

Social Monitoring Report

5th Independent Monitoring Report
January – April 2016

VIE: Power Transmission Investment Program, Tranche 1 – 220kV Phu My 2 Industrial Zone Substation

Prepared by the Southern Vietnam Power Projects Management Board for the National Power Transmission Corporation and the Asian Development Bank.

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SEMI-ANNUAL REPORT

INDEPENDENT MONITORING FOR RESETTLEMENT

Project Number: 42039 – 034

Period: January-April 2016

POWER TRANSMISSION INVESTMENT PROGRAM, TRANCHE 1

220KV PHU MY 2 INDUSTRIAL ZONE SUBSTATION AND CONNECTION LINE

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ABBREVIATIONS

ADB	Asian Development Bank
AHs	Affected Household
APs	Affected Persons
CPC	Commune People's Committee
CLFD	Center for Land Fund Development
CARB	Compensation, Assistance and Resettlement Board
DMS	Detailed Measurement and Survey
DP	Displaced Persons
DPC	District People's Committees
DOLISA	Department of Labour, Invalids and Social Affairs
EVN	Electricity of Vietnam
GOV	Government of Vietnam
LURC	Land Use Right Certificates
NPT	National Power Transmission Corporation
PPC	Provincial People's Committee
ROW	Right of Way
PRCs	Provincial Compensation Assistance and Resettlement Committee / Provincial Resettlement Committee
RP	Resettlement Plan
PMU	Project Management Unit
T/L	Transmission Line
SPPMB	Southern Power Project Management Board
SPS	Safeguard Policy Statement
SCR	Safeguard Consultant for Resettlement

1. INTRODUCTION

1.1. Project Background

1. The Socialist Republic of Viet Nam has received a loan from the Asian Development Bank (ADB) for the implementation of the Power Transmission Investment Program, Tranche 1. Part of the proceeds of the loan will be applied for the construction of the (i) 220 kV Song May - Uyen Hung transmission line and (ii) 220 kV Phu My 2 Industrial Zone substation. The National Power Transmission Corporation (NPT) is the executing agency and the Southern Power Project Management Board (SPPMB) is the implementing agency for the two subprojects.
2. Construction of 220kVPhu My 2 Industrial zone substation and connection line is prepared to: (i) Enhancing and ensuring of power supply for 110kV substations in Ba Ria- Vung Tau province; (ii) Satisfying power demand of Phu My 2 Industrial zone are, Tan Thanh district, Ba Ria-Vung Tau province from 2010 to 2015; (iii) Enhancing the electrical quality and power supply ability for area.



Figure 1. 220kv Phu My 2 Industrial Zone Substation location

1.2. Project Impacts

3. The 220kv Phu My Industrial Zone substation is located in Tan Phuoc commune, Tan Thanh district, Ba Ria-Vung Tau province with the total area of 61,480m² and 220kv connection line with 1,707m in length and two 110kv connection lines with 912 and 831m in length, respectively.
4. The DMS shows that a total of 85 AHs and one affected institution which is Tan Phuoc Commune People's Committee (CPC) are affected by the implementation of the 220kV Phu My 2 Industrial Zone Substation and Connection Lines. In which 38 AHs and one institution are affected by permanent land acquisition, 78 HHs and one institution are affected by land use restrictions within the right-of-way (ROW), and none has to relocate. During this monitoring time, one more institution as IDICO that was

the owner of area of current substation has been identified, making the total AHs is 85 and 2 affected institutions.

5. The project mainly causes impacts on agricultural land. Details are as below:

- The 220kV Phu My 2 Industrial Zone substation is constructed in the site of Phu My 2 Industrial Zone characterized as grazing land that adjacent to the salt beds and aquaculture area.
- The 220kV connection line has a length of 1,707 m and 8 towers. The connection line starts from the existing tower No.136 and terminates at the 220kV gate tower of the Phu My 2 industrial zone substation. The construction of the 220kV connection line with ROW of 22m affects 55 HHs and Tan Phuoc CPC.
- The 110kV-1 transmission line has a length of 831m and a ROW of 11m. The line starts at the 220kV Phu My 2 industrial zone substation and end at tower T15/8 of the 110kV Phu My – Thi Vai and Posco transmission lines. The area traversed by the 110kV-1 transmission line is characterized by wetland and aquaculture area.
- The 110kV-2 transmission line has a length of 912m and a ROW of 11m. The 110kV-2 connection line starts at the 220kV Phu My 2 industrial zone substation and end at tower T15/8 of the 110kV Phu My – Thi Vai and Posco transmission lines. The area traversed by the 110kV-2 transmission line is characterized by wetland and aquaculture area. The 110kV transmission line involves the construction of 10 towers. The 110kV transmission line affects total 19 HHs and Tan Phuoc CPC.
- Access road with length of 864m has been rehabilitated based on the existing road. This section affects 9 HHs and Tan Phuoc CPC.

1.3. Project Progress

6. The construction of 220kV Phu My 2 substation and connection lines has been completed and energized partially by early November 2014 and completely energized and under operation since November 30, 2014.
7. Up to the end of April 2016, compensation plans (with supplementary plans) have almost been completed except substation area which had been owned by INDICO but their land was handed over to SPMB for construction in advance. The CLFD of Tan Thanh was assigned to implement the preparation of compensation plan for the substation area.
8. It was also noted that site clearance was implemented before the starting of the construction of the subproject due to the fact that the SPPMB has paid in advance to most of the AHs for their affected assets and land.

1.4. Assignment of the Consultant

1.4.1. Objectives

9. The main objective of the consulting service is to ensure that people affected by the construction of the subproject receive the full entitlements, assistance and benefits in accordance with the approved resettlement plans. Whether it is necessary to draw out experiences and make adjustments in project implementation process. It is acquired to have information response channel on implementation of RP. Beside reports made by internal monitoring of PMU, it is always required by the Donor (ADB) to have a different objective information channel which is independent with the report. It is independent monitoring report, prepared by a external monitoring agency and do not belong to PMU.

10. To do the above general objective, the SPPMB has signed contract No 03/2013/SPMB-TVVN to engage a Independent Monitoring Consultant for Resettlement (Consultant) on November 26 2013. The consultant is required on an intermittent basis over a period of 2.5 to 3 years (covering pre-construction, construction, and post- construction phase) for **every 6 months**.
11. In this third monitoring mission, there are number of specific objectives:
 - To collect (updated) data regarding the Project's impacts; to check the update process of RP per item (or per subproject).
 - To supervise such activities as compensation, assistance, site clearance
 - To check compensation documents and collect data on DMS, compensation option preparation for uncompensated items/components
 - To monitor and evaluate internal monitoring data

1.4.2. Methodology

12. Study on internal reports of SPPMB and DMS dossiers to clarify the accuracy of random sample selection in land acquisition and compensation; all relevant mitigation measures; conduct compensation based on specific principles of project. Simultaneously, assessing the relevant data archiving system with the providing requirements.
13. Randomly monitor and assess on site to evaluate the compliance on the fields of RPs: all impacts, compensation policies, entitlements of affected people, promulgate grievance procedure and procedure to redress all appeals timely and properly (if any), undertakes compensation payment appropriately. At local area, conduct continuously regular consultation for stakeholders, The specific survey methods mentioned in previous report has also been followed.

