

Resettlement Plan

September 2014

**VIE: Viet Nam Water Sector Investment Program –
Thai Hoa Water Supply Subproject**

Prepared by Thai Hoa Water Company for the Asian Development Bank.

Asian Development Bank

**Water Supply System Project in Thai Hoa Town
Nghe An Province**

RESETTLEMENT PLAN

September 2014

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Definition of Terms

Compensation	- This is payment given in cash or in kind to affected persons (APs) at replacement cost or at current market value for assets and income sources acquired or adversely affected by the project.
Cut-off date	- Refers to the date after which people will NOT be considered eligible for compensation i.e. they are not included in the list of APs as determined by a census. In this Project, the Center for Land Fund Development of Thai Hoa town will disclose the cut-off-date to residents and local officials of each affected commune which coincides with the date of the public announcement of the land acquisition.
Detailed Measurement Survey (DMS)	- With the use of approved detailed engineering drawings, this activity involves the finalization and/or validation of the results of the IOL, severity of impacts, and list of APs done during the preparation of this resettlement plan (RP).
Affected person (AP)	- Refers to any person or persons, household, firm, private or public institution that, on account of changes resulting from the Project, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (e.g., residential, commercial, agricultural, and/or grazing land), water resources or any other fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without physical displacement.
Affected Household (AH)	In the case of affected household (AH), it includes all members residing under one roof and operating as a single economic unit, who are adversely affected by the project.
Entitlements	- Refers to a range of measures, such as compensation in cash or in kind, income restoration support, transfer assistance, relocation support, etc., which are provided to the APs depending on the type and severity of their losses to restore their economic and social base.
Inventory of Losses (IOL)	- This is the listing of assets as a preliminary record of affected or lost assets during the preparation of the RP where all fixed assets (i.e., land used for residence, commerce, agriculture; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; standing crops and trees with commercial value; etc.) and sources of income and livelihood inside the IOL are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. The severity of impact on the affected assets and the severity of impact on the livelihood and productive capacity of the DPs are likewise determined.
Involuntary Resettlement	- It is the displacement of people, not of their own volition but involuntarily, from their homes, assets, sources of income and livelihood in the ROW in connection with the Project.
Land acquisition	- Refers to the process whereby a person in the Improving Operational Performance of the Water Supply Sector Project, is

	compelled by the government through the Center for Land Fund Development to alienate all or part of the land s/he owns or possesses, to the ownership and possession of the government for the Project in return for compensation at replacement cost.
Relocation	- This is the physical displacement of a DP from his/her pre-project place of residence and/or business.
Replacement cost	- Means the amount in cash or in kind needed to replace an asset in its existing condition, without deduction of transaction costs or depreciation and salvageable materials, at prevailing current market value at the time of compensation payment.
Replacement Cost Study	- This refers to the process involved in determining replacement costs of affected assets based on empirical data.
Resettlement	- Refers to various measures provided to DPs or AHs to mitigate any and all adverse social impacts of the project, including compensation, relocation (where relevant), and rehabilitation as needed.
Resettlement Plan	- This is a time-bound action plan with budget, setting out the resettlement objectives and strategies, entitlements, activities and responsibilities, resettlement monitoring, and resettlement evaluation.
Right of Way (ROW)	- This is the area which will be cleared of all structures and obstructions.
Severely affected Households	- This refers to AHs who will (i) lose 10% or more of their total productive assets, (ii) have to relocate, and/or (iii) lose 10% or more of their total income sources due to the project.
Vulnerable groups	- These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized due to the project and specifically include: (i) female-headed households with dependents, (ii) household heads with disabilities, (iii) households falling under the generally accepted indicator for poverty, (iv) elderly households who are landless and with no other means of support, (v) landless households, (vi) ethnic minorities.

List of Abbreviations

ADB	Asian Development Bank
AEC	Agriculture Extension Centre
AH/AP	Affected Household / Affected Person
CFLD	Center for Land Fund Development
CPC	City People's Committee
DARD	Department of Agriculture & Rural Development
DMS	Detailed Measurement Survey
DOLISA	Department of Labour, War, Invalids & Social Affairs
EA	Executing Agency
FS	Feasibility Study
FHH	Female-Headed Household
HH	Household
IA	Implementing Agency
IOL	Inventory of Losses
ISC	Implementation & Support Consultant
LURC	Land Use Right Certificate
PC	People's Committee
PMU	Project Management Unit
PPC	Province People's Committee
RCS	Replacement Cost Study
ROW	Right of Way
RP	Resettlement Plan
VND	Viet Nam Dong (currency)
VTC	Vocational Training Centre
WU	Women's Union

Executive Summary

Project Description: The Project aims to increase the water supply service rate in Thai Hoa town from 18% to 90% by 2020. The following works will be required:

- Construction of a new intake, pumping station and raw water pipeline over 5.5 km
- Construction of new water treatment plant with capacity of 6,000 m³/day
- Expansion of the distribution network by 125 km and about 7,500 connections.
- Support for the implementation and operation of the project

The project will benefit about 12,500 households, including 7,500 poor households with piped water connection for the first time.

Scope of the Resettlement Plan: This Resettlement Plan covers the area covered by the water supply system expansion located in Thai Hoa Town, Nghe An province where land acquisition is necessary. This RP addresses adverse social impacts due to involuntary resettlement and lays down the principles and objectives, eligibility criteria of the affected persons (APs), entitlements, legal and institutional framework, modes of compensation and rehabilitation, stakeholder's participation, grievance procedures, and monitoring.

Scope of Land Acquisition and Resettlement: The inventory of losses (IOL) survey was carried out between 8-9/2012 and 6-7/2013. The project will affect a total of 2.3 ha of agriculture land (perennial plants) in Nghia My commune, Thai Hoa town. 5 HHs (20 APs) will be affected through loss of agriculture land. There is no residential land and garden land that will be affected by the project. A total of 10,500 trees will be affected, of which: 10,170 are timber and industrial trees and 330 are fruit trees. Annual crops will also be affected by the project.

Socio-Economic Conditions: among the 5 AHs, the average family size is 4.0 members for a total affected population of 20 people. Business (car rental, civil contractor, material supplier) is the main source of income of 3/5 AHs; 1 AH has main income source from agricultural production (industrial tree planting and dairy farming); 1 AH is a government employee. All AHs are from the Kinh group – there is no ethnic minority HH among the 5 AHs.

Consultation: Consultations during the preparation of the draft resettlement plan consisted of meetings with each AH in Dong Hung village – Nghia My commune in July and August 2013 and separate discussions with key local leaders and head of the Women's Union in 7 Wards/Communes People's Committees. Public consultation will continue throughout the project cycle.

Grievance Redress: The grievance mechanism has been designed to ensure that APs' concerns and grievances are addressed and resolved in a timely and satisfactory manner. Commune and District People's Committees are primarily responsible for resolving any grievances received from the AHs. AHs will be free from any fees in connection with the lodging and resolution of complaints.

Legal Framework: A Resettlement Framework (RF) was prepared under the overall MFF and endorsed by the Prime Minister. The RF describes the legal and policy framework for compensation, resettlement and rehabilitation under the project, which in turn is defined by the relevant laws and regulations of the Government of Viet Nam, and the ADB Safeguards Policy Statement (2009). The RF constitutes the basis for the entitlements.

Relocation of Housing and Settlements: No household needs to relocate.

Income Restoration and Rehabilitation: The AHs will be provided with various types of cash assistance for life stabilisation as per government laws and regulations in addition to payment for affected land and non-land assets. An income restoration program will be prepared during the Detailed Design Phase which will provide supplemental assistance to

severely affected households (only one HH) and vulnerable AHs.

Institutional Arrangements: Nghe An PPC is the Executing Agency (EA) for the project. Thai Hoa town PMU is the Implementing Agency (IA) within the Water Company, a PMU will be responsible for the supervision of resettlement activities within their sub-components. At the city level, the Thai Hoa town People's Committee, together with relevant line agencies such as the DRC, together with local authorities will be responsible for the implementation of the RP.

Disclosure: Key information in this RP has been disclosed to the AHs through public meetings and dissemination of public information booklets (PIBs) during public meetings. The draft RP and updated RP will be disclosed as per disclosure requirements laid out in ADB's SPS.

Resettlement Budget: The RP cost estimate is **5,700,031,854 VND** equivalent to **270,966 USD** (1USD=21,036VND. This includes the cost of land acquisition (**1,806,062,000 VND, 85,856 USD**), administration (**101,604,846 VND, 4,830 USD**), allowances (**3,274,180,294 VND, 155,647 USD**) and contingency costs (**518,184,714 VND, 24,633 USD**).

Implementation Schedule: The Project will be implemented over three years. The commencement date is planned for the fourth quarter of 2015 and the start of construction on the 1st quarter of 2017. An indicative schedule of implementation is shown below.

Project Activities	Start	End
Endorsement of Resettlement Framework by Prime Minister	2011 (MFF)	
Detailed Design Phase		
Recruit Design Consultant	1 st Quarter Year 1	4 th Quarter Year 1
Mobilization of Implementation Support Consultant (resettlement)	1 th Quarter Year 1	4 th Quarter Year 2
Detailed Design	2 th Quarter Year 1	3 rd Quarter Year 1
Conduct DMS based on detailed design	2 nd Quarter Year 1	3 rd Quarter Year 1
Mobilize private appraiser to carry out replacement cost survey	1 th Quarter Year 1	3 rd Quarter Year 1
Prepare Updated RP	1 st Quarter Year 2	3 rd Quarter Year 2
Consult AHs on project impact, entitlements and final options	2 nd Quarter Year 1	2 nd Quarter Year 2
Submit RP to ADB for review and concurrence	3 rd Quarter Year 2	3 rd Quarter Year 2
Disclose approved Updated RP to AHs and Uploading on ADB website	3 rd Quarter Year 2	
Submission of internal monitoring report	Quarterly	Quarterly
Disbursement of Compensation and Payment to AHs	4 th Quarter Year 2	1 st Quarter Year 3
Clearing of land	1 st Quarter Year 3	
Construction Phase		
Implementation of Income Restoration Measures/Programs	4 th Quarter Year 2	
Submission of internal monitoring report	Quarterly	Quarterly
ADB review and approval of RP implementation and confirmation of "No Objection" for Notice of Possession of Site to Civil Works Contractor	1 st Quarter Year 3	
Start of Civil Work	1 st Quarter Year 3	2019

Monitoring and Reporting: Internal Monitoring is the responsibility of PPC through PMU with assistance from the project Implementation Support Consultant (ISC). PMU will submit quarterly monitoring reports to ADB.

Due to the small number of AHs, external monitoring (EM) of RP implementation is not required.

1. DESCRIPTION OF THE PROJECT

1.1 General

The ADB Board of Directors approved a multitranchise financing facility (MFF) on 22 February 2011 for \$1,000 million from the Ordinary Capital Resources (OCR) for the first time in Viet Nam for the water sector. In the last two decades, the water sector in Viet Nam has achieved significant improvements in coverage for water supply to urban and rural areas throughout the country. To provide longer-term support for Viet Nam's continued success in water supply development, improve the level of service delivery, and to meet the increasing demands for water of the expanding population and economy of the country. The government of Viet Nam requested ADB assistance to develop a series of water supply projects.

Thai Hoa town water supply project is part of the seven water supply subprojects that formed the third Periodic Funding Request (PFR-3) of the Multi-tranche Financing Facility (MFF0054-VIE) for Support of the Water Sector in Viet Nam. The tranche finances 7 water companies for urban water supply, including one economic zone (see Figure 1-1).

Figure 1-1: Location of Sub-Projects under PFR-3



1.2 Sub-Components in Thai Hoa Town

Table 1-1 presents the main technical characteristics of the subproject.

