated for on the basis of its original purpose of use.

Compensation for expropriated cultivated land shall include compensation for land, resettlement subsidies and compensation for attachments and standing crops on the acquisitioned land. Compensation for expropriated of cultivated land shall be six to ten times the average yearly output value of the expropriated land, calculated on the basis of three years preceding such acquisition. Resettlement subsidies for expropriated cultivated land shall be calculated according to the agricultural population needing to be resettled. The agricultural population needing to be resettled shall be calculated by dividing the area of expropriated cultivated land by the average area of the original

cultivated land per person of the unit the land of which is expropriated. The standard resettlement subsidies to be divided among members of the agricultural population needing resettlement shall be four to six times the average yearly output value of the expropriate cultivated land calculated on the basis of three years preceding such expropriation. However, the maximum resettlement subsidies for each hectare of the expropriated cultivated land shall not exceed fifteen times its average yearly output value calculated on the basis of three years preceding such expropriation.

Rates of land compensation and resettlement subsidies for expropriation of other types of land shall be prescribed by provinces, autonomous regions and municipalities directly under the Central Government with reference to the rates of compensation and resettlement subsidies for expropriation of cultivated land.

Rates of land compensation and resettlement subsidies for expropriation of other types of land shall be prescribed by provinces, autonomous regions and municipalities directly under the Central Government with reference to the rates of compensation and resettlement subsidies for expropriation of cultivated land.

For expropriation of vegetable plots in city suburbs, the land users shall pay towards a development and construction fund for new vegetable plots in accordance with the relevant regulations of the State.

If land compensation and resettlement subsidies paid in accordance with the provisions of the second paragraph in this Article are still insufficient to enable the peasants needing resettlement to maintain their original living standards, the resettlement subsidies may be increased upon approval by people's governments of provinces, autonomous regions and municipalities directly under the Central Government. However, the total land compensation and resettlement subsidies shall not exceed 30 times the average yearly output value of the expropriated land calculated on the basis of three years preceding such expropriation.

The State Council may, in light of the level of social and economic development and under special circumstances, raise the rates of land compensation and resettlement subsidies for expropriation of cultivated land.

Article 48 Once a plan for compensation and resettlement subsidies for acquisitioned land is decided on, the local people's government concerned shall make it known to the general public and solicit comments and suggestions from the collective economic organizations, the land of which is acquisitioned, and the peasants.

Article 49 The rural collective economic organization, the land of which is expropriated, shall accept supervision by making known to its members the income and expenses of the compensation received for land expropriation.

The compensation and other charges paid to the unit for its land expropriated is forbidden to be embezzled or misappropriated.

Article 50 Local people's governments at all levels shall support the rural collective economic organizations, the land of which is acquisitioned, and the peasants in their efforts to engage in development or business operation or to start enterprises.

Article 51 The rate of compensation for expropriation of land to build large or medium-sized water conservancy or hydroelectric projects and the measures for resettling relocated people shall be prescribed separately by the State Council.

Article 52 During the feasibility study of a construction project, land administration department may, in accordance with the overall plan for land utilization, the yearly plan for land utilization and the standard area of land for the use of construction, examine the matters related to land for construction and offer its comments and suggestions.

Article 53 Where a construction unit needs to use State-owned land for construction of an approved project, it shall apply to the land administration department of the people's government at or above the county level that has the approval authority by presenting the relevant documents as required by laws and regulations. The said department shall examine the application before submitting it to the said people's government for approval.

Article 54 A construction units that wish to use State-owned land shall get it by such means of compensation as assignment. However, land to be used for the following purposes may be allocated with the lawful approval of a people's government at or above the county level:

- (1) For state organs or military purposes;
- (2) For urban infrastructure projects or public welfare undertakings;
- (3) For major energy, communications, water conservancy and other infrastructure projects supported by the State; and
- (4) Other purposes as provided for by laws or administrative regulations.

Article 55 A construction unit that obtains right to the use of State-owned land by such means of compensation as assignment shall, in accordance with the rates and

measures prescribed by the State Council, pay, among other charges, compensation for use of land such as charges for the assignment of land-use right, before it can use the land.