1.5. The findings of previous report

14. During the previous monitoring report, following finding were identified:
15. Public consultation has been carried out to provide information on the project, impacts and mitigation measures as well as implementation arrangements. The participation of women has been actively encouraged. All information has been provided in both written and verbal form accessible to the Aps.
16. It was acknowledged that the DCARB of Tan Thanh district, Ba Ria-Vung Tau province, has complied with the mechanism of information disclosure specified in the Resettlement Plan (RP). It was also acknowledged that the information has been widely disclosed during the consultation meeting (the project's policy, and entitlements, schedule of compensation and site clearance, grievances redress mechanism) and officially displayed on the Notice Board of the Tan Phuoc CPC (Result of DMS, CPs).
17. DMS were carried out in a public and propitious way. As monitored, most of the affected HHs were involved in the DMS process of their affected assets, some HHs considered that the DMS results miss counted their trees...The DCARB has acknowledged these complaints and verification is being sought for further compensation if these complaints are true, subject to verification results by the DCARB. It was also found that the DMS has been completed.
18. The compensation, allowance, and resettlement plans for the 85/85 AHs were approved by Ba Ria-Vung Tau PPC with total amount of all CPs was around VND 7,023,381,887 billion for compensation and VND 7,494,982,790 for assistance. Resettlement cost of the project is based on project policy, DMS data and the result of surveyed result, current decisions of Ba Ria - Vung Tau province. In addition to compensation for affected assets, AHs were also subject to assistance and allowances as specified in the RP.
19. The grievance redress mechanism was in place to address questions and complaints on the land acquisition, compensation and resettlement in a timely manner. All affected persons have been made aware of their rights and complaint procedures during the public meeting and information disclosure.

However, at the monitoring time, there are still some AHs have not yet agreed on the compensation price despite of the fact that the compensation plan was approved and resolving meeting was held.

2. DOCUMENT REVIEW

2.1. Project Document

20. The consultant has collected and reviewed all project documents like loan agreement, project agreement as well as ADB SPS 2009. (See the list of reviewed documents in annex 4)
21. Importantly, legal documents related to land acquisition of project should be also updated and reviewed in detail. Particularly, the consultant has collected and reviewed the documents prepared and issued by the Vietnam government, the Ba Ria-Vung Tau province, Tan Thanh People District Committee on the compensation, allowance and resettlement.
22. During this period, the consultant has also collected and reviewed the DMS dossier, updated compensation plans. Particularly, the information on grievance redress has been collected and reviewed in detail.
23. In addition, the consultant has collected and reviewed all letters/dossier issued by SPPMB on the subproject. Please see the annex 4 for list of reviewed documents during the monitoring.

2.2. Legal basis for entitlement

24. Principles and objectives of Resettlement and Compensation of the project are defined in accordance with Vietnamese laws and SPS 2009. Vietnamese legislation and ADB policies have been adapted to fit the specific conditions of the project as defined below:
 - Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimized where possible by exploring all alternative options.
 - Compensation and assistance will be based on the principle of replacement cost at the time of implementation
 - Severely affected household (SAH) is considered when they are losing 10% or more of the household's assets shall be considered as threshold.
 - Residential and agricultural land for replacement should be close to the previous places as much as possible and be suitable to displaced persons.
 - Meaningful consultation will be carried out with the displaced persons and concerned groups and ensure participation from planning up to implementation. The comments and suggestions of the APs and communities will be taken into account.
 - RP will be disclosed to APs in a form and language understandable to them.
 - Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as households headed by women, children, disabled, the elderly, landless and people living below the generally accepted poverty line.
 - Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the project.
 - Budget for payment of compensation, assistance, and resettlement and support will be prepared sufficiently and made available during project implementation and by the provinces.
 - Cut-off date is the date of completing DMS for which land and/or assets affected by the Project are inventoried. The Notice No 157/TB-UBND dated 25/4/2011 of Tan Thanh DPC on the land acquisition and allowing for measuring, surveying the Phu My 2 Industrial Zone substation.
25. The legal and policy framework for addressing the adverse social impacts of subproject is provided by relevant policies and laws of Viet Nam and of the ADB.

2.2.1. Regulations of Vietnam Government on Resettlement

26. Current decisions of Ba Ria – Vung Tau province:

- Decision No.13/2010/QD-UBND dated April 1, 2010 of Ba Ria – Vung Tau PPC on procedures of compensation, assistance and resettlement upon land acquisition by the State in Ba Ria – Vung Tau province.
- Decision No.32/2011/QD-UBND dated July 25, 2011 of Ba Ria – Vung Tau PPC promulgated the order and procedures for compensation, support and resettlement upon land acquisition by the State in Ba Ria – Vung Tau province.
- Decision No.27/2012/QD-UBND dated August 14, 2012 of Ba Ria – Vung Tau PPC promulgated on type of house, unit prices for house and structure in the province of Ba Ria – Vung Tau.
- Decision No.46/2013/QD-UBND dated December 2, 2013 of Ba Ria – Vung Tau PPC on amendment and supplement of a number of articles in Decision No.13/2010/QD-UBND procedures on compensation, assistance and resettlement upon land acquisition by the State in Ba Ria – Vung Tau province.
- Decision No.08/2014/QD-UBND dated February 17, 2014 of Ba Ria – Vung Tau PPC promulgated compensation rates, support tree fruit crops, salt, aquaculture in the event of land acquisition by the State in Ba Ria – Vung Tau province.
- Decision No 237/QD-UBND dated January 23, 2014 Ba Ria – Vung Tau PPC on the land price for land acquisition of the 220kv Phu My 2 Industrial Zone substation in Tan Phuoc commune, Tan Thanh district.
- Letter 6949/UBND-VP dated September 23, 2014 of Ba Ria – Vung Tau PPC on the assistance of affected households of the 220kV Phu My 2 Industrial Zone Substation.