Table 1-1: Technical proposals of the project

Item	Technical characteristics	
Location	Thai Hoa town – Nghe An province	
Intake structure – TB1	Construction of a new Pumping Station (PS) – intake structure with capacity of 12,000 m ³ /day. Installing a cluster of pumps with capacity of 6,000 m ³ /day and constructing waiting base plate for future capacity increasing to 12,000 m ³ /day	
Raw water pipeline	Raw water pipeline flowing water to Dong Hung Water plant is calculated to meet capacity of 12,000 m ³ /day. Use plastic pipe HDPE-PN12.5, diameter D500mm, length L=5,500m	
Dong Hung water treatment plant (WTP)	Dong Hung water plant has capacity of 6,000 m ³ /day. The technology process is as following: Raw water → Mixing tank + Mechanical reaction tank → Lamella sedimentation tank → Quick filter → Reservoir → Gravity flow to network.	
Pipeline and connection network	Distribution network use HDPE PN10: - DN350 – L = 1,895m - DN300 – L = 610m - DN250 – L = 1,896m - DN200 – L = 7,790m - DN160 – L = 10,581m - DN110 – L = 11,415m	Service network use HDPE PN8: - D90 - L = 10,679m - D63 - L = 32,738m - D50 - L = 20,905m - D32 - L = 42,398m
House connection	Including pipeline, meter valve to households. Total number of household to be connected is 7,916 households.	

Project scope will cover entirely 04 central wards and 03 surrounding communes. Map of the project area is presented in Figure 1-2 below.

1.3 Compliance with City Master Plan

The project complies with the master plan of Nghe An province:

- Decision No.147/2005/QĐ-TTg on 15/06/2005 approving socio-economic development projects in the West of Nghe An province preferring investment in rapid development of Thai Hoa town to become an economic and cultural center of the northwest of Nghe An province. Besides, on 12/09/2008, Nghe An Provincial People's Committee approved the detail planning of Thai Hoa town center in Decision No. 3907/2008/QĐ-UBND
- Decision No. 1447/QĐ-TTg dated September 16, 2009 on approval of update of construction planning of South Thanh Hoa and North Nghe An province to 2025.

The proposed works are suitable with water supply development of the town in particular and of the province in general, especially:

- Standard and demand of water consumption:
 - Water supply standards for people: 100litres/person/day.
 - Demand for water consumption by 2020: 16,000m³/day – for the town.
 - Population forecasts by 2020: 76,350 people
- Solutions for Water supply:

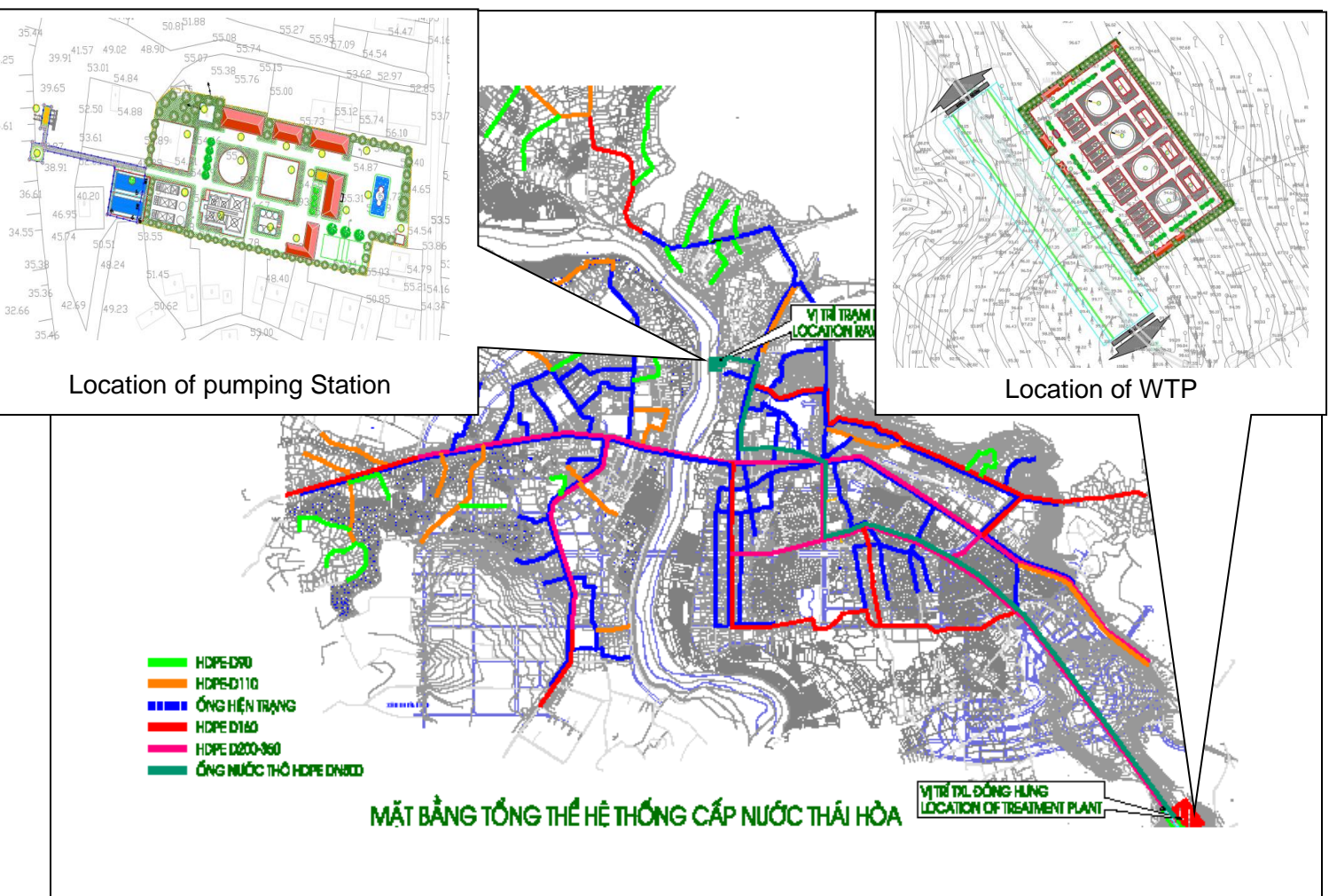
- In the future, with satellite towns of Thai Hoa town, such as My Nghia, Dong Hieu, Tay Hieu urban areas, and regional demands, water supply will be raised to 16,000m³/day.

1.4 Measures Taken to Reduce Resettlement

The following measures have been taken to minimize resettlement:

- Wherever possible, pipelines will be located under road bed and pavement to minimize the impacts on environment and local residents.
- Installation of pipeline and network don't require any land acquisition. The construction area will be minimized by using small sections of road to avoid access disturbances. The public land along the roads and pavements which will be temporarily acquired during the construction phase will be recovered upon completion of work and restored by the contractor to pre-project conditions.
- Location of the PS doesn't affect any HH; location of the WTP is located on a hill under agriculture but without any structure;

Figure 1-2: Map of the project area



2. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

A complete census and inventory of losses (IOL) was conducted in August - September 2012 and updated in June – July 2013. A preliminary list of affected land plots and owners was derived from the cadastral records of each area prior to IOL.

The IOL collected data on all affected land and assets (trees, crops) of AHs using questionnaire with each AH.

2.1 Scope of Land Acquisition and Resettlement

2.1.1 Households affected

A total of 5 HHs (20 affected persons) will be affected by the Project in Thai Hoa Town. All 5 AHs are affected by the WTP. The average member per HH is 4.0 persons. No HH will be affected by the other project's components.

Component	HH	Persons			Average HH member
		M	F	Total	
To construct the Water Treatment Plant (Dong Hung hill in Nghia My commune)	5	7	13	20	4.0
To construct the raw-water pump	0	0	0	0	0.0
To setup the water distribution, service pipelines	0	0	0	0	0.0
Total	5	7	13	20	4.0

Table 2-1: Affected Households

2.1.2 Land Acquisition

The project will affect a total of 2.3 ha of agriculture land and 5 HHs will be affected through loss of agricultural land by the WTP. There is no residential land and garden land affected by the project. No structure will be affected.

Four (4) among the 5 affected farmers by the WTP are marginally affected (losing less than 10% of their productive land). There is only 1 HH (4 persons) that will be severely affected losing more than 10% of his productive land (37.9%) due to construction of the water treatment plant in Nghia My Commune. Table 2-2 details information on each AH.

No.	Full name	Total Area (m2)	Affected area (m2)	% of Productive Land Lost
1	Dương Thị Thương	41,445.0	3,746.0	9.0%
2	Trần Huy Đức	57,878.0	5,668.0	9.8%
3	Lê Huy Kế	21,949.0	284.0	1.3%
4	Nguyễn Thị Tín	34,831.0	13,212.0	37.9%
5	Đinh Thị Anh Phương	11,296.0	266.0	2.4%
	Total	167,399.0	23,176.0	

Table 2-2: Impacts on Each Affected Household

2.1.3 Land Tenure

All the 5 HHs who will be affected through land acquisition have a contract of allocated farm land in 1996 - 1997.

In 1993, PPC of Nghe An province issued a decision to allocate land of Dong Hieu Farm to be managed by Nghia My commune. Nghia My commune authority began to manage the land in 1999. After 4 years of land management, a lot of disadvantages appeared as land is under management right of the commune, but agriculture activity is still under management of the farm with many kinds of

taxes and fees that made difficulties for local people (not only for HHs who are affected but also for other peoples who have the land). On this basis, PPC of Nghe An issued the new Decision No. 131/QĐ-UBND dated 12 Feb, 2004 on Recovery of land used by Dong Hieu Farm and hand over the land to Nghia My commune for full ownership and management, including land used by 5 affected HHs.

It is important to note, that before handing over land to the commune, Dong Hieu Farm did not liquidate the contract of land allocation (the contract is performed in accordance with Decree No. 01/1995 /CP) for the households who have been allocated the land. So after Decision No. 131 was issued, these contracts were not validated.

Recently, the land is still managed by the Nghia My commune, but local people have right to use the land. Sample contract is attached in Appendix 5.

2.1.4 Affected Crops and Trees

A total of about 2.3 ha of perennial plants will be affected. A total of 10,500 trees will be affected, of which: 10,170 are timber and industrial trees, and 330 are fruit trees (see Table 2.5). Annual crops (rice field) will also be affected by the project.

The Detailed Measurement Survey (DMS) to be conducted once the project will be formally approved will be the basis for the compensation of AHs.

No.	Long-living tree	Unit	Quantity	Remarks
1	<i>Rubber</i>	tree	840	3 years old (height of 3m); 5-6 y.o. (height 8 m)
2	<i>Longan</i>	tree	30	Harvested, 5 years old, 8m high
3	<i>Chinaberry</i>	tree	255	5m high, diameter > 5cm
4	<i>Eucalyptus</i>	tree	8.820	For timber, stump diameter: 5 - 10cm
5	<i>Chukrasia tabularis</i>	tree	255	stump diameter from 10 - 20cm
6	<i>Lemon</i>	tree	300	Not yet harvested but unmovable 0.3m high
	<i>Total</i>		10,500	

Table 2-3: List of affected trees

3. SOCIO-ECONOMIC SURVEY

A socioeconomic survey (SES) was conducted in August - September 2012 and updated in June – July 2013 for the sub-project. The socio-economic survey (SES) collected data on household living conditions of all 5 affected households.

3.1 Project Area

The sub-project area covers 7 wards/communes (4 wards: Quang Tien, Quang Phong, Hoa Hieu, Long Son and 3 communes: Nghia Tien, Nghia My, Tay Hieu) in the center and surrounding of Thai Hoa Town. Only one rural commune is affected by the project (Nghia My commune for the construction of the water treatment plant). It should be noted that the current land use along the sub-components is agricultural (allocated farm land).

3.2 Demographics

Thai Hoa town is located in Nghe An Province, in the north central region of Vietnam. Population in 2012 was 61,139 people. Population growth rate within 5 years of the town is relatively stable, around 1%.

The total land area of the town is 13,518.8 ha, accounting for 0.82% of the area of Nghe An province. Of this, 10,152.62 ha is agricultural land, 3,058.62 ha is non-agricultural land, and 307.54 ha is unused land. Population density distribution is approximately 600 persons per km² on average.