Beginning from the date of implementation of this Law, 30 percent of the compensation paid for the use of additional land for construction shall go to the Central Government and 70 percent to the local people's governments concerned, both of which shall exclusively be used for developing cultivated land.

Article 56 A construction unit that uses State-owned land shall do so in agreement with the stipulations of the contract governing compensation for the use of land such as the assignment of the land-use right or with the provisions in the documents of approval for allocation of the land-use right. Where it is definitely necessary to change the purposes of construction on this land, the matter shall be subject to agreement by the land administration department of the people's government that originally approved the use of land. Where the land the purposes of use of which need to be changed is located in the area under city planning, the matter shall be subject to agreement by the city planning administration department concerned before it is submitted for approval.

Article 57 Where land owned by the State or by peasant collectives needs to be used temporarily for construction of projects or for geologic prospecting, the matter shall be subject to approval by the land administration department of a people's government at or above the county level. However, if the land to be temporarily used is located in the area covered by city planning, the matter shall be subject to agreement by the city planning administration department concerned before it is submitted for approval. The land user shall, depending on who owns the land and who has the land-use right, enter into a contract for the temporary use of the land with the land administration department concerned, or the rural collective economic organization, or the villagers committee, and pay compensation for it in accordance with the provisions of the contract.

The temporary land user shall use the land for purposes stipulated in the contract for temporary use of the land and may not build permanent structures on it.

Generally, the period for temporary use of land shall not exceed two years.

Article 58 Under any of the following circumstances, the land administration department of the people's government concerned may, with the approval of the people's government that has originally approved the use of land or that possesses the approval authority, take back the right to the use of the state-owned land;

- (1) The land is needed for the benefits of the public;
- (2) The use of the land needs to be readjusted for renovating the old urban area according to city planning;
- (3) At the expiration of the period stipulated in the contract for use of the land by such means of compensation as land assignment, the land user has not applied for extending the period or, if he has, the application is not approved;
- (4) The use of the originally allocated State-owned land is terminated because, among other things, the unit that uses the land is dissolved or moved away; or
- (5) The highways, railways, airports or ore fields are abandoned with approval.

The user granted with the land-use right shall be compensated appropriately when its right to the use of State-owned land is taken back according to the provisions of subparagraphs (1) and (2) in the preceding paragraph.

Article 61 Where land is to be used for the construction of township (town) or village public utilities or public welfare undertakings, the matter shall be subject to examination and verification by the township (town) people's government, which shall submit an application to the land administration department of the local people's government at or above the county level for approval by the said people's government within the limits of its approval authority as defined by the province, autonomous region or municipality directly under the Central Government. However, if land or agriculture is to be used for the purpose, the matter shall be subject to examination and approval in accordance with the provisions in Article 44 of this Law.

Article 62 For villagers, one household shall only have one house site, the area of which may not exceed the limits fixed by provinces, autonomous regions and municipalities directly under the Central Government.

Villagers shall build residences in keeping with the township (town) overall plan for land utilization and shall be encouraged to use their original house sites or idle lots in the village as much as possible.

Land to be used by villagers to build residences shall be subject to examination and verification by the township (town) people's government and approval by the county people's government. However, if land for agriculture is to be used for the purpose, the matter shall be subject to examination and approval in accordance with the provisions in Article 44 of this Law.

Applications for other house sites made by villagers who have sold or least their houses shall not be approved.

Article 63 No right to the use of land owned by peasant collectives may be assigned, transferred or least for non-agricultural construction, with the exception of enterprises that have lawfully obtained land for construction in conformity with the overall plan for land utilization but have to transfer, according to law, their land-use right because of bankruptcy or merging or for other reasons.

Article 64 No buildings or structures built before the overall plan for land utilization is drawn up and at variance with the purposes defined in such a plan may be rebuilt or expanded.

Article 65 Under any of the following circumstances, a rural collective economic organization may, with the approval of the people's government that originally approved the use of land, take back the land-use right:

- (1) The land is needed for constructing township (town) or village public utilities or public welfare undertakings;
- (2) The land is used at variance with the approved purposes; or
- (3) The use of land is terminated because, among other things, the unit concerned is dissolved or moved away,

The user granted with the land-use right shall be compensated appropriately when the land owner by the peasant collective is taken back according to the provisions of sub-paragraph (1) of the preceding paragraph in this Article.