3. FINDINGS

3.1. Compensation Plans

27. Preparation of compensation plans of the project was based on legal document mentioned above.

3.1.1. Preparation of Compensation Plans

28. The previous monitoring time showed that the compensation, allowance, and resettlement plans for the 85 AHs were approved by Ba Ria-Vung Tau PPC with total amount of all CPs was around VND 7,023,381,887 billion for compensation and VND 7,494,982,790 for assistance. However, during this monitoring time, one more affected institution of IDICO has been identified. SPMB has worked with the CLRD of Tan Thanh and Ba Ria Vung Tau PPC to prepare the additional compensation plan for the land acquisition of the substation area which were previously owned and handed over to SPMB for construction.
29. To reflect the market price on land and comply with the ADB policy, the SPPMB has proactively asked the DPC of Tan Thanh to do the market price survey on land for the 220kv Phu My 2 Industrial Zone (the letter No 1488/AMN-DB and letter No 5216/AMN-DB on 28/3/2013 and 28/8/2013 respectively). Therefore, the PPC carried out the market price survey and then has issued the Decision No 237/QD-UBND dated January 23 2014 on the land price for land acquisition of the 220kv Phu My 2 Industrial Zone substation in Tan Phuoc commune, Tan Thanh district.
30. During preparation of the compensation plans, the DCARB of Tan Thanh district, complied with procedures of preparation and public announcement of compensation plans as stipulated in the RP. Details are as below:

- Consulting with the AHs about the draft compensation, assistance, and resettlement plans: the DCARB sent each AH a copy of the compensation plan for their family together with a comment card so that they could check and comment. For AHs who did not appear on the consultation meetings, the SPPMB has posted the notice on land acquisition on the Ba Ria-Vung Tau newspaper to ask them to contact with the project owner for implementing the land acquisition and compensation procedure.
- The DCARB of Tan Thanh district posted the draft compensation plans at CPCs' offices for people's information and comments.
- Receiving comments, queries, and grievances from people and the AHs. Reviewing and redressing grievances.
- Finalizing the compensation plans upon acknowledgement and supplementation of people's comments, completing necessary procedures to submit these plans to competent authorities for appraisal and approval.

3.1.2. Compensation Prices for Affected Assets

31. Resettlement cost of the project is based on project policy, DMS data and the result of market price survey, current decisions of Ba Ria – Vung Tau province.
32. Land compensation prices: compensation prices for lands were determined in accordance with following criteria: types of land (by purposes of usage), by areas (rural or urban areas), by land locations, and by land productivity.
33. As requested of SPPMB, land replacement prices were updated during the DMS process and submitted to Ba Ria-Vung Tau PPC for review and approval (Decision No 237/QĐ-UBND dated 23/1/2014 on the land price for the land acquisition of the 220kv Phu My 2 Industrial Zone Substation). There are few AHs having residential land affected by the project. For land affected permanently, full compensation at surveyed price was also in place.
34. Compensation prices for houses and other structures: Compensation prices for houses, construction works, and structure were applied in pursuance to the Decision No.27/2012/QĐ-UBND dated August 14, 2012 of Ba Ria – Vung Tau PPC promulgated on type of house, unit prices for house and structure in the province of Ba Ria – Vung Tau.
35. The price of fruit crop were regulated by the Decision 08/2014 QĐ-UBND dated February 17, 2014 by PPC Ba Ria – Vung Tau on Regulations for price of fruit crops, salt, aquaculture serving the clearance compensation when the State recovers land in the province of Ba Ria – Vung Tau.
36. Houses, structures, crops, trees, and other affected assets in the project area are mostly affected due to under the ROW of connection lines that could limit the use of assets. Therefore, compensation for non-land assets is established by the Government policy and Ba Ria-Vung Tau PPC's compensation rate that may slightly lower than the market price. However, the full package of compensation and allowances could make houses/structures with better conditions.
37. As for the April 2016, total compensation and assistance was estimated as VND 7,023,381,887 for all AHs, the detail is showed in Table 3.1

Table 3-1 Compensation

Location	No of AHs	Compensation (VND)				
			Land	Crop, tree	Structure	Assistance
Phase 1+2	8	1,012,160,798	77,641,300	59,843,828	763,002,270	111,673,400
Phase 3+4	1	46,141,460	33,450,900	12,690,560		
Phase 5	31	612,689,448	372231020	240,458,428	862,419,399	
Phase 6	4	5,352,390,181	124,245,300	36,881,300	5,191,263,581	
Phase 5+6						

(supplementary 1)						
Phase 5+6 (supplementary 2)						
Total		7,023,381,887	607,568,520	349,874,116	5,954,265,851	111,673,400

3.1.3. Assistance and Allowance

38. In addition to compensation for affected assets, AHs were also subject to assistance and allowances as specified in the RP.
39. As mentioned in the previous monitoring time, those who have residential land in ROW, the allowance paid for limitation of land use is equal to 50% of its compensation rate. At this monitoring time, however, according to the Letter No 6949/UBND-VP dated 23/9/2014 by Ba Ria-Vung Tau PPC, the assistance for the limitation of land use has been raised by 80% of its compensation rate. For agriculture land, those who are directly involved in cultivation, cash allowance accounts for 1.5 times of its compensation for agricultural land. For HHs who has agricultural land in ROW, similar to the assistance for residential land, the allowance paid for limitation of land use has been recently raised to 80% of its compensation rate rather than only 50 % as reported in last monitoring time.
40. Job changing and creation is paid in cash for AHs who are entitled as permanently affected agricultural land. Additionally, apprenticeship cards are provided to APs for vocational training depending on their needs. In particular, 15 apprenticeship cards would be provided for 15 individuals whose name were listed in the CP as they apply for vocational training.
41. In this monitoring time, it has also observed that more assistance has been applied. In particular, the new Land Law with Decree 47/NĐ-CP (Article No 25) has allowed to provide more assistance to the affected household that could help them to stabilize their life.
42. As of April 2016, total assistance was estimated as VND 7,494,982,790, the detail is showed in Table 3.2

Table 3-2 Assistance

Location	No of AH	Total assistance (VND)					
			Assistance for limitation of land use	Job change (1.5 agriculture land price)	Vocational training	Other assistance ¹	Life stabilization
Phase 1+2	38	724,425,450	614,263,950	32,161,500	78,000,000		
Phase 3+4	6	166,684,650	104,508,300	50,176,350	12,000,000		
Phase 5	31	3,584,542,070	2,657,482,880		138,153,450	777,025,740	11,880,000
Phase 6	4	2,695,154,670	1,467,511,520			1,227,643,150	
Phase 5 +6 (supplementary 1)	2	245,958,700	2,131,200			243,827,500	
Phase 5+6 (supplementary 1)	2	78,217,250				78,217,250	
Total	85	7,494,982,790	4,845,897,850	82,337,850	228,153,450	2,326,713,640	11,880,000

43. Construction contractor have also provided the advance payment to some AHs for prior construction. Please see annex 3 for supporting document.