No.	Area	Average population in 2012 (persons)
	Urban area:	
1	Hoa Hieu ward	9.603
2	Quang Phong ward	3.936
3	Quang Tiến ward	8.575
4	Long Sơn ward	4.492
	Rural area:	
5	Tay Hieu commune	7.138
6	Nghia Tien commune	3.366
7	Nghia My commune	4.735
8	Nghia Thuan commune	10.285
9	Nghia Hoa commune	2.168
10	Dong Hieu commune	6.841
	Total	61.139

Source: Thai Hoa Town Statistical Yearbook 2012

Table 3-1: Population in the Project Area

3.3 Poverty

New poverty standards for the period of 2011-2015 have been issued by the Prime Minister (Decision 09/2011 of the Prime Minister of 30 January 2011). In rural areas, HH are defined as poor if the average HH income is equal to or less than 400,000 VND/person/month (500,000 VND/person/month in urban areas). For the 2005-2010 period the rural poverty line was VND 200,000/person/month while the urban poverty line was VND 260,000/person/month. Therefore between 2009 and 2011 the poverty rate increased in most areas due to this change of standards. The Decision also establishes a category of HH that are “close to poor”, with an income threshold in rural areas for this group of 401,000 to 550,000 VND/person/month (501,000 to 650,000 VND/person/month in urban areas).

Based on the above definition of poverty, HH can apply to register as poor with the local authorities. If successful in their application, they receive a registration card that entitles them to a range of benefits including lower fees for services and reduced cost of health care.

In 2012 the poverty rate for Thai Hoa Town was significantly below the average for Nghe An Province (5.52% versus 20.1%) and the North Central and South Coast region (5.52% versus 20.4%). For Viet Nam the poverty rate was 14.2% (6.9% in urban area and 17.4% in rural area).

In the project area, the percentage of poor HHs in 2013 was 4.93%, i.e. significantly decreased compared with 2012 (5.52%, equivalent to 969/17,441 HHs); percentage of near-poor HHs in 2013 also decreased compared with 2012 but very slightly (3.2% vs 3.6%).

Areas	Poverty rate 2008	Poverty rate 2012		Poverty rate 2013 (until in July 2013)	
	Poor HH	Poor	Near Poor	Poor	Near Poor
Nghe An Province		20.1%			
Thai Hoa District Town (**)	9.009%	5.52%	3.6%	4.93%	3.2%
North Central & South Coast Area (*)	19.2%	20.4%*			
Total Viet Nam (*)	13.4	14.2%*			
Viet Nam Urban (*)	6.7%	6.9%*			

Viet Nam Rural (*)	16.1%	17.4%*			
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* Source, Viet Nam Living Standards Survey 2010 based on Government's poverty lines for period 2011-2015

** Statistical Year Book Thai Hoa Town 2012

Table 3-2: Poverty Rates in the Project Area

There are no poor or near poor among the AHs according to the above criteria.

3.4 Education

Four (4) among the 5 head of households surveyed have reached lower or upper secondary school; one graduated from University.

3.5 Source of Income

Business (car rental, civil contractor, material supplier) is the main source of income of 3 among the 5 AHs. One AH has his main income source from agricultural production (industrial tree planting and dairy farming) and one AH relies on wages earned from public sector employment.

Based on survey and interviews on living condition of 5 AHs, all of them may be considered better-off due to **having** multiple sources of income: agricultural production (long-living tree planting: chinaberry, eucalyptus, Chulrasia tabularis, lemon, etc., and dairy farming, trading and business (car rental, bus service, jewelry trading) or own private company (construction and material trading).

Therefore, the average income of the 5 HHs is quite high: about 3-10 times higher than the average income of the area. The lowest level ranges from VND 6 million to 10 million (2 HHs), the medium from VND15 mil. to 20 mil. (2 HHs). Finally an enterprise owner gets income of VND 50 mil to 100 mil per month.

Component	Surveyed AHs	Monthly AHs Income		Poverty lane in urban area (family of 4.0 members)
		Main source	All source	
WTP in Nghia My commune	2	6,000,000	10,000,000	2,000,000
	2	15,000,000	20,000,000	
	1	40,000,000	50,000,000	

Table 3-3: Average Monthly AHs Income

3.6 Vulnerable Groups

A total of 2 AHs have been identified as vulnerable. Among these 2 AHs, one is female headed HH with dependents and the other is a family with a dependent disabled person. There is no landless and no ethnic minority HH among the AHs. Thai Hoa Town has very few ethnic minority populations; only some small groups are located in rural areas.

3.7 Households Assets

In terms of household assets, Table 3-4 presents the ownership of various assets of the sample HHs. The survey on asset ownership of affected households showed that, in all sub-components, HH mainly have the most necessary assets/tools for daily activities. All 5 households have a TV a computer, a fridge, a washing machine and mobile phone which clearly reflects their good living conditions. In addition 3 AHs have a car or a truck.

Type	%	Type	%	Type	%
1- Car /truck	60%	6-Cheap bed/cabinet/chair	80%	11- Sewing machine	100%
2- Motorbike	100%	7- Expensive bed/cabinet/chair	100%	12- Computer	100%
3- Bicycle	100%	8- Radio	40%	13- Mobiphone	100%
4- TV	100%	9- Air conditioning	60%	14- Other	100%
5- CD/DVD Player	60%	10- Refrigerator	100%		

Table 3-4: Assets of Surveyed Households**3.8 Water, Sanitation and Source of Energy**

Based on interviews about water resource of AHs for drinking, all 5 HHs use underground water (dug well and drilled well filtering through gravel and sand layers). The reason is the lack of water supply system. Therefore, construction of WTP on Dong Hung hill is also the desire of all HHs here for access of freshwater.

Moreover, when asked about their visual assessment of groundwater (well water) used by HHs, the water resource is said to be clean and pure with no colour. However, hardness is high because of some residue and smell of lime. 3/5 HHs also spend money and buy bottled water for drinking for more safety.

Regarding sanitation, all AHs have a toilet. All of the AHs have in-house toilet with septic tanks.

All AHs are connected to the state power network; electricity is used for lighting. Gas is mainly used for cooking (100%) in all AHs by the sub-project.

All AHs use the local services for collection of domestic solid wastes with fees of 10,000 - 12,000 VND/HH/month.

During public meetings, most of households (90%) declared that they would be willing to pay the proposed water price from 4,000 – 6,000 VND/m³

For medium and rich families, this water price is reasonable. They said this amount for water is the same amount for electricity they used for water pumping.

For poor HHs, they said the water price of VND 6,000 is a little bit high, but they can afford. However, if the water price is lower, then it will be much better for the poorest.

All the people in the meeting agreed that clean water is very necessary for their daily life, because the water source in locality is polluted and can affect their health. Therefore, they want to have clean water as soon as possible.

3.9 Members of Organizations

In project areas, almost all HH have a member of the Women's Union of the Farmer's Union. These organizations provide support and counsel to HH. They can be used as support during compensation and income restoration.

In all AH, one person is member of the Women's Union of Nghia My commune; 3/5 HHs are member of Association of Farmers. They are all involved in the economic development of their community. Especially Mr. Tran Duy Duc is a typical farmer of Thai Hoa town and representative for the farmers of the province and country.

3.10 Gender Issues

Development projects can impact differently on men and women. The impacts on women are often overlooked when mitigation measures focus solely on the nominal heads of households to the exclusion of other household members. The compensation process associated with land acquisition has the potential to alienate women from household assets if compensation is not made to both spouses heading households. Female-headed households face additional challenges associated with resettlement – especially when they are reliant on extended family and social networks for the care and socialization of children.

A Gender Action Plan (GAP) has been prepared under the Project. This Gender Action Plan includes specific actions and strategies and cost estimates that are gender responsive and culturally appropriate. The main outputs and actions are presented in the table below.

Project outputs	Gender targets/actions proposed
Output 1: Increased coverage	
Planning of expanding Thai Hoa WP and construction of Dong Hung WP	- Of residents within the project area consulted on construction design and planning, at least 40% are women.
	- Direct consultations with poor women/women-headed households during planning and implementation of pro-poor water distribution systems
	- Adopt pro-poor policies, particularly related to water connection or monthly costs, with specific focus on the 40% of poor households headed by women
	- Facilitate job chances for women of affected HHs of project
	- 100% coverage of identified poor and women-headed households by network extension
	- Separate women's and men's latrines at construction sites
	- Equal employment opportunities and equal pay for equal work, for local women and men in project civil works.
	- 40% female representation in Community Supervision Boards in Wards/Communes with training provided in planning and technical monitoring to all members.
	- Target 40% female laborers with support of local Women's Union
Output 2: Improved Business planning, asset and financial management	
Improve operation and maintenance, as well as strategic analysis and planning of Thai Hoa water company and effective monitoring and evaluation	- Provide gender awareness training for all water company and project staff to increase sensitivity on water and gender issues.
	- Target 30% female staff for new recruits in the PMU and water company, especially in technical positions.
	- Ensure 30% female staff participation in all training on water supply management, operations and maintenance.
	- Partner with Women's Union in IEC planning and delivery that targets both male and female residents and local authorities' representatives equally.
	- Gender-responsive IEC materials integrating women's issues and need, disseminated through channels accessed by women
	- During construction, inform women of water supply interruption schedules to enable better household planning and minimize disruptions
	- Ensure 50% of IEC facilitators are women
	- Ensure that all project reports including Project Completion Report (PCR) include analysis and reporting on progress against the GAP and on Gap budget allocation vs. actual expenditure
	- Disaggregate customer feedback by gender for use in future planning
	- Employ consultant for preparation of GAP and gender consultant for monitoring and evaluation of GAP.
Output 3: Effective NRW reduction	
	- Ensure roadmap for water tariff increase takes into consideration gender and affordability issues.
	- Ensure appropriate monitoring mechanism for the implementation of decree 117/2007 and 124/2011/ND-CP to ensure lifeline tariff and free connections to 100% of identified poor and women-headed households in the project areas

Table 3-5: Proposed Action included in the Gender Action Plan

The Project Implementation Assistance (PIA) prepared for the project also includes a distinct component to strengthen the capability of the Women's Union in Thai Hoa town. The main objectives of this component are to:

- i) Increase capability to deliver awareness building in the environment and health sectors, through a training and project delivery programme that can be replicated over time and in different sectors.
- ii) Increase capability to design and deliver employment creation for women in the water sector, through a training and project delivery programme, which is geared to awareness building and practical skill training for the participants. The programme should include close links with existing vocational training opportunities in each city/town and also consider the feasibility and support for establishing a micro-credit facility for women looking to establish new urban enterprises and

further expand existing urban enterprises

3.10.1 Involvement in Economic Activities

Among the surveyed HHs, the household head, spouse and their adult children are the persons responsible for earning the HH's main source of income. Few HH have only the HH head as the sole provider of the HH main source of income. Therefore women are as involved as men in the economic activities of the HH.

Components	Surveyed HH	HH Head only		HH Head and spouse		Adult children only		HH Head Spouse and Adult children		Others	
		HH	%	HH	%	HH	%	HH	%	HH	%
Water Treatment Plant in Nghia My commune	5	2	40%	1	20%	1	20%	1	20%	0	0

Table 3-6: Households Members Responsible for Primary Source of Income

3.10.2 Education

Among the 5 surveyed HHs, almost all women have equal education level to men. Generations of parents/ grandparents have high school education level or at least secondary, all children are well educated. Especially, one HH has a woman with a university level. Generally, the affected HHs are better-off families, so they can provide good education for their children.

3.10.3 Female Headed Households

One female-headed household (FHH) has been identified through the survey. FHH are defined in this RP as households where woman (divorced, widowed) has significant responsibility with dependents in the household.

Female headed households likely to experience greater stress and vulnerability as a result of land acquisition and resettlement are those with higher dependency ratios and more severe impacts on livelihoods, as well as those with low per capita incomes. Therefore specific assistance and follow-up will be needed.

3.10.4 Support from Women's Union

As said above, all the AHs have at least one member of the HH who is member of the Women's Union (WU). The WU is a social-political organisation with goals that include raising the capacity and knowledge of women, to affect gender equality. They operate on four administrative levels within Viet Nam—central, provincial, district, commune and village. This provides them with an extensive network enabling them to integrate new information into existing systems and promote change at different levels.

During detailed design, it is suggested to develop partnership with WU to assist women during the implementation of resettlement activities.