The relevant regulations in *Regulations on Administration of the Housing Demolition and Relocation in Cities*

Article 6 The unit carrying out house demolition and relocation shall not carry out the work of any demolition and relocation until it has acquired the permit for housing demolition and relocation.

Article 8 At the time of issuing the permit for housing demolition and relocation, the administrative department of housing demolition and relocation shall publish, in the form of an announcement of housing demolition and relocation, the items such as the demolisher, the scope of demolition and relocation and the time limit for demolition and relocation, as specified in the permit for housing demolition and relocation.

The administrative department of housing demolition and relocation and the demolisher shall do a good job in making prompt publicity and explanation to the relocates.

Article 22 The demolisher shall, as provided in these Regulations, compensate the relocate.

No compensation shall be given for any unlicensed construction or temporary construction to be demolished beyond the approved time limit, while appropriate compensation shall be given for temporary construction to be demolished within the approved time limit.

Article 23 Compensation for demolition and relocation may be given by the means of money or exchange of property right to the house.

Except as provided in Paragraph 2 of Article 25 and Paragraph 2 of Article 27 of these Regulations, the relocate may choose the means of compensation for demolition and relocation.

Article 24 The amount of compensation given in the means of money shall be determined at the valuation price in the real estate market on the basis of the factors such as the location, usage, and building area of the house to be demolished. The specific measures thereof are to be made by the people's governments of provinces, autonomous regions or municipalities directly under the Central Government.

Article 25 Where the property right to the house is to be exchanged, the demolisher and the relocate shall, as provided in Article 24 of these Regulations, calculate the amount of compensation for the demolished house and the price of the house to be exchanged, and shall settle up the price difference in the exchange of property right.

Where the accessories of a non-public-service house are to be demolished, no property right may be exchanged, and the demolisher shall give compensation by the means of money.

Article 26 Where a public-service house is to be demolished, the demolisher shall, as provided in pertinent laws and regulations and as required in the city planning, rebuild another one or give compensation in the means of money.

Article 27 Where a leased house is to be demolished and the relocate terminates the lease relation with the lessee of the house, or resettle the lessee, the demolisher shall give compensation to the relocate.

Where the relocate and the lessee of the house fail to reach an agreement on the

termination of the lease relation, the demolisher shall have the property right to the house exchanged for the relocate. The house to which the property right is exchanged shall be leased by the original lessee of the house, and the relocate and the original lessee of the house shall conclude a new contract for house-leasing.

Article 28 Houses provided by the demolisher for resettlement shall meet the standards of the State for quality and safety.

Article 29 Where a house to which the property right is not clear shall be demolished, the demolisher shall make a plan for compensation and resettlement, and the demolition and relocation may be conducted only after the plan has been examined and approved by the administrative department of housing demolition and relocation. Before the demolition and relocation, the demolisher shall undergo evidence-preservation with a notary institution with regard to the relevant matters of the house to be demolished.

Article 30 The demolition of a mortgaged house shall be conducted in compliance with the laws of the State on guaranty.

Article 31 The demolisher shall give subsidies for removal to the relocate or the lessee of the house.

During the time limit for transition, where the relocate or the lessee of the house arranges the lodging by himself, the demolisher shall give subsidies for temporary resettlement; where the relocate or the lessee of the house lives in the house for transitional use provided by the demolisher, it is not necessary for the demolisher to give subsidies for temporary resettlement.

The rates of subsidies for removal and temporary resettlement shall be determined by the people's governments of provinces, autonomous regions or municipalities directly under the Central Government.

Article 32 The demolisher shall not extend the time limit for transition without authorization. The occupier of the house for transitional use shall have it vacated and returned on time.

Where the time limit for transition is extended due to the responsibility of the demolisher, an increase shall be made, starting from the month in which the time limit expires, to the subsidies for temporary resettlement given to the relocate or the lessee of the house who arranges the lodging by himself; and the subsidies for temporary resettlement shall be given to the occupier of the house for transitional use starting from the month in which the time limit expires.