3.2. Compensation Payment

44. After Ba Ria-Vung Tau PPC approved the compensation, allowance, and resettlement plans, the SPPMB and CLFD of Tan Thanh district paid compensation to the AHs. As of April 2016, the progress

¹ Clause No 25 , Decree 47/NĐ-CP

of compensation payment was made to all AHs given all CPs and supplementary CPs have been prepared and approved by Tan Thanh DPC. Three is only one institution of IDICO has not been received the payment due to CP is being developed by CLRD.

45. Prior to compensation payment the CLFD and the CPCs held meetings with the APs to disseminate the compensation payment schedule, including time and venues at the project communes, documents that the AHs should take with them when receiving compensation payment, procedures of receiving payment, and receipt of compensation. Generally, SPPMU, and CLFD of Tan Thanh district have cooperated closely with the CPCs of the affected communes and the district State Treasury in implementing compensation payment for the AHs promptly, safely, and effectively. The compensation payment for two absent AHs have been sent to district State Treasury by SPPMU.
46. It was noted that under the subproject progress pressure, SPPMB has paid in advance to all AHs instead of waiting for the compensation plan to be approved and compensation payment to be implemented. The due diligence then was conducted and found that the commencement of civil work prior to compensation payment has helped accelerate the handover of land to the contractor for construction. As such, the construction of the Phu My 2 station has completed and the station has been put into operation even earlier than the initial plan. At this point of time, all AH has received the compensation payment in accordance with the approved CP.(Please see the annex 3 for the commitments have been agreed and signed between contractor and AHs)

3.3. Grievance Redress Mechanism

47. The grievance redress mechanism (GRM) was in place to address questions and complaints on the land acquisition, compensation and resettlement in a timely manner. All affected persons have been made aware of their rights and complaint procedures during the public meeting and information disclosure. As mentioned during the public meetings, affected persons may lodge their complaints relating to any aspects of land acquisition and resettlement entitlement, prices, payment or procedures for resettlement and income restoration programs etc.
48. The People Committees at all levels will be responsible for receiving and resolving complaints in the level order. Beside, the APs could also sent directly their complaints to the SPPMB and SPPMB has responded in written letter against relevant queries, particularly on the technical issues.
49. During this monitoring time, the consultant has also interviewed deeply with some AHs for more understanding. According to the information provided by the AHs, most common grievances and concerns are about low compensation prices, imprecise determination of land locations/origin, compensation of structures/asset under the ROW.
50. All above grievance and complaint were received by CPC of Tan Phuoc and transferred to CLFD/DCARB of Tan Thanh district and the SPPMB for review and verification. All received grievances would have been redressed by promptly responding in paper; In addition to that, numerous community meetings were organized in the CPC office to give detail explanation to the complainers. Please see the figure 2 for the Grievance Redress Mechanism.

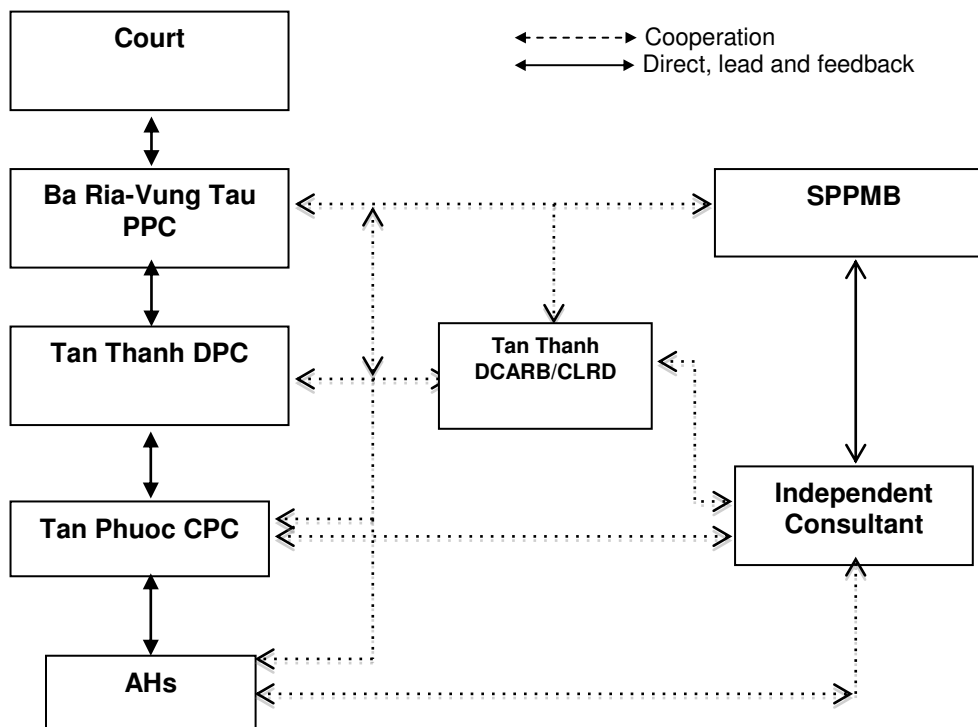


Figure 2. Grievance Redress Mechanism

51. Thanks to this grievance redress mechanism is in place, most of grievances/concerns raised previously have been addressed by this monitoring time. Please see Table 3.3 for detail information as well as detail result of grievance redress.
52. In general, the current grievance redress mechanism has been established from last monitoring time and effectively operated until this monitoring time. Most of complaints have been addressed right at the first level of CPC and second level of district. SPPMB has actively participated in the grievance redress process.
53. Through interviewing with the affected household, it was noted that most of the affected persons have rather satisfied with the result of the grievance redress. These results have reflected the right and benefit of the affected households.