The following roles should be discussed:

- Conduct focus group discussions with women, in particular FHH, on resettlement issues; identify concerns and problems encountered during planning and implementation and report to the working group throughout the process
- Encourage women to be present at the time of compensation and planning of relocation sites and income restoration program as required;
- Work with concerned departments, and local authorities to review documents and revise the documents as necessary which will then require both husband and wife to sign documents related to payments and assistance,

- Counsel both men and women on use of compensation;

4. INFORMATION, CONSULTATION AND PUBLIC DISCLOSURE

4.1 Information disclosure and Consultation during Project Preparation

At the early stage of Project preparation, local authorities and leaders at different levels were informed about the proposed Project, its objectives and component activities. They were intensively consulted, and actively participated in discussions on their development needs and priorities, and about their perception toward Project objectives. AHs have been consulted on potential impacts and possible measures to reduce potential negative impacts and improve benefits for local peoples.

4.1.1 Meetings with Local Authorities

Various meetings were organized by the PCO Consultants. Table 4.1 summarizes the inclusive dates, the persons met and the issues discussed.

Date	Location	Participants	Issues Discussed
7-8/2013	Thai Hoa town	<ul style="list-style-type: none"> - Representatives of affected commune Peoples Committee (Cadastral staff and Chairman); - Officer from land management department of DRC; - Representative of PMU 	<ul style="list-style-type: none"> - Presentation of the Project - Discussion on Project Policy on resettlement - Project schedule; - Need for cooperation to conduct IOL and SES; - Preparation of public consultation

Table 4-1: Meetings with Local Authorities

4.1.2 Consultation with Affected HHs

Information dissemination and consultation with affected persons and involved agencies will reduce the potential for conflicts and minimize the risk of Project delays. Furthermore, this approach will enable the Project to design the resettlement and rehabilitation program so that it meets the needs and priorities of the affected people, and in this way, potentially maximize the economic and social benefits of the investment. The objectives of the public information campaign and the consultation program are as follows:

- To fully share information with the AHs about the proposed project components and activities;
- To obtain information about the needs and priorities of the AHs, as well as information about their reactions to proposed policies and activities;
- To ensure that AHs are enabled to make fully informed decisions that will directly affect their incomes and quality of life, and that they will have the opportunity to participate in activities and decision-making about issues that will have a direct effect upon them;
- To obtain the maximum level of co-operation and participation of the AHs and communities in activities necessary for resettlement planning and implementation;
- To ensure transparency in all activities related to land acquisition, compensation, resettlement and rehabilitation.

Because some AHs were busy, the focus meeting with all 5 HHs together was not possible. Representative of PMU and PCO consultants met every HH individually to conduct survey and consultation from August 3 to 5, 2013 in Dong Hung - Nghia My commune.

A total of 7 persons (2 men, 5 women) attended the meetings/depth interview. Detailed information is provided in the table below.

Date	Commune/ ward	Participants	Men	Women
03/08/2013	Nghia My commune	5	1	4
05/08/2013	Nghia My commune	2	1	1

Total	7	2	5
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Table 4-2: Date of Public Consultation and Number of Participants

The content of the meetings was as follow:

- Overview of the project sub-components;
- Project Resettlement Policy (compensation, assistance, allowance);
- Entitlements of Affected persons;
- Grievance Redress Mechanism;
- Presentation of Public Information Booklet;
- Implementation Schedule;
- Discussion and concerns of affected persons;

4.1.2 Concerns of affected AH

The minutes of meeting of the public consultation are presented in Appendix 3. The main concerns of the participants and the answers from the consultant are summarized below:

- Compensation/entitlements
 - Q. Where we can get the details of all entitlements?
 - A. Detailed of entitlement provided in the RP to be disclosed in all commune;

 - Q. Can we receive compensation for the other agricultural land lost by other project?
 - Mr. Duc's household wishes to receive of land for land within area to avoid lack of production land (grass planting for farming dairy, together with agricultural plants).
 - A. Compensation is only for the water supply project. Compensation for land is only in cash;

- Assistance
 - Q. Farmers should be assisted to restore income;
 - A. An income restoration program is planned;

 - Q. Families should be counseled on how to manage compensation received;
 - A. Women's Union will be involved to counsel families on the use of the compensation received;

- Impacts during construction (to be included into the bidding documents and Environmental Management Plan, with the quality of the same to be monitored)
 - Q. Make sure that the water plant to be built on the Dong Hung hill will not contaminate (wastewater, solid waste, dust) on the surrounding area and trees of the households.
 - A. An Environmental Management Plan has been prepared to mitigate negative impacts;

4.2 Information Disclosure

A Public Information Brochure (PIB) was distributed and explained to AH during the public meetings for HHs who joined the meetings. Copies of the PIB were also given at the ward/commune PC for HHs who did not join the meetings. Contact details of PMU are included in the PIB. Public Information Brochure (PIB) is presented in Appendix 1.

During IOL, all AHs were met; information was also given during filing HH questionnaires. Upon ADB concurrence of this RP, copies will be placed in commune/ward offices.

4.3 Planned Consultation and Disclosure Measures

Consultations will be conducted with all AHs during the updating and implementation of the resettlement plan. Consultations are to be inclusive, meaning that special efforts will be made to ensure the participation of vulnerable AHs and women (by measures such as including the names of both spouses heading households in invitation letters to attend meetings) as well as conducting consultation meetings at convenient locations and times.

AHs are to be invited to comment and ask questions. All minutes of meetings and attendance sheets will be prepared and recorded. Disclosure of the updated RP to AHs will be carried out prior to its submission to ADB for review and approval.

5. GRIEVANCE REDRESS

It is the responsibilities of Commune and District authorities and the PPC to help to resolve confusion, misunderstandings or problems about land acquisition, compensation rates, rehabilitation and relocation. To ensure that all grievances of those affected by any aspect of land acquisition, compensation, relocation, and determination and payment of entitlements are resolved in a timely and satisfactory manner, and that all avenues for airing grievances are available, detailed procedures for hearing and redressing grievances, including appeal processes, will be made public through an effective public information campaign. The Grievance redress procedure was also described in the project's Public Information Booklet.

Grievances related to any aspect of the project/subprojects will be handled through negotiation aimed at achieving consensus. An aggrieved AP or AH will be free from any fees in connection with the lodging and resolution of complaints, as these will be borne by the Project.

Grievances redress mechanisms of the project will follow Article 138 Land Law 2003; Law on complaint No. 02/2011/QH13; Article 63 and Article 64 of Government Decree 84/2007/NĐ-CP; Clause 2, Article 40 of Decree 69/2009, and the regulation on grievance in Government Decree 75/2012/NĐ-CP dated 20/11/2012.

Where complaints about administrative decisions or administrative acts regarding land management are settled for the first time by the People's Committees of rural districts, urban districts, provincial capitals or provincial towns, but the complainants disagree with the settlement decisions, they are entitled to initiate lawsuits at People's courts or continue to complain with the provincial/municipal People's Committees.

The statute of limitation for complaining about administrative decisions or administrative acts regarding land management will be ninety days (90) as from the date of receiving such administrative decisions or knowing about such administrative acts. In case the complainant is not able to appeal in accordance with the statute of limitations because of illness, natural disasters, sabotage, travel, distant learning or other objective obstacles, that time not included in the time limit for lodging.

According to Decree No. 75/2012/ND-CP dated 3 October 2012:

- i. Within 15 days from the decision to settle the complaint, those who are competent to settle the complaint are responsible for publication of decision on complaint settlement in one of the forms prescribed in Clause 2 of Article 41 of the Law on Complaints.
- ii. In case of publication of the decision at the meeting, the meeting participants must include the person who makes the decision to resolve the complaint; the complainant or his/her representatives; and concerned agencies, organizations and individuals. Before conducting the public meetings the person that is competent to settle complaints must send notice to the concerned agencies, organizations and individuals. The advance notice period should be three days in advance.
- iii. The notice of the decision on announcing settlement of complaints on the mass media is radio, television, print and electronic press. Persons who are competent to settle complaints are responsible for choosing the type of media to make the announcement. In case the agency or person who is competent to settle complaints has established an e-portal or electronic information page, it must be publicized on that e-portal or electronic information page. The number of times the decision is to be publicized on the radio is at least 2 times; on television at least 2 times; by print at least 2 times. If posting on the internet or on an electronic information page, it should be posted for at least 15 days from the date of notification.

- iv. When the decision is posted in offices of organizations that have resolved the complaints, decisions shall be posted for at least 15 days from the date of notification.

Grievance redress can be summarized in the steps set out below:

- **First Stage: Commune People's Committee.** An aggrieved affected household may bring his/her complaint to any member of the Commune People's Committee, either through the Village Chief or directly to the CPC, in writing or verbally. It is incumbent upon said member of CPC or the village chief to notify the CPC about the complaint. The CPC will meet personally with the aggrieved affected household and will have 30 days (or 45 days for complicated case) following the lodging of the complaint to resolve it (in remote and mountainous areas or complicated case, the complaint should be resolved within 45 or 60 days, respectively). The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.

Upon issuance of the decision of the CPC, the affected household can make an appeal within 30 days (45 days for mountainous area). If the second decision has been issued and the household is still not satisfied with the decision, the affected household can elevate his/her complaint to the DPC.

- **Second Stage: District People's Committee.** Upon receipt of the complaint from the household, the DPC will have 45 days (or 60 days for complicated case) and 60 days for remote and mountainous areas (or 70 days for complicated case) following the lodging of the complaint to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles.

Upon issuance of the decision of the DPC, the affected household can make an appeal within 30 days. If the second decision has been issued and the affected household is still not satisfied with the decision, the affected household can elevate his/her complaint to the PPC.

- **Third Stage: Provincial People's Committee.** Upon receipt of the complaint from the affected household, the PPC will have 45 days (or 60 days for complicated case) and 60 days for remote and mountainous areas (or 70 days for complicated case) following the lodging of the complaint to resolve the case. The PPC is responsible for documenting and keeping file of all complaints

Upon issuance of the decision of the PPC, the affected household can make an appeal within 30 days if they disagree. If the second decision has been issued and the affected household is still not satisfied with the decision, the affected household can elevate his/her complaint to the court within 45 days.

- **Final Stage, the Court of Law Arbitrates.** Should the complainant file his/her case to the court and the court rules in favor of the complainant, then the Project will have to increase the compensation at a level to be decided by the court. In case the court will rule in favor of PPC, then the complainant will receive compensation approved by PPC.

The affected people will be provided with support and assistance by locally based organizations, in case they have limited capacity or in case they have questions or complaints.

If efforts to resolve complaints or disputes are still unresolved and unsatisfactory following the project's grievance redress mechanism, the households have the right to send their concerns or problems directly to ADB's Southeast Asia Department (SERD) or through ADB Viet Nam Resident Mission. If the households are still not satisfied with the responses of SERD, they can directly contact the ADB's Office of the Special Project Facilitator as outlined in the Information Guide to the Consultation Phase of the ADB Accountability Mechanism.

The grievance redress mechanism will be continuously disseminated to people during project implementation. The project grievance procedure does not impede access to the court at any time.

6. POLICY, LEGAL FRAMEWORK FOR RESETTLEMENT AND ENTITLEMENTS

A Resettlement Framework (RF) was prepared under the overall MFF and endorsed by the Prime Minister. The RF is based on the relevant laws and regulations of the Government of Viet Nam, and the ADB Safeguards Policy Statement (2009).

The RF includes the relevant Vietnamese legislation and provision of ADB Safeguard Policy Statement. It also includes differences between the Government's Laws and Decrees and ADB SPS with regard to resettlement and compensation, and how to address these gaps for this Project.

In addition to the regulations included in the RF, the entitlement are also based on Nghe An province Resettlement Policy Decision No. 04/2010/QĐ-UBND on compensation, assistance and resettlement when the State recovers land in Nghe An province dated 19th January 2010. This decision provides details for the application of compensation, assistance and eligibility regimes set out in Decree 69/2009. This decision was then amended by No.10/2012/QĐ-UBND dated 4th February 2012.

The project entitlements developed and presented in the entitlement matrix below correspond to the impacts identified during the IOL.

Entitlements adopted are based on the approved RF and on the Nghe An province resettlement policy No.04/2010/QĐ-UBND. This matrix has been discussed and agreed with the District Resettlement Committee and the PMU, in charge of the implementation activities on behalf of Nghe An Province People's Committee.