Article 33 Where the demolition of a houses which is not used as a dwelling house leads to suspension of production or business, the demolisher shall give due compensation.

Relevant provisions in Regulations on the Expropriation of Houses on State-owned Land and Compensation Therefor 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 cash 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 cash 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.

Procedures of Xinjiang Uygur Autonomous Region on the Implementation of the Land Administration Law of the People's Republic of China

Chapter One General Provisions

Article 2 All activities of land protection, exploitation, utilization, and supervision and management, shall comply with this Law.

Article 6 The State introduces the system of compensated use of land owned by the State. No unit or individual is allowed to occupy trade or illegally transfer land by other means.

The people's governments at all levels should manage to make an overall plan for the use of land to strictly administer, protect and develop land resources and stop any illegal occupation of land.

Chapter Two Ownership and Right of Use of Land

Article 8 The owners and users of Land owned by the State and land collectively owned, must file an application with land administrative department of the people's government at and above the county level, and receive

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 VIII-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 VII-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 VII-8 times the local yearly output value of the cultivated land;

In acquisitioning forest land, artificial meadow, house plot, rural roads and threshing floors, the land compensation fees shall be VI-7 times the local yearly output value of the cultivated land; 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 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 acquisition, according to the actual loss, should be compensated according to the relevant provisions;

If Graves on the land acquisition 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 acquisition; 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 acquisition 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.

Table I Relevant rules in Document [Xinjijiafang (2001) 500] by Development and Planning Committee and Finance Department, Xinjiang Uygur Autonomous Region Compensations Rates of Cultivated Land

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.		

Table II Compensations Rates of Meadow

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

Table III Rates of Resettlement Fee

the per-capita area of cultivated land (mu)	times of the average output value of three years
Above 3.5 mu	4-----5
3.0-----3.5	6-----7
2.5-----3.0	8-----9
2.0-----2.5	10-----12
1.5-----2.0	13-----15
1.0-----1.5	16-----18
0.5-----1.0	19-----20

Table IV Compensation Rates of Arbor and Cash Trees

Items Types of trees	specification of trees (diameter, cm)	compensation rates (CNY)
broad-leaf forest	below 5 cm	10—15
	5-15 cm	15—25
	15-30 cm	25—35
	above 30 cm	45
conifer	below 5 cm	20—30
	5-15 cm	30—50
	15-30 cm	50—70
	above 30 cm	90
fruit trees	below 5 cm	20—40
	5-15 cm	40—60
	15-30 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 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 LA 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 resettlers;
 - 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, LA 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 M&E 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


Feb. 2009	Contract an independent evaluator, prepare the working outline;
Feb. 2009	prepare monitoring plan such as outline of survey, tables, establishment of monitoring system, defining assignment, and

	selection of monitoring samples;
Mar.2009	Baseline and first survey, submit No. 1 monitoring report;
Sept. 2009	Second survey, submit No. 2 monitoring report;
Mar.2010	Third survey, submit No. 3 monitoring report;
Sept.2010	Fourth survey, submit No.4 monitoring report
Mar.2011	Fifth survey, submit No.5 monitoring report
Sept. 2011	Submit final report