Table 3-3. Grievance Redress

No	AH comment	Grievance Redress	Remark	Status
1	Nguyen Van The has requested to apply the replacement cost for the land compensation.	The DCARB, CLFD have verified that the affected land located in the ROW would be only entitled for assistance of 50% the land price as regulated in the Decision 46/QD-UBND dated on 20/12/2012 since the land under the ROW would not be acquired and entitle for assistance for the land use limitation as regulated in Decree No.14/2014/NĐ-CP.	However, the approved surveyed cost has been applied (Decision No 237/QD-UBND on the replacement price for the 220kv Phu My 2 Industrial Zone Substation). The Letter No 6949/UBND-VP dated 23/9/2014 by Ba Ria-Vung Tau PPC, the assistance for the limitation of land use has been raised by 80% of its compensation rate	Resolved
2	Tran Thi The has asked for the assistance for fence and store that only are limited of usage	The DCARB, CLFD have verified that only store could be acceptable for assistance		Resolved
3	Vu Thi Kim Oanh has requested the land price of Phu My, Phuoc Hoa and Tan Phuoc for the compensation	The DCARB, CLFD have verified that the agricultural land would not be compensated and just only be entitled for assistance for the restriction on land use with 50% of land price regulated in Decision 46/QD-UBND dated on 20/12/2012	The surveyed cost should be applied.	Resolved

4	Tran Van Trung has asked for the assistance for structure on land (house under the corridor)	The DCARB, CLFD have verified that the house under the right of way could be acceptable for provide assistance (50% the value of the house)		Resolved
5	Nguyen Van Lon has asked for the assistance for structure on land (house under the corridor)	The DCARB, CLFD have verified that the house under the safety corridor could be acceptable for provide assistance (50% the value of the house)		Resolved
6	Dinh Van Han has requested assistance for the structure under the corridor	- According to the verification result, the structure has not been affected on the limitation of usage		Resolved
7	Nguyen Thi Tuyet has requested the compensation of house, structure and agriculture land	- The DCARB, CLFD have re-verified that the house under the safety corridor could be acceptable for provide assistance (50% the value of the house)		Resolved
8	Nguyen Thi Ngoc Thuy has requested assistance for the structure under the corridor	The DCARB, CLFD have verified that the house under the safety corridor could be acceptable for provide assistance (50% the value of the house)		Resolved
9	Nguyen Van Chuong has complained that 300 m ² residential land was not compensated	-The DCARB, CLFD have verified that the only 187.1 m ² agricultural land would be affected and not be compensated and just only be entitled for assistance for the limitation land use with 50% of land price regulated in Decision 46/QD-UBND dated on 20/12/2012. -The DCARB, CLFD have confirmed that 300 m ²	The surveyed cost should be applied.	Resolved

		residential land would not be acquired for the subproject.		
10, 11, 12	Ms Pham Thi Que, Pham Thi Nuong, Pham Van Hung have complained on the low compensation price of land price	-The DCARB, CLFD have verified that the agricultural land would not be compensated and just only be entitled for assistance for the limitation land use with 50% of land price regulated in Decision 46/QD-UBND dated on 20/12/2012.	The surveyed cost should be applied. The assistance for the limitation of land use has been raised by 80% of its compensation rate	Resolved
13, 14, 15, 16	Ngô Minh Tri, Nguyen Thi Thom, Do Van Hung, Truong Thi Hue have questioned on the origin of the houses	-The DCARB, CLFD have verified that their origin of their land are the public land, the LURC were not awarded. An dialogue meeting has been held between DCARB and CLFD and these AH to come to agreement and support from the AH. Express their concern on the health effect of electromagnetic field	The surveyed cost should be applied. The assistance for the limitation of land use has been raised by 80% of its compensation rate. By this monitoring time, these AHs have received the compensation payment.	The SPPMB need to guarantee no health effect would occur during the subproject operation.
17, 18	Quach Thu Nga, Doan Van Goc, Nguyen Xuan Bach Complaint on the result of DMS, and request DCARB's verification		Additional CPs has been prepared with	Resolved
19	INDICO has complained on no payment for substation area acquisition	SPMB has worked with the Tan Thanh PPC, CLRD of Tan Thanh on this issue	CLRD of Tan Phuoc is going to prepare the CP and get it approved to make payment for Affected institution.	Under processed

3.4. Operational Cooperation

54. In general, the cooperation of all stakeholders including SPPMB, DCARB, CPC, SCR were undertaken smoothly and effectively. SPPMB has assigned staff to participate in the DCARB of Tan Thanh. Therefore, the information sharing and cooperation between the SPPMB and DCARB has been closely maintained during the past time. SPPMB has submitted periodically report to the Tan Thanh DPC on the implementation progress, shortcoming of the compensation implementation and request for their further coordination and action to speed up the process.

4. GAP BETWEEN IMPLEMENTATION AND RP

4.1. Public participation and Information Disclosure

55. It was acknowledged that the DCARB of Tan Thanh district, Ba Ria-Vung Tau province, has rather complied with the mechanism of information disclosure and community consultation specified in the Resettlement Plan (RP).

56. During this monitoring time, the participation and information disclosure has been maintained by direct dialogue through public meeting held by the DCARB, CPC and AHs. In addition to that, the updated RP enclosed with PID has been disclosed in the Tan Phuoc CPC (annex 2) as recommended in the previous monitoring time.

4.2. Compensation Plans

57. It was observed during this monitoring that the compensation plans were prepared, verified, consulted and approved by the Tan Thanh DPC for all affected households. However, Therefore, CP for the additional institutes has been being prepared by CLRD of Tan Thanh.

58. The Resettlement cost might be different from the RP since the delay of the implementation. However the extension of replacement cost of land for remaining AHs are strongly recommended. Particular, the assistance of 80% for the limitation of land use has been also applied.

59. During last monitoring mission, it was observed that more 4 AHs was identified making the number of AHs to 85 HHs. And in this monitoring time one more institution has also identified making the number of affected institutions are 2. The application of compensation price of updated year (2014) issued by the Ba Ria-Vung Tau PPC's for non-land assesses and crop may help to considerably reduce the differences with the market price.

60. In addition to that, in light with the new Land Law and the new decree 47, more assistance has been paid to the affected households could make houses/structures with better conditions.

4.3. Compensation Payment

61. The budget for implementation of the RP of 220kV Phu My 2 Industrial Zone Substation and Connection Lines project is allocated by NPT/SPMB. The NPT/SPMB is responsible transferred budget of compensation, allowance, and other support to Tan Thanh's DCARB. DCARB will be responsible for delivering payment directly to AHs with respect to affected land, structures, crops and trees. However, due to the delay of the preparation of the compensation plan, the cost could be different with the RP. A full RP's cost will be updated after compensation plan approved.

62. Due to the subproject progress pressure, SPPMB has paid in advance to the all AHs instead of waiting for the compensation plan to be approved; this has helped the contractor to receive the acquired land from the AHs prior the compensation plan is approved and the official compensation payment is implemented. The commitment has been jointly agreed and signed between contractor and AHs. (Please see the annex 3)

5. CONCLUSION AND RECOMMENDATION

5.1. Conclusion

63. In general, the implementation of compensation and resettlement for Phu My 2 Industrial Zone Substation, Tan Phuoc commune, Tan Thanh district, Ba Ria-Vung Tau province has basically complied with the RP approved by ADB. Information disclosure and community consultation were carried out adequately, in an open and democratic manner. The DMSs of affected assets were implemented with the AHs' participation. The compensation plans were prepared on the basis of the policies and the APs' entitlements stated in the RP. The compensation plans were sent to the APs for comments prior to submission to the relevant authorities for approval. Compensation was paid publicly with witness of relating parties. Payment procedures were simple, time and venues of compensation payment were informed to each AH. So far, all compensation and assistance has been done by the SPPMU for AHs.
64. The grievance redress mechanism is in place that could resolve a variety of complaints on: determination of land origins and land categorization, lower compensation prices (of a limited number of HHs). All requests and complaints of the AHs were noticed and considered by the DCARB. However, because of the complexity of land origins and deficiencies of land management, complexity of the internal verification and approval process resulting in delayed preparation of compensation plan as well as the compensation payment. At the time of the monitoring mission, all complaints of AHs raised have been resolved basically.