Entitlements for each type of AHs are based on the types and levels of losses. The entitlements also provide various measures aimed at providing opportunities for AHs to obtain development benefits from the project as well as assisting vulnerable AHs to improve their living standards. The Entitlement Matrix for the Project is shown in the table below.

If no other specification, the references to articles in the matrix are articles included in Decision No.04/2010/QĐ-UBND and amended by Decision No.10/2012/QĐ-UBND dated 4th February 2012.

Table 6-1: Entitlement Matrix

No	IMPACT	LEVEL OF IMPACT	ELIGIBLE PERSONS	ENTITLEMENTS	IMPLEMENTATION ISSUES
I.	LAND				
1	Productive land (agricultural, orchard land, aquaculture, garden)	<p>Marginal loss Affected Households (AHs) losing less than 10% of their total productive land (remaining unaffected portion is viable for productive use)</p> <p>Severe loss AH losing 10% and more of their total productive land (or the remaining unaffected portion is not viable for productive use)</p>	<p>a. Owners with Land Use Rights Certificate (LURC), eligible to acquire LURC according to Government regulations, or otherwise legalisable under Government regulations. 5 AHs</p> <p>Severe Loss = 1 AH</p>	<p>a) Cash compensation for acquired land at replacement cost which is equivalent to current market price and free from transaction costs (e.g., taxes, certification & admin. costs).</p> <p>b) HH losing agricultural land would be supported for agricultural production, including: seeds etc., equivalent to VND 3,000/m² (Art. 25)</p> <p>c) For non-land affected assets, see item II below.</p> <p>d) For additional assistance due to severe loss, see item III.1 below.</p>	<p>- If the area of the remaining land to be acquired is not viable (< 200-300 m² depending on shape of the plot for both rural and urban area) and if the AH so agrees, then the remaining portion of land will be acquired according to the project's compensation/ assistance regime.</p> <p>- Area of agricultural land for allowance is not exceeding limit of land allocated in the locality;</p> <p>- Affected households to be notified at least 4 months prior to the date that the Project will actually be acquired by the Project</p>
II	NON LAND ASSETS				
1	Crops, trees, and aquaculture products	Loss of or damage to assets	Owners regardless of tenure status 5 AHs	<p>a) Cash compensation for annual crops equivalent to current market value of crops at the time of compensation;</p> <p>b) For perennial crops trees, cash compensation at replacement cost equivalent to current market value given the type, age and productive value (future production) at the time of compensation.</p> <p>c) Timber trees based on diameter at breast height at current market value.</p>	<p>- APs have the right to use salvageable trees.</p> <p>- APs will be given 3 months' notice prior to land acquisition.</p> <p>- APs will receive cash compensation based on current market cost of ripened crops/fruit for any unharvested crops that were planted prior to the land acquisition announcement.</p>
2	Public facilities	Loss of or damage to assets	Relevant agencies	a) Cash compensation to cover the cost of restoring the facilities.	- Relocation or re-construction of public facilities will be done with minimal disruption to public service.

No	IMPACT	LEVEL OF IMPACT	ELIGIBLE PERSONS	ENTITLEMENTS	IMPLEMENTATION ISSUES
III	LOSS OF INCOME/LIVELIHOOD				
1	Loss of income/livelihood due to loss of agricultural land.	HH losing 10% or more of their productive land (including garden land considered as productive land (i.e. orchards))	AHs directly farming affected land. 1 AHs	<p>a) Life Stabilization allowance: (Art. 25 (1))</p> <ul style="list-style-type: none"> - 10-70% loss of productive land: Cash grant equivalent to 30kg rice) per HH member for a period of 6 months if not required to relocate and for a period of 12 months if required to relocate, and 24 months to relocate in a difficult socio-economic condition area; <p>b) Income restoration allowance equivalent to 3.5 times the compensation rate per m² for agriculture land the area acquired. In case HH is losing 100% of the agricultural land and must be relocated, the level of allowance is up to 5 times compensation rate, but not exceeding 130 million VND/HH (Art. 27 (7))</p> <p>c) Entitlement for each household member of working age to participate in income restoration program.</p>	AHs not eligible for compensation of affected agricultural land will be entitled to stabilization allowance and income restoration program.
V	SPECIAL ASSISTANCE				
1	Higher risks of impoverishment/hardship due to loss of resource base/ relocation.	Loss of land and non-land assets and Relocation.	Affected vulnerable groups regardless of severity of impacts 2 AHs	<p>a) Special allowance for vulnerable HH</p> <ul style="list-style-type: none"> -Vulnerable HH will receive cash allowance of 2.5 M VND for HH <p>b) Entitled to participate to the income restoration program (IRP)</p>	.
2	Bonus to move on time	Loss of land	All AHs with affected land & assets 5 AHs	<p>a) Bonus to move on time (Art. 4, Decision 11/2011)</p> <ul style="list-style-type: none"> - Households will receive an allowance of 2.5 M VND/HH 	
VI	Temporary impacts				
	Temporary impacts during construction	Temporary loss	Land users regardless of tenure status	<p>a) Cash compensation for structures/fixed assets, crops, trees affected during construction as stated in Items II above.</p> <p>b) Full restoration of affected land to pre-impact conditions</p> <p>c) For temporary impacts on land, and where temporary impacts are on land and where the AH is owner with LURC; in the process of acquiring LURC; are eligible to acquire LURC, he rent will be negotiated with affected households. The land will be restored to its pre-project condition.</p> <p>d) Unanticipated impacts to be addressed as per the MFF Resettlement Framework</p>	

7. INCOME RESTORATION

For this project, there is only one affected household lost more than 10% of productive land, and no household need to be relocated. Other 4 households are only marginally affected.

Apart from the severely affected household, there are 2 vulnerable AHs who are also eligible to participate in the income restoration program.

A number of specific income restoration measures are already included in the entitlement matrix as summarized below:

Affected Livelihood	Income Restoration Measures
Farmers 1 AH	Stabilisation allowance (income support) for 6-24 months (cash allowance)
5 AHs	Income restoration allowance (equivalent to 3.5 times the PPC compensation rate per m ² for agriculture land (cash allowance).
5 AHs	HH losing agricultural land would be supported for agricultural production, including: seeds etc., equivalent to VND 4,000/m ²
Vulnerable 2 AHs	Special assistance (cash allowance)

**Table 7-1: Income Restoration Measures already included
In the Project Resettlement Policy**

The overall objective of the IRP is to stabilize the livelihood activities and sources of income of participants by focusing on diversified activities to bring immediate income such that they will be able to produce for their basic needs and long-term livelihood management capacity.

During detailed design, PMU and the project implementation supervision consultants (PISC) will meet AHs entitled to the IRP to establish household's preference for income restoration activities. Income restoration activities include: i) agriculture extension services; ii) vocational training iii) micro-credit; and iv) any other activities suitable with AH socioeconomic situation.

For budgeting purposes, it is assumed that 2 persons per eligible HH will participate in vocational training. This will be verified and confirmed through consultations with the AHs during RP updating.

The total cost estimate for the Income Restoration Program (including income restoration and stabilization allowances) for affected households in Thai Hoa town is **3,274,180,294 VND** equivalent to **155,647 USD**. The detailed costs estimates are presented in Appendix 6.

8. RESETTLEMENT BUDGET

8.1 Budget Preparation

The resettlement budget has been prepared in close collaboration with the PMU and the DRC. As only a preliminary engineering design is available at this point, no Replacement Cost Survey (RCS) was conducted. The budget was prepared based on measurement on cadastral maps for land and structures and on IOL results.

During the detailed design phase, the Nghe An PPC will hire a private appraiser, external and independent to the implementation institutions, to carry out replacement cost survey for land and non-land assets. The said appraiser will undertake its activity in parallel with the DMS. The RCS report will be submitted to the PMU, PPC and Project Implementation Support Consultant (ISC). The compensation rates, based on the RCS, will have to be approved by the Nghe An PPC. These rates will serve as compensation rates for the project sub-components.

Nghe An PPC will be responsible for channeling funds for the compensation for land acquisition and resettlement to the Thai Hoa Town Resettlement Committee will be responsible for making payments directly to AHs with respect to land, crops, trees, and any allowances.

Funds for compensation and implementation of the plan will be from Nghe An province as counterpart fund.

8.2 Compensation rates

8.2.1 Compensation rates for land

The compensation rate for land along the sub-project is presented in the Table below. This rate was issued by Nghe An PPC and will be used for cost estimates.

Location	Agriculture Land VND/m ²	Remark
Water Treatment Plant in Nghia My commune (on Dong Hung hill)	62,000	Location 1, Low hill

Table 8-1: Compensation Rate for Land in the Project Area

8.2.2 Compensation rates for crops

Nghe An PPC also issued Decision regulating compensation rates for crops and plants upon land acquisition. These prices apply throughout Nghe An province. These prices correspond to market rates and are used as proxies here.

No.	Crops and plants (Perennial Plants)	Unit	Unit price (VND/tree)	Remark
1	<i>Rubber</i>	Tree	95,000	3 years old (height of 3m) ¹
2	<i>Longan</i>	Tree	150,000	Harvested, 5 years old, 8m high
3	<i>Chinaberry</i>	Tree	70,000	5m high, diameter > 5cm
4	<i>Eucalyptus</i>	Tree	25,000	For timber, stump diameter: 5 - 10cm
5	<i>Chukrasia tabularis</i>	Tree	100,000	diameter from 10 - 20cm
6	<i>Lemon</i>	Tree	70,000	Not yet harvested but unmovable 0.3m high

Table 8-2: Compensation Rates for Crops

8.2.3 Adjustment for Inflation

The rates for compensation and cash entitlements for rehabilitation as well as allowances payable to APs will be adjusted annually, based on the current annual inflation rate. The PMU, with the Nghe An PPC, will determine the annual inflation rates and all cash entitlements.

8.3 Cost estimates

Resettlement Cost estimates for Thai Hoa town is **5,700,031,854 VND** equivalent to **270,966 USD** (including Contingency 10% and 1USD=21,036VND, see Table 8-3). The funds will come from the Viet Nam Government budget. Detailed costs are presented in Appendix 4.

Management fee used (2%) is based on the decree 197/CP² which is usually used for all

¹ For budgeting purposes, this amount was also used for rubber trees that are 5-6 y.o. (height of 8 m). Final basis for compensation will be the DMS to be conducted during detailed design.

international donor projects.

No.	Item	Total	
		VND	USD (1USD=21,036VND)
I	Compensation for acquired land	1,806,062,000	85,856
1	Agricultural land (perennial land)	1,436,912,000	68,307
2	Crops and plants	369,150,000	17,548
II	Allowances	3,274,180,294	155,647
III	Sub-Total (I+II)	5,080,242,294	241,502
IV	Overheads cost: 2% * (III)	101,604,846	4,830
	Sub-total (III+IV)	5,181,847,140	246,332
V	Contingency 10% * (III+IV)	518,184,714	24,633
VI	Total VI (III+IV+V)	5,700,031,854	270,966

Table 8-3: Costs estimates for Land Acquisition and Resettlement

9. INSTITUTIONAL ARRANGEMENT

9.1 Provincial People's Committee of Nghe An province

The Provincial People's Committee (PPC) of Nghe An province is the executing agency (EA) and will oversee all subproject activities including the implementation of RPs. The Nghe An PPC will have to endorse the RP. The Nghe An PPC could also delegate such endorsement to the Thai Hoa town PC.

A Project Steering Committee (PSC) is already operating in Thai Hoa town and is headed by the PPC Vice Chairman, and includes representatives of provincial and city government agencies. The PSC will continue to coordinate the implementation of the Project and provide policy guidance. The PSC will be chaired by the PPC Vice Chairman, and will normally include representatives from the following organizations: (i) Department of Construction (DOC); (ii) Department of Planning and Investment (DPI); (iii) Department of Finance (DOF); (iv) Department of Natural Resources and Environment (DONRE); (v) Provincial and/or City Women's Union (WU); (vi) Chairman or Vice Chairman of the concerned Project City, and (vii) other agencies or entities that may be recommended by the PPC.