Appendix 3 Summary of Public Participation Conference

Aide-memoire1	
Time	2008-3-5
Place	Keyimu Home behind Gaochang Market
Participants	Cheng Zhiguo of TFFPMO Gaochang Market Contractor: Keyimu Resettlement experts of TA and the RP preparation unit
Main Contents	<p>Project Introduction:</p> <p>Mr. Cheng introduced TRESP to Keyimu and the latter introduced the market to the former, details of which are shown as the following.</p> <p>Gaochang Market, with a scope of 5.7mu land, locates in West Wenhua Road and was built collectively in 1984 by Laochengdongmen Village. At present, it mainly runs to sell vegetable, meat and seasoning, etc. As there is only one market near West Wenhua Road, majority of residents living around depend their ties of life on this market.</p> <p>Laochengdongmen Village lets this market and earns rent that is used for infrastructure improvement and vulnerable group's assistance of the village. In 2006, Keyimu who is the leader of 5th villagers group contracted this market, then he let shops and stalls at the rent of CNY 300 to 500 of one shop and CNY 100 to 300 of one trade show, of which solid waste fees (CNY 100 one shop or trade show) and commercial management fees (CNY 60 to 300 one month) are excluded. Generally, there are 20% of shops and stalls leaving and annual gross rent is CNY 200,000. Keyimu turns in CNY 100,000 to the village and then the village uses the fund to improve infrastructures, assist vulnerable groups and expend on something, such as solid waste fees (CNY 12,000 one year), local tax (CNY 25,000 one year) and commercial management fees (CNY 10,000 one year).</p> <p>After the market demolition, Laochengdongmen Village will rebuild a new market apart from the original one for 500m where it is close to Turpan Court. The new one adopting close shelter will occupy a land for 10mu and is twice than the original one. The village collective is responsible for rebuilding and implementing management and the rent will be basically un-changed. The new market will be used before the project implementation and those former tenants can still do their business in this market. Generally, this new market can not only supply with more employment opportunities to land-lost farmers and guarantee their income, but also offer more suitable and comfortable conditions to tenants as it is close-sheltered.</p> <p>View on TRESP and resettlement willingness:</p> <p>Keyimu supports TRESP as it is good for further development of Turpan City.</p> <p>Reasonable compensation should be given for the market houses, which should be evaluated by a real estate appraisal company. Considering that houses are demolished for public interests, so the APs should be given special care.</p>

	A new market should be established as soon as possible after the demolition.
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Aide-memoire2	
Time	2008-3-5
Place	A beef-sold shop of Gaochang Market
Participants	Cheng Zhou of TFFPMO Self-employed Businessman: Maimaiti Jiayi Resettlement experts of TA and the RP preparation unit
Main Contents	<p>Family conditions: his family, living in the behind of the market, has 12 family members who are all villagers of Laochengdongmen Village. The family is supported by the shop.</p> <p>Business conditions: a rent of the shop is CNY 240 one month and relevant taxes are CNY 290 one month. He sells one beef cattle one ordinary day. The cost of one beef cattle is CNY 5,000 to 6,000. Monthly net income is CNY 3,000.</p> <p>Plans for the future: after the market demolition, he will not do the same business and alter a new one. He has run the business in the market for 15 years.</p> <p>View on TRESK and resettlement willingness: he supports TRESK and expects a reasonable compensation for his losses.</p>
Spot photo of the interview	

Aide-memoire3	
Time	2008-3-5
Place	A vegetable-sold stalls of Gaochang Market
Participants	Cheng Zhiguo of TFFPMO Self-employed Businessman: Mrs. Li Resettlement experts of TA and the RP preparation unit
Main Contents	<p>Family conditions: she has three family members, who are all from outside (from Xuzhou of Jiangsu Province). Her family lives in a one-story house that is behind the market and at a rent of CNY 120 one month. Her child is going to a primary school of Laochengdongmen Village. She and her husband sell vegetables in the market. The family is supported by selling vegetables.</p> <p>Business conditions: the rent of her trade show is CNY 300 one month and relevant taxes are CNY 100 one month. She can earn CNY 0.3 to 0.5 a kg. of vegetable and CNY 50 to 60 one ordinary day. Monthly gross income is about CNY 2,000.</p> <p>Plans for the future: she has a willingness to move to the new market and continue to sell vegetable only if the rent is reasonable and affordable.</p> <p>View on TRESA and resettlement willingness: she supports TRESA and expects a reasonable compensation for her losses.</p>

Aide-memoire4	
Time	2008-3-6
Place	Meeting Room of Laochengdongmen Village
Participants	<p>Cheng Zhiguo of TFFPMO</p> <p>Mr. Liu and Mr. Wang of Ya'er Township</p> <p>Manager of Laochengdongmen Village</p> <p>15 representatives of the APs, including 7 men and 8 women, 14 Uyghur People and 1 Han People, and 1 woman-handed and 1 disabled person.</p> <p>Resettlement experts of TA and the RP preparation unit</p>
Main Contents	<p>Employment of these representatives:</p> <p>Among the 15 representatives, there are 6 ones off-farm and working outside, 3 doing businesses, 6 planting crops, esp. one of them has stable wage. This village has been affected land requisition for a long time that is induced by urban construction of Turpan. Before 1981, an average area of farmland owned per capita was 1mu, while at present some villagers have no land. Grape is the major agricultural products with the income of CNY 2,000 per mu. As the present farmland is limited and related income cannot support family living and the village is close to urban area of Turpan, many villagers are being engaged in renting houses, through which some women can be employed, and some labor forces who have less land find job nearby. Gaochang Market that is built by the village collective, additionally, offer employment</p>