5.2. Recommendation

65. GRM should be always in place to resolve any complaint raised during the upcoming time even the payment has been done. However, this GRM should be maintained during the operation time to help to address any concerns/grievance raised by the affected households.
66. The preparation of additional CP for INDICO should be speeded up. SPMB with the support of SCR should closely work with CLRD of Tan Thanh and Tan Thanh DPC and other relevant stakeholder to get the CP approved. This would be the base for the payment for INDICO could be made soon. If it is possible, the SPMB may want to make payment in advance to INDICO like it has done in the past to finalize the compensation work.
67. The public consultation should be conducted if it may be needed. Since the lesson learnt that, this could help to address complicated matters of compensation. It was observed the improvement of information disclosure as the updated RP has been translated in Vietnamese and disclosed in the project area where easily and freely accessible by the APs. However, the final RP has not been disclosed in ADB website. It is suggested that ADB should take care of this disclosure procedure as early as possible.

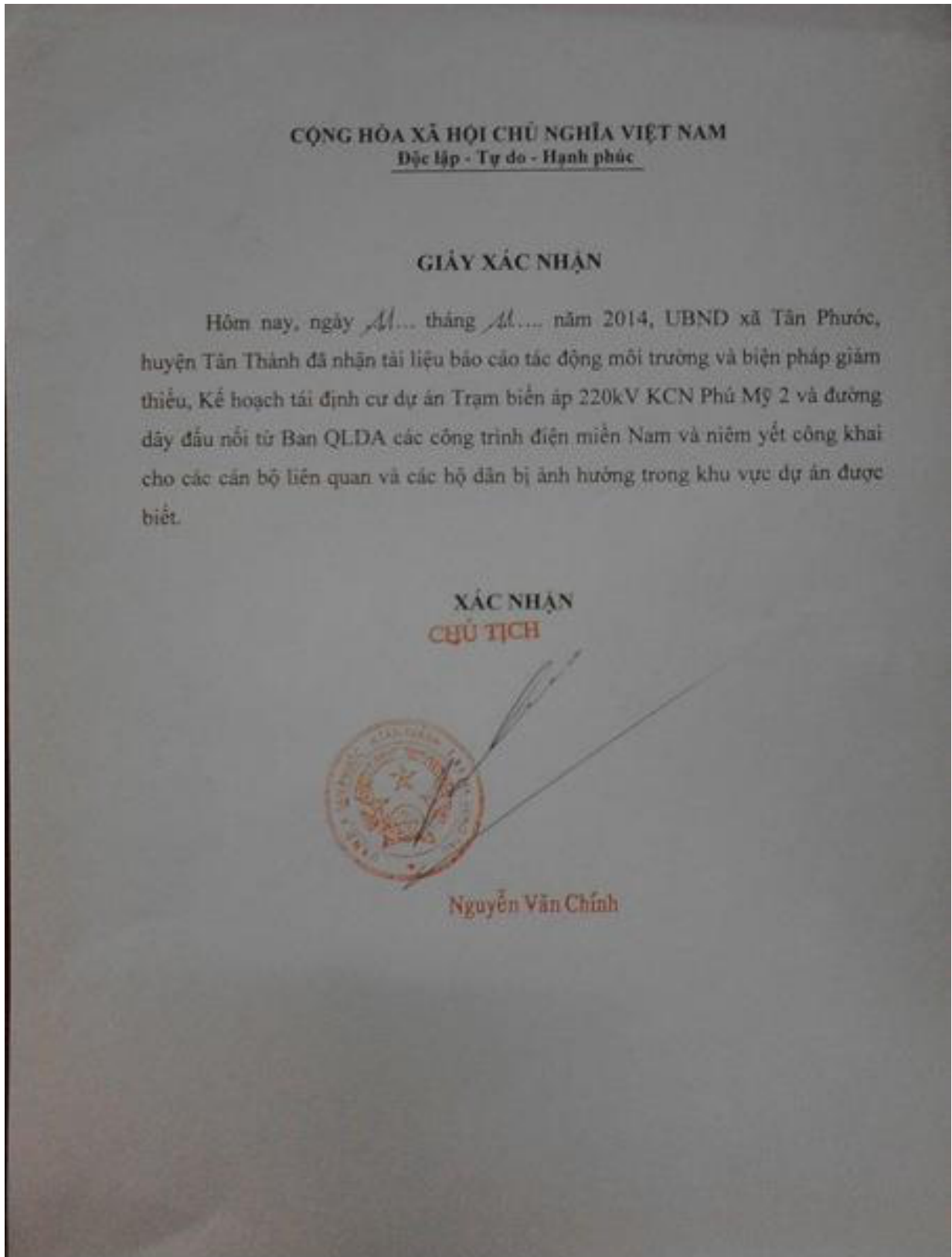
6. ANNEX

6.1. Annex 1: List of people met and interviewed

No.	Name	Position
SPPMB		
1.	Mr.Nguyễn Công Toàn	Vice Director General
2.	Mr.Nguyễn Thế Mỹ	Director of Procurement Department
3.	Mr Nguyễn Hải Đăng	Director of Compensation Department
4.	Mr.Huynh Quoc Huy	Compensation Staff of Song May – Uyen Hung TL
5.	Mr.Phan Văn Tranh	Environmental and Social Expert- Compensation Department
6.	Mr.Trương Quang Lâm	Compensation Staff of Phu My 2 S/s- Compensation Department
Tan Thanh DPC		
7.	Mr Dương Văn Lộc	Vice Chairman of Tan Thanh DPC
8.	Mr Hồ Thanh Quang	Head of Inspectorate
9.	Mr Le Bích	Inspection
Centre for Land Resource Development of Tan Thanh district		
10.	Ms.Bùi Thị Túy Phượng	Director
11.	Mr Trần Thanh Liêm	Technical officer
Tan Phuoc Commune		
20	Mr Đỗ Tấn Bình	Vice Chairman of CPC
21	Mr Nguyễn Bình Yên	Cadastral officer
22	Ms. Mai Thi Mỹ Linh	Social protection officer