The PSCs will continue to assist the PPCs by: (i) monitoring Project implementation; (ii) making decisions related to Project implementation within the power of the local authorities; (iii) approving Project documents related to, for example, resettlement plans procurement plans, and bidding and contract documents; and (iv) coordinating relevant agencies of the provinces and the PMU in the project implementation process

9.2 Thai Hoa town People's Committee

The Thai Hoa town People's Committee (PPC) is the implementing agency (IA) and will oversee all subproject activities including the implementation of the RP. If PPC delegates the endorsement responsibility to the Thai Hoa town PC, the CPC will be responsible for endorsement of the RP.

² Article 48 of Decree 197/CP stated "A fund to ensure the implementation of compensation, assistance and resettlement is established so as not to exceed 2% of the total budget for compensation and resettlement of the project".

9.3 Project Management Unit (PMU)

A Project Management Unit (PMU) has been established within the existing institutional structures in Thai Hoa town. Thai Hoa town PMU is the Implementing Agency (IA) for all sub-components.

The functions of the PMU includes: (i) monitoring and coordinating all Project activities in sub-project cities; (ii) supervising the consultants responsible for design, preparation of tender documents, construction supervision, and other activities; (iii) preparing bid plans, work plans, and annual budget plans; (iv) managing the prequalification of contractors, bid evaluations, bid awarding and contract signing; (v) supervising work plans and ensuring quality control of work carried out by contractors and Implementation Support Consultant (ISC) (vi) supervising and monitoring project-related resettlement and environmental activities; and (vii) preparing periodic project progress and annual reports for submission to the PPC.

Related to resettlement, PMU will work closely with local administrative authorities, regarding resettlement planning and implementation. Together with the ISC, the PMU will provide technical plans, designs and project activities and schedule of the proposed project in order for all parties to identify and minimize the potential effects on land and people and to make sure that all RP activities are properly addressed and implemented prior to construction activities. The PMU will be responsible for the preparation of quarterly resettlement progress reports.

9.4 Thai Hoa Town Resettlement Committee

The Thai Hoa Town Resettlement Committee has the mandate to implement all resettlement related activities.

For this project, the Thai Hoa town RC has been assigned to work directly with PMU to prepare and implement the resettlement plan with other relevant institutions. The Thai Hoa town RC will oversee the implementation of the DMS and establish a database of AHs, impacts on property and livelihoods, as well as compensation, assistance and allowances.

Specific to the Project, the Thai Hoa town RC will execute the following tasks:

- a) Issue Notice of Land Acquisition when the project will be formally approved;
- b) Inform AHs about Detailed Measurement Survey process;
- c) Conduct Detailed Measurement Survey;
- d) Prepare AHs database;
- e) Prepare compensation plans in line with resettlement plans;
- f) Prepare individual “AH Compensation Forms” which detail all types of losses with its corresponding established compensation rates. This will also include all types of relocation and rehabilitation assistance.
- g) Inform AHs regarding payment schedule at least two (2) weeks in advance.
- h) Present proposed compensation amounts to AHs and explain in detail the AH's rights and entitlements based on Project policies and explain how compensation amounts were calculated.
- i) If compensation payments are acceptable to AHs, process payment and inform AHs of exact date of release of payment.
- j) Effect compensation payment. Copies of compensation payment documents will be provided to AHs. Copies will also be provided to the Implementation and Support Consultants and external agency for monitoring and reporting.
- k) Review grievances in consultation with main stakeholders and HH who raised grievances. Submit recommendation to solve grievance to District and Province PC;

9.5 Local Administrative Authorities (District, Communes/Ward)

The concerned local administrative authorities at district and commune level play an important

role in the planning and implementation of resettlement-related activities. Their roles and responsibilities are to:

- Coordinate and work closely with the concerned stakeholders in relation to the conduct of consultation, census and DMS and other resettlement-related activities;
- Act as grievance officers and ensure that grievance are resolved;
- Assist AHs during the negotiation and compensation process;
- Involve the local-based organizations to carry out the RP activities;
- Certify the list of AHs and sign compensation documents; and
- Monitor and register new settlers in the area. The local authorities will be responsible for informing residents and new settlers not to construct houses/structures in the areas where there will be improvement/ construction.

9.6 Local Mass Organisations

Mass organizations in Viet Nam are types of community based organizations. Such organizations would include the Fatherland Front, Women's Union, Farmer's Union and other relevant organizations.

Women's Union and Farmer's Union will be involved in the IRP preparation and implementation. They will also be a channel to disclose information to AHs. WU will follow-up vulnerable HH during implementation and will counsel HH on the use of the compensation received.

9.7 Implementation Support Consultants

The Implementation Support Consultant (ISC) will include one local resettlement specialist, to assist and supervise all social and resettlement- related activities. Their responsibilities include the following:

- a) Work closely with PMU, , local authorities at all levels on all resettlement-related activities;
- b) Assist in the conduct of the information campaigns, public consultation and community participation;
- c) Assist in the verification of census, inventory of losses and detailed measurement survey activities;
- d) Check the accuracy of the AH database prepared and provide improvements if necessary;
- e) Assist in the preparation of an updated RP;
- f) Assist and improve, if necessary, procedures for the coordination of resettlement and compensation activities;
- g) Ensure that grievances are addressed promptly and properly and that grievance redress mechanism is functioning well;
- h) Provide necessary training on grievance if needed;
- i) Establish and implement liaison mechanisms to ensure proper technical and logistical support to PMU, local administrative authorities, resettlement committees and concerned government departments;
- j) Establish and implement procedures for ongoing internal monitoring;
- k) Design and deliver capacity development activities for all relevant agencies, as needed, in the areas of ADB resettlement policy; participation and communication; gender and development; and livelihood restoration.

Implementation arrangements are summarized in the diagram below.

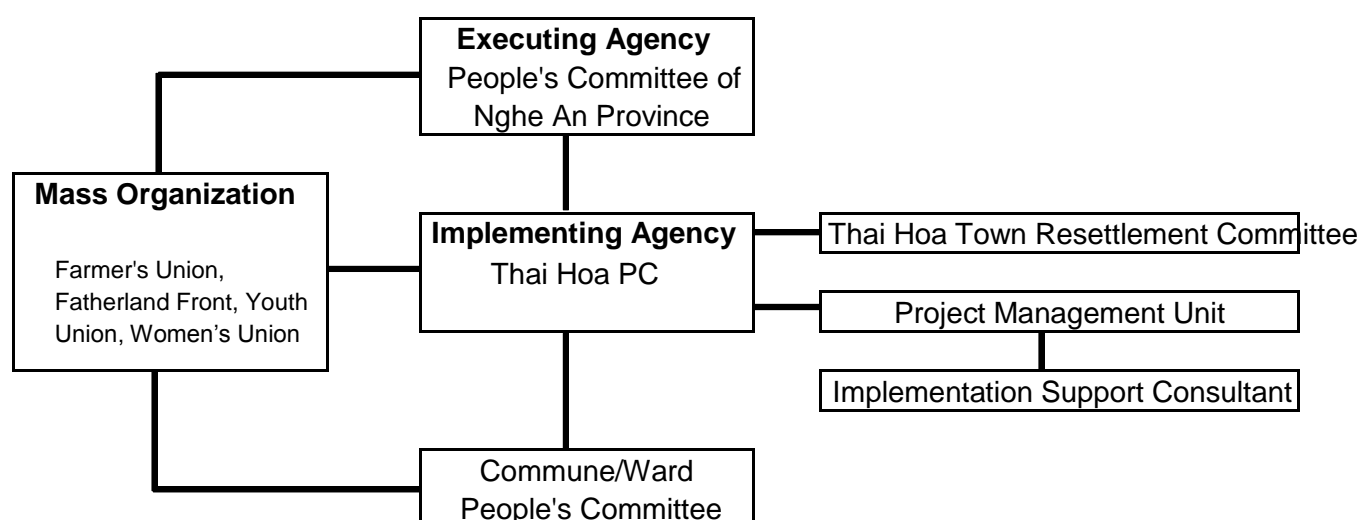


Figure 9-1: Diagram for Implementation Arrangements

10. IMPLEMENTATION SCHEDULE

10.1 Conduct of Detailed Measurement Survey

The conduct of the updated Census and Detailed Measurement Survey (DMS) will be undertaken, following final design, by DRC. The DMS data, together with the result of the replacement cost study as reviewed and approved by the EA, will be the basis of preparation of the Compensation Plan.

At the time of DMS activities, all AHs are required to submit copies of LURCs or any legal papers to assist RC in the preparation of the Compensation Plan. All DMS forms are to be reviewed and signed by AHs. AHs will be informed of their right to note any objections to the DMS assessment on the form.

The DMS will be conducted with the participation of AHs. The official list of AHs, their losses, and corresponding payments due will be disclosed to the affected people.

Any disagreement on the DMS and Compensation Plan will not be signed by the respective AH until it is resolved either through direct discussion with relevant agency or following the grievance redress process.

A new socio-economic survey will be carried out if RP updating does not commence within two years as demographic and socio-economic factors may change significantly. It will cover 10% of severely affected households.

During the DMS, data collection will incorporate criteria to identify vulnerable persons beyond those who fall below the official poverty level. Such other vulnerable groups would include female headed households (especially those with high dependency ratios, those with low incomes and those whose livelihoods are affected), elderly residing alone, disabled and landless households.

10.2 Conduct of Replacement Cost Study

In accordance with ADB Safeguard Policy Statement, "the rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs".

A private appraiser, external and independent to the implementation institutions, will be engaged by the EA to carry out replacement cost survey for land and non-land assets. The said appraiser will

undertake its activity in parallel with the DMS activities. The RCS report will be submitted to the PMU, EA and Project Implementation and Support Consultants.

10.3 Indicative Implementation Schedule

The RP will be updated following detailed project design. All resettlement activities will be coordinated with the civil works schedule. Land acquisition and relocation of affected households cannot commence until the updated RP has been reviewed and approved by ADB.

The EA will not issue the award of civil works in affected sites until all resettlement activities have been satisfactorily completed, agreed rehabilitation assistance is in place, and that the site is free of all encumbrances. It is estimated that compensation and relocation of households will be completed in the first two years of project implementation.

Table 10-1 presents the indicative implementation schedule.

Project Activities	Start	End
Detailed Design Phase		
Recruit Design Consultant	1st Quarter Year 1	4 th Quarter Year 1
Mobilization of Implementation Support Consultant (resettlement)	1 th Quarter Year 1	4 nd Quarter Year 2
Detailed Design	2 th Quarter Year 1	3rd Quarter Year 1
Conduct DMS based on detailed design	2 nd Quarter Year 1	3 rd Quarter Year 1
Mobilize private appraiser to carry out replacement cost survey	1 th Quarter Year 1	3 rd Quarter Year 1
Prepare Updated RP	1 st Quarter Year 2	3 rd Quarter Year 2
Consult AHs on project impact, entitlements and final options	2 nd Quarter Year 1	2 nd Quarter Year 2
Submit RP to ADB for review and concurrence	3 rd Quarter Year 2	3 rd Quarter Year 2
Disclose approved Updated RP to AHs and Uploading on ADB website	3 rd Quarter Year 2	
Submission of internal monitoring report	Quarterly	Quarterly
Disbursement of Compensation and Payment to AHs	4 th Quarter Year 2	1st Quarter Year 3
Clearing of land	1st Quarter Year 3	
Construction Phase		
Implementation of Income Restoration Measures/Programs	4th Quarter Year 2	
Submission of internal monitoring report	Quarterly	Quarterly
ADB review and approval of RP implementation and confirmation of "No Objection" for Notice of	1st Quarter Year 3	

Possession of Site to Civil Works Contractor		
Start of Civil Work	1 nd Quarter Year 3	2019

Table 10-1: Indicative Implementation Schedule

11. MONITORING AND REPORTING

11.1 Internal Monitoring

PMU are directly responsible for internal monitoring of RP implementation. In particular, PMU will supervise and manage monitoring of resettlement activities and implementation arrangements.

PMU will provide quarterly reports to ADB. PMU will ensure that the reports of the Project Implementation and Support Consultants include in their progress reports, the status of the resettlement plan implementation, information on location and numbers of people affected, compensation amounts paid by item, and assistance provided to AHs.