Aide-memoire4	
	<p>opportunities to a part of villagers, by which some can be engaged in individual business and some have stable wages.</p>
	<p>Plans of the Village:</p> <p>Gaochang market is involved in demolition of the project. After the demolition, Laochengdongmen Village will rebuild a new market apart from the original one for 500m where it is close to Turpan Court. The new one adopting close shelter will occupy a land for 10mu and is twice than the original one. The village collective is responsible for rebuilding and implementing management and the rent will be basically un-changed. The new market will be used before the project implementation and those former tenants can still do their business in this market. Generally, this new market can not only supply with more employment opportunities to land-lost farmers and guarantee their income, but also offer more suitable and comfortable conditions to tenants as it is close-sheltered.</p> <p>40% of land compensation fund will be left by the village collective, which will be used for improving infrastructures inner village, such as underground pipelines improvement, assisting vulnerable groups and offering living support to the old (male: over 60; female: over 55), and other 60% will be paid directly to the APs.</p> <p>After houses demolition, the village plans to build some storied buildings and one-story buildings, both of which will be built uniformly as the homestead are limited. The APs have freedoms of choice. They will have property rights if choosing to living in the storied buildings, whereas they will have no property rights if choosing one-story buildings.</p> <p>In addition, the village intends to develop rural-characteristic tourism to raise villagers' income.</p>
	<p>Attitudes and Expectations of the Village towards TRESP:</p> <p>To remain land for resettlement. A piece of land is hoped to be left and remised to village by preferential policy. Village can operate business and share profit to villagers. Reasonable compensation should be given for these demolished houses, which should be evaluated by evaluation company. Considering that houses are demolished for public interests, so APs should be given special care.</p> <p>Land compensation price should be heightened as general commodity price is being raised.</p> <p>They hope to move to new houses as soon as possible after their original houses demolition.</p> <p>Disabled persons hope the compensation fund can be paid without delay and once the compensation fund were unaffordable to rebuild new houses, local government would offer relevant assistances to them.</p> <p>Employment training should be pertinent. Young people need not basic technology training but the skills adapting times such as computer, cooking and car repairing and women need cooking and art craft training; elderly people can be provided agriculture</p>

Aide-memoire4	
	<p>modernization training or special position training.</p> <p>Most of representatives hope their family members can be employed by project temporarily and participate in the project construction to increase income.</p>

aide-memoire5	
Time	2008-3-6
Place	Meeting Room of Gebi Village
Participants	<p>Cheng Zhiguo of TFFPMO</p> <p>Mr. Liu and Mr. Wang of Ya'er Township</p> <p>Manager of Gebi Village</p> <p>12 representatives of the APs, including 6 men and 6 women, 10 Uyghur People, 1 Hui People and 1 Han People, and 1 woman-handed.</p> <p>Resettlement experts of TA and the RP preparation unit</p>
Main Contents	<p>Employment of these representatives:</p> <p>Among these representatives, there is one engaged in business, 1 engaged in serving and others engaged in agricultural production. Grape cultivation is main agricultural products, income of which is CNY 2,000 per mu. Income of dong business and serving is not too high presently.</p> <p>The village plans to rebuild new houses for house-lost farmers in planned homestead and charge them nothing. The costs of newly-built houses is lower than the compensation fund, abstract investment outside and use the compensation fund paid to village collective to do something for those AP so that they can share more employment opportunities.</p> <p>Attitudes and Expectations of the Village towards TRESC:</p> <p>Reasonable compensation should be given for these demolished houses, which should be evaluated by a real estate appraisal company. Considering that houses are demolished for public interests, so APs should be given special care.</p> <p>Land compensation price should be heightened as general commodity price is being raised.</p> <p>All of the representatives hope they can be supplied with technical training so that their employment can be altered after the project.</p> <p>Childless elderly people hope the compensation fund can be paid without delay and once the compensation fund were unaffordable to rebuild new houses, local government would offer relevant assistances to them.</p> <p>To remain land for resettlement. A piece of land is hoped to be left and remised to village by preferential policy. Village can operate business and share profit to villagers.</p> <p>Employment training should be pertinent. Young people need not basic technology training but the skills adapting times such as computer, cooking and car repairing and women need cooking and art craft training; elderly people can be provided agriculture modernization</p>