22.	Mr. Đỗ Văn Hùng	AP
23	Mr. Quánh Thị Thu Nga	AP
25	Ms Phạm Thị Nương	AP
27	Ms. Trương Thị Kim Huệ	AP
28	Mr. Ngô Minh Trí	AP

6.2. Annex 2: Disclosure of updated RP in project area



6.3. Annex 3: Minutes between contractor and AHs

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

BIÊN BẢN LÀM VIỆC

Công trình: Trạm 220KV KCN Phú Mỹ 2

Hôm nay, Vào lúc... 15h., ngày 29. tháng 07 năm 2014 tại UBND...
Xã Tân Phước, Tân Thành

Chúng tôi gồm có:

- Ông: Nguyễn Văn Đông Đại diện: Đoàn VL Thị trấn
- Ông: Phan Tôn Đức Đại diện: HỘ GIA ĐÌNH
- Ông: Nguyễn Thanh Minh Đại diện: HỘ GIA ĐÌNH
- Ông: Lý Văn Hồng Đại diện: Đoàn VL
- Ông: Bùi Chí Lâm Đại diện: Phó Chủ tịch UBND xã
- Ông: Đại diện:
- Ông: Đại diện:
- Ông: Đại diện:
- Ông: Đại diện:
- Ông: Đại diện:

Nội dung:

Đoàn VL Thị trấn đồng ý hỗ trợ Thị trấn cho hai hộ gia đình anh Phan Tôn Đức và anh Nguyễn Thanh Minh tại VL Thị trấn Số 1 đường dây đầu nối 220KV thành lập Trạm 220KV KCN Phú Mỹ 2 với Số T.ôn như sau:

- Gia đình anh Phan Tôn Đức 1500000đ (Mười triệu đồng)
 - Gia đình anh Nguyễn Thanh Minh 2000000đ (Hai triệu đồng)
- Hai gia đình cam kết cho đơn VL Thị trấn Thị trấn huyện chính mạng Số 1 không gây cản trở trong quá trình thi công

Đón và thi công, Care kết không làm ảnh hưởng đến
nhà hiện hữu (đón và thi công & thực hiện tiếp
sau khi được mong, thi hai lần qua định đồng ý của
đón và thi công lấy dụng phân trụ)

Kết luận:

Ông Phan Tấn Đức đã nhận đủ số tiền 10.000.000 (Mười triệu
đồng). Ông Phan Tấn Đức
tại Nguyễn Thành Minh đã nhận đủ số tiền
20.000.000 (Hai mươi triệu) đồng
Nguyễn Thành Minh

Biên bản kết thúc vào lúc giờ cùng ngày và các bên thống nhất với các ý
kiến trên.

Thành viên tham gia ký tên:

Nguyễn Văn Hùng
Lý Văn Hùng
Nguyễn Thành Minh
Lý Văn Hùng
Phan Tấn Đức
Bùi Chí Lâm
KÝ CHỦ TỊCH
PHÓ CHỦ TỊCH
Bùi Chí Lâm

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

BẢN CAM KẾT

Kính gửi: Hộ gia đình Ông bà: Nguyễn Thị Tuyết

Tên tôi là: Nguyễn Văn Đông

Chức vụ: Đội trưởng

Đại diện cho: Đội thi công Công ty CP LICOGI 16

Dự án Trạm Biến Áp 220kV Phú Mỹ và đấu nối do Ban Quản Lý Các Công trình Điện Miền Nam làm Chủ Đầu Tư. Dự án có đi qua phần đất của gia đình Ông bà (Móng trụ điện 220kV – Móng số 5).

Theo lệnh khởi công từ BQLDA Các Công trình Điện Miền Nam ban hành từ ngày 23 tháng 08 năm 2013, nhưng đến nay Đơn Vị thi công chúng tôi vẫn chưa tiến hành thi công đồng loạt được do một số vướng mắc: công tác áp giá đền bù do Chủ đầu tư phối hợp với UBND Tỉnh Bà Rịa Vũng Tàu; UBND huyện Tân Thành và Phòng Tài Nguyên Môi Trường huyện đang trong quá trình tiến hành các thủ tục pháp lý để đưa ra được khung giá đền bù và quyết định thu hồi đất, bàn giao mặt bằng thi công cho Đơn vị Thi công chúng tôi.

Để đáp ứng kịp thời tiến độ của công trình nhằm đưa vào sử dụng đúng thời hạn quy định. Đồng thời tạo điều kiện cho đơn vị thi công thuận tiện trong công tác thi công xây dựng móng trụ điện 220kV, gia đình Ông bà Nguyễn Thị Tuyết và đội thi công chúng tôi đã bàn bạc và thống nhất đi đến các cam kết như sau:

1. Về phía gia đình Ông bà Nguyễn Thị Tuyết:

- Gia đình ông bà đã đồng ý cho đơn vị thi công chúng tôi được tiến hành thi công xây dựng phần móng trụ điện số 5 của đường giây đấu nối 220kV, với tổng diện tích là $25.57 \times 25.57 \text{m} = 653.82 \text{m}^2$
- Gia đình Ông bà đã tiến hành tháo dỡ các công trình, tài sản có trên đất của ông bà. Các công trình, tài sản này đã được các cấp có thẩm quyền tiến hành kiểm kê trong thủ tục đền bù và thu hồi đất của Dự án, (nhưng chưa được đền bù).

2. Về phía đơn vị thi công:

- Tiến hành thi công xây dựng phần móng trụ điện 220kV nói trên theo đúng thiết kế và đúng trên phần đất của ông bà.
- Sau khi xây dựng xong phần móng trụ điện 220kV, đơn vị thi công chúng tôi tiến hành san lấp trả lại mặt bằng đúng theo hiện trạng ban đầu.
- Đến khi nào gia đình Ông bà nhận đầy đủ tiền đền bù về đất và các tài sản gắn liền trên đất từ Chủ đầu tư, thì đơn vị thi công chúng tôi mới được phép tiến hành các công việc tiếp theo đó là: Thi công lắp dựng trụ, và kéo giây.
- Trường hợp nếu hộ gia đình ông bà không nhận được tiền đền bù từ chủ đầu tư, thì gia đình ông bà có quyền phục hồi nguyên hiện trạng các công trình và tài sản mà gia đình đã tháo dỡ cho đơn vị thi công tiến hành xây dựng phần móng trụ điện nói trên.

Vì tính chất quan trọng, cấp bách từ Công trình Trạm Biến Áp 220kV Phú Mỹ đối với đời sống sinh hoạt, sản xuất của tỉnh nói riêng, của Quốc gia nói chung, một lần nữa Đơn vị thi công kính mong hộ gia đình ông bà Nguyễn Thị Tuyết hết sức quan tâm tạo điều kiện giúp đỡ cho chúng tôi sớm được thi công trụ điện 220kV nói trên.