The objectives of the monitoring program are (i) to ensure that the standard of living of AHs are restored or improved; (ii) to monitor whether the overall project and resettlement objectives are being met; (iii) to assess if rehabilitation measures and compensation are sufficient; (iv) to identify problems and risks; and (v) to identify measures to mitigate problems.

The range of activities and issues that need to be recorded and verified, include:

- Compensation, allowance payments and delivery of assistance measures;
- Re-establishment of AH settlements and business enterprises;
- Reaction of AHs, in particular, to resettlement and compensation packages; and
- Re-establishment/improvement of income levels.

The principal indicators for internal monitoring of resettlement activities include the following:

- Timely and complete disbursement of compensation to AHs according to the compensation policy agreed in the RP;
- Timely and complete delivery of relocation, income restoration and rehabilitation allowances and measures;
- Allocation of replacement land and development of individual and/or group resettlement sites and infrastructure;
- Public information dissemination and consultation procedures;
- Adherence to grievance procedures and identification of outstanding issues that require further attention and resolution;
- Attention given to the priorities of AHs regarding the options offered;
- Completion of resettlement activities required before the award of civil works contracts.
- Participation of poor and vulnerable HH throughout the process;
- Restoration and improvement of socioeconomic conditions of AHs;

On a quarterly basis, PMU will prepare a resettlement monitoring report. The report will be submitted to PCC and ADB. The scope of the report will include:

- The number of AHs by category of impact, district, commune and village, and the status of compensation payments, AH relocation and income restoration measures for each category; (ii) The status of disbursement of cash and allocation of replacement land and housing.
- The amount of funds allocated and disbursed for a) resettlement program operations and b) compensation, assistance and resettlement activities.
- The activities, levels of participation, outcomes and issues of the Information Dissemination and Consultation Program.
- The status and outcomes of complaints and grievances and any outstanding issues requiring further attention by provincial or district authorities, or ADB assistance.
- Implementation problems, including delays, lack of personnel or capacity, insufficient funds, etc.; proposed remedial measures; and, revised resettlement implementation schedule.

11.2 External Monitoring and Evaluation

No external monitor (EM) will be needed due to the low impacts of the Project.

Appendix 1: Public Information Booklet

The Nghe An province People's Committee, with the assistance from the Asian Development Bank (ADB), is addressing the needs for the urban development of Thai Hoa town. A Project Management Unit (PMU) has been established at the City level to manage the Project. The Project includes items:

Item	Technical proposal
Location	Thai Hoa town – Nghe An province
Intake structure – TB1	Construction of a new PS – intake structure with capacity of 12, 000m ³ /day. Installing a cluster of pumps with capacity of 6,000m ³ /day and constructing waiting base plate for future capacity increasing to 12.000 m ³ /day
Raw water pipeline	Raw water pipeline flowing water to Dong Hung Water plant is calculated to meet capacity of 12,000 m ³ /day. Use plastic pipe HDPE-PN12.5, diameter D500mm, length L=5,500m
Dong Hung water plant	Dong Hung water plant has capacity of 6,000 m ³ /day. The technology process is as following: Raw water → Mixing tank + Mechanical reaction tank → Lamella sedimentation tank → Quick filter → Reservoir → Gravity flow to network.
Pipeline and connection network	Distribution network use HDPE PN10: - DN350 – L = 1,895m - DN300 – L = 610m - DN250 – L = 1,896m - DN200 – L = 7,790m - DN160 – L = 10,581m - DN110 – L = 11,415m

Item	Technical proposal
	Service network use HDPE PN8: - D90 - L = 10,679m - D63 - L = 32,738m - D50 - L = 20,905m - D32 - L = 42,398m
House connection	including pipeline, meter valve to households. Total number of household connecting is 7916 households.

Why is this Project necessary to implement?

- To improve the life quality and condition of the people, minimize the risk of disease and tends to stable and sustainable development. Social – economic development shall be accompany with environmental and health protection of community. The expansion of old water plant with low capacity and the construction of new water plant are to meet the current clean water of the people which is necessary.

- To meet the requirement of clean water and water quality more and more increasing, it is necessary to construct the new raw water plant, treatment capacity, and distribution and transmission network. The project investment is to create advantage conditions in economic development, supporting Thai Hoa which becomes center of economy, industry, administration and services of Nghe An province. It is expected that the project will improve financial stability and effective operation of water treatment plant to expand the customer network, capacity building, compatible cost and rate tariff.

Scope of impact

For all items a total of 5 HH will be affected generally partially. Surveys are ongoing to identify the exact number of affected HH.

Who are the affected households (AHs)?

Entitled AHs are those persons who are located within the affected area at the date the project will be publicly announced. The cut-off-date for eligibility is the date of the notification for land acquisition (end of 2014).

Persons who encroach into the area after the cut-off-date will not be entitled to compensation or any other form of resettlement assistance.

What are the resettlement policies and principles of the Project for affected households?

The basic resettlement principles of the Project are:

- a) All APs are entitled to be compensated for their lost assets, incomes and businesses at replacement cost, and provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, incomes and productive capacity.
- b) Lack of legal rights to the assets lost will not prevent APs from entitlement to compensation.
- c) Compensation for affected assets shall be provided at market rates.
- d) Preparation of resettlement plans and their implementation is to be carried out with participation and consultation of affected people.
- e) Payment of compensation for affected assets and relocation of AHs to new sites will be completed prior to commencement of any construction activities.
- f) Specific assistance will be provided for ethnic minorities, female headed-households, families with disabled, and other vulnerable families.

When the Detailed Measurement Survey (DMS) will take place?

This activity will be carried out after the detailed design of the items (early of 2014) has been completed. The DMS will identify all affected assets (land, structure, trees, crops etc.) of each HH. The DMS team will be composed of project representatives (PMU staff), the Center for Land Fund Development, commune staff. The DMS will only be carried out in the presence of the AHs. AHs will be informed prior to the survey.

When the Project is expected to commence?

The detailed design will take place by the early of 2014. Land acquisition and

resettlement are expected to take place by mid-2014 and the civil works for all items are expected to start by early-2015 and be completed in 2017.

When other consultation will take place?

Consultation with AHs will continue during the detailed design phase and before the DMS. AHs will receive a written invitation to join the public meetings.

If there are disagreements or problems arising during the Project such as compensation or general project-related disputes, do I have the right to complain?

Any AH may file a complaint or grievance. The Project includes a Grievance Redress Process and AHs may present their complaints to the concerned local administrative officials and RCs, either verbally or in writing.

The complaint can be filed first at the commune level and can be elevated to the highest provincial level if the AHs are not satisfied with the decisions made by the commune or district. AHs will be exempted from all taxes and administrative and legal fees associated with filing and resolving the dispute.

Anybody who has questions or concerns about the Project, can contact the following persons:

Mr. Pham Van Viet - Thai Hoa PMU's Director, Thai Hoa town, Tel: 0982543369; email: phamvanviet2009@gmail.com

Appendix 2: Minute of Consultation Meeting

MINUTES OF PUBLIC MEETINGS IN NGHIA MY COMMUNE, THAI HOA TOWN	
DATE OF MEETING: 27 JULY 2013	VENUE AND TIME: DONG HUNG VILLAGE, 14H30 PM
<p>PARTICIPANTS:</p> <ol style="list-style-type: none"> Representatives of Nghia My Commune (land officer, chairman of Nghia My's CPC, Women's Union): 3 people Affected persons by the Dong Hung WTP in Nghia My commune (5 people) <p>PMU: safeguard officer, technical officer (3 people)</p> <p>PCO consultant:</p> <p>Nguyen Thi Thuy: Social and Resettlement Specialist</p> <p>Nguyen Van Luong: Technical Specialist</p> <p>Nguyen Hong Nhung: Environmental staff</p>	
<p>OBJECTIVES OF THE MEETING:</p> <ul style="list-style-type: none"> To inform the stakeholders and the persons affected by Dong Hung WTP work of the resettlement and environmental impacts and the proposed resettlement and environmental policy. To get feedback from the participants <p>Introduction Speech by the land staff in Nghia My</p> <p>Introduction Speech by PMU (Mr. Hung - head of Technical department)</p> <p>Presentation by the Consultant</p> <ul style="list-style-type: none"> Project introduction Project Principles for land acquisition Constitutes fair compensation Compensation for permanent land acquisition and compensation for structures. Compensation for public land acquisition and other entitlement matrix Grievance mechanism Monitoring activities Tentative project schedules Environmental Impacts 	
<p>QUESTIONS FROM PARTICIPANTS</p> <p>1. Mrs Duong Thi Thuong (Nghia My commune)</p> <p>Question: I had heard about the project before and know that your family will be affected a part of the agricultural land area. We are very agree with the project but we would like to ask some of the issues as follows:</p> <ul style="list-style-type: none"> <i>When land acquisition, in addition to compensation in accordance with the price of land for crops and plants on land with yes or no compensation because we have invested in planting trees since 2010, this investment has been 3 years, if not compensated, it is very reasonable for disadvantaged families.</i> <i>The construction of the water treatment plant in Dong Hung hill that pollute the environment or not? It affects other crops around it? We fear it will affect the growth of the remaining trees.</i> <i>My family has 1 person with disabilities (congenital illness), so we are expected more</i> 	

support for our families by the project.

Answer:

- Affected households have already been introduced to the project as well as the policy framework for compensation of the project. The project will ensure that land acquisition compensation under the current regulations of Nghe An provincial People's Committee of based on replacement price to ensure the market price. The overall impact on the land (crop, plant) will be compensated corresponding to the current value on the DMS.
- The project mainly positive impact on the environment, provide clean water, improved health for the people. Some of the negative environmental impacts such as dust, noise, solid waste during construction; mud, noise with a small amount of filtered water during the washing operation will be carried out by the mitigation measures. There are separate environmental assessment reports (IEE) are reviewed with the project, including the proposed mitigation measures for the implementation of the project, trees and crops the rest of the household will not be affected.
- The project will consider the appropriate level of support to aid in accordance with the objects as vulnerable (the poor, the disabled, ethnic minorities, ...)

2. Mr Tran Duy Duc (Nghia My commune)

Question: I agree with the project and all purposes of project. Our family breed cow for milk and industrial crops (Chukrasia tabularis, rubber,...), we wish to recover the same land in the area with similar characteristics to grow grass for cow or cash to support us for hire.

Answer:

Project owners are out of the family's wishes to be handed to another area to still have all the tools and livestock production and we will be considered if possible. In cases there is no land available for cultivation that will compensate by cash to families for lease other families.

3. Mrs Truong Thi Hiep (Nghia My commune)

Question: I recommend that the compensation must be based on the actual value of the family's land to not affect production conditions and the damage area of investment for the family so far.

Answer:

DMS process will determine the actual value of the land and the cost basis of land compensation and other damages to ensure reasonable for families.

Other comments also agree with the project because of the clean water projects, the project will improve clean water conditions for households, particularly for some areas of deep groundwater, and groundwater contaminated calcium.

They are looking forward to early project implementation and ensure water quality.