aide-memoire5	
	<p>training or special position training.</p> <p>Enterprises should provide five insurances to dispel the worries of APs.</p> <p>Protection for agricultural infrastructures. After some land are occupied, the left land will lose fertility because of the destroy to infrastructures and finally not cultivated. It suggested that cultivated infrastructures should be protected. It should be repair if is unavoidable. If it can not be repaired, the left land should be occupied otherwise it will affect planting income in the future.</p> <p>Most of representatives hope their family members can be employed by project temporarily and participate in the project construction to increase income.</p>

Appendix 4 Details of the Impact of Houses Demolition

Name	Brick concrete		Earth-wood	Civil outsourcing brick	Soil mix		Brick wood	Brick air-drying	Earth-wood out brick	earth kiln	color plate	soil mix	brick concrete basement	earth-wood air-drying	earth-wood simple house	brick-wood simple house	earth-wood warehouse	brick-wood warehouse	shade	Asbestos Roof Tent	basement	earth kiln cave
	First floor	Second floor	Second floor	area	First floor	Second floor	area	area						area	area	area	area	area	area	area	area	
Adili.abuduyiremu		61.62						31.2							12.6							
Aini-keyimu				96.36																		
Keranmu.naihapu					85.8									31.5	21.56		20.68					
Maimaiti-rexiti								68.16											57.69		26.308	
Rexiti-Maimaiti																						
Patamuhan-abudouyimu																						
Baiketi-naimutula				81										30.6	25.85							
Aibibula-baikeri				100.3																		
Abudouyimu-abulimiti				154.33										65	18.88				73.58		26	
Aiwaidouli-abula								55.86							17.6							
Pahaerdin-g-yishamuding															57.525				4.8			
Rehemutula-abuliti														54	21.6				44.85			
Ainiwaer-rehemutula																						
Jilili-kuerban					182.83											21.15	11.75		4.8			
Aili-jilili		66.4																				

Bahawudo ng-kasimu							64.9											24.7	80.1 5			
Halike-sipa er																						
Aihemaiti- mutalipu		95.88						26							21.2			20.65	20.9 3		31.5	
Maiming-m utalipu				82.5			35												18.6			
Jiamali-ge hapu					95. 2									31.5	31.5							
Aikeranmu -jiamali				27.2																		
Abula-keyi mu																					9.97	
Abulaiti-sh ataer							103	23.37													23.3 77	
Wupuer-ha like																			30			
Jiarelidng- aibudula				127.72										40	25		61		104. 75		22.3 2	
Abulimiti-ai naituli							19.0 8	1.67									16.58					
Silayiding-ji alali							43.2 7								29.76				103. 25			
Shataer-re xiti							183. 6									38					7.14	
Maimaitiniy azi-simayi				56.64			20.0 6								26.25				5.7			
Pataer-abu la														40.95	72				89		49.7 5	
Abudureyi man-muyib uli		115.5													37.25				58.8	58.8		
Maimaiti -si mayi															40.04		24.7		25.4 7			
Aimaiti-mai maiti															27.5							
Aximu-aida iduli							16.1							72.9	49.35		6		57.7 5		58.1	
Lltipu-jilili															40.32							
Aminghan- aximu				93.6			37.4 1							33.8	9.05		8.6		21			