Biên bản này được lập thành 02 bản, có giá trị như nhau, các bên cùng đồng ý và ký tên

Tân Thành, ngày 03 tháng 12 năm 2013

Đại diện Chủ hộ

Tuyết
Nguyễn Thị Tuyết

Đại diện Đơn vị Thi Công

Thuan
Nguyễn Văn Đăng

6.4. Annex 4: List of reviewed document

No	Name of document	Remark
1.	Decision No.32/2011/QD-UBND dated July 25, 2011 of Ba Ria – Vung Tau PPC promulgated the order and procedures for compensation, support and resettlement upon land acquisition by the State in Ba Ria – Vung Tau province.	
2.	Decision No.27/2012/QD-UBND dated August 14, 2012 of Ba Ria – Vung Tau PPC promulgated on type of house, unit prices for house and structure in the province of Ba Ria – Vung Tau.	
3.	Decision No.46/2013/QD-UBND dated December 2, 2013 of Ba Ria – Vung Tau PPC on amendment and supplement of a number of articles in Decision No.13/2010/QD-UBND procedures on compensation, assistance and resettlement upon land acquisition by the State in Ba Ria – Vung Tau province.	
4.	Decision No.08/2014/QD-UBND dated February 17, 2014 of Ba Ria – Vung Tau PPC promulgated compensation rates, support tree fruit crops, salt, aquaculture in the event of land acquisition by the State in Ba Ria – Vung Tau province.	
5.	Decision No 237/QD-UBND dated January 23, 2014 Ba Ria – Vung Tau PPC on the land price for land acquisition of the 220kv Phu My 2 Industrial Zone substation in Tan Phuoc commune, Tan Thanh district.	
6.	Letter 6949/UBND-VP dated September 23, 2014 of Ba Ria – Vung Tau PPC on the assistance of affected households of the 220kV Phu My 2 Industrial Zone Substation.	
7.	Internal monitoring report on implementation of resettlement plan	
8.	Weekly reports of SPPMB	
9.	Decision No.6808/QD-UBND approved by Ba Ria Vung Tau PPC dated 12/12/2013	
10.	Decision No.1376/QD-UBND approved by Ba Ria Vung Tau PPC dated 17/03/2014	
11.	Decision No.1090/QD-UBND approved by Ba Ria Vung Tau PPC dated 28/03/2014	
12.	Decision No.399/QD-UBND approved by Tan Thanh DPC dated 29/01/2015	
13.	Decision No.979/QD-UBND approved by Tan Thanh DPC dated 14/02/2015	
14.	Decision No.984/QD-UBND approved by Tan Thanh DPC dated 14/02/2015	
15.	Decision No.1396/QD-UBND approved by Tan Thanh DPC dated 08/04/2015	
16.	Decision No.2577/QD-UBND approved by Tan Thanh DPC dated 12/06/2015	
17.	Decision No.3482/QD-UBND approved by Tan Thanh DPC dated 14/02/2015	
18.	Quyết định 5963 ngày 31/8/2012 về thành lập Hội đồng bồi thường, hỗ trợ và tái định cư để đầu tư xây dựng dự án TBA 220kv KCN Phú Mỹ 2 thuộc địa phận xã Tân Phước, huyện Tân Thành	

19.	Thông báo 6280 ngày 15/10/2013 về thông báo tìm chủ sử dụng có đất bị thu hồi và ảnh hưởng để xây dựng dự án TBA 220kv KCN Phú Mỹ 2 thuộc địa phận xã Tân Phước, huyện Tân Thành	
20.	Thông báo số 638/TTPTQĐ ngày 16/10/2013 về thực hiện niêm yết công khai phương án bồi thường, hỗ trợ dự án: TBA 220kv KCN Phú Mỹ 2 đợt 1 xã Tân Phước, huyện Tân Thành	
21.	Thông báo số 842/TTPTQĐ ngày 30/12/2013 về thực hiện niêm yết công khai phương án bồi thường, hỗ trợ dự án: TBA 220kv KCN Phú Mỹ 2 đợt 3+4 xã Tân Phước, huyện Tân Thành	
22.	Thông báo số 240/TTPTQĐ ngày 19/5/2014 về thực hiện niêm yết công khai phương án bồi thường, hỗ trợ dự án: TBA 220kv KCN Phú Mỹ 2 đợt 5+6 xã Tân Phước, huyện Tân Thành	
23.	Báo cáo 115/BC-UBND của UBND xã Tân Phước ngày 6/11/2013 thực hiện niêm yết công khai phương án bồi thường hỗ trợ dự án TBA 220kv KCN Phú Mỹ 2	
24.	Báo cáo 4334/BC AMN của Ban quản lý dự án các công trình điện miền Nam ngày 19/6/2014 về công tác Bồi thường, giải phóng mặt bằng công trình TBA 220kv KCN Phú Mỹ 2	
25.	Công văn 5216/AMN-ĐB của Ban quản lý dự án các công trình điện miền Nam ngày 28/8/2013 về Khảo sát giá thị trường TBA 220kv KCN Phú Mỹ 2	
26.	Công văn 1488/AMN-ĐB của Ban quản lý dự án các công trình điện miền Nam ngày 28/3/2013 về Khảo sát giá thị trường TBA 220kv KCN Phú Mỹ 2	
27.	Ý kiến thắc mắc và hướng giải quyết sau niêm yết phương án bồi thường của TBA 220kv KCN Phú Mỹ 2	
28.	Đơn kiến nghị của các hộ dân bị ảnh hưởng lo ngại về ảnh hưởng sức khỏe có thể gây ra cho các hộ dân sinh sống ở dưới đường dây 220kv ngày 12/12/2013	
29.	Công văn 5358/AMN-ĐB trả lời các hộ dân có đơn kiến nghị của Ban quản lý dự án các công trình điện miền Nam ngày 3/9/2013 về điều kiện nhà ở, công trình tồn tại trong hành lang bảo vệ an toàn công trình đường dây dẫn điện trên không 220kv	
30.	Công văn 5359/AMN-ĐB của Ban quản lý dự án các công trình điện miền Nam ngày 3/9/2013 về kiểm tra và xác minh nhà cửa, vật kiến trúc tại vị trí 2-220kv thuộc công trình TBA 220kv Phú Mỹ 2	
31.	DMS of AHs	
32.	Danh sách trẻ em mồ côi, người khuyết tật, người già neo đơn nhận quà của Ban quản lý các công trình điện miền Nam của BCH xã đoàn Tân Phước ngày 1/10/2014	