The meeting ended at 16h00

Appendix 3: Photos of consultation meeting with AHs in Nghia My commune



Meeting held in Nghia My commune



In Dong Hung village, Nghia My commune



Meeting held in Long Son ward



In Dong Hung village, Nghia My commune



Meeting held in Tay Hieu commune

In Nghia Tien commune

Appendix 4: List of APs and Detailed Costs Estimates

1. Compensation for Agricultural Land

No.	Full name	Area (m2)	Lost area (m2)	Affected rate (%)
1	Dương Thị Thương	41,445.0	3,746.0	9.0%
2	Trần Huy Đức	57,878.0	5,668.0	9.8%
3	Lê Huy Kế	21,949.0	284.0	1.3%
4	Nguyễn Thị Tín	34,831.0	13,212.0	37.9%
5	Đinh Thị Anh Phương	11,296.0	266.0	2.4%
	Total	167,399.0	23,176.0	

No.	Item	Unit	Quantity	Unit price	Amount	Remark
1	Agricultural land (sub-total (1))	m ²	23.176	62.000	1.436.912.000	Location 1, Low hill

2. Compensation for Crops

No.	Crops and plants (Perennial Plants)	Unit	Quantity	Price unit	Total	Remark
1	Rubber	tree	840	95.000	79.800.000	3 years old (height of 3m); 5-6 y.o. (height of 8 m)
2	Longan	tree	30	150.000	4.500.000	Harvested, 5 years old, 8m high
3	Chinaberry	tree	255	70.000	17.850.000	5m high, diameter > 5cm
4	Eucalyptus	tree	8,820	25,000	220,500,000	For timber, stump diameter: 5 - 10cm
5	Chukrasia tabularis	tree	255	100,000	25,500,000	stump diameter from 10 - 20cm
6	Lemon	tree	300	70,000	21,000,000	Not yet harvested but unmovable 0,3m high
Sub-total (2)					369,150,000	

3. Allowances

No.	Allowances	Unit	Quantity	Price unit	Total	Remark
1	Support to APs					
	To HHs loss > 10% of cultivation area upwards – no displacement (1 HH is equal to 5 persons)	Person	5	2,700,000	13,500,000	Number of persons * 6 months * 30kg rice/per./ month * 15,000VND/ kg
	supported for agricultural production, including: seeds etc., equivalent to VND 3,000/m ²	m ²	23,176.00	3,000	69,528,000	
2	Support in career change and vocational training					
a,	Support in career change for severely affected	m ²	13,212	239,075	3,158,652,294	3.5 x compensation rate of agricultural land
b,	vocational training for persons in working age (2 persons per eligible HH is assumed, to be verified during RP updating)	Per,	6	2,500,000	15,000,000	2,500,000 VND/ training course
3	Rewards for households hand over on time or earlier,	HH	5	2,500,000	12,500,000	Equal to 10% of compensation value but not higher than 2,5 mil./HH

4	Support for vulnerable HH	HH	2	2,500,000	5,000,000	
Sub-total (3)				3,274,180,294		

4. Summary

No.	Item	Total	
		VND	USD (1USD=21,036VND)
I	Compensation for acquired land	1,806,062,000	85,856
1	Agricultural land (long-living tree planting land)	1,436,912,000	68,307
2	Crops and plants	369,150,000	17,548
II	Allowances	3,274,180,294	155646.5247
III	Sub-Total (I+II) 2% * (III)	5,080,242,294	241,502
IV	Overheads cost:	101,604,846	4,830
	Sub-total (III+IV)	5,181,847,140	246,332
V	Contingency 10% * (III+IV)	518,184,714	24,633
VI	Total VI (III+IV+V)	5,700,031,854	270,966

Appendix 5: Example of Contract of Farm Land Allocation of Mr. Lê Huy Kế

UBND TỈNH NGHỆ AN
Doanh nghiệp Đông Hiếu

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập - Tự do - Hạnh phúc

Số: 02 - 2 / HK

**HỢP ĐỒNG KHOÁN
ĐẤT ĐÃ TRỒNG CÂY LÂU NĂM**
(Mẫu số 2)

Ban hành kèm theo quyết định của Bộ trưởng Bộ nông nghiệp - Công nghiệp thực phẩm Số 109 ngày 27 tháng 02 năm 1995

Ngày 01 tháng 01 năm 2011
Tại (nơi ký hợp đồng) Nông Trường Đông Hiếu

HAI BÊN GIAO KHOÁN VÀ NHẬN KHOÁN

Bên giao khoán

- Ông: Hà Văn Phùng - Là giám đốc nông trường Đông Hiếu
- Bà: Hồ Thị Vân - Là kế toán trưởng nông trường Đông Hiếu
- Ông (bà): Trần Dân Chủ - Là đội trưởng Đông Hùng

Bên nhận khoán

- Ông (bà): LÊ HUY KẾ - Nghề nghiệp: Nông Nghiệp là chủ hộ
- Địa chỉ thường trú: Đông Hùng - Nghệ An
- Chứng minh thư số cấp tại: Ngày tháng năm 199...

HAI BÊN THỎA THUẬN KÝ HỢP ĐỒNG KHOÁN

Điều 1. Bên giao khoán, giao khoán đất đã trồng Cây lâu năm cho ông, bà LÊ HUY KẾ để chăm sóc, khai thác.

1. Diện tích đất 2,0 ha, thuộc lô số 08709 đất hạng 3
(Trừ trường hợp định giá lại)

2. Tổng số cây trên diện tích giao khoán, mật độ %

3. Tuổi cây giống cây

4. Chất lượng cây trên diện tích giao khoán: Loại A: cây,
Loại B: cây, loại C: cây

5. Tổng giá trị cây trồng giao khoán: Hai triệu đồng.

6. Các tài sản khác trên đất (nếu có) gồm:

Cây bóng mát:.....*Không*.....cây, giá trị.....đồng.
 Vật kiến trúc.....*Không*..... giá trị.....đồng.
 Công trình thủy lợi.....*Không*..... giá trị.....đồng.

7. Tổng giá trị tài sản và cây trồng trên đất giao khoán.....đồng.
 Mức thu hồi giá trị đã đầu tư/năm.....đồng/năm.

8. Thời hạn giao khoán đất là 50 năm, kể từ ngày *01* tháng *01* năm *2001*.

Điều 2. Nghĩa vụ và quyền của bên giao khoán:

1. Nghĩa vụ:

- a) Xác định đúng diện tích, vị trí ranh giới, giá trị cây trồng vật nuôi và các công trình trên đất giao khoán.
- b) Đầu tư cho vay vốn: Tổng số.....đồng. Mức đầu tư trên diện tích giao khoán năm:đồng/ diện tích giao khoán.
- c) Ứng trước bằng các hoạt động dịch vụ sản xuất và vật tư sản xuất, chủng loại..... khối lượng (tấn, tạ, kg)..... thành tiền:đồng.
- d) Ứng trước tiền và lương thực (nếu có) chủng loại..... khối lượng (tấn, tạ, kg)..... thành tiền.....đồng.
- e) Tiêu thụ sản phẩm làm ra trên đất giao khoán.

2. Quyền:

- a) Giám sát kiểm tra đôn đốc thực hiện hợp đồng.
- b) Quy hoạch sản xuất, hướng dẫn kỹ thuật.
- c) Thu hồi vốn đầu tư cho vay và vật tư ứng trước.
- d) Đình chỉ hợp đồng giao khoán nếu bên nhận khoán vi phạm hợp đồng.

Điều 3. Quyền và nghĩa vụ của bên nhận khoán:

1. Quyền:

- a) Chủ động sản xuất trên diện tích đất nhận khoán, được hưởng thành quả lao động và kết quả đầu tư, được trồng xen và hưởng toàn bộ trên đất trồng xen, theo quy định của giám đốc

b) Được làm công trình trực tiếp phục vụ cho sản xuất trên đất khoán theo quy định của bên giao khoán.

c) Được đền bù tài sản đã đầu tư trên đất nhận khoán, trong trường hợp nhà nước thu hồi một phần hoặc toàn bộ đất giao khoán để sử dụng vào mục đích khác.

d) Được bồi thường thiệt hại do bên giao khoán gây ra.

đ) Trường hợp bị thiên tai, rủi ro được xét miễn giảm các khoản nộp theo quy định của pháp luật.

e) Thành viên trong hộ được tiếp tục thay thế chủ hộ thực hiện hợp đồng khoán cho đến hết thời hạn khoán.

2. Nghĩa vụ:

a) Nộp cho bên giao khoán các khoản:

- Thuế sử dụng đất (theo luật định) mức nộp/năm.....822..... kg thóc/năm

- Hoàn trả giá trị cây trồng và các giá trị công trình trực tiếp phục vụ sản xuất trên đất nhận khoán do vốn của bên giao khoán đầu tư: Tổng số.....đồng.

Mức nộp.....đồng/năm

- Quỹ phát triển sản xuất: Theo phụ lục hợp đồng hằng năm

- Quỹ bảo hiểm sản xuất: Theo phụ lục hợp đồng hằng năm

- Quỹ phúc lợi: Theo phụ lục hợp đồng hằng năm

- Bảo hiểm xã hội: Theo quy định hiện hành của nhà nước

- Bảo hiểm y tế: Theo quy định hiện hành của nhà nước

- Chi phí quản lý: Theo quy định hiện hành của nhà nước

- Cộng các khoản nộp bằng tiền.....đồng/năm

- Cộng các khoản nộp bằng sản phẩm.....tấn, tạ, kg sản phẩm/năm

b) Thanh toán các khoản vay hoặc dịch vụ ứng trước:

- Vay tư.....đồng/năm

- Dịch vụ sản xuất.....đồng/năm

c) Sản vật phẩm sản xuất ra trên đất nhận khoán cho bên giao khoán: khối lượng (tấn, tạ, kg) thành tiền đồng / năm.

d) Sử dụng đất theo quy hoạch và quy trình kỹ thuật của bên giao khoán, cải tạo đất không làm thoái hóa đất.

đ) Chấp hành các quy định về bảo vệ thực vật, quản lý công trình kiến trúc và bảo vệ môi trường sinh thái.

e) Trả lại đất nhận khoán cho cơ quan Nhà nước có thẩm quyền thu hồi.

Điều 4. Cam kết giữa bên giao khoán và bên nhận khoán.

1. Hợp đồng này có hiệu lực kể từ ngày ký.

2. Nếu vì lý do nào đó mà bên giao khoán hoặc bên nhận khoán muốn sửa đổi bổ sung hợp đồng thì bên này phải báo cho bên kia biết trước 1 tháng.

3. Nếu vì lý do nào đó mà bên giao khoán hoặc bên nhận khoán muốn hủy hợp đồng thì phải báo cho bên kia biết trước 01 tháng.

4. Hai bên cùng kết nghiệm, đánh giá, làm hợp đồng đã ký; Nếu một trong hai bên vi phạm hợp đồng thì tùy theo mức độ bị xử phạt hành chính hoặc truy cứu trách nhiệm hình sự theo quy định của pháp luật.

Hợp đồng làm thành 2 bản, có giá trị pháp lý như nhau. Mỗi bên giữ 1 bản.

BÊN NHẬN KHOẢN
Chủ hộ

BÊN GIAO KHOẢN
Giám đốc



HÃ VẤN CHỨNG

04/11/20

Cộng Hòa Xã Hội Chủ Nghĩa Việt Nam
 Độc lập - Tự do - Hạnh phúc
 Giấy chuyển nhượng Hợp Đồng Khoan
 Đất Đai trồng cây lâu năm
 Số: 2/02 HĐK

Kính gửi: Ủy Ban Nhân Dân Xã Nghĩa Mỹ
 Tên Tôi là: Nguyễn Văn Việt, công nhân
 Nông Trồng Đồng Hiếu cũ
 ở ở Hiền Chay, Khóm Kín Tân Thị trấn Thái
 Hòa - Nghĩa Dân - Xã An
 Tôi xin trình bày việc như sau. Vào ngày
 1-1-1997 Tôi được nông trường đặt thuê giao
 khoán Lô đất để trồng cây lâu năm theo
 Quyết định của Bộ Thủy Sản về việc công
 nghiệp Thủy sản số 109 ngày 27-2-1995
 với diện tích đất 2,8 ha thuộc lô số 08+04
 Đất Hàng 3 theo như hợp đồng nên tôi đã
 đầu tư trồng nhiều và các loại cây ăn quả
 lâu năm đã đi vào thu hoạch. Nay vì
 điều kiện Thuê lao động không có người
 chăm sóc và bảo vệ nên tôi muốn lại rút
 cây và Hợp đồng trên cho ông Lê Huy Kế
 ở Khóm Kín Tân Thị trấn Thái Hòa - Nghĩa Dân
 để ông Kế có đủ điều kiện chăm
 sóc vườn cây và thuê thêm tiếp đất hợp
 đồng cho nhà nước qui định. Nay xin ủy
 Ban Xã Nghĩa Mỹ chứng nhận cho 2 gia
 đình chủ Tôi. Xin chân thành cảm ơn.
 Ngày 4-3-2005 Người chuyển nhượng
 Việt Nguyễn Văn Việt
 Võ: Nguyễn Thị Anh
 Lê Huy Kế

04/11/2013 17:1