Patiguli-zu non							20.5 2									7.75						12.7	
Abulimiti-re xiti							75									21.6				125. 25			
Hujiabudul a-minipu		2.25		97.95												63		12.96		95.8 7			
Reshalaiih an-simayi		67					40	38.5														39.0 4	
Kasimu															141.5								
Tuerxunha n-tayier					68. 38	106.5 2				122 .47													
Naijimudin g-jiapaer					237 .05																		
Maxiaaoqin g										23 .7 8													
Tuerxun-si mayi					95. 74																		
Rexiti-yula yin					43. 44				52.65														
Hesiyeti-yu shupu					103 .62																		
Abudurehe man-naiyiti																							
zhangxue ming	69. 08																						
Amire-shaji ti	69. 08																						
Muhetaer-y ilanumu	98. 39																						
Alimu-yush upi	77. 22				58. 69																		
Ayiguli-tuo heti	16. 05				187 .58																		
Halihan-sai duli									96.25														
Nuriman-m aimaiti									103.25														
Aihemaiti-y ibudula																							
Maimaiti-ail iyazhi										60 .5		45											

Aminai-mai maiti					88. 75								97. 56										
Jiapaer-aih emaiti	90. 75																						
Abudula-yi bulayin					65. 29	19.39			97.2														
Abuli-abud ula					10. 5								10.5										
Silayiding- yibulayin	109 .65																						
Silayiding- yibulayin	90. 75																						
Gujanmin g					2.4 7			174.9															
Wmaili-xus huyan	65				11. 48	77.96																	
Abulazhi-a bulimu	90. 75				9.6 6																		
Ayixiamu-h alike	90. 75																						
Shataer-m aiheshuti	90. 75																						
Aihemaiti-a imudu	90. 75																						
Yasheng-t uerxun	92. 07																						
Wangxiaoz hong	90. 75				26. 72																		
Miheiguli-ji apaer	90. 75																						
Alimu-aini wa	90. 75																						
Wusiman-ji amali	90. 75																						
Yangming	91. 97																						
Bahaguli-h ujimaiti	343 .8																						
Waili-tuimu er	90. 75																						
Awahan-jia paer					330 .43																		

Jiapaer-tuo huti					80. 4																		
Hanshuitia n	90. 75																						
Kahaer-ab udureyimu	35. 7	53.95			105 .36	91.15																	
Aikebaier-a ihemaiti					45. 7				55			39 .9											
Maierjiang han-yushu pu					39. 44																		
Kuerban-k eyimu	90. 75																						
Keremu-re heman	92. 07																						
Yakepu-tu erxun									264.4														
Shataer-m utapuli	214 .53				8.2																		
Xuexiangji	90. 75				15. 17																		
Tuoerta-tu oheti					20. 76																		
Aburemiti- moming	92. 73																						
Jiapaer-wa hepu	93																						
Aburehedu man-ailli					220 .73																		
Reyihan-ai muduli					183 .13																		
Badan-yila yinmu	24. 8				223 .03																		
Patiguli-ma imaiti									54.7														
Maimaiti-jili li	119 .9																						
Maimaiti-m aiming	91																						
Madexian	97. 6				23. 45																		
Keranmu-n iyazhi	175 .03					108.6 8																	

Hairenisha -maimaiti									150.01														
Dilibaier-yu shupu	92. 75																						
Ahemaiti-m aimaiti					23. 94				97.17														
Maihepuzh iahn-saima iti	255 .06	189.0 6			148 .25																		
Apaer-aihe maiti	177 .54																						
Jiangweimi ng	90. 75				25. 74																		
Maimaiti-k eyimu	203 .03					130.1 1																	
Simayi-niy azhi					262 .85																		
Reshalaiti- saitininyaz hi	125 .48												23. 48										
Waili-abud ula	117 .15																						
Aminihan-n iyazi	91. 8				24. 96																		
Keranmu-s hataer	171 .84				86. 78							36.7 5											
Keranmu-h ailili				36.59			66.2 1											60.9				14.85	
Xiqiaoling	126 .74						103. 87														85		
Abudurehe man-jiji	157 .53						14.2 8	10.66											72.1				
Shanzhen gja				133.15			43.2										27.3	3.6	66.1 5				
Mahemuti- aihemaiti														120.5									
Alumujiang -shayimu							127. 6							45		28							
Changweiji	44. 84														23.4				93				
Tiezhengfu																							
Aishan-abu duyiremu																							

Chengweil ong																				30			
Wumauer- abudureyi mu																	24.84